

**ACADEMIC RULES**  
**OF THE**  
**UNIVERSITY OF SAN DIEGO SCHOOL OF LAW**

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**This version of the Academic Rules is fully effective for students who began law school in Fall 2004 or later. Other rules may apply to students who began law school before that date. These students should check with the Records Office if they have questions.**

## **ACADEMIC RULES OF THE UNIVERSITY OF SAN DIEGO SCHOOL OF LAW**

The University of San Diego School of Law is committed to complying with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and analogous California Laws, in all its programs and activities. The Academic Rules of the School of Law will be construed to assure compliance with these laws. Students with verified disabilities may request modification, accommodations, or auxiliary aids which will enable them to participate in and benefit from all the School of Law's programs and activities.

## I. DEGREES CONFERRED

### A. Juris Doctor

1. The University of San Diego School of Law shall confer upon its students who successfully complete the program prescribed for it the degree of Juris Doctor (JD) as its first professional degree.
  - a. The degree of Juris Doctor shall be given only to those students who have secured an AB degree or its equivalent prior to admission to law school.
  - b. Eighty-six (86) credits are required for granting the JD degree.  
[Applies to students entering in the fall 2011]
    - (1) For at least 70 of the 86 credits required by this rule, the student's transcript must indicate a grade on the scale specified in rule V.A.1. (that is, A/B/C/D/F).
    - (2) At least 80 of these 86 credits must be earned at the University of San Diego School of Law.
    - (3) The Dean or his or her designate may grant exceptions to parts (1) or (2) of this rule for students who transfer to USD from other law schools, who visit other law schools during (Fall or Spring) semester, as approved under Rule V.A.1.c.(6), or for students who have either enrolled in or secured a judicial internship for credit.
      - (a) Students who have completed a Masters of Laws (LLM) program from an ABA-accredited law school in the United States may petition to be considered for a maximum of 19 units of advanced standing or transfer credit, provided the student successfully completed each course with a grade of at least C+ or its equivalent.
  - c.
    - (1) A student may not enroll in more than 16 credit-hours in a semester without prior written permission of the Dean, and in no event may a student enroll in more than 17 credit-hours in a semester.
    - (2) A student may not enroll in more than 7.0 credit-hours in a single summer without prior written permission of the Dean based on extraordinary circumstances. In the USD summer-abroad programs and in summer sessions or intersessions at other schools, a student may not enroll in more than one credit-hour per instructional week without prior written permission of the Dean. This permission may be granted to all participants in a program or may be evaluated on a case by case basis. In addition to the above rules, enrollment in programs at other schools requires prior written permission of the Dean.

- (3) The course of study for the JD degree shall be completed no later than 72 months after a student has commenced law study at this law school or at a law school from which this law school has accepted transfer credit.
- (4) The Dean may designate another person to provide the written permissions required by these rules.
- (5) A full-time student should devote substantially all his time to the study of law. Full-time law students shall not engage in remunerative employment for more than 20 hours per week whether outside or inside the law school. Each semester every student shall be informed of this policy by a statement that appears on the registration form. A full-time student who engages in remunerative employment for more than 20 hours per week commits a disciplinary offense subject to administrative sanction.
- (6) A student must generally complete his last year at USD Law School in order to receive a USD degree. However, the Dean may, for good cause, permit a JD student to take no more than his last 30 credit hours at another ABA accredited school and to graduate from USD. [Administrative interpretation concurred in by the faculty: The following will normally constitute "good cause": A spouse with a job in the other city, a close family member is ill, requiring the student to move home to care for the family member; in the case of a part-time student, the employer has transferred the student from his job in San Diego to another city. The following will not normally constitute "good cause": The student intends to practice in the other city and taking his last year there will aid in placement; a desire to save expenses by attending a state school or living at home; a boyfriend or girlfriend has relocated to the other city.]
  - (a) Students permitted under this Rule to take courses at another ABA accredited law school must also obtain approval from the Dean or Associate Dean of each course to be taken, prior to enrollment in such course. Specific courses shall not be approved for transfer credit if they substantially overlap in coverage with courses already taken at USD, or if the course is not one which USD would recognize for credit or for some similar reason. Approval of a course for transfer credit shall also include a determination of the appropriate amount of transfer credit USD will award for the course.
  - (b) A student will receive transfer credit only for courses at another law school which are graded (i.e., not "Pass/Fail"). However, transfer of credit for a "pass/fail" course may be permitted where the other school's "pass/fail" system permits a determination of a student's grade consistent with the requirements of Rule I.A.1.c.(6)(c).

- (c) A student will receive transfer credit only for a course in which the student receives a grade that is at least a "C" under the other school's grading system, or which is at least a grade equal to the minimum average grade required by the other school for graduation, whichever is higher.
  - (d) Courses successfully completed in accordance with this Rule will result in a transfer of credit to USD and will appear as such on the student's USD transcript, but no grade will be indicated on the USD transcript and those courses will not affect the student's cumulative USD grade point average.
- (7) Generally, a student is prohibited from receiving academic credit toward graduation for submitting the same work in two courses (including independent study). However, in exceptional circumstances, with the prior written consent of the professors of both courses and the Associate Dean for Academic Affairs, a student may obtain such dual credit.
- d. (Effective Summer 2008 – see Rule Index for rule prior to summer 2008)  
As a condition for granting the JD degree, each student must successfully complete at least one graded writing course after the first year.
- (1) As used in this rule, “writing course” means: (a) a course of limited enrollment centered on the preparation by each student of a substantial, in-depth research paper of no fewer than 20 pages in length; (b) in which the professor, in addition to any outlines, drafts, or other preliminary submissions, collects the paper and returns it with recorded comments addressing both the substance (e.g., organization, logic, persuasiveness, research, attribution) and style (e.g., spelling, punctuation, grammar, sentence structure, paragraph structure) of the paper, as appropriate; and (c) collects a rewritten paper, after allowing the student a substantial amount of time to prepare the rewritten paper.  
[INTERPRETATION: The rule requires that professors provide recorded comments on one version of the paper before collecting the final version. Professors retain discretion over which version of the paper to address with comments and when during the term that submission occurs (first version, last version, or in between).]
  - (2) As used in this rule, “graded writing course” includes writing courses graded “honors/pass/low pass/ fail,” but does not include courses graded “pass/fail” or “honors/pass/fail.”
  - (3) As used in this rule, successful completion of a writing course is not determined by a student's grade in the course, but is separately indicated by professors in the manner specified by the Records Office.
  - (4) A research paper must constitute writing in a legal context demonstrating commendable research, analytical, and writing skill. Provided the paper reflects

the appropriate skills, it may take any form, including but not limited to a brief (or other practice-oriented research document) or a paper suitable for submission to a scholarly journal.

- (5) These requirements define the term “graded writing course” for purposes of the graduation requirement specified in this rule. Nothing in this rule limits a professor’s discretion to require written work as part of a course or grading procedure in any course that is not a graded writing course.
  - (6) Rule 1.A.1.d. can be satisfied if the writing course provides an equivalent research and writing experience, and if the professor receives prior, written authorization from the Dean or Associate Dean. In deciding whether to grant such authorization, and in addition to other considerations that the Dean or Associate Dean may impose, the Dean or Associate Dean shall consider whether the course requires research and writing projects in the form of shorter writing assignments that, when combined, equal or exceed 20 pages and whether the professor provides substantial comments addressing substance and style that the student can incorporate in his or her work.
  - (7) Notwithstanding the requirements of part d. (1) and d. (2) above, scholarly written work submitted to the Law Review, San Diego International Law Journal or Journal of Contemporary Legal Issues for publication may satisfy the writing course requirement on certification of the approving faculty member.
- e. As a condition for graduation, students beginning their law studies in 2007 or later must pass a professional skills elective from a list of such courses designated by the Dean. A course will be included on this list if it provides substantial instruction in the professional skills encompassed by ABA Standard for Approval of Law Schools 302(a) (4).
  - f. The following residency rules are in addition to the rules regarding credits to graduate. They apply to JD students entering the fall 2009 semester or later.
    - (1) Rules applicable to students entering as full-time students
      - (a) Except as provided below, a student who enters in the full-time division must attempt six full-time regular (fall or spring) semesters to graduate. A full-time regular semester is a minimum of 12 credits.
      - (b) A student may apply up to four credits earned in a prior USD Law summer session, or in the summer session of another law school if attendance is approved, toward satisfying the requirement of attempting 12 credits in a regular semester, provided that the student does not apply more than seven credits earned in any single summer in this fashion (regardless of the number of "sessions" taken in a particular summer).

*[Comment: A student who earns four credits in the summer after his or her first year may, in one of his or her four following regular semesters, apply all four of the summer credits and attempt only 8 new credits. Alternatively, the student may apply three of the credits in one semester and attempt only nine new credits, and then could apply the other summer credit in another semester and attempt only 11 new credits. The student will pay full-time tuition in these regular semesters regardless of the number of credits in which the student is enrolled.]*

- (c) Students who earn USD Law summer credits will have their tuition reduced in their sixth regular semester in the amount of the USD summer tuition paid for the credits, to the extent that the total credits earned in summer and regular semesters do not exceed 93. The student will be credited for more expensive credits earned before being credited for less expensive credits. Students will receive no tuition reduction for credits earned during other summer sessions.
- (d) Option to graduate in five full-time regular semesters. A student may graduate in five full-time regular semesters if the student earns at least 12 credits in USD Law summer sessions, or in the summer sessions of another law school if attendance is approved, provided that no more than seven of these 12 credits may be earned in any given summer. Students electing to graduate pursuant to this option must attempt at least 12 credits in each of their regular semesters; they may not apply credits earned in a summer session to attempt fewer than 12 credits pursuant to (i)(B). They will pay tuition in their fifth regular semester equal to full-time tuition for that semester plus the following regular semester minus the amount paid to USD for other credits applied toward graduation.

*[Comment: Students are advised that this option may adversely affect the students' job opportunities by limiting the time available for students to gain work experience during law school; they should consult with the Career Services Office before pursuing this option.]*

- (2) Rules applicable to students entering as part-time students
  - (a) Except as provided below, a student who enters in the part-time division must attempt eight part-time regular (fall or spring) semesters to graduate. A part-time regular semester is a minimum of eight credits.

[Administrative Interpretation: Part-time students who earn USD Law summer credits will have their tuition reduced in their eighth part-time semester in the amount of the USD summer tuition paid for credits in excess of 3 and up to 11, to the extent that the total

credits earned in summer and part-time semesters do not exceed 93. The part-time student will be credited for more expensive credits earned before being credited for less expensive credits. Students will receive no tuition reduction for credits earned during other summer sessions.

Option to graduate in seven part-time semesters. A part-time student may graduate in seven part-time semesters if the student earns at least 11 credits in USD Law summer sessions, or in the summer sessions of another law school if attendance is approved, provided that no more than 7 of these 11 credits may be earned in any given summer. Students electing to graduate pursuant to this option must attempt at least 11 credits in each of their part-time semesters; they may not apply credits earned in a summer session to attempt fewer than 11 credits. They will pay tuition in their seventh regular semester equal to part-time tuition for that semester plus the following part-time semester minus the amount paid to USD for other credits applied toward graduation (e.g. summer school).]

- (b) A student who completes the first two semesters of the part-time program and is given permission to transfer to the full-time division may graduate upon attempting four regular full-time semesters if the student also earns at least six credits in USD summer sessions, or in the summer sessions of another law school if attendance is approved. Students transferring to the full-time division after attempting three or more part-time semesters may petition for a variance from these rules. [See Administrative Interpretation under (3)(b) below]
  - (c) A student who completes the first two semesters of the part-time program may petition the Dean's designee for permission to transfer into the full-time division. Only in exceptional circumstances will such permission be granted for students who are subject to Rule I.A.1.g (Academic Supervision).
- (3) Rules applicable to students who enter either as full-time or part-time students
- (a) Credits are attempted in a semester if the student completes the work required in the course even if the student does not receive a passing grade.
  - (b) On petition, the Assistant Dean of Student Affairs may waive these rules in exceptional circumstances. A waiver shall not be granted on the grounds that the student was ignorant of these rules or wishes to reduce the cost of attaining a degree.

[Administrative Interpretation: Students who transfer between divisions (i.e. students who switch either from part-time status to full-time status, or full-time status to part-time status at any point while enrolled at USD) are ineligible to receive a tuition reduction for any summer school units.

g. Academic Supervision

(1) First Year Academic Supervision

Students who complete the fall semester of their first year of law study and receive two or more grades of C- or below, or a GPA of 2.2 or below shall be subject to a program of Academic Supervision. [Effective Fall 2011- see Rule Index for rule prior to Fall 2011] For the purposes of this calculation, a student's grade in Lawyering Skills I will be included in the calculation to the extent it does not increase the student's GPA after all other courses are considered.

A student subject to First Year Academic Supervision shall comply with the following requirements:

- a. Meet with the Dean's designee as directed to discuss their academic program;
- b. Satisfactorily complete the spring 1L Academic Support Program by attending the weekly meetings, actively participating in those meetings, and completing all writing assignments in a timely manner, unless excused by the director of the program; and
- c. Submit their proposed second year schedule to the Dean's designee for review and approval.

[Administrative Interpretation: While a student is subject to Academic Supervision, all proposed course schedules and any proposed changes to course schedules must, prior to or during the semester, be approved by the Dean's designee.]

During the spring semester of their first year of law study, students subject to First Year Academic Supervision are ineligible to serve as an officer or representative of any student organization.

[Administrative Interpretation: Students subject to First Year Academic Supervision may not serve as a student organization officer or representative during their spring semester. However, students may participate in student organization activities and be a member of student organizations. Please note: regardless of the activity in which a student elects to participate, all students remain subject to the class attendance requirements established by each of their professors.]

During the summer session following the first year of law study, students subject to First Year Academic Supervision are ineligible to receive academic credit for courses not offered by the law school.

A student who does not comply with the terms of First Year Academic Supervision shall be dismissed.

(2) Second Year Academic Supervision

Students who complete their first year of law study with a cumulative GPA of 2.6 or below shall be subject to a program of Academic Supervision. For purposes of this provision, the calculation of GPA's will not include grades from the summer session immediately preceding the fall semester of the second year of law study.

A student subject to Second Year Academic Supervision shall comply with the following requirements:

- a. Meet with the Dean's designee as directed to discuss their academic plan for the remainder of their law school enrollment;
- b. In the fall semester of the second year of law study, enroll in and complete with a grade of P or above an intensive course in legal analysis and writing, as approved by the Dean's designee;
- c. Prior to graduation, enroll in and complete with a grade of C or above at least four courses from the following list: Constitutional Law II, Corporations, Criminal Procedure I, Evidence, Remedies, Wills & Trusts. At least two of these courses must be completed with a grade of C or above prior to the end of the second year of law study;

[Administrative Interpretation: This requirement remains in effect until graduation. The requirement is not lifted if the student completes the second year of law school with a cumulative GPA of above 2.60]

[Application for Part-Time Students: Part-time students on track to complete their degree in four years have until the end of their third year (sixth semester) to successfully complete two of the required four courses. However, it is recommended that the two courses be completed by the end of their fifth semester. A minimum of four courses must be successfully completed by graduation.]

- d. Submit their second year course schedule to the Dean's designee for review and approval; and
- e. Submit their proposed third year schedule to the Dean's designee for review and approval.

[Administrative Interpretation: While a student is subject to Academic Supervision, all proposed course schedules and any proposed changes to course schedules must, prior to or during the semester, be approved by the Dean's designee.]

During the fall and spring semesters of the second year of law study, students subject to Second Year Academic Supervision are ineligible to serve as an officer or representative of any student organization, and are ineligible to receive academic credit for courses not offered by the law school. During the fall semester of the second year of law study, these students are ineligible to receive academic credit for field placements, judicial internships, and clinics.

[Administrative Interpretation: Students subject to Second Year Academic Supervision may not serve on an editorial board, an executive moot court board or be a student organization officer or representative. However, students may participate in moot court competitions, including as an associate moot court board member, write comments as a member of a journal or otherwise, or be a member of student organizations. Please note: regardless of the activity in which a student elects to participate, all students remain subject to the class attendance requirements established by each of their professors.]

Whenever Second Year Academic Supervision calls for students to satisfy some requirement in the fall semester, and the student is not in residence that semester, the student shall satisfy the requirement as directed by the Dean's designee.

A student who does not comply with the terms of Second Year Academic Supervision shall be dismissed.

### (3) Third Year Academic Supervision

Students who complete their second year of law study with a cumulative GPA of 2.6 or below shall be subject to a program of Academic Supervision in their third year of law study. For purposes of this provision, the calculation of GPA's will not include grades from the summer session immediately preceding the fall semester of the third year of law study.

A student subject to Third Year Academic Supervision shall comply with the following requirements:

- a. Meet with the Dean's designee as directed to discuss their academic plan for the remainder of their law school enrollment;
- b. In the fall semester of the third year of law study, enroll in and complete with a grade of P or above an intensive course in legal analysis and writing, as approved by the Dean's designee, unless already satisfactorily completed in the second year of law study;
- c. Prior to graduation, enroll in and complete with a grade of C or above at least four courses from the following list: Constitutional Law II, Corporations, Criminal Procedure I, Evidence, Remedies, Wills & Trusts. (Courses completed in the second year of law study may satisfy this requirement.);
- d. Prior to graduation, enroll in and complete with a grade of P or above a course offered by the law school and approved by the Dean's designee to prepare students for the bar examination; and
- e. Submit their third year course schedule to the Dean's designee for review and approval.

[Administrative Interpretation: While a student is subject to Academic Supervision, all proposed course schedules and any proposed changes to course schedules must, prior to or during the semester, be approved by the Dean's designee.]

During the fall and spring semesters of the third year of law study, students subject to Third Year Academic Supervision are ineligible to serve as an officer or representative of any student organization, and are ineligible to receive academic credit for courses not offered by the law school.

[Administrative Interpretation: Students subject to Third Year Academic Supervision may not serve on an editorial board, an executive moot court board or be a student organization officer or representative. However, students may participate in moot court competitions, including as an associate moot court board member, write comments as a member of a journal or otherwise, or be a member of student organizations. Please note: regardless of the activity in which a student elects to participate, all students remain subject to the class attendance requirements established by each of their professors.]

Whenever Third Year Academic Supervision calls for students to satisfy some requirement in the fall semester, and the student is not in residence that semester, the student shall satisfy the requirement as directed by the Dean's designee.

A student who does not comply with the terms of Third Year Academic Supervision shall be dismissed.

2. Non-course credit may be earned from the following sources:
  - a. Independent Research. After the student's first year of law school, the student may obtain between zero and two credits during any semester or summer for supervised independent research and writing. If a seminar is available within which the same project could be written, the project should be written in that seminar.
  - b. Law Journal Writing. A student may earn up to two credits during any semester or summer for preparing written work for the Law Review, the Journal of Contemporary Legal Issues, and the San Diego International Law Journal. No more than one credit may be granted for preparation of a case note; no more than two credits for preparation of a comment. No credit is available under this paragraph for editorial work, proof-reading, etc.
  - c. Law Review Editing. A student who is a member of the Law Review Editorial Board may earn up to three credits for editorial efforts. The three credits may be earned in the Fall semester or two credits may be earned in the Fall semester and one credit in the Spring semester. The Managing Editor shall not be awarded credit unless the Managing Editor also performs sufficient editorial functions to justify academic credit. The Editor- In-Chief shall summarize the activities of each member of the Law Review Board who is registered for credit, and shall recommend to the approving faculty member the number of credits the Editor- In-Chief believes that each Board member has earned.
  - d. Moot Court Team. One credit may be awarded to participating Team Members who represent USD in inter-school Moot Court competitions. A person may receive no more than one credit under this paragraph during the law school career.
  - e. Administration. Independent Research, Law Journal Writing, Law Review Editing, and Moot Court Team shall be governed by the following administrative rules:
    - (1) Each shall be graded on a pass/fail basis.
    - (2) The student will enroll for the credit during the normal enrollment period for the semester or summer session.
    - (3) Except in the case of Law Review Editing and Moot Court Team, enrollment may only be effected after a full-time faculty member volunteers to supervise the research project. In the instance of the Journal of Contemporary Legal Issues, the faculty member(s) with supervisory responsibility over the issue for the research project to be published will be the faculty supervisor(s) of the research

project. The full-time faculty member may enlist the assistance of others with expertise in the field chosen.

- (4) Credit is to be awarded when the approving faculty member certifies to the Dean that credit has been earned. The fact that a student's contribution is incorporated in a brief submitted in an inter-school Moot Court competition, or is deemed publishable by the Law Journal Board, or is recommended by the Editor-In-Chief of the Law Review, will not prevent the approving faculty member from refusing to certify the project for credit. In the case of Moot Court competition, the student shall certify that he or she has made a substantial contribution to the written brief.
  - (5) The projects for which credit is awarded shall be made available to other students and to the faculty generally.
  - (6) The "approving faculty member" is:
    - (a) in the case of Moot Court, the Faculty Advisor to the particular Moot Court competition for which the work is done;
    - (b) in the case of Independent Research or Law Journal writing, the supervising faculty member;
    - (c) in the case of Law Review Editing, the Faculty Advisor to the Law Review.
  - (7) A student may earn no more than a total of six credits toward the JD Degree under this rule I.A.2. No more than two credits of Independent Research may be included in the six credits under this rule.
3. A law student may enroll in and complete a course offered by another school of this university or another accredited institution of higher learning other than a law school and will receive credit for such course toward graduation from the School of Law provided:
- a. He/she has received the prior written approval of the Dean or his/her designate (hereinafter "Dean"). In deciding whether to grant approval, and in addition to such other conditions that the Dean may generally or specifically impose, the Dean shall consider whether the proposed course is likely to contribute significantly to legal education and shall emphasize that the student integrate the course with the rest of his/her legal education. The student may request or the Dean may authorize the transfer of less credit for law school purposes than the other school or institution awards to its students for successful completion of the course.

- b. The course is a graduate level course. If special circumstances are shown, the Dean may authorize the granting of law school credit for the undertaking of an upper division undergraduate course.
  - c. The course or its substantial equivalent is not offered currently by the Law School, nor is it likely to be offered by the Law School while the individual is a student at the Law School.
  - d. The student has successfully completed all of the courses which are required in the first-year day program before enrolling in the approved course.
  - e. The student received a grade of at least B, or its equivalent, in the approved course. The grade received will not be included in the determination of the student's law school average.
  - f. The student satisfactorily reports to the Dean, in a manner prescribed by the Dean, the ways in which the course contributed and interrelated to the student's legal education. Whenever feasible within the confines of the course, the Dean shall require that the student write a paper interrelating the law and the subject matter of the course, and submit a copy to the Dean. If not feasible, the Dean, in his discretion, may require a written report or a student-led seminar interrelating the course to the law.
  - g. The maximum number of credits transferable pursuant to this policy is six.
4. Those holding the degree of Bachelor of Laws (LL.B.) from the University of San Diego School of Law are also granted the degree of Juris Doctor, provided that they held an undergraduate baccalaureate degree, or its equivalent, prior to entrance into this law school.
  5. Under no circumstances should the degree of Juris Doctor be given as an honorary degree to any persons regardless of his distinctions or benefactions.
  6. Generally credit will not be allowed toward the JD for courses completed more than five (5) years prior to entering or reentering the Law School. The Dean or his designate may make exceptions to the general rule in individual cases.
  7. A student in good standing who has completed the first year of law study may, upon application, be granted a leave of absence from the law school for a period not to exceed two (2) years. A student reentering the law school after a leave of absence must meet all non-academic requirements imposed at that time for initial admission to the law school and, if the student has attended another law school during the leave of absence, the student must be eligible to return to that other law school.

#### B. Honors

1. Those students in the upper 15% of the graduating senior class based on the total cumulative average will receive an honors degree suitably inscribed. Those in the top 5% will graduate magna cum laude, except that of this group the person with the highest cumulative average will receive a degree inscribed summa cum laude. The remaining 10% will graduate cum laude [Academic Rules Committee Interpretation: The students in the upper 5% or 15% will be determined by dividing the number of graduates by the applicable percentage and rounding to the nearest whole number. The "graduating senior class" shall consist only of all persons who at the time of calculation of senior class standing have either completed the requirements for graduation or have made arrangements to complete degree requirements by the date set for certification for the California Bar. Once a student has been included as a member of a graduating senior class, he/she is not to be included as a member of a subsequent graduating senior class in the event that he/she does not ultimately meet the graduation requirements of the class in which he/she was originally included.]
2. Degrees cum laude will be awarded retroactively to those graduates who would have qualified for graduation with honors if present requirements were applicable to their graduating classes.

#### C. Master of Laws

1. The University of San Diego School of Law shall confer the degree of Master of Laws (LL.M.) upon candidates who successfully complete the program prescribed therefore.
2. Admission to candidacy for the Master of Laws shall be limited to persons (1) who have obtained an LL.B. or JD degree from an ABA approved law school and (2) who graduated in the upper one-half of their class, or (3) who otherwise establish by their law school academic record and experience that they possess those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - a. In addition, graduates of foreign law schools whose qualifications are the substantial equivalent of those above shall be eligible for admission. Admission of foreign law graduates to candidacy for Master of Law degrees shall be determined by the directors of the graduate programs acting jointly.
3. Enrollment in the General LLM program will be limited so as to ensure the quality of the program and not to detract from the undergraduate program.
4.
  - a. To receive the degree of Master of Laws, a candidate must successfully complete twenty-four (24) credit hours of appropriate course work with an average of B (3.0) for all courses taken for the LLM

- (1) An LLM candidate may elect once to have the grade and credits for one course disregarded in determining his or her cumulative average and credit fulfillment.
  - (2) To receive credit for a course, an LLM candidate must receive a minimum grade of C therein. However, an LLM candidate who has not more than one final course grade below C at the completion of twenty-four (24) credits (including that one course) and who does not elect the option described in the preceding paragraph, may elect instead to receive credit for that one course if the course grade is at least D.
  - (3) Courses which may be credited toward the degree shall be designated by the Curriculum Committee, which may from time to time add courses to or delete courses from the program.
  - (4) No credit shall be given for courses which are substantially similar to courses previously taken by the candidate, as determined by the School of Law.
  - (5) A minimum of ten (10) credits, exclusive of thesis and clinic work, must be earned in the School of Law.
- b. No more than six (6) credits of clinical field experience may be applied toward the twenty-four (24) credit course requirement. It is contemplated that fully experienced practitioners in the field shall not be accorded credit toward the twenty-four (24) credit course requirement for clinical field experience.
  - c. Each LLM candidate must receive credit for a "perspectives" type course, as defined by the Curriculum Committee.
  - d. The Director of the General LLM Program may authorize a candidate to take specifically approved non-USD law school courses and to transfer the credit to the LLM program.
    - (1) No more than six (6) credits of non-USD law school work may be applied in satisfaction of the twenty-four (24) credit course requirement unless there are special circumstances in individual cases warranting more non-USD law school credits. In no event may more than ten (10) credits of non-USD law school work be applied toward the degree.
    - (2) A grade of B or higher must be achieved in a non-USD law school course in order for the credit to be transferred. Grades in courses transferred for credit will not be included in calculating the candidate's cumulative average.
5. Each candidate for the LLM degree must satisfy a written work requirement by successfully completing two papers for four or more credits (at least one of which must

- be in the area of concentration) written either in a seminar or as independent study, or by submitting an acceptable written thesis of a quality equivalent to a law review article. If not graded, a graduate paper must be of a quality at least equivalent to a grade of B. Four ungraded credits will be awarded for the thesis, which will count toward the twenty-four (24) credit course requirement.
6. Each candidate must spend a minimum of two (2) semesters in residence if he or she is a full-time student or a minimum of two (2) semesters and a summer in residence if he or she is a part-time student.
  7. All requirements for conferral of the degree must be completed within six (6) years of enrollment in the program, and the thesis must be submitted for approval no later than three (3) years after completion of the course work.
  8. If, at the end of the semester in which an LLM candidate completes, successfully or unsuccessfully, his or her first nine (9) credits of the program, the candidate's cumulative average is below B (3.0), the candidate must consult with the director of the graduate program. If after that semester the cumulative average of that candidate falls below B- (2.67), the candidate is academically disqualified subject to a right to petition for readmission. An LLM candidate who completes twenty-four (24) credits with an average of less than B (3.0), but not less than B- (2.67), may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to B (3.0).
  9. The LLM program shall include a general course of study which will require at least ten (10) credits in a specific area of concentration. The remainder of the candidate's course work would be taken from upper level courses currently in the curriculum, after consultation and approval by the Director of the General LLM Program.
  10. A director shall be appointed for the General LLM Program, whose duty it is to advise all candidates for the degree and to approve their individual programs.
  11. The Dean shall appoint Graduate Degree Committees comprised of faculty having teaching or practice experience in each field. The committee shall appoint a thesis advisor or advisors for each candidate. The committee shall have the responsibility for evaluating each candidate's progress and passing on the acceptability of each thesis, giving weight to the thesis advisor's recommendations in each instance. The committee shall determine and announce those candidates who have earned the degree.
  12. The Academic Rules of USD Law School shall apply to all Master of Laws candidates to the extent they are not inconsistent with these rules.
  13. Graduating Master of Laws candidates shall be eligible to receive academic honors in accordance with the following rules:

- a. Those students who graduate with a cumulative grade point average of at least A-(3.67) will receive a degree inscribed cum laude.
- b. Degrees will be awarded retroactively to those graduates who would have qualified for graduation cum laude if current requirements for granting of an LLM degree cum laude were applicable at the time of their graduation.

#### D. Master of Laws in Taxation

1. The University of San Diego School of Law shall confer the degree of Master of Laws (LL.M.) in Taxation upon candidates who successfully complete the program prescribed therefore.
2. Admission to candidacy for the Master of Laws in Taxation shall be limited to persons (1) who have obtained an LL.B. or JD degree from an ABA approved law school and (2) who graduated in the upper one-half of their class or otherwise establish by their law school academic record and experience that they possess those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - a. In addition, graduates of foreign law schools whose qualifications are the substantial equivalent of those above shall be eligible for admission. Admission of foreign law graduates to candidacy for Master of Law degrees shall be determined by the directors of the graduate programs acting jointly.
3. Enrollment in the Master of Laws in Taxation program will be limited so as to ensure the quality of the program and not to detract from the undergraduate program.
4.
  - a. To receive the degree of Master of Laws in Taxation, a candidate must successfully complete twenty-four (24) credit hours of appropriate course work with an average grade of B (3.0) for all courses taken for the Master of Laws in Taxation.
    - (1) A Master of Laws in Taxation candidate may elect once to have the grade and credits for one course disregarded in determining his or her cumulative average and credit fulfillment.
    - (2) To receive credit for a course, a Master of Laws in Taxation candidate must receive a minimum grade of C therein. However, a candidate who has no more than one final course grade below C at the completion of twenty-four (24) credits (including that one course) and who does not elect the "one-course disregard" option (in the section immediately preceding this one), may elect instead to receive credit for that one course if the course grade is at least D.

- (3) Courses which may be credited toward the degree shall be designated by the Curriculum Committee, which may from time to time add courses to or delete courses from the program.
  - (4) Except for the courses to be taken, as provided in paragraph 5, below, no credit shall be given for courses which are substantially similar in content to courses previously taken by the candidate, as determined by the Director of the Graduate Tax Program.
  - (5) A minimum of fourteen (14) credits, exclusive of an elected thesis, must be earned in the School of Law.
- b. The Director of the Graduate Tax Program may authorize a candidate to take specifically approved level courses outside USD law school and to transfer the credit to the Master of Laws in Taxation program.
- (1) No more than six (6) credits of courses taken outside USD law school may be applied in satisfaction of the twenty-four (24) credit course requirement, unless there are special circumstances in individual cases warranting more credits be taken outside USD law school. In no event may more than ten (10) credits taken outside USD law school be applied toward the degree.
  - (2) A grade of B or higher must be achieved in such courses in order for the credit to be transferred. Grades in courses transferred for credit will not be included in calculating the candidate's cumulative average.
- c. A student may elect to apply toward the Master of Laws in Taxation degree up to 12 credits of USD law school advanced tax courses, provided the student successfully completed each course with a grade of at least C while a JD candidate. "Advanced tax courses" are tax courses other than Tax I. Courses credited under this election must have been completed within twenty months of enrollment in the LLM Program.
5. All candidates for the Master of Laws in Taxation degree shall be required to take the following four courses: TAX I (three (3) credits); TAX II (three (3) credits); TAX RESEARCH AND COMMUNICATIONS (three (3) credits); and a perspectives course such as FEDERAL TAX POLICY (two (2) credits). In limited cases, the TAX I and TAX II course requirement may be waived by the Director of the Graduate Tax Program upon request by a candidate prior to enrollment in the program. Tax I, Tax II, and Tax Research and Communications may be taken concurrently. Tax I and Tax II, unless waived as required courses by the Director, must be taken as the first two courses in the program, unless the Director approves a different order of courses.

The three-credit Tax Research and Communications course requirement may be waived and a three (3) or four (4) credit thesis substituted for this requirement for which

- advance approval by the Director and a full-time faculty member of the USD Law Faculty willing to serve as Thesis Advisor must be secured. A thesis shall be graded on a "pass"/"fail" basis. To receive credit for a thesis, the Thesis Advisor must numerically grade the final product, which should, in order to receive a "pass" grade, be comparable in quality to a publishable law review article, as determined by the Thesis Advisor. No credit towards the Master of Laws in Taxation degree shall be given to theses receiving a grade from the Thesis Advisor of B- or less.
6. Each candidate for a Master of Laws in Taxation must spend a minimum of two (2) semesters in residence if he or she is a full-time student or a minimum of two (2) semesters and a summer in residence if he or she is a part-time student. A student taking eight (8) or fewer credits in a semester shall be considered a part-time student for purposes of this paragraph. A student who elects to receive credit for USD Law School tax courses taken while a JD student shall also receive the appropriate number of residence units toward the Master of Laws in Taxation degree.
  7. All requirements (including any thesis) for conferral of the degree must be completed within four (4) years of enrollment in the program.
  8. If, at the end of the semester in which a Master of Laws in Taxation candidate completes, successfully or unsuccessfully, his or her first nine (9) credits of the program, the candidate's cumulative average is below B (3.0), the candidate must consult with the Director of the Graduate Tax Program. If after that semester the cumulative average of that candidate falls below B- (2.67), the candidate is academically disqualified subject to a right to petition for readmission. A Master of Laws in Taxation candidate who completes twenty-four (24) credits with an average of less than B (3.0), but not less than B- (2.67), may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to B (3.0).
  9. A Director shall be appointed for the Master of Laws in Taxation program whose duty it is to advise all candidates for the degree and to approve their individual programs.
  10. Graduating Master of Laws in Taxation candidates shall be eligible to receive academic honors in accordance with the following rules:
    - a. Those students in the upper 15% of the graduating class for the LLM in Taxation, based on the total cumulative average, will receive an honors degree suitably inscribed.
    - b. Those in the top 5% will graduate magna cum laude, except that of this group the person with the highest cumulative average will receive a degree inscribed summa cum laude.
    - c. The remaining 10% will graduate cum laude.

- d. To receive any academic honors, a Master of Laws in Taxation graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses.
  - e. Academic honors shall be awarded retrospectively to past Master of Laws in Taxation students in accordance with rules 10. a., b., c., and d. above.
11. Courses designated by the Director of the Graduate Tax Program may be graded "pass/fail" or "honors"/"pass"/"low pass"/"fail." "Low pass" is calculated in the student's average as 1.67. "Fail" is calculated in the student's average as 1.0.
  12. The Academic Rules of University of San Diego School of Law shall apply to all Master of Laws in Taxation candidates to the extent they are not inconsistent with these rules.

#### E. Diploma in Taxation

1. The University of San Diego School of Law shall confer the Diploma in Taxation upon candidates who successfully complete the program prescribed therefore.
2. Admission to candidacy for the Diploma shall be limited to persons who have obtained an LL.B. or JD degree from an ABA approved law school or have been admitted to the bar.
3. Enrollment in the Diploma program will be limited so as to ensure the quality of the program and not to detract from the undergraduate program.
4.
  - a. To receive the Diploma, a candidate must successfully complete ten (10) credits of work in courses designated by the Curriculum Committee with a cumulative average of B (3.0). All courses must be taken in the University of San Diego School of Law.
    - (1) A Diploma candidate may elect once to have the grade and credits for one course disregarded in determining his or her cumulative average and credit fulfillment. An individual who begins his/her graduate education as a Diploma candidate and who transfers into the LLM program may not make this election twice.
    - (2) A Diploma candidate who completes at least ten (10) credits (graded or not) with a cumulative average below B (3.0) but at least B- (2.67) for all graded credits, may enroll in the ensuing semester or summer session in an attempt to attain a B (3.0) average to be eligible for transfer to the Master of Laws in Taxation degree program.
    - (3) If at the beginning of that semester or summer session grades are not available to enable a determination to be made as to whether his/her grades are

above or below a B (3.0) average, the individual will be permitted to enroll subject to the following requirements: if at the time grades are available, it is determined that the individual does not have a B (3.0) average, but that his/her average is at least B- (2.67), the individual will be required to make one of the following choices:

- (a) The student may continue on for that semester or summer session only, in an attempt to achieve a B (3.0) cumulative average to be eligible for transfer into the Masters program.
  - (b) The student may elect to withdraw and obtain a full refund of any tuition paid for that semester or summer session.
  - (c) The student may elect to continue in a course or courses on an audit basis without any credit being awarded toward a diploma or degree.
- (4) If the person does not have at least a B- (2.67) average when grades do become available, the student may elect only option (b) or (c) above.
5. The Director for the Master of Laws in Taxation program shall advise all candidates for the Diploma and approve their individual programs.
  6. Courses designated by the Director of the Graduate Tax Program may be graded "pass/fail" or "honors"/"pass"/"low pass"/"fail." "Low pass" is calculated in the student's average as 1.67. "Fail" is calculated in the student's average as 1.0.
  7. The Academic Rules of the University of San Diego School of Law shall otherwise continue to apply to all Diploma in Taxation candidates to the extent not inconsistent with these rules.

#### F. Master of Laws in Comparative Law

1. The University of San Diego School of Law shall confer the degree Master of Laws in Comparative Law (LLM in Comparative Law) upon candidates who successfully complete the program prescribed therefore.
2. Admission to candidacy for the Master of Laws in Comparative Law shall be limited to persons (1) who have obtained their first law degree from an educational institution outside the United States accredited by the appropriate authority in that country, and (2) who graduated in the upper one-half of their class or who otherwise establish those qualities which indicate an ability to pursue successfully and complete graduate law school work. A student whose native language is not English must establish competency in English, either through successful completion of the Test of English as a Foreign Language (TOEFL) administered by ETS or otherwise.

3. To receive the degree of Master of Laws in Comparative Law, a candidate must successfully complete twenty-five (25) credit hours of appropriate course work with an average of C (2.0) for all courses taken for the LLM in Comparative Law. All courses in the School of Law are open to LLM in Comparative Law candidates. When LLM in Comparative Law students cannot participate in lotteries for heavily subscribed courses, special consideration shall be given to their admission to such courses by the professors concerned. When prerequisites exist for enrollment in particular courses, special consideration shall be given to allowing LLM in Comparative Law enrollment on the basis of equivalent courses undertaken outside USD Law School. LLM in Comparative Law candidates may enroll in the second semester of year-long courses with the approval of the LLM Director and the professor concerned. LLM in Comparative Law candidates need not, but may, take both semesters of any year-long USD law course graded at the end of each semester. The "one-course disregard" rule applicable in the general LLM program shall not apply to the LLM in Comparative Law program. No credit shall be given for courses which are substantially similar to courses previously taken by the candidate, as determined by the director of the LLM program. A minimum of twenty-two (22) credits must be earned in the School of Law. The LLM Director may authorize a candidate to take specifically approved graduate level courses outside USD Law School and to transfer up to three (3) credits on a Pass/Fail basis to the LLM in Comparative Law program. A grade of "B" or higher must be achieved in such courses in order for the credit to be transferred. Grades in courses transferred for credit will not be included in calculating the candidate's cumulative average.
  - a. A student may elect to apply toward the Master of Laws in Comparative Law degree up to twelve (12) credits of appropriate USD law school courses, provided the student successfully completed each course with a grade of at least C. Courses credited under this election must have been completed within thirty (30) months of enrollment in the LLM program.
4. All candidates for the LLM in Comparative Law degree shall be required to take in their first year at USD the two-credit course, Introduction to United States Law. This course will receive a letter grade. All candidates for the LLM degree shall also be required to take in the first semester of their first year at USD the one-credit course, Lawyering Skills for LL.M.in Comparative Law. The Director of the LLM program may waive these course requirements when a candidate demonstrates proficiency in one or both of these subjects. The Director shall record in a memorandum to be placed in the LLM in Comparative Law candidate's file the reasons for any such waiver.
5. To receive the degree of Master of Laws in Comparative Law, each candidate must submit a satisfactory piece of written work. The candidate may satisfy this requirement by completion of a seminar or two-credit independent research paper in accordance with Rule I.A.1.d. The candidate may also satisfy this requirement by submitting a thesis for which advance approval by the LLM Director and a full-time member of the USD law faculty willing to serve as Thesis Advisor must be secured. A satisfactory thesis shall

receive three (3) credits towards the LLM in Comparative Law degree. All LLM in Comparative Law theses shall be graded Honors, Pass, Fail by the Thesis Advisor, and should, in order to receive a passing grade, be comparable in quality to a publishable law review article. No credit towards the LLM in Comparative Law degree shall be given to theses receiving a grade of Fail. LLM in Comparative Law theses need not, but may, involve comparative legal analysis.

6. Each LLM in Comparative Law candidate must spend a minimum of two (2) semesters in residence if he or she is a full-time student or a minimum of two (2) semesters and a summer in residence if he or she is a part-time student. A student taking eight (8) or fewer credits in a semester shall be considered a part-time student.
  7. All requirements (including any thesis) for conferral of the LLM in Comparative Law degree must be completed within three (3) years of enrollment in the program.
  8. If, at the end of the semester in which an LLM in Comparative Law candidate completes, successfully or unsuccessfully, his or her first twelve credits of the program, the candidate's cumulative average is below C+ (2.33), the candidate must consult with the director of the LLM in Comparative Law program. If after the following semester the cumulative average of that candidate falls below C- (1.67) for fewer than 25 units, the candidate is academically disqualified, subject to a right to petition for readmission. An LLM in Comparative Law candidate who completes 25 credits with an average of less than C (2.0), but not less than C- (1.67), may enroll for one additional semester in an attempt to raise the candidate's cumulative average to C (2.0).
- No LLM in Comparative Law candidate may enroll for more than a total of 32 credits towards the LLM in Comparative Law degree.
9. LLM in Comparative Law students using English as a foreign language shall be permitted to bring non-legal \_\_\_\_\_/English dictionaries to their exams. The director of the LLM in Comparative Law program shall certify which students are using English as a foreign language and establish recommendations on the amount of additional time for examination of such candidates. Individual professors shall determine the amount of any such additional time actually granted to LLM in Comparative Law candidates enrolled in their courses.
  10. A Director shall be appointed for the Master of Comparative Law program whose duty it is to advise all candidates for the degree and to approve their individual programs.
  11. Graduating LLM in Comparative Law candidates shall be eligible to receive academic honors in accordance with the following rules:
    - a. Summa Cum Laude shall be granted to the LLM in Comparative Law graduate with the highest grade point average if his or her average equals or exceeds that of the JD valedictorian of the same academic year;

- b. Magna Cum Laude shall be granted to LLM in Comparative Law graduates whose grade point average equals or exceeds the lowest grade point average of a JD student graduating magna cum laude in the same academic year;
  - c. Cum Laude shall be granted to LLM in Comparative Law graduates whose grade point average equals or exceeds the lowest grade point average of a JD student graduating cum laude in the same academic year;
  - d. To receive any academic honors, an LLM in Comparative Law graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses;
  - e. Academic honors shall be awarded retrospectively to past LLM in Comparative Law graduates in accordance with rules 11 a, b, and c above.
12. LLM in Comparative Law graduates shall receive all of the benefits and privileges accorded JD or LLM graduates of USD Law School.
  13. LLM in Comparative Law candidates may elect to concentrate their study in a particular area. Concentrations require at least ten (10) credits in a specific area of concentration.
  14. The Academic Rules shall apply to all LLM in Comparative Law candidates to the extent they are not inconsistent with these rules.

#### G. Master of Laws in International Law

1. The University of San Diego School of Law shall confer the degree Master of Laws (LL.M.) in International Law upon candidates who successfully complete the program prescribed therefore.
2. Admission to candidacy for the Master of Laws in International Law shall be limited to persons (1) who have obtained an LL.B. or JD degree from an ABA approved law school and (2) who graduated in the upper one-half of their class or who otherwise establish those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - a. In addition, graduates of foreign law schools whose qualifications are the substantial equivalent of those above shall be eligible for admission. Admission of foreign law graduates to candidacy for Master of Law degrees shall be determined by the Directors of the graduate programs acting jointly.
3. Enrollment in the Master of Laws in International Law program will be limited so as to ensure the quality of the program and not to detract from the undergraduate program.

4.
  - a. To receive the degree of Master of Laws in International Law, a candidate must successfully complete twenty-four (24) credit hours of appropriate course work (of which fifteen (15) credits must be in the international law field) with an average grade of B (3.0) for all courses taken for the Master of Laws in International Law.
    - (1) A Master of Laws in International Law candidate may elect once to have the grade and credits for one course disregarded in determining his or her cumulative average and credit fulfillment.
    - (2) To receive credit for a course, a Master of Laws in International Law candidate must receive a minimum grade of C therein. However, a candidate who has no more than one final course grade below C at the completion of twenty-four (24) credits (including that one course) and who does not elect the "one-course disregard" option (in the section immediately preceding this one), may elect instead to receive credit for that one course if the course grade is at least D.
    - (3) Courses which may be credited toward the degree shall be designated by the Curriculum Committee, which may from time to time add courses to or delete courses from the program
    - (4) No credit shall be given for courses which are substantially similar in content to courses previously taken by the candidate, as determined by the Director of the LLM Program.
    - (5) A minimum of fourteen (14) credits, exclusive of an elected thesis, must be earned in the School of Law.
  - b. The Director of the LLM Program may authorize a candidate to take specifically approved graduate level courses outside USD law school and to transfer the credit to the Master of Laws in International Law program.
    - (1) No more than six (6) credits of courses taken outside USD law school may be applied in satisfaction of the twenty-four (24) credit course requirement, unless there are special circumstances in individual cases warranting more credits be taken outside USD law school. In no event may more than ten (10) credits taken outside USD law school be applied toward the degree.
    - (2) A grade of B or higher must be achieved in such courses in order for the credit to be transferred. Grades in courses transferred for credit will not be included in calculating the candidate's cumulative average.

5.

- a. All candidates for the Master of Laws in International Law degree shall be required to take the following two courses: 1) Public International Law and 2) International Business Transactions. Students who have taken either required course, or its substantive equivalent, as JD students may be waived from the requirement(s) if taken within four years of enrollment in the program. If the student is waived out of one or both requirements, he will not receive LLM credit for the class(es).
  - b. Each candidate for the LLM degree must satisfy a written work requirement by successfully completing two papers for four or more credits (all four of which must be in international law), written either in a seminar or as independent study, or by submitting an acceptable written thesis of a quality equivalent to a law review article. If not graded, a graduate paper must be of a quality at least equivalent to a grade of B.
  - c. If a thesis is selected, the student must obtain advance approval by both the Director and a full-time faculty member of the USD Law Faculty willing to serve as Thesis Advisor. A thesis shall be graded on a "pass/ fail" basis. To receive credit for a thesis, the Thesis Advisor must numerically grade the final product, which should, in order to receive a "pass" grade, be comparable in quality to a publishable law review article, as determined by the Thesis Advisor. Four ungraded credits will be awarded for the thesis, which will count toward the twenty-four (24) credit course requirement. No credit towards the Master of Laws in International Law degree shall be given to theses receiving a grade of B- or less from the Thesis Advisor.
6. Each candidate for a Master of Laws in International Law must spend a minimum of two (2) semesters in residence if he or she is a full-time student or a minimum of two (2) semesters and a summer in residence if he or she is a part-time student. A student taking eight (8) or fewer credits in a semester shall be considered a part-time student for purposes of this paragraph.
  7. All requirements (including any thesis) for conferral of the degree must be completed within four (4) years of enrollment in the program
  8. If, at the end of the semester in which a Master of Laws in International Law candidate completes, successfully or unsuccessfully, his or her first nine (9) credits of the program, the candidate's cumulative average is below B (3.0), the candidate must consult with the Director of the LLM Program. If after that semester the cumulative average of that candidate falls below B- (2.67), the candidate is academically disqualified subject to a right to petition for readmission. A Master of Laws in International Law candidate who completes twenty-four (24) credits with an average of less than B (3.0), but not less than B- (2.67), may enroll for only one additional semester in an attempt to raise the candidate's cumulative average to B (3.0).

9. A Director shall be appointed for the Master of Laws in International Law program whose duty it is to advise all candidates for the degree and to approve their individual programs.
10. Graduating Master of Laws in International Law candidates shall be eligible to receive academic honors in accordance with the following rules:
  - a. Those students who graduate with a cumulative grade point average of at least A-will receive a degree inscribed cum laude.
11. The Academic Rules of the University of San Diego School of Law shall apply to all Master of Laws in International Law candidates to the extent they are not inconsistent with these rules.

#### H. Master of Laws in Business and Corporate Law

1. The University of San Diego School of Law shall confer the degree Master of Laws (LL.M.) in Business and Corporate Law upon candidates who successfully complete the program prescribed therefore.
2. Admission to candidacy for the Master of Laws in Business and Corporate Law shall be limited to persons (1) who have obtained an LL.B. or JD degree from an ABA approved law school and (2) who graduated in the upper one-half of their class or who otherwise establish those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - a. In addition, graduates of foreign law schools whose qualifications are the substantial equivalent of those above shall be eligible for admission. Admission of foreign law graduates to candidacy for Master of Law degrees shall be determined by the directors of the graduate programs acting jointly.
3. Enrollment in the Master of Laws in Business and Corporate Law program will be limited so as to ensure the quality of the program and not to detract from the undergraduate program.
4.
  - a. To receive the degree of Master of Laws in Business and Corporate Law, a candidate must successfully complete twenty-four (24) credit hours of appropriate course work (of which fifteen (15) credits must be in the business and corporate law field) with an average grade of B(3.0) for all courses taken for the Master of Laws in Business and Corporate Law.
    - (1) A Master of Laws in Business and Corporate Law candidate may elect once to have the grade and credits for one course disregarded in determining his or her cumulative average and credit fulfillment

- (2) To receive credit for a course, a Master of Laws in Business and Corporate Law candidate must receive a minimum grade of C therein. However, a candidate who has no more than one final course grade below C at the completion of twenty-four (24) credits (including that one course) and who does not elect the "one-course disregard" option (in the section immediately preceding this one), may elect instead to receive credit for that one course if the course grade is at least D.
  - (3) Courses which may be credited toward the degree shall be designated by the Curriculum Committee, which may from time to time add courses to or delete courses from the program.
  - (4) No credit shall be given for courses which are substantially similar in content to courses previously taken by the candidate, as determined by the Director of the LLM Program.
  - (5) A minimum of fourteen (14) credits, exclusive of an elected thesis, must be earned in the School of Law.
- b. The Director of the LLM Program may authorize a candidate to take specifically approved graduate level courses outside USD law school and to transfer the credit to the Master of Laws in Business and Corporate Law program.
- (1) No more than six (6) credits of courses taken outside USD law school may be applied in satisfaction of the twenty-four (24) credit course requirement, unless there are special circumstances in individual cases warranting more credits taken outside USD law school. In no event may more than ten (10) credits taken outside USD law school be applied toward the degree.
  - (2) A grade of B or higher must be achieved in such courses in order for the credit to be transferred. Grades in courses transferred for credit will not be included in calculating the candidate's cumulative average.
- 5.
- a. All candidates for the Master of Laws in Business and Corporate Law degree shall be required to take Corporations. Students who have taken Corporations or its substantive equivalent as JD students may be waived from the requirement if the course was taken within four years of enrollment in the program. If the student is waived out of the requirement, he or she will not receive LLM credit for the class.
  - b. Each candidate for the LLM degree must satisfy a written work requirement by successfully completing two papers for four or more credits (all four of which must be in business and corporate law), written either in a seminar or as independent study, or by submitting an acceptable written thesis of a quality equivalent to a law

review article. If not numerically graded, a graduate paper must be of a quality at least equivalent to a grade of B.

- c. If a thesis is selected, the student must obtain advance approval by both the Director and a full-time faculty member of the USD Law Faculty willing to serve as Thesis Advisor. A thesis shall be graded on a "pass/ fail" basis. To receive credit for a thesis, the Thesis Advisor must numerically grade the final product, which should, in order to receive a "pass" grade, be comparable in quality to a publishable law review article, as determined by the Thesis Advisor. Four ungraded credits will be awarded for the thesis, which will count toward the twenty-four (24) credit course requirement. No credit towards the Master of Laws in Business and Corporate Law degree shall be given to theses receiving a grade of B- or less from the Thesis Advisor.
6. Each candidate for a Master of Laws in Business and Corporate Law must spend a minimum of two (2) semesters in residence if he or she is a full-time student or a minimum of two (2) semesters and a summer in residence if he or she is a part-time student. A student taking eight (8) or fewer credits in a semester shall be considered a part-time student for purposes of this paragraph.
7. All requirements (including any thesis) for conferral of the degree must be completed within four (4) years of enrollment in the program.
8. If, at the end of the semester in which a Master of Laws in Business and Corporate Law candidate completes, successfully or unsuccessfully, his or her first nine (9) credits of the program, the candidate's cumulative average is below B (3.0), the candidate must consult with the Director of the LLM Program. If after that semester the cumulative average of that candidate falls below B- (2.67), the candidate is academically disqualified subject to a right to petition for readmission. A Master of Laws in Business and Corporate Law candidate who completes twenty-four (24) credits with an average of less than B (3.0), but not less than B- (2.67), may enroll for only one additional semester in an attempt to raise the candidate's cumulative average to B (3.0).
9. A Director shall be appointed for the Master of Laws in Business and Corporate Law program whose duty it is to advise all candidates for the degree and to approve their individual programs
10. Graduating Master of Laws in Business and Corporate Law candidates shall be eligible to receive academic honors in accordance with the following rules:
  - a. Those students who graduate with a cumulative grade point average of at least A- (3.67) will receive a degree inscribed cum laude.

11. The Academic Rules of USD Law School shall apply to all Master of Laws in Business and Corporate Law candidates to the extent they are not inconsistent with these rules.

I. Master of Science in Legal Studies

1. The University of San Diego School of Law shall confer the degree of Master of Science in Legal Studies (MSLS) upon candidates who successfully complete the program prescribed therefore.
2. Admission to candidacy for the Master of Science in Legal Studies shall be limited to persons who:
  - a. have secured an undergraduate degree from an accredited four- year college or university in the United States or its equivalent from a foreign institution; and
  - b. who establish by their academic record and experience that they possess those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - c. International applicants also must achieve a satisfactory TOEFL score.
3. Enrollment in the Master of Science in Legal Studies program will be limited so as to ensure the quality of the program and not to detract from the JD program.
4. All requirements for conferral of the degree must be completed within four (4) years of enrollment in the program.
5. A director shall be appointed for the MSLS Program, whose duty it is to advise all candidates for the degree and to approve their individual programs.
6. To receive the degree of Master of Science in Legal Studies, a candidate must successfully complete twenty-six (26) credit hours of appropriate course work.
  - a. Courses which may be credited toward the degree shall be designated by the Curriculum Committee, which may from time to time add courses to or delete courses from the program. Candidates must consult with and obtain the approval of the Director of the MSLS Program before electing courses.
  - b. Each MSLS candidate must receive credit for at least two courses from the first-year JD required curriculum, not including Lawyering Skills 1. Students may not elect the second semester of a two-semester course unless they have completed the first semester of that course.
  - c. MSLS candidates may elect to concentrate their study in a particular area. Concentrations require at least ten (10) credits in a specific area of concentration.

- d. A minimum of sixteen (16) credits must be earned in the USD School of Law. The Director of the MSLS Program may authorize a candidate to take specifically approved courses outside USD School of Law school and to transfer the credit to the MSLS program.
  - (1) No more than six (6) credits of non-USD law school work may be applied in satisfaction of the twenty-six (26) credit course requirement unless there are special circumstances in individual cases warranting more non-USD law school credits. In no event may more than ten (10) credits of non-USD law school work be applied toward the degree.
  - (2) A grade of B or higher must be achieved in any course outside of the USD School of Law in order for the credit to be transferred. Grades in courses transferred for credit will not be included in calculating the candidate's cumulative average.
- 7. To receive the degree of Master of Science in Legal Studies, a candidate must demonstrate mastery of the courses taken for the MSLS
  - a. Unless granted permission at the time of admission, candidates for the MSLS degree will be graded on an Honors, Pass, Low Pass, Fail basis.
  - b. MSLS candidates graded on an Honors, Pass, Low Pass, Fail basis must receive a grade of Pass or better in at least twenty-two (22) credits of the twenty-six (26) credit course requirement. An MSLS candidate who completes twenty-six (26) credits without obtaining twenty-two (22) credits with a grade of Pass or better may enroll for one additional semester in an attempt to earn sufficient credits graded Pass or better. No MSLS candidate may enroll for more than a total of 32 credits towards the MSLS degree.
  - c. If granted permission at the time of admission to be graded on the A/B/C/D/F scale, candidates for the MSLS must successfully complete the appropriate course work with an average of C (2.0) for all courses taken for the MSLS
  - d. If, at the end of the semester in which an MSLS candidate graded on the A/B/C/D/F scale completes, successfully or unsuccessfully, his or her first twelve credits of the program, the candidate's cumulative average is below C+ (2.33), the candidate must consult with the director of the MSLS program. If after the following semester the cumulative average of that candidate falls below C- (1.67) for fewer than twenty-six (26) credits, the candidate is academically disqualified, subject to a right to petition for readmission. An MSLS candidate, who completes twenty-six (26) credits with an average of less than C (2.0), but not less than C- (1.67), may enroll for one additional semester in an attempt to raise the candidate's cumulative average to

C (2.0). No MSLS candidate may enroll for more than a total of thirty-two (32) credits towards the MSLS degree.

8. Graduating MSLS candidates granted permission at the time of admission to be graded on the A/B/C/D/F scale shall be eligible to receive academic honors in accordance with the following rules
  - a. Summa Cum Laude shall be granted to the MSLS graduate with the highest grade point average if his or her average equals or exceeds that of the JD valedictorian of the same academic year;
  - b. Magna Cum Laude shall be granted to MSLS graduates whose grade point average equals or exceeds the lowest grade point average of a JD student graduating magna cum laude in the same academic year;
  - c. Cum Laude shall be granted to MSLS graduates whose grade point average equals or exceeds the lowest grade point average of a JD student graduating cum laude in the same academic year;
  - d. To receive any academic honors, an MSLS graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses;
9. The Academic Rules of USD Law School shall apply to all Master of Science in Legal Studies candidates to the extent they are not inconsistent with these rules.

#### J. Honorary Degrees

1. Any honorary degree to be bestowed "honoris causa" by the Law School is confined to the degree of Doctor of Laws (LL.D.)

#### K. Joint JD- MBA Degree

1. A student who enrolls first in the Law School may upon the completion of the courses required of first year evening students (19 hours) and enrollment in the Graduate School of Business Administration (Joint-degree candidates must hold separate admissions to the Law School and to the School of Business Administration) take courses in that school for up to six hours of credit in both schools. Upon completion of the preliminary core in the graduate School of Business Administration, such a student may receive up to six hours of credit in both schools for advanced (in the Law School, advanced courses are those beyond the requirements for first year day students) Law School courses taken.
2. A student who enrolls first in the Graduate School of Business Administration may upon completion of the preliminary core requirement in that school (eighteen hours) and

- enrollment in the Law School commence Law School studies and receive up to six hours of credit for law courses in both schools. Upon completion of the Law School preliminary core (nineteen hours) such a student may receive up to six hours of credit in both schools for advanced (advanced courses in the Graduate School of Business Administration are those beyond the basic core courses set out in the Business School catalog) courses taken in the Graduate School of Business Administration.
3. A student who enrolls simultaneously in both schools may utilize either of the above procedures.
  4. A student who enrolls in the Graduate School of Business Administration may at a time determined by that school's policy request of the Law School permission to take a course or courses in the latter and if permission is granted may receive up to six hours of credit therefore in the Graduate School of Business Administration. If such a student is subsequently enrolled in the Law School, the student may, at that school's discretion, be retroactively granted full or partial Law School credit for the same course or courses.
  5. A student who enrolls in the Law School may upon the completion of the preliminary core requirements in that school (nineteen hours) request permission of the Graduate School of Business Administration to take a course or courses in the latter for up to six hours of credit in the Law School. If such a student is subsequently enrolled in the Graduate School of Business Administration the student may, under a policy to be determined by that school, retroactively receive full or partial credit for the same courses in that school.
  6. Under no circumstances may a student receive credit retroactively in one school for courses already taken in the other. For example, a person who has completed an MBA would not be able upon subsequent enrollment in the Law School to obtain credit in the Law School for six hours of his MBA work. This position is required by the premise of mutual enrichment underlying the entire structure of the joint degree program. Such a student would not have had enough law training to promote the mutual enrichment which the program contemplates.
  7. The faculty has also approved the following joint-degree programs: JD - MIB (Master in International Business) and JD - MIR (Master in International Relations).

## **II. CLASS LOAD**

### **A. First Year Minimum Hours**

A first year student must enroll for the entire program prescribed for the division in which the student is enrolled. The Dean or his designate may, for good cause, permit a reduction in a first-year day student's course load to the number of credits prescribed for evening students. In compelling cases, the Dean or his designate may permit a first-year evening student to reduce his

or her course load or may permit a first-year day student to reduce his or her course load below the number of credits prescribed for evening students. Students normally shall not be permitted to drop any class in which a substantial portion of their grade has already been determined.

#### B. Maximum Hours

1. Without prior written permission of the Dean or his designate, a full-time student may not take in excess of 16 hours per semester. A part-time student may not take in excess of 11 hours per semester.
2. Without prior written permission of the Dean or his designate, a full-time student may not take in excess of 7 credits in the summer session. A student electing more than five credits must take at least two credits during the day or establish good reasons for an exception. Employment for more than 15 hours per week is not a good reason.

#### C. Audit

1. Practicing attorneys and graduates and students of other accredited law schools may be permitted to audit classes at the Law School if there is space available in the classroom and the individual obtains the consent of the Dean after the Dean has consulted with the faculty member teaching the course.
2. A non-lawyer or non-law student shall be permitted to enroll as an auditor in a course taught at the Law School only if there is space available for him/her in the classroom and he/she receives the written authorization of both the professor teaching the course and the Dean of the Law School. In deciding whether to grant authorization, the Dean shall consider whether the individual has special qualifications such that he/she will offer a different perspective on or insight into the subject matter of the course and whether he/she is otherwise qualified to undertake the study of the course.
3. An individual permitted to audit a course pursuant to this rule will not receive law school credit for his/her performance in the course. However, this shall not preclude his/her paper or examination from being graded by the professor teaching the course provided:
  - a. The individual requests and obtains approval for taking the examination or writing the paper at the time he/she seeks the audit privilege;
  - b. He/she meets all attendance, preparation, and other requirements of the course;
  - c. The report of the final grade achieved by the individual specifies that it is only an unofficial grade report and that the individual will not receive law school credit for his/her performance.
4. A student should be allowed to audit a course already taken for credit provided:

- a. The appropriate fees are charged;
  - b. When the course is oversubscribed,
    - (1) those taking the course for credit are given preference over those auditing the course;
    - (2) Those who have not taken the course for credit and wish to audit it are given preference over those who have taken the course for credit and now wish to audit it.
5. For the USD summer abroad programs, a student may change her or his status from Credit to Audit at any time before the scheduled final examination begins.

### **III. ATTENDANCE AND PREPARATION**

- A. Attendance is expected in all classes. Attendance means physical presence in the classroom. Regular and punctual class attendance is necessary to satisfy the class hour's requirement.
- B. Preparation is expected daily in all classes. Preparation means sufficient familiarity with the assigned materials to discuss them knowledgeably and intelligently. Daily preparation is essential to the development of the skills and professional attributes of lawyers. It is a prerequisite to understanding the presentations by the professor and other students. Without preparation a student cannot contribute meaningfully to the class.
- C. The instructor is permitted to adopt any attendance policy, provided that he or she notifies students in writing during the first two weeks of classes of the maximum number of absences permitted. The requirement that instructors notify students in writing can be satisfied only by providing a written document to the class. Thus, to satisfy this requirement an instructor may distribute the attendance policy as a part of a course syllabus, include the policy in course materials purchased by students at the Bookstore, or distribute copies of the policy to the class during a class session conducted during the first two weeks of class.
  1. If the instructor requires attendance, the instructor may count tardiness as partial or full absences. If a student registers for a course after classes have been conducted, the professor may count classes that have been missed prior to the student's registration as absences.
  2. The instructor may require that a student who exceeds the maximum number of permitted absences be required to prepare and submit to the instructor a satisfactory written or oral report on a subject related to the course, be penalized in the final grade in the course, or be excluded from the course. Academic Rule V.C.2. (dealing with class participation points) is not applicable to a grade reduction that is imposed as a penalty in conformance with this rule (dealing with excessive absences).

3. The signing in of another student's name in the taking of attendance constitutes an Honor Code violation for the student who engaged in that act and for the student whose attendance was falsely represented if the latter solicited, encouraged, or acquiesced in the misrepresentation.
- D. The instructor shall provide written notice to any student who has exceeded the maximum number of absences permitted by the instructor's attendance policy, informing the student of the penalty that is to be imposed. If a student is excluded from the course, or if the final grade is reduced, the instructor shall send to the registrar a copy of the written notice sent to the student informing the student of the exclusion or grade reduction. If the penalty to be imposed is exclusion from the course or reduction in the final grade in the course by potentially more than one grade level - for example from a C+ to a C- or a B to a C+, the instructor must both (1) have regularly recorded attendance of students in the class so that the instructor can verify that the student exceeded the maximum number of absences permitted by the instructor's attendance policy, and (2) send written notice to the student who is in jeopardy of exclusion or of potential grade reduction of three or more points informing the student that any future absence from the class will result in imposition of the penalty. To fulfill this notice requirement, notice must be sent to the student's last address registered with the Records Office and also must be sent to the student at their sandiego.edu email address. Such acts shall be sufficient to satisfy the notice requirement regardless of whether the student actually receives the notice.
  - E. The Administration shall provide reasonable assistance to any instructor requiring attendance.
  - F. The instructor may exclude a student even though his absences result from illness, or would otherwise be "excused" under our present system.
  - G. For purposes of applying Rule III.C. to Trial Techniques, an absence from one hour of a two-hour class session may be treated as an absence from the entire session, provided the instructor so notifies the students at the beginning of the semester.
  - H. In any course, whether an attendance policy has been announced or not, an instructor may require a student who is unprepared in or absent from one or more classes to prepare and submit to the instructor a written or oral report of appropriate length on a subject pertinent to the course. The instructor may condition the student's eligibility to take the final examination or otherwise complete the requirements for the course on the submission of a satisfactory report.

#### **IV. SECTIONS**

- A. As a general rule, students in their second and third year (and fourth-year evening) shall be permitted to and are generally expected to enroll in any section of a required or elective course offered in their division. A day division student shall be permitted to take no more

than six (6) credits in the evening division, subject to the preferences of evening students. Cases of individual merit will be determined by the Associate Dean for Academic Affairs or the Dean.

As limitations upon these rules permitting student selection of his/her sections, the following rules shall apply:

1. Required courses must be taken in the year prescribed or in the summer session immediately preceding or immediately following such year.
  2. Enrollment in any course, or any one section of a course, if there is more than one section, shall not exceed the smallest class size determined by the following factors:
    - a. The seating capacity of the classroom assigned to the course;
    - b. Any reasonable limitation recommended by the instructor with the concurrence of the Dean;
    - c. 85 students. In the event demand for a particular course exceeds the smallest of these three factors, enrollment shall be determined first on the basis of a special need to take the particular course at the particular time, and second, by lottery of those pre-registering for the course at that particular time.
  3. In the event two sections of a required course are offered during the same semester in the same division and pre-registration enrollment in one is disproportionately larger than pre-registration in the other, involuntary transfers, determined by lottery, shall be required from the larger to the smaller section.
- B. The sections in the entering class shall be limited to eighty (80) students per section for both the day (3 sections) and evening (1 section) divisions. This number is to be a target number based upon a good faith effort to average eighty (80) students each year at time of admission.

## **V. GRADING**

### **A. Grade Scale**

1. Letter grades of A+, A, A-, B+, B, B-, C+, C, C-, D+, D and F, are awarded.
2. For purposes of computing a grade-point average, these letter grades will be translated into the following numerical equivalents: A+ is 4.33, A is 4.0, A- is 3.67, B+ is 3.33, B is 3.0, B- is 2.67, C+ is 2.33, C is 2.0, C- is 1.67, D+ is 1.33, D is 1.2, and F is 1.0.
3. The faculty may designate certain courses to be graded "pass/fail" or "honors/pass/low pass/fail." "Fail" is calculated in the student's average as 1.0. "Low

pass" is calculated in the student's average as 1.67. The Records Office shall maintain a current list of all courses designated as "pass/fail" or "honors/pass/low pass/fail."

4. Students who receive a grade of F or Fail receive no credit for the course.

## B. Grade Range

1. (Effective Fall 2011 – see Rule Index for rule prior to Fall 2011)  
FIRST YEAR CLASSES: 20-25% of students must receive a grade in the range of A+ to A-, with the average (mean) in this category not to exceed 3.85. 20-25% of students must receive a grade of C+ or lower. 8-12% of students must receive a grade of C- or below, and these students also count toward satisfying the requirement that 20-25% receive grades of C+ or lower. The average (mean) of all of the grades in the class must be between 2.95 and 3.05 (i.e., a target of 3.0). A grade of "Fail" for Introduction to the Study of Law counts as a 1.0 in the student's g.p.a. The distribution described above is mandatory for all classes except Lawyering Skills I, which will be graded pursuant to the grading system described in Academic Rule V.B.2, and Introduction to the Study of Law which will be graded on a "pass/fail" basis.
2. UPPER YEAR CLASSES: 20-25% of students must receive a grade of 3.67 or above (i.e., in the range of A+ to A-), with the average (mean) in this category not to exceed 3.85. 25-30% of students must receive a grade of B- or lower. No more than 8% of students may receive a grade of C- or below. The average (mean) of all grades in the class must be between 3.1 and 3.2 (i.e., a target of 3.15). For classes taught on a pass/fail or honors/pass/low pass/fail system, any low pass shall be counted as a 1.67 in the student's g.p.a, and any grade of fail counts as a 1.0. The distribution described above is mandatory for all classes, except (1) it is only recommended, rather than mandatory, for any class in which fewer than 20 students are enrolled and graduate tax classes (except Tax I and Tax II); however, the mean in such classes cannot exceed 3.4; and (2) the Dean's Office, in exceptional cases, can authorize exceptions to these rules.
3. For purposes of calculation under this rule, when a professor is simultaneously teaching more than one section of the same course, the grades upon which compliance will be judged are the combined grades of the two sections.
4. When grades do not comply with the requirements of Rule V.B.1. or Rule V.B.2., they shall not be posted to the record. When grades in an elective upper class course do not comply with these guidelines, they shall not be posted to the record until the Dean and the professor have discussed the grades and the Dean has strongly counseled the professor about the importance of complying with the grading guidelines.
  - a. If a professor fails to submit grades that comply with these requirements, the Dean shall notify the professor of the deviation(s) and provide the professor with a list of the final grades (including participation points and any adjustments for attendance) as submitted by that professor.

- b. If a professor fails to submit grades that comply with these requirements within the time specified in the notice of any deviation(s), then the Dean (or other person designated by the Dean) must amend the professor's grades to comply as closely as practical with the requirements, provided, however, the Dean shall not assign a failing grade to a student unless the professor assigned that student a failing grade or the professor consents to the Dean's decision to assign the student a failing grade. Professors must cooperate with the Dean in his or her efforts to achieve compliance, including but not limited to providing the Dean with any additional information he or she may deem appropriate, such as raw scores on exams, scores for each graded exam or exercise, weight to be accorded each graded component, etc.

### C. Grading Factors

1. A professor may, in his or her discretion, assess the final grade in a course on the basis of an examination, a seminar paper, or written work of comparable difficulty, or may use a combination of any one or more of the above with other written assignments, special research projects to be presented orally in class, quizzes, or any other form of specific assignment. The professor may decide on the percentage of the final grade to be assigned to each of these specific projects so long as the entire class that is participating in these projects is given the opportunity to participate.
2. A faculty member may increase or decrease grades by one grade level to or from the final grade of any student upon the following conditions:
  - a. At the beginning of the semester the professor announces orally and in writing his or her policy regarding the awarding or deducting of points.
  - b. The professor awards or deducts the points in a fairly administered manner for valid academic reasons.
  - c. The maximum change per student shall be one grade level - for example, from an F to a D, a C- to a C, C to a C+, C+ to a B-, etc.
  - d. Professors can either assess participation points in a blind fashion (i.e., as under the existing system, before knowledge of the student's identity) or may submit a list, not to exceed 1/3 of the students in the class, of students who are eligible for participation points, and elect to award some or all of these points after the grade of that student is revealed.
  - e. The professor's grades must fall within the normal range after the award or deduction of the points.
3. Graduate Students

- a. No additional work may be required of LLM or Diploma candidates than is required of other students in a course.
- b. LLM and Diploma candidates shall be graded along with other students in a course, in the same manner and on the same basis.

#### D. Changes in Grades, Due Date Seminar Papers, Retention of Examinations

1. In no event shall a grade be changed on an examination or paper after the grade is submitted to the Records Office unless:
  - a. The grade is corrected by the Dean at the request of the faculty grader because there is a mechanical or mathematical error in the original grading; or
  - b. The grade is corrected by the faculty at the request of the faculty grader because of a serious error in assessing the grade; or
  - c. The grade is corrected by the faculty after receiving a report from an ad hoc committee composed of three faculty members appointed by the Dean. The Dean may appoint such a committee as a matter of discretion when the Dean is personally convinced by substantial evidence that there is a strong likelihood that a grade was assessed in error due to breach of the anonymous grading system where it applies, use of impermissible criteria in assessing grades, use of inconsistent or incorrect answers on a multiple choice or other short-answer exam, or substantial and serious inconsistencies in grading essay exams, or expectation on an essay exam of an answer that is clearly and demonstrably inappropriate. The committee so appointed shall recommend what adjustments are appropriate, if any, for all students in the class, endeavoring to treat all students consistently and to assure that the adjusted grades in the class comply with both the standard average grade range and the suggested grade distribution.
2. (Effective Summer 2008 – see Rule Index for rule prior to Summer 2008)  
Professors are required to have all papers submitted on or before the last day of the final examination period on the academic calendar. If a student receives a passing grade in a writing course but his or her paper did not satisfy the writing course requirement, the professor who graded the paper may allow the student to resubmit the paper at such time as the professor designates, but no later than eight weeks after the beginning of the next semester. The grade originally received in the writing course will not be altered by the resubmission.
  - a. The final draft of first-year legal writing papers must be submitted no later than the last day of classes. The professor shall notify a student no later than the last day of the final examination period for first-year students if the student has failed the legal writing course and the professor will allow the student to resubmit his paper or

papers to remove the failing grade. Professor must submit final grades for the legal writing course no later than the time when grades are normally submitted.

3. A professor may, in his or her discretion, return seminar papers, examination papers and other papers used to evaluate student performance, provided he/she retains a copy of each paper.
4. Papers which are not returned shall be retained by the professors for one year or deposited by the professor with the Records Office and retained there for one year.
5. If a student takes an examination out of the professor's possession, the student waives any right to contest the accuracy of the grade determination, mathematically or otherwise. [Faculty interpretation: This does not preclude a professor from initiating a correction of a mechanical or mathematical error even after the student has removed the paper.]
6. The following examination discussion policy is hereby adopted: Students have the right to review their examinations. In order to assist those students who desire to review their examinations, a faculty member should establish a reasonable exam review procedure. Normally this procedure should permit a student to review his or her examination answer along with a copy of the examination question. Professors are encouraged to indicate what a good exam answer might contain either by making a sample answer available, or by reproducing a good student exam paper, or by making available a grading score sheet, or by discussing the examination in class, or by other appropriate means. In the case of written material supplied to the student, the professor is not obligated to permit the student to take the material out of the professor's presence.

#### E. Academic Requirements

1. Cumulative Average
  - a. A student, in order to remain in law school, must have a cumulative average of 2.0 at the end of his first year and at the end of each semester thereafter, subject to the exceptions in Section VI.
  - b. Summer school grades will be computed in the student's weighted cumulative average at the end of the succeeding fall semester.
  - c. For purposes of computing the cumulative weighted average in a course in which a student takes a re-examination, the grade which was originally received will be used. See Rule VIII.E.3 for retaken courses. All grades subsequently achieved in any course which was failed will be recorded on the student's transcript of grades.
2. The Dean is authorized and directed to dismiss any student of the Law School who fails to meet the school's academic requirements.

F. Due Dates for Grades; Posting of Grades:

1. All examinations are to be graded and posted in accordance with the anonymous grading system.
2.
  - a. The school-wide deadline for submission of Fall Semester grades is the second Monday of the Spring Semester.
  - b. The school-wide deadline for Law School communication of Fall Semester grades to students is the third Monday of the Spring Semester.

**VI. ACADEMIC DISQUALIFICATION, READMISSION AND PROBATION**

A. Academic Disqualification and Probation: General

1. Except as provided in Rule VI.B. below, during any semester after the second semester of the first year, a student is on academic probation who has a cumulative average of less than 2.0
2. A student on academic probation has one semester [or, if the student's cumulative average falls below 2.0 at the conclusion of a spring semester, the following summer session and fall semester] to bring his or her cumulative average to or above 2.0. If the student fails to bring his or her cumulative average to or above 2.0 by the conclusion of the next semester after beginning probationary status, the student is academically disqualified.
3. After two (2) years of academic disqualification, a student may, upon application, be considered for admission de novo to the law school's entering class under the terms then prevailing for admission.

B. Academic Disqualification at End of First Year

1. A student is academically disqualified who completes his or her first year with a cumulative average below 2.0. [Effective Fall 2011- see Rule Index for rule prior to Fall 2011] For the purposes of this calculation, a student's grade in Lawyering Skills I will be included in the calculation to the extent it does not increase the student's GPA after all other courses are considered.
2. Notwithstanding Rule VI.B.1., a student at the completion of the first year who received grades above C- in all courses except one course is not academically disqualified

3. Notwithstanding Rule VI.B.1., a student is not academically disqualified at the end of the first year who:
  - a. If a full-time student in the first year, his or her first-year Spring semester average, if equaled over an additional 15 credits, would result in a cumulative average at or above 2.0, or
  - b. If a part-time student in the first year, his or her first-year spring semester average, if equaled over an additional 10 credits, would result in a cumulative average at or above 2.0; or
  - c. If either a full-time or part-time student, his or her average in the first-year fall semester had been 3.0 or above
  
4.
  - a. Notwithstanding Rule VI.B.1, a student who finishes the first year with a g.p.a. below 2.0 is disqualified, but may petition for readmission if (1) the student's g.p.a. is 1.9 or higher; (2) if a full-time student, the student does not rank in the bottom three percent of the full-time division; or (3) if a part-time student, the student does not rank in the bottom three percent of the part-time division.
  - b. The Petitions Committee for readmission shall consist of five faculty members. The committee may readmit a student who petitions if three members of the committee vote in favor of readmission. Otherwise, a student may not be readmitted.
  - c. Generally, petitions for readmission should not be granted.
  - d. The Committee will make its decision on the basis of the written petition, supporting documents attached thereto, the student's file and the student's transcript. The committee may, if it wishes, examine the student's final examination answers. The student may make a personal appearance before the committee, but the decision will not be delayed or reconsidered to permit a personal appearance if the student has been sent at least 7 days notice of the meeting
  - e. The committee will solicit the views of the student's teachers if they are available
  - f. The committee will grant the student's petition for readmission to continue Law School if and only if it finds that:
    - (1) The student has demonstrated that the existing rules should not apply to the student because of exceptional circumstances causing the below-2.0 performance; and
    - (2) The student has demonstrated that the student is reasonably likely to raise the cumulative average to 2.0 after the next full semester.

- g. The Petitions Committee may consider as exceptional circumstances:
- (1) The student's incapacitation, due to illness, accident, or severe emotional stress, for a substantial part of a semester in which the student's grades were below 2.0. This is normally verified by extrinsic evidence provided by an attending physician or therapist. This justification is limited to incapacitation significantly greater in severity and duration than the often-intense pressures normally a part of the law school experience. A traumatic event, such as an illness or death in the immediate family or the breakup of a close personal relationship, if so severe as to impair academic performance to a material degree, should almost always result in the withdrawal of the student from school, and the petition must adequately explain why the student continued in school and examinations were taken in lieu of withdrawal. While incapacitation is an exceptional circumstance, likely-to-raise-the-cumulative-average-to-2.0 standard is more easily met if the student maintained an average above 2.0 during periods of attendance while the student suffered no such incapacitation.
  - (2) The student's disability as defined in the Rehabilitation Act of 1973 and implementing Federal Regulations currently 28 CFR §36.104, which disability is first discovered in the spring semester. To qualify as an exceptional circumstance, the student's fall semester grades must have created a likelihood the student's first-year grades would fall below 2.0, and the disability (i) must be one that adversely affects the student's academic performance, (ii), must be disclosed to the Dean or his or her designate during the semester in which the student becomes academically disqualified, and (iii) must be verified by the University's Director of Disability Services through use of extrinsic evidence provided by a physician, therapist, or other qualified professional. The petition must adequately explain why the student continued in school and took examinations rather than withdrawing after his or her disability was verified.
  - (3) The committee may consider other circumstances exceptional.
- h. The following circumstances, taken individually or collectively, should not usually be considered sufficient by the Petitions Committee for readmission, although when applicable, they should be included in full in the student's petition. Nothing in subsection h should be interpreted to modify or contravene the exceptional circumstances described as grounds in Rule VI.B.4.g. (2).
- (1) Financial condition of the student necessitating the student's employment too many hours per week.
  - (2) The student's excessive involvement in extra-curricular activities.

- (3) Marital or engagement breakup, illness or death in the immediate family, or other frequently-encountered emotional strains not incapacitating the student.
  - (4) Failure to fulfill promise demonstrated by initial admissions criteria (LSAT and GPA).
  - (5) Inability to do legal or exam writing.
  - (6) Normal illness not lasting more than two weeks.
  - (7) Personality clash with one or more professors.
  - (8) The student's enrollment in spring or summer school, either in San Diego or in a USD program abroad.
- i. Normally, the Petitions Committee in granting readmission should not impose conditions that must be satisfied during the summer as a pre-condition to the readmitted student continuing in the Fall.
  - j. Where a student is enrolled in summer session and where more than half the student's summer program has expired before the Petitions Committee decision is made and such delay is not attributable to the student, the Petitions Committee will delay decision on the student's readmission to consider the student's summer grades. The student's ability to continue in the Fall, or to petition to do so under these rules, shall be determined by the record after the spring or the summer session, whichever is more favorable to the student.
  - k. The committee may not readmit the student de novo except as specified in subparagraph (l), or readmit on the condition that the student repeat certain first year courses.
    - (1) The committee may readmit de novo to the next first-year class a first year student whose academic disqualification is determined by the committee to be due to the exceptional circumstance provided in Rule VI.B.4.g.(2).
    - (2) Any committee decision readmitting a student shall be accompanied by a written opinion. This opinion shall set forth with particularity why the student meets the conditions set forth in f.1 and f.2 hereof. A copy of this opinion, with the student's name deleted, shall be kept available for inspection in the office of the Dean and the office of the committee chairperson.
  - l. The Chairperson of the Petitions Committee shall report to the faculty by the first meeting of the fall semester indicating the number of persons excluded for scholarship whose cumulative averages were 1.9 or higher, the number who petitioned for readmission, and the number of petitions granted by the Petitions Committee.

- m. The Dean may not overrule or modify the committee's decision denying a student's petition for readmission, but may request that the committee reconsider its decision. If the Dean makes such a request, then the committee will accord no weight to its prior decision, but will entertain the matter as though it were before the committee for the first time.

C. Conditions of Academic Probation. A student on academic probation:

1. Is disqualified from participating as an officer in any campus organization.
2. Should minimize time devoted to outside activities.
3. Must seek counseling by the administration with respect to course selection, employment and activities.
4. If in such status at the beginning of the Fall semester of the student's second year, must complete and receive credit by the end of the Fall semester of the second year in at least nine credits of courses from a list approved by the Associate Dean, which will normally include Corporations, Criminal Procedure I, Evidence, Professional Responsibility, Remedies, UCC: Sales, Tax I, Civil Procedure I (for evening students), and Constitutional Law (for evening students). The administration is not obligated to offer all of these courses in any particular semester.

## VII. CURRICULUM

A. Changes

1. No additions, deletions, or substantial changes, including number of credits, shall be made in required courses without the affirmative approval of the faculty after consideration and recommendation by the Curriculum Committee.
2. As a general rule, no new elective courses may be offered without approval by the Curriculum Committee and notice of such action to the faculty. If two or more voting faculty members request full faculty consideration or such approval, the matter shall be set for consideration at a faculty meeting.
  - a. As exceptions to this general rule, the Dean may implement a new elective course if he is convinced of its desirability and time does not permit full compliance with the general rule, or compelling circumstances strongly favor its implementation, or the course is to be offered on an experimental basis (such as in summer school). Notwithstanding these exceptions, the Dean should consult with as many members of the Curriculum Committee as feasible before implementing a new course, and the course should not be offered a second time without Curriculum Committee consideration

3. The Dean may vary the number of credits of an elective course with the concurrence of the instructor, by adding or deleting one credit so long as the course will not be offered for less than two credits nor more than three credits. Whenever time permits, the Dean shall seek the advice of the Curriculum Committee before implementing such changes. Credit variations beyond these limits must be approved by the Curriculum Committee with notice to the faculty, pursuant to Rule A.2, above.

#### B. Required Curriculum

1. [Effective Fall 2011 – see Rule Index for rule prior to Fall 2011] The required curriculum for full-time first-year students consists of one-semester, four-credit courses in Constitutional Law I, Contracts, Criminal Law, Property, and Torts; a three-credit course in Civil Procedure I in the Fall semester; a three-credit course in Civil Procedure II in the Spring semester; a two-credit course in Lawyering Skills I in the Fall semester; a one-credit course in Lawyering Skills I in the Spring semester, and a one-credit course in Introduction to the Study of Law in the Fall semester. Final grades for each of these courses will be assigned at the end of the semester in which they are taught.
2. Part-time students take the same curriculum specified in subparagraph 1 above, except that they take the following courses in their second year of studies: Constitutional Law I, Civil Procedure I, and Civil Procedure II.
3. Other required courses, taken by all students in the upper years, are Professional Responsibility and Tax I.
4. To graduate, students must take and receive credit for all courses included in the required curriculum. Provisions on retaking failed courses are set forth elsewhere in these rules.
5. In Lawyering Skills I, the professor may require students to rewrite material that has been assigned. However, the professor is required to submit a grade by the time other grades are due for the pertinent semesters.

### VIII. EXAMINATIONS

#### A. Regular Examinations

1. Examinations are given under the Honor System, and are graded anonymously. [Recommendations of Academic Rules Committee: California Bar Examination questions and questions from the bar review courses, CBRC and BAR, should not be used as questions on Law School final examination. Each instructor who intends to give an open-book examination should announce to the class, prior to the last day of classes, exactly what materials will be permitted to be used during the examination. For example, can the student use his/her notes, a hornbook, Xerox copies of law review articles?

If the student can use a code, such as the UCC or Internal Revenue Code, can he/she annotate his/her copy of the code? It is suggested that only those materials be permitted which are available to all students, and that a written statement of the materials permitted to be used be posted on the bulletin board prior to the examination.]

2. A student must take each examination as it is scheduled unless the student is ill or is unable to appear due to unforeseen circumstances, or has made prior arrangements with the Dean or his designate for a make-up examination. Students with verified disabilities who desire special accommodations for purposes of taking an examination must make arrangements for them by the date set by the Registrar prior to each examination period. All arrangements for special accommodations or for make-up examinations must be made by the Dean or his or her designate and not by the professor teaching the course.
  3. Examinations of the day division shall be given in the day and examinations of the evening division shall be given in the evening, except that the examinations in those required courses which are taught both day and evening by the same professor will, whenever the administration finds it feasible, be given in the evening at the same time. In regard to electives which are taught in both the day and evening divisions by the same professor, examinations will, whenever the administration finds it feasible, be given in the evening at the same time.
- B. A faculty member may give the same examination as a make-up examination that he gave to the rest of the class.
- C. The instructor shall have discretion as to whether the same examination will be used by him/her in a day and an evening section of the same course taught by him/her when the examinations are given at different times on the same day, provided the instructor announces to his/her classes, prior to the last day of classes, that (a) he/she may be using the same examination questions in both divisions and (b) day and evening students are not to discuss the examination questions before both the day and evening divisions have been examined.
- D. Re-examinations
1. A student who fails a course must, if it is a required course and may, if it is an elective course, register for the course, retake the course and achieve a passing grade in order to receive credit and residence units for the course failed.
  2. A graduating senior who fails a course may be permitted at the option of the professor who taught the failed course, to take a special re-examination in that course if the writing of a final examination was initially required or may write a new paper if the writing of a paper was initially required. The professor may require additional work by the student prior to his consenting to the re-examination or writing of the new paper. The re-examination or authorization to write a new paper shall require the payment of a special fee. Only in the event that the professor cannot be contacted after a reasonably

diligent effort to do so may the Dean authorize the giving of a special examination in the same course by a different professor or the writing of a new paper in the same course to be evaluated by a different professor.

3. For purposes of computing the cumulative weighted average in a course in which a student takes a re-examination, the grade which was originally received will be used. All grades subsequently achieved in any course which was failed will be recorded on the student's transcript of grades. Except as to first-year required courses, a student who fails either semester of a two-semester course has failed a "course" and, therefore, must take a re-examination in accordance with the terms of RULE VIII.E. Any student may register for and retake any course in which he/she received a grade of less than C. If the course retaken is a first-year required course, that course must be retaken no later than the student's second year. For purposes of computing the student's cumulative average, all final grades received in the course will be averaged. A student who retakes a course that he/she has previously passed shall receive no academic or residence credit for the retake.
  4. When a student receives a grade of "Fail" or "Low- Pass" in a pass/fail or an Honors/Pass/Low-Pass/Fail course and repeats the course, both the first and the second grade will be shown on the transcript. When a student received a "Fail" and later receives a "Pass" in the same course, the cumulative average will be calculated as if the student received a single grade of C-. When a student receives a "Fail" and later receives a "Low-Pass" in the same course, the cumulative average will be calculated as if the student received a single grade of D. When a student receives a grade of "Fail" followed by "Honors," or a grade of "Low-Pass" followed by "Pass" or "Honors," the student's cumulative average will be calculated as if the student had received a single grade of "Pass."
- E. Anonymous Grading. In any course, not including seminars, in which the final grade is dependent, in whole or in part, on other than a regularly scheduled final examination given pursuant to the anonymous grading system, the professor shall:
1. Notify the Law School administration that he intends to give interim examinations or require papers, and, to the extent possible, make arrangements for anonymity to be preserved in the grading of these examinations or papers.
  2. Announce to the class during the first week of the course that interim examinations or papers shall (or may) be utilized in a determination of final grades and the maximum percent of the final grade these examinations or papers, if given, will count. If anonymity will not be maintained on these interim examinations or papers, the professor shall notify students of that fact as well.
- F. Proctoring. Professors are permitted, but not required, to proctor their own examinations provided they take precautions to prevent breaches of the anonymous grading system. Whoever administers an examination should be responsible to make sure students are not

cheating. [Recommendation of Academic Rules Committee: Examinations conducted in the foreign programs shall be proctored. The Director of each program will prescribe the means of proctoring. It is preferred, wherever possible, that the proctor for each examination be the instructor in the course. Any cases of suspected cheating, whether discovered by a proctor, a student, or someone else, shall be promptly determined by the Director of the program. A formal hearing is not required, but may be provided when reasonably feasible. The hearing official will be the Director. To the extent feasible the accused student will be granted the opportunity to confront any witnesses against him or her, but the departure of the accused student, the Director, or witnesses from the location of the foreign program will not require the Director to stop his or her investigation or to withhold a decision. When possible, however, the decision will be rendered at the foreign site. The Director's decision will be reviewed by the Dean, taking into account such information as the Dean deems appropriate. The Dean's disposition will be final.]

- G. No examinations shall be released to the library or to the public generally without first obtaining the permission of the professor.
- H. Dead Period. There shall be a four day dead period. No final exams shall be given during the dead period.

## **IX. COMMITTEE ON STUDENT PETITIONS**

- A. The Petitions Committee will consist of five members, such persons to be selected by lottery from the full-time faculty, excluding the Dean. Three alternative members of the Committee shall also be selected by lottery, such persons to serve should any of the five members be on leave of absence, away from the San Diego area, or unable to serve because of illness or other good cause. If a scheduled meeting of the Petitions Committee does not have available a full complement of faculty members, the Dean is authorized to appoint anyone from the full-time faculty to sit for that special meeting. Each year two new persons will be selected to serve for three-year terms. One of the three alternates shall be selected to serve for three years, one for two years, and one for one year. Any member of the Committee who has served as one of the five members during a prior three-year period may elect to have his or her name with drawn from the lottery at a time a new member is selected.
- B. The Committee may invite and receive comments from all full or part-time faculty members, appropriate committees, and administrators concerning the disposition of individual petitions. Notice of committee meetings and the agendas thereof shall be given to all faculty members, and such members may attend Committee meetings and be heard but only Committee members may vote on petitions.
- C. The petition of a student shall be granted upon the affirmative vote of three or more members of the Committee. If the student's petition receives two affirmative votes in Committee, the petition is denied, but the student may request and receive a de novo hearing

before the faculty. If the student's petition receives fewer than two affirmative votes in Committee, the petition is denied, and there shall be no appeal or rehearing before the faculty.

- D. Once a petition has been denied by the Committee, or by the faculty on appeal, it shall not be resubmitted for at least one year, unless a good faith allegation is made that new and relevant information has been discovered which was not known or intentionally withheld by the student at the time of his first petition. The Dean, however, may request Committee reconsideration of its decision adverse to an academically disqualified student's petition as provided in Rule VI.B.4.m.
- E. The Committee shall recommend to the faculty for its approval proposed rules of procedure for Committee operations and rules or guidelines concerning the disposition of readmissions petitions falling into recurring patterns.
- F. The Petitions Committee may hear appeals by students from administrative decisions interpreting or applying these academic rules. The Committee's procedure will be similar to that followed for petitions for readmission. The student and the administrator whose decision is appealed will both be notified of the time and place of the committee meeting and given an opportunity to appear. The administrative decision will be upheld unless the Committee is convinced that the administrator has abused his or her discretion.

## **X. CALENDAR**

- A. Semester Break. The first semester of instruction shall terminate prior to Christmas vacation.
- B. Summer School. The Dean is authorized to offer courses in summer session in both the evening and day divisions.
- C. Semester Length. Each semester of instruction shall contain 14 full class weeks.

## **XI. SMOKING**

- A. In compliance with the City of San Diego's no smoking ordinance, it is the policy of the University of San Diego School of Law to prohibit smoking within its buildings
- B. No smoking is permitted in the classrooms. (University rule.)

## **XII. ENFORCEMENT OF ACADEMIC RULES**

- A. Any person, student or faculty member who believes a rule contained herein has been breached may discuss such breach with the Dean who may conduct an investigation if he deems it necessary to establish the legitimacy of the complaint. If it is established that the

complaint is legitimate, the Dean shall take such remedial action as he deems appropriate to resolve the issue and to prevent similar breaches in the future.

### **XIII. FACULTY GOVERNANCE**

#### **A. Faculty Meetings**

1. The following persons may vote at faculty meetings: Full-time tenured faculty, full-time tenure track faculty, full-time clinical faculty, distinguished professors, emeritus faculty, and faculty on phased retirement, USD full-time faculty on leave, full-time law-trained professional librarians with faculty status, and such other persons as the faculty shall designate.
2. A quorum shall be one more than half the sum of the following numbers:
  - a. The number of full-time tenured faculty, full-time tenure track faculty, and full-time clinical faculty; plus
  - b. The number of persons actually present who are distinguished professors, emeritus faculty, faculty on phased retirement, USD full-time faculty on leave, full-time law-trained professional librarians with faculty status, and other persons granted the right to vote by the faculty at a previous meeting.
3. The following persons shall be invited to attend faculty meetings and participate in the discussion:
  - a. All persons entitled to vote plus Legal Writing Instructors, Assistant Deans, faculty at other law schools with full-time visiting appointments at USD, part-time faculty, and such other persons as the faculty shall designate. Except when specifically invited by the faculty, students shall not attend faculty meetings.
  - b. The faculty authorizes the president of the SBA, or his/her alternate (in the president's absence) to attend all non-tenure faculty meetings and have the right to vote on all agenda items, except this right to attend and vote shall not apply to portions of meetings involving any personnel matters, readmission matters, disciplinary matters or any agenda item that could result in a breach of a student's right to confidentiality.
4. A person eligible to vote must be physically present at the faculty meeting at the time the vote is taken in order to vote. However, a person eligible to vote who was present during part of the discussion of a motion and who leaves the meeting in order to teach a regularly-scheduled class may leave a written vote on that motion with the Dean.

#### **B. Procedural Rules**

1. When a faculty member submits a written proposal to a committee, the chairperson shall initiate consideration of the proposal within twenty (20) working days after receipt of the proposal. A working day is defined as a day during the regular school year on which classes are held
  2. When a faculty member submits a written proposal to a committee, the proponent should be offered the opportunity to be present at the committee's initial discussion of the proposal
  3. Committee rejections of proposals must be reported to the faculty.
  4. Any proposal submitted for adoption at a faculty meeting should be placed in faculty boxes in the main law building no later than forty-eight hours prior to the meeting.
  5. Any proposal submitted for adoption at a faculty meeting should contain a statement of the need for and advantages and disadvantages of the proposal
- C. One student voting member may, at the discretion of the Dean and in the absence of faculty disapproval, be included on faculty committees dealing with educational programs and policies or other issues directly affecting law students. Students may not, however, participate on faculty committees dealing with personnel matters or faculty committees acting in a confidential advisory role to the Dean. The students shall be appointed to these committees by the Dean. The purpose of this provision is to encourage student participation on faculty committees when appropriate.
- D. The summer faculty has the powers of the faculty in faculty meetings with respect to matters pertaining to summer school programs including, if necessary, the power to approve the minutes of prior faculty meetings, to act on cases of dire emergencies and on appeals of decisions of the Petitions Committee.
- E. A standing committee of the faculty shall be established to recommend each year a tuition figure for the next year's incoming students. The Committee shall report to the faculty, which would then send a proposal to the University's tuition committee through the law school's member(s) on that committee.
- F. The jurisdiction of the Curriculum Committee pertaining to summer foreign programs is delegated to a Curriculum Committee on Foreign Summer Programs to consist in each academic year of those members of the full-time law school faculty who will be teaching in those programs in that year plus the Dean and Associate Dean for Academic Affairs.
- G. Library Impact Report
1. Each proposed change in the law school's curriculum rules, or institutes or programs shall contain the proponent's indication that the proposal, if implemented, will have (a)

no impact, (b) an impact, or (c) an indeterminate impact upon the law library, its collection or facilities.

2. If the proposed change is deemed to have an impact upon the law library, its collection or facilities, then the proposal must contain a description of that impact. The description should include a brief assessment of the impact in the following areas:
  - a. the library's collection and space devoted to collection;
  - b. any increase in use of the library;
  - c. any increase in time required of library staff, and the purposes for which increased staff time would be needed
3. If the proposed change is deemed to have an indeterminate impact upon the law library, the proposal will be referred to the Librarian for his or her assessment of library impact before full faculty consideration of, and final faculty vote on, the proposal.

#### **XIV. WAIVER**

- A. When the application of a provision of these Academic Rules will result in severe and unusual hardship, the Dean or his designate may waive it, except that he shall not have authority to waive any graduation requirements.

#### **XV. TRANSCRIPT**

- A. Each student's transcript will contain the following academic material: the student's courses, the student's grades in each course, and for students in the top 20 percent of the class, the student's class standing computed at the end of each year, the student's class standing both within the division and the graduating class on graduation, as well as an indication of honors received. The law school will separately provide information about the g.p.a. cut offs for the top 10 percent, top 20 percent, top third and top half of the class.
- B. When an Honor Court conviction results in expulsion or suspension of a student by the Dean or faculty, the fact of expulsion or suspension will be stated on the student's transcript with a notation that it was for "Disciplinary Reasons.

## RULES INDEX and ARCHIVE

Prior to Fall 2011 (change as made by a vote of the faculty in April 2011)

### I. Degrees Conferred

#### A. Juris Doctor

- 1.
- b. Eighty-five (85) credits are required for granting the JD degree.  
[Applies to students entering in the fall 2009]
  - (1) For at least 67 of the 85 credits required by this rule, the student's transcript must indicate a grade on the scale specified in rule V.A.1. (that is, A/B/C/D/F).
  - (2) At least 79 of these 85 credits must be earned at the University of San Diego School of Law.
  - (3) The Dean or his or her designate may grant exceptions to parts (1) or (2) of this rule for students who transfer to USD from other law schools or who visit other law schools during (Fall or Spring) semester, as approved under Rule V.A.1.c.(6)

Prior to Fall 2011 (change as made by a vote of the faculty in April 2011)

### I. Degrees Conferred

#### A. Juris Doctor

- 1.
- f.
- (2) Rules applicable to students entering as part-time students
  - (a) Except as provided below, a student who enters in the part-time division must attempt eight part-time regular (fall or spring) semesters to graduate. A part-time regular semester is a minimum of eight credits.
  - (b) A student who completes the first two semesters of the part-time program and transfers to the full-time division may graduate upon attempting four regular full-time semesters if the student also earns at least six credits in USD summer sessions, or in the summer sessions of another law school if attendance is approved. Students transferring to the full-time division after attempting three or more part-time semesters may petition for a variance from these rules.

Prior to Fall 2011 (change as made by a vote of the faculty in April 2011)

### I. Degrees Conferred

#### A. Juris Doctor

- 1.
- g. Academic Supervision

(1) First Year Academic Supervision

Students who complete the fall semester of their first year of law study and receive two or more grades of C- or below, a grade of C- or below and a low pass or below in Lawyering Skills I, or a GPA of 2.2 or below shall be subject to a program of Academic Supervision.

Prior to Fall 2011 (change as made by a vote of the faculty in April 2011)

III. Attendance and Preparation

D. The instructor shall provide written notice to any student who has exceeded the maximum number of absences permitted by the instructor's attendance policy, informing the student of the penalty that is to be imposed. If a student is excluded from the course, or if the final grade is reduced, the instructor shall send to the registrar a copy of the written notice sent to the student informing the student of the exclusion or grade reduction. If the penalty to be imposed is exclusion from the course or reduction in the final grade in the course by potentially more than one grade level - for example from a C+ to a C- or a B to a C+, the instructor must both (1) have regularly recorded attendance of students in the class so that the instructor can verify that the student exceeded the maximum number of absences permitted by the instructor's attendance policy, and (2) send written notice to the student who is in jeopardy of exclusion or of potential grade reduction of three or more points informing the student that any future absence from the class will result in imposition of the penalty. To fulfill this notice requirement, notice must be sent to the student's last address registered with the Records Office and also must be placed in the student's law school mailbox. Such acts shall be sufficient to satisfy the notice requirement regardless of whether the student actually receives the notice.

Prior to Fall 2011 (change as made by a vote of the faculty in April 2011)

V. GRADING

B. Grade Range

1. FIRST YEAR CLASSES: 20-25% of students must receive a grade in the range of A+ to A-, with the average (mean) in this category not to exceed 3.85. 20-25% of students must receive a grade of C+ or lower. 8-12% of students must receive a grade of C- or below, and these students also count toward satisfying the requirement that 20-25% receive grades of C+ or lower. The average (mean) of all of the grades in the class must be between 2.95 and 3.05 (i.e., a target of 3.0). A grade of "Low Pass" for Lawyering Skills counts as a 1.67 in the student's g.p.a., and a grade of fail counts as a 1.0. The distribution described above is mandatory for all classes except Lawyering Skills I, which will retain its existing grading system.

Prior to Fall 2011 (change as made by a vote of the faculty in April 2011)

VI. ACADEMIC DISQUALIFICATION, READMISSION AND PROBATION

B. Academic Disqualification at End of First Year

1. A student is academically disqualified who completes his or her first year with a cumulative average below 2.0.

Prior to Fall 2011(change as made by a vote of the faculty in April 2011)

## VII. CURRICULUM

### B. Required Curriculum

1. The required curriculum for full-time first-year students consists of one-semester, four-credit courses in Constitutional Law I, Contracts, Criminal Law, Property, and Torts; a three-credit course in Civil Procedure I in the Fall semester; a three-credit course in Civil Procedure II in the Spring semester; a two-credit course in Lawyering Skills I in the Fall semester; and a one-credit course in Lawyering Skills I in the Spring semester. Final grades for each of these courses will be assigned at the end of the semester in which they are taught.

Prior to Summer 2008

### I. Degrees Conferred

#### A. Juris Doctor

1.
  - d. As a condition for granting the J.D. degree, each student must present a substantial, in-depth research paper in a selected area of study. Satisfactory completion of the written work requirement shall normally entail the submission by the student of one or more preliminary drafts which shall be critiqued orally and/or in writing by the professor, and the submission of a satisfactory final draft. A student may satisfy the written work requirement by:

- (1) Completion of a seminar paper with a minimum grade established by the professor, such grade to be neither less than C or higher than B. A seminar course is a course of limited enrollment requiring completion of a seminar paper. The professor in a seminar course will announce during the first week of classes whether the grade on the seminar paper constitutes the total grade for the course, and if not, how the course grade shall be determined.

- (2) Scholarly written work submitted as independent research, to the Law Review, San Diego International Law Journal or Journal of Contemporary Legal Issues for publication, or incidental to inter-school Moot Court competitions may satisfy the written work requirement on certification of the approving faculty member. Two or more scholarly works submitted to the Law Review, San Diego International Law Journal or to the Journal of Contemporary Legal Issues for publication may satisfy the written work requirement where, if standing alone, each would not.

- (3) In exceptional circumstances, where agreed upon in advance by the student, the faculty member involved and the Dean, small groups may satisfy the written work requirement by engaging in a research project under a faculty advisor if the project is equivalent to a seminar paper.

Prior to Summer 2008

November 2011

## V. Grading

### D. Changes in Grades, Due Date Seminar Papers, Retention of Examinations

2. Professors are required to have all seminar papers submitted on or before the last day of final examinations. [Academic Rules Committee Interpretation: A professor may establish an earlier deadline and lower the grades of papers submitted late but before the last day of finals, provided the students are notified of this policy in advance.] If a student receives a passing grade in a seminar but his or her seminar paper did not receive a sufficiently high grade to satisfy the written work requirement, the professor who graded the seminar paper may allow the student to resubmit the paper at such time as the professor designates but no later than eight weeks after the beginning of the semester. The grade originally received in the seminar will not be altered by the re-submission.

- a. The final draft of first-year legal writing papers must be submitted no later than the last day of classes. The professor shall notify a student no later than the last day of the final examination period for first-year students if the student has failed the legal writing course and the professor will allow the student to resubmit his paper or papers to remove the failing grade. Professor must submit final grades for the legal writing course no later than the time when grades are normally submitted.