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Hoynes Code, The

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A Compilation of Faculty Resolutions and Administrative Regulations
Governing the Internal Lives of Students and Faculty of the Notre Dame Law School.

Amendments have been entered at the following times:

November 20, 1973
February 8, 1974
February 15, 1974
May 30, 1974
June 25, 1974
July 1, 1974
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Article I. Introduction

Sec. 1.1. Purpose of the Code. This Code is compiled to afford ready access and convenient updating to those responsible for legal education at the University of Notre Dame.

Sec. 1.2. Copies. The Code is originally prepared in seven copies, one each in the reserve section of the Law Library, the satellite law library, and the Dean's Office, the Associate Dean's Office, the Assistant Dean's Office, the Law School Administrator's Office, and the library of the London Centre.

Sec. 1.3. Updating. The Code as originally compiled was as of August 1, 1971. This compilation is as of August 15, 1972. The copy of the Code in the Dean's Office will be updated monthly. Other copies will be updated no less often than twice a year.

Sec. 1.4. Sources. Sources are 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.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.A.C. - Minutes of the Academic Council, University of Notre Dame.

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 may be amended by the Body having authority over the subject matter of the section involved.

Sec. 1.6. Exceptions. Exceptions to the Code may be granted to the body having authority to amend the section at issue. The general authority of the Dean to grant exceptions is encompassed by his 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, is referred to here as "the Code," and may be cited as "H.C."

Sec. 1.8. References.

Sec. 1.81. Cross references to other governing documents are listed in Art. X.

Sec. 1.82. Appendices to the Code are indexed at the beginning of Article XI.

Sec. 1.83. Organization:

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Art. II. Faculty and Administration
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Art. IV. Degree Requirements
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Article II. Faculty and Administration

Sec. 2.1. Faculty. The Law School Faculty 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 Committee on Appointments and Promotions. (Adapted from U.F.M. Art. IV, §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 own. (U.F.M., II, §5.)

Sec. 2.3. Associate and Assistant Dean. The Dean of the Law School is assisted in the duties of his Office by an Associate Dean and an Assistant Dean 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. Law School Administrator. The Law School Administrator is appointed by the Dean to perform duties of administration delegated by the Dean. (A.R., July 1, 1971.)

Sec. 2.5. 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 Chairman at such meetings, or he may choose to appoint a chairman or have the faculty elect a chairman in his 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 addition 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. 2.6. Attendance at and Minutes of Faculty Meetings.

Sec. 2.61. The Faculty admits to voting membership only those of its members who are also members of the University's Teaching and Research 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. 6, §8; U.F.M. Art. III, §1(a); A.R. July 16, 1971; Informal Ruling of the Provost, Nov. 10, 1970).

Sec. 2.62. 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. 2.63. Minutes of Faculty meetings are recorded and distributed to members of the Faculty who were not present at the meeting, and to other members of the Faculty who request them; and to the President, the Provost, and the Dean. (U.F.M., Art. IV, Sec. 2.)

Sec. 2.7. Student Membership on the University Academic Council. Students are added to the Academic Council for a two year period 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 Chairman:

1) four students, one from each of the undergraduate colleges;
2) one student from the combined Law School and MBA Program student population;
3) one student from the Graduate School;
4) the Academic Commissioner of Student Government will be an ex officio member. (A.C.M. Sept. 21, 1970)

Sec. 2.8. 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 establishes 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 of participation such as receiving student opinions of faculty teaching and the like. (A.C.M. Mar. 5, 1970.)

Sec. 2.9. Other Policies

Sec. 2.91. 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. 6, Sec. 3; A.B.A.)

Sec. 2.92. The Law School Faculty reserves its right to assert jurisdiction in the first instance in disciplinary cases involving law students. (F.M., Mar. 20, 1972.) (A.R., June 25, 1974.)
Article III. Committees

Sec. 3.1. Faculty Committee on Appointments and Promotions.

Sec. 3.11. The Faculty Committee on Appointments and Promotions consists of all members of the full-time teaching staff who enjoy tenure in their positions, and who are not on leave of absence. The Dean shall be ex officio chairman. The Committee shall be formally consulted on all faculty appointments, temporary or permanent, full-time or part-time, including appointments to the professional staff of the Law Library.

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

Sec. 3.13. The Chairman 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 Chairman may call a meeting at any other time at his discretion, and shall do so on the written request of the Vice-Chairman or any two or more other members.

Sec. 3.15. The Committee may by resolution provide for the election by ballot of not less than two nor more than four other members to assist the Vice-Chairman in the performance of any duties delegated to him pursuant to §3.12.

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 Chairman shall transmit this report to the Provost, together with his own recommendations.
Sec. 3.18. In case of an emergency requiring an appointment to the faculty before a meeting of the Committee can be held, the Chairman shall promptly notify the Vice-Chairman, who shall ascertain the sense of the Committee by contacting the members as far as is practicable, and shall report to the Chairman. 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. This provision may be amended by the Faculty of the Law School at a meeting duly called for that purpose. (F.M., Aug. 15, 1967) [Note: Sec. 3.1 was approved formally as an interpretation of the Faculty Manual, by the Vice President for Academic Affairs.]

Sec. 3.2. Other Committees. Other committees are created by the Dean, or by a majority of the Faculty, permanently or temporarily, as he 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. 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., Sept. 28, 1968; October 4, 1971.)
ARTICLE IV Degree Requirements

Sec. 4.1. Credit Hours

Sec. 4.11. The minimum total credit hours required for graduation shall be 84.

Sec. 4.12. Each student shall be required to take at least 14 hours in every semester, exclusive of summer sessions, except that students in the third year shall be required to take on each semester either 14 hours or five courses totaling 12 hours or more. "Third year" in this section means students who have satisfactorily completed 56 semester hours or more. "Courses" in this section includes co-curricular activities approved under Sec. 4.13. (F.M., April 3, 1970; F.M., Feb. 25, 1971; F.M., May 8, 1972; F.M., April 24, 1973; A.R., Feb. 8, 1974; F.M., Sept. 17, 1974.)

Sec. 4.13. Academic credit, on a "pass-fail" 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 4.12 above, and further provided that no more than 4 credit hours so earned may be applied toward the minimum credit hours required for graduation 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 direction 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. Students who would have graduated before June 1, 1973, if this resolution has not been passed, may graduate. (F.M., May 9, 1972.) (Sec. 4.11 required 80 hours, prior to the amendment of May 8, 1972; and Sec. 4.13 read as follows: The minimum number of credit hours required during each semester of the third year shall be 10 for a student who actively participates during the entire semester, in work of the Lawyer, Moot Court, Legal Aid and Defender, or Legislative Bureau.) (F.M., April 3, 1970; F.M., February 25, 1971; A.R., March 20, 1973.)
Sec. 4.15. Implementation regulations under Sec. 4.13 are in Appendix E of this Code. (A.R., February 1973.)

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 Residence.

Sec. 4.21. In order to qualify for the juris doctor degree, a student must engage in full time law study for six semesters, or for five semesters in addition to two approved summer sessions.

Sec. 4.22. The Faculty's recommended standards respecting approval of summer sessions are: (1) that the student carry at least six semester hours of academic credit in each session, (2) that the sessions be at least five weeks in duration, and (3) that the session be conducted at a law school approved by the American Bar Association. These standards will permit two summer sessions conducted in a single summer, if the conditions stated here are met. However, no more than two summer sessions will be accepted toward the juris doctor degree, except that the Dean may waive this restriction, as to a third summer session, in cases of extreme hardship. A summer session held prior to September 1, 1974, meets these standards if the student carried at least five semester hours of academic credit in that session.

Sec. 4.23. 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 or three semesters and two approved summer sessions must be pursued on a Notre Dame campus.

Sec. 4.24. The semester prior to graduation must be spent on the Notre Dame campus in Indiana.

Sec. 4.25. The full semester (not including a summer session) prior to the last must be spent on the Notre Dame campus in Indiana unless the requirement of this Sec. 4.25 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., Feb. 21, 1971; F.M., March 13, 1972; A.R., Feb. 8, 1974; A.R., July 1, 1974; F.M., November 12, 1974.)

Sec. 4.3. Part-Time Law Students. Students may enroll on a part-time basis, subject to the same admission requirements as students who study on a full-time basis. Students enrolling without firm plans to qualify for the J.D. degree may enroll as special students. Students who plan to qualify for the degree will be enrolled as regular students and will be subject to the requirement that they complete work on the degree within five academic years. Special students who begin a degree program within one calendar year of their first enrollment as special students will receive credit for work successfully completed as special students. This policy will not be published in the Law School bulletin. (F.M., Aug. 19, 1969.)
Sec. 4.4. 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. 4.51. Graduate School Courses. It is the policy of the Vice President for Advanced Studies that law students may enroll for three credit hours of graduate work concurrent with and in addition to the normal credit hour load in the Law School. In exceptional cases, involving superior students, an additional three credit hours of graduate work may be taken, but no more than a total of six credit hours may be carried with a normal load in the Law School.
Sec. 4.52. No additional tuition charge shall be made to the student while he is enrolled in the Law School for the graduate work he 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.]:

a. must apply for admission to the Graduate School and be accepted by the appropriate department;

b. must spend at least one semester after (preferably contiguous with) his residency in the Law School in residence in the Graduate School; and

c. cannot receive both his Law degree and a Graduate degree at the same commencement. (Vice President for Advanced Studies, November 21, 1971.)

Sec. 4.54. Up to three courses of satisfactory graduate work, in compliance with Sec. 4.51, may be credited toward the J.D. degree. (A.R., November 22, 1971.)
Article V. Courses

Sec. 5.1. Elective Courses.

Sec. 5.11. Second and third year courses are elective, with the following provision as to implementation and administration: core courses and model programs are to be recommended by the Faculty and an intensive system of faculty counseling is to be established for student guidance. (Core Courses and model programs are contained in appendices A - C.)

Sec. 5.12. All courses in the first year shall be required. (F.M., Mar. 5, 1971.)

Sec. 5.13. It is the sense of the Law Faculty that some courses or blocks of courses be required after the first year. The Curriculum Committee is charged to provide proposals to the Faculty on or before December 31, 1975. (F.M., April 10, 1975.)

Sec. 5.2. Professional Responsibility.

Sec. 5.21. Each third-year student, as a condition to graduation but not for credit, is required to submit a relatively short paper dealing with a matter of professional ethics covered in the Code of Professional Responsibility. This paper will be prepared under the supervision of a member of the Faculty. It must be submitted no later than the first class day of the student's last semester and, if unsatisfactory, must be revised until it is satisfactory.

Sec. 5.22. In addition to the requirements of Sec. 5.21, each third-year student must certify that he has read and understood the Code of Professional Responsibility. (F.M., July 6, 1971.)

Sec. 5.3. 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 instructor involved, or 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). Students who drop classes after the first five full weeks of the semester will receive a grade of "Incomplete." (F.M., Aug. 12, 1970.)

Sec. 5.4. Limit on Directed-Readings Programs. It is the administrative practice of the Dean and Assistant Dean to deny approval to more than one directed-readings program per semester for each student. Directed readings programs carry one or two semester hours of credit, in the discretion of the member of the Faculty offering the program. (A.R., August 30, 1972.)
Article VI. Attendance and Examinations

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

Sec. 6.11. To be eligible to take examinations a student must attend classes regularly and punctually, and his class performance must be satisfactory. (F.M., April 1, 1969)

Sec. 6.12. A student enrolled in the Practice Court program is required to attend trials held during the semester in which he is enrolled. (A.R., 3/16/72.)

Sec. 6.13. First year students are required to serve, when summoned, as jurors in the Practice Court. Failure to respond to a juror summons renders the student ineligible to enroll for the Practice Court program. (A.R., 3/16/72.)
Sec. 6.2. The Honor Code.

Sec. 6.21. Preamble. 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.
Sec. 6.22. **Scope and Jurisdiction.** This [Honor Code shall become effective immediately upon its adoption by a two-thirds vote of the student body with respect to all students presently in The Law School and to all students who enter The Law School thereafter. [Note: The honor Code was adopted December 10, 1962.]

Sec. 6.23. **Conduct During Examinations.**

Sec. 6.231. A student shall be on his honor not to give or receive aid during an examination. "Aid" shall be construed to mean information or help of any nature not specifically permitted by the instructor, from whatever source derived. "Give and receive" shall be construed to mean the voluntary transmission or receipt of aid in any manner whatever.

Sec. 6.232. A student shall not discuss an examination with anyone either in the Law Building, or elsewhere, during its progress.

Sec. 6.233. A student shall engage in no discussion whatsoever of an examination with a professor after the papers have been handed in and prior to the posting of grades.

Sec. 6.234. No numbers used by students for the examinations are to be revealed or any grades asked of any member of the faculty or administration until the final grades are released by the appropriate office.
Sec. 6.24. **Incorporations.** This Code shall include all regulations regarding the examinations issued by the Dean and his authorized personnel.

Sec. 6.25. **Research Papers.** A student shall be on his honor not to submit as his own research papers prepared by another.

Sec. 6.25A. **Misappropriation of Academic Property.** A student shall be on his honor not to appropriate for his own use the academic property of a fellow law student. "Misappropriation" shall be construed to mean wilfully and knowingly taking and keeping for any period of time the academic property of a fellow student under facts and circumstances which indicate that there was a conscious intent to deprive another or others of their rights in such property for that time.
Sec. 6.26. Procedure.

Sec. 6.261. 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 constitute reasonable ground to believe that a violation has occurred, and wilful failure of any student to report such circumstances shall be a violation of the Code and a dishonest act within the scope of Sec. 6.21.

Sec. 6.262. If the President of the Student Bar Association, after receiving the report, is of the opinion that the matter warrants the attention of the Dean, he shall promptly notify the Dean of the alleged violation.

Sec. 6.263. Sec. 6.26 is intended as an application to the Law School student body of the principle embodied in Canon 29 of the Canons of Legal Ethics of the American Bar Association, which states: "Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession...." [Canon 29 is now covered by Sec. DR-103 of the Code of Professional Responsibility.]
Sec. 6.27. Amendments. This [Honor] Code may be amended by a two-thirds vote of the student body. Rules, other than those permitted by Sec. 6.24, pertaining to the discipline of students issued by members of the faculty or the administration, or by student organizations shall not be considered a part of this [Honor] Code, unless such rule has been incorporated into this [Honor] Code by means of the amendatory procedure stated herein. (S.B.A. Dec. 10, 1962.)
Sec. 6.3. Honor Code Violation Procedure.

Sec. 6.31. Pursuant to the Honor Code [H.C. §6.21], professors who believe they have discovered an Honor Code violation, or any other member of the Law School community who so believes, will refer the facts in their possession to the President of the Student Bar Association.

Sec. 6.32. The President of the Student Bar Association will then determine, by whatever procedural means he deems appropriate, whether there is substance to the charge. If substance is found, the President of the Student Bar Association will refer the matter to the Dean.

Sec. 6.33. Upon receiving this referral, the Dean will offer the accused person the option of a hearing before an ad hoc investigating committee made up of students and faculty (in equal numbers), or a similar hearing before the Dean. In either case, the hearing will encompass guilt as well as penalty. The committee's role will be advisory to the Dean.

(A.R. July 7, 1971.)
Sec. 6.4. **Student Examination Numbers.** To insure impartiality, written examinations are taken anonymously; prior to each examination the student draws a number and it is his number, not his name, which appears on his 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 identity. (L.S.B. p. 18)

Sec. 6.5 **Confidentiality.** The records of students at the Law School, including grades, are confidential and are not open to anyone except the student himself and the Faculty and Staff for internal administrative purposes. (F.M., Sept. 30, 1969.)

Sec. 6.61. **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 held by the President of the Student Bar Association. The Law School Administrator will supervise the number assignment system. Numbers may be assigned during the semester to accommodate special examination schedules.

Sec. 6.62. Before the examination is finished (after it begins), the box will be taken to the Dean's office and locked in his closet.

Sec. 6.63. The box will not be removed from the Dean's closet, and the key will remain with the S.B.A. President, until all grades are in.

Sec. 6.64. Each faculty member, as he finishes grading, will turn in his grade report (by number) to the Law School Administrator, who will immediately make a xerox copy of the report and post it. These grade reports will be posted on a locked bulletin board, cleared for that purpose.

Sec. 6.65. Individual grade reports to students will be made by the University. The Law School will not make grade reports directly to students, except in cases of dismissal for academic deficiency.

Sec. 6.66. 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. 6.67. All grades will be final when filed with the Law School Administrator and may not be changed thereafter except for clerical or administrative errors. (F.M., Aug. 18, 1970.)


Sec. 6.8. Ranking and Grades.

Sec. 6.81. All ranking is abolished, both internally and externally. (F.M., Mar. 24, 1969.)

Sec. 6.821. Grades are not calculated on a numerical basis.

Sec. 6.822. Students whose initial entry into the Law School was in or before the fall semester 1971 shall be graded in four categories: Honors, High Pass, Pass, and Fail.

Sec. 6.823. Students whose initial entry into the Law School is in or after the fall semester 1972 shall be graded in five categories: A, B, C, D, and F.

Sec. 6.824. No numerical values shall be assigned to the categories in this Sec. 6.8.

Sec. 6.825. In elective courses other than core courses, and only with the permission of the professor teaching the particular course, each student may choose one course per semester which will be graded on a pass/fail basis. (F.M., Mar. 25, 1969; F.M., Sept. 1971).

Sec. 6.83. 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. Oct. 11, 1971.)
Article VII. Academic Performance

Sec. 7.1. Failures of Second- and Third-Year Courses.

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., Mar. 25, 1969.)

Sec. 7.13. Failure of an elective course does not require the student to repeat it; however it earns no credit for graduation. (F.M., Mar. 25, 1969)

Sec. 7.14. 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 grade upon retaking the course shall be recorded along with his 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., Nov. 1971.)

Sec. 7.15. A repeated course shall be registered for by the proper name of the course and its regularly assigned credit hours. (A.R., 5/23/72.)

Sec. 7.16. A repeated course does not count toward compliance with the minimum course load requirements under Hoynes Code Article 4. (A.R., 5/23/72.)

Sec. 7.17. A failure which is successfully cured under this section does not count under the cumulative failure rule of Section 7.3. (A.R., 5/23/72.)

Sec. 7.18. 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. 7.2. Dismissal on Academic Grounds.

Sec. 7.21. Dismissal. Two failures totaling four or more credit hours in any one semester beyond the first semester of the first year, or three failures totaling six or more credit hours during the student's law school career, subsequent to the first semester, render the student ineligible to continue. However, if he has failed six credit hours or more during the first semester, he will be ineligible to continue into the second year if he fails three or more credit hours in the second semester of the first year. This section applies to all students presently and hereafter enrolled in the Law School. (F.M., Nov. 23, 1970; July 6, 1971.)

Sec. 7.22. In addition to the requirements of Sec. 7.31, four grades of D or worse totaling eight or more credit hours in any one semester beyond the first semester of the first year, or ten grades of D or worse totaling twenty or more credit hours during the student's law school career subsequent to the first semester, render the student ineligible to continue. This Sec. 7.32 applies only to students whose initial entry into the Law School is in or after the Fall Semester 1972. (F.M., Nov., 1971.)

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 has successfully completed all first-year courses. (F.M., Sept. 29, 1970.)

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

(Effective September 1, 1974)

7.41. In addition to meeting the regular requirements for graduation, a candidate for a cum laude (with honors) degree must present at least 80 per cent of his total credit hours with the grades of A or B, of which not less than 50 per cent of his total credit hours must be with the grade of A. In addition, the candidate may not have failed or received D in more than five per cent of his total credit hours undertaken.

7.42. In addition to meeting the regular requirements for graduation, a candidate for a magna cum laude (with high honors) degree must present at least 85 per cent of his total credit hours with the grades of A or B, of which not less than 65 per cent of his total credit hours must be with the grade of A. In addition, the candidate may not have failed or received D in more than five per cent of his total credit hours undertaken.

7.43. In addition to meeting the regular requirements for graduation, a candidate for a summa cum laude (with highest honors) degree must present at least 90 per cent of his total credit hours with the grades of A or B, of which not less than 75 per cent of his total credit hours must be with the grade of A. In addition, the candidate may not have failed or received D in any of his total credit hours undertaken.

7.44. For purposes of computing percentages under Sec. 7.4, decimals are rounded to the nearest whole number; for example, 64.50 per cent A grades shall be deemed 64 per cent, and 64.51 per cent A grades shall be deemed 65 per cent, and so forth. (F.M., June 27, 1969; F.M., Nov. 20, 1973.)
Sec. 7.4. Requirements for Graduation with Honors.

Sec. 7.41. In addition to meeting the regular requirements for graduation, a candidate for a cum laude [with honors] degree must present at least 80% of his total credit hours with the grades of Honors or High Pass, of which not less than 50% of his total credit hours must be with the grade of Honors. In addition, the candidate may not have failed in more than 5% of his total credit hours undertaken.

Sec. 7.42. In addition to meeting the regular requirements for graduation, a candidate for a magna cum laude [with high honors] degree must present at least 85% of his total credit hours with the grades of Honors or High Pass, of which not less than 65% of his total credit hours must be with the grade of Honors. In addition, the candidate may not have failed in more than 5% of his total credit hours undertaken.

Sec. 7.43. In addition to meeting the regular requirements for graduation, a candidate for a summa cum laude [with highest honors] degree must present at least 90% of his total credit hours with the grades of Honors or High Pass, of which not less than 75% of his total credit hours must be with the grade of Honors. In addition, the candidate may not have failed any of his total credit hours undertaken.

Sec. 7.44. For purposes of computing percentages under Sec. 7.5, decimals are rounded to the nearest whole number; for example, 64.50% Honors grade shall be deemed 64%, and 64.51% Honors grade shall be deemed 65%, and so forth. (F.M., June 27, 1969.)
Article VIII. Financial Aid

Sec. 8.1. Need. No scholarship will be granted to students who cannot demonstrate need. (F.M., Mar. 10, 1970.)

Sec. 8.2. Tuition Grants. A new category of financial assistance is established, to be called "Tuition Grants." The retention of such grants are 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., Mar. 10, 1970.)
Sec. 8.3. Scholarship Retention.

Sec. 8.31. The scholarship retention standard is a mid-point between High Pass and Pass, determined cumulatively at the end of each academic year. (F.M., Mar. 10, 1970; April 3, 1970; April 10, 1972).

Sec. 8.32. For students entering the Law School on or after the fall semester 1972, 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. Students Who Withdraw from Law School. If a student is drafted, or if he volunteers for military service, his scholarship and/or cash grant is "frozen." If a student voluntarily withdraws for any reason, including that of procuring a draft-exempt status (e.g., teaching), the student will have abandoned his scholarship and/or cash grant, but will retain his academic standing. (F.M., Aug. 19, 1969.)
Article IX. Readmission

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. Application for readmission to a September term must be submitted to the Dean no later than the preceding July 1.

Sec. 9.13. The readmission of a student will be on condition that Sec. 7.21 apply to the first semester as well as all other semesters. (F.M., Dec. 18, 1970, June 7, 1974; A.R., July 1, 1974.)

Sec. 9.14. Students who are readmitted to the second year after academic dismissal receive credit for any courses they have completed successfully before readmission. The course failure requirements of Sec. 7.21 will be interpreted by the Dean not to apply to course failures prior to readmission. Required semesters in residence must be pursued according to the minimum hour requirements of Sec. 4.1; however, the Dean interprets Sec. 5.3 to permit waiver of such requirements to accommodate a specific and promising regimen of law study. (A.R., September 15, 1971.)

Sec. 9.15. When it is determined that a student is to be readmitted, a program will be established for the remainder of that student's career in the law school, with particular attention to that student's:

(a) retaking, under Sec. 7.14, courses which were failed or in which the student received a grade of "D";

(b) spending one or more additional semesters in residence, and being subject to a restriction on whether those semesters may be taken in summer sessions or in programs other than the Notre Dame program at the Indiana campus; and, among other considerations,

(c) being subject to probationary restrictions such as the extension of the one-failure rule of Sec. 7.21 to semesters beyond the first year. (F.M., June 7, 1974.)
Sec. 9.16. In exercising his discretion on whether to readmit students, the Dean will consider whether or not the student sought to remedy circumstances and conditions which contributed to his failure to pass courses. These considerations will be stated in more detail in a memorandum appendix to the Hoynes Code (Appendix G). (A.R., July 1, 1974.)

Sec. 9.17. Any student who, in the first semester of the first year, received grades of D or lower in three or more courses or grades of F in two courses must, within two weeks after the beginning of the second semester of the first year, meet with the Dean, Associate Dean or Assistant Dean for purposes of counseling and program planning. Any student whose record falls within the above sentence who does not attend to this counseling meeting or fails to adopt the recommendations after this counseling meeting, shall not be considered for readmission if such student is dismissed for academic reasons at the end of the second semester of the first year.

Any student who, in the first semester of the first year, receives grades of D or lower in two courses or a grade of F in one course is advised to, within two weeks after the beginning of the second semester of the first year, meet with the Dean, Associate Dean or Assistant Dean for purposes of counseling and program planning. Failure by any student whose record falls within the sentence next above to attend to this recommended meeting, or to adopt the recommendation of such meeting, shall be considered as relevant to an application for readmission by the student if such student is dismissed for academic reasons at the end of the second semester of the first year. (F.M., Sept. 17, 1974.)

Sec. 9.18. 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 is usually denied. Exceptions may be made in extraordinary cases. (A.A.L.S. Regulations, Sec. 1.6; F.M., Sept. 17, 1974.)
Article X. Cross References

Articles of Association, and Regulations of the Executive Committee, Association of American Law Schools, available in the most recent annual Proceedings Bulletin, Notre Dame Law School, September, 1971

Faculty Manual, University of Notre Dame (1968)

Minutes of the Academic Council, University of Notre Dame, filed in the Office of the Provost

Minutes of the Law Faculty, University of Notre Dame, filed in the Dean's Office
Article XI. Appendices

<table>
<thead>
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<th>Appendix A</th>
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<tr>
<td>Appendix D</td>
<td>Report of the Committee on Grades and Examinations - 27 January 1970</td>
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<td>Regulations for Awarding Academic Credit under Sec. 4.13</td>
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<td>Appendix G</td>
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**FALL CURRICULUM 1972-73**

### FIRST YEAR

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<tr>
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<td>Kellenberg</td>
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<td>International Law</td>
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<td>[Deceptive Practices and Unfair Competition]</td>
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### FIRST YEAR

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### ELECTIVES

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The SPRING CURRICULUM 1972-73 outlines the courses and instructors for the university's legal studies program, including both required and elective courses.
Faculty Suggestions in Regard to the Selection of Elective Courses

1. Core courses:

No courses after the first year are required. Many students will nonetheless choose to pursue a balanced curriculum. Others may desire to place emphasis upon particular areas in the courses they elect. Experience has shown, however, that many who concentrate their attention during law school in a special field do not eventually practice in that field. Furthermore, even if one does practice in his or her intended field, a broad and balanced program of legal education will ordinarily assist that individual in functioning more effectively as a lawyer. For example, a criminal lawyer may become involved in tax problems, a general practitioner with constitutional law, and a corporate lawyer with evidentiary matters. Moreover, those who are primarily interested in so-called "public law" areas may well benefit as much if not more from courses in the business law and related fields.

Accordingly, it is the faculty's judgment that the following core of courses are sufficiently important to a career as a lawyer that they should be taken regardless of a student's particular or special interests; all students are urged to elect them. Since all but Practice Court and a legal philosophy course are basic to other electives that a student might wish to take, it is suggested that (except for students who spend their second year in England) the other six courses be taken during the second year.

The recommended core courses are:

- Business Associations
- Commercial Transactions
- Constitutional Law
- Evidence
- A federal taxation course
- A legal philosophy course
- Practice Court
- Property Settlement

2. In addition to the above courses recommended for all students, the following courses are recommended for those interested in the fields indicated.
a. Business Law
Advanced Corporations
Creditor's Remedies & Debtor's Protection
Federal Income Tax

b. General Practice
Real Estate Transactions
Creditor's Remedies & Debtor's Protection
Practice Court
Local Government Law

c. Litigation
Criminal Practice
Federal Courts
Advanced Trial Practice

3. A number of courses are offered which fit generally into the field of public law -

Labor Law
Local Government Law
Administrative Law
Federal Jurisdiction
Criminal Procedure
Criminal Practice
Civil and Political Liberties
International Law
Land Use Planning
Environmental Law
Labor Arbitration

Social Legislation
Administrative Practice
Law and Poverty
Admin. of Criminal Justice
Church-State Relations
Legal History
Constitutional Litigation
Anti-Trust
Government Contracts
Conflicts

From this list several groupings of course might be selected for those with the special interests indicated below:

a. Criminal Law --
   Criminal Practice
   Administration of Criminal Justice
   Constitutional Litigation

b. Local Government --
   Local government law=
   Land use planning
   Law and poverty
c. Poverty law --
   Law and poverty
   Consumer Credit
   Social Legislation
   Family Law
   Administration of Criminal Justice
   Political and Civil Liberties

d. Labor law --
   Labor Law
   Administrative Law
   Labor Arbitration
   Administrative Practice

e. International Law
   International Law
   International Business Transactions
   (Note: in 1972-73, on the return of Father Lewers, a more elaborate sequence will be available).

f. Environmental Law --
   Environmental Law
   Seminar in Environmental Problems
   Land Use Planning
   Local Government Law
   Administrative Law
   Selected Interdisciplinary Courses

4. Additionally, and importantly, Accounting for Lawyers as well as the following courses are recommended for all of the areas in paragraph 2 above.

   Administrative Law
   Federal Courts
   Conflicts
   Social Legislation
   Anti-Trust

5. There are a number of specialized courses which could profitably be taken in connection with the areas of interest listed in paragraphs 2 and 3 above.

   Commercial Paper
   Consumer Credit
   International Business Transactions
   Tax Procedure
Minority Business Problems
Law & Technology
Labor Arbitration
Legal Counselling
Science of Judicial Proof
## Model MBA/JD Curriculum I

### First Year (Business School)

#### 1st Semester

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<tr>
<td>Human Behavior and Commun.</td>
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<td>Economic Theory of the Firm</td>
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<td>Managerial Accounting</td>
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#### 2nd Semester

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<td>Cost Analysis &amp; Control</td>
<td>3</td>
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<td>Marketing Management</td>
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### Second Year (Law School)

#### 1st Semester

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#### 2nd Semester

<table>
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### Third Year (Law School) *

#### 1st Semester

<table>
<thead>
<tr>
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#### 2nd Semester

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### Fourth Year (Combined)

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<table>
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#### 2nd Semester (Law)

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<tr>
<th>Course</th>
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<tbody>
<tr>
<td>Electives</td>
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*N.B. All courses in the Law School after the first year of study are elective. However, the program set forth for the Third Year of study is strongly recommended.*
# Model MBA/JD Curriculum II

## First Year (Law School)

<table>
<thead>
<tr>
<th>1st Semester</th>
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<tbody>
<tr>
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<td>Contracts I</td>
<td>Contracts II</td>
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<tr>
<td>Criminal Law I</td>
<td>Criminal Law II</td>
</tr>
<tr>
<td>Procedure I</td>
<td>Procedure II</td>
</tr>
<tr>
<td>Property I</td>
<td>Property II</td>
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<td>Legal Bibliography I</td>
<td>Legal Bibliography II</td>
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## Second Year (Law School)

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<td>Constitutional Law</td>
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## Third Year (Business School)

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<td>Human Behavior and Commun.</td>
<td>Cost Analysis and Control</td>
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<td>Economic Theory of the Firm</td>
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<tr>
<td>Managerial Accounting</td>
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<tbody>
<tr>
<td>Research, Manufacturing and Materials Control</td>
<td>Electives</td>
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<td>Financial Management</td>
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<td>Macroeconomic Theory</td>
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<td>3</td>
<td>12-15</td>
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</tr>
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<tbody>
<tr>
<td>Torts I</td>
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### Second Year (Business School)

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### Third Year (Law School)

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### Fourth Year (Combined)

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<tr>
<td>Enterprise Workshop III</td>
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Appendix D

REPORT OF THE COMMITTEE ON GRADES AND EXAMINATIONS
27 January 1970

The Committee has views regarding the review of grades, which may be summarized in this sense.

FIRST: The grading of law school examinations, papers, and performances on projects, exercises, or clinical work, is an exercise of the judgment and discretion of the faculty member teaching the course. It would be highly undesirable for this committee, or anyone else, to review this.

SECOND: The existence or creation of a committee, board, or other structure for the purpose of conducting such reviews would be equally undesirable.

THIRD: The committee considered in its private deliberations the problem that it is theoretically possible for a student to be injured or disadvantaged in his grade by bias, prejudice, corruption, or incompetence on the part of a faculty member. Indeed, the members of the committee have in their collective experience known or heard of a few such cases over the course of the years in other places. It is noted that none of these places had a formalized structure for dealing with such matters specifically, but in each case relief seems to have been accorded.

The Committee does not believe it is desirable to create any additional formalized structure of procedures for the purpose of meeting such eventuality. The regular administrative officers and faculty would seem the appropriate apparatus should such a case arise.

IN SUMMARY: The committee considered and discussed this problem fairly exhaustively. We believe that an appeal to change an individual grade in a course, once it gets beyond the professor actually giving the grade, involves two possible types of questions:

1. Questions of judgment and discretion as to the quality of the student's performance. We believe extensive and powerful reasons exist for NOT reviewing such matters. We will be happy to supply these orally at the meeting of the faculty.

2. Questions touching the integrity of professional competence of a faculty member. Obviously, these are matters within the jurisdiction of the whole faculty or its permanent members, to whose attention such matters would ordinarily be brought by the Dean or his associate or assistant, to whom any such complaint could be expected to come, without need of any formal rule or structure. It is unrealistic to suppose that students would lack the intelligence or determination needed to bring such a matter adequately to our attention in the absence of formalized procedures.
APPENDIX E: Regulations for awarding academic credit for co-curricular activities approved by the Faculty pursuant to Hoyes Code Sec. 4.14

Legislative Bureau

Up to two hours credit per semester may be given for satisfactory participation in the Legislative Bureau. 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 Bureau 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 and Defender Association

1. Student members of the Association will be required to work an average of four hours per week over the period of a semester in order to attain one hour of academic credit. Should the student elect to participate in the Association for two academic credits, that student would be required to work an average of eight hours per week over the course of the semester. Where 3 or 4 credit hours are requested, the time required over the course of the semester would be a weekly average of 12 hours and 16 hours respectively.

2. The word "work", as used in the preceding paragraph, is inclusive of attendance at Division and Association seminars as well as the actual clinical experience and research performed by the student-member. The Association will request its membership to attend two or three seminars of general interest to law students participating in the program. It is up to the discretion of the Directors to determine the number of seminars which the division members will be required to attend.

3. The time put in by the student members in actual clinical work and attendance at seminars will be recorded weekly by the division Directors and submitted to the Managing Director. Subject to the provisions of Par. 4, the awarding of credit to the student member at the termination of a semester, where the student has elected to participate for credit, will be determined by the Director of the particular division in which that student has chosen to work.
4. Each division will have a faculty advisor, who shall be kept apprised of the work being done by the students active in that division, and shall be notified of the educational seminars of that division. If, after reasonable notification and warning, the faculty advisor of any division considers that the program of that division has not been carried out, he may recommend to the law school faculty that credit not be awarded to student members of that division. It shall be the ultimate responsibility of the faculty advisor of each division to supervise the work of that division and to report to the Dean at the conclusion of each semester the names of the participants who are, in his judgment, entitled to academic credit, and the amount of credit to which each is entitled.

Moot Court

A student participating in the second year Moot Court arguments shall be granted one credit for each semester in which he participates. The members of the National Moot Court team shall be granted two credits each during the semester in which the national competition takes place. The Executive Director shall be granted one credit for each semester of his third year. Other directors shall be granted one credit each for the fall semester only. It shall be the ultimate responsibility of the faculty advisor of the Court to approve the program and supervise its implementation and to report to the Dean at the conclusion of each semester the names of the participants who are, in his judgment, entitled to academic credit and the amount of credit to which each is entitled.

Lawyer

1. A second year member of the Lawyer 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 Lawyer 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 Administrator what members are entitled to academic credit.
I. NAME AND STATUS

The Notre Dame Lawyer 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 insuring 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 Lawyer.

(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 Lawyer shall elect the Editor-in-Chief for the succeeding volume. The manner of 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 Lawyer 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 man or men until a minimum of fifteen (15) have accepted positions on the Notre Dame Lawyer.
(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 his class, and otherwise not ineligible, be deprived of his tender of 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 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 transfer student who would have been extended an offer to join the law review staff of his former school is qualified. In the event that there are more than three qualified transfer students, they shall be admitted to the Notre Dame Lawyer staff only through the established second-year writing program. Otherwise, a qualified transfer student shall be admitted to the Notre Dame Lawyer upon the completion of one publishable article. In any event, application shall be made within two weeks after the beginning of his first semester at Notre Dame Law School.

B. Acceptance or Rejection of Membership Tenders

Every person who is tendered an offer of membership between June 1 and September 1 shall have three (3) weeks from date of letter within which to accept or reject the offer. A rejection may be either express or implied from failure to respond within the three-week period. The Editor-in-Chief may exercise his discretion and reinstate or extend a tender beyond the three-week period, but such reinstatement or extension
shall run only until September 1. After September 1 a tender may be reinstated only by a vote of 2/3 of the Notre Dame Lawyer membership present at a regularly-scheduled meeting.

IV. DISCIPLINE

A. The Notre Dame Lawyer organization 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 procedure 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 procedures 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.

E. Certification

(1) Monthly, the Editor-in-Chief shall submit a report to the Dean certifying those members of the staff who have performed satisfactorily the work assigned them, and reporting those members, if any, who have not satisfactorily performed the work assigned them.

(2) Every staff member shall have the right to inspect a copy of the monthly report. Any staff member who considers an unfavorable report to be unfair has the right to file a written protest with the Editor-in-Chief and with the Dean setting forth specifically why he considers such report to be unfair to him.

V. AMENDMENTS

Amendments to this statute may be adopted by a 2/3 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 Lawyer, by a simple majority of a quorum as defined in Section V, may make, amend, or repeal any bylaw.

VII. TRANSITION

At the close of the academic year in which this statute takes effect, the Editor-in-Chief shall tender an appointment to any person who would have been entitled to such an appointment under the statute previously in effect.
NOTRE DAME LAWYER

STATUTES

January 1, 1974

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A. The Notre Dame Lawyer organization 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 procedure 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 procedures 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 2/3 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 Lawyer, 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 shall be held in February of each year on a date selected by the current Editor-in-Chief.

B. Preliminary Meeting

At least two weeks before the election the Editor-in-Chief shall call a meeting of the second and third year members at which he shall generally explain the election procedure.

C. Nominations

Any member of the second year class who wishes to be a candidate shall nominate himself by submitting a typed one page resume to the Editor-in-Chief. The resume shall be submitted at least ten days before the date set for the election, and shall contain brief statements about the candidate's college background, including grades, activities, and job experience. The resume should also contain the candidate's law school grades and activities.

D. Interviews

(1) On the day of the election each candidate shall appear before the entire Lawyer staff present, except that the candidates for Editor-in-Chief shall not be present. Each candidate shall be allotted ten minutes for a short presentation of his criticism of the Lawyer and his ideas and plans for the law review.

(2) Following such presentation there shall be a question-and-answer period. Each member shall be recognized once by the chair in the order the names appear on the Lawyer masthead to ask a question or questions of the candidate. During this question-and-answer period, the chair in its discretion may, in the interest of conserving time, cut off the questioning by any member and continue down the masthead. After each member has been afforded an opportunity in such manner to question the candidate, the chair in its discretion may allow further questioning and may cut off questioning at any time thereafter.
ballot where each eligible member shall indicate his first choice only. In tabulating the vote each third year member's ballot shall count as one vote and each second year member's ballot shall count as two votes. The two, three, or four candidates having the highest number of points shall continue as candidates.

(2) Second Session

(a) In the second and following sessions, before the general discussion is begun, each eliminated candidate shall have an opportunity to express his opinions of the remaining candidates. In the general discussion each second year non-candidate member shall have an opportunity to speak before any third year member and voice an opinion. The candidates will have an opportunity to comment both after all third year students have voiced their opinions and after all discussion has been terminated.

(b) If each member has had at least one opportunity to speak any member may make a motion to terminate discussion. After discussion is terminated, a vote shall be taken as in subsection (1) part (d) of this section to determine the number of candidates that shall be eliminated. The procedure and tabulation of this vote shall be the same as the procedure and tabulation of the vote provided for in subsection (1) part (e) of this section. On any ballot after the first ballot a simple majority of points shall be sufficient to elect the Editor-in-Chief. After the first ballot and after each succeeding ballot in which no candidate receives a simple majority this procedure shall be repeated, beginning with subsection (2) part (a) of this section.

F. Parliamentarian

The Editor-in-Chief or whomever he shall designate shall act as Parliamentarian and his decision shall be final on all questions of procedure or interpretation of the Bylaws.
G. Removal of the Editor-in-Chief

(1) The Editor-in-Chief may be removed from his position by a written petition signed by three-fourths of the entire staff; such petition should contain a full enumeration of the grievances 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 his position for making pre-election campaign promises or appointments to the Editorial Board. His guilt shall be determined by a board of seven staff members appointed by 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, two members of the Editorial Board chosen by lot, 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; he 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 witnesses against him. 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

Minor disciplinary sanctions shall consist of the Editor-in-Chief making mention of any violation of Lawyer procedure or requirements in his monthly notice to the Dean on each Staff member. Further, for any such violation the Editor-in-Chief shall deliver a personal reprimand for a first offense and shall increase the amount of non-writing assignments for second and following violations.

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 Lawyer membership.

(2) Such person's status as a Lawyer 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 was earned, whichever shall be sooner.

(3) Any person whose Lawyer membership status is so terminated may be readmitted to Lawyer membership by the affirmative approval of three-fourths of the Lawyer 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.
III. 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 his 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.

(c) Every student who elects to participate in the writing program shall submit a letter of intent to the Editor-in-Chief by such date as the Editor-in-Chief may designate.

(2) 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.

(3) Administration and Evaluation

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

(b) Performance of the requirements of the writing program 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.

(4) The tender of an appointment to the Lawyer staff to a participant who has satisfied the requirements of the writing program shall lie in the discretion of the Editor-in-Chief. In exercising his 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 Lawyer based on available third-year manpower, size of the incoming second-year class, and available financial resources for publication.

(5) Every member of the Lawyer 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.

(6) This paragraph shall take effect upon faculty approval of section III.A.(4) of the Lawyer statutes.

B. Third Year Writing Program

(1) At the beginning of each semester the Editor-in-Chief shall announce the third year writing program.

(2) Anyone in good academic standing at the law school who has successfully completed the second year of studies is eligible for appointment.

(3) Requirements

(a) Application for the program must be made to the Editor-in-Chief by submission of a note or case comment of publishable quality and a statement of intention to participate in the program prior to June 1 preceding the candidate's third year. The Editor-in-Chief may in his discretion waive the requirement of application by submission of a note or comment and instead allow the first note or comment to be submitted at a later date.

(b) The candidate must submit a second note or case comment of publishable quality prior to the student note and comment deadline of the second issue in the candidate's third year.

(4) Effect of Application and Submission of Writings

(a) The Editor-in-Chief shall appoint a committee
of not less than three members to evaluate the articles submitted. The committee shall evaluate the articles and shall determine who has completed both a note and case comment or the equivalent of publishable quality.

(b) The Editor-in-Chief shall at his discretion tender an invitation for membership to those persons recommended by the committee.

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 Lawyer that he may submit materials to the Lawyer to be considered for publication. Such notice shall be given individually and in writing at the commencement of each academic year.

B. The publication of any materials submitted by a student who is not a member of the Lawyer 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 Notre Dame Lawyer 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 Notre Dame Lawyer office on the official notice bulletin board.