



# STUDENT HANDBOOK AND CATALOG 2018-2019

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

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## Contents

I.	MISSION AND PURPOSE OF LINCOLN MEMORIAL UNIVERSITY .....	5
II.	INSTITUTIONAL GOALS OF THE UNIVERSITY .....	5
III.	LAW SCHOOL MISSION STATEMENT AND PROGRAMMATIC LEARNING OUTCOMES.....	6
A.	Duncan School of Law Mission Statement.....	6
B.	Programmatic Learning Outcomes .....	7
IV.	HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT.....	9
V.	CAMPUS FACILITIES .....	10
A.	Guidelines for Building and Equipment Usage.....	10
B.	Lockers.....	10
C.	Lost and Found.....	10
D.	Student Lounge .....	11
E.	Mail .....	11
F.	Pets .....	11
G.	Parking .....	11
H.	Tobacco-Free Policy .....	12
VI.	TUITION AND FEES.....	13
VII.	ADMISSIONS AND FINANCIAL AID .....	14
A.	Admissions.....	14
B.	Financial Aid.....	14
VIII.	POLICY REGARDING CHANGING STUDENT STATUS .....	15
IX.	ATTENDANCE REQUIREMENTS .....	16
X.	CREDIT HOUR POLICY .....	17
XI.	PRO BONO REQUIREMENT .....	19
XII.	CURRICULUM .....	20
A.	First-Year Curriculum .....	22
B.	Upper-Level Curriculum .....	22
C.	Upper-Level Writing Requirement .....	23
D.	Experiential Learning Requirement .....	24
E.	Full-Time Curricular Schedule .....	26
F.	Part-Time Curricular Schedule.....	27
G.	Course Listings.....	28
1.	First-Year Required Courses.....	28
2.	Upper-Level Required Courses.....	28

3. Upper-Level Electives .....	29
I. Course Auditing .....	30
XIII. COURSE DESCRIPTIONS.....	31
A. First-Year Required Courses .....	31
B. Upper-Level Required Courses.....	35
C. Elective Courses .....	39
XIV. EXTERNSHIP PROGRAM.....	52
XV. ENROLLMENT STATUS.....	52
A. Academic Probation .....	52
B. Involuntary Academic Dismissal .....	54
C. Requests for Readmission .....	54
D. Withdrawal from Courses .....	56
E. Leaves of Absence .....	57
F. Reenrollment after Voluntary Withdrawal.....	57
G. Repeating Courses.....	58
H. Refusal to Enroll by the School of Law .....	59
XVI. WAIVER OF ACADEMIC RULES .....	59
XVII. CODE OF ACADEMIC INTEGRITY .....	59
A. Article 1. Obligation of the Law Student .....	59
B. Article 2. Violations of the Obligation.....	60
C. Article 3. Academic Integrity Committee .....	65
D. Article 4. Initiation of Disciplinary Proceedings .....	66
E. Article 5. Preliminary Investigation .....	69
F. Article 6. Full Hearing .....	71
G. Article 7. Committee Determination.....	74
H. Article 8. Sanctions .....	75
I. Article 9. Appeal .....	77
J. Article 10. Plea Agreements.....	77
K. Article 11. Notice and Service .....	79
L. Article 12. Reserved Powers .....	79
XVIII. ACCREDITATION .....	80
A. University Regional Accreditation.....	80
B. Duncan School of Law Accreditation .....	80
XIX. GRADING POLICIES .....	81

A.	Mandatory Grade Distribution .....	81
B.	Grading System .....	82
XX.	ACADEMIC GRIEVANCE PROCEDURES.....	85
A.	Procedure for a Non-Grade Related Academic Grievance .....	85
B.	Academic Grievances Seeking Grade Changes .....	85
C.	American Bar Association Student Complaint Policy .....	87
XXI.	FERPA.....	94
XXII.	CLASS RANK POLICY .....	95
XXIII.	ACADEMIC HONORS .....	96
A.	Dean’s List .....	96
B.	Graduation Honors .....	96
XXIV.	SCHOOL OF LAW EXAMS .....	96
XXV.	TRANSFER STUDENTS .....	97
A.	Credit Earned at Another Law School after Enrollment at the School of Law:.....	97
B.	Transferring Grades.....	98
C.	Distinction from Pass/Fail Credit.....	98
XXVI.	STUDENT ORGANIZATIONS.....	98
1)	Appalachian Outdoor Society .....	99
2)	Black Law Students Association.....	99
3)	Criminal Law Society.....	99
4)	Christian Legal Society .....	99
5)	Environmental Law Society.....	100
6)	Family Law Society .....	100
7)	Federalist Society .....	100
8)	Immigration Law Society.....	100
9)	Law and Fine Arts Society .....	100
10)	Law Review.....	101
11)	Mock Trial Board.....	101
12)	Moot Court Board .....	101
13)	OUTLaw.....	101
14)	Phi Alpha Delta Law Fraternity .....	101
15)	Sons of Justice.....	102
16)	Student Bar Association.....	102
17)	Veterans Law Society (VLS) .....	102

18) Women of Law Society.....	103
XXVII. LAW LIBRARY.....	103
XXVIII. STUDENTS WITH DISABILITIES .....	103
A. Request for Accommodations.....	104
B. Documentation Guidelines.....	104
C. Grievance Procedure for Student with Disabilities.....	106
XXIX. FIREARMS AND WEAPONS .....	106
XXX. DRUGS ON CAMPUS .....	107
XXXI. CLASS CAPTURE & PODCASTING .....	108
XXXII. COMPUTER USAGE.....	108
LINCOLN MEMORIAL UNIVERSITY BOARD OF TRUSTEES .....	150
LINCOLN MEMORIAL UNIVERSITY ADMINISTRATION.....	150
DUNCAN SCHOOL OF LAW ADMINISTRATION.....	151
DUNCAN SCHOOL OF LAW FACULTY.....	151
DUNCAN SCHOOL OF LAW STAFF .....	151
DUNCAN SCHOOL OF LAW ADJUNCT FACULTY .....	151

#### APPENDIX

I. ACADEMIC CALENDAR 2018-2019	
II. ADMISSIONS POLICIES AND PROCEDURES MANUAL	
III. GRADUATION REQUIREMENTS CHECKLIST (MATRICULATED 2015)	
IV. GRADUATION REQUIREMENTS CHECKLIST (MATRICULATED 2016)	
V. GRADUATION REQUIREMENTS CHECKLIST (MATRICULATED 2017)	
VI. GRADUATION REQUIREMENTS CHECKLIST (MATRICULATED 2018)	
VII. STUDENT COMPLAINT FORM IMPLICATING ABA STANDARDS	
VIII. STUDENT COMPLAINT FORM FOR MATTERS REGARDING SAFETY; FACULTY, STAFF OR STUDENT CONDUCT; DISCRIMINATION; AND/OR HANDBOOK/POLICY VIOLATIONS	
IX. LINCOLN MEMORIAL UNIVERSITY BOARD OF TRUSTEES AND ADMINISTRATION	
X. DUNCAN SCHOOL OF LAW ADMINISTRATION, FACULTY, STAFF AND ADJUNCT FACULTY	

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

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

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

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

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

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

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

1. Make educational opportunities available to all persons without reference to social status. The University seeks to strengthen student recruitment and retention by fostering an academic and social environment that facilitates success and rewards achievement.
2. Maintain fiscal integrity in all University activities, programs and operations through efforts to increase endowment and financial standing.
3. Provide quality educational experiences that have their foundation in the liberal arts and professional studies, promote high personal standards and produce graduates with relevant career skills to compete in an ever-changing, increasingly global society.

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

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

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

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

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

1. To provide legal educational opportunities for the people of the underserved regions of the United States.

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

## **B. Programmatic Learning Outcomes**

ABA Standard 302 states:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**Objective 1** Identifying and assessing the weight of authority.

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

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

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

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

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

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

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

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

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

**Objective 2** Using knowledge of both the rules of professional responsibility and the skills of the legal profession to conduct themselves in an ethical and professional manner.

**Objective 3** Expressing awareness of the impact of the legal system on diverse populations, such as those of different genders, racial and ethnic groups, and socioeconomic classes.

**Objective 4** Serving the community, including rendering meaningful law-related services to persons of limited means or to organizations serving such persons.

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

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

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

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

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

LMU is committed to providing an environment free of all forms of discrimination, including gender or sex based discrimination. All LMU employees are Mandatory Reporters; this means that if you inform any LMU employee of a situation that may involve sexual misconduct, including sexual harassment, sexual assault, stalking, domestic violence, dating violence, or any other form of prohibited gender or sex based discrimination, the employee is required to report the information to the Title IX Coordinator. If you would like to speak with an individual who does not have this obligation, confidential counseling is available to students free of charge through the LMU Office of Mental Health Counseling, Duke Hall 202. For more information, call (423) 869-6277, or schedule an appointment online at <https://www.lmunet.edu/student-life/counseling/schedule-an-appointment>.

If you have experienced discrimination and would like make a report to the University, contact Jeana Horton, Title IX Coordinator/Institutional Compliance Officer, by email at [titleix@lmunet.edu](mailto:titleix@lmunet.edu), or by phone at (423) 869-6618. The Title IX Coordinator/Institutional Compliance Officer’s office is located at D.A.R.-Whitford Hall, Room 210, and the Duncan School of Law, Room 249. The Harassment, Discrimination, and Sexual Misconduct Policies are located in the Student Handbook.

Help and support is available. LMU offers support to help individuals navigate campus life, access health and counseling services, and obtain academic and/or housing accommodations.

## V. CAMPUS FACILITIES

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

### A. Guidelines for Building and Equipment Usage

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

### B. Lockers

Student lockers are located on the lower level of the School of Law. All new students will be able to request a locker at the start of the school year. Students will keep the same locker for the entire year but must remove their belongings before leaving for the summer. Lockers may be reassigned each August to upper level students dependent upon availability. Each student should understand that his/her locker is subject to random searches for items prohibited by the University, the School of Law, state, and federal law. By using a locker, each student waives his/her right to privacy to items within the locker. Items that remain in lockers after May 31, 2019, will be subject to disposal at the discretion of the School of Law.

### C. Lost and Found

Students should check for lost items at the receptionist desk.

## **D. Student Lounge**

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

## **E. Mail**

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

## **F. Pets**

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

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

## **G. Parking**

A parking fee is assessed to each student in the amount of \$370 per vehicle per semester. Each student may apply for a waiver of the fee if the student meets certain criteria and will not ever be parking a car in one of the designated law school parking areas. You may apply for the waiver once per year, and information on the process and penalties for non-compliance with the waiver provisions, if the waiver is granted, will be posted on TWEN. At a minimum, if you are granted a waiver, and still park a vehicle in a law school parking area, your vehicle will be towed, you will be assessed the parking fee of \$370, and you will be assessed another financial penalty of \$200.

Parking is available to most law school full and part-time students. Students will be assigned parking, subject to availability, and will be at the following parking lots/garages:

- Walnut Garage at the corner of Locust Street and Summer Place or parking lots located near the Law School
- West Vine Street behind the Immaculate Conception Church
- Corner of Locust street and West Vine Street
- Cafego Street and Walnut Street
- Keener Building - 701 World's Fair Park Dr

These parking areas are all less than three (3) blocks from the school and are subject to availability based on the size of the student body. Each student will be assigned to one of these lots upon availability and will be required to register his/her vehicle with the school. If a student parks a vehicle in a lot that is not registered to be parked in that specific lot the vehicle will be towed. If a vehicle is parked in any lot without proper identification and/or authorization the vehicle will be towed.

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

Parking in the alley behind the School of Law or unauthorized parking in the faculty/staff lot will result in your car being ticketed and a hold being placed on your account at LMU until the ticket is cleared, and/or your car being towed. Parking tickets will be \$25 or \$35 depending on the type of unauthorized parking, and must be paid, or appeal taken, on the main LMU Campus in Harrogate within three (3) days of issuance. If tickets are not paid within three (3) days, the ticket is subject to a fee which may be assessed in the amount of \$2.50 for each day the ticket remains unpaid.

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

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

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

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

Understanding the addictive nature of tobacco products, LMU will make every effort to assist those who may wish to stop using tobacco. Students who wish to

stop using tobacco are encouraged to contact the Assistant Dean for Student and Career Services for information about smoking cessation programs.

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

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

## VI. TUITION AND FEES

### Cost of Attendance: 2018-2019

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

Tuition: **\$1,200 per credit hour**

Fees: **\$420 per semester**

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

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

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

	<u>Fall</u>	<u>Spring</u>	<u>Total</u>
Books & Supplies	1,125	1,125	<b>\$2,250</b>
Loan Fees	70	70	<b>\$140</b>
Personal/Miscellaneous	800	800	<b>\$1,600</b>
Room & Board	7,500	7,500	<b>\$15,000</b>
Transportation	1,500	1,500	<b>\$3,000</b>
<b>Totals</b>	<b>\$10,995</b>	<b>\$10,995</b>	<b>\$21,990</b>

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

	<u>Fall</u>	<u>Spring</u>	<u>Total</u>
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Books & Supplies	675	825	<b>\$1,500</b>
Loan Fees	70	70	<b>\$140</b>
Personal/Miscellaneous	800	800	<b>\$1,600</b>
Room & Board	7,500	7,500	<b>\$15,000</b>
Transportation	1,500	1,500	<b>\$3,000</b>
<b>Totals</b>	<b>\$10,545</b>	<b>\$10,695</b>	<b>\$21,240</b>

## VII. ADMISSIONS AND FINANCIAL AID

### A. Admissions

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

### B. Financial Aid

Lincoln Memorial University recognizes the problem of constantly increasing educational costs and thus offers a substantial program of financial aid to help students pay for their education. The University makes every effort to ensure that qualified students are not denied the opportunity to attend the University due to their limited financial resources. After the student submits the necessary application forms, the Financial Aid Office will determine the student's eligibility for financial assistance. Each applicant for financial aid must submit a Free Application for Federal Student Aid (FAFSA). The FAFSA should be submitted to the federal processing center in time for processing and payment of tuition for students entering the following fall. The priority deadline to apply for financial aid is June 1.

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

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

academic progress could result in financial aid warning or suspension of financial aid.

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

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

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

For additional information, please contact the Office of Financial Aid at the School of Law either by email at [finaid@lmunet.edu](mailto:finaid@lmunet.edu) or by telephone at (865) 531-4151, or (423) 869-6336.

## VIII. POLICY REGARDING CHANGING STUDENT STATUS

- A. Students seeking to change their status (i.e., from full-time to part-time,<sup>1</sup> part-time to full-time, or full-time or part-time to flex-time) must apply for and receive permission from the Associate Dean for Academic Affairs. Once an application is received, the Associate Dean for Academic Affairs may, in his/her sole discretion:
1. approve the application;
  2. deny the application;
  3. request additional information prior to issuing a decision; and/or
  4. require that the student seek and receive counseling provided by the University.

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<sup>1</sup> Full-time students who will graduate within three (3) years of the date of their matriculation as contemplated by § XII.F. herein, are not obligated to change their status in an academic term if the credit hours in which they are enrolled are twelve (12) or less, so long as the student will graduate during the term in which the student is taking the reduced course load.



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

## **IX. ATTENDANCE REQUIREMENTS**

- A. Regular and punctual class attendance is required of all students in all courses. Faculty members are required to take attendance in all courses. Students have the responsibility for indicating their attendance for each class. If a question later arises as to whether a student attended a particular class, the professor shall make that determination.
- B. No student may miss more than twenty percent (20%) of the scheduled class meetings in any course. Students on academic probation may miss no more than ten percent (10%) of meetings in any course. “Scheduled class meetings” is defined as the total number of classes that are established for a particular course, pursuant to the school calendar, with such number remaining the same in spite of modifications that might arise during the semester (speakers, inclement weather, professor cancellation, etc.). When multiplying the number of scheduled class meetings by the percentages described above, the resulting number shall be rounded up or down to the nearest whole number.
- C. Nothing within this rule shall prohibit a professor from adopting a more restrictive attendance rule. To the extent a professor adopts such a rule, that rule shall control. A student who is tardy or who exits class early may, at the discretion of the professor, be marked as absent for the entire class.
- D. The attendance requirement is not subject to modification by a professor, nor may a professor “excuse” an absence. The Associate Dean for Academic Affairs may grant leave and relief from the attendance requirements in extraordinary circumstances, such as (1) representing the law school at a co-curricular interscholastic competition, conference, or function (i.e., Moot Court, Mock Trial, or Law Review) or official bar function, (2) jury duty, (3) religious observances, (4) the birth of a child, (5) the death of an immediate family member (to include

- grandparents), or (6) major non-elective surgery or a prolonged hospital stay. Students must provide proof of the reason for the absence.
- E. Students must keep track of their absences. Students should not expect the School of Law to warn them when their absences are close to exceeding that which is allowed. Any such warning that might be given is gratuitous by a specific professor, advisor, or dean and shall not be construed as creating an obligation on the part of the School of Law to provide warning to any student.
  - F. Students who fail to comply with the attendance requirements shall be immediately administratively withdrawn from the class, and a grade of “AW” shall be given.
  - G. The School of Law reserves the right to require students to attend workshops, presentations or meetings, as deemed necessary by the administration of the School of Law, to facilitate the legal education of each of its students. The School of Law will provide as much notice as possible to students of the scheduling of such events that require student attendance. Failure to attend such events without prior approval or subsequent waiver from the Associate Dean for Academic Affairs could result in sanctions as described in § XVII.G.
  - H. Students must attend a minimum of eight (8) designated “Professionalism Series” presentations prior to graduation, with attendance at a minimum of one each fall and spring term in which the student is enrolled at the School of Law, until the student has attended eight (8) designated presentations. The Associate Dean for Academic Affairs may grant leave and relief from the attendance requirements in extraordinary circumstances.

## **X. CREDIT HOUR POLICY**

### **A. Scheduling**

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

- b. Three-credit courses: 39 hours of in-class or direct faculty instruction (i.e., 26 1.5-hour meetings or 39 one-hour meetings)
  - c. Two-credit courses: 26 hours of in-class or direct faculty instruction (i.e., 13 two-hour meetings or 26 one-hour meetings)
  - d. One-credit courses: 13 hours of in-class or direct faculty instruction (i.e., 13 one-hour meetings)  
The law school defines an “hour” for classroom or direct faculty instruction as sixty minutes, rather than the fifty minutes required by ABA Interpretation 310-1.
3. All courses must be structured to ensure two hours of out-of-class student work per week for fifteen weeks for each credit hour awarded, or the equivalent amount of work over a different amount of time. This means a minimum amount of out-of-class student work of 120 hours for four-credit courses, 90 hours for three-credit courses, 60 hours for two-credit courses, and 30 hours for one-credit courses. The law school defines an “hour” for out-of-class student work as sixty minutes, which is consistent with Interpretation 310-1.
4. This policy applies to all academic activities for which the law school awards credit, including experiential learning courses, independent studies, directed studies, Law Review, Moot Court, and Mock Trial.

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

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

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

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

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

## **XI. PRO BONO REQUIREMENT**

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

- A. Upon completion, the student must submit confirmation of the performance of pro bono service to the Assistant Dean for Student and Career Services. If such service, in the discretion of the Assistant Dean for Student and Career Services, satisfies the requirements enumerated herein, the Assistant Dean for Student and Career Services shall provide written approval to the Associate Dean for Academic Affairs.

- B. At least ten (10) hours of the community service completed must involve the rendering of meaningful law-related service to persons of limited means or to organizations serving such persons.
- C. Prior to a student's completion all of his/her First-Year Required Courses as defined in this Handbook in § XII.F.1, the number of pro bono hours a student may complete to satisfy this requirement is capped at the ten (10) law-related service hours described in § XI.B above. These law-related service hours may not be completed during the first semester of study at the law school.
- D. Students that show an exemplary commitment to serving the community will be eligible to receive a Pro Bono Award upon graduation. Pro Bono Awards will be given to graduating students that have fulfilled all requirements set forth herein and have completed the following approved hours within the time contemplated within § XI.C:
 

General Oliver O. Howard Pro Bono Award:	100 - 250 hours
President Abraham Lincoln Pro Bono Award:	250 hours or more

## **XII. CURRICULUM**

The Law School curriculum shall have as to its objective to maintain an educational program that prepares its students for admission to the bar and effective and responsible participation in the legal profession. The curriculum is designed to prepare students to be effective attorneys by developing their abilities in critical thinking and problem-solving. The curriculum reflects a traditional legal education, while at the same time adopts the best practices for effective learning. The School of Law operates on a semester system and requires successful completion of ninety (90) credit hours for conferment of the J.D. degree. All requirements must be completed no earlier than twenty-four (24) months and no later than eighty-four (84) months after a student has commenced law study at the School of Law or an institution from which the School of Law has accepted transfer credit.

Full-time students may not be employed until the completion of their first-year required courses (1000 level), unless said student receives a waiver from the Dean or the Associate Dean for Academic Affairs. A waiver may only be given for military service that does not exceed forty (40) hours per month. Nothing herein shall preclude a student from seeking a leave of absence pursuant to § XV.E.

After completion of first-year required courses, full-time students shall not be employed more than twenty (20) hours per week during the fall or spring semesters. "Full-time student," for purposes of this provision, is defined as a student enrolled in more than twelve (12) credit hours during an academic term.

Part-time students or part-time flex students may not be employed more than twenty (20) hours per week in any fall or spring semester in which the student is enrolled in more than twelve (12) class hours.

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

No student shall be allowed to enroll in coursework that, if successfully completed, would exceed eighteen (18) credit hours during any fall or spring semester. No student may enroll in more than two (2) classes, not to exceed seven (7) credits, during a summer semester. The Associate Dean for Academic Affairs may, in his or her discretion, make an exception to the restriction on summer credits if a student enrolls in a summer study program at or sponsored by another law school pursuant to Section XXV.B that does not conflict with the summer semester at the Duncan School of Law.

Graduation requirements for full-time, part-time, and part-time flex students are identical. Students admitted to the full-time cohort shall take the required courses as set forth in § XII.E in the order and sequence described therein.

Students admitted to the part-time cohort shall take the required courses as set forth in § XII.F in the order and sequence described therein. It is recommended that the elective course offerings set forth in each section also be followed; however, a student may delay the taking of elective courses, so long as all coursework is completed within eighty-four (84) months as set forth above. Part-time and part-time flex students take all courses with the full-time cohort, whenever those courses may be scheduled, day or evening. The only distinction among cohorts is the time it takes to complete the program of legal education. The part-time and part-time flex cohorts allow a student who needs to continue to work full-time or who has personal obligations that preclude taking a full-time course load to take fewer courses each term.

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

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

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

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

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

Unless waived by the Associate Dean for Academic Affairs based upon extraordinary circumstances, as determined in his/her sole discretion, students must take all required courses during the academic terms and in the sequence as set forth in § XII.E or XII.F herein (as determined by the cohort status upon admission).

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

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

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

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

The upper-level curriculum reinforces skills learned in the first-year curriculum while permitting students to take courses in areas which interest them. Unless waived by the Associate Dean for Academic Affairs based upon extraordinary circumstances, as determined in his/her sole discretion, students must take all required courses during the academic terms and in the sequence as set forth in §

XII.E or XII.F herein (as determined by the cohort status upon admission). Students may opt to take elective courses at any time that they are offered to their cohort, as space allows. However, failure to follow the specific curriculum set forth in § XII.E & XII.F could delay graduation from the School of Law.

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

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

#### **1. Seminar**

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

- a. The paper must be either expository or argumentative writing of at least 5,000 words of substantive text, exclusive of footnotes, endnotes, headings and the like;
- b. An outline and draft must be submitted and critiqued by the supervising faculty member prior to the submission of the final paper;
- c. The paper must be supervised by a full-time faculty member; and
- d. The grade for the paper must be a “B” or better.

#### **2. Independent Study**

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

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



- e. In compliance with the Independent Study Guidelines promulgated by the Curriculum Committee.

3. **Law Review**

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

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

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

**D. Experiential Learning Requirement**

Each student matriculating in Fall 2015 and thereafter must complete six credits of experiential learning electives. Courses qualifying for experiential learning credit shall be numbered at the 5000 level.

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

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

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

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

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

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

#### 2. **Clinical Courses**

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

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

3. **Field Placement Courses**  
 Field Placement courses shall carry course numbers between 5200-5299.  
 Such courses must meet all of the requirements described in Section XIV.

**E. Full-Time Curricular Schedule**

**Year 1**

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Civil Procedure I .....	3	Civil Procedure II .....	3
Torts I.....	3	Torts II .....	3
Contracts & Sales I .....	3	Contracts & Sales II .....	3
Property I .....	3	Property II .....	3
Legal Communication I .....	2	Legal Communication II .....	2
Legal Research I .....	1	Legal Research II .....	1
Legal Foundations I .....	NC	Legal Foundations II* .....	NC
<b>Total Hours</b>	<b>15</b>	<b>Total Hours</b>	<b>15</b>

\* **Mandatory for students with a cumulative GPA of 2.320 or below and elective for all other students.**

**Year 2**

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Criminal Law .....	3	Constitutional Criminal Procedure.....	3
Domestic Relations .....	3	Business Organizations .....	3
Evidence .....	3	Constitutional Law .....	4
Wills, Trusts & Estates .....	3	Professional Responsibility .....	2
Legal Communication III.....	2	Elective .....	3
Legal Research III.....	1	** Adv. Independent Academic Study II..	NC
* Adv. Independent Academic Study I.....	NC		
<b>Total Hours</b>	<b>15</b>	<b>Total Hours</b>	<b>15</b>

\***Mandatory for students with a cumulative GPA below a 2.200 and elective for all other students. Students with a cumulative GPA between 2.000 and 2.199 must drop either Domestic Relations or Wills, Trusts & Estates in the fall semester and take that course in fall of the third year. Students with a cumulative GPA between 1.800 and 1.999 or 2.200 and 2.999 may drop either Domestic Relations or Wills, Trusts & Estates in the fall semester and take that course in fall of the third year.**

\*\* **Under development for Spring 2019 semester.**

**Year 3**

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Multistate Essay Exam Skills I .....	3	Multistate Bar Exam Skills .....	4
Secured Transactions .....	3	Elective .....	3
Elective .....	3	Elective .....	3
Elective .....	3	Elective .....	3
Elective .....	3	Elective.....	2

* Adv. Independent Academic Study I..... NC	* Adv. Independent Academic Study II.... NC
<b>Total Hours</b> 15	<b>Total Hours</b> 15

**\*Mandatory for students with a cumulative GPA below 2.000 and elective for all other students.**

**F. Part-Time Curricular Schedule**

**Year 1**

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Civil Procedure I .....	3	Civil Procedure II .....	3
Torts I .....	3	Torts II .....	3
Legal Communication I .....	2	Legal Communication II .....	2
Legal Research I .....	1	Legal Research II .....	1
Legal Foundations I .....	NC	Legal Foundations II* .....	NC
<b>Total Hours</b>	<b>9</b>	<b>Total Hours</b>	<b>9</b>

**\*Mandatory for students with a cumulative GPA of 2.320 or below and elective for all other students.**

**Year 2**

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Contracts & Sales I .....	3	Contracts & Sales II .....	3
Property I .....	3	Property II .....	3
Criminal Law .....	3	Constitutional Criminal Procedure .....	3
Legal Communication III .....	2	Elective .....	3
Legal Research III .....	1	** Adv. Independent Academic Study II.. NC	
* Adv. Independent Academic Study I..... NC			
<b>Total Hours</b>	<b>12</b>	<b>Total Hours</b>	<b>12</b>

**\*Mandatory for students with a cumulative GPA below a 2.200 and elective for all other students.**

**\*\* Under development for Spring 2019 semester.**

**Year 3**

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Domestic Relations .....	3	Business Organizations .....	3
Evidence .....	3	Constitutional Law .....	4
Wills, Trusts & Estates .....	3	Professional Responsibility .....	2
Elective .....	3	Elective.....	3
* Adv. Independent Academic Study I..... NC		* Adv. Independent Academic Study II.... NC	
<b>Total Hours</b>	<b>12</b>	<b>Total Hours</b>	<b>12</b>

**\*Mandatory for students with a cumulative GPA below a 2.000 and elective for all other students.**

## Year 4

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Multistate Essay Exam Skills I .....	3	Multistate Bar Exam Skills .....	4
Secured Transactions .....	3	Elective .....	3
Elective .....	3	Elective .....	3
Elective .....	3	Elective .....	2
* Adv. Independent Academic Study I.....	NC	* Adv. Independent Academic Study I.....	NC
<b>Total Hours</b>	<b>12</b>	<b>Total Hours</b>	<b>12</b>

\*Mandatory for students with a cumulative GPA below a 2.000 and elective for all other students.

### G. Course Listings

Course Number	Title	Hours	Prerequisite
<b>1. First-Year Required Courses</b>			
Law 1011	Civil Procedure I	3	
Law 1012	Civil Procedure II	3	Civil Procedure I
Law 1021	Contracts and Sales I	3	
Law 1022	Contracts and Sales II	3	Contracts and Sales I
Law 1052	Legal Communication I	2	
Law 1054	Legal Communication II	2	Legal Communication I & Legal Research I
Law 1001	Legal Foundations I	NC	
Law 1002	Legal Foundations II	NC	Req'd for students with a GPA of 2.320 or below or who received a course grade of "D" or below in Legal Foundations I
Law 1051	Legal Research I	1	
Law 1053	Legal Research II	1	Legal Communication I & Legal Research I
Law 1031	Property I	3	
Law 1032	Property II	3	Property I
Law 1041	Torts I	3	
Law 1042	Torts II	3	Torts I
<b>2. Upper-Level Required Courses</b>			
Law 2001	Advanced Independent Academic Study I	NC	Req'd for students with a GPA of less than 2.200 (second-year fall semester) or 2.000 (upper-level).
Law 2011	Business Organizations	3	Contracts I & II

Law 2062	Constitutional Criminal Procedure	3	
Law 2041	Constitutional Law	4	
Law 2061	Criminal Law	3	
Law 2071	Domestic Relations	3	
Law 2081	Evidence	3	
Law 2054	Legal Communication III	2	Legal Communication I & II; Legal Research I & II
Law 2053	Legal Research III	1	Legal Communication I & II; Legal Research I & II
Law 2004	Multistate Bar Exam Skills	4	
Law 2005	Multistate Essay Exam Skills I	3	
Law 2101	Professional Responsibility	2	
Law 2121	Secured Transactions	3	Contracts I and II
Law 2131	Wills, Trusts and Estates	3	Property I and II
	<b>3. Upper-Level Electives</b>		
Law 3011	Administrative Law	3	
Law 3031	Advanced Evidence	3	Evidence
Law 5051	Advanced Government Relations	2	Legislation & Regulation
Law 5042	Advanced Legal Research	2	Legal Research I
Law 4042	Advanced Legal Research Seminar	2	Legal Research I, II, & III; Legal Communication I, II, & III
Law 5004	Advanced Trial Advocacy - Civil	2	Trial Advocacy
Law 3444	Asylum Law	3	Immigration Law
Law 3061	Bankruptcy	3	
Law 4061	Comparative Legal Traditions	2	
Law 3031	Conflict of Laws	2	Civil Procedure I and II
Law 5021	Criminal Practice Skills	3	Constitutional Criminal Procedure
Law 3081	Directed Study	1-3	
Law 5014	Domestic Relations Drafting	3	Domestic Relations
Law 4035	Education Law	2	
Law 3101	Employment Law	3	
Law 5035	Estate Planning and Drafting	3	Wills, Trusts & Estates
Law 5210	Externship I	2-3	
Law 5220	Externship II	2-3	Externship I
Law 4341	Federal Criminal Law	3	Criminal Law
Law 3191	Federal Income Taxation	3	
Law 4041	First Amendment Seminar	3	Constitutional Law
Law 3202	Healthcare Law	3	
Law 4056	Human Trafficking	3	
Law 3211	Immigration Law	3	
Law 4051	Independent Study	1-2	
Law 3231	Intellectual Property	3	
Law 5011	Interviewing & Counseling	2	

Law 4310	Law Review	2	Membership determined by organization by-laws
Law 5040	Law Office Management	3	
Law 3010	Legislation & Regulation	3	
Law 4016	Lincoln's Constitution	2	
Law 5085	Mediation Skills	3	Domestic Relations
Law 5310	Mock Trial I	1-2	Membership determined by organization by-laws
Law 5311	Mock Trial II	1-2	Mock Trial I
Law 5320	Moot Court I	1-2	Membership determined by organization by-laws
Law 5321	Moot Court II	1-2	Moot Court I
Law 3002	Multistate Essay Exam Skills II	3	
Law 5012	Negotiation	2	
Law 3021	Payment Systems	3	Contracts I & II
Law 5005	Pleadings and Practice	3	Legal Comm III, Legal Research III, Civil Procedure I & II
Law 3325	Remedies	3	Contracts I & II, Torts I & II
Law 3351	Sports Law	2	
Law 4121	Technology and the Law	2	
Law 4131	Tennessee Constitutional Law	3	Constitutional Law
Law 3271	Tennessee Juvenile Law	3	Domestic Relations
Law 5001	Trial Advocacy	3	Evidence

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

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

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

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

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

Additional elective offerings are anticipated and will vary based upon student interests and the skills and experience of faculty members. ABA guidelines prohibit listing courses in the school's catalog that are not currently offered and have not been offered in the previous two academic years. This table and the descriptions below include electives approved by the faculty that have been offered in the previous two academic years and/or are likely to be offered in 2018-2019. The availability of some courses has yet to be determined. Students who would like specific elective offerings may make suggestions to the Associate Dean for Academic Affairs.

## **I. Course Auditing**

1. To audit a course, persons seeking to enroll must obtain written permission from the course instructor and from the Associate Dean of Academic Affairs, whose permission shall only be given provided that enrollment in the course does not adversely affect the quality of the course or the School of Law program. Requests to audit a course may be submitted only after the end of the official registration period (the last day for students to add a course or late register)

when it may be determined whether or not space is still available in the class. This procedure applies to all terms including, but not limited to, fall, spring and summer sessions. Auditing is not permitted in independent study courses, internships, externships, or similar courses.

2. Auditors do not write papers, take essay quizzes or essay examinations, or request review of written work, unless approved by the Associate Dean for Academic Affairs. Furthermore, they do not participate in class discussions unless otherwise directed by the course instructor.
3. Auditors are required to register with the University Registrar for any course that they have been approved to audit. Auditors will appear on the instructor's class roll but may not request grades. No transcript of record will be issued and no grades will be accepted by the University Registrar.
4. No credit will be awarded for auditing a course.
5. Students registering to audit a course must pay the applicable fee, unless the fee is waived by the Dean.
6. Students that have been granted permission to audit a course must provide written permission to the University Registrar and pay the applicable fee prior to attendance in the course.
7. Students may not regularly attend any class that he or she is not registered for, either for-credit or as an auditing student.

### **XIII. COURSE DESCRIPTIONS**

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

#### **A. First-Year Required Courses**

##### **Civil Procedure I**

*Law 1011*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

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

##### **Civil Procedure II**

*Law 1012*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite: Civil Procedure I*



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

### **Contracts and Sales I**

*Law 1021*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

This course provides a study of the basic principles of both the common law of contracts and sales of goods under Article 2 of the Uniform Commercial Code. It focuses on the requirements for formation of a contract, including mutual assent and consideration; promissory estoppel; warranties; and defenses used by parties to avoid liability on their agreements. Particular attention is given to those areas where there is divergence between the common law rules and the provisions of Article 2.

### **Contracts and Sales II**

*Law 1022*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite: Contracts I*

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

### **Legal Communication I**

*Law 1052*

*Hours: 2*

*Course frequency: Each Fall*

*Prerequisites: None*

*Corequisite: Legal Research I*

This course provides the foundation upon which students will develop their understanding of formal legal writing. In particular, the course introduces students to the mechanics of legal research, writing, and analysis through the application of statutory and common law. The course also provides an introduction to drafting basic legal correspondence. Students are required to

complete multiple writing assignments of increasing complexity, culminating with a closed-universe objective memorandum.

### **Legal Communication II**

*Law 1054*

*Credit hours: 2*

*Course frequency: Each Spring*

*Prerequisites: Legal Communication I and Legal Research I*

*Corequisite: Legal Research II*

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

### **Legal Foundations I**

*Law 1001*

*Credit hours: Noncredit*

*Course frequency: Each Fall*

*Prerequisites: None*

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

### **Legal Foundations II**

*Law 1002*

*Credit hours: Noncredit*

*Course frequency: Each Spring*

*Prerequisites: None*

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

## **Legal Research I**

*Law 1051*

*Credit hours: 1*

*Course frequency: Each Fall*

*Prerequisites: None*

*Corequisite: Legal Communication I*

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

## **Legal Research II**

*Law 1053*

*Credit hours: 1*

*Course frequency: Each Spring*

*Prerequisites: Legal Communication I and Legal Research I*

*Corequisite: Legal Communication II*

Legal research is a process used to determine what the law is in order to support a legal conclusion. This course continues to build legal research skills, with an emphasis on developing a legal research strategy.

## **Property I**

*Law 1031*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

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

## **Property II**

*Law 1032*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: Property I*

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

## **Torts I**

*Law 1041*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

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

## **Torts II**

*Law 1042*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite: Torts I*

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

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

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

*Law 2001*

*Hours: Noncredit*

*Course Frequency: Each Fall and Spring*

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

## **Business Organizations**

*Law 2011*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: Contracts I & II*

This course begins with a brief overview of the law of agency. It then examines the different forms of legal entities commonly created to carry on for-profit business activities, with a particular emphasis on partnerships, limited liability companies (LLCs), and corporations. Students will learn the different rules of formation, managerial structures, investment relationships, and risk allocations associated with each kind of entity. The course will also cover potential litigation strategies of both the various organizations and entities adverse to them.

## **Constitutional Law**

*Law 2041*

*Hours: 4*

*Course Frequency: Each Spring*

*Prerequisites: None*

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

## **Criminal Law**

*Law 2061*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

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

## **Constitutional Criminal Procedure**

*Law 2062*

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: None*

This course considers the principal issues of criminal investigation arising under the Fourth, Fifth, and Sixth Amendments. The course will explore specific police investigative methods, what

constitutes a “search,” arrests, stop and frisk, seizures, police interrogation, and identification procedures.

### **Domestic Relations**

*Law 2071*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

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

### **Evidence**

*Law 2081*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

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

### **Legal Communication III**

*Law 2054*

*Credit hours: 2*

*Course frequency: Each Fall*

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

*Corequisite: Legal Research III*

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

### **Legal Research III**

*Law 2053*

*Credit hours: 1*

*Course frequency: Each Fall*

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

*Corequisite: Legal Communication III*

This course will introduce students to legislative history and administrative law, advanced legal research skills, and broaden students' understanding of all sources of law.

### **Multistate Bar Exam Skills**

*Law 2004*

*Hours: 4*

*Course Frequency: Each Spring*

*Prerequisites: None*

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

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

*Law 2005*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: None*

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

### **Professional Responsibility**

*Law 2101*

*Hours: 2*

*Course Frequency: Each Spring*

*Prerequisites: None*

Students are provided an overview of the law and ethics of lawyering, consistent with the Model Rules of Professional Conduct. The course emphasizes the importance of respect for diversity and

the rule of law as well as the development of values and attitudes that are congruent with the code of ethics governing the legal profession.

### **Secured Transactions**

*Law 2121*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: Contracts I & II*

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

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

*Law 2131*

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisites: Property I & II*

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

## **C. Elective Courses**

### **Administrative Law**

*Law 3011*

*Hours: 3*

*Prerequisite: None*

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

### **Advanced Evidence**

*Law 3031*

*Hours: 3*

*Prerequisite(s): Evidence*

This class is designed to build on the foundation acquired in Evidence and to facilitate thinking about evidence in a trial setting. The focus of this course will be to “think evidentially.” The course



will take the student through a number of trials, both criminal and civil, using prepared fact patterns. The course will focus on the Federal Rules of Evidence and cover evidentiary law including relevance, character evidence, hearsay, impeachment, opinion evidence, expert testimony, and evidentiary privileges. It will examine the rules governing the presentation of evidence, including motions in limine, objections, and motions to suppress.

### **Advanced Government Relations**

*Law 5051*

*Hours: 2*

*Prerequisite: Legislation & Regulation*

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

### **Advanced Legal Research**

*Law 5042*

*Hours: 2*

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

*Prerequisite: Legal Research I*

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

### **Advanced Legal Research Seminar**

*Law 4042*

*Hours: 2*

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

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

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

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

*Law 5004*

*Hours: 2*

*Prerequisite(s): Civil Procedure and Trial Advocacy*

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

### **Asylum Law**

*Law 3444*

*Hours: 3*

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

*Prerequisites: Immigration Law*

This foundational course provides an introduction to the international legal regime for the protection of involuntary migrants. The essential premise of the course is that refugee law should be understood as a mode of human rights protection, the viability of which requires striking a balance between the needs of the victims of human rights abuse, and the legitimate aspirations of the countries to which they flee. This course will focus primarily on U.S. asylum law and procedure. It will explore the statutory and case law framework of U.S. asylum law in detail, and students will become familiar with the asylum process involving U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), the Executive Office for Immigration Review (EOIR), and the federal courts. We will also examine international refugee protection law and procedure, and significant debates involving protection law issues.

### **Bankruptcy**

*Law 3061*

*Hours: 3*

*Prerequisite(s): None*

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

### **Comparative Legal Traditions**

*Law 4061*

*Hours: 2*

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

*Prerequisites: None*

This course focuses on the method and concept of comparative law between the civil law tradition and the common law tradition. The history, culture, and distribution of the civil law tradition, the legal structures in civil law nations, legal actors, procedure, and fields of substantive law in civil law systems, and sources of law and the judicial process in civil law systems will be examined and compared to similar areas in the common law tradition. This course will introduce students to competing legal systems in areas such as Europe, Asia, Latin America, Africa, and the Middle

East. An emphasis is placed on the historical developments, cultural environment and social climate that define the adoption and implementation of rules in these legal systems. This course further explores the role of comparative law in the American legal system and how to effectively litigate cases with foreign parties or foreign law issues in American courts. This class may satisfy the Upper Level Writing Requirement.

### **Conflict of Laws**

*Law 3031*

*Hours: 2*

*Course Frequency: Each Fall*

*Prerequisites: Civil Procedure I & II*

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

### **Criminal Practice Skills**

*Law 5021*

*Hours: 3*

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

*Prerequisite(s): Constitutional Criminal Procedure*

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

### **Directed Study**

*Law 3081*

*Hours: 1-3*

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

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

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

### **Domestic Relations Drafting**

*Law 5014*

*Hours: 3*

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

*Prerequisite: Domestic Relations*

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

### **Education Law**

*Law 4035*

*Hours: 2*

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

*Prerequisites: None*

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

### **Employment Law**

*Law 3101*

*Hours: 3*

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

*Prerequisites: None*

This course provides a study of the statutes, regulations, and cases dealing with a number of legal rights and concerns of employees and employers. Areas covered may include: (a) worker's compensation law and practice; (b) labor standards legislation, such as wage-and-hour laws (e.g., Fair Labor Standards Act—FLSA, public contract "prevailing wage" requirements); health-and-safety laws (e.g., Occupational Safety and Health Act—OSHA); an introduction to pension-protection laws (e.g., Employee Retirement Income Security Act—ERISA); and (c) wrongful discharge and at-will employment.

### **Estate Planning and Drafting**

*Law 5035*

*Hours: 3*

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

*Prerequisites: Wills, Trusts and Estates*

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

### **Externship I & II**

*Law 5210/5220*

*Hours: 2-3*

*Course Frequency: Each semester with limited availability*

*Prerequisite for Externship I: None*

*Prerequisite for Externship II: Externship I*

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

### **Federal Criminal Law**

*Law 4341*

*Hours: 3*

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

*Prerequisite: Criminal Law*

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

### **Federal Income Taxation**

*Law 3191*

*Hours: 3*

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

*Prerequisites: None*

This course provides a study of the basic principles of federal income tax, concentrating on individual taxpayers, business taxpayers, and investors as taxpayers. Particular emphasis is placed on the use of the Internal Revenue Code and federal tax regulations. Topics include items of

inclusion and exclusion from gross income, deductions from gross income, capital gains and losses, basic tax accounting, and the identification of income to the appropriate taxpayer.

### **First Amendment Seminar**

*Law 4041*

*Hours: 3*

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

*Prerequisite: Constitutional Law*

This course provides a legal analysis and study of the text, history, theory and jurisprudence related to the U.S. Constitution's First Amendment, including an analysis of its five freedoms, namely, speech, press, assembly, petitioning and religion. This course may satisfy the Upper Level Writing Requirement.

### **Healthcare Law**

*Law 3202*

*Hours: 3*

*Prerequisite(s): None*

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

### **Human Trafficking**

*Law 4056*

*Hours: 3*

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

*Prerequisites: None*

This course will cover both domestic and international attempts to restrict the horrors of human trafficking. Topics to be covered will include: an introduction to the phenomenon of human trafficking, including both labor trafficking and sex trafficking; federal and state laws designed to eradicate trafficking in the U.S.; the U.S. Department of State's efforts to address human trafficking on an international level; the overlap between human trafficking and immigration policies; arguments surrounding the decriminalization of prostitution, including the relatively new, so-called "Nordic approach"; and further information on resources available to those who would seek to minimize the damage to human trafficking victims. This class may satisfy the Upper Level Writing Requirement.

### **Immigration Law**

*Law 3211*

*Hours: 3*

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

*Prerequisites: None*

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

### **Independent Study**

*Law 4051*

*Hours: 1-2*

*Course Frequency: Each semester; Requires faculty sponsor*

*Prerequisites: None*

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

### **Intellectual Property**

*Law 3231*

*Hours: 3*

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

*Prerequisites: Property I & Property II*

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

### **Interviewing and Counseling**

*Law 5011*

*Hours: 2*

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

*Prerequisites: None*

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

### **Law Office Management**

*Law 5040*

*Hours: 3*

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

*Prerequisites: None*

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

### **Law Review**

*Law 4310*

*Hours: 2*

*Course Frequency: Each semester; Requires faculty sponsor*

*Prerequisites: Membership determined by organization by-laws*

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



## **Legislation & Regulation**

*Law 3010*

*Hours: 3*

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

*Prerequisites: None*

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

## **Lincoln's Constitution**

*Law 4016*

*Hours: 2*

*Co-requisite: Constitutional Law*

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

## **Mediation Skills**

*Law 5085*

*Hours: 3*

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

*Prerequisites: None*

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

## **Mock Trial I & II**

*Law 5310/5311*

*Hours: 1-2*

*Course Frequency: Each semester; Requires faculty sponsor*

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

*Prerequisite for Mock Trial II: Mock Trial I*

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

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

*Law 5320/5321*

*Hours: 2*

*Course Frequency: Each semester; Requires faculty sponsor*

*Prerequisite for Moot Court I: Legal Research III and Legal Communication III; Membership determined by organization by-laws*

*Prerequisite for Moot Court II: Moot Court I*

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

### **Multistate Essay Exam Skills II**

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisites: None*

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

bar examination preparation course, is strongly recommended. Only students on track to take the next February or July administration of the bar exam are eligible to enroll.

### **Negotiation**

*Law 5012*

*Hours: 2*

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

*Prerequisites: None*

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

### **Payment Systems**

*Law 3021*

*Hours: 3*

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

*Prerequisites: Contracts and Sales I & II*

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

### **Pleadings and Practice**

*Law: 5005*

*Hours: 3*

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

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

## **Remedies**

*Law 3325*

*Hours: 3*

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

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

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

## **Sports Law**

*Law 3351*

*Hours: 2*

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

*Prerequisite: None*

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

## **Technology and the Law**

*Law: 4121*

*Hours: 2*

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

*Prerequisites: None*

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

## **Tennessee Constitutional Law**

*Law 4131*

*Hours: 3*

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

*Prerequisite: Constitutional Law*

This seminar provides an overview of the history and interpretation of the Tennessee Constitution. Topics covered will include the origins of the Tennessee Constitution of 1796, the Constitutional Conventions of 1834 and 1870, the procedure for amending the state constitution and key

differences between the state and federal constitutions. Substantive areas discussed will include constitutional criminal procedure, substantive due process and the taxation power. Students may obtain their upper-level writing requirement through this course.

### **Tennessee Juvenile Law**

*Law 3271*

*Hours: 3*

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

*Prerequisite: Domestic Relations*

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

### **Trial Advocacy**

*Law 5001*

*Hours: 3*

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

*Prerequisites: Evidence*

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

## **XIV. EXTERNSHIP PROGRAM**

The School of Law has developed a robust externship program. For information regarding the Externship Program, please refer to the Externship Policy and Procedures Manual located on TWEN or contact the Director of Experiential Learning, Professor Brennan Wingerter.

## **XV. ENROLLMENT STATUS**

### **A. Academic Probation**

1. A student is in good standing if he or she retains a cumulative GPA of 2.000 or better.
2. A student who has satisfied all other graduation requirements but has not retained a cumulative GPA of 2.000 shall not graduate. A student who has acquired ninety (90) credit hours or more but fails to achieve a cumulative

GPA of 2.000 shall be dismissed from the School of Law without a Probationary Semester, as defined in § XV.A.3.

3. A student will be placed on academic probation if the student has attempted to earn at least 15 credits at the School of Law and has a cumulative GPA below 2.000 but not below a 1.800 at the end of any fall or spring semester. The fall or spring semester following the moment a student is placed on academic probation shall be known as the Probationary Semester. Students placed on academic probation will be placed on financial aid probation as set forth in § VIII herein.
4. A student shall only be eligible for one (1) probationary semester from the time of initial matriculation at the School of Law and their graduation. A student who, after completing a probationary semester, regains good standing and subsequently has a cumulative GPA below 2.000 at the end of a fall or spring semester, shall be dismissed from the School of Law.
5. A student placed on academic probation at any time during his or her School of Law career must comply with the following obligations to be allowed to continue his or her legal education at the School of Law:
  - a. The student must meet with the Associate Dean for Academic Affairs and the Associate Dean for Student Learning or Director of Academic Success for counseling. The student must review all of his or her exams from the previous semester and must identify in writing: the most common feedback the student received on his or her work, how the student studied for each class, why the student believes he or she has not performed well at the School of Law, and how the student will change his or her studying process to improve his or her grades. The student must provide a report to the Associate Dean for Academic Affairs containing the information detailed in this section.
  - b. The Associate Dean for Academic Affairs shall offer the student information regarding the student's necessary grade point average to avoid academic dismissal and working with the student, will develop an education plan designed to maximize the student's chance of avoiding academic dismissal.
  - c. The student shall complete all Academic Success Probation Program paperwork, including an Academic Success Probation Program Contract.
  - d. The student shall comply with all of the requirements of the Academic Success Probation Program, including meeting attendance requirements with respect to meetings with program personnel, fulfilling all agreements made in the Academic Success Probation Program Contract, and

completing all Academic Success Probation Program assignments.

- e. A student who fails to meet any of the foregoing obligations may be dismissed from the School of Law at the discretion of the Associate Dean for Academic Affairs.
- f. A student who fails to achieve a cumulative GPA of 2.000 after his or her Probationary Semester shall be dismissed from the School of Law. A student who is involuntarily dismissed from the School of Law for academic reasons shall have his or her financial aid eligibility suspended.

## **B. Involuntary Academic Dismissal**

Notwithstanding any other provision herein, a student who has attempted at least 15 credits at the School of Law and fails to achieve a cumulative GPA of 1.800 or above shall be dismissed from the School of Law. Credits are deemed attempted for all courses in which a student is enrolled after the add/drop deadline. A student whose cumulative GPA falls below 1.600 at any time shall be dismissed from the School of Law. Involuntary academic dismissal shall occur automatically, without a probationary period as described in § XV.C above and with no opportunity to appeal the dismissal or seek readmission pursuant to § XV.C. below. A student that is involuntarily dismissed from the School of Law for academic reasons shall have his or her financial aid eligibility suspended.

## **C. Requests for Readmission**

1. A student who has a cumulative GPA of 1.800 or higher and has received notice that he or she is to be disqualified, pursuant to § XV.A.5.f., may petition the Academic Standards Committee for readmission and permission to continue his or her studies on academic probation. A student may not be re-enrolled until one (1) calendar year has expired since the student's disqualification.
2. The petition must be submitted to the chair of the Academic Standards Committee by October 1 for a spring enrollment, March 1 for a summer enrollment and May 1 for a fall enrollment.
3. The petition must allege facts that meet each of the below-referenced standards for readmission. Any student who fails to comply with these requirements will be denied a hearing on the petition. Denial of a hearing under the subsection is not appealable.
4. A student may elect to stand on his or her petition alone. But, if the student requests a hearing in conformance with the requirements of this section, a hearing will be conducted by the committee within two (2) weeks of the submission of the Petition for Readmission.
5. The chair of the Academic Standards Committee will inform the student of the Committee's decision within two (2) calendar days after the committee

- makes a determination.
6. As a condition of readmission, the committee may require, among other things, the student re-take certain School of Law classes or otherwise address deficiencies by doing additional reading, obtaining tutoring, and/or taking writing classes.
  7. A student may be granted permission to continue his or her studies under this provision only one (1) time during his or her studies at the School of Law.
  8. A student who is readmitted shall be readmitted on probation. As such, the student must comply with all requirements stated in the academic probation policy.
  9. The Academic Standards Committee may grant a petition if the student establishes the following:
    - a. extraordinary circumstances contributed to his or her inability to meet the academic requirements of the School of Law;
    - b. the student's failure to meet the standards for continuing his or her studies does not indicate a lack of capacity to complete the program of study and, in fact, the student possesses that capacity; and
    - c. the circumstances resulting in the student's academic disqualification have been remedied or no longer exist.
  10. Students that have been granted readmission to the School of Law, if seeking financial aid, must file an Appeal of the suspension of their eligibility to receive financial aid, as set forth in § VIII herein.
  11. Upon a favorable readmission decision from the Academic Standards Committee, the Dean of the School of Law may endorse the readmission decision of the Academic Standards Committee or may deny the student readmission to the DSOL, based upon the factors enumerated above. Any decision of the Academic Standards Committee to deny a Petition for Readmission is final and shall not be reviewable by the Dean.
  12. The School of Law considers the admission of an applicant who was disqualified academically. An applicant who was disqualified academically must demonstrate that he or she possesses the requisite ability to succeed in our program of legal education. The applicant must also demonstrate that the previous disqualification does not indicate a lack of capacity to complete the course of study at our law school, extraordinary circumstances contributed to his or her inability to meet the academic requirements, **and** the circumstances resulting in the student's academic disqualification have been remedied or no longer exist.

In addition to an application, personal statement, two letters of recommendation, and a Credential Assembly Service (CAS) Report, in order to be considered for admission an applicant who has been disqualified academically must provide two separate written statements:



- a statement detailing the nature of the interim work, activity, or studies which occurred since the disqualification; and
- a statement describing why the applicant believes he/she now has a stronger potential for the study of law and is likely to successfully complete the course of study at the Duncan School of Law.

An applicant who was disqualified academically cannot apply for admission until one (1) calendar year has expired since the student's disqualification.

Finally, the applicant must send an official transcript from the law school from which he or she was dismissed to the LSAC's Credential Assembly Service.

## **D. Withdrawal from Courses**

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

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

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

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

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

The LMU Student Accounts Office will determine all refund calculations for Institutional charges (i.e. Tuition and Fees) based upon the Official Withdrawal date submitted by the Associate Dean for Academic Affairs. Any questions regarding tuition and fee refunds or charges incurred due to withdrawal should be addressed to the LMU Student Accounts office at (423) 869-6336.

### 3. Financial Aid

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

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

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

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

1. A student who has voluntarily withdrawn from the law school, including one whose leave of absence has expired, may petition the Academic

Standards Committee for reenrollment by completing the Petition for Reenrollment form.

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

## **G. Repeating Courses**

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

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

Nothing contained herein or provided elsewhere shall abrogate the School of Law's right to refuse to enroll a student or to discontinue enrollment of a student. A student may be denied continued enrollment at the School of Law, for reasons listed below, but not limited thereto:

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

## **XVI. WAIVER OF ACADEMIC RULES**

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

## **XVII. CODE OF ACADEMIC INTEGRITY**

Consistent with its goal of training lawyers whose professional and personal conduct exemplifies high ethical standards and reflects well upon the Duncan School of Law (the "School of Law") and the legal profession, the faculty has adopted the following Code of Academic Integrity (the "Code"). This Code, revised in 2011, is the result of experience with a previous Code, faculty input, and a study of Codes used by other schools of law. The Code constitutes a delegation of authority from the President of Lincoln Memorial University (the "University") and the Dean of the School of Law to the Academic Integrity Committee (the "Committee"). As such, this Code is binding on all students, faculty, and staff of the School of Law. Every law student is expected to read and observe the Code. Any proceedings brought pursuant to this Code shall be governed by the procedures set forth herein rather than the Disciplinary Procedures of the University.

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

- 1.01** A law student or candidate seeking admission to the School of Law is obligated to assist in maintaining the integrity, competence, and purpose of the School of Law, and to conduct herself or himself in a manner consistent

with the ethics of the legal profession, the academic community, and this Code.

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

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

### **1. General Misconduct**

- a. Violate any rule, regulation, or policy of the School of Law duly promulgated by the Dean, an Associate Dean, an Assistant Dean, or faculty of the School of Law.
- b. Violate any duly promulgated rule, regulation, or policy of the University.
- c. Disrupt the normal and orderly administration or operation of any activity or function of the University or the School of Law.
- d. Steal from, threaten, assault, harass, or misrepresent facts about any student, faculty, staff member or employee of the University or the School of Law with the intention of inflicting harm on that person. Any complaints involving sexual harassment should be brought pursuant to the University Sexual Harassment policy and are not regulated by this Code.
- e. Conduct oneself in an unprofessional manner during any event sanctioned, held, conducted, or permitted by the University or the School of Law.
- f. Assist another student in violating the Code or attempting to enlist the assistance of any person with the purpose of violating the Code. For purposes of this rule, “assistance” shall include any action taken in preparation of a violation, any action in furtherance of a violation, or any action that furthers, enhances, protects, or secrets the violation after the fact.
- g. Fail to timely comply with a sanction imposed by the Committee pursuant to this Code, or fail to abide by the requirements necessary for the satisfactory and timely completion of any plea arrangement entered into between the student and the Committee, the Dean, or the Associate Dean for Academic Affairs pursuant to this Code.

- h. Fail to report conduct, including one's own conduct, prohibited by the Code. All such reports shall be made to the Associate Dean for Academic Affairs or the Chair of the Committee promptly upon witnessing or obtaining knowledge of conduct that violates the Code.
- i. Impugn or malign the honesty or integrity of any student, faculty member, staff member, or employee of the University or the School of Law to any person orally or in any written or electronic medium. Reports of such activity should be made to the Associate Dean for Academic Affairs or the Chair of the Committee, who shall review the allegations and determine whether a formal written complaint should be filed pursuant to Article 4 of the Code.
- j. Fail to notify the School of Law of the student's own citation, arrest or indictment for any charge or allegation, a finding of contempt against the student by a court or other judicial body, or any other order or judgment by a court or other judicial body that places restrictions on the student's freedom of movement, including, but not limited to, an injunction, restraining order, or protective order entered against the student. Such notification shall be made to the Associate Dean for Academic Affairs or the Chair of the Committee within one week of the citation, arrest, indictment, or court order.
- k. Commit a criminal, quasi-criminal, unethical, immoral, or fraudulent act that reflects adversely on the student's honesty, trustworthiness, or moral and ethical fitness to be a lawyer or a law student, by a preponderance of the evidence.
- l. Commit a criminal, quasi-criminal, unethical, immoral, or fraudulent act against any student, faculty member, staff member, or employee of the University or the School of Law or any member of the University community, by a preponderance of the evidence.
- m. Refuse to participate in a preliminary investigation brought pursuant to Article 5 of the Code or testify at a hearing proceeding under Article 6 of the Code, as to the facts within the student's knowledge, unless the student himself/herself is the accused student.
- n. Act dishonestly in any academic pursuit.

2. **Specific Examples of Misconduct**

- a. Misconduct Involving Examinations
  - i. Give or secure any information about an examination except as authorized by the course

professor. For purposes of this Code, “examination” shall include a midterm and/or final examination and any in-class or out-of-class assignment, test and/or quiz, whether administered by written or electronic means.

- ii. Copy the work of another student during any examination.
- iii. Use, process, consult, or copy from books, outlines, papers, taped materials, notes or any other written or electronic materials during an examination except as expressly authorized by the course professor or an exam proctor. In the event that the student receives an accommodation pursuant to § XXVIII of this Student Handbook, only those materials expressly authorized by the ADA coordinator or the Associate Dean for Academic Affairs may be accessed during an examination.
- iv. Continue writing an examination when, to the student’s knowledge, the time allotted for writing the examination has elapsed.
- v. Hide, mutilate, or destroy any library materials or remove any materials from the library except as authorized, or allow any other person to do so.
- vi. Leave the examination room before completing the examination without permission of the exam proctor, if an exam proctor has been assigned to the room. If a student is granted permission to leave the examination room during the course of the examination, the student shall not review any materials or discuss the exam or related matters with any person during his/her absence from the room.
- vii. Talk or engage in any conduct that unreasonably distracts or disturbs other students during an examination. No student shall engage in oral, written, electronic, or other communication once an examination has begun. Students shall continue to refrain from any conversation while examinations are being submitted, either by hand or electronically, or while examinations are still in any student’s possession.
- viii. Remove any examination, or portion thereof, from the examination room without the express permission of the course professor or an exam proctor. No student shall transcribe, deliver, or

receive notes taken while the examination is in the student's possession. No student shall discuss the nature or substance of an examination with another student whom he/she knows has not yet taken that examination.

- ix. Take an examination for another student or permit another person to take an examination for him/her.
- x. Violate the security maintained for preparation or storage of any examination materials or other course materials.
- xi. Attempt to enlist the assistance of any person with the purpose of violating any of the provisions of this Code.

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

- a. Submit plagiarized work in any academic pursuit. Plagiarism consists of the appropriation of the literary composition(s) or other creative work(s) of another, or part(s) of passages thereof, or ideas of the same, with the intention of passing it off as the product of one's own mind. Plagiarism includes, but is not necessarily limited to, the misappropriation of: (a) language taken verbatim, or nearly verbatim, from other sources without crediting the author of the original work by use of appropriate forms of attribution; (b) the original ideas of another without appropriate attribution; or (c) the original pattern of ideas or organization of one or more original works over a substantial portion of the paper. This third category of plagiarism occurs when a student uses the work of others over a substantial portion of the paper, while paraphrasing the language of the original work, without indicating that the pattern of thought or structure of the paper comes from the original source.
- b. Submit the work of another person to satisfy a course, program, or other requirement of the School of Law, whether or not authorized to do so. This includes, but is not limited to, work completed by another law student, practicing attorney, law professor, or judicial body.
- c. Submit work to satisfy a course, program, or other requirement of the School of Law that the student has either: (a) previously submitted to satisfy a course, program, or other requirement of the School of Law or any other academic institution; or (b) completed in satisfaction of non-academic work requirements outside the School of Law,



without the express, prior written consent of the professor to whom the student is currently submitting the work.

- d. Submit work produced in collaboration with another without the express, prior written consent of the professor. This includes collaboration with respect to the substantive content of work or writing style, grammar, citation form, or proofreading.

4. **Other Misrepresentations or Dishonesty**

- a. Misrepresent facts to the School of Law or any of its students, faculty members, staff members, or employees, or any potential or existing employer. This includes, but is not limited to: misrepresentation of degrees obtained, grades earned, subjects studied, work performed, or other personal or professional achievements or experiences. To the extent the student provides any information to the School of Law or any of its students, faculty members, staff members, or employees, the student shall have the continuing obligation to update the School of Law as such information may change. Any discrepancies between information that is reported to the School of Law and information reported on an application submitted to the National Conference of Bar Examiners or any state bar examiner may result in discipline by the School of Law. The School of Law will also provide notice of such discrepancies to the National Conference of Bar Examiners and the bar examiners in the state or states in which the student is seeking admission to practice law. Students are warned that such discrepancies may affect a student's ability to sit for a bar examination and/or pass the character and fitness portion of his/her bar application.
- b. Forge or alter University or School of Law documents or instruments, or fail to be truthful in statements to University or School of Law personnel concerning University or School of Law matters.
- c. Sign, electronically or otherwise, the attendance roster for himself/herself if he/she did not attend a majority of the class period, for another student who is absent from, or late to, class, or enlist the assistance of another to sign, electronically or otherwise, his/her name on the attendance roster.
- d. Submit an affidavit that contains false statements made intentionally, knowingly or with reckless disregard as to their veracity, which may include the failure to reasonably verify the truth or falsity of each statement prior to the submission of the affidavit.

**2.02** No statement can exhaust the possible application of a law student's obligation to conduct himself/herself in a manner consistent with this Code. Therefore, each enumeration of general and specific types of misconduct in Section 2.01 is by way of illustration only. Any conduct in violation of a law student's obligations under Article 1 and Article 2 shall constitute cause for disciplinary action.

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

**3.01** There shall be a committee known as the Academic Integrity Committee (the "Committee"), which shall be composed of no fewer than three faculty members, two student members, and the Associate Dean for Academic Affairs as *ex-officio*, which *ex-officio* position shall be a non-voting position; this means that while the Associate Dean for Academic Affairs may be present in all deliberations as a member of the Committee and may voice his/her opinions or concerns regarding any complaint before the Committee, the Associate Dean for Academic Affairs shall not vote on any proceeding under this Code, unless expressly called to do so by this Code.

**3.02** The Dean of the School of Law shall appoint at least three faculty members to serve on the Committee, for a term of one year. The Dean shall appoint one of the faculty members to serve as Chair of the Committee (the "Chair").

**3.03** The Student Bar Association Vice President, or his/her Designee, shall appoint two students from any class for a term of one year. To be eligible for appointment, a student must be in good academic standing and shall not previously have been determined to have violated of this Code. Student members appointed hereunder may be excluded or limited in their participation on the Committee upon determination by a simple majority of the voting faculty members of the Committee that extraordinary circumstances exist to warrant the same. Such exclusion or limitation shall be determined based upon the circumstances of each pending matter.

**3.04** In the event that any Committee member determines that he/she is temporarily unable to serve upon the Committee for good cause, including, but not limited to, unavailability, conflict of interest, or voluntary recusal, the Committee member shall promptly notify the Dean and Chair in writing. If the Chair determines that good cause exists, the Dean shall appoint an alternate committee member pursuant to Article 3.06, 3.07, or 3.08.

**3.05** The accused student may petition the Committee for the involuntary recusal of any Committee member for good cause. Upon determination by a simple majority of the voting members of the Committee that good cause for recusal of that Committee member exists, the Dean shall appoint an alternate committee member pursuant to Article 3.06, 3.07, or 3.08.

- 3.06** In the event an alternate is required for a faculty member on the Committee, the Dean shall appoint another faculty member to temporarily fill that position.
- 3.07** In the event an alternate is required for a student position on the Committee, the SBA President shall serve as the alternate. If the SBA President is unable to serve as the alternate, the SBA Vice President shall serve as an alternate. If both the SBA President and SBA Vice President are unable to serve, the Dean shall appoint another faculty member to temporarily fill that position.
- 3.08** If an alternate is required for the Associate Dean for Academic Affairs, the Dean shall appoint an alternate. Unless specifically authorized by the Dean, however, the Dean's replacement for the Associate Dean for Academic Affairs will not perform the duties provided for in Article(s) 5.03, 6.07, 8.05 and/or 10.06, and such duties will still be carried out by the Associate Dean for Academic Affairs.

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

- 4.01** Any person may file a written complaint against any student at the School of Law for conduct prohibited by the Code. The charges shall only be filed with the Associate Dean for Academic Affairs or with the Chair. If the Associate Dean for Academic Affairs or the Chair has personally witnessed the conduct in question, the Associate Dean for Academic Affairs or the Chair may personally file the written charge with the other; in the event the Associate Dean for Academic Affairs and the Chair have both witnessed the same alleged violation of the Code, the complaint shall be made directly to the Dean, who shall then proceed as outlined herein.
- 4.02** A complaint shall consist of a formal, signed, written statement identifying: (a) the name of the accused student; (b) the nature of the violation, including the specific sections of the Code that allegedly have been violated; (c) specific facts supporting the allegation, including, but not limited to, (i) the date(s) of the alleged violation, (ii) the circumstances under which the violation is suspected to have occurred, and (iii) the names of any witnesses with knowledge of the alleged event(s); and (d) copies of documents supporting every allegation, attached as exhibits to the complaint. If the complaint is filed by the Dean, an Associate or Assistant Dean, a faculty member, or a staff member, the complainant may recommend a sanction to be imposed on the accused student. If the complaint is filed by a student or other person, the complainant may include a statement describing the impact that the alleged violation has had on the complainant. The Committee may, but is not required to, consider any sanction recommendation or impact statement in determining the appropriate course

of action to be taken against the accused student. By signing the complaint, the complainant swears that the facts contained therein are true and accurate to the best of his/her belief.

- 4.02(a)** All investigations and disciplinary proceedings conducted pursuant to the provisions of this Code shall be conducted as confidentially as possible, except otherwise specified in Sections 6.06, 7.05 and 7.06. If reasonably practicable, the identity of the person filing the written charge shall be kept confidential from the accused student, until such time as the accused student formally denies the charges, requests and is granted a date for a hearing. Upon the setting of the formal hearing, the accused shall be permitted to access all information obtained in the preliminary investigation of the Subcommittee pursuant to Section 6.13 herein below.
- 4.03** Within five (5) business days of the filing of the complaint, the Chair shall review the complaint to determine whether the conduct alleged therein constitutes a violation of the law student's obligation as set forth in Article 2 of the Code.
- 4.04** If the Chair determines that the conduct described in the complaint does not constitute a violation of the Code, the Chair shall dismiss the complaint. The Committee shall not be used to resolve purely personal conflicts between students, or perceived conflicts between faculty, administration and students. The Chair shall make a written record of his/her administrative dismissal of a complaint. Any complaint that is administratively dismissed by the Chair shall not be placed in the accused student's file at the School of Law, nor shall the Chair be required to notify the accused student of such complaint. If the Chair chooses to notify a student of a complaint against him/her that has been administratively dismissed, the student shall not be required to disclose such complaint on any future disclosure requests. A complaint that is administratively dismissed by the Chair shall be considered a nullity, as if having never been filed.
- 4.05** If the Chair determines that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the Code, the Chair shall notify the other members of the Committee that he/she will convene the Committee to address the allegations in the complaint. Such notice to the Committee shall be made by e-mail or any other means deemed reasonably secure by the Chair and shall be accompanied by a copy of the written complaint, including any exhibits. All information sent by the Chair to the Committee for its review shall be deemed strictly confidential. The Chair shall deliver a copy of the written complaint, including any exhibits, to the Dean and the Associate Dean for Academic Affairs, if they do not already possess a copy of the complaint, as soon as practicable after making the decision to convene the committee.

- 4.06** If the Dean, after receiving notice that a written complaint has been filed against a student, determines that extraordinary circumstances exist, the Dean, or his/her authorized agent, may suspend the accused student pending consideration of the case. Such extraordinary circumstances may include, but not be limited to, situations where the continued presence of the accused student would constitute a physical danger to the University or School of Law community or would create a disruption in the educational process of the University or the School of Law. Nothing in this paragraph prevents the Dean or appropriate University officials from suspending an accused student through the exercise of their inherent authority. The Dean may, at his discretion, suspend or restrict the accused student's access to: (a) University or School of Law facilities; (b) University or School of Law resources, including, but not limited to, any computers, web sites, library resources, printers, research web portals, Pathway, TWEN, Web Advisor, or Mediasite; (c) University or School of Law functions, including off-campus functions sponsored by the University or the School of Law; or (d) any other facility, resource, or function that the Dean may deem necessary and appropriate under the circumstances.
- 4.07** The Associate Dean for Academic Affairs, or his/her authorized agent, shall, within five (5) business days of the decision by the Chair to convene the Committee, notify the accused student by means set out in Article 11 herein, that: (a) a written complaint has been received; (b) the Chair has determined that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the Code; (c) the Committee is being convened to investigate of the complaint made against the accused student; and (d) a copy of the written complaint has been forwarded to the Dean of the School of Law. Such notice shall be accompanied by: (a) a copy of the written complaint, including any exhibits; (b) a copy of this Code; and (c) notice that the accused student may obtain counsel to represent him/her in this matter, pursuant to the caveats set out in Article 6.12 below. If the accused student wishes to respond to the complaint, then he/she shall respond in writing to the Chair within five (5) business days after he/she received the complaint.
- 4.08** The withdrawal of an accused student from the School of Law subsequent to the date that the complaint is delivered to the student by the Associate Dean for Academic Affairs shall not terminate the jurisdiction of the Committee to conduct any further disciplinary proceedings specified in this Code.
- 4.09** Within five (5) business days after receiving the accused student's response, or, in the event the student files no response, within five (5) business days from the date the response was due, the Chair shall set a time and date for convening the Committee, unless an extension is required by the Chair due

to his/her inability to gather the members of the Committee due to travel, holiday or other unavoidable circumstance.

- 4.10** In the event that the accused student fails to timely respond to the complaint, all allegations therein shall be deemed admitted. Although the accused student or his/her representative will have the right to appear at full hearing later convened by the Chair pursuant to Article 6 of this Code, they will not be permitted to present evidence denying the factual allegations of the complaint. If the event that the accused student or his/her representative neither timely responds to the complete nor appears at the Article 6 hearing, the Committee shall thereupon proceed to enter its judgment of the accused student and assess punishment, if appropriate, as if the accused student were present.
- 4.11** In the event that the accused student informs the Chair in writing that he/she wishes to admit the allegations set forth in the complaint and waive any further proceedings under the Code, the Chair may, after consultation with the accused student and the Associate Dean for Academic Affairs, convene the Committee at a time earlier than that specified Article 4.09 of this Code for the purpose of accepting the accused student's admission and determining appropriate discipline pursuant to Article 8 of this Code.
- 4.12** When the Committee is convened, its members shall elect a subcommittee consisting of one faculty member and one student member to conduct a preliminary investigation of the complaint (the "Subcommittee"). The Associate Dean for Academic Affairs shall not serve as a member of the Subcommittee.
- 4.13** When the Committee is convened, its members shall, by a simple majority of the voting members, choose a Secretary, who shall be responsible for: (a) making and keeping records of every meeting of the Committee; (b) recording the attendance of each Committee member; and (c) tracking the complaint until its final disposition. Upon the final disposition of the complaint, all records kept by the Secretary shall be delivered to the Chair, who shall be charged with maintaining and protecting the records and delivering them to the faculty member who is appointed Chair in the subsequent academic year.

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

- 5.01** The Subcommittee shall conduct a confidential investigation in which the Subcommittee shall interview the accused student, the complainant, and any other witnesses who may possess information pertinent to the allegations set forth in the complaint. The Subcommittee shall further examine any exhibits to the complaint and any other pertinent materials provided by the various parties and witnesses. The members of the Subcommittee shall not

participate in any vote pursuant to Article 7 of this Code, but shall be allowed to make personal observations to the Committee as to the veracity of the various witnesses interviewed and evidence reviewed during the course of their investigation.

- 5.02** Prior to any interview with the Subcommittee or any other representative of the School of Law charged with investigative responsibilities under this Code, the accused student shall be advised that: (a) the student may remain silent, (b) the student may terminate the interview at any time; (c) the student may postpone the interview until he/she has had a reasonable time to consult counsel, and (d) anything the student says in the interview may be used as evidence against him/her.
- 5.03** Both members of the Subcommittee shall agree on the recommended disposition of the case, i.e., whether to recommend to the Committee a full hearing pursuant to Article 6 of this Code, a plea agreement pursuant to Article 10, a dismissal, or some other disposition. The Subcommittee may also recommend that the Committee table further action on the complaint pending the outcome of any court or other judicial proceedings outside of the School of Law. In the event that the Subcommittee determines that there is credible evidence sufficient to support a finding by the preponderance of the evidence that the accused student committed some or all of the violations of the Code alleged in the complaint, the Subcommittee may recommend that the matter proceed to a full hearing. If the Subcommittee cannot reach unanimity, the recommendation shall be made by the Associate Dean for Academic Affairs upon a summary presentation of the evidence gathered by the Subcommittee. In the event the Associate Dean for Academic Affairs is called upon to make this recommendation, that shall not, without more, constitute a basis for his/her recusal during any other portion of the proceedings pursuant to this Code. In either event, no appeal shall lie from the Subcommittee's recommendation to the Committee.
- 5.04** If, during the course of the investigation, the Subcommittee discovers evidence of additional or related violations of this Code other than those contained in the original complaint, the Subcommittee shall investigate such violations and determine, consistent with Article 5.03 above, whether to additional allegations should be levied against the accused student. The Subcommittee shall also agree on the recommended disposition of these new allegations. If, during the course of its investigation, the Subcommittee determines there is credible evidence that a student or students other than the accused student have violated this code, such evidence shall form the basis of a separate complaint. To the extent the Subcommittee should find additional bases of violations of the Code during its preliminary investigation, the Subcommittee shall notify the Committee when it makes its recommendation.

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

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

- 6.01** The Committee possesses the sole discretion to accept or reject the recommendation of the Subcommittee, including the recommendation by the Subcommittee to table further disciplinary action pursuant to Article 5.03 above, which acceptance or rejection of the Subcommittee recommendation shall be determined by a simple majority of the voting members of the Committee. Unless extraordinary circumstances exist or unless the accused student enters into a plea agreement pursuant to Article 10 of this Code, however, the Committee should accept the Subcommittee's recommendation. In the event the Committee determines to accept the recommendation of the Subcommittee to table further adjudication of an alleged academic violation to a future date, or in the event the Subcommittee was unable to agree upon a recommendation and the Associate Dean for Academic Affairs was called upon to make a recommendation pursuant to Article 5.03 above and recommended that the Committee table further adjudication of an alleged academic violation to a future date, the Committee must obtain the written acquiescence of the accused student in order to formally table the further adjudication of an alleged academic violation to a future date.
- 6.02** In the event that the Committee decides to proceed to a full hearing, the it shall set a date for the hearing that falls within two weeks of the determination to proceed, or as soon as reasonably possible thereafter if extenuating circumstances are present. The Committee may decide to set the date of the hearing at a later date in extenuating circumstances. Extenuating circumstances shall include, but not be limited to, the unavailability of witnesses, the unavailability of Committee members, or the scheduling of examinations or other events at the School of Law.
- 6.03** The Associate Dean for Academic Affairs shall promptly notify the accused student of the hearing date by the method set out in Article 11 of this Code. Requests for a continuance of a scheduled hearing shall be heard by the Committee and granted only in extraordinary circumstances.
- 6.04** The Hearing Panel shall consist of the members of the Committee who did not sit on the Subcommittee during the preliminary investigation, as well as the Associate Dean for Academic Affairs. In the event that a full hearing is scheduled, the accused student shall have access to the evidence gathered



in the Subcommittee's investigation. There shall be no other prehearing discovery.

- 6.05** At any time after the determination to proceed to a full hearing but before the hearing is held, the Hearing Panel may meet to consider any preliminary matters as they arise, including, but not limited to, the accused student's request to sever parties or to have discrete violations heard separately. Such determinations shall remain within the sole discretion of the Hearing Panel. Furthermore, the Hearing Panel may propose and enter into a plea agreement pursuant to Article 10 of the Code with the accused student at any time after the Subcommittee finishes its preliminary investigation and makes its recommendation to the Committee.
- 6.06** The hearing shall be confidential and closed to all but those directly involved in the proceeding, unless the student, by written request delivered to the Chair not later than 24 hours before the hearing, requests that the hearing be public. Nothing within this provision shall prevent the Dean from attending the hearing.
- 6.07** All members of the Committee must be present at the hearing. The Associate Dean for Academic Affairs shall preside as the Chief Committee Member at the hearing and shall state at the commencement thereof: (a) the scope of the hearing, the allegations in the complaint, the identity of the accuser, and the jurisdiction of the Committee; (b) the procedure to be followed in the hearing; (c) the possible penalties to be imposed should violation(s) of the Code be proven; and (d) the rights of the accused student following the hearing. In the event that the Associate Dean for Academic Affairs is unavailable, has a conflict of interest, or has been recused voluntarily or involuntarily pursuant to Article 3.03 or 3.04, the Chair shall sit as the Chief Committee Member during the hearing. In the event that neither the Associate Dean for Academic Affairs nor the Chair is available, the Dean shall appoint the Chief Committee Member from among the remaining Committee members who comprise the Hearing Panel.
- 6.08** The Chair may appoint a "Prosecutor" to present witnesses and evidence against the accused student at the hearing. The Prosecutor may be a full-time or adjunct professor of law, an attorney outside of the School of Law, or any other person whom the Chair deems suitable, after consultation with the Associate Dean for Academic Affairs, the Committee, or both. The Chair may also forego the appointment of a Prosecutor, in which case the members of the Committee shall have the right to call and examine witnesses, present evidence, and cross-examine witnesses presented by the accused student, including the student himself/herself if he/she testifies.
- 6.09** The accused student has the right not to testify at the hearing. No inferences shall be drawn from the exercise of this right.

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

- 6.15** In the event that the hearing results in a dismissal of all charges, the Associate Dean for Academic Affairs shall ascertain that the complaint and any other references to the proceedings are promptly deleted from the accused student's file at the School of Law.
- 6.16** In the event that the hearing results in a determination that a violation occurred, the Hearing Panel shall determine the appropriate disciplinary sanctions pursuant to Article 8 of the Code herein. The student may present evidence in mitigation.
- 6.17** A brief written opinion stating the Hearing Panel's findings of fact and the basis for its judgment shall be prepared by the Secretary.
- 6.18** The Committee may adopt any further rules or make any further regulations necessary for a fair and impartial hearing that are not inconsistent with Article 6 of this Code.

#### **G. Article 7. Committee Determination**

- 7.01** At the close of questioning and upon consideration of all of the evidence presented, the Hearing Panel shall decide whether the accused student has committed a violation in private deliberations.
- 7.02** A determination by the Hearing Panel that the accused student violated the Code requires a simple majority of the voting members of the Hearing Panel to determine, by a preponderance of the evidence, that the accused student committed acts that violated the Code. For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.
- 7.03** If the Hearing Panel determines that the accused student violated the Code, it shall determine the appropriate sanction by a simple majority of the voting members of the Committee. The Hearing Panel's vote on the determination of the violation and sanctions shall become the determination of the Committee.
- 7.04** The Associate Dean for Academic Affairs shall notify the accused student of the Committee's determination at its earliest possible convenience by the method set out in Article 11 of the Code. If the Committee determined that the accused student violated the Code, such notification shall advise the student of his/her right to appeal pursuant to Article 9 of this Code.
- 7.05** The identity of the accused student shall remain confidential, and no information describing or characterizing the accused student shall be disseminated by members of the Committee. Notwithstanding the above provisions, the Chair shall transmit information regarding the final

disposition of the hearing, including any pertinent evidence presented therein, to the Dean of the School of Law and the University Registrar. Before transmitting information to any person or organization requesting information about the academic standing of a student who was determined to have violated the Code, the Registrar shall seek the written consent of the student, made either directly to the Registrar or to the requesting person or organization. In the event that the student who was determined to have violated the Code refuses to consent to the Registrar's request or fails to provide consent within one week of the request, the Registrar shall not transmit academic information of any kind to the person or organization requesting such information. Instead, the Registrar shall send a letter to the person or organization requesting the information stating that the student did not consent to the release of his or her academic information.

- 7.06** Upon completion of the full hearing, or the entry of the accused student into a plea agreement, the Office of the Associate Dean for Academic Affairs shall post on the administrative bulletin board or TWEN site, or both, a brief statement describing: (a) the violations of the Code alleged in the complaint; (b) whether the accused student was found innocent, admitted the violations, or was found to have committed the violations alleged in the complaint; and (c) the sanctions imposed by the Committee, if any. The name of the accused student shall be omitted from the public statement unless the student exercises his/her option to have the hearing made public pursuant to Article 6.06 of this Code. In the event that the accused student has requested a public hearing, his/ her name will be included in the public statement.

## **H. Article 8. Sanctions**

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

1. Unwritten warning by the Dean or Associate Dean for Academic Affairs;
2. Written reprimand not of record;
3. Written reprimand of record;
4. Public discussion, which requires the student to engage in public discussion of his/her act in the best interest of educating and deterring other students. This sanction shall not be imposed in the absence of the written consent of the student and may be imposed as an alternative to other sanctions.
5. Probation, meaning the suspension of any sentence subject to future non-violation of this Code;
6. Suspension from the School of Law;

7. Withdrawal of the University or School of Law privilege relating to the misconduct, including, but not limited to, termination of membership in a student organization;
8. A monetary assessment in the form of restitution for any damages to property;
9. Expulsion from the School of Law;
10. Granting the student an “F” or other appropriate grade in the course in question;
11. Revocation of a former student’s diploma, if the violation of the Code occurred while the student was matriculating at the School of Law; or
12. Any further sanction authorized by the Dean of the School of Law.

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

**8.03** All disciplinary actions shall be executed by the Office of the Associate Dean for Academic Affairs, and, with the exception of those described in Articles 8.01(a) and 8.01(b), shall be recorded on the student’s official record.

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

**8.05** Unless specifically stated by the Committee as part of sentencing, the Associate Dean for Academic Affairs shall mandate all time frames within which the student shall comply with all sanctions levied by the Committee. In the event a student fails to comply with any requirements of a plea agreement entered into with the Committee, or with a sanction levied after a full hearing, the Associate Dean for Academic Affairs shall notify the Chair. After conferral with the Associate Dean for Academic Affairs, the Chair may extend the time within which the student must comply with the sanctions or provisions of the plea agreement.

**8.06** If the Chair has reason to believe that the failure of the student to comply with previously imposed sanctions or provisions of a plea agreement is an intentional and willful disregard of the authority of the Committee and a violation of 2.01(7) of this Code, the Chair shall immediately convene the Committee to discuss further action. In the absence of an extraordinary circumstance justifying non-compliance, any plea agreement or lesser sanction shall be deemed withdrawn and void, and, upon a vote of a simple

majority of the voting members of the Committee, the matter may proceed to full hearing on the original allegation, if not tried, or to a limited hearing only on the failure of the student to comply with the sanctions of the Committee after preliminary investigation, hearing, and determination. The Committee shall have the full range of sanctions available to it under Article 8.01 at this non-compliance hearing, including, but not limited to, expulsion from the School of Law. The determination of the Committee with regard to willful non-compliance with a signed plea agreement or previously assessed sanctions for violation of the Code shall not be appealable pursuant to Article 9 of the Code.

## **I. Article 9. Appeal**

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

## **J. Article 10. Plea Agreements**

- 10.01** At any point following the preliminary investigation and the recommendation of the Subcommittee, the Hearing Panel shall be empowered to enter into a plea agreement with the accused student on behalf of the Committee.
- 10.02** As a condition of any plea agreement, the accused student must unequivocally admit and accept responsibility for the misconduct as stated within the plea agreement and consent to the sanction imposed by the Committee.
- 10.03** Before entering into a plea agreement, the Hearing Panel, by a simple majority of the voting members, must determine that: (a) sufficient evidence

exists to demonstrate that the accused student committed misconduct constituting a violation of the Code; (b) that the sanction imposed by the plea agreement is appropriate; and (c) that the plea agreement is acceptable.

- 10.04** The plea agreement must expressly warn the accused student that he/she may seek legal counsel prior to executing the agreement, subject to the caveats set forth in Article 6.12 of this Code. Nothing within this provision, however, should be construed to indicate that the School of Law or any of its agents or employees either is responsible for securing, providing, or recommending specific legal counsel or is encouraged to do so.
- 10.05** The plea agreement shall expressly warn the accused student that execution of the agreement will constitute a waiver of the right to appeal any alleged procedural error in the disciplinary proceedings, whether known or unknown at the time of execution, pursuant to Article 9 of the Code.
- 10.06** The plea agreement shall be written and signed by the accused student and the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs shall not sign the agreement without the approval of a simple majority of the voting members of the Hearing Panel.
- 10.07** The Hearing Panel, in its sole discretion, may reduce, alter, and/or amend the allegations of misconduct against the accused student within the plea agreement, so long as said amendments do not increase the level of accused sanction to which the student has agreed without notice to the accused student and an opportunity for the accused student to withdraw acquiescence to the agreement. Furthermore, the Hearing Panel, in its sole discretion, may consider the plea as a mitigating factor for purposes of imposing its sanctions within the plea agreement. However, nothing within this section shall be construed to provide the accused student with a right to an exercise of such discretion.
- 10.08** Once a plea agreement is properly executed in compliance with this rule, the matter shall be terminated, and notwithstanding any errors that may have occurred during the preliminary investigation or any other portion of the disciplinary proceedings, whether known or unknown at the time of execution, no right to appeal shall be preserved regardless of the alleged error's severity, type, potential for repetition, or import.
- 10.09** Notwithstanding the termination of a matter pursuant to Article 10.08, the Committee shall maintain jurisdiction over the matter until such time as the imposed sanctions are fully completed. Furthermore, the right, ability, and jurisdiction of the Committee to impose further sanctions for the student's failure to fully comply with the sanctions shall be preserved until all of the sanctions imposed within the plea agreement are completed, as more specifically stated in Articles 8.05 and 8.06 of this Code.

**10.10** For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.

**10.11** In the event the Associate Dean for Academic Affairs is unavailable to sign the plea agreement, the Chair shall sign the plea agreement. In the event neither the Associate Dean for Academic Affairs nor the Chair is available to sign the plea agreement, the Dean shall appoint an acting Chair to sign the plea agreement from among the remaining Committee members who comprise the Hearing Panel.

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

**11.01** Any duly promulgated rule, regulation or order of the School of Law posted on the administrative TWEN bulletin board shall serve as constructive notice to the student body within 48 hours of its posting. Further, any e-mail sent to a student at the e-mail address assigned to them by the School of Law shall be deemed delivered pursuant to the notice requirements of this Code on the day following the sending of the e-mail in question.

**11.02** In all cases where the Code charges a person with the responsibility for the delivery of complaints, notices, statements, judgments, or any other documents whatsoever, the person making delivery thereof shall first make a reasonable attempt to serve the document in question personally and by e-mail upon the person entitled to receive it. If such personal or e-mail service cannot be accomplished, a certified letter, and regular U.S. Mail letter, duly posted to the most recent address of the person as listed in School of Law files, shall conclusively be presumed to provide notice and service required by the Code. Service will be considered complete one day after the posting of the certified letter.

**11.03** All time periods in this Code commence to run exclusive of the day of service, notice, or judgment. Further, all deadlines will end at 5:00 p.m. Eastern Time on the day due, regardless of weekend or weekday.

## **L. Article 12. Reserved Powers**

**12.01** Nothing in this Code shall be construed to limit the authority of a faculty member or a School of Law organization to deal with misconduct arising in the faculty member's class or organization. Such action shall not be the basis for a plea of double jeopardy by the student involved.

**12.02** The Dean and faculty of the School of Law reserve the right to modify, alter, amend, extend or restate any section of this Code at any time.



**12.03** Any student who, within the sole discretion of the Dean, poses an imminent risk of serious harm to the School of Law community, may be suspended immediately and shall be accorded due process, otherwise consistent with this Code, at a later date.

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

## **XVIII. ACCREDITATION**

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

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

In April of 2009, The Southern Association of Colleges and Schools Commission on Colleges (SACS-COC) granted approval for Lincoln Memorial University (LMU) to offer the Doctor of Jurisprudence (JD) degree program. The Substantive Change allowed LMU to open the John J. Duncan, Jr. School of Law in August of 2009.

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

On February 24, 2009, the Lincoln Memorial University Duncan School of Law earned approval from the Tennessee Board of Law Examiners for its graduates to be eligible to apply to take the bar examination in Tennessee. On November 7, 2013, the Lincoln Memorial University-Duncan School of Law received an extension from the Tennessee Board of Law Examiners for its graduates to be eligible to apply to take the bar examination in Tennessee until May 31, 2018.

On December 6, 2014, the Lincoln Memorial University-Duncan School of Law received provisional approval from the American Bar Association. Students at provisionally accredited law schools are given the same recognition as students at fully accredited law schools. Upon the award of provisional accreditation, students enrolled in the institution and who subsequently graduate are deemed graduates of an ABA-accredited law school. A provisionally approved law school must obtain full approval within five years after receiving provisional approval.

## **XIX. GRADING POLICIES**

### **A. Mandatory Grade Distribution**

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

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

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

2. 2000-Level Course Grades: For each class, the cumulative average grade shall fall between 2.600 and 3.000 (mean curve). A mandatory distribution curve shall not apply.
3. Mid-term examination and final examination grades for 1000-level and 2000-level courses shall comply with the distribution and mean curves for course grades set forth in §§ XIX.A.1-2 above.
4. A faculty member shall submit mid-term exam grades, final exam grades and final course grades to the Associate Dean for Academic Affairs within the time designated by the Associate Dean for Academic Affairs. If the grades do not comply with the curve, they shall be returned to the faculty member for adjustment in conformity with the curve and resubmission to the Associate Dean for Academic Affairs. The Registrar shall not process any grades for a course until all grades for the course conform to the grading curves, unless a waiver has been obtained from the Dean or Associate Dean for Academic Affairs.
5. In extraordinary circumstances, the Dean or Associate Dean for Academic Affairs may grant a waiver for a faculty member not conforming to the grading curves for a particular course for a particular semester. It is not considered “extraordinary circumstances” that a faculty member simply considers the curve too strict or too generous, in whole or in part, or the class too strong or too weak for the curve to be applicable. Any such waiver shall be reported to

the Academic Standards Committee in writing, together with the reasons for the waiver.

## **B. Grading System**

1. The School of Law uses a letter grade system as follows:

A	4.000	C	2.000
A-	3.670	C-	1.670
B+	3.330	D+	1.330
B	3.000	D	1.000
B-	2.670	D-	0.670
C+	2.330	F	0.000

2. Explanation of Grades

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

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

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

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

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

**C+** A grade of C+ is given to any student who completes the requirements for a course and does so in a fashion that is above the level of competent but not rising to the level of good work for a law student and future lawyer at this stage of his or her education.

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

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

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

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

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

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

3. Other possible transcript notations and explanations:

**I** = Incomplete

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

**P** = Passing

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

**W** = Withdrew

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

**AW** = Absence Withdrawal

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

**WD** = Withdrew from University

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

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

**AU** = Audit

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

#### 4. Pass/Fail Grading

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

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

#### 5. Calculation of Grade Point Averages

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

## **XX. ACADEMIC GRIEVANCE PROCEDURES**

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

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

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

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

a. Mathematical, Administrative or Clerical Error

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

b. Bias

- i. A grade challenge made on the basis of bias would include an allegation by a student that his or her grade was unfairly awarded based upon a particular faculty member's bias with regard to (and presumably against) that student.
- ii. To allege bias, a student must allege specific facts indicating professorial prejudice (either against a group of students or against the student making the allegation). To qualify for consideration, the challenge must allege that the prejudice

stems from a source other than the student's performance in class discussions, on the course's webpage, on assignments, or on papers, quizzes, and examinations. Allegations of bias must be made under oath.

- iii. Challenges based on bias shall be submitted in writing to the Associate Dean for Academic Affairs who shall forward the challenge directly to the Academic Standards Committee. The Committee shall allow the faculty member involved to provide a written response and shall conduct any investigation it deems necessary. If the faculty member involved is a member of the Committee, the faculty member shall be recused from participating in the deliberations.

c. Arbitrary and Capricious Grading

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

## C. American Bar Association Student Complaint Policy

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

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

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

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

- a. Submit the Complaint, in writing, on the form contained in Appendix III herein, to the Associate Dean for Academic Affairs or the Associate Dean and Director of the Law Library;



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

***Time Limitations***

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

***Procedures for Addressing a Complaint***

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

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

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

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

Subject to the provision below, the Associate Dean shall respond to the Complaint either by providing a substantive response to the Complaint or by

providing the student information about what steps are being taken by the DSOL to address or further investigate the Complaint.

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

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

### ***Appeals***

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

Any student filing an appeal should take the following steps:

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

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

### ***Document Retention***

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

### ***Frivolous Complaints***

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

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

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

The Associate Dean making the determination of the result of the Complaint shall also determine the frivolousness of the Complaint. If the ruling on the

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

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

***Notification***

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

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

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

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

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

<b>Type of Complaint</b>	<b>Dean Designated to Address Complaint</b>
Americans With Disabilities Act (“ADA”)	Associate Dean for Academic Affairs
Career Services	Asst. Dean for Student and Career Services
Code of Academic Integrity	Associate Dean for Academic Affairs

Faculty Misconduct (Non-academic)	Associate Dean for Academic Affairs <i>(If the Complaint is against the Associate Dean for Academic Affairs, then the Dean. If the Complaint is against the Dean then the Provost)</i>
Family Educational Rights and Privacy Act (“FERPA”)	Associate Dean for Academic Affairs
Financial Aid	Asst. Dean for Student and Career Services
Grievances Against Faculty Regarding Grading or Grade Appeals	Associate Dean for Academic Affairs <i>(If the Complaint is against the Associate Dean for Academic Affairs, then the Dean. If the Complaint is against the Dean then the Provost)</i>
Nondiscrimination Policy by a Faculty Member	Associate Dean for Academic Affairs
Nondiscrimination Policy by a Student	Asst. Dean for Student and Career Services
Safety	Asst. Dean for Student and Career Services
Staff Misconduct	Associate Dean for Academic Affairs
Student Handbook Violations <i>(Not otherwise addressed in this chart)</i>	Associate Dean for Academic Affairs
Student Misconduct (Academic)	Associate Dean for Academic Affairs
Student Misconduct (Non-academic)	Asst. Dean for Student and Career Services
Student Organizations	Asst. Dean for Student and Career Services

- b. Describe in detail the facts upon which the Complaint is based and, if applicable, the specific policy or provision of the Handbook which are alleged to have been violated;
- c. Provide any evidence upon which the allegation(s) are based as the Complaint must include relevant supporting documentation;

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

#### ***Time Limitations***

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

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

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

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

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

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

### ***Privacy Concerns***

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

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

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

### ***Document Retention***

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

### ***Frivolous Complaints***

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

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

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

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

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

***Notification***

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

## **XXI. FERPA**

The University complies with the provisions of the Family Education Rights and Privacy Act (FERPA), 1974, as amended. This law maintains that the institution will provide for the confidentiality of law student education records.

No one outside the University shall have access to, nor will LMU disclose any information from, law students' education records without the written consent of law students except to personnel within the institution, to officials of other institutions in which law students seek enrollment, to persons or organizations providing law students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health and safety of law students or other persons. Additionally, according to 1998 Higher Education Amendments, the University is authorized by law to contact parents or guardians when law students under the age of twenty-one (21) commit serious or repeated violations directly or indirectly involving our drug and alcohol policies. All the exceptions are permitted under the Act.

Law students may not inspect and review financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one law student, in which case LMU will permit access only to that part of the record which pertains to the inquiring law student.

### Confidentiality of Official Student Records and Maintenance of Progress Records

All official student information records maintained by the academic and administrative offices of the School of Law are considered confidential, and only such information as is necessary to the normal operations of the School of Law is maintained in official student information records. The School of Law requires each record-keeping office to establish and maintain procedures and practices that will reinforce the principle of confidentiality.

The academic and administrative offices of the School of Law may maintain the following types of academic and non-academic student information records: permanent records of academic achievement (transcripts) including supporting documents, academic advisor and dean's files, admission files, loan and scholarship files, medical files, residence files, student conduct and activity files, Office of Career Services files, foreign student files, alumni/alumnae files, student account files, and library files.

All official student information records are maintained by School of Law staff members in the course of performance of their normally assigned duties, and only those administrative, faculty, and academic staff personnel who have a legitimate educational interest and require access to student information records in the course of their normally assigned duties shall have that right of access.

Only information directly relevant to the educational processes of the School of Law or that is voluntarily offered by the student and accepted from the student shall be included in the officially maintained student information records listed above. Specifically excluded from such student information records are references to political or social beliefs and practices, membership in any organization other than professional and/or honorary societies, and student activities listed by the students themselves.

## **XXII. CLASS RANK POLICY**

- A. To be ranked, a student must have:
1. completed thirty (30) credit hours at the Duncan School of Law;
  2. successfully completed all first-year required courses as indicated in § XII.F.1 herein; and
  3. been enrolled in at least one course in the ranking semester.
- B. The Associate Dean for Academic Affairs, or a designee, shall calculate Interim Class Ranks twice per calendar year—after all student grades for the fall semester have been entered and after all student grades for spring semester have been entered. Interim Class Ranks will not be reflected on a student's official transcript.
- C. For purposes of Interim Class Ranking, student ranking groups will be established based upon credit hours successfully completed. At the end of the fall and spring semesters, students shall be ranked within the following groups:
- |            |        |                        |
|------------|--------|------------------------|
| Group I:   | 30-44  | completed credit hours |
| Group II:  | 45-66  | completed credit hours |
| Group III: | 67-90+ | completed credit hours |
- D. A student's Graduation Class Rank, based upon the student's official final cumulative grade point average, will be the only rank that appears on a student's official transcript. The Graduation Class Rank will rank all students that have



graduated since the Graduation Class Rank was last calculated. The Graduation Class Rank will be calculated on June 15 of each year and will reflect on each graduating student's official transcript within a reasonable time thereafter.

## **XXIII. ACADEMIC HONORS**

### **A. Dean's List**

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

### **B. Graduation Honors**

1. Graduation honors are as follows:

i. Cum Laude	3.250 – 3.499
ii. Magna Cum Laude	3.500 – 3.749
iii. Summa Cum Laude	3.750 – 4.000
2. Graduation honors, which appear on the student's official transcript, are based upon the student's final cumulative grade point average.
3. Unofficial honors that the student receives at the graduation ceremony will be calculated based upon each student's cumulative grade point average at the end of the academic term preceding the academic term in which a student graduates.

## **XXIV. SCHOOL OF LAW EXAMS**

- A. All School of Law exams shall be scheduled by the Associate Dean for Academic Affairs or his/her designee.
- B. A student may obtain a rescheduling of an examination only upon the prior, written, discretionary approval of the Associate Dean for Academic Affairs or his/her designee. Rescheduling an examination is an extraordinary event, and students should expect such requests to be denied in the absence of exceptional circumstances.
- C. The date for the taking of any rescheduled examination shall be set by the Associate Dean for Academic Affairs or his/her designee.
- D. In considering requests for the rescheduling of an examination in the absence of course exam conflicts, the Associate Dean for Academic Affairs may require such

documentation and impose such conditions as he/she deems proper. No individual faculty member at the School of Law may grant a rescheduling.

- E. Students must be seated and prepared to begin the exam a minimum of five (5) minutes prior to the scheduled start of the exam. If a student arrives prior to the administration of the exam but less than five (5) minutes prior to the scheduled start time, no additional testing time will be given for computer set-up. Students who are late for an exam must complete the exam by handwriting in a proctor-designated bluebook.
- G. Students may leave the exam room after the completion of their exam but may not exit the exam room during the last thirty (30) minutes of the exam administration.
- H. Students must show state-issued photo identification or their student identification card. A student who fails to show such identification may be excluded from the exam or have the exam score disregarded.
- I. Students must sign a receipt log upon the completion of the exam and must confirm to the proctor that their exam file has been uploaded, if ExamSoft is used.
- J. Other exam policies may be applicable to individual exams. Such policies will be made available to students prior to exams.

## **XXV. TRANSFER STUDENTS**

For information regarding Credits Earned Prior to Matriculating at the School of Law, please refer to the Admissions Policies and Procedures Manual located in the Admissions Office.

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

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

1. A request to visit another law school must include the law school's name and contact information and the proposed course of study. A student is not eligible to submit a request to visit another law school unless the student is in good academic standing as defined in Section XV.A.1 of this handbook and has completed all first-year required courses as defined in Section XII.A.
2. The Associate Dean for Academic Affairs shall, in his or her sole discretion, determine whether to grant a student request pursuant to subpart B.1 of this section. Credits earned during the visit shall not be used to fulfill any required

courses described in Section XII of this handbook, including the upper-level writing requirement in Section XII.C or the experiential learning requirement in Section XII.D. Rather, such credits shall count only as elective credits towards the 90-credit graduation requirement.

3. Within three (3) months of completing an approved program at another law school, the student must submit an official transcript from the other law school's registrar to the Associate Dean for Academic Affairs.
4. No more than six hours of credit from another law school will be awarded. The student must earn a "C" or better any course taken at another law school to obtain credit at the School of Law.
5. Grades of "C" or above will be recorded as a "P" on the student's law school transcript. The grades earned from courses taken at other law schools will not count towards the student's cumulative GPA at the School of Law.
6. The provisions described in this subpart apply only to students already enrolled at the School of Law who are seeking to visit other schools. They do not affect to the transfer policies set forth in subpart A of this section.

## **B. Transferring Grades**

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

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

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

# **XXVI. STUDENT ORGANIZATIONS**

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

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

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

**1) Appalachian Outdoor Society**

The Appalachian Outdoor Society (AOS) is designed to inform and educate the Appalachian community in the aspects of outdoor activities. The AOS provides opportunities and events for the students of the law school to experience the outdoors in the form of hikes and outings; to provide for related educational opportunities; to encourage and teach outdoors ethics; to encourage conservation; to acquaint our members and others with the beauty and grandeur of the Great Smoky Mountains and other natural areas in this region; to edit, publish and distribute literature in furtherance of these objectives; and to aid the state and federal agencies which manage the local environment.

**2) Black Law Students Association**

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

**3) Criminal Law Society**

The Criminal Law Society (CLS) provides the students of the Duncan School of Law with an enhanced knowledge of the American criminal justice system utilizing an apolitical approach. CLS seeks to stimulate awareness of complex legal and social issues facing the criminal legal system today with an emphasis on gaining a better understanding of how fairness and justice can best be attained in America's hallmark adversarial system.

**4) Christian Legal Society**

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

## **5) Environmental Law Society**

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

## **6) Family Law Society**

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

## **7) Federalist Society**

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

## **8) Immigration Law Society**

The Immigration Law Society (“ILS”) offers and establishes a recourse and outlet for those students interested in immigration law and policy at Duncan School of Law. The ILS participates independently and/or in cooperation with other student groups, non-profit organizations, attorneys, law firms, companies, academic institutions, and professional associations, in assisting local migrant communities through active involvement with attorney-supervised outreach, volunteer opportunities, or fund-raising activities. In addition, the ILS establishes and administers educational programs centered on immigration policy and law, including human rights, family unity, domestic violence, and the consequences of criminal activities on immigrants.

## **9) Law and Fine Arts Society**

The Law and Fine Arts Society provides a creative outlet for all of those in law school that need a respite from the daily academic rigors a law student faces. The Law and Fine Arts society encourages its members to find a creative outlet in various mediums and is responsible for various events throughout the school year.

## **10) Law Review**

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

## **11) Mock Trial Board**

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

## **12) Moot Court Board**

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

## **13) OUTLaw**

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

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

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

Phi Alpha Delta has members who are university students, law school students, lawyers, judges, senators, Congress representatives, Supreme Court Justices, and former U.S. Presidents. Over 300,000 members have been initiated since its establishment in 1902

into 340 pre-law chapters, 207 law chapters and 100 alumni chapters. The Watson, Jr. Chapter was established at the Law School in 2014.

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

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

### **15) Sons of Justice**

Sons of Justice is an organization primarily concerned with providing pro bono opportunities to law school students and acting as a liaison to the KBA Barristers' various philanthropic committees.

### **16) Student Bar Association**

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

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

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

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

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

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

## **18) Women of Law Society**

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

## **19) Young Americans for Freedom**

Young America's Foundation is committed to ensuring that increasing numbers of young Americans understand and are inspired by the ideas of individual freedom, a strong national defense, free enterprise, and traditional values. As the principal outreach organization of the conservative movement, the Foundation introduces thousands of American youth to these principles. We accomplish our mission by providing essential conferences, seminars, educational materials, internships and speakers to young people across the country. [www.yaf.org](http://www.yaf.org)

## **XXVII. LAW LIBRARY**

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

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

## **XXVIII. STUDENTS WITH DISABILITIES**

LMU does not discriminate, for purposes of admission to LMU, or access to, and treatment in, LMU's programs or activities, on the basis of disability. Every effort is made to accommodate the needs of the students with disabilities attending LMU. As buildings on the LMU campuses are remodeled, care is taken to assure that persons with disabilities have sufficient access to those buildings. LMU will also provide reasonable accommodations to students with properly documented disabilities. If a student with a disability has any issue or question about his/her disability, the Americans with Disabilities Act ("ADA") or Section 504 of the Rehabilitation Act of 1973 (Section 504) he/she should contact the Director of Accessible Education Services located in Duke Hall Suite 202, phone: 423-869-6531.) in the Office of Accessible Education Services at



Lincoln Memorial University. That contact information is also listed on the class syllabus for every LMU class. In addition, students with learning disabilities should become familiar with the services of the Tagge Center for Academic Excellence located in the Carnegie Library on the LMU Harrogate campus and Student Support Services located in the DAR building on the LMU Harrogate Campus.

#### **A. Request for Accommodations**

The following procedure must be followed in order for any student with a medical condition to receive an accommodation:

1. The student is required to submit documentation of his/her medical condition to the Director of Accessible Education Services (specific guidelines for proper documentation are set forth below) & online under the Non-Standard Accommodation Form section.
2. The Director of Accessible Education Services will contact the student concerning arrangements for reasonable accommodations (student must be prepared to discuss specific accommodation needs);
3. The student must contact the Director of Accessible Education Services prior to each semester for approval, reauthorization and implementation of accommodations.

#### **B. Documentation Guidelines**

Students requesting accommodations or services from LMU because of a learning disability or medical condition are required to submit documentation to determine eligibility for those accommodations or services in accordance with Section 504 and the ADA. A diagnosis of a learning disability does not necessarily qualify a student for academic accommodations under the law. To establish that a student is covered under Section 504 and the ADA, the documentation must indicate that the disability substantially limits some major life activity, including learning.

The following guidelines are provided in the interest of assuring that documentation of a learning disability or medical condition is complete and supports the student's request for accommodations. LMU will determine eligibility and appropriate services, case by case, based on the quality and completeness of the documentation submitted. The following requirements provide students, schools, and professional diagnosticians with a common understanding of the components of documentation that are necessary to validate the existence of a learning disability, the impact on the individual's educational performance, and the need for academic accommodations for the purpose of the ADA and Section 504. (10/05)

1. **A Qualified Professional Must Conduct the Evaluation**  
The assessment must be administered by a trained and qualified (i.e., certified and/or licensed) professional (e.g., psychologist, school psychologist, neurophysiologist, education diagnostician, who has had direct experience with

adults who have experienced learning disabilities. For other medical conditions, a specialist who has evaluated the student must provide the documentation to include the diagnosis, treatment and recommended educational accommodations.

2. **Documentation must be Current**

Reasonable accommodations are based on the current impact of the disability on academic performance. In most cases, this means that a diagnostic evaluation should be age appropriate, relevant to the student's learning environment, and show the student's current level of functioning. If documentation does not address the individual's current level of functioning, a re-evaluation may be required. In most cases documentation would be within the past year of the student date for requesting accommodations at Lincoln Memorial University.

3. **Documentation Must Include a Specific Diagnosis**

The report must include a clear and direct statement that a learning disability does or does not exist, including a rule out of alternative explanations of learning problems. Terms such as "learning difficulty," "appears," "suggests," or "probable" do not support a conclusive diagnosis.

4. **Documentation Must be Comprehensive**

The documentation must include a summary containing relevant historical information, instructional interventions, related services, and age of initial diagnosis. The documentation must also include objective data regarding aptitude, achievement, and information processing. Test scores (standard scores, percentiles, and grade equivalents) must also be included in the documentation.

5. **Recommendations for Accommodations**

A diagnostic report may include specific recommendations for accommodation(s). A prior history of an accommodation, without a demonstration of a current need, does not in and of itself warrant the provision of that accommodation. Each accommodation recommended by an evaluator should include a rationale. The evaluation should support the recommendations with specific test results or clinical observations. If an accommodation is not clearly identified in the diagnostic report, LMU will seek clarification and/or additional information either from the student's evaluator or from another trained professional

chosen by LMU. LMU will make the final determination as to whether appropriate and reasonable accommodations are warranted and can be provided. LMU reserves the right to request reassessment of the student's disability when questions arise regarding previous assessment or provision of services or accommodations or when the student requests additional services or accommodations above and beyond what has been previously provided to the student.

6. **Process for Receiving Reasonable Accommodations**

All documentation related to the student's disability and the Director of Accessible Education Services shall maintain accommodations. Upon receipt of the medical documentation the Director of Accessible Education Services will meet with the student, either in person or by telephone to discuss and make arrangements for accommodations for the upcoming semester. A Student Accommodation Form will be completed listing the agreed upon accommodations and will be signed by the student, the student's faculty members, and the Director of Accessible Education Services. This process must be followed each semester for which the student wishes to receive accommodations.

If a problem arises concerning the reasonable accommodations, the student should contact the Director of Accessible Education Services for assistance at [Daniel.graves@lmunet.edu](mailto:Daniel.graves@lmunet.edu) or at 423.869.6531.

**C. Grievance Procedure for Student with Disabilities**

All grievances concerning any aspect of the services or accommodations provided to student with a disability or related to any issue related to Section 504 or the ADA should be taken to the Director of Accessible Education Services within ten (10) working days. If the student feels he/she needs to take the matter further, LMU's grievance committee will review the matter. The LMU grievance committee consists of: Assistant Vice President for Academic Support Services (Chair), the Dean of Students, the Director of Academic Support, a faculty member appointed by the Chair of the LMU Grievance Committee and the Academic Dean or Chair of the department in which the effected student is enrolled. The decision of LMU's grievance committee is final.

## **XXIX. FIREARMS AND WEAPONS**

LMU is committed to providing a safe, healthy learning and working environment, and to making adequate provisions for the safety and health of its students, staff, faculty and the public, and will

not permit its students or employees, as well as visitors, to act in ways that may endanger themselves or others.

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

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

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

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

### **XXX. DRUGS ON CAMPUS**

- A. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, possess or use illicit substances as defined by either the United States Code or the Tennessee Code without a prescription from their doctor.
- B. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, possess or consume alcoholic beverages unless approved, in advance, by the Dean.
- C. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, carry, traffic, distribute, or manufacture illicit substances as defined by either the United States Code or the Tennessee Code.
- D. For purposes of this rule, the term "controlled" includes but is not limited to any property where the Duncan School of Law is holding or conducting a School event, whether on or off campus, regardless of who owns the property.

- E. For purposes of this rule, “property” shall include but is not limited to the interior of a student’s car when the student’s car is located in or on an area owned, leased, or regulated by the Duncan School of Law.
- F. Students violating this policy will be subject to disciplinary actions up to and including expulsion.

## **XXXI. CLASS CAPTURE & PODCASTING**

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

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

## **XXXII. COMPUTER USAGE**

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

- A. Use of any School of Law computing resource is restricted to those having proper authorization to use that particular resource. It is a violation of the law and School

of Law policy to assist in, encourage, or conceal from authorities any unauthorized use, or attempt an unauthorized use, of any of the School of Law's computers or network facilities.

- B.** No one shall knowingly endanger the security of any School of Law computing resource nor willfully interfere with authorized computer usage by circumventing or attempting to circumvent normal resource limits, logon procedures, or security regulations.
- C.** No technologies shall be connected to the School of Law's computing resources that interfere with authorized usage of those resources. The School of Law reserves the right to restrict the use of any technologies that may endanger the security and/or integrity of its computing resources.
- D.** The School of Law's computing resources shall not be used to attempt unauthorized use, or to interfere with another person's legitimate use, of any computer or network facility anywhere. Encroaching on, or disrupting another person's use of, the School of Law's computers is prohibited. Examples of such acts include but are not limited to: sending excessive messages either locally or off campus [including but not limited to electronic chain letters]; initiating denial of service attacks; printing excessive copies of documents, files, data, or programs; modifying system facilities, operating systems, or disk partitions; attempting to crash or tie up a university computer; damaging or vandalizing university computing facilities, equipment, software, or computer files; causing an inordinately large number of requests for files; spamming; sniffing; running scans; reconfiguring; or using an inordinately high percentage of bandwidth.
- E.** University computing resources and network facilities shall not be used for commercial purposes without specific authorization from the Dean or his or her duly authorized designee.
- F.** Passwords to any computing resource shall only be issued to authorized users. Password recipients are responsible for the integrity of their password and shall not distribute it to unauthorized users.
- G.** Misrepresenting a person's identity or relationship to the School of Law when obtaining or using School of Law computer or network privileges is prohibited.
- H.** Accessing, reading, altering, or deleting any other person's computer files or electronic mail without specific authorization is prohibited.
- I.** Copying, installing, distributing, infringing, or otherwise using any software, data files, images, text, or other materials in violation of copyrights, trademarks, service marks, patents, other intellectual property rights, contracts, or license agreements is prohibited. All usage of computing resources shall be in compliance with federal and state copyright laws.
- J.** Creating, installing, or knowingly distributing a computer virus, "Trojan horse," or other surreptitiously destructive program on any School of Law computer or network facility, regardless of whether any demonstrable harm results, is prohibited.
- K.** Only those persons with proper authorization shall modify or reconfigure any School of Law computing resource or network facility.
- L.** Users of the School of Law computing resources shall have no expectation of privacy for materials downloaded, used, viewed, or stored on those resources. The

School of Law reserves the right to access any of its computer resources **AT ANY TIME FOR ANY REASON OR FOR NO REASON, WITH OR WITHOUT NOTICE**. Furthermore, the School of Law makes no representation or guarantee that information transmitted on its network will not or cannot be accessed by third parties. By using the School of Law's computer resources, students release and hold the University and the School of Law harmless for any unauthorized access to information transmitted.

- M.** Authorized computer users shall take full responsibility for messages that they transmit through the School of Law's computing resources. The School of Law's computing resources shall not be used to transmit any communications prohibited by law, including but not limited to fraudulent, harassing, obscene, or threatening messages.
- N.** Students are prohibited from downloading any software programs on law-school issued computers without express, written permission from the associate dean for academic affairs.
- O.** The University's training option for all Microsoft Office products (and many more software products). [www.lynda.com](http://www.lynda.com), is available to students, faculty, and staff.

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

**Lincoln Memorial University - Duncan School of Law  
Academic Calendar: 2018-2019**

<b>Fall Semester</b>	<b>2018</b>
Orientation & Bridge Week	August 1-3
First Day of Classes	August 8
Add/Drop Deadline	August 17
Labor Day Holiday (offices closed)	September 3
Midterm Exam Reading Day	September 14
Midterm Examinations	September 17-22
Fall Break	October 17-19
Last Day of Classes	November 20
Thanksgiving Holiday (offices closed)	November 22-23
Final Exam Reading Days	November 21 & 26
Final Examinations	November 27-December 7
Commencement (Harrogate)	December 8
<b>Spring Semester</b>	<b>2019</b>
Classes Begin	January 7
Add/Drop Deadline	January 18
MLK Jr. Day Holiday	January 21
Midterm Exam Reading Day	February 15
Midterm Examinations	February 18-23
Spring Break	March 18-22
Good Friday Holiday	April 19
Last Day of Classes	April 24
Final Exam Reading Days	April 25-26
Final Examinations	April 29-May 9
Commencement (Knoxville)	May 17
<b>Summer Semester</b>	<b>2019</b>
Classes Begin	May 20
Memorial Day Holiday (offices closed)	May 27
Add/Drop Deadline	May 31
Midterm Exam Reading Day	June 14
Midterm Exams	June 17-18
Independence Day Holiday (offices closed)	July 4
Last Day of Classes	July 11
Final Exam Reading Days	July 12 & 15
Final Exams	July 16-19

NOTE: Tuesday, November 20, Tuesday, April 16, and Wednesday, April 24 are all “academic Fridays” (Friday classes will be held in lieu of the regularly scheduled classes for those days).





**ADMISSION  
POLICIES & PROCEDURES  
MANUAL**

**2018-2019**

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

Rev. 08.01.18

## TABLE OF CONTENTS

I. MISSION AND PURPOSE OF LINCOLN MEMORIAL UNIVERSITY .....	5
II. MISSION STATEMENT OF THE JOHN J. DUNCAN, JR. SCHOOL OF LAW .....	5
III. OFFICE OF ADMISSIONS MISSION STATEMENT .....	5
IV. THE ADMISSIONS PROCESS .....	7
A. Overview .....	7
B. Admission Pre-Requisites .....	7
C. Evaluation Process .....	8
D. How to Apply .....	9
1. Application for Admission.....	9
2. Personal Statement.....	9
3. Law School Admission Test.....	10
4. The LSAC's Credential Assembly Service.....	10
5. Letters of Recommendation and Evaluations .....	11
6. Special Note Regarding Character and Fitness.....	11
7. Applicants Previously Denied Admission .....	13
8. Previously Disqualified Applicants .....	13
E. International Students.....	14
1. Credential Evaluation for Applicants Who Studied Outside the U.S. and Canada .....	14
2. English Language Proficiency Examination.....	15
3. New Students Applying to Enter the Country .....	16
4. Obtaining a Student Visa .....	17
5. Student's Responsibilities Once on Campus .....	17
F. Transfer Students .....	17
V. FINANCIAL AID .....	19
VI. TUITION AND FEES .....	21
A. Cost of Attendance.....	21
1. Direct Costs .....	21
2. Indirect Costs.....	21
VI. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT.....	22
VII. SECURITY AND MAINTENANCE OF RECORDS.....	23
VIII. ACCREDITATION AND APPROVAL .....	23
A. SACS-COC .....	23

B. Tennessee Board of Law Examiners .....	23
C. American Bar Association .....	24
IX. OTHER IMPORTANT NOTICES AND INFORMATION .....	24
A. Non-Discrimination .....	24
B. Americans with Disabilities Act .....	25
1. Requests for Accommodation .....	25
2. Documentation Guidelines.....	25
C. Campus Security .....	27
D. Changes, Revisions, Modifications, and Revocations .....	27
E. Contact Information.....	27

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

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

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

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

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

*Revised July 6, 2017; approved by Board of Trustees, November 10, 2017.*

## **II. MISSION STATEMENT OF THE JOHN J. DUNCAN, JR. SCHOOL OF LAW**

The mission of LMU's Duncan School of Law is:

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

## **III. OFFICE OF ADMISSIONS MISSION STATEMENT**

The Office of Admissions recruits, markets, assists with financial literacy and aid, maintains and secures records, tracks of outcome data, and counsels incoming and existing law students. The

Admissions Office maintains an open-door policy and welcomes all prospective students and their families.

The Office of Admissions seeks to administer the admissions process in a manner that is equitable, efficient, timely, and applicant-friendly while producing a high quality, diverse student body fully capable of matriculation, graduation, and entry into the professional market as competent, ethical, and contributing members of our global community.

In support of its mission, the Office of Admissions will:

- administer an effective targeted national recruitment program geared toward attracting a high quality and diverse applicant pool reflecting the standard of ethics required of members of the legal profession;
- assist in the creation and implementation of a comprehensive marketing campaign designed to increase visibility of the Lincoln Memorial University and the Duncan School of Law as well as highlight the numerous achievements of the administration, faculty, students, and alumni; and
- provide the highest quality of service to students in planning and meeting expenses associated with attendance at the law school while adhering to federal, state, and institutional policies in the administration of financial aid, including the protection of student privacy.

## IV. THE ADMISSIONS PROCESS

### A. Overview

Located in Knoxville, Tennessee, LMU's Duncan School of Law ("LMU Law") operates three programs: a traditional three-year, full-time program of study; a four-year, part-time program of study; and a part-time flex program which cannot exceed 84 months. Both part-time programs are designed for working professionals. All programs are 90 credit hours in length.

First-year law students ("1Ls") are eligible to begin the program of study in the fall of each academic year. An applicant may apply to the full-time program, the part-time program, or part-time flex program. Every attempt will be made to place applicants in their preferred program of study; however, the LMU Law reserves the right to extend an offer of admission to any program of study irrespective of the applicant's stated preference.

Applicants seeking admission as a transfer student or visiting student are eligible for fall, spring, or summer admission.

### B. Admission Pre-Requisites

Other than for an internationally educated applicant, prior to matriculation, an applicant must hold a baccalaureate degree from an institution that is accredited by an agency recognized by the United States Department of Education. An applicant may apply prior to receiving an undergraduate degree; however, an official transcript(s) demonstrating conferral of the baccalaureate degree from an accredited institution must be received prior to matriculation or within a reasonable time thereafter. In compliance with ABA Standard 502(d), within a reasonable time after a student registers, a law school must have on file the student's official transcripts verifying all academic credits undertaken and degree(s) conferred. In the event all transcripts are not received and verified by October 4<sup>th</sup>, the student shall be administratively withdrawn. Pre-requisite information for an internationally educated applicant is outlined in section IV.E. herein.

Absent extraordinary circumstances, a student must attend Orientation. The date of matriculation shall be the official reporting date established by the American Bar Association. The Director of Admissions/Associate Dean of Enrollment Services shall certify to the Dean, within a reasonable time after the first day of formal classes, that he/she has audited all admissions files and that all files contain the following: a completed application; a report from the Law School Admission Council's Credential Assembly Service; letters of recommendation; a personal statement; additional documentation, if any, as requested by the Admissions Committee; official transcripts from the baccalaureate degree granting institution reflecting an award of the degree; verification of the baccalaureate degree granting institution's accreditation status at the time the degree was conferred; official transcripts from any college or institution awarding credit that was considered in the awarding of the baccalaureate degree; and official transcripts from the degree granting institution reflecting an award of any other degrees.

LMU Law neither requires specific courses nor endorses any particular major field of study in preparation for legal studies. However, those considering a program of legal study are encouraged to pursue a curriculum that emphasizes critical reading and analysis, writing, problem-solving skills, oral communication and listening abilities, general research skills, and task organization and management skills.

The American Bar Association and Law School Admission Council websites provide excellent information on a myriad of topics that aspiring attorneys may find interesting and helpful - <http://www.americanbar.org> and <http://www.lsac.org>

### C. Evaluation Process

LMU Law operates a rolling admissions program. Prospective students may begin the process as soon as applications are made available. The Admission and Scholarship Committee reviews files as soon as they are complete and in consultation with the Dean reach a decision shortly thereafter. The Admissions Committee may designate to the Associate Dean for Enrollment Services the ability to review files where an applicant's metrics are above or below a certain range. In the event, there is a character and fitness issue, the Associate Dean from Enrollment Services may refer a file to the full Committee for review.

There are a limited number of seats available in each program of study. The likelihood of garnering an offer of admission decreases as the cycle progresses. It is possible that worthy applicants, applying late in the admissions cycle, may not receive an offer of admission.

LMU Law seeks to attract and retain students whose goals are consistent with the mission and purpose of the institution. The educational experience of all students is enhanced by admitting applicants from a wide range of backgrounds and experiences. Strong consideration will be given to those that have a desire to serve the underrepresented and underserved populations throughout the Appalachian region.

Admission decisions are based on a thorough review of each applicant's file. While the applicant's score on the Law School Admissions Test (LSAT) and cumulative undergraduate grade point average (GPA) figure prominently, multiple factors are considered in rendering a decision. The Committee will consider breadth and difficulty of academic background, extracurricular and community activities, advanced academic degrees awarded, exposure to the legal profession, participation in volunteer experiences, communication skills, personal background, and any other pertinent information provided by the applicant.

Applicants who demonstrate they possess the qualities and characteristics that will enable them to achieve success in the study and practice of law will be selected for admission. **Admission decisions are communicated in writing.** Admitted applicants are required to pay a seat deposit to secure a place in the entering class. The amount of the seat deposit, and the deadline for submission, will be set forth in the letter of admission. Seat deposits are non-refundable, but they will be credited toward tuition and/or fees upon matriculation.





**Note Regarding Interviews:** Ordinarily, the Admissions Committee does not conduct interviews with prospective students as part of the application process. However, there may be situations where it would be advantageous for both the Admission Committee and the applicant to meet face-to-face to further discuss the prospective student's file. On such an occasion, a request for an interview will be made with the applicant by the Office of Admissions.

Once all items are received by the Office of Admissions, unless requested otherwise, an applicant's file is deemed "complete" and will be forwarded to the Admission and Scholarship Committee or its designee and the Dean for consideration.

#### D. How to Apply

##### 1. Application for Admission

Applicants who possess a baccalaureate degree, or will have the degree conferred prior to the commencement of classes, are invited to apply to LMU Law.

Each applicant is required to complete the current Application for Admission which is accessed after registering for an account through the Law School admission Council's website - <https://os.lsac.org/Release/Logon/Access.aspx>. The LSAC's site can also be accessed from the law school's website at <http://law.lmunet.edu>. Care should be taken to ensure that all questions are answered completely and accurately. Failure to do so may result in a delay in the review of your application or denial of admission.

**Absent approval from the Dean, applications will not be accepted after July 15.**

**Note:** Materials submitted in connection with your application for admission become the property of LMU Law and cannot be returned, copied and/or forwarded elsewhere. Applicants are encouraged to maintain copies of their submitted application and supporting documents (other than letters of recommendation). Many state boards of law examiners require applicants to submit copies of their admission application when applying to take the bar examination. They also compare information reported in applicants' law school application to their application to take the bar exam to ensure full disclosure and candor.

##### 2. Personal Statement

Applicants must submit a personal statement no more than four double-spaced pages in length. The personal statement must be a product of your own work prepared without the assistance of other persons to include professional writing services.

**Note:** While there is no specific topic required for the personal statement, you may wish to discuss your motivation for pursuing a legal career, your goals relevant to the profession, any experience that you may have in the legal profession, and why you are interested in attending LMU Law. Additionally, you may describe your personal and cultural background, any hardships that you have encountered, or any extenuating circumstances that may have impacted your academic performance. Feel free to clarify anything that you feel is not adequately covered in the information provided within the application.

### 3. Law School Admission Test

All applicants must take the Law School Admission Test (“LSAT”) and arrange to have their score(s) reported to the Lincoln Memorial University’s John J. Duncan, Jr. School of Law through the Law School Admission Council’s Credential Assembly Service.

The LSAT is now administered six times each year (June, July, September, November, January, and March) at various testing centers throughout the country, including LMU Law.

**LMU Law will not accept scores more than five years old.**

**Note:** It is never appropriate to take an official LSAT for practice. Although some accrediting agencies require law schools to use an applicant’s highest LSAT score when reporting requested statistical data, LMU Law finds value in examining all of the scores reported for an applicant. Deference is given to subsequent scores that are significantly higher than a previous score. Applicants are strongly encouraged to take the appropriate measures necessary to ensure their best performance on their first examination.

Detailed information regarding registration and other pertinent information can be found on the Law School Admission Council website at <http://www.lsac.org/jd/lsat/test-dates-deadlines>.

Detailed information regarding registration and required fees can be found on the Law School Admission Council’s website at <http://www.lsac.org/jd/lsat/lsat-cas-fees>.

### 4. The LSAC’s Credential Assembly Service

All applicants must register with the Law School Admission Council’s Credential Assembly Service (CAS). The LSAC will not forward an application or any other documents to LMU Law without the applicant paying for the CAS Report and Law School Report.

The Credential Assembly Service centralizes the collection of college transcripts and letters of recommendation required for law school admission decisions, combines a summary of these transcripts with LSAT scores and basic data about the applicant, and produces for law schools a comprehensive CAS or Law Report for each applicant.

**Note:** Applicants with academic courses in progress should not delay submitting an application for admission or subscribing to the LSAC's CAS. Updated transcripts may be submitted to the LSAC at any time, and a new CAS Report will be sent automatically to LMU Law.

#### 5. Letters of Recommendation

Applicants must submit two letters of recommendation. Individuals who recommend someone for admission should be able to comment on the applicant's aptitude for legal study and promise as a practitioner. Further, she should base her recommendation upon her personal observations and a thorough evaluation of the applicant's academic or professional work product.

In selecting someone to recommend an applicant, the applicant should focus on the strength of their professional, working relationship with the individual rather than his or her stature in the profession or community. The Admission and Scholarship Committee finds little value in letters submitted by people who recommend applicants whose observations stem solely from a personal relationship with the applicant's family. Moreover, letters that merely repeat information gleaned from the applicant's resume or transcripts are equally unpersuasive.

**Note:** Applicants are strongly encouraged to submit all letters of recommendation through the Law School Admission Council's Credential Assembly Service. Using the Credential Assembly Service permits applicants to verify receipt of their letters and track delivery to law schools by accessing their online accounts. Additionally, documents can easily be regenerated in the event of a mishap.

Although the LMU Law will accept recommendation letters submitted directly to the Office of Admissions, there is no guarantee that all letters will arrive safely. In the event of a mishap, documents are not easily regenerated. Moreover, failure to use the Credential Assembly Service may delay the completion and review of an applicant's file.

#### 6. Special Note Regarding Character and Fitness

Every American jurisdiction in which you may practice law after graduation from law school requires each applicant for admission to the bar to meet character and fitness requirements as a condition of eligibility for admission. A character and fitness review will

require truthful, accurate and complete reporting of all requested information related to past conduct that bar examiners may deem relevant to one's fitness to practice law, in most jurisdictions including (but not limited to) all criminal arrests, charges, plea agreements, convictions, or instances of being taken into custody, as a juvenile or adult; all traffic violations except minor parking citations; involvement as a party to civil litigation; acts of fraud, dishonesty or lack of candor; educational discipline or misconduct; failure to pay financial obligations; and substance abuse. Many jurisdictions require disclosure of all criminal arrests, charges, plea agreements or convictions, as a juvenile or adult, even where the record has been expunged.

It should be noted, however, that while bar admission boards require a complete disclosure of requested information, in many instances past relevant conduct, particularly if isolated and/or not recent, has not resulted in denial or delay of admission to the bar in a particular jurisdiction of interest. (This is not to suggest or predict how any jurisdiction's bar admissions board would respond to any applicant's particular conduct disclosures going forward.)

**In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. Applicants are encouraged to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.** If you are uncertain where you will practice law, you may wish to review the *Standard NCBE Character and Fitness Application*, titled Request for Preparation of a Character Report, of the National Conference of Bar Examiners, which is used by a number of jurisdictions' bar admission authorities. Addresses for all relevant agencies are available at [www.ncbex.org](http://www.ncbex.org).

A failure to truthfully, accurately and completely respond to a character and fitness inquiry, however, is commonly deemed a character and fitness violation in and of itself, and may be more detrimental to bar admission prospects than the undisclosed or incorrectly disclosed underlying conduct.

**Because of the stringent character and fitness qualifications for admission to the bar, the LMU Law requires full disclosure in response to all questions located throughout its application.** The application must be filled out completely, as failure to provide information may delay the process and require more time and effort at an inopportune time. Answer all questions honestly, as failure to do so may result in sanctions. Failure to disclose information often yields a more serious outcome than the matter itself would have produced had it been revealed by the applicant.

**If an applicant answers affirmatively to any question in the Character and Fitness section of the application, he or she must fully explain the nature of each incident. He or she should answer the question in the space provided and/or attach a complete explanation with his/her application. The applicant should entitle the page "Character and Fitness Explanation(s) of [Applicant's Name]" and describe in detail the facts of each incident.** Answering "Yes" to any question does not automatically disqualify an applicant from consideration for admission. The Admission and Scholarship Committee would like the

opportunity to review all relevant facts including (but not limited to) the issue(s), the offense(s), the date(s) of the offense(s), the law enforcement agency involved and disposition, including fine(s), court costs or other penalties, etc.

The ABA precludes the admission of applicants who do not appear capable of satisfactorily completing a legal program of study and being admitted to the bar. Similar questions to the ones listed in the character and fitness section of our application will be asked of LMU Law and you when applying for admission to the Bar, so candor and full disclosure is throughout the process is essential.

#### 7. Applicants Previously Denied Admission

Applicants who were denied admission in a previous year are required to submit a new application and update all supporting documents, including the Law School Admission Council's Credential Assembly Service (CAS) Report. Decisions regarding admission apply only to the cycle for which the applicant has applied.

#### 8. Previously Disqualified Applicants

LMU Law considers the admission of applicants who were disqualified academically. An applicant who was disqualified academically must demonstrate that he or she possesses the requisite ability to succeed in our program of legal education. The applicant must also demonstrate that the previous disqualification does not indicate a lack of capacity to complete the course of study at our law school, extraordinary circumstances contributed to his or her inability to meet the academic requirements, **and** the circumstances resulting in the student's academic disqualification have been remedied or no longer exist.

**An applicant who was disqualified academically cannot apply for admission until one (1) calendar year has expired since the student's disqualification.**

In addition to an application, personal statement, two letters of recommendation, and a Credential Assembly Service (CAS) Report, in order to be considered for admission an applicant who has been disqualified academically must provide **two separate written statements**:

1. a statement detailing the nature of the interim work, activity, or studies which occurred since the disqualification; **and**
2. a statement describing why the applicant believes he/she now has a stronger potential for the study of law and is likely to successfully complete the course of study at LMU Law.

Moreover, the information identified also can be listed in your personal statement, but the applicant must attach two separate statements before the applicant's file will be considered.

Finally, the applicant must send an official transcript from the law school from which he or she was dismissed to the LSAC's Credential Assembly Service.

#### E. International Students

LMU Law welcomes internationally educated applicants. All applicants educated outside the United States must complete the admissions process as outlined above, including the Law School Admission Test (LSAT). Also, the applicant must submit all educational transcripts to a third-party transcript authentication and evaluation service to ensure that the quality of the program of education of that/those institutions is/are equivalent to that of institutions accredited by an accrediting agency recognized by the United States Department of Education.

Additionally, absent a waiver from the Dean, they must also complete the below-listed steps.

##### 1. Credential Evaluation for Applicants Who Studied Outside the U.S. and Canada

An internationally educated applicant must provide all transcripts to one or more third-party authentication and evaluation service(s) for all educational course work attempted located outside the United States, its territories, or Canada. For evaluative purposes the School of Law's approved third-party authentication and evaluation service(s) include:

International Education Evaluations, Inc. (IEE)  
7900 Matthews-Mint Hill Rd., Suite 300  
Charlotte, NC 28227  
704.772.0109  
[www.iee123.com](http://www.iee123.com)

World Education Services  
P.O. Box 745, Old Chelsea Station  
New York, NY 10113-0745  
212.966.6311  
[www.wes.org](http://www.wes.org)

Educational Credential Evaluators, Inc.  
P.O. Box 514070  
Milwaukee, WI 53203-3470 USA  
414.289.3400  
[www.ece.org](http://www.ece.org)

Josef Silny & Associates  
7101 SW 102 Ave.  
Miami, FL 33173  
305.273.1616  
[www.jsilny.com](http://www.jsilny.com)

Coursework completed through a study abroad, consortium, or exchange program sponsored by a U.S. or Canadian institution and so indicated on the originating institution transcript need not be submitted for evaluation. The applicant must pay for all fees associated with credential authentication and evaluation.

## 2. English Language Proficiency Examination

Internationally educated applicants must arrange to have their Test of English as a Foreign Language (TOEFL) or International English Language Testing System (IELTS) score reports submitted directly to the Law School Admission Council (LSAC) by the evaluating agency. The credential evaluation and its associated documents are incorporated into your Law School Admission Council's Credential Assembly Service (CAS) Report.

The LSAC has arranged with the Educational Testing Service (ETS) to receive your TOEFL score(s) electronically. **You must supply ETS with the LSAC institution code 8395 at the time you place your order for a copy of the score report to be sent to the LSAC.** No paper copies from applicants will be accepted.

Detailed information about the TOEFL may be obtained from the Educational Testing Service at [www.toefl.org](http://www.toefl.org).

The LSAC has also arranged with IELTS to receive your score report electronically. **You must indicate before or at the time of your examination for the LSAC receive an official score report.** If you do not make the request at this time, the LSAC will be unable to retrieve your score information, and you will need to have your score report sent directly to LMU Law.

Detailed information about the IELTS may be obtained at [www.ielts.org](http://www.ielts.org).

### **Note from the LSAC regarding English language proficiency examination**

“Please note that once we receive a TOEFL or IELTS score, it cannot be deleted or replaced. There are no exceptions to this rule. In the event that we already have a score on file for you, and you decide to retest and have the new score sent to us, we will report both scores. The new score will not replace the previous, regardless of how long ago the previous score was reported. LSAC will report all English proficiency scores on your law school report.”

“If we receive your TOEFL or IELTS score(s) **after** your report has been completed and/or released to LMU Law we will update your report to reflect your test results free of charge. The updated report will automatically be forwarded to LMU Law.”

- Taken from the LSAC official website FAQs – Transcripts, Scores, and Other Records located at

The minimum TOEFL score for the paper-based test – PBT is 577 with no lower than a 52 on all individual sections.

The minimum TOEFL score range for the internet-based test – IBT is 90-91 with no lower than a 21 on all individual sections.

The minimum IELTS score is an overall band score of 7.5 with a minimum of 7.0 on all individual sections.

Scores must be from a test taken within the last two years.

Any deviation from the aforementioned examination scores is within the sole discretion of LMU Law. Applicants are encouraged to provide additional documentation evincing a strong working command of the English language.

**Note:** Applicants who are citizens of or who have received a bachelor's degree from one of the following countries are exempt from the English language proficiency examination requirement: Australia, Belize, the British Caribbean and British West Indies, Canada (except Quebec), England, Guyana, Ireland, Liberia, New Zealand, Scotland, the United States, and Wales.

### 3. New Students Applying to Enter the Country

All foreign students must apply for an F-1 Student Visa. This, in turn, requires an I-20 from Lincoln Memorial University. This requires the following:

Proof of financial support for the Cost of Attendance for one year at LMU Law. This may be satisfied by submitting one of the following documents:

- o An actual bank statement or official notarized statement from a bank showing proof of support in U.S. dollars; or
- o A completed Form I-134, Affidavit of Support.

If bringing dependents (spouse and/or children), you must furnish complete information on each and additional documentation of support (\$5,000) for each dependent.

All documentation required to issue an I-20 should be submitted to:

Lincoln Memorial University  
Attention: Mr. Conrad Daniels, Designated Student Officer  
6965 Cumberland Gap Parkway  
Harrogate, Tennessee 37752

**Required documentation must be received by May 1 or within 30 days of your receipt of official acceptance to LMU Law if accepted after April 30.**



**Note:** Lincoln Memorial University reserves the right to request additional information as necessary to matriculate an applicant. An I-20 will be issued only after receipt of the items mentioned above and the college is satisfied that you have sufficient financial support to see you through all years necessary to complete the program of study.

In addition to tendering payment for the current academic year, first-year law students (“1Ls”) that do not have an established financial history with Lincoln Memorial University may be required to submit a deposit equivalent to one full academic year of legal studies. In such an event, the deposit will be held in escrow by the University and released at the beginning of the student’s final year of study.

#### 4. Obtaining a Student Visa

Once you have received an I-20, you should make an appointment with the U.S. Embassy or Consulate to apply for the F-1 visa. In most countries, first-time student visa applicants are required to appear for an in-person interview. However, each embassy and consulate sets its own interview policies and procedures regarding student visas. You should consult embassy web sites or call for specific application instructions.

#### 5. Student’s Responsibilities Once on Campus

You must make an appointment with the Designated Student Officer (“DSO”) at Lincoln Memorial University, within seven days from the first day of class to complete the SEVIS registration process. When you go for your appointment, you must take all visa information including your I-20, I-94 and passport.

During your enrollment at the Duncan School of Law, you must notify your DSO within 10 days of any change of address.

You must remain an enrolled student.

Your I-20 must be endorsed by your DSO every 365 days.

#### F. Transfer Students

Applicants who completed the equivalent of the first semester of law school may apply to transfer to LMU Law. The law school from which you wish to transfer must be approved either by the American Bar Association or approved by an appropriate governmental authority in the unapproved law school’s jurisdiction.

## 1. Admission Pre-Requisites

Transfer applicants must submit the following nine (9) items to the Office of Admissions:

- a. An application for transfer admission;
- b. A personal statement;
- c. Two letters of recommendation;
- d. A Credential Assembly Service (CAS) Report from the Law School Admission Council (LSAC);
- e. Official transcripts from every educational institution attended, at least one of which must indicate a baccalaureate degree from a regionally accredited school recognized by the United States Department of Education;
- f. A statement of good standing from an administrator of the law school from which the applicant seeks to transfer credit;
- g. A statement of why a transfer is requested;
- h. A specific list of courses for which the student seeks to obtain credit with the number of credit hours for each course; and
- i. A syllabus for each course in which the student seeks to obtain credit. (At discretion of the associate dean for academic affairs and/or the Academic Standards Committee, an official course description for a course may satisfy this requirement if a particular syllabus is unavailable.)

## 2. Evaluation

Applications for transfer admissions shall be reviewed and considered by the Admission and Scholarship Committee and Dean. If the Committee and Dean decide to admit the transfer student, then the applicant's file be forwarded to the Academic Standards Committee to determine what credits will transfer and how they will be applied. In exercising its discretion, the Academic Standards Committee shall review:

- the accreditation status of the previous institution;
- the number of credits allotted by the previous institution for each course for which credit is sought from LMU Law;
- the number of instructional minutes provided by the previous institution for each course for which credit is sought from LMU Law;
- whether the course for which credit is sought, in whole or in part, consisted of distance education, field placements, directed or independent study or other "non-residence" instruction;

- the type of classes taken at the student's existing or previous institution;
- the similarity between the type of classes taken at the student's existing or previous institution with comparable classes at LMU Law;
- whether the classes taken at the student's existing or previous institution are classes traditionally taken at a school of law accredited by the ABA;
- the grades received by the student in the classes taken at the student's existing or previous institution; and
- the student's entire admission file.

Under no circumstances may a student transfer more than 45 credit hours from an ABA-approved school. Under no circumstances may a student transfer more than 30 credit hours from a non-ABA, yet state-approved school. A student who has transferred from another law school must successfully complete at least 45 credit hours at the Duncan School of Law, with a cumulative grade point average of 2.000 or better, and satisfy all other degree requirements.

Under no circumstances shall the Academic Standards Committee extend credit for any class in which the student earned a grade less than "C."

#### G. Visiting (Non-Degree Seeking) Students

Students in good academic standing at their respective law school may apply for admission as a Visiting (Non-degree Seeking) Student at LMU Law, subject to the availability of space. The following documents are required:

- A complete application for visiting student;
- A statement of good standing from the dean of the applicant's existing institution acknowledging that courses taken at LMU Law will be accepted for transfer credit;
- An official transcript from the applicant's existing or previous institution; and
- A statement of why you wish to enroll as a visiting student.

Students with advanced standing may visit for any fall, spring, or summer semester or the entire academic year.

## V. FINANCIAL AID

LMU Law participates in federal and private loan programs. Applicants that may rely in whole or part on the federal student loan program to finance their legal education must complete the Free Application for Federal Student Aid (FAFSA). If the applicant files a federal income tax return, a copy of your most recent return is needed to complete the FAFSA. Applicants are encouraged to complete this process as soon as practicable to ensure that funds will be available to them upon their arrival at LMU Law. **Lincoln Memorial University's FAFSA code is 003502.**

For detailed information regarding federal student aid, you may visit <https://studentloans.gov>.

LMU Law has a full-time financial aid coordinator to assist students in navigating the aid process. The coordinator also facilitates a myriad of workshops designed to increase the financial literacy of the student body.

For additional information regarding institutional financial aid policies and procedures, you may visit [www.lmunet.edu/law/financialaid/](http://www.lmunet.edu/law/financialaid/).

**Note:** Financial aid is available to all qualifying applicants. Many loan programs are credit-based and require an examination of the applicant's credit history. During the admissions process, applicants are encouraged to gauge their credit worthiness and review credit reports to ensure no errors exist.

## VI. TUITION AND FEES

### A. Cost of Attendance

#### 1. Direct Costs

Costs incurred for enrollment at LMU Law are billed directly to the student by the University. Financial aid can be requested to cover some or all of these costs.

#### 2018-2019

**Tuition:** \$1,200 per credit hour

**Fees:** Full-Time Student (13-15 credit hours/semester) = \$420 per semester  
(\$370 Parking Fee & \$50 Technology Fee)

Part-Time Student (9-12 credit hours/semester) = \$420 per semester  
(\$370 Parking Fee & \$50 Technology Fee)

Graduation Fee (billed term prior to graduation) = \$250

#### 2. Indirect Costs

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

#### Full-Time Students: Enrolled 12 or more credit hours per semester

	Fall	Spring	Total
Books & Supplies	\$1,125*	\$1,125*	\$2,250*
Transportation	\$1,500	\$1,500	\$3,000
Room & Board	\$7,500	\$7,500	\$15,000
Personal/Misc.	\$800	\$800	\$1,600
Loan Fees	\$70	\$70	\$140
<b>Total</b>	<b>\$10,995</b>	<b>\$10,995</b>	<b>\$23,250</b>

\* Based on \$75 per credit hour.

Students in the full-time program typically take 15 credit hours per semester.

**Part-Time Students: Enrolled 9-11 credit hours per semester**

	Fall	Spring	Total
Books & Supplies	\$675*	\$825*	\$1,500*
Transportation	\$1,500	\$1,500	\$3,000
Room & Board	\$7,500	\$7,500	\$15,000
Personal/Misc.	\$800	\$800	\$1,600
Loan Fees	\$70	\$70	\$140
<b>Total</b>	<b>\$10,545</b>	<b>\$10,695</b>	<b>\$21,240</b>

**\* Based on \$75 per credit hour.**

Students in the part-time program typically take nine (9) credit hours in the fall semester and 11 credit hours in the spring semester of their first year. Then, they take 12 credit hours each semester thereafter.

**VI. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

Lincoln Memorial University and the Duncan School of Law comply with the provisions of the Family Education Rights and Privacy Act (FERPA), 1974, as amended. This law maintains that the institution will provide for the confidentiality of law student education records.

Generally, no person or entity outside the University or the School of Law shall have access to any law student's education record without the written consent of said law student. Exceptions allowed by the law include the following:

1. officials of other institutions at which the law student seeks enrollment;
2. persons or organizations providing financial aid;
3. an accrediting agency acting in its official capacity;
4. persons in compliance with a judicial order; and
5. emergency personnel in order to protect the health and safety of law students or other persons.

Additionally, according to 1998 Higher Education Amendments, the University and the School of Law are authorized to contact parents or guardians when law students under the age of 21 commit serious or repeated violations directly or indirectly involving institutional drug and alcohol policies.

Law students may not inspect financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to

which they have waived their rights of inspection and review; or education records containing information about more than one law student, in which case the University and the School of Law will permit access only to that part of the record which pertains to the inquiring law student.

Law students are given a secure PIN number that permits them to access personal information, such as class schedules, transcripts, and financial matters, through the institution's secured site – Web Advisor. The University and School of Law maintains a list of all external persons or entities who have received a copy of any law student's education record.

## **VII. SECURITY AND MAINTENANCE OF RECORDS**

The Office of Admissions is responsible for the security and maintenance of all applicant records directly related to the admissions and financial aid processes. The Office of Admissions does not bear responsibility for the maintenance and security of any official records that may be generated by any other department, e.g. Career Services, Student Affairs, Academic Affairs, etc..

All applicant records are maintained in a secured file room. Audits are conducted regularly to ensure that there is no unauthorized access to the room.

## **VIII. ACCREDITATION AND APPROVAL**

### **A. SACS-COC**

Lincoln Memorial University is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACS-COC) to award associate, baccalaureate, masters, specialist and doctorate degrees. In April of 2009, the SACS-COC granted approval for the University to offer the Doctor of Jurisprudence (J.D.) degree program ensuring that students are eligible for federal financial aid.

For additional information regarding this regional accrediting body and to verify Lincoln Memorial University's Level V membership, contact the Commission on Colleges ([www.sacscoc.org](http://www.sacscoc.org)) at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call (404) 679-4500.

### **B. Tennessee Board of Law Examiners**

On February 24, 2009, the Lincoln Memorial University John J. Duncan, Jr. School of Law received approval from the Tennessee Board of Law Examiners (TBLE) for graduates of the Lincoln Memorial University – Duncan School of Law to be eligible to apply to take the Tennessee Bar Examination pursuant to Tennessee Supreme Court Rule 7, Section 2.03.

For additional information about the accreditation of the Lincoln Memorial University – Duncan School of Law, contact the Tennessee Board of Law Examiners

([www.state.tn.us/lawexaminers/](http://www.state.tn.us/lawexaminers/)) at 401 Church Street, Suite 2200, Nashville, Tennessee 37243-0740 or call (615) 741-3234.

### C. American Bar Association

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

## IX. OTHER IMPORTANT NOTICES AND INFORMATION

### A. Harassment, Non-Discrimination, and Sexual Misconduct

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

LMU is committed to providing an environment free of all forms of discrimination, including gender or sex based discrimination. All LMU employees are Mandatory Reporters; this means that if you inform any LMU employee of a situation that may involve sexual misconduct, including sexual harassment, sexual assault, stalking, domestic violence, dating violence, or any other form of prohibited gender or sex based discrimination, the employee is required to report the information to the Title IX Coordinator. If you would like to speak with an individual who does not have this obligation, confidential counseling is available to students free of charge through the LMU Office of Mental Health Counseling, Duke Hall 202. For more information, call (423) 869-6277, or schedule an appointment online at <https://www.lmunet.edu/student-life/counseling/schedule-an-appointment>.

If you have experienced discrimination and would like make a report to the University, contact Jeana Horton, Title IX Coordinator/Institutional Compliance Officer, by email at [titleix@lmunet.edu](mailto:titleix@lmunet.edu), or by phone at (423) 869-6618. The Title IX Coordinator/Institutional Compliance Officer’s office is located at D.A.R.-Whitford Hall, Room 210, and the Duncan School of Law, Room 249. The Harassment, Discrimination, and Sexual Misconduct Policies are located above as well as in the *Student Handbook*.

Help and support is available. LMU offers support to help individuals navigate campus life, access health and counseling services, and obtain academic and/or housing accommodations.



## B. Americans with Disabilities Act

Lincoln Memorial University (LMU) does not discriminate, for purposes of admission to LMU or access to and treatment in LMUs programs or activities, on the basis of disability. Every effort is made to accommodate the needs of the students with disabilities attending LMU. Accordingly, LMU will provide reasonable accommodations to students with properly documented disabilities. If a student with a disability has any issue or question about his/her disability, the Americans with Disabilities Act ("ADA") or Section 504 of the Rehabilitation Act of 1973 (Section 504) he/she should contact the ADA Coordinator (Duke 201, (423) 869-6401). That contact information is also listed on the class syllabus for every LMU class. In addition, students with learning disabilities should become familiar with the services of the Tagge Center for Academic Support and Student Support Services.

### 1. Requests for Accommodation

The following procedure must be followed in order for any student with a disability to receive accommodation:

1. The student must submit documentation of his/her disability to the ADA Coordinator (guidelines for proper documentation are set forth below);
2. The ADA Coordinator will contact the student concerning arrangements for reasonable accommodations (student must be prepared to discuss specific accommodation needs);
3. A "Student Accommodation Form" listing the accommodations to be provided to the student during a particular semester, will be circulated to the student's faculty for review and signature;
4. The student must contact the ADA Coordinator prior to each semester for reauthorization and accommodations for the upcoming semester.

### 2. Documentation Guidelines

Students requesting accommodations or services from LMU because of a disability are required to submit documentation to determine eligibility for those accommodations or services in accordance with Section 504 and the ADA. To establish that a student is covered under Section 504 and the ADA, the documentation must indicate that the disability substantially limits some major life activity, including learning. A diagnosis of a learning disability does not necessarily qualify a student for academic accommodations under the law. The following guidelines are provided in the interest of assuring that documentation of a learning disability is complete and supports the student's request for accommodations. LMU will determine eligibility and appropriate services, case by case, based on the quality and completeness of the documentation submitted. The following requirements provide students, schools, and professional diagnosticians with a common understanding of the components of documentation that are necessary to validate the existence of a learning disability, the impact on the individuals educational performance, and the need for academics accommodations for the purpose of the ADA and Section 504. (10/05)

- A. **A Qualified Professional Must Conduct the Evaluation.** The assessment must be administered by a trained and qualified (i.e., certified and/or licensed) professional (e.g., psychologist, school psychologist, neurophysiologist, education diagnostician, or student clinicians who are being supervised by a qualified professional) who has had direct experience with adolescents and adults with learning disabilities.
- B. **Documentation Must be Current Reasonable.** Accommodations are based on the current impact of the disability on academic performance. In most cases this means that a diagnostic evaluation should be age appropriate and relevant to the student's learning environment, and show the student's current level of functioning. If documentation does not address the individual's current level of functioning a reevaluation may be required.
- C. **Documentation Must Include a Specific Diagnosis.** The report must include a clear and direct statement that a learning disability does or does not exist including a rule out of alternative explanations of learning problems. Terms such as "learning difficulty," "appears," "suggests," or "probable" do not support a conclusive diagnosis.
- D. **Documentation Must be Comprehensive.** The documentation must include a summary containing relevant historical information, instructional interventions, related services, and age of initial diagnosis. The documentation must also include objective data regarding aptitude, achievement and information processing. Test scores (standard scores, percentiles, and grade equivalents) must also be included in the documentation.
- E. **Recommendations for Accommodations.** A diagnostic report may include specific recommendations for accommodation(s). A prior history of an accommodation, without a demonstration of a current need, does not in and of itself warrant the provision of that accommodation. Each accommodation recommended by an evaluator should include a rationale. The evaluation should support the recommendations with specific test results or clinical observations. If an accommodation is not clearly identified in the diagnostic report, LMU has the right to seek clarification and/or additional information either from the student's evaluator or from another trained professional chosen by LMU. LMU will make the final determination as to whether appropriate and reasonable accommodations are warranted and can be provided. LMU reserves the right to request reassessment of the student's disability when questions arise regarding previous assessment or provision of services or accommodations or when the student requests additional services or accommodations above and beyond what has been previously provided to the student.
- F. **Process for Receiving Reasonable Accommodation.** All documentation related to the student's disability and accommodations shall be maintained by the ADA Coordinator. Upon receipt of the documentation, the ADA

Coordinator will meet with the student, either in person or by telephone, to discuss and make arrangements for accommodations for the upcoming semester. A Student Disabilities Form will be completed listing the agreed upon accommodations, and will be signed by the student, the student's faculty members and the ADA Coordinator. This process shall be followed each semester for which the student wishes to request accommodations. If a problem arises concerning the reasonable accommodations, the student should contact the ADA Coordinator for assistance (Ext. 6531).

- G. Grievance Procedure for a Student with Disabilities.** All grievances concerning any aspect of the services or accommodations provided to a student with a disability, or related to any issue related to Section 504 or the ADA, should be taken to the ADA Coordinator within ten (10) working days of grievance. The LMU grievance committee will review the matter. The LMU Grievance Committee consists of: Dean of Students (Chair), the Director of Academic Excellence, the Associate Dean of Students, a faculty member appointed by the chair of the committee and the academic dean or chair of the department in which the effected student is enrolled. The decision of LMU's Grievance Committee is final.

**C. Campus Security**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Tennessee College and University Security Information Act, Lincoln Memorial University will provide you, upon request, an annual Security Report on university-wide security and safety, including related policies, procedures, and crime statistics. To request a copy of this report, contact the Dean of Students, Lincoln Memorial University, 6965 Cumberland Gap Parkway, Harrogate, Tennessee 37752 or by telephone at 423.869.6849.

**D. Changes, Revisions, Modifications, and Revocations**

The provisions of this manual are subject to change without notice and do not constitute a contract, express or implied, between any persons or entities and the Lincoln Memorial University or the Duncan School of Law.

**E. Contact Information**

Department	Office of Admissions
Contact	Ms. Trish Carroll Admissions Coordinator & Financial Aid Liaison
Telephone   Fax	865.545.5304

E-mail	<a href="mailto:trish.carroll@lmunet.edu">trish.carroll@lmunet.edu</a>
Website	<a href="http://law.lmunet.edu">http://law.lmunet.edu</a>
Mailing Address	601 West Summit Hill Drive Knoxville, Tennessee 37902

## GRADUATION CHECKLIST (MATRICULATED 2015)

\_\_\_\_\_ I have completed at least ninety (90) credit hours, with no more than thirty (30) credit hours from another School of Law.

\_\_\_\_\_ I have completed all **required** courses as defined by the Student Handbook in § XII.F.1 & XII.F.2

- |   |  |
|---|--|
| <input type="checkbox"/> Academic Success Program (NC)            | <input type="checkbox"/> Contracts II (3)                |
| <input type="checkbox"/> ASP I                                    | <input type="checkbox"/> Criminal Law (3)                |
| <input type="checkbox"/> ASP II (if necessary)                    | <input type="checkbox"/> Domestic Relations (3)          |
| <input type="checkbox"/> Academic Intervention                    | <input type="checkbox"/> Evidence (3)                    |
| <input type="checkbox"/> Directed Study (if necessary)            | <input type="checkbox"/> Legal Research (3)              |
| <input type="checkbox"/> Bar Exam or MBE Skills (4)               | <input type="checkbox"/> Legal Communication I (3)       |
| <input type="checkbox"/> Business Organizations (3)               | <input type="checkbox"/> Legal Communication II (3)      |
| <input type="checkbox"/> Civil Procedure I (3)                    | <input type="checkbox"/> Professional Responsibility (3) |
| <input type="checkbox"/> Civil Procedure II (3)                   | <input type="checkbox"/> Property I (3)                  |
| <input type="checkbox"/> Conflict of Laws (2) or MEE Skills I (3) | <input type="checkbox"/> Property II (3)                 |
| <input type="checkbox"/> Con Crim Procedure (3)                   | <input type="checkbox"/> Secured Transactions (3)        |
| <input type="checkbox"/> Constitutional Law (4)                   | <input type="checkbox"/> Torts I (3)                     |
| <input type="checkbox"/> Contracts I (3)                          | <input type="checkbox"/> Torts II (3)                    |
|   | <input type="checkbox"/> Wills, Trusts & Estates (3)     |

\_\_\_\_\_ I have completed twenty-two (22) elective hours, including at least six (6) experiential learning credits (5000-level courses).

<i>Course Name</i>	<i># of credit hours</i>	<i>EL</i>
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___

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

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

- \_\_\_\_\_ I have attended eight (8) Professionalism series presentations.
- \_\_\_\_\_ My cumulative GPA meets or exceeds a 2.000.
- \_\_\_\_\_ I have successfully completed all Legal Research and Legal Communication courses, and an upper-level writing requirement.
- \_\_\_\_\_ I have completed debt counseling (if I have undergraduate or School of Law loans).
- \_\_\_\_\_ I have completed thirty (30) hours of pro bono work after all required courses were completed.
- \_\_\_\_\_ At least ten (10) hours of the pro bono work mentioned above involved the rendering of meaningful law-related service to persons of limited means or organizations that provide service thereto.
- \_\_\_\_\_ I do not have an outstanding balance on any account with LMU or DSOL.
- \_\_\_\_\_ I have ordered my Graduation Attire (assuming the student intends to attend commencement) and have paid my Graduation Fee.
- \_\_\_\_\_ I began my legal studies more than twenty-four (24) months ago.
- \_\_\_\_\_ I will complete my studies at the Duncan School of Law in less than eighty-four (84) months of the commencement of law study at Duncan School of Law or a School of Law from which the Duncan School of Law has accepted transfer credit.

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## GRADUATION CHECKLIST (MATRICULATED 2016)

\_\_\_\_\_ I have completed at least ninety (90) credit hours, with no more than thirty (30) credit hours from another School of Law.

\_\_\_\_\_ I have completed all **required** courses as defined by the Student Handbook in § XII.F.1 & XII.F.2

- |   |  |
|---|--|
| <input type="checkbox"/> Bar Exam or MBE Skills (4)                                       | <input type="checkbox"/> Legal Research I (1)  |
| <input type="checkbox"/> Business Organizations (3)                                       | <input type="checkbox"/> Legal Research II (1)                                       |
| <input type="checkbox"/> Civil Procedure I (3)  | <input type="checkbox"/> Legal Research III (1)                                      |
| <input type="checkbox"/> Civil Procedure II (3)   | <input type="checkbox"/> Professional Responsibility (3)                             |
| <input type="checkbox"/> Conflict of Laws (2) Conflict of<br>Laws (2) or MEE Skills I (3) | <input type="checkbox"/> Property I (3)  |
| <input type="checkbox"/> Con Crim Procedure (3)   | <input type="checkbox"/> Property II (3)   |
| <input type="checkbox"/> Constitutional Law (4)   | <input type="checkbox"/> Secured Transactions (3)                                    |
| <input type="checkbox"/> Contracts I (3)  | <input type="checkbox"/> Torts I (3)   |
| <input type="checkbox"/> Contracts II (3)   | <input type="checkbox"/> Torts II (3)  |
| <input type="checkbox"/> Criminal Law (3)   | <input type="checkbox"/> Wills, Trusts & Estates (3)                                 |
| <input type="checkbox"/> Domestic Relations (3)   | <input type="checkbox"/> Legal Foundations II (NC)<br>(if necessary)                 |
| <input type="checkbox"/> Evidence (3)   | <input type="checkbox"/> Academic Intervention Directed<br>Study (NC) (if necessary) |
| <input type="checkbox"/> Legal Communication I (2)  |  |
| <input type="checkbox"/> Legal Communication II (2)                                       |  |
| <input type="checkbox"/> Legal Communication III (2)                                      |  |
| <input type="checkbox"/> Legal Foundations I (NC)   |  |

\_\_\_\_\_ I have completed twenty-two (22) elective hours, including at least six (6) experiential learning credits (5000-level courses).

<i>Course Name</i>	<i># of credit hours</i>	<i>EL</i>
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___

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

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

\_\_\_\_\_ I have attended eight (8) Professionalism series presentations.

\_\_\_\_\_ My cumulative GPA meets or exceeds a 2.000.

\_\_\_\_\_ I have successfully completed all Legal Research and Legal Communication courses, and an upper-level writing requirement.

\_\_\_\_\_ I have completed debt counseling (if I have undergraduate or School of Law loans).

\_\_\_\_\_ I have completed thirty (30) hours of pro bono work after all required courses were completed.

\_\_\_\_\_ At least ten (10) hours of the pro bono work mentioned above involved the rendering of meaningful law-related service to persons of limited means or organizations that provide service thereto.

\_\_\_\_\_ I do not have an outstanding balance on any account with LMU or DSOL.

\_\_\_\_\_ I have ordered my Graduation Attire (assuming the student intends to attend commencement) and have paid my Graduation Fee.

\_\_\_\_\_ I began my legal studies more than twenty-four (24) months ago.

\_\_\_\_\_ I will complete my studies at the Duncan School of Law in less than eighty-four (84) months of the commencement of law study at Duncan School of Law or a School of Law from which the Duncan School of Law has accepted transfer credit.

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



**GRADUATION CHECKLIST (MATRICULATED 2017 OR 2018)**

\_\_\_\_\_ I have completed at least ninety (90) credit hours, with no more than thirty (30) credit hours from another School of Law.

\_\_\_\_\_ I have completed all **required** courses as defined by the Student Handbook in § XII.F.1 & XII.F.2

- |  |   |
|--|---|
| <input type="checkbox"/> Business Organizations (3)  | <input type="checkbox"/> Legal Research III (1)                                   |
| <input type="checkbox"/> Civil Procedure I (3)       | <input type="checkbox"/> MBE Skills (4)   |
| <input type="checkbox"/> Civil Procedure II (3)      | <input type="checkbox"/> MEE Skills I (3)   |
| <input type="checkbox"/> Con Crim Procedure (3)      | <input type="checkbox"/> Professional Responsibility (2)                          |
| <input type="checkbox"/> Constitutional Law (4)      | <input type="checkbox"/> Property I (3)   |
| <input type="checkbox"/> Contracts & Sales I (3)     | <input type="checkbox"/> Property II (3)  |
| <input type="checkbox"/> Contracts & Sales II (3)    | <input type="checkbox"/> Secured Transactions (3)                                 |
| <input type="checkbox"/> Criminal Law (3)            | <input type="checkbox"/> Torts I (3)  |
| <input type="checkbox"/> Domestic Relations (3)      | <input type="checkbox"/> Torts II (3)   |
| <input type="checkbox"/> Evidence (3)                | <input type="checkbox"/> Wills, Trusts & Estates (3)                              |
| <input type="checkbox"/> Legal Communication I (2)   |   |
| <input type="checkbox"/> Legal Communication II (2)  | <input type="checkbox"/> Academic Intervention Directed Study (NC) (if necessary) |
| <input type="checkbox"/> Legal Communication III (2) | <input type="checkbox"/> Legal Foundations II (NC) (if necessary)                 |
| <input type="checkbox"/> Legal Foundations I (NC)    |   |
| <input type="checkbox"/> Legal Research I (1)        |   |
| <input type="checkbox"/> Legal Research II (1)       |   |

\_\_\_\_\_ I have completed twenty-three (23) elective hours, including at least six (6) experiential learning credits (5000-level courses).

<i>Course Name</i>	<i># of credit hours</i>	<i>EL</i>
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___
<input type="checkbox"/> _____	_____	___

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

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

- \_\_\_\_\_ I have attended eight (8) Professionalism series presentations.
- \_\_\_\_\_ My cumulative GPA meets or exceeds a 2.000.
- \_\_\_\_\_ I have successfully completed all Legal Research and Legal Communication courses, and an upper-level writing requirement.
- \_\_\_\_\_ I have completed debt counseling (if I have undergraduate or School of Law loans).
- \_\_\_\_\_ I have completed thirty (30) hours of pro bono work after all required courses were completed.
- \_\_\_\_\_ At least ten (10) hours of the pro bono work mentioned above involved the rendering of meaningful law-related service to persons of limited means or organizations that provide service thereto.
- \_\_\_\_\_ I do not have an outstanding balance on any account with LMU or DSOL.
- \_\_\_\_\_ I have ordered my Graduation Attire (assuming the student intends to attend commencement) and have paid my Graduation Fee.
- \_\_\_\_\_ I began my legal studies more than twenty-four (24) months ago.
- \_\_\_\_\_ I will complete my studies at the Duncan School of Law in less than eighty-four (84) months of the commencement of law study at Duncan School of Law or a School of Law from which the Duncan School of Law has accepted transfer credit.

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

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

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

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

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

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

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

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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Vonda Laughlin	Director of Bar Skills and Associate Professor of Law
Jennifer Levy-Tatum	Assistant Professor of Law
Ann Walsh Long	Head of Research and Digital Collections Librarian and Assistant Professor of Law
Katherine Marsh	Digital Resources Librarian and Assistant Professor of Law
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