

Monterey College of Law
San Luis Obispo College of Law
Empire College of Law
Kern County College of Law



Student Handbook

2022-2023

Table of Contents

GENERAL INFORMATION	4
Course Times/Locations	4
Accreditation	5
Bar Pass Statistics	5
COMMITTEE OF BAR EXAMINERS OF THE STATE OF CALIFORNIA	6
Registration as a Law Student	6
Equal Opportunity and Non-Discrimination	6
The First Year Law Students' Examination ("FYLX" or "Baby Bar")	6
Admission to Practice Law in California	6
Practicing Law in Other States	7
ACADEMIC PROGRAMS	7
Doctor of Jurisprudence	7
Required Curriculum	7
Elective Curriculum	9
Master of Legal Studies (MLS)	10
JD/MLS Concurrent Degree	10
Hybrid Program	11
Clinical Courses	11
Moot Court	11
ACADEMIC POLICIES	12
Proposed Course Load	12
Attendance	13
Examinations	13
General Policy	13
Administration of Exams	13
Examination Scheduling	15
Examination Grading	16
Grading System	17
Student Honor Code	18
Graduation Requirements	19

Hardship Policies	19
Academic Counseling	20
Academic Probation	20
Course Withdrawal	21
Administrative Dismissal	21
REGISTRATION, TUITION, AND FINANCIAL AID	22
Registration	22
Tuition and Fees	22
Tuition Credit Policy	22
Scholarships	24
HARASSMENT FREE ENVIRONMENT	25
STUDENT SERVICES	27
STUDENT AND ALUMNI ASSOCIATIONS	28
APPENDIX DIRECTORY	30

STUDENT HANDBOOK

2022-2023

GENERAL INFORMATION

Monterey College of Law (MCL) is a community law school founded in 1972 by prominent local attorneys and judges and accredited by the State Bar of California since 1981. The mission of the non-profit is to provide a quality legal education in a local community environment where graduates are dedicated to professional excellence, integrity, and community service. In 2015, MCL established a second campus in San Luis Obispo, the San Luis Obispo College of Law (SLOCL) with the first class graduating in 2019. MCL became the first law school to operate three separate campus locations when it opened Kern County College of Law (KCCL) in Bakersfield in 2017. KCCL had its inaugural class graduate in 2021.

MCL, SLOCL, and KCCL (The Law Schools) are state bar accredited law schools that offer 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. We also offer an online hybrid J.D. and M.L.S. degree programs that combine synchronous and asynchronous remote learning along with certain in-person curriculum and skills training activities.

The Law Schools offer serious, highly motivated students the opportunity to seek a career in law, change careers, reenter 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 20 to mid 60s with an average age of 35. Through academic programs and support services, we work to develop relationships with students from traditionally underrepresented backgrounds and will continue to foster and maintain a diverse and inclusive law school environment.

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 <https://montereylaw.edu/general-information/index.html> for current Board of Trustees and <https://montereylaw.edu/staff/index.html> for current Staff Directory.]

Course Times/Locations

Courses at all of The Law Schools' locations are held Monday through Thursday in the evenings from 6:30 to 9:30 PM. Online classes offered in the Hybrid JD program are generally held from 6:30 to 8:30 PM followed by an hour of asynchronous assessment. Clinical programs are generally held from 4:00-6:00

PM.

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.

Legal Holidays

Administrative offices are closed on legal holidays and during the Winter break in December. Class scheduling on legal holidays is determined by the faculty. Classes canceled because of legal holidays will be rescheduled by the professor in order to meet the requirement of 15 hours of classroom instruction per unit. For the current Academic Calendar, see

<https://www.montereylaw.edu/currentstudent/academiccalendar.html>

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 branch of Monterey College of Law, approved by the Committee in 2015. Kern County College of Law is an accredited branch of Monterey College of Law approved by the Committee in 2017.

For the current information report on accreditation, see

https://montereylaw.edu/resources/MCL_01_60617a2022.pdf

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 a quality education that allows one to meet or exceed the State Bar's minimum cumulative bar pass rate as set by the accreditation rules and guidelines. The Law School's required public filing on minimum pass rate is located here <https://montereylaw.edu/currentstudent/accreditation.html>

Library

The Law Schools meet or exceed the Committee of Bar Examiner standard for student and faculty access to library materials for all programs. The Law Schools' students also have access to public community Law Libraries located in each of the schools' communities. For information on each community law library, see the links below:

Monterey County Law:

<https://www.co.monterey.ca.us/government/government-links/law-library#ColumnUserControl3>

San Luis Obispo County Law Library: <http://www.sloccl.org/home.html>

Kern County Law Library: <https://kclawlib.org/>

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 may be found on the State Bar's website <https://www.calbar.ca.gov/admissions>

Please be aware that 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 ("FYLSE" 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 qualified 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 examination application, and the application fee directly with the Committee of Bar Examiners at least two months prior to the examination date. Application information for the First Year Law Students' Exam is found on the California State Bar website, 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 Academic 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.

ACADEMIC PROGRAMS

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.

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

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 Curriculum

First-Year Courses

First Year Institute (2 units) An mandatory elective course for entering law students. It is designed to give new students an overview of the law school, the historical and philosophical foundation of our system of law, and the methodology for the study of law. (This course is required for all incoming students).

Contracts (6 units) 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 & Procedure (6 units) 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. Also covered are the procedures for indictments, arrest, bail, trial sentencing, and appeals.

Torts (6 units) 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.

Legal Writing I (2 units) An introductory 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.

Legal Skills (1 unit) This class addresses key skills needed for law school, the bar exam, and the practice of law. Students review key facts, rule synthesis, analogies and comparisons, analysis and essay writing.

Professional Responsibility (2 units) An examination of the lawyer's obligation to the client, and the public. The class examines the professional rules contained in the American Bar Association Model Code and the Rules of Professional Conduct, attorney-client privilege, conflicts of interest, advertising, and legal malpractice.

Legal Research (2 units) 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. A survey of CALR tools including online resources for legal and public records research is included.

Second-Year Courses

Civil Procedure (6 units) 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 units) 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. *Prerequisite: Criminal Law & Procedure*

Real Property (6 units) 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, and financing of real estate. *Prerequisite: Contracts*

Advanced Legal Writing (2 units) Students develop their persuasive writing skills through writing assignments involving motions, points and authorities, and declarations. This advanced class enables students to demonstrate their legal analysis and ability to advocate a position. *Prerequisite: Legal Writing I*

Appellate Writing (2 units) Students develop advanced writing skills for use in law and motion and appellate practice. *Prerequisite: Legal Writing I, Legal Writing II*

Small Claims Clinic (1 unit, MCL only) Students learn the process of preparing and presenting a case in Small Claims Court. The course emphasizes practical skills and includes assisting the public with preparing small claims cases.

Third-Year Courses

Business Law (6 units) This course covers 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. Also covered in the course is an in-depth examination of the Uniform Partnership Act, the Uniform Limited Partnership Act, and the formation, operation, dissolution, and termination of partnerships.

Constitutional Law (6 units) 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. *Prerequisites: Criminal Law & Procedure, Evidence*

Community Property (3 units) 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. *Prerequisite: Real Property*

Moot Court (2 units) The Moot Court Competition gives students an opportunity to study advanced constitutional issues. The semester culminates in a series of hearings, where local judges hear the students' oral arguments on each side of a current civil liberties issue. The public is invited to witness the final round of arguments by four students in front of an appellate panel of judges. *Prerequisite: Constitutional Law*

Fourth-Year Courses

Remedies (3 units) A general survey of equity including the adequacy of legal remedies, injunctions, specific performance, declaratory relief and the jurisdiction and powers of courts of equity. The course also covers the measure of damages in contracts, torts and property, and enforcement of money

judgments. *Prerequisites: Contracts, Torts*

Wills and Trusts (3 units) A study of California law regarding the succession of property, wills, and trusts.
Prerequisite: Real Property, Community Property

Elective Curriculum

Mandatory Elective Units

Core Mediation (2 units)

Clinical Studies (2 units) The Clinical Studies requirement may be met through participation in one of the law school's workshops or may be completed through legal and judicial internships available to third and fourth-year students upon approval.

General Elective Units Courses

MCL students must complete 15 elective units.

San Luis Obispo and Kern students must complete 16 elective units.

Master of Legal Studies (MLS)

The MLS 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 MLS 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. MLS 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 JD students. The MLS degree also requires successful completion of a major writing project.

The MLS 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 MLS degree requirements and curriculum are detailed here <https://www.montereylaw.edu/ourprograms/mls.html>

JD/MLS Concurrent Degree

The Law Schools provide applicants the option of concurrently enrolling in the JD and MLS degree programs. Upon successful completion of the concurrent degree program, the student is granted both the JD and MLS degrees. Completion of the JD/MLS program requires successful completion of the program requirements of BOTH the MLS degree and the JD 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 MLS degree requires a major writing project. All other credit courses are completed

concurrently with the JD 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 JD program.

The MLS 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.

Hybrid Program

The hybrid program launched in 2019. Students in the hybrid programs must participate in synchronous (live) course sessions Monday through Thursday from 6:30-8:30 PM PST. In addition, JD and JD/MLS Concurrent enrollees must attend an educational symposium held once each academic year Spring semester at the San Luis Obispo campus. Mandatory attendance is required for both synchronous class sessions and the symposium.

Clinical Courses

Students enrolled at the Monterey campus are required to participate in the 1-unit pro bono Small Claims Advisory Clinic and two other clinical skills units. Students enrolled at the San Luis Obispo, Kern, or Hybrid campuses are required to take two (2) clinical units. 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 approved **prior** to beginning their program.

For Internship Program Guidelines, see

(https://montereylaw.edu/_resources/MCL%20Internship%20Program%20Guidelines%20Instructions%2022.pdf)

Moot Court

Students enrolled in the JD program at The Law Schools are required to participate in the campus' 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 at the Monterey campus 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 participate in the Andreen Moot Court program established in 2018 and so-named in memory of Justice Kenneth Andreen. While students enrolled in the J.D. program at the Kern campus participate in the Wiseman Moot Court program established in 2020 in honor of Justice Rebecca A. Wiseman, retired associate justice of the Fifth District Court of Appeals.

ACADEMIC POLICIES

Proposed Course Load

Because The Law Schools' curriculum is designed as a part-time program, the courses follow a prescribed sequence that anticipates completion in four years. Students should take nine or ten units each fall and spring semester and the remaining units during the three summer semesters in order to complete all required and elective courses in a timely fashion and comply with the State Bar Rules. Students should work with their academic advisor to identify summer course schedules appropriate for their circumstances. 1L students with a GPA below 70 may not enroll in summer elective courses without written permission from the Academic Dean or Dean's designate.

Any student desiring a reduced (less than nine units) must obtain a written approval from the Academic Dean or Dean's designate.

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 Academic Dean or the Dean's designate.

In certain special circumstances, students may petition to go on "academic overload" in their 3rd year and complete the graduation requirements in three years. Academic overload is defined as taking more than three doctrinal classes in a semester. However, these circumstances require a student to have, and maintain, a very high cumulative GPA (generally 79.00 or above) and to not be working full-time. Students interested in the three-year program must receive pre-approval and must meet with the Academic Dean or the Dean's designate to review their progress each Fall and Spring semester after grades are released.

Attendance

State Bar Requirements

Committee of Bar Examiners rules require "regular and punctual attendance" in order to satisfy the residence credit requirements. The Committee of Bar Examiners expects attendance at "at least 80% of the academic engagement required by each course in which the student is enrolled." As defined by the Committee of State Bar Examiners, academic engagement includes "physical classroom time" or "distance learning technology in any manner, including, but not limited to, any of the following: (a) participating in a synchronous class session; (b) viewing and listening to recorded classes or lectures; (c) participating in a live or recorded webinar offered by the law school; (d) participating in any synchronous or asynchronous academic assignment in any class monitored by a faculty member; (e) taking an examination, quiz or timed writing assignment; (f) completing an interactive tutorial or computer-assisted instruction; (g) conducting legal research assigned as part of the curriculum in any class."

Failure to comply may result in academic dismissal. Official class records are maintained that show the attendance record for every student.

Attendance Policy

Attendance is taken during each class. Rosters are reviewed by the Academic Dean or the Dean's

designate. Students missing two class sessions for one single course during a 16-week semester are required to make an appointment with the Academic Dean or the Dean's designate to discuss the absences. Students with three class 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 one-unit course are subject to dismissal from that course. If dismissed, the student may not continue to attend class, or take the midterm or final examination, without approval of the Dean or the Dean's designate. The student may not be eligible for a tuition credit if dismissed from a course due to failure to meet attendance requirements.

Examinations

There is a written final examination or project for every course offered for credit, with the exception of clinical courses, skills training, trial practice, or other designated courses in which substantial written work is the basis for the assessment.

Exam grading by faculty is anonymous. Student exam identification (ID) numbers are used to identify student test papers.

In order to maintain anonymity, a student shall not contact the instructor regarding an exam pending release of the graded exam. Questions should instead be directed to the Academic Dean or the Registrar.

All examinations shall have a score assigned for each answer. These scores are considered "raw points" rather than a final grade for the course. Final grades for exams and each course may be subject to a course "curve" in which an exam grade or final grade may be assigned that is different than an exam "raw score". In addition, the course syllabus may indicate other course requirements, such as quizzes, projects, and class participation that may be considered in the final course grade.

First-Year Exams

Midterm examinations (where "midterm examination" refers to the examination given at the end of the fall semester) and final examinations are required in all two-semester first-year courses. If the midterm grade is higher than the grade on the final exam, the midterm exam grade will be counted 50% in calculating the final course grade. If the final exam grade is higher than the midterm exam grade, it will be used as the final course grade.

Second-/Third-/Fourth-Year Exams

Midterm and final examinations are required in all two-semester upper division courses. Both the midterm and the final exam grades are used in computing final course grades. Unless otherwise designated in the course syllabus, midterm exam grades account for 50% and final exam grades account for 50% of the final course grade. One-semester courses, as well as pass/fail courses (including clinical courses and internships) 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 Academic Dean or the Dean's designate.

Administration of Exams

Students of the Law Schools may opt to take in-person examinations using a laptop computer or by handwriting them. Students enrolled in the Hybrid program may elect to take their examinations

in-person or remotely using their computers with the Examsoft monitoring program.

Exams are administered using the Exemplify program licensed by Examsoft. Exemplify allows exam takers to securely take their examinations, which are downloaded to their laptop computers. The Exemplify program blocks access to files, programs, and the internet during an exam.

For students taking exams remotely, digital proctoring is conducted using Examsoft's ExamMonitor program, a remote proctoring, technology-driven program. ExamMonitor enables students to be observed by capturing audio and video recordings of exam takers during the duration of an examination. For more information on ExamMonitor, see

https://cdn2.hubspot.net/hubfs/2956392/ExamMonitor/ExamSoft_ExamMonitor.pdf

Exemplify works on most relatively new (i.e. purchased within the last 3-4 years) laptop computers. The specifications (or minimum requirements) for running the Exemplify program are listed in Appendix 4. [List link here or send to Appendix see. For the current specifications required for PCs and Macintosh computers, see <https://examsoft.com/resources/exemplify-minimum-system-requirements/>

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, tablets, electronic watches/fitness trackers, notebooks, outlines, books, papers, backpacks, calculators, tape recorders and other personal items are not allowed in the examination room. Students who opt to use a laptop computer must review the Examination rules, see https://www.montereylaw.edu/resources/EXAMINATION-RULES_MCL_06.pdf

Exam proctors are not required to delay exams to provide exam instructions to late arrivals. Students who are electing to take exams using laptop computers 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 laptops 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, the student 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, they will not be given additional time to complete the examination.

If a student finishes an examination before time is called, they 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 their paper graded, may receive a failing grade and will be subject to the Student Honor Code.

(See <https://www.montereylaw.edu/currentstudent/Student%20Honor%20Code.pdf>)

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 from the school. 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 uploading to the exam server or personally handing them in to be checked off. Only when this procedure has been completed, may students leave. Student test papers "lost" prior to being uploaded to the exam server or being accepted by the proctor are the sole responsibility of the student.

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 Academic 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 <https://www.montereylaw.edu/currentstudent/financial/tuitionandaid.html>

- 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.

Special Accommodations

Students with disabilities must inform the Academic 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. The student must complete the Special Accommodations paperwork required by the school and provide appropriate written diagnostic documentation from a qualified medical professional. To the extent possible and/or as required by law, reasonable accommodation will be provided to all approved accommodation requests. Assignment of special exam seating shall be limited to students with special accommodations. Special seating shall be assigned by the exam proctor subject to policies approved by the Academic 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 Examinations

If, due to extraordinary circumstances or unusual emergencies (e.g., major illness, serious family emergency, traffic accident, natural disaster, 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, hospitalization, or inability to contact the law school, requests to reschedule an exam must be made in advance, and in writing to the Academic Dean or the Dean's designate. Approval for rescheduling an exam is entirely within the discretion of the Academic Dean or the Dean's designate.

Professors should not be contacted with a rescheduling request under any circumstances. If permission to reschedule the exam is granted, a rescheduling examination fee of \$600 will be charged to cover the cost of preparing and grading a make-up exam. In addition, an administrative fee of \$100 will be charged to cover the cost of an exam proctor.

Exams must be rescheduled and completed as soon as possible, and in no case 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 prescribed time will result in the student being administratively dropped from the course. No credit will be granted for partial course completion. The student may not be eligible for a tuition credit or account credit for being dismissed from a course due to failure to complete an exam in the prescribed time.

Examination Grading

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 Academic Dean or the Dean's designate for final review and approval. Upon final approval, scores are released by posting them on the student's personal account on Populi. Faculty are not authorized to release exam or course grades. Only the final scores/grades released/posted by the Registrar are considered official grades.

Student Review of Graded Exams

After grades are released, students will receive notice that they may request their student exams for review. Original exam documents and electronic files are the property of the Law School. The Law School is required by the State Bar Accreditation Rules and Guidelines to maintain the original exam written or digital copies for a period of five (5) years. As a convenience, students may copy their written exams on the SBA copier. *In no circumstances are original student written test papers allowed to leave the law school. The procedure for reviewing/downloading digital copies of exams will be provided along with the notice that exams are available for review.*

Exam Review Meeting

A student may request a review of their examinations 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 Academic 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 final grades are made available to the student. Upon confirmation of a computational error, the Registrar must obtain approval of the Academic 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 final 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 Academic 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, internships, 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 and/or objective questions. Individual essay questions generally require a minimum of 50 minutes for analysis, outlining, and written answers. The typical length of the examination is equal to the number of units in the course. For example, a three-unit course generally yields a 3-hour exam. 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.. 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, suggest that a student may not have achieved the necessary mastery of bar -tested subjects essential in the 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.** 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.

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 a violation of the Student Honor Code or that is deemed unprofessional or that interferes with the learning opportunities for other students by The Law Schools' administration or faculty may be cause for dismissal from an individual course and/or dismissal from school. For the complete Student Honor code, <https://www.montereylaw.edu/currentstudent/Student%20Honor%20Code.pdf>

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.

Class Ranking

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

Hardship Policies

Incomplete

Where unusual circumstances arise that create hardship that prevent a student from completing individual course requirements in a timely fashion, a student may request an “Incomplete”. Requests must be made in writing and submitted to the Academic Dean prior to the end of the course(s) in which the student is currently enrolled. The request for “Incomplete” will extend the deadline for completion of course work and must be approved in writing by the Academic Dean or the Dean’s designate. A specific time for completion of the course(s) must be agreed upon. 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. However, an “Incomplete” in Clinical Studies not caused by the student is exempt from this rule. Approved internships may be completed in more than one semester according to the guidelines. For Internship Program Guidelines, see https://montereylaw.edu/resources/Clinical-Studies-Guideline_06.pdf

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 (financial disruptions, severe health problems, serious family emergencies, 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 Academic Dean

or the Dean's designate. A student must complete the [Leave of Absence Form](#) specifying the reason(s) for the proposed leave of absence and anticipated return date. 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 end 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 Academic 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 and/or before readmission is considered.

Military or Essential Health and Safety Worker Emergency Leave

Military and Reserve personnel or Essential Health and Safety Workers who are called to duty or to respond to a public emergency/crisis will be granted a leave of absence and may return to The Law Schools with the same academic standing held prior to the leave of absence. Students on emergency leave may choose either of the following:

1. Students who have paid in full may either request a full refund for the current academic term or request that a tuition credit on their account be held until they return and resume their studies. Students who take emergency leave will return at the tuition rate in place at the time of their emergency leave.
2. Students on the TIP payment plan with an outstanding balance due will be allowed to resume payment upon their return to classes.

Academic Counseling

Students who recognize that they are having academic problems should request counseling on an individual basis with their professors AND the Academic Dean. 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.

Academic Probation and Disqualification

Any student with a cumulative grade point average (GPA) below 70.00 at the end of the 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 receive grades lower than 70. 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 their year-long 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 may be entitled to a partial credit of paid tuition for courses in which they are enrolled at the time of dismissal.

Academic Proposals

Students who are determined to be at 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 Academic Dean or the Dean's designate. Unauthorized withdrawal from required bar-tested subjects or failure to complete the required number of units for graduation 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.

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 with the Academic Dean before withdrawing.

If the student contemplates seeking re-admission to the law school at a future date, they must provide a written request that explains the reasons for the original withdrawal and why circumstances now support readmission and the likelihood of success if readmission is granted. 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.

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 complete quizzes, major assignments, or 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 standards of classroom professional conduct or the terms of the Student Honor Code;
6. disruptive, harassing, bullying, or other unprofessional behavior in class or in interaction with administration, faculty, or other students.
7. 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 email or other digital means of communication. Students are not entitled to tuition credits following administrative dismissal unless a waiver is granted due to special circumstances. Depending on the circumstances of dismissal, the Academic 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 readmission following the procedures outlined in the preceding section.

REGISTRATION, TUITION, AND FINANCIAL AID

Registration

Students must register online at the beginning of each academic year for the Fall, Spring, and Summer semester courses. Semester courses may be altered during the add/drop period. Payment of fees, tuition, and/or costs for instructor-prepared materials are to be paid through a range of payment plans set up with the Business Manager. Late registration and add/drop fees are assessed if a student does not register during the designated annual registration period.

Tuition and Fees

Tuition and fees for the current school year is set forth in the Tuition and Fee Schedule, see <https://www.montereylaw.edu/currentstudent/financial/tuitionandaid.html>

*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. 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. Tuition and fees are subject to change at the discretion of The Law Schools.

Payment may be made by check, cashier's check, money order, debit or credit 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.

Tuition Credit Policy

The annual flat-tuition rate is based on taking 12 or more units during the academic year that includes the Fall, Spring, and Summer semesters. Students who enroll on a flat tuition schedule for 12 units or more during an academic year (including combined Fall, Spring, and Summer semesters) are only eligible for a prorated credit, if they submit timely add/drop forms and are approved by the Academic Dean to drop to fewer than 12 enrolled units for the combined Fall, Spring, and Summer semesters. For example, if you register for 9 units in Fall Semester, 9 in Spring Semester, and 4 units for the Summer Semester, but are approved to drop all Summer Semester courses, there is no prorated-tuition credit because you will have already completed more than 12 semester units (in this example, 18 units during the Fall and Spring) during the academic year.

Students who submit timely add/drop forms and are approved to enroll in fewer than 12 units in an academic year can be eligible for a prorated credit of tuition charges. To be eligible for a tuition credit, a student must notify the Academic Dean and the Registrar by filing a timely add/drop form and submitting a written notice (by hard copy or email) of his/her intention to reduce the number of enrolled units and/or withdraw from the academic program. The amount of tuition credit is determined as of the date of receipt of written notice of withdrawal and is calculated as follows:

Withdrawal before the start of instruction: 100% Tuition Credit

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

$$\frac{\text{Total hours of instruction offered (minus) Total hours elapsed}}{\text{Total hours of instruction offered}} \times \text{Total Tuition Cost}$$

Withdrawal after completion of 60%* of instruction: No credit

* 60% of instruction is completed in the ninth week of classes during the Fall and Spring semesters and in the sixth week of classes during the Summer Semester. Please note that fees are not refundable. Students attending the College under the Veterans Administration Benefits Program are governed by a special refund policy. All tuition and fees paid are subject to a pro-rata refund regardless of when the veteran student withdraws from a course.

If there are any funds available after applying tuition credits *and* reconciling a student's account, then a refund may be issued.

Returned Check Policy

Any student whose check is returned for nonpayment (NSF) will be subject to a returned check fee of \$50. 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.

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. At the current time, new enrollees at California Accredited Law Schools (including MCL and its branch locations) are not eligible to participate in the GI Bill Educational Benefits program. Due to a recent policy change by the Department of Veterans Affairs, participation in the federal GI Bill Educational Benefits program is limited to ABA approved law schools only.

Scholarships

Monterey College of Law-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 toward 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 may be found here:

https://www.montereylaw.edu/_resources/Scholarship-Studyship-ApplicationRev2021.pdf

Only students whose grade point average is 70.00 or above, and who are in good financial standing, are eligible for consideration. Good financial standing is defined as having an account that is current, or if delinquent, a student has made payment arrangements with the business manager. Note that a student may not be in “good financial standing” if his/her/their Populi account is locked for financial reasons. The amount you are awarded is credited to your MCL account.

Completed applications also require verification of income (e.g. pay stub) and a copy of your latest tax return. If you do not work or file a tax return, then you will be required to note the reason why you are not submitting the document(s) as part of the narrative portion of your application.

Scholarships available for students attending Monterey College of Law, San Luis Obispo College of Law or Kern College of Law may be found here:

<https://www.montereylaw.edu/currentstudent/scholarshipsandawards.html>

MCL, SLOCL, and KCCL students may also be eligible for scholarships awarded by outside sources. Notices regarding these scholarships are sent via email to students upon receipt. Students should contact the Campus Dean or Campus Administrator at each location to inquire about scholarship criteria, availability, and application process.

ADMISSIONS POLICY - Transfer Credit

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 unless a special waiver is granted by The Law Schools' Academic Dean or Dean's designate.

In certain circumstances, students may be permitted to take individual law classes as a "Visiting Student" at another law school. Subject to prior approval by the Academic Dean or the Dean's designate, 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 Academic 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. See Appendix 6 for Study Abroad Guidelines.

Students applying for transfer from another JD program to The Law Schools must submit the following:

1. A [Transfer Student](#) application, including a personal statement;
2. Official transcripts; and
3. Documentation from current law school showing that the student is in good academic and financial standing.

HARASSMENT FREE ENVIRONMENT

The Law Schools maintain a strict policy prohibiting unlawful harassment or bullying in any form, including verbal, physical, and sexual harassment or bullying of, or by, students, faculty, or staff on campus or online. For complete sexual harassment policy, see https://montereylaw.edu/_resources/Sexual-Harrasment-Policy_06.pdf

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 or academic performance, or creates an intimidating, hostile, or offensive working or classroom environment.

Harassment or bullying behavior includes actions or words that demean, humiliate, or create fear or significant anxiety for a student, faculty member, or employee, and/or substantially interfere with an individual's work or academic performance, and/or create an intimidating, hostile, or offensive working or classroom environment.

Any student, faculty member, or employee who believes they have been harassed or bullied on campus or online 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 or the Law Schools' Dean.

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 member, or staff member who is found in violation of this policy is subject to appropriate discipline. Depending on the circumstances, disciplinary action may include a warning, academic expulsion, or employment termination.

Sexual Assault Policy

All sexual assaults should be reported to the police or 911 immediately. The Monterey Rape Crisis Line (831-373-4357), SLO Hotline (800-783-0607) and the Bakersfield Crisis Line (661) 327-1091 can provide support, information and assistance.

Pursuant to California Education Code Section 94385, The Law Schools maintains a policy prohibiting sexual assault on campus. Any student or employee who believes they have 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 sexual harassment policy.

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 member, 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.

Anti-Bullying, Harassment, and Intimidation Policy

The law school is committed to the establishment and maintenance of a safe, caring, equitable, and inclusive educational environment in order to maximize the learning potential of all students and to protect the health and safety of faculty, students, and staff.

Faculty, students, and staff have the right to expect that the law school environment will be free from bullying, harassment, and intimidation. Therefore, this type of behavior is strictly prohibited in all law school-related settings (in-person and virtual), including classes, group and individual meetings, online and in-person verbal and written communication, and events.

What Can Constitute Bullying, Harassment, or Intimidation in a Zoom Classroom Setting?

Unwanted verbal, nonverbal, or physical attention that is meant to demean, intimidate, embarrass, or threaten may be considered harassment. This includes unsolicited comments about an individual's physical appearance or the appearance or setting of their Zoom environment. Harassment may also include comments (verbal or written), postings, jokes, images, or gestures that reference sex, gender, ethnicity, political or philosophical ideology, disability, or physical appearance in a manner meant to demean, intimidate, or threaten.

Violations of Policy

Violation of the school's anti-bullying, harassment, and intimidation policy may subject faculty, students, or staff to discipline that may include informal or formal warnings, participation in mandatory training or counseling, temporary suspension, or termination/dismissal.

Firearm Policy

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

STUDENT SERVICES

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 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.

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.

Exam Packs

An examination packet comprising 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 by the Student Bar Association (SBA) and as part of the annual SBA fee.

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 Law Schools. A variety of positions for attorneys, law clerks, research assistants, etc., are made available to students and graduates via email. The Dean of Human Resources coordinates the program.

Special Accommodations

The Law Schools recognizes that disabilities include physical, psychological, and learning disabilities and will make every effort to provide reasonable accommodations for students with professionally verified disabilities. Students are required to provide written documentation from an appropriate medical professional to substantiate accommodation requests. Confidential request forms may be found here: <https://montereylaw.edu/resources/Special-Accommodations-App.pdf>

These 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.

The policy on Special Accommodations may be found here:

<https://montereylaw.edu/resources/Special-Accommodations-Policy-2012.pdf>

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. The Law Schools have also contracted with a third-party provider to provide individual counseling services. If a student is unable to pay or does not have insurance to cover the cost of these services the law school may provide financial assistance. Students in need of these services should contact the Academic Dean for referral information. 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. For Student Bar Association By-Laws, see

<https://www.montereylaw.edu/currentstudent/kcclsba/kcclsba-pdfs/KCCL%20Bylaws.pdf>

<https://www.montereylaw.edu/currentstudent/slocslba/BYLAWS%20-%202022%20Update%20FINAL.pdf>

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.

APPENDIX DIRECTORY

Appendix 1	MCL/SLOCL/KCCL STUDY ABROAD GUIDELINES
Appendix 2	MCL/SLOCL/KCCL COLLECTION PROCEDURES
Appendix 3	STUDENT PLAGIARISM

APPENDIX 1



STUDY ABROAD GUIDELINES

Note: 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.

Opportunities

Notices from law schools offering Study Abroad programs are posted in the student lounge or sent digitally. Students may also discover additional programs and present them to the Law Schools for consideration.

Procedure

Students 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 2



COLLECTION PROCEDURES

ENROLLED STUDENTS:

10th of the Month: All student TIP payments are due.

1st 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 for each month the TIP payment was not received or was received later than the 15th).

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 Scholarship

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.

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 Scholarship

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.

Law School Plagiarism v. Proper Attribution



A Publication of the
Legal Writing Institute



© 2003 Legal Writing Institute

PLAGIARISM

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:

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

Primary Source (as downloaded from Westlaw)

Whiteside v. Griffis & Griffis, P.C., 902 S.W.2d 739, 744 (Tex. App. 1995).

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. *Anderson*, 461 N.W.2d at 601; *Jacob*, 607 A.2d at 148; *Cohen*, 550 N.E.2d at 411; *Spiegel*, 811 S.W.2d at 530; see 2 Geoffrey C. Hazard, Jr. & W. William Hodes, *The Law of Lawyering* § 5.6:101 (1990); *Terry*, *supra*, at 1072; *Draper*, *supra*, at 163; *Penasack*, *supra*, at 901-03; Tex. Comm. on Professional Ethics, Op. 422, 48 Tex.B.J. 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. *Anderson*, 461 N.W.2d at 601; *Jacob*, 607 A.2d at 148; *Cohen*, 550 N.E.2d at 411; *Spiegel*, 811 S.W.2d at 530; *Hillman*, *supra*, § 2.3.3.2, at 32. This violates both the language and spirit of DR 2-108 by restricting the practice of law.

Whiteside directs us to a California Supreme Court opinion adopting the contrary position. See *Howard v. Babcock*, 6 Cal.4th 409, 25 Cal.Rptr.2d 80, 863 P.2d 150 (1993). In *Howard*, the court held that an agreement imposing a reasonable cost on departing partners who compete with the firm in a limited area is enforceable. *Id.* at 90, 863 P.2d at 160.

Sample Student Memorandum

¶1 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, *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).

Correct _____ Incorrect _____

¶2 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.

Correct _____ Incorrect _____

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.

¶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 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 _____

¶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). In 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:

In 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.

¶6 **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 that 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:

STUDENT ACKNOWLEDGEMENT FORM

Date: _____
[month, date, year]

I, _____,
[print name]

have read the plagiarism definition and reviewed correct techniques for attribution.

[signature]

REPRODUCTION OF THIS INFORMATION

The following information must remain on this pamphlet:
Academic institutions may reproduce this pamphlet for educational purposes.



Legal Writing Institute
900 Broadway
Seattle, Washington 98122-4340