

**BAYLOR UNIVERSITY**

**THE SCHOOL OF LAW CATALOG**

**2018-19**

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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 students, 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 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. Baylor University admits students of any race, color, national and ethnic origin, sex, age, disability, or veteran status to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin, sex, age, disability, or veteran status in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Baylor University is controlled by a predominantly Baptist Board of Regents and is operated within the Christian-oriented aims and ideals of Baptists. The University is also affiliated with the Baptist General Convention of Texas, a cooperative association of autonomous Texas Baptist churches. As a religiously-controlled institution of higher education, the University is exempt from compliance with some provisions of certain civil rights laws. As such, the University prescribes standards of personal conduct that are consistent with its mission and values. This policy statement is neither intended to discourage, nor is it in fact applicable to, any analytical discussion of law and policy issues involved, or to discussions of any recommendations for changes in existing law. Discussions of these matters are both practiced and are welcomed within our curriculum.

Further information may be obtained from the University website at Student Policies and Procedures: [https://www.baylor.edu/student\\_policies/?\\_buref=1169-91771](https://www.baylor.edu/student_policies/?_buref=1169-91771)

### **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. Request for nondisclosure will be honored by the University until notified in writing that information should no longer be withheld. **Directory information includes: name, address, telephone number, e-mail address, dates of attendance, level and classification, University ID card photograph, previous institution(s) attended, major field of study, awards, scholarships, honors, degree(s) conferred and date(s), full-time/part-time status, earned hours, expected graduation date or degree candidacy, thesis and dissertation titles and advisors, past and present participation in officially recognized sports and activities, physical factors of athletes (age, height, weight), and date and place of birth.**

### **STUDENT AID INFORMATION**

Financial aid programs available to law students include academic scholarships, grants, Federal Work-Study, federal educational loans, and alternative loans through various private lenders. Students interested in consideration for financial aid should complete the Free Application for Federal Student Aid (FAFSA) online at [www.fafsa.gov](http://www.fafsa.gov). Visit the Student Financial Aid Office website at [www.baylor.edu/sfs](http://www.baylor.edu/sfs) for additional information regarding the financial aid application process.

The provisions of this catalog do not constitute a contract, expressed or implied, between Baylor University and any applicant, student, student's family, faculty, or staff member. Baylor University reserves the right to withdraw courses at any time, or change fees, tuition, rules, calendar, curricula, degree programs, degree requirements, graduation procedures, and any other requirement affecting students. Changes will become effective at the time the proper authorities so determine, and the changes will apply to both prospective students and those already enrolled. This catalog is a general information publication only, and it is not intended to, nor does it contain all regulations that relate to students.

### **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.

## 2018-19 JURIS DOCTOR ACADEMIC 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 (44 class days)

August 20	Classes Begin (Monday)
September 3	Labor Day Holiday (Monday)
October 19	Classes End (Friday)
October 20-21	Reading Days (Saturday-Sunday)
October 22-26	Exam Period (Monday-Friday)
October 27-28	Reading Days (Saturday-Sunday)
October 29-31	Exam Period (Monday-Wednesday)
November 10	Commencement (Saturday)

### Winter Quarter (43 class days)

November 5	Classes Begin (Monday)
November 22-25	Thanksgiving Holiday (Thursday-Sunday)
Dec. 22 - Jan. 6	Christmas Holiday (Saturday-Sunday)
January 18	Classes End (Friday)
January 19-20	Reading Days (Saturday-Sunday)
January 21	Martin Luther King, Jr. Holiday (Monday)
January 22-25	Exam Period (Tuesday-Friday)
January 26-27	Reading Days (Saturday-Sunday)
January 28-31	Exam Period (Monday-Thursday)
February 2	Commencement (Saturday)

(February Texas Bar Exam 2/26-28)

### Spring Quarter (44 class days)

February 4	Classes Begin (Monday)
March 11-15	Spring Break (Monday-Friday)
April 12	Classes End (Friday)
April 13-14	Reading Day (Saturday-Sunday)
April 15-18	Exam Period (Monday-Thursday)
April 19	Good Friday (Friday)
April 20	Reading Day (Saturday)
April 21	Easter (Sunday)
April 22-25	Exam Period (Monday-Thursday)
April 27	Commencement (Saturday)

### Summer Quarter (43 class days)

May 13	Classes Begin (Monday)
May 27	Memorial Day Holiday (Monday)
July 4	Independence Day Holiday (Thursday)
July 12	Classes End (Friday)
July 13-14	Reading Days (Saturday-Sunday)
July 15-19	Exam Period (Monday-Friday)
July 20-21	Reading Days (Saturday-Sunday)
July 22-24	Exam Period (Monday-Wednesday)
August 3	Commencement (Saturday)

(July Texas Bar Exam 7/30-8/1)



## **2018-19 MASTER OF LAWS ACADEMIC 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.

### Winter Trimester

September 24, 2018 - January 4, 2019	Online Learning
January 11-19, 2019	On Campus Learning
January 22-26, 2019	Final Exams

### Spring Trimester

February 1 - May 19, 2019	Online Learning
May 5-10, 2019	On Campus Learning
May 14-18, 2019	Final Exams

### Fall Trimester

August 5 - November 8, 2019	Online Learning
November 9-17, 2019	On Campus Learning
November 19-23	Final Exams

## THE SCHOOL OF LAW FACULTY

### Full-Time Faculty

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B.A., U. of Missouri; J.D., Baylor U.; LL.M., Harvard U.

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Associate Dean and Professor of Law. (1989)  
B.B.A., Baylor U.; J.D., *ibid*.

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Professor of Law. (1996)  
B.A., U. of Minnesota; J.D., Marquette U.; LL.M., Harvard U.

Ronald L. Beal, B.A., J.D., LL.M.  
Professor of Law. (1983)  
B.A., St. Olaf College; J.D., William Mitchell College; LL.M., Temple U.

W. Jeremy Counseller, B.A., M.B.A., J.D.  
Professor of Law. (2003)  
B.A., Stephen F. Austin State U.; M.B.A, Baylor U.; J.D., *ibid*.

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Mills Cox Chair of Law. (1982)  
B.B.A., Baylor U.; J.D., *ibid*

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Assistant Professor of Law. (2015)  
B.A., Tulane U., J.D., Baylor U.  
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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 Professor  
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B.A, Baylor U.; J.D., *ibid*; LL.M., U. of Michigan

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Professor of Law. (2010)  
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B.A., Baylor U.; J.D., *ibid*.

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Professor of Law. (1977)  
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Professor of Law. (2008)  
B.A., U. of North Carolina; J.D., Indiana U.

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Abner V. McCall Professor of Evidence. (1986)  
B.A., Baylor U.; J.D., *ibid*.

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Professor of Law. (1984)  
B.B.A., Texas Tech U.; J.D., U. of Oklahoma

Rory M. Ryan, B.A., J.D.  
Professor of Law. (2004)  
B.A., Morningside College; J.D., Baylor U.

Brian J. Serr, B.S., J.D., LL.M.  
Professor of Law. (1986)  
B.S., Dana College; J.D., Washington U.; LL.M., U. of Illinois

James M. Underwood, B.A., J.D.  
Professor of Law. (2006)  
B.A., Oklahoma Baptist U.; J.D., Ohio State U.

Patricia A. Wilson, B.A., J.D.  
Professor of Law. (1993)  
B.A., Purdue U.; J.D., Northwestern U.

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### **Legal Writing Faculty**

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Director of Legal Writing Center and Professor of Law. (2000)  
B.S., Central Methodist College; M.L.S., U. of North Texas; J.D., Texas Wesleyan U.

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Legal Writing Lecturer. (2011)  
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Legal Writing Lecturer. (2013)  
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Legal Writing Lecturer (2016)  
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### **Professional Law Library Faculty**

Brandon Quarles, B.A., M.L.S., J.D.  
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## **Administrative Offices and Staff**

### **Admissions & Recruitment**

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B.A., Harvard U.; J.D., Southern Methodist U.

Katherine Sims, B.A., J.D.  
Director of Admissions & Financial Aid  
B.A., Baylor U; J.D., *ibid*.

Grace Kim, B.B.A.  
Administrative Associate for Admissions & Financial Aid  
B.B.A., Baylor U.

### **Advocacy Coordination & Practice Court Support**

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

Bailey Strohmeyer, B.B.A, J.D.  
Practice Court Associate  
B.B.A., Texas A&M U.; J.D., Baylor U.

### **Alumni Relations and Development**

Katie Casper, B.A., J.D.  
Director, Alumni Relations  
B.A., Fordham U.; J.D., Baylor U.

Barbara Lindsay  
Office Manager

Susan Wommack, B.A., J.D.  
Senior Director, Development  
B.A., U. of Texas; J.D., Baylor U.

### **Career Development**

Angela Cruseturner, B.A., J.D.  
Assistant Dean of Career Development  
B.A., Baylor U.; J.D., *ibid*.

Daniel Hare, B.B.A., J.D.  
Director, Career Development – Employer Relations  
B.B.A., M.B.A., University of Oklahoma, J.D., Baylor U.

Lauren Porter  
Office Manager  
B.B.A., Texas A&M U., Central Texas

### **Communications & Marketing**

Ed Nelson, B.A.  
Director, Marketing & Communications  
B.A., Hamilton College



Nick Teixeira, B.A.  
Senior Graphic, Web, and Marketing Designer  
B.A., New Mexico State U.

**Student Relations**

Stephen L. Rispoli, B.A., J.D.  
Assistant Dean of Student Affairs and Pro Bono Programs  
B.A. Baylor U; J.D., *ibid*

**Registrar**

Jerri Cunningham  
Registrar

Suzy Daniel  
Office Manager

**Faculty Office**

Karen Ehgotz  
Faculty Office Manager

Terri Kroll  
Assistant Office Manager and Baylor Law Review Manager

**Office of the Dean**

Meredith E. Meyer  
Office Manager, Assistant to Associate Dean & Special Events Coordinator

Laura Obenoskey  
Assistant to the Dean

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

Linda Gradel, B.A.  
Library Specialist - Acquisitions  
B.A., Baylor U.

Lela Lam, B.A.  
Circulation/Reserve Specialist  
B.A., Baylor U.

Tabitha Patterson, B.A., M.Div.  
Serials Specialist  
B.A., Baylor U., M.Div., *ibid*.

**Office of Information Technology**

Nathaniel Jones, B.S.  
Senior Information Technology Associate  
B.S., Abilene Christian U.

Ricky Lovecky, B.A.  
Senior Systems Analyst/Programmer  
B.A., Baylor U.

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

**Legal Clinics**

Josh Borderud, B.A., M.A., J.D.  
Director, Veterans Clinic  
B.A., Baylor U.; M.A., Baylor U.; J.D., Baylor U.

## **ACCREDITATIONS**

Baylor University is accredited by the Southern Association of Colleges and Schools Commission on Colleges. The Law School is accredited by the American Bar Association (1931) and the Association of American Law Schools (1938).

## **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.

## **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) 710-4587  
Fax: (254) 710-2294

#### **Library Hours**

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

Friday  
7:00 a.m. – 10:00 p.m.

Saturday  
10:00 a.m. – 10:00 p.m.

Sunday  
11:00 a.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 9:00 a.m. to 6:00 p.m.

#### **Circulation/Collection**

The Law Library's collection consists of over 155,000 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 sealed containers, such as the Baylor Law mugs or water bottles.

### **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. The wireless network may also be accessed from any location in the library by anyone who has a laptop computer with a wireless network card. Six study rooms are available on the second floor of the library for group use. Students wishing to use these rooms must reserve them at the library circulation desk. All of the seating areas on the first and second floors of the library are available on a first-come, first-served basis. The third-floor carrels are reserved for students who are enrolled in the Practice Court Program. Law Library patrons are requested to re-shelve materials and remove all personal items from the seating areas before leaving the library.

### **Photocopier**

A photocopier is in Room 106A (Reserve Collection).

### **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. A BearCat terminal is located on the first floor of the Law Library (beside the Circulation Desk, near the entrance to the Reserve Collection).

### **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 17<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 39,000 volume-equivalents of microfiche and microfilm. The microform collection is located on the first floor of the library. Library users may view the microform material by the reader-printer located in the Reserve 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**

### **Pro Bono and Public & Community Service Activities**

Baylor Law School has made a commitment to providing students with opportunities for assistance in delivery of quality pro bono legal services to those who are in need of legal services, and can't afford to pay for them. Students work with faculty, staff, and local attorneys to provide much needed pro bono legal services to deserving segments of the community.

### **Deferred Action Childhood Arrivals Immigration Clinic**

On June 15, 2012, the Secretary of Homeland Security announced that certain undocumented young people who were brought to the U.S. through no fault of their own may qualify for deportation relief. Students participating in this clinic assist qualified individuals with the application process.

### **Estate Planning Clinic**

Created to serve those who put their lives on the line in the service of their country and local communities, Baylor Law's Estate Planning Clinic provides free, basic estate planning for veterans and first responders (police, firefighters, paramedics, and emergency medical technicians) and their spouses living in and around McLennan County. Open to 2L and 3L students who have successfully completed Trusts & Estates and have earned the recommendation of faculty, students gain valuable, real-world experience helping clients arrange for the transfer of their assets to their heirs through the creation of wills and other legal documents.

### **People's Law School**

Free and open to the public, the People's Law School offers a half-day curriculum featuring volunteer attorneys and legal experts who teach courses designed to educate members of the community about their legal rights and to make the law "user friendly." Law students volunteer to assist with the program.

### **Trial Advocacy Clinic**

Students interested in litigation have a chance to put their skills to the test in actual courtrooms, with real cases, before sitting judges. Open to third-year students, the Trial Advocacy Clinic connects student volunteers to clients through two programs: Juvenile Court and Municipal Court. Representing the accused in their initial detention hearing in Juvenile Court, for most students, it's the first time they come face to face with a real client, witness the inner workings of the juvenile justice system, meet with a prosecutor, and have the opportunity to address a judge. The Municipal Court program affords students who have completed Baylor Law's Practice Court program to advocate for defendants who, because of cost, would likely go unrepresented. Focusing on Class C misdemeanors, students examine witnesses, interact with opposing counsel, argue to judges and juries, and advise their client through each phase of the proceedings.

### **Veterans Clinic**

At monthly legal advice clinics, students gain hands-on experience working with Baylor Law professors, the Director of the Veteran's Clinic, and volunteer attorneys in civil legal areas

ranging from family law, to consumer debt and bankruptcy issues, to real estate disputes. As the primary fact gatherers in the client interview, students discover that clients rarely arrive with their legal problems already tied in a neat bow. Developing the listening, interview and client counseling skills to elicit the facts—and the temperament to manage human side of the process—are foundational to any law practice.

### **Summer and Spring Break Public Interest Opportunities**

**Texas Access to Justice Commission’s Summer Internships** – Baylor Law School participates in this seven-to-ten-week program coordinated by the Texas Access to Justice Commission in which students work in one of several different public interest legal organizations in Texas that are not-for-profit or governmental organizations serving underrepresented populations.

**Baylor Law Public Interest Summer Fellowships** – Each summer the Law School provides public interest fellowships to students interning for not-for-profit or governmental organizations to assist underrepresented populations in obtaining equal access to justice. This program is funded through a meaningful endowment gift made to the Law School arising out of a consumer class action settlement.

**Texas Access to Justice Commission’s Spring Break Pro Bono Trip** – Partnering with the Texas Access to Justice Foundation since 2013, Baylor law students volunteer their time to work with various legal aid entities around the state.

**Pro Bono and Public Service Program** – Students have an opportunity to serve the community on an individual basis. The work includes both public interest and community service. Seventy-five percent of the hours must be in law-related service. Up to twenty-five percent of the hours can be completed in any type of community service.

### **Providing Non-Legal Public and Community Service**

Service is indeed important to Baylor Law School, and from the very beginning of their education our students serve the community. During 1L orientation, every student participates in a community service event. The importance of serving the community as lawyers is shared with students during the first quarter of study. This theme is recurring in the student’s education, culminating in the required Professional Responsibility class in which students are again taught the importance of serving the community.

### **Baylor Public Interest Legal Society**

The Baylor Public Interest Society is a service-oriented organization that exists to serve Baylor Law School and the Waco community in facilitating the involvement of students in public interest institutions and programs. Sample projects of this organization include facilitation of adoptions on National Adoption Day and participation in the Innocence Project of Texas.

### **Student Advocacy Competitions**

The Harvey M. Richey Moot Court Society provides all Baylor law students with the opportunity to participate in two intra-scholastic moot court competitions per year during the fall and spring quarters. Students may also participate in an annual Client Counseling Intra-scholastic Competition each winter. Additionally, each year Baylor enters student teams in mock trial, moot court, client counseling, and transactional law meet competitions held across the country.

## **Student Organizations**

Even though law students have very limited free time, students organizations are a great way to get to know people with similar interests, learn about a substantive area of law, or serve the community around you. The following is a list of student organizations at Baylor Law School. Students interested in finding out more information about any of these organizations can find more information on the Baylor Law School website <http://www.baylor.edu/law/currentstudents/index.php?id=934092> or by contacting the Assistant Dean of Student Affairs and *Pro Bono* Programs.

Administrative Law Society  
American Civil Liberties Union  
American Constitution Society  
Asian Law Students Association  
Baylor Business Law Society  
Baylor Environmental and Natural Resources Law Society  
Baylor Law Entrepreneurship Society  
Baylor Law Outdoors Club  
Baylor Law Student Animal Legal Defense Fund  
Baylor Public Interest Legal Society  
Christian Legal Society  
Criminal Law Society  
Delta Theta Pi  
Diversity in Law  
Entertainment Law Society  
Federalist Society  
Harvey M. Richey Moot Court Society  
Hispanic American Law Student Association  
International Justice Mission  
Intellectual Property Society  
Law Entrepreneurship Society  
Law Auxiliary  
Law Review  
LEAD (Leadership Engagement and Development) Counsel  
Longhorn Bar Association  
Military and Veterans Legal Society  
Native American Law Student Association  
Phi Delta Phi  
Phi Alpha Delta  
School Student Bar Association  
Texas Aggie Bar Association  
Women's Legal Society

## **MINORITY LAW STUDENT ADVISOR**

The Law School is committed to extending opportunities in legal education to qualified minority applicants. Toward accomplishing this end, two members of the Law School faculty serve as Minority Law Student Advisor. The advisors assist 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 development. Minority law students are encouraged to seek the assistance one or both of the Minority Law Student Advisors, Professor Laura Hernandez and Professor Patricia Wilson, for any aspect of their academic studies and professional training and preparation.



## **CAREER DEVELOPMENT OFFICE**

The Career Development Office (CDO) 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 more detailed list of some of the specific services and resources provided by the CDO to students and alumni.

**Career Counseling** - The CDO provides individual counseling to students and alumni. The counseling focuses on career interests, skills, and strategies that involve resumes, interviews, prospective employers, and practice areas.

**Job Postings** - Job listings are posted online in Baylor Law School's Simplicity database. All students gain access to the database in their second quarter.

**On-Campus Interviews** - Baylor Law School coordinates three on-campus recruiting events every year. The larger recruiting program is held the week before fall classes begin in August, and the other takes place in October and March. Employers are invited to interview students and recent graduates for summer clerkship and attorney positions. The CDO also welcomes employers to campus throughout the year to interview students and recent graduates.

**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 CDO posts the employer's specified hiring criteria, and students are instructed to submit their resumes 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 CDO posts the employer's specified hiring criteria, and students are instructed to submit their resumes to the CDO, through Simplicity.

**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 Law School participates in the following job fairs:

- DuPont Minority Job Fair (Various Locations)
- Loyola Patent Law Interview Program (Chicago, Illinois)
- Public Service Career Fair (Austin, Texas)
- Sunbelt Minority Recruitment Program (Dallas, Texas)
- Rio Grande Valley Legal Job Fair (Edinburg, Texas)
- Southeastern Intellectual Property Job Fair (Atlanta, Georgia)
- Sunbelt Minority Recruitment Program (Dallas, Texas)
- Texas in Washington Recruitment Program (Washington, D.C.)

**BYU Intercollegiate Job Bank** - Students also have access to the BYU Intercollegiate Job Bank, which is a compilation of job listings from law schools across the country.

**Reciprocity** - The CDO has reciprocity with law schools across the country. Students and alumni seeking positions in other geographic locations have the opportunity to use the services and resources at other career services offices.

**Programs** - Students are encouraged to attend seminars and workshops presented by lawyers from various areas of practice. The CDO schedules these presentations to help students gain a better understanding of the various job opportunities available to graduates, and the unique responsibilities attorneys have to their clients and the profession. Sample programs include 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.

**Career Development Student Advisory Council (CDSAC)** - CDSAC is a committee made up of two students from each class level (1L, 2L and 3L). The CDO meets regularly with CSSAC to discuss career development topics that are of general student interest.

**Online Resources** - CDO Website: Visit the CDO website ([www.baylor.edu/law/mycareerdevelopment](http://www.baylor.edu/law/mycareerdevelopment)) for information about the job-search process, resumes, cover letters, CDO programs, job fairs, how to prepare for interviews and much more.

**Employer Outreach Blog** - The CDO shares information with students about the legal market, employers, job search strategies, and more through our weekly employer outreach blog (<http://www.baylor.edu/law/cd/employerupdates>). Through the blog, you can also find the link to our "Tracker Map" that lists the employers with whom Daniel Hare, Director of Employer Relations, has met.

**CDO Facebook Group** - Join our Facebook group (BaylorLawCDO) for information about job opportunities, CDO events, and the latest career development news.

**Resource Library** - The CDO's library has a number of 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, handouts, and online databases. Many of these resources are also available in the law library.

**Baylor University Career Services Center** - In addition to the services listed above, Baylor University's Career Services Center facilities and programs are available to law students.

# ACADEMIC REGULATIONS

## Juris Doctor Degree

### 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, except in extraordinary circumstances, no later than 84 months after commencing law study at Baylor or a law school from which Baylor has accepted transfer credit [ABA Standard 311(b)];
- (2) completion of 126 quarter hours of credit;
- (3) an overall cumulative grade point average of two grade points for each quarter hour of credit received for all courses;
- (4) students must complete a total of 18 seminar hours of professional development programming; and
- (5) satisfactory completion of all courses designated as core required courses. Additionally, a 2.0 cumulative grade point average in the core required courses is required for graduation.

### Core Required Courses

Course Name	Credit Hours
Law 9101, LARC: Introduction to Legal Writing, Part 1	1
Law 9103, LARC: Introduction to Legal Writing, Part 2	1
Law 9203, LARC: Persuasive Communications	2
Law 9207, Basic Taxation & Accounting Principles for Lawyers	2
Law 9405, Civil Procedure	4
9407, Contracts 1	4
9408, Contracts 2	4
9303, Criminal Law	3
9356, Criminal Procedure	3
9315, Legislation, Administrative Power & Procedure	3
9411, Property 1	4
9312, Property 2	3
9413, Torts 1	4
9314, Torts 2	3
9105, LARC: Litigation Drafting	1
9104, LARC: Transactional Drafting	1
9521, Business Organizations 1	5
9504, Trusts & Estates	5
9524, Constitutional Law	5
9326, Remedies	3
9527, Practice Court 1	5
9520, Practice Court 2	5
9229, Professional Responsibility	2
9528, Practice Court 3	5

(continued on next page)

### **Additional Required Courses**

Students with a cumulative grade point average of 2.4 or lower at the end of the third quarter of law school (when all grades are completed) are required to take five of the following seven courses prior to graduation. These courses are not included when calculating the cumulative grade point average in the core required courses for purposes of determining eligibility for graduation.

<b>Course Name</b>	<b>Credit Hours</b>
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.

### **Mandatory Participation in Law School Activities**

From time to time throughout law school, students are required to participate in law school activities and events that will benefit them in some manner. Efforts are made to give students reasonable notice of such activities. During the first year of law school, students are required to participate in several activities. Fall and spring starters are required to serve as a bailiff for the moot court competition during their first quarter of study. For summer starters, this will happen in the second quarter (fall). By participating as bailiffs and jurors, students become familiar with the moot court competition and the Practice Court exercises in which they are required to participate in due time.

### **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.

### **Registration**

#### **First Year Students**

Entering students will register for courses online prior to. Second and third quarter students will register online 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 online during the registration period near the end of the preceding quarter. Materials for registration will be available on the law school's website at [Baylor.edu/law](http://Baylor.edu/law).

### **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: Business Organizations 1, 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. Remedies must be taken in the Fall, Winter or Summer quarter of the student's second year of study.

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 student 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 1: Pretrial Practice & Procedure - 5 hours

Practice Court 2: Trial Evidence, Procedure & Practice - 5 hours

Professional Responsibility - 2 hours

Students are required to take Practice Court 3: Trial & Post-Trial Practice, Procedure & Evidence in the quarter immediately following Practice Court 1. Students in Practice Court 1, 2 and Professional Responsibility cannot enroll in any other course unless approved by the Associate Dean. Students in Practice Court 3 cannot schedule other courses beginning at 1:20 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.

## Master of Laws in Litigation Management

### Graduation Requirements

In order to be eligible for graduation, all candidates for the degree of LL.M. must successfully complete the following courses:

<u>Name of Course</u>	<u>Credit Hours</u>
Fundamentals of Litigation Management	4
Litigation Data Management, Data Analytics	1
Litigation Data Management, Cybersecurity	1
Proving and Attacking Damages	2
Forum Issues Affecting Major Litigation	1
Management of Expert Witnesses	1
Research Project Phase 1	1
Management of Electronic Discovery	4
Business Strategy and Processes in Litigation Management	3
International Issues in Litigation Management	2
Litigation Crisis Management	1
Privilege Issues Affecting Litigation Management	1
Research Project Phase 2	1
Summer Research Project	
Litigation Project Management & Complex Litigation Management	4
Complex Arbitration & Negotiation Issues	2
Insurance Coverage and Claims Reservation	2
Management of Regulatory Investigations	2
Future Trends in Litigation Management	1
Research Phase 4	1

## **Tuition and Settlement of Accounts**

### **Tuition**

J.D. Per Quarter Hour \$1,414.00

J.D. Per Quarter\* \$19,796.00

J.D. Per Year \*\* \$59,388.00

LL.M. Per Quarter Hour \$1,414.00

LL.M. Per Trimester \$16,968.00

### **Required Fees**

*J.D. General Student Fee:*

Per Quarter Hour \$875.00 (enrolled in ten hours or more)

Per Year\*\*\* \$2,625.00

*LL.M General Student Fee*

\$667.00 Per Trimester

*J.D. Health/Counseling Fee:*

Per Quarter\* \$108.00

Per Year\*\*\*\$324.00

*J.D. Student Bar Association Dues*

Per Quarter Hour \$2.25

Per Year\*\* \$ 94.50

### **Optional Fees**

*J.D. Installment Plan Fee: \$40.00*

*Late Payment Fee* (for financial settlement after due date): \$ 100.00

*Late Registration Fee* (for cancelled schedules): \$ 100.00

*LL.M. Installment Plan Fee: \$40.00*

*Late Payment Fee* (for financial settlement after due date): \$ 100.00

*Late Registration Fee* (for cancelled schedules): \$ 100.00

*J.D. Student Life Center:*

Per Quarter\* \$ 230.00

Per Year\*\*\* \$ 690.00

*J.D. Athletic Events Access:*

Per Quarter\* \$ 160.00

Per Year\*\*\* \$ 480.00

Parking Permit Fee: \$360.00 (good for full academic year)

\* Based on 14 hours

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

\*\*\* Based on 3 quarters

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

### **Complete 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 Law School Registrar or Associate Dean. Courses from which a student withdraws are not removed from the student's record. Refunds of tuition and fees for complete withdrawals 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 Admissions Office 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): Introduction to Legal Writing, Part 1 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 "F" for each part of the course. Likewise, a student who completes LARC: Introduction to Legal Writing with a grade of "C" or better and who drops the course will receive a final grade of "W." A student in his or her first year who completes LARC: Introduction to Legal Writing Part 1 with a grade of "C" or better and who, before beginning LARC: Introduction to Legal Writing Part 2, 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 two quarter sequence is completed.

**Second and Third Year Courses Juris Doctor Students**

A student not on academic probation may drop any course, as long as it is not a limited enrollment course, during the first nine weeks of the quarter. Limited enrollment courses may not be dropped after the Friday immediately preceding the first day of class for the quarter. When dropping a class that is not limited enrollment, a "W" will be noted on the student's transcript unless the student is failing at the time the course is dropped, in which case an "F" 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 a course will result in a grade of "F."

**Attendance – Juris Doctor**

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	
B+	3.33	
B	3.00	
B-	2.67	
C+	2.33	
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.
- W Withdrawal

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/MDIV, JD/MPPA, JD/MTAX 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:

- 9325 Business Law Bootcamp
- 9289 Jurisprudence
- 9105 Legal Analysis, Research & Communications: Litigation Drafting
- 9206 Leadership Development
- 9174 Personal Injury Trial Law
- Capstones (Credit / Non Credit)

Externships  
Law Review Credit Hours

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 Health Economics  
9479 International Taxation  
9473 State, Local and Gift 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. Current students may view their transcript in Bearweb. Students can request an official transcript in Bearweb, or by submitted a request bearing their signature to the Office of Academic Records. Unofficial transcripts can be obtained in the Office of Academic Records, which is located on the third floor of the Clifton Robinson Tower.

### **Admission of Transfer Students**

The Law School accepts applications from students who desire to transfer from other ABA-accredited law schools. A transfer applicant must have attended an ABA-accredited law school for the equivalent of two or more semesters as a full-time student. The maximum number of hours that will transfer to the Law School is thirty semester hours. Acceptance of transfer students is limited by the overall enrollment capacity of the Law School, and few have been admitted in most years. The admission process for a transfer student is very competitive. To be eligible for transfer, the student must be in good standing at the law school he or she last attended, have at least a graduation average in grades for all law school work undertaken, and be capable of performing high-quality law school work. The applicant's law school grade point average and class rank are taken into consideration during the admissions process, as well as the undergraduate GPA and LSAT score.

Applicants for admission as transfer students to the Law School must meet the same requirements that are imposed upon new applicants and:

1. Submit a letter of good standing from the dean of the law school that the applicant is currently attending.
2. Submit an official law school transcript showing grades for two semesters of law school work and class rank when available.

3. Re-subscribe to the LCAS so that an official report may be requested and received by the Law School.

### **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 Baylor Law School 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.

Students receive a maximum of 1.5 quarter hours for each one semester hour giving transfer students up to 45 quarter hours of credit. Practice Court 1, 2, 3 and Professional Responsibility must be taken at Baylor Law School.

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 in the Student Catalog, 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. Practice Court 1, 2, 3 and Professional Responsibility must be taken at Baylor Law School.

### **Class Rank**

Current J.D. students are ranked twice per year, after spring quarter 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 the second year class. Students with 42-83 attempted hours are also ranked as second-year students. Students who have attempted 84 hours and above are ranked as third-year students. Additionally, a grade percentage chart is posted on the Law School website following the fall and spring quarters entitled "Approximate Class Rank," which gives an indication of percentage ranking based on grade point averages. After class rank is determined, students may access their rank in Bearweb, by logging in with their Bear ID and password.

Upon graduation, and once all grades are submitted for the final quarter, each J.D. 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 (Juris Doctor Degree)**

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.

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.

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.

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 and final transcript will be made on the basis of all hours completed.

#### **Dean's List – Juris Doctor Students**

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 – Juris Doctor Students**

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 (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 Records area of the Baylor University website: <http://www.baylor.edu/registrar/index.php?id=86721>

**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 Baylor.Edu/Law and all students are charged with notice of them.

## **Character and Fitness Qualifications for the Bar**

As part of the application to Baylor Law School, applicants answer several questions regarding fitness to enter the legal profession. Baylor law students have a continuing responsibility to inform the Law School of any changes to the answers they provided to those questions, as well as new situations that may have occurred after the student filed his or her law school application.

Law School graduates must become admitted to the bar of a state or territory in which they plan to practice law. All jurisdictions have standards of character and fitness the candidates are required to meet in order to become admitted to the bar. Applicants therefore should consult the bar examiners of the jurisdictions in which they wish to become admitted. Information on requirements for bar examinations in various states is available on the website of the National Conference of Bar Examiners at <http://www.ncbex.org/>.

### **Application for the Bar Examination**

Each individual who plans to sit for the bar exam must submit application in the state or territory in which they plan to take the exam. Each state has its own deadlines for application for the bar exam. Information regarding deadlines, fees and other requirements can be found on the website of the National Conference of Bar Examiners at <http://www.ncbex.org/>. The Law School registrar can also provide assistance to students with questions about applying for a bar examination.

### **Juris Doctor Degree Curriculum**

#### **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 Beginning 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.

### **Legal Writing**

Writing is foundational to the practice of law. Everything that takes place in a courtroom begins with writing. Every sales agreement, non-disclosure, and contract crucial to business rests on writing. From litigation to the practice of transactional law, written advocacy skills are crucial.

Legal employers have long identified writing as a weakness in many law school graduates. For Baylor graduates, it has become a strength. Baylor is one of the few schools in the nation with a comprehensive, three-year, fully integrated writing program that focuses on the development of practice-ready writing skills.

Legal writing classes are rigorous and thorough, with each course building on the previous student progress from foundational mechanics, grammar, and syntax, through research and objective writing, to the very documents they will be writing in practice. The journey



culminates in the third year in Baylor's nationally recognized Practice Court, where students will draft the full gamut of litigation-based documents from beginning to end.

Led by a writing faculty with more than a century of experience in the practice of law and a half-century of full-time teaching, the writing program is hands-on, with peer reviews and one-on-one feedback. Regarded as having one of the best legal writing programs in the state of Texas, Baylor develops a sense of mastery in students that places them well ahead of their peers, ready to enter practice as effective written advocates on day one.

### **Externships**

Practical experience in dealing with clients and handling actual cases may be obtained by students through participation in several programs for which credit may be earned. 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 Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (TCEQ), Texas Parks & Wildlife Department (TPWD) and the Texas Railroad Commission. There is also an externship program with the Texas Attorney General-Child Support Division Office in Waco. The Texas Supreme Court externship carries up to five quarter hours of credit and requires approximately 225 hours of supervised work. All other available externship offerings carry two quarter hours of credit and require a minimum of 90 hours of supervised work. Students interested in pursuing an opportunity with a court or agency not listed above should visit with the Assistant Dean of Career Development. Students may participate in only one externship unless otherwise approved by the Dean, Associate Dean or Assistant Dean.

### **Professional Development Requirement – Juris Doctor Degree**

Employers want graduates who are knowledgeable about the professional and business practicalities of practicing law. While in Law School you will be required to attend 18 seminar hours of professional development programming on such topics as client relations, law firm economics and financial management, legal billing and time management, legal marketing and networking, professional organizations and leadership opportunities, navigation through common ethical issues, job search strategies, and professional writing. Our goal is to produce professionals who are truly "practice ready" and prepared to succeed.

Students are not expected to attend any professional development sessions during the third quarter in the midst of moot court exercises, or during Practice Court quarters in the third year. For the remaining six quarters of law school, students should plan to attend approximately 3 hours each quarter to earn a total of 18 hours of attendance. Although students are welcome to attend as many seminar and workshops as they choose, no more than 5 hours of credit may be earned in one quarter, so it is important not to delay attendance. Although most offerings will not be mandatory, students must attend those which are mandatory. There is also a category of Introductory-level offerings (essentially "Day-in-the-Life" seminars) for which a maximum of 3 seminar hours may be credited, although students are free to attend as many of these offerings as desired.

Most seminars will be scheduled either during the afternoons, with occasional evening seminars. More popular seminars will be offered on a repeat basis more than once per year, in order to provide multiple opportunities for attendance. In order to track the 18 hour requirement, the student will swipe their Baylor ID card through a card reader at the end of each seminar. Students will also be asked to turn in an evaluation form at that time to help the Law School evaluate the quality of each seminar speaker.

## **Fellows Programs**

### **Leadership Development Fellow Program**

As a professional school, Baylor Law School has a particular obligation to develop students who not only can provide legal services competently to their clients upon graduation, but also will assume leadership within their community and the legal profession. The Leadership Development Program provides students with the tools necessary to be more successful as lawyers and leaders but also has the added bonus of improving the reputation of lawyers and the legal profession in general. More information about the Leadership Development Program is available online at:

<http://www.baylor.edu/law/currentstudents/index.php?id=933501>

### **Public Interest Fellow Program**

The Public Interest Fellow Program is the pro bono and community service program for Baylor Law Students. It is designed to encourage and equip students to make pro bono work a priority now while managing a heavy course load, developing a desire to continue that work throughout their lifetime of practice. The program connects students with opportunities to serve and exposes them to the needs of the Waco community and beyond. More information about the Public Interest Scholar Program is available online at:

<http://www.baylor.edu/law/index.php?id=934133>

## **JURIS DOCTOR DEGREE** **PROFESSIONAL TRACKS OF STUDY & SPECIAL DISTINCTIONS**

Baylor Law School offers 15 “Professional Tracks of Study” and six “Special Distinctions.” These tracks and distinctions will provide students with the opportunity to focus their studies based on interest and career goals.

The Professional Tracks are as follows:

- Administrative Practice
- Business Litigation
- Business Planning
- Commercial Law
- Criminal Practice
- Estate Planning
- Family Law
- Fiduciary Litigation
- General Civil Litigation
- Healthcare Law
- Intellectual Property
- Intellectual Property Litigation
- Personal Injury Litigation
- Public Interest Law
- Real Estate & Natural Resources

Special Distinctions:

- Business Planning Special Distinction
- Commercial Law Special Distinction
- Criminal Practice Special Distinction
- Estate Planning Special Distinction
- Intellectual Property Special Distinction
- Special Distinction in Litigation

Students are not required to complete a professional track or special distinction, but are encouraged to do so. Students interested in one or more areas of study should see one of the designated faculty members for additional information about the benefits of pursuing the completion of a track or special distinction. Planning needs to begin as early in law school as possible to avoid potential scheduling conflicts.

Professional tracks of study will not be noted on the law school transcript. Special Distinctions will be noted on the transcript after completion and will be recognized at commencement.

Professors who can be consulted about a particular track or special distinction are listed at the bottom of each listing on the following pages.

## **Administrative Practice (Litigation Professional Track)**

Contact Persons: Professor Beal or Shelton

Administrative regulation at the state and federal level has grown into a massive patchwork of more than 400 Texas and federal agencies. This professional track 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 focus 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. This professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **Administrative Practice Required Courses (13 hours)**

- Administrative Law: Federal (2) 9268
- Administrative Law: Texas (2) 9287
- Administrative Law Externship (2) 9V92
- Business and State Issues in Environmental Law (3) 9377
- Independent Study (2) 9V98
- Municipal Government (2) 9265

### **Administrative Practice Additional Electives (at least 4 hours from this group)**

- Federal Courts (3) 9323
- Civil Rights Actions (2) 9256
- Employment Discrimination (3) 9362
- Employment Relations (3) 9372
- Environmental Law (3) 9366
- Healthcare Law (3) 9357
- Healthcare: Regulation of Healthcare Professionals (2) 9286
- Labor Law Seminar(2) 9208
- Natural Resources Protection (3) 9309
- Oil & Gas Law (2) 9249
- Patent Law (2) 9223
- Securities Regulation (3) 9344
- Water Law (3) 9313

## **Business Litigation (Litigation Professional Track)**

Contact Persons: Professor Bates, Miller, Underwood or Wren

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 professional track. This professional track is also beneficial to students interested in managing litigation – or working to avoid litigation – on behalf of a business. 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 professional track 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. This professional track qualifies as a foundation track for the Special Distinction in Litigation.

**Students are required to take 18 hours as follows:**

### **Business Litigation Required Hours (at least 12 hours from this group)**

- Alternative Dispute Resolution (2) 9247
- Arbitration (2) 9257
- Bankruptcy (2) 9295
- Business Torts (3) 9386
- Business Organizations 2 (3) 9322
- Complex Litigation (3) 9324
- Conflict of Laws (3) 9383
- Federal Courts (3) 9323
- Intellectual Property (2) 9264
- Insurance Law (3) 9341
- White Collar Crime (4) 9451

### **Business Litigation Additional Options (additional courses available to meet hours requirement)**

- Administrative Law: Federal (2) 9268
- Administrative Law: Texas (2) 9287
- Trial Advocacy: Advanced Trial Preparation (2) 9263
- Trial Advocacy: Advanced Advocacy Skills (2) 9220
- Administration of Estates (2) 9235
- Antitrust Law (3) 9363
- Business Organizations: Current Topics in Mergers & Acquisitions (2) 9219
- Commercial Law: Negotiable Instruments (3) 9340
- Commercial Law: Secured Transactions (3) 9342
- Consumer Protection (3) 9349
- Creditors' Remedies (2) 9252
- Employment Discrimination (3) 9362
- Employment Relations (3) 9372
- Sales Transactions: Domestic & International Law (3) 9308
- Securities Regulation (3) 9344
- Wealth Transfers (3) 9332

## **Business Planning Track**

Contact Persons: Associate Dean Teague or Professor Miller

The Business Planning professional track builds upon concepts taught in Business Organizations I and Taxation & Accounting Principles for Lawyers, providing students with an understanding of fundamental issues business attorneys regularly face, including basic tax treatment of various business entities and basic analysis and planning in the organization and operation of a business. The courses expose students to a range of statutory and regulatory issues, such as the federal securities concerns in raising capital, as well as important judicially developed doctrines with which a practitioner must be familiar in order to advise a business with respect to issues related to the structure, governance, and operation of the business.

### **Required Courses**

- Business Organizations 2 (3) 9322
- Business Planning and Drafting (2) 9292 or Transactional LawMeet Team (2)
- Client Counseling (2) 9227
- Securities Regulation (3) 9344
- Taxation of Business Entities (3) 9346

### **Take at least 5 hours from the following group of courses**

- Business Organizations: Current Topics in Mergers & Acquisitions (2) 9219
- Business Planning Capstone (1) 9122
- Business Succession Planning (formerly Family Business Planning) (2) 9293
- Business Transactions: Venture Capital (3) 9348
- Commercial Law: Secured Transactions (3) 9342
- International Business Transactions (2) 9278
- Real Estate Finance (3) 9338
- Real Estate: Land Use Regulation & Development (2) 9217
- Taxation & Financial Planning for Individuals (3) 9345

## **Business Planning Special Distinction**

Contact Persons: Associate Dean Teague or Professor Miller

### **Take the following courses**

- Business Organizations 2 (3) 9322
- Business Planning and Drafting (2) 9292
- Business Planning Capstone (1) 9122 or Transactional LawMeet Team (2)
- Client Counseling (2) 9227
- Securities Regulation (3) 9344
- Taxation of Business Entities (3) 9346
- Taxation & Financial Planning Individuals (3) 9345

### **Take at least 3 hours from this list**

- Business Organizations: Current Topics in Mergers & Acquisitions (2) 9292
- Business Succession Planning (formerly Family Business Planning) (2) 9293
- Business Transactions: Venture Capital (3) 9348
- Commercial Law: Secured Transactions (3) 9342
- International Business Transactions (2) 9278
- Real Estate Finance (3) 9338
- Wealth Transfers (3) 9332

A GPA of 3.3 in all track courses \* (including additional hours as required above) will be required for a student to receive the Special Distinction designation.

\*If a student has taken more than the minimum number of hours of track courses and a grade in a course that is not required for receipt of the Special Distinction would result in the GPA being below the requirement, that grade need not be included in the GPA calculation. If a grade in a track course that is required for receipt of the Special Distinction causes the GPA to be below the requirement, grades in track courses beyond the number of hours required for the Special Distinction may be included in order to raise the GPA in the track courses.

A student who meets the above requirements for a Special Distinction shall receive that 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.

## **Commercial Law Track**

Contact Person: Professor Bates

The Commercial Law track equips students with the expertise and skills necessary to address the many and varied problems that can arise as part of the day-to-day activities of operating a business – especially smaller owner/family-operated businesses engaged in selling products or providing services. Commercial law, as opposed to what we think of as business law – law related to the organizational characteristics of a business operation (what is it), focuses on the practical problems that confront any business in its pursuit of the purposes for which it is established (how we do it) – whether that is selling appliances or the latest iThing, or dry cleaning suits or repairing air conditioners. Of course, Target and Amazon confront the same problems, but there are more small businesses selling and servicing our needs than there are Targets or Amazons. The Commercial Law Track prepares students once in practice to identify the problems inherent in the conduct of commercial life as we know it and to develop the legal strategies necessary to prevent or confront those problems.

### **Required Courses**

- Sales Transactions: Domestic & International Law (9308)
- Commercial Law: Secured Transactions (3) 9342
- E-Commerce (3) 9310
- Bankruptcy (2) 9295 or Creditors' Remedies (2) 9252

### **Commercial Law Electives (at least 6 hours from this group)**

- Antitrust (3) 9363
- Arbitration (2) 9257
- Bankruptcy (2) 9295
- Commercial Law: Negotiable Instruments (3) 9340
- Construction Law (2) 9214
- Creditors' Remedies (2) 9252
- Consumer Protection (3) 9349
- Franchising (2) 9276
- Real Estate Finance (3) 9338



## **Commercial Law Special Distinction**

Contact Person: Prof. Bates

### **Required courses for Special Distinction in Commercial Law**

- Bankruptcy (2) 9295 or Creditors' Remedies (2) 9252
- Commercial Law Capstone (1)
- Commercial Law: Negotiable Instruments (3) 9340
- Commercial Law: Secured Transactions (3) 9342
- Sales Transactions: Domestic & International Law (3) 9308
- E-Commerce (3) 9310
- Real Estate Finance (3) 9338

### **Special Distinction in Commercial Law Electives (at least 3 hours from this group)**

- Antitrust (3) 9363
- Arbitration (2) 9257
- Bankruptcy (2) 9295
- Business Torts (3) 9386
- Construction Law (2) 9214
- Consumer Protection (3) 9349
- Creditors' Remedies (2) 9252
- International Business Transactions (2) 9278
- International Trade Law (2) 9288

A GPA of 3.3 in all track courses \* (including additional hours as required above) will be required for a student to receive the Special Distinction designation.

\*If a student has taken more than the minimum number of hours of track courses and a grade in a course that is not required for receipt of the Special Distinction would result in the GPA being below the requirement, that grade need not be included in the GPA calculation. If a grade in a track course that is required for receipt of the Special Distinction causes the GPA to be below the requirement, grades in track courses beyond the number of hours required for the Special Distinction may be included in order to raise the GPA in the track courses.

A student who meets the above requirements for a Special Distinction shall receive that 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.

## **Criminal Practice (Litigation Professional Track)**

Contact Person: Professor Serr

The Criminal Practice professional track is designed to provide students with a broad exposure to concepts, topics, and skills vital to criminal practitioners. Choosing this professional track 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. This professional track carries students well beyond the Criminal Law and Criminal Procedure courses which are required of all students. The Criminal Practice professional track provides 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 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. This professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **Criminal Law Practice Required Courses (10 hours)**

- Advanced Criminal Procedure (3) 9350
- Criminal Practice & Procedure (3) 9352
- Post-Conviction Procedure: Sentencing (2) 9259
- Prosecutorial Externship (2) 9253

### **Criminal Law Practice Electives (at least three courses from this group)**

- Client Counseling (2) 9227
- Healthcare Fraud & Abuse (2) 9285
- Immigration Law (3) 9373
- Juvenile Justice (2) 9254
- Post-Conviction Procedure: Criminal Appeals (2) 9255
- White Collar Crime (3) 9351

## **Criminal Practice Special Distinction**

Contact Person: Prof. Brian Serr

### **Required Courses**

- Advanced Criminal Procedure (3)
- Criminal Practice and Procedure (3)
- Client Counseling (2) 9227
- Post-Conviction Procedure: Sentencing (2)
- Prosecutorial Externship (2)
- Criminal Practice Capstone (1)

### **Take at least 10 hours from this group of courses**

- Advocacy Team (2) (criminal law problem)
- Alternative Dispute Resolution (2)
- Civil Rights Actions (3)
- Healthcare Fraud and Abuse (2)
- Immigration Law (3)
- Juvenile Justice (2)
- Municipal Government (2)
- Post-Conviction Procedure: Criminal Appeals (2)
- Trial Advocacy: Beginning Advocacy Skills (2)
- While Collar Crime (3)

A GPA of 3.3 in all track courses \* (including additional hours as required above) will be required for a student to receive the Special Distinction designation.

\*If a student has taken more than the minimum number of hours of track courses and a grade in a course that is not required for receipt of the Special Distinction would result in the GPA being below the requirement, that grade need not be included in the GPA calculation. If a grade in a track course that is required for receipt of the Special Distinction causes the GPA to be below the requirement, grades in track courses beyond the number of hours required for the Special Distinction may be included in order to raise the GPA in the track courses.

A student who meets the above requirements for a Special Distinction shall receive that 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.

The Criminal Practice Professional Track will still be a litigation track that may serve as the foundation for the SD in Litigation. A student who does not complete the criminal law capstone but completes the Criminal Practice Professional Track and additional requirements for the SD in litigation will still be about to obtain the SD in litigation.

## **Estate Planning Track**

Contact Person: Professor Featherston

The Estate Planning professional track 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 students can begin their careers with a fundamental understanding of the major aspects of estate planning and probate procedure. This professional track builds upon a number of courses required of all students, including Trusts & Estates, Business Organizations I, and Taxation & Accounting Principles for Lawyers. Students work under the direct supervision of an experienced estate planner and have the opportunity to devise an estate plan, prepare drafts of documents, and work through the steps of the administration of an estate.

### **Required Courses**

- Administration of Estates (2) 9235
- Client Counseling (2) 9227
- Estate Planning (3) 9336
- Taxation & Financial Planning for Individuals (3) 9345
- Wealth Transfers (3) 9336

### **Complete at least 2 hours from this group of courses**

- Administration of Estates Capstone (1) 9142
- Business Succession Planning (2) 9293
- Elder Law (2) 9248
- Nonprofit Organizations (2) 9231
- Retirement Law (2) 9272
- Taxation of Business Entities (3) 9346
- Wealth Transfers Capstone (1) 9132

## **Estate Planning Special Distinction**

Contact Person: Professor Featherston

### **Required Courses**

- Administration of Estates (2) 9235
- Administration of Estates Capstone (1) 9122
- Client Counseling (2) 9227
- Estate Planning (3) 9336
- Taxation & Financial Planning for Individuals (3) 9345
- Wealth Transfers (3) 9336
- Wealth Transfers Capstone (1) 9132

### **Take at least 5 hours from this group of courses**

- Elder Law (2) 9248
- Business Succession Planning (2) 9293
- Nonprofit Organization (2) 9231
- Retirement Law (2) 9272
- Taxation of Business Entities (3) 9346

A GPA of 3.3 in all track courses \* (including additional hours as required above) will be required for a student to receive the Special Distinction designation.

\*If a student has taken more than the minimum number of hours of track courses and a grade in a course that is not required for receipt of the Special Distinction would result in the GPA being below the requirement, that grade need not be included in the GPA calculation. If a grade in a track course that is required for receipt of the Special Distinction causes the GPA to be below the requirement, grades in track courses beyond the number of hours required for the Special Distinction may be included in order to raise the GPA in the track courses.

A student who meets the above requirements for a Special Distinction shall receive that 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.

## **Family Law Practice (Litigation Professional Track)**

Contact Person: Professor Wilson

Families, in all their varied forms, continue to be the cornerstone of American society. As such, family law generates a large volume of legal work from a wide array of clients who need high-quality representation. The Family Law Practice professional track exists to provide the practical foundation for developing a practice in this area of the law. Since dispute resolution and a significant degree of direct professional guidance of clients are often required, both Client Counseling and Alternative Dispute Resolution are required courses. The other required courses focus on the substantive and procedural law specific to a family law practice. The elective courses allow students to further tailor their studies to some of the more specialized topics often encountered in a family law practice. This professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **Family Law Practice Required Courses (12 hours)**

- Advanced Family Law (3) 9380
- Alternative Dispute Resolution (2) 9247
- Client Counseling (2) 9227
- Family Law (3) 9370
- Family Law Advocacy (2) 9299

### **Family Law Practice Electives (at least 5 hours from this group)**

- Business Succession Planning (2) 9293
- Elder Law (2) 9248
- Immigration Law (3) 9373
- Juvenile Justice (2) 9254
- Taxation & Financial Planning for Individuals (3) 9345
- Wealth Transfers (3) 9332

## **Fiduciary Litigation (Litigation Professional Track)**

Contact Persons: Professor Featherston, Miller, Underwood or Wren

Fiduciary litigation is a significant and growing field of litigation that cuts across varying categories of litigated matters, including business disputes, estate and trust disputes, family law disputes, and disputes in numerous other substantive legal areas. Because fiduciary obligations arise in multiple ways, and because the existence of fiduciary duties can radically reshape the dynamics of litigation, fiduciary litigation has grown into its own specialization. The required courses for the fiduciary litigation professional track focus on the substantive areas of the law where fiduciary duties most commonly arise, in order to help students understand the origins and context of fiduciary obligations, as well as remedies for violations of fiduciary duties. The elective courses for the professional track are broader in nature, providing additional and somewhat more generalized litigation depth. This professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **Fiduciary Litigation Required Courses (12 hours)**

- Administration of Estates (2) 9235
- Business Organizations 2 (3) 9322
- Business Organizations: Current Topics in Mergers & Acquisitions (2) 9219
- Business Planning & Drafting (2) 9292
- Wealth Transfers (3) 9332

### **Fiduciary Litigation Electives (at least 4 hours from this group)**

- Alternative Dispute Resolution (2) 9247
- Administration of Estates Capstone (1) 9142
- Business Torts (3) 9386
- Client Counseling (2) 9227
- Federal Courts (3) 9323
- Trial Advocacy: Advanced Trial Preparation (2) 9263

## **General Civil Litigation (Litigation Professional Track)**

Contact Persons: Professor Counsellor, L. Fraley, Powell, Ryan or Wren

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 professional track 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, Remedies, and Practice Court (which immerses students into evidence and procedure)—students concentrating in General Civil Litigation complete a variety of advanced procedural courses, including a study of 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 track of 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 professional track, separately or in combination with the General Civil Litigation track. Students interested in fiduciary and probate litigation are encouraged to consider adding the Fiduciary Litigation professional track; students interested in personal injury litigation may choose to add the Personal Injury Litigation track; and students interested in litigating in the intellectual property field may want to consider adding the Intellectual Property Litigation track. The General Civil Litigation professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **General Civil Litigation Required Courses (18 hours, at least 12 of which must come from this group)**

- Alternative Dispute Resolution (2) 9247
- Business Torts (3) 9386
- Client Counseling (2) 9227
- Federal Courts (3) 9323
- Insurance Law (3) 9341
- Trial Advocacy: Advanced Trial Preparation (2) 9263
- Trial Advocacy: Beginning Advocacy Skills (2) 9220

### **General Civil Litigation Additional Electives (additional hours may come from this group)**

- Administration of Estates (2) 9235
- Arbitration (2) 9257
- Bankruptcy (2) 9295
- Business Organizations 2 (3) 9322
- Civil Rights Actions (2) 9256
- Complex Litigation (3) 9324
- Conflict of Laws (3) 9383
- Consumer Protection (3) 9349
- Creditors' Remedies (2) 9252
- E-Commerce Law (3) 9310
- Employment Discrimination (3) 9362
- Family Law (3) 9370
- Healthcare Litigation (2) 9277
- Personal Injury Trial Law (1) 9174
- Products Liability (2) 9258



## **Healthcare Law Track**

Contact Persons: Associate Dean Teague or Professor Souter

The Healthcare Law professional tract provides appropriate background courses and necessary specialized healthcare law classes, including clinical experience, for students interested in the field of healthcare law. Students have the option to participate in an interdisciplinary internship that takes place within the general counsel or legal affairs office of a health system or other healthcare related entity, exposing students to a variety of legal, medical, ethical, and administrative issues.

### **Required Courses**

- Elder Law (2) 9248
- Healthcare Fraud & Abuse (2) 9285
- Healthcare Law (3) 9357
- Healthcare: Regulation of Healthcare Professionals (2) 9286
- Information Privacy Law (2) 9222

### **Take at least 6 hours from this group of courses**

- Administrative Law: Federal (2) 9268
- Client Counseling (2) 9227
- Healthcare Externship (2)
- Nonprofit Organizations (2) 9231
- MBA - Health Economics (3 semester hours)
- MBA - Healthcare Administration (3 semester hours)
- MBA - Healthcare Operations (3 semester hour)

## **Intellectual Property Track**

Contact Persons: Professor Nichols

The Intellectual Property professional track is designed to introduce students to the major substantive areas of intellectual property law likely to be encountered in a practice. 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 law. This track of study offers students the opportunity to develop skills under the supervision of an experienced IP lawyer. Students who take the capstone in this area 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.

### **Required Courses**

- Copyright Law (3) 9371
- E-Commerce Law (3) 9310
- Entertainment Law (2) 9230
- Franchising (2) 9276
- Information Privacy Law (2) 9222
- Intellectual Property (2) 9264
- Intellectual Property Capstone or Clinic (1 or 2) 9164
- Intellectual Property Litigation (1) 9125
- Patent Law (2) 9223

## **Intellectual Property Special Distinction**

Contact Persons: Professors Nichols

### **Required Courses**

- Client Counseling (2) 9227
- Copyright Law (3) 9371
- E-Commerce Law (3) 9310
- Entertainment Law (2) 9230
- Franchising (2) 9276
- Information Privacy Law (2) 9222
- Intellectual Property (2) 9264
- Intellectual Property Litigation (1) 9125
- Intellectual Property Clinic or Capstone (1) 9106
- Patent Law (2) 9223
- Patent Practice & Disputes (2) 9260
- Trademark Practice & Disputes (2) 9262

A GPA of 3.3 in all track courses \* (including additional hours as required above) will be required for a student to receive the Special Distinction designation.

\*If a student has taken more than the minimum number of hours of track courses and a grade in a course that is not required for receipt of the Special Distinction would result in the GPA being below the requirement, that grade need not be included in the GPA calculation. If a grade in a track course that is required for receipt of the Special Distinction causes the GPA to be below the requirement, grades in track courses beyond the number of hours required for the Special Distinction may be included in order to raise the GPA in the track courses.

A student who meets the above requirements for a Special Distinction shall receive that 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.

## **Intellectual Property Litigation (Litigation Professional Track)**

Contact Person: Professor Nichols

Intellectual property litigation is one of the most active trial specialties in the nation, and especially so in Texas. Students with a strong science or engineering background are particularly encouraged to consider this field. For students who plan to ultimately pursue a specialization in intellectual property specifically, this professional track can be combined with the Intellectual Property transactional professional track. For students who desire to pursue a broader practice in civil litigation but anticipate that intellectual property litigation will be part of that practice, combining Intellectual Property Litigation with either the General Civil Litigation or Business Litigation tracks may be a very good choice. The Intellectual Property Litigation professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **Intellectual Property Required Courses (12 hours)**

- Federal Courts (3) 9323
- Intellectual Property (2) 9264
- Intellectual Property Litigation (1) 9125
- Patent Law (2) 9223
- Patent Practice & Disputes (2) 9260
- Trademark Practice & Disputes (2) 9262

### **Intellectual Property Additional Electives (at least 6 hours from this group)**

- Alternative Dispute Resolution (2) 9247
- Client Counseling (2) 9227
- Copyright Law (3) 9371
- E-Commerce (3) 9310
- Entertainment Law (2) 9230
- Franchising (2) 9276
- Trial Advocacy: Beginning Advocacy Skills (2) 9220
- Trial Advocacy: Advanced Trial Preparation (2) 9263

## **Personal Injury Litigation (Litigation Professional Track)**

Contact Persons: Professor L. Fraley, Lens, Powell or Wren

Personal injury litigation continues to be a mainstay of active trial dockets. Of all the various categories of civil litigation court cases filed, personal injury and wrongful death cases constitute one of the categories most likely to be tried to a jury, and it is one of the categories most likely to be encountered by individual clients. Students interested in the personal injury field of practice may want to consider combining this professional track with General Civil Litigation, with Family Law Practice, or with Criminal Law Practice, depending on the direction of future practice plans. The Personal Injury Litigation professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **Personal Injury Required Courses (15 hours)**

- Alternative Dispute Resolution (2) 9247
- Client Counseling (2) 9227
- Federal Courts (3) 9323
- Healthcare Litigation (2) 9277
- Insurance Law (3) 9341
- Personal Injury Trial Law (1) 9174
- Products Liability (2) 9258

### **Personal Injury Litigation Additional Electives (at least 2 hours from this group)**

- Trial Advocacy: Advanced Trial Preparation (2) 9263
- Trial Advocacy: Advanced Advocacy Skills (2) 9220

## **Public Interest Law**

Contact Persons: Professor Hernandez or Serr

Questions of constitutional law impact our daily activities, running the gamut from traffic stops to controversial internet posts to the right to attend public school. These important constitutional rights are usually defended through litigation initiated by public interest groups. Students who are interested in pursuing public service careers, or who plan to make pro bono work a meaningful part of their practice, should consider pursuing a Public Interest Law professional track. This type of legal work requires a solid understanding of constitutional interpretation, focused on the Bill of Rights, as well as familiarity with various litigation requirements imposed by statutes or the courts. A student who completes the Public Interest Law professional track will be well familiar with legal strategies to enforce constitutional rights. This professional track qualifies as a foundation track for the Special Distinction in Litigation.

### **Take 18 hours as follows:**

#### **Take at least 10 hours from this selection of courses**

- Advanced Family Law (3) 9380
- Civil Liberties (3) 9360
- Civil Rights Actions (2) 9256
- Employment Discrimination (3) 9362
- Immigration Law (3) 9373
- Juvenile Justice (2) 9254
- Poverty Law (2) 9267

#### **Public Interest Law Additional Electives (take from this group to complete 18 hour requirement)**

- Administrative Law: Federal (2) 9268
- Administrative Law: Texas (2) 9287
- Advanced Criminal Procedure (3) 9350
- Externship focused on public interest (as available and approved by Professor Hernandez or Professor Serr) (2)
- Legal Clinics (1) 9119
- Municipal Government (2) 9265
- Nonprofit Organizations (2) 9211
- Separation of Church & State (2) 9279
- Supreme Court Seminar (2) 9226

## **Public Interest Law Special Distinction**

Contact Persons: Professor Hernandez or Serr

### **Required Courses**

- Advanced Family Law (3) 9380
- Civil Liberties (3) 9360
- Civil Rights Actions (2) 9256
- Immigration Law (3) 9373
- Poverty Law (2) 9267

### **Public Interest Law Additional Electives (take at least 10 hours from this selection of courses)**

- Administrative Law: Federal (2) 9268
- Administrative Law: Texas (2) 9287
- Advanced Criminal Procedure (3) 9350
- Employment Discrimination (3) 9362
- Externship focused on public interest (as available and approved by Professor Hernandez or Professor Serr) (2)
- Legal Clinics (1) 9119
- Municipal Government (2) 9265
- Nonprofit Organizations (2) 9211
- Separation of Church & State (2) 9279
- Supreme Court Seminar (2) 9226

A GPA of 3.3 in all track courses \* (including additional hours as required above) will be required for a student to receive the Special Distinction designation.

\*If a student has taken more than the minimum number of hours of track courses and a grade in a course that is not required for receipt of the Special Distinction would result in the GPA being below the requirement, that grade need not be included in the GPA calculation. If a grade in a track course that is required for receipt of the Special Distinction causes the GPA to be below the requirement, grades in track courses beyond the number of hours required for the Special Distinction may be included in order to raise the GPA in the track courses.

A student who meets the above requirements for a Special Distinction shall receive that 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.

## **Real Estate & Natural Resources Track**

Contact Persons: Professor Fuselier or Shelton

The Real Estate and Natural Resources professional track is designed to provide students with a basic foundation in real property matters, including environmental concerns and land use planning, both public and private. Students have opportunities to learn skills such as negotiating, drafting, and reviewing commercial real estate transactions, preparing real estate finance and foreclosure documents, assisting with due diligence, interacting with other professionals (such as environmental consultants), and working with governmental agencies.

### **Take at least 18 hours from this selection of courses**

- Administrative Law: Texas (2) 9287
- Advanced Oil & Gas Law Principles & Drafting (2) 9251
- Business & State Issues in Environmental Law (3) 9377
- Construction Law (2) 9214
- Environmental Law (3) 9366
- Municipal Government (2) 9265
- Natural Resources Protection Law (3) 9309
- Oil & Gas Law (2) 9249
- Real Estate and Natural Resources Independent Study or Externship (2)
- Real Estate Finance (3) 9338
- Real Estate: Land Use Planning & Development (2) 9217
- Real Estate: Texas Title Issues (3) 9331
- Water Law (3) 9313



## Special Distinction in Litigation

Contact Persons: Professor Counseller, L. Fraley, Powell, or Wren

A Baylor Law School Special Distinction in Litigation—which is recognized at graduation and becomes part of a student’s permanent transcript—may be awarded to graduates who successfully complete any one of the litigation professional tracks, who are selected as team members after Practice Court for a national-level mock trial team, who complete at least five additional hours beyond the litigation professional track (for which mock trial team hours count), and who maintain a GPA of at least 3.3 in the 22 to 24 hours of courses designated by the student to be counted toward the Special Distinction. In light of Baylor Law School’s national ranking and reputation for outstanding advocacy, a Baylor Law School Special Distinction in Litigation is designed to identify a top tier of future trial advocates.

### Requirements for Special Distinction in Litigation

- Successful completion of any approved litigation track: Administrative Practice, Business Litigation, Criminal Law Practice, Family Law Practice, General Civil Litigation, Intellectual Property Litigation, Personal Injury Litigation, Public Interest Law.
- Selection for and successful completion of the Litigation Capstone: Participation as a team member after completion of Practice Court on a national-level mock trial team (TOC, NCTC, NTC, AAJ, or equivalent).
- Completion of at least 3 additional hours (in addition to capstone) from a long list of potential courses which have not already been counted toward the first litigation track.
- A GPA of 3.3 in all track courses\* (including additional hours as required above) will be required for a student to receive the Special Distinction designation.

\*If a student has taken more than the minimum number of hours of track courses and a grade in a course that is not required for receipt of the Special Distinction would result in the GPA being below the requirement, that grade need not be included in the GPA calculation. If a grade in a track course that is required for receipt of the Special Distinction causes the GPA to be below the requirement, grades in track courses beyond the number of hours required for the Special Distinction may be included in order to raise the GPA in the track courses.

**Litigation Additional Electives: Complete at least 3 additional hours (in addition to capstone) of courses which have not already been counted toward the first litigation track from this group.**

- Administration of Estates (2) 9235
- Administration of Law Externship (2)
- Administrative Law: Federal (2) 9268
- Administrative Law: Texas (2) 9287
- Advanced Criminal Procedure (3) 9350
- Advocacy Team (2) 9V10
- Alternative Dispute Resolution (2) 9247
- Antitrust Law (3) 9363
- Arbitration (2) 9257
- Bankruptcy (2) 9295
- Business Organizations 2 (3) 9322

- Business Torts (3) 9386
- Civil Rights Actions (formerly Section 1983: Local Government) (2) 9256
- Client Counseling (2) 9227
- Complex Litigation (3) 9324
- Conflict of Laws (3) 9383
- Consumer Protection (3) 9349
- Creditors' Remedies (2) 9252
- Criminal Practice and Procedure (3) 9352
- Employment Discrimination (3) 9362
- Employment Relations (3) 9372
- Environmental Law (3) 9366
- Family Law (3) 9370
- Family Law Advocacy (2) 9299
- Federal Courts (3) 9323
- Healthcare Fraud & Abuse (2) 9285
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- Insurance Law (3) 9341
- Intellectual Property Litigation (1) 9125
- Juvenile Justice (2) 9254
- Labor Law Seminar(2) 9208
- Municipal Government (2) 9265
- Natural Resources Protection (3) 9309
- Oil & Gas Law (2) 9249
- Patent Practice & Disputes (2) 9260
- Personal Injury Trial Law (1) 9174
- Post-Conviction Procedure: Appeals (2) 9255
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- Products Liability (2) 9258
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## **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 Business Administration-Healthcare Administration**

To accommodate students who contemplate a career where healthcare and law overlap, the Law School and the Robbins MBA Healthcare Program offer a joint degree program that leads to the simultaneous award of a Juris Doctor (JD) and a Master of Business Administration (MBA) with a specialization in healthcare administration.

Healthcare has become an increasingly specialized area of the law and healthcare administrators are integral to the successful management of hospitals, nursing homes, hospice facilities, insurance companies, provider networks and government policy organizations. This joint degree program provides appropriate general background courses and necessary specialized healthcare law classes while also allowing students to examine the legal and business aspect of healthcare administration from multiple perspectives, drawn from a cross-section of multidisciplinary expertise.

Unlike many healthcare administration MBA programs, the Robbins MBA Healthcare Program requires a seven-month paid Executive Residency with a leading, progressive healthcare organization. With a residency placement rate of 100%, every student has the opportunity to receive guidance from well-qualified, practicing healthcare executives, apply and test administrative theory in practical work situations, and develop leadership skills in an actual healthcare organization.

Students receive twelve hours of credit toward their JD upon the successful completion of the required MBA-Healthcare Administration courses. Both degrees are awarded simultaneously upon the completion of all requirements in both schools.

Students with adequate business undergraduate degrees generally complete the joint JD/MBA-Healthcare Administration program in approximately four years. Students with a non-business undergraduate degree or undergraduate majors lacking proficiency in all business fields are required to participate in the Business School Integrated Management Seminar before enrolling in any graduate business and healthcare courses.

Students must make regular application for admission to, and be accepted by, both the Law School and the Graduate School. All applicants must take the GMAT.

### **Joint Juris Doctor/Master of Divinity**

The joint degree links the faculties, resources, and educations of a nationally-recognized law school and a top-tier seminary, offering to students an education that prepares them well for a multitude of leadership opportunities. Graduates will be fully qualified to serve in a traditional law practice or in a congregational setting. Beyond these contexts, the skill sets developed from this program will also allow graduates to serve in non-profit organizations, particularly those focused on human rights, or in careers that provide legal advocacy for society's underserved populations.

The joint JD/MDiv degree meets the standard requirements of both degree plans. A prospective student must make regular application for admission to, and be accepted by, both the Law School and the Seminary. Once admitted to both schools, the student will declare his or her intent to enroll in the joint degree with the Associate Dean for Academic Affairs of the Seminary and the Associate Dean of the School of Law.

### **Joint Juris Doctor/Master of Public Policy and 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 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.

### **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.

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

## **Juris Doctor First-Year Courses -- All Required**

### **9207 Taxation & Accounting Principles 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.

### **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 surveillance.

### **9101 & 9103 Legal Analysis, Research, and Communications (LARC): Introduction to Legal Writing, Parts 1 & 2 (2 qtr. hrs.)**

Legal Analysis, Research, and Communications (LARC) is a two credit hour course taken 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.

Part 1 focuses principally on technical writing skills, including grammar, punctuation, style, and organization generally. Other functions include administration and recording of diagnostic and proficiency exams; identification of students in need of more intensive writing assistance; introduction of types of writing in the legal profession, including documents drafted during the LARC program; completion of a memorandum project similar to the Multistate Performance Test, but concluded over the course of two weeks. Part 2 focuses on drafting a research memorandum.

**9203 Legal Analysis, Research & Communication: Persuasive Communications (2 qtr. hrs.)**

LARC: Persuasive Communications is an introduction to appellate advocacy in which students research, write, and rewrite an appellate brief and participate in a required moot court competition. The faculty introduces students to persuasive writing and to the art of written and oral advocacy.

**9315 Legislation, Administrative Power and Procedure (LAPP) (3 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.

**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, affirmative defenses, damages, and apportionment. Students receive four hours of credit for the first quarter and three hours of credit for the second quarter.

**Juris Doctor 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.

**9521 Business Organizations 1 (5 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.

**9105 Legal Analysis, Research & Communication: Litigation Drafting (1 qtr. hr.) (pass/fail)**

This course introduces students to the drafting of litigation pleadings, motions, briefs, discovery, and other trial documents preparatory to having to draft them in Practice Court and/or in a litigation practice. The students draft, peer review, conference about, and

rewrite each project in an effort to develop an effective writing process. Students learn not only what document types are common in litigation, but also how to create the form and content of those documents.

**9104 Legal Analysis, Research & Communication: Transactional Drafting (1 qtr. hr.)**

This course introduces students to the drafting and reviewing of documents in a transactional setting, including offers, contracts, engagement letters, purchase agreements, and related documents. The students learn to understand the requirements of transactional drafting and the necessary content and structure of each transactional document.

**9527 Practice Court 1: Pretrial Practice & Procedure (5 qtr. hrs.)**

The first quarter of the Practice Court Program starts with Practice Court 1, 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 2.

**9520 Practice Court 2: Trial Evidence, Procedure & Practice (5 qtr. hrs.)**

Practice Court 2, 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 3: 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 1 and 2. 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 1. 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.

**9326 Remedies (3 qtr. hrs.)**

A comparative study of the ordinary and extraordinary legal and equitable remedies available generally as well as in Texas.



**9504 Trusts & 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.

**Juris Doctor 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.

**9132 Administration of Estates Capstone (CR/NC) (1 qtr. hr.)**

Prerequisites: Trusts & Estates and Administration of Estates

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.

**9268 Administrative Law: Federal (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.

**9287 Administrative Law: Texas (2 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.

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

Prerequisite: Criminal Procedure

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.

**9380 Family Law: Advanced Family Law (3 qtr. hrs.)**

Prerequisite: Family Law

This course is designed to cover advanced topics that arise in a Family Law practice, including the Indian Child Welfare Act, the Hague Convention, and assisted reproduction. It will also include a deeper coverage of topics that are only introduced in the basic Family Law course, including termination of parental rights, adoption and the procedure related to those actions.

**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: Introduction to Legal Writing, Part 2, 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.

**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 serve, 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, primarily mediation. The principal 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.

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

A study of state and federal arbitration law including a party's ability to compel or resist arbitration as well as practical guidance on drafting arbitration agreements and preparing for and participating in arbitration hearings.

**9270 Attorney General, Child Support Division, Externship (Pass/Fail) (1-3 qtr. hrs.)**

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

**9295 Bankruptcy (2 qtr. hrs.)**

A study of liquidation and reorganization of businesses under the Bankruptcy Code, including forms or relief, commencement and administration of cases, the bankruptcy estate, treatment of secured and unsecured claims, use of cash collateral, avoidance actions, executory contracts and the plan confirmation process.

**9241 Basic Mediation Training (2 qtr. hrs.)**

The purpose of this multi-session course is to students how to be a mediator. The multi-session training is in a very interactive, experiential manner to optimize learning experiences. This intensive training complies with both the Texas statutory requirement for mediation training (§ 154.052 Tex. Civ. Prac. & Rem. Code), as well as the Texas Mediation Trainers Roundtable Standards for Mediation Training.

**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.

**9325 Business Law Boot Camp (3 qtr. hrs.)(pass/fail)**

Prerequisite: Business Organizations 1

This course is an intense intersession course offered between the spring and summer quarters. The course provides a practical perspective on multiple aspects of business and its legal requirements and implications, including forming a business, commercial borrowing, raising capital, trademark and advertising issues, succession planning, selling a business, basic accounting, contract drafting, and negotiation skills. The course also includes networking events and supplemental opportunities for professional development and mentoring. Enrollment is limited, and students must apply for enrollment.

**9322 Business Organizations 2 (3 qtr. hrs.)**

Prerequisite: Business Organizations 1

A study of various corporate, partnership, and LLC topics beyond the scope of Business Organizations 1. Topics include mergers and acquisitions, conversions, and reorganizations; successor liability; duties and liabilities in winding up; derivative litigation; and certain issues related to publicly traded companies (such as insider trading and reporting requirements).

**9219 Business Organizations: Current Topics in Mergers & Acquisitions (2 qtr. hrs.)**

This is a two hour course that focuses on the legal responsibilities of a board of directors in an acquisition transaction, risks inherent in letters of intent, a very basic discussion of the tax issues relating to acquisitions and court cases interpreting some of the key provisions in acquisition agreements.

**9122 Business Planning Capstone (1 qtr. hr.)**

Prerequisites: Business Organizations 2, Business Planning & Drafting, and Securities Regulation

Students are required to play the role of lawyer in a transaction involving a business entity. The transaction forming the basis of the capstone is typically the formation, reorganization, or sale of a closely held business. The course provides students the opportunity to apply and develop analytical and drafting skills in connection with legal issues and problems that arise in the negotiation and documentation of such a transaction.

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

Prerequisite: Business Organizations 1

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.

**9386 Business Torts (3 qtr. hrs.)**

This course provides advanced instruction on tort claims that arise in business relationships. The course focuses upon the substantive law governing civil wrongs (outside of mere breach of contract claims) committed by or against business entities. Areas of coverage include common law fraud, negligent misrepresentation, contorts (i.e. distinguishing between tort and contract causes of action), tortious interference with contract and prospective contractual relations, misappropriation of trade secrets, breach of fiduciary duty, appropriation of name or likeness, business disparagement and conspiracy. Further, some coverage of covenants not to compete is also provided. The course is designed for those that may be interested in handling general business litigation. A number of other specialized courses cover more specialized statutory areas of substance, such as consumer protection, securities regulation, and antitrust.

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

Prerequisites: Business Organizations 1, Business Planning & Drafting, Business Organizations 2, Taxation of Corporations, Taxation & Financial Planning for Individuals, Taxation of Partnerships, and Securities Regulation

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.

**9319 Business Transactions: Mergers & Acquisition Planning and Drafting (3 qtr. hrs.)**

Pre or corequisite Course: Business Organizations 1

Students who have taken Law 9219 Merger & Acquisition or Law 9319 Merger & Acquisition (summer 18 online) are eligible to take this course.

This course follows the negotiation and documentation of the acquisition of a privately held business, from nondisclosure agreement, letter of intent, asset versus stock purchase structure, successor liability issues, through purchase agreement (payment options, price adjustments, earnouts, reps & warranties, indemnification) and closing. Ancillary documents (e.g. price holdback escrow) will also be addressed. Market practice issues will be reviewed.

**9348 Business Transactions: Venture Capital and Private Equity (2 qtr. hrs.)**

Prerequisite: Business Organizations 1 (this requirement may be waived for students with appropriate business background).

This course is an introduction to venture capital and private equity transactional practice through an examination of legal issues and documents commonly encountered in venture capital / private equity transactions. It will examine different potential financing options available, the deal and closing process, and structure and terms. The documents to be covered will be the (a) term sheet, (b) investment, voting, registration rights, rights of first refusal and co-sale, management rights, investor rights, director and officer indemnification agreements, and (c) preferred stock, warrants and venture debt terms (e.g. conversion and anti-dilution provisions). Attention will also be paid to (i) the VC/PE industry and fund structures to understand investment limitations and incentives for fund managers, (ii) legal opinions by transaction counsel, and (iii) developing market practice.

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

Prerequisite: Constitutional Law

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.

**9256 Civil Rights Actions (2 qtr. hrs.)**

Recommended prerequisite: Constitutional Law

Used to bring lawsuits against the government, this course discusses the intricacies of Section 1983 litigation. Section 1983 creates liability for certain government actions taken "under color of" the law. We will learn what is actionable, what types of immunity are conferred to government and government actors as well as pleading strategies around those immunities.

Prerequisite: Constitutional Law recommended

### **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.

### **9110 Commercial Law Capstone (1 qtr. hr.)**

Students seeking special distinction in Commercial Law will be assigned a case involving a commercial law dispute for their Practice Court 3 "Big Trial" (provided the student informs the PC Associate and gets capstone approval from the supervising commercial law faculty member by or before the fifth week of PC 1 and 2 during the preceding quarter). If more than one student in the PC class is completing a commercial law capstone, those students will be assigned the same Big Trial case to the extent is feasible. Each capstone student will then meet weekly throughout the PC 3 quarter with the supervising faculty member. The supervising faculty member will participate in developing both a theory of the case and the strategy necessary to implement that theory at trial, primarily by means of asking appropriate questions of the student(s). The student will meet with the expert to discuss drafts of pleadings, discovery documents, and any other materials prepared for use as part of the trial of the case. The student will also develop and draft an expert's report to be filed in connection with the case.

### **9271 Commercial Lending to Business (2 qtr. hrs.)**

This course will examine the loan documentation typically used in commercial lending to middle market businesses. Not only will the course examine the agreements between the lender and the borrower but will also cover agreements with third parties (e.g. personal guaranties, inter-creditor agreements). The topics covered will be valuable to lawyers representing borrowers as well as lenders.

### **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.

### **9243 Comparative Systems of Justice (2 qtr. hrs.)**

A comparative examination of contemporary and historical systems of justice, retribution, and public and private conflict resolution with a focus on societal and individual rights and responsibilities. Both judicial and non-judicial systems fall within the scope of the course. Final grade will be based on weekly assignments and a paper on a topic to be agreed on.

**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.

**9214 Construction Law (2 qtr. hrs.)**

The many components and complexities of the construction industry offer an ideal setting for demonstrating how multiple areas of the law (contracts; procurement; torts, insurance, environmental concerns; dispute resolution, property (emphasis on lien law), administrative, regulatory, and labor law) interact and operate. This course will introduce students to a discipline that resembles the actual practice of law, where the practitioner is required to sort through and understand a plethora of integrated contract, common law, statutory and regulatory rules and requirements in order to assist clients.

**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.)**

Recommended prerequisite: Intellectual Property

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.

**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, post-judgment remedies, execution, exemptions, asset discovery, fraudulent conveyances, and foreign judgment enforcement. An overview of Article 9 and the Bankruptcy Code will be included.

**9156 Criminal Law Workshop (1 qtr. hr.)**

Students enrolled in Practice Court 3 are eligible to take this course and should consult with the Practice Court faculty about their interest. The class covers various topics pertaining to criminal trial, including client representation, voir dire, opening statements, cross

examination, jury instructions, closing arguments, punishment evidence, and punishment argument.

### **9158 Criminal Practice Capstone**

In conjunction with the Practice Court 3 course, students enrolled in this capstone will be assigned a dual criminal / civil case requiring them to conduct a criminal PC "big trial" in addition to the standard civil PC "big trial". Both PC trials will be based on the same fact situation giving rise to a criminal prosecution occurring in parallel with a civil liability case. Students in this capstone will be required to navigate the various legal issues that arise with parallel criminal / civil proceedings, in consultation with faculty advisors. Attendance of a lecture on drafting search warrants is required. Students are required to draft and submit various documents. This capstone is required for students pursuing the Criminal Practice Special Distinction.

### **9352 Criminal Practice & Procedure (3 qtr. hrs.)**

This course will focus on the practice skills needed and the real-life procedures followed in criminal cases in both the federal and Texas court systems from the earliest stages of investigation and arrest through plea hearings, trials and sentencing.

### **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 those with special needs. Issues covered are: ethics in representing the elderly, Social Security, Supplemental Social Security, Social Security Disability, Medicare, Medicaid, veterans benefits, property management issues, surrogate decision-making, guardianships 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. This course entails a study of the major federal anti-discrimination laws, with particular emphasis on Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. Other statutes are addressed to a lesser degree, including the Civil Rights Act of 1866 and the Immigration Reform and Control 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.

### **9230 Entertainment Law (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.

**9228, 9236, 9297 Environmental Agency Externships (Pass/Fail) (1-3 qtr. hrs.)**

A one quarter externship experience in one of the following environmental agencies upon approval by the Associate Dean: Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Parks & Wildlife Department, General Land Office or Texas Railroad Commission.

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

An introduction to environmental law, focusing on major federal programs, key cases, 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 an emphasis on the federal Superfund statute. This course and the Natural Resource Protection Law course together provide a basic understanding of the history and legal principles of domestic environmental and natural resource protection laws.

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

Prerequisite: Trusts & Estates

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.

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

This course focuses on the study of the law of the family, including marriage, annulment, divorce, child support and custody, adoption, and paternity. Students will focus on the constitutional protections for the family, the policy underpinnings of family law, as well as the black letter rules of family law with a specific focus on the Texas Family Code.

**9380 Family Law: Advanced Family Law (3 qtr. hrs.)**

Prerequisite: Family Law

This course is designed to cover advanced topics that arise in a Family Law practice, including the Indian Child Welfare Act, the Hague Convention, and assisted reproduction. It will also include a deeper coverage of topics that are only introduced in the basic Family Law course, including termination of parental rights, adoption and the procedure related to those actions.

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

Prerequisite: Trusts & Estates

A practical study of substantive and procedural considerations in the preparation and presentation of family law litigation. Basic trial and advocacy training follows lecture presentations with mock courtroom time by each class participant.

**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 inter-jurisdictional 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.

**9276 Franchising (2 qtr. hrs.)**

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.

**9285 Healthcare Fraud & Abuse (2 qtr. hrs.)**

The health care industry is governed by complex statutory and regulatory requirements that impact operations, financing and the delivery of health care. A lawyer representing any type of health care entity must be knowledgeable in these areas since many are contrary to what is acceptable in all other industries. The focus of the course will be on federal and state anti-kickback, anti-referral (Stark), false claims and related fraud and abuse laws as well as corporate compliance issues. The civil and criminal penalty ramifications to the health care provider and lawyer will also be addressed.

**9357 Healthcare 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.

**9277 Healthcare Litigation (2 qtr. hrs.)**

An opportunity to examine the substantive and procedural concepts related to healthcare liability claims. In addition, the class provides exposure to evaluation of a healthcare 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.

**9286 Healthcare: Regulation of Healthcare Professionals (2 qtr. hrs.)**

Healthcare professionals are subject to extensive regulations in the delivery of care and the reimbursement for those services rendered. This course will analyze the relationship between health care entities and providers, federal and state governmental authorities, public and private payers and the laws and regulations affecting their activities. Areas to be addressed include licensure, peer review, patient care, Medicare/Medicaid and managed care, non-profit organizations, antitrust, and privacy issues implicated by the relationships.

**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.

**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.

### **9266 In-House Externship Program**

Prerequisite: Business Organization 1

The In-House Practice Externship Program serves as an introduction to in-house counsel practice by exposing the student to in-house practice in a real-world setting as well as in a classroom setting. Students participating in this program will earn a total of 2 hours of credit through a one-hour externship and a one-hour class. In the externship component, students will spend a minimum of 72 hours observing and working under the supervision of an in-house lawyer in the private sector. The classroom component of the In-House Practice Externship Program will focus on substantive issues commonly encountered by in-house counsel in corporate law departments as well as ethical issues and practical skills, such as working with outside counsel, identifying and dealing with conflicts of interest, preserving attorney-client privilege in the in-house context, drafting and negotiating contracts, and conducting internal investigations.

### **9341 Insurance Law (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.

### **9264 Intellectual Property (2 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 (1 qtr. hr.)**

Prerequisites: Trademark Practice & Disputes, Copyright Law, E-Commerce, Intellectual Property, Patent Law, Intellectual Property Litigation

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.

### **9106 Intellectual Property Clinic (1 qtr. hr.)**

Pre/Co-requisite for Patent Clinic: Patent Practice & Disputes

Pre/Co-requisite for Trademark Clinic: Trademark Practice & Disputes

The Intellectual Property Clinic at Baylor Law School teaches students how to file applications before the U.S. Patent and Trademark Office (USPTO). The clinic offers such limited legal services on a pro-bono basis to entrepreneurs, small business and non-profits that do not have the means to hire an attorney to advise them. Clinic participation requires enrollment and participation in weekly class meetings that focus on the lawyering skills and substantive law necessary to effectively represent clients.

### **9125 Intellectual Property Litigation (1 qtr. hr.)**

Prerequisites: Patent Law, Patent Practice & Disputes

A survey of the unique issues and elements of an intellectual property lawsuit. Topics covered include assessing whether a lawsuit is the proper course of action and the risks of

litigation, conducting pre-suit investigations, selecting expert witnesses, drafting pleadings, conducting pretrial activities, discovery, evidentiary challenges, trial preparation and appellate procedures. To be taken in conjunction with Practice Court 3.

**9221 Intellectual Property: Trademark Law & Unfair Competition (2 qtr. hrs.)**

This course provides an overview of trademark and unfair competition law. The course will cover the requirements to obtain trademark protection in the U.S., false advertising, right of publicity and state unfair competition laws.

**9262 Intellectual Property: Trademark Practice & Disputes (2 qtr. hrs.)**

Prerequisite: Intellectual Property or Trademark Law & Unfair Competition

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. Students who have taken the former Intellectual Property 2 are ineligible to take this course.

**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.

**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.

**9294, 9296 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.

**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 Seminar (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. Particular attention is paid to the National Labor Relations Act. The final grade is based on a project and related paper.

**9V91 Law Review (Pass/Fail)**

Law Review credit is awarded to students who are selected to participate in the Baylor Law Review, and who accomplish a stated amount of writing acceptable for publication or service on the staff of the Law Review. Students interested in taking Law Review credit hours

should consult with the Law Review Business Editor to determine the number of hours they are eligible to take.

**9119 Legal Clinics (Pass/Fail)**

Students who have served as a volunteer for any of the Law School legal clinics for a minimum of 45 hours after approval by and under the supervision of the Director of Legal Clinics or a faculty member, and who have attended the required classroom instructional component, may be eligible to earn pass-fail credit. Interested students should consult with the Director of Legal Clinics.

**9206 Leadership Engagement and Development (LEAD) (Pass/Fail) (2 qtr. hrs.)**

Throughout history, lawyers have played critical leadership roles in both the public and private sector. In every aspect of American Society, lawyers lead and Baylor Lawyers in particular are known for actively serving in leadership capacities in their communities and the legal profession. While leadership training is part of the fabric of Baylor Law School, specific emphasis and training is important and helpful to adequately equip our graduates with the leadership skills they will need in an increasingly complex and ever-changing professional environment. Topics will include leadership styles and strategies, personality assessments, public service and professional responsibilities, and leadership opportunities for lawyers. Using case studies, students will discuss leadership lessons learned by experienced leaders through challenging circumstances. Using introspective tools and team-building exercises, students boost strengths and minimize weaknesses to better equip them for their future. Mandatory attendance for each class plus a ropes course.

**9319 Business Transactions: Mergers & Acquisition Planning and Drafting (3 qtr. hrs.)**

Pre or corequisite Course: Business Organizations 1

Students who have taken Law 9219 Merger & Acquisition or Law 9319 Merger & Acquisition (summer 18 online) are eligible to take this course.

This course follows the negotiation and documentation of the acquisition of a privately held business, from nondisclosure agreement, letter of intent, asset versus stock purchase structure, successor liability issues, through purchase agreement (payment options, price adjustments, earnouts, reps & warranties, indemnification) and closing. Ancillary documents (e.g. price holdback escrow) will also be addressed. Market practice issues will be reviewed.

**9123 Military Justice (1 qtr. hr.)**

This course explores the nature and function of military justice today. Topics will include the constitutional rights of military personnel, court-martial jurisdiction and offenses, trial and appellate structure and procedure, the roles of commanders, Congress, the Supreme Court, and the President, command influence, the role of custom and courtesy, and punishment. Throughout the course, issues of professional responsibility, how the military justice system can be improved, and what, if anything, can be learned from the experience of other countries will be considered.

**9265 Municipal Government (2 qtr. hrs.)**

A study of the creation, expansion, powers and operations of municipalities as well as limitations on municipal authority, and issues relating to municipal liability.

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

An introduction to key natural resource protection laws and their respective application in the United States. Federal statutory programs and significant case law are focal points, along with impacts and examples from Texas. Topics include the National Environmental

Policy Act, public lands, wildlife protection (especially the Endangered Species Act), and certain water resources. There is also some discussion of alternative energy sources. This course and Environmental Law together provide a basic understanding of the history and legal principles of domestic environmental and natural resource protection laws.

**9290 Negotiation Settlement & Practice (2 qtr. hrs.)**

This course is structured as one companion and complementary to Practice Court 3, and in doing so simulates actual practice. It is limited to 20 students. As lawyers prepare for the final trial in a case, many preliminary matters occur, including the use of negotiation and mediation. This course will examine those processes in detail and consider their use at each stage of the pretrial process, as well as use in attempting a final resolution or settlement in advance of the trial. Students must be enrolled in Practice Court or have taken the course.

**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.

**9249 Oil & Gas Law (2 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.

**9251 Oil & Gas: Advanced Oil & Gas Law Principles & Drafting (2 qtr. hr.)**

Prerequisite: Oil & Gas

This course covers advanced oil & gas concepts and expands on the basic principles covered in Oil & Gas Law. Students will learn document drafting techniques and as part of the course work will be assigned documents to prepare and review that an attorney dealing with oil & gas matters would expect to encounter in practice. Some topics to be covered include advanced lease provisions; joint operating agreements; financing of oil and gas transactions; mineral and royalty conveyances; pipeline issues; and regulation of oil and gas activities.

**9223 Patent Law (2 qtr. hrs.)**

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

**9260 Patent Practice & Disputes (2 qtr. hrs.)**

Prerequisite: Patent Law

This course will focus on the advanced study of patent law, with an emphasis on patent applications, interferences and other practical aspects of a patent practice, including the unique issues and elements of patent litigation. Topics covered include desired qualifications and experience for litigating patent cases, pre-suit investigation for patentees, 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 investigation, evaluation, preparation, settlement, and trial of personal injury cases.

**9255 Post Conviction Procedure: Criminal Appeals (2 qtr. hrs.)**

An advanced criminal procedure course with a practical focus on representing clients in criminal appeals and in habeas corpus proceedings. Course will include an appellate oral argument.

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

A study of state and federal sentencing covering both substance and procedure, including federal guideline sentencing, Texas sentencing law, and state and federal sentencing hearings.

**9267 Poverty Law (2 qtr. hrs.)**

A foundational course for those interested in the Public Service professional track, Poverty Law will analyze the realities of existence for the underprivileged, constitutional issues underlying policy reform, and a study of federal programs as they relate to access to work and family.

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

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

**9253 Prosecutorial Externship (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 Prosecutorial Externship (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.

**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.

**9217 Real Estate: Land Use Planning & Development (2 qtr. hrs.)**

Land Use Planning & Development is a course covering eminent domain and other practical land use planning topics. The course will help students become familiar with legal considerations in working with government agencies, land developers, and land owners. The course covers various topics including conservation easements, common interest communities and zoning. However, eminent domain and the specific Texas statutes that have been added in the post-*Kelo* era is a primary focus of the course occupying at least a third of the classes. Additionally, students are given an assignment that focuses on the interaction of eminent domain and zoning issues as land use changes over time. The course offers both considerations of policy matters as well as practical application of the concepts in real-world settings.

**9331 Real Estate: Texas Title Issue (3 qtr. hrs.)**

A study of selected problems of Texas land law. The course includes material on contracts of sale, title examination, foreclosure issues related to title, and judicial procedures relating to land titles. Drawing a metes and bounds description of real property, a title opinion letter, and foreclosure assessment are required written exercises.

**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.)**

Prerequisite: Business Organizations 1 (Students who have a BBA do not have to take Business Organizations 1 before taking Securities Regulation).

Following the examination of the definition of a security and transactions that are exempted from registration with the Securities and Exchange Commission, 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.

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

Prerequisite: Constitutional Law

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.

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

A survey of current issues and events in sports law such as Title 9 developments, concussions, financial aid advancements, agent regulation, antitrust litigation (student-athlete name, likeness and image cases) and labor law disputes. The course features a number of presentations by national figures and experts on such issues.

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

A limited enrollment seminar (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 may draft concurring or dissenting opinions for extra credit. The grade is based on both the written component (opinion) and oral participation. Attendance at all class meetings is mandatory.

**9345 Taxation & Financial Planning for Individuals (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; non-recognition provisions and strategies related to tax rates.

**9346 Taxation of Business Entities (3 qtr. hrs.)**

This course covers tax consequences of organizing and operating business entities in a comparative manner. Basic tax consequences of C Corporations, S corporations, partnerships and limited liability companies are covered. With each entity type students begin with tax consequences of organizing and operating the entity and then cover issues related to the sale or distribution of entity assets, and the sale of ownership interest. Topics also 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. General introduction to mergers and acquisitions of corporations is also included.

**9220 Trial Advocacy: Beginning Advocacy Skills (2 qtr. hrs.)**

Students who have taken Practice Court, School of the Trial or Advanced School of the Trial are ineligible to receive credit for this course.

This course seeks to provide students with a foundation in the art of trial advocacy prior to more advanced training in Practice Court. 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.

**9530 Trial Advocacy: Advanced School of the Trial (Academy of the Advocate Study Abroad Program) (5 qtr. hrs.)**

The Advanced School of Trial ("ASOT") was created for experienced mock trial students. The ASOT's objective is to focus on and sharpen advanced trial skills and techniques through several advocacy exercises and trials. This class is part of our study abroad program in Scotland. Students who have taken Advanced Trial Advocacy Skills Seminar are not eligible to take this course.

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

Prerequisite: Practice Court 1

Enrollment is limited to 16 students who will be simultaneously taking PC 3. Selection of students will be made by the Practice Court instructors on the basis of grades of Practice Court skills, exercises, and the judgment of the instructors, with additional preference given to students whose Practice Court teammate is also seeking enrollment in the class (in order that Advanced Trial Preparation projects may be undertaken on a team basis). The Practice Court Big Trial case will be the subject of the projects, and the projects will include development of your framing strategy for trial, use of focus groups for trial, development of your visual strategy for trial, and conducting of videotaped dispositions. The class will conclude prior to trial of the big case.

**9523 Trial Advocacy: School of the Appeal (5 qtr. hrs.) (Academy of the Advocate Study Abroad Program)**

The *School of the Appeal* focuses on the art and craft of both oral and written appellate advocacy. Students will receive classroom instruction on both written and oral appellate advocacy. Classroom instruction will be followed by joint student/faculty planning and outlining sessions and will culminate in the drafting and critiquing of written appellate



arguments as well as the presentation and critique of oral appellate arguments. The *School of the Appeal* is also designed to place the role of the appellate lawyer in the context of the long and shared history and traditions of the British and American legal systems. This will also include corresponding field trips focused on the development of democracy, the jury trial, and the right to appeal.

**9522 Trial Advocacy: School of the Trial (5 qtr. hrs.) (Academy of the Advocate Study Abroad Program)**

The *School of the Trial* focuses on the art of trial advocacy. Students will be provided with classroom instruction and small group discussion opportunities on all facets, from jury selection to closing argument, of being ethical, persuasive trial advocates. Storytelling as a method of persuasion will be a central theme of the School of the Trial and the history, architecture, and idyllic setting of St Andrews will be used as both a striking setting for storytelling exercises and as a compelling example of the power of the spoken word. The *School of the Trial* is also designed to place the role of the trial lawyer in the context of the long and shared history and traditions of the British and American legal systems.

**9313 Water Law (3 qtr. hrs.)**

A study of water law legal systems in the United States related to ownership, rights of use, and public rights in surface water and groundwater. Surface water systems include prior appropriation schemes in most western states and riparian rights based systems in eastern states, as well as several groundwater rights legal doctrines. The course also includes certain federalism topics, such as the public trust doctrine and interstate allocation of waters, and a focused study of Texas Water Law.

**9332 Wealth Transfers (3 qtr. hrs.)**

Prerequisite: Trusts & Estates

Increasingly, the focus of private or individual wealth planning is on asset protection (i.e., planning to insulate the client's estate from the claims of creditors at any time and claims of spouses upon the termination of the marriage, as well as to minimize or eliminate transfer taxes upon death). This course examines the use, implementation and effectiveness of the more common estate planning techniques, such as Bypass and QTIP trusts created for the benefit of the client's surviving spouse, asset protection trusts created for the benefit of the client's descendants, premarital and marital agreements among the client and the client's significant other, and family limited partnerships among members of the client's family. The course also covers the keys to effective drafting of wills, revocable trusts and other estate planning documents, as well as the coordination of non-probate assets (such as life insurance and retirement benefits) with the estate plan.

**9142 Wealth Transfers Capstone (CR/NC) (1 qtr. hr.)**

Prerequisites: Trusts & Estates and Wealth Transfers

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.

**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.

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

Prerequisite(s): Admission to MACC or MTAX program; or consent of instructor.

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

#### **Economics 5350 Health Economics (Pass/Fail)**

Application of economic principles to health care issues; examining economic efficiency in a variety of circumstances including the production and distribution of health services, health insurance, 11 governmental programs, health care personnel and hospitals. Analysis of public in health and medical care from an economic perspective.

#### **Accounting 5364 International Taxation (Pass/Fail)**

Prerequisite(s): Admission to MAcc or MTAX program; or consent of instructor.

Introduction to jurisdictional tax issues and laws surrounding foreign taxation of U.S. taxpayers and United States taxation of foreigners doing business in the United States.

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

Prerequisite(s): Admission to MAcc or MTAX program; or consent of instructor.

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.

#### **Accounting 5363 State, Local, Estate and Gift Taxation (Pass/Fail)**

Prerequisite(s): Admission to MACC or MTAX program; or consent of instructor.

Introduction to jurisdictional tax issues and laws surrounding foreign taxation of U.S. taxpayers and United States taxation of foreigners doing business in the United States.

## **Executive LL.M. in Litigation Management: Course Descriptions**

### **1st Term**

#### **9531 Fundamentals of Litigation Management (4 qtr. hrs.)**

This is the introductory survey course to expose candidates to vital principles and tools in the strategic management of litigation, including application of data analytics, information management and cybersecurity, key emerging technologies, application of business processes and metrics to litigation, case and risk management, jury testing, litigation project management, discovery management including developments in electronic discovery, economic strategies in litigation, and management of complex litigation.

#### **9131 Data Analytics for Litigation (1 qtr. hr.)**

Major litigation today increasingly applies data analytics in multiple ways. To manage sophisticated litigation, attorneys need a foundational understanding of the fundamental principles of data analytics. This course equips litigation attorneys to:

- Understand the role of information technology in the application of data analytics
- Articulate the role, need, and value of data as an litigation resource, e.g. in forum selection, case assessment, electronic discovery, etc.
- Identify multiple forms of data analytics techniques used for descriptive, predictive, and prescriptive analytics in litigation
- Interpret visualizations of the results of data analysis, and
- Identify ethical issues that may arise when applying data analytics to problems within litigation.

#### **9116 Litigation Data Management: Cybersecurity (2 qtr. hrs.)**

As the world becomes more digitally interconnected and technology-driven, businesses and consumers are increasingly vulnerable to cyber threats. Regardless of your industry, the security of sensitive information is top priority. This program will provide you with a fundamental understanding of cybersecurity and privacy law as it relates to your role in litigation management. You will also learn from some of the nation's foremost cybersecurity experts how to effectively manage risks to a client's most sensitive information, and how to quickly and decisively respond to threats. This course is designed to educate attorneys in the basics of cybersecurity issues arising in the management of litigation data, including:

- Identification of system vulnerabilities
- Prevention of data breaches, and
- Response to a potential cybersecurity crisis.

#### **9232 Proving and Attacking Damages (2 qtr. hrs.)**

Law schools teach remedies but devote very little time to proving or attacking damages. The ability to assess, predict, discover and compellingly prove or attack damages at trial, however, is vital to litigation management and strategy. This program will provide key skills for creating damage stories and theories, defending against damages, handling experts, assessing risk and ultimately handling damages at trial. The course addresses proof requirements, vulnerabilities in the evidence, and persuasive forms of presentation for the damages most commonly encountered in litigation, including intangible damages, lost profits, diminution in value of a business, damages to realty, loss of earning capacity, intellectual property damages, and the determination and application of discount rates and present value.

#### **9130 Forum Issues Affecting Major Litigation (1 qtr. hr.)**

Sometimes, you'll see the following crude statement: To have subject-matter jurisdiction, a federal court must have either diversity or federal-question jurisdiction. Often enough, that

crude statement is harmless enough—because most ordinary jurisdictional disputes involve parties disputing how a court should interpret the two major statutory grants of jurisdiction: 28 U.S.C. § 1332 (diversity) and 28 U.S.C. § 1331 (federal question). But the crude statement above isn't good enough. It oversimplifies the structure of federal subject-matter jurisdiction. To develop an agile and flexible understanding of current and future jurisdictional inquiries, we must take a rather academic return to the foundations of jurisdiction. We will use that foundation to introduce, and sometime explore, the cutting edge forum-selection issues being litigated most often. The hope is that the course contains something for everyone. Given the vast, and vastly diverse, experience of our students, the course is designed to have something for everyone. For those experts in the forum fight, the foundational review is perhaps paced too slowly. But for others, that part is needed for its own sake and certainly for contextualizing the more complex inquiries. Because we are limited to one credit hour, some of the more advanced strategy will be briskly paced, suiting the experts but challenging those who have not lived the doctrines previously.

### **9117 Management of Expert Witnesses (1 qtr. hr.)**

Expert witnesses are ubiquitous in litigation in state and federal courts. Some commentators estimate that experts testify in 85% of American trials, and the percentage is certainly near 100 for complex commercial cases and tort claims with technical or scientific issues. Moreover, experts can have an outsize effect on the course of trials. Litigators are familiar with the articulate, professorial witness in the tweed jacket who takes over the courtroom and ultimately the jury's view of the case. A cottage industry of expert testifiers has arisen, with expert referral services listing thousands of candidates in hundreds of categories. In response, courts and legislatures have enacted rules to control expert testimony, both through discovery procedures and limits on admissibility. This course examines the current state of the use of expert witnesses, focused on pretrial matters, from selection through discovery and including the gatekeeping procedures now available to courts and litigants.

### **9129 Research Project Phase 1 (1 qtr. hr.)**

During the year, each candidate will analyze and produce, in the format of a publishable article, a working strategy for a major litigation management issue confronting a company or law firm. The candidate will identify the litigation management issue, identify and review existing research and data, formulate a solution or solutions, and then produce a publishable article in the range of 20,000+ words describing the issue, the research, and the recommended solution. The work will be done in consultation with a faculty member, the legal writing team (for feedback on the proposed structure of the article), and a chosen outside advisor. Milestones will be determined for each project phase in consultation with faculty. Faculty: Various faculty members will act as law school advisors, plus outside advisors with expertise in the topic will be recruited.

## **2nd Term**

### **9431 Management of Electronic Discovery (4 qtr. hrs.)**

Electronic discovery is now the single largest cost-driver in pre-trial litigation. This course immerses candidates in the governing law and practicalities of e-discovery, including:

- The EDRM Model for identification, preservation, collection, processing, review, analysis, production, and evidentiary presentation of electronically stored information
- Current interpretation and application of key federal rules
- Preservation letters, litigation holds, and evidence spoliation issues

- Issues of discovery collaboration between aligned counsel and cooperation with opposing counsel
- Discovery proportionality and cost-shifting issues
- Explanation of technology-assisted review and other tools
- E-discovery project management and budgeting
- Protecting privilege and other immunities
- International issues of data privacy, protection and transfer
- Unique challenges of discovery posed by BYOD sources and social media
- The intersection of e-discovery and cybersecurity issues
- Roles of special discovery masters and forensic neutrals
- Role and influence of The Sedona Conference

### **9334 Business Strategy and Processes in Litigation Management (3 qtr. hrs.)**

This course is designed to bridge the gap between litigation strategy and the business aspects of litigation management, focusing candidates on the business analysis side of a litigation practice.

- Basic law firm financial reports, including general workflow analysis and assessment, client billing and internal controls, and trust accounts
- Litigation metrics and reporting, including: (1) how general counsel, major law firms, and insurance carriers are now using litigation metrics to track the cost-effectiveness of litigation and which metrics are key; (2) what information needs to be tracked, from what sources, and what systems need to be implemented by law firms and general counsel to produce the metrics; and (3) how metrics and reporting can be used to align law firm goals with client objectives
- Ethical issues in litigation management, including potential conflicts between litigation goals and firm or insurer billing guidelines, and potential conflicts between contingent fee counsel and the client in the management and allocation of expenses and advances
- Potential for cooperative strategies with opposing counsel without capitulation, including communication strategies with opposing counsel and the court from the outset of the case to obtain cooperation to reduce the cost of litigation
- Introduction to fundamentals of claim valuation and reservation for risk, including: (1) how to determine a likely range of judgment for a litigated outcome; (2) how to calculate the impact of attorney fees, costs of litigation, and potential business costs on the assessment of exposure; and (3) how to weigh the economic and noneconomic value of the option to settle

### **9212 International Issues in Litigation Management (2 qtr. hrs.)**

This course will focus on transnational issues arising in litigation, e.g. competing regulatory environments affecting litigation and discovery (including the effect of the new European GDPR regulatory framework), international forum selection considerations (including international arbitration), management of parallel litigation, and issues relating to foreign entities engaged in U.S. litigation.

### **9108 Litigation Crisis Management (1 qtr. hr.)**

The course utilizes the case-study method to expose candidates to the fundamental principles for litigation crisis management. Studies focus on the role of lawyers in preventing, managing, and resolving crisis situations, including: considering issues of criminal liability, potential conflicts of interest, attorney-client and work-product privilege, and issuance of a litigation-hold for the preservation of potential evidence; streamlining early fact gathering; developing a close inside/outside attorney partnership; implementation

of an internal/external communication plan; working with the client organization board and key personnel; dealing with litigation budget constraints; and investigating alternate resolution, trial planning and settlement. Course materials will be cross-disciplinary with a focus on management, leadership, communications, and public relations.

**9109 Privilege Issues Affecting Litigation Management (1 qtr. hr.)**

This course provides an overview for navigating some of the more difficult privilege issues commonly encountered during discovery, including privilege choice of law issues, attorney-client and work-product issues for inside and outside counsel and retained experts, trade secret privileges, and privacy laws (e.g. HIPAA) governing personal information.

**9111 Research Project Phase 2 (1 qtr. hr.)**

**Summer**

**9118 Research Project Phase 3 (1 qtr. hr.)**

**3rd Term**

**9304 Litigation Project Management and Value-Based Billing (3 qtr. hrs.)**

This course focuses on innovations in litigation project management and their potential interrelationship with value-based billing (or alternative fee agreements) for litigated cases. Candidates study the application of project management techniques to litigation, including (1) the skills and techniques to define the stakeholders in a legal project, the scope of the engagement, the tasks to be completed with a focus on ensuring the right people accomplish the right tasks for the right price, and the time and cost constraints; and (2) the development of value-based fee arrangements and budgets, selection of appropriate resources, and managing a team toward successful and timely completion of a litigation project.

Candidates analyze the advantages, disadvantages, and necessity of various forms of value-based fee arrangements, and how to approach fee arrangements proactively to create a competitive advantage in contrast to simply reacting to client demands.

**9215 Case Assessment Techniques (2 qtr. hrs.)**

This course introduces candidates to the science of early case assessment techniques; pretrial jury testing (covering the utilization and distinctions between concept focus groups, structured focus groups, and online jury testing with conjoint analysis); and the opportunities that early case assessment and jury testing offer to analyze liability and damage issues and improve success rates in major litigation.

**9218 Management of Regulatory Investigations (2 qtr. hrs.)**

This course will build on the prior Litigation Crisis Management Course, with a specialized focus on anticipating and responding to governmental regulatory investigations, including complexities resulting from accompanying criminal issues, from parallel civil litigation, and from issues relating to navigating competing (potentially conflicting) organizational and individual interests of various stakeholders.

**9114 Complex Litigation Management Issues (1 qtr. hr.)**

Starting with a brief overview of CAFA and MDL requirements (and the new Fairness in Class Action Litigation Act if enacted), this course addresses practical issues including: preparing for class certification and JPML hearings; selection of steering committees and presenting challenges to the composition of steering committees; controlling the management and costs of litigation through effective use of steering committees; addressing discovery

management issues in complex litigation; and best practices of mass tort client management.

**9133 Management of Complex Arbitration and ADR Issues (1 qtr. hr.)**

This course provides an overview of some common but difficult arbitration and ADR issues arising in litigation management, including: negotiating arbitration and ADR structural details after initiation of the dispute; litigating questions of arbitrability; management of judicial proceedings before, during, and after an arbitration under the Federal Arbitration Act; and management of international arbitration.

**9113 Insurance Coverage and Claims Reservation (1 qtr. hr.)**

Candidates focus on the fundamentals of insurance claim valuation and reservation for risk, with specific focus on advanced issues of coverage, notice and tender, reservation of rights, declaratory relief, right to independent counsel, bad faith, and potential excess coverage and liability.

**9115 Future Technology Trends in Litigation Management (1 qtr. hr.)**

As part of our ongoing survey of emerging technology potentially affecting litigation management, this course is intended to simply provide selected exposure to leading legal technology experts to encourage and facilitate a dialogue focused on continuing innovation. The course will feature preparatory reading, interviews, and live seminar discussion.

**9112 Research Project Phase 4 (1 qtr. hr.)**

**FINANCIAL AID, SCHOLARSHIPS AND AWARDS**

Information pertaining to financial aid, scholarships and awards is located on the Law School website at <http://www.baylor.edu/law/ps/index.php?id=74810>.

## 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. For students who matriculated in a summer quarter, this determination will be made following the fourth quarter of study (after Appellate Advocacy & Procedure grades have been recorded):

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): Introduction to Legal Writing 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 Teague (Room 219; 710-1911.)

## **Laptop Exam Procedures (Juris Doctor Students)**

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. **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 assume that the use of computers is allowed for a given exam unless informed otherwise. 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 their own laptop to be used during the exam. IT staff will have laptops available for emergency situations.

Students' laptops must be properly configured with the current unexpired version of Extegrity software prior to the exam preparation deadline. If a student has a technical issue after the deadline, the student must see IT staff otherwise they will not be able to take current exams on laptop. The deadline for laptop readiness will be set for Thursday 12p the week prior to the current quarter exam period. Software download will be unavailable after this time.

The following section describes the software and hardware requirements to take a typewritten exam using the Extegrity software.

#### 1. System and Hardware Requirements:

- Windows 7 and above; Apple Macintosh™ OS X version 10.9 Mavericks and above
- 10 MB free hard disk space (a very small amount)
- **Wireless network access (AIRBEAR WPA2)**
- Minimum 800x600 screen resolution
- Functioning Power Adapter

The IT staff will provide assistance with download, installation and troubleshooting of the Extegrity software and network configuration on PCs and prior to the deadline for assistance

published each quarter by the IT staff. 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 unexpired version** of the Extegrity software ([www.exam4.com](http://www.exam4.com)) downloaded and installed successfully on their laptops prior to the deadline.

Each midterm and 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 each midterm and exam cycle. 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 download each exam cycle (in most cases about 2 weeks before the first day of exams).

### 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 deadline to become familiar with the software and to test it on their laptop. Choose **Other Exam A** or **Practice exam** in **closed** mode, type a few lines and then submit it electronically. A "Your file has been stored on the server." dialogue box along with will pop up if successful.

FAILURE TO SUBMIT A PRACTICE EXAM PRIOR TO THE DEADLINE EACH QUARTER WILL RESULT IN THE LOSS OF LAPTOP EXAMINATION PRIVILEGES FOR THAT QUARTER.

## 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, 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.

The student is to bring a pen 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

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 (these are based on the Windows 7 operating system):

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. Check the box labeled **Check box to re-confirm**.
  9. Click **OK**.
  10. If you would like to set the optional timer and alerts do so. **NOTE: The faculty member/proctor will keep official exam time.**
  11. Click the **Next** button.
  12. Read the Notice of Instructions. **Check to see that your computer's date and time are correct.** Incorrect date and time could lead to an honor code concern that you had inappropriate access to information during the exam period.
  13. When you have read the Notice of Instruction, check the box labeled **Got it?**
  14. Click the **Next** button.
  15. On the Exam Mode screen type in CLOSED and then place a check in the confirmation box.
  16. Click the **Next** button.
  17. 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.
  18. When the faculty member/proctor says to begin, click the **Begin Exam** button
  19. The Extegrity software will perform a security scan for approximately 60-90 seconds on your computer, and will then display a basic word processor screen where you will type your answers.
  20. 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**.
  21. Start typing the answer to question 2 and insert an answer separator, and so on.
  22. 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 handwrite 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 student will not be permitted to take any further exams on computer during that quarter.

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, battery died, etc.).
6. Type in the crash recovery password.
7. 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.
8. Notify the student that they may resume, or not, the exam on laptop.
9. 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.

##### **A. Ending the Exam**

Follow the instructions below to end an exam:

1. From the top left 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 **Exit** under the **File and Save Options** menu to quit the program (a final backup is saved after you end the exam).
6. Check the **I'm sure** box and click **Exit Exam4.**

##### **B. Submitting the Exam**

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

1. Be sure you are connected to the internet via **AIRBEAR WPA2.**
2. Start the Extegrity program again and click **Select Existing Exam.**
3. 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 the phrase **Exam Submittal Successful** at the top in a green background. The bottom half will list information regarding the exam (i.e. number of sections and words per sections, etc.). Review the information then Click **I understand.** PLEASE NOTE THE LINE COUNT IS NOT ACCURATE.
9. Close the status dialog box by clicking **OK.**
10. Exit from the program by clicking **Quit.**

Note that the law school **WILL NOT** accept submissions by USB flash drive 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 lectern 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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