

# Texas Southern University



## Thurgood Marshall School of Law

### Student Rules and Regulations

# 2010-2011

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*Changes as of July 30, 2004.*

*Inserted VI. Dual Degree Programs, pp.29-31, as approved by the faculty on May 4, 2004.*

*Removed STUDENT BAR ASSOCIATION CONSTITUTION and replaced with new constitution submitted by the SBA President in April 2004, pp. 34-46*

*Changed Constitutional Law from required fall course in second year to course required to be taken at anytime during the second year, pp. 24-25.*

*Changes as of July 15, 2005*

*Addendum.* The above change to “Constitutional Law from required fall course in second year to course required to be taken at anytime during the second year, pp.24-25” should have read, changed **“Constitutional Law to required second year course to be taken during the fall of second year.”** This is a nunc pro tunc change to the above, based on the faculty’s adopted curriculum changes, effective for the 2003-04 academic year.

*Inserted.* Clarification to Section 9, Class Attendance, pp. 21-22. Six hour course -13. All first year six hour courses are year-long and grades are received at the end of the year (not at the end of the semester); therefore, the number of permitted absences is calculated (like one-semester courses) to reflect the year-long carry-over – credit hours x 2 + 1.

*Changes as of July 20, 2006:* Inserted C- exclusion as applied to 1L Substantive Courses III, Sec. 3A p.10.

*Changes as of July 10, 2007*

Removed previous Honor Code and replaced with revised Honor Code approved by the faculty Spring Semester 2007.

*Inserted.* (See p.2) Inserted revised paragraph Article III, Section 4A2, Special Provisions for the disabled

*p. 4 Deleted* that forms could be available at the law school.

Inserted that forms are now available at the Texas Board of Law Examiners web site, [www.ble.state.tx.us](http://www.ble.state.tx.us)

*p. 17 Removed* out of date procedure for Special Provisions for the Disabled and replaced with current procedure.

*Honor Code* - Replaced previous Honor Code with present Code October 2007.

*Changes as of July 20, 2009*

Inserted, (See Pages 8-10). Inserted under Article III. Scholarship, Section 2 (B) (1), “The Law School’s Requirements for a Seminar Paper.”

*Changes made as of September 15, 2009*

*p. 28 changed* the formula for determining the number of permitted absences from  $2 \times \text{course-hours} + 1$  to  $2 \times \text{course-hours} - 1$ . This change is effective spring semester 2010.

## **Introduction**

The following student rules and regulations govern the management of the Thurgood Marshall School of Law. The rules and regulations are derived from requirements for the accreditation of the law school by the American Bar Association, the requirements of Texas Southern University and the Faculty of Thurgood Marshall School of Law. The rules were adopted by the Faculty and can only be amended by a majority vote of the faculty.

It is strongly recommended that, as students and future lawyers, each student should read carefully these rules and maintain the copy you receive for future reference during your matriculation at the law school. A copy of this document is posted on the law school's web-site at [www.tsu.edu/academics/law](http://www.tsu.edu/academics/law) under Students Affairs. It is also available on the flash drive distributed to 1L students during Fall Orientation.

The Thurgood Marshall School of Law is a full time day program. Students are expected to devote full time to law study. Employment is strongly discouraged for first year students. In no event may any student work in excess of 20 hours per week during the academic year.

If you should have any questions about these rules and regulations we strongly encourage you to discuss them with your professors and/or any member of the administration of the law school.

**Every law student, from the date of admission to graduation, shall be charged with knowledge of all provisions of the Student Rules and Regulations. A copy shall be posted on the law school web site and shall remain throughout each Academic Year. Hard copies will be placed in the office of the Student Bar Association, the office of each currently registered student organization, the office of Assistant Dean for Student Development, the office of each administrative law school department, and to each member of the faculty.**

### **Notice of Nondiscriminatory Policy**

The Thurgood Marshall School of Law admits students without regard to their sex, disability, race, color, creed, national or ethnic origin, and entitles them to all the rights, privileges, programs and activities generally accorded to its students. The School of Law does not discriminate on the basis of race, color, national or ethnic origin, sex, or against otherwise qualified disabled students in its admission, academic and other standards, financial aid, or in the planning and administration of any of its academic programs.

## I. GENERAL

### **Section 1. Definitions**

When used herein, “Faculty” shall mean faculty of the School of Law; “Dean” shall mean Dean of the School of Law; “Office of the Dean,” shall mean Dean of the School of Law, or where proper “Assistant Dean” or “Associate Dean,” “Instructor” shall mean any member of the instructional staff of the School of Law.

### **Section 2. Scope**

These rules cover only the subject enumerated and do not govern or limit the existing and customary authority of the Faculty and Dean, as may be specified by the University and/or Board of Regents. These rules shall be construed in harmony with the rules and standards of the American Bar Association, and with the Rules Governing Admission to the Bar of Texas as adopted by the Supreme Court of Texas.

### **Section 3. University Regulations**

All law students shall be subject to general regulations of the University on matters not specifically covered by the regulations of the School of Law, and to the authority of the University administration and officials.

### **Section 4. Declaration of Intention to Study Law**

The Supreme Court of Texas, which admits candidates to the practice of law in Texas as provided by Rules of Court, requires that all such candidates must file a formal Declaration of Intention to Study Law, on forms supplied for that purpose, by October 1 of the applicant’s first year of law school.

The Declaration of Intention to Study Law provides for the certification of good moral character by a committee of the local bar association of the applicant’s home community. All persons who plan to practice in Texas are required to file such declarations. Forms are available at the Texas Board of Law Examiner’s web-site, [www.ble.state.tx.us](http://www.ble.state.tx.us).



## II. ADMISSIONS

### Section 1. Regular Student Status

New entrants of the School of Law, to the first year class, are admitted only in the fall semester, which begins during the middle of August. There is no admission to the first year class in January. Students admitted to regular student status are enrolled in the degree program leading to the Juris Doctor degree (See Article V. Requirements for Degree).

### Section 2. Admission After Dismissal

Only in rare and exceptional cases and for compelling reasons may an applicant who has been dismissed from the law school, or any other law school, for academic reasons be considered for readmission, and only then with the status of a beginning first year student. No application for such readmission shall be considered until at least two (2) years have elapsed since notice of the said dismissal has been issued.

In evaluating such readmission applications from academically dismissed applicants, the Admissions Committee shall consider the following factors:

1. The applicant's law school record.
2. Explanations for the applicant's previous law school performance.
3. Reports of faculty committees, the Dean, and individual faculty bearing on the applicant's past or prospective performance.
4. Recommendations of educators and other persons submitted by the applicant.
5. Educational experience, publications, employment, creative achievement, community involvement, and leadership ability.
6. Motivation to study law.
7. The applicant's academic, community, and employment record subsequent to dismissal from law school.

If readmitted, the applicant's previous law school record shall be attached to his/her transcript, but shall be given no other effect.

**This rule is non-waivable.**

### **Section 3. Transfer Students**

A student who has successfully completed at least one year of law study at a United States law school that is accredited by the American Bar Association (ABA) may apply for admission to Thurgood Marshall School of Law with advanced standing. Transfer applicants are accepted to the extent that vacancies exist in the second-year class and provided the applicant satisfies the following transfer admissions criteria.

Highly successful academic performance at another law school class is an important factor, but it will not in itself cause an applicant to be admitted to the law school. The law school will look at factors (character, diversity, etc.) other than academic performance in determining whether to admit a transfer applicant.

No applicant will be admitted with advanced standing until the Admissions Office has received an official transcript for all prior law school work. Also, a candidate must have received a Bachelor's degree or equivalent degree from an accredited college or university before entering the law school from which he or she seeks to transfer. Thurgood Marshall School of Law determines the amount of credit for work done elsewhere. By rule, no more than a maximum of 30 credit hours can be transferred, and only courses for which a "C" or better was received are eligible for transferred.

Applicants must submit the following directly to Thurgood Marshall School of Law.

1. A completed application form.
2. A personal statement, which should address the reasons for applying for transfer admission.
3. A letter of good standing from your current school that includes your class rank, if available.
4. Two letters of recommendation from law professors at your current law school who can comment on your academic performance, character, and potential.
5. A copy of your LSAT report which may be a photocopy of the LSAT or LSDAS report on file at your current law school.
6. Official transcripts of all undergraduate and graduate work including your current law school. Although Thurgood Marshall prefers an official transcript, it may be difficult in some cases to obtain an official law school transcript for the entire first year until late summer. Therefore, we will consider photocopies of your grade reports or some other account of your grades to reach a tentative decision to admit. However, no offer of admission can be extended to any applicant without first receiving an official transcript.
7. An application fee of \$50.00, payable to Thurgood Marshall School of Law.

## **Section 4. Special Student Status**

### **A. Regular Special Student**

A regular special student is a student currently enrolled as a degree candidate in another graduate program of Texas Southern University, a member of the bar, a graduate of the Thurgood Marshall School of Law or other accredited law school, or other person satisfying the requirements for admission to the School of Law as a degree candidate.

### **B. Transient Special Student**

A transient special student is a student enrolled at another accredited law school who receives permission from that law school to enroll in a limited number of courses at Thurgood Marshall School of Law. Every applicant for transient admission must submit a letter from the Dean of the law school in which he/she is a degree candidate:

1. certifying that he/she is currently a student in good standing and eligible to re-enroll.
2. granting permission for the student to enroll for the particular semester and the particular course or courses, in this School of Law, for which transient admission is sought, and
3. agreeing to accept transfer credit for the successful completion of such courses.

### **C. Applicants for Special Student Status**

Applicants for special student status are admitted by the Dean on a space available basis and upon evidence of satisfactory completion of course prerequisites or other evidence of ability to handle course requirements. Admission as a special student is limited to the particular semester and course or courses for which the status is expressly granted.

Persons denied admission to the Thurgood Marshall School of Law as Juris Doctor candidates are ineligible for admission as special students, except in the case of persons admitted as J.D. degree candidates to another school who seek admission to the School of Law as transient students.

Credit earned while in the Special Student Status is not applicable toward degree requirements in the event of subsequent admission to degree candidacy. No student admitted as a Regular Special Student shall be permitted to take more than two (2) law school courses in any semester. No student admitted as a Regular

Special Student shall be permitted to enroll in more than five (5) law school courses as a Special Student.

**Section 5. Auditing Classes**

With the consent of the Dean of the law school, a student may be admitted to take a course or courses as an auditor. No credit shall be given for courses that have been audited. Auditors shall be registered and pay the same fees as students who enroll for credit.

**Section 6. Provisions for Disabled Students**

Reasonable accommodations will be made if they would allow a person with disabilities to effectively participate in the law school program. Reasonable accommodations may include:

1. A change in the law school program, so long as it does not alter the program's fundamental nature;
2. Structural modifications (i.e., ramps, wide doorways, accessible bathrooms);
3. Providing modified equipment (i.e., braille keyboard on a word processor); and/or
4. Providing aids such as interpreters or readers.

**PLEASE REFER TO THE STUDENT ACCOMMODATIONS HANDBOOK FOR SPECIFIC PROCEDURES.**

### **III. SCHOLARSHIP**

**Section 1. Course Load**

**A. Regular Semester (Fall, Spring of Academic Year)**

**1. Minimum Course Load**

No student, except those eligible to graduate at the conclusion of the semester of current enrollment, shall be permitted to enroll in any regular semester for fewer than twelve (12) law school credit hours provided, however, that students shall register for all required courses in the sequence established by the law school faculty. Failure to enroll and receive grades for at least twelve (12) hours in any regular semester shall result in the student receiving no credit for any hours attempted during that semester.

2. **Maximum Course Load**

No student shall be permitted to enroll in more than sixteen (16) credit hours during any regular semester. A student receiving the J.D. degree during the May or December commencement, however, will be allowed to take a maximum of seventeen (17) hours in his/her final semester. A student who enrolls for more than sixteen hours in a regular semester, except in his or her final semester when enrollment in seventeen is permitted, will be required to complete an additional hour for every hour taken above the applicable maximum in order to graduate.

**This rule is non-waivable.**

3. **Withdrawal**

A law student maintains the right to withdraw, within University and School of Law procedures, from any law school course, subject only to the requirement that a student maintain enrollment in twelve (12) credit hours as stated above and the requirement that no student may withdraw from a course required to be taken in sequence in a particular semester.

**B. Summer Session**

The summer is designed to provide enrichment courses for the students. Enrichment courses are defined as those courses not routinely offered in the regular Fall and Spring semesters. Except in an institutional emergency, courses offered in the summer may not include any course that is taught during the preceding spring semester or during the following fall semester.

It should not be viewed as a vehicle to facilitate early graduation. Students are encouraged to attend no more than one summer session. It is the view of the law school's faculty that students should use at least one of their summers to further their career development by working as interns in law related programs.

1. **Minimum Course Load**

There shall be no minimum course load for students enrolled during the summer session.

2. **Maximum Course Load**

No student shall be permitted to enroll in any summer session for more than eight (8) law school credit hours, provided, however, where a student evidences good cause, the Office of the Dean may grant permission for a maximum of nine (9) law school credit hours. A student who enrolls for more than eight hours in a summer semester, except in his or her final semester when enrollment in nine hours is permitted, will be required to complete an additional hour for every hour taken

and completed above the eight hours in order to graduate. **This rule is non-waivable.**

**C. Limited Drop Offerings**

A student may drop a seminar, clinic or any other offering designated in the registration instructions as a limited enrollment offering no later than the end of the third class day in any fall or spring semester or the end of the second class day of the summer semester and with the advance approval of the Office of the Dean.

**Section 2. Academic Offerings for Credit**

**A. Courses**

Courses are offerings in which the instructor requires a written examination, which comprises at least two-thirds of the basis for the grade. All courses must be evaluated by written examination except courses involving extensive written work, such as trial practice, other simulated or practice skill courses, and courses which are principally concerned with legal writing and research. Instructors in individual courses may require prerequisites upon the posting of written notice.

**B. Seminars and Independent Research**

**1. Seminars**

Seminars are offerings normally restricted to 16 students or, at the instructor's option, 20 students, in which the instructor must require rigorous written work, which comprises at least two-thirds of the basis for the grade.

**The Law School's Requirements for a Seminar Paper**

At present, students must take a seminar offering "in which the instructor must require rigorous written work, which comprises at least two-thirds of the basis for the grade." (See *Student Rules and Regulations 2008-2009*, page 8.) The seminars that fulfill this requirement are so marked in the law school's offerings.

Neither a clinic nor a simulation course may substitute for the seminar requirement, but credit for an independent research project in lieu of a seminar is possible when the project "is equivalent in scope in quality to a seminar paper" and a copy of the student's paper is filed with the Office of the Dean. (See *Student Rules and Regulations 2008-2009*, page 8.)

At present, there is a registration procedure for both LAW 802 Independent Research I and LAW 803 Independent Research II. Also, the paper written for both courses "must be equivalent in scope to a Law Review article of at least 20 double spaced typewritten pages, excluding the cover, table of contents, footnotes, and Table of Authorities." In addition to an application, students must

submit "an exhaustive outline for the paper." *Scholarly Writing for Law Students* is a required text. And, students must meet at least monthly with the supervising professor. (For LAW 802, see Independent Research Application, page and Independent Research Syllabus for the current semester).

We believe that the "rigorous written work" required for a Seminar Paper should at least meet the minimum requirements set out for an independent research project. We have completed extensive research of other law schools that have a similar requirement, and we plan to make this information available in a series of *Quick Teaching Tips*. We have also compiled a set of resources to help the faculty and students, and we will make these resources available to faculty through a series of *Quick Teaching Tips* and to students through our Learning & Assessment Lab.

Based on the educational literature, a student's Seminar Paper should show the student's mastery of the in-depth research undertaken and demonstrate how the student has organized, clarified, or advanced this body of knowledge in resolving the issues raised by the paper. The qualities that make a Seminar Paper different from many other law school writing projects are:

1. Original Analysis,
2. Comprehensive Research on the Topic, and Extensive Footnotes.

Twenty double-spaced typewritten pages, excluding the cover, table of contents, footnotes, and Table of Authorities, is a minimum requirement for a seminar paper as is 12-point font (Times Roman), one-inch margins (on top, bottom, left and right), and single-spaced footnotes that follow the Blue Book for citations. Because our students need to be introduced to the process of scholarly writing and because we have found assessment to be essential to our student's mastering skills, we propose the following steps as minimum requirements for a seminar paper:

- Students select a topic that meets the professor's requirement for the seminar.
- Students submit an initial, brief description of the topic and a research plan under the guidance of the professor; students meet with the professor to discuss progress on the seminar paper to be sure that the student is on the right track and, if necessary, students are directed to scholarly writing resources in the Learning & Assessment Lab.
- Students conduct research and develop a detailed outline, annotated with references to the key cases and other materials that the student plans to consider under the guidance of the professor; students meet with the professor to discuss progress on the seminar paper to be sure that the student is on the right track and, if necessary, students are directed to scholarly writing resources in the Learning & Assessment Lab.
- Students submit drafts of the seminar paper and receive feedback; students

meet with the professor to discuss progress on the seminar paper to be sure that the student is on the right track and, if necessary, students are directed to scholarly writing resources in the Learning & Assessment Lab.

- Students submit a final paper that is at least 20 double-spaced typewritten pages, excluding the cover, table of contents, footnotes, and Table of Authorities etc., with 12-point font (Times Roman), one-inch margins (on top, bottom, left and right), and single-spaced footnotes that follow the Blue Book for citations; students meet with professor to discuss the final paper.
- A copy of the student's submissions with faculty feedback is submitted to our data base for works in progress.

### **The Goals and Purpose of Faculty Supervision of Student Seminar Papers**

Based on the educational literature, clearly stated goals and deadlines, faculty guidance, writing support, and assessment have been found to be essential for a student's success when writing a Seminar Paper.

### **The Importance of Faculty Guidance**

In a seminar, the written paper is the heart of the student and faculty's work together. Because it is an opportunity to convey to the student an understanding of the faculty member's role as legal scholar, faculty members are in a special position when they are supervising a student who is writing a seminar paper. The students are in effect being asked to create a piece of legal scholarship, and the faculty member can help them achieve the scholarly goal of pushing beyond the merely descriptive to the analytical that is the essence of scholarly legal writing.

For many students, the seminar paper is their first experience with actually doing scholarly legal writing. It is therefore very important that the faculty member give the student guidance in understanding the purposes of scholarly writing and the expectations for both the interim pieces and final product.

To that end, it has been found to be helpful for the faculty member to spend part of at least one seminar session talking about what legal scholarship is and what it means to contribute incrementally to the canon in the particular substantive area of law that is being studied.

Many students need guidance in understanding the importance of presenting a clear thesis and organizing the paper around that thesis. There are several articles and texts that can aid students in that understanding; we have provided references to them in the resources at the end of the memorandum. It can be very helpful for the faculty member to assign one of these texts to the students, such as:

1. Elizabeth Fajans and Mary R. Falk, *Scholarly Writing for Law Students* (2d ed. 2000).
2. Eugene Volokh, *Academic Legal Writing: Law Review Articles*,



*Student Notes, and Seminar Papers (2002).*

### **The Importance of Writing Support**

An additional resource that can help students write better seminar papers is the law school's Learning & Assessment Lab. Through both group workshops and one-on-one meetings, the Lab can help students better to understand both the scholarly writing process and its resulting product.

The Learning & Assessment Lab can offer ideas and techniques to assist students at any stage of the scholarly writing process: selecting a topic, deciding on research strategies, organizing notes, outlining, getting started on the first draft, rewriting, and revising.

The Learning & Assessment Lab can help students (1) approach scholarly writing as a specific genre with a defined scope, purpose, and audience as well as substance and technical concerns; (2) use legal substance to organize writing effectively and to make argumentative decisions; (3) improve legal writing by understanding it as a specific process performed under time pressure in practical and academic legal settings; (4) use computer technology and word processing to improve legal research and writing; (5) pay proper attention to legal citation form and footnotes in text; (6) connect substance to syntax; (7) master English grammar; and (8) overcome writer's block. The Lab will also have a bank of sample student scholarly papers.

### **The Importance of Deadlines**

It also helps students for the faculty to have specific deadlines for each of the interim writing steps clearly stated in the syllabus and to include even more interim deadlines than those that are minimally required. For example, it is useful to give students (1) a date by which they must select a topic, (2) a date by which they must submit a reading list and a thesis, (3) a date by which they must submit a first draft for written comments, and (4) a final deadline by which the paper must be done.

### **The Importance of Organization & Structure**

It also helps for faculty to give students a structure for a Seminar Paper. For example, the student might be instructed to organize the Seminar Paper into five parts with a draft of each part due at the time the first draft is due:

- Part 1. Introduction: Why the topic is an important problem or issue in the law;
- Part 2. The legislative or judicial history leading up to the current status quo;
- Part 3. The positions taken by other scholars in the area;
- Part 4. The student's original contribution which may be a proposal

for a new legislative or judicial test or an exception to a rule or, for example, the addition of one prong of a three-part test, or a critique of the other scholars positions, e.g., "Professor X says A and Professor Y says B - both are correct as far as they go, but they should also consider C." and;

#### Part 5. Conclusion.

Students should be encouraged to submit a draft that contains all five parts since feedback on the merely descriptive parts does not give the faculty member the chance to make sure the student is working on an original idea (Part 4) and to give feedback. Although many students can write the descriptive part of the paper well, it is usually the original idea that needs work and that should also be included in the first draft.

#### **The Importance of Feedback**

Comments from the faculty member may come on the paper itself or through a written comment sheet that conforms to the areas on which the paper will be evaluated. These might include: (1) clarity of writing style and organization; (2) originality of thesis; (3) thesis development; (4) use of legal analysis, statutes, and case law; (5) breadth of sources; and (6) progress from first draft to final paper. Students may meet with faculty individually to discuss these written comments and/or faculty may discuss the writing process in class. And, based on the faculty's feedback, students may receive additional help with their scholarly writing in the Learning & Assessment Lab.

#### **The Importance of Grading Standards**

Students should be told the factors that are considered when the faculty member is grading their papers, such as:

1. Originality of opinions expressed - 10%;
2. Research - 30%. Includes quality of paper synopsis and bibliography, extent and thoroughness of research, and proper citation of authorities under a specified current edition of uniform system of citation;
3. Legal Analysis - 30%. Includes thesis definition, breadth and depth of analysis, development of argument and point of view etc.; and
4. Writing style - 30%. Includes organization and structure of paper, rhetoric, style, grammar, and sentence syntax etc.

#### **The Importance of Publication**

A copy of the student's submissions with faculty feedback should be submitted to our data base for works in progress. Faculty may also encourage students who have written excellent papers to submit them to law reviews for publication. In particular, second journals that specialize in a particular topic are often receptive to student work. In this way, faculty members are fostering a culture of scholarship and helping their students become legal

scholars and to contribute to the scholarly canon in the area that they have chosen to research.

### **Conclusion**

A seminar is classified as a writing seminar if the instructor requires that the student write an original Seminar Paper that embodies the results of extensive research. Through meeting the Seminar Paper requirement, the student should show his or her mastery of the in-depth research undertaken and demonstrate how the student has organized, clarified, or advanced this body of knowledge in resolving the issues raised by the paper.

## **2. Independent Research Project in Lieu of Seminar**

Students may earn 3 hours of fully graded credit for independent research under faculty supervision which results in a research paper by the student, on a topic of the student's choice that is equivalent in scope and quality to a seminar paper. Students must secure approval of a supervising faculty member and the Office of the Dean before registering for such credit. Credit will be given only for research undertaken after the student actually registers for the independent research project.

Credit for an independent research project in lieu of a seminar is subject to the filing of a copy of the student's paper with the Office of the Dean.

### **C. Clinics**

Clinics and practice simulation courses are offerings with limited enrollments designed to expose the student to a range of professional and practical experiences. Neither a clinic nor a simulation course may serve as a substitute for the seminar requirement.

### **D. Special Activities Credit**

Students may receive credit for certain special activities approved by the Faculty. Students with questions or problems regarding such special activities credit should consult the Office of the Dean. No student may earn more than a total of four hours of special activities credit during his/her entire period of enrollment in the School of Law. Academic credit may be earned for the following special activities:

#### **1. James M. Douglas Board of Advocates**

Third-year student members of the James M. Douglas Board of Advocates may enroll and earn two (2) credit hours in the course "Moot Court."

2. Law Review

\*See Law Review Manual For...Requisites.

Third-year student members of the Law Review may enroll and earn two (2) credit hours in the course "Law Review" upon the completion of 3 semesters of Law Review commencing in the first semester of the second year.

### Section 3. Grading System

#### A. Grade Definition and Structure

##### Letter Grade = Honor Point: Definition

A	4.00	Excellent
A-	3.67	Intermediate
B +	3.33	Intermediate
B	3.00	Good
B-	2.67	Intermediate
C +	2.33	Intermediate
C	2.00	Satisfactory
*C-	1.67	Intermediate <i>*(Does Not Apply to 1L Substantive Courses)</i>
D +	1.33	Intermediate
D	1.00	Marginal
D-	0.67	Intermediate
F	0.00	Failure
I		Incomplete - A failure to demonstrate the required competence because:

- 1) Student has an excused failure to take exam, or
- 2) Student has been granted an extension of time by the professor in a seminar or other courses where the grade on the paper will constitute a significant percentage of the final grade.

NOTE: (See Article III. Sec. 4 A 7 - Postponed Examination).

See also Article III Section 7 for removal of Incomplete.

R =(In Progress) A grade designation given in multiple-semester courses at the end of the fall semester. It is not included in grade point computation.

S =(Satisfactory) This grade can be given only upon the approval of the Academic Standing Committee and the Dean, and shall not be included for the purpose of

measuring the cumulative average, but shall be included for the purpose of credit hour requirements.

W = (Withdrawal) An administrative decision by the professor of the course in conjunction with the Office of the Dean that the student has failed to satisfy either minimum or maximum course loads or minimum attendance requirements as specified herein at Article III Sections 1 A, and B and Article III Section 4 A 1. This grade must also be given where a student withdraws from a course in which withdrawal is permitted. Such withdrawal from a course, or courses, must comply with deadlines and procedures prescribed by law school and University Regulations.

## **B. Grade Guidelines**

### **1. Second year required courses except Trial Simulation.**

Each faculty member is expected to follow a grading pattern in each course by which the mean grade point average for second year required courses range from 2.33 to 2.50. Compliance is subject to review by a committee consisting of the Dean and two faculty members.

### **2. Lawyering Process I and Lawyering Process II.**

Each Faculty member is expected to follow the following grading pattern in Lawyering Process I and Lawyering Process II.

“A”	10-13%
“B”	25-34%
“C”	35-45%
“D/F”	0-08%

### **3. First Year Uniform Exams and First Year Grading Curve**

The First Year Uniform Exam Policy was adopted to mimic the testing format of courses tested nationally on the “multi-state” portion of bar examinations and to insure fairness to students because it prevents significant grading pattern differences by first year professors. Hence, students with the same admission credentials have the same opportunity to excel, do average work, or fail no matter which section (currently four sections) the law school assigns them. The system was based upon a distribution of letter grades that mirrored the

average distribution of letter grades, actually given to the entire first year class, at the law school, for the three years prior to its adoption (A range -9%; B range - 33%; C range - 52%; D range - 5%; F range - 1%). This decision avoided controversy over establishing a new grade distribution, and the implications the change might have with regard to altering our first year attrition rate. Grading curves are commonly used in other law schools and other disciplines.

Finally, and significantly, the Faculty recognized that to avoid institutionalizing even our current pattern of failing grades, a policy should be adopted that insured, that if the quality of our student body improved, no automatic percentage of the grades must be "D" or "F". This was done by identifying certain raw scores, attainment of which would insure any student who achieved such a score, a "C", "B", or "A" grade. The first year attrition rate has been 9.4% for 2007.

## PROCEDURES

First year students at Thurgood Marshall School of Law (TMSL) are graded as follows in courses other than Lawyering Process.

Professors assigned grades to the students in their sections on the basis of students' scores on one or more essay/multiple choice tests and possibly other criteria unique to their section (such as classroom participation). Professors vary considerably in the scale of measurement they used to report grades; e.g., 1.0 to 4.0, 0 to 100, etc. The professor's grade counts 50 percent toward a student's final total score in a course.

The remaining 50 percent is based on the student's score on a 60-item multiple-choice test. This test is constructed by the professors who teach the courses. All the students in a course take the same multiple-choice test at the same time, regardless of their section. A student's raw score on the multiple-choice test is the total number of questions answered correctly.

The following procedures are used to create a total score for a course:

1. The raw multiple-choice scores are converted to a scale of measurement that had a mean of 50 and a standard deviation of 10.
2. The professor's grades in a section are converted to a scale of measurement that had the same mean and standard deviation as those student's scaled multiple-choice scores
3. A student's total scale score in a course is the sum of that student's scaled multiple-choice score and scaled professor grade.

The distribution of total scale scores is divided into score ranges to produce the percentage of A's, B's, C's, D's, and F's that were consistent with Thurgood's policies for this course. The B's, C's, and D's are further divided into three groups to allow for the assignment of plus and minus grades. The A's are divided into 2 groups, A and A- and the C's into C+ and C. The F's are not divided.

#### **C. Computation of Law School Averages**

In computing student averages, the grade in each course will be weighted in proportion to the semester credit hours assigned to the course, with said total average rounded off to the nearest one-hundredth (1/100.00) decimal point. Grades of W, S, and I shall not be included for the purposes of computing such averages.

#### **D. Determination of Grades**

To establish fairness and uniformity with the law school grading structure, the school provides:

##### **1. Justification and Measure of Grades**

The primary goal of this law school is to provide each student with the opportunity to acquire those skills and attributes that characterize the first-class, well-educated lawyer.

The law student's primary task is to acquire those skills and attributes. A well-defined and structured grading system is necessary to determine if both parties are achieving their mutual primary goal.

Among the skills and attributes basic to competent lawyering that the law school seeks to instill, the student seeks to acquire, and the grade structure attempts to measure are the following: \*

\*The above statement of skills is from “New Directions in Legal Education” by H. Packer and T. Ehrlich, pp. 22-23.

- (a) Analytic Ability - is that especially observable capacity of the good lawyer to distinguish A from B, to separate the relevant from the irrelevant, to stay on the subject, to sort out a tangle into manageable sub-components, to keep separate the verbal symbol and its referent, to examine a problem from close range or long distance, to detect an answer smuggled into a premise of a supposed fact, to frame the same problem in many different ways, to be ever skeptical as to what is “fact,” to frame the same problem in many different ways, to be ever skeptical as to what is “fact,” to know the place of - and limitations upon - logic in decision-making, to be able to surround a problem perceiving it from many different angles at once. In acquiring these skills, the lawyer must come to understand the process of generalization and abstraction; he/she must learn to move easily back and forth between the abstract and the concrete, to synthesize and to particularize with equal ease and to recognize when the solution to a problem calls for more data and when it calls for a choice among competing values.
- (b) Substantive Legal Orientation - Measured against the entire legal universe, no lawyer ever knows much substantive law outside a single field or sub-field or specialization. But every good lawyer has a familiarity with the dominant features of the legal terrain; every good lawyer is able to locate a client’s problem on the general map of substantive law.
- (c) Basic Working Skills - A good lawyer has a full command on a set of lawyer’s basic skills. The work involves intellectual design, assembling and organizing information, and skillfully using means of communication. The first-class lawyer knows how to write, how to use a library, how to be an effective advocate, how to listen, how to draft, how to interrogate and to find out what he or she needs to know.

## 2. Measure of Grade Standards in Each Law School Course

The following items may be taken into account in measuring student performance:

- (a) Examinations
- (b) Clinical Experience



- (c) Research Papers
- (d) Class Assignments and Projects
- (e) Class Participation
- (f) Class Attendance - provided, however, that a faculty member cannot place a relative weight of more than five (5) percent of the final grade as based on class attendance.

However, in the case of courses required to be taken in sequence - where a student may not be withdrawn from a class (See Article IV Sections 1 & 2) the faculty member may lower the grade by assigning a value in excess of five percent to class attendance up to two letter grades where the number of absences exceed the maximum permitted within these rules. See Article III, Section 9.

#### **E. Procedure for Dispute of Grade and Changes of Grade**

Once a faculty member submits a grade to the Office of Student Affairs, neither he/she nor the student may change that grade without having the following basis and following the procedure outlined below:

##### **1. Basis for Grade Changes**

###### **a. Faculty Initiated:**

A faculty member may seek to change a grade on two basis. First, the faculty member may seek to change a grade on the ground that he or she made a computational and/or clerical error. The faculty

member should document in writing the alleged error, and why he or she is characterizing it as a computational and/or clerical error.

Second, the faculty member may seek to change a grade on the basis that he or she made a gross substantive error in evaluating the work of the student in question such that the student was treated substantially different than other students in the class. The faculty member should document, in writing, the alleged error, why he or she is characterizing it as a substantive error, and describe how the error in question resulted in the student being treated substantially different than other students in the class.

###### **b. Student Initiated:**

A student may seek to change a grade on two basis. First, a student may seek to change a grade on the basis that the faculty member made a computational and/or clerical error that the faculty member

refuses to correct. The student should document, in writing, the alleged error, and why he or she is characterizing it as a computational and/or clerical error.

Second, the student may seek to change a grade on the basis that a faculty member discriminated against the specific student in question through the use of a grossly inconsistent standard as compared to the professor's other students in the particular class. The student should document, in writing, the alleged grossly inconsistent grading.

## 2. **Procedures for Grade Change**

- a. All grade change requests should be made to the Academic Standards Committee.
- b. Due diligence should be demonstrated in applying for grade changes. All grade change requests must be made for all courses taken and all grades received in the fall semester by the later of the two dates: March 15 or 30 days after the grades have been posted. For all courses taken and grades received in the spring semester or summer session by the later of October 1 or 30 days after the grades have been posted. Grade change requests for fall semester grades in any first year continuing course must be made by the deadline listed above for fall semester grades. Neither the Office of the Dean nor the Academic Standards Committee shall have authority to act on a petition after the time limitations have passed.
- c. The committee must find clear and convincing evidence that the faculty member or student has proven the basis for the grade change. A grade change request must be approved by a majority of the members of the Academic Standards Committee.
- d. A grade change approved by the Academic Standards Committee must be reviewed by the Dean of the School of Law, and only becomes effective if he or she also approves it.
- e. When the basis of the grade change is computational and/or clerical error, or substantive error based grade change initiated by a faculty member, the committee will forward a report to the Dean in which the committee will identify the letter grade the student should receive. When the basis of the grade change, however, is

discrimination, the committee report will recommend that the grade of “S” (Satisfactory) be entered.

- f. The Office of the Dean shall provide written notice to the petitioning person and/or the student of the final disposition of the grade change request.

### **3. Notification by the Committee**

The Academic Standards Committee has the authority to notify students, if it so chooses, when the committee feels such students have been negatively impacted by a given grading method or policy.

## **Section 4. Examinations**

### **A. Attendance**

#### **1. Required**

A student is required to be present for all scheduled examinations at the time and place prescribed. Any student who has not withdrawn from a course (See Article III, Section 1A 3, for requisite procedures), or has not received an excused absence (See Article III, section 4, A 7, below for requisite procedures, and Article III, Section 3, A, for definition of Incomplete (I) evaluation), and who fails either to attend an examination or fails to submit an answer shall receive the grade of F.

#### **2. Special Provisions for the Disabled (See Student Accommodations Handbook for Specific Procedures)**

If a Student is disabled, the student must apply for accommodations at the beginning of the semester and provide proper documentations for review and approval. Any student, whether temporarily or permanently disabled, must follow the specific procedures in the Student Accommodations Handbook. If necessary, the student and the professor through the Office of the Dean shall make suitable arrangements for the taking of the examination. To the extent possible, such an examination is to commence at the same time as the scheduled examination. Under all circumstances, the School of Law must provide reasonable accommodations for the student with a disabled condition.

#### **3. Anonymous Examinations**

Examination numbers shall be employed for all examinations; and different numbers shall be employed for each examination. Examination papers shall be graded anonymously and tentative grades submitted to the Office of Student Affairs in the first instance. Instructors may thereafter learn the identity of students before finally submitting grades in order that factors other than the final examination scores may, at the instructor's discretion, be included in the final determinations.

#### **4. Types of Examinations**

- a. Standard Examination - A standard examination is one conducted in the School of Law at a time and place regularly scheduled by the Office of the Dean. All students enrolled in the offering, must take the examination at the same time and place. Students wishing to type the examination shall take the examination in a location arranged by the Office of the Dean.
- b. Take Home Examination - A take home examination is written at any location not prohibited by the instructor. The student picks up the examination and returns it at a specific time fixed by the instructor and the Office of the Dean that falls within the regular examination period, subject to limitations of paragraph 5, below.
- c. Floating Examination - A floating examination is written at any location not prohibited by the instructor. Each student enrolled in the offering can pick up the examination at any time within the reading or examination period. The student returns the examination within the time period allotted by the instructor, subject to the limitations of paragraph 5, below.

#### **5 Duration of Examinations**

Take home and floating examinations may not require a period of more than 24 hours to complete. In no event shall the time period allotted for completion be such as to require the student to return the examination at an hour when the School of Law's administrative offices are not regularly open.

#### **6. Proctoring and Grading**

Examinations may be given pursuant to such proctored or honor system as the faculty may determine. All course examinations, including take home and floating examinations are to be graded anonymously.

## 7. Postponed Examination

- a. General. A student will be permitted to postpone an examination only after securing approval from the Office of the Dean and, whenever possible, from the course instructor. Such approval will be granted only on the basis of extremely compelling justification.
- b. Illness. Extremely compelling justification includes serious illness. When a student wishes to postpone an examination for medical reasons, he/she shall be required to provide the Office of the Dean with certification of serious illness by a medical doctor. A student who becomes seriously ill during the examination period and is for that reason unable to take a scheduled examination must make all reasonable efforts to inform the Office of the Dean and, whenever possible, the course instructor before the examination.
- c. Completing Postponed Examinations. Normally, the student shall be required to take the postponed examination as soon as possible, as determined by the Office of the Dean in consultation with the course instructor. If the examination is not taken and graded before the deadline for submitting grades, the student shall receive a grade of “incomplete.”
- d. Unauthorized Postponement. Any student who has not received permission to postpone a scheduled final examination, or who fails to appear without giving adequate justification, shall receive a grade of “F.”

## 8. Retention of Examination Papers

All examination papers must be deposited with the Office of the Dean within two (2) weeks of the date final grades are submitted to the Registrar. Once deposited, the Office of the Dean shall retain examination papers for one year, or until the examined law student graduates, whichever occurs later.

## B. Final Examination Notice

The Office of the Dean shall be responsible for publishing a schedule of all final examinations detailing the courses, by name and number, instructor, room assignment, date, and time allotted for the examination. The Office of the Dean must make every effort to post the final examination schedule

for the next regular semester, or summer session, on the first day of student registration for that semester or summer session.

**C. Examination/Evaluation Review Process**

A student may request a review and consultation regarding his/her evaluation and performance with his/her instructor. The student must request a grade change within the period set forth in Article III Sec. 3 E.

**Section 5.**

**Academic Standards**

One of the major responsibilities the law school owes to each student is to provide timely and accurate information concerning that student's progress towards acquiring the skills necessary for competent lawyering. The grading process is the means that the school primarily employs to discharge this responsibility. The law school, pursuant to discharging this responsibility, must establish standards for determining when a student's performance as measured by the grading system indicates that the student will not be able to acquire the skills necessary for competent lawyering within the maximum time of law school matriculation.

The establishment of such minimum performance standards also provides students, who are performing competently, with a basis for evaluating the degree to which their performance is exceeding the law school's determination of minimal competence.

Where the line of minimal competence, as measured by cumulative grade performance should be drawn, is always a difficult determination to make. It is facilitated, however, by the degree to which the grading structure and definitions are rationally and fairly applied by the law faculty in the process of grading. One of the major basis for determining where that line should be drawn must be the past collective experience of the law faculty and administration with respect to when a given level of cumulative grade performance clearly indicates that the student has not acquired, and is not likely to acquire, the skills necessary for competent lawyering.

Despite the difficulty of this determination of the law school's responsibility to the student, as well as its larger responsibility to the communities it serves, requires that it make the best efforts to establish and fairly administer such standards. The following standards are drafted with the hope that they competently discharge this responsibility.

**A. Standards for Continuation and Graduation**

The grade point average of each student shall be reviewed at the conclusion of each Spring Semester and each student must satisfy the following academic requirements in order to remain in good standing.

1. **Standards at the Conclusion of the First Year**

A first year student must achieve a cumulative law school grade point average of 2.0 or above.

**This rule is non-waivable.**

2. **Standards Beyond The First Year**

Beyond the first year any student who has failed to maintain a cumulative law school average of 2.0 or above will be ineligible to continue in the School of Law. However, an upper class student may be allowed to remain in school as a continuing student when the student's cumulative average is 1.95 or greater and there has been a finding by the Academic Standing Committee of exceptional circumstances.

**This rule is non-waivable.**

3. **Standards for Graduation**

A student must achieve a cumulative grade point average of 2.0 or above in order to graduate from the School of Law.

**This rule is non-waivable.**

**B. Treatment of Incomplete (I) In Computing Cumulative Average**

All law students should be on notice that an Incomplete (I) grade will not be used in determining a student's cumulative average. The law school may, however, declare a student ineligible to continue in the School of Law if said student has received one or more incomplete (I) grades, and whose cumulative average falls below the minimum standards. (See III, Section 5, A above)

**C. Summer Grades**

No grades earned by an academically deficient student during the summer session following the semester in which his/her grade point average fell below standards shall be considered in determining whether the student should be dismissed.

**Section 6. Readmission****A. Time Period**

Any law student who has been declared academically ineligible to continue in the School of Law under the standards set forth in Section 5 above, may apply to the Admissions Committee for readmission after a period of two (2) years has elapsed from the time the student has been declared ineligible.

**This rule is non-waivable.**

**B. Procedures**

In addition to complying with the general admission requirements, a student applying for readmission must make an affirmative showing in writing to the Admissions Committee of facts demonstrating that his/her prior disqualification does not indicate a lack of capacity to complete law school in good standing and that the nature of his/her work activities or studies during the interim indicate a stronger potential for law study. A student may be readmitted hereunder as a new student only.

**Section 7. Removal of Incomplete****A. Procedures**

All incomplete (I) grades must be removed from a student's record within six (6) weeks of the commencement of the next Spring, Fall or Summer session which follows the receipt of such a grade. In extraordinary circumstances, the Office of the Dean, upon written petition by the student, and/or professor may grant a reasonable further extension of time.

**B. Failure to Remove**

Incomplete (I) grades not changed to an earned grade within the time constraints specified above will automatically be recorded as an "F" by the law school administration.

**Section 8. Repeating Courses**

A student may only repeat a course for credit if the student has failed the course. Further, a student's right to repeat any course shall be contingent upon the student's right to



enroll in the School of Law for the semester or summer session (See Academic Standards Article III, Section 5) when such a request to repeat is made. The grade received in a repeated course shall be entered into the student's record in addition to the original grade; both the first grade and the subsequent grade or grades are counted in the cumulative average. The cumulative law school academic average of any student shall include all law school grades in all courses taken while a student is a candidate for a degree.

**A. Non-Required Courses**

In a non-required course (not required for graduation), any student who receives a grade of "F" (failing grade) has the right to repeat the said course once during the period in which the student is a candidate for a degree, though no student can exercise this right with respect to more than two (2) different courses.

**B. Required Courses**

Any student who receives a grade of "F" (failing grade) in a required course (a course whose successful completion is a requisite for graduation) must repeat said course and successfully complete it (earning a grade of D- or above) prior to graduation. If a student fails or for any reason does not complete a course required to be taken in sequence (Article IV, Sections 1 and 2) the student must complete the course the next time it is offered. The following courses are deemed to be in sequence: all first year courses and second year courses not offered in both semesters of the second year.

**Section 9. Class Attendance**

Class attendance is required of all students. Excessive absence from classes may result in the following: (a) administrative withdrawal from the course; or (b) grade reduction of up to two letter grades in courses required to be taken in sequence (where a student may not be withdrawn from a class). Excessive absence is defined as any absence in excess of the permitted absence. (See below) "Absence" shall be defined as either a failure to attend class, or a failure to be present at the commencement of class.

**Permitted Number of Absences**

Effective spring semester 2010, the rule governing the permitted number of student absences per course per semester shall be determined by multiplying the number Two (2) by the course credit hours and then subtracting the number one (1) from the result. Based on this formula, the following number of absences shall be adopted by faculty for all courses taught at the Thurgood Marshall School of Law effective spring semester, 2010.

<u>Type of Course</u>	<u>Permitted Number of Absences</u>
Six semester hour course	11

Five semester hour course	9
Four semester hour course	7
Three semester hour course	5
Two semester hour course	3

This rule does not relieve the student of the responsibility to drop any course the student decides not to complete after registering for the course. (See Article III, Section 1, A (3) and Article III, Section 4, A (1).

## **Section 10. Registration**

### **A. Requirements**

Students must register in person at the School of Law or online. Those who register on days later than those designated in the official calendar are charged a late registration fee. Attendance, assignments, and preparations shall be deemed to commence on the first regularly scheduled class regardless of when a student officially registers for a course. Upon sufficient showing to the Dean, late registration fees and penalties for absences or missed assignments caused by late registration can be waived.

The registration of any person in any course given by the School of Law shall not be final until approved by the Dean or authorized representative of the law school and such registration may be canceled at any time such approval is thereafter withdrawn.

Students who have not completed all phases of registration on or before the last official day of late law school registration will not be approved for registration by the Office of the Dean.

The Law School policy for dropping a class is to withdraw on or before the last class day of the semester. Attendance, assignments, and preparations shall be deemed to commence on the first day of regularly scheduled class regardless of when a student officially registers for a course.

### **B. Priority Enrollment**

Students who are eligible for graduation at the conclusion of any semester or summer session must be granted priority enrollment for any course that, (1) is a course whose successful completion is required by the School of Law for graduation, (2) and upon sufficient showing to the Office of the Dean, any other law school course that the student must enroll (subject to maximum load requirements) in order to graduate.

**Section 11. Release of Student Information**

The Family Educational Rights and Privacy Act of 1974 apply to institutional policies governing access to and release of student educational records maintained by educational institutions that are recipients of federal funds. The law school complies with this statute that states in part, that such institutions must:

- A. Afford students access to education records directly related to them;
- B. Offer students an opportunity for a hearing to challenge such records as inaccurate, misleading or otherwise inappropriate;
- C. Receive the student's written consent before releasing information from his or her education records to persons outside the University, except for directory information as indicated below. Information may be furnished to a student's parents without any such written consent only upon certification of the student's financial dependency; and
- D. Comply with a judicial order or lawfully issued subpoena to release a student's record, notifying the student of this action.

The law school may release the following directory information upon request: address, telephone number, dates of attendance, field of study, credit hours earned, degrees earned, and honors received. A student who does not wish such directory information released must file written notice with the Office of the Dean.

## IV. CURRICULUM

The School of Law has designated the successful completion (earning a grade of D- or above) of specific courses as required for graduation. These required courses must be taken in the sequence provided by the School of Law.

If a student fails a course or for any reason and does not complete a course required to be taken in sequence (See Sections 1 and 2 below), the student must complete the course the next time it is offered. The following courses are deemed to be in sequence: all first year courses and second year courses not offered in both semesters of the second year. All other courses should be taken in sequence with the stipulation that certain courses may be deemed as prerequisites for admission into other non-required courses.

### Section 1. First Year Program, Required Courses

Listed below are the required courses for first year students.

<u>FALL COURSES</u>	<u>HOURS</u>
L-504 Contracts I*	3
L-506 Property I*	3
L-508 Torts I*	3
L-900 Lawyering Process I	3
L-530 Criminal Law	<u>3</u>
<b>TOTAL</b>	<b>15</b>

<u>SPRING COURSES</u>	<u>HOURS</u>
L-502 Civil Procedure	4
L-505 Contracts II*	3
L-507 Property II*	3
L-509 Torts II*	3
L-930 Lawyering Process II	<u>2</u>
<b>TOTAL</b>	<b>15</b>

**\*\*This is a multiple semester course. Only one grade is given and that grade is given at the end of the spring semester.**

### Section 2. Advanced Standing Required Courses

Listed below are required courses for students with advanced standing. These courses are required to be taken at the time designated.

#### Second Year Program

<u>FALL COURSES</u>	<u>HOURS</u>
L-600 Evidence	3
L-540 Constitutional Law	4

<b>TOTAL</b>	<b>7</b>
<b><u>SPRING COURSES</u></b>	<b><u>HOURS</u></b>
L-601 Criminal Procedure	3
L-921 Trial Simulation	<u>2</u>
<b>TOTAL</b>	<b>5</b>

**Courses Required To Be Taken At Anytime During The  
Second Year**

	<b><u>HOURS</u></b>
L-920 Appellate Litigation	2
L-640 Business Associations	3
L-610 Commercial Law	4
L-650 Wills and Trust	4
L-620 Professional Resp.	<u>2</u>
<b>TOTAL</b>	<b>15</b>

**Courses Required To Be Taken At Any Time  
During the Second Year by Students with a GPA below 3.0 at the End of Spring Semester of their  
First Year**

	<b><u>HOURS</u></b>
L-740 Basic Federal Taxation	<u>3</u>
<b>TOTAL</b>	<b>3</b>

**Courses Required To Be Taken At Any Time  
During the Second Year or Third Year**

	<b><u>HOURS</u></b>
L-802 Writing Seminar/Independent Research	2/3
L-602 Federal Jurisdiction	<u>3</u>
<b>TOTAL</b>	<b>5/6</b>

**Courses Required To Be Taken At Any Time  
During the Third Year by students with a GPA below 3.0 at the end of their First Year**

	<b><u>HOURS</u></b>
L-711 Consumer Rights	3
L- 903 Texas Practice	<u>3</u>
<b>TOTAL</b>	<b>6</b>

**Section 3. Credit For Courses Taken Outside The School of Law By Student Currently Enrolled At the School of Law**

**A. Maximum Hours**

Students currently enrolled at the School of Law may receive no more than 9 hours of credit for courses taken at another ABA accredited law school. (See Paragraph 1 below). However, six (6) of the nine (9) hours may be taken as interdisciplinary courses at Texas Southern University. (See Paragraph 3 below).

1. Courses Taken At Other Law Schools - Students enrolled at the School of Law may be permitted to receive credit for courses taken at other ABA accredited law schools. To transfer credit earned at another law school after enrolling in this law school, advance permission of the Dean of the School of Law is required.
2. Provided that, (1) a student enrolled at this law school cannot transfer more than nine (9) credit hours earned at another ABA accredited law school, and (2) that a student may not transfer credit to this law school for any course that is designated as "Required."

It shall be considered good policy for the Dean, in the exercise of his/her discretion, to grant permission for a student to take a law school course outside the School of Law only if the subject matter in regard to said course will not be available to the student at the Thurgood Marshall School of Law for either the annual fall and/or spring regular semester at the time of such request.

3. Interdisciplinary Courses - Students enrolled in the School of Law may be permitted to receive credit for interdisciplinary courses taken at Texas Southern University. To transfer earned credit to this law school, advance permission of the Dean of the School of Law is required provided (1) such interdisciplinary courses must be "law related," (2) must also be designated as "graduate level" courses, and (3) that a student enrolled at this law school cannot transfer more than six (6) credit hours of interdisciplinary courses.

**B. Cumulative Average**

All courses, both law and interdisciplinary, taken outside the School of Law, up to the maximum dictated in Section A above, shall be counted as credit hours towards the graduation requirement, but shall not be counted for purposes of determining a student's law school cumulative average.

## V. REQUIREMENTS FOR DEGREE

The degree of Juris Doctor shall be conferred upon students who have successfully met the following requirements.

### **Section 1. Hours**

All students must successfully complete (grade D- or above) ninety (90) hours of credit in the study of law. See § 4 (Cumulative Average)

**This rule is non-waivable.**

### **Section 2. Courses**

#### **A. Sequence**

All courses shall be taken in the order prescribed in the law school Curriculum Plan. (See Section IV, *Infra*).

#### **B. Completion**

A student must successfully complete (grade D- or above) all courses designated as “required.”

### **Section 3. Time in Study**

#### **A. Maximum**

A student must complete all requirements for graduation within four (4) years from the date of matriculation\*. Any law student granted permission to withdraw from the School of Law under subsection D below shall have those course credit hours and grades previously earned and recorded before withdrawal counted in determining his/her academic status, hours credited, and cumulative average. The Dean of the School of Law, with the concurrence of the Academic Standing Committee, may, upon presentation of a written petition by a student, grant a special leave of absence that shall be considered outside for four-year (4) requirement. Normally such leave will only be granted for serious emergencies, such as prolonged illness, or for circumstances beyond the student’s control, such as commitments to the Armed Services, and will not be extended beyond five (5) years.

#### **B. Minimum**

A law student is required to attend law school a minimum of ninety-six (96) weeks to be eligible for the Juris Doctor degree. For purposes of calculating this

requirement, a semester is fifteen (15) weeks of classes plus one week of credit for the examination period, and a summer session is equivalent to eight (8) weeks.

**C. Time In Residence At The School of Law**

The last thirty (30) semester hours in the study of law must be completed in residence at Thurgood Marshall School of Law. In exceptional circumstances, this requirement may be waived by submission of a written petition to the Dean of the School of Law requesting such. The Dean, with the concurrence of the Academic Standards Committee, may then grant such a waiver.

- *This four-year period shall neither include nor date from any prior matriculation that resulted in administrative withdrawal of the student for failure to maintain required academic standards.*

**D. Leave of Absence Procedure**

A student who wishes to voluntarily withdraw from the School of Law pursuant to the above rules must petition the Office of the Dean to obtain permission for such leave. The petition should state the reasons for such leave and the semester the student intends to return to school. The Office of the Dean should acknowledge in writing receipt of the request and grant or deny permission in writing for the requested leave of absence.

Any student who fails to follow the above procedures does not have an automatic right of readmission: First year students must reapply through the Admissions Committee and Upper Class students must petition the Academic Standards Committee.

**E. Application for Transfer Procedure**

A student who wishes to transfer from the School of Law must petition the Office of the Dean before a letter of good standing is issued for such a transfer. The petitioner should state the reasons for the petition. Forms are available on TMSL website under Student Affairs.

**Section 4. Cumulative Average**

No student will be eligible for graduation with an overall cumulative law school (academic) average of less than 2.00 for all law courses.

**This rule is non-waivable.**



**Section 5. Application For Degree**

All students must file a formal application for the Juris Doctor degree as required by Texas Southern University.

**Section 6. Honors****A. Dean's List**

A Dean's List that includes all students who achieve a 3.00 average or above, will be compiled at the end of the each Fall and Spring semester.

**B. Graduation with Honors**

The following law school honors may or will be awarded to candidates for graduation who have completed 60 or more hours in residence at the School of Law:

- 1. Summa Cum Laude - weighted law school cumulative average of 3.50 - 4.00**
- 2. Magna Cum Laude - weighted law school cumulative average of 3.25 - 3.49**
- 3. Cum Laude - weighted law school cumulative average of 3.00 - 3.24**
- 4. Final Semester Grades**

Honors for May commencement graduates shall be awarded on the basis of all grades through the preceding Fall Semester; honors for August commencement graduates shall be awarded on the basis of all grades through the preceding Spring Semester; provided, however, graduates whose grade point averages are raised on the basis of their final semesters grades shall be graduated with the honors specified for such grade point averages.

**Section 7. Certification for Graduation**

The faculty of the School of Law must meet and certify each candidate for graduation. Such certification shall be made subject to the candidate's successful fulfillment of the requirements for the Juris Doctor Degree detailed above. As soon as the grades are submitted, the Dean of the School of Law and the Academic Standards Committee will meet to recommend candidates for certification. The names of those students

recommended will be submitted to the Faculty of the School of Law for approval, and any student not recommended shall immediately receive written notification.

Procedures for appeal of denial of certification based upon degree requirements are noted at Article VII, herein.

## **VI. DUAL DEGREE PROGRAMS**

Students may enroll in any of several dual degree programs established by the Thurgood Marshall School of Law, in cooperation with other schools and colleges of Texas Southern University. Admission candidacy of a dual degree program must be approved in advance by the Dean of the School of Law upon the recommendation of the Interdisciplinary Programs Committee.

### **Section 1. Enrollment in the Dual Degree Program**

- A. Students wishing to enroll in a dual degree program shall petition the Office of the Dean. Such petition shall state the proposed program's objective and include a comprehensive plan of proposed study.
- B. The Office of the Dean shall assign each petitioning student a faculty advisor. This faculty advisor shall assist the student's preparation of his or her comprehensive plan of proposed study.
- C. Admission to the dual degree program shall be open to all law students who are academically eligible under the School of Law Academic Rules (presently, 2.0 grade-point average). Any eligible applicant to the joint-degree program with a grade-point average of less than 2.5 shall be admitted to the program with the understanding that satisfactory progress and continuation in the program may require that the grade point average be improved. For purposes of review, the Interdisciplinary Programs Committee will determine if satisfactory progress is being made by considering the following factors: 1) the number of and reasons for "incompletes" in course work; 2) failure to maintain a 2.5 cumulative grade-point average in the School of Law; 3) the student's standing in the non-law degree program; and 4) progress made and plans for satisfying the writing and optional oral defense requirements of the joint-degree program.
- D. Upon approval of the student's petition, the Committee shall recommend that the Dean approve dual degree candidacy.

**Section 2. Continuation in the Dual Degree Program.**

- A. The Office of the Dean will conduct a semi-annual review of each dual degree candidate's progress. The advisor from the other school or department within Texas Southern University will provide the Office of the Dean with data on the student's progress in that school's program.
- B. Continuation in a dual degree program shall be dependent upon the student's satisfactory progress in each of the dual degree fields. Incomplete work or other evidence of unsatisfactory progress may lead to a decision by the Interdisciplinary Programs Committee to reduce the student's workload directed toward the non-law degree or to take other appropriate action. Continued unsatisfactory progress may result in dismissal from the dual degree program. It is expected that dismissal from the dual degree program will occur only under extreme circumstances, and that limited course load requirements will assure educationally sound progression toward the dual degrees.
- C. Failure to maintain good standing (2.00 cumulative grade-point average) shall result in termination of dual degree candidacy. Upon return to good standing, a student will be restored to joint candidacy only after securing the approval of the Office of the Dean.
- D. Students enrolled in dual degree programs must earn a minimum of 75 credit hours required for the J.D. at the School of Law. In addition, a minimum of 15 credit hours must be earned by successfully completing offerings outside the School of Law pursuant to the approved dual degree program. Said credit hours shall be awarded as provided in Section 2 E below.
- E. Credit hours shall be awarded on the following basis:
  - 1. One credit hour for each of the first 6 credit hours awarded by the cooperating department or school.
  - 2. One credit hour for every two credit hours awarded by the cooperating department or school beyond the first six, on condition that the student a) has successfully completed all the requirements for the non-law degree component of the dual degree as of the time he or she is otherwise eligible to receive the J.D. degree, or b) had, in the opinion of the Committee, substantially adhered to the schedule of non-law offerings approved by the Committee upon the student's entering the dual degree program, with such amendments to the schedule as the Committee may have approved, so long as he or she continued in the program.

### **Section 3. Completion of the Dual Degree Program**

Completion of the dual degree program shall be dependent upon submission of a written work product evidencing the synthesis of disciplines in original research. The written work product requirement may be satisfied by a paper, which meets the law school's writing requirement, a master's thesis, or another product of comparable scholarship. At the option of the student, a timely oral defense of the written work may be required in which the student must demonstrate the capacity to relate the doctrine and discipline of the two fields of the dual degree to each other. The oral defense will carry one unit of credit, may not be taken on a pass/fail basis, but may be retaken in the event of an unsatisfactory performance.

## **VII. FITNESS AND DISCIPLINARY SANCTIONS**

The law school has the responsibility to certify to the proper authorities, where admission to the Bar is sought, that the applicant/graduate is emotionally stable and of good moral character. To this end, it is important that the student's conduct be in conformity with the standards of conduct as prescribed by the School of Law. In addition, a student is bound by the Rules of Discipline as prescribed by the University's Board of Regents. It is the student's responsibility to have knowledge of the rules and regulations contained within the Law School bulletin, the University bulletins, and all other official publications.

### **Section 1. Student Honor Code**

Academic work and campus conduct are also subject to the provisions of the Honor Code adopted by the Student Bar Association and approved by the School of Law. Copies of the Honor Code shall be furnished to newly admitted students prior to the admission date, are posted in the law school and on the law school's web site.

### **Section 2. Disciplinary Sanction/School of Law**

The School of Law reserves the right to dismiss, suspend up to a period of one (1) year, and/or place a reprimand in the student's law school record, for any student already enrolled any time his or her conduct within or outside the School of Law would warrant disciplinary action. The student must be notified in writing of said charge by the Dean of the School of Law and have been found to be in violation of the following standards of conduct prescribed by the American Bar Association in "The Code of Professional Responsibility":

1. Commission of any felony; or a misdemeanor involving theft or fraudulent appropriation of property; or moral turpitude.
2. Engaged in conduct that constitutes the unauthorized practice of law.

3. While advising an actual client, through participation in one of the programs authorized by the School of Law, engaged in conduct that constitutes a violation of one of the disciplinary rules of the Code of Professional Responsibility that prescribes minimum requirements for lawyers in their relationship with their clients.
4. Has been found to have been engaged in cheating or plagiarism in law school examinations, research papers, or assignments.
5. Deliberately gives assistance to another whose conduct the student knows constitutes a violation of any of the above.
6. Giving false information on any law school or University form.

### **VIII. PROCEDURE FOR ENFORCEMENT OF RULES AND APPELLATE REVIEW**

Any law student who is sanctioned by the enforcement of a rule or regulation prescribed herein maintains the right, subject to satisfaction of the procedural requirements stated below, to appellate review. The law school faculty has delegated its final decision making authority in regard to appellate review to the committees designated in Sections 1 and 2.

#### **Section 1. Academic Rules**

Students are expected to comply with the academic rules of the School of Law. A student may appeal by petition to the Academic Standards Committee the administrative decisions made pursuant to the rules. The Committee shall consider each petition individually. The goal of the Committee is to fairly apply the rules to particular cases affording due process to the petitioner. Following completion of the appellate process provided in these rules a student shall have no further right to appeal action taken with respect to enforcement of an academic rule.

When a final decision is reached, the Academic Standards Committee shall provide a written report of its findings to the Office of the Dean. The Office of the Dean shall provide a written decision to the student.

A student may not, however, receive more than one waiver of the minimum grade point average requirement during enrollment in the School of Law.

*\*(Appellate procedure for any disciplinary action is set forth in Article VII. Sec. 2). Please also see Admissions Character and Fitness Hearing Procedures (separate document).*

**Section 2. Fitness and Disciplinary Sanction**

Any student sanctioned by a rule of Fitness and Discipline (Section VI, herein) shall maintain the automatic right to both appellate review and a due process hearing. The requisite procedures for such an appeal shall be as follows:

**A. Appellate Committee**

The appellate committee for fitness or disciplinary matters shall consist of the Dean of Student Development and two members, one of who must be a law student of the Academic Standards Committee. The chairperson of the Academic Standards Committee shall appoint the committee members.

**B. Appellate Committee Process**

Appeals based upon fitness or disciplinary sanctions require a due process hearing which shall include (1) the right of confrontation of evidence, (2) right for counsel to be present, and (3) all other procedural rights deemed necessary for a fair disposition. The Appellate Committee must notify a petitioning student of time, date, and procedures for such a hearing ten (10) days prior to its commencement. Upon reaching a final decision, the Appellate Committee must provide a written report of its finding to both the student affected and the Office of the Dean.

**IX. CHANGE IN RULES**

The School of Law may modify the requirement of rules stated herein. Every student shall be subject to any change, including any change relating to requirements for degree, which may be imposed after his/her original admission to the School of Law, unless such change is waived by the law school faculty on the ground of hardship. Such changes will go into force whenever the law school faculty shall so determine. The student rules may be amended in accordance with the rules of the law school faculty.

**X. WAIVER OF RULES**

In extraordinary circumstances, and for good cause shown, the Academic Standards Committee may waive any of the academic rules that the administration or faculty has the authority to waive or amend except those rules expressly made non-waivable. Such waiver requires approval of 2/3 of the members of the committee and approval by the Dean of the law school.

**THE CONSTITUTION OF THE TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL OF LAW  
STUDENT BAR ASSOCIATION**

**ARTICLE I**

**Section I. Name**

This Constitution shall be known as the Constitution of the Thurgood Marshall School of Law Student Bar Association

**ARTICLE II  
PURPOSE**

**Section II. Purpose**

The purpose of this Constitution shall be to further the relationship between the students of the School of Law, its faculty, the University, and the legal profession. It seeks to enumerate and set forth the procedures and methods of government of the Student Bar Association, which is the governing body of the students of Thurgood Marshall School of Law.

**ARTICLE III  
MEMBERSHIP**

**Section I.**

All law students shall become members of the Student Bar Association. A requirement of membership is payment of annual fees and assessments established from time to time by the Student Bar Association. Each member of the Student Bar Association shall have the right to engage in the general activities of the Student Bar. Membership in the Student Bar shall, under no circumstances, be denied on the basis of race, religion, sex or creed.

**Section II.**

A measure adopted by the Student Bar Association shall be valid only if a quorum of five percent (5%) of the members of the Student Bar Association for the current semester is present at either a regular or special called meeting. The measure or proposal shall then be valid if at least a two-thirds ( $2/3$ ) vote of the members present vote for an adoption of the measure or proposal. Notice of Student Bar Association meetings of the general membership must be posted at least forty-eight (48) hours in advance of such meeting.

**Section III.**

All members of the Student Bar shall have the right to demand a copy of this Constitution, its amendments, revisions, and by-laws at any time, by giving such demand to any of the members of the Student Bar Executive Committee.

## **ARTICLE IV.**

### **EXECUTIVE COMMITTEE OF THE STUDENT BAR**

#### **SECTION I.**

The executive power of the Student Bar Association shall be vested in the Student Bar Executive Committee.

#### **SECTION II.**

The Executive Board shall have general supervision of the affairs of the Student Body between its business meetings, fix the hour and place of meetings, make recommendations to the Student Body and shall perform such other duties as are specified by these by-laws.

#### **SECTION III.**

The Executive Committee shall be composed of the following Student Bar Association Officers: the President, Vice-President, Historian, Secretary, Secretary-Treasurer, Sergeant-at-Arms, Parliamentarian, and the three (3) class presidents. The three (3) class presidents shall be elected in the Spring by the members of the Student Bar. The authority to appoint the non-elected officers to the Executive Committee shall be vested in the President.

#### **SECTION IV.**

The Freshman, Mid-Law and Senior Classes in the School of Law shall each elect a President. The President of the three (3) classes shall serve on the Student Bar Executive Committee for a full school year. The Senior and Mid-Law Presidents shall be elected during the Spring Semester elections of each school year. The freshman class shall elect a President, Vice-President, Secretary and Treasurer and that election will be between the fourth (4<sup>th</sup>) and sixth (6<sup>th</sup>) weeks after the beginning of the fall semester each year. Each of the six (6) Student Bar Association Officers (Vice-President, Historian, Secretary, Secretary-Treasurer, Sergeant-at-Arms, and Parliamentarian) and the three (3) class presidents shall be entitled to one (1) vote each on the Student Bar Executive Committee.

#### **SECTION V.**

Any member of the Executive Committee who is absent for two (2) consecutive unexcused Committee or general membership meetings shall be subject to having his office declared vacant upon the vote of a majority of a quorum of the Executive Committee. Only the President of the Student Bar Association can issue an excused absence from an Executive Committee meeting for good cause.

#### **SECTION VI.**

No action taken by the Executive Committee shall valid or legal, or have any effect whatsoever, unless passed or adopted by a majority of a quorum of the Executive Committee members. A quorum shall consist of fifty (50%) of the Executive Committee members.

#### **SECTION VII.**

The Bar dues shall not be changed unless the proposed change receives an affirmative vote of a majority of the Executive Committee members present at either a regular or special called meeting provided, after such approval such Executive Committee, the Student Bar Association general



membership must approve such Executive Committee action by a three-fifths (3/5) vote of a quorum of five percent (5%) of the current membership. The general membership vote is to be taken at the next regular or special called meeting of the general membership following the Executive Committee action.

#### **SECTION VIII.**

The Executive Committee shall be required to consider and vote upon a measure, proposal or resolution if such is presented by a petition signed by at least five (5) percent of the members of the Student Bar so long as the matter or material contained in such petition can be acted upon by either the Executive Committee or the Student Bar Association membership, at either a regular or special call meeting.

#### **SECTION IX.**

The Executive Committee shall be called for a meeting at least once each month of the Fall and Spring Semesters and at such other times during the school year as the President of the Bar deems necessary.

#### **SECTION X.**

The President of the Student Bar Association shall appoint the Student Bar Law Week Chairman. The Chairman shall report and be subject to the directions of the President of the Student Bar Association. The Law Committee is to submit to the Student Bar Executive Committee a list of prospective speakers for final approval by the Executive Committee and will require at least a majority of at least a quorum of the Executive Committee members. The President of the Student Bar Association shall then invite the speaker or speakers approved Executive Committee.

### **ARTICLE V REQUISITION FOR STUDENT BAR ASSOCIATION**

#### **SECTION 1.**

In order to get Student Bar Association monies, the requesting party must be a recognized organization, making its request in writing to the Executive Committee, to be approved by that body and voted on at the next General meeting of the Student Bar Association Executive Committee.

#### **SECTION II.**

A recognized organization is one registered with the Student Bar Association Executive Committee, stating the name of all elected officers.

#### **SECTION III.**

In order to receive access to SBA funds a complete requisition form must be turned in to the Executive Committee within the first sixty (60) class days of the semester in which the event for which the student organization is requesting funds will be held. If a request must be made after the first sixty (60) class days, a typewritten statement of the circumstances and reasons why the completed requisition form was not turned in within the first sixty class days must be provided for review by the Executive Board.

**SECTION IV.**

A complete requisition must include the following:

- 1) Date of Event
- 2) Purpose of Event
- 3) Include any outside funding
- 4) Is the event an annual function
- 5) Will event be held on campus or off campus
- 6) Will alcohol be served

Any requisition form, which does not include at minimum the above requirements, will be denied automatically. The board reserves the right to request information not listed above. Proper notification will be given when additional information is needed.

**TIME**

All Requisition forms must be submitted four weeks prior to the event for which money is being requested. All requests for money must be submitted no later than the 60<sup>th</sup> day of class of the semester for which funds are being requested.

**SECTION V.**

SBA funds shall not be used for the following:

- 1) decorations
- 2) alcohol
- 3) exclusive events

**SECTION VI.**

Members of the Executive Committee who are interested persons of the requesting organization shall not be permitted to cast any vote for that particular organization's requisition.

**SECTION VII.**

Interested persons shall include, but are not limited to, elected officers or officials, chairpersons, etc.

**SECTION VIII.**

Executive Committee voting shall be blind.

**ARTICLE VI**  
**SBA EXECUTIVE OFFICERS**

**SECTION I.**

Each of the Student Bar Officers must have a minimum grade point average of 2.0, both at the time of nominations and at the time of assuming office. An Officer whose GPA is below 2.0 at the time of assuming office must be removed and their office shall be filled by Article VII. Section II requirements.

**SECTION II.**

The Senior President must have completed fifty-six (56) hours of law courses before assuming office and may count as completed hours all prior law hours passed and that he is currently enrolled in during the spring semester and no more than a total of six (6) hours to be taken in the following summer. The Mid-Law President must have completed not less than twenty-four (24) hours of law courses before assuming office and such total number of hours is to include the number of hours currently enrolled in during the Fall semester in which they enter.

**SECTION III.**

The following duties of each Student Bar Executive Committee member are hereby prescribed.

**PRESIDENT OF THE STUDENT BAR** It is his duty to call at least one (1) meeting of the Student Bar each month of the regular Spring and Fall Semester and to preside over such meetings. He/she or such other officer as he may designate while he is present, shall preside over meetings of the Executive Committee and shall generally be the executive officer of the Student Bar Association. The President shall appoint the Law Student Representative of the American Bar Association. He shall be responsible for the proper performance of all Student Bar activities carried out in the year that he serves and shall see that each member of the Executive Committee properly carries out his expressed and assigned duties. He shall appoint a Parliamentarian and other assistants to elected Student Bar Association officers as are needed, upon approval of Executive Committee. He shall be the chief representative of the Student Bar in all contact with the Dean and Faculty of the School of Law, the University, the community and the legal profession, and at times to seek to further the interests of the students in the School of Law. The President shall sign all documents and countersign all checks. The President shall call all special meetings as he deems necessary and when properly petitioned.

**VICE-PRESIDENT** The Vice-President shall assist the President as directed by the President from time to time. The Vice-President shall preside at all meetings in the absence of the President or at the direction of the President.

**SECRETARY** The Secretary shall take minutes at all meetings of the Association. The Secretary shall maintain and have custody of all records not specifically assigned for other officers of the Association as set forth in the by-laws. The Secretary shall perform any other duties as directed by the President from time to time. The Secretary shall publish the minutes of the Executive Committee within forty-eight (48) hours after such meetings.

**TREASURER** The Treasurer shall have custody of all funds of the Association and shall deposit all receipts in a bank as determined from time to time by the Association. The Treasurer shall make monthly written reports at all regular meetings and file a copy of the report with the Secretary. This report shall include all receipts and disbursements. The Treasurer's signature shall be necessary for any expenditures of the Student Bar monies, or such other reports as directed by the President from time to time.

**PARLIMENTARIAIN** It is the duty of the Parliamentarian to help the President of the Student Bar conduct both Student Bar and Executive Committee meetings on whatever reasonable manner he and the President agree upon. It is also his duty to see that at least twenty-five (25) copies of this Constitution, along with current revisions and amendments and by-laws, are kept and filed with the Secretary of the Student Bar.

**SERGEANT-AT-ARMS** The Sergeant-At- Arms shall maintain order at all meetings. He shall inform the presiding officer of any irregularities during any meetings. The Sergeant-At-Arms shall perform such other duties as directed by the President and/or presiding officer.

**APPOINTED ASSISTANTS:**

**SERGEANT-AT-ARMS** The Assistant Sergeant-At-Arms shall assist the Sergeant-At-Arms and perform the duties of the Sergeant-At-Arms in his absence and such other duties as directed by the President, other presiding officer and Sergeant-At-Arms.

**SECRETARY** The Assistant Secretary shall assist the Secretary and perform the duties of the Secretary in the absence of the Secretary. The Assistant Secretary shall perform such other duties as directed by the President or Secretary from time to time.

**EX-OFFICIO** All officers shall be ex-officio members of all committees but shall not vote as an ex-officio member.

**PRESIDENT OF THE THIRD YEAR CLASS** It shall be his duty to organize and carry out functions as their respective classes desire.

**PRESIDENT OF THE SECOND YEAR CLASS** It shall be his duty to organize and carry out functions as their respective classes desire.

**PRESIDENT OF THE FIRST YEAR CLASS** It shall be his duty to organize and carry out functions as their respective classes desire.

**HISTORIAN** He shall have the duty of keeping a record, to be filed with the Secretary of the Student Bar, both pictorial and otherwise, of the Student Bar activities and programs presented during the semester in which he serves. He shall also have the duty to see that plaques, awards and other honors are maintained, kept up-to-date and on file, and furthermore, he shall be the Chairman of the Publicity Committee of the Student Bar Association.

**ARTICLE VII  
REMOVAL AND REPLACEMENT OF OFFICERS**

**SECTION I.**

Officers of the Executive Committee who are negligent in carrying out the duties of their office may be removed from office by impeachment proceedings in only the following manner: (a) seven percent (7%) of the students must sign a petition for removal which must allege in great particularity the negligence of duty of the accused officer. (b) This petition shall be presented to the Executive Committee. (c) The Executive Committee shall then call a meeting of the Student Bar Association to decide whether or not the accused officer shall be removed from office, and such meeting shall take place one (1) to two (2) weeks after the filing of the petition with the Executive Committee or the quickest possible date following the elapsing of the aforementioned two (2) week period should the period of time constituting the first to second week after the filing

of the petition conflict with a school holiday. (2) This meeting to consider impeachment shall be given wide and full notice. Such meeting must have at least special quorum of at least fifteen percent (15%) of the student Bar members and the officer can be removed by a vote of at least four-fifths (4/5) of at least the number of the special quorum of fifteen percent (15%) of the members of the Student Bar. (3) This meeting shall consist of orderly discussion for and against the removal of the accused officer. In non-manner the Student Bar Association construe whatsoever shall such impeachment, if successful, as a judicial action. Any member of the Student Bar who brings impeachment proceedings against an Executive Committee member maliciously or with wrongful intent, knowing that the basis of his action is unfounded in either truth or facts, shall be subject to disciplinary action by the School of Law Administrative Committee.

## **SECTION II.**

If a Student Bar Office is vacated either voluntarily or otherwise (for whatever reason), the President of the Student Bar shall fill the vacated office by appointment, which appointment must be ratified by the Executive Committee.

## **SECTION III.**

If a Class President of any mid-term or Senior Class voluntarily or otherwise (for whatever reason) vacates his office then a Special Election shall be held. The President of the Student Bar shall post notice of such vacancy for at least three (3) days and nominations for the filing of this vacancy shall be received during this period. Upon the fourth (4<sup>th</sup>) and fifth (5<sup>th</sup>) days following the beginning of the notification period, an election shall be held by written ballots in the same manner as all regular Student Bar Elections. Only members of the class in which the vacancy occurred who are members of the Student Bar shall be eligible to vote in such election. The successful candidate must receive at least a majority of ballots cast in the first (1<sup>st</sup>) vote taken, and then two (2) candidates receiving the highest number of votes in the first (1<sup>st</sup>) balloting shall have a run-off in which the candidates then receiving the highest number of ballots cast shall be declared the holder of the President of the class. If the first year office is vacated for any reason, the President will appoint a first year student in good standing at Thurgood Marshall School of Law. This appointment must be ratified by the first year Executive Committee, the President, Vice-President, Secretary, and Treasurer.

## **ARTICLE VIII CAMPAIGNING**

### **SECTION I.**

All candidates shall be permitted to submit a typewritten statement of his/her qualifications and platform on a poster size sheet of paper that shall be posted in a place to be designated by the Executive Committee.

### **SECTION II.**

No campaigning of any nature shall be permitted within fifteen feet (15') of the polling place during voting hours.

### **SECTION III.**

The Executive Committee shall preside over all debates and questions and answer forums. There will be four (4) debates: two (2) between the Presidential and Vice-Presidential candidate and two

(2) between other elected officers on a Monday and Tuesday of the specified weeks for debating. Each candidate will be given five minutes and two minutes for closing argument. A question and answer period will be permitted; time limit will be to the discretion of the moderator.

**SECTION IV.**

Posting in designated areas shall be permitted upon approval by Office of Communications.

**SECTION V.**

If it is discovered that an opponent has removed the postings of another candidate, the guilty party shall immediately be disqualified from the election and shall be subject to sanctions.

**ARTICLE IX  
ELECTION CODE**

**SECTION I.**

No general election of members of the Student Bar Executive Committee shall be valid unless a printed and reproduced ballot is provided for the voting by the Student Bar members.

**SECTION II.**

The President and the Secretary of the Student Bar shall have the duty of providing the printed ballots for a general election for the Student Bar Executive Committee Members.

**SECTION III.**

The Student Bar Executive Committee shall, by quorum, set the exact date for the general elections so long as the selected date is after the first nine (9) weeks of the semester. Notice of candidate declaration will be given the last week of February. After said date (Mid-March) of candidates declaration, one week later a mandatory rules meeting will be held (campaigning may commence after meeting).

**SECTION IV.**

The Executive Committee shall be responsible for conducting the voting places of the general election of the Student Bar offices. They shall also be responsible for the tabulation of the votes cast in such an election and for giving the results of such elections to the President of the Student Bar. Counting of the ballots shall be in an open meeting and the results of each ballot shall be placed on the bar in tally for all candidates.

**SECTION V.**

No student of the School of Law may vote in a Student Bar election unless he is first a member of the Student Bar in good standing, by virtue of having paid the current semester Bar dues in which the election is held.

**SECTION VI.**

All nominations for Executive Committee officers shall be submitted on the required SBA form.

**SECTION VII. VOTING AND RUN-OFF ELECTIONS.**

The majority of the votes cast shall be sufficient to elect. In case of a tie, only two (2) candidates are competing, balloting for such office shall be repeated. If more than two (2) candidates are running and none has a majority, the top two (2) candidates having the most votes shall participate

in the run-off election.

#### **SECTION VIII. HANDLING OF DISPUTES**

All disputes in regard to the form of elections, nominations, balloting, political activity, and all matters pertaining to nominations and elections not covered by this Article shall be decided by the Executive Committee.

#### **SECTION IX.**

Upon petition by ten percent (10%) of the voting student body, decisions of the Executive Committee shall be subject to reversal or modification. The Executive Committee shall receive prompt notification of any intention to protest its decision and shall grant a delay not to exceed twenty-four (24) hours from the time of such notification within which to appeal the decision.

#### **SECTION X.**

The member entitled to vote shall deposit all ballots and no others shall be accepted. Each member shall sign the roster when casting his or her ballot. All candidates shall be permitted to have a poll watcher at the polls throughout the election.

#### **SECTION XI.**

Any ballot that reflects a vote for any two (2) candidates for the same office shall be void in its entirety.

#### **SECTION XII. POLICY ON POLITICAL ACTIVITY.**

There shall be no caucusing or other political activity during the Student Bar Association elections, which tends to interfere with the successful conduct of any officially scheduled business. Any member of the Student Bar Association found by the Executive Committee to have violated this prohibition shall lose his or her voting privilege in the election of such officers. If the guilty person is a candidate for election, he or she shall be disqualified. Any candidate who perpetrates and/or at his discretion sabotage any other candidate's campaign will be disqualified from said campaign and will be reported to Honor Court and sanctions shall be recommended for violating said rule.

#### **SECTION XIII.**

Candidates must declare by the specified date by 12:00 noon. (If candidates are not in by specified date and time he/she is disqualified from the election).

#### **SECTION XIV.**

Candidates must attend a mandatory campaigning meeting, which will set forth the rules and regulations of such campaign.

(A) Candidates must be in attendance before the meeting begins. (If any candidate is not present when the meeting begins, he/she will not be allowed entrance and is further disqualified from said campaign).

##### **(B) EXTENUATING CIRCUMSTANCES**

(1) Extenuating circumstances are defined as illness or death in immediate family.

(2) Exigent circumstances will be heard and decided by Executive Committee. An intent to appeal must be done by candidate within twenty four (24) hours from time of mandatory meeting.

**SECTION XV.**

There shall be a mandatory meeting for all candidates no less than one (1) week prior to the official start of campaigning. Any candidate who fails to attend this meeting is assumed to be withdrawing his or her nomination.

**SECTION XVI.**

Notice of elections shall be posted no less than thirty days (30) prior to the deadline for the declaration of candidacy.

**SECTION XVII.**

If a dispute arises it shall be handled according to the rules set forth in ARTICLE VII Section II of this code. However, if there are members of the current Executive Committee participating in the election in which the dispute has arisen, then those members shall not participate in the resolution of the dispute.

## **ARTICLE X RATIFICATION AND AMENDMENTS**

**SECTION I.**

Before becoming effective, this constitution must be ratified at a meeting of the present Student Bar, at which at least a quorum of 5% of the Student Bar Members must be present. A three-fifths (3/5) affirmative vote of at least a quorum present at such a Student Bar meeting, shall constitute ratification.

**SECTION II.**

This Constitution may be amended by the addition of either Articles or Sections. Each of these forms must be made by at least a three-fifths vote for adoption in a Student Bar meeting, either regular or special called, of a quorum of the Student bar members who are present and voting. Any proposed Amendment to the Constitution must be posted by the President One hundred-twenty (120) consecutive hours before it is voted on by the Student Body.

**SECTION III.**

An Article, or Section of an Article, maybe repealed upon at least a three-fifth (3/5) vote or repealed at a Student Bar meeting, either regular or special called, where at least a quorum of members is present and voting.

**SECTION IV.**

This Constitution, upon completion of the ratification procedure set forth in section 1 of this Article, shall constitute the only valid, legal and binding constitution of the Thurgood Marshall School of Law Student Bar Association, and must be signed by the Chairman and members of the Constitution Committee and also a majority of the present Executive Committee members.



**ARTICLE XI  
STANDING COMMITTEES**

**SECTION I. COMMITTEES**

**A. Alumni Committee**

The function of this committee shall be to maintain efficient record of alumni activities and accomplishments.

**B. Resolution Committee**

1. The function of this committee shall be to hear all resolutions and grievances upon request.
2. It shall be incumbent upon this committee to seek redress and adjustment of those grievances and/or resolutions which his committee deems worthy of consideration.
3. The authorized procedure shall be as follows:
  - a. Hear all the complaints, and then make a determination as to the course of action to be taken.
  - b. If results cannot be obtained, ask the law school for an advisory opinion.
  - c. If results cannot be obtained, ask the relief sought should be sought through the following order:  
Dean of Students, Dean of Law School, President of the University.
4. This procedure shall only reflect an honest effort to see that justice is done. No phase of this authority under this Constitution should be construed to expressly or impliedly reflect disrespect for the office or position of any University official. Neither shall it be considered a challenge to the authority or integrity of any faculty member or official of this institution.

**C. Liaison Committee**

It shall be the function of this committee to aid in serving as a liaison agency between the Association and other Texas Southern University Organizations.

**D. Publication and Reporting Committee**

This Committee shall have the duty and function of preparing a Student Bar Publication. It shall also have the duty to report the newsworthy activities. The name of the publication shall be The Solicitor.

**E. Social and Planning Committee**

It shall be the function of this committee to plan and make recommendations for the social activities of the Student Bar Association. It shall be the additional function of this committee to formulate, and present to the Student Bar Association for approval, a program of events for the entire school year.

## **HONOR CODE**

### **THURGOOD MARSHALL SCHOOL OF LAW**

#### **ARTICLE I GENERAL PROVISIONS**

##### **PURPOSE**

The purpose of the Honor Code is to develop in the students of Thurgood Marshall School of Law the desire to attain and maintain a high degree of honor and integrity and to strive for excellence in the study and eventual practice of law. To this end, each student entering the law school shall accept a standard that requires absolute honesty and respect for the rights and property of others.

This Code will establish the rules that shall govern student conduct with respect to the University at large and the law school. This Code places on the student the responsibility for his/her own discipline, as does that of the profession to which we aspire.

Finally, this Code establishes the Honor Court, its rules and regulations, as well as those of its members. This Code also establishes ethical standards that shall govern all persons involved in the court system.

##### **DURATION**

This Code governs the conduct of law students commencing with the date of admission to Thurgood Marshall School of Law through the date of graduation unless otherwise provided in this Code. *Admission* shall be defined as the time when the student receives his/her letter of admission. *Graduation* shall be defined as the posting of the degree to the student's record in the Registrar's Office. Conduct prior to admission in gaining admission is not covered by the Code. Conduct reported after graduation is not covered in this Code, though it may have taken place prior to graduation.

When a violation of the Code is reported and the Chief Justice has reason to believe that the accused may be close to graduation as herein defined, he/she shall take steps as necessary to postpone the graduation until a final decision on the matter.

##### **CONSTRUCTIVE NOTICE**

Every law student, from the date of admission to graduation, shall be charged with knowledge of all provisions of this Code. To that end, a copy of this Code shall be made available to every student upon his/her initial registration at the law school. A copy shall also be placed in the office of the Student Bar Association as well as the office of Assistant Dean for Student Development and a copy shall be available to any student upon request. Lack of such placement or failure of a person to obtain this Code does not constitute a defense to a charge or violation of the provisions of this Code. It is also no defense to prosecution that the accused was ignorant of the provisions of this Code.

##### **ANNUAL REPORT**

The Chief Justice and Chief Prosecutor shall prepare and submit to the Dean of the law school an annual report detailing the actions taken and outcome of all matters coming before the Honor Court during that year.

##### **A. FACULTY ADVISOR**

The Dean shall appoint a Faculty Advisor to the Honor Court. The Chief Prosecutor shall promptly advise the Faculty Advisor of complaints of Honor Code violations, and shall consult with the Faculty Advisor throughout the proceedings. The Faculty Advisor shall participate in the decision of whether to proceed with or dismiss a complaint as prescribed in Article VI.3. Following the decision to proceed with a complaint, the Faculty Advisor's role shall be to provide advice to the prosecutor of a complaint as to the proper handling of the case, and the prosecutor shall consult with the Faculty Advisor throughout the proceedings. In preparing the Annual Report the Chief Justice and Chief Prosecutor shall consult with the Faculty Advisor, who shall review and make recommendations regarding the report prior to its submission to the Dean.

## **ARTICLE II**

### **VIOLATIONS OF THE HONOR CODE**

#### **SECTION 1. VIOLATIONS**

- A. Intentional disruption or obstruction of teaching, research, disciplinary proceedings, or other law school activities.
- B. Physical abuse initiated against a student, faculty member, or staff member of Thurgood Marshall School of Law.
- C. Theft from or damage to law school premises, or theft of or damage to property of a member of the law school community.
- D. Theft or hiding of library books or materials, damage to any law library materials or premises.
- E. Using University or law school services, equipment, library, computers, books, email or web addresses for unauthorized or illegal purposes.
- F. Turning in to an instructor a writing assignment that was used in whole or in part in another course without the express permission of both instructors.
- G. The presentation of an intentionally false accusation or information to the Honor Court, including perjured testimony at any Honor Court proceeding.
- H. Any misappropriation of funds or embezzlement in connection with any law school activity.
- I. Solicitation, i.e. with purpose that a violation of the Code be committed, requesting, commanding, or attempting to induce another to engage in specific conduct that would constitute a violation.
- J. Aiding, abetting or conspiring with another person to commit a violation of this Code.
- K. Attempting to commit a violation of this Code.

#### **SECTION 2. CODE OF OBLIGATIONS**

- A. Failure to report a violation of the Code to the appropriate or authority.
- B. Failure of an accused or any other person subject to the Code to appear and testify after notification before the Honor Court shall result in a contempt of court citation. Such contempt shall carry a \$25.00 fine and all fines shall be used to defray court costs. After notification of a contempt citation, further failure to appear without a formal written excuse acceptable to the Court will result in an enhancement of such a violation to full penalty status and will be subject to all penalties established under Article III.

### **SECTION 3. CULPABILITY**

A person does not commit a violation of the Code unless he/she intentionally or knowingly engages in conduct falling within the definition of the violation. A person is considered to have been put on notice of all violations of Article II, Sections 1 and 2. Notice is defined as actual or constructive notice.

### **SECTION 4. AFFIRMATIVE DEFENSES**

- A. *Mistake of fact*, defined as a reasonable, though mistaken, belief concerning a matter of fact under circumstances in which the mistaken belief negates the culpability required for commission of the violation.
- B. *Duress*, defined as compulsion to engage in proscribed conduct by force or threat of force under circumstances which would render a person of reasonable firmness incapable of resisting the pressure.
- C. *Entrapment*, defined as inducement to engage in proscribed conduct by a member of the faculty of the law school using persuasion or other means likely to cause the commission of a violation. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.
- D. *Insanity*, defined as a mental disease or defect at the time of the conduct charged rendering the accused unable to know that his/her conduct was wrong or of conforming his/her conduct to the requirement of the Honor Code allegedly violated.

This is to be an exhaustive list of affirmative defenses that will be recognized by the Honor Court.

## **ARTICLE III**

### **PENALTIES WHICH MAY BE ASSESSED FOR VIOLATIONS OF THE HONOR CODE**

1. Permanent expulsion.

2. Suspension for a stated period of time, not to exceed three years nor to be less than one semester. Upon reentry, a suspended student who was in good standing at the time of suspension shall remain in good standing.
3. Probation
 

A student shall be put on notice by letter from the Dean that states the student is put on probation for the minimum of one semester up to the maximum of matriculation. The conditions of probation shall be that any further violation of the Code may result in the most severe sanction that is provided by this Code.
4. Official reprimand by the Dean of the law school.
5. Exclusion from extracurricular activities for a stated period of time not to exceed one year.
6. Public Reprimand, in a manner deemed appropriate by the Honor Court.
7. Private Oral Reprimand, which shall consist of notification to subject student of a finding that he/she has committed Academic Misconduct.
8. Private Conditional Oral Reprimand, which shall consist of notification to subject student of a finding that he/she has committed Academic Misconduct and of imposition of such conditions as Honor Court member(s) shall determine, a record of which reprimand shall not become part of subject student's permanent college record unless subject student fails to comply with the conditions within a timely manner.

The penalties of permanent expulsion, suspension and probation shall be recorded on the student's permanent record. The remaining penalties shall not be recorded on the student's permanent record, except as set forth therein. All penalties are subject to disclosure to the Board of Law Examiners to the extent so required.

## **ARTICLE IV COMPOSITION OF THE HONOR COURT**

### **SECTION 1. STRUCTURE OF THE COURT**

The Court shall be composed of five (5) members: Two members of the second year class of the law school shall be elected by his/her classmates each year to serve for two year terms, and one faculty member shall be appointed by the Dean. In addition, one (1) at-large Student Justice shall be elected each year by the second year class for a one year term. The at-large Justice shall sit only when one of the other Student Justices is temporarily unavailable for service. During their term of office Student Justices may not serve on the Executive Committee of the Student Bar Association.

**SECTION 2. CHIEF JUSTICE**

The Chief Justice of the Court shall be a student, and shall be elected by the court within two weeks after the student members have been elected. The Chief Justice shall conduct his/her office in a manner reasonably designed to adjudicate all violations of the Code. To that end, the Chief Justice may designate the presiding judge for each hearing and designate three (3) of the total Justices to sit for each hearing, appoint a student or faculty counsel to represent the accused, if required. The Chief Justice must also appoint a Clerk of the Honor Court as well as an Honor Court Coordinator.

**SECTION 3. THE TERM OF HONOR COURT JUSTICES**

Each Student Justice shall serve a two-year term, except the at-large Student Justice whose term shall be one year. No faculty member shall be permitted to serve beyond two consecutive years as a member of the Court.

**SECTION 4. PROSECUTOR**

- A. The office of the prosecutor shall consist of four (4) students of which one shall be the Chief Prosecutor.
- B. Two members of the second year class shall be elected as prosecutors each year by the second year class, and shall serve for two year terms. The Chief Prosecutor shall be elected annually by the Court from among the prosecutors elected by the second year class. During their term of office student prosecutors may not serve on the Executive Committee of the Student Bar Association.
- C. The Chief Prosecutor shall conduct his/her office in a manner reasonably designed to prosecute all violations of the Code. To that end, the Chief Prosecutor may assign to the assistant prosecutors responsibility for handling particular cases which come before the Honor Court. All references in the Code to the Chief Prosecutor shall likewise apply to the assistant prosecutor so assigned.

**SECTION 5. COURT CLERK**

The Clerk of the Honor Court, and one or more assistant clerks as needed, shall be appointed by the Chief Justice of the Honor Court. The Clerk, in addition to duties imposed by other provisions of this Code, shall transcribe the records of the Court subject to the instructions of the Chief Justice, and use due diligence in making arrangements for all hearings to be recorded either mechanically or by a stenographer. If such verbatim records are not possible, then he/she shall be responsible for taking summary minutes of the proceedings, which will be submitted to the Court and the accused or his/her representative for correction and approval. The Clerk shall be responsible for processing subpoena forms, setting all hearing dates and notifying parties of hearing dates.

## **SECTION 6. HONOR COURT COORDINATOR**

The duties of the Honor Court Coordinator shall be to serve as a liaison between the law students and the Honor Court, to disseminate information regarding Honor Court to the law students, to coordinate and/or chair administrative meetings for Honor Court staff. The Honor Court Coordinator may also serve as a liaison between the Honor Court and the Law School administrators. Where needs arise regarding the administrative functions of the Honor Court, the Honor Court Coordinator may be assigned such duties by the faculty advisor.

## **SECTION 7. ELECTIONS AND VACANCIES**

All general elections under this Article shall be held in the spring semester preceding the year in which the individuals are to serve. In the event a vacancy arises in any of the elected positions provided for herein, a special election to fill the vacancy shall be held within two weeks thereafter. All such elections shall be conducted by the Student Bar Associations Executive Committee, which may appoint a temporary replacement to any such vacant position.

## **SECTION 8. ETHICAL STANDARDS**

It is the responsibility of all the Honor Court members to abide by and observe the following ethical standards:

- A. Information regarding any student's disciplinary status, pending cases, potential cases, closed cases, or an opinion on the outcome of a case is not to be discussed with anyone outside the court or closed session.
- B. When talking with an accused or witness in the preliminary procedures, Honor Court Justices will refrain from getting into an independent fact finding discussion or making accusations.
- C. At his/her own initiative or upon being challenged by an accused party, any member of the Honor Court who has a personal involvement in the action or will be called as a witness in the proceedings must step down from his/her position during the proceeding. This also refers to any biases in relation to any of the parties to the action. Failure of such a Court member to do so may be used as a basis of an appeal to the Review Board upon sufficient proof of such involvement or bias.
- D. The vote of each Justice shall be confidential. However, the vote of the entire court must be shared with the accused and placed on record.
- E. The Court may issue a member a warning upon ample proof of a violation of this subsection. Upon a second violation the member will be judicially removed from the Court without the right to obtain a court position during his/her enrollment at the School of Law.
- F. Any Court member who fails to appear for any court proceeding three consecutive times will automatically forfeit his/her position for the remainder of the term in office.

## **SECTION 9. VIOLATION OF ETHICAL STANDARDS**

Where it has been determined that any Honor Court member has violated any of the ethical standards, the Dean (or his/her designee) shall have absolute authority



to remove or impeach said member and appoint a substitute for the completion of the school term.

## **ARTICLE V REVIEW**

### **SECTION 1: REVIEW BOARD**

The Review Board shall consist of the Dean of the law school, the Student Bar Association President, two other students to be selected by the SBA Executive Committee, and one faculty member to be selected by the Dean. Current members of the Honor Court may not serve on the Review Board. The Review Board shall be sworn to confidentiality.

### **SECTION 2: PROCEDURES**

Review of any decision of the Court may be had through procedures described in Article VI, Section 10.

## **ARTICLE VI PROCEDURES**

### **SECTION 1: COMPLAINT**

Any student or member of the instructional staff who has reason to believe that a violation of the Honor Code has occurred shall, within fifteen (15) school days after becoming aware of the occurrence, file a signed complaint with the Dean of the law school (or his/her designee) and with the Chief Prosecutor. For violations occurring during the summer session, the deadline for filing a complaint shall be fifteen school days after the first day of the Fall semester.

### **SECTION 2: CONTENT OF COMPLAINT**

A complaint shall set forth the facts alleged to constitute a violation of the Code including the date, time and place of the observed violation, the conduct observed which is believed to constitute the violation, the name of the persons (if known) who were committing such acts, and witnesses (if any) who are able to verify the facts stated in the complaint. If the name of the party complained of is unknown to the complainant, the complaint shall describe the person with all possible specificity so that his/her identification can later be established.

### **SECTION 3: FORMAL BILL OF COMPLAINT**

A. The Chief Prosecutor, in consultation with the Faculty Advisor, shall make personal and discreet inquiry into the facts set forth in the complaint. If the Chief Prosecutor and Faculty Advisor agree that there is reasonable cause for the filing of such complaint, then the Chief Prosecutor shall cause to be prepared a Formal Bill of Complaint. If the Chief Prosecutor and Faculty Advisor are unable to agree as to the existence of reasonable cause, they shall consult with the Dean and the decision to proceed with or dismiss a

complaint shall be by majority rule of the three parties. If the Chief Prosecutor and Faculty Advisor are not satisfied that reasonable cause exists, the Chief Prosecutor shall notify both the Dean of the law school and the Chief Justice of that fact and of the reasons why in writing, and shall attach a copy of the complaint to the notification. If based on the information set forth in the notification and complaint both the Dean and the Chief Justice determine that reasonable cause does appear to exist, they shall so notify the Chief Prosecutor and Faculty Advisor by a joint communication in writing. In such event, the Chief Prosecutor shall proceed to prepare a Formal Bill of Complaint and to prosecute the case.

- B. The inquiry by the Chief Prosecutor and Faculty Advisor as to whether to proceed with a Formal Bill of Complaint shall include, without limitation, the following:
  - 1. Contacting and interviewing the complainant in person
  - 2. Contacting the accused and according him/her the opportunity to tell the Chief Prosecutor the facts and circumstances; and
  - 3. Contacting, or making a reasonable attempt to contact, all witnesses or other persons believed to have information relevant to the complaint.
- C. The Formal Bill of Complaint shall set forth the facts as witnessed by the complainant and enumerate the specific Code provision allegedly violated. The complainant shall state that the facts therein are true and correct to the best of his/her knowledge and certify such by affixing his/her signature below an appropriate certification clause.
- D. The Formal Bill of Complaint shall be filed with the Clerk of the Honor Court who shall record the date and the time of filing on the complaint and forward a copy to the Chief Justice and Dean of the law school (or his/her designee).
- E. The Chief Prosecutor shall report to the Dean the determination regarding reasonable cause within ten (10) school days of the receipt of a complaint. If the Chief Prosecutor fails to do so, the Dean and the Chief Justice may proceed to make such determination as set forth in paragraph A.
- F. Any statement made to the Chief Prosecutor by the accused or witnesses may be used in evidence in a Probable Cause Hearing or Trial. Prosecutors have no duty to notify an alleged violator that statements can be used for that purpose, but may not misrepresent that fact or the student's right not to testify.

#### **SECTION 4: SERVICE OF NOTICE**

- A. The accused shall be given service of notice and a copy of the Formal Bill of Complaint within a reasonable time not to exceed fifteen (15) school days after the formal Bill of Complaint has been filed with the Clerk of the Honor Court. The Clerk of the Honor Court shall be responsible for effectuating service either by personal delivery to the accused who shall sign an acknowledgement of receipt thereof, or by certified mail to the

address the accused has provided the law school as his/her local mailing address.

- B. The Service of Notice shall consist of the specific charges alleged, the person or persons making the charges, the time and place of the probable cause hearing, and the sanctions permissible under this Code.
- C. Service of Notice shall be made by the Clerk of the Honor Court or the Office of the Dean by service to the accused by certified or registered mail, postage prepaid, return receipt requested, and addressed to the accused at the address shown by the records of this school, or by personally delivering it to the accused. The Notice and Formal Bill of Complaint shall be served together. A copy of the Service of Notice shall be returned to the Chief Justice with the date and time of service noted thereon by the Clerk as soon as possible after service. A copy shall also be forwarded to the Chief Prosecutor.

## **SECTION 5: PROBABLE CAUSE HEARING**

### **A. Composition and Purpose**

- 1. Three (3) of the five (5) justices, to be designated by the Chief Justice, shall sit to decide whether there is enough probable cause to believe there has been a violation of the Code. All three must be students, and the Chief Justice shall designate one of the three to be presiding judge.
- 2. After presentation of the evidence the Justices shall deliberate in private. If any two (2) Justices believe that there is enough probable cause to substantiate the complaint, the case shall proceed before the Honor Court in full, otherwise the complaint shall be dismissed.
- 3. An opinion by the Justices sitting at the probable cause hearing may at their discretion be issued.

### **B. Procedures**

- 1. Within twenty-one (21) days from filing of a Formal Bill of Complaint, but no sooner than five (5) days from the date shown on the return of service of the accused, the presiding judge shall cause to be convened a probable cause hearing at the law school. Probable cause hearings falling within two weeks of final exams shall be deferred until the first week of the succeeding semester.
- 2. The presiding judge may adopt any reasonable procedure not inconsistent with specific provisions of the Honor Code for the conduct of the probable cause hearing.
- 3. In keeping with the purpose of the probable cause hearing, the accused's ability to be heard is limited to a Motion to Dismiss. This motion will only be heard if it puts forth new evidence which was not discovered by the prosecutors; or where there is clear and convincing evidence that a hearing is no longer necessary or appropriate. Such evidence may be presented orally or in writing. Any writing must be

submitted to the court two (2) school days prior to the probable cause hearing.

4. The accused may be represented by counsel of his/her choice or alternatively have student or faculty counsel to present his/her defense. The name, telephone number, and address of the student's chosen counsel must be provided to the Honor Court within ten days after the student has hired the counsel. Counsel for the student must respect the jurisdiction, courtroom environment, justices, and prosecutors pursuant to the standard of the Code of Legal Ethics. Failure of the legal counsel for the student to abide by the court rules after a verbal warning from the Justices shall result in a "contempt of the court" citation. Such contempt shall carry a \$50.00 fine and all fines shall be used to defray court cost. All fines assessed shall be paid to the Honor Court Coordinator.
5. This hearing shall at the request of the accused be a private hearing.
6. The accused may at any time waive the right to this proceeding, in which event the matter shall proceed before the full Honor Court for a trial on the merits.

## **SECTION 6: TRIAL PROCEDURES**

### **A. Preliminary Procedures**

1. Within fourteen (14) days after the final adjournment of a probable cause hearing at which probable cause has been found (or of the waiver thereof pursuant to Article VI, Section 5.B.5), the Chief Justice shall cause a trial hearing to be convened at the law school for the purpose of determining the guilt or innocence of the accused. Trial hearings falling within two weeks of final exams shall be deferred until the first week of the succeeding semester.
2. At least seven (7) days advance written notice of the date, time, and place of the trial hearing shall be given the accused in the manner set forth in Article VI, Section 4.C. A copy of the notice shall be forwarded to the Chief Prosecutor.
3. Within five (5) days before the trial hearing, the Prosecutor and the accused shall submit to the Clerk a list of the names of all persons having information pertinent to the accusation. The Clerk shall forthwith summon all such persons to appear at the trial.
4. In a trial involving more than one student, severance may be allowed upon the request of an accused and at the Court's discretion.

### **B. Trial Procedure**

1. The trial hearing shall be open to the law school community. The accused may petition the Dean, who shall have the discretion to order the hearing to be closed.
2. The Chief Justice shall preside, and may adopt such rules as he/she deems necessary to conduct the proceedings in the interest of

substantial justice and in accordance with the specific provisions of this section.

3. The accused student shall have the right to be present at the trial hearing and to testify, and shall also have the right not to testify nor incriminate himself/herself.
4. The accused shall have the right to be represented by counsel of his/her choosing, or alternatively, have student or faculty counsel appointed by the Chief Justice to present his/her defense. Such appointed counsel must be requested by the accused in advance of trial hearing, and must be acceptable to the accused.
5. The accused shall have a right to be confronted by and to question his/her accuser(s) and other adverse witnesses.
6. The accused or his/her representative shall have the right to call and question witnesses and to present any evidence he/she may wish to present which is within the guidelines provided by the Code and is relevant to the proceedings.
7. The testimony of witnesses who are employees of the Law School or University, or the production of records and other real evidence by them, may be obtained on the request of either party. Such request shall be made to the Chief Justice a reasonable time prior to the trial. The Chief Justice will determine whether such evidence is material and whether required production is necessary; and if so, will request that the Dean of the law school require such testimony or production be provided in the name of the law school. The Dean shall use all best efforts to comply with such request.
8. The Court shall hear all relevant evidence, including mitigating evidence.
9. Whenever possible and affordable, a complete tape recording of the proceeding shall be made. The recording shall be kept permanently under lock and key in some location on the law school premises not generally accessible to the law school community.

### **C. Agreement Regarding Charges**

At any time prior to trial, the Chief Prosecutor and the accused may enter into an agreement regarding the charges. The agreement may be to drop the charges, or to accept the imposition of any of the penalties provided in Article III or any alternative sanctions without proceeding to trial. In either event, the agreement must be approved by the Faculty Advisor, the Chief Justice and the Dean. Prior to such action, the complaining party shall be given the opportunity to express his/her opinion of the agreement orally or in writing as the complaining party chooses. The agreement shall be in writing and executed by all the above parties. Following the execution of the agreement, the trial shall be immediately suspended.

**SECTION 7: VERDICT**

- A. After the presentation of evidence the Justices shall deliberate in private and each shall vote guilty or not guilty. A Justice shall vote guilty only if convinced beyond a reasonable doubt of an accused's guilt. At least four Justices must participate in the trial, and at least three Justices must concur in a vote of guilty; otherwise the accused shall be found not guilty.
- B. Upon a finding of guilty, or if the accused should plead guilty to the offense or offenses charged, the Court shall hear evidence going to the question of the sanctions to be recommended pursuant to Article VI, Section 8 including matters in extenuation and mitigation.

**SECTION 8: SANCTIONS**

Upon determining that an accused is guilty and hearing evidence as delineated in Article VI, Section 6 B, the Justices shall deliberate further and then recommend by a simple majority vote the sanctions to be imposed pursuant to those specified in Article III of the Honor Code.

**SECTION 9: OPINIONS OF THE HONOR COURT**

In every case before the Honor Court the Justices must prepare a written opinion. Where there has been a finding of guilty, that opinion must include the recommended sanction. This opinion shall be provided within twelve (12) days after the notification of a decision and a copy forwarded to the accused and the Dean of the law school. A copy shall also be retained in the file of the Court.

**SECTION 10: REVIEW OF A DECISION OF THE HONOR COURT**

- A. The decision of the Honor Court shall be appealable to the Review Board designated in Article V, Section 1. The notice of appeal shall be submitted in writing to the Dean of the law school within fifteen (15) calendar days after the student is notified of the decision of the Court. Unless so appealed, the decision of the Honor Court shall be final after the count of fifteen (15) calendar days.
- B. A finding of not guilty shall be final and not subject to review.
- C. Upon the filing of an appeal by the accused, the Dean or his designee shall notify the Chief Justice who shall forthwith deliver to the Dean or his designee the decision, tape recording or written record, and any tangible evidence admitted at the trial within five (5) calendar days of said notification.
- D. The Dean or his designee shall forward the written decision, tape recordings, or written record to the Review Board. The Dean or his designee shall schedule a Review Board hearing within ten (10) days of the delivery of the court records. After notice to the appellant that there will be a Review Board hearing, the appellant or his/her representative shall be given five (5) days prior to the hearing the opportunity to prepare a written or oral argument.
- E. If based on its reevaluation, the Review Board determines that substantial justice has not been done, it shall have the authority to reverse the Honor Court's finding of guilty, to reduce the sanction imposed, or to remand the

matter to the Honor Court for further proceedings which shall also be appealable. In no event may the Review Board increase the sanction imposed by the Honor Court.

- F. The Review Board shall notify the appellant and the Chief Justice of its actions on appeal. In the event the Review Board makes any change in the Honor Court's decision, it shall issue an opinion detailing its reasons for failing to affirm.
- G. Once a decision has become final because it was not appealed or affirmed or changed on appeal, the Dean shall take whatever action is required by the sanction.

#### **SECTION 11: TIMELINESS OF PROCEEDINGS**

It is most important that violations of the Honor Code not be mooted as a result of the failure to file a complaint or of the Honor Court to proceed with a complaint. In the event of such failure the Dean may remove the matter from the jurisdiction of the Honor Court and refer it to the Academic Standards Committee for resolution pursuant to procedures to be developed by the Committee and approved by the faculty. The Dean may not exercise this authority following a final decision not to proceed with a formal complaint on grounds of lack of reasonable cause, nor following the dismissal of a complaint as a result of a negative finding at a probable cause hearing, nor following a finding of not guilty at an Honor Court trial.

#### **ARTICLE VII AMENDMENT**

This Honor Code may be amended by majority vote of the law school Faculty.

**TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL OF LAW  
3100 CLEBURNE AVENUE  
HOUSTON, TEXAS 77004**

I, \_\_\_\_\_(print name) hereby certify that I have read a copy of the Texas Southern University Thurgood Marshall School of Law **Student Rules and Regulations 2010-2011** I acknowledge that I may view and print this document at the law school’s web site and from my flash drive given to me at Orientation.

\_\_\_\_\_(Signature)

\_\_\_\_\_(Date)

I, \_\_\_\_\_(print name) hereby certify that I have read a copy of the Texas Southern University Thurgood Marshall School of Law **Student Honor Code** included in the Student Rules and Regulations. I acknowledge that I may also view and print this document at the law school’s web site and from my flash drive given to me at Orientation.

\_\_\_\_\_(Signature)

\_\_\_\_\_(Date)

I, \_\_\_\_\_(print name) hereby certify that I have read a copy of the Texas Southern University Thurgood Marshall School of Law **Student Bar Association Constitution** included in the Student Rules and Regulations. I acknowledge that I may also view and print this document at the law school’s web site and from my flash drive given to me at Orientation.

\_\_\_\_\_(Signature)

\_\_\_\_\_(Date)



Revised 9/14/09