

# ACADEMIC POLICY

This Academic Policy Statement applies only to students beginning the first year of their JD programs after August 1, 2013.

Revised as of August 1, 2013

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## ACADEMIC POLICY

Pursuant to the Reservation of Rights set forth in the Pepperdine University School of Law Catalog, the following statements of Academic Policy shall be effective as of the date of adoption. To the extent that there may be conflict between this statement and the School of Law Catalog, the later-published statement shall govern. It is the intention of the School of Law to fully adhere to American Bar Association Standards for the Approval of Law Schools and the Standards for Membership in the Association of American Law Schools. All such standards not specifically mentioned in this document are incorporated by reference.

### 1.00 Academic Standards Policy Objectives

1.10 Objectives: The objectives to be achieved by the academic standards of the School of Law are as follows:

- A. Providing Best Education: To provide the best possible legal education to each student, including, but not limited to, knowledge about the nature and sources of law, legal principles, legal methods, legal analysis and reasoning, legal writing and advocacy skills, factual knowledge in selected fields, and professional attitudes.
- B. Meeting Accreditation Standards: To meet all professional and appropriate accreditation standards in the field of legal education for purposes of academic credit and recognition in the fields of both law and education.
- C. Enhancing School's Reputation: To enhance the professional reputation of the School of Law as a producer of highly qualified graduates so that the degrees issued by the School of Law will be recognized and accepted as evidence of excellence and achievement by the public and profession.
- D. Encouraging Personal Integrity: To provide a climate of professionalism, personal integrity and responsibility of the highest order based upon academic excellence, industry, ingenuity, dependability, and honesty.

So that these objectives may be achieved and maintained, the following standards will be adhered to by the School of Law except as noted in Section 15.00.

### 2.00 General Requirements

- 2.10 Approval by Dean or Associate Dean: All academic matters requiring the decision or approval of the Dean may, in the alternative, be decided or approved by the Academic Dean. Unless otherwise stated, any reference to the Dean means the Dean of the School of Law. Any reference to the Academic Dean means the Associate Dean, Academics. All academic matters requiring the decision or approval of the Academic Dean may, in the alternative, be decided or approved by the Dean.
- 2.20 Definition of Academic Year: The academic year, unless otherwise indicated, includes only the fall and spring semester. For determining class rank, summer grades apply to the following academic year.
- 2.30 Definition of Semester Unit: All academic work in the School of Law is measured in semester units. A semester unit is the equivalent of not less than 700 minutes of instruction. Further, each semester unit in lecture or seminar classes should approximate one hour of direct faculty instruction and a minimum of two hours of out-of-class student work per week. Alternatively, if the time is occupied with either law journal, moot court, clinical work, externships or independent study, a minimum of 45 hours of student work is expected for each unit of credit, unless a greater number of hours is required for the work elsewhere in the Academic Policy Statement.
- 2.40 Requirement of Make-up Class: When a scheduled class does not meet or is dismissed early, the lost time must be made up.
- 3.00 Academic Enrollment
- 3.10 Residency Requirements: In compliance with the residency requirements imposed by Standard 304 of the American Bar Association's Standards for the Approval of Law Schools, the School of Law requires, as a condition for graduation a course of study in residence of not less than 58,000 minutes.
- A. Definition of "In Residence": The term "in residence" means attendance at classes at Pepperdine University School of Law or another approved law school program.
- B. Definition of "Class Hours": The term "class hours" means time spent in regularly scheduled class sessions in the School of Law.
- C. Definition of "Full-Time Student": The term "full-time student"

means a student who devotes substantially all working hours to the study of law. The amount of time spent in any outside employment must in no way interfere with the full-time study of law and may not exceed twenty (20) hours per week. The school retains the right to decide, in individual cases, whether a student is, in fact, a full-time student.

- 3.11 Residency Requirements and Graduation: The American Bar Association prohibits students from doing more than 20% of the J.D. coursework required for graduation in any single semester. Pepperdine J.D. students other than dual degree students may take no more than 17 units from the law school per semester. Dual degree students (with the exception of J.D./M.D.R students) may take no more than 16 units from the law school per semester. J.D./M.D.R students may take no more than 17 units towards the J.D. degree per semester, although additional units may be approved, if the additional units are counted only toward the additional 18 units required for the M.D.R. degree.
- 3.12 Receiving Residence Credit for Non-Classroom Activities: To the extent that the School of Law may permit or require student participation in studies or activities away from the School of Law or in a format that does not involve attendance at regularly scheduled class sessions, the time spent in such studies or activities may be included as satisfying the residence and class hours requirements provided the conditions of this subsection are satisfied.
- A. Credit Limited to Educational Benefit: The residence and class hours credit allowed must be commensurate with the time and effort expended by, and the educational benefits to, the participating student.
- B. Advance Approval Required: The studies or activities must be approved in advance in accordance with the School of Law's established procedures for curriculum approval and determination.
- C. Faculty Supervision Required: Each such study or activity, and the participation of each student therein, must be conducted or periodically reviewed by a member of the faculty to insure that in its actual operation, it is achieving its educational objective and that the credit allowed for it is, in fact, commensurate with the time and effort expended by, and the educational benefits to, the participating student.
- D. Maximum of 18 units of Non-classroom Credit: Students must

earn at least 70 units in classroom courses. Therefore, a maximum of 18 units of non-classroom credits will count toward graduation.

- 3.13 Regular Class Attendance Requirement: Regular and punctual class attendance is necessary to satisfy residence and class hours requirements. See subsection 5.11 and 5.12 for further definition of regular and punctual class attendance.
- 3.14 Enrollment Requirement: No student may attend classes or receive credit for any course for which such student is not enrolled either as a regular student or as an auditor.
- 3.20 Three-Year Degree Requirement: Except as provided in Section 5.22 B., three calendar years is the maximum time to complete the degree requirements of the School of Law without written permission from the Dean. Although this three-year period need not be consecutive, permission to interrupt the study of law must be granted by the Dean in advance. Failure to secure such approval or to resume the study of law at the end of such approved interruption may result in dismissal.
- 3.30 Minimum Units Per Year and Per Semester: No student may enroll for less than twelve (12) units per semester nor less than twenty-six (26) units per academic year without written permission from the Dean. If a student requires less than twelve (12) units to graduate, the student may be granted permission to enroll for less than twelve (12) units provided that the student meets the requirements of subsection 3.11 above.
- 3.40 Maximum Units Per Year and Per Semester: No student may enroll for more than thirty-two (32) units in the combined fall and spring semesters except, with written permission from the Academic Dean, a student may take thirty-four (34) units. Students may take a maximum of sixteen (16) units each semester except, with written permission from the Academic Dean, a student may take seventeen (17) units per semester.
- 3.50 Summer School Unit Limitations: No JD matriculating student may enroll in or receive credit for more than nine (9) units of coursework during any summer except with written permission of the Academic Dean. Students enrolled in the Master of Dispute Resolution program may not enroll in or receive credit for more than twelve (12) units in the summer session without written permission from the Academic Dean.
- 3.60 Seaver-GSBM Joint Degree Students:  
Students enrolled in the five-year joint degree program of Seaver College and the Graziadio School of Business and Management

("GSBM")(leading to a bachelor's degree and an MBA, both awarded after five years of study) may be permitted to enroll, at the discretion of the Academic Dean and of the Straus Institute, in Straus Institute courses taught as part of the JD curriculum, but only after they have completed at least four years of the five-year program. Units earned by such students may count toward any concentration permitted by Seaver College or GSBM and may also count toward a Straus Institute Certificate in Dispute Resolution, but they may not count toward any degree awarded by the School of Law, including the MDR degree.

#### 4.00 Tuition and Student Accounts

- 4.10 Charges for Regular Students and for Auditors:. Full tuition will be charged for all regularly enrolled students in all courses. Courses being audited by a student shall count toward the units eligible for flat rate tuition charge. Unless an exception is made by the Dean, auditors not eligible for flat rate tuition will pay one-half of the regular per hour tuition charge for such courses.
- 4.20 School's Security Interest in Student's Academic Record: A student may not be graduated, nor may such student receive any diploma, certificate, or transcript until all accounts, current or otherwise, have been satisfied in accordance with policies announced by the School of Law. Any diploma, certificate or transcript, shall be retained by Pepperdine University as security for such obligations until they are satisfied. This security interest shall not be discharged in bankruptcy or other creditor arrangements. Release of any such security interest prior to, or subsequent to, any default by the debtor shall not be considered a binding precedent or modification of this policy.

#### 5.00 Maintenance of Academic Standards

- 5.10 Strict Application: In order to achieve the objectives of this policy (see Section 1.00), Law School academic standards shall be strictly maintained.
- 5.11 Regular Attendance Requirement; Dismissal for Non-attendance: Regular attendance is required in all courses. It shall be the responsibility of the professor or the professor in conjunction with the Associate Dean, Academics to monitor attendance and to provide appropriate documentation as needed. The maximum number of hours missed, whether excused or unexcused, shall not exceed two times the unit value of the course. Students missing more than that number may be academically dismissed from the class, may not be allowed to sit for any scheduled exams, and may not be given academic credit for the course.

Whenever a student notifies a professor in writing of any absences arising from the observance of religious holidays, those absences shall not be counted as “hours missed” for the purposes of this section.

- 5.12 Attendance in Assessing Grades: Individual professors have the discretion to use attendance in assessing grades for the non-examination portion of the course grade. Any absences, at the discretion of the professor, could have an adverse impact on the course grade. In determining that impact, professors may, at their discretion, consider whether the absences were excused or unexcused.
- 5.13 Petition for Re-admission after Dismissal from Class for Nonattendance: Students academically dismissed from class for violation of subsection 5.11 may petition the Academic Dean for re-admission to the class upon a showing that the absences were caused by serious medical or similar reasons. In order to be readmitted, the student must make satisfactory arrangements with the professor involved to make up the missed class sessions.
- 5.14 Dismissal from School for Non-attendance: A student dismissed from two or more courses during the same semester for failure to maintain regular class attendance may be dismissed from the School of Law.
- 5.15 Petition for Re-admission after Dismissal from School for Non-attendance: A student dismissed under the provision of subsection 5.14 may petition the Dean for re-admission. The burden of proof shall be upon the petitioner to demonstrate that the petitioner’s future attendance in all classes at the School of Law will be both punctual and regular and that the petitioner has developed a satisfactory plan for making up the work missed. Re-admission after dismissal pursuant to Section 5.14 will be on academic probation.
- 5.20 Minimum Grade Point Average Requirement for Graduation: Students are required to maintain grades evidencing a satisfactory level of competence at all times. No student may graduate with a cumulative grade point average of less than 2.3. In order to maintain the standards of quality necessary to make a law degree from the University compatible with levels of competency expected by the public and profession and in order not to raise false hopes and expectations in marginal students, minimum standards of performance are established and will be enforced.
- 5.21 Academic Good Standing: A student with a cumulative average of 2.3 or above after the first year of law school will be admitted into the second year of law school in good academic standing. A second year student with

both a cumulative average of 2.3 and a second year average of 2.3 will be admitted into the third year in good academic standing.

5.22 Academic Dismissal and Academic Probation:

- A. Petition for Probation: Students whose cumulative grade point average is below 2.3 at the end of their first year must petition the faculty to be continued on academic probation. Students whose cumulative grade point average is below 2.3 at the end of the second year, must also petition the faculty to be continued on academic probation. The petition must be submitted through the Dean's office to the faculty as a whole. The petition for probation must clearly and convincingly demonstrate that the student has the ability to do satisfactory law school work and that the student will achieve the required 2.3 average upon completing the next school year. The granting of academic probation to petitioning students shall be discretionary and is not a matter of right. The decision of the faculty is not subject to further appeal. There is no presumption that any petition will be granted. There is a strong presumption that students whose grade point average is below 2.0 at the time of their petition are not capable of performing satisfactory law school work. Petitions of students whose grade point average is below 1.8 at the time of their petition will not be granted except in rare circumstances.
- B. Automatic Probation: A third year student who, at the end of the third year, has a cumulative average of less than 2.3 shall be allowed to continue for the summer session and the fall semester on academic probation.
- C. Academic Dismissal: A student will be dismissed from school, without right to petition for re-admission, if the student was required to petition the faculty to be continued on academic probation under 5.22 (A), but failed to do so, or if the faculty voted to deny the student's petition to be continued on academic probation.

5.28 Academic Disqualification and Summer School: For purposes of academic decisions, the school year ends as of the end of the spring semester term. Summer school grades will be treated, for all academic purposes, as part of the following academic year. Students who begin summer school prior to learning of the need to petition the faculty under 5.22 (A) may complete summer school or, at their option, may withdraw without academic penalty. Summer school grades will not be considered

in determining whether the student has met the 2.3 first-year or the 2.3 second-year requirement. Summer school grades, either at Pepperdine or elsewhere, shall not be considered by the faculty in reaching decisions on probation for students petitioning at the end of their first year.

- 5.29 Below 2.3 at End of Third Year: A third year student who, at the end of the third year, has a cumulative average of less than 2.3 and who is unable to achieve a cumulative average of 2.3 by the end of the following fall semester will not be eligible to continue or to graduate.
- 5.30 Action on Petition for Re-admissions: When a petition for probation is submitted to the Dean under the provisions of 5.22, the Dean shall, unless the same shall be impractical, refer the petition to the faculty as a whole for appropriate action. In those cases where referral is impractical, the Dean may act upon the petition.
- 5.31 Materials Considered by Reviewing Party: The decision of the reviewing party shall be based upon the materials submitted by the petitioner together with the transcript of the petitioner's grades, materials in the petitioner's student file and, in the case where an interview is granted, any information from such interview. When appropriate, the reviewing party may request additional relevant information from the petitioner or from anyone else, in which instance the additional information shall be reduced to writing and shall become part of the materials upon which a decision is made to grant or deny a petition for re-admission. Such materials shall be available for inspection by the petitioner. However, the deliberations and vote of the reviewing party shall remain privileged and confidential.
- 5.32 Length of Academic Probation: Any student granted academic probation shall be on probation for the following academic year. Such student may petition for removal of academic probation following receipt of all grades in courses in which the student is enrolled for the fall semester of the academic year only if the student's cumulative grade point average is then 2.3 or above. Such petitions must show (1) strong academic improvement and (2) substantial hardship from continuing probation for the year.
- 5.35 Terms of Probation: A student on probation is subject to the following terms and conditions:
- A. Grades of F: Any required course in which the student received a grade of F during the preceding academic year must be repeated during the year of probation. The student must re-register for the course, pay tuition, regularly attend, and successfully complete all course requirements. This rule does not apply to students who are

allowed to re-examine.

- B. Limitation on Non-Examination Courses: Probationary students may not take elective courses which require papers in lieu of examinations except in cases where the student is repeating elective courses which, when originally taken, required papers. In appropriate cases, the Dean may make an exception to this policy.
- C. Course Approval: Selection of all courses to be taken must be approved by the Dean.
- D. Employment Approval: Any employment must be approved by the Dean.
- E. Reduced Course Load: A reduced course load may be imposed by the Dean even though it may result in requiring attendance for more than the usual time to complete degree requirements.
- F. Remedial Programs: The Dean may require participation in remedial programs which do not grant academic credit.
- G. Student Organization Ineligibility: A probationary student shall be ineligible to hold office in any student organization and shall not participate in Law Review or in any Clinical Law program. Probationary students shall not serve on the Moot Court Board or on any committee of the Law School during the period of probation.
- H. Participation on Moot Court Teams: Probationary students may participate in either the Dalsimer Moot Court Competition or the Armand Arabian Advocacy Tournament (AAAT) but may not participate in both, nor may they participate in an inter-school competition team.
- I. Signed Acknowledgment of Probationary Conditions: Students admitted on probation must sign an acknowledgment that they have read and will comply with the terms and limitations of Academic Probation.

## 6.00 Bases for Awarding Academic Credit

- 6.10 Requirement of Suitable Examination: The principal basis upon which academic credit may be awarded in the School of Law is a final examination of suitable length and complexity.

- 6.11 Final Examination Requirement; Standards for Waiver: A final examination is required in all courses, except those designated as seminars, unless the course is specifically exempted by the Dean. The criteria for evaluating requests for waivers shall be as follows:
- A. Course Objectives: Whether the course objectives are capable of being measured by a final examination.
  - B. Size of Class: Whether the class is small enough in size to insure a greater degree of personal interaction between professor and student and a more reliable basis for evaluating a student.
  - C. Research Requirements: Whether the research requirements of the project or the written work are substantial enough as to the quantity and quality of work expected.
- 6.12 First Year Mid-Semester Examination Requirement; Interim Exams: A mid-semester essay examination shall be required in all fall semester first-year courses. Such mid-term may count only toward the discretionary modification of grades under subsection 6.31(B). The purpose of this mid-term is to serve as a true “practice” examination, designed to give the student an idea of the format of the examination, the grading criteria, and individualized feedback on the student’s own performance. Interim examinations may be given in any other course at the professor’s discretion. Such interim exams may, at the professor’s discretion, count up to one-third of the final course grade. The professor shall inform the students prior to the interim examination whether the grade on such examination shall be counted in determining the course grade.
- 6.13 Exceptions to Scheduled Examination Policy: Students are required to take final examinations at the scheduled dates and times unless an exception is approved by the Academic Dean. Students should not make arrangements with their faculty or notify their faculty that their examination will be rescheduled; faculty cannot authorize any changes to the examination schedule. A student may be excused from scheduled exams only under the following circumstances:
- A. A student may petition for a rescheduled exam in the case of serious illness, personal hardship (such as the death or serious illness of a spouse, significant other, parent, child, sibling, grandparent or other close family member), accident or other emergency that arises during the examination period. The student requesting a rescheduled exam for such an emergency must have

appropriate documentation demonstrating that the student was unable to take the examination at the scheduled time. In the case of an examination that is rescheduled for medical reasons, the student must be examined by a physician prior to or within 24 hours after the scheduled examination. Rescheduling in such genuine emergency situations beyond the student's control shall be governed as per below.

- B. A student may petition for a rescheduled exam if the student has two examinations scheduled on the same day. The student may take one examination at the scheduled time and the other examination either the day before or the day following the scheduled date for the examination. All requests to reschedule examinations must be made in writing using the printed form "Petition for Examination Schedule Change." All requests must be approved by the Academic Dean.

Examinations deferred under Section (A.) must be made up as soon as possible, but no later than three weeks after the end of the examination period. If a student cannot take the examination within that time, the student will receive an Incomplete in the course and will be required to take the examination the next time the course is offered.

Midterm and other interim exams may be rescheduled at the professor's discretion. The intent of this policy is to regulate only final exams.

6.14 Content and Form of Examinations: It shall be the responsibility of the professor to prepare an examination suitable in both complexity and length to test adequately the extent to which the student has met the objectives of the course.

- A. No Maximum Length: There is no maximum length or time requirement.
- B. Minimum Length and Form Requirements: In all required courses the minimum length of each examination shall be three hours. Each examination shall consist of two essay questions and either a third essay question, or a set of Multi-State Bar-type objective questions (approximately 30-45). Both essay and objective questions shall require the same type of legal and factual analysis commonly required of attorneys.

In all required courses, it is strongly recommended but not required that examinations be closed-book and closed-notes rather than open-book and/or open-notes.

Any requests for exceptions to this policy shall be submitted in writing each year to the Chair of the Academic Standards Committee who shall give notice of the requests and any granted exceptions to the Dean. Each request for an exception must be supported by the reasons therefore and should note any aspects of the course, which would specifically warrant such an exception.

In all elective courses, it is strongly recommended that the policy set forth in the first paragraph be followed regarding both the length and content of the examination. In any event, the minimum length of each examination shall be one hour for each credit unit of the class, up to three hours.

- 6.15 Viewing Graded Examination Answers: When graded and marked, the answers to all final examinations and papers for which credit is given shall be filed with the Faculty Support Office. Students are authorized and encouraged to review their answers as part of the learning process.
- 6.16 Requirement of Anonymity: All final examinations shall be administered, graded, and posted in such a way as to assure the anonymity of the student.
- 6.20 No Credit for Grade of F: No credit shall be given for any course in which the student receives a course grade of F. A student must retake any required course in which such student fails to receive credit.
- 6.21 Petition for Re-Examination for Grades of F: A student who fails the examination given in a course, and, because of such failure, does not receive credit for such course, may petition the Dean to obtain credit by re-examination.
- 6.22 Standards for Re-Examination for Grades of F: Inasmuch as failing grades are not ordinarily awarded in a course except upon a determination that the student should repeat the course, such petitions for re-examination will not be granted except in truly exceptional circumstances, such as illness, death in the family, automobile accident, or other types of traumatic experiences that rendered the student unable to function properly during the exam. The burden of establishing such circumstances shall be upon the petitioner.

- 6.23 Transcript Treatment of Re-Examination: When a student is allowed to take a re-examination pursuant to subsections 6.21 and 6.22, the student will receive the average of the original grade and the subsequent grade as the grade for the course; however, both grades will be noted on the transcript.
- 6.24 Specially-Prepared Re-Examination: Any student permitted to re-examine under subsection 6.21 should take the examination the next time it is offered in the course.

In cases where taking the next regularly scheduled examination is impractical or will impose an extreme hardship, the student may petition the Dean for a specially-prepared examination to be given at a time mutually convenient to the student and to the professor. The granting or denial of the petition shall be discretionary and all such specially-prepared examinations permitted under this subsection shall be subject to a \$60 special examination fee.

- 6.25 Treatment of Transcripts for Repeated Course: Any student required to repeat a course in order to obtain credit will receive both the original grade and the subsequent grade as the grade for the course with both grades counting towards the student's cumulative average.
- 6.30 Assignment of Letter Grades: Letter grades shall be assigned to all students in graded courses other than those designated as High Pass/Pass/Credit/Fail.
- A. Distinguishing Levels of Competence: The grade assigned to examinations, papers, and other indicia of learning progress are intended to facilitate meaningful evaluation of the relative degree to which the student has achieved the course objectives and to make a relative distinction between the levels of competence demonstrated by students.
- B. Discretion of the Professor: All grades assigned to examinations, papers and other indicia of learning progress shall rest within the sound discretion of the professor(s). All such grading will be done in accordance with the grading policies stated herein.
- C. Numerical Weight of Letter Grades: Letter grades shall be assigned the following numerical weights in the computation of grade point averages:

A+	4.33
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
F	0.00

- D. Medians: Medians referenced in this paragraph are for course grades and are to be determined after the discretionary modification of grades under subsection 6.31(B). All first year courses must have a median grade of B. All upper-division courses must have a median grade of B+.
- E. Grades of F: A course grade of F should be reserved for those who, in the opinion of the professor, should be required to repeat the course.
- F. Grade Upon Failure to Take Required Examination: Students who fail to take a required examination, produce a required paper or assignment, or meet any other criterion necessary to make the proper assessment of a course grade and who fail to show circumstances excusing such failure will be assigned a course grade of F for the affected course. (See subsection 6.31(C) for grades of “Incomplete” and subsection 12.11 for treatment of “Withdrawals.”)

6.31 Criteria for Course Grades: In assigning final course grades, the following criteria shall be applied:

- A. Interim and Final Examinations: The final course grade shall be based on a final examination and, at the professor’s option, one or more interim examinations given during the semester. At the professor’s option, any interim examination or examinations may, in total, account for any portion of the grade up to one-third. In first semester, first year courses, any interim examination or examinations may only be considered as part of the discretionary modification of grades discussed in paragraph B of this section.

Final examinations may not be limited to material covered after any interim examination or examinations, but must instead be cumulative over the entire semester.

B. Discretionary Modification of Final Exam Grade: In all courses where a letter grade is assigned, the professor shall have the discretion to raise or lower a student's examination-based grade by one grade on the grading scale. For example, the professor may raise a B to a B+ or lower a C to a C-. Such changes shall be based upon the professor's evaluation of the following:

1. regular and punctual attendance;
2. quality of preparation and recitation;
3. willingness to participate in discussion;
4. performance on any interim examination;
5. completion of other assignments.

Examination grades should be raised or lowered only when the student's performance is well below or above that normally expected in the course. After the faculty member has turned into the Records Office a list of the examination grades (according to examination numbers), the faculty member may be provided with a list of examination grades and matching student names. The professor may then furnish the Records Office with a list of any students whose course grades will be modified from their final examination grades. The final course grade shall be computed by the Records Office.

C. Grade of Incomplete: Students who have regularly attended a course but, due to circumstances determined by the Dean as being excusable, have failed to take a required examination, produce a required paper or assignment, or meet some other criterion necessary to the proper assessment of a course grade shall be given the grade of "Incomplete" ("I") for the affected course. The grade "I" shall not be computed in the hours completed or in the cumulative or grade point average. The time for completion of the required work shall be determined at the time the grade is assigned and, if the work is satisfactorily completed, the final course grade shall be substituted for the grade "I". The provisions of subsection 6.30 (F) above shall govern the failure to satisfactorily complete the work.

D. High Pass/Pass/Credit/Fail Courses: Certain courses may be

designated by the Dean as High Pass/Pass/Credit/Fail courses. Because it is the purpose of the School of Law to reflect adequately the level of competence achieved by students, a student will achieve a grade of High Pass (“HP”) if that student’s work would have received a grade of at least A- and a grade of Pass (“P”) if that student’s work would have received a grade of less than A- and at least C. Students will be given the grade of credit (“CR”) if the student’s work would have received a grade below C but above F. Students shall be assigned the grade of Fail (“F”) if the student’s work would have been F. High Pass/Pass/Credit/Fail grades will appear on the transcript but will not be computed in the grade point average.

- E. Student Election of High Pass/Pass/Credit/Fail: Subject to the paragraph below, upper division students may elect to enroll in up to two graded elective courses on a high pass/pass/credit/fail basis and must designate a letter grade (“designated letter grade”), at or above which they elect to receive a letter grade instead of a high pass or a pass. In the case of semester-length classes, a student may so elect, or revoke the election, at any time up to and including the last day for regularly scheduled classes in the semester for which the election will be effective. In the case of courses offered on an intensive, shorter duration schedule, a student may so elect, or revoke the election, at any time up to and including the last day on which the course is scheduled to meet.

The faculty member teaching any course in which such an election has been made will submit a completed grade roster for the course to the Records Office. The standards governing the mandatory median and the discretionary modification of grades will remain in effect. When a student has elected to take the course on a high pass/pass/credit/fail basis, the Records Office will enter: the actual grade if it meets or exceeds the “designated letter grade;” a “high pass” for a grade of at least A- but below the designated letter grade; a “pass” for a grade of less than A- and at least C but below the “designated letter grade;” a “credit” for a grade below C but above F, and a “fail” for a grade of F. High Pass/Pass/Credit/Fail grades will appear on the transcript but will not be computed in the grade point average. Unless timely revoked, the election of High Pass/Pass/Credit/Fail for a course shall count against the maximum number of such elections, regardless of whether a High Pass/Pass/Credit/Fail or a letter grade is eventually entered by the Records Office.

Faculty members teaching an elective upper-division graded course may disallow High Pass/Pass/Credit/Fail elections in their course. Faculty members disallowing student election of High Pass/Pass/Credit/Fail shall notify students no later than the first class meeting.

F. Bar to Repeating Courses: No student may repeat any course in which such student has already received credit, except when required as a Term of Academic Probation. When a student on Academic Probation is required to repeat a course, credit will be given for the course, and the letter grade received in the repeated course will be calculated into the student's overall grade point average. The student's original grade will remain on the student's transcript but will not be calculated into the student's overall grade point average.

G. Special Grading Criteria for Seminar and Dispute Resolution Courses:

It is recognized that written assignments in dispute resolution and seminar courses cannot always be graded anonymously because of the nature of some assignments and/or the small seminar format of the classes where faculty are expected to work closely with students on their research and writing.

Whenever possible, grading should be done on an anonymous basis with examination numbers. Notice should be given to students at the beginning of the course regarding any non-anonymous grading of work.

The grade awarded in a seminar course or in a dispute resolution survey or skills course shall be based primarily upon any examination or written papers produced for that course. An instructor may determine up to thirty-three percent (33%) of the course grade based upon significant class participation.

6.32 Modification of Grades: Grades recorded on the student's permanent record may not be modified except due to an arithmetical error or a specific, demonstrable grading error. In connection with a specific, demonstrable grading error, it is the policy of the school that a professor may not increase a grade based upon an overall reappraisal of the quality of the examination once the course grade has been assigned. Reappraisal of the overall quality of an examination made after the identity of the student is known is unfair to other students whose papers were graded

anonymously. No grade change will be made until a memorandum from the professor detailing the change, and the specific basis for the change, has been approved by the Dean. Such changes will be approved only in rare circumstances. For all examinations taken during the fall semester, any grade corrections must be made prior to the end of the following spring semester. For all examinations taken during the spring semester or summer session, any grade corrections must be made prior to the end of the following fall semester.

6.33 Procedure for Challenging Grades: The procedure for challenging a grade in a particular course is as follows:

- A. Professor to Evaluate Student's Examination: It is the policy of the school that the person best able to evaluate the student's examination is the professor who taught the course. This policy is based upon the belief that evaluation is affected by participation in the course, by the course objectives, and by reference to the level of response of the class as a whole.
- B. Student Challenge of Examination Grade: In the event that a student believes that the grade given on an examination is a grossly unfair assessment of the student's performance on the examination, the student shall first consult with the professor who assigned the grade unless the professor is unavailable.
- C. Review of Challenged Grade by Academic Standards Committee: If, after discussion with such professor, the student still believes the grade given on an examination is a grossly unfair assessment of the student's performance on the examination, the student may submit a timely petition to the Dean challenging that particular grade and stating fully the bases upon which relief is sought.

Such petitions will, unless impracticable, be referred to the Academic Standards Committee for evaluation and recommendation. If the professor in question is a member of the committee, the remaining members of the committee shall decide the issue. In those instances where referral to the Academic Standards Committee is impractical, the Chairman of the Committee or the Dean may act upon the petition. No petition for re-evaluation will be considered after the time limited for grade correction referred to in Section 6.32.

- D. Professor Submits Documentation to Committee: The reviewing party shall next contact the professor whose grade is being called

into question and shall ask the professor to submit to the committee the examination in question along with an explanation of the grade given and any other information which may be pertinent to the committee's review.

- E. Recommendation of Remedy to Dean: The committee shall consider the petition of the student, the examination, and all relevant information supplied by the professor and shall determine whether there was a gross abuse of grading discretion. The committee shall report its findings to the Dean. Only upon a finding of gross abuse of grading discretion will the committee recommend to the Dean that the grade be changed.
- 6.40 Release and Review of Examination Grades: Inasmuch as grades are considered to be tentative until approved by the Academic Standards Committee and by the Dean, final examination and course grades will not be released by the professor but will be made available at an appropriate time by the Records Office. Course grades for graduating seniors will be submitted at the time requested by the Dean. All other final examination and course grades will be submitted as soon as reasonably possible, but in no event later than four (4) weeks from the date the final examination was given to the class. Independent Study credit or grades based on written assignments will be submitted as soon as reasonably possible, but in no event later than four (4) weeks from the last regularly scheduled class day for the semester in which credit is to be awarded. When grades are compiled, they shall be submitted to the Dean via the Academic Standards Committee. The professor must assume responsibility for turning in grades in a timely manner and in conformity with the grading standards of this Section. Any apparent deviation from the policy or standards for grading defined herein will be discussed with the professor by the committee or the Dean, except where impractical.
- 6.45 Dean's Honor List: Students whose semester averages are in the upper-fifteen percent (15%) of their class will be placed on the Dean's Honor List. Students must be enrolled for a minimum of nine graded units in a semester in order to qualify for the Dean's Honor List. The Dean's Honor List will be compiled and published for each semester.
- 6.50 Student Work Product Rule: The standards of the University and the School of Law demand that each student be graded and credited only upon the basis of such student's own work product.
- A. Presumption Against Collaboration: It will be presumed that students are not allowed to collaborate on the preparation of work

product (examinations, research papers, assigned problems, etc.) unless the professor specifically authorizes such collaboration.

- B. Violations of this Section: Any attempt by a student to obtain credit for any activity, examination answer, or other work product not actually performed by such student, or to a degree not reflective of the actual activity or performance of such student, whether or not such attempt is successful, will be subject to administrative discipline. Such discipline may include, *inter alia*, the forfeiture of all or part of any credit obtained by such cheating and such forfeiture may be cumulative with any other penalty imposed.
- C. Prohibition on Submitting Papers for Credit Multiple Times: Students may not submit their own work product for credit in more than one course. Credit will not be awarded for a student's own work product that has already been submitted to obtain academic credit in another course, either at Pepperdine School of Law or elsewhere.
- D. Canned Briefs: A canned brief is generally defined as a commercially prepared brief which gives the facts and holding of cases to be discussed in the classroom. Where the predominant material is explanatory in nature, the mere statement of the holding of a case or cases will not be deemed a canned brief. Because of their detrimental impact on the student's legal analysis, the use of canned briefs in the classroom is expressly prohibited. The use of canned briefs outside the classroom is strongly discouraged.

## 7.00 Independent Studies

- 7.10 General Statement of Value: Independent studies, with proper planning, provide a valuable opportunity for individual study by a student in an area of special interest.
- 7.11 Faculty Participation: Faculty members are encouraged to participate in the independent study program when they feel they can offer direction and supervision. Faculty members should not agree to supervise an independent study when they possess no expertise in the area of the law involved or do not feel their schedules will permit proper supervision. Normally, a faculty member will not be supervising more than three independent studies at any time. Only full-time faculty members may supervise independent studies.

7.12 Units for an Independent Study: Except for projects of exceptional merit which require extraordinary effort and research, all independent studies will be for two units. No student will be allowed to do more than one independent study.

7.13 Procedures: Students should petition and obtain approval for the independent study prior to the academic period for which the study is approved and register for the study in the normal manner. Students may first register for an independent study and submit the petition after classes have begun. Petitions will not normally be approved after the late registration period.

The student should discuss the proposed independent study with the proposed faculty supervisor. If the faculty member agrees to supervise the study, the student should complete the petition, including a detailed outline, and submit it to the faculty member. If approved, the petition should be forwarded to the Associate Dean, Academics, for approval. If approved by the Associate Dean, Academics, the original of the petition will be sent to the Records Office and copies will be given to the student and to the supervising faculty member.

7.14 Paper Requirement: All students enrolled in independent studies are required to produce a paper of substantial merit which is of publishable quality and in a form suitable for law review publication.

Proposed subjects that can be easily completed from secondary sources or existing literature are not appropriate. The subject matter for independent studies, therefore, will be specific rather than general, and will require independent thought and analysis by the student. Students are expected to review existing literature in the area of proposed study prior to petitioning for the study and prior to the beginning of the minimum number of hours.

The independent study must not be based on research and study done for other purposes such as law review, moot court, clerking in law offices, clinical law or clinical projects. The Honor Code will apply to papers prepared for independent studies. While students may confer with others concerning their study, their work product must be their own.

All independent study projects must be completed and turned in to the supervising faculty member no later than the last regularly scheduled class day for the semester in which credit is to be awarded. A copy of the paper shall be submitted simultaneously to the Associate Dean, Academics, for filing with the law library.

7.15 Grade: Independent studies are graded on a high pass/pass/credit/fail basis.

- 7.20 Time Commitment: In addition to the student's initial discussions with the supervising faculty member, the student is expected to confer regularly with the faculty member. Before the student begins writing the paper, the faculty member must approve a detailed outline of the proposed paper. Normally, twenty per cent (20%) of the total time commitment for the study will be utilized prior to the submission of this outline.
- 7.21 Duration: Independent studies normally will be for one semester or one summer session.
- 7.22 Student Eligibility: To be eligible to participate in an independent study, a student must have completed two semesters. Absent compelling reasons for an exception, students on academic probation are not eligible to participate in independent studies.
- 7.23 Residence: Residence credit will not be awarded on the basis of independent study or studies undertaken during a period other than a regular semester or summer session.
- 8.00 Auditing of Courses
- 8.10 Enrolled-Student Auditor: Students enrolled in the School of Law may audit any elective course upon payment of the auditor's fee established by the School of Law (see subsection 4.10).
- 8.11 Non-Enrolled Auditors: Persons not enrolled in the School of Law may audit courses; however, non-enrolled auditors will be limited to the following individuals: (1) teachers and professors who desire certain courses in order to improve their effectiveness in their own disciplines and who present a letter from their immediate supervisors attesting to their professional purpose; (2) currently enrolled students in approved law schools who present a letter from the Dean of their school authorizing such an audit; (3) graduates of approved law schools; (4) members of the bar of any state; and (5) any other person specifically approved in writing by the Dean.
- 8.12 Participation at the Discretion of the Professor: Admission shall be limited to a few students only. The extent of participation by such students may be limited at the discretion of the professor.
- 8.13 Credit Not Granted for Auditors: The School of Law grants no credits to auditors that apply toward any School of Law degree or certificate.

- 8.14 Auditors Must Complete Class Work: Auditors admitted hereunder will be held to the same standards of performance and must complete the same work as regularly enrolled members of the class.
- 8.15 Persons Not Enrolled May Not Attend Class: Persons other than students officially enrolled in the particular course or those given permission to audit the course may not attend classes. The professor may grant permission to visit an individual class session.
- 8.16 Auditors and the Final Examination: Auditors may take the final examination for the course. Auditors who do take the examination will receive an examination grade but shall not receive a course grade.

#### 9.00 Clinical Law Credit

- 9.10 Separate Policy Requirements for Clinical Law Program: The Clinical Law Program of the Law School is an integral part of the educational program of the School of Law and is subject, therefore, to the academic standards of this policy statement. To the extent that separate policy statements are developed to govern the Clinical Law Program, such statements are, by reference, incorporated herein and become an integral part of the academic policy of the School of Law.
- 9.11 Maximum Clinical Units for a Single Semester: The maximum number of credits in a single semester which may be earned in clinical law fieldwork is ten (10) units; however, seminar units in the Clinical Law Program shall not be counted as fieldwork units.
- 9.12 Maximum Total Non-Classroom Hours: ABA rules require 1,200 hours of study for the awarding of a law degree, of which 900 hours (approximately 70 units) must have been in classroom participation. See subsection 3.12(D).

#### 10.00 Transfer and Advanced Standing

- 10.10 Limitation of Advanced Standing Credit: Transfer students may receive advanced standing credit for work done only in schools approved by the Association of American Law Schools. The amount of advanced standing credit to be allowed will be determined by the Dean responsible for academic matters.

Except in unusual circumstances, no more than 30 such credits will be accepted and no credit will be allowed for courses unless the student earned at least a D in such course.

10.11 Participation in Summer Programs at Other Law Schools: Students wishing to participate in summer programs at other law schools should petition the Dean. The petition should describe the program, courses to be taken and their unit value. The petition should include the beginning and ending dates of the actual class sessions. Upon approval, the student will be notified and a letter of permission listing approved courses will be mailed to the Registrar of the appropriate university. Students who do not submit a written request for prior approval will not receive credit. Attendance at such summer school programs is subject to the following conditions:

- A. Residence Credit: Although residence credit earned in such summer programs will count toward residence requirements, the student must still meet the total residence requirement for graduation.
- B. Minimum Grade: Credit will be given for courses taken at other schools only if a student achieves a minimum grade of D at the school where the course was taken.
- C. Units Accepted on High Pass/Pass/Credit/Fail Basis: Units accepted for transfer will be accepted on a “High Pass/Pass/Credit/Fail” basis. The actual grade received in the course will not be used in computing the weighted cumulative grade point average.
- D. Required Courses: Permission will not be granted to take required courses at another law school, absent a showing of special need.
- E. Los Angeles Area Law Schools: Students wishing to take courses at any other Los Angeles area law school must be able to demonstrate that the course offerings at the other school will significantly enhance the student’s legal education in a way not available at Pepperdine.
- F. Transfer Students May Not Transfer Summer Units: Students who have transferred to Pepperdine from other law schools may not count units taken in such summer programs towards their degree requirements at Pepperdine if the total transferred is more than thirty (30) units. Transfer units above thirty will be recorded on the transcript but will not count in completing the credit unit or residency requirements.
- G. Probationary Students Not Given a Letter of Good Standing: Students on academic probation will not be given a letter of good

standing allowing them to attend summer programs at other schools.

- H. Maximum Units to Transfer: Students should not normally expect to transfer more than six (6) units in any one summer. If the student can demonstrate some special need, up to eight (8) units can be transferred in a given summer.
- 10.12 Rule Against Non-Matriculating Status at Other Schools: No student enrolled in the School of Law may attend the second or third year, or any portion thereof during the regular school year, at another law school and receive a degree from Pepperdine.
- 10.13 Treatment of Transfer Grades: All grades earned at other institutions shall be made a part of the student's permanent record in the Records Office with appropriate notations made as to which courses are recognized for advanced standing.
- 10.14 Class Equivalency and Rank for Transfer Students: Transfer students will not be given a class standing. They will, however, be given a rank-in-class equivalency for purposes of comparing their performance to the class as a whole.
- 10.15 Transfer Student's Eligibility for Graduation Honors: Transfer students who have been in residence for at least four semesters or its equivalent at this school will be eligible for graduation honors but not for salutatorian or valedictorian positions.
- 10.16 Transferring from the LLM Program to the JD Program: Pepperdine LLM students can apply to the JD Program as transfer students without taking the Law School Admission Test (LSAT). The applicant's grades and relative difficulty of coursework pursued in Pepperdine's LLM program will be very important factors. Successful applicants will usually have good grades in at least four substantive law courses tested on the bar exam.

If the applicant is accepted into the JD Program, he or she may apply to transfer the credits from law classes taken toward completion of the LLM degree. The student must then complete the first year curriculum in his or her second year at Pepperdine. In the third year, enough advanced courses must be completed in order to satisfy the JD graduation requirement. Students transferring from the LLM to the JD will be awarded the JD degree upon completion of the JD requirements and will not be awarded a LLM degree. Only students currently enrolled in Pepperdine's LLM

program may apply in this manner.

#### 11.00 Requirements for Graduation

- 11.10 Course and Units Requirements: A student must complete the courses and number of units required in the catalog effective at the time of such student's admission or resumption of studies following an approved interruption or transfer, whichever is later. The University reserves the right to modify the requirements for graduation during the student's matriculation. In addition to this requirement, every student must meet the residence requirements of subsection 3.10 and the academic requirements of Section 5.00.
- 11.11 Treatment of Graduation Ranking: Graduating seniors with the same cumulative grade point average will be assigned the same graduation ranking.
- 11.20 Graduation with Honors: Honors for graduating seniors shall be as follows: the top two per cent (2%) of the graduation class will graduate summa cum laude; the next five per cent (5%) will graduate magna cum laude; and the next eighteen per cent (18%) will graduate cum laude. Transfer students will not be counted in determining the number of students within each of the percentage levels qualifying for honors. However, any transfer student whose grades are within the levels qualifying for honors will also receive the appropriate honor.
- 11.40 Participation of Masters Degree Students in Graduation Ceremony: Students pursuing the Masters in Dispute Resolution who have not completed graduation requirements shall be permitted to participate in graduation ceremonies provided they are reasonably likely to complete their degree requirements in the following summer session. Such reasonable likelihood shall be certified by the Director of the Institute for Dispute Resolution and the Academic Dean of the School of Law.

#### 12.00 Change of Program Policy and Procedure

- 12.11 Withdrawal from a Class: Students may withdraw from any course only by filling out the appropriate withdrawal or "drop" form. After the initial add/drop period, approval of the Academic Dean is required. A notation of "W" for withdrawal will appear on the transcript for any withdrawal after the initial add/drop period. The notation of "W" does not affect the student's grade point average. The add/drop period for semester term courses is two weeks. Summer and short session courses may have a shorter add/drop period. In case of extenuating circumstances or approval

of a clinical placement after the add/drop period, the Academic Dean may extend the period allowed for withdrawal without the notation of “W” appearing on the transcript.

- 12.20 Requirement that Official Forms be Completed: A student will not be considered officially withdrawn from any course until such student completes and returns the required forms to the Records Office.
- 12.21 Unofficial Withdrawals or Student Dismissals: Unofficial withdrawals by the student or dismissals given by the professor will be assigned a course grade of “0” for the affected courses. The student may petition the Academic Dean to have the grade changed to “Fail” upon the showing of unfair hardship. The grade of “Fail,” if assigned, will appear on the transcript but will not be computed in the grade point average.
- 12.30 Change of Programs During First Ten Class Days of Semester and First Five Days of Summer: A student may change programs during the first ten (10) class days of regular session courses and the first five (5) days of summer session courses upon paying the required fee. This provision shall not be construed to waive the requirement concerning attendance in any class being added (see subsections 5.10 and 5.11).

### 13.00 Classification of Students

- 13.10 Academic Status of Students: Enrolled students may be classified for purposes of transcript as follows:

Academic Probation.....(AP)  
students placed on academic probation for academic reasons;

Withdrew.....(W)  
students withdrawing in good standing;

Academic Dismissal.....(D)  
students dismissed for failure to comply with academic standards;

Disciplinary Dismissal....(DD)  
students dismissed for failure to comply with disciplinary standards;

Students removed from probation for academic reasons.

- 13.11 Year Classification of Students: Full-time students are classified as follows:

First year.....fewer than 29 units  
 Second year.....29 through 57 units  
 Third Year.....58 or more units

14.00 Curriculum Requirements for Graduation

14.10 First Year Required Courses:

Law 754	Civil Procedure	4 units
Law 744	Constitutional Law	4 units
Law 614	Contracts	4 units
Law 622	Criminal Law	3 units
Law 181	Legal Research and Writing I	2 units
Law 182	Legal Research and Writing II	2 units
Law 000	Professional Responsibility (Ethics)	2 units
Law 714	Property	4 units
Law 654	Torts	4 units

14.11 Upper-Division Required Courses:

Law 803	Corporations	3 units
Law 822	Criminal Procedure	3 units
Law 904	Evidence	3-4 units
Law 814	Federal Income Taxation	3-4 units
Law 723	Remedies	3 units
Law 824	Wills and Trusts	3-4 units

There is a presumption that students who plan to practice law, or who, even if they do not plan to practice law, nevertheless plan to take a bar examination, should take all six of the upper division required courses. However, the Associate Dean for Academics, in his or her discretion, may grant a waiver so that a student may graduate without taking all six of the upper division required courses. In deciding whether to grant a waiver, and in tailoring any such waiver, the Associate Dean for Academics may take into account any relevant facts or circumstances. In any event, any such waiver shall require that the student take at least four of the six upper division required courses.

14.12 Upper Division Writing Requirement:

- A. All students are required to complete a rigorous upper-division writing experience as defined by this section. This requirement may be met by any one of the following:

1. Completing a note, comment or article meeting the student writing requirements of an official Pepperdine law review or journal;
  2. Writing a paper complying with the requirements of this section for a law school course, including but not limited to independent study courses, designated as providing an opportunity to fulfill the upper-division writing requirement;
  3. Writing an appellate moot court brief approved by a faculty advisor as satisfying the upper-division writing requirement; or
  4. Other substantial and rigorous written work approved by the Associate Dean Academics, as satisfying this upper-division writing requirement.
- B. Students seeking to satisfy the writing requirement under option three must obtain certification from the supervising full-time professor, and under option four must obtain certification from the associate dean, that the writing or writings produced reflect substantial research and effort, and constitute a rigorous writing experience. These students must submit to the Registrar a completion form with the professor or associate dean's signature. If the student's fulfillment of the requirement is based on taking a course, the student must earn at least a "pass" in the course if it is High Pass/Pass/Credit/Fail, and must earn at least a 2.0 in the course if it is taken for a grade.

14.13 Upper Division Skills Requirement: All students are required to complete at least one course offering substantial instruction in professional skills. Courses approved by the Associate Dean, Academics, as satisfying this upper-division writing requirement will be so designated in the course schedule for each semester.

## 15.00 Waiver of Policies

- 15.10 Dean's Authority to Consider Waiver: In some cases, regulations and policies may work undue hardship. For good cause, certain regulations may be waived by the Dean provided that the quality of the student's academic program is not impaired and that the waiver is consistent with the goals and objectives set forth in Section 1.00.
- 15.11 Requirements of Written Petition for Such Exception: In order to preserve an accurate record of the basis upon which such exceptions are granted, a petition must be submitted to the Dean requesting the waiver and outlining

the reasons therefore.

15.12 Requirement that Exception to Policy Be in Writing: No exception to the policies stated in the Catalog or this statement shall be allowed unless approved in writing by the Dean and placed in the file of the student.

16.00 Prospective Application of Changes to Academic Programs or Policies

Any changes made to any academic program or policy will only be prospectively applied unless otherwise stated.