

# Drake University Law School

## Student Handbook



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## **4 ADMISSION**

### **4.1 FIRST YEAR**

#### **4.1.1 UNDERGRADUATE REQUIREMENTS**

##### **(a) UNDERGRADUATE DEGREE**

Except as indicated in paragraph 4.1.1(b), an applicant must have received an undergraduate degree from an accredited college or university before enrolling in the Drake University Law School. The Dean, in very unusual circumstances, may grant the applicant's petition for an exception to this requirement.

##### **(b) 3-3 OPTION**

Under the 3-3 option, qualified Drake University students in the College of Business Administration and the School of Journalism and Mass Communication may complete both the bachelor's and J.D. degree requirements by enrolling for three years each in the undergraduate program and the law program.

An applicant who has completed substantially all undergraduate work in one or more of Drake's undergraduate colleges may be admissible to the Law School after completion of at least three-fourths of the work necessary for the Drake undergraduate degree. The applicant must be able to obtain the undergraduate degree through use of credited work from the first year law school courses. If necessary to meet undergraduate degree requirements, the applicant may take both undergraduate and at least two law school courses (of at least 5 credit hours in total) during the first year in Law School. The quantitative requirements for admission to the Law School are established by the Admission Committee.

##### **(c) LAW-PHARMACY OPTION**

Under the Law-Pharmacy option, qualified students in the Drake University College of Pharmacy and Health Sciences may complete both the pharmacy and the J.D. degree requirements in eight years. Students complete pharmacy courses and law courses through individually tailored programs supervised by the Joint Degree Advisor at the Law School.

#### **4.1.2 TIME FOR BEGINNING LAW STUDIES**

Students may begin their law studies in the fall semester or in the summer session. New students are not admitted in the spring semester.

#### **4.1.3 STANDARDS**

Admission decisions are made by the Admission & Scholarship Committee, which consists of five faculty members and the Director of Admission. The Committee may, in any given year, establish presumptive admit or deny cutoffs for all applicants based on objective criteria (LSAT and undergraduate GPA). Even presumptive decisions, however, will be reviewed by the Committee and any Committee member may ask for full review of an applicant in those categories.

For those not in presumptive categories, admission decisions are based on full review of the applicant's file, including but not limited to an evaluation of undergraduate and other course work, the LSAT score, extracurricular activity, work history, academic and other recommendations, the applicant's personal

statement, and the ability to succeed as a law student and lawyer. The achievement of a diverse student body is an important academic goal of admissions; therefore, the Committee will also consider favorably the applicant's potential to contribute to the diversity of viewpoints and experience in the student body. All decisions of the Admission Committee are subject to faculty review and appeal.

#### ***4.1.4 GUARANTEED ADMISSION PROGRAM***

The Drake University Law School guarantees admission to Drake University graduates who earn at least a 3.3 cumulative GPA in courses taken at Drake leading to a Drake undergraduate degree and whose average LSAT score is 157 or above, provided that the applicant demonstrates good moral character consistent with regular law school admission standards.

### **4.2 THE CLEO PROGRAM**

The Law School actively participates in the Council on Legal Education Opportunity Program which provides educationally and economically disadvantaged students with less than traditional academic credentials an opportunity to demonstrate their capacity for law school study and to strengthen their preparation for law school at a six-week summer institute. CLEO performance is weighed in the admission evaluation of students who are not clearly admissible on the basis of traditional criteria.

### **4.3 TRANSFER STUDENTS**

#### ***4.3.1 STANDARDS***

A law student who wishes to transfer to Drake from another accredited law school, in addition to following procedure for new applicants, must provide transcripts showing grades of all law work attempted and a letter from the Dean of the last law school attended certifying that the student is in good academic standing and eligible to re-enroll.

As a general rule, a student who does not rank in the upper half of his or her class at the previous law school attended will not receive consideration for transfer to Drake Law School. Credit for courses in which a grade of C or better was earned will usually transfer to Drake; however, grades earned at the previous school will transfer as credit only and will not be calculated into the student's cumulative grade point average at Drake Law School.

#### ***4.3.2 RESIDENCE***

To qualify for a Drake law degree, the student must complete at least 30 semester hours of work in residence at Drake. The faculty has the right to require the completion of more than 30 hours in appropriate cases. Only in exceptional circumstances may a student qualify for a degree with only two semesters in residence at Drake.

### **4.4 VISITING STUDENTS FROM OTHER LAW SCHOOLS**

A student who is a degree candidate in good standing and eligible to re-enroll at a law school which is a member of the Association of American Law Schools, or which is approved by the American Bar

Association, may with the permission of his/her present Dean, attend Drake Law School as a visiting student without becoming a degree candidate.

#### **4.5 AUDITING COURSES**

Anyone with a degree from an approved Law School wishing to take a course at Drake Law School may do so at the discretion of the Dean, provided he/she has not taken the course recently, and that space is available in the course. A Drake law student may audit any law course, provided he/she has the permission of the Associate Dean and the instructor of the course.

#### **4.6 NON-DEGREE STUDENT ENROLLMENT**

Students who have completed their junior year or graduate students in other colleges of Drake University, or in other colleges or universities may, with the consent of their college or university, the Law School Dean, and the law professor involved, take a maximum of seven credit hours of courses in the Law School without seeking admission as a degree candidate. Courses taken by such students cannot later be counted toward fulfillment of the requirements for a law degree.

#### **4.7 PART-TIME STUDENTS**

Except for students in the Career Opportunity Program, students enrolled in Drake Law School are expected to be full-time students and to carry a regular, full-time load. Exceptions may be made by the Dean or Associate Dean in extraordinary circumstances.

##### ***4.7.1 CAREER OPPORTUNITY PROGRAM***

Drake University Law School recognizes that a number of people who have considered enrolling in law school have been unable immediately to commit themselves totally to the study of law because of employment, professional practice or family responsibilities. The Career Opportunity Program is designed to give these persons the opportunity to assess both their interest in law and their ability to handle the demands of law school by beginning the study of law while continuing their employment. Admission to the Career Opportunity Program is at the discretion of the Admission & Scholarship Committee and is based on consideration of career and family commitments as well as on available space in the entering class.

Applicants admitted to the Program must meet the same admission standards as other regularly admitted students. Participants in the program are matriculated degree candidates.

##### **(a) COURSE OF STUDY**

Participants in the Career Opportunity Program are regular degree candidates, and all courses taken apply toward the 90 hours required for a J.D. degree. During the first year, participants enroll in two of the first-year courses each semester, and may enroll in a third. Remaining first year courses are taken during the second year. If a required first-year course is offered in the summer, the student may complete that requirement in a summer session.



Students must complete the 90 hours required for graduation within 84 months of the date of enrollment in the program. Students may change to full-time status at any time. A COP student may not enroll in courses in the Summer Constitutional Law Institute unless the course is the student's first course in law school, except with permission of the Associate Dean.

(b) GENERAL RULES

A participant in the Career Opportunity Program may begin law study either in a summer or a fall term. One who begins in the summer may take up to six credits.

Participants are required to attend the Introduction to Law and orientation session during the week before regular law school classes begin in August and additional orientation sessions throughout the academic school year. A student starting in the summer must attend both the June and August orientations.

(c) ACADEMIC RANKING

COP students are ranked in accordance with rule 8.6.5.

*(Updated 7/21/2014)*

## **4.8 NONDISCRIMINATION POLICY**

Drake University does not unlawfully discriminate on the basis of sex, race, color, religion, creed, national or ethnic origin, age, disability, or veteran or veteran disability status in administration of its employment and personnel policies, educational policies, admission policies, scholarship and loan programs, and athletic and other University-administered programs. Further, Drake University reserves the right to take affirmative action in connection with this policy in accordance with applicable law.

Drake University admits students, without regard to sexual orientation, to all rights, privileges, programs and activities generally accorded to or made available to students at the University, and does not discriminate on the basis of sexual orientation in administration of its employment and personnel policies, educational policies, admission policies, scholarship and loan programs, and athletic and other University-administered programs, except when such discrimination is required by Federal or State law or regulations.

*(Updated 8/6/2013)*

## **5 CURRICULUM**

### **5.1 NORMAL CURRICULUM**

While an individual student's program may vary due to participation in the COP program or because of other circumstances permitted by faculty rules, most students will pursue the program of study which follows: (A student may graduate one semester early by completing at least 5 credit hours in each of two summer sessions.

Regular Schedule:

First Year-Fall Hours

Intro to Law – 0

Individual Study Groups (ISG) - 0

Legal Research I - 1

Legal Writing I - 2

Torts – 4

Criminal Law - 3

Contracts I - 2

Civil Procedure: Constitutional Framework (effective Fall 2014) (*formerly Civil Procedure I*) - 3

Total Hours: 16

First Year-Spring

Trial Practicum – 0

Legal Research II - 1

Legal Writing II - 2

Civil Procedure: Process of Litigation (effective Summer 2014) (*formerly Civil Procedure II*) – 3\*

Contracts II - 3

Property - 4

Con Law I - 3

Total Hours: 16

Second Year-Fall & Spring

Con Law II – 3 (Fall)

Ethics – 3 (Fall or Spring)\*\*

Evidence - 4 (Fall or Spring)\*\*

Required courses\*\*\*

Electives

Total Hours: 14-16

Third Year-Fall & Spring

Electives

Total Hours: 14-16

\* Students choosing to complete the Prosecution and Defense track will take the course titled Prosecution and Defense in the spring semester of their first year instead of Civil Procedure: Process of Litigation. These students will be required to take Civil Procedure: Process of Litigation during the summer or no later than the spring semester of their second year.

\*\*Full-time second year students must complete Evidence and Ethics by the end of the second year of law school. Part-time law students must meet these requirements by the completion of 60 credit hours. In order to be considered full-time, a student is expected to carry 14-16 credit hours.

\*\*\*All students must satisfy an advanced writing requirement and skills requirement of at least two (2) credit hours each prior to graduation. See §5.2.2 and 5.2.8.

(Updated 7/21/2014)

## **5.2 GRADUATION REQUIREMENTS**

### **5.2.1 GENERAL**

To be eligible to receive the J.D. degree from Drake Law School, a candidate must have completed 90 semester hours for law credit within eighty-four months of entering law school (including a minimum of 69 semester hours in regularly scheduled class sessions as defined in §5.2.7), must have completed all required courses, must have achieved a cumulative grade point average of 2.00 on all law work attempted, must have completed the advanced writing requirement, and must have earned six residence credits. Credit for work done at another law school may be accepted toward satisfaction of these requirements subject to existing faculty regulations.

The Drake Law School is committed to the graduation of outstanding lawyers who will promote justice, serve as leaders in their communities and the legal profession, and respond to the call of public service. It is the policy of Drake Law School to promote public service not only through its academic programming (e.g., coursework, clinics, and internships) but also through volunteerism without compensation or the award of academic credit.

*(Updated 7/3/2012)*

### **5.2.2 ADVANCED WRITING REQUIREMENT**

All students must satisfy an advanced writing requirement of two (2) credit hours. The minimum standards under which coursework can qualify for these requirements are:

1. The written project must be of professional quality. Indicia of professional quality include that the written project:
  - a. state clearly a plausible thesis,
  - b. identify and thoroughly analyze arguments in support of the thesis;
  - c. identify and thoroughly analyze the most likely plausible arguments for and against the thesis;
  - d. communicate ideas and information accurately and precisely;
  - e. identify relevant issues and show good judgment in the scope and depth of coverage given to issues of differing importance;
  - f. identify relevant research sources and utilize the data, insights, and information derived from those materials effectively in the writing, with appropriate attribution;
  - g. use legal authority appropriately;
  - h. distinguish between legal arguments and arguments or positions that are based on extralegal considerations;
  - i. organize to maximize the effectiveness of communication;
  - j. follow the requirements of form, including spelling, grammar, and style, and other requirements as instructed.
2. The student work product must involve a written project(s) of 25 pages or more, double spaced on 8 1/2" paper, including footnotes. Two or more papers whose cumulative total is 25 pages or more, at the discretion of the professor, may satisfy the 25-page minimum requirement.
3. Two-thirds or more of the consideration for granting the credit hours must be based on the written project.

4. The project must involve submission of a draft to the professor followed by a meeting between the student and professor to discuss and critique the work product, with the requirement of a rewrite at the option of the professor.
5. The professor teaching the course or supervising the project must certify to the Dean or Associate Dean that the course qualifies for such advanced written treatment pursuant to the standards set out above.
6. The Dean's office shall maintain a current list of classes which have been certified as qualifying for advanced writing credit. Designation of courses to this list can be reviewed by the faculty at the request of any faculty member or of the Curriculum Committee.
7. A minimum of 4 classes satisfying the requirement will be offered each semester and these classes will be so designated in the pre-registration materials.
8. The advanced Writing Requirement must be completed under the supervision of a full-time faculty member; however, when proposed by the Associate Dean and approved by the Curriculum committee, a course taught by a part-time faculty member can be designated as one in which the Advanced Writing Requirement can be satisfied.
9. A student may not count one course towards both the advanced writing requirement and the skills requirement (§5.2.8).

*(Updated 5/12/2016)*

*(Updated 4/28/2011)*

### **5.2.3 LIMIT ON INTERNSHIPS AND CLINIC CREDITS**

Students may not credit more than 15 hours of internships, 15 hours of clinic classes, or a combination of clinic and internship classes totaling more than 18 hours toward the 90 credits required for graduation.

*(Updated 9/24/2015)*

### **5.2.4 PRESENCE AT GRADUATION CEREMONY**

Presence at the Graduation Ceremony is the prerogative of the student.

### **5.2.5 WAIVER OF REQUIREMENTS**

Petitions for waiver of course requirements will be referred to the Curriculum Committee which will make a recommendation on the petition and refer it to the Faculty as a whole.

### **5.2.6 RESIDENCE CREDIT**

A semester in residence is defined as a semester in which a student is enrolled in the Law School as a full-time student and completes at least 10 hours of work for law school credit. Audit hours do not count toward the 10 hour minimum. During the summer, a student may earn one quarter or one-half of a residence credit for three or five hours respectively of coursework completed. These partial credits are only granted when they can be combined with other summer residency credit. One-half of a residence credit is the maximum amount that can be granted for any single summer. One-half of a residence credit will be awarded students who complete at least five hours on course work in the Summer in Nantes Program.

To receive full residence credit for an academic period, a student (full-time or part-time) must be enrolled in a schedule requiring a minimum of 10 class hours a week. If a student is not enrolled in or fails to receive credit for the minimum number of hours specified in this subsection, the student may receive residence credit only in the ratio that the hours in which credit was received bears to the minimum specified. Audit hours shall not count toward the minimum. With prior approval of the Dean of the Law School and in accordance with the rules and regulations of the Drake University Law School, including those rules on visitor status, a student may enroll in courses at another law school, and such work shall count toward residence credit subject to the above standards. Persons transferring from another law school may transfer residence credit in an amount to be determined at the time of acceptance into this law school. Students enrolled in a joint degree program may count credit earned in the joint degree college taken concurrently with Law School courses toward the Law School residence requirement.

*(Updated 7/21/2014)*

### **5.2.7 MINIMUM 69 HOURS IN REGULARLY SCHEDULED CLASS SESSIONS**

The Drake Law School faculty has implemented ABA Standard 304(b) which mandates that a minimum of 45,000 minutes be earned in “regularly scheduled class sessions” by requiring students to earn a minimum of 69 credit hours of the 90 credit hours needed for graduation in qualifying courses. The faculty determination as to which courses qualify as “regularly scheduled class sessions” is set forth below.

#### **(a) REGULARLY SCHEDULED CLASS SESSIONS**

All Drake Law School courses except those in the four categories identified below will count toward both the 69 credit-hour “regularly scheduled class sessions” and the 90 credit-hour graduation requirement. Traditional class room and simulation courses, such as trial advocacy and negotiations, do count toward the 69-credit hour minimum. Clinical courses that satisfy ABA Standard Interpretation 304-3(e) also count toward the 69 credit-hour minimum, and all Drake Law School clinical courses as presently staffed and taught will count toward the 69 credit-hour minimum.

The following courses will not count toward the 69 credit-hour “regularly scheduled class session” minimum:

1. Internships
2. Independent Study, Law 615
3. Interdisciplinary and Joint Degree Credit
4. Drake Law Review, Agricultural Law Journal, moot court, and mock trial competitions.

See ABA Interpretation 304. Although excluded from the 69 credit-hour regularly scheduled class session count, the Law School will award credit for all Law School courses, including the above listed courses (1-4), and count them toward the 90 credit hours necessary for graduation.

#### **(b) DRAKE CLINICAL COURSES**

Drake Clinical Courses do comply with ABA Interpretation 304-3(e) as each includes a classroom instructional component and the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school.

(c) LIMIT ON MOOT COURT

No more than six (6) hours of Moot Court activities may count toward the ninety (90) credits required for graduation.

*(Updated 11/11/10)*

(d) GRADUATION CHECKLIST

Students will be provided a Checklist Form that will enable them to determine compliance with the 69 credit-hour rule. Students and their faculty advisors should regularly monitor the progress of their advisees toward the 69 credit-hour requirement. As part of the graduation audit, each student must submit his or her completed Checklist form demonstrating compliance to the Records Coordinator.

**5.2.8 PROFESSIONAL SKILLS COURSE REQUIREMENT**

- (a) Students beginning law school prior to Summer 2015 must satisfy a professional skills course requirement of two (2) credit hours. (Internships/field placements may NOT be used to satisfy this requirement.)
- (b) Students beginning law school in Summer 2015 and after must satisfy a professional skills course requirement of six (6) credit hours. (Internships/field placements may be used to satisfy this requirement.)
- (c) The Associate Dean will provide a list of qualifying courses, which will be reviewed annually and posted to the website.

*(Updated 6/16/2015)*

- (d) A student may not count one course towards both the skills requirement and the advanced writing requirement (§5.2.2).

*(Updated 4/28/11)*

- (e) Faculty members who desire to add courses to this list may do so by submitting a petition to the Curriculum Committee for its review and decision.

**5.2.9 OPTION TO CONTINUE BEYOND 90 CREDIT HOURS**

Students who have 89 or fewer credits can continue to enroll full-time for one additional semester in order to fulfill the 90-credit graduation requirement. Their final GPA for purposes of class rank and Coif will be determined at the conclusion of the semester in which they have completed 90 hours.

Students who have completed 90 credit hours at the conclusion of the Fall Semester and who have at least the 2.00 GPA required for graduation will be allowed to enroll full-time in one additional semester and earn credits above 90. A student who elects this option will have his or her final class rank determined based on the cumulative GPA the student achieved at the conclusion of the semester in which the student first reaches 90 hours (typically the Fall Semester). With regard to the courses taken during this sixth semester, the grades earned will be factored into the student's final Drake Law School GPA (but, for purposes of class rank, Coif, and graduation honors, the student's GPA at the conclusion of the semester in which he or she earned the 90th credit hour will be used). Students who elect the sixth semester will receive 3L priority in course selection.

### **5.2.10 PUBLIC SERVICE**

The Law School will recognize, with an appropriate certificate, any student who completes sixty (60) hours of public service during the student's law school career.

The following "public service," when performed without compensation or the award of academic credit, qualifies for recognition:

- (a) Assisting in the provision of legal services to persons of limited means or to not-for-profit organizations, as approved by the Assistant or Associate Dean, and under the supervision of an attorney or Drake Law School profession, or;
- (b) Participating in activities for improving the law, the legal system, or the legal profession, or;
- (c) Providing non-legal services through charitable, religious, civic, community, governmental, and educational organization, as approved by the Assistant or Associate Dean.

### **5.2.11 PORTFOLIO REQUIREMENT [Repealed effective 10/31/2016]**

## **5.3 COURSES TAKEN OUTSIDE DRAKE LAW SCHOOL**

### **5.3.1 VISITING AT ANOTHER LAW SCHOOL**

#### **(a) RECEIVING CREDIT**

Without prior approval of the faculty, or of the Dean under §5.3.1(b), a student in the Drake Law School cannot count work done in another law school toward the graduation requirements at Drake. Students who receive such prior approval will receive ungraded credit for approved courses in which they receive grades of C or above at another school.

#### **(b) APPROVAL OF THE ASSOCIATE DEAN**

With the approval of the Associate Dean, a student may obtain the following credit hours toward graduation at Drake, for work done at another law school after admission to Drake, in the following circumstances:

1. Up to 30 hours of credit, in cases of extraordinary hardship (family health or spousal transfer); and
2. Up to 15 hours of credit, which shall not be in the student's last semester, for valid curricular reasons.

*(Updated 10/16/2014))*

### **5.3.2 INTERDISCIPLINARY OPTION**

Drake Law School students may earn up to six semester hours toward the graduation requirements by taking, as electives, upper-division or graduate courses taught in other colleges or departments of Drake

University or at a college with which Drake Law School has a joint degree program pursuant to rule 5.6.4(c)(3). This option provides an opportunity for interdisciplinary study of interest and value to the individual student. A student desiring to exercise this option must obtain the prior approval of his or her faculty advisor and the Associate Dean that the course is materially relevant to the student's educational program and goal.

*(Updated 1/23/2014)*

## **5.4 STUDENT PRACTICE RULES**

Students must comply with the current court rules for the state or federal court in which they expect to appear.

*(Updated 9/7/2012)*

### **5.4.1 IOWA SUPREME COURT STUDENT PRACTICE RULE**

Iowa Supreme Court Rule 31.15 reads as follows:

#### **Rule 31.15 Permitted practice by law students and recent graduates.**

**31.15(1)** Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state.

*a.* Appearance by students as defense counsel in a criminal matter in any trial court shall be confined to misdemeanors and the student shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

*b.* Appearance by students in matters before the court of appeals or supreme court of Iowa shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

*c.* Appearance or assistance by students in other matters shall be under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the court.

**31.15(2)** Students who the dean of a reputable law school certifies have completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency.

*a.* Appearance by students who have completed only two semesters of work shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

*b.* Students who have completed at least three semesters may appear in a representative capacity in a contested case proceeding before an administrative agency under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the tribunal.

**31.15(3)** Except as allowed by rule 31.15(4), students may not engage in the practice of law or appear as counsel in any court of this state or before an administrative agency unless such practice or appearance is



part of an educational program approved by the faculty of the student's law school and not disapproved by the Iowa Supreme Court, and such program is supervised by at least one member of the law school's faculty. Students may continue to practice before courts or administrative agencies of this state after completion of an educational program so long as the placement is substantially the same as it was during the educational program, approved by the law school, and done with the supervision required under rule 31.15(1) and (2).

**31.15(4)** Law students may assist licensed Iowa counsel to the same extent as a non-attorney without being part of an educational program or being certified to the office of professional regulation, but the students shall be under the general supervision of licensed Iowa counsel who need not be personally present. Law students may not appear in representative capacities in contested case proceedings before administrative agencies without complying with rule 31.15(2) and (3), or before trial or appellate courts without complying with rule 31.15(1).

**31.15(5)** Law students shall not receive compensation other than general compensation from an employer-attorney or from a law-school-administered fund.

**31.15(6)** Graduates of reputable law schools who have applied to take the Iowa bar examination are authorized to perform all activities described in this rule on behalf of the public defender's office, the attorney general's office, county attorney offices, or approved legal aid organizations under the following conditions:

*a.* Supervision of graduates shall be the same as supervision of law students under rule 31.15(1) and 31.15(2), but graduates do not need to meet the requirements of rule 31.15(3).

*b.* Graduates may perform under this rule beginning with the receipt of a law school dean's certification of graduation and terminating either upon the withdrawal or denial of their application to take the Iowa bar examination, their failure of the next administration of the Iowa bar examination, or upon the date of the admissions ceremony for those who pass that examination.

*c.* Graduates may practice up to twenty-five hours per week from receipt of a J.D. or LL.B. degree until the administration of the next Iowa bar examination.

*d.* Graduates are not limited in hours of practice under this rule from administration of the bar exam until the date the bar exam results are posted for those who fail or the date of the admissions ceremony for those who pass.

*e.* Graduates who have failed any state bar examination in the past are not eligible to practice under this provision.

*f.* The supervising organizations listed above shall file a certificate with the Office of Professional Regulation of the Iowa Supreme Court (OPR) listing the starting dates for all graduates practicing under rule 31.15(6) and shall file a second certificate indicating when the practice under this rule has terminated.

**31.15(7)** Approved Legal Aid Organization. For purposes of this rule, an "approved legal aid organization" includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa.

a. A legal aid organization seeking approval from the court for the purposes of this rule shall file a petition with OPR certifying that it is a not-for-profit organization and reciting with specificity the following:

- (1) The structure of the organization and whether it accepts funds from its clients.
- (2) The major sources of funds the organization uses.
- (3) The criteria used to determine potential clients' eligibility for legal services the organization performs.
- (4) The types of legal and nonlegal services the organization performs.
- (5) The names of all members of the Iowa bar who are employed by the organization or who regularly perform legal work for the organization.
- (6) The existence and extent of malpractice insurance that will cover the law student or graduate.

b. An organization designated as an approved legal aid organization under the provisions of rule 31.19(c) is an approved legal aid organization for purposes of this rule.

[Court Order April 4, 1967; May 15, 1972; January 14, 1974; April 8, 1975 [withdrawn]; April 9, 1975; April 8, 1980; April 28, 1987; June 5, 1996, effective July 1, 1996 (Prior to July 1, 1996, Court Rule 120); January 9, 1998, effective February 2, 1998; November 9, 2001, effective February 15, 2002; June 4, 2008, effective July 1, 2008; March 21, 2014]

*(Updated 3/21/2014)*

#### **5.4.2 FEDERAL COURT STUDENT PRACTICE RULES**

##### **(a) UNITED STATES DISTRICT COURT – NORTHERN AND SOUTHERN DISTRICTS OF IOWA**

###### **LOCAL RULE 83.1(i)**

i. Law Student Practice. With the permission of the presiding judge, and under such restrictions as the presiding judge may impose, a law student enrolled in a reputable law school as defined in Iowa Supreme Court Rule 106 may appear as counsel before the court under the following conditions:

1. Certification. The dean of the law school must certify to this court that the student has completed at least three semesters of the work required by the school to qualify for a J.D. or an equivalent degree;
2. Supervision. The student's appearance must be under the direct supervision of a lawyer admitted to practice before this court who is personally present and has appeared of record in the case; and
3. Compensation. The student must not receive compensation for a court appearance, but this prohibition does not prevent a student from receiving general compensation from an employer-lawyer or from a source of funds unrelated to the case or the parties. Nothing in this rule prevents the court from awarding reasonable attorney fees under an appropriate statute for a student's work as long as the student does not receive any of the fee.

[Former LR 83.2 effective January 1, 2006; renumbered LF 83.1 and amended January 1, 2008. Amended effective December 1, 2009.]

##### **(b) UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT**

## RULE 46B: STUDENT PRACTICE

Any law student acting under a supervising attorney may appear and participate in proceedings in this court.

**(a) Eligibility.** To be eligible to appear and participate, a law student must:

- (1) be a student in good standing in a law school approved by the American Bar Association;
- (2) have completed legal studies equivalent to three semesters;
- (3) file with the clerk of court:
  - (i) a certificate from the dean of the law school or a faculty member stating the student is of good moral character, satisfies the requirements listed above, and is qualified to serve as a legal intern;
  - (ii) a certificate stating the student has read and agrees to abide by the rules of the court, all applicable codes of professional responsibility, and other relevant federal practice rules;
  - (iii) a notice of appearance prescribed by the court and signed by the supervising attorney and the client in each case in which the student is participating or appearing as a law student intern; and
- (4) be introduced to the court by an attorney admitted to practice in this court.

**(b) Restrictions.** No law student admitted under these rules may:

- (1) request or receive compensation from the client;
- (2) appear in court without the supervising attorney; or
- (3) file any documents or papers with the court that have not been read, approved, and signed by the supervising attorney and cosigned by the student.

This restriction does not prevent the supervising attorney, law school, public defender, or government from paying compensation to the law student, or an agency from charging for its services.

**(c) Supervising Attorneys.** A person acting as a supervising attorney under this rule must be admitted to practice in this court and must:

- (1) assume responsibility for the conduct of the student;
- (2) read and sign pleadings, papers, and documents prepared by the student;
- (3) advise the court of the student's participation, be present with the student at all times in court, and be prepared to supplement the student's oral or written work as the court requests or as necessary to ensure the client's proper representation; and
- (4) be available to consult with the client.

**(d) Special Notice of Appearance to be filed by law student:**





3. In no event will any student accept the responsibility of undertaking the representation of clients on his/her own; in no event will the student accept direct remuneration for the representation of clients.

In the event of violation of any of these rules, the student's certification of eligibility will be withdrawn by the faculty.

*(Updated 10/16/2014)*

## **5.5 INDIVIDUAL RESEARCH**

Individual research projects shall require at least fifty hours of research, writing, conferences, and rewriting for each credit hour awarded. One hour of credit requires written work of at least fifteen pages, two hours of credit requires written work of at least twenty-five pages, and three hours of credit requires written work of at least thirty-five pages. A rewrite should generally be required but may be waived at the option of the supervising professor. No student may take or receive more than three hours of credit for this course, and students may credit Law 615 only once toward the hours needed for graduation. It will be graded on a pass/fail basis.

## **5.6 JOINT DEGREE GUIDELINES**

### ***5.6.1 CREDIT FOR NON-LAW COURSES***

Subject to limitations in §5.6.4(c)(3), credit toward the J.D. earned in approved non-law courses by a student in the joint degree program shall be counted as credit towards the J.D. in the event that such a student abandons his efforts to secure the joint degree and concentrates on the J.D.

### ***5.6.2 GENERAL INFORMATION***

The Drake University Law School maintains several programs leading to joint degrees. These guidelines and policies govern admission, operation and completion requirements for those programs. The joint degree programs subject to these guidelines and policies are the following:

1. JD/MBA with the College of Business and Public Administration, Drake University;
2. JD/MPA with the College of Business and Public Administration, Drake University;
3. JD/MA in Political Science with the Department of Political Science, Iowa State University;
4. JD/MA in Agricultural Economics with the Department of Economics, Iowa State University;
5. JD/MHA in Health Administration with the College of Health Sciences, Des Moines University;
6. JD/MPA in Public Administration with the College of Health Sciences, Des Moines University;

The Law School also has a joint degree program with the College of Pharmacy and Health Sciences at Drake University. The joint degree program leading to a JD/PharmD is subject to a different set of rules and regulations.

*(Updated 5/3/2016)*

### **5.6.3 STATEMENT OF PURPOSES AND OBJECTIVES OF JOINT DEGREE PROGRAMS**

The joint degree programs are based on the idea that there are synergistic educational effects from the studying, concurrently and in a disciplined manner, law and another field of academic inquiry. Therefore, the joint degree programs are designed to advance the intellectual, academic and professional relationships between law and other disciplines. These programs reflect an institutional belief that law and legal institutions greatly influence, and reciprocally, are greatly influenced by, other social, political and economic forces and institutions.

The joint degree programs also recognize that legal training is important to many occupational callings and professional aspirations, including, among others, business, government, economics and political science. Increasingly, our graduates are selecting careers in business, politics, and government and believe that the joint training and education in law and another area of study have materially advanced their career objectives. Further, a solid training in business, political science, public administration and other disciplines can make more competent and confident in the practice of law.

### **5.6.4 PROCEDURES**

#### **(a) ADMISSION**

- (1) Each student must separately apply to the Drake University Law School and to the department or college from which another degree is sought. Each college or department shall establish and administer its own admission policies, student policies and procedures and curricular requirements, and each may require a separate admission fee and official transcript from the joint degree student.*
- (2) It is contemplated that every joint degree student shall be admitted to both the Law School and the other discipline simultaneously; and that every joint degree student shall refrain, during his or her first year of law study, from taking any courses in another college or department. Following the completion of his or her first year of law study, joint degree students shall begin to concurrently work toward their law degree and other degree.*
- (3) Students with advanced standing in another college or department shall be admitted to the joint degree program only under the following circumstances:*
  - (A)** Where such student has not completed more than one-half of the total coursework toward their graduate degree required by the other college or department; provided that a prospective law student who shall have completed more than one-half of the total coursework toward their graduate degree in another college or department may elect to take additional courses in the other program so that at least one-half of their cross-disciplinary work was performed during their law school studies; or
  - (B)** Where any student has been simultaneously admitted to both the Law School and another college or department, and such student has received a fellowship or assistantship from another college or department which requires that he or she

study and teach full-time during the first year in another college or department;  
or

(C) Where such student successfully petitions the Curriculum Committee of the Law School for permission to join the joint degree program notwithstanding the student's failure to satisfy the foregoing requirements.

(b) CREDITS AND COURSE REQUIREMENTS IN THE LAW SCHOOL

- (1) *Each joint degree student may receive up to 9 hours of ungraded credit in the Law School for approved coursework in another college or department.*
- (2) *The coursework taken in another college or department for credit in the Law School shall be determined by the Joint Degree Advisor in the Law School, in cooperation with the student.*
- (3) *No student may receive credit in the Law School for any course taken in another department or college prior to his or her matriculation in law school, except where such student was admitted to the joint degree program with advanced standing pursuant to §5.6.4(a)(3) above.*
- (4) *Each joint degree student must meet every semester with the Joint Degree Advisor in the Law School, and shall meet regularly with his or her advisor in such other institution.*

(c) COMPLETION OF JOINT DEGREE PROGRAM

- (1) *It is contemplated that students shall earn their joint degrees concurrently and that students shall be awarded their degrees at the same time. However, a student may complete his or her studies in another discipline during the summer following graduation from law school, where the student gives assurances to the Joint Degree Advisor in the Law School that such coursework will be completed during the summer session and where the student has six or less hours of coursework remaining in the other department or college.*
- (2) *At the completion of the joint degree studies, a student will earn two degrees; one from the Law School and another from a college or department participating in the joint degree program.*
- (3) *When a student fails to complete a joint degree program, he or she is eligible to apply up to six hours of coursework taken at another Drake college or department, or a college with which the Law School has a joint degree, pursuant to the Interdisciplinary Option available in the Law School. Otherwise, joint degree students may not enroll in and receive academic credit for coursework taken in another college or department pursuant to the Interdisciplinary Option.*

(Updated 1/23/14)

### **5.6.5 JOINT DEGREE ADVISOR**



The Dean shall appoint a Joint Degree Advisor to supervise the Joint Degree programs. The advisor will represent the Law School in meetings about the joint degrees with persons from other departments and schools, counsel students in joint degree programs, and maintain continual evaluations of programs.

## **5.7 INTERNSHIP GUIDELINES**

These guidelines govern the field placement or internship programs at the Drake University Law School. The guidelines apply to internships with courts and other judicial offices, federal and state administrative agencies, and non-profit organizations. Internships with law firms or for profit entities are not permitted except for LLM students and for international students with permission of the Associate Dean.

*(Updated 1/15/2015)*

### **5.7.1 POLICY STATEMENT**

Field placement or internship programs serve important educational purposes for students and promote the school's professional skills curriculum. Properly designed and carefully monitored, these programs advance the acquisition and development of important professional skills by students. They provide an important link between the law school and the practice of law by enabling "hands-on," experiential learning opportunities and appropriate mentoring relationships with attorneys and judges. Moreover, the programs may serve student interests in learning about career opportunities.

The Law School must closely and carefully monitor all field placement programs. A poor internship experience can create inappropriate notions of lawyering roles and can affect students' perceptions about good lawyering skills and values. Moreover, the Law School and its faculty retain and exercise, in the context of field placement programs, sole responsibility for the academic quality of all courses and academic programs. These rules are intended to reflect that responsibility and provide methods of accomplishing the educational purposes of field placement opportunities.

### **5.7.2 RULES AND REGULATIONS**

Except to the extent that specific program requirements vary these general rules and regulations, the following rules and regulations are applicable to all internship programs described below:

#### **(a) ENROLLMENT**

- (1) Students may not enroll in internship programs until they have completed 30 credit hours of coursework.*
- (2) To be eligible to take an internship a student must have a cumulative grade point average of at least 2.0 both at the time the student preregisters for the internship and on the basis of the grades which have been submitted on Friday of the first week of the semester during which the internship is taken. Students who fail to achieve the required CGPA at both the required times will be dropped from the course. Students who have a CGPA only slightly above 2.0 are therefore discouraged from registering for an internship.*

*(Updated 9/24/09)*

- (3) *Students may not credit more than 15 hours of internships toward the 90 credits required for graduation.*
- (4) *Enrollment in any field placement program may be limited by the faculty instructor.*
- (5) *The student shall inform the internship faculty instructor when the student accepts an offer to participate in an internship program. Ordinarily, however, the student will be placed in an internship program by the faculty instructor following registration for the course.*

(b) **FACULTY OF INSTRUCTION**

Each field placement program shall have a faculty instructor who shall be a full-time member of the faculty and a field instructor.

(1) *FACULTY INSTRUCTOR RESPONSIBILITIES*

The faculty instructor shall:

- (A) be responsible for the overall educational quality of the program, for working with the field instructor to ensure a meaningful educational experience, and for assigning credit;
- (B) conduct a classroom component, or the educational equivalent of a classroom experience, which facilitates the program and integrates the field learning experience with the educational and pre-professional training missions of the law school;
- (C) inform each field instructor of the specific educational and supervisory responsibilities of the program; and
- (D) conduct an evaluation of each intern's experience in the program, including the activities performed by the student, the skills or information acquired by the student, and the quality of supervision by the field instructor.

(2) *FIELD INSTRUCTOR RESPONSIBILITIES*

The field instructor shall:

- (A) be responsible for working with the faculty instructor to ensure that each student achieves a rewarding educational experience; and
- (B) agree to all conditions and requirements of the program and specifically agree to supervise each student intern.

(c) **COMPENSATION PROHIBITED**

Students may not receive compensation for an internship in which they earn academic credit. However, students may be compensated for work performed for an agency or organization with which the student also serves as an intern. In that case, the agency or organization shall carefully account for the student intern's time so that no compensation is received for internship-for-academic-credit work.

(d) PROGRAM REQUIREMENTS

- (1) *The faculty instructor shall determine the requirements of his or her internship program. These requirements will be made available to students and to the Curriculum Committees.*
- (2) *Requirements shall include:*
  - (A) *samples of the intern's work-product (appropriately redacted to protect confidentiality),*
  - (B) *a time log of activities, and,*
  - (C) *a written guided reflection which, at the discretion of the faculty instructor, may take the form of a journal, term paper, or comprehensive report describing and reflecting on his or her experiences as an intern.*
- (3) *The faculty supervisor shall meet with the student to review the student's experience to provide guidance with respect to the field placement and to integrate the field learning experience with the educational and professional training mission of the law school.*
- (4) *The field supervisor shall prepare and submit, and the faculty instructor shall review and approve, a summary of each intern's performance immediately after the completion of the internship.*
- (5) *Each faculty instructor shall determine the number of hours which each intern shall perform to complete the internship program and the duration of the internship. An intern must submit a time log of activities demonstrating that the intern has worked a minimum of 45 hours for each credit hour earned.*

*(Updated 4/18/2013)*

(e) PERIODIC REVIEW AND RECORDKEEPING

- (1) *Each faculty instructor shall review his or her program annually and may take into account all relevant factors, including the quality of supervision by field instructors, student evaluations of the experience and the program, the type and amount of work performed by the student intern, and the amount of time spent by the student on the internship.*
- (2) *The faculty instructor shall prepare a report on each internship program which shall include:*
  - (A) *an identification of each student in the program;*
  - (B) *biographical data (e.g., resumé) of each field instructor;*
  - (C) *credit hours earned by each student; and*
  - (D) *a brief written report evaluating the quality of the program and describing each student's experience. The report shall be submitted to the Dean's office.*

(f) WITHDRAWAL FROM INTERNSHIP

Students may drop an internship only with permission of the faculty instructor during the first two weeks of semester classes. Thereafter, a student may withdraw from an internship program only for extraordinary reasons and with the express written permission of the faculty instructor, after consultation with the field supervisor.

### **5.7.3 ONE-TIME INDEPENDENT INTERNSHIP**

Students may enroll in an independent internship which must be approved by the Associate Dean. The student shall arrange for a member of the full-time faculty to serve as faculty instructor. The student has the responsibility of arranging the internship relationship, including the identification of a field supervisor, and shall make a case for the educational and skills training value of the internship. All requirements of these guidelines shall be applicable to the Independent Internship.

The internship shall qualify for 1-3 credit hours. A student may receive credit for the independent internship only once toward their JD studies and once toward an LLM degree. A student may not receive credit towards the LLM for an independent internship that is substantially the same as an internship for which he or she received credit towards the JD.

*(Updated 8/19/10)*

### **5.7.4 SPECIAL INTERNSHIP FOR MORE THAN THREE CREDIT HOURS**

In exceptional circumstances, and with the advance approval of the Associate Dean and the Curriculum Committee, a student may arrange an internship which qualifies for four to six hours of academic credit. The Associate Dean and Curriculum Committee may permit a special internship only where:

- (a) the student has secured the involvement of a faculty instructor who is a full-time member of the faculty;
- (b) the faculty instructor has arranged a classroom component, or an educationally equivalent experience, to the internship; and
- (c) the agency or organization has established an internship program which ensures competent and qualified instruction and meaningful educational opportunities for students; and
- (d) the faculty instructor has weekly contact (by telephone or correspondence) with both the student and the field supervisor.
- (e) the number of credit hours which a student may earn in a special internship shall depend upon the number of hours working for the agency or organization, the responsibilities of the internship and the degree of supervision by the field supervisor.

Any special internship approved by the Curriculum Committee and Associate Dean for more than six (6) credit hours must be approved by the Faculty.

*(Updated 10/20/2016)*

### **5.7.5 HONORS JUDICIAL INTERNSHIP FOR SIX CREDIT HOURS**

Highly qualified students may qualify for a special internship for six credit hours with a federal trial or appellate judge, or with a justice of the Iowa Supreme Court or the highest state appellate court. Such a placement requires the approval of the Judicial Internship Director and the Associate Dean.

Eligibility for enrollment in this program will be limited to those students who have completed half of the course of studies required for the J.D. degree.

To be eligible, a student must have a minimum 3.0 GPA and a demonstrated commitment to scholarship (through participation in a law journal, significant research for faculty for publication, judicial internship, American Judicature Society internship, etc.), a strong academic record, and a faculty recommendation.

A candidate must commit to working a minimum of 20 hours per week.

A student who has completed a one-semester Honors Judicial Internship can, with the approval of the Judicial Internship Director and the Associate Dean, enroll in an additional one-semester Honors Judicial Internship, typically with a different judge or court.

Section 5.7.5 is not a substitution for the Special Internship set out in Section 5.7.4. In contrast to the §5.7.4 Special Internship, the Honors Judicial Internship does not require approval by the Curriculum Committee. There will continue to be worthy special internships with agencies and other institutions outside the judicial branch that merit approval under §5.7.4. A student could conceivably do both internships (§5.7.4 and §5.7.5) but it would be unlikely. Section 5.2.3 imposes a 15-credit hour maximum for internships and §5.2.7(a) prescribes that internships cannot count toward the requirement that 69 credit hours be earned in courses with regularly scheduled class room sessions.

*(Updated 10/24/2013)*

### **5.7.6 JUDICIAL INTERNSHIP**

The basic Judicial Internship course is authorized for 3 credits. Students must have a minimum 2.30 GPA and must be approved by the Judicial Internship Director. Placements in this internship may be in either the State District or Federal Magistrate Courts or the State Court of Appeals. The intern shall work a total of 45 clock hours for every one hour of academic credit, with time certified by the field supervisor, and reviewed and approved by the faculty member. A candidate must have earned at least 30 credit hours towards a J.D. Degree from Drake Law School.

### **5.7.7 JUDICIAL INTERNSHIP GENERAL RULES**

The following rules apply to all judicial interns, both those enrolled in the 3-credit hour basic internship and those enrolled in the 6-credit hour honors internship.

Orientation(s) shall be conducted for all judicial interns. This orientation will be designed to cover the core areas of which we apprise all clinical and internship students. The topics would include professionalism, legal ethics, workplace ethics, sexual harassment, recordkeeping, reporting and journaling, etc.

The Judicial Internship Director will develop an educational component that provides a means of guided reflection that is the educational equivalent of a classroom experience. If the placement is located in Des Moines the student must meet with the faculty supervisor one (1) hour per week (including class time or

other equivalent). Outside of Des Moines, a suitable arrangement must be made for regular communication and commensurate contact with the field supervisor. Participation in any classroom component must be arranged prior to the first day of placement. This alternative arrangement could consist of a pre- or post-field placement classroom component or orientation or tutorial.

It is expected that all assignments by the Court or faculty will be completed and timely submitted. Periodic and final reports will be required and must be timely submitted.

The internship is unpaid and for academic credit only. If funds are available to reimburse the student for travel expenses, such reimbursement is permissible.

The number of enrollees will be limited by the number of placements available.

## **5.8 DISTANCE EDUCATION COURSES**

A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member.

Credit for a distance education course will be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the regular curriculum approval process.

Credit for distance education may count toward the 69 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by ABA Standard 311(b) if:

- (1) there is opportunity for regular and substantive interaction between faculty member and student and among students;
- (2) there is regular monitoring of student effort by the faculty member and opportunity for communication about that effort; and
- (3) the learning outcomes for the course are consistent with Standard 302.

Students may not receive credit for more than 6 credit hours toward the J.D. degree for courses qualifying as distance education. A student must have completed instruction equivalent to 32 credit hours toward the J.D. degree before enrolling in a distance education course.

No more than 3 credits in distance education courses may be taken outside of Drake Law School. Any such course taken outside Drake Law School shall be subject to both this rule and §5.3.1(b). In granting approval for a distance education course, the Associate Dean shall determine whether the course meets the requirement of academic rigor and content. Among other things, the Associate Dean may consider whether the course complies with paragraphs (b)(1)(A) and (B) and (b)(2) of this section. In addition, the Associate Dean shall consider whether the material to be covered in the course is substantially covered in a regularly scheduled course at Drake Law School.

A course offered through distance education shall not satisfy the writing requirement under §5.2.2.

*(Updated 10/16/2014)*

## **6 SCHEDULING AND REGISTRATION**

### **6.1 CLASS SCHEDULING**

The Curriculum Committee will maintain a continuous long range study of course offerings and will be prepared at any point to furnish a tentative list of course offerings for the next two academic years. A tentative schedule prepared in the Dean's office shall be submitted to the Faculty. Following this review, the schedule will then be circulated among the faculty and be placed on the agenda at the next succeeding faculty meeting for appropriate action. In the case of summer schedules, it is recommended that the Dean meet with the Curriculum Committee at an appropriate date, not later than 15 December, so that all factors bearing on summer scheduling can be considered in making curriculum recommendations.

### **6.2 CLASS SIZE**

#### **6.2.1 MINIMUM NUMBER OF STUDENTS**

No course will be taught in which fewer than ten students have enrolled, except with faculty approval. This will not apply to Legal Clinic courses, internships, Moot Court, Legislation or to Individual Study and Research courses. Seminar enrollment will be limited to 20 students, unless otherwise specified by the faculty.

#### **6.2.2 MAXIMUM NUMBER OF STUDENTS**

Enrollment maximums for non-seminar courses will be determined by the Dean's office in conjunction with appropriate faculty members before preregistration.

#### **6.2.3 ENROLLMENTS IN CLINIC COURSES**

The Clinic Director in consultation with the Associate Dean should set a maximum number of students who will be allowed to enroll in the Clinic courses. The maximums should be set a sufficient time prior to registration so that students will be informed of the maximum number of students allowed in each Clinic course.

### **6.3 REGISTRATION PRIORITIES**

A system based on credits earned is used to assign registration priority dates as follows:

1. In the fall (registering for spring semester classes) students who have 60 or more earned credit hours will register on day one. Students with fewer than 60 earned hours register on day two.
2. In the spring (registering for fall and summer semester classes) students who have 45 or more earned credit hours will register on day one. Students with less than 45 earned hours register on day two.

Registrations are accepted on a first-come, first-served basis, using the above priorities. Students may periodically check for openings in closed courses by using the MYDUSIS system.

*(Updated 7/21/2014)*

## **6.4 REGISTRATION FOR CLASSES**

Registration dates are posted in advance of each term. Registration is done online and instructions and materials are available on the Law School website. Students may not enroll in a regularly scheduled class that overlaps with another class. However, if a one-week class offered in the fall or spring overlaps with a semester-long course, a student may enroll as long as the student will be in compliance with attendance policies of the semester-long class, and the professor of the semester-long class grants permission.

*(Updated 7/21/2014)*

## **6.5 DROP POLICY**

Non-clinical, Non-skills Courses: During the first eight weeks of the fall and spring semester, for courses that last the whole semester, students may drop elective courses freely. For all other courses of a length more than one week, the drop period shall be before the class session that constitutes the first session of the second half of the course. For courses of one week, the drop period is any time before the final exam.

Non-clinical skills courses: During the first week of classes, non-clinical skills courses such as Interviewing and Counseling, Pretrial Advocacy, Trial Advocacy, Will Drafting and Negotiation may only be dropped with permission of the faculty member teaching the course. Thereafter, a student may withdraw only for extraordinary reasons and with the express written permission of the faculty instructor or Associate Dean.

Clinical courses: Clinical courses may not be dropped after registration.

“W” recorded on student transcript – University policy provides: In courses offered in a full semester format during spring or fall, a student may drop a course with no mark of “W” recorded during the first two weeks of the semester. Thereafter, a mark of “W” will be placed on the student’s transcript.

Students are not required to obtain faculty signatures on drop forms. Following the end of the drop period, students will not be allowed to drop courses except in hardship cases. “Hardship” is defined as serious personal illness or accident or death of a member of the student's immediate family. These hardship decisions will be made by the Associate Dean.

*(Updated 10/20/2016)*

### **6.5.1 SUMMER TUITION AND FEE CHARGES**

There will be no reduction in tuition and fee charges for any summer course unless the course is dropped prior to 4:30 p.m. of the first working day following the first class day of the course. For example, if the first day of the course is Monday, May 15th and the course is not dropped by 4:30 p. m. on Tuesday, May 16th, there will be a charge of 100% of the tuition and fees for the course.

## **6.6 ADD POLICY**

For a course that lasts more than seven weeks, a student may not add the course after the second week of class. For a course that lasts seven weeks or less, but more than two weeks, a student may not add the



course after the first week of class. For a course that lasts two weeks or less, a student may not add the course after the second class period has begun. The Associate Dean may permit adds after the periods specified above, but only for good cause.

## **6.7 SUMMER IN FRANCE GRADE POINT REQUIREMENT**

To be accepted into the Summer in France program, a student must have a cumulative grade point average of at least 2.0 at the time of registration. Any student who is accepted but is academically dismissed once grades have been reported for the Spring Semester will be withdrawn from the program, even if the program has already started. Tuition money will be refunded, but the school will not be responsible for any other costs that might be incurred.

*(Updated 11/19/09)*

## **7 EXAMINATIONS**

The Law School schedules all 1L Exams with a set date and time. All upper level exams, including required courses, are presumptively Flexible Exams, subject to the professor's decision in each course to elect to have his/her examination excluded from those offered as a Flexible Exam (opt out) and scheduled. Students enrolled in a course in which a Flexible Examination is offered may elect to take the examination on any date and time during the Final Exam Period (typically two weeks) which has been designated as a Flexible Exam time. Students should refer to the exam portion of the website for procedures, rules and software information. A mandatory exam information session is held during the 1L's first semester to review all exam procedures.

### **7.1 STUDY DAY**

Classes will be cancelled on the Friday of the last week of classes and that day will be a study day where no regular classes will be held (review sessions are permitted).

### **7.2 SCHEDULE**

The exam schedule is posted on the website and available before the end of the add/drop period. Those students who have a conflict with the exam schedule need to contact the Assistant Dean for Student Services as soon as possible to schedule an appropriate time to take the exam.

### **7.3 ENGLISH AS A SECOND LANGUAGE**

Students who are not natives of the United States and whose education was not in primarily English-speaking schools may be allowed additional exam time. The additional time allotted will be determined on an individual basis by the Assistant Dean for Student Services based on the student's TOEFL score and the recommendation of other qualified University personnel.

*(Updated 4/14/11)*

## **7.4 DISABILITIES**

The Law School follows University guidelines regarding disabilities. Accommodations are determined on an individual basis following certification of the disability by the Drake University Disability Services Coordinator in consultation with the Assistant Dean for Student Services. These policies require that requests be presented in a timely manner with appropriate documentation. Failure to comply with these policies may result in denial of the request for accommodation.

A student who has been placed on academic probation will be strongly encouraged to be immediately tested for a learning disability.

*(Updated 10/16/2014)*

## **7.5 ASSIGNING NUMBERS**

At the beginning of each semester, each student will be assigned a final examination number to be used on all final examinations, papers, and projects during that term.

## **7.6 LIBRARY EXAM FILES**

Sample final exams are available on the Drake Law Library website. Please see the library information desk for more information about online sample exams and other helpful library services.

## **7.7 CLASS ATTENDANCE and PODCASTING**

### **7.7.1 ATTENDANCE POLICY**

Podcasting is not a substitute for class attendance. All missed classes are counted against the student as absent even if the student listens to a podcast of the missed class.

#### **(a) Default Attendance Policy**

As an ABA accredited law school, we are bound by standard 308(a), which provides that “A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance....”

In accordance with these standards, the law school has adopted a default attendance policy effective for all classes in which the professor does not adopt his or her own policy. All attendance policies must be announced and distributed during the first week of classes. Any class in which an attendance policy has not been announced and distributed during the first week of classes will be subject to the default policy below.

The following attendance grid will be used by the law school administration to determine the maximum number of absences allowed in a course.

<b>1L Allowable Absences by Credit Hour</b>			
	<b>Credit hours</b>	<b>Days of class/week</b>	<b># Of Absences Allowed</b>
<b>Required Courses</b>	<b>4</b>	<b>4</b>	<b>7</b>
		<b>3</b>	<b>5</b>
		<b>2</b>	<b>3</b>
	<b>3</b>	<b>3</b>	<b>5</b>
		<b>2</b>	<b>3</b>
<b>Legal Writing</b>	<b>2</b>	<b>2</b>	<b>3</b>
<b>Legal Research</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Summer Con Law</b>	<b>2</b>	<b>(5) 10</b>	<b>2</b>

<b>2L/3L Allowable Absences by Credit Hour</b>				
	<b>Credit hours</b>	<b>Days of class/week</b>	<b># Of Absences Allowed</b>	
<b>Non Skills</b>	<b>4</b>	<b>4</b>	<b>9</b>	
		<b>3</b>	<b>7</b>	
		<b>2</b>	<b>4</b>	
	<b>3</b>	<b>3</b>	<b>7</b>	
		<b>2</b>	<b>4</b>	
		<b>1</b>	<b>2</b>	
	<b>2</b>	<b>2</b>	<b>5</b>	
		<b>1</b>	<b>3</b>	
		<b>1</b>	<b>2</b>	
	<b>Skills</b>	<b>3</b>	<b>1</b>	<b>2</b>
			<b>2</b>	<b>4</b>
<b>2</b>		<b>2</b>	<b>4</b>	
		<b>1</b>	<b>2</b>	
<b>One Week Courses</b>	<b>1</b>	<b>5</b>	<b>0</b>	
<b>Summer</b>				
	<b>Credit hours</b>	<b>Days of class/week</b>	<b># Of Absences Allowed</b>	
<b>Non Skills</b>				
<b>Interim</b>	<b>2</b>	<b>10</b>	<b>2</b>	
	<b>2</b>	<b>5</b>	<b>0</b>	
	<b>1</b>	<b>5</b>	<b>0</b>	
<b>Ag Law</b>	<b>1</b>	<b>4</b>	<b>0</b>	
<b>Regular Session</b>			<b>15%</b>	

(Updated 8/26/2015)

The maximum number of absences has been determined based on the type of course and the frequency of the class meeting times per week. There are no excused absences under the default attendance policy. Clinic trials and team competitions are not excused absences. Podcasts are not a substitute for missed classes. Students need to plan ahead. It is not an excuse to take excessive cuts with no compelling reason and then ask for special consideration because the student later becomes ill or has other personal problems when the student has few or no additional absences available.

If a student violates the attendance policy due to extenuating circumstances, the Assistant Dean for Student Services, Associate Dean, or Dean, in his or her discretion, may alter the number of absences for that student or withdraw the student from the course. "Extenuating circumstances" includes, but is not limited to prolonged serious illness, death in the family, serious illness of a family member, and other similar situations. If a student is withdrawn from the course, he or she will receive a grade of "W." In all other cases, students who violate the policy will receive a grade of "F." Students will not be allowed to attend a class or take the exam after they have been notified they are ineligible to continue.

Under the default attendance policy, students who fail to sign the attendance sheet are not eligible for retroactive adjustment of their attendance record except by the professor. Falsification of attendance records is a violation of the Code of Student Conduct.

Under this attendance policy students will receive an e-mail warning from the Student Services Office when they are two absences away from failing the course (one absence in those courses that allow only two absences total). Due to the logistics of collecting attendance information, there may be circumstances when students do not receive a timely warning regarding their absences. Attendance warning emails are a courtesy and not a right. Failure to receive a warning email will not negate the effect of this policy. Students are required to monitor their own absences, and know whether they are in compliance with the attendance policy for each one of their classes.

Students who have health or personal problems that affect their ability to attend class on a regular basis should seek assistance from the Assistant Dean for Student Services as soon as they are aware of the problem.

*(Updated 1/14/2016)*

### **7.7.2 PODCASTING POLICY**

The decision to make podcasts available is solely within the discretion of the professor unless it involves an ADA accommodation.

*(Updated 7/21/2014)*

### **7.7.3 CONDITIONS FOR GRANTING PODCAST REQUESTS**

#### **(a) ADA**

Podcasts will be available to ADA students as an approved accommodation using the same process as all other ADA accommodations. ADA podcasts will be available to ADA students only unless the professor agrees to make them available to all students enrolled in the class.

#### **(b) Other**

Professors may make a podcast of any class for any reason. Each professor may set his or her own criteria for granting podcast requests. Professors must make podcasts available to all students under uniform criteria to avoid any appearance of discrimination or favoritism. Once made, the podcast will be available to all students enrolled in that class, unless it is an ADA accommodation.

*(Updated 1/14/2016)*

#### **7.7.4 AVAILABILITY**

All podcasts will be removed from the server each semester when the last exam, including make-ups, for that class has been administered.

*(Updated 1/14/2016)*

#### **7.7.5 USE AND DISSEMINATION OF PODCASTS**

All podcasts are the property of Drake Law School and the professor, and may not be redistributed in any form to any person.

*(Updated 1/14/2016)*

#### **7.7.6 LIABILITY**

Podcasts are not an entitlement. The law school is not liable for failure to record or post a podcast to the web site.

*(Updated 1/14/2016)*

## **8 GRADING**

### **8.1 SYSTEM**

The grading system is as follows:

A+ =4.0	C+ =2.3
A = 4.0	C =2.0
A- =3.7	C- =1.7
B+ =3.3	D+ =1.3
B =3.0	D =1.0
B- =2.7	D- =0.7
	F =0.0

*(Updated 9/26/13)*

#### **8.1.1 MINIMUM GPA FOR GRADUATES**

Graduation requires a 2.00 cumulative average on the above scale. While credit for courses taken outside the Law School can be applied against the graduation requirement under various programs, no grades will be transferred to a Law School transcript for any course not listed in the Law School catalog.

#### **8.1.2 INCOMPLETE/IN PROGRESS**

The mark "I" (Incomplete) indicates a student has not submitted all evidence required for a final grade. The student must make satisfactory arrangements with the instructor to complete the work by the end of

the next semester of enrollment (excluding enrollment in summer terms). If the student does not complete the work and the grade is not changed by the date set by the instructor, the grade for the course will automatically be changed to an F.

Marks of incomplete are changed to a final grade either by the instructor (upon completion of the work) or by the Office of Student Records (if the work is not completed after one semester has passed). Marks of incomplete are not computed in the grade point average.

The mark of "IP" (In Progress) may be given in certain courses where special conditions make the grade of Incomplete unrepresentative of the status of the students at the close of the semester. The grade of "IP" is appropriate only when the coursework could not be finished during the semester for the entire class (e.g., internships, practicums, or courses that do not fit the standard academic calendar; fieldwork or research presentations that may take place after a semester has ended; theses or dissertations; or other special situations where coursework extends beyond one semester). A grade of "IP" must be changed to a final grade by the instructor by the end of the next semester. The instructor must indicate to the appropriate dean's office in what courses students will be assigned an "IP."

A student may not graduate/earn a degree from Drake University with an "I" (Incomplete) or an "IP" (In Progress) notation on his/her transcript.

*(Updated 7/21/2014)*

### **8.1.3 GRADES OF CR, NC, F, IP, I**

In selected courses, evaluation of a student's performance is not possible by assigning qualitative grades. Grades of CR (credit), NC (no credit), IP and I are used. In selected courses, evaluation of a student's performance is not possible by assigning qualitative grades. Grades of CR (credit), NC (no credit), F, IP and I are used.

A grade of NC does not affect a student's grade point average. A grade of F is counted as 0 in the GPA.

The grade of "I" indicates a student has not submitted all materials for a final grade. If the student does not complete the course within the time period set by the professor at the time the grade of "I" is assigned, the grade will become an F. The grade of "IP" indicates the course has not been completed and is still in progress.

*(Updated 2/22/2016)*

## **8.2 EXPLANATION OF GRADES**

(A-, A, A+) Work which ranged from "excellent" to "outstanding." This is the grade which should be given to students who see almost all of the issues and demonstrate some originality of thought in dealing with them. It is expected that A- and A will (between them) be used with great regularity and that it will not be unusual for students to have a substantial number of grades of this range if they are in the top 10-15% of their class. At least the top one or two papers in a single course each semester will normally receive an A grade, and it is anticipated that this grade will be assigned to the best paper received in the

class unless that paper is below standard as compared with the best paper normally received in that course. A or even A- need not be given the top paper every year in every course, although this should be the exception, not the rule, since it is not suggested that grading be done on a curve. The top grade, A+, should be reserved for the unusually outstanding performance which comes along occasionally and which demonstrates real mastery of the subject matter.

(B-, B, B+) Work which evidences substantially more than average competence, but which is not of a quality to be called "excellent." This would encompass the work expected with regularity of any student who qualifies for Law Review training. Students doing work in this range would be expected to be capable of handling reasonably difficulty legal problems on their own shortly after graduation

(C, C+) A C indicates general minimal competency. A C+ indicates slightly above minimum professional competency.

(C-) Minimum C work which, considering the stage of legal education at which it is submitted, evidences less than minimal professional competence to deal with more advanced work adequately and to deal with the problems of an average legal practice.

(D-, D, D+) Work which is unacceptable and which evidences lack of ability to do successful work in advanced courses or to engage in the practice of law on a competent level, such that a student doing it would be expected to receive equal hours of credit in the middle B to middle C range, or a relatively consistent pattern or performance above minimum C in order to overcome this grade.

(F) Work of such inferior quality and evidencing such substantial lack of legal ability that the student who receives this mark should not be permitted to remain in school unless he/she has received equal hours of grades in the high A to high B range.

### ***8.2.1 Special Grading Considerations***

#### **(a) MASTER OF JURISPRUDENCE GRADING MODIFICATION**

The Masters of Jurisprudence ("MJ") degree is not granted for the purpose of practicing law. Consequently, candidates for that degree will be evaluated based on their performance in the context of preparation for work in other disciplines. MJ candidates should be graded based on a level of competency appropriate for the study of law as a graduate discipline, not for their ability to pass a bar exam or practice law.

MJ candidates will be graded anonymously whenever possible. However, when there is only one MJ candidate in a class, anonymous grading will not be possible.

#### **(b) GRADING STANDARDS FOR LLM STUDENTS**

LLM candidates will be graded in the same manner and for the same competency as JD candidates.

*(Updated 4/17/2015)*

### ***8.2.2 Mandatory Grade Distribution***



First-year courses, except Legal Research, must have a mean grade between 2.65 and 2.85, a median grade of B-.

Professors may vary from the above grade distribution, with approval of the Associate Dean, by showing raw point distribution or other evidence that demonstrates that a different distribution is more appropriate.

(Passed November 2011. Effective beginning Fall 2012)

### **8.3 GRADE POINT AVERAGES**

The grade point average is computed by multiplying the grade by the credit hours, and dividing that total by the number of hours attempted, excluding the number of courses in which the grade of CR, I, or IP has been reported. Grades in courses not listed in the Law School Catalog are not used in computing G.P.A.

### **8.4 VARIATIONS**

#### ***8.4.1 CREDIT/NO CREDIT GRADES***

Courses may be offered on a credit/no credit basis with faculty approval. Normally, the credit/no credit grading option will be limited to skill-developing courses. Unless otherwise designated, Legal Clinic courses are offered on a credit/fail basis.

#### ***8.4.2 JOINT DEGREE PROGRAM***

Grades earned in other colleges of Drake University or other Universities by students who are joint degree students (e.g., J.D.-M.B.A., J.D.-M.A.) shall not be accepted for addition to the candidate's permanent record and transcript of the Drake University Law School. In these cases, only the credit will be accepted.

### **8.5 GRADING PROCEDURES**

#### ***8.5.1 REPORTING EXAM GRADES***

When professors have completed the grading process, they will record the exam grades on a form provided by the Student Services Office and submit that form to the Administrative Assistant in the Assistant Deans' Office.

Adjustments to anonymous grades for class participation or projects that are non-anonymously assigned may only be made if students are notified within the first two weeks of class of the potential for these adjustments. In that case, a list of names should be submitted with exam grades indicating any changes which should be made in the examination grades and stating the reason for such changes. This information concerning individual students will be made available to them upon request.

*(Updated 7/21/2014)*

#### ***8.5.2 CHANGING FINAL GRADES***

No change will be made in a student's grade on any midterm or final exam or in a student's grade in a course after the grade is turned in except in the case of error or in accordance with §8.5.6 (grade appeal

procedure). In the event that a faculty member or administrator seeks to change a grade due to error, a short memorandum must accompany the grade change form. The memorandum and grade change form must be submitted to the Curriculum Committee for approval or disapproval. The Curriculum Committee will presumptively consider a request for a change of grade insufficient and unacceptable where it is based on class participation.

*(Updated 3/24/2016)*

#### DEFINITION OF ERROR

As used in this section, the term “error” means an inadvertent mistake of an administrative, clerical, or procedural nature, such as the mathematical miscalculation of a point total, or the incorrect transcription of a grade. No grade change shall be based on substantive reconsideration or reassessment of the quality of a student’s work, nor shall any grade change be based on an error on the student’s part.

*(Updated 4/18/13)*

#### **8.5.3 DUE IN DEAN'S OFFICE**

All grades are due one week prior to the first day of the following semester.

*(Updated 1/24/13)*

#### **8.5.4 RELEASING GRADES**

Grades will only be released by the Dean's office, or pursuant to instructions from the Dean’s Office.

#### **8.5.5 POSTING GRADES**

Grades may not be posted by name or number. The names of students on the Dean's List may be posted.

#### **8.5.6 GRADE APPEAL PROCEDURE**

If a student believes a faculty member has engaged in grading misconduct, as defined in §8.5.6(g), in the evaluation of a student's performance in a course, the student may appeal the grade in question in accordance with the following procedure:

##### (a) NOTICE TO FACULTY MEMBER

By providing the faculty member whose action is in question with written notice of the student's intention to initiate the grade appeal procedure established by this section. The written notice shall be provided to the faculty member within one week of the date that the student learns or acquires reason to believe that grading misconduct has occurred.

##### (b) MEETING WITH FACULTY MEMBER

By meeting with the faculty member whose action is in question in an attempt to resolve the issue as soon as practicable, but in no case more than 2 weeks after providing the faculty member with the notice provided for under section

##### (c) FORMAL APPEAL

If the matter is not resolved to the student's satisfaction through the meeting provided for under §8.5.6(b), the student may file a formal appeal with the Dean. The appeal to the Dean shall be filed within 10 days of any meeting with the faculty member pursuant to §8.5.6(b). The appeal shall be in writing, shall state any allegation of grading misconduct and specify with particularity the facts relied upon to support the allegation. A copy of the appeal shall be provided to the faculty member who is the subject of the appeal.

The Dean may refer any student appeal under this section to the Associate Dean for investigation to determine whether there exists probable cause to believe that grading misconduct has occurred within 3 weeks of the appeal to the Dean's office pursuant to this section.

(d) PROBABLE CAUSE

If the Dean determines that there exists probable cause to believe that grading misconduct has occurred, the Dean shall refer the appeal to an ad hoc committee designated by the Dean. The ad hoc committee may consist of any 3 faculty members who are not the subject of the appeal. The ad hoc committee shall investigate, hear and review promptly the factual basis for the student's appeal and determine whether, in the committee's view, grading misconduct has in fact occurred.

A determination by the Dean that there exists no probable cause to believe that grading misconduct has occurred shall not be subject to further law school review.

(e) INVESTIGATION AND HEARING BY AD HOC COMMITTEE

The investigation, hearing and review undertaken by the ad hoc committee pursuant to §8.5.6(d) shall be conducted in accordance with whatever informal procedures the ad hoc committee may wish to adopt. The burden of proof shall be on the appellant student to establish by clear and convincing evidence that the alleged grading misconduct in fact occurred. The faculty member whose conduct has been called into question shall be present when the appellant student presents evidence in support of the student's appeal.

The ad hoc committee shall report its findings and recommendations in writing to the Dean within 3 weeks of the ad hoc committee's appointment. Copies of the committee's report shall be provided to the student and faculty member who are parties to the appeal.

(f) ACTION BY THE DEAN

Following submission to the Dean of the ad hoc committee's report, the Dean shall sustain or deny the appeal.

If the Dean sustains the student's appeal, the student shall receive credit only for the class, and the grade resulting from the misconduct shall be deleted from the student's permanent record. A letter from the Dean explaining that the grade was found to have resulted from grading misconduct shall be placed in the student's permanent file and shall be accessible to potential employers. A copy of the Dean's letter of explanation shall be provided to the student.

(g) DEFINITION OF GRADING MISCONDUCT

For the purposes of this section, the term "grading misconduct" means:

1. Intentionally violating anonymous grading in a course for which grading is anonymous; or

2. Assigning a grade to a particular student on some basis other than the student's performance in the course, including but not limited to assigning a grade to a particular student on the basis of intentional race, gender, or other discrimination.

## **8.6 CLASS RANKS**

### **8.6.1 CALCULATION OF RANKS**

Ranks are determined using cumulative GPA's calculated to three decimal places and rounded to two decimal points.

Ranks are computed solely for JD candidates and only for the Fall and Spring semesters. Ranks will be computed as soon as possible after grades are received and will not be recomputed for make-up grades. If there is a grade change after ranks are calculated that changes a student's rank, the official rank for other students will not be changed, but the student who received a grade change will receive a letter with a corrected rank using the corrected grade.

*(Updated 4/17/2014)*

### **8.6.2 CLASS DESIGNATION FOR CLASS RANKS**

#### **(a) FALL RANKS**

Class status for Fall Ranks is determined as follows -

1. 1Ls are any students who have completed 0-38 credit hours.
2. 2Ls have completed between 39 - 73 credit hours  
Exception - students who have 73 credit hours and are registered for 17 credits for spring will be ranked with 3Ls
3. 3Ls have completed 74 or more credit hours except for those noted in 8.6.2(a)(2) and will have 90 credits at the end of the spring semester

#### **(b) SPRING RANKS**

Class status for Spring Ranks is determined as follows -

1. 1Ls are any students who have completed 0-38 credit hours.
2. 2Ls have completed 39 hours or more and will not graduate in May or the summer immediately following the spring term for which they are being ranked.
3. 3Ls have completed 90 credit hours or more
  - a. December graduates from the preceding year will be included in Spring Ranks.
  - b. Joint degree students who have not completed their non-law joint degree, in lieu of their 9 joint degree credits, may count 6 interdisciplinary credits towards their status for ranking purposes. If a joint degree student is enrolled to complete his or her non-law degree during the summer following completion of 81 law credits, the student will be ranked with May graduates in the year in which the student completes the 81 law credits.
  - c. Students who are registered to complete their degree in the summer are ranked with May graduates of the same year in the same manner as COP students under §4.7.1(c).

Students with incompletes are classified for ranks based on the number of credits they have actually completed. However, for rankings in the Spring Semester, if the incomplete is completed prior to the start of the Fall Semester, the course will be treated as completed in the previous Spring Semester.

*(Updated 10/16/2014)*

### **8.6.3 PART-TIME STUDENTS**

In any semester in which a student is enrolled for less than 10 credits the student will be ranked in the same manner as COP students under §4.7.1(c). All students will be ranked at graduation regardless of full or part-time status.

*(Updated 10/16/2014)*

### **8.6.4 FREQUENCY AND CORRECTING OF RANK CALCULATIONS**

Ranks are computed only for the Fall and Spring semesters. Ranks will be computed as soon as possible after grades are received and will not be recomputed for incomplete and in-progress, or other grade changes. If there is a grade change after ranks are calculated that changes a student's rank, the official rank for other students will not be changed, but the student who received grade change will receive a letter with a corrected rank using the corrected grade upon request.

*(Updated 3/13/2014)*

### **8.6.5 COP RANKS**

Career Opportunity students will not receive an official rank until graduation. COP students will be informed of their comparative ranks (where each would be ranked were he or she a full-time student), and may represent to prospective employers where they would be ranked if they were full-time students. If a student initially admitted as a COP student converts to full-time status (ten or more hours per semester) the student will be ranked as a full-time student.

COP students who remain part-time throughout their law studies are still eligible for inclusion in the Order of the Coif. Part-time students will be included in the designation of the top 10% at the time of graduation.

*(Updated 4/10/11)*

## **8.7 HONORS**

### **8.7.1 GRADUATION WITH HONORS**

The law degree may be conferred "with honors" upon a student whose final cumulative grade point average is 3.0 to 3.39, "with high honors" upon a student whose final cumulative grade point average is 3.4 to 3.69, or "with highest honors" upon a student whose final grade point average is 3.7 to 4.0. A degree may be conferred with honors upon a student only if that student's final cumulative grade point average places him or her in the top 40% of his or her class.

### **8.7.2 DEAN'S LIST**

Each semester a Dean's list is announced of those students who are taking at least nine graded credit hours and who attain a semester grade point average of at least 3.0.

#### **(a) EXCEPTION FOR SUPREME COURT INTERNS**

An exception will be made to the nine graded credit requirement for students participating in the Supreme Court Internship.

*(Updated 2/26/15)*

### **8.7.3 ROUNDING**

For purposes of academic suspension, Dean's list, honors, and class ranks, cumulative GPA will be determined by rounding from 3 decimal places to 2 decimal places.

*(Updated 4/14/11)*

## **9 ACADEMIC REGULATIONS**

### **9.1 STANDARDS**

#### **9.1.1 SATISFACTORY PROGRESS; ACADEMIC PROBATION**

To be in good academic standing, law students are required to have a 2.00 cumulative grade point average (CGPA) at the completion of:

1. two resident semesters or 32 credit hours (whichever is less);
2. four resident semesters or 60 credit hours (whichever is less);
3. six resident semesters or 90 credit hours (whichever is less); and
4. at graduation.

*(Updated 7/21/2014)*

#### **(a) ACADEMIC DISMISSAL**

Students who fail to meet the minimum CGPA's listed below at the following intervals will be academically dismissed:

1. At the completion of one resident semester or 15 credit hours (whichever is less), a student must have a CGPA of 1.7 or above;
2. At the completion of two resident semesters or 32 credit hours (whichever is less), a student must have a CGPA of 1.8 or above;
3. At the completion of three resident semesters or 45 credit hours (whichever is less), a student must have a CGPA of 2.0 or above;
4. At the completion of four resident semesters or 60 credit hours (whichever is less), a student must have a CGPA of 2.0 or above;
5. At the completion of six resident semesters or 90 credit hours (whichever is less), a student must have a CGPA of 2.0 or above; and

6. at graduation, a student must have a CGPA of 2.0 or above.

Students on probation at the end of the fall semester will not be permitted to enroll in courses that begin in May. Students who begin a semester before the previous semester CPGA is calculated will be withdrawn from courses if their CGPA renders them ineligible to continue.

*(Updated 9/24/2015)*

(b) ACADEMIC PROBATION

At the conclusion of any semester, a student whose cumulative grade point average (CGPA) is below 2.00 will be placed on academic probation. Students on probation at the end of the fall semester will not be permitted to enroll in courses that begin in May. The Associate Dean or Assistant Dean for Academic Services will be the advisor for probationary students and must approve their schedules. Students on probation will be required to carry a full course load, as defined in §9.2.1, and will be ineligible to participate in extra-curricular and co-curricular activities. Students on probation will also be required to participate in Integrated Study Group (ISG) their first year and Principles of Legal Analysis (PLA) during their second year on a regular basis, unless attendance is waived by the Associate Dean or Assistant Dean for Academic Services. Extra or co-curricular activities include any activities affiliated with the law school (e.g. - student organizations, Moot court, Inns of Court, etc.) that involve substantial time commitments such as being an officer of a student organization or a member of a moot court or mock trial team. It does not include attending meetings or being a member of any student organization.

*(Updated 1/15/2013)*

(c) SPECIAL ACADEMIC STATUS

A student whose CGPA is between 2.0 and 2.3 will not be permitted to participate in extra or co-curricular activities, must have their schedules approved by the Associate Dean or Assistant Dean for Academic Services and must attend PLA in the spring semester of the 1L year. These students will be considered “in good standing” and no notation of special status will be made on their transcript.

*(Updated 1/15/2015)*

**9.1.2 PETITIONS FOR READMISSION; EFFECT OF UNKNOWN ILLNESS, LEGALLY RECOGNIZED DISABILITY, AND PERSONAL DISASTER**

A student who has been dismissed because he or she did not achieve the required grade point average may petition the faculty for readmission, but there is a presumption against readmission. The faculty will not consider petitions asserting financial difficulties as a basis for failing to achieve the requisite academic performance.

(a) TIMING

Petitions for readmission must be filed with the Associate Dean or Dean prior to the beginning of the second academic term following dismissal. A student who has been dismissed after the report of fall semester grades must petition before the beginning of the summer term. A student who has been dismissed after the report of spring semester grades must petition before the beginning of the fall semester. A student who has been dismissed after the report of summer term grades must petition before the beginning of the spring semester.

(b) DOCUMENTATION

A petition for readmission must contain a complete statement of facts and circumstances supporting the request. The petitioner must establish the following by clear and convincing evidence:

1. That at the time of final examinations or at the time graded coursework or quizzes accounting for at least one-third of the final grade was submitted and for which a below passing grade was received, petitioner had an illness which was unknown to the petitioner; or

That at the time of final examinations or at the time graded coursework or quizzes accounting for at least one-third of the final grade was submitted and for which a below passing grade was received, petitioner had a physical or mental impairment that qualified as a disability under Section 504 of the Rehabilitation Act of; or

That at the time of final examinations, petitioner experienced a personal disaster that was not caused by nor could it have been prevented in any way by the petitioner;

2. That the illness, disability, or personal disaster is likely to have had a substantial adverse impact on the student's academic performance; and
3. That there is a substantial likelihood that petitioner's academic performance will improve or has improved sufficiently to meet the Law School's academic standards now that petitioner is in treatment, or, in the case of a disability, now that the disability has been reasonably accommodated, or, in the case of a personal disaster, now that the disaster has been resolved.

A learning disability does not constitute an illness under (b)1 above. A student who has been placed on academic probation will be strongly encouraged to be immediately tested for a learning disability.

When a petitioner, while still eligible to continue his or her law studies, has been identified as having a learning disability, and, with accommodation, has improved his or her academic performance that semester to a level that met the Law School's academic retention standards, the faculty will take petitioner's improved academic performance into account when it determines factors (b)2 and (b)3 above. In some instances, such as when a student has begun a new medication regimen, the Law School may recommend postponement of final exams or withdrawal from the semester's courses as an accommodation. If the student declines the proposed accommodation and elects to take final exams as scheduled, the Law School will make all the recommended examination accommodations available, such as extended time; however, except in rare and compelling circumstances, a student who makes this election and earns grades that semester below the academic retention standards is foreclosed from petitioning for readmission.

Petitions must strictly comply with the above criteria. In making its judgment, the faculty will consider the petitioner's entire law school file and academic record at the Law School. In those instances in which the faculty decides to readmit a student, the faculty may exercise equitable discretion and impose individualized conditions of readmission, including requirements that modify or are in addition to or different from the generally prescribed academic standards. Decisions on petitions for readmission are final and are not appealable. Any readmitted student who fails to comply with the Law School's



Academic Regulations or the conditions of readmission imposed by the faculty, within the time frame(s) specified by the faculty, shall be dismissed.

*(Updated 10/16/2014)*

### **9.1.3 RETAKING COURSES**

Students who receive a “D+” or below in a required course must retake the course and receive a grade higher than a “D+” in order to graduate. Students retaking a required course may only retake the course one time. When a student is required to retake a course under this rule, the student must enroll in the course in the next spring or fall semester in which that course is offered. In compelling circumstances, the Associate Dean may allow a student to retake the course in a later semester. This rule does not prevent a student from retaking the required course if it is offered in the summer. The grade received in the initial taking of the class, as well as the grade earned in retaking the class, will be calculated into the student's grade point average. *(amendment effective beginning with Fall 2016 grades)*

*(Updated 10/20/2016)*

### **9.1.4 BAR PREP REQUIREMENT**

Students with a cumulative grade point average of 2.5 or lower at the end of the spring semester of their first year or after 31 credits, AND any third-year student with a cumulative grade point average of 2.5 or lower upon entering their last semester of law school will be required to take the Bar Prep course.

Students required to take Bar Prep must receive a grade of C or better in that course to graduate. *(Effective beginning with students graduating in Dec. 2016 and after.)*

## **9.2 COURSE LOAD**

### **9.2.1 REGULAR COURSE LOAD**

Regular full-time students may take not less than 14 hours except in their final two semesters of studies. Students who need 26 or fewer hours to graduate in their final two semesters may take 10 to 13 hours in either or both of their final two semesters, but no fewer than 10 hours per semester (the minimum required to earn a full residence credit).

*(Updated 09/24/2009)*

### **9.2.2 SUMMER COURSE LOAD**

During the regular summer session, students may take no more than 7 credits and during the summer interim session, students may take only one course at a time.

*(Updated 09/3/2014)*

### **9.2.3 DEAN'S APPROVAL**

The Associate Dean and Assistant Dean are given the discretion to approve a student program of less than 14 hours, and of more than 16 hours but not more than 18 hours, or a course load in excess of the maximum for summer or interim sessions.

*(Updated 10/16/2014)*

### **9.3 SEQUENCE OF REQUIRED COURSES**

Students must take required courses in sequence (as defined by the current faculty regulations) except in hardship cases. Hardship is defined as serious personal illness or accident or the serious illness, accident, or death of a member of the student's immediate family.

### **9.4 SEMINARS**

#### **9.4.1 GENERAL**

A seminar must be a course with limited enrollment which elaborates on some area covered generally by a basic course or which is interdisciplinary in nature. Papers involving substantial individual research will be required. A seminar must not be taught as a survey course.

#### **9.4.2 LIMIT ON NUMBER OF SEMINARS**

The faculty has limited the number of seminars in which a student may enroll.

- (a) No student will be permitted to enroll in a seminar course until completion of 32 semester credit hours of law study.
- (b) A student who has a cumulative G.P.A. of under 2.0 is not eligible to take any seminar.
- (c) A student who has a cumulative G.P.A. of 2.0-2.5 at the beginning of any semester (or summer session) will be permitted to enroll in only 1 seminar course per semester.
- (d) A student who has completed 45 credit hours and has a cumulative G.P.A. of 2.5 or higher will be permitted to enroll in more than one seminar course pursuant to his or her advisor's approval.

Business Planning and Estate Planning are not considered seminars for purposes of this rule.

### **9.5 DISMISSAL OF CLASSES**

#### **9.5.1 INDIVIDUAL FACULTY MEMBERS**

Individual faculty members may dismiss, at their discretion, any meeting of a course which they are teaching, provided they are able, through make-up classes or other devices, to certify that their students have had instruction which substantially meets the requirements of the ABA and AALS, and which is described in the Drake Law School catalog.

#### **9.5.2 ENTIRE FACULTY**

It is the prerogative of the Drake Law faculty to determine whether classes should be dismissed for programs outside the Law School, and dismissal should be approved only on the basis of the utility of the program in relation to the educational program of the Law School.

The Iowa State Bar Association Tax School has been approved as such a program for third year students only.

## **9.6 WITHDRAWAL & LEAVE OF ABSENCE**

1. If a student withdraws completely from classes, his or her scholarship is forfeited, except with permission of the Associate Dean after consultation with the Director of Admission. A student who withdraws completely may apply for a new scholarship at any time the student resumes his or her studies.
2. If a student withdraws, he or she must apply for readmission to return, unless the student has been granted a leave of absence by the Associate Dean.
3. The Associate Dean will record the terms of all leaves of absence in the student's file and provide a copy to the student.

*(Updated 2/24/11)*

## **10 MISCONDUCT**

### **10.1 STUDENT MISCONDUCT**

Ordinarily, allegations of misconduct on the part of a student will be handled by the faculty member concerned or in accordance with provisions of the Law School Code of Student Conduct. A charge of criminal misconduct is governed by §10.3. Criminal misconduct is defined in Section B(18) of the Code of Student Conduct:

“Engaging or having engaged in any conduct that, under the laws of the United States or the state where such conduct occurred, constitutes a crime punishable by incarceration, whether or not the student is charged in a criminal court and whether or not the punishment of incarceration is actually imposed. If such conduct occurs in a foreign nation, it is misconduct under this code if it constitutes a crime punishable by incarceration both (1) in that foreign nation and (2) under the laws of the United States or any state.”

### **10.2 MISCONDUCT IN ADMISSION PROCESS**

Any allegation of misconduct in the admission process, discovered after a student has been admitted and begins attending classes, may be handled as the faculty shall determine.

### **10.3 SPECIAL PROCEDURES FOR CHARGED CRIMINAL MISCONDUCT**

When a student is charged with criminal misconduct, as defined in Section B(18) of the Code of Student Conduct, the following special procedures shall be followed. Section E(3) and (4) of this Code will also apply unless this section provides otherwise.

#### ***10.3.1 NOTICE OF CHARGE OF CRIMINAL MISCONDUCT***

If criminal charges are filed in any state, federal or foreign court against a student for criminal misconduct as defined above, such charges must be reported to the Associate Dean immediately or as soon as possible after the student's enrollment occurs. Failure to comply with this reporting provision constitutes misconduct under the Code.

#### ***10.3.2 SUSPENSION OF STUDENT CHARGED WITH CRIMINAL MISCONDUCT***

- (a) If a currently enrolled student is so charged, the student shall be suspended from the Law School, unless for good cause shown, pending resolution of the criminal charge in court. In any event, suspension shall occur upon conviction. Suspension shall commence at the end of the semester during which the student is charged or convicted, although the Dean may require that the suspension take place immediately if it is the student's last semester in Law School or for other extraordinary circumstances.
- (b) The student may request a hearing on the suspension within 15 days of notification of suspension or intent to suspend. Such hearing shall be held before a faculty hearing panel of three faculty members, whose decision on suspension shall be final.

#### ***10.3.3 DETERMINATION OF COMPLAINTS OF CRIMINAL MISCONDUCT, WHEN CHARGED AND WHEN UNCHARGED IN CRIMINAL COURT***

- (a) If a student is convicted in court of such criminal charges (including a plea of guilty or no contest), such conviction shall constitute irrefutable evidence of such misconduct. If the student applies for re-admittance to the Law School following such a conviction, the application shall be reviewed by the Admission Committee. The Admission Committee may grant re-admittance, deny re-admittance, or grant re-admittance subject to conditions or with imposition of other sanctions. Other than by the ordinary process for faculty review of Admission Committee decisions, the determination of the Admission Committee shall be final. The student shall have no right of appeal from the Admission Committee decision.
- (b) If the criminal misconduct charge is resolved other than by conviction, the student may apply to the Admission Committee for readmission or to continue in school if the student has not been suspended under §10.3.2. The Admission Committee may grant the application or may refer the matter to a faculty hearing panel of five faculty members to determine by clear and convincing evidence whether the student engaged in criminal misconduct or any other misconduct under the Code of Student Conduct. In addition to witnesses, if available in person or by affidavit, the faculty hearing panel may rely upon the transcript of the court proceedings, when available. The faculty hearing panel shall not be bound by the evidentiary rulings of the criminal court and may, as it determines to

be fair and appropriate, consider evidence that was not admitted at the trial. The faculty hearing panel may grant re-admittance, deny re-admittance, or grant re-admittance subject to conditions or with imposition of other sanctions. The faculty hearing panel's decision shall be final unless the student appeals to the faculty in writing within 30 days of the date of the hearing panel's decision. In the event of a timely appeal, the faculty will take action on the matter based upon the record before the faculty hearing panel.

- (c) Uncharged criminal misconduct shall be handled by the procedures set out in Section E of the Code of Student Conduct.

## **10.4 STUDENT/FACULTY RELATIONSHIPS**

A full-time faculty member shall not engage in a romantic or sexual relationship with a student unless the student is the spouse of the faculty member or the romantic or sexual relationship predates the student's enrollment in the Law School. Even in these provisionally exempt relationships, and in all of a faculty member's social relationships with students, the faculty member should strictly scrutinize his or her conduct for any conflicts of interest to determine if any harm may result to the student, the Law School, the law school community or the University. Adjunct faculty, instructors, internship supervisors, moot court coaches and advisors, and other similarly situated persons affiliated with the Law School are also subject to this rule, but only while in a supervisory position over that student.

## **11 ADMINISTRATIVE RULES**

### **11.1 Open Meetings**

Consistent with the mission of the University to be the venue for discussions of public policy and a range of other matters, events held by student organizations in any of the three-building complex that is the Law School are presumptively open to the student body and faculty unless the event is clearly designated as an organization's members only meeting. Law school student organizations do have a right to limit meetings to their membership, but the organization must in each instance make clear its intention that it is conducting a meeting open only to its membership. It should be a rare occasion when the organization's intention to hold a closed meeting cannot be conveyed in written form in advance of the meeting and also posted on the door to the meeting room.

## **12 MASTER OF LAWS (LL.M./M.J.)**

### **12.1 MASTER OF LAWS (LL.M./M.J.) IN INDIVIDUALIZED LEGAL STUDIES (ILS)**

#### ***12.1.1 ACADEMIC REQUIREMENTS***

##### **(a) CREDIT HOURS**

A candidate for the LL.M./M.J. degree in Individualized Legal Studies (ILS) must successfully complete 24 semester hours of law credit drawn from the regular Drake Law School curriculum.

*(1) JD and MJ Credits*

A student who begins study in the Drake J.D. program, but does not complete the J.D. degree requirements, may apply for admission into an M.J. program. Students who are admitted to an M.J. program may request to have credits earned from J.D. courses applied towards the M.J. degree. The Associate Dean has discretion to determine which J.D. courses may count towards the M.J. degree. Grades from all Drake J.D. courses applied towards the M.J. degree will be included in computation of the M.J. cumulative GPA.

*(Updated 3/24/2016)*

(A) A student academically dismissed from the Drake Law School J.D. program who wishes to enroll in the M.J. program must submit an M.J. application for admission to be evaluated by the Admissions Committee. The applicant must demonstrate that the reason(s) for the prior dismissal will not adversely affect his or her ability to successfully complete the M.J. program. The applicant must submit a written explanation providing support for that claim. In the event an applicant is admitted to the M.J. program, the Associate Dean will determine which credits earned in the J.D. program (in courses where a C or better was earned) may apply towards the M.J. degree. No credit may be given towards the M.J. degree for any J.D. program course credit that is more than seven (7) years old.

*(Updated 8/24/2016)*

(b) GRADING CONSIDERATIONS

See Sec. 8.2.1 (a) and (b) for information regarding grading standards for M.J. and LL.M students.

*(Updated 4/17/2015)*

(c) CONCENTRATION OR MAJOR

A candidate who wishes to do so may pursue a concentration, or major, within the LL.M./M.J. program by devoting 12 of these 24 credits to one of the areas of study set forth below. The Associate Dean will provide a list of qualifying courses for each concentration which will be reviewed annually and posted to the website.

*(1) Specialized Study (12 credits)*

A student may design his or her own concentration by devoting 12 of these 24 credits to a specialized area of study of the student's choice, with the approval of the Program Director. Each student can choose his or her own individual specialization as an alternative to the prescribed concentrations (e.g., Human Rights and Global Citizenship, or Sustainable Development) listed below.

*(2) Business Law (12 credits)*

*(3) Criminal Law (12 credits)*

*(4) Family Counseling and the Law (12 credits)*

(5) *Human Rights and Global Citizenship (12 credits)*

(6) *Legislative Practice and Government Regulations (LLM. Only) (13 credits)*

(7) *Sustainable Development (12 credits)*

(d) PREVIOUSLY COMPLETED COURSEWORK

No candidate with a J.D. from an ABA-approved law school will be given credit toward an LL.M./M.J. degree for repeating work or a course already completed by the candidate toward fulfillment of the candidate's J.D.

(e) RELATED COURSEWORK

Subject to approval by the Program Director, students may elect to take no more than 6 new semester hours of related coursework outside the LL.M./M.J. curriculum, including related upper level or graduate coursework at other academic units at Drake University.

*(Updated 9/24/2015))*

### **12.1.2 WRITTEN PROJECT REQUIREMENT**

(a) PROJECT LENGTH REQUIREMENT

Subject to waiver by the Program Director, a candidate for the LL.M./M.J. in Individualized Legal Studies shall write a paper of two to four (2-4) credit hours under the supervision of a full-time member of the Drake law faculty. With the permission of the supervising professor, the LL.M./M.J. written project requirement can be satisfied by a paper or written project completed for any course within the LL.M./M.J. curriculum. The minimum standards for the paper are as follows:

1. The paper must be a written project of sufficient quality and suitably documented for a project of its type to be deemed of professional quality by the supervising professor.
2. The project must be at least 35 pages long, double-spaced on 8 ½" x 11" paper, including any footnotes.
3. The project must involve submission of a draft to the supervising professor, with the requirement of a rewrite at the option of that professor.

(b) LL.M. Thesis

The subject of the research, the nature and quantity of the work required and the number of credits awarded are determined by the supervising professor and is not intended as a substitute for offered courses. Students may be required to present the thesis as determined by the LL.M./M.J. Program Director. (4 credits = 60 pages and 200 hours; 5 credits = 70 pages and 250 hours; 6 credits = 80 pages and 300 hours)

### **12.1.3 EXPERIENTIAL TRAINING REQUIREMENT**

(a) CLINIC OR INTERNSHIP REQUIREMENTS

Subject to waiver by the Program Director, a candidate for the LL.M./M.J. degree is required to satisfy an experiential training requirement by participating in one of the law school's clinics or internship programs.

(b) CREDIT VS. COMPENSATION

The internship experiences which may qualify for the Experiential Training Requirement are sometimes done for academic credit and sometimes done for compensation. Accreditation rules do not permit a candidate to earn academic credit for work for which the candidate is compensated (i.e., paid internships). However, with the Program Director's approval, a candidate can satisfy the experiential training requirement in a paid internship; however, the internship will not count toward the required 24 semester hours of Individualized Legal Studies course work.

**12.1.4 ADDITIONAL REQUIREMENTS FOR LL.M. CANDIDATES FROM NON-COMMON LAW JURISDICTIONS AND ALL M.J. CANDIDATES**

Unless the Program Director grants a waiver, LL.M. candidates who do not have a basic or an advanced law degree in a common law jurisdiction and all M.J. candidates must complete:

1. Introduction to the American Legal System which will familiarize the student with the structure of the American legal system and the requisite research techniques to support continued study; and
2. Legal Writing and/or Legal Research.

*(Updated 5/11/11)*

**12.1.5 GPA REQUIREMENTS**

(a) NATIVE ENGLISH SPEAKERS

To be in good academic standing, and therefore eligible to continue law studies, candidates for the LL.M./M.J. degree are required to have at least a 2.5 cumulative grade point average (CGPA) at the completion of each semester of classes.

(b) NON-NATIVE ENGLISH SPEAKERS

The minimum CGPA for students who are not natives of the United States and whose education was not in primarily English-speaking schools will be a 2.0. All other LL.M. students are required to have a minimum GPA of 2.5. (Approved to apply retroactively to the beginning of the LL.M. Program.)

*(Updated 9/27/12)*

**12.1.6 MINIMUM SEMESTER HOURS**

At least 12 semester hours must be earned in regularly scheduled class sessions at Drake Law School (i.e., excluding internship, clinic, independent research, and courses taken at another institution).

**12.1.7 TIMELINE TO COMPLETE DEGREE**



Subject to waiver by the Associate Dean for Academic Affairs, full-time students must complete the requirements for the LL.M./M.J. degree within two academic years and part-time students must complete the requirements within 84 months of entering law school.

### ***12.1.8 ADMISSION REQUIREMENTS***

1. Applicants for the LL.M. must hold a J.D. from an ABA accredited school, an LL.B., or an equivalent degree from a foreign law school.
2. Applicants for the M.J. must hold a bachelor's degree or an equivalent degree from a foreign school.
3. The LL.M./M.J. program is open both to domestic and foreign students. Participants may enroll on either a full-time or part-time basis.
4. Unless approved by the Program Director, LL.M./M.J. candidates who do not have a basic or advanced law degree in a common law jurisdiction will not be able to begin their studies in the *spring semester*.

### ***12.1.9 ENGLISH LANGUAGE COMPETENCY***

Foreign candidates for the LL.M./M.J. degree whose native language is not English must also submit documentation showing their TOEFL scores. As a general rule, applicants are required to have a TOEFL score of 250 or above for the computer-based test, 100 or above for the Internet-based test, or 600 or above for the written test. Only results from tests taken within two years from the date of application to the LL.M./M.J. program will be considered. The law school may request the applicant to participate in a telephone interview.

### ***12.1.10 TRANSFER OF FOREIGN LAW GRADUATES FROM THE LL.M./M.J. PROGRAM TO THE J.D. PROGRAM***

LL.M./M.J. candidates with a foreign law degree who subsequently matriculate into the J.D. program may apply credits earned as an LL.M./M.J. student toward the J.D. degree with the written consent of the Associate Dean for Academic Affairs. If the student subsequently re-enters the LL.M./M.J. program after being awarded the J.D., credits earned in the J.D. program above the minimum required for award of the J.D. degree may be applied toward the LL.M./M.J. degree.

### ***12.1.11 TRANSFER OF STUDENTS FROM OTHER GRADUATE LAW PROGRAMS***

Candidates wishing to transfer from a graduate law program from another accredited law school should follow the procedure listed for new applicants. Subject to approval by the Program Director, up to nine (9) semester hours of courses in which the student earned a grade of 2.5 (on a 4.0 scale) or above usually can be transferred to Drake University Law School. Grades from transferred courses, however, will not be calculated into the student's cumulative grade point average at the Law School.

### ***12.1.12 JOINT J.D./LL.M. PROGRAM***

With the approval of the Program Director, candidates who have taken relevant courses at Drake Law School as part of their J.D. program (including students earning a J.D. from another ABA-accredited law school who visited Drake Law School for two semesters or participated in the summer programs sponsored by Drake Law School) may be permitted to apply up to 9 J.D. credits toward the 24 required

LL.M. degree credits. GPA calculations for LLM should not include grades for the 9 J.D. credits used towards 24 credit LLM requirement. Students using 9 credits of J.D. study must select which courses are to be applied to the J.D. and LL.M. when enrolling. Credits earned more than 7 years prior to enrollment in the LL.M. program may not be credited towards the LL.M.

*(Updated 9/24/2015)*

J.D. coursework can be used to satisfy the basic, LL.M. paper, and experiential training requirements. Students who have claimed 9 credits toward the LL.M. degree under the J.D./LL.M. option and need to complete the experiential training requirement will be able to count their internship or clinic participation toward the 12 required in-house credits of regularly scheduled class sessions.

## **12.2 MASTER OF LAWS (LL.M./M.J.) IN INTELLECTUAL PROPERTY (IP)**

### **12.2.1 ACADEMIC REQUIREMENTS**

#### **(a) CREDIT HOURS**

A candidate for the LL.M./M.J. degree in Intellectual Property must successfully complete 24 semester hours of law credit drawn from the regular Drake Law School curriculum.

##### *(1) JD and MJ Credits*

A student who begins study in the Drake J.D. program, but does not complete the J.D. degree requirements, may apply for admission into an M.J. program. Students who are admitted to an M.J. program may request to have credits earned from J.D. courses applied towards the M.J. degree. The Associate Dean has discretion to determine which J.D. courses may count towards the M.J. degree. Grades from all Drake J.D. courses applied towards the M.J. degree will be included in computation of the M.J. cumulative GPA.

*(Updated 3/24/2016)*

#### **(b) GRADING CONSIDERATIONS**

Please see Sec. 8.2.1 (a) and (b) for information regarding grading standards for M.J. and LL.M students.

*(Updated 4/17/2015)*

#### **(c) REQUIREMENTS**

A candidate for the LL.M./M.J. degree in Intellectual Property must satisfy the following requirements. The Director will provide a list of courses that will qualify for each requirement, which will be reviewed annually and posted to the website.

*(1) Basic Course Requirement – 6 credit hours of basic IP coursework.*

*(2) Advanced Course Requirements - 6 credit hours of advanced IP coursework.*

*(3) Global Course Requirement - One of three specified Global IP law courses.*

#### **(d) PREVIOUSLY COMPLETED COURSEWORK**

No candidate with a J.D. from an ABA-approved law school will be given credit toward an LL.M./M.J. degree for repeating work or a course already completed by the candidate toward fulfillment of the candidate's J.D.

(e) RELATED COURSEWORK

Subject to approval by the Program Director, students may elect to take no more than 6 new semester hours of related coursework outside the LL.M./M.J. curriculum, including related upper level or graduate coursework at other academic units at Drake University.

*(Updated 9/24/2015)*

**12.2.2 WRITTEN PROJECT REQUIREMENT**

(a) PROJECT LENGTH REQUIREMENT

Subject to waiver by the Program Director, a candidate for the LL.M./M.J. in Intellectual Property shall write a paper of two to four (2-4) credit hours under the supervision of a full-time member of the Drake law faculty. With the permission of the supervising professor, the LL.M./M.J. written project requirement can be satisfied by a paper or written project completed for any course within the LL.M./M.J. curriculum. The minimum standards for the paper are as follows:

1. The paper must be a written project of sufficient quality and suitably documented for a project of its type to be deemed of professional quality by the supervising professor.
2. The project must be at least 35 pages long, double-spaced on 8 ½" x 11" paper, including any footnotes.
3. The project must involve submission of a draft to the supervising professor, with the requirement of a rewrite at the option of that professor.

(b) LL.M./M.J. THESIS

The subject of the research, the nature and quantity of the work required and the number of credits awarded are determined by the supervising professor and is not intended as a substitute for offered courses. Students may be required to present the thesis as determined by the LL.M./M.J. Program Director. (4 credits = 60 pages and 200 hours; 5 credits = 70 pages and 250 hours; 6 credits = 80 pages and 300 hours)

**12.2.3 EXPERIENTIAL TRAINING REQUIREMENT**

(a) CLINIC, INTERNSHIP OR OTHER EXPERIENTIAL TRAINING REQUIREMENTS

Subject to waiver by the Program Director, a candidate for the LL.M./M.J. degree is required to satisfy an experiential training requirement by participating in one of the law school's clinics, internship programs, or first-year trial practicum or by taking a professional skills course designated by the Program Director.

(b) CREDIT VS. COMPENSATION

The internship experiences which may qualify for the Experiential Training Requirement are sometimes done for academic credit and sometimes done for compensation. Accreditation rules do not permit a candidate to earn academic credit for work for which the candidate is compensated (i.e., paid internships). However, with the Program Director's approval, a candidate can satisfy the experiential training

requirement in a paid internship; however, the internship will not count toward the required 24 semester hours of course work.

*(Updated 5/7/13)*

#### **12.2.4 ADDITIONAL REQUIREMENTS FOR LL.M. CANDIDATES FROM NON-COMMON LAW JURISDICTIONS AND ALL M.J. CANDIDATES**

Unless the Program Director grants a waiver, LL.M. candidates who do not have a basic or an advanced law degree in a common law jurisdiction and all M.J. candidates must complete:

3. Introduction to the American Legal System which will familiarize the student with the structure of the American legal system and the requisite research techniques to support continued study; and
4. Legal Writing and/or Legal Research.

*(Updated 5/11/11)*

#### **12.2.5 GPA REQUIREMENTS**

##### **(a) NATIVE ENGLISH SPEAKERS**

To be in good academic standing, and therefore eligible to continue law studies, candidates for the LL.M./M.J. degree are required to have at least a 2.5 cumulative grade point average (CGPA) at the completion of each semester of classes.

##### **(b) NON-NATIVE ENGLISH SPEAKERS**

The minimum CGPA for students who are not natives of the United States and whose education was not in primarily English-speaking schools will be a 2.0. All other LL.M. students are required to have a minimum GPA of 2.5. (Approved to apply retroactively to the beginning of the LL.M. Program.)

*(Updated 9/27/12)*

#### **12.2.6 MINIMUM SEMESTER HOURS**

At least 12 semester hours must be earned in regularly scheduled class sessions at Drake Law School (i.e., excluding internship, clinic, independent research, and courses taken at another institution).

#### **12.2.7 TIMELINE TO COMPLETE DEGREE**

Subject to waiver by the Associate Dean for Academic Affairs, full-time students must complete the requirements for the LL.M./M.J. degree within two academic years and part-time students must complete the requirements within 84 months of entering law school.

#### **12.2.8 ADMISSION REQUIREMENTS**

1. Applicants for the LL.M. must hold a J.D. from an ABA accredited school, an LL.B., or an equivalent degree from a foreign law school.
2. Applicants for the M.J. must hold a bachelor's degree or an equivalent degree from a foreign school.

3. The LL.M./M.J. program is open both to domestic and foreign students. Participants may enroll on either a full-time or part-time basis.
4. Unless approved by the Program Director, LL.M./M.J. candidates who do not have a basic or advanced law degree in a common law jurisdiction will not be able to begin their studies in the spring semester.

### ***12.2.9 ENGLISH LANGUAGE COMPETENCY***

Foreign candidates for the LL.M./M.J. degree whose native language is not English must also submit documentation showing their TOEFL scores. As a general rule, applicants are required to have a TOEFL score of 250 or above for the computer-based test, 100 or above for the Internet-based test, or 600 or above for the written test. Only results from tests taken within two years from the date of application to the LL.M./M.J. program will be considered. The law school may request the applicant to participate in a telephone interview.

### ***12.2.10 TRANSFER OF FOREIGN LAW GRADUATES FROM THE LL.M./MJ PROGRAM TO THE J.D. PROGRAM***

LL.M./M.J. candidates with a foreign law degree who subsequently matriculate into the J.D. program may apply credits earned as an LL.M./M.J. student toward the J.D. degree with the written consent of the Associate Dean for Academic Affairs. If the student subsequently re-enters the LL.M./M.J. program after being awarded the J.D., credits earned in the J.D. program above the minimum required for award of the J.D. degree may be applied toward the LL.M./M.J. degree.

### ***12.2.11 TRANSFER OF STUDENTS FROM OTHER GRADUATE LAW PROGRAMS***

Candidates wishing to transfer from a graduate law program from another accredited law school should follow the procedure listed for new applicants. Subject to approval by the Program Director, up to nine (9) semester hours of courses in which the student earned a grade of 2.5 (on a 4.0 scale) or above usually can be transferred to Drake University Law School. Grades from transferred courses, however, will not be calculated into the student's cumulative grade point average at the Law School.

### ***12.2.12 JOINT J.D./LL.M. PROGRAM***

With the approval of the Program Director, candidates who have taken relevant courses at Drake Law School as part of their J.D. program (including students earning a J.D. from another ABA-accredited law school who visited Drake Law School for two semesters or participated in the summer programs sponsored by Drake Law School) may be permitted to apply up to 9 semester hours for credit toward the LL.M. degree. Credits earned more than 7 years prior to enrollment in the LL.M. program may not be credited towards the LL.M.

*(Updated 9/24/2015)*

J.D. coursework can be used to satisfy the basic, LL.M. paper, and experiential training requirements. Students who have claimed 9 credits toward the LL.M. degree under the J.D./LL.M. option and need to complete the experiential training requirement will be able to count their internship or clinic participation toward the 12 required in-house credits of regularly scheduled class sessions.

(Updated 12/10/13)

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