1. ACADEMIC REQUIREMENTS

Students at the WVU College of Law must earn ninety-one credit hours with a cumulative grade point average (GPA) of 2.20 in order to graduate. Students must maintain a cumulative GPA of 2.20 after the second semester to remain in good academic standing. The first-year curriculum is a fixed set of courses taken by all students. Students are largely free to shape their own courses of study during the last two years of law school, subject to a small number of upper-level requirements.

1.1 First-Year Curriculum

The first-year curriculum is a required set of courses designed by the faculty to give new law students an introduction to the fundamentals of legal practice. You will be assigned to a section of each required course. The first-year curriculum covers three areas:

*Private Law governs the legal relationships and the resolution of disputes among private persons and entities. The Private Law courses you will take are Torts (civil wrongs), Contracts, and Property.
*Public Law* concerns governmental regulation of private persons and entities. The Public Law courses you will take are Criminal Law, Legislation & Regulation, and Constitutional Law.

*Practice* courses teach procedural law and the skills of legal research, reasoning, and writing. The Practice courses you will take are Civil Procedure (both Jurisdiction and Rules) and two semesters of Legal Reasoning, Research, and Writing.

Students will typically take these courses as follows (except for the few students accepted into the part-time program who take this curriculum over two years):

**First Year Program**

<table>
<thead>
<tr>
<th>Course</th>
<th>Title</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW 700</td>
<td>Legal Analysis/Rsch/Writing 1</td>
<td>2</td>
</tr>
<tr>
<td>LAW 703</td>
<td>Contracts 1</td>
<td>4</td>
</tr>
<tr>
<td>LAW 705</td>
<td>Criminal Law</td>
<td>3</td>
</tr>
<tr>
<td>LAW 706</td>
<td>Civil Procedure: Jurisdiction</td>
<td>2</td>
</tr>
<tr>
<td>LAW 709</td>
<td>Torts 1</td>
<td>4</td>
</tr>
<tr>
<td>LAW 707</td>
<td>Property</td>
<td>4</td>
</tr>
<tr>
<td>LAW 711</td>
<td>Legal Analysis/Rsch/Writing 2</td>
<td>2</td>
</tr>
<tr>
<td>LAW 722</td>
<td>Civil Procedure: Rules</td>
<td>3</td>
</tr>
<tr>
<td>LAW 725</td>
<td>Constitutional Law 1</td>
<td>4</td>
</tr>
</tbody>
</table>

**Law and Legislation**

1.2 Legal Writing Requirement

First-year students must pass both LRRW I and LRRW II with an average grade of C (2.0) or better over the two semesters in order to satisfy the Legal Reasoning, Research, and Writing (LRRW) course requirement. The vast majority of students will satisfy the requirement by making grades of C or better in both semesters of LRRW. A student who makes a C- in one semester must make a C+ or better in the other semester to obtain a C average. A student who makes a D+ in one semester must make a B- or better in the other semester to obtain a C average. A student who makes a D in one semester must make a B or better in the other semester to obtain a C average. A student who fails one or both semesters of LRRW must repeat the course.

Students who fail to obtain an average of C or better in the first-year LRRW program have a second opportunity to satisfy the LRRW requirement by making a C or better in Legal Reasoning, Research, and Writing (LRRW) course requirement. The vast majority of students will satisfy the requirement by making grades of C or better in both semesters of LRRW. A student who makes a C- in one semester must make a C+ or better in the other semester to obtain a C average. A student who makes a D+ in one semester must make a B- or better in the other semester to obtain a C average. A student who makes a D in one semester must make a B or better in the other semester to obtain a C average. A student who fails one or both semesters of LRRW must repeat the course.

Students who fail to obtain an average of C or better in the first-year LRRW program have a second opportunity to satisfy the LRRW requirement by making a C or better in Legal Reasoning, Research, and Writing (LRRW) course requirement. The vast majority of students will satisfy the requirement by making grades of C or better in both semesters of LRRW. A student who makes a C- in one semester must make a C+ or better in the other semester to obtain a C average. A student who makes a D+ in one semester must make a B- or better in the other semester to obtain a C average. A student who makes a D in one semester must make a B or better in the other semester to obtain a C average. A student who fails one or both semesters of LRRW must repeat the course.

Students who fail to obtain an average of C or better in the first-year LRRW program have a second opportunity to satisfy the LRRW requirement by making a C or better in Legal Reasoning, Research, and Writing (LRRW) course requirement. The vast majority of students will satisfy the requirement by making grades of C or better in both semesters of LRRW. A student who makes a C- in one semester must make a C+ or better in the other semester to obtain a C average. A student who makes a D+ in one semester must make a B- or better in the other semester to obtain a C average. A student who makes a D in one semester must make a B or better in the other semester to obtain a C average. A student who fails one or both semesters of LRRW must repeat the course.

Students who fail to obtain an average of C or better in the first-year LRRW program have a second opportunity to satisfy the LRRW requirement by making a C or better in Legal Reasoning, Research, and Writing (LRRW) course requirement. The vast majority of students will satisfy the requirement by making grades of C or better in both semesters of LRRW. A student who makes a C- in one semester must make a C+ or better in the other semester to obtain a C average. A student who makes a D+ in one semester must make a B- or better in the other semester to obtain a C average. A student who makes a D in one semester must make a B or better in the other semester to obtain a C average. A student who fails one or both semesters of LRRW must repeat the course.

Students who fail to obtain an average of C or better in the first-year LRRW program have a second opportunity to satisfy the LRRW requirement by making a C or better in Legal Reasoning, Research, and Writing (LRRW) course requirement. The vast majority of students will satisfy the requirement by making grades of C or better in both semesters of LRRW. A student who makes a C- in one semester must make a C+ or better in the other semester to obtain a C average. A student who makes a D+ in one semester must make a B- or better in the other semester to obtain a C average. A student who makes a D in one semester must make a B or better in the other semester to obtain a C average. A student who fails one or both semesters of LRRW must repeat the course.

No student will be allowed to drop the required first-year LRRW course. Students needing to decelerate during the first year of law school must drop another required course. There is one possible exception to this policy. In the unlikely event that a student receives an F in LRRW I, the student would be allowed to drop LRRW II with the permission of the Associate Dean of Academic Affairs. Part-time students must take LRRW during their first year of law school.

Successful completion (an average grade of C or better) of Legal Reasoning, Research, and Writing is a prerequisite for taking Appellate Advocacy, any seminar, or any clinic. This prerequisite may not be waived. Students will receive a detailed policy handbook at the beginning of the LRRW course; all policies will be in effect for the duration of the course.

1.3 Required Courses After the First-Year Curriculum

1.3.1 Professional Responsibility (three credits). Students must take and pass a course in Professional Responsibility during the spring semester of the second year. The course covers the legal and ethical norms governing the practice of law. You will be assigned to a specific section of this course.

1.3.2 Appellate Advocacy (two credits). Students must obtain a grade of C or better to satisfy the Appellate Advocacy requirement.

1.3.3 Seminar Requirement (two-three credits, depending on length of class meetings and paper length) from an extensive menu of seminars. Seminars are specifically noted by the letters “Sem.” in the course title and are numbered as “Law 689 or 794.” Seminars have a common structure: small-class discussions geared toward the production of a substantial (i.e. 8,000 words (~ twenty-five pages) or longer) written product supported by extensive research. Typically, the research seminar aims at the production of a law-review style research paper of publishable quality. Seminars may aim at other written products, such as draft legislation or jury instructions, so long as these products are accompanied by papers urging their adoption by the appropriate lawmakers. Enrollment is limited to fifteen students in each seminar. Students must obtain a grade of C or better to satisfy the seminar requirement. Independent studies and externships do not satisfy the seminar requirement.

1.3.4 Perspective Requirement. The perspective requirement reflects the College of Law’s conviction that legal education should expand students’ horizons by connecting their studies to the traditions of the liberal arts (i.e. the humanities, social sciences, and natural sciences). Perspective courses examine law and lawyers primarily from points of view that are significantly different from the doctrinal and policy analysis taught in standard upper-
level courses on various areas of practice. Rather than taking the judicial opinions, statutes, and regulations of American law as their primary texts, they immerse students in ways of thinking about the law and about lawyering that differ from the approaches most commonly used by working lawyers and judges. Perspective courses look across doctrinal boundaries, engaging the student in a conversation about the relationships between law and other disciplines; they explore the nature of the American legal system by contrasting it with other legal systems; they discuss the ways in which law and lawyers both shape and are shaped by the liberal arts and the wider culture. Some examples of perspective courses include: American Legal History, Jurisprudence, Law and Psychology, Gender & Law, Lawyers & Literature, Comparative Constitutional Law, and Empirical Legal Methods.

Students must take one perspective course in order to graduate. Some seminars satisfy the perspective requirement, but students cannot count one perspective seminar as simultaneously satisfying both the perspective and seminar requirements. (In other words, there is no "double-dipping" on the perspective and seminar requirements.) This means that a student can satisfy the perspective and seminar requirements by:

(a) taking one perspective class and one research seminar (which may or may not be a perspective), or

(b) taking two research seminars, at least one of which is also a perspective.

In addition, students who complete either the joint M.B.A. or joint MPA program at the time of earning the J.D. are deemed to have satisfied the perspective requirement.

Perspective courses are designated with an asterisk on the class schedule grids circulated for each semester and are collected in an official list of perspective courses. Both the latest version of the class schedule and the official perspective list can be found on the College of Law website (http://law.wvu.edu/academics/course_schedules_and_student_resources).

1.3.5 Capstone Requirement. Students must take one course from the following list of "capstone" courses. These include:

1. Trial Advocacy (four credits);
2. A Clinic. Current clinical opportunities include: The Clinical Law Program (fourteen credits over two semesters with practice groups in General Civil Practice, Immigration Law, Child and Family Advocacy, Tax, and an Innocence Project), Entrepreneurship Clinic (nine credits over two semesters), U.S. Supreme Court Clinic (eight credits over two semesters), and Land Use/Sustainability Clinic (four credits per semester);
3. Federal Judicial Externship program (thirteen credits over one semester; six graded, seven pass/fail);
4. Public Service Externship with Federal Government Agency (thirteen credits over one semester; six graded, seven pass/fail). Only full-semester externships with federal agencies qualify as capstone courses;
5. Business Transactions Drafting Practicum (four credits);
6. When available: writing a faculty-supervised brief and making an oral argument before the U.S. Court of Appeals or the Supreme Court of Appeals of West Virginia as an independent study project (two credits); and
7. By petition only: an interdisciplinary project supervised by a law faculty member and a university faculty member who is not a law faculty member.

The course in Evidence is a prerequisite to taking Trial Advocacy, the Clinical Law Program, or a Federal Judicial Externship. (There is no requirement that the student attain a particular grade in Evidence prior to taking the other courses.)

Students taking Trial Advocacy must obtain a grade of C or better in the course in order for that course to satisfy the capstone requirement.

1.3.6 Requirement Waiver. In exceptionally rare circumstances, the Academic Standards Committee may exempt a student from taking a required course or may permit a student to take a course out of sequence.

1.4 Other Academic Requirements

1.4.1 Study Outside the Classroom. The American Bar Association prohibits a student from taking more than a total of twenty-six course hours in the following types of classes: externships, co-curricular activities (such as Law Review, Moot Court, and Lugar Trial Association), independent study, courses in other graduate departments, summer abroad programs, and distance education programs that rely on teaching outside the classroom setting.

1.4.2 Distance Education. No student may take more than four credits per term in any class taught through distance education as defined by Standard 306 of the American Bar Association. First and second summer sessions count as “one term” for purposes of this rule. Standard 306 states that distance education is “an educational process characterized by the separation, in time or place, between instructor and student” and includes courses offered via “technological transmission” (e.g., internet, closed circuit TV), “audio or computer conferencing,” “video cassettes or discs,” and correspondence.

No student may take more than twelve credits during his/her law school career in classes taught through distance education as defined by Standard 306. No student may take any distance education course until that student has completed at least twenty-eight credits in law school. Students should be aware that under ABA standards, the status of "asynchronous" (i.e. "online" or "web" courses) is uncertain. The College of Law sometimes offers a small number of web-based courses during the summer, but constantly monitors such courses to maintain educational quality and does not guarantee that any will be offered in the future. Students should also be aware that the New York Bar ruled in 2012 that it will not count asynchronous distance education hours toward the eighty-three law school credit hours students must earn to become members of the New York Bar. (As WVU requires ninety-one hours for graduation, students who have taken a web course during law school can still become members of the New York bar because they have, in the eyes of the New York Bar, eight "surplus hours.") Students should check the bar requirements in states where they plan to practice to see whether similar rules have been adopted there.
1.4.3 ABA Requirement. The American Bar Association accredits American Law Schools. A Juris Doctorate (J.D.) degree from an ABA accredited law school entitles one to take the bar examination in any state (other individual state requirements, such as character, being met). The WVU College of Law has been fully accredited by the ABA since 1924. Four ABA requirements worth noting here are: Standard 304(c) work on the JD degree must be “completed no earlier than twenty-four months and no later than eighty-four months after a student has commenced law study”; Standard 304(d), “A Law School shall require regular and punctual class attendance”; and Standard 304(e), “A Law School shall not permit a student to be enrolled at any time in coursework that, if successfully completed, would exceed twenty percent of the total coursework required by that school for graduation...”; and 304(f), “A student may not be employed more than twenty hours per week in any week in which the student is enrolled in more than twelve class hours.” The ABA standards for Approval of Law Schools are published annually and can be accessed at www.abanet.org.

1.4.4 Full-Time Status and Tuition/Fees. Students should be aware that the university treats nine hours per semester as full-time status for graduate and professional students, so students will be charged full tuition and fees for taking nine hours or more. Students taking fewer than nine hours will receive a proportionate reduction of their tuition and fees. (E.g., students taking eight hours will be charged roughly 8/9 of their full-time tuition and fees.)

1.4.5 Deficiencies after Three Years. Full-time students who are deficient in semester hours at the end of their third year of study must make up their deficiencies in regular law school courses. No credit is awarded for summer independent study or summer research. However, credit is awarded for summer school courses here or elsewhere or in the following fall semester. Independent study and research courses are offered only during the regular academic year, not during the summer.

1.4.6 Maximum Credits Per Semester. ABA Accreditation Standard 304(e) states that law schools may not permit a student to be enrolled at one time in courses totaling more than twenty percent of the total hours required for graduation. This means that the maximum number of law school credit hours a student may take during a semester at the WVU College of Law is eighteen (i.e. 20% of ninety-one is 18.2). There are only two exceptions to the eighteen-hour per semester cap: (1) As credit for academic extracurriculars (i.e. Law Review, Moot Court, Lugar, and Jessup) is awarded in a lump sum for work done across multiple semesters, such credits are not counted under the eighteen hour cap. Students who have no more than eighteen hours in regular courses and need to add an academic extracurricular must contact J.J. Davis, Assistant Registrar for the College of Law, to obtain the necessary override which will permit them to register for more than eighteen hours in the STAR system. (2) For students in joint-degree programs, the eighteen-hour cap applies only to their courses at the College of Law.

1.5 Upper-Level Electives

Apart from the small number of upper-level requirements already described, students choose from a wide variety of upper-level electives to create their courses of study over the final two years of law school. A list of all the permanent law school courses with their descriptions can be found elsewhere in this academic catalog. (See "Courses.") The law school also offers additional courses on a temporary basis that are not included in this catalog.

With so many choices, students may wish for guidance about how to choose the courses best suited to their goals and interests. Toward that end, each spring the Associate Dean of Academic Affairs meets with rising 2L students and publishes on the law school website a booklet entitled Curriculum Opportunities and Options: An Informal Guide to Planning Your Last Two Years of Law School. (For the latest version, go to the "Course Schedules and Student Resources (http://www.law.wvu.edu/academics/course_schedules_and_student_resources) " link on the College of Law homepage. This booklet includes, among other things, advice about curricular planning, lists of key courses for various areas of practice and when they are typically offered, and information about subjects tested on the bar exam. Students with questions about choosing courses that are not addressed in the booklet should consult faculty in their areas of interest and/or the Associate Dean for Academic Affairs.

The College of Law website contains a "Course Classifieds (http://www.law.wvu.edu/academics/course_classifieds) " page where professors may post information about courses to be offered in the next semester. Typically, “course classifieds” listings for a given semester begin to appear a few weeks before registration for that semester.

1.6 Graduation Information

1.6.1 DegreeWorks. DegreeWorks is an online check sheet (audit) for students to review and monitor progress toward degree completion. It organizes academic coursework into blocks of requirements to help you easily identify courses you have completed and what courses you still need in order to complete your degree. To access DegreeWorks:

• Log on to your MIX account using your MyID username and password.
• Click on the STAR tab.
• Scroll down to the ‘Resources' heading and click the ‘DegreeWorks’ link.

Your DegreeWorks audit provides you a review of past, current, and planned coursework as well as information about completed and outstanding requirements. Your audit is organized by ‘blocks.’ These blocks show what requirements are needed to graduate and help you see what you need to do in order to fulfill the requirements within each block. The following ‘blocks’ may appear on your audit:

• Degree in Doctor of Jurisprudence: This block verifies that all requirements, including required courses, the minimum GPA requirement and the ninety-one-hour credit requirement, have been met.
• Major in Law - JD: This block verifies that all required courses (i.e. first-year courses, Appellate Advocacy, seminar, perspective course, capstone requirement) have been completed and that any applicable grade requirements for those courses (e.g., a grade of C or better in Appellate Advocacy) have been satisfied.
West Virginia University

- Law Courses: This block is a summation of all law courses that are being used to meet the ninety-one-hour course requirement.
- Fallthrough: The Fallthrough block is a block for courses that are not being used to satisfy any other requirements in your audit (i.e. ninety-one-hour requirement, first-year requirements). These courses count towards your total number of degree hours and GPA.
- In-Progress: This block reflects all courses currently in-progress or registered for a future semester.
- Insufficient/Withdrawn/Repeated: This block shows courses that you have withdrawn from or failed, courses that were taken more than once (but were not repeatable for credit), and audited courses.

If you are a joint-degree student (J.D./M.B.A. or J.D./MPA), your DegreeWorks audit will only reflect work completed in the JD program. Because DegreeWorks cannot be programmed to take into account the credit hours earned for work on the other half of your joint degree, it will not accurately reflect your progress toward your J.D. If you have questions about whether you are on track, please contact the Assistant Registrar for the College of Law and/or the Associate Dean of Academic Affairs. When you have completed your joint-degree program, an annotation will appear on your transcript recording the credit hours you received for completing your joint degree program.

If you believe there is an error in your DegreeWorks audit, please contact the Assistant Registrar for the College of Law and/or the Associate Dean of Academic Affairs. For additional information on DegreeWorks, please visit the website (http://registrar.wvu.edu/dw) of the University Registrar.

1.6.2 Hours to Graduate. Every student must satisfactorily complete (see the “Passing Grades and Graduation Credit” subsection) ninety-one credit hours and must be in good academic standing to graduate. Except in circumstances described in the section “Earning Law School Credit Outside the Law School,” all these credits must be earned at the West Virginia University College of Law. In any event, only WVU College of Law courses will count as part of the grade point average. All students must have a cumulative grade point average of 2.20 or above in order to graduate from the College of Law.

1.6.3 College of Law Graduation/Hooding Website. The Graduation/Hooding website for the College of Law goes live each year in March. This contains all forms and information for College of Law graduates.

2. OFFICE OF THE REGISTRAR

2.1 Academic Year

The College of Law has its own academic calendar, which differs from the general West Virginia University academic calendar. For example, the Law School’s examination period extends over a two-week period, instead of the standard one week. Law students should refer only to the College of Law Academic Calendar, which can be accessed from the College of Law website (http://www.law.wvu.edu/academics/calendar).

2.2 Scheduling

The Associate Dean for Academic Affairs and the Assistant Registrar for the College of Law complete the master course schedule. The Assistant Registrar for the College of Law assigns first-year students to specific sections of their required courses. The students then register for these courses on the STAR system. Second- and third-year students make their own schedules through WVU’s STAR System via the Internet. Students who register early (i.e. before the date and time designated by the College of Law) for a course that fills immediately will lose their spot in the course.

2.3 Auditing

A law student may audit a College of Law course (without receiving academic credit) with the permission of the professor teaching the course. The student and professor should reach an agreement about what the student must do to successfully audit the course. (Typically, professors require class attendance, preparation, and participation, but individual professors are free to ask auditors to do more if they wish.) Upon notification from the professor to the Assistant Registrar for the College of Law that the student has complied with the terms of that agreement, the student’s transcript will list the course with an “X” signifying an audit. Once a student has obtained a professor’s permission to audit a course, the student should register for the class in the STAR system, selecting “audit” as the grading mode. A class may not be audited if it has reached its enrollment capacity.

2.4 Transcripts

Official transcripts can only be obtained by contacting the University Registrar’s office. Information on requesting transcripts can be found on the College of Law website (http://www.law.wvu.edu/academics/transcripts) as well as the University Registrar website (http://registrar.wvu.edu/transcripts). Please note that it generally takes three to five working days for the University Registrar to produce a transcript, so it is important to plan accordingly.

2.5 Part-Time Program

Full-time students average just over fifteen hours per semester in order to amass ninety-one credits in six semesters. Students taking significantly fewer hours per semester will take longer to finish their degrees, and are considered part-time students at the College of Law. (Note, however, that in the eyes of the university, graduate or professional students taking nine hours or more are charged full tuition and fees, thus some “part-time” students who will need more than six semesters to graduate will still pay the same tuition and fees each semester as their full-time colleagues.)
Part-time students are subject to the same graduation requirements in terms of total credit hours (presently ninety-one credits), cumulative grade point average (2.20), and specific required courses. Part-time students have to complete all graduation requirements within seven years from the date of initial enrollment.

2.5.1 Selection. The Admissions Committee selects first-year part-time students from students already admitted to the Law School. The total size of the entering class is not increased. Written applications for part-time status are required, and selection is based on objective indicators of the need to attend on a part-time basis. After completing the first year curriculum, a student may become a part-time student by advising the Associate Dean for Academic Affairs of that intention at the beginning of the semester.

2.5.2 First-Year Curriculum. Part-time students must take both semesters of LRRW in their first year of law school. Typically, part-time students take two courses in addition to LRRW in each semester of the first year, then take the rest of the first-year curriculum in their second year of studies. As a general rule, part-time students may not enroll in upper level courses until they have completed the entire first-year curriculum. Exceptions to this rule may be granted for good cause by the Associate Dean for Academic Affairs.

2.5.3 Scheduling of Classes. Part-time students must consult the Associate Dean for Academic Affairs in scheduling.

2.5.4 Probation and Dismissal. Students entering the part-time program during the first-year curriculum are subject to the probation and dismissal rules applicable to full-time students who have completed the first-year curriculum only when the part-time students have completed the entire first-year curriculum. Part-time students do not receive a class rank until they have completed the entire first-year curriculum. In all other respects, part-time students and full-time students attending more than six semesters are subject to probation and dismissal rules substantially equivalent to those applicable to full-time students.

2.6 Withdrawal from Program

There are three types of withdrawals that are governed by this rule: (a) partial withdrawal from some part of a student’s course work; (b) in-semester withdrawal from all College of Law courses in which a student is registered; and (c) between-semester withdrawal after the completion of one semester and before the start of the next semester. Any student considering withdrawing from school must see the Associate Dean for Academic Affairs. The faculty and staff of the College of Law are available and willing to help resolve any difficulties that may be hindering a student’s legal studies. Any student wishing to withdraw must also see the Assistant Registrar for the College of Law and withdraw according to guidelines set by the College of Law faculty and staff of the College of Law.

2.6.1 Partial Withdrawal (a.k.a. dropping some, but not all, courses for a semester):

2.6.1.1 Reduction in the First Year. Because the first-year curriculum must be completed before the student may take upper division courses, full-time students are not permitted to reduce the course load in the first year by dropping courses except with the permission of the Associate Dean for Academic Affairs. By faculty resolution, no student shall be allowed to drop the required first-year course in Legal Reasoning, Research, and Writing.

2.6.1.2 Dropping Courses After the First Year -- During First Week of Class. During the first week of the semester, upper level students may drop any course without having a W (“dropped”) placed on their transcripts. (See the College of Law Academic Calendar for the specific date each semester.) If the dropped course brings a student’s course load below nine hours, the student may be eligible for a reduction in tuition and fees.

2.6.1.3 Courses Dropped Before the “Last Day to Drop” Deadline. Until the “last day to drop a course” on the law school’s academic calendar, students are free to drop most courses by simply logging into STAR and dropping. The exceptions to this policy are clinical courses and Practical Legal Writing II. Slots in such courses are limited, and the student who drops them after the first week has wasted an opportunity sought by others. Students may drop these courses only with the permission of the instructor and the Associate Dean for Academic Affairs, and such permission shall be given only for very strong reasons. The grade for a course dropped during this period shall be a “W.” Please note that under university policy (http://studentaccounts.wvu.edu/refunds/reduction_schedule), students who drop some but not all of their courses during this period receive no refund of tuition and fees.

2.6.1.4 Courses Dropped after the University Deadline. After the University’s last date for withdrawal from a course (see the Academic Calendar), no student may withdraw from a course for any reason. Students who do not complete course requirements will receive an F for the course. Specifically, students denied permission to sit for a final because of excessive absences will receive an F if the last date for withdrawal has passed. This is a university rule, and no exceptions can be made.

2.6.2 In-Semester Withdrawal from All Classes:

2.6.2.1 Withdrawal during First Twelve Weeks. During the first twelve weeks of any semester, a student may withdraw totally from the West Virginia University College of Law by obtaining permission from the Associate Dean of Academic Affairs, and any student withdrawing from the West Virginia University College of Law during this period receives a grade of “W” in all courses dropped pursuant to this withdrawal. Students who withdraw completely within the first six weeks of class may be eligible for a partial refund of tuition and fees according to the University Refund Schedule. See website (http://studentaccounts.wvu.edu/refunds/reduction_schedule).

2.6.2.1 Withdrawal after First Twelve Weeks. After the first twelve weeks of a semester, a student may be permitted to withdraw totally from the West Virginia University College of Law only with the permission of the Academic Standards Committee. The Committee shall grant permission
upon a showing by the student that continuation in school will create a severe hardship on the student because of some substantial physical, emotional, or family problem. If permission is granted, the student receives a grade of “W” in all courses dropped; if permission is denied, then the student remains responsible for his or her performance in all courses and will be graded accordingly. The last day to withdraw from all classes is the final day of class, as marked on the College of Law Academic Calendar.

2.6.3 Between-Semester Withdrawal. After the end of a semester and prior to the start of the next semester, a student may withdraw from the West Virginia University College of Law. In all such cases, the West Virginia University College of Law shall advise the student of its requirement that studies must be completed within seven years from the date on which the studies began.

2.6.4 Resumption of Studies:

2.6.4.1 First Semester, First Year. A student who withdraws from the West Virginia University College of Law before completing the first semester of the first year must, except as herein provided, be readmitted by making application for an initial admission to the West Virginia University College of Law. A student who withdraws during the first semester may petition the Dean at the time of such withdrawal for permission to be readmitted at the next regular fall semester of the West Virginia University College of Law. If the Dean determines that such withdrawal is for causes beyond the control of the student, the Dean will verify this fact in writing at the time of withdrawal and grant such permission. Permission to be readmitted to the West Virginia University College of Law applies only for admission for the beginning of the next academic year. An adverse decision by the Dean on granting this privilege may be appealed to the Faculty.

2.6.4.2 Other Students. Any student who withdraws voluntarily after the first semester of study and wishes to resume his or her studies must petition the Academic Standards Committee to be readmitted to the West Virginia University College of Law. The Committee may readmit the petitioning student subject to conditions of the Committee’s choosing, or it may deny the petition for readmission, thus leaving the petitioner with the option of seeking admission to the College of Law through the regular admissions process. (Students who withdraw from law school and then successfully reapply through the regular admissions process must start with no credit hours and grades earned prior to their voluntary withdrawal from the College of Law.) In deciding whether to grant a petition for readmission, the Committee considers the length of the interruption of studies, the causes for the interruption of studies, the intervening activities of the student and how they relate to the intellectual activities of a law student, changes in curriculum and the teaching program of the West Virginia University College of Law, and any other factors deemed relevant. A readmitted student may be required to repeat, without credit, work previously done, or be required to audit certain courses. Any student who is readmitted may have the student’s overall academic program adjusted to meet the requirements at the time of readmission. Resumption of studies is permitted only at the beginning of a semester. A first-year student whose last complete semester was a fall semester is normally permitted to return only at the beginning of a spring semester.

2.7 Grades of “Incomplete” in Non-Examination Courses

2.7.1 Granting an “Incomplete”. A student may request an “Incomplete” in any non-examination course. The faculty member teaching the course shall determine whether an “Incomplete” is appropriate.

2.7.2 Time Limit. By university policy effective for the Fall 2011 semester and beyond, a student has one semester in which to complete the requirements for any non-examination course in which he or she has been given an “Incomplete.” More specifically, a student receiving an incomplete for a fall semester class must complete the work by the end of the final day of classes of the following spring semester. A student receiving an incomplete for a spring semester class must complete the work by the end of the final day of classes of the following fall semester. A student receiving an incomplete for a summer class must complete the work by the end of the final day of classes of the following fall semester.

2.7.3 Shortening Time Limit. A faculty member who assigns an “Incomplete” to a student may shorten the completion deadline to an earlier date than those specified in the last paragraph, but may not extend the deadline beyond that limit.

2.7.4 Failure to Complete. If the student does not complete the course requirements within the required time period, the “I” automatically converts to an “F.”

2.7.5 Semester Awarded. When the student completes the course requirements, the credits are assigned to that semester in which the student originally enrolled in the course.

2.7.6 Shortened Time Limit for Students on Probation. Students who are on academic probation and who receive an “Incomplete” on work undertaken during the student’s probationary term shall complete requirements for the course and procure the faculty member’s removal of the “Incomplete” within eight weeks following the last examination date in the semester in which the student was registered for the course. Except for this reduced time limitation, all other provisions of this subsection and the “Deferment of Exams or Assignment Deadlines” subsection apply in the case of such a student on probation.

2.8 Rules Governing Certain Special Situations

2.8.1 Independent Study. A student may earn up to two hours of credit for a suitable research project completed under the supervision of a full-time faculty member. An independent study must produce an academic research paper that would be acceptable in a research seminar, and it must involve an amount of research and writing commensurate with the credit hours awarded. For example, a student seeking two hours of independent study credit would be expected to produce a research paper at least twenty-five pages in length, i.e. the same length required for a two-credit research seminar.
Students wishing to pursue an independent study should draft a plan for the independent study that would specify the proposed subject for the study, a research and reading agenda, and a paper topic. This plan should be presented to the faculty supervisor and to the Chair of the Academic Standards Committee, who must approve the project. A second faculty reviewer must approve the grade given for an independent study. The Assistant Registrar for the College of Law has the forms to be submitted to the Chair of the Committee. Independent Study does not satisfy the seminar requirement. As stated in the rule on “Deficiencies After Three Years” (1.4.5), independent study courses are offered only during the fall and spring semesters and are not available during the summer.

2.8.2 Graduate and Post-Graduate Students. Graduate and post-graduate students from other colleges, schools, and divisions within the university may enroll in WVU College of Law courses with the permission of the Associate Dean for Academic Affairs; the appropriate officer of the college, school, or division within the university to which they are attached; and the faculty member teaching the course. The Associate Dean shall not permit a student to enroll in a course under this provision if the student (1) has taken more than twenty-one credit hours under this provision upon completion of the course or (2) has been excluded from the College of Law for any reason. The student’s college, school, or university division will determine to what extent courses taken under this provision will be credited toward completion of the requirements for the student’s graduate degree.

A student admitted to the College of Law after completing one or more courses under this provision (1) shall not receive any credit toward the J.D. degree for those previously completed courses, (2) must retake for credit, on a pass/fail basis, any course required for law school graduation that was previously taken, and (3) may not retake any elective course that was previously taken.

2.8.3 Transient Students - Incoming. The West Virginia University College of Law accepts transient students only from other law schools accredited by the American Bar Association. A transient student is one who has taken or will take most of his or her work toward a J.D. at another ABA-approved law school and will earn a degree from that institution. Transient students are permitted to earn some credits toward that J.D. while in temporary residence at the West Virginia University College of Law, provided that they obtain permission from their school and the Associate Dean for Academic Affairs.

2.9 Earning Law School Credit Outside the Law School

2.9.1 Individual Courses in Other WVU Colleges. Students who do not receive credit toward the J.D. for completion of a joint degree program may receive law school credit for one graduate level course in another discipline at WVU. No student may receive more than four credits under this rule. The student must obtain prior approval from the Associate Dean for Academic Affairs. Grades earned in other WVU colleges do not affect the student’s law school GPA. When possible, students should choose the pass/fail option when registering to take courses in other WVU colleges in order to prevent grades for these courses from being included in the cumulative GPA on the student’s professional school transcript.

Law students may also register for courses in other WVU colleges (e.g., physical education courses) that would not qualify for law school credit. Students should also register pass/fail for these courses so that the courses do not affect the cumulative GPA on the student’s professional school transcript. Students do not need permission to take non-law courses for personal enrichment, but should notify the Assistant Registrar for the College of Law that they are doing so.

2.9.2 Study at Another School - Visiting. A student in good academic standing may take up to thirty credits toward graduation at another ABA-accredited law school. Upon completion at that law school of all the requirements necessary for the J.D. from West Virginia University College of Law, the West Virginia University College of Law J.D. will be awarded. Such students require advance approval of their curriculum by the Associate Dean for Academic Affairs. Only grades of C or better will be transferred to the West Virginia University College of Law. Students may transfer credits for pass/fail courses only with the advance approval of the Associate Dean. Grades earned at other law schools will not be included in the calculation of the student’s cumulative law school GPA. Students who take required courses (as listed on pages 1-4 of this Handbook) for credit at other law schools are not eligible for election to Order of the Coif at the West Virginia University College of Law.

2.9.3 Study at a Foreign Law School - Visiting. The College of Law, in cooperation with the WVU Office of International Programs, permits individual students to take courses toward their law degree at foreign law schools. Applications are reviewed by the Associate Dean for Academic Affairs and must comply with the “Criteria for Student Study at a Foreign Institution” promulgated by the American Bar Association. Their application must also be approved by the Office of International Programs. Students seeking such credit must establish an educational purpose that both is consistent with the aims of the College of Law and can be met only through the proposed foreign study. Examples could include students seeking proficiency in the legal vocabulary of a foreign country, students seeking international credentials to support their practice of law, or students interested in the study of comparative legal systems. Students must have completed their first year in law school prior to application and can take only one semester under such a program.

2.10 Transfer Students - Incoming

A transfer student is a student who has taken some or all of his or her first-year curriculum at another law school and is admitted to earn a J.D. degree at the West Virginia University College of Law.

The College of Law accepts transfer students only from other law schools accredited by the American Bar Association. Starting in the summer of 2012, the College of Law will no longer accept transfer applicants from law schools that do not award letter grades (or their numerical equivalent) during the first year.

All candidates who transfer to the College of Law from another ABA-accredited law school must satisfactorily complete courses aggregating at least forty-five credit hours at the College of Law. In addition, the last thirty credit hours for transfer students must be earned at the College of Law.
The College of Law will accept transfer credits only for courses where the student earned a grade of C or better. In exceptional circumstances, the Associate Dean for Academic Affairs may approve the transfer of a small number of pass/fail credits. The Associate Dean will determine the total number of credit hours that will transfer; only in exceptional cases would credit be given for more than thirty-two credit hours. The Associate Dean will also determine whether particular courses taken at another law school satisfy specific course requirements at the College of Law.

Graded credits at other law schools that transfer to the College of Law will be entered on the student’s College of Law record as pass/fail credits and hence will not affect the student’s College of Law grade point average. In order to graduate, all transfer students must obtain a cumulative grade point average of 2.20 or better on courses taken at the College of Law. Transfer students are not eligible for election to Order of the Coif at the West Virginia University College of Law.

2.11 Admissions Policies for Transfer Students

The deadline for transfer applications is July 1. The West Virginia University College of Law has established the following guidelines for the Admissions Committee to use in reviewing transfer applications.

I. In reviewing applications for advanced standing, preference will be given by the Admissions Committee to West Virginia residents.

II. Applicants must have completed at least one academic year of studying or its equivalent at the institution from which transfer is being sought. For admission purposes, one year of study or its equivalent is equal to a minimum of twenty-eight credit hours of coursework.

III. Applications from students seeking to transfer from schools which are not accredited by the ABA will not be accepted under any circumstances. (The applicant may apply as a first-year student.)

IV. Applications for transfer to the College of Law for the second year will be considered by the Committee on the basis of:

A. The size of the returning second-year class.

B. The applicant’s grades and/or class rank at her/his law school. Applicants from law schools who do not provide either a GPA or class rank for 1L students will not be considered for transfer.

C. Whether the applicant would have been admitted to the College of Law in the first year had the applicant applied.

D. The academic strength of the law school attended by the applying student, including whether it is accredited by the AALS. (ABA accreditation is required.)

E. Recommendation(s) from a law professor in whose class the applicant was enrolled. (At least one is required.)

F. Residency of the applicant.

G. All of those facts, performance records, recommendations, and other matters which the Committee normally considers for applicants to the first-year class, including everything that might implicate the student’s fitness for the practice of law.

H. Any other activities and experiences of the applicant occurring since the student began law school.

I. Any other information regarding the applicant that may be considered relevant to success in law school.

V. In addition to the aforementioned criteria, applicants must meet the requirements set forth below.

A. Applicants must conform to all other relevant criteria relating to first year entering students as found in the admission policy of the West Virginia University College of Law.

B. Applicants must submit a certified official transcript of their first year law school grades and class ranking. If class ranking from the law school is unavailable, the applicant must submit sufficient information about grades from the law school attended to make a reasonable estimation of class ranking. No one will be admitted for transfer without class rank (or its reasonable equivalent) based on a full year of law school attendance.

C. Applicants must provide a letter of good standing from the Dean of the law school (or his or her designee) from which the student is transferring.

D. Applicants must submit a copy of their most recent LSAC Credential Assembly Service (CAS) report including a certified transcript of undergraduate school grades and the LSAT writing sample.

E. Applicants must fully explain any ethical or other problems with admission that may appear in the applicant’s file.

F. Applicants must submit the completed file to the Admission Office by July 1, in order to be considered for transfer.

VI. In considering applications for admission from individuals with credits or degrees from foreign institutions, the Admissions Committee shall have the authority to make any of the below stated decisions with regard to the applicant:
A. The Committee may admit the applicant as a first-year entering student.

B. The Committee may admit the applicant with advanced standing by granting credit for specific course work completed at another institution. (AALS executive Committee Regulations 2.8 and 2.9 prescribe limitations on the award of advanced standing.)

C. The Committee may admit the applicant as a special student for the purposes of auditing courses or transferring course work to another institution.

D. The Committee may deny admission to the applicant.

2.12 Dual Degree Programs
Students may enroll in an approved joint degree program with another College of the University. At present there are two such programs: a joint J.D./M.B.A. (Master of Business Administration) and a joint J.D./MPA (Master of Public Administration).

A J.D./M.B.A. student may earn law school credit pursuant to the joint degree requirements approved by the faculties of the College of Law and the College of Business and Economics and published to students admitted to that program. J.D./M.B.A. students receive twelve credits toward the J.D. degree if the M.B.A. degree is awarded before or concurrently with the J.D. degree. Grades earned in business school classes do not affect the cumulative law school GPA. Law Professor Barton Cowan is the contact person for the J.D./M.B.A. program. Please see Professor Cowan for further information about policies and upper-level course requirements specific to the J.D./M.B.A. program.

A J.D./MPA student may earn law school credit for one MPA course (up to four hours) if that course is taken after the student has entered the College of Law. In addition, if the MPA degree is awarded before or concurrently with the J.D. degree, an MPA student may receive an additional two hours of law school credit for courses included in the MPA degree that the student takes while enrolled in the College of Law. Grades earned in public administration do not affect the cumulative law school GPA. Professor John Taylor is the contact person for the J.D./MPA program.

2.13 Summer School
Summer credits may be earned only at the West Virginia University College of Law, other ABA accredited law schools, or their ABA- approved programs abroad. Students who are on academic probation may earn summer school credits only with the permission of the Academic Standards Committee. The College of Law will accept transfer credits only for courses where the student earned a grade of C or better. Students may transfer credits for pass/fail courses only with the advance approval of the Associate Dean.

2.14 Externships
The WVU College of Law Externship program seeks to bridge the gap between law school and practice by providing valuable experiential learning opportunities for law students. Law students who enroll in the externship program will work for academic credit in approved non-profits, judges’ chambers, government agencies, and university departments. Students may receive academic credit for only one externship in their law school careers. Students must have a licensed attorney as their supervisor at their fieldwork site. Externships in for-profit entities are not permitted.

Externships can be full-time or part-time. There are a small number of full-time opportunities that are approved; those are with federal trial or federal appellate judges or with approved federal agencies. There are part-time opportunities available and students can enroll in those in either the summer, fall, or spring semesters. All part-time externship students who enroll in a fall or spring semester will take a one credit hour graded course (Law 653) and a separate course where they receive two-four hours of pass/fail credit for field work (Law 654). Summer externship students also take the one-credit, graded course and take the pass/fail course for up to five hours of credit for fieldwork.

Students who want to enroll in the externship program must attend an informational meeting that will be held in fall and spring of each year. For more information about the externship program guidelines, student should contact Professor Jessica Haught or Jennifer Powell, Director of the Center for Law and Public Service.

2.15 Pro Bono
The Center for Law and Public Service promotes public service opportunities for law students, including opportunities for pro bono work. The term “pro bono” means “for the public good.” In the legal profession, pro bono work refers to work that is performed voluntarily and free of charge. Pro bono service is the responsibility of all members of the legal profession. WVU’s pro bono program allows law students to begin pro bono service now and encourages students to develop a lifelong commitment to pro bono work.

The WVU College of Law pro bono program partners with legal services organizations and community agencies to provide opportunities for law students to serve those in need. Pro bono projects will be designed to aid individuals or families of limited means; charitable, community and governmental organizations who provide assistance to those of limited means; and activities for improving the law, the legal system or the legal profession. Pro bono work may not be for credit and will not include work done for a clinic or externship. All pro bono work must be supervised by a licensed attorney and will be tracked by the Center for Law and Public Service.

For more information about pro bono opportunities and guidelines, see the Pro Bono Handbook. If you have questions about or suggestions for a pro bono project, please see Jennifer Powell, Director of the Center for Law and Public Service.
3. GRADING INFORMATION/PROCEDURES

3.1 Examinations

3.1.1 Attendance and Exam Eligibility. The faculty subscribes to the principle that class attendance is important and necessary to the successful study of law. Therefore, a faculty member may deny permission to sit for an examination to a student because of poor class attendance. Furthermore, a student who is absent from as many as twenty-five percent of the scheduled class hours for any given course shall not be permitted to take an examination in the course except by special permission of the faculty member. Prior to the last day to withdraw from a course (as indicated on the College of Law Academic Calendar), the faculty member may permit a student who is denied permission to sit for an examination to withdraw from the course or may assign that student a failing grade. After the last day for withdrawal has passed, denial of permission to sit for the final examination automatically results in a grade of F for the course.

3.1.2 No Exams During Final Week of Classes. In-class final exams may not be scheduled during the last week of classes. In addition, the due date for take-home exams cannot be during the last week of classes.

3.1.3 Exam Numbers. The West Virginia University College of Law Assistant Registrar randomly selects and assigns official student examination numbers for students’ anonymity in the grading process. Prior to the examination period, the Assistant Registrar notifies students that they may pick up their numbers. The Assistant Registrar protects the anonymity of student examination numbers throughout the examination and grading period.

3.1.4 Exam Accommodation Requests. During the final examination period, any student who has three or more finals on consecutive days may request to move the third final to the next day (excluding Sunday or other religious holiday) on which he or she does not have a final scheduled. The purpose of this rule is to prevent a student from having more than two consecutive days of law school finals. To obtain relief under this rule, a student must notify the Assistant Registrar for the College of Law before the specified deadline so that the exam can be rescheduled and the appropriate faculty member notified.

3.1.5 Deferment of Exams or Assignment Deadlines. A student with a substantial physical, emotional, or family problem that would make it impractical or grossly unfair to take a scheduled examination or meet another class-wide or general deadline may submit in advance a written request to be excused from taking the examination as scheduled or complying with the deadline as fixed. All such requests must be in writing, must be directed to the faculty member teaching the course in question, and must be substantiated by a physician’s statement or some other written evidence of the emergency. A faculty member acting alone or in consultation with the Associate Dean for Academic Affairs shall either deny the request or grant the request and require the student to take the examination at a later date or comply with a new deadline.

3.1.6 When Request Is Denied or Extended Deferment Sought. If any request made under section 4 above is denied, or if a student requests a deferment for reasons or to a time that would not comply with section 4, the student may obtain the requested deferment only by approval of the Academic Standards Committee. Appeal from a denied request or an original request for an extended deferment may be made by giving the Associate Dean for Academic Affairs a copy of the request as described in section 4, together with any appropriate supporting documents.

3.1.7 Completion of Examinations or Other Class-Wide Assignments. A student granted a deferment has a reasonable time after the emergency is dissipated to complete the examination or other assignment. A reasonable time is established by agreement of the Associate Dean for Academic Affairs and the faculty member.

3.1.8 Failure to Take Examination or Comply with Deadline. A student who fails to take an examination or comply with a deadline and who does not receive a deferment under this rule shall be penalized in whatever fashion the faculty member teaching the course deems appropriate. There is no responsibility on the part of any faculty member to accept or evaluate any work that is not done in a timely fashion unless relief has been granted pursuant to this rule.

3.1.9 Faculty Presence During Exams. It is the policy of the faculty of the College of Law that each faculty member either be in the law school building during his or her classroom examination or find a substitute.

3.1.10 Faculty or Staff Loss of Student Examination or Paper. If a faculty member or staff person loses a student examination or paper before the grade is recorded, the faculty member shall immediately notify the student of the loss. The student has the option of (a) taking another examination covering the same material or writing another paper, (b) receiving a grade of “pass” for the course, or (c) taking his or her semester grade point average for the course.

3.1.11 Grade Recording Error. In the unlikely event that a computer or data entry error results in the reporting of an incorrect grade, the error will be corrected so that the student’s grade is the one the professor intended to award for that student’s work in the course.

3.2 Grades

3.2.1 Grading Scale. The College of Law grading scale is as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>4.3 quality points</td>
</tr>
<tr>
<td>A</td>
<td>4.0 quality points</td>
</tr>
</tbody>
</table>
3.2.2 Semester Grade Point Average or Semester GPA. Semester grade point average is the average of all grades earned by a student in a given semester. All semester grade point averages are calculated using the grading scale of the West Virginia University College of Law.

3.2.3 Cumulative Grade Point Average (GPA or Cum.). The cumulative grade point average is the average of all grades earned by a student while enrolled in the West Virginia University College of Law. All cumulative grade point averages are calculated using the College of Law’s grading scale. Only grades earned at the College of Law affect the law school cumulative GPA. Grades for courses taken in other WVU colleges or at other law schools are not included in the student’s cumulative law school GPA.

3.2.4 Grade Normalization. The faculty members in the first-year sections, as well as the Associate Dean for Academic Affairs, shall review the respective grades in each section before the grades are finalized, in order to detect and avoid any substantial disparity in the grading patterns of the faculty members. The grades in Appellate Advocacy also shall be monitored to detect significant disparities and are subject to this process.

3.3 Passing Grades and Graduation Credit

To satisfactorily complete most courses and to earn credit toward graduation, a student must receive a grade of D or better. However, in the following courses, a student must receive a grade of C (2.0) or better to earn credit toward graduation: Legal Reasoning, Research, and Writing; Appellate Advocacy; a required seminar; and Trial Advocacy.

Students must earn a grade of C or better in at least one seminar to satisfy the seminar requirement for graduation. Students may choose to take more than one seminar. As long as the student has satisfied the seminar requirement with a C or better in at least one seminar, the student will receive graduation credit for additional seminars so long as the student attains a passing grade of D or better in the additional seminars.

Students who use Trial Advocacy to satisfy the Capstone Requirement must obtain at least a C to do so; students who take Trial Advocacy as an elective (i.e. they have taken and passed another capstone course) need only a passing grade for the Trial Advocacy credits to count toward graduation.

3.4 Academic Difficulty

3.4.1 Good Academic Standing. A student is in good academic standing if that student has not been dismissed and is not on academic probation as those terms are defined in this catalog.

3.4.2 Repeating Courses. Receiving an F in a course does not generally require retaking the course. The F simply is added to one’s GPA, and no credit hours toward graduation are given. However, if a student receives a failing grade in a course required for graduation, the student must repeat that course and receive a passing grade. If a student does not pass a required seminar or capstone course, that student may retake that seminar or capstone or take any other. When a course is repeated, both grades appear on the student’s transcript, and both grades are calculated into the student’s GPA, but credit toward the graduation requirement is awarded for only one enrollment.

3.4.3 Receiving Credit for Less Than an Entire Course. No credit is given for less than an entire course except by special order of the Academic Standards Committee.

3.4.4 Grade Changes. A student may request a grade review anytime during the academic month following the student’s receipt of the grade. A faculty member may not change a grade following the last day of classes in the semester following that in which a grade was awarded. Any proposed grade change must be submitted in writing by the faculty member to the Associate Dean for Academic Affairs with stated reasons for the change. Grade changes proposed because of arithmetic errors will be approved by the Associate Dean. Grade changes proposed because of changes in evaluation must be approved by the full faculty.

3.5 Grade Appeal

A student may initiate a formal grade appeal prior to the end of the seventh week of classes of the semester following the one in which the grade was awarded pursuant to the West Virginia University College of Law Grade Appeal Policy and Procedure. Students with questions about the grade appeal policy or procedure should consult the Administrative Assistant to the Associate Dean for Academic Affairs. Students who fail to begin the grade appeal process by meeting with the instructor prior to the end of the seventh week of classes of the succeeding regular (i.e. fall or spring) term have waived all
rights to a grade appeal. (E.g., a student appealing a grade from a fall class would need to meet with the instructor prior to the end of the seventh week of the spring semester in order to preserve his or her right to appeal a grade.)

### 3.6 Grade Appeal Procedure

**Step I.** The student shall discuss the complaint with the instructor involved prior to the end of the seventh week of classes of the regular (i.e., fall or spring) semester following, whether the student is enrolled or not. If the two parties are unable to resolve the matter satisfactorily or if the instructor is not available, or if the nature of the complaint makes discussion with the instructor inappropriate, the student shall notify the Associate Dean. The Associate Dean shall assume the role of an informal facilitator and assist in resolution attempts. If the problem is not resolved within fifteen calendar days from when the complaint is first lodged, the student may proceed directly to Step II. To mount a successful appeal of a grade under Steps II or III below, a student must demonstrate that the professor’s actions in assigning that grade were arbitrary and capricious.

**Step II.** The student must prepare and sign a document that states the facts constituting the basis for the appeal within thirty calendar days from when the original complaint was lodged. Copies of this document shall be given to the instructor and to the Associate Dean. If, within fifteen calendar days of receipt of the student’s signed document, the Associate Dean does not resolve the problem to the satisfaction of the student, the student will forward the complaint to the instructor’s Dean. (See Step III.)

**Step III.** Within fifteen calendar days of receipt of the complaint, the Dean shall make a determination regarding the grade, making any recommendations for a grade change to the instructor involved. If the instructor involved does not act on the Dean’s recommendation, or if the student is in disagreement with the decision of the Dean, the Dean will refer the case to a representative committee appointed by the Dean for final resolution. This committee shall consist of three or more faculty members, including at least one person outside the instructor’s discipline.

1. Upon receiving an appeal, the committee will provide the grade challenge by written notification to the faculty member involved, which shall include a statement of the facts and evidence to be presented to the student.
2. The committee shall provide the faculty member involved and the student making the appeal written notification of their right to appear at a hearing to be held before the department, college, or school representative committee, together with notice of the date, time, and place of the hearing.
3. The administrative procedure is not adversarial in nature; the formal rules of evidence do not apply.
4. The final decision of this committee shall be forwarded to the instructor and to the Dean involved. If the decision requires a change of grade, the instructor shall take action in accordance with the committee’s decision.
5. If the instructor does not act within five days, the Dean shall make any necessary grade adjustment.
6. In the case of grade appeals, the Dean functions as the President’s designee; therefore, implementation of this decision shall end the appeal procedure.

### 3.7 Academic Probation & Dismissal

#### 3.7.1 Notification

The Associate Dean for Academic Affairs notifies in writing any student who is not in good academic standing. The notice sets forth the student’s academic situation and advises the student of actions available to the student under this section. The notice is sent as soon as possible after the student’s academic standing is determined. Students who do not receive notice are nevertheless responsible for knowledge of their academic situation and for taking actions necessary under this section. A student is in good academic standing if that student has not been dismissed and is not on academic probation as those terms are defined in this Handbook.

#### 3.7.2 Summary of Probation and Dismissal Rules

For all rules regarding academic probation and dismissal, the relevant GPA figures are semester and cumulative law school GPAs. Law school GPA does not include grades earned in other WVU colleges or at other law schools. The following is a summary of the probation and automatic dismissal rules:

**3.7.2.1 End of First Semester.** Students whose first semester grades fall below 2.20 receive a letter from the Associate Dean’s Office to that effect, offering consultation and referral to the Academic Excellence Program. Such students must participate in the Academic Excellence Program in the second semester.

**3.7.2.2 End of Second Semester Only.** Any student whose cumulative average is below 1.85 at any time after his or her second semester in law school is automatically dismissed. If a student dismissed at the end of the second semester has a GPA in any semester during the first year of less than 1.5, that student may be readmitted to the West Virginia University College of Law only by making an initial application through the admissions process. This application is only made in accordance with the regular admissions cycle, so most applicants will be required to wait a year before their application is processed. If readmitted, the applicant begins law school as if she or he were a first-time student. If a student dismissed at the end of the second semester has no GPA in any semester during the first-year curriculum of less than 1.5, that student may apply for readmission by following the procedures set forth in this handbook under “Readmission.” A student is placed on academic probation when that student’s cumulative grade point average falls below 2.20 but is above 1.85 after the conclusion of his or her first-year curriculum. A student on academic probation has one semester in which to raise his or her cumulative grade point average to 2.20. Failure to meet this requirement results in dismissal.
3.7.2.3 End of Third through Sixth Semesters:

3.7.2.3.1 Cumulative Grade Point Average. Any student whose cumulative grade point average is below 1.85 at any time after his or her third semester in law school is automatically dismissed. A student whose cumulative grade point average falls between 1.85 and 2.20 any time after his or her third semester in law school is placed on academic probation. A student on academic probation has one semester in which to bring his or her cumulative grade point average to 2.20. Failure to meet this requirement will result in dismissal. Under no circumstances will a student be allowed to graduate unless his or her cumulative grade point average is 2.20 or better.

3.7.2.3.2 Semester Grade Point Average.

3.7.2.3.2.1 General Rule. Any student who fails to attain a grade point average of 2.20 in any individual semester of his or her second or third year in law school is placed on academic probation, regardless of his or her cumulative grade point average. This rule shall apply only to students who complete at least eleven semester credit hours of work for which they receive a letter grade (i.e. A, B etc., but not P). For purposes of this rule, first and second summer sessions count as a single semester. Accordingly, a student who took eleven or more graded hours across two summer sessions and whose GPA in those courses fell below 2.20 would be placed on academic probation under this rule.

3.7.2.3.2.2 Part-Time Students. A student who earns a semester grade point average lower than 2.20 over fewer than eleven letter-graded credit hours per semester for two consecutive semesters after the first year of law school is placed on academic probation, regardless of his or her cumulative grade point average. For purposes of this rule, first and second summer sessions count as a single semester. Students with a semester grade point average lower than 2.20 over fewer than eleven letter-graded credit hours for one semester must meet with the Associate Dean for Academic Affairs.

3.7.2.3.2.3 A student placed on academic probation under "General Rule" or "Part-Time Students" will be dismissed for failure to meet academic requirements, regardless of his or her cumulative grade point average, if he or she fails to attain a semester grade point average of 2.20 or better in the next regular (i.e. fall or spring) semester. This rule applies regardless of the number of graded credit hours taken in the probationary fall or spring semester, so students who choose to take a small number of graded credit hours do so at their own risk.

3.7.3 Failing a Majority of Credit Hours. Any student who, after completing the first-year curriculum in the West Virginia University College of Law, receives failing grades in courses aggregating one-half or more of the student’s credit hour load for a given semester is dismissed. For the purposes of this rule, it does not matter what the student’s grade point average is for the semester in question, nor does it matter what the student’s cumulative grade point average might be. However, this rule does not apply to students taking two or fewer courses in a semester.

3.7.4 Transfer Students with a West Virginia University College of Law Grade Point Average below 2.20. A transfer student cannot graduate from the West Virginia University College of Law if the cumulative grade point average of the grades that the student earned at the West Virginia University College of Law is less than 2.20.

3.7.5 Readmission. Students seeking readmission should file petitions with the Chair of the Academic Standards Committee, and the petitions should demonstrate that the reasons for the student’s academic deficiencies no longer exist. The Committee shall review each petition based upon this standard. If the Committee denies readmission, the student may appeal to the Dean, who may remand, affirm, or reverse the Committee’s decision. The Dean has the discretion to seek the advice and counsel of the full faculty. A student may petition for readmission for the semester immediately following the semester he or she is dismissed. To do so, the student must deliver a petition for readmission to the Chair of the Academic Standards Committee within ten days of his receipt of notification of dismissal from the Registrar. If the tenth day is a weekend or holiday, then the student must deliver the petition on the next business day. A student also may petition for readmission after two academic semesters have passed following the student’s dismissal (even if the student has already petitioned immediately after his or her dismissal). For purposes of this rule, summer sessions shall not count as academic semesters.

3.7.6 Permanent Dismissal. The West Virginia University College of Law shall not readmit any student who has been dismissed twice under these rules for failure to meet academic requirements. In addition, students readmitted through petition to the Academic Standards Committee have two semesters within which to bring their cumulative grade point average up to 2.20, as follows: (1) if the readmitted student fails to earn a 2.20 or better grade point average for the first semester following readmission, the student is permanently dismissed and is not eligible for readmission and (2) if that semester’s grade point average is 2.20 or better but the cumulative grade point average remains below 2.20, the student has one additional semester in which to bring the cumulative grade point average up to 2.20. If, after that second semester following readmission by petition to the Academic Standards Committee a 2.20 cumulative grade point average has not been attained, the student is permanently dismissed and is not eligible for readmission.

### 4. HONORS

#### 4.1 Class Rank

The following rules apply to class rank:
4.1.1 Top 25%. Students in the top 25% of each class are individually informed of their class ranks. These rankings are not publicly announced. Students who graduate in the top 25% have their class ranks noted on their university transcripts.

4.1.2 Second Quarter. Students falling between the top 50% and top 25% of each class are permitted access to their individual class ranks. In other words, they can learn their class ranks if they ask the Associate Dean’s office or the Assistant Registrar for the College of Law. Students outside the top 50% of the class are not ranked.

4.1.3 Grade Point Averages. The grade point averages that demarcate the top 25%, 33%, and 50% are publicly announced.

4.2 Order of the Coif

Order of the Coif is an academic honor conferred by the faculty upon its graduates from among the top 10% of the graduating class. Coif graduates have this honor noted on their university transcripts. To be eligible for election, students must complete all of their required courses (see above “Courses Required to Graduate,” pp.1-4) at the WVU College of Law. A student may transfer up to nine credit hours of a law school’s regular curriculum taken at an Association of American Law Schools (AALS) approved law school during that school’s academic year, summer terms on campus, or summer abroad programs approved by the ABA. For purposes of Coif, the grade(s) earned for these hours will not be averaged into the student’s GPA but shall be treated as pass/fail credit. The effect of this rule is that the grade point average used for selection to the Order of the Coif is based solely on the grades earned at the West Virginia University College of Law.

4.3 Order of Barristers

A national honorary organization, the Order of Barristers, encourages oral advocacy and brief writing skills through effective law school moot court programs. Members of the Marlyn E. Lugar Trial Association, the Moot Court Board, and students who have outstanding oral advocacy achievements are eligible for the award. See the Associate Dean’s assistant for applications in March.

4.4 Patrick Duffy Koontz Award

The Patrick Duffy Koontz Award is a monetary prize whose recipients are selected by the College of Law scholarship committee. The award is announced at graduation and is given to students from West Virginia who demonstrate excellence in scholarship, character, and leadership potential.