



AUGUST 2021

# ACADEMIC RULES

OF THE UNIVERSITY OF SAN DIEGO  
SCHOOL OF LAW



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

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

**This version of the Academic Rules is fully effective for students who began law school in Fall 2020 or later. Other rules may apply to students who began law school before that date. These students should check with the Office for Law Student Affairs if they have questions.**

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 that will enable them to participate in and benefit from all the School of Law's programs and activities.

## **I. THE JURIS DOCTOR DEGREE**

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. Pre-legal Education. 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, except that in extraordinary circumstances students at foreign law schools who have not yet obtained the equivalent of an AB degree may be admitted to the law school and receive a degree of Juris Doctor
- B. JD Degree Requirements – General. To be eligible to earn a J.D. degree a student must:
1. Pass all required courses;
  2. Earn 88 semester credits; [86 credits for those entering prior to fall 2016]
  3. Complete all residency requirements;
  4. Achieve a cumulative grade point average of at least 2.2 at the end of the final semester;
  5. Satisfy the upper division writing and experiential course requirements.
- C. Credits. Eighty-eight (88) credits are required for granting the JD degree.  
[Applies to students entering in fall 2016 and after.]
1. For at least 70 of the 88 credits required by this rule, the student's transcript must indicate a grade on the scale specified in rule XV.A.1. (that is, the letter-grade scale).
  2. At least 82 of these 88 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 enroll in and complete a semester within the USD Washington D.C. Externship program, who visit other law schools during (Fall or Spring) semester, as approved under Rule I.F., or for students who have either enrolled in or secured a judicial externship for credit.
  4. 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. Students who have graduated from or are currently enrolled in a foreign law school may, upon approval by the Dean, be allowed to transfer up to 28 credits earned at the foreign law school.
  5. 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.

6. 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.
- D. Degree Completion Timeline. 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.
- E. Employment While in School. A full-time student should devote substantially all his or her time to the study of law. The School of Law strongly discourages first-year law students from engaging in any employment during the first year of law school. Full-time upper-division law students are strongly discouraged from engaging in remunerative employment for more than 20 hours per week whether outside or inside the law school.
- F. Approved Visits/Taking Courses at Other Schools. A student must generally complete his or her 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 or her last 30 credit hours at another ABA accredited school and to graduate from USD.
1. Students permitted under this Rule to take courses at another ABA accredited law school must also obtain approval from the Dean or Vice 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.
  2. 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.F.3.
  3. A student will receive transfer credit only for a course in which the student receives a grade that is at least C or its equivalent 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.
  4. 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.

- G. Original Work for Each Course. Generally, a student is prohibited from receiving academic credit toward graduation for submitting the same work in two courses (including independent study and law journal writing). However, in exceptional circumstances, with the prior written consent of the professors of both courses and the Vice Dean for Academic Affairs, a student may obtain such dual credit.
- H. Upper Division Writing Requirement. As a condition for receiving 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, or those students choosing the paper option in a paper/exam option course, of
      - i. a substantial, in depth research paper of no fewer than 20 pages in length; or,
      - ii. at the discretion of the professor, research and writing projects in the form of shorter research papers that, when combined, equal or exceed 20 pages in length and provide an experience equivalent to the 20 page paper; or,
      - iii. at the discretion of the professor, a writing project or projects (of the types referred to in “i” and “ii”, supra) totaling no fewer than 20 pages in length which, although legal research need not be required, display the scope, analytical rigor, depth of analysis, attention to detail, and precision of writing associated with the traditional research paper; these projects may involve a “library” provided by the professor but deserve written work credit because of the number and nature of the writing projects, the form and extent of individualized assessment, and the number of drafts required to be produced; and
    - b. in which the professor, in addition to any outlines, drafts, or other preliminary submissions, collects the paper(s) or writing project(s), and returns them 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(s) or project(s), as appropriate; and
    - c. in courses with 20+ page papers, the professor provides recorded comments on a version of the paper that represents the substantially completed paper before collecting for evaluation the final version; professors retain discretion over when during the semester resubmission occurs;
    - d. in courses with shorter papers or projects, the professor comments on each of these papers or projects and provides a rigorous interactive writing experience.

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.
  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. Written work products may take any form, including but not limited to a paper suitable for submission to a scholarly journal or practice-oriented documents such as a brief and other litigation-related writings, corporate formation documents or complex purchase, employment, or intellectual property license agreement based on a fact pattern and related material provided by the professor.
  5. These requirements define the term “graded writing course” for purpose of the graduation requirements 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. Notwithstanding the requirements of part H.1. and H.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 requirements on certification of the approving faculty member.
- I. **Experiential Course Requirement.** As a condition for graduation, students must enroll in and complete one or more experiential course(s) totaling at least 6 credits. A course is an “experiential course” if it is a simulation course, a law clinic, or a field placement and if it meets the requirements encompassed in ABA Standards for Approval of Law Schools 303 (a)(3). A list of such courses shall be designated by the Dean.
- J. **Residency Requirements – Full-time Students.** The following residency rules are in addition to the rules regarding credits to graduate and are applicable to students entering as full-time students.
1. 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.
  2. 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).

3. 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 rule I.J.2.
- K. Residency Requirements – Part-time Students. The following residency rules are in addition to the rules regarding credits to graduate and are applicable to students entering as part-time students.
1. 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.
  2. 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. M. (Academic Supervision).
  3. 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.
- L. Residency Requirements – General. The following residency rules applicable to students who enter either as full-time or part-time students.
1. 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.
  2. 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.
- M. Academic Supervision
1. First Year Academic Supervision. Students who complete the fall semester of their first year of law study and receive a GPA of 2.5 or below shall be subject to a program of Academic Supervision. 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 Success 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 attending such other programs as recommended by the Director of Academic Success and Bar Programs; and

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.

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 2.85 or below shall be subject to a program of Academic Supervision. For purposes of this provision, the calculation of GPAs 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. As a condition of graduation, 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; and
  - c. As a condition of graduation, enroll in and complete with a grade of 1.9 or above at least four courses from the following list: Constitutional Law II, Corporations, Criminal Procedure I, Evidence, Remedies, Wills & Trusts (also known as Trusts & Estates).

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. Students may petition the Dean for an exception to the above-referenced prohibitions.

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 2.85 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 GPAs 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 if directed to discuss their academic plan for the remainder of their law school enrollment;
  - b. As a condition of graduation, 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; and
  - c. As a condition of graduation, enroll in and complete with a grade of 1.9 or above at least four courses from the following list: Constitutional Law II, Corporations, Criminal Procedure I, Evidence, Remedies, Wills & Trusts (also known as Trusts & Estates). (Courses completed in the second year of law study may satisfy this requirement.)

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. Students may petition the Dean for an exception to the above-referenced prohibitions.

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 following terms of Third Year Academic Supervision shall be dismissed: Academic Rules I.M.3.a. and I.M.3.b.

A student who does not comply with the following terms of Third Year Academic Supervision shall not graduate until they satisfy these requirements: Academic Rule I.M.3.c.

N. Non-Course Credit- General. Non-course credit may be earned from the following sources:

1. 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.
2. 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, the San Diego International Law Journal, or the San Diego Journal of Climate and Energy Law. 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. Pursuant to Academic Rule I.G., students may not submit the same work for both a course and for law journal writing.
3. Law Review Editing. A student who is a member of the Law Review Editorial Board prior to January 2014 may earn up to three credits for editorial efforts. These three credits may be distributed in the Fall and Spring semesters. 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. No credit for Law Review Editing will be awarded after the spring semester of 2014.
4. Moot Court Team. One credit may be awarded to participating team members who represent USD in inter-school moot court competitions, whether administered by the Moot Court Board or supervised directly by a USD faculty member. A person may receive no more than one credit under this paragraph during the law school career. No credit shall be awarded for membership on the Moot Court Board or other participation in moot court programs, except as specified in this rule.
5. Mock Trial Team. A maximum of four credits will be available under the USD Mock Trial program, with credit allocations to be determined by the faculty instructor of the program.

O. Non-Course Credit - 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.
    - a. 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.
    - b. The projects for which credit is awarded shall be made available to other students and to the faculty generally.
    - c. The "approving faculty member" is:
      - (1) in the case of Moot Court, the Faculty Advisor to the particular Moot Court competition for which the work is done;
      - (2) in the case of Independent Research or Law Journal writing, the supervising faculty member;
      - (3) in the case of Law Review Editing, the Faculty Advisor to the Law Review. This subrule remains in effect until the end of the spring semester, 2014.
    - d. A student may earn no more than a total of six credits toward the JD Degree under this rule I.O. No more than two credits of Independent Research may be included in the six credits under this rule.
- P. Credit for Non-Law Courses. 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:
1. He or she has received the prior written approval of the Dean or his or 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 or 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.
2. 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.
  3. 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.
  4. The student has successfully completed all of the courses which are required in the first-year full-time program before enrolling in the approved course.
  5. 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.
  6. The student satisfactorily reports to the Dean, in a manner prescribed by the Dean, the ways in which the course contributed and was 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 or her discretion, may require a written report or a student-led seminar interrelating the course to the law.
  7. The maximum number of credits transferable pursuant to this policy is six.
- Q. LLB Equivalent. Those holding the degree of Bachelor of Laws (LLB) 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.
- R. No Honorary JD. Under no circumstances should the degree of Juris Doctor be given as an honorary degree to any person regardless of his or her distinctions or benefactions.
- S. Credit for Prior Courses. 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 or her designate may make exceptions to the general rule in individual cases.
- T. Leave of Absence. 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 one (1) year. A student reentering the law school after a leave of absence must meet all non-academic requirements set forth by the School of Law, including those 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.

## **II. HONORS**

- A. Honors Degrees. Those students in the upper 25% of the graduating senior class based on the total cumulative average will receive a degree suitably inscribed to indicate that they have graduated cum laude; except that of this group those in the top 10% will receive a degree inscribed magna cum laude; except that of this group those in the top 2% will receive a degree inscribed summa cum laude.

## **III. GENERAL MASTER OF LAWS**

The University of San Diego School of Law shall confer the degree of Master of Laws (LLM) upon candidates who successfully complete the program prescribed therefore.

- A. Admission to Candidacy. Admission to candidacy for the Masters of Laws shall be limited to persons who (1) have obtained an LLB or JD degree from a U.S. law school and (2) graduated in the upper one-half of their class or otherwise establish those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - 1. 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 Director.
- B. Limited Enrollment. Enrollment in the General LLM program will be limited so as to ensure the quality of the program and not to detract from the JD program.
- C. Course Credit and GPA Requirement. To receive the degree of Master of Laws, a candidate must successfully complete twenty-four (24) credits of approved course work with a cumulative average of 2.5 for all courses taken for the General LLM.
  - 1. To receive credit for a course, an LLM candidate must receive a minimum grade of 2.0 therein.
  - 2. 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.
    - a. No credit shall be given for courses which are substantially similar to courses previously taken by the candidate, as determined by the Director.
    - b. A minimum of fourteen (14) credits, exclusive of clinic or field placement work, must be earned in the School of Law.

3. No more than six (6) credits of clinic or field placement 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 clinic or field placement experience.
  4. The Director may authorize a candidate to take specifically approved graduate level courses outside the law school and to transfer the credit to the LLM program.
    - a. No more than six (6) credits of courses taken outside the law school may be applied in satisfaction of the twenty-four (24) credit course requirement unless there are special circumstances in individual cases warranting additional credits. In no event may more than ten (10) credits taken outside the law school be applied toward the degree.
    - b. A grade of at least B or its equivalent 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.
- D. **Written Work Requirement.** With the exception of any concentration listed in Rule III.H.1., each candidate for the LLM degree must satisfy a written work requirement by successfully completing two (2) papers for four (4) or more credits (of which at least two credits must be in the area of concentration) written either in a seminar or as an independent study. For any concentration listed in Rule III.H.1., the written work requirement is satisfied by successfully completing one (1) paper for two (2) or more credits in the area of concentration written either in a seminar or as an independent study.
- E. **Residency Requirement.** 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. A student taking eight (8) or fewer credits in a semester shall be considered a part-time student. A student who is approved to receive transfer credit or credit for USD School of Law intellectual property courses taken pursuant to Rule III.H.1.a. shall also receive the appropriate number of residence units toward the Master of Laws degree.
- F. **Time for Degree Completion.** All requirements for conferral of the degree must be completed within six (6) years of enrollment in the program.
- G. **Academic Standing.** 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 2.5, the candidate must consult with the Director. If, in any subsequent semester or summer session, the cumulative average of that candidate falls below 2.3, the candidate is academically disqualified subject to a right to petition for readmission. An LLM candidate who completes, successfully or unsuccessfully, twenty-four (24) credits with an average of less than 2.5, but not less than 2.3, may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to 2.5.

- H. Concentrations. With the exception of any concentration listed in Rule III.H.1., 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 will be taken from upper level courses currently in the curriculum, after consultation and approval by the Director.
1. For a concentration in intellectual property law, the candidate must successfully complete twenty-four (24) credits of approved intellectual property coursework as designated by the Curriculum Committee. If the Director waives a candidate out of a course(s) required by the Curriculum Committee because of the prior completion of the same or similar course(s), the candidate will not receive LLM credit for the course(s) unless credit is granted pursuant to Rule III.H.1.a. In special circumstances with the approval of the Director, the candidate may take up to six (6) credits in courses that are not on the list of approved intellectual property courses and have those credits count toward the twenty-four (24) credits needed to complete the program.
    - a. A student may petition to apply toward the Master of Laws degree up to twelve (12) credits of USD law school intellectual property courses, including law school courses taught internationally at partner institutions by a USD law school faculty member, provided the student successfully completed each course with a grade of at least 2.0 while a candidate for a JD, LLM or other degree in law. Courses credited under this election must have been completed within thirty (30) months of enrollment in the USD LLM Program unless otherwise approved by the Dean.
- I. Director. 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.
- J. Academic Rules Application. The Academic Rules of the University of San Diego School of Law shall apply to all Master of Laws candidates to the extent they are not inconsistent with these rules.
- K. Honors. Graduating Master of Laws candidates shall be eligible to receive academic honors in accordance with the following rules:
1. To receive any academic honors, a General LLM with concentration graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses.
  2. Those students who graduate with a cumulative grade point average of at least 3.7 will receive a degree inscribed cum laude.
  3. 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.

#### **IV. MASTER OF LAWS IN TAXATION**

The University of San Diego School of Law shall confer the degree of Master of Laws (LLM) in Taxation upon candidates who successfully complete the program prescribed therefore.

- A. Admission to Candidacy. Admission to candidacy for the Masters of Laws in Taxation shall be limited to persons who (1) have obtained an LLB or JD degree from a U.S. law school and (2) graduated in the upper one-half of their class or otherwise establish those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - 1. 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 Director.
- B. Limited Enrollment. 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 JD program.
- C. Course Credit and GPA Requirement. To receive the degree of Master of Laws in Taxation, a candidate must successfully complete twenty-four (24) credits of approved course work with a cumulative average of 2.5 for all courses taken for the Master of Laws in Taxation.
  - 1. To receive credit for a course, a Master of Laws in Taxation candidate must receive a minimum grade of 2.0 therein.
  - 2. Courses designated by the Director of the Graduate Tax Program may be graded pass/fail or honors/pass/low pass/fail.
  - 3. Courses approved by the Curriculum Committee may be designated for credit toward the degree by the Director, who 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 Rule IV.D., 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.
  - 5. A minimum of fourteen (14) credits must be earned in the School of Law.
  - 6. The Director may authorize a candidate to take specifically approved graduate level courses outside the law school and to transfer the credit to the Master of Laws in Taxation program.
    - a. No more than six (6) credits of courses taken outside the 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

the law school. In no event may more than ten (10) credits taken outside the law school be applied toward the degree.

- b. A grade of at least B or its equivalent 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.
7. A student may petition to apply toward the Master of Laws in Taxation degree up to twelve (12) credits of USD law school advanced tax courses, including law school courses taught internationally at partner institutions by a USD law school faculty member, provided the student successfully completed each course with a grade of at least 2.0 while a candidate for a JD, LLM or other degree in law. Advanced tax courses are tax courses other than Tax I. Courses credited under this election must have been completed within thirty (30) months of enrollment in the USD LLM Program unless otherwise approved by the Dean.
- D. Course Requirements. All candidates for the Master of Laws in Taxation degree shall be required to take the following courses: Corporate Tax; Partnership Tax; and International Tax. The Director may, upon consultation with the Dean, add additional required courses or remove required courses. In limited cases, course requirements may be waived by the Director upon good cause. Students admitted on a full-time basis are expected to have completed Tax I or an equivalent class prior to starting the program. Students admitted on a part-time basis must have taken Tax I or an equivalent class prior to starting the program or must enroll in Tax I during their first semester.
- E. Residency Requirement. 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. A student who is approved to receive transfer credit or credit for USD School of Law tax courses taken pursuant to Rule IV.C.8. shall also receive the appropriate number of residence units toward the Master of Laws in Taxation degree.
- F. Time for Degree Completion. All requirements for conferral of the degree must be completed within four (4) years of enrollment in the program.
- G. Academic Standing. 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 2.5, the candidate must consult with the Director. If, in any subsequent semester or summer session, the cumulative average of that candidate falls below 2.3, the candidate is academically disqualified subject to a right to petition for readmission. A Master of Laws in Taxation candidate who completes, successfully or unsuccessfully, twenty-four (24) credits with an average of less than 2.5, but not less than 2.3, may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to 2.5.

- H. Director. 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.
- I. Honors. Graduating Master of Laws in Taxation candidates shall be eligible to receive academic honors in accordance with the following rules:
  - 1. Those students in the top 15% of the graduating class for the LLM in Taxation, based on the total cumulative average, will receive an honors degree suitably inscribed.
  - 2. 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.
  - 3. The remaining 10% will graduate cum laude.
  - 4. To receive any academic honors, an LLM in Taxation graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses.
  - 5. Academic honors shall be awarded retrospectively to past LLM in Taxation graduates in accordance with Rules IV.I.1-4. above.
- J. Academic Rules Application. The Academic Rules of the 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.

## V. **DIPLOMA IN TAXATION**

The University of San Diego School of Law shall confer the Diploma in Taxation upon candidates who successfully complete the program prescribed therefore.

- A. Admission to Candidacy. Admission to candidacy for the Diploma shall be limited to persons who have obtained an LLB or JD degree from a U.S. law school or have been admitted to the bar.
- B. Limited Enrollment. Enrollment in the Diploma program will be limited so as to ensure the quality of the program and not to detract from the JD program.
- C. Course Credit and GPA Requirement. To receive the Diploma, a candidate must successfully complete ten (10) credits of approved course work in courses designated by the Director with a cumulative average of 2.5. All courses must be taken in the University of San Diego School of Law.
- D. Academic Standing. A Diploma candidate who completes, successfully or unsuccessfully, at least ten (10) credits with a cumulative average below 2.5 but at least 2.3, may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to 2.5 in order to earn the Diploma.

- E. Eligibility to Transfer from Diploma in Taxation Program to Master of Laws in Taxation Program. Eligibility to transfer from the Diploma program to the Master of Laws in Taxation program shall be limited to persons who have established by their law school academic record and experience that they possess those qualities which indicate an ability to pursue successfully and complete the Master of Laws in Taxation program.
1. If grades from the candidate's enrollment in the Diploma program are not available to enable a determination as to whether the candidate possesses those qualities which indicate an ability to pursue successfully and complete the Master of Laws in Taxation program and provided the transfer to the Master of Laws in Taxation program has been approved, the candidate will be permitted to enroll in the Master of Laws in Taxation program subject to the following requirements. If at the time grades become available, it is determined that the candidate's cumulative average is less than 2.5 but no less than 2.3, the candidate will be required to make one of the following choices:
    - a. The candidate may continue on for that semester or summer session only in an attempt to achieve a 2.5 cumulative average to be eligible to continue in the Master of Laws in Taxation. If a candidate makes this election, he or she may not again make this election as a Master of Laws in Taxation candidate under Rule IV.G.
    - b. The candidate may elect to withdraw and obtain a full refund of any tuition paid for that semester or summer session.
    - c. The candidate may elect to continue in a course or courses on an audit basis without any credit being awarded toward a diploma or degree.
    - d. If the candidate does not have a cumulative average of at least 2.5 when grades become available, the candidate may elect only option (b) or (c) above.
  2. A Diploma candidate may petition to apply up to ten (10) credits earned during the Diploma program to the Master of Laws in Taxation program provided the candidate successfully completed each course with a grade of at least 2.0 and the candidate has not been issued the Diploma in Taxation. In no circumstance shall a candidate earn both a Diploma in Taxation and Master of Laws in Taxation degree based on the same credits.
    - a. A candidate who is approved to receive credit pursuant to this provision shall also receive the appropriate number of residence units toward the Master of Laws in Taxation degree.
- F. Time for Completion. All requirements for conferral of the Diploma must be completed within four (4) years of enrollment in the program. If a candidate transfers from the Diploma program to the Master of Laws in Taxation program then the four (4) year period

for completion of the Master of Laws in Taxation degree is counted from the time of enrollment in the Diploma program.

- G. Director. A Director shall be appointed for the Diploma in Taxation program whose duty it is to advise all candidates for the Diploma and approve their individual programs.
- H. Academic Rules Application. The Academic Rules of the University of San Diego School of Law shall apply to all Diploma in Taxation candidates to the extent they are not inconsistent with these rules.

## **VI. MASTER OF LAWS IN COMPARATIVE LAW**

The University of San Diego School of Law shall confer the degree Master of Laws in Comparative Law upon candidates who successfully complete the program prescribed therefore.

- A. Admission to Candidacy. 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.
- B. Limited Enrollment. Enrollment in the Master of Laws in Comparative Law program will be limited so as to ensure the quality of the program and not to detract from the JD program.
- C. Course Credit and GPA Requirement. To receive the degree of Master of Laws in Comparative Law, a candidate must successfully complete twenty-five (25) credits of approved course work with a cumulative average of 2.0 for all courses taken for the LLM in Comparative Law. 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. 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 Director may authorize a candidate to take specifically approved graduate level courses outside USD School of Law and to transfer up to three (3) credits to the LLM in Comparative Law program. A grade of at least B or its equivalent 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.

1. A Master of Laws in Comparative 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. A student may petition to apply toward the Master of Laws in Comparative Law degree up to twelve (12) credits of approved USD law school courses, including law school courses taught internationally at partner institutions by a USD law school faculty member, provided the student successfully completed each course with a grade of at least 2.0 while a candidate for a JD, LLM or other degree in law. Courses credited under this election must have been completed within thirty (30) months of enrollment in the USD LLM Program unless otherwise approved by the Dean.
- D. Required Courses. All candidates for the LLM in Comparative Law degree shall be required to take in their first year at USD the two (2)-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 two (2)-credit course, Legal Writing and Research (LLMC). The Director 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.
- E. Written Work Requirement. 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 (2)-credit independent research paper in accordance with Rule I.H.
- F. Residency Requirement. 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. A student who is approved to receive transfer credit or credit pursuant to Rule VI.C.2. shall also receive the appropriate number of residence credits toward the LLM in Comparative Law degree.
- G. Time for Degree Completion. All requirements for conferral of the LLM in Comparative Law degree must be completed within three (3) years of enrollment in the program.
- H. Academic Standing. If, at the end of the semester in which an LLM in Comparative Law candidate completes, successfully or unsuccessfully, his or her first nine credits of the program, the candidate's cumulative average is below 2.3, the candidate must consult with the Director. If, in any subsequent semester or summer session, the cumulative average of that candidate falls below 1.7 for fewer than twenty-five (25) credits, the candidate is academically disqualified subject to a right to petition for readmission. An LLM in Comparative Law candidate who completes, successfully or unsuccessfully, 25 credits with

an average of less than 2.0, but not less than 1.7, may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to 2.0.

1. In calculating whether a candidate's cumulative average falls below 1.7, the candidate is permitted to elect to first use the one course disregard option in Rule VI.C.1.
- I. Examinations. LLM in Comparative Law students for whom English is not their native language may be permitted to bring a non-legal [native language]/English dictionary to their exams. The Director shall certify which students are permitted relief under this rule and establish recommendations on the amount of additional time for examination of such candidates.
  - J. Director. A Director shall be appointed for the Master of Laws in Comparative Law program whose duty it is to advise all candidates for the degree and to approve their individual programs.
  - K. Honors. Graduating LLM in Comparative Law candidates shall be eligible to receive academic honors in accordance with the following rules:
    1. 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;
    2. 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;
    3. 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;
    4. 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;
    5. Academic honors shall be awarded retrospectively to past LLM in Comparative Law graduates in accordance with Rules VI.K.1-4.
  - L. Benefits and Privileges. LLM in Comparative Law graduates shall receive all of the benefits and privileges accorded JD or LLM graduates of USD School of Law.
  - M. Concentrations. 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.

- N. Academic Rules Application. The Academic Rules of the University of San Diego School of Law shall apply to all LLM in Comparative Law candidates to the extent they are not inconsistent with these rules.

## **VII. MASTER OF LAWS IN INTERNATIONAL LAW**

The University of San Diego School of Law shall confer the degree Master of Laws (LLM) in International Law upon candidates who successfully complete the program prescribed therefore.

- A. Admission to Candidacy. Admission to candidacy for the Masters of Laws in International Law shall be limited to persons who (1) have obtained an LLB or JD degree from a U.S. law school and (2) graduated in the upper one-half of their class or otherwise establish those qualities which indicate an ability to pursue successfully and complete graduate law school work.
1. 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 Director.
- B. Limited Enrollment. 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 JD program.
- C. Course Credit and GPA Requirement. To receive the degree of Master of Laws in International Law, a candidate must successfully complete twenty-four (24) credits of approved course work (of which fifteen (15) credits must be in the international law field) with a cumulative average of 2.5 for all courses taken for the Master of Laws in International Law.
1. To receive credit for a course, a Master of Laws in International Law candidate must receive a minimum grade of 2.0 therein.
  2. 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
  3. 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.
  4. A minimum of fourteen (14) credits must be earned in the School of Law.
  5. The Director may authorize a candidate to take specifically approved graduate level courses outside the law school and to transfer the credit to the Master of Laws in International Law program.

- a. No more than six (6) credits of courses taken outside the 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 the law school. In no event may more than ten (10) credits taken outside the law school be applied toward the degree.
  - b. A grade of at least B or its equivalent 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.
- D. Required Courses. All candidates for the Master of Laws in International Law degree shall be required to take the following two (2) 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 (4) years of enrollment in the program. If the student is waived out of one or both requirements, he or she will not receive LLM credit for the class(es).
- E. Written Work Requirement. Each candidate for the LLM degree must satisfy a written work requirement by successfully completing two (2) papers for four (4) or more credits (all four (4) of which must be in international law), written either in a seminar or as independent study.
- F. Residency Requirement. 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. A student who is approved to receive transfer credit shall also receive the appropriate number of residence credits toward the Master of Laws in International Law degree.
- G. Time for Degree Completion. All requirements for conferral of the degree must be completed within four (4) years of enrollment in the program
- H. Academic Standing. 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 2.5, the candidate must consult with the Director. If, in any subsequent semester or summer session, the cumulative average of that candidate falls below 2.3, the candidate is academically disqualified subject to a right to petition for readmission. A Master of Laws in International Law candidate who completes, successfully or unsuccessfully, twenty-four (24) credits with an average of less than 2.5, but not less than 2.3, may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to 2.5.

- I. Director. 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.
- J. Honors. Graduating Master of Laws in International Law candidates shall be eligible to receive academic honors in accordance with the following rules:
  - 1. To receive any academic honors, an LLM in International Law graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses.
  - 2. Those students who graduate with a cumulative grade point average of at least 3.7 will receive a degree inscribed cum laude.
- K. Academic Rules Application. 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.

### **VIII. MASTER OF LAWS IN BUSINESS AND CORPORATE LAW**

The University of San Diego School of Law shall confer the degree Master of Laws (LLM) in Business and Corporate Law upon candidates who successfully complete the program prescribed therefore.

- A. Admission to Candidacy. Admission to candidacy for the Masters of Laws in Business and Corporate Law shall be limited to persons who (1) have obtained an LLB or JD degree from a U.S. law school and (2) graduated in the upper one-half of their class or otherwise establish those qualities which indicate an ability to pursue successfully and complete graduate law school work.
  - 1. 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 Director.
- B. Limited Enrollment. 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 JD program.
- C. Course Credit and GPA Requirement. To receive the degree of Master of Laws in Business and Corporate Law, a candidate must successfully complete twenty-four (24) credits of approved course work (of which fifteen (15) credits must be in the business and corporate law field) with a cumulative average of 2.5 for all courses taken for the Master of Laws in Business and Corporate Law.
  - 1. To receive credit for a course, a Master of Laws in Business and Corporate Law candidate must receive a minimum grade of 2.0 therein.

2. 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.
  3. 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.
  4. A minimum of fourteen (14) credits must be earned in the School of Law.
  5. The Director may authorize a candidate to take specifically approved graduate level courses outside the law school and to transfer the credit to the Master of Laws in Business and Corporate Law program.
    - a. No more than six (6) credits of courses taken outside the 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 the law school. In no event may more than ten (10) credits taken outside the law school be applied toward the degree.
    - b. A grade of at least B or its equivalent 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.
- D. Required Courses. 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 (4) 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.
- E. Written Work Requirement. Each candidate for the LLM degree must satisfy a written work requirement by successfully completing two (2) papers for four (4) or more credits (all four of which must be in business and corporate law), written either in a seminar or as independent study.
- F. Residency Requirement. 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. A student who is approved to receive transfer credit shall also receive the appropriate number of residence units toward the Master of Laws in Business and Corporate Law degree.
- G. Time For Degree Completion. All requirements for conferral of the degree must be completed within four (4) years of enrollment in the program.

- H. Academic Standing. 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 2.5, the candidate must consult with the Director. If, in any subsequent semester or summer session, the cumulative average of that candidate falls below 2.3, 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, successfully or unsuccessfully, twenty-four (24) credits with an average of less than 2.5, but not less than 2.3, may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to 2.5.
- I. Director. 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
- J. Honors. Graduating Master of Laws in Business and Corporate Law candidates shall be eligible to receive academic honors in accordance with the following rules:
  - 1. To receive any academic honors, an LLM in Business and Corporate Law graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses.
  - 2. Those students who graduate with a cumulative grade point average of at least 3.7 will receive a degree inscribed cum laude.
- K. Academic Rules Application. The Academic Rules of the University of San Diego School of Law shall apply to all Master of Laws in Business and Corporate Law candidates to the extent they are not inconsistent with these rules.

## **IX. MASTER OF SCIENCE IN LEGAL STUDIES**

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.

- A. Admission to Candidacy. Admission to candidacy for the Master of Science in Legal Studies shall be limited to persons who (1) 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 (2) 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. 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.
- B. Limited Enrollment. 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.

- C. Time for Degree Completion. All requirements for conferral of the degree must be completed within four (4) years of enrollment in the program.
- D. Director. A Director shall be appointed for the Master of Science in Legal Studies Program, whose duty it is to advise all candidates for the degree and to approve their individual programs.
- E. Course Credit and GPA Requirement. To receive the degree of Master of Science in Legal Studies, a candidate must successfully complete twenty-six (26) credits of approved course work.
1. 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 before electing courses.
  2. Each MSLS candidate must receive credit for at least two (2) courses from the first-year JD required curriculum, not including Legal Writing and Research and the Experiential Advocacy Practicum. Students may not elect the second semester of a two (2)-semester course unless they have completed the first semester of that course.
  3. 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.
  4. A minimum of sixteen (16) credits must be earned in the USD School of Law. The Director may authorize a candidate to take specifically approved graduate-level courses outside USD School of Law and to transfer the credit to the MSLS program.
    - a. No more than six (6) credits of courses taken outside the law school may be applied in satisfaction of the twenty-six (26) credit course requirement unless there are special circumstances in individual cases warranting additional credits. In no event may more than ten (10) credits taken outside the law school be applied toward the degree.
    - b. A grade of at least B or its equivalent must be achieved in any 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. Unless granted permission at the time of admission, candidates for the MSLS degree will be graded on an Honors/Pass/Low Pass/Fail basis.
- F. Residency Requirement. 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. A student taking eight (8) or fewer credits in a semester shall be considered a part-time student. A student who is approved to receive

transfer credit shall also receive the appropriate number of residence units toward the MSLS degree.

G. Academic Standing. To receive the degree of Master of Science in Legal Studies, a candidate must demonstrate mastery of the courses taken for the MSLS.

1. 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, successfully or unsuccessfully, twenty-six (26) credits without obtaining twenty-two (22) credits with a grade of Pass or better may enroll for only one additional semester or summer session in an attempt to earn sufficient credits graded Pass or better.
2. If granted permission at the time of admission to be graded on the letter-grade scale, candidates for the MSLS must successfully complete the appropriate coursework with an average of 2.0 for all courses taken for the MSLS degree.
3. If, at the end of the semester in which an MSLS candidate graded on the letter-graded scale completes, successfully or unsuccessfully, his or her first nine credits of the program, the candidate's cumulative average is below 2.3, the candidate must consult with the Director. If, in any subsequent semester or summer session, the cumulative average of that candidate falls below 1.7, the candidate is academically disqualified, subject to a right to petition for readmission. An MSLS candidate who completes, successfully or unsuccessfully, twenty-six (26) credits with an average of less than 2.0, but not less than 1.7, may enroll for only one additional semester or summer session in an attempt to raise the candidate's cumulative average to 2.0.

H. Honors. Graduating MSLS candidates granted permission at the time of admission to be graded on the letter-grade scale shall be eligible to receive academic honors in accordance with the following rules

1. 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;
2. 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;
3. 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;
4. To receive any academic honors, an MSLS graduate must have completed a minimum of twenty (20) letter graded credits in USD law courses.

- I. Academic Rules Application. The Academic Rules of the University of San Diego School of Law shall apply to all Master of Science in Legal Studies candidates to the extent they are not inconsistent with these rules.

**X. HONORARY DEGREES**

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

**XI. CONCURRENT JD/MBA DEGREE**

- A. Enrollment - JD Students. A student who enrolls first in the Law School may upon the completion of the courses required of first year part-time students (20 hours) and enrollment in the Graduate School of Business Administration (Concurrent-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 full-time students) Law School courses taken.
- B. Enrollment - MBA Students. 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 (twenty 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.
- C. Simultaneous Enrollment. A student who enrolls simultaneously in both schools may utilize either of the above procedures.
- D. Credit Hours - MBA. 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.
- E. Credit Hours - JD. 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.

- F. Prohibition on Retroactive Credit Transfer. 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 or her 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.
- G. Additional Concurrent Degrees. The faculty has also approved the following concurrent-degree programs: JD - MIB (Master in International Business) and JD - MIR (Master in International Relations).

## **XII. CONCURRENT JD/MA DEGREE IN PEACE AND JUSTICE**

- A. Enrollment – JD Students. A JD student who enrolls first in the Law School and completes the first year of the full-time or part-time program can enroll in the Kroc School of Peace Studies for academic credit as a concurrent degree candidate. Concurrent degree candidates must hold separate admissions to the Law School and to the Kroc School of Peace Studies. A concurrent degree candidate may request that up to six credits taken at the Kroc School apply toward the JD degree. Upon completion of the preliminary core in the Kroc School, a concurrent degree candidate may request that up to nine credits of upper-division course work taken at the Law School apply toward the MA degree.
- B. Enrollment – MA in Peace Studies Students. An MA student who enrolls first in the Kroc School of Peace Studies and completes the preliminary core requirement in that school can enroll in the Law School for academic credit as a concurrent degree candidate. Concurrent degree candidates must hold separate admissions to the Law School and to the Kroc School of Peace Studies. A concurrent degree candidate may request that up to nine credits of upper-division course work taken at the Law School apply toward the MA degree. Upon completion of the first year of the full-time or part-time JD program, a concurrent degree candidate may request that up to six credits taken at the Kroc School apply toward the JD degree.
- C. Simultaneous Enrollment. A student who enrolls simultaneously in both schools may utilize either of the above procedures.
- D. Prohibition on Retroactive Credit Transfer. 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 MA in Peace Studies would not be able upon subsequent enrollment in the Law School to obtain credit in the Law School for six hours of his or her MA work.

- E. Required Courses. Required courses for the JD degree must be completed at the Law School. Required courses for the MA degree must be completed at the Kroc School. The MA capstone project cannot count toward the JD degree upper-division written work requirement or experiential learning requirement.

### **XIII. 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 or her designate may, for good cause, permit a reduction in a first-year full-time student's course load to the number of credits prescribed for part-time students. In compelling cases, the Dean or his or her designate may permit a first-year part-time student to reduce his or her course load or may permit a first-year full-time student to reduce his or her course load below the number of credits prescribed for part-time 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. Without prior written permission of the Dean or his or her 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.
  - 1. Without prior written permission of the Dean or his or her 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. Auditing a Course. Practicing attorneys and graduates and students of other accredited law schools may apply to audit classes at the Law School. If there is space available in the classroom and the individual obtains the consent of the Dean's designee and the faculty member teaching the course, the individual may be permitted to audit the course.
  - 1. 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 or her in the classroom and he or she receives the written authorization of both the professor teaching the course and the Dean's designee. In deciding whether to grant authorization, the Dean's designee shall consider whether the individual has special qualifications such that he or she will offer a different perspective on or insight into the subject matter of the course and whether he or she is otherwise qualified to undertake the study of the course.
  - 2. An individual permitted to audit a course pursuant to this rule will not receive law school credit for his or her performance in the course. However, this shall not preclude his or 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 or she seeks the audit privilege;
  - b. He or 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 or her performance.
3. An individual 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; and (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.
  4. For the USD summer abroad programs, a student may change his or her status from Credit to Audit at any time before the scheduled final examination begins.

#### **XIV. ATTENDANCE AND PREPARATION**

- A. Class Attendance. 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. Class Preparation. 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. Attendance Policies. 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 XVI.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. Notice to Students. 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 0.4 or more, 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. Assistance from Administration. The Administration shall provide reasonable assistance to any instructor requiring attendance.
- F. Exclusion Allowed. The instructor may exclude a student even though his or her absences result from illness, or would otherwise be "excused" under our present system.
- G. Written or Oral Report. 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.

## **XV. SECTIONS**

- A. General Course Selection. Required courses must be taken in the year prescribed or in the summer session immediately preceding or immediately following such year.
- B. First Year Sections. Except for the first year part-time division, the sections in the entering class shall be limited to eighty-five (85) students per section. This number is to be a target number based upon a good faith effort to average eighty-five (85) students each year at time of admission.

## **XVI. GRADING**

- A. Grade Scale. Students are graded on the following grading scales:
  - 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: 4.3 is A+, 4.2 is A+, 4.1 is A, 4.0 is A, 3.9 is A, 3.8 is A-, 3.7 is A-, 3.6 is A-, 3.5 is A-, 3.4 is B+, 3.3 is B+, 3.2 is B+, 3.1 is B, 3.0 is B, 2.9 is B, 2.8 is B-, 2.7 is B-, 2.6 is B-, 2.5 is B-, 2.4 is C+, 2.3 is C+, 2.2 is C+, 2.1 is C, 2.0 is C, 1.9 is C, 1.8 is C-, 1.7 is C-, 1.6 is C-, 1.5 is C-, 1.4 is D+, 1.3 is D+, 1.2 is D, 1.1 is D, and 1.0 is F.
  - 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 1.7. 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. JD Grade Range. JD students are graded based on the following grade ranges:
  - 1. FIRST YEAR CLASSES: 20-25% of students must receive a grade in the range of 3.7 or above. 20-25% of students must receive a grade of 2.6 or below. 8-12% of students must receive a grade of 2.0 or below, and these students also count toward satisfying the requirement that 20-25% receive grades of 2.6 or below. The average (mean) of all of the grades in the class must be between 3.15 and 3.25. The distribution described above is mandatory for all classes except Legal Writing and Research, which will be graded pursuant to the grading system described in Academic Rule XVI.B.2., and Experiential Advocacy Practicum, which will be graded pursuant to the Honors/Pass/Low Pass/Fail grading system.
  - 2. UPPER YEAR CLASSES: 20-25% of students must receive a grade of 3.7 or above. 25-30% of students must receive a grade of 3.0 or below. No more than 8% of students

may receive a grade of 2.0 or below. The average (mean) of all grades in the class must be between 3.3 and 3.4. 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 Corporate Tax); however, the mean in such classes cannot exceed 3.6; 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 XVI.B.1. or Rule XVI.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. Students grades are based on the following:

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 up to 0.3 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 0.3.
  - 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, MSLS or Diploma candidates than is required of other students in a course.
  - b. LLM, MSLS and Diploma candidates shall be graded using the same standards the law school uses in grading course work of students in its JD degree program, but are not included in the JD Grade Range (curve) requirements.

#### 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. 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 or her 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 or she retains a copy of each paper.
4. All documents described in sub-section 3 above 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 2.4 at the end of his or her first year and at the end of each semester thereafter, subject to the exceptions in Section XVII.
  - b. 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 XIX.D.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. The school-wide deadline for Law School communication of Fall Semester grades to students is the third Monday of the Spring Semester.

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

A. Academic Disqualification at End of First Year

1. A student who completes their first year with a cumulative average below 2.4 is academically disqualified.
2. A student who completes their first year with a cumulative average of at least 2.2 but below 2.4 is academically disqualified, but may petition for readmission. A student who is granted readmission pursuant to such a petition will be subject to academic probation effective immediately.
3. A student who completes their first year with a cumulative average below 2.2 is academically disqualified with no opportunity to petition for readmission.

4. After one (1) year from the date 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 as Upper-Division Student

1. A student is academically disqualified without opportunity to petition for readmission if the student is subject to academic probation and fails to bring their cumulative average to 2.4 or above by the conclusion of the next semester after beginning probationary status.
2. After one (1) year from the date 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.

C. Academic Probation.

1. A student is subject to academic probation if they have a cumulative average of less than 2.4 at any point after the second semester of the first year, except for those students subject to academic disqualification pursuant to Rules XVII.A. or XVII.B.
2. A student on academic probation has one semester (or, if the student's cumulative average falls below 2.4 at the conclusion of a spring semester, the following summer term and fall semester) to bring their cumulative average to 2.4 or above. If the student fails to bring their cumulative average to 2.4 or above by the conclusion of the next semester after beginning probationary status, the student is academically disqualified without the opportunity to petition for readmission.
3. A student on academic probation:
  - a. Is disqualified from participating as an officer in any campus organization.
  - b. Should minimize time devoted to outside activities.
  - c. Must seek counseling by the administration with respect to course selection, employment and activities.
  - d. 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 Vice Dean, which will normally include Corporations, Criminal Procedure I, Evidence, Professional Responsibility, Remedies, UCC: Sales, Tax I, Civil Procedure (for part-time students), and Constitutional Law (for part-time students). The administration is not obligated to offer all of these courses in any particular semester.

D. Petitions for Readmission.

1. Petitions for readmission will be considered by the Readmissions Committee in accordance with established readmission review processes and guidelines. Generally, petitions for readmission will not be granted.

**XVIII. CURRICULUM**

A. Changes to the Curriculum.

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 XVIII.A.2, above.

B. Required Curriculum.

1. The required curriculum for full-time first-year students consists of one-semester, four-credit courses in Civil Procedure, Constitutional Law I, Contracts, Criminal Law, Property, and Torts; a two-credit course in Legal Writing and Research in the Fall semester and a two-credit course in Legal Writing and Research in the Spring semester; and a one-credit Experiential Advocacy Practicum course in the Fall semester and a one-credit Experiential Advocacy Practicum course 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.

2. Part-time students take the same curriculum specified in subparagraph 1 above, except that they take two of the 4-unit courses specified above and the Experiential Advocacy Practicum course in their second year of studies.
3. Other required courses, taken by all students in the upper years, are Professional Responsibility and Tax I.

In addition, as a condition of graduation, in the final year of law study each student must take and complete with a passing grade a 4-unit course covering the subjects of the multistate bar examination and a 2-unit course covering the essay portion of the bar examination; provided, however, that

(a) both requirements shall be waived for students who complete their second year of law study (or third year, for part-time students) with a cumulative grade point average of 3.4 or above; and

(b) the Dean may waive either or both requirements for a particular student upon showing of exceptional circumstances applicable to that student, including that the student does not intend to take a bar examination in the United States.

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 Legal Writing and Research, 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.

## **XIX. EXAMINATIONS**

### **A. Regular Examinations**

1. Examinations are given under the Honor System, and are graded anonymously.
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 or her 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 full-time division shall be given in the day and examinations of the part-time 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 full-time and part-time divisions by the same professor, examinations will, whenever the administration finds it feasible, be given in the evening at the same time.
- B. Make-up Examinations. A faculty member may give the same examination as a make-up examination that he gave to the rest of the class.
- C. Examinations for Multiple Sections. The instructor shall have discretion as to whether the same examination will be used by him or her for multiple sections of the same course taught by him or her when the examinations are given at different times on the same day, provided the instructor announces to his or her classes, prior to the last day of classes, that (a) he or she may be using the same examination questions in those sections and (b) full-time and part-time students are not to discuss the examination questions before those sections 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 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 consenting to the re-examination or writing of the new paper. 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 XIX.D. Any student may register for and retake any course in which he or she received a grade of less than 2.3. 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 or 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 1.7. 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 1.2. 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.
- G. Release of Examinations. 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.

## **XX. COMMITTEE ON STUDENT PETITIONS**

- A. Committee Composition. 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. Comments. 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. Affirmative Voting. 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. Denial and Appeal. 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 or her first petition. The Dean, however, may request Committee reconsideration of its decision adverse to an academically disqualified student's petition.
- E. Rules of Procedure. 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. Administrative Decisions – Appeal. 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.

## **XXI. CALENDAR**

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

## **XXII. SMOKING**

- A. No Smoking in Buildings. 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 in Classrooms. No smoking is permitted in the classrooms. (University rule.)

## **XXIII. ENFORCEMENT OF ACADEMIC RULES**

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.

## **XXIV. WAIVER AND DEAN'S DESIGNEE**

- A. Academic Rules – Waiver. When the application of a provision of these Academic Rules will result in severe and unusual hardship, the Dean or his or her designate may waive it, except that he shall not have authority to waive any graduation requirements.
- B. Dean's Designee. The Dean may designate another person to provide the written permissions required by these rules.

## **XXV. TRANSCRIPT**

- A. Grades and Class Rank. 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 25 percent of the class, the student's class rank as computed at the end of each fall or spring semester; the final transcript for students in the top 25 percent of the class will also contain the student's graduating class rank and an indication of honors received. The law school will separately provide information about the grade point average cut offs for the top 10 percent, top 25 percent, top third and top half of the class.

- B. Honor Code. 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**

### Changes as made by a vote of the faculty in September 2020

1. Effective in the Fall 2020 semester, eliminated rule XVI(F)(2) to allow for earlier deadline for submission of fall grades.

### Changes as made by a vote of the faculty in April 2020

1. In response to the COVID-19 pandemic, regular grading rules were suspended for the Spring 2020 semester in lieu of a mandatory Pass/No Credit grading system, except for courses in which grades were previously posted for courses completed early in the semester. Courses which were originally designated as letter-graded will still count toward the letter-graded credit requirement set forth in Academic Rule I.C.1. The Academic Rules themselves were not amended as a result of this vote, as suspension of regular grading rules was approved only as a temporary measure.

### Changes as made by a vote of the faculty in May 2019

1. Amend rules related to academic disqualification (change cutoff to 2.4) and increase associated GPA cutoffs by 0.2, including probation, etc.
2. Amend Rules I.M.1., I.M.2, and I.M.3. related to First Year Academic Supervision, Second Year Academic Supervision, and Third Year Academic Supervision, including Legal Writing and Research GPA calculation and schedule submission requirement.
3. Amend Rule VIII.B.3.a. to require all students to take two bar courses (currently MBE Review and Fundamentals of Bar Exam Writing) if GPA is below 3.4 at conclusion of second year.
4. Administrative cleanup of: I.B., IV.D. and XIV.B.1.

### Changes as made by a vote of the faculty in December 2018

1. Effective in the Fall 2018 semester, the JD grade range in Academic Rules XVI.B.1. and XVI.B.2. has been increased by 0.2.
2. Effective with entering class of 2019, increase in minimum GPA cutoff for students subject to Second Year and Third Year Academic Supervision rules.

### Changes as made by a vote of the faculty in May 2018

1. Effective with entering class of 2018, students entering their last year of study with a GPA lower than 3.3 will be required to enroll and earn a passing grade in a two-unit course covering the essay portion of the bar examination.
2. Amend rules related to Academic Disqualification, Probation, and Readmission, including increase in GPA cutoff.

### Changes as made by a vote of the faculty in February 2018

1. Amended Rule XVI.B. to apply to JD students only. Non-JD students will not be subject to the

JD curve but will be graded along with and by the same standards as JD students in the course.

Changes as made by a vote of the faculty in December 2016

1. Amendment of Rule XVI.B.1. to include reference to Experiential Advocacy Practicum grading.

Changes as made by a vote of the faculty in May 2016

1. Addition of rules due to approval of concurrent JD/MA Degree in Peace and Justice.
2. Amend rules to reflect addition of Experiential Advocacy Practicum as required course (increase total required credits, update required curriculum, etc.)
3. Amend rules to reflect additional changes due to revised graduation criteria for the following programs (as approved in February 2016): LLM in Business and Corporate Law, General LLM, LLM in International Law, LLM in Taxation, and Diploma in Taxation. Changes include removal of one course disregard option and adjusted GPA threshold requiring academic meeting.
4. Amend rules related to Academic Supervision for clarity and to better reflect administrative practices.
5. Amend leave of absence rule.

Changes as made by a vote of the faculty in March 2016

1. Amend rule relating to professional skills course requirement to reflect change to experiential learning course(s) requirement.

Changes as made by a vote of the faculty in February 2016

1. Amend rule relating to employment while in school to discourage rather than prohibit full-time students engaging in remunerative employment for more than 20 hours per week.
2. Amend rule relating to transcripts to reflect updated honors criteria.
3. Change to graduation/completion requirements (minimum GPA) for the following programs: LLM in Business and Corporate Law, General LLM, LLM in International Law, LLM in Taxation, and Diploma in Taxation.

Changes as made by a vote of the faculty in November 2015

1. Amend honors degrees criteria to award cum laude to top 25%, magna cum laude to top 10%, and summa cum laude to top 2% of graduating class (from 15%, 5%, top student). Further amended to remove retroactive application of honors degrees, with one exception approved by faculty vote: retroactive application of new honors policy will be applied to graduating class of 2015 only.

Changes as made by a vote of the faculty in May 2015

1. Director of the Graduate Tax Program authorized to add additional required courses or remove required courses upon consultation with the Dean.
2. Upper division writing requirement expanded to include additional approved types of writing in

the definition of “writing course” that can meet the writing requirement.

3. Update to General Master of Laws rules to reflect specific changes to concentration in intellectual property, including: increase in credits required in intellectual property subject area to earn said concentration; and ability to earn advanced standing credit toward the General Master of Laws intellectual property concentration while enrolled as a JD candidate.

#### Changes as made by a vote of the faculty in April 2015

1. Revision to update courses required for Master of Laws in Taxation degree.

#### Changes as made by a vote of the faculty in March 2015

1. Increase in minimum GPA cutoff for students subject to Academic Supervision rules for First Year, Second Year, and Third Year. Increase in minimum GPA required to avoid Academic Disqualification at the end of first year and probation in subsequent semesters.

2. Effective with entering class of 2015, students entering their last year of study with a GPA lower than 3.3 will be required to enroll and earn a passing grade in the Multistate Bar Exam Review course.

#### Changes as made by a vote of the faculty in January 2015

1. Option for advanced standing admission to or transfer credit toward JD program approved for students or graduates of accredited international law schools.

2. Tax I approved as either three-credit or four-credit course, either of which would fulfill the Tax I JD degree requirement.

#### Changes as made by a vote of the faculty in November 2014

1. Rules pertaining to LLM admission criteria revised to remove requirement that a candidate’s JD degree be from an ABA-accredited law school.

2. New decile grading scale approved effective Fall 2015. Grading scale will include decile and corresponding letter grades as follows: 4.3 is A+, 4.2 is A+, 4.1 is A, 4.0 is A, 3.9 is A, 3.8 is A-, 3.7 is A-, 3.6 is A-, 3.5 is A-, 3.4 is B+, 3.3 is B+, 3.2 is B+, 3.1 is B, 3.0 is B, 2.9 is B, 2.8 is B-, 2.7 is B-, 2.6 is B-, 2.5 is B-, 2.4 is C+, 2.3 is C+, 2.2 is C+, 2.1 is C, 2.0 is C, 1.9 is C, 1.8 is C-, 1.7 is C-, 1.6 is C-, 1.5 is C-, 1.4 is D+, 1.3 is D+, 1.2 is D, 1.1 is D, and 1.0 is F. Updates made throughout rules to replace references to letter-grade requirements and to clean up references to numerical GPA requirements, including limitation on grade changes based on participation points to maximum 0.3 per student.

#### Changes as made by a vote of the faculty in October 2014

1. General “clean up” rule changes pertaining to the LLM and MS in Legal Studies programs, including:

- a. Addition of residency requirement where inconsistent;
- b. Clarification of credit “completion” in relation to academic standing;
- c. Clarification of remediation time clock in relation to unsatisfactory academic standing;

- d. Clarification of timing related to application of one course disregard option;
  - e. Addition of academic honors requirement where inconsistent;
  - f. Addition of one course disregard option where inconsistent;
  - g. Additions to clarify eligibility criteria and process and timing for transfer from Diploma in Taxation to LLM in Taxation program;
  - h. Removal of outdated and obsolete references;
  - i. Grammatical, numbering and stylistic improvements.
2. Clarification to auditor rules to reflect that current students are not contemplated as auditors.

Changes as made by a vote of the faculty in April 2014

1. Dean has discretion to extend 30 month limit for carry-forward of prior USD credits toward LLM in Comparative Law degree.

Changes as made by a vote of the faculty in December 2013

1. Full-time first year curriculum revised to balance first and second semesters with three 4-credit doctrinal courses and 2 credits of Legal Research and Writing per semester. Part-time first year curriculum revised to balance first and second semesters with two 4-credit doctrinal courses and 2 credits of Legal Research and Writing per semester, followed by two additional 4-credit doctrinal courses required in the second year.

Changes as made by a vote of the faculty in April of 2013

1. Students may prepare written work for the San Diego Journal of Climate and Energy Law under the supervision of a faculty member (as is done with SDLR and SDILJ) and receive up to two credits for a comment and one credit for a casenote.
2. Academic credit for journal editorial work or membership on a journal board will not be allowed after the spring 2014 semester.
3. All students competing in a faculty-supervised, inter-school moot court competition are eligible for one unit of academic credit.
4. Students may take no more than four credits of Mock Trial during their tenure at USD.
5. Students who take and complete a semester within the USD Washington D.C. externship program are eligible to petition for an exception to the number of pass/fail credits applied to the overall graded-credit graduation requirement.
6. The thesis option for graduate/LLM students is eliminated.

### Changes as made by a vote of the faculty in October and November 2012

1. A renumbering of the entire set of rules.
2. The addition of titles for most major rules.
3. An enhanced table of contents for easier reference.
4. The transfer of tuition rules, administrative interpretations, recommendations and other “comments” to a new document: *Administrative Policies and Procedures (APP)* to be kept by the Dean’s Office and provided to students each year.
5. The clarification of the requirement that in order for JD students to graduate they must have achieved at least a 2.0 in their final semester.
6. Removal of the “faculty governance” section for placement in separate document.
7. Elimination of references to “section” numerical requirements and unused lottery system for impacted sections.
8. Clarification that all examinations and graded papers must be kept by a professor for one year.
9. General “clean up” rule changes including:
  - a. Making this new version of the rules applicable to students who entered the law school in the Fall of 2009 or after (rather than 2004).
  - b. Changing “joint degree” to “concurrent degree” to accurately reflect how students participate in two programs at once.
  - c. Changing references from “day” and “evening” students to “full-time” and “part-time” students.
  - d. The removal of outdated and obsolete references.
  - e. Grammatical, numbering and stylistic improvements.
10. November 2012: LLMT and LLMC students may transfer in 12 credits of law school courses taught internationally at partner institutions by a USD law school faculty member.

### Changes as made by a vote of the faculty in April 2012

- All references to “Lawyering Skills” are now “Legal Writing and Research”
- I.C.4.c. with reference to the “perspectives” requirement for the LLM has been eliminated.
- Legal Writing and Research, LLMC course is now two credits.
- Students who, for the Spring 2013 semester, enroll in and complete the USD Washington D.C. Externship program may petition for additional pass/fail credits toward graduation.

### 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 grade point average, 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

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.