

**BAYLOR UNIVERSITY**

**THE SCHOOL OF LAW CATALOG**

**2009-10**

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### **PURPOSE OF THIS PUBLICATION**

This publication provides a description of those programs and activities of Baylor University which are indicated in the title and text. It is not an offer to make a contract. The administration and faculty of Baylor University believe that the educational and other programs of Baylor University, including those described herein, are effective and valuable, and that they provide skills and/or understanding in keeping with the subject matter of the program. The ultimate results of programs offered, however, in terms of achievement, employment, professional licensing, or other measure, are also dependent on factors outside the programs, such as the personality and energy of the student, governmental or institutional regulations, and market conditions. Therefore, except as specifically stated herein, Baylor University makes no representation or contract that following a particular course or curriculum will result in specific achievement, employment or qualification for employment, admission to degree programs, or licensing for particular professions or occupations. It is sometimes necessary or appropriate to change the programs offered. Baylor University retains the right to terminate or change any of its policies, programs, requirements, course offerings, class schedules, teacher assignments, and any and all other aspects of its educational and other programs at any time without prior notice.

### **NOTICE OF NONDISCRIMINATORY POLICY**

Baylor University complies with all applicable federal and state nondiscrimination laws, and does not engage in prohibited discrimination on the basis of race, color, nationality or ethnic origin, gender, age, or disability in either employment or the provision of services. The University is controlled by an all-Baptist Board of Regents, and is operated within the Christian-oriented aims and ideals of Baptists. Baylor is also affiliated with the Baptist General Convention of Texas, a cooperative association of autonomous Texan Baptist churches. As a religiously-controlled institution of higher education, Baylor University is exempted from compliance with some provisions of certain civil rights laws, including some provisions of Title IX of the Education Amendments of 1972. As such, Baylor prescribes standards of personal conduct, including standards that bear upon sexual misconduct. Further information may be obtained from the Baylor University website at [www.baylor.edu](http://www.baylor.edu) (see "Faculty & Staff", then "Human Resource Services", then "Personnel Policies").

### **EQUAL ACCESS TO UNIVERSITY EDUCATIONAL PROGRAMS**

Baylor University provides equal access to all University educational programs to every qualified student. However, if any student requires special personal services or equipment, the student will be responsible for the expenses thereof. This policy includes the expense of providing personal tutors, personal attendants, medical technicians, and so forth. The Office of Access and Learning Accommodation will assist such student in communicating with the proper community or governmental agency to secure any available financial assistance to meet his or her needs.

### **DIRECTORY INFORMATION**

Directory information is that information that is customarily made public without the written consent of the student. However, under the Provisions of the Family Educational Rights and Privacy Act of 1974, a student may ask Baylor University not to disclose directory information by making written notice to the Office of the Registrar during the first twelve class days of the fall semester. Request for nondisclosure will be honored by the University for only one academic year, or until notified in writing that information should no longer be withheld, whichever event occurs first. Directory information includes: name, address, telephone number, dates

of attendance, classification, previous institution(s) attended, major field of study, awards, honors, degree(s) conferred with date(s), past and present participation in officially-recognized sports and activities, physical factors of athletes (e.g. age, height, weight), and date and place of birth.

### **UNIVERSITY MISSION STATEMENT**

*The mission of Baylor University is to educate men and women for worldwide leadership and service by integrating academic excellence and Christian commitment within a caring community.*

Chartered in 1845 by the Republic of Texas and affiliated with the Baptist General Convention of Texas, Baylor is both the state's oldest institution of higher learning and the world's largest Baptist university. Established to be a servant of the church and of society, Baylor seeks to fulfill its calling through excellence in teaching and research, in scholarship and publication, and in service to the community, both local and global. The vision of its founders and the ongoing commitment of generations of students and scholars are reflected in the motto inscribed on the Baylor seal: Pro Ecclesia, Pro Texana-For Church, For Texas.

*Pro Ecclesia.* Baylor is founded on the belief that God's nature is made known through both revealed and discovered truth. Thus, the University derives its understanding of God, humanity, and nature from many sources: the person and work of Jesus Christ, the biblical record, and Christian history and tradition, as well as scholarly and artistic endeavors. In its service to the church, Baylor's pursuit of knowledge is strengthened by the conviction that truth has its ultimate source in God and by a Baptist heritage that champions religious liberty and freedom of conscience. Without imposing religious conformity, Baylor expects the members of its community to support its mission. Affirming the value of intellectually informed faith and religiously informed education, the University seeks to provide an environment that fosters spiritual maturity, strength of character, and moral virtue.

*Pro Texana.* Integral to its commitment to God and to the church is Baylor's commitment to society. Whereas that society in the mid 1800s was limited to Texas, today Baylor's sphere of influence is indeed the world. The University remains dedicated to the traditional responsibilities of higher education-dissemination of knowledge, transmission of culture, search for new knowledge, and application of knowledge-while recognizing the global proportions these responsibilities have assumed. Moreover, within the context of an ethnically and culturally diverse community, Baylor strives to develop responsible citizens, educated leaders, dedicated scholars, and skilled professionals who are sensitive to the needs of a pluralistic society. To those ends, Baylor provides expanded opportunities for civic education and for church and community service at home and abroad.

*Pro Ecclesia, Pro Texana.* Baylor University is committed to excellence at the undergraduate, graduate, and professional levels. Within the undergraduate programs, the University seeks to familiarize students with the principal bodies of knowledge, cultural viewpoints, belief systems, and aesthetic perspectives that affect the world in which they live. Within the graduate and the professional programs, the University provides advanced educational opportunities to develop ethical and capable scholars and practitioners who contribute to their academic disciplines, professional fields, and society. Baylor encourages all of its students to cultivate their capacity to think critically, to assess information from a Christian perspective, to arrive at informed and reasoned conclusions, and to become lifelong learners.

Beyond the intellectual life, the University pursues the social, physical, ethical, and spiritual development of each student.

Aware of its responsibility as the largest Baptist educational institution in the world and as a member of the international community of higher learning, Baylor promotes exemplary teaching, encourages innovative and original research, and supports professional excellence in various specialized disciplines. Advancing the frontiers of knowledge while cultivating a Christian world-view, Baylor holds fast to its original commitment - to build a university that is Pro Ecclesia, Pro Texana.

#### **LAW SCHOOL MISSION STATEMENT**

As a member of the Baylor University community, the School of Law adheres in the University's mission to educate men and women by integrating academic excellence and Christian commitment within a caring community. Baylor University is dedicated to the traditional responsibilities of higher education -- dissemination of knowledge, transmission of culture, search for new knowledge, and application of knowledge. Moreover, within the context of a culturally diverse community, Baylor University strives to develop responsible citizens, educated leaders, dedicated scholars, and skilled professionals who are sensitive to the needs of a pluralistic society. As a professional school, the School of Law has a particular obligation to develop students who have the character, maturity, skills, and values needed to assume leadership positions in a profession charged with responsibility for maintaining and improving our nation's system of justice. Given that the legal profession is dedicated to providing service to clients, this obligation mandates first that the School of Law provide a program of education that endeavors to prepare students to provide legal services competently upon graduation. The School of Law therefore seeks to expose students to those basic legal principles that serve as the foundation for our system of justice; to develop in students the core lawyering skills of clear thinking, writing, and speaking; and to provide students experience using this knowledge and skill to perform a reasonable range of lawyering tasks. The obligation to develop students prepared for professional leadership also mandates that the School of Law expose students to the history, traditions, and values of the legal profession. Among these values is a commitment to public service and leadership within one's community and profession, a commitment to ensuring meaningful public access to our system of justice, and respect for and adherence to the ethical standards of the profession. Perhaps the most fundamental value in a profession dedicated to service of clients, however, is the value of attaining and maintaining competence in one's field of practice. Meeting the obligation of preparing students to assume their responsibilities within an honorable profession therefore is the principal mission of the School of Law. As part of the University's mission, the search for new knowledge is necessarily a part of the mission of the School of Law as well. The search for knowledge through scholarship, by faculty and students alike, is accordingly encouraged within the context of the principal mission of teaching and the School of Law, but this pursuit is secondary to and in service of the principal mission of preparing students for the practice of law.

**CALENDAR**

The following is a tentative calendar. Although every effort is made to adhere to this calendar, adjustments may be necessary. Notification of any changes will be posted as far in advance as possible.

Fall Quarter (47 class days)

August 24	Classes Begin (Monday)
September 7	Labor Day Holiday (Monday)
October 28	Classes End (Wednesday)
October 29-30	Reading Days (Thursday-Friday)
October 31	Exam Period Begins (Saturday)
November 6	Exams End (Friday)
November 7	Commencement (Saturday)

Winter Quarter (45 class days)

November 9	Classes Begin (Monday)
November 26-29	Thanksgiving Holiday (Thursday-Sunday)
December 19 - January 3	Christmas Holiday (Saturday-Sunday)
January 18	Martin Luther King, Jr. Holiday (Monday)
January 27	Classes End (Wednesday)
January 28-29	Reading Days (Thursday-Friday)
January 30	Exam Period Begins (Saturday)
February 5	Exams End (Friday)
February 6	Commencement (Saturday)
(February 23-25 Bar Exam)	

Spring Quarter (47 class days)

February 8	Classes Begin (Monday)
March 6-14	Spring Break (Saturday-Sunday)
April 2-4	Easter Holiday (Friday-Sunday)
April 21	Classes End (Wednesday)
April 22-23	Reading Days (Thursday-Friday)
April 24	Exam Period Begins (Saturday)
April 30	Exams End (Friday)
May 1	Commencement (Saturday)

Summer Quarter (45 upper quarter class days; 46 first year class days)

May 10	Classes Begin (Monday)
May 31	Memorial Day Holiday (Monday)
July 5	Independence Day Holiday (Friday)
July 13	Upper Level Classes End (Tuesday)
July 14	First Year Classes End (Wednesday)
July 14-15	Upper Level Reading Days (Wednesday - Thursday)
July 15-16	First Year Reading Days (Thursday - Friday)
July 16	Upper Level Exam Period Begins (Friday)
July 17	First Year Exam Period Begins (Saturday)
July 22	Upper Level Exams End (Thursday)
July 23	First Year Exams End (Friday)
July 31	Commencement (Saturday)
(July 27-29 Bar Exam)	

**THE SCHOOL OF LAW****FACULTY****Full-Time Faculty**

Bradley J. B. Toben, B.A., J.D., LL.M.  
Dean and Governor Bill and Vara Faye Daniel Professor of Law. (1983)  
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Associate Dean and Professor of Law. (1989)  
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Professor of Law. (1996)  
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Professor of Law. (1983)  
B.A., St. Olaf College; J.D., William Mitchell College; LL.M., Temple U.

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B.A., Stephen F. Austin State U.; M.B.A, Baylor U.; J.D., *ibid.*

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Assistant Professor of Law. (2006)  
B.A., Lamar U.; J.D., Baylor U.

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Master Teacher and Lyndon L. Olson and William A. Olson Chair  
of Local Government and Constitutional Law. (1966)  
B.A, Baylor U.; J.D., *ibid*; LL.M., U. of Michigan

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B.A., Baylor U.; J.D., *ibid.*  
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#### **Career Services Office Staff**

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Director  
B.S., U. of Texas, J.D., *ibid.*

Monica Wright  
Office Manager

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Registrar

Suzy Daniel  
Administrative Associate

Linda S. Lampert  
Faculty Office Manager

Meredith E. Meyer  
Administrative Associate

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Assistant to the Dean

Kathy G. Serr, B.A., J.D.  
Advocacy Coordinator  
B.A., North Texas State U.; J.D., Baylor U.

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Rick Sowell, B.B.A.  
Information Technology Coordinator  
B.B.A., Baylor U.

## HISTORY

The teaching of law at Baylor University began in 1849. The School of Law was formally organized in 1857 with a course of study leading to the bachelor of laws degree. The Law School had among its early teachers several eminent lawyers and jurists in the early history of Texas, among them R. E. B. Baylor, Abner S. Lipscomb, John Sayles, and Royal T. Wheeler, the first dean of the Law School. The Law School was closed in 1883, and its modern history stems from its reorganization and reopening in 1920 under the leadership of Dean Allen G. Flowers, who served as its dean from 1920-35.

The Law School has operated continuously since that date, except for the period 1943-46, when World War II interrupted its operation. It was led in the pre-war and post-war periods by Deans Thomas E. McDonald (1935-39), Abner E. Lipscomb (1940-41), and Leslie Jackson (1941-48).

Abner V. McCall was dean of the Law School from 1948 to 1959, and served as President of the University from 1961-1981. William J. Boswell followed McCall as dean, serving from 1959-65. Dean Angus S. McSwain joined the faculty in 1949 and served as dean from 1965-84. Dean McSwain then returned to full-time teaching and was succeeded by Charles W. Barrow, who was a Justice on the Texas Supreme Court at the time of his selection as dean. Dean Barrow served as dean from 1984 to 1991. Brad Toben has been dean since 1991.

Baylor is one of nine accredited law schools in Texas. The Law School was approved by the ABA in 1931 and became a member of the AALS in 1938. Although its graduates comprise less than ten percent of Texas lawyers, they have had and continue to have an important and disproportionately great impact on government, the judiciary, and the legal profession. Baylor Law School graduates include many current and former statewide officeholders in Texas, many past presidents of the State Bar of Texas, and judges serving at all levels of the state judiciary and on the federal bench. Additionally, two presidents of the ABA since 1970 have been Baylor graduates. One of these was the distinguished Watergate special prosecutor, the late Leon Jaworski. Also a Baylor Law School graduate, William Sessions is former director of the Federal Bureau of Investigation.

## FACILITIES

### **A Textual Tour of the New Home of Baylor Law School Sheila and Walter Umphrey Law Center**

In December 1999, after nearly eight years of planning, design, and gift development, construction began on the Sheila and Walter Umphrey Law Center. The \$31.3 million project has been completed on schedule, allowing classes to begin in the new law center for the 2001 fall term. Everything that our architect -- the Washington D.C. based firm, SmithGroup, Inc. -- has envisioned for the new law center is coming to fruition. We now have a beautiful, towering, exceptionally spacious, very finely appointed, and technologically advanced law center set on the banks of the Brazos, featuring remarkable views from both within and proximate to the facility.

### **A Scenic Site**

The law center is set on a four and one-half acre river bank site adjacent to the Texas Ranger Hall of Fame and Fort Fisher complex. A gently sloping, landscaped terrace, planted in live oaks, crepe myrtles and other species, graces the river bank elevation of the law center, allowing the Law School community to enjoy the river bank down to the water's edge. The Fort Fisher river side campground area, which is upriver from the law center, has been closed as a campsite and is slated for future development as a park area. A green belt, providing a

beautiful riverside park area to the Law School community, therefore eventually will surround the law center on the three elevations facing the river.

The Brazos river walk currently runs along the river bank from within Cameron Park to the boundary between Fort Fisher and the law center. The City of Waco plans to eventually extend the walk alongside the law center and down the river to the Ferrell Center, resulting in pedestrian foot traffic leading past the law center. With this in mind, SmithGroup designed the law center with two "public" fronts -- one facing University Parks Drive and the other facing the river bank and the planned river walk.

The "footprint" of the building has been conformed to achieve optimal functionality and also to maximize views down the Brazos River. From the level of the grade, and even more so from within the law center on the second and third levels, there are spectacular views down the Brazos River. From within other parts of the law center there also are excellent views of the campus proper and the taller buildings of the downtown Waco area.

A main entry drive extends from University Parks Drive and diagonally bisects the parking area as it leads to a circular drive at the center of the building between two spacious lawns in front of the entry courtyard. The drive is marked along the way by the memorial lampposts that are found elsewhere on the Baylor campus and which create an especially pleasant approach to the law center, especially in the evening hours when the lampposts are lit. At the center of the circular drive is a landscaped island. Within the landscaped island, two duplicate, crescent shaped, stone engraved signs mark the building as Baylor Law School's home as one enters and departs from the law center.

As the law center is viewed from University Parks Drive, it is nicely framed by four mature pecan trees located nearly equidistant from one another across the elevation of the building. The parking area, which provides adequate parking for the entire Law School community with approximately 360 slots, eventually will feature "orchard style" landscaping as the vegetation matures.

The footprint of the law center is set 85 to 155 feet from the riverbank. The building foundation of the structure is well above the 100-year flood plain of the Brazos River, which is a dam controlled river. The foundation is fully piered to the bedrock, which was encountered at a nearly constant depth of 42 feet across the site, with pier penetration into the bedrock ranging from 6 to 15 feet.

### **A Compelling Design**

The towering height and the sheer size of the facility has surprised many and drawn much pleased and enthusiastic comment. The impressive height of the building is owing to floor-to-floor measurements of about 16 feet, 4 inches as compared with the 10 and 1/2 feet norm. The apex style roof also adds additional height that is equivalent to another story of about 17 feet. Furthermore, exceptionally broad interior corridors stand as integral spaces unto themselves and not merely as passageways, featuring informal seating areas and adding significant girth to the building. The law center has 128,000 square feet, compared to the 60,000 square feet in Morrison Constitution Hall.

The pewter-hued standing seam galvanized steel roof, combined with the interior building lighting and extensive riverside glass exposures of the building, assures that the law center will become a "marker" of one's entry into the city. Indeed, the structure is immediately and highly visible from I-35 as one enters the city from the north and is further marked by exterior accent lighting on both the river and University Parks Drive elevations of the building that further heighten its visibility in the evening and nighttime hours.

The law center has a classic exterior that reflects the red brick and cut stone of the original campus buildings near the central area of the campus. The basic footprint of the structure is a splayed "U." This conformation allows for maximum down river visual exposures from within the building. The design integrates exceptionally large windows for the purpose of bringing the outside environment, including the river views, "into" the interior of the law center.

The windows around the building are highlighted by spandrels made of grey-green Vermont slate. There are four architectural circular medallions on the gable area on both ends of the east and west wings. The slate medallions are each inset with a Texas star and are surrounded by distinctively crafted masonry work. A Scripture verse from the minor prophet Micah is engraved into a slate panel on a wall to the right of the entry courtyard. The building is designed to integrate three major components: the west and east components each have three levels and a fourth equipment/attic level; the central component has two levels and an additional storage/attic level.

The spacious entry courtyard provides an aesthetically pleasing entry into the law center and in itself makes a statement in its landscaping and ambiance. The courtyard design features live oaks, cedar elms, red oaks and many other species of plants. The Walk of Honor, a display of pavers of four different sizes and five different hues recognizing Law School donors, is located in the courtyard. The courtyard also features generous informal seating areas to allow for outside study and socializing. A curvilinear pergola, or arbor, defines the leading edge of the courtyard and eventually will cover over with trailing crossvine.

The courtyard marks by way of massive, engraved boulders, the components of the law center and invites the visitor into one of the two entries. The main entry is into the central Leon Jaworski Center and a second entrance is into the east side Harold and Carol Ann Nix Academic and Advocacy Center. The Jaworski Center, the Nix Center, as well as the west side Sheridan and John Eddie Williams Legal Research and Technology Center are marked by massive engraved boulders in the courtyard. The Nix Center classroom/courtroom entrance allows ingress and egress from the law center to the courtyard and parking area during daytime hours when most foot traffic is between the east classrooms and courtrooms and the parking area.

The main entry leads into a large and inviting curvilinear entry foyer and main corridor and includes an immediate view through the law center foyer and out onto the river. The Wall of Honor, honoring major gift donors, along with other recognitions, will be located on two curvilinear slate-on-slate walls in the entry foyer. The level of finish in the foyer, as well as throughout the law center, including several "signature areas" such as courtrooms, library reading rooms and the dean's suite, is of a grade seldom seen in an academic building. Nearly all the wood used throughout the law center is African cherry wood, which creates, along with other finishes, an exceptional feeling of warmth in the building. The grey-green Vermont slate is used on the exterior window spandrels, and on the floors of the first level curvilinear corridor, the student social lounge and the library entrance and reception areas. The slate also is used as accent "breakpoints" in the coordinated carpeting that is used throughout the balance of the Law Center.

The law center has five staircases, including two that are open and very broad (one in the central hall on the main corridor, just off the entry foyer, and one that meets the view of the library user upon entry into the west wing library). They are very aesthetically pleasing in that they become progressively broader as they rise and feature the Vermont slate. There are also two elevators - one in the east wing and one in the west wing.

### **Leon Jaworski Center**

The central hall is home to the Baylor Law Review suite, a quiet study lounge overlooking the river, and a mid-size collection area with a semicircular bay reading area also facing the river. The semi-circular bay area mirrors, albeit on a smaller scale, the semicircular bay feature of the west wing main reading room in the library. Aside from the Law Review, the other student organizations with space requirements have been provided space elsewhere in the law center.

On the second level, just off the curvilinear corridor, the central hall is home to the dean's administrative suite. The area includes a beautiful hardwood floor reception area and a custom rug with a Texana motif, a very finely appointed and spacious dean's office area with the same semicircular bay reading area, a study office and a large dean's conference room with a very large granite-topped cherry wood table. The suite also includes office areas for the admissions, financial aid and registrar operations, as well as a spacious workroom area and a gallery area. The suite, with a glass wall facing the outer corridor, is designed to impress the many first time visitors who frequent this area.

The Career Services Office suite is adjacent to the dean's suite and is in the west library wing. The suite features a comfortable and spacious resources and reception area, seven interview rooms that overlook the courtyard, a conference room, the Leon Jaworski Office and the Judge Frank Wilson Rare Book Room (each of which are used principally as interview rooms), staff offices and a kitchen area. Outside of the on-campus recruitment season, the interview rooms will serve as small group study rooms within the library.

### **Harold and Carol Ann Nix Academic and Advocacy Center**

The east wing contains all the classrooms, courtrooms, and advocacy facilities of the Law School, as well as a social lounge for students, the faculty suite, and other amenities, including large student locker rooms and changing rooms on the first two levels.

A very large two-story, octagonal appellate advocacy courtroom and classroom is very prominent in the view of the law center from University Parks Drive. The courtroom/classroom, which seats up to 140 persons (and an additional 40 in non-desk seating), features upon entry, a majestic, soaring design and a very high level of finish. Additionally, there are seven classrooms and two large seminar rooms in the east wing. On the first level, apart from the appellate advocacy courtroom/classroom, two other classrooms each accommodate 95 students, and two seminar rooms each accommodate 20 students.

Each classroom, apart from the impressive technology and audio visual capacities, features desks made of the signature African cherry wood found throughout the law center, very comfortable, adjustable seating, and a natural slate chalk board. All classrooms on each level of the east wing are designed specifically to enhance interchange among the instructor and students and have outstanding acoustical qualities. All seats in the classrooms and courtrooms are hard-wired for data and electric, and there is a concurrent wireless network. The lighting in the classrooms and in every area of the law center is of the very highest quality, providing an inviting and highly functional illumination.

Also on the first level in the east wing is the student social lounge, with magnificent views looking across a broad riverside terrace and down the river. Adjacent to the lounge is a food service area for light, pre-prepared breakfast and lunch fare for the Law School community. The social lounge opens out onto a paved patio seating area that overlooks the terrace and river and provides additional space for outside socializing. A very large and well-landscaped lawn leads down to the riverbank all around the law center on the river side.

The corridors that serve the classrooms and courtrooms in the east wing are unusually broad and are marked by carpeting punctuated by Vermont slate accent lines. The corridors are integral spaces, and not mere passageways, complete with occasional informal seating areas to encourage discussion between faculty members and students between class sessions. On each corridor are found restrooms, a large locker room (there are 410 total lockers in three different areas in each of the east corridors and also in the library) and small changing rooms.

The Practice Court classroom, with a 120 person seating capacity, is located on the second level of the east wing. The classroom is the centerpiece of an advocacy suite that features four technology equipped courtrooms that, like other areas within the law center, are decorated in complementary yet distinctive decors, and three team offices to accommodate interscholastic advocacy teams. The second level also contains additional classrooms accommodating, respectively, 60, 40, and 40 students.

The faculty suite, with nearly all offices having views across, or down, the river, are on the third level of the east wing. The faculty suite also features two conference rooms that will allow faculty members and students to work together on projects or confer in small groups, etc., as well as a reception area, a faculty library, a faculty lounge, a staff lounge and various administrative spaces. Each faculty member was allowed to develop a unique design of furniture arrangement and conformation to meet individual tastes and needs. In the faculty suite, as throughout the law center, all furniture is new, with the exception of a handful of refinished historical pieces from Morrison Constitution Hall.

### **The Sheridan and John Eddie Williams Library and Technology Center**

Each of the three levels of the west wing is occupied by the library. The circulation, reserve, reference, and technical service functions, as well as the offices of the library faculty and personnel, are located on the first level. The library is significantly larger than the library was at Morrison Constitution Hall, but more importantly, it has been designed with the objective of creating the first true technology-based library and not the last "old style" library. While the hard copy collection continues to be refined and enhanced, it is clear that the profession and our Law School community will continue to become largely reliant on technology-based information, including the array of various audio-visual materials and services that are now available.

Aside from the first level reserve area, the hard copy collection of the library is held principally in stack areas on the second and third levels of the library, as well as in the reading rooms found on all three levels of the library. Study carrels and tables are located on the perimeter of the stack areas and in the reading rooms. Seldom accessed hard copy materials are held in a stack area on the third level of the Jaworski Center, accessible from a third level reading room or from the east third level faculty suite.

On each level of the library, all spaces that face upon the river are dedicated to reading room spaces. The library has been painstakingly designed to give users inviting vistas to the outside environment from wherever they may work. The library totally avoids the cramped, enclosed, and windowless spaces and study areas that are too often seen in old style libraries.

The most prominent architectural feature of the riverside elevation of the law center is a three-story semicircular north-facing bay with a first floor reading room and a majestically tiered, atrium-styled second and third story main reading room. Each of the large reading rooms is flanked on either side (up river and down river) by smaller reading rooms. On the third floor, three reading areas open down into the second floor main reading room. The tiered reading room, just as in the case of each of the smaller reading rooms, gives the students and faculty members exceptionally spacious and open study areas with remarkable

views of and down the river by reason of the predominant glass window design on the riverside elevation of the law center.

Technical innovation is a hallmark of the new building, which ranks as one of the most technologically advanced law schools in the country, giving students and faculty access to the best and allowing technology to be easily incorporated into the curriculum. Throughout the law center, students, faculty and other users have ready access, by approximately 1600 ethernet data and electric ports, to a ubiquitous network in the classrooms, courtrooms, library and the many other areas of the law center. The facility also features a concurrent wireless network (current wireless networks still may have speed, transmission and security problems) to complement the hard wire network and provide the best in speed and convenience. The network provides not only data, but also electrical access, an important feature given the limited capabilities of most laptop computer batteries.

Additionally, there is a very large instructional computer area on the third level of the library for the needed instruction of students in the various electronic legal information and research databases. This area is also the location of the offices of our information technology staff and the network server and technology control areas.

### **Project Cost and Construction**

The construction cost of the new law center and for other project components is \$31.3 million. This cost figure includes various collateral cost components, including architectural and consulting fees; site utility re-conformation; furniture, fixture and equipment costs; computer and audio visual technology; building commissioning; landscaping; DES facilities demolition costs; moving; and campaign overhead.

As we moved into the new building project in 1992 and thereafter, our first objective was to develop a very significant part of the funds through significant seven and six figure "anchor" gifts. Once our funding success in this effort was substantially assured through anchor gift commitments developed in the early and mid 90s, we made plans to commence a comprehensive general campaign to complete funding of the new facility and to raise further endowment funds for the Law School. This "open" campaign commenced in May 1999 and continues, with the gifts raised already significantly exceeding the project cost. The entire Law School capital and endowment campaign, in both its anchor gift phase and in its general phase, has been the responsibility of Dean Brad Toben.

Since the start of the planning of the project in 1992, the Law School (through Prof. Bill Trail and Prof. Mike Morrison as co-chairs, as well as Prof. Bill Underwood, Prof. Brandon Quarles, and Dean Toben), has been the principal liaison with the architects and contractor on all matters, both major and minor, involving the project. We have been involved in this fashion because we have a tremendous pride in the creation of a home for our law school that reflects our deep commitment to educating and training outstanding lawyers. The entire process has put our students, and the quality of their educational experience, first and foremost.

The Sheila and Walter Umphrey Law Center makes a powerful statement about the place and mission of Baylor Law School in legal education. We have a home that matches the excellence of our program. The law center meets every need of our school as we reach out aggressively to build upon our strength as a pre-eminent practice-oriented school, to heighten our profile in legal education and in the profession, and to make a Baylor Law School diploma even more valuable.

## **Sheridan & John Eddie Williams Legal Research and Technology Center**

### **Welcome**

Welcome to the Sheridan & John Eddie Williams Legal Research and Technology Center. Our primary clientele consists of faculty and students of Baylor Law School. We also serve the University's academic community, members of the practicing bar, and the general public. Although we are proud of our collection and the services that we offer, our most valuable assets are our staff members. We are a service-oriented institution and are committed to helping with your legal research needs. Please do not hesitate to ask for assistance from any member of our staff.

### **General Information**

#### **Address**

Sheridan & John Eddie Williams Legal Research and Technology Center  
Baylor Law School  
1114 S. University Parks Dr.  
One Bear Place, #97128  
Waco, TX 76798-7128

#### **Telephone Numbers**

Circulation Desk: (254) 710-2168  
Reference: (254) 710-4913  
Fax: (254) 710-2294

#### **Library Hours**

Monday – Thursday  
7:00 a.m. – Midnight

Friday  
7:00 a.m. – 10:00 p.m.

Saturday  
8:00 a.m. – 10:00 p.m.

Sunday  
1:00 p.m. – Midnight

These hours are observed when classes are in session. During holidays, exams, or between quarters, special hours will be posted at the library entrance and on the Law Library's web page.

#### **Reference Services**

The Reference Office, located directly across from the Circulation Desk, is generally staffed Monday – Friday from 8:30 a.m. to 5:30 p.m.

#### **Circulation/Collection**

The Law Library's collection consists of over 235,000 volumes and volume-equivalents. It is largely a non-circulating collection. Some materials, however, may circulate outside of the Law Library for limited periods of time. Most of the titles that circulate are shelved on the first floor in the Reserve Collection and on the second floor (the classified collection).

Circulation privileges are restricted to Baylor students, faculty, and staff with valid ID cards and attorneys who are current members of the State Bar of Texas. Attorneys may request circulation privileges from the Circulation/Reserve Specialist at the Circulation Desk.

**Food, Drink, and Tobacco Products**

Consumption of food and use of tobacco products is not permitted in the Law Library. Beverages are allowed in the library only in approved Baylor Law mugs.

**Interlibrary Loan**

If a law student or faculty member needs a title that is not owned by the Law Library, he or she should contact the Reference Librarian or the Circulation Specialist to request it through interlibrary loan.

**Study Space**

The Law Library contains an abundance of comfortable areas in which to study and relax. All of these areas contain data and power outlets for Internet access. Library users may sit at any of the study carrels, tables, or soft-seating areas. Seven study rooms are available on the second floor of the library for group use. All of the seating areas (including carrels and study rooms) are available on a first-come, first-served basis. Law Library patrons are requested to reshelve materials and remove all personal items from the seating areas before leaving the library.

**Photocopiers**

Photocopiers are available on all three floors of the Law Library. They are located in the following areas:

Room 102

Room 106A (in the Reserve Collection)

Room 201

Room 301

**Online Public Access Catalog (BearCat)**

The catalog that contains information on the holdings of the Law Library, as well as all of the other libraries on campus, is known as BearCat. Two BearCat terminals are located on the first floor of the Law Library (beside the Circulation Desk, near the entrance to the Reserve Collection), and two additional terminals are available on the third floor, outside the Photocopy Room (301).

**Lockers**

Day-use lockers are located in Room 103 of the Law Library. They are available for day use or may be checked out on a quarter-by-quarter basis by contacting the Circulation Specialist.

**Phones**

Student-use phones are located on the first floor of the Law Library in Room 103 (locker room) and in the Reserve reading area.

**Government Documents**

The Law Library is a selective depository for United States government documents. The library selects documents to meet the needs of residents in the 11<sup>th</sup> Congressional District and the faculty/staff of Baylor Law School. The Law Library also participates in the Heart of Texas Documents Consortium to increase the number of selections available to library users. The bulk of the government documents collection is located on the 3<sup>rd</sup> floor of the Law Library (Room 310).

**Microforms**

The Law Library contains over 120,000 volume-equivalents of microfiche and microfilm. Most of the microform collection is located on the third floor of the library (Room 302B, near the computer labs). Library users may view the microform material by using one of the reader-printers located in the Microform Room.

### **Rare Book Room**

A special collection of rare law books and documents was given to the School of Law in December, 1967, by Judge Frank M. Wilson of Waco. The 2,200 volumes and 50 documents contain many works that are among the most basic in recorded English law. They include the first printed English law textbook, produced in 1554, along with works by such legal pioneers as Bracton, Glanville, and Coke. Many of the early volumes are printed or written in Norman, Latin, or Old English. Some works of note in this collection include rare editions of *Las Siete Partidas*, the Magna Carta, and the English Yearbooks. The Rare Book Room is located on the second floor of the Law Library (Room 207).

## **STUDENT ACTIVITIES AND SERVICES**

### **Student Competitions**

All Baylor law students have the opportunity to participate in two intrascholastic moot court competitions: the Dawson, Sodd & Beard Moot Court Competition held each fall and the Strasburger & Price, L.L.P., Moot Court Competition held each spring. Students may also participate in the annual Naman, Howell, Smith & Lee Client Counseling Intrascholastic Competition each winter. Additionally, each year Baylor student teams enter the National Mock Trial Competition, the Texas Fall Invitation Mock Trial Competition, the American Association for Justice Student Trial Advocacy Competition, the National Moot Court Competition the American Bar Association's National Appellate Advocacy Competition, the Texas Young Lawyers Moot Court Competition, the American Bar Association's National Negotiations Competition, and the American Bar Association's National Client Counseling Competition. A number of regional and national championships have been won in recent years by Baylor teams.

### **Student Organizations**

#### **American Constitution Society**

The American Constitution Society for Law and Policy is a group of students concerned about the growing conservative trend in American law and politics. The group is comprised of students who believe in the importance of law as the mechanism which governs the relationships between and among the individuals and institutions that form our society. Membership is open to all students, faculty and staff.

#### **Baylor University Student Bar Association**

Every student in the Law School is a member of the Student Bar Association, which has as its objectives the promotion of cooperation between students and faculty, the encouragement of association of students with members of the bar, and student governance in the Law School. The Student Bar Association is a charter member of the American Law Student Association, sponsored by the American Bar Association. The officers of the Association consist of a president, vice president, and secretary-treasurer. These officers plus the officers of the three classes constitute the Board of Governors. Dues are \$2.25 per hour per quarter. The Association sponsors many social activities and fundraisers and also assists entering students with the adjustment to the law school environment by providing each student with a "Law Buddy."

#### **Baylor Law Auxiliary**

The Baylor Law Auxiliary provides spouses and fiancés of law students with opportunities to meet and get to know each other. Meetings are designed for fun, support and information. Additionally, the Auxiliary sponsors social get-togethers, parties, speakers and it organizes fund raisers and participates in community service projects. The Auxiliary presents an annual award to a third year student selected by the Law School Scholarship Committee.

### **Baylor Law Review**

The *Baylor Law Review* is a legal periodical published quarterly by the students of the Law School under the supervision of the faculty. It gives outstanding students an opportunity to develop legal writing ability. It is edited and prepared by the *Baylor Law Review* editorial staff. The staff is selected on the basis of scholarship and demonstrated legal writing ability. The *Law Review* furnishes valuable supplemental training for exceptional students, and membership on the editorial board is usually considered by prospective employers to be an important factor in the selection of graduates for employment.

The *Law Review* publishes articles contributed by authorities in a variety of fields and student notes and comments. The *Law Review* staff is provided offices in the Law School and a library of current materials.

### **Baylor Public Interest Society**

The Baylor Public Interest Society is a service-oriented organization which exists to serve Baylor Law School and the Waco community in facilitating the involvement of students in public interest institutions and programs. The Society coordinates and encourages the efforts of students, faculty and administration in promoting public interest issues on campus and in the community. The Society also assists students in obtaining internships, externships, and employment in public interest fields in coordination with Baylor Law School's faculty and administration.

### **Christian Legal Society**

The Christian Legal Society is an organization composed of students and faculty members. This organization's primary goal is to (1) analyze and discuss the role of Christian beliefs in the legal profession, (2) discuss the integration of legal practice into the Christian lifestyle, and (3) provide an opportunity for fellowship among Christians within the Law School community. All students and faculty are welcome to attend.

### **Civil Rights Society**

The Civil Rights Society is an organization whose purpose is the promotion, discussion, and cultivation of civil and individual liberties among the students and faculty of Baylor University School of Law and Baylor University. The Society offers an alternative voice on campus and seeks to encourage new lawyers and citizens to be advocates of civil rights as well as the underprivileged, oppressed, and poor. This organization sponsors speakers, student debates and forums, establishes community assistance programs, and publishes *The Dissent* in an effort to provide different viewpoints on a wide range of topics. The goal of this organization is to instill a sense of responsibility and awareness in the young advocates and community leaders who will soon be in a position to affect a positive change in our society.

### **Diversity in Law Association**

The Diversity in Law Association exists to serve as a professional organization, support system, and social club for minority law students. It maintains contact with various national organizations such as the Hispanic National Bar Association, the Black Law Student Association, and the Asian Law Society, but our local group works as a united organization for issues and concerns of minority students. Membership is open to all students.

### **The Federalist Society**

The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what the law should be. In working to achieve these goals, the Society has created a conservative and libertarian intellectual network that extends to all levels of the legal community. The Baylor chapter pursues these goals by creating forums for discussion and sponsoring debates between top scholars on current legal issues.

### **Harvey M. Richey Moot Court Society**

The Harvey M. Richey Moot Court Society conducts bi-annual intramural competitions, one in the fall and one in the spring. The moot court competitions enable interested students to gain experience in appellate advocacy. Participants, working in teams of two, prepare an appellate brief and develop and present oral arguments to panels of judges. Members of the finalist teams are eligible for admission to the Baylor Law School Order of Barristers.

### **Hemphill Inn Chapter of Phi Delta Phi**

Phi Delta Phi, established in 1869, nine years before the American Bar Association, is the oldest professional fraternity in the world. It is the largest legal fraternity in existence, having initiated over 120,000 individuals who continue to serve the legal community in influential positions. More judges, presidents, governors, senators, representatives, ABA presidents and law school deans have come from the ranks of Phi Delta Phi than from any other legal fraternity. Phi Delta Phi is dedicated to providing opportunities to participate in social, as well as professional, activities and functions.

### **Intellectual Property Law Society**

The Intellectual Property Law Society provides a forum for discussion of developing issues in the law regarding intellectual property. The Society hosts guest speakers and presentations on intellectual property law and promotes awareness of intellectual property law as a growing field of legal practice.

### **International Law Society**

The International Law Society cultivates an international awareness among the students and faculty. In addition, the International Law Society helps to promote and coordinate study abroad opportunities for students. The Society also invites guest speakers to come to speak on topics such as international law practice and international job opportunities.

### **James P. Alexander Senate of Delta Theta Phi**

Baylor Law School is the home of the Alexander Senate of Delta Theta Phi Fraternity, an international law fraternity with over 80,000 alumni and active student members throughout the world.

### **R.E.B. Baylor Chapter of Phi Alpha Delta**

Phi Alpha Delta is a professional organization devoted to serving law students, fostering high standards of professional responsibility and ethics, improving the legal profession, and promoting justice and equality under the law for all people. Phi Alpha Delta helps law students in several ways including publications and programs to help survive the first year of law school. Continuing services include contacts with lawyers, professors, judges, and other legal professionals that can lead to

outstanding employment opportunities. Continuing legal education through practical programs and leadership development opportunities are also an integral part of P.A.D. membership.

#### **Texas A & M Club**

The Baylor School of Law Texas A & M Club is an organization composed of present and former law students who are also former students of Texas A & M University. The club enables Aggies to continue their Aggie traditions once they have moved a little farther north up Highway 6. Activities include social get-togethers, recruiting on the A & M campus, maintaining contacts with Aggie lawyers, judges, and other legal professionals, and law school Muster. In addition, one of the club's primary goals is raising money to endow a scholarship in honor of Aggie and Dean Emeritus Angus S. McSwain, Jr. The scholarship will be awarded to a deserving Aggie at the Law School.

#### **Texas Exes Society**

The Baylor School of Law Texas Exes Society is an organization composed of present and former law students who are also former students of the University of Texas.

#### **Women's Legal Society**

The Women's Legal Society is an organization composed of female and male law students. The organization's primary goals are to foster fellowship among the female students of the law school and to discuss and analyze the unique challenges that women face in the legal profession in order to find a constructive and effective way to meet and conquer those challenges. The organization periodically has speakers who address issues concerning women in the legal profession.

### **MINORITY LAW STUDENT ADVISOR**

The Law School is committed to extending opportunities in legal education to qualified minority applicants. Toward accomplishing this end, a member of the Law School faculty serves as the Minority Law Student Advisor. The advisor assists in the recruitment of qualified minority law students, in familiarizing matriculating minority law students with the programs and policies of the Law School and the University, in academic advisement and assistance for minority students, and in minority student career services. Minority law students are encouraged to seek the assistance of the Minority Law Student Advisor, Professor Patricia Wilson, for any aspect of their academic studies and professional training and preparation.

### **OFFICE OF CAREER SERVICES**

The Career Services Office provides services to students and alumni including: 1) career counseling, 2) communication of resources and career opportunities, 3) interview and job search skills development, training, and strategies, and 4) the consolidation of numerous resources. The following is a list of specific services provided by the Career Services Office (CSO) to students and alumni.

#### **Career Counseling**

Counseling is provided to students and alumni. The counseling focuses on career interests, skills, and strategies which involve resumes, interviews, prospective employers, and practice areas.

#### **Job Postings**

Job listings are posted on the web in Baylor's Symplicity database. Contact the Career Services Office for username and password.

**Resource Library**

The library includes resources that focus on career skills/strategies, legal employers, law firm practice, solo or small firm practice, practice specialties, corporate legal practice, government practice, judicial clerkships, and public interest practice. The resources include books, periodicals, binders, handouts, and on-line data bases. Many of these resources are also available in the law library.

**On-Campus Interviews**

The majority of on-campus interviews occur in the fall. Legal employers interview students for summer clerkships and attorney positions. The on-campus interview program is a 100% employer pre-selection system. Employers are able to interview as many as 21 students for 20 minutes each during the interview day. Binders are maintained on each employer in the CSO as well as the law library for the students' information and convenience.

**Direct Contact Program**

The Direct Contact Program is available to those employers who wish to solicit resumes from students, but do not intend to conduct interviews on campus. The employer submits copies of its resume/brochure and the National Association for Law Placement (NALP) Questionnaire to the CSO for student access. The employer's specified hiring criteria is posted and students are instructed to submit their resume directly to the employer.

**Resume Collection Program**

The Resume Collection Program is available to those employers who wish to solicit resumes from students, but do not intend to conduct interviews on campus. The employer submits copies of the resume/brochure and the National Association for Law Placement (NALP) Questionnaire to the CSO for student access. The employer's specified hiring criteria is posted and students are instructed to submit their resume to the Career Services Office.

**Job Fairs**

Job fairs provide a cost-effective means for law firms, government agencies, corporations, and public service organizations to make contact with students. Baylor participates in the following job fairs:

- Patent Law Interview Program, Chicago (August)
- Public Service Career Day, Austin (February)
- Sunbelt Minority Recruitment Program, Dallas (September)
- Texas-in-Washington, Washington, D.C. (August)
- Texas Young Lawyers Off-Campus Recruitment Program, Houston (March)
- DuPont Minority Job Fair, Various Locations (August)
- Southeastern Intellectual Property Job Fair, Atlanta (July)

**Job Bulletin Exchange**

The CSO exchanges job bulletins with more than 110 other law schools. These resources provide Baylor students and alumni with many more attorney positions available in Texas and out-of-state.

**Reciprocity**

The CSO has reciprocity with law schools across the country. Students and/or alumni who are in other areas looking for a position have the opportunity to use the services and resources at other career services offices.

**Handouts**

Handouts are available to provide students and alumni with ready resources and guidance for specific areas. Handouts are also available online.

**Programs**

Students are encouraged to attend seminars and workshops sponsored by prestigious law firms each month. These programs are provided to assist students in gaining a better understanding of the various job opportunities available to graduates and the unique responsibilities attorneys have to their clients and the profession. We also offer programs on law firm etiquette, interviewing and networking techniques, aggressive job search techniques, debt management, resume review, mock interviews, career choices, stress management, areas of practice, women in the law, introduction to patent law, judicial clerkships and finding non-traditional summer jobs.

**Computer/Fax Machine/Telephone**

Students and alumni are welcome to use the fax machine, computers and typewriter in the CSO for job search purposes. A private office provides access to a telephone in a private area for job search purposes. Personal long distance accounts must be used for any long distance telephone calls.

In addition to these services, the University's Career Services Center facilities and programs area available to law students.

## ACADEMIC REGULATIONS

### Graduation Requirements

In order to be eligible for graduation, all candidates for the degree of juris doctor must meet the following requirements: (1) completion of a course of study for the J.D. degree no earlier than 24 months and no later than 84 months after commencing law study at Baylor or a law school from which Baylor has accepted transfer credit [ABA Standard 304(c)]; (2) completion of 126 quarter hours of credit; (3) satisfactory completion of all courses designated as required; (4) an overall cumulative grade point average of two grade points for each quarter hour of credit received for all courses; and (5) a cumulative grade point average of two grade points for the quarter hours of credit received for all required courses. Each student must make reasonable progress toward satisfying the requirements for graduation, but may not, under any circumstances, take more than 17 hours of credit in any given quarter. Students with a grade point average of 2.4 or lower at the end of the third quarter of Law School are required to take five (5) of the following seven (7) courses prior to graduation.

Course Number	Course Name	Credit Hours
9235	Administration of Estates	2
9350	Advanced Criminal Procedure	3
9360	Civil Liberties	3
9370	Family Law	3
9340	Commercial Law: Negotiable Instruments	3
9342	Commercial Law: Secured Transactions	3
9332	Wealth Transfers	3

To remain in good standing, a student must maintain a cumulative grade point average of 2.00 or higher and the student must graduate within seven years after matriculation. A student withdrawn for more than one year may not return without approval of the Faculty Academic Standards Committee. In no event will a student withdrawn for more than two years be allowed to continue legal studies. Such a student must seek readmission as an entering student.

### Employment While Enrolled

A student may not be employed for more than 20 hours per week in any week in which the student is enrolled for more than 10 class hours [ABA Standard 304(f)].

### Registration

#### First Year Students

Entering students will register for courses by mail or using the internet prior to matriculation and will complete the registration process at the registration session designated on the calendar. Second and third quarter students will register for courses during the designated registration period. All first year students must register for the courses and sections designated by the Law School, except upon special approval of the Associate Dean.

#### Second and Third Year Students

Students in their fourth quarter and beyond must complete their registration during the registration period near the end of the preceding quarter. Materials for registration will be available on the law school's web page at [law.baylor.edu](http://law.baylor.edu).

## **Courses of Study**

### **First Year Students**

First year students must register for the courses and sections designated by the Law School, except upon special approval of the Associate Dean. See list of first year required courses under the Curriculum section of this catalog. All students must complete the first-year curriculum prior to enrolling in upper-class courses.

### **Second and Third Year Students**

Students must take the following required course packages in their fourth and fifth quarters: Basic Tax & Accounting for Lawyers, Business Organizations I, and Trusts & Estates if such quarter is the fourth or fifth quarter in the fall or spring, and Constitutional Law if such quarter is the student's fourth or fifth quarter in the summer or winter terms. Students who matriculated Summer 2007 and after must take Remedies prior to graduation. Students who matriculated prior to Summer 2007 may choose to take either Consumer Protection or Remedies.

All students must take the following courses together as a package in their seventh, eighth or ninth quarter if such quarter is a fall quarter and if the students expects to graduate on or before the upcoming spring commencement, or in their sixth, seventh, eighth or ninth quarter if such quarter is a spring quarter:

Practice Court I: Pretrial Practice & Procedure - 5 hours

Practice Court II: Trial Evidence, Procedure & Practice - 5 hours

Professional Responsibility - 2 hours

Students are required to take Practice Court III: Trial & Post-Trial Practice, Procedure & Evidence in the quarter immediately following Practice Court I. Students in Practice Court I, II and Professional Responsibility cannot enroll in any other course unless approved by the Associate Dean. Students in Practice Court III cannot schedule other courses beginning at 2:15 p.m. or later unless approved by the Associate Dean.

### **Course Load**

All students must be full-time students except upon approval of the Associate Dean. A student taking a course load of ten quarter hours (ten classroom hours per week) is considered a full-time law student and is eligible for the juris doctor degree upon completion of 126 quarter hours of credit. It will be noted, however, that completion of the 126 quarter hours generally requires a student to be enrolled in at least nine quarters of study, averaging 14 quarter hours per quarter. No student shall be allowed to take in excess of 17 quarter hours [ABA Standard 304(e)]. One quarter hour of credit consists of one hour and five minutes of actual time in class per week for the quarter.

Baylor Law School does not have a part-time program. Students registering to attend school each quarter must complete a full course load of at least 10 hours each quarter in which they enroll unless otherwise approved by the Associate Dean.

**Tuition and Settlement of Accounts****Tuition**

Per Hour \$875.00

Per Quarter\* \$12,250.00

Per Year \*\* \$36,750.00

**Required Fees***General Student Fee:*

Per Quarter\* \$ 521.00

Per Year\*\*\* \$ 1,563.00

*Student Bar Association Dues (per hour \$2.25)*

Per Quarter\* \$ 31.50

Per Year\*\* \$ 94.50

*Installment Plan Fee: \$60.00**Late Fee (for financial settlement after due date, prior to first day of class): \$50.00**Late Fee (for financial settlement on or after the first day of class): 75.00**Re-registration Fee (for cancelled schedules): \$100.00**Student Life Center/Health Center Access:*

Per Quarter\* \$ 228.00

Per Year\*\*\* \$ 684.00

**Optional Fees***Athletic Events Access:*

Per Quarter\* \$ 107.00

Per Year\*\*\* \$ 321.00

Vehicle Registration Fee, purchased in:

Fall	\$225.00 (good for full academic year)
Winter	\$182.00
Spring	\$124.00

\* Based on 14 hours

\*\* Based on 42 hours (the average number of hours taken during an academic year)

\*\*\* Based on 3 quarters

Students taking a full load of at least 10 hours pay a General Student Services fee of \$521.00 per quarter. Students may elect to pay a fee of \$228.00 per quarter for Student Life Center/Health Services access. Optional fees include a fee for Athletics Events Access (\$107.00) and an annual Vehicle Registration Decal fee (\$225.00). Students also pay \$2.25 per hour for the Student Bar Association fee. All accounts are due and payable by the date that is published on the Course Schedule for the particular quarter. There will be an additional charge for late settlement of tuition accounts. If a student's account is not paid in full by the end of business on the third day of class, the student will be dropped from school. Furthermore, the University reserves the right to not issue a transcript to a student whose account is delinquent.

Students who are recipients of scholarships from religious or fraternal organizations, foundations, corporations, or individuals, should arrange with their donors to have a check for their account on hand at the time of financial settlement.

**Refund Policy**

The following tuition and fee refund rules apply in the case of the dropping of courses:

- 100 percent refund if a course is dropped during the first week of classes
- 75 percent refund if a course is dropped on the 6th or 7th class days
- 50 percent refund if a course is dropped on the 8th through 10th class days
- 25 percent refund if a course is dropped on the 11th through 13th class days
- No refund if a course is dropped beyond the 13th class day

**Withdrawal from the Law School**

A student who finds it necessary to withdraw from the Law School during the quarter must arrange for an official withdrawal through the Office of the Dean. Courses from which a student withdraws are not removed from the student's record. Refunds of tuition and fees are prorated on a per diem basis based on the total calendar days in that payment period up to the date that represents 60% of the payment period.

A student who is dismissed from the school or who chooses to withdraw from school after having breached probation will be subject to these tuition refund rules as in the case of any other complete withdrawal from school.

**Fee for Schedule Changes**

A student may be charged \$20.00 for any schedule change made from the first day of classes through the 9th week of classes if the change is made at the request of the student (as opposed to being due to over enrollment, etc). The fee will be charged for the first schedule change made in a quarter. No fee will be charged for any additional schedule changes made thereafter within the quarter. A student desiring to make a schedule change after registration should contact the Registrar. After the schedule change is completed, the student must pay the \$20.00 fee in the University Cashier's Office. Otherwise, an invoice will be emailed to the student.

**Class Audit Policy**

Courses in the Law School curriculum may be audited on a space available basis with the permission of the instructor, and in the discretion of the Associate Dean, by regularly enrolled students in the Law School, by graduates of the Law School or by graduates of other accredited law schools. However, courses to be taken for credit by regularly enrolled students may not be taken on an audit basis. Classroom participation requirements will be determined by the instructor. One-half tuition will be charged for auditing, but may be waived in the discretion of the Associate Dean. Prospective applicants, applicants, and admitted but non-matriculated students may observe classes on terms arranged by the Assistant Dean of Admissions in consultation with the instructor. Also, visitors are welcome to observe trial advocacy skills exercises in the Practice Court program with the assent of the instructor or the instructor's designee.

**Dropping Courses****First Year Courses**

The scheduled first-year course of study, as provided at the time of enrollment, is not subject to variation except by express permission of the Associate Dean, which will be granted only in extraordinary circumstances. No course may be dropped at any time in the quarter during the first year, except under extraordinary circumstances and with permission of the Associate Dean.

Any student in his or her first year who completes Legal Analysis, Research and Communication (LARC), Part I with a grade of less than "C" and who drops the course prior to or during the following quarter will receive a final grade of "WF" for each part of the course. Likewise, a student who completes LARC, Part I with a grade of "C" or better and who drops the course will receive a final grade of "WP." A student in his or her first year who completes LARC, Part I with a grade of "C" or better and who, before beginning LARC, Part II, obtains permission of the Associate Dean and the instructor to defer taking the latter part of such course, will not be subject to this regulation and will instead receive a grade of "I" until the three quarter sequence is completed.

### **Second and Third Year Courses**

A student not on academic probation may drop any course during the first nine weeks of the quarter. A "DP" will be noted on the student's transcript unless the student is failing at the time the course is dropped, in which case a "WF" will be noted. No student will be allowed to drop any course after the end of the ninth week of any quarter without (1) unusual circumstances, (2) certification of the instructor that the student is not failing the course, and (3) permission of the Associate Dean. To drop a course, students must complete a course drop request form which can be obtained from the Registrar. The course drop form must be signed by the instructor. Failure to officially drop courses will result in a grade of "F."

### **Attendance**

Students are required to attend all classes scheduled. Under no circumstances will credit be given for courses in which the student is absent more than the maximum number of allowable absences for the class. Unless a smaller number of classes is designated by the professor, the "maximum number of allowable absences" shall be 25% of the total number of class meetings scheduled to meet in accordance with the class schedule and the calendar for the quarter. A student having absences for more than the maximum number of allowable absences, although otherwise performing satisfactorily (as determined by the instructor) shall receive a grade of "NC" in the course, and no credit will be given. A student having absences for more than the maximum number of allowable absences and not performing satisfactorily for the quarter will receive an "F" (as determined by the instructor).

### **Grade System**

The system of grades and corresponding grade points earned for each quarter of credit is as follows:

Letter Grade	Grade Point Average	
A	4.00	Excellent
A-	3.67	Exceptional
B+	3.33	Above Average
B	3.00	Average
B-	2.67	Very Good
C+	2.33	Good
C	2.00	Satisfactory
D	1.00	Passing
F	0.00	Failing

P Passing; the notation of "P" is given in externships or other courses which are graded on a pass-fail basis (see description on Pass-Fail courses below).

HP High Pass; the notation of "HP" is sometimes awarded for work in the Legal Analysis,

- Research & Communications courses if the course is not graded on a letter grade basis. The High Pass grade recognizes a high quality of work product.
- CR Credit, the notation "CR" is used upon successful completion of a capstone course.
- I Incomplete; the notation "I" is entered in lieu of a grade when a student fails to complete required written work. The student must present to the instructor good reason for the delay and obtain permission to submit the work late. If this provision is not observed by the student, an "F" will be entered as the grade. If permission is obtained and the work is completed within one year, the grade earned in the course will be entered in lieu of the "I." Otherwise, an "F" will be entered as the grade.
- NC No credit; the notation "NC" is used by the instructor where a student has not successfully completed a capstone course or externship, or in the instance where a student has been absent for more than the maximum number of allowable absences in a course, but is otherwise performing satisfactorily.
- DP Dropped from a course in satisfactory status.
- DF Dropped from a course failing.
- WP Withdrew from a course in satisfactory status.
- WF Withdrew from a course failing.

The lowest passing grade is "D." An overall grade point average of 2.0 and a grade point average of 2.0 for required courses is required for graduation. A required course in which a grade of "F" is made must be retaken. A required course in which a grade of "D" is made may be retaken. An elective course in which a grade of "D" or "F" is made may be retaken. Required courses may only be retaken at the Law School and not at another law school. The grade received in the repeat course shall be recorded on the student's transcript, but no grade points in excess of two grade points per quarter hour will be allowed for repeat courses. The original grade of "D," or "F" shall remain on the transcript but will not affect grade point calculations.

### **Pass-Fail Courses**

The grade of "P" is given in clinical or other courses which are graded on a pass-fail basis. The grade indicates that the quarter hours are credited toward the required 126 hours for graduation, but no grade points are given and such hours are not included for the purpose of computing a grade point average unless otherwise approved in writing by the Associate Dean of Baylor Law School. A student may receive no more than 12 hours of credit for pass-fail courses; however, students pursuing a JD/MBA, JD/MTAX or JD/MPPA joint degree may receive up to 6 hours of pass-fail credit for law school courses in addition to the 12 hours of credit for graduate business or graduate school courses, giving those students a maximum of 18 pass-fail credits. Credit received at another ABA approved law school with prior written consent of the Associate Dean of Baylor Law School is to be considered pass-fail credit and counts toward the allotted 12 hours of allowable pass-fail credit.

The following Law School courses are currently graded on a pass-fail basis:

9174 Personal Injury Trial Law  
 9289 Jurisprudence  
 Capstones (Credit / Non Credit)  
 Externships

Subject to permission by the Associate Dean, the following graduate courses in the Business School may be taken for pass-fail credit:

9474 Corporate Taxation  
9475 Partnership and S Corporation Taxation  
9478 Economics of Health and Medicine  
9472 Advanced Tax Topics and Research  
9473 State, Local and International Taxation

#### **Non-classroom Credit and Grade Points**

Students participating as members of an advocacy team are awarded credit hours and a letter grade. The hours earned on advocacy teams count toward the total hours needed to complete the degree requirements.

Grade points may be awarded for significant involvement in certain academically related activities such as the moot court program and intra-school client counseling competitions. Grade points earned through participation in these activities will be posted to the student's academic transcript after graduation and after all grades have been posted for the student's final quarter of enrollment. Grade points earned in these activities are included in the calculation of class rank only at graduation. Grade points earned will not be used to calculate academic scholarship eligibility, probation matters or to satisfy the graduation requirements.

#### **Transcripts**

The Registrar of the Law School records all grades onto the transcripts. To obtain an official transcript, students must make a written request with the Academic Records Office for the University, which is located in the Clifton Robinson Tower.

#### **Transfer Credit From Another Law School**

Transfer hours are recorded on a student's transcript on a credit or no credit basis. Grades earned on transfer hours are not included in the calculation of a student's grade point average. For students transferring to Baylor Law School from another ABA accredited law school, up to thirty semester hours (the equivalent of 45 quarter hours) of transfer credit toward graduation may be allowed at the time of a student's admission to Baylor as a transfer student. For all students who matriculated at Baylor Law School, transfer hours from another school shall be allowed as part of the maximum pass-fail hours allowed as described above, subject to prior approval by the Associate Dean. Pass-fail credit will not be granted for course work which is substantially similar to coursework done by the student at Baylor Law School. Students receive a maximum of 1.5 quarter hours for each 1 semester hour giving transfer students up to 45 quarter hours of credit. Practice Court I, II, III and Professional Responsibility must be taken at the Law School.

#### **Class Rank**

Current students are ranked each year after all spring and fall quarter grades are submitted. This rank is determined with the intent of assisting students in the job search process. Students who have just completed their first year of study are ranked with their entering class. Students with 42-83 earned hours are ranked as second-year students, and those students with 84 and above earned hours are ranked as third-year students. Additionally, a grade percentage chart is posted following the fall and spring quarters entitled "Approximate Class Rank," which gives an indication of percentage ranking based on grade point averages.

Upon graduation, and once all grades are submitted for the final quarter, each graduating class is ranked with the two previous graduating classes to determine final rank in class. This final rank is placed on the student's final transcript. In determining the final rank, the highest ranking will be given to the student who

earned the highest honors designation (summa cum laude, magna cum laude, or cum laude) and the highest grade point average.

**Graduation**

Commencement exercises at the Law School are "uncertified," meaning that commencement is held and students are allowed to participate in the ceremony prior to having been certified as having passed all courses. Faculty are generally required to certify graduating seniors no later than the Wednesday following the last day of final exams.

**Graduation Honors**

To be eligible to receive the honors designation of cum laude on the diploma, the student must have earned a grade point average of at least 3.4 but less than 3.6 for all law school credit received, and have a grade point average of at least 3.0 when additional grade points awarded by the faculty for significant involvement in academically related activities are disregarded.

To be eligible to receive an honor's designation of magna cum laude on the diploma, the student must have earned a grade point average of at least 3.6 but lower than 3.8 for all hours of law school credit received and have an average of at least 3.4 when additional grade points awarded by the faculty for significant involvement in academically related activities are disregarded.

To be eligible to receive an honor's designation of summa cum laude on the diploma, the student must have earned a grade point average of at least 3.8 for all hours of law school credit received and have an average of at least 3.6 when additional grade points awarded by the faculty for significant involvement in academically related activities are disregarded.

A student who meets the above requirements shall receive the appropriate honors designation only if the faculty determines that the student has made meaningful contributions to the Law School program and that the student is worthy of such distinction in accordance with the traditions, expectations and mission of Baylor Law School.

Graduation quarter examination grades are not available at the time of graduation; therefore, notation of honors on the graduation program only will be made on the basis of all credit hours completed through the student's quarter of enrollment next preceding the quarter of graduation. The notation of honors on the student's diploma will be made on the basis of all hours completed.

**Dean's List**

Full-time students having a grade point average of 3.25 for final grades in any quarter will be on the Dean's List for that quarter and will receive a certificate.

**Academic Probation**

Any student whose grade point average falls below 1.90 on the 4.0 grading scale shall be subject to dismissal from the Law School. When a student subject to dismissal remains in school, he or she shall be on probationary status. The Law School's policy statement regarding probation and dismissal is described under the Appendices section of this catalog. Any student whose required or cumulative GPA falls below 2.4 must consult with the Associate Dean prior to registering.

**Discipline**

Baylor Law School is entitled to prescribe appropriate standards of conduct in addition to, and independent of, those prescribed by the University. As such, students are expected to conduct themselves in a professional, ethical, and moral manner at all times. The Law School reserves the right to place a student on probation, to suspend or expel a student from school, to withhold a degree from a student, or to take other appropriate action, if, in the opinion of the Dean or Associate Dean, the character or conduct of the student prevents, or will prevent, acceptable representation of Baylor Law School in light of the standards of the legal profession, Baylor Law School or Baylor University.

Law students, as students enrolled in Baylor University, also are subject to general University regulations including, but not limited to, the Student Disciplinary Policy, Policy for Information Systems Usage, Home Web Page Policies, Electronic Mail List Policies, Policy Statement on Alcohol and Other Drugs, Policy on Sexual Misconduct, and the Policy on Sexual Harassment, all of which can be found in the Baylor University Student Handbook. No student may be admitted to or retained in the Law School who is excluded for disciplinary or other reasons from the University.

**Honor Code**

The Student Honor Code of the Law School is administered by the Honor Council. The Honor Council is composed of six students and two faculty members. A student accused of an honor code violation is entitled to a procedure in accordance with the Honor Code rules. The Honor Code is located under the Appendices section of this catalog.

**Laptop Exam Procedures**

The Laptop Exam Procedures policy is included under the Appendices section of this catalog.

**Student Records**

The provisions of the "Family Educational Rights and Privacy Act of 1974 (FERPA)," are designed to protect the privacy of educational records and to establish the rights of students to review their educational records. Further information on FERPA and its implementation at Baylor University may be found in the Student Handbook of the University.

**Student Responsibility**

From time to time, specific rules in regard to the administration of the Law School, such as registration, changing courses, graduation requirements, etc., will be posted on the Law School's website at [law.baylor.edu](http://law.baylor.edu) and all students are charged with notice of them.

## Declaration of Intention to Study Law and Texas State Bar Examination

### A MESSAGE FROM THE TEXAS BOARD OF LAW EXAMINERS TO PROSPECTIVE APPLICANTS FOR ADMISSION TO THE BAR OF TEXAS

This is to advise you of certain procedures and requirements that will apply to you if you are admitted to an ABA-approved law school in Texas and intend to become licensed to practice law in Texas upon your graduation from that law school.

The *Rules Governing Admission to the Bar of Texas* ("Rules") provide that a law student attending an ABA-approved law school in Texas who intends to apply for admission to the Bar of Texas must complete and file a form entitled the *Declaration of Intention to Study Law* ("Declaration"). The timely filing deadline for the Declaration is October 1 for students entering law school in the Fall term, May 1 for semester hour Spring entrants, June 1 for quarter hour Spring entrants, and September 15 for Summer entrants. You may not file the Declaration until you have started law school. However, these deadlines occur within a few weeks of the beginning of your first year of law school, so it is important to consider them now while you are planning for law school admission.

The Declaration makes a number of inquiries of the law student completing the form, including inquiries into criminal offenses and discipline received as a student. You should carefully review this form and the questions it contains on the website of the Texas Board of Law Examiners [www.ble.state.tx.us](http://www.ble.state.tx.us).

Each law student who files a Declaration is also required to submit to the Board a copy of his or her law school application. **The staff of the Board will compare the responses given on the law school application to the responses given on the Declaration**, with particular emphasis on the questions relating to criminal offenses and discipline received as a student. Please note that the questions asked on the law school application may not be identical to the questions asked on the Declaration.

Careful attention must be given to the responses you make on your law school application. The law schools to which you apply and the Texas Board of Law Examiners expect your responses to be truthful and complete. **When in doubt, disclose.** The Board will obtain your criminal history information from both the FBI and the Texas Department of Public Safety. You will also be required to submit authorization and release forms with your Declaration. These forms will accompany requests by the Board to verify your academic, military, employment, and other relevant records. You will be required to amend your law school application if it appears to Board staff that you should have revealed a matter on your law school application, but did not, or if what you revealed to your law school appears false or misleading in light of the information obtained by Board staff.

It will be to your advantage to file your Declaration by the applicable deadlines given above. **This is particularly true if you have significant matters to reveal.** The staff of the Board is able to assist and counsel law students in the resolution of many issues during the time the students are in law school; however, students must file the Declaration on time to enable the Board staff to provide such assistance. Additionally, if you file your Declaration late, it may result in the delay of your licensure.

The Rules require that an applicant for admission to the Bar of Texas be of present good moral character and fitness. The Declaration provides the basis of the staff's investigation into a Texas law student's present moral character and fitness.

A law student whose investigation reveals a significant character or fitness issue may be required to appear before a Panel of the Board of Law Examiners for a character and fitness hearing. Examples of the kinds of issues that may require a hearing include, but are not limited to:

Dishonesty, including non-disclosure of information requested by a law school or the Board;  
Felony criminal history (see Rule IV on the Board's website for more information about felonies);

Significant misdemeanor criminal history;

Chemical dependency; and

Failure to discharge significant financial obligations, including:

- Payment of child-support;
- Filing federal income tax returns and payment of required taxes;
- Failure, in an employment setting, to file withholding taxes for employees; and
- Default in a substantial amount of business or personal debts.

After having read and considered this message, we encourage you to contact Board staff at 512-463-1621 if you need assistance in completing your Declaration or if you have questions about the licensure process. You may also need to contact the admissions officials at your law school if you have concerns about your law school application.

## CURRICULUM

Baylor stands today at the forefront of practice-oriented law schools nationally. Consistent with Baylor's traditional mission of preparing students to be outstanding practicing attorneys, the academic program has been developed to achieve three basic objectives. First, the curriculum assists students in developing the intellectual and analytical skills necessary to practice law. These skills include the ability to identify legal problems, to identify the legal principles applicable to the problems, to use the relevant principles to resolve the problems, and to think critically about law and legal systems. Second, the curriculum exposes students to the fundamental legal doctrine and values necessary to function as competent and literate professionals, while also offering students an opportunity for more specialized study in areas of interest. Third, the curriculum offers all students skills training in advocacy (including both trial and appellate advocacy), client counseling, planning, drafting, negotiating, legal writing, and legal research.

To accomplish these objectives, Baylor requires students to complete a broad course of study in the fundamentals of legal theory and doctrine. The extensive required curriculum is essential to Baylor's central educational mission of providing students with the knowledge, skills and values necessary to be competent beginning attorneys.

In addition to legal theory and doctrine, the development of lawyering skills is a significant part of the Law School curriculum. While many law schools teach only legal theory, at Baylor emphasis is given in virtually every course to the practical application of legal theory and doctrine. Students learn legal theory as it exists on a nationwide basis; however, specific emphasis is placed on Texas jurisprudence, where appropriate, because most of our graduates choose to practice in Texas. Professional responsibility is addressed in all coursework. Legal employers value Baylor graduates precisely because of the well-rounded exposure to fundamentals that our students receive. Moreover, because of their broad exposure to legal fundamentals, our graduates traditionally have enjoyed unequalled success on the Texas bar examination.

### **Methods of Instruction**

The case method of instruction is employed in the majority of courses, particularly in the first three quarters. This traditional method of law study involves a thorough analysis of assigned cases and the rules and principles of law deduced from the cases. Through this approach, the student develops an ability to recognize, analyze critically, and evaluate legal issues and positions while learning basic rules and principles of law. Classroom discussion is encouraged, and related statutory and non-legal material is correlated with the cases studied. Other methods of instruction are used where appropriate to the subject matter and objectives of the course. In certain courses, for example, students are given assignments which resemble the type of problems a practicing attorney encounters in daily practice.

### **Examinations**

A written final examination is generally given at the end of each course with the student's grade for the course determined largely by that examination grade. The final examination is given only in the examination time slot as scheduled by the Associate Dean and announced in advance of the course. The scheduled final examination time slot can be changed only upon unanimous consent of all students in the course and approval of the professor and the Associate Dean. Moreover, the rescheduled time slot must fall during the official scheduled examination week and

not during regularly scheduled class hours or examination reading days.

An individual student shall be excused from taking the examination only under extraordinary circumstances, such as hospitalization, and only if, prior to the scheduled examination time, he or she has been excused by both the instructor and Associate Dean. If excused, the student will be given an "incomplete" and the student will take the exam the next time a regularly scheduled exam is offered for that course; however, an instructor may make other arrangements provided that appropriate steps are taken to insure examination integrity. Absence from a scheduled final examination other than under these circumstances will require a grade of "F" to be given for the course.

### **Practice Court**

Nowhere is the Baylor emphasis on lawyering skills more apparent than in its nationally known advocacy program. Students are taught, from the first day of law school, not only substantive law, but also procedural law and the strategic and tactical application of the law. Courses like Civil Procedure, Remedies, Federal Courts, Conflict of Laws, Federal Practice, and Advanced Trial Advocacy Skills introduce students to the skills essential to the successful trial lawyer.

The bedrock of Baylor advocacy training has, since 1922, been the Practice Court course, a six-month course required of every third-year student. This ten-hour course was devised by the late Chief Justice James P. Alexander to bridge the gap between the student's academic training and the problems of actual practice. Practice Court is dedicated to rigorous instruction in procedure and trial advocacy skills. Students study procedural law in great depth, developing an appreciation for the kind of precision essential to a skilled lawyer. Students also learn fundamental techniques for pre-trial discovery, the trial of a jury case, direct and cross examination of witnesses, jury argument, evidence skills, voir dire examination and jury selection. During Practice Court, students try at least five cases. As concluded by the editor of the American Bar Association's *Litigation News*, ". . . Baylor law students get a degree of trial advocacy training unusual among the nation's law schools . . . ."

While one mission of the Practice Court program is to prepare students for litigation and trial practice, the program's broader mission is to prepare each student to be a competent, responsible, and ethical lawyer and human being, whether the student ever sees the inside of a courtroom or not. Students enrolled in the Practice Court program are introduced to the realities of modern law practice and the responsibilities of lawyers to clients, courts, and society. Moreover, through Practice Court especially, Baylor students develop an appreciation for attention to detail, for precision in analysis, thought, expression and communication. Indeed, these skills are invaluable to all students regardless of what field of legal practice the student chooses to enter. The thinking and communication skills and the familiarity with the litigation process developed in Practice Court are critically important to students planning careers in areas other than litigation, such as business planning, real estate, and other non-litigation fields.

### **Written Legal Analysis, Research and Communications Program**

Written legal analysis, research and communication are absolutely essential to practicing law in today's legal market. Practicing attorneys consider research and writing skills to be two of the most valuable attributes needed by new attorneys to gain and keep legal employment. Very few law schools, however, effectively teach legal writing. In recognition of the importance of these skills, Baylor Law School is committed to an expanded Written Legal Analysis, Research and Communications Program to focus on teaching students these skills.

Students will receive throughout the first year of law school instruction on legal research, analysis and writing from full-time professors. Students receive practical exercises in the use of law books, in researching assigned problems, and writing memoranda and appellate briefs.

### **Externships**

Practical experience in dealing with clients and handling actual cases may be obtained by students through participation in several clinical programs for which credit may be earned. Criminal clinical experience may be gained in externship programs offered in the office of the McLennan County District Attorney and the office of the Assistant United States Attorney for the Western District of Texas in Waco. Judicial externships are available in the United States District Court for the Western District of Texas (Waco Division), the United States Bankruptcy Court for the Western District of Texas (Austin and Waco Divisions), and the Supreme Court of the State of Texas in Austin. For information about additional judicial externships, see the Director of Career Services. Students may also participate in an externship program in the Waco office of the Legal Services Corporation assisting poverty-level clients in legal matters under the supervision of a staff attorney. Administrative law externships are available at the State Office of Administrative Hearings (SOAH), the Environmental Protection Agency (EPA), the Texas Parks & Wildlife Department (TPWD), the General Land Office (GLO) or the Texas Commission on Environmental Quality (TCEQ). There is also an externship program with the Texas Attorney General-Child Support Division Office in Waco. The Texas Supreme Court externship carries five quarter hours of credit and requires approximately 225 hours of supervised work. All other available clinical course offerings carry two quarter hours of credit and require a minimum of 90 hours of supervised work. Students may participate in only one externship unless otherwise approved by the Dean or Associate Dean.

### **Areas of Concentration**

Much of the curriculum during the first two years at the Law School is devoted to developing an understanding of the fundamentals of legal theory and doctrine. This broad exposure to fundamentals is essential if students are going to be able to practice law effectively. It is also essential to the role of the Law School's graduates as legal reformers, community leaders, and, indeed, intellectuals. A broad exposure to doctrine and theory is not, however, sufficient preparation to practice law effectively. While exposure to a broad range of legal fundamentals develops in students an appreciation for the "big picture," students also need exposure to the depth, complexity, and sophistication of modern legal practice.

The required Practice Court program provides all students with a focused experience. Beyond this shared experience, students have the opportunity to complete a concentrated course of study in one or more of six areas of interest. This concentrated study concept was formalized and enhanced in 1993. It builds on the foundational theory and doctrine of the first two years and culminates in an experience that allows students to perform specialized lawyering tasks under the supervision of accomplished lawyers.

In addition to more effectively preparing students to practice law, completing a concentrated course of study also gives students a competitive edge in today's job market. Law practice is becoming increasingly technical and specialized, creating a demand for new lawyers whose education has prepared them for particular fields. Students at the Law School have an opportunity to meet this demand by completing a concentrated course of study in one or more of six areas of concentration. Students are not required to complete a concentrated course of study but are encouraged to consider the opportunity. The six areas of concentration are as follows: General Civil Litigation; Business Litigation; Criminal Practice; Business Transactions; Estate Planning; Intellectual Property and Administrative Practice. Initially, a seventh area of concentration in Health Care was available.

### **Administrative Practice Concentration**

*Contact Person: Professor Beal*

Administrative regulation at the state and federal level has grown into a massive patchwork of more than 400 Texas and federal agencies. This concentration is designed to provide students with a broad-based exposure to the concepts, topics and skills that are vital to practitioners who work for or before governmental agencies.

It is impossible to cover the substantive law of all agencies and thus, after completion of the required courses, a student is allowed to concentrate in one specific area or obtain a broad-based exposure through the selection of electives. The course entitled Business and State Issues in Environmental Law is required because it exposes all students to common and practical issues arising in the regulatory process that have similar application to all major regulatory agencies.

After completion of the required courses, the student selects a topic for independent study related to either environmental law or the substantive law of a major federal or state agency. The capstone consists of an externship at a government agency, generally a Texas agency in Austin. The student is exposed to the day-to-day workings of an agency and works closely with administrative officers and employees. Additionally, the students are supervised by Professor Walt Shelton, our part-time faculty member who resides in Austin.

After taking the required classes, those students choosing to concentrate in Administrative Practice complete the following courses:

- Business and State Issues in Environmental Law (3)
- Federal Administrative Law (2)
- Texas Administrative Law (3)
- Municipal Government (2)
- Administrative Law Externship (2)
- Independent Study (2)

Administrative Practice students also complete at least one of the following elective courses:

- Employment Discrimination (3)
- Employment Relations (3)
- Environmental Law (3)
- Health Care Law (3)
- Insurance Law (3)
- Labor Law (2)
- Local Government, Constitutional and Federal Liabilities (3)
- Natural Resources Protection & Water Law (3)
- Oil and Gas Law (3)
- Patent Law & Drafting (3)
- Securities Regulation (3)

### **Business Litigation Concentration**

*Contact Persons: Professors Wren, Bates, Miller, Underwood*

As commercial transactions and business operations become more complex, so do the disputes between the parties. Students interested in a career of litigating business or commercial lawsuits may pursue the Business Litigation area of concentration. This area of concentration is also beneficial to students interested in preparing business cases for trial, managing litigation for a large corporation, or working to avoid business litigation for an administrative or corporate employer. Business litigators must work not only to become masters of procedure but also to develop a basic understanding of business and commercial transactions. To complete a concentrated course of study in Business Litigation, students take a variety of courses to introduce them to the major substantive and procedural areas likely to be encountered by a practitioner involved in business or commercial litigation.

Business Litigation students complete the following courses:

- Alternative Dispute Resolution (2)
- Bankruptcy (3)
- Business Litigation (2)
- Business Organizations II (3)
- Complex Litigation (3)
- Intellectual Property (3)

Business Litigation students also complete at least one procedural course from among the following:

- Arbitration (2)
- Conflict of Laws (3)
- Federal Administrative Law (3)
- Federal Courts (3)
- Remedies (4)
- Texas Administrative Law (3)

Finally, Business Litigation students complete at least two additional substantive classes from among the following courses:

- Antitrust Law (3)
- Commercial Transactions: Negotiable Instruments (3)
- Commercial Transactions: Secured Transactions (3)
- Creditors' Remedies (2)
- Current Topics in Mergers & Acquisitions (2)
- Employment Discrimination (3)
- Employment Relations (3)
- Insurance (3)
- Securities Regulation (3)
- White Collar Crime (3)

### **Business Transactions Concentration**

*Contact Persons: Professor Miller, Assoc. Dean Jackson*

The Business Transactions area of concentration builds upon concepts taught in Business Organizations I and Basic Tax & Accounting for Lawyers to provide students with an understanding of fundamental issues business attorneys routinely face, including basic tax treatment of various business entities and basic analysis and planning in the organization and operation of a business. This area of concentration also exposes students to more sophisticated corporate issues, including the federal securities concerns in raising capital and issues facing publicly-held companies.

Business law is a broad area in which attorneys are usually focused on one or more specific areas of business practice. The electives within this Business Transactions concentration reflect a wide range of subjects that may arise in a business practice. Students may choose from sixteen specialized courses to further focus their studies in one or more specific areas of business (such as employment law, tax, international law, or commercial transactions) or to prepare them for an anticipated career path. Students pursuing this concentration are encouraged to take as many courses from the elective list as scheduling permits.

The culminating experience for students in this area of concentration is the Business Transactions Capstone. This capstone course builds on and ties together various substantive areas covered in the core courses of the concentration by requiring students to devise a plan or draft documents for a hypothetical business transaction. Students who anticipate a general business planning practice are encouraged to coordinate the Estate Planning concentration with the Business Transactions concentration due to the interrelationship between closely-held business planning and the owner's personal estate planning.

After taking Business Organizations I and Basic Tax & Accounting for Lawyers (courses required of all students), those choosing to concentrate in Business Transactions complete the following courses:

- Business Organizations II (3)
- Business Planning and Drafting (2)
- Business Transactions Capstone (1)\*
- Corporate Taxation (2)
- Individual Taxation (3) (required if student took Basic Tax & Accounting for Lawyers instead of Federal Income Taxation)
- Partnership Taxation (2)
- Securities Regulation (3)

\*A prerequisite to taking the Business Transactions Capstone is either a grade of at least a "B," in Business Organizations I or a cumulative GPA of at least 2.5 at the end of the first year of study. Students who do not meet this prerequisite will be allowed to participate in an Independent Study with Professor Miller in lieu of the capstone. This will provide the student with a similar experience to the capstone.

Business Transactions students must either complete the Client Counseling course or participate in the annual Naman, Howell, Smith & Lee Client Counseling Competition.

Business Transactions students also complete seven hours from among the following courses:

- Antitrust(3)
- Bankruptcy (3)
- Business and State Issues in Environmental Law (3) (cont.)

Commercial Transactions: Negotiable Instruments (3)  
 Commercial Transactions: Secured Transactions (3)  
 Current Topics in Mergers & Acquisitions (2)  
 Employment Discrimination (3)  
 Employment Relations (3)  
 Estate Planning (3)  
 Family Business Planning (2)  
 Franchising (1)  
 Health Care Law (3)  
 Intellectual Property (3)  
 International Business Transactions (2)  
 International Trade Law (2)  
 Real Estate Finance (3)  
 White Collar Crime (3)

### **Criminal Practice Concentration**

*Contact Person: Professors Serr, Osler*

The Criminal Practice area of concentration is designed to provide students with a broad-based exposure to concepts, topics, and skills vital to criminal practitioners. Choosing this area of concentration provides students with a firm foundation for beginning a career in criminal law. Career opportunities available in the criminal practice area include joining a district attorney's office as an assistant prosecutor, working for a division of the Texas Attorney General's Office or the United States Department of Justice prosecuting a diverse array of crimes (such as environmental crimes, antitrust crimes, and civil rights violations) or working as a criminal defense attorney. In addition to taking Criminal Law and Criminal Procedure—which are required of all students—students in this area of concentration have the opportunity to acquire a working familiarity with many practical aspects of criminal law and procedure, which are fundamental to criminal practice but often neglected by law schools, including plea bargaining, sentencing procedure, appeal, and habeas corpus. Students concentrating in Criminal Practice also have the opportunity to complete a practice experience in a district attorney's office or federal prosecutor's office under the direct supervision of a prosecutor.

After taking Criminal Law and Criminal Procedure (courses required of all students), those choosing to concentrate in Criminal Practice complete the following courses:

Advanced Criminal Procedure (3)  
 Criminal Practice & Procedure (4)  
 Post-Conviction Procedure: Sentencing (2)  
 Prosecutorial Externship (2)

Criminal Practice student also must complete at least three of the following courses:

Client Counseling (2)  
 Juvenile Justice (3)  
 Post-Conviction Procedure: Appeals & Habeas (2)  
 White Collar Crime (3)

### **Estate Planning Concentration**

*Contact Person: Professor Featherston*

The Estate Planning area of concentration is designed to give students a well-rounded legal education with focused study in the areas of trusts, estates, and estate planning and administration so that students can begin a career with a fundamental understanding of the major aspects of estate planning and probate procedure. This area of concentration builds upon a number of courses required of all students, such as Trusts & Estates, Business Organizations I, and Basic Tax & Accounting for Lawyers. Students enrolled in the Estate Planning area of concentration work under the direct supervision of an experienced estate planner devising an estate plan, working on drafts of documents, and working through the steps of the administration of an estate.

Practice in the trusts and estates area has changed dramatically over the last decade. Some trusts and estates lawyers specialize in trust, estate and fiduciary liability dispute resolution. Societal and economic factors are contributing to an explosion in litigation in this area as the traditional family unit continues to break down and the amount of accumulated wealth increases. Consequently, students interested in this type of litigation may concentrate in Estate Planning, take the Wealth Transfers (formerly Trusts and Estates II) and Administration of Estates courses in conjunction with a General Civil Litigation concentration, or coordinate their classes so that they successfully complete both concentrations.

The student seeking a more traditional trusts and estates practice by concentrating in Estate Planning will discover that, in addition to the traditional tax emphasis, increasing coverage is given to asset preservation and family business planning. Students who anticipate a general business planning practice may coordinate the Estate Planning concentration with the Business Transactions concentration due to the interrelationship between closely-held business planning and the owner's personal estate planning.

In addition to taking Trusts & Estates, Business Organizations I, and Basic Tax & Accounting for Lawyers (courses required of all students), those choosing to concentrate in Estate Planning must complete the following courses:

- Administration of Estates Capstone (1)\*
- Administration of Estates (2)
- Estate Planning (3)
- Individual Taxation (3) (required if student took Basic Tax and Accounting for Lawyers instead of Federal Income Taxation)
- Partnership Taxation (2)
- Trusts and Estates Capstone (1)\*\*
- Wealth Transfers (formerly Trusts and Estates II) (3)

\*A prerequisite to taking the Administration of Estates Capstone is either a grade of at least a "B," in Administration of Estates or a cumulative GPA of at least 2.5 at the end of the first year of study. Students who do not meet this prerequisite will be allowed to participate in an Independent Study with Professor Featherston in lieu of the capstone. This will provide the student with a similar experience to the capstone.

\*\*A prerequisite to taking the Trusts & Estates Capstone is either a grade of at least a "B," in Trusts & Estates or a cumulative GPA of at least 2.5 at the end of the first year of study. Students who do not meet this prerequisite will be allowed to participate in an Independent Study with Professor Featherston in lieu of the capstone. This will provide the student with a similar experience to the capstone.

(cont.)

Estate Planning students must either complete the Client Counseling course or participate in the annual Naman, Howell, Smith & Lee Client Counseling Competition.

Additionally, students must take at least one of the following courses: Elder Law (2), Family Business Planning (2) or Retirement Law (2).

### **Intellectual Property Concentration**

*Contact Person: Professor C. Powell or Swenson*

Intellectual Property is one of the fastest growing practice areas globally. With the growth of e-commerce and the advent of new technologies, attorneys in a wide range of practices encounter questions that require basic knowledge of Intellectual Property. The Intellectual Property area of concentration is designed to introduce students to the major substantive areas likely to be encountered in practice.

Students choosing to concentrate in Intellectual Property must complete the following courses:

- Intellectual Property (3)
- Copyright Law (3)
- Patent Law & Drafting (3)
- Advanced Trademark Practice & Litigation\* (2)
- E-Commerce Law (3)
- Intellectual Property Capstone\*\* (1 or 2)
- Patent Litigation (1)

Students must also complete four hours from among the following courses:

- Franchising (1)
- Antitrust Law (2)
- Information Privacy Law (2)
- Consumer Protection Law (3)
- Sports Law (3)
- International Intellectual Property (2) (Guadalajara)

The culminating experience in this area of concentration is the Intellectual Property Capstone. This capstone will focus on skills development, which will provide students the opportunity to both learn how to conduct an appropriate client analysis as well as apply substantive law to the drafting, reviewing and negotiating of intellectual property-related agreements.

\*Intellectual Property is a prerequisite to Advanced Trademark Practice & Litigation

\*\*A prerequisite to taking the Intellectual Property Capstone is either a grade of at least a "B" in Intellectual Property or a cumulative GPA of at least 2.5 at the end of the first year of study. Students who do not meet this prerequisite will still be able to participate in an independent study in lieu of the capstone. This will provide the student with a similar experience to the capstone.

### **General Civil Litigation Concentration**

*Contact Persons: Professors Powell, Wren, Counsellor and Fuselier*

All trial lawyers must be masters of procedure, the complex body of rules that so often determine the outcome of disputes. The General Civil Litigation area of concentration provides students interested in litigation, whether as general civil practitioners or as lawyers specializing in a particular type of litigation, with a solid foundation in the procedural law necessary for any type of litigation practice. In addition to litigation-oriented courses required of all students—Civil Procedure, Evidence and Practice Court—students concentrating in General Civil Litigation complete a variety of advanced procedural courses, including a study of increasingly-popular alternative dispute resolution procedures such as mediation and arbitration. Given that most civil trial lawyers specialize in a particular type of litigation, students choosing General Civil Litigation have the flexibility to shape their concentrated study to reflect their particular interest.

Students interested more specifically in business litigation, such as actions involving corporate officer and director liability, employment discrimination, securities litigation, or antitrust litigation, can complete the Business Litigation area of concentration. Students interested in fiduciary and probate litigation are encouraged to complete both the General Civil Litigation and Estate Planning concentrations.

In addition to taking Civil Procedure, Evidence, and Practice Court (courses completed by all students), those choosing to concentrate in General Civil Litigation must complete the following courses:

- Alternative Dispute Resolution (2)
- Appellate Procedure (2)
- Complex Litigation (3)
- Conflict of Laws (3)
- Federal Courts (3)
- Remedies (4) (if not taken as a required course)

General Civil Litigation students also complete six hours from among the following courses:

- Administration of Estates (2)
- Advanced Trial Advocacy Skills (2)
- Advanced Trial Preparation (2)
- Arbitration (2)
- Consumer Protection (3)
- Creditors' Remedies (2)
- Health Care Litigation (2)
- Insurance (3)
- Personal Injury Trial Law (1)
- Post Conviction Procedure (2)
- Products Liability (2)

**Joint Degree Programs****Joint Juris Doctor/Master of Business Administration**

The worlds of management and law have become inextricably intertwined. To accommodate students contemplating a career where business and law overlap, the Law School and the Hankamer School of Business offer a joint degree program that leads to the simultaneous award of a Juris Doctor (JD) and a Master of Business Administration (MBA) degrees. While the JD program trains students to recognize and analyze legal issues, the MBA program instructs students in management of business enterprises. The JD/MBA program strives to improve the effectiveness of both business managers and legal counsel for business entities by training each to understand the role of the other and the importance of their respective contributions to the successful operation of a business. JD/MBA students should consider pursuing a concentrated course of study at the Law School in Business Transactions or Business Litigation.

Students receive 12 hours of credit toward their JD upon the successful completion of the MBA required courses and 12 hours of credit toward their elective requirement for the MBA upon successful completion of Law School coursework. Thus, JD/MBA students complete 114 quarter hours of law courses and 32 semester hours of core graduate business courses. Since both degrees are awarded simultaneously, all requirements in both schools must be completed in order to receive either degree.

Students with a non-business undergraduate degree or undergraduate majors lacking proficiency in all business fields will be required to participate in the Business School Integrated Management Seminar before enrolling in any graduate business courses.

**Joint Juris Doctor/Master of Taxation**

The Law School is the only law school in Texas and one of only a few law schools in the nation to offer a joint degree program that leads to the simultaneous award of the Juris Doctor (JD) and Master of Taxation (MTAX) degrees. JD/MTAX students receive a broad based legal education in the Law School while the Hankamer School of Business Masters of Taxation Program provides the students with an in-depth study of all major aspects of taxation. Students desiring a career in taxation (either planning or litigation), business planning or estate planning would benefit from the joint JD/MTAX degree. JD/MTAX students are encouraged to pursue a concentrated study at the Law School in Business Transactions, Estate Planning, or Business Litigation.

Students receive 12 hours of credit toward their JD upon the successful completion of the required MTAX courses, and 12 hours of credit toward their elective requirements for the MTAX coursework. Thus, JD/MTAX students complete 114 quarter hours of law and 21 semester hours of graduate tax. Since both degrees are awarded simultaneously, all requirements in both schools must be completed in order to receive either degree.

It is possible for students with adequate accounting backgrounds to complete the joint JD/MTAX program in 36 months. Students with a non-accounting undergraduate degree may be required to complete some basic-level accounting courses before enrolling in any graduate tax courses. For further information, see the Associate Dean.

JD/MTAX students take the following graduate tax courses in the Hankamer School of Business:

Advanced Topics & Tax Research (ACC 5370)  
Corporate Taxation (ACC 5361)  
Partnership & S Corp. Taxation (ACC 5362)  
Estate, Gift & Fiduciary Tax (ACC 5363)  
State, Local & International Taxation (ACC 5364)  
Graduate Business Electives (2 courses)

In the Law School, JD/MTAX students take all the required courses and 35 quarter hours of law electives.

Students may contact the Hankamer School of Business Graduate Programs Office at (254)710-3718.

### **Joint Juris Doctor/Master of Public Policy and an Administration**

Students interested in governmental service at the federal, state or local level can complete their law degree along with a Master of Public Policy and Administration (MPPA) degree offered by the political science department of Baylor University. This joint degree program leads to the simultaneous award of a Juris Doctor (JD) and Masters of Public Policy and Administration. While the JD program trains students to recognize, analyze and formulate legal solutions to legal issues, the MPPA develops students' ability to work within the context of governmental entities that must confront larger issues of public policy. The JD/MPPA strives to improve the effectiveness of governmental leaders in the administration of massive, complex regulatory or benefit programs.

Students receive 12 hours of credit toward their JD upon the successful completion of the MPPA degree requirements and 12 hours of credit toward their elective requirement for the MPPA upon successful completion of Law School coursework. Thus, JD/MPPA students complete 114 quarter hours of law and 24 semester hours of graduate work. Since both degrees are awarded simultaneously, all requirements in both schools must be completed in order to receive either degree.

To request an application to the MPPA program, contact the Graduate School at P.O. Box 97264, Waco, TX 76798 or at 254.710.3588. For additional information, contact the office of Dr. Jerold Waltman, Professor, Political Science Department, P.O. Box 97276, Waco, Texas 76798, 254.710.3161.

Persons with questions concerning any of the joint degree programs should contact the Associate Dean of the Law School at 254.710.1911. Students must apply for admission to, and be accepted by, both the Law School and the Graduate School. All applicants must take the GRE.

**First-Year Courses -- All Required****9203 Appellate Advocacy and Procedure (2 qtr. hrs)**

An introduction to appellate advocacy in which students research and write an appellate brief and participate in a required oral advocacy exercise.

**9405 Civil Procedure (4 qtr. hrs.)**

An introduction to our judicial process as a method of dispute resolution. The focus of this course is on the choices open to litigants and how the rules of procedure facilitate or prevent the attainment of those objectives. Major areas of concentration include our system of pleading, jurisdiction, federalism, preclusion, and the rules that regulate the joinder of parties and claims.

**9407, 9408 Contracts (8 qtr. hrs.)**

A comprehensive survey of the law of contracts both at common law and under the Uniform Commercial Code. This course examines the legal and equitable remedies for enforcing contracts, the creation of promissory liability, contract interpretation, performance and excuse, standards of fairness and restrictions on the bargaining process, express and implied conditions and the rights of third parties.

**9303 Criminal Law (3 qtr. hrs.)**

A study of the concepts basic to criminal law, including voluntary acts and omissions, states of mind, strict liability, murder and manslaughter, causation, accomplice liability, inchoate liability (attempt, conspiracy, and solicitation) and defenses (mistake, necessity, duress, self-defense, insanity).

**9356 Criminal Procedure (3 qtr. hrs.)**

A study of constitutional limitations on police investigation of crime, including search and seizure, interrogations, lineups, and undercover activity.

**9100 Introduction to the Law and the Legal Profession (1 qtr. hr.)**

An introduction to the critical role that the legal profession plays in shaping a stable, peaceful and prosperous society. Through the study of historical events, literature, noteworthy opinions, documentaries and current events, students will become more conversant about the importance of the rule of law and the lawyer's role in implementing and upholding it.

**9415 Legislation, Administrative Power and Procedure (LAPP) (4 qtr. hrs.)**

A study through the use of statutes, of the processes by which legislative and administrative policy is translated into law and applied by the politically responsible agencies. Areas included are separation of powers, delegation, statutory construction, rule making, and adjudication.

**9101 Legal Analysis, Research, and Communications (LARC) (3 qtr. hrs.)**

Legal Analysis, Research, and Communications (LARC) is a three-hour course that you will complete during two consecutive quarters. In this course, students learn fundamentals in important aspects of legal writing and problem-solving, including: (1) legal organization (issue, law, application, rebuttal), (2) legal clarity (sensitivity to legal terms of art, statutory phrases, elements of proof, and so forth), and (3) legal specificity (always tying general legal principles and elements to particular facts of the case). Students also receive instruction in legal research and citation.

LARC, Part I focuses primarily on the basics of drafting a memorandum of law using case analysis, along with instruction about researching and citing to cases. Students complete two memoranda during the first quarter of LARC.

LARC, Part II focuses on statutory analysis, forms of legal writing in addition to memoranda of law, and several legal research topics. During the second quarter of LARC, students complete a research memorandum and a final major research project.

**9411, 9312 Property (7 qtr. hrs.)**

A study of the interests which may be created in real property, the rights and obligations that exist by virtue of ownership of such interests, and the means of transferring those interests. Topics covered include: possession and how it affects property ownership, estates in land, landlord tenant relationships, real covenants and equitable servitudes, easements, concurrent ownership, the real estate transaction, general warranty deeds, priorities and the recording system, title insurance, adverse possession, gifts of real and personal property, Texas homestead laws, and eminent domain. The first quarter of Property meets four hours a week and the second quarter of Property meets three hours a week.

**9413, 9314 Torts (7 qtr. hrs.)**

A study of the standards and principles governing compensation at law for private wrongs, including the basic principles of intentional wrongs, negligence, strict liability, and the defenses thereto. Four hours a week for each of two quarters.

**Upper-Class Required Courses**

**Upper-Class Course Prerequisites**

Satisfactory completion of all first-year courses is a prerequisite for enrollment in upper-class courses, in addition to the specific course prerequisites listed below.

**9207 Basic Tax & Accounting for Lawyers (2 qtr. hrs.)**

An introduction to basic accounting and tax principles with primary emphasis on business and investment income and deductions, and acquisition and sale of assets. Students also will learn to read basic financial statements, including a balance sheet and profit and loss statement, and to calculate basic financial ratios. Additionally, tax consequences related to general litigation and divorce proceedings will be covered.

**9421 Business Organizations I (4 qtr. hrs.)**

A study of basic agency principles and the law governing the formation and operation of corporations, general and limited partnerships (including limited liability partnerships), and limited liability companies. The course requires the study of common law and the Texas Business Organizations Code.

**9524 Constitutional Law (5 qtr. hrs.)**

A study of the history of the United States Constitution; the judicial function in constitutional cases; the federal system, doctrine of separation of powers, doctrine of delegation of powers; powers of the states as affected by the delegation of powers to the national government, the commerce clause, the due process clause, the equal protection clause, the contract clause, and the other limitations on governmental power.

**9527 Practice Court I: Pretrial Practice & Procedure (5 qtr. hrs.)**

The first quarter of the Practice Court Program starts with Practice Court I, and immerses students in the procedures and strategies for developing a court case from inception of the case through final preparation for trial. Students learn to properly construct – and attack – the various pleadings for the case, from the standpoint of both the plaintiff and the defendant. They work through the planning and development process for written discovery and

depositions – including exposure to the challenges of electronic discovery and document management – that lay the foundation for success in court. Courtroom exercises are coordinated with the trial exercises of Practice Court II.

**9520 Practice Court II: Trial Evidence, Procedure & Practice (5 qtr. hrs.)**

Practice Court II, taken in the first quarter of the Practice Court Program, is an intensive, in-depth study of trial procedure, evidence law and trial advocacy. Classroom instruction focuses primarily upon a detailed study of the rules of procedure and evidence, including the practical use of the rules in the litigation process. Courtroom “lab” instruction includes lectures in trial advocacy, followed by exercises in opening statements, witness examination, and closing arguments. Students also try a number of jury cases or “mini-trials.”

**9528 Practice Court III: Trial & Post-Trial Practice, Procedure & Evidence (5 qtr. hrs.)**

This course, taken in the second quarter of the Practice Court Program, is a continuation of Practice Court I and II. It focuses upon the right to jury trial, jury selection, trial procedure, the charge, deliberations, the verdict, the judgment and post trial motions. Students continue with advocacy exercises, including additional mini-trials. The capstone of the Practice Court program is the trial of the “Big Trial,” a case they began in Practice Court I. In this course, students go through the jury selection process on their “Big Trial” case, and then proceed to try the case to a jury. Finally, they engage in post-trial motion practice to secure rendition of a judgment.

**9229 Professional Responsibility (2 qtr. hrs.)**

A study of the role and responsibility of the legal profession. Subjects covered include the disciplinary rules of professional conduct, client relations, pro bono services, professionalism, and economics of the profession.

**9426 Remedies (4 qtr. hrs.)**

A study of the ordinary and extraordinary remedies available to litigants. The course offers an integrated study of the various legal and equitable remedies available for the enforcement of rights. (Students who entered prior to summer 2007 may elect to take Law 9349, Consumer Protection instead).

**9504 Trusts and Estates (5 qtr. hrs.)**

A study of the gratuitous transfers of wealth, including wills, intestate succession, trusts and other non-testamentary transfers. The course also covers the property rights of spouses under the Texas community property system.

**Upper-Class Elective Courses**

**9235 Administration of Estates (2 qtr. hrs.)**

A study of the law of administration of trusts and the estates of decedents, minors and incapacitated persons. This practice skills course focuses on the procedural aspects of an estate practice.

**9142 Administration of Estates Capstone (CR/NC) (1 qtr. hr.)**

A student works one on one with a faculty member working through a series of exercises designed to provide the student with the opportunity to develop and apply analytical and problem solving skills in connection with topics covered in Administration of Estates. This course allows the student to experience the types of problems lawyers practicing in this field handle on a routine basis.

Prerequisites: Trusts and Estates and Administration of Estates

Grade of at least "B," in Administration of Estates, or cumulative GPA of at least 2.5 after first year courses completed.

**9V95 Administration of Estates Independent Study (1 qtr. hr.)**

Students completing the Administration of Estates Area of Concentration who have not met the requirement of having at least a 2.5 GPA at the end of the first year or having earned at least a "B" in Administration of Estates, will be allowed to participate in this independent study in lieu of the Administration of Estates Capstone. This independent study will provide the student with a similar experience to the capstone.

Prerequisites: Trusts and Estates and Administration of Estates

**9350 Advanced Criminal Procedure (3 qtr. hrs.)**

A study of constitutional and statutory law, not covered in Criminal Procedure, as it relates to and affects the various stages of a criminal prosecution, including pretrial detention, the charging decision, grand jury, discovery, the plea, jury selection, and trial. Several advanced constitutional issues are covered in depth, including double jeopardy, speedy trial, confrontation clause and competency. For a student pursuing the Criminal Practice area of concentration, this is best taken as early as possible and strongly recommended prior to post-conviction procedure and the externship.

Prerequisite: Criminal Procedure.

**9333 Advanced Legal Research (3 qtr. hrs.)**

Instruction in a broad range of legal research materials and advanced research methods. This course is intended as a practical skills course that expands beyond the scope of LARC II, the first-year research course. Sources covered include a number of practice materials, electronic databases, and World Wide Web resources. The course also covers several specialized areas of research, including federal tax, business and commercial law, securities law, estates and trusts, family law, intellectual property, criminal law and procedure, and foreign and international law.

**9260 Advanced Studies in Health Law Externship (2 qtr. hrs.)**

An externship that gives students the opportunity to gain experience in the health law field through placement in Parkland Memorial Hospital, the primary teaching hospital of the University of Texas Southwestern Medical School. The student will observe and participate in such day-to-day activities as emergency services, admission management, quality management, employment relations matters, funding, including medicare/medicaid reimbursement, selected health care decision-making issues, and community oriented primary care systems. The program will also include a research project selected to advance the student's understanding of a specific aspect of the health care delivery system.

**Law 9246, Advanced Topics in Alternative Dispute Resolution**

Prerequisite: Alternative Dispute Resolution

**9262 Advanced Trademark Practice & Litigation (2 qtr. hrs.)**

A follow-up to the Intellectual Property course. The focus is on practice skills needed for the intellectual property lawyer, with a heavy emphasis on trademark law.

Prerequisite: Intellectual Property

**9220 Advanced Trial Advocacy Skills (2 qtr. hrs.)**

This course seeks to enhance and extend trial skills first addressed in Practice Court I and II. Course methodology includes class discussion, group planning, performance drills and group critique. Subjects for study include developing a theory and theme of the issue; storytelling skills, as applied to opening statement; direct examination skills; planning of cross-examination and cross-examination techniques. Grades are assigned based upon class participation, written exercises and performance skills.

Prerequisite: Practice Court I & II

**9263 Advanced Trial Preparation (2 qtr. hrs.)**

This course is designed for students in the second half of the Practice Court program. Students work through advanced methods to prepare for their assigned PC III "big trial" including: use of focus groups to prepare for trial; taking video depositions with simultaneous ("real time") court reporting and video synchronization for use in trial; development of visual strategy and its electronic presentation for trial; and advanced discovery issues. Grades are based on the trial preparation projects. The class meets three times a week for approximately six weeks in order to complete the projects for use in the PC III big trial.

Prerequisite: Practice Court I & II

**9V10 Advocacy Team Participation (2 qtr. hrs.)**

Students who participate on advocacy teams receive academic credit for participation. Students earn two hours of credit for each team on which they are a member, but are limited to earning a total of eight hours of credit for teams. Students receive a letter grade for each team and must pay tuition for these credit hours. Team members should consult with the coach of their team for details about practice times.

**9247 Alternative Dispute Resolution (2 qtr. hrs.)**

A study of the techniques, goals, and methods of negotiating, as well as other forms of dispute resolution, including mediation. The primary teaching method is the use of simulated problems in which the students seek to negotiate resolutions to disputes involving a variety of factual settings and legal theories. Enrollment is usually limited to 36 students.

**9363 Antitrust Law (3 qtr. hrs.)**

A study of antitrust law and policy applied to various business settings, including contracts in restraint of trade, restrictive agreements involving price-fixing and limitations on resale, trade boycotts, product tying and exclusive dealing arrangements, trade association activities, monopolies and oligopolies, mergers of separate business entities, and price discrimination.

**9291 Appellate Procedure (2 qtr. hrs.)**

A study of appellate procedure in civil cases in Texas state and federal courts, including appellate jurisdiction, preservation of complaints, post-judgment proceedings, perfection of appeal, issues on appeal, interlocutory appeals, mandamus and other original proceedings, Texas Supreme Court practice and Fifth Circuit practice.

**9257 Arbitration (2 qtr. hrs.)**

A study of state and federal arbitration law and of the use of administered and non-administered arbitration in disputes and causes.

**9270 Attorney General, Child Support Division, Externship (Pass/Fail) (2 qtr. hrs.)**

Students provide support in such tasks as the prosecution of paternity cases, calculating child support, and enforcement of child support orders.

**9385 Bankruptcy (3 qtr. hrs.)**

A study of liquidation and debt adjustment under the Bankruptcy Code, including forms of relief, eligibility for relief, commencement and administration of cases, the bankruptcy estate, powers of the trustee (including executory contracts), treatment of secured and unsecured claims, and discharge. Bankruptcy jurisdiction is also covered.

**9282 Business Litigation (2 qtr. hrs.)**

This course introduces students to specific issues routinely encountered throughout various types of business litigation, including: investigation, assessment and organization techniques for business litigation cases; the issues and legal trends relating to contorts; key causes of action that appear in and form building blocks in many different types of business litigation; building, proving and attacking business damage models; pleading into insurance coverage; planning and managing discovery in business litigation; working with and examining the experts typically seen in business litigation; and trial presentation issues that commonly recur in business litigation cases.

**9377 Business & State Issues in Environmental Law(3 qtr. hrs.)**

A study of certain business and state issues related to Environmental Law and potential environmental liabilities. Business issues include environmental audits, reporting and disclosure, lender liability, indemnity agreements, and insurance. Many of these issues are considered in a transactional context. In addition to studying business issues, particular state issues are considered, including transfer statutes and contemporary issues in Texas.

**9322 Business Organizations II (3 qtr. hrs.)**

A study of various corporate law topics beyond the scope of Business Organizations I. Topics include issues related to publicly traded corporations (such as insider trading and proxy regulation), mergers and acquisitions, and shareholder derivative litigation.

Prerequisite: Business Organizations I

**9292 Business Planning and Drafting (2 qtr. hrs.)**

A practice skills course centered around hypothetical business problems and transactions involving closely held businesses. The course includes analysis of, and exercises involving, choice and structure of entity, ethical concerns in representation of closely held businesses and their principals, and common issues and problems facing the closely held business.

Prerequisites: Business Organizations I, Basic Tax & Accounting for Lawyers

**9122 Business Transactions Capstone (1 or 2 qtr. hrs.)**

Students are required to play the role of lawyer for a party in a hypothetical business transaction. The course thus provides students the opportunity to apply and develop analytical and drafting skills in connection with legal issues and problems that typically arise in the negotiation and drafting involved in such a transaction.

Prerequisites: Basic Tax & Accounting for Lawyers, Business Organizations I, Individual Taxation, Business Planning and Drafting, Business Organizations II, Securities Regulation. Grade of at least "B," in Business Organizations I, or cumulative GPA of at least 2.5 after first year courses completed.

**9V92 Business Transactions Independent Study (1 or 2 qtr. hrs.)**

Students completing the Business Transactions Area of Concentration who have not met the requirement of having at least a 2.5 GPA at the end of the first year or having earned at least

a "B" in Business Organizations I, will be allowed to participate in this independent study in lieu of the Business Transactions Capstone. This independent study will provide the student with a similar experience to the capstone.

Prerequisites: Basic Tax & Accounting for Lawyers, Business Organizations I, Individual Taxation, Business Planning and Drafting, Business Organizations II, Securities Regulation.

**9360 Civil Liberties (3 qtr. hrs.)**

A study of developments in the fields of civil rights under the Bill of Rights and the Fourteenth Amendment to the United States Constitution and under federal and state legislation.

Prerequisite: Constitutional Law

**9227 Client Counseling (2 qtr. hrs.)**

Students in this course seek to develop those skills necessary to establish appropriate professional relationships with clients. Specifically, the class engages in exercises that encourage students (i) to recognize and use different questioning techniques; (ii) to develop the skills to counsel clients in a manner that encourages full client participation in decision-making; and (iii) to recognize and resolve potential ethical issues related to the attorney/client relationship. In-class exercises are supplemented by assigned readings.

**9253 Clinical Experience in Criminal Law (District Attorney)(Pass/Fail) (2 qtr. hrs.)**

An opportunity to observe and assist state prosecutors in preparing cases for trial and appeal, allowing the students to apply knowledge learned in substantive courses as well as to gain an appreciation for the practical aspects of prosecution. This externship should be taken, if possible, after completing the courses in Advanced Criminal Procedure or Criminal Practice & Procedure. A minimum of 90 hours of supervised work will be required.

**9284 Clinical Experience in Criminal Law (Federal Prosecutor's Office)(Pass/Fail) (2 qtr. hrs.)**

An opportunity to observe and assist federal prosecutors in preparing cases for trial and appeal, allowing the students to apply knowledge learned in substantive courses as well as to gain an appreciation for the practical aspects of prosecution. This externship should be taken, if possible, after completing the courses in Advanced Criminal Procedure or Criminal Practice & Procedure. A minimum of 90 hours of supervised work will be required.

**9340 Commercial Law: Negotiable Instruments (3 qtr. hrs.)**

A study of Articles 3 and 4 of the Uniform Commercial Code involving the rights and liabilities of parties on promissory notes, checks, and drafts. Topics covered include the concept of negotiability, the process of negotiation, holders in due course, the nature of liability of parties on an instrument, the relationship between banks and customers, and wrongdoing in connection with instruments. Additional related materials include electronic fund transfers, wire transfers, and letters of credit.

**9342 Commercial Law: Secured Transactions (3 qtr. hrs.)**

A study of Revised Article 9 of the Uniform Commercial Code involving consensual security interests in personal property and fixtures and the sale of accounts and chattel paper. Topics covered include creation of a security interest, types of collateral and types of security agreements, perfection, multistate transactions, priorities, and rights on default.

**9324 Complex Litigation (3 qtr. hrs.)**

This course explores topics in the area of advanced civil procedure. The course deals with the applicable law governing complexities inherent in civil litigation due to a multiplicity of parties or other lawsuits. A large segment of the course will focus upon an in-depth examination of class action law. In addition, the course reviews other procedural devices (e.g., joinder rules, issue and claim preclusion, transfer, multidistrict litigation, and abstention) intended to deal with problems associated with multiple parties and/or lawsuits and the unnecessary duplication of adjudicative activities.

**9383 Conflict of Laws (3 qtr. hrs.)**

The study of the law applicable to transactions connected in whole or in part with two or more jurisdictions. The general problems connected with jurisdiction of courts, foreign judgments, the application of federal constitutional provisions, and the choice of law are considered together with the rules governing certain specific types of controversies arising in the fields of workers' compensation, torts, contracts, property, business organizations, and family law.

**9349 Consumer Protection (3 qtr. hrs.)**

A study of consumer protection laws, with focus on the Texas Deceptive Trade Practices Act, warranty law, federal and state debt collection practices acts, and basic insurance law principles.

**9371 Copyright Law (3 qtr. hrs.)**

An advanced study of the law of copyright, including the creation, infringement, licensing, protection, registration, renewal and termination of copyright in various creative products, such as books, films, art and music.  
Recommended prerequisite: Intellectual Property.

**9202 Corporate Taxation (2 qtr. hrs.)**

This course covers tax consequences of organizing and operating a regular C corporation, as well as issues relating to sale or distribution of corporate assets, sale of corporate stock, and mergers and acquisitions. General introduction to S corporations also included.  
Prerequisite: Basic Tax & Accounting for Lawyers

**9252 Creditors' Remedies (2 qtr. hrs.)**

A study of creditor-debtor relationships, including federal and Texas debt collection practices acts, non-judicial debt collection, prejudgment remedies, collection litigation, judgments and judgment liens, postjudgment remedies, execution, exemptions, asset discovery, fraudulent conveyances, and foreign judgment enforcement. An overview of Article 9 and the Bankruptcy Code will be included.

**9467 Criminal Practice & Procedure (4 qtr. hrs.)**

This course will focus on the practice skills needed and the real-life procedures followed in criminal cases from the earliest stages of investigation and arrest through plea hearings, trials and sentencing. The class will use and follow three cases (one violent crime, one fraud, one narcotics) through both the federal and Texas processes.

**9310 E-Commerce (3 qtr. hrs.)**

This course explores the range of legal issues arising from the emergence of the Internet as a medium for transacting business. The course considers how the law has reacted to challenges posed by the Internet. Specific areas covered include jurisdictional analysis, First Amendment/free speech, digital copyrights, trademarks and domain names, electronic privacy, electronic commercial transactions, and Internet governance.

**9248 Elder Law (2 qtr. hrs.)**

Overview of the legal practice and policy relating to aging individuals and older society. Issues covered are: ethics in representing the elderly, Social Security, Supplemental Social Security, Social Security Disability, Medicare, Medicaid, introduction to retirement plans, property management issues, surrogate decision-making, guardianships, mental health matters, grandparents' rights, and end-of-life decisions.

**9362 Employment Discrimination (3 qtr. hrs.)**

A study of employment discrimination law, including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

**9372 Employment Relations (3 qtr. hrs.)**

This course surveys the law regulating the relationship between employers and their employees including the doctrine of "employment-at-will" and its erosion by federal and state statutes and common law; employee privacy issues; the protection of trade secrets; employee non-compete agreements; overtime and minimum wage laws; Texas Workers' Compensation Law; and unemployment claims.

**9228, 9233, 9234, 9236, 9297 Environmental Agency Externships (Pass/Fail) (2 qtr. hrs.)** A one quarter externship experience in one of the following environmental agencies upon approval by the Associate Dean: Environmental Protection Agency, General Land Office, State Office of Administrative Hearings, Texas Commission on Environmental Quality, or Texas Parks & Wildlife Department.

**9366 Environmental Law (3 qtr. hrs.)**

An introduction to Environmental Law, focusing on major federal regulatory programs and certain state issues related to these programs. Statutory programs include the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Additionally, there is a major emphasis on the federal Superfund statute. This course and the Natural Resource Protection & Water Law course together provide a basic understanding of the history and legal principles of domestic environmental and natural resource protection laws.

**9274 Equal Protection and Voting Rights, Reapportionment & Redistricting (2 qtr. hrs.)**

This course will emphasize the guarantee of the Equal Protection Clause in regard to "one person - one vote" and the mandatory requirements of Section 2 and Section 5 of the Voting Rights Act of 1965, as amended, as well as a careful review of the administrative aspects of redistricting counties, cities and school districts in Texas.  
Prerequisite: Constitutional Law

**9336 Estate Planning (3 qtr. hrs.)**

A study of the federal transfer tax system, basic transfer tax planning for individuals and tax considerations in the drafting of wills and trusts. Estate, gift and generation-skipping tax problems are studied, and income tax problems related to estate planning are also covered. In this practice skills course students prepare estate tax returns and planning proposals for hypothetical clients.

Recommended Prerequisite: Wealth Transfers

Prerequisite: Trusts and Estates

**9293, Family Business Planning (2 qtr. hrs.)**

This course will focus upon certain state business organization and taxation statutes and federal taxation statutes and their application to closely held businesses.

Prerequisite: Business Organizations I & Trusts & Estates, Basic Tax

**9370 Family Law (3 qtr. hrs.)**

A study of the law of the family, including marriage, annulment, divorce, child support and custody, adoption and paternity.

**9245 Family Rights Practice & Procedure (2 qtr. hrs.)**

This course focuses on legal representation in cases dealing with child abuse and neglect, the termination of parental rights, and protective orders to prevent family violence. Students will be instructed on the substantive law, practical application and ethical considerations in providing legal counsel to children in foster care, to parents against whom the State has filed a petition to terminate parental rights, and to family members seeking an investigation into allegations of abuse, neglect, and family violence; preparation for and participation in statutorily mandated hearings; filing appropriate pleadings and motions; and advocacy throughout all stages of a case including mediation.

Recommended Prerequisite: Family Law

**9299 Family Law Advocacy & Procedure (2 qtr. hrs.)**

A practical study of substantive and procedural considerations in the preparation and presentation of family law litigation. Trial and advocacy training accompanies each problem with mock courtroom time by each class participant.

Prerequisite: Trusts and Estates or Family Law

**9268 Federal Administrative Law (2 qtr. hrs.)**

A study of governmental regulation by federal administrative agencies, and the nature and scope of judicial review exercised by courts over such agencies. Particular emphasis is placed on the delegation of legislative power to agencies, their combination of judicial and legislative functions, and the nature of the administrative process.

**9323 Federal Courts (3 qtr. hrs.)**

A study of federal courts, with special emphasis on forum selection. Along with forum-selection doctrines such as subject-matter jurisdiction and abstention, the course explores other issues unique to our federal system, such as the Anti-Injunction Act and interjurisdictional preclusion. Throughout the course, attention remains on the proper role of the federal courts—in relation both to the other branches of the federal government and to the States.

**9267 Franchising (2 qtr. hr.)**

A graded seminar course examining general franchise laws, agreements and the franchisee/franchisor relationship. An overall view of the franchise systems and the legal and business impact of various franchise related laws, both federal and state. Extensive review of a franchise agreement. Grades are based on final exam and short franchise related paper or project.

**9214 Governmental Agency Externship (Pass/Fail)(2 qtr. hrs.)**

A one-quarter externship experience in which the student works with a federal, state or local government agency performing legal tasks under the supervision of a governmental agency attorney(s). A minimum of 90 hours of supervised work will be required.

**9357 Health Care Law (3 qtr. hrs.)**

An overview of many aspects of health law. Topics include professional licensure, institutional quality control programs, cost containment, access to health care, the professional-patient relationship, federal and state fraud and abuse laws and various aspects of health care decision-making. This class is a prerequisite for the Advanced Studies in Health Law Externship.

**9277 Health Care Litigation (2 qtr. hrs.)**

An opportunity to examine the substantive and procedural concepts related to health care liability claims. In addition, the class provides exposure to evaluation of a health care liability claim, pre-trial preparation of plaintiff and defendant cases, and examination of expert witnesses. The class includes deposition exercises performed in connection with medical residents at the Family Practice Clinic.

**9120, History of English Common Law (1 qtr. hr.)**

This jurisdictional course explores the English origins of our common law. The course begins with a study of Anglo-Saxon law and procedure, and then proceeds with the development of the common law through the 18<sup>th</sup> century. Particular emphasis is given to important evolutions occurring during the reign of the Norman and Angevin kings. Students read original legal sources, beginning with the dooms of the Anglo-Saxon kings. The course also explores the origins of trial by jury.

**9373 Immigration Law (3 qtr. hrs.)**

Public interest has surged in immigration policy and frenetic change in immigration law. The central purpose of this course is to give students an understanding of the mechanisms by which persons may immigrate to the United States and the standards under which they can be denied entry or be removed. The course will examine issues pertaining to the acquisition of citizenship, the admission of aliens into the United States as immigrants or migrants, the deportation of aliens, the admission of refugees, and recent changes related to national security.

**9V99 Independent Studies in Law (1-2 qtr. hrs.)**

Independent study leading to a research paper, or its equivalent, by students under the direct supervision of one or more faculty members. Either one or two hours of credit will be granted upon satisfactory conclusion of the independent study offering. Independent studies will be offered on a letter grade basis only. Proposals for study must be approved by the Associate Dean designee prior to registration for this course. Students planning on enrolling in Independent Studies should refer to the Memorandum for Students Registering for the Fourth or Later Term in Law School located in this catalog for an explanation of the requirements of the course.

**9345 Individual Taxation (3 qtr. hrs.)**

Continues the study of the general principles of federal income tax law begun in Basic Tax and Accounting for Lawyers with primary emphasis on individual income taxation. Topics include advanced coverage of: inclusions and exclusions from gross income; business, investments and personal deductions; restrictions on such deductions; disposition of assets; ordinary and capital tax rates.

Prerequisite: Basic Tax & Accounting for Lawyers

**9222 Information Privacy Law (2 qtr. hrs.)**

This course is a general survey and analysis of privacy issues that are the direct result of advances in technology. Topics discussed will include: (1) Internet privacy, including issues related to anonymity, commercial profiling and spam; (2) Health and genetic privacy, including issues relating to medical records, confidentiality of physician-patient relationships, DNA databases and genetic discrimination; (3) Law enforcement privacy, including issues related to wiretapping, surveillance, and counter-terrorism and post 9/11 reactions.

**9341 Insurance (3 qtr. hrs.)**

A study of property, life and liability insurance, including the process of contract formation, coverage, defenses, amount of recovery, subrogation, and the litigation relationship between the insurer and the insured.

**9364 Intellectual Property (3 qtr. hrs.)**

A survey of the law regarding the formation and protection of rights in intangible property and unfair trade practices of businesses. Subjects covered include a survey of copyright and patent law as well as a detailed study of trademark, trade secret and unfair competition law. Advanced courses in copyright and patent law are also available.

**9164 Intellectual Property Capstone**

This capstone is the culminating experience in the Intellectual Property Area of Concentration. The course will focus on skills development, which will provide students the opportunity to both learn how to conduct an appropriate client analysis as well as apply substantive law to the drafting, reviewing and negotiating of intellectual property-related agreements.

Prerequisites: Advanced Trademark Practice & Litigation, Copyright Law, E-Commerce Law, Intellectual Property, Patent Law & Drafting, and Patent Litigation.

**9278 International Business Transactions (2 qtr. hrs.)**

An introduction to international business transactions. Topics include sources of law; comparing legal traditions; documentary sales of goods; the Convention on the International Sale of Goods (CISG); exporting; international IP licensing; international distributorships and joint ventures; and foreign direct investment.

**9216, International & Comparative Intellectual Property: Proprietary Rights in Technology and the Arts (2 qtr. hrs., Guadalajara)**

The course will overview the legal systems that protect intellectual property (IP), with a primary focus on patent, copyright, trademark, and trade secret law. The course will highlight key differences between U.S. and foreign protection of IP, with a comparative treatment of the moral rights of authors, patent scope issues, protection of industrial designs, IP claims of indigenous peoples, patent protection of genetically engineered life forms, copyright protection for databases and computer software, and the "biopiracy" debate. The course will also survey the major international and regional IP treaties and conventions, including the IP provisions of the WTO's Agreement on Trade-Related Aspects of Intellectual Property Law. No technical background is required or expected for this course. This course is taught as part of the Baylor Law School study abroad program in Guadalajara, Mexico.

**9275 International Human Rights (2 qtr. hrs., Guadalajara)**

A survey of current threats to human rights worldwide and international mechanisms for addressing these problems. The course will focus especially on international criminal tribunals and their prosecution of war crimes, crimes against humanity, and genocide. Additionally, the course will cover the practice of "nation-building."

**9225, International Public Law**

An introduction to the core principles and concepts of public international law. Topics covered will include (but are not limited to) nature and sources of international law, international law and domestic laws, nation states and governments, bases of jurisdiction and the extra-territorial effects of national laws, recognition and enforcement of foreign judgments, and sovereign immunity and the act of state doctrine.

**9288 International Trade Law (2 qtr. hrs.)**

A study of the international and national regulation of trade in goods. Topics include United States import, export and other trade regulations, and bi-lateral and multi-lateral trade agreements and organizations (e.g., NAFTA, the World Trade Organization, etc.). Other topics include "Fast Track," countervailing duty and antidumping laws; preference programs (e.g., GSP); ITAR; FCPA, anti-boycott laws; trade sanctions and embargoes, safeguards and quotas; economic integration among countries; and the linkage of trade and diplomacy.

**9200 Islamic Law, the War on Terror, and Human Rights (2 qtr. hrs., Guadalajara)**

This course will address the legal issues essential to understanding the post-Sept. 11, 2001 world. Students will be introduced to Islamic Law and will consider not only how it affects human rights in certain parts of the world, but whether terrorists are properly applying the concept of jihad (or holy war). Next, the course will consider legal issues arising from America's response to 9/11 – both internationally and domestically – including the laws governing war, the detention of "enemy combatants," interrogation and torture, military trials, and domestic surveillance. This course is taught as part of the Baylor Law School study abroad program in Guadalajara, Mexico.

**9280, 9294, 9295 Judicial Externship (Pass/Fail) (2 qtr. hrs.)**

A one-quarter externship experience under the supervision of a judge in a designated court when approved in advance by the Associate Dean. A minimum of 90 hours of supervised work will be required.

**9289 Jurisprudence (Pass/Fail) (2 qtr. hrs.)**

A fundamental survey course in current and historical legal philosophy, including the nature and sources of law, the relationships of law and morality, of law to society, and of law within the context of history. There are required classroom presentations and exercises but no final examination.

**9254 Juvenile Justice (2 qtr. hrs.)**

A study of all stages of the juvenile justice system, including intake, certification, adjudication, and disposition.

**9208 Labor Law (2 qtr. hrs.)**

A study of the law of labor relations, including union elections, the negotiation and administration of collective bargaining agreements, unfair labor practices, and dispute settlement.

**9217 Land Use (2 qtr. hrs.)**

A class focused on real property topics involving the use of land. Topics covered will include common interest communities, conservation easements, eminent domain and zoning laws. These are areas of growing frequency and importance to the real estate practitioner across the country as well as in Texas.

**9224 Law, Public Policy and Scripture (2 qtr. hrs.)**

This limited enrollment seminar involves the study and informed discussion of how the American legal system has been influenced (or perhaps has not, depending on perspective) by scriptural principles as those principles illuminate the moral, ethical and philosophical bases of our legal culture. A research paper will be required and attendance at all seminar sessions is mandatory.

**9V91 Law Review (Pass/Fail) (1-3 qtr. hrs.)**

The Law Review course is designed to teach techniques and research methods for legal writing, in connection with practice in legal writing for the Baylor Law Review. Each student is required to accomplish a stated amount of writing acceptable for publication or service on the staff in order to receive credit for the course. The course is graded on a "Pass-Fail" basis. Up to three quarter hours of credit are given upon a grade of "P," but these hours are not considered in determining the grade average of the student. The course must be taken in the student's eighth or ninth quarter and can be taken twice for a total of three (3) hours.

**9281 Legal Services Externship (Pass/Fail) (2 qtr. hrs.)**

A one-quarter externship experience in which the student is assigned to work in the local legal services office, interviewing and performing legal services for indigents. All work is under the direction of legal services attorneys and law faculty. A minimum of 90 hours of supervised work will be required.

**9359 Local Government, Constitutional and Federal Liabilities (3 qtr. hrs.)**

A study of the history, organization and liabilities of municipalities under federal law, including all aspects of local government liability under 42 U.S.C. 1983, and aspects of qualified and absolute immunity in regard to governmental officials at the local governmental level.

Prerequisite: Constitutional Law

**9365 Municipal Government (3 qtr. hrs.)**

A study of the creation and expansion of municipalities, inter-governmental relations, powers and limitations, planning, zoning and subdivision control, public improvements, municipal contracts, taxation, and utility regulation. The emphasis is on Texas law.

**9309 Natural Resource Protection & Water Law (3 qtr. hrs.)**

An introduction to natural resource protection laws and Water law and their respective applications in the United States. Particular foci are federal statutory programs and Texas Water law. Individual topics include the National Environmental Policy Act, public lands, endangered species and water resources. This course and Environmental Law together provide a basic understanding of the history and legal principles of domestic environmental and natural resource protection laws.

**9211 Nonprofit Organizations (2 qtr. hrs.)**

A study of nonprofit organizations, including an examination of their organization, operation, governance, and dissolution. Topics include practical issues faced by nonprofit organizations

and attorneys who represent them, such as state and federal regulations, tax issues relating to tax-exempt status and eligibility for charitable contributions, liability of decision makers, tort liabilities of the organization and its members, planning to avoid litigation, and charitable immunity.

**9231 Nonprofit Organization Externship (2 qtr. hrs.)**

A one-quarter externship experience in which the student works with a nonprofit organization performing legal tasks under the supervision of an attorney(s). A minimum of 90 hours of supervised work will be required.

**9306, North American Free Trade Agreement (NAFTA) (3 qtr. hrs., Guadalajara)**

The purpose of this course is to introduce students to the North American Free Trade Agreement. The course will focus on NAFTA's treatment of Free Trade in Goods, Free Trade in Services, Dispute Settlement, and Foreign Investment. The Mexican legal and political system's perspective on NAFTA, its rules and processes, will be particularly emphasized. The course will be taught in a problem-discussion format, and students will occasionally be assigned to represent opposing sides in various disputes arising under NAFTA. This course is taught as a part of the Baylor Law School study abroad program in Guadalajara, Mexico.

**9330 Oil and Gas Law (3 qtr. hrs.)**

A study of oil and gas interests including mineral estates and royalty interests. Emphasis is placed on the execution of mineral leases and the conveyancing of mineral interests.

**9134 Oil and Gas Drafting Problems (1 qtr. hr.)**

A study of the preparation of warranty deeds with exception and reservation, mineral deeds, royalty deeds, oil and gas lease with amendment for certain factual situation, and division orders. Also studied are problems involving assignment of leases, including review of farmout agreements, dry hole letters and other methods of financing drilling exploration. Prerequisite: Oil & Gas

**9196 Oral Advocacy (1 qtr. hr.)**

This course teaches persuasive courtroom advocacy by borrowing from the rich tradition of preaching. The course includes the study of textual interpretation, shaping the argument, and the dynamics of delivery.

**9244 Partnership Taxation (2 qtr. hrs.)**

This course covers tax consequences relating to "pass through" entities, focusing primarily on creation and operation of partnerships and limited liability companies. Topics include tax issues that need to be considered before creating a pass-through entity and the corresponding tax language that needs to be included in partnership agreements and other operating/owner agreements. Other topics include tax issues relating to sale or distribution of partnership assets or partnership interests. General introduction to S corporations also included. Prerequisite: Basic Tax & Accounting for Lawyers

**9321 Patent Law & Drafting (3 qtr. hrs.)**

An advanced study of patent law, with an emphasis on patent applications, interferences and other practical aspects of a patent practice, including international patent protection.

Recommended prerequisite: Intellectual Property

**9125 Patent Litigation (1 qtr. hr.)**

This course will survey the unique issues and elements of patent litigation. Topics covered include desired qualifications and experience for litigating patent cases, pre-suit investigation for patentees, initial options and obligations for alleged patent infringers, jurisdiction and venue considerations, substantive elements of a patent case, infringement and invalidity contentions, claim construction and Markman Hearings, expert witness considerations, trial technology options, trial strategies, jury considerations, damage models, alternative dispute resolution options, and appellate work.

**9174 Personal Injury Trial Law (Pass/Fail) (1 qtr. hr.)**

A study of the aspects of preparation, settlement, and trial of personal injury cases.

**9255 Post Conviction Procedure: Appeals & Habeas Corpus (2 qtr. hrs.)**

An advanced criminal procedure course with a practical focus on representing clients in criminal appeals and in habeas corpus proceedings.

**9259 Post Conviction Procedure: Sentencing (2 qtr. hrs.)**

A study of state and federal sentencing focusing on procedure, including federal guideline sentencing, Texas capital cases and state and federal sentencing hearings.

**9264 Post Trial Procedure**

A course dealing with how to proceed, successfully, from verdict to final judgment in a practical setting. The course will focus on the legal and theoretical aspects of post-trial motion and argument practice.

**9258 Products Liability (2 qtr. hrs.)**

An advanced torts course dealing specifically with the law as it relates to injuries caused by products.

**9338 Real Estate Finance (3 qtr. hrs.)**

A study of residential and commercial real estate transactions including mortgage law, sources and forms of financing, conveying processes, basic tax considerations, workouts and the roles of the real estate broker and the lender or investor.

**9272 Retirement Law (2 qtr. hrs.)**

A study of the legal aspects of retirement plans, including an introduction to the different types of retirement plans, qualified and non-qualified retirement plans, the Employee Retirement Income Security Act (ERISA), plans for the self-employed, individual retirement accounts, spousal rights, and the rules relating to contributions to and the distribution and taxation of retirement benefits, with an emphasis on the estate planning aspects.

**9308 Sales Transactions: Domestic & International Law (3 qtr. hrs.)**

Sales Transactions is an advanced course in contracts focusing on the regulation of domestic sales transactions under Article 2 of the Uniform Commercial Code and international sales transactions governed by the United Nations Convention on Contracts for the International Sales of Goods. The course builds on the first year Contracts course, developing in more detail the scope of statutory regulation, the acceptance and rejection of goods, contract interpretation in business transactions, warranty liability, damage rules, risk of loss, and commercial impracticability

**9344 Securities Regulation (3 qtr. hrs.)**

A study of the disclosure, registration and distribution process as regulated by the Securities Act of 1933 and civil remedies for a violation of the Act.

Prerequisite: Business Organizations I (Students who have a BBA do not have to take Business Organizations I before taking Securities Regulation).

**9279 Separation of Church & State (2 qtr. hrs.)**

This course examines the relations between religion and government in the United States and emphasizes the U.S. Supreme Court's jurisprudence under the First Amendment's Establishment and Free-Exercise Clauses.

Prerequisite: Constitutional Law

**9361 Sports Law (3 qtr. hrs.)**

A survey of the application of basic principles of agency, antitrust, constitutional, contract, intellectual property and labor laws to the agents, schools, leagues, owners and players involved in amateur and professional sports.

**9226 Supreme Court Seminar (2 qtr. hrs.)**

A limited enrollment seminar (9 or 18 students) in which students assume the role of United States Supreme Court justices. The seminar entails arguing and deciding cases currently pending before the Supreme Court. Once decided, a student is assigned to write the Court's opinion. Each student is responsible for one substantial majority opinion and perhaps an occasional concurrence or dissent. The grade is based on both the written component (opinion) and oral participation. Attendance at all class meetings is mandatory.

**9382 Texas Administrative Law (3 qtr. hrs.)**

A study of governmental regulation within Texas. An emphasis is placed upon Texas agencies with statewide jurisdiction that are subject to the provisions of the Texas Administrative Procedure Act. Particular emphasis is placed upon the procedural aspects of rulemaking and contested case proceedings along with a study of the scope of judicial review exercised by the courts over such agency actions.

**9231 Texas Land Practice (2 qtr hrs)**

A study of selected problems of Texas land law. The course includes material on contracts of sale, titles, original title, priorities, limitations and judicial procedures relating to land titles. A drafting problem and a title examination are required courses.

**9251 Texas Life Insurance Company Externship (Pass/Fail) (2 qtr. hrs.)**

A one-quarter externship experience in which the student is assigned to work in the general counsel's office of Texas Life Insurance Company. Students completing the Business Transactions area of concentration will generally be given priority for enrollment in this externship. A minimum of 90 hours of supervised work will be required.

**9286 Texas Railroad Commission Externship (2 qtr. hrs.)**

An externship experience enabling students to become more familiar with the Commission's environmental programs as well as environmental and health and safety laws and rules administered by other state and federal agencies. Students should gain understanding of the role of state agency attorneys in advising agency staff and Commissioners on such matters. Students gain experience in research and writing in an office setting.

**9230 The Law of Entertainment Industries (2 qtr. hrs.)**

A comprehensive introduction to the legal doctrines that shape the entertainment industry in its many forms. We will learn about the structure and "power relationships" within the industry including but not limited to the issues of credit/billing, creative control and the sale/transfer of creative talent or product.

**9132 Trusts and Estates Capstone (CR/NC) (1 qtr. hr.)**

Upon completion of Wealth Transfers, the student enrolls in a capstone course which provides the student with the opportunity to work one on one with a faculty member in order to apply through drafting exercises what the student learned in the substantive course and also to experience the types of problems lawyers in this area of the law handle on a routine basis.

Prerequisites: Trusts and Estates and Wealth Transfers

Also required: grade of at least "B," in Trusts & Estates, or cumulative GPA of at least 2.5 after first year courses completed.

**9V97 Trusts and Estates Independent Study (1 qtr. hr.)**

Students completing the Trusts & Estates Area of Concentration who have not met the requirement of having at least a 2.5 GPA at the end of the first year or having earned at least a "B" in Trusts & Estates, will be allowed to participate in this independent study in lieu of the Trusts & Estates Capstone. This independent study will provide the student with a similar experience to the capstone.

Prerequisites: Trusts and Estates and Wealth Transfers

**9332 H. Hart Nance Course in Wealth Transfers (3 qtr. hrs.)**

A study of the non-tax aspects of estate planning, including interpretation, construction and drafting of wills, trusts, other will substitutes, marital agreements, durable powers of attorney, medical powers of attorney and living wills. The course also introduces students to the federal transfer tax system. (formerly Trusts & Estates II) Prerequisite: Trusts & Estates

**9351 White Collar Crime (3 qtr. hrs.)**

A study of corporate criminal liability and personal liability in the organizational setting, focusing on federal statutory and regulatory offenses that are frequently prosecuted in the business or corporate setting such as mail fraud, wire fraud, bank fraud, money laundering, RICO, tax crimes and obstruction of justice.

**Seminar Courses**

From time to time, as faculty time is available and student demand indicates, seminar courses may be offered. These courses are for second- and third-year students and carry one or two quarter hours of credit. They are designed to promote a depth of understanding in particular subjects of law and public policy and to afford students a perspective on law and lawyers.

**Hankamer School of Business Courses**

Upon approval by the Associate Dean, the following courses, offered in the Hankamer School of Business, may be taken by qualified law students for pass/fail credit toward the JD degree.

**9474 (Accounting 5361) Corporate Taxation (Pass/Fail)**

Federal income taxation of corporations and their shareholders: problems of organizing and capitalizing a corporation, determinants of the corporate income tax base, nonliquidating and liquidating distributions, reorganizations, and penalty taxes.

**9475 (Accounting 5362) Partnership and S Corporation Taxation (Pass/Fail)**

Major aspects of taxation affecting flow-through entities and their owners. Emphasis on tax law by studying the Internal Revenue Code, Treasury Regulations, IRS Rulings, and case law. Tax planning and preparation of entity tax returns.

**9473 (Accounting 9364) State, Local, and International Taxation (Pass/Fail)**

Presentation of relevant topics to enhance students' entrance into the tax profession. Topics are subject to change between course offerings, but often include recent tax legislation, multinational taxation, compensation, and other specialized areas.

**9472 (Accounting 5370) Advanced Tax Topics and Research (Pass/Fail)**

Presentation of relevant taxation topics to enhance students' entrance into the accounting profession. Topics may change over time, but will likely include individual tax planning and advanced corporate and partnership tax issues. Students will also learn the process necessary to research a tax problem efficiently, to arrive at a defensible solution, and to communicate that solution effectively.

**9478 (Economics 4350) Economics of Health and Medical Care (Pass/Fail)**

Economic aspects of health and medical care; theory, empirical evidence, history, institutions, and public policy.

**FINANCIAL AID, SCHOLARSHIPS AND AWARDS**

Information pertaining to financial aid, scholarships and awards is located on the Law School website at [http://law.baylor.edu/ProspectiveStudents/PS\\_costs.html](http://law.baylor.edu/ProspectiveStudents/PS_costs.html).

## APPENDICES

### RULES ON ACADEMIC PROBATION AND DISMISSAL (January, 2007)

#### I. Academic Probation

##### A. Academic Enhancement

Students with a grade point average of 2.4 or lower at the end of the third quarter of Law School are required to take five (5) of the following seven (7) courses prior to graduation:

Course Number	Course Name	Credit Hours
9235	Administration of Estates	2
9350	Advanced Criminal Procedure	3
9360	Civil Liberties	3
9370	Family Law	3
9340	Commercial Law: Negotiable Instruments	3
9342	Commercial Law: Secured Transactions	3
9332	Wealth Transfers	3

##### B. Academic Deficiency Resulting in Probation

A student in Baylor Law School will be placed on probation for academic reasons when, after all final grades for a quarter have been reported, the student's overall grade point average falls below a 1.90 on the 4.0 scale. At that time, a student may continue in school on probation, or may elect to withdraw immediately from school and return on the same probationary basis within three years.

##### C. Computation of Grade Point Average

In computing the grade point average of a student for the purpose of determining academic deficiency in a particular quarter:

(1) All final letter grades earned in law school courses will be considered. Grade points are awarded for courses at the rate of A = 4.0, A- = 3.67, B+ = 3.33, B = 3, B- = 2.67, C+ = 2.33, C = 2, and D = 1 per credit hour. No credit is received for an F. A grade of Pass (P) is a neutral grade and does not affect the grade point total. While credit hours received in a course for which a P is recorded are counted toward the graduation total, they are not included in computing the grade point average.

(2) The final grades received in the first two quarters will form the basis of the initial evaluation of a first-year student's academic sufficiency. Tentative grades received in Legal Analysis, Research & Communication (LARC) will not be used in determining academic sufficiency until the grade is final.

(3) No bonus grade points will be considered in determining academic sufficiency.

(4) Grades received in repeated courses will be counted at the repeated letter grade value in determining compliance with the "C" average requirement for students on probation in Section D below; however, for purposes of calculating a cumulative grade point average, the repeated grade cannot be counted at a level higher than a "C".

##### D. Terms of Probation

The terms of probation are: (1) enrollment in a course of study of at least 12 credit hours approved by the Chair of the Academic Standards Committee; (2)

maintenance of a "C" average (2.0 on the 4.0 scale) in courses taken in each probationary quarter until a graduation average of 2.0 for all work taken is attained; and (3) attainment of a graduation average within three quarters.

## **II. Dismissal by Reason of Breach of Probation**

A probationary student notified of a failure to fulfill the terms of academic probation during a quarter will be immediately dismissed from school unless the student elects to stay the dismissal until that quarter's final examinations are completed. A student may wish to stay the dismissal until final examinations are completed as a demonstration of an ability to perform satisfactory law school work to assist any later petition for readmission. This option must be exercised within a reasonable time, normally three days. A tuition refund will be made only if the student is otherwise entitled to a tuition refund under the regular tuition refund policy of the Law School. In either case, whether effective immediately, or stayed until the end of the quarter, a dismissal for failure to fulfill the terms of academic probation is a permanent dismissal from the Law School.

## **III. Deficiency in English Resulting in Probation**

If a student after admission to the Law School demonstrates an inadequate command of English, including a deficiency in spelling and grammar, the student may be placed on academic probation under the terms to be prescribed by the Faculty Academic Standards Committee.

## **IV. Petition to Review Dismissal**

A student dismissed for academic deficiency may, within one year, petition the Dean and faculty of the law school for readmission on probation. The decision to grant a petition for readmission is solely within the discretion of the Dean and faculty and may contain such conditions and/or qualifications as are deemed appropriate. The student may not be readmitted to the Law School unless two full quarters have elapsed while the dismissal was in effect. If the student elects, however, to stay dismissal until finals are completed and when grades are announced, the student's overall grade point average is raised to a graduation average, the student may be readmitted to the next beginning quarter. The petition should be submitted at least four weeks prior to the end of the quarter preceding the quarter to which readmission is sought to give the Dean and faculty sufficient time to consider the petition. For example, to illustrate the timing of a petition for readmission, a student who is dismissed after receiving grades on the winter quarter, who does not elect to complete the spring quarter, may petition for readmission beginning with the fall quarter and not later than the next spring quarter.

The petitioner has the burden of establishing to the satisfaction of the Dean and faculty that there is a significant probability that the petitioner will achieve and thereafter maintain a graduation average if readmitted on probation. A petition for readmission should be directed to the Chair of the Academic Standards Committee. The petition should set forth, in letter form, the following information: (i) an explanation of the perceived reasons for the applicant's academic dismissal; (ii) an explanation of the applicant's activities during the period of dismissal; and (iii) an explanation of why the applicant expects to be able to correct prior academic deficiencies if readmitted on probation.

## **V. Student's Responsibility to Monitor Status**

These rules of academic probation and dismissal are automatically applicable whether or not the student receives any form of notice. It is the student's responsibility to determine his or her status based upon this policy and the grades

earned by the student. An attempt will be made to notify a student of the his or her status under the rules, but the notification is given only as a courtesy and a student is not entitled to receive any such notice. Receipt of any notice does not assure that any further notices be sent. Grades for a particular quarter may not be available until a substantial time after the beginning of the following quarter. Thus, any courtesy notice of academic deficiency and probation or dismissal, if sent at all, will usually not be sent until later in the quarter in which this status is determined. Therefore, each student is solely responsible for continuously updating his or her grade point average as individual grades become available and is solely responsible for determining his or her status under these rules. When it appears that an academic deficiency either exists or might exist, the student should immediately contact the Chair of the Academic Standards Committee. The fact that grades may not be available for a substantial time poses a particular difficulty for the student who is on probation, in that the student will not know whether the terms of probation have been met until well into the following quarter.

**NOTE:** The Chair of the Academic Standards Committee is Associate Dean Jackson (Room 219; 710-1911.)

### **Student Laptop Exam Procedures (April 2009)**

Exams will be administered using the Extegrity Exam 4 software (hereinafter referred to as "Extegrity"). This software operates like a simple word processor but prevents the student from accessing the Internet as well as data on his or her computer's hard drive during the exam. Following are procedures that will govern the use of computers to type answers to exam questions. The Law School's wired Ethernet network described in these procedures will be noted as "Resnet". **FAILURE TO FOLLOW THE OUTLINED PROCEDURES WILL RESULT IN LOSS OF LAPTOP EXAM PRIVILEGES FOR THE CURRENT QUARTER AND POSSIBLY FUTURE QUARTERS.**

#### **I. PROCEDURE BEFORE EXAM PERIOD**

##### **A. Professor Authorization**

Use of computers to type an examination must be authorized by the individual faculty member teaching each course. A faculty member may authorize computer use for all, part, or none of an examination. Professors shall inform their students if students will be allowed to type the exam for each course in accordance with this policy. Students should ask the professor if uncertain. Faculty members should also communicate to the Baylor Law School Information Technology staff (hereinafter referred to as "IT staff"), early in the term, whether computer use will be permitted on the examination(s) in each course.

All courses will be set up for a "closed" exam unless the professor makes special arrangements with the IT staff prior to the beginning of the exam period. The "closed" setting within Extegrity prevents the exam taker from accessing the Internet and files on the laptop while the Extegrity program is running.

##### **B. Laptop Readiness**

The Law School computer lab is not available for examination use. Students who elect to type their exams must use laptop computers. Students are required to provide the laptop to be used during the exam. A limited number of laptops are available at the reserve desk in the library for students to check out and use during exams; however, those laptops must be

reserved and picked up in advance. Students should sign up to reserve one of those laptops at least two weeks prior the exam period.

Students' laptops must be properly configured with the current version of Extegrity software prior to the exam period. The following section describes the software and hardware requirements to take a typewritten exam using the Extegrity software.

#### 1. System and Hardware Requirements:

- XP or Vista operating system; Apple Macintosh™ OS X version 10.4 Tiger and above
- 10 MB free hard disk space (a very small amount)
- **Resnet network access (wired network)**
- Minimum 800x600 screen resolution
- Ethernet Cable
- Functioning Power Adapter

The IT staff will provide assistance with download, installation and troubleshooting of the Extegrity software and Resnet configuration on Macs (with a 10.4 or later operating system) prior to the deadline for assistance published each quarter by the IT staff. Mac users **MUST** use the Extegrity client developed for Macs. Mac users may **NOT** use Bootcamp, Parallels or any other Windows emulator for the Windows version of the Extegrity client. Failure to follow these procedures will result in losing laptop exam privileges for the current quarter and possibly future quarters.

#### 2. Software Requirements

Students are required to have the **most current version** of the Extegrity software ([www.extegrity.com](http://www.extegrity.com)) downloaded and installed successfully on their laptops prior to taking the exam.

Each exam cycle, an updated version of the Extegrity software is created for Baylor Law School. Thus, even if students took exams with Extegrity in previous quarters, students must download the updated version of the software for the current quarter. If students took a mid-term examination, they still must download another version of Extegrity for finals that quarter.

Notifications and specific instructions will be emailed to students when the new version of Extegrity is available for each exam cycle (in most cases about 4 weeks before the first day of exams).

Students must insure that they are able to log on to the Resnet network. To do so, first disable the wireless card, next plug into one of the green jacks with an Ethernet cord, and finally log in at <https://restech.baylor.edu>. Students with issues related to logging on to Resnet, must go to the IT staff offices **BEFORE** the deadline for assistance. Assistance will not be provided after the deadline for any reason.

#### C. Practice Exam

Each quarter students will be required to download the current version of the examination software. Each quarter students **MUST** submit a practice exam before the examination period begins to become familiar with the software and to test it on their laptop. Choose **Other Exam A** in **closed** mode, type a few lines and then submit it electronically after connecting to Resnet. A "Your file has been stored on the server." dialogue box will pop up if successful. **FAILURE TO SUBMIT A PRACTICE EXAM PRIOR TO SIGN-UP DEADLINE EACH QUARTER WILL RESULT IN THE LOSS OF LAPTOP EXAMINATION PRIVILEGES FOR THAT QUARTER.**

### D. Sign Up

Students wishing to use computers for any exam must indicate their intent to do so by signing the list maintained for that purpose by the faculty secretaries in room 314B. Students must sign the list by the sign-up deadline date **each quarter**. Students who sign up to use a computer for an exam may later withdraw their election and take the exam using pen and paper, provided the student gives appropriate notice to the faculty member. **Students who do not sign up by the deadline, however, will not be permitted to use a laptop computer for their exams unless approved by the Associate Dean.** Students will be notified by email when it is time to sign up to take exams on laptop (usually 4 weeks prior to first exam day). The deadline for sign up will be included in the email.

## II. PROCEDURE ON THE DAY OF THE EXAM

### A. Items to Bring to the Exam

Students should bring the properly prepared laptop, fully charged battery, Ethernet cable, and power adapter to the appropriate exam room. If an external keyboard and/or mouse is used, be sure to bring those as well.

Earplugs are permitted in any exam room.

Bring a pen (and the appropriate type of blank paper if no space is provided on the test for handwriting) in case of a technical difficulty which requires the student to complete the exam by handwriting.

### B. Set Up and Procedure Prior to Exam Start Time

When practical, reasonable attempts will be made to separate those taking exams on computers from those who are writing their exams. However, it will not always be possible to provide different rooms for both groups.

Arrive in the exam room designated for those taking the exam on laptop at least 15 minutes prior to the beginning of the exam. Follow the instructions below to be ready to start the exam:

1. Turn on laptop, and start the Extegrity software.
2. From the Extegrity software menu, click: **Prepare to start a new exam**
3. Click the **Next** button.
4. Enter four-digit exam PIN twice in the fields shown.
5. From the pull down menu select the exam to be taken.
6. From the pull down menu select the exam to be taken (again). The 2 selections must match or an error will be indicated.
7. Click the **Next** button.
8. If you would like to set the optional timer and alerts do so. **NOTE: The faculty member/proctor will keep official exam time.**
9. Click the **Next** button.
10. Read the Notice of Instructions. **Check to see that your computer's date and time are correct. If not, correct them per the instructions.** Incorrect date and time could lead to an honor code concern that you had inappropriate access to information during the exam period. Additionally, read the information for disabling your computer's hibernation and sleep settings and make the corrections necessary.
11. When you have read the Notice of Instruction, check the box labeled **Got it?**
12. Click the **Next** button.
13. On the Exam Mode screen type in CLOSED and then place a check in the confirmation box.
14. Click the **Next** button.

15. Review the next screen to make sure that your four-digit exam PIN and course title are correct. **WAIT** until the faculty member/proctor gives you permission to begin the exam. Starting an exam before the professor or proctor announces you can begin is an honor code violation.
16. When the faculty member/proctor says to begin, click the **Begin Exam** button
17. The Extegrity software will perform a security scan for approximately 30-60 seconds on your computer, and will then display a basic word processor screen where you will type your answers.
18. Type your answer to question 1. When you have completed question one, insert an answer separation at the end. Go to the **TOOLS** pull down menu, and select **Insert Answer Separation**.
19. Start typing the answer to question 2 and insert an answer separator, and so on.
20. Unless instructed otherwise, all answers should be typewritten.

Individual faculty members may impose supplemental procedures for examinations in their courses that are not inconsistent with those established by the Law School.

Students who take examinations on computer will have the same length of time to take the examination as those who hand write their examination.

### **C. Improper or Inadequate Preparation**

If a student arrives at the testing room with a computer that was not properly prepared, the student will be required to handwrite that exam, as well as handwrite the rest of the exams for that quarter.

If at the end of a final it is discovered by the professor, proctor or the IT staff that a student took an exam with a laptop that was not correctly prepared, the Associate Dean, in consultation with the IT staff, will decide if the student will be permitted to take any further exams on computer during that quarter or future quarters.

Any attempt to disable or tamper with the security features of the examination software will be prosecuted as a violation of the honor code.

### **D. Technical Difficulties**

Students should understand that an unrecoverable technical failure is possible and the student should be prepared to complete their examinations by handwriting if a failure occurs.

Time spent resolving computer failures will not be added to the time allowed for a student to complete an examination (see below for procedure in case of problems during exam). However, individual faculty members will retain their traditional discretion in grading, including the making of such adjustments as they deem appropriate when grading examinations in which there has been a technical failure.

Proctors will be available during all periods that the examination software is in use; however, proctors will not attempt to resolve technical computer problems. Students can request that proctors attempt to contact the IT staff to request assistance for the student.

## **III. PROCEDURE IN CASE OF PROBLEMS DURING EXAM**

### **A. Instructions for the Student in Case of Technical Difficulty**

If your computer freezes during the examination, follow the instructions below.

1. Contact the faculty member or proctor immediately who will in turn contact one of the IT staff.
2. **DO NOT** reboot your computer or attempt to close or re-launch the Extegrity software.

3. DO NOT attempt to disable or tamper with the Extegrity program or security features. To do so is an honor code violation.
4. DO NOT attempt to continue using the computer without the Extegrity program in operation. To do so is an honor code violation.
5. At the point of failure or disruption, immediately begin to complete your exam by handwriting your exam. In most situations, the work you typed prior to the interruption can be recovered; therefore, you generally should continue with the test rather than starting over.
6. Once the IT staff arrives, the student should allow the IT staff access to the computer to attempt to correct the problem.
7. The student should continue to handwrite answers while the IT staff is working on the computer.
8. If the IT staff is able to correct the problem, the student will be allowed to continue with the exam on laptop until time is called.
9. Student should not type the answers completed by handwriting but should indicate on the Extegrity program where you are starting with your typed answers after the interruption so that the professor will know what part of the answer was handwritten during the interruption.
10. If time permits and the IT staff indicates that your work prior to the interruption may not be recoverable, you should attempt to handwrite the answers you typed prior to the interruption.
11. As soon as the exam ends, you **MUST** take your computer to the IT staff for recovery of the typed portion of your exam. Do not attempt to recover the data yourself.

Students will not be given additional time to complete an examination nor to handwrite answers typed prior to the interruption. However, individual faculty members will retain their traditional discretion in grading, including the making of such adjustments as they deem appropriate when grading examinations in which there has been a technical failure.

#### **B. Procedure for IT Staff in Case of Technical Difficulty**

Upon arrival the IT staff person will restart the computer and reenter the exam in the amount of time it normally takes to reboot Windows. Upon reboot, the IT staff will go through the following procedure:

1. In the Extegrity dialog box choose **Select previous exam**
2. Highlight the exam the student was working on
3. Click **Begin Exam**
4. Enter the following start code: **exam4flash**
5. Type a brief reason for why the exam had to be restarted (i.e. computer froze up, battery died, etc.)
6. The Extegrity software will perform the security scan again, and will recover the student's exam up to the last automatic save. Click **OK** to continue the exam.
7. Notify the student that they may resume, or not, the exam on laptop.
8. Make notes in that quarter's exam log book about the time, duration, type and resolution of the technical difficulty.

#### **IV. PROCEDURE FOR COMPLETING AND SUBMITTING THE EXAM**

When the faculty member or proctor calls time, all students must stop typing immediately. Failure to comply is an honor code violation. To complete the exam process, students need to follow the procedures below. An instruction page which includes contact information for the IT staff will be available at the front of the class, usually on a lectern.

**A. Ending the Exam**

Follow the instructions below to end an exam:

1. From the pull down menu select **End Exam Now**.
2. Check the **Confirm** button.
3. Click **OK**, end exam.
4. Select **Cancel** when presented with saved options.
5. Click **End** under the **File and Save Options** menu to quit the program (a final backup is saved after you end the exam).

**B. Submitting the Exam**

After successfully ending the exam, immediately follow the instructions below to submit an exam.

1. Be sure your Ethernet cable is plugged into an internet jack.
2. Open up an Internet browser window and log on at <https://Resnet.baylor.edu>.
3. Start the Extegrity program again and select your exam from the list.
4. Click **Submit Electronically**.
5. Press **OK** at the exam code box (default should say **exam40flash**).
6. A dialog box will inform you that the exam has been saved to the server.
7. Click **OK**.
8. An additional dialog box will appear with some information regarding the exam (i.e. number of sections and words per sections, etc.). Review the information then Click **OK**. PLEASE NOTE THE LINE COUNT IS NOT ACCURATE.
9. **Close** the status dialog box.
10. Exit from the program.

Note that the law school **WILL NOT** accept submissions by floppy, USB flash drive, or CD-ROM unless the student's computer fails to send the exam electronically and the IT staff have been notified and assist the student with saving the exam.

**V. TURNING IN HARD COPY OF EXAM AND EXITING THE ROOM**

After exiting from the program, do not delay turning in the exam and exiting the room.

1. Immediately turn in the exam as instructed. If no instructions were given, place the exam on the lecturn at the front of the room.
2. If instructed to sign the exam sign-out sheet, do so at the time you turn in the exam.
3. Immediately and quietly exit the room. If you cannot quietly shut down your computer and gather your belongings, exit the room and return to gather your belongings after the official end of the exam period.

**HONOR CODE  
BAYLOR UNIVERSITY SCHOOL OF LAW**

**PREAMBLE**

Baylor University School of Law (the "Law School") students shall act in academic matters with the utmost honesty and integrity and in a manner consistent with this Honor Code ("Code"). The purpose of this Code is to specify the conduct which violates this obligation and to establish a process for dealing with breaches of the Code. The Code seeks to achieve an appropriate division of functions among Dean, faculty and students, but emphasizes that the primary obligation of implementing and enforcing the Code rests with the students. The effectiveness of this Code is dependent on the personal integrity, honesty and cooperation of each student and

each student is expected to read and observe the Code and to assist in its enforcement.

#### **ARTICLE I. SCOPE OF THE CODE**

A. This Code applies to any alleged incident of misconduct related to any academic matter involving the program of the Law School, regardless of where such alleged incident occurred.

B. "Academic matter" includes any activity which may affect a grade or in any way contribute toward satisfaction of the requirements for graduation or which may result in academic credit or recognition. Such activities include, but are not limited to, examinations, research for course papers or projects and performance of requirements in connection with externships and clinical courses, Law Review, or intrascholastic or interscholastic advocacy skills competitions. This Code is not intended to replace or supersede applicable federal and state laws, municipal ordinances, Baylor University or Baylor Law School regulations or Law School Library or Career Services Office internal rules governing conduct of law students not involving an academic matter as defined above. However, the presumption shall be that this Code is applicable where the matter is in doubt, particularly where no other procedure is available to address or deal with the alleged misconduct.

#### **ARTICLE II. STUDENT MISCONDUCT**

Student misconduct in connection with any academic matter covered by this Code includes, but is not limited to:

A. In connection with examinations:

1. Substituting for another student or permitting any other person to substitute for oneself to take the exam or perform other work relating to the exam.
2. Copying from or looking upon another student's examination paper during an examination with the intent to obtain information relevant to the examination or intentionally permitting another student to see and copy from one's examination paper.
3. Collaborating during the examination with any other person by giving or receiving information without authority.
4. Using material during an examination not authorized by the person administering the examination.
5. Taking time beyond that allowed other students for the completion of an examination without the express permission of the person administering the examination.
6. Divulging in a systematic and coordinated way, during or after the exam, the contents of an essay or objective examination where the instructor has stated that the contents of the examination are not to be divulged, until such time as the instructor releases the examination.
7. Invading or attempting to invade the security measures maintained for the preparation and storage of examinations.
8. Stealing, buying, otherwise obtaining, selling, giving away, or bribing another

person to obtain all or part of an unadministered examination or information about an unadministered examination or an examination which is to remain confidential or any unauthorized information concerning an examination.

9. Failing to inform the Dean or the appropriate faculty member of the fact that one has come in contact, through no fault of the student, with an unadministered examination, or an examination which is to remain confidential, or any unauthorized information concerning an examination, after becoming aware of the fact that the material involved is confidential.

B. In connection with any report, paper, memorandum, article, brief or any other written work in fulfillment of academic requirements or to directly or indirectly obtain academic credit or recognition:

1. Submitting as one's own written work prepared totally or in part by another person, unless such collaboration is expressly authorized by the instructor, provided that, unless all discussion is expressly prohibited by the instructor, merely discussing the subject matter generally with another student is not in violation hereof.

2. Submitting a writing incorporating another person's work, whether copyrighted or not, by taking the substance of such work or the literal expression from such work of another without acknowledging and crediting the original author's work with quotation marks and footnotes or other appropriate written explanation.

3. Submitting written work previously offered by the student for credit or recognition in another course or program without the instructor's permission secured in advance of submission.

C. In general:

1. Failing, upon witnessing or learning of the probable violation of this Code, to report the fact immediately to the Dean or a member of the faculty.

2. Refusing to testify at any proceeding under the Code as to the facts within his or her knowledge, provided he or she is not the accused, as no person shall be compelled to bear witness against himself or herself.

3. Taking, keeping, misplacing, tampering with, or damaging the property of Baylor University, a faculty member, another student or any other person, if one knows or should reasonably know that one would by such conduct obtain an unfair academic advantage. This section is intended to include, but not be limited to, material in the law library.

4. Misrepresenting facts about oneself or another for the purpose of obtaining an advantage, either academic or financial, or for the purpose of injuring another student academically or financially, including providing false grades or other information in resumes for placement use.

5. Knowingly or negligently submitting false or misleading information concerning hours worked or requirements fulfilled in connection with any externship or clinical program undertaken for credit or recognition.

6. Acting contrary to accepted principles of honesty in any academic pursuit, it being

recognized that no enumeration can exhaust the possible applications of a law student's obligation to conduct himself and herself in a manner consistent with the Code and that the enumeration above is by way of illustration and not limitation, provided, however, that if at all possible one or more of the enumerated sections should be utilized rather than this general provision.

### **ARTICLE III. THE HONOR COUNCIL**

The Honor Council shall be responsible for implementing and enforcing this Honor Code. The Honor Council shall be composed of two bodies, an Investigatory Committee and an Adjudicatory Committee. The Investigatory Committee shall include the vice presidents of the respective classes with the vice president of the senior class serving as chair. The Adjudicatory Committee shall include the presidents of each of the law school classes and the two faculty members appointed by the Dean to serve as the Faculty Honor Code Committee. The Dean shall designate one of the faculty members to serve as the chair of the Faculty Honor Code Committee and that person shall also serve as chair of the Adjudicatory Committee.

Any member of the Investigatory Committee or the Adjudicatory Committee must disqualify himself or herself if he or she feels, that in the determination of an alleged violation, he or she cannot act on the weight of the evidence without bias or prejudice. Failure to disqualify oneself where disqualification is appropriate shall in and of itself be considered a breach of the Code.

Should a student member of either the Investigatory Committee or the Adjudicatory Committee disqualify himself or herself from that committee, the president of the Student Bar Association shall appoint a replacement selected from the secretaries/treasurers of the classes. Should a faculty member of the Adjudicatory Committee disqualify himself or herself, the Dean shall appoint a replacement.

### **ARTICLE IV. INVESTIGATORY PROCEDURE**

#### **A. Initiation of Proceedings.**

A student shall immediately report any suspected violation of this Code to the Dean or to a member of the faculty, preferably the faculty member with respect to whose courses the suspected violation occurred or to a member of the Investigatory Committee.

Where the suspected violation is reported to the faculty member whose course is involved, or where the faculty member observes or has personal knowledge of a possible Code violation, the faculty member may:

1. handle the matter directly with the student, unless the student requests that the matter be referred to the Dean, in which case the faculty member shall do so, or
2. refer the matter directly to the Dean.

A member of the Investigatory Committee to whom a suspected violation of this Code has been reported shall convey the information obtained to the Dean who may refer the matter to the faculty member whose course is involved for informal resolution between the faculty member and the student.

Where a suspected Code violation is referred to the Dean, he or she in consultation with an affected faculty member where appropriate, shall determine whether the matter is covered by this Code and whether sufficient evidence exists to pursue the

matter further. The Dean may settle the case by agreement with the student, with or without an acknowledgment of guilt, e.g., an agreement that the student withdraw from the Law School, accept a stipulated punishment or conduct himself or herself in a particular way. The agreement shall be reduced to writing and signed by the student and the Dean.

In any of the above situations the student should be advised of his or her rights under this Code, particularly of the right to have the matter referred to the Investigatory Committee as set out below.

If it is determined that the matter merits investigation, and no satisfactory informal resolution of the matter can be achieved, a complaint shall be prepared by the Dean, signed, verified and dated by the accusing party or parties, setting forth all the relevant facts, including the name of the accused party and the names of all eye witnesses to the event or other parties who may possess any relevant knowledge. The complaint, together with any relevant writings, e.g., examinations, articles, briefs, shall be referred to the Chair of the Investigatory Committee.

#### B. Investigatory Procedure.

1. Upon receipt of the complaint the Chair of the Investigatory Committee shall convene the Committee and the Chair may assign specific investigatory duties to other members of the Committee, e.g., interviewing eye witnesses, comparing examination papers or other writings. In all proceedings of the Committee the only official participants shall be the three vice-presidents of the Law School classes or a duly appointed substitute.
2. The investigation shall be conducted in a confidential manner to protect the identity and reputation of the accused. Discussions among Committee members and witnesses shall be held in the strictest confidence and Committee members shall not reveal the contents of such discussions to anyone outside the Committee. A violation of this provision constitutes a violation of the Honor Code.
3. If the Committee determines, by majority vote, that there is probable cause to believe that the accused committed an offense warranting the imposition of major punishment, a final report outlining the charges against the accused, detailing the evidence accumulated and listing the witnesses shall be prepared, signed by the members of the Committee in favor of this action and dated. A dissenting member may, but need not, prepare a memorandum explaining his or her refusal to approve the Committee action.

If it is determined that probable cause is lacking, a written report so stating and dismissing the complaint shall be prepared and signed by the members of the Investigatory Committee in favor of such disposition with a copy of this report delivered to the accused and to the Dean. The chair of the Investigatory Committee shall be responsible for destroying all records, except the final report, should no charges be brought.

4. The written and signed accusation provided to the Investigatory Committee, the final report of the Committee and the dissenting memorandum, if any, and all other written material relevant to the matter shall be delivered to the chair of the Adjudicatory Committee. The final report shall include a clear, concise statement of the charges against the accused.

5. At the time the matter is referred to the Adjudicatory Committee, the chair of the Investigatory Committee shall also provide a copy of the accusation, final committee report and dissenting view, if any, and all other written material to the accused.

6. The accused is required to respond, in writing, to the specific charges contained in the final report to the chair of the Adjudicatory Committee within five (5) days of the receipt of the report, denying or admitting the charge or charges and, if desired, explaining or refuting the evidence. A failure to respond will not be a factor or evidentiary in determining guilt or innocence but will be considered an independent honor code violation.

#### **ARTICLE V. ADJUDICATORY COMMITTEE PROCEDURE**

##### **A. Responsibilities of the Adjudicatory Committee and the Rights of the Accused in General.**

It shall be the responsibility of the Adjudicatory Committee to hear all complaints brought before them, to make a determination of guilt or innocence, and to recommend sanctions, in appropriate cases, to the Dean and faculty. In performing its functions and responsibilities, the Adjudicatory Committee shall afford the following rights to the accused:

1. A clear, concise statement of charges against him or her;
2. An adequate time to prepare any defense he or she may have to offer;
3. A personal appearance before the Adjudicatory Committee;
4. Counsel or a representative of his or her choice from among the student body or otherwise;
5. Opportunity to present evidence in his or her behalf;
6. Opportunity to examine and cross-examine witness;
7. Issuance of summonses by the Committee for witnesses and relevant documents;
8. To remain silent without such silence being construed against him or her;
9. A hearing closed to the public, or open, at his or her choice;
10. A presumption of his or her innocence until the Committee is convinced of his or her guilt by clear and convincing evidence;
11. To have the hearing held, the decision made, and a copy of the decision of the Committee made available, without undue delay;

Should the accused admit, without qualification, the charges against him or her and request that the penalty or sanction be imposed by the Dean and faculty without submission to the Adjudicatory Committee, the matter shall be handled by the Dean and faculty without submission to the Adjudicatory Committee.

##### **B. Preliminary Steps.**

1. The hearing shall be held within a reasonable time after the final report of the Investigatory Committee is served on the accused, but not less than three (3) days

thereafter and not before the accused has been given an opportunity to respond to the report within five (5) days of the receipt of the report.

2. At least three (3) days before the date of the hearing the chair of the Investigatory Committee and the accused shall each submit a list of all persons believed to possess knowledge or information relevant to the accusation in question and the Adjudicatory Committee shall summon all such persons to be available at the hearing. Either party may request permission from the Chair of the Adjudicatory Committee to add a person or persons to this list at any time before the conclusion of the hearing and such request shall be granted if good cause is shown for omitting such person or persons from the original list.

The failure of any person to appear and testify without good cause shall be a violation of the Honor Code.

3. At least three (3) days before the date of the hearing the accused shall advise the chair of the Adjudicatory Committee whether he or she wants a closed hearing or a hearing open to the public. If the accused has no preference or communicates no choice, the hearing shall be closed to the public.

4. The chair of the Investigatory Committee shall serve in the role of the prosecutor and shall call witnesses against the accused, present documentary evidence, cross-examine witnesses called by or on behalf of the accused, including the accused, and generally conduct the proceedings against the accused. For good cause the chair may designate one of the other members of the Investigatory Committee to perform the functions set out above.

5. Either the accused or the chair of the Investigatory Committee may request joint pre-hearing consultations with the chair of the Adjudicatory Committee with respect to matters of practice and procedure. The parties shall avoid discussion of the merits--guilt or innocence--or of the appropriate sanctions, if any--as opposed to a discussion of what sanctions may or may not be available should the accused be found guilty of a violation.

C. The Hearing..1. Although the process is sui generis and not patterned entirely on a civil, criminal or administrative model, the hearing shall be conducted generally in conformity with traditional judicial process with the prosecution putting on its case first, followed by the case for the defense, with an opportunity afforded to both sides to make brief opening and closing statements.

2. The Chair of the Adjudicatory Committee shall rule on all matters coming before the Committee during the course of the hearing, including requests for disqualification of committee members because of personal interest or bias, times allotted for statements or arguments, claims of privilege and rulings on admissibility of evidence.

3. No hearing shall be held unless all members of the Adjudicatory Committee are present. All members of the Committee are entitled to ask questions of witnesses subject to the right of the chair to set reasonable limits on questioning by individual committee members.

4. The Committee shall receive oral and documentary evidence which possesses probative value without regard to the technical legal rules of evidence provided that irrelevant, immaterial and unduly repetitious evidence may be excluded.

5. The Secretary of the Student Bar Association, or his or her designee, shall attend and make a complete record of the hearing, preferably by video recording. The accused shall be entitled to a copy of such record for appeal purposes. The record shall be destroyed by the Secretary should the accused be found not guilty of any violation.

#### D. The Decision.

1. After the hearing is concluded, the Adjudicatory Committee shall adjourn to deliberate guilt or innocence and recommended penalty, if any, in executive session with no other person or persons present. The Committee shall decide the issue of guilt or innocence and an appropriate penalty solely on the basis of admitted evidence. All deliberations of the Committee shall be held in confidence.

2. The accused shall be presumed innocent of the alleged violation and shall be found guilty only upon a determination by a three-fifths (3/5ths) vote of the Adjudicatory Committee, by secret ballot, that guilt has been established by clear and convincing evidence.

3. The decision of the Adjudicatory Committee and the recommended penalty, if any, shall be communicated to the accused in writing within twenty-four hours of the conclusion of the hearing.

4. If the matter is not appealed to the faculty the decision of the Committee as to guilt is final. The Committee's recommendations as to sanctions or penalties are subject to de novo review by the faculty whether the matter is appealed or not and may be followed, rejected in whole or in part or modified.

#### E. Absent Accused

In the event the accused withdraws from law school prior to the initiation of these proceedings or at any time during the course of these proceedings, the Adjudicatory Committee chair shall advise the accused that a hearing of the charges will be held at a time convenient to the accused within the next three months and that his or her failure to appear and respond to the charges shall become a matter of record. If the accused advises that he or she will not appear, or chooses not to appear when the hearing has been scheduled without just cause, the Committee may determine whether to proceed with the hearing or whether to simply state the facts on the record and close the proceeding.

### **ARTICLE VI. PENALTIES**

A. If the Adjudicatory Committee finds that the accused is guilty of the alleged violation or violations the Committee may recommend any appropriate sanction or combination of sanctions, including that the student be:

1. Expelled from the Law School with or without a right to apply for readmission no sooner than a fixed date;
2. Suspended from the Law School for a fixed period;
3. Placed on probation for a specified period of time with a prescribed sanction or

penalty for violation of probation;

4. Publicly reprimanded by the Dean, with or without a copy of such reprimand forwarded to the appropriate officials of the Texas Board of Bar Examiners and/or Bar Examiners of other jurisdictions;

5. Denied course credit or the particular grade which had been given in the course, provided that the violation occurred in connection with such course;

6. Privately reprimanded.

B. The Adjudicatory Committee may also recommend appropriate penalties or sanctions, without additional hearings, for any student or students who violated the Honor Code by failing to report violations of the Code observed by such student or students or by refusing to cooperate with the Committee, e.g., by refusing to appear, by refusing to testify, by failing to testify truthfully.

## **ARTICLE VII. APPEAL**

A. Either the accused or the chair of the Investigatory Committee may appeal the decision of the Adjudicatory Committee regarding guilt or innocence or with respect to the recommended penalty, by serving written notice of appeal to the Dean within 10 days after the decision and recommendations are communicated to the accused.

B. With respect to the decision on guilt or innocence, the review by the faculty shall be in accordance with the principles of a substantial evidence review. The faculty review committee shall consist of at least two-thirds (2/3rds) of the faculty, excepting the two faculty members who served on the Adjudicatory Committee.

C. With respect to the appropriate penalty, the faculty may disregard the recommendations of the Adjudicatory Committee, in whole or in part, and may determine an appropriate penalty or sanction de novo, and the faculty review committee may review the recommended penalty or sanction whether or not the cause is appealed by either the accused or the chair of the Investigatory Committee.

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