



# STUDENT HANDBOOK AND CATALOG 2020-2021

**Some provisions of this Handbook have been temporarily modified by the LMU Duncan School of Law Policies for Facilities and Programming, Fall 2020. Those policies, which are designed to mitigate the risks associated with COVID-19, are set forth in a separate document.**

**The Duncan School of Law reserves the right to alter or amend any portion of this Handbook, at any time, with or without notice.**

I.	MISSION AND PURPOSE OF LINCOLN MEMORIAL UNIVERSITY .....	6
II.	INSTITUTIONAL GOALS OF THE UNIVERSITY .....	6
III.	LAW SCHOOL MISSION STATEMENT AND PROGRAMMATIC LEARNING OUTCOMES .....	7
A.	Duncan School of Law Mission Statement .....	8
B.	Programmatic Learning Outcomes .....	8
IV.	HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT .....	10
V.	CAMPUS FACILITIES .....	11
A.	Guidelines for Building and Equipment Usage.....	11
B.	Lockers .....	12
C.	Lost and Found.....	12
D.	Student Lounge .....	12
E.	Mail .....	12
F.	Pets .....	12
G.	Parking .....	12
H.	Tobacco-Free Policy .....	13
VI.	TUITION AND FEES .....	14
VII.	ADMISSIONS AND FINANCIAL AID.....	15
A.	Admissions.....	15
B.	Financial Aid.....	15
VIII.	POLICY REGARDING CHANGING STUDENT STATUS.....	16
IX.	ATTENDANCE REQUIREMENTS.....	17
X.	CREDIT HOUR POLICY .....	19
A.	Scheduling.....	19
B.	Determining Credit Hours for Proposed Courses .....	20
C.	Compliance with Credit Hour Policy .....	20
XI.	PRO BONO REQUIREMENT.....	21
XII.	WORK POLICY.....	22
XIII.	CURRICULUM.....	22
A.	First-Year Curriculum .....	24
B.	Upper-Level Curriculum .....	25
C.	Upper-Level Writing Requirement .....	25
D.	Experiential Learning Requirement .....	27
E.	Full-Time Program.....	28

F.	Flex-Time Program .....	29
G.	Course Listings.....	30
1.	First-Year Required Courses.....	30
2.	Upper-Level Required Courses.....	30
3.	Upper-Level Electives .....	30
H.	Course Auditing .....	32
XIV.	COURSE DESCRIPTIONS.....	33
A.	First-Year Required Courses .....	33
B.	Upper-Level Required Courses .....	37
C.	Elective Courses .....	41
XV.	EXTERNSHIP PROGRAM .....	58
XVI.	ENROLLMENT STATUS .....	58
A.	Academic Probation .....	58
B.	Involuntary Academic Dismissal .....	59
C.	Requests for Readmission .....	60
D.	Withdrawal from Courses .....	61
E.	Leaves of Absence .....	62
F.	Reenrollment after Voluntary Withdrawal.....	62
G.	Repeating Courses.....	63
H.	Refusal to Enroll by the School of Law .....	63
XVII.	WAIVER OF ACADEMIC RULES .....	64
XVIII.	CODE OF ACADEMIC INTEGRITY.....	64
A.	Article 1. Obligation of the Law Student .....	65
B.	Article 2. Violations of the Obligation.....	65
C.	Article 3. Academic Integrity Committee .....	69
D.	Article 4. Initiation of Disciplinary Proceedings .....	69
E.	Article 5. Preliminary Investigation and Resolution.....	73
F.	Article 6. Full Hearing .....	74
G.	Article 7. Sanctions .....	77
H.	Article 8. Appeal .....	79
I.	Article 9. Plea Agreements.....	79
J.	Article 10. Notice and Service .....	80
K.	Article 11. Reserved Powers .....	80
XIX.	STUDENT CODE OF CONDUCT .....	81

Article 1. Obligation of the Law School .....	81
Article 2. Violations of the Obligation .....	81
Article 3. Student Conduct Committee .....	84
Article 4. Initiation of Disciplinary Proceedings .....	85
Article 5. Preliminary Investigation.....	89
Article 6. Full Hearing .....	90
Article 7. Committee Determination.....	93
Article 8. Sanctions .....	95
Article 9. Appeal.....	97
Article 10. Plea Agreements .....	97
Article 11. Notice and Service .....	98
Article 12. Reserved Powers.....	99
XX. ACCREDITATION .....	99
A. University Regional Accreditation.....	99
B. Duncan School of Law Accreditation .....	100
XXI. GRADING POLICIES.....	100
A. Mandatory Grade Distribution .....	100
B. Grading System .....	101
XXII. ACADEMIC GRIEVANCE PROCEDURES .....	103
A. Procedure for a Non-Grade Related Academic Grievance .....	103
B. Academic Grievances Seeking Grade Changes .....	104
C. American Bar Association Student Complaint Policy .....	106
XXIII. FERPA .....	112
XXIV. CLASS RANK POLICY .....	112
XXV. ACADEMIC HONORS.....	113
A. Dean’s List .....	113
B. Graduation Honors .....	113
XXVI. SCHOOL OF LAW EXAMS .....	114
XXVII. TRANSFER STUDENTS.....	114
A. Credit Earned at Another Law School after Enrollment at the School of Law:..	114
B. Transferring Grades.....	115
C. Distinction from Pass/Fail Credit.....	116
XXVIII. STUDENT ORGANIZATIONS.....	116
1) Alternative Dispute Resolution .....	116

2)	American Constitution Society .....	116
3)	Amicus .....	116
4)	Anti-Trafficking Advocacy Club .....	117
5)	Black Law Students Association.....	117
6)	Christian Legal Society .....	117
7)	Criminal Law Society.....	117
8)	Environmental Law Society .....	118
9)	Faculty-Selected Peer Leader Program .....	118
10)	Family Law Society .....	118
11)	Federalist Society .....	118
12)	Immigration Law Society.....	118
13)	Law Review.....	119
14)	LMU Law Mentors.....	119
15)	Mock Trial Board.....	119
16)	Moot Court Board .....	119
17)	OUTLaw.....	120
18)	Phi Alpha Delta Law Fraternity .....	120
19)	Ski, Snowboard, & Outing Club .....	120
20)	Sports & Entertainment Law Society.....	120
21)	Student Bar Association .....	121
22)	Veterans Law Society (VLS) .....	121
23)	Women of Law Society.....	121
XXIX.	LAW LIBRARY .....	121
XXX.	STUDENTS WITH DISABILITIES .....	122
XXXI.	FIREARMS AND WEAPONS .....	122
XXXII.	DRUGS ON CAMPUS.....	123
XXXIII.	CLASS CAPTURE & PODCASTING .....	123
XXXIV.	COMPUTER USAGE .....	124

APPENDIX (pgs. 126-134)

- ACADEMIC CALENDAR 2020-2021
- GRADUATION REQUIREMENTS CHECKLIST
- STUDENT COMPLAINT FORM IMPLICATING ABA STANDARDS
- STUDENT COMPLAINT FORM FOR MATTERS REGARDING SAFETY;  
FACULTY, STAFF OR STUDENT CONDUCT; DISCRIMINATION; AND/OR  
HANDBOOK/POLICY VIOLATIONS
- LINCOLN MEMORIAL UNIVERSITY BOARD OF TRUSTEES AND  
ADMINISTRATION
- DUNCAN SCHOOL OF LAW ADMINISTRATION, FACULTY, STAFF AND  
ADJUNCT FACULTY

## **I. MISSION AND PURPOSE OF LINCOLN MEMORIAL UNIVERSITY**

Lincoln Memorial University is a comprehensive values-based learning community dedicated to providing quality educational experiences at the undergraduate, graduate, and professional levels.

The University strives to give students a foundation for a more productive life by upholding the principles of Abraham Lincoln's life: a dedication to individual liberty, responsibility, and improvement; a respect for citizenship; recognition of the intrinsic value of high moral and ethical standards; and a belief in a personal God.

While primarily committed to teaching, the University supports research and service. The University's curriculum and commitment to quality instruction at every level are based on the beliefs that graduates must be able to communicate clearly and effectively in an era of rapidly and continuously expanding communication technology, must have an appreciable depth of learning in a field of knowledge, must appreciate and understand the various ways by which we come to know ourselves and the world around us, and must be able to exercise informed judgments.

The University believes that one of the major cornerstones of meaningful existence is service to humanity. By making educational, service, and research opportunities available to students, Lincoln Memorial University seeks to improve life for the students it serves. While serving students from throughout the state, nation, and many other countries, the University retains a commitment to enrich the lives of people and communities in the Appalachian region.

## **II. INSTITUTIONAL GOALS OF THE UNIVERSITY**

Lincoln Memorial University is a private, independent, non-sectarian University with a clearly defined mission that distinguishes it from other educational institutions. While the University cherishes its heritage and rich traditions, it recognizes that dynamic growth and change are required to meet the needs of today's students. The University has identified the following institutional goals, which are derived from its mission and reflect its vision for the future:

1. Make educational opportunities available to all persons without reference to social status. The University seeks to strengthen student recruitment and retention by fostering an academic and social environment that facilitates success and rewards achievement.
2. Maintain fiscal integrity in all University activities, programs and operations through efforts to increase endowment and financial standing.

3. Provide quality educational experiences that have their foundation in the liberal arts and professional studies, promote high personal standards and produce graduates with relevant career skills to compete in an ever-changing, increasingly global society.
4. Advance the Cumberland Gap and Appalachian regions through community service programs in continuing education, healthcare, leadership development, recreation and the fine and performing arts.
5. Serve as a critical educational, cultural, and recreational center for the area, and to develop and maintain facilities, which are safe, accessible, and conducive to the development of body, mind, and spirit.
6. Attract and retain a diverse and highly qualified faculty and staff, committed to teaching, research and service.
7. Commit resources to support the teaching, research and service role of the Institution.
8. Support faculty and staff development programs with priority for allocation of resources determined by institutional needs.
9. The University seeks to continuously improve its technological resources for faculty, staff, and students in all academic programs regardless of where or how programs are delivered.
10. Develop and implement academic programs in response to anticipated or demonstrated educational need, and to continuously evaluate and improve the effectiveness of current programs.
11. Provide a caring and nurturing environment where students, faculty, and staff with varied talents, experiences and aspirations come together to form a diverse community that encourages students to grow intellectually and personally to meet their academic and career goals.
12. Provide quality educational opportunities through selected degree programs for students who live or work a significant distance from the Lincoln Memorial University main campus, and for whom other options are not as accessible or satisfactory.

### **III. LAW SCHOOL MISSION STATEMENT AND PROGRAMMATIC LEARNING OUTCOMES**

The Lincoln Memorial University Duncan School of Law is located in the Old City Hall Building (601 W. Summit Hill Dr.) in downtown Knoxville, Tennessee.



## **A. Duncan School of Law Mission Statement**

The mission of the Lincoln Memorial University Duncan School of Law is:

1. To provide legal educational opportunities for the people of the underserved regions of the United States.
2. To offer solid, competent, practice-focused, legal education to students of widely disparate socio-economic and ethnic backgrounds with the goal that those students will successfully pass the Bar and with the thought that those students will return to and serve those communities from which they originate.
3. To prepare lawyers for careers in law that enable them to address the underserved legal needs of Appalachia and other underserved regions.

## **B. Programmatic Learning Outcomes**

ABA Standard 302 states:

“A law school shall establish and publish learning outcomes that shall, at a minimum, include competency in the school:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.”

The LMU Law School faculty has adopted the following learning outcomes:

### **(1) Knowledge and Understanding of Substantive and Procedural Law [302(a)]**

Upon graduation, students will have demonstrated achievement of this outcome by:

- Objective 1 Identifying, describing, and interpreting the fundamental terms, rules, and principles of law in: Civil Procedure, Torts, Contracts, Property, Criminal Law, Constitutional Criminal Procedure, Evidence, Constitutional Law, Professional Responsibility, Wills, Trusts and Estates, Business Organizations, Domestic Relations, Conflicts of Law, Secured Transactions, and other areas of substantive and procedural law within any elective, non-skills course.

Objective 2 Identifying and distinguishing the sources of law governing each major content area and recognizing the relationship of these sources of law to each other.

**(2) Legal Analysis and Reasoning Skills [302(b)]**

Upon graduation, students will have demonstrated achievement of this outcome by:

Objective 1 Recognizing the legal issues implicated by case-based or hypothetical fact scenarios.

Objective 2 Applying relevant legal rules and principles to case-based or hypothetical fact scenarios.

Objective 3 Using both law and facts to resolve the legal issues implicated by case-based or hypothetical fact scenarios.

**(3) Legal Research Skills [302(b)]**

Upon graduation, students will have demonstrated achievement of this outcome by:

Objective 1 Identifying and assessing the weight of authority.

Objective 2 Displaying knowledge of the fundamental tools of legal research.

Objective 3 Developing and executing an effective and efficient research strategy.

**(4) Communication Skills [302(b)]**

Upon graduation, students will have demonstrated achievement of this outcome by:

Objective 1 Speaking in a clear, concise, logical, well-organized, professional manner that is appropriate to the audience and the relevant legal context.

Objective 2 Writing in a clear, concise, logical, well-organized, professional manner that is appropriate to the audience and the relevant legal context.

**(5) Professional Responsibility, Ethics, and Diversity Awareness [302(c), 302(d)]**

Upon graduation, students will have demonstrated achievement of this outcome by:

Objective 1 Exhibiting the attributes required of lawyers, such as diligence, integrity, and involvement with the community and the profession.

- Objective 2 Using knowledge of both the rules of professional responsibility and the skills of the legal profession to conduct themselves in an ethical and professional manner.
- Objective 3 Expressing awareness of the impact of the legal system on diverse populations, such as those of different genders, racial and ethnic groups, and socioeconomic classes.
- Objective 4 Serving the community, including rendering meaningful law-related services to persons of limited means or to organizations serving such persons.

**(6) Professional Skills [302(d)]**

Upon graduation, students will have demonstrated achievement of this outcome by:

- Objective 1 Exhibiting the skills of an effective advocate, such as negotiation, collaboration, trial practice, and appellate practice.
- Objective 2 Identifying and effectively engaging in both formal and informal dispute resolution processes.
- Objective 3 Drafting, revising, and interpreting documents used in legal practice.
- Objective 4 Displaying knowledge of the skills and responsibilities essential to solo and small firm legal practice, such as business planning, office management, and the establishment and maintenance of client trust accounts.

#### **IV. HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT**

Lincoln Memorial University prohibits discrimination on the basis of race, color, ethnicity, religion, sex, national origin, age, ancestry, disability, veteran status, sexual orientation, marital status, parental status, gender, gender identity, gender expression, and genetic information in all University programs and activities. Lincoln Memorial University prohibits retaliation against any individual for 1) filing, or encouraging someone to file, a complaint of discrimination; 2) participating in an investigation of discrimination; or 3) opposing discrimination. “Retaliation” includes any adverse action or act of revenge against an individual for filing or encouraging someone to file a complaint of discrimination, participating in an investigation of discrimination, or opposing discrimination. The Office of Institutional Compliance investigates allegations of prohibited discrimination, harassment, and retaliation involving members of the LMU community.

LMU is committed to providing an environment free of all forms of discrimination, including gender or sex-based discrimination. All LMU employees are Mandatory Reporters; this means that if you inform any LMU employee of a situation that may involve

sexual misconduct, including sexual harassment, sexual assault, stalking, domestic violence, dating violence, or any other form of prohibited gender or sex based discrimination, the employee is required to report the information to the Title IX Coordinator. If you would like to speak with an individual who does not have this obligation, confidential counseling is available to students free of charge through the LMU Office of Mental Health Counseling. Law students desiring confidential counseling are encouraged to contact Julie Lamb, LPC-MHSP, at [julie.lamb@lmunet.edu](mailto:julie.lamb@lmunet.edu) or (865) 538-5699, or schedule an appointment online at <https://www.lmunet.edu/counseling/index.php>.

If you have experienced discrimination and would like make a report to the University, contact Jeana Horton, Title IX Coordinator/Institutional Compliance Officer, by email at [titleix@LMU.net](mailto:titleix@LMU.net), or by phone at (423) 869-6618. Ms. Horton has an office in Room 249 of the Law School, as well as on the main campus in Harrogate.

Help and support is available. LMU offers support to help individuals navigate campus life, access health and counseling services, and obtain academic and/or housing accommodations. For more information about resources available on and off campus, and to view the Harassment, Discrimination, and Sexual Misconduct Policies, visit <http://www.lmunet.edu/titleix>.

## V. CAMPUS FACILITIES

The School of Law's facility is a wonderful asset. First built prior to the Civil War, the building has served many purposes over the years. Properly cared for, it will be a valuable resource and a source of pride for LMU and its friends and alumni for a very long time.

### A. Guidelines for Building and Equipment Usage

1. Furniture Set-ups in Classrooms and Public Areas: The building is furnished with high-quality tables, chairs and casual seating. Please take care of them. Maintain appropriate furniture arrangements in classrooms and keep the public areas free of tables, chairs, etc. that are not being used. If it is necessary to rearrange the furniture in a classroom for a particular purpose, please move it back to its original configuration when finished.
2. Tables and Stack Chairs: Tables and chairs are available for activities sponsored by officially recognized law student organizations. If you need tables or chairs, please contact the Assistant Dean for Student and Career Services. Please do not sit on the tables.
3. Announcements, Notices, etc.: Notices of meetings, events, or other signs should be posted only on bulletin boards and easels. To post an announcement digitally, please contact the Assistant Dean for Student and Career Services. Easels are also available, but please return them promptly when you are finished with them. Notices should not be posted on walls, woodwork, or pillars in any of the classrooms or Law Library. Notices posted on restricted areas will be removed.

## **B. Lockers**

Student lockers are located on the lower level of the School of Law. All new students will be able to request a locker at the start of the school year. Students will keep the same locker for the entire year but must remove their belongings before leaving for the summer. Lockers may be reassigned each August to upper level students dependent upon availability. Each student should understand that his/her locker is subject to random searches for items prohibited by the University, the School of Law, state, and federal law. By using a locker, each student waives his/her right to privacy to items within the locker. Items that remain in lockers after May 31, 2021, will be subject to disposal at the discretion of the School of Law.

## **C. Lost and Found**

Students should check for lost items at the receptionist desk.

## **D. Student Lounge**

There is a student lounge located on the first floor of the School of Law. Tables and chairs, microwave ovens, coffeemakers, a toaster, and refrigerators are provided so that students may eat in the lounge. A vending area is also located in the lounge. Students are responsible for ensuring that the lounge remains tidy after its use.

## **E. Mail**

Students may not receive U.S. mail addressed to them at the School of Law. Any mail sent to a student in care of the School of Law will be returned to the sender.

## **F. Pets**

For the safety of faculty, staff, students, parents, and visitors to the School of Law campus, all pets must be on a leash or lead. Those in violation of this rule will be asked to leave campus by Security or by individual members of the Duncan School of Law community.

Because of potential safety and other problems, the School of Law cannot allow pets in any working areas at any time. If you observe any pets in any working area at any time, please immediately notify the supervisor or law school personnel in charge of the work area at that time.

## **G. Parking**

Parking is available for a fee of \$370 per semester on a first-come/first-serve basis. Students may sign up for parking with the Assistant Dean of Student and Career Services.

Students will be assigned parking, subject to availability, at the following parking lots/garages:

- Walnut Street (Langley) Garage at the corner of Locust Street and Summer Place
- Corner of Locust Street and Vine Street
- Cafego Street and Walnut Street

These parking areas are all less than three (3) blocks from the school and are subject to availability based on the size of the student body. Each student will be assigned to one of these lots upon availability and will be required to register his/her vehicle with the school. If a student parks a vehicle in a law school parking area to which he or she has not been assigned, the vehicle will be towed. The student will then be assessed the parking fee of \$370 and an additional financial penalty of \$200. If a vehicle is parked in any lot without proper identification and/or authorization, the vehicle will be towed.

No students, other than those who have sought and been given an accommodation, are to park in the faculty/staff parking lot between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. After 4:30 p.m. on weekdays, and on weekends, the faculty/staff lot is generally available for student parking unless a special event is being held. No student parking is allowed at any time in the alley directly behind the School of Law.

Parking in the alley behind the School of Law or unauthorized parking in the faculty/staff lot will result in the student's car being towed and a fine of \$200.

## **H. Tobacco-Free Policy**

Lincoln Memorial University cares about your health. The University promotes a healthy, sanitary environment free from tobacco smoke and tobacco-related debris. The LMU community acknowledges that long-term health hazards may accrue to people who use tobacco products or who are subjected to second-hand smoke.

LMU is a Tobacco-Free Campus, with smoking and all other tobacco usage prohibited. This policy applies to all University buildings/grounds (including residence halls), including parking lots and cars parked on LMU properties; LMU-affiliated off-campus locations and clinics; and any buildings owned, leased or rented by LMU in all other areas. This policy applies to all faculty, staff, students, contractors, and visitors of LMU and is in effect 24 hours a day, year-round.

For purposes of this policy, "tobacco-use" means, but is not limited to, the personal use of any tobacco product, whether intended to be lit or not, which shall include smoking tobacco or other substances that are lit and smoked, as well as the use of cigarettes, cigars, cigarillos, pipes, hookahs, electronic cigarettes, or any other nicotine delivery through vapor devices; chewing tobacco; smokeless pouches; any

form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, cigars, and pipe tobacco.

Understanding the addictive nature of tobacco products, LMU will make every effort to assist those who may wish to stop using tobacco. Students who wish to stop using tobacco are encouraged to contact the Assistant Dean for Student and Career Services for information about smoking cessation programs.

All members of the LMU community shall be responsible for compliance with this policy. It is expected that all faculty, staff, students, contractors, and visitors will voluntarily comply with the spirit and intent of this policy. Violations of this policy will be dealt with in a manner that is consistent with University procedures.

The success of this policy will depend on the thoughtfulness, consideration and cooperation of both tobacco users and non-users. Fines and citations will not be a part of the basic enforcement of this policy; however, Violations of this policy by students should be brought to the attention of the Assistant Dean for Student and Career Services. There shall be no reprisals against anyone reporting violations of this policy.

## VI. TUITION AND FEES

### **Cost of Attendance: 2020-2021**

**Direct Costs:** Costs incurred for enrollment in Duncan School of Law that are billed directly to the student by the university. Financial aid can be requested to cover some or all of these costs.

Tuition: **\$1,300 per credit hour**

Fees: **\$520 per semester (\$370 parking fee and \$150 student fee)**

Graduation Fee: **\$250 (one-time fee billed in semester in which student graduates)**

**Indirect Costs:** Costs a student may incur while enrolled in Duncan School of Law but are not billed to the student by the University. Financial aid can be requested to cover some or all of these costs.

### **Students Enrolled 12 or More Credit Hours Per Semester:**

	<b><u>Fall</u></b>	<b><u>Spring</u></b>	<b><u>Total</u></b>
Books & Supplies*	\$900	\$900	<b>\$1,800</b>
Loan Fees	295	295	<b>\$590</b>

Student Fee	150	150	<b>\$300</b>
Parking Fee	370	370	<b>\$740</b>
Personal/Miscellaneous	800	800	<b>\$1,600</b>
Room & Board	7,500	7,500	<b>\$15,000</b>
Transportation	1,500	1,500	<b>\$3,000</b>
<b>Totals</b>	<b>\$11,515</b>	<b>\$11,515</b>	<b>\$23,030</b>

\*Books & Supplies are based on \$75 per credit hour.

### Students Enrolled 9-11 Hours Per Semester:

	<u>Fall</u>	<u>Spring</u>	<u>Total</u>
Books & Supplies*	\$675	\$675	<b>\$1,350</b>
Loan Fees	295	295	<b>\$590</b>
Student Fee	150	150	<b>\$300</b>
Parking	370	370	<b>\$740</b>
Personal/Miscellaneous	800	800	<b>\$1,600</b>
Room & Board	7,500	7,500	<b>\$15,000</b>
Transportation	1,500	1,500	<b>\$3,000</b>
<b>Totals</b>	<b>\$11,290</b>	<b>\$11,290</b>	<b>\$22,580</b>

\*Books & Supplies are based on \$75 per credit hour.

## VII. ADMISSIONS AND FINANCIAL AID

### A. Admissions

The Law School maintains and regularly updates an *Admissions Policies and Procedures Manual*, which includes all policies and procedures governing its admissions process and standards. That admissions manual is attached as an appendix to this handbook and also is posted on the Law School's website under Admissions < Applying to LMU Law.

<https://www.lmunet.edu/duncan-school-of-law/admissions/Admission%20Policies%20and%20Procedures%20Manual%20-%202018-2019%20-%2008.01.18.pdf>

### B. Financial Aid

Lincoln Memorial University recognizes the problem of constantly increasing educational costs and thus offers a substantial program of financial aid to help students pay for their education. The University makes every effort to ensure that qualified students are not denied the opportunity to attend the University due to their limited financial resources. After the student submits the necessary application forms, the Financial Aid Office will determine the student's eligibility for financial assistance. Each applicant for financial aid must submit a Free Application for Federal Student Aid (FAFSA). The FAFSA should be submitted to the



federal processing center in time for processing and payment of tuition for students entering the following fall. The priority deadline to apply for financial aid is June 1.

For financial aid purposes, full-time enrollment is considered to be where a student is enrolled in 12 hours or more credit hours per semester. Financial aid can be affected by a student's academic performance. Failure to achieve or remain in good standing, as defined in § XVI.A.1. herein, or to comply with any rules or policies of the School of Law that results in a student's dismissal or involuntary withdrawal, could result in financial aid warning or suspension of financial aid.

In order to remain eligible for financial aid, a student must successfully complete 67% of the credits attempted within an academic term and remain in good standing as described in § XVI.A.1. herein. Assuming a student is in good standing, a student who completes 67% of the credits attempted within an academic term shall be deemed to have made satisfactory academic progress. Failure to make satisfactory academic progress could result in financial aid warning or suspension of financial aid.

A student who has failed to remain in good standing or that fails to make satisfactory academic progress will be placed on financial aid warning for the next consecutive term in which the student is enrolled. Financial aid eligibility will not be suspended during the initial probationary semester; however, failure to achieve or remain in good standing or to make satisfactory progress by the end of the probationary semester will result in a loss of eligibility to receive financial aid for any subsequent academic terms.

A student who has been dismissed from the School of Law is not eligible to file an Appeal seeking reconsideration of their financial aid status until a Petition for Readmission has been granted by the Academic Standards Committee. An appeal of a decision regarding financial aid may be filed with the Office of Financial Aid. The Office of Financial Aid shall forward the Appeal to the Lincoln Memorial University Financial Aid Appeals Committee.

All students who have received loans in furtherance of their undergraduate, graduate, or legal education shall be required to complete debt counseling during their last academic year at the School of Law and at other times after matriculation. Failure to complete such counseling could result in the withholding of your degree or disenrollment from the School of Law.

For additional information, please contact the Office of Financial Aid at the School of Law either by email at [finaid@lmunet.edu](mailto:finaid@lmunet.edu) or by telephone at (865) 531-4151, or (423) 869-6336. A representative of the Financial Aid Office will also regularly hold in-person office hours at the School of Law.

## **VIII. POLICY REGARDING CHANGING STUDENT STATUS**

- A. Students seeking to change their status (i.e., from full-time to flex-time, flex-time to full-time) must apply for and receive permission from the Associate

Dean for Academic Affairs. Note that full-time students who will graduate within three (3) years of the date of their matriculation are not obligated to change their status in an academic term if the credit hours in which they are enrolled are twelve (12) or less, so long as the student will graduate during the term in which the student is taking the reduced course load.

Once an application is received, the Associate Dean for Academic Affairs may, in his/her sole discretion:

1. approve the application;
2. deny the application;
3. request additional information prior to issuing a decision; and/or
4. require that the student seek and receive counseling provided by the University.

B. Notwithstanding the above, the Associate Dean for Academic Affairs shall not approve any application for a status change, unless:

1. the student, if currently a flex-time student that is seeking to change to full-time status, has completed all first-year required courses as defined within this Handbook in § XIV.A;
2. the student, if currently a flex-time student that is seeking to change to full-time status, has a cumulative GPA of at least a 2.800;
3. the student, if currently a flex-time student that is seeking to change to full-time status, has not received a final grade below a “C” during his/her first-year required courses;
4. the student has sought and acquired a positive recommendation from a School of Law professor from whom he/she has taken a class;
5. the student, if receiving financial aid, has met with a Financial Aid Officer and received appropriate counseling on the effect of changing status;
6. an available seat exists within the anticipated cohort; and
7. the change in status adheres to sound academic standards and does not adversely impact the cohort in which the student is enrolled or the cohort in which the student seeks to transfer his/her enrollment.

## **IX. ATTENDANCE REQUIREMENTS**

- A. Regular and punctual class attendance is required of all students in all courses. Faculty members are required to take attendance in all courses. Students have the responsibility for indicating their attendance for each class. If a question later arises as to whether a student attended a particular class, the professor shall make that determination.
- B. No student may miss more than twenty percent (20%) of the scheduled class meetings in any course. Students on academic probation may miss no more than ten percent (10%) of meetings in any course. “Scheduled class meetings” is defined as the total number of classes that are established for a

particular course, pursuant to the school calendar, with such number remaining the same in spite of modifications that might arise during the semester (speakers, inclement weather, professor cancellation, etc.). When multiplying the number of scheduled class meetings by the percentages described above, the resulting number shall be rounded up or down to the nearest whole number.

- C. Nothing within this rule shall prohibit a professor from adopting a more restrictive attendance rule. To the extent a professor adopts such a rule, that rule shall control. A student who is tardy or who exits class early may, at the discretion of the professor, be marked as absent for the entire class.
- D. The attendance requirement is not subject to modification by a professor, nor may a professor “excuse” an absence. The Associate Dean for Academic Affairs may grant leave and relief from the attendance requirements in extraordinary circumstances, such as (1) representing the law school at a co-curricular interscholastic competition, conference, or function (i.e., Moot Court, Mock Trial, or Law Review) or official bar function, (2) jury duty, (3) religious observances, (4) the birth of a child, (5) the death of an immediate family member (to include grandparents), or (6) major non-elective surgery or a prolonged hospital stay. Students must provide proof of the reason for the absence.
- E. Students must keep track of their absences. Students should not expect the School of Law to warn them when their absences are close to exceeding that which is allowed. Any such warning that might be given is gratuitous by a specific professor, advisor, or dean and shall not be construed as creating an obligation on the part of the School of Law to provide warning to any student.
- F. Students who fail to comply with the attendance requirements in courses shall be immediately administratively withdrawn from the class, and a grade of “AW” shall be given, except in Legal Foundations I and II.

**Legal Foundations I.** Students who fail to comply with the attendance requirements in Legal Foundations I shall remain enrolled in the course, receive a presumptive grade of “F,” and be subsequently required to complete Legal Foundations II. However, at the instructor’s discretion, a student may be given the option to complete additional assignments to raise the student’s grade to no higher than a grade of “D” for Legal Foundations I. In order to enable students to satisfy graduation requirements while providing them with appropriate academic support, a student who receives a grade of “F” in Legal Foundations I may be permitted to complete Advanced Independent Academic Study I or II in lieu of repeating Legal Foundations I, at the discretion of the Associate Dean for Academic Affairs.

**Legal Foundations II.** Students who fail to comply with the attendance requirements in Legal Foundations II shall remain enrolled in the course, receive a presumptive grade of “F,” and be subsequently required to complete Advanced Independent Academic Study I. However, at the instructor’s discretion, a student may be given the option to complete

additional assignments to raise the student's grade to no higher than a grade of "D" for Legal Foundations II. In order to enable students to satisfy graduation requirements while providing them with appropriate academic support, a student who receives a grade of "F" in Legal Foundations I may be permitted to complete Advanced Independent Academic Study I or II in lieu of repeating Legal Foundations I, at the discretion of the Associate Dean for Academic Affairs.

- G. The School of Law reserves the right to require students to attend workshops, presentations or meetings, as deemed necessary by the administration of the School of Law, to facilitate the legal education of each of its students. The School of Law will provide as much notice as possible to students of the scheduling of such events that require student attendance. Failure to attend such events without prior approval or subsequent waiver from the Associate Dean for Academic Affairs could result in sanctions as described in § XVIII.G.
- H. Students must attend a minimum of eight (8) designated "Professionalism Series" presentations prior to graduation, with attendance at a minimum of one each fall and spring term in which the student is enrolled at the School of Law, until the student has attended eight (8) designated presentations. The Associate Dean for Academic Affairs may grant leave and relief from the attendance requirements in extraordinary circumstances.

## **X. CREDIT HOUR POLICY**

### **A. Scheduling**

- 1. For courses in which a final exam will be administered, compliance with ABA Standard 310 requires an amount of classroom or direct faculty instruction of no less than 48 hours for four-credit courses, 36 hours for three-credit courses, 24 hours for two-credit courses, and 12 hours for one-credit courses. Courses in which a final exam will not be administered require an additional amount of classroom or direct faculty instruction of no less than four hours for four-credit courses, three hours for three-credit courses, two hours for two-credit courses, and one hour for one-credit courses.
- 2. To ensure compliance with section A.1, the Associate Dean for Academic Affairs or his or her designee shall create the academic schedule as follows:
  - a. Four-credit courses: 52 hours of in-class or direct faculty instruction (i.e., 26 two-hour meetings or 39 1.5-hour meetings)
  - b. Three-credit courses: 39 hours of in-class or direct faculty instruction (i.e., 26 1.5-hour meetings or 39 one-hour meetings)

- c. Two-credit courses: 26 hours of in-class or direct faculty instruction (i.e., 13 two-hour meetings or 26 one-hour meetings)
- d. One-credit courses: 13 hours of in-class or direct faculty instruction (i.e., 13 one-hour meetings)

The law school defines an “hour” for classroom or direct faculty instruction as sixty minutes, rather than the fifty minutes required by ABA Interpretation 310-1.

- 3. All courses must be structured to ensure two hours of out-of-class student work per week for fifteen weeks for each credit hour awarded, or the equivalent amount of work over a different amount of time. This means a minimum amount of out-of-class student work of 120 hours for four-credit courses, 90 hours for three-credit courses, 60 hours for two-credit courses, and 30 hours for one-credit courses. The law school defines an “hour” for out-of-class student work as sixty minutes, which is consistent with Interpretation 310-1.
- 4. This policy applies to all academic activities for which the law school awards credit, including experiential learning courses, independent studies, directed studies, Law Review, Moot Court, and Mock Trial.

## **B. Determining Credit Hours for Proposed Courses**

In determining how many credit hours shall be awarded for a proposed course or other academic activity, or in modifying the number of credit hours to be awarded for an existing course or other academic activity, the Curriculum Committee and the faculty shall ensure that the course complies with the law school’s credit hour policy. To assist the Curriculum Committee in determining how many credit hours shall be awarded for a proposed course, every faculty member proposing a new course must complete a worksheet, approved by the Curriculum Committee, which outlines the amount of classroom or direct faculty instruction and out-of-class student work for the course. When approving a new course or a change to the number of credit hours of a course, the Curriculum Committee shall complete a memorandum to accompany its recommendation to the faculty outlining the reason(s) for the number of credit hours awarded to the course. The Curriculum Committee shall attach to the memorandum any information the worksheet completed by the faculty member proposing the course along with any other supporting documentation

## **C. Compliance with Credit Hour Policy**

The Curriculum Committee and the faculty shall ensure continued compliance with the law school’s credit hour policy in the following ways:

1. The Associate Dean for Academic Affairs or his or her designee shall, prior to each academic semester, remind the faculty of the credit hour policy.
2. The syllabus for each course shall include a statement summarizing the law school's credit hour policy and specifying the number of hours of classroom or direct faculty instruction and the number of hours of out-of-class student work required in that course to comply with the policy.
3. The student evaluations for each course shall inquire as to the number of out-of-class hours the students estimate they have spent on course-related work. This out-of-class time shall include all work related to the course, including reading assignments, research and writing assignments, and preparing for the midterm and final exams. Periodically, the Associate Dean for Academic Affairs and the Director of Assessment shall evaluate the data gathered in the student evaluations and other sources (i.e., the Law School Study of Student Engagement) to help the Curriculum Committee assess whether courses have been awarded the appropriate number of credit hours.
4. For academic activities without regular class meetings, such as independent studies, some experiential learning courses, and co-curricular activities, students shall keep a weekly time sheet recording the amount of time spent on the activity. These time sheets shall be submitted to and approved by the supervising faculty member on a regular basis to ensure that an appropriate number of credit hours is being awarded for the academic activity.
5. Any other methods which the Dean, the Associate Dean for Academic Affairs, or the Curriculum Committee shall, in their discretion, deem appropriate.

## **XI. PRO BONO REQUIREMENT**

Each student must complete thirty (30) hours of community service prior to graduation from the School of Law. Community Service is limited to service for which the student receives no remuneration and which is approved by the Assistant Dean for Student and Career Services.

- A. Upon completion, the student must submit confirmation of the performance of pro bono service to the Assistant Dean for Student and Career Services. If such service, in the discretion of the Assistant Dean for Student and Career Services, satisfies the requirements enumerated herein, the Assistant Dean for Student and Career Services shall provide written approval to the Associate Dean for Academic Affairs.
- B. At least ten (10) hours of the community service completed must involve the rendering of meaningful law-related service to persons of limited means or to organizations serving such persons.

- C. Prior to a student's completion all of his/her First-Year Required Courses as defined in this Handbook in § XIV.A, the number of pro bono hours a student may complete to satisfy this requirement is capped at the ten (10) law-related service hours described in § XI.B above. These law-related service hours may not be completed during the first semester of study at the law school.
- D. Students that show an exemplary commitment to serving the community will be eligible to receive a Pro Bono Award upon graduation. Pro Bono Awards will be given to graduating students that have fulfilled all requirements set forth herein and have completed the following approved hours within the time contemplated within § XI.C:
  - General Oliver O. Howard Pro Bono Award: 100 - 250 hours
  - President Abraham Lincoln Pro Bono Award: 250 hours or more

## **XII. WORK POLICY**

Due to the significant time commitment required for full-time legal study, full-time students are not permitted to work in their first year. Upper-level full-time students may not be employed more than 20 hours per week during any semester. There are no such limitations on employment for flex-time students who are enrolled in 12 or fewer credit hours.

A violation of the work policies governing full-time or flex-time students will be considered a violation of the Code of Academic Integrity and could result in a student being sanctioned, including the possibility of expulsion from the School of Law.

## **XIII. CURRICULUM**

The Law School curriculum shall have as to its objective to maintain an educational program that prepares its students for admission to the bar and effective and responsible participation in the legal profession. The curriculum is designed to prepare students to be effective attorneys by developing their abilities in critical thinking and problem-solving. The curriculum reflects a traditional legal education, while at the same time adopts the best practices for effective learning.

The School of Law operates on a semester system and requires successful completion of ninety (90) credit hours for conferment of the J.D. degree. All requirements must be completed no earlier than twenty-four (24) months and no later than eighty-four (84) months after a student has commenced law study at the School of Law or an institution from which the School of Law has accepted transfer credit.

No student may enroll in greater than sixteen (16) credit hours during any fall or spring semester without approval from the student's academic advisor and the Associate Dean for Academic Affairs. Under no circumstances may any student

shall be allowed to enroll in coursework that, if successfully completed, would exceed eighteen (18) credit hours during any fall or spring semester. No student may enroll in more than three (3) classes, not to exceed seven (7) credits, during a summer semester. The Associate Dean for Academic Affairs may, in his or her discretion, make an exception to the restriction on summer credits if a student enrolls in a summer study program at or sponsored by another law school pursuant to § XXV.B that does not conflict with the summer semester at the Duncan School of Law.

Graduation requirements for full-time and flex-time students are identical. The only distinction among cohorts is the time it takes to complete the program of legal education. Flex-time students take all courses with the full-time cohort, whenever those courses may be scheduled, day or evening. The flex-time option allows a student who needs to continue to work or who has personal obligations that preclude taking a full-time course load to take fewer courses each term.

Students admitted to the full-time cohort shall take the required courses as set forth in § XIII.E in the order and sequence described therein. Students admitted to the flex-time cohort are recommended to take the required courses as set forth in § XIII.F in the order and sequence described therein. It is recommended that the elective course offerings set forth in each section also be followed; however, a student may delay the taking of elective courses, so long as all coursework is completed within eighty-four (84) months as set forth above.

Students admitted to the flex-time cohort shall, take, at a minimum, the required courses in the first year of study as set forth in subpart XIII.A below. If outside commitments make it difficult for a flex-time student to follow the recommended course of study, then the student may consult with the Associate Dean of Academic Affairs to develop an individualized course schedule. That schedule must comply with the prerequisite limitations as set forth in this course catalog, and sequential courses (i.e., Torts I and II) shall be taken in consecutive semesters. It is strongly recommended that flex-time students complete their legal studies by the end of the spring semester of the sixth year of study. However, a flex-time student must complete all degree requirements within eighty-four (84) months of the commencement of legal studies, as set forth above.

Where a course is divided into multiple sections and students are assigned to a section by the Associate Dean for Academic Affairs, a request by a student to switch out of an assigned section into another section shall be made to the Associate Dean for Academic Affairs and granted or denied at his or her discretion. Typically, a request to switch sections will only be granted if the student has a verifiable and unavoidable scheduling conflict. Requests based upon faculty preferences will generally be denied.

The Associate Dean for Academic Affairs may cancel any scheduled course, even after enrollment by students, if fewer than ten (10) students are enrolled therein.



## A. **First-Year Curriculum**

The first-year curriculum is designed to give students a broad understanding of the American legal system and the role of law in society. First-year courses provide a solid foundation upon which upper-level courses will build, while offering a structure designed to build and strengthen students' skills in legal analysis, reasoning, research, problem solving, and oral communication.

Unless waived by the Associate Dean for Academic Affairs, as determined in his or her sole discretion, full-time students must take all required courses during the academic terms and in the sequence as set forth in § XIII.E . It is recommended that flex-time students take all required courses during the academic terms and in the sequence set forth in § XIII.F.

Notwithstanding this requirement, students may apply to the Associate Dean for Academic Affairs to complete the J.D. program on an accelerated basis. The application may be made after the spring semester of the student's first year of study. If the Associate Dean for Academic Affairs grants the application for accelerated study, then a full-time student may complete the J.D. program on an accelerated basis. This will allow the student to take the MBE Skills course in spring of the second year (for full-time students) or third year (for flex-time students). Full-time students must complete the accelerated program in three fall, two spring, and two summer semesters, and flex-time students must complete the accelerated program in four fall, three spring, and two summer semesters. As a result, the student engaging in accelerated study would graduate in December prior to the May graduation of his or her original cohort. The Associate Dean for Academic Affairs may grant or deny the application for accelerated study in his or her discretion, except that both full-time and flex-time students are eligible to apply only if they have a cumulative GPA of 3.000 or better after the spring semester of their first year.

In the fall, full-time students shall take Legal Communication I (2 hours); Legal Research I (1 hour); Legal Foundations I (No Credit); Civil Procedure I (3 hours); Torts I (3 hours); Contracts and Sales I (3 Credits); and Property I (3 Credits); In the spring, each course will continue with Legal Communication II (2 hours); Legal Research II (1 hour), Civil Procedure II (3 hours); Torts II (3 hours); Contracts and Sales II (3 hours); and Property II (3 hours). Students with a cumulative GPA of 2.320 or below shall take Legal Foundations II (No Credit) in the spring, a course that is elective for all other first-year students.

In the fall, it is recommended that flex-time students take Legal Communication I (2 hours); Legal Research I (1 hour); Legal Foundations I (No Credit); Civil Procedure I (3 hours); and Torts I (3 hours). In the spring, each course will continue with Legal Communication II (2 hours); Legal Research II (1 hour); Civil Procedure II (3 hours); and Torts II (3 hours). Students with a cumulative GPA of 2.320 or below shall take Legal Foundations II (No Credit) in the spring, a course that is elective for all other first-year students. At a minimum, flex-time students must take the

following required courses in the fall semester of the first year of study: Legal Communication I (2 hours); Legal Research I (1 hour); Legal Foundations I (No Credit); and Civil Procedure I (3 hours). Flex-time students shall take, at a minimum, the following required courses in the spring semester of the first year of study: Legal Communication II (2 hours); Legal Research II (1 hour), Civil Procedure II (3 hours). Students with a cumulative GPA of 2.320 or below shall take Legal Foundations II (No Credit) in the spring, a course that is elective for all other first-year students.

## **B. Upper-Level Curriculum**

The upper-level curriculum reinforces skills learned in the first-year curriculum while permitting students to take courses in areas which interest them. Unless waived by the Associate Dean for Academic Affairs, as determined in his or her sole discretion, full-time students must take all required courses during the academic terms and in the sequence as set forth in § XIII.E. Students may opt to take elective courses at any time that they are offered to their cohort, as space allows. It is recommended that flex-time students take all required courses during the academic terms and in the sequence set forth in § XIII.F. However, failure to follow the specific curriculum set forth in § XIII.E & XIII.F could delay graduation from the School of Law.

## **C. Upper-Level Writing Requirement**

Each student must complete two substantial legal research and writing projects to graduate from the School of Law. One project requirement will be met upon successful completion of the three semesters of the legal writing curriculum (Legal Research and Legal Communication I, II, and III). A student may not fulfill the second legal research and writing project requirement until after he or she has successfully completed the first legal research and writing project. The second project requirement may be met in one of three ways:

### **1. Seminar**

A student may enroll in a 4000-level course prior to completing the three semesters of the legal writing program, so long as that student does not seek to fulfill the upper-level writing requirement through that particular course. By taking a 4000 level course with no more than twenty (20) enrolled students and writing a paper as proscribed by the faculty member teaching the course, complying with the following requirements:

- a. The paper must be either expository or argumentative writing of at least 5,000 words of substantive text, exclusive of footnotes, endnotes, headings and the like;

- b. An outline and draft must be submitted and critiqued by the supervising faculty member prior to the submission of the final paper;
- c. The paper must be supervised by a full-time faculty member; and
- d. The grade for the paper must be a “B” or better.

2. **Independent Study**

By taking an independent study with prior approval of the Curriculum Committee and complying with the following:

- a. Writing a paper which is either an expository or argumentative writing of at least 5,000 words of substantive text, exclusive of footnotes or endnotes, headings, and the like;
- b. An outline and draft must be submitted and critiqued by the supervising faculty member prior to submission of the final paper;
- c. The paper must be supervised by a full-time faculty member; and
- d. The grade for the final draft must be a “B” or better; and
- e. In compliance with the Independent Study Guidelines promulgated by the Curriculum Committee.

3. **Law Review**

By successfully completing two (2) academic years, including summer terms, on the Law Review and complying with the following:

- a. After serving as a member of the Law Review for at least one (1) semester, the student must produce a note which is either an expository or argumentative writing of at least 5,000 words of text, exclusive of footnotes, endnotes, headings, and the like.
- b. An outline and draft must be submitted and critiqued by the Law Review Faculty Advisor prior to submission of the final paper;
- c. A minimum of three (3) meetings shall be held between the student and the Law Review Faculty Advisor to allow the Advisor to provide detailed feedback to the students prior to the submission of the final paper.
- d. The note shall be: published in a law review journal or other similar legal publication; or, if approval is granted by the Law Review Faculty Advisor, accepted for publication in a law review journal or other similar legal publication; or, if approval is granted by the Law Review Faculty Advisor, of publishable quality.
- e. The paper must be supervised by the DSOL Law Review Faculty Advisor who shall be a full-time faculty member;
- f. The grade for the note must be a “B” or better; and
- g. The paper must be written independently and without collaboration from other students or others.

Concurrent with completing the upper-level writing requirement, one of the law librarians will provide a general overview of the research resources available on the broad topic of the upper-level writing seminar during two in-class hours that will include: developing a research plan, conducting a preemption check to review the literature, and explaining specific Bluebook citation rules for law review articles. Each student must also meet with a law librarian to review the research resources tied to the subject matter of the upper-level writing seminar or individual paper. The librarian will assist students in identifying secondary sources associated with the subject matter, constructing a legal research plan, and completing a literature review on their approved topic. The librarian shall work with the faculty member supervising the upper-level writing requirement to schedule the in-class session and the individual meeting(s) at times convenient for the student(s).

#### **D. Experiential Learning Requirement**

Each student must complete six credits of experiential learning electives. Courses qualifying for experiential learning credit shall be numbered at the 5000 level.

To qualify as a 5000-level experiential learning elective, a course must be primarily experiential in nature and must:

- a. integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills needed for competent and ethical participation as a member of the legal profession. These may include professional skills such as interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation;
- b. develop the concepts underlying the professional skills being taught;
- c. provide multiple opportunities for performance; and
- d. provide opportunities for self-evaluation.

In addition, an experiential course must fall into one of the three categories described below: (1) a simulation course; (2) a law clinic; and/or (3) a field placement.

##### **1. Simulation Courses**

Simulation courses shall carry course numbers between 5000-5099. A simulation course provides substantial experience not involving an actual client, that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following:

- a. direct supervision of the student's performance by a faculty member;

- b. no fewer than three (3) opportunities for performance, feedback, from a faculty member, and self-evaluation; and
- c. a classroom instructional component.

2. **Clinical Courses**

Clinical courses shall carry course numbers between 5100-5199. A clinical course provides substantial lawyering experience that (1) involves one or more actual clients and (2) includes the following:

- a. advising or representing a client;
- b. direct supervision of the student’s performance by a faculty member;
- c. no fewer than three (3) opportunities for performance, feedback, from a faculty member, and self-evaluation; and
- d. a classroom instructional component.

3. **Field Placement Courses**

Field Placement courses shall carry course numbers between 5200-5299. Such courses must meet all of the requirements described in § XV and the *Externship Policies and Procedures Handbook*.

**E. Full-Time Program**

The School of Law offers a traditional three-year, full-time J.D. program that averages 15 credit hours per semester.

First Year			
Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Civil Procedure I	3	Civil Procedure II	3
Torts I	3	Torts II	3
Contracts & Sales I	3	Contracts & Sales II	3
Property I	3	Property II	3
Legal Communication I	2	Legal Communication II	2
Legal Research I	1	Legal Research II	1
Legal Foundations I	NC	Legal Foundations II*	NC
<b>Total Hours</b>	<b>15</b>	<b>Total Hours</b>	<b>15</b>
*Mandatory for students with a cumulative GPA of 2.320 or below and elective for all other students.			

Second & Third Years					
Fall Semester			Spring Semester		
Course Name	Year	Hours	Course Name	Year	Hours
Criminal Law	2L	3	Business Organizations	2L	3
Evidence	2L	3	Constitutional Law	2L	4
Legal Communication III	2L	2	Const. Criminal Procedure	2L or 3L	3
Legal Research III	2L	1	Professional Responsibility	2L or 3L	2
Domestic Relations	2L or 3L	3	Electives	2L or 3L	14
Wills, Trusts & Estates	2L or 3L	3	Multistate Bar Exam Skills	2L or 3L	4
Secured Transactions	2L or 3L	3	Adv. Independent Acad. Study*	2L or 3L	NC

Electives	2L or 3L	9			
Multistate Essay Exam Skills I	3L	3			
<b>Total Hours</b>		<b>30</b>	<b>Total Hours</b>		<b>30</b>
<b>*Mandatory for upper-level students with a cumulative GPA of 2.000 or below entering any semester.</b>					

## F. Flex-Time Program

The School of Law's flex-time program is designed for students who wish to pursue a legal education while maintaining full-time or part-time employment and/or attending to significant family obligations. Flex-time students may take no fewer than six and no more than twelve credits in any fall or spring semester. They typically take nine to twelve credit hours in any given fall or spring semester and are expected to complete all program requirements within four to six years. The course of study for the J.D. program must be completed within 84 months (seven years), in accordance with ABA Standard 311(b).

Recommended First Year					
Fall Semester			Spring Semester		
Course Name	Year	Hours	Course Name	Year	Hours
Civil Procedure I		3	Civil Procedure II		3
Torts I		3	Torts II		3
Legal Communication I		2	Legal Communication II		2
Legal Research I		1	Legal Research II		1
Legal Foundations I		NC	Legal Foundations II*		NC
<b>Total Hours</b>		<b>9</b>	<b>Total Hours</b>		<b>9</b>
<b>*Mandatory for students with a cumulative GPA of 2.320 or below and elective for all other students.</b>					

Recommended Second, Third & Fourth Years					
Fall Semester			Spring Semester		
Course Name	Year	Hours	Course Name	Year	Hours
Contracts & Sales I	2L	3	Contracts & Sales II	2L	3
Property I	2L	3	Property II	2L	3
Criminal Law	2L	3	Const. Criminal Procedure	2L/ 3L/4L	3
Legal Communication III	2L	2	Constitutional Law	2L/ 3L/4L	4
Legal Research III	2L	1	Business Organizations	2L/ 3L/4L	3
Evidence	3L	3	Professional Responsibility	2L/ 3L/4L	2
Domestic Relations	3L or 4L	3	Electives	2L/ 3L/4L	14
Wills, Trusts & Estates	3L or 4L	3	Multistate Bar Exam Skills	4L	4
Secured Transactions	3L or 4L	3	Adv. Ind. Acad. Study*	2L/ 3L/4L	NC
Electives	3L or 4L	9			
Multistate Essay Exam Skills I	4L	3			
<b>Total Hours</b>		<b>36</b>	<b>Total Hours</b>		<b>36</b>
<b>*Mandatory for upper-level students with a cumulative GPA of 2.000 or below entering any semester.</b>					

## G. Course Listings

Course Number	Title	Hours	Prerequisite
<b>1. First-Year Required Courses</b>			
Law 1011	Civil Procedure I	3	
Law 1012	Civil Procedure II	3	Civil Procedure I
Law 1021	Contracts and Sales I	3	
Law 1022	Contracts and Sales II	3	Contracts and Sales I
Law 1052	Legal Communication I	2	
Law 1054	Legal Communication II	2	Legal Communication I & Legal Research I
Law 1001	Legal Foundations I	NC	
Law 1002	Legal Foundations II	NC	Req'd for students with a GPA of 2.320 or below or who received a course grade of "D" or below in Legal Foundations I
Law 1051	Legal Research I	1	
Law 1053	Legal Research II	1	Legal Communication I & Legal Research I
Law 1031	Property I	3	
Law 1032	Property II	3	Property I
Law 1041	Torts I	3	
Law 1042	Torts II	3	Torts I
<b>2. Upper-Level Required Courses</b>			
Law 2001	Advanced Independent Academic Study I	NC	Req'd for students with a GPA of less than 2.200 (second-year fall semester) or 2.000 (upper-level).
Law 2011	Business Organizations	3	Contracts and Sales I & II
Law 2062	Constitutional Criminal Procedure	3	
Law 2041	Constitutional Law	4	
Law 2061	Criminal Law	3	
Law 2071	Domestic Relations	3	
Law 2081	Evidence	3	
Law 2054	Legal Communication III	2	Legal Communication I & II; Legal Research I & II
Law 2053	Legal Research III	1	Legal Communication I & II; Legal Research I & II
Law 2004	Multistate Bar Exam Skills	4	
Law 2005	Multistate Essay Exam Skills I	3	
Law 2101	Professional Responsibility	2	
Law 2121	Secured Transactions	3	Contracts and Sales I and II
Law 2131	Wills, Trusts and Estates	3	Property I and II
<b>3. Upper-Level Electives</b>			
Law 3045	Accounting for Lawyers	3	
Law 3011	Administrative Law	3	
Law 3055	Advanced Evidence	3	Evidence
Law 5051	Advanced Government Relations	2	Legislation & Regulation
Law 5042	Advanced Legal Research	2	Legal Research I, II, & III; Legal Communication I, II, & III

Law 4042	Advanced Legal Research Seminar	2	Legal Research I, II, & III; Legal Communication I, II, & III
Law 5004	Advanced Trial Advocacy - Civil	2	Civil Procedure I & II, Trial Advocacy
Law 5025	Asylum Practice	3	Immigration Law
Law 3061	Bankruptcy	3	
Law 3031	Conflict of Laws	2	Civil Procedure I & II
Law 5065	Contract Drafting	2	Contracts and Sales I & II
Law 5021	Criminal Practice Skills	3	Constitutional Criminal Procedure
Law 3081	Directed Study	1-3	
Law 4027	Disability Law	2	
Law 5014	Domestic Relations Drafting	3	Domestic Relations
Law 4035	Education Law	2	
Law 5035	Estate Planning and Drafting	3	Wills, Trusts & Estates
Law 5210	Externship I	2-3	
Law 5220	Externship II	2-3	Externship I
Law 4341	Federal Criminal Law	3	Criminal Law
Law 3191	Federal Income Taxation	3	
Law 3161	First Amendment	3	Constitutional Law
Law 3202	Healthcare Law	3	
Law 3211	Immigration Law	3	
Law 4051	Independent Study	1-2	
Law 3221	Insurance Law	3	
Law 3231	Intellectual Property	3	Property I & II
Law 3171	International Law	3	
Law 5011	Interviewing & Counseling	2	
Law 5100	Interviewing, Negotiation, and Counseling	3	
Law 3101	Labor and Employment Law	3	
Law 5040	Law Office Management	3	
Law 4310	Law Review	2	Membership determined by organization by-laws
Law 3010	Legislation & Regulation	3	
Law 4016	Lincoln's Constitution	2	Constitutional Law (co-requisite)
Law 5085	Mediation Skills	3	
Law 5310	Mock Trial I	1-2	Membership determined by organization by-laws
Law 5311	Mock Trial II	1-2	Mock Trial I
Law 5320	Moot Court I	1-2	Membership determined by organization by-laws
Law 5321	Moot Court II	1-2	Moot Court I
Law 3002	Multistate Essay Exam Skills II	3	
Law 3092	Municipal Government Law	3	
Law 5012	Negotiation	2	
Law 3012	Nonprofit Organizations	2	Business Organizations
Law 3021	Payment Systems	3	Contracts and Sales I & II
Law 5005	Pleadings and Practice	3	Legal Communication III, Legal Research III, Civil Procedure I & II
Law 3321	Products Liability		
Law 3325	Remedies	3	Contracts and Sales I & II, Torts I & II
Law 3351	Sports Law	2	
Law 4121	Technology and the Law	2	
Law 4131	Tennessee Constitutional Law	3	Constitutional Law



Law 5070	Tennessee Courts Practice	3	Civil Procedure I & II
Law 3271	Tennessee Juvenile Law	3	Domestic Relations
Law 3275	Tennessee Workers' Compensation Law	2	
Law 4123	Topics in Environmental Law	3	
Law 5001	Trial Advocacy	3	Evidence

**1000-level: First-Year Required Courses**

**2000-level: Upper-Level Required Courses**

**3000-level: Upper-Level Electives**

**4000-level: Upper-Level Electives that Satisfy the Upper-level Writing Requirement (§ XIII.C).**

**5000-level: Upper-level Electives that Satisfy the Experiential Learning Requirement (§ XIII.D).**

Additional elective offerings are anticipated and will vary based upon student interests and the skills and experience of faculty members. ABA standards prohibit listing courses in the school's catalog that are not currently offered and have not been offered in the previous two academic years. This table and the descriptions below include electives approved by the faculty that have been offered in the previous two academic years and/or are likely to be offered in 2020-2021. The availability of some courses has yet to be determined. Students who would like specific elective offerings may make suggestions to the Associate Dean for Academic Affairs.

## H. Course Auditing

1. To audit a course, persons seeking to enroll must obtain written permission from the course instructor and from the Associate Dean of Academic Affairs, whose permission shall only be given provided that enrollment in the course does not adversely affect the quality of the course or the School of Law program. Requests to audit a course may be submitted only after the end of the official registration period (the last day for students to add a course or late register) when it may be determined whether or not space is still available in the class. This procedure applies to all terms including, but not limited to, fall, spring and summer sessions. Auditing is not permitted in independent study courses, externships, or similar courses.
2. Auditors do not write papers, take essay quizzes or essay examinations, or request review of written work, unless approved by the Associate Dean for Academic Affairs. Furthermore, they do not participate in class discussions unless otherwise directed by the course instructor.
3. Auditors are required to register with the University Registrar for any course that they have been approved to audit. Auditors will appear on the instructor's class roll but may not request grades. No transcript of record will be issued and no grades will be accepted by the University Registrar.
4. No credit will be awarded for auditing a course.
5. Students registering to audit a course must pay the applicable fee, unless the fee is waived by the Dean.
6. Students that have been granted permission to audit a course must provide written permission to the University Registrar and pay the applicable fee prior to attendance in the course.

7. Students may not regularly attend any class that he or she is not registered for, either for-credit or as an auditing student.

## XIV. COURSE DESCRIPTIONS

*Course descriptions may be revised, from time to time, to reflect current trends in the law and legal education. Course descriptions are guidelines and actual course content may vary as determined by the Professor.*

### A. First-Year Required Courses

#### **Civil Procedure I**

*Law 1011*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a study of the constitutional and statutory underpinnings of the process by which courts resolve civil disputes. Specifically, the course focuses on the issues of personal jurisdiction, federal subject matter jurisdiction, venue, and choice of law in federal courts with diversity jurisdiction (the *Erie* doctrine).

#### **Civil Procedure II**

*Law 1012*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite: Civil Procedure I*

This course focuses heavily on the “nuts and bolts” of litigation, tracking the chronology of the civil lawsuit. The fundamental principles covered include pleading, joinder of claims and parties, discovery, disposition without trial, the Seventh Amendment right to jury trial, securing and enforcing judgments, and the preclusion doctrines. Students will learn to identify and understand the key differences between federal and Tennessee civil rules, standards, and practices.

#### **Contracts and Sales I**

*Law 1021*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a study of the basic principles of both the common law of contracts and sales of goods under Article 2 of the Uniform Commercial Code. It focuses on the requirements for formation of a contract, including mutual assent and consideration; promissory estoppel; warranties; and defenses used by parties to avoid liability on their

agreements. Particular attention is given to those areas where there is divergence between the common law rules and the provisions of Article 2.

### **Contracts and Sales II**

*Law 1022*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite: Contracts and Sales I*

This course continues the study of the basic principles of both the common law of contracts and sales of goods under Article 2 of the Uniform Commercial Code. It focuses on remedies for nonperformance or threatened nonperformance, including money damages, restitution, and equitable remedies; the Statute of Frauds; the parol evidence rule and interpretation of the contract; promises and conditions; anticipatory repudiation; third-party beneficiaries; and assignment of rights and delegation of duties. Particular attention is given to those areas where there is divergence between the common law rules and the provisions of Article 2.

### **Legal Communication I**

*Law 1052*

*Hours: 2*

*Course frequency: Each Fall*

*Prerequisites: None*

*Corequisite: Legal Research I*

This course provides the foundation upon which students will develop their understanding of formal legal writing. In particular, the course introduces students to the mechanics of legal research, writing, and analysis through the application of statutory and common law. The course also provides an introduction to drafting basic legal correspondence. Students are required to complete multiple writing assignments of increasing complexity, culminating with a closed-universe objective memorandum.

### **Legal Communication II**

*Law 1054*

*Credit hours: 2*

*Course frequency: Each Spring*

*Prerequisites: Legal Communication I and Legal Research I*

*Corequisite: Legal Research II*

This course provides students with continued instruction in legal writing and analysis while incorporating more advanced analytical communication skills. The course also requires students to draft more complex forms of legal correspondence. In addition to other assignments, students must complete an open-universe objective memorandum.

### **Legal Foundations I**

*Law 1001*

*Credit hours: Noncredit*

*Course frequency: Each Fall*  
*Prerequisites: None*

This course builds upon the material introduced in the law school's pre-matriculation program and is designed to enhance skills that are necessary to succeed in law school. The course is taught in large group and workshop formats and focuses on the ability to read, analyze, synthesize, and brief cases; create and understand class outlines; and apply the law and other authority through essay exam writing. The course also provides insight and strategies into taking multiple-choice questions; improving student study techniques; and managing student stress and time. This noncredit course is graded on a scale of A, B, C, D and F and is not subject to the Mandatory Grade Distribution listed in § XXI.A of the Student Handbook. Students receiving a course grade of "D" or below are required to take Legal Foundations II.

### **Legal Foundations II**

*Law 1002*

*Credit hours: Noncredit*

*Course frequency: Each Spring*

*Prerequisites: None*

This course is designed to enhance the skills that are necessary to succeed in law school, with increased emphasis on the ability to apply the law and other authority through essay exam writing. The course provides further insight and strategies into taking multiple-choice questions and improving study techniques. Course instruction includes both small-group and one-on-one meetings. This noncredit course is graded on a scale of A, B, C, D and F and is not subject to the Mandatory Grade Distribution listed in § XXI.A of the Student Handbook. This course is required for first-year students who have a cumulative GPA of 2.320 or below or who received a course grade of "D" or below in Legal Foundations I, and is elective for all other first-year students.

### **Legal Research I**

*Law 1051*

*Credit hours: 1*

*Course frequency: Each Fall*

*Prerequisites: None*

*Corequisite: Legal Communication I*

Legal research is an essential part of practicing law. This course provides an overview of the process of legal research, introducing authoritative sources of law produced by the three branches of government: executive, judicial, and legislative. This course has been approved as a Distance Education course.

### **Legal Research II**

*Law 1053*

*Credit hours: 1*

*Course frequency: Each Spring*

*Prerequisites: Legal Communication I and Legal Research I*  
*Corequisite: Legal Communication II*

Legal research is a process used to determine what the law is in order to support a legal conclusion. This course continues to build legal research skills, with an emphasis on developing a legal research strategy. This course has been approved as a Distance Education course. Enrollment in the Distance Education section(s) of this course is limited to students who receive a C+ or better in Legal Research I.

### **Property I**

*Law 1031*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a study of the fundamental concepts applicable to real and personal property, such as the law of finders, gifts, bailments, conversion, right to exclude, trespass and adverse possession, landlords & tenants, nuisance, easements, covenants, zoning, and Fifth Amendment takings.

### **Property II**

*Law 1032*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: Property I*

This course continues the study of fundamental property concepts and covers topics such as estates in land, future interests, and real estate transactions (including purchase and sale contracts, deeds, broker liability, title insurance, mortgages and liens, specific performance, the Statute of Frauds, and recording systems).

### **Torts I**

*Law 1041*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a study of intentional torts against persons and property and the privileges thereto. It further focuses on the basic principles of negligence and other standards of care.

### **Torts II**

*Law 1042*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite: Torts I*

This course focuses on the remaining issues in negligence, including particular duties of landowners, damages, joint and several liability, and defenses. Additionally, the class will survey the following areas: products liability, wrongful death, vicarious liability, and nuisance.

## **B. Upper-Level Required Courses**

### **Advanced Independent Academic Study I**

*Law 2001*

*Hours: Noncredit*

*Course Frequency: Each Fall and Spring*

A directed study required for upper-level students with a cumulative GPA that places them at high risk of attrition. These students include any students on academic probation during any semester after their first year of law school and students who have a cumulative GPA between 2.000-2.199 after spring of their 1L year. Students with cumulative GPAs between 2.200 and 3.000 may voluntarily request enrollment in this course and will be enrolled until all available seats are filled. The course is taught on an individual faculty/student basis, and may also include participation in a small group setting and in-class meetings. The student's assigned Academic Success faculty member, or his or her designee, after consultation with the student, will set forth the objectives, requirements, and guidelines for successful completion of the course. The purpose of the course is to provide the student with individualized academic support tailored to each student's strengths and weaknesses. The directed study will typically require enrolled students to meet with their assigned Academic Success faculty member, or his or her designee, at least four times per semester, typically on a bi-weekly basis to ensure individual meetings occur before and after midterm exams; work with their assigned Academic Success faculty member, or his or her designee, to identify their strengths and weaknesses in the study of the law; attend academic success workshops geared towards the students' particular needs and current course loads as identified by their assigned Academic Success faculty member, or his or her designee; take practice exams or other relevant exercises concerning subject matter regarding other courses in which the student is currently enrolled and to meet with a member of the faculty to review their work; and develop a study plan to guide them through their studies during their semester.

### **Business Organizations**

*Law 2011*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: Contracts and Sales I & II*

This course begins with a brief overview of the law of agency. It then examines the different forms of legal entities commonly created to carry on for-profit business activities, with a particular emphasis on partnerships, limited liability companies (LLCs), and corporations.

Students will learn the different rules of formation, managerial structures, investment relationships, and risk allocations associated with each kind of entity. The course will also cover potential litigation strategies of both the various organizations and entities adverse to them.

### **Constitutional Criminal Procedure**

*Law 2062*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: None*

This course considers the principal issues of criminal investigation arising under the Fourth, Fifth, and Sixth Amendments. The course will explore specific police investigative methods, what constitutes a “search,” arrests, stop and frisk, seizures, police interrogation, and identification procedures.

### **Constitutional Law**

*Law 2041*

*Hours: 4*

*Course Frequency: Each Spring*

*Prerequisites: None*

This course introduces students to the basic principles of U.S. Constitutional law, including the text of the U.S. Constitution, the American system of federalism, the federal courts and their authority for judicial review, limits on the federal judicial power, federal legislative power, federal executive power, limits on state regulatory and taxing power, the structure of the Constitution’s protection of civil rights and civil liberties, economic liberties, equal protection and fundamental rights under due process and equal protection.

### **Criminal Law**

*Law 2061*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a study of the general principles, sources, and purpose of criminal law, including the act requirement, the mens rea requirement, causation, liability for attempted crimes, accomplice liability, defenses, criminal code interpretation, and a review of Tennessee criminal law.

### **Domestic Relations**

*Law 2071*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a general study of the laws which affect formal and informal relationships, premarital contracts and disputes, requirements of formal marriage, legal effects of marriage, support obligations within the family, legal separation, annulment, grounds for divorce, property settlements, alternative dispute resolution methods available in family law litigation, child custody, child support, abortion, effects of illegitimacy, and surrogacy agreements. The course will survey the general common law and federal law developments effecting family law including uniform interstate support and custody acts, and privacy and same sex marriage decisions.

**Evidence**

*Law 2081*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a study of the policies and rules regulating the admission and exclusion of oral, written, and demonstrative evidence at trials and other proceedings, including relevance, character evidence, competence, impeachment, hearsay, expert testimony, authentication, and judicial notice.

**Legal Communication III**

*Law 2054*

*Credit hours: 2*

*Course frequency: Each Fall*

*Prerequisites: Legal Communication I & II; Legal Research I & II*

*Corequisite: Legal Research III*

This course focuses on persuasive legal writing and oral advocacy at both the trial and appellate levels. The course incorporates advanced analytical skills and broadens the students' understanding of all sources of law. In addition to other assignments, the course requires the creation of an appellate brief and the performance of oral arguments before a mock appellate panel.

**Legal Research III**

*Law 2053*

*Credit hours: 1*

*Course frequency: Each Fall*

*Prerequisites: Legal Communication I & II; Legal Research I & II*

*Corequisite: Legal Communication III*

This course will introduce students to legislative history and administrative law, advanced legal research skills, and broaden students' understanding of all sources of law. This course has been approved as a Distance Education course.



### **Multistate Bar Exam Skills**

*Law 2004*

*Hours: 4*

*Course Frequency: Each Spring*

*Prerequisites: None*

This course is designed to improve legal analysis and study skills in preparation for taking the bar examination. It will assist with developing and practicing test-taking strategies and skills. It will also provide a familiarity with the methodology of the exam. Multiple-choice strategies and practice exams will be covered. The focus of the course is on subjects covered on the multiple-choice Multistate Bar Examination. Students also will have the opportunity to draft and receive feedback on essay answers pertaining to these subjects. This course is skills-based, not substance-based, so it is not intended to replace substantive course study review and/or commercial bar examination preparation courses. Only students on track to take the next February or July administration of the bar exam are eligible to enroll.

### **Multistate Essay Exam Skills I**

*Law 2005*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This is a skills-development course that provides students with an intensive substantive review of selected legal material routinely tested on the Multistate Examination Essay portion of the Uniform Bar Examination. Essay subjects reviewed include Conflict of Laws and Agency and Partnership. Through the use of questions and exercises in a bar exam format, students will become familiar with techniques for analyzing, organizing, and responding to essay questions on the bar exam. The course further provides students with a review of the Multistate Performance Test, which is designed to test an examinee's ability to perform fundamental lawyering skills. Suggestions are made in regard to approaching and successfully completing skills-based assignments found on Multistate Performance Tests. This course is not intended to replace any commercial bar examination preparation course. Only students on track to take the next February or July administration of the bar exam are eligible to enroll.

### **Professional Responsibility**

*Law 2101*

*Hours: 2*

*Course Frequency: Each Spring*

*Prerequisites: None*

Students are provided an overview of the law and ethics of lawyering, consistent with the Model Rules of Professional Conduct. The course emphasizes the importance of respect for diversity and the rule of law as well as the development of values and attitudes that are congruent with the code of ethics governing the legal profession.

### **Secured Transactions**

*Law 2121*

*Hours: 3*

*Course Frequency: Each Fall and/or Spring*

*Prerequisites: Contracts and Sales I & II*

This course provides a study of Article 9 of the Uniform Commercial Code and discusses securing debt through the collateralization of personal property. The course will discuss the creation and enforcement of security interests in personal property as well as methods of determining priority between multiple secured debts on the same personal property.

### **Wills, Trusts and Estates**

*Law 2131*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: Property I & II*

This course introduces students to the law governing the intergenerational transfer of wealth. Using case law, the Uniform Probate and Uniform Trust Codes as models, the course introduces students to the legal aspects of probate and non-probate transfers of wealth, including the law of intestacy, wills, will substitutes and trusts, including the duties and powers of trustees in trust administration. It will further develop student understanding of future interests and the Rule Against Perpetuities and, at every point, the course will emphasize the ethical challenges inherent in the practice of estate law.

## **C. Elective Courses**

### **Accounting for Lawyers**

*Course No.: 3045*

*Hours: 3*

*Prerequisite(s): None*

This course teaches accounting concepts and skills that lawyers, working in many fields, will need. Accounting is the language of business. If a lawyer's practice touches business, then he or she will come across accounting concepts. This course has been approved as a Distance Education course.

### **Administrative Law**

*Law 3011*

*Hours: 3*

*Prerequisite: None*

This course provides a study of the processes by which policies of administrative agencies are translated into law and applied by the responsible administrative agencies. Topics include: analysis of informal and formal procedures, separation of powers, delegation, statutory construction, rule making, and adjudication.

### **Advanced Evidence**

*Law 5081*

*Hours: 3*

*Prerequisite(s): Evidence*

This skills-based course will have limited enrollment and will utilize mini-scenarios to introduce students to the application of the Federal Rules of Evidence in a courtroom setting. Students will prepare, in advance of class, mini scenarios that consist of both criminal and civil cases. Students will research the admission (or exclusion) of potential evidence and, through the use of witnesses, seek to admit (or exclude) such evidence in the context of each scenario. Students will serve in roles as advocates, witnesses and judges. At the conclusion of each scenario, students, who did not participate in a particular scenario, will offer constructive critiques of their colleagues. This will be followed by the instructor's oral and written critique.

Each class includes multiple opportunities for assessment from the instructor, their colleagues, and self-assessment. Students are provided copies of the grading rubric used by the instructor and a rubric for self-assessment.

### **Advanced Government Relations**

*Law 5051*

*Hours: 2*

*Prerequisite: Legislation & Regulation*

This course covers all aspects of legislative and regulatory advocacy (lobbying), with intensive emphasis on professional skills of oral and written advocacy in the governmental or political arena. Simulated federal and state lobbying scenarios will be highlighted representing member of Congress, staff, committee hearing, state legislators, agency executives and clients. Topics include campaign finance, lobbying disclosure laws, legislative drafting, and ethics.

### **Advanced Legal Research**

*Law 5042*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: Legal Research I, II, & III; Legal Communication I, II, & III*

This course is designed to reinforce and build upon the research skills learned in the first semester. Students will learn about legal research resources for use during the five phases of civil litigation: case assessment and due diligence, pleadings, discovery, trial, and appeal. Students will: develop and execute research plans; study specialized topical legal materials; study significant factual sources, such as statistical databases, public records, and non-legal sources; learn how to find information about expert witnesses, attorneys, and judges; and evaluate research and reference products for a cost-effective practice of law.

### **Advanced Legal Research Seminar**

*Law 4042*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Legal Research I, II, & III; Legal Communication I, II, & III*

This course is designed to reinforce and build upon the research skills learned in the first semester. Students will learn about legal research resources for use during the five phases of civil litigation: case assessment and due diligence, pleadings, discovery, trial, and appeal. Students will: develop and execute research plans; study specialized topical legal materials; study significant factual sources, such as statistical databases, public records, and non-legal sources; learn how to find information about expert witnesses, attorneys, and judges; and evaluate research and reference products for a cost-effective practice of law. The course may satisfy the Upper Level Writing Requirement.

### **Advanced Trial Advocacy - Civil**

*Law 5004*

*Hours: 2*

*Prerequisite(s): Civil Procedure I & II; Trial Advocacy*

This skills-based course will have limited student enrollment and will build on and enhance trial skills taught in Trial Advocacy. Students will prepare a case and conduct a civil trial of that case. Students will focus on discovery, case theory development, trial strategy, jury selection, opening statement, direct and cross examination, motions and closing argument.

### **Asylum Practice**

*Law 5025*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Immigration Law*

This experiential course focuses primarily on U.S. asylum law and procedure, with particular attention to the statutory and case law framework for defensive asylum. It will guide students through the process of advocating for detained asylum-seekers. Simulations may incorporate practical issues arising from the credible fear interview, bond proceedings, information gathering, document drafting, motion arguments, and ethical considerations related to the representation of asylum-seekers.

### **Bankruptcy**

*Law 3061*

*Hours: 3*

*Prerequisite(s): None*

This course provides a study of the rights and remedies of debtors and creditors under the Federal Bankruptcy Code. In addition, the interplay of the Bankruptcy Code and the provisions of Article 9 of the Uniform Commercial Code and other provisions of state law are examined.

### **Conflict of Laws**

*Law 3031*

*Hours: 2*

*Prerequisites: Civil Procedure I & II*

This course provides a study of the legal policies, rules of law, and constitutional requirements for resolving disputes that have connections with: more than one state, a state and a foreign country, or both state and federal interests. It explores the principles that courts use in selecting the proper law to apply in such cases under the American system of divided sovereignty—divided both between states and between state and federal governments.

### **Contract Drafting**

*Law 5065*

*Hours: 2*

*Prerequisite(s): Contracts and Sales I & II*

This experiential, skills-based course focuses on the practical aspects of drafting transactional documents. The course will include classroom instruction on substantive contract concepts such as representations, warranties, covenants, and conditions. Students will learn basic contract structure and design; how to analyze and understand various provisions of a contract, the role of each, and how they work together; and how to add value to a business transaction while anticipating and minimizing risks. Through classroom discussion, individual feedback, and opportunities for editing and revising, students will practice and hone the skill of drafting unambiguous contract terms that are clear and effective. Assignments will include in-class and group exercises, drafting homework, and larger drafting assignments as major projects.

### **Criminal Practice Skills**

*Law 5021*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Constitutional Criminal Procedure*

This course explores the processes of the criminal justice system from bail to jail. Specifically, it covers: bail and pretrial release, prosecutorial discretion and charging decisions, grand juries, preliminary hearings, discovery, plea bargaining and guilty pleas, speedy trial rights, right to counsel, trial rights, sentencing, cruel and unusual punishment, double jeopardy and habeas corpus. The class involves several in-class simulation exercises and satisfies three credits of the experiential learning requirement.

### **Directed Study**

*Law 3081*

*Hours: 1-3*

*Course Frequency: Offered when student need and faculty availability allow*

*Prerequisite(s): Same as the course which is represented by the Directed Study*

This course is available in a limited number of subject areas. A directed study is a regular School of Law course offering taught to a student on an individual faculty/student basis which must be approved by the faculty member and either the Associate Dean for Academic Affairs or the Dean. In a directed study, the directing faculty member sets forth the objectives, requirements, and guidelines for earning credit in a course. A directed study syllabus for each course stating established meeting times with a faculty member, examination, readings, and a general outline of what is to be learned is provided. A directed study course will be denied if the course is available that same semester.

### **Disability Law**

*Law 4027*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: None*

This course provides an overview of the Americans With Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and other state and federal laws and regulatory schemes designed to protect the interests of persons with disabilities in employment, government programs, public accommodations, and education. It will also address federal programs affecting persons with disabilities such as Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). This class may satisfy the upper-level writing requirement.

### **Domestic Relations Drafting**

*Law 5014*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: Domestic Relations*

This course focuses on the basic skills associated with drafting legal documents, by studying and writing documents in the context of domestic relations litigation (dissolution of marriage, primarily). Students will draft documents that create the relationship with the client, such as scope of representation letters and fee agreements as a way to explore some of the ethical and professional responsibilities that arise between attorneys and clients. Students will also draft pleadings related to divorce litigation as a way to explore the relationships between the governing law and the procedural mechanisms by which the client's cause of action is actually presented to the court. Finally, students will draft agreements that are intended to resolve or avoid litigation, as a way to consider contract-related considerations.

### **Education Law**

*Law 4035*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course provides a study of the law relating to public, private, and home education. Emphasis is placed on the legal framework for public education, the First Amendment and other Constitutional issues related to the public schools, and the nature of parental rights in the context of public education. This class may satisfy the Upper Level Writing Requirement.

### **Estate Planning and Drafting**

*Law 5035*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Wills, Trusts and Estates*

This experiential course focuses on practical aspects of drafting estate planning documents. The course also emphasizes skills of client interviewing and counseling using simulations. Students will have an opportunity to learn how to prepare wills and trusts by designing an estate plan for a hypothetical client. Students will complete planning and drafting projects, which may include drafting powers of attorney, wills, trusts, client letters, and probate documents. Counseling and drafting exercises require students to consider issues surrounding powers of attorney, advance directives, multi-generational trusts, estate planning strategies for retirement assets, how social and religious factors affect estate planning, and ethical considerations in the estate planning process.

### **Externship I & II**

*Law 5210/5220*

*Hours: 2-3*

*Course Frequency: Each semester with limited availability*

*Prerequisite for Externship I: None*

*Prerequisite for Externship II: Externship I*

Students will spend time at off-campus “sites” which have been previously approved by the Director of Experiential Learning. These sites will have a supervisor, who may be an attorney or judge. Weekly journals and writing assignments will be completed and reviewed by the Director. Students may participate in up to two externships for course credits of either two or three hours each. These courses are graded on a pass/fail basis.

### **Federal Criminal Law**

*Law 4341*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: Criminal Law*

This course covers substantive federal criminal law to include the scope and structure of federal crimes. The course will explore prosecution and defense strategies in federal cases, including decision making before and after trials. Topics covered will include drug trafficking, money laundering, asset forfeiture, firearms, the Hobbs Act, anti-terrorism, espionage, immigration, wire and mail fraud, public corruption, bribery, RICO, obstruction

of justice, perjury, and the federal sentencing guidelines. This course may satisfy the Upper Level Writing Requirement.

### **Federal Income Taxation**

*Law 3191*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course provides a study of the basic principles of federal income tax, concentrating on individual taxpayers, business taxpayers, and investors as taxpayers. Particular emphasis is placed on the use of the Internal Revenue Code and federal tax regulations. Topics include items of inclusion and exclusion from gross income, deductions from gross income, capital gains and losses, basic tax accounting, and the identification of income to the appropriate taxpayer.

### **First Amendment**

*Law 3161*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: Constitutional Law*

This course provides a legal analysis and study of the text, history, theory and jurisprudence related to the U.S. Constitution's First Amendment, including an analysis of its five freedoms: speech, press, assembly, petitioning, and religion. Specific topics will include free speech methodology; unprotected and less protected speech; tort law as it relates to freedom of speech; conduct that communicates, including the financing of election campaigns and campaign finance restrictions; the public financing of elections and the places available for speech; freedom of association; freedom of the press; interpreting freedom of religion; the Free Exercise Clause; and the Establishment Clause.

### **Healthcare Law**

*Law 3202*

*Hours: 3*

*Prerequisite(s): None*

This course provides a study of the key concepts in health law such as the structure of health care organizations, quality of health care, and liability of health care providers. It also addresses access to health care; financing mechanisms of health care, including Medicare and Medicaid; regulation of health care; and oversight of managed health care. New developments in health care law will also be examined. This course has been approved as a Distance Education course. This course has been approved as a Distance Education course.



## **Immigration Law**

*Law 3211*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course provides a study of the legal, historical, and policy perspectives that shape U.S. law governing immigration and citizenship, including the constitutional bases for regulating immigration, the history of immigration law in the United States, and the source and scope of congressional and executive branch power with regard to immigration. The course will also examine the role of the judiciary in interpreting immigration law, citizenship and naturalization, the admission and removal of immigrants and non-immigrants, and the issue of undocumented immigration. Students will also analyze the impact of immigration in other areas, including employment, criminal law, family unification, and discrimination.

## **Independent Study**

*Law 4051*

*Hours: 1-2*

*Course Frequency: Each semester; Requires faculty sponsor*

*Prerequisites: None*

An Independent Study is appropriate for a student who wishes to study a particular area of law that is not covered in the school's existing course offerings. An independent study is supervised by a faculty member, with prior approval of the Curriculum Committee. A student wishing to conduct an independent study for credit must complete a Request for Independent Study consistent with the Guidelines for Independent Study. The student's request must demonstrate that the proposed writing project could satisfy the Upper Level Writing requirement. However, a student may propose an Independent Study while using a different course to fulfill the Upper Level Writing Requirement. If the student earns a passing grade on an Independent Study lower than a "B" or otherwise fails to meet the criteria of the Upper Level Writing requirement, the student will receive credit for the Independent Study but may not use the Independent Study writing project to satisfy the Upper Level Writing requirement. The Independent Study Request Form proposal should be completed prior to the following deadlines based on the semester in which the student wishes to do the Independent Study: fall semester, July 1; spring semester, November 1; summer semester, March 15.

## **Insurance Law**

*Course No.: 3221*

*Hours: 3*

*Prerequisite(s): None*

This course provides a study of: various types of insurance, including life, property, health, accident, and liability insurance; regulation of the insurance industry; interpretation of insurance documents; conditions, warranties, and representations; coverage and exclusions; duties of agents; excess liability; subrogation; bad faith actions against insurers; liability

insurance defense problems, including the duty to defend; notice and cooperation issues; and conflicts of interest. This course has been approved as a Distance Education course.

### **Intellectual Property**

*Law 3231*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Property I & Property II*

This course provides a survey of the basics of copyrights, patents, trade and service marks, and trade secrets. The course teaches the concepts as an integrated system rather than disparate, unrelated areas of the law presenting a framework for understanding intellectual property doctrine. Additionally, a study of developments in the laws governing the protection of property

### **International Law**

*Law 3171*

*Hours: 3*

*Prerequisite: None*

This is a general survey course of international law. The course aims to provide the history, foundation, and growth of public international law through custom, treaties, the work of international organizations, and the decisions of international tribunals. The course will examine a broad array of legal issues, including the formation of customary international law, the establishment and recognition of states, diplomatic relations, the law of treaties, international organizations, nationality, the nature and scope of sovereignty and jurisdiction of states, sovereign immunity, state responsibility, human rights, protection of the environment, the law of the sea, the use of force, and international dispute resolution.

### **Interviewing and Counseling**

*Law 5011*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

The course is designed to provide each student the opportunity to translate legal analysis into the real world of lawyering by interviewing clients, and counseling clients. Interviewing and Counseling focuses on the practical problems faced by lawyers. The course is designed to provide each student with a basic understanding and some insight into the process of dealing with people and legal problems and to enable the student to function as a competent and ethical lawyer.

### **Interviewing, Negotiation and Counseling**

*Law 5100*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course will develop students' skills in the fundamentals of interviewing and counseling clients and negotiating agreements. These three skills have been identified by the ABA Task Force on Law Schools and the Profession: Narrowing the Gap as essential components of competent lawyering. The course will cover conceptual foundations for understanding the processes involved in interviewing, counseling, and negotiation.

### **Labor and Employment Law**

*Law 3101*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course provides a study of the statutes, regulations, and cases dealing with a number of legal rights and concerns of employees and employers, including labor relations between private employers and employees acting in a collective capacity. Areas covered may include: (a) historical background and economic considerations of labor and employment laws; (b) at-will employment and wrongful discharge; (c) organization and representation of employees; (d) union collective action and collective bargaining; (e) worker's compensation law and practice; (f) labor standards legislation, such as wage-and-hour laws (e.g., Fair Labor Standards Act—FLSA, public contract “prevailing wage” requirements); (g) health-and-safety laws (e.g., Occupational Safety and Health Act—OSHA); and (h) an introduction to pension-protection laws (e.g., Employee Retirement Income Security Act—ERISA).

### **Law Office Management**

*Law 5040*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course will provide a systematic overview of the preparation necessary to open and maintain a law office. Students will be introduced to basic concepts of law firm management, predictable problems, and solutions. Students who successfully complete this course will have a sound understanding of the business of practicing law and the importance of a very organized and low overhead office; obtaining skills for organizing files, handling finances, and minimizing accounts receivables; knowing how to develop business and to keep good clients; and gaining communication and interpersonal skills to handle employees, clients, and the people involved in the court system. Rules of Professional Conduct, ethics opinions and attorney general decisions governing office management issues will be discussed.

## **Law Review**

*Law 4310*

*Hours: 2*

*Course Frequency: Each semester; Requires faculty sponsor*

*Prerequisites: Membership determined by organization by-laws*

The LMU Law Review edits and publishes articles written by scholars, practitioners and students. Selection to the Law Review occurs via a write-on competition immediately following the end of the first year (for full-time students) or second year (for flex-time students). After serving for at least one semester as a member of the Law Review, each student must undertake a writing project under the supervision of the Law Review's faculty advisor. The student must complete a request form consistent with the Law Review Writing Project Guidelines. The student's request must demonstrate that the proposal could satisfy the upper-level writing requirement. However, a student may propose a Law Review Writing Project while using a different course to fulfill the upper-level writing requirement. If the student earns a passing grade on a Law Review Writing Project lower than a "B" or otherwise fails to meet the criteria of the Upper Level Writing requirement, the student will receive credit for this course but may not use the Law Review Writing Project to satisfy the Upper Level Writing requirement. The request form must be completed prior to the following deadlines based on the semester in which the student wishes to complete the writing project: fall semester, July 1; spring semester, November 1; summer semester, March 15. To receive credit for this course, the student must, in addition to completing the Law Review Writing Project, satisfactorily complete two academic years on the Law Review, to be certified by the Law Review faculty advisor.

## **Legislation & Regulation**

*Law 3010*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course provides an introduction to the substance and procedure of drafting legislation, the administrative state, and canons of statutory interpretation. Specifically, it focuses on: (1) the politics and policy underlying legislative and administrative actions, including campaign finance law and ethical issues; (2) the process of developing, drafting, and enacting legislation; (3) the implementation of legislation by administrative agencies through the promulgation of regulations, and (4) the interpretation of both statutes and regulations by the courts. The course will also provide students with an introduction to career opportunities both inside of government and outside government as lawyer/lobbyists.

## **Lincoln's Constitution**

*Law 4016*

*Hours: 2*

*Co-requisite: Constitutional Law*

This course provides an in-depth analysis of Abraham Lincoln's constitutional perspectives, interpretations and actions. After a brief review of Lincoln's biography and times, the course will examine his attitude and actions regarding slavery, secession, war powers, habeas corpus, emancipation, free speech and other individual rights, and reconstruction. The course also will evaluate the profound effects of Lincoln's actions on modern American constitutional law. This course may satisfy the Upper Level Writing Requirement.

### **Mediation Skills**

*Law 5085*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course will explore the various theories underlying and practices basic to mediation. Skills and techniques appropriate to each stage of the mediation process are identified and students will have the opportunity to practice these skills. Simulations and experiential exercises will provide students with an opportunity to develop proficiency as mediators and to rigorously analyze the appropriate roles and behavior of mediators and advocates, taking into account the legal, ethical and public policy issues surrounding the practice of mediation.

### **Mock Trial I & II**

*Law 5310/5311*

*Hours: 1-2*

*Course Frequency: Each semester; Requires faculty sponsor*

*Corequisite for Mock Trial I: Evidence; Membership determined by organization by-laws*

*Prerequisite for Mock Trial II: Mock Trial I*

Students develop their skills to compete in inter-law school mock trial competitions sponsored annually by various law schools, bar, and trial lawyer organizations. Students learn the techniques involved in trying cases from faculty advisors and local attorneys acting as coaches and judges in preparation for inter-law school trial competitions. Enrollment in this course is limited to students who are members of the law school's mock trial team, and with the approval of the advocacy team's faculty advisor. Students competing in intercollegiate competitions will earn for satisfactory completion of such competition either one (1) credit, if serving as a witness, or (2) credits, if serving as an attorney advocate. No student may earn more than four (4) credits towards graduation for participation on the Mock Trial Team. This course is graded on a pass/fail basis. The class involves several faculty-supervised simulation exercises and satisfies the experiential learning requirement. A minimum law school GPA of 2.333 is required to register for this course.

### **Moot Court I & II**

*Law 5320/5321*

*Hours: 2*

*Course Frequency: Each semester; Requires faculty sponsor*

*Prerequisite for Moot Court I: Legal Research III and Legal Communication III;*

*Membership determined by organization by-laws*

*Prerequisite for Moot Court II: Moot Court I*

Students develop their skills to compete in inter-law school moot court competitions sponsored annually by various law schools, bar, and trial lawyer organizations. Students learn the techniques involved in appellate advocacy from faculty advisors and local attorneys acting as coaches and judges in preparation for inter-law school moot court competitions. Selection to the team is based on evaluation by the Legal Communication III faculty in conjunction with the previous year's Moot Court Team and faculty advisor(s). Team members, in conjunction with Legal Communication III faculty and the faculty advisor(s), shall also be responsible for organizing tryouts to select the subsequent Moot Court Team. Students competing in inter-law school competitions will earn two (2) credit hours for satisfactory completion of such competition. No student may earn more than four (4) credits towards graduation for participation on the Moot Court Team. This course is graded on a pass/fail basis. The class involves several faculty-supervised simulation exercises and satisfies the experiential learning requirement. A minimum law school GPA of 2.333 is required to register for this course.

**Multistate Essay Exam Skills II**

*Law 3002*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: None*

This is a skills-development course that provides students with an intensive substantive review of selected legal material routinely tested on the Multistate Examination Essay portion of the Uniform Bar Examination. Essay subjects reviewed include Corporations and LLCs, Family Law, Secured Transactions, and Trusts and Estates. Through the use of questions and exercises in a bar exam format, students will become familiar with techniques for analyzing, organizing, and responding to essay questions on the bar exam. This course, which is not intended to replace any commercial bar examination preparation course, is strongly recommended. Only students on track to take the next February or July administration of the bar exam are eligible to enroll.

**Municipal Government Law**

*Law 3092*

*Hours: 3*

*Prerequisite: None*

Local governments enjoy substantial law-making and regulatory authority, bearing significant responsibility for the financing and provision of most domestic public goods and services. This course will consider the source, scope and limits of local government power. It will address the allocation of these powers and the legal rules that provide the foundation and corresponding obligations associated with their use. Some specific topics will include public administration, public financing, liability and risk management, zoning and annexation, public utilities, eminent domain and condemnation, inducements to business and industry, public law enforcement, municipal courts, and education.

**Negotiation**

*Law 5012*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

The Negotiation class will provide students with an experiential, simulation-based introduction to the theory and practice of negotiation. This course is designed to: (1) develop students' understanding of negotiation, and your awareness of yourself as a negotiator; (2) provide students with tools and concepts for analyzing and preparing for negotiations; (3) enhance students' negotiating skills through frequent role plays, reflection, and feedback; and (4) teach students how to keep learning from their own negotiation experiences. In addition to negotiation skills and theory, students will be introduced to issues of representation, ethics, and the place negotiation holds in our legal system.

**Nonprofit Organizations**

*Law 3012*

*Hours: 2*

*Prerequisite: Business Organizations*

This course introduces concepts of how nonprofit organization and tax exempt organizations are defined in context of the law. Students will understand how to create and organize a nonprofit/tax exempt organization, how to maintain proper standing, and how to dissolve a nonprofit organization. The course provides an overview of the rules, regulations, and limitations imposed on nonprofit organizations by the courts, the IRS, and/or other governing bodies. Students will understand the crucial importance of governance and ethics in the operation of the organization. The duties and responsibilities of nonprofit directors as well as potential for liability issues relating to service on nonprofit boards will also be examined. Students will be exposed to the role attorneys play in the nonprofit sector. The course exposes students to the interplay between different types of organizations and their role(s) in the community.

**Payment Systems**

*Law 3021*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Contracts and Sales I & II*

This course provides a study of the systems, used by both consumers and commercial entities to make payments. It introduces the various mechanisms by which payments are made, including negotiable instruments such as promissory notes and checks; credit, debit, and prepaid cards; electronic consumer payments; wire transfers; and developing peer-to-peer payment systems such as cryptocurrencies. The course also covers the relationship between banks and their customers, including the check collection process and issuance of letters of credit. Students will be exposed to the statutes and regulations governing these payment systems including relevant federal provisions and articles of the Uniform Commercial Code

**Pleadings and Practice**

*Law 5005*

*Hours: 3*

*Prerequisite(s): Legal Research III, Legal Communication III, Civil Procedure I & II*

This course provides a study of pre-trial practices and procedures. Students will become familiar with the relevant Rules of Civil Procedure and other pre-trial techniques, including client interviewing and counseling, witness interviewing, informal discovery techniques, litigation planning, expert development and discovery, pleadings, interrogatories, depositions, requests for production, requests for admission, pre-trial motion practice, settlement strategies, settlement brochures, settlement conferences, pre-trial conferences, and settlement agreements.

**Products Liability**

*Law 3321*

*Hours: 3*

*Prerequisites: Torts I & II*

This course provides a study of the liability of manufacturers and distributors for defects in their products. This course provides particular focus on the origins of strict liability in tort for defective products, as well as negligence and warranty theories. The course will cover recent developments in recovery, elements of proof, available defenses, and tort reform.

**Remedies**

*Law 3325*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Contracts and Sales I & II, Torts I & II*

This course provides a study of the law of judicial remedies, both legal and equitable, focusing on the nature and scope of relief as distinguished from substantive and procedural law. The four major categories of remedies are addressed: damages, including measurement issues for both compensatory and punitive damages and limitations on the damages remedy; restitution, including measurement issues and issues related to rescission, constructive trust, and equitable lien; injunctions, including issues relating to requirements for obtaining preliminary and permanent injunctive; and declaratory relief, including ancillary remedies to effectuate the relief obtained and legal and equitable defenses.

**Sports Law**

*Law 3351*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: None*



This course provides a study of the academic (e.g., labor and antitrust) and practical (e.g., contracts and agents) aspects of professional sports and the emerging field of sports law, including rules governing Olympic competition, the NCAA, and other amateur athletics.

### **Technology and the Law**

*Law: 4121*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: None*

This course provides a study of how technology impacts the law and how the law affects technology. The course will cover aspects of internet and software copyright issues, trade secrets, computer crime, privacy, antitrust, and regulation of internet content. Timely issues that may arise near or during the time of the course offering may also be examined. Students may obtain their upper-level writing requirement through this course.

### **Tennessee Constitutional Law**

*Law 4131*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: Constitutional Law*

This seminar provides an overview of the history and interpretation of the Tennessee Constitution. Topics covered will include the origins of the Tennessee Constitution of 1796, the Constitutional Conventions of 1834 and 1870, the procedure for amending the state constitution and key differences between the state and federal constitutions. Substantive areas discussed will include constitutional criminal procedure, substantive due process and the taxation power. Students may obtain their upper-level writing requirement through this course.

### **Tennessee Courts Practice**

*Law 5070*

*Credit Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Civil Procedure I & II*

This experiential learning course provides an overview of the legal issues faced by lawyers practicing litigation work in Tennessee, particularly those working in a solo or small-firm environment. It is taught through simulation exercises that require students to work through real-world scenarios that Tennessee attorneys regularly encounter in their practices. Fictional clients retain the students to litigate the most common types of cases in each of the various Tennessee state courts, including Municipal Court, General Sessions Court, Juvenile Court, Chancery Court, Circuit Court, Criminal Court, and the appellate courts. With each exercise, students will research, analyze, interpret, and apply Tennessee-specific legal questions. The goal of this course is to expose students to legal and practical issues they are likely to see as attorneys and to give them the confidence to tackle those issues competently.

### **Tennessee Juvenile Law**

*Law 3271*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: Domestic Relations*

This course provides a study of the rights and responsibilities of parents, children, attorneys, and the State in the context of a Tennessee juvenile law practice. During this course, students will learn about the history of the juvenile court system, the development of children's rights and the practical application of the law in dependency and neglect, severe abuse, termination of parental rights, unruly, and delinquency matters.

### **Tennessee Workers' Compensation Law**

*Law 3275*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite: None*

This course is designed to provide students with a practical understanding of workers' compensation laws nationwide, with a particular emphasis on Tennessee's workers' compensation system. The course provides the history, foundation, and development of workers' compensation laws, and students will analyze the decisions of workers' compensation courts. The course will examine a broad array of legal issues, including the statutory requirements to establish entitlement to workers' compensation benefits, the types of benefits available to injured workers, the defenses employers assert to such claims, and the dispute resolution processes used by various states, with an emphasis on Tennessee's dispute resolution and litigation schemes.

### **Topics in Environmental Law**

*Law 4123*

*Hours: 3*

*Prerequisite(s): None*

This course provides a conceptual overview of environmental law, starting with coverage of the basics of administrative law, constitutional law, and standing for citizen groups. The course will then explore how environmental law operates through discussion of major federal environmental statutes, including the Clean Water Act, Clean Air Act, Endangered Species Act, and National Environmental Policy Act. Class discussions will explore cross-cutting themes (such as scientific uncertainty, market failures, and the challenge of enforcement) and dominant theories that drive policy development (such as environmental justice and the need to address transboundary resource conflict).

### **Trial Advocacy**

*Law 5001*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites: Evidence*

This course will provide practical instruction in relation to the skills of advocacy in civil and criminal cases. Students will learn effective skills for jury selection, opening statements, direct and cross examination of witnesses (both lay and expert), objections, and closing arguments. Additionally, students will focus on case theory development and strategies best suited to jury persuasion.

## **XV. EXTERNSHIP PROGRAM**

The School of Law has developed a robust externship program. For information regarding the Externship Program, please refer to the *Externship Policy and Procedures Manual* located on TWEN.

## **XVI. ENROLLMENT STATUS**

### **A. Academic Probation**

1. A student is in good standing if he or she retains a cumulative GPA of 2.000 or better.
2. A student who has satisfied all other graduation requirements but has not retained a cumulative GPA of 2.000 shall not graduate. A student who has acquired ninety (90) credit hours or more but fails to achieve a cumulative GPA of 2.000 shall be dismissed from the School of Law without a probationary semester, as defined in § XVI.A.3.
3. A student will be placed on academic probation if the student has attempted to earn at least 15 credits at the School of Law and has a cumulative GPA below 2.000 but not below a 1.800 at the end of any fall or spring semester. The fall or spring semester following the moment a student is placed on academic probation shall be known as the Probationary Semester. Students placed on academic probation will be placed on financial aid probation as set forth in § VII.B herein.
4. A student shall only be eligible for one (1) probationary semester from the time of initial matriculation at the School of Law and their graduation. A student who, after completing a probationary semester, regains good standing and subsequently has a cumulative GPA below 2.000 at the end of a fall or spring semester, shall be dismissed from the School of Law.
5. A student placed on academic probation at any time during his or her School of Law career must comply with the following obligations to be allowed to continue his or her legal education at the School of Law:

- a. The student must meet with the Associate Dean for Academic Affairs and the Associate Dean for Student Learning or Director of Academic Success for counseling. The student must review all of his or her exams from the previous semester and must identify in writing: the most common feedback the student received on his or her work, how the student studied for each class, why the student believes he or she has not performed well at the School of Law, and how the student will change his or her studying process to improve his or her grades. The student must provide a report to the Associate Dean for Academic Affairs containing the information detailed in this section.
- b. The Associate Dean for Academic Affairs shall offer the student information regarding the student's necessary grade point average to avoid academic dismissal and working with the student, will develop an education plan designed to maximize the student's chance of avoiding academic dismissal.
- c. The student shall complete all Academic Success Probation Program paperwork, including an Academic Success Probation Program Contract.
- d. The student shall comply with all of the requirements of the Academic Success Probation Program, including meeting attendance requirements with respect to meetings with program personnel, fulfilling all agreements made in the Academic Success Probation Program Contract, and completing all Academic Success Probation Program assignments.
- e. A student who fails to meet any of the foregoing obligations may be dismissed from the School of Law at the discretion of the Associate Dean for Academic Affairs.
- f. A student who fails to achieve a cumulative GPA of 2.000 after his or her Probationary Semester shall be dismissed from the School of Law. A student who is involuntarily dismissed from the School of Law for academic reasons shall have his or her financial aid eligibility suspended.

## **B. Involuntary Academic Dismissal**

Notwithstanding any other provision herein, a student who has attempted at least 15 credits at the School of Law and fails to achieve a cumulative GPA of 1.800 or above shall be dismissed from the School of Law. Credits are deemed attempted for all courses in which a student is enrolled after the add/drop deadline. A student whose cumulative GPA falls below 1.600 at any time shall be dismissed from the School of Law. Involuntary academic dismissal shall occur automatically, without a

probationary period as described in § XVI.A.3. above and with no opportunity to appeal the dismissal or seek readmission pursuant to § XVI.C. below. A student that is involuntarily dismissed from the School of Law for academic reasons shall have his or her financial aid eligibility suspended.

### C. Requests for Readmission

1. A student who has a cumulative GPA of 1.800 or higher and has received notice that he or she is to be disqualified, pursuant to § XVI.B., may petition the Academic Standards Committee for readmission and permission to continue his or her studies on academic probation. A student may not be re-enrolled until one (1) calendar year has expired since the student's disqualification.
2. The petition must be submitted to the chair of the Academic Standards Committee by October 1 for a spring enrollment, March 1 for a summer enrollment and May 1 for a fall enrollment.
3. The petition must allege facts that meet each of the below-referenced standards for readmission. Any student who fails to comply with these requirements will be denied a hearing on the petition. Denial of a hearing under the subsection is not appealable.
4. A student may elect to stand on his or her petition alone. But, if the student requests a hearing in conformance with the requirements of this section, a hearing will be conducted by the committee within two (2) weeks of the submission of the Petition for Readmission.
5. The chair of the Academic Standards Committee will inform the student of the Committee's decision within two (2) calendar days after the committee makes a determination.
6. As a condition of readmission, the committee may require, among other things, the student re-take certain School of Law classes or otherwise address deficiencies by doing additional reading, obtaining tutoring, and/or taking writing classes.
7. A student may be granted permission to continue his or her studies under this provision only one (1) time during his or her studies at the School of Law.
8. A student who is readmitted shall be readmitted on probation. As such, the student must comply with all requirements stated in the academic probation policy.
9. The Academic Standards Committee may grant a petition if the student establishes the following:
  - a. extraordinary circumstances contributed to his or her inability to meet the academic requirements of the School of Law;
  - b. the student's failure to meet the standards for continuing his or her studies does not indicate a lack of capacity to complete the program of study and, in fact, the student possesses that capacity; and

- c. the circumstances resulting in the student's academic disqualification have been remedied or no longer exist.
10. Students that have been granted readmission to the School of Law, if seeking financial aid, must file an Appeal of the suspension of their eligibility to receive financial aid, as set forth in § VII.B herein.
11. Upon a favorable readmission decision from the Academic Standards Committee, the Dean of the School of Law may endorse the readmission decision of the Academic Standards Committee or may deny the student readmission to the DSOL, based upon the factors enumerated above. Any decision of the Academic Standards Committee to deny a Petition for Readmission is final and shall not be reviewable by the Dean.
12. The School of Law considers the admission of an applicant who was disqualified academically. Details are set forth in the *Admissions Policies and Procedures Manual*, described in Section VII.A above.

#### **D. Withdrawal from Courses**

##### **1. Financial Considerations for Withdrawal**

- a. Students are not permitted to withdraw from courses after the add/drop period without the approval of the Associate Dean for Academic Affairs.
- b. Although students may discontinue attendance at the School of Law without approval, subject to the penalties set forth herein, the official date of the withdrawal is the date that the Associate Dean for Academic Affairs receives and approves the student's written request for a leave or withdrawal. Only by approval of the written request for withdrawal will a student be considered withdrawn from the Duncan School of Law. All materials assigned to the student by the Duncan School of Law must be returned before the withdrawal process will be deemed complete.

##### **2. Tuition and Fees**

In the event that a student withdraws from the School of Law, the policy for refunds of Tuition and Fees will be based on the following schedule for all semesters:

If the student withdraws during the first week of the first official day of class, 100% of applicable institutional dollars will be refunded. If the student withdraws during the second week 75% will be refunded. During the third week 50% will be refunded. During the fourth week 25% will be refunded. Students who withdraw after four (4) weeks will not receive any refund.

The LMU Student Accounts Office will determine all refund calculations for Institutional charges (i.e. Tuition and Fees) based upon the Official Withdrawal date submitted by the Associate Dean for Academic Affairs. Any questions regarding

tuition and fee refunds or charges incurred due to withdrawal should be addressed to the LMU Student Accounts office at (423) 869-6336.

### 3. Financial Aid

The Higher Education Amendments of 1998 regulate how colleges and universities handle Title IV funds when a recipient withdraws from school. This policy is separate from the University's refund of institutional charges. The return of Title IV funds, which is handled by the LMU Financial Aid office, includes all Stafford Loans and Graduate PLUS loans received during the current semester in attendance. The policy states that up through the 60% point in each semester a pro-rata schedule will be used to determine how much Title IV aid the student has earned. The percentage of time completed in the enrollment period is determined by dividing the number of days completed by the number of days in the enrollment period. If 60% of the semester has been completed, there is no return of Title IV funds. For example, if the student has attended 31% of the enrollment period, the student has earned 31% of his/her Title IV aid, and 69% of the aid must be returned to the federal government. After the 60% point in the semester, the student has earned 100% of the aid for which the student was eligible. Additional information on the return of Title IV funds may be obtained from the LMU Financial Aid Office.

#### **E. Leaves of Absence**

1. A leave of absence may be granted by the Dean or the Associate Dean for Academic Affairs to any student who requests one and is in good standing as defined in § XVI.A.1. Any leave of absence from the law school may have an impact on the student's financial aid or scholarship amount.
2. The Dean or the Associate Dean for Academic Affairs shall inform the student of the date the leave of absence will expire. A leave of absence may be granted for up to one year.
3. A student who is on a leave of absence may reenroll as of right in any semester that begins prior to the expiration of the leave period. This right to reenroll is subject to the restrictions of subpart H of this section.
4. Upon the expiration or nonrenewal of a student's leave of absence, he or she shall be voluntarily withdrawn from the law school. A student who is in good standing as defined in § XVI.A.1, does not enroll in any classes or withdraws from all classes at the law school, and does not seek or is not awarded a leave of absence is also considered voluntarily withdrawn.

#### **F. Reenrollment after Voluntary Withdrawal**

1. A student who has voluntarily withdrawn from the law school, including one whose leave of absence has expired, may petition the Academic Standards Committee for reenrollment by completing the Petition for Reenrollment form.
2. In the Petition for Reenrollment, the student shall explain the reason for the voluntary withdrawal, the reason for seeking reenrollment, and his or her

activities during the period of non-enrollment, including, but not limited to, any issues that might affect their character and fitness to practice law.

3. The student shall attach to the Petition for Reenrollment all relevant information pertaining to the period of non-enrollment at the law school, including, but not limited to, explanations of any character and fitness issues that have arisen and transcripts from any educational institutions the student has attended during the period of non-enrollment.
3. The Petition for Reenrollment must be submitted to the Chair of the Academic Standards Committee and the Associate Dean for Academic Affairs by July 1 (for reenrollment in the fall semester) or November 1 (for reenrollment in the spring semester).
4. Based upon the content of the Petition for Reenrollment and the student's academic record, and in coordination with the Associate Dean for Academic Affairs, the Academic Standards Committee should reenroll the student if he or she appears capable of satisfactorily completing the program of legal education and being admitted to the bar and meets admissions standards as to character and fitness. The Academic Standards Committee, in coordination with the Associate Dean for Academic Affairs, may place conditions upon the student's reenrollment based upon its consideration of factors including, but not limited to, the student's academic record and the length of the period of non-enrollment.
5. Upon a favorable reenrollment decision from the Academic Standards Committee, the Dean may endorse the reenrollment decision or may deny the student reenrollment. Any decision of the Academic Standards Committee to deny a petition for reenrollment is final and shall not be reviewable by the Dean.

#### **G. Repeating Courses**

1. Students receiving an "F," "W," "AW," or "WF" in a required course must retake the course.
2. Students may repeat any course from which he or she withdrew or was dropped, provided that the course is otherwise being offered and space is available.
3. All other requests to repeat a course must be submitted to the Academic Standards Committee. The Committee may grant such approval only upon a showing of extraordinary circumstances.
4. In the case of repetition of a course in which the student received an "F", both the original grade earned and the grade earned on repetition shall be reported on the transcript but only the grade earned on repetition shall be computed as part of the student's cumulative average.

#### **H. Refusal to Enroll by the School of Law**

Nothing contained herein or provided elsewhere shall abrogate the School of Law's right to refuse to enroll a student or to discontinue enrollment of a student. A student



may be denied continued enrollment at the School of Law, for reasons listed below, but not limited thereto:

1. failure to pay their tuition or any fees associated therewith;
2. failure to complete all documents necessary to enrollment or continued enrollment, as determined by the School of Law;
3. failure to comply with the policies of this Handbook;
4. disturbing the administration of education at the School of Law;
5. exhibiting behavior that is threatening, harassing or offensive to other students, staff or faculty of the School of Law; or
6. demonstrating traits that evince a deficiency in character or fitness to practice law.

## **XVII. WAIVER OF ACADEMIC RULES**

Requests for waiver of any School of Law rule, regulation, or policy shall be submitted in writing to the Dean who shall forward requests to the faculty committee having jurisdiction over the matter. The Dean may also forward a recommendation to the faculty. If none of the standing faculty committees has jurisdiction over the issue(s) raised, then the Dean, in her/his discretion, may grant or deny the waiver. The student will be notified of the decision in writing. Under no circumstances may the Dean grant a waiver to the maximum credit hour allotment contained within § XIII.

## **XVIII. CODE OF ACADEMIC INTEGRITY**

Consistent with its goal of training lawyers whose professional and personal conduct exemplifies high ethical standards and reflects well upon the Duncan School of Law (the “School of Law”) and the legal profession, the faculty has adopted the following Code of Academic Integrity (the “Code”). This Code, revised in 2020, is the result of experience with a previous Code, faculty input, and a study of Codes used by other schools of law. The Code constitutes a delegation of authority from the President of Lincoln Memorial University (the “University”) and the Dean of the School of Law to the Academic Integrity Committee (the “Committee”). As such, this Code is binding on all students, faculty, and staff of the School of Law.

Every law student is expected to read and observe the Code. Any proceedings brought pursuant to this Code shall be governed by the procedures set forth herein rather than the Disciplinary Procedures of the University. This Code governs academic-related misconduct. Any other instances of misconduct not specifically covered by this policy are to be addressed by the office of the Dean of Students. In case of uncertainty as to whether a charge of misconduct is academically related, falling under this Code of Academic Integrity, or non-academically related, falling under the jurisdiction of the Dean of Students, the Chair of the Academic Integrity Committee shall make the determination.

## **A. Article 1. Obligation of the Law Student**

- 1.01** A law student or candidate seeking admission to the School of Law is obligated to assist in maintaining the integrity, competence, and purpose of the School of Law, and to conduct herself or himself in a manner consistent with the ethics of the legal profession, the academic community, and this Code.

## **B. Article 2. Violations of the Obligation**

- 2.01** Unless otherwise specified, violations shall consist of conduct that is performed intentionally, knowingly or recklessly. Knowledge that an act constitutes a violation of the Code, however, is not a necessary element of a violation. The use of technology to circumvent any rule is prohibited. The following academic-related misconduct on the part of a law student is a violation of his/her obligation under this Code and shall be a cause for disciplinary action against the law student. Pursuant to this Code, no student shall:

### **1. General Misconduct**

- a. Violate any academic rule, regulation, or policy of the School of Law duly promulgated by the Dean, an Associate Dean, an Assistant Dean, or faculty of the School of Law.
- b. Assist another student in violating the Code or attempting to enlist the assistance of any person with the purpose of violating the Code. For purposes of this rule, “assistance” shall include any action taken in preparation of a violation, any action in furtherance of a violation, or any action that furthers, enhances, protects, or secrets the violation after the fact.
- c. Fail to timely comply with a sanction imposed by the Committee pursuant to this Code, or fail to abide by the requirements necessary for the satisfactory and timely completion of any plea arrangement entered into between the student and the Committee, the Dean, or the Associate Dean for Academic Affairs pursuant to this Code.
- d. A law student who knows that another law student has committed a violation of this Code that raises a substantial question as to that student’s honesty, trustworthiness, or fitness as a law student in other respects, shall inform the Associate Dean for Academic Affairs or the Chair of the Academic Integrity Committee of the violation. Students are encouraged to consult

the Associate Dean for Academic Affairs or the Chair of the Academic Integrity Committee if they are unsure whether they are required to report another student's conduct.

- e. Refuse to participate in a preliminary investigation brought pursuant to Article 5 of the Code or testify at a hearing proceeding under Article 6 of the Code, as to the facts within the student's knowledge, unless the student himself/herself is the accused student.
- f. Act dishonestly in any academic pursuit.

## 2. **Specific Examples of Misconduct**

- a. Misconduct Involving Examinations
  - a. Give or secure any information about an examination except as authorized by the course professor. For purposes of this Code, "examination" shall include a midterm and/or final examination and any in-class or out-of-class assignment, test and/or quiz, whether administered by written or electronic means.
  - b. Copy the work of another student during any examination.
  - c. Use, process, consult, or copy from books, outlines, papers, taped materials, notes or any other written or electronic materials during an examination except as expressly authorized by the course professor or an exam proctor. In the event that the student receives an accommodation pursuant to § XXX of this Student Handbook, only those materials expressly authorized by the ADA coordinator or the Associate Dean for Academic Affairs may be accessed during an examination.
  - d. Continue writing an examination when, to the student's knowledge, the time allotted for writing the examination has elapsed.
  - e. Leave the examination room before completing the examination without permission of the exam proctor, if an

exam proctor has been assigned to the room. If a student is granted permission to leave the examination room during the course of the examination, the student shall not review any materials or discuss the exam or related matters with any person during his/her absence from the room.

- f. Talk or engage in any conduct that unreasonably distracts or disturbs other students during an examination. No student shall engage in oral, written, electronic, or other communication once an examination has begun. Students shall continue to refrain from any conversation while examinations are being submitted, either by hand or electronically, or while examinations are still in any student's possession.
- g. Remove any examination, or portion thereof, from the examination room without the express permission of the course professor or an exam proctor. No student shall transcribe, deliver, or receive notes taken while the examination is in the student's possession. No student shall discuss the nature or substance of an examination with another student whom he/she knows has not yet taken that examination.
- h. Take an examination for another student or permit another person to take an examination for him/her.
- i. Violate the security maintained for preparation or storage of any examination materials or other course materials.
- j. Attempt to enlist the assistance of any person with the purpose of violating any of the provisions of this Code.

3. **Misconduct Involving Work Submitted to Satisfy a School of Law Course, Program or Other Requirement**

- i. Submit plagiarized work in any academic pursuit. Plagiarism consists of the appropriation of the literary

composition(s) or other creative work(s) of another, or part(s) of passages thereof, or ideas of the same, with the intention of passing it off as the product of one's own mind. Plagiarism includes, but is not necessarily limited to, the misappropriation of: (a) language taken verbatim, or nearly verbatim, from other sources without crediting the author of the original work by use of appropriate forms of attribution; (b) the original ideas of another without appropriate attribution; or (c) the original pattern of ideas or organization of one or more original works over a substantial portion of the paper. This third category of plagiarism occurs when a student uses the work of others over a substantial portion of the paper, while paraphrasing the language of the original work, without indicating that the pattern of thought or structure of the paper comes from the original source.

- ii. Submit the work of another person to satisfy a course, program, or other requirement of the School of Law, whether or not authorized to do so by the other person. This includes, but is not limited to, work completed by another law students, practicing attorney, law professor, or judicial body.
- iii. Submit work to satisfy a course, program, or other requirement of the School of Law that the student has either: (a) previously submitted to satisfy a course, program, or other requirement of the School of Law or any other academic institution; or (b) completed in satisfaction of non-academic work requirements outside the School of Law, without the express, prior written consent of the professor to whom the student is currently submitting the work.
- iv. Submit work produced in collaboration with another without the express, prior written consent of the professor. This includes collaboration with respect to the

substantive content of work or writing style, grammar, citation form, or proofreading.

### **C. Article 3. Academic Integrity Committee**

- 3.01** There shall be a committee known as the Academic Integrity Committee (the “Committee”), which shall be composed of no fewer than two students, three faculty members, and the Associate Dean for Academic Affairs as *ex-officio*, which *ex-officio* position shall be a non-voting position except in instances otherwise recognized in this Code.
- 3.02** The Dean of the School of Law shall appoint faculty members to serve on the Committee for a term of one year. The Dean shall appoint a faculty member to serve as Chair of the Committee.
- 3.03** The Student Bar Association Vice President, or his/her Designee, shall appoint two students from any class for a term of one year. To be eligible for appointment, a student must be in good academic standing and shall not previously have been determined to have violated of this Code. Student members appointed hereunder may be excluded or limited in their participation on the Committee upon determination by a simple majority of the voting faculty members of the Committee that extraordinary circumstances exist to warrant the same. Such exclusion or limitation shall be determined based upon the circumstances of each pending matter.
- 3.04** In the event that any Committee member determines that he/she is temporarily unable to serve upon the Committee for good cause, including, but not limited to, unavailability, conflict of interest, or voluntary recusal, the Committee member shall promptly notify the Dean and Chair in writing. If the Chair determines that good cause exists, the Dean shall appoint an alternate committee member pursuant to Article 3.06.
- 3.05** The accused student may petition the Committee for the involuntary recusal of any Committee member for good cause. Upon determination by a simple majority of the voting members of the Committee that good cause for recusal of that Committee member exists, the Dean shall appoint an alternate committee member pursuant to Article 3.06.
- 3.06** In the event an alternate is required for a faculty member on the Committee or for the Associate Dean of Academic Affairs, the Dean shall appoint another faculty member to temporarily fill that position.

### **D. Article 4. Initiation of Disciplinary Proceedings**

- 4.01** Any person may file a written complaint against any student at the School of Law

for conduct prohibited by the Code. The charges shall only be filed with the Associate Dean for Academic Affairs or with the Chair. If the Associate Dean for Academic Affairs or the Chair has personally witnessed the conduct in question, the Associate Dean for Academic Affairs or the Chair may personally file the written charge with the other. In the event the Associate Dean for Academic Affairs and the Chair have both witnessed the same alleged violation of the Code, the complaint shall be made directly to the Dean, who shall then proceed as outlined herein.

- 402** A complaint shall consist of a formal, signed, written statement identifying: the name of the accused student; (b) the nature of the violation, including the specific sections of the Code that allegedly have been violated; (c) specific facts supporting the allegation, including, but not limited to, (i) the date(s) of the alleged violation, (ii) the circumstances under which the violation is suspected to have occurred, and (iii) the names of any witnesses with knowledge of the alleged event(s); and (d) copies of documents supporting every allegation, attached as exhibits to the complaint. If the complaint is filed by the Dean, an Associate or Assistant Dean, a faculty member, or a staff member, the complainant may recommend a sanction to be imposed on the accused student. If the complaint is filed by a student or other person, the complainant may include a statement describing the impact that the alleged violation has had on the complainant. The Committee may, but is not required to, consider any sanction recommendation or impact statement in determining the appropriate course of action to be taken against the accused student. By signing the complaint, the complainant swears that the facts contained therein are true and accurate to the best of his/her belief.
- 403** All investigations and disciplinary proceedings conducted pursuant to the provisions of this Code shall be conducted as confidentially as possible, except as otherwise specified in this Code. If reasonably practicable, the identity of the person filing the written charge shall be kept confidential from the accused student, until such time as the accused student formally denies the charges, requests, and is granted a date for a hearing. Upon the setting of the formal hearing, the accused shall be permitted to access all information obtained in the preliminary investigation of the Subcommittee pursuant to § 6.05 below.
- 404** Within seven (7) business days of the filing of the complaint, the Chair shall review the complaint to determine whether the conduct alleged therein (i) is academically-related such that it falls under the jurisdiction of the Academic Integrity Committee and (2) assuming the events as reported occurred, constitutes a violation of the law student's obligation as set forth in Article 2 of the Code.
- 405** If the Chair determines that the conduct described in the complaint does not fall under the jurisdiction of the Academic Integrity Committee, the chair shall refer the complaint to the Dean of Students.
- 406** If the Chair determines that the conduct described in the complaint does fall under the jurisdiction of the Academic Integrity Committee but does not constitute a violation of

the Code, the Chair shall dismiss the complaint. The Committee shall not be used to resolve purely personal conflicts between students, or perceived conflicts between faculty, administration and students. The Chair shall make a written record of his/her administrative dismissal of a complaint. Any complaint that is administratively dismissed by the Chair shall not be placed in the accused student's file at the School of Law, nor shall the Chair notify the accused student of such complaint. A complaint that is administratively dismissed by the Chair shall be considered a nullity, as if having never been filed.

**407** If the Chair determines that the conduct described in the complaint falls under the jurisdiction of the Academic Integrity Committee and alleges a viable cause of action against the accused student pursuant to Article 2 of the Code, the Chair shall notify the other members of the Committee that he/she will convene the Committee to address the allegations in the complaint. Such notice to the Committee shall be made by e-mail or any other means deemed reasonably secure by the Chair and shall be accompanied by a copy of the written complaint, including any exhibits. All information sent by the Chair to the Committee for its review shall be deemed strictly confidential. The Chair shall deliver a copy of the written complaint, including any exhibits, to the Dean and to the Associate Dean for Academic Affairs, if they do not already possess a copy of the complaint, as soon as practicable after making the decision to convene the committee. If the Dean, after receiving notice that a written complaint has been filed against a student, determines that extraordinary circumstances exist, the Dean, or his/her authorized agent, may suspend the accused student pending consideration of the case. Such extraordinary circumstances may include, but not be limited to, situations where the continued presence of the accused student would constitute a physical danger to the University or School of Law community or would create a disruption in the educational process of the University or the School of Law. Nothing in this paragraph prevents the Dean or appropriate University officials from suspending an accused student through the exercise of their inherent authority. The Dean may, at his/her discretion, suspend or restrict the accused student's access to: (a) University or School of Law facilities; (b) University or School of Law resources, including, but not limited to, any computers, web sites, library resources, printers, research web portals, Pathway, TWEN, Web Advisor, or MediaSite; (c) University or School of Law functions, including off-campus functions sponsored by the University or the School of Law; or (d) any other facility, resource, or function that the Dean may deem necessary and appropriate under the circumstances.

**408** The Associate Dean for Academic Affairs, or his/her authorized agent, shall, within seven (7) business days after notification of the Chair to convene the Committee, notify the accused student by means set out in Article 10 herein that: (a) a written complaint has been received; (b) the Chair has determined that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the Code; (c) the Committee is being convened to investigate the complaint made against the accused student; and (d) a copy of the written complaint has been forwarded to the Dean of the School of Law. Such notice shall be



accompanied by: (a) a copy of the written complaint, including any exhibits; (b) a copy of this Code; and (c) notice that the accused student may obtain counsel to represent him/her in this matter, pursuant to the caveats set out in Article 6.12 below. If the accused student wishes to respond to the complaint, then he/she shall respond in writing to the Chair within seven (7) business days after notification of the complaint was provided by the Associate Dean of Academic Affairs.

- 409** The withdrawal of an accused student from the School of Law subsequent to the date that notification to the student is provided by the Associate Dean for Academic Affairs shall not terminate the jurisdiction of the Committee to conduct any further disciplinary proceedings specified in this Code.
- 410** Within seven (7) business days after receiving the accused student's response, or, in the event the student files no response, within seven (7) business days from the date the response was due, the Chair shall set a time and date for convening the Committee unless an extension of time for setting the date to convene the Committee is required by the Chair due to difficulty in regard to travel, holiday or other circumstance.
- 411** In the event that the accused student fails to timely respond to the complaint, all allegations therein shall be deemed admitted. Although the accused student or his/her representative will have the right to appear at any full hearing later convened by the Chair pursuant to Article 6 of this Code, neither the student nor his/her representative will be permitted to present evidence denying the factual allegations of the complaint. In the event that the accused student or his/her representative neither timely responds to the complaint nor appears at any Article 6 hearing, the Committee shall thereupon proceed to enter its judgment of the accused student and assess punishment, if appropriate, as if the accused student were present.
- 412** In the event that the accused student informs the Chair in writing that he/she wishes to admit the allegations set forth in the complaint and waive any further proceedings under the Code, the Chair may, after consultation with the accused student and the Associate Dean for Academic Affairs, convene the Committee for the purpose of accepting the accused student's admission and determining appropriate discipline pursuant to Article 7 of this Code.
- 413** When the Committee is convened in the event that the student has not admitted the allegations at issue, its members shall elect a subcommittee consisting of one faculty member and one student member to conduct a preliminary investigation of the complaint (the "Subcommittee"). The Associate Dean for Academic Affairs shall not serve as a member of the Subcommittee.
- 414** When the Committee is convened, its members shall, by a simple majority of the voting members, choose a Secretary, who shall be responsible for: (a) making and keeping records of every meeting of the Committee; (b) recording the attendance of each Committee member; and (c) tracking the complaint until its final disposition.

Upon the final disposition of the complaint, all records kept by the Secretary shall be delivered to the Chair, who shall be charged with maintaining and protecting the records and delivering them to the faculty member who is appointed Chair in the subsequent academic year.

#### **E. Article 5. Preliminary Investigation and Resolution**

- 5.01** The Subcommittee shall conduct an investigation in which the Subcommittee shall interview the accused student, the complainant, and any other witnesses who may possess information pertinent to the allegations set forth in the complaint. The Subcommittee shall further examine any exhibits to the complaint and any other pertinent materials provided by the various parties and witnesses. Members of the Subcommittee shall be allowed to make personal observations to the Committee as to the veracity of the various witnesses interviewed and evidence reviewed during the course of their investigation.
- 5.02** Prior to any interview with the Subcommittee or any other representative of the School of Law charged with investigative responsibilities under this Code, the accused student shall be advised that: (a) the student may remain silent, (b) the student may terminate the interview at any time; (c) the student may postpone the interview until he/she has had a reasonable time to consult counsel, and (d) anything the student says in the interview may be used as evidence against him/her.
- 5.03** If, during the course of the investigation, the Subcommittee discovers evidence of additional or related violations of this Code other than those contained in the original complaint, the Subcommittee shall investigate such violations and determine whether additional allegations should be levied against the accused student. The Subcommittee shall also agree on the recommended disposition of these new allegations. If, during the course of its investigation, the Subcommittee determines that there is credible evidence that a student or students other than the accused student have violated this code, such evidence shall form the basis of a separate complaint. To the extent the Subcommittee should find additional bases of violations of the Code during its preliminary investigation, the Subcommittee shall notify the Committee when it makes its recommendation to the full committee.
- 5.04** In the event that both members of the Subcommittee agree on the recommended disposition of the case, i.e., whether to recommend to the Committee a full hearing pursuant to Article 6 of this Code, a plea agreement pursuant to Article 9, a dismissal, or some other disposition, the recommendation shall be made to the full Committee. If the Subcommittee cannot reach unanimity, the recommendation to the full Committee shall be made by the Associate Dean for Academic Affairs (or his/her replacement in the event of a recusal) upon a summary presentation of the evidence gathered by the Subcommittee. In the event the Associate Dean for Academic Affairs is called upon to make this recommendation, that shall not, without more, constitute a basis for his/her recusal during any other portion of the proceedings pursuant to this Code. In either event, no appeal shall lie from the Subcommittee's

recommendation to the Committee.

- 5.05** The recommendation to the Committee pursuant to Section 5.04 above should be made within four weeks of the meeting of the Committee at which the Subcommittee is appointed, or as soon as reasonably practicable thereafter. The recommendation of the Subcommittee shall be made available only to the members of the Committee, until or unless such time as a full hearing is scheduled pursuant to Article 6 of this Code.
- 5.06** The Committee possesses the sole discretion to accept or reject the recommendation made pursuant to Section 5.04. Acceptance or rejection of the Subcommittee recommendation shall be determined by a simple majority of the voting members of the Committee excluding members of the investigatory Subcommittee. In the event of a tie among voting members, the Associate Dean for Academic Affairs (or his/her replacement in the event of a recusal) shall vote to break the tie.
- 5.07** In the event that the Committee does not vote to accept the recommendation made pursuant to § 5.04, the matter will proceed to a full hearing, and the student should be so notified.
- 5.08** In the event that the Committee votes to accept the recommendation made pursuant to § 5.04, the following procedures should be followed:
- (i) If the recommendation is that a full hearing be conducted, procedures for conducting a full hearing shall be followed, and the student should be so notified.
  - (ii) If the recommendation is that the matter be dismissed, then the case will be closed and appropriate notation of dismissal placed in the student's file with notification to the student.
  - (iii) If the recommendation is anything other than a full hearing or dismissal, the student will be contacted regarding consent to a plea agreement designed to institute the recommended action. In the event that the student consents to the plea agreement, the recommended action will be taken. If the student does not agree to the plea agreement, then the matter shall proceed to a full hearing and the student should be so notified.

## **F. Article 6. Full Hearing**

- 601** In the event that a full hearing is to be commenced, the Associate Dean of Academic Affairs will appoint a Hearing Panel consisting of himself or herself and three faculty members who were not members of the Academic Integrity Committee addressing the charge. The Associate Dean of Academic Affairs will also appoint a member of the Hearing Panel to act as recording secretary for the Panel.

- 602** The Associate Dean of Academic Affairs is an ex-officio, nonvoting member of the Hearing Panel and shall serve as the Chair of the Panel. In the event that the Associate Dean for Academic Affairs is unavailable, has a conflict of interest, or has been recused voluntarily or involuntarily, the Dean shall appoint an additional faculty member who was not a member of the Academic Integrity Committee addressing the charge to serve on the Panel and shall choose a Panel Chair and recording secretary from among Panel members.
- 603** The Panel Chair shall appoint a “Prosecutor” to present witnesses and evidence against the accused student at the hearing. The Prosecutor may be a full-time or adjunct professor of law, an attorney outside of the School of Law, or any other person whom the Panel Chair deems suitable after consultation with the Dean.
- 604** The full hearing shall be set within four weeks of the decision to proceed to a full hearing, or as soon as reasonably practicable thereafter. Circumstances resulting in a possible delay include, but not limited to, the unavailability of witnesses, the unavailability of committee members, or the scheduling of examinations or other events at the School of Law.
- 605** The Panel Chair shall promptly notify the accused student of the hearing date by the method set out in Article 10 of this Code. Requests by the student or the student’s counsel for a continuance of a scheduled hearing shall be heard by the Panel Chair and granted only in extraordinary circumstances. In the event that a full hearing is scheduled, the accused student shall have access to the evidence gathered in the Subcommittee’s investigation. There shall be no other prehearing discovery.
- 606** At any time before the hearing is held, the Hearing Panel may meet to consider any preliminary matters as they arise, including, but not limited to, the accused student’s request to sever parties or to have discrete violations heard separately. Such determinations shall remain within the sole discretion of the Hearing Panel.
- 607** The Hearing Panel may propose and enter into a plea agreement pursuant to Article 9 of the Code with the accused student at any time prior to the conclusion of the hearing and the issuance of the decision of the Hearing Panel.
- 608** The hearing shall be confidential and closed to all but those directly involved in the proceeding, unless the student, by written request delivered to the Panel Chair not later than seven (7) working days before the hearing, requests that the hearing be public. The decision of whether to open the hearing to the public rests in the sole discretion of the Panel. Opening the hearing to the public will result only upon a majority vote of Panel members. Nothing within this provision shall prevent the Dean from attending the hearing.
- 609** All members of the Hearing Panel must be present at the hearing. The Panel Chair shall state at the commencement thereof: (a) the scope of the hearing, the allegations in the complaint, the identity of the accuser, and the jurisdiction of the Panel; (b) the

procedure to be followed in the hearing; (c) the possible penalties to be imposed should violation(s) of the Code be proven; and (d) the rights of the accused student following the hearing.

- 610** The accused student has the right not to testify at the hearing. No inferences shall be drawn from the exercise of this right.
- 611** The hearing shall be conducted in such a manner as to do substantial justice and shall not be unduly restricted by the rules of procedure or evidence; therefore, neither the Federal nor the Tennessee Rules of Evidence shall apply.
- 612** The accused student shall be presumed innocent. The accused student has the right, and shall be provided any and all reasonable opportunity, to present witnesses and submit evidence at the hearing, including documentary materials of any kind.
- 613** The accused student may be represented by a person of his/her choice. It is the sole responsibility of the student to obtain representation. This Code in no manner creates a responsibility on the part of the Hearing Panel, the Dean, or the School of Law to provide appointed representation for the accused student or to provide compensation to the accused student's representative.
- 614** Upon the written petition of the Prosecutor, the accused student or the accused student's counsel, or by his/her own authority as Panel Chair, the Panel Chair may issue a written request to students, faculty members, staff members or employees of the School of Law to appear as witnesses at the hearing and/or to produce physical or documentary evidence in their possession. The Panel Chair shall sign the written request and deliver it to the prospective witness or source of physical or documentary evidence, or his/her department head, at least three days before the hearing, or as soon as reasonably possible thereafter. The Panel Chair may refuse to issue a written request if he/she determines that the evidence sought is irrelevant, confidential, overly burdensome, or privileged under the rules or regulations of the University or the School of Law. The Chair may amend, modify, or rescind a written request, if, after the request is issued, he/she determines that the evidence sought is irrelevant, confidential, overly burdensome, or privileged under the rules or regulations of the University or the School of Law. Upon receipt of a written request, the student, faculty member, staff member or employee of the School of Law shall appear as a witness at the hearing and/or produce the physical or documentary evidence requested. The only exception shall be in the case of extraordinary circumstances to be determined in the sole discretion of the Panel Chair.
- 615** The hearing shall be recorded by stenographic, mechanical, electronic, or sound photographic means. After the Hearing Panel has rendered a decision in a case, its opinion and all other records and documents pertaining to the proceeding shall be delivered to the Associate Dean for Academic Affairs for safekeeping for a period not less than five years, after which time said opinion, records and documents may be destroyed.

- 616** At the close of questioning and upon consideration of all of the evidence presented, the Hearing Panel, in private deliberations, shall decide whether the accused student has committed a violation.
- 617** A determination by the Hearing Panel that the accused student violated the Code requires a simple majority of the voting members of the Hearing Panel to determine, by a preponderance of the evidence, that the accused student committed acts that violated the Code. For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.
- 618** In the event that the hearing results in a dismissal of all charges, the Associate Dean for Academic Affairs shall ascertain that the complaint and any other references to the proceedings are promptly shown as dismissed in the student's file.
- 619** In the event that the hearing results in a determination that a violation occurred, by a simple majority of the members, the Hearing Panel shall determine the appropriate disciplinary sanctions pursuant to Article 7 of the Code herein.
- 620** A brief written opinion stating the Hearing Panel's findings of fact and the basis for its judgment shall be prepared by the Secretary.
- 621** The Hearing Panel Chair shall notify the accused student of the Hearing Panel's determination as soon as practicable by the method set out in Article 10 of the Code. If the Committee determined that the accused student violated the Code, such notification shall advise the student of his/her right to appeal pursuant to Article 8 of this Code.
- 622** The Chair shall transmit information regarding the final disposition of the hearing, including any pertinent evidence presented therein, to the Dean of the School of Law.
- 623** The Hearing Panel may adopt any further rules or make any further regulations necessary for a fair and impartial hearing that are not inconsistent with Article 6 of this Code.

## **G. Article 7. Sanctions**

- 7.01** Misconduct constituting a violation of this Code may result in the imposition of any one or a combination of the following sanctions for any period of time deemed appropriate:
1. Written reprimand;
  2. Probation, meaning the suspension of any sentence subject to future non-violation of this Code;

3. Suspension from the School of Law;
4. Expulsion from the School of Law;
5. Granting the student an “F” or other appropriate grade in the course or on a particular assignment in the course in question;
6. Revocation of a former student’s diploma, if the violation of the Code occurred while the student was matriculating at the School of Law; or
7. Any further sanction authorized by the Dean of the School of Law.

**7.02** All sanctions shall bear reasonable relationship to the severity of the misconduct, except that an offending student’s record of prior misconduct, including warnings and written reprimands not of record, or the absence thereof, may be taken into account.

**7.03** All disciplinary actions shall be executed by the Office of the Associate Dean for Academic Affairs and, shall be recorded on the student’s official record.

**7.04** For resolution of matters by plea agreement or pursuant to a hearing, unless specifically stated by the terms of the plea agreement or by the Hearing Panel as part of sentencing, the Associate Dean for Academic Affairs shall mandate all time frames within which the student shall comply with all sanctions. In the event a student fails to properly comply with any requirements imposed, the Associate Dean for Academic Affairs shall notify the Chair of the Hearing Panel for cases resulting in the convocation of a Hearing Panel and the Chair of the Academic Integrity Committee in all other cases.

**7.05** For charges resulting in the convocation of a Hearing Panel, the Hearing Panel shall maintain jurisdiction over the matter until such time as any imposed sanctions, either through a plea agreement with the Hearing Panel or through the imposition of sanctions following a hearing, are fully completed. Furthermore, the right, ability, and jurisdiction of the Hearing Panel to impose further sanctions for the failure of the student to fully comply with sanctions imposed shall be preserved until all of the sanctions imposed are completed. If the Chair of the Hearing Panel has reason to believe that the failure of the student to comply with previously imposed sanctions or provisions of a plea agreement is an intentional and willful disregard of the authority of the Hearing Panel, the Chair shall immediately convene the Hearing Panel to discuss further action. In the absence of an extraordinary circumstance justifying non-compliance, any plea agreement or previously imposed sanction may be deemed withdrawn and void. Further, upon a vote of a simple majority of the voting members of the Hearing Panel, if not tried, the matter may proceed to full hearing on the original allegation. If the matter involved a sanction imposed pursuant to a hearing, the Hearing Panel may conduct a limited hearing for the purpose of imposing additional sanctions. The Hearing Panel shall have the full range of sanctions available to it under Article 7.01 at this non-compliance hearing, including, but not limited to, expulsion from the School of Law. The determination of the Hearing Panel with regard to willful non-compliance with a signed plea

agreement or previously assessed sanctions following a hearing shall not be appealable.

- 7.06** For charges resulting in a plea agreement prior to the convocation of a Hearing Panel, the Academic Integrity Committee shall maintain jurisdiction over the matter until such time as any imposed sanctions are fully completed. If the Chair of the Academic Integrity Committee has reason to believe that the failure of the student to comply with provisions of a plea agreement is an intentional and willful disregard of the authority of the Committee, the Chair shall immediately convene the Committee to discuss further action. In the absence of an extraordinary circumstance justifying non-compliance, any plea agreement or lesser sanction shall be deemed withdrawn and void, and, upon a vote of a simple majority of the voting members of the Academic Integrity Committee, the matter may proceed to full hearing on the original allegations. The determination of the Academic Integrity Committee to proceed to a full hearing shall not be appealable.

## **H. Article 8. Appeal**

- 8.01** A student whom the Hearing Panel has determined to have violated the Code shall have the right to appeal to the Dean the adverse ruling by the Hearing Panel. Such appeal must be made within fourteen (14) calendar days of date that notice and service of the Committee's judgment was provided to the student as set forth in Article 10 of the Code.
- 8.02** If the student desires additional time to prepare an appeal, he/she must make a written request to the Dean within the same 14-day period. The Dean may, within his/her sole discretion, grant such additional time for appeal.
- 8.03** With respect to the finding(s) and sanction(s) determined by the Hearing Panel, the Dean may alter any portion of the Hearing Panel's findings or sanctions should the Dean determine that any determination made or sanction imposed by the Hearing Panel was not supported by substantial evidence.
- 8.04** An accused student who enters into a voluntary plea agreement with the Hearing Panel or the Academic Integrity Committee is not entitled to appeal the entry of the plea agreement or any of the conditions set forth therein.

## **I. Article 9. Plea Agreements**

- 9.01** Through exercising sole discretion by majority vote, the Hearing Panel, after referral of a complaint for a hearing, or the Academic Integrity Committee, prior to the referral of a complaint for a hearing, may offer an accused student the opportunity to enter into a plea agreement resolving the matter. In the process of negotiation, the student may propose an alternative plea agreement.



- 9.02** As a condition of any plea agreement, the accused student must unequivocally admit to and accept responsibility for the misconduct as stated within the plea agreement and must consent to the sanction imposed.
- 9.03** The plea agreement must expressly warn the accused student that he/she may seek legal counsel prior to executing the agreement. Nothing within this provision, however, should be construed to indicate that the School of Law or any of its agents or employees is responsible for securing, providing, or recommending specific legal counsel.
- 9.04** The plea agreement shall expressly warn the accused student that execution of the agreement will constitute a waiver of the right to appeal any error in the disciplinary proceedings, whether known or unknown at the time of execution and regardless of the alleged error's severity or type.
- 9.05** The plea agreement shall be written and signed by the accused student and the Associate Dean for Academic Affairs.
- 9.06** In the event the Associate Dean for Academic Affairs is unavailable to sign the plea agreement, the Chair of the Academic Integrity Committee shall sign the plea agreement.

## **J. Article 10. Notice and Service**

- 10.01** Any duly promulgated rule, regulation or order of the School of Law posted on the administrative TWEN bulletin board shall serve as constructive notice to the student body within 48 hours of its posting. Further, any e-mail sent to a student at the e-mail address assigned to them by the School of Law shall be deemed delivered pursuant to the notice requirements of this Code on the day following the sending of the e-mail in question.
- 10.02** All time periods in this Code commence to run exclusive of the day of service, notice, or judgment. Further, all deadlines will end at 4:00 p.m. Eastern Time on the day due, regardless of weekend or weekday.

## **K. Article 11. Reserved Powers**

- 11.01** Nothing in this Code shall be construed to limit the authority of a faculty member or a School of Law organization to deal with misconduct arising in the faculty member's class or organization. Such action shall not be the basis for a plea of double jeopardy by the student involved.
- 11.02** The Dean and faculty of the School of Law reserve the right to modify, alter, amend, extend or restate any section of this Code at any time. Any student who, within the sole discretion of the Dean, poses an imminent risk of serious harm to the School of

Law community, may be suspended immediately and shall be accorded due process, otherwise consistent with this Code, at a later date.

- 11.03** No section of this Code, determination of the Committee, or pela agreement entered into by any student under this Code, shall be construed as limiting or controlling the discretion of the Dean of the School of law to exercise his or her discretion regarding whether or not to endorse any student as possessing the necessary character and fitness for the practice of law.

## **XIX. STUDENT CODE OF CONDUCT**

Consistent with its goal of training lawyers whose professional and personal conduct exemplifies high ethical standards and reflects well upon the Duncan School of Law (the "School of Law") and the legal profession, the faculty has adopted the following Code of Student Conduct (the "SCC"). This SCC, developed in 2020, is the result of experience with a previous Code, faculty input, and a study of student conduct codes used by other schools of law. The SCC constitutes a delegation of authority from the President of Lincoln Memorial University (the "University") and the Dean of the School of Law to the Student Conduct Committee (the "SC Committee"). As such, this SCC is binding on all students, faculty, and staff of the School of Law. Every law student is expected to read and observe the SCC. Any proceedings brought pursuant to this SCC shall be governed by the procedures set forth herein rather than the Disciplinary Procedures of the University.

### **Article 1. Obligation of the Law School**

- 1.01** A law student or candidate seeking admission to the School of Law is obligated to assist in maintaining the integrity, competence, and purpose of the School of Law, and to conduct herself or himself in a manner consistent with the ethics of the legal profession, the academic community, and this SCC.

### **Article 2. Violations of the Obligation**

- 2.01** Unless otherwise specified, violations shall consist of conduct that is performed intentionally, knowingly or recklessly. Knowledge that an act constitutes a violation of the SCC, however, is not a necessary element of a violation. The following misconduct on the part of a law student is a violation of his/her obligation under this SCC and shall be a cause for disciplinary action against the law student. Pursuant to this SCC, no student shall:

#### **1. General Misconduct**

- a. Violate any rule, regulation, or policy of the School of Law duly promulgated by the Dean, an Associate Dean, an Assistant Dean, or faculty of the School of Law.

- b. Violate any duly promulgated rule, regulation, or policy of the University.
- c. Disrupt the activities or functions of the College of Law or University, or any class, library, academic, or co-curricular activity.
- d. Steal the property of another with or without intent or by fraud. Such property includes, but is not limited to, briefs, books, notes, tapes, hard drives, data, software, memory devices, phones, passwords, log-in information, or outlines belonging to a faculty member or student.
- e. Threaten, assault, harass, or misrepresent facts about any student, faculty, staff member or employee of the University or the School of Law with the intention of inflicting harm on that person.
- f. Any complaints involving sexual harassment should be brought pursuant to the University Sexual Harassment policy and Title IX policy. Harassment or discrimination against members of our law school community or the general community outside of this school, based on a person's race, gender, color, national or ethnic origin, age, religion, disability, military service, sexual orientation, or political affiliation is unacceptable, and is actionable under the SCC and the University Sexual Harassment and Title IX policies.
- g. Destroy, deface, erase, alter, hide, limit access to, possess, access, enter or use, without authority, the property of Lincoln Memorial University or the property of others located on campus or related to a College of Law or University activity.
- h. Violate Lincoln Memorial University's anti-discrimination policy. Harassment or discrimination against members of our law school community or the general community outside of this school, based on a person's race, gender, color, national or ethnic origin, age, religion, disability, military service, sexual orientation, or political affiliation is unacceptable.
- i. Conduct oneself in an unprofessional manner during any event sanctioned, held, conducted, or permitted by the University or the School of Law.
- j. Assist another student in violating the SCC or attempting to enlist the assistance of any person with the purpose of violating the SCC. For purposes of this rule, "assistance" shall include any action taken in preparation of a violation, any action in furtherance of a violation, or any action that furthers, enhances, protects, or secrets the violation after the fact.
- k. Fail to timely comply with a sanction imposed by the SC Committee pursuant to this SCC, or fail to abide by the requirements necessary for the satisfactory and timely completion of any plea arrangement entered between the student and the SC Committee, the Dean, or the Assistant Dean for Student Affairs pursuant to this SCC.
- l. Fail to report conduct, including one's own conduct, prohibited by the SCC. All such reports shall be made to the Assistant Dean of Student

- and Career Services or the Chair of the SC Committee promptly upon witnessing or obtaining knowledge of conduct that violates the SCC.
- m. Impugn or malign the honesty or integrity of any student, faculty member, staff member, or employee of the University or the School of Law to any person orally or in any written or electronic medium. Reports of such activity should be made to the Assistant Dean of Student and Career Services or the Chair of the SC Committee, who shall review the allegations and determine whether a formal written complaint should be filed pursuant to Article 4 of the SCC.
  - n. Fail to notify the School of Law of the student's own citation, arrest or indictment for any charge or allegation, a finding of contempt against the student by a court or other judicial body, or any other order or judgment by a court or other judicial body that places restrictions on the student's freedom of movement, including, but not limited to, an injunction, restraining order, or protective order entered against the student. Such notification shall be made to the Assistant Dean of Student and Career Services or the Chair of the SC Committee within one week of the citation, arrest, indictment, or court order.
  - o. Commit a criminal, quasi-criminal, unethical, immoral, or fraudulent act that reflects adversely on the student's honesty, trustworthiness, or moral and ethical fitness to be a lawyer or a law student, engage in conduct that adversely reflects on that student's fitness to study or practice law, including but not limited to violations of federal or state criminal law, or the commission of quasi-criminal, unethical, immoral or fraudulent acts which reflect on the student's honesty, trustworthiness, or moral and ethical fitness to be a lawyer or law student, which, if done by a lawyer, would violate the state codes of professional responsibility. These acts shall be considered a violation of this code regardless of whether such conduct is actually prosecuted in the courts.
  - p. Refuse to participate in a preliminary investigation brought pursuant to Article 5 of the SCC or testify at a hearing proceeding under Article 6 of the SCC, as to the facts within the student's knowledge, unless the student himself/herself is the accused student.
  - q. Fail to disclose to the Assistant Dean for Student Services any character and fitness issue including any charge, arrest, or conviction that arises after they have submitted an admissions application to the College of Law, or the failure to amend, after matriculation and through the course of law study, any changes in their character and fitness or factual irregularities or discrepancies in the student's admissions application, to the College of Law Assistant Dean for Student and Career Services. Disclosure must be made immediately.
  - r. Post any picture, video or audio recording intended for internal use of any faculty member or student at the school of law online on any website, including any social media website, without that person's

express permission. This is to include any video capture, class, lecture, MediaSite recording, continuing legal education seminar, private picture or recoding from on campus events or classes of any kind.

- s. Violate Lincoln Memorial University's weapons free campus policy and alcohol, tobacco and substance policy as set out in the LMU Student Handbook.
- t. Act dishonestly in any academic pursuit.

2. **Specific Examples of Misconduct – This SCC contemplates non-academic conduct only, this list is illustrative, not definite**

- a. Misconduct of a non-academic nature either on campus or off that is illegal or could impugn the character of the School of Law, its students or faculty, staff or administration (whether the police are notified or file a report is irrelevant to the violation of this SCC).
- b. Failure to report known misconduct of a non-academic nature either on campus or off that raises a substantial question as to that student's character, honesty, trustworthiness, or fitness as a law student in other respects. Students are encouraged to consult the Assistant Dean of Student and Career Services if they are unsure whether they are required to report another student's conduct.
- c. Actions or behavior that results in an arrest, citation, or police or other security being present.
- d. DUI, DWI, Public Intoxication.
- e. Incidents involving alleged Assault, Battery, Domestic Violence, Terroristic Threat, Stalking, Intentional Infliction of Emotional Distress.

### **Article3. Student Conduct Committee**

**3.01** There shall be a committee known as the Student Conduct Committee (the "SC Committee"), which shall be composed of no fewer than four student members, one faculty member, and the Assistant Dean of Student and Career Services as ex-officio, which ex-officio position shall be a non-voting position; this means that while the Assistant Dean of Student and Career Services may be present in all deliberations as a member of the SC Committee and may voice his/her opinions or concerns regarding any complaint before the SC Committee, he/she shall not vote on any proceeding under this SCC, unless expressly called to do so by this SCC.

**3.02** The SC Committee shall consist of four students from the general student body, appointed by the duly elected Student Bar Association Executive Committee, which members of the SC Committee shall serve for a term of one year. To be eligible for appointment to the SC Committee, a student must be in good academic standing and shall remain in good academic standing and shall not previously have been

determined to have violated this SCC or the Code of Academic Integrity. The Assistant Dean of Student and Career Services shall appoint one faculty member to serve as chair of the SC Committee for a one-year term.

- 3.03** In the event that any SC Committee member determines that he/she is temporarily unable to serve upon the SC Committee for good cause, including, but not limited to, unavailability or conflict of interest, or reasonable voluntary recusal the SC Committee member shall promptly notify the Assistant Dean of Student and Career Services and Chair in writing. If the Chair determines that good cause exists, the Assistant Dean of Student and Career Services shall appoint an alternate SC Committee member pursuant to Article 3.05, 3.06, or 3.07.
- 3.04** The accused student may petition the SC Committee for the involuntary recusal of any SC Committee member for good cause. Upon determination by a simple majority of the voting members of the SC Committee that good cause for recusal of that SC Committee member exists, the Dean shall appoint an alternate SC Committee member pursuant to Article 3.05, 3.06, or 3.07.
- 3.05** In the event an alternate is required for the faculty member on the SC Committee, the Assistant Dean of Student and Career Services shall appoint another faculty member to temporarily fill that position.
- 3.06** In the event an alternate is required for a student position on the SC Committee, the SBA President shall serve as the alternate. If the SBA President is unable to serve as the alternate, the SBA Vice President shall serve as an alternate. If both the SBA President and SBA Vice President are unable to serve, the Assistant Dean of Student and Career Services shall appoint another SBA member to temporarily fill that position.
- 3.07** If an alternate is required for the Assistant Dean of Student and Career Services, the Dean shall appoint an alternate. Unless specifically authorized by the Dean, however, the Dean's replacement for the Assistant Dean of Student and Career Services will not perform the duties provided for in Article(s) 5.03, 6.07, 8.05 and/or 10.06, and such duties will still be carried out by the Assistant Dean of Student and Career Services.

#### **Article 4. Initiation of Disciplinary Proceedings**

- 4.01** Any person may file a written complaint against any student at the School of Law for conduct prohibited by the SCC. The charges shall only be filed with the Assistant Dean of Student and Career Services. In the event the Assistant Dean of Student and Career Services and the Chair have both witnessed the alleged violation of the SCC, the complaint shall be made directly to the Associate Dean of Academic Affairs who shall then proceed as outlined herein.

**4.02** A complaint shall consist of a formal, signed, written statement identifying: (a) the name of the accused student; (b) the nature of the violation, including the specific sections of the SCC that allegedly have been violated; (c) specific facts supporting the allegation, including, but not limited to, (i) the date(s) of the alleged violation, (ii) the circumstances under which the violation is suspected to have occurred, and (iii) the names of any witnesses with knowledge of the alleged event(s); and (d) copies of documents supporting every allegation, attached as exhibits to the complaint. If the complaint is filed by the Dean, an Associate or Assistant Dean, a faculty member, or a staff member, the complainant may recommend a sanction to be imposed on the accused student. If the complaint is filed by a student or other person, the complainant may include a statement describing the impact that the alleged violation has had on the complainant. The SC Committee may, but is not required to, consider any sanction recommendation or impact statement in determining the appropriate course of action to be taken against the accused student. By signing the complaint, the complainant swears that the facts contained therein are true and accurate to the best of his/her belief. All complaints shall first be reviewed by the Faculty Chair of the Academic Integrity Committee. If the Faculty Chair determines the complaint implicates a violation of the Academic Integrity Code, the complaint will be removed from the SC Committee and will proceed under the provisions of the Academic Integrity Code.

**4.02(a)** All investigations and disciplinary proceedings conducted pursuant to the provisions of this SCC shall be conducted as confidentially as possible, except otherwise specified in § 6.06, 7.05 and 7.06. If reasonably practicable, the identity of the person filing the written charge shall be kept confidential from the accused student, until such time as the accused student formally denies the charges, requests and is granted a date for a hearing. Upon the setting of the formal hearing, the accused shall be permitted to access all information obtained in the preliminary investigation of the Subcommittee pursuant to § 6.13 herein below.

**4.03** Within seven (7) business days of the filing of the complaint, the Academic Integrity Committee Chair shall review the complaint to determine whether the conduct alleged therein constitutes a violation of the law student's obligation as set forth in the Code of Academic Integrity. If the Academic Integrity Chair determines that the complaint violated the Article of the Code of Academic Integrity, the provisions of the Academic Integrity Committee Code will govern the disposition of the complaint. If the Academic Integrity Committee Chair determines the complaint does not violate the Article of the Code of Academic Integrity, then the provisions of this SCC govern.

**4.04** If the SC Committee Chair determines that the conduct described in the complaint does not constitute a violation of the SCC, the Chair shall dismiss the complaint. The SC Committee shall not be used to resolve purely personal conflicts between students, or perceived conflicts between faculty, administration and students. The Chair shall make a written record of his/her administrative dismissal of a complaint. Any complaint that is administratively dismissed by the Chair shall not be placed in the accused student's file at the School of Law, nor shall the Chair be required to

notify the accused student of such complaint. If the Chair chooses to notify a student of a complaint against him/her that has been administratively dismissed, the student shall not be required to disclose such complaint on any future disclosure requests. A complaint that is administratively dismissed by the Chair shall be considered a nullity, as if having never been filed.

- 4.05** If the Chair determines that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the SCC, the Chair shall notify the other members of the SC Committee that he/she will convene the SC Committee to address the allegations in the complaint. Such notice to the SC Committee shall be made by e-mail or any other means deemed reasonably secure by the Chair and shall be accompanied by a copy of the written complaint, including any exhibits. **All** information sent by the Chair to the SC Committee for its review shall be deemed strictly confidential. The Chair shall deliver a copy of the written complaint, including any exhibits, to the Dean, if they do not already possess a copy of the complaint, as soon as practicable after making the decision to convene the SC Committee.
- 4.06** If the Dean, after receiving notice that a written complaint has been filed against a student, determines that extraordinary circumstances exist, the Dean, or his/her authorized agent, may suspend the accused student pending consideration of the case. Such extraordinary circumstances may include, but not be limited to, situations where the continued presence of the accused student would constitute a physical danger to the University or School of Law community or would create a disruption in the educational process of the University or the School of Law. Nothing in this paragraph prevents the Dean or appropriate University officials from suspending an accused student through the exercise of their inherent authority. The Dean may, at his discretion, suspend or restrict the accused student's access to: (a) University or School of Law facilities; (b) University or School of Law resources, including, but not limited to, any computers, web sites, library resources, printers, research web portals, Pathway, TWEN, Web Advisor, or MediaSite; (c) University or School of Law functions, including off-campus functions sponsored by the University or the School of Law; or (d) any other facility, resource, or function that the Dean may deem necessary and appropriate under the circumstances.
- 4.07** The Assistant Dean of Student and Career Services, or his/her authorized agent, shall, within five (5) business days of the decision by the Chair to convene the SC Committee, notify the accused student by means set out in Article 11 herein, that: (a) a written complaint has been received; (b) the Chair has determined that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the SCC; (c) the SC Committee is being convened to investigate of the complaint made against the accused student; and (d) a copy of the written complaint has been forwarded to the Dean of the School of Law. Such notice shall be accompanied by: (a) a copy of the written complaint, including any exhibits; (b) a copy of this SCC; and (c) notice that the accused student may obtain counsel to represent him/her in this matter, pursuant to the caveats set out in Article 6.12 below.



If the accused student wishes to respond to the complaint, then he/she shall respond in writing to the Chair within five (5) business days after he/she received the complaint.

- 4.08** The withdrawal of an accused student from the School of Law subsequent to the date that the complaint is delivered to the student by the Assistant Dean of Student and Career Services shall not terminate the jurisdiction of the SC Committee to conduct any further disciplinary proceedings specified in this SCC.
- 4.09** Within five (5) business days after receiving the accused student's response, or, in the event the student files no response, within five (5) business days from the date the response was due, the Chair shall set a time and date for convening the SC Committee, unless an extension is required by the Chair due to his/her inability to gather the members of the SC Committee due to travel, holiday or other unavoidable circumstance.
- 4.10** In the event that the accused student fails to timely respond to the complaint, all allegations therein shall be deemed admitted. Although the accused student or his/her representative will have the right to appear at full hearing later convened by the Chair pursuant to Article 6 of this SCC, they will not be permitted to present evidence denying the factual allegations of the complaint. If the event that the accused student or his/her representative neither timely responds to the complete nor appears at the Article 6 hearing, the SC Committee shall thereupon proceed to enter its judgment of the accused student and assess punishment, if appropriate, as if the accused student were present.
- 4.11** In the event that the accused student informs the Chair in writing that he/she wishes to admit the allegations set forth in the complaint and waive any further proceedings under the SCC, the Chair may, after consultation with the accused student and the Associate Dean for Student and Career Services, convene the SC Committee at a time earlier than that specified Article 4.09 of this SCC for the purpose of accepting the accused student's admission and determining appropriate discipline pursuant to Article 8 of this SCC.
- 4.12** When the SC Committee is convened, its members shall elect a subcommittee consisting of one faculty member and one student member to conduct a preliminary investigation of the complaint (the "Subcommittee"). The Assistant Dean of Student and Career Services shall not serve as a member of the Subcommittee.
- 4.13** When the SC Committee is convened, its members shall, by a simple majority of the voting members, choose a Secretary, who shall be responsible for: (a) making and keeping records of every meeting of the SC Committee; (b) recording the attendance of each SC Committee member; and (c) tracking the complaint until its final disposition. Upon the final disposition of the complaint, all records kept by the Secretary shall be delivered to the Chair, who shall be charged with maintaining and protecting the records and delivering them to the faculty member who is appointed Chair in the subsequent academic year.

## Article 5. Preliminary Investigation

- 5.01** The Subcommittee shall conduct a confidential investigation in which the Subcommittee shall interview the accused student, the complainant, and any other witnesses who may possess information pertinent to the allegations set forth in the complaint. The Subcommittee shall further examine any exhibits to the complaint and any other pertinent materials provided by the various parties and witnesses. The members of the Subcommittee shall not participate in any vote pursuant to Article 7 of this SCC, but shall be allowed to make personal observations to the SC Committee as to the veracity of the various witnesses interviewed and evidence reviewed during their investigation. While not a member of the subcommittee the faculty member of the SC Committee may review the accused student's admission file for any pertinent information relevant to the conduct described in the complaint. If relevant conduct demonstrating a pattern of conduct consist with the complaint is discovered the faculty member may bring this to subcommittee.
- 5.02** Prior to any interview with the Subcommittee or any other representative of the School of Law charged with investigative responsibilities under this SCC, the accused student shall be advised that: (a) the student may remain silent, (b) the student may terminate the interview at any time; (c) the student may postpone the interview until he/she has had a reasonable time to consult counsel, and (d) anything the student says in the interview may be used as evidence against him/her.
- 5.03** Both members of the Subcommittee shall agree on the recommended disposition of the case, i.e., whether to recommend to the SC Committee a full hearing pursuant to Article 6 of this SCC, a plea agreement pursuant to Article 10, a dismissal, or some other disposition as listed in § 8.07. The Subcommittee may also recommend that the SC Committee table further action on the complaint pending the outcome of any court or other judicial proceedings outside of the School of Law. In the event that the Subcommittee determines that there is credible evidence sufficient to support a finding by the preponderance of the evidence that the accused student committed some or all of the violations of the SCC alleged in the complaint, the Subcommittee may recommend that the matter proceed to a full hearing. If the Subcommittee cannot reach unanimity, the recommendation shall be made by the Assistant Dean of Student and Career Services upon a summary presentation of the evidence gathered by the Subcommittee. In the event the Assistant Dean of Student and Career Services is called upon to make this recommendation, that shall not, without more, constitute a basis for his/her recusal during any other portion of the proceedings pursuant to this SCC. In either event, no appeal shall lie from the Subcommittee's recommendation to the SC Committee.
- 5.04** If, during the investigation, the Subcommittee discovers evidence of additional or related violations of this SCC other than those contained in the original complaint, the Subcommittee shall investigate such violations and determine, consistent with

Article 5.03 above, whether additional allegations should be levied against the accused student. The Subcommittee shall also agree on the recommended disposition of these new allegations. If, during its investigation, the Subcommittee determines there is credible evidence that a student or students other than the accused student have violated this SCC, such evidence shall form the basis of a separate complaint. This separate complaint shall be prepared by the Subcommittee and filed with the Assistant Dean of Students. To the extent the Subcommittee should find additional bases of violations of the SCC during its preliminary investigation, the Subcommittee shall notify the SC Committee when it makes its recommendation.

- 5.05** The Subcommittee shall make its recommendation to the SC Committee within three (3) weeks of the first meeting of the SC Committee, or as soon as reasonably possible thereafter. The recommendation of the Subcommittee shall be made available only to the members of the SC Committee, until or unless such time as a full hearing is scheduled pursuant to Article 6 of this SCC.

## **Article 6. Full Hearing**

- 6.01** The SC Committee possesses the sole discretion to accept or reject the recommendation of the Subcommittee, including the recommendation by the Subcommittee to table further disciplinary action pursuant to Article 5.03 above, which acceptance or rejection of the Subcommittee recommendation shall be determined by a simple majority of the voting members of the SC Committee. Unless extraordinary circumstances exist or unless the accused student enters into a plea agreement pursuant to Article 10 of this SCC, however, the SC Committee should accept the Subcommittee's recommendation. In the event the SC Committee determines to accept the recommendation of the Subcommittee to table further adjudication of an alleged academic violation to a future date, or in the event the Subcommittee was unable to agree upon a recommendation and the Assistant Dean of Student and Career Services was called upon to make a recommendation pursuant to Article 5.03 above and recommended that the SC Committee table further adjudication of an alleged academic violation to a future date, the SC Committee must obtain the written acquiescence of the accused student in order to formally table the further adjudication of an alleged academic violation to a future date.
- 6.02** In the event that the SC Committee decides to proceed to a full hearing, it shall set a date for the hearing that falls within two weeks of the determination to proceed, or as soon as reasonably possible thereafter if extenuating circumstances are present. The SC Committee may decide to set the date of the hearing later in extenuating circumstances. Extenuating circumstances shall include, but not be limited to, the unavailability of witnesses, the unavailability of SC Committee members, or the scheduling of examinations or other events at the School of Law.
- 6.03** The Assistant Dean of Student and Career Services shall promptly notify the accused student of the hearing date by the method set out in Article 11 of this SCC.

Requests for a continuance of a scheduled hearing shall be heard by the SC Committee and granted only in extraordinary circumstances.

- 6.04** The Hearing Panel shall consist of the members of the SC Committee who did not sit on the Subcommittee during the preliminary investigation, the committee faculty member, and the Assistant Dean for Student and Career Services acting as judicial officer. If a full hearing is scheduled, the accused student shall have access to the evidence gathered in the Subcommittee's investigation. There shall be no other prehearing discovery.
- 6.05** At any time after the determination to proceed to a full hearing but before the hearing is held, the Hearing Panel may meet to consider any preliminary matters as they arise, including, but not limited to, the accused student's request to sever parties or to have discrete violations heard separately. Such determinations shall remain within the sole discretion of the Hearing Panel. Furthermore, the Hearing Panel may propose and enter into a plea agreement pursuant to Article 10 of the SCC with the accused student at any time after the Subcommittee finishes its preliminary investigation and makes its recommendation to the SC Committee.
- 6.06** The hearing shall be confidential and closed to all but those directly involved in the proceeding, unless the student, by written request delivered to the Chair not later than 24 hours before the hearing, requests that the hearing be public. Nothing within this provision shall prevent the Dean from attending the hearing. All statements, records, images, questions, verbal or visual, which are adduced into evidence in this matter are to be held strictly confidential by the accused student, the members of the committee, all witnesses and persons involved in the matter whoever they may be, and such evidence may not be reported upon, transcribed, posted or otherwise commented upon outside of the hearing, except as expressly authorized by the party quoted or as otherwise authorized in this SCC.
- 6.07** All members of the SC Committee must be present at the hearing. The Assistant Dean of Student and Career Services shall preside as the Chief SC Committee Member at the hearing and shall state at the commencement thereof: (a) the scope of the hearing, the allegations in the complaint, the identity of the accuser, and the jurisdiction of the SC Committee; (b) the procedure to be followed in the hearing; (c) the possible penalties to be imposed should violation(s) of the SCC be proven; and (d) the rights of the accused student following the hearing. If the Assistant Dean of Student and Career Services is unavailable, has a conflict of interest, or has been recused voluntarily or involuntarily pursuant to Article 3.03 or 3.04, the Chair shall sit as the Chief SC Committee Member during the hearing. If neither the Assistant Dean of Student and Career Services nor the Chair is available, the Dean shall appoint the Chief SC Committee Member from among the remaining SC Committee members who comprise the Hearing Panel.
- 6.08** The Chair may appoint a "Prosecutor" to present witnesses and evidence against the accused student at the hearing. The Prosecutor may be a full-time or adjunct professor of law, an attorney outside of the School of Law, or any other person

whom the Chair deems suitable, after consultation with the Assistant Dean of Student and Career Services, the SC Committee, or both. The Chair may also forego the appointment of a Prosecutor, in which case one member of the SC Committee shall have the right to call and examine witnesses, present evidence, and cross-examine witnesses presented by the accused student, including the student himself/herself if he/she testifies.

- 6.09** The accused student has the right not to testify at the hearing. No inferences shall be drawn from the exercise of this right.
- 6.10** The hearing shall be conducted in such a manner as to do substantial justice and shall not be unduly restricted by the rules of procedure or evidence; therefore, neither the Federal nor Tennessee Rules of Evidence shall apply.
- 6.11** The accused student shall be presumed innocent. The accused student has the right, and shall be provided any and all reasonable opportunity, to present witnesses and submit evidence at the hearing, including documentary materials of any kind.
- 6.12** The accused student may be represented by a person of his/her choice. It is the sole responsibility of the student to obtain representation. This SCC in no manner creates a responsibility of the SC Committee, the Dean, or the School of Law to provide appointed representation for the accused student or to provide compensation to the accused student's representative.
- 6.13** Once a final hearing has been set, and upon the written petition of the Assistant Dean of Student and Career Services, the Prosecutor, or the accused student, or by his/her own authority as Chair, the Chair shall issue a written request to students, faculty members, staff members or employees of the School of Law to appear as witnesses at the hearing and/or produce physical or documentary evidence in their possession that was identified during the Subcommittee's investigation, including but not limited to, the identity of any person who filed the report of violation against the accused student and any statement by that reporter. The Chair shall sign the written request and deliver it to the prospective witness or source of physical or documentary evidence, or his/her department head, at least three days before the hearing, or as soon as reasonably possible thereafter. The Chair may refuse to issue a written request if he/she determines the evidence sought is confidential and/or privileged under the rules or regulations of the University or the School of Law. The Chair may amend, modify, or rescind the request, if, after the request is issued, he/she determines that the evidence sought confidential and/or privileged under the rules or regulations of the University or the School of Law. Upon receipt of a written request, the student, faculty member, staff member or employee of the School of Law shall appear as a witness at the hearing and/or produce the physical or documentary evidence requested unless extraordinary circumstances prevent it.
- 6.14** The hearing shall be recorded by stenographic, mechanical, electronic, or sound photographic means. After the SC Committee has rendered a decision in a case, its

opinion and all other records and documents pertaining to the proceeding shall be delivered to the Assistant Dean of Student and Career Services for safekeeping for a period not less than five years, after which time said opinion, records and documents from the proceedings may be destroyed.

- 6.15** In the event that the hearing results in a dismissal of all charges, the Assistant Dean of Student and Career Services shall ascertain that the complaint and any other references to the proceedings are promptly deleted from the accused student's file at the School of Law.
- 6.16** In the event that the hearing results in a determination that a violation occurred, the Hearing Panel shall determine the appropriate disciplinary sanctions pursuant to Article 8 of the SCC herein. The student may present evidence in mitigation, including, but not limited to:
- i. Admission prior to allegation reported. It may be a mitigating factor when a student voluntarily admits misconduct before learning that someone has reported the matter or is about to report the matter. A student who has the integrity to come forth with a good-faith admission has reaffirmed a personal commitment to honor. Any student interested in making such an admission should contact the Associate Dean for Student Services.
  - ii. Other admissions. An admission made after an allegation has been reported may have some mitigating value; however, a post-report admission is not as strong a mitigating factor as a pre-report admission.
  - iii. Cooperation. The Associate Dean for Student Services may consider how cooperative, or uncooperative, the student was during the process, for meetings, provided requested information, and dealt honestly and civilly with others involved with the process.
  - iv. Intent. Conduct falls on an intent continuum that ranges from malicious, willful, intentional, reckless, and grossly negligent conduct on the more serious end, to merely negligent, careless, and unintentional conduct on the less serious end.
  - v. Degree of harm or seriousness of offense. The degree of harm to others and the seriousness of the conduct are relevant factors in determining sanctions.
  - vi. Prior violations.
- 6.17** A brief written opinion stating the Hearing Panel's findings of fact and the basis for its judgment shall be prepared by the Secretary.
- 6.18** The SC Committee may adopt any further rules or make any further regulations necessary for a fair and impartial hearing that are not inconsistent with Article 6 of this SCC.

## **Article 7. Committee Determination**

- 7.01** At the close of questioning and upon consideration of all the evidence presented, the Hearing Panel shall decide whether the accused student has committed a

violation in private deliberations. Deliberations may be suspended and reconvened as many times as necessary by the Hearing Panel, but a determination must be submitted not later than two weeks after the hearing of the matter.

- 7.02** A determination by the Hearing Panel that the accused student violated the SCC requires a simple majority of the voting members of the Hearing Panel to determine, by a preponderance of the evidence, that the accused student committed acts that violated the SCC. For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.
- 7.03** If the Hearing Panel determines that the accused student violated the SCC, it shall determine the appropriate sanction by a simple majority of the voting members of the SC Committee. The Hearing Panel's vote on the determination of the violation and sanctions shall become the determination of the SC Committee.
- 7.04** The Assistant Dean of Student and Career Services shall notify the accused student of the SC Committee's determination at its earliest possible convenience. If the SC Committee determined that the accused student violated the SCC, such notification shall advise the student of his/her right to appeal pursuant to Article 9 of this SCC.
- 7.05** The identity of the accused student shall remain confidential, and no information describing or characterizing the accused student shall be disseminated by members of the SC Committee. Notwithstanding the above provisions, the Chair shall transmit information regarding the final disposition of the hearing, including any pertinent evidence presented therein, to the Dean of the School of Law and the University Registrar. Before transmitting information to any person or organization requesting information about the academic standing of a student who was determined to have violated the SCC, the Registrar shall seek the written consent of the student, made either directly to the Registrar or to the requesting person or organization. If the student who was determined to have violated the SCC refuses to consent to the Registrar's request or fails to provide consent within one week of the request, the Registrar shall not transmit academic information of any kind to the person or organization requesting such information. Instead, the Registrar shall send a letter to the person or organization requesting the information stating that the student did not consent to the release of his or her academic information.
- 7.06** Upon completion of the full hearing, or the entry of the accused student into a plea agreement, the Office of the Assistant Dean of Student and Career Services shall post on the administrative bulletin board, blackboard or TWEN site, or both, a brief statement describing: (a) the violations of the SCC alleged in the complaint; (b) whether the accused student was found innocent, admitted the violations, or was found to have committed the violations alleged in the complaint; and (c) the sanctions imposed by the SC Committee, if any. The name of the accused student shall be omitted from the public statement unless the student exercises his/her option to have the hearing made public pursuant to Article 6.06 of this SCC. If the accused

student has requested a public hearing, his/ her name will be included in the public statement.

## Article 8. Sanctions

**8.01** Misconduct constituting a violation of this SCC may result in the imposition of any one or a combination of the following sanctions for any period the SC Committee deems appropriate:

- i. Unwritten warning by the Dean or Assistant Dean of Student and Career Services;
- ii. Written reprimand not of record;
- iii. Written reprimand of record;
- iv. Public discussion, which requires the student to engage in public discussion of his/her act in the best interest of educating and deterring other students. This sanction shall not be imposed in the absence of the written consent of the student and may be imposed as an alternative to other sanctions;
- v. Probation, meaning the suspension of any sentence subject to future non-violation of this SCC;
- vi. Suspension from the School of Law;
- vii. Withdrawal of the University or School of Law privilege relating to the misconduct, including, but not limited to, termination of membership in a student organization;
- viii. A monetary assessment in the form of restitution for any damages to property;
- ix. Expulsion from the School of Law;
- x. Revocation of a former student's diploma; if the violation of the SCC occurred while the student was matriculating at the School of Law; or
- xi. Any further sanction authorized by the Dean of the School of Law.

**8.02** All sanctions shall bear reasonable relationship to the severity of the misconduct, except that an offending student's record of prior misconduct, including warnings and written reprimands not of record, or the absence thereof, may be considered.

**8.03** All disciplinary actions shall be executed by the Office of the Assistant Dean of Student and Career Services, and, except for those described in Articles 8.01(1) and 8.01(2), shall be recorded on the student's official record.

**8.04** The SC Committee shall maintain jurisdiction over the matter until such time as the imposed sanctions are fully completed. Furthermore, the right, ability, and jurisdiction of the SC Committee to impose further sanctions for the failure of the student to fully comply with the sanctions shall be preserved until all the sanctions imposed are completed.

**8.05** Unless specifically stated by the SC Committee as part of sentencing, the Assistant Dean of Student and Career Services shall mandate all time frames within which



the student shall comply with all sanctions levied by the SC Committee. In the event a student fails to comply with any requirements of a plea agreement entered with the SC Committee, or with a sanction levied after a full hearing, the Assistant Dean of Student and Career Services shall notify the current Chair. After conferral with the Assistant Dean of Student and Career Services, the Chair may extend the time within which the student must comply with the sanctions or provisions of the plea agreement.

**8.06** If the Chair has reason to believe that the failure of the student to comply with previously imposed sanctions or provisions of a plea agreement is an intentional and willful disregard of the authority of the SC Committee and a violation of 2.01 of this SCC, the Chair shall immediately convene the SC Committee to discuss further action. In the absence of an extraordinary circumstance justifying non-compliance, any plea agreement or lesser sanction shall be deemed withdrawn and void, and, upon a vote of a simple majority of the voting members of the SC Committee, the matter may proceed to full hearing on the original allegation, if not tried, or to a limited hearing only on the failure of the student to comply with the sanctions of the SC Committee after preliminary investigation, hearing, and determination. The SC Committee after preliminary investigation, hearing, and determination. The SC Committee shall have the full range of sanctions available to it under Article 8.01 at this non-compliance hearing, including, but not limited to, expulsion from the School of Law. The determination of the SC Committee regarding willful non-compliance with a signed plea agreement or previously assessed sanctions for violation of the SCC shall not be appealable pursuant to Article 9 of the SCC.

- 8.07**
1. Expulsion.
  2. Suspension for a specified period of time.
  3. Disciplinary probation for a specified period of time.
  4. Oral or written warning.
  5. Oral or written reprimand.
  6. Payment to compensate for any injury or loss caused, provided that the amount of such injury or loss has been proved by a preponderance of the evidence.
  7. Restitution.
  8. Dismissal from Law Review, Board of Advocates, and any other office or position connected with a student organization or activity recognized by the College of Law.
  9. Exclusion or suspension from one or more activity, event, function, benefit, or privilege of the College of Law.
  10. Referral to the Tennessee Lawyers Assistance Program.
  11. Referral to counseling services.
  12. Community service.
  13. Letter of apology or explanation of conduct.
  14. Organization charter revocation.
  15. Offer of admission withdrawn and seat vacated.

## Article 9. Appeal

- 9.01** A student whom the SC Committee has determined to have violated the SCC shall have the right to appeal the adverse ruling by the SC Committee. Such appeal shall lie in the sole discretion of the Dean and must be made within fourteen (14) calendar days of date that notice and service of the SC Committee's judgment was provided to the student as set forth in Article 11 of the SCC.
- 9.02** If the student desires additional time to prepare an appeal, he/she must make a written request to the Dean within the same 14-day period. The Dean may, within his/her sole discretion, grant such additional time for appeal.
- 9.03** With respect to the finding(s) and sanction(s) determined by the SC Committee, the Dean will uphold the sanctions imposed by the SC committee unless there is substantial evidence to alter the findings of fact and conclusions of the SC Committee.
- 9.04** An accused student who enters into a voluntary plea agreement with the SC Committee is not entitled to appeal the entry of the plea agreement or any of the conditions set forth therein.

## Article 10. Plea Agreements

- 10.01** At any point following the preliminary investigation and the recommendation of the Subcommittee, the Hearing Panel shall be empowered to enter into a plea agreement with the accused student on behalf of the SC Committee.
- 10.02** As a condition of any plea agreement, the accused student must unequivocally admit and accept responsibility for the misconduct as stated within the plea agreement and consent to the sanction imposed by the SC Committee.
- 10.03** Before entering into a plea agreement, the Hearing Panel, by a simple majority of the voting members, must determine that: (a) sufficient evidence exists to demonstrate that the accused student committed misconduct constituting a violation of the SCC; (b) that the sanction imposed by the plea agreement is appropriate; and (c) that the plea agreement is acceptable.
- 10.04** The plea agreement must expressly warn the accused student that he/she may seek legal counsel prior to executing the agreement, subject to the caveats set forth in Article 6.12 of this SCC. Nothing within this provision, however, should be construed to indicate that the School of Law or any of its agents or employees either is responsible for securing, providing, or recommending specific legal counsel or is encouraged to do so.
- 10.05** The plea agreement shall expressly warn the accused student that execution of the agreement will constitute a waiver of the right to appeal any alleged procedural

error in the disciplinary proceedings, whether known or unknown at the time of execution, pursuant to Article 9 of the SCC.

- 10.06** The plea agreement shall be written and signed by the accused student and the Assistant Dean of Student and Career Services. The Assistant Dean of Student and Career Services shall not sign the agreement without the approval of a simple majority of the voting members of the Hearing Panel.
- 10.07** The Hearing Panel, in its sole discretion, may reduce, alter, and/or amend the allegations of misconduct against the accused student within the plea agreement, so long as said amendments do not increase the level of accused sanction to which the student has agreed without notice to the accused student and an opportunity for the accused student to withdraw acquiescence to the agreement. Furthermore, the Hearing Panel, in its sole discretion, may consider the plea as a mitigating factor for purposes of imposing its sanctions within the plea agreement. However, nothing within this section shall be construed to provide the accused student with a right to an exercise of such discretion.
- 10.08** Once a plea agreement is properly executed in compliance with this rule, the matter shall be terminated, and notwithstanding any errors that may have occurred during the preliminary investigation or any other portion of the disciplinary proceedings, whether known or unknown at the time of execution, no right to appeal shall be preserved regardless of the alleged error's severity, type, potential for repetition, or import.
- 10.09** Notwithstanding the termination of a matter pursuant to Article 10.08, the SC Committee shall maintain jurisdiction over the matter until such time as the imposed sanctions are fully completed. Furthermore, the right, ability, and jurisdiction of the SC Committee to impose further sanctions for the student's failure to fully comply with the sanctions shall be preserved until all of the sanctions imposed within the plea agreement are completed, as more specifically stated in Articles 8.05 and 8.06 of this SCC.
- 10.10** For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.
- 10.11** In the event the Assistant Dean of Student and Career Services is unavailable to sign the plea agreement, the Chair shall sign the plea agreement. In the event neither the Assistant Dean of Student and Career Services nor the Chair is available to sign the plea agreement, the Dean shall appoint an acting Chair to sign the plea agreement from among the remaining SC Committee members who comprise the Hearing Panel.

## **Article 11. Notice and Service**

- 11.01** Any duly promulgated rule, regulation or order of the School of Law posted on the administrative TWEN bulletin board shall serve as constructive notice to the student body within 48 hours of its posting. Further, any email sent to a student at the e-mail address assigned to them by the School of Law shall be deemed delivered pursuant to the notice requirements of this SCC on the day following the sending of the e-mail in question.
- 11.02** In all cases where the SCC charges a person with the responsibility for the delivery of complaints, notices, statements, judgments, or any other documents whatsoever, the person making delivery thereof shall first make a reasonable attempt to serve the document in question personally and by email upon the person entitled to receive it. If such personal or e-mail service cannot be accomplished, a certified letter, and regular U.S. Mail letter, duly posted to the most recent address of the person as listed in School of Law files, shall conclusively be presumed to provide notice and service required by the SCC. Service will be considered complete one day after the posting of the certified letter.
- 11.03** All time periods in this SCC commence to run exclusive of the day of service, notice, or judgment. Further, all deadlines will end at 5:00 p.m. Eastern Time on the day due, regardless of weekend or weekday.

## **Article 12. Reserved Powers**

- 12.01** Nothing in this SCC shall be construed to limit the authority of a faculty member or a School of Law organization to deal with misconduct arising in the faculty member's class or organization. Such action shall not be the basis for a plea of double jeopardy by the student involved.
- 12.02** The Dean and faculty of the School of Law reserve the right to modify, alter, amend, extend or restate any section of this SCC at any time.
- 12.03** Any student who, within the sole discretion of the Dean, poses an imminent risk of serious harm to the School of Law community, may be suspended immediately and shall be accorded due process, otherwise consistent with this SCC, at a later date.
- 12.04** No section of this SCC, determination of the SC Committee, or plea agreement entered into by any student under this SCC, shall be construed as limiting or controlling the discretion of the Dean of the School of Law to exercise his or her discretion regarding whether or not to endorse any student.

## **XX. ACCREDITATION**

### **A. University Regional Accreditation**

Lincoln Memorial University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, masters, specialist and doctorate degrees. Contact the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Lincoln Memorial University.

## **B. Duncan School of Law Accreditation**

Lincoln Memorial University Duncan School of Law is approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, 321 North Clark Street, Chicago, Illinois 60654, 312-988-6738.

# **XXI. GRADING POLICIES**

## **A. Mandatory Grade Distribution**

1. 1000-Level Course Grades: For Law 1011 (Civil Procedure I), 1021 (Contracts I), 1052 (Legal Communication I), 1051 (Legal Research I), 1031 (Property I), and 1041 (Torts I), the cumulative average grade shall fall between 2.400 and 2.800 (mean curve). Grades of A and A- shall be awarded to no more than 20% of the class, and the total grades of A, A-, B+, B, and B- shall be awarded to no more than 55% of the class (distribution curve).

For Law 1012 (Civil Procedure II), 1021 (Contracts II), 1054 (Legal Communication II), 1053 (Legal Research II), 1032 (Property II), and 1042 (Torts II), the cumulative average grade shall fall between 2.500 and 2.900 (mean curve). Grades of A and A- shall be awarded to no more than 20% of the class, and the total grades of A, A-, B+, and B shall be awarded to no more than 55% of the class (distribution curve).

The mandatory distribution curve shall not apply to any 1000-level course with fewer than twenty (20) students enrolled. The applicable mean curve will apply.

2. 2000-Level Course Grades: For each class, the cumulative average grade shall fall between 2.600 and 3.000 (mean curve). A mandatory distribution curve shall not apply.
3. Mid-term examination and final examination grades for 1000-level and 2000-level courses shall comply with the distribution and mean curves for course grades set forth in § XXI.A above.
4. A faculty member shall submit mid-term exam grades, final exam grades and final course grades to the Associate Dean for Academic Affairs within the time designated by the Associate Dean for Academic Affairs. If the grades do not comply with the curve, they shall be returned to the faculty member for adjustment in conformity with the curve and resubmission to the Associate Dean for Academic Affairs. The Registrar shall not process any grades for a course until all grades for the course conform to the grading curves, unless a waiver has been obtained from the Dean or Associate Dean for Academic Affairs.

5. In extraordinary circumstances, the Dean or Associate Dean for Academic Affairs may grant a waiver for a faculty member not conforming to the grading curves for a particular course for a particular semester. It is not considered “extraordinary circumstances” that a faculty member simply considers the curve too strict or too generous, in whole or in part, or the class too strong or too weak for the curve to be applicable. Any such waiver shall be reported to the Academic Standards Committee in writing, together with the reasons for the waiver.

## **B. Grading System**

1. LMU Law uses the traditional 4.0 grading system.

A	4.00	C	2.00
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.00	D	1.00
B-	2.67	D-	0.67
C+	2.33	F	0.00

2. Explanation of Grades

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

**A-** A grade of A- is given to any student who completes the requirements for a course and does so in a fashion that is often outstanding but lacks the consistency associated with uniformly outstanding work for a law student and future lawyer at this stage of his or her education.

**B+** A grade of B+ is given to any student who completes the requirements for a course and does so in a fashion that is very good but lacks the consistency associated with outstanding work for a law student and future lawyer at this stage of his or her education.

**B** A grade of B is given to any student who completes the requirements for a course and does so in a fashion that is uniformly good work for a law student and future lawyer at this stage of his or her education.

**B-** A grade of B- is given to any student who completes the requirements for a course and does so in a fashion that is often good work, but lacks the consistency associated with uniformly good work for a law student and future lawyer at this stage of his or her education.

**C+** A grade of C+ is given to any student who completes the requirements for a course and does so in a fashion that is above the level of competent but not rising

to the level of good work for a law student and future lawyer at this stage of his or her education.

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

**C-** A grade of C- is given to any student who completes the requirements for a course and does so in a fashion that is below the level of competent, lacking the consistency necessary for competent work for a law student and future lawyer at this stage of his or her education. A student who maintains a C- average is not eligible to graduate and, if that average persists, is not eligible to continue his or her studies at the School of Law.

**D+** A grade of D+ is given to any student who completes the requirements for a course and does so in a fashion that reflects some skill but is solidly below the level of competent for a law student and future lawyer at this stage of his or her education.

**D** A grade of D is given to any student who completes the requirements for a course and does so in a fashion that reflects some skill but is substantially below competent for a law student and future lawyer at this stage of his or her education.

**D-** A grade of D- is given to any student who completes the requirements for a course and does so in a fashion that generally reflects some minimal skill that is marginally above a failing grade for a law student and future lawyer at this stage of his or her education.

**F** A grade of F is given to any student who either (a) completes the requirements for a course and does so in a fashion that is not acceptable at all and demonstrates none of the skill or talent generally found in a law student and future lawyer at this stage of his or her education or (b) does not complete the requirements for the course in a timely fashion. This grade confers no credit for the course.

3. Other possible transcript notations and explanations:

**I** = Incomplete

A grade of I is given to a student who has not completed the requirements for a course in a timely fashion but has arranged with the instructor to do so within no more than six calendar months from the last day of exams for the applicable semester. A grade of Incomplete shall only be given in extraordinary circumstances. After six months, an unresolved I becomes an F (0.000). At no time does an I confer credit for a course.

**P** = Passing

Eligible courses will be graded on a pass/fail basis. A grade of P is given to any student who passes a pass/fail course. This grade confers credit but is not calculated in the grade average.

**W** = Withdrew

A grade of W is posted on the transcript whenever a student withdraws from a course prior to the deadline to drop a course. The W grade confers no credit and is not calculated in the grade average.

**AW** = Absence Withdrawal

A grade of AW is posted on the transcript whenever a student is withdrawn from a course for excessive absences. The AW grade confers no credit but is calculated into the grade average in the same way as an “F” (0.000).

**WD** = Withdrew from University

A notation of WD denotes an administrative withdrawal from the University (from all courses), instigated by the University, prior to the conference of a grade in any course. The WD grade confers no credit and is not calculated in the grade average.

**X** = A notation of X is posted on the transcript if the student, through no fault of his or her own, has not yet received a grade for a course. This notation covers unforeseeable circumstances unrelated to the student. The X notation does not confer credit for the course and is not calculated in the grade point average.

**AU** = Audit

A notation of AU denotes an official audit of the course. No credit is awarded nor is a grade assigned.

#### 4. Pass/Fail Grading

Any course in which letter grades are not expected to be given will be graded on a pass/fail basis. Students who pass the course receive a P for the course. Students who fail the course receive an F (0.000). A failing grade will be calculated as part of a student’s grade point average.

- a. For all coursework taken on a pass/fail basis, whether at, or outside, the School of Law, a student must perform at no less than a C level to earn a P grade. Students who perform below a C level will receive an F.
- b. Credit Hour Limitation. Absent approval in writing from the Associate Dean for Academic Affairs, no student may count more than nine credit hours earned in courses graded on a pass/fail basis toward the total number of hours required for graduation (not including transfer credits).

#### 5. Calculation of Grade Point Averages

After all grades have been recorded for students each semester, the Registrar will calculate and report to each student his or her individual grade point average. This information will be made available to all students through WebAdvisor.

## XXII. ACADEMIC GRIEVANCE PROCEDURES

### A. Procedure for a Non-Grade Related Academic Grievance

1. Grievances concerning any academic issues should first be taken to the instructor of the class, if a classroom situation is in dispute.



2. If a student feels he/she needs to take the matter further, the Associate Dean for Academic Affairs should be consulted, no later than two weeks following the first day of classes for the next semester (including summer terms), with such grievance being made in writing.
3. If a student is dissatisfied with the decision or remedial action taken by the Associate Dean for Academic Affairs, the student may appeal such decision to the Dean. An appeal under this subsection must be made within five (5) calendar days of the decision or remedial action that is the basis for the appeal and must provide, in writing, a copy of the grievance and a statement setting forth the appellant's basis for dissatisfaction. The Dean's decision shall be final and non-appealable.
4. Grievances concerning sexual harassment by a faculty member are not governed by this section.

## **B. Academic Grievances Seeking Grade Changes**

1. Grievances seeking a grade change should first be taken to the instructor of the class. If a student feels he/she needs to take the matter further, the Associate Dean for Academic Affairs should be consulted.
2. After a professor has submitted grades to the Registrar's office, the grades are final and may not be changed except with permission from the Academic Standards Committee, or, for changes arising from a mathematical, administrative or clerical error, the Associate Dean for Academic Affairs. All decisions of the Academic Standards Committee with respect to requests for grade changes shall be final.
3. Requests for changes to grades must be made no later than:
  - a. forty-five (45) days after the date set by the official Academic Calendar for the end of that semester's final exams; or
  - b. three (3) weeks after the contested grades are posted, whichever is later.
4. To qualify, a requested grade change must allege facts indicating a basis for the change that falls within one of three categories set forth below and in accordance with the policies detailed below:
  - a. **Mathematical, Administrative or Clerical Error**
    - i. Upon a showing that a grade was recorded in error due to a mathematical error, administrative error, or clerical error, a grade change will be presented to the Associate Dean for Academic Affairs.
    - ii. A mathematical error is an error based upon an incorrect calculation of a student's score on an exam or in a class, such as an error in addition, subtraction, or other formulaic error.

- iii. An administrative error is a non-mathematical error made by a faculty member in reading a student's exam, such as unintentionally overlooking a portion of a student's exam answer.
- iv. A clerical error is an error, other than those addressed above, such as a transcription error. Clerical errors are not limited to errors made by faculty and include errors made by a staff member after a faculty member has turned in his or her grades.
- v. Challenges to grades based on any of the above grounds first shall be addressed directly with the faculty member responsible for the grade. If the faculty member agrees that a mathematical error, administrative error, or clerical error has been made, the faculty member shall submit the request for a grade change to the Associate Dean for Academic Affairs.
- vi. If the faculty member does not agree that a mathematical error, administrative error, or clerical error has been made, the student may submit a written request for the change to the Academic Standards Committee. The committee shall allow the faculty member to provide a written response and shall conduct any investigation it deems necessary. If the faculty member involved is a member of the Committee, the faculty member shall be recused from participating in the deliberations.

b. Bias

- i. A grade challenge made on the basis of bias would include an allegation by a student that his or her grade was unfairly awarded based upon a particular faculty member's bias with regard to (and presumably against) that student.
- ii. To allege bias, a student must allege specific facts indicating professorial prejudice (either against a group of students or against the student making the allegation). To qualify for consideration, the challenge must allege that the prejudice stems from a source other than the student's performance in class discussions, on the course's webpage, on assignments, or on papers, quizzes, and examinations. Allegations of bias must be made under oath.
- iii. Challenges based on bias shall be submitted in writing to the Associate Dean for Academic Affairs who shall forward the challenge directly to the Academic Standards Committee. The Committee shall allow the faculty member involved to provide a written response and shall conduct any investigation it deems necessary. If the faculty member involved is a member of the Committee, the faculty member shall be recused from participating in the deliberations.

c. Arbitrary and Capricious Grading

- i. A grade challenge made on the basis of an allegation of arbitrary and capricious grading must be submitted in writing to the Associate Dean for Academic Affairs who shall forward the challenge directly to the Academic Standards Committee.
- ii. The Committee shall allow the faculty member involved to provide a written response and shall conduct any investigation it deems necessary. If the faculty member involved is a member of the Committee, the faculty member shall be recused from participating in the deliberations.

## C. American Bar Association Student Complaint Policy

### 1. Formal Complaints Implicating American Bar Association Standards for Approval of Law Schools

As an institution with accreditation by the American Bar Association (“ABA”), the Lincoln Memorial University Duncan School of Law seeks to comply with the ABA Standards for Approval of Law Schools (“the Standards”). The Standards may be found at [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/)

#### ***Procedures and Requirements for Filing a Complaint***

Any student at the Law School who wishes to file a formal complaint (“Complaint”) to the Administration of a significant problem that directly implicates the program of legal education and its compliance with the Standards should take the following steps:

- a. Submit the Complaint, in writing, on the form contained in Appendix herein, to the Associate Dean for Academic Affairs or the Associate Dean and Director of the Law Library;
- b. Describe, in detail, the behavior, program, or process complained of and demonstrate how it implicates the Law School’s program of legal education and the compliance with an identified Standard;
- c. Provide any evidence upon which the allegation(s) are based as the Complaint must include relevant supporting documentation;
- d. Detail any specific incident or incidents which allegedly impact the DSOL’s program of legal education and the Law School’s compliance with an identified Standard including:
  - i. The date and time of the incident(s);
  - ii. The number and name of the standard implicated;
  - iii. The substance of the incident; and
  - iv. The name(s) of the parties involved.
- e. Provide the time frame in which the lack of compliance is alleged to have occurred if it does not relate to a specific incident detailed in I.A.4. above;
- f. The Complaint must provide the name of the student(s) submitting the Complaint, the student’s official school email address, a phone number, and a mailing address for further communication about the Complaint; and
- g. The Complaint must be signed by the student(s) making the allegations and submitting the Complaint.

### ***Time Limitations***

The Complaint must be filed within sixty (60) days of the alleged events giving rise to the Complaint. Pursuit of other remedies does not toll this sixty (60) day limit.

### ***Procedures for Addressing a Complaint***

The following procedures shall, absent extraordinary circumstances, be followed when a Complaint is properly filed in accordance with the procedures set forth above. Failure to follow any part of the above procedures shall render the Complaint void and shall not require a response or any other action by the Law School.

The dean to whom the Complaint is submitted (“Associate Dean”) should acknowledge the Complaint within five (5) business days of its receipt. Acknowledgment may be made by e-mail, U.S. mail, or by personal delivery of a written statement evincing receipt of the Complaint.

Within fourteen (14) calendar days of acknowledgment of the Complaint, the Associate Dean or the Associate Dean’s designee shall either:

- a. Meet with the complaining student;
- b. Respond to the substance of the Complaint in writing; or
- c. Request additional information relating to the Complaint.

Subject to the provision below, the Associate Dean shall respond to the Complaint either by providing a substantive response to the Complaint or by providing the student information about what steps are being taken by the DSOL to address or further investigate the Complaint.

### ***No Issue Found***

In the event that the Associate Dean determines that the Complaint does not raise issues relating to the Law School’s compliance with the Standards, the matter will be closed.

### ***Appeals***

Appeals from the decision must be taken to the Dean within five (5) business days.

Any student filing an appeal should take the following steps:

- a. The appeal should be submitted, in writing, to the Dean;
- b. The appeal should state what portion or portions of the decision the student is appealing and the reason for the appeal;
- c. The appeal must provide the name of the student filing the appeal, the student’s official school email address, a phone number, and a mailing address for further communication about the appeal.

Any decision made on appeal by the Dean of the Law School is final.

### ***Document Retention***

A copy of the Complaint and a summary of the process and resolution of the Complaint shall be kept in the office of the Dean for a period of no less than eight (8) years. A

digital copy of the information shall be considered in compliance with this retention policy.

***Frivolous Complaints***

A student who files a Complaint that is determined to be frivolous shall be considered in violation of the Code of Academic Integrity and shall be referred to the Academic Integrity Committee (“AIC”) for review and disposition. A frivolous claim is one which is determined by the Associate Dean or the Dean not to have a good faith substantive basis or merit including one brought for an unreasonable purpose such as harassment or personal bias.

In determining whether a Complaint is frivolous, the following may be taken into account:

- a. the number of times the same Complainant has filed the same or similar complaint;
- b. the inability of the Complainant to substantiate his/her allegations;
- c. evidence that the Complaint has been filed for the purpose of harassment or personal bias; and
- d. other factors as determined by the Associate Dean or the Dean.

The Associate Dean making the determination of the result of the Complaint shall also determine the frivolousness of the Complaint. If the ruling on the merits of the Complaint is accompanied by a finding that the Complaint was frivolous and after the expiration of five (5) business days, a frivolous Complaint remains unappealed, then the Complainant shall be turned over to the AIC for a determination on the appropriate sanction, if any. The decision of the Associate Dean or, in the case of an appeal, the Dean, shall be binding on the AIC. The AIC shall follow all customary procedures set forth in the Student Handbook only insofar as it facilitates the determination of an appropriate sanction, protecting the rights of the Complainant to a hearing on that limited determination.

If a timely appeal is filed, then the Associate Dean shall await the findings of the appellate process before taking any action with the AIC. If the decision of the Associate Dean is upheld on appeal, then the finding of frivolousness will stand, and the Complainant shall be turned over to the AIC. If the decision of the Associate Dean is reversed on appeal and the Complaint is found to have merit or is found not to be frivolous, then the finding of frivolousness will be withdrawn and the matter shall not be turned over to the AIC.

***Notification***

This policy shall be published in each edition of the Duncan School of Law Student Handbook and in other locations sufficient to provide notice to students of its existence.

- 2. Formal Complaints Regarding Safety; Faculty, Staff or Student Misconduct; Discrimination; and Handbook/Policy Violations

***Procedures and Requirements for Filing a Complaint***

Any student who wishes to bring a formal complaint to the Law School Administration of a significant problem with safety; faculty, staff, or student misconduct; discrimination; and/or Handbook/policy violations should take the following steps:

- a. The Complaint should be submitted in writing to the Dean, (“appropriate dean”) as delineated below, on the form contained in Appendix herein. The appropriate dean shall be determined by the nature of the Complaint. The type of Complaint and the appropriate dean designated to address such Complaints are as follows:

<b>Type of Complaint</b>	<b>Dean Designated to Address Complaint</b>
Americans With Disabilities Act (“ADA”)	Associate Dean for Academic Affairs
Career Services	Asst. Dean for Student and Career Services
Code of Academic Integrity	Associate Dean for Academic Affairs
Faculty Misconduct (Non-academic)	Associate Dean for Academic Affairs  <i>(If the Complaint is against the Associate Dean for Academic Affairs, then the Dean. If the Complaint is against the Dean then the Provost)</i>
Family Educational Rights and Privacy Act (“FERPA”)	Associate Dean for Academic Affairs
Financial Aid	Asst. Dean for Student and Career Services
Grievances Against Faculty Regarding Grading or Grade Appeals	Associate Dean for Academic Affairs  <i>(If the Complaint is against the Associate Dean for Academic Affairs, then the Dean. If the Complaint is against the Dean then the Provost)</i>
Nondiscrimination Policy by a Faculty Member	Associate Dean for Academic Affairs
Nondiscrimination Policy by a Student	Asst. Dean for Student and Career Services

Safety	Asst. Dean for Student and Career Services
Staff Misconduct	Associate Dean for Academic Affairs
Student Handbook Violations ( <i>Not otherwise addressed in this chart</i> )	Associate Dean for Academic Affairs
Student Misconduct (Academic)	Associate Dean for Academic Affairs
Student Misconduct (Non-academic)	Asst. Dean for Student and Career Services
Student Organizations	Asst. Dean for Student and Career Services

- b. Describe in detail the facts upon which the Complaint is based and, if applicable, the specific policy or provision of the Handbook which are alleged to have been violated;
- c. Provide any evidence upon which the allegation(s) are based as the Complaint must include relevant supporting documentation;
- d. Detail any specific incident or incidents which allegedly violated a policy or provision of the Handbook and include:
  - i. The date and time of the incident(s);
  - ii. The policy or Handbook provision implicated;
  - iii. The substance of the incident; and
  - iv. The name(s) of the parties involved.
- e. Provide the time frame in which the allegations are to have occurred if it does not relate to a specific incident detailed in I.A.4 above;
- f. The Complaint must provide the name of the student(s) submitting the Complaint, the student's official DSOL email address, a phone number, and a mailing address for further communication about the Complaint;
- g. The Complaint must provide the name of the student(s) submitting the Complaint, the student's official DSOL email address, a phone number, and a mailing address for further communication about the Complaint; and
- h. The Complaint must be signed by the student(s) making the allegations and submitting the Complaint.

### ***Time Limitations***

All Complaints must be received by the appropriate dean (or individual) designated above within twenty-one (21) days of the alleged action referred to in the Complaint. However, if lack of actual knowledge by the complainant exists, this limitation may be tolled, at the discretion of the appropriate dean.

### ***Procedures for Addressing a Complaint***

The following procedures shall, absent extraordinary circumstances, be followed when a Complaint is properly filed in accordance with the procedures set forth above. Failure to follow any part or parts of the above procedures shall render the Complaint void and shall not require a response or any other action by the Law School.

The appropriate dean to whom the Complaint is submitted should acknowledge the Complaint within five (5) business days of its receipt. Acknowledgment may be made orally, by e-mail, U.S. mail, or by personal delivery of a written statement evincing receipt of the Complaint.

If appropriate, based on the nature of the Complaint, within fourteen (14) calendar days of acknowledgment of the Complaint, the appropriate dean or his or her designee shall either:

- a. Meet with the complaining student;
- b. Respond to the substance of the Complaint in writing;
- c. Request additional information relating to the Complaint; or
- d. In the event that the appropriate dean concludes that the Complaint does not raise issues which violate any policy or provision of the Handbook, the matter will be closed

#### ***Privacy Concerns***

It is important to note that due to circumstances involving privacy of students, faculty and/or staff, an individual making a Complaint may not necessarily be made aware of the outcome of an investigation (if any) or actions taken based on a Complaint.

#### ***No Issue Found***

In the event that the appropriate (as designated above) concludes that the Complaint does not raise issues which violate any policy or provision of the Handbook, the matter will be closed. The closing of an issue may, or may not, depending on the nature of the Complaint, be reported to the complainant(s).

#### ***Document Retention***

A copy of the Complaint and a summary of the process and resolution of the Complaint shall be kept in the office of the Dean for a period of no less than eight (8) years. A digital copy of the information shall be considered in compliance with this retention policy.

#### ***Frivolous Complaints***

A student who files a Complaint that is determined to be frivolous shall be considered in violation of the Code of Academic Integrity and shall be referred to the Academic Integrity Committee (“AIC”) for review and disposition. A frivolous claim is one which is determined not to have a good faith substantive basis or merit including one brought for an unreasonable purpose such as harassment or personal bias.



In determining whether a Complaint is frivolous, the following may be taken into account:

- a. the number of times the same Complainant has filed the same or similar complaint;
- b. the inability of the Complainant to substantiate his/her allegations;
- c. evidence that the Complaint has been filed for the purpose of harassment or personal bias; and
- d. other factors as determined by the reviewer.

The appropriate dean making the determination of the result of the Complaint shall also determine the frivolousness of the Complaint. If the ruling on the merits of the Complaint is accompanied by a finding that the Complaint was frivolous and after the expiration of five (5) business days, a frivolous Complaint remains unappealed, then the Complainant shall be turned over to the AIC for a determination on the appropriate sanction, if any. The decision of the appropriate dean or, in the case of an appeal, the Dean, shall be binding on the AIC. The AIC shall follow all customary procedures set forth in the Student Handbook only insofar as it facilitates the determination of an appropriate sanction, protecting the rights of the Complainant to a hearing on that limited determination.

If a timely appeal is filed, then the appropriate dean shall await the findings of the appellate process before taking any action with the AIC. If the decision of the appropriate dean is upheld on appeal, then the finding of frivolousness will stand, and the Complainant shall be turned over to the AIC. If the decision of the appropriate dean is reversed on appeal and the Complaint is found to have merit or is found not to be frivolous, then the finding of frivolousness will be withdrawn and the matter shall not be turned over to the AIC.

#### ***Notification***

This policy shall be published in each edition of the Duncan School of Law Student Handbook and in other locations sufficient to provide notice to students of its existence.

### **XXIII. FERPA**

The University complies with the provisions of the Family Education Rights and Privacy Act (FERPA). The full FERPA policy and forms are located on the University website under Academics < Registrar < FERPA (<https://www.lmunet.edu/registrar/ferpa/index.php>).

### **XXIV. CLASS RANK POLICY**

A. To be ranked, a student must have:

1. completed thirty (30) credit hours at the Duncan School of Law;

2. successfully completed all first-year required courses as indicated in § XIII.G.1 herein; and
  3. been enrolled in at least one course in the ranking semester.
- B. The Associate Dean for Academic Affairs, or a designee, shall calculate Interim Class Ranks twice per calendar year—after all student grades for the fall semester have been entered and after all student grades for spring semester have been entered. Interim Class Ranks will not be reflected on a student’s official transcript.
- C. For purposes of Interim Class Ranking, student ranking groups will be established based upon credit hours successfully completed. At the end of the fall and spring semesters, students shall be ranked within the following groups:
- |            |        |                        |
|------------|--------|------------------------|
| Group I:   | 30-44  | completed credit hours |
| Group II:  | 45-66  | completed credit hours |
| Group III: | 67-90+ | completed credit hours |
- D. A student’s Graduation Class Rank, based upon the student’s official final cumulative grade point average, will be the only rank that appears on a student’s official transcript. The Graduation Class Rank will rank all students that have graduated since the Graduation Class Rank was last calculated. The Graduation Class Rank will be calculated on June 15 of each year and will reflect on each graduating student’s official transcript within a reasonable time thereafter.

## XXV. ACADEMIC HONORS

### A. Dean’s List

To be named to the Dean’s List, a student must have a 3.250 or greater grade point average, in any spring or fall semester in which the student has successfully completed a minimum of 9 credit hours. The Associate Dean for Academic Affairs, or a designee, shall promulgate the Dean’s List, for the Dean’s review and approval, after all student grades for each spring and fall semester have been entered.

### B. Graduation Honors

Graduation honors are as follows:

Cum Laude	3.250 – 3.499
Magna Cum Laude	3.500 – 3.749
Summa Cum Laude	3.750 – 4.000

Graduation honors, which appear on the student’s official transcript, are based upon the student’s final cumulative grade point average. Unofficial honors that the student receives at the graduation ceremony will be calculated based upon each student’s cumulative grade point average at the end of the academic term preceding the academic term in which a student graduates.

## XXVI. SCHOOL OF LAW EXAMS

- A. All School of Law exams shall be scheduled by the Associate Dean for Academic Affairs or his/her designee.
- B. A student may obtain a rescheduling of an examination only upon the prior, written, discretionary approval of the Associate Dean for Academic Affairs or his/her designee. Rescheduling an examination is an extraordinary event, and students should expect such requests to be denied in the absence of exceptional circumstances.
- C. The date for the taking of any rescheduled examination shall be set by the Associate Dean for Academic Affairs or his/her designee.
- D. In considering requests for the rescheduling of an examination in the absence of course exam conflicts, the Associate Dean for Academic Affairs may require such documentation and impose such conditions as he/she deems proper. No individual faculty member at the School of Law may grant a rescheduling.
- E. Students must be seated and prepared to begin the exam a minimum of five (5) minutes prior to the scheduled start of the exam. If a student arrives prior to the administration of the exam but less than five (5) minutes prior to the scheduled start time, no additional testing time will be given for computer set-up. Students who are late for an exam must complete the exam by handwriting in a proctor-designated bluebook.
- G. Students may leave the exam room after the completion of their exam but may not exit the exam room during the last fifteen (15) minutes of the exam administration.
- H. Students must show state-issued photo identification or their student identification card. A student who fails to show such identification may be excluded from the exam or have the exam score disregarded.
- I. Students must sign a receipt log upon the completion of the exam and must confirm to the proctor that their exam file has been uploaded, if ExamSoft is used.
- J. Other exam policies may be applicable to individual exams. Such policies will be made available to students prior to exams.

## XXVII. TRANSFER STUDENTS

For information regarding Credits Earned Prior to Matriculating at the School of Law, please refer to the *Admissions Policies and Procedures* Manual described in § VII above.

### **A. Credit Earned at Another Law School after Enrollment at the School of Law:**

The School of Law will accept up to six (6) credit hours from visits by students enrolled at the School of Law to other law schools that are approved by the American Bar Association, including summer study and study abroad programs sponsored by ABA-approved law schools. All visits to other law schools must be approved in advance by the Associate Dean for Academic Affairs.

1. A request to visit another law school must include the law school's name and contact information and the proposed course of study. A student is not eligible to submit a request to visit another law school unless the student is in good academic standing as defined in § XVI.A.1 of this handbook and has completed all first-year required courses as defined in § XIII.A.
2. The Associate Dean for Academic Affairs shall, in his or her sole discretion, determine whether to grant a student request pursuant to subpart B.1 of this section. Credits earned during the visit shall not be used to fulfill any required courses described in § XIII of this handbook, including the upper-level writing requirement in § XIII.C or the experiential learning requirement in § XIII.D. Rather, such credits shall count only as elective credits towards the 90-credit graduation requirement.
3. Within three (3) months of completing an approved program at another law school, the student must submit an official transcript from the other law school's registrar to the Associate Dean for Academic Affairs.
4. No more than six hours of credit from another law school will be awarded. The student must earn a "C" or better any course taken at another law school to obtain credit at the School of Law.
5. Grades of "C" or above will be recorded as a "P" on the student's law school transcript. The grades earned from courses taken at other law schools will not count towards the student's cumulative GPA at the School of Law.
6. The provisions described in this subpart apply only to students already enrolled at the School of Law who are seeking to visit other schools. They do not affect to the transfer policies set forth in subpart A of this section.

## **B. Transferring Grades**

Accepted transfer credits, earned prior to or after matriculation at the School of Law, shall appear on a student's transcript as a "P," indicating the student earned pass/fail credit. Unless a waiver has been obtained from the Dean pursuant to § XVII, a student may not transfer more than forty-five (45) credit hours. A student who has transferred from another law school must satisfy all other degree requirements at the School of Law, with a cumulative grade point average of 2.000 or better.

### **C. Distinction from Pass/Fail Credit**

While grades transferred from a foreign institution appear as pass/fail credit on a student's transcript at the School of Law, credit transferred from a foreign institution shall not be considered when calculating a student's maximum pass/fail credit pursuant to § XXVII.

## **XXVIII. STUDENT ORGANIZATIONS**

In addition to receiving a rigorous and stimulating classroom experience, Duncan School of Law students have the opportunity to enhance their educational experience by participating in organizations. Student organization members share unique talents, interests, skills, and goals that enrich the lives of each other, the community and the School of Law.

In addition to membership in the Student Bar Association (SBA), students may join any of the other organizations listed below or may seek approval for the creation of additional organizations. All student organizations must be approved by the Assistant Dean for Student and Career Services who may be reached at (865) 545-5335, Room 243.

The following is a list of student organizations which have been approved as of the publication of this Student Handbook:

### **1) Alternative Dispute Resolution**

ADR club works hand in hand with Professor Russell on mediation and client counseling competitions. This club provides an excellent opportunity for those interested in learning the skills necessary to become a Rule 31 Certified mediator.

### **2) American Constitution Society**

Through our public programs (over 1,400 debates, conferences, and press briefings across America each year), publications, and active online presence, ACS generates intellectual capital for ready use by progressive allies and shapes debates on key legal and public policy issues including access to courts, voting, equality, immigration, workers' rights, and many others.

ACS nurtures the next generation of progressive lawyers, judges, policy experts, legislators, and academics by providing opportunities for networking, mentoring, and organizing around matters of both local and national significance.

### **3) Amicus**

Amicus' primary purpose is to visit local Knoxville Middle and High Schools to teach school-aged students how to make good-sound decisions, to become responsible, law-abiding citizens, help to prevent juvenile delinquency by teaching kids about the law and

how it applies to them. It is a primary objective of Street Law to encourage students to continue their education past the high school level. It is also an objective of Street Law to be committed to advocate and to show school-aged students that it is possible for all students to obtain a college education and beyond to that of a Masters, Ph.D., M.D, J.D., and other graduate and post-graduate degrees. Thus, Amicus is committed to planting of seeds for continued higher education in the hopes that the children will pursue a law degree and also give back to their community.

#### **4) Anti-Trafficking Advocacy Club**

The mission of the Anti-Trafficking Advocacy Club (ATAC) at Lincoln Memorial Duncan School of Law is three-fold:

1. To educate the Law School and the greater student body about human trafficking, including its manifestations, prevalence, and consequences;
2. To participate in the fight against human trafficking; and
3. To serve as a resource to students interested in fighting human trafficking.

To fulfill this mission, ATAC works to host various outreach and educational events throughout the year and partners with local and national organizations to help with research, advocacy projects, and services to victims, among other things.

By training the next generation of anti-trafficking advocates to serve victims and educate the community, Lincoln Memorial Duncan School of Law's Anti-Trafficking Advocacy Club seeks to contribute to the elimination of domestic and international human trafficking.

#### **5) Black Law Students Association**

The Black Law Students Association (BLSA) is an organization formed to articulate and promote the needs and goals of African-American law students and effectuate change in the legal community. BLSA is dedicated to empowering African-American students to succeed in law school and to facilitate interaction between all students to draw from the advantages that true diversity brings to the educational experience. The goal of the BLSA is to set an example of service and humanitarian effort to its local community.

#### **6) Christian Legal Society**

The Christian Legal Society, Student Chapter at Lincoln Memorial University's Duncan School of Law, is an organization devoted to developing and maintaining a vibrant presence on campus, enabling its members, individually and as a group, to love the Lord with their whole beings— hearts, souls, and minds—and to love their neighbors as themselves (Matthew 22:37-40).

#### **7) Criminal Law Society**

The Criminal Law Society (CLS) provides the students of the Duncan School of Law with an enhanced knowledge of the American criminal justice system utilizing an apolitical

approach. CLS seeks to stimulate awareness of complex legal and social issues facing the criminal legal system today with an emphasis on gaining a better understanding of how fairness and justice can best be attained in America's hallmark adversarial system.

### **8) Environmental Law Society**

The Environmental Law Society is dedicated to protecting the magnificent places, natural resources, and wildlife of the earth, as well as defending the right of all people to a healthy environment. This organization is dedicated to the goals of educating the law school and surrounding community about environmental injustice, disasters, and victories. The Environmental Law Society is equally dedicated to protecting the environment throughout the legal system.

### **9) Faculty-Selected Peer Leader Program**

The Peer Leader Program is designed to have ten 2L and ten 3L students become peer leaders and serve as a bridge between faculty and students and assist incoming 1Ls adjust to LMU law school life, studies, and culture. In that vein, peer leaders meet once a month with the Deans of Admissions, Faculty, and Students to discuss any improvements that might be made to the law school experience both in and out of the classroom, and assist with Bridge Week and other law school activities by mentoring and assisting the incoming first year students. Additionally, peer leaders assist the Dean of Students at particular events and the Office of Admissions with tours of the law school should prospective students want to speak with a student rather than a member of the administration or staff. The peer leaders also host a scholarship/3L celebration dinner in April.

### **10) Family Law Society**

The Family Law Society is a not-for-profit organization of students dedicated to providing education and enrichment regarding the practice of family law in the United States of America and more specifically in the State of Tennessee.

### **11) Federalist Society**

The purpose of the Federalist Society is to foster critical thought and debate about the application of conservative and libertarian principles to the law. This organization embraces the principle that the state exists to preserve freedom, that the separation of governmental powers is central to the integrity of the constitution of the United States of America, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be.

### **12) Immigration Law Society**

The Immigration Law Society ("ILS") offers and establishes a recourse and outlet for those students interested in immigration law and policy at Duncan School of Law. The ILS participates independently and/or in cooperation with other student groups, non-profit organizations, attorneys, law firms, companies, academic institutions, and professional



associations, in assisting local migrant communities through active involvement with attorney-supervised outreach, volunteer opportunities, or fund-raising activities. In addition, the ILS establishes and administers educational programs centered on immigration policy and law, including human rights, family unity, domestic violence, and the consequences of criminal activities on immigrants.

### **13) Law Review**

Law Review is an entirely student-run organization. The staff of the Law Review edits and publishes articles written by scholars, practitioners and students. Law Review participation is highly respected by members of the legal community because of the unique educational experience it provides. Service on Law Review enhances analytical, organizational, and research acumen and signifies a level of expertise in these areas that is widely recognized in the legal community.

### **14) LMU Law Mentors**

The program is a student-based model, so I match an incoming first year student with an upperclassman that shares similar interests. I try my best to match people based on their personal interests, life experiences, and any other factors you wish I consider for your matching process. Mentors will be a short text away to help you throughout your first year of school. While our mentor program is entirely optional, your mentor can offer helpful advice that is specific to our school, classes, and the Knoxville area. If you would be interested in signing up for a mentor or have any questions about our program, please do not hesitate to contact me.

### **15) Mock Trial Board**

The Mock Trial Board at DSOL is comprised of students at all levels of training, with first year students being limited to acting as witnesses in the actual competitions. The Mock Trial Board selection is based upon an initial competition, wherein the skills of each student are assessed based on their ability to zealously advocate their position, appropriately make and handle objections, project professionalism and confidence, and convince a trier of fact of the efficacy of their client's case. The Mock Trial Board members will undertake additional instruction in the art of trial advocacy, and will compete in preparatory internal competitions, regional and national competitions pitting our Mock Trial team's skills against other Mock Trial teams from law schools throughout the country.

### **16) Moot Court Board**

The Moot Court Board at DSOL is comprised of second through fourth year students who have demonstrated excellence in trial and appellate advocacy. The Board is expected to travel and participate in a national Moot Court competition where the participants will draft appellate documents and conduct oral arguments.



## **17) OUTLaw**

OUTlaw is a not-for-profit organization which seeks to generate discussion pertaining to legal issues affecting the Lesbian, Gay, Bisexual, and Transgender (LGBT) community, promote diversity among the law school student body, and provide a safe atmosphere for LGBT students and their allies. OUTlaw also agrees to assist the administration of the Duncan School of Law in the recruitment of LGBT students.

## **18) Phi Alpha Delta Law Fraternity**

Phi Alpha Delta Law Fraternity, International is a professional law fraternity advancing integrity, compassion and courage through service to the student, the school, the profession and the community. Phi Alpha Delta was established upon the dissolution of Lambda Epsilon law fraternity on November 7, 1902. The day after, Phi Alpha Delta was formed and later merged with the women's legal fraternity Phi Delta Delta in 1972.

Phi Alpha Delta has members who are university students, law school students, lawyers, judges, senators, Congress representatives, Supreme Court Justices, and former U.S. Presidents. Over 300,000 members have been initiated since its establishment in 1902 into 340 pre-law chapters, 207 law chapters and 100 alumni chapters. The Watson, Jr. Chapter was established at the Law School in 2014.

The purpose of this Fraternity shall be to form a strong bond uniting students and teachers of the law with members of the Bench and Bar in a fraternal fellowship designed to advance the ideals of liberty and equal justice under law; to stimulate excellence in scholarship; to inspire the virtues of compassion and courage; to foster integrity and professional competence; to promote the welfare of its members; and to encourage their moral, intellectual, and cultural advancement; so that each member may enjoy a lifetime of honorable professional and public service.

Visit [www.PAD.org](http://www.PAD.org) to learn more about our members, history and the benefits of joining!

## **19) Ski, Snowboard, & Outing Club**

The Ski, Snowboard, and Outing Club is about getting students together to take a break from the stress-filled life of law school. You don't have to ski or snowboard to be in the club; it is more of a general love of the outdoors and the need to socialize.

## **20) Sports & Entertainment Law Society**

Our mission is to promote interest and understanding in the area of sports and entertainment law, to create opportunities for students to become involved, and to aid and facilitate networking with professionals in the industry.

## **21) Student Bar Association**

The Student Bar Association (“SBA”) is the student government of the School of Law and shall consist of three branches—the Executive Branch, the Legislative Branch, and the Judicial Branch.

The Executive Branch shall have at least four Constitutional Officers who shall be elected by the entire student body—the President, the Vice-President, the Secretary, and the Treasurer. The Executive Branch shall be responsible for enforcing actions by the Legislative and Judicial Branches and for other duties in accordance with the SBA Constitution. Officers for the Executive Branch shall be elected annually to a one-year term.

The Legislative Branch shall consist of a Senate, which shall be comprised of not less than eight senators. Each class matriculating at the School of Law must be equally represented in the Senate irrespective of the size of the class. The Senate shall be responsible for the creation of bylaws, approving the budget, and other duties in accordance with the SBA Constitution. Officers for the Legislative Branch shall be elected annually to a one-year term.

The Judicial Branch shall have three Constitutional officers who shall be appointed by majority vote of the Senate to a one-year term. The Judicial Branch shall be responsible for interpreting the SBA Constitution and the Bylaws.

## **22) Veterans Law Society (VLS)**

Veterans Law Society is an organization that provides out-reach opportunities through education and pro bono work experiences that benefit veterans in our region.

## **23) Women of Law Society**

The Women of Law Society strives to be a source of support, information, and networking opportunities for current female law students. They hope to increase the community’s awareness of legal, political, and social issues, emphasizing women’s perspectives. They will conduct service activities promoting issues that are important to women’s rights, health, etc.

## **XXIX. LAW LIBRARY**

The Mission of the Law Library is to support the School of Law’s mission and curriculum. The Law Library will provide access to legal information to support the teaching, research, and scholarly activities conducted by faculty and students and develop legal research aids and programs that allow faculty and students to fully use and understand the use of legal research tools, including the development of the most effective legal research techniques. The Law Library will also assist the legal community of the Knoxville area through the development of a collection of mixed format resources.

Regular, holiday, inter-term, and examination hours are frequently posted on the digital screen in the lobby. Hours may change during examination periods, holidays, and inter-term sessions. Announcements concerning Library hours are shared with the School of Law community via email, the digital announcements screen located in the lobby and TWEN.

### **XXX. STUDENTS WITH DISABILITIES**

The University is committed to providing accessible educational support services to enable students with disabilities to participate in, and benefit from, all University programs and activities. Every effort is made to reasonable accommodate the needs of a student with a disability. Students seeking accommodation(s) must make a request for each semester an accommodation is needed.

Accessible educational support services are administered by the Office of Accessible Education Services. Any issues related to accessibility, the Americans with Disabilities Act (ADA), or Section 504 of the Rehabilitation Act of 1973 (“Section 503”) should be directed to:

Dr. Daniel Graves, Director of Accessible Education Services  
Lincoln Memorial University, 6965 Cumberland Gap Parkway, Harrogate, TN 37752  
Phone (423) 869-6587, Email [daniel.graves@lmunet.edu](mailto:daniel.graves@lmunet.edu)

The full policy regarding accommodations and forms are located on the University website under Academics < Accessible Education Services (<https://www.lmunet.edu/student-life/accessible-education-services.php>).

### **XXXI. FIREARMS AND WEAPONS**

LMU is committed to providing a safe, healthy learning and working environment, and to making adequate provisions for the safety and health of its students, staff, faculty and the public, and will not permit its students or employees, as well as visitors, to act in ways that may endanger themselves or others.

All visitors, students and employees (LMU or DSOL police and security personnel may be permitted to carry a weapon if authorized by the President of the University) are prohibited from possessing, carrying, trading or showing weapons of any kind, including firearms, fireworks, guns, explosives, bows and arrows, knives, etc. while on LMU premises, while on duty, while operating LMU vehicles or equipment, or while operating personal vehicles for LMU purposes. Visitors, students and employees are also prohibited from keeping weapons in their personal vehicles parked on LMU’s premises. LMU premises include any property owned, operated, controlled or managed by it. Individuals are permitted to carry mace, pepper spray and pocket knives with blades less than four (4) inches as long as they are stored in a pocket, purse, briefcase or other personal belongings. Also permitted are paintball weapons to be used for organized recreational purposes on LMU premises.

This policy does not apply to those who are expressly authorized by LMU to use explosives and other authorized tools that could be viewed as weapons in the performance of their jobs.

LMU reserves the right, based upon reasonable suspicion of a violation of this policy, to search an office desk, and other property under the control of the visitor, student or employee, as well as the packages, purses, lunch boxes, briefcases, and students' or employees' vehicles parked on its premises. Individuals may also be required to remove a jacket or sweater and to turn out their pockets. Reasonable suspicion sufficient to justify a search may be based on a clear and reasonable belief, through observation or information provided by a reliable and credible source, that an employee is in violation of this policy. Searches of LMU property under the control of the visitor, student or employee are subject to being conducted without notice, once the reasonable suspicion standard has been met.

Violation of this policy may result in disciplinary action, up to and including expulsion or termination.

## **XXXII. DRUGS ON CAMPUS**

- A. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, possess or use illicit substances as defined by either the United States Code or the Tennessee Code without a prescription from their doctor.
- B. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, possess or consume alcoholic beverages unless approved, in advance, by the Dean.
- C. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, carry, traffic, distribute, or manufacture illicit substances as defined by either the United States Code or the Tennessee Code.
- D. For purposes of this rule, the term "controlled" includes but is not limited to any property where the Duncan School of Law is holding or conducting a School event, whether on or off campus, regardless of who owns the property.
- E. For purposes of this rule, "property" shall include but is not limited to the interior of a student's car when the student's car is located in or on an area owned, leased, or regulated by the Duncan School of Law.
- F. Students violating this policy will be subject to disciplinary actions up to and including expulsion.

## **XXXIII. CLASS CAPTURE & PODCASTING**

The School of Law has implemented a system of "class capture" technology using MediaSite in many of the classrooms, enabling the School of Law to visually and audibly record lectures. All School of Law classes are captured, allowing students to have unrestricted access to prior classes. Students may access MediaSite from within the School of Law or from off campus. For optimum viewing from off campus, LMU Information Services recommends that students have an Internet connection that allows at least 3mb download speeds. Students should also be aware that firewalls at their place of employment or residence may block access to streaming video.

In addition to the streaming media, MediaSite Podcast transforms a classroom presentation into portable audio content for on-the-go playback with iPhones or any other MP3 player. Classroom learning constraints are minimized and learning opportunities are expanded by allowing students the flexibility to listen to a classroom lecture anytime, at their convenience.

#### XXXIV. COMPUTER USAGE

In support of its mission of teaching, scholarship, and service, the School of Law provides computer access for students. The computing resources of the School of Law, including computers, facilities, hardware, software, networks, and computer accounts, are the property of the School of Law. The use of these resources is a privilege granted by the School of Law to authorized users only. The School of Law requires all persons authorized to use its computing resources to do so responsibly and in compliance with all state and federal laws, all contractual and license agreements, and all policies of the University and the School of Law. Authorized users of the School of Law's computing resources must act responsibly to maintain the integrity and security of these resources. Each user of the School of Law's computing resources is ultimately responsible for the use of that computing resource and for the use of his or her computer account. Persons misusing the School of Law's computing resources in violation of federal and state laws or policies promulgated by the University or the School of Law are subject to disciplinary actions by the School of Law and/or forfeiture of their computer privileges. In the event such misuse of computer resources threatens to compromise the integrity or jeopardize the security of university computer resources or harm authorized users of those resources, the University's Chief Information Officer, the Dean, or any of their designees is authorized to take any and all necessary actions, including the immediate confiscation and/or disabling of a university computer resource or the temporary or permanent termination of a computer account, to protect, investigate, and ensure the security and proper use of computer resources.

- A. Use of any School of Law computing resource is restricted to those having proper authorization to use that particular resource. It is a violation of the law and School of Law policy to assist in, encourage, or conceal from authorities any unauthorized use, or attempt an unauthorized use, of any of the School of Law's computers or network facilities.
- B. No one shall knowingly endanger the security of any School of Law computing resource nor willfully interfere with authorized computer usage by circumventing or attempting to circumvent normal resource limits, logon procedures, or security regulations.
- C. No technologies shall be connected to the School of Law's computing resources that interfere with authorized usage of those resources. The School of Law reserves the right to restrict the use of any technologies that may endanger the security and/or integrity of its computing resources.
- D. The School of Law's computing resources shall not be used to attempt unauthorized use, or to interfere with another person's legitimate use, of any computer or network facility anywhere. Encroaching on, or disrupting another person's use of, the School of Law's computers is prohibited. Examples of such acts include but are not limited to: sending excessive messages either locally or off campus [including but not limited to electronic chain letters]; initiating denial of service attacks; printing

excessive copies of documents, files, data, or programs; modifying system facilities, operating systems, or disk partitions; attempting to crash or tie up a university computer; damaging or vandalizing university computing facilities, equipment, software, or computer files; causing an inordinately large number of requests for files; spamming; sniffing; running scans; reconfiguring; or using an inordinately high percentage of bandwidth.

- E. University computing resources and network facilities shall not be used for commercial purposes without specific authorization from the Dean or his or her duly authorized designee.
- F. Passwords to any computing resource shall only be issued to authorized users. Password recipients are responsible for the integrity of their password and shall not distribute it to unauthorized users.
- G. Misrepresenting a person's identity or relationship to the School of Law when obtaining or using School of Law computer or network privileges is prohibited.
- H. Accessing, reading, altering, or deleting any other person's computer files or electronic mail without specific authorization is prohibited.
- I. Copying, installing, distributing, infringing, or otherwise using any software, data files, images, text, or other materials in violation of copyrights, trademarks, service marks, patents, other intellectual property rights, contracts, or license agreements is prohibited. All usage of computing resources shall be in compliance with federal and state copyright laws.
- J. Creating, installing, or knowingly distributing a computer virus, "Trojan horse," or other surreptitiously destructive program on any School of Law computer or network facility, regardless of whether any demonstrable harm results, is prohibited.
- K. Only those persons with proper authorization shall modify or reconfigure any School of Law computing resource or network facility.
- L. Users of the School of Law computing resources shall have no expectation of privacy for materials downloaded, used, viewed, or stored on those resources. The School of Law reserves the right to access any of its computer resources **AT ANY TIME FOR ANY REASON OR FOR NO REASON, WITH OR WITHOUT NOTICE**. Furthermore, the School of Law makes no representation or guarantee that information transmitted on its network will not or cannot be accessed by third parties. By using the School of Law's computer resources, students release and hold the University and the School of Law harmless for any unauthorized access to information transmitted.
- M. Authorized computer users shall take full responsibility for messages that they transmit through the School of Law's computing resources. The School of Law's computing resources shall not be used to transmit any communications prohibited by law, including but not limited to fraudulent, harassing, obscene, or threatening messages.
- N. Students are prohibited from downloading any software programs on law-school issued computers without express, written permission from the associate dean for academic affairs.
- O. The University's training option for all Microsoft Office products (and many more software products). [www.lynda.com](http://www.lynda.com), is available to students, faculty, and staff.

Violation of any rule contained within this section shall constitute a sufficient basis for disciplinary action(s) by the university and/or the school of law. Additionally, violations of any rule contained within this section shall constitute a violation of the code of academic integrity.

**Lincoln Memorial University Duncan School of Law  
Academic Calendar: 2020-2021**

<b>Fall Semester</b>	<b>2020</b>
Pre-Orientation	August 5-6
Orientation & Bridge Week	August 7, 10-11
First Day of Classes	August 13
Add/Drop Deadline	August 21
Labor Day Holiday	September 7
Midterm Exam Reading Day	September 18
Midterm Examinations	September 21-26
Fall Break	October 12-13
Last Day of Classes	November 24
Thanksgiving Holiday	November 26-27
Final Exam Reading Days	November 25 & 30
Final Examinations	December 1-11
Commencement (Harrogate)	December 12
<b>Spring Semester</b>	<b>2021</b>
Classes Begin	January 11
MLK Jr. Day Holiday	January 18
Add/Drop Deadline	January 22
Midterm Exam Reading Day	February 19
Midterm Examinations	February 22-27
Spring Break	March 15-19
Good Friday Holiday	April 2
Last Day of Classes	April 28
Final Exam Reading Days	April 29-30
Final Examinations	May 3-14
Commencement (Knoxville)	May 13
<b>Summer Semester</b>	<b>2021</b>
Classes Begin	May 17
Memorial Day Holiday	May 31
Add/Drop Deadline	June 4
Midterm Exam Reading Day	June 18
Midterm Exams	June 21-22
Independence Day Holiday	July 5
Last Day of Classes	July 15
Final Exam Reading Days	July 16 & 19
Final Exams	July 20-23

NOTE: Thursday, September 17 is an “academic Monday” (Monday classes will be held in lieu of the regularly scheduled classes that day). Tuesday, April 20, and Wednesday, April 28 are “academic Fridays” (Friday classes will be held in lieu of the regularly scheduled classes for those days).



## GRADUATION CHECKLIST

\_\_\_\_\_ I have completed at least ninety (90) credit hours, with no more than forty-five (45) credit hours from a law school other than LMU Law.

\_\_\_\_\_ I have completed all required courses as defined by the Student Handbook in § XIII.G.1 & XIII.G.2:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Business Organizations (3)</li> <li><input type="checkbox"/> Civil Procedure I (3)</li> <li><input type="checkbox"/> Civil Procedure II (3)</li> <li><input type="checkbox"/> Con Crim Procedure (3)</li> <li><input type="checkbox"/> Constitutional Law (4)</li> <li><input type="checkbox"/> Contracts &amp; Sales I (3)</li> <li><input type="checkbox"/> Contracts &amp; Sales II (3)</li> <li><input type="checkbox"/> Criminal Law (3)</li> <li><input type="checkbox"/> Domestic Relations (3)</li> <li><input type="checkbox"/> Evidence (3)</li> <li><input type="checkbox"/> Legal Communication I (2)</li> <li><input type="checkbox"/> Legal Communication II (2)</li> <li><input type="checkbox"/> Legal Communication III (2)</li> <li><input type="checkbox"/> Legal Foundations I (NC)</li> <li><input type="checkbox"/> Legal Research I (1)</li> <li><input type="checkbox"/> Legal Research II (1)</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Legal Research III (1)</li> <li><input type="checkbox"/> MBE Skills (4)</li> <li><input type="checkbox"/> MEE Skills I (3)</li> <li><input type="checkbox"/> Professional Responsibility (2)</li> <li><input type="checkbox"/> Property I (3)</li> <li><input type="checkbox"/> Property II (3)</li> <li><input type="checkbox"/> Secured Transactions (3)</li> <li><input type="checkbox"/> Torts I (3)</li> <li><input type="checkbox"/> Torts II (3)</li> <li><input type="checkbox"/> Wills, Trusts &amp; Estates (3)</li> <li><input type="checkbox"/> Legal Foundations II (NC)<br/><i>(if necessary)</i></li> <li><input type="checkbox"/> Advanced Independent Academic Study (NC) <i>(if necessary)</i></li> </ul> |
|---|---|

\_\_\_\_\_ I have completed twenty-three (23) elective hours, including at least six (6) experiential learning credits (5000-level courses) and an upper-level writing requirement (4000-level course).

<i>Course Name</i>	<i># credit hrs.</i>	<i>ULWR/Exp.?</i>
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

*Total elective credit hours completed:* \_\_\_\_\_

- \_\_\_\_\_ My cumulative LMU Law GPA meets or exceeds a 2.000.
- \_\_\_\_\_ I have attended eight (8) professionalism series presentations.
- \_\_\_\_\_ I have completed thirty (30) hours of pro bono work, at least 10 hours of which involved the rendering of meaningful law-related service to persons of limited means or organizations that provide service thereto.
- \_\_\_\_\_ I began my legal studies at LMU Law or another law school from which LMU Law has accepted transfer credit more than twenty-four (24) months ago and less than eighty-four (84) months ago.
- \_\_\_\_\_ I have completed debt counseling (if I have taken financial aid in law school).
- \_\_\_\_\_ I do not have an outstanding balance on my University account.
- \_\_\_\_\_ I have ordered my graduation attire and paid my graduation fee.

\_\_\_\_\_  
Printed Name of Student

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Faculty Advisor Signature

\_\_\_\_\_  
Date

**LMU**  
LINCOLN MEMORIAL UNIVERSITY  
DUNCAN SCHOOL OF LAW

Procedures and requirements for filing a Complaint can be found in the Duncan School of Law Student Handbook in § XX.II.C.

Complaint\*: \_\_\_\_\_

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\_\_\_\_\_

Date/Time of incident(s): \_\_\_\_\_

\_\_\_\_\_

Number and name of standard implicated: \_\_\_\_\_

\_\_\_\_\_

Name(s) of parties involved: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* The Complaint must be filed within sixty (60) days of the alleged events giving rise to the Complaint. Pursuit of other remedies does not toll this sixty (60) day limit. The Complaint should be submitted in writing to the Associate Dean for Academic Affairs or the Associate Dean and Director of the Law Library.

Complainant Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

DSOL Email Address: \_\_\_\_\_

\_\_\_\_\_  
Complainant Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Formal Complaint Regarding: Safety; Faculty, Staff or Student Conduct; Discrimination; and/or Handbook/Policy Violations**

Procedures and requirements for filing a Complaint can be found in the Duncan School of Law Student Handbook in § XXII.C.

Complaint\*: \_\_\_\_\_

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\_\_\_\_\_

Date/Time of incident(s): \_\_\_\_\_

\_\_\_\_\_

Number and name of standard implicated: \_\_\_\_\_

\_\_\_\_\_

Name(s) of parties involved: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* The Complaint must be filed within sixty (60) days of the alleged events giving rise to the Complaint. Pursuit of other remedies does not toll this sixty (60) day limit. The Complaint should be submitted in writing to the appropriate Dean, as listed in the chart in § XX.C.

Complainant Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

DSOL Email Address: \_\_\_\_\_

\_\_\_\_\_  
Complainant Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## LINCOLN MEMORIAL UNIVERSITY BOARD OF TRUSTEES

Lincoln Memorial University is a private, non-profit institution owned and controlled by a self-perpetuating Board of Trustees. Board members are elected on the basis of commitment to the programs and purposes of Lincoln Memorial University. Board members receive no remuneration from but work on behalf of the University. The Board establishes the broad guidelines of philosophy and institutional purpose and names the President to execute those guidelines.

**Autry O.V. (Pete) DeBusk, Chair**  
**Brian C. DeBusk, First Vice-Chair**  
**Gary J. Burchett, Second Vice-Chair**  
**James A. Jordan, Third Vice-Chair**  
**Sam A. Mars, III, Secretary**

Roger A. Ball	Tazewell, TN	Terry L. Lee	Harrogate, TN
Arthur D. Brill	Martinsville, IN	Sam A. Mars, III	Harrogate, TN
Gary J. Burchett	Harrogate, TN	Timothy B. Matthews	Knoxville, TN
Jerry E. Burnette	Knoxville, TN	Alan C. Neely	New Tazewell, TN
Sherrie Nevils Claiborne	Harrogate, TN	Dorothy G. Neely	Tazewell, TN
George L. Day	Harrogate, TN	Todd E. Pillion	Abingdon, VA
Autry O.V. (Pete) DeBusk	Knoxville, TN	Carroll E. Rose	Tazewell, TN
Brian C. DeBusk	Knoxville, TN	James Jay Shoffner	Middlesboro, KY
Frederick S. Fields	San Francisco, CA	Joseph F. Smiddy	Church Hill, TN
Robert W. Finley	Lockport, IL		
Richard A. Gillespie	Knoxville, TN	E. Steven Ward	Knoxville, TN
Charles W. Holland	Knoxville, TN	Jerry W. Zillion	Germantown, MD
James A. Jordan	Lauderdale by the Sea, FL		

## LINCOLN MEMORIAL UNIVERSITY ADMINISTRATION

Clayton Hess, PhD	President of the University
Spencer Anderson, JD	Special Assistant to the President
Jody Goins, EdD	Vice President and Dean for Enrollment and Student Affairs
Christy Graham, MBA, MAc	Vice President for Finance and Administration
Jason Johnson, DVM	Vice President and Dean, College of Veterinary Medicine
Brian Kessler, DO	Vice President and Dean, DeBusk College of Osteopathic Medicine
Mary Anne Modrcin, PhD	Vice President and Dean, Caylor School of Nursing
Mark Moran, DMS	Vice President and Dean, School of Medical Sciences
Jay Stubblefield, PhD	Vice President for Academic Affairs
Matthew Lyon, JD	Vice President and Dean, Duncan School of Law
Cynthia Whitt, MEd	Vice President for University Advancement
Travis Wright, PhD	Vice President for Academic Services and Institutional Effectiveness

## DUNCAN SCHOOL OF LAW ADMINISTRATION

Matthew Lyon	Vice President, Dean, and Professor of Law
William Gill	Associate Dean for Academic Affairs and Professor of Law
Randy Mathews	Associate Dean for Enrollment Services
Andrew McRee	Assistant Dean for Student and Career Services
Melanie Reid	Associate Dean of Faculty and Professor of Law
Gordon Russell	Associate Dean and Director of the Law Library and Professor of Law
Tommy Sangchompuphen	Associate Dean of Student Learning and Associate Professor of Law

## DUNCAN SCHOOL OF LAW FACULTY

Arléne Amarante	Assistant Professor of Law
Philip Ashley	Associate Professor of Law
Sydney Beckman	Professor of Law
Bruce Beverly	Professor of Law
Akram Faizer	Professor of Law
Andrew Fels	Visiting Assistant Professor of Law
April James	Professor of Law
Katie Jones	Director of Academic Success and Assessment and Assistant Professor of Law
Vonda Laughlin	Director of Bar Skills and Associate Professor of Law
Jennifer Levy-Tatum	Assistant Professor of Law
Ann Walsh Long	Head of Research and Digital Collections Librarian and Assistant Professor of Law
Jason Smith	Assistant Professor of Law
Bianca White	Student Services and Assessment Librarian and Assistant Professor of Law

## DUNCAN SCHOOL OF LAW STAFF

Kathy Baughman	Assistant for Academic Affairs
Hesper Capps	Faculty Assistant
Trish Carroll	Admissions Coordinator & Financial Aid Liaison
April Hurley	Faculty Assistant
Randy Lunsford	Faculty Assistant
Allison Starnes-Anglea	Director of Career Services & Recruiting
Melissa Van Kirk	Executive Assistant to the Vice President and Dean

## DUNCAN SCHOOL OF LAW ADJUNCT FACULTY

Susanne Bales	Stewart Harris	Robert Pryor	Amanda Tonkin
James Bemiller	Sarah Jarrard	Joy Robinson	Shanna Veach
Timothy Conner	Brent Jones	Adam Russell	
Thomas Dickenson	Marsha Mitchell	Meredith Slep	
Jason Emert	J.D. Prestia	Kris Tobin	



**LMU**

LINCOLN MEMORIAL UNIVERSITY  
DUNCAN SCHOOL OF LAW