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A.1 ABOUT THE STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

The students and faculty of the College of Law have adopted a Code of Professional Responsibility to prevent and punish academic misconduct by students in the College. A copy of that Code is included in this Student Handbook and is binding on all students. Enforcement of the Code rests principally in the hands of the student body with oversight by the faculty and the designee of the President of the University. Infractions are investigated and adjudicated by the Student Ethics Council.

A.2 DISMISSAL FOR MISCONDUCT

In view of its public and professional responsibilities with respect to admission of candidates to the practice of law, the West Virginia University College of Law reserves the right to drop any student from the rolls whenever, by formal decision reduced to writing, the faculty finds that the student is unfit to meet the qualifications and responsibilities of the legal profession. Dismissal is considered whenever a student is involved in serious criminal conduct or conduct that would justify professional disciplinary action if the person were a lawyer. Students remain subject to all general rules and regulations of the University and the West Virginia Board of Governors and to the Student Code of Professional Responsibility.

A.3 ACADEMIC RIGHTS AND RESPONSIBILITIES (WVU)

The Office of Student Conduct, located in Boreman North, is staffed by a member of the Office of Student Life and is available to assist any student, student organization, staff member, faculty member, or administrator in understanding and applying the West Virginia University Campus Student Code (http://studentconduct.wvu.edu). Should you have any questions or concerns, please contact LiDell Evans or the Office of Student Conduct at 304-293-8111. In case of conflicts, the Law Student Code of Professional Responsibility controls.
B. WVU COLLEGE OF LAW STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

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Preamble. The cornerstone of our legal system is the integrity of the individual lawyer. As future lawyers, our conduct is governed by the highest standards of ethics. As students enrolled in the West Virginia University College of Law, we recognize and accept the following standards, obligations, and responsibilities as governing our actions and conduct. This Student Code of Professional Responsibility (the “Student Code”) is intended to supplant Article III, B.1., governing acts of academic dishonesty, of the West Virginia University Student Conduct Code for students enrolled in the College of Law.

THE ETHICS COUNCIL

A. COMPOSITION

1. There is hereby created an Ethics Council composed of three members from each class.

2. The members of the Council shall be elected at the end of the spring semester in conjunction with the election of class officers. Any student, full or part time, who is in good academic standing, shall be eligible to run for a seat on the Ethics Council. An elected member of the Ethics Council must relinquish the office if he/she fails to remain a student in good academic standing. First-year members shall be elected in the fall of their entering year. Such elections shall be conducted by the Student Bar Association. The terms of office for the members of the Ethics Council shall run from their election to the election of their successors, with the following qualifications:
   a) The terms of graduating members shall expire on graduation;
   b) The terms of members who are in the process of hearing a case when their successors are elected shall be extended to allow the members to complete the proceeding;
   c) The elected representatives of the second-year class to the Ethics Council not reelected in the spring election and, if necessary, the elected representatives of the first year class not re-elected in the spring election, shall continue to serve until the election of the first-year class members of the Ethics Council. Upon the election of the first-year representatives to the Ethics Council, the holdover members’ term shall end.

3. A vacancy on the Ethics Council shall be filled by appointment by the remaining members of the Ethics Council. The individual selected to fill the vacancy shall be a member of the class in which the vacancy occurs. The appointee shall serve for the remainder of the unexpired term.

4. The Chairperson shall be elected from among the third-year class representatives to the Ethics Council within two weeks of the election of the first-year class representative. From the time of the election of the representatives of the Ethics Council in the spring semester until the selection of the Chairperson after the first-year election in the fall semester, the rising third-year student to receive the greatest number of votes in the most recent election shall serve as Chairperson.

B. INVESTIGATIVE PANEL AND HEARING PANEL

1. Composition: Following the elections in the spring semester, after the election of the Chairperson in the fall semester and at the beginning of the second semester, the Chairperson shall appoint from the members of the Ethics Council an Investigative Panel of three persons, no more than two of whom shall be from the same class in law school. The Chairperson of the Ethics Council shall designate one member of the Investigative Panel to serve as its Chairperson.

2. Duties: The Investigative Panel shall investigate and collect evidence and information concerning any complaints involving an alleged violation of this Student Code. Upon completion of the investigation, the Investigative Panel shall take action as set forth in Section III (A)(1).

3. Hearing Panel: The remaining members of the Ethics Council will serve as the Hearing Panel for the purpose set forth in Section III (C).
C. QUORUM AND MARGIN OF DECISION:
1. Two members shall constitute a quorum for the Investigative Panel, and the decision to charge a violation of the Student Code must be concurred upon by two members of the Investigative Panel.

2. Four members shall constitute a quorum of the Ethics Council Hearing Panel, and the vote of sixty percent of those in attendance shall be necessary to find a violation of the Student Code. For all other purposes, a simple majority shall decide issues which may arise, including votes on recommended sanctions.

D. DUTIES OF THE ETHICS COUNCIL:
1. The Ethics Council shall promulgate, consistent with the provisions of this Student Code, such rules and regulations and prescribe such procedures as shall be necessary and proper to fairly and impartially fulfill its obligations under this Student Code. Upon the approval of the faculty, the rules and regulations shall become final unless subsequently amended as provided for in this paragraph.

2. Before each examination period, the Ethics Council shall take appropriate action to remind the student body of its obligation and responsibilities under the Student Code.

3. At the beginning of each school year, the Ethics Council will make a presentation on the Student Code as part of the orientation of incoming students.

4. The Ethics Council shall be responsible for the investigation and adjudication of alleged violations of this Student Code as set forth herein.

ACADEMIC RESPONSIBILITY AND DUTIES
A. ACADEMIC RESPONSIBILITY
The West Virginia University College of Law expects every member of its academic community to share the historic and traditional commitment to honesty, integrity, and the search for truth. In keeping with this spirit, it shall be a violation of this Student Code for any student or applicant for admission to commit any act of academic dishonesty, which is defined to include, but is not limited to, the following:

1. Plagiarism: Plagiarism is defined in terms of proscribed acts: Students are expected to understand that such practices constitute academic dishonesty regardless of motive. Those who deny deceitful intent, claim not to have known that the act constituted plagiarism, or maintain that what they did was inadvertent are nevertheless subject to penalties when plagiarism has been confirmed. Plagiarism includes, but is not limited to, the following:
   a. Submitting as one’s own work the product of someone else’s research, writing, artistic conception, invention, or design; that is, submitting as one’s own work any report, notebook, speech, outline, theme, thesis, dissertation, commercially prepared paper, musical piece or other written, visual, oral or electronic/computerized material that has been copied in whole or in part from the work of others whether such source is published or unpublished;
   b. Incorporating in one’s submission, without appropriate acknowledgment and attribution, portions of the work of others; that is, failing to use the conventional marks and symbols to acknowledge the use of verbatim and near-verbatim passages of someone else’s work or failing to name the source of words, pictures, graphs, etc., other than one’s own, that are incorporated into any work submitted as one’s own.
   c. A student has a duty to report any other student(s) that he/she sees violating this rule against plagiarism in any way.

Every professor is allowed to establish a collaboration policy for his/her own course. Please refer to the course syllabus to learn what is permissible. However, one should always assume that collaboration is not permitted, unless the syllabus or professor specifically allows it.

2. Cheating and dishonest practice in connection with examinations, papers and projects, including but not limited to:
   a. Obtaining help from another student during examinations;
   b. Knowingly giving help to another student during examinations, taking an examination or doing academic work for another student, or providing one’s own work for another student to copy and submit as his/her own;
   c. The unauthorized use of notes, books, or other sources of information during examinations;
   d. Obtaining without authorization an examination or any part thereof;
   e. Obtaining without authorization any help from another student.
   f. Forgery, misrepresentation, or fraud: Forging or altering, or causing to be altered, the record of any grade in a grade book or other educational record; Use of university documents or instruments of identification with intent to defraud; Presenting false data or intentionally misrepresenting one’s records for admission, registration, or withdrawal from the university or from a university course; Knowingly presenting false data or intentionally misrepresenting one’s records for personal gain; Knowingly furnishing the results of research projects or experiments for the inclusion in another’s work without proper citation; Knowingly furnishing false statements in any university academic
It is a violation of the Student Code for any student or applicant for admission at anytime to intentionally lie, give false information, make material misrepresentations, or omit material facts to the faculty, administration, or any student organization in the course of the academic, extracurricular, co-curricular, admissions, or placement programs of the College of Law. It is a violation of the Student Code for an officer or member of a student organization to (a) discourage observing members from reporting questionable conduct to the Ethics Council, or (b) sanction an organization member for reporting possible violations of the Student Code to the Ethics Council.

It is a violation of the Student Code for any student to refuse to cooperate with the Ethics Council in its conduct of an investigation or hearing.

B. DUTIES

1. Faculty members have a responsibility to support and enforce the Student Code and should report suspected violations to the Ethics Council.

2. If a faculty member reduces a student’s grade because of a suspected violation of the Student Code, the faculty member must give the student written notice of the fact and size of the penalty. If the faculty member learns of the suspected violation after grades were submitted, the faculty member may reduce the student’s grade upon notice to the student and without faculty approval.

3. If the student elects not to contest the grade reduction, that reduction shall become final and no further action, pursuant to this Code, shall be taken. If the student whose grade has been reduced because of a suspected violation elects to contest the grade, he or she may do so by invoking the procedures described in Part III, below. The faculty member’s notice to the student shall then serve as a complaint to the Ethics Council, and the Council shall process the charge as it would any other. Both the Ethics Council and, if review is sought, the faculty, retain the discretion to overrule, decrease, or increase the penalty imposed by the faculty member and to assess any other sanction in addition to or instead of the original penalty. In all cases in which a student challenged a grade that was reduced because of a suspected violation of the Student Code, the procedures in Part III shall supersede the normal grade appeal procedures as to all issues relating to academic dishonesty.

III. ADJUDICATORY PROCEDURES

A. COMPLAINT

1. Initial Inquiry: Upon receipt of a complaint alleging a violation of the provisions of this Student Code, the Chairperson of the Investigative Panel of the Ethics Council will convene a meeting of the Investigative Panel. The Investigative Panel will convene within seven calendar days from receipt of the complaint when classes are in regular session; or within four days after classes resume if the complaint is received during a period in which classes are not scheduled to meet including examination periods. It shall be the duty of the Investigative Panel to conduct such investigations as necessary, being as discrete as possible, into the allegations. When the initial inquiry is completed, the Investigative Panel shall either (1) close the case by recording its findings of fact and conclusion that no violation occurred and providing the charged student(s) with a copy (with the name of any complaining student deleted); or (2) upon a finding concurred in by two or more of its members that there is reason to believe a violation of the Student Code exists, institute a formal investigation of the charges.

2. Formal Investigation: If the Investigative Panel determines there is reason to believe a violation of the Student Code has occurred, it shall select one or more of its members or some other student enrolled within the College of Law to serve as Presenter of the alleged violation. In deciding who should serve as Presenter, the Investigative Panel shall consider:

   a) The student’s ability to perform the duties of Presenter with discretion and without prejudice;

   b) Whether personal relations with the accused or known witnesses would inhibit or unduly influence the performance of his or her duties;

   c) Whether the reported violation occurred during a course of activity in which he or she has an interest; and

   d) any other conflict.

3. When the Investigative Panel reports to the Hearing Panel that probable cause for a violation exists, the Ethics Council Hearing Panel will contact the accused in writing and inform him or her:

   a) of the alleged violation and course of conduct to be investigated as a violation of the Student Code; and

   b) that he or she is entitled to be assisted by an advisor of his or her choice, provided, however, the advisor may not be a member of the College of Law faculty. The advisor may fully represent the student in all capacities as the accused finds necessary.

B. PROCEDURE

1. Within twenty regularly scheduled class meeting days after his or her appointment, the Presenter will complete the investigation of the charges and will prepare a written account of the relevant facts.

2. Upon completion of the investigation, the Presenter will meet with the Ethics Council Investigative Panel and present a detailed summary of the result of the investigation. If it is reaffirmed that probable cause for a violation exists, the Investigative Panel shall advise the Chairperson of the
Ethics Council Hearing Panel of the formal charges and request a date for a hearing. At least twenty regularly scheduled class days before the hearing date, the Chairperson of the Hearing Panel will notify the accused, in writing:

a)  of the date, time, and place of the hearing;
b)  of the specific charges and course of conduct alleged to constitute a violation of the Student Code; and
c)  that he or she is entitled to the assistance of an advisor of his or her choice provided, however, the advisor is not a member of the College of Law faculty. The advisor may fully represent the student in all capacities as the accused finds necessary or appropriate.

3. If upon hearing the report of the Presenter, the Ethics Council Investigative Panel concludes probable cause for a violation does not exist, it shall dismiss the charges.

4. If the matter is dismissed, the Ethics Council Investigative Panel will notify the accused, in writing, of the final disposition of the complaint. Once a matter is finally disposed of at this stage, it shall not be re-opened by the Ethics Council, but the decision to dismiss may be appealed to the faculty pursuant to III(C)(6).

5. Should a violation occur at the end of a semester, the Ethics Council shall delay the proceedings until the next semester unless the accused makes a written request to expedite the matter and the Ethics Council concludes that the matter may be fairly adjudicated. The accused’s ability to prepare and present his or her defense shall be a persuasive factor. If the violation involves a “graduating senior,” see sections V and VII.

6. Upon a showing of good cause, the time periods set forth in this section may be altered by the Ethics Council Hearing Panel.

C. HEARING

1. The Chairperson will preside over the hearing which may be attended by all members of the Ethics Council, the accused, the accused’s advisor, and testifying witnesses. Members of the Hearing Panel shall have the duty to disqualify themselves from the Hearing Panel if they believe that they cannot reach an impartial decision, if there is a conflict of interest, or if he or she has a personal involvement in the matter. Once a member has disqualified him or herself, he or she shall not participate any further in the proceedings against the accused. In addition, the student accused of a violation of the Student Code shall have the right to challenge a member of the Hearing Panel for good cause shown. Upon such a challenge, the remaining unchallenged members of the Hearing Panel shall decide the merits of the challenge. Except for witnesses, who shall be sequestered, the hearing will be open to the public unless the accused requests a closed hearing. A request for a closed hearing must be made in writing to the Chairperson at least forty-eight hours before the scheduled time of the hearing. It shall be within the discretion of the Hearing Panel to grant the accused’s request for a closed hearing.

2. At the hearing, it will be the duty of the Presenter to seek the truth. The accused may rebut any testimony presented and present his or her defense or proof of such mitigating circumstances as the accused deems necessary or appropriate, or both.

3. The hearing will be conducted under the following rules of procedure:

a)  the Ethics Council Hearing Panel may admit and give probative effect to evidence, including hearsay which possesses probative value. It may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence;
b)  documentary evidence may be received in the form of copies, excerpts, or incorporated by reference;
c)  the accused and the Presenter will have the right on every issue:
   i)  to call witnesses and present evidence;
   ii) to cross-examine all witnesses called to present evidence at the hearing;
   iii) to examine and rebut all documents;
   iv) to submit rebuttal evidence; and
   v) to present summation and argument.
d) The Hearing Panel shall decide the issue of guilt solely upon the evidence presented at the hearing. The burden of proof required to sustain any violation of the Student Code lies with the Presenter. The standard of proof is by a preponderance of the evidence.

4. At the conclusion of the hearing, the Ethics Council Hearing Panel will resolve the issue of guilt of the accused.

a) Within two regularly scheduled class days, but in no event more than seven days, of the conclusion of the hearing, the Ethics Council Hearing Panel will inform the accused, in writing, of its decision, and if guilty, the sanctions it will recommend.
b) If the accused is found to be not guilty, the Ethics Council shall set forth its findings in writing and dismiss the charges with prejudice and any and all records except the academic records, examination, or seminar papers of the College of Law, will be sealed and, after the expiration of any appeal time, may be destroyed with the written consent of all parties. A decision of not guilty may be appealed to the faculty
by the Presenter or by the faculty member whose course is involved, if any, or the advisor of the co-curricular or extracurricular activity, if one is involved.

c) If the accused is found guilty of a violation of the Student Code, the Ethics Council Hearing Panel will prepare a complete report of findings of fact, together with a recommendation of sanction, and submit the report, in writing, to the Associate Dean for Academic Affairs (hereinafter the Associate Dean) for faculty action. Notice of such submission and a copy of such shall be given promptly to the accused. The accused may also submit his or her written recommendations of sanctions or explain mitigating circumstances. The accused shall have the right to appeal to the faculty.

d) An appeal to the faculty of the College of Law of a decision by the Ethics Council Hearing Panel shall be made in writing, within thirty calendar days from the date of written decision of the Ethics Council Hearing Panel.

IV. FACULTY REVIEW

A. SCOPE OF REVIEW

It is expressly provided that all findings of guilty or not guilty, dismissal, or the recommended sanctions may be appealed to the College of Law faculty. Upon appeal, the faculty shall have the discretion (1) to review the records from the Ethics Council Hearing Panel, (2) to permit appellate argument on the record of the proceedings before the Ethics Council Hearing Panel, or (3) to hear the case de novo. The faculty may review the legal standards applied by the Ethics Council and procedures it employed.

B. PROCEDURE:

1. The Associate Dean or the Associate Dean’s designee shall preside at the faculty hearing.

2. For the purposes of an appeal under the Student Code, the faculty shall consist of those individuals entitled to attend executive sessions of the faculty.

3. Any faculty member who has a conflict of interest or personal involvement in the matter shall excuse himself or herself from hearing the case on appeal. The accused shall have the right to challenge a faculty member for good cause shown. Upon such challenge, the remaining unchallenged members of the faculty shall decide the merits of the challenge.

4. A majority of the faculty entitled to hear the case shall constitute a quorum.

5. A vote of sixty percent of the faculty hearing an appeal shall be necessary to find a student accused of violating the Student Code guilty. All other matters, including a recommendation of sanctions if the student is found guilty, shall be resolved by majority vote.

6. The accused shall have the right to be assisted by an advisor at all proceedings before the faculty on appeal, provided, however, the advisor shall not be a member of the College of Law faculty.

7. If the proceeding before the faculty is a de novo hearing, the rules set forth in III (C) shall apply, including the standard of proof.

8. If the proceeding before the faculty is a review of the record or a review of the record with arguments, the Ethics Council’s Hearing Panel shall be affirmed if its decision is supported by substantial evidence.

9. If the appeal from the Ethics Council concerns only the recommended sanction, then all arguments to the faculty shall be submitted in writing and without oral arguments.

10. In the event of an appeal of a decision of the Ethics Council, the Associate Dean for the College of Law shall designate the Presenter, provided, however, the Presenter shall not be a member of the College of Law faculty.

11. The Associate Dean shall establish such additional procedures as necessary and as are consistent with the Student Code for conducting appeals from the Ethics Council Hearing Panel.

C. Faculty Decision. Consistent with the ABA Standards and its Interpretations (Standard 205), the decision of the faculty shall be final subject only to an appeal as set forth in Section VI. If the decision of the faculty is guilty, the faculty shall recommend appropriate sanctions to the Associate Dean.

V. SANCTIONS

A. OVERVIEW

The following sanctions are not intended to constitute the exclusive list of sanctions which may be recommended to the Associate Dean of the College of Law by the Hearing Panel or the faculty.

1. Reconsideration by the professor of the grade or credit to the violator of the specific course involved;

2. Written reprimand to be placed in a student’s College of Law academic file;
3. Ineligibility to participate in any co-curricular activity, or to receive a scholarship, loan, grant in aid, or employment, any of which are administered by the College of Law;

4. Suspension for one or two semesters, the first being the semester during which the offense occurred; or

5. Dismissal from the College of Law.

B. IMPOSED SANCTIONS

The sanctions imposed shall be commensurate with the nature of the violation. Failure to report a violation shall constitute grounds for the sanction of public censure, written reprimand placed in a student's academic file, or ineligibility to participate in any co-curricular activities.

VI. APPEAL

An appeal of the faculty's decision or the sanctions imposed by the Associate Dean may be made to the Dean of the College of Law who, pursuant to the provision of Section 6.3.4 of the West Virginia University Board of Governors Policy 15, Student Academic Rights, has been designated by the President of West Virginia University as the President's designee to hear such appeals. Before reaching a decision on the Appeal, the Dean, as the designee of the President, shall consult with University Counsel to assure that all applicable procedural policies and rules have been followed. Following this consultation with University Counsel, the Dean shall render his or her decision within thirty calendar days after the receipt of written notice of the appeal. The decision of the Dean, as designee of the President, shall be final.

VII. COMPLAINTS AGAINST GRADUATING STUDENTS

If a complaint is received by the Ethics Council within the fourteen calendar days preceding the date of graduation of the accused student, the Ethics Council has authority to expedite the procedure outlined so long as the Ethics Council believes that the matter may be fairly adjudicated. If the Council concludes the matter cannot be fairly adjudicated before graduation, the student's diploma will be withheld pending resolution of the charge. If the accused is found guilty of a violation of the Student Code, the Ethics Council may recommend that he or she not be allowed to graduate from the College of Law or that graduation be delayed until prescribed conditions are met.

VIII. MISCELLANEOUS PROCEDURES

All hearings described in Section III will be documented and a record maintained. A permanent record of all documents will be kept for all findings of guilt by the Ethics Council. For findings of not guilty, all such documents, except records the College of Law maintains for all students as a normal part of the records, will be sealed, and, with the written consent of all parties, destroyed after expiration of the appeal period. An audiotape or written transcript of the hearing delineated in Section III (C) shall be made and provided for use on appeal. Thereafter, it may be destroyed.

IX. AMENDMENT OR REPEAL PROCEDURE

A. STUDENT-INITIATED AMENDMENT OR REPEAL

This Student Code may be amended or repealed at any time. In order to initiate such amendment or repeal, a petition which sets forth the proposed amendment or calls for the repeal of this Student Code that contains the signatures of fifteen percent of the entire student body of the College of Law shall be presented to the Ethics Council. The proposed amendment or petition to repeal shall be posted for two weeks upon the appropriate bulletin boards within the College of Law. Approval of sixty percent of the student body shall be required for adoption of the amendment or repeal of the Student Code. The election shall be by secret ballot.

B. ETHICS COUNCIL OR FACULTY-INITIATED AMENDMENT OR REPEAL

Amendment or repeal may also be proposed by a resolution approved by either a majority of all the members of the Ethics Council or a majority vote of the faculty. An amendment or repeal of this Code shall be effective upon ratification by the College of Law faculty.

C. INVALIDATION

Invalidation of any part of this Student Code for any reason shall not affect the validity of the rest of the Student Code.

X. ADOPTION PROCEDURE

This Student Code must be ratified by the faculty of the College of Law followed by approval of sixty percent of the students. The students shall vote in a referendum by secret ballot. The election shall be conducted by the Student Bar Association.

Adopted: April 4, 1991

Last Revised: July 1999

C. BAR ADMISSION
1. Admission to Practice (p. 8)
2. The Bar Exam (p. 8)
3. Action Checklists for Law Students (p. 9)
4. Bar Preparation Courses (p. 10)

An ex-president of West Virginia University, who now teaches at the College of Law, likes to remind incoming law students that they are not going TO law school, but rather THROUGH law school. He is right. New law students should realize that the first day of law school is actually the first day of a career as a lawyer. The first thousand days of that career (approximately) will be spent in studying how to be a lawyer and making strategic choices that help assure successful completion of a state bar exam and successful admission to practice.

1 Professor David Hardesty.

C.1 ADMISSION TO PRACTICE

A lawyer may not practice without a license. Because each state establishes its own licensing procedures, the process of admission to practice varies from state to state. Although the application is typically submitted to the state in the spring semester of the third year of law school, some states require early notice of an intent to practice within the state’s borders. Some even permit a law student to begin the application process early in the law school career at a significantly reduced price. Obviously, every first-year law student should review the application rules in the states where the student plans to practice.

The National Conference of Bar Examiners (NCBE) maintains a website that includes state-by-state bar admission information that is regularly updated with contact addresses, phone numbers, and web sites where application procedures can be reviewed. Access the NCBE website at this address: www.ncbex.org.

Each state’s admission process includes a character and fitness review that takes place after graduation. The character and fitness review is essentially a background check to assure that the applicant will practice law competently and ethically. The review is comprehensive but particularly scrutinizes the applicant’s record during the three years of law school. Hence, it is particularly important that incoming law students adopt a professional persona that evolves positively during the law school career. For example, a law student who blemishes his or her reputation with substance abuse offenses may be delayed in the admission process until the state’s character and fitness committee is assured that the applicant has resolved all issues that might negatively impact the applicant’s ability to practice law competently and ethically. On the other hand, if an applicant has a past history of substance abuse, but has faced and solved that problem, past events are unlikely to prevent the applicant from being admitted to practice.

C.2 THE BAR EXAM

Because each state decides how to structure its bar exam, every first-year law student should research the specifics of the exams in the states where the student will practice. The NCBE creates a national bar admission exam that consists of four parts: the Multistate Bar Exam (MBE) (200 multiple-choice questions); the Multistate Professional Responsibility Exam (MPRE) (50 multiple-choice questions); the Multistate Essay Exam (MEE) (six essay questions); and the Multistate Performance Test (MPT) (two ninety-minute questions that focus on a practical lawyering task). Almost every state has adopted one or more of these national tests as part of the state-specific exam.

Some states also have a state-created component. Thus, a state’s bar exam can consist of NCBE components and state-specific components, and a law student who wishes to be prepared for the exam must research the exam format as well as the subjects tested by the exam.

Careful planning of coursework during law school can help assure that the student is well prepared for the exam. Although a student need not take every course tested by the bar exam, the summer bar exam prep period is too short to self-teach all the subjects that are tested. Hence, a law student should plan law school coursework with an eye toward being prepared.

West Virginia’s bar exam consists of all four tests created by the NCBE. Most students take the Multistate Professional Responsibility Exam after finishing the second year of law school. The post-graduation bar exam given in February for December graduates, and in July for May graduates consists of the Multistate Bar Exam, Multistate Essay Exam, and Multistate Performance Test. The following subjects are tested:

Subjects tested by the MBE:

- Constitutional Law
- Contracts/Sales
- Criminal Law
- Criminal Procedure
- Evidence
- Federal Civil Procedure
• Real Property
• Torts

Subjects tested by the MEE:

• Business Associations (Agency and Partnership; Corporations and Limited Liability Companies)
• Conflict of Laws
• Constitutional Law
• Contracts
• Criminal Law
• Criminal Procedure
• Evidence
• Family Law
• Federal Civil Procedure
• Real Property
• Torts
• Trusts and Estates (Decedents’ Estates; Trusts and Future Interests)
• Uniform Commercial Code (Secured Transactions)

C.3 ACTION CHECKLISTS FOR LAW STUDENTS

The following checklists can help a law student stay on-track for successful completion of the bar exam and the admission to practice process.

1L YEAR:
• Check the state’s website for licensing requirements and bar exam information.
• Make a note of the subject matter covered by the state exam and use this information in planning coursework during the three years of law school.
• If your state permits early application, consider applying now to save money.
• If you have character and fitness review concerns because of past or present events, start resolving those issues now. The same advice applies to financial issues that affect your credit history.
• Note whether your state requires the applicant to complete service hours while in law school (some states now require applicants to have completed a certain number of hours in an experiential learning environment prior to application).
• Start saving for the 3L expenses of graduation, admission to practice, and a bar exam prep course. Plan on having at least $8,000 to cover these costs and summer expenses.

2L YEAR:
• Review the 1L Year checklist and update.
• Complete the Professional Responsibility course and take the MPRE during the summer.
• Revisit the state’s website to note any possible changes.
• Plan your coursework strategically.

3L YEAR:
• Do a transcript check in the fall. Will you graduate as planned?
• Visit the website of the West Virginia Board of Law Examiners (or the website in the state where you will take the bar).
  1. Print and read the bar application materials.
     A. What are the state’s licensing requirements?
     B. What is the deadline for the application?
     C. What fees are applicable? Do I need financial help?
     D. Where will I complete the character review?
     E. What can I do now to start the process?
     F. Are there other deadlines?
  2. Understand the Bar Exam.
A. What are the dates/location of the bar exam?
B. What kinds of tests are on the bar?
C. What subjects will be tested?
D. How are the tests scored?
E. What is the “passing” score?

• Visit the website of the National Conference of Bar Examiners (http://www.ncbex.org) at the end of the first semester and begin the application for admission no later than January 1. (The application can take weeks to complete with all the required information.)

• Learn as much as you can about the review programs for the bar exam, e.g., Kaplan, Barbri, and Themis. Choose one comprehensive program, pay for it, and get the books early for an early start!

• Assess the degree to which you are at risk for not passing the bar exam. Then make a plan to build on your strengths and minimize those risks.

• Make a realistic plan for your summer that includes at least 600 hours of on-task study time prior to the exam (the number of hours that most students say it takes to be ready for the exam).

NOTE: If any change to your student record occurs at any point (DUI, arrests, etc.), you must notify the Assistant Dean for Student Affairs and produce the information in written form for your student file. The Board of Bar Examiners will expect the information they review regarding your record to match what the College has on record in your student file.

C.4 BAR PREPARATION COURSES

The College of Law currently offers several for-credit bar exam preparation courses.

Multistate Performance Test Workshop (Law 664): This one-credit course, which encourages students to learn how to apply substantive law in the context of a Performance Test examination, is open to select (by invitation only) upper-level students. The class provides in-depth training in legal reasoning for law school exams, the bar exam, and legal practice. Students receive guidance and feedback on all written work from the professor about ways to improve their legal reasoning skills.

Essay Writing Workshop I (Law 682): This one-credit course is open to all third-year students. The course provides an overview of the bar exam, addresses how to study and spot issues in essay questions, and teaches students how to write responses to essay questions.

Essay Writing Workshop II (Law 683): This one-credit course is occasionally offered in conjunction with Essay Writing Workshop 1 to provide an additional hour of credit for select students who would benefit from supplemental instruction.

MBE Skills Workshop (Law 667): This is a two-credit, pass/fail course, typically offered in the spring semester. The course is designed to provide in-depth training in the legal reasoning needed to successfully answer multiple-choice questions on the bar exam, and assists students with completing their character and fitness applications.