



# STUDENT HANDBOOK

with  
**Institutional Policies,  
Academic Code,  
Dean's Office Regulations, and  
Code of Student Responsibility**

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# INSTITUTIONAL POLICIES

**Effective August 1, 2001**

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# **ATLANTA'S JOHN MARSHALL LAW SCHOOL**

## **INSTITUTIONAL POLICIES**

### **NON-DISCRIMINATION POLICY**

It is the policy of Atlanta's John Marshall Law School not to discriminate on the basis of sex, handicap, disability, race, color, religion, age, national or ethnic origin, marital status, or sexual or affectional preference in its educational programs, admissions policies, employment policies, or other school administered programs. This policy is enforced by Federal law under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Inquiries concerning these policies should be directed to the Dean of the Law School.

### **DISCLAIMER**

The Law School reserves the right to modify the requirements for admission or graduation, to change the program of study, to amend any regulation affecting the student body, to increase tuition and fees, and to dismiss from the Law School any student at any time if it is deemed by the Law School to be in the best interests of the Law School or the students to do so. Nothing in this Student Handbook may be considered as setting forth terms of a contract between a student or prospective student and Atlanta's John Marshall Law School.

### **ACCREDITATION**

Atlanta's John Marshall Law School has been fully approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association since 2009. The Section of Legal Education may be contacted at 321 North Clark Street, Chicago, IL 60610 or by phone at 312-988-6738.

### **ACADEMIC FREEDOM**

The well-being of an academic institution and of society in general can be maintained only if individuals and groups exercise their responsibility and freedom to search for the truth and to speak that truth as it is discovered. As members of a collegial community, the faculty, administrators, and students of Atlanta's John Marshall must extend to one another trust and respect which create the appropriate environment for the exercise of academic freedom.

# **LAW SCHOOL REGULATIONS**

## **SEXUAL HARASSMENT POLICY OF ATLANTA'S JOHN MARSHALL LAW SCHOOL**

### **Section 1. Human Rights Policy**

It is the policy of the Law School not to discriminate on the basis of sex, physical handicap, disability, race, age, color, religion, national or ethnic origin, marital status, or sexual or affectional preference in its educational programs, admissions programs, employment practices, financial aid, or other school-administered programs.

### **Section 2. Discrimination and Harassment**

The Law School seeks to create and maintain an academic environment in which all members of the community are free from unlawful discrimination and harassment.

Definition of Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or
- (b) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual or both; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or academic performance or creating an intimidating, hostile, or offensive work or classroom environment.

Sexual harassment in academe includes the use of authority or position of authority to emphasize the sexuality or sexual identity of a person in a manner which prevents or impairs that person's full enjoyment of educational or employment benefits, environment, or opportunities. Academic administrators are required to acquaint their faculty with the seriousness of these issues and with Atlanta's John Marshall Law School institutional policy. Any faculty member, staff member, or student who believes himself or herself to have been injured because of a violation of these policies should make a prompt report to the Office of the Associate Dean for Academic Affairs. Any reports of sexual harassment or discrimination will be promptly investigated by the Office of the Associate Dean for Academic Affairs, and the results of that investigation shall be referred to the appropriate body for disposition.

# **ATLANTA'S JOHN MARSHALL LAW SCHOOL POLICY PERTAINING TO CONFIDENTIALITY OF STUDENT RECORDS**

## **Section 1. Scope of Policy**

The Family Educational Rights and Privacy Act of 1974 ("Act") applies, for purposes of this policy, to students presently enrolled in the Law School and to alumni, but not to applicants who have not been admitted to the Law School.

## **Section 2. Applicability of Act to Record**

- (a) The Act applies to "education records" defined as "those records which are directly related to a student and are maintained by" the Law School or by a party acting for the Law School.
- (b) The term "education records" does not include:
  - (1) personal files of faculty and administrative personnel which are in the maker's sole possession and not accessible or revealed to any other person except a temporary substitute;
  - (2) campus safety records which are kept separate from education records, are maintained for campus safety, student discipline, and law enforcement purposes only and are available only to the responsible Law School administrators and law enforcement officials;
  - (3) records relating to an individual who is employed by the Law School which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose;
  - (4) medical, psychiatric, or physiological records created and used only for the treatment of a student and available only to those providing the treatment (provided, however, that a physician of the student's choice may review such records);
  - (5) records of the Law School which contain only information relating to a person after that person is no longer a student at the Law School; or
  - (6) directory information which the student has authorized the Law School to publish.

## **Section 3. Disclosure to Persons Other than Students**

- (a) Except for certain exceptions stated in the Act, no one shall have access to educational records without the written consent of the student concerned. However, the student concerned may authorize in writing the disclosure of records to a class of organizations or persons for the purpose of employment, graduate study, or fellowships. The exceptions to the consent requirement include the following:

- (1) Law School employees with legitimate educational interests in seeing the records in question. This includes those Law School officials such as faculty and administration, as well as clerical employees managing student-record information, who act in the student's educational interest and have a demonstrated need to know the contents of such records. For purposes of this Policy, mere curiosity is not a legitimate educational interest;
  - (2) certain authorized Federal officials auditing Federally-supported educational programs and state officials to whom information from student records is required by statute to be disclosed;
  - (3) persons processing student financial aid applications when necessary for such purposes as determining eligibility for or amount of financial aid, determining conditions to be imposed for such aid, and enforcing such conditions;
  - (4) organizations conducting studies for educational agencies in connection with predictive tests, student aid programs, and the improvement of instruction, provided that the identity of students must not be revealed to other than representatives of such organizations;
  - (5) accrediting organizations carrying out their accrediting functions;
  - (6) parents of a student who is a "dependent" for Federal income tax purposes;
  - (7) compliance with a judicial order or lawfully-issued subpoena; and
  - (8) in an emergency, appropriate persons, if the knowledge of information from a student's records is necessary to protect the health or safety of the student or other persons.
- (b) Whenever a student's records or information from such records is disclosed to any organization, agency, or individual, a transmittal letter shall inform the recipient that such records are for information only and not to be disclosed to any other party without the prior written consent of the student.
- (c) Each office which maintains education records shall keep with the records of each student a form which lists, with exceptions stated below, all individuals, agencies, or organizations which have requested or obtained access to such student's education records. This form shall also include the legitimate interest the requestor had, if any, in making the request. This requirement does not apply to disclosures to Law School officials described in Section 3(a)(1) hereof, to the student or his or her parent, to parties to whom disclosure has been specifically approved by the student, or to disclosures of directory information, as defined and more fully described in Section 4(a)(4) hereof.

## **Section 4. Student's Right to Access**

### **(a) In General,**

- (1) parents' financial records and related parental financial information shall not be released to students.
- (2) subject to certain conditions, confidential evaluations of students placed in education records prior to January 1, 1975 shall not be released to students. All other education records of a particular student shall be open for inspection by that student unless access is restricted under paragraph (3) of this section.
- (3) a student may waive his or her right of access to confidential evaluations submitted on or after January 1, 1975 relating to admission to any educational institution, application for employment, and receipt of honors, provided, however, that the student must, upon request, be notified of the name of each person who has submitted such a confidential evaluation. Such evaluations may be used only for the purpose intended and a waiver may not be required as a pre-condition to admission to the Law School or receipt from the Law School of financial aid or any other services or benefits.
- (4) the Law School may disclose without the prior written consent of the student "directory information" including a student's name, campus address, home address, campus telephone number, home telephone number, date and place of birth, major field of study, participation in officially-recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent secondary school, and previous educational agency or institution attended by the student, provided that any student may withhold disclosure of any or all of such information by notification in writing to the Associate Dean for Academic Affairs or the Registrar at the Law School within two weeks after publication of the annual notice described below.
- (5) the types of education records maintained by the Law School include academic records (transcripts, advising records, and letters of evaluation) and other personal and financial records. The offices in which such records may be maintained include the Dean's Office, Dean of Students Office, offices of faculty advisors, Student Services Office, Career Development Office, Admissions, Financial Aid, and the Business Office.
- (6) subject to the limitations otherwise stated herein, a student may waive any of his other rights granted pursuant to the Act and the regulations thereunder. The Law School will not require such a waiver as a condition of admission or receipt of any other services or benefits. A waiver under this Section may be made with respect to specified classes or education records and persons or institutions. A waiver under this Section may be revoked, in writing, with respect to any actions occurring after the revocation.

### **(b) Procedures for Access to Records**

- (1) A request by a student (or the parent of a "dependent" student) to inspect his or her education records shall be made to the office which maintains such records. Each office maintaining education records shall designate a person to receive and process student requests. Upon receipt of a dated, signed request form and proper identification, the designated person receiving the request shall give the student or parent a written confirmation or receipt of the request. Such a person shall also inform the student when the requested records will be made available, as soon as is reasonably possible, but in no event more than forty-five (45) days after receipt of the request from the student.
- (2) After the designated person has removed from the student's file all information relating to the student and all evaluations which are confidential as to the student under Section 3(a)(2) and (3) above, the records shall be made available to the student on the specified date, after the student again displays proper identification, for inspection and review under supervision of the designated person. If a student requests a copy of one or more of such records, the requested copies, with limited exceptions, shall be transmitted to the student upon payment of a fee. Unless otherwise specifically stated, the fee for such copies shall be twenty-five cents (\$.25) per page. The Law School may deny the request for a copy of records for legitimate cause. In order to have this right, the circumstances surrounding the possible denial of a copy of records must be described. **In no event will the records of another institution which a student attended be released to any person including a student or his/her parents.**
- (3) After reviewing his or her records, a student has a right to challenge the contents of such records as being inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. Except as otherwise established by the Law School, a student may not challenge the correctness of a grade which has been assigned to the performance of the student in a course, but may challenge the accuracy of the recording of the grade.
- (4) Upon deciding that some aspect of his or her record(s) is inaccurate, the student shall so inform the designated person in the office where his or her records are maintained and shall attempt to resolve the problem through informal discussion with such person and the person in charge of that office.
- (5) If no agreement is reached through informal discussion, the student may submit in writing to the Dean of the Law School a rebuttal, or a request for a hearing, specifying the record or records alleged to be inaccurate, misleading, or otherwise inappropriate. If the Dean's review of the hearing request and file also does not result in an agreement, the Dean shall appoint as hearing officer a Law School official with no direct interest in the outcome of the hearing. Unless the student withdraws his request or requests a delay, the hearing shall be held within forty-five (45) days after receipt of the student's request. At the hearing, the student shall be given an opportunity to present evidence in support of the challenge. The impartial official conducting the hearing shall render his/her decision in writing within thirty (30) days after the hearing. If the decision denies the challenge, the student may have inserted in his or her records a written explanation concerning the allegedly inappropriate contents.

## **Section 5. Miscellaneous Policy Items**

- (a) This Policy and a copy of the Act and regulations promulgated thereunder shall be made available at Registrar's Office during the regular registration period. In addition, copies of this policy may be found in the Dean's Office of the Law School.
- (b) An annual notification of rights under the Act shall be given to students in attendance at the Law School. This notification shall consist of a notice in the Student Handbook.

If a student feels that the Law School has failed to comply in some way with the Act or the regulations promulgated hereunder and has failed to answer his or her complaint satisfactorily, he or she has the right to file a complaint with the Family Policy & Regulations Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

### **ANNUAL NOTICE TO STUDENTS REGARDING EDUCATION RECORDS**

The Family Educational Rights and Privacy Act of 1974 ("Act") provides the following rights for students attending Atlanta's John Marshall Law School:

- (a) The right of a student, with minor limitations, to inspect and review his or her educational records.
- (b) The right, with certain exceptions, to prevent disclosure to third parties of information from his or her education records.
- (c) The right to withhold public disclosure of any or all items of so-called "directory information" by written notification to the Registrar's Office within two (2) weeks after the beginning of the Fall and Spring semesters of each academic year. All such notifications by students shall remain in effect only for the remainder of the academic year during which notification is made. Under current Law School policy, the term "directory information" includes a student's name, campus address, home address, campus telephone number, home telephone number, date and place of birth, major field of study, participation in officially-recognized activities, dates of secondary school, and previous educational agency or institution attended by the student.
- (d) The right to file a complaint with the Department of Education, concerning the alleged failure of the Law School to comply with the requirements of the Act and the regulations promulgated thereunder. The procedures for exercise of the above rights are explained in the Law School policy regarding the confidentiality of student records, copies of which are available in the Registrar's Office. Included within the Policy is a list of the types and locations of educational records maintained by the Law School with the title and address of the officials responsible for those records.



## ATLANTA'S JOHN MARSHALL LAW SCHOOL POLICY PERTAINING TO ANONYMOUS GRADING

- (a) In order to ensure integrity in written exam grading, Atlanta's John Marshall Law School uses an anonymous grading system. The Law School's Academic Code, which is contained in this Student Handbook, sets out the Law School's grading policy in Section 504 (f).
- (b) Each semester the Assistant Registrar will assign students a four digit anonymous blind grade number. The student's name or any other identifying characteristics should not appear on the work submitted for grading. Students must use their blind grade number for exams, mid-terms, and any other written graded assignment a professor may designate. For graded oral presentations, the applicable faculty member will send the students' oral presentation grades to the faculty coordinators or Registrar, who will then add the oral presentation grades to the students' blind grade number, in a manner that reasonably achieves the objectives of a confidential grading system for written assignments.
- (c) Students are responsible for using the correct blind grade number that has been assigned to them for the current semester. **If a student does not identify their exams, mid-terms, papers or other graded assignments with their correct blind grade number, the student may receive an 'F' for that exam, mid-term, paper, or other graded assignments.** For a number of courses which a student takes in law school, your final grade in the course is based solely on your exam. Thus, it is extremely important that students use their correct blind grade number or they may receive an 'F' in the course for their final grade.
- (d) Blind grade numbers assigned to students are unique to each student. It is incumbent upon the student to maintain the anonymous nature of the blind grade number. Students may not disclose their blind grade number to another student. Faculty and staff will treat blind grade numbers in a manner that ensures confidentiality during the grading process.
- (e) Students are encouraged to obtain their blind grade number at the beginning of each semester. Students should obtain their blind grade number from the Assistant Registrar, located on the 7<sup>th</sup> floor in the 1422 building. I.D. is required to obtain your blind grade number.
- (f) Willfully obtaining or disclosing another student's anonymous number or in any way compromising the integrity of the anonymous grading system is a violation of the Code of Student Responsibility.

## **ATLANTA'S JOHN MARSHALL LAW SCHOOL DRUG FREE CAMPUS POLICY**

Atlanta's John Marshall Law School has adopted the following policy to provide for a drug-free, healthful, and safe environment for its students and employees in accordance with P.L. 100-690, Title V, Subtitle D, §5151, 102 Stat. 4304 (Drug Free Workplace Act of 1988) (41 U.S. C. §701 et seq.). The Law School also adheres to the requirements of the Georgia Drug Free Workplace Act (General Laws of Georgia §34-9-410 *et seq.*).

### **(a) Explanation of Drug and Alcohol Abuse Problem**

Drug and alcohol abuse is one of the greatest social problems facing Americans. Drug and alcohol abuse afflicts all levels of our society. It invades the affluent, as well as the poor, black and white, men and women. The use of these substances not only alters the mind and behavior of the users, it may also cause physical and emotional damage as well as criminal and financial consequences. The dangers of experimenting with these substances are not fully appreciated.

For the benefit of every Law School staff and faculty member, the following list of dangerous substances has been prepared to heighten awareness of the dangers of these drugs. Listed below are some of the commonly used drugs and their effects upon the user.

#### **(1) Alcohol**

Alcohol is a "psychoactive" or mind-altering drug. It is a depressant which can alter mood, cause changes in the body, and become habit forming. A person does not have to be an alcoholic to have a problem with alcohol. The Surgeon General has reported that the life expectancy of Americans 15 to 24 years old has declined. The death rate of Americans 15 to 24 is now higher than it was 20 years ago, and the leading cause of early death is drunk driving. Additionally, in 1988, 37.5% of the 47,000 deaths caused by traffic accidents involved a person with a blood alcohol level above the then legal limit of .10. Alcohol abuse can cause brain damage, alcoholic hepatitis, cirrhosis of the liver, stomach and duodenal ulcers, impotence, infertility, birth defects, liver disease, pancreatic disease, kidney failure, and premature aging. Alcohol abusers have a higher incidence of high blood pressure, heart attacks, and strokes.

#### **(2) Opiates**

The opiate family of addictive painkillers includes opium, morphine, and heroin. All these drugs are distillates from the seeds of opium poppies, which are grown commercially. Morphine is prescribed as a painkiller, and addiction to morphine is rarely seen outside of hospital personnel or persons who have received the drug for serious pain. Opium historically was a drug of choice in the Orient for centuries. Morphine, a distillate originally designed to help opium addicts to escape their habit, is the most commonly encountered street form of opiate. It is the most highly addictive.

a. Opium

Opium is an addictive drug distilled from certain varieties of poppy seeds. The drug produces a sense of calm and well-being in the user, somewhat like the state of euphoria produced by marijuana. It is generally smoked rather than eaten or injected. Opium has the same evil side effects as heroin in a slightly less severe form. Opium addicts exist in a dream-like state, accompanied by insomnia, nausea, and panic attacks. The addict needs greater doses to maintain his state of addiction.

b. Heroin

Heroin is an opiate addictive drug distilled from opium. It is usually injected by users just under the skin (skin poppers) or into veins (main liners). Heroin causes problems such as shallow breathing, nausea, panic, insomnia, and a need for increasingly higher doses. Of all illegal drugs, heroin is responsible for the greatest number of deaths. Heroin withdrawal is extremely painful. The addict experiences significant and painful physical symptoms. Additionally, users who share needles or other paraphernalia face contracting potential life-threatening diseases such as hepatitis and AIDS. These diseases may then be passed on to sexual partners and unborn babies. Use of heroin during pregnancy may lead to miscarriage and stillbirth. The babies whose mothers were addicted to heroin are born addicted and must undergo the same painful withdrawal.

(3) Barbiturates

Barbiturate drugs are sedatives which produce effects of emotional relaxation and induce rest or sleep. Like alcohol, barbiturates are depressive drugs, producing effects similar to alcohol, e.g., slurred speech, reduction in mental acuity, and memory loss. There are more than 80 commercially-produced prescription barbiturates. The potential for barbiturate misuse by persons who have received prescriptions and for addicts who purchase barbiturates on the street is fairly high. The most common misuse of barbiturates is accidental or intentional overdose, which may lead to coma and death. Barbiturates impair judgment and motor skills, and users are as dangerous as drivers who use alcohol.

(4) Tranquilizers

Chemical tranquilizers were originally developed to treat mentally ill persons to curb outbursts of mania or depression. Chlorpromazine has been used in this way for fifty years. Since World War II, minor tranquilizers such as Valium, Miltown, and Librium have routinely been prescribed by physicians for patients with moderate to acute anxiety problems to reduce stress-related anxiety. Tranquilizer abuse, like barbiturate abuse, is seen most often in users receiving and overdosing prescription tranquilizers.

## (5) Hallucinogens

Hallucinogenic drugs were the "new" drug discovery of the 1960's. During that era, millions of people experimented with hallucinogens to enhance their well-being, to perceive ultimate reality, to enjoy rock music more deeply, and to have more satisfactory sexual experiences. The family includes plant products such as marijuana, hashish, peyote, mescaline and synthetics like LSD. Peyote is used by Southwestern Indian tribes in religious rituals and poses no significant abuse problems. Mescaline was occasionally abused in the 1960's but cases of mescaline abuse are rarely encountered today. Marijuana and LSD, however, are drugs which Americans frequently abuse.

### a. Marijuana

Marijuana, the leaves of the common cannabis (hemp) plant, produces a state of euphoria or a "high" when smoked, the common form of marijuana abuse in the United States. Marijuana causes damage to the lungs four times greater than tobacco cigarettes. Even small doses can impair memory function, distort perception, hamper judgment, and diminish motor skills. Marijuana also has been linked to birth defects. Driving while under the influence is very dangerous because driving skills are impaired for at least 4 to 6 hours after smoking a single "joint."

### b. LSD

LSD is a synthesized acid (lysergic acid diethylamide), which produces visual and auditory hallucinations and can produce side effects resembling schizophrenia. LSD speeds up heart rate, dilates the pupils, and sometimes induces a fever. Chromosomal damage is a potential long-term result of LSD use, as are "flash backs" occurring years after the user has stopped taking "trips" on LSD.

### c. PCP

PCP is a distilled version of LSD. It is usually known as "Angel Dust." PCP is a hallucinogenic that alters sensation, mood, and consciousness. Users depart from reality and exhibit bizarre behavior and severe disorientation. PCP may lead to permanent changes in motor functions and in the ability to think and memorize. It also causes birth defects.

## (6) Stimulants

The stimulant family includes amphetamines, caffeine, nicotine, cocaine, and other drugs which act on human users to increase physical and mental activity. Amphetamines and cocaine are widely abused by Americans. Nicotine abuse is particularly rampant and is socially acceptable enough that absolute prohibition on tobacco smoking and resulting penal laws have not been enacted. Caffeine abuse or "coffee nerves" is a common minor irritation, which some Americans suffer from after ingesting coffee, tea, or cola-based sodas.

### a. Amphetamines

Amphetamines were originally developed to speed weight loss in obese people and as prescription stimulants to replace coffee and tea. Some amphetamines such as Dexedrine and Benzedrine have been available for a half century, while new synthetic amphetamines are compounded each year by pharmaceutical companies. In street form, amphetamines are called "speed" or "meth." These versions of the drugs are fabricated in clandestine laboratories which produce methamphetamine compounds, which are much stronger than commercially available prescription drugs. "Meth" addicts may take methamphetamine either orally in pill form or inject it. "Legal" addicts may receive amphetamines from their physician and become psychologically dependent on the substance for a "life" each day, followed by barbiturate abuse to calm down enough to sleep each night. Amphetamine abuse can lead to such evil side effects as skin disease, periods of psychotic depression, suicide, and fatigue.

### b. Cocaine

Cocaine is distilled from the South American coca plant. In street form, it is a white powdery substance which looks like powdered sugar. Street cocaine is usually a mixture of pure cocaine and filler, normally sugar. "Crack" cocaine is a resin compound which is usually smoked or injected. It is a further reduction or distillation of cocaine salts. Cocaine is one of the most dangerous and psychologically-addictive drugs, especially the crack form. No individual can predict how much will be addictive or what dose will be fatal. Even occasional use can lead to an uncontrollable desire for the drug. Cocaine produces an accelerated heart rate while at the same time constricting the blood vessels, which are trying to handle the additional flow of blood. Accompanying the rise in blood pressure, body temperature, and dilated pupils may be seizures, cardiac arrest, respiratory arrest, or stroke. Hallucinations and a belief of superhuman powers are common. Additionally, users who share needles or other paraphernalia face contracting potential life-threatening diseases such as hepatitis and AIDS. These diseases may then be passed on to sexual partners and unborn babies. Besides physical harm, cocaine causes emotional, financial and family problems, and may destroy careers. Babies whose mothers were addicted to cocaine or crack are born addicted and must undergo the same painful withdrawal.

## (7) Designer Drugs

"Designer" drugs are a chemical alteration of certain drugs. They are usually more potent than the original drug, therefore resulting in more toxic effects. These drugs are extremely dangerous because users are never sure what they are taking. Health officials report that designer drugs kill certain kinds of brain cells.

## (b) Drug Free Work Place Rule

### (1) General Rule

Law School employees and students may not unlawfully manufacture, possess, use, or distribute illicit drugs and alcohol on Law School property, or as a part of any of its off-campus activities. Every employee and student must follow this rule. Any employee who violates this rule will be disciplined, suspended, or released. Any student who violates this policy will be disciplined, suspended, or expelled. The Law School will assist any law enforcement agency which is investigating drug or alcohol law violations involving John Marshall employees or students.

### (2) Medical Leave of Absence

The Law School may grant a medical leave of absence to any student who violates the General Rule for the first time in lieu of suspension or expulsion if the student is a substance abuser and does not engage in the manufacture or distribution of prohibited substances. Medical leave of absence may also be made available to students who are drug or alcohol abusers who do not abuse substances on Law School property or at a Law School sponsored function.

### (3) Suspension or Dismissal from School

A violation of the General Rule is a violation of the John Marshall Law School Code of Student Responsibility. Every law student and each faculty or staff member who is aware of a violation of the General Rule is obliged to report the violation as provided in the Code of Student Responsibility.

The Dean's Office will investigate any alleged violations of the General Rule. It may recommend that a student who has violated the General Rule be suspended or dismissed from school or any lesser penalty consistent with the Law School Drug Free Work Place Policy.

## (c) Criminal Sanctions for Drug and Alcohol Abuse

### (1) General

The following list of criminal penalties for drug and alcohol abuse is not exhaustive. Note well that there may be other provisions of Georgia and Federal statutes related to drugs and alcohol that are not included here.

### (2) Criminal Acts in Georgia

John Marshall employees and students are subject to prosecution under the laws of Georgia for drug abuse and unlawful drug sales. Georgia has adopted the Uniform Controlled Substances Act (General Laws of Georgia §§16-13-20 *et seq.*). Some of the offenses contained in this Act and elsewhere in the General Laws of Georgia are described in a general manner below. Note well that there may be other provisions of Georgia statutes related to drugs and alcohol that are not included here. Driving under the influence of liquor or drugs is a misdemeanor but carries substantial penalties.

Causing serious bodily injury while driving under the influence of liquor or drugs is a different offense.

When death follows as a proximate result of operating a vehicle while under the influence of liquor or drugs, the penalties are even more severe than in the categories above.

Driving while in possession of a controlled substance is a separate offense. Consumption of alcoholic beverages while operating a motor vehicle is another separate offense.

Operation of a motorboat or vessel or manipulation of water skis, surfboard, or similar device while intoxicated or under the influence of any narcotic, barbiturate, or marijuana is prohibited. It is unlawful to drive or operate a snowmobile or recreational vehicle in unsafe or harassing ways including while under the influence of intoxicating liquor or narcotics or habit forming drugs.

With limited exceptions, it is unlawful to bring alcoholic beverages into the state. Supplying alcoholic beverages to underage persons is an offense.

With limited exceptions, it is unlawful to manufacture, deliver or possess with intent to manufacture or deliver a controlled substance or an imitation controlled substance. Distribution of controlled substances to a person under the age of eighteen (18) who is at least three (3) years junior to the distributor is unlawful. Possession of hypodermic instruments without proper authority is an offense.

### (3) Federal Drug Crimes

The Federal Controlled Substances Act also forbids many of the same acts or omissions forbidden by Georgia law. Consult 21 U.S.C. §§841 *et seq.* for details on federally prohibited transactions. In general, any person who is found to manufacture, distribute, or dispense or possess with the intent to manufacture, distribute, or dispense a controlled substance may be imprisoned for a term up to ten (10) years and fined up to \$4,000,000. If the same act involves serious bodily injury or death, violators may be imprisoned up to 20 years and fined up to \$4,000,000 or both. Any person who creates, distributes, or dispenses a counterfeit substance, or possesses a counterfeit substance with the intent to distribute or dispense may be imprisoned for up to five (5) years and fined \$250,000.

### (d) Where to Get Help If You Are a Substance Abuser

#### (1) General

The Law School recognizes that substance abuse is an illness and a major health problem. Students and employees are encouraged to seek appropriate help.

#### (2) Substance Abuse Counseling and Support Groups in Georgia

The following list of counseling and support groups is not exhaustive and is subject to change as new agencies provide services for substance abusers. In some instances, a user fee or counseling fee is required for outpatient services provided by a counseling center. Any student who has a substance abuse problem who is willing to receive help should call one of the agencies listed below or listed in the Yellow Pages under Alcoholism Information & Treatment Center or Drug Abuse & Addiction Information & Treatment.

- a. State Bar of Georgia Lawyer's Assistance Program  
800-327-9631  
[www.gabar.org/programs/lawyer\\_assistance\\_program/](http://www.gabar.org/programs/lawyer_assistance_program/)

This free program provides confidential assistance to Bar members and law students whose personal problems may be interfering with their ability to practice law. Such problems include stress, chemical dependency, family problems and mental or emotional impairment.

- b. Alcoholics Anonymous  
404-525-3178  
[www.aaaatlanta.org](http://www.aaaatlanta.org)

Alcoholics Anonymous is a worldwide fellowship of recovering alcoholics. Participants have been able to stop their alcohol abuse and regain sobriety through mutual support, encouragement, and cooperation and by following the 12 Steps of Alcoholics Anonymous.



- c. Al-Anon and Alateen Family Groups  
404-687-0466  
[www.atlantaal-anon.org](http://www.atlantaal-anon.org)

Al-Anon is a worldwide anonymous fellowship of relatives of alcoholics and substance abusers. The principles of Al-Anon are derived from the 12 Step Program of Alcoholics Anonymous. Members are able to control their co-dependency on an alcoholic family member or friend and to regain serenity through mutual support, encouragement, and cooperation. Alateen, a special 12 Step Program for children of alcoholics under 18, and special Al-Anon programs for adult children of alcoholics may be located through the above telephone number as well.

- d. Narcotics Anonymous  
888-766-1572  
[www.na.org](http://www.na.org)

Narcotics Anonymous is an international, community-based association of recovering addicted men and women for whom drugs have become a major problem. NA sprang from the 12-step Alcoholics Anonymous Program and is open to all drug addicts, regardless of the particular drug or combination of drugs used.

Nar-Anon  
800-477-6291  
[www.nar-anon.org](http://www.nar-anon.org)

Nar-Anon is a 12-step program designed to help relatives and friends of addicts recovering from the effects of living with an addicted relative or friend. Members are able to control their co-dependency on a drug addicted family member or friend and to regain serenity through mutual support, encouragement, and cooperation.

- e. Other
  - 1. Alpha Recovery Center (404) 329-9991
  - 2. Atlanta Union Mission (Residential Recovery) (404) 588-4000
  - 3. Fulton County Behavioral Health Access and Information (404) 730-1688
  - 4. Georgia Crisis and Access Line 1-866-821-0465
  - 5. High Impact (404) 523-6074
  - 6. Mary Hall Freedom House (N. Fulton) (770) 642-5500
  - 7. MG Counseling Services (770) 955-4211
  - 8. Ponce de Leon Counseling (404) 589-4445
  - 9. Southside Behavioral Lifestyle Enrichment Center (404) 627-1385
  - 10. Tangu (404) 523-4599

(e) Mental Health

1. General

To the extent that you believe you need immediate mental health services, the following institutions can provide you either direct assistance or referral to an appropriate service provider:

a. Individual and Family Counseling

i. John Marshall Law School Counseling Services

- a. Sunamita Tuple, MS Eds LPC  
404-872-3593 x 259 (On Campus)
- b. Meg McLeroy, LMFT 404-931-3687 (Offsite)  
1708 Peachtree St. #530 Atlanta, GA 30309

ii. Other

- a. State Bar of Georgia Lawyer's Assistance Program 1-800-327-9631
- b. Fulton County Mental Health 866-821-0465
- c. DeKalb Crisis Center 404-294-0499
- d. GCAL (Georgia Crisis & Access Line) 800-715-4225
- e. Atlanta Area Psychological Associates (770) 953-6401
- f. Catholic Charities (Spanish speaking counselors) (404) 885-7425
- g. Center for Pan Asian Community Services (Korean, Vietnamese, Chinese, Japanese, Laotian, Thai, Filipino) (770) 936-0969
- h. Child & Adolescent Mental Health Clinic (404) 616-2215
- i. Dekalb Rape Crisis Center (404) 377-1428
- j. Families First (404) 853-2800 (Offices in Clayton, Cobb, Dekalb, Douglas, Fulton, Gwinnett, and Rockdale)
- k. Fulton County Behavioral Health Access and Information Line
- l. (404) 730-1688
- m. Georgia Crisis and Access Line 1-866-821-0465
- n. Fulton County Solicitor's Office Victim Assistance Program (404) 612-6883
- o. Georgia Center for Children (child sexual abuse counseling) (678) 904-2880
- p. Grady Rape Crisis Center (404) 616-4861
- q. Grady Psychiatric Emergency Room (404) 616-4762
- r. Heartwork Counseling Center (404) 658-1222
- s. Link Counseling Center (404) 256-9797
- t. Karuna Counseling for Women (404) 321-4307
- u. Metropolitan Counseling Services (404) 321-1794
- v. North Atlanta Counseling Services (770) 998-0989
- w. Northside Behavioral Health Center (800) 715-4225
- x. Odyssey Family Counseling (Hapeville, College Park, McDonough)  
(404) 768-1156

- y. Refugee Family Services (404) 299-2243
- z. Shalom Bayit/Jewish Family & Career Services (770) 677-9322

(f) Resources for victims of domestic violence

1. General

Surviving domestic violence can be stressful, confusing, and frustrating. Healing the emotional wounds can take much longer than healing from physical wounds. The following resources are meant to guide you through the systems and resources available in the metro-Atlanta area.

a. 24- Hour Hotlines

- i. Alcohol and Drug Abuse Hotline 1-800-729-6686
- ii. Dekalb Rape Crisis Center (404) 377-1428  
Spanish: (404) 377-1429
- iii. First Call for Help (United Way) (404) 614-1000 or 211
- iv. Fulton County Child Protective Services (404) 699-4399
- v. Fulton Emergency Mental Health Services (404) 730-1600
- vi. Georgia Crisis and Access Line 1-866-821-0465
- vii. Georgia Domestic Violence Hotline 1-800-33-HAVEN
- viii. Governor's Victim Assistance Helpline 1-800-338-6745
- ix. Grady Rape Crisis Center (404) 616-4861
- x. International Women's House (770) 413-5557
- xi. National Domestic Violence Hotline 1-800-799-7233
- xii. National Hotline for Missing and Exploited Children 1-800-843-5678
- xiii. Partnership Against Domestic Violence (Fulton) (404) 873-1766
- xiv. Prevent Child Abuse in Georgia 1-800-CHILDREN
- xv. Rape, Abuse, and Incest National Network 1-800-656-HOPE
- xvi. Suicide Prevention Center Hotline 1-800-SUICIDE (784-2433)
- xvii. Task Force for the Homeless (404) 589-9495 or (800) 448-0636
- xviii. TTY/Hearing Impaired: (404) 730-1608
- xix. United 4 Safety (GLBTQQI DV support) (404) 200-5657

b. Hotlines During Business Hours

- i. Fulton County Solicitor General's Office Victim Assistance  
(404) 612-6883
- ii. Gay and Lesbian National Hotline (4pm-midnight M-F, 12-5pm Sat)  
1 (888) 843-4564
- iii. Refugee Family Violence Prevention Project (404) 299-2243
- iv. United 4 Safety LGBTQI Helpline (404) 200-5957

c. Shelters

i. Domestic Violence Safe-houses

a. General

Most domestic violence shelters also serve victims from other counties and provide services such as shelter, support groups, counseling, legal advocacy, and food and clothing at no fee.

- i. Cherokee Family Violence Center (770) 479-1703
- ii. Clayton County Association on Battered Women/Securus House (770) 961-7233
- iii. Cobb County YWCA of Northwest Georgia (770) 427- 3390
- iv. Dekalb County Women's Resource Center (404) 688-9436
- v. Douglas County S.H.A.R.E. House (770) 489-7513
- vi. Forsyth County Family Haven (770) 887-1121
- vii. Fulton Partnership Against Domestic Violence (404) 873-1766
- viii. Gwinnett Partnership Against Domestic Violence (770) 963-9799
- ix. Haven House (includes Henry and Spalding counties) (770) 954-9229
- x. International Women's House (770) 413-5557
- xi. Project Renewal (Conyers-Rockdale/Newton/Walton) (770) 860-1666

ii. Other Shelters

- a. Cascade House (404) 752-6199
- b. Drake House (North Fulton/Roswell) (770) 587- 4712
- c. First Presbyterian Church of Atlanta (404) 228-7746
- d. My Sister's House (404) 588-4009
- e. Salvation Army Shelter (404) 688-2884
- f. Task Force for Homeless (404) 589-9495
- g. United Way (call for help) 211

(g) Legal Representation

1. General

Other than police agencies, this list is for civil cases only, such as divorces, evictions, temporary protective orders, etc. For criminal offenses, an Assistant Solicitor or an Assistant District Attorney represents the State. Contact the Solicitor General's Office at (404) 612-4800 for misdemeanors and the District Attorneys' Office at (404) 612-4983 for felonies.

a. Law Enforcement Agencies

Use 911 for emergencies only and for information, use the numbers listed below:

- i. Atlanta Police (404) 546-2374
- ii. Alpharetta Police (678) 297-6314
- iii. College Park Police (404) 761-3131
- iv. Dekalb Police Department (404) 298-8500
- v. East Point Police (404) 761-2177
- vi. Fairburn Police (770) 964-1441
- vii. Fulton County Marshall (404) 612-4451
- viii. Fulton County Police (404) 730-5700
- ix. Fulton Felony Probation (DOC) (404) 656-4600
- x. Fulton Misdemeanor Probation (JCS) (404) 591-3180
- xi. Fulton County Sheriff Office (404) 612 5100
- xii. Fulton County Warrant Office (404) 613-4752
- xiii. Hapeville Police (404) 669-2111
- xiv. Johns Creek Police Department (678) 474-1600
- xv. Palmetto Police (770) 463-9068
- xvi. Roswell Police (770) 640-4100
- xvii. Sandy Springs Police Department (770) 551-6900
- xviii. Union City Police Department (770) 964-1333

b. Legal Information, Representation & Advocacy

- i. Atlanta Bar Lawyer Referral Service (404) 521-0777
- ii. Atlanta Legal Aid Society (404) 524-5811
- iii. Atlanta Volunteer Lawyers Foundation (404) 521-0790
- iv. Catholic Charities Immigration Services (404) 885-7461
- v. Dekalb County Legal Aid (404) 377-0701
- vi. Fulton County One Stop (TPOs) (404) 613-4579
- vii. Fulton County Victim Assistance Program (404) 612-6883
- viii. Fulton County Family Law Information Center (404) 335-2789
- ix. Georgia Legal Services (404) 206-5175
- x. GA Law Center Legal Clinic for the Homeless (404) 681-0680
- xi. Justice Center of Atlanta (mediation) (404) 523-8236
- xii. Latin American Association (404) 638-1800
- xiii. Partnership Against Domestic Violence (404) 873-1766
- xiv. State Bar of Georgia Pro Bono Project (404) 527-8762
- xv. Tapestri (refugee and immigrant assistance) (404) 299-2185

c. Temporary Protective Order

There is no charge or filing fee for cases of family violence or stalking. You are not legally required to have an attorney, but it may be helpful.

- i. Atlanta Volunteer Lawyers Foundation (404) 521-0790
- ii. Fulton County One Stop (404) 613-4579

- iii. Fulton County Safe Families Office (404) 612-4316
- iv. Fulton County Solicitor General's Office Victim Assistance (404) 612-6883
- v. Partnership Against Domestic Violence (404) 873-1766
- vi. Refugee Family Violence Prevention Project (404) 299- 2243

d. Victim-Witness Assistance Programs

- i. Dekalb County Solicitor's Office VWAP (404) 371-2201
- ii. Dekalb County District Attorney VWAP (404) 371-2561
- iii. Fulton County Solicitor's Office VWAP (404) 612-6883
- iv. Fulton County District Attorney VWAP (404) 612-4986

(h) Other Social Services

1. Financial/Housing Assistance

- a. Atlanta Day Shelter for Women and Children (404) 876-2894
- b. Atlanta Housing Authority (404) 892-4700
- c. Child Support Services (404) 921-1490
- d. Crossroads Community Ministries (404) 873-7650
- e. First Call for Help (United Way) (404) 614-1000 or 211
- f. Fulton-Atlanta Community Action Authority (404) 320-0166
- g. Fulton County DFACS (404) 206-5300
- h. Fulton County Housing Authority (404) 730-5840
- i. N. Fulton Community Charities (770) 640-0399 (Roswell & Alpharetta)
- j. Home Stretch (Housing Initiative of N. Fulton) (770) 642-9185
- k. Salvation Army (404) 352-3597
- l. Travelers' Aid of Metropolitan Atlanta (404) 817-7070

2. Low Cost Medical Care

- a. Ben Massell Dental Clinic (404) 881-1858
- b. Fulton County Dept. of Health and Wellness (404) 730-1211
- c. Grady Health System (404) 616-4307
- d. Grady 24-Hour Advice Nurse (404) 616-0600

3. Certified Domestic Violence Intervention Programs for Batterers

There is no guarantee that participation in a program will end the violence at home; however these programs have been certified by the Georgia Commission on Family Violence. For a complete list go to [www.gcfv.org](http://www.gcfv.org)

- a. A New Approach (404) 551-5571
- b. Georgia Intervention Alternatives (770) 785-9297
- c. Caminar Latino (404) 413-6348
- d. Choice Counseling and Evaluations (770) 594-5317

- e. Defying the Odds (404) 209-7258
- f. Families First (404) 853-2844
- g. High Impact (404) 523-6074
- h. Judicial Correction Services (404) 591-3180
- i. Men Stopping Violence (404) 270-9894
- j. Ponce de Leon Counseling (404) 589-4445
- k. Restoration Services (404) 627- 9300
- l. Tapestri (678) 698-3612
- m. Women Partnering With Women (404) 272-4500

(i) Weapon Free Campus Policy

- (1) Preamble – The Law School has adopted the following policy to provide for a weapon-free, safe, and secure environment for students, employees, contractors, sub-contractors, guests, and visitors to the Law School’s owned or leased property.
- (2) The Law School is a “school safety zone” as defined in Georgia Code § 16-11-127.1 (a) (1).
- (3) Weapon-Free Policy - No student, employee, contractor, sub-contractor, guest, or visitor to Law School property shall carry or possess a prohibited weapon on or about his or her person, whether visible or concealed, nor shall any person possess such a prohibited weapon in or on Law School owned or leased grounds, parking areas, buildings, structures, or other property. This weapon-free policy extends to bar the possession of prohibited weapons in any person's assigned room, office, workspace, or locker, as well as in any person's vehicle if located on the Law School’s owned or leased property, or within 1,000 feet of the Law School property.
- (4) Prohibited Weapons - The term "prohibited weapons" as used in this weapon-free campus policy shall include any weapons as defined in Georgia Code §16-11-127.1 and any explosive substances as defined in Georgia Code §25-2-17(a). The term "prohibited weapon" shall not, however, include "mace" or any similar non-lethal noxious substance, liquid, or spray when carried by any person for his or her protection or for the protection of others.
- (5) Violation of Weapon-Free Policy - Any student or employee determined under applicable student judicial or code of conduct procedures or employee personnel policies to have violated this weapon-free policy shall be subjected to appropriate Law School disciplinary sanctions. Any contractor, sub-contractor, guest, or visitor determined to have violated this weapon-free policy may be barred from entering upon Law School property. The Law School also reserves the right to refer any violation of this policy to appropriate law enforcement agencies to investigate for possible violation of state or Federal laws.

## **ATLANTA'S JOHN MARSHALL LAW SCHOOL POLICY PERTAINING TO STUDENT COMPLAINTS**

As an ABA-accredited law school, Atlanta's John Marshall Law School is subject to the ABA Standards for Approval of Law Schools. The ABA 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). Any student at the law school who wishes to bring a formal complaint to the administration of the law school of a significant problem that directly implicates the school's program of legal education and its compliance with the ABA Standards should do the following:

1. Submit the complaint in writing to the Associate Dean for Academic Affairs. If the Associate Dean for Academic Affairs is not available, then to the Associate Dean of Students. The writing may consist of e-mail, U.S. mail, or fax.
2. The writing should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the law school's program of legal education and its compliance with a specific, identified ABA Standard(s).
3. The writing must provide the name, official law school e-mail address, and a street address of the complaining student, for further communication about the complaint.
4. The Associate Dean for Academic Affairs or the Associate Dean of Students, will acknowledge the complaint within three business days of receipt of the written complaint. Acknowledgment may be made by e-mail, U.S. mail, or by personal delivery, at the option of the Associate Dean.
5. Within two weeks of acknowledgment of the complaint, the administrator, or the administrator's designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. In this meeting or in this writing, the student should either receive a substantive response to the complaint, or information about what steps are being taken by the law school to address the complaint or further investigate the complaint. If further investigation is needed, when the investigation is completed, the student shall be provided either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint within two weeks after completion of the investigation.
6. Appeals regarding decisions on complaints may be taken to the Dean of the law school. Any decision made on appeal by the Dean shall be final.
7. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the office of the Associate Dean for Academic Affairs for a period of eight years from the date of final resolution of the complaint.

**Effective August 1, 2001**

*Revised March 30, 2011*

*Revised August 22, 2011*





# ACADEMIC CODE

**Effective August 1, 2001**

*Revised June 4, 2008*

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*Revised April 23, 2009*

*Revised October 20, 2010*

*Revised November 10, 2010*

*Revised August 8, 2013*

# 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 Atlanta's John Marshall Law School**

- (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	WF = withdrew failing	F* = fail *
C = 2.00	W = withdrew	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 or receives a W/F in a required course, he or she must repeat the course until successfully completed. If a student fails or receives a W/F in 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 one week has 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.* Unless the Associate Dean has approved the withdrawal, 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. A “W/F” has the same effect on a student’s transcript and grade point average as if it were a letter grade of “F.” If the Associate Dean approved the withdrawal, the Registrar will enter a grade of “W”.

### **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 methods courses, and courses involving extensive written work such as moot court, legal drafting courses, seminars and individual research projects.
- (b) *Materials Permitted at An 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**

John Marshall 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 handwrite the exam. To preserve the integrity of the examination process, the Law School has secured the software ExamSoft (SofTest), which blocks the use of all other computer applications while the user is taking an examination. To use this software, 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 7 or higher), or a Macintosh operating system (Mac OS 10.6 or higher). For the Windows operating systems, the student must have administrative rights to the computer. Additional specifics on the minimum requirements are available at <http://www.examssoft.com/ajmls> under the 'Minimum System Requirements' section.

- (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, and general typing/editing skills.
- (c) A student may not use a laptop on which the ExamSoft software has not been installed to type an examination. The ExamSoft software must be installed on the student's laptop by the student prior to the examination. The software can be acquired two ways: Either from ExamSoft's website (<http://www.examsoft.com/ajmls>), or from John Marshall's website (<http://www.johnmarshall.edu/ajmls-students/student-services/technology/ajmls-software/>). Installation assistance from JMLS I.T. staff 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 period.
- (d) The student must familiarize himself/herself with the ExamSoft program through the use of its built-in practice mode prior to using the software for examination purposes.
- (e) Once the exam proctor has announced that the exam is over, the students shall stop typing and shall remain in their seats for instruction from the proctor. A member of the JMLS I.T. staff will be available and shall assist any student having difficulty saving their exam to the server.
- (f) Each student must save his/her answer to the exam server. If a student fails to submit an exam answer to the server due to the student's own error, , the student shall receive a grade of "F" for the exam.
- (g) At the end of the examination, aside from the typed file submitted to the server, each student is also solely responsible for ensuring that all parts of a final examination are submitted to the examination proctor before the student leaves the examination room. That includes any other portions of the examination, including multiple-choice questions or short-answer questions that the course professor has required to be completed by hand or by means other than on the student's laptop computer. If the student fails to submit any part of an examination to the proctor before the student exits the examination room, that part of the examination 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 ExamSoft 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 ExamSoft software will not be accepted. Only the file of the examination answer prepared with the ExamSoft software will be accepted.

- (i) In the event of a technology failure (either hardware or software), the examination time will not be increased.
  - (j) Any attempt to disable or tamper with ExamSoft's security features is a violation of the Student Code of Responsibility.
  - (k) 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."
- (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.
- (c) *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 Office of Student Services on the day scheduled for the start of the examination during working hours and return the examination during working hours to the Office of Student Services on the day appointed for return.
- (d) *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.
- (e) *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 week of class. At the conclusion of the course, the instructor will receive a grade adjustment sheet from the Office of Student Services 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 Office of Student Services with final grades. The adjustments will be applied by the Office of Student Services when students' grades are recorded.
- (f) *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 week of class.



At the conclusion of the course, the instructor will receive a grade adjustment sheet from the Office of Student Services 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/F” on account of excessive absence under Section 601.

(g) *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.

(h) *Certification of Compliance with 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.

### **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, or receives a W/F in a required course, that “F” or W/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/F” 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.
- (d) 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 or dispensation to allow them either extra or excused absences, and it is improper for students to ask their instructors to do so.

- (e) 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/F” 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/F” 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/F” 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 following: 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/F” 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/F” to a “W” or 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.

#### **Effective August 1, 2001**

*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*

*Revised October 20, 2010*

*Revised November 10, 2010*  
*Revised August 8, 2013*



# DEAN'S OFFICE REGULATIONS

**Effective August 1, 2001**

*Revised June 4, 2008*

*Revised February 10, 2009*

*Revised April 23, 2009*

*Revised April 14, 2010*

*Revised August 22, 2011*

*Revised August 19, 2013*

# ATLANTA'S JOHN MARSHALL LAW SCHOOL

## DEAN'S OFFICE REGULATIONS

### ARTICLE I. GENERAL

#### Section 101. Purposes

The Dean's Office Regulations are the official interpretations of the Academic Code, the Code of Student Responsibility, and Atlanta's John Marshall Law School Institutional Policies prepared by the Associate Dean for Academic Affairs and the Dean to guide students and faculty in the application of these documents to common problems that arise in the administration of the Law School.

#### Section 102. Definitions

(a). *Definitions.* As used in these regulations:

- (1). "Associate Dean" means Associate Dean for Academic Affairs or his/her delegate.
- (2). "Dean" means the Dean of Atlanta's John Marshall Law School or his/her delegate.
- (3). "Law School" means Atlanta's John Marshall Law School.

(b). *Rules of Construction.*

- (1). The masculine includes the feminine and the feminine includes the masculine.
- (2). The singular includes the plural.

#### Section 103. Notice

(a). *Binding Effect.* All students and faculty are bound by the Dean's Office Regulations. All notices of changes to the regulations or other announcements sent by the Law School email system to students' or faculty's Law School email addresses are binding.

(b). *Modifications.* The catalog of Atlanta's John Marshall Law School states that the Law School reserves the right to modify the requirements for admission and graduation, to change the program of study, and to amend any regulation affecting the student body if it is deemed to be in the best interest of the Law School or the student to do so. Consequently, the Dean's Office reserves the right to change these regulations to further the best interests of the Law School.

(c). *Changes Effective.* A change in the Dean's Office Regulations is effective on the day when the change is disseminated to students by changes to the copy of the regulations posted on the Law School website.

(d). *Location of Official Copies.* Copies of the Dean's Office Regulations will be deposited with the Registrar's Office and on reserve in the Law School Library and will be posted on the Law School website. The Associate Dean is responsible for ensuring that current editions of the Dean's Office Regulations are deposited and posted in accordance with this section. The Associate Dean is also responsible for including all Dean's Office Regulations in effect on the first day of class, Fall semester or each academic year.

## **ARTICLE II. HONORS, EXAMINATIONS AND GRADING**

### **Section 201. Honors Grades**

(a). *Purpose.* The purpose of this section is to regularize and clarify school policy on honors grades in required courses.

(b). *Definition of Honors Grades in Required Courses.* Honors grades for any required course will be any grade of "A" or "A-," representing grades in the top ten percent (10%) of the course. Honors grades will not apply to elective courses.

(c). *Use of Honors Grades.* Students may report honors grades on their resumes. Honors grades will not be noted on the transcript by any special indicator.

### **Section 202. Dean's List**

Students who attain 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.

### **Section 203. Deferred Completion of Seminar Papers, Course Papers and Directed Research Papers**

(a). *No Right to Defer.* The normal and expected sequence is that papers in seminars, courses and directed research projects will be completed and submitted at the assigned time in the semester in which the student has registered for the seminar, course or directed research project. No student has a right or privilege to defer the completion of a seminar paper, course paper or directed research paper.

(b). *Incomplete Grade.* In any seminar, course or directed research project wherein the required work is not completed by the assigned or agreed time, the faculty member shall enter a grade of "I" or "F" for that student.

(c). *Time to Complete an “Incomplete.”* A student who has received a grade of “I” on account of not completing a seminar, course or directed research paper must complete all the work on or before the last class day of the semester or session following the semester or session for which the “Incomplete” was recorded. The Registrar will automatically convert the “I” grade to the grade of “F” if a change of grade has not been submitted by the instructor on or before the last class day of the semester or session following the semester or session for which the “Incomplete” was recorded.

#### **Section 204. Deferred Examinations**

(a). *Scope.* This section applies to all final examinations, including any take home examinations whether administered during the final examination period or not.

(b). *No Right to Defer.* No student has a right or privilege to defer an examination. A student who fails to take an examination when scheduled to do so will receive an “F” for the examination unless the examination has been deferred according to the procedure outlined in this section.

(c). *Policy on Deferral of Examinations.* Because examination schedules are published for students at the time students register for courses, students are bound by the published examination schedule. Final examinations will be deferred only for good cause. Examples of good cause include:

(1) serious personal illness or injury; and

(2) serious personal injury, illness or death in the immediate family.

Examples of reasons for examination deferral that do not constitute good cause include weddings, graduations, confirmations, and other social or religious events.

(d). *Procedure for Requesting Deferred Examination.* No instructor may grant an examination deferral. Because of the potential breach of anonymity, students are not to approach a professor about deferring an examination. Students are not to disclose to an instructor the fact that an examination deferral request has been granted by the Dean or Associate Dean.

(e). *Request.* If a student desires to request deferral of an examination, the student must file a written petition requesting deferral of a final examination with the Associate Dean as early as possible and at least twenty-four (24) hours prior to the scheduled time for the examination for which the student seeks deferral.

(f). *Emergency Deferred Examination.* If a student is unable to take an examination for good cause that arises within twenty-four (24) hours immediately prior to the final examination time, the student may contact the Associate Dean for permission to defer the examination. The Associate Dean for Academic Affairs or his or her delegate will be on duty each day or night during final examinations.

(g). *Confirming Emergency Deferral.* The student must submit a formal written request in confirmation of the emergency deferral within forty-eight (48) hours from its grant. This request must be supported by persuasive evidence of some extraordinary event beyond the student's control that led the student to miss the examination, or it will expire within forty-eight (48) hours from the date of the grant of deferral unless extended by the Associate Dean. The extraordinary event must be the cause in fact of the student missing the examination.

(h). *Illness During Exam.* If a student becomes ill during an examination or is otherwise unable to continue and complete the examination, the student should notify the proctor and leave the examination "response book(s)" and any other examination materials with the proctor. The proctor should write down the name, year and course of the student who leaves the examination and notify the Exam Administrator, who will, in turn, notify the Associate Dean as soon as possible.

(i). *Deferred Examination Fee.* A student who has followed all the steps in this section to obtain a deferred examination must pay a \$100.00 charge for each deferred examination. The Associate Dean may waive this fee for good cause.

(j). *Required Medical Documentation.* When a student requests a deferred examination or obtains an emergency deferral for medical reasons, including illness during an exam, the student must file with the Associate Dean for Academic Affairs documentation that verifies the medical condition which necessitated deferral of the examination. If the student does not provide adequate documentation, the Associate Dean will issue a grade of "I" or "W" or "F," as appropriate.

(k). *Deferred Examination Approval.* The decision to approve or deny a deferred examination request rests with the Associate Dean. If the Associate Dean approves the request, the Associate Dean should then schedule the deferred exam within one week of the originally scheduled final. If a student who has been approved to defer an exam cannot complete the exam within one week of the originally scheduled date, the Associate Dean should issue either a grade of "I" or "W."

## **Section 205. Conflict in Examination Schedule**

(a). *Binding Effect of Final Examination Schedule.* All students are bound by the final examination schedule published by the Associate Dean for pre-registration for the semester or Summer session. No student may obtain a deferred examination on account of conflict of examinations because the student knowingly:

- (1) registered for two courses whose examination times overlap; or
- (2) registered for two or more courses having final examinations scheduled close together.



(b). *Definitions.*

- (1) “Conflict in examination schedule” means that a final examination in one course for which a student is registered overlaps with or starts close to the start time of another final examination in another course for which the student is registered.
- (2) “Knowingly” means that the final examinations were so scheduled at the time of pre-registration, and have not been changed since pre-registration, whether or not the student actually read and understood the published final examination schedule at the time of pre-registration.

**Section 206. Code of Conduct Procedures During Examinations**

(a). *Proctors.* All final examinations are proctored by independent proctors. All proctors receive instructions that must be followed during each examination. Failure to follow instructions given by a proctor is a violation of the Code of Student Responsibility.

(b). *Examinations.* Students certify compliance with all the requirements of the provisions of the Code of Student Responsibility on all in-school and take-home examinations by submitting such examinations. The Code of Student Responsibility states that any student having information relating to any incident of academic dishonesty should report that information promptly after completing the examination.

(c). *Examination Cover Sheet.* The Certificate of Compliance with the Code of Student Responsibility is the standard cover sheet used in all final examinations. This cover sheet states that each student, by sitting for and submitting the examination, certifies compliance with all requirements of the Code of Student Responsibility.

**Section 207. Grading of Retaken Required Courses Due to Grade of “F”**

When a student fails a required course, the “F” is recorded and becomes a part of the grade point and grade point average calculations. The student must repeat the course and obtain a passing grade. The grade for a repeated course is also recorded and also used in the calculation of grade points and grade point average.

**Section 208. Examination Review**

(a). *Examination Answers Returned to Students.* Examination answers, including blue books and other student work product, are returned to students after grade reports are distributed by the Registrar. Students may obtain their examination answers from the Registrar upon showing a government-issued picture ID and signing an acknowledgement of receipt. Fall semester exams may be obtained during the second and third weeks of the following Spring semester. Spring semester and Summer session exams may be obtained during the first and second weeks of the following Fall semester.

(b). *Review of Examination.* Students are encouraged to meet with instructors to review their examination papers (as a learning experience, not as a session to argue with the professor about the grade). With regard to grades, students should consult Article Five of the Academic Code.

### **Section 209. Class Rank**

(a). *First-year full-time, and first-and second-year part-time students.* Class rank is calculated after completion of all first-year required courses (full-time) and after the summer session of the first year (part-time), once all grades are submitted.

(b). *Upper level students.* Class rank is calculated at the end of each semester after all grades are submitted, verified, and reasonable time for grade changes has passed (approximately in the months of January, July, and September).

## **ARTICLE III. ACADEMIC PROGRAM**

### **Section 301. Academic Calendar**

The Law School operates on a semester system of fourteen (14) weeks of instruction each semester. A Summer session with seven (7) weeks of instruction is offered for part-time students and for full-time students who wish to take a particular elective course offered in the Summer session, or who wish to lighten their course load during the following academic year. The Fall semester generally begins mid-August and has a Thanksgiving break. Final exams are completed in December. The Spring semester generally begins on the second Monday of January, and finals are completed in early May, with one week set aside for Spring-Break. The Summer session generally begins following commencement and Memorial Day weekend. Summer semester finals are completed by the end of July. The Law School, at its discretion, may offer one week intensive skills courses between the end of the Fall semester and the start of the Spring semester, and between the end of the Spring semester and start of the Summer semester. In addition, the Law School may offer a January start (Spring start) for 1L Full-time students. The Spring start operates on a semester system of fourteen (14) weeks in the Spring (concurrent with the Spring Schedule) and ten (10) weeks in the Summer.

### **Section 302. Academic Program**

(a). *General Rule.* Students must register for and complete all required courses at the time scheduled and within the division in which they are enrolled.

(b). *First Year Courses.* First-year, full-time students take courses in the day division. First-year, part-time students normally take courses in the evening division, but may elect to take courses in the day division. All first-year students are automatically registered for all courses. The normal required part-time course load is nine (9 - 11) credits each semester except during the Summer session (5 - 6 credits). The Associate Dean for Academic Affairs may allow exceptions for good cause.

(c). *Full-Time Versus Part-Time Student Classification.* Full-time students are required to remain full-time and are expected to finish their academic program in three (3) years. Generally, if a full-time student drops below the required course load during any semester, such student will automatically be classified as a part-time student and expected to complete the academic program in four (4) years. But students may petition the Associate Dean for a one-semester variance. Full-time students may also (but are not required to) attend Summer sessions and may take up to six (6) credits of course work during the Summer session. The minimum academic load for a full-time student during the first year is fifteen (15) credits each semester. After the first year, twelve (12) credits of course work are required each semester. The normal full-time course load is twelve to sixteen (12 - 16) credits and may not exceed sixteen (16) credits per semester without the written permission of the Associate Dean. No student may take more than 17 credits in any semester. The minimum load for a part-time student is three credits (3). Part-time students should take 9-11 credits during the Fall and Spring semesters, and 5-6 credits in the summer.

### **Section 303. Full-Time Student Program**

(a). *First Year (Fall Start).* During the Fall semester of the first-year, full-time students are required to take the following courses: P.A.S.S. (no-credit), Civil Procedure I (3 credits), Contracts I (3 credits), Real Property I (3 credits), LRWA I (3 credits), and Torts I (3 credits). During the Spring semester of the first year, full-time students are required to take Civil Procedure II (3 credits), Contracts II (3 credits), Real Property II (3 credits), LRWA II (3 credits), and Torts II (3 credits). These students may also (but are not required to) take up to six (6) credits during the Summer session following the first year.

(b). *First Year (Spring Start).* If the Law School offers a Spring start, full-time students starting in the Spring semester are required to take the following courses: P.A.S.S. (no-credit), Civil Procedure I, Contracts I, Real Property I, LRWA I, and Criminal Procedure. During the Summer semester, these students are required to take the following courses: Civil Procedure II (3 credits), Contracts II (3 credits), Real Property II (3 credits), LRWA II (3 credits), and Criminal Law (3 credits).

(c). *Second Year.* Students who started their 1L year in the Fall semester are required to take Criminal Law (3 credits) (if not taken during the summer semester), Constitutional Law I (3 credits), Evidence (4 credits), and electives/upper division writing courses during their 2L Fall Semester. For the Spring semester, these same students must register for Criminal Procedure (3 credits), Constitutional Law II (3 credits), Business Organizations (3 credits), and Sales and Secured Transactions (3 credits). Students may also take up to 4 credits in electives/upper division writing courses in the Spring. For students who started their 1L year in the Spring semester, they are required to take Torts I (3 credits), Constitutional Law I (3 credits), Evidence, and electives/upper division writing courses in the 2L Fall Semester, and Torts II, Constitutional Law II, Business Organization, and Sales and Secured Transactions in the Spring semester. Students may also take up to 4 credits in electives/upper division writing courses in the Spring.

(d). *Third Year.* Entering the third year as a full-time student, Remedies, Professional Responsibility and an upper division writing class should be the only required courses left. All other credits should be elective hours. Typically, students should take both Remedies and Professional Responsibility in the Fall semester.

### **Section 304. Part-Time Student Program**

(a). *First Year.* During the Fall semester of the first year, part-time students are required to take the following courses: P.A.S.S. (no-credit, taken on-line), Contracts I (3 credits), LRWA I (3 credits), and Torts I (3 credits). In the Spring semester, part-time students are required to take the following courses: Contracts II (3 credits), LRWA II (3 credits), and Torts II (3 credits); and in the Summer session, they are required to take the following courses: Criminal Law (3 credits) and must take 2-3 elective/upper division writing credits.

(b). *Second Year.* During the Fall semester of the second year, part-time students are registered for Civil Procedure I (3 credits), Real Property I (3 credits) and Criminal Procedure (3 credits). During the Spring semester, Civil Procedure II (3 credits), Real Property II (3 credits), and 2–5 credits in electives/upper division writing courses.

(c). *Third Year.* During the Fall semester of the third year, part-time students are required to take the following courses: Constitutional Law I (3 credits), Business Organizations (3 credits), and Evidence I (2 credits). Students may select 2-3 elective/upper division writing credits. In the Spring semester of the third year, part-time students are required to take the following courses: Constitutional Law II (3 credits) and Evidence II (2 credits). Students must take 3-6 credits electives/upper division writing. In the Summer session, students are required to take the following courses: Professional Responsibility (2 credits) and may select up to four (4) credit hours of electives/upper division writing.

(d). *Fourth Year.* During the Fall semester of the fourth year, part-time students are registered for Remedies (3 credits) and Sales and Secured Transactions (3 credits) and may take 3-5 electives/upper division writing. During the Spring semester, these students should have completed all of required courses and may take up to 11 credits in electives.

### **Section 305. Criminal Justice Honors Program**

(a). *First Year.* Fall semester courses are as follows: P.A.S.S. (no-credit), Introduction to Criminal Justice I (1 credit), Criminal Law (4 credits), Torts (4 credits), Civil Procedure (4 credits), and LWRA I (3 credits). Spring semester courses are as follows: Introduction to Criminal Justice II (1 credit), Criminal Procedure (4 credits), Contracts (4 credits), Property (4 credits), and LWRA II (3 credits).

(b). *Second Year.* Fall semester courses are as follows: Evidence (4 credits), Advanced Criminal Procedure (3 credits), Constitutional Law I (3 credits), Business Organizations (3 credits), Electives/Upper Division writing (2-3). Spring semester courses are as follows: Integrated Criminal Practice (6 credits), Constitutional Law II (3 credits), Advanced Evidence (3 credits), and Electives/Upper Division writing (2-4).

(c). *Third Year.* Fall semester courses are as follows: Externship (4 credits), Professional Responsibility (2 credits), Criminal Law Ethics (2 credits), and Electives/Upper Division writing (4-8). Spring semester courses are as follows: Externship (4 credits), Criminal Law Ethics (2 credits), Criminal Pre-trial Practice & Procedure (2 credits, required if the student has not taken Advanced Appellate Advocacy), and Electives (4-6 credits).

(d). *Upper Division Writing.* For the Honors Program, students complete a rigorous writing component during their 2L Spring semester in the Integrated Criminal Practice course. Because of that writing component, students in the Honors Program are required to take only one upper division writing course. The two upper division writing courses currently approved for students in the Honors Program are Advanced Appellate Advocacy and Criminal Pre-trial Practice and Procedure.

### **Section 306. Transfer Students and Transfer Credits**

#### **(a). Admission of Transfer Students**

- (1) Students currently enrolled at other ABA accredited law schools who apply to this Law School for permission to transfer and matriculate in order to complete their legal education will be accepted only if they are in good academic standing at the institution from which they are transferring and have demonstrated sufficient academic strength in their prior law study.
- (2) The Dean will determine whether the applicant shall be admitted and, if admitted, the Associate Dean of Academic Affairs shall determine the extent of credit to be granted for the applicant's prior law study. As a general principle, no transfer credit shall be granted for prior law study which earned a grade less than a C. Before making a final determination on a transfer request, the Dean may request in writing that the transfer candidate provide additional information pertinent to the decision. The Dean may, in his or her sole discretion, submit any transfer request to the Admissions Committee for consultation and advice on whether the Dean should approve or deny the transfer request.

#### **(b). Approval of Transfer Credits**

- (1) *Eligibility.* The Law School considers courses for transfer of credit from other ABA accredited law schools from which a student transfers in good academic standing and with the certification by letter of the Dean of the school from which the student is transferring.
- (2) *Procedure.* Upon application to Atlanta's John Marshall Law School, the student who wishes consideration of transfer credit must include an official transcript from the prior law school and a letter from the dean of the former law school certifying the student's good academic standing. Upon matriculation at John Marshall, the student must apply to the Associate Dean in writing by filing a petition for transfer of credit. The Associate Dean may grant or deny all, some or none of the requested transfer credits. An aggrieved student may appeal 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. This appeal shall be limited to a written statement. There shall be no right of personal appearance.

- (3) *Terms for Transfer.* The Associate Dean will consider courses taken at another law school from which a student has transferred for credit where the course was taken at a school accredited by the American Bar Association, the course was completed with a grade of "C" or better, and the course was completed no more (generally) than one (1) year before the date of application to Atlanta's John Marshall Law School. The maximum number of credit hours which will be accepted for transfer to Atlanta's John Marshall Law School from another law school is thirty (30) hours.
- (4) *Hours Not Grades Transferred.* Where transfer credits are approved by the Associate Dean, the credit hours only are accepted. Grades from the former law school are not transferred and will be posted on the student's John Marshall Law School transcript as a "Pass," and will be considered in the calculation of a student's John Marshall Law School grade point average as a "Pass" grade.
- (5) *Transcript.* The name of the former school, the courses, number of credits and a grade of "Pass" for all accepted credits for transfer will be posted on the student's JMLS transcript.
- (6) *Class Rank.* Transfer students will not be given a class rank.

### **Section 307. Study Abroad Programs**

Students wishing to participate as a visiting student in a study abroad program sponsored by an ABA accredited law school must submit a written petition to study abroad to the Associate Dean. The petition must include the name of the institution, the program, the courses which will be taken and include the name and address of the individual at the institution to whom any documentation from the Law School must be sent. The student must receive a grade of C or better, or a "Pass" grade in a Pass/Fail course. Atlanta's JMLS will accept the credits but not the grade. If accepted, the course, credits, and a grade of "Pass" will be placed on Atlanta's JMLS transcript.

### **Section 308. Readmission**

Any student who was readmitted under probation pursuant to the provisions of Section 302 of the Academic Code but failed to attain the required minimum GPA at the end of the following academic year shall be dismissed and shall not be readmitted to the law school.

### **Section 309. Academic Plan**

All students, regardless of year-in-school, who possess less than a 2.0 cumulative g.p.a. after any semester shall complete an Academic Plan with the Office of Academic Achievement for the following semester.

### **Section 310. Conditions Upon Reinstatement After Academic Dismissal**

Students reinstated following academic dismissal shall complete an Academic Plan with the Office of Academic Achievement, during any semester in which conditions apply.

## **ARTICLE IV. REGISTRAR OFFICE PRACTICES AND PROCEDURES**

### **Section 401. General**

The admissions office will provide new students with initial information as to registration. Returning students will register on-line.

### **Section 402. Required Courses**

The Registrar will automatically register 1L students for courses. Evening part-time students will be pre-registered in to their required courses. Otherwise, students are responsible for registering on-line during their designated period of registration.

### **Section 403. Courses with Limited Enrollment, Prerequisites or Permission to Register**

(a). *Associate Dean's Permission Required.* No instructor may limit enrollment without the prior, written permission of the Associate Dean. Students should consult footnotes on the course schedule for the current list of courses that have limited enrollment.

(b). *Registration Permission Form.* Students must obtain permission from the appropriate individuals to register for a clinic, clerkship, externship or directed research (supervised research or directed research project).

(c). *Course with Prerequisites.* Students are required to satisfactorily complete prerequisite courses, where required. No student may enroll in a course requiring a prerequisite if the student has not satisfactorily completed the prerequisite course, unless the student obtains permission from the Associate Dean.

(d). *Cancellation of Course.* Any class in which the pre-registration enrollment is less than five students will be cancelled unless specific approval for continuing enrollment beyond the pre-registration period is given by the Associate Dean for Academic Affairs.

### **Section 404. Priority for Registration for Courses**

(a). *Registration Schedule.* Prior to each registration period, the Registrar will post a registration schedule. Registration occurs using a priority system based on a student's official year-in-school status, which is determined solely by credit hours earned. Below is a chart showing the credits a student must have earned to qualify for a given year-in-school status.

(b). *Chart.*

Program	Year-in-School	Credit Hours Earned
Part-Time	1L	0 – 22.99
Part-Time	2L	23 – 44.99
Part-Time	3L	45 – 66.99
Part-Time	4L	67 – 76.99
Part-Time	4L (Last Semester)	77 – 87.99
Full-Time	1L	0 – 29.99
Full-Time	2L	30 – 53.99
Full-Time	3L	54 – 72.99
Full-Time	3L (Last Semester)	73 – 87.99

#### **Section 405. Priority for Day-Required Courses**

The registration priorities for day-division courses are as follows:

- (1). full-time students who are in their final semester before graduation;
- (2). part-time students who are in their final semester before graduation, if no corresponding evening-division course section is open for registration;
- (3). other third-year, full-time students;
- (4). second-year, full-time students; and,
- (5). all other students.

#### **Section 406. Priority for Evening-Required Courses**

The registration priorities for evening division courses are:

- (1). part-time students who are in their final semester before graduation;
- (2). full-time students who are in their final semester before graduation, if no corresponding day-division course section is open for registration;
- (3). other fourth-year, part-time students;
- (4). third-year, part-time students;
- (5). second-year, part-time students; and,
- (6). all other students.



#### **Section 407. Course Identification**

- (a). Classes which satisfy the upper division writing requirement are numbered in the 200's.
- (b). Skills courses are number in 600's.
- (c). Competition Courses are numbered in the 900's.
- (d). All other courses, as assigned by the Office of the Academic Dean.

#### **Section 408. Priority on Wait List for Course**

Students who are unable to register for a course should place themselves on a wait-list. The Registrar will place students on wait-lists after receiving a Student Action Request from the student, requesting to be added to the course. The Registrar will prioritize and manage the wait-list based on a first-come, first-priority basis. The Associate Dean for Academics reserves the right to prioritize any student based on extraordinary circumstances.

#### **Section 409. Notification to Students on a Wait List**

For any course for which there is a wait list, the Registrar shall notify students in writing when they have been enrolled in the course. At the end of the drop/add period for the semester or session, the Registrar shall notify all students in writing who were not enrolled in the course for which they were on a wait list. Notice via a student's Law School email account shall satisfy the requirement that notice be in writing.

#### **Section 410. Add/Drop Policy and Withdraw Procedures**

##### **(a). *Dropping a Required Course.***

- (1) *Prior Permission Required.* A student may not drop a required course without prior permission from the Associate Dean. See Section 502 of the Academic Code.
- (2) *Considerations.* The Associate Dean will ordinarily deny permission to drop a required course. Permission to drop a required course will be granted only in cases of exceptional hardship to a student caused by circumstances beyond the student's control, such as illness requiring a reduced load.

##### **(b). *Adding or Dropping Elective Course.***

- (1) *Add/Drop Without Permission.* A student may add or drop one or more elective courses during the first five (5) days of each semester and the first week of the Summer session without prior permission from the instructor or the Associate Dean. See Attendance Policy in Section 501 *et seq.* of these Regulations and Section 601 of the Academic Code.

- (2) *Petition to Add/Withdraw.* After the Add/Drop period, a student may file a written petition with the Associate Dean to add or withdraw from a course. The Associate Dean will ordinarily deny a request to add or withdraw after the drop/add period (first five days of each semester), even if the professor approves. Permission to add or withdraw from a course will be granted only in cases of exceptional hardship to a student caused by circumstances beyond the student's control, such as illness requiring a reduced load.
- (3). *Form.* The proper form to use to add or drop a course is the Student Action Request (SAR) form. During the Add/Drop period, students should submit it to the Registrar.

### **Section 411. Order of Courses**

Absent extraordinary circumstances, required courses must be taken in the order set out in Sections 303, 304 and 305 of this regulation.

### **Section 412. Retaking of Failed Required Courses**

When a student fails a required course, she or he must retake the course the next time the course is offered.

### **Section 413. Request for Transcripts**

All requests for transcripts shall be made in writing to the Registrar. There is a \$5.00 per transcript fee payable at the time the request is made. No fee shall be charged for transcripts sent to the Board of Bar Examiners.

## **ARTICLE V. ATTENDANCE POLICY AND PROCEDURE**

### **Section 501. Absence Interpretations**

(a). *The Twenty Percent Rule/Number of Absences.* A student may not miss more than twenty percent (20%) of the class hours of a course without violating Section 601 of the Academic Code. The twenty percent (20%) is meant to cover any and all contingencies. Law School courses meet for 14 weeks each semester and 7 weeks during the Summer session. For Spring start 1Ls, the summer semester is 10 weeks.

(b). *Individual Instructor's Requirements.* Under Section 504(h) of the Academic Code, however, individual faculty members may impose attendance policies for any course more stringent than the 20% rule set forth above. If a professor intends to impose an absence policy that is more stringent than the Law School's policy, the professor must indicate that policy at the beginning of the semester in their syllabus.

(c). *Students Who Enter Classes During Add-Drop Period.* A student who adds an elective course during the add/drop period should not be counted as “absent” for the day or days missed prior to his or her adding the course if he or she was present for attendance purposes in the course that was dropped.

(d). *Clinical Work Sessions.* A student enrolled in an in-house clinic or externship program must comply with the regulations of that clinical or externship program for attendance at work sessions and clinical meetings. Consult the clinical instructor or Externship Director for further details regarding absences.

(e). *Hardship Relief.* Section 601 of the Academic Code requires that a student receive a “W/F” for excessive absences in a required course or an elective course. Students who receive a notice of a “W/F” for excessive absences may petition for relief under Section 602 of the Academic Code. Students may petition in writing within 15 calendar days to the Associate Dean for relief. Students must use Form Ten (Petition for Relief on Rules of Attendance).

## **Section 502. Cancellation of Classes**

(a). *No Class Cancellation Without Prior Approval.* The Associate Dean must approve a class cancellation by any instructor. Class cancellations must be kept to a minimum.

(b). *Cancellation of Classes Before or After Holiday.* Faculty and students who request that classes be canceled on days before or after a holiday or Spring Break as a convenience for them are advised that the Associate Dean will not approve cancellation of classes on the days immediately before or after a scheduled holiday, e.g., Thanksgiving, July Fourth or Memorial Day.

(c). *Process for arranging a make-up class.* All classes which are cancelled must be made up before the end of the semester final exam schedule begins. In the event a class is cancelled, faculty should consult with the students in the cancelled class at the first opportunity in order to make arrangements to make up the missed class. The date for the make-up class should be a date that the majority of students will be able to attend. Make-up classes should not be scheduled at a time when students in the class are attending other classes. Confirm with the Associate Dean for Academic Affairs that the class make-up day and time have been made. Arrangements should be made for the class to be video-taped if there are students unable to attend the make-up class as a result of conflicts in his or her class schedule or other unavoidable conflicts, the student should not be charged with an absence in accordance with Section 501 of the Dean’s Office Regulations.

## **Section 503. Class Cancellation Due to Emergencies or Adverse Weather**

When it becomes necessary to cancel classes due to a late start or school closing because of emergencies or adverse weather conditions, the Law School will give official notice to the major media outlets. It will also post a message on its website and to its main telephone voice mail, ext. 100.

## **Section 504. Leave of Absence**

(a) *Withdrawal Presumed.* A student who does not attend any of her or his regularly- scheduled classes for a period of more than the permitted number of absences and who has not been granted a leave of absence under this section or Section 505 is presumed to have withdrawn from the Law School and is ineligible to return to the Law School.

(b) *Leave of Absence.* A student who must drop all classes for good cause, including illness of the student, death or illness of a family member, job change, active duty assignment in the armed forces, or for other reasons, may apply for a leave of absence for personal reasons for a period of up to one year.

(c) *Ineligible to Take Course(s) While On Leave.* A student may not register for any course work while on leave of absence, but he or she may make up any deferred final examinations or complete any deferred, incomplete seminar papers, course papers, supervised research papers, or independent projects outstanding on the date he or she is granted a leave.

(d). *Written Request.* A request for a leave of absence must be in writing and submitted to the Associate Dean.

## **Section 505. Medical Leave of Absence**

(a). *General.* Any student may request a leave of absence for medical reasons from the Law School. The request should be submitted in writing, together with a letter from an appropriate health care professional stating that medical leave of absence is in the best interest of the student's physical or psychological well-being. The request must be submitted to the Associate Dean.

(b). *Term.* A medical leave of absence will normally be granted for a period of one academic semester. If a student on medical leave of absence wishes to extend a leave of absence for an additional semester, the student must submit a written request for extension, together with supporting documentation from an appropriate health care professional stating that an extension would be in the best interest of the student. The request must be submitted to the Associate Dean.

(c). *Effect on Academic Code Section 105.* A medical leave of absence will toll the four (4) or five (5) year requirement for completion of legal studies set out in Section 105 of the Academic Code.

(d). *Not Available to Students Charged with Crimes.* A student who has been charged with a crime involving the possession of a controlled or uncontrolled substance with intent to distribute or sell, or a student charged with trafficking, will not be allowed to take medical leave of absence due to substance abuse, unless the charges are dismissed.

## **Section 506. Law School Initiated Leave of Absence**

(a). *Basis.* The Law School reserves the right to issue a mandatory leave of absence when (1) a student presents an immediate danger to self or others by threatening and/or inflicting bodily harm to self or to others, or (2) when a student's behavior could result in bodily harm to self or others. In such cases, the Dean or Associate Dean will make the final decision after consulting with other appropriate school officials.

(b). *Notification & Opportunity to Respond.* The student will be notified about the decision immediately and in writing, and will be given an opportunity to address concerns with the Dean or Associate Dean.

(c). *Excluded from Property.* A student who is placed on mandatory leave will not be permitted to attend classes or to be on Law School property without prior written permission from the Dean or Associate Dean.

(d). *Appeal.* After the Law School issues a mandatory leave, the student, within three days, may appeal in writing to the Associate Dean. Any appeal should include an evaluation by a licensed physician, psychiatrist, or mental health clinician. The Associate Dean and/or the Dean will review the appeal and determine whether the student should be permitted to return to classes.

(e). *Intent to Return.* When the student has not appealed a decision to be placed on mandatory leave, or in cases when an appeal has been denied, a student who is ready to resume studies at the Law School must notify the Associate Dean in writing of her or his intent to return for the next semester. Before being allowed to return, the student must submit a comprehensive written report from the treating professional that includes the professional's diagnosis, treatment (including duration and response), medication, recommendations for return to the Law School (including any restrictions), and necessary follow-up care. These materials must be submitted at least one month before the beginning of the semester in which the student wishes to return to campus. The Associate Dean will consult with the Dean to determine whether the student may return. If the student's request is denied, the student may appeal to the Academic Standards Committee.

(f). *Fees & Tuition.* When a student is placed on mandatory leave that will prevent him or her from completing a semester, the Law School will apply paid tuition and fees to the first semester in which the student is permitted to resume classes, if the student resumes classes within one year of the date the leave begins.

(g). *After Two Years.* A student who does not return to the Law School within two years of the mandatory leave risks losing all credits already earned and having to reapply for admission as a new student. The Academic Standards Committee has discretion to readmit a student who has been out of school for more than two years if good cause is demonstrated.

(h). *Code of Responsibility.* This policy does not supersede or release a student from accountability to the Student Code of Professional Responsibility or the regulations of the Law School.

## Section 507. Withdrawal from School or From Course/Tuition Refund Policy

(a). *Notice of Withdrawal*. Students wishing to withdraw from the Law School are required to file a written notice of withdrawal with the Registrar. Students wishing to withdraw from one or more courses are required to file a written notice with the Registrar. Failure to do so may result in academic penalties.

(b). *Conference with Financial Aid Director*. Students receiving Federal financial aid are required to meet with the Director of Financial Aid regarding their student loans prior to withdrawing from classes.

(c). *Law School Tuition Refund Policy*. Students who withdraw from School or from individual courses will have their tuition (less non-refundable deposits) adjusted in accordance with the schedules set forth below. All fees charged by the Law School are non-refundable.

### (1) Tuition Refund During the Fall or Spring Semesters

Before orientation for the student's entering class, or prior to the first class meeting for the semester for returning students	100%
By the end of the first week of classes	80%
By the end of the second week of classes	60%
By the end of the third week of classes	40%
By the end of the fourth week of classes	20%
After the end of the fourth week of classes	0%

### (2) Tuition Refund During the Summer Session

Prior to the first class meeting	100%
Prior to the second class meeting	75%
Prior to the third class meeting	50%
Prior to the fourth class meeting	25%
After the fourth class meeting	0%

## Section 508. Disability Accommodations

(a). *General*. It is the policy and practice of Atlanta's John Marshall Law School to comply with the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act, and state and local requirements regarding students with disabilities. Under these laws, no qualified individual with a disability shall be denied access to or participation in services, programs and activities of the Law School.

(b). *Forms*. All students requesting accommodations are required to complete **Form A** of our Accommodations policy. If the requested accommodation is anything other than a temporary disability, typically the student will be asked to submit **Form B** of the Accommodations Policy.

**Form B** is to be filled out by a qualified professional. If a student is unsure as to whether Form B is required, the student should meet with the Associate Dean of Academics.

(c). *Approval of Accommodations.* All accommodation requests will be processed under the Law School's Accommodations Policy.

## **Section 509. Electronic Notices and Announcements**

All students and faculty are bound by official notices and announcements issued by means of email to their John Marshall email address. In case of changes to class schedules or cancellations, notices of changes should be issued at least twenty-four (24) hours in advance, except where extraordinary circumstances make such notice impracticable. Students and faculty are responsible for reviewing their voice and electronic mail services on a daily basis.

## **ARTICLE VI. GRADUATION REQUIREMENTS**

### **Section 601. Analysis of Graduation Requirements**

(a). *General.* This section has been prepared to assist students in understanding graduation requirements.

(b). *Petition to Graduate.* Students must file a Petition to Graduate with the Registrar. See Section 603 for petition requirements.

(c). *Academic Requirements.* The academic requirements for graduation can be divided into the following four categories: Grade Point Average, Required Courses, Credit Hours, and Residency Requirements.

(1) *Grade Point Average.* A "C" or 2.00 cumulative grade point average (g.p.a) is required for graduation.

(2) *Required Courses.* Candidates for graduation must have successfully completed each course required for graduation.

(d). For the standard J.D. Program, the courses required for graduation are:

Business Organizations (3 credits);  
Civil Procedure I (3 credits), II (3 credits);  
Contracts I (3 credits), II (3 credits);  
Constitutional Law I (3 credits), II (3 credits);  
Criminal Law (3 credits);  
Criminal Procedure (3 credits);  
Electives (20-21 credits);  
Evidence (4 credits);  
Professional Responsibility (2 credits)  
Real Property I (3 credits), II (3 credits);

Remedies (3 credits);  
Legal Research, Writing and Analysis I (3 credits), II (3 credits);  
Sales and Secured Transactions (3 credits);  
Torts I (3 credits), II (3 credits); and,  
Upper Division Writing (2 courses for a total of 5-6 credits).

- (d) For candidates in the Criminal Justice Honors Program, the courses required for graduation are:

Advanced Appellate Advocacy or Criminal Pretrial Practice & Procedure (2 credits);  
Advanced Criminal Procedure (3 credits);  
Advanced Evidence (3 credits);  
Business Organizations (3 credits);  
Civil Procedure (4 credits);  
Constitutional Law I (3 credits), & II (3 credits);  
Contracts (4 credits);  
Criminal Law (4 credits);  
Criminal Law Ethics (2 credits);  
Criminal Procedure (4 credits);  
Electives (14 credits);  
Evidence (4 credits);  
Externship (2 semesters for a total of 8 credits)  
Integrated Criminal Practice (6 credits);  
Introduction to Criminal Justice I (1 credit); & II (1 credit);  
Legal Writing Research & Analysis I (3 credits), & II (3 credits);  
Professional Responsibility (2 credits);  
Property (4 credits);  
Remedies (3 credits); and,  
Torts (4 credits).

- (e) *Credit Hours.* Required courses failed must be taken until passed. No credit is granted for failed courses. Eighty-eight (88) credit hours of passing work are required for graduation.

## **Section 602. Residence Credit**

(a). *General.* According to Section 703 of the Academic Code, a student must satisfy the residency requirements in order to graduate. Residency requires a student to distribute the student's scholastic work load over the entire period of the student's legal education. Full-time students must accumulate full-time residence study credit for at least six semesters and part-time students must accumulate residence study credit for at least eight semesters. Part-time students who transfer from the full-time program must accumulate residence study credits for at least seven 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 credit hours of course work and successfully completes with passing grades at least 9 credit 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 credit hours of course work and successfully completes with passing grades at least 6 credit 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 grant or deny the petition. An aggrieved student may appeal a denial to the Dean. The appeal must be filed in the Office of the Dean no later than seven (7) days following the date of notification by the Associate Dean of the action on the petition. This appeal shall be limited to a written statement. There shall be no right of personal appearance.

### **Section 603. Petition to Graduate**

(a). *Petition Required*. Every student must apply for graduation by filing a Petition to Graduate in the Registrar's Office not later than October 15 for December graduates or March 15 for May graduates. When a Petition to Graduate is received, the Associate Dean or Registrar will audit the student's academic records for compliance with graduation requirements as stated in Section 601. If the student meets the standards of Section 601 herein, the student's name will be submitted to the Law School faculty for approval.

(b). *Form of Petition*. The Petition to Graduate may be obtained from the Registrar's Office.

### **Section 604. Bar Certification Registration**

A student who is eligible to graduate at the end of any semester must request certification of eligibility to release information to the Board of Bar Examiners of the jurisdiction in which the student will register to take the bar examination using the Bar Certification Registration form available from the Registrar's Office.

## **ARTICLE VII. ACADEMIC SUPPORT PROGRAM**

### **Section 701. Program Description**

The Law School offers an Academic Support Program. This program is designed to identify and address student study deficiencies, assist students in their adjustment to legal study and classroom requirements, and provide a support system for students to help them succeed in their studies. The Academic Support Program is offered at no cost to all currently-enrolled at Atlanta's John Marshall Law School students. Generally, student participation is optional, but the Law School may require some students to develop an Academic Plan and work with the Office of Academic Achievement based on past academic performance. While most students will participate in the program during their first semester or first year at the Law School, any current student may participate in the program at any time and on an unlimited basis.

## **ARTICLE VIII. STUDENT ORGANIZATIONS**

### **Section 801. Student Organizations**

All student organizations must be approved by the Student Bar Association and the Dean of Students. To run for and hold office in a student organization, a student must be in good standing.

### **Section 802. Filing in Dean of Students' Office**

(a). *General.* All student organizations approved by the Student Bar Association and the Dean of Students must file a copy of its charter and by-laws, and any amendments, with the Dean of Students' Office.

(b). *Timing.* No later than September 1st of every academic year, all approved student organizations must file with the Dean of Students' Office a list of officers and the officers' contact information. Contact information includes the address, telephone number, and email address of each officer.

### **Section 803. Faculty Advisor**

All approved student organizations must have a faculty advisor who is a member of the Law School's full-time faculty.

### **Section 804. Use of Law School Facilities**

Only approved student groups may use Law School facilities. Prior to using Law School facilities, the room must be reserved. Room reservations are taken by the Dean's assistant.

### **Section 805. Flyers**

No flyers may be posted on Law School property without permission. Permission may be granted by the Dean, the Dean's assistant, the Associate Dean, the Dean of Students, or the Assistant Dean for Administration.

### **Section 806. Use of Law School Name, Logo or Seal**

The Law School's name, logo, or seal may not be used without prior written permission. Permission may only be granted by the Dean, the Dean of Students, or the Assistant Dean for Administration.

### **Section 807. Expenditure of Funds**

No student organization may expend funds without the prior approval of the Student Bar Association and the Assistant Dean of Administration or her designee. Students who expend funds without prior approval are not entitled to reimbursement.

## **Section 808. Entering Contracts**

No student or student organization may enter into a contract using the Law School's name or which may create legal obligations for the Law School. All contracts must be approved by the Dean of Students and Assistant Dean for Administration.

## **ARTICLE IX. MISCELLANEOUS**

### **Section 901. Children under in the Law School.**

Children must be under the direct supervision of their parent at all times. Children are welcome for brief visits, but are not permitted to stay in offices or common areas while the parent is attending/teaching class, studying, or working. Children who are ill with a communicable disease are not permitted in the school.

### **Section 902. Updating Law School Application.**

Students have a continuing obligation during law school to notify the Law School of any character issues as soon as practicable. This includes (but it not limited to) any moving traffic violations, DUI offenses, criminal violations, defaults on financial obligations, suspensions and revocations of professional licenses, discharges from the military which are less than Honorable. Students have an obligation to report criminal matters, even if charges were eventually dropped, reduced, or the student was acquitted.

### **Section 903. Effective Date**

The effective date of these regulations shall be August 1, 2001, and as amended thereafter.

*Revised November 7, 2003*

*Revised June 4, 2008*

*Revised April 23, 2009*

*Revised April 14, 2010*

*Revised September 28, 2010*

*Revised August 22, 2011*

*Revised August 16, 2013*



# **CODE OF STUDENT RESPONSIBILITY**

**Effective August 1, 2001**

*Revised September 13, 2006*

*Revised September 18, 2010*

*Revised August 22, 2011*



## **Policy on Plagiarism**

### ***What is Plagiarism?***

Plagiarism is the “unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.” *Random House Unabridged Dictionary* 1479 (Stuart Berg Flexner et al. eds., 2d Ed., Random House 1993).

Plagiarism occurs when a writer fails to acknowledge the ideas of another.<sup>1</sup> The most direct form of plagiarism occurs when a writer inserts a verbatim quotation from a source and does not acknowledge it. However, plagiarism can also occur when there is an incomplete acknowledgement of the writer’s source. For instance, a writer has plagiarized if he/she mixes in his/her own words with the words of the original source but nonetheless does not acknowledge the original source. Even if the author puts the ideas and concepts contained in the original source into his/her own words completely, if the author fails to acknowledge the source of his/her idea, he/she has plagiarized.

In legal writing, failing to cite to a source for a legal idea is a form of plagiarism. Almost all legal analysis is supported by case-law, statutes, or secondary sources, which must be cited as “authority.” Court documents must contain citations to authority in support for legal arguments or the arguments will lack legal credibility.

The interplay between citations and plagiarism will be new to most students who may only be familiar with plagiarism in the context of undergraduate education. Some writers who are new to legal writing may feel that the extensive citation requirements stifle their originality and creativity. Unlike other forms of writing, however, good legal writing is defined by a lawyer’s ability to use pre-existing legal authority to support legal conclusions. Thus, in the legal writing context, the author’s use of legal authority in ingenious ways is considered to be original and creative.

Plagiarizing violates the rights of the original author of a work and puts the plagiarizer at an unfair advantage over other students. Plagiarism also undermines one of the educational missions of John Marshall Law School, which is to produce lawyers who can engage in independent legal analysis. Turning in work that is not completely your own creates barriers to reaching your full potential as an attorney.

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<sup>1</sup> Adapted from the Publication on Plagiarism from the Legal Writing Institute, published in 2003 (“LWI Plagiarism Brochure”).

## ***What Are the Consequences of Plagiarism?***

Plagiarism violates the John Marshall Law School Code of Student Responsibility, which prohibits “[d]ishonesty in any academic pursuit, including examinations and the submission of work for credit or publication” and “[c]onduct evidencing bad moral character that is relevant to fitness for the study or practice of law.” John Marshall Law School Code of Student Responsibility, D.R. 1 and 9.

Because plagiarism is a serious breach of the Law School’s Code of Student Responsibility, a violation can lead to severe consequences, which may include:

- a failing grade for the course or assignment;
- lowering of grade in any course to which the offense pertains;
- withdrawal of credit in a course;
- academic probation;
- written reprimand;
- oral admonition;
- suspension from law school; and,
- expulsion from law school.

Because plagiarism is dishonest, it runs contrary to principles of professional responsibility that all lawyers must meet. Accordingly, if you engage in plagiarism in law school, it may have far-reaching professional consequences. As a breach of character and fitness standards required by most jurisdictions to become an attorney, plagiarism in law school may prevent you from receiving a law license.

## ***How Do I Avoid Plagiarism?***

When working with legal authority and other sources, knowing when to cite will help you avoid plagiarism. What follows are some basic guidelines<sup>2</sup> for understanding when you need to cite:

1. Acknowledge direct use of words that are another’s;
2. Acknowledge any paraphrase of words that are another’s;
3. Acknowledge direct use of another’s idea;
4. Acknowledge a source when your own analysis or conclusion builds on that source;
5. Acknowledge a secondary source when your idea about a case, statute or other legal source came from a source other than the source itself;
6. Take careful notes when researching so that you can document the source of the ideas that you will use; and
7. Ensure that material obtained from any source is attributed, including material obtained from electronic databases such as LexisNexis®; Westlaw®; and the Internet.

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<sup>2</sup> The following rules and guidelines have been adapted from the LWI Plagiarism Brochure



## **Law Student's Oath of Professionalism**

**As** I begin the study of law at Atlanta's John Marshall Law School, I acknowledge and accept the privileges and responsibilities inherent in my becoming a lawyer, and the high standards and ideals that accompany such an undertaking.

**Accordingly**, I pledge that I will at all times conduct myself with the dignity befitting an advocate and counselor in a learned profession.

**I** commit myself to service without prejudice, integrity without compromise, and the diligent performance of my duties with the utmost good faith.

**I** acknowledge that I will be a zealous advocate, but will act with courtesy and cooperation toward others, and I will at all times, personally and professionally, conduct myself in a professional manner.

**I** will remember that my responsibilities to the legal profession should control my conduct both as a student of the law and, therefore, as a member of the bar.

**I** hereby accept my new status as a professional, and I will approach my colleagues and adversaries alike with the same integrity, professionalism and civility that the practice of law demands.

**I** pledge to conduct myself in accordance with and abide by Atlanta's John Marshall Law School's Code of Student Responsibility.

**This pledge I take freely and upon my honor.**

**Signature:**\_\_\_\_\_

# **ATLANTA’S JOHN MARSHALL LAW SCHOOL**

## **CODE OF STUDENT RESPONSIBILITY**

This Code is divided into four parts:

- V. Canons of Ethics (cited as “C.E.”);
- VI. Disciplinary Rules (cited as “D.R.”);
- VII. Organizational Rules (cited as “O.R.”); and
- VIII. Procedural Rules (cited as “P.R.”).

For the purposes of this Code, a person is deemed to be a student from the time of submitting an application for admission until graduation, expulsion, voluntary withdrawal, or academic disqualification not followed by reinstatement.



## I. CANONS OF ETHICS

C.E. 1. Lawyers and law students are bound to obey the law but are free to criticize it and advocate its change.

C.E. 2. Lawyers should exemplify integrity, honor, personal morality, and responsibility. Students at the Law School ought to conform to these standards in preparing for the legal profession. Public confidence in a self-regulating legal profession depends upon the willingness of lawyers and law students to be responsible for the conduct of their colleagues. Each student at the Law School should actively discourage other students from violating the Disciplinary Rules. A student who has personal knowledge of a violation of the Disciplinary Rules should report that knowledge to an official of the Law School and should assist in the investigation and determination of any such alleged violation.

C.E. 3. Legal education demands free debate, characterized by the quick interplay of ideas, skillful use of logic, and knowledge of precedents, all tempered by compassion. Students at the Law School should respect this process and join in it actively with their colleagues.

C.E. 4. The legal profession and an open society require lawyers who are free to act and speak as independent professionals. In learning their professional responsibilities, students at the Law School should consider opposing views with tolerance and care, but should remain steadfast if convinced that their causes and their own ethical standards are just.

## II. DISCIPLINARY RULES

**A breach of the Canons of Ethics may not be grounds for discipline unless the breach also violates any of the following Disciplinary Rules.** Expulsion, suspension, or a lesser disciplinary sanction may be imposed. A lesser disciplinary sanction is defined as either a “disciplinary warning,” “disciplinary probation,” or other disciplinary sanction determined to be commensurate with the level of breach of conduct of rules as enumerated by the Disciplinary Rules set forth herein:

- (1) **A Disciplinary Warning** is an official written notice expressing disapproval of conduct and a statement that the conduct violates one or more of the offenses set forth in D.R. 1. through D.R. 9.
- (2) **Disciplinary Probation** is a period of time during which the student or student organization must demonstrate the ability to comply with the law school’s rules, regulations, and all other stipulated requirements. Disciplinary probation may be imposed for conduct which violates one or more of the offenses set forth in D.R. 1. through D.R. 9. Any student who has been placed on disciplinary probation as set forth herein shall, during the period of probation, not be eligible to participate in any extra-curricular activities or be eligible to be an officer of any school academic, governmental, or social organization.

**(3) Other Disciplinary Sanctions include the following:**

- (a) *Restitution.* Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of the violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss.
- (b) *Written censure.* A censure may be given to any student or organization whose conduct violates any part of these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution/school community, but that any further violation may result in more serious penalties.
- (c) *Restriction.* A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the institution or school in any way, denial of use of facilities, parking privileges, participation in extra-curricular activities or restriction of organizational privileges.
- (d) *Reduction in class grade(s).* If a student is found to have violated any disciplinary rule involving dishonesty in any academic pursuit, in addition to any other disciplinary sanction which might be administered, the school may, where appropriate, reduce the student's academic grade as a result of the violation of the academic policies of the school.

D.R. 1. Dishonesty in any academic pursuit, including examinations and the submission of work for credit or publication. Dishonesty includes the giving or receiving of unauthorized assistance.

D.R. 2. Destruction or theft of property of the Law School or of any member of the Law School community.

D.R. 3. Intentional gross disruption of academic or social functions conducted under the auspices of the Law School.

D.R. 4. Misrepresentation of a material fact with intent to deceive any person in connection with any official business of the Law School or of any co-curricular or extracurricular activity sponsored by the Law School or a recognized student organization.

D.R. 5. Divulgence, without proper authorization, of any confidential information of the Law School, including information received as an employee of the Law School or in an official capacity on any committee of the Law School which justifiably establishes the necessity for its deliberations being confidential and so advises participants.

D.R. 6. Intentional and unjustifiable harassment of any member of the Law School community.

D.R. 7. Unprivileged failure to cooperate in the investigation or determination of an alleged violation of these Disciplinary Rules as requested by the Dean, the Presenting Counsel, or the Presiding Member of the Disciplinary Hearing Panel.

D.R. 8. Failure to comply with rules, regulations and orders respecting student conduct duly promulgated by the Law School.

D.R. 9. Conduct evidencing bad moral character that is relevant to fitness for the study or practice of law.

### **III. ORGANIZATIONAL RULES**

O.R. 1. Disciplinary Hearing Panel. The Dean annually shall appoint a Disciplinary Hearing Panel (“Hearing Panel”) consisting of three faculty members and two student members. The Dean shall designate one of the faculty members to serve as Presiding Member. The Presiding Member is entitled to vote. The functions of the Hearing Panel are to conduct hearings on alleged violations of the Disciplinary Rules and to perform other functions assigned under the Procedural Rules.

O.R. 2. Disciplinary Appeals Panel. The Dean annually shall appoint a Disciplinary Appeals Panel (“Appeals Panel”) consisting of four faculty members and one student member. The Dean shall designate one of the faculty members to serve as Presiding Member. The Presiding Member is entitled to vote. The functions of the Appeals Panel are to hear and determine appeals from judgments of the Hearing Panel and to perform other functions assigned under the Procedural Rules.

O.R. 3. Presenting Counsel. The Dean annually shall appoint a faculty member to serve as Presenting Counsel. The functions of Presenting Counsel are to investigate complaints of alleged violations of the Disciplinary Rules referred to Presenting Counsel by the Dean; to prepare specifications of charges; to present to the Hearing Panel evidence and argument relevant to charges set forth in a specification of charges; to file briefs and make arguments, as appropriate, in cases before the Appeals Panel; and to perform other functions assigned under the Procedural Rules. The Dean may from time to time assign additional persons to assist the Presenting Counsel in handling a heavy caseload.

O.R. 4. Defense Adviser. The Dean annually shall appoint a faculty member to serve as Defense Adviser. The Defense Adviser shall provide information about proceedings under the Code of Student Responsibility. As a matter of discretion in particular cases, the Defense Adviser may advise a student who has been charged with a violation of the Disciplinary Rules. However, the Defense Adviser shall not represent any student in proceedings under the Code of Student Responsibility.

O.R. 5. Pools. The Dean annually shall appoint three faculty members to a Faculty Pool and three students to a Student Pool. A member of the Faculty Pool or Student Pool shall serve *pro tempore* on either the Hearing Panel or the Appeals Panel when selected in accordance with the provisions of P.R. 10(a)-(b) or 18(d) or when a regular member of either Panel is otherwise unable to serve. When a member of the Faculty Pool or Student Pool is selected to serve *pro tempore* on either Panel, the Dean shall replace that member with a new appointee to the appropriate Pool.

O.R. 6. Separation of Functions and Ex Parte Communications. No person shall serve simultaneously in more than one position on the Hearing Panel, on the Appeals Panel, in the Pools, as Presenting Counsel, and as Defense Adviser, and those bodies and offices shall observe strict separation of functions. No one shall communicate *ex parte* about any pending adjudicative matter with any member of the Hearing Panel or Appeals Panel, except that Presenting Counsel, the Defense Adviser, and a respondent (or respondent's representative) may discuss procedural matters with the Presiding Member of the Hearing Panel or of the Appeals Panel, as appropriate.

O.R. 7. Annual Report. At the end of each academic year, the Presiding Members of the Appeals Panel and the Hearing Panel shall prepare for dissemination to the Law School community a report on all adjudicative matters concluded during the preceding year. The report shall contain a brief synopsis of the charges, the decision, and the discipline (if any) in each case. Except as to open hearings, the report shall be written so as to preserve anonymity of respondents and witnesses.

O.R. 8. Committee on Code of Student Responsibility. All regular members of the Hearing Panel and of the Appeals Panel, the Presenting Counsel, and the Defense Adviser, collectively, shall constitute the Committee on Code of Student Responsibility ("the Committee"). The Presiding Member of the Appeals Panel shall serve as Chairperson of the Committee. The Committee is responsible for recommending to the Faculty rules and policies relating to student conduct and discipline, including proposed amendments to this Code. A majority of the members of the Committee constitutes a quorum for conducting business, and all recommendations must be concurred in by a majority of the members of the Committee who are present and voting at a meeting duly called. The Chairperson shall call meetings from time to time as may be required by the Committee's business, and whenever requested by any three members of the Committee. Each member of the Committee shall be given two days notice and a written agenda in advance of any meeting, unless this requirement is waived. No amendment to the Code of Student Responsibility shall affect a pending adjudicative matter without the consent of the respondent.

#### **IV. PROCEDURAL RULES**

P.R. 1. Complaint. Any member of the Law School community may complain in writing to the Dean of a suspected violation of the Disciplinary Rules.

P.R. 2. Disposition by Agreement. The Dean may confer with the student charged and make such disposition as they may agree upon.

P.R. 3. Referral to Presenting Counsel. If the Dean considers that the complaint on its face charges a violation of the Disciplinary Rules that should not be disposed of pursuant to P.R. 2, the Dean shall refer the complaint to the Presenting Counsel. Both the student charged (the “respondent”) and the Defense Adviser shall be promptly notified of this action and given a copy of the written complaint.

P.R. 4. Investigation by Presenting Counsel. After a referral under P.R. 3, Presenting Counsel shall investigate the complaint. Presenting Counsel is not required to interview the respondent but shall consider any timely written submission that the respondent may elect to make. The nature and scope of Presenting Counsel’s investigation is within Presenting Counsel’s discretion and is not subject to review.

P.R. 5. Representation of Respondent. After a referral under P.R. 3, the Defense Adviser shall promptly communicate with the respondent and inform the respondent of the Defense Adviser’s functions under O.R. 4. Throughout all proceedings under these Rules, the respondent shall have the right to independent representation by a representative of the respondent’s choice. The Law School has no obligation to provide representation. (All references herein to the respondent include, where appropriate, the respondent’s representative.)

P.R. 6. Determination by Presenting Counsel. If, on the basis of investigation under P.R. 4, Presenting Counsel determines:

- (a) in consultation with the Dean, that the complaint should be disposed of under P.R. 2, the complaint shall be referred back to the Dean for that purpose;
- (b) that there is not probable cause to believe that the respondent violated the Disciplinary Rules, the complaint shall be referred back to the Dean with an explanation of Presenting Counsel’s determination; or
- (c) that there is probable cause to believe that the respondent violated the Disciplinary Rules, Presenting Counsel shall prepare a specification of charges.

P.R. 7. Specification of Charges. A specification of charges shall contain a short and plain statement of the charge or charges and a citation of the Disciplinary Rule involved as to each charge. A specification of charges may include more than one charge and more than one respondent where joinder is fair and convenient. (When two or more respondents are joined, all references herein to the respondent include each respondent.)

P.R. 8. Filing and Service of Specification of Charges. Presenting Counsel shall file the specification of charges with the Presiding Member of the Hearing Panel and shall deliver a copy to the respondent. If hand delivery is not practicable, first-class mail to the address listed by respondent on the official records of the Law School is sufficient.

P.R. 9. Pre-hearing Conference. Promptly after the filing and service of a specification of charges, and from time to time thereafter as may be appropriate, the Presiding Member of the Hearing Panel shall convene a pre-hearing conference to be conducted as follows:

- (a) The purposes of a pre-hearing conference include determining the composition of the Hearing Panel pursuant to P.R. 10, scheduling the hearing, determining whether the hearing will be open or closed, discussing hearing preparation, and taking whatever further steps may be appropriate to simplify the issues and expedite the hearing.
- (b) A pre-hearing conference shall be conducted in person, by telephone conference call, or by any other convenient medium of communication as determined by the Presiding Member.
- (c) If the respondent admits the truth of the specification of charges, the hearing may be confined to determining the recommendation of discipline.
- (d) The Presiding Member shall endeavor to facilitate agreement as to all matters that may arise at a pre-hearing conference but in the absence of agreement, the Presiding Member shall make all necessary orders to promote a just, speedy, and inexpensive determination of the proceedings. Substantive challenges to the legality of the proceedings or the sufficiency of the specification of charges shall be postponed to the hearing on the merits unless the Presiding Member determines that a different procedure would be appropriate.
- (e) The respondent, respondent's representative, and the Presenting Counsel shall be notified and shall be entitled to participate in any pre-hearing conference. The Defense Adviser may attend if requested by the respondent.

P.R. 10. Composition of the Hearing Panel. The charges set forth in a specification of charges shall be heard and determined by the Hearing Panel, the composition of which shall be adjusted as appropriate in each case as follows:

- (a) Upon the timely filing of an affidavit swearing to specific facts establishing that a member of the Hearing Panel, because of personal bias or prejudice, cannot fairly sit, that member shall be excused. In cases of dispute, the Presiding Member shall determine the sufficiency of any such affidavit. In the event that an affidavit challenges the Presiding Member, one of the two remaining faculty members of the Hearing Panel shall be selected by lot to serve as Presiding Member *pro tempore* for the purpose of determining the sufficiency of the affidavit and for the purpose of continuing to act as Presiding Member in the event that the regular Presiding Member is excused. Any member excused for cause shall be replaced by a member *pro tempore* drawn by lot from the Pool corresponding to the excused member's affiliation.
- (b) The respondent may peremptorily excuse up to two members of the Hearing Panel, but not including the Presiding Member. Any peremptorily excused member shall be replaced by a member *pro tempore* drawn by lot by the Presiding Member from the Pool corresponding to the excused member's affiliation.
- (c) The respondent is not entitled to *voir dire* the Hearing Panel.
- (d) All references to the Presiding Member or the Hearing Panel include, as appropriate, persons serving in a particular case *pro tempore* because of the application of this rule.

P.R. 11. Hearing Preparation. There is no formal discovery. Presenting Counsel and the respondent shall disclose to one another the evidence upon which the charges or the defense are based to the extent necessary to avoid unfair surprise.

P.R. 12. Hearing. The hearing shall be conducted as follows:

- (a) The hearing shall be closed unless the respondent timely requested an open hearing and in writing consented to the disclosure of the respondent's education records to the extent required for such a hearing.
- (b) All members of the Hearing Panel shall be present at all times unless the respondent and Presenting Counsel by stipulation agree that a member may be absent. The hearing may be recessed from time to time.
- (c) The Presiding Member shall conduct the hearing and shall rule on all procedural and evidentiary questions. The Presiding Member shall refer all substantive questions to the Hearing Panel, whose rulings shall be determined by majority vote.
- (d) The stages of the hearing and of the examination of witnesses shall follow the sequence generally observed in Georgia non-jury trial practice.
- (e) Except for rules of testimonial privilege recognized in Georgia, formal rules of evidence do not apply, and all relevant evidence is admissible except evidence whose probative value is outweighed by the danger of unfair prejudice, confusion of issues, or waste of time. For purposes of this paragraph:
  - 7. Communications between a student (or a student's representative) and the Defense Adviser and communications between the respondent and the respondent's representative are privileged to the same extent as communications between a client and a lawyer; and
  - 8. The immunity of newsmen from citation for contempt is not a testimonial privilege.
- (f) All witnesses shall testify under oath or affirmation.
- (g) The respondent is entitled to cross-examine witnesses, to call witnesses, and otherwise to introduce evidence.
- (h) The respondent has no privilege not to testify and shall testify if called upon to do so.
- (i) Members of the Hearing Panel may ask questions of witnesses.

- (j) Unless otherwise stipulated, an audio or video tape recording of the proceedings shall be made, but no transcript will be prepared unless specifically ordered by either the Presiding Member or the Appeals Panel. Respondent may arrange for copies of the recording or for the attendance of a stenographic reporter at respondent's own expense. In the absence of a stenographic reporter or other person authorized to administer oaths, the Presiding Member shall swear or affirm all witnesses and mark and preserve all exhibits.

P.R. 13. Deliberation and Determination. Immediately after the hearing, the Hearing Panel shall deliberate privately and decide whether each charge in the specification of charges has been sustained by the evidence. The Hearing Panel may return a verdict as to any charge only upon the concurrence of three or more members. In order to find a charge sustained by the evidence, the presumption of innocence must be overcome by strong proof of guilt. Proof beyond a reasonable doubt is not required, but a bare preponderance of the evidence is not enough. Except as otherwise provided by this Code, deliberations of the Hearing Panel are confidential.

P.R. 14. Statement of Decision. The Hearing Panel shall prepare and adopt a statement of decision, which shall summarize the charges and state the Hearing Panel's decision as to each charge and may briefly state the evidentiary basis for each decision. Detailed findings of fact are not required. Copies of the statement of decision shall be served on the respondent and Presenting Counsel.

P.R. 15. Determination of Discipline. If the statement of decision finds any of the charges to be sustained by the evidence, the Hearing Panel shall then take steps to determine appropriate discipline as follows:

- (a) The Presiding Member shall first confer with the respondent and Presenting Counsel to determine what further proceedings are required. Either party is entitled upon request to a hearing for the purpose of presenting evidence and making arguments as to appropriate discipline. The hearing shall follow the procedures of P.R. 12 to the extent practicable.
- (b) At least three members of the Hearing Panel must concur in the determination of discipline, which shall be set forth in writing. Expulsion shall not be imposed unless at least four members of the Hearing Panel concur in the determination.
- (c) When adopting its determination of discipline, the Hearing Panel may, upon the concurrence of three or more members, amend the statement of decision.

P.R. 16. Final Judgment. The statement of decision together with the determination of discipline (if any) shall constitute the final judgment of the Hearing Panel. The Presiding Member of the Hearing Panel shall deliver the final judgment of the Hearing Panel to the Dean and shall cause copies to be delivered promptly to the respondent, Presenting Counsel, the Presiding Member of the Appeals Panel, and all full-time members of the Faculty of the rank of Assistant Professor or above. Except for typographic errors, the Hearing Panel has no jurisdiction to change a final judgment unless authorized by the Appeals Panel.



P.R. 17. Appeal From Final Judgment. The final judgment becomes conclusive on the tenth day (excluding Sundays and holidays observed by the Law School) after it is delivered to the Dean and served upon the respondent unless an interested person within the ten-day period files with the Presiding Member of the Appeals Panel a written notice of appeal specifying the issues as to which review is sought. For good cause shown, the Presiding Member of the Appeals Panel may extend the time for filing a notice of appeal. Interested persons include the respondent, Presenting Counsel, and all full-time members of the Faculty of the rank of Assistant Professor or above. The Presenting Counsel may not seek review of the sufficiency of the evidence to support a decision that a charge was not sustained by the evidence. A member of the Faculty who is not otherwise interested may seek review only of the discipline imposed.

P.R. 18. Procedure on Appeal. If a timely notice of appeal is filed, the Appeals Panel shall proceed as follows:

- (a) The Presiding Member of the Appeals Panel, in consultation with other members of the Appeals Panel and other interested persons, shall establish a briefing schedule and shall notify all interested persons of the schedule and of the issues as to which review has been sought.
- (b) The Presiding Member of the Hearing Panel shall promptly deliver to the Appeals Panel the complete record of its proceedings, which shall be made available to all interested persons. The record shall include the specification of charges, the recording or transcript of the hearing, exhibits received in evidence or otherwise made a part of the record at the hearing, the statement of decision and determination of discipline.
- (c) Interested persons who wish to participate in the appeal shall so inform the Presiding Member of the Appeals Panel so that copies of all briefs may be made available to all participants.
- (d) The Presiding Member of the Appeals Panel may (and, if requested by either the respondent or Presenting Counsel, shall) schedule a hearing for oral argument after the conclusion of the briefing schedule. The Presiding Member may make such other and further orders as may be necessary for a just, speedy, and inexpensive review of the final judgment of the Hearing Panel. P.R. 10(a), adapted as may be necessary for application to the Appeals Panel, shall be employed for the purposes of excusing for cause any member of the Appeals Panel and replacing any member of the Appeals Panel who is excused for cause or who is otherwise unable to serve.

P.R. 19. Decision by Appeals Panel. The Appeals Panel shall review the final judgment of the Hearing Panel on the basis of the record and shall not receive additional evidence. The Appeals Panel shall affirm, reverse, modify, or remand to the Hearing Panel for further proceedings according to the dictates of the case and subject to the following requirements:

- (a) The Hearing Panel's factual determinations are conclusive if supported by substantial evidence.

- (b) Harmless procedural errors shall not be grounds for reversal.
- (c) The determination of discipline shall be modified only if the Appeals Panel finds that a different discipline would be clearly preferable in the light of all the facts and circumstances and in view of the purposes of the Code of Student Responsibility.
- (d) The Presiding Member of the Appeals Panel shall deliver the decision of the Appeals Panel to the Dean and shall cause copies to be delivered promptly to the respondent, Presenting Counsel, and all full-time members of the Faculty of the rank of Lecturer or above.
- (e) If the decision of the Appeals Panel directs that the proceedings be remanded to the Hearing Panel, the Hearing Panel shall promptly comply with the Appeals Panel's decision. Otherwise, the decision of the Appeals Panel shall be the final determination of the proceedings by the Law School.

**Effective August 1, 2001**

*Revised August 8, 2005*

*Revised August 4, 2006*

*Revised September 13, 2006*

*Revised September 18, 2010*

*Revised August 22, 2011*



# **APPENDIX A**

**JOHN MARSHALL LAW SCHOOL  
ACCOMMODATIONS REQUEST VERIFICATION FORM  
[To be completed by physician or licensed professional]**

**PART I – TO BE COMPLETED BY JMLS STUDENT:**

Name: \_\_\_\_\_ S.S. # \_\_\_\_\_

Year: \_\_\_\_\_ Full-time \_\_\_\_\_ Part-time \_\_\_\_\_

Local Address: \_\_\_\_\_

Work Telephone: \_\_\_\_\_ Home Telephone: \_\_\_\_\_

Mobile Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**PART II – PHYSICIAN OR LICENSED PROFESSIONAL:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

State and License No. \_\_\_\_\_

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

\_\_\_\_\_

Office Telephone: \_\_\_\_\_ Office Fax: \_\_\_\_\_

Other Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Briefly describe the diagnosis: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Treatment consisted of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Last date of treatment/consultation date with student: \_\_\_\_\_

Explain the specific condition or physical problem that requires academic accommodations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is this a permanent condition/disability?    ☐ Yes    ☐ No

If No, when is the condition/disability likely to abate? \_\_\_\_\_

In what way does the condition/disability affect the applicant's ability to read/write/concentrate for extended periods of time? \_\_\_\_\_

Based on the student's condition/disability and your diagnosis, what academic accommodations would you recommend? [**Check all that would apply.**] This section must be completed or no accommodations will be granted.

- ☐ Regular Print Test Books
- ☐ Large print (18pt.) test books
- ☐ Rest time during examinations – **Please specify:** If a specific time period(s) is not indicated, rest time will not be made available.
- ☐ Additional testing time – **Please specify:** \_\_\_\_\_ If a specific amount or proportion of additional testing time is NOT indicated, additional testing time will not be made available.
- ☐ Use of reader
- ☐ Test room and restrooms accessible by wheelchair
- ☐ Non-distractive test room
- ☐ Use of a tape recorder (Used as a backup only for dictated writing sample)
- ☐ Use of medications
- ☐ Use of magnifying glass
- ☐ Use of scratch paper
- ☐ Other – **Please specify:** \_\_\_\_\_

Please describe your credential(s) allowing you to verify this person's disability: \_\_\_\_\_

I certify that all the information on this form is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Georgia License/Certification Number

**Please note: Pages 3 & 4 must be completed if applicant has a learning disability. Information may be reviewed by a learning specialist. Accommodations may not be approved unless this information is provided.**

**LEARNING DISABILITY VERIFICATION FORM**  
**[To Be Completed By A Qualified Medical Professional]**

Student Name: \_\_\_\_\_ S.S. # \_\_\_\_\_

**DIRECTIONS:**

A student with a specific learning disability must have been identified by a psycho-educational assessment process which includes data from both cognitive and achievement measures. Testing must also:

1. Have been administered within the last five (5) years;
2. Identify an information processing deficit; and
3. Identify an aptitude-achievement discrepancy of 1.5 standard deviations.

Indicate below the specific tests and scores used to identify the specific learning disabilities.

**COGNITIVE ASSESSMENT:**

Date Cognitive Assessment Completed: \_\_\_\_\_

**WECHSLER ADULT INTELLIGENCE SCALE-REVISED(WAIS-R)**

Verbal \_\_\_\_\_ Performance \_\_\_\_\_ Full Scale \_\_\_\_\_

**SCALED SCORES:**

Information	_____	Picture Completion	_____
Digit Span	_____	Picture Arrangement	_____
Vocabulary	_____	Block Design	_____
Arithmetic	_____	Object Assembly	_____
Comprehension	_____	Digit Symbol	_____
Similarities	_____		

Mean (X) of scaled scores: \_\_\_\_\_ Performance \_\_\_\_\_

**WOODCOCK-JOHNSON PSYCHO-EDUCATIONAL BATTERY-REVISED-PART 1; COGNITIVE:**

**STANDARD SCORES ONLY:**

Full Scale Broad Cognitive	_____	Processing Speed	_____
Reading Aptitude	_____	Auditory Processing	_____
Math Aptitude	_____	Visual Processing	_____
Written Language Aptitude	_____	Short Term Memory	_____
Other	_____	Other	_____

**PROCESSING DEFICIT ASSESSMENT:**

Test	Sub-Test	Standard/Scaled Scores
WAIS-R	_____	_____
	_____	_____
	_____	_____
WOODCOCK	_____	_____
JOHNSON-R	_____	_____
	_____	_____
OTHER	_____	_____

**ACHIEVEMENT ASSESSMENT:**

**Date Achievement Assessment Completed:** \_\_\_\_\_

Test	Sub-Test	Standard Score
WOODCOCK	_____	_____
JOHNSON-R	_____	_____
	_____	_____
WRAT	_____	_____
	_____	_____
NELSON-DENNY	_____	_____
	_____	_____
OTHER	_____	_____
	_____	_____

**APTITUDE-ACHIEVEMENT DISCREPANCY:**

**Aptitude Measure/Subtests**

**Standard Score**

**Achievement Measure/Subtests(s)**

**Summary of Diagnosis:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that all the information on this form is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Georgia License/Certification Number