



## 2017-18 CATALOG



The West Virginia University Catalog is a general source of information about course offerings, academic programs and requirements, expenses, rules, and policies. In order to reach the goals and fulfill the mission of the University, the courses, requirements, and regulations contained herein are subject to continuing review and change by the West Virginia Higher Education Policy Commission, the WVU Board of Governors, University administrators, and the faculties of the schools and colleges. The University, therefore, reserves the right to change, delete, supplement, or otherwise amend the information, course offerings, requirements, rules, and policies contained herein without prior notice.

COLLEGE OF LAW

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# Law

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WVU Law students have a passion for justice, an interest in how our legal system contributes to society, and a desire to learn a discipline that is both structured and creative.

West Virginia University College of Law provides students a unique opportunity to attend a small public law school within a nationally recognized research university. Here you can join diverse students from around the globe who come together in the beautiful mountains of West Virginia to experience public legal education with the intimacy of a fine private law school. Small class sizes and an excellent faculty-student ratio tell part of the story, but not all.

What makes the WVU Law experience exceptional is its culture of excellence. Our faculty, staff, and students are committed to creating a rigorous, inclusive, exciting, and supportive educational community in which individuals can pursue their personal vision of success in the legal profession.

Our faculty members are outstanding teachers, scholars, and leaders in legal education. What distinguishes our faculty from others, however, is the remarkable commitment they have in mentoring students to help them achieve individual goals. The faculty can be found supervising student articles for publication, assisting in obtaining prestigious federal judicial clerkships, or providing guidance for student-led symposia exploring cutting-edge and relevant topics. In addition, whether our faculty members teach corporate securities or civil disobedience, each one exemplifies the duty of a lawyer to serve the public interest.

To fulfill its commitment to individual student success and to improving the profession by producing the leaders of the future, the West Virginia University College of Law has a rapidly developing curriculum that combines the best of traditional legal education with new courses and opportunities necessary to practice law in the global society in the 21st century.

## About the College of Law

Mission Statement: Preparing 21st century lawyers and leaders to serve the public, government, and business—both locally and globally—while focusing on justice, ethics, professionalism, and service in a diverse, vibrant, and respectful community.

Established: 1878

The West Virginia University College of Law was accredited by the AALS in 1914 and by the ABA in 1923.

The West Virginia University College of Law is fully approved by the American Bar Association Council of the Section of Legal Education and Admissions to the Bar.

Since 1952, the ABA Council of the Section of Legal Education and Admissions to the Bar has been approved by the U.S. Department of Education as the recognized national agency for the accreditation of professional schools of law.

Further information as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association may be obtained from the Section of Legal Education and Admissions to the Bar, 321 N. Clark Street, 21st Floor, Chicago, IL 60654. Phone: (312) 988-6738, Fax: (312) 988-5681. Email: [legaled@americanbar.org](mailto:legaled@americanbar.org). Website: [http://www.americanbar.org/groups/legal\\_education.html](http://www.americanbar.org/groups/legal_education.html)

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Managing Attorney
- Katherine Garvey - J.D. (University of Missouri-Kansas City); LL.M. (Vermont Law School)  
Director of the Land Use and Sustainable Development Clinic
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Land Conservation Attorney

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Director of the Child and Family Law Clinic

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- Thomas O. Patrick - J.D. (West Virginia University)  
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- Grace Wigal - M.A. Marshall University; J.D. (West Virginia University)  
Teaching Professor Emeritus

## Degree Designation Learning Goals

### DOCTOR OF JURISPRUDENCE (JD)

The J.D. program forms students' professional identities as lawyers and provides students with the core legal knowledge and practical skills to pass the bar exam and to serve their clients competently and ethically.

In developing professional identity and values, we seek to produce students committed to professional excellence, justice, leadership, public service, global engagement, and lifelong learning. Our graduates are trained to be legal problem solvers who possess a solid grasp of the substantive and procedural law of their chosen fields, understand their professional responsibilities and ethical obligations, and have the varied skills needed for successful practice, including: legal analysis, legal writing, legal research, factual investigation, client counseling, negotiation, drafting, and advocacy.

### MASTER OF LAWS (LLM)

Our LL.M. programs offer post-J.D. students an opportunity to deepen their subject-matter expertise and skills in particular areas of the law.

#### Energy and Sustainable Development Law

The LL.M. in Energy & Sustainable Development Law provides lawyers with a deep and broad knowledge of law and policy in the critical areas of energy, environmental protection, and sustainable development. Students will master these areas through course work, writing projects, and a variety of experiential learning opportunities. LL.M. graduates will have the skills necessary to work as lawyers serving energy companies, investors, utilities, manufacturing companies, lawmakers, policymakers, regulators, land use professionals, and environmental organizations.

#### Forensic Justice

The LL.M. in Forensic Justice provides working lawyers with a solid grounding in the theory and practice of the forensic sciences and their application in the courts. LL.M. students will gain an understanding of scientific method and of critical areas of forensic science including biological and chemical evidence, impression and trace evidence, and statistics and probability. In addition, students will gain practical experience in working with this evidence in a courtroom setting. The degree will be especially valuable for prosecutors and criminal defense attorneys, enabling those on both sides of the criminal process to ensure that forensic science serves the ultimate goal of justice.

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## ADMISSIONS - DOCTOR OF JURISPRUDENCE

### FIRST-TIME ADMISSIONS

The following are the essential requirements to apply to law school:

- A bachelor's degree from an accredited four-year institution
- Completion of the Law School Admissions Test (LSAT)
- Application for admission / Credential Assembly Service (CAS) report

For additional information, please visit the College of Law Admissions (<http://www.law.wvu.edu/admissions>) homepage.

### TRANSFER ADMISSIONS

A transfer student is a student who has taken some or all of his or her first-year curriculum at another law school and is admitted to earn a J.D. degree at the West Virginia University College of Law. The College of Law accepts transfer students only from other law schools accredited by the American Bar Association. The College will not accept transfer applicants from law schools that do not award letter grades (or their numerical equivalent) during the

first year. All candidates who transfer to the College of Law from another ABA- accredited law school must satisfactorily complete courses aggregating at least forty-five credit hours at the College of Law. In addition, the last thirty credit hours for transfer students must be earned at the College of Law.

The College of Law will accept transfer credits only for courses where the student earned a grade of C or better. In exceptional circumstances, the Associate Dean for Academic Affairs may approve the transfer of a small number of pass/fail credits. The Associate Dean will determine the total number of credit hours that will transfer; only in exceptional cases will credit be given for more than thirty-two credit hours. The Associate Dean will also determine whether particular courses taken at another law school satisfy specific course requirements at the College of Law. Graded credits at other law schools that transfer to the College of Law will be entered on the student's College of Law record as pass/fail credits and hence will not affect the student's College of Law grade point average.

In order to graduate, all transfer students must obtain a cumulative grade point average of 2.30 or better on courses taken at the College of Law. Transfer students are not eligible for election to Order of the Coif at the West Virginia University College of Law.

The deadline for transfer applications is **July 1**. The West Virginia University College of Law has established the following guidelines for the Enrollment Management Committee to use in reviewing transfer applications.

- In reviewing applications for advanced standing, the Enrollment Management Committee will give preference to West Virginia residents.
- Applicants must have completed at least one academic year of studying or its equivalent at the institution from which transfer is being sought. For admission purposes, one year of study or its equivalent is equal to a minimum of twenty-eight credit hours of coursework. The twenty-eight credit hours should ideally include the following coursework, but we will consider transfer applicants who have a substantial number of the listed courses:
  1. Civil Procedure I & II
  2. Contracts I
  3. Torts I
  4. Constitutional Law
  5. Criminal Law
  6. Property I
- Applications from students seeking to transfer from schools that are not accredited by the ABA will not be accepted under any circumstances. (The applicant may apply as a first- year student.)
- Applications for transfer to the College of Law for the second year will be considered by the Committee on the basis of the following:
  1. The size of the returning second-year class.
  2. The applicant's grades and/or class rank at her/his law school. Applicants from law schools who do not provide either a GPA or class rank for 1L students will not be considered for transfer.
  3. Whether the applicant would have been admitted to the College of Law in the first year had the applicant applied.
  4. The academic strength of the law school attended by the applying student, including whether it is accredited by the AALS. (ABA accreditation is required.)
  5. Recommendation(s) from a law professor in whose class the applicant was enrolled. (At least one is required.)
  6. Residency of the applicant.
  7. All of those facts, performance records, recommendations, and other matters that the Committee normally considers for applicants to the first-year class, including everything that might implicate the student's fitness for the practice of law.
  8. Any other activities and experiences of the applicant occurring since the student began law school.
  9. Any other information regarding the applicant that may be considered relevant to success in law school.
- In addition to the aforementioned criteria, applicants must meet the requirements set forth below.
  1. Applicants must conform to all other relevant criteria relating to first-year entering students as found in the admission policy of the West Virginia University College of Law.
  2. Applicants must submit a certified official transcript of their first-year law school grades and class ranking. If class ranking from the law school is unavailable, the applicant must submit sufficient information about grades from the law school attended to make a reasonable estimation of class ranking. No one will be admitted for transfer without class rank (or its reasonable equivalent) based on a full year of law school attendance.
  3. Applicants must provide a letter of good standing from the Dean of the law school (or his or her designee) from which the student is transferring.
  4. Applicants must submit a copy of their most recent LSAC Credential Assembly Service (CAS) report including a certified transcript of undergraduate school grades and the LSAT writing sample.
  5. Applicants must fully explain any ethical or other problems with admission that may appear in the file.
  6. Applicants must submit the completed file to the Admission Office by July 1 in order to be considered for transfer.

- In considering applications for admission from individuals with credits or degrees from foreign institutions, the Enrollment Management Committee shall have the authority to make any of the below stated decisions with regard to the applicant:
  1. The Committee may admit the applicant as a first-year entering student.
  2. The Committee may admit the applicant with advanced standing by granting credit for specific course work completed at another institution. (AALS executive Committee Regulations 2.8 and 2.9 prescribe limitations on the award of advanced standing.)
  3. The Committee may admit the applicant as a special student for the purposes of auditing courses or transferring course work to another institution.
  4. The Committee may deny admission to the applicant.

## TRANSIENT ADMISSIONS

The West Virginia University College of Law accepts transient students only from other law schools accredited by the American Bar Association. A transient student is one who has taken or will take most of his or her work toward a J.D. at another ABA-approved law school and will earn a degree from that institution. Transient students are permitted to earn some credits toward that J.D. while in temporary residence at the West Virginia University College of Law, provided that they obtain permission from their school and the Associate Dean for Academic Affairs.

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## ADMISSIONS - LL.M. (MASTER OF LAWS)

### ENERGY AND SUSTAINABLE DEVELOPMENT

WVU Law's LL.M. in Energy and Sustainable Development Law will be a source for a high-quality professional legal education and a home for thought leaders in the areas of energy and sustainable development.

Minimum admission requirements for the program are as follows:

- A J.D. from an ABA (American Bar Association) accredited school.
- A J.D. grade point average of at least a 3.0 (on a 4.0 scale) or other demonstrated indicia of likelihood of success.
- A demonstrated interest in or commitment to the fields of energy and/or sustainable development.

For additional information, please visit the LL.M. in Energy & Sustainable Development Law (<http://law.wvu.edu/energy-llm>) homepage.

WVU College of Law also offers students an opportunity for a dual J.D./LL.M in Energy and Sustainable Development Law. For more information about participating as a dual degree student, please visit the J.D./LL.M homepage. (<http://www.law.wvu.edu/academics/academic-programs/dual-degree-programs/jd-llm>)

### FORENSIC JUSTICE

Minimum admission requirements for the LL.M. in Forensic Justice are as follows:

- A J.D. from an ABA (American Bar Association) accredited school or equivalent.
- A grade point average of at least a 3.0 (on a 4.0 scale) or other demonstrated indicia of likelihood of success.
- A demonstrated interest or commitment to the fields of science, forensic evidence, and law.

Applicants may include newly graduated J.D. students, professionals (prosecutors, defense attorneys, judges) returning for study after years of practice, or qualified international students.

For additional information, please visit the LL.M. in Forensic Justice (<http://law.wvu.edu/forensic-llm>) homepage.



## **Student Catalog Policy**

All students at West Virginia University College of Law must abide by the content of the student catalog and the Student Code of Professional Responsibility. You are responsible for knowing and understanding the rules and policies contained in those documents. You are governed by the rules and policies of the catalog for the current academic year, including any addenda to the catalog published on the College of Law's website. The student catalog is revised each academic year. Students will be notified of any significant change in school policies during the academic year. You may consult the Assistant Registrar for the College of Law and/or the Associate Dean for Academic Affairs at any time for advice as to any policy contained in the student catalog.

## Frequently Asked Questions

- **What academic honors can I earn while in law school?**  
See '[Academic Policies and Procedure - Honors](#)' of the College of Law catalog for additional information.
- **What does it mean to be on academic probation?**  
See '[Academic Policies and Procedure - Academic Standing - Academic Probation & Dismissal](#)' section of the College of Law catalog.
- **What student organizations can I join at the law school?**  
Many College of Law organizations welcome all students who are interested, while others require students to be elected or chosen. See '[Student Organizations, Guidelines, and Services - College of Law Organizations - Recognized College of Law Student Organizations](#)' section of the College of Law catalog or visit the 'Student Organizations (<http://studentengagement.wvu.edu>)' homepage.
- **What is the law school's grade point average system?**  
See the '[Academic Policies and Procedure - Grading Information and Procedures - Grades](#)' section of the College of Law catalog.
- **How can I change my address with WVU so I will receive my financial aid check?**  
Addresses are updated online via WVU Portal. Once there, click on the 'Personal Information' link. Also, visit the 'Current Students ([http://registrar.wvu.edu/current\\_students/#add](http://registrar.wvu.edu/current_students/#add))' link on the OUR homepage (<http://registrar.wvu.edu>) for additional information.
- **What is DegreeWorks?**  
DegreeWorks (<http://registrar.wvu.edu/dw>) is an online check sheet (audit) for students to review and monitor their progress toward degree completion. It organizes academic coursework into blocks of requirements to help easily identify courses completed and what courses are still needed in order to complete your degree. For additional information, including how to log in to DegreeWorks, see the '[Academic Policies and Procedures - Graduation](#)' section of the College of Law catalog.
- **Whom should I see if I have a question regarding academic matters at the College of Law?**  
For academic matters, please see the Assistant Registrar for the College of Law (<http://www.law.wvu.edu/faculty-staff/administration>) or the Associate Dean for (<http://www.law.wvu.edu/faculty-staff/administration>)Academic Affairs.
- **Whom should I see if I have a non-academic or personal matter that pertains to my law school experience?**  
For such matters, see the College of Law's Assistant Dean for Student Life.
- **What is my professor's phone number, e-mail address, etc.?**  
See the 'Faculty (<http://law.wvu.edu/faculty-staff>)' link on the College of Law (<http://www.law.wvu.edu>) homepage. Many professors also list their contact information on their class syllabi.
- **Whom do I call if I am sick and must miss class?**  
See the '[Academic Policies and Procedures - Academic Policies - Missing Class Due to Illness](#)' section of the College of Law catalog. Also, for treatment information, see the '[Student Organizations and Services - University Services - Health Services](#)' section of the College of Law catalog.
- **What are midterm and/or final exam numbers?**  
Midterm and final exam numbers are assigned to students each semester by the Assistant Registrar for the College of Law. In many classes, these numbers are used on papers and exams in place of student names so that the professors can grade anonymously. Students are routinely notified of information concerning midterm exam and final exam numbers each semester.
- **If I'm traveling for competitions with the College of Law, what do I do?**  
If the completion has been approved as part of the student organization's budget, then check with the Assistant Dean for Student Life. Student travel expenses must be approved in advance in order to be reimbursed.
- **How do I register for classes?**  
Registration for classes occurs in STAR. Students are routinely notified of information concerning registration each semester. For additional information, please review the Student Services Guide, located on the College of Law website on the 'Course Schedule and Registration Information' link under the 'Academics' tab.
- **Where can I find guidance about choosing courses?**  
The College of Law J.D. curriculum is separated into required courses and electives courses. For required courses, see '[Academic Programs - Doctor of Jurisprudence - First-Year Curriculum & Required Courses after the First-Year Curriculum](#).' For elective courses, the College of Law publishes a 'Curriculum Opportunities and Options (<http://www.law.wvu.edu/r/download/184421>)' guide. This guide organizes courses into specific career tracks.
- **When are classes canceled, and how do I find out?**

It is rare that the College of Law will cancel classes or activities due to weather or other events. Decisions regarding class cancellations are made at the university level by the Provost's Office. In the event classes are canceled or delayed because of weather or other reasons, the university will issue a notice by morning. If you receive no notice, assume that there are no cancellations for that day. Sign up to receive these notices via phone by going to the 'WVU Alert' homepage (<http://emergency.wvu.edu/alert>).

- **Where can I find the Code of Professional Responsibility (Honor Code)?**

See the '[Professional Responsibility - WVU College of Law Student Code of Professional Responsibility](#)' section of the College of Law catalog.

- **Where can I find out about careers, jobs, and summer internships?**

See the '[Student Organizations and Services - College of Law Services - Meredith Career Services Center](#)' section of the College of Law catalog or visit the College of Law's Meredith Career Services Center (<http://law.wvu.edu/career-services>) homepage.

- **What do I need to do in my 3L year to apply to take the bar exam the following summer?**

In the fall of your 3L year, visit the bar examiners homepage in the state where you plan to practice. The application must be started and finished in a timely manner to be able to take the exam in the summer. Some applications are due in the fall of the 3L year. The application to practice includes a character and fitness review.

- **What do I need to do in my 3L year to prepare to take the bar exam?**

(1) Take the Multistate Professional Responsibility Exam (MPRE) in the spring of second year or fall of third year (after you have taken the class in Professional Responsibility), (2) determine what is going to be on your state's July exam, (3) explore early and summer prep programming that will prepare you for that exam (e.g. classes at the law school and state-specific commercial programming for the summer) and (4) connect with the Academic Excellence Center. In short, choose a program of preparation, and realize that your program of preparation could begin as early as the 6th semester of law school if you choose to participate in the school's early-start bar preparation class.

- **Upon graduation, how do I assure that I pass the exam the first time I take it in July?**

Focus on and complete the summer bar exam preparation program of your choosing. Do not work unless it is absolutely necessary because studying for the exam is a full-time job.

## Academic Programs

### A. DOCTOR OF JURISPRUDENCE

1. Curriculum Requirements
2. First-Year Curriculum
3. Required Courses after the First-Year Curriculum
4. Upper-Level Electives
5. Areas of Emphasis
6. Part-Time Program

### B. DUAL-DEGREE PROGRAMS

1. Master's of Business Administration
2. Master's of Public Administration
3. J.D./LL.M in Energy and Sustainable Development Law

### C. LL.M. - MASTER OF LAWS

1. Energy and Sustainable Development Law
2. Forensic Justice

### A. DOCTOR OF JURISPRUDENCE

1. Curriculum Requirements (p. 11)
2. First-Year Curriculum (p. 12)
3. Required Courses after First-Year Curriculum (p. 12)
4. Upper-Level Electives (p. 14)
5. Areas of Emphasis (p. 14)
6. Part-Time Program (p. 19)

### A.1 CURRICULUM REQUIREMENTS

Students at the West Virginia University College of Law must earn 91 credit hours with a cumulative grade point average (GPA) of at least 2.30 in order to graduate. Students must maintain a cumulative GPA of at least a 2.30 after the second semester to remain in good academic standing. The first-year curriculum is a fixed set of courses taken by all students. Students are largely free to shape their own courses of study during the last two years of law school, subject to a small number of upper-level requirements.

Minimum GPA of 2.3 or higher required.

#### First-Year Required Courses

LAW 638	Legislation and Regulation	3
LAW 641	Introduction to Legal Research	1
LAW 700	Legal Analysis, Research and Writing 1	2
LAW 703	Contracts 1	4
LAW 705	Criminal Law	3
LAW 706	Civil Procedure: Jurisdiction	2
LAW 707	Property	4
LAW 709	Torts 1	4
LAW 711	Legal Analysis, Research and Writing 2	2
LAW 722	Civil Procedure: Rules	3
LAW 725	Constitutional Law 1	4

#### Upper-Level Requirements

LAW 715	Appellate Advocacy	2
LAW 742	Professional Responsibility	3
Seminar (any 688, 689, or 794 course)		2

Perspective	2
Capstone	4
Electives (credit may vary - used to reach minimum of 91 hours for the degree)	46
Total Hours	91

## A.2 FIRST-YEAR CURRICULUM

The first-year curriculum is a required set of courses designed by the faculty to give new law students an introduction to the fundamentals of legal practice. You will be assigned to a section of each required course. The first-year curriculum covers three areas:

- **Private Law** governs the legal relationships and the resolution of disputes among private persons and entities. The Private Law courses you will take are Torts (civil wrongs), Contracts, and Property.
- **Public Law** concerns governmental regulation of private persons and entities. The Public Law courses you will take are Criminal Law, Legislation & Regulation, and Constitutional Law.
- **Practice** courses teach procedural law and the skills of legal research, reasoning, and writing. The Practice courses you will take are Civil Procedure (both Jurisdiction and Rules), two semesters of Legal Reasoning, Research, and Writing, and Introduction to Legal Research.

**Legal Reasoning, Research, and Writing** (four credits). First-year students must pass both LRRW I and LRRW II with an average grade of C (2.0) or better over the two semesters in order to satisfy the Legal Reasoning, Research, and Writing (LRRW) course requirement. The vast majority of students will satisfy the requirement by making grades of C or better in both semesters of LRRW. However, a student who makes a C- in one semester must make a C+ or better in the other semester to obtain a C average; a student who makes a D+ in one semester must make a B- or better in the other semester to obtain a C average; a student who makes a D in one semester must make a B or better in the other semester to obtain a C average. A student who fails one or both semesters of LRRW must repeat the course.

Students who fail to obtain an average of C or better in the first-year LRRW program have a second opportunity to satisfy the LRRW requirement in a second taking of the two-semester, first-year sequence of LRRW I and LRRW II. (In some years, an LRRW III class will be offered in the fall semester for such students to take in lieu of retaking LRRW I and II.) Students who fail to make a C or better in their second attempt to satisfy the LRRW requirement will be dismissed from the College of Law. For students who make a C or better on the second attempt, both grades will count in the student's law school GPA, but the student will receive only four total hours of credit toward law school graduation.

No student will be allowed to drop the required first-year LRRW course. Students needing to decelerate during the first year of law school must drop another required course. There is one possible exception to this policy: if a student receives an F in LRRW I, the student may drop LRRW II with the permission of the Associate Dean for Academic Affairs. Part-time students must take LRRW during their first year of law school.

Successful completion (an average grade of C or better) of the first-year LRRW program is a prerequisite for taking Appellate Advocacy, any seminar, or any clinic. This prerequisite may not be waived. Students will receive a detailed policy handbook at the beginning of the LRRW course; all policies will be in effect for the duration of the course.

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## A.3 REQUIRED COURSES AFTER THE FIRST-YEAR CURRICULUM

**Appellate Advocacy:** Students must take Appellate Advocacy and receive a C or higher in the course to graduate.

**Seminar Requirement** (two-three credits, depending on length of class meetings and paper length) from a menu of seminars. Seminars are specifically noted by the letters "Sem" in the course title and are numbered as "LAW 688, 689 or 794." Seminars have a common structure: small-class discussions geared toward the production of a substantial (i.e. at least 8,000 words [~ twenty-five pages]) written product supported by extensive research. Typically, the research seminar aims at the production of a law-review style research paper of publishable quality. Seminars may aim at other written products, such as draft legislation or jury instructions, so long as these products are accompanied by papers urging their adoption by the appropriate lawmakers. Enrollment is limited to fifteen students in each seminar. Two-hour seminar courses must meet as a group for no less than 10 weeks and no less than 110 minutes per week. Three-hour seminar courses must meet as a group for no less than 10 weeks and no less than 165 minutes per week. Students must obtain a grade of C or better to satisfy the seminar requirement. Independent studies and externships do not satisfy the seminar requirement.

**Perspective Requirement.** The perspective requirement reflects the College of Law's conviction that legal education should expand students' horizons by connecting their studies to the traditions of the liberal arts (i.e., the humanities, social sciences, and natural sciences). Perspective courses, therefore, examine law and lawyers primarily from points of view that are significantly different from the doctrinal and policy analysis taught in standard upper-level courses on various areas of practice. Perspective courses look across doctrinal boundaries and engage students in conversations about the relationships between law and other disciplines; explore the nature of the American legal system by contrasting it with other legal systems; and discuss the ways in which law and lawyers both shape and are shaped by the liberal arts and wider culture.

Students must take one perspective course in order to graduate. Some seminars satisfy the perspective requirement, but students cannot count one perspective seminar as simultaneously satisfying both the perspective and seminar requirements. (In other words, there is no "double-dipping" on the perspective and seminar requirements.) This means that a student can satisfy the perspective *and* seminar requirements by

- (a) taking one perspective class and one research seminar (which may or may not be a perspective), or
- (b) taking two research seminars, at least one of which is also a perspective.

In addition, students who complete either the joint M.B.A. or joint M.P.A. program at the time of earning the J.D. are deemed to have satisfied the perspective requirement.

The following courses satisfy the perspective requirement:

#### Perspective Courses

LAW 601	Lawyers, Poets and Poetry	3
LAW 602	Lawyers and Film	3
LAW 607	Psychology for Lawyers	3
LAW 614	Jewish/Islamic Comparative Law	3
LAW 621	Lawyers as Leaders	3
LAW 688A	Seminar in American Constitutional History	2
LAW 688D	Seminar in Science and the Law	2-3
LAW 689H	Seminar: Bioethics and the Law	2
LAW 689I	Seminar: Environmental Justice	2
LAW 689K	Seminar: Civil Disobedience	2
LAW 689M	Seminar: Race/Racism and American Law	2
LAW 689P	Seminar: Gender and Law	2
LAW 689S	Seminar: Law and Socioeconomic	2
LAW 689T	Seminar: Comparative and International Workplace Law	2
LAW 689Y	Seminar in Sustainable Development	2
LAW 701	International Human Rights	3
LAW 712	Analytical Methods for Lawyers	3
LAW 739	American Legal History	3
LAW 744	Law and Economics	3
LAW 746	Lawyers and Literature	3
LAW 752	Jurisprudence	3
LAW 768	International Law	3

#### Additional Approved Courses

LAW 791	Adv Crim Law: Crime File Doc	
LAW 793	Comparative Law (Common Law v Civil)	
LAW 793	Comparative Law: European Union	
LAW 791	Dying & the Law	
LAW 793	Lawyer as Storyteller	
LAW 791	Memoir and Legal Education	
LAW 794	Sem: Democratic Transitions	
LAW 794	Sem: Empirical Legal Methods	
LAW 794	Sem: Genetic Property & the Law	
LAW 794	Sem: Sexuality and Law	
LAW 791	Trends in the Profession	

**Capstone Requirement.** Capstone courses provide students with opportunities to critically synthesize and apply knowledge and skills they have developed during law school. The following course(s) satisfy the capstone requirement:

#### Capstone

LAW 627 & LAW 628	Land Use/Sustainable Development Clinic 1 and Land Use/Sustainable Development Clinic 2	14
LAW 650 & LAW 651	Entrepreneurship Clinic 1 and Entrepreneurship Clinic 2	14
LAW 655 & LAW 656	Law and Public Service Full-Time and Law and Public Service Externship Full-Time	13

LAW 677 & LAW 678	United States Supreme Court Clinic 1 and United States Supreme Court Clinic 2	8
LAW 756	Trial Advocacy (C or better)	4
LAW 779	Business Transactions Drafting	4
LAW 780 & 780A	Federal Judicial Externship 1 and Federal Judicial Externship 2	13
LAW 782 & LAW 783	Legal Clinic 1 and Legal Clinic 2	14

In addition to the above-listed capstone courses, students may also fulfill the capstone requirement by completing the following:

- When available: writing a faculty-supervised brief and making an oral argument before the U.S. Court of Appeals or the Supreme Court of Appeals of West Virginia as an independent study project (two credits)
- By petition only: an interdisciplinary project supervised by a law faculty member and a university faculty member who is not a law faculty member.

**Prerequisite Requirement for Some Capstone Courses.** The course in Evidence is a prerequisite to taking Trial Advocacy, the Clinical Law Program, or a Federal Judicial Externship. (There is no requirement that the student attain a particular grade in Evidence prior to taking the other courses.)

**Requirement Waiver.** In exceptionally rare circumstances, the Academic Standards Committee may exempt a student from taking a required course or may permit a student to take a course out of sequence.

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## A.4 UPPER-LEVEL ELECTIVES

Apart from the small number of upper-level requirements already described, students choose from a wide variety of upper-level electives to create their courses of study over the final two years of law school. A list of all the permanent law school courses with their descriptions can be found elsewhere in this academic catalog. (See "Courses.") The law school also offers additional courses on a temporary basis that are not included in this catalog.

With so many choices, students may wish for guidance about how to choose the courses best suited to their goals and interests. Toward that end, each spring the Associate Dean for Academic Affairs meets with rising 2L students and publishes on the law school website a booklet entitled *Curriculum Opportunities and Options: An Informal Guide to Planning Your Last Two Years of Law School*. For the latest version, go to the "Course Schedules and Student Resources (<http://www.law.wvu.edu/academics/course-schedule-and-student-resources>)" link on the College of Law homepage. This booklet includes, among other things, advice about curricular planning, lists of key courses for various areas of practice and when they are typically offered, and information about subjects tested on the bar exam. Students with questions about choosing courses that are not addressed in the booklet should consult faculty in their areas of interest and/or the Associate Dean for Academic Affairs.

In addition, the College of Law website contains a "Course Classifieds (<http://www.law.wvu.edu/academics/course-schedule-and-student-resources/course-classifieds-fall-2014>)" page where professors may post information about courses to be offered in the next semester. Typically, "course classifieds" listings for a given semester begin to appear a few weeks before registration for that semester.

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## A.5 AREAS OF EMPHASIS

An Area of Emphasis (also informally called a "Concentration") is a course of study that enables students to develop skills and competency in a particular area of the law. A student who satisfies the requirement of an Area of Emphasis will have that Area of Emphasis listed on the official transcript. The College of Law has four Areas of Emphasis: (1) Energy and Sustainable Development Law, (2) International Law, (3) Labor and Employment Law, and (4) Public Interest Law.

### ENERGY AND SUSTAINABLE DEVELOPMENT LAW AREA OF EMPHASIS

The Energy and Sustainable Development Law Area of Emphasis is intended to educate the next generation of lawyers who will work in and shape the fields of energy, environmental, and sustainable development law, by providing an opportunity to learn the applicable laws and regulations in this area, consider policy issues through written work, and obtain practical skills applicable in this area through an experiential learning requirement.

**Course Requirements.** In order to satisfy the requirements of this Area of Emphasis, a student must have (1) all required first-year courses; (2) all required core courses; and (3) seventeen (17) total credit hours from a combination of the required courses, designated elective courses, and the experiential learning course (see below). Note: No more than five credits of the 17 credits can come from clinic or an externship.

#### Required Courses

LAW 630	Energy Law	9
LAW 764	Administrative Law	
LAW 789	Law of Environmental Protection	

#### Elective Courses

LAW 604	Natural Resources	5
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LAW 612	Agriculture & Food Law	
LAW 613	International Environmental Law	
LAW 627	Land Use/Sustainable Development Clinic 1	
LAW 634	Energy Reg, Markets and Environ	
LAW 635	Land Use and Resilience Law	
LAW 644	Energy Siting & Permitting	
LAW 645	Water Law	
LAW 647	Nuclear Law & Policy	
LAW 648	Energy Business/Law & Strategy	
LAW 658	Science & Technology of Energy	
LAW 659	Administrative Energy Law and Practice	
LAW 660	Law of Coal	
LAW 662	Mine Safety & Health Law	
LAW 663	Renewable Energy & Alternative Fuels	
LAW 688E	Seminar in Human Rights & the Environment	
LAW 688F	Seminar in Hydraulic Fracturing	
LAW 689W	Seminar:Issues in Energy Law	
LAW 766	Coal/Oil and Gas	
LAW 791	Hazardous Waste	
LAW 793	Intrntl Enrgy/Climate Law	
Writing Requirement		
Experiential Learning		3
Extra/Co-Curricular Activities		
Total Hours		17

**Writing Requirement.** Students must produce a written paper or court document of no less than 25 pages on a topic related to energy, environmental, and/or sustainable development law. A student may fulfill this requirement through any of the following methods:

1. Law Review Note, with approval of the Area of Emphasis administrator and with a faculty member as advisor.
  2. A Court Document, e.g. Amicus Brief or Memorandum of Law (real or moot), with the approval of the Area of Emphasis administrator and with a faculty member as advisor.
  3. Independent study overseen by an Area of Emphasis faculty member.
  4. Qualifying paper in any elective course listed above.
- The writing requirement requires input and approval from a faculty member and the Area of Emphasis administrator, even if the writing was completed outside a formal class or independent study arrangement. A student may fulfill the writing requirement through an alternative method with the consent of the Area of Emphasis administrator.

**Experiential Learning.** Students must meet the following experiential learning requirement of no less than 3 credits (no more than 5 credits from participation in a clinic count toward the 17 credit requirement). A student may fulfill this requirement through any of the following methods:

1. Land Use and Sustainable Development Clinic
  2. Externship approved per catalog, with approval of the Area of Emphasis administrator
  3. Other clinic or simulation course, with approval of the Area of Emphasis administrator
- A student may fulfill the experiential learning requirement through an alternative method with the consent of the Area of Emphasis administrator.

**Extra Curricular or Co-Curricular Activity Requirement.** Students must also meet the following requirement:

1. Ten hours of related extracurricular or co-curricular activities, such as active participation in the Energy Law Society or Environmental Law Society, attending relevant meetings, hearings or speakers, administrative or other active participation in related events (e.g., moot court, symposia).

## INTERNATIONAL LAW AREA OF EMPHASIS

The International Law Area of Emphasis is intended to educate the next generation of lawyers who will work in careers related to international law and its many subspecialties (in both public international law and its many subspecialties (in both public international law and private international law). The Area of Emphasis will provide students with robust and varied opportunities to learn and develop skills in international law-related practice areas.



**Course Requirements.** In order to satisfy the requirements of this Area of Emphasis, a student must have (1) all mandatory first-year requirements; (2) all required core courses; and (3) seventeen (17) total credit hours from a combination of the required courses, designated elective courses, and the experiential learning course (see below). Note: No more than five (5) credits of the seventeen (17) credits can come from clinic or an externship.

<b>Required Courses</b>		<b>12</b>
LAW 603 or LAW 610 or LAW 617	Comparative Brazilian Law Comparative Law in Mexico Geneva Study Abroad	
LAW 626 or LAW 633	International Trade Law International Business Transactions	
LAW 701	International Human Rights	
LAW 768	International Law	
<b>Elective Courses</b>		<b>3</b>
LAW 613	International Environmental Law	
LAW 614	Jewish/Islamic Comparative Law	
LAW 626	International Trade Law	
LAW 633	International Business Transactions	
LAW 688B	Seminar in International Trade Regulations	
LAW 689N	Seminar: Refugee and Asylum Law	
LAW 689T	Seminar: Comparative and International Workplace Law	
LAW 689X	Seminar: National Security Law	
LAW 689Y	Seminar in Sustainable Development	
LAW 723	Immigration Law	
LAW 764	Administrative Law	
LAW 793	SPTP: Intrntl Enrgy/Climate Law	
LAW 793	SPTP: Internatnl Criminal Law	
LAW 794	Sem: Jewish/Islamic Comp Law	
Writing		
Experiential Learning		<b>2</b>
Extra/Co-Curricular Activities		
<b>Total Hours</b>		<b>17</b>

Additional courses may be added with the consent of the Area of Emphasis administrator.

Under exceptional circumstances, a student may fulfill the study abroad requirement through an alternative method with the consent of the Area of Emphasis administrator.

**Writing Requirement.** Students must engage in research and produce a written paper or court document of no less than 25 pages on a topic related to international law. This requirement can be satisfied by satisfactory completion and submission of a written document that falls within any of the following categories:

1. Qualifying paper in any designated elective course or seminar.
2. Independent Study approved per WVU College of Law catalog and overseen by an Area of Emphasis faculty member.
3. Law Review Note, with approval of the Area of Emphasis administrator and with a faculty member as advisor.
4. A Court Document, e.g. Amicus Brief or Memorandum of Law (real or moot) with the approval of the Area of Emphasis administrator and with a faculty member as advisor.

The writing requirement requires input and approval from a faculty member and the Area of Emphasis administrator, even if the writing was completed outside a formal class or independent study arrangement. A student may fulfill the writing requirement through an alternative method with the consent of the Area of Emphasis administrator.

**Experiential Learning Requirement.** Student must meet the following experiential learning requirement of no less than two (2) credits, with no more than five (5) credits from a clinic counting towards the seventeen (17) credit requirement. A student may fulfill this requirement through any of the following methods:

- Participation in at least one year of the College of Law's Jessup International Moot Court team (LAW 652)
- International Organization Externship (full- or part-time)
- Government Agency Externship (full- or part-time - must be related to an area of international, comparative, or transnational law)

- Immigration Clinic

Note: Any externship placements for the International Law and Practice Area of Emphasis must comply with the general rules of the externship program.

A student may fulfill this Area of Emphasis requirement through an alternative method with the consent of the Area of Emphasis administrator.

**Extra Curricular or Co-Curricular Activity Requirement.** Students must also meet the following requirements:

Ten hours of related extracurricular or co-curricular activities, such as active participation in the International Law Students Association, by attending relevant meetings, hearings or speakers, administrative or other active participation in the international law-related events (e.g., symposia).

### Foreign Language

Students are strongly encouraged to gain competency in a foreign language in conjunction with pursuing this Area of Emphasis.

## LABOR AND EMPLOYMENT LAW AREA OF EMPHASIS

The Labor and Employment Law Area of Emphasis is intended to educate the next generation of lawyers in West Virginia and beyond who will work in and shape the fields of labor and employment law by providing an opportunity to learn the applicable laws and regulations in the area, consider policy issues through a written work, and obtain practical skills applicable in the area through an experiential learning requirement.

**Course Requirements.** In order to satisfy the requirements of this Area of Emphasis, a student must have (1) all required first-year courses; (2) all mandatory core courses; and (3) seventeen (17) total credit hours from mandatory core courses, designated elective courses, and an experiential learning course (described below). Note: No more than five (5) credits of the seventeen (17) credits can come from clinic or an externship.

<b>Required Courses</b>		9
LAW 741	Employment Law	
LAW 763	Employment Discrimination	
LAW 771	Labor Law	
<b>Elective Courses</b>		5
LAW 632	Advanced Labor Law	
LAW 662	Mine Safety & Health Law	
LAW 689S	Seminar: Law and Socioeconomic	
LAW 689T	Seminar: Comparative and International Workplace Law	
LAW 701	International Human Rights	
LAW 720	Entertainment Law	
LAW 721	Sports Law	
LAW 723	Immigration Law	
LAW 726	Constitutional Law 2	
LAW 750	Alternative Dispute Resolution	
LAW 760	Workers Compensation Law	
LAW 764	Administrative Law	
LAW 791	ERISA	
Writing		
Experiential Learning		3
Extra/Co-Curricular Activities		
<b>Total Hours</b>		<b>17</b>

**Writing Requirement.** Students must produce a written paper or court document of no less than 25 pages on a topic related to labor law, employment law, employment discrimination law, benefits law, and/or comparative/international work law. A student may fulfill this requirement through any of the following methods:

1. Qualifying paper in any designated elective course.
2. Independent Study approved per WVU College of Law catalog and overseen by an Area of Emphasis faculty member.
3. Law Review Note, with approval of the Area of Emphasis administrator and with a faculty member as advisor.
4. A Court Document, e.g. Amicus Brief or Memorandum of Law (real or moot) with the approval of the Area of Emphasis administrator and with a faculty member as advisor. For example, a student may fulfill this requirement by participating in New York Law School's Wagner Moot Court Competition as part of the Moot Court Team.

**Experiential Learning Requirement.** Student must meet the following experiential learning requirement of no less than three (3) credits (no more than 5 credits from participation in a clinic count toward the seventeen (17) credit requirement.) A student may fulfill this requirement through any of the following methods:

1. Externship in a labor/employment practice setting approved by the Area of Emphasis administrator and complying with the general rules and policies governing externships
2. Entrepreneurship Clinic (LAW 650 & LAW 651)
3. Other clinic or simulation course, with approval of the Area of Emphasis administrator

Area of Emphasis students in the Entrepreneurship Clinic or any other clinic approved by the Area of Emphasis administrator shall make every effort to work on labor and employment matters within these clinic placements.

A student may fulfill the experiential learning requirement through an alternative method with the consent of the Area of Emphasis administrator.

**Extra Curricular or Co-Curricular Activity Requirement.** Student must also meet the following requirements:

1. Ten hours of related extracurricular or co-curricular activities, such as active participation in the Labor Law Society or ADR Society, attending relevant meetings, hearings or speakers, administrative or other active participation in the work-law related events (e.g., moot court, symposia).

## PUBLIC INTEREST LAW AREA OF EMPHASIS

The objective of the Area of Emphasis in Public Interest Law is to prepare students to work to advance the common good of the general public using the legal process through the representation of individuals and organizations who might otherwise be unrepresented.

**Course Requirements.** In order to satisfy the requirements of this Area of Emphasis, a student must have (1) one required course; and (2) seventeen (17) total credit hours from one required course, designated elective courses, and the credits allowed for the experiential learning course (see below).

<b>Required Courses (choose one)</b>	<b>3</b>
LAW 750	Alternative Dispute Resolution
LAW 756	Trial Advocacy
LAW 788	Interviewing, Counseling, and Negotiation
<b>Elective Courses</b>	<b>11</b>
LAW 604	Natural Resources
LAW 605	Post-Conviction Remedies
LAW 609	Child Protection and the Law
LAW 612	Agriculture & Food Law
LAW 615	Elder Law
LAW 625	Nonprofit Organizations
LAW 629	Advanced Family Law Advocacy
LAW 640	Parent, Child, and State
LAW 689F	Seminar: Lawyers and Legislation
LAW 689I	Seminar: Environmental Justice
LAW 689K	Seminar: Civil Disobedience
LAW 689N	Seminar: Refugee and Asylum Law
LAW 717	Domestic Violence and The Law
LAW 723	Immigration Law
LAW 726	Constitutional Law 2
LAW 759	Civil Rights
LAW 763	Employment Discrimination
LAW 769	Family Law
LAW 771	Labor Law
LAW 789	Law of Environmental Protection
LAW 794	Seminar: Disability and the Law
Writing Requirement	
Experiential Learning	<b>3</b>
Pro-Bono Requirement	
<b>Total Hours</b>	<b>17</b>

**Writing Requirement.** Students must produce a written paper of no less than 25 pages on a topic related to public interest law. A student may fulfill this requirement through any of the following methods:

1. Law Review Note, with approval of the Area of Emphasis administrator and with a faculty member as advisor.
2. Qualifying paper in any elective course listed above.
3. Qualifying paper in a non-designated elective course if the topic involves matters of public interest, with the advance approval of the Area of Emphasis administrator.
4. Independent study approved per the catalog and with the advanced approval of the AOE administrator.
5. Qualifying alternative approved by AOE administrator.

**Experiential Learning.** Students must meet the following experiential learning requirement of no less than 3 credits. No more than 7 credits from participation in a clinic shall count toward the 17 credit hour requirement for the concentration. A student may fulfill this requirement through any of the following methods:

1. Any West Virginia University College of Law clinic; provided, however, that any student in clinic shall make every effort to work on matters that further the common good using the legal process through the representation of individuals and organizations who might otherwise be unrepresented.
2. Externship approved per the catalog and approved by the Area of Emphasis administrator.

**Pro-Bono Requirement.** Students must also meet the following requirement:

1. Twenty-five pro-bono hours over the student's three years at the College of Law (which may include, but is not limited to, participation in Public Interest Advocates).

## A.6 PART-TIME PROGRAM

Full-time students average just over fifteen hours per semester in order to amass ninety-one credits in six semesters. Students taking significantly fewer hours per semester will take longer to finish their degrees and are considered part-time students at the College of Law. (Note, however, that in the eyes of the university, graduate or professional students taking nine hours or more are charged full tuition and fees. Thus, some "part-time" students will still pay the same tuition and fees each semester as their full-time colleagues.)

Part-time students are subject to the same graduation requirements in terms of total credit hours (ninety-one credits), cumulative grade point average (2.30), and specific required courses. Per ABA requirements, part-time students have to complete all graduation requirements within seven years from the date of initial enrollment.

**Students Who Wish to Begin Law School as Part-Time Students.** The Enrollment Management Committee selects first-year part-time students from students already admitted to the Law School. The total size of the entering class is not increased. Written requests for part-time status are required, and selection is based on objective indicators of the need to attend on a part-time basis. Students who wish to become part-time students after starting law school but before completing the first-year curriculum must consult with the Associate Dean for Academic Affairs as indicated in this catalog's section on Academic Policies and Procedures. Students who have completed the first-year curriculum (see "First-Year Curriculum (p. 12)" above) may become part-time students by advising the Associate Dean for Academic Affairs of that intention at the beginning of the semester.

**First-Year Curriculum.** Part-time students must take both semesters of LRRW and the fall Introduction to Legal Research course in their first year of law school. Typically, part-time students take two courses in addition to LRRW/Legal Research in each semester of the first year, then take the rest of the first-year curriculum in their second year of studies. As a general rule, part-time students may not enroll in upper-level courses until they have completed the entire first-year curriculum. Exceptions to this rule may be granted for good cause by the Associate Dean for Academic Affairs.

**Scheduling of Classes.** Part-time students must consult the Associate Dean for Academic Affairs in scheduling.

**Probation and Dismissal.** Students entering the part-time program during the first-year curriculum are subject to the probation and dismissal rules applicable to full-time students who have completed the first-year curriculum only when the part-time students have completed the entire first-year curriculum. Part-time students do not receive a class rank until they have completed the entire first-year curriculum. In all other respects, part-time students and full-time students attending more than six semesters are subject to probation and dismissal rules substantially equivalent to those applicable to full-time students.

## B. DUAL-DEGREE PROGRAMS

1. Masters of Business Administration (p. 20)
2. Masters of Public Administration (p. 20)
3. J.D./LL.M in Energy and Sustainable Development Law (p. 20)

Students may enroll in an approved joint degree program with another College of the University. At present, there are two such programs: a joint J.D./M.B.A. (Masters of Business Administration) and a joint J.D./M.P.A. (Master of Public Administration).

## B.1 MASTERS OF BUSINESS ADMINISTRATION (M.B.A.)

A J.D./M.B.A. student may earn law school credit pursuant to the dual degree requirements approved by the faculties of the College of Law and the College of Business and Economics and published to students admitted to that program. (See below for program requirements.) J.D./M.B.A. students receive twelve credits toward the J.D. degree if the M.B.A. degree is awarded concurrently with the J.D. degree, which means that at least 79 J.D. credit hours are required. Grades earned in business school classes do not affect the cumulative law school GPA. Professor Jena Martin is the College of Law contact person for the J.D./M.B.A. program.

<b>Required J.D. Curriculum</b>		<b>39</b>
First-Year Curriculum		
LAW 715	Appellate Advocacy	
LAW 742	Professional Responsibility	
Seminar		
<b>Upper-Level Requirements</b>		<b>31</b>
LAW 621	Lawyers as Leaders (**)	
LAW 633	International Business Transactions (**)	
LAW 643	Taxation of Business Entities	
LAW 719	Income Taxation 1	
LAW 729	Business Organizations	
LAW 764	Administrative Law	
LAW 776	Sales and Secured Transactions (**)	
LAW 779	Business Transactions Drafting	
LAW 784	Securities (**)	
<b>Electives***</b>		<b>9</b>
<b>Required M.B.A. Courses (BADM 600-level coursework)</b>		<b>12</b>

\*The College of Law's perspective requirement is met by completing the dual-degree. Also, the capstone requirement is met by completing Business Transactions Drafting, which is required in the J.D./M.B.A. program.

\*\*Students may substitute up to two (2) of the courses marked with a double-asterisk with approval from the J.D./M.B.A. advisor.

\*\*\*Students are strongly advised (but not required) to take the Entrepreneurship Clinic (4-8 hours) as part of their J.D./M.B.A. electives.

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## B.2 MASTERS OF PUBLIC ADMINISTRATION (M.P.A.)

A J.D./M.P.A. student may earn law school credit for one M.P.A. course (up to four hours) if that course is taken after the student has entered the College of Law. In addition, if the M.P.A. degree is awarded before or concurrently with the J.D. degree, an M.P.A. student may receive an additional two hours of law school credit for courses included in the M.P.A. degree that the student takes while enrolled in the College of Law. Grades earned in Public Administration do not affect the cumulative law school GPA. Professor John Taylor is the College of Law contact person for the J.D./M.P.A. program.

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## B.3 J.D./LL. M. IN ENERGY AND SUSTAINABLE DEVELOPMENT LAW

WVU Law students can apply for the program at the end of their 2L year (approximately May 1). Applications must be received by June 15.

J.D./LL.M. students are required to complete their J.D. with an emphasis on Energy and Sustainable Development Law (<http://www.law.wvu.edu/academics/academic-programs/energy-sustainable-development-law-concentration>). Following completion and conferral of the J.D. degree and after completing the requirements for the Energy and Sustainable Development emphasis, students must complete an additional 14 credits of coursework that qualify for the LL.M. in Energy and Sustainable Development Law (<http://www.law.wvu.edu/energy-llm>), including the LL.M. Seminar and LL.M. Capstone. Students seeking this J.D./LL.M. shall endeavor to obtain a clinical opportunity in an appropriate clinic or a relevant externship opportunity, and if unable to do so, shall enroll in such other experiential learning opportunity (including Business Transactions Drafting and Trial Advocacy), which is necessary to fulfill the requirements of the Energy and Sustainable Development Area of Emphasis.

Students from other law schools can apply for the program starting on February 1 each year. Applications to the J.D./LL.M program must be received by June 15.

Students who are admitted to the J.D./LL.M. program will apply to attend WVU Law as visiting students for their entire 3L year. Visiting student from other law schools should state the intent to pursue the J.D./LL.M. in Energy and Sustainable Development Law as the primary reason for seeking admission as a visiting student. An application to attend WVU Law as a visiting student will not be considered without a letter from the applicant's Dean (or equivalent) authorizing the student's attendance at WVU Law and stating that the home school will agree to transfer credits earned at WVU Law.

Visiting students must complete the coursework for the Energy and Sustainable Development Law Area of Emphasis in their 3L year while attending WVU Law. Some courses taken at a student's home institution may be approved to satisfy some area of emphasis requirements. Visiting students must take a minimum of nine credit hours in qualifying courses (related to the area of emphasis) while visiting at WVU Law, in addition to the required LL.M. courses. In addition to the coursework required, students will be required to complete all their LL.M. Degree requirements, including the research paper or field work requirement and the portfolio of work. Associate Dean Joshua Fershee is the College of Law advisor and contact person for the J.D./LL.M. program.

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## C. LL.M. - MASTER OF LAWS

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1. Energy and Sustainable Development Law (p. 21)
  2. Forensic Justice (p. 23)
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### C.1 ENERGY AND SUSTAINABLE DEVELOPMENT LAW

WVU College of Law is committed to playing a prominent role in shaping the energy, environmental, and sustainable development policies of the future for the state, the nation, and the world.

Energy is the foundation of our nation's future, both economically and environmentally. West Virginia is at the center of energy production for the country. There is no better place to learn about the intersecting laws and policies governing all of the country's energy resources than at WVU College of Law.

Although many law schools provide opportunities to learn energy or environmental law, WVU College of Law is committed to providing students opportunities to learn the full range of energy, environmental, and sustainable development law through its Center for Energy and Sustainable Development Law (<http://energy.law.wvu.edu>) and through its other resources in the area.

The College of Law provides a broad and deep offering of courses, experiential learning opportunities, and practical training for every part of the energy sector. Our broad spectrum of courses allows our students to prepare to be lawyers and leaders serving energy companies, investors, utilities, manufacturing companies, lawmakers, policymakers, regulators, land use professionals, and environmental organizations.

### PROGRAM OBJECTIVES

The College of Law's objectives in establishing an LL.M. in Energy and Sustainable Development Law are as follows:

- To educate the next generation of lawyers in the state and beyond who will work in and shape the field of energy and sustainable development;
- To utilize WVU's expertise and reputation in the areas of natural resources, energy, and sustainable development and further establish the College of Law as a leader in law and public policy in those fields; and
- To build upon the WVU 2020 Strategic Plan for the Future, which emphasizes the unique role and expertise of West Virginia and the university in the areas of natural resources, energy, and sustainable development.

### ADMISSION REQUIREMENTS

WVU Law's LL.M. in Energy and Sustainable Development Law will be a source for a high-quality professional legal education and a home for thought leaders in the areas of energy and sustainable development.

Minimum admission requirements for the program are as follows:

- A J.D. from an ABA-accredited school (or foreign equivalent, as determined by the College of Law in accordance with ABA guidelines).
- A J.D. (or equivalent) grade point average of at least a 3.0 (on a 4.0 scale) or other demonstrated indicia of likelihood of success.
- A demonstrated interest in or commitment to the fields of energy and/or sustainable development.

### CURRICULUM

The College of Law intends that its graduates excel academically. Our goal is for our graduates to function on a high level as professionals in the field and to add to the national conversation on energy and sustainable development policy on a thoughtful and practical level.

This goal is reflected in our rigorous curriculum for the LL.M. in Energy and Sustainable Development Law.

#### Required Courses

LAW 630	Energy Law	3
LAW 764	Administrative Law	3
LAW 789	Law of Environmental Protection	3
LAW 670	LLM Seminar	3
LAW 671	LL.M. Capstone (*)	4
Electives		10
Total Hours		26

\* Minimum 1 credit required, may be combined with another course to reach 4 credits total

<b>Electives</b>		10
LAW 604	Natural Resources	3
LAW 612	Agriculture & Food Law	3
LAW 613	International Environmental Law	3
LAW 627	Land Use/Sustainable Development Clinic 1	7
LAW 628	Land Use/Sustainable Development Clinic 2	7
LAW 634	Energy Reg, Markets and Environ	3
LAW 635	Land Use and Resilience Law	3
LAW 644	Energy Siting & Permitting	3
LAW 645	Water Law	3
LAW 647	Nuclear Law & Policy	3
LAW 648	Energy Business/Law & Strategy	3
LAW 658	Science & Technology of Energy	2-3
LAW 659	Administrative Energy Law and Practice	2
LAW 660	Law of Coal	2-3
LAW 662	Mine Safety & Health Law	3
LAW 688E	Seminar in Human Rights & the Environment	2
LAW 688F	Seminar in Hydraulic Fracturing	2-3
LAW 689W	Seminar:Issues in Energy Law	2
LAW 766	Coal/Oil and Gas	3

#### Related Courses

LAW 633	International Business Transactions	3
LAW 689X	Seminar: National Security Law	2
LAW 719	Income Taxation 1	3
LAW 729	Business Organizations	4
LAW 734	Intellectual Property	3
LAW 643	Taxation of Business Entities	4
LAW 768	International Law	3
LAW 771	Labor Law	3
LAW 774	Local Government	2
LAW 778	Trade Regulation	3
LAW 779	Business Transactions Drafting	4
LAW 784	Securities	3

**Class Work.** One-year course of study requiring 26 credit hours, including a final paper or fieldwork project. Students will have the added benefit of seeking approval to include up to 6 credits in their course of study from relevant WVU graduate-level programs, such as course offerings in business, ecology, engineering, public policy, economics, and natural resources.

**Energy Law Survey.** This introductory energy law course provides an overview of the law and regulatory policies that govern and affect the energy industry. The course includes a review of the various traditional and renewable energy sources, mineral rights, economic regulation of the energy industry, and climate change and environmental concerns.

**Environmental Protection Law.** This survey course introduces students to energy, environment, and sustainability law and policy issues. Students will examine the development of environmental law from its common law tort roots through the birth of the "environmental movement" and the enactment of federal environmental regulatory laws such as the Clean Water Act, the Clean Air Act, and the Surface Coal Mining and Reclamation Act. The



overarching goals of the course are to expose students to “real world” environmental issues they may face in practice and the principles, doctrine, and process lawyers use while representing clients in environmental and natural resource matters.

**Administrative Law.** A basic understanding of administrative law is nearly essential for all attorneys. This is especially true for those practicing in the areas of energy, environmental, and sustainable development law. This course covers the creation and operation of administrative agencies, common procedural practices and requirements of administrative procedure acts, judicial control of administrative agencies, and constitutional issues related to the area.

**LL.M. Seminar.** The program will require a 3-credit LL.M. Seminar that covers a wide range of energy and sustainable development law and policy and explores diverse advanced topics and perspectives. The seminar will feature guest speakers who will present their scholarship and other works. Guests will include, for example, WVU Law faculty, local and national scholars and practitioners, government officials, regulators, and other leaders in the fields. Students will be required to engage in rigorous preparation for each seminar discussion and will be expected to develop a writing project that will be presented at the end of the course.

**LL.M. Capstone (Research Paper or Fieldwork Project).** The College of Law expects LL.M. graduates to bring their in-depth knowledge in the areas of energy and sustainable development into the world in a tangible way. The 4-credit Capstone (Research Paper or Fieldwork Project) requirement lays the groundwork for that expectation. For those students looking to focus on influencing energy and sustainable development policy, the option to write a research paper on a significant issue in law and energy or sustainable development policy would form the basis for further work in the field. The paper can be related to an existing course (e.g., a 3-credit course with an additional credit granted for additional required research) or a student-specific study/thesis option with the approval of the program director.

Those students intending to enter private practice or work in industry may prefer to experience real world problems with real world clients. Whether through existing experiential learning opportunities available through the College of Law or through specific projects developed through student interest or via significant industry contacts, a student will be able to see energy and sustainability law in actual practice. Each project will require approval of the program director before it is started and upon completion.

**Specializations.** Given the nature of the degree, students will earn their LL.M. in Energy and Sustainable Development Law without further formal specialization. Beyond the course requirements, however, students will have the flexibility in elective courses to focus their studies more specifically on courses in energy law, land use planning, and environmental law, among other options.

**Portfolio of Work.** All LL.M. students will be required to develop a portfolio of work, consisting of at least four written pieces that are representative of the student’s experiences in the course of the program. These pieces could include, but are not limited to, scholarly papers, industry white papers, significant legal motions, briefs or memoranda, substantial transactions documents, policy analyses, or draft legislation or regulations.

## GRADUATION REQUIREMENTS

The graduation requirements for the LL.M. in Energy and Sustainable Development Law are as follows:

- A minimum GPA of 2.5 (on a 4.0 scale).
- No less than the equivalent of a "C" (2.0) in any class counted toward the degree.
- Successful completion of the required 26 credits (including the LL.M. Seminar and the LL.M. Capstone).
- Completion of the 3-credit LL.M. Seminar, which must be completed in residence at the College of Law’s Morgantown campus unless otherwise approved by the program director.
- Successful completion of the 4-credit-hour Capstone (writing or field-work project) requirement.
- Development of a portfolio of work (consisting of at least four written pieces) that is representative of the student’s experiences in the course of the program.

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## C.2 FORENSIC JUSTICE

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Recent developments have demonstrated that a solid grounding in the scientific method and forensic evidence is critical for any attorney, especially for those practicing criminal law. These developments include more than 300 DNA-based exonerations that have taken place since the early 1990’s, the uncovering of numerous scandals in forensic laboratories across the country, and the recommendations put forth by the National Academy of Sciences in a 2009 report.

The WVU College of Law, in partnership with the WVU Department of Forensic and Investigative Science, is a pioneer in the criminal justice field by offering the country’s only graduate law degree program in Forensic Justice.

Many American law schools offer upper-level courses in areas such as expert testimony and forensic evidence, but LL.M. programs in law and forensic science remain virtually nonexistent. Currently, no other ABA-approved U.S. law school offers such a degree.

Because WVU has long been a leader in the field of forensic sciences and is also home to the highly regarded Department of Forensic and Investigative Sciences, WVU Law is a natural location for the country’s first LL.M. in Forensic Justice.



The LL.M. curriculum makes use of the expertise present at the University and allow LL.M. candidates the opportunity to combine breadth-that is, exposure to a wide range of forensic methods- with depth- the opportunity to conduct original, independent research in a narrower area of interest.

## PROGRAM OBJECTIVES

The Forensic Justice LL.M. is flexible enough to allow experienced practitioners to improve and expand their skills, allowing them to better serve their clients and communities, while also offering new attorneys an opportunity to develop skills that will make them more marketable in their chosen profession, whether that be, for example, as a state or federal prosecutor, a public defender, or an attorney in private practice focusing on criminal defense.

The objectives of the LL.M. in Forensic Justice are to:

- Educate current and future West Virginia attorneys, and those of our region and nation, whose work will help shape the field of criminal law, particularly the areas of prosecution and criminal defense;
- Build on WVU's reputation as a leader in forensic and investigative sciences; and
- Pioneer a much-needed area of advanced academic training.

## ADMISSION REQUIREMENTS

Minimum admission requirements for the LL.M. in Forensic Justice are as follows:

- A J.D. from an ABA (American Bar Association) accredited school (or foreign equivalent, as determined by WVU Law in accordance with ABA guidelines).
- A grade point average of at least a 3.0 (on a 4.0 scale) or other demonstrated indicia of likelihood of success.
- A demonstrated interest in or commitment to the fields of science, forensic evidence, and law.

Applicants may include newly graduated J.D. students, professionals (prosecutors, defense attorneys, judges) returning for study after years of practice, or qualified international students.

## CURRICULUM

The program shall consist of a one-year course of study requiring 30 credit hours, which will be evenly split between courses offered by the COL and courses offered by the Department of Forensic and Investigative Sciences ("FIS"). Candidates will also be required to complete a substantial piece of written work, final paper, or field-work project. Students in the program may also have the option to include up to 4 credits in their course of study from relevant WVU graduate-level programs, such as statistics, biology, chemistry, physics, and mathematics, provided that these students meet the per-requisite course requirements.

### Required Courses

Minimum GPA of 2.5 is required.

Minimum grade of C- is required.

FIS 480	Forensic Quality Assurance	2
FIS 501	Foundations of Criminalistics	3
FIS 592D	Impression and Trace Evidence	3
FIS 620	Forensic Casework Practicum	3
LAW 661	Forensic and Expert Evidence	3
LAW 670	LLM Seminar	4
LAW 671	LL.M. Capstone	4
LAW 688D	Seminar in Science and the Law	2
LAW 712	Analytical Methods for Lawyers	3
FIS 592C	Directed Study (Biological and Chemical Evidence)	3
Total Hours		30

**LL.M. Seminar.** The program will require a 3-credit LL.M. Seminar that covers a wide range of topics relating to the role that forensic evidence plays in the criminal justice system, the strengths and weaknesses of various forensic disciplines and other relevant topics. The seminar may feature guest speakers who will present their scholarship or will lecture on current issues in forensic science. Students will be required to engage in rigorous preparation for each seminar discussion and will be expected to develop a writing project that will be presented at the end of the course.

**LL.M. Capstone (Research paper or field-work project).** The College of Law intends its LL.M. graduates to bring their in-depth understanding of the areas of law and forensic science into their practice in a tangible way. To that end, the 4-credit research paper or field-work project is meant to lay the groundwork for future professional work. For students hoping to contribute to the growing body of legal scholarship focusing on the intersection (and sometimes tension) between law and forensics, the option to write a research paper on an important issue in the field might form the basis for a later journal article. If the paper option is chosen, the paper can be related to an existing course (e.g. a 3-credit course with an additional credit granted for

additional required research) or a student-created independent study option. That is, in addition to other program requirements, students must engage in an intensive 4-credit research experience that is coordinated with the approval of the Program Director.

Alternatively, those students wishing to enter private practice or the public sector may wish to work on real world problems. In this instance, the written work product might take the form of an appellate brief, a reply brief, a pre-trial motion relating to expert witness testimony, or other similar pleading. Opportunities to complete such projects may be available through existing experiential learning placements available at the COL or through specific projects developed through student interest. Each project will require approval of the Program Director before it is started and upon completion.

**Specializations.** Given the nature of the degree, students will earn their LL.M. in Forensic Justice without further formal specialization.

**Prerequisites.** It is expected that the majority of LL.M. candidates will already have taken both Evidence and Criminal Procedure as J.D. students. In the case of practitioners, prerequisite will be will waived if not met. Prerequisites may also be waived at the discretion of the Program Director after an individual consultation with the student.

**Continuing WVU Students.** The College of Law anticipates that some of the students in the program may be recent graduates of, or visitors at, the WVU College of Law, and therefore may have already taken some of the classes offered by the program. If such a student has already taken a significant number of the courses listed in the program curriculum as part of the J.D. course of study at the College of Law such that the student will have difficulty taking 30 credits of course work without repetition, then the program director may authorize such student to take other related courses that are not on the initial program curriculum listing. In all events, however, a student shall be required to meet the 30-credit hour requirement.

**International Programs.** The College of Law already offers a number of international programs for credit, including trips to Geneva, Mexico, and Brazil. The College of Law could approve participation in any of these international programs for the LL.M. credit, with approval of the program director, as long as there is a demonstrable link between participation in the international program and the student's course of study.

**Portfolio of Work.** All LL.M. students will be required to develop a portfolio of work, consisting of at least four written pieces that are representative of the student's experiences in the course of the program. These pieces may include, but are not limited to, scholarly articles, legal motions, briefs, or memoranda, policy analyses, or draft legislation.

## GRADUATION REQUIREMENTS

The graduation requirements for the LL.M. in Forensic Justice are as follows:

- A minimum grade point average of 2.5 (on a 4.0 scale) upon graduation
  - No less than the equivalent of a C (2.0) in any class counted toward the degree,
  - Successful completion of the required 30 credits (including the LL.M. Seminar and the writing or field-work project),
  - Completion of the 3-credit LL.M. Seminar, which must be completed in residence at the COL's Morgantown campus unless otherwise approved by the Program Director,
  - Successful completion of the 4-credit hour writing or field-work project requirement, and,
  - Development of a portfolio of work (consisting of at least four written pieces) that is representative of the student's experience in the course of the Program.
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## Academic Policies and Procedures

### A. ACADEMIC POLICIES

1. Academic Calendar
2. Scheduling
3. Maximum Credits Per Semester
4. Summer School
5. Auditing
6. Withdrawal from the Program
7. Independent Study
8. Earning Law School Credit Outside of the Law School
9. Missing Class Due to Illness
10. Study Outside the Classroom
11. Distance Education
12. ABA Requirement
13. Deficiencies after Three Years
14. Employment During Law School
15. Full-Time Status and Tuition/Fees
16. WVU Graduate and Post-Graduate Students
17. Transcripts

### B. GRADING INFORMATION AND PROCEDURES

1. Examinations
2. Grades
3. College of Law Grading Policy
4. Passing Grades and Graduation Credit
5. Grades of Incomplete in Non-Examination Courses
6. Grade Appeal
7. Grade Appeal Procedure

### C. ACADEMIC STANDING

1. Academic Difficulty
2. Academic Probation & Dismissal

### D. HONORS

1. Class Rank
2. Order of the Coif
3. Order of the Barristers
4. Patrick Duffy Koontz Award

### E. GRADUATION

1. DegreeWorks
2. Hours to Graduate
3. College of Law Graduation/Hooding Website

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### A. ACADEMIC POLICIES

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1. Academic Calendar (p. 27)
  2. Scheduling (p. 27)
  3. Maximum Credits Per Semester (p. 27)
  4. Summer School (p. 27)

5. Auditing (p. 27)
6. Withdrawal from the Program (p. 27)
7. Independent Study (p. 29)
8. Earning Law School Credit Outside of the Law School (p. 29)
9. Missing Class Due to Illness (p. 29)
10. Study Outside the Classroom (p. 30)
11. Distance Education (p. 30)
12. ABA Requirement (p. 30)
13. Deficiencies after Three Years (p. 31)
14. Employment During Law School (p. 31)
15. Full-Time Status and Tuition/Fees (p. 31)
16. WVU Graduate and Post-Graduate Students (p. 31)
17. Transcripts (p. 31)

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## A.1 ACADEMIC CALENDAR

The College of Law has its own academic calendar, which differs from the general West Virginia University academic calendar. For example, the College of Law's examination period extends over a two-week period, instead of the standard one week. Law students should refer only to the College of Law Academic Calendar, which can be accessed from the College of Law website (<http://www.law.wvu.edu>).

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## A.2 SCHEDULING

The Associate Dean for Academic Affairs and the Assistant Registrar for the College of Law complete the master course schedule. The Assistant Registrar for the College of Law assigns first-year students to specific sections of their required courses. The students then register for these courses on the STAR system. Second- and third-year students make their own schedules through WVU's STAR System via the Internet.

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## A.3 MAXIMUM CREDITS PER SEMESTER

As noted below, ABA Accreditation Standard 311(c) states that law schools may not permit a student to be enrolled at one time in courses totaling more than twenty percent of the total hours required for graduation. This means that the maximum number of law school credit hours a student may take during a semester at the WVU College of Law is eighteen (i.e., 20% of ninety-one is 18.2). There is only one exception to the eighteen-hour per semester cap, students who are in joint-degree programs.

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## A.4 SUMMER SCHOOL

Summer credits may be earned only at the West Virginia University College of Law, other ABA-accredited law schools, or their ABA- approved programs abroad. Students who are on academic probation may earn summer school credits only with the permission of the Academic Standards Committee. The College of Law will accept transfer credits only for courses where the student earned a grade of C or better. Students may transfer credits for pass/fail courses only with the advance approval of the Associate Dean.

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## A.5 AUDITING

A law student may audit a College of Law course (without receiving academic credit) with the permission of the professor teaching the course. The student and professor should reach an agreement about what the student must do to successfully audit the course. (Typically, professors require class attendance, preparation, and participation, but individual professors are free to ask auditors to do more if they wish.) Once a student has obtained a professor's permission to audit a course, the student should register the course in STAR and then notify the Assistant Registrar for the College of Law, who will update the 'Audit' status in STAR. An email from the professor giving permission to register for the course as an audit is required. A class may not be audited if it has reached its enrollment capacity.

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## A.6 WITHDRAWAL FROM THE PROGRAM

There are three types of withdrawals that are governed by this rule: (a) partial withdrawal from some part of a student's course work; (b) in-semester withdrawal from all College of Law courses in which a student is registered; and (c) between-semester withdrawal after the completion of one semester and before the start of the next semester. Any student considering withdrawing from school must see the Associate Dean for Academic Affairs. The faculty and staff of the College of Law are available and willing to help resolve any difficulties that may be hindering a student's legal studies. Any student wishing to withdraw must also see the Assistant Registrar for the College of Law and withdraw according to guidelines set by the College of Law and by the University. Please note that the deadlines described below are for fall and spring courses. Summer courses are often shorter in length, and may have very short deadlines (i.e., a couple of days) for dropping without the withdrawal being recorded on the student's official transcript.

**Partial Withdrawal** (a.k.a. dropping some, but not all, courses for a semester):

**Reduction in the First Year.** Because the first-year curriculum must be completed before the student may take upper-division courses, full-time students are not permitted to reduce the course load in the first year by dropping courses except with the permission of the Associate Dean for Academic Affairs. By faculty resolution, no student shall be allowed to drop the required first-year course in Legal Reasoning, Research, and Writing.

**Dropping Courses After the First Year -- During First Week of Class.** During the first week of the semester, upper-level students may drop any course without having a W ("withdrew") placed on their transcripts. (See the College of Law Academic Calendar for the specific date each semester.) If the dropped course brings a student's course load below nine hours, the student may be eligible for a reduction in tuition and fees.

**Courses Dropped Before the "Last Day to Drop" Deadline.** Until the "last day to drop a course" on the law school's academic calendar, students are free to drop most courses by simply logging into STAR and dropping. The exceptions to this policy are clinical courses and Practical Legal Writing II. Slots in such courses are limited, and the student who drops them after the first week has wasted an opportunity sought by others. Students may drop these courses only with the permission of the instructor and the Associate Dean for Academic Affairs, and such permission shall be given only for very strong reasons. The grade for a course dropped during this period shall be a "W." Please note that under university policy ([http://studentaccounts.wvu.edu/refunds/reduction\\_schedule](http://studentaccounts.wvu.edu/refunds/reduction_schedule)), students who drop some but not all of their courses during this period receive no refund of tuition and fees.

**Courses Dropped after the University Deadline.** After the University's last date for withdrawal from a course (see the Academic Calendar), no student may withdraw from a course for any reason. Students who do not complete course requirements will receive an F for the course. Specifically, students denied permission to sit for a final because of excessive absences will receive an F if the last date for withdrawal has passed. This is a university rule, and no exceptions can be made.

**In-Semester Withdrawal from All Classes:**

**Withdrawal during First Twelve Weeks.** During the first twelve weeks of any semester, a student may withdraw totally from the West Virginia University College of Law by obtaining permission from the Associate Dean for Academic Affairs, and any student withdrawing from the West Virginia University College of Law during this period receives a grade of "W" in all courses dropped pursuant to this withdrawal. Students who withdraw completely within the first six weeks of class may be eligible for a partial refund of tuition and fees according to the University Refund Schedule. See website ([http://studentaccounts.wvu.edu/refunds/reduction\\_schedule](http://studentaccounts.wvu.edu/refunds/reduction_schedule)).

**Withdrawal after First Twelve Weeks.** After the first twelve weeks of a semester, a student may be permitted to withdraw totally from the West Virginia University College of Law only with the permission of the Academic Standards Committee. The Committee shall grant permission upon a showing by the student that continuation in school will create a severe hardship on the student because of some substantial physical, emotional, or family problem. If permission is granted, the student receives a grade of "W" in all courses dropped; if permission is denied, then the student remains responsible for his or her performance in all courses and will be graded accordingly. The last day to withdraw from all classes is the final day of class, as marked on the College of Law Academic Calendar.

**Between-Semester Withdrawal.** After the end of a semester and prior to the start of the next semester, a student may withdraw from the West Virginia University College of Law. In all such cases, the West Virginia University College of Law shall advise the student of its requirement that studies must be completed within seven years from the date on which the studies began.

**Resumption of Studies:**

**First Semester, First Year.** A student who withdraws from the West Virginia University College of Law before completing the first semester of the first year must, except as herein provided, be readmitted by making application for an initial admission to the West Virginia University College of Law. A student who withdraws during the first semester may petition the Dean at the time of such withdrawal for permission to be readmitted at the next regular fall semester of the West Virginia University College of Law. If the Dean determines that such withdrawal is for causes beyond the control of the student, the Dean will verify this fact in writing at the time of withdrawal and grant such permission. Permission to be readmitted to the West Virginia University College of Law applies only for admission for the beginning of the next academic year. An adverse decision by the Dean on granting this privilege may be appealed to the Faculty.

**Other Students.** Any student who withdraws voluntarily after the first semester of study and wishes to resume his or her studies must petition the Academic Standards Committee to be readmitted to the West Virginia University College of Law. The Committee may readmit the petitioning student subject to conditions of the Committee's choosing, or it may deny the petition for readmission, thus leaving the petitioner with the option of seeking admission to the College of Law through the regular admissions process. (Students who withdraw from law school and then successfully reapply through the regular admissions process start their legal educations "from scratch" alongside other members of their entering class; i.e., they begin with no credit hours and no law school GPA. Students who are readmitted through petition to the Academic Standards Committee retain credit hours and grades earned prior to their voluntary withdrawal from the College of Law.) In deciding whether to grant a petition for readmission, the Committee considers the length of the interruption of studies, the causes for the interruption of studies, the intervening activities of the student and how they relate to the intellectual activities of a law student, changes in curriculum and the teaching program of the West Virginia University College of Law, and any other factors deemed relevant. A readmitted student may be required to repeat, without credit, work previously done, or may be required to audit certain courses. Any student who is readmitted may have the student's overall academic program adjusted to

meet the requirements at the time of readmission. Resumption of studies is permitted only at the beginning of a semester. A first-year student whose last complete semester was a fall semester is normally permitted to return only at the beginning of a spring semester.

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## A.7 INDEPENDENT STUDY

A student may earn up to two hours of credit for a suitable research project completed under the supervision of a full-time faculty member. An independent study must produce an academic research paper that would be acceptable in a research seminar, and it must involve an amount of research and writing commensurate with the credit hours awarded. For example, a student seeking two hours of independent study credit would be expected to produce a research paper at least twenty-five pages in length, i.e., the same length required for a two-credit research seminar. Students wishing to pursue an independent study should draft a plan for the independent study that would specify the proposed subject for the study, a research and reading agenda, and a paper topic. This plan should be presented to the faculty supervisor and to the Chair of the Academic Standards Committee, who must approve the project. A second faculty reviewer must approve the grade given for an independent study. The Associate Dean for Academic Affairs has the forms to be submitted to the Chair of the Committee. Independent study does not satisfy the seminar requirement. As stated in the rule on "Deficiencies After Three Years" (1.4.5), independent study courses are offered only during the fall and spring semesters and are not available during the summer.

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## A.8 EARNING LAW SCHOOL CREDIT OUTSIDE THE LAW SCHOOL

**Individual Courses in Other WVU Colleges.** Students who do not receive credit toward the J.D. for completion of a joint degree program may receive law school credit for one graduate level course in another discipline at WVU. No student may receive more than four credits under this rule. The student must obtain prior approval from the Associate Dean for Academic Affairs. Grades earned in other WVU colleges do not affect the student's law school GPA. When possible, students should choose the pass/fail option when registering to take courses in other WVU colleges so that grades for these courses are not included in the cumulative GPA on the student's professional school transcript.

Law students may also register for courses in other WVU colleges (e.g., physical education courses) that would not qualify for law school credit. Students do not need permission to take non-law courses for personal enrichment, but should notify the Assistant Registrar for the College of Law that they are doing so.

**Study at Another School - Visiting.** A student in good academic standing may take up to thirty credits toward graduation at another ABA-accredited law school. Upon completion at that law school of all the requirements necessary for the J.D. from West Virginia University College of Law, the West Virginia University College of Law J.D. will be awarded. Such students require advance approval of their curriculum by the Associate Dean for Academic Affairs. Only grades of C or better will be transferred to the West Virginia University College of Law. Students may transfer credits for pass/fail courses only with the advance approval of the Associate Dean. Grades earned at other law schools will not be included in the calculation of the student's cumulative law school GPA. Students who take required courses (as listed on pages 1-4 of this Handbook) for credit at other law schools are not eligible for election to Order of the Coif at the West Virginia University College of Law.

**Study at a Foreign Law School - Visiting.** The College of Law, in cooperation with the WVU Office of International Programs, permits individual students to take courses toward their law degree at foreign law schools. Applications are reviewed by the Associate Dean for Academic Affairs and must comply with the "Criteria for Student Study at a Foreign Institution" promulgated by the American Bar Association. Their application must also be approved by the Office of International Programs. Students seeking such credit must establish an educational purpose that both is consistent with the aims of the College of Law and can be met only through the proposed foreign study. Examples could include students seeking proficiency in the legal vocabulary of a foreign country, students seeking international credentials to support their practice of law, or students interested in the study of comparative legal systems. Students must have completed their first year in law school prior to application and can take only one semester under such a foreign program.

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## A.9 MISSING CLASS DUE TO ILLNESS

If you are ill and you must miss class, call or e-mail the professor whose class you will miss, unless the professor has another specific policy about absenteeism. If the illness is extended, contact the Associate Dean for Academic Affairs.

If you are struggling with physical or stress-related problems, please see someone right away! Students can go to the Student Health Service center for a \$10-per-visit co-payment for in-office treatments (such as flu shots, cold treatments, etc.). Student Health Services is located in the basement of the Robert C. Byrd Health Sciences Center. For more information, see the "Health Services" subsection under the University Services section in this handbook, see the Student Health Service website (<http://well.wvu.edu>), or call 304-293-9355.

If you are experiencing family or school stress, the Assistant Dean for Student Affairs is always available to help you find the best solution.

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## A.10 STUDY OUTSIDE THE CLASSROOM

The American Bar Association prohibits a student from taking more than a total of twenty-six course hours in the following types of classes: externships, co-curricular activities (such as Law Review, Moot Court, and Lugar Trial Association), independent study, courses in other graduate departments, summer abroad programs, and distance education programs that rely on teaching outside the classroom setting.

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## A.11 DISTANCE EDUCATION

Standard 306(a) states that a distance education course is : "a...course...in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously."

No student may take more than 15 credits during his/her law school career in classes taught through distance education as defined by Standard 306. No student may take any distance education course until that student has completed at least twenty-eight credits in law school. Students should be aware that under ABA standards, the status of "asynchronous" courses (i.e., "online" or "web" courses) is uncertain. The College of Law sometimes offers a small number of web-based courses during the summer, but constantly monitors such courses to maintain educational quality and does not guarantee that any will be offered in the future. Students should also be aware that the New York Bar ruled in 2012 that it will not count asynchronous distance education hours toward the eighty-three law school credit hours students must earn to become members of the New York Bar. (Because WVU requires ninety-one hours for graduation, students who have taken a web course during law school can still become members of the New York bar because they have, in the eyes of the New York Bar, eight "surplus hours.") Students should check the bar requirements in states where they plan to practice to see whether similar rules have been adopted there.

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## A.12 ABA REQUIREMENT

The American Bar Association accredits U.S. law schools. A Juris Doctorate (J.D.) degree from an ABA-accredited law school entitles you to take the bar examination in any state (other individual state requirements, such as character, being met). The WVU College of Law has been fully accredited by the ABA since 1923. The ABA standards for Approval of Law Schools are published annually and can be accessed at [www.abanet.org](http://www.abanet.org). Of these standards, there are three particular ABA requirements worth noting here:

- Standard 308(a): "A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance, good standing, academic integrity, graduation, and dismissal."
- Standard 311(b): The J.D. degree must be "completed no earlier than 24 months, except in extraordinary circumstances no later than eighty-four months after a student has commenced law study."

Policy ensuring WVU College of Law compliance with ABA Standard 310:

ABA Standard 310(b)(1) defines a "credit hour" as an amount of work that reasonably approximates: "(1) not less than one hour of classroom time or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time." Interpretation 310-1 states that "[f]or the purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An 'hour' for out-of-class students work is sixty minutes. The fifteen-week period may include one week for a final examination."

The following policies and procedures are in place to ensure that the West Virginia University College of Law meets the requirements of Standard 310:

(1) for classroom and simulation (including clinic and externship) courses, classes must meet at least fifty minutes per week over fourteen weeks per credit, including, in many cases, an examination of three to four hours.

(a) Faculty in doctrinal courses are required to evaluate their syllabi to ensure that assigned reading and writing exercises required in preparation for class are a reasonable approximation of the out-of-class student work standard of two hours per week per credit hour. The College of Law Registrar and the Associate Dean for Academic Affairs will set a schedule that ensures enough class days and minutes to meet such requirements and collect course syllabi (consistent with existing policies).

(b) For out-of-class clinical work, students must work for at least three hours (based on a sixty-minute hour) each week over fourteen weeks per credit hour. Supervising faculty will ensure this amount of work is completed and are certifying successful completion of this work when submitting grades.

(c) For externship placements, students must work three and a half hours (based on sixty-minute hour) in the placement each week over fourteen weeks per credit. Supervising faculty will ensure this amount of work is completed and are certifying successful completion of this work when submitting grades.

(2) for co-curricular activities, students must work for at least three hours (based on a sixty-minute hour) each week over fourteen weeks per credit. The advisor of a co-curricular activity will certify the awarding credit by confirming that a student has met all minimal work-related expectations associated with the competition or journal needs (e.g., engaging in research, editing scholarship, writing a brief, preparing exhibits, prepping witnesses, participating

in practice rounds, participating in the competition, etc.). Faculty advisors are aware they are certifying successful completion of this work when they approve credit.

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## A.13 DEFICIENCIES AFTER THREE YEARS

Full-time students who are deficient in semester hours at the end of their third year of study must make up their deficiencies in regular law school courses. No credit is awarded for summer independent study or summer research. However, credit is awarded for summer school courses here or elsewhere or in the following fall semester. Independent study and research courses are offered only during the regular academic year, not during the summer.

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## A.14 EMPLOYMENT DURING LAW SCHOOL

**First Year.** Full-time first-year law students at WVU take a fixed curriculum consisting of 32 hours of demanding course work, and they must master materials, modes of analysis, and skills that will be unfamiliar to nearly all entering students. Succeeding in the first year is critically important in preparing students for their upper-level classes, the bar exam, and their future careers. For these reasons, the College of Law strongly discourages full-time first-year students from working during the fall and spring semesters. Law school, especially in the first year, should be treated as a demanding full-time job, and adding work on top of that job is likely to prevent students from performing to their academic potential and may also compromise students' physical and mental health. Nevertheless, the College of Law recognizes that some students' financial needs may require them to seek employment even during the first year. Full-time first-year students who intend to work for more than ten hours per week must disclose their employment plans to the Assistant Dean for Student Affairs and must schedule a meeting with the Assistant Dean to discuss their plans for balancing school and work. This must be done before beginning work or as soon as possible thereafter. Students who plan to retain a part-time job begun prior to law school should speak with the Assistant Dean for Student Affairs no later than the end of the first week of classes.

**Second and Third Years.** Many upper-level students are able to successfully combine law school with moderate levels of paid employment. Historically, ABA rules prohibited students from working more than 20 hours per week, but this limitation was repealed effective for the fall semester of 2014. Although no longer a firm prohibition, the ABA's traditional limit of 20 hours per week remains a good guideline for the amount of work most students can manage in addition to the demands of law school. While the College of Law has no formal mechanism for monitoring or limiting hours of employment during the second and third years, students who contemplate working more than this should think seriously about whether their contemplated schedule will jeopardize their studies and/or their general well-being. The Assistant Dean for Student Affairs and the faculty are happy to counsel upper-level students who plan to work more than twenty hours per week.

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## A.15 FULL-TIME STATUS AND TUITION/FEES

West Virginia University treats nine hours per semester as full-time status for graduate and professional students. That means you will be charged full tuition and fees for taking nine hours or more in a given semester. Students taking fewer than nine hours will receive a proportionate reduction of their tuition and fees. (e.g., students taking eight hours will be charged roughly 8/9 of their full-time tuition and fees.)

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## A.16 WVU GRADUATE AND POST-GRADUATE STUDENTS

Graduate and post-graduate students from other colleges, schools, and divisions within the university may enroll in WVU College of Law courses with the permission of the Associate Dean for Academic Affairs; the appropriate officer of the college, school, or division within the university to which they are attached; and the faculty member teaching the course. The Associate Dean shall not permit a student to enroll in a course under this provision if the student (1) would have taken more than twenty-one credit hours under this provision upon completion of the course or (2) has been excluded from the College of Law for any reason. The student's college, school, or university division will determine to what extent courses taken under this provision will be credited toward completion of the requirements for the student's graduate degree.

A student admitted to the College of Law after completing one or more courses under this provision (1) shall not receive any credit toward the J.D. degree for those previously completed courses, (2) must retake for credit, on a pass/fail basis, any course required for law school graduation that was previously taken, and (3) may not retake any elective course that was previously taken.

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## A.17 TRANSCRIPTS

Official transcripts can be obtained only by contacting the University Registrar's office. Information on requesting transcripts can be found on the University Registrar's website (<http://registrar.wvu.edu/transcripts>). Please note that it generally takes three to five working days for the University Registrar to produce a transcript, so it is important to plan accordingly.

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## B. GRADING INFORMATION AND PROCEDURES



2. Grades (p. 32)
3. College of Law Grading Policy (p. 33)
4. Passing Grades and Graduation Credit (p. 35)
5. Grades of Incomplete in Non-Examination Courses (p. 35)
6. Grade Appeal (p. 35)
7. Grade Appeal Procedure (p. 36)

## B.1 EXAMINATIONS

**Attendance and Exam Eligibility.** The faculty subscribes to the principle that class attendance is important and necessary to the successful study of law. Therefore, a faculty member may deny permission to sit for an examination to a student because of poor class attendance. Furthermore, a student who is absent from as many as twenty-five percent of the scheduled class hours for any given course shall not be permitted to take an examination in the course except by special permission of the faculty member. Prior to the last day to drop a course (as indicated on the College of Law Academic Calendar), a student who is denied permission to sit for an examination may withdraw from the course. After the last day to drop has passed, denial of permission to sit for the final examination automatically results in a grade of F for the course.

**No Exams During Final Week of Classes.** In-class final exams may not be scheduled during the last week of classes. In addition, the due date for take-home exams cannot be during the last week of classes.

**Exam Numbers.** The West Virginia University College of Law Assistant Registrar randomly selects and assigns official student examination numbers for students' anonymity in the grading process. The Assistant Registrar for the College of Law notifies students when their numbers are available. The Assistant Registrar protects the anonymity of student examination numbers throughout the examination and grading period.

**Exam Accommodation Requests.** During the final examination period, any student who has three or more finals on consecutive days may request to move the third final to the next day (excluding Sunday or other religious holiday) on which he or she does not have a final scheduled. The purpose of this rule is to prevent a student from having more than two consecutive days of law school finals. To obtain relief under this rule, a student must notify the Assistant Registrar for the College of Law before the specified deadline so that the exam can be rescheduled and the appropriate faculty member notified.

**Deferment of Exams or Assignment Deadlines.** A student with a substantial physical, emotional, or family problem that would make it impractical or grossly unfair to take a scheduled examination or meet another class-wide or general deadline may submit in advance a written request to be excused from taking the examination as scheduled or complying with the deadline as fixed. All such requests must be in writing, must be directed to the faculty member teaching the course in question, and must be substantiated by a physician's statement or some other written evidence of the emergency. A faculty member acting alone or in consultation with the Associate Dean for Academic Affairs shall either deny the request or grant the request and require the student to take the examination at a later date or comply with a new deadline.

**When Request Is Denied or Extended Deferment Sought.** If any request for deferment (as described above) is denied, or if a student requests a deferment for reasons or to a time that would not comply with the above policy, the student may obtain the requested deferment only by approval of the Academic Standards Committee. Appeal from a denied request or an original request for an extended deferment may be made by giving the Associate Dean for Academic Affairs a copy of the request as described above together with any appropriate supporting documents.

**Completion of Examinations or Other Class-Wide Assignments.** A student granted a deferment has a reasonable time after the emergency is dissipated to complete the examination or other assignment. A reasonable time is established by agreement of the Associate Dean for Academic Affairs and the faculty member.

**Failure to Take Examination or Comply with Deadline.** A student who fails to take an examination or comply with a deadline and who does not receive a deferment under this rule shall be penalized in whatever fashion the faculty member teaching the course deems appropriate. There is no responsibility on the part of any faculty member to accept or evaluate any work that is not done in a timely fashion unless relief has been granted pursuant to this rule.

**Faculty Presence During Exams.** It is the policy of the faculty of the College of Law that each faculty member either be in the law school building during his or her classroom examination or find a substitute.

**Grade Recording Error.** In the unlikely event that a computer or data entry error results in the reporting of an incorrect grade, the error will be corrected so that the student's grade is the one the professor intended to award for that student's work in the course, unless the student has already graduated from the College of Law.

## B.2 GRADES

**Grading Scale.** The College of Law grading scale is as follows:

Grade	Description
A+	4.3 quality points
A	4.0 quality points
A-	3.7 quality points
B+	3.3 quality points
B	3.0 quality points
B-	2.7 quality points
C+	2.3 quality points
C	2.0 quality points
C-	1.7 quality points
D+	1.3 quality points
D	1.0 quality points
F	0.0 quality points

**Semester Grade Point Average or Semester GPA.** Semester grade point average is the average of all grades earned by a student in a given semester. All semester grade point averages are calculated using the grading scale of the West Virginia University College of Law.

**Cumulative Grade Point Average (GPA or Cum.).** The cumulative grade point average is the average of all grades earned by a student while enrolled in the West Virginia University College of Law. All cumulative grade point averages are calculated using the College of Law's grading scale. Only grades earned at the College of Law affect the law school cumulative GPA. Grades for courses taken in other WVU colleges or at other law schools are not included in the student's cumulative law school GPA.

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## B.3 COLLEGE OF LAW GRADING POLICY

Adopted by the College of Law Faculty – May 8, 2014

Amended (added Section F) – Sept. 24, 2014

### I. FIRST YEAR CURVE

#### A. Curve for First-Year Doctrinal Classes

Mandatory Mean Grade: 2.95 to 3.05

Mandatory Distribution Requirements:

- 5 – 10% of the grades must be A (including A+, which should be rare)
- 5 – 15% of the grades must be A-
- 15 – 25% of the grades must be C+ or below

#### B. Curve for LRRW I and II

Mandatory Mean Grade: 2.95 to 3.05

Expected Distribution Requirements:

- 5 – 10% of the grades should be A (including A+, which should be rare)
- 5 – 15% of the grades should be A-
- 15 – 25% of the grades should be C+ or below

#### C. Intro to Legal Research

The 1-credit "Intro to Legal Research" course will not be subject to any curve.

### II. UPPER CLASS CURVE

#### A. Curve for Classes of 30 or more students

(This curve does not apply to clinics, Trial Advocacy and other capstone courses, seminars, or graded study abroad classes. Section II.D below governs these classes.)

Mandatory Mean Grade: 3.15 to 3.25

Expected Distribution Requirements:

- 5 – 15% of the grades should be A (including A+, which should be rare)
- 10 – 15% of the grades should be A-
- 5 – 15% of the grades should be C+ or below

**B. Curve for Classes of 11 to 29 students**

(This curve does not apply to clinics, Trial Advocacy and other capstone courses, seminars, or graded study abroad classes. Section II.D below governs these classes.)

Mandatory Mean Grade: 3.10 to 3.30

Expected Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-
- 5 – 20% of the grades should be C+ or below

**C. Curve for Classes with 10 or Fewer Students**

(This curve does not apply to clinics, Trial Advocacy and other capstone courses, seminars, or graded study abroad classes. Section II.D below governs these classes.)

For classes this small, mean and distribution requirements are recommended rather than mandatory.

Recommended Mean Grade: 3.10 to 3.30

Recommended Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-
- 5 – 20% of the grades should be C+ or below

**D. Curve for Clinics, Trial Advocacy and other Capstone Courses, Seminars, and Graded Study Abroad Classes**

(This curve governs the class types listed in the heading. If a class falling into one of these categories has 10 or fewer students, the mandatory mean grade range is recommended, but not required.)

**Classes with 11 or More Students**

Mandatory Mean Grade: 3.10 to 3.50

Expected Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-

**Classes with 10 or Fewer Students**

Recommended Mean Grade: 3.10 to 3.50

Recommended Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-

**E. Determination of Class Enrollment for Purposes of the Upper Class Curve**

As slightly different curves apply to upper level classes depending on enrollment, there needs to be a set day on which a class's official enrollment is determined for purposes of the grading policy. The official enrollment for a class will be the enrollment at midnight on the final day of classes for the term.

**F. LL.M. Students**

In classes with only LL.M. students, the relevant section of the Upper-Class Curve (II.A-D) will apply. For example, grading in an LL.M. seminar will be governed by Section II.D.

For upper-level classes containing both LL.M. students and J.D. students, each set of students will be treated as a separate cohort for purposes of the grading policy. J.D. class enrollment will be determined by the number of J.D. students in the class, and the relevant section of the upper-class curve will apply to the J.D. students considered as a group. LL.M. enrollment will be determined by the number of LL.M. students in the class, and the relevant section of the upper-class curve will apply to the LL.M. students considered as a group.

**Example 1**

Energy Law has an enrollment of 32 J.D. students and 12 LL.M. students. The grades for J.D. students must conform to Section II.A; the grades for LL.M. students must conform to section II.B.

**Example 2**

Energy Law has an enrollment of 25 J.D. students and 8 LL.M. students. The grades for J.D. students must conform to Section II.B; the grades for LL.M. students must conform to section II.C.

**G. Default F Grades: No Effect on Curve**

This policy is intended to apply only to grades that a professor has given as the result of assessed work in the course and not to "F" grades that have been given as a result of a failure of a student to complete the requirements of the course.

**B.4 PASSING GRADES AND GRADUATION CREDIT**

To satisfactorily complete most courses and to earn credit toward graduation, a student must receive a grade of D or better. However, in the following courses, a student must receive a grade of C (2.0) or better to earn credit toward graduation: Legal Reasoning, Research, and Writing; Appellate Advocacy; a required seminar; and Trial Advocacy.

Students must earn a grade of C or better in at least one seminar to satisfy the seminar requirement for graduation. Students may choose to take more than one seminar. As long as the student has satisfied the seminar requirement with a C or better in at least one seminar, the student will receive graduation credit for additional seminars so long as the student attains a passing grade of D or better in the additional seminars.

Students who use Trial Advocacy to satisfy the capstone requirement must obtain at least a C to do so; students who take Trial Advocacy as an elective (i.e., they have taken and passed another capstone course) need only a passing grade for the Trial Advocacy credits to count toward graduation.

**B.5 GRADES OF "INCOMPLETE"****Incomplete Grades**

A grade of I (Incomplete) is a temporary grade assignment used when unforeseen, non-academic circumstances arise that prohibits students from completing the last course assignments at the end of the semester. The grade of Incomplete is typically assigned because of an excused absence from assignments that are unavoidably incomplete, as determined by the instructor. Students who are failing a course (exclusive of the incomplete work) may not request an Incomplete.

Students who want to be considered for an Incomplete must apply to their instructor prior to the end of the term. If the instructor agrees, the instructor and the student must negotiate the conditions under which the grade of I will be changed to a letter grade and sign a contract. The date to submit incomplete work cannot be set beyond the last day of class of the following semester. If the student does not complete the terms of the contract then the instructor should submit a grade of F. All contracts for Incomplete grades must be filed with the Associate Dean for Academic Affairs.

To remove the grade of I, a student does not register for the course again. If the Incomplete grade is not changed no later than the end of the next term (excluding summer), the I grade will be replaced with an F, which is worth 0 quality points.

**Shortening Time Limit**

A faculty member who assigns an "Incomplete" to a student may shorten the completion deadline to an earlier date than the last day of class of the following semester, but may not extend the deadline beyond the limit.

**Semester Awarded**

When the student completes the course requirements, the credits are assigned to that semester in which the student originally enrolled in the course.

**Shortened Time Limit for Students on Probation**

Students who are academic probation and who receive an "Incomplete" on work undertaken during the student's probationary term shall complete requirements for the course and procure the faculty member's removal of the "Incomplete" within eight weeks following the last examination date in the semester in which the student was registered for the course. Except for this reduced time limitation, all other provisions in the subsection and the "Deferment of Exams or Assignment Deadlines" subsection apply in the case of such a student on probation.

**B.6 GRADE APPEAL**

A student may initiate a formal grade appeal prior to the end of the seventh week of classes of the semester following the one in which the grade was awarded pursuant to the West Virginia University College of Law Grade Appeal Policy and Procedure. Students with questions about the grade appeal policy or procedure should consult the Administrative Assistant to the Associate Dean for Academic Affairs. Students who fail to begin the grade appeal process by meeting with the instructor prior to the end of the seventh week of classes of the succeeding regular (i.e., fall or spring) term have waived all

rights to a grade appeal. (E.g., a student appealing a grade from a fall class would need to meet with the instructor prior to the end of the seventh week of the spring semester in order to preserve his or her right to appeal a grade.)

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## B.7 GRADE APPEAL PROCEDURE

**Step I.** The student shall discuss the complaint with the instructor involved prior to the end of the seventh week of classes of the regular (i.e., fall or spring) semester following, whether the student is enrolled or not. If the two parties are unable to resolve the matter satisfactorily or if the instructor is not available, or if the nature of the complaint makes discussion with the instructor inappropriate, the student shall notify the Associate Dean. The Associate Dean shall assume the role of an informal facilitator and assist in resolution attempts. If the problem is not resolved within fifteen calendar days from when the complaint is first lodged, the student may proceed directly to Step II. To mount a successful appeal of a grade under Steps II or III below, a student must demonstrate that the professor's actions in assigning that grade were arbitrary and capricious.

**Step II.** The student must prepare and sign a document that states the facts constituting the basis for the appeal within thirty calendar days from when the original complaint was lodged. Copies of this document shall be given to the instructor and to the Associate Dean. If, within fifteen calendar days of receipt of the student's signed document, the Associate Dean does not resolve the problem to the satisfaction of the student, the student will forward the complaint to the instructor's Dean. (See Step III.)

**Step III.** Within fifteen calendar days of receipt of the complaint, the Dean shall make a determination regarding the grade, making any recommendations for a grade change to the instructor involved. If the instructor involved does not act on the Dean's recommendation, or if the student is in disagreement with the decision of the Dean, the Dean will refer the case to a representative committee appointed by the Dean for final resolution. This committee shall consist of three or more faculty members, including at least one person outside the instructor's discipline.

1. Upon receiving an appeal, the committee will provide the grade challenge by written notification to the faculty member involved, which shall include a statement of the facts and evidence to be presented to the student.
2. The committee shall provide the faculty member involved and the student making the appeal written notification of the student's right to appear at a hearing to be held before the department, college, or school representative committee, together with notice of the date, time, and place of the hearing.
3. The administrative procedure is not adversarial in nature; the formal rules of evidence do not apply.
4. The final decision of this committee shall be forwarded to the instructor and to the Dean involved. If the decision requires a change of grade, the instructor shall take action in accordance with the committee's decision.
5. If the instructor does not act within five days, the Dean shall make any necessary grade adjustment.
6. In the case of grade appeals, the Dean functions as the President's designee; therefore, implementation of this decision shall end the appeal procedure.

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## C. ACADEMIC STANDING

1. Academic Difficulty (p. 36)
2. Academic Probation & Dismissal (p. 37)

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### C.1 ACADEMIC DIFFICULTY

**Good Academic Standing.** A student is in good academic standing if that student has not been dismissed and is not on academic probation as those terms are defined in this catalog.

**Repeating Courses.** Receiving an F in a course does not generally require retaking the course. The F simply is added to one's GPA, and no credit hours toward graduation are given. However, if a student receives a failing grade in a course required for graduation, the student must repeat that course and receive a passing grade. If a student does not pass a required seminar or capstone course, that student may retake that seminar or capstone or take any other. When a course is repeated, both grades appear on the student's transcript, and both grades are calculated into the student's GPA, but credit toward the graduation requirement is awarded for only one enrollment.

**Receiving Credit for Less Than an Entire Course.** No credit is given for less than an entire course.

**Grade Changes.** A student may request a grade review anytime during the academic month following the student's receipt of the grade. A faculty member may not change a grade following the last day of classes in the semester following that in which a grade was awarded. Any proposed grade change must be submitted in writing by the faculty member to the Associate Dean for Academic Affairs with stated reasons for the change. Grade changes proposed because of arithmetic errors will be approved by the Associate Dean. Grade changes proposed because of changes in evaluation must be approved by the full faculty.

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## C.2 ACADEMIC PROBATION & DISMISSAL

**Notification.** The Associate Dean for Academic Affairs notifies in writing any student who is not in good academic standing. The notice sets forth the student's academic situation and advises the student of actions available to the student under this section. The notice is sent as soon as possible after the student's academic standing is determined. Students who do not receive notice are nevertheless responsible for knowledge of their academic situation and for taking actions necessary under this section. A student is in good academic standing if that student has not been dismissed and is not on academic probation as those terms are defined in this catalog.

**Summary of Probation and Dismissal Rules.** For all rules regarding academic probation and dismissal, the relevant GPA figures are semester and cumulative law school GPAs. Law school GPA does not include grades earned in other WVU colleges or at other law schools. The following is a summary of the probation and automatic dismissal rules:

- **End of First Semester.** Students whose first semester grades fall below 2.30 receive a letter from the Associate Dean's Office to that effect, offering consultation and referral to the Academic Excellence Program. Such students must participate in the Academic Excellence Program in the second semester.
- **End of Second Semester Only.** Any student whose cumulative average is below 1.85 at any time after his or her second semester in law school is automatically dismissed. If a student dismissed at the end of the second semester has a GPA in any semester during the first year of less than 1.5, that student may be readmitted to the West Virginia University College of Law only by making an initial application through the admissions process. This application is only made in accordance with the regular admissions cycle, so most applicants will be required to wait a year before their application is processed. If readmitted, the applicant begins law school as if she or he were a first-time student. If a student dismissed at the end of the second semester has no GPA in any semester of the first-year curriculum of less than 1.5, that student may apply for readmission by following the procedures set forth in this handbook under "Readmission." A student is placed on academic probation when that student's cumulative grade point average falls below 2.30 but is above 1.85 after the conclusion of his or her first-year curriculum. A student on academic probation has one semester in which to raise his or her cumulative grade point average to 2.30. Failure to meet this requirement results in dismissal.
- **End of Third through Sixth Semesters:**
  1. **Cumulative Grade Point Average.** Any student whose cumulative grade point average is below 1.85 at any time after his or her third semester in law school is automatically dismissed. A student whose cumulative grade point average falls between 1.85 and 2.30 any time after his or her third semester in law school is placed on academic probation. A student on academic probation has one semester in which to raise his or her cumulative grade point average to 2.30. Failure to meet this requirement will result in dismissal. Under no circumstances will a student be allowed to graduate unless his or her cumulative grade point average is 2.30 or better.
  2. **Semester Grade Point Average.**

**\*General Rule.** Any student who fails to attain a grade point average of 2.30 in any individual semester of his or her second or third year in law school is placed on academic probation, regardless of his or her cumulative grade point average. This rule shall apply only to students who complete at least eleven semester credit hours of work for which they receive a letter grade (i.e., A, B etc., but not P). For purposes of this rule, first and second summer sessions count as a single semester. Accordingly, a student who took eleven or more graded hours across two summer sessions and whose GPA in those courses fell below 2.30 would be placed on academic probation under this rule.

**\*Part-Time Students.** A student who earns a semester grade point average lower than 2.30 over fewer than eleven letter-graded credit hours per semester for two consecutive semesters after the first year of law school is placed on academic probation, regardless of his or her cumulative grade point average. For purposes of this rule, first and second summer sessions count as a single semester. Students with a semester grade point average lower than 2.30 over fewer than eleven letter-graded credit hours for one semester must meet with the Associate Dean for Academic Affairs.

A student placed on academic probation under "General Rule" or "Part-Time Students" will be dismissed for failure to meet academic requirements, regardless of his or her cumulative grade point average, if he or she fails to attain a semester grade point average of 2.30 or better in the next regular (i.e., fall or spring) semester. This rule applies regardless of the number of graded credit hours taken in the probationary fall or spring semester, so students who choose to take a low number of graded credit hours do so at their own risk.

- **Failing a Majority of Credit Hours.** Any student who, after completing the first-year curriculum in the West Virginia University College of Law, receives failing grades in courses aggregating one-half or more of the student's credit hour load for a given semester is dismissed. For the purposes of this rule, it does not matter what the student's grade point average is for the semester in question, nor does it matter what the student's cumulative grade point average might be. However, this rule does not apply to students taking two or fewer courses in a semester.
- **Transfer Students with a West Virginia University College of Law Grade Point Average below 2.30.** A transfer student cannot graduate from the West Virginia University College of Law if the cumulative grade point average of the grades that the student earned at the West Virginia University College of Law is less than 2.30.
- **Readmission.** Students seeking readmission should file petitions with the Chair of the Academic Standards Committee, and the petitions should demonstrate that the reasons for the student's academic deficiencies no longer exist. The Committee shall review each petition based upon this standard. The Academic Standards Committee will favorably consider a student's participation in the Academic Excellence Program in deciding on any petition for readmission following an academic dismissal. The committee will also view a student's failure to participate in the Academic Excellence Program, despite an invitation or direction to do so, as a negative factor in deciding on a petition for readmission following an academic



dismissal. If the Committee denies readmission, the student may appeal to the Dean, who may remand, affirm, or reverse the Committee's decision. The Dean has the discretion to seek the advice and counsel of the full faculty. A student may petition for readmission for the semester immediately following the semester he or she is dismissed. To do so, the student must deliver a petition for readmission to the Chair of the Academic Standards Committee within ten days of his or her receipt of notification of dismissal from the Registrar. If the tenth day is a weekend or holiday, then the student must deliver the petition on the next business day. A student also may petition for readmission after two academic semesters have passed following the student's dismissal (even if the student has already petitioned immediately after his or her dismissal). For purposes of this rule, summer sessions shall not count as academic semesters.

- **Permanent Dismissal.** The West Virginia University College of Law shall not readmit any student who has been dismissed twice under these rules for failure to meet academic requirements. In addition, students readmitted through petition to the Academic Standards Committee have two semesters within which to bring their cumulative grade point average up to 2.30, as follows: (1) if the readmitted student fails to earn a 2.30 or better grade point average for the first semester following readmission, the student is permanently dismissed and is not eligible for readmission and (2) if that semester's grade point average is 2.30 or better but the cumulative grade point average remains below 2.30, the student has one additional semester in which to bring the cumulative grade point average up to 2.30. If, after that second semester following readmission by petition to the Academic Standards Committee a 2.30 cumulative grade point average has not been attained, the student is permanently dismissed and is not eligible for readmission.

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## D. HONORS

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1. Class Rank (p. 38)
2. Order of the Coif (p. 38)
3. Order of the Barristers (p. 38)
4. Patrick Duffy Koontz Award (p. 38)

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### D.1 CLASS RANK

The following rules apply to class rank:

**Class Ranks.** Class ranks are calculated at the completion of each semester, except for 1L students, whose first ranking will not be established until the completion of their first year.

**Top 50%.** At the completion of each semester, students in the top 50% of the class are individually informed of their class rank in Degree Works. Students outside the top 50% of the class are not ranked. These rankings are not publicly announced. Students who graduate in the top 25% of their class have their class ranks noted on their university transcripts.

**Grade Point Averages.** The grade point averages that demarcate the top 25%, 33%, and 50% are publicly announced at the end of each semester.

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### D.2 ORDER OF THE COIF

Order of the Coif is an academic honor conferred by the faculty upon its graduates from among the top 10% of the graduating class. Coif graduates have this honor noted on their university transcripts. To be eligible for election, students must complete all of their required courses (see above "Courses Required to Graduate," pp.1-4) at the WVU College of Law. A student may transfer up to nine credit hours of a law school's regular curriculum taken at an Association of American Law Schools (AALS) approved law school during that school's academic year, summer terms on campus, or summer abroad programs approved by the ABA. For purposes of Coif, the grade(s) earned for these hours will not be averaged into the student's GPA but shall be treated as pass/fail credit. The effect of this rule is that the grade point average used for selection to the Order of the Coif is based solely on the grades earned at the West Virginia University College of Law.

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### D.3 ORDER OF BARRISTERS

A national honorary organization, the Order of Barristers, encourages oral advocacy and brief writing skills through effective law school moot court programs. Members of the Marlyn E. Lugar Trial Association, the Moot Court Board, and students who have outstanding oral advocacy achievements are eligible for the award. See the Associate Dean's assistant for applications in March.

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### D.4 PATRICK DUFFY KOONTZ AWARD

The Patrick Duffy Koontz Award is a monetary prize whose recipients are selected by the College of Law scholarship committee. The award is announced at graduation and is given to students from West Virginia who demonstrate excellence in scholarship, character, and leadership potential.

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## E. GRADUATION

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1. Degree Works (p. 39)
  2. Hours to Graduate (p. 39)
  3. College of Law Graduation/Hooding Website (p. 39)
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### E.1 DEGREE WORKS

Degree Works is an online check sheet (audit) for students to review and monitor progress toward degree completion. It organizes academic coursework into blocks of requirements to help easily identify courses completed and what courses you still need in order to complete the degree. To access Degree Works,

- Log on to your MIX account using your MyID username and password.
- Click on the STAR tab.
- Scroll down to the 'Resources' heading and click the 'Degree Works' link.

The Degree Works audit provides a review of past, current, and planned coursework as well as information about completed and outstanding requirements. The audit is organized by 'blocks.' These blocks show what requirements are needed to graduate and show what is needed to do in order to fulfill the requirements within each block. The following 'blocks' may appear on the audit:

- Degree in Doctor of Jurisprudence: This block verifies that **all** requirements, including required courses, the minimum GPA requirement, and the ninety-one-hour credit requirement, have been met.
- Major in Law - J.D.: This block verifies that all required courses (i.e., first-year courses, Appellate Advocacy, seminar, perspective course, capstone requirement) have been completed and that any applicable grade requirements for those courses (e.g., a grade of C or better in Appellate Advocacy) have been satisfied.
- Law Courses: This block is a summation of all law courses that are being used to meet the ninety-one-hour course requirement.
- Fallthrough: The Fallthrough block is a block for courses that are not being used to satisfy any other requirements in your audit (i.e., ninety-one-hour requirement, first-year requirements). These courses count towards the total number of degree hours and GPA.
- In-Progress: This block reflects all courses currently in-progress or registered for a future semester.
- Insufficient/Withdrawn/Repeated: This block shows courses that you have withdrawn from or failed, courses that were taken more than once (but were not repeatable for credit), and audited courses.

If you are a joint-degree student (J.D./M.B.A. or J.D./M.P.A.), your Degree Works audit will reflect only work completed in the J.D. program. Because Degree Works cannot be programmed to take into account the credit hours earned for work on the other half of your joint degree, it will not accurately reflect your progress toward your J.D. If you have questions about whether you are on track, please contact the Assistant Registrar for the College of Law and/or the Associate Dean for Academic Affairs. When you have completed your joint-degree program, an annotation will appear on your transcript recording the credit hours you received for completing your joint degree program.

If you believe there is an error in your Degree Works audit, please contact the Assistant Registrar for the College of Law and/or the Associate Dean for Academic Affairs. For additional information on Degree Works, please visit the website (<http://registrar.wvu.edu/dw>) of the University Registrar.

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### E.2 HOURS TO GRADUATE

Every student must satisfactorily complete (see the "Passing Grades and Graduation Credit" subsection) ninety-one credit hours and must be in good academic standing to graduate. Except in circumstances described in the section "Earning Law School Credit Outside the Law School," all these credits must be earned at the College of Law. In any event, only College of Law courses will count as part of the student's grade point average. All students must have a cumulative grade point average of 2.30 or above (for students admitted as of Fall 2015) in order to graduate from the College of Law.

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### E.3 COLLEGE OF LAW GRADUATION/HOODING WEBSITE

The Graduation/Hooding website for the College of Law goes live each year in the spring. This contains all forms and information for College of Law graduates.



# Externships & Pro-Bono

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## EXTERNSHIPS/PRO-BONO

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1. Externship Program Guidelines (p. 40)
  2. Pro-Bono (p. 42)
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### 1. EXTERNSHIP PROGRAM GUIDELINES

#### I. GOALS & OVERVIEW

The Externship Program is designed to provide students with an opportunity to gain practical legal experience as part of their legal education. Two general types of externships are available at the College of Law: Public Service Externships (part-time) and Federal Judicial/Federal Agency Externships (full-time). The overarching goals of the Externship program are consistent with and are designed to serve the goals articulated in the mission statement of the College of Law: "Preparing 21st century lawyers and leaders to serve the public, [and] government, . . . —both locally and globally—while focusing on justice, ethics, professionalism, and service in a diverse, vibrant and respectful community."

To that end, the Externship Program offers the opportunity to incorporate practice experience with discussion, critical thinking, reflection, and analysis. The purpose of the program is to help students in the following ways:

1. to develop the art of lawyering, including research, writing, analysis, interviewing, and communication of facts and information;
2. to identify professional goals and reflect on individual professional development;
3. to develop sensitivity to issues of professional responsibility, ethical problem solving, and the role of the lawyer in providing access to justice in society; and
4. to develop awareness of meaningful career opportunities in public interest and governmental settings and to establish relationships in chosen fields of law.

#### II. POLICIES & REQUIREMENTS

The Public Service and Federal Judicial/Federal Agency Externships require students to perform substantive legal work to receive academic credit. All externships must be unpaid. Additionally, student externs must be supervised at their placement by a lawyer. In addition to supervision at their placement, students are also supervised by a faculty member and are required to enroll in a one-hour course component. The course component includes class meetings, time-keeping assignments, reflective journals, and other assignments to further the experiential learning. The policies and requirements outlined below are designed to ensure a high-quality experience for students as they work toward their educational goals during their externship.

For academic planning purposes, **only one externship can be counted toward your total graduation requirement.** Further, students may receive no more than 26 total "out of classroom" credits toward graduation. This includes an externship, moot court, law review, independent study, and foreign study. This credit maximum does not include credits earned in the law school clinic. (More complete information is available in the Student Handbook.)

Students interested in any externship opportunity should meet with the Director of the Center for Law and Public Service to discuss the available placement options and eligibility requirements outlined below.

##### A. Externship Placements

Two general types of placements are available for students. First, students can pursue part-time externship opportunities in various Public Service Externships during the summer, fall, or spring terms. Second, students can pursue full-time externship opportunities in either a Federal Judicial or Federal Agency Externship during the fall or spring terms. A brief summary of the placement options is outlined below.

**Part-time Public Service Externships** may be performed with government offices or agencies, the judiciary, legal aid offices, or other non-profit or public interest organizations performing legal work. Examples of approved part-time Public Service Externships have included placements with public defenders, prosecutors, judges, legal aid offices, general counsel of universities, general counsel of non-profit hospitals, state environmental protection agencies, colleges, legislatures and legislative committees, and other non-profit or public service organizations.

**Full-time Federal Judicial Externships** may be performed with any federal judge at the district or circuit court level. **Full-time Federal Agency Externships** may be performed at any approved federal agency. Full-time federal agency sites have included the National Labor Relations Board, the Securities and Exchange Commission, and the Mine Safety and Health Administration. Please see the Director of the Center for Law and Public Service for a list of approved local sites.

If there is another externship opportunity that a student wants to pursue that is not on the list of approved sites, then the student should contact the Director of the Center for Law and Public Service for approval first, then apply to the office or organization. If students have questions about placements

or need advice about finding a site that best fits with their educational goals, then they should contact the Director of the Center for Law and Public Service at (304) 293-8555.

The Externship Program does not include work in the private sector, and no externships in private sector settings will be approved. All placements must be approved by the Director of the Center for Law and Public Service or the Teaching Professor for the course.

## B. Field Placement Work and Credit Requirements

Work performed at the field placement for academic credit **must** be unpaid. Students must have adequate supervision, guidance, and training by a dedicated field supervisor at the site. The field supervisor **must** be a lawyer. Students may choose from three different externship types:

1. **Full-time Federal Agency Externship during the fall or spring semesters.** Externs must work full time (as defined by the site) over the course of the semester to earn 13 credits. Of those 13 credits, 6 are graded and 7 are pass/fail. The graded portion of the course is earned through enrollment in the full-time agency externship course. The pass/fail credits are earned through completing work assignments at the externship site. To qualify for this externship, students must have completed at least one year of law school, submit a letter of recommendation from a law school faculty member recommending the student for the externship, and be in the top 40% of their law school class.
2. **Full-time Federal Judicial Externship during the fall or spring semesters.** Full-time judicial externs also earn 13 credits over the course of the semester. Of those 13 credits, 6 are graded and 7 are pass/fail. The graded portion of the course is earned through enrollment in the full-time judicial externship course. The pass/fail credits are earned through completing work assignments at the judicial externship site. To qualify for this externship, students must have completed at least one year of law school, submit a letter of recommendation from a law school faculty member recommending the student for the externship, and be in the top 25% of their law school class.
3. **Part-time Public Service Externship during the summer, fall, or spring terms.** Part-time Public Service Externship opportunities are available with a federal agency or a state agency, federal or state judiciary, legal services office, or other non-profit organization. Students may earn a minimum of 3 to a maximum of 6 credits. Of those, 1 is graded and the rest are pass/fail. Students can choose to earn a variable number of pass/fail credits -- between two (2) and five (5) site placement/field work credits during the summer session or during a fall or spring semester. Students will receive one (1) academic credit for every fifty (50) hours of work performed during the chosen academic term. Students are advised to consult with the field placement supervisor to create a suitable work schedule. To be eligible, students must have completed one year of law school and be in good academic standing. Sites may require a higher standard, however.

Placement/Field Work Credits	Total Hours of Work Required	Approx. Hours of Work Per Week	Total Credit Including Course Component
2	100	7	3
3	150	11	4
4	200	14	5
5	250	18	6

## C. Externship Class Requirements

Students who are selected for a full-time Federal Agency externship will enroll in Law 655 (the graded course) and in Law 656 for the field-work portion of the externship. Students who are selected for the full-time Federal Judicial externship will enroll in Law 780 (the graded portion of the course) and in Law 780A for the field work portion of the course. Students who enroll in the part-time Public Service Externship course will register for Law 653, which is the one-hour graded course, and Law 654 for the variable number of placement/field work credits.

The externship courses will meet periodically on campus during the semester and, depending on the placement site, other course meetings will be arranged online or through distance-learning technology. During the field placement for each of the externship courses, students will be required to submit the following assignments to successfully complete the course requirements:

- reflective essays or journals related to field work;
- a class presentation on a topic that draws upon the externship experience;
- discussion topics online via TWEN to facilitate student communication and foster experiential learning;
- bi-weekly time sheets documenting hours and work performed;
- supervisor evaluations (including a mid-semester and final evaluation); and
- full-time federal judicial and federal agency externs must write a substantive law-review style paper based upon an issue related to the externship placement and field work.

These assignments are designed to enhance the students' field experiences and are more fully described in the course syllabi.

## III. STEPS FOR REGISTRATION AND ENROLLMENT

### A. Registration

Students must attend the externship information/registration session when announced. If students cannot attend this meeting, they must set up an individual meeting with the Director of the Center for Law and Public Service or the Teaching Professor for the course. Students interested in the

Externship Program must submit a resume, unofficial transcript, cover letter, letter of recommendation (for full-time Federal Judicial or Federal Agency Externships), and a letter stating the name and contact information for the placement (or potential placement if awaiting confirmation.) Please submit a hard copy of these materials to the Director of the Center for Law and Public Service before the deadline announced each semester.

Upon approval, students will register for the appropriate externship course.

### **B. Receiving credit**

Students will submit weekly timesheets, attend any scheduled class meetings or participate in on-line discussions, and complete all course assignments.

Students must submit the signed Externship Supervisor Agreement available on the class TWEN site.

Students must complete all field placement work in a competent and professional manner in accordance with the relevant Rules of Professional Conduct.

Students must submit a Final Evaluation from their supervisors (unless you are working with the Federal Judiciary).

## **IV. FIELD PLACEMENT SUPERVISION**

Field placements are asked to identify one person, who must be a lawyer, who will be the student's primary supervisor and contact person for the externship. The field supervisor at the chosen placement must agree to support the student's educational goals. While a student will often perform assignments for multiple lawyers at an organization, the externship requires that one person is designated as the field supervisor and mentor for the student. The supervisor and student should meet at least once per week to review assignments and discuss questions. The supervisor will complete a final letter of evaluation to be submitted by the end of the semester.

Students are asked to coordinate with their field placement supervisors to complete the following tasks:

- meet with the field placement supervisor at the beginning of the placement to discuss the student's learning goals during the placement;
- meet with the supervisor weekly to review and evaluate assignments, overall performance, and general issues; and
- set up a final evaluation exit meeting to obtain a final evaluation form from the field supervisor and submit it to the Teaching Professor for the course. The final evaluation form must also include a certification of hours from the Field Placement Supervisor.

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## **2. PRO-BONO**

The Center for Law and Public Service promotes public service opportunities for law students, including opportunities for pro bono work. The term "pro bono" means "for the public good." In the legal profession, pro bono work refers to work that is performed voluntarily and free of charge. Pro bono service is the responsibility of all members of the legal profession. WVU's pro bono program allows law students to begin pro bono service now and encourages students to develop a lifelong commitment to pro bono work.

The WVU College of Law pro bono program partners with legal services organizations and community agencies to provide opportunities for law students to serve those in need. Pro bono projects will be designed to aid individuals or families of limited means; charitable, community and governmental organizations who provide assistance to those of limited means; and activities for improving the law, the legal system, or the legal profession. Pro bono work may not be for credit and will not include work done for a clinic or externship. All pro bono work must be supervised by a licensed attorney and will be tracked by the Center for Law and Public Service.

For more information about pro bono opportunities and guidelines, see the Pro Bono Handbook. If you have questions about or suggestions for a pro bono project, please see Jennifer Powell, Director of the Center for Law and Public Service.

# Professional Responsibility and Bar Admission

## A. PROFESSIONAL RESPONSIBILITY

1. About the Student Code of Professional Responsibility
2. Dismissal for Misconduct
3. Academic Rights and Responsibilities (WVU)

## B. WVU COLLEGE OF LAW STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

1. The Ethics Council
2. Academic Responsibility and Duties
3. Adjudicatory Procedures
4. Faculty Review
5. Sanctions
6. Appeal
7. Complaints Against Graduating Students
8. Miscellaneous Procedures
9. Amendment or Repeal Procedure
10. Adoption Procedure

## C. BAR ADMISSION

1. Admission to Practice
2. The Bar Exam
3. Action Checklists for Law Students
4. Bar Preparation Courses

## A. PROFESSIONAL RESPONSIBILITY

1. About the Student Code of Professional Responsibility (p. 43)
2. Dismissal for Misconduct (p. 43)
3. Academic Rights and Responsibilities (WVU) (p. 43)

### A.1 ABOUT THE STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

The students and faculty of the College of Law have adopted a Code of Professional Responsibility to prevent and punish academic misconduct by students in the College. A copy of that Code is included in this Student Handbook and is binding on all students. Enforcement of the Code rests principally in the hands of the student body with oversight by the faculty and the designee of the President of the University. Infractions are investigated and adjudicated by the Student Ethics Council.

### A.2 DISMISSAL FOR MISCONDUCT

In view of its public and professional responsibilities with respect to admission of candidates to the practice of law, the West Virginia University College of Law reserves the right to drop any student from the rolls whenever, by formal decision reduced to writing, the faculty finds that the student is unfit to meet the qualifications and responsibilities of the legal profession. Dismissal is considered whenever a student is involved in serious criminal conduct or conduct that would justify professional disciplinary action if the person were a lawyer. Students remain subject to all general rules and regulations of the University and the West Virginia Board of Governors and to the Student Code of Professional Responsibility.

### A.3 ACADEMIC RIGHTS AND RESPONSIBILITIES (WVU)

The Office of Student Conduct, located in Boreman North, is staffed by a member of the Office of Student Life and is available to assist any student, student organization, staff member, faculty member, or administrator in understanding and applying the West Virginia University Campus Student Code (<http://studentconduct.wvu.edu>). Should you have any questions or concerns, please contact LiDell Evans or the Office of Student Conduct at 304-293-8111. In case of conflicts, the Law Student Code of Professional Responsibility controls.

## B. WVU COLLEGE OF LAW STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

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1. The Ethics Council (p. 44)
  2. Academic Responsibility and Duties (p. 45)
  3. Adjudicatory Procedures (p. 46)
  4. Faculty Review (p. 48)
  5. Sanctions (p. 48)
  6. Appeal (p. 49)
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  9. Amendment or Repeal Procedure (p. 49)
  10. Adoption Procedure (p. 49)
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**Preamble.** The cornerstone of our legal system is the integrity of the individual lawyer. As future lawyers, our conduct is governed by the highest standards of ethics. As students enrolled in the West Virginia University College of Law, we recognize and accept the following standards, obligations, and responsibilities as governing our actions and conduct. This Student Code of Professional Responsibility (the "Student Code") is intended to supplant Article III, B.1., governing acts of academic dishonesty, of the West Virginia University Student Conduct Code for students enrolled in the College of Law.

### THE ETHICS COUNCIL

#### A. Composition

1. There is hereby created an Ethics Council composed of three members from each class.
2. The members of the Council shall be elected at the end of the spring semester in conjunction with the election of class officers. Any student, full or part time, who is in good academic standing, shall be eligible to run for a seat on the Ethics Council. An elected member of the Ethics Council must relinquish the office if he/she fails to remain a student in good academic standing. First-year members shall be elected in the fall of their entering year. Such elections shall be conducted by the Student Bar Association. The terms of office for the members of the Ethics Council shall run from their election to the election of their successors, with the following qualifications:
  - a) The terms of graduating members shall expire on graduation;
  - b) The terms of members who are in the process of hearing a case when their successors are elected shall be extended to allow the members to complete the proceeding;
  - c) The elected representatives of the second- year class to the Ethics Council not reelected in the spring election and, if necessary, the elected representatives of the first year class not re-elected in the spring election, shall continue to serve until the election of the first- year class members of the Ethics Council. Upon the election of the first-year representatives to the Ethics Council, the holdover members' term shall end.
3. A vacancy on the Ethics Council shall be filled by appointment by the remaining members of the Ethics Council. The individual selected to fill the vacancy shall be a member of the class in which the vacancy occurs. The appointee shall serve for the remainder of the unexpired term.
4. The Chairperson shall be elected from among the third-year class representatives to the Ethics Council within two weeks of the election of the first- year class representative. From the time of the election of the representatives of the Ethics Council in the spring semester until the selection of the Chairperson after the first-year election in the fall semester, the rising third-year student to receive the greatest number of votes in the most recent election shall serve as Chairperson.

#### B. Investigative Panel and Hearing Panel

1. **Composition:** Following the elections in the spring semester, after the election of the Chairperson in the fall semester and at the beginning of the second semester, the Chairperson shall appoint from the members of the Ethics Council an Investigative Panel of three persons, no more than two of whom shall be from the same class in law school. The Chairperson of the Ethics Council shall designate one member of the Investigative Panel to serve as its Chairperson.
2. **Duties:** The Investigative Panel shall investigate and collect evidence and information concerning any complaints involving an alleged violation of this Student Code. Upon completion of the investigation, the Investigative Panel shall take action as set forth in Section III (A)(1).
3. **Hearing Panel:** The remaining members of the Ethics Council will serve as the Hearing Panel for the purpose set forth in Section III (C).

#### C. Quorum and Margin of Decision:

1. Two members shall constitute a quorum for the Investigative Panel, and the decision to charge a violation of the Student Code must be concurred upon by two members of the Investigative Panel.
2. Four members shall constitute a quorum of the Ethics Council Hearing Panel, and the vote of sixty percent of those in attendance shall be necessary to find a violation of the Student Code. For all other purposes, a simple majority shall decide issues which may arise, including votes on recommended sanctions.

#### D. Duties of the Ethics Council:

1. The Ethics Council shall promulgate, consistent with the provisions of this Student Code, such rules and regulations and prescribe such procedures as shall be necessary and proper to fairly and impartially fulfill its obligations under this Student Code. Upon the approval of the faculty, the rules and regulations shall become final unless subsequently amended as provided for in this paragraph.
2. Before each examination period, the Ethics Council shall take appropriate action to remind the student body of its obligation and responsibilities under the Student Code.
3. At the beginning of each school year, the Ethics Council will make a presentation on the Student Code as part of the orientation of incoming students.
4. The Ethics Council shall be responsible for the investigation and adjudication of alleged violations of this Student Code as set forth herein.

## ACADEMIC RESPONSIBILITY AND DUTIES

**A. Academic Responsibility.** The West Virginia University College of Law expects every member of its academic community to share the historic and traditional commitment to honesty, integrity, and the search for truth. In keeping with this spirit, it shall be a violation of this Student Code for any student or applicant for admission to commit any act of academic dishonesty, which is defined to include, but is not limited to, the following:

1. Plagiarism: Plagiarism is defined in terms of proscribed acts: Students are expected to understand that such practices constitute academic dishonesty regardless of motive. Those who deny deceitful intent, claim not to have known that the act constituted plagiarism, or maintain that what they did was inadvertent are nevertheless subject to penalties when plagiarism has been confirmed. Plagiarism includes, but is not limited to, the following:
  - a. Submitting as one's own work the product of someone else's research, writing, artistic conception, invention, or design; that is, submitting as one's own work any report, notebook, speech, outline, theme, thesis, dissertation, commercially prepared paper, musical piece or other written, visual, oral or electronic/computerized material that has been copied in whole or in part from the work of others whether such source is published or unpublished;
  - b. Incorporating in one's submission, without appropriate acknowledgment and attribution, portions of the work of others; that is, failing to use the conventional marks and symbols to acknowledge the use of verbatim and near-verbatim passages of someone else's work or failing to name the source of words, pictures, graphs, etc., other than one's own, that are incorporated into any work submitted as one's own.
  - c. A student has a duty to report any other student(s) that he/she sees violating this rule against plagiarism in any way.

Every professor is allowed to establish a collaboration policy for his/her own course. Please refer to the course syllabus to learn what is permissible. However, one should always assume that collaboration is not permitted, unless the syllabus or professor specifically allows it.

2. Cheating and dishonest practice in connection with examinations, papers and projects, including but not limited to:
  - a. Obtaining help from another student during examinations;
  - b. Knowingly giving help to another student during examinations, taking an examination or doing academic work for another student, or providing one's own work for another student to copy and submit as his/her own;
  - c. The unauthorized use of notes, books, or other sources of information during examinations;
  - d. Obtaining without authorization an examination or any part thereof;
  - e. Obtaining without authorization any help from another student.
  - f. Forgery, misrepresentation, or fraud: Forging or altering, or causing to be altered, the record of any grade in a grade book or other educational record; Use of university documents or instruments of identification with intent to defraud; Presenting false data or intentionally misrepresenting one's records for admission, registration, or withdrawal from the university or from a university course; Knowingly presenting false data or intentionally misrepresenting one's records for personal gain; Knowingly furnishing the results of research projects or experiments for the inclusion in another's work without proper citation; Knowingly furnishing false statements in any university academic proceeding. It is a violation of the Code for any student who witnesses a Student Code violation or who has credible information that a violation was committed to fail to report the violation to the Ethics Council, a faculty member, or a dean.

It is a violation of the Student Code for any student or applicant for admission at anytime to intentionally lie, give false information, make material misrepresentations, or omit material facts to the faculty, administration, or any student organization in the course of the academic, extracurricular, co-curricular, admissions, or placement programs of the College of Law. It is a violation of the Student Code for an officer or member of a student organization to (a) discourage observing members from reporting questionable conduct to the Ethics Council, or (b) sanction an organization member for reporting possible violations of the Student Code to the Ethics Council.

It is a violation of the Student Code for any student to refuse to cooperate with the Ethics Council in its conduct of an investigation or hearing.

## B. Duties

1. Faculty members have a responsibility to support and enforce the Student Code and should report suspected violations to the Ethics Council.
2. If a faculty member reduces a student's grade because of a suspected violation of the Student Code, the faculty member must give the student written notice of the fact and size of the penalty. If the faculty member learns of the suspected violation after grades were submitted, the faculty member may reduce the student's grade upon notice to the student and without faculty approval.
3. If the student elects not to contest the grade reduction, that reduction shall become final and no further action, pursuant to this Code, shall be taken. If the student whose grade has been reduced because of a suspected violation elects to contest the grade, he or she may do so by invoking the procedures described in Part III, below. The faculty member's notice to the student shall then serve as a complaint to the Ethics Council, and the Council shall process the charge as it would any other. Both the Ethics Council and, if review is sought, the faculty, retain the discretion to overrule, decrease, or increase the penalty imposed by the faculty member and to assess any other sanction in addition to or instead of the original penalty. In all cases in which a student challenged a grade that was reduced because of a suspected violation of the Student Code, the procedures in Part III shall supersede the normal grade appeal procedures as to all issues relating to academic dishonesty.

## III. ADJUDICATORY PROCEDURES

### A. Complaint

1. Initial Inquiry: Upon receipt of a complaint alleging a violation of the provisions of this Student Code, the Chairperson of the Investigative Panel of the Ethics Council will convene a meeting of the Investigative Panel. The Investigative Panel will convene within seven calendar days from receipt of the complaint when classes are in regular session; or within four days after classes resume if the complaint is received during a period in which classes are not scheduled to meet including examination periods. It shall be the duty of the Investigative Panel to conduct such investigations as necessary, being as discrete as possible, into the allegations. When the initial inquiry is completed, the Investigative Panel shall either (1) close the case by recording its findings of fact and conclusion that no violation occurred and providing the charged student(s) with a copy (with the name of any complaining student deleted); or (2) upon a finding concurred in by two or more of its members that there is reason to believe a violation of the Student Code exists, institute a formal investigation of the charges.
2. Formal Investigation: If the Investigative Panel determines there is reason to believe a violation of the Student Code has occurred, it shall select one or more of its members or some other student enrolled within the College of Law to serve as Presenter of the alleged violation. In deciding who should serve as Presenter, the Investigative Panel shall consider:
  - a) The student's ability to perform the duties of Presenter with discretion and without prejudice;
  - b) Whether personal relations with the accused or known witnesses would inhibit or unduly influence the performance of his or her duties;
  - c) Whether the reported violation occurred during a course of activity in which he or she has an interest; and
  - d) any other conflict.
3. When the Investigative Panel reports to the Hearing Panel that probable cause for a violation exists, the Ethics Council Hearing Panel will contact the accused in writing and inform him or her:
  - a) of the alleged violation and course of conduct to be investigated as a violation of the Student Code; and
  - b) that he or she is entitled to be assisted by an advisor of his or her choice, provided, however, the advisor may not be a member of the College of Law faculty. The advisor may fully represent the student in all capacities as the accused finds necessary.

### B. Procedure

1. Within twenty regularly scheduled class meeting days after his or her appointment, the Presenter will complete the investigation of the charges and will prepare a written account of the relevant facts.
2. Upon completion of the investigation, the Presenter will meet with the Ethics Council Investigative Panel and present a detailed summary of the result of the investigation. If it is reaffirmed that probable cause for a violation exists, the Investigative Panel shall advise the Chairperson of the Ethics Council Hearing Panel of the formal charges and request a date for a hearing. At least twenty regularly scheduled class days before the hearing date, the Chairperson of the Hearing Panel will notify the accused, in writing:



- a) of the date, time, and place of the hearing;
  - b) of the specific charges and course of conduct alleged to constitute a violation of the Student Code; and
  - c) that he or she is entitled to the assistance of an advisor of his or her choice provided, however, the advisor is not a member of the College of Law faculty. The advisor may fully represent the student in all capacities as the accused finds necessary or appropriate.
3. If upon hearing the report of the Presenter, the Ethics Council Investigative Panel concludes probable cause for a violation does not exist, it shall dismiss the charges.
  4. If the matter is dismissed, the Ethics Council Investigative Panel will notify the accused, in writing, of the final disposition of the complaint. Once a matter is finally disposed of at this stage, it shall not be re-opened by the Ethics Council, but the decision to dismiss may be appealed to the faculty pursuant to III(C)(6).
  5. Should a violation occur at the end of a semester, the Ethics Council shall delay the proceedings until the next semester unless the accused makes a written request to expedite the matter and the Ethics Council concludes that the matter may be fairly adjudicated. The accused's ability to prepare and present his or her defense shall be a persuasive factor. If the violation involves a "graduating senior," see sections V and VII.
  6. Upon a showing of good cause, the time periods set forth in this section may be altered by the Ethics Council Hearing Panel.

### C. Hearing

1. The Chairperson will preside over the hearing which may be attended by all members of the Ethics Council, the accused, the accused's advisor, and testifying witnesses. Members of the Hearing Panel shall have the duty to disqualify themselves from the Hearing Panel if they believe that they cannot reach an impartial decision, if there is a conflict of interest, or if he or she has a personal involvement in the matter. Once a member has disqualified him or herself, he or she shall not participate any further in the proceedings against the accused. In addition, the student accused of a violation of the Student Code shall have the right to challenge a member of the Hearing Panel for good cause shown. Upon such a challenge, the remaining unchallenged members of the Hearing Panel shall decide the merits of the challenge. Except for witnesses, who shall be sequestered, the hearing will be open to the public unless the accused requests a closed hearing. A request for a closed hearing must be made in writing to the Chairperson at least forty-eight hours before the scheduled time of the hearing. It shall be within the discretion of the Hearing Panel to grant the accused's request for a closed hearing.
2. At the hearing, it will be the duty of the Presenter to seek the truth. The accused may rebut any testimony presented and present his or her defense or proof of such mitigating circumstances as the accused deems necessary or appropriate, or both.
3. The hearing will be conducted under the following rules of procedure:
  - a) the Ethics Council Hearing Panel may admit and give probative effect to evidence, including hearsay which possesses probative value. It may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence;
  - b) documentary evidence may be received in the form of copies, excerpts, or incorporated by reference;
  - c) the accused and the Presenter will have the right on every issue:
    - i) to call witnesses and present evidence;
    - ii) to cross-examine all witnesses called to present evidence at the hearing;
    - iii) to examine and rebut all documents;
    - iv) to submit rebuttal evidence; and
    - v) to present summation and argument.
  - d) The Hearing Panel shall decide the issue of guilt solely upon the evidence presented at the hearing. The burden of proof required to sustain any violation of the Student Code lies with the Presenter. The standard of proof is by a preponderance of the evidence.
4. At the conclusion of the hearing, the Ethics Council Hearing Panel will resolve the issue of guilt of the accused.
  - a) Within two regularly scheduled class days, but in no event more than seven days, of the conclusion of the hearing, the Ethics Council Hearing Panel will inform the accused, in writing, of its decision, and if guilty, the sanctions it will recommend.
  - b) If the accused is found to be not guilty, the Ethics Council shall set forth its findings in writing and dismiss the charges with prejudice and any and all records except the academic records, examination, or seminar papers of the College of Law, will be sealed and, after the expiration of any appeal time, may be destroyed with the written consent of all parties. A decision of not guilty may be appealed to the faculty by the Presenter or by the faculty member whose course is involved, if any, or the advisor of the co-curricular or extracurricular activity, if one is involved.

c) If the accused is found guilty of a violation of the Student Code, the Ethics Council Hearing Panel will prepare a complete report of findings of fact, together with a recommendation of sanction, and submit the report, in writing, to the Associate Dean for Academic Affairs (hereinafter the Associate Dean) for faculty action. Notice of such submission and a copy of such shall be given promptly to the accused. The accused may also submit his or her written recommendations of sanctions or explain mitigating circumstances. The accused shall have the right to appeal to the faculty.

d) An appeal to the faculty of the College of Law of a decision by the Ethics Council Hearing Panel shall be made in writing, within thirty calendar days from the date of written decision of the Ethics Council Hearing Panel.

## IV. FACULTY REVIEW

**A. Scope of Review.** It is expressly provided that all findings of guilty or not guilty, dismissal, or the recommended sanctions may be appealed to the College of Law faculty. Upon appeal, the faculty shall have the discretion (1) to review the records from the Ethics Council Hearing Panel, (2) to permit appellate argument on the record of the proceedings before the Ethics Council Hearing Panel, or (3) to hear the case de novo. The faculty may review the legal standards applied by the Ethics Council and procedures it employed.

### B. Procedure:

1. The Associate Dean or the Associate Dean's designee shall preside at the faculty hearing.
2. For the purposes of an appeal under the Student Code, the faculty shall consist of those individuals entitled to attend executive sessions of the faculty.
3. Any faculty member who has a conflict of interest or personal involvement in the matter shall excuse himself or herself from hearing the case on appeal. The accused shall have the right to challenge a faculty member for good cause shown. Upon such challenge, the remaining unchallenged members of the faculty shall decide the merits of the challenge.
4. A majority of the faculty entitled to hear the case shall constitute a quorum.
5. A vote of sixty percent of the faculty hearing an appeal shall be necessary to find a student accused of violating the Student Code guilty. All other matters, including a recommendation of sanctions if the student is found guilty, shall be resolved by majority vote.
6. The accused shall have the right to be assisted by an advisor at all proceedings before the faculty on appeal, provided, however, the advisor shall not be a member of the College of Law faculty.
7. If the proceeding before the faculty is a de novo hearing, the rules set forth in III (C) shall apply, including the standard of proof.
8. If the proceeding before the faculty is a review of the record or a review of the record with arguments, the Ethics Council's Hearing Panel shall be affirmed if its decision is supported by substantial evidence.
9. If the appeal from the Ethics Council concerns only the recommended sanction, then all arguments to the faculty shall be submitted in writing and without oral arguments.
10. In the event of an appeal of a decision of the Ethics Council, the Associate Dean for the College of Law shall designate the Presenter, provided, however, the Presenter shall not be a member of the College of Law faculty.
11. The Associate Dean shall establish such additional procedures as necessary and as are consistent with the Student Code for conducting appeals from the Ethics Council Hearing Panel.

**C. Faculty Decision.** Consistent with the ABA Standards and its Interpretations (Standard 205), the decision of the faculty shall be final subject only to an appeal as set forth in Section VI. If the decision of the faculty is guilty, the faculty shall recommend appropriate sanctions to the Associate Dean.

## V. SANCTIONS

**A. Overview.** The following sanctions are not intended to constitute the exclusive list of sanctions which may be recommended to the Associate Dean of the College of Law by the Hearing Panel or the faculty.

1. Reconsideration by the professor of the grade or credit to the violator of the specific course involved;
2. Written reprimand to be placed in a student's College of Law academic file;
3. Ineligibility to participate in any co-curricular activity, or to receive a scholarship, loan, grant in aid, or employment, any of which are administered by the College of Law;
4. Suspension for one or two semesters, the first being the semester during which the offense occurred; or
5. Dismissal from the College of Law.

**B. Imposed Sanctions.** The sanctions imposed shall be commensurate with the nature of the violation. Failure to report a violation shall constitute grounds for the sanction of public censure, written reprimand placed in a student's academic file, or ineligibility to participate in any co-curricular activities.

## VI. APPEAL

An appeal of the faculty's decision or the sanctions imposed by the Associate Dean may be made to the Dean of the College of Law who, pursuant to the provision of Section 6.3.4 of the West Virginia University Board of Governors Policy 15, Student Academic Rights, has been designated by the President of West Virginia University as the President's designee to hear such appeals. Before reaching a decision on the Appeal, the Dean, as the designee of the President, shall consult with University Counsel to assure that all applicable procedural policies and rules have been followed. Following this consultation with University Counsel, the Dean shall render his or her decision within thirty calendar days after the receipt of written notice of the appeal. The decision of the Dean, as designee of the President, shall be final.

## VII. COMPLAINTS AGAINST GRADUATING STUDENTS

If a complaint is received by the Ethics Council within the fourteen calendar days preceding the date of graduation of the accused student, the Ethics Council has authority to expedite the procedure outlined so long as the Ethics Council believes that the matter may be fairly adjudicated. If the Council concludes the matter cannot be fairly adjudicated before graduation, the student's diploma will be withheld pending resolution of the charge. If the accused is found guilty of a violation of the Student Code, the Ethics Council may recommend that he or she not be allowed to graduate from the College of Law or that graduation be delayed until prescribed conditions are met.

## VIII. MISCELLANEOUS PROCEDURES

All hearings described in Section III will be documented and a record maintained. A permanent record of all documents will be kept for all findings of guilt by the Ethics Council. For findings of not guilty, all such documents, except records the College of Law maintains for all students as a normal part of the records, will be sealed, and, with the written consent of all parties, destroyed after expiration of the appeal period. An audiotape or written transcript of the hearing delineated in Section III (C) shall be made and provided for use on appeal. Thereafter, it may be destroyed.

## IX. AMENDMENT OR REPEAL PROCEDURE

**A. Student-Initiated Amendment or Repeal.** This Student Code may be amended or repealed at any time. In order to initiate such amendment or repeal, a petition which sets forth the proposed amendment or calls for the repeal of this Student Code that contains the signatures of fifteen percent of the entire student body of the College of Law shall be presented to the Ethics Council. The proposed amendment or petition to repeal shall be posted for two weeks upon the appropriate bulletin boards within the College of Law. Approval of sixty percent of the student body shall be required for adoption of the amendment or repeal of the Student Code. The election shall be by secret ballot.

**B. Ethics Council or Faculty-Initiated Amendment or Repeal.** Amendment or repeal may also be proposed by a resolution approved by either a majority of all the members of the Ethics Council or a majority vote of the faculty. An amendment or repeal of this Code shall be effective upon ratification by the College of Law faculty.

**C. Invalidation.** Invalidation of any part of this Student Code for any reason shall not affect the validity of the rest of the Student Code.

## X. ADOPTION PROCEDURE

This Student Code must be ratified by the faculty of the College of Law followed by approval of sixty percent of the students. The students shall vote in a referendum by secret ballot. The election shall be conducted by the Student Bar Association.

Adopted: April 4, 1991

Last Revised: July 1999

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## C. BAR ADMISSION

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1. Admission to Practice (p. 50)
2. The Bar Exam (p. 50)
3. Action Checklists for Law Students (p. 51)
4. Bar Preparation Courses (p. 52)

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An ex-president of West Virginia University, who now teaches at the College of Law, likes to remind incoming law students that they are not going TO law school, but rather THROUGH law school.<sup>1</sup> He is right. New law students should realize that the first day of law school is actually the first day of a career as a lawyer. The first thousand days of that career (approximately) will be spent in studying how to be a lawyer and making strategic choices that help assure successful completion of a state bar exam and successful admission to practice.

<sup>1</sup> Professor David Hardesty.

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## C.1 ADMISSION TO PRACTICE

A lawyer may not practice without a license. Because each state establishes its own licensing procedures, the process of admission to practice varies from state to state. Although the application is typically submitted to the state in the spring semester of the third year of law school, some states require early notice of an intent to practice within the state's borders. Some even permit a law student to begin the application process early in the law school career at a significantly reduced price. Obviously, every first-year law student should review the application rules in the states where the student plans to practice.

The National Conference of Bar Examiners (NCBE) maintains a website that includes state-by-state bar admission information that is regularly updated with contact addresses, phone numbers, and web sites where application procedures can be reviewed. Access the NCBE website at this address: [www.ncbex.org](http://www.ncbex.org).

Each state's admission process includes a character and fitness review that takes place after graduation. The character and fitness review is essentially a background check to assure that the applicant will practice law competently and ethically. The review is comprehensive but particularly scrutinizes the applicant's record during the three years of law school. Hence, it is particularly important that incoming law students adopt a professional persona that evolves positively during the law school career. For example, a law student who blemishes his or her reputation with substance abuse offenses may be delayed in the admission process until the state's character and fitness committee is assured that the applicant has resolved all issues that might negatively impact the applicant's ability to practice law competently and ethically. On the other hand, if an applicant has a past history of substance abuse, but has faced and solved that problem, past events are unlikely to prevent the applicant from being admitted to practice.

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## C.2 THE BAR EXAM

Because each state decides how to structure its bar exam, every first-year law student should research the specifics of the exams in the states where the student will practice. The NCBE creates a national bar admission exam that consists of four parts: the Multistate Bar Exam (MBE) (200 multiple-choice questions); the Multistate Professional Responsibility Exam (MPRE) (50 multiple-choice questions); the Multistate Essay Exam (MEE) (six essay questions); and the Multistate Performance Test (MPT) (two ninety-minute questions that focus on a practical lawyering task). Almost every state has adopted one or more of these national tests as part of the state-specific exam.

Some states also have a state-created component. Thus, a state's bar exam can consist of NCBE components and state-specific components, and a law student who wishes to be prepared for the exam must research the exam format as well as the subjects tested by the exam.

Careful planning of coursework during law school can help assure that the student is well prepared for the exam. Although a student need not take every course tested by the bar exam, the summer bar exam prep period is too short to self-teach all the subjects that are tested. Hence, a law student should plan law school coursework with an eye toward being prepared.

West Virginia's bar exam consists of all four tests created by the NCBE. Most students take the Multistate Professional Responsibility Exam after finishing the second year of law school. The post-graduation bar exam given in February for December graduates, and in July for May graduates consists of the Multistate Bar Exam, Multistate Essay Exam, and Multistate Performance Test. The following subjects are tested:

Subjects tested by the MBE:

- Constitutional Law
- Contracts/Sales
- Criminal Law
- Criminal Procedure
- Evidence
- Federal Civil Procedure
- Real Property
- Torts

Subjects tested by the MEE:

- Business Associations (Agency and Partnership; Corporations and Limited Liability Companies)
- Conflict of Laws
- Constitutional Law
- Contracts
- Criminal Law
- Criminal Procedure
- Evidence

- Family Law
- Federal Civil Procedure
- Real Property
- Torts
- Trusts and Estates (Decedents' Estates; Trusts and Future Interests)
- Uniform Commercial Code (Secured Transactions)

### C.3 ACTION CHECKLISTS FOR LAW STUDENTS

The following checklists can help a law student stay on-track for successful completion of the bar exam and the admission to practice process.

#### 1L YEAR:

- Check the state's website for licensing requirements and bar exam information.
- Make a note of the subject matter covered by the state exam and use this information in planning coursework during the three years of law school.
- If your state permits early application, consider applying now to save money.
- If you have character and fitness review concerns because of past or present events, start resolving those issues now. The same advice applies to financial issues that affect your credit history.
- Note whether your state requires the applicant to complete service hours while in law school (some states now require applicants to have completed a certain number of hours in an experiential learning environment prior to application).
- Start saving for the 3L expenses of graduation, admission to practice, and a bar exam prep course. Plan on having at least \$8,000 to cover these costs and summer expenses.

#### 2L YEAR:

- Review the 1L Year checklist and update.
- Complete the Professional Responsibility course and take the MPRE during the summer.
- Revisit the state's website to note any possible changes.
- Plan your coursework strategically.

#### 3L YEAR:

- Do a transcript check in the fall. Will you graduate as planned?
- Visit the website of the West Virginia Board of Law Examiners (or the website in the state where you will take the bar).

##### 1. Print and read the bar application materials.

- A. What are the state's licensing requirements?
- B. What is the deadline for the application?
- C. What fees are applicable? Do I need financial help?
- D. Where will I complete the character review?
- E. What can I do now to start the process?
- F. Are there other deadlines?

##### 2. Understand the Bar Exam.

- A. What are the dates/location of the bar exam?
- B. What kinds of tests are on the bar?
- C. What subjects will be tested?
- D. How are the tests scored?
- E. What is the "passing" score?

- Visit the website of the National Conference of Bar Examiners (<http://www.ncbex.org>) at the end of the first semester and begin the application for admission no later than January 1. (The application can take weeks to complete with all the required information.)
- Learn as much as you can about the review programs for the bar exam, e.g., Kaplan, Barbri, and Themis. Choose one comprehensive program, pay for it, and get the books early for an early start!

- Assess the degree to which you are at risk for not passing the bar exam. Then make a plan to build on your strengths and minimize those risks.
- Make a realistic plan for your summer that includes at least 600 hours of on-task study time prior to the exam (the number of hours that most students say it takes to be ready for the exam).

**NOTE:** If any change to your student record occurs at any point (DUI, arrests, etc.), you must notify the Assistant Dean for Student Affairs and produce the information in written form for your student file. The Board of Bar Examiners will expect the information they review regarding your record to match what the College has on record in your student file.

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## C.4 BAR PREPARATION COURSES

The College of Law currently offers several for-credit bar exam preparation courses.

**Multistate Performance Test Workshop:** This one-credit course, which encourages students to learn how to apply substantive law in the context of a Performance Test examination, is open to select (by invitation only) upper-level students. The class provides in-depth training in legal reasoning for law school exams, the bar exam, and legal practice. Students receive guidance and feedback on all written work from the professor about ways to improve their legal reasoning skills.

**Essay Writing Workshop I:** This one-credit course is open to all third-year students. The course provides an overview of the bar exam, assists students with completing their character and fitness application, addresses how to study and spot issues in essay questions, and teaches students how to write essay questions.

**Essay Writing Workshop II:** This one-credit course is occasionally offered in conjunction with Essay Writing Workshop 1 to provide an additional hour of credit for select students who would benefit from supplemental instruction.

## **Social Justice Policies**

### **A. NON-DISCRIMINATION AND EQUAL OPPORTUNITY**

### **B. STUDENTS WITH DISABILITIES**

### **C. SEXUAL HARRASSMENT**

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#### **A. NON-DISCRIMINATION AND EQUAL OPPORTUNITY**

The West Virginia University College of Law is an affirmative action/equal opportunity institution. The College does not discriminate on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, or veteran status in the administration of any of its education programs or activities or with respect to admission and employment.

The College neither affiliates knowingly with nor grants recognition to any individual, group, or organization having policies that discriminate on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, or veteran status as defined by the applicable laws and regulations.

Implementation of this policy is spelled out in the West Virginia University Student Handbook and in other pertinent University documents.

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#### **B. STUDENTS WITH DISABILITIES**

Students with disabilities receive appropriate accommodation on a case-by-case basis. Any student seeking an accommodation must submit proof of disability to the University Office of Accessibility Services (<http://accessibilityservices.wvu.edu>) (304-293-6700) and obtain from that office a letter setting forth recommended accommodations. That student shall present that letter to the Assistant Registrar for the College of Law, who shall arrange appropriate accommodation. If the disability arises from an emergency illness or injury, the student shall notify the Assistant Dean for Student Life as soon as the emergency occurs and shall complete the process under the direction of the Assistant Dean. No student may receive retroactive accommodation for any disability.

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#### **C. SEXUAL HARRASSMENT**

The College of Law liaison for sexual harassment for faculty, staff, and students is the Assistant Dean for Student Life (304-293-7320). Discussions are in complete confidence, and most problems can be resolved without the involvement of anyone other than the liaison and the persons directly involved. Services are also available to students, staff, and faculty through the liaison's access to educational materials.



# Student Organizations, Guidelines, and Services

## A. COLLEGE OF LAW ORGANIZATIONS

1. Co-Curricular Organizations
2. Recognized College of Law Student Organizations
3. Directory of Administrative Personnel for Student Organizations
4. Rules and Policies for Student Organizations

## B. CONSTITUTION OF THE SBA

## C. COLLEGE OF LAW SERVICES

1. Academic Excellence Program
2. Professional Writing Center
3. Meredith Career Services Center
4. College of Law Bookstore and Café
5. Financial Aid
6. Scholarships
7. Technology Services
8. Communications
9. Web Information

## D. UNIVERSITY SERVICES

1. General Information
2. Health Services
3. Student Activities and Organizations

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## A. COLLEGE OF LAW ORGANIZATIONS

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1. Co-Curricular Organizations (p. 54)
2. Recognized College of Law Student Organizations (p. 56)
3. Directory of Administrative Personnel for Student Organizations (p. 56)
4. Rules and Policies for Student Organizations (p. 57)

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Student organizations are a vital part of the College of Law culture. Involvement promotes contact with other students who share your interests and provides opportunities to develop skills outside the classroom setting.

For any question regarding Student Affairs Services, please contact the Assistant Dean for Student Affairs or the Assistant Dean for Academic Affairs.

### Assistant Dean for Student Life

**Tina Jernigan**

Phone: 304-293-6253

Email: [tina.jernigan@mail.wvu.edu](mailto:tina.jernigan@mail.wvu.edu)

### Associate Dean for Academic Affairs

**Kendra H. Fershee**

Phone: 304-293-6667

Email: [kendra.fershee@mail.wvu.edu](mailto:kendra.fershee@mail.wvu.edu)

## A.1 CO-CURRICULAR ORGANIZATIONS

### 1. Law Review

The West Virginia Law Review is a professional, student-governed legal journal that publishes articles of interest to legal scholars, students, legislators, and members of the practicing bar. Founded in 1894, the West Virginia Law Review is the fourth oldest law review in the United States and publishes

three issues each year. Student members of the Law Review write, solicit, select, and edit articles and are involved in all stages of preparing issues for publication.

Membership on the Law Review is available only to second- and third-year students. To be eligible for membership, students must obtain a minimum GPA of 2.5 in first-year courses. Law Review participants who complete membership requirements receive up to four hours of credit.

Invitations for membership are based on a summer writing competition where students must write a short student article on a predetermined issue of law. After the write-on competition, there are two ways in which students are extended membership: 1) academic performance combined with writing score or 2) writing score alone. For students ranking in the top fifteen percent of their class at the end of the first year, the student article accounts for thirty-five percent of the total score, and first-year grades account for sixty-five percent of the total score. For all other students, the student article accounts for 100 percent of the total score. The number of invitations extended in this competition is dependent upon the quality of papers submitted. The maximum Law Review membership is forty-two students.

## **2. M.E. Lugar Trial Association**

The Lugar Trial Association is a co-curricular course designed to assist students in developing litigation skills through a mock trial program. Teams of students compete in a minimum of four mock trials per year, as well as participate in various other trial competitions. Each trial is presided over by a practicing attorney or judge, and following the trial, each advocate is critiqued by the judge. Membership is available to second- and third-year students who have completed the Trial Advocacy course with a grade of B or better. If more than thirty students wish to participate, members will be selected by lottery. Students who successfully complete the requirements receive up to three hours of credit.

## **3. Moot Court Board**

Moot Court Board is a co-curricular organization designed to recognize and reward students for their oral and written appellate advocacy skills, as well as strengthen and further refine those skills. Board members compete in and manage the George C. Baker Cup intramural appellate moot court competition; participate in various intercollegiate, national, and international moot court competitions; and conduct monthly meetings. Each member is required to compete in an "outside" interscholastic competition.

Early each spring semester, the Moot Court Board invites second-year students to be members of Moot Court Board based upon their work in Appellate Advocacy, a required upper-level course. To be eligible for Moot Court Board, students must have completed Appellate Advocacy during the previous fall semester or in the summer session immediately preceding fall semester. In evaluating Appellate Advocacy student work, the Moot Court Board bases its decisions on appellate brief writing scores and oral advocacy scores earned in the Appellate Advocacy course. A maximum of eighteen members are chosen at that time.

The remaining second-year justices are selected through the Baker Cup Competition, which is held annually each spring semester. The Baker Cup competition is open to all second-year students who have passed Appellate Advocacy in the fall or are currently taking Appellate Advocacy in the spring. Newly selected members must participate in the competition. The Baker Cup competition ranks all competitors, uses that ranking to determine the National Moot Court Team (top six members), awards other prizes such as Best Brief and Best Oralist, and sets priorities for other outside competitions.

Moot Court Board Justices are required to maintain a 2.0 GPA and participate in at least one interscholastic appellate advocacy competition in their third year. Part-time justices must find a competition that does not require full-time status. Justices are awarded up to three hours of credit.

Students who successfully complete all the requirements for Moot Court Board membership receive up to three hours of credit.

## **4. Jessup International Moot Court**

Jessup International Moot Court is a co-curricular class in which up to five students prepare for and compete in the Jessup International Moot Court Competition. Participation in Jessup is open to second- and third-year students. Preparing for and participating in the competition begins early in the fall semester and continues until mid-spring. Students participating in Jessup sign up for a one-credit, graded class in the fall and spring semester of that year. (Members who participate in Jessup for two years thus can obtain a total of four hours credit.) Jessup students must have successfully completed or be currently enrolled in International Law.

## **5. Family Law Quarterly**

The purpose of the Family Law Quarterly ("FLQ") is, first, to make a significant contribution to the legal community by publishing material of practical and theoretical importance, and second, to give students an opportunity to work on important legal scholarship. The Board of Editors consists of law professors, judges, and lawyers who specialize in family law. The Board of Editors is responsible for soliciting, choosing topics for publication and finding authors to write articles on those topics. The Editor in Chief serves as the Chair of the Board of Editors. Second and third year students are eligible to be members of FLQ. New members to the FLQ will be considered Junior Members (JM); members who have spent one year as a Junior Member will be considered Senior Members (SM). There will be one position available to an SM to become the student Editor in Chief, and there will be one or two positions available to an SM to become an Executive Research Editor. The student Editor in Chief and the student Executive Research Editor(s) may be eligible for scholarship money that is awarded by the ABA each year.

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## A.2 RECOGNIZED COLLEGE OF LAW STUDENT ORGANIZATIONS

The following is a list of organizations that are currently active at the College of Law, subject to official recognition each school year as described below. Full descriptions of the organizations and their purpose can be found on the College of Law website (<http://law.wvu.edu/student-life/student-organizations>).

### **2017-2018**

- ACLU - American Civil Liberties Union
- ADR - Alternative Dispute Resolution Society
- Alliance for Social Justice
- American Bar Association
- Animal Law Society (WVU College Chapter of SALDF)
- Asian-Pacific American Law Students Assoc. (APALSA)
- BLSA - Black Law Students Association
- Business Law Society
- Christian Legal Society
- Class of 2018
- Class of 2019
- Class of 2020
- Community Service Council
- Defense Trial Council of West Virginia
- Democratic Law Caucus
- Energy Law Association
- Environmental Law Society
- Family Law Quarterly
- Federalist Society
- Food and Agricultural Law Society
- International Law Students Association (ILSA)
- Labor Law Society
- Marilyn E. Lugar Trial Association
- Moot Court Board
- OutLaw
- Phi Alpha Delta, Willey Chapter
- Public Interest Advocates (PIA)
- Republican Law Caucus
- Sports and Entertainment Law Society
- Student Bar Association
- Tax Law Society
- Veteran's Law Caucus
- WV Association for Justice
- WV Intellectual Property
- WV Law Review
- Women's Leadership Council (formerly Women's Law Caucus)

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## A.3 DIRECTORY OF ADMINISTRATIVE PERSONNEL FOR STUDENT ORGANIZATIONS

### **Assistant Dean for Student Life**

#### **Tina Jernigan**

Phone: 304-293-6253

Email: [tina.jernigan@mail.wvu.edu](mailto:tina.jernigan@mail.wvu.edu)

*The Assistant Dean is the administrative liaison for student organizations. See the Assistant Dean for official recognition and about elections, student organization files, budget, and other issues. The Assistant Dean is the cosigner on checking accounts.*

### **Associate Dean for Academic Affairs**

#### **Kendra H. Fershee**

Phone: 304-293-6667  
 Email: kendra.fershee@mail.wvu.edu

#### **Lisa Berry**

Payroll Representative  
 Phone: 304-293-7250  
 Email: lisa.berry@mail.wvu.edu

*Ms. Berry is responsible for ordering office supplies. Copier maintenance issues may also be discussed with Lisa.*

#### **Renee Sulipeck**

Administrative Assistant  
 Phone: 304-3293-6502  
 Email: renee.sulipeck@mail.wvu.edu

*Ms. Sulipeck is responsible for distributing keys. Building maintenance issues may also be discussed with her.*

#### **Stenja McVicker**

Business Planning Officer  
 Phone: 304-293-7357  
 Email: stenja.mcvicker@mail.wvu.edu

*Ms. McVicker serves as the Dean's Budget Officer and monitors all Student Organization expenditures.*

#### **Diane Bragg**

Accounting Assistant II  
 Phone: 304-293-7691  
 Email: diane.bragg@mail.wvu.edu

*Ms. Bragg serves as the Procurement Card Coordinator and Travel Coordinator for the College of Law and the Law Library.*

#### **Receptionist**

Phone: 304-293-5301

*The master building key sign-out log is also maintained at the front desk.*

## **A.4 RULES AND POLICIES FOR STUDENT ORGANIZATIONS**

### **Responsibilities**

- 1. Approval.** All student organizations must petition the University for official recognition. All student organizations must also get annual approval from the University to be a recognized College of Law student organization. To obtain approval, the organization must submit an "Officer Update Form" online. The Petition and Officer Update Form, as well as additional information, is also available at the University Student Engagement and Leadership website.
- 2. Recordkeeping.** The College of Law's Assistant Dean for Student Life maintains a file for each student organization. This file must contain copies of all materials pertaining to the student organization, a list of officers, the constitution, and recognition form for filing. Student organizations also may store their checkbooks and financial records in this file over the summer.
- 3. Checking Accounts.** For those organizations that have a checking account, monthly statements from the financial institution must be kept and passed on to the succeeding officers. The Assistant Dean for Student Life or the student organization's faculty advisor must be a signatory on all checks. A FEIN number for the account may be applied for online (<http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Apply-for-an-Employer-Identification-Number-%28EIN%29-Online>).
- 4. Elections.** Elections for new class officers must be held before March 15 each year. Election results must be delivered to the Assistant Dean for Student Life within two days of the election. The third-year class president runs the ballot box for the selection of Professor and Staff Member of the year. This election must be held three weeks before Honors Weekend.
- 5. Class Presidents.** During a law school class's second academic year, the class President is responsible for scheduling the class composite picture for display in the College of Law with the Director of Marketing and Communications.
- 6. Websites.** All student organizations are required to keep their websites current and to name a Webmaster each academic year. The Webmaster is responsible for maintaining on that student organization's website a current list of officers, the constitution, a descriptive paragraph of the purpose of the organization, news items, and any other updates or corrections on the Student Organizations portion of the College of Law website. For assistance, please contact Keith Walton, Director of Law School Technology, at 304-293-8556 or by email at [keith.walton@mail.wvu.edu](mailto:keith.walton@mail.wvu.edu). For other web assistance, contact James Jolly at 304-293-7439 or by e-mail at [james.jolly@mail.wvu.edu](mailto:james.jolly@mail.wvu.edu).

**7. Other.** The new SBA president is responsible for recruiting students for appointment to faculty committees and working with the Assistant Dean for Student Life to accomplish this. The SBA also is responsible for providing the Assistant Dean for Student Life with information for the College of Law's summer newsletter.

### Rooms/Equipment

- 1. Room Reservations.** To reserve a room, you must contact the Assistant Dean for Student Life. Additionally, if it is a major event with outside attendance, you may also request that no parking tickets be issued during the event. Do not schedule an event opposite a major event in the courtroom.
- 2. Audio-Visual.** Audio-visual equipment requests should be made at least one week in advance. Contact Ken Price by phone at 304-293-4657. You may also email him at [kenneth.price@mail.wvu.edu](mailto:kenneth.price@mail.wvu.edu). (<http://catalog.wvu.edu/graduate/law/studentorgs/kenneth.price@mail.wvu.edu>) Any audio-visual problems should be reported to Ken. Available equipment includes TVs, VCRs, camcorders, computers, LCD projectors for presentations, etc. Questions concerning information technology may be addressed to Keith Walton.
- 3. Furniture/Equipment Needs.** Tables and chairs are normally set up in the main lobby for student use. If you need more tables and chairs, please request them from Renee Sulipeck at least one week in advance. The Law School has a limited number of tables and chairs and must request additional equipment from the University Physical Plant.

### College of Law Building Policies

- 1. Building Hours.** The College of Law building hours are the same as the Law Library hours, which are available online (<http://law.wvu.edu/library>). After hours, students may use their WVU ID to swipe into the building and Library. Custodial staff and WVU Public Safety Officers have authority to ask you to leave if you are in the building after hours. If you have planned a weekend activity and need to be in the building prior to the library opening, please see Renee Sulipeck one week in advance, and she will make arrangements to have the building unlocked.
- 2. Bulletin Boards / Posting Notices.** Please post items on designated bulletin boards. Each board will have a label which indicates the appropriate posting for that board. DO NOT post materials on the doors, walls, or windows of the Law School. There are University regulations prohibiting this. NOTICES POSTED ON GLASS AND DOORS WILL BE REMOVED.

### General Supplies and Operating Expenses

Stenja McVicker is the designated budget officer for the College of Law under West Virginia University rules and regulations. Basic office supplies are available from Diane Bragg. If your organization has need to make long distance calls or use the mail services, see Stenja McVicker. The items mentioned above are provided to the student organizations for reasonable usage. However, if you are planning an activity that requires the use of supplies, phone, or postage services beyond a reasonable amount, you should include those costs in the expenditure section of your event proposal.

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## B. CONSTITUTION OF THE STUDENT BAR ASSOCIATION OF WEST VIRGINIA UNIVERSITY COLLEGE OF LAW

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**PREAMBLE.** In order to represent the law school student body individually and organizationally; to further organizational communication and cooperation; and to maximize student involvement in academic and administrative processes; we, the students of West Virginia University College of Law, do hereby ordain and ratify this Constitution.

### ARTICLE I: NAME OF ORGANIZATION

This organization shall be known as the Student Bar Association (hereinafter, "the S.B.A.") of the West Virginia University College of Law (hereinafter, "the Law School" or "the College of Law").

### ARTICLE II: PURPOSE, DUTIES, STRUCTURE, AND MEMBERSHIP

**Section One: Organization and Purpose.** The S.B.A. is the student government of the Law School. The S.B.A. Executive Board (hereinafter, "the Executive Board") is comprised of the elected officers, representatives, and appointed persons. Its purpose is to:

1. Promote a community among the Members of the Law School (students, faculty, staff, and the administration);
2. Formally advocate for and represent the student body of the Law School to the faculty, staff, alumni, and administration of the Law School and West Virginia University, as well as the public;
3. Promulgate rules and exercises rulemaking authority over groups, organizations, offices, property, and effects under its jurisdiction; and
4. Sponsor and host events for the Law School community.

**Section Two: Duties and Responsibilities.** The S.B.A. has the authority and responsibility to:

1. Oversee every student organization within the Law School, including each organization's budget;

- Specific rules and regulations governing definition, formation, conduct, and expectations of student organizations are subject to the WVU College of Law Student Handbook.
2. Allocate S.B.A. funds;
  3. Execute and regulate all Law School student government elections, including (but not limited to), class officer elections and Ethics Council elections;
  4. Execute and oversee the biannual Visiting Committee student round table;
  5. Host the Annual Barrister's Ball; and
  6. Assume all other duties not detailed by this Constitution as may be delegated to the S.B.A. by the Students, Faculty or Administration of the Law School.

**Section Three: Membership.** All students enrolled in the Law School are Members of the S.B.A. and shall be represented by the S.B.A. Executive Board. All students enrolled in the Law School are permitted to vote in S.B.A. elections. There is to be no Membership fee.

#### **Section Four: Committees**

1. **Standing Committees.** The S.B.A. shall maintain three standing committees; (1) The Social Committee; (2) The Fundraising Committee; and (3) The Community Service Committee. These Committees are to be chaired by elected Members of the Executive Board. The Standing Committees may only be dissolved through Constitutional Amendment.
2. **Working Committees.** The President has the authority to create working committees, with the advice and consent of the majority of the Executive Board. Once the Executive Board approves a working committee, the President may select a chairperson and Members of the working committee from the student body. Chairpersons and members of working committees serve at the pleasure of the President. A working committee may be dissolved at any time by a simple majority vote of the Executive Board.

### **ARTICLE III: THE EXECUTIVE BOARD**

#### **Section One: Membership**

1. The Executive Board shall consist of eleven board Members:
  - President
  - Vice-President
  - Secretary
  - Treasurer
  - Social Committee Chairperson
  - Fundraising Committee Chairperson
  - Community Service Chairperson
  - 3L Class Senator
  - 2L Class Senator
  - 1L Class Senator
  - Bar Association Liaison
2. The S.B.A. Executive Officers (herein after "Executive Officers") are:
  - President
  - Vice-President
  - Secretary
  - Treasurer

**Section Two: President.** The President is the director of the S.B.A.. The President shall convene and preside over all meetings of the S.B.A. and shall supervise and direct all S.B.A. activities. In addition, the President shall represent the concerns of the student body and S.B.A. to the Law School administration and deans.

1. **Duties and Responsibilities.** The President shall:
  - Call and preside at all scheduled and emergency meetings of the S.B.A. and Executive Board;
  - Attend all faculty meetings and representation of the S.B.A. thereto;
  - Liaise to the Student Administration of West Virginia University;
  - Create a budget to properly allocate all available funds for the academic year;
  - Appoint student Members to law school student-faculty committees, with the advice of and consent by the majority of the Executive Board;
  - Appoint officers to any vacancy on the Executive Board, with the advice of and consent by the majority of the Executive Board;
  - Appoint S.B.A. committees as the need arises, with the advice of and consent by the majority of the Executive Board; and
  - To call matters before the Executive Board to vote;

- To be a registered signer on the S.B.A. bank account and, when called upon by the Executive Board to do so, provide account details, statements, etc;
  - When called upon to do so by the Treasurer, make deposits into the S.B.A. bank account within two business days of receiving funds; and
  - Carry out all other ceremonial and administrative functions ordinarily assumed by the President
2. **Election.** The President shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the President.
  3. **Term of Office.** The President shall be elected to a one-year term of office. The President's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the President's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
  4. **Eligibility.** To be eligible to hold office, the President must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Three: Vice-President.** The Vice-President is the deputy director of the S.B.A.. The Vice President shall support the President, convening and presiding over the S.B.A. and meetings when the President is not able or present.

1. **Duties and Responsibilities.** The Vice-President shall:
  - Ascend to the Presidency in the event of the President's death, removal, or withdrawal during the President's term of office;
  - Preside at S.B.A. meetings in the event of absence of the President; and
  - Represent the President at any ceremonial or administrative functions at the President's request.
2. **Election and Appointment.** The Vice-President shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Vice-President. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.
3. **Term of Office.** The Vice-President shall be elected to a one-year term of office. The Vice-President's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Vice-President's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
4. **Eligibility.** To be eligible to hold office, the Vice-President must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Four: Secretary.** The Secretary is the chief administrative officer of the S.B.A.

1. **Duties and Responsibilities.** The Secretary shall:
  - Attend, record, and disseminate the minutes of all S.B.A. meetings;
  - Maintain copies of minutes of all S.B.A. meetings until the conclusion of his or her term, at which point copies of the minutes shall be turned over to the incoming secretary and stored in the President's office;
  - Assist the President in formulation of meeting agendas and advance notice to the Executive Board thereof;
  - Provide personal notice to all Executive Board Members of the scheduling of emergency Executive Board meetings;
  - Keep record of all S.B.A. resolutions and bylaws;
  - Conduct official correspondence of the S.B.A.; and
  - Maintain a student event calendar and S.B.A. website.
2. **Election and Appointment.** The Secretary shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Secretary. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.
3. **Term of Office.** The Secretary shall be elected to a one-year term of office. The Secretary's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Secretary's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
4. **Eligibility.** To be eligible to hold office, the Secretary must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Five: Treasurer.** The Treasurer is the chief financial officer of the S.B.A.

1. **Duties and Responsibilities.** The Treasurer shall:
  - Maintain the S.B.A. Treasury;
  - Manage the S.B.A. bank account;
  - Record all receipts and disbursements;
  - Provide the Executive Board with a bank account summary (including detailed account statements) no less than once a month, or upon request by the President or Vice-President;
  - Deposit funds into S.B.A. bank account within two business days of receiving funds;
  - Maintain record of and provide oversight of the S.B.A.'s petty cash account; and



- Ensure that no more than \$100 is kept in petty cash at any given time (unless otherwise approved by Executive Board resolution)
2. **Election and Appointment.** The Treasurer shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Treasurer. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.
  3. **Term of Office.** The Treasurer shall be elected to a one-year term of office. The Treasurer's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Treasurer's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
  4. **Eligibility.** To be eligible to hold office, the Treasurer must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Six: Social Committee Chairperson.** The Social Committee Chairperson is the Chair of the S.B.A.'s Social Committee.

1. **Duties and Responsibilities.** The Social Committee Chairperson shall:
  - Appoint Members to the S.B.A. Social Committee, with the advice and consent of the President;
  - Manage and supervise the Social Committee in planning and organizing various social events to be hosted by the S.B.A.;
  - Manage and supervise the Social Committee in planning and organizing the annual Barrister's Ball;
  - Collect, distribute and manage all money used in furtherance of or raised through social events until such a time that the money can be turned over to the President or Treasurer; and
  - Give the money raised by social events or the remainder of the money used in planning the event to the President or Treasurer for deposit within two business days of the event.
2. **Election and Appointment.** The Social Committee Chairperson shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Social Committee Chairperson. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.
3. **Term of Office.** The Social Committee Chairperson shall be elected to a one-year term of office. The Social Committee Chairperson's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Social Committee Chairperson's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
4. **Eligibility.** To be eligible to hold office, the Social Committee Chairperson must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Seven: Fundraising Committee Chairperson.** The Fundraising Committee Chairperson is the Chair of the S.B.A.'s Fundraising Committee.

1. **Duties and Responsibilities.** The Fundraising Committee Chairperson shall:
  - Appoint Members to the S.B.A. Fundraising Committee, with the advice and consent of the President;
  - Manage and supervise the Fundraising Committee in planning and organizing fundraisers for the S.B.A.;
  - Collect, distribute and manage all money used in furtherance of or raised through fundraising events until such a time that the money can be turned over to the President or Treasurer; and
  - Give the money raised by fundraisers or the remainder of the money used in planning the fundraiser to the President or Treasurer for deposit within two business days of the fundraiser.
2. **Election and Appointment.** The Fundraising Committee Chairperson shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Fundraising Committee Chairperson. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.
3. **Term of Office.** The Fundraising Committee Chairperson shall be elected to a one-year term of office. The Fundraising Committee Chairperson's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Fundraising Committee Chairperson's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
4. **Eligibility.** To be eligible to hold office, the Fundraising Committee Chairperson must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Eight: Community Service Committee Chairperson.** The Community Service Committee Chairperson is the Chair of the S.B.A.'s Community Service Committee.

1. **Duties and Responsibilities.** The Community Service Committee Chairperson shall:
  - Appoint Members to the S.B.A. Community Service Committee, with the advice and consent of the President;
  - Manage and supervise the Community Service Committee in planning and organizing volunteer opportunities for the S.B.A. and student body;
  - Collect, distribute, and manage all money used in furtherance of or raised through community service events until such a time that the money can be turned over to the President or Treasurer;
  - Give the money raised by community service events or the remainder of the money used in planning the event to the President or Treasurer for deposit within two business days of the event;
  - Ensure that any money raised as a charitable contribution is given to the charity for which it is raised, in the form of a check or money order, by the President or Treasurer, within five business days of the fundraiser;

- Report failures to comply with Article III, Section Eight, Subsection A(v) to the President and Assistant Dean of Student Affairs of the College of Law (hereinafter "the Assistant Dean of Student Affairs") within two business days of noticing the compliance failure;
  - Keep detailed records of all spending and earnings raised for charitable contributions including (but not limited to) ledger, carbon copies of checks and receipts; and
  - Present the aforementioned records to the Executive Board upon request of the President or Vice-President at the meeting immediately following the request.
2. **Election and Appointment.** The Community Service Committee Chairperson shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Community Service Committee Chairperson. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.
  3. **Term of Office.** The Community Service Committee Chairperson shall be elected to a one-year term of office. The Community Service Committee Chairperson's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Community Service Committee Chairperson's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
  4. **Eligibility.** To be eligible to hold office, the Community Service Committee Chairperson must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Nine: Class Senators.** Class Senators are voting Members of the Executive Board who are tasked with representing their Law School class in the S.B.A..

1. **Duties and Responsibilities.** Class Senators shall:
  - Attend all S.B.A. meetings on behalf of their class;
  - Represent the interests of each individual class at S.B.A. meetings;
  - Vote on behalf of their class regarding S.B.A. matters;
  - Liaise to individual classes on behalf of the S.B.A.;
  - Liaise between the S.B.A. and their respective class officers; and
  - Serve as Vice-Chairperson of an S.B.A. Standing Committee, in this role the Senator will assist and serve at the pleasure of the Chairperson. The President, with the advice and consent of the Chairpersons, shall make appointment of Senators to committees.
2. **Election and Appointment.** Class Senators shall be elected by a simple majority of all ballots cast by the candidate's respective Law School class. Any student currently enrolled at the Law School shall be eligible to vote for their class's Senator but may not vote for the Senator of another class. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position. The President must seek out the advice of the class's president in appointing this position and allow the class president to vote alongside the Executive Board regarding the appointment. The class president's vote shall carry no greater or lesser weight than any other Member of the Executive Board.
3. **Term of Office.** The Class Senators shall be elected to a one-year term of office. A Senator's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Senator's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.
4. **Eligibility.** To be eligible to hold office, the Senators must be students at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Ten: Bar Association Liaison.** The Bar Association Liaison serves as a pipeline between the Law School and federal, state, and local bar associations.

1. **Duties and Responsibilities.** The Bar Association Liaison shall:
  - Serve as liaison between the S.B.A. and the A.B.A. as well as state, and local bar associations;
  - Promote and help to organize events held by bar associations at the Law School;
  - Serve as a resource for students seeking information about future recruitment into the bar;
  - Attend all S.B.A. meetings and vote on S.B.A. matters; and
  - Carry out any functions or duties assigned by the President.
2. **Appointment.** At the beginning of his or her term, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.
3. **Term of Office.** The President shall appoint the Bar Association Liaison to a one-year term of office. The Bar Association Liaison's term shall begin immediately upon confirmation by the Executive Board and shall end at the conclusion of the academic year's Law School Spring Commencement Ceremony.
4. **Eligibility.** To be eligible to hold office, the Senators must be students at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

**Section Eleven: Removal of S.B.A. Officers.** This section shall apply to S.B.A. Executive Board Members. Removal from office consists of two steps; impeachment and removal from office.

1. **Impeachment.** An Executive Board Member may be impeached through one of two methods:

- **Voting Method:** With cause, an Executive Officer may call for a special meeting in order to request impeachment against a Member of the Executive Board. All Executive Board Members, including the subject of impeachment, must be given 72 hours notice prior to the meeting. Quorum for the impeachment meeting is 8 of 11 Executive Board Members. The President shall preside over the meeting. However, neither the accuser nor the accused shall preside. If the President is subject to impeachment or the accuser, the Vice-President shall preside. If the Vice-President is the accuser against the President or subject to impeachment and being accused by the President, the Secretary shall preside. At the meeting, the Executive Officer calling for impeachment may make his or her case to the Executive Board; the subject of the impeachment hearing may then present a rebuttal case. The presider in the interest of justice may determine methods of presenting evidence. After the cases are presented the Executive Board may sequester the accused and the accuser in order to deliberate. After deliberations, the Executive Board may vote on impeachment; the accuser and the accused do not vote. Executive Board Members must be present to vote. An Absolute majority (75 %) of the voting Executive Board is required to impeach an Executive Board Member. This vote is subject to veto by the Assistant Dean of Student Affairs: this veto may be overridden by a unanimous vote of the Executive Board (excluding the vote of the person or persons subject to impeachment). Cause for which an Executive Officer may call for impeachment is limited to: Violation of this Constitution; Violation of the terms of the WVU College of Law Student Handbook or the Student Code of Professional Responsibility; Stealing or misallocating S.B.A. funds; Substantial nonperformance of duties; Failure to attend at least 75 % of S.B.A. meetings without cause (i.e. death in family, exam following day, illness, etc); Failure to meet eligibility requirements; and/or Committing an offense that would be a violation of the West Virginia University Campus Student Code. Such a violation need not be proven in accordance with the procedures set forth by the West Virginia University Campus Student Code, but rather in accordance with the procedures set forth by this Constitution. **Petitioning Method:**

- i With or without cause, an S.B.A. Executive Board Member may be impeached if the S.B.A. President or Vice-President is presented with a petition for impeachment including the signature of two-thirds of all Law School Students

2. **Removal from Office.** Once impeached, an Executive Board Member is subject to a public hearing to determine removal from office.
3. The hearing is to be presided over by the Chairperson of the College of Law Ethics Council.
4. Quorum for the hearing is the entirety of the Executive Board.
5. The Executive Officer who initiated impeachment or the proponent of the petition for impeachment shall be permitted to make a case to the Executive Board in support of removal.
6. The accused shall be permitted to make a rebuttal case.
7. The presider shall admit evidence and testimony as is required in the interest of justice.
8. During the hearing, the proponent of removal must show cause for impeachment beyond a reasonable doubt.
9. Once cases are made, the Executive Board (excluding the accused and accuser) is to vote as to whether the proponent has proven cause beyond a reasonable doubt.
10. Cause for removal is limited to: Violation of this Constitution; Violation of the terms of the WVU College of Law Student Handbook or the Student Code of Professional Responsibility; Stealing or misallocating S.B.A. funds; Substantial nonperformance of duties; Failure to attend at least 75 % of S.B.A. meetings in one semester without cause; Three consecutive absences from regularly scheduled meetings without cause; Failure to meet eligibility requirements as defined by this Constitution; and/or Committing an offense that would be a violation of the West Virginia University Campus Student Code. Such a violation need not be proven in accordance with the procedures set forth by the West Virginia University Campus Student Code, but rather in accordance with the procedures set forth by this Constitution.
11. A unanimous vote is needed to remove a Board Member from office.
12. If a unanimous verdict for removal is reached, the removal is immediate and not subject to appeal and the Board Member shall be replaced subject to the provisions of this Constitution.

#### **ARTICLE IV: MEETINGS**

**Section One: Regularly Scheduled Meetings.** A regularly scheduled meeting of the Executive Board may be called to discuss any matters before the S.B.A.

1. **Quantity.** The Executive Board shall meet not less than once monthly for a minimum of eight meetings during the academic year. Regularly scheduled meetings of the Executive Board may occur more commonly as needed.
2. **Scheduling.** The President may call a regularly scheduled meeting by providing notice of the time and location of the meeting to members of the Executive Board at least three days in advance.
3. **Precedence.** The President shall preside over all regularly scheduled meetings. The Vice-President shall preside in the President's absence. Meetings shall not proceed without the presence of either the President or Vice-President.
4. **Structure.** The presider of the meeting may determine the structure of each meeting.
5. **Quorum.** Fifty percent plus one Member of the Executive Board shall constitute a quorum.
6. **Voting.** Matters before the Executive Board at regularly scheduled meetings may be decided through a simple majority vote pursuant to Article VI and other Articles of this Constitution.
7. **Attendance.** All Members of the Executive Board shall attend all regularly scheduled meetings unless circumstances beyond his or her control prevent attendance. Failure to attend 75 % of the regularly scheduled meetings in a single semester or three consecutive regularly scheduled meetings, without cause, shall be subject to removal from office.

**Section Two: Emergency Meetings.** Emergency meetings of the Executive Board may be called to discuss matters that require the immediate attention of the S.B.A..

1. **Scheduling.** The President or Vice-President may call an emergency meeting by providing 24 hours notice of time, location and purpose of the meeting to members of the Executive Board.
2. **Precedence.** The President shall preside over emergency meetings. The Vice-President shall preside in the President's absence. Emergency meetings shall not proceed without the presence of either the President or Vice-President.
3. **Structure.** The presider of an emergency meeting may determine the structure of an emergency meeting. No more than two matters may be considered at an emergency meeting.
4. **Quorum.** Fifty percent plus one Member of the Executive Board shall constitute a quorum.
5. **Voting.** Matters before the Executive Board at any Emergency Meeting may be decided through a simple majority vote pursuant to Article VI and other Articles of this Constitution.
6. **Attendance.** There will be no sanctions for failure to attend an emergency meeting.

## **ARTICLE V: RESOLUTIONS AND BYLAWS**

### **Section One: Definitions**

1. **Resolutions.** An S.B.A. Resolution is a formal decision or determination as to an official and binding course of action of the S.B.A. or a formal statement that shall serve as S.B.A. policy.
2. **Bylaws.** S.B.A. bylaws are rules created by members of the S.B.A. that bind the Student Bar Association and its members.

**Section Two: Creation and Enactment.** The Executive Board may create S.B.A. resolutions and bylaws that are in accordance with this Constitution through a simple majority vote. Bylaws may be proposed by any Executive Officer at a regularly scheduled meeting and shall be enacted following a majority vote of the Executive Board. Resolutions may be proposed by any executive board member at any meeting and shall be enacted following a majority vote of the Executive Board.

**Section Three: Modification, Repeal, and Expiration.** Resolutions and bylaws may be modified or repealed by a simple majority vote of the Executive Board, following proposed modification or repeal by any Executive Officer at any meeting. Resolutions and bylaws expire at the end of each academic year but may be renewed by a majority vote of the incoming Executive Board.

**Section Four: Recording Resolutions and Bylaws.** The S.B.A. Secretary is responsible for keeping records of all resolutions and bylaws and presenting the records to the S.B.A. President-Elect upon election.

**Section Five: Quorum.** Quorum for enactment, modification or repeal of a resolution or bylaw is 50 % plus one member of the Executive Board.

**Section Six: Voting.** Voting on enactment, modification, repeal, and renewal of resolutions and bylaws, unless otherwise provided by this section, shall be conducted pursuant to Article VI of this Constitution.

**ARTICLE VI: VOTING.** Matters before the S.B.A. are to be resolved through a democratic vote of the Executive Board.

**Section One: Voting rights.** All Executive Board Members shall be entitled to one vote on any matter before the S.B.A. with the exception of the President.

**Section Two: Quorum.** Unless otherwise provided by this Constitution or an S.B.A. bylaw, quorum for voting on all matters shall be 50 % plus one member of the Executive Board.

**Section Three: Initiating Voting.** A vote on a matter before the S.B.A. may be added to the agenda of any regular scheduled meeting or emergency meeting by the President or Vice-President.

**Section Four: Debate and Discussion.** The presider of the meeting may allocate time for debate and discussion of the matter prior to a vote.

**Section Five: Voting Process.** When a vote is initiated the presider of the meeting shall call roll in the following order:

1. Vice-President
2. Secretary
3. Treasurer
4. Social Committee Chairperson
5. Fundraising Committee Chairperson
6. Community Service Committee Chairperson
7. 3L Class Senator
8. 2L Class Senator
9. 1L Class Senator

## 10. Bar Association Liaison

Upon being called, each Member shall cast a spoken public vote. The secretary shall record each member's vote in the minutes of the proceeding. At the conclusion of voting, the Secretary shall read the results of the vote.

**Section Six: Voting Results.** A matter before the S.B.A. for vote shall be passed or voted down by a simple majority, unless otherwise provided by this Constitution.

**Section Seven: Ties.** In the case of a tie, the President shall cast a single tiebreaking vote.

**Section Eight: Finality.** Upon the reading of the results of a vote or the casting of a tiebreaking vote, the vote shall be final and the result shall go into effect immediately.

## **ARTICLE VII: ELECTIONS**

**Section One: Jurisdiction.** The provisions of Article VII shall govern all S.B.A. and class officer elections. Class officer constitutions may not displace, supersede or modify this Article.

### **Section Two: Time of Elections**

- **Upperclassmen Elections.** S.B.A. Executive Board Elections and 2L and 3L class officer elections shall be held in the second half of the spring semester of an academic year.
- **1L Elections.** 1L Class Officers and the 1L S.B.A. Senator shall be elected within the first month of the fall semester of an academic year.

**Section Three: Eligible Voters.** All currently enrolled Law School students may vote in S.B.A. Elections. All currently enrolled Law School students may vote in their individual class's elections for class officers and Senators. No student may vote for class officers or Senators of another class.

**Section Four: Eligible Candidates.** All candidates are subject to the eligibility requirements of this Constitution. In addition, class officer candidates must be members of their respective class. All candidates must be a currently enrolled, fulltime student at the College of Law. All candidates must have a grade point average of 2.2 or higher at the time of his or her nomination.

**Section Five: Elections Commissioner.** An Elections Commissioner shall be selected from the student body of the Law School to facilitate all elections for an academic year, under the direction of the President (provided that the President is not a candidate). At the beginning of his or her term, the President shall appoint the Elections Commissioner, with the advice and consent of the Assistant Dean of Student Affairs. In the event that the President is a 2L and subject to re-election, the President shall not appoint an Elections Commissioner; in this case, the Assistant Dean of Student Affairs shall appoint an Elections Commissioner. The Elections Commissioner shall serve a one academic year term and may be appointed to no more than two consecutive terms. The Elections Commissioner may be relieved of his or her duties with cause by a combined resolution of the President and Assistant Dean of Student Affairs. In the event of a vacancy, the President may reappoint, subject to the provisions of this Constitution. An elected S.B.A. Executive Board Member, class officer, or candidate shall not serve as Elections Commissioner. In the event of a sudden vacancy or inability to find a willing and able Elections Commissioner, the President may serve in this role, on an interim basis, until an appropriate candidate can be found, provided that the President is not on the ballot.

### **Section Six: Election Process**

- **Nominations.** Election proceedings shall begin with the opening of nominations, which shall be announced at least one week in advance through e-mail announcements and posters throughout the Law School. The email shall include dates of the; nomination period, campaigning period, forum, election, and run-off. The nomination period shall last three business days, opening at 8 A.M. and closing at 4:30 P.M. each day. During this time, a nomination book shall be put in the Law School Reception Office. A candidate may be nominated by writing his or her name in the nomination book on the page of the position for which he or she is being nominated. A candidate may only be nominated for one position.
- **Campaigning.** At the end of nominations campaigning may begin. The campaign period shall last for one week following the close of nominations. Each candidate will be permitted to display in the Law School two posters of no greater size than 12x18 inches. Hand billing is to be encouraged through the use of the student mailboxes. Campaigning may also be conducted through face-to-face petitioning, social media, text messages, and e-mail. Neither candidates nor their surrogates may exchange money, alcohol, or sexual favors for votes. Neither candidates nor their surrogates may coerce votes or unduly pressure voters during the campaigning period or polling hours. Further campaign rules may be created through S.B.A. resolutions or bylaws. Violation of campaign rules is grounds for disqualification.
- **Candidate Forum.** During the campaign period, at a time and place determined by the Elections Commissioner and approved by the President, all candidates must attend a candidate forum and give a speech in support of his or her candidacy. Speeches shall not exceed three minutes. Failure to give a speech during the specified time results in automatic disqualification.
- **General Elections.** The General election will be held within one week following the close of nominations. Polling hours will be held in the Law School lobby. Suggested polling hours are 9 A.M. to 2 P.M.. Polling hours may not be fewer than four hours and may not exceed eight hours. Notice of polling hours must be given to the student body. Each currently enrolled College of Law student may fill out no more than one complete ballot. While the polls are open campaigning may continue, however candidates may not solicit votes within 30 feet of the polling table. The Elections Commissioner may impose further prohibitions on campaigning during polling hours as is needed to preserve the integrity of the election. Upon receiving notice of the prohibition, failure to abide by the Elections Commissioner's ruling shall be grounds for disqualification. Rulings



of the Elections Commissioner may be appealed to the Assistant Dean of Student Affairs, however deference should be given to the Elections Commissioner's ruling, provided it is not arbitrary and capricious.

- **Ballot Tallying.** Within 12 hours of the close of polling hours, votes are to be counted by the Elections Commissioner, the President (provided that he or she is not on the ballot), and a 3L Ethics Council member or an Ethics Council member who is not on the ballot. The Bar Association Liaison and any Executive Board Member who is not on the ballot may also assist in ballot tallying, at the discretion of the Elections Commissioner. Prior to tallying, the ballots must be securely locked in the President's office.
- **Election Results.** The winner of the general election will be the candidate with a simple majority of the votes (50 % plus one vote) on the first ballot. In the event that no candidate obtains a simple majority on the first ballot, a run-off election will be held.
- **Run-Off Elections.** The run-off election will be held in the Law School lobby at a time determined by the Elections Commissioner, with the advice and consent of the President and Assistant Dean of Student Affairs, in the interest of facilitating a fair election that affords all College of Law Students the opportunity to vote. The two candidates who received the most votes in the general election shall be placed on the run-off ballot. In the event of a tie or a percentage difference of 3 % or less, a candidate with the third highest number of votes may be placed on the run-off ballot. The Elections Commissioner, with the advice and consent of the President and Assistant Dean of Student Affairs, may extend the campaign period to correlate with a run-off election. The candidate with the highest number of votes is to be declared the winner of the run-off election, even if a simple majority is not reached. Unless otherwise provided by this subsection, all other rules of this Constitution and Article apply to run-off elections.
- **Certification of Elections.** Upon completion of vote tallying, election results must be certified as accurate and true by the signature of the President, Elections Commissioner, and the Ethics Council member who supervised the tallying process. The results, the certification and the ballots are to be presented to the Assistant Dean of Student Affairs. If the election results are not challenged in a timely manner, as defined by this Constitution, the certification is finalized and the results of the election become official.
- **Results Announcement.** It is the President's duty to announce the results to the Law School student body in a timely manner.
- **Challenges and Recounts.** Election process or results may be challenged within two business days of certification.

a. **Challenges.**

Any student of the College of Law may make challenges in writing to the Elections Commissioner, Assistant Dean of Academic Affairs and/or President. A challenge can be made to the process of the election or levying that a candidate's conduct warrants disqualification (on grounds defined by Article VII, Section Five(K)(ii) of this Constitution). Once a challenge is made, certification may not occur until an investigation is completed.

Upon receiving a challenge the Elections Commissioner shall consider the merits of the challenge and make a decision within 24 hours of receiving the challenge. If meritorious, so that a reasonable panel of four could possibly find misconduct, the investigation phase shall be initiated. If no merit is found, the Elections Commissioner shall dismiss the challenge. The decision to dismiss may be appealed by the challenger to the President and Assistant Dean of Academic Affairs, however deference should be given to the Elections Commissioner's ruling, provided it is not arbitrary and capricious.

Within 24 hours of the investigation phase being initiated, the challenge shall be presented to the Chairperson of the Ethics Council and a single member Ethics Council's investigative panel. The Investigative Panel member shall conduct the investigation, during which all relevant parties shall be notified and interviewed. The Investigative Panel member shall present his or her findings to the President, Assistant Dean of Academic Affairs, Elections Commissioner, and Ethics Council Chairperson within one week of receiving the challenge. At this time, the President, Assistant Dean of Academic Affairs, Ethics Council Chairperson, and Elections Commissioner shall discuss and vote on the merits of the challenge. All facts in question shall be viewed in the light most favorable to the nonmoving party. 3 of 4 votes shall be required to uphold a challenge and overturn the results of an election. The result of this vote shall be final and is not subject to appeal. If an election is overturned, the candidate whose misconduct resulted in the challenge shall be disqualified and a new election shall be held. The disqualified candidate may not be present on the ballot of the second election.

- b. **Recounts.** Any candidate may request that the Elections Commissioner, President, and a member of the Ethics Council conduct a recount. The recount shall be conducted in the presence of the candidate who has requested the recount. The candidate who has won the election shall be invited to observe the recount as well.
- **Disqualification.** A candidate may be disqualified from the ballot prior to the election. Any student of the College of Law may request to the President or Elections Commissioner that a candidate be disqualified. However, the President or Elections Commissioner must initiate a formal disqualification investigation at his or her discretion, based on the merits of the claim. If an objectively reasonable panel of four could possibly find in favor of disqualification, a formal investigation shall be initiated. < >**Disqualification Investigation.** Upon initiating a disqualification investigation, the President or Elections Commissioner must notify the candidate being challenged, the Ethics Council Chairman, the Assistant Dean of Student Affairs and a single member of the Ethics Council Investigative Panel. The Investigative Panel Member shall investigate the claim and present the evidence to a panel consisting of the President, the Ethics Council Chairman, the Assistant Dean of Student Affairs and the Elections Commissioner. This panel shall consider the evidence in the light most favorable to the accused. Following discussion the panel shall vote. 3 of 4 votes are required to disqualify a candidate from the ballot. This vote shall be final and is not subject to appeal.**Grounds for Disqualification.** The following shall be grounds for disqualification from the ballot, as well as grounds for post-election disqualification through the challenge process laid out by Article VII, Section Five(J)(i); Violation of this Constitution;
  - Lack of eligibility as defined by this Constitution;
  - Violation of campaign rules;
  - Violation of the terms of the WVU College of Law Student Handbook or the Student Code of Professional Responsibility; and/or

- Committing an offense that would be a violation of the West Virginia University Campus Student Code
  - a. Such a violation need not be proven in accordance with the procedures set forth by the West Virginia University Campus Student Code, but rather in accordance with the procedures set forth by this Constitution.
- **Write-In Votes.** Write-in candidates are prohibited and all write-in votes shall be discarded.

#### **ARTICLE VIII: AMENDMENTS**

**Section One: Proposal of Amendments.** Amendments may be proposed through one of two methods:

1. Petitioning. Any student currently enrolled at the College of Law may present the S.B.A. a petition bearing the proposed amendment and the signature of at least fifty percent of the student body; or
2. Resolution. The Executive Board may pass an amendment resolution. Such a resolution must receive approval of at least two-thirds of the Executive Board.

**Section Two: Ratification.** This Constitution shall be amended upon the approval of the proposed amendment described in the preceding paragraph and the support of a simple majority (50 % plus one vote) of currently enrolled students who vote in an election to be held at least one week after its approval in Section One. The vote must be open to all currently enrolled students at the College of Law. However, a majority of all students is not required for the Amendment to pass, rather only a majority of those who vote.

**ARTICLE IX: AUTONOMY.** All student organizations shall enjoy political, physical, and administrative autonomy. The S.B.A. is not empowered to control the member organizations' internal affairs in any way, aside from those specifically defined by this Constitution.

**ARTICLE X: STUDENT CODE OF PROFESSIONAL RESPONSIBILITY.** The S.B.A., as an organization, its officers, and members agree to abide by the Student Code of Professional Responsibility.

**ARTICLE XI: NON-DISCRIMINATION.** The S.B.A. shall not discriminate against any person on any basis prohibited by the United States Constitution or the Constitution of the State of West Virginia.

Ratified: September 17, 2014

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## **C. COLLEGE OF LAW SERVICES**

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1. Academic Excellence Program (p. 67)
2. Professional Writing Center (p. 68)
3. Meredith Career Services Center (p. 68)
4. College of Law Bookstore and Cafe (p. 69)
5. Financial Aid and Scholarships (p. 69)
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8. Web Information (p. 71)

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### **C.1 ACADEMIC EXCELLENCE PROGRAM**

**Kirsha Trychta, Director of Academic Excellence**  
**Academic Excellence Center**

Phone: 304-293-3882

Email: kirsha.trychta@mail.wvu.edu

The Academic Excellence Program (AEP) seeks to enhance the academic performance of all students in their first year of law school. Because new law students must rapidly adjust to the heightened expectations of a professional school, the Academic Excellence Center provides an array of services designed to empower first-year students to quickly integrate “how to learn” with “what to learn.” The Center’s ultimate goal is to help students thrive in their first year of law school, not merely survive. To this end, the Center provides (1) weekly workshops on critical skills such as notetaking, outlining, time management, and test taking; (2) helpful handouts with tips for success and other important information about resources available to law students; and (3) individual counseling to address the needs of students who could benefit from personalized assistance.

**Open by invitation only:** An early orientation and fall small group program is conducted for incoming students who would benefit from additional support activities. Enrollment in the fall small group program is limited and participation is by invitation only. Several factors are considered in choosing students to participate, e.g., whether the student has been out of school for a significant time, has a nontraditional background for law, has learning



disabilities, speaks English as a second language, or has a GPA or LSAT score below the average of the incoming class. The goal of small group is to assist students in achieving maximum performance in legal writing assignments and casebook examinations.

A different kind of AEP program is offered in the spring for students whose first-semester GPA is at 2.3 or below. Because first-time bar passage has been statistically linked to performance in law school, the common goal of the College of Law and AEP is to improve analytical and writing skills of students before the end of the first year of law school. The spring small group program therefore concentrates on the Property, Civil Procedure, Legislation and Regulation, and Constitutional Law classes that first-year students are taking in second semester (content areas tested by the bar examination).

Students who participate in spring small group attend weekly study sessions that provide opportunities for review of important legal concepts covered in the spring courses, as well as guidance about how to create strong study outlines and write exams.

**Open to all students:** The Academic Excellence Center also offers Dean's Fellow review sessions for all first-year courses and select upper-level courses. Dean's Fellows are specially trained student teaching assistants, who volunteer to lead small study sessions. The Deans Fellows work closely with the course professor to lead the study group through review materials and practice tests.

## C.2 PROFESSIONAL WRITING CENTER

### Writing Specialist

**Melanie Stimeling**

**Phone: 304-293-2008**

**Email: [vvulawwriting@mail.wvu.edu](mailto:vvulawwriting@mail.wvu.edu)**

**Website: [law.wvu.edu/writingcenter](http://law.wvu.edu/writingcenter)**

Part of the College of Law Academic Excellence Center, the Writing Center helps students become better writers and offers an encouraging environment to discuss, develop, and experiment with writing techniques. The Writing Center is staffed by a full-time Writing Specialist as well as upper-level students who serve as Peer Writing Consultants. Individual writing consultations and group workshop are available to assist students in developing stronger writing skills or to improve a specific piece of writing. Students can seek assistance at any point in the writing process on all legal writing assignments and projects, unless an instructor explicitly prohibits it. Writing Center staff members are also available to help students with other kinds of professional writing, such as scholarship and job application materials.

## C.3 MEREDITH CAREER SERVICES CENTER

Meredith Career Services Center's website (<http://law.wvu.edu/career-services>)

### Assistant Dean

Heather Spielmaker, J.D.

Phone: 304-293-5301

Email: [heather.spielmaker@mail.wvu.edu](mailto:heather.spielmaker@mail.wvu.edu)

### Assistant Director

Rosalind Lister, M.S.Ed.

Phone: 304-293-7750

Email: [rosalind.lister@mail.wvu.edu](mailto:rosalind.lister@mail.wvu.edu)

The Meredith Career Services Center is open year round. Office hours are Monday through Friday from 8:15 a.m. until 4:45 p.m (appointments are recommended).

Students must register with the Career Services Center to use its services and participate in on-campus interviews. As part of the registration process, students must provide Career Services with current contact information and give permission to release resume and other employment information to prospective employers.

Students should schedule an appointment with the staff member of their choice, either via email or Symplicity, the Center's online career management system. The Assistant Dean and Assistant Director will work individually with each student to assist with career development, to write or revise a resume or cover letter, to discuss interviewing skills, or to implement job search strategies.

**1. Career Center Workshops.** There are a series of workshops held for students each semester. Frequently offered topics include

\*Resume writing/editing and cover letter writing/editing

\*Interview preparation and interview skills workshops; mock interview program

\*Job search strategies beyond on-campus interviews

- \*Using Web-based resources in the job search
- \*Working in public interest law
- \*Alternative careers for lawyers
- \*Working as a judicial clerk
- \*How to have a successful summer work experience
- \*Employer information talks

Many of these workshops are co-sponsored and given by the hiring partners of local law firms, public interest organizations, and corporations. Additionally, Career Services is responsible for conducting the Professional Development Institute, a series of targeted programs to help students hone their "soft" professional skills. Presently, the PDI is sponsored by the law firm of Steptoe and Johnson, PLLC.

A mandatory "Orientation to Career Services" workshop is held in mid-October, and all first-year students are required to attend. First-year students will register to use the Career Services Center at this time, and the Career Services Center will provide handouts on writing a resume, writing effective cover letters, preparing for spring interview season, and organizing a job search. The Assistant Dean for Career Services and the Assistant Director conduct this workshop each year.

**2. On-Campus Interviewing.** The Career Services Center invites law firms, public interest organizations, government agencies, businesses, and corporations to interview WVU law students for summer and full-time positions. On-campus interview season occurs in the fall semester for second- and third-year students, and generally runs from the last of August through October. The spring on-campus interview season generally features employers seeking first-year students and runs from February through April. Many employers come to campus to interview students; others ask to review student credentials through a resume mailing service.

A master schedule of interviews is posted on the WVU Career Services Symplicity website (<https://law-wvu-csm.symplicity.com/students>). The schedule is updated frequently each semester. Students should register for the Symplicity site.

Students should participate in on-campus interviewing but should also consider alternative methods of finding a job as well. Between 20-25% of students find their permanent jobs through on-campus interviewing each year; most students find work through a self-directed job search. Career Services is here to help with either.

Additionally, dozens of jobs are posted on Symplicity each semester and follow traditional application/hiring procedures.

**3. Job Research.** The Career Services Center has many Web-based and print resources for student use. Handouts and books are available for students both in career services and the library. Students may use Martindale Hubbell, the National Association for Law Placement Directory of Employers, and many other job-related texts and websites to find a job. See Career Services for updated passwords.

## C.4 COLLEGE OF LAW BOOKSTORE AND CAFÉ

### Manager

Mary Jo Fugera  
 Phone: 304-293-2492  
 Email: [bkswwulaw@bncollege.com](mailto:bkswwulaw@bncollege.com)

The WVU Law Center Bookstore and Café is located off the main lobby of the Law Center. Regular operating hours are 8:00 a.m. to 4:30 p.m., Monday through Thursday and 8:00 a.m.-4:00 p.m. on Friday. Summer hours are 8:00 a.m.- 3:00 p.m. Monday through Thursday and 8:00 a.m.- 1:00 p.m. on Friday.

The Bookstore is also open the Saturday prior to the first day of class. The WVU Law Center Bookstore offers new and used textbooks, reference books, school supplies, and imprinted clothing and giftware. Software can be ordered online (<http://thinkedu.com/bn>). Special order service is available at no extra charge. To order textbooks online, visit the Bookstore homepage (<http://wvulaw.bncollege.com/webapp/wcs/stores/servlet/BNCBHomePage?storeId=15066&catalogId=10001&langId=-1>). Textbook Rentals and price matching are also available, offering great savings on selected titles. Contact the Store Manager for details.

## C.5 FINANCIAL AID AND SCHOLARSHIPS

### Financial Aid Counselor

Wendy Ridenour  
 Phone: 304-293-5302  
 Email: [wendy.ridenour@mail.wvu.edu](mailto:wendy.ridenour@mail.wvu.edu)

The College of Law Financial Aid Office hours are as follows:

- Tuesday and Thursday: 8:15-4:45
- Wednesday: 8:15-11:45

To be eligible for all types of financial aid, a student must complete the Free Application for Federal Student Aid (FAFSA). This form can be completed online (<http://www.fafsa.ed.gov>) each year. Because West Virginia University is a direct lending institution, no loan applications will be accepted from lenders or banks. After all necessary forms have been completed by the student, the Financial Aid Office will determine a student's eligibility for student loans and federal work study. Financial aid awards are to be viewed, accepted, declined, or reduced online through the WVU STAR System. Each student will receive a letter when his or her financial aid award has been processed. First-time loan borrowers are required to complete a master promissory note and entrance counseling. Both are to be completed online at [www.studentloans.gov](http://www.studentloans.gov) (<http://www.studentloans.gov>).

Deadlines for financial aid are as follows:

**1. Federal Work Study: March 1**

A written request must be submitted to the Law School Financial Aid Office.

**2. Scholarships: March 1**

FAFSA results must be received by WVU by March 1 for first-round scholarship consideration.

**3. Student Loans: No deadline**

The necessary documentation must be completed in a timely manner in order for the funds to be available for disbursement in August and January. WVU must receive your FAFSA results by June 1 to insure timely processing. Information regarding additional loans, such as private loans, is available on the Financial Aid website at <http://financialaid.wvu.edu/aid-and-scholarships>. Graduating students must complete a Loan Exit Counseling if they borrowed from the William D. Ford Federal Direct Loan program.

Financial Aid Processing is a detail-oriented process. Please keep the following eight steps in mind when applying for and receiving financial aid:

1. Make sure all your applications are complete, correct, and submitted on time.
2. Read completely and respond quickly to all financial aid requests.
3. The following steps must be taken to have your financial aid completely processed:
  - a. Submit all required documents so that your file is complete, which generally consists of a current FAFSA. If you are selected by the Department of Education for verification, you also must submit the WVU Verification Form and a signed copy of your most recent Federal Income Tax Return. The WVU financial aid office will send you a verification form if you are selected.
  - b. View, accept, decline, or reduce your financial aid award online through the WVU STAR system. There is a separate application for the Grad Plus Loan, which is completed online (<https://studentloans.gov>).
  - c. If you are a first-time borrower, you must sign your master promissory note and complete entrance counseling. Both can be done online at [studentloans.gov](http://studentloans.gov).
4. Mail all correspondence for financial aid to: WVU College of Law, Financial Aid Office, P.O. Box 6130, Morgantown, WV 26506-6130

NOTE: Any correspondence sent to other financial aid offices at West Virginia University will delay the processing.

5. The Financial Aid Office may be contacted at the email, and phone numbers listed above.
6. Be sure to notify the Registrar's Office of all address changes. This is particularly important during the summer months when financial aid correspondence is being sent (i.e., award letters and any notifications). Students can make address changes through their MIX account and the WVU Star System. Refund checks are sent to the local address on file with the Registrar's Office. Make sure the office has the correct address so your check will get to you in a timely manner. You can sign up for direct deposit using Tuition Management Systems (TMS) at [studentaccounts.wvu.edu/refunds](http://studentaccounts.wvu.edu/refunds). Call 888-425-1138 with questions.
7. Keep records of your loans. You are responsible for knowing how much you borrowed, and you will need that information if you decide to consolidate your loans once you have graduated. This information is available at [www.nsls.ed.gov](http://www.nsls.ed.gov) (<http://www.nsls.ed.gov>).
8. Notify the financial aid office if you are awarded a late scholarship, tuition waiver, or some other benefit, such as VA benefits. This could affect your financial aid package, and you may have to repay some of the money you received.

A list of scholarships offered at the College of Law is available online (<http://law.wvu.edu/admissions/financial-aid>). Scholarships available from outside sources can be found at [www.fastweb.com](http://www.fastweb.com) and other helpful sites.

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## C.6 TECHNOLOGY SERVICES

### Director, Law School Technology

Keith Walton

Phone: 304-293-8556

Email: keith.walton@mail.wvu.edu

### Professional Technologist I

Kenneth Price

Phone: 304-293-4657

Email: kenneth.price@mail.wvu.edu

The College of Law's Director of Technology Services manages all computer and networking operations for the law school and law library. Duties include maintaining the law school network, wireless access, office computers, library computers, and printers. The College of Law's Professional Technologist manages all audio-visual equipment and classroom technology at the College of Law. The consultant's duties include maintaining the law school distance learning classroom, AV equipment scheduling, event taping, and AV equipment maintenance.

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## C.7 COMMUNICATIONS

### Director of Marketing and Communications

James Jolly

Phone: 304-293-7439

Email: james.jolly@mail.wvu.edu

### Web/Media Designer

Tatsu Johnson

Phone: 304-293-7220

Email: tatsu.johnson@mail.wvu.edu

### Communication Specialist

Chelsi Baker

Phone: 304-293-0457

Email: chelsi.baker@mail.wvu.edu

The Director of Communications for the College of Law works with the administration, faculty, staff, and students in strategic communication activities via the internet, and the media to enhance the prestige and goodwill of the institution and to ensure that its needs and reputation are optimized.

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## C.8 WEB INFORMATION

The College of Law website (<http://www.law.wvu.edu>) offers a wide range of current information on the law school, its curriculum, programs, news, events, and people. Helpful content is organized primarily in the following categories: Academics, Admission, Career Services, Clinical Law, Faculty and Staff, Student Life and the Law Library.

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## D. UNIVERSITY SERVICES

1. General Information (p. 71)
2. Health Services (p. 71)
3. Student Activities and Organizations (p. 72)

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### D.1 GENERAL INFORMATION

Information regarding University services such as ID cards (Mountaineer Card), parking, Health Services, and Disability Services, as well as University student life and affairs, can be found at the WVU Division of Student Affairs website (<http://studentaffairs.wvu.edu>).

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### D.2 HEALTH SERVICES

**Illness.** Student Health Service offers medical assessment, treatment, referrals, family planning services, and educational programs for tuition and fee-paying WVU students. Students make a co-payment for each visit. Student Health is located on the ground floor of the Robert C. Byrd Health Sciences Center, next to Ruby Memorial Hospital and near the Law School. Students should enter through the Mary Babb Randolph Cancer Center and follow the

blue signs that say "Student Health Service." To make an appointment, call 304-293-2311. For more information, see the Student Health Service website (<http://www.well.wvu.edu>). This is an extremely helpful website.

**Mental Health and Counseling Services.** Students who seek personal counseling may call the Carruth Center on the main campus at 304-293-4431 for appointments. Counseling services are also available at Student Health Psychiatry in the basement of the Health Science Center. To make a psychiatric appointment, call 304-293-6972.

Please contact the College of Law's Assistant Dean for Student Affairs at 304-293-7320 if you need assistance in making an appointment.

**Insurance.** For information on University insurance programs, call 304-293-2315 or visit the web (<http://studentinsurance.wvu.edu>).

**Alcoholism, Drug Prevention, Rape and Domestic Violence.** For specialized help in any of these areas, call 304-293-6972.

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### D.3 STUDENT ACTIVITIES AND ORGANIZATIONS

A complete list of all student activities and organizations sponsored by the University is available at the WVU website ([http://studentengagement.wvu.edu/?utm\\_source=admissions-website&utm\\_medium=web&utm\\_content=/life&utm\\_campaign=Admissions%2520Website%2520Site%2520Links](http://studentengagement.wvu.edu/?utm_source=admissions-website&utm_medium=web&utm_content=/life&utm_campaign=Admissions%2520Website%2520Site%2520Links)). Information regarding student organizations at the College of Law is available online (<http://law.wvu.edu/student-life/student-organizations>).

# Library Guide

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## A. LAW LIBRARY GUIDE

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1. Schedule (p. 73)
2. Location of Materials (p. 73)
3. Law Library Policy/Regulations (p. 73)
4. Borrowing Law Library Materials (p. 73)
5. Services (p. 74)

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### A.1 SCHEDULE

#### FALL AND SPRING SEMESTER HOURS

Monday – Friday, 8:00 a.m. – 8:00 p.m.

Saturday/Sunday, 12:00 p.m. – 5:00 p.m.

\*Twenty-four hour swipe access is available to law students with limited exceptions

\*The Law Library will be closed on all home football game Saturdays. Due to parking restrictions at the College of Law on these weekends, the Law Library will be closed from 9:00 p.m. on Friday evenings until 9:00 a.m. on Sunday morning.

#### SUMMER HOURS

Monday –Friday 9:00 a.m. – 5:00 p.m.

Saturday –12:00 p.m. – 5:00 p.m.

Sunday Closed

#### HOLIDAY AND INTERSESSION HOURS

Generally, 9:00 a.m. to 5:00 p.m.

\*The Law Library is closed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. It also may be closed additional days throughout the year in accordance with the University holiday schedule.

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### A.2 LOCATION OF MATERIALS

**First Floor.** Reserve Collection, Reference Collection, United States Core Collection, West Virginia Core Collection, Legal Journals, Rare Book Collection

**Second Floor.** General Books on American Law and Other Subjects: (AKF), Legal Loose Leaf Collection, Legal Forms Collection, Anglo-American Collection, Foreign and International Collection

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### A.3 LAW LIBRARY POLICY/REGULATIONS

Food and tobacco products are not allowed in the Library. Drinks are permitted in containers with lids.

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### A.4 BORROWING LAW LIBRARY MATERIALS

**Circulation Policy.** Many items in the Law Library collection, including bound journals, do not circulate. Please inquire at the Circulation Desk for circulation information regarding the particular materials you wish to use.

Law students may check out circulating books for the full semester. Books may be renewed three times. Renewals should be made online using WorldCat.

It is the responsibility of the borrower to know when Library materials are due and to return or renew them on or before the due date. If material is lost or damaged, the amount of the fine will be equal to the replacement price plus a \$10.00 processing fee.

**Law Library Student ID Number.** To borrow Library materials, all students must have a current WVU student ID card (Mountaineer Card). The Mountaineer Card allows students to check out materials at all of the Libraries on campus and to print off materials at Library Pharos stations.

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## A.5 SERVICES

**Contact Information.** Visit the Circulation Desk on the first floor of the Library, call the Circulation Desk at 304-293-5300, or email the Circulation Desk at [wwulawbooks@mail.wvu.edu](mailto:wwulawbooks@mail.wvu.edu).

**Reserve.** The Reserve Collection contains commercial study aids, course reserve materials, AV materials, and frequently used titles.

**WVU College of Law Examinations.** Copies of some exams that are administered in the College of Law courses are compiled and placed on reserve, at the discretion of individual professors. The exams, which may be used by students as study aids, are available for photocopying.

**WorldCat.** WorldCat is the WVU Library's online catalog and information network. The holdings of all WVU campus Libraries and worldwide libraries are included in WorldCat. Library materials are accessible by author, title, keyword, and Library of Congress subject heading. WorldCat is available anywhere you have Internet access.

**InterLibrary Loan.** You can borrow materials not found in our collection from other Libraries through EZBorrow, PALsci, and ILLiad. These requests should be made online via WorldCat. Books normally arrive within two weeks and articles within several days. Inquiries concerning this service can be made at the Circulation Desk .

**Computers.** The Law Library provides 15 networked computers. Each computer is connected to the Internet, networked to a printer, and contains the latest versions of commonly used software. Wireless access is also available throughout the College of Law.

**Printing and Photocopies.** Two printer/copiers are available on the floor of the Library and one printer/copier is available on the second floor of the Library. These printers will accept your WVU ID card via Pharos stations.

**Online Legal Databases.** Bloomberg Law, Lexis Advance, and Westlaw are available to all law students. Documents accessed on Lexis Advance may be printed free of charge on the Lexis printer available on the first floor of the Library.

**For Children.** If it is necessary to bring children to the Law School, there are a number of books and toys available for quiet play that can be requested at the Circulation Desk.



# Law Course Descriptions

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## COURSES

### **LAW 600. Advanced Criminal Law:Case Studies. 3 Hours.**

PR: LAW 705. The examination of pre-trial, trial and post-trial issues in an actual criminal case, identifying legal errors in all aspects; jury instruction, testimony, evidence to support the conviction and decision.

### **LAW 601. Lawyers, Poets and Poetry. 3 Hours.**

The exploration of American historical and contemporary lawyers as poets and the relationship of legal language and poetry, with a theme of reflection and introspection.

### **LAW 602. Lawyers and Film. 3 Hours.**

Through the viewing of films and open discussion, this course is designed to initiate reflection and introspection, while analyzing the struggles that arise in the pursuit of justice.

### **LAW 603. Comparative Brazilian Law. 1-3 Hours.**

(May be repeated for a maximum of 3 credit hours.) A 2-component study abroad course with initial classroom preparation and subsequent travel to Brazil. An immersive learning experience in Brazilian law, culture, and politics. Brazilian laws are examined and compared to American laws and practice.

### **LAW 604. Natural Resources. 3 Hours.**

A survey course that includes law, theory, and practical management challenges of natural resource policy, with a strong substantive foundation in a broad range of resources, including water, timber, minerals, and wildlife.

### **LAW 605. Post-Conviction Remedies. 3 Hours.**

The examination of post-trial issues in an actual criminal case, identifying legal errors in all aspects; jury instructions, testimony, evidence to support the conviction, and decision.

### **LAW 606. Medical Malpractice. 2 Hours.**

The exploration of the conflict between health care availability and the rights of medical malpractice victims with components of cases, as well as tort reform and related health care reform in general.

### **LAW 607. Psychology for Lawyers. 3 Hours.**

A practical approach to the basic concepts of psychology, including analytical psychology, family counseling and therapy, gender differences, narrative and historical differences, psychology of juries, and psychological perspectives useful for both client and lawyer self-awareness.

### **LAW 608. Art Law. 3 Hours.**

A thorough examination of various legal topics and issues through the prism of art. Topic include intellectual property concepts of copyright, fair use and parody, First Amendment issues, non-profit organizations, sales warranties, authenticity, and salvage.

### **LAW 609. Child Protection and the Law. 3 Hours.**

A primary focus on child abuse and neglect civil protection proceedings as defined by West Virginia Code, Chapter 49; and an examination of both federal law and West Virginia's statutes, rules, and case law.

### **LAW 610. Comparative Law in Mexico. 1-3 Hours.**

A 2-component, study abroad course with initial classroom preparation and subsequent travel to Mexico. An immersive learning experience in Mexican law, culture, and politics. Topics include: corporate governance, immigration and migration, and international human rights.

### **LAW 611. Consumer Protection Law. 3 Hours.**

A practical survey of various state and federal laws designed to protect consumers, including WV Consumer and Credit Protection, Fair Debt Collection, Fair Credit Reporting, Truth in Lending, Fair Credit Billing and Gramm-Leach-Bliley.

### **LAW 612. Agriculture & Food Law. 2-3 Hours.**

A consideration of the impact of law and policy (e.g., environmental law, property rights, subsidies, alternative production methods) on agricultural and the food system.

### **LAW 613. International Environmental Law. 2-3 Hours.**

An issue-based approach to IEL, identifying pressing problems such as global climate change, ozone depletion, biodiversity, and studying some of the instruments and tools that have been created to deal with them.

### **LAW 614. Jewish/Islamic Comparative Law. 3 Hours.**

A comparative law course that explores the foundations, structure, and general substance of both Jewish and Islamic legal systems with comparison to the American legal system.

### **LAW 615. Elder Law. 3 Hours.**

A thorough examination of various legal topics and issues relating to the special needs of the elderly. Topics include legal capacity, surrogate decision-making, guardianship, Medicare, Medicaid, elder abuse, nursing homes and advance directives.

**LAW 616. Cultural Property. 3 Hours.**

This course will focus on issues concerning the restoration of artworks displaced during World War II, as well as the protection and preservation of cultural heritage and artifacts.

**LAW 617. Geneva Study Abroad. 1-3 Hours.**

(May be repeated for a maximum of 3 credit hours.) A 2-component, study abroad course with initial classroom preparation and subsequent travel to Geneva. This course addresses key subjects and themes in modern international trade regulation.

**LAW 618. Criminal Procedure: Investigation. 3 Hours.**

A course designed to cover all facets of the investigatory stage of criminal procedure: the right to representation by counsel, rules surrounding police practices and procedures of search and seizure, interrogation and identification.

**LAW 619. Criminal Procedure: Adjudication. 3 Hours.**

A comprehensive examination of criminal procedure adjudication covering regulation of prosecutors, defense counsel, pretrial legal issues, pretrial motions, plea bargains, and sentencing.

**LAW 621. Lawyers as Leaders. 3 Hours.**

An exploration of topics related to the theory and practice of leadership by lawyers intended to develop effective leadership skills for application in both the legal profession and in society in general.

**LAW 622. E-Discovery. 3 Hours.**

PR: LAW 706 and LAW 722. An introduction to the basics of identification, preservation, collection, search and production of Electronically Stored Information and effective utilization of procedural and evidentiary rules, practice pointers, and admissible evidence.

**LAW 623. Election Law and Policy. 3 Hours.**

A survey of American political structure and legal process, exploring the constitutional, administrative, and policy-related aspects of the political framework, including the right to vote, redistricting, political parties, campaigns, and campaign finance.

**LAW 624. Advanced Legal Research. 2 Hours.**

The course focuses on advanced legal research methodologies and strategies within the context of federal, state, and local law. It is designed to prepare law students for research in practical settings.

**LAW 625. Nonprofit Organizations. 3 Hours.**

An examination of the law as related to nonprofit organizations. Various organizational structures and the creation, organization, and dissolution of nonprofit organizations will be considered, as well as tax laws relating to nonprofit organizations.

**LAW 626. International Trade Law. 3 Hours.**

A study of laws that affect businesses buying and selling products or services beyond U.S. borders. Includes the structure of the WTO system, economic theories underlying free trade, and remedies for unfair trade.

**LAW 627. Land Use/Sustainable Development Clinic 1. 7 Hours.**

A clinical course offered to selected, upper level law students, who with faculty supervision, will provide transactional pro bono representation to clients regarding land and water protection.

**LAW 628. Land Use/Sustainable Development Clinic 2. 7 Hours.**

PR: LAW 627. A continuation of LAW 627, presenting an opportunity for a higher level of responsibility, finalization of matters, and continued assistance for actual clients regarding land and water protection.

**LAW 629. Advanced Family Law Advocacy. 2 Hours.**

A focus on laws and issues of a domestic relations practice by using West Virginia domestic law as a framework, with emphasis on practical application.

**LAW 630. Energy Law. 3 Hours.**

An examination of law and regulatory policies that govern and impact the energy industry, including all energy sources and alternative fuel possibilities.

**LAW 631. Cyberlaw. 3 Hours.**

Cyberlaw explores the application of law to all aspects of internet activity and function. Topics such as privacy, consumer protection, trademarks, copyrights, on-line contracting and jurisdiction will be covered.

**LAW 632. Advanced Labor Law. 3 Hours.**

LAW 741 recommended. Advanced topics in labor-management relations under the general jurisdiction of the National Labor Relations Board (NLRB) and the courts.

**LAW 633. International Business Transactions. 3 Hours.**

LAW 729 recommended. A foundation for the pursuit of a career as a corporate attorney with an international focus.

**LAW 634. Energy Reg, Markets and Environ. 3 Hours.**

This course focuses on the legal basis for the economic regulation of energy, the environmental impact of energy production, and the development of policies promoting renewable energy and energy efficiency.

**LAW 635. Land Use and Resilience Law. 3 Hours.**

This course covers the multi-faceted nature of land use and resilience law, including common-law and private-law mechanisms and the regulatory state and planning. In addition, various topics in resilience law are introduced.

**LAW 636. Copyright Law. 3 Hours.**

PR: Student in College of Law. This course covers the basics of copyright, including copyrightable subject matter, formalities and copyright registration, and the substantive and procedural elements of infringement and defenses. Technological developments affecting copyright are also addressed (software/internet).

**LAW 637. Transactional Skills. 3 Hours.**

PR: LAW 779. A practical approach to transactional skills development with in-class simulation of all aspects including, planning, interviewing, negotiating, and drafting of business contracts.

**LAW 638. Legislation and Regulation. 3 Hours.**

An introduction to the modern administrative regulatory state, addressing main instruments of governance, including legislation and agency regulations, as well as statutory interpretation and application.

**LAW 639. Food and Drug Law. 3 Hours.**

This course focuses on the historical development of food and drug law and issues involving carcinogens and risk assessment in food safety; regulation of nutrition, and approval of new drugs, devices, and vaccines for diseases.

**LAW 640. Parent, Child, and State. 3 Hours.**

An exploration of the role and responsibility of the state to protect children and appropriate legal intervention as based upon West Virginia laws.

**LAW 641. Introduction to Legal Research. 1 Hour.**

PR: Student in the College of Law. This course focuses on basic legal research methodologies and strategies within the context of federal, state and local law. It is designed to prepare law students for basic research in practical settings.

**LAW 642. Law Practice Management. 3 Hours.**

PR: Student in the College of Law. This course introduces law office business operations and simulates office decision making dynamics. Subjects include human resources, financial planning/management, marketing, project management, office design, technology, quality control and similar subjects.

**LAW 643. Taxation of Business Entities. 4 Hours.**

PR: LAW 719. A comparative survey of the federal income taxation of C corporations, S corporations, and partnerships.

**LAW 644. Energy Siting & Permitting. 3 Hours.**

This course involves a review of the statutes, regulations and administrative processes associated with the regulatory approvals necessary to develop various energy facilities.

**LAW 645. Water Law. 3 Hours.**

A survey of water allocation doctrines that apply to surface and ground water. The origins of federal power, controversies between governing bodies, public rights, water quality and water-energy nexus, and water rights will be studied.

**LAW 646. Crime Film Documentaries. 3 Hours.**

The use of selected crime film documentaries to facilitate an observation of various aspects of the criminal justice system, particularly the submission of evidence, appropriate conduct of prosecutors, defense lawyers, and judges.

**LAW 647. Nuclear Law & Policy. 3 Hours.**

An examination of the law and regulations governing nuclear power facilities in the U.S. and the policies related to such regulations.

**LAW 648. Energy Business/Law & Strategy. 3 Hours.**

An examination of how law and regulation are used for strategic purposes in the energy industry, including: multi-market case studies using law in business strategies and the business perspective on the evolution of energy law.

**LAW 649. Trademark & Unfair Competition. 3 Hours.**

A study of basic trademark and unfair competition law to include false advertising and the right of publicity, with a focus on federal trademark statutes, state law protection, and the Federal Trade Commission's role.

**LAW 650. Entrepreneurship Clinic 1. 7 Hours.**

In a clinical setting, apply Intellectual Property and Business Law concepts to assist actual clients in entrepreneur endeavors, covering the basics of business organizations, IP protection, financing, and contracting and the effect on entrepreneurs.

**LAW 651. Entrepreneurship Clinic 2. 7 Hours.**

PR: LAW 650. A continuation of Entrepreneur Clinic 1 to assist actual clients in entrepreneur endeavors, covering the basics of business organizations, IP protection, financing, and contracting and the effect on entrepreneurs.

**LAW 652. Jessup International Moot Court. 1,2 Hour.**

PR: LAW 768. A required course for students selected for the Jessup International Moot Court Competition Team that provides oral advocacy instruction and training for the current year's Jessup competition.

**LAW 653. Law and Public Service. 1,2 Hour.**

PR or CONC: LAW 654. A practical course in which selected student will serve as externs to public service and government agencies. Classroom instruction and reflective writing requirements are included.

**LAW 654. Public Service Externship. 2-5 Hours.**

PR or CONC: LAW 653. The fieldwork component of LAW 653.

**LAW 655. Law and Public Service Full-Time. 2-6 Hours.**

PR or CONC: LAW 656. A practical course in which selected students will serve as externs to public service and government agencies on a full-time basis. Classroom instruction and reflective writing requirements are included.

**LAW 656. Law and Public Service Externship Full-Time. 6-11 Hours.**

PR or CONC: LAW 655. The field work component of LAW 655.

**LAW 658. Science & Technology of Energy. 2-3 Hours.**

This course provides an overview of the scientific principles and technology associated with the development of energy resources, as well as coverage of the procedures for handling scientific and technical testimony in legal proceedings.

**LAW 659. Administrative Energy Law and Practice. 2 Hours.**

A practical course designed to build skills in analysis, writing, research, and communication through energy-related administrative law scenarios. Students develop their professional identities, assess strengths and weaknesses, and confront moral and ethical challenges.

**LAW 660. Law of Coal. 2-3 Hours.**

An introduction to current legal issues relating to mineral conveyancing, and regulation of environmental and health and safety impacts of coal mining, reclamation of coal mines and coal combustion.

**LAW 661. Forensic and Expert Evidence. 2-4 Hours.**

A practical study of the appropriate usage of forensic and scientific evidence in court, effective direct and cross-examination of expert witnesses; drafting motions in limine specifically dealing with forensic evidence, scientific exhibits, or expert testimony. LAW 727 is recommended before taking this course.

**LAW 662. Mine Safety & Health Law. 3 Hours.**

Mine Safety and Health is a study of the laws, regulations, and court decisions impacting the mining industry, mine workers, and their families.

**LAW 663. Renewable Energy & Alternative Fuels. 3 Hours.**

This course examines the convergence of energy and environmental issues, and includes a review of renewable and low-carbon energy sources as well as the various incentives to encourage development of renewable energy and alternative fuels.

**LAW 664. Multistate Performance Test Writing Workshop. 1-2 Hours.**

Students will gain training in legal reasoning for law school exams, the bar exam, and legal practice, by focusing on the application of substantive law in the context of a Performance Test.

**LAW 665. Family Law Quarterly. 1 Hour.**

The Family Law Quarterly is a co-curricular course for students who are interested in a law journal experience. The students who participate in the course work at least 3-5 hours a week to edit and cite check scholarly articles written by law professors and practitioners who are experts in family law.

**LAW 667. Multistate Bar Exam Skills Workshop. 2 Hours.**

Provides in-depth training in the legal reasoning needed to successfully answer multiple-choice questions on the bar examination. Geared toward third-year students, and serves as a companion course to the Essay Writing Workshop.

**LAW 670. LLM Seminar. 2-4 Hours.**

A wide range study related to the degree program, exploring diverse advanced topics and perspectives. Rigorous preparation for discussion, a writing project, and in-class presentations are required.

**LAW 671. LL.M. Capstone. 1-4 Hours.**

An advanced course requiring the completion of a research paper or fieldwork project in the area of energy and sustainable development in the LL.M. Program.

**LAW 677. United States Supreme Court Clinic 1. 4 Hours.**

A clinical course that provides students with both instruction and practice in written and oral advocacy in appellate matters with emphasis on those before the United States Supreme Court.

**LAW 678. United States Supreme Court Clinic 2. 4 Hours.**

PR: LAW 677. A continuation of US Supreme Court Clinic 1 with additional emphasis on working with the government in Supreme Court matters and amicus curiae (friend of the court) briefs.

**LAW 682. Essay Writing Workshop 1. 1 Hour.**

A bar review course focusing primarily on the Multistate Essay Exam (MEE); includes strategies for taking the Multistate Performance Test (MPT), Multistate Bar Exam (MBE), and Multistate Professional Responsibility Exam (MPRE).

**LAW 683. Essay Writing Workshop 2. 1 Hour.**

PR or CONC: LAW 682. Open by invitation only, a one-hour extension of LAW 682 for students who would benefit from additional review and who must register for LAW 682 concurrently.

**LAW 688A. Seminar in American Constitutional History. 2 Hours.**

A historical overview of American constitutional law from 1786 to present day, focusing on that part of history that still influences present-day constitutional law decision making.

**LAW 688B. Seminar in International Trade Regulations. 2 Hours.**

PR: Student in the College of Law. This course addresses various subjects in modern international trade regulation including foreign direct investment, trade in goods, and technology, and multilateral versus regional international trade regulation.

**LAW 688C. Seminar in Corporate Governance. 2,3 Hours.**

This seminar provides students an in-depth look at current laws and policies that affect corporate governance and corporate accountability systems.

**LAW 688D. Seminar in Science and the Law. 2-3 Hours.**

A survey in genetic health law, examining issues in rationing, rendering, harvesting, supply, demand, and destruction of human genetic components. Covers gene patenting, reproductive materials, and human behavior.

**LAW 688E. Seminar in Human Rights & the Environment. 2 Hours.**

An examination of the disparate impact of environmental decision-making on minorities relating to enforcement of environmental laws and siting of toxic chemical and hazardous waste disposal by industrial facilities.

**LAW 688F. Seminar in Hydraulic Fracturing. 2-3 Hours.**

An examination of the impacts of hydraulic fracturing in shale deposits in the U.S. and abroad, considering economic, environmental, and social issues and how those issue impact laws and regulations.

**LAW 688G. Seminar in Privacy & Social Media Law. 2 Hours.**

A practical study and exploration to the number of laws and policy issues that involve the gathering, use, and protection of privacy to personal information using social network technology.

**LAW 689A. Seminar: Intellectual Property. 2 Hours.**

Considers the economic and social role of intellectual property laws in American and world economics. Preparation of a research paper of publishable quality will be required.

**LAW 689B. Seminar. 2 Hours.**

This course critically explores the court's role in our constitutional democracy, including issues of federalism, separation of powers, recusal, interpretation, judicial philosophies, authority, judicial selection, abstention, remedial power, and judicial ethics.

**LAW 689C. Seminar. 2 Hours.**

Explores criminal procedure, including bail application, motion, search and seizure, hearings, discovery of evidence, trial structure, appeal, and habeas corpus proceedings.

**LAW 689D. Seminar: Environmental Law. 2 Hours.**

This seminar provides a practical setting for environmental law in a litigation context that uses a case study method.

**LAW 689E. Seminar: Land Transactions. 2 Hours.**

This seminar provides the knowledge and practice of title examinations and the documents involved in conveyance. Students also submit a research paper on an issue involving real estate.

**LAW 689F. Seminar: Lawyers and Legislation. 2 Hours.**

Explores the role of lawyers in the legislative process with practical exercise in bill drafting and presentation to legislators.

**LAW 689G. Seminar: Religion and Constitution. 2 Hours.**

Explores the major doctrinal issues in the interpretation of the First Amendment's religion clauses. Related statutory schemes affecting religious liberty such as RFRA and RLUIPA will also be discussed.

**LAW 689H. Seminar: Bioethics and the Law. 2 Hours.**

An examination of the theological, philosophical and scientific foundations of bioethics; the operation of bioethical principles in the context of current bioethical controversies; and the relations between bioethics and the law.

**LAW 689I. Seminar: Environmental Justice. 2 Hours.**

A broad view of environmental justice issues and their impact on minorities and disempowered citizens and communities.

**LAW 689J. Seminar. 2 Hours.**

Explores the history of the American Civil Rights Movement, the legal development of civil rights in the United States, and the development of legal precedents with emphasis on West Virginia Supreme Court of Appeals cases.

**LAW 689K. Seminar: Civil Disobedience. 2 Hours.**

An examination of the justification and operation of civil disobedience.

**LAW 689M. Seminar: Race/Racism and American Law. 2 Hours.**

This seminar focuses on historical and current event issues regarding race, racism and American law. It offers students the opportunity to advance in research and writing on the subject.

**LAW 689N. Seminar: Refugee and Asylum Law. 2 Hours.**

A research and writing seminar examining U.S. and international refugee and asylum law through reading, discussion and individual research.

**LAW 689O. Seminar: Family Mediation. 2 Hours.**

A comprehensive exploration of the usage of mediation for the resolution of disputes in the area of family law.

**LAW 689P. Seminar: Gender and Law. 2 Hours.**

The examination of the multiplicities of identity regarding the categories of gender, sex, sexual orientation, race and class as used to confer benefits and determine constitutional rights.

**LAW 689Q. Seminar: Constitutional Litigation. 2 Hours.**

This course explores the development of U.S. constitutional law from a litigation and advocacy perspective, focusing on theoretical doctrinal, and policy arguments that have been employed to expand constitutional rights.

**LAW 689R. Seminar in Commercial and Business Law. 2 Hours.**

The examination of various topics relating to commercial, business, or construction (contracting, architecture, engineering) law. A substantial research paper is required.

**LAW 689S. Seminar: Law and Socioeconomic. 2 Hours.**

Advanced topics in the interrelationship between law and economic/social processes.

**LAW 689T. Seminar: Comparative and International Workplace Law. 2 Hours.**

Comparative analysis of workplace laws across global jurisdictions.

**LAW 689U. Seminar: Animal Law. 2 Hours.**

An interdisciplinary study of the dynamics of the relationships between humans and animals in American, comparative and international law. This is a writing-intensive seminar with an oral presentation and a substantial research paper.

**LAW 689W. Seminar: Issues in Energy Law. 2 Hours.**

This seminar provides an understanding of a variety of issues regarding energy law and policy, both past and present, in the United States. A research paper on an energy law issue is required.

**LAW 689X. Seminar: National Security Law. 2 Hours.**

The history and framework of U.S. national security law and policies, with a focus on national security in the context of the use of military force, the intelligence community, civil liberties, and counterterrorism efforts.

**LAW 689Y. Seminar in Sustainable Development. 2 Hours.**

Consideration and further development of concepts and methods relating to sustainable development, including methods for incorporating consideration of economic development, environmental conservation, and social equity in decision-making at the regional, national and global level.

**LAW 689Z. Seminar in Advanced Torts. 2 Hours.**

An examination of significant contemporary torts topics. Newer torts compensation systems and statutory substitutes for the traditional common law torts system will be covered. A substantial research paper is required.

**LAW 693A-C. Special Topics. 1-6 Hours.**

A study of contemporary topics selected from recent developments in the field.

**LAW 694A. Seminar. 1-6 Hours.**

Special seminars arranged for advanced graduate students.

**LAW 700. Legal Analysis, Research and Writing 1. 2 Hours.**

Introduction to legal analysis, research, and writing. Stresses basic law school skills including case briefing, statutory analysis, and synthesis. Drafting of various legal documents including an office memorandum.

**LAW 701. International Human Rights. 3 Hours.**

An examination of historical, philosophical and legal issues in defining, understanding, and enforcing fundamental rights in a world of conflict and diversity.

**LAW 703. Contracts 1. 4 Hours.**

The study of operation of contracts in society, what it means to have a contract, how contracts are made, and the manner and extent to which contracts and non-contract promises will be enforced.

**LAW 705. Criminal Law. 3 Hours.**

Substantive law of crimes including: (1) the philosophical basis for penal systems, (2) the characteristics of particular crimes, and (3) conditions of exculpation.

**LAW 706. Civil Procedure: Jurisdiction. 2 Hours.**

This required, first-year course covers key civil procedure concepts including personal jurisdiction, notice and opportunity to be heard, subject matter jurisdiction, diversity jurisdiction, removal, venue, and the Erie doctrine.

**LAW 707. Property. 4 Hours.**

Law of real property in historical and theoretical context. Includes estates in land and future interest, concurrent ownership, methods of obtaining title, modern land transactions, recording, title examination, and the law of servitudes.

**LAW 709. Torts 1. 4 Hours.**

The basic civil common law response to injury. The fault-based liability system for intentional torts, privileges, and negligence. Consideration of fact and proximate cause, joint tortfeasors, and limited duty.

**LAW 710. Torts 2. 3 Hours.**

PR: LAW 709. A continuation of Torts 1. The tort law of land occupiers, damages, defenses, imputed negligence, strict liability, products liability, and modern statutory substitutes for tort law.



**LAW 711. Legal Analysis, Research and Writing 2. 2 Hours.**

PR: LAW 700. Continuation of LAW 700. Stresses research and writing. Drafting of various legal documents culminating in the preparation of a trial motion and memorandum and oral argument of the motion.

**LAW 712. Analytical Methods for Lawyers. 3 Hours.**

An introduction and overview of game theory, probability statistics, finance, accounting and economics, as they relate to the practice of law. Beneficial to students without undergraduate degrees in business or economics.

**LAW 713. Toxic Torts. 3 Hours.**

PR:LAW 709. An in-depth study of the law of toxic torts in the context of environmental harms.

**LAW 714. Remedies. 3 Hours.**

Equity, damages, and restitution. Survey of remedies available for harms.

**LAW 715. Appellate Advocacy. 2 Hours.**

PR: LAW 700 and LAW 711. Survey of appellate practice. Drafting of an appellate brief and an argumentation of the brief.

**LAW 716. Wealth Transfers. 3 Hours.**

An analysis of the laws estate administration, trusts, and future interests governing intestate succession, wills, trusts, and other testamentary substitutes focusing on West Virginia law. Rules of construction governing inter vivos and testamentary dispositions shall also be investigated.

**LAW 717. Domestic Violence and The Law. 3 Hours.**

(LAW 769 is recommended.) The examination of civil and criminal statutes and case law, as applied to domestic violence, focusing on national trends and West Virginia state law.

**LAW 718. Advanced Bankruptcy. 3 Hours.**

PR: LAW 767. The exploration of bankruptcy code complexities with emphasis on Chapter 11 reorganization.

**LAW 719. Income Taxation 1. 3 Hours.**

Gross income, deductions, exclusions, and gains and losses from dealing in property.

**LAW 720. Entertainment Law. 3 Hours.**

A foundation for the pursuit of a transactional or corporate law career in the entertainment industry. Includes the law contracts, copyright, trademark, and agent representation issues.

**LAW 721. Sports Law. 3 Hours.**

A foundation for the pursuit of a transactional or corporate law career in sports law. Includes the practical application of law of contracts and the process of negotiation.

**LAW 722. Civil Procedure: Rules. 3 Hours.**

This required, first -year course examines most provisions of the Federal Rules of Civil Procedure, including coverage of pleading, pre-trial motions, joinder, discovery, summary judgment, jury trial rights, and post-trial motions.

**LAW 723. Immigration Law. 2,3 Hours.**

Constitutional underpinnings for immigration power; categories of and requirements for employment-based, family-based, and diversity-based immigration; visas for temporary visitation; problems with illegal immigration; removal procedures; and special policy issues, such as terrorism.

**LAW 725. Constitutional Law 1. 3,4 Hours.**

Basic study of the principles of constitutional decision making. Areas of emphasis include the allocation of power within the federal system, procedural and substantive due process, and equal protection of the law.

**LAW 726. Constitutional Law 2. 3 Hours.**

PR: LAW 725. First Amendment freedoms of speech, press, assembly, association, and petition.

**LAW 727. Evidence. 3 Hours.**

Rules, principles, and practice of the law of evidence covering judicial notice; real, demonstrative, testimonial and circumstantial evidence; hearsay; and other exclusionary rules, privileges, confidential relationships, witnesses, and other related subjects.

**LAW 728. West Virginia Constitutional Law. 2 Hours.**

A study of the West Virginia Constitution, its history, and its judicial interpretation with special emphasis on the branches of state government.

**LAW 729. Business Organizations. 4 Hours.**

Basic introduction to business organizations, their formation, maintenance, and dissolution. Includes agency, partnership, and corporations.

**LAW 733. Education Law. 3 Hours.**

A survey of major topics in education law with a focus on public primary and secondary education. The course includes consideration of both constitutional and statutory law affecting schools.

**LAW 734. Intellectual Property. 3 Hours.**

Legal problems in the protection of ideas including copyright, trademark, patent, and law of unfair competition; and their interrelationship.

**LAW 735. Patent Law. 3,4 Hours.**

The application and interpretation of patent law, including the requirements for obtaining a patent, infringement action, and other patent related law and policy.



**LAW 736. Legal Estate Planning. 3 Hours.**

PR: LAW 716. The law in its relation to problems of intergenerational transfers, including federal transfer taxes (estate and gift tax), life insurance, revocable and irrevocable trusts, wills, and the probate process.

**LAW 738. Business Torts. 3 Hours.**

The study of trademark, trade secrets, and unfair competition law, with a strong emphasis on the development of these doctrines in American law from both a statutory and common law perspective.

**LAW 739. American Legal History. 3 Hours.**

The study of American law from the colonial period to the present with emphasis on the jurisprudential, social, economic, political and cultural influences that have shaped the development of a distinctively American legal system.

**LAW 740. Conflict of Laws. 3 Hours.**

Legal problems arising when an occurrence cuts across state or national boundaries, emphasizing questions of characterization, jurisdiction, foreign judgments, recognition and application of foreign law in selected fields of law.

**LAW 741. Employment Law. 3-4 Hours.**

The course primarily focuses on federal and state regulations of the employee- employer relationships and may include: wrongful discharge, employee discrimination, wage/hour issues, and occupational safety and health.

**LAW 742. Professional Responsibility. 3 Hours.**

Professional responsibility in the administration of justice in society; Code of Professional Responsibility examined in light of traditional and changing demands of the legal system.

**LAW 743. Patent Prosecution. 3 Hours.**

PR: LAW 735. The study of all stages of patent prosecution, with an emphasis on claims drafting and amendment of claims. Prosecution study emphasizes drafting responses to official actions.

**LAW 744. Law and Economics. 3 Hours.**

Legal rules and institutions from perspective of economics; basic assumptions and principles with application to private law (contract, tort, nuisance, litigation) and public law (regulations, taxation, redistribution.).

**LAW 746. Lawyers and Literature. 3 Hours.**

A course of literary readings (emphasizing fiction and novels) that involve lawyers and focus on the theme of reflection and introspection.

**LAW 747. Health Care Law. 3 Hours.**

This introductory course in health care law includes state and federal regulation of the business of health care, system managed care, fraud and abuse, and health care transactions.

**LAW 748. Presidential Powers. 2 Hours.**

This course explores the role of the executive vis-a-vis Congress and the Judiciary through a study of the historical, textual, and functional bases of executive power, as well as the limitations on it.

**LAW 750. Alternative Dispute Resolution. 3 Hours.**

A theoretical and practical examination of negotiation, court-annexed and private mediation and arbitration, summary jury and minitrials, and other alternative dispute resolution processes; an assessment of the appropriateness of ADR for particular legal disputes.

**LAW 752. Jurisprudence. 3 Hours.**

Introduction to legal philosophy. Major jurisprudential issues; definition of law, concept of justice, relation of law and morality considered in light of specific legal theories and contemporary issues.

**LAW 753. Estate and Gift Taxation. 3 Hours.**

Application of federal transfer taxes (estate and gift tax) and West Virginia inheritance tax; inter vivos transfers; joint interests; life insurance; valuation; exemptions, exclusions and deductions; marital deduction.

**LAW 754. State and Local Taxation. 2,3 Hours.**

Constitutional limitations; examination of specific taxes such as ad valorem, sales and use, business and occupation, and income taxes; tax exemptions; and tax procedure.

**LAW 755. Partnership Tax. 2 Hours.**

PR: LAW 719. The study of Partnership Tax with an emphasis on reading the appropriate sections of the Internal Revenue Code and applying them to various problems to instill in the students the fundamentals of partnership tax.

**LAW 756. Trial Advocacy. 4 Hours.**

PR: LAW 727. Introduction to techniques of, and moral and ethical questions associated with trial practice, jury selection, opening statement, direct and cross examination, closing argument. Lecture, discussion, and simulation.

**LAW 757. Law Review 1. 1 Hour.**

PR: Student in college of law. (May be repeated for a maximum of 2 credit hours.) Legal research, writing, and editing involved in the production for publication of analytical and scholarly commentary on the law. Enrollment is limited to third-year students who are members of the West Virginia Law Review.

**LAW 758. Law Review 2. 1 Hour.**

PR: LAW 757. (May be repeated for a maximum of 2 credit hours.) Continuation of LAW 757.

**LAW 759. Civil Rights. 3 Hours.**

Survey of federal civil rights and statutes; causes of action to vindicate constitutional rights and remedy discrimination; primary emphases on substance, procedures, and defenses under 42 U.S.C. 1983.

**LAW 760. Workers Compensation Law. 3 Hours.**

A study of the compensation system for work related injuries.

**LAW 762. Federal Courts. 3 Hours.**

Jurisdiction and procedure in federal courts. Federal question and diversity jurisdiction; removal jurisdiction and procedure; the law applied in federal courts, and procedural rules unique to the federal system.

**LAW 763. Employment Discrimination. 3 Hours.**

Survey of federal and state statutes prohibiting discrimination in employment practices on grounds of race, gender, national origin, religion, age, or disability.

**LAW 764. Administrative Law. 3 Hours.**

Creation and operation of administrative agencies, common procedural practices and requirements of administrative procedure acts, judicial control of administrative agencies.

**LAW 766. Coal/Oil and Gas. 3 Hours.**

Nature of ownership of subsurface minerals; methods of transferring ownership thereof, partition among co-owners, analysis of leasehold estates, and rights and duties thereunder, coal mining rights and privileges.

**LAW 767. Bankruptcy: Creditors and Debtors Rights. 3 Hours.**

Federal bankruptcy law including consumer and business liquidation in Chapter 7 and rehabilitation in Chapter 11 and Chapter 13. Actual preparation of filings and plans. Introductory coverage of state debtors in collecting debts and enforcing judgments.

**LAW 768. International Law. 3 Hours.**

The law governing the behavior of nations; overview of customary law, treaties, dispute resolution, armed conflict, and recent specific problems for the United States in the world community.

**LAW 769. Family Law. 3 Hours.**

The law in its relation to creation, stability, and breakdown of domestic relations including engagement, marriage, annulment, separation, divorce, alimony and child support, custody, and adoption (Based on national and West Virginia law.).

**LAW 770. Insurance. 2 Hours.**

A survey of the basic principles, rules, and issues from the formation of the insurance relationship including indemnity, protections afforded, claims, and payment.

**LAW 771. Labor Law. 3 Hours.**

Labor-management relations under the general jurisdiction of the National Labor Relations Board and the courts. Collective bargaining, administration, and enforcement of labor agreements and enforcement and protection of rights of employees, unions, and the public.

**LAW 773. Payment Systems. 2 Hours.**

The law dealing with bills, notes and checks. The relationship of banks with depositors and other banks; commercial credit operations; creation and protection of claims, and UCC Articles 3, 4 and 4a.

**LAW 774. Local Government. 2 Hours.**

Distribution of governmental authority among local, state, and national governments; public office and employment, liability risks of local governmental action; taxing and budgeting.

**LAW 775. Pre-trial Litigation. 3 Hours.**

This course will immerse students in the daily work of civil litigators. Students will learn the procedural and substantive contours of litigating a hypothetical case from its inception through the eve of trial.

**LAW 776. Sales and Secured Transactions. 4 Hours.**

Functional approach designed to use the UCC for commercial and consumer problems. Focus on sale of goods, security interest in personal property, and Articles 1, 2, 6, and 9 of the UCC.

**LAW 777. Health Care Torts. 3 Hours.**

Introduction to legal issues that arise in the U.S. health care system relating mainly to patient care; emphasizing topics such as medical malpractice, informed consent, patient confidentiality, quality and accessibility of health care to patients.

**LAW 778. Trade Regulation. 3 Hours.**

Federal and state controls of vertical and horizontal integration and the legal limits upon the concentration of economic power in the United States.

**LAW 779. Business Transactions Drafting. 4 Hours.**

Focuses on the process and principles of drafting documents used in connection with various types of business arrangements. Such documents establish norms, or rules of expected behavior between the parties in the business context.

**LAW 780A. Federal Judicial Externship 2. 6-11 Hours.**

PR: LAW 727 and PR or CONC: LAW 780. Strongly recommended that students take LAW 618 and LAW 762 prior to enrolling in this course. The field work component of LAW 780.

**LAW 782. Legal Clinic 1. 7 Hours.**

PR: LAW 706, LAW 722, and LAW 727. A clinical introduction to the arts and skills of lawyering. Students may represent clients and also engage in simulated practice exercises.

**LAW 783. Legal Clinic 2. 7 Hours.**

PR: LAW 782. A continuation of LAW 782. Students are given increased responsibilities for cases and will try a case in a simulated and/or actual trial setting.

**LAW 784. Securities. 3 Hours.**

Federal and state regulations of the distribution of and trading in securities, including the Blue-Sky Laws and federal acts.

**LAW 786. Lugar Trial Advocacy. 1,2 Hour.**

An extensive lecture series and trial simulation program designed to provide opportunities for students to develop advanced litigation skills. Students must participate in six full-scale mock trials and one outside trial competition.

**LAW 787. Intercollegiate Moot Court. 1,2 Hour.**

Appellate brief writing and argumentation for members of intercollegiate moot court teams.

**LAW 788. Interviewing, Counseling, and Negotiation. 3 Hours.**

This course provides instruction in the lawyering skills involved in interviewing and client counseling as well as negotiation on a client's behalf. Simulations are employed to develop and enhance these practical lawyering skills.

**LAW 789. Law of Environmental Protection. 3 Hours.**

Problems of identifying and evaluating scientific evidence of air and water pollution; weighting the benefits of economic and technological progress against resulting harm to the quality of life; choice among alternative forms of litigation and public regulation as methods of social control.

**LAW 791A-Z. Advanced Topics. 1-6 Hours.**

PR: Consent. Investigation of advanced topics not covered in regularly scheduled courses.

**LAW 793A-Z. Special Topics. 1-6 Hours.**

A study of contemporary topics selected from recent developments in the field.

**LAW 794A-Z. Seminar. 1-6 Hours.**

Research seminar in various topics. A substantial writing is required under close supervision of the faculty member. (Enrollment limited).

**LAW 795. Independent Study. 1-9 Hours.**

Faculty supervised study of topics not available through regular course offerings.

**LAW 797. Research. 1-15 Hours.**

PR: Consent. Research activities leading to thesis, problem report, research paper or equivalent scholarly project, or a dissertation. (Grading may be S/U.).

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