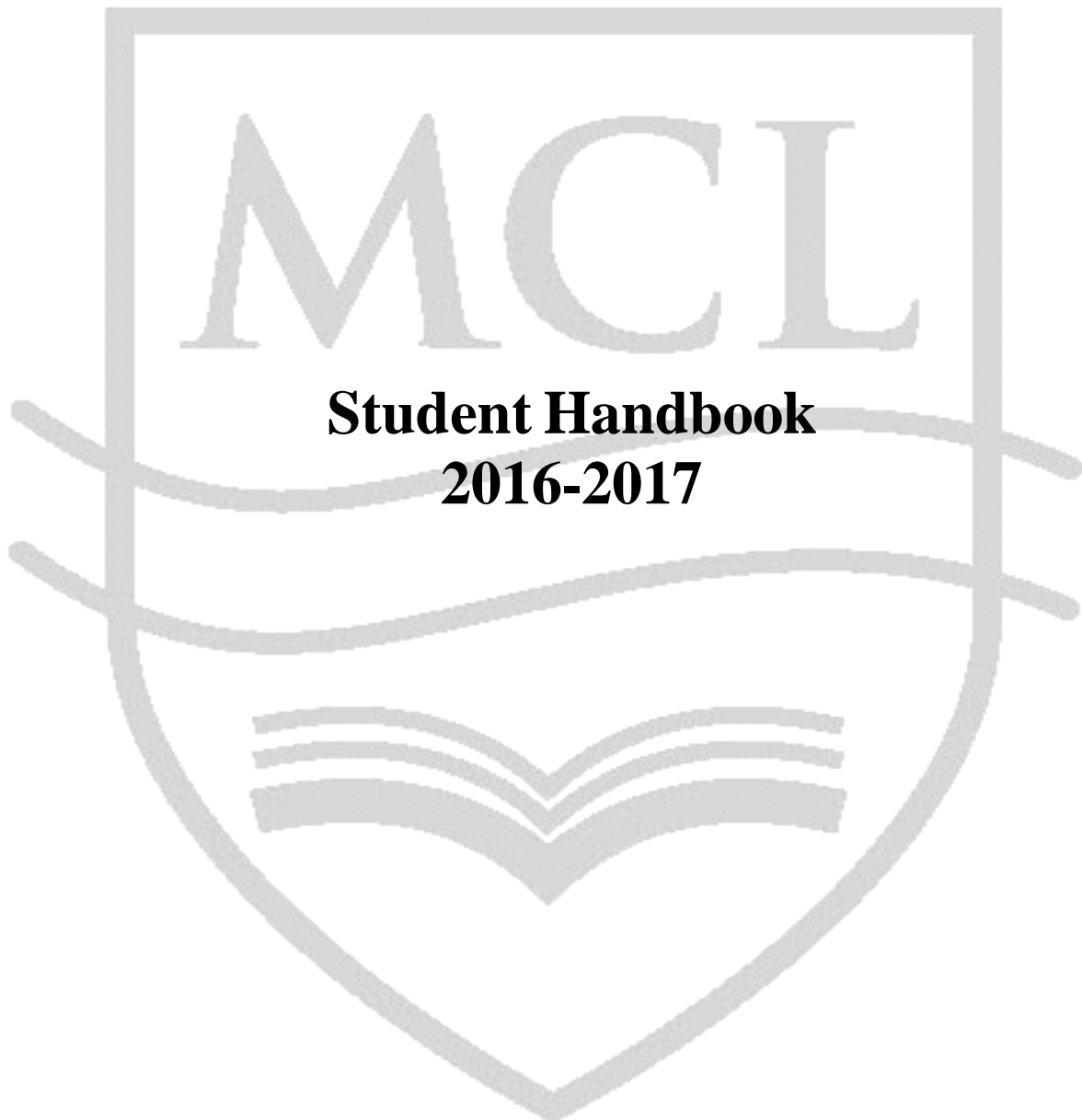


**Monterey College of Law  
and  
San Luis Obispo College of Law**



Update 8/2016

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# STUDENT HANDBOOK

2016-2017

## GENERAL INFORMATION

Monterey College of Law and San Luis Obispo College of Law (The Law Schools) are state bar accredited law schools offering a part-time program of instruction for three law degrees: a 90-unit Doctor of Jurisprudence (J.D.) degree, a 36-unit Master of Legal Studies (M.L.S.) degree, and a 24-unit Master of Laws (LL.M.) degree. The Law Schools offer law courses at three locations along the Central Coast of California: Monterey College of Law, 100 Col. Durham Street, Seaside, CA; San Luis Obispo College of Law, 4119 Broad St, San Luis Obispo; and MCL's Santa Cruz Classroom, 333 Water Street, Santa Cruz, CA. Founded in 1972 by prominent local attorneys and judges, the mission of The Law Schools are to provide a quality legal education in a community law school whose graduates are dedicated to professional excellence, integrity, and community service.

The Law Schools offer serious, highly motivated students the opportunity to seek a career in law, change their career, re-enter the workforce, or advance their current professional career by obtaining a legal education. Most of the students at The Law Schools work full-time while attending courses in the evenings. The current student body ranges in age from 22 to 70 years and the average age is 35 years.

The Law Schools' students are trained in substantive law, legal analysis, and oral and written communication skills. The Law Schools are committed to maintaining high academic standards with small classes. Courses, taught by practicing lawyers and judges, emphasize training in legal skills and professional responsibility. Professors are knowledgeable in legal theory, as well as the process and techniques used in the practice of law. Small class size, active classroom exchange, and accessibility to faculty allow for personal attention and individual instruction. See Appendix 1 for the Staff and Board Directory.

## Course Times/Locations

Courses at all of The Law Schools' locations are held from 6:30 p.m. to 9:30 p.m. on Monday through Thursday evenings.

Courses offered at The Law Schools in the fall and spring semesters are 16 weeks long (including examinations). The summer semester is 11 weeks long (including examinations). Students are expected to attend summer semesters.

## Accreditation

Monterey College of Law has been accredited by the Committee of Bar Examiners of the State Bar of California since 1981. San Luis Obispo College of Law is an accredited brand of Monterey College of Law, approved by the Committee in 2015.

## Bar Pass Statistics

The Law Schools are committed to providing courses for each substantive area of the law that may be tested on the California Bar Examination. No law school can guarantee bar exam passage to any student. However, The Law Schools' Trustees, Faculty, and Administration are committed to providing the quality of education that provides the basis for meeting or exceeding the State Bar's minimum cumulative bar pass rate as set by the accreditation rules and guidelines.

## **Library**

The Law Schools meet or exceed the Committee of Bar Examiner standards for its library collection at both the Seaside and San Luis Obispo campus locations. Students at the Santa Cruz location are provided access to the Santa Cruz County Law Library that is located across the street from MCL's Santa Cruz classroom. The Law Schools' students also have access to the Monterey and San Luis Obispo County Law Libraries. See Appendix 14 for specific information about hours and location of each of the County Law Libraries.

## **COMMITTEE OF BAR EXAMINERS OF THE STATE OF CALIFORNIA**

### **Registration as a Law Student**

Law students must register with the Committee of Bar Examiners within 90 days of beginning the study of law (Business & Professions Code Section 6060(d)). Registration information can be found on the State Bar's website. Creating a My Law Student Profile does not fulfill a law student's obligation to register with the Committee of Bar Examiners.

### **Equal Opportunity and Non-Discrimination**

The Law Schools operate in accordance with policies and procedures that comply with the Constitutions and all applicable laws of both the United States and the State of California so as to provide both equal opportunity and to prohibit unlawful discrimination.

### **The First Year Law Students' Examination ("FYLSX" or "Baby Bar")**

Students admitted to The Law Schools as "special" students are required to take and pass the First Year Law Students' Examination within three administrations of becoming eligible to take it, which is upon successful completion of their first year of law study. A "special" student is one who has completed less than two years of undergraduate study. In addition, The Law Schools may require certain students to take and pass the First Year Law Students' Exam as a condition of acceptance or academic probation. These students will be advised of their status and must file the application to take the examination at least two months prior to the examination date directly with the Committee of Bar Examiners, accompanied by the application fee. Under special agreement with the Committee of Bar Examiners, certain transfer students from the University of San Luis Obispo School of Law may be required to take and pass the First Year Law Students' Exam. These students have been advised of their status and must follow the conditions of their transfer agreement. Application information for the First Year Law Students' Exam is found on the California State Bar website, [www.calbar.ca.gov](http://www.calbar.ca.gov).

### **Residency Requirements**

The Committee of Bar Examiners has established residency requirements under the "Rules Regulating Admission to Practice Law in California". Students must complete 1,200 hours of instruction in residence, extending over 120 weeks of study, in order to qualify for a J.D. degree and take the California Bar Exam. Students should take nine or ten units each fall and spring semester and the remaining units over three summer semesters in order to complete all required/desired courses in a timely fashion and comply with the State Bar Rules. Any student wishing a reduced (less than nine units) or increased (over ten units) course load must obtain written approval from the Dean or Dean's designate.

## Admission to Practice Law in California

The Juris Doctor degree itself does not entitle a law school graduate to be admitted to the California State Bar or to practice law. In order to practice law in California, all of the following requirements must also be satisfied:

1. File an Application to take the California Bar Examination and, after having been found eligible to do so, take and pass the examination; and
2. Take and pass the Multistate Professional Responsibility Examination administered and graded by the National Conference of Bar Examiners; and
3. File an Application for Determination of Moral Character and receive a positive determination from the Committee of Bar Examiners.

## Practicing Law in Other States

States other than California may require a degree from an American Bar Association accredited school or approval from an examining committee as a prerequisite to taking their bar examination. The Law Schools are not seeking accreditation from the American Bar Association. Study at, or graduation from, The Law Schools may not qualify a student to take the bar examination in other states or satisfy the requirement to practice law in other states. Therefore, if a student intends to seek admission to practice in a state other than California, the student should contact the admitting authority in that state for information regarding the legal education requirements for admission to practice law.

## Doctor of Jurisprudence

To obtain a Doctor of Jurisprudence degree, students must comply with the degree requirements of The Law Schools and the rules of the Committee of Bar Examiners of the State Bar of California. In order to graduate, students must attain a 70.0 cumulative grade point average (GPA) with a minimum of 90 credits of study, and be in good financial standing.

## REQUIRED AND ELECTIVE CURRICULUM

The Law Schools strive to enable each student to develop substantive knowledge, excellent legal skills and an understanding of the professional and ethical responsibilities facing the practicing lawyer. The curriculum integrates a theoretical understanding of legal principles with training in practical lawyering skills.

Because The Law Schools' curriculum is designed as a part-time program, the courses follow a prescribed sequence that anticipates completion in four years. However, students who have a cumulative GPA of 75.00 or above may accelerate their program of study without special approval. Students who have a cumulative GPA below 75.00 may not accelerate their program of study without submitting a petition and receiving prior approval from the Dean or the Dean's designate.

In certain special circumstances, students may petition to complete the graduation requirements in three years. However, these circumstances require a student to have, and maintain, a very high cumulative GPA (generally 79.00 or above) and not to be working full-time. Students interested in the three-year program must receive pre-approval and must meet with the Dean or the Dean's designate to review their progress each Fall and Spring semester after grades are released.

The majority of law school courses emphasize substantive law using the traditional casebook method. Advocacy, writing, and clinical courses emphasize practical skills. The Clinical Studies Program encourages students to participate in internships under the supervision of practicing lawyers and judges.

## Clinical Studies Program

All J.D. students are required to participate in the 1-unit pro bono Small Claims Advisory Clinic. (Please Note - Graduating classes prior to 2018 will receive 2 units for this course.)

J.D. students entering under the 86-unit graduation requirement must also complete at least one (1) additional clinical unit.

J.D. students entering under the 90-unit graduation requirement are expected to take more than one additional clinical unit as part of their elective courses. Under the 90-unit curriculum, there is no maximum number of clinical units that may be completed.

Students are also eligible to earn clinical units by participating in internships under the supervision of practicing lawyers and judges. In order to receive academic credit, students wishing to participate in clinical studies must have their paperwork completed and signed by the Dean of Clinical Studies prior to beginning their program. See Appendix 5 for the Clinical Studies Guidelines.

## Moot Court

Students enrolled in the J.D. program at the Seaside campus are required to participate in the Heisler Moot Court program. The program provides students the opportunity to participate in a Constitutional Law appellate advocacy program. Students participate in oral arguments before trial and appellate judges. Four finalists are selected from the program to argue in front of appellate court justices in a community program where the public is invited to attend. Funding for the program is provided, in part, by the Heisler Moot Court Endowment, established in 1985 in memory of Francis and Friedy Heisler, renowned proponents of civil liberties.

Students enrolled in the J.D. program at the San Luis Obispo campus are required to participate in the SLOCL moot court program. Students will prepare and present appellate arguments before sitting judges and justices.

## Transfer Credit

The Law Schools will consider applications for transfer from other law schools, subject to the Rules and Guidelines for California Accredited Law Schools. At the time of transfer, students are advised of the number of units accepted for transfer, the method of calculating cumulative GPA, class standing, and requirements for graduation at The Law Schools. Transfer credits may not exceed one-half of the units required to graduate from The Law Schools.

In certain circumstances, students may be permitted to take individual law classes at another law school. Subject to prior approval, these units may be transferred and applied towards the credit units required for graduation. In order to be eligible for transfer credit, the student must receive a grade of 75 or higher in the course. The numerical grade will not be used in the calculation of the student's cumulative GPA at The Law Schools and a grade of "P" will be indicated on the transcript. If an equivalent course is offered at The Law Schools, the student may not receive credit for more units than the number of units offered at The Law Schools. If the transfer course is for fewer units than the equivalent course, subject to the grade standards being met, the actual units earned for the transfer course will be granted.

If a student's request to take classes at another institution has been approved by the Dean or the Dean's designate, the student must submit a written statement of intent to the Registrar prior to enrolling in the course. To transfer the course, the student must submit an official transcript to the Registrar and pay an administrative fee of \$100.00 per unit.

Students may also be eligible to take elective courses for Clinical Studies credit during the summer semester through Study Abroad programs offered by other law schools. Notices from law schools offering Study Abroad programs are posted on the bulletin boards as well as in the student lounge. See Appendix 6 for Study Abroad Guidelines.

## **Master of Legal Studies (M.L.S.)**

The M.L.S. degree is a 36-unit graduate law program for individuals who desire to obtain an advanced knowledge of the law and the American legal system, but who do not wish to become lawyers. The degree program is designed for individuals in careers that involve interaction with lawyers and the legal system and for those who are entering professions where an understanding of legal reasoning and the legal system will improve their professional effectiveness. The M.L.S. degree program can be valuable to individuals in fields such as law enforcement, public administration, financial services, human resources, healthcare management, government regulation, non-profit management, court administration, and social services. M.L.S. students attend law courses that are a part of the regular law school curriculum and are held to the same standards for attendance, participation, and grading as J.D. students. The M.L.S. degree requires successful completion of a major writing project.

The M.L.S. degree is not a replacement for a law degree, does not entitle an individual to practice law or hold themselves out as a lawyer, and does not qualify the holder to sit for a bar exam. The M.L.S. degree requirements and curriculum are detailed in Appendix 3.

## **JD/MLS – Concurrent Degree Program**

The Law Schools provide applicants the option of concurrently enrolling in the J.D. and M.L.S. degree programs. Upon successful completion of the concurrent degree program, the student is granted both the J.D. and M.L.S. degrees. Completion of the JD/MLS program requires successful completion of the program requirements of BOTH the M.L.S. degree and the J.D. degree. Students should carefully review the separate program requirements of both degrees prior to electing to concurrently enroll in the JD/MLS program.

Completion of the M.L.S. degree requires a major writing project. All other credit courses are completed concurrently with the J.D. program. Students in the JD/MLS program may elect to discontinue their legal studies upon completion of the MLS degree program without continuing in the JD program. Students in the JD/MLS program may also choose not to complete the writing requirement of the MLS and still be eligible to complete the J.D. program.

The M.L.S. degree is not a replacement for a law degree, does not entitle an individual to practice law or hold themselves out as a lawyer, and does not qualify the holder to sit for a bar exam.

## **Financial Information**

The Law Schools are independent, 501(c) 3 non-profit educational institutions that receive no support from taxes or other public funds. The primary source of revenue comes directly from student tuition. Because The Law Schools do not meet the criteria for the U.S Department of Education Title IV, students do not qualify for

either federal or state insured educational loans. However, other educational loans may be available to students based on personal credit status. Students are urged to plan their budgets carefully before entering law school.

## **Tuition and Fees**

Tuition for the 2016-2017 school year is set forth in the Tuition and Fee Schedule, Appendix 7. There are additional costs for textbooks and instructor-prepared materials. Tuition and fees are due and payable at registration or according to the Tuition Installment Plan (TIP) agreement. Although the law school makes every effort to accommodate students in financing their education, failure to make timely payments of tuition, fees or other amounts owed the law school may result in the assessment of late fees, the inability to sit for examinations, denial of registration for the subsequent semester, and the withholding of grades, transcripts, and degrees or dismissal. Fees are subject to change at the discretion of The Law Schools.

Payment may be made by check, cashier's check, money order, VISA, MasterCard, American Express, or Discover Card. To assure approval, please make sure that your credit card limit will accommodate the amount that you will be charging. Please note: For security reasons, The Law Schools do not accept cash payments. Please plan an appropriate payment method in advance. See Appendix 7 for the Tuition and Fees Schedule.

## **Returned Check Policy**

Any student whose check is returned for nonpayment (NSF) will be subject to a returned check fee (see Appendix 7). Returned checks will not be resubmitted. A cashier's check or money order payable to The Law Schools will be required to cover any current amount due, including incurred fees.

# **REGISTRATION AND FINANCIAL INFORMATION**

## **Registration**

Students must register on-line at the beginning of each academic year for the Fall, Spring, and Summer semester courses. Each semester's courses may be adjusted during the add/drop week of that semester. Payment of fees, tuition and instructor prepared materials are paid through a variety of payment plans arranged with the Business Manager. Late registration and add/drop fees are assessed if a student does not register within the designated annual registration period.

## **Scholarships**

At this time, scholarships are only available at the Monterey College of Law Campus. MCL-awarded scholarships are available each Fall and Spring semester for second, third, and fourth year students. First year students are eligible to apply for scholarships during the Fall semester. Scholarships are applied towards tuition and are awarded on the basis of scholastic achievement, financial need, and/or service to MCL and the community. Students are notified by email when scholarship applications are due. Application forms are available on the Monterey College of Law website and MUST be accompanied by the student's most recent IRS Tax Form 1040. Only students whose grade point average is 70.00 or above, and who are in good financial standing, are eligible for consideration. MCL students may also be eligible for scholarships awarded by outside sources. Notices regarding these scholarships are sent via email to students upon receipt. See Appendix 9 for a current list of scholarships.



## Tuition Refund Policy

To be eligible for a tuition refund, a student must notify the Registrar in writing of the intention to withdraw from studies. The amount of refund is determined as of the date of the receipt of written notice of withdrawal and is calculated as follows:

Withdrawal before the start of instruction: 100% Tuition Refund

Withdrawal during the first 60% of instruction: \* Pro Rata Tuition

Refund Calculation:

$$\frac{\text{Total hours of instruction offered} - \text{Total hours elapsed}}{\text{Total hours of instruction offered}} \times \text{Total Tuition Cost}$$

Withdrawal after completion of 60% (\*) of instruction: No refund

(\*) 60% of instruction is completed in the 9th week of classes during the 16 week semesters and in the 6th week of classes during the 11 week summer semester.

Please note that Fees are not refundable. They remain due and payable regardless of when a student withdraws. Reservation fees will not be refunded.

Students attending The Law Schools under the Veteran's Administration Bill are governed by a special refund policy. All tuitions and fees paid are subject to a pro-rata refund regardless of when the veteran student withdraws from a course.

## ATTENDANCE

### State Bar Requirements

Committee of Bar Examiners rules require "regular and punctual attendance" in order to satisfy the residence credit requirements." Failure to comply may result in academic dismissal. The Committee of Bar Examiners expects attendance at "not less than 80% of the regularly scheduled class hours." Official class records are maintained that show the attendance record for every student.

### Attendance Policy

Attendance is taken at each class. Rosters are reviewed by the Dean or the Dean's designate. During a 16 week semester, students missing two class sessions of one course are required to make an appointment with the Dean or the Dean's designate to discuss the absences. Students with three absences during a 16 week semester are subject to dismissal from that course. Students with two absences during an 11 week semester are subject to dismissal from that course. Students with one absence from a 1 unit course are subject to dismissal from that course. If dismissed, the student may not continue to attend classes, or take the midterm or final examination in that course, without approval of the Dean or the Dean's designate.

## Student Honor Code

The Law Schools are adult, professional, graduate educational institutions. Law students, as future members of the legal profession, are subject to the responsibilities and ethical standards of the profession. The well-being of the profession and the integrity of The Law Schools depend upon the maintenance of such standards. Student behavior and conduct in class should be appropriate and any behavior determined to be unprofessional or to interfere with the learning opportunities for other students by The Law Schools' administration or faculty may be cause for dismissal from school. See Appendix 10 for the Student Honor Code.

## Legal Holidays

Administrative offices are closed on legal holidays and during the Winter break in December. Class scheduling for legal holidays is determined by the Dean and faculty. Classes canceled because of legal holidays will be rescheduled by the Registrar subject to the professor's schedule in order to meet the requirement of 15 hours of classroom instruction for each unit of credit. See Appendix 2 for the Academic Calendar.

## EXAMINATION PROCEDURES General Policy

There is a written final examination given in every course offered for credit, with the exception of Clinical Studies (including the Advisory Clinic), skills training, trial practice, or other designated courses in which substantial written work is the basis of assessment.

Exam grading by faculty is on an anonymous basis. Student exam identification numbers are used to identify student test papers. Faculty members are not given access to exam identification numbers. In order to maintain this anonymity, a student may not contact the instructor regarding any exam pending the release of grades for that exam. Questions should instead be directed to the Dean or the Registrar.

All written examinations have a score for each answer clearly marked on the student test papers. These scores may indicate "raw points" rather than a final grade for the course.

### First-Year Exams

Midterm examinations are required in all two - semester courses. If the first-year midterm grade in any course is higher than the grade on the final exam, the midterm exam will be counted 20% in calculating the final course grade. If the final exam grade is higher than the midterm exam grade, the midterm exam grade will not be used in any way.

### Second-/Third-/Fourth-Year Exams

Midterm examinations are required in all two-semester courses. Both midterm and final exam grades are used in computing final course grades. Unless otherwise designated in the course syllabus, midterm exam grades account for 1/3 of the overall final grade and final exam grades account for 2/3 of the final course grade.

Courses that are one semester in duration as well as pass/fail courses, clinic courses, clinical studies, and similar courses are exempt from this policy. Such courses are governed by grading criteria set out in the course syllabus and approved by the Dean or the Dean's designate.

## Administration of Exams

No cell phones, notebooks, outlines, books, papers, attaché cases, backpacks, jackets, computers, calculators, tape recorders, etc., may be brought into the examination room, unless approved by the professor. Chewing gum, eating, drinking, or smoking are not allowed in the examination room. No mechanical timers, including noise-making watches, are permitted. Students who handwrite examinations may use black or blue ink pens only. Pencil-written examinations are not permitted. Students are also provided the ability to take an exam using their laptop computer. In order to be eligible to use a laptop, Students must review the Examination Policy in Appendix 4 and abide by all of the regulations.

Exams begin promptly at the designated time. Students must be in the exam room 15 minutes prior to the commencement of the exam and be prepared to take exams. A student arriving after the commencement of the exam may take the exam but will not receive any additional time to complete it. Cell phones are not allowed in the examination room.

Exam proctors are not required to delay exams to provide instructions to late arrivals. Students who are electing to take exams using laptops must have their computer on and the exam software ready to begin no later than 15 minutes prior to the commencement of the exam. Late arrivals will not be allowed to use laptop and will be directed to the writing exam room to eliminate the distraction of computers being set up after the start of the exam.

If a student leaves the classroom during the examination period, he or she is not permitted to take any materials out of the room or to speak with other students inside or outside of the room. This rule includes telephone calls. If a student leaves the examination room, s/he will not be given additional time to complete the examination.

If a student finishes an examination before time is called, he or she may turn in the student test papers to the proctor and leave. However, if only 5 minutes of the examination time remain, the student must remain in the room until time is called.

Any student who continues to write/type after time has been called will not have his or her paper graded, may receive a failing grade and will be subject to the Student Honor Code. (See Appendix 10.) Since most law examinations are designed to impose time pressures, writing beyond the allotted time is, in a very real sense, "cheating". Any form of cheating can result in administrative dismissal. When time is called at the end of the examination, each student must remain seated. The proctor will instruct students how to turn in student test papers, which includes personally handing them in to be checked off. Only when this procedure has been completed, students may leave. Student test papers "lost" at this stage are the sole responsibility of the student.

## Special Accommodations

Students with disabilities must inform the Dean or the Dean's designate and the Registrar, in writing, of their intention to pursue special accommodations at the beginning of each academic year or as soon as the disability is diagnosed, complete the Special Accommodations paperwork, and provide appropriate diagnostic documentation. Students with disabilities may request specific special accommodations for examinations consistent with the State Bar examination policy that regulates the administration of the California Bar Exam. Assignment of special seating shall be limited to students with special accommodations. Special seating shall be assigned by the Exam proctor subject to policies approved by the Dean or the Dean's designate.

## Examination Scheduling

Exams are generally given on the night of the week that the class is scheduled. Students must commit to taking the examinations on the date and time scheduled when they register for the courses. Allowances are not made for students who are late to the examination or who fail for any reason to complete any part of the examination, except as indicated below.

## Rescheduling of Examinations

If, due to extraordinary circumstances or unusual emergencies (e.g. major illness, traffic accident, earthquake, etc.), a student is unable to take an examination at the scheduled time, the student must request permission to reschedule the exam. Except in cases of sudden illness or inability to contact the law school, requests to reschedule an exam must be made in advance, and in writing to the Dean or the Dean's designate. Approval for rescheduling an exam is entirely within the discretion of the Dean or the Dean's designate. Professors should not be contacted with a rescheduling request under any circumstances. If permission to reschedule the taking of an exam is granted, a rescheduling examination fee of \$400.00 will be charged to cover the cost of preparing and grading a new exam. In addition, an administrative fee of \$100.00 will be charged to cover the cost of an exam proctor.

Unless otherwise pre-approved, exams must be rescheduled and completed no later than the second week of the following semester. It is the responsibility of the student to contact the Registrar to confirm the rescheduled exam date/time. Failure to complete an exam during the proscribed time will result in the student being administratively dropped from the course. No credit will be granted for partial course completion.

## Illegible Handwriting

Students are held responsible for submitting legible examination papers. In the unusual event that a professor is unable to read an exam due to illegible handwriting, the following procedures will apply:

- 1) The illegible examination paper will be submitted to the Dean or the Dean's designate who will attempt to locate a reader. Should a reader not be found, the student will dictate the exam answers verbatim from the submitted student test papers into a recorder in the presence of a designated staff member.
- 2) The dictation will be transcribed and a copy of the transcription given to the professor for grading. The student may not see or correct the transcription.
- 3) All additional costs related to this procedure will be paid by the student. Fees to cover both administration and transcription will be charged. (See Appendix 7)
- 4) If there is a discrepancy between what the designated staff member thinks the handwritten paper said and what the student dictated, the staff member will highlight or make a note of any discrepancies and bring them to the attention of the Dean or the Dean's designate to resolve any conflict.

## Exam Packs

An examination packet containing examples of prior exams and instructor-provided model answer outlines for each class level is provided each semester by the Student Bar Association. The decision to provide exam samples is at the discretion of each faculty member. This service is provided to each student as part of the annual SBA fee.

## Grade Deadlines

Generally, faculty members score student test papers within 30 days of the exam date. Exam scores are returned to the Registrar, reviewed for discrepancies, and submitted to the Dean or the Dean's designate for final review and approval. Upon final approval, scores are released by posting on the student's personal account on Populi.

## Student Review of Graded Test Papers

After grades are released, students will receive a form on which they may request their student exam papers for review. Original exam documents are the property of the law school. The law school is required by the accreditation Rules and Guidelines to maintain the original copies for a period of five (5) years. As a convenience, students are allowed to copy their exams on the SBA copier. In no circumstances are student test papers allowed to leave the law school.

## Exam Review

A student may request a review of their examination paper by the faculty member. The purpose of such review is to enhance the student's education by providing the opportunity for appropriate academic feedback. Faculty members are not authorized to change an individual exam grade once the course grades have been finalized and posted unless it is pursuant to a Grade Appeal process set forth below.

## Grade Appeals

After final approval by the Dean or the Dean's designate, grades will not be changed unless there are computational errors or a finding of gross unfairness specifically related to the exam or the exam grading. Apparent mathematical errors must be brought to the attention of the Registrar within 30 calendar days of the date that the grades are made available to the student. Upon confirmation of a computational error, the Registrar must obtain approval of the Dean or the Dean's designate to change a grade.

Grade appeals based on gross unfairness in the exam or by the professor must be submitted as a written petition to the Registrar within 30 calendar days of the date that the grades are made available to the student. Prior to filing a petition for a grade appeal, the student must first meet with the course professor to discuss the exam and grade. The Dean or the Dean's designate has the sole authority to modify a final grade once it has been issued.

## Grading System

The Law Schools use a numerical grading system to reflect the academic performance of its students:

80-100	Outstanding
73-79	Good to Excellent
66-72	Marginal to Average
60-65	Below Average
Below 60	Failure/No credit

Numerical grades are given for all courses unless the course has been designated in advance in the course syllabus as a “pass/fail” course. In special circumstances, the Dean may approve a change from the grading methodology indicated in the course syllabus, but adequate notice must be provided to the students prior to the change taking effect.

Certain other designations may be entered on a student’s transcript. None of these are included in the student’s GPA. For “Pass/Fail” coursework, the following designations apply:

- P+ Pass with high honors
- P Pass
- P- Marginal but passing
- F Failure (no credit)

The remaining official designations of The Law Schools are:

- A/55 Administrative Failure
- A/D Administrative Dismissal
- W Withdrawal by permission
- I Incomplete
- N No Credit (Mid-year course not completed)

### Criteria for Final Course Grade

In most courses, final grades are determined by a classroom final examination. Additional criteria (e.g. quizzes, class exercises, assignments or participation) may be used as well. Pass/fail courses, clinic courses, skills courses, clinical studies, and similar courses are exempt from this policy. Such courses are governed by criteria set out in the course syllabus.

The final examination may consist of essay questions or objective questions. Individual essay questions generally require a minimum of 50 minutes for analysis, outlining, and written answer. The typical length of the examination is the number of hours equal to the number of units in the course. Faculty members may modify the time allocated for an exam as long as advance notice is provided to the students. Testing accommodations may be granted following the law school’s exam accommodation policy. Faculty may also require completion of additional course work, papers, and quizzes as part of the course assessment. Failure to successfully complete these assignments and/or quizzes may result in a failing grade for the course.

### Course Failure and Repeating Courses

A grade of less than 60 is a failing grade. Students shall not receive academic credit for any course in which they receive a failing grade. If the failing grade is in a required course, the course must be repeated. Failing a required course a second time results in academic disqualification. Once the student has registered to repeat a required

course, the “old” grade is converted to a “NG” and is not considered in the calculation of the student’s cumulative GPA. Upon successful completion of the repeated course, the “new” grade will be entered on the student’s transcript and used in the calculation of the cumulative GPA.

Grades below 70 in a required course, although passing, reflects that a student may not have achieved the requisite achievement in bar-tested subjects that is essential preparation for the bar exam. Students who receive a grade below 70 in required courses may be required to repeat the course. Students who receive a grade below 65 in a required course must repeat the course unless an academic waiver is granted. Once the student has registered to repeat a required course, the “old” grade is converted to a “NG” and is not considered in the calculation of the student’s cumulative GPA. Upon successful completion of the repeated course, the “new” grade will be entered on the student’s transcript and used in the calculation of the cumulative GPA.

Although individual questions on an exam may receive scores lower than 55, the lowest final course grade entered on student transcripts and computed into the GPA will be a 55.

## **SCHOLASTIC REQUIREMENTS**

Academic standing and class ranking are determined annually at the close of the Spring semester based on the cumulative Grade Point Average (GPA).

### **Graduation Requirements**

In order to graduate, a student must have successfully completed the following: 90 units for the J.D. degree; 36 units for the M.L.S. degree; and 24 units for the LL.M. degree. The student must also be in good standing at the end of the spring semester of the fourth year.

### **Good Standing**

In order to be in “good standing”, a student must be in both academic and financial good standing. A student with a cumulative GPA of 70.0 or better is in good academic standing. A student who is current on all financial obligations is in good financial standing.

### **Academic Counseling**

Students who recognize that they are having academic problems should request counseling on an individual basis with their professors AND the Associate Dean of Academic Success. Although The Law Schools provide a range of academic support services, including tutoring, academic workshops, and academic counseling, it is the student’s obligation to seek out these services. Participation in certain academic support resources may be required as a condition of academic probation. Failure to successfully complete required supplemental academic programs may be taken into consideration in decisions related to academic probation and academic disqualification.

### **Academic Probation and Disqualification**

Any student with a cumulative GPA below 70.00 at the end of any Spring Semester is automatically placed on academic probation. As a condition of the probation, the student may be required to repeat one or more courses in which they received grades lower than 70. Once the student has registered to repeat a course, the “old” grade is converted to a “NG” and is not considered in the calculation of the student’s cumulative GPA. Upon successful completion of the repeated course, the “new” grade will be entered on the student’s transcript

and used in the calculation of the cumulative GPA. As a condition of academic probation, students may be required to participate in academic support workshops or tutorials. Failure to successfully complete required supplemental academic support programs may be taken into consideration in decisions related to academic probation and academic disqualification.

A student who fails to achieve a cumulative GPA of 70 at the conclusion of one year of academic probation shall be academically disqualified from the JD program. The student may qualify to remain in the Master of Legal Studies program as long as their cumulative GPA is above 60.

Students who are academically disqualified and do not remain in the Master of Legal Studies program are entitled to a refund of 100% paid tuition for courses in which they are enrolled at the time of dismissal.

### **Academic Proposals**

Students who are determined to be at academic risk of being placed on academic probation may be required to submit an Academic Proposal. Academic Proposals should address reasons for poor academic performance and provide a proposed plan that details the student's course schedule, study regime, academic support programs, and changes to circumstances or personal conditions that are affecting academic performance. Students who are determined to be at academic risk may also be required to repeat classes, take fewer classes, and participate in academic support tutorials or workshops.

### **Withdrawal from Courses**

A student may withdraw from a course prior to the last regular class meeting with permission from the Dean or the Dean's designate. Unauthorized withdrawal could endanger a student's eligibility to sit for the Bar Exam under the Committee of Bar Examiners rules.

Reductions in course load may affect a student's qualification under Bar residency requirements. Students who do not obtain permission to withdraw, or do not take a required examination without being excused, will receive an Administrative Failure (A/55). This grade will be computed into the student's GPA.

### **Leaves of Absence**

Students are expected to complete their degree program in consecutive years. Interrupting the course of studies can be detrimental to the student's success in law school. Exceptional circumstances (loss of a job, severe health problems, etc.) may necessitate that a student seek a "leave of absence".

Students considering a leave of absence should make an appointment to speak with the Dean or the Dean's designate. A written leave of absence request will be subsequently filed with the Dean or the Dean's designate specifying the reason for the proposed leave of absence and for the time period requested. The student's academic record will be considered when evaluating the request. The request must:

1. be for no more than one academic year, and
2. agree that the student will abide by The Law Schools' academic policies and fees in force at the time of the student's return, and
3. agree that the student's failure to return to The Law Schools at the expiration of the approved leave of absence will result in the student's file becoming inactive and require the filing of a new application and petition for re-admission to the school.



At the discretion of the Dean or the Dean's designate, a student may be allowed to take a slightly lighter class load per semester, thereby extending the course of study to longer than four years.

All current tuition and fees must be paid in full before a leave of absence is granted.

### **Withdrawal from Law School**

A student may withdraw from the law school any time prior to the last regular class meeting. Students should seek academic counseling before withdrawing.

If the student contemplates seeking re-admission to the law school at a future date, he or she must provide reasons for the withdrawal in writing. This information will be considered by the Admissions Committee at the time of application for re-admission.

All current tuition and fees must be paid in full to withdraw in good standing.

### **Military Emergency**

Military and Reserve personnel who are called to duty in an emergency situation will be granted a leave of absence and may return to The Law Schools with the same academic standing held prior to the time of leave of absence was granted. Students on emergency military leave may choose either of the following:

1. Those students paid in full may either request a full refund or request the tuition payment to be held until they return and resume their studies, with no increase should the tuition be raised.
2. Students on the TIP payment plan with an outstanding balance due will resume payment upon their return to classes.

### **Incomplete**

Where unusual circumstances arise that create hardship and prevent a student from completing course requirements in a timely fashion, a student may request an "Incomplete" in a course. Requests must be made in writing prior to the end of classes. The request for "Incomplete" extends the deadline for completion of course work and must be approved by the Dean or the Dean's designate. If the "Incomplete" is not removed in the time specified, the grade will be changed to an Administrative Failure (A/55).

Except in extraordinary circumstances, a student will not be permitted to take an "Incomplete" in more than one course in a single semester. An "Incomplete" in Clinical Studies that is not caused by the student is exempt from this rule.

### **Administrative Dismissal**

A student may be administratively dismissed from an individual course, program of study, tutorial, or workshop for the following reasons:

1. excessive absences (more than 20% in any course);
2. failure to take exams;

3. failure to promptly pay tuition and fees when due;
4. failure to comply with State Bar rules, requirements, or documentation;
5. violating the Student Honor Code.
6. Students may be dismissed from any individual class or course if they consistently fail to arrive on time and/or attend class without being properly prepared.

Notice of administrative dismissal shall be provided in writing to the student and may include e-mail or other digital means of communication. Students are not entitled to tuition or fee refunds following administrative dismissal unless a waiver is granted due to special circumstances. Depending on the circumstances of dismissal, the Dean or the Dean's designate may enter either Administrative Failure (A/55) or Withdrawal by Permission (W) for all pending coursework. The student may petition for re-admission following the procedures outlined in the preceding section.

## **HARASSMENT FREE ENVIRONMENT**

The Law Schools maintain a strict policy prohibiting unlawful harassment in any form, including verbal, physical, and sexual harassment on campus. This policy applies to students, faculty, and staff. See Appendix 12 for the Sexual Harassment Policy.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors either explicit or implicit. Sexual harassment also includes conduct of a sexual nature that demeans or humiliates the student or employee, substantially interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

Any student or employee who believes he or she has been harassed on campus by a student, staff or faculty member of The Law Schools should report the facts of the incident and the names of the individuals involved promptly to the Sexual Harassment Officer as defined in the copy of the policy. A copy of the policy is also available at the Administrative Office or the school website.

All harassment complaints shall be investigated in a timely manner and conducted in the strictest confidence and in accordance with established grievance procedures. After appropriate investigation, any student, faculty or staff member who is found in violation of this policy is subject to appropriate discipline. Depending on the circumstances, disciplinary action may include academic expulsion, or employment termination.

### **Sexual Assault Policy**

Pursuant to California Education Code Section 94385, The Law Schools maintain a policy prohibiting sexual assault on campus. Any student or employee who believes he or she has been sexually assaulted on campus should report the facts of the incident and the names of the individuals involved promptly to the Sexual Harassment Officer as defined in the policy attached as Appendix 12.

All sexual assault complaints shall be investigated in a timely manner and conducted in the strictest confidence and in accordance with established grievance procedures.

After appropriate investigation, any student, faculty or staff member found in violation of this policy is subject to appropriate discipline. Depending on the circumstances, disciplinary action may include expulsion, termination, or employment termination.

All sexual assaults should be reported to the police or 911 immediately. The Monterey Rape Crisis Line (831-373-4357) and the SLO Hotline (800-783-0607) can provide support, information and assistance.

## **Firearm Policy**

As a private educational institute The Law Schools have a policy of prohibiting the possession of firearms on campus without permission from the Dean or the Dean's designate. This policy does not apply to active or retired law enforcement officers.

## **STUDENT SERVICES**

### **First Year Buddy Program**

This program is sponsored by the SBA specifically for first year students. Entering students are matched with second year "buddies" who serve as a resource, provide support, and help to guide students through the first year of law school.

### **Academic Support**

Students are invited to take advantage of academic support services provided by The Law Schools. Academic support services are coordinated by the academic support department and may include individual subject specific workshops, small-group and/or individual tutoring, exam grading services, and learning style counseling. At-risk students and students on Academic Probation may be required to participate in Academic Support services. Standard participation and attendance requirements apply to all Academic Support services.

Because the The Law Schools are committed to the academic success of its students, Academic Support services are subsidized. Students pay a designated fixed fee for courses, workshops, or tutorial services.

### **Student Emergency Loan Fund**

Created by former Dean Karen Kadushin and funded by the contributions from the members of the Board of Trustees and faculty, the Student Emergency Fund (SELF) enables students to borrow up to \$500 as a short term, interest free loan to cover personal emergencies. The SELF cannot be used to pay The Law Schools' tuition and fees.

### **Placement Assistance**

The Law Schools encourage local attorneys, legal agencies, and businesses to provide notice of their employment opportunities with the College. A variety of positions for attorneys, law clerks, research assistants, etc., are made available to students and graduates via email. The Assistant Dean of Admissions and Student Placement coordinates the program.

### **Special Accommodations**

The Law Schools have a policy to provide reasonable accommodation for students with documented special needs. Students are required to provide written documentation to substantiate accommodation requests. Confidential request forms should be submitted to the Registrar as early as possible so that appropriate arrangements can be made. The request shall also include appropriate diagnostic documentation supporting the request for accommodations.

### **Student Records/Privacy Act**

The Family Educational Rights and Privacy Act of 1974 protects students from having their records released to persons or institutions without the student's written consent and allows students to review their own official education records to make sure that no misleading, inaccurate, or otherwise inappropriate information has been included in their files. The Law Schools will not release student information to third parties without the express written consent of the student.

### **Non-Discrimination Policy**

The Law Schools admit students without regard to age, sex, race, religion, creed, color, physical handicap, sexual preference, national or ethnic origin.

### **Student Assistance Program**

If a student is in need of counseling for issues related to drugs, alcohol or depression, The Law Schools will refer the student to the confidential State Bar of California Lawyer Assistance Program for professional help. Unless disciplinary action is warranted for disruptive activity or other violations of the Student Honor Code, all communication related to the Student Assistance Program shall be confidential and will not be included in the student's permanent record.

## **STUDENT AND ALUMNI ORGANIZATIONS**

### **Student Bar Association**

All students join the Student Bar Association (SBA) and receive the benefits of membership. Each year new officers and class representatives are elected. An SBA representative sits on the MCL Board of Trustees as a non-voting member and works with the administration to ensure that student needs are known. The SBA presents programs, including panels on techniques of effective law study, and social events. See Appendix 13 for Student Bar Association By-Laws.

### **Alumni Association**

The Alumni Association serves as a support group for the students, a resource network for graduates, and a bridge between recent graduates and graduates in practice.

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## APPENDIX 1

### STAFF AND TRUSTEES INFORMATION

#### **ADMINISTRATION**

Mitchel L. Winick, President and Dean  
[mwinick@montereylaw.edu](mailto:mwinick@montereylaw.edu) 831-582-4000 x 1015

#### **Monterey College of Law (831)582-4000**

**John Allen**, Facilities Manager [jallen@montereylaw.edu](mailto:jallen@montereylaw.edu)  
**Shashi Chand**, Registrar [schand@montereylaw.edu](mailto:schand@montereylaw.edu) x1014  
**Heather English**, Business Manager [henglish@montereylaw.edu](mailto:henglish@montereylaw.edu) x 1015  
**Joel Franklin**, Distinguished Professor of Academic Studies [jfanklin@montereylaw.edu](mailto:jfanklin@montereylaw.edu)  
**Frank Hespe**, Dean of Clinical Studies [fhespe@montereylaw.edu](mailto:fhespe@montereylaw.edu)  
**Wendy LaRiviere**, Dean of Admissions, [wlariviere@montereylaw.edu](mailto:wlariviere@montereylaw.edu) x1012  
**Leticia Perez**, Admin. Asst. [lperez@montereylaw.edu](mailto:lperez@montereylaw.edu) x 1010  
**Jacqueline Pierce**, Director-Mandell Gisnet [jpierce@mandellgisnetcenter.org](mailto:jpierce@mandellgisnetcenter.org)  
**Pamela Soares**, Librarian [psouares@montereylaw.edu](mailto:psouares@montereylaw.edu)  
**Lisa Williams**, Executive Asst. Office of the Dean, [lwilliams@montereylaw.edu](mailto:lwilliams@montereylaw.edu) x1011  
**Elizabeth Xyr**, Dean of Student Success, [exyr@montereylaw.edu](mailto:exyr@montereylaw.edu) x1029

#### **San Luis Obispo College of Law (805)439-4096**

**Patricia Andreen**, Campus Dean [pandreen@slolaw.org](mailto:pandreen@slolaw.org)  
**Dena Jones**, Campus Administrator [djones@slolaw.org](mailto:djones@slolaw.org)  
**Lisa Marie Williams**, Executive Administrator [LisaMarie@slolaw.org](mailto:LisaMarie@slolaw.org)

#### **BOARD OF TRUSTEES 2016-2017**

**Fred Herro**, Chair  
**Brenda Murdock**, Immediate Past Chair  
**Leslie Cooley**  
**Hon. Andrew Liu**  
**Charles McKee**  
**Douglas McKnight**  
**Michael McMillan**

**Juliet Peck**  
**Maribel Peñaloza**  
**Seth Pollack**  
**Dinah Sapia**  
**Clark Savage**  
**Hon. Heidi Whilden**  
**Sarah Cavassa**, Faculty Rep.

#### **BOARD EMERITUS**

Mr. William Daniels  
Hon. Richard Silver (retired)  
Hon. Ralph Drummond \*  
Ms. Michelle Welsh

\*deceased

## APPENDIX 2



### ACADEMIC CALENDAR FALL 2016 TO SUMMER 2017

#### SEASIDE & SANTA CRUZ

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##### 2016 FALL SEMESTER

July 5 - July 28	Prelaw Jurisprudence Course
July 18- August 4	Registration for Fall 2016-Spring 2017-Summer 2017 (continuing students only)
August 1 - August 4	First Year Orientation (Mandatory)
August 1 – August 4	First Year Registration (Fall 2016-Spring 2017-Summer 2017 Academic Year)
August 15	Classes Begin
August 29 –September 2	Add/Drop Fall 2016 Classes (no fees)
September 5	Labor Day (Classes may be rescheduled)
November <i>tba</i>	Heisler Moot Court
November 24	Thanksgiving (Classes may be rescheduled)
November 24	Last Day of Instruction
November 28 – December 1	Study Week
December 5 - December 8	Fall Semester Midterm and Final Exams
December 9 – January 1	Semester Break (No classes)
December 16 – January 1	Winter Break – Administrative Offices Closed

##### 2017 SPRING SEMESTER

January 2	Classes Begin
January 9 – January 13	Add/Drop Spring 2017 Classes (no fees)
January 16	Martin Luther King Day (Classes may be rescheduled)
February 20	Presidents Day (Classes may be rescheduled)
March 20 – April 3	Selection for Summer 2017 Electives
April 13	Last Day of Instruction
April 17- April 20	Study Week
April 24– April 27	Spring Semester Final Exams
April 28 – May 7	Semester Break (No classes)

##### 2017 SUMMER SEMESTER

May 8	Classes Begin
May 15 - May 18	Add/Drop Summer 2017 Classes (no fees)
May 28	GRADUATION
May 29	Memorial Day (Classes to be rescheduled)
July 3 – July 27	Prelaw Jurisprudence Course
July 4	Independence Day
July 13	Last Day of Instruction
July 17 – July 20	Summer Semester Final Exams
July 17– August 3	Registration Fall 2017–Spring 2018-Summer 2018 Academic Year (continuing students only)
July 21 – August 13	Semester Break (No classes)
July 31- August 3	First Year Orientation SEASIDE (Mandatory)
July 31 – August 3	First Year Registration (Fall 2017-Spring 2018-Summer 2018 Academic Year)
August 14	Fall 2017 Classes Begin

APPENDIX 2



**ACADEMIC CALENDAR  
FALL 2016 TO SUMMER 2017**

**SAN LUIS OBISPO COLLEGE OF LAW**

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**2016 FALL SEMESTER**

July 5 - July 28	Prelaw Jurisprudence Course
July 18- August 4	Registration for Fall 2016-Spring 2017-Summer 2017 (continuing students only)
July 25 – July 28	First Year Orientation (Mandatory)
July 25 – July 28	First Year Registration (Fall 2016-Spring 2017-Summer 2017 Academic Year)
August 15	Classes Begin
August 29 –September 2	Add/Drop Fall 2016 Classes (no fees)
September 5	Labor Day (Classes may be rescheduled)
November 24	Thanksgiving (Classes may be rescheduled)
November 24	Last Day of Instruction
November 28 – December 1	Study Week
December 5 - December 8	Fall Semester Midterm and Final Exams
December 9 – January 1	Semester Break (No classes)
December 16 – January 1	Winter Break – Administrative Offices Closed

**2017 SPRING SEMESTER**

January 2	Classes Begin
January 9 – January 13	Add/Drop Spring 2017 Classes (no fees)
January 16	Martin Luther King Day (Classes may be rescheduled)
February 20	Presidents Day (Classes may be rescheduled)
March 20 – April 3	Selection for Summer 2017 Electives
April 13	Last Day of Instruction
April 17- April 20	Study Week
April 24– April 27	Spring Semester Final Exams
April 28 – May 7	Semester Break (No classes)

**2017 SUMMER SEMESTER**

May 8	Classes Begin
May 15 - May 18	Add/Drop Summer 2017 Classes (no fees)
May 28	GRADUATION
May 29	Memorial Day (Classes to be rescheduled)
July 3 – July 27	Prelaw Jurisprudence Course
July 4	Independence Day
July 13	Last Day of Instruction
July 17 – July 20	Summer Semester Final Exams
July 17– August 3	Registration Fall 2017–Spring 2018-Summer 2018 Academic Year (continuing students only)
July 21 – August 13	Semester Break (No classes)
July 24 – July 27	Orientation & Registration– SLOCL
August 14	Fall 2017 Classes Begin



## APPENDIX 3



MONTEREY COLLEGE OF LAW    SAN LUIS OBISPO COLLEGE OF LAW

### Master of Legal Studies Degree

The Law Schools are pleased to announce that the California Committee of Bar Examiners has approved the Master of Legal Studies (“M.L.S.”) degree program. The degree is a 36 unit, two-year graduate program for individuals who desire to obtain an advanced knowledge of the law and the American legal system, but who do not wish to become lawyers. The degree program is designed for individuals in careers that involve interaction with lawyers and the legal system and for those who are entering professions where an understanding of legal reasoning and the legal system will improve their professional effectiveness. The M.L.S. degree program can be valuable to individuals in fields such as law enforcement, public administration, financial services, human resources, healthcare management, government regulation, non-profit management, court administration, and social services. M.L.S. students attend law courses that are part of the regular law school curriculum and are held to the same standards for attendance, participation, and grading as law students.

*The M.L.S. degree is not a replacement for a law degree, does not entitle an individual to practice law or hold themselves out as a lawyer, and does not qualify the holder to sit for a bar exam.*

#### Admission Requirements:

1. Submission of a completed M.L.S. Degree Program Application form and payment of the non-refundable application fee.
2. Completion before enrollment in the M.L.S. program of an academic (non-vocational) program. For further information, please contact Asst. Dean of Admissions, Wendy LaRiviere at [wlariviere@montereylaw.edu](mailto:wlariviere@montereylaw.edu).
3. Official transcripts for all college, graduate school, and professional schools attended by applicant.
4. Two letters of recommendation.
5. A personal statement on how the M.L.S. degree will advance the applicant’s professional or academic objectives.
6. If an applicant wishes to be accepted concurrently to the M.L.S. and J.D. degree programs, the LSAT is required (unless candidate qualifies for a requirement waiver) and must be submitted to the applicant’s file.

Applicants for the M.L.S. degree program are not required to take the LSAT, GRE, GMAT or other graduate admissions tests, *unless* they wish to concurrently enroll in the M.L.S. and J.D. programs. If an applicant has taken one of these standardized graduate admissions tests, they are encouraged to include the scores on their application. Foreign applicants of non-English background may be required to take the Test of English as a Foreign Language (TOEFL) and submit their official scores to MCL / SLOCL. Decisions on admissions are made on the basis of a “full file” review that includes each applicant’s previous academic record, test scores (if required or submitted), work experience, personal and professional recommendations, and a personal statement.

#### Program Requirements:

1. Completion of 36 units of graduate legal studies. A minimum of 18 units must be completed in residence at The Law Schools. Students are allowed flexibility in selecting courses in order to

- provide the opportunity to focus on specific areas of legal interest. There are 25 units of required courses and 11 units of electives.
2. Required Courses (units): Contracts (6), Torts (6), Criminal Law (3), Constitutional Law (6), Legal Research (2), and Legal Writing & Analysis (2).
  3. Elective Courses: The 11 units of electives may be selected from other law courses that are offered as part of the regular law curriculum (subject to pre-requisites for certain advanced law courses). In addition to regular law courses, up to 3 elective units of clinical programs, research and writing, study abroad, or pre-approved independent study courses may be counted toward the degree requirements.
  4. A written project of a 5,000 to 7,500 word Note or Comment on a pre-determined legal issue is required.
  5. M.L.S. students are required to meet the same attendance requirements and are held to the same standards for class preparation and participation as regular law students.
  6. M.L.S. students are subject to all administrative policies, including the Student Honor Code, exam procedures, registration, payment of tuition and fees, academic disqualification, and grade appeals that are contained in the Student Handbook and are not specifically directed to the J.D. program.
  7. No units earned as part of the M.L.S. program are eligible to be applied toward the J.D. degree program, unless the student is enrolled concurrently in the M.L.S. and J.D. programs. A student in the J.D. program is not prohibited from petitioning the Academic Standards Committee to request a transfer from the J.D. program to the M.L.S. program. If the transfer is approved, all units applied toward the M.L.S. degree shall be exclusively for that purpose and are not eligible to be applied toward the J.D. degree.

### **Grading Standards:**

During their course of study, M.L.S. students will not be identified separately from J.D. students in courses, examinations, or the grading process. All papers, assignments, and exams will be graded using the MCL / SLOCL system for assigning student or exam ID numbers that protect student identity and ensures anonymous grading.

### **Administration and Student Advising:**

The M.L.S. degree program will be under the academic direction and supervision of the MCL / SLOCL Dean and President or his designee. All other administrative services will be provided by the regular departments of MCL / SLOCL.

### **Faculty:**

Since all M.L.S. courses are regular J.D. courses, the faculty for the M.L.S. degree will be the same as for the J.D. program.

### **Scholarships, Awards, and Student Loans:**

Students in the M.L.S. program shall be eligible for scholarships, awards, and student loans. In some cases the students will be eligible for the same categories as regular J.D. students. For certain awards, special recognition will be developed for M.L.S. students.

## **CURRICULUM**

### **A. Required Courses (25 Units)**

**Contracts.** (6) This class covers enforceable agreements including requirements for the formation of a contract; problems of interpretation, consideration and its equivalent, damages for breach, the statute of frauds, illegality, and rights and liabilities of third parties arising from the contract itself or from assignment of contractual rights or delegation of duties.

**Criminal Law.** (3) Topics include substantive criminal law and elements of criminal responsibility, law of crimes against persons, property, and habitation, the theory of criminal responsibility, parties and defenses to crimes.

**Torts.** (6) The historical development and nature of non-contractual civil law which allocates the economic burden of various injuries. A study of the principles of liability for physical harm under theories of negligence, intentional torts, and strict liability, including the law governing defamation, invasion of privacy and other relational harms.

**Constitutional Law.** (6) A study of the United States Constitution with an emphasis on the theory and practice of judicial interpretation and review. Topics include the separation of federal powers, the relation of the federal government to the states and specific government powers (tax, treaty, war and commercial). The course also covers limitations placed on the exercise of governmental power, emphasizing the Bill of Rights, due process and equal protection clauses.

**Legal Research.** (2) A class to familiarize students with the basic foundations of legal research. Assignments include researching problems in the law library and researching and writing office memoranda, opinion letters and other documents. Computer assisted legal research is included.

**Legal Writing and Analysis.** (2) A course designed to improve analytical and written communication skills. Students work on simple legal problems, learning how to identify and analyze legal issues and express their legal reasoning. Assignments include exercises in case briefing, exam writing and drafting legal memoranda.

**B. Elective Curriculum (11 units – examples include the following.)**

**International Law.** (2) Topics include the sources of international law, international jurisdiction, the law of treaties, international liability (of states), regulation of the use of force, peaceful settlement of disputes and the application of international law principles to current international events.

**Real Property.** (6) The historical development and current application of real property law, including the nature of estates, landlord/tenant rights and obligations, life estates, rules against perpetuities, vesting, restraints on alienation, easements, servitudes, nuisances, lateral support, regulation of land use, transfer of interest in land, financing of real estate and other traditional aspects.

**Business Organizations.** (6) The law related to the formation and operation of California corporations. Detailed consideration is given to exemption provisions of the Securities Act of 1933, the proxy, anti-fraud and insider trading provisions of the Securities Exchange Act of 1934 and pertinent SEC regulations. Included is an in-depth examination of the Uniform Partnership Act, the Uniform Limited Partnership Act and the formation, operation, dissolution and termination of partnerships.

**Employment Law.** (2) The legal aspects of relationships between employers and employees, emphasizing California law. An overview of "at-will" employment agreements, employment discrimination laws ( including sexual harassment), public policy and "whistle blower" claims, employment-related torts (including privacy rights), plus an overview of wage and hour, health and safety, and workers compensation laws.

**Workers Compensation.** (2) This course covers the concepts, nomenclature and forms used in practice before the Workers Compensation Appeals Board, its administrative agencies and the California Appellate Courts.

**Wills and Trusts.** (3) A study of California law regarding succession of property, wills and trusts.

**Community Property.** (3) The nature of property interests of married California residents including identifying and tracing community and separate property, management and control of marital property and liability for debts. Basic rules and procedures in the context of dissolution of marriage, annulment or legal separation are viewed and property rights of non-marital partners are covered.

**Federal Taxation.** (2) Statutory, judicial and administrative materials covering the concepts of income tax, taxable income, gross income, adjusted gross income, business and non-business deductions, credits and capital gains and losses in the context of personal income tax.

**Secured Transactions.** (3) Real property secured transactions, including various security devices and the creation of instruments protecting the secured party. The course covers the areas of anti-deficiency legislation, subordination, priorities, transfer, redemption and recordation.

**Bankruptcy.** (2) This course covers automatic stay proceedings, executory contracts and leases, voidable transfers, property of the estate, claims procedure and discharge.

**Land Use Planning.** (2) The course covers California and Federal statutes, regulations and relevant case law governing the judicial and administrative bodies that deal with zoning and land development problems. Special emphasis is placed on representing clients in local forums.

**Water Law.** (2) The development of water law in California, as well as riparian, appropriative and hybrid water rights developed in western states. Issues such as ground water, public water rights, various water institutions in California, regional water sources and water quality will also be taught.

**Family Law.** (2) Topics covered in this course are marriage and family, parent and child, termination of parental rights; adoption, marital breakdown, jurisdiction, judicial documents, domestic violence, custody; visitation, child and spousal support and settlement agreements.

**Administrative Law.** (2) This course covers the political and legal nature of the administrative process; legislative and executive control of administrative discretion; judicial review, its role, scope and basis; due process as to substance and process as to substance and procedure; standing and related issues; role of the Administrative Law Judge, including ex parte issues; conduct of a hearing; and access to private and public information.

**Immigration Law.** (2) Issues addressed in this course are immigration and the Constitution, federal immigration powers, immigration categories, procedures, exclusion grounds, admission procedures, deportation and non-immigrants.

**Civil Procedure.** (6) This course covers the rules of preparing and bringing a civil case to trial. The concepts of formation of a claim (pleadings), pretrial preparation (discovery) and the law and cases governing personal and subject matter jurisdiction and venue are introduced along with summary judgment, interpleader and *res judicata*.

**Evidence.** (6) Both the Federal Rules of Evidence and California Statutes are used to explore the concepts of relevance, hearsay, witness competency, privileges, presumptions, burdens of proof and judicial notice.

## APPENDIX 4

### **EXAMINATION RULES**

*(These Rules are intended to Track the Rules Applicable to the Bar Examinations Administered by the State Bar of California but are not necessarily governed by said Rules or their interpretation by the State Bar)*

#### **In General**

##### **Examination Area Environment**

Students should come prepared to accommodate other noises, such as those made by other students taking the examination, equipment inside or outside the test center that may make noise while operating, other meetings or conventions in the same facility, etc. Ear plugs are strongly recommended.

Students may not communicate with one another in any way, either verbally or non-verbally, during the administration of the examination.

Only the following items, if actually needed, are allowed into the examination area without timely request and prior written approval:

1. The materials distributed by the Law School at the time of the examination
2. Pencils and/or pens
3. Silent analog watches, timers and clocks no larger than 4 x 4" inches
4. Rulers
5. Paper clips
6. Highlighters
7. Back Support
8. No more than two pillows, both without pillow case covers
9. One book stand
10. One foot rest
11. Splints
12. Braces
13. Inhalers

14. Crutches
15. Wheelchairs
16. Casts
17. Hearing aids
18. TENS Units
19. Eyeglasses
20. Ear plugs or plastic material normally associated with the sport of swimming
21. Feminine hygiene items
22. Medicine
23. Wallets
24. The sheet of paper supplied by the Law School.

Students cannot bring gum, candy or other food or drinks into the examination room.

Students will be permitted to exit the examination room to use the bathroom. When leaving the room, all examination materials must remain in the examination room. Students are not permitted to leave the Law School building during the administration of any examination and are prohibited from entering any other classroom of the Law School or the Student Lounge.

Subsequent to the first scheduled administration of an examination, students shall not communicate, directly or indirectly, with the instructor whose course is being examined about the contents, administration or grading of the examination until after the results of the examination have been released by the Law School.

### **Failure to Follow Examination Policy and Procedures**

Failure to follow any of the examination policies and procedures set forth herein and/or all oral and written instructions given at the time of any examination, could result in an Honor Code violation, notification to the Office of Admissions of the Committee of Bar Examiners of the State Bar of California of a violation of examination rules and dismissal from the Law School. Conduct that results in a violation of security or which disrupts the administration of the examination, including, but not limited to, bringing unauthorized items into the examination room; writing after time has been called; looking at another student's paper or papers; looking at any paper or papers not permitted; talking while the examination is in session; being abusive to other persons, staff, proctors and/or other examination personnel, could also result in an Honor Code violation, notification to the Committee of a violation of examination rules and dismissal from the Law School. Students are expected, at all times, to maintain a professional attitude toward other students, faculty, staff, proctors and other personnel.

### **Handwritten Examinations**

Student test papers and scratch paper will be provided to students by the Law School. ONLY blue or black ink will be accepted for handwritten examinations. DO NOT USE PENCIL.

Upon completion of the examination, all examination questions, the examination facing page, any examination booklet, all student test papers and all sheets of paper, used or unused, must be returned to the Law School.

Students must place only their identification number, the course title, and the question number being answered, on the cover of each student test papers. In order to maintain anonymity in the grading process, students must NOT put their name or other identifying matter on or in their student test papers.

The student's answer to each examination question must be started in a new student test paper. If students stop writing in the middle of a page, but continue the answer on another page, they are advised to provide a notation or draw an arrow and put an "X" on the remainder of the unwritten page or pages so that the instructor does not overlook the additional writing.

When a student finishes the examination, student test papers must be brought to the Proctor's desk and placed in the appropriate place provided. Writers using more than one student test papers per question must staple together all student test papers pertaining to a single question.

Students who finish the examination early are expected to leave the examination room quietly so as not to disturb students who are not yet finished. During the final five (5) minutes of the examination, no one will be permitted to leave or deposit their student test papers in the places designated on the Proctor's desk until time is called.

When time is called, students must stop writing immediately. Failure to do so will be documented and may constitute an Honor Code violation and may, in the sole and absolute, but good faith, subjective discretion of the Dean, in consultation with the proctor, may be cause for a reduction in the student's grade.

### **LAPTOP PROGRAM FOR EXAMINATIONS**

The Law Schools' students may also use laptop computers for examinations.

All students wishing to use laptop computers must timely download the designated software, become certified in its use by the deadline that will be published by The Law Schools AND personally possess a laptop computer with minimum hardware and software requirements imposed by the examination software provider, the Law School, or both.

BY ELECTING TO TAKE THE EXAMINATION BY LAPTOP, THE STUDENT REPRESENTS AS A FACT TO THE SCHOOL THAT THE STUDENT POSSESSES (OR HAS THE USE OF) A LAPTOP IN THE REQUIRED CONFIGURATION.

For students electing to use laptop computers, software provided by Examsoft will be used during the written portions of examinations. Students must register and complete the registration process by the beginning the date or dates of the academic year specified by the registrar. It is the student's responsibility to be familiar with the software, since technical support will not be provided before or during the examination session.

Students using laptops must take their laptop computer home after each examination and bring it back for each subsequent examination. On each day of the examination, students using laptop computers **must** be seated no later than **6:15 p.m.**, at which time instructions for making the laptop computer ready to use will begin. Students should plan to arrive at the Law School at least 15 minutes prior to that time so that they can be seated comfortably. General instructions regarding administration of the examination will commence promptly at **6:20 p.m.** **Late** arriving students **wil not be allowed** to use a laptop computer for the examination. In addition, if your laptop computer is not ready for use at the designated time for commencement of the examination, you must begin the examination by handwriting. NO extra time will be provided.

Student laptop computers do not need to be inspected prior to the beginning of the examination. In the event of a software, hardware or power failure before or during administration of the examination, a student will be required to handwrite their answers to the examination. Students will not be permitted to use typewriters or word processors as backups and “back-up” computers are not allowed.

It is strongly recommended that students using Examsoft become familiar with its use well in advance of any examination so that in the event of any technical difficulties in its use students can notify the Examsoft Technical Help Desk to report problems and get technical support. In addition, students can get on-line technical support at [www.Examsoft.com](http://www.Examsoft.com).

Students must bring their own power cord and laptop computer to the examination room each day of the examination. Although an electrical outlet will be provided, students must be sure to have a fully charged battery in case of a temporary power outage.

Once a student is registered with Examsoft, NO CHANGES can be made to the configuration of the student’s laptop computer. Do not uninstall the Examsoft program for at least four (4) weeks following the examination in the event that a backup copy of the examination needs to be accessed. Do not have someone else download the software for you.

Pay careful attention to and follow the instructions provided during the examination. Use great care when highlighting and deleting during the examination as well as using other key functions that may significantly change a document. Students who do not take the time to become familiar with their laptop computers or with word processing functions should consider handwriting their examination answers. No extra time or other administrative relief will be granted in the event that an examination file is deleted or otherwise altered.

### **Printing Answers**

Examination answers will be printed by staff following the conclusion of each session. You will not be permitted to oversee the printing process. Answers are printed using a standard format, such as line spacing and font, which may cause the final printed answer to look different from what you saw on your laptop computer screen. However, the substance of your answers will not have changed. If there is a problem with the printing of your answers, you may be required to bring your laptop computer back to the Law School so that the encrypted backup copy of the examination answer(s) on your laptop computer’s hard drive can be retrieved.

### **Laptop Computer Problems After Registration**

If, after registering with Examsoft, students experience problems with their laptop computers (i.e., the computer crashes), students may return to the Examsoft website and download the software into the new or repaired laptop computer at any time one week prior to the first day of the examination.

Any attempt to disable or tamper with the security features of the software is prohibited. If it is discovered that tampering has been attempted, this information will be reported to the Law School and the Committee of Bar Examiners for whatever action either or both deem appropriate. It is each student’s responsibility to be familiar with their equipment, the Examsoft software and instructions provided by the Law School and Examsoft on its website or elsewhere prior to the start of the examination.



## **Information Regarding the Examsoft Software Program**

The Law School has contracted with Examsoft for The Law Schools' Laptop Program. REGISTERING WITH Examsoft, INSTALLING THE SOFTWARE, and UTILIZATION OF ALL AND ANY OF ITS FEATURES is strictly a matter between Examsoft and each student. By electing to take the examination by laptop, the Student waives any and all claims, against the Law School, any employee, agent, representative, or contractor to the Law School, known or unknown, in connection with any and all matters related thereto, directly or indirectly. The Law School's contract with Examsoft provides, in pertinent part, the following terms, by which all electing students will be bound, in direct favor and benefit of the Law School and EXAMSOFT, and each of them:

“NO RETURN OR REFUND. A demonstration of the Software is available without charge on the EXAMSOFT, INC. website at <http://www.Examsoft.com>. If you have any questions regarding the method of operation of the Software or its features, please contact tech support at 866.429.8889 or 954.429.8889.

AS IS. TO THE MAXIMUM EXTENT PERMITTED BY LAW, SOFTWARE SECURE, INC. DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED. IN PARTICULAR, THE SOFTWARE IS PROVIDED "AS IS", WITHOUT WARRANTY OF ANY KIND, INCLUDING WITHOUT LIMITATION THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. The entire risk as to the quality and performance of the Software is borne by you. This disclaimer of warranty constitutes an essential part of this Agreement. SOME JURISDICTIONS DO NOT ALLOW EXCLUSIONS OF AN IMPLIED WARRANTY, SO THIS DISCLAIMER MAY NOT APPLY TO YOU AND YOU MAY HAVE OTHER LEGAL RIGHTS THAT VARY BY JURISDICTION.

Export Controls. You agree you will comply with the provisions of U.S. laws restricting export of any software, technical data or other information or materials, including without limitation the United States Export Administration Act and regulations there under, and will not export any hardware, software, technical data or other information or materials to any country in violation thereof, and specifically you certify that your use of the Software complies with the requirements of such Act and regulations.”

### **What Are the Minimum System Requirements?**

SofTest can be used on virtually any modern computer (i.e. purchased within the last 3-4 years). Specific system requirements are noted below:

#### **SOFTEST REQUIREMENTS**

##### **PC Requirements:**

- o CPU = 2GHz Intel® Core™/Celeron™ or equivalent x86 processor
- o RAM = highest recommended for the operating system or 2GB
- o Hard Drive = highest recommended for the operating system or 1 GB of free space.
- o Operating System = English editions of Windows XP (32-bit only), Windows Vista or Windows 7
- o Software = Internet connection for SofTest Installation, Exam Download and Upload
- o Screen Resolution must be 1024x768 or higher
- o Administrator level account permissions
- o Windows 8 is not supported

## Apple Macintosh Users:

In order to use SofTest on your Apple MacBook or MacBook Pro, you must have:

### Mac Requirements

- o CPU = Intel processor
- o RAM = 2 GB
- o Hard Drive = 1 GB or higher free disk space
- o Operating System = Mac OS X 10.6 (Snow Leopard), Mac OS X 10.7 (Lion), and Mac OS X 10.8 (Mountain Lion).
- o Software = Internet connection for SofTest Installation, Exam Download and Upload
- o Administrator level account permissions

ANSWERS TO FREQUENTLY ASKED QUESTIONS FOR EXAMSOFT:

CLICK ON LINK

BELOW. [http://www.examssoft.com/main/index.php?option=com\\_wrapper&view=wrapper  
&Itemid=83](http://www.examssoft.com/main/index.php?option=com_wrapper&view=wrapper&Itemid=83)

## APPENDIX 5

### MONTEREY COLLEGE OF LAW and SAN LUIS OBISPO COLLEGE OF LAW EXTERNSHIPS, WORKSHOPS, AND PRACTICUM GUIDELINES

Note: externships are not approved for payment by the Veteran's Administration.

#### Goals

The goals of the Clinical Studies Program at The Law Schools are to:

- train students in legal skills (analytical thinking, oral and written communication);
- provide students with insight into the workings of the legal system;
- provide students with experiences that would not otherwise be available to them;
- promote the sense of professional responsibility among law students; and
- expand the students' connections with the local community.

Students participating in the Clinical Studies Program are visible representatives of The Law Schools to the legal community. Graduates of The Law Schools often obtain employment after admission to the bar as the result of their exposure to courts, law firms and agencies during the clinical studies experience.

#### Eligibility

To be considered for placement, students must:

1. be in good academic standing (GPA 70.00 or higher);
2. be in good financial standing;
3. be enrolled as a second, third or fourth year student (under exceptional circumstances, a first year student may be considered for placement);
4. have completed any prerequisite course requirements;
5. students applying for an externship must submit the application prior to the semester for which credit is sought.

Students placed with a court, law firm, or agency (externships) through the Clinical Studies Program must adhere to the standards of professional conduct as set forth in the Code of Professional Responsibility of the American Bar Association and the Rules of Professional Conduct of the State Bar of California. Any student who fails to comply with these standards, or whose conduct is of embarrassment to The Law Schools, will be suspended from further participation in the Program at the Dean's discretion.

#### Required Hours

Externships- To earn one unit of clinical studies, students must complete 60 hours of approved work.

Workshops, Practicums, Clerkships and Teaching Fellowships- Students must complete 45 hours of work under Academic supervision work for one unit. In addition, students may be required to complete an additional 15 hours of academic work outside of class.

## Opportunities

### Workshops and Practicums

The Law Schools offer a number of clinical opportunities. These workshops and practicums are staffed by supervised law students and serve the public. These services provide limited assistance in the following areas- small claims, collections, unlawful detainers, guardianships, restraining orders, and divorces. Under the supervision of an attorney, participating students will have the opportunity to interview, analyze, assess, and assist with the client's legal problem.

### Teaching Fellowships

Teaching Fellows assist Professors and provide academic support to students. To qualify as a Teaching Fellow, student applicants must demonstrate exceptional academic qualifications. These qualifications include, but are not limited to, class ranking and overall GPA. Students with a teaching background are preferred, but said experience is not required. Interested students should contact Dean Elizabeth Xyr.

### Judicial Externships

Judicial Internships are sometimes available with local superior courts. The student may work with a specific judge, the court research attorneys, or several judges.

### Legal Externships

Legal internships are sometimes available with governmental agencies, such as the District Attorney, Public Defender or County Counsel, private law firms, and legal services agencies which provide free (pro bono) assistance to needy clients.

(NOTE: A clinical student may not be supervised by an attorney who: 1) is related to the student by blood, marriage or domestic partnership; 2) by whom the student has been employed during the preceding twelve (12) months; and/or 3) with whom the student is otherwise significantly connected (e.g., business partner, significant other.)

Please note- Notices from courts, law firms, and agencies requesting student interns are posted on the student bulletin boards next to the student mail boxes or emailed directly to the students.

### Registration for Externships

The student interested in participating in the Clinical Studies Program must do each of the following at the time of regular registration and before beginning any clinical work:

1. Obtain the Clinical Studies packet from the MCL Website.
2. Submit a completed application form to the Registrar for potential approval by the Dean of Clinical Externships. If the application is approved, written notice will be given to the student.
3. Register on Populi. Students who fail to register in a timely and proper manner, will not receive credit for clinical work.

### Credit for Externships, Workshops, and Practicums

Credit toward a clinical studies unit will be granted for work that meets the goal of acquisition of intellectual legal skills. Activities which satisfy the criteria for credit include such tasks as: participation in court or administrative proceedings; conferences with lawyers and other professionals; legal research; and drafting pleadings, motions, points and authorities, briefs, research memoranda, orders, discovery, contracts, and estate planning documents. Mere clerical tasks such as filing, photocopying, and answering telephones do not satisfy program criteria.

Students must complete at least sixty (60) work hours for each unit of credit in each semester to be eligible for credit. No more than seven (7) units of Clinical Study may be applied towards Graduation credits. Clinical Study units may not supplant required curriculum course work.

Students wishing to receive credit for participating in the Clinical Studies Program may not receive compensation for the work performed.

### Completion of Work

In order to obtain credit, students must submit the following to the Registrar prior to the end of the semester in which they want to receive credit:

1. VERIFIED TIME SHEETS. Students are required to keep time sheets detailing the date, a brief description of the work done and the amount of time consumed. These time sheets must be verified by the supervising attorney or judge.
2. SAMPLE WORK PRODUCT. Students must submit a minimum of five (5) pages of their intellectual work product for each unit of credit.
3. SUPERVISOR EVALUATION REPORT. The supervising attorney or judge evaluates the student's competence, professionalism, attitude and response to assigned responsibilities. Students may review their supervisors' evaluations.
4. STUDENT EVALUATION REPORT. The students evaluate the benefits and drawbacks of the placement and makes any suggestions for improvement.

All of the above materials must be submitted to the Registrar prior to the last day of examinations for the semester in which the student has registered for the unit(s). Failure to submit all materials by the deadline will preclude the award of any credit.

### Grading

Students will receive a grade of "Pass" or "Fail" for any clinical units (Externships, Workshops, Teaching Fellowships). In regards to externships- The final grade will be determined by the Dean of Clinical Externships based on the verified time sheets, the supervisor's evaluation and the sample work product. No grade or credit will be given unless all required documents have been submitted to the Registrar.

## APPENDIX 6

### MONTEREY COLLEGE OF LAW and SAN LUIS OBISPO COLLEGE OF LAW STUDY ABROAD GUIDELINES

**Note:** Study Abroad courses are not approved for payment by the Veteran's Administration. The Law Schools' students may be eligible to take elective courses for Clinical Studies credit for the summer semester through Study Abroad programs offered at ABA law schools.

#### Participation

In order to be considered for participation in a Study Abroad program, students must:

1. be in good standing, academically and financially and
2. obtain application approval from MCL Dean prior to summer registration at MCL.

#### Opportunities

Notices from law schools offering Study Abroad programs are posted on the bulletin boards across from the student mailboxes as well as in the student lounge. Students may also discover additional programs and present them to MCL for consideration.

#### Procedure

Student interested in participating in a Study Abroad program must provide the following:

##### Prior to Approval

1. A completed application to Study Abroad
2. Written documentation from the host institution describing:
  - a. Study Abroad program overview
  - b. course and unit credit
  - c. course outline/syllabus
  - d. hours and duration of course(s) to be taken

If your application is approved, you will be notified and may then proceed through the registration process. If your request is denied you will receive a written explanation.

##### After Approval

1. A copy of your acceptance notification from the Study Abroad program
2. A completed registration form indicating the number of Clinical Studies units to be taken through Study Abroad program. A maximum of three (3) units may be taken.
3. Appropriate registration and administrative fees.

The usual registration fee and an administrative fee will be charged for courses taken through a Study Abroad program. You will not be charged The Law Schools' tuition for the units obtained.

#### Credit

Assuming Committee of Bar Examiners requirements are met (1 unit for credit for 15 hours of classroom teaching time), courses approved through a Study Abroad program will be awarded the same number of units at The Law Schools as are given by the issuing institution. All credit granted for Study Abroad programs will be in Clinical Studies units, and will be entered as such on the student's official transcript.

### Completion of Work

In order to obtain credit for Studies Abroad, the Registrar at The Law Schools must receive an official transcript sent directly from the issuing institution. This transcript must indicate the semester in which the course was taken, course name, credits granted and grade received. The student is responsible for requesting and paying for the transcript.

### Grading

Students will receive a grade of Pass or Fail for courses completed through a Study Abroad program. The final grade will be determined by The Law Schools' Dean based on information provided in the official transcript submitted at the completion of the course. No grade or credit will be given until and unless all required documents have been received.

## APPENDIX 7

### MONTEREY COLLEGE OF LAW and SAN LUIS OBISPO COLLEGE OF LAW TUITION AND FEE SCHEDULE 2016-2017

#### TUITION\*

Tuition and student fees are to be paid by credit card or check, payable to Monterey College of Law or San Luis Obispo College of Law, at the time of registration or in accordance with the approved Tuition Interest Plan (TIP).

For Students at the Seaside and Santa Cruz locations:

Tuition, per semester unit	\$800**
Tuition, per semester unit, auditors, space available	\$800**

For Students at the San Luis Obispo location (2016-2017):

Tuition, per academic year – 1L	\$14,000
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#### FEES\*

All fees are non-refundable.

Application Fee	\$75
Annual Registration Fee	\$700 per year Auditors
Registration Fee (required)	\$90 per semester Late TIP
Payment Fee	\$50 per month
Returned (NSF) Check Fee	\$50 per returned check
Late Registration Fee	\$200 per semester Late
Enrollment Fee (If registered after start of class)	\$500 per semester
Add/Drop Fee	\$25 per course
Repeat Class Fee	\$600 per class/per semester
Loan Application Certification Fee	\$30 per application Makeup
Examination Preparation Fee	\$400 per exam Makeup
Examination Administrative Fee	\$100 per exam
Exam Proctor Fee (non-MCL courses)	\$100 per exam Illegible
Handwriting Reading Fee	\$50 per hour Additional
Diploma Fee	\$100 per diploma
Transcript Fee	\$15 per transcript/ \$20 (expedited)
Graduation Fee	\$350

\*Tuition and Fees are subject to change upon reasonable notice.

\*\*Enrolled students are protected from tuition increases during their course of study at The Law Schools.



## APPENDIX 8

### COLLECTION PROCEDURES

#### ENROLLED STUDENTS:

15 <sup>th</sup> of the Month: are due.	All student TIP payments
1 <sup>st</sup> Thurs of the Month:	A statement is issued to all students (except those with zero balances for the semester) indicating the total amount still due and payable for the semester. A late fee of \$50.00 will be included <u>for each month</u> the TIP payment was not received or was received later than the 15 <sup>th</sup> ).
Before Exams:	A final statement is sent advising the student that he or she will not be permitted to take exams until all amounts have been paid.
Exam Week:	The Dean is notified of the delinquent account and the student will be prevented from taking exams. If the student is allowed to take a make-up exam, a re-examination fee of \$500.00 must be paid, per exam.
Semester End:	In the unlikely event that a student takes exams with an unpaid balance due, no grades will be issued until the balance is paid in full, nor will the student be allowed to register for the next semester.

#### STUDENTS WHO HAVE WITHDRAWN FROM THE COLLEGES STILL OWING MONEY:

Under the tuition refund policy, a portion of the tuition is refunded depending on the date the student withdraws. See page 9 of the Student Handbook for the refund policy. If more than 60% of the semester is completed, the balance of tuition is due and owing.

If no effort is made to pay the outstanding balance, the account will be subject to further collection processes.

**APPENDIX 9**  
**SCHOLARSHIPS**

**MONTEREY COLLEGE OF LAW (ONLY)**

A variety of scholarships are available each fall and spring semester for MCL students. These scholarships cover a portion of tuition and are awarded on the basis of scholastic achievement, financial need, and/or service to MCL and the community.

Board of Trustees Scholarships

Multiple scholarships are awarded each fall and spring semester by the Board of Trustees with funds contributed by them and other supporters of MCL. These scholarships are based on either financial need or academic excellence.

Jack Kadushin Scholarship

For a second, third or fourth year student who demonstrates the capacity to successfully complete the J.D. program and pass the Bar Exam.

Justice Phil Gibson Scholarship

Endowed in memory of the Presiding Justice of the California Supreme Court from 1944 to 1964, the scholarship is awarded to a second, third, or fourth year law student on the basis of academic achievement.

Grover Hermann Scholarship

Endowed by his widow and friends in the legal profession, the Grover Hermann Scholarships are given each fall and spring semester on the basis of academic excellence to second, third, or fourth year students.

MCL Studyships

These are study-scholarships created from an endowment by former Monterey College of Law Trustee Patricia Smith Ramsey to enable a fourth year student to take a leave of absence from his or her employment in order to study for the Bar Exam.

Monterey County Women Lawyers Association Scholarship

This scholarship, given for the first time in 1996, is awarded to a woman in the fourth year class on the basis of service to MCL and the community, and financial need.

Patrick O'Shaughnessy Memorial Scholarship

Patrick O'Shaughnessy graduated from MCL in 1984 and practiced in the field of workers' compensation and personal injury. Upon Patrick's untimely death in 2005, his colleagues and family created this scholarship that is presented each year to a Fourth Year MCL student residing in Monterey County and who has demonstrated an interest in legal issues and legal services for the underserved population within our community.

Joanne Quilty Memorial Scholarship

These scholarships are given to outstanding re-entry students using funds contributed by her family, friends and classmates, in memory of this MCL graduate who was killed in a plane crash.

Patricia Shanahan Memorial Scholarship

The scholarship is for financial assistance to a woman who is an MCL student and a resident of Santa Cruz County.

Judge Edward J. Smith Scholarship

Endowed in his memory by his daughter and member of the Board of Trustees, Patricia Smith Ramsey, this scholarship is awarded to an entering first year student each fall, based on financial need.

Foundation of the State Bar of California Scholarships

Given each Fall by the Foundation of the State Bar, this scholarship is awarded to second, third or fourth year law students who have at least a 2.5 GPA, maintain a good ethical standing, document an orientation toward public service, and require financial assistance.

Justice Pauline Davis Hanson Scholarship

The Fresno County Women Lawyers award this scholarship each Spring. The winner must be a second, third or fourth year woman law student who is a former or current resident of Fresno, Kings, Madera or Tulare County, is involved in her community and demonstrates financial need.

Imelda Rosenthal Memorial  
Scholarship

The Foundation of the State Bar of California awards this scholarship each year to a fourth year student who is taking the Bar exam for the first time. The candidate must demonstrate financial need and long-term commitment to public service. This scholarship was established through the generosity of Herbert Rosenthal.

Women's Opportunity Awards

Established by Soroptimist International of Carmel Bay, this scholarship awards women students who require specific training or education in order to obtain a higher level career, and demonstrate both financial need and the motivation to achieve their educational goals.

## APPENDIX 10

### STUDENT HONOR CODE

Law students, as future members of the legal profession, are subject to the responsibilities and ethical standards of the profession. The wellbeing of the profession and the integrity of The Law Schools depends upon the maintenance of such standards.

The Honor Code applies to all activities related to the law school program, including affiliated programs such as clinical programs, externships, internships, study abroad programs, and courses taken at other law schools for academic credit. The Honor Code applies to behavior of students during their tenure as law students, including periods of academic leave, and law school sponsored preparation for the bar exam. The Honor Code is not limited to activities on the MCL campus in Seaside and Santa Cruz.

#### Misconduct

The following acts warrant discipline of a student:

1. Dishonesty in any form, including plagiarism.
2. Disruptive, harassing, or threatening conduct or communications affecting the orderly administration of the law school or any of its affiliated programs, or likely to unreasonably interfere with the discharge of professional responsibilities and duties of any member of the faculty, staff, administrative of the law school or any of its affiliated programs. Such acts may include physical behavior or conduct, or be made in the form of written communications as more broadly defined by California Evidence Code section 250, and to include as an example, but not as a limitation, texts, telephone messages, e-mails, posting-on social media sites, such as Facebook, Twitter, and YouTube.
3. Theft, destruction, or defacement of school property, or of property belonging to a member of the school community.
4. Providing false or misleading information to the law school, the State Bar, or any other agency or organization related to the student's status or tenure as a law student or applicant to the bar.
5. Any act or omission that would subject the student to conviction of an offense involving moral turpitude.
6. Any act or omission that would subject the student to discipline by the State Bar of California if the student was an attorney.

#### Disciplinary Process

The following rules define the process and timing for matters brought under the Honor Code. With a showing of good cause, the Dean and Academic Standards Committee ("Committee") are granted authority under the Honor Code to do the following: a) extend any deadline or process under this Article or Section for a reasonable period of time [not to exceed 30 days absent a showing of extraordinary circumstances]; b) establish reasonable guidelines for the timing and duration of scheduled hearings; c) continue a scheduled hearing for additional session(s) if deemed necessary;

and d) consolidate multiple allegations of Honor Code violations for an individual student into a single hearing.

1. A person having knowledge of a matter that may warrant student discipline may inform the Dean of the facts of the matter in writing. E-mail or other forms of digital communication qualifies as "writing" for the purpose of this process and required notifications.

2. If the Dean determines that further inquiry is necessary, the student will be notified in writing of the alleged facts and afforded an opportunity to respond either in person, or in writing, within five days. The Dean has the discretion to dispose of the matter informally or submit the matter to the Academic Standards Committee. If the matter is of a nature that may result in permanent expulsion from the law school, the matter must be referred to the Academic Standards Committee.

3. If the matter is referred to the Academic Standards Committee, the Committee will conduct a hearing within 10 days, subject to the provisions regarding extensions of time noted above. Written notification of the hearing time and place shall be provided to the student.

a) Although it is not required, the student may engage outside counsel to assist at the hearing at the student's expense. Witnesses may be called and cross-examined. However, witness appearances are voluntary. The hearing may be electronically recorded or transcribed by a court reporter upon the decision of the law school. The cost of the recording or transcription shall be the responsibility of the law school.

b) A student may not be disciplined unless acts warranting discipline are proven by clear and convincing evidence. Evidence of such acts must be found to be reliable and trustworthy, but need not be admissible in a court of law.

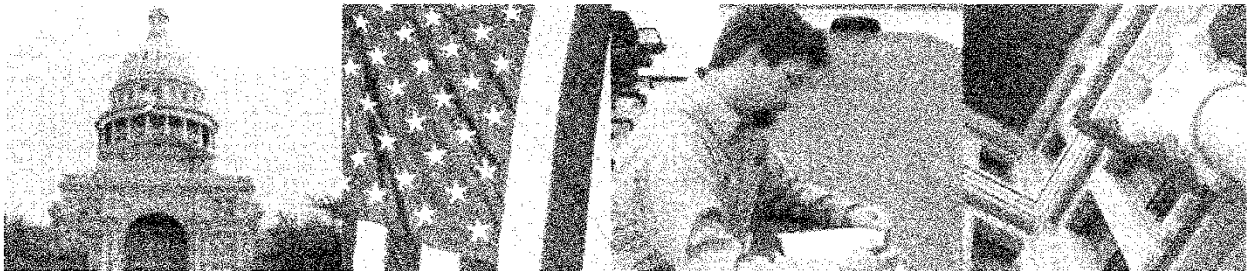
4. The Dean or Academic Standards Committee shall determine whether a disciplinary sanction is warranted, and the decision shall be final. The decision shall be provided to the student in writing, with a statement of facts that supports the Committee's decision. The written decision must be provided no more than ten days after conclusion of the disciplinary hearing.

#### Possible Sanctions

1. Permanent expulsion.
2. Suspension for a designated period of time.
3. Probation during which time the student must abide by specified terms and conditions.
4. Formal written reprimand placed in the student's permanent file.
5. Informal reprimand. No written record to be placed in the student's permanent file.

The Committee of Bar Examiners shall be notified if a student has been disciplined with other than an informal reprimand.

# Law School Plagiarism v. Proper Attribution



A Publication of the  
Legal Writing Institute



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# PLAGIARISM

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Legal Writing Institute

## INSTITUTIONALIZING THE FIGHT AGAINST PLAGIARISM

Problems throughout the nation's law schools prompted the Legal Writing Institute to appoint a committee to investigate plagiarism policies and, if necessary, to create and disseminate a suggested policy. They contacted all ABA schools, and more than 120 schools submitted their policies, with comments and anonymous case histories.

The committee discovered:

- iii many schools mention plagiarism only in a general Honor Code,
- m plagiarism definitions are inconsistent and even contradictory from school to school, and
- m plagiarism penalties are inconsistent and contradictory from school to school

Thus, the committee created a policy brochure that schools can modify to suit their faculty and student needs.

A thorough discussion of the committee's findings and recommendations can be found in Terri LeClerc's *Failure to Teach: Due Process and Law School Plagiarism*, 49 J. Ed. 236 (1999).

## LAW SCHOOL PLAGIARISM

plagiarism (pla' j. riz' .. m) n. Taking the literary property of another, passing it off as one's own without appropriate attribution, and reaping from its use any benefit from an academic institution.

Committing plagiarism is a serious violation of any law school's code of academic conduct. If a violation is proven, the committee or other body that oversees the code may impose severe sanctions—ones that could affect a grade or credit for the course or even require suspension or expulsion from school. In addition, the school may require the administration to report the incident to the bar of any jurisdiction to which the sanctioned student applies.

### Possible Sanctions

- Academic
- Disciplinary
- Both



## Types

- Failing grade
- Suspension
- Expulsion
- Temporary notation on student record
- Permanent notation on student record
- Public reprimand
- Private reprimand
- Denial of certification for moral fitness for sitting for the Bar
- Combinations of the above

## CHANGING CONTEXTS, CHANGING EXPECTATIONS

Writers must be aware of the customs, conventions, and expectations of their audiences. The overriding constant should be a diligent and meticulous attention to detail; writers should err on the side of providing, rather than omitting, reference information.

### Undergraduate School

"You must acknowledge all material quoted, paraphrased, or summarized from any published or unpublished work. Failing to cite a source, deliberately or accidentally, is plagiarism—representing as your own the words or ideas of another." *Harbrace College Handbook* 412 (12th ed., 1994). Undergraduate professors accept "common knowledge" without citation, that is, facts most readers would already know, and facts available from a wide variety of sources, for instance, the date of D-Day or the name of the previous U.S. President. Common knowledge is distinguished from a unique set of words. *The New St. Martin's Handbook* 495 (4th ed., 1999).

### Law School

The expectation is that writers will rely, almost exclusively, on existing authority. Thus, citing existing authority adds credibility to the writer's discussion. Common knowledge generally derives from case law or statute and must be cited.

**Student Collaboration:** Students may share work products only up to the point that their professor authorizes team work.

### Legal Practice

The frame of reference and expectations shift outside the academic environment. In practice, legal writers liberally borrow language from other sources; frequently, they collaborate on a project. Some lawyers write under the name of their supervising partner, judge, or government official. Occasionally, lawyers may write law review articles or publish CLE materials; then they adjust to outside expectations, which may require

careful source attribution. Nevertheless, like law school writers, lawyers continue to depend on legal citations to provide authority.

## RULES FOR WORKING WITH AUTHORITY

Avoiding allegations of plagiarism requires knowing when to cite. Here are important rules and suggestions to follow when working with authority:

1. Acknowledge direct use of someone else's words.
2. Acknowledge any paraphrase of someone else's words.
3. Acknowledge direct use of someone else's idea.

*Careful scholarship, which is especially important in an academic setting, requires adhering to two additional rules:*

4. Acknowledge a source when your own analysis or conclusion builds on that source.
5. Acknowledge a source when your idea about a legal opinion came from a source other than the opinion itself.

## ELECTRONIC DATABASES

Material obtained through any source must be attributed, including material obtained from electronic databases such as LexisNexis®; Westlaw®; and the Internet. Review the *ALWD Citation Manual* Rules 38, 39, and 40, and *The Bluebook* 17.3 for the rules on properly citing electronic sources.

EXERCISE

First skim the following materials, which are excerpted from primary and secondary sources. Then read the excerpted sample student memorandum that attempts to incorporate those sources. For each paragraph in the student memorandum, determine whether the student has avoided committing plagiarism and explain why or why not. Answers follow.

<p><i>Primary Source</i> (as downloaded from Westlaw)</p> <p><i>Whiteside v. Griffis &amp; Griffis, P.C.</i>, 902 S.W.2d 739, 744 (Tex. App. 1995).</p> <p>The rationale behind the majority view is clear. The purpose of DR 2-108 is to protect the public's right to select the attorney of their choice. <i>Anderson</i>, 461 N.W.2d at 601; <i>Jacob</i>, 607 A.2d at 148; <i>Cohen</i>, 550 N.E.2d at 411; <i>Spiegel</i>, 811 S.W.2d at 530; see 2 Geoffrey C. Hazard, Jr. &amp; W. William Hodes, <i>The Law of Lawyering</i> § 5.6:101 (1990); <i>Terry</i>, <i>supra</i>, at 1072; <i>Draper</i>, <i>supra</i>, at 163; <i>Penasack</i>, <i>supra</i>, at 901-03; <i>Tex. Comm. on Professional Ethics</i>, Op. 422, 48 <i>Tex.B.J.</i> 209 (1985). Indirect financial disincentives may interfere with this right just as much as direct covenants not to compete. A provision offering financial disincentives may force lawyers to give up their clients, thereby interfering with the client's freedom of choice. <i>Anderson</i>, 461 N.W.2d at 601; <i>Jacob</i>, 607 A.2d at 148; <i>Cohen</i>, 550 N.E.2d at 411; <i>Spiegel</i>, 811 S.W.2d at 530; <i>Hillman</i>, <i>supra</i>, § 2.3.3.2, at 32. This violates both the language and spirit of DR 2-108 by restricting the practice of law.</p> <p><i>Whiteside</i> directs us to a California Supreme Court opinion adopting the contrary position. See <i>Howard v. Babcock</i>, 6 Cal.4th 409, 25 Cal.Rptr.2d 80, 863 P.2d 150 (1993). In <i>Howard</i>, the court held that an agreement imposing a reasonable cost on departing partners who compete with the firm in a limited area is enforceable. <i>Id.</i> at 90, 863 P.2d at 160.</p>	<p><i>Sample Student Memorandum</i></p> <p>■ Although agreements anticipating competition, like the one at issue, may ultimately prevent client grabbing, the courts often hold that the agreements are unenforceable. Kirstan Penasack, Student Author, <i>Abandoning the Per Se Rule Against Law Firm Agreements Anticipating Competition: Comment on Haight, Brown &amp; Bonesteel v. Superior Court of Los Angeles County</i>, 5 <i>Geo. J. Leg. Ethics</i> 889, 892 (1992).</p> <p>Correct      Incorrect'---</p> <p>➤ In holding these agreements unenforceable, the courts routinely rely on the legal profession's own per se ban on restrictive covenants of any form. The per se ban originated within the American Bar Association in 1961, was subsequently adopted in both the Model Code and the Model Rules, and has universally prevailed in state courts as well as bar ethics committees for three decades. Model Rule 5.6 and its Model Code counterpart DR 2-108, which forbid restrictions on the right of the lawyer to practice law, have been justified by the need for a lawyer's personal autonomy and the principle that clients should have an unfettered right to choose representation from the widest possible pool of lawyers.</p> <p>Correct      Incorrect'----</p>
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*Secondary Sources* (as downloaded from Westlaw)

Glen S. Draper, Student Author, *Enforcing Lawyers' Covenants Not to Compete*, 69 Wash. L. Rev. 161, 174-75 (1994).

The public interest in unfettered competition among attorneys is no greater than the public interest in unfettered competition in many professions. The public interest in freedom to choose one's attorney, for [\*175 example], is surely no more significant than the public interest in choosing one's doctor. Attorneys' covenants not to compete are no more injurious to the public than those between other professionals. Therefore, courts should abandon the per se rule which applies solely to attorneys' covenants not to compete in favor of the reasonableness rule applicable to all other professions.

Kirstan Penasack, Student Author, *Abandoning the Per Se Rule Against Law Firm Agreements Anticipating Competition: Comment on Haight, Brown & Bonesteel v. Superior Court of Los Angeles County*, 5 Geo. J. Leg. Ethics 889, 892 (1992).

\*892 Agreements anticipating competition would serve to ameliorate the effects of grabbing, except that courts routinely invalidate these agreements between lawyers. Why? The courts rely heavily on decisions of the profession's own bar ethics committees, which invalidate these agreements as violations of self-promulgated ethical standards. The crux of the problem is the profession's powerful, yet little known, [FN14] per se ban on restrictive covenants of any form. The per se ban originated within the American Bar Association in 1961, was subsequently adopted in both the Model Code and the Model Rules, and has universally prevailed in state courts as well as bar ethics committees for three decades.

*Continued from previous page.*

4"[3 Courts following the majority rule reason that the public has a right to choose their attorneys. *Whiteside v. Griffis & Griffis, P.C.*, 902 S.W.2d 739, 744 (Tex. App. 1995) (internal citations omitted). As such, disincentives, whether direct or indirect, may ultimately interfere with the public's right to choose because attorneys could be required to give up certain clients. Correct  
Incorrect.\_\_\_\_\_

4"[4 This reasoning, however, is open to attack. Doctors, accountants, and other professionals routinely enter into non-competition agreements, and the courts just as routinely hold them enforceable if they are "reasonable." The public interest in choosing one's doctor is as important as the public interest in choosing one's attorney. Correct Incorrect.\_\_\_\_\_

4"[5 Recently, however, at least one jurisdiction, California, has refused to follow the per se rule followed by the vast majority of courts. *See Penasack*, 5 Geo. J. Leg. Ethics at 892.  
Correct Incorrect.\_\_\_\_\_

*Continued on next page.*

*Continued from previous page.*

Model Rule 5.6 and its Model Code counterpart DR 2-108, which forbid restrictions on the right of a lawyer to practice law, have been justified by the need for lawyer personal autonomy and the principle that clients should have an unfettered right to choose representation from the widest pool of lawyers.

The California Court of Appeal, in *Haight, Brown & Bonesteel v. Superior Court of Los Angeles Co.*, [FN15] recently rejected the per se rule that resulted in the invalidation of agreements anticipating competition. The court recognized the principle of client choice, the traditional justification for invalidating outright bans on competition, but refused to hold that this public policy "places lawyers in a class apart from other business and professional partnerships," [FN16] in which reasonable covenants not to compete are upheld as a valid means of protecting firms' legitimate interests . . . .

*Continued from previous page.*

6 Plaintiff Morgan Haley will rely on *Howard v. Babcock*, 863 P.2d 150 (Cal. 1993). that case, the court held that an agreement imposing a reasonable cost on departing partners who compete with the firm in a limited area is enforceable.

Correct      Incorrect. \_\_\_\_\_

## ANSWER KEY

1 *Correct.* Here the writer paraphrased from the source and properly acknowledged that source in the citation as required by Rule 2.

2 *Incorrect.* This passage violates Rules 1 and 2. The first sentence should be followed by a citation to the Penasack article because it is a direct paraphrase from that source. The rest of the paragraph is a direct quote. To avoid an allegation of plagiarism, that passage should be block quoted. The quote must be properly attributed through the use of a citation.

This is how the passage should be punctuated and cited:

holding these agreements unenforceable, the courts routinely rely on the legal profession's own per se ban on restrictive covenants of any form.

*Id.*

The per se ban originated within the American Bar Association in 1961, was subsequently adopted in both the Model Code and the Model Rules, and has universally prevailed in state courts as well as bar ethics committees for three decades. Model Rule 5.6 and its Model Code counterpart DR 2-108, which forbid restrictions on the right of the lawyer to practice law, have been justified by the need for lawyer personal autonomy and the principle that clients should have an unfettered right to choose representation from the widest possible pool of lawyers.

*Id.*

**3 Correct.** This passage properly attributes the analysis—the rationale of the majority rule—to the source, which is consistent with Rule 3. Note, also, that the passage is authoritative because it does provide a source.

**4 Incorrect.** This passage violates Rule 3 because it expresses the same idea as the Draper article. To avoid an allegation of plagiarism, there should be citation to the Draper article.

This is how the passage should be cited:

This reasoning, however, is open to attack. Doctors, accountants, and other professionals routinely enter into non-competition agreements, and the courts just as routinely hold them enforceable if they are "reasonable." Glen S. Draper, Student Author, *Enforcing Lawyers' Covenants Not to Compete*, 69 Wash. L. Rev. 161, 174-75 (1994). The public interest in choosing one's doctor is as important as the public interest in choosing one's attorney. *Id.*

**5 Correct.** Here, consistent with Rules 4 and 5, the writer acknowledged the idea and case that came from another source, which the writer will now build upon in the rest of analysis. Determining when and how to comply with Rules 4 and 5, as well as when and how to use signals, can be complex. These matters likely will be discussed in your legal writing course.

❧ *Incorrect.* Most of the second sentence (*the court held that an agreement imposing a reasonable cost on departing partners who compete with the firm in a limited area is enforceable*) is a direct quote from *Whiteside*. To avoid an allegation of plagiarism, that text should be punctuated with quotation marks, followed by a citation to *Whiteside*. Better yet, when discussing the facts, reasoning, and holding of a case, use your own words, followed by a proper citation. Moreover, in this situation, the *Howard* case is the better source to cite.

Sometimes, even when you are paraphrasing the facts and reasoning from a case, you may want to quote specific, important words. In this example, the term "reasonable cost" could be put in quotation marks.

### HYPOTHETICALS FOR CLASS DISCUSSION

1. A second-year student submits a draft of a seminar paper that contains information attributed to several different A.L.R. annotations. In commenting on the paper draft, the teacher tells the student that A.L.R. annotations generally should not be cited as support for legal propositions. For the final version of the paper, the student takes out the citations to the A.L.R. but leaves the information taken from the annotations in the paper unattributed. Is the student guilty of plagiarism?

*Guilty*\_\_\_\_\_ *Not guilty*\_\_\_\_\_

*Explain why:*

2. In a research memorandum written for class, a first-year student places a citation to authority at the end of every sentence containing information taken from outside sources. However, the student fails to include quotation marks around specific words taken from some sources. Is the student guilty of plagiarism? How many words must the student take directly from a source before the student needs to indicate them as a direct quotation?

*Guilty*\_\_\_\_\_ *Not guilty*\_\_\_\_\_

*Explain why:*

3. Two first-year students talk about different arguments they are considering using in drafting a research memorandum. The assignment instructions allow students to discuss the case law involved in the memorandum but require students draft the memorandum on their own. One student includes without attribution an argument that the other student discovered concerning a case. Is the student guilty of plagiarism? Does it matter whether the student phrases the argument in a

similar manner to the other student or in her own words? Does it matter if the first student found out about the argument in reviewing a draft of the second student's memorandum instead of finding out about the argument from just discussing the memorandum?

Guilty \_\_\_\_\_ Not guilty \_\_\_\_\_

Explain why:

4. A professor requires five drafts for a seminar paper, each due on a specified day, and each receiving a check or minus as part of the final grade. On a first draft, the professor recognizes major ideas that have not been attributed and discovers sloppy quotations that are missing the beginning or ending quotation marks. When questioned, the student admits that he typed the paper early that morning and did not take time to review his attribution or even spell check. He wanted to turn in something to avoid receiving a minus. Even though this was only a draft of the paper, and not the final product, the teacher charges him with plagiarism because the student attempted to receive academic credit: a check rather than a minus. Is this student guilty of academic plagiarism? If yes, should he be expelled?

Expel yes \_\_\_\_\_ Expel no \_\_\_\_\_

Explain why:

5. A third-year student hands in a seminar paper that she had written for an earlier class. Can a student plagiarize herself?

Guilty \_\_\_\_\_ Not guilty \_\_\_\_\_

Explain why:

6. A first-year student downloads a course outline from a national resource. Allowed to take anything into the final exam, he brings this professional outline. Is he guilty of plagiarism if he takes copies of it into the exam and uses language from it?

Guilty \_\_\_\_\_ Not guilty \_\_\_\_\_

Explain why:



7. An L.L.M. student whose first language is not English submits a thesis full of plagiarized material. In the student's home culture, unacknowledged use of published work is accepted and proper. Can the student be punished for plagiarism? Should the student be punished for plagiarism?

*Can be punished. Yes\_\_\_\_\_No\_\_\_\_\_ Should be punished. Yes\_\_\_\_\_No\_\_\_\_\_*  
*Explain why:*

8. A law review note contains three major ideas taken from a non-identified Internet source. The student insists that the material is public knowledge and does not have to be attributed. If she has no record of the database, is there a proper method for attribution? If not, is she plagiarizing if she publishes the article without any attribution?

*Guilty\_\_\_\_\_Not guilty\_\_\_\_\_*  
*Explain why:*

9. For an open-book exam, a law professor allows students to bring any materials into the room: commercial outlines, class notes, study guides, case book, etc. If students repeat information from these sources, without identifying the sources, are they guilty of plagiarism?

*Guilty\_\_\_\_\_Not guilty\_\_\_\_\_*  
*Explain why:*



## APPENDIX 12

### SEXUAL HARASSMENT POLICY

#### A. Introduction

The Law Schools strongly reaffirms the values of free and open exchange of ideas and the creation and dissemination of knowledge. We recognize the constitutionally protected right to free speech enjoyed by all members of our community and we endorse the principles of academic freedom for our faculty, staff, and students. To sustain this freedom and openness, members of The Law Schools' communities must adhere to the highest standards of objectivity, mutual trust, and confidence; they must also avoid coercion, intimidation, or exploitation. The standards of conduct within our community require that all members understand that sexual harassment or retaliation have no legitimate place in this environment and are inimical to achieving our objectives.

Students, faculty, and staff have the right to work and learn free from unwanted sexual advances. Advances made by faculty or staff toward students or by supervisors toward subordinates unfairly exploit the power inherent in those relationships. Unwelcome sexual conduct or advances between students interfere with the ability to participate in and benefit from law school programs. In both obvious and subtle ways, the very possibility of sexual harassment can destroy individual members of our community and can poison their academic and career relationships.

Members of our educational community have the right to work and learn in an environment that is free from verbal or physical sexual conduct that might either interfere with an individual's performance, or create a work or educational climate that is hostile, intimidating, or offensive, whether that conduct originates with an instructor, a supervisor, a staff member, or a peer.

The Law Schools are thus committed to creating and maintaining a community where all persons who participate in its programs and activities can work and learn together in an atmosphere free from all forms of harassment, exploitation, or intimidation. We will respond promptly and effectively to reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

#### B. Definition of Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submitting to or rejecting this conduct explicitly or implicitly affects a person's employment or education, interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. To prevent sexual harassment or retaliation, The Law Schools will respond to reports of any such conduct.

Sexual harassment may include incidents between any members of The Law Schools' community, including faculty, academic appointees, staff, students, and non-student or non-employee participants in programs. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or the opposite sex. To determine whether the reported conduct constitutes sexual harassment, the record of the conduct as a whole and the totality of the circumstances will be considered, including the context in which the conduct occurred.

This policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of The Law Schools' community may be subject to other policies. While romantic relationships between members of The Law Schools' community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment, subject to this policy.

Every member of our community should also be aware of special considerations for relationships between instructors and students currently enrolled in their classes or academic programs. Because of the power possessed by an instructor, and the special need for trust inherent in the teacher/student relationship, an instructor's romantic or sexual advance to a student in her or his class or academic program may seriously compromise that relationship. Unwelcome romantic or sexual advances from an instructor to a student currently enrolled in her or his course must be regarded as a serious breach of professional ethics and proper standards of professional behavior. Such overtures can impair the educational environment, not only for the instructor and the student singled out for her or his attentions, but also for the other students enrolled in the course. Other students may believe they are negatively affected by the relationship, for example through unacceptable discrimination regarding grading, references, access to resources, and educational opportunities.

#### C. Retaliation

This policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

#### D. Reports of Sexual Harassment

Any member of The Law Schools' community may report conduct that they believe constitutes sexual harassment under this policy. The report may be in writing or verbal (oral). In addition, supervisors, managers, and other designated employees are responsible for taking any action needed to prevent sexual harassment, to correct it when it occurs, and to report it promptly to the Sexual Harassment Officer (SHO officer) or other appropriate official designated to review and investigate sexual harassment complaints.

#### E. Response to Sexual Harassment

The Sexual Harassment Officer shall provide a prompt and effective response to reports of sexual harassment in accordance with these procedures. A prompt and effective response may include early resolution, formal investigation, and/or targeted training or educational programs. On findings of sexual harassment, The Law Schools may offer remedies to the individual or individuals harmed by the harassment consistent with applicable complaint resolution and grievance procedures. Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions. Any member of The Law Schools community who is found to have engaged in sexual harassment is subject to disciplinary action up to and including dismissal.

Generally, disciplinary action will be recommended when the harassing conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment who knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject to disciplinary

action. Conduct by an employee that is sexual harassment or retaliation in violation of this policy is considered to be outside the normal course and scope of employment.

#### F. Intentionally False Reports

Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

**G. Free Speech and Academic Freedom**  
The administration, faculty, staff, and students of The Law Schools enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This policy is intended to protect members of The Law Schools’ community from discrimination, not to regulate protected speech. This policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.

The Law Schools also have a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. But, freedom of speech and academic freedom are not without limit, and The Law Schools will not permit speech or expressive conduct that violates federal or state anti-discrimination laws.

#### H. Additional Enforcement Information

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of unlawful harassment in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment of students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR listed in the telephone directory.

#### I. Reporting Procedures

A report or complaint of sexual harassment shall be defined as any meeting or discussion with the Sexual Harassment Officer, or any formal written report or complaint made to inform The Law Schools that sexual harassment may have occurred. Persons experiencing problems with sexual harassment are encouraged to report them as soon as possible. Once a report has been made, in whatever form, The Law Schools’ official who has received the report should inform the Sexual Harassment Officer as soon as possible.

Oral reports of sexual harassment may be resolved informally. When a report is made in a written statement, informing The Law Schools that sexual harassment may have occurred and

providing information sufficient for further inquiry, investigation by the Sexual Harassment Officer is required and may result in disciplinary or corrective action after due process is provided to the accused, if it is found that harassment has taken place.

Any member of The Law Schools' administration, faculty, or staff who receives reports of sexual harassment should report the matter to the Sexual Harassment Officer as soon as possible and also inform the complainants of their right to see the Sexual Harassment Officer or to file a formal complaint.

Although responsible officials will attempt to respect the wishes of the complainant with regard to action taken in response to the complaint, The Law Schools will take appropriate disciplinary or corrective action whenever deemed necessary to meet The Law Schools' responsibilities to provide a safe and non-discriminatory environment for other students and employees. The only case in which a complainant ordinarily may ensure that no action is taken on the complaint is when the person does not disclose the name or other details that would identify the accused.

Repeated sexual harassment of one or more individuals by the same offender must be taken as a more serious offense for purposes of disciplinary action; therefore, all reports and complaints of sexual harassment must be reported to the Sexual Harassment Officer, who is authorized to keep records of sexual harassment reports and complaints.

#### J. The Sexual Harassment Officer

The Sexual Harassment Officer is authorized to receive and resolve reports and complaints of sexual harassment and conduct fact-finding investigations of sexual harassment complaints. The Sexual Harassment Officer may, at her or his discretion, conduct a survey of any class taught by a faculty member or instructor about whom a sexual harassment complaint has been made and may request the attendance of the dean at any meeting with a faculty member or instructor to discuss a sexual harassment complaint filed against that person. All members of the campus community will cooperate fully with the Sexual Harassment Officer in fulfilling his or her responsibilities.

The Sexual Harassment Officer shall serve as consultant to law school officials who receive and resolve reports of sexual harassment and shall serve as principal advisor on sexual harassment policy and procedures. The Sexual Harassment Officer shall maintain files of all reports and complaints of sexual harassment, separate from any other personnel files, and shall maintain information on the number, location, and nature of reports and complaints.

The Sexual Harassment Officer shall attempt to resolve any reports of sexual harassment by informing, educating, mediating, or negotiating informal agreements. If no resolution can be reached that is acceptable to both parties and to The Law Schools, the Sexual Harassment Officer may institute a sexual harassment investigation, at the request of the complainant, when the report is made in writing.

The goal of early resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Early resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or remedies for the individual harmed by the harassment. Early resolution can also include options such as discussions with the parties, making recommendations for resolution, and conducting follow-up after a period of time to assure that the resolution has been implemented effectively. Steps taken to encourage resolution and agreements reached through early resolution efforts should be documented.

The Sexual Harassment Officer shall investigate all written complaints of sexual harassment in a timely manner. The Sexual Harassment Officer may also determine that an investigation is warranted without a written complaint, either because of the severity of the allegations reported, or because of the frequency of allegations against the accused, or for any other reason.

#### 1. Fact-finding Investigation

The Sexual Harassment Officer shall investigate the circumstances of the alleged offense to the extent necessary to make a determination as to whether the allegations contained in the complaint constitute a violation of the Sexual Harassment Policy. This investigation should normally be completed within thirty (30) calendar days. If the investigation cannot be completed within that time, the Sexual Harassment Officer will so inform the complainant and the accused.

The Sexual Harassment Officer will interview anyone and examine any evidence deemed necessary to investigate the complaint fully. If the complainant or the accused request, her/his initial interview with the Sexual Harassment Officer will be tape recorded, and a copy provided. Although the Sexual Harassment Officer may seek the advice and assistance of the Dean or Board of Trustees in conducting the investigation, the investigation will normally be conducted only by the Sexual Harassment Officer .

#### 2. Sexual Harassment Officer Report

The Sexual Harassment Officer shall prepare a written report that includes a determination either that: (1) the facts do not support the allegations and the complaint should be dismissed; or (2) evidence of a violation of the Sexual Harassment Policy warrants remedial action. The Sexual Harassment Officer in cooperation with the relevant law school officials will ensure that the appropriate remedies are provided to the complainant, regardless of the outcome of the disciplinary process.

If the case is to be dismissed, a copy of the report with information related to third parties deleted, will be sent to the complainant, the accused, and kept in the Sexual Harassment Officer's files. The complainant has the right to appeal the dismissal and/or proposed remedies to the Advisory Council within fifteen (15) working days after notice from the Sexual Harassment Officer.

Even if the Sexual Harassment Officer does not make a finding of a violation of the Sexual Harassment Policy, but the Sexual Harassment Officer believes the behavior complained of may constitute misconduct, the Sexual Harassment Officer may refer the matter to the Dean or the Board of Directors.

#### K. Appeal of Sexual Harassment Officer's Findings and Proposed Remedies

An Advisory Council for the Sexual Harassment Officer shall be appointed by the Chair of the Board of Trustees of The Law Schools. The Council will be composed of the Personnel Committee of the Board of Trustees, plus two faculty members, one of whom is male and one of whom is female, to be named by the Dean and the Chair of the Board of Trustees.

The Advisory Council shall meet as required with the Sexual Harassment Officer to review issues and incidents of sexual harassment, providing advice when appropriate. All incidents are to be discussed without names or identifying details, and all discussions will be confidential to the extent required by law and due process considerations. The Advisory Council will be informed of the outcome of the resolution of cases.

The complainant may appeal the Sexual Harassment Officer's findings and/or proposed remedies to the Advisory Council within fifteen (15) working days of the receipt of findings/proposed remedies. The Advisory Council shall review the complainant's appeal and provide the Sexual Harassment Officer the opportunity to respond to the appeal in writing and to amend the findings/proposed remedies within fifteen (15) working days of receipt of the appeal from the complainant. The Advisory Council shall notify the complainant, the Sexual Harassment Officer, and the accused of the outcome of this review, any amended findings/proposed remedies, and the next step to be taken, within fifteen (15) working days after Council review is completed.

#### L. Privacy

The Law Schools shall protect the privacy of individuals involved in a report of sexual harassment to the extent required by law and law school policy. A report of sexual harassment may result in the gathering of extremely sensitive information about individuals in The Law Schools' community. While such information is considered confidential, applicable policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment. In such cases, every effort shall be made to redact the records to protect the privacy of individuals. An individual who has reported sexual harassment may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report).

Information about disciplinary action taken against the accused shall not be disclosed without the accused's consent, unless it is necessary to ensure compliance with the action or the safety of individuals. Letters of warning and records of other disciplinary actions concerning sexual harassment are to be kept in staff or faculty personnel files and in a student's confidential file. Where there has been a finding, after a due process hearing or after investigation, or an acknowledgment of wrong-doing by staff or faculty, notice shall be placed in their personnel files. Where there has been a finding, after a due process hearing or after investigation, or an acknowledgment of wrong-doing, notice shall be placed in the student's confidential file.

#### M. Maintaining Records and Files

The Sexual Harassment Officer will maintain confidential records of all reports and complaints of sexual harassment. The file will contain all information, including complaints and reports, formal review documents, investigation reports, any response by the accused to the report, any record of appeal, any findings, remedies and the result of the appeal, and a record of correspondence notifying the complainant and accused of actions taken and the progress of the complaint.

Files will be maintained on all reports of sexual harassment, whether they result in a formal investigation or not. The files are considered "confidential" for purposes of access and will be maintained in a secure location. Both the complainant and accused may have access to the record to the extent permitted by existing law. The name of any complainant or informant requesting confidentiality will not be included in the file. Other officials of The Law Schools may have access if the disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired. Access may also be given in response to a subpoena, court order or other compulsory legal process. Before the disclosure, the Sexual Harassment Officer should reasonably attempt to notify the individual to whom the record pertains, if the notification is not prohibited by law.



Sexual Harassment Officer files will be retained until five years after separation of the accused from law school employment or in the case of a student until five years after graduation; provided there has been no further report or complaint concerning the conduct of the accused for five (5) continuous years, from the date of the last report or complaint, the file will be destroyed. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

#### N. Confidentiality of Reports of Sexual Harassment

Certain persons may have an obligation to respond to reports of sexual harassment, even if the individual making the report requests that no action be taken. An individual's request for confidentiality of reports of sexual harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of The Colleges' efforts to ensure a working and learning environment free from sexual harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although The Law Schools will comply with requests for confidentiality to the extent possible.

## APPENDIX 13

### STUDENT BAR ASSOCIATION BY-LAWS

Revised January, 2012

**I. Purpose:** The purpose of the Student Bar Association (SBA) is to serve as an advocate for the Colleges' students; to enhance communication between the students, the MCL Board of Trustees and administration regarding student issues; to provide opportunities for participation; and to enhance the students' experience at MCL.

**II. Membership:** All students are members of the SBA. A mandatory fee is charged at the beginning of the fall, spring, and summer semesters. The fees are used to finance SBA-sanctioned activities and provide a range of student benefits, including preparation and distribution of fall and spring exam packs.

Honorary Members: The SBA may, from time to time, designate individuals as non-voting honorary members in recognition of their significant contributions to the SBA.

**III. Meetings:** SBA meetings shall be regularly scheduled and held, at least once per month, if practicable, when classes are in session. Special meetings can be called by the President or any Officer and two Representatives.

**IV. Officers:** The SBA Board will be comprised of four elected Officers, and eleven elected Representatives, (see section V, 'Representatives', below). All SBA Board members' terms are for one year. No student may simultaneously hold more than one SBA Board member position.

Officers are: President, Vice-President, Secretary, and Treasurer. Each Officer must be either a second year (2L), third year (3L), or fourth year (4L) student in good standing. A student's class level (i.e. 1L, 2L, 3L, 4L) shall be based on projected year of graduation, as determined by MCL administration. All Officers shall maintain records of their activities and duties in a binder to be passed on to the succeeding office holder to assist in orienting the new officer. Officer responsibilities and duties detailed below are not all-inclusive.

President: The President shall be the chief executive officer; shall preside at all meetings; shall supervise, direct and administer the business and affairs of the SBA, subject to its by-laws. The President, or Secretary, at the President's request, shall prepare an agenda to be distributed in advance of SBA meetings.

Exam Packs: The President shall be responsible for collecting and organizing the fall and spring semester Exam Packs, which may contain the five most recent previous years' exams, with professor outlines and selected student answers, where available, as provided by the MCL Registrar.

Vice-President: The Vice-President shall assist the President and, in the absence of the President, act in that capacity. The Vice-President shall be responsible for use, maintenance and supplies for all machines for which the SBA has contracted: the copy machine, vending machines, water cooler.

*Exam Packs:* The Vice President shall assist the President with Exam Packs, including preparing and distributing digital copies of Exam Packs to Class Representatives not more than 30 days after the start of each semester.

Secretary: The Secretary shall keep a book of minutes of all meetings, proceedings, and actions of the SBA and of any committees. The minutes of meetings shall include the time and place that the meeting was held, the names of those present, and a record of actions taken. The Secretary shall ensure that meeting notices are posted in all classrooms and that a copy of the minutes will be posted on the SBA bulletin board within one week of the meeting.

*Communications:* The Secretary shall create and distribute flyers, posters, and any relevant information to all MCL students for upcoming SBA-sponsored events.

*MCL Website:* The Secretary shall be responsible for coordinating with MCL administration to help ensure that the

SBA portion of the MCL website is current and correct regarding SBA Board membership, meeting minutes, and bylaws.

*Student ID Cards:* The Secretary shall be responsible for organizing, creating, and distributing student ID cards, and accounting to Treasurer as necessary.

Treasurer: The Treasurer shall keep adequate and correct accounts and records of the SBA's financial transactions. The Treasurer shall make a regular financial report at SBA meetings. Written financial reports, when presented, shall be attached to the meeting minutes. The Treasurer shall deposit funds of the SBA, disburse funds for approved expenditures, and shall obtain the signature of another officer for any disbursement. A review of accounts shall be conducted and reported at the first SBA meeting of the fall and spring semesters, by two other Officers. The Treasurer shall be responsible for collecting and replenishing the money for the coin-op attachment to the copy machine.

**V. Representatives:** The SBA Board will include eleven elected Representatives, consisting of eight Class Representatives and three Student Representatives as follows:

Class Representatives: Each class year's students (i.e. 1L, 2L, 3L, 4L) will elect two Class Representatives to serve as the conduit through which their respective class' concerns and issues will be communicated to the SBA. 1L Class Representatives shall consist of one representative from each of the Seaside and Santa Cruz campuses, respectively. Class Representatives are to keep their respective class advised and current regarding SBA activities and events.

*Exam Packs:* Class Representatives shall be responsible for distributing electronic copies of Exam Packs to all members of their respective classes.

Student Representatives: The MCL student body will elect three Student Representatives as described in the section below. Each Student Representative must be either a second year (2L), third year (3L), or fourth year (4L) student in good standing.

*Student Representative to the MCL Board of Trustees (Board)*

A Student Representative will attend meetings of the Board as a non-voting member with all rights and duties. The tasks of the Student Representative will be to maintain a dialogue between the Board, SBA officers and Class Representatives and student body in general by keeping the Board abreast of student concerns and initiatives, lending support to Board as a member wherever possible and reporting back to and participating in SBA meetings on a regular basis.

*Student Representative to the Monterey County Bar Association (MCBA)*

The Student Representative to the MCBA shall be a second, third, or fourth year student in good standing. The Student Representative shall serve a full calendar year (i.e. beginning in the spring semester); however, transition and coordination with the outgoing Student Representative begins following election in the fall.

The Student Representative to the MCBA is the sole MCL student body representative to the MCBA, requiring the highest levels of professionalism and respect, and is to be a voice for MCL, to lobby for the future lawyers of the Monterey Bay area. The Student Representative's top priority is to foster relationships between the MCBA and the MCL student body.

The Student Representative must attend all MCBA monthly meetings, and has the same voting rights as all members of the MCBA, and is required to be a member of the MCBA (\$25 annual fee). The Student Representative must sit on one of the MCBA's standing committees and participate in those meetings (usually every other month; sometimes by email, sometimes in person).

The Student Representative is also responsible for organizing MCL student volunteers for MCBA events, and for posting notices of MCBA events and job postings of potential interest to MCL students. This is an active position on the MCBA board, and is a stepping stone to a lot of opportunities, and can be what the Student Representative makes of it.

*Student Representative to the Santa Cruz County Bar Association (SCCBA)*

The SCCBA has voted to receive a MCL Student Representative to the SCCBA as a non-voting participant for the year of

2012. The SCCBA will review the results of the temporary relationship at the end of 2012 and make further decisions for 2013 at that time.

The Student Representative to the SCCBA shall be a second, third, or fourth year student in good standing. The Student Representative shall serve a full calendar year (i.e. beginning in the spring semester); however, transition and coordination with the outgoing Student Representative begins following election in the fall, provided that the SCCBA elects to continue the position.

For general guidelines regarding the Student Representative's rights and responsibilities, refer to the Student Representative to the MCBA (above) for potentially analogous descriptions.

**VI. Elections:** Elections for all SBA Board member positions will be held in the fall semester. Nominations will be begin on the second Monday of the fall semester, during which time debates, forums, and campaigns may be conducted. Votes will be cast no later than the third Thursday of the fall semester. Transfer of power will occur as soon as is reasonably practicable.

Election Committee: Election-related activities will be conducted under the auspices of an Election Committee. The Election Committee will be comprised of at least three student volunteers, none of whom shall be running for office. The Election Committee shall be appointed by the SBA Officers at the Officers discretion, and will serve until the election results are finalized.

The Election Committee will be responsible for informing all classes of the SBA election process; gathering nominations for all offices and representative positions; preparing and distributing ballots; tabulating and announcing results.

Vacancy: In the event of a vacancy or resignation of an SBA Board member, the President shall direct an Election Committee to hold a special election for the vacant office no later than 30 days after the President has been notified of such vacancy or resignation. The newly elected Officer or Representative shall serve the remainder of the effective term of the Officer or Representative.

**VII. Voting Members:** The SBA Board has fourteen regular voting members: Vice-President, Secretary, Treasurer, Student Representative to the MCL Board of Trustees, Student Representative to the MCBA, Student Representative to the SCCBA, and two Class Representatives from each class year (i.e. 1L, 2L, 3L, 4L). SBA Board members must be present to vote, or submit a written proxy. In the event of a tie, the President will cast the deciding vote.

**VIII. Quorum:** A quorum shall consist of a majority of the Officers and Representatives; seven, including not less than two Officers and two Representatives, each representing different classes.

**IX. Removal:** An SBA Board member shall be removed from office when approved by three-fourths of the voting SBA Board members who are present at the meeting. If an SBA Board member is removed, a special election shall be held to elect a replacement according to the Vacancy procedures.

SBA Board members shall be removed only for good cause. Failure to adequately perform the obligations of the office or position shall constitute good cause for removal and may be evidenced by any of the following:

- \* Failure to attend three consecutive regular SBA meetings.
- \* Failure to attend at least one-half of all meetings in any one semester.
- \* Failure to carry out the duties or responsibilities of the office or position.
- \* Expulsion or suspension from MCL.

SBA Board members shall be removed only following notice and an opportunity to be heard at a regularly scheduled SBA meeting.

**X. Rules of Order:** Roberts Rules of Order shall be followed during meetings.

**XI. Amendments to the Bylaws:** Amendments to the Bylaws shall be proposed in advance in writing and voted upon at the next regular SBA meeting. Three-quarters of voting members present must approve changes.

## APPENDIX 14

### MONTEREY, SANTA CRUZ AND SAN LUIS OBISPO COUNTIES LOCAL LAW LIBRARIES

#### Monterey 647-7746

1200 Aguajito Road - County Courthouse Building

Hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. Should you desire to use the library after 4:30 p.m., contact the Law Librarian.

#### Salinas 755-5046

Federal Office Building, 100 West Alisal Street, Suite 144

Hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. Library is located in the Post Office Building.

#### Santa Cruz 457-2525

701 Ocean Street, Room 70

Hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Should you wish to use the library after their normal business hours, an application must be submitted and approved by the library's Board. Applications are available at the Santa Cruz Law Library, and will be accepted for individual use only. In addition, applications are available on their web site at [www.lawlibrary.org](http://www.lawlibrary.org)

#### Watsonville 728-6040

310 Union Street

#### San Luis Obispo (805) 781-5855

1050 Monterey Street, San Luis Obispo, CA 93408