



DEDMAN SCHOOL OF LAW



GRADUATE PROGRAMS

SOUTHERN METHODIST UNIVERSITY

2012–2013

NOTICE OF NONDISCRIMINATION

Southern Methodist University will not discriminate in any employment practice, education program or educational activity on the basis of race, color, religion, national origin, sex, age, disability or veteran status. SMU's commitment to equal opportunity includes nondiscrimination on the basis of sexual orientation. The director of Institutional Access and Equity has been designated to handle inquiries regarding the nondiscrimination policies.

BULLETIN OF SOUTHERN METHODIST UNIVERSITY

VOL. XCIII

2012–2013

A MESSAGE FROM THE DEAN

I hope this catalog will give you some idea of the quality, richness and excitement of a legal education at the Dedman School of Law at Southern Methodist University. With a student body of deliberately controlled size, a faculty with superb credentials and excellent physical facilities, the School of Law seeks to give each student a personal educational experience of the highest order. In addition to the full-time day and part-time evening J.D. programs, the School of Law has some of the oldest and most outstanding graduate legal programs in the country, including a Master of Laws in taxation, a Master of Laws in comparative and international law, a General Master of Laws, and a Doctor of the Science of Law. We also offer joint degree programs with other colleges in the University, including the J.D./M.B.A. program with the SMU Cox School of Business.

As you will see in the following pages, the school has a diverse and highly talented faculty whose members are dedicated to teaching. Not only do they hold outstanding academic credentials, but virtually all of them also have had practical experience before entering their teaching careers. Consequently, they provide the invaluable link between the theory of classroom instruction and the reality of legal practice. The School of Law enjoys a national and international reputation, with its graduates practicing in every state in the union and in many foreign countries.

We take pride in offering our students a total educational experience. Students have the opportunity to participate in five respected law journals, a summer program in Oxford, England, and several legal clinics, including one of the very few in taxation. While our curriculum is extremely rich, we are still small enough to take a personal interest in each student. The school's Law Quadrangle provides an admirable setting for learning and includes the Underwood Law Library, a modern and comprehensive research facility equipped with state-of-the-art instructional technologies. Our Office of Career Services sponsors numerous programs throughout the year, including on-campus interview programs and off-campus job fairs, seminars, and workshops, to provide a broad range of employment opportunities.

Our student body is diverse, intelligent and inquisitive. Students come from a variety of backgrounds and from all over the United States, although the majority is from Texas and surrounding regions. The student body is enriched by the addition of students from many other countries who participate in the graduate legal programs. Upon graduation, they enter private practice, government practice and the corporate

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State Bar of Texas committee that prepared the bill analysis of UCC Article 1 for the

American legal system for international Master of Laws students. She also teaches a Texas Bar Exam essay-writing workshop twice a year, prior to both the February and July bar exams.

Anthony J. Colangelo, *Associate Professor of Law*, B.A., 2000, (Phi Beta Kappa) Middlebury College; J.D., 2003, (Order of the Coif) Northwestern University; LL.M., 2006, Columbia University; J.S.D., 2009, Columbia University. Professor Colangelo's scholarly and teaching interests are in the fields of conflict of laws, civil procedure, U.S. foreign relations law, and private and public international law. His scholarship has been selected multiple times for presentation at the prestigious Stanford/Yale Junior Faculty Forum and has been published in top general and international scholarly journals. His articles have also been cited and quoted in a number of high-profile cases at the U.S. Court of Appeals and U.S. District Court levels as well as in a recent U.S. Military Commission ruling regarding, among other

tional Lawyer. At Drake University Law School, Ms. Duréus was a member of the National Order of the Barristers and Phi Alpha Delta, served as the chairman of the moot court board and obtained numerous awards for oral advocacy. Prior employment experiences include working for the chief judge of the United States District Court for the Southern District of Iowa; associate professor of law at Drake Law School; partner at Chapman & Reese, P.C.; chair of the Ecclesiastical Section at White & Wiggins LLP (now the Dallas branch of Adorno, Y.1(a)5iW(a)5iW(r D)5.6(,)4.5[(W

Court. Prior to joining the faculty at SMU, he was an attorney with the Environ-

After practicing for several years, she joined an independent Texas banking group as its vice president and general counsel. In 2003, she was the assistant director of the SMU Dedman School of Law Corporate Directors' Institute. Her current teaching area is legal research, writing and advocacy.

Chris Jenks,

Criminal Division to conduct research in Russia on Russian criminal procedure for the Justice Department's Office of Overseas Prosecutorial Development, Assistance and Training. In fall 2006, that office sent him to Armenia to advise senior officials of the Armenian Ministry of Justice. During the spring 2006 term, Professor Kahn served as an adjunct assistant professor of the School of Foreign Service at

philosophy at the University of Michigan in 1979–81 and a visiting assistant professor of philosophy at Texas Christian University in 1981–82. He was a litigation associate with the Chicago firm of Mayer, Brown & Platt in 1985–88 and with the San

2006. Professor McKnight acted as general editor and author of *Creditor's Rights in Texas* (1st ed. 1963). In 2007, Professor McKnight published the 41st in a series of annual surveys of the Texas law of husband and wife and family property law. In 1967, he was a professor at the University of Edinburgh, and, in 1976, he was a visitor at the University of Salamanca. He is a leader in law reform and was a principal draftsman of the Texas Family Code, Texas homestead and antiquities legislation, revisions of the Texas Constitution and a federal statute on historical preservation. He served as a member of the board of directors of the National Legal Aid & Defender Association (1963–66), as vice president of the American Society for Legal History (1966–68) and as a member of its board of directors (1967–75), and as a member of the executive council of the Texas State Historical Association (1988–91). In 1999, he completed a 23-year stint as a trustee of the San Jacinto Museum of History Association, and he has served on the advisory board of the Institute of Texas Cultures. He delivered the Stair Society lecture in Edinburgh in 1976, and he was named an *academico (honoris causa)* of the Academia Mexicana de Derecho Internacional in 1988. Professor McKnight served SMU School of Law as associate dean for academic affairs in 1977–80. In annual surveys of developments of Texas law, Professor McKnight has covered the law of Texas family property in the *SMU Law Review* since 1956. He is currently the general editor and one of the authors of the forthcoming *The History of the Texas Supreme Court*.

Xuan-Thao Nguyen, *Professor of Law*, B.A., 1990, Oberlin College; J.D., 1995, Northeastern University School of Law. Professor Nguyen is an authority in intellectual property and commercial law. She pr

founder of the Center for Intellectual Property Law and director of the Intellectual Property Law Department at Vietnam National University Faculty of Law in Hanoi, Vietnam. She has lectured and presented papers on intellectual property and commercial law at institutions such as Vanderbilt, University of Texas, George Washington, University of Washington, Boston University, American University, University of Florida, UNCITRAL (Vienna), Association of American Law Schools (Conference on Commercial Law and annual meeting), American Intellectual Property Law Association, American Bar Association-American Law Institute and Practicing Law Institute. She has served as a member of the planning committee for several terms with the International Trademarks Association, organizing two INTA annual meetings. She organizes and chairs the annual SMU Emerging Intellectual Property Law Symposium. Professor Nguyen continues to write and teach in the interdisciplinary areas of intellectual property, commercial law, Internet law, taxation and bankruptcy.

Joseph Jude Norton, Distinguished Faculty Fellow in Financial Institutions, Professor of Law, and James L. Walsh Faculty Fellow, A.B., 1966, Providence College; LL.B., 1969, University of Edinburgh; LL.M., 1970

Law in 1977–83 and as an adjunct professor in 1983–88. She has been on the faculty of the National Institute of Corrections since 1987 and has written an NIC monograph, *Parole Law* (1990, revised 1994). In 1983–90, Professor Palacios was a member and, for two years chair, of the Utah Parole Board. In 1990–91, she was a visiting associate professor at the University of Notre Dame Law School. She teaches in the areas of torts and criminal justice.

Ellen Smith Pryor, *University Distinguished Teaching Professor and Homer R. Mitchell Endowed Professor in Commercial and Insurance Law*, B.A. (history), 1978, Rice University; J.D., 1982, University of Texas. Professor Pryor was editor-in-chief of the *Texas Law Review* and a member of Chancellors and Order of the Coif. She received

lectured on patent lawsuit avoidance, the patenting of business methods, joint infringement and the U.S. Patent and Trademark Office's examination guidelines. Professor Robinson's most recent article appeared in the *Texas Intellectual Property Journal* and was reprinted in the *Patent Law Review*. Professor Robinson is admitted to practice in the District of Columbia, Virginia, and before the U.S. Patent and Trademark Office.

C. Paul Rogers, III, *Professor of Law and former Dean*, B.A., 1970, J.D., 1973, University of Texas; LL.M., 1977, Columbia University. Professor Rogers practiced law in Pennsylvania before accepting the Krulewitch Fellowship for graduate law study from Columbia University Law School. He subsequently joined the faculty of Loyola University of Chicago and came to SMU in 1980. He has published articles in the area of antitrust law, contracts, commercial law, regulated industries and legal history and has co-authored an antitrust casebook, *Antitrust Law: Policy & Practice*,

directors of several community organizations and as a member of the Consumer Law Section Council of the State Bar, the Legal Education Subcommittee of the Texas Access to Justice Commission and the United States District Court Advisory Com-

voise & Plimpton in New York and Moscow. Following a clerkship with the Honorable Carlos F. Lucero of the U.S. Court of Appeals for the 10th Circuit, he served as the Ribicoff Fellow at the Yale Law School in 2003–04 and as a Golieb Fellow at New York University Law School in 2004–05. He has been a full-time faculty member at SMU Dedman School of Law since the fall of 2005 and has also been a visiting faculty member at the University of Pennsylvania Law School. He earned his Ph.D. in history from Yale in 2009. Professor Tate's research and teaching is concentrated in the areas of legal history, property, and wills and trusts. He has written articles on modern inheritance law and the legal history of ancient Rome, medieval Europe and 19th-century America for such journals as the *Journal of Legal History*; *Yale Journal of Law and the Humanities*; *Journal of Law and Religion*; *U.C. Davis Law Review*; *Real Property, Probate, and Trust Journal*; and *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*. He has given invited presentations at numerous academic conferences, colloquia and workshops in the United States and abroad. He is a member of the State Bar of Texas, the American Bar Association (Real Property, Trust and Estate Law Section), the American Society for Legal History, the Selden Society and the Society for Medieval Canon Law, among other professional organizations. He is currently engaged in a study of the development of property rights and remedies in medieval England, focusing on adwoson litigation.

David O. Taylor, *Assistant Professor of Law*, B.S. (mechanical engineering), 1999, Texas A&M University (magna cum laude); J.D., 2003, Harvard University (cum laude). At Harvard Law School, Professor Taylor was a member of the *Harvard Journal of Law & Technology* and the *Harvard Journal of Law & Public Policy*. After graduation from law school, Professor Taylor clerked for the Honorable Sharon Prost of the U.S. Court of Appeals for the Federal Circuit. He also worked in the intellectual property department of the law firm of Baker Botts LLP in its Dallas office. While at Baker Botts, Professor Taylor engaged in patent prosecution, patent licensing and patent litigation in various district courts and at the U.S. Court of Appeals for the Federal Circuit. He also assisted with various advanced patent law courses at SMU and successfully represented clients in pro bono matters, including before the U.S. Court of Veterans Appeals. Professor Taylor has published articles in the *Temple Law Review*; *Fordham Intellectual Property, Media and Entertainment Law Journal*; and *Texas Intellectual Property Law Journal*. His first article was cited by the Federal Circuit in *In re Echostar Communications Corp.*, 448 F.3d 1294, 1303 n.5 (Fed. Cir. 2006). His scholarship focuses on patent law, patent policy, patent litigation and civil procedure. Professor Taylor teaches contracts, patent law and advanced patent law courses.

Elizabeth G. Thornburg, *Professor of Law*, B.A., 1976, College of William and Mary (highest honors); J.D., 1979, Southern Methodist University (cum laude). While a student at SMU, Professor Thornburg was the senior notes and comments editor for the *Journal of Air Law and Commerce*, was a member of the Barristers and the Order of the Coif, and was a law clerk for a small firm specializing in civil rights litigation. After graduation, she clerked for the Honorable Robert M. Hill, U.S. District Judge for the Northern District of Texas, and was a commercial litigation associate at the firm then known as Locke, Purnell, Boren, Laney & Neely. Drawing on her experience with civil rights and commercial litigation, her scholarship focuses on the procedural fairness of the litigation process, especially at the pleadings, discovery

pean Union law. Her first book, *Plea Bargaining Across Borders*, was published in 2009. Her articles have appeared in the *Virginia Law Review*, *Michigan Law Review*, *American Journal of Comparative Law*, *Stanford Journal of International Law*, *Virginia Journal of International Law*, *Chicago Journal of International Law*, and *Federal Sentencing Reporter*.

Jonni Walls, Lecturer, B.A., 1968, University of Tennessee in Knoxville (Phi Beta Kappa); J.D., 1991, Southern Methodist Univ

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The Honorable Norman Veasey, *Former Chief Justice of the Delaware Supreme Court*

6. Adjunct Faculty

Sherrie R. Abney	Zeke Fortenberry	Ellen A. Presby
Michael F. Albers	Elizabeth Fraley	Will Pryor
Val J. Albright	Randy D. Gordon	Judge Irma Ramirez
Carl Y. Baggett	Susan M. Halpern	Shane Read
Daniel Baucum	Rosario Heppe	Ron Reneker
Stephen Beck	William Hollway, Jr.	Joe Revesz
Vickie S. Brandt	Charles M. Hosch	Stuart Reynolds
Ada Brown	James T. Jacks	G. Tomas Rhodus
John Browning	Tonya Johannsen	Harry M. Roberts, Jr.
E. Philip Bush	Ralph Jones	Brent M. Rosenthal
Martin L. Camp	Nancy Kennedy	Paul D. Schoonover
William F. Carroll	Robert L. Kimball	Irwin F. Sentilles, III
David W. Carstens	Christopher S. Kippes	Mark A. Shank
Arthur T. Carter	Barry R. Knight	Bart Showalter
Russell Chapman	Kent C. Krause	Maxel Silverberg
Wilson Chu	Marc Lipton	Patricia Sims
John M. Cone	Ernest Martin, Jr.	Steven Smathers
Terry I. Cross	Robert McClelland	Stefan P. Smith
Anthony P. Daddino	Alex G. McGeogh	Sidney Stahl
Joseph R. Dancy	J. Mark McWatters	Carol Stephenson
Joanne Early	Susan Mead	John Stephenson
Yolanda Eisenstein	Judge Mary Murphy	John D. Taurman
William D. Elliot	Dana G. Nahlen	John C. Tiholiz
Al Ellis	Charlotte Noel	Daniel L. Timmons
Paul Enriquez	Christopher Nolland	Robert Udashen
Sander L. Esserman	Michael L. Parham	Michael J. Uhl
Stephen Fahey	David J. Parsons	John Vernon
Felicia A. Finston	Judith M. Patterson	Peter Vogel
C.W. Flynn	Andrew L. Payne	George E. West, II
Patricia H. Flynn	Michael P. Penick	John C. Tiholiz
	John C. Tiholiz	C.W. Flynn
		A

Frankye R. Ross, *Administrative Assistant*

Brent Wooley, B.A., B.S., *Library Specialist (Circulation Desk)*

1. Law School Staff

Betty Alexander, *Administrative Assistant, Dean's Office*

Brenda Aylesworth, *Administrative Assistant, Dean's Office*

B. DESCRIPTION OF THE UNIVERSITY

1. The Vision of Southern Methodist University

To create and impart knowledge that will shape citizens who contribute to their communities and lead their professions in a global society.

Of the 10,982 students enrolled for the 2011 fall term, 6,221 were undergraduates and 4,761 were graduate students. The full-time equivalent enrollment was 6,093 for undergraduates and 3,253 for graduate students.

Nearly all the students in SMU's first class came from Dallas County, but now 49 percent of the University's undergraduate student body comes from outside Texas. In a typical school year, students come to SMU from every state; from more than 90 foreign countries; and from all races, religions and economic levels.

Undergraduate enrollment is 52 percent female. Graduate and professional enrollment is 43 percent female.

A majority of SMU undergraduates receive some form of financial aid. In 2011–2012, 76.9 percent of first-year students received some form of financial aid, and 32 percent of first-year students received need-based financial aid.

Management of the University is vested in a Board of Trustees of civic, business and religious leaders – Methodist and non-Methodist. The founders' first charge to SMU was that it become not necessarily a great *Methodist* university, but a great *university*.

4. Academic Accreditation

Southern Methodist University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award Bachelor's, Master's, professional and doctoral degrees. Contact the Commission on Colleges at 1866

In the Meadows School of the Arts, the Art and Art History programs are accredited through the National Association of Schools of Art and Design, the Dance Division is accredited by the National Association of Schools of Dance, the Music Division is accredited by the National Association of Schools of Music, the Music Therapy program is approved by the American Music Therapy Association, and the Theatre program is accredited by the National Association of Schools of Theatre.

Perkins School of Theology is accredited by the Commission on Accrediting of the Association of Theological Schools (ATS) in the United States and Canada (10 Summit Park Drive, Pittsburgh, Pennsylvania 15275-1110; telephone number 412-788-6505) to award M.Div., C.M.M., M.S.M., M.T.S. and D.Min. degrees.

Accredited programs in the Simmons School of Education and Human Development include the Teacher Education undergraduate and graduate certificate programs, which are accredited by the State Board of Educator Certification (SBEC) and the Texas Education Agency (TEA). The undergraduate program is approved annually by TEA. The Learning Therapist Certificate program, which is accredited by the International Multisensory Structured Language Education Council, was last reaccredited in 2011.

C. DEDMAN SCHOOL OF LAW

1. Programs and Instruction

J.D. Degree

The Juris Doctor is the first law degree normally obtained in three years (full-time) or four years (part-time) of study. The primary purpose of the J.D. program is preparation for the practice of law, private or public. The curriculum combines training in the science and method of law, knowledge of the substance and procedure of law, understanding of the role of law in society and practical experience in handling professional problems. It also explores the responsibility of lawyers and

ates are described in Section VI, Graduate Legal Studies. Approximately 50 full-time and 20 part-time students are enrolled in these graduate programs.

Nondegree Enrollment and Auditing

Attorneys holding valid U.S. law licenses or graduates from American Bar Associa-

4. Student Conduct

Students are expected to conduct themselves as prospective members of the legal profession. A Student Code of Professional Responsibility (located in Section IX) that was drafted by a student/faculty committee, approved by the faculty and ratified by the student body is in effect. By enrolling in the school, students are deemed to have notice of the code's contents and therefore should familiarize themselves with its standards and disciplinary procedures. In addition, students are expected to comply with the policies and procedures established by the administrative offices at

Office. Discontinuance of class attendance or notification to the instructors of intention to withdraw does not constitute an official withdrawal.

Reduction of tuition and fees is based on the schedule listed in the *Financial Information Bulletin* and is determined by the effective date of the withdrawal. The supplement can be accessed online at www.smu.edu/bursar (“Financial Brochure” link).

Note: For students receiving financial aid (scholarships, grants or loans), when the withdrawal date qualifies for reduction of tuition and fees charges, the refund typically will be used to repay the student aid programs first and go to the student/family last. Further, government regulations may require that SMU return aid funds whether or not the University must reduce its tuition and fees (based on the *Financial Information Bulletin*); hence, a student whose account was paid in full prior to withdrawal may owe a significant amount at withdrawal due to the required return of student aid. Therefore, students who receive any financial aid should discuss, prior to withdrawal, the financial implications of the withdrawal with staff of the Division of Enrollment Services.

Medical withdrawals and mandatory administrative withdrawals allow a prorated refund of tuition and fees. However, a medical withdrawal includes requirements that must be met prior to reenrollment at SMU. The medical director, psychiatric director, counseling and testing director, or vice president for student affairs must authorize a medical withdrawal or mandatory administrative withdrawal. Authorization and confirmation of medical necessity must be obtained from the appropriate medical authorities prior to approval of the withdrawal. As a matter of University policy, and in compliance with federal regulations, retroactive medical withdrawals cannot be granted.

Withdrawing students living in SMU housing must check out of residence halls through the Department of Residence Life and Student Housing per established procedures.

2. Graduate and Professional Student Aid

University grants, scholarships, fellowships and assistantships are awarded in the school or department in which the graduate student will enroll. Schools and departments that offer Master’s or Ph.D. degrees offer a significant number of tuition scholarships and teaching or research assistantships each year. For more information, students should contact the appropriate school or department.

Grants and loans for Texas residents, private and federal loans, and employment programs may be available by filing the Free Application for Federal Student Aid. The FAFSA may be completed online at www.fafsa.gov. A personal identification number can be obtained at www.pin.ed.gov, which can be used to electronically sign the application. SMU’s code number is 003613.

More information is available online at smu.edu/bursar.

E. FINANCIAL AID

1. Scholarships

A limited number of awards of full and partial tuition and fees are made annually to entering first-year students. The Financial Aid Committee endeavors to use the available funds to attract students who will enhance the School of Law with their academic achievement and potential (relying primarily on undergraduate grade point averages and Law School Admission Test scores) and life experiences. Unless otherwise specified in the award letter, these grants are renewed for subsequent years provided the student remains in good standing. Scholarships are applied to courses taken during fall and spring terms at Dedman Law School.

James Elliot Bower Memorial Scholarship

Selection of James Elliot Bower Memorial scholars is made on the basis of academic proficiency, extracurricular achievement and financial need.

Charles and Peggy Galvin Endowment Fund

This fund was established in 1979 by multiple donors in honor of Charles and Peggy Galvin. The endowment provides support for a full-tuition scholarship based on merit. The Charles and Peggy Galvin Scholar must rank in the top 1/3 of his or her law school class in order to retain the scholarship.

Haynes and Boone Minority Scholarship and Clerkship

Funded by the law firm of Haynes and Boone LLP, this program provides two exceptional minority students an opportunity to work as a summer associate in either the Dallas or Houston office of Haynes and Boone.

The Sarah T. Hughes Diversity Law Fellowship

The Dallas Bar Foundation funds several full-tuition scholarships annually to enable men and women from minority groups to obtain a legal education at Dedman Law School and subsequently enter the legal profession. The fellowship is awarded initially to entering full-time students for one year and is renewable for the second and third years of study as long as the student remains in good standing. Applicants must complete a separate scholarship application and be accepted for admission to Dedman Law School by the regular decision deadline.

Hutchison Scholarship Program

In 1984, Mr. and Mrs. William L. Hutchison, Sr., created this endowment with the following objectives: 1) to foster and encourage excellence in legal study so that students selected by the school for an award from the endowment income may become

school and maintain a cooperative, friendly attitude and relationship with school administrators, professors and other students.

Cary Maguire Ethics Scholarship

valuable traits as community citizens, in

Joy and Ralph Ellis Scholarship	The Homer B. Reynolds, III Endowed Scholarship Fund
The Bess and Ted Enloe Endowed Scholarship Fund	W. A. Rhea Scholarship
The Armine C. Ernst Endowed Scholarship Fund	William J. Rochelle, Jr. Scholarship Endowment Fund
The Henry R. and Rose S. Feld and Morton H. and Hortense Sanger Endowed Scholarship Fund	The Martin Samuelsohn Endowed Scholarship
Donald C. Fitch, Jr. Endowed Scholarship	The Richard L. Scott Family Scholarship Endowment Fund
Charles and Peggy Galvin Endowment Fund	The John T. Sharpe Scholarship Endowment Fund
The Judge Dean Gandy Endowed Scholarship Fund	Robert Hickman Smellage, Sr., Memorial Fund
Gardere & Wynne Council for Excellence Scholarship Endowment Fund	The Edward R. & Jo Anne M. Smith Endowment Fund
The Larry D. George Endowed Scholarship Fund	Wm. Elliott and Mildred Smith Scholarship
Gibbs Memorial Scholarship Fund	The Sohmen Chinese Scholars Program Endowment
Arthur I. and Jeannette M. Ginsburg Scholarship	The Sohmen Endowed Scholarship Fund
Hawkins Golden Law Scholarship	Fred S. Stradley Memorial Scholarship
J. Roscoe Golden Scholarship Fund	Strasburger & Price Council for Excellence Scholarship Endowment Fund
The Hall Family Endowed Scholarship in Law	Carl W. Summers, Jr., Endowment Fund
W. R. Harris, Sr. Memorial Scholarship	The Hatton W. Sumners Scholarship Program
The DeWitt Harry Scholarship Fund	The Louis Szep Endowed Memorial Fund
The Linda Wertheimer Hart and Milledge A.	

F. UNIVERSITY SERVICES

1. English as a Second Language Program

www.smu.edu/esl

Students whose first language is not English may encounter special challenges as they strive to function efficiently in the unfamiliar culture of an American university setting. The Office of General Education offers the following ESL resources to students from all schools and departments of SMU. Students may apply on the ESL website. Students enrolling in 2000-level Intensive English Program courses should download an application package via the IEP link on the website. **Note:** The required text for the ESL 6001, 6002 two-term sequence is *Communicate: Strategies for International Teaching Assistants*. More information about the ESL Program is available on the website or from the director, John E. Wheeler (jwheeler@smu.edu).

The Courses (ESL)

ESL 1001 (O)

ESL COMMUNICATION SKILLS

The goal of this course is to improve ESL students' oral and aural interactive skills in speaking, giving presentations, pronunciation, listening, and American idiomatic usage so that they may become more participatory in their classes and integrate more readily with their native English-speaking peers. It is designed to meet the needs of undergraduate and graduate students who may be fully competent in their field of study yet require specialized training to effectively communicate in an American classroom setting. The course is free of charge, noncredit bearing, and transcribed as pass or fail. *Prerequisite:* ESL Program approval required.

ESL 1002 (O)

ESL COMMUNICATION SKILLS II

Building on skills developed in ESL 1001, studen

ESL 4001 (0)

undergraduates. Families with no more than two children may be housed in Hawk Hall. Also located in Hawk Hall is the SMU Preschool and Child Care Center.

Special Housing Needs

Students having special housing needs because of a disability should contact RLSH and the Office of Disability Accommodations and Success Strategies prior to submitting the housing application. Whenever possible, the housing staff will work with that student in adapting the facility to meet special needs.

General Housing Information

Health Center website (www.smu.edu/healthcenter). For appointments and health information, students should call 214-768-2141. After hours and during holidays, a nurse advice line is available at 214-768-2141.

Patient Observation. When ordered by a staff physician, a student may be held in observation between 8:30 a.m. and 5 p.m., Monday through Friday. Observation is available for most types of non-major medical treatment. When necessary, students are referred to medical or surgical specialists in Dallas. The patient will be responsi

Students are encouraged to check their Access.SMU account for immunization

10. Student Center

www.smu.edu/htrigg

ian, German, Arabic, Russian, Mandarin Chinese, Japanese, Korean and American Sign Language.

CAPE also specializes in the following areas:

Creative Writing. Creative writing instructors, noted authors and publishers lead noncredit writing workshops. Selected participants are invited to submit manuscripts for review by New York literary agents, editors and publishing houses. Additional information is available at www.smu.edu/creativewriting.

Graduate Test Preparation. Study courses for the GRE graduate school entry exam, GMAT graduate admission test and LSAT law school aptitude test are offered throughout the year. Additional information is available online at www.smu.edu/testprep.

Nonprofit Leadership. Together with the Center for Nonprofit Management, SMU offers a certificate program in nonprofit leadership for executive directors and CEOs of nonprofit organizations. Additional information is available at www.edu/education/nonprofitleadership.

Certificate Programs. For those who are seeking professional achievement or a new career direction but who are not interested in a traditional undergraduate or graduate degree-granting program, CAPE currently offers noncredit certificate programs in financial planning, nonprofit leadership, paralegal studies, graphic design and Web design. Students complete certificate programs by taking a series of classes over weeks or years, depending on the specialization and the student's schedule. Cohort and independent options are available, with some classes being offered online. Upon successful completion of the program, students receive a transcript and a certificate of completion from SMU. In the financial planning certificate program, students then have the option to test for national certification.

Professional Training and Development.

Students are expected to keep current all their addresses and telephone numbers,

University. Instructions for requesting a transcript to be mailed or picked up on campus are available at www.smu.edu/registrar ("Transcript Requests" link). A student may request his or her official transcript through the online Access.SMU Student Center. Requests are processed through the National Student Clearinghouse. Telephone and email requests are not accepted. Students or their specified third party can pick up their transcripts at the University Registrar's Office, 101 Blanton Building. Transcripts may be delayed pending a change of grade, degree awarded or term grades.

SMU is permitted, but not required, to

link). More information is available through the Division of Enrollment Services (phone: 214-768-3417).

Medical withdrawals provide a prorated refund of tuition and fees and have conditions that must be met prior to re

H. SCHOLARLY PUBLICATIONS

International Lawyer is the most widely distributed U.S. international law review in the world. *The International Lawyer* focuses primarily on practical issues facing lawyers engaged in international practice. Addressing issues such as international trade,

Association, Christian Legal Society, Corporate Law Association, Criminal Law Association, Energy Law Association, Environmental Law Society, Family Law Association, Federalist Society, Health Law Association, Hispanic American Law Students Association, Human Rights Initiative, Intellectual Property Organization, International Law Review Association, International Law Society, J. Reuben Clark Society, Jewish Law Students Association, Law Review Association, Longhorn Bar Association, Muslim Law Students Association, Real Estate Law Association, OutLaw (Lesbian and Gay Law Students), OWLS (Older and Wiser Law Students), Science and Technology Law Review, Second Amendment Society, Sports and Entertainment Law Group, Texas Trial Lawyers Association, and Women in Law.

extracurricular activities and other maturing experiences are also considered. In the evening program, work and/or life experiences, as well as graduate studies, will be weighed more heavily in the selection process.

Each year the number of applicants with the requisite capacity far exceeds the number of places in the entering class. In choosing among these applicants, the admissions committee looks for those whose performance at the School of Law will

Law. In special circumstances and with the consent of the instructor, the assistant dean for student affairs and the senior associate dean for academic affairs, other students may be permitted to audit a course in accordance with the above requirements and any other requirements imposed by the instructor, the assistant dean for student affairs or the associate dean for academic affairs.

E. ENROLLMENT

1. Enrollment Periods

The times for enrollment are announced by the Registrar's Office. Students who fail

before noon on the last day of classes, the student will ordinarily receive no grade for the course. If a student withdraws from a course after noon on the last day of classes, the student will ordinarily receive a failing grade for the course.

4. Withdrawal From the Law School

Withdrawal From the Law School – Withdrawal means the student’s enrollment is cancelled and the student is no longer enrolled for any classes. If a student is enrolled for only one course, dropping this course constitutes withdrawal from the Law School and is subject to the penalties. The student must contact the Registrar’s Office in writing to withdraw from the Law School. The effective date of the withdrawal is the date the Student Petition for Withdrawal is processed in the Registrar’s Office. This date is the date used for credit or refund purposes. For the consequences of withdrawal on grading and readmission, see Section III J, Withdrawal From Law School, Re-entry and Readmission.

Credit or Refund – A credit or refund will be issued if notification is received prior to the close of the business day according to the following schedules:

<i>Effective Date</i>	<i>Fall and Spring Terms</i>
Prior to first day of term	100%
1st–5th day of term	90%
6th–10th day of term	50%
11th–15th day of term	25%
16th–20th day of term	10%
After the 20th day of term	0%

<i>Effective Date</i>	<i>Summer Term</i>
Prior to first day of term	100%
1st–2nd day of term	50%
After the 2nd day of term	0%

F. CLASSROOM WORK, ATTENDANCE AND EXAMINATIONS

1. Classroom Work and Assignments

Students are expected to prepare all assignments and to participate in classroom

final examination or received a final grade, regardless of whether credit in a particular course is necessary to meet the requirements for graduation. When a course is repeated, both grades will be used in the computation. A course may not be repeated if the student has previously received credit for the course. Only courses in this law school will be used in the computation.

5. Credit for Work Completed at Other Schools

The School of Law will not grant credit for any coursework completed prior to a student's matriculation in a J.D. program at an American Bar Association-approved or Association of American Law Schools-approved law school. While enrolled at the

**J. WITHDRAWAL FROM LAW SCHOOL, RE-ENTRY
AND READMISSION**

1. Withdrawal From Law School

5. Time Limit

All requirements must be met in the School of Law, or another approved law school, within 60 months or five years from commencing law school. In computing the period, any time during which the candidate was in active U.S. military service shall be excluded.

6. Effects of Changes in Requirements

A student must meet the residence and grade requirements (Section III G and H) in effect at the time that the student enters. The student will not be affected by later changes in these requirements. Other requirements may be changed from time to time with such applicability as the faculty determines.

The senior associate dean will then report the faculty member's decision to the student.

IV. COMBINED J.D./M.B.A. PROGRAM AND J.D./P.M.B.A. PROGRAM

A. NATURE OF THE PROGRAMS

The combined J.D./M.B.A. program and J.D./Professional M.B.A. program are offered jointly by the Dedman School of Law and the Graduate Division of the SMU Cox School of Business. The programs are designed for law practice with a strong business background and for business careers with a strong legal background. Through the J.D./M.B.A. program, the combined degrees may be obtained in four academic years instead of the five academic years required, if pursued separately. Through the J.D./P.M.B.A. program, the comb

J.D./M.B.A. program or the combined J.D./P.M.B.A. program, as applicable. Students who wish to pursue the joint program after starting their first year of law school for the J.D./M.B.A. or during their first two years of law school for the J.D./P.M.B.A. must obtain permission from the Law School's assistant dean for student affairs and then should consult with the M.B.A. Admissions Office.

Law School applications should be addressed to Office of Admissions, SMU Dedman School of Law, PO Box 750110, Dallas TX 75275-0110, or call 214-768-2550.

M.B.A. applications should be addressed to Graduate Admissions, SMU Cox School of Business, PO Box 750333, Dallas TX 75275-0333, or call 214-768-1214 or 1-800-472-3622.

V. COMBINED J.D./M.A. IN ECONOMICS PROGRAM

A. NATURE OF THE PROGRAM

The combined J.D./M.A. in Economics – Law and Economics Track Program is offered jointly by the School of Law and the SMU Department of Economics in Dedman College. The program is designed for law students who have some prior background in economics and who wish to develop further their abilities to deal with complex economic issues. Through the program, the combined degrees can be obtained in four academic years or even in as little as three years and one additional term if classes are taken during at least one summer term.

B. STRUCTURE OF THE PROGRAM

The Master of Arts in Economics – Law and Economics Track is a 36-hour nonthesis program that can be completed in part-time evening and summer study. For students in the combined J.D./M.A. program, the Economics Department will accept up to nine hours of law school credit towards the M.A. degree. The School of Law will accept up to six hours of graduate economics credits towards the 87 hours required for the J.D. degree. Thus, the student in the combined J.D./M.A. program

C. OTHER REQUIREMENTS

Except as modified by the above, a student must meet all the requirements of both schools for admission, performance, graduation, etc. In particular, the student must satisfy the law requirements outlined in Section III of this catalog, and the student must earn a grade of *C* or better, with an overall *B* cumulative average maintained in the degree program. Students enrolled in the joint degree program also must complete all noncredit-bearing requirements of the program.

Students must be admitted separately into the School of Law and the M.A. in economics program.

Applications and additional information may be obtained from the School of Law: Office of Admissions, SMU Dedman School of Law, PO Box 750110, Dallas TX 75275-0110; 214-768-2550.

Applications and additional information may be obtained from the Economics Department: Director of Graduate Studies, Department of Economics, Southern Methodist University, Dallas TX 75275-0496; 214-768-4335.

VI. GRADUATE LEGAL STUDIES

A. OBJECTIVES OF GRADUATE LEGAL STUDIES

The School of Law established its graduate degree programs more than 50 years ago. They are intended to enhance careers in the private practice of law, in teaching and in public service by providing the opportunity for graduate level education and training. The programs are designed to increase the student's understanding of legal theory and policies, broaden the student's legal horizons and encourage the development of legal research and writing skills.

The Master of Laws degree programs are open to lawyers who are graduates of approved law schools and whose academic and professional records indicate a likelihood of successful graduate legal study. While most classes are scheduled during the day, selected courses (primarily in the tax, business and international law fields) may be offered in the early morning and in the evening.

B. GRADUATE DEGREES OFFERED

Among the School of Law's graduate degree programs, the main focus is on its Master of Laws in taxation degree for those holding a J.D. degree and on its Master of Laws degree for foreign law school graduates. However, the school also offers (on

Financial Aid

The Robert Hickman Smellage, Sr. Memorial Fund provides scholarship assistance

credit on completion of all work to the instructor's satisfaction, but the grades will not be computed into the student's Law School average.

The student may be permitted to undertake directed research for a one-hour to three-hour graded paper if he or she can obtain a faculty sponsor.

- C. A student entering the program must have a grade point average of *C* or 2.000 on all courses taken. The requisite GPA of *C* or 2.000 must be obtained in the first 24 credit hours. A student will not receive credit for a course or seminar in which his or her grade is below *D* or 1.000.
- D. Completion of all requirements within 36 months from the date of initial enrollment as a graduate law student. However, a candidate continuously enrolled as a part-time student has 60 months to complete all requirements.

2. Master of Laws for Foreign Law School Graduates

The graduate program for international students is rooted in the efforts of the School of Law in the early 1950s to make the school a leading international legal center. More than 1,400 international graduates of the School of Law from more than 75 countries now occupy prominent positions in government, legal practice, business, the judiciary and legal education around the world.

The primary goal of the program is to enhance the international student's legal skills so that he or she may become a more effective lawyer and member of society. In this respect, the program seeks to develop: (i) an appreciation of the role of law in national and international development, (ii) the ability to identify, through comparative and international studies, policy considerations of various legal rules, (iii) an

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Financial Aid

The Robert G. Storey Memorial Fund provides scholarship support to an outstanding foreign graduate law student who undertakes an intensive course of study in comparative and international law. The Sohmen Endowed Scholarship Fund and Sohmen Chinese Scholars Program Endowment provide full tuition and fees and a monthly living stipend for up to four students from China. In addition, a limited number of additional scholarships may be available.

International applicants should note that the School of Law has no funds to grant for travel expenses, either to or from the United States or within the United States, nor does it have any administ

they must participate in an extensive orientation program held at the School of Law in mid-August of each year before the start of classes in the fall term.

4. Doctor of the Science of Law

The degree of Doctor of Juridical Science is the highest postgraduate law degree

The S.J.D. candidate is matriculated as of the first day of the first term in which the S.J.D. candidate commences the S.J.D. program. The date of matriculation is relevant for purposes of the various time periods.

Probationary Status for First Two Years

The S.J.D. candidate must be in residence at the Law School for not less than two academic years, during which time the S.J.D. candidate is in probationary status. During the first probationary year, the S.J.D. candidate (subject to the overall direction of the primary supervisor) will be concerned primarily with conducting extensive research for the purpose of identifying all relevant legal and other materials in the dissertation subject matter. In addition, the S.J.D. candidate will prepare and submit to the primary supervisor (in the following order): 1) a suitable research abstract indicating the thematic and analytical framework and proposition(s) to be proved, and the objectives to be achieved by the dissertation; 2) a detailed subject-matter outline for the dissertation; 3) an extensive working bibliography; and 4) an introductory draft chapter (or equivalent writing) that is at least 10,000 words and that indicates doctoral-level legal research and legal writing abilities.

During the first probationary year, the

candidate's publishing in an acceptable medium at least a portion of this work product. In order for the S.J.D. candidate to complete the two-year probationary status (and be admitted unconditionally to the S.J.D. program), the S.J.D. candidate must demonstrate by the end of the second probationary year that there is a

Fees

For the first year of the program, S.J.D. candidates will be charged the equivalent of full-time tuition and fees applicable to LL.M. students. Thereafter, S.J.D. candidates will be assessed a special fee for each fall and spring term until approval of the final dissertation. This fee will be set at the beginning of each term. The 2012–13 fee is \$1,997 per term.

There are no Law School scholarships or research/teaching assistantships available for the S.J.D. degree. On an individual basis, an S.J.D. candidate may apply to be the research assistant of a particular faculty member, but any such arrangement must be made individually with the faculty member, who reserves full discretion in such a matter.

VII. OFFICE OF CAREER SERVICES

C. RESOURCE AND TECHNOLOGY CENTER

The OCS maintains its own library of career resources. The Resource and Technology Center contains a wide variety of publications on career and job search information, legal specialties and judicial clerkships. The center also maintains employer

VIII. THE CURRICULUM

A. COURSE OFFERINGS

J.D. program required courses (listed in Section VIII B) are offered at least once each academic year. Courses that have been offered in the past two academic years or are anticipated to be offered in the 2011–12 academic year are listed below. Other courses may be offered. The Law School Registrar's Office publishes a schedule of courses before the beginning of each term. Students must consult these schedules for actual course offerings and for any prerequisites or corequisites for those courses. It is the responsibility of each student to verify that he or she has taken the prerequisites, or will be taking concurrently any required corequisites, at the time he or she registers for a class. Students with any questions concerning these issues should contact the assistant dean for student affairs.

B. THE J.D. PROGRAM

1. First-Year Required Courses

LAW 6205 (2)

LAW, LITERATURE, AND MEDICINE

This seminar provides law students and medical students an opportunity to read and discuss novels, poems, plays, and short stories.

bonds, insurance, changes, scheduling, delays, unforeseen circumstances, risk allocation of defective work, payments, and remedies for breach.

LAW 6221 (2), 6318 (3)

BANKING LAW AND REGULATION: DOMESTIC AND INTERNATIONAL

its causes, warranties, representations, and concealment; limits and duration of coverage; rights at variance with policy provisions; claims processes; and insurance institutions.

LAW 6263 (2)

LAND USE

Planning, zoning, subdivision, takings, zoning and discrimination, and administrative process in public land use planning.

LAW 6269 (2)

LITIGATING INTELLECTUAL PROPERTY

Participation course centered around an intellectual property dispute, primarily addressing patent and trademark issues, with particular emphasis on pretrial activities. The class will cover prelawsuit activities, preparation of pleadings, early motion practice, and dispositive motion practice, all in the context of an intellectual property lawsuit. A fact scenario will be provided and developed during the term, and assignments will center around the developing facts. The class will permit students to participate in a variety of litigation-oriented activities such as drafting and responding to pleadings, drafting and answering discovery, participating in mock depositions, and drafting and arguing motions. *Prerequisites:* All first-year courses.

LAW 6274 (2)

CRIMINAL EVIDENCE SEMINAR

This seminar will explore selected topics in criminal evidence law. Likely topics include (i) limits on the admission of prosecution evidence imposed by the Supreme Court's decision in *Crawford v. Washington*; (ii) proposals to limit the admission of certain eyewitness identification testimony; (iii) the use of criminal convictions to impeach defendants who testify at trial; and (iv) rules that permit the admission of propensity evidence in the prosecution of certain crimes. Evidence is a prerequisite. Students will be required to write a paper on a criminal evidence topic, present the paper to the class for discussion and prepare reaction papers to the topics discussed during the course. *Prerequisite:* LAW 8355 or LAW 8455.

LAW 6275 (2)

FRANCHISING AND DISTRIBUTION LAW

There is a growing recognition and respect for franchising and product distribution domestically and around the world. Franchising had its start in the U.S. around the time of the Civil War, but in the last 10 years franchising's growth has been explosive. It no longer concerns only restaurants and lodging, but has expanded to areas such as telecom and automotive. This course will provide an overview of the law of franchising and product distribution, both domestically and internationally.

LAW 6276 (2)

INTERNATIONAL ENVIRONMENTAL LAW

A study of the transnational concerning environmental protection and the application of such laws to issues facing governments and businesses worldwide. Includes study of major interna-

tion on dangerous and defective products, and current and pending legislation dealing with injuries and remedies in specific areas.

LAW 6280 (2)

PATENT LAW

The course provides an introduction to patent and trade secret law for the protection of inventions, technical know-how, and other proprietary intellectual property. Procedures and approaches to protecting high technology, such as computer software, integrated circuitry, and genetic engineering are included. The course includes the law and procedure of developing the rights, as well as licensing and litigation aspects. Trademark law is briefly covered. A technical background is not a prerequisite for the course.

LAW 6284 (2)

ADVANCED PATENT LAW

Substantive and procedural aspects of patent prosecution before the U.S. Patent and Trademark Office. Practical exercises in prosecution practice, such as claim drafting, preparation of amendments, and other prosecution proceedings. Additional prosecution subjects including dealing with inventors, developing invention disclosures, and preparing patent applications.

Prerequisite: Patent Law.

LAW 6289 (2), 6389 (3)

SALE OF GOODS TRANSACTION

An introductory survey of the law of sales under the Uniform Commercial Code: particular emphasis on Article 2, contract formation, parol evidence rule, statute of frauds, risk of loss, receipt and inspection, acceptance, revocation, warranties, remedies of buyer and seller, remedy disclaimers and limitations, documentary transactions, consumer protection.

LAW 6293 (2)

STATE AND LOCAL TAXATION

LAW 6299 (2), 6399 (3)

FEDERAL TAXPAYERS CLINIC DEPUTY

Assisting in preparing and supervising clinic students in client representation, including fact investigations and analysis, legal research and writing, litigation training, and court appearances. Deputies are selected by the clinic instructors. Students may not enroll before being selected. *Prerequisite:* LAW 7443.

LAW 6301 (3)

LAW 6343 (3)

ESTATE PLANNING/PRACTICE

Functional examination of the integration of the federal estate and gift taxes; marital deduction planning and drafting; drafting the By-Pass Trust; desirability of making lifetime interspousal transfers; gifts to minors and other dependents (including the grantor trust rules); techniques of income deflection and estate shrinkage for tax reasons; transferring ownership of life insurance with emphasis on irrevocable life insurance trusts; and introduction to the generation skipping tax. It is recommended but not required to have previously taken either Wills and Trusts or Income Tax, or to take them concurrently with Estate Planning.

LAW 6344 (3)

ENVIRONMENTAL LAW

A survey that presents an introduction to basic elements of federal environmental law. The course includes analysis of environmental regulatory policy, statutory control of air, water, and hazardous waste pollution, and allocation of the costs of cleaning environmental contamination.

LAW 6347 (3)

FAMILY LAW

The legal problems of the family including marriage, annulment, divorce, legitimacy, custody, support of family members, adoption, and related matters. This course does not include Texas matrimonial property law. If the student plans to take instruction in both courses, this course should be taken first.

LAW 6349 (3)

FEDERAL COURTS

Congressional control of the distribution of judicial power among federal and state courts; practice and procedure in the federal district courts including choice of law, federal question and diversity jurisdiction, and state-federal conflicts.

LAW 6353 (3), 8258 (2)

IMMIGRATION LAW

An analysis of the Immigration and Nationality Act and relevant regulations with respect to the immigration of aliens, the substantive and procedural aspects of deportation, and exclusion proceedings. A review of nationality law with respect to citizenship and expatriation. Special problems of refugees in the United States may be considered.

LAW 6355 (3)

INTERNATIONAL LAW

The basic course in public international law includes (with varying emphasis depending on teacher preference) such topics as nature, history, and sources of international law; customary international law; law of treaties; the relation

LAW 6363 (3)

LAND USE

Planning, zoning, subdivision, takings, zoning and discrimination, and administrative process in public land use planning.

LAW 6371 (3), 8271 (2)

CIVIL PROCEDURE I, II

Civil procedure, focusing on judicial resolution of disputes and development of the modern civil action including consideration of the jurisdiction of courts, venue, process, pleading, joinder, discovery, pretrial practice, right to a jury trial, withdrawing cases from a jury, motions after verdict, judgments and their effects and appellate review. Also, an introduction to alternative dispute resolutions.

LAW 6378 (3)

OIL AND GAS

Ownership in oil and gas; correlative rights and duties in a common reservoir, instruments

expropriation, fair and equitable treatment and denial of justice are discussed, but also the concept of a foreign investment and a foreign investor. Special attention is also paid to the interplay between relevant treaties and the process of dispute settlement, in particular in regard to the jurisdiction of the International Centre for Settlement of Investment Disputes (ICSID). Currently, more than 180 states are members of ICSID, and almost 100 cases are pending before ICSID, most of them dealing with major investment projects.

LAW 6391 (3)

ADVANCED TORTS

This course considers in detail six to eight topics crucial to personal injury and commercial tort litigators for both plaintiffs and defendants. Coverage may vary somewhat year to year. Topics may include settlement agreements, comparative responsibility, the contract-tort boundary, misrepresentation, fraud, professional negligence, the liability insurer's duty to defend and duty to settle, tortious interference with contract and prospective contract, and products liability.

LAW 6393 (3), 7227 (2)

TAX ACCOUNTING

Timing of income and deductions for federal income tax purposes, including accounting periods, the cash receipts and disbursements and accrual methods, installment sales, interest

LAW 7207 (2)

FEDERAL TAX PROCEDURE I

Preparation and trial of tax cases in the federal courts, representation of a taxpayer before the Internal Revenue Service, administrative powers and procedures of the Internal Revenue Service, criminal violations of the Internal Revenue Code, and accumulations of supporting evidence for a tax plan.

LAW 7213 (2), 7313 (3)

INTERNATIONAL BANKING AND FINANCE

Selected topics (which may vary from year to year) drawn from the following areas: the international monetary system and role of international financial organizations as related to private transactions; specialized problems of financing international business; and selective international financial transactions (e.g., exchange market operations, country lending, Eurodollar and Eurobond financing, international loan syndications, project financing, and international trade financing). Guest expert lecturers may be utilized. Often contains interdisciplinary and cross-cultural subject matter. Written exam and/or paper may be required.

LAW 7214 (2), 7314 (3)

INTERNATIONAL LITIGATION/ARBITRATION

Examines practical aspects of private litigation involving a foreign element; includes comparative concepts of jurisdiction, service, taking evidence abroad, divorce, and enforcement of foreign nation judgments, as well as choice of law in contracts, torts, and decedent estates. Also explores arbitration as an alternative means of resolving transnational commercial disputes. Particular attention paid to relevant new treaties.

LAW 7215 (2)

INTERNATIONAL BUSINESS TRANSACTION

A basic course for U.S. and international students on fundamental legal problems encountered in international business. Course is particularly beneficial as a foundation course for the second-year student desiring to pursue the international law area or for the third-year student desiring only a survey of the area.

LAW 7216 (2), 7302 (3)

INTERNATIONAL TAX I

A basic course for U.S. and international students focusing on foreign citizens, residents, and business entities conducting business or investment in the United States – so-called inbound
rnatis -1.136 TD.0004T&AW 7213 (2, 7302 (3)

LAW 7233 (2)**LAW AND MEDICINE/MALPRACTICE**

An examination of the legal and economic aspects of medical malpractice, including elements of the prima facie case, defenses, and problems of proof. From time to time, the course also focuses on the potential liability of the individual practitioner and of health care institutions; tort reform legislation; the structure of insurance markets; negligent nondisclosure risks and treatment alternatives; forensic medicine and the use of medical and scientific evidence in the courtroom; and legal and ethical aspects of the professional-patient relationship.

LAW 7235 (2)**CORPORATE FINANCE AND ACQUISITIONS**

The first part of this course provides a basis for resolving the typical valuation questions that arise in the corporate acquisition context. The basic concepts of financial theory, including discounting, diversification, portfolio theory, the capital asset pricing model, and the Black-Scholes option pricing model are presented and critically assessed. The second part of the course examines certain issues that arise in the corporate acquisition context that involve valuation questions, including the scope of application of the de facto merger and successor liability doctrines, appraisal rights, and the fairness of freeze-out transactions. The course will not consider issues arising under federal securities law. It is strongly recommended that students have some background in economics or finance. *Prerequisite:* LAW 6420.

LAW 7238 (2)**CRIMINAL TAX FRAUD**

A study in detail of the criminal tax statutes of the Internal Revenue Code, along with the administrative provisions of the Code and Regulations. *Prerequisites:* LAW 6420 and LAW 6421.

LAW 7273 (2)

SPORTS LAW

A study of the legal and business structure of professional and amateur sports, including an

LAW 7293 (2)
PERSPECTIVES OF THE AMERICAN LEGAL SYSTEM

LAW 7329 (3)
JURISPRUDENCE I

A survey of major theories of legal philosophy.

LAW 7330 (3)
LAW AND MEDICINE: BIOETHICS

The course focuses on the interplay between bioethics and law in the context of topics such as human reproduction, death and dying, and human experimentation.

LAW 7333 (3)
FIRST AMENDMENT/FREEDOM OF SPEECH

An examination of constitutional issues and interpretation under the First Amendment focusing on freedom of speech and press, as well as establishment and free exercise of religion.

LAW 7334 (3)
PERSPECTIVE ON COUNTERTERRORISM

Acts of terrorism, committed against the state by nonstate actors, are not new. From a lawyer's point of view, what is new about the state's repertoire of responses to them? What are the constants and what are the variables that influence a state's recognition, definition, and reaction to real or perceived threats to the state's core responsibility for domestic security? By what standards should state action be assessed? And what role should law and lawyers play during such extraordinary times? This course will take an insistently interdisciplinary and occasionally comparative approach to these and other legal issues in America's "war on terror." Readings will be drawn from familiar legal sources, but also from works of history, the social sciences, and literature. May not be taken concurrently with National Security and Criminal Law Enforcement (6270).

LAW 7336 (3)
CORPORATE TAX

The formation of corporations, corporate capital structure, earnings and profits, dividends, distributions, redemptions, partial liquidations and complete liquidations, and Subchapter S corporations. *Prerequisite:* Income Taxation.

LAW 7342 (3)
FEDERAL TAXPAYERS CLINIC

LAW 7344 (3)
EMPLOYMENT DISCRIMINATION

Examination of the federal law regulating discrimination in employment. The primary emphasis is upon Title VII of the Civil Rights Act of 1964 (discrimination on the basis of race, sex, religion, and national origin), the Age Discrimination in Employment Act, the Equal Pay Act, the Americans with Disabilities Act, and federal requirements of affirmative action imposed upon government contractors, but other civil rights statutes and the National Labor Relations Act will be treated as they bear upon the subject.

LAW 7350 (3)
PROFESSIONAL RESPONSIBILITY

An analysis of principles and rules governing the conduct of lawyers. Includes the client-lawyer relationship, competence, confidentiality, loyalty, the roles of lawyers as counselors and advocates, public service, advertising, admission to practice, and professional discipline.

LAW 7352 (3), 8252 (2)

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deterrent effect and demographic distribution of death sentences, modes of execution, access to review of sentences, and state-federal relations.

LAW 7356 (3)

INTERNATIONAL CRIMES

The origins, development, and growth of international crimes. Examines the juridical bases and processes by which objectionable or offensive conduct is transformed into an international crime. In this vein, identifies the attributes and characteristics of international crimes and explores the practical as well as doctrinal problems relating to the regulation, prevention, control, and suppression of

LAW 7420 (4)**LAW AND MEDICINE: HEALTH CARE**

An examination of the application of law and legal process to the resolution of problems and the development of policies relating to health and health care services. The course is intended to develop an understanding of the social, business, policy, and ethical implications of legal rules and procedures, as well as an understanding of how the law shapes the financing, organization, and delivery of health care in America. Topics usually include tax, antitrust, insurance, and tort law; medical and hospital licensure and accreditation; Medicare and Medicaid; and state and federal health care regulation.

LAW 7441 (4)**CRIMINAL CLINIC PROSECUTION**

A practice-based period of study involving the prosecution of misdemeanor offenses with the Dallas County District Attorney's Office. Classroom instruction and skills training are integrated with actual case work.

LAW 7443 (4)**FEDERAL TAXPAYERS CLINIC**

Clinical instruction in federal tax practice emphasizing the representation of taxpayers before the Internal Revenue Service and the Tax Court. Classroom instruction in interviewing techniques and counseling is integrated with interviewing prospective clients and with the ultimate representation of taxpayers before the Internal Revenue Service and before the Tax Court. *Prerequisite:* LAW 8360 or 6460.

LAW 7496 (4)**TRIAL ADVOCACY**

Enrollment is limited. An intensive course in trial tactics, techniques, and advocacy, emphasizing the practice of the separate components of a trial: direct examination, objections, cross-examination, use of rehabilitative devices, examination of expert witness, jury selection, opening statements, and closing argument. At the end of the term each student acts as co-counsel in a full trial. Video tape recording is used for critiquing student performance throughout the term. *Prerequisite:* LAW 8355 or 8455.

LAW 7559 (5)**CIVIL CLINIC**

The course develops lawyering skills and analytic methods for developing those skills. Clinic students will represent indigent clients in actual cases. Topics will include interviewing, counseling, fact investigation and discovery, case planning, negotiation, drafting of pleadings, motions and memoranda, and pretrial and trial advocacy. Special emphasis will be placed on professional responsibility issues and strategic planning methods. Throughout the course, a combination of teaching methods will be employed, including one-on-one case supervision, classroom instruction, simulations, and videotaped exercises. A third of the students in the clinic will represent reside4()n Am7dewiqueTJ1485(ra.304 9.44.0003 Tc1.0176 Tw(A)-7.7r)3.1(ovie)12 n,7.4(Tj/ th)-3.TT10 1 Tf7.02 0 0 7.02 125.463 9.221324.80025 Tc1Tw((111)8.uisite:1324.80025

Texas, Dallas and Fort Worth Divisions. From time to time, students may also have the opportunity to work with federal judges in the Eastern District of Texas, Plano Division and the United States Court of Appeals for the Fifth Circuit. Students will be paired with an individual judge, and will work approximately 10–15 hours per week under that judge's supervision for one term for a total of at least 120 hours. The Federal Judicial Externship also includes a Judicial Externship that will meet for at least 14 50-minute hours. Students successfully completing the externship and class will receive 3 hours credit (based on two credits for the externship itself and one for the classroom component). The students' primary activities will be research, drafting bench memos, drafting opinions, and observing conferences, motion hearings, and evidentiary hearings. Students will occasionally have the opportunity to prepare short articles for publication. The teacher of the classroom component will also serve as faculty supervisor for the externships, while the judges will serve as field supervisors.

LAW 8138 (1), 8223 (2), 8323 (3)

SMALL-BUSINESS CLINIC DEPUTY

Assisting in preparing and supervising clinic students in client representation, including fact investigations and analysis, legal research and writing, litigation training and court appearances. Requires selection of deputies by the clinic instructors. Allows students to enroll only after they are selected. Pass/fail or graded, at the option of the professor.

LAW 8170 (1)

LAWYERING AND ETHICS FOR THE BUSINESS ATTORNEY

The role of the corporate lawyer in the counseling and litigation settings. Includes subjects such as the role of the lawyer in the close corporation, client fraud dilemmas, conflicts of interest, internal corporate investigations, litigating and the Securities and Exchange Commission, the role of inside counsel, business relationships with clients, and related party transactions.

LAW 8201 (2)

LEGAL EXTERNSHIP

LAW 8202 (2)

SMALL-BUSINESS CLINIC

Many small businesses have a wide range of legal issues. Student attorneys will assist small businesses and nonprofit organizations with various legal matters that these entities face. Student attorneys will advise clients in the start-up of their business and assist in preparing necessary legal documents. The student attorneys will also form and give advice to nonprofit organizations. Student attorneys will learn how to deal with clients involving transactional business law. Student attorneys will have a hands-on experience of representing clients in a wide variety of business issues. For many of our students this will be their first time to practice law and have an experience dealing with clients. *Prerequisites:* LAW 6420 and 8203.

LAW 8203 (2)

COUNSELING THE SMALL-BUSINESS OWNER

This is a how-to course. It is a skills course that focuses on forming and representing small businesses and nonprofit organizations. The course covers advice regarding selection of a client, understanding the client's goals, what choice of entity to recommend to the client, entity creation by drafting various documents such as certificates of formation for profit and nonprofit corporations and limited liability companies, bylaws, noncompetition agreements, nondisclo-

in this course will be based on your paper (70 percent), your class participation (20 percent), and your presentation of your paper to the class (10 percent). Students are expected to attend class.

LAW 8222 (2)

ADVANCED CONTRACTS: DRAFTING

This course is intended to provide the practical skills necessary to draft effective and clear business contracts. Students gain real-world skills of benefit to a transactional lawyer or a litigator. The focus is not especially theoretical, as was the case with the first-year contracts course. The purpose is to train students how to translate the terms of a client's business deal into a contract that advances not only the client's interest, but that is not so one-sided as to be unacceptable to the other side. Students prepare and submit drafting exercises each week. Many are ungraded, but several larger drafting projects are graded.

LAW 8248 (2)

HOW LAWYERS SEE THE WORLD: THEORIES OF LEGAL INTERPRETATION, JUSTIFICATION, AND INSTITUTIONALIZATION

This course is concerned with general theoretical questions about the nature of law and legal systems, about the relationship of law to justice and morality, and about the connections between law and the humanities. The question of whether law is an autonomous discipline is an animating theme, and part of our objective will be to consider this question from a variety of angles. As tools, philosophical and literary texts will be used, as well as, a number of representative cases.

LAW 8262 (2)

ANIMAL LAW

This course provides an introduction to the field of animal law, a dynamic and emerging area of the law. It is not an animal rights class. The course surveys the historical origins of the legal status of animals and examines the common law and statutory foundations upon which it operates. Students will study traditional legal disciplines, such as constitutional law, contracts, and torts, through the lens of animal interests. The course explores the often controversial moral, ethical, and public policy considerations faced when balancing the legal interests of humans and nonhumans. Current laws affecting animals at the local, state, and federal levels will be covered.

LAW 8273 (2)

ETHICAL DILEMMAS IN LEGAL PRACTICE

Following lectures for the first four classes that will lay groundwork, the course will pose fact situations presenting current ethical issues and real-life problems counsel might face in actual practice. Each fact situation will be the subject of one or more student papers which will be presented and discussed during a weekly class session. A judge or other prominent practitioner will attend and participate in each session. *Prerequisite:* LAW 7350.

LAW 8281 (2)

ADVANCED BANKRUPTCY

In-depth study of corporate reorganization under Chapter 11 of the Bankruptcy Code.

LAW 8290 (2), 8390 (3)

CONTRACTS I, II

History and development of the common law of contract; principles controlling the formation, performance, and termination of contracts, including the basic doctrines of offer and acceptance, consideration, conditions, material breach, damages, and statute of frauds; statutory variances from the common law with particular attention to Uniform Commercial Code sections.

use by judges and jurors will also be explored, along with the ways in which social media use has affected attorney marketing practices. As it considers social media's impact on the evolving legal landscape, the course will also examine constitutional concerns raised by social networking's

for development, and postconflict economic reconstruction. This course should be of particular importance for domestic and international students seeking an international legal practice with private firms, international and regional bodies and domestic government and private bodies dealing with the international arena.

LAW 8321 (3)

COMPLEX LITIGATION

Advanced civil procedure, primarily on the pretrial and trial levels, involving multiple party, multiple claim litigation and the manual for complex litigation, with special emphasis placed on complex practice areas, e.g., multidistrict litigation, securities litigation, shareholder derivative suits, antitrust, civil rights, and other class actions.

LAW 8322 (3)

NONPROFIT ORGANIZATIONS

A comprehensive survey of state and federal law governing nonprofit organizations. Topics of study include theories of nonprofit enterprise; state law governing the formation, governance, and funding of nonprofits; rationales and requirements for tax exemption; the public charity/private foundation distinction; mutual benefit organizations; the unrelated business income tax; tax-exempt finance; charitable contributions; and antitrust law. Practical skills activities include drafting articles of incorporation or association, bylaws, and application for recognition of exemption for either a real or fictitious client.

LAW 8324 (3)

EDUCATION LAW

This course will examine major legal issues confronting public schools in the United States. Among the topics covered will be: student attendance and instructional programs; educator and student expressive and associational rights; religion in the schools; student discipline; search and seizure; privacy issues involving students, educators and community stakeholders; employment and personnel issues; and special education. All topics will be explored from a national perspective. Texas distinctions will be made where applicable. Special emphasis will be made on the structure and governance of the Texas School System and the principle school finance issues confronting the state as manifest in its equity and adequacy litigation. *Prerequisites:* Completion of the first year curriculum including constitutional law, civil procedure, contracts, and torts.

LAW 8326 (3)

COLLABORATIVE LAW

and how? How do we regulate medical negligence? How do our systems respond to public health crises, such as HIV/AIDS and infectious diseases? The first part of this term will be an overview of different health care and legal systems. Students will then prepare and present research comparing and contrasting two countries' responses to a particular issue.

LAW 8346 (3)

FOOD AND DRUG LAW

Examines how the Food and Drug Administration regulates food, drugs, medical devices, and biotechnology. The FDA is the oldest consumer protection agency in the U.S., and it regulates a significant portion of the U.S. economy. Addresses the history and scope of the FDA's authority, and how the agency has evolved to deal with modern developments in the biosciences, as well as emerging public health and safety issues such as bioterrorism and advances in genetic research. Students learn theories and study examples of risk regulation, statutory interpretation, interagency cooperation, public participation, and agency policymaking. We will also focus on the FDA's relationships with Congress, the executive branch, and the industries it regulates.

LAW 8355 (3)

EVIDENCE

Principles governing the admission and exclusion of evidence, including functions of judge and

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Observer Program. Contact the Registrar's Office for a list of such programs and for more information.

IX. STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

PREAMBLE

The law is a learned profession that demands from its members standards of honesty and integrity, and these standards are far higher than those imposed on society as a whole. A dishonest attorney is a menace to the profession and to society. Because there is no reason to believe that dishonest students will become honest attorneys, insistence on the highest ethical standards must begin in law school. This Student Code of Professional Responsibility is dedicated to that end.

The code is designed to assure that each student can be evaluated on his or her own merits, free from the unfairness of competing with students who attempt to enhance their own efforts unfairly. This code describes the obligations of students, faculty and administrators; the composition and jurisdiction of the honor council; and the procedures to be followed in determining whether a student has violated the code and the sanctions that may be imposed. Although law students are subject to this Student Code of Professional Responsibility, as students of Southern Methodist University, they are also subject to the University Student Code of Conduct to the extent that the latter is not inconsistent with this code. (See the University publication *SMU Policies for Community Life*.)

Although the failure to report one's own act or another student's act that may constitute a violation of this code is not itself a violation of this code, it is the sense of the Law School community that a student should report conduct that he or she reasonably suspects does constitute a violation.

SECTION I. DEFINITIONS

- A. **Assistant Dean** – the assistant dean for student affairs or that person to whom the dean has delegated the functions of that office
- B. **Chair** – that faculty member serving as the chair of the honor council (See Section II A3 in the Student Code.)
- C. **Code** – the Dedman School of Law at Southern Methodist University Student Code of Professional Responsibility
- D. **Complaint** – the formal charging document submitted to the council by the investigating committee when it finds probable cause to bring a reported violation to a hearing (See Section VIII F in the Student Code.)
- E. **Council** – the honor council (See Section II in the Student Code.)
- F. **Days** – calendar days
- G. **Dean** – the dean of the School of Law
- H. **Defense Counsel** – the individual who, either by the accused student's selection or by appointment, shall represent the accused student during an investigation, hearing or appeal (See Section IX A in the Student Code.)
- I. **Instructor** – any person, regardless of rank or title, who teaches law students at the Law School
- J. **Investigating Committee** – the committee appointed by the dean to investigate possible violations of the code (See Section IV B13 and Section VIII F. in the Student Code.)

- K. Knowingly** – A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to the circumstances surrounding such conduct, when he or she is aware of the nature of such conduct or that such circumstances exist. A person also acts knowingly, or with knowledge, with respect to a result of his or her conduct, when that person is aware that the conduct is reasonably certain to cause that result.
- L. Law School** – the Dedman School of Law at Southern Methodist University
- M. Negligence** – A person acts negligently with respect to circumstances surrounding his or her conduct or the result of that conduct when he or she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur.
- N. Purposefully** – A person acts purposefully, or with purpose with respect to an act or to a result, when it is his or her intention, conscious object or desire to engage in the act or to cause the result.
- O. Recklessly** – A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of that conduct, when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur.
- P. Report of an Alleged Violation** – a report to the assistant dean of a possible violation of the code (See Section VII in the Student Code.)
- Q. School Prosecutor** – the member of the investigating committee chosen by that committee to prosecute the accused student at the hearing and any possible appeal (See Section VIII F and Section IX E in the Student Code.)
- R. Student** – any person who is, or has been, enrolled at the Southern Methodist

members shall serve three-year staggered terms, so that no two faculty members will have the same number of years remaining in their terms of appointment. If, for any reason, a faculty member cannot complete his or her term, attend a particular hearing or vote on a particular question (for example, whether to decline jurisdiction over a matter), the alternate shall complete the

13. Unless authorized by this code or required by law or court order, no member of the Law School faculty, administration, honor council or an investigating committee shall disclose information concerning the identity of the accused, the accuser or witnesses without the express permission of the council or committee. Students who are questioned by a member of the faculty, administration, honor council or investigating committee about a suspected code violation by another student shall not disclose to anyone else information concerning the identity of the accused, the accuser or witnesses learned during the questioning without the express permission of the council or committee.
 14. With respect to the Law School library or other University library, a student shall not: (a) mark, tear, mutilate or destroy library material, (b) hide, misshelve or misfile library material, (c) remove library material from the library without complying with library regulations or (d) otherwise fail to comply with library regulations.
 15. A student violates this code by conspiring, soliciting, attempting or agreeing to commit, assist or facilitate the commission of any violation of this code.
 16. A student shall comply with any requirement imposed upon him or her by the honor council as a sanction under this code.
 17. A student shall not engage in any act that materially disrupts a class, meeting or other function of the Law School so as to interfere unreasonably with the rights of other students in the pursuit of their education.
 18. Purposefully engaging in racial, ethnic, religious or sexual harassment of a student interferes with the rights of that student; accordingly, such conduct violates this code.
 19. A student shall not knowingly make a false allegation of a violation of this code.
 20. A student shall not use computer information systems for non-Law School related activities (such as employment outside of the Law School) without authorization or for assignments, projects or coursework in which use of such systems is prohibited.
- C. Before a student may be found to have violated this code, there must be clear and convincing evidence that the accused committed the act or acts constituting the violation and that the accused did so purposefully, knowingly, recklessly or negligently.
- D. Extenuating circumstances or good motives (such as, by way of example, pressure from school or outside work, family obligations or to help a friend) are no defense to a violation of the code but may be relevant to the determination of sanction.
- E. It is not a defense to charges of violating this code for a student to claim he or she has not received, read or understood this code or is otherwise ignorant of its provisions. A student is held to have notice of this code by enrolling in the Law

SECTION V. SANCTIONS

- A. Sanctions for violations of this code may include but are not limited to one or more of the following:
1. Public or private admonition, warning, reprimand or censure.
 2. Counseling.
 3. Additional academic work.
 4. A requirement that a student take extra credit hours.
 5. Public or University service.
 6. Suspension or loss of specific Law School benefits, privileges, memberships and/or honors, including financial aid and scholarships.
 7. Fines.
 8. Compensation for or replacement of any damaged or destroyed property.
 9. Recording of findings in the student's Law School file for any length of time.
 10. Probation, with or without conditions.
 11. Suspension for a period not longer than two years.
 12. Expulsion.
 13. Recommendation of a lowered grade.
 14. Recommendation to the board of trustees that an awarded degree be withdrawn.
 15. Request to the dean that he or she take other appropriate action.
- B. The honor council has no authority to determine or change a student's grade based upon the student's conduct in connection with a course or other graded academic activity.
- C. Notwithstanding the provisions of this section, any official student organization may suspend, expel (with or without retroactive effect) or terminate any membership or honors accorded a member found to have violated this code.

SECTION VI. RESPONSIBILITIES OF FACULTY AND ADMINISTRATION

- A. By the second meeting of a course, each instructor shall identify with precision the materials (if any) that the students may use during the instructor's examination and shall describe the condition (for example, annotated or unannotated) in which those materials may be used. However, if an instructor does not identify the materials usable during the final examination and their condition, students must assume that the examination in that course is "closed book," that is, that no materials will be permitted to be used by students during the final examination. In order to eliminate ambiguity or uncertainty, the instructor shall answer any student question concerning those materials and shall communicate that same information to all students in the course.
- B. Each instructor shall include the instructions described in paragraph A in the written instructions accompanying the examination.
- C. Each instructor shall exercise caution in preparing, administering and discussing an examination to ensure that no student receives an unfair advantage.

- D. Each instructor and member of the Law School staff shall report to the assistant dean for student affairs any student conduct that is reasonably believed to constitute a violation of this code.
- E. It is the responsibility of the dean, or his or her delegate, to supervise the imposition of any sanction directed by the council or modified by any appeal.

SECTION VII. REPORT OF AN ALLEGED VIOLATION

- A. If a person wishes to initiate a disciplinary proceeding against a student for violating this code, the person must report the matter to the assistant dean for student affairs. The report of the suspected code violation may be either written

award of a degree or other purpose. Whenever the council's report includes a recommendation of action by the dean against the student, a copy of the report shall be sent to the student.

- D. If the council does not decline or postpone asserting jurisdiction over the matter, the chair shall promptly notify the assistant dean for student affairs of that fact. Upon receipt of such notice, the assistant dean for student affairs shall promptly notify the accused student of the allegation and that an investigation will begin and shall furnish the student with a copy of this code. Where a report of a suspected code violation accusing a currently enrolled student is received by the council at a time when it appears that the investigation and hearing before the council, if any, could not be completed at least two weeks before the end of classes, the chair of the council may direct the assistant dean to postpone notification until after the accused student has completed his or her examinations.
- E. The assistant dean shall notify the accused student that an investigation is to be initiated and shall also notify the dean, but such notice to the dean shall not disclose the identity of the accused, the accuser or the nature of the alleged violation. The dean shall promptly appoint an investigating committee consisting of two faculty members and one student. The associate and assistant deans and members of the council shall not be appointed to the investigating committee.
- F. Duties of the Investigating Committee
1. Except for good cause shown, the investigating committee shall complete its investigation of the alleged violation within 30 days of its formation.
 2. The committee shall have the power to question persons having pertinent information, examine any pertinent material and question an accused student if he or she is willing to speak. If the committee questions a student whom the committee reasonably believes has committed a code violation, it shall advise the student: (a) of his or her right not to speak, (b) that what the student says can be used against the student, (c) that the student has the right to consult an attorney or other representative before answering any questions and (d) that the student has the right to have that representative present during the questioning. At the request of the investigating committee, the chair of the honor council shall have the authority to subpoena Law School instructors, staff and students to appear as witnesses before the investigating committee or the council and to grant use or transactional immunity to a witness or to an accused student if he or she is not willing to speak to the committee.
 3. Upon completion of its investigation, the investigating committee shall determine whether probable cause exists to believe that a student has violated this code. A finding of probable cause must be supported by at least two members of the committee. The committee shall promptly report its determination,

- a. **A copy of the complaint, which shall be a plain, concise and definite written statement of the essential facts of the violation(s) charged, citing the specific provision(s) of this code that th**

- G. The school prosecutor and the accused student (or defense counsel) may make opening and concluding statements. However, an accused student who has chosen not to testify may not make a statement to the council unless the student allows questions from council members and the school prosecutor.
- H. The hearing shall be recorded by means of stenographic or audio or video tape recording.
- I. The council may not find the accused student guilty of any code violation not charged in the complaint. After the hearing begins, the complaint may be amended over the accused's objection, provided the accused is not thereby prejudiced in his or her defense. A continuance of the hearing may be granted to avoid such prejudice. The school prosecutor shall bear the burden of proving the alleged violation(s) by clear and convincing evidence. A 2/3 vote of the council members present shall be necessary for a finding of guilt and the imposition of any sanction, except that expulsion or a recommendation that an awarded degree be withdrawn shall each require unanimity.
- J. After the hearing is concluded, the chair or the council shall prepare a written report detailing the evidence considered, the reasons for its decision and any sanction(s) imposed. Concurring and dissenting members may prepare reports explaining their positions. Copies of the reports shall be given to the accused and to the dean.
- K. At the conclusion of a case, including an appeal, if any, the council shall publish the results of its decision (as amended by any appeal). The council may publish the decision in any way it considers appropriate. Factors it might consider include, by way of examples, the relevancy of publicity as to the sanction or the informational value of the decision to the Law School community. In publicizing its decision, the council shall not publish the name of any participant, except that in exceptional circumstances the council may reveal the name of the student found guilty of the violation(s). Beginning with the effective date of this code, all published decisions shall be maintained on reserve in the library.
- L. Regardless of the decision on the merits, the council shall keep a permanent record of the evidence presented at the hearing, the report(s) and the opinion(s) of the council, if any, and any other information it decides should be retained. Such record may be referred to later by the council for whatever purpose it considers relevant, but the council shall not reveal the names of the accuser or the witnesses. At any time after three years from the conclusion of an appeal, the council may destroy any record of the matter other than its written report(s) and the opinion(s) of the dean, if any. When no complaint is filed because the allegation is deemed without merit, the conduct is *de minimis* or the evidence is deemed insufficient, the council shall nevertheless keep a record of the allegation, the reason(s) for nonaction, the name of the student whose conduct was under investigation and the names of the accuser and/or the witness(es) for three years, after which time such record shall be destroyed. Subject to paragraph K, neither the contents nor the existence of any record referred to in this paragraph may be disclosed except 1) when required by law or order of court, 2) when required by the dean or 3) when the concerned student has signed a written waiver of confidentiality.

M. At the end of each chair's tenure, the chair shall transfer all case files to the dean's office, and the dean shall transfer them to the next chair. Such transfers shall be made without breach of the confidentiality of the files.

SECTION X. APPEAL OF ADJUDICATIONS

G. After the dean's decision, the student may ask the president of the University to modify the sanction(s), but not the finding of guilt. The president may consider any information he or she considers pertinent, including the report(s) of the council and the opinion(s) of the dean. The president may not increase the sanction.

**SECTION XI. APPEAL OF ADJUDICATIONS
OF NONACADEMIC VIOLATIONS**

A student who is adjudged guilty by the honor council of conduct that does not involve academic misconduct, an attempt to gain unfair academic advantage over other law students or an unreasonable interference with the rights of other students may appeal the determination of the council to the University Judicial Council according to the University procedures for the appeal of Level II hearing boards. (See the University publication

7. The investigating committee shall reach a determination regarding the reported code violation within 30 days of its appointment.
 8. The investigating committee shall report its determination of whether to file a complaint to the chair of the honor council, to the accused student and to the person or persons initiating the report of the suspected violation within four days of reaching its determination.
 9. The investigating committee shall give to the accused student the information specified in Section VIII F4, a–f, within seven days of the notification to the student that a complaint will issue.
 10. The honor council shall convene to hear a complaint within 21 days of receipt of the complaint by the chair.
 11. The chair's written report of the council's determination(s) and its summary of the evidence shall be submitted to the dean within seven days of the termination of the hearing.
 12. A student's written notice of an intent to appeal an honor council determination must be received by the dean's office within seven days of that determination.
 13. Except for the notice of appeal, deadlines for written submissions to the dean from any party relating to a matter on appeal will be set by the dean.
 14. The dean shall decide the appeal within 30 days of the date the dean's office receives the notification of an intent to appeal.
 15. A student's written appeal of a sanction shall be submitted to the office of the president of the University within 14 days of the student's receipt of the dean's determination.
 16. This code imposes no period of time within which the president of the University must decide an appeal.
- B. In computing any period of time prescribed or allowed by this code, the day of the act or event from which the designated period of time begins to run shall not be included.
- C. The accused may waive time periods imposed by this code on others. Noncooperation by the accused is a basis for the suspension of time requirements imposed by the code. The honor council, by majority vote, and the dean shall have the authority to extend time limits imposed upon the accused.
- D. Failure by Law School personnel to abide by the time requirements of this code without the accused's consent may be grounds for dismissal of the complaint or mitigation of sanctions only if a substantial delay has been caused and the accused has suffered prejudice thereby.

Submitted by a joint student-faculty committee

Approved by referendum of students of the School of Law on April 19, 1990

Adopted by the faculty of the School of Law on May 15, 1990

X. RIGHT TO KNOW

Southern Methodist University is pleased to provide information regarding academic programs, enrollment, financial aid, public safety, athletics and services for persons with disabilities. Students also may obtain paper copies of this information by contacting the appropriate office listed below. Disclosure of this information is pursuant to requirements of the Higher Education Act and the Campus Security Act.

