



# ACADEMIC CODE

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**ATLANTA'S JOHN MARSHALL LAW SCHOOL**

**ACADEMIC CODE**

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# ATLANTA'S JOHN MARSHALL LAW SCHOOL

## ACADEMIC CODE

### ARTICLE ONE. GENERAL PROVISIONS

#### Section 101. Definitions

- (a) "Academic Standards Committee" means the Academic Standards Committee of the Law School as appointed by the Dean.
- (b) "Associate Dean" means the Associate Dean for Academic Affairs or his/her delegate.
- (c) "Dean" means the Dean or his/her delegate.
- (d) "Part-time student" means one who is unable to devote substantially all of his/her working hours to the study of law and is enrolled in less than 12 semester hours of course work.
- (e) "Law School" means Atlanta's John Marshall Law School.
- (f) "Full-time student" means any student who is enrolled in the day-division classes, devotes substantially all of his/her working hours to the study of law, is not employed for more than 20 hours per week, and is enrolled in 12 or more semester hours of course work.
- (g) "Upper division student" means any student who is beyond his or her first year of law studies.
- (h) "Days" when used herein to define a period of time means calendar days, unless otherwise specifically stated herein.

#### Section 102. Course Load

- (a) *Full-Time Student.* Normally, the academic load for a full-time student is 15 credit hours per semester in the first year and from 14 to 16 credit hours per semester in years other than the first year. A full-time student is not permitted, without advance approval from the Associate Dean, to register for more than 16 credits nor under any circumstances for less than 12 credits. A full-time student must be registered for a minimum of 12 credits in the day division in order to remain in the full-time program and must complete six (6) semesters in resident study.

(b) *Part-Time Student.* The normal academic course load for a part-time student is from 8 to 11 credit hours per semester. A part-time student is not permitted, without advance approval from the Associate Dean, to register for more than 11 credit hours nor under any circumstances for less than 8 credit hours. A part-time student must be registered for a minimum of 6 credits in order to remain enrolled in the part-time program and must complete eight (8) semesters in resident study.

### **Section 103. Other Academic Programs**

A student is not allowed to take work in another academic program (including a joint degree program) or become a visitor or auditor or enroll in any other school, college, university, institute, law school, or other program without the advance written permission of the Associate Dean. Students may only receive academic credit for courses taken at the graduate level.

### **Section 104. Outside Employment**

First year full-time students are urged not to undertake outside employment. Beyond the first year, full-time students may not exceed 20 hours of outside employment a week during the academic year and are counseled not to exceed 15 hours of outside employment a week. Any full-time student whose outside employment exceeds 20 hours per week shall be transferred to the part-time program and required to reduce her or his course load accordingly. Fraud or misrepresentation concerning the fact of employment or the hours of employment is a violation of the Code of Student Responsibility.

### **Section 105. Years Allowed for Completion of Degree Requirements**

Under normal circumstances, full-time students must complete all degree requirements within four (4) years after initial matriculation and part-time students must complete all degree requirements within five (5) years after initial matriculation. Any petition for variance from the normal time limit must be approved by the Associate Dean.

### **Section 106. Credit Hours Required for Graduation**

Eighty-eight (88) credit hours must be satisfactorily completed by students in order to be eligible to receive the Juris Doctor degree.

### **Section 107. Summer School**

The Law School conducts a summer session. A normal academic course load for any student in the summer session is 3 to 6 credit hours. A student is not permitted to register for less than 2 nor more than 6 credit hours.

## **Section 108. Variation from Rules for Hardship**

(a) *Petition for Variance.* A student may petition in writing for a variance from the rules stated in Sections 101 through 107 on grounds of substantial hardship or exceptional merit.

(b) *The Associate Dean Shall Determine Petition.* Any petition for variance from the rules stated in Sections 101 through 107 must be in writing and shall be filed with the Associate Dean who shall act on the petition within a reasonable period of time. An aggrieved student may appeal a denial to the Dean. The appeal must be filed in the Dean's Office no later than seven (7) days following the date of notification by the Associate Dean of the action on the petition for variance. This appeal shall be limited to a written statement. There shall be no right of personal appearance.

## **ARTICLE TWO. RESIDENCY CREDIT**

Residence study credit relates to time spent in school. That time is calculated separately from course requirements or credit hours for graduation. A student who progresses normally through school with normal course loads without failing courses will satisfy the residency requirement. Failing courses, taking non-normal course loads, attending summer sessions, and attending other schools can cause variances in a student achieving the residency requirement. The Law School adheres to the residency requirement for the award of the degree as set forth in the ABA Standards for the Approval of American Law Schools.

### **Section 201. Definitions**

The following definitions apply to this part:

(a) "Receive credit" means receiving a passing grade in a course in which a student was registered. A passing grade for these purposes means any letter grade of "D-" or higher or the grade of "P."

(b) "Full-time student" means a full-time student as defined in Section 101 (f) carrying a course load as provided in Section 102 (a).

(c) "Part-time student" means a part-time student as defined in Section 101 (d) carrying a course load as provided in Section 102 (b).

(d) "Residence study credit" means credit assigned in accordance with Section 202.

### **Section 202. Residence Study Credit at John Marshall**

(a) *In general.* A student must satisfy residency requirements to graduate. Residency is an American Bar Association requirement designed to ensure that a student will distribute his or her scholastic work load over the entire period of the student's

education. Full-time students must accumulate residence study credit for at least six (6) semesters of legal study. Part-time students must accumulate residence study credit for at least eight (8) semesters of part-time study. Failure to receive credit for the minimum number of credits in each division will result in earning a pro-rata share of a full semester of residence study credits. Students who transfer from the full-time program to the part-time program must accumulate residence study credit for at least seven (7) semesters of either full-time or part-time legal study.

(b) *Full-Time Students.* A full-time student will earn one semester of residence study credit for each semester in which the student is enrolled in at least 12 semester hours of course work and successfully completes with passing grades at least 10 semester hours.

(c) *Part-Time Students.* A part-time student will earn one semester of residence study credit for each semester in which the student is enrolled in at least 8 semester hours of course work and successfully completes with passing grades at least 8 semester hours.

(d) *Variance for Hardship.* A student may petition the Associate Dean in writing for a variance from the residence requirement rules stated in this section on grounds of substantial hardship. The Associate Dean shall act on the petition within a reasonable period of time. An aggrieved student may appeal a denial to the Dean. This appeal must be filed in the Dean's Office no later than seven (7) days following the date of notification by the Associate Dean of the action on the petition for variance. This appeal shall be limited to a written statement. There shall be no right of personal appearance.

### **ARTICLE THREE. ADVANCEMENT, DISMISSAL, AND REINSTATEMENT**

This article describes the academic standards students must achieve in order to advance to the next year of legal education or to be recommended for the Juris Doctor degree. A student who fails to satisfy the standards for advancement or graduation is academically disqualified and may not re-enroll.

#### **Section 301. Reporting of Grades**

The cumulative grade point average of any student is determined by multiplying each grade given for every graded course by the total number of semester hours assigned to that course, then dividing the product by the number of graded credits attempted. The grades are described in Section 501 herein. Grade point averages are calculated to the second or hundredths decimal place and are not rounded upward or downward. Grade point averages are calculated for every student upon submission of course grades for each semester and summer term, where applicable. Course(s) taken on a pass/no credit/fail basis that are passed shall not be considered in computing a student's grade point average.

### **Section 302. Probation**

Any student with a cumulative grade point average of 1.67 or lower after the first semester in the full-time or part-time programs shall be placed on academic probation. The advancement of such students to the second year of study shall be conditioned on compliance with any conditions imposed by the Associate Dean for Academic Affairs.

### **Section 303. Period of Review**

The grades for full-time students and part-time students who initially enroll in the Law School program in the Fall semester will be reviewed to determine eligibility for advancement and graduation on the basis of grades received through the end of the Spring semester. There will be no academic disqualification of students at any other time.

### **Section 304. Advancement Standards: Required Courses**

To be eligible to advance to the next year of legal education or to graduate, a student must have completed all courses required of the student's class with passing grades (i.e., grades higher than "F"). This requirement may be waived by the Associate Dean for good cause for advancement, but not for graduation.

### **Section 305. Advancement Standards: Cumulative GPA**

The minimum cumulative standard for advancement to the second year of the full-time program or the second or third year of the part-time program is a cumulative grade point average of 1.90. The minimum cumulative standard for advancement to the third year of the full-time program or the fourth year of the part-time program is a cumulative grade point average of 2.00.

### **Section 306. Annual Grade Point Average**

The "Annual Grade Point Average" is the grade point average for work undertaken in the Law School during the immediately preceding year. For the purpose of determining eligibility for advancement under Sections 304, 305, and 307, the preceding year includes the previous Summer session and the Fall and Spring semesters. It does not include the current Summer session.

### **Section 307. Advancement Standards: Annual Grade Point Average**

The minimum annual standards for advancement to the third year of the full-time program or the third or fourth year of the part-time program is an annual grade point average of 1.90.

### **Section 308. Graduation Grade Point Average**

The minimum cumulative grade point average required for graduation is 2.00. Other requirements which must be met in order to be recommended for the Juris Doctor degree are found in Section 703 herein.

### **Section 309. Notice of Automatic Dismissal**

Any student who fails to meet academic standards shall be dismissed automatically. Each student dismissed shall be notified in writing by the Registrar by regular mail of his or her dismissal. The notice will be accompanied by a statement of the Academic Code provisions relating to dismissal and reinstatement and an outline of the procedure for filing a petition for reinstatement.

### **Section 310. Definition of Notice**

Dismissal notices will be sent by regular mail to the student's last known address. Each student is required to provide and keep current his or her mailing address(es) with the Registrar. Notice will be deemed effective five (5) days after the date of mailing.

### **Section 311. Effect of Academic Dismissal**

If a student receives notice of dismissal while he or she is in attendance at the Law School during the next academic session, he or she is ineligible to take any final examinations or submit any papers or projects for grades for that academic session unless the student is reinstated upon petition pursuant to Sections 312 or 313.

### **Section 312. Procedure Relating to Petition for Reinstatement After Academic Failure at the End of the First Year**

(a) *Time for Reinstatement.* A student dismissed for academic failure at the end of the first year may be reinstated for the next academic year, upon the approval of a petition for reinstatement.

(b) *Time for Filing Petition.* The dismissed student may file a petition for reinstatement no later than fifteen (15) days following the date of notification of academic dismissal by the Registrar. Failure to comply with the deadline for filing a petition for reinstatement shall be deemed a waiver of the student's right to petition for reinstatement. The petition shall be filed with the Associate Dean.

(c) *Form and Style of Petition.* A petition for reinstatement shall be typewritten. It shall be headed "Petition for Reinstatement After Academic Failure."

(d) Nothing in this section shall be read to be inconsistent with the requirements of Federal law.

### **Section 313. Procedure Relating to Petition for Reinstatement After Academic Failure Beyond the First Year**

(a) *Time for Reinstatement.* A student dismissed for academic failure beyond the first year may be reinstated for the next academic year upon approval of a petition for reinstatement.

(b) *Time for Filing Petition.* A dismissed student may file a petition for reinstatement no later than fifteen (15) days following the date of notification of academic dismissal by the Registrar. Failure to comply with the deadline for filing a petition for reinstatement shall be deemed a waiver of the student's right to petition for reinstatement. The petition shall be filed with the Associate Dean.

(c) *Form and Style of Petition.* A petition for reinstatement shall be typewritten. It shall be headed "Petition for Reinstatement After Academic Failure."

(d) Nothing in this section shall be read to be inconsistent with the requirements of Federal law.

### **Section 314. Guidelines for Review**

(a) *General.* The Associate Dean shall review any petition for reinstatement filed under Sections 312 or 313. In reaching his or her determination, he or she shall be guided by the considerations in subsections (b) through (d) below.

(b) *Specification of Reason for Academic Failure.* The petitioner must allege and prove that he or she possesses the requisite ability to achieve satisfactory performance in law school and that his or her disqualification does not indicate a lack of capacity to complete her or his legal studies at the Law School.

(c) *Extraordinary Circumstances Caused Failure.* The petitioner must also allege and prove that his or her academic failure was the result of extraordinary circumstances beyond his or her control which rebuts the presumption raised by the student's record, and which shows that the student's poor scholarship was not due to lack of ability or failure to apply himself or herself diligently to the study of law. The extraordinary circumstances shown must be the cause in fact of the poor academic performance.

(d) *Medical or Psychological Causes.* If extenuating circumstances raised by the petitioner are related to physical or psychological incapacity in the course of a semester or before or during an examination, convincing medical proof of the existence of the condition must accompany the petition.

### **Section 315. Scope of Relief**

The Associate Dean may:

- (a) deny the petition; or
- (b) reinstate the student upon terms and conditions.

### **Section 316. Reinstatement Following Academic Disqualification on Condition Student Repeat All or a Substantial Portion of Courses**

Under extraordinary circumstances and upon petition, the Associate Dean may, in his or her discretion, reinstate a student on condition that the student repeat all or a substantial portion of the courses.

If the Associate Dean determines to reinstate a student under this Section, the following rules apply to that student.

(a) *Effect on Transcript and GPA.* If, as a condition of reinstatement following academic disqualification, a student is required to repeat all or a substantial portion of the previous year's course load, the grades earned during the repeat year will be treated as follows:

- (1) the earlier grades he/she receives will not be removed from the transcript; and
- (2) the new grades will be shown on the transcript as repeat work; and
- (3) only the new grades (whether higher or lower than the earlier grades) will be considered in determining grade point averages; and
- (4) a notation shall appear on the student's transcript indicating dismissal for academic reasons and reinstatement.

(b) *GPA Required.* Those students who are required to repeat all or a substantial number of courses must attain a 2.0 grade point average for the repeat year.

### **Section 317. Reinstatement on Condition that Student Repeat Less Than All or a Substantial Portion of Courses**

Under extraordinary circumstances and upon petition, the Associate Dean may, in his or her discretion, reinstate a student on condition that the student repeat less than all or a substantial portion of courses.

If the Associate Dean determines to reinstate a student under this section, the following rules apply to that student.

(a) *Effect on Transcript and GPA.* If, as a condition to reinstatement following academic disqualification, a student is required to repeat less than all or a substantial portion of the previous year's course work, the grades earned during the repeat year will be treated as follows:

- (1) the earlier grades he/she received will not be removed from the transcript; and
- (2) the new grades will be shown on the transcript as repeat work; and
- (3) both the original grades and the new grades (whether higher or lower than the earlier grades) will be considered for determining grade point averages; and
- (4) a notation shall appear on the student's transcript indicating dismissal for academic reasons and reinstatement.

(b) *GPA Required.* Those students who are required to repeat less than all or a substantial portion of courses must attain a 2.0 grade point average at the end of the academic year of reinstatement.

### **Section 318. Results of Petition**

The Associate Dean shall render a written decision. The Associate Dean shall deliver one copy to the student and place one copy in the student's file.

### **Section 319. Appeal to the Dean**

The decision of the Associate Dean may be appealed to the Dean. The appeal must be filed in the Dean's Office no later than seven (7) days following the date of notification by the Associate Dean of the action on the petition for reinstatement. This appeal shall be limited to a written statement. There shall be no right of personal appearance.

The Dean shall render a decision within a reasonable period of time and deliver one copy to the student and place one copy in the student's file.

### **Section 320. Readmission After Disqualification for Academic Reasons**

Any student dismissed for academic failure and not reinstated following dismissal pursuant to Section 315 may apply for readmission and shall be readmitted only if the Dean and the Admissions Committee determine that the requirements of ABA Standard 505 have been

satisfied. This section shall also apply to those students who have been academically disqualified from another law school and who now seek admission to the Law School.

(a) *Filing Date.* Under this section, the student shall submit an application to the Director of Admissions of the Law School in conformity with regular application deadlines.

(b) *Two Year Waiting Period.* Usually, the student will be readmitted only after two years have elapsed after dismissal unless the requirements of ABA Standard 505 are satisfied.

(c) *Cause for Readmission.* The student must show, based on her or his application, that the nature of the student's work, activity, or studies during the interim indicates a stronger potential for law study than that which existed upon dismissal.

(d) *Form.* The admissions application shall be same as that prescribed for all students applying to the Law School.

## **ARTICLE FOUR. VISITING STUDENTS**

### **Section 401. Permission to Visit – Current Students**

A student enrolled in the Law School may request permission to attend another law school approved by the American Bar Association as a visiting student. Permission may be granted by the Associate Dean only when the circumstances necessitating the request are extraordinary and beyond the control of the student, and where denial of the request would result in substantial personal or family hardship.

### **Section 402. Approval of Visitation**

(a) *Summer Visitation.* A student may be permitted by the Associate Dean to visit an American Bar Association approved law school for a Summer term for enrollment in a study abroad program or for enrollment in a specialized course of study not offered by the Law School if the student is in good academic standing and his/her anticipated course load is no heavier than that permitted by John Marshall in its Summer session. Permission may not be granted to take a course required for graduation from John Marshall Law School.

(b) *Visitation During Academic Year.* A student may be permitted to visit an American Bar Association approved law school during the academic year only with the approval of the Associate Dean. The Associate Dean must consider:

(1) whether the student is in good academic standing;

(2) the extent to which the student has completed the required courses at this Law School; and

(3) the extent to which the requested visitation is necessitated by substantial personal hardship caused by conditions beyond the student's control.

(c) *Petition to Visit.* A student who wishes to visit during the Summer session or during the academic year must file a written petition to visit with the Associate Dean. Except for emergency situations, the petition must be filed at least sixty (60) days prior to the date of the first day of classes of an academic year or fourteen (14) days prior to the Summer session in which the student wishes to visit.

### **Section 403. Visiting Status**

(a) *Course Loads During Visitation.* A student may not take a course load in another law school upon visitation which exceeds the maximum course load authorized by Sections 101 or 102 of this Code. Nor may a student take a course load in another law school on a visitation during a Summer session which exceeds six (6) credit hours.

(b) *Unapproved Visitation.* Transfer credits from any period of visitation which was not approved in advance by the Law School will not be allowed toward residency or toward the required number of credit hours for graduation.

(c) *Reporting of Grades for Visiting Students.* The Law School will accept transfer credits for courses only if approved in advance and then only if the grade is equal to or higher than the grade point average required for graduation in the law school where the course was completed. All passing grades received from other law schools relating to work performed by visiting students from John Marshall will be reported as "Pass" on the John Marshall Law School student's transcript. All failing grades will be reported as "F" or failing for purposes of students at this Law School. Transfer credits received as "Pass" will be counted towards residency credit in accordance with Section 202 of this Code.

### **Section 404. Students Visiting from Other Law Schools**

A student currently enrolled in another law school approved by the American Bar Association may apply to attend Atlanta's John Marshall Law School.

(a) *Application Process.* A visiting student candidate must present a letter to the Associate Dean for Academic Affairs from their resident legal institution showing that: (1) such student is in good academic standing and has permission to attend Atlanta's John Marshall Law School as a visiting student and (2) the school has indicated any limitation imposed on acceptance of credits earned at Atlanta's John Marshall Law School.

(b) *Registration.* If accepted as a visiting student, the student shall register for course(s) with the Registrar and pay all current tuition and fees.

## ARTICLE FIVE. EXAMINATION AND GRADING

### Section 501. Grading System

(a) *Grade Structure.* The Law School grade structure for all course work is as follows:

A = 4.00	C- = 1.67	AD = administrative withdrawal
A- = 3.67	D+ = 1.33	AU = audit
B+ = 3.33	D = 1.00	I = incomplete
B = 3.00	D- = 0.67	IP = in progress
B- = 2.67	F = 0.00	P = pass *
C+ = 2.33	W = withdrew	F* = fail *
C = 2.00	WF = withdrew failing	NC = no credit *

\* *In a Pass/No Credit/Fail course, a "P" reflects work equivalent to letter grades "A" through "C"; a "NC" reflects work equivalent to letter grades "C-" through "D-; and "F" is treated as if it were a letter grade of "F."*

(b) *Pass/No Credit/Fail Courses.* In certain courses, a grade of "P" (Pass) is assigned if the student satisfactorily completes the course. A grade of "P" in a pass/fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of "A" through "C." "NC" means that no credit is received for the course. A grade of "NC" in a pass/no credit/fail course is intended to reflect work equivalent to the letter grades "C-" through "D-." A grade of "F" (Fail) in a pass/fail course is treated as if it were a letter grade of "F."

(c) *Repetition of Required Course.* If a student fails a required course, he or she must repeat the course until successfully completed. If a student fails a course which is a prerequisite to an advanced course, he or she must successfully repeat the prerequisite before he or she may take the advanced course.

### Section 502. Withdrawal from Courses

Permission to withdraw from one or more courses is not automatic. A student should not stop attending a course on the belief that he or she will be or should be granted permission to withdraw.

(a) *Required Course.* A student may not withdraw from a required course without permission from the Associate Dean.

(b) *Elective Course.* A student may not withdraw from an elective course if the withdrawal will take him or her below the full-time or part-time program minimum course load. If the withdrawal will not take the student below the program minimum, a student may withdraw from an elective course at any time within the period for dropping classes by filing a notice of withdrawal with the Registrar. After two weeks have elapsed and before the last day of classes for a term, a student must file a petition with the Associate Dean for approval to withdraw from any elective course without academic penalty.

(c) Sections (a) and (b) notwithstanding, in a course in which students are assigned substantial presentations, a student may withdraw only with the written permission of the instructor and the Associate Dean. Normally, such permission will not be given.

(d) *Externships and Internships.* Subsections (a), (b), and (c) notwithstanding, in an externship or internship course, a student may withdraw only with the permission of the instructor and the Associate Dean. The rights of the client(s) will be a paramount consideration.

(e) *Appeal.* If the Associate Dean denies a request for withdrawal from any course under subsections (a) or (b), the aggrieved student may file a written petition with the Dean not later than five (5) days following the date of the Associate Dean's denial.

(f) *Report of "W/F" for Dropped Course.* The Registrar shall cause to be recorded a "W/F" for any course dropped by any student after the end of the drop/add period.

### **Section 503. Auditing Courses**

(a) *Limited to Non-Current Students.* A current student is not permitted to audit a course at the Law School.

(b) *Associate Dean's Permission Required.* A person who is not currently enrolled in the Law School may audit a course with the written permission of the Associate Dean. The audit student must demonstrate a special, unique or legitimate reason and background or need for the subject matter. A person who wishes to audit a course must submit a written petition to the Associate Dean during the registration period prior to the semester in which the course to be audited is offered. If the petition to audit is approved, the applicant must register for the course with the Registrar and pay the current tuition for the course.

(c) *No Grades and Examinations.* Audit students do not have the right to have papers graded nor to take and have the final examination graded.

## Section 504. Examination Process

(a) *Necessity of Evaluation.* The scholastic achievement of students shall be evaluated from the inception of their studies. As part of the testing of scholastic achievement, a written examination of suitable length and complexity shall be required in every course for which credit is given, except clinical work, legal skills courses, and courses involving extensive written work such as moot court, legal drafting courses, seminars, and individual research projects.

(b) *Certificate of Compliance with the Code of Student Responsibility.* Students certify compliance with all requirements of the Law School Code of Student Responsibility on all in-school and take-home examinations by sitting for and submitting such examinations. For each exam, every student shall be provided a Certificate of Compliance with the Code of Student Responsibility. The student must complete this form and submit the completed form to the exam proctor prior to leaving the exam room at the completion of the exam. If the student fails to submit the Certificate of Compliance with the Code of Student Responsibility, the exam will not be graded.

(c) *Reentering Exam Room Prohibited.* Once a student has submitted their exam answer and signed out of the exam room with the proctor, the student must leave the exam room and may not reenter the exam room. Reentering the exam room is a violation of the Code of Student Responsibility.

(d) *Materials Permitted at Examination.* Each instructor should define the materials permitted in the examination in his or her course by the end of the second week of classes. An instructor may conduct an “open book” examination. Students must bring their own writing instruments to examinations. “Writing instruments” includes personal computers.

### (1) Rules for Laptop Users

Law School students are offered the opportunity to take the final examination on their laptop computers. Taking an exam on a laptop computer is a privilege, not a right. Students who do not comply with these rules will be required to hand write the exam. To preserve the integrity of the examination process, the Law School has secured Extegrity’s Exam Software (together with any other exam software licensed by the Law School – “Exam Software”) which blocks the use of all other computer applications while the user is taking an examination. To use this examination process, students must follow the policies and procedures set forth below:

a. Students must provide their own laptop computers. The laptop must have a Microsoft Windows operating system (Windows 98, ME, 2000, or XP). For Windows 2000 and XP, the student must have administrative rights to the computer. The computer must have a wireless card which meets the Law

School's IT standards as published on the Law School's web page. The computer must be able to pass the Security Check built into the Exam Software program.

b. It is the student's responsibility to be familiar with the computer they are using. This includes, but is not limited to: familiarity with the hardware, basic computer knowledge, using the operating system, wireless access, and general typing/editing skills.

c. A student may not use a laptop on which the Exam Software has not been installed to type an examination. The Exam Software must be installed on the student's laptop by the student prior to the examination. The software can be installed in two ways. First, it can be downloaded prior to the examination by the student via the software company's website: <http://www.extegrity.com>. Second, it can be installed at the Law School only after the Law School IT staff has examined the laptop to ensure adequate computer security systems are in place (i.e., antivirus software). The Law School IT staff is available to assist students with downloading the software during the normal business hours of the Law School. Installation assistance will normally not be available commencing twenty-four (24) hours prior to the first scheduled exam of each final exam period and twenty-four (24) hours prior to a scheduled mid-term exam.

d. The student must familiarize himself/herself with the Exam Software program through the use of its built-in practice mode prior to using the software for examination purposes. The student must attend an exam certification session conducted by the Law School's IT Department and as required by the Dean's Office. Only students certified by IT will be allowed to use their laptops to write their exam answers.

e. Once the exam proctor has announced that the exam is over, the students shall stop typing and shall save their exam answers to the Law School's server in the course file identified by the proctor at the start of the exam. A member of the IT staff will be available to assist any student having difficulty saving their exam.

f. Each student must save his/her answer to his/her hard drive and to the Law School's server. Students should not delete their exam answer from the laptop hard drive.

g. At the end of the examination, each student is solely responsible for ensuring that all parts of a final examination answer is submitted to the examination proctor before the student leaves the examination room. That includes not only saving typed answers to the server, but also submitting to the exam proctor any other portions of the examination answer, including short-answer questions or other materials that the course professor has required to be completed by hand or by means other than on the student's laptop computer, and the Certificate of Compliance with the Code of Student Responsibility. If the student fails to submit any part of an examination answer to the proctor before the student exits

the examination room, that part of the examination answer will not be graded and no points will be awarded to the student for that part of the examination.

h. It is the student's responsibility to ensure that both his/her laptop and the Exam Software that has been installed are working properly. If there is any technical error or malfunction during the administration of the examination, the student will be provided with a blue book and must then complete the examination by hand. No printed answers will be accepted, i.e., any examination completed on software other than the Exam Software will not be accepted. Only the file of the examination answer prepared with the Exam Software, as saved to the Law School's server, will be accepted.

i. In the event of a technology failure (either hardware or software), the examination time will not be increased.

j. In the event of a technology or other failure which results in the student's examination answer not being saved to the Law School's server, the Registrar will contact the student. The student shall have two (2) business days to bring the laptop on which the examination answer was typed to IT. IT shall retrieve the examination answer and deliver it to the Registrar for grading. In the event that IT is unable to retrieve an examination answer, the student will be deemed to have not submitted an examination answer for that examination and the Registrar shall notify the course instructor that there is no examination answer for the student.

k. Any attempt to disable or tamper with Exam Software security features is a violation of the Student Code of Responsibility.

l. Students using laptop computers will take their examination in a separate room from blue book users (i.e., "Writers"), and should report to the room scheduled for "Typists."

m. Students may not assist one another to save an exam answer or otherwise solve a technical problem. Violation of this rule is a violation of the Code of Student Responsibility by both students.

(2) Other than materials defined by the instructor and writing instruments, students may not bring any item into an examination room without permission of the Associate Dean. Students are prohibited from bringing to the examination room cell phones, Blackberries, briefcases, suitcases, book bags, notebooks, purses, pocket books, or other similar items.

(e) *Take-Home Examinations.* With the permission of the Associate Dean, an instructor may give a take-home examination. The Associate Dean's approval must be obtained before the registration period. Such examinations must be given during the regularly-scheduled time for examinations. Each student in the course in which a take home examination is given must pick up the examination from the Registrar on the day

scheduled for the start of the examination during working hours and return the examination during working hours to the Registrar on the day appointed for return. Take-home examination means any examination not given in a classroom at the Law School.

(f) *Anonymous Grading.* All examinations are graded anonymously. Papers submitted for credit in a course, seminar, or directed research project and work involving evaluation of student performance during the course of the semester need not be graded anonymously and the Associate Dean shall publish a list of such courses at registration.

(g) *Grade for Classroom Performance.* An instructor may give a grade of plus or minus for each student's classroom performance during any course. Such grade is in addition to any examination grade, or grade derived from papers, projects, or other graded course work. The instructor wishing to grade classroom performance under this subsection must announce the criteria for such grading within the first two weeks of class. At the conclusion of the course, the instructor will receive a grade adjustment sheet from the Registrar for all students in the course. If the instructor has complied with this subsection, he or she may enter a "Plus" or a "Minus" for any student. No student may be minused into an "F" nor plussed into a "D-" from an "F." No student may be plussed beyond an "A." The grade adjustment sheet shall be returned by the instructor to the Registrar with final grades. The adjustments will be applied by the Registrar when students' grades are recorded.

(h) *Classroom Attendance.* An instructor may reduce a student's grade or impose a failing grade for what the instructor deems to be inadequate attendance during any course. An instructor wishing to consider classroom attendance under this subsection in assigning a final grade for the course must announce the grading policy within the first two weeks of class. At the conclusion of the course, the instructor will receive a grade adjustment sheet from the Registrar for all students in the course. If the instructor has complied with this subsection, he or she may enter any grade for any student consistent with the announced policy. A reduction of grade under this subsection shall not preclude the entering of a grade of "W" on account of excessive absence under Section 601.

(i) *Submission of Papers in Lieu of Final Examination.* With the permission of the Associate Dean before the registration period, an instructor may use one or more papers for a portion of the final grade in an elective course or the entire grade in a seminar.

## **Section 505. Make-Up Examinations**

For extraordinary circumstances, the Dean or Associate Dean may authorize a student to make up or defer an examination. Authorization to take an examination at a time other than regularly scheduled may not be granted by anyone other than the Dean or Associate Dean.

## **Section 506. Departure from Examination Schedule**

(a) *Make-Up Examination.* No student may defer an examination without first applying to the Dean or Associate Dean for permission. Permission to defer an examination must be obtained prior to the scheduled examination day unless the cause for deferral occurs on the examination day and is due to circumstances beyond the student's control. The affected student shall notify the Dean or Associate Dean of such cause for deferral as soon as possible. Under normal circumstances, deferred examinations shall be made up the next time the course is offered. Exceptions for this rule may be made by the Associate Dean to avoid undue hardship, as might arise for a student in his or her final semester of law school who needs the course to graduate. If a special make-up examination is authorized by the Associate Dean, the student may be required to take the examination on a pass/no credit/fail basis.

(b) *Fee for Make-Up Examination.* The fee for a make-up examination is \$100.00 per examination.

## **Section 507. Regulations Concerning Examinations**

(a) *Typists.* Students may type their responses to examination questions. Students who desire to type their examinations will use typing rooms designated by the Associate Dean for that purpose for each examination period. Students who desire to type their examinations must inform the proctor for their examination that they will be typing their examination. Typists shall use a portable personal computer (i.e., laptop) in accordance with the provisions of 504(d) of this Code.

(b) *Reporting Grades.* Instructors shall report all course grades to the Registrar within thirty (30) days of the date of the administration of the course examination, except for the grades of students whose anonymous numbers have been identified by the Registrar as graduating students for whom grades shall be completed by the date established by the Law School for submission of grades for graduating students for that term. Summer session grades shall be reported to the Registrar by the date established by the Law School for reporting summer session grades. At the end of each semester or summer session, the Registrar will mail grade reports to each student after all grades have been received and processed.

## **Section 508. Grading of Retaken Required Courses Due to Grade of "F"**

When a student fails a required course, that "F" is recorded and becomes part of the grade points and grade point average calculations. The student must repeat the course the next time the course is offered and obtain a passing grade. The grade for the repeated course is recorded and used in calculation of grade points and grade point average. The earlier grade will not be removed from the transcript.

## ARTICLE SIX. ATTENDANCE

### Section 601. Attendance Standards

(a) *General Rule.* Regular and punctual class attendance is required in all classes.

(b) *Standards for Administration.* Roll will be taken at the beginning of each class. A student who is unprepared in class but present may be counted as absent if the instructor announces at the beginning of the semester that unprepared students will be counted as absent. The student found to be unprepared shall be promptly so advised by the instructor and may be asked to leave the classroom.

(c) *Administration of the Rule.* In order to administer the general rule while realizing that some class absences may occur, the Law School adopts the following rule: a student who is counted as absent for more than twenty percent (20%) of the class hours in any course will automatically receive a “W” as a grade for that course. This rule does not affect the application of a more stringent attendance policy that an instructor has announced pursuant to Section 504(h) of the Academic Code.

The twenty percent absence policy is intended to cover all absences, including absences due to illness; intentional, negligent or accidental class cuts; religious days not included in the Law School schedule or calendar; personal needs; family needs; and emergencies. Students are advised that if their twenty percent absences are used, and they have other needs for absences, they will be beyond the twenty percent rule. Students should also note that the instructors have no power of dispensation to allow them either extra or excused absences, and it is improper for students to ask their instructors to do so.

If a student is counted as absent for more than twenty percent (20%) of the class time in a course, the instructor for that course shall notify the Associate Dean of that fact in writing. The Associate Dean shall enter a grade of “W” for that student in that course, and shall notify the student accordingly in writing.

### Section 602. Petition for Review

(a) *Time for Filing Petition.* A student may file a petition for relief from the mandatory “W” provision of Section 601(c) of the Academic Code. Such petition must be filed within fifteen (15) calendar days after receipt of the notice of violation. The petition shall be filed with the Associate Dean for Academic Affairs who shall forward the anonymous petition and other relevant information to the Academic Standards Committee of the faculty for consideration.

(b) *Form and Style of Petition.* A petition for relief from the mandatory “W” provision of Section 601(c) of the Academic Code shall be typewritten. It shall be headed “Petition for Relief from Rules on Attendance,” and be in the form prescribed by the Academic Standards Committee.

(c) *Manner of Review.* The Academic Standards Committee shall review any petition for relief filed under this section of the Academic Code. Such review shall not take place until after the conclusion of the course or the semester. In its review, the Committee may grant relief only for good cause. Examples of good cause include, but are not limited to, the student's serious personal illness or injury; serious personal illness, injury or death in the immediate family; or other extraordinary circumstances beyond the student's control. At all times the burden shall be on the student to provide and substantiate grounds for relief from the mandatory "W" grade. The committee reserves the right not to act on an incomplete petition.

### **Section 603. Scope of Relief**

(a) The Academic Standards Committee may;

- (1) deny the petition in its entirety; or
- (2) grant the petition only to the extent of converting a "W" to an "I"; or
- (3) grant the petition in its entirety, thereby restoring the student to the position he or she would have held had no attendance violation occurred.

(b) Nothing in this section shall be deemed to prohibit a faculty member from enforcing an individual course attendance policy announced pursuant to Section 504(h) of the Academic Code.

## **ARTICLE SEVEN. MISCELLANEOUS PROVISIONS**

### **Section 701. Petitions**

Except as provided herein, all petitions authorized by this Code shall be in writing and filed with the Associate Dean.

### **Section 702. Composition of Academic Standards Committee**

(a) *Membership.* The Academic Standards Committee is composed of one or more faculty members appointed by the Dean.

(b) *Associate Dean as Ex-Officio Member.* The Associate Dean for Academic Affairs is an ex-officio non-voting member of the Committee.

### **Section 703. Graduation Requirements**

In order to graduate from the Law School, a student must:

- (a) attain eighty-eight (88) semester units of academic credit with passing grades;
- (b) satisfy the residency requirements of Section 202;
- (c) achieve a cumulative grade point average of 2.00 or greater for all graded course work;
- (d) pass all required courses; and
- (e) complete sixty (60) of eighty-eight (88) academic credits while in residence as a student at Atlanta's John Marshall Law School.

#### **Section 704. Non-Classroom Credit**

(a) *John Marshall Law Journal.* The John Marshall Law Journal, the law review of the Law School, is published at least once each academic year. Each issue focuses on one area or a number of related areas of contemporary Georgia legislative activity. The Journal is published as a symposium directed at the legal profession, legislators, and scholars involved with an interest in the development of law in Georgia. Students qualify for the Journal based on their academic achievement or through a combination of academic achievement and a writing competition.

(b) *Mock Trial Team.* A member of a trial team may earn one ungraded academic credit for satisfactory participation in the internal mock trial training program. Thereafter, a student may receive one additional ungraded credit for each external mock trial competition that he/she competes in. There is a limit/cap of three (3) cumulative academic credits for mock trial team participation, which includes the internal training program and external competitions. The Faculty Advisor to a trial team makes the determination whether a student member has earned the available credit hour in a given semester. Therefore, a student member will receive academic credit for a semester if, and only if, the Faculty Advisor certifies to the Associate Dean the award of academic credit for that student member.

(c) *Moot Court Team.* A member of the moot court team may earn one ungraded academic credit for satisfactory participation in the internal moot court training program. Thereafter, a student may receive one additional ungraded credit for each external moot court competition that he/she competes in. There is a limit/cap of three (3) cumulative academic credits for moot court team participation, which includes the internal training program and external competitions. The Faculty Advisor to a trial team makes the determination whether a student member has earned the available credit hour in a given semester. Therefore, a student member will receive academic credit for a semester if, and only if, the Faculty Advisor certifies to the Associate Dean the award of academic credit for that student member.

(d) *Negotiation or Client Counseling Team.* A student may receive one ungraded credit for each external negotiation or client counseling competition that he/she competes in, with a limit/cap of two (2) cumulative academic credits for competition participation. The Faculty Advisor to a trial team makes the determination whether a student member has earned the available credit hour in a given semester. Therefore, a student member will receive academic credit for a semester if, and only if, the Faculty Advisor certifies to the Associate Dean the award of academic credit for that student member.

(e) *Directed Research.* Directed research, including supervised research and independent projects, as provided in Section 705 herein, are types of non-classroom credits included within the limitation set forth in Section 707 hereafter.

(f) *Other Non-Classroom Activities.* Such other non-classroom activities as may, from time to time, be recommended by the Curriculum Committee and approved by the faculty as credit-granting activities are included within the limitation set forth in Section 707 herein. An example of such a non-classroom activity is participation on a moot court team.

(g) *Minimum Grade Point Average.* Any student whose cumulative grade point average is less than 2.00 may not register for non-classroom credit.

#### **Section 705. Directed Research**

(a) *General Requirements.* A student who wishes to engage in supervised research or an independent project must first secure the approval of a member of the Law School's full-time faculty as a supervising instructor. A student whose cumulative grade point average is less than 2.0 may not register for supervised research or an independent project. Generally, an instructor will not supervise research or evaluate an independent project that is outside the area of the instructor's expertise. Normally, supervised research may not be undertaken by a student on a topic covered by a course currently offered. No instructor shall evaluate a student's performance in an independent project which was originally approved by another instructor. Normally, no instructor shall supervise more than two (2) students per semester.

(b) *Definitions.* Directed research may take the form of either supervised research or an independent project. These are defined as:

(1) "Supervised Research" means an in-depth written analysis of a legal issue under close faculty supervision.

(2) "Independent Project" means a significant legal, social or empirical research project which offers the student a flexible independent exploration of legal issues or questions not found in any course or seminar and which culminates in a written work product.

(c) *Registration.* To enroll in supervised research or an independent project, the student should obtain the prior written approval of the instructor and the Associate Dean to register for supervised research or an independent project.

(d) *Credit Hours.* A student may earn up to four (4) credits through a supervised research paper or independent project under the direction and supervision of a full-time faculty member. No more than two (2) credit hours of supervised research or independent study or any combination thereof may be earned by a student in a semester. The number of credits awarded should bear a reasonable relationship to the amount of work required to complete the paper or project. As a general rule, one credit hour should be granted for approximately five hours of work each week on the paper or project each semester. The student and instructor must agree in advance on the number of credits to be earned for any semester.

(e) *Supervised Research Paper.* Supervised research requires significant legal research, original thinking and analysis and the production by the student of a final paper of the kind and quality similar to that found in law review articles.

(1) Content of the Research Paper

The paper should involve the following:

- (a) a thesis description of topic and scope;
- (b) a detailed prospectus setting forth the planned scope of research, specific objectives of the research, and an outline of the points or issues to be addressed and developed in the paper;
- (c) a detailed outline with supporting citations of authority for each major point, including a preliminary bibliography listing all sources researched to this point;
- (d) a textual draft with a bibliography of sources consulted, whether or not cited in the text; and
- (e) the final paper, including footnotes.

(2) Approval for Enrollment

No student shall be permitted to enroll for a supervised research paper without prior approval. Only the Associate Dean for Academic Affairs may approve a student to enroll for a supervised research paper. The Associate Dean will consider a request by a student to enroll for a supervised research paper only if:

(a) the student submits to the Office of the Associate Dean a written request to enroll in supervised research at least three (3) weeks prior to the registration deadline for the semester or Summer session in which the supervised research paper is to be completed;

(b) the student has completed at least 30 hours of coursework with a cumulative GPA of 2.0 or above;

(c) the student's written request contains items (a) and (b) from Section 705(e)(1);

(d) the student's written request includes a memorandum addressed to the Associate Dean from the member of the full-time faculty who has agreed to supervise the student's work and who has reviewed and approved the student's thesis description and detailed prospectus. In that memorandum, the supervising faculty member shall state that s/he has agreed to supervise the student's work; has reviewed and discussed with the student the student's thesis, description and detailed prospectus, and has made appropriate suggestions on those documents; those documents have been revised by the student to the faculty member's satisfaction; and that the faculty member has approved the thesis description and prospectus as appropriate and sufficient to permit the student to complete successfully the requirements for supervised research or independent research paper.

(e) the Associate Dean has approved the student's request and forwarded it to the Registrar with a memorandum stating that the student has been approved to enroll for the project described in the student's request and approved by the supervising faculty member.

### (3) Completion of the Paper

Once approved by the Associate Dean, the balance of steps set forth in Section 705(e)(1) above should be completed according to a schedule established by the supervising faculty member. The supervised research cannot involve a topic significantly explored or researched by the student previously in another context, such as legal journals, moot court, paid research, law office work, and for previous seminars.

As a general rule, for each semester credit hour awarded, the final supervised research paper should be approximately fifteen (15) pages of text, excluding footnotes, for each semester credit hour awarded. The final paper must be submitted to the supervising faculty member no less than seven (7) days prior to the last day of scheduled classes for the semester in which enrolled. A final conference and defense of the paper should be conducted between the student and the supervising faculty member.

(a) *Independent Research.* The requirements of Section 705(e)(1), “Supervised Research Paper” shall apply to all independent research.

(b) *Grading and Criteria for Grading.* All supervised research and independent research papers shall be graded as follows: Pass/No Credit/Fail. Supervised research and independent projects are to be evaluated by the supervising faculty member according to the following criteria:

1. Concept – originality and creativity;
2. Research – thorough review of sources, relevance of sources, time and effort expended on evaluating sources;
3. Analysis – demonstrates logical approach and critical thinking; goes beyond mere recitation or summary of the law;
4. Writing – clarity, grammar, word usage, care in editing final product;
5. Paper or Product – well-organized, complete, shows extent of learning experience, quality and practicality; and
6. Professionalism – initiative, tenacity, diligence, perseverance, persistence, dependability, adherence to schedule.

## **Section 706. Clinical Credit**

(a) *Eligibility.* A student must satisfactorily complete all first year courses, be in good academic standing, and have a grade point average of at least 2.00 to engage in clinical work or in the Externship Program.

(b) *Externship Program.* During the regular academic year an externship may be for two (2) or three (3) credit hours. During the Summer session an externship may be for up to six (6) credit hours, which may be divided among multiple externships. In no event may a student earn more than eight (8) total credits for participating in the Externship Program.

(c) *In-House Legal Aid Clinic.* No student may earn more than six (6) credits for participating in an in-house civil legal aid clinic.

(d) *Grading.* Clinical courses and Externship courses will be graded on a Pass/No Credit/Fail basis with a “P” for pass, “NC” for no credit, or an “F” for fail. See Section 501 for a complete description of the grading structure.

#### **Section 707. Limitation on Pass/Fail Grades**

A student may not receive credit toward the requirements for the J.D. degree for more than ten (10) credit hours in elective courses with Pass/No Credit/Fail grading. Hours earned in the Externship Program shall not count toward this ten (10) hour total. Hours earned in the Externship Program do not count toward the ten hour total.

#### **Section 708. Grade Changes**

(a) *General Rule.* Final course grades submitted by an instructor are final when received by the Registrar and may not be changed by the instructor except as prescribed below.

(b) *Exceptions.*

(1) *Incomplete.* A grade given by an instructor in a course, seminar or directed research may be changed by the instructor if the original grade was “Incomplete.” (See Dean’s Office Regulations Section 203(b).). The instructor must submit the letter grade reflecting the completed work on or before the last class day of the semester or session following the semester or session for which the “Incomplete” was recorded.

(2) *Instructor’s Application for Change of Grade for Good Cause.* An instructor may also apply to the Associate Dean for change of grade for good cause. Good cause is limited to clerical error in recording a grade, egregious error in grading, or other like circumstance.

(3) *Student’s Application for Change of Grade.* A presumption of regularity and impartiality attaches to the grades recorded by instructors at the Law School, particularly in a course in which a grade was assigned on the basis of any anonymous grading system. A student may apply for a change of grade only on the grounds that a grade was awarded on a basis other than work done by the student in the course. The burden of proof is on the student to prove the allegations. Any petition for change of grade under this section will be heard and determined according to the provisions of Sections 312 and 313 of this Code. A student desiring to petition for a grade change must file a petition with the Office of Associate Dean within thirty (30) days of receipt of the Registrar’s report of the grade in question.

### **Section 709. Dean's List**

A student who attains an annual cumulative grade point average of 3.67 or higher will be placed on the Dean's List for the year. "Annual grade point average" is defined in Section 306 of the Academic Code. The student's transcript for the Spring semester shall reflect the student's placement on the Dean's List.

### **Section 710. Honors Graduates**

(a) *Summa Cum Laude*. A summa cum laude graduate must have a cumulative grade point average of 3.75 or higher as of commencement and must have completed all academic work required for receipt of the Juris Doctor degree.

(b) *Magna Cum Laude*. A magna cum laude graduate must have a cumulative grade point average of 3.50 but less than 3.75 as of commencement and must have completed all academic work required for receipt of the Juris Doctor degree.

(c) *Cum Laude*. A cum laude graduate must have a cumulative grade point average of 3.25 but less than 3.50 as of commencement and must have completed all academic work required for receipt of the Juris Doctor degree.

### **Section 711. Taping of Classes**

No student may audiotape, videotape or otherwise record a class without the express permission in writing of the Dean or the Associate Dean for Academic Affairs.

### **Section 712. Effective Date**

The Academic Code of John Marshall Law School is effective August 1, 2001, and as amended thereafter.

**Revised, November 7, 2003; Revised, June 30, 2004; Revised, August 8, 2005; Revised, March 8, 2006; Revised August 4, 2006; Revised August 8, 2007; Revised April 9, 2007; Revised April 23, 2009; Revised October 21, 2009.**