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Hoynes Code, The

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HOYNES CODE

A Compilation of Faculty Resolutions and Administrative
Regulations Governing Notre Dame Law School

Revised September 1, 1991

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ARTICLE I. Introduction

Sec. 1.1. Purpose of the Code. This Code which affords ready access to and convenient updating of governing resolutions and regulations was compiled for the convenience of those responsible for legal education at the University of Notre Dame in both the J.D. and London LL.M. Programs.

Sec. 1.2. Copies. The original of this revision is retained in the Dean's Office. One copy is maintained in the reserve section of the Law Library, the Assistant Deans' Offices, the Office of the Coordinator of Admissions, Registration and Records, and in the Office of the Director of the London Law Centre.

Sec. 1.3. Updating. The Code as originally compiled was as of August 1, 1971. This compilation is as of September 1, 1991.

Sec. 1.4. Sources. Sources as indicated at the end of each section or series of sections, abbreviated as follows:

A.A.L.S. - Association of American Law Schools, Articles of Association or Regulations of the Executive Committee.

A.B.A. - Standards for Legal Education, American Bar Association

A.C.M. - Minutes of Academic Council Meetings, University of Notre Dame.

A.R. - Administrative Regulations promulgated by the Dean of the Law School.

F.M. - Law School Faculty Minutes.

U.F.M. - University of Notre Dame Faculty Manual.

S.B.A. - Resolutions and other official acts of the Notre Dame Law School Student Bar Association.

Sec. 1.5. Amendments. The Code will be amended by the Dean to reflect actions of the body having authority over the particular subject matter.

Sec. 1.6. Exceptions. Exceptions to the Code may be granted by the body having authority to amend the section at issue. The general authority of the Dean to grant exceptions is encompassed in his or her responsibility for the administration, well-being, and development of the Law School, its faculty, courses of study, and diverse activities. (U.F.M., Art. II, Sec. 5.)

Sec. 1.7. Citation. The Hoynes Code is named in honor of Colonel William James Hoynes, first Dean of the Notre Dame Law School. It is referred to here as "the Code," and may be cited as "H.C."
Sec. 1.8. References.

Sec. 1.81. Appendices to the Code are indexed in Article X.

Sec. 1.82. Organization

Article I. Introduction
Article II. Faculty and Administration
Article III. Committees
Article IV. Degree Requirements
Article V. Courses
Article VI. Examinations
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Article XI. Appendices
ARTICLE II. FACULTY AND ADMINISTRATION

Sec. 2.1. Faculty. The Law School is composed of those members of the Faculty approved by the Provost of the University of Notre Dame upon the recommendations of the Law School Dean and the Law School Committees on Appointments and Promotions. (Adapted from U.F.M. Art. IV., Sec. 6(a).)

Sec. 2.2. Dean. The Dean of the Law School is appointed by the President of the University. When such an appointment is to be made, the Provost consults formally with all Professors and Associate Professors of the School and reports their recommendations to the President along with his or her own. (U.F.M., Art. II., Sec. 5.)

Sec. 2.3. Assistant Deans. The Dean of the Law School is assisted in the duties of his Office by the Associate and Assistant Deans of the Law School, who are appointed by the President and who perform such duties and exercise such authority as may be delegated to them by the Dean. (ibid.)

Sec. 2.4. Faculty Meetings. The Law School Faculty meets at least once each semester, at a time fixed by the Dean. Additional regular or special meetings may be called at the Dean's discretion. The Dean presides as Chairperson at such meetings, or he or she may choose to appoint a chairperson or have the faculty elect a chairperson in his or her absence. Meetings may also be called or items placed on the agenda upon the written petition of at least twenty-five percent of the Law Faculty. Suggestions for additions to the agenda may be made to the Dean at least one week in advance of the date for a Faculty meeting. (U.F.M., Art. IV., Sec. 2.)

Sec. 2.5. Attendance at and Minutes of Faculty Meetings

Sec. 2.51 The Faculty admits to voting membership only those of its members who are also members of the University's teaching and research and library Faculty. Part-time and visiting members of the Faculty attend by invitation but do not vote. Students may request attendance at Faculty meetings in order to present their position on matters of concern. Members of the professional library staff attend and participate, but do not vote in Faculty meetings. (A.A.L.S., Articles, Art. VI, Sec. 8; U.F.M. Art. III, Sec. 1(a); A.R. July 16, 1971; Informal Ruling of the Provost, Nov. 10, 1970.)

Sec. 2.52 Law students are allowed to attend Faculty meetings, except for those meetings, or portion thereof, which are for good reason closed. If a meeting, or portion thereof, is to be closed, advance notice to that effect should normally be given by the Dean. (F.M., Jan. 17, 1972.)

Sec. 2.53. Minutes of Faculty meetings are recorded and distributed to members of the Faculty, to the President, the Provost, the Dean, and the Vice-President for Advanced Studies. (U.F.M., Art. IV, Sec. 2.)

Sec. 2.6. Student Membership on the University Academic Council. Students are added to the Academic Council with full speaking and voting privileges. These student members will be selected annually from the
following constituencies, in a manner determined by a special Committee of the
Academic Council appointed for this purpose by the Chairperson:

1. Two undergraduate students, rotated among the four
undergraduate colleges;

2. One student from the Graduate School or, in alternate years,
from the other programs of advanced studies;

3. The Academic Commissioner of Student Government will be an
ex-officio member. (Academic Articles, Nov. 16, 1984)

Sec. 2.7. Student Participation on Academic Committees and Councils of
the University. Student participation should be encouraged on those academic
committees and councils of the University where such participation would
benefit the total community. The appropriateness, nature and extent of such
participation should be studied by the committees and councils, and
recommended changes should be proposed to the authority which established said
committees and councils. Where the recommendation involves a change in the
wording of the Faculty Manual such change should be considered by the Academic
Council. Inter Alia, committees for admissions, appointments and promotions,
and for awarding scholarships and fellowships are inappropriate for student
membership, but such committees may benefit from other forms or participation
such as receiving student opinions of faculty teaching and the like.

Sec. 2.8. Other Policies

Sec. 2.81. The Law School Placement Service is not available to
employers who discriminate because of race, color, religion, national origin,
or sex. "Discriminate" includes denial of equal opportunity in hiring,
promotion, salary scales, or assignment. (A.A.L.S., Articles, Art. VI, Sec. 3; A.B.A.)

Sec. 2.82. The Law School faculty reserves its right to assert
jurisdiction in the first instance in disciplinary cases involving law
students. (F.M., March 20, 1972; A.R., June 25, 1974.)

Sec. 2.83. The Law School calendar shall be handled by the Law School
Administration with the general guideline of the faculty that it conform to
the University calendar as nearly as it can reasonably be done, but not to go
below 70 class days per semester. (F.M., March 23, 1981.)

Sec. 2.9. Non-discrimination Policy Statement

Sec. 2.91. The Notre Dame Law School admits students of either gender,
or any race, color, national and ethnic origin to all the rights, privileges,
programs, and activities generally accorded or made available to students at
the school. It does not discriminate on the basis of gender, race, color,
national or ethnic origin in administration of its educational policies,
admissions policies, placement services, scholarship and loan programs, and
athletic and other school administered programs. The University of Notre Dame
does not discriminate in admission, or access to, or treatment, or employment
in its programs on the basis of handicap.
ARTICLE III. Committees

Sec. 3.1 Faculty Committees on Promotions and Appointments

Sec. 3.11. The Law School Promotions committee shall consist of five members including the Dean, who shall serve as Chairperson, two elected members and two members appointed by the Dean. All members of the committee must be tenured and must not be on leave of absence. All members shall have an equal vote, except that a member of the committee who is an associate professor shall not attend, participate or vote at a committee meeting on recommending the promotion of any person from the rank of associate professor to professor. In the case of a member disqualified under the preceding sentence the other members of the committee may appoint a replacement pro tem. Except for the Dean, terms shall be for two years with one member elected and one appointed each year. Vacancies shall be filled by special election or appointment as appropriate to the position. The Law School Promotions Committee shall be responsible for evaluating teaching, scholarship and service to the law, the profession and the University, soliciting faculty, student and outside evaluations and making recommendations to the University concerning candidates for promotion. Before making recommendations to the University, the Promotions Committee shall solicit the comments and recommendations of each member of the faculty concerning all candidates for promotion and tenure. The Committee shall evaluate annually the performance of each untenured faculty member and report its evaluation to that member. (F.M., December 16, 1981.)

Sec. 3.111. The Law School Appointments Committee shall consist of five members including the Dean, who shall serve as Chairperson, two elected members and two members appointed by the Dean. All members of the committee must be tenured and must not be on leave of absence. All members shall have an equal vote. Except for the Dean, terms shall be for two years, with one member elected and one appointed each year. Vacancies shall be filled by special election or appointment as appropriate to the position. The Law School Appointments Committee shall be responsible for recruiting, interviewing, soliciting faculty and student opinions, and recommending to the University candidates for faculty appointment. This committee shall also be responsible for the faculty Affirmative Action Program. Before making recommendations to the University, the Appointments Committee shall call a meeting of the regular faculty at which meeting all candidates being considered for appointment shall be discussed and an advisory vote taken. (F.M., December 16, 1981.)

Sec. 3.12. Each Committee shall elect by ballot a Vice-Chairperson, who shall preside in the absence of the Chairperson, and shall perform such other duties as may be delegated to him or her by the Chairperson or by the Committee.

Sec. 3.13. The Chairperson shall promptly call a meeting of the Committee upon hearing of any situation that may call for appointment to the Faculty, or other exercise of the powers of the Committee.
Sec. 3.14. The Chairperson may call a meeting at any other time at his or her discretion, and shall do so on the written request of the Vice-Chairperson or any two or more other members.

Sec. 3.15. Except for the Dean, no faculty member shall serve on both the Appointments and Promotions Committees simultaneously. (F.M., December 16, 1981.)

Sec. 3.16. A majority of the members of the Committee shall constitute a quorum.

Sec. 3.17. The Committee shall prepare a written report of its recommendations. The Chairperson shall transmit this report to the Provost, together with his or her own recommendations.

Sec. 3.18. The case of an emergency requiring an appointment to the faculty before a meeting of the Committee can be held, the Chairperson shall promptly notify the Vice-Chairperson, who shall ascertain the sense of the Committee by contacting the members as far as is practicable, and shall report to the Chairperson. The sense shall be submitted to the Provost in the same manner as is provided in the Faculty Manual for submitting the sense of the Committee as ascertained in a meeting.

Sec. 3.19. The structure of either the Promotions or the Appointments Committee may be amended by adoption of a new organization plan approved by the Dean and by a majority vote of the Law School faculty at a meeting called for that purpose. (F.M., December 16, 1981.)

Sec. 3.2. Other Committees. Other Committees are created by the Dean or by a majority of the Faculty, permanently or temporarily, as the Dean or the Faculty determine a necessity for them. (U.F.M., Art. IV, Sec. 6(b).)

Sec. 3.3 Voting by Students on Faculty Committees. The Faculty authorizes student voting membership on each committee other than the Faculty Committees on Promotions and Appointments. The Faculty members of the committee shall decide, by majority vote, whether and on what business a student member shall vote, and no more than one student member shall vote. (F.M., September 28, 1968; October 4, 1971.)

Sec. 3.4. Attendance at Meetings of Faculty Committees. The Faculty members of the Committee shall decide, by majority vote, whether and on what business to invite one or more student members. (F.M., September 28, 1968; October 4, 1971.)
ARTICLE IV. Degree Requirements for the J.D. Degree

Sec. 4.1 Credit Hours

Sec. 4.11. The minimum total credit hours required for the J.D. degree shall be 90. (F.M., March 3, 1977.)

Sec. 4.12. Each student shall be required to take at least 14 hours in every semester. (F.M., March 3, 1977). Students who earn credits in the Notre Dame London Summer Program may, in subsequent semesters, reduce their total semester hours by the number of London summer credits earned provided that at least twelve credit hours be taken each semester. Students in the all-year London Program shall be required to take at least 28 hours in the course of the three term academic year. (A.R., June 30, 1983.)

Sec. 4.13. Academic credit, on a "satisfactory - unsatisfactory" basis, may be awarded to students participating in co-curricular activities which comply with plans which have been approved by the faculty prior to the commencement of the activity for which credit is awarded, provided that no more than 2 hours per semester be applied to the minimum semester hour requirement as provided in Section 4.11 above. In determining whether to approve plans pursuant to which credit will be awarded for co-curricular activities, the faculty shall consider, (1) the educational value of the activity, (2) the extent and type of supervision and director of activity, (3) the extent and manner of periodic evaluation and review of the performance of students participating in the activity, (4) the amount of time required to earn the credit. (F.M., April 3, 1970; F.M., February 25, 1971; F.M., May 8, 1972.)

Sec. 4.14. Implementation regulations relating to Sec. 4.13 are in Appendix A of this Code. (A.R., February 1973).

Sec. 4.15. The pass-fail option is limited to 2 non-required courses. These courses are not to be taken in the same semester. (F.M., March 3, 1977.) (See also, Sec. 6.795.)

Sec. 4.16. Audited courses in the Law School are permitted for law students without administrative permission; however, auditors must obtain the permission of the instructor in the course being audited. No record of audited courses will be kept by the Law School, and audited courses will not appear on transcripts. (F.M., March 20, 1973.)

Sec. 4.2. Semesters in Residents

Sec. 4.21. In order to qualify for the Juris Doctor degree, a student must engage in full time law study, see Sec. 4.12 supra, for six Fall or Spring semesters in residence. The three term all year London Program is the equivalent of two semesters in residence.

Sec. 4.22. The semesters in residence required by Sec. 4.21 must be pursued on a Notre Dame campus, except in the case of students who are
transferred from another law school, in which case four semesters must be pursued on a Notre Dame campus.

Sec. 4.23. The semester prior to graduation must be spent on the Notre Dame campus in Indiana.

Sec. 4.24. The full semester prior to the last must be spent on the Notre Dame campus in Indiana unless the requirement of this section is waived by the Dean upon a finding that the predominant part of the student's professional preparation has been obtained on the Notre Dame campus in Indiana, and that the reasons are educationally compelling for spending the full semester prior to the last elsewhere. (F.M., February 21, 1971; F.M., March 13, 1972; A.R., February 8, 1974; A.R., July 1, 1974; F.M., November 12, 1974.)

Sec. 4.3. Weeks and Hours. Degree requirements for the Juris Doctor degree include the successful completion in residence of at least ninety full weeks of work consisting of at least 1,080 class hours of at least 50 minutes each. (A.A.L.S., Regulations, Sec. 2.1.)

Sec. 4.4. Special Students. While regular J.D. degree-seeking students are required to comply with the other provisions of this article, a student with a particular need or interest may be authorized to enroll for selected courses as a special student in a non-degree status. (A.R., July 10, 1984.)

Sec. 4.5. Graduate School Courses.

Sec. 4.51. A student in the Law School may receive credit for courses taken in the Graduate School as follows: Up to three hours of credit toward minimum hour requirements in any semester after the first year subject to the limitations of Sec. 4.54. (F.M., January 7, 1977.)

Sec. 4.52. No additional tuition charge shall be made to the fulltime student while he or she is enrolled in the Law School for the graduate work he or she may pursue.

Sec. 4.53. In accord with University and Graduate School regulations, a law student seeking a degree in the Graduate school [that is, a degree other than the J.D.] must apply for admission to the Graduate school and be accepted by the appropriate department.

Sec. 4.54. Up to three courses, totaling up to nine semester hours of credit, in compliance with Sec. 4.51, may be credited toward the J.D. degree. The determination of what constitutes a graduate level course for purposes of this rule rests within the Dean's discretion. (A.R., November 22, 1971; F.M., January 1, 1977.)

Sec. 4.6. Joint J.D./M.B.A. Program.

Sec. 4.61. A student in the joint J.D./M.B.A. Program will be required to successfully complete seventy-five (75) hours of Law School courses and
forty-five (45) hours of M.B.A. course work to receive the respective degrees. The Law School will accept fifteen (15) credit hours of law courses toward the M.B.A. courses toward completion of the J.D. degree. Concurrently, the College of Business Administration will accept fifteen (15) credit hours of law courses toward the M.B.A. degree requirements. It is further required that each student enrolled in the joint J.D./M.B.A. Program shall consult with the Assistant Dean for Academic Affairs in planning the student's curriculum. (A.R., January 9, 1979.)

Sec. 4.7. LL.M. Program in London. See Article X.
ARTICLE V. Registration and Courses

Sec. 5.0. Registration

Sec. 5.01. It is mandatory for all students to register on the appointed registration day in each semester. A late fee will be imposed for late registration. (A.R., November 15, 1987.)

Sec. 5.02. A student who fails to register before the end of the first week of classes is considered not to be a Notre Dame Law Student. If such persons desires to continue at the school, an application for readmission in accordance with Article IX is required. (A.R., November 15, 1987.)

Sec. 5.03. A failure to timely register may cause loss of a seat in a closed class to a waiting list student who has timely registered whether the seat had been reserved by pre-registration or by lottery. (A.R. November 15, 1987.)

Sec. 5.1. Required and Elective Courses

Sec. 5.11 All courses in the first year shall be required. (F.M., March, 5, 1971.)

Sec. 5.12. Students must successfully complete the following courses prior to graduation: Constitutional Law, Federal Taxation, Business Associations, Property Settlement, Evidence (each four hours) Jurisprudence, Property II, and Commercial Transactions (each three hours). (F.M., October 4, 1978.) The Banking and Commercial Paper course (three hours) may be substituted for the Commercial Transactions course to fulfill the Commercial Law course requirement. (F.M. April 9, 1986.) Ethics I offered in the first year and Ethics II (each one hour) are also required. (A.R., June 30, 1983.)

Sec. 5.13. It is the sense of the law faculty that the required courses of Section 5.12 be fulfilled as nearly as possible in the second year of study, except for Ethics II which is a third year requirement.

Sec. 5.14. All other second and third year courses are elective.

Sec. 5.2. Course Withdrawals. Any course may be dropped or added routinely during the first five class days of the semester. A course may be dropped without penalty only during the first five full weeks of the semester with the permission of the Dean, provided that:

(a) the student's course load does not fall below fourteen hours; or

(b) the minimum hour requirement is relaxed by the Dean for good cause shown.

Upon withdrawal the student is to receive a grade of W (withdrawal). (F.M., August 12, 1970.) A student may drop a course after the first five full weeks of the semester only with the permission of the Dean, who shall determine the
manner in which the drop shall be treated. Discontinuance of a course after five days without the Dean's permission will result in the grade of "F". (A.R., June 30, 1984.)

Sec. 5.3. Limit on Directed-Readings Programs. It is administrative practice to deny approval of more than one directed readings program per semester for each student. Directed readings programs carry one or two semester hours or credit, at the discretion of the member of the faculty offering the program. (A.R., August 30, 1972.) In the London all year program students are limited to two directed readings for a maximum of two hours each in the course of the three term academic year. (A.R., June 30, 1983.)

Sec. 5.4. Credit for LL.M. Courses in London at Schools other than Notre Dame. Credit shall be given to J.D. students in accordance with the policy and procedures set forth in memorandum dated November 20, 1978, included as Appendix B (A.R., November 20, 1978.)

Sec. 5.5. London Internship Program. Credit shall be given for participation in the London Internship Program in accordance with the policy and procedures set forth in Appendix C (A.R., September 13, 1982.)

Sec. 5.6 Legal Externship. One unit of co-curriculum externship credit may be awarded for student volunteer legal work of six weeks or more undertaken during the summer months in any court, agency, or public or private law office. Externship work must be conducted under faculty supervision, conform to the approved standards of the faculty, and have the advance approval of the Assistant Dean for Academic Affairs. This one unit of co-curricular credit may count as one of the four maximum allowable co-curricular credits towards graduation requirements but cannot count toward the minimum hours required during any semester for residency. It will be reflected on a student's transcript.
ARTICLE VI. Attendance, Honor Code, Examinations and Grading

Sec. 6.1. Eligibility to Take Examinations and Other Attendance Requirements.

Sec. 6.11. To be eligible to receive course credit, a student must attend classes and/or required activities regularly and punctually, and his/her class and/or work performance must be satisfactory. (A.B.A. Standard 305(A), August 1980.)

Each professor teaching a course is required to adopt an attendance and classroom and/or required activity work policy. Each Professor shall communicate this policy reasonably early in the semester to his/her class in a manner calculated to inform his/her students of its provisions. Oral announcement at a regular class is sufficient notice. No penalty shall be assessed under this rule for events prior to such announcement or communication.

The policy may provide for the raising or lowering of grades, or both, for attendance and/or performance in class or at required activities. It may provide for exclusion from further participation in the course, from the examination, and for failure in the course. Professors may excuse absences from their class or required activities. (F.M. April 30, 1986.)

Sec. 6.12. An absence certified in advance by the faculty advisory of the Legal Aid Program as necessary to the program will not be treated as an absence under the attendance policy. (F.M. January 24, 1978.)

Sec. 6.13. The attendance policy does apply to required Trial Advocacy exercises for students enrolled in the Trial Advocacy spectrum of courses; to required events and commitments in the Clinical Courses of the law school for students enrolled therein; to the required Moot Court exercises for those enrolled in the Moot Court courses; and to co-curriculars undertaken for academic credit, though these activities may occur at a time outside the regularly scheduled classroom period. (F.M. April 30, 1986.)

Sec. 6.14. The law student is discouraged from working during the first year because of the academic rigor of the required first year curriculum. Work is encouraged during the summer months and, if necessary, part time during the second and third year of study.

Sec. 6.15. A student may not work in excess of 20 hours per week while attending law school on a full time basis. (A.B.A. Interpretation of Standard 305(a)(iii), August 1980.)

Sec. 6.16. First year students are required to serve, when summoned, as jurors in the Trial Advocacy Comprehensive and Trial Practice courses. Failure to respond to a juror summons renders the student ineligible to enroll for the Trial Advocacy Comprehensive and Trial Practice programs. (A.R., March 16, 1972.)
Sec. 6.2. **The Notre Dame Law School Honor Code.** The Code was adopted by the students and faculty and is applicable. It is included in its entirety as Appendix D. (F.M., April 19, 1977.)

Sec. 6.3. **Student Examination Numbers.** To insure impartiality, written examinations are taken anonymously. Prior to each examination the student draws a number and it is his or her number, not name, which appears on the examination papers. Examinations may be either written or typed but must be typed if a student's handwriting is (1) illegible or (2) so distinctive as to betray his or her identity.

Sec. 6.31. **Anonymity of Examinations.** When a written examination is given in a Law School course, it should be administered and graded anonymously. Numbers will be assigned to individual students by the Law School administration and no indication of a student's identity by name or class status shall be on the examination paper.

Sec. 6.4. **Confidentiality.** The records of students at the Law School, including grades, are confidential and are not open to anyone except the student himself or herself and the faculty and staff for internal administrative purposes. (F.M., September 30, 1969.)

Sec. 6.5. **Administration of Examinations and Release of Grades.** A locked box will be used for examination numbers. The box will be locked before any numbers are put in it. The only key to the box will be kept by the Coordinator of Admissions, Registration and Records. In London the key will be kept by the Director. He or she will supervise the number assignment system. Numbers may be assigned during the semester to accommodate special examination schedules.

Sec. 6.51. The box will remain locked in the custody of the Coordinator of Admissions, Registration and Records office of the London Director before and during the examination period. He or she is responsible for the absolute security of the numbers such as to insure strict anonymity until such time as grades are officially deposited with the University registrar.

Sec. 6.52. Each faculty member, as he or she finishes grading, will turn in his or her grade report (by number) to the Coordinator of Admissions, Registration and Records or the London Director, who will immediately make a xerox copy of the report and post it.

Sec. 6.53. Individual grade reports to students will be made by the University. The Law School will not make grade reports directly to the students, except in cases of probation or dismissal for academic deficiency.

Sec. 6.54. Faculty members are expected to report all grades within two weeks of the last day of the examination period. This duty normally takes precedence over all other University duties. In the spring semester, a somewhat earlier deadline will be required as to courses with graduating students. (A.R., July 13, 1971.)
Sec. 6.55. No examinations are to be scheduled for Sundays. (F.M., November 12, 1976.)

Sec. 6.56. No examination or tests may be given during the final five class days of the class portion of each semester, nor may examinations or tests be given during the study period following the end of the semester. This provision shall not apply to papers assigned at least two weeks prior to the end of the semester, nor shall it apply to take-home examinations if the examination is distributed only during the study period or during the officially scheduled examination. (F.M. February 8, 1988.)

Sec. 6.6 Review of Grades.

(a) All grades will be final when filed with the Coordinator of Admissions, Registration and Records, or the London Director, and may not be changed thereafter except for clerical or administrative error. The review of a grade for clerical or administrative error shall be made by the faculty member who assigned the grade. Except as stated in Section (b), there shall be no right of appeal from the faculty member's decision on a grade.

(b) In the event that a student believes that the grade received in a course resulted in whole or in part from a faculty member's lack of personal integrity or professional competence, the matter shall be called to the attention of the Dean, or an Associate or Assistant Dean. Should the Dean determine that a non-frivolous claim of lack of integrity or competence has been asserted, the Dean shall refer the matter to the entire voting faculty. The faculty as a whole shall then determine whether a lack of personal integrity or professional competence influenced the grade received, and if it so finds, shall make appropriate provision for review of the grade received.

Sec. 6.7. Ranking and Grades. Grading in the Law School is governed by the Hoynes Code. (A.C.M., Spring, 1987.)

Sec. 6.71. The following grading system is applicable to all students effective fall semester 1987. (University Registrar, June 26, 1987.)

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Value</th>
<th>Letter Grade</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>4</td>
<td>C+</td>
<td>2.33</td>
</tr>
<tr>
<td>A-</td>
<td>3.67</td>
<td>C</td>
<td>2</td>
</tr>
<tr>
<td>B+</td>
<td>3.33</td>
<td>C-</td>
<td>1.67</td>
</tr>
<tr>
<td>B</td>
<td>3</td>
<td>D</td>
<td>1</td>
</tr>
<tr>
<td>B-</td>
<td>2.67</td>
<td>F</td>
<td>0</td>
</tr>
</tbody>
</table>

(F.M. April 9, 1986.)

Sec. 6.72. All ranking is abolished, both internally and externally. (F.M., March 24, 1969).

Sec. 6.73. Grades are not calculated on a numerical basis, but are assigned values for calculating grade point average.
Sec. 6.74. An official grade point average will be computed for each student's record. (F.M., March 23, 1981.)

Sec. 6.75. The lowest passing grade for law students is D. (F.M., May 7, 1976.)

Sec. 6.76. Determination of academic good standing and academic dismissal will be based on grade point average. (F.M., May 14, 1981.)

Sec. 6.77. A student may be dismissed for academic reasons at the end of the first semester. (F.M., May 14, 1981.)

Sec. 6.78. A student dismissed for academic reasons at the end of his or her first semester will not be eligible for readmission until the first semester of the next academic year. (F.M., May 14, 1981.)

Sec. 6.79. The Law School will not publish an individual's grade point average or rank in class. (F.M., May 14, 1981.)

Sec. 6.791. The Law School will publish the class grade point average. (F.M., November 23, 1981.)

Sec. 6.792. A Dean's Honor List, based on semester grade point average, will be published each semester. London J.D. students are eligible only at the end of the full year based on the year's grade point average. This section does not apply to LL.M. students. (F.M., May 14, 1981.)

Sec. 6.793. Graduation honors will be based on grade point average. (F.M., May 14, 1981.)

Sec. 6.794. The grade of "I" will be a temporary grade indicating failure to complete work in a course. The course work must be completed and the "I" changed prior to the end of the next semester's final examination period; otherwise the "I" will be changed to an "F". (F.M., May 14, 1981.)

Sec. 6.795. The pass-fail option is limited to two non-required courses, and only with the permission of the professor teaching the particular course. These courses are not to be taken in the same semester. (F.M., March 3, 1977.)

Sec. 6.796. The Law School will use a grade of Satisfactory or Unsatisfactory for selected courses. (F.M., May 7, 1976.) (See also, Sec. 4.13.)

Sec. 6.797. It is the declared policy of the faculty that in courses requiring submission of a paper, the paper must be specially prepared by the student for that course. Incorporation of any material prepared by the student earlier shall be first cleared with the professor. (F.M., October 11, 1971.)
ARTICLE VII. Academic Good Standing, Probation, Dismissal, and Honors

Sec. 7.1. Course Failures.

Sec. 7.11. Failure of a required course requires a student to repeat the course and obtain a passing grade, unless for good cause shown the faculty votes to relax that requirement in a particular case. (F.M., March 25, 1969.)

Sec. 7.12. Failure of an elective course does not require the student to repeat it; however it earns no credit for graduation. (F.M., March 25, 1969.)

Sec. 7.13. If a student fails a course, whether or not it is a required course, the student may, if otherwise eligible to continue, retake the course, and his or her grade upon retaking the course shall be recorded along with his or her original grade in the course. If a student retakes a course, the professor teaching that course shall have the option of requiring that the retaking be by means of repeating the course, taking directed readings, or re-testing, or any combination of these options. Nothing herein shall be interpreted as affecting the rule that required courses must be passed. (F.M., November, 1971.)

Sec. 7.14. A repeated course shall be registered for by the proper name of the course and its regularly assigned credit hours. (A.R., May 23, 1972.)

Sec. 7.15. With the permission of the Dean, a repeated course may be counted toward compliance with the minimum semester course load requirements under Hoyne Code Article IV. (A.R., June 30, 1984.)

Sec. 7.16. A failure in any required first-year course shall require repeating the course, except that the professor shall have the discretion to waive the requirement if the second semester of the course is passed. Such waiver shall not change the student's record and shall not give any credit hours toward graduation.

Sec. 7.17. Failure in a pass/fail or ungraded course shall be computed in the grade point average like failure in a graded course.

Sec. 7.2. Good Standing, Probation, Dismissal and Graduation

Sec. 7.21. To maintain academic good standing:

  a. First year students must achieve minimum GPA of 1.500 for the first semester and 1.750 for the second semester.
  b. Second and Third year students must achieve minimum semester GPA of 2.000. (F.M., November 23, 1981.)

Sec. 7.22. Failure to maintain academic good standing will result in academic probation and/or academic dismissal, as follows:
a. Probation will result:

(1) From failing to maintain academic good standing as defined above but maintaining better than dismissal semester GPA as defined below.
(2) In restricted academic program and/or remedial work at discretion of the Dean.

b. Dismissal will result from:

(1) Two consecutive semesters of probation.
(2) Three nonconsecutive semesters of probation.
(3) Failure to achieve a minimum semester average of:
   (i) 1.000 for the first semester of the first year.
   (ii) 1.250 for the second semester of the first year.
   (iii) 1.500 for each semester of the second and third years.
(4) Grades of F in two or more courses totalling six or more semester hours in any one semester after the first semester of the first year. (F.M., November 23, 1981.)

Sec. 7.23. To Graduate:

a. All students must achieve minimum cumulative GPA of 2.000.

b. Dean may waive minimum cumulative GPA of 2.000 if:

(1) Student has achieved six semesters of good standing,
or
(2) Student has achieved minimum semester GPA of 2.000 in each of five semesters.

c. The student who fails to meet these eligibility criteria may petition the Dean to continue for one additional semester in order to meet the minimum standards for graduation. Approval will be at the Dean's discretion. (F.M., November 23, 1981.)

Sec. 7.24 For Semester Honor Roll:

a. Student must carry full semester course schedule (minimum 14 semester hours).

b. Student must achieve semester GPA of at least 3.600. (F.M., November 23, 1981.)

Sec. 7.25. For Graduation Honors:

a. Cum laude: cumulative GPA of at least 3.400.

b. Magna cum laude: cumulative GPA of at least 3.600.

c. Summa cum laude: cumulative GPA of at least 3.800. (F.M., November 23, 1981.)
Sec. 7.3. Eligibility for Second Year Abroad Program

Sec. 7.31. No student is eligible to participate in the Second Year Abroad Program unless he or she has successfully completed all first-year courses. (F.M., September 29, 1970.)

Sec. 7.32. The Dean may in his or her discretion waive one first-semester failure, for purposes of eligibility for the London Program. (F.M., March 20, 1972.)

Sec. 7.4. Administrative Interpretations.

Sec. 7.41. In calculations for standing, honor roll, graduation, and graduation honors only Notre Dame Law School grades and credit hours are considered. Transfer credits from other law schools and course credits and grades from other colleges at Notre Dame do not enter into the calculation.

Sec. 7.42. London calculations: The entire year in London, in both the J.D. and the LL.M. programs, will be treated as a unit. That means that the entire year will be treated as one semester under the grading system for purposes of dismissal, probation and semester honor roll. (A.R., February 16, 1983.)

Sec. 7.43. Course credits graded satisfactory/unsatisfactory and course credits taken pass/fail do not enter into the calculations.

Sec. 7.44. For determining standing the grade of "I" (incomplete) does not enter into the calculation. If a student is on probation during the term in which an "I" is entered, a later makeup of the "I" cannot be used retroactively to eliminate the probation. Further, the grade in the made up course will not enter into the calculation for the following semester. If a second semester of probation follows a probation semester in which an "I" was entered and the "I" is later made up, the Dean in the exercise of his discretion may consider whether the "I" really should be treated as "NR" (not reported) and in the latter case may find that the first semester of probation has been eliminated. (A.R., February, 1984.)

Sec. 7.45. For determining eligibility for graduation and also graduation honors in the case of students dismissed and readmitted, the grade point average will be figured only on the basis of courses taken following readmission and those earlier courses for which degree credit is given. (A.R., September, 1983.)

Sec. 7.46. The London Summer Program while using the same grading system, shall not be subject to the above rules for dismissal, probation or Dean's Honor Roll purposes. (A.R., February 8, 1983.)
ARTICLE VIII. Financial Aid

Sec. 8.1. Need.

No scholarship will be granted to students who cannot demonstrate need. (F.M., March 10, 1970.) The exception will be for those scholarships for which need is not one of the established criteria (e.g., Lardy Scholarship, White Scholarships). (A.R., July 31, 1984.)

Sec. 8.2. Tuition Grants.

Sec. 8.21. A new category of financial assistance is established to be called tuition grants. The retention of such a grant is based upon the student's ability to maintain a minimum passing average.

Sec. 8.22. The faculty will annually determine the number of tuition grants which are to be awarded for each succeeding year.

Sec. 8.23. The purpose of tuition grants is to provide opportunity for the educationally disadvantaged, particularly black students.

Sec. 8.24. Approximately one-third of all individual allocations of aid shall be given as tuition grants, but not to exceed one half. (F.M., March 10, 1970.)

Sec. 8.3. Scholarship Retention.

The scholarship retention standard is a mid-point between B and C, determined cumulatively at the end of each academic year. (F.M., April 10, 1972.)

Sec. 8.4. Duration of Scholarship or Grant.

Sec. 8.41. Scholarships and tuition grants will normally be awarded for a one year period with renewal for succeeding years subject to review for satisfactory progress toward the law degree considering sections 8.21 and 8.3, and also subject to fund availability.

Sec. 8.42. Renewal of the scholarship award or tuition grant will normally be limited to cover a maximum of six semesters of law school study. (A.R., July 31, 1984.)

Sec. 8.5. Size of Scholarship or Grant.

In determining the amount of a scholarship or tuition grant award any other scholarships or tuition grants being received by the student will be taken into account. Scholarship awards and tuition grants will not normally exceed full tuition. The exception is for those which carry a subsistence stipend in addition to and separate from the tuition award. (A.R., July 31, 1984.)
ARTICLE IX. Readmission and Transfer Admission

Sec. 9.1. Standards and Procedure for Readmission.

Sec. 9.11. Readmission to the Law School after exclusion for academic failure will be allowed only where that failure was caused by unavoidable and non-recurrent circumstances of an extraordinary nature.

Sec. 9.12. The standards for readmission after dismissal for academic deficiency provide that no student may recommence his or her studies until one full academic year after the end of the semester in which he or she was dismissed. (F.M., May 10, 1977.) Except, a student dismissed for academic reasons at the end of his or her first semester will not be eligible for readmission until the first semester of the next academic year. (F.M., May 14, 1981.)

Sec. 9.13. The Dean has the authority to waive Sec. 9.12 of the Haynes Code. (F.M., April 5, 1979.)

Sec. 9.14. The Dean will decide all questions of readmission.

Sec. 9.15. In exercising his discretion the Dean will be guided by the following policy:

(a) A readmission will be allowed only if:

(1) the circumstances set out in Sec. 9.11 supra are applicable, and

(2) a faculty member agrees to act as the sponsor for the readmission candidate.

(b) Being a sponsor of a readmission candidate means that the faculty member agrees to meet with the candidate on a weekly basis for the entire academic year following readmission. The weekly sessions will be of sufficient length to review the readmitted student's work and current status.

(c) A readmitted student will ordinarily have to repeat the entire semester in which he or she failed out. A student who fails out in first year, whether in first or second semester, will ordinarily be expected to repeat the entire first year. In any event a readmitted student will be given no credit hours for courses in which he or she received a grade of "D" or lower prior to readmission and will receive no residency for the semester in which he or she failed out.

(d) It will ordinarily be the responsibility of a readmission candidate to obtain a faculty sponsor, although the administration may, if requested, offer assistance in this regard. It is the candidate's responsibility to work out a program with such sponsor.
Sec. 9.2. **Transfer Admission.**

Applicants seeking transfer from other law schools must make a written statement of previous attendance in law school. Admission on transfer from schools not accredited by the American Bar Association and/or a member of the American Association of Law Schools is usually denied. Exceptions may be made in extraordinary cases. (A.A.L.S. Regulations, Sec. 1.6; F.M., September 17, 1974.)

Sec. 9.22. Students in the London all year program who are from schools other than Notre Dame and who desire to transfer to Notre Dame for their third year must have taken a minimum of 28 credits during the London year (see Sec. 4.12 supra) and must be in good standing, i.e., have a grade point average of 2.000 or better. (A.R., February 16, 1983.)
ARTICLE X. Degree Requirements for the LL.M. Program in London

Sec. 10.1 Accreditation. The LL.M. Program in London was approved by the Section on Legal Education of the American Bar Association on August 9, 1986. It was approved by the University of Notre Dame Academic Council on October 15, 1986.

Sec. 10.2. Credit Hours

Sec. 10.21. The minimum total credit hours required for the LL.M. degree shall be 24. Up to four credits of this total may be awarded for completion of a work of substantial quality done under the supervision of a member of the Notre Dame Faculty. (A.R., January 11, 1988.)

Sec. 10.22. The credits must be earned on the basis of the J.D. grading system (see Article VI). The pass-fail option (see Sec. 4.15 and Sec. 6.795) and "satisfactory-unsatisfactory" grading (see Sec. 4.13 and 6.796) do not apply to LL.M. students nor do the co-curricular activity credit provisions of Sec. 4.13. Audits are permitted as stated in Sec. 4.16. (A.R., January 11, 1988.)

Sec. 10.23. In order to graduate, the LL.M. student must achieve a minimum cumulative G.P.A. of 2.000. (A.R., January 11, 1988.)

Sec. 10.3 Semester and Course Requirements

Sec. 10.31. The academic calendar in London consists of three ten week terms and a five week summer term; each followed by an examination period of approximately one week. (A.R., January 11, 1988.)

Sec. 10.32 In order to qualify for the LL.M. degree a student must engage in study for a minimum of three terms. A maximum of eight credits may be earned in the summer term. (A.R., January 11, 1988.)

Sec. 10.33. Courses must be taken at the Notre Dame program in London except that, with the special permission of the dean, some credits may be earned at the home campus. No credit may be earned by taking courses at another institution. The London Internship Program (see Sec. 5.5) is for J.D. students only and is not available for LL.M. students. (A.R., January 11, 1988.)

Sec. 10.34. No particular courses are required for the LL.M. degree except that every student who does not have an American J.D. degree is required to take the course in Introduction to the American Legal System. Those with an American J.D. degree may not receive credit towards the LL.M. for courses which duplicate similar courses taken as part of the student's J.D. curriculum. For other students, whether a particular course may be duplicative of previous work shall be decided by the Director. Because of the option to earn credits through a thesis (see Sec. 4.72) the Directed-Readings Program set forth in Sec. 5.3 does not apply to LL.M. students. (A.R., January 11, 1988.)
Sec. 10.35. Any course may be dropped or added routinely during the first five class days of the semester. A course may be dropped without penalty only during the first five full weeks of the semester with the Director's permission. Upon such withdrawal the student is to receive the grade "W" (withdrawal). After the first five weeks a drop requires the Director's permission and the Director shall determine the manner in which the drop shall be treated. Discontinuance of a course after the first five class days of the semester without the Director's permission will result in the grade of "F". (A.R., January 11, 1988.)

Sec. 10.4  Applicability of Earlier Articles

Sec. 10.41 The provisions of Article VI re Attendance, Honor Code, Examination and Grading are applicable to the LL.M. program unless otherwise stated or unless clearly inapplicable (see, e.g., Sec. 6.16). (A.R., January 11, 1988.)

Sec. 10.42. The provisions of Article VII generally do not apply to the LL.M. program but Sec. 7.11, 7.12, 7.13, 7.14 shall apply in respect to course failures and Sec. 7.25 shall apply in respect to Graduation Honors. (A.R., January 11, 1988.)

Sec. 10.43. The provisions of Article VIII in respect to Financial Aid and of Article IX in respect to Readmission and Transfer Admission do not apply to the LL.M. program. (A.R., January 11, 1988.)
ARTICLE XI. Appendices

Appendix A. Regulations for Awarding Academic Credit under Sec. 4.13. for Co-Curricular Activities.

Appendix B. London Program LL.M. Course Credit.

Appendix C. London Internship Program.

Appendix D. Notre Dame Law School Honor Code.

Appendix E. Notre Dame Law Review Statutes and Bylaws.

Appendix F. Alcoholic Beverage Policy.
APPENDIX A

Regulations for awarding academic credit for co-curricular activities approved by the Faculty pursuant to Hoyne's Code Sec. 4.14.

Legislative Research

Up to two hours credit per semester may be given for satisfactory participation in Legislative Research. The Faculty Advisor shall certify at the close of each semester the names of students entitled to credit, and the amount of credit to which each is entitled. A student desiring to be considered for credit for Legislative Research work in a particular semester shall submit to the Faculty Advisor actual research, draft statutes, specific memoranda or other work products that demonstrate a significant intellectual and professional accomplishment of that student acting alone or actively with others.

Legal Aid Clinic

1. Students who have completed two semesters of participation in the Legal Aid Clinic, and have completed Legal Aid I and Legal Aid II for academic credit, are eligible to register for the Legal Aid Clinic as a co-curricular activity.

2. Legal Aid Clinic interns will be required to work an average of three hours per week over the period of a semester in order to attain one hour of co-curricular credit. Should the intern elect to participate in the Clinic for two co-curricular credits, that intern would be required to work an average of six hours per week over the semester. Students may only register for two credits per semester.

3. Work, as used in the preceding paragraph, is inclusive of attendance at any Clinic seminars required by the Faculty Directors, and carrying out all responsibilities required to effectively represent clients assigned to the student interns.

4. The time put in by the student interns in actual clinical work and attendance at seminars will be recorded weekly by the interns and submitted to the Faculty Directors. The awarding of credit to the student interns at the termination of a semester, where the student has elected to participate for credit, will be determined by the Faculty Directors of the Clinic.

5. Each intern will have one or more supervising attorneys, who shall be kept apprised of the work being done by the students on a weekly basis. If, after reasonable notification and warning, the supervising attorney considers that the intern has not fulfilled his/her requirements, credit may not be awarded to the student intern. It shall be the ultimate responsibility of the supervising attorney to supervise the work of the student interns and to report to the Dean at the conclusion of each semester the names of the participants who are entitled to academic credit, and the amount of credit to which each is entitled.
1. A second year member of the Notre Dame Law Review staff may earn four hours of academic credit for satisfactory participation during his second year. He may allocate these credits to either semester of the year in which they are earned, or to either semester of the following year if he continues to participate satisfactorily during that year. A third year member of the Notre Dame Law Review may earn two hours of academic credit applicable to either semester for satisfactory participation during his third year—provided, that not more than two credits may be allocated to any one semester and not more than 4 may be considered in fulfillment of requirements for graduation.

2. Satisfactory participation shall consist of one of the following:

   (a) writing one case comment and one note, or the equivalent, plus performing research, proofreading, etc., as assigned.

   (b) writing one note and performing substantial editorial work; or the equivalent.

   (c) performing the duties of the Editor-in-Chief, or one of his four principal assistants.

3. The Editor-in-Chief shall determine and report in a manner satisfactory to the Faculty Advisor what members of the staff are participating satisfactorily, and the Faculty Advisor shall report to the Law School Coordinator of Admission, Registration and Records what members are entitled to academic credits.

Thomas J. White Center on Law & Government

Students selected as White Scholars may earn three (3) units of graded academic credit (one in the fall semester and two in the spring semester of their second year) by:

1. satisfactory completion of a student article of publishable quality for the Journal of Law, Ethics & Public Policy;

2. the performance of satisfactory staff work for the Journal; and

3. regular and satisfactory attendance, participation and preparation for White Center seminars, lectures and other events.

The determination as to whether a student's performance has been satisfactory as well as a student's grade shall rest exclusively with the Director.

Those White Scholars who satisfactorily complete the above will be invited to participate in the White Center in their third year and serve as an editor of the Journal for which they may earn one (1) unit of S/U co-
curricular credit during each of the fall and spring terms of their third year.

At the end of each semester, the Director shall submit, in writing, to the Dean of the Law School the names of those students eligible for academic or co-curricular credit under the foregoing criteria.

Moot Court-Trial

The Moot Court-Trial is a co-curricular program designed to provide greater exposure to all aspects of courtroom trial practice for the student interested in litigation. It is an option available to all third year students who desire to more fully acquaint themselves with the subtleties of trial practice. It is offered as a co-curricular for one or two credit hours per semester. (F.M., April 4, 1978.)

Moot Court-Trial is directed to third year students and thus complements the Moot Court-Appellate program for first and second year students. It thus permits a student to participate in a comprehensive and integrated courtroom advocacy program; it enables the student to develop his/her thinking and speaking skills in the first year Moot Court-Appellate program, to further develop and refine appellate advocacy skills in the second year Moot Court-Appellate program, and then to develop and refine the trial advocacy skills in Moot Court-Trial. The Moot Court-Trial is not meant to compete or conflict in any way with the Moot Court-Appellate program but rather is designed to complement the advocacy skills developed in the Moot Court-appellate program.

The Moot Court-Trial approach is to utilize all available learning tools, while emphasizing actual practices through simulated courtroom sessions, as the most effective. To that end, the program requires actual participation in the National Mock Trial Competition through the Notre Dame intra school competition and selection of the national team. Also the students have the opportunity to learn by observation through the organization and monitoring of the practice court trials.

The intent of the Moot Court-Trial program is to complement the classroom segment of the Trial Advocacy program for those students who have an interest in litigation. Accordingly, participation is the hallmark of this co-curricular. In the fall semester the student members of the program will have direct responsibility for the administration of the practice court trials. They will also serve in an advisory capacity for one trial. It will be incumbent upon the student advisor to monitor the four attorneys in their litigation preparation. This will provide an excellent vantage point to oversee the development of trial strategy, which must necessarily be the pervasive concern in litigation preparation. In addition, the student in conjunction with the faculty advisor will have full administrative responsibility for the development of the record and the materials for the actual trial, for the revision and implementation of the Practice Court Rules, for the resolution of any controversies among counsel, and for contact with the presiding judge. The theory behind these requirements is to enable the student to participate in a trial and to review trial strategy in addition to presenting his own case. It allows him to critique the trial performance and
then to implement his analysis and learning in the presentation of his own case, thereby utilizing the informational process and the practical application in a setting other than the classroom.

The last requirement for the fall semester is participation in a series of "mini-trials" which will provide the determinative basis for the selection of the Regional Mock Trial teams. This competition will involve the basic preparation for a trial, concentrating on direct and cross examination, impeachment, exhibits, opening statement and closing argument. The mini-trials will be judged by members of the South Bend Bench and Bar, who will critically evaluate the performance of trial counsel. These evaluations are meant to be an educational benefit to the students serving as trial counsel and also to form a basis for the selection of the Regional Mock Trial teams for the National Mock Trial Competition.

In the spring semester those selected to be the Notre Dame Law School's representatives will continue to prepare for the National Mock Trial competition, while the remaining students will assist in the organization and operation of the practice court trials, utilizing their experience from the preceding semester.

In summary, the student members of the Moot Court-Trial will be required in the fall semester to participate in the general administration of practice court, monitor one trial, and compete in the mini-trials. In the spring semester each member will again participate in the general administration of practice court, assist and possibly participate as a member of the Regional Mock Trial Competition team, and conduct a practice court trial.

In addition to this primary responsibility, members of the Moot Court-Trial will have the opportunity to work with raw case files to develop future practice court cases. The student will have the chance to review the actual trial transcript as well as all pleadings to review the performance and strategy of the practicing attorney who handled the case. The primary focus here is to enable the student to more fully develop his appreciation of trial preparation and to discuss his analysis with that of other students and the faculty advisors.

To utilize the valuable experience of those members of the trial bar who generously contribute their time, they will have an active policy of presenting trial related movies and encouraging speakers to appear and provide insights into the trial practice. The intent here is to allow the speaker to provide its own techniques for examination and to allow the students to inquire into strategy and various approaches.

The structure of the Moot Court-Trial will consist of a Director and Executive Committee, as well as faculty advisors. The Director will have the general responsibility for the smooth functioning of the program, and for the operation of the participation levels in the co-curricular. The Executive Committee will cover responsibilities in such areas as judges, witnesses, attorneys, jurors, and speakers. The faculty advisors will provide overall direction and supervision for the program.
The Moot Court-Trial will provide the resources necessary to implement the practice court curriculum as well as satisfy the educational goals of those students interested in litigation by focusing on the courtroom skills, the techniques and the professional responsibility of the competent trial lawyer.

The Journal of College and University Law

A law student who is a member of the staff of the Journal of College and University Law may earn up to four hours of academic credit per year for satisfactory participation in the work of the Journal. No more than two credits may be allocated to any one semester and no more than four credits may be considered in fulfillment of requirements for graduation.

Satisfactory participation consists of one of the following:

(a) writing one case comment and participating in the writing of one note, or the equivalent, plus performing research, proofreading and the like, as assigned.

(b) participating in the writing of one note and performing substantial editorial work, or the equivalent.

(c) performing the duties of Student Editor-in-Chief or those of a principal assistant to the Student Editor-in-Chief.

The Faculty Editor shall determine which members of the staff have participated satisfactorily and report to the Law School Coordinator of Admission, Registration and Records which members are entitled to academic credit, and the number of credits to which each is entitled. (F.M. June 30, 1986)
APPENDIX B.


Re: London Program, LL.M. Course Credit

There is need to clarify and standardize our procedures for giving credit and assigning grades when London students take courses in London schools other than at our Centre.

In the past we have given credit but assigned no grades for these courses upon receipt of certification from our Centre Director that the courses have been completed. Often the Centre Director had a grade from the professor involved and provided it to us, but it was not recorded on the transcript of the student, just as we do not record grades on the transcripts of any transferred credit. This has recently caused a problem for one of our students in London from another law school. Understandably, his law school would not give him credit for the course without a grade showing that he had done "C" work or better. We would normally handle such a matter by asking the student to request a transcript from the school where he studied. However, this may not be possible because of our rather informal arrangement with the other London schools.

While we have handled this one inquiry "ad hoc", we can surely anticipate further similar problems in the future and need to formalize our procedures.

After talking with Notre Dame Registrar Rick Sullivan, I propose the following procedure:

Our London Director will assign a Notre Dame London Law course number and course name for each course he authorizes to be taken in London away from our Centre. Our London Law Director would satisfy himself prior to authorizing a student to take such a course for credit, that the course work merited Notre Dame Law School credit. In the process of making this determination, he would develop a course description. Our London Director would make arrangements with the school where the course was taken to provide him (the London Director) with a grade when a student satisfactorily completed the course. The London Director would then submit to us the student's name, grade and course description. We would then report such credit to the Registrar providing the grade and course description which the Registrar would then reflect on the student's Notre Dame transcript.

The proposed procedure has the effect of saying that the courses taken in London at other schools are part of our London Program. It places responsibility upon our London Director to satisfy himself and certify to us
the worthiness of the undertaking at another London school. This seems proper to me and is acceptable to the Registrar.

I would like your reaction please.

William O. McLean
Assistant Dean
APPENDIX C

The Notre Dame London Law Centre Internship Programme

1. The program is a cooperative effort between the Law Centre and legal employers which allows students to do meaningful work for the employers in exchange for academic credit. The Director of the Law Centre will recognize as participants in the program only those legal employers who have signified to him their willingness to abide by the obligations set forth below in respect to student services and employer supervision.

2. It is central to the concept of this program that the students do work with a recognized educational benefit. This may include all the tasks a lawyer normally performs, such as research, interviewing clients, taking notes in court, etc. Firms are given great flexibility in deciding what sort of work students are to perform. However, students should not be used as mere office boys, and should not be continually given work without a substantial educational value.

3. The student may, with the approval of the firm that selected him, choose to work for either one or two credits. To receive one credit the student must work for a total of sixty hours and for two credits he must work for one hundred twenty hours. The student and the employer are allowed flexibility in tailoring the number of hours the students work per week to fit their own schedules. The number of hours the student works may include hours worked at home or in a library. There is no requirement that the student work in the employer's office for a certain number of hours.

4. The firm or employer will designate one of its attorneys as a supervisor for the student's internship. The supervisor will at the end of the internship certify whether the student has worked to a satisfactory level.

5. At the beginning of the internship the intern and the supervisor will work together to produce a statement describing the work the intern will be doing. The Director of the Law Centre will review this statement and indicate whether it is satisfactory.

6. Neither the employer nor the student are required to keep precise record of every minute the student spends on his internship. However, students should keep a general log of what they did each week and approximately how many hours they spent on their internship. The Student Placement Director shall review with each intern his time/activity log or journal at least once a week to make sure that a sufficient quality and quantity of work is being performed, and that the student intern is referred promptly to the director if there are problems with student intern's clinical experience. The Director shall meet with each intern separately once a month to review the intern's log/journal and clinical experience. The Director shall make informal contact from time to time.
with each attorney supervisor to be assured that all is well or that any problems are promptly and prudently dealt with. Each attorney supervisor shall be encouraged to bring any problems promptly to the directors attention.

7. Employers should keep in mind the number of hours per credit mentioned above in deciding how much work to assign the student. Students should not feel they may not be assigned anything more than the absolute minimum number of hours, but firms should remember the student has other commitments, and should not expect him to work many more hours than the minimum.

8. Internships will be graded by the Director of the Law Centre on a Satisfactory/Unsatisfactory basis. A student may receive a maximum of two credits for internships during the academic year. These shall not reduce the amount of co-curricular credit a student may earn.

9. The Internship Program is administered by the Director of the Law Centre with the assistance of the Student Placement Director. Credit for an internship may only be obtained by following the interview procedures set up by the Placement Director. The Director of the Law Centre may waive this rule in exceptional circumstances. Internships may be served only with a firm or organization that has been recognized as a part of the internship program by the Director of the Law Centre.

10. The Interns shall meet together with the Director and Placement Director at a regular class for orientation and explanation of the rules and standards of this program at the beginning of each term in which they participate, and shall meet in such class twice more each term for the purpose of comparing clinical experience and receiving instruction as to points of law and practice relevant to their common clinical experience.

11. The attorney supervisor, of course, has the authority to terminate any internship he supervises if the same is unsatisfactory, and the Director shall also have power to terminate any unsatisfactory internship, whether it is unsatisfactory from the point of view of the experience opportunity provided, the effort of the intern, or otherwise, and the Director has such other lesser and included disciplinary powers over the internship as are necessary and proper.

12. No internship shall be approved nor academic credit given for intern positions which are in their general character merely mechanical and repetitive. To be approved and receive academic credit the internship position must require intellectual work calling for the exercise and strengthening of the intellectual, academic, analytical and practice skills of the intern. The Director shall make this determination in approving internship and certifying credit.
APPENDIX D.

The Notre Dame Law School Honor Code

(Note: The Honor Code was adopted December 10, 1962 and revised F.M., April 19, 1977.)

Chapter One: Statement of Purposes

1.01 We, the students of the Law School of the University of Notre Dame, enrolled as candidates for admission to the privileges and responsibilities of the practice of law, do ordain and establish this honor code. This code is based upon the assumption that a student at the Notre Dame Law School is aspiring to enter an honored profession, and that his character and conduct while attending this Law School will at all times be a favorable reflection upon his future profession, his School and himself.

Chapter Two: Scope and Jurisdiction

2.01 This honor code shall become effective immediately upon its adoption by a majority of those law students voting in a ratification election held under Student Bar Association (SBA) auspices. A one-week period of notice shall lapse between the original presentation of the new code to students and the ratification election. The polls shall be open six hours, and the polling place will be in the main hallway or lounge of the Law School.

2.02 This honor code applies to any academic matter pertaining to the Law School as defined in Sec. 2.03. The Dean retains jurisdiction over all matters not explicitly covered by this code.

2.03 "Academic matter" means any activity which may affect a grade or in any way contribute toward the satisfaction of the requirements for graduation, without reference to the locus of such activity. Academic matters shall include but not necessarily be limited to the following:

a. Any examination.

b. Any research or other assignment to be done for a course outside of class.

c. Any work which is in whole or partial satisfaction of requirements to receive credit for participation in any activity for which credit is given.

d. Any misappropriation of another law student's, the university's or another faculty member's notes, papers books, tapes or other materials.
Chapter Three: Prohibited Conduct and Affirmative Duties.

3.01 It shall be a violation of the honor code to engage in any of the following:

a. To use materials or to consult with any other person:
   1. In an exam, except as expressly authorized by the instructor.
   2. In research or other writing assignment, in any manner expressly forbidden by an instructor.

b. To submit as one's work the work of another.

c. To make any material misrepresentation as to work toward satisfaction of the minimum requirements for grade or credit in any activity for which credit is given.

d. To misappropriate another law student's, the university's or any faculty member's notes, papers, books, tapes or other materials.

3.02 It shall not be a violation of the honor code to give or receive information or assistance unless expressly forbidden by the instructor or except as provided in 3.01 (a)(1).

3.03 Every law student has the duty to report promptly either to the Dean or to the President of the Student Bar Association all circumstances which he believes to constitute a clear violation of the Code. Intentional breach of this duty shall be a violation of the honor code.

3.04 It is the duty of every law student, faculty member, staff member and employee to give testimony or evidence relevant to the alleged violation(s) of the honor code if requested by the student facing disciplinary charges, the person appointed to present evidence in support of the charge, or the honor code board. A person may refuse to testify in order to protect himself from incrimination in a violation to the honor code board. A person may refuse to testify in order to protect himself from incrimination in a violation to the honor code or a public penal law. The honor code committee may excuse anyone from testifying for just cause.

Chapter Four: Administration of the Code.

4.01 There shall be an Honor Council chosen as follows:

a. Each class member shall be entitled to complete one ballot; no proxy voting is permitted.
b. Each ballot shall contain the following statement only:

If officially charged with a violation of the Notre Dame Law School Honor Code, I would choose the following members of my class to (1) hear the evidence for and against me; (2) render a fair impartial decision concerning my guilt or innocence and (3) determine sanction.

First Choice ___________________________________________
Second Choice __________________________________________
Third Choice ___________________________________________

c. The two law students in each class receiving the highest number of votes shall be Honor Council representatives; the third highest vote recipient shall be an alternative representative.

d. Election of the council members for the second- and third-year class shall be administered by the S.B.A. before April 1 of the school year before the term to be served.

e. The initial first year council representatives shall be appointed by the Dean before the beginning of classes for the school year of the term to be served. These representatives shall serve until representatives can be elected by the first-year class. This election shall be held by the S.B.A. before November 1.

4.02 Term

a. The term of the council shall begin with class registration for the school year, and terminate on graduation day in the spring; however, the council shall have continuing jurisdiction over any matter it has under formal consideration by the end of its term.

4.03 There shall be an Honor Code Board, to be appointed on a case-by-case basis as follows:

a. Three (3) students as appointed from the Honor Council by the S.B.A. President.

b. Three (3) faculty members as appointed by the Dean.

4.04 Prehearing Procedures

a. Violations of the code as outlined in Chapter Three shall be reported to the S.B.A. President or the Dean; any violations reported to the Dean shall be referred by him to the S.B.A. President.
b. The S.B.A. President shall have the responsibility of investigating all complaints of honor code violations in any manner he deems appropriate.

c. Unless the S.B.A. President determines that the complaint is without merit, he shall

1. Deliver to the accused student a copy of the honor code together with a written notice of the specific section(s) of the code allegedly violated, and the specific act(s) constituting the alleged violation(s).

2. Appoint three (3) students from the Honor Council as outlined in 4.03(a) and notify the Dean to appoint three (3) faculty members as outlined in 4.03(b).

3. Select a member of the Law School student body to gather and present evidence in support of the charge.

4. Meet with the accused and compile a list of the names of all persons having information pertinent to the charge, and submit this list to the board.

d. The accused shall select two (2) students and two (2) faculty members from the Honor Code Board to sit in deliberation of the charge.

4.05 Rights of the Accused

Upon receipt of the written charge and during the course of the hearing, the accused shall have the following rights:

a. To select a member of the Law School student body to gather and present evidence in support of the accused.

b. To be personally present during any hearing, provided, however, if the accused refuses to appear or fails to appear without just cause, the board may proceed to hear and determine the matter.

c. To confront and across-examine witnesses.

d. To testify and present evidence and/or witnesses.

e. To decline to testify, and such declination shall not be considered as evidence in support of the charge.

f. To an open hearing upon written request to the S.B.A. President. It remains within the discretion of the Honor Code Board to exclude witnesses from the open hearing or to close the hearing by a majority vote.
g. In the case of private hearing, to a non-participating student observer.

h. Should the accused decide not to have his case brought before the board, he may waive all hearings and submit to the jurisdiction of the Dean. The Dean then shall, using such procedure as he shall in his discretion decide, determine if there has been a violation of the honor code and in the case of a violation determine the appropriate sanction.

4.06 Procedure of the Hearing

a. The S.B.A. President shall set the date, time and place of the hearing and give written notice to the accused, members of the board and the student presenting evidence in support of the charge.

b. The board shall summon, no later than 48 hours before the hearing, all persons initially selected to be witnesses at the hearing. Failure of such a person to appear without just cause shall be a violation of this honor code section 3.04.

c. All board members must be present at the hearing. The S.B.A. President shall have the power to appoint an alternate if a board member or his alternate cannot attend for just cause.

d. Any member of the board shall disqualify himself from a hearing if, in his opinion, he shall be unable to make an impartial decision.

e. Chronological Procedure:

1. Evidence of the charge,

2. Accused student's evidence in rebuttal,

3. Arguments,

4. Decision on whether the student has committed the violation charged,

5. If found guilty, the board shall hear evidence in mitigation and/or aggravation,

6. Arguments on sanction,

7. Decision on sanction. Such sanction may be as severe as expulsion,
8. Notify the accused and the Dean of the decision.

f. All decisions of the board shall be made in private deliberations by a majority vote based upon a standard of reasonable doubt. Decisions shall be based only upon evidence received at the hearing.

g. The Dean shall review the decision of the board and take final action as follows:

1. Where the accused is found innocent the matter is closed.

2. Absent unusual circumstances, the Dean will act within fourteen (14) days to approve or modify the decision.

h. The board shall keep an audio record of the hearing which shall be the property of the Notre Dame Law School.

1. This tape shall be made available to the Dean for purposes of mitigation.

2. The accused may make, at his own expense, an audio recording of the hearing which shall remain his own property.

i. Charges brought after the Academic Year:

In the event that a charge of a violation of the honor code is brought forth after the graduation day of the Spring semester and before the registration day of the following semester, the accused student may at his option:

1. wait until the registration day of the following fall semester and proceed under the jurisdiction of the Honor Code Board of the next academic year, or

2. the accused student may elect to have the Dean resolve the matter before the term of the new Honor Code Board begins. The Dean, then, shall determine if there has been a violation of the honor code and in the case of a violation determine an appropriate sanction.

j. Upon formal notice from the Dean of the final determination, the S.B.A. President shall immediately post in appropriate public places in the law building a notice containing:

1. the specific section of the code alleged violated,

2. Board decision,

3. final disposition.
All other matters involving names of any person in any way involved in the proceeding shall not be disclosed.
APPENDIX E

NOTRE DAME LAW REVIEW

STATUTES

Restated, April 24, 1991

I. NAME AND STATUS

The Notre Dame Law Review is the Law Review of the Notre Dame Law School. It is both a professional publication and an integral part of the instruction program of the Notre Dame Law School. Subject to the primary responsibility of the dean and faculty for ensuring that its activities are appropriately directed to these ends, it is managed and edited by the student staff through the autonomous organization established in this statute.

II. OFFICERS

A. Description

(1) The Editorial Board shall be appointed by the Editor-in-Chief.

(2) The Editor-in-Chief shall have general supervision over the Notre Dame Law Review.

(3) The Editor-in-Chief and those appointed pursuant to Section II A (1) to assist the Editor-in-Chief with his duties shall constitute the Editorial Board.

B. Selection

(1) In the second semester, the members of the Notre Dame Law Review shall elect the Editor-in-Chief for the succeeding volume. The manner of the election may be determined in the Bylaws.

III. MEMBERSHIP

A. Appointments

At the close of the second semester of each academic year, the Editor-in-Chief shall tender an appointment to the Notre Dame Law Review staff to a minimum of fifteen (15) students in academic rank in the first-year class, as determined by cumulative average, subject to the following provisions:

(1) If one or more of such students declines or is ineligible for appointment, the Editor-in-Chief may then tender appointments to the next highest persons until a minimum of fifteen (15) have accepted positions on the Notre Dame Law Review.
(2) Should the appointments be made from mistake of fact as to the cumulative ranking, such mistake may, at the direction of the Editor-in-Chief, the Dean, and the Faculty Advisor, be rectified by whatever measures seem equitable in the situation, but in no case shall any first-year student properly ranked in the first fifteen (15) of the class, and otherwise not ineligible, be deprived of a tender appointment.

(3) If the Law School shall cease to compute or to release academic rank, the Bylaws shall make provision for determining academic rank for the purposes of this paragraph.

(4) The Bylaws may make provision for a writing program whereby qualified students not eligible on the basis of academic rank may be added to the staff.

(5) A student transferring to the Notre Dame Law School is eligible for membership on the Notre Dame Law Review only as follows:

(a) If the student transfers into Notre Dame at the beginning of the first semester, second year, admission is only through the Second Year Writing Program, as described in the Bylaws. In the summer, the newly-elected Editor-in-Chief will send to the Dean a formal explanation of this program, with sufficient copies thereof, to be sent to each transfer student to ensure familiarity with this provision and with the Second Year Writing Program.

(b) If the student transfers into Notre Dame at the beginning of the second semester, second year, eligibility for membership is based on membership in good standing of the law review at the school transferred from and only if a note, comment, or the equivalent work at the law review was written. The earlier work will be submitted to the Editor-in-Chief as an application for membership on the Notre Dame Law Review. If the Editor-in-Chief, or a chosen appointee, finds that student's earlier work is equal to the quality of work required of Notre Dame Law Review members for continued membership, then the Editor-in-Chief may extend an
IV. DISCIPLINE

A. The Notre Dame Law Review undertakes as part of its role in the program of instruction of the Law School to insure that every member of the staff is assigned substantial editorial and writing duties and performs them satisfactorily. Failure to perform satisfactorily the duties assigned or the duties attached to an office will result in dismissal from office, dismissal from staff, or such lesser disciplinary action as may be appropriate.

B. The Bylaws may establish procedures for disciplinary action pursuant to Section IV(A). Such procedures shall afford reasonable notice and opportunity to be heard. Disciplinary action taken pursuant to such procedures shall be final, except that anyone dismissed from the staff or from a position on the Editorial Board shall have a right of appeal to the Dean.

C. The establishment of internal disciplinary procedure pursuant to this statute is subject to the general responsibility of the Dean and the Faculty for the discipline of the Law School, and the Dean and Faculty expressly reserve the right to take any disciplinary action they might have taken had this statute not been passed.
D. Plagiarism or other dishonorable conduct shall not be made the subject of any internal disciplinary procedure. Any member of the staff or Editorial Board accused or suspected of such conduct shall be immediately reported to the Dean.

V. AMENDMENTS

Amendments to this statute may be adopted by a two-thirds vote of a quorum, subject to the approval of the Faculty. A quorum shall consist of a simple majority of the membership. Any amendment so adopted shall be certified by the Editor-in-Chief to the Faculty Advisor, who shall transmit it to the Dean with his recommendation. Thirty days after such transmittal, such amendments shall go into effect unless the Dean informs the Editor-in-Chief that it has been disapproved by the Faculty.

VI. BYLAWS

Subject to this statute, the members of the Notre Dame Law Review, by simple majority of a quorum as defined in Section V, may make, amend, or repeal any bylaw.
I. ELECTION OF THE Editor-in-Chief

A. Time
The election of the Editor-in-Chief will be held in February of each year on a date selected by the current Editor-in-Chief.

B. Preliminary Meeting
At least 17 days before the election, the Editor-in-Chief will call a meeting of the second-and third-year members, and generally explain the election procedure.

C. Nominations

(1) Candidates: All second-year members shall be candidates for Editor-in-Chief unless they indicate otherwise to the present Editor-in-Chief in writing, or unless they are on a probationary status.

(2) Preliminary Ballot: If 14 days before the scheduled election there are six (6) or less remaining candidates, this subsection, I.C.(2), shall not apply. If there are more than six (6) remaining candidates, the Editor-in-Chief shall provide a ballot box and ballots with the names of all candidates alphabetically listed. Each member may vote for three (3) candidates on the ballot. Balloting will take place from 9:00 a.m. to 5:00 p.m. on that day. Members not voting in this qualifying ballot shall be ineligible for further participation in the election for the Editor-in-Chief unless cause is shown to the present Editor-in-Chief. On the same day, the Editor-in-Chief will tally the votes and then alphabetically list the names of the six (6) candidates receiving the most votes. Should, as a result of a tie, there be more than six (6) candidates, further runoff balloting shall occur in succeeding days until there are not more than six (6) candidates.

(3) Evaluations: If the Editorial Board agrees to do so by majority vote, the Editor-in-Chief will make available seven days prior to the election evaluations of all the candidates. The evaluation will contain the following categories: writing ability, compliance with deadlines, and performance of administrative duties. Each Editorial Board member will rate each candidate on a basis of one to ten (with ten as the
highest grade). The grades in each category will be averaged and published as the evaluation. Editorial Board members need only evaluate candidates with whom they feel qualified to rate.

(4) Candidate Information: Prior to the fourteenth day before the scheduled election, all candidates for Editor-in-Chief shall submit a one-page typed resume and a position paper of any length to the Editor-in-Chief. Candidates failing to submit such resume and paper shall be deemed to indicate (within the meaning of section I.C.(1) of this article) that they do not wish to be candidates for Editor-in-Chief. The Editor-in-Chief shall ensure that such resume and paper is made available to all members within 24 hours of submission or before 9:00 a.m. on the fourteenth day before the scheduled election, whichever is earlier.

D. Election Process

(1) Quorum: On the day of the election all Law Review members eligible to vote will meet. One-half of the eligible members of the Law Review will constitute a quorum. To be eligible to vote, a member must have read the resume and position paper of each candidate.

(2) Qualifying Ballot: If on the day of election there are more than (2) candidates, the procedures contained in this section I.D.(2) shall apply. If there are only (2) remaining candidates, the procedures contained in section I.D.(3) shall apply.

(a) Candidate Presentation: On the day of the election, each candidate shall appear before the eligible Law Review members present, with the exception of the other candidates for Editor-in-Chief. Each candidate will have ten minutes to present plans and ideas for the Law Review. The order of the presentations shall be determined by lot.

(b) Question and Answer Period: After all candidates have made their presentations there will be a question and answer period initially not to exceed 45 minutes. Questions will be recognized by the chair, and may be addressed to either one or several of the candidates. No member will be
recognized a second time unless all other members have had at least one opportunity to question the candidates. The chair has the discretion to cut off the questions of any member in order to allow as many members as possible to pose questions. At the close of 45 minutes of questioning, a majority of the quorum may extend the question period by 15-minute intervals.

Initial Commentary: After the question and answer period, there will be a 30-minute period for commentary out of the presence of the candidates. Members wishing to speak will be recognized by the chair, and no comment shall exceed 3 minutes. No member shall be recognized a second time unless all other members have had at least one opportunity to comment. At the close of the 30-minute period, a majority of the quorum may extend the commentary period by 15-minute intervals.

Qualifying Vote: At the close of the initial commentary period, each eligible member, except for the candidates in the qualifying round, shall cast one vote for each of two primary choices. Each second year ballot shall count as determined by the following formula: 

\[ M = \frac{2Y}{X} \]

\( M \) = the number of votes each second year ballot is worth.
\( Y \) = the number of third year members voting in the meeting.
\( X \) = the number of second year members voting during qualifying round.

(Note: \( X \) does not include second year members who are candidates in the qualifying round.) Each third year ballot shall count as one vote. The two candidates receiving the most votes will then proceed to the Final ballot. In the case of a tie for the second place on the Qualifying Ballot, additional ballots will be held. The candidate with the highest total votes qualifies for the Final Ballot and all other candidates go on to the additional ballot. The ballot continues until one candidate qualifies.
for the additional place on the Final Ballot. In any of the balloting in the election procedure, those members who do not feel qualified to judge the merits of the candidates are encouraged to refrain from voting.

(3) Final Ballot

(a) Question and Answer Period: The (2) remaining candidates shall each be allotted a 20-minute period to answer questions from members. The order of appearance shall be determined by lot. The other candidate shall not be present. The rules for questioning shall be the same as those contained in section I.D.(2)(b).

(b) Final Commentary: Following the separate interviewing of the candidates, each eligible member shall have the opportunity to comment upon and evaluate the two remaining candidates out of the presence of the two candidates. The order of comments will follow that of the masthead, staff members speaking first. No comment will exceed three minutes. After all members have had an opportunity to comment by the order of the masthead, additional periods of commentary of 15-minute intervals are permissible should a majority of the quorum so decide. During these periods of commentary, the chair will follow the procedures for commentary discussion contained in section I.D.(2)(c).

(c) Final Vote: At the close of the final commentary, each eligible member, except for the candidates in the final round, will vote by written ballot for one of two remaining candidates. Each second year ballot shall count as determined by the formula set forth in I.D.(2)(d), except that X = the number of second year members voting during the final round. (Note: X will be a larger number for the final vote because candidates eliminated in the qualifying round will vote in the final
II.

E. Policy Statement

It shall be the goal of this election procedure to fully and fairly evaluate the presentations and qualifications of each candidate, consistent with the spirit and goals of the Law Review. Inflammatory comments and improper conduct will not be tolerated.

F. Parliamentarian

The Editor-in-Chief, or whomever designated, will serve as parliamentarian whose decision will be final on all questions of procedure or substance in interpretation of these Bylaws. The parliamentarian will also be charged with the responsibility of maintaining good conduct throughout the election process and will have the power to terminate any discussion of any member who violates the policy of the election.

G. Removal of the Editor-in-Chief

(1) The Editor-in-Chief may be removed from office by a written petition signed by three-fourths of the entire staff; such petition should contain a full enumeration of the grievance against the Editor-in-Chief. Removal is subject to approval by the Dean and the Faculty Advisor.

(2) The Editor-in-Chief shall be removed from office for making pre-election promises containing appointments to the Editorial Board. Guilt shall be determined by a board of seven staff members and the Faculty Advisor.

II.

DISCIPLINE

A. In General

No staff member shall be disciplined except in accordance with the procedures enumerated in the Statutes and Bylaws. Disciplinary action may include dismissal, suspension, and such lesser sanctions as provided in the Bylaws.

B. Hearings

No staff member shall be subject to dismissal or suspension without a hearing by the Hearing Board. This Board shall consist of the Editor-in-Chief, and two staff members chosen...
by lot. Upon receipt of a complaint against a staff member of such a nature as to warrant dismissal or suspension, the Editor-in-Chief shall convene the Board and inform them of the charges. The Editor-in-Chief shall then require the Board members to investigate such charges. At this time the Editor-in-Chief shall inform the accused of the time and place of the hearing. At the hearing, the accused shall have full opportunity to rebut the evidence presented and to question any adverse witnesses. After all evidence has been heard, the Board shall then vote to determine the guilt of the accused; such decision shall be reached by majority vote. If the accused is found guilty, the Board shall then determine the appropriate sanction. Any staff member found guilty of a serious offense shall have the right of appeal to the Dean.

C. Serious Offenses and Their Sanctions

(1) Offenses meriting dismissal include:

(a) Three or more unexcused failures to meet assigned deadlines;

(b) Three or more failures to submit writing of the kind and quality expected of a staff member;

(c) Five or more unexcused failures to attend required meetings, notice of which has been posted for at least two days.

D. Minor Disciplinary Sanctions

For any minor offenses the Editor-in-Chief may authorize an increase in the amount of non-writing assignments.

E. Unsatisfactory Academic Performance

(1) Any person who fails two or more law school courses totalling four or more credit hours in any one semester, or three or more courses totalling six or more credit hours in any two consecutive semesters, shall be ineligible for continued Law Review membership.

(2) Such person's status as a Law Review member shall automatically terminate on the first class day of the Law School semester immediately following that semester in which the fourth or fifth hour of "fail" grades were earned, whichever shall be sooner.

50
(3) Any person whose Law Review membership status is so terminated may be readmitted to Law Review membership by the affirmative approval of three-fourths of the Law Review membership as expressed by secret ballot.

(4) For purposes of this section, the term "consecutive semesters" shall mean consecutive in attendance by the person threatened with disciplinary action, and not consecutive in a law school calendar sense.

F. (1) A second-year member of the Law Review staff may earn up to four hours of academic credit for satisfactory participation during the second year. A maximum of two credits may be allocated to each semester. A third year member of the Law Review may earn two hours of academic credit applicable to either semester for satisfactory participation during his third year, provided that not more than two credits may be allocated to any one semester and not more than four may be considered in fulfillment of requirements for graduation.

Each member must take the Law Review for at least two semesters of academic credit. All Members shall take the Law Review for academic credit each and every semester until they fulfill the writing requirement. In no event, however, shall any Member take the Law Review for less than two semesters of academic credit. To earn academic credit for the Law Review, each Member must complete the writing requirement, unless the Member has made a good faith effort or has another valid excuse as determined by the Editor-in-Chief and the Faculty Advisor.

Unexcused failure to complete the writing requirements will result in the Member receiving a grade of Unsatisfactory (U) or Incomplete (I) as determined by the Faculty Advisor upon recommendation of the Editor-in-Chief.

The Member will be able to change the I grade into a grade of Satisfactory (S) by fulfilling the above requirements before the end of the subsequent semester. The work must be completed and the I changed prior to the end of the next semester’s final examination period; otherwise, the I will be changed to a U.

(2) Satisfactory participation shall consist of the following:

(a) For second-year students:
i. writing one piece (either a case comment or a note) alone
or
writing two pieces in a group
and
ii. performing administrative tasks.

(b) For third-year students: performing the duties of an editorial board position.

(3) The Editor-in-Chief shall determine and report in a manner satisfactory to the Faculty Advisor which members of the staff are participating satisfactorily, and the Faculty Advisor shall report to the Law School Administrator which members are entitled to academic credit.

III. BYLAW MEMBERSHIP SELECTION

A. Second Year Writing Program

(1) Eligibility

(a) Every member of the incoming second-year class who is not on academic probation and who has not been tendered an appointment according to academic rank shall be eligible to participate in the writing program.

(b) Every student eligible to participate in the writing program shall be advised of the existence of the program by the Editor-in-Chief at the end of the Spring semester and at the beginning of the Fall semester.

B. Third Year Writing Program

(1) Every member of the incoming third-year class who is not on academic probation shall be eligible to participate in the Writing Program, and shall be advised of the existence of the program in accordance with Section III. A.(1)(b) of these Bylaws. The program shall be in conformity with III. B.(3) of these Bylaws.

(2) Selection

The selection of those Writing Program participants invited to join the Law Review shall be made separately and after the selection of second-year students. The anticipation of selecting third-year students shall in no way affect the number of second years invited to join the Law Review. The number of invitations extended to third years shall be based
on the criteria set forth in Section III. B.(4) of these Bylaws.

(3) The requirement of the writing program is satisfactory completion of a Case Comment of acceptable quality within a period of time stipulated by the Editor-in-Chief during the summer or early in the first semester.

(4) Administration and Evaluation

(a) The writing program shall be administered under the supervision of the Editor-in-Chief.

(b) Performance of the requirement of the writings programs shall be evaluated by a committee of such members of the Editorial Board, not less than three in number, as the Editor-in-Chief shall appoint. The committee shall have sole power to determine which participants, if any, have satisfied the requirements of the program, and shall certify the results of its determinations to the Editor-in-Chief.

(5) The tender of an appointment to the Law Review staff to one who has satisfied the requirements of the writing program shall lie in the discretion of the Editor-in-Chief. In exercising discretion, the Editor-in-Chief may take into account (1) the recommendations of the committee which evaluated the performance of the participant; (2) the quality of the materials submitted by the participant in satisfying the requirements of the program; and (3) the needs of the Law Review based on available third-year members, size of the incoming second-year class, and available financial resources for publication.

(6) Every member of the Law Review staff who may be appointed under the provisions of this paragraph shall enjoy all the rights, privileges, and duties of members appointed by academic rank.

C. Academic Selection

(1) In the absence of an academic ranking computed by the Law School, the Editor-in-Chief shall compute academic ranking as required by Notre Dame Law Review Statutes, Section III.A.(3). The Editor-in-Chief shall compute academic averages from the first-year grades released to by the Law School. This average shall be calculated on a 4.0 system and shall use all first-year courses in which a letter grade is assigned. Non-first year courses shall not be included in the average. A student must have received averageable grades in at least 25 credit hours of first-year courses at Notre Dame in order to be eligible for selection on academic
performance. Other provisions for transfer students are found in the Law Review statutes.

D. To accept an invitation to the Notre Dame Law Review, the invitee must appear at the law school on the date specified by the Editor-in-Chief. Those invitees unable to appear will forfeit their invitations unless formally excused by a majority vote of the Editorial Board.

IV. PUBLICATION BY NON-MEMBERS

A. The Editor-in-Chief shall notify each second and third-year student who is not a member of the Law Review of the opportunity to submit materials to the Law Review to be considered for publication. Such notice may be published in the Law School newsletter, posted on bulletin boards or given in any other manner reasonably calculated to inform students of the availability of non-member publication.

B. The publication of any materials submitted by a student who is not a member of the Law Review shall not be construed in any way as conferring membership on such student.

V. CODIFICATION OF STATUTES AND BYLAWS

A. The official Statutes and Bylaws and amendments thereto shall be filed by the Editor-in-Chief in an appropriate manner and made available to any member who requests to inspect them.

B. From time to time but at least once each year during March or April the Editor-in-Chief shall cause all amendments to the Statutes and Bylaws to be codified and the codification of each shall be submitted to the members to certify the correctness of the codification by vote.

C. Prior to certification of the Statutes and Bylaws the various bills enacted shall be the official text. After certification, the codified Statutes and Bylaws shall be the official text.

VI. MEETINGS

General meetings may be called by the Editor-in-Chief or upon petition of a majority of the Law Review membership. Notice of meetings will be published by the Editor-in-Chief or a designated representative at least twenty-four (24) hours in advance of the scheduled meeting. Notice shall be published in the Law Review office on the official notice bulletin board.

VII. LONDON PROGRAM

A. London members may vote in the election for Editor-in-Chief in accordance with these Bylaws.
B. A student invited to join the Law Review and who chooses to spend the second year in London shall participate in accordance with the Bylaws.

C. The Editor-in-Chief must, not later than thirty (30) days before the beginning of the Notre Dame campus academic year, issue the writing requirements for London members.

D. The Editor-in-Chief will provide a reasonable schedule guaranteeing a sufficient exchange of information to enable London members to make an informed choice between or among the candidates for Editor-in-Chief. Materials sent to London pursuant to this provision shall include but shall not be limited to:

1. A list of candidates;

2. All materials required to be read by voters to qualify to vote;

3. The resumes and position papers of the candidates.

VIII. To facilitate the transition of control of the Notre Dame Law Review, Issue 5 will be a joint venture of the incoming and outgoing Editorial Boards. The incumbent board shall have full authority respecting lead articles and student materials as well as for the primary administrative work. The incoming board shall work under the supervision of the incumbent board and have responsibility for the galley and page proof stages of production.

IX. JOINT-DEGREE PROGRAMS
A. A member of the Law Review who is enrolled in a joint-degree program requiring four years of law school enrollment and who has not taken a leave of absence as provided in Section IX(C) of these Bylaws shall, during the third year, be deemed a "second-year student" for the purpose of weighting ballots for the election of an Editor-in-Chief. Members enrolled in a joint-degree program who have not taken a leave of absence as provided in Section IX(C) of these Bylaws are eligible for editorial board positions and for the office of Editor-in-Chief during both their third and fourth years of law school. However, the Editor-in-Chief may not be re-elected.

B. Members enrolled in a four-year joint-degree program who do not elect to participate in the London Program must actively participate in the Law Review during their second year. Such members may take a leave of absence from the Law Review during their third year. A student shall be deemed a member of the Law Review (and be listed on the masthead) for the year in which leave is taken.

C. Members enrolled in a four-year joint-degree program who participate in the London Program their second year may take a leave of absence during their second year. A student shall be deemed a member of the Law Review (and be listed on the masthead) for the year in which leave is taken. Such members must participate in the Law Review as staff members during their third year, at which time such members will enjoy the same voting rights as second year staff members. Such members are eligible for Editorial Board positions and for the office of Editor-in-Chief during their fourth year of law school.
Memo:

To: Law Students
From: Dean Link

Date: March 26, 1990
Subject: Alcoholic Beverage Policy
(Hoynes Code, Appendix F)

Alcoholic Beverage Policy

It is imperative that the students of the Law School understand and
abide by the laws, rules and regulations of the State, the University and the
Law School with regard to alcoholic beverages.

Those standards are summarized as follows:

1. Indiana Law
   a. It is unlawful for a person under age 21 to purchase or
      consume alcoholic beverages.
   b. Alcoholic beverages cannot be sold without a license.
      (The Law School does not have such a license.)

2. University Regulations
   a. No alcoholic beverages may be in the possession of a student
      inside the Stadium, the JACC, or in any non-residence
      building on campus, including LaFortune Student Center, all
      academic buildings, the dining halls, and on the campus
      grounds. Any exception must be approved by the Associate
      Vice President for Residence Life.
   b. When a student is transporting containers of alcoholic
      beverages on campus, such containers must be closed and in
      suitable packaging, e.g., a bag or box.
   c. Kegs are not allowed on campus except in places that are
      duly licensed by the State of Indiana.

3. Law School Rules (adopted with the approval of the University Vice
   President for Student Affairs.)
   a. The Dean (or his authorized representative) must approve in
      advance any function where alcoholic beverages are
      dispensed.
   b. Approval will be limited to beer and wine and will not
      extend to hard liquor. Non-alcoholic beverages (which may
include non-alcoholic beer) and food will be served, in an amount the cost of which is at least equal to the cost of the alcoholic beverages.

c. Functions where alcoholic beverages are dispensed will be held in the Student Lounge only.

d. The request for approval shall be on a form provided by the Dean, with a copy of these Rules attached. It shall be signed by a representative of the organization sponsoring the function and shall state:

1. The times of beginning and termination of the function, and the times during which alcoholic beverages will be served, normally not to exceed two consecutive hours. On rare occasions and on special and justifiable cause the Dean may approve of time extensions but in no event may the time during which alcoholic beverages will be served exceed a total of three hours;

2. that these rules are understood by the sponsoring organization, and;

3. the members of the sponsoring organization undertake the obligation to comply with these rules.

e. The group arranging the function has full responsibility for compliance with State, University and Law School regulations, and shall supervise the dispensing of the alcoholic beverages.

f. The sponsoring organizations will inform the students through the Student Bar Association that alcoholic beverages are confined to the Lounge, may be consumed only by those at least 21 years old and shall caution on the dangers of driving and drinking.

g. Alcoholic beverages brought into the Law School for an approved function will be kept under lock and key. The storerooms in the SBA Office, and for the Snack Bar are available for that purpose.

h. We are authorized to request a flat rate donation for the entry into the Lounge. We cannot charge by the drink (either cash or ticket).

i. Alcoholic beverages will not be taken into the classrooms or outside the building. They will remain within the Lounge.
j. No advertising (including postings) indicating availability of alcoholic beverages is permitted, inside or outside the Law School.

We are all enjoined to operate within the spirit as well as the letter of these standards and thus foster the community life which is such an important aspect of Notre Dame Law School.

David T. Link
Dean

DTL:jw

cc: Associate Vice President for Residence Life
Faculty and Staff
TO: Dean of the Law School
Subj: Request for Authorization to serve alcoholic beverage(s) in the Student Lounge.

Purpose of Function:
Date of Function:
Starting Time:
Ending Time:
Beverage(s) to be served:
Hours during which alcoholic beverage(s) will be served:

I and the other members of the sponsoring organization responsible for this function have read and understand the Law School Alcoholic Beverage Policy attached to this request and we undertake the obligation to comply with these rules.

[Signature and Title]

Approved

Remarks:

[Signature and Title]