

BRIGHAM YOUNG UNIVERSITY
J. REUBEN CLARK LAW SCHOOL

Policies and Procedures

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I. GENERAL POLICIES

A. Attendance

Regular and punctual class attendance is required of all law students. It is a matter of importance to their professional preparation. Eligibility to take almost all bar examinations depends upon certification that the person has been in regular attendance; as part of its accreditation standards the Law School must expect such attendance of its students. In view of the varied objectives and methods used in different curriculum offerings, implementation of the law school policy is entrusted to individual instructors, who may take attendance and participation into account with respect to either the grade or credit given for the course or seminar. Students must assume that irregular attendance will result in a grade or credit sanction unless the instructor expressly states otherwise. If the instructor's decision is to affect the credit given, this action will be implemented by requiring the student to take an appropriate number of additional credit hours in order to graduate.

B. Placement and Recruiting Break

The Law School will hold one break during the Fall Semester and one break during Winter Semester.

C. Speakers

The Law School is governed by University policies regarding inviting speakers to campus. In adherence to that policy, speakers must be cleared as follows.

- Speakers for student events, including clubs and other student organizations, shall be approved by the Assistant Dean of Students and Internal Relations.

Speakers for external faculty workshops and the distinguished annual lecture, shall be approved by the External Speakers Committee and the Associate Dean for Research and Academic Affairs.

- Speakers for the annual law review symposium, as well as speakers for other conferences and symposia, shall be approved by the Associate Dean for Research and Academic Affairs.
- Speakers for the annual J. Reuben Clark Law Society Conference and Fireside, Founders Day, Education Week, and other similar Law Society-wide and Alumni-wide events shall be approved by the Associate Dean of External Relations.

Law classes will not be scheduled on Tuesdays or Thursdays at 11:00 a.m. Tuesdays are scheduled for University devotionals and forums and Thursdays can be scheduled by law school organizations. Other open hours will be available as class scheduling permits.

D. Rescheduling Classes

Instructors are asked not to reschedule classes falling on the day before a vacation except in highly unusual circumstances.

E. Scheduling Rooms in Law Building

Rooms in the law building need to be scheduled when used for any purpose. Classrooms should be scheduled with a staff member in the Fishbowl, 341 JRCB, and rooms in the library should be scheduled at the Circulation Desk. Rooms in other buildings on campus should be scheduled through Campus Scheduling when needed for law school purposes.

F. Variance of Rules

The Faculty Variance Committee has authority to grant exceptions from general law school rules. If an exception is denied by the Variance Committee, a student or faculty member may appeal to the full faculty only upon certification by the Committee that the matter deserves faculty review.

G. Hours Per Semester

First-year students must register for the required first-year courses. Optional courses, which are highly recommended, are: Professional Seminar, Professional Development Lecture Series, and Professional Development Skills Training.

Students may not register for upper-division Law School credit during their first year. first year.

From time to time, a student will encounter unanticipated challenges during the first year of law school that may require a reduced course load. Any such course load reduction must be approved by both the Assistant Dean of Students and the Associate Dean for Research and Academic Affairs. Circumstances that may result in an approved course load reduction in the first or second semesters of law school include, but are not limited to, the following: (1) documented disabilities; (2) unanticipated student health issues; and (3) family emergencies. If a student does not complete all required first-year courses (as listed in Section VIII.A (1)) during the first year of law school, the student should complete those required courses in the second year of law school. The Associate Dean for Research and Academic Affairs must review and approve the student's proposed schedule for the second year of law school to ensure (1) the student completes the required first-year

courses in a timely fashion, and (2) the student does not register for any upper-division courses that rely heavily on an uncompleted first-year course.

Second- and third-year students may not enroll for more than 16 law school credits toward the degree in any semester without the permission of the Law School Registrar. By ABA rule, the Law School Registrar may not approve any student request to register for more than 18 credit hours. The 18 credit hour limit may not be circumvented by enrollment at another law school.

H. Overlapping Classes

A student may not register for two classes scheduled for the same hour(s), even if there is only a short overlapping time period.

I. Official Notices

All class notices will be posted on individual professors' web pages. All other academic law school notices will be posted on the Law School's home page <http://www.law.byu.edu/> and/or transmitted via e-mail.

J. Technology

Because the modern study of law requires access to and interaction with a variety of electronic and internet-based materials, students are expected to bring their own technology for note-taking, class exercises, online research, examinations, etc. When making technology choices, students may wish to consider selecting computers from a published list of specially configured models that are used by Law School faculty and staff. These models are tested for compatibility with examination software and Law School IT services and are supported while under manufacturer's warranty.

Student Technology Support

The Law School Help Desk (Help Desk) has the primary charge of supporting faculty and staff technology. It also provides support to those students who have the same hardware, operating systems, and warranties as faculty and staff. For those students who purchase different hardware, operating systems, and software, the Help Desk is, unfortunately, able to provide only minimal help and will typically need to refer students to other resources.

E-mail Communication

E-mail is the official means of communication at the Law School. Students are expected to check their Law School e-mail account frequently for course-related and other Law School communications.

Spamming

University policy prohibits BYU patrons from sending unsolicited electronic messages with materially the same content to 19 or more recipients unless the action has been approved by an appropriate authority. Consistent with the guidelines in the University policy, the Law School has adopted the following rules concerning unsolicited electronic messages:

1. The Dean, or any law school employee or student expressly authorized by the Dean or his designee, may send unsolicited notices concerning law school business to the entire law school community, including faculty, students, staff and administrators.
2. Faculty members may send unsolicited notices relevant to courses to all members of any class they teach.
3. Any student organization recognized by the Law School may send unsolicited notices concerning its organization to the entire law school community by first sending the proposed e-mail to "Lawmailer." Messages from the organization must contain the following information: a) the name of the individual sending the message, b) an accurate and valid return e-mail address of the individual or organization sending the message, c) the subject of the message, d) a list of the individuals or groups to whom the email is to be sent and e) the message text. The notice will be reviewed to insure it complies with these criteria and with the limitation on individual and commercial notices described below. If approved, the notice will be sent to the requested email group(s). Persons who do not want to receive messages from an organization may create a rule in Gmail to filter out any unwanted e-mail. For assistance, students may visit the HelpDesk website or call the HelpDesk directly at 2-3884.
4. Any other individual who wishes to send unsolicited notices to (1) the entire law school student body, or (2) to one or more law school emails for commercial purposes, must obtain prior approval from the Dean or his designee. Approval generally will not be given for information distributed primarily for individual or commercial purposes.
5. The Student Bar Association will maintain a classified ad section on its webpage and will allow students, faculty, staff, and administration to post in that section of the webpage any information that is not illegal or a violation of the BYU Code of Honor. In order to post the information, the individual must provide the information in electronic form to the person designated by the SBA as the SBA webmaster.

K. Student Discipline Procedures

Law students are expected to observe the high standards of honesty and integrity appropriate for men and women preparing to join the professional practice of law

and also to conform to the BYU Code of Honor and its principles. Conduct in violation of those standards and that code is a matter of deep concern to faculty and students of the J. Reuben Clark Law School. The administration of the Law School works closely with the University's Honor Code Office in dealing with law students accused of violating the BYU Code of Honor to impose sanctions for any violations. If the violation involves academic misconduct, the Law School will, consistent with the rules set forth below, determine and impose its own sanctions and refer the matter to the University's Honor Code Office. Academic misconduct includes, but is not limited to, plagiarism, fabrication or falsification of information, and cheating.

1. Plagiarism Policy

Definition

Plagiarism is the failure to give sufficient attribution to the words, ideas, or data of others that have been incorporated into a work which an author submits for academic credit or other benefit. Attribution is sufficient if it adequately informs and, therefore, does not materially mislead a reasonable reader as to the source of the words, ideas, or data. Attribution (or the lack thereof) is materially misleading if it could cause a reasonable reader to be mistaken as to the source of the words, ideas, or data in a way that could benefit the author submitting the work.

Consequences

Plagiarism can be divided into two categories. Intentional plagiarism is the deliberate failure to give sufficient attribution to the words, ideas, or data of others with the intent of misleading the reader as to the true source of the words, ideas, or data. Inadvertent plagiarism is the non-deliberate failure to give sufficient attribution to the words, ideas, or data of others. **Both forms of plagiarism constitute academic misconduct for which sanctions may be imposed by the instructor and the Law School because both create the unacceptable risk that the author will receive credit for work he or she has not performed.** In addition, because it involves intentional deceit, intentional plagiarism is a violation of the University Honor Code, which may warrant additional sanctions, including suspension or dismissal from the Law School.

Standard of Proof

In determining whether plagiarism has occurred, the instructor or representative of the Law School charged with making the determination will apply a preponderance of the evidence standard. In determining whether the plagiarism is intentional, the instructor or representative of the Law School charged with making the determination will apply a clear and convincing evidence standard.

Intent may be inferred from circumstantial evidence.

In determining the sanction to be imposed, the instructor or representative of the Law School charged with making the determination will consider at least the following factors: the author's intent, if any, to mislead the reader, the degree of carelessness, the quantity of the plagiarized material relative to the author's entire work, and the relative materiality of the plagiarized material. Other factors may also be considered.

Author Responsibility

In order to avoid plagiarism, it is the author's responsibility to provide sufficient attribution in work he or she submits. Authors who have any doubt as to whether they have provided sufficient attribution have the responsibility to consult with their instructor or other person to whom they are submitting the paper to obtain guidance.

2. Academic Misconduct B Course-Related Misconduct

Misconduct by a student may relate to a specific course or to academic work in general. If the misconduct involves performance in a course, seminar, or activity, first responsibility lies with the instructor who learns of the event by observation, report, or admission. The instructor shall meet with the student and conduct such further investigation as the instructor deems appropriate. The instructor shall consult with the Associate Dean for Research and Academic Affairs regarding the facts of the matter and the appropriate sanction, if any, to be imposed.

If the instructor determines that a sanction is called for, the instructor shall issue an oral reprimand or indicate to the student that after consultation with the Associate Dean for Research and Academic Affairs, the instructor proposes to place a written reprimand in the student's law school file, reduce a grade, adjust credit, require additional work, and/or impose other appropriate sanctions within the instructor's power. The instructor shall also make a written report of the matter to the Associate Dean for Research and Academic Affairs and mail a copy to the student by registered, return receipt mail. The proposed sanction shall be imposed unless the student delivers a written request for review to the Associate Dean for Research and Academic Affairs within two school days from the date on the return receipt if school is in session. If school is not in session, the student must respond within ten calendar days after the date on the return receipt.

3. Academic Misconduct Which Goes Beyond a Course or Review of Instructor's Decision

If misconduct is not appropriate for handling solely by an instructor, either because the misconduct did not involve only performance in a course, seminar,

or activity or because the matter is perceived by the instructor or the Associate Dean for Research and Academic Affairs as warranting a sanction beyond the instructor's authority to impose; or if the student requests further review of the instructor's decision, the Associate Dean for Research and Academic Affairs shall refer the matter to an ad hoc Committee, which shall consist of the Associate Dean for Research and Academic Affairs and two faculty members selected at random from those not involved in the matter or possessing a conflict of interest because of a relationship with the student. In addition to those sanctions an instructor has imposed or can impose, the ad hoc Committee may also order restitution or community service, impose probation with specified conditions, impose suspension for a specific period of time or until the occurrence of specified conditions, dismiss the student from the Law School, or create any other sanction appropriate to the nature and gravity of the conduct. Both the student and any instructor in whose course, seminar, or activity any of the alleged misconduct occurred shall have the right to present their views to the ad hoc Committee before any decision is rendered. The ad hoc Committee shall create and maintain a record of the matters it considers in making its decision and will render a decision by majority vote. The Committee will send a written copy of its decision to the student by registered, return receipt mail.

4. Appeal to Dean

A student or a member of the ad hoc Committee who does not agree with the Committee decision may request review of the decision by delivering a written request to the Dean within two school days after the date on the return receipt if school is in session. If school is not in session, the request for review must be delivered within ten calendar days after the date on the return receipt. The Dean may reverse the decision of the ad hoc Committee only if he or she determines that a clear error has occurred.

5. Readmission

A student who is dismissed from the Law School for academic misconduct cannot return to the Law School until readmission is granted. Readmission petitions by students who are dismissed from the Law School for academic misconduct will be acted upon by an ad hoc Readmission Committee, consisting of five faculty members selected at random by the Dean from faculty members who were not members of the ad hoc Committee in the proceeding in which the student was dismissed nor instructors in any course, seminar, or activity in which any of the alleged misconduct occurred and who do not possess a conflict of interest because of a relationship with the student. The ad hoc Readmission Committee may grant a petition for readmission only if the student convinces four of the five members of the committee by clear and convincing evidence that he or she has remedied the problem which resulted in dismissal, will observe the BYU Code of Honor while a student, and will be honest in all future conduct as a lawyer. The ad hoc Readmission Committee may consider all matters, opinions,

and evidence that it deems relevant, even if not admissible under standard rules of evidence.

6. Reporting

The Dean may apprise the faculty and the student body of disciplinary concerns from time to time, being as specific about problems and decisions as possible, while bearing in mind that anonymity of persons disciplined is ordinarily desirable.

L. Policy on Non-Discrimination

Brigham Young University prohibits unlawful discrimination on the basis of race, color, national or ethnic origin, sex, religion, age, disability, or any other basis protected by applicable law, in employment, education, and all Brigham Young University programs and activities.

Notwithstanding the above, as an educational institution sponsored by and affiliated with The Church of Jesus Christ of Latter-day Saints ("Church of Jesus Christ"), Brigham Young University lawfully gives strong preference to qualified, faithful members of the Church of Jesus Christ in employment and admissions decisions.

Consistent with its religious affiliation and purpose, Brigham Young University requires all faculty, staff, and students to abide by the Church Educational System Honor Code, which contains essential elements of the religious values, practices, and beliefs of the Church of Jesus Christ.

Any law student who feels that he or she has been subject to discrimination prohibited by the above policy should contact Assistant Dean Bryan Hamblin, 342 JRCB, or may contact the University Equal Employment Office, D-282 ASB.

M. Policy on Sexual Harassment

Title IX of the Education Amendments of 1972 prohibits sex discrimination against any participant in an educational program or activity that receives federal funds.

The act is intended to eliminate sex discrimination in education and pertains to admissions, academic and athletic programs, and university-sponsored activities. Title IX also prohibits sexual harassment of students by university employees, other students, and visitors to campus. If you encounter sexual harassment or gender-based discrimination, please talk to your professor; contact Assistant Dean Bryan Hamblin, 342 JRCB; contact the Title IX Coordinator, 1085 WSC, 801-422- 8692, t9coordinator@byu.edu or through the website, titleix.byu.edu/contact-us. In addition, individuals may submit reports, including anonymous reports, through EthicsPoint at https://ethicspoint.com/domain/en/default_reporter.asp, or 888-238-1062.

N. Services for Students with Disabilities

Brigham Young University is committed to providing a working and learning atmosphere that reasonably accommodates qualified persons with disabilities who are otherwise qualified to participate in BYU's programs and activities. If you have any disability which may impair your ability to complete this course successfully, please contact Assistant Bryan Hamblin or the University Accessibility Center, 2170 WSC, at 801-422-2767. Reasonable academic accommodations are reviewed for all students who have qualified documented disabilities. Services are coordinated with the student and instructor by the Accessibility Center. If you need assistance or if you feel you have been unlawfully discriminated against on the basis of disability, you may seek resolution through established grievance policy and procedures. You should contact the Equal Opportunity Manager, D-282 ASB, at 801-422-5895 or 1-888-238-1062 (24-hours) or D-282 ASB. In addition, individuals may submit reports, including anonymous reports, through EthicsPoint at https://ethicspoint.com/domain/en/default_reporter.asp, or 888-238-1062.

O. Copyright Policy

The Law School is committed to the enforcement and protection of copyrights as both a legal and an ethical imperative. A copyright is a set of exclusive rights that vests in the author of an original work of authorship (including literary, musical, dramatic, pictorial, sculptural, and motion picture works). The copyright attaches upon the work's creation (when it is fixed in a tangible medium of expression"); current law does not require the formalities of registration or of a copyright notice such as the "©" symbol. The exclusive rights covered by copyright include the right to (1) copy or reproduce the work or portions of the work (including by making electronic copies); (2) prepare "derivative works" based on the original; (3) distribute copies of the work or portions of the work (including by electronic means); and (4) publicly perform or display the work.

Any faculty member, staff member, or student who intends to copy or distribute any material that is not in the public domain and is, therefore, protected by copyright must first receive copyright clearance from the law school's Copyright Coordinator under the procedures set forth here, unless the copyright is held by that faculty member, staff member, or student. Copyright clearance is required even if the material is believed to be covered by the doctrine of fair use, and even if permission has already been secured from the holder of the copyright by the individual faculty member, staff member, or student. "Copying" and "distributing" include not only making and distributing hard copies, but also making any digital or electronic copies, posting such copies on the internet or the Law School's web page, or distributing copies via e-mail.

Any faculty member, staff member, or student seeking copyright clearance must submit a written request to the law school's Copyright Coordinator on a form approved by the Copyright Committee. The request should be submitted as far in

advance of the use of the material as is reasonably possible (preferably at least one month in advance). The form for the written request may be completed in hard copy or on the law school's web page, and will require the person submitting the request to (1) identify the copyrighted works in question by author, title, publication date, journal citation (where applicable), publisher (if known), and ISBN/ISSN (if known); (2) describe the nature of any copying and/or distribution (e.g., hard copies, scanning, uploading, etc.); (3) identify the name of the course and number of students to whom the material will be distributed; (4) indicate whether the person submitting the request has ever previously received permission to use the material in question, and attach any documents memorializing such permission; and (5) indicate whether the person submitting the request believes that a fair use privilege applies, and provide a brief justification for such privilege.

Many single copies made purely for research purposes will be covered by the doctrine of fair use, particularly where only a portion of the original work is copied. For such uses, the Copyright Coordinator may provide clearances that may cover certain uses, without requiring specific clearance requests for each individual copy.

If a faculty member disagrees with a decision of the Copyright Coordinator, appeal may be made to the Associate Dean for Faculty and Curriculum.

P. Electronic Device Use in the Classroom

Students may use computers and other electronic devices during a class only for note-taking and other purposes expressly approved by the instructor. Except for the use of cell phones to communicate in health and/or safety-related emergencies, no student, without advance express permission from the instructor in charge of the class, shall use any electronic device (e.g., computer, cell phone, smart phone, MP3 player, iPhone, iPod, pager, PDA, electronic recording device, etc.) during class to:

- a. Access email,
- b. Access instant messaging services,
- c. Access the Internet,
- d. Engage in any electronic communication, or
- e. Make a video or audio recording of class activities.

Instructors, for pedagogical reasons, may further restrict or prohibit the use of computers and other electronic devices in their classrooms.

Instructors have the discretion, in dealing with individual students who violate this policy, to further restrict or entirely ban them from using computers and other electronic devices in their classrooms.

Without advance express permission from the instructor in charge of the exam or the Assistant Dean for Students and Internal Relations who can grant accommodations based upon a documented disability, no student shall use any electronic device except a laptop using SoftTest, during any exam.

Q. Access to Student Records (FERPA)

The Family Education Rights and Privacy Act (FERPA) governs the release of “education records” by a university. As a general rule, FERPA prohibits universities that receive federal funding from releasing an “education record” to any one other than the respective student without the student’s written consent.

FERPA defines “education record” very broadly: “[T]he term ‘education records’ means . . . those records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.” In other words, anything that a university or its agent has about a student is generally an “education record” and is, therefore, subject to FERPA. However, a record is not an “education record” under FERPA if it does not contain “personally identifiable information” about a student. Therefore, FERPA would not prohibit the disclosure of a record if the record does not contain the student-subject’s name or “[o]ther information that would make the student’s identity easily traceable.”

FERPA applies to BYU because BYU participates in the federal financial aid program. Therefore, absent an exception, BYU and its units (including the Law School) may not release any education record to anyone other than the student or someone having the student’s written consent.

FERPA lists several exceptions to its general prohibition on nonconsensual disclosure of education records. One such exception allows schools to release education records to “school officials, including teachers within the educational institution . . . , who have been determined by such . . . institution to have legitimate educational interest, including the educational interests of the child for whom consent would otherwise be required.” Thus, FERPA allows a university to disclose a student’s education record to any professor who the university determines to have a “legitimate education interest” in seeing the record. As authorized by the university, the Law School has adopted the following interpretations regarding the application of the legitimate education interest standard to faculty perusal of student records:

1. Student records cannot be examined for such reasons as satisfying general curiosity or learning how one’s children or other relatives are doing or how the friends or romantic interests of children or other relatives are doing.
2. Faculty can examine the law school’s records regarding students for the purposes of encouraging students to participate in employment (including as research and teaching assistants) and other activities and opportunities that will assist in education enhancement or career development. Faculty can also review relevant student records in connection with their assigned disciplinary responsibilities, readmission responsibilities, decanal responsibilities and committee work

responsibilities and in connection with an assigned responsibility to handle a student petition or application (including requests for letters of recommendation).

3. Faculty who wish to become acquainted with, or preview the quality of, students registered for their classes cannot examine student records for this purpose, but can obtain from the Law School Registrar a list of the registered students' grade point averages as long as they are not matched with the students' names or other identifying information.

The Law School administration will provide additional interpretations of "legitimate education interest" as circumstances require.

R. Procedure for Student Complaints Concerning the Program of Legal Education

1. The law school is accredited by the American Bar Association. The ABA Standards for the Approval of Law Schools can be accessed on the American Bar Association's webpage, located at this link: http://www.americanbar.org/groups/legal_education/resources/standards.html. The Council of the Section of Legal Education and Admission to the Bar of the ABA may be contacted at 321 N. Clark Street, 21st Floor, Chicago, IL 60654; Phone: 312.988.6738; Fax: 312.988.5681; legaled@americanbar.org.
2. Any student who alleges a problem that directly implicates the Law School's program of legal education and compliance with the ABA's Accreditation Standards should file a written complaint with the Associate Dean for Research and Academic Affairs. The written complaint must a) identify the problem in sufficient detail to permit the Associate Dean for Research and Academic Affairs to investigate the matter, including the specific Accreditation Standard(s) at issue, and b) provide the student's name, home and email addresses, and phone number.
3. Within thirty days after the Associate Dean for Research and Academic Affairs receives a written complaint, he or she shall respond to the student's complaint in writing and, if applicable, advise the student of any action the Law School is taking to address the matter or any further investigation into the matter.
4. Within ten days of being advised of any action the Law School is taking to address the matter, the student may appeal that decision to the Dean of the Law School. The decision of the Dean shall be final.

II. CURRICULUM

A. Directed Research

All full-time instructors are authorized to approve academic credit for Directed Research for students who have completed their first year of study. No more than two credit hours may be approved for a student in any semester, with no more than four cumulative credits.

Directed Research cannot be approved as an alternative means of taking a course that is offered in the Law School, even though scheduling difficulties might prevent a student from taking a course that he or she desires to take.

Directed Research credit may be approved only for a project in which the research proposal, the grade rule and the credit hours have been agreed upon in advance by the supervising instructor, and where that instructor can give guidance during the development of the project. Written notice of the approved proposal needs to be submitted by the instructor to the Law School Registrar within two weeks of the start of the semester.

Students taking Directed Research must submit to the supervising instructor written work consisting of a completed draft of a research paper or memorandum of law containing either criticism of the law relating to the topic area or synthesis of legal source materials into a statement of the law in the topic area. A minimum of 50 hours of work is required for each hour of credit awarded.

No Directed Research credit shall be awarded for research substantially used to earn credit in any Co-Curricular program (Law 792R and Law 793R).

Instructors are under no obligation to supervise Directed Research projects, but they should not in any event be requested to undertake to supervise more than a total of two students in externships, Directed Research, or a combination of both in any semester.

A student may register for Directed Research credit only during Fall or Winter semester.

B. Credit for Law Review Co-Curricular Program (Law 792R and Law 793R)

Credit for participation in the Law Review may be earned under the following circumstances:

Law 792R: Students who are members of the Law Review in their second year of law school may earn up to one (1) credit towards graduation per semester by satisfying the required obligations of a member under the Law Review's bylaws.

Law 793R: Students who are members of the Law Review's editorial board in their third year of law school may earn up to two (2) credits toward graduation each semester. Students who are members of the Law Review in their third year of law school, but who do not hold editorial board positions, may earn up to one (1) credit toward graduation per semester by satisfying the required obligations of a third-year member under the Law Review's bylaws.

The faculty advisor for Law Review shall evaluate each enrolled student's academic achievement. Evaluation of student's academic achievement may include, but is not limited to, the faculty advisor's review of hourly logs or other records to determine that students are satisfying the required obligations of a member under the Law Review's bylaws; consultations with student leaders; review of student written work, etc. The faculty advisor shall submit to the registrar the grade for each enrolled student.

Credit, if awarded, will be recorded as a pass or as a low pass. Low pass will appear on the transcript at a grade of 2.7. The grade submitted for non-completion of the required obligations will be a 1.6.

Credit for Law 792R and Law 793R is subject to the law school rule (VIII.B) that no student can earn more than twenty-one (21) hours of cumulative credit for courses listed in ABA Standard 311, Interpretation 311-1(b)

Notwithstanding the 21-hour limitation set forth in Section VIII.B, no student may earn more than six (6) total credits in co-curricular programs.

Students otherwise eligible for membership may participate in multiple co-curricular programs, subject to the cumulative credit limits described in Section VIII.B.

Participation in a co-curricular program, and enrollment in Law 792R and Law 793R, is limited to students who have completed their first year of law study and who have a cumulative 2.7 or above grade-point average.

C. Credit for Moot Court and Trial Advocacy Co-Curricular Programs (Law 792R and Law 793R)

Credit for participation in Co-Curricular Moot Court and Co-Curricular Trial Advocacy may be earned under the following circumstances:

Law 792R: Students who are members of either Co-Curricular Moot Court or Co-Curricular Trial Advocacy are eligible in their second and third years of law school to earn up to one (1) credit toward graduation per semester.

Law 793R: Students who are members of inter-scholastic competition teams for either Moot Court or Trial Advocacy in their second or third years are eligible to earn up to one additional credit per competition up to a maximum of two (2)

competitions during law school. This one (1) additional credit per competition up to a maximum of two credits is in addition to any credits they earn under Section II.C.1, above.

The faculty advisor for Moot Court and Trial Advocacy shall evaluate each enrolled student's academic achievement. Evaluation of student's academic achievement may include, but is not limited to, the faculty advisor's review of hourly logs or other records to determine that students are satisfying the required obligations of a member under the approved co-curricular's bylaws; consultations with student leaders; review of student written work, etc. The faculty advisor shall submit to the registrar the grade for each enrolled student. Credit, if awarded, will be recorded as a pass or as a low pass. Low pass will appear on the transcript at a grade of 2.7. The grade submitted for non-completion of the required obligations will be a 1.6.

Credit for Law 792R and Law 793R is subject to the law school rule (VIII.B) that no student can earn more than twenty-one (21) hours of cumulative credit for courses listed in ABA Standard 311, Interpretation 311-1(b)

Notwithstanding the 21-hour limitation set forth in Section VIII.B, no student may earn more than six (6) total credits in a Co-Curricular program (Law 792R and Law 793R).

Participation in a co-curricular program, and enrollment in Law 792R and Law 793R, is limited to students who have completed their first year of law study and who have a cumulative 2.7 or above grade-point average.

1. Notwithstanding the above limitation on first-year participation in co-curricular programs, first-year students may participate as competitors in a 1L mini- competition in the Winter semester of their first year of law school, provided the competition meets the following requirements. Scheduling of each first-year competition must be approved by the law school administration.
2. **Moot Court:** First-year students may compete in a first-year moot court competition if (i) the competition is restricted to arguing the appellate brief already written by all students in their Introduction to Advocacy course (Law 546) that semester; and (ii) the competition shall not exceed eight consecutive days (not counting any Sunday) for any student, measured from the first day of participating in an oral argument round.
3. **Trial Advocacy:** First-year students may compete in a first-year trial advocacy competition if (i) the competition does not exceed three consecutive days (not containing any Sunday); (ii) participation is wholly voluntary and no academic credit is granted; and (iii) the competition problem is not released to participants until 6:00 a.m. the first day of the competition.

D. Duplication of Credit

A student may not submit for credit in a course or seminar substantially the same paper or other work product that he or she has prepared for:

- another course,
- another seminar,
- an employer,
- any other non-university activity,

unless the following requirements are all met

1. The paper as submitted shall not have been edited by the employer or other law-trained person (including law students);
2. There has been full disclosure and advance consent by all persons involved in any instructional or supervisory capacity in the course or seminar;
3. The research and writing must have been substantially performed during or immediately prior to the semester or term for which the course credit is awarded;
4. No credit in a course or seminar shall be awarded for work substantially used to earn credit in a co-curricular program; and
5. The student must not have received compensation for the paper or other work product.

E. Seminars

The maximum size will be decided by the instructor. Any enrollment priorities specified by the teacher of the class will be determinative. To the extent that teacher determination does not control, the following enrollment priorities will be followed in the order listed:

1. Those who have taken the fewest seminars will be given preference over those who have more.
2. Students who have not had a trial practice type seminar will be preferred over those who have taken such a seminar or course.
3. Students with less time remaining prior to graduation will be preferred over those with more remaining.
4. Within categories, selection will be by lot.

Use of reports, papers, examinations or other methods of teaching and evaluation, as well as attendance requirements, are matters in the discretion of the instructor. The Curriculum Committee must approve departures from numerical grading.

F. Professional Responsibility

The ABA requirement of teaching professional responsibility will be met as follows:

1. Instructors of first-year courses will cover in their courses professional responsibility issues where applicable.
2. Instructors of second- and third-year courses will cover in their courses professional responsibility issues where applicable.
3. Students must take a two-credit Professional Responsibility course during their second or third year of Law School.

G. Substantial Writing Requirement

Each student must individually prepare, during his or her second or third year, a substantial paper. Students may not fulfill the substantial writing requirement during the first year of law school.

The standards and procedures are:

1. The paper must be original work consisting of criticism, analysis, synthesis or history of law or a law-related topic. The paper must not be a paraphrase or summary of the work of others. It must advance and defend one or more central theses.
2. The paper must be of satisfactory quality, meaning that it must have been revised in accordance with paragraphs II.G. 8 and 9, and that it must qualify for a grade of 3.0 or higher, or a pass grade in a pass/fail offering. The paper must be at least 30 letter-size pages long, including footnotes. Text shall be double-spaced, and footnotes shall be single-spaced.
3. The paper must be written for credit in connection with a Law School course or seminar, a co-curricular law journal, or directed research. Courses that offer the substantial writing option are so designated in the Law School course materials. Briefs and trial advocacy documents, whether prepared for a course, seminar, co-curricular program or other activity, do not satisfy the substantial writing requirement.
4. A paper written for a co-curricular law journal may satisfy the substantial writing requirement if the paper is written for credit (including co-curricular credit), is submitted to the supervising faculty member without co-curricular editorial advice or revisions, and meets the other

standards and procedures described in this section (II. G.). The faculty advisor of the co-curricular program is not automatically the supervising faculty member for the paper; students shall find their own supervising faculty member.

5. The paper must be supervised by a Law School full-time faculty member, except that supervision by a law library faculty member, a part-time faculty member, or an adjunct faculty member may be authorized by the Associate Dean—Faculty and Curriculum in circumstances that he or she finds appropriate, such as expertise on the part of the authorized supervisor that is not available in the full-time faculty.
6. The student must obtain the supervising faculty member's written agreement to supervise the paper, preferably by the end of the second week of the semester.
7. The supervising faculty member shall be available to meet individually with the student to provide supervision, guidance, and individualized assessment regarding the paper.
8. The student shall submit at least one draft of the paper to the supervising faculty member for comments and suggestions, and that faculty member shall make comments and suggestions as appropriate.
9. After making appropriate changes, the student shall resubmit the paper to the supervising faculty member for approval or directions for further revision. When the supervising faculty member finds that the paper meets the applicable standards, he or she will certify completion of the substantial writing requirement by signing a blue card obtained by the student from the Law School Registrar.
10. The student must submit certification of completion for the substantial writing requirement to the Law School Registrar before graduation.

H. Professional Skills Requirement

[This requirement applies to students who begin study at the Law School in fall semester 2007 and before fall semester 2015.]

Each student must fulfill the Professional Skills Requirement by completing:

1. At least two hours of externship credit; or
2. At least one of the second-year or third-year courses designated as a "Professional Skills Course" in the Law School course materials.

The Associate Dean for Faculty and Curriculum will designate in the course materials the courses that qualify as Professional Skills Courses in accordance with ABA standards.

[The following requirement applies to students who begin study at the Law School in fall semester 2015 or thereafter.]

Each student must fulfill the Professional Skills Requirement by completing at least six hours of:

1. Externship credit; and/or
2. Courses designated as “Professional Skills Courses” in the Law School course materials.

The Associate Dean for Faculty and Curriculum will designate in the course materials the courses that qualify as Professional Skills Courses in accordance with ABA standards.

I. Clinics, Clinical Alliances and Externships, On-Location Law Seminars, and Remote Course Offerings

The following policies govern law school clinic, clinical alliance, externship, on-location law seminar, and remote course registration, participation, grading and credit-hour limitations.

1. Law School Clinic (788R).
 - a. A law school clinic must provide a substantial lawyering experience that:
 - (i) involves advising or representing one or more actual clients or serving as a third-party neutral; and
 - (ii) does the following:
 - (a) integrates doctrine, theory, skills, and legal ethics, in which students engage in performance of one or more of the professional skills identified in ABA Standard 302;
 - (b) develops the concepts underlying the professional skills being taught;
 - (c) provides multiple opportunities for student performance and self-evaluation;
 - (d) contains a classroom instructional component; and
 - (e) provides direct supervision and feedback of the student’s performance by a faculty member. The determination of whether a course meets these requirements will be made by the Associate Dean for Faculty and Curriculum.

- b. Law school clinics are graded on a pass/fail basis.
 - c. Law school clinics are not subject to the 21-hour cumulative credit hour limitation contained in Section VIII.B.
2. Clinical Alliances (Law 780R) and Externships (Law 599R).
- a. Clinical Alliance
 - i. A clinical alliance course combines a regularly scheduled (generally weekly) in-class seminar with a clinical alliance field placement. The classroom component provides for faculty instruction specifically tailored to the subject matter of the clinical alliance field placement as well as ongoing, contemporaneous, faculty-guided evaluation for the clinical alliance field placement experience. Clinical alliances are only offered during fall or winter semester.
 - ii. A clinical alliance must provide substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law school clinic. A student in a clinical alliance must be supervised by a faculty member (subject to ethical rules) and an outside licensed attorney or an individual otherwise qualified to provide similar supervision. The placement must have a written understanding among the student, a faculty member supervising the course and a person in authority at the field placement that describes both (a) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (b) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance. The clinical alliance must also (1) integrate doctrine, theory, skills and legal ethics, and allow the student to engage in performance of one or more of the professional skills identified in ABA Standard 302; (2) develop the concepts underlying the professional skills being taught; (3) provide multiple opportunities for student performance, self-evaluation, and feedback from a faculty member and/or a site supervisor; and (4) contain a classroom instructional component, regularly scheduled tutorials, or other means of ongoing,

contemporaneous, faculty-guided evaluation of the student's educational achievement.

- b. Externship. An externship is a field placement without a corresponding classroom component. Any student who wishes to participate in an externship during fall or winter semester must have completed a corresponding clinical alliance course in the same subject matter area as the desired externship field placement. First-year spring or summer externships are not subject to this clinical alliance course requirement but must be supervised by a faculty member. Externships that are part of an On-Location Law Seminar (defined in (3)(A) below) are also not subject to this clinical alliance course requirement.
- c. Clinical Alliance or Externship Registration Process. Clinical alliance or externship field placements may be competitive, arranged by the law school or arranged by a student.
 - i. Competitive Placements. If the party providing the clinical alliance or externship field placement requires that students apply for the placement (a "competitive" placement), the BYU Law School Career Development Office ("CDO") will advertise the field placement opportunity to all eligible students who must complete an application process through the CDO or other applicable law school office. A student who enters the competitive clinical alliance or externship field placement process must commit to submit an externship petition in LINX and register for the corresponding clinical alliance course or externship if selected. A student who is selected by a competitive field placement provider and who fails to accept the placement and to register for the associated clinical alliance course or externship will only be permitted to participate in a future competitive clinical alliance or externship field placement with the approval of the CDO. Students may only accept one competitive clinical alliance or externship field placement per semester.
 - ii. Prearranged or Student-Arranged Placements. If the clinical alliance or externship field placement is pre-arranged or student-arranged, the student must complete the petition process for working in an approved clinical alliance or externship field placement through the CDO. Details on applying for clinical alliance or externship field placement are available from the CDO,

which will assist students in securing placements with pre-arranged or student-arranged placement providers. Placements with providers who do not have a past or ongoing relationship with the law school must be approved by the CDO and will be evaluated to ensure that the student will be properly supervised, provided adequate space and support for work, and given a high-quality experiential learning opportunity. Any student who wishes to participate in a clinical alliance field placement during fall or winter semester must enroll in the clinical alliance course which corresponds to the field placement selected by the student. Any questions about selecting the appropriate clinical alliance course should be directed to the CDO.

- d. Clinical Alliance or Externship Field Placement Work-Hour Requirement. Students are required to perform 45 hours of work in the clinical alliance or externship field placement for each credit hour earned. In a clinical alliance, if the classroom component does not satisfy the 45-hour requirement for one credit, the remaining hours should be allocated to the field placement, as approved by the CDO, the faculty member of the classroom component and the student.
- e. Clinical Alliance and Externship Field Placements Credit Hours. Students may earn up to 4.0 credits in a clinical alliance or externship field placement. Credit earned as a result of the classroom component of a clinical alliance is excluded from this limit. The Experiential Program Director (or the Associate Dean for Research and Faculty Affairs if the Experiential Program Director is not a full-time faculty member), after consultation with the CDO and the law school Registrar, may increase the four-credit cap to six credits in the event (i) the clinical alliance or externship placement is a high-quality judicial, governmental agency, public interest, or otherwise unique placement under circumstances in which the placement provider requires a higher hour commitment or when other exceptional circumstances justify the exception, and (ii) a determination is made that the higher limit is in the best interest of the student involved. This increase may apply to a single placement or allow for an additional placement. Students participating in an On-Location Law Seminar may earn up to 9.0 credit hours for the externship associated with the program.

This paragraph (E) does not apply to placements with private law firms or in-house placements, which are governed by paragraph (G)(ii) below.

- f. Clinical Alliance Grading. Clinical alliance courses and externships are graded on a pass/fail basis.
- g. Limitations. Credit earned by completing clinical alliance and externship courses are subject to the following limitations:
 - i. No more than six externship credits earned during spring and/or summer term may count toward graduation.
 - ii. No more than three externship credits earned at a law firm or an in-house placement may count toward graduation except that the Experiential Program Director, the CDO, and the Associate Dean for Research and Academic Affairs, in consultation with the law school Registrar, may increase this limitation to four or five credits at the request of a student entering (or in) his or her third year of law school if the placement is intended to result in full time employment after graduation and the increase is in the student's overall best interest. A student may only obtain one credit increase under (G)(ii). See (3)(C) below for an exception to this limit for international On-Location Law Seminars.
- h. In addition to the above limitations, no more than 12 credits from externship and clinical alliances may count toward graduation. The credits allocated to the classroom component of a clinical alliance are excluded from this limitation.
- i. All clinical alliance and externship credits are subject to the 21-hour cumulative credit hour limitation contained in Section VIII.B.
- j. Limit on Paid Work. Students may not receive both compensation and credit for any field placement work. Stipends for travel expenses, living expenses and other costs associated with the field placement work are permitted.
- k. First Year Requirement. Generally, only students who have successfully completed the first-year curriculum may enroll in an externship or clinical alliance placement. Students who seek an exception to this rule must submit a written petition to the Experiential Learning Director and the Assistant Dean of Student Affairs identifying the proposed field placement, the first year

courses not yet completed and the reason(s) the courses were not completed. An exception will only be granted where the Experiential Learning Director, the Assistant Dean of Student Affairs and the field placement faculty supervisor all agree to the exception.

3. On-Location Law Seminars

- a. Definition. Programs that combine externship experiences and course instruction organized off the Provo campus are referred to as “On-Location Law Seminars”. On-Location Law Seminars may be approved programs that are held in jurisdictions outside the United States (the “Global Law Seminar”) and approved programs held in the United States but outside of the State of Utah such as the Washington Law Seminar.
- b. Limitation on Participation. On-Location Law Seminars are only held during fall or winter semester. Students may participate in only one On-Location Law Seminar during their second or third year of law school.
- c. Limitation Exceptions. Notwithstanding Section (2)(G)(ii) above, up to nine externship credits earned at a law firm or other private sector organization participating in an On-Location Law Seminar held outside of the United States (i.e., a Global Law Seminar) may count toward graduation. Any such externship credits are subject to the limitation set forth in paragraph (2)(G)(iii) above.

4. Remote Courses

- a. Remote Course Definition: A remote course is one in which enrolled students are physically separated from all course instructors for more than one-third of the semester’s instruction.
- b. Remote Course Approval: Only courses approved by the Curriculum Committee and (if required) the University, may be offered as remote courses.
- c. Maximum Number of Remote Course Credits: No more than 15 credits earned by a student in remote courses may count toward graduation, regardless of whether the student earned those credits prior to transferring to the Law School, while enrolled as a visiting student at another institution, or otherwise.
- d. Remote Course Enrollment Limitations: Except in extraordinary circumstances and with approval of the Associate Dean for

Research and Academic Affairs, a student (1) may not enroll in more than 6 credits in remote courses in any semester and (2) may enroll in remote courses only during a semester in which he or she participates in an On-Location Law Seminar. Notwithstanding subsection (2), any student may enroll in an online version of Professional Responsibility offered by BYU Law School.

J. Non-Law Courses

Students may receive law school credit for approved non-law school courses in the three categories described below. Approval is given by the Associate Dean for Research and Academic Affairs. While a student may obtain law school credit under each of these categories, no student may receive more than a total of 15 law school credits for non-law courses. Furthermore, no student may receive more than a total of 6 law school credits for non-law courses outside the category of a Joint Degree Program. In order to receive credit for a non-law school course, a student must receive a grade of “C” or better in the course. The grade for the non-law school course will be reflected on the student’s university transcript but will not be considered in determining the student’s law school class rank.

As further described in Section VIII.B, *infra*, any credit earned in approved non-law school courses will count toward the maximum 21 hours of cumulative credit for courses listed in ABA Standard 311, Interpretation 311-1(b).

a. Joint Degree Programs

The Law School has entered into formal arrangements under which students can receive the indicated amount of law school credit by completing their degree in the following joint degree programs: JD/MBA (12 credits), JD/MPA (11.5 credits), JD/MPP (9 credits), JD/MAcc (12 credits), and JD/MEd (6 credits).

For further information about the requirements of these joint-degree programs, consult with the Associate Dean for Research and Academic Affairs.

b. Foreign Language Courses

Students may receive credit for foreign language courses taken after the first year of law school as follows:

For approved 300-level (or above) university courses in grammar or composition, a student may receive one law school credit for every two university credits earned; for approved 400-level (or above) courses involving translation of legal materials, a student may receive one law school credit for every university credit earned. To receive credit for these courses

students must obtain prior approval from the Associate Dean for Research and Academic Affairs. An official BYU transcript must be submitted to the Law School Registrar showing foreign language courses before or at the time of the graduation interview.

The Law School has also arranged with the Marriott School of Management for law students to receive two law school credits for completing any of the following three-credit, Business Management (596R) courses: Business Arabic; Business Chinese; Business French; Business German; Business Italian; Business Japanese; Business Korean; Business Russian; Business Spanish; or Business Portuguese. Students may register for these courses without obtaining formal permission from the Associate Dean for Research and Academic Affairs. Students will, however, need to notify the Law School Registrar of their enrollment so that they receive two law credits for each course.

c. Other Non-Law Courses

Students may obtain law school credit for other non-law school courses under the following conditions:

1. The courses must be graduate courses or upper division undergraduate courses and must be in subject areas substantially related to law;
2. The students must request and obtain the approval of the Associate Dean for Research and Academic Affairs, including with each request detailed course information and an endorsement from a member of the law faculty; and
3. *Effective Fall Semester 2009*: Law school credit approved for such courses will be at a rate of one law school credit for each graduate course credit and one law school credit for each two upper division undergraduate course credits. [Non-law school credits earned prior to Fall Semester 2009 are subject to the previous rule which provided "Law school credit approved for such courses will be at the rate of one law school credit for each two course credits."]

K. Required Courses

See Law School rule VIII.A, *infra*.

L. Non-Law Students in Law Courses

1. A non-law graduate student at BYU may enroll in a law school class if:

- a) The student's department chair certifies to the law school Registrar that the student is academically capable of doing the work and that the law class is an important element in the student's overall education plan;
 - b) There is room in the class; and
 - c) The professor agrees, in advance, that the student may enroll.
2. If a class taught at the law school is cross-listed with another department or college at the University, non-law students may enroll in the class under the course number listed by the other department or college, if they are eligible to do so under the rules of the other department or college.
 3. Non-law students enrolled in a law school class under a law school course number will be graded according to the law school's grading standards, procedures, and deadlines.

Students enrolled in a cross-listed class under a course number listed by another department or college will be graded according to the University's grading standards, procedures, and deadlines.

III. GRADING

A. Grading Rules

All courses and seminars shall be evaluated by numerical grades unless departure from that general policy is approved by the Curriculum Committee. Individual faculty members may determine whether to grade Directed Research on a numerical or pass/fail basis. There will be a minimum grade of 1.6 for complete non-performance and a maximum grade of 4.0.

In a pass/fail graded offering, a student may receive a grade of pass, low pass, or fail. Low pass will appear on the transcript at a grade of 2.7 per credit hour. A fail will be recorded as a 1.6.

Law school grades are on a 4.0 scale using intervals of 0.1. The presumptive top grade in each class shall be 4.0; the average required for graduation is 2.7; and the minimum grade for which credit will be given is 2.2.

B. Grading Scale

[RESERVED]

C. Mean Grades and Grade Distribution

1. First-year courses other than Introduction to Legal Research and Writing (Law 545) and Introduction to Advocacy (Law 546)

a. Mean: Not to exceed 3.4

b. Distribution:

Grade Range	% of Students
4.0-3.8	12-18%
3.7-3.5	22-32%
3.4-3.2	25-35%
3.1-2.9	15-25%
2.8-1.6	8-15%

c. Students in first-year courses who are enrolled in the Law School's LLM Program may not be included in the mean or grade distribution calculations above. Such students should be assigned grades that reasonably approximate the grades they would have received under the mandatory mean and distribution rules.

2. Introduction to Legal Research and Writing (Law 545) and Introduction to Advocacy (Law 546)

a. Mean: Not to exceed 3.6

b. Distribution: No required distribution

3. Second- and third-year courses with enrollment greater than or equal to 25 students

a. Mean: Not to exceed 3.4

b. Distribution:

Grade Range	% of Students
4.0-3.8	12-18%

3.7-3.5	22-32%
3.4-3.2	25-35%
3.1-2.9	15-25%
2.8-1.6	8-15%

4. Second- and third-year courses with enrollment of fewer than 25 students (other than “Paper-Based” courses, as defined in Section 5)

- a. Mean: Not to exceed 3.4, with the following exception.

If the mean GPA of the students enrolled in the course is between 3.5 and 3.599, the instructor may use a mean not to exceed 3.5. If the mean GPA of the students enrolled in the course is between 3.6 and 4.0, the instructor may use a mean not to exceed 3.6. The mean GPA of the students in the course will be calculated as of the beginning of the semester in which the course is offered with respect to students enrolled in the course as of the end of the semester. The registrar will notify the instructor if this exception applies to the course.

- b. Distribution:

No required distribution

5. Second- and third-year Paper-Based courses with enrollment of fewer than 25 students

- a. Mean: Not to exceed 3.6

- b. Distribution: No required distribution

- c. A “Paper-Based” course is one in which the primary means of evaluating all students in the course is a paper that is an original work consisting of criticism, analysis, synthesis or history of law or a law-related topic. The paper must not be solely a paraphrase or summary of the work of others. It must advance and defend one or more central theses. The paper must be at least 20 letter-size pages long, including footnotes. Text shall be double-spaced, and footnotes shall be single-spaced.

D. Resolving Academic Grievances

Despite the well-meaning efforts of students and instructors alike, there may be times when students feel that they have been treated unjustly or that their work has

been evaluated unfairly or inadequately by an instructor. In such an instance, the following guidelines apply:

1. The student should first bring the grievance to the attention of the instructor involved who is better acquainted with the situation than any other member of the faculty. Most instructors are anxious to work through differences with their students in a sensitive and fair-minded manner.
2. If (a) the instructor is not available, (b) the student feels strongly that the instructor will not deal with the grievance fairly, or (c) bringing the grievance to the attention of the instructor does not resolve the problem to the student's satisfaction, the student may appeal to the Associate Dean for Research and Academic Affairs. He or she will consider the grievance and, within 30 days, will notify the student and the instructor of the decision. The decision can include a grade change; however, the Associate Dean for Research and Academic Affairs will sustain the original grade if it has a reasonable basis and is not arbitrary or capricious.
3. If the student is dissatisfied with the Associate Dean for Research and Academic Affairs' decision, the student may appeal in writing to the Dean no later than 30 days after the date of the Associate Dean for Research and Academic Affairs' notification letter. The written appeal should include the details of the grievance and an outline of the student's efforts to resolve it prior to making this appeal to the Dean.
4. The Dean will give the student the choice of having the grievance resolved directly by him or her or by a three-member committee chaired by a full-time member of the faculty selected by the Dean. Should the student choose to have the grievance appeal heard by the three-person committee, the other two committee members will be appointed by the student and the instructor, respectively. Each must either be a full-time student or a full-time faculty member.
5. When the grievance is heard by the Dean or the committee, both the student and the instructor may call witnesses to be questioned by the other party and by the Dean or committee members. The number of witnesses and the conduct of the hearing will be determined by the Dean or the committee chair.
6. The Dean's or committee's decision (by majority vote) will be final and not subject to appeal. The decision can include a grade change. The Dean or the committee will sustain the original grade if, after full consideration, it has a reasonable basis and is not arbitrary or capricious.

7. The same appeal process is available to the instructor. In other words, if the instructor is not satisfied with the Associate Dean for Research and Academic Affairs' decision, he or she may appeal to the Dean.
8. The student must bring the grievance to the attention of the instructor or the Associate Dean for Research and Academic Affairs within one calendar year from the last day of the examination period in the semester in which the problem originated. For example, if the grievance occurred in a course offered in a winter semester, the student must initiate the grievance procedure before the final day of the following year's winter semester examination period. Where military service or an LDS mission makes it difficult to bring the problem to the attention of the instructor or Associate Dean for Research and Academic Affairs, a later consideration may be permitted.

E. Grades and Credit Earned at Another Law School

See Policies and Procedures IV.A, C, and D.

F. Repeating Courses

A student who receives a grade of 2.1 or less in a required course must repeat the course until he or she receives a 2.2 or more. A student who receives a grade of 2.6 or less in a course may repeat the course one time unless the grade was assigned for academic misconduct. When a course is repeated, all grades will appear on the law school transcript and will be calculated into the cumulative grade point average for all purposes, except for dismissal under Section IV. Credits for the repeated course will be counted only once toward the number of credits required for graduation under Section VIII.B. In order to repeat a course, the student must otherwise be in good standing or be re-admitted to continue on probation.

In the case of seminar classes (Law 795R and 796R) a student will not be permitted to repeat the class because the class material, title and section may have been changed.

G. Class Rank

Under FERPA, class ranking and cumulative grade point average records maintained by the law school are available to students. The law school compiles, and students may request, individual Student Progress Reports that disclose ranking to the middle of the class in 10% increments with additional disclosures at the top 25% and the top 33%. The remainder of the class is listed as bottom 50%. The law school also compiles an individual class rank for students in the top 15% of the class.

IV. DISMISSAL FOR GRADES AND READMISSION

If, at the completion of any winter semester, a student has a cumulative grade average below 2.7, he or she shall be dismissed from school and a letter of dismissal will be sent. The student may then petition in writing for readmission to the Associate Dean for Research and Academic Affairs. When a student has repeated a course, only the grade earned in the second taking of the course will be used in calculating the grade point average for purposes of this section.

When necessary to consider questions of readmission, the Associate Dean for Research and Academic Affairs shall name two faculty members to sit with him or her as a Readmission Committee to determine the matter. If readmission is denied and the student requests it, the file shall be circulated to the entire full-time faculty. If five or more of the faculty request it, the matter shall be scheduled for full faculty discussion.

If, at the close of the semester in which a student completes the requirements for graduation, the student has a cumulative grade-point average below 2.7, the Readmission Committee may allow the student to continue for only one additional semester to raise the grade-average above 2.7. In no event will a student be permitted to graduate with a cumulative grade average less than 2.7.

V. EXAMINATIONS

A. Exam Numbers

An exam number, rather than a name or social security number, must be used on all exams and papers. A student's exam number shall be changed each Fall Semester. Exam numbers are assigned and distributed by the Registrar.

B. Exam Superintendent

The Dean shall designate the Exam Superintendent. The Exam Superintendent shall supervise the scheduling and administration of all final exams. All final exams, whatever the format or method of administration, that will involve the use of law school staff (including secretaries and other staff) in copying, distributing, monitoring, collecting, receiving, holding, or other proctoring functions should be scheduled by, and such administration supervised by, the Exam Superintendent.

C. Professors' Responsibility for Exams

Each faculty member is responsible for facilitating the administration of his or her final exams by himself or herself, or by the proctors working under the supervision of the Exam Superintendent. Each faculty member whose exam is to be given to a class in the Law School should be available in the law building while the exam is being taken in case a question or emergency regarding the exam arises. If a faculty member cannot be in the building while the exam is being taken, he or she should arrange for another faculty member to represent him or her in performing those functions and should notify the Exam Superintendent, as early as possible before the

exam, who the proxy will be. Alternatively, the faculty member can leave a phone number on the instruction sheet where he or she can be reached during the exam by the Exam Superintendent if needed.

The law school staff, under the supervision of the Exam Superintendent, will proctor only the final exams that are given according to the exam schedule or as otherwise approved by the Exam Superintendent. Law school staff ordinarily will provide assistance in copying, distributing, collecting, receiving, holding, and other proctoring functions for scheduled final exams. Faculty should consider the exam proctoring burdens of the staff that perform such functions, and should cooperate with the Exam Superintendent and staff to alleviate unnecessary burdens.

D. Final Exam Schedule

The final exam schedule for the upcoming school year shall be published prior to Fall Semester. This will allow students to plan in advance to avoid scheduling problems during the exam period.

E. Rescheduling Exams for Individual Students

All students shall take their exams at the regularly scheduled times unless they receive permission from the Assistant Dean for Internal and Student Relations for an exception. Permission for an exception (including permission for additional time) may be granted only for a compelling reason. The following generally will not be considered compelling reasons: (1) exams scheduled on sequential days, (2) two exams scheduled on the same day, (3) conflict with travel plans or reservations, (4) conflict with weddings, receptions, or similar events, (5) conflict with employment plans, (6) illness, or injury, unless a medical professional indicates in writing that the illness or injury is very likely to significantly diminish the student's capacity to perform on the exam at the scheduled time, or (7) English as a second language, if the student has studied at an English language university for two academic years or longer, unless it is determined that the student had deficient English language skills at the time of admission.

Students who have documented disabilities should contact the Assistant Dean for Internal and Student Relations and complete the form that notifies the Exam Superintendent of the need to provide appropriate accommodations for the student during the exam period before the posted deadline.

If an exception is granted, students shall be given a revised exam schedule by the Exam Superintendent. Ordinarily, the student should take the rescheduled exam on the same day as the scheduled exam.

Students who need to petition for an exception may do so on a form provided by the Exam Superintendent or online – https://www.law3.byu.edu/Student/Request_for_Time_Change. The petition must be submitted to the Assistant Dean for Internal and Student Relations before the posted deadline, at least three weeks

before the beginning of the exam period, unless an emergency (such as serious illness, injury, or death of a close family member) prevents such timely submission. The petition shall state in detail the compelling reason for taking the exam at another time. The Assistant Dean for Internal and Student Relations, with input as needed from the Associate Dean for Research and Academic Affairs, may grant the petition if he or she concludes that the reasons are compelling and that all other circumstances, including consideration of administrative burdens and protection of the integrity of the examination process, warrant granting the petition. Upon receiving the completed Petition and making the decision, a copy of the Petition shall be returned to the Exam Superintendent indicating whether the petition is granted or denied; and if granted, the Exam Superintendent shall assign the time, place and other circumstances of the rescheduled exam. The Exam Superintendent shall keep copies of all petitions filed, indicating the decision, for one year.

Students whose petitions are approved the Assistant Dean for Internal and Student Relations shall be contacted by the Exam Superintendent during the week before the final exams to receive instructions and their exam schedule.

F. Taking the Final Exam

Room assignments for final exams shall be posted prior to the exam period. Exams begin promptly; students should not be late. Students who are late will not be given extra time. Bluebooks will be provided by the Law School for each exam. Students should supply their own laptop and writing instruments. If the exam is closed-book, a student should not bring anything to the exam room except his or her laptop, writing instruments, approved ear plugs and quiet snacks/drinks.

At the end of the exam, the proctor will announce a 5-minute warning, a 1-minute warning, and then will stop the exam. Any student who continues to write or type after that time shall have his or her name reported to the professor and his or her test withheld.

If a student finishes the exam early, he or she should turn in the exam and materials to the Fishbowl. Once a student is finished and leaves the exam room, he or she cannot return. A student must never ask another student to turn in his or her exam; each student is responsible for his or her own exam.

G. Permissible Equipment for Taking Exams

Final exams must be handwritten or preferably typed on a laptop computer using Examplify Software. Students furnish their own laptop computers. See also paragraph I.O, *supra*.

H. Examplify Software

The Law School has approved students to use their laptop computers to take final exams when using Exemplify Software. Students may not use their computer as a reference to notes, outlines, internet, etc., even if the exam is open book.

It is the responsibility of each student to complete the following requirements before final exams begin:

1. Download the software from the law school website. Students who need help or have questions about downloading the software should contact the HelpDesk (Room 459, 801-422-3884).
2. Take a practice exam.

Each student is responsible to make sure his/her computer is in working condition. If a laptop breaks before final exams, the student should make necessary arrangements to get it repaired or replaced. Otherwise, the student must write the exam.

If a laptop crashes or freezes during the final exam, the student should immediately begin writing in a Bluebook while turning off and restarting their computer. When Exemplify returns, the exam can continue to be taken by laptop. Exemplify saves content every 30 seconds. After the exam, the student should tell the proctor that the computer crashed during the exam and immediately take the laptop to the HelpDesk to retrieve any recoverable portion of the exam from the computer.

I. Past Examination Questions

Professors are encouraged to post copies of examinations given in the three previous years in the reserve library, along with appropriate model or exemplary answers to help students in preparation for the examination.

J. Review of Examination Answers

Professors may make students' exams accessible to read or photocopy, and also make available model answers or anonymous exemplary student answers after grades are published. Students who object to having their examination answers available to others must notify their professors in advance.

Professors should retain examination booklets for a period of one year following the administration of the examination.

VI. TRANSFER INFORMATION

A. Transfer Applicants

JD candidates who have successfully completed no more than three full-time or four part-time semesters of course work at another law school, who are academically

eligible to continue as students in the school last attended, and who otherwise meet the J. Reuben Clark Law School's high academic and ethical standards, may apply for admission to the J. Reuben Clark Law School with advanced standing. Transfer determinations will be made, under the direction of the Dean, by the Assistant Dean of Admissions with the approval of the Faculty Admissions Committee.

Acceptance of credits earned at another law school is at the discretion of the Associate Dean for Research and Academic Affairs. However, no credits will be accepted for courses taken at another law school unless the grade received is at least the equivalent of 2.2 at the J. Reuben Clark Law School, and there must be no duplication of credits. The maximum amount of transferred credit to be applied toward graduation from the J. Reuben Clark Law School are: i) up to three full-time or 4 part-time semesters of credit successfully completed at an ABA-approved and AALS member school, and ii) up to two full-time or 2.6 part-time semesters of credit successfully completed at an ABA-approved school not a member of AALS. Transfer credits will appear on the student's BYU Law Progress Report as a pass.

B. Visiting Student Applicants

JD candidates who have completed at least 2 full-time or 2.6 part-time semesters of course work at another law school and who meet the J. Reuben Clark Law School's high academic and ethical standards may apply to be a visiting student. A visit may last no more than 2 semesters, and credits earned at the J. Reuben Clark Law School as a visiting student will be transferred back to the student's home law school to be applied toward that school's graduation requirements under the standards set forth by the other law school. Visit determinations will be made, under the direction of the Dean, by the Assistant Dean of Admissions with the approval of the Faculty Admissions Committee.

C. J. Reuben Clark Law Students Who Attend Another Law School As A Visiting Student

J. Reuben Clark Law J.D. candidates may choose to attend another law school in the United States as a visiting student after completing at least two full semesters of course work. Acceptance of credits earned at the other law school is at the discretion of the Associate Dean for Research and Academic Affairs. However, no credits will be accepted for courses taken at another law school unless the grade received is at least the equivalent of 2.2 at the J. Reuben Clark law School, and there must be no duplication of credits. Maximum amounts of transferred credit to be applied toward graduation from the J. Reuben Clark Law School are: i) up to three full-time and four part-time semesters of credit earned at an ABA-approved and AALS member school, and ii) up to two full-time and 2.6 part-time semesters of credit earned at an ABA-approved school not a member of AALS. Credits earned at another law school will appear on the student's J. Reuben Clark Law School Progress Report as a pass.

D. Individualized Foreign Law Study

Students may earn credit for individualized study at a foreign university in accordance with AALS and ABA rules. See the Associate Dean for Research and Academic Affairs for details.

VII. SCHOLARSHIPS

BYU Law offers merit-based scholarships. Although most scholarships are automatically renewed for all three years of law school (other than the minimum requirement to remain a full-time student in good standing), a few endowment-funded scholarships have associated conditions. Specific terms are explained in writing at the time the scholarship is offered. Good standing requires a minimum 2.7 GPA and ongoing compliance with the BYU Honor Code.

VIII. GRADUATION REQUIREMENTS

A. Required Courses

1. The following first-year courses are required for graduation:

Civil Procedure
Contracts
Criminal Law
Introduction to Legal Research and Writing
Introduction to Advocacy
Perspectives on Law or Legislation and Regulation
Property
Structures of the Constitution
Torts

2. The following second- or third-year course is required for graduation:

Professional Responsibility

3. Each student is required to prepare during his or her second or third year a substantial paper of satisfactory quality. Details are listed in the Curriculum Section, Section II.G.
4. Each student must fulfill the Professional Skills Requirement. Details are listed in the Curriculum Section, Section II.H. [*This requirement applies to students who begin study at the Law School in fall semester 2007 or thereafter.*]

B. Credit Hours

The number of credits required for graduation is 90. Credits for a course repeated under Section III.F will be counted only once toward the number of credits required for graduation.

A maximum of 4 hours of Directed Research will be allowed toward graduation.

A maximum of 21 hours of cumulative credit will be allowed toward graduation for courses of the types listed in ABA Standard 311, Interpretation 311-1(b). These courses currently include Externships, Clinical Alliances, Co-Curriculars, courses involving other moot court or trial advocacy competitions, and credits received in non-law classes, including joint degree credits. The Associate Dean for Faculty and Curriculum is authorized each year to determine which courses currently offered fall under this limitation, and courses shall be designated as such on student registration materials.

For students entering the law school as first-year students in August 2017 or later:

A maximum of 12 hours of Clinical Alliance (780R) and Externship (599R) credits will be allowed toward graduation, subject to the exception for full-time externships outside the state of Utah in a program approved by the law school in Section II.I.2.H.4.

A maximum of 6 hours of Co-Curricular credit from Law 792R and Law 793R will be allowed toward graduation.

C. Residence/Years of Study

The course of study for the J.D. degree may be completed no earlier than five fall or winter semesters and no later than 60 months after a student has commenced law study at an ABA approved law school. A student may petition the Dean's designee for an exception to the 60-month maximum time limit, but the decision to grant or deny such petition, or to impose conditions, shall be final. In no event may the Dean's designee approve the completion of a law degree later than 84 months after a student has commenced law study. A University rule requires that during the final semester or term before graduation a graduate student must either register or pay an equivalent registration fee to the Office of Graduate Studies for at least 2 semester hours of credit.

D. Grade-Point Average

A cumulative grade-point average of at least 2.7 is required for graduation.

E. Employment During School

A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours. More generally, students should avoid employment that would detract from their course work. Given the

foundational nature of the first two semesters of law school, students are strongly discouraged from engaging in employment during these semesters.

F. Graduation Interview

A graduation interview must be held with the Law School Registrar four months prior to graduation.

G. Participation in Graduation Ceremonies

It is permissible for students who expect to complete their graduation requirements after the spring convocation to participate in the ceremonies either before or after that completion. However, a student cannot participate in spring graduation ceremonies before his or her graduation unless there is a good faith expectation that graduation will occur no later than the following December.

IX. HONORS

In determining honors (i.e., Latin Honors, Coif Eligibility, and Dean's List), the Law School will use the following definition from the Coif Constitution: "Graded courses" are those for which academic accomplishment is recorded on the basis of educational measurement involving four or more discriminators. And to resolve fractions related to eligibility, "one additional student may receive the honors designation if the remainder in the quotient is five or more."

A. Law School Latin Honors

Latin Honors designations will be determined for each graduating class and will be awarded on an annual basis after Winter Semester grades are completed. To qualify for Latin Honors, students must meet two requirements.

First, the Law School will consider the grades of the graduating class. For graduates of the classes of 2015, 2016 and 2017, summa cum laude requires 3.80 or higher, or the top 2% of the class, whichever is greater; magna cum laude requires a grade point average of 3.60 to 3.79; and cum laude requires a grade point average of 3.45 to 3.59. For graduates of the class of 2018 or later, to qualify for summa cum laude students must finish in the top 2% of the graduating class; magna cum laude in the next 10% of the graduating class; and cum laude in the next 20% of the graduating class.

Second, the Law School will consider the amount of credit from graded courses taken by those students who otherwise qualify. To be eligible for Latin Honors a student must complete at least 67.5 hours from graded courses at BYU Law School (meaning 75 percent of the 90 credit hours required for graduation). In other words, under this two-part test, if a student's rank would warrant Latin Honors but the student fails to take enough credit from graded courses at BYU

Law School, the student would not receive Latin Honors. Students participating in joint-degree programs listed in Part II.J.a of these Policies and Procedures will need at least 62.5 hours from graded courses at BYU Law School.

Exceptions to the graded credit requirement. Students who otherwise would not have sufficient graded courses at BYU Law School to qualify because they (1) transferred to BYU Law School, (2) spent one or two semesters visiting another institution, or (3) participated in a study-abroad program, may petition the Law School's Curriculum Committee for individual consideration for Latin Honors by June 1 of the student's graduating year (such years run from September 1 to August 31). Before petitioning, students are encouraged to check with the Law School Registrar to see if they otherwise qualify. In considering such petitions, the Curriculum Committee will consider factors such as those listed below and students may supplement their petitions with relevant information:

- The overall rigor and richness of the student's experience
- The reason the student participated in experiences outside of the Law School
- Quality of school/program outside the Law School
- Courses taken
- All available grades posted by the deadline
- Number of graded credits both at the Law School and outside the Law School
- Other indicators of success in school/program outside of the Law School (e.g., awards or letters of support).

B. The Order of the Coif

The Law School was chartered as a Chapter in The Order of the Coif in March, 1984. The Chapter may elect to membership in the Order of the Coif a graduating student (1) who has completed at least 75 percent of his or her law studies in graded courses and (2) whose grade record ranks in the top 10 percent of all graduating seniors of the school. Please see the Coif Constitution, which is available on the Internet, for complete rules regarding eligibility and election to Coif. The Coif year will be from September 1 to August 31.

Students are eligible for election to The Order of the Coif under this policy so long as they have completed the equivalent of four full-time semesters of study at the Law School. Credits earned from courses taken for a grade at another law school will be treated as credits earned in a "graded course" for purposes of the 75 percent requirement discussed above. However, those courses will not count in the calculation of the student's class ranking or grade point average. Thus, to be eligible for The Order of the Coif, it is the student's grade point average earned in courses at the Law School that will be used to determine whether the student ranks in the top 10 percent of all graduating seniors of the school.

C. Dean's List

Each student achieving grades in the top 30% of his or her graduating class in any semester in which the student has completed at least 9 credit hours in graded courses will be designated as a "Dean's List Student" for that semester. The Dean, or his or her designee, will communicate the designation by letter to each Dean's List Student. The Law School will not post the Dean's List publicly.

X. LL.M. PROGRAM

This one-year program may enroll up to 8 foreign students per year and each student will be required to complete a minimum of 24 semester hours and maintain a minimum grade point average of 2.7. Other than the courses Introduction to American Law and Legal Research and Writing, the students must take one required first-year JD course. LL.M. students may also take other courses offered in the JD program and have the opportunity to earn up to 6 hours by a written thesis supervised by a thesis advisor. Further details are available from the Law School LL.M. faculty advisor or the Law School Registrar.

An LL.M. student may elect to apply for admission to the JD program. To be eligible for consideration for admission, a student must have completed at least one required first-year JD course and the student's grade in that course must be at or above the median. To the extent an LL.M. student takes more than one required first year course, the student's grade point average in those required courses must be at or above the median. Admission to the JD program is not automatic; compliance with the above requirements merely allows a student to apply for admission to the JD program. Students admitted to the JD program may either (1) waive their LL.M. degree and apply their LL.M. credit toward their JD degree, or (2) receive their LL.M. degree and take an additional 90 hours for their JD degree. No credit for Introduction to American Law or Legal Research and Writing may be applied toward the JD degree.