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## A MESSAGE FROM THE DEAN

Congratulations on your decision to pursue a life in the law. Let me welcome you to a life filled with intellectual challenge, personal growth, and professional satisfaction. I am proud to be a lawyer and proud to be the Dean of a law school that focuses on professional legal education. I believe in the value of a legal education and I believe in the legal education you will receive at Western New England University School of Law. Let me share with you the three key attributes of our program: we are Practical, Personal, and Passionate.

**Practical.** We were founded in 1919 as the Springfield branch of Northeastern University with the mission of providing access to the legal profession for working people. Today, our mission is to educate future lawyers to practice law. Our program includes a wide array of opportunities for you to think, act and write like a lawyer, including clinics, externships, competition teams, and simulation courses. These practical skills will benefit you whether you choose to work in a firm, clerk for a judge, open a small practice, or defend or prosecute in your local, state or federal court system.

**Personal.** At Western New England you really will get to know your classmates and professors. Our faculty members offer a personal interactive approach to teaching, further enhanced by small classes, open door policy, and individual counseling sessions.

**Passionate.** We have faculty members engaged in vital projects such as helping low-income entrepreneurs, fighting for marriage equality, and working with prison inmates transitioning to civilian life. Our pro-bono program will get you out into the community. Whatever your passion, you are likely to find a kindred spirit here.

I recognize that selecting Western New England as your law school is a big decision. The best way to make that decision is to come see for yourself. We are proud to call Western New England University School of Law home, and you should be, too.

**Eric J. Gouvin**

Dean and Professor of Law  
Western New England University School of Law

## HISTORY

Founded in 1919 as part of the Springfield Division of Northeastern University and incorporated as part of Western New England University in 1951, the School of Law has grown and matured into an institution known for providing a legal education that emphasizes a blending of theoretical and practical learning.

Western New England University School of Law is the only ABA accredited law school in Massachusetts outside greater Boston. It is a member of the Association of American Law Schools. Offering both full- and part-time programs, the School of Law attracts students from more than 30 states and Canada. It enrolls students who have just graduated from college and those with lengthy professional careers. Some students are interested in pursuing a traditional legal career, while others plan to use their legal education to further an existing professional career.

While our students' backgrounds and career objectives vary, their reasons for choosing Western New England University School of Law are often identical: they are drawn to our philosophy of collaborative teaching and learning, and our faculty's experience and dedication to teaching. As a distinguished institution of higher learning, we are fully committed to serving our students by providing all who join us with a well-rounded legal education and an enriching experience.

## MISSION STATEMENT

Western New England University School of Law is dedicated to training members of the legal profession to serve the public, the bar, and the judicial system in the highest and finest traditions of a distinguished calling. To this end, the School of Law's primary mission is to educate lawyers whose professional lives are characterized by the lifelong pursuit of excellence in the craft of legal practice; by the reflective and ethical solution of legal problems; and by the continuation of, and the exercise of responsible stewardship over, a cherished tradition of public service in pursuit of the common good. The School of Law implements this mission through a distinguished faculty, a curriculum of integrated learning and a community of learning and professional service.

**Faculty Excellence and Integrated Learning.** The faculty is distinguished by its pedagogical skills, experience, scholarship and profound commitment to the enterprise of legal education and the values of the legal profession. Because we value both the theory and practice of law, our curriculum integrates traditional classroom instruction in legal doctrine, analysis and problem solving with experiential learning in a range of clinical settings, including simulation courses, client representations, externship programs and cocurricular activities. Building on the knowledge and skills taught in the classroom, these settings challenge students to integrate their analysis of the law with their practical experience and enrich their understanding of the law and their role as lawyers.

**Community of Learning and Professional Service.** The School of Law strives to create a community that reflects the diversity of the society around us and that models what we most honor in the law: reason, respect for process and for differences of background and position, civility and a dedication to justice and fairness. We share an enthusiasm for the study of law, both in and outside the classroom, an appreciation of what law and lawyers are capable of accomplishing for the betterment of society, and a commitment to personal and professional excellence. We value and seek to strengthen our ties with and service to the bench and bar, the legal academy, the broader educational community, alumni and the local community.

## FACILITIES

Western New England University students enjoy a beautiful 215-acre campus in a residential section of Springfield, Massachusetts. These pastoral surroundings provide a pristine learning environment. The campus is also home to University's Colleges of Arts and Sciences, Business, Engineering, and Pharmacy. More than 3,700 undergraduate, graduate, and law students study on campus every day.

### The Blake Law Center

Completed in the summer of 2008, a \$5.5 million renovation and expansion to the Blake Law Center has transformed the way students learn at the School of Law. The new 10,000-square foot wing features a new multipurpose lobby and administrative offices. Renovations include a major expansion to the Law Library, increased social space, and the implementation of technology-based improvements to classrooms, seminar, and interview rooms.

Our large classrooms all feature parliamentary-style seating. Most are multimedia classrooms, equipped with custom teaching stations connecting instructor's laptops to overhead projection equipment for video playback or computer data display. The Law Center is equipped with the latest in communications technology, including wireless Internet and computer networking, a closed-circuit television system, multimedia classrooms, and computer labs for student use.

The modernization of the Law Center includes larger student lounge space, the hub of social life at the School of Law. Students can meet with classmates and professors to discuss legal theory, grab a meal or snack at the "The Court Café," or just unwind between classes. The nearby St. Germain Campus Center offers a full cafeteria, deli, and pizza counter.

Adjacent to the Center is the Law Clinic, which houses the meeting rooms, support staff, and work areas for our Legal Clinics. Day and evening students appreciate parking facilities conveniently located near these buildings.

### The Law Library

The School's Law Library offers an extensive collection of printed and electronic resources as well as a highly dedicated staff to assist in your research efforts. The Library's collection of more than 400,000 volumes includes research and reference volumes as well as reprints of important early texts.

Supplementing these resources are Internet access, audio and video collections, microform, electronic materials, and research services such as LexisNexis, LOIS, and Westlaw. Frequent training is provided to students in the use of these computer-assisted legal research systems. The Library is also a designated depository for selected government documents, which are available on the Internet via GPO Access.

Multipurpose seminar rooms include the Philmore Colburn II Intellectual Property Room, the First American Title Insurance Real Estate Room, the Pellegrini, Seeley, Ryan & Blakesley, P.C. Seminar Room, Suzanna Austine Norbeck Mediation & Alternative Dispute Resolution Room, the Mark E. Salomone L'84 Study Rooms, and the Computer Learning Classroom.

#### A Library Without Walls

The Library provides seamless access to its holdings. Under an experimental system, patrons are able to take most library holdings out of the Library proper and into any part of the Blake Law Center such as the Court Café, student lounge areas, classrooms, or faculty

offices without officially checking them out of the library. Materials to be taken out of the building must still be checked out. Western New England University School of Law is one of only a few schools in the country to try this cutting edge approach to access

### J. Gerard Pellegrini Moot Court Room

The J. Gerard Pellegrini Moot Court Room, which was renovated in 2008, incorporates the latest in court room technology to give our students a second-to-none educational experience. The Moot Court Room features a large screen projection facility to display images to the court; audio and video production, transmission, and recording equipment; high definition cameras to record sessions in the court room for student's and professor's review; and media consoles for professors to display teaching materials.

## JD PROGRAM

### Degree Options

To accommodate our students' needs, Western New England University School of Law offers six programs leading to the Juris Doctor (JD) degree: a full-time, two part-time, and three combined degree programs. Full-time faculty members teach all required day and evening courses, ensuring consistency in teaching excellence and academic rigor across all programs.

#### Full-time JD Program

The three-year, full-time program offers all required courses during the day, five days a week. Students complete the required portion of the curriculum in one and one-half years, using the remaining time to pursue specific areas of interest through elective courses. First-year students are divided into small sections of less than 60 students.

#### Part-time JD Evening Program

The part-time evening program offers all required and elective courses during evening hours. Evening classes for first year students are held Monday, Wednesday, and Thursday, from 6:00 to 9:15 p.m. An additional two hours per week is necessary in the first year to fulfill the Legal Research and Writing requirement. Students can complete the program in four years by taking elective courses during two summer terms. Alternatively, students may elect to complete the program in four and one-half years, without taking summer classes.

#### Part-time JD Day Program

The part-time day program is designed for students who, for personal or professional reasons, can neither attend law school full-time nor during evening hours. Part-time day students attend classes with full-time students five days per week. Many part-time day students transfer to the full-time program after successfully completing the first year and are then able to graduate in three years. Students may complete the program in four years by taking elective courses during two summer terms. Alternatively, students may elect to complete the program in four and one-half years, without taking summer classes. Enrollment is limited and contingent upon availability in the full-time class.

## Combined Degree Programs

### JD/MBA Combined Degree Program

Students may simultaneously complete the requirements for a Juris Doctor from Western New England University School of Law and a Master of Business Administration from the AACSB International accredited Western New England University College of Business. The MBA program is presented in an optional online/on-campus format. Those interested in this program must apply to each program separately. You may contact the College of Business at 413-782-1231 or on the web: [www.wne.edu/business](http://www.wne.edu/business).

### JD/MSA Combined Degree Program

Students may simultaneously complete the requirements for a Juris Doctor from the School of Law and a Master of Science in Accounting from the AACSB International accredited Western New England College College of Business. The MSA program is presented in a hybrid online/on-campus format. Those interested in this program must apply to each program separately. For more information about the MSA, contact the School of Business at 413-782-1231 or on the web: [www.wne.edu/business](http://www.wne.edu/business).

### Full-time JD/MRP Combined Degree Program

Students may simultaneously complete the requirements for a juris doctor degree from Western New England University School of Law and a masters degree in Regional Planning from the University of Massachusetts at Amherst in four academic years. The curriculum integrates studies of the physical, environmental, social, cultural, economic, legal, and political facets of planning at all scales: urban, suburban, and rural. Those interested in this program must apply to each program separately. You can reach the Department of Landscape Architecture and Regional Planning at 413-545-2255 or on the web: [www1.law.wne.edu/prospective](http://www1.law.wne.edu/prospective).

### Full-time JD/MSW Combined Degree Program

Students may simultaneously complete the requirements for a Juris Doctor from Western New England University School of Law and a Master of Social Work from the Springfield College School of Social Work in four academic years. The JD/MSW may be especially useful in such practice areas as representing the disabled, child welfare, family law, juvenile justice, mental health, social welfare policy, domestic violence, law enforcement, human rights, and legal aid services. Those interested in this program must apply to each program separately. You can reach the Springfield College School of Social Work at 413-748-3060 or on the web: [www1.law.wne.edu/prospective](http://www1.law.wne.edu/prospective).

## Pre-Law and 3+3 Law Program

Western New England University has offered legal education for nearly a century, and the Western New England University School of Law provides an excellent opportunity for those who wish to pursue the graduate professional degree in law.

Preparation for law school is not a matter of taking prescribed courses or majors. Law schools customarily do not encourage undergraduates to major in any particular subject. Students are generally successful in law school if they succeed in any major that develops skills in reading, writing, and critical thinking, and if they do well on the Law School Admission Test (LSAT).

Pre-law students may choose any major including the pre-law curriculum within Integrated Liberal Studies. Students considering a legal education should pursue their individual interests through those courses that are most likely to foster success in American law schools (courses that improve written and oral communication, provide readings about a wide range of human experience, and develop reasoning skills).

Qualified Western New England University students who want to attend Western New England University School of Law can earn their bachelor's and juris doctor degrees in just six years instead of seven in the 3+3 Law program. To qualify for this program, students must have a minimum undergraduate grade point average of 3.3 and score above the median LSAT for the previous year's School of Law matriculants. Students who qualify can enter the School of Law in the fall of their fourth full-time undergraduate year and receive their bachelor's degrees at its end. They are eligible to obtain their juris doctor degrees after two more years of study.

It is not possible, however, for all majors to qualify for the 3+3 Law program. Chemistry, Computer Science, Mathematics, Social Work, and most engineering programs require too much sequential work in those disciplines to allow completion in three years. Biology majors would require some summer course work in order to complete this program.



In order to apply for this program, transfer students must successfully complete at least 45 credit hours of undergraduate studies at Western New England University. Students considering a career in law are eligible for membership in the Pre-Law Society, which provides cocurricular activities for pre-law students. Among the society's activities are workshops on selecting and applying to law schools; field trips to observe law classes; mock trials; and films, lectures, and discussions designed to clarify the responsibilities and privileges of the profession of law.

The office of the pre-law advisor maintains files of reference materials on law schools, the Law School Admissions Test, and other subjects of interest to pre-law students. Regardless of major, students thinking about attending law school should consult with the pre-law advisor, Associate Professor Peter Fairman, Department of History and Political Science, at the earliest opportunity.

## ADMISSIONS

### Applying to Western New England University

#### When to Apply

The Admissions Committee begins admitting applicants in January and completes the majority of its work by April. The opportunity for gaining admission is reduced if an application is completed after March 15. All completed applications are carefully reviewed in their entirety to determine whether the applicant possesses the academic preparation and motivation to successfully complete a rigorous law school curriculum. Committee members attempt to gauge each applicant's prior academic performance, expected performance, and writing skills. While LSAT scores and undergraduate GPA are important factors, the Admissions Committee also considers personal statements, letters of recommendation and supplemental materials.

It is recommended that applicants apply in the fall preceding the year they wish to enroll. Typically, an applicant can expect a decision on their application within 4-6 weeks of their application being complete or from the time the Committee begins its review work, whichever is later.

#### How to Apply

##### Application and Fee

There are two different ways that you can submit an application for admission:

1. **Credential Assembly Service (CAS) Electronic Application:** CAS registrants may access our electronic application through the CAS service. CAS Electronic Applications incorporate a common information form and flow-as-you-go features that allow users to answer common law school application questions to multiple law schools. Please check the Law School Admissions Council's website at [www.lsac.org](http://www.lsac.org) to find out more about this product. The application fee to apply to Western New England University School of Law is \$50.
2. **Paper application:** You may download an application and submit it by mail. You must submit a \$50 application fee along with a signed, date, and completed application. The 2014 application is available for download on our website. If you prefer to apply online through LSAC, our application is already posted and we are currently accepting materials.

**Fee Waiver:** In cases of financial hardship, the application fee may be waived. If you have been granted a waiver of the LSAT or CAS fee by the Law School Admissions Council, please provide a photocopy of that approval letter with your application for admission. Your application fee to Western New England University School of Law will then be waived automatically. Details about obtaining a LSAT or CAS fee waiver are included in the LSAT/CAS Registration and Information Book or at [www.lsac.org](http://www.lsac.org).

#### LSAT, CAS, and Prior Academic Work

It is strongly suggested that you take the Law School Admission Test (LSAT) by February of the year in which you wish to enroll. Your chances of admission are reduced by taking the June test, as the class may be full by that time. Please contact the Admissions Office, if you have questions or concerns about when to take the LSAT. You will also need to register with the Credential Assembly Service (CAS). For information on the LSAT and CAS, please contact:

Law School Admission Council  
Box 2000  
Newtown, PA 18940-0998  
215-968-1001  
[www.lsac.org](http://www.lsac.org)

#### Letters of Recommendation

All applicants must submit two letters of recommendation. The Admissions Committee strongly prefers letters that discuss your intellectual attributes, ability to reason, and ability to write clearly and persuasively. Letters that describe these characteristics in general terms are much less valuable than those that cite specific examples of your strengths. The most persuasive letters often come from faculty members who are familiar with your academic abilities. If you graduated from college some years ago, you should include a letter from an employer or coworker to provide insights into these areas. Unless they are quite familiar with your professional or academic abilities, recommendations from family, friends, or politicians are not helpful.

For your convenience, two options exist for the submission of letters of recommendation. You can download our cover sheet here, which you can complete and give to those providing recommendations on your behalf. They, in turn, can send us their letters of recommendation attached to the cover sheets. You may also elect to utilize LSAC Credential Assembly Service's letter of recommendation service, as detailed in the LSAT and CAS Registration and Information Book. If you use this option, provide each of those submitting recommendations with form I-9, which can be found in the CAS registration materials.

#### Personal Statement

Each applicant must submit a personal statement. The Admissions Committee does not suggest a topic for the personal statement. The faculty has asked the Admissions Committee to give special consideration to the experiences of those who have been unable to realize their full potential as students, due to economic or cultural barriers, prejudice, or a physical handicap. The Admissions Committee encourages you to discuss any obstacles you have overcome in your pursuit of higher education, either in your personal statement or in a supplemental statement.

#### Application Procedure for Transfer and Visiting Students

Western New England University School of Law will evaluate transfer applications from a student who is in good academic standing at an ABA or state-accredited law school and who has typically completed one full year of law study.

Transfer and Visiting applicants must submit to the Admissions Office:

- Current application
- Personal statement
- Letter of Good Standing from the Dean of the law school you are currently attending
- Resume
- LSAC Credential Assembly Service (CAS) report
- Official transcript from all law schools attended
- \$50 application fee.

If you wish to attend as a visiting student, written permission is also required from the dean of your law school stating that credit will be

given for courses taken at Western New England University School of Law.

The Associate Dean of Academic Affairs will evaluate and determine the number of credits accepted from another law school. No more than 32 academic credits will be accepted for transfer from an ABA-approved law school and no more than 29 academic credits will be accepted for transfer from a state-accredited law school. If students are granted transfer credits from another law school, the Associate Dean of Academic Affairs will inform students in their letter of acceptance. Transfer credits are determined on a case-by-case basis. Typically, criteria for transfer credit consideration includes, but is not limited to, the course grade, the grading criteria at the law school attended, the course description, the number of course hours attempted and earned, and the comparable courses taught at Western New England University School of Law.

All materials, with the exception of law school transcripts containing spring semester grades, must be received by July 1. Please contact the Admissions office if you have any questions.

### Admission Contingent Upon Truthfulness

The School of Law's decision to admit an applicant is contingent upon the truthfulness of the information contained in his or her application, including material submitted on the applicant's behalf. Discovery of false information subsequent to admission is grounds for immediate dismissal at any point in the applicant's course of study. Such dismissal shall result in forfeiture of all charges paid and academic credits earned. Applicants and students are subject to the provisions of the Academic Standards and the Student Honor Code, available on request.

### Bar Admissions Requirements

There are character, fitness and other qualifications for admission to the Bar. Prior to matriculation, applicants should contact the Board of Bar Examiners of the state(s) in which they might practice to determine those requirements. Each state has a bar admissions office, such as the Board of Bar Examiners in Massachusetts, the Connecticut Bar Examining Committee, and the Board of Law Examiners in New York. The National Conference of Bar Examiners provides the address and website of each state's bar admissions office. You should consult the bar admission office in the jurisdiction in which you intend to apply for admission as to the specific forms and requirements for that particular jurisdiction. *Each jurisdiction has specific requirements that are strictly enforced, and the application process requires careful attention to all requirements, forms and deadlines.*

## Information for Admitted Students

**Congratulations and welcome admitted students:** The contents of this page are intended for the use of admitted students for the Fall 2013 class. This information will be periodically updated when new and relevant information becomes available.

### Admitted Student Open House

The First Year Preview (Admitted Student Open House) will be held in April at the School of Law. The program will include a tour of the law school, an overview of the first year program, a mock law class, small group question and answer sessions with current students as well as Financial Aid and Career counselors, and lunch. If you are interested in attending, please register by email at [admissions@law.wne.edu](mailto:admissions@law.wne.edu) or by calling 800-782-6665. Admitted students may also look for their invitation to arrive by mail in February.

## Receptions

We typically hold law firm receptions in Hartford, CT and/or Springfield, MA where you will have the opportunity to meet your new classmates, current students, faculty members, and alumni.

### Seat Deposits

Once accepted, to reserve your seat in the Fall class, you must submit two separate nonrefundable seat deposits. For those admitted prior to April 1, the first seat deposit of \$100 is due by April 15. Those admitted after April 1 will have an extended first deposit deadline indicated in their admit packets. The second nonrefundable seat deposit of \$400 is due by June 1. To pay online by electronic check or credit card (MasterCard or Discover), you may go to <http://www1.law.wne.edu/prospective/deposit.cfm>.

### Facebook

We have launched an Admitted Students page on Facebook. The page is an excellent way to find out valuable information and to ask questions of administration, faculty, alumni, and current students. You may also ask questions of your fellow incoming students. Discussions in the past have included: first year experience, first year academics, housing, pre-orientation events, Orientation information, 2013 incoming class news and announcements, faculty and staff, student services, summer reading and movies, financial aid, and miscellaneous. We encourage you to request an invite to join the Western New England School of Law-2013 Entering Class Facebook Page.

### Final Transcript

You must provide an official, final transcript showing your undergraduate degree and the date it was awarded. To satisfy the American Bar Association (ABA) requirements, the final transcript should arrive directly from your undergraduate institution before the start of Orientation. Unfortunately, the transcript you supplied to the Law School Admissions Council for your LSDAS report does not comply with the ABA requirements. Should you have any questions regarding your final transcript, please contact the Admissions office.

### Orientation

First Year Orientation for all incoming 2013 students begins on Thursday evening, August 20, with a welcoming dinner. Day student sessions continue the following morning Wednesday, August 21 and end on Friday afternoon, August 23. Evening student sessions will continue on the evenings of Wednesday, August 21 and Thursday, August 22. In the Spring, the Orientation Committee will post a specific page of materials for entering law students. It will provide information about Orientation, an FAQ, useful links, lists of law-related books and movies, and other information for entering law students.

### Health Services/Insurance

In order to meet your healthcare needs and comply with the requirements of the Commonwealth of Massachusetts and Western New England University you will need to complete the "Health History Physical Examination and Immunization Form" and the Health Insurance Waiver/Enrollment Form. You may access these forms at <http://www1.wne.edu/healthservices/index.cfm?selection=do c.2459>

Should you have questions regarding these forms, please contact Western New England University Health Services at 413-782-1211.

### Housing

#### On-campus Housing

Western New England University is pleased to offer campus housing for law students in the Gateway Village apartment complex. The capacity of an apartment varies from one to three residents. In living space with more than one occupant, each resident has a private bedroom.

Occupancy may be for a 10-month (academic year) or 12-month time frame. Assignment to University housing is a binding commitment for the established time frame. There are no prorated charges or refunds once the period of occupancy begins. The cost of utilities (heat, hot water, and electricity) and local telephone service is included with the applicable residency fee. Students who renew occupancy for the upcoming academic year and do not need housing for the summer may keep their belongings in the apartment at no additional charge.

The apartment complex is within walking distance of all campus facilities, including the School of Law, as well as a shopping plaza with stores that may serve a variety of needs. Additional shopping and services are readily available within approximately one mile of the campus.

Each apartment is furnished by the University and has a kitchen with a range, sink, refrigerator, and storage cabinets. Furnishings vary according to the size of the accommodations and number of occupants and typically include the following items: upholstered chair(s) and/or couch, a coffee table and end table(s), lamps, twin bed, night stand, bureau, bookcase, desk and desk chair, kitchen table

and chairs. Residents must bring their own dishware, cooking utensils, cleaning supplies, etc. Each apartment is wired for cable television access, Ethernet connection, and landline telephone voice mail. Long distance calls on the landline telephone are billed to each resident by the telephone company.

Maintenance is provided by the department of Facilities Management through an online work order system. However, daily upkeep of the living space is the full responsibility of the student(s) residing there. Each resident will be assigned a campus box number as their mailing address. Mail boxes are located in the St. Germain Campus Center. On campus dining is available through a variety of voluntary meal plan options or 'pay-as-you-go' as well as a debit card arrangement on the student ID card.

Public Safety officers routinely patrol the campus by cruiser, on foot, and by bicycle and there is a system of closed circuit televisions and emergency phones throughout the campus.

Each apartment is filled to the designated capacity. If two or more individuals wish to reside in the same apartment, each person must submit his/her own application, providing the name(s) of the preferred roommate(s).

The residency charge (a per semester billing format) is applied to the student's account with the University. With the exception of the housing verification payment, which is submitted to the Residence Life office, all other payments are provided to Student Administrative Services.

The Western New England University Law Student/Graduate Student Housing Agreement provides detailed information on the provisions and expectations for residents. Please read it carefully prior to submitting an application.

#### **Gateway Village Apartments**

Situated directly across from the main campus on Wilbraham Road, Gateway Village is a complex of 170 single story apartments owned and operated by Western New England University. In past years, up to 50 spaces have been designated as accommodations for law and post-baccalaureate students. These apartments are clusters of contiguous units in a section of the complex. The balance of Gateway Village accommodates undergraduate students.

There is on-site parking and Gateway Village includes a laundry facility with washers and driers without charge for use. Vehicular traffic to and from the complex is monitored by a security gate that is activated by a student's ID card.

An efficiency or one bedroom apartment may accommodate a married couple or domestic partners. Apartments with multiple bedrooms are intended for students of the same gender.

The variety of apartment residential fees is as follows. The fees listed below are for the 2013-2014 academic year. Please divide the cost in half to determine the per semester charge.

<b>Apartment Type</b>	<b>10 months</b>	<b>12 months</b>
Efficiency	\$8,852	\$10,622
One Bedroom	\$9,736	\$11,684
Two Bedroom	\$7,524	\$9,028
Three Bedroom	\$9,418	\$11,301

Learn more about Gateway Village Apartments | Printable Flyer

#### **TO APPLY FOR HOUSING**

Download the Housing Application and Housing Agreement.

#### **Off-campus Housing**

The Pioneer Valley also presents a wide assortment of affordable, convenient housing options for students. Rental opportunities range from apartment complexes in downtown Springfield; Victorian homes in the city's residential neighborhoods; garden apartments in adjoining suburbs; small houses in rural areas; and apartments in Northampton, the area's eclectic and hip college town. Rentals in the Springfield area generally range from \$500 to \$900 per month.

The Housing Coordinator will assist in finding the right housing for you. The Housing Coordinator will be available on or about May 14. You may contact the Housing Coordinator after that date by calling the Admissions Office at 800-782-6665, 413-782-1408, or by email at [admissions@law.wne.edu](mailto:admissions@law.wne.edu).

For questions or further information, contact the Office of Residence Life 413-782-1317

#### **Tuition, Fees, and Financial Aid**

Tuition for the 2013-2014 academic year will be \$39,450 for the full-time program and \$29,588 for the part-time program.

The fees will be \$1,504 for the full-time program and \$710 for the part-time program. These fees include registration, general service and graduation fees, and use of the Alumni Healthful Living Center (AHLIC) by full-time students, technology fee and Student Bar Association fee. Part-time students who want to use the AHLIC pay an additional \$200 per year.

Additionally, Massachusetts law requires documentary proof of some form of health insurance for all students. There are a number of

available individual student health insurance plans. Contact Health Services for more information at 413-782-1211.

The combined tuition and fees are thus \$40,954 for the full-time program and \$30,298 for the part-time program.

Note: All figures listed above are subject to change.

### Estimated Living Expenses, Costs of Attendance, and Budget

Each year, the Student Administrative Services Office (SAS) determines a standard budget and the Cost of Attendance for determining financial aid eligibility. The following chart gives both the specific line-item figures and the overall bottom line for 2013-2014 based on 9 months of expenses. The budget is based on estimate living expenses for single students of \$2,250 per month, including rent, utilities, transportation, food, and personal expenses.

Full Time (9-months)	2013-2014	Part Time (9-months)	2013-2014
Tuition	\$39,450	Tuition	\$29,588
Fees	1,504	Fees	710
Books	1,600	Books	1,600
Room & Board	14,562	Room & Board	14,562
Personal	2,768	Personal	2,390
Transportation	2,918	Transportation	3,105
<b>Total</b>	<b>\$62,802</b>	<b>Total</b>	<b>\$51,955</b>

### Financing Your Legal Education

Western New England University School of Law is committed to making a legal education affordable for our students through a combination of:

- Scholarship awards
- Federal and private loans
- Work-study awards

Over the past three years, an average of 75 percent of Western New England University law students received some form of financial aid overall. Law school is an important investment, and we will work with you to assure that you have the resources available to you to finance your legal education. This section provides information on scholarships, loan and work-study awards.

For information regarding the Scholarship Retention Data for Western New England University School of Law, visit [www1.law.wne.edu/prospective/index.cfm?selection=doc.300](http://www1.law.wne.edu/prospective/index.cfm?selection=doc.300).

### Scholarships

All applicants are automatically considered for the Oliver Wendell Holmes Jr. and Academic Scholarships as part of the admissions process. However, there are some additional scholarship opportunities (indicated by an \* below) through our Centers and Institutes that require the submission of additional materials in order to be eligible for consideration. Details about those requirements are listed in the application.

**Oliver Wendell Holmes Jr. Scholarships**—The Holmes Scholars Program is a full-tuition scholarship program designed for students who have demonstrated academic excellence. These are students who typically score in the top 25 percent of the LSAT nationally and finish near the top of their undergraduate classes. To retain the entire scholarship, recipients must remain in the top 25 percent of their class.

**Academic Scholarships**—Academic scholarships are partial tuition

scholarships awarded to students whose academic accomplishments promise strong performance at law school and in legal practice. To retain the entire scholarship, recipients must remain in the top 70 percent of their class.

**Public Interest Scholarships**—The Public Interest Scholars Program is designed for students who are committed to pursuing careers in Public Interest law. Each year the School of Law awards significant tuition scholarships and one-time \$3,500 summer stipends for qualifying public interest experiences to six entering students. These students are assigned faculty advisors to mentor them in course selection, clinical and externship options, and career paths. To be considered for the Public Interest Scholars program, students must submit an essay addressing his or her interest in and qualifications for entering the Public Interest Scholars program, and may be asked to participate in an interview process. The deadline for Public Interest Scholarship applications is **March 1**. Apply for the Public Interest Scholarship here, or via your admissions application.

**The Center for Gender and Sexuality Studies Scholarship**—The Center for Gender and Sexuality Studies serves as a focal point for work in a broad number of areas relating to gender and sexuality, ranging from civil rights issues affecting women and sexual minorities to feminist and queer theory. The Center works to engage with the legal community, with the University, and with members of the School of Law on core issues of gender and sexuality across a broad spectrum of law, including criminal law, immigration, employment, family law, health law, discrimination, prisoners' rights, legislation, leadership and business and international and comparative law. To be considered for the Center for Gender and Sexuality Studies Scholarship, you must submit a statement of interest explain why you believe you are a good choice for the scholarship program. The deadline for submissions is **March 1**.

**The Institute for Legislative and Governmental Affairs Scholarship**—The Institute for Legislative and Governmental Affairs offers students the opportunity to participate in activities relating to the legislative process. Through participation in the Institute, students engage in the practical application of law by assisting public officials in drafting legislation, exploring the codification and progressive development of laws, and examining recently enacted bills. To be considered for the Institute for Legislative and Governmental Affairs Scholarship, you must submit a statement of interest explain why you believe you are a good choice for the scholarship program. The deadline for submissions is **March 1**.

**The Center for Innovation & Entrepreneurship Scholarship**—The Center for Innovation & Entrepreneurship is a resource for small business development in the Pioneer Valley region. Combining the resources of the University's Colleges of Arts and Sciences, Business, Engineering and Pharmacy and the School of Law, the Center offers personal, professional assistance to entrepreneurs in the business start-up stage, free of charge through the Small Business Clinic and numerous community outreach events. To be considered for the Center for Innovation & Entrepreneurship Scholarship, you must submit a statement of interest explaining why you believe you are a good choice for the scholarship program. The deadline for submissions is **March 1**.

While the scholarships listed above are for entering students only, all of our law students are also eligible to receive numerous other scholarships, some of which are awarded by the School of Law and some by other organizations. Please note that some of these scholarships are for returning students. Examples of scholarships made available by the generosity and support of alumni/ae and friends of the School of Law are:

- **Marjorie A. Sullivan Endowed Memorial Scholarship**—This endowed scholarship, named after a beloved longtime Registrar

at the School of Law, can be granted to applicants who have demonstrated unusual determination in overcoming obstacles in order to pursue a legal education.

- **The Pellegrini Family Endowed Scholarship**—These scholarships, established through the generosity of Gerard L. Pellegrini L'57, can be awarded to both full- and part-time students with demonstrated financial need.

Several examples of scholarships supplied by outside organizations are:

- **New England Employee Benefits Council**—This scholarship is for graduate students pursuing a career in the employee benefits field and is a renewable award of up to \$5,000 per year. Scholarships will be based upon an applicant's demonstrated academic performance and employee benefit career aspirations and goals. Completed applications and supporting materials must be postmarked no later than April 1. For more information, please visit the Office of Financial Aid or contact the New England Employee Benefits Council at: 781-684-8700 or <http://www.neebc.org/>.
- **Rhode Island Bar Foundation Scholarship**—This award, the "Thomas F. Black Jr. Memorial Scholarship Fund," is a one year, non-renewable award for full-time students who are Rhode Island residents entering their first year of law school. The objective of this scholarship program is to support high legal practice standards by providing financial assistance to students who show promise to become outstanding lawyers, who will adhere to such high level standards, and who demonstrate a need for financial assistance in order to study law at a quality institution. Scholarship awards shall be exclusively for tuition and related expenses for students who enroll in programs leading to the LLB or JD degree offered by schools located in the United States or the District of Columbia and accredited by the American Bar Association. The awards will be made on the basis of demonstrated good character, scholastic achievement, and financial need. <http://www.ribar.com/>.
- **National Federation of the Blind**—These awards are presented exclusively to persons who are legally blind. The Federation's program will bestow 30 scholarships upon high-achieving legally blind students, in amounts ranging from \$3,000 to \$12,000. Please note that most scholarships will go to full-time students, but one may be awarded to a part-time student who is also employed full-time and who is going back to school to improve his/her professional opportunities. Applications are available on the web site listed below and must be postmarked by March 31. Visit the National Federation of the Blind on the web at: [www.nfb.org/scholarships](http://www.nfb.org/scholarships).

## Loans

Law students are eligible for graduate student loans, and these loans are available to you in your individual capacity. As a law student, you will be evaluated for eligibility for financial assistance as an independent adult individual, not as a dependent student.

Although there are many options from which to choose, most law students currently use two types of loans to pay for their legal education: William D. Ford Direct Loans (often referred to as Stafford loans) and Grad Plus Loans. Because Western New England University School of Law participates in the federal government's direct lending program for both loans, you will be able in most cases to obtain the loans directly from the federal government, with Western New England University acting as the approved agent for the government. See: [www.studentloans.gov](http://www.studentloans.gov)

**William D. Ford Direct (Stafford) Loans**—These loans are available in amounts up to \$20,500/year (less origination fees of approximately 1.0%) at a fixed interest rate of 3.86 percent.

**Direct Grad PLUS Loans**—These loans are available to meet your remaining financial needs. Provided at a fixed interest rate of 6.41 percent, the maximum loan amount is calculated based upon your approved budget minus the amount of any scholarships and the Ford Direct Unsubsidized Loan. The budget amount for 2013-2014 is \$62,802 for full-time students and \$51,955 for part-time students.

While Direct Grad PLUS loans are credit-based, the credit standards for the Direct Grad PLUS loans are not as stringent as for private loans. Our experience has been that most law students have qualified for Direct Grad PLUS loans. You may complete your Grad PLUS application at [www.studentloans.gov](http://www.studentloans.gov).

## How To Apply

Because these loans are need-based, the process starts with a determination of financial need by the Financial Aid Office and involves the following steps:

- 1) **File the FAFSA** (Free Application for Federal Student Aid) form – You submit the FAFSA to our Financial Aid Office as an individual, supplying your own individual financial information. As a law student, you do not need to fill out the parental information. Western New England University School of Law's FAFSA code is 002226. This form can be completed any time after January 1. However, it is important to note that applicants who file taxes are strongly encouraged to take advantage of the IRS data retrieval tool in order to efficiently populate your FAFSA form with verified tax information. In order to take advantage of this tool, you must file your prior year tax forms prior to filling out your FAFSA. Therefore, it will be beneficial to tax-filing applicants to file their taxes as soon as possible.
- 2) **Determination of financial need**—Using the FAFSA, scholarship information and the calculation of expenses, the Financial Aid Office determines your financial need and provides you with a financial aid letter.

## Income-Based Repayment and Loan Forgiveness

As a result of the University Cost Reduction Act of 2007, discussed in more detail here, repayment of all federal student loans is capped at 15 percent of your adjusted gross income and, if you work in a government or public interest position after law school, your loan balance is forgiven after 10 years of such employment (and 120 monthly loan payments). The income-based repayment and loan forgiveness provisions of this important law apply only to federal loans and thus become a major factor supporting the selection of federal direct, as opposed to private and state, loans.

To find out more information on Income-Based Repayment and for an Income-Based Plan Calculator, please visit the Federal Student Aid site.

Equal Justice Works and American University's Washington College of Law have produced an informative podcast: "How to Figure Out if You Benefit from the University Cost Reduction & Access Act - and How Much?"

## Direct Grad Plus Loans and Private Loans

Law students enrolled at least half-time may borrow the remainder of their financial aid budget after the maximum Ford Direct Loan award is reached. These loans are credit-based loans. You should do comparison shopping, comparing the following features:



1. APR which balances fees and interest rates
2. Repayment Period
3. Interest rate capitalization frequency
4. Deferability

You should also be aware of the fact that only the Direct Grad Plus loans are eligible for the income based repayment caps and loan forgiveness. Additionally, the credit standards for the Direct Grad Plus loan are less stringent than for private loans. However, some private loans may at some times have lower interest rates.

The federal Direct Grad PLUS Loan is credit history based with no debt to income test. With no negative credit references, the loan is approved. The fixed rate through the University is 6.41 percent with an effective origination fee of 4.2 percent. Repayment is deferrable while in school.

Visit ELM Select for more details regarding private loans. Many loan sites provide repayment calculators with various options from which to choose. These can be very helpful when deciding what type of loan and repayment is best for you.

#### Private and State Loans

Prior to the development of the direct lending program in 2006 and the enactment of the University Cost Reduction Act in 2007, most law students with loans in addition to the \$20,500 Direct Loan took out loans from private lenders. However, the number of students with private loans has declined sharply in the past two years, due to these two developments. Most loans from private lenders are variable rate loans and, as mentioned above, they are not eligible for income-based repayment or loan forgiveness. However, private loans are the right choice for some students, and there are many good private lenders. We provide a list with contact information on private lenders that have worked successfully with Western New England University School of Law students and our Financial Aid office here.

In addition to federal and private loans, public and quasi-public entities in many states also offer graduate loans to residents of those states.

- Massachusetts, the Massachusetts Educational Finance Authority (MEFA), offers graduate student loans
- Connecticut, Connecticut Higher Education Supplemental Loan Authority (CHESLA)
- New Jersey, Higher Education Student Assistance Authority (HESAA)
- New York, New York State Higher Education Services Corporation (HESC)
- Many other jurisdictions have similar lending programs

#### **Federal Work-Study Assistance**

The School of Law offers federal work-assistance to law students who work in legal positions with approved entities during the summer after their first and second years of law school. Eligibility is need-based, and positions are limited. Students work with our Career Services Office to determine the best placement for them.

#### **Administration of Financial Aid**

Most aspects of financial aid (other than scholarships) are handled by the Financial Aid Office which, at Western New England University, is part of Student Administrative Services (SAS). You will file your FAFSA with SAS and receive your determination of financial need from them. You will consult with them about loan applications

(whatever the type of loan), and loan proceeds (whether from a direct federal, private, or state loan) will be sent to and disbursed by SAS.

The contact information for SAS is:

Western New England University  
Student Administrative Services  
1215 Wilbraham Road  
Springfield, MA 01119-2684

Phone: 413-796-2080 or 800-325-1122 ext. 2080  
Fax: 413-796-2081

Email: [finaid@wne.edu](mailto:finaid@wne.edu)

SAS also is in charge of billing and payments, including online bill payment and handles the disbursement of financial aid funds to students. As a general matter, providing that all financial aid elements are in place, SAS will be able to generate refunds (of loan funds in excess of tuition and fees) for FALL loans for pick-up two business days prior to the start of classes. SPRING refunds will be ready on the first day of class of the Spring semester. The spring semester disbursements will be held for two weeks after classes begin, at which time they will be mailed to local addresses. The fall disbursements are held at SAS for pickup, since many local addresses are not established with sufficient certitude.

SAS also operates a bank and cashes personal checks up to \$75 and administers the food point system for food services on campus.

#### **Billing FAQs**

##### **What does the first summer bill show?**

The first bill for the upcoming academic year shows estimated tuition and fees. Any adjustments of tuition and fees due to changes in status will be posted in the next bill, after classes commence.

##### **Why is there a Health Insurance charge?**

Per Massachusetts law, any student who registers for more than an established minimum of credits must carry health insurance. The University, by default, will provide health insurance and charge the student on the first bill of the academic year. Students are given an interval during which they can waive the University's coverage and avoid the charge. To waive the insurance, you must go online at the Health Services Forms link.

Once the waiving period is over on August 1 and University coverage is initiated, the health insurance charges cannot be reversed.

##### **How do we arrive at the Estimated Pending Financial Aid that shows on the bill?**

The bill reflects aid that the School of Law has awarded and other external scholarships or loans of which we are aware. The School of Law's award may be tentative pending receipt of required documentation and may change prior to the start of the semester. Actual disbursement of the final scholarship and loan award may depend on completion of a number of steps, including signed award letters, completed promissory notes, loan interviews and completed verification worksheets. Students will receive notices from our office detailing any missing items.

##### **What needs to be paid, and when?**

The net balance due, after Estimated Pending Aid, is due by the due date noted on the bill, unless the bill reflects a Prepayment Plan. Bills for Plan participants indicate the monthly amount due. After the due dates, that portion of charges not covered by aid and loans is subject to a monthly finance charge of 1 percent.

**What is the billing schedule?**

Bills that reflect anticipated charges for the fall semester are mailed in June. Prepayment Plan participants are billed on a monthly basis thereafter. All others will not be billed again until after classes begin and aid is posted. Bills are printed on a monthly basis once classes begin. Bills for the spring semester charges are mailed in early December.

**When will financial aid be posted to the account?**

All financial aid and federal loans are posted once classes begin. The first bill generated after classes start should reflect all aid and loans posted to the account. These items will not appear in the Pending Aid section after posting to the account. Private loans are disbursed the week prior to classes beginning.

**When will loan disbursements be available?**

Refunds of excess financial aid and/or private loans are disbursed via checks at the SAS Bank on the following schedule. If all financial aid elements are in place, SAS will be able to generate refunds from for private loans for pick-up on August 25, the first day of classes. These refunds will be processed automatically and held at the Bank for pickup, since local addresses may not be sufficiently certain at that time. Refunds from University administered aid (typically Grad Plus loans) will be generated automatically by September 5 and held at the SAS Bank for pickup. To request a refund at other times, call a Student Services Administrator (SSA) at 413 796-2080. Federal regulations require refunding, within 14 days, any credit balance due from Federal disbursements greater than the mandatory charges on the student's account, unless the student requests the credit remain on the account.

**What if some aid does not post to the account after classes start and remains in the Estimated Pending Financial Aid portion of the bill?**

Aid items will not post to the account and will remain listed as pending aid if a required step pertaining to a particular aid item is missing. Contact the SAS office to determine what must be done if aid items do not disburse.

**What if the aid does not post to the account after classes start and disappears from the Estimated Pending Aid section of the bill?**

If aid did not post, and the Pending Aid section is now blank, this indicates that the entire financial aid application process is incomplete. In this case, the University's awarded aid is suspended until the problem is corrected. Any portion of the bill not covered by a University Payment Plan is past due by the second bill, and may be subject to finance charges. Call the SAS office to determine what must be done.

**Are there other payment options?**

The **Prepayment Plan** spreads a year's payments over 10 or 12 months. The **Early Payment Plan** can be used to lock in the current year's tuition rate for future years. Use this link to Payment Plans for more information. If you need to finance a portion of the balance due, click here for a discussion of private loan options beyond the award letter. Remember that you need to plan for the entire year's charges, not just a semester's.

**Prepayment Plan**

The Prepayment Plan prorates costs over a 10 or 12-month period. In this way, students avoid having to make large payments at the beginning of each semester. There are no finance charges or interest rates associated with this plan. The plan is based on a year by year (12 month) contract. There is a \$50 application and processing fee for

the prepayment plan. After adding the entire year's tuition, and then deducting financial aid, you will know your outstanding balance for the fall and spring semesters. Your monthly payment can be computed by dividing this balance by 10 or 12, depending on the plan you select. For more information, please contact the Western New England University Student Administrative Services (SAS) office at (413) 796-2080.

**Tuition Refund Policy**

The University operates on an academic term basis by which commitments are made in advance to teaching staff and to others whose services are essential to the operation of the University. Under University policy and the School of Law's Academic Rules, refunds are made to students based on the following schedule:

- 100% refund of the tuition charge, less the tuition deposit, when notice of withdrawal is received prior to the first day of classes.
- 75% will be refunded when notice of withdrawal is received during the first week of classes.
- 66 2/3% will be refunded when notice of withdrawal is received during the second week of classes.
- 33 1/3% will be refunded when notice of withdrawal is received during the third week of classes.
- 25% will be refunded when notice of withdrawal is received during the fourth week of classes.
- No refund will be granted after the fourth week of classes.

Students who withdraw from a class or from the LLM Programs must notify Carmen Alexander Blatch in the LLM Office at the School of Law and a Withdrawal Form will need to be filled out and emailed at the time of withdrawal. Approved refunds will be computed on the basis of the date appearing on the official withdrawal form. Absence from class does not constitute withdrawal from a course.

No refunds will be made on fees other than tuition.

Students who use the deferred tuition payment plan are obligated to pay in accordance with the above schedule. If, at the end of a semester, a student has not paid the accrued charges for that semester, the student will be designated "not in good standing" until the charges are paid.

Students who withdraw with an unpaid balance will be financially liable for any amount remaining unpaid after a refund credit has been applied to the balance.

No student may withdraw in good standing from the University unless all financial obligations have been met.

**Financial Aid/Scholarships**

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Fax: 413-796-2081

Email: [finaid@wne.edu](mailto:finaid@wne.edu)

SAS also is in charge of billing and payments, including online bill payment and handles the disbursement of financial aid funds to students. As a general matter, providing that all financial aid elements are in place, SAS will be able to generate refunds (of loan funds in excess of tuition and fees) for FALL loans for pick-up two business days prior to the start of classes. SPRING refunds will be ready on the first day of class of the Spring semester. The Spring semester disbursements will be held for two weeks after classes begin, at which time they will be mailed to local addresses. The Fall disbursements are held at SAS for pickup, since many local addresses are not established with sufficient certitude.

SAS also operates a bank and cashes personal checks up to \$75 and administers the food point system for food services on campus.

## ACADEMICS

### JD Degree Requirements

**Students entering in the Fall of 2014 and thereafter:** eighty-eight academic credits, six residency credits, and minimum cumulative G.P.A. (grade point average) of 2.00 or above are required for graduation. Also required is the successful completion of all required courses taken in sequence, and the successful completion of professional skills and writing requirements, five units of skills and five units of writing. If these criteria have been met and the student is in good standing, the degree of Juris Doctor will be awarded. For more information please consult the Academic Standards, Parts B and C.

**Students entering before the fall of 2013:** eighty-eight academic credits, six residency credits, and minimum cumulative G.P.A. average of 2.00 (70) or above are required for graduation. Also required is the successful completion of all required courses taken in sequence, a Professional Skills course, and a Qualifying Writing Course.

#### **Qualifying Writing Course**

In order to be designated or certified a Qualifying Writing Course, as provided above, a course must be taken for two or more credits and :

- (a) be taught by a member of the full-time faculty, unless otherwise approved by the Dean;
- (b) have a maximum enrollment to be determined by the professor in consultation with the Dean, but in no event to exceed 25 students;
- (c) be conducted as a seminar, simulation, clinic, or independent study course (LAW 951 or LAW 952);
- (d) require the student to complete to the satisfaction of the instructor one or more papers which, in the aggregate, comprise a minimum of 30-50 double-spaced, typewritten pages of expository writing involving original legal research and legal analysis on a topic or topics assigned or approved in advance by the instructor, which writing shall account for at least 50% of the student's final grade in the course. The writing requirement of this paragraph is not satisfied by the drafting of pleadings, statutes, contracts or other similar documents, but may be satisfied by a memorandum explaining the legal analysis involved in the drafting of a pleading, statute, contract, or similar document; and
- (e) involve contemporaneous supervision and evaluation of the student's work by the instructor.

Prerequisite: Successful completion of the required legal research and writing course requirement unless a waiver has been granted by the Associate Dean of Academic Affairs and the faculty member.

#### **Professional Skills Course Requirement**

In order to be eligible for graduation, each student must successfully complete a Professional Skills Course (two or three credits). Professional Skills Courses help students develop professional skills under the direct supervision of a faculty member. They include clinical and simulation courses, trial and appellate advocacy courses, and alternative dispute resolution courses. Students may also satisfy the Professional Skills Requirement by membership on an intramural moot court team, including trial, negotiation and appellate moot court teams, for which they receive academic credit. Students may fulfill the Professional Skills Course Requirement while simultaneously satisfying the Qualifying Writing Course Requirement if a course is designated as both a Professional Skills Course and a Qualifying Writing Course. However, because of American Bar Association rules, beginning with the class entering in fall 2010 a student may not satisfy both requirements with the same course.

A student may, with the approval of the Associate Dean for Academic Affairs, elect to satisfy Juris Doctor Degree Requirements as those students entering the fall of 2013 and thereafter. If either

criteria have been met and the student is in good standing, the degree of Juris Doctor will be awarded. For more information please consult the Academic Standards, Parts B and C.

**Pro Bono Requirement:** Any student who began their law studies in fall 2012 or thereafter must complete 20 hours of pro bono law-related service in the period between the end of the first semester of law school and the beginning of their last semester of law school. Pro bono service must be both uncompensated and not for academic credit. For purposes of this requirement, pro bono service is defined as the provision of law-related services to: (1) Persons of limited means, (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means, (3) individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, (4) charitable, religious, civic, community, governmental or educational organizations in matters in furtherance of their organizational purposes, where payment of standard legal fees would significantly deplete the organization's economic resources, (5) activities for improving access to the law, improving the legal system or improving the legal profession, and (6) educational activities for improving the public's understanding of the law, the legal system, or the legal profession. All pro bono placements must be pre-approved by the Office of Career Services to receive credit towards this requirement. The Associate Dean for Academic Affairs is authorized to grant variances from the time limitations for completion of the pro bono requirement, but not the requirement itself, in cases of substantial hardship or exceptional merit. Further details about the pro bono requirement are available at the Office of Career Services.

**Bar Preparation Course Requirement:** (1) At the outset of the 2013-2014 academic year, all graduating seniors must take a school-provided bar preparation course during the final year of her or his law studies. (2) Students who do not perform adequately in the bar preparation class must take the prescribed remediation steps.

#### **Academic Standards, Part B.**

#### **V. ACADEMIC REQUIREMENTS FOR GRADUATION**

A. A student must earn 88 academic credits, no fewer than 65 of which must be earned in courses that meet in regularly scheduled class sessions at the Law School, and also satisfactorily complete all required courses and all other requirements, including upper level writing, pro bono, and professional skills requirements, in order to graduate. In addition, a student must abide by all restrictions on enrollment as described in Subsection B unless waived as described in Subsection D.

B. The law school imposes a variety of limitations on enrollment in specific courses or combinations of courses. These are described below:

1. A student must successfully complete 32 hours of law studies before enrollment in a clinic or externship.
2. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.
3. A student may not take more than three externships for a maximum of nine academic credits (not including the one-credit externship seminar). If a student takes more than one externship, the externships must be substantially different from each other.
4. A student who has successfully completed 43 credit hours of law studies may take an independent study course with the approval of the Associate Dean for Academic Affairs. Independent study

courses include LAW 951: Tutorial Study, LAW 952: Advanced Research, and any other course listed as an independent study course.

5. A student may not take more than a total of three independent study courses. A student may not simultaneously enroll in more than two independent study courses. A student may not take more than one independent study course under the sole guidance of any one faculty member.

C. In addition to the limitations described in the prior section, individual instructors, in consultation with the Associate Dean for Academic Affairs, can impose additional restrictions as a condition for enrollment.

D. The requirements in Subsection A may not be waived by the Dean or the Dean's delegate. However, the Dean or the Dean's delegate is authorized to grant variances from the limitations described in Subsection B as provided in Part B, Section VIE.

E. Upper-level courses are designated as offering a number of "units" of writing from zero to a maximum of three per course. To satisfy the upper-level writing requirement, students are required to take five units of writing from across the curriculum, at least two of which must come from one course.

F. Upper-level courses are designated as offering a number of "units" of skills, from zero to a maximum of three per course. To satisfy the upper-level skills requirement, students are required to take five units of skills from across the curriculum, at least two of which must come from one course. A student may only count the units of skills from one externship toward this requirement.

## JD Plan of Study

### Full-time Program

#### First Year

LAW 501	Constitutional Law	4
LAW 503	Contracts	4
LAW 505	Criminal Law	3
		evening and 4 day
LAW 507	Law Review	2
LAW 509	Civil Procedure	4
LAW 511	Property	5
LAW 513	Torts	4

**Subtotal: 32**

#### Second Year

LAW 551	Business Organization	3
LAW 553	Evidence	3
LAW 555	Income Tax I	3
	Electives	15-23

**Subtotal: 24-32**

#### Third Year

	Electives	24-32
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**Subtotal: 24-32**

## Part-time Program

### First Year

LAW 503	Contracts	4
LAW 507	Law Review	2
LAW 509	Civil Procedure	4
LAW 513	Torts	4

**Subtotal: 20**

### First Year Summer

	Electives	5
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**Subtotal: 5**

### Second Year

LAW 501	Constitutional Law	4
LAW 505	Criminal Law	3
		evening and 4 day
LAW 511	Property	5
LAW 551	Business Organization	3
LAW 553	Evidence	3

**Subtotal: 23**

### Second Year Summer

	Electives	5
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**Subtotal: 5**

### Third Year

LAW 555	Income Tax I	3
	Electives	15-17

**Subtotal: 18-20**

### Fourth Year

	Electives	18-20
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**Subtotal: 18-20**

## Summer Sessions

The charges for these additional courses are included in the four years of part-time tuition.

Generally in order to graduate in four years, part-time students must attend school for two of the three summers while enrolled at the School of Law. In lieu of Summer School, part-time students may take a ninth semester of electives to complete the degree requirements. Part-time tuition covers Summer School (or, if no Summer School, the ninth semester).

## JD Concentrations

### SUBJECT AREA CONCENTRATIONS

In the spring of 2008, the Law Faculty approved an optional concentration program for law students wishing to develop a level of specialization in a given area of law. Under this program, a student may elect to pursue a concentration in a selected area by completing the requirements outlined below. If you are interested in pursuing a concentration, you should complete a form at the Registrar's Office to make that election. You may make an election to pursue a

concentration at any time after the completion of your first year if full-time or your second year if part-time and before the start of your last semester of study.

Students participating in the concentration program must have a minimum average of 80 for courses within the concentration, calculated at the completion of the coursework for the concentration.

First-year required courses are exempt from this minimum average requirement. Once the concentration requirements have been successfully met, the student's transcript will bear a notation that a concentration in the specified area of law has been completed. The student's diploma will not bear a notation marking the concentration nor will there be a separate certificate documenting the concentration.

**PLEASE NOTE:** Not all of the courses listed in the requirements below are offered every year and there is no guarantee that the schedule of courses offered in a given year will permit successful completion of the concentration by all students who wish to participate. Note especially, that almost all of the concentrations require the completion of a limited enrollment capstone course, typically a Qualifying Writing Course or a Clinic. These capstone courses are usually over-subscribed and there is no special priority for a seat in those classes based on a student's expressed interest in pursuing a concentration.

## Business Law Concentration

In today's business environment lawyers need to have both a broad and a deep understanding of the legal obligations affecting businesses. Many different legal subjects affect businesses. One of the goals of the Business Law Concentration's distribution requirements is to ensure that students are exposed to a wide range of corporate and commercial topics. At the same time, students must develop a level of expertise not just through the foundation provided by the required core courses and the immersion in the elective credits, but also by learning how to apply the lessons learned in those courses to real situations through the Small Business Clinic or the Business Planning QWC. The combination of classroom learning and contextual application make the Business Law Concentration a worthwhile goal for any student contemplating a career as a business lawyer.

## Degree Requirements

### Required Courses:

LAW 551	Business Organization	3
LAW 555	Income Tax I	3
LAW 747	Income Tax II	3

\*Additional Courses: students must select from the following courses as necessary to comprise at least 18 total credits of coursework in the concentration (required plus additional plus practice component), at least two courses must be selected from the "Core Courses" list:

### Core Courses:

QWCS 723	Estate Planning	4
QWC 714/LAW 714	Business Planning & Advising	3
LAW 714/QWC 714	Business Planning	3
LAW 604	Advanced Business Torts	2
LAW 717	Corporate Tax	3
LAW 674	Employment Discrimination	3

LAWS 769	Negotiation, Mediation, Arbitration	2
LAW 744	Sales	3
LAW 746	Secured Transactions	3
LAW 760	Trademark Law	3

### Additional Elective Courses:

LAW 611	White Collar Crime	3
LAW 633	Internet Law	2
LAW 641	Federal Tax Practice & Procedure	2
LAW 645	Entertainment Law	2
LAW 654	Patent Law	2
LAW 660	Closely Held Business	3
LAW 685	Bankruptcy	3
LAW 696	Landlord & Tenant	2
LAW 708	Labor Law	3
LAW 712	Insurance Law	2
LAW 713	Antitrust Law	3
LAW 730	Land Finance & Transfer	3
LAW 739	Copyright Law	3
LAW 745	Payment Systems	2
LAW 751	Securities Regulation	3
LAW 772	Non-Profit Law	2
LAWS 777	Transactional Lawyering	3
LAWS 786	Analytical Methods for Lawyers	2
QWCS 619	Labor Law Arbitration	3

### Practice Component:

Student must complete one of the following:

LAWS 944	Small Business Clinic	4
LAWS 945	Small Business Seminar	2

Transactional Law Meet  
Competition

Externship preapproved by  
concentration faculty supervisor as  
related to entrepreneurship

Business Planning QWC

**Note:** Students must also complete one significant piece of writing in the area.

The writing may be satisfied as part of an offered course in the concentration or through an independent study.

**\*Note: Some courses will not be offered every Academic Year.**

## Criminal Law Concentration

Criminal law and procedure is a fascinating area of study, preparing students for a wide range of career paths after graduation. Western New England University School of Law alumni work in all facets of the criminal justice system, as prosecutors and defense attorneys, in

government and private practice. The Concentration requires courses in criminal procedure and evidence, as well as additional courses in electives such as International Criminal Justice, White Collar Crime, Post-Conviction Rights, and Juvenile Justice. Students in the Concentration must complete a practical skills component, which can be fulfilled through a simulation course or the School of Law's Criminal Law Clinic.

## Degree Requirements

### Required Courses:

LAW 553	Evidence	3
LAW 706	Criminal Procedure: Investigation	3
LAW 796	Criminal Procedure: Adjudication	3

**Note:** Student must successfully complete Criminal Law as a prerequisite for this concentration.

### Additional Courses:

Student must select at least two of these courses:

LAW 603	International Criminal Justice	3
LAW 611	White Collar Crime	3
LAW 644	Domestic Violence	3
LAW 650	Advanced Topics in Evidence	3
LAW 727	Juvenile Justice	2
LAW 735	Civil Rights & Policing Misconduct	3
LAW 758	Post Conviction Rights	3
LAW 776	Cybercrime Digital Evidence	3
LAW 782	Forensic Evidence	2
LAWS 617	Criminal Pre-Trial Practice	2
QWC 668	Law & Terrorism	3

### Practice Component:

Student must take at least one of the following:

LAWS 920	Criminal Law Clinic	4
LAWS 921	Criminal Law Seminar	2
QWCS 780	Criminal Procedure: Simulation	3
QWC 652	Appellate Advocacy	3

NOTE: Students must successfully complete Criminal Law as a prerequisite for this concentration.

**\*Note: Some courses will not be offered every Academic Year.**

## Estate Planning Concentration

### Degree Requirements

#### Required Courses:

LAW 555	Income Tax I	3
LAW 722	Estate & Gift Tax	3
LAW 748	Trusts & Estates	3

**\*Note:** Student must successfully complete Property as a prerequisite for this concentration.

### Additional Courses:

Student must select at least two of these courses:

LAW 641	Federal Tax Practice & Procedure	2
LAW 664	Elder Law	2
LAW 747	Income Tax II	3
LAW 717	Corporate Tax	3
LAW 772	Non-Profit Law	2
QWCS 724	Business Succession Planning	3
QWCS 757	Federal Pension Rights	3
LAW 616	Employee Benefits Law	2

### Business Courses:

LAW 744	Sales	3
LAW 745	Payment Systems	2
LAW 746	Secured Transactions	3
LAW 685	Bankruptcy	3
QWC 714/LAW 714	Business Planning & Advising	3

### Practice Component:

QWCS 723	Estate Planning	4
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**Note:** In the case of extraordinary circumstances and undue hardship, the Associate Dean, in consultation with the Concentration Advisor may propose an alternative means of satisfying the Practice Component

**\*Note: Some courses will not be offered every Academic Year.**

## International and Comparative Law Concentration

Legal practice continues to globalize at a rapid pace, and forward-looking lawyers must anticipate that their practices will involve transnational issues, even where the clients are local. Based on this understanding, the School of Law offers a concentration in international and comparative law. The concentration requires a foundational course in public international law which provides grounding in the theoretical framework for understanding international governance. The elective courses within the concentration allow students to specialize in areas of interest, including private and commercial law, human rights, and national and international security and criminal justice matters. When students have completed the coursework, practical learning and writing required for the concentration, they will have developed a solid understanding of international and comparative legal issues that should prepare them for the globalized legal marketplace of today.

### Degree Requirements

#### Required Courses:

LAW 762	International Law	3
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### Additional Courses:

Student must select any of the following courses, as necessary to comprise at least 18 total credits of coursework in the concentration:

LAW 603	International Criminal Justice	3
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LAW 627	Comparative Constitutional Law	3
LAW 651	Immigration Law	3
LAW 715	Conflicts of Law	3
LAWS 912	International Human Rights Clinic	4
QWC 668	Law & Terrorism	3

**Practice Component:**

Student must complete at least one of the following:

Externship/Internship

Study Abroad

LAWS 912	International Human Rights Clinic	4
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Externship/Internship: An externship or internship need not be in a different country, but must involve a significant amount of work related to international or comparative issues; must be pre-approved by academic dean in consultation with concentration faculty supervisor

Study Abroad: must be pre-approved by Associate Dean for Academic Affairs and concentration faculty supervisor.

\*\* Student must complete at least one significant piece of legal writing in the area. Writing requirement may be completed as part of an offered course in the concentration or through an independent study.

\*Note: Some courses will not be offered every Academic Year.

**Public Interest Law Concentration****Degree Requirements****Required Courses:**

LAW 705	Administrative Law	3
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Note: Student must successfully complete Constitutional Law as a prerequisite for this Concentration.

**Additional Courses:**

Student must select any of the following courses as necessary to comprise at least 18 total credits of coursework in the concentration:

LAW 620	Access to Justice	2
LAW 688	Bioethics	3
LAW 714/QWC 714	Business Planning	3
LAW 627	Comparative Constitutional Law	3
LAWS 914	Housing Clinic	2
LAW 720	Constitutional History	3
LAW 631	Critical Race Theory	3
LAW 644	Domestic Violence	3
LAW 674	Employment Discrimination	3
LAW 724	Federal Courts & Jurisdiction	3

LAW 716	First Amendment Rights	3
LAW 651	Immigration Law	3
LAWS 912	International Human Rights Clinic	4
QWC 637/LAW 637	Jurisprudence Survey	2
LAW 727	Juvenile Justice	2
LAW 642	Law & Social Change	2
LAW 708	Labor Law	3
LAW 696	Landlord & Tenant	2
QWC 668	Law & Terrorism	3
LAW 772	Non-Profit Law	2
LAW 790	Religion & the Constitution	3
LAW 761	Remedies: Injunctions	2
LAW 672	Representing Children	2
LAW 690	Sexual Orientation & Law	2

**Practice Component:**

Clinical Externship: Public Interest

First Amendment Moot Court

Frederick Douglass Moot Court

Legal Services Clinic

Negotiation, Mediation & Arbitration

Negotiation Competition

Federal Litigation QWC

60 hours of faculty-approved legal pro bono work (placement must be approved by concentration advisor)

\*\* Student must complete at least one significant piece of legal writing in the area. Writing requirement may be satisfied as part of an offered course in the concentration or through an independent study

\*Note: Some courses will not be offered every Academic Year.

**Real Estate Concentration****Degree Requirements****Required Courses:**

LAW 555	Income Tax I	3
LAW 747	Income Tax II	3
LAW 708	Labor Law	3
LAW 730	Land Finance & Transfer	3

**Note:** Student must successfully complete Property as a prerequisite for this concentration.

**Additional Courses:**

Students must select at least two of these courses:

LAW 685	Bankruptcy	3
LAW 694	Conveyancing	2



LAW 696	Landlord & Tenant	2
QWCS 723	Estate Planning	4
LAWS 657/LAW 657	Real Estate Development	2
LAW 746	Secured Transactions	3
LAW 610	Environmental Law Pollution	3

#### Practice Component:

LAWS 946	Real Property Practice Seminar	2
LAWS 947	Real Property Practice Practicum	2

**\*Note: Some courses will not be offered every Academic Year.**

### Gender and Sexuality Studies Concentration

Legal issues relating to gender, sexual orientation, and gender identity are at the forefront of many areas of law, including civil rights, family law, and employment discrimination. In this concentration, students complete studies focusing on individual rights and social justice movements as well as problems of theory. Course offerings in the Concentration range widely—from Domestic Violence, to Gender Identity & the Law, to Sports, Law & Culture. To complete the Concentration, students are required to take 18 credits, choosing from one of two core courses and numerous electives, which must include a writing project and a practical skills component.

Students are required to take **one** of the following two courses, or an equivalent approved by the Concentration Advisor. If a student takes **both** required courses, one will be credited as an elective (see elective courses below).

### Degree Requirements

#### Required Course:

LAW 629	Gender & the Law	2
LAW 690	Sexual Orientation & Law	2

#### Elective Courses:

In addition to taking one of the two required courses and fulfilling the practical skills and writing requirements, students are required to take electives sufficient to fulfill the balance of the 18 credits required for the concentration. Equivalent courses may be approved by the Concentration Advisor:

LAW 644	Domestic Violence	3
LAW 674	Employment Discrimination	3
LAW 643	Family Law	3
LAW 629	Gender & the Law	2
QWC 606	Genetics	3
QWC 637/LAW 637	Jurisprudence Survey	2
LAW 642	Law & Social Change	2
LAW 623	Title IX: Sex Discrimination In Education	3
QWC 733	Alternative Reproductive Technology	2

LAW 627	Comparative Constitutional Law	3
LAW 631	Critical Race Theory	3

#### Writing Component:

Students must complete a substantial piece of writing in the Concentration. The paper requirement does not require that students earn any credits beyond the required and elective credits described above. However, the topic and the arrangement for fulfilling the writing requirement must be approved in advance by the Concentration Advisor. The paper could be written to fulfill the requirements of a QWC or other course offering, an independent study, or a law review note. It may also be possible to fulfill this requirement by completing a substantial piece of writing in conjunction with an externship, such as a draft legal brief, significant legal memorandum, or human rights report, or by writing a paper independently, such as a submission to a writing competition or an article for publication. In all of these arrangements, the prior approval of the Concentration Advisor is required.

#### Practical Skills:

Students must complete a practical skills component in the Concentration, which could be a clinic including gender-related themes, such as the Legal Services Clinic, or a 4-credit or 2-credit externship supervised by a cooperating faculty member and approved by the Concentration Advisor. Examples of appropriate organizations with which to seek an externship include the Mass Trans Political Coalition, GLAD, the Connecticut Commission on Human Rights and Opportunities, the Massachusetts Human Rights Commission, or the Connecticut Office of the Victim Advocate. (These organizations are listed as examples only and have not necessarily agreed to accept externs for any given semester).

Williams Moot Court

International Human Rights clinic

**\*Note: Some courses will not be offered every Academic Year.**

### LAW - Law Courses

#### LAW 501 - Constitutional Law (4)

This course is a study of the allocation of governmental authority and the limitations on that authority as defined by the Constitution of the United States. The course will deal with the problems of defining the scope of federal power, the relationship between the federal government and the states, the scope of state authority, and the rights of individuals with an emphasis on those rights guaranteed by the Due Process and Equal Protection Clauses of the Constitution. (Required Course)

Distribution: Required Course.

#### LAW 502 - Intro to the Legal Profession (1)

Introduction to the Legal Profession is a one-credit graded course required in the first year for all entering students, offered prior to the beginning of the second term. This skills course is designed to introduce students to aspects of professional practice through a simulated experience involving legal problem-solving in the context of a lawyer-client relationship. The goals of the course include helping students develop an understanding of the importance of professionalism, legal ethics, and competency in the workplace and to provide opportunities for students to engage in hands-on lawyering skills.

Distribution: Required Course.

**LAW 503 - Contracts (4)**

Spring

This course introduces students to the law governing legally enforceable agreements with a focus on the rights and duties of contracting parties. In focusing on how promissory relationships are created by the parties, the course emphasizes how these relationships are interpreted, limited, discharged, breached, and enforced. The course also addresses the ethical and equitable considerations affecting the contracting parties. (Required Course)

Distribution: Required Course.

**LAW 505 - Criminal Law (3 evening and 4 day)**

This course deals with the competing interests and policies that come into action when the individual clashes with society. The course also explores the underlying philosophical premises of various penal rules. The theories and purposes of punishment, the relationship between law and morality, definitions of criminal intent, principles of necessity, justification and excuse, and inchoate crime and group criminality may also be studied. (Required Course)

Distribution: Required Course.

**LAW 507 - Law Review (2)**

Students who are members of Law Review are required to attend the mandatory weekly Law Review staff meeting for both the fall and spring semesters. Members of the Junior Staff receive 2 credits in the fall and 1 credit in the spring for the successful completion of their Junior Staff year. Senior members of the Law Review receive between 2 and 6 credits per year, depending on their position on the Law Review. The Associate Dean must approve departures from these semester credit allocations.

Distribution: Required Course.

**LAW 509 - Civil Procedure (4)**

The object of this course is to introduce the student to the civil litigation process, including the attendant jurisdictional questions, court organization, and pleadings and rules of practice in state and federal courts. In addition, an analysis of the litigation process is undertaken, with emphasis on discovery, pretrial procedures, trial, judgment, and appellate review of the decision. (Required Course)

Distribution: Required Course.

**LAW 511 - Property (5)**

Starting with the historical evolution of the concepts involved in real and personal property, this course will study the rights and duties of owners and possessors of property, priority of possession or property, and present and future interests in property. This course will also consider issues in landlord and tenant law, evidence of ownership or right to possession, methods of title assurance, commercial and noncommercial transfers of interests in property, the rescission, modification, interpretation and performance of transfer agreements and documents, and private controls on the use of property. This course may also explore conflicts between private ownership of property and community needs, the nature and purposes of types of shared ownership of property, and public controls on the use of property. (Required Course)

Distribution: Required Course.

**LAW 513 - Torts (4)**

This is a course concerning civil liability for harm inflicted on another. Topics studied may include negligent, reckless and intentional acts that inflict harm; defenses to claims of liability; the liability of owners or occupiers of land; and strict liability. (Required Course)

Distribution: Required Course.

**LAW 515 - Skills**

This Skills Lab is designed to provide first-year students with an introduction to the practical skills that are an important part of the lawyer's role. The course will help students appreciate the relationship between the course content of the doctrinal courses they are studying and the practice of law. The course begins with a simulation exercise in which students represent a client. Students will need to evaluate the client's interests. The Skills Lab will also include other lawyering skills such as translating the elements of a tort into a complaint filed to commence a lawsuit, resolving a legal dispute through settlement negotiations, constructing a discovery plan, drafting a contract, and arguing a motion. Students will also be introduced to the ethical rules that govern the practice of law. This course will meet once a week throughout the year. It will be taught by various faculty members. It is a not-for-credit element of the first year curriculum that will contribute to assuring that students become ready for the practice of law while in law school.

**LAW 551 - Business Organization (3)**

This course focuses on the fundamental conceptual framework of business organizations law including the formation and conduct of business in the partnership, corporate, and limited liability company forms. It provides an introduction to the terminology of business organizations and finance, and transmits some sense of what a business lawyer does. It also engages in questions of ethics, justice, professional responsibility, and critical analysis of numerous aspects of business law. (Required Course)

Distribution: Required Course.

**LAW 553 - Evidence (3)**

This course is an introduction to the basic rules of evidence governing the proof of facts in criminal and civil trials, with a focus on the Federal Rules of Evidence. Topics covered may include the role of the judge and jury; relevance; hearsay and its exceptions; character evidence; and the competency, examination and impeachment of witnesses. Classroom method focuses on discussion of selected problems and cases and aims at providing a foundation for advanced courses in evidence (such as Advanced Topics in Evidence and the Scientific Evidence seminar, trial advocacy, and criminal procedure), while providing all students with a common grounding in the basic rules of evidence. (Required Course)

Distribution: Required Course.

**LAW 555 - Income Tax I (3)**

A study of the codified law as it relates to the federal taxation of the income of individuals. This course emphasizes the concepts of gross income, taxable income, and deductions. Special emphasis is given to the federal tax policy considerations inherent in resolving tax issues. A survey of selected topics such as the tax consequences of divorce and administrative practice before the Internal Revenue Service and the Tax Court may be included in the course. (Required Course)

Distribution: Required Course.

**LAW 575 - Professional Responsibility (2 evening or 3 day)**

This course examines the ethics of lawyering and the various roles of the lawyer. We will discuss the nature and scope of the attorney's responsibilities and obligations to clients, society, the administration of justice, the profession, and the self. It covers legal and ethical standards and aspirations relevant to regulating the conduct of lawyers and the development of professional ethics. (Required Course)

Distribution: Required Course.

**LAW 601 - Electronic Discovery (2)**

This course is an introduction to the legal and practical issues related to electronic discovery and the use of electronic evidence in legal proceedings. Attorneys engaged in litigation must ensure compliance with the rules and regulations governing the preservation and production of electronically stored information. Lawyers and clients nationwide are struggling with the practical challenges of electronic discovery and the law is continuously evolving. Students will gain an in-depth understanding of the legal rules governing ediscovery and develop practical knowledge and key analytical skills that can be used in practice.

**LAW 603 - International Criminal Justice (3)**

In this course we will discuss the application of domestic and international law to questions of jurisdiction over international criminal activities, international cooperation in criminal matters, substantive international law contained in multilateral treaties concerning war crimes and terrorism, and the permanent International Criminal Court. The course consists of a series of topics, organized around the principles and offenses of international criminal law, including: nature and sources of international criminal law; nature and elements of responsibility and defenses against responsibility; basis of jurisdictional competence of states under international law; methods for obtaining persons abroad; attempts over time, including through international tribunals, to secure punishment for international crimes; offenses against peace; war crimes; crimes against humanity; genocide; terrorism; and the intersection between international crimes and human rights.

**LAW 604 - Advanced Business Torts (2)**

Business Torts loosely refers to causes of action for economic harm between businesses or individuals acting within a business context, other than for breach of contract. This course will survey a variety of such causes of action not covered in depth in the basic contracts and torts courses, but which form the core of many lawyers' civil litigation practices. Topics covered may include breach of the implied covenant of good faith and fair dealing, misrepresentation, tortious interference with contract and economic advantage, investor litigation, trade secrets, employment torts, unfair competition, and violation of state unfair trade practices statutes. Throughout the course, an emphasis will be placed upon the practicalities of business-related civil litigation, including strategy, the economics of business litigation and "best practices" lawyering. There is no casebook required for this course. All case materials and readings are available electronically or as handouts.

**LAW 609 - Dispute Resolution: Negotiation, Arbitration, Mediation (2)**

This course will focus on negotiation and other methods of dispute resolution, with emphasis on negotiated settlement, mediation and

arbitration. Negotiation theory and alternative tactics and strategies will be examined, with focus on practical skills by way of example and simulated exercises. Various methods of alternative dispute resolution will be discussed in the context of different areas of legal practice and substantive law. Students who have taken LAW609, Negotiation: Strategies & Practice may not enroll in this course. (NOT A SKILLS NOT LIMITED ENROLLMENT COURSE).

Crosslisted as: LAWS 609.

**LAW 610 - Environmental Law Pollution (3)**

This course is an intensive study of the major pollution control programs in the United States, including the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act and Superfund. In addition to the general characteristics shared by each, the course will consider several recurring issues of the administrative state, namely the interpretation of complex and programmatic statutes, the nature of administrative authority, and litigation strategies within statutory regimes generally.

**LAW 611 - White Collar Crime (3)**

This course offers an overview of the law of business (white collar) crime. Topics include: individual and corporate responsibility for malfeasance; complicity; conspiracy; mail fraud; public corruption; RICO; securities fraud; perjury and false statements; obstruction of justice; the 5th amendment protections for business speech and documents. Completion of, or concurrent enrollment in, LAW 551 Business Organizations and LAW 505 Criminal Law are prerequisites to enrollment in this course. This course satisfies 1 unit of Skills.

**LAW 613 - International Military Conflict (3)**

This course conducts a critical analysis of how military justice and the law impact the core values of a society both during periods of relative peace as well as periods of domestic and international conflict. While there is a focus on current US structures, comparisons with other systems including China, East Timor, Latin America and Russia are included. There will be a review of the history of military law as well as the structure and roles within court-martial proceedings. The validity of limitations on U.S. service members' constitutional rights including freedom of speech, religion and association will be explored. The course will include study of military justice in operational settings to include the interaction of domestic law with the law of armed conflict as well as the implementation of military commissions and tribunals. The course is in no way limited to students interested in military law careers, but rather presented under the premise that the more lawyers, judges, legislators, public officials and citizens who educate themselves on this important aspect of domestic and international law, the better. The course will be presented in an online format.

**LAW 616 - Employee Benefits Law (2)**

The field of employee benefits law is dynamic. The security of employee pension plans has become a national issue in light of Enron, WorldCom, and other corporate scandals. This course will cover major cases that have been brought for denial of benefits in the area of pension plans (such as "401 K" plans) and welfare benefit plans (such as employer group health plans). The focus of the course will be on the procedural and substantive law of the Employee Retirement Income Security Act ("ERISA"), a major federal law regulating employee benefit plans. The course will examine the administration and operation of pension plans and welfare benefits plans. The course will also explore litigation involving the fiduciary

duties of disclosure and prudent investment of plan assets. ERISA preemption of state law relating to employee benefit plans will be explored. Also, the remedies of employees seeking to enforce their rights to benefits under ERISA will be considered. The application of other federal laws relating to employee benefits, such as the Internal Revenue Code (with respect to qualified plans), the Age Discrimination in Employment Act (ADEA), and the Securities Exchange Act of 1934 (as amended), will be discussed.

### **LAW 618 - Law of European Union (3)**

The course begins with some background on the history of European Union law, as well as the major lawmaking institutions of the European Union and the process and jurisprudence of how these institutions make law. It will then consider specific areas of the law of the European Union. Some of the areas of law covered during the course will include: human rights; antitrust law (competition law); labor law; intellectual property; and some other aspects of business law.

### **LAW 620 - Access to Justice (2)**

Equal access to justice for all is a bedrock principle of our democracy but what does that mean? What constitutes equal access? How is justice defined? And how, as a practical matter, can this principle be realized for the vast number of people whose low and moderate incomes preclude their hiring an attorney? This course will explore these and other questions which arise and emerging initiatives designed to assist self-represented (pro-se) litigants, and the responsibility of the courts in access to justice. This will be a seminar style course, limited to 20 students, and will focus in particular on the Massachusetts justice system, including the courts. There will be a heavy emphasis on discussion and guest speakers, as well as opportunities for field trips. Students will be responsible for a final project designed to enhance access to justice. Enrollment is limited to 20 students.

### **LAW 623 - Title IX: Sex Discrimination In Education (3)**

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational institutions receiving federal funds. In the course, students will examine Title IX's applications in the context of athletics, curriculum, single-sex education, sexual harassment, pregnancy and parenting, and employment of teachers and coaches. Students will be invited to analyze and evaluate the statute's efficacy at securing gender equality in education, both in absolute terms and relative to other sources of law such as the federal and state constitution equal protection clauses, and state and local antidiscrimination statutes. Title IX will also serve as a lens through which students will engage with broader topics such as statutory and regulatory interpretation, damages and immunity, feminist legal theory, and cultural studies. This course satisfies 1 unit of Writing.

### **LAW 625 - Land Use Planning (3)**

This course will cover the fundamentals of land use currently in place in the United States. This will begin with the "takings" issue and go on to examine public zoning schemes and private land use, control through the use of covenants and private associations. Subdivision control statutes, "approval not required" plans and design standards for residential and commercial developments will also be covered. Throughout the course there will be discussions on how the practitioner can work most effectively with the boards that administer the zoning regulations. The course will conclude, time permitting, by examining active topics such as special district zoning and the impact of non-zoning enactments such as wetlands protection laws and other

environmental statutes on land use decisions. Students may not take both this course and LAW 624 Land Use Controls.

### **LAW 626 - Gender & Criminal Justice (3)**

In Spring 2013, Professor Shay will be offering the Gender & Criminal Law course in an "Inside-Out" format. "Inside-Out" is a national program based at Temple University that trains professors nationwide to offer courses in which half of the participants come from their home academic institution and half are residents or inmates of correctional facilities. The goal is to produce a transformative educational experience for both sets of participants; to engage in meaningful dialogue about criminal justice and social issues; and to break down barriers and stereotypes. You can read more about Inside-Out at <http://www.insideoutcenter.org>. This spring Western New England's "Inside-Out" class will be held in conjunction with the Western Massachusetts Correctional Alcohol Center a minimum security residential treatment facility located on Howard St. in Springfield, MA <http://www.hcsmass.org/wmcac.htm>. Your classmates will include men and women who are completing their sentences at Howard St. working on their recovery and return to the community. The course will cover law reform movements in the areas of rape and domestic violence, as well as gender issues in sentencing, corrections, and reentry. Most of our classes will be held on Friday mornings at the Howard St. facility, although some might be at the University. This course will be especially valuable for those who hope to work in the criminal justice system, as prosecutors, defense attorneys, lawyers for correction agencies, civil rights attorneys, or legal services lawyers. However, other students will also benefit from the unique educational experience. Enrollment will be limited. Applicants will need to undergo a background and criminal records check, and to submit a 250 word statement of interest to Professor Shay. You must submit the 250 word statement of interest to Professor Shay and be selected for the program before you can register with the Registrar's Office. Participants will also need to commit to adhering scrupulously to the rules of the program, which Professor Shay will outline during the initial class sessions. If you have questions, please feel free to contact Professor Shay at [gshay@law.wne.edu](mailto:gshay@law.wne.edu)

### **LAW 627 - Comparative Constitutional Law (3)**

This course explores topics arising in the comparative study of constitutional systems and law, including those of Canada, Germany, India, South Africa and Great Britain. The course will first address structural issues, including comparative approaches to the separation of powers, judicial review and federalism. The remainder of the course will address comparative approaches to individual rights, including reproductive rights, freedom of expression and the rights of minorities. Throughout, we will consider how comparative constitutional study can offer insights into our own system, and the legitimacy of U.S. lawmakers or judges relying upon or referring to foreign constitutional law. Students will be evaluated on written thought responses to the reading assignments, a presentation and a short research paper. Limited to 20 students.

### **LAW 628 - Advanced Criminal Law (3)**

This course's goal is both to broaden and to deepen the students' understanding of criminal law. We will study in depth matter not addressed-or covered only briefly-in the first year. Topics may include crimes (such as theft offenses, rape, attempt, complicity, and conspiracy), defenses (such as self defense, necessity, duress, diminished capacity and mental illness) and both constitutional and prudential limitations on criminalization and punishment.

**LAW 629 - Gender & the Law (2)**

This course examines issues of gender in the law from the standpoint of feminist legal jurisprudence, particularly the way it is affected by and constructs gender in our society. Topics may include the law of sexual harassment, sexual autonomy and reproductive choice, workplace discrimination, legal regulation of welfare and low-income women, and the way in which a legal definition of sex (or the lack of it) influences law and social policy. (QWC Optional) This course satisfies 2 Writing Units.

**LAW 630 - Critical Race Theory (2)**

(CRT) examines how the social category of race is defined and produced by the law but also how race shapes and gives meaning to the law. CRT challenges both the substance and style of conventional legal scholarship by rethinking or outright rejecting formal notions of equality, individual rights and color-blind approaches to solving legal problems. By deploying both controversial and innovative methodologies, Critical Race scholarship has transformed how we understand the relationship between race, social power, and the law. This course will discuss the origins and major tenets of Critical Race Theory, examine the development of Critical Race Theory as a significant paradigm of legal scholarship and advocacy, and outline its connection to Critical Legal Studies, Feminist Jurisprudence, and Queer Theory.

**LAW 631 - Critical Race Theory (3)**

CRT examines how the social category of race is defined and produced by the law but also how race shapes and gives meaning to the law. CRT challenges both the substance and style of conventional legal scholarship by thinking or outright rejecting formal notions of equality, individual right, and color-blind approaches to solving legal problems. By deploying both controversial and innovative methodologies, Critical Race scholarship has transformed how we understand the relationship between race, social power, and the law. This course will discuss the origins and major tenets of Critical Race Theory, examine the development of Critical Race Theory as a significant paradigm of legal scholarship and advocacy, and outline its connection to Critical Legal Studies, Feminist jurisprudence, and Queer Theory.

**LAW 632 - Law Office Management (2)**

This course will introduce students to the operation and management of solo practices, law firms, and corporate legal departments. Practices and techniques that assist in the ethical, professional, and profitable representation of clients while reducing stress and crisis situations will be presented through presentations, readings, and guest lecturers. Topics to be covered include: business planning; time management, accounting and billing; client recruitment and relations; technology and office systems; stress management and personal support; ethical responsibilities and professionalism.

**LAW 633 - Internet Law (2)**

This course will examine how the law is responding to the various challenges posed by the internet. It will look at the application of various sources of law to the internet, including the United States Constitution, state and federal statutes, and common law principles, as well as a variety of proposals for new or revised laws to regulate this means of both communication and commerce. The course will examine the differing legal treatment of various participants in the online world including internet service providers vs. creators of online content. Topics to be discussed include sovereignty and jurisdiction over cyberspace, censorship of internet content, online

defamation and other forms of tortious conduct, the regulation of intermediaries such as internet service providers, and the legal status of domain names. The course does not require any technical expertise, but instead will focus on the way in which the legal system responds to the creation of new technology either by reasoning by analogy and applying existing legal principles or by creating new legal categories and regulatory techniques.

**LAW 637 - Jurisprudence Survey (2)**

This course examines the various schools of legal thought that have both influenced and criticized American law and decision-making. After discussing theories and characteristics of various schools, we will read legal opinions that reflect these schools, as well as writings that critique particular cases or legal rules. The schools of thought that we will consider include the Formalist, Legal Realist, and Legal Process schools, as well as contemporary critiques, such as Critical Race Theory, Feminist Theory, and Gay Legal Theory.

Crosslisted as: QWC 637.

**LAW 641 - Federal Tax Practice & Procedure (2)**

This course will include the study of the U.S. tax system, the administration of the Internal Revenue Code by the Internal Revenue Service, procedural problems in requests for administrative rulings, the handling of audits, the treatment of tax deficiencies and tax penalties, closing and compromise agreements, statutes of limitations, hearings before the Appeals Office, litigation in the U.S. Tax Court, the Federal District Court, and the U.S. Court of Federal Claims, collection matters, and criminal and civil aspects of fraud. Prerequisite: LAW 555 Income Tax I.

**LAW 642 - Law & Social Change (2)**

This seminar offers an investigation of issues faced by lawyers representing low-income clients and serving under-represented, disenfranchised groups. Cases, theoretical readings and historical texts are interwoven with several ends in mind: first, to provide a glimpse into the range of public interest work lawyers are engaged in and the intellectual foundations that guide these efforts; second, to consider the contexts in which the tools of public interest advocacy are more or less effective, with particular emphasis on the relationship of public interest lawyering to social movements of disenfranchised groups in American society. Third, to expose students to ethical issues and career development challenges that arise for public interest practitioners. The course grade will be based on students completing a variety of short written exercises, class participation and a major research paper. There will be no final exam. Enrollment limited to 20 students.

**LAW 643 - Family Law (3)**

This course examines the relationship between family and law. Topics addressed include legal definitions of "family" taking into consideration both the marital and non-marital family; rights and obligations among family members; the federal and state government's role in family life as well as the constitutional limits on government involvement; dissolution of family including issues of property distribution, alimony/support, and the implications of children; jurisdiction; and the role of the attorney in family formation and disputes. This course satisfies 1 unit of Skills.

**LAW 644 - Domestic Violence (3)**

This course combines a scholarly and practice-oriented approach to understanding the legal response to domestic violence. Throughout

the course, we will focus on the social context of battering, including how the experience of abuse is shaped by race, cultural identity, economic status, immigration status, sexual orientation, and disabilities. We begin with how the law recognizes domestic violence in relation to divorce, child custody, support, visitation, and the child protection matters. We will then cover the various legal remedies in both civil and criminal contexts and examine their efficacy. These include tort liability for batterers, federal remedies for survivors, such as the Violence Against Women Act, and the role of protective orders in both civil and criminal courts. Violence against women as a human rights violation, sexual assault law, and the role of the domestic violence movement are also introduced. The focus of this course is to examine current challenges and shortcomings in the legal response to domestic violence, then draft proposals for alternative strategies for systemic change.

### **LAW 645 - Entertainment Law (2)**

This course is designed as an introduction to the legal, business, creative, and ethical aspects of the practice of law in the firm, television and music industries, providing an overview of key areas such as contractual practices, personal and intellectual property rights, compensation, and creative control issues. While not a course on copyright or contracts, our focus will include an examination of the interaction between these disciplines and the arts, as well as an exploration of current topics such as grants of rights, duration of copyright, licensing, fair use, exclusivity, rights of privacy and publicity, and litigation. Prior completion of a course in Copyright Law is highly recommended but not mandatory.

### **LAW 650 - Advanced Topics in Evidence (3)**

Advanced Topics in Evidence is Evidence II. It builds on the basic Evidence course in two ways. First, it explores in detail topics that are either not covered or are covered somewhat quickly in the introductory course: privileges, expert witnesses, burdens of proof and presumptions, and best evidence and authentication rules. Second, it deepens one's understanding of several basic topics - hearsay, impeachment and character evidence—by examining their constitutional law underpinnings through a study of the Confrontation Clause of the Sixth Amendment and the Due Process Clause of the Fifth and Fourteenth Amendments. Prerequisite: LAW 553 Evidence. This course satisfies 1 Skills Unit.

### **LAW 651 - Immigration Law (3)**

This course will explore the American immigration system from constitutional, statutory, and policy perspectives. Topics considered include the source and scope of congressional power to regulate immigration, standards and procedures for entry, exclusion, and deportation, illegal migration, and the acquisition and loss of American citizenship.

### **LAW 654 - Patent Law (2)**

This course introduces the basic concepts of patent law - a system involving a government grant of limited proprietary rights in inventions in exchange for full disclosure of the invention. Areas to be examined include requirements for patentability, procedures for obtaining patents, interrelationships with trade secrets, rights to employee inventions, patent assignments and licensing, and a brief overview of patent litigation. Students should have an Engineering degree or a strong scientific educational background.

### **LAW 655 - Legislative Advocacy & lobbying (2)**

This course examines lobbying and legislative advocacy. With legislatures central to our system of government, whether at the Federal or State level, attorneys need to be familiar with government relations practices and legislative processes. Topics may include the constitutional basis for and history of paid lobbying; the regulation of lobbying as a profession, including the legal and ethical restrictions; the role of money and politics in lobbying; and practical elements of how to be an effective lobbyist. Limited to 24 students.

Crosslisted as: LAWS 655.

### **LAW 656 - Consumer Protection (2)**

This course will deal with federal and state statutes and regulations that protect the consumer. This course will cover the fundamental causes of action and defenses in current consumer protection law. The course will examine common law antecedents of modern consumer protection law, contract and tort-based causes of action, consumer credit, compulsory disclosure statutes and consumer contract formation issues. Limited to 6 students. Prerequisite: Evidence and Consumer Protection

### **LAW 657 - Real Estate Development (2)**

This course will focus on real estate development using the development of a shopping center as the paradigm. In the course, we will take the development project from the acquisition of land, through financing and construction of the shopping center, and finish with the leasing of stores in the shopping center. Students will be assigned to law firms of two or three students and over the course of the semester each firm will negotiate and draft documents for three separate aspects of the development process. For example, students in a firm may negotiate a long term ground lease, the construction financing of the shopping center, and an anchor tenant lease; they will also draft all of the documents appropriate to those transactions and make short presentations on them in class. Enrollment limited to 16 students.

Crosslisted as: LAWS 657.

### **LAW 660 - Closely Held Business (3)**

As part of the advanced curriculum in the law of business organizations, this course provides an in-depth analysis of the myriad legal problems involved in the formation and operation of closely held businesses, i.e., those businesses whose ownership interests are not publicly traded. We will consider unincorporated business entities - including the general partnership, the limited partnership (LP), the limited liability partnership (LLP), and the limited liability company (LLC)—as well as the incorporated closely held business in the form of the close corporation. The main issues discussed for each form of business organization are the mechanics of entity formation; management and control of the closely held business; financial rights and liabilities of the entities owners; fiduciary duties among the entities owners; the transferability of entity ownership; and exit rights during dissociation and dissolution. Prerequisite: Law 551 Business Organizations.

### **LAW 664 - Elder Law (2)**

This course will focus on the legal problems associated with the elderly and the aging. Areas of instruction will include social, psychological, legal, and financial aspects of planning for the elderly. Topics of special concern will include Medicaid benefits, nursing home institutionalization, estate planning, and social security benefits. Other topics to be discussed will include abuse of the elderly, insurance issues, tax issues, health care proxies and

guardianship issues, and creating and maintaining an elder law practice.

### **LAW 672 - Representing Children (2)**

This course will review children's constitutional rights followed by a study in non-delinquency matters in which children are parties (Care and Protections, Children in Need in Services, etc.). Special emphasis will be placed on counsel's role in communicating with child clients and selecting litigation options (class actions, tort actions) to protect children's rights. Child-abuse matters and state's failure to provide children's services will be emphasized.

### **LAW 674 - Employment Discrimination (3)**

This course concerns discrimination in the workplace, with emphasis on different theories of discrimination and the application of those theories in a variety of settings. The primary focus is on the text and interpretation of Title VII of the Civil Rights Act of 1964, as amended in 1991. Other areas studied may include the Age Discrimination Act of 1967, the Equal Pay Act of 1963, and the Americans with Disabilities Act of 1990.

### **LAW 685 - Bankruptcy (3)**

This timely course constitutes an intensive overview of federal bankruptcy law. The course begins with the Chapter 7 and 13 liquidation and reorganization provisions of the Bankruptcy Code available to consumer debtors and goes on to examine the Chapter 11 reorganization provisions of the Bankruptcy Code available to business entities. Students are exposed to the perspectives of both debtors and creditors in the bankruptcy process. Students may not enroll both in this course and in LAW 719 Debtor-Creditor Relations. It is strongly recommended that LAW 746 Secured Transactions be taken previously or concurrently.

### **LAW 686 - Law & Health Care Entity (2)**

This is a survey course that will cover a variety of issues relating to health care access, delivery and reimbursement for services. Topics will include the duty to provide care, discrimination in access to health care, insurance contract interpretation, federal regulation of insurance including ERISA, professional relationships in health care enterprises, and fraud and abuse.

### **LAW 688 - Bioethics (3)**

This is a survey course that will cover a variety of bioethics topics through the lenses of law, ethics, medicine, and public policy. Topics may include reproductive technologies and rights, medical decision-making, end of life care, distributive justice topics, and research on human subjects.

### **LAW 690 - Sexual Orientation & Law (2)**

This course is an examination of the legal and policy issues surrounding state and private attempts to regulate and/or discriminate on the basis of sexual orientation and gender identity and expression. Topics covered in the course include (1) the due process right to privacy, (2) equal protection analysis (addressing current challenges to the military's exclusionary policy as well as some states' per se ban on adoptions by gay men and lesbians), (3) the right of free expression and association (e.g., the challenge to the Boy Scouts' ban on gay members as well as on-going challenges to university non-discrimination policies by the religious right), (4) employment discrimination, with particular emphasis on possibilities to pursue non-discrimination law by transgender people (5) sexual orientation

and gender expression as gender discrimination, and (7) family law issues affecting gay, lesbian, bisexual, and transgender people such as the rights to marry, to child custody and visitation, to adopt and to provide foster care.

### **LAW 694 - Conveyancing (2)**

This course concerns the legal aspects of the purchase and sale of real estate, beginning with the real estate broker and concluding with the closing process. The course covers in detail the purchase and sale agreement and remedies for the breach of the agreement; title examination and title insurance; property description and deed drafting; RESPA forms and regulation and closing adjustments; the closing process; and ethical considerations in representation of parties in real estate transactions. Enrollment limited to 45 students. Prerequisite is Law 511 Property.

### **LAW 696 - Landlord & Tenant (2)**

This course focuses on the landlord-tenant relationship in the residential rental market with emphasis on recent court decisions and various selected state laws that have attempted to lessen the problems of substandard or inadequate rental housing, housing discrimination, problems of lead paint poisoning, and related issues. Eviction proceedings, discrimination litigation and consumer remedies are covered in detail. Enrollment is limited to 45 students. Prerequisite LAW 511 Property.

### **LAW 701 - Discovery & Depositions (2)**

Students will be provided with information upon which to write a complaint and answer, interrogatories, and request for production of documents. Students will then attend case theory sessions. The focus of the class shifts to skills-based training on how to take and defend effective depositions in the context of formal discovery. The main focus of the course will be on developing technical discovery skills. This course is interactive and will be conducted in a style that replicates as closely as possible the actual discovery experience with an emphasis on the taking of depositions. Through a combination of classroom exercises and lectures, students will learn: What the discovery process is all about: Basic written discovery skills (complaint, answer, interrogatories, requests for production); How to develop a preliminary case theory; How to prepare one's own witness for deposition; How to prepare for the deposition of an adverse party/witness; Starting the deposition and the usual stipulations; How to take the deposition of an adverse party/witness; How to defend a deposition; The ethics of witness preparation and of taking the deposition; How to use a deposition (dispositive motions, settlement, trial, impeachment). Time permitting the class may also cover other aspects of litigation strategy and/or an exercise on negotiating and settling a case. Enrollment is limited to 16.

Crosslisted as: LAWS 701.

### **LAW 702 - Products Liability (2)**

This course presents an analysis and discussion of the American law of products liability. The focus of the course is on the major theories of liability with respect to injuries caused by the use of defective consumer products. We will cover the requirements of each of the major causes of action in product litigation, together with appropriate defenses and damages related to those causes of action.

### **LAW 705 - Administrative Law (3)**

This course examines the system through which a vast array of government power is exercised in the United States: the

administrative process. Its focus will be the ways in which private interests are arranged, rearranged, and/or protected in that system against the background of the public interest. The course will address agency powers to gather and utilize information, promulgate regulations, and adjudicate rights and remedies under applicable statutes and regulations. Judicial review of adverse agency action will also be explored. This course satisfies 1 Skills Unit (for the spring semester only with Prof. Buzuvis).

### **LAW 706 - Criminal Procedure: Investigation (3)**

This course examines the constitutional limits on police investigations. The course focuses primarily on the development of federal constitutional law (4th, 5th, and 6th amendments) in the United States Supreme Court as a way to balance society's need for effective law enforcement against the rights of individuals to be free from unreasonable searches and seizures, coercive interrogations, and unfair pretrial identification procedures. Completion of LAW 796 Criminal Procedure: Adjudication is not a prerequisite to enrollment in this course.

### **LAW 708 - Labor Law (3)**

This course traces the development of American Labor Law, from its early beginnings at the dawn of the industrial revolution, through the great depression of the 1930s, the post-war years, and the modern era. It considers how workers have joined together to improve their material well-being, and how society regulates the inevitable conflict between workers and management. The course studies the National Labor Relations Act and its interpretation by the courts and the National Labor Relations Board. Areas covered include the right to join unions, to engage in collective bargaining, and the procedures to resolve labor disputes, jurisdictional disputes, board procedures, representation, elections, unfair labor practices, strikes and job actions, picketing, lockouts, secondary boycotts, arbitration of disputes, and union organizing.

### **LAW 712 - Insurance Law (2)**

This course provides students with a working knowledge of fundamental legal principles concerning insurance policy and coverage issues. Legal issues regarding the regulation, and underwriting of insurance will be reviewed as well as claims handling, good and bad faith, and punitive damages. The course will also examine life, disability, property and casualty, automobile, health, and various professional liability insurance coverage issues. At the conclusion of this course the student should have a basic understanding of how insurance coverage in general is created, regulated, interpreted, applied, and enforced, as well as the application of basic principles to several different types of insurance coverage.

### **LAW 713 - Antitrust Law (3)**

This course is a study of the legal devices used to control private economic power and competition among business enterprises. It includes an examination of the legal restrictions on monopoly, horizontal and vertical trade restraints, and, to the extent time allows, mergers under the Sherman, Clayton, and Federal Trade Commission Acts.

### **LAW 714 - Business Planning (3)**

The course focuses on the legal issues arising in connection with the start-up and operation of closely-held business enterprises and the role of the lawyer as an advisor to these entities and their owners. Numerous case studies are used to expose the student to a broad

range of structural planning issues and the practical and analytical challenges of the planning process. There is a heavy emphasis on planning traps and creative planning strategies. Different types of closely held businesses are analyzed, compared, and contrasted in case studies that raise important issues in co-ownership planning, enterprise funding, choice of entity planning, multiple entity planning, owner compensation, life insurance planning, structuring profit and capital interests, profit distribution planning and diversification, exit and business transition planning, employee relations and benefits, and retirement planning. Numerous drafting considerations and implementation mechanics also are reviewed. The course is designed to broaden the student's substantive knowledge on a broad range of issues and to help the student develop three essential planning skills: (1) the ability to identify and address business objectives, not just legal issues, (2) the ability to evaluate and apply specific strategic options, and (3) the ability to effectively communicate with non-lawyers. Prerequisite: Completion of LAW551, Business Organizations, although LAW 747, Income Tax I is NOT a prerequisite, students should be prepared to learn some tax matters during this course.

Crosslisted as: QWC 714.

### **LAW 715 - Conflicts of Law (3)**

This course deals with the legal ramifications of disputes involving connections with two or more states. When such disputes reach the courts, what law should be applied and how should the determination be made? The course explores choice of law questions and the various methods and theories courts and scholars have proposed and adopted to answer them. The contrasting points of view regarding choice of law are analyzed in terms of which policies best promote the goals of individual states, as well as harmony and efficiency in the federal system. The course may also deal, briefly, with constitutional questions concerning choice of law, judicial jurisdiction, and recognition of judgments.

### **LAW 716 - First Amendment Rights (3)**

This course is a basic introduction to the free speech guarantee of the First Amendment. Among the topics to be studied are the special problems of particular kinds of speech, including advocacy of violence as a political solution, libel, obscenity, profanity, hate speech, commercial speech, and symbolic speech such as flag burning. The course will also examine techniques employed by the government to censor speech, such as prior restraints and time, place, and manner regulations, as well as rights of access to public property such as streets and parks to engage in expressive activities.

### **LAW 717 - Corporate Tax (3)**

A study of that body of law devoted to the federal taxation of corporations with emphasis on the tax problems of small businesses, including the formation, structure, and distribution of profits by corporations. Also studied are stock redemptions, accumulated earnings, and personal holding company taxes. Taxation of partnerships will be included in the three-credit course. Prerequisite: LAW 747, Income Tax II.

### **LAW 718 - Chinese Law (3)**

China is the most populous country in the world, and in many respects its law and legal system are unique. This course will begin with a brief review of the historical development of law in China, and some of the forces that have shaped it. It will also take a look at how law is made in contemporary China, and at its legal profession. But in the main the course will consist of studying the various fields of



contemporary Chinese law. There will be an examination at the end of the course that will constitute the primary basis for the grade each student receives.

### **LAW 720 - Constitutional History (3)**

This course traces the institutional growth of the Supreme Court from its early tentative beginnings to its present strength while examining the Court's role in the historical development of the United States from the Founding to the Constitutional Revolution of 1937. Students will study selected decisions of the Court in their political, economic, and social context with emphasis on the changing character of the Court, the impact of great justices, and the influence of extra-legal elements in constitutional decision making. The class will address, among other topics, the Court's role in promoting economic development, slavery and race and the Constitution, civil liberties during wartime, and the limits of judicial power. Students will do significant reading in secondary materials in addition to reading the cases considered.

### **Law 721 - Environmental Law (3)**

This course is an intensive study of the major pollution control programs in the United States, including the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act and Superfund. In addition to the general characteristics shared by each, the course will consider several recurring issues of the administrative state, namely the interpretation of complex and programmatic statutes, the nature of administrative authority, and litigation strategies within statutory regimes generally.

### **LAW 722 - Estate & Gift Tax (3)**

This course is a study of the fundamental principles of federal taxation on property transfers at death and during the life of the transferor, including those transfers in contemplation of death, and those with life estates retained and retention of power to control. Consideration is also given to the marital deduction, the tax effects on various types of property transfers, and the generation-skipping tax. Prerequisite: Law 511 Property. This course satisfies 1 Skills Unit. Note: This class will be offered online and the computer lab will be booked for this time slot in BLC 329.

### **LAW 724 - Federal Courts & Jurisdiction (3)**

This course focuses on the role of the federal courts under the American system of dual (national and state) sovereignty and divided national governmental power among the branches. More specifically, we will study: (a) the constitutional allocation of power and responsibility to enforce federal rights between federal and state courts; (b) the power of Congress to control jurisdiction over federal claims; (c) the sovereign immunity of state governments; (d) Article III limitations of federal judicial power; and (e) the conditions under which federal courts abstain from deciding cases within their jurisdiction.

### **LAW 727 - Juvenile Justice (2)**

This course concentrates on juvenile delinquency proceedings from pretrial procedure through trial and the occasional transfers of juvenile offenders to the adult criminal system. Developments in the area of due process for young people (United States Supreme Court cases) and effective client advocacy are stressed. Prerequisite: Law 505 Criminal Law.

### **LAW 729 - American Legal History (3)**

This course considers the development of American law from the seventeenth to the twentieth centuries. It gives considerable attention to the development of a number of areas of law, including property, contracts and commercial law, criminal law, torts, debtor-creditor law, the law of personal status, and also constitutional law. It also considers how law is made (jurisprudence). It organizes the study of law around three major themes. They include establishing and maintaining community, and the rise of democracy and of the market economy. It also considers the development of American law and lawmaking within the context of a broad process of modernization of human life that has been affecting western civilization for many centuries, and today is influencing countries around the world. Students will write papers, consisting of thirty pages of writing that will constitute the primary basis for their grades. This course is one of the public interest concentrations of courses.

Crosslisted as: QWC 729.

### **LAW 730 - Land Finance & Transfer (3)**

This course focuses on the law and practices that govern the financing of real estate transactions, from single-family residences and residential sub-divisions, to multi-family apartment buildings and commercial real estate. The course examines in great detail the law of mortgages, including the creation and transfer of mortgage interests, lien priorities, foreclosure, and bankruptcy. Prerequisite: Law 511 Property. This course satisfies 1 Skills Unit.

### **LAW 731 - Remedies (3)**

This course will survey the law of remedies in civil litigation. Students explore the principal forms of legal and equitable relief available to civil litigants. Throughout the term, the course will afford multiple opportunities for students to receive formative assessment, including practice in answering typical bar exam questions. This course has limited enrollment; permission of the professor is required. Students taking this course may not take LAW 761 Remedies: Injunctions.

### **LAW 735 - Civil Rights & Policing Misconduct (3)**

This course offers an introduction to federal civil rights litigation, principally under 42 U.S.C. Sec. 1983, in the context of claims of misconduct such as wrongful arrest, imprisonment, and other wrongful denials of liberty; wrongful prosecution; excessive force; illegal search and seizure; wrongful interference with first amendment rights; and failure to protect. It will also examine immunity, defenses, and supervisory and government liability.

### **LAW 739 - Copyright Law (3)**

This course will focus on the legal protection given the creators of literary, artistic, musical, and related works. The course emphasis will be on copyright law's attempt to balance the rights of creators with the public's interest in access to creative works.

### **LAW 741 - Law & Education (3)**

This course focuses on the legal issues in public education. Topics may include student and employee free speech rights, religion in the schools, Constitutional issues in the discipline and dismissal of school employees, teacher tenure, special education, desegregation, state constitutional issues regarding funding and access to education, state statutory provisions regarding financing of education, and reform of the public schools.

### **LAW 743 - Securities Litigation (2)**

From the billion dollar lawsuits that threaten Wall Street titans to claims by “mom and pop” investors that their broker sold them a bad stock, securities litigation has become big business for lawyers of all walks of life. In the wake of the financial crisis of 2008, investment-related litigation has exploded, dominating media headlines and court dockets. At the same time, as America’s baby-boom generation approaches retirement relying on stock portfolio nest eggs, investor-related disputes have the potential to affect virtually all future lawyers’ clientele. This course is intended to provide an introduction to securities litigation, not only for students who are interested in developing a practice in the area, but also for those who plan to practice business law and those that simply seek a sufficient knowledge base to competently advise clients who present problems regarding their investments. The course will also explore topics concerning disputes common to the owners of small businesses organized as closely held corporations, limited partnerships and limited liability companies, providing students with an overview of the typical issues arising in resolving internal business disputes. Expected topics include federal securities claims, shareholder derivative litigation, litigating state “Blue Sky” claims, internal corporate governance issues and broker-dealer investor litigation. There are no prerequisites but students are strongly encouraged to have completed the required course in Law 551 Business Organizations prior to enrolling. Limited to 20 students.

#### **LAW 744 - Sales (3)**

In this course students will study contract law in commercial settings governed primarily by Article 2 of the Uniform Commercial Code. The course will also address differences in contracts governed by the United Nations Convention on Contracts for the International Sales of Goods and distinctions in consumer and business to business transactions. Classroom discussion will focus on problems and case analysis and statutory interpretation, as well as practical problems in drafting, negotiating and enforcing agreements.

#### **LAW 745 - Payment Systems (2)**

Payment Systems is a general introduction to commercial transactions. It covers various ways of making payments (checks, credit cards, debit cards, letters of credit, wire transfers, and electronic payment devices), transactions for borrowing money (notes and guaranties), and also negotiable instruments and securitization. Doctrinally, it covers Articles 3, 4, 4A, 5, 7, and 8 of the Uniform Commercial Codes, as well as (among other things), major provisions of the Expedited Funds Availability Act, the Truth-in-Lending Act, and the Electronic Fund Transfers Act.

#### **LAW 746 - Secured Transactions (3)**

Secured Transactions is an intensive study of consensual security interests in personal property under Article 9 of the Uniform Commercial Code. The course also involves a cursory examination of relevant provisions of the Bankruptcy Code, and side-glances at other Articles of the UCC.

#### **LAW 747 - Income Tax II (3)**

A continuation of the study of the law as it relates to the federal taxation of the income of individuals. This course explores the tax concepts of realization and recognition of income, the character of gains and losses from the disposition of property, and tax accounting methods. The course also explores the role of debt in property transactions and may include a discussion of assignment of income principles. Prerequisite: Law 555 Income Tax I.

#### **LAW 748 - Trusts & Estates (3)**

This course is a study of the inter-vivos and testamentary gratuitous transfer of property, including intestate succession, wills, and trusts. Also discussed are the duties and liability of the fiduciary, the use of charitable donations, and the raising of constructive and resulting trusts. Prerequisite: Law 511 Property.

#### **LAW 751 - Securities Regulation (3)**

This course is a study of the law relating to the basic structure of the system by which dealings in securities are regulated. The course will focus on the Securities Act of 1933 and the Securities Exchange Act of 1934 as they relate to fundamental regulatory issues, such as what constitutes a security, the nature of controls over the distribution and trading of securities and exemptions from those controls, as well as liability for misconduct. Prerequisite: LAW 551, Business Organizations, completed or currently enrolled. Prerequisite or take concurrently: Law 551 Business Organization

#### **LAW 758 - Post Conviction Rights (3)**

This course will examine state and federal rights and procedures to which a state criminal defendant is entitled after conviction. Topics will include state direct appeals, collateral challenges to convictions, and challenges to state convictions in federal court. Areas of study will also include applicable standards of appellate review, preservation and exhaustion doctrines, and raising constitutional issues during post-conviction proceedings. Prerequisite: Law 501 Constitutional Law.

#### **LAW 759 - Advance Environmental Law Seminar (3)**

This seminar will examine advanced environmental law topics at the forefront of current policy debates about how we balance the needs of environmental protection in an industrialized society. The seminar will include an in-depth consideration of the law and policy concerning global climate change, energy law, disaster response, international environmental law, and the intersection between environmental law and land use development. Students enrolling in the seminar must prepare a final paper, make a presentation to the class, and actively participate in class discussion. Students will work with the professor to select a topic for the research paper, which can be drawn from topics covered in class or another topic of interest to the student and acceptable to the professor. Prerequisite: Environmental Law: Pollution Control.

#### **LAW 760 - Trademark Law (3)**

This course surveys the legal rules and policies governing how producers of goods and services use trademarks, logos, product designs, and other devices to identify the source of their goods and services in order to protect their good will and prevent confusion in the marketplace. The course focuses primarily on the federal trademark statute and its recent amendments, as applied in both the traditional and electronic marketplaces. This course satisfies 1 Skills Unit.

#### **LAW 761 - Remedies: Injunctions (2)**

This course focuses exclusively on the equitable remedy of injunction. Since the King’s Chancellor first devised it, the injunction has been both the scourge and the savior of litigants. It will explore its use in modern litigation, covering a range of subjects including antitrust, discrimination, environmental protection, and institutional reform (schools, prisons, etc.). It will also examine the procedural and substantive prerequisites for securing injunctive relief. In

addition to the permanent injunction, so crucial, for example, in corporate takeover battles and spousal abuse cases. The scope of the injunctive decree is also a critical issue. Finally, the enforcement mechanisms, such as contempt, and the question of who is bound by the injunction will also be addressed. Students who have taken LAW 731 Remedies may not take this class.

### **LAW 762 - International Law (3)**

This course provides an overview of international law with a focus on the framework and development of international law. We will examine how the doctrines, institutions, and methodologies of international law have developed in recent years, with attention to the application of those doctrines and methodologies to legal aspects of current international controversies. The structure, goals, processes, and institutions of international law will be discussed, with detailed consideration of issues such as the sources of international law, the recognition and responsibilities of states, and the role of organizations, corporations, and individuals in the application of international law. This course satisfies 1 Writing Unit.

### **LAW 763 - Massachusetts Practice and Procedure (2)**

This course provides students with a practical understanding of Massachusetts practice and procedure as it relates to criminal litigation. Students will learn practice and procedure from arraignment to post-conviction relief. The course will emphasize the practices and procedures that are most relevant to the daily practice of law and the most common issues that litigants face in Massachusetts courts. Students will develop a useful understanding of how the practice of law is grounded in the Massachusetts Rules of Criminal Procedure as well as relevant statutory and case law authority.

### **LAW 768 - Regulations of Hazardous Substances (3)**

The course considers tort law, as well as some important state and federal statute law, that regulates harms to persons and property from toxic substances. Much, though not all of this law, is strict liability law. Causation is a central legal issue of the course. In addition, the course devotes some attention to theory that shapes this lawmaking, as well as to the application of toxic substances law to problems.

Crosslisted as: QWC 768.

### **LAW 770 - New York Practice & Procedure (2)**

This course is designed to introduce the New York Court System and its procedure, pursuant to the Civil Practice Law & Rules (CPLR). The concept of jurisdiction in the state will be examined in detail as well as the commencement of a civil action and its interplay with jurisdictional principles, within, and outside New York's boundaries. A variety of issues will then be reviewed, such as service, defects of same, defenses to, and appearances. Important emphasis will be placed on limitations of time in actions, such as intentional torts, and medical malpractice, taking into account laches, tolls, extensions, and interposing other claims.

### **LAW 771 - New York Practice & Procedure II (2)**

This course will build upon the concepts examined in New York Practice I, and address the intricacies of practice under the CPLR, (New York Civil Practice Law and Rules), focusing on what occurs after an action has been commenced. Topics to be covered include pleadings, affirmative defenses, bills of particulars, motion practice, motion to dismiss, summary judgment, default judgment, discontinuance of action, provisional remedies, disclosure, protective orders, selection of a jury, the trial proper, verdict, post appeal

applications, and enforcement of judgments. New York Practice I is strongly recommended.

### **LAW 772 - Non-Profit Law (2)**

This class will focus on the unique legal status of non-profit organizations. Particular attention will be given to the different types of non-profit entities (including universities, hospitals, and religious organizations) and their organization, governance and regulation by both the federal government and the states. Specific topics will include the scope of non-profit activities; choice of organizational form; the powers and fiduciary duties of non-profit directors/trustees and officers; standing to sue non-profits, charitable immunity and limitations on the liability of non-profits; qualifications for federal tax-exempt status and related tax issues; forms of charitable giving and the regulation of fundraising; the investment and use of charitable giving and the other issues unique to nonprofits.

### **LAW 775 - IP Law: Product Design (3)**

This course will cover topics in copyright law, trademark law and design patent law respecting the legal protection of industrial design. More specifically, the course will cover how copyright law distinguishes between the protectable and unprotectable elements of such items as furniture, appliances, and other household goods, how trademark law provides limited protection to the shape of useful articles under the doctrine of trade dress, and how the United States Patent Office determines whether or not to grant design patent protection to similar products. This course provides students who have taken one or more of the basic Intellectual Property courses an opportunity to explore these three topics in depth and comparatively. The course also allows students who have not taken the basic courses to get an introduction to three different areas of Intellectual Property Law.

### **LAW 776 - Cybercrime Digital Evidence (3)**

This course is designed to be an introduction to Cyber Crime and Digital Evidence. In this course, the students will explore how our current age of information and technology offers new challenges to the existing framework of not only criminal law, but also criminal procedure, particularly within the investigative arm of the Fourth Amendment. We will discuss the use of digital evidence in criminal cases and offer a broader framework of digital evidence within the context of the Fourth Amendment. Key questions include: How has the age of information and technology spawned new types of crimes? What new techniques and practices are required to identify cybercriminal activity? How are law enforcement agencies responding to the dangers that cybercrimes create? This course will explore a range of central issues from deciphering the existence of a person's reasonable expectation of privacy in cyberspace to how law enforcement techniques are shifting from traditional mechanisms of crime control to new regulatory rules, including the use of technology. This course satisfies 1 Writing and 2 Skills Units.

### **LAW 778 - International Business Transactions (3)**

This survey course will consider some of the major private and public law issues involved in international trade and investment. The emphasis of the course will be on the private, transactional aspects of International Business Transactions. In particular, we will examine typical legal arrangements for (i) the international financing and sale of goods (including extensive coverage of the United Nations Convention on Contracts for the International sales of Goods - CISG), (ii) the non-establishment forms of foreign investment employed by market participants in order to generate business internationally (including licensing of intellectual property rights,

international distributorship contracts, transfer of technology agreement, etc.), and (iii) the foreign direct investment of capital through the establishment of business operations abroad (both within the European Union and China). We will also discuss selected issues crucial to the avoidance and resolution of international business disputes. The pedagogical approach will involve the discussion of problems and the study of judicial and quasi-judicial decisions, regulations, statutes, and international agreements. Although Public International Trade Law is not the emphasis of this course, an overview of the structure and operation of both international and regional trade organizations, including the World Trade Organization (WTO) and The North America Free Trade Agreement (NAFTA), will also be provided.

### **LAW 781 - Public Sector Law (3)**

This course will examine the regulation of labor/management relations in public employment, with emphasis on distinctions from the private sector model. It will cover such areas as the historical development of public sector labor unions, the right to join unions, the collective bargaining relationship, union security, mandatory subjects of bargaining, settlement of impasses, enforcement of the agreement and constitutional rights of public employees.

### **LAW 782 - Forensic Evidence (2)**

This course will examine the evidentiary foundations necessary for the introduction and use of forensic evidence in both criminal and civil trials. Special emphasis will be placed on the practical application and use of complicated scientific evidence including medical evidence, DNA, ballistics, arson, fingerprints, toxicology and psychological/psychiatric testimony. The frame work around which these issues will be discussed are the Daubert/Lannigan cases and their progeny. It is highly recommended that students have completed a course in basic evidence Law 553 prior to enrollment.

### **LAW 790 - Religion & the Constitution (3)**

This course examines the First Amendment's Establishment and Free Exercise Clauses. The two Religion Clauses have been and continue to be a focus of extensive controversy in the legal and political arenas. The course will examine Supreme Court opinions interpreting the Religion Clauses. Topics arising under the Establishment Clause include prayer in public school classrooms, religious symbols on public property, and government funding of parochial school education. Topics arising under the Free Exercise Clause include the rights of religious objectors to be exempt from a vaccination requirement, the rights of members of religion to engage in animal sacrifice as part of a religious ritual, and the rights of employees to refuse to work on religious holy days. Particular attention will be paid to the relationship between the Establishment and Free Exercise Clauses. The reading material for the course has been prepared by the instructor. The specialized nature of the course subject matter allows students to gain expertise in the area by reading extensively in this one area of constitutional law rather than by surveying a variety of areas.

### **LAW 794 - Employment Law (3)**

This course provides a foundational survey of key state and federal laws that protect employee rights and employer interests in the workplace. After beginning with a discussion of the various legal paradigms implicit in workplace regulation, the course is organized around five themes: (1) The Rise and Questionable Fall of At-Will Employment; (2) Job Security, Employee Mobility & Workplace Freedom; (3) Wage and Hour Legislation; (4) The Laws Governing Workplace Accidents and Safety, and (5) Private Dispute Resolution

and Arbitration in the Workplace. The course will address these themes in the context of a globalized labor market, the safety net protecting the low-wage workforce, non-standard work arrangements, and the impact of web-based communications in the workplace. For questionable pedagogical reasons, "employment law" is usually separated from the study of "labor law" and from "employment discrimination law". Consequently, by design the course does not cover in great depth the National Labor Relations Act public sector labor law, or the laws protecting workers from status-based discrimination (e.g. Title VII of the Civil Rights Act the Americans with Disabilities Act). However, the course does introduce these laws and the legal rules governing the right to form unions and collectively bargain as well as the protections afforded to employees because of discrimination based on race, gender, disability, sexual orientation, etc. The readings are inevitably somewhat eclectic and the structure of this course attempts to grapple with what are truly academic distinctions separating one area of workplace law from another because employers and employees routinely grapple with workplace disputes that arise under a complex web of interrelated and sometimes conflicting legal rules. There is a final exam in this course.

### **LAW 796 - Criminal Procedure: Adjudication (3)**

This course examines the constitutional basis of criminally accused persons' post-arrest rights, in the context of, e.g.: bail and pretrial release, discovery, the right to counsel, guilty pleas, burdens and standards of proof, selection and composition of the jury, confrontation, effective assistance of counsel, jury instructions, double jeopardy, and other rights incident to criminal trials, appeals, and collateral review. Completion of LAW 706 Criminal Procedure: Investigation is NOT a prerequisite to enrollment in this course. This course satisfies 1 Skills Unit.

### **Law 798 - Connecticut Practice & Procedure (2)**

This course provides students with a practical understanding of Connecticut practice and procedure as it relates to criminal and civil litigation. The course will emphasize the practices and procedures that are most relevant to the daily practice of law and the most common issues that litigants face in Connecticut courts. Students will develop a useful understanding of how the practice of law is grounded in the Connecticut Procedural Rules as well as relevant statutory and case law authority.

### **LAW 799 - Advanced Legal Analysis (2)**

Designed as a supplement to the commercial bar preparation course which every student should take upon graduation, this course will provide you with knowledge and strategies that will help you to pass the bar exam. The course will introduce you to the bar exam, review some of the material tested on the bar exam, and teach you important skills in reading, analyzing, and answering bar exam questions. The course uses a learn-by-doing approach. There will be written homework assignments – of either multiple choice questions or essay questions – that will be submitted, graded, and returned online before most classes. These assignments will then form the basis for class discussion and review. The course will focus on selected topics within three of the "big six" MBE subjects (tentatively, those subjects will be Contracts, Evidence and Torts). Students will be assigned BARBRI outlines as the written material for the course and the BARBRI AMP program as required on-line learning materials. The course is pass-fail, with the pass/fail determination based on 1) participation/ attendance (if a student misses more than 3 classes, or more than 1 homework assignment, s/he will fail the course) and 2) performance (if a student's performance falls below a certain level of competence that will be explained in the syllabus, s/he will fail the course). Students will receive feedback throughout the course. (Fall

2 credits) If a student fails as a result of performance, s/he will receive a grade of incomplete and will be required to take four additional classes in late January and February as remediation. If the failing student attends and does the work for all four additional classes, s/he will receive a grade of pass. The January-February remediation classes will also be open to students who took the Fall course and passed. (Spring 3 credits) If a student fails as a result of performance, s/he will receive a grade of incomplete and will be required to take four additional classes held during and immediately after the exam period. If the failing student attends and does the work for all four additional classes, s/he will receive a grade of pass. The January-February remediation classes will also be open to students who took the Fall course and passed. For Spring Bar Preparation class will be Limited enrollment to 12. You must receive Permission from Professor to enroll in this course . If interested in registering for this course please email the [registration@law.wne.edu](mailto:registration@law.wne.edu) with the Subject Line Bar Preparation Class.

### **Law 950 - Law Review (3)**

Students who are staff members of Law Review are required to attend the mandatory weekly Law Review staff meeting for both the fall and spring semesters. Staff members of Law Review receive 2 credits in the fall and 1 credit in the spring for the successful completion of their Law Review Staff year. Law Review staff will receive 2 writing units in the fall and 1 writing unit in the spring.

### **LAW 951 - Independent Tutorial Study**

In this form of independent study from one to three students can engage in tutorial study with a faculty member on a mutually agreed upon subject area. Typically the subject studied will not be covered in depth in a regularly scheduled law school course and the students shall have the necessary background knowledge to engage in specialized study in the area. A full-time faculty member with expertise in the area to be studied must agree to be the tutorial instructor. Although a tutorial may have a one to one student/teacher ratio, at the discretion of the faculty member up to three students may enroll in a tutorial. The one to three students will meet with the instructor for weekly or bi-weekly sessions to discuss substantive issues that the student(s) are studying based upon outside reading or research assignments. One or more papers related to the subject matter of the tutorial shall be written by each student during the semester. In cases where more than one student is enrolled in a tutorial, the instructor shall have the discretion to require that each student write separate paper(s) or to allow each student to do a substantial part of a larger project. The faculty member shall decide the grading policy for the Tutorial Study and that policy shall be communicated to the student. The faculty member must choose either a numerical (55-99) or pass/fail grading system. Requirements: A student who has successfully completed 43 credits of law studies may take a Tutorial Study course with the approval of the Associate Dean for Academic Affairs. A Tutorial Study Form must be completed and signed by the faculty instructor and approved by the Associate Dean for Academic Affairs before registration in a Tutorial Study. Each Tutorial Study, including its scope, coverage, credit hours (from 1 to 3 credits), course guidelines, and method of grading must be approved by the faculty instructor and the Associate Dean for Academic Affairs after full disclosure by the student(s) of the content and scope of all prior independent studies (LAW 951 and LAW 952) undertaken by the student(s). A student may take up to 3 independent study courses at the Law School (including both LAW 951 and LAW 952). No more than 2 of the 3 may be taken in any one semester, and no more than 1 of the 3 may be taken under the sole instruction of any one faculty member.

### **LAW 952 - Advanced Independent Study**

In this form of independent study a student undertakes substantial and innovative study and research culminating in the writing of an original, high-quality research paper. The student work shall be overseen by a panel of at least two faculty members and shall culminate in the student making an oral defense of the research paper before the faculty panel. The subject matter of the paper shall be mutually agreed upon by the student and faculty supervisors. Periodic meetings shall be held with the student and the faculty supervisors to discuss the substantive area of the law the student is writing about and to review progress on the paper. All of the faculty members involved shall participate in the grading process. Before the student begins work, the faculty members shall decide the grading policy for the Independent Study: Advanced Research and that policy shall be communicated to the student. The faculty members must choose either a numerical (55-99) or a pass/fail grading system and must settle upon a method under which each faculty member involved has a voice in determining the final grade. Requirements: A student who has successfully completed 43 credits of law studies may take Advanced Research with the approval of the Associate Dean for Academic Affairs. An Advanced Research Form must be completed and signed by the faculty instructors and approved by the Associate Dean for Academic Affairs before registration in Advanced Research. Each Advanced Research, including its scope, coverage, credit hours (from 1 to 3 credits), course guidelines, and method of grading must be approved by the faculty instructors and the Associate Dean for Academic Affairs after full disclosure by the student of the content and scope of all prior independent studies (LAW 951 and LAW 952) undertaken by the student. A student may take up to 3 independent study courses at the Law School (including both LAW 951 and LAW 952). No more than 2 of the 3 may be taken in any one semester, and no more than 1 of the 3 may be taken under the sole instruction of any one faculty member.

### **LAW 954 - Law Review Board (6)**

Students who are members of Law Review are required to attend the mandatory weekly Law Review staff meeting for both the fall and spring semesters. Members of the Junior Staff receive 2 credits in the fall and 1 credit in the spring for the successful completion of their Junior Staff year. Senior members of the Law Review receive between 2 and 6 credits per year, depending on their position on the Law Review. The Associate Dean must approve departures from these semester credit allocations.

### **LAW 957 - Sustainability Law (3)**

This course examines environmental law through a sustainability lens. Students will examine legal, voluntary and flexible market approaches to achieve sustainability goals. Students will also consider the roles different actors play in formulating sustainability law and policy, including, inter alia, scientists/engineers, legislators, judges, regulators, property owners, businesses, attorneys and citizens. Note that students do NOT need to have taken environmental law in order to take this course. This course satisfies the Qualified Writing Requirement.(optional).

This course satisfies 2 Writing and 1 Skills unit.

### **Law 958 - International Criminal Law (3)**

This course will explore the recognition and prosecution of international crimes (war crimes, aggression, genocide, crimes against humanity, torture, and terrorism) by international and national courts. We will study the development of the law of these crimes, with a focus on the elements of crimes, but also considering issues of

jurisdiction, modes of liability, and defenses. The goal of the course will be to understand the law and its development, as well as changes and growth in the application of the law in the courts that pursue these cases. The course in public international law is helpful, but is not a prerequisite.

## **LAWP - Externship Courses**

### **LAWP 902 - Credit Faculty Supervised Externship**

After successfully completing your first externship and the accompanying seminar class, you may take any of the approved Externship placements as a Faculty Supervised Externship. Students must secure a full-time faculty member to be an advisor prior to enrolling for the externship. Students meet with the faculty supervisor at least once every other week, and the faculty supervisor must contact the field supervisor twice during the term. Students are responsible for completing a conflicts form, a learning agenda and submitting weekly time sheets and journals. Students may take no more than three externships for a maximum of nine academic credits during law school. The externship placements must be substantively different. A student must successfully complete 32 hours of law studies before enrollment in an externship. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship. There will be a mandatory orientation meeting prior to the start of the semester for all students participating in their first externship. A Faculty Supervised Externship Enrollment form must be completed for enrollment. Students receive 3 credits for the Faculty Supervised Externship.

Crosslisted as: LAWS 902.

### **LAWP 906 - Judicial Externship Seminar (1)**

This course is the seminar component that accompanies a judicial externship placement that a student has been selected for through the externship application process. Seminar assignments and readings are designed to complement the individual work experience by providing structured reflection on many aspects of the roles of courts, judges and lawyers in society. Students are also required to maintain weekly time sheets and journals and complete a research assignment. A student enrolling in a first externship must concurrently enroll in the applicable one credit externship seminar. For additional requirements, please see Judicial Externship description. An Externship Seminar Enrollment form must be completed for enrollment. Students receive 3 credits for the externship and 1 credit for seminar participation.

### **LAWP 907 - Judicial Externship (1)**

This course is the seminar component that accompanies a judicial externship placement that a student has been selected for through the externship application process. Students work 12-15 hours a week for a total of 168 semester hours engaging in a variety of legal work under the supervision of a judge. Students may not receive compensation for work done in an Externship. Externships include varied levels of research, writing, and observation depending on the student's placement. Seminar assignments and readings are designed to complement the individual work experience by providing structured reflection on many aspects of the roles of courts, judges and lawyers in society. Students are required to maintain weekly time sheets and journals and complete a paper and presentation. Students may take no more than two externships for a maximum of six academic credits during law school. The externship placements must be substantively different. A student must successfully complete 32 hours of law studies before enrollment in an externship. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship. Other requirements and

further information about this course are available from the Associate Dean for Academic Affairs of Externship Coordinator. A 4 credit Externship Form must be completed for enrollment in the 4 Credit Judicial Externship Seminar.

### **LAWP 909 - Law Practice Externship (3)**

Students work 12 hours a week for a total of 168 semester hours engaging in a variety of legal work under the supervision of an attorney in a public interest, government service, or private sector externship placement. Externships develop students' lawyering skills through participation in activities such as legal research and writing, client interviewing and counseling, factual investigation, development and implementation of case theory and strategy, negotiation, mediation, litigation and other forms of advocacy. Students may take no more than three externships for a maximum of nine academic credits during law school. The externship placements must be substantively different. A student must successfully complete 32 hours of law studies before enrollment in an externship. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship. There will be a mandatory orientation meeting prior to the start of the semester for all students participating in their first externship.

This satisfies 3 Skills Units.

### **LAWP 910 - Law Practice Externship Seminar (1)**

This course is the seminar component that accompanies a law practice externship, public interest, government service, or private sector externship placement that a student has been selected for through the externship application process. Seminar assignments and readings are designed to complement the individual work experience by providing structured reflection on many aspects of the roles of courts, judges and lawyers in society. Students are also required to maintain weekly time sheets and journals and complete a research assignment. A student enrolling in their first externship must concurrently enroll in the applicable one credit externship seminar. Please see the Law Practice Externship description for additional requirements. An Externship Seminar Enrollment form must be completed for enrollment in the Law Practice Seminar. Students receive 3 credits for the field placement and 1 credit for seminar participation.

## **LAWS - Professional Skills Courses**

### **LAWS 609 - Negotiation: Strategies and Practice (2)**

This course will focus on developing an understanding of theoretical and conceptual models of the negotiation process. In-class simulations will provide students an opportunity to apply these concepts in an actual, interactive negotiation situation, both to reinforce their understanding and to allow an opportunity to develop an informed but personal approach to negotiating. Class attendance and participation are mandatory. Students who have taken or are taking LAW 769, Negotiation, Mediation and Arbitration, may not enroll in this course. Limited Enrollment: 20 students. This course can be used to satisfy the Professional Skills Requirement.

Crosslisted as: LAW 609.

### **LAWS 617 - Criminal Pre-Trial Practice (2)**

This course is aimed at developing student written and oral advocacy skills in the pre-trial phase of criminal litigation. The course will concentrate on the pre-trial stages of a hypothetical criminal case. The course will allow students to work on this case from the pre-trial conference up to jury selection. Students will brief and argue typical

evidentiary and discovery motions arising prior to trial. The course will also address pre-trial strategies and preparation, including motions in limine and jury instructions. At the end of the term students will present oral arguments on motions to suppress statements, identification and evidence. The course will require at least 4 hours of preparation per session. Class attendance is mandatory. Enrollment is limited to 16 students.

### **LAWS 655 - Legislative Advocacy & Lobbying (2)**

This course examines lobbying and legislative advocacy. With legislatures central to our system of government, whether at the Federal or State level, attorneys need to be familiar with government relations, practices, and legislative processes. Topics may include the constitutional basis for and history of paid lobbying; the regulation of lobbying as a profession, including the legal and ethical restrictions; the role of money and politics in lobbying; and practical elements of how to be an effective lobbyist. Enrollment is limited to 24 students.

This satisfies 2 Skills Units.

Crosslisted as: LAW 655.

### **LAWS 657 - Real Estate Development (2)**

This course will focus on the practical aspects of representing clients developing subdivisions and condominium projects. Through the use of existing Massachusetts subdivisions and condominium projects and guest lecturers you will be brought through the process from the planning stage to sale of the units or lots. The final exam shall be several take home development problems. Enrollment limited to 24 students.

Crosslisted as: LAW 657.

### **LAWS 658 - Real Estate Planning (3)**

This course will focus on real estate planning using the development of a shopping center as the paradigm. In the course, we will take the development project from the acquisition of land, through financing and construction of the shopping center, and finish with the leasing of stores in the shopping center. Students will be assigned to law firms of two or three students each and over the course of the semester each firm will negotiate with another firm three separate aspects of the development process. For example, students in a firm may negotiate a long term ground lease, the construction financing of the shopping center, and an anchor tenant lease. The firms will also draft all of the documents appropriate to those transactions, prepare brief memos journaling their experience, and make short presentations on them in class. Course grade will be based on the document drafting, journal memos, and presentation. Enrollment limited to 16 students.

Preference will be given to students who have not taken 657 Real Estate Development. Prerequisite for this class is Law 730-01 Land Finance Transfer

### **LAWS 673 - Moot Court Tutorial Course (2)**

The Appellate Moot Court course will serve as the means to gain selection to one of the school-sponsored intramural appellate moot court teams. Students in the course will receive intensive instruction in appellate brief-writing, working with a teammate, and appellate oral argument. Students will have the opportunity to meet with faculty about their writing and to receive extensive feedback on their oral argument skills. The class will culminate with a moot court competition and the selection of the law school's Moot Court Board. For more information about selection to Appellate Moot Court teams, see Note on Appellate Moot Court at <http://www1.law.wne.edu/academics/index.cfm?selection=doc.8116>.

This satisfies 1 Skills and 1 Writing Units.

### **LAWS 681 - Trial Methods (2)**

This course utilizes a clinical approach to trial advocacy. Emphasis is given to the two complementary abilities necessary for effective trial advocacy - preparation and execution. Students will learn effective methods for analyzing and preparing a case for trial. In addition, students will practice the technical skills necessary to present their side of a case persuasively during a trial, including tactics and strategy in the courtroom, opening statements and closing arguments, examination of witnesses, admission and exclusion of evidence, questions of burden of proof, and preservation of rights on appeal. Prerequisite: LAW 553, Evidence. Enrollment limited to 20 students per section.

This course satisfies 2 Skills Units.

### **LAWS 692 - Advanced Legal Research (3)**

This advanced legal research and writing tutorial will further develop and refine the research, analysis, citation, and writing skills introduced in the first-year course. With close supervision and guidance, students will be expected to develop their own research strategies using a wide range of research materials including traditional and online sources. Students will be responsible for maintaining a research log and bibliography for each project. The writing component of the course will consist of either a trial motion memo or a non-litigation-drafting project and an appellate brief. The students will also present an oral argument based on the appellate brief. The tutorial will include peer assessment, self-editing, small group and individual conferences, and class presentations. The class will meet once a week for three hours. Enrollment is limited to 12 students.

Crosslisted as: QWC 692.

### **LAWS 701 - Discovery & Deposition (2)**

Students will be provided with information upon which to write a complaint and answer, interrogatories, and request for production of documents. Students will then attend case theory sessions. The focus of the class shifts to skills-based training on how to take and defend effective depositions in the context of formal discovery. The main focus of the course will be on developing technical discovery skills. This course is interactive and will be conducted in a style that replicates as closely as possible the actual discovery experience with an emphasis on the taking of depositions. Through a combination of classroom exercises and lectures, students will learn: What the discovery process is all about: Basic written discovery skills (complaint, answer, interrogatories, requests for production); How to develop a preliminary case theory; How to prepare one's own witness for deposition; How to prepare for the deposition of an adverse party/witness; Starting the deposition and the usual stipulations; How to take the deposition of an adverse party/witness; How to defend a deposition; The ethics of witness preparation and of taking the deposition; How to use a deposition (dispositive motions, settlement, trial, impeachment). Time permitting the class may also cover other aspects of litigation strategy and/or an exercise on negotiating and settling a case. Enrollment is limited to 16.

Crosslisted as: LAW 701.

### **LAWS 728 - Mediation (2)**

This course will provide training in both the theory and methodology of divorce and family mediation and essential mediation skills. The class is interactive, and students will have the opportunity, in almost

every class to practice mediation skills. A basic understanding of Massachusetts divorce law and/or entry level family law course is strongly recommended. Some states, by statute or rule of court, set standards for court-based mediators. Massachusetts requires basic mediation training and professional practice under the supervision of a community-based mediation program before practitioners may serve as court-based mediators. This is a basic mediation course that qualifies successful students for an internship or practicum in a community dispute resolution program for supervised practice and for advanced mediation training. Mediators develop their skills through a lifetime of practice. This is the first step. Enrollment limited to 18 students.

#### **LAWS 734 - Franchise Law (2)**

Even in these challenging financial times, distribution through franchising continues to be a vital engine driving the U.S. consumer economy. An estimated 10 percent of the gross output of the private sector is related to franchised business. In this course, we will create competing virtual franchises that will explore the areas of the law that define and shape franchising: trademarks, contracts, state and federal laws & regulations, antitrust and conflict resolution.

#### **LAWS 740 - Real Estate Drafting (2)**

This course will focus on fundamental drafting concepts and skills in the context of real estate transactions, both residential and commercial. Working individually and in teams, students will draft a variety of documents, ranging from purchase and sale agreements, boundary line agreements and easements to mortgage commitment letters, mortgage terms, commercial leases, construction contracts, and guarantor and indemnity agreements. There will be regular written homework assignments as well as in-class drafting exercises. Negotiations and ethical issues in transactional law practice will also be covered. LAW 730 Land Finance and Transfer is a prerequisite for the course. LAW 694 Conveyancing is recommended, but not required.

#### **LAWS 755 - Commercial Loan Documentation Drafting (2)**

The area of commercial law involves the application of practical skills introduced in payment systems, secured transactions and bankruptcy. This course will offer the student the opportunity to acquire 'hands on' experience in the drafting of commercial loan documents. Specifically, this drafting course will take the student through the particulars of a commercial lending transaction from the drafting of the commitment letter through the opinion letter at closing. Each student will prepare and submit certain assigned integral documents to close such a financing.

#### **LAWS 764 - Mass Practice & Procedure I (2)**

This Professional Skills course provides students with practical skills relating to litigation in the state courts of Massachusetts. Students engage in simulated litigation relating to civil cases, domestic relations cases and estate matters. In doing so, students develop a useful understanding of how the practice of law is grounded in the Massachusetts Rules of Court as well as relevant statutory and case law authority. Limited enrollment 24.

#### **LAWS 765 - Mass Practice & Procedure II (2)**

This Professional Skills course provides students with practical skills relating to litigation in the state courts of Massachusetts. Students engage in simulated litigation relating to criminal cases, landlord/tenant cases, mental health cases and juvenile law cases. In

doing so, students develop a useful understanding of how the practice of law is grounded in the Massachusetts Rules of Court as well as relevant statutory and case law authority. Class limited to 24.

#### **LAWS 766 - Mass Practice & Procedure (2)**

This Professional Skills course provides students with practical skills relating to litigation in the state courts of Massachusetts. Students engage in simulated litigation relating to criminal cases, landlord/tenant cases, mental health cases and juvenile law cases. In doing so, students develop a useful understanding of how the practice of law is grounded in the Massachusetts Rules of Court as well as relevant statutory and case law authority.

#### **LAWS 769 - Negotiation, Mediation, Arbitration (2)**

This course will focus on negotiation and other methods of dispute resolution, with emphasis on negotiated settlement, mediation and arbitration. Negotiation theory and alternative tactics and strategies will be examined, with focus on practical skills by way of example and simulated exercises. Various methods of alternative dispute resolution will be discussed in the context of different areas of legal practice and substantive law. Students will participate in both a simulated negotiation and a simulated mediation. In addition, the course will cover the arbitration process from both a substantive law and practical skills standpoint. Students will have an elective opportunity to write an Arbitrator's Decision and Award as their final paper, based upon the evidentiary submissions in an actual case. Enrollment is limited to 20 students. Students who have taken LAW 609 Negotiation: Strategies & Practice may not enroll in this course.

#### **LAWS 777 - Transactional Lawyering (3)**

This course emphasizes that thought processes and legal skills involved in the practice of transactional law. In this simulation course, students will be broken up into "law firms" and will provide legal counsel to a party in a business transaction. One half of the class will represent one side of the transaction and the other half will represent the other side. Using a simulated transaction as the reference point, students will acquire an understanding of the lawyer's role in business transactions and will develop an appreciation of the business and legal issues that arise in transactional practice. As part of the simulation students will be required to interview a client, draft deal documents, and negotiate some deal points.

#### **LAWS 786 - Analytical Methods for Lawyers (2)**

This course will provide an introduction to the analytical tools that help lawyers think and act more strategically and effectively regarding their clients problems and the lawyers practices. These tools are important to resolving increasingly complex decisions and understanding and applying commonly used quantitative analyses. Much of the subject matter will be taught through real world exercises that are derived from legal problems that lawyers must frequently resolve. The course's subject matter includes: decision analysis, game theory, strategic contracting, finance, and statistical analysis.

#### **LAWS-920**

#### **LAWS 902 - Housing Clinic (4)**

Students in the Housing Clinic will be representing tenants with complaints against landlords in the Western Massachusetts Housing Court. The Housing Clinic is currently cooperating with the Massachusetts Justice Project (MJP). Through MJP, students will



acquire clients who have cases pending in the summary process (eviction) session of the Hampden County session of the Western Massachusetts Housing Court. Under the supervision of the Clinic's Supervising Attorney, students will represent tenants in the prosecution and litigation of their cases. Students will handle all phases of the case evaluation, client interviewing, negotiation of possible settlement, legal research and factual development of the claims, and representation of the litigants in court proceedings. If the case does not settle, trials are before a single justice of the Housing Court. Trial may include direct testimony of the witnesses, cross-examination, opening statements and closing arguments and introduction of evidence. Students are expected to commit between 12 and 20 hours per week to the fieldwork which includes being available to attend court on Thursday mornings. (This is when the Western Massachusetts Housing Court conducts its summary process session). In addition to the fieldwork, there will be regularly scheduled seminar meetings and training sessions in which students will engage in discussions and simulation exercises to develop the professional skills and perspectives which are essential to such a litigation practice. Students enrolling in this Clinic must be willing to return to school in advance of the official start of the semester to participate in a mandatory orientation. This course continues to be intensive during the first several weeks of the semester. Thereafter, the class will meet regularly for the balance of the semester. Prerequisites: The clinic is open to students who have successfully completed 32 hours of law studies and have successfully completed Law 553, Evidence. Evidence may be taken concurrently with the Clinic. A student is required to be SJC Rule 3:03 eligible. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship. (Formerly Consumer Protection Clinic)

Crosslisted as: LAWP 902.

### **LAWS 903 - Real Property Practice (4)**

In the Real Estate Practicum, students experience the world of real estate practice and real estate practitioners and discuss and reflect on those experiences and observations in a weekly seminar, all with the goal of helping each student to prepare for the practice of law. To accomplish this goal and to provide this experience, the practicum has three required segments: an initial training, an externship and a seminar. 1) Initial Training: In preparation for the externships, the first two weeks of the semester involve hands-on training, homework and simulations in title examination and residential real estate closings. 2) Externships: The externship involves placements with real estate professionals and requires a commitment on 10 hours per week (two sessions of 5 hours). You do your externship as a member of a two-person team. One member of the team is initially placed with a real estate attorney specializing in residential real estate, the other with an attorney at a title insurance company. Each team member works for six weeks with one attorney or the other and then switches right before spring break. In both placement, you will work on a variety of title, closing, contract and related problems and will observe the operation of a law office and the interaction with clients, staff and other real estate professionals (brokers, lenders, appraisers, surveyors). As indicated on the List of Pairings, two team placements are in Springfield; two are in Connecticut (Windsor Locks and Hartford); one is split between Springfield and Hartford. 3) Seminar: The seminar component consists of a weekly 2-hour seminar meeting, with required readings and discussions structured and led by the two faculty members and frequently featuring presentations by experts in different aspects of real estate transactions. As prerequisites for the course, students must have taken 2 or more of the following 6 courses: land Finance and Transfer, Conveyancing, Real Estate Transactions, Taxation of Property, Land Use and Landlord-Tenant. The more prerequisites you have taken, the better,

and Professors Baker and Stonefield strongly urge students to take (and will give preference in selection to students who have taken or will take) Land Finance and Transfer or Conveyancing. Enrollment is limited to 10 students in the spring semester only who have been selected through the clinic application process. A student must successfully complete 32 hours of law studies before enrollment in a clinic. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

### **LAWS 904 - Small Business Clinic (6)**

The Small Business Clinic will provide selected students with the opportunity to handle legal matters for small business clients under the supervision of the professor. Students work on transactional legal matters that are typical in the start-up phase of a business. The goal of the clinic is to expose students to the methodology and mindset of business lawyering. Law students work with the entrepreneurs to identify the legal issues new businesses confront. The course will consist of two full days of a mandatory orientation (prior to the start of the semester), weekly seminar classroom meetings, weekly one-on-one meetings with the professor, meetings with clients (often in the evenings) and participation in walk-in legal assistance. The clinical component will involve client interviewing, assessment and intake, along with legal research, drafting, and counseling as the situation requires. In an effort to operate the clinic as close to an actual law firm as possible, students are required to maintain client billing records through use of the clinic's time/document management software. Client work will require a minimum of 16 hours of work per week and other course commitments will require an additional four to five hours per week. The seminar portion of the course incorporates business and legal practitioners from the local area. Prerequisites: LAW 551, Business Organizations, LAW 553, Evidence. Evidence may be taken concurrently with the Clinic. A student is required to be SJC Rule 3:03 eligible. Enrollment is limited each semester to 8 students who have been selected through the clinic application process. A student must successfully complete 32 hours of law studies before enrollment in a clinic. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

### **LAWS 910 - Legal Services: Skills Seminar (2)**

This seminar is a prerequisite for students participating in the Legal Services Clinic and Legal Services Housing Clinic. Students enroll in this course the semester preceding their clinic placement. The course focuses on substantive law and issues related to poverty law practice, and developing basic lawyering skills, including professionalism and ethics, client interviewing, counseling, case planning, fact investigation, oral advocacy, negotiation and litigation skills. This course satisfies 2 Skills Units.

### **LAWS 912 - International Human Rights Clinic (4)**

Students work collaboratively on projects with domestic and international nongovernmental organizations, grass-roots organizations, solidarity networks, attorneys, stakeholders, and other institutions engaging in human rights work, to advance political, economic, social and cultural human rights across borders. Students are expected to commit at least 16 hours per week to the fieldwork. Students must also enroll in a two credit seminar concurrent with their semester of fieldwork. Prerequisites: The clinic is open to students who have successfully completed 32 hours of law studies and who have been selected through the clinic application process. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

This satisfies 2 Skills and 2 Writing Units.

**LAWS 913 - International Human Rights Seminar (2)**

In addition to the fieldwork, International Human Rights Clinic students attend a regularly scheduled seminar meeting which will include guest speakers and simulated exercises. Prerequisites: The clinic is open to students who have successfully completed 32 hours of law studies and who have been selected through the clinic application process. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship. This course satisfies the Skills Requirement.

This satisfies 1 Skills Unit.

**LAWS 914 - Housing Clinic (2)**

Students in the Housing Clinic represent tenants with complaints against landlords in the Western Massachusetts Housing Court. The Housing Clinic is currently cooperating with the Massachusetts Justice Project (MJP). Through MJP, students will acquire clients who have cases pending in the summary process (eviction) session of the Hampden County session of the Western Massachusetts Housing Court. Under the supervision of the Clinic's Supervising Attorney, students will represent tenants in the prosecution and litigation of their cases. Students will handle all phases of the case, including case evaluation, client interviewing, negotiation of possible settlement, legal research and factual development of the claims, and representation of the litigants in court proceedings. If the case does not settle, trials are before a single justice of the Housing Court. Trial may include direct testimony of the witnesses, cross-examination, opening statements and closing arguments and introduction of evidence. Students are also required to participate in a pro se limited assistance clinic on Friday afternoons. Students must also enroll in a two credit seminar concurrent with their semester of fieldwork.

Prerequisites: The clinic is open to students who have successfully completed 32 hours of law studies and have successfully completed Law 553, Evidence. Evidence may be taken concurrently with the Clinic. A student is required to be SJC Rule 3:03 eligible. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship. This satisfies 2 Skills Units.

**LAWS 916 - Legal Services Clinic (4)**

Students work in the office of Community Legal Aid (CLA), a local non-profit organization charged with providing free civil legal services to low-income and elderly persons. Under the supervision of the program's attorneys, students assume primary professional responsibility for actual cases, including client interviews, counseling, case development, negotiation and representation of clients in court and administrative proceedings. Students work at CLA for 16 hours a week and earn four credits for the fieldwork. Students must also enroll in a one credit seminar concurrent with their semester of fieldwork. Prerequisites: The clinic is open to students who have successfully completed 32 hours of law studies and who have been selected through the clinic application process. In the semester prior to the fieldwork, students must enroll in a two credit skills seminar that uses simulations, reading and discussion to develop the lawyering skills necessary for client representation. Law 553, Evidence is also a required. Evidence may be taken concurrently with the Clinic. A student is required to be SJC Rule 3:03 eligible. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

This satisfies 3 Skills and 1 Writing Units.

**LAWS 917 - Legal Services Clinic Seminar (1)**

In addition to the fieldwork, Legal Services Clinic students attend a regularly scheduled seminar meeting.

Prerequisites: The clinic is open to students who have successfully completed 32 hours of law studies and who have been selected through the clinic application process. In the semester prior to the fieldwork, students must enroll in a two credit skills seminar that uses simulations, reading and discussion to develop the lawyering skills necessary for client representation. Law 553, Evidence is also a required. Evidence may be taken concurrently with the Clinic. A student is required to be SJC Rule 3:03 eligible. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship. This course will be held at the Community Legal Aid in Springfield, MA.

This satisfies 2 Skills Unit.

**LAWS 920 - Criminal Law Clinic (4)**

Students in the Criminal Clinic work as student assistant district attorneys within the Hampden County District Attorney's Office. By court rule, students in the Clinic are authorized to practice in any District Court case, which includes a mix of both misdemeanors and felonies. Typical of the offenses litigated by students in the District Court are possession and/or distribution of controlled substances, domestic violence offenses including assault and battery, assault and battery with a dangerous weapon, and violation of a restraining order, larceny, assault and battery on a police officer, and driving under the influence of alcohol or drugs. During the course of the semester, a student attorney will appear in three different sessions of the District Court: the arraignment session (in which students represent the Commonwealth in bail hearings), the motion session (in which students prepare and litigate oppositions to motions to suppress and motions to dismiss) and, ultimately, the trial session (in which a student prepare and litigate jury and jury-waived trials.) This clinic allows students to gain substantial exposure over the course of the semester to the entire process of litigating a criminal case. In addition to the fieldwork as a student attorney within the Hampden County District Attorney's Office, there is a classroom component which operates as a combination seminar/simulation. This part of the course is quite intensive for the first three or four weeks of the semester as well as the week prior to the start of classes. Students must attend a two day orientation the week before classes begin, no exceptions will be made to this mandatory orientation. Following this initial training period, the class will meet at the designated time for a two-hour session on a weekly basis for the balance of the semester.

Prerequisites: LAW 553, Evidence and LAW 706, Criminal Procedure Investigation. Enrollment is limited each semester to eight third-year full time and fourth-year part time students who have been selected through the clinic application process. No student may maintain outside legal employment while participating in this clinic. All students will be CORI/criminal records checked by the District Attorney's Office. A student is required to be SJC Rule 3:03 eligible. A student must successfully complete 32 hours of law studies before enrollment in a clinic. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

This satisfies 3 Skills and 1 Writing Unit.

**LAWS 921 - Criminal Law Seminar (2)**

In addition to the fieldwork, there is a classroom component which operates as a combination seminar/simulation. This part of the course is quite intensive for the first three or four weeks of the semester as well as the week prior to the start of classes. Students must attend a two day orientation the week before classes begin; no exceptions will be made to this mandatory orientation. Following this initial training period, the class will meet at a designated time for a two-hour session on a weekly basis for the balance of the semester. Prerequisites:

LAW 553, Evidence and LAW 706, Criminal Procedure Investigation. Enrollment is limited each semester to eight third-year full time and fourth-year part time students who have been selected through the clinic application process. No student may maintain outside legal employment while participating in this clinic. All students will be CORI/criminal records checked by the District Attorney's Office. A student is required to be SJC Rule 3:03 eligible. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

This satisfies 2 Skills Units.

#### **LAWS 944 - Small Business Clinic (4)**

The Small Business Clinic will provide selected students with the opportunity to handle legal matters for small business clients under the supervision of the professor. Students work on transactional legal matters that are typical in the start-up phase of a business. The goal of the clinic is to expose students to the methodology and mindset of business lawyering. Law students work with the entrepreneurs to identify the legal issues new businesses confront. Clinic students participate in weekly one-on-one meetings with the professor, meetings with clients (often in the evenings) and participation in walk-in legal assistance. The clinical component will involve client interviewing, assessment and intake, along with legal research, drafting, and counseling as the situation requires. In an effort to operate the clinic as close to an actual law firm as possible, students are required to maintain client billing records through use of the clinic's time/document management software. Client work will require a minimum of 16 hours of work per week and other course commitments will require an additional four to five hours per week. Students must also enroll in a two credit seminar concurrent with their semester of fieldwork. Prerequisites: LAW 551. Business Organizations, Law 553, Evidence. Evidence may be taken concurrently with the Clinic. A student is required to be SJC Rule 3:03 eligible. A student must successfully complete 32 hours of law studies before enrollment in a clinic. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

This course satisfies 2 Skills and 2 Writing Units.

#### **LAWS 945 - Small Business Seminar (2)**

In addition to the fieldwork, Small Business Clinic students attend a regularly scheduled weekly seminar meeting. Students are expected to attend two full days of a mandatory orientation prior to the start of the semester. The weekly seminar incorporates business and legal practitioners from the local area. Prerequisites: LAW 551. Business Organizations, Law 553, Evidence. Evidence may be taken concurrently with the Clinic. A student is required to be SJC Rule 3:03 eligible. A student must successfully complete 32 hours of law studies before enrollment in a clinic. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

#### **LAWS 946 - Real Property Practice Seminar (2)**

In the Real Estate Practicum, students are placed with real estate practice with real estate practitioners and are required to commit 10 hours per week (two sessions of 5 hours). Placements are done as a member of a two-person team. One member of the team is initially placed with a real estate attorney specializing in residential real estate, the other with an attorney at a title insurance company. Each team member works for six weeks with one attorney or the other and then switches right before spring break. In both placements, students work on a variety of title, closing, contract and related problems and

will observe the operation of a law office and the interaction with clients, staff and other real estate professionals (brokers, lenders, appraisers, surveyors). As indicated on the List of Pairings, two team placements are in Springfield; two are in Connecticut (Windsor Locks and Hartford); one is split between Springfield and Hartford. Students must also enroll in a two credit seminar concurrent with their semester of fieldwork. As prerequisites for the course, students must have taken 2 or more of the following 6 courses: Land Finance and Transfer, Conveyancing, Real Estate Transactions, Taxation of Property, Land Use and Landlord-Tenant. The more prerequisites you have taken, the better, and Professors Baker and Stonefield strongly urge students to take (and will give preference in selection to students who have taken or will take) Land Finance and Transfer or Conveyancing. Enrollment is limited to 10 students in the spring semester only who have been selected through the clinic application process. A student must successfully complete 32 hours of law studies before enrollment in a clinic. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

This satisfies 2 Skills Units.

#### **LAWS 947 - Real Property Practice Practicum (2)**

In addition to the field placement, students attend a regularly scheduled seminar meeting. The first two weeks of the semester involve hands-on training, homework and simulations in title examination and residential real estate closings. Thereafter, the seminar will have required readings and discussions structured and led by the two faculty members and frequently featuring presentations by experts in different aspects of real estate transactions. As prerequisites for the course, students must have taken 2 or more of the following 6 courses: Land Finance and Transfer, Conveyancing, Real Estate Transactions, Taxation of Property, Land Use and Landlord-Tenant. The more prerequisites you have taken, the better, and Professors Baker and Stonefield strongly urge students to take (and will give preference in selection to students who have taken or will take) Land Finance and Transfer or Conveyancing. Enrollment is limited to 10 students in the spring semester only who have been selected through the clinic application process. A student must successfully complete 32 hours of law studies before enrollment in a clinic. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.

This satisfies 1 Skills Unit.

#### **QWC - Qualified Writing Courses**

##### **QWC 606 - Genetics (3)**

The course will include reading assignments and class discussion on the following topics: Scientific overview, ethical and legal aspects of genetics research, genetic testing and screening, reproductive technology and genetics, germ line therapy and enhancement, behavioral genetics, privacy and confidentiality, discrimination, and forensic applications of genetic technology. All students enrolled in the seminar will be required to complete a substantial, original research paper on a topic of their choice. Limited to 15 students.

##### **QWC 619 - Labor Law Arbitration (3)**

This course will present an in-depth view of the law of labor arbitration and the law of the labor contract. Because it is a QWC, the course will emphasize writing skills in the arbitration context. Rather than writing a large research project, the students will instead have weekly writing assignments of between five and ten pages per week. By breaking the writing down into smaller components, the student will be able to demonstrate a steadily improving understanding of the

complexities of legal writing as well as learning about such issues as what disputes may be arbitrated, the drafting of the issue for arbitration, preparation of a pre-hearing memorandum, the content of arbitration, post-arbitration briefs, and actions to confirm or set aside awards. The course will explore the labor contract in a number of contexts, which may include discipline and discharge, pay disputes, promotion, layoffs and recalls, mandatory overtime or any of the other types of disputes which go to arbitration. Enrollment is limited to 16 students.

This course satisfies 3 Writing Units.

### **QWC 637 - Jurisprudence Survey (2)**

This course examines the various schools of legal thought that have both influenced and criticized American law and decision-making. After discussing theories and characteristics of various schools, we will read legal opinions that reflect these schools, as well as writings that critique particular cases or legal rules. The schools of thought that we will consider include the Formalist, Legal Realist, and Legal Process schools, as well as contemporary critiques, such as Critical Race Theory, Feminist Theory, and Gay Legal Theory.

Crosslisted as: LAW 637.

### **QWC 652 - Appellate Advocacy (3)**

In this course, students will participate as a group in the writing of the Commonwealth/appellee's brief in an actual criminal case pending in the Massachusetts Appeals Court. Participants will read the trial transcript, review and research the issues on appeal, and prepare the appellate brief. If time permits, participants will argue the case orally in a mock argument. The instructor will file a brief in the Appeals Court based on the students work in the class, during the Courts Spring Term. Students should have a strong interest in effective legal writing. Class attendance is mandatory. Enrollment limited to 16 students.

This course satisfies 2 Writing Units.

### **QWC 668 - Law & Terrorism (3)**

The attacks of September 11, 2001, have presented unusual and arguably unprecedented challenges to American legal values and institutions. This course will explore some of the ways in which our legal system is responding to those challenges. We will examine these responses from various perspectives: positive (How have legal institutions been engaged in combating terrorism?), normative (To what degree have responses of our legal system compare to responses to terrorism in other nations?). We will consider the USA Patriot Act of 2001, the confinement of suspected terrorists at the Guantanamo Naval Base in Cuba, the indefinite detention of resident aliens since September 11, the seizure of assets of organizations suspected of ties to terrorism, the terrorism-related prosecutions commenced by the United States government and other related topics. We will consider each topic from the perspectives of statutory, constitutional, and where relevant, comparative and international law. Assessment is based on a research paper, brief written responses to assigned reading, a short presentation, and class participation. There is no final exam for this course. Enrollment is limited to 24 students.

Crosslisted as: LAW 690.

### **QWC 690 - Sexual Orientation and the Law (3)**

This course is an examination of the legal and policy issues surrounding state and private attempts to regulate and/or discriminate on the basis of sexual orientation and gender identity and expression.

Topics covered in the course include (1) the due process right to privacy, (2) equal protection analysis (addressing current challenges to the military vs exclusionary policy's well as some states' per se ban on adoptions by gay men and lesbians), (3) the right of free expression and association (e.g., the challenge to the Boy Scouts' ban on gay members as well as on-going challenges to university non-discrimination policies by the religious right), (4) employment discrimination, with particular emphasis on possibilities to pursue non-discrimination law by transgender people (5) sexual orientation and gender expression as gender discrimination, and (7) family law issues affecting gay, lesbian, bisexual, and transgender people such as the rights to marry, to child custody and visitation, to adopt and to provide foster care.

### **QWC 692 - Advance Legal Research & Writing (2)**

Advanced Legal Research and Writing is a qualified writing course that will further develop and refine the research, analysis, citation, and writing skills introduced in the first-year course. With close supervision and guidance, students will be expected to develop their own research strategies using a wide range of research materials. Students will be responsible for maintaining a research log and bibliography for each project. The writing component of the course will consist of trial motion memoranda, nonlitigation-drafting projects, or appellate briefs. The students will also present an oral argument and serve on an appellate panel, based on the appellate briefs. The course will include peer assessment, self-editing, small group, and individual conferences, and class presentations. The class will meet once a week for two hours. Enrollment is limited to 24 students.

Crosslisted as: LAWS 692.

### **QWC 714 - Business Planning & Advising (3)**

This seminar examines the legal problems faced by entrepreneurs during the early stages of start-up and operation. This course will acquaint students with many of the legal issues associated with entrepreneurial ventures including choice of entity, financing arrangements, ownership agreements, and general business issues. The objective is to give participants an introduction to the legal problems they are likely to encounter as lawyers for the enterprise. Prerequisites: Completion of LAW 551, Business Organizations and completion or concurrent enrollment in LAW 747, Income Tax II. Recommended, but not required: LAW 717, Corporate Tax or LAW 671, Partnership Tax. Limited to 16 students.

Crosslisted as: LAW 714.

### **QWC 729 - American Legal History (3)**

This course overviews the development of American legal culture from the seventeenth century to the twentieth century. During the four centuries of its history America and its legal culture have constituted an important part of a long historical process of modernization of western civilization that entailed massive changes in human life and culture. The goal of this course is, within the broad process of modernization, to study selected law and lawmaking related to the development of three concepts that are foundational to American legal culture. They are democracy, the market economy, and community, (and the sources of its authority). Within the context of these themes, the course considers a wide range of law and lawmaking. Examples include property, contract, tort, debtor-creditor, and constitutional law, as well as historic movements to codify American law. Since this is a QWC, each student will write three papers, constituting thirty pages of writing, throughout the

course. American Legal History is a course in the Public Interest concentration. Enrollment is limited to 20 students.

Crosslisted as: LAW 729.

### **QWC 733 - Alternative Reproductive Technology (2)**

Just days after the turn of the last century, Justice O'Connor commented in a family law case that, "[t]he demographic changes of the past century make it difficult to speak of an average American family. The composition of family varies greatly from household to household." Among these demographic changes and family composition are families formed by access to alternative reproductive technologies ("ART"). While some states have attempted to update laws to reflect the reality of the growing number of families created and shaped by access to ART, many more have exclusively had their legal regimes shaped by common law developments and a mosaic of regulatory and non-regulatory public policy. This course will focus on the broad range of topics with which individuals and their families intersect when accessing ART. Topics included, among others, will be: surrogacy; use, ownership and control of frozen embryos, second-parent adoption for non-genetic (sometimes same-sex) parents, insurance coverage, regulation of donor insemination; relevant provisions of uniform laws; and, role and enforcement of contracts in this area. The course will include a practice component as well as coverage of doctrine. A basic family law course is a prerequisite for this class.

### **QWC 794 - Employment Law (3)**

This course provides a foundational survey of key state and federal laws that protect employee rights and employer interests in the workplace. After beginning with a discussion of the various legal paradigms implicit in workplace regulation, the course is organized around five themes: (1) The Rise and Questionable Fall of At-Will Employment; (2) Job Security, Employee Mobility & Workplace Freedom; (3) Wage and Hour Legislation; (4) The Laws Governing Workplace Accidents and Safety, and; (5) Private Dispute Resolution and Arbitration in the Workplace. These themes are addressed in the context of a globalized labor market, a critical assessment of the safety net that is supposed to protect the low-wage workforce, non-standard work arrangements, and the impact of web-based communications in the workplace. For questionable pedagogical reasons, the teaching of "employment law" has traditionally been separated from the study of "labor law," and from "employment discrimination law." Consequently, by design, the course does not cover in great depth the National Labor Relations Act, public sector labor law, or the laws protecting workers from status-based discrimination (e.g. Title VII of the Civil Rights Act or the Americans with Disabilities Act). However, the course does introduce these laws and the basic legal rules governing the right to form unions and collectively bargain as well as the protections afforded to employees because of discrimination based on race, gender, disability, sexual orientation, etc. The readings are inevitably somewhat eclectic and the structure of this course attempts to grapple with what are truly academic distinctions separating one area of workplace law from another because employers and employees routinely grapple with workplace disputes that arise under a complex web of interrelated and sometimes conflicting legal rules. This is a Qualified Writing Course with multiple assignments, some of which will require re-writes. Assignments may include the drafting of advocacy briefs and other filings required during workplace dispute litigation as well as academic essays requiring a synthesis and critical assessment of certain workplace law topics and cases being studied.

This course satisfies 3 Writing Units.

### **QWC 957 - Sustainability Law (3)**

This course examines environmental law through a sustainability lens. Students will examine legal, voluntary and flexible market approaches to achieve sustainability goals. Students will also consider the roles different actors play in formulating sustainability law and policy, including, inter alia, scientists/engineers, legislators, judges, regulators, property owners, businesses, attorneys and citizens. Note that students do NOT need to have taken environmental law in order to take this course. This course satisfies the Qualified Writing Requirement.(optional).

This course satisfies 2 Writing and 1 Skills unit.

### **QWCS - Professional Skills Courses**

#### **QWCS 619 - Labor Law Arbitration (3)**

This course will present an in-depth view of the law of labor arbitration and the law of the labor contract. Because it is a QWC, the course will emphasize writing skills in the arbitration context. Rather than writing a large research project, the students will instead have weekly writing assignments of between five and ten pages per week. By breaking the writing down into smaller components, the student will be able to demonstrate a steadily improving understanding of the complexities of legal writing as well as learning about such issues as what disputes may be arbitrated, the drafting of the issue for arbitration, preparation of a pre-hearing memorandum, the content of arbitration, post-arbitration briefs, and actions to confirm or set aside awards. The course will explore the labor contract in a number of contexts, which may include discipline and discharge, pay disputes, promotion, layoffs and recalls, mandatory overtime or any of the other types of disputes which go to arbitration. Enrollment is limited to 16 students. Prerequisite: Law 708 Labor Law and Law 781 Public Sector Labor Law.

#### **QWCS 723 - Estate Planning (4)**

This course is the study of the inter vivos and testamentary disposition of accumulated wealth. Students draft simple and complex estate plans. Emphasis is given also to the tax and non-tax considerations that influence the transfer and future management of wealth. Prerequisites: LAW 722 Estate and Gift Tax and LAW 748 Trusts Estates. Enrollment limited to 20 students.

#### **QWCS 724 - Business Succession Planning (3)**

This course will consider that issues that owners of closely held businesses face in the operation and disposition of their business interests. The course will consider the operational and transfer problems for unrelated business owners as well as the operational and transfer problems for family owned businesses. Areas of study will include buy/sell agreements, life insurance, and alternative methods of succession. Note: This course was formerly called Business & Estate Planning/Closely-Held Business Entities. Limited to 24 Students.

This course satisfies 3 Skills or 3 Writing Units.

#### **QWCS 757 - Federal Pension Rights (3)**

This simulation course focuses on the pre-trial stages of a hypothetical ERISA case in federal district court. Although some aspects of substantive ERISA law will be addressed, the chief aims of the course is to provide students with an opportunity to improve their writing, oral advocacy, and negotiation skills and to consider the strategic, political, and ethical dimensions of federal court litigation. Each student will be required to write several briefs and to present at

least one oral argument. In addition, each student will draft a complaint or an answer, draft a discovery plan, prepare for a pre-trial conference, and engage in settlement negotiations. This is a Restricted Withdrawal class which means that a student enrolled in the class may not withdraw subsequent to the second class of the semester (see, Academic Standards Part A, VI, B). Enrollment limited to 24 students.

### **QWCS 768 - Toxic Torts**

This course will examine how the pre-trial stages of a complex environmental toxic tort case unfold. The course will develop students' written and oral advocacy skills by requiring them to research and draft two client-focused briefs, two judicial bench memoranda, and to engage in simulated oral argument. This course will use actual cases to illuminate key phases of the litigation process including pleadings, management of complex document discovery, and the intricacies pre-trial advocacy and advanced application of the Federal Rules of Civil Procedure. The interplay between environmental statutory regulation and the common law will be explored, as will the unique challenges presented by trial management and the settlement of toxic tort litigation. Enrollment limited to 16 students. This course requires an even number of students and is a Restricted Withdrawal class which means that a student enrolled in the class may not withdraw subsequent to the second class of the semester (see Academic Standards Part A, VI, B). At the end of summer school registration, before the schedules are finalized, there will be a lottery if there is an odd number below the 16-person limit. A student who is randomly dropped from the course will have the option to find a partner and re-enroll in the course. This course can be used to satisfy the Qualified Writing Requirement or the Professional Skills Requirement.

Crosslisted as: LAW 768.

### **QWCS 780 - Criminal Procedure: Simulation (3)**

This course concentrates on the procedural stages of two hypothetical criminal cases from arraignment through trial. The principal purpose of the course is to provide students with an opportunity to improve their writing and trial skills in the context of preparing and trying a state criminal case. Students will be required to research, write and re-write pretrial motions along with supporting affidavits and memoranda of law and to litigate two simulated exercises, a pretrial motion to suppress and a jury trial. Prerequisites: LAW 706 Criminal Procedure: Investigation and LAW 553 Evidence. Students, who have not taken or registered to take LAW 905 Criminal Law Clinic, will be given priority in registering for this course. Enrollment is limited to 16 students.

### **QWCS 797 - Litigation in the Pretrial Phase**

This course is aimed at refining students' written and oral advocacy skills in the pretrial phase of litigation. In weekly exercises, students will brief and argue typical motions arising prior to trial. The course will also address pretrial strategy, both in preparing pleadings, planning discovery and drafting motions. At the end of the term, students will draft a larger memorandum and present a more extensive oral argument on a motion for summary judgement or to dismiss. The course will require at least four to six hours of preparation for each session. Class attendance is mandatory. Enrollment limited to 16 students.

This course satisfies 3 Writing Units or 3 Skills Units.

## **Experiential Learning**

Experiential learning has a high priority at Western New England University School of Law. Our clinical programs allow you to apply legal theory learned in the classroom to real-life lawyering, representing actual clients in real cases. These programs prepare you for the practice of law, as you gain practical knowledge and begin to develop professional skills and values under the supervision of experienced practitioners and a faculty member. In addition to providing valuable firsthand experience, clinics help develop essential lawyering skills such as legal writing, interviewing, and negotiation. Professors Tina Cafaro and Lauren Carasik discuss the value and excitement of our clinical courses in our Spring 07 *Perspectives* article. The article "Clinical Experience: Translating Theory into Practice". Also, the article "Ready to Practice" from the Spring 12 *Perspectives* talks about the hands-on experiential learning opportunities available at Western New England University School of Law.

Participation in the Clinical Program also offers an exciting and creative way to establish connections with practicing attorneys and to build a resume of legal experience.

### **Clinical Program Opportunities**

#### ***Criminal Law Clinic***

Students in the Criminal Clinic work as student assistant district attorneys within the Hampden County District Attorney's Office. By court rule, students in the Clinic are authorized to practice in any District Court case, which includes a mix of both misdemeanors and felonies. Typical of the offenses litigated by students in the District Court are possession and/or distribution of controlled substances, domestic violence offenses including assault and battery, assault and battery with a dangerous weapon, and violation of a restraining order, larceny, assault and battery on a police officer, and driving under the influence of alcohol or drugs. During the course of the semester, a student attorney will appear in three different sessions of the District Court: the arraignment session (in which students represent the Commonwealth in bail hearings), the motion session (in which students prepare and litigate oppositions to motions to suppress and motions to dismiss) and, ultimately, the trial session (in which a student prepare and litigate jury and jury-waived trials). This clinic allows students to gain substantial exposure over the course of the semester to the entire process of litigating a criminal case.

In addition to the fieldwork as a student attorney within the Hampden County District Attorney's Office, there is a classroom component which operates as a combination seminar/simulation. This part of the course is quite intensive for the first three or four weeks of the semester as well as the week prior to the start of classes. Students must attend a two day orientation the week before classes begin, no exceptions will be made to this mandatory orientation. Following this initial training period, the class will meet at a designated time for a two-hour session on a weekly basis for the balance of the semester.

**Prerequisites:** To be eligible to enroll, a student must have completed his/her second full year of law study or third full year of part-time law study and must have successfully completed courses in Evidence and Criminal Procedure Investigation.

**Students Certified Under Rule 3:03:** Criminal Clinic students are required to be certified to practice under the Massachusetts Supreme Judicial Court Student Practice Rule 3:03. Please note that an amendment is sent to the S.J.C. upon completion of the clinical program and 3:03 certification is withdrawn at that time.

**Semesters Offered:** Fall and Spring

**Credits:** 6-credits includes Seminar and Field Placement

**Spots available each semester:** 8

**Grading:** Pass/Fail

**Conflict of Interest:** Students may not have ANY outside legal employment while they are participating in the Criminal Clinic.

**Application Requirements:** Résumé, unofficial transcript, and Criminal Clinic application.

#### **Tina Cafaro Clinical Professor of Law**

Professor Cafaro is the supervising attorney for the Criminal Law Clinic. Cafaro earned her JD from Western New England University and then clerked for the Honorable Kent B. Smith of the Massachusetts Appeals Court. She was an Assistant District Court Attorney in the Hampden County District Attorney's Office and has worked for the Massachusetts Criminal Justice Training Council teaching criminal law and procedure.

To learn more, contact Marie Fletcher, Clinical Programs Administrator, at Tel.: 413-782-1469 or email: [marie.fletcher@law.wne.edu](mailto:marie.fletcher@law.wne.edu).

#### **Housing Clinic**

Students enrolled in this Clinic will be representing tenants with complaints against landlords in the Western Massachusetts Housing Court. The Housing Court Clinic is currently cooperating with the Massachusetts Justice Project (MJP). Through MJP, students will acquire clients who have cases pending in the summary process (eviction) session of the Hampden County session of the Western Massachusetts Housing Court. Under the supervision of the Clinic's Supervising Attorneys, students will litigate cases on behalf of tenants as well as provide limited assistance representation. Depending on the case, students may handle all phases of the case, including case evaluation, client interviewing and counseling, legal research and factual development of the claims, settlement negotiations, and representation of the litigants in court proceedings. If the case does not settle, trials are before a single justice of the Housing Court. Trials may include direct testimony of the witnesses, cross-examination, opening statements and closing arguments. Students are expected to commit a minimum of 12 hours per week to the fieldwork and other course commitments will require an additional four hours per week. Students must be available to attend court on Thursday mornings, when the Western Massachusetts Housing Court conducts its summary process session, and a limited assistance clinic held on Friday afternoons. In addition to the fieldwork, there will be regularly scheduled seminar meetings and training sessions in which students will engage in discussions and simulation exercises to develop the professional skills and perspectives which are essential to such a litigation practice. A student is required to be SJC Rule 3:03 eligible.

Students enrolling in this Clinic must be willing to return to school in advance of the official start of the semester to participate in training. This course continues to be intensive during the first several weeks of the semester. Thereafter, the class will meet regularly for the balance of the semester.

The clinic is open to students who have successfully completed 32 hours of law studies and have successfully completed evidence. With permission of the instructor, a prerequisite course may be taken concurrently with the clinic.

Students Certified Under Rule 3:03: Housing Clinic students are required to be certified to practice under the Massachusetts Supreme

Judicial Court Student Practice Rule 3:03. Please note that an amendment is sent to the S.J.C. upon completion of the clinical program and 3:03 certification is withdrawn at that time.

**Semesters Offered:** Fall and Spring

**Credits:** 4-credits includes Seminar and Field Placement

**Spots available each semester :** 6

**Grading:** Pass/Fail

**Application Requirements:** Résumé, unofficial transcript, and Housing Clinic application.

To learn more, contact Marie Fletcher, Clinical Programs Administrator, at Tel.: 413-782-1469 or email: [marie.fletcher@law.wne.edu](mailto:marie.fletcher@law.wne.edu).

#### **International Human Rights Clinic**

##### **Seminar**

The Clinic seminar will provide an overview of the theoretical underpinnings of human rights advocacy, including international legal research, policy analysis, persuasive legal drafting, effective oral advocacy, collaborative lawyering, media and legislative advocacy, investigation and report drafting, creative problem-solving and the development of cross-cultural lawyering competencies. Students will explore the efficacy of litigation, the contested terrain of cultural relativity in human rights norms, and the social, political and economic context that human rights advocates must navigate. The seminar will include guest speakers and simulated exercises.

##### **Advocacy**

To integrate the underlying theoretical backdrop of emerging human rights norms with real life lawyering, students in the International Human Rights Clinic will directly participate in contemporary and compelling cases. Through their work on human rights projects, students will explore the relative merits and efficacy of various advocacy mechanisms in the context of real cases. Students will work collaboratively with domestic and international non-governmental organizations, grass-roots organizations, solidarity networks, attorneys, stakeholders, and other institutions engaging in human rights work, to advance political, economic, social and cultural human rights across borders.

Clinic projects will vary, and particular initiatives may include:

1. transitional justice in post-conflict societies, with a particular focus on Latin America;
2. the intersection of human rights and development, through the lens of private investment, multilateral financial institutions and development agencies;
3. migrants' rights, including modern day slavery and human trafficking;
4. labor rights and the targeting of union activists; and
5. post-disaster human rights in Haiti.

**Spots available each semester :** 8

**Credits:** 6 credits

**Grading:** Pass/Fail

**Application Requirements :** Résumé, unofficial transcript, and International Human Rights Clinic application.

The clinic is open to students who have successfully completed 32 hours of law studies.

**Lauren Carasik**  
**Clinical Professor of Law**

Professor Carasik is the Director of both the International Human Rights and the Legal Services Clinic. She has practiced law in the elder unit at Merrimack Valley Legal Services in Lowell, MA and at the Center for Public Representation (CPR) in Northampton, MA and founded a solo practice concentrating in disability rights and mental health law. She has also directed the Public Interest Externship Program and run an anti-discrimination and disability clinic at the law school.

To learn more, contact Marie Fletcher, Clinical Programs Administrator, at Tel.: 413-782-1469 or email: [mfletcher@law.wne.edu](mailto:mfletcher@law.wne.edu).

**Real Estate Practicum**

In the Real Estate Practicum, students experience the world of real estate practice and real estate practitioners and discuss and reflect on those experiences and observations in a weekly seminar, all with the goal of helping each student to prepare for the practice of law. To accomplish this goal and to provide this experience, the practicum has three required segments: an initial training, an externship and a seminar.

1. Initial Training: In preparation for the externships, the first two weeks of the semester involve hands-on training, homework and simulations in title examination and residential real estate closings.
2. Externships: The externship involves placements with real estate professionals and requires a commitment of 10 hours per week (two sessions of 5 hours). Externships are done as a two-person team. One member of the team is initially placed with a real estate attorney specializing in residential real estate, the other with an attorney at a title insurance company. Each team member works for six weeks with one attorney or the other and then switches right before spring break. In both placements, students will work on a variety of title, closing, contract and related problems and will observe the operation of a law office and the interaction with clients, staff and other real estate professionals (brokers, lenders, appraisers, surveyors). Most placements are in Springfield; there is also a paired placement in Connecticut (Windsor Locks and Hartford).
3. Seminar: The seminar component consists of a weekly 2-hour seminar meeting, with required readings and discussions structured and led by the two faculty members and frequently featuring presentations by experts in different aspects of real estate transactions. In some weeks, there will be individual or smaller-group meetings instead of the full-class seminar meetings.

For the Real Estate Practicum Informational Packet go to [http://www1.wne.edu/assets/165/Informational\\_Packet\\_Spring\\_2014.rtf](http://www1.wne.edu/assets/165/Informational_Packet_Spring_2014.rtf).

**Prerequisites:** As prerequisites for the course, students must have taken 2 or more of the following 6 courses: Land Finance and Transfer, Conveyancing, Real Estate Transactions, Taxation of Property, Land Use, Landlord-Tenant, and Bankruptcy. The more prerequisites you have taken, the better, and Professors Baker and Stonefield strongly urge students to take (and will give preference in selection to students who have taken or will take) Land Finance and Transfer and Conveyancing).

**Semesters Offered:** Spring Only

**Credits:** 4-credits includes Seminar and Field Placement

**Spots available:** 10

**Grading:** Pass/Fail

**Application Requirements :** Résumé, writing sample, and Real Estate Practicum application.

**Samuel Stonefield**  
**Professor of Law**

Professor Stonefield co-directs the Real Estate Practicum. He earned his JD from Harvard University and served as a Commissioner of the Massachusetts Commission Against Discrimination. He has also served as a managing attorney for the Western Massachusetts Legal Services program, a staff attorney in a prisoners' legal assistance program, and has engaged in the private practice of law. He recently completed a term of service on the Board of the Massachusetts Housing Finance Agency, a government bank that grants mortgage loans for affordable housing, and has authored the chapters on the national secondary mortgage markets in a leading real estate finance law treatise.

**William G. Baker**  
**Professor of Law**

Professor Baker co-directs the Real Estate Practicum. He earned his JD at Union College, Albany Law School and then clerked for Judge Andrew V. Siracuse of the New York State Supreme Court. He has been a consultant to the Rochester, New York, law firms of Kaufman, Kenning, Tyle and D'Amanda and Pauley & Barney. Professor Baker is coeditor of *The Law of Liability Insurance*.

**Legal Services Clinic**

Legal Services Clinic students spend sixteen hours a week in the office of Community Legal Aid (CLA). Community Legal Aid is a state-funded civil legal aid program serving central and western Massachusetts which provides free civil legal assistance to low-income and elderly residents of Berkshire, Franklin, Hampden, Hampshire, and Worcester Counties. While the Legal Services Clinic allows students to learn about the real practice of law it also gives them the opportunity to play a role in the community by providing essential legal services to those in need. In the Legal Services Clinic, you can make a measurable and meaningful difference in the lives of the low income, elderly and disadvantaged clients.

**Types of Law Practiced at Community Legal Aid**

- Housing Law
- Disability Law
- Employment Law (primarily unemployment compensation)
- Benefits Unit (representing low income people in obtaining and maintaining eligibility for state and federal benefits.)
- Elder Law, including a statewide Medicare Advocacy Project
- Family Law (primarily assisting victims of domestic violence)
- Immigration Law

**First Semester:**

Students participating in the Legal Services Clinic must complete a lawyering skills seminar as a prerequisite to their semester of field placement. The skills seminar focuses on substantive law and issues related to poverty law practice, and developing basic lawyering skills, including professionalism and ethics, client interviewing, counseling, fact investigation, oral advocacy, negotiation and litigation skills.

**Second Semester:**



Students spend 16 hours per week working in an office of Community Legal Aid. At CLA, students have primary professional responsibility to advocate on behalf of their clients. Students may have the opportunity to interview and counsel clients, develop a case theory and legal strategies to advance their client's goals, engage in settlement negotiations, represent clients in administrative hearings, and participate in all aspects of litigation, including drafting discovery requests, pleadings, motions, and memoranda, and arguing in court. Students may have the opportunity to handle administrative hearings for SSI, unemployment, and welfare cases, and court hearings for family, elder and housing cases. A student is required to be SJC Rule 3:03 eligible.

Students also participate in a seminar concurrent with their semester of field placement. The seminar meets for approximately 14 hours during the semester, and will serve as a forum for reflection on the fieldwork component, case review, and other topics.

**Prerequisites:** The clinic is open to students who have successfully completed 32 hours of law studies and have successfully completed or are concurrently enrolled in evidence. Students may not enroll in an externship while doing the fieldwork component of the Legal Services Clinic during the 5 credit semester. You may take an externship while enrolled in the Legal Services Prerequisite Skills Seminar.

**Students Certified Under Rule 3:03:** Legal Services Clinic students are required to be certified to practice under the Massachusetts Supreme Judicial Court Student Practice Rule 3:03. Please note that an amendment is sent to the S.J.C. upon completion of the clinical program and 3:03 certification is withdrawn at that time.

**Semesters Offered:** Fall and Spring

**Credits:** First Semester Skills Seminar (2-credits)  
Second Semester Field Placement (4-credits) with Concurrent Seminar (1-credit)

**Spots available each semester:** 8

**Grading:** Pass/Fail

**Application Requirements :** Résumé, unofficial transcript, and Legal Services Clinic application.

**Lauren Carasik**  
**Clinical Professor of Law**

Professor Carasik is the supervising attorney for the Legal Services Clinic. She has practiced law in the elder unit at Merrimack Valley Legal Services in Lowell, MA and at the Center for Public Representation (CPR) in Northampton, MA and founded a solo practice concentrating in disability rights and mental health law. She has also directed the Public Interest Externship Program and run an anti-discrimination and disability clinic at the law school.

To learn more, contact Marie Fletcher, Clinical Programs Administrator, at Tel.: 413-782-1469 or email: [mfletcher@law.wne.edu](mailto:mfletcher@law.wne.edu).

**Small Business Clinic**

The Small Business Clinic provides legal services to local small businesses and microenterprises. The clients are generally businesses that would not have access to legal services due to limited resources. The businesses are usually owned by one or two individuals and have anywhere from zero to five employees. Students work on transactional legal matters that are typical in the start-up phase of a business. For example, students may assist the owners in determining

whether they should operate as a sole proprietor, general partnership, limited liability company or corporation and provide appropriate documentation based on that decision (e.g., operating agreement, partnership agreement, or shareholder agreement). Clients also often have various employment issues including classifying individuals as employees or independent contractors, preparing an employee manual, and/or drafting an employment application. Students perform preliminary trademark availability searches, advise as to copyright protection for client work product, and draft non-disclosure and confidentiality agreements. Students also assist in drafting a variety of contracts for the sale of goods and services. Additionally, students often perform regulatory analysis to determine if there are any licensing and/or permitting requirements for the client's business.

The goal of the clinic is to expose students to the methodology and mindset of business lawyering. Law students work with the entrepreneurs to identify the legal issues new businesses confront. They also develop important skills, including the ability to pinpoint key issues in an interview with a client. The clinic is part of a national trend to develop transactional educational opportunities to complement the traditional litigation-focused clinics that have long dominated clinical legal education. Students selected usually demonstrate a sincere desire to pursue a career in representing businesses and/or students who have an entrepreneurial spirit. Students interested in more detail on the issues faced by entrepreneurs, and therefore the issues dealt with in the Clinic, could read either of the following law review articles. "Starting from Scratch: A Lawyer's Guide to Representing a Start-up Company," 56 Ark. L. Rev. 773 (2004); "Braving the Waters: A Guide for Tennessee's Aspiring Entrepreneurs," 8 Transactions: Tenn. J. Bus. L. 243 (Spring 2007).

The course will consist of two full days of orientation (prior to the first day of the semester), weekly seminar classroom meetings, weekly one-on-one meetings with the professor, meetings with clients (often in the evenings) and participation in walk-in legal assistance. The seminar portion of the course incorporates business and legal practitioners from the local area.

In an effort to operate the clinic as close to an actual law firm as possible, students are required to maintain client billing records through use of the clinic's time/document management software. Client work will require a minimum of 16 hours of work per week and other course commitments will require an additional four to five hours per week.

**Prerequisites:** The clinic is open to students who have successfully completed 32 hours of law studies. Business Organizations is the only prerequisite for the clinic, although other business courses are highly recommended.

**Semesters Offered:** Fall and Spring

**Credits:** 6-credits includes Seminar and Field Placement

**Spots available each semester:** 8

**Grading:** Numeric

**Application Requirements:** Résumé, unofficial transcript, and Small Business Clinic application.

**Robert Statchen**  
**Assistant Clinical Professor of Law**

As a joint appointee to the School of Law and the College of Business, Professor Statchen teaches and advises JD and MBA students in the Small Business Clinic of the Law and Business Center for Advancing Entrepreneurship. He earned a JD from Chicago-Kent College of Law and an LLM from Boston University. Professor Statchen began his legal career in the U.S. Air Force Judge Advocate

General Corps. He practiced corporate and transactional law for profit and non-profit entities with the law firm of Tobin, Carberry, O'Malley, Riley & Selinger, PC in New London, CT. Prior to that, he was a civil litigator in Stamford, CT, with the law firm of Ryan, Ryan, Johnson & Deluca, LLP.

To learn more, contact Marie Fletcher, Clinical Programs Administrator, at Tel.: 413-782-1469 or email: [mfletcher@law.wne.edu](mailto:mfletcher@law.wne.edu).

### Externships

The Externship Program provides learning opportunities for students placed with judges and lawyers in government and public interest organizations who have agreed to provide a mentored learning environment away from the law school. All externs are supervised by a law faculty member.

#### Law Practice Externships

Students work in a nonprofit or governmental agency or organization and participate in a seminar designed to provide an opportunity for structured reflection on the role of the lawyer.

#### Judicial Externships

Students work in various judicial settings and participate in a seminar designed to complement the individual work experience by providing structured reflection on many aspects of the roles of courts, judges and lawyers in society.

#### Student Secured Externships

Students may secure their own judicial, public interest or private sector externship placement with prior approval. Please contact Marie Fletcher at [mfletcher@law.wne.edu](mailto:mfletcher@law.wne.edu) or 413-782-1469 for more information.

Please view the EXTERNSHIP HANDBOOK for an overview of the policies and procedures relevant to the Western New England University School of Law Externship Program.

**Orientation:** Mandatory externship orientation will be prior to the first day of classes for the Fall semester. Orientation date has not been determined.

### Law Review

The *Western New England Law Review*, established in 1978, is published by students at Western New England University School of Law. The Board of Editors and Junior Staff consist of students who are selected based on academic performance, or on their performance in a write-on competition. Each issue of the *Law Review* typically consists of essays and articles, written by legal scholars and practitioners, and student "notes," written by Law Review members during their first year on the *Law Review*. The *Law Review* gratefully acknowledges the financial support of the School of Law and the advice and assistance of its Faculty.

### Moot Court Competitions

Students try out for moot court teams in order to perfect their research, writing, and oral advocacy skills and gain confidence and experience presenting a case in court. This valuable educational experience offers excellent preparation for stepping into a career. Team members fine-tune research, writing, and oral advocacy skills; learn to work as a team; and perform under pressure.

Follow these links for more information:

AAJ Trial Intramural Competition (litigation)

Appellate Intramural Competitions (appellate)

Mediation Moot Court Competition (alternative dispute resolution)

Negotiation Intramural Competition (settlement)

Western New England University sponsors moot court teams in numerous competitions, including:

- The ABA Law Student Tax Challenge
- The ABA Negotiation Moot Court
- The ABA Representation in Mediation
- The American Association for Justice Moot Court
- The First Amendment Moot Court
- The Frederick Douglass Moot Court
- The Jessup International Law Moot Court
- The National Environmental Law Moot Court Competition
- The National Moot Court
- The National Trial Moot Court
- The Rendigs National Products Liability Moot Court
- The Transactional Lawyering Meet Moot Court
- The Williams Moot Court Competition

Students selected for these teams receive three academic credits for their satisfactory completion of a moot court competition. In addition, the School of Law, through the generosity of a former member of the National Moot Court Team, gives three cash prizes, known as the Daniel Webster Awards, for the best brief, the best oralist, and the best advocate based on performance in the intramural competition for the moot court teams.

## Resources

In preparation for moot court competitions, the Law Library has prepared a bibliography of useful sources; a compilation of online writing resources is also available.

## Academic Standards

### ***PART A. Full and Part-time Students: Course Load; Outside Employment; Dropping a Course; and Last Day of Enrollment***

#### **I. Full-time Students**

*A. Definition.* A full-time student is one who devotes substantially all of the student's working hours to the study of law and who is enrolled in 12 or more academic credit hours of course work.

1. *Normal Full-time Program.* The normal academic course load for a full-time program is 16 academic credit hours per semester (or 32 academic credit hours per year) in the first year, and 14 academic credit hours per semester (or 28 semester hours per year) in the years other than the first year.
2. *Variation From Normal Course Load.* A full-time student is not permitted to enroll in fewer than 12 or more than 16 academic credit hours without special permission from the Dean or the Dean's delegate. Normally a request for this permission shall not be considered unless the reasons for the request are stated in writing so that, if the request is granted, the reasons for that action can be included in the student's personal file.

#### **II. Part-time Students**

*A. Definition.* A part-time student is one who, as a general matter, is enrolled in fewer than 12 academic credit hours of course work.

1. *Normal Part-Time Evening Program:* The normal first year academic load is a total of 20 credits and 9 or 10 credits in the semesters that follow.
2. *Variations From Normal Course Load For Part-Time Evening Students:* A part-time evening student is not permitted to enroll in fewer than 9 or more than 10 academic credit hours without special permission from the Dean or the Dean's delegate. Normally, a request for this permission shall not be considered unless the reasons for the request are stated in writing so that, if the request is granted, the reasons for that action can be included in the student's personal file.
3. *Normal Part-time Day Program:* The normal first year academic load is 10.8 credits in the fall semester and 9.2 credits in the spring semester for a total of 20 credits for the year. However, with the permission of the Dean or the Dean's delegate, part-time day students may request in writing permission to add Constitutional Law to their spring semester course load for a total of 13.2 credits. This request must be made between October 1 and December 15. Students who make such a request and have the request granted are permitted to withdraw from Constitutional Law at any time up until the tenth day of classes of the spring semester without consequence. In subsequent years, part-time day students will take 9 or 10 credits per semester.
4. *Variations from Normal Course Load for Part-Time Day Students:* Except as described in II.3., a part-time day student is not permitted to enroll in fewer than 9 or more than 10 academic credit hours without special permission from the Dean or the Dean's delegate. Normally, a request for this permission shall not be considered unless the reasons for the request are stated in writing so that, if the request is granted, the reasons for that action can be included in the student's personal file.

### III. Change of Status

Under the academic rules, students are permitted, with permission from the Associate Dean for Academic Affairs, to change from part-time status to full-time status, or vice versa. The minimum number of years in which a student who has changed status can graduate will depend upon how quickly the student can earn the required academic credits and residence credits. Since the possible combinations of full-time, part-time, and summer sessions are numerous, any student who is contemplating a change of status should discuss such a change with the Associate Dean for Academic Affairs.

### IV. Other Academic Programs

No student may earn academic credit in a program outside the Law School, except for combined degree programs or articulation agreements established between the School of Law and other institutions.

### V. Last Day of Enrollment

No student may enroll for a course after the close of business on the tenth day of classes of a regular semester or, in the case of summer school, the close of business on the third day of classes for the summer school session.

### VI. Dropping a Course

A. *Required Courses.* All students are expected to take all required courses in the years and semester to which these courses have been assigned. Students are not permitted to drop required courses.

B. *Restricted Withdrawal Courses.* No student is permitted to drop restricted withdrawal courses subsequent to the second class of the semester. A course is a restricted withdrawal course if the course instructor (with the approval of the Dean or the Dean's delegate) either designates the course as restricted withdrawal in the registration material or gives notice at least one week prior to the start of the course.

C. *Elective Courses, Fall and Spring Semesters, Full-Time Program.* A student in the full-time program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 12 academic credit hours that semester.

D. *Elective Courses, Fall and Spring Semesters, Part-Time Program.* A student in the part-time program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 9 academic credit hours for that semester.

E. *Elective Courses, Summer School.* A student in the summer program may withdraw from an elective course, other than a restricted withdrawal course prior to the close of business on the day of regularly scheduled classes for summer school.

F. *Procedure.* A form to withdraw from a course is available from the Registrar's Office. A student who wishes to drop a course, other than a restricted withdrawal course, must complete and submit this form to the Registrar's Office prior to the close of business on the last day of regularly scheduled classes for the semester. A student who wishes to drop a restricted withdrawal course must complete and submit this form to the Registrar's Office prior to the second class of the semester.

### VII. Outside Employment

A. *Statement of Policy.* The School of Law has the responsibility to monitor the amount of a student's outside employment to assure itself that a proper balance exists between the amount of outside employment and the amount of academic obligation that a student has undertaken. In addition to the specific limit contained in Part B. *Employment* below, the School of Law considers that 3 hours of preparation time per week is necessary for each academic credit taken. To make sure students have adequate time for class preparation, full-time students are advised not to exceed 10 hours of outside employment a week and part-time students should adjust their outside employment and course loads accordingly.

B. *Employment.* In accordance with ABA Standard 304(f)(2012), "A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours."

### VIII. Authorized Variations

Except for Section VII, *Outside Employment*, the Dean or the Dean's delegate is authorized to grant variances from the Rules of this Part in cases of substantial hardship or exceptional merit. All variances shall be within American Bar Association Standard 305. An informational report of variances granted shall be made periodically by the Dean or the Dean's delegate to the Academic Standards and Student Petitions Committee.

Requests for variances from Section VII shall initially be addressed to the Academic Standards and Student Petitions Committee for a recommendation which shall be forwarded to the faculty for a final determination. The faculty is authorized to grant variances from Section VII in cases of substantial hardship which is not foreseeable at the time of enrollment or in cases of exceptional merit. All variances shall be within American Bar Association Standard 305.

## PART B. Academic and Residence Credit; Length of Stay Limitations; Honors

### I. Definitions

A. An academic year consists of two consecutive semesters beginning with the fall semester. A "semester" is the fall semester or the spring semester. The summer session is not a semester.

B. A "completed credit hour" is one which is passed with the grade of D or higher.

## II. Residence Credits Required for Graduation

A student must earn at least six residence credits over the course of at least six semesters in order to graduate. However, a student who has earned residence credits solely as a part-time student must earn residence credits in at least eight semesters in order to graduate. Most part-time students wishing to complete the program in 4 years must also attend summer school twice.

A. *Full-Time Students.* To be considered a full-time student for the purpose of residence credit, a student must receive a passing grade in at least 12 academic credit hours during a semester. One residence credit is given for such a semester.

B. *Part-Time Students.* Students who receive a passing grade in fewer than 12 academic credit hours in a semester are considered part-time students during that semester for the purpose of residence credit. If a student completes 9 to 11 academic credit hours, 3/4 of a residence credit is given for the semester. Upon completion of 8 academic credit hours, 2/3 of a residence credit is given for the semester. Should a student fail to complete 8 semester hours, fractional residence credit shall be given in the ratio that the number of completed hours bears to 12 hours.

C. *Summer School.* The maximum residence credit which can be earned in one summer session is 5/12 of one credit which will be granted upon completion of 5 or more academic credit hours. Lesser course loads will receive proportional credit upon completion.

## III. First Year Students

Because the first-year curriculum is prescribed, it is necessary for an entering student to select either part-time or full-time status for the entire academic year. If entering in a full-time status, the student shall be enrolled for the whole first year in a section pursuing the full-time first-year curriculum. A student entering in a part-time status will be enrolled for the whole first academic year in a section pursuing the part-time first-year curriculum.

## IV. Years Allowed for Completion of Degree Requirements

A student who has taken at least 12 academic credit hours for 2 or more of the semesters in which the student is enrolled in the Law School must complete the degree requirements within 4 years after matriculation. A student who has taken less than 12 academic credit hours for each semester in which the student is enrolled in the Law School must complete the degree requirements within 5 years after matriculation. All other students must complete the degree requirements within 4 1/2 years after matriculation.

## V. Academic Requirements for Graduation

A. A student must earn 88 academic credits, no fewer than 65 of which must be earned in courses that meet in regularly scheduled class sessions at the Law School, and also satisfactorily complete all required courses and all other requirements, including upper level writing, pro bono, and professional skills requirements, in order to graduate. In addition, a student must abide by all restrictions on enrollment as described in Subsection B unless waived as described in Subsection D.

B. The law school imposes a variety of limitations on enrollment in specific courses or combinations of courses. These are described below:

1. A student must successfully complete 32 hours of law studies before enrollment in a clinic or externship.
2. A student may not simultaneously enroll in more than one clinic, more than one externship, or a clinic and an externship.
3. A student may not take more than three externships for a maximum of nine academic credits (not including the one-credit

externship seminar). If a student takes more than one externship, the externships must be substantially different from each other.

4. A student who has successfully completed 43 credit hours of law studies may take an independent study course with the approval of the Associate Dean for Academic Affairs. Independent study courses include LAW 951: Tutorial Study, LAW 952: Advanced Research, and any other course listed as an independent study course.
5. A student may not take more than a total of three independent study courses. A student may not simultaneously enroll in more than two independent study courses. A student may not take more than one independent study course under the sole guidance of any one faculty member.

C. In addition to the limitations described in the prior section, individual instructors, in consultation with the Associate Dean for Academic Affairs, can impose additional restrictions as a condition for enrollment.

D. The requirements in Subsection A may not be waived by the Dean or the Dean's delegate. However, the Dean or the Dean's delegate is authorized to grant variances from the limitations described in Subsection B as provided in Part B, Section VII.

E. Upper-level courses are designated as offering a number of "units" of writing from zero to a maximum of three per course. To satisfy the upper-level writing requirement, students are required to take five units of writing from across the curriculum, at least two of which must come from one course.

F. Upper-level courses are designated as offering a number of "units" of skills, from zero to a maximum of three per course. To satisfy the upper-level skills requirement, students are required to take five units of skills from across the curriculum, at least two of which must come from one course. A student may only count the units of skills from one externship toward this requirement.

## VI. Honors

Degrees with honors are awarded at graduation for superior scholastic attainment. Students will be recommended for honors if they have completed a minimum of 58 credit hours at Western New England University School of Law. Academic honors will be granted upon graduation to those students whose cumulative grade point average is within the highest 15% of the graduating class, provided that no honors will be granted to any student whose cumulative grade point average is below B.

A. *Summa Cum Laude.* Any student who would otherwise receive magna cum laude honors upon graduation may be graduated summa cum laude, if, in the opinion of the Academic Standards and Student Petitions Committee, the student has achieved unusually outstanding academic excellence as indicated by the student's cumulative grade point average.

B. *Magna Cum Laude.* Any student, other than a summa cum laude graduate, whose cumulative grade point average is included within the highest 3% of the cumulative grade point averages in any graduating class will receive magna cum laude honors upon graduation.

C. *Cum Laude.* Any student, other than summa cum laude and magna cum laude graduates, who is entitled to graduate with honors, will receive cum laude honors upon graduation.

D. *Dean's List.* The Dean's List consists of the top 15% of each class grouped by expected graduation date based on the semester average.

First-year students and part-time second-year students are not eligible for the Dean's List until the end of the academic year because of year-long classes. Non-degree students are not eligible for Dean's List.

## VII. Authorized Variations

Except for Part B, Sections IV, V and VI, the Dean or the Dean's delegate is authorized to grant variances from the Rule of this Part in cases of substantial hardship or exceptional merit. Request for variances from Part B, Section IV shall be reviewed and acted upon by the Academic Standards and Student Petitions Committee, which is authorized to grant variances from Section IV for good cause. The Committee is not authorized to grant variances from Section V and VI. All variances shall be within American Bar Association Standard 304. An information report of variances granted by the Dean or the Dean's delegate is to be made periodically by them to the Academic Standards and Student Petitions Committee.

## PART C. Academic Warning and Dismissal; Reinstatement

### I. Academic Warning and Dismissal of Students

*A. Reporting of Grades.* Grades are reported by letter and averages are calculated by number. A cumulative average is calculated for a student at the end of the second semester in the Law School, and at the end of each successive semester.

#### *B. Academic Warning.*

- Imposition.* At the end of every spring semester, the Registrar will review the transcripts of all first-year full-time students and first- and second-year part-time students. A student will be placed on academic warning if either of the following conditions exist: (a) the student's cumulative final grade point average for all of the following courses taken as of that date is at or below 2.67: Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, and Torts, or (b) the student has one or more final grades below "C" in Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, or Torts. The "academic warning" status is internal only and is not noted on students' transcripts. Also, at the end of every fall semester, the Assistant Dean for Academic Success or her or his delegate may notify all students who have received a final grade below "C" in Constitutional Law, Criminal Law, or Torts, that they will be put on academic warning at the end of the academic year and require those students to meet with the Assistant Dean for Academic Success or her or his delegate, and to participate in academic success programs as determined.
- Requirements of Students on Academic Warning.* Each student on academic warning is required to (a) enroll in and complete the academic success program, (b) take a school-provided bar preparation course during the final year of her or his law studies, (c) have her or his course selections for all subsequent semesters approved by the Associate Dean for Academic Affairs or her or his delegate to ensure that the chosen curriculum provides an academically rigorous education and improves the likelihood of academic and bar success, (d) meet regularly with the Academic Success Dean or her or his delegate to strategize for success and (e) not serve as an officer in any student organization without prior approval of the Associate Dean for Academic Affairs or her delegate.
- Penalty for noncompliance.* Failure to comply with the conditions identified in Part C. I (B)(2), above, as determined by the Assistant Dean for Academic Success at any time, will lead to academic dismissal for poor scholarship: the Assistant Dean for Academic Success will report non-compliance to the Associate Dean for Academic Affairs, who, in consultation with the Dean

and the Dean of Students, will determine whether dismissal is appropriate; upon such determination, the Associate Dean for Academic Affairs will direct the Registrar to academically withdraw the student from the School of Law. The student may petition the ASSP Committee for Reinstatement as noted in Part C. II below.

- Petitioning for the Removal of Academic Warning Status.* Academic warning status will remain in effect throughout a student's enrollment at the School of Law. A student on academic warning can petition the Assistant Dean for Academic Success for the removal of that status no earlier than one semester after the status has been imposed. The Assistant Dean may consider any relevant information in evaluating the petition. If the Assistant Dean concludes that, in an exceptional circumstance, the academic warning status is no longer necessary for the student, the Assistant Dean shall make that recommendation to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, may decide to remove the student from academic warning. This decision is non-reviewable.

*C. Dismissal for Poor Scholarship.* A student will be dismissed for poor scholarship if the student's cumulative grade point average at the end of the spring semester of the first-year, exclusive of the Legal Research and Writing grade, is less than 2.00. After the completion of the first-year, a student will be dismissed for poor scholarship if the student's cumulative grade point average at the end of the spring semester of any academic year is less than 2.00. A student is not eligible to graduate if the student's cumulative average on all work completed is less than 2.00.

### II. Procedure Relating to Petition for reinstatement after Academic Failure

*A. Notice of Failure.* At the close of each spring semester, the Law School Registrar shall be notified of those students whose grade point averages are below the standards set forth in Part C, Section I. The Law School Registrar shall also be notified of those students who have not complied with the requirements for students on academic warning as set forth in Part C, Section I. The Law School Registrar shall send the list of students to be dismissed to the Associate Dean for Academic Affairs, who shall then send a written notice of dismissal to each such student. The notice shall be accompanied by a statement of the Academic Standards relating to dismissal and reinstatement, and an outline of the procedure for filing a petition for reinstatement.

*B. Petition Procedure.* The procedure for filing a petition for reinstatement is as follows:

- Time for Petition.* A petitioning student must file a petition for reinstatement within 15 days after the date of mailing of the notice of dismissal. The petition shall be filed with the Associate Dean for Academic Affairs.
- Form and Style of Petition.* A petition for reinstatement shall be typewritten and submitted in quadruplicate. It shall be headed "Petition for an Exception to the Rules for Academic Dismissal."
- Filing Fee.* A petitioning student shall submit to the Law School with the petition a \$25.00 filing fee. *Reference to Academic Standards and Student Petitions Committee.* The Associate Dean for Academic Affairs shall refer any petition filed under Part C, Section II.B to the Academic Standards and Student Petitions Committee for review.

### III. Guidelines for Review by Academic Standards and Student Petitions Committee

A. *General.* The Academic Standards and Student Petitions Committee sitting without student members, unless the petitioning student elects otherwise, shall review any petition for reinstatement filed under Part C, Section II.B. In reaching its determination, it shall be guided by the considerations stated in subsections (B) and (C) below.

B. *Specifications of Reason for Academic Failure.* The petitioning student must allege and prove that student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete studies at the Law School. The petitioning student must also state any extraordinary circumstances beyond the student's control, which rebut the presumption raised by the student's record, and which establish that the deficiency was not due to lack of ability or failure to apply himself or herself diligently to the study of law. If the circumstances are related to physical or psychological incapacity in the course of a semester or before or during an examination, convincing medical proof must accompany the petition.

C. *Scope of Relief.* The Academic Standards and Student Petitions Committee is authorized to:

1. deny the petition; or
  2. grant the petition, upon terms and conditions stated by the Committee.
- D. *Guidelines for Readmitted Student.*
1. In the case of students who are dismissed for academic insufficiency and are then reinstated to retake the entire first year by the Academic Standards and Student Petitions Committee, the grades received by the student in the year(s) prior to readmission being repeated shall not be computed in determining class rank or grade point average, but such grades shall be retained upon the student's transcript. However, for purposes of advancement from year to year and graduation, the Law School shall, for internal use, average together all grades in order to establish a combined average which shall then be used in each subsequent averaging. In the case of such student, the following notation shall appear on the transcript: "By faculty action this student was readmitted to the first year for good cause after being dismissed for academic deficiencies. For purposes of computing the student's academic average and class rank on this transcript, only the grades received after readmission are included."
  2. In all other cases of readmission the Academic Standards and Student Petitions Committee shall determine on an individual basis the terms and conditions for readmission including, but not limited to, the disposition of grades earned prior to readmission. Such students shall have the option of accepting readmission as granted or of being readmitted to the first year in accordance with subsection (D)(1).E. *Faculty Review of Decisions by Academic Standards and Student Petitions Committee.* The Academic Standards and Student Petitions Committee shall notify the petitioning student in writing of its decision and of the availability of full faculty review of an adverse decision. The faculty, sitting without student members, unless the petitioning student elects otherwise, shall review the Committee's decision at the request of (1) any full-time faculty member in the case of petitions for reinstatement under Part C, sections II or IV, and (2) three full-time faculty members in the case of all other student petitions. The petitioning student may appear before the faculty meeting only if the faculty so requests. The faculty shall affirm the decision of the Academic Standards and Student Petitions Committee unless, upon review of the available information, the faculty is convinced that the decision is clearly erroneous.

#### IV. Effect of Academic Dismissal

##### A. *Attendance and Refund.*

If a student receives notice of dismissal for poor scholarship while the student is in attendance at the Law School during the next succeeding academic session, the student is eligible to take any final examination or submit any papers or projects for grades for that academic session. However, the student may instead elect to withdraw, in which event the Law School will recommend to the Vice President for Finance of Western New England University that an appropriate refund of tuition be made to any student who is dismissed for poor scholarship during the next succeeding academic session.

B. *Eligibility to Petition for Reconsideration.* Any former student dismissed for poor scholarship who is not reinstated immediately following dismissal may petition the Associate Dean for Academic Affairs according to the rules outlined in Part C, Sections II and III subject to the following limitations:

1. the petition must be filed not later than 90 days prior to the date upon which the former student wishes to return as a student;
2. the petition must request reentry at a date when at least two years have elapsed after dismissal;
3. the petition must allege and substantiate that the nature of the former student's work, activity, or studies during the interim indicate a stronger potential for law study than that which existed upon dismissal;
4. this provision applies both to students who filed a petition for reinstatement at the time of dismissal, and also to those students dismissed for poor scholarship who did not file such petition immediately after dismissal; and
5. the petition shall be reviewed and acted upon by the Academic Standards and Student Petitions Committee.

#### PART D. Visiting Status

A. *Permission to Visit.* A law student may attend another law school approved by the American Bar Association and the American Association of Law Schools while remaining a candidate for a degree at the Law School, subject to the prior approval of the Associate Dean for Academic Affairs.

B. *Grounds for Approval of Request to Visit During Summer School.* The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that offered by the Law School in its summer session and the courses offered by the law school to be visited are similar to those offered by the School of Law.

C. *Grounds for Approval of Request to Visit During Academic Year.* The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the visit would serve the best interests of both the student and the school and if either:

1. the petitioner has a special interest in taking a concentration of courses in a defined subject matter, and the Law School will not be able to offer that concentration of courses during the petitioner's period of attendance at the Law School, and the petitioner's cumulative grade point average in the Law School is 2.33 or higher; or

2. the petitioner shows that hardship will result if visiting status is not granted.*D. Transfer of Credits.* The Law School will accept the transfer of credit received from another law school during an approved visitation as follows:
  1. The School of Law will transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the law school visited.
  2. All grades for which credit is transferred will be reported as "Pass" for purposes of computing academic averages of students at the Law School. The student's transcript will also include the course name and grade for all courses taken during the visit, including any reported course for which transfer credit is not received. Courses for which transfer credit is not received will be accompanied by the notation "No Credit."
  3. No more than 32 academic credits will be accepted for transfer for any student during the student's career at the Law School.*E. Advanced Standing.* In the case of admittance with advanced standing, the Associate Dean for Academic Affairs will determine the residence and academic credit to be awarded towards the Law School's degree.

*F. Miscellaneous Provisions.*

1. *Course Load During Visitation.* A student may not take a course load in another law school during visitation which exceeds the maximum authorized by the Law School's Academic Standards.
2. *Unapproved Visitation.* The Law School does not accept the transfer of credit taken as a visiting student at another law school unless the program of studies was approved in accordance with the provision of this Part D, *Visiting Status*.

## **PART E. Examination and Grading**

### **I. The Grading System**

*A. General.*

The School of Law records letter grades in courses, except where the nature of the course makes a letter grade impractical. The School of Law grade structure for all course work is as follows:

A 4.00   B 3.00   C 2.00   D 1.00   P Pass  
 A- 3.67   B- 2.67   C- 1.67   F 0.00   W Withdraw  
 B+3.33   C+2.33   D+1.33   AU Audit

The cumulative grade point average of any student is determined by multiplying each grade given for every graded course, and courses in which the student received a grade of "F", by the total number of semester hours assigned to that course, then dividing the product by the number of graded credits attempted. Grade point averages are calculated to the second or hundredths decimal place and are not rounded upward or downward. Academic credit is granted for a final

letter of "D" or higher. If a student receives a failing final grade in a course, the grade is included in calculation of grade point average, but the failed course is not included in calculating either the total credits complete for graduation or residence credit.

*B. Pass-Fail Courses.* In certain courses, a grade of "P" (Pass) is assigned if the student satisfactorily completes the courses. A grade of "P" in a Pass/Fail course does not have a grade point average, but is intended to reflect work equivalent to the letter grades of "A" through "C." A grade of "F" in a pass/fail course is intended to reflect work equivalent to the letter grades of quote "C" through "F." A grade of "F" (Fail) in a pass/fail course is treated as if it were a letter grade of "F."

*C. Unsatisfactory Grades.* Grades of C-, D+, D are considered Unsatisfactory. A grade of F is considered Failure and no credit is awarded. A student with a GPA of less than 2.00 at the end of any semester, after the first semester, is subject to dismissal.

*D. Required Courses in Which a Failing Grade is Received.* Any required course in which a failing grade has been received must be repeated in the next academic period in which the course is offered unless the Associate Dean for Academic Affairs approves an alternate schedule. In the case of a failing final grade being received in a course which is a prerequisite to an advance course, the prerequisite course must be satisfied before the advanced course may be taken. If a student is required to repeat a course because of a failing final grade, the original grade is included in the calculation of "completed" work for purposed of grade average calculation, even though the failed course is not used in calculating the total credits required for graduation.

### **II. The Examination Process**

*A. Materials Permitted at the Examination.*

Each instructor shall state those materials which are to be permitted in the examination in the instructor's course. It is the policy of the Law School that an item or material is not to be authorized unless its content is necessary to a proper analysis and solution of one or more problems on the examination, such as a statute on which the problem is based.

*B. Take-Home Examination: Requirements*

1. An instructor may give a take-home examination under such conditions as he or she deems appropriate in consultation with the Associate Dean for Academic Affairs.
2. The anonymous grading system shall apply to take-home examinations.
3. If an instructor decides to use a take-home examination, notice should be given to the Associate Dean for Academic Affairs as soon as possible.*C. Rules for Examinations.* The Dean or the Dean's delegate shall be responsible for establishing rules to govern the examination process. Those rules shall include, but not be limited to, the following:
  1. Not more than one student at a time may leave the room: Students must sign out on the pad on the proctor's desk and cross

off their names upon returning. Students are not allowed to take examinations from the room.

2. No conversation is allowed during the examination. If a student has a question, the student shall write the question on scrap paper and give the question to the proctor.
3. No smoking or drinking alcohol is allowed in the classroom.
4. When, at the end of the examination, the proctor announces that the time is up, all students shall stop writing immediately. It is a violation of the Honor Code to continue writing after the examination is over.
5. When finished, students shall turn in their examination questions and scrap paper together. All students must cross their names off the roster, and leave the room quietly.
6. Students who type their examinations shall return them to the proctor from whom they secured the examinations.
7. Late arrivals do not get extra time. Proctors shall ask them if they are willing to take the reduced time. If they are unwilling, these students shall report to the Registrar's Office.*D. Submission of Papers in Lieu of Final Examinations: Restrictions and Requirements.*
1. Standard 303(b) of the American Bar Association states that scholastic achievement of students must be evaluated. Interpretation 3032 addresses the issue of evaluation by examination:

*The evaluation of scholastic achievement shall include a written examination of suitable length and complexity in every course for which credit is given, except:*

*(1) Clinical and simulation courses; and*

*(2) Courses involving extensive written work, such as moot court, legal writing and drafting, seminars, and individual research projects. (August 1996).*

2. The examination specified in D.1, above, should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent is to have a meaningful faculty assessment of the student's work product.*E. Departure from Examination Schedules.* No instructor has the authority to grant to a student a departure from the examination schedule. Any student who desires a departure from the examination schedule shall not make such a request to the instructor but shall instead make the request to the Associate Dean for Academic Affairs at the time or times designated:
1. A student shall be granted a departure from the examination schedule for a conflict. In that event, the make up examinations must be taken in the next regularly scheduled examination period that does not constitute a conflict. Conflict forms are available in the Registrar's Office and must be submitted prior to the examination period. A conflict in the examination schedule is defined as:
  - a. two examinations simultaneously;
  - b. two examinations in successive examination periods (including night-morning but excluding Saturday-Monday);
  - c. two examinations on the same day;
  - d. three examinations on three successive evenings for part-time students employed full-time who certify that they cannot obtain time off during the examination period.

e. four examinations on four consecutive calendar days, unless the student has a reading period of four consecutive calendar days (or five non-consecutive calendar days) between his or her last day of classes and the first of his or her four consecutive exams;

f. four examinations on four consecutive calendar days in any semester in which the exam schedule was not published by the end of the fifth day of classes.

2. A student may be granted a departure from the examination schedule for an emergency at any time by the Associate Dean for Academic Affairs.*F. Reporting Grades.* Unless otherwise announced by the Dean, the following procedure applies:

1. Instructors shall report all course grades to the Dean after the close of the final examination period.
2. In the case of graduating seniors, graduating seniors shall not mark "Graduating Senior" on their examination books. Such books shall be graded and reported at the time specified by the Director of Registrar's. The Director of Registrar's shall effect such procedures necessary to permit grading to be finished on time.
3. The Dean shall review all course grades submitted. After review, course grades shall be posted by the Director of Registrar's by course and examination number.
4. Course grades shall be recorded as part of each student's academic record by the Director of Registrar's at the same time course grades are released.*G. Examination in First Year Courses.*

1. *First-Year Practice Examinations.* First-year practice examinations may be scheduled during the first semester in each first year course. Practice examinations should be similar in content to actual examinations. Practice examinations are preliminary introductions to the Law School examination process.
2. *First Year Examinations.* Proctored examinations shall be given in both semesters of all yearlong, first-year required courses. First semester grades on such proctored examinations shall be counted as 20% of the final grade in the course, and second semester grades on such proctored examinations shall be counted as at least 60% of the grade. This rule does not apply to yearlong courses in the second year of the part-time program.*H. Illness Before Examination.* If a student becomes ill before commencing an examination, the student must attempt to notify the Dean or the Associate Dean for Academic Affairs prior to the commencement of the examination to obtain permission to reschedule the examination. When the Dean and Associate Dean for Academic Affairs are unavailable, the ill student shall have the right to decide not to take the examination, but must notify the Dean or the Associate Dean for Academic Affairs of the illness as soon as possible following the examination. If a student leaves an examination for illness or for any other reason, the examination will be graded.

### **III. Integration of NonAnonymous Grades with Anonymous Grades**

*A. Integration of Projects with Anonymous Examination Grades.* If an instructor uses projects or other like programs as part of the course grade, the instructor shall submit a list of students by name, showing their project or program grades at the same time as submission of anonymous examination grades by examination number. The instructor shall also state the percent of course grade attributable to the project or program. The Director of Registrar's shall integrate the grades according to the instructor's formula.



**B. Integration of Points for Classroom Participation with Anonymous Examination Grades.**

An instructor may choose to recognize superior classroom performance by individual students by adding a one-third (1/3) letter grade increase to the students course grade. The following procedures apply to granting points for classroom participation:

1. No instructor may award points for classroom participation unless the instructor has announced the intention to do so in a regular meeting of the class within the first three weeks that the class meets.
2. To make an addition to the grades of individual students, the instructor shall submit a list of the names of those students whose course grades are to be benefited by the practice at the same time that the instructor submits the list of final examination grades by student examination number.
3. The Registrar's Office shall integrate the classroom participation points with examination grades and project scores, if any.

**IV. Anonymous Grading Policy**

**A. Preference for Anonymous Grading.** The School of Law uses an anonymous grading system for the determination of a student's grade on examinations and for the course with the following exceptions:

1. *Clinical Work, Moot Court, Practice Court, Legal Research and Writing, Seminars, Simulation Courses and Individual Research Projects.* Although it is impractical in these instances to employ an anonymous grading system, objective grading should be adhered to by the faculty.
2. *Individual Projects or Interim Examinations.* Individual projects or interim examinations may be used by instructors to be evaluated toward the course grade.

**B. File of Examinations.**

The Law School shall keep an official file of all examinations administered to students. At least two copies of each examination that counts toward the final grade shall be given to the Registrar's Office by each instructor.

**C. Preservation of Blue Books.** Each instructor shall deliver to the Registrar's Office all examination books to be kept on file for one year after the examination has been graded.

**V. Faculty Requests for Change of Course Grade**

The Dean must receive all requests by faculty for grade changes. The Dean may approve all such changes which are required solely to correct arithmetic error. The Dean shall submit all other requests by the faculty to the Academic Standards and Student Petitions Committee where there shall be a presumption against approving that recommendation. The faculty member shall bear the burden of overcoming that presumption.

**PART F. Attendance**

**I. General**

**a. STANDARD.**

It is the policy of the Law School that regular and punctual class attendance is mandatory, as required by the American Bar Association. This policy reflects the belief that dependability is an essential characteristic of a good lawyer. The objectives of the policy are to ensure academic success, of which attendance is a major component, and to develop good professional standards.

**b. IMPLEMENTATION.**

i. Faculty members will monitor attendance in their classes, choosing an adequate methodology. Any student who is tardy, or who leaves class early, may, in the discretion of the faculty member, be marked absent.

ii. Any student who fails to attend at least 80% of the regularly scheduled class meetings, without excuse acceptable to the faculty member, has not met this Standard. All students are responsible for knowing and complying with this Standard and its implementation.

iii. Any faculty member may adopt a more stringent attendance standard than that in subsection ii above by communicating it to the class in writing before the end of the first class meeting. A student who fails to comply with such policy has not met this Standard.

iv. A faculty member must send a student a written warning when the student is at least one absence away from triggering the faculty member's request for administrative withdrawal.

v. Whenever a student fails to meet this Standard, a faculty member shall notify the Associate Dean and may request that the student be administratively withdrawn from the course.

vi. Upon receiving a request from a faculty member that a student be administratively withdrawn from a course, the Associate Dean shall do so unless the Associate Dean determines, after consultation with the faculty member, there is good cause not to withdraw the student.

**II. Auditing of Courses**

**A. Statement of Policy.** An auditing student is not obligated to prepare for class on a day-to-day basis, but in turn is not authorized to take up classroom time. The student is expected to acquire the materials for the course, and shall be held to the same attendance regulations as all other students.

If the conditions of permission to audit, including regular attendance, are satisfied, the course is entered on the student's academic record and the word Audit is entered where academic credit and grade would normally be entered.

**B. Auditing Fees.** Students granted permission to audit a course must pay the regular tuition and fees which apply to the course if such students are not candidates for a degree. Degree candidates may audit a course, and the credits will not be counted in the normal full-time academic course load.

**PART G. Associate Dean for Academic Affairs**

**I. General**

The Associate Dean for Academic Affairs is appointed by the Dean for an indefinite term. The Associate Dean for Academic Affairs responsibilities include, without limitation, the following duties:

A. to develop and manage the curriculum;

B. to administer academic standards as applied to individual students, including requests for exception to the Academic Standards; and

C. to develop and manage an effective system of academic and career counseling.

**II. Relationship Between Associate Dean for Academic Affairs and Academic Standards and Student Petitions Committee**

A. *Petitions for Exceptions to Rules.* All petitions filed for exceptions to the Academic Standards must be filed with the Associate Dean for Academic Affairs.

B. *Reference to Academic Standards and Student Petitions Committee.*

1. The Associate Dean for Academic Affairs shall refer to the Academic Standards and Student Petitions Committee any petition for:
  - a. readmission; or
  - b. reinstatement after suspension or dismissal from class for poor attendance.
2. The Associate Dean for Academic Affairs shall refer any other petition for exception to the Academic Standards to the Academic Standards and Student Petitions Committee.

C. Any student who is dissatisfied with the application of these Academic Standards may pursue the matter with the Associate Dean for Academic Affairs. Thereafter, if the student is still dissatisfied, the student may pursue the matter further by petition to the Academic Standards and Student Petitions Committee.

## **PART H. Miscellaneous**

### **I. University Regulations And Procedures**

The following regulations apply to all physical facilities at Western New England University, including the Law School:

- a. Unless otherwise clearly marked, smoking (including electronic cigarettes) is prohibited;
- b. Beverages and food in the classroom are prohibited;
- c. All persons shall avoid creating noise in hallways and areas designated for study;
- d. No one may enter buildings without footwear;
- e. All persons must maintain a standard of cleanliness on the premises. This includes proper disposal of food and beverage containers inside and outside buildings;
- f. No animals are permitted in buildings, except as necessary to aid disabled persons;
- g. The use of all facilities and appropriate services for conferences, meeting rooms, dinners, and special functions shall be scheduled through the office of the Associate Dean for Law Student Affairs;
- h. The use of audiovisual equipment shall be scheduled through the Director of Audio-Visual Services whose office is in Sleith Hall; and
- i. *Withdrawals and Refunds* . The University operates on an academic term basis by which commitments are made in advance to teaching staff and to others whose services are essential to the operation of the University.

Refunds are made to students based on the following schedule:

- 100 percent refund of the tuition charge, less the tuition deposit, when notice of withdrawal is received prior to the first day of classes;
- 75 percent will be refunded when notice of withdrawal is received during the first week of classes;

- 66 2/3 percent will be refunded when notice of withdrawal is received during the second week of classes;
- 33 1/3 percent will be refunded when notice of withdrawal is received during the third week of classes;
- 25 percent will be refunded when notice of withdrawal is received during the fourth week of classes;
- No refund will be granted after the fourth week of classes.

Students who withdraw from a class or from the University must notify the Registrar's Office in writing at the time of withdrawal. Approved refunds will be computed on the basis of the date appearing on the official withdrawal form. Absence from class does not constitute withdrawal from a course.

No refunds will be made on fees other than tuition.

Students who use the deferred tuition payment plan are obligated to pay in accordance with the above schedule. If, at the end of a semester, a student has not paid the accrued charges for that semester, the student will be designated "not in good standing" until the charges are paid.

Students who withdraw with an unpaid balance will be financially liable for any amount remaining unpaid after a refund credit has been applied to the balance.

No student may withdraw in good standing from the University unless all financial obligations have been met.

### **II. Law School Regulations and Procedures**

A. *Classroom Use.* Use of Law School classrooms is subject to administrative regulations. Normally, upon completion of the night classes, the classrooms shall not be available for use.

B. *Use of Recording Devices in Class.* No person shall use a recording device in any instructional situation in the Law School without the prior consent of the instructor. Exceptions to this regulation may be granted as a learning disability accommodation. Please consult the Associate Dean for Law School Affairs for further information.

C. *Registrar's: Files and Information.*

1. *Student Information.* Each student is requested to complete a form at registration that provides the with the Law School with the student's local address, telephone number, emergency contact, and information concerning the student's employment while the student is enrolled. Maintenance of the accuracy of the form is the responsibility of each student.
2. *Access to File.* Under the Family Education Rights and Privacy Act of 1974 (the Act), a student may inspect and review any and all official records, files, and data directly related to the student in the student's status as a student. The student is also offered an opportunity for a hearing to challenge the content of the records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.
  - a. The opportunity to inspect and review records under the Act shall be afforded only in the presence of and under the supervision of a member of the staff of the School of Law.

- b. A student who desires to exercise the opportunity to inspect and review must file a written request to do so.
  - c. Subsequent to the receipt of the request, but within the 45 day period specified in the Act, the Law School will designate a time and place for the inspection and review of the records and the member of the staff who will be present.
  - d. The Law School will give notice of this information to the student on the basis of the address or telephone information provided on the request form.
  - e. If, after the inspection and review, the student desires an opportunity for a hearing to challenge the contents of the records, the student must file a request for a hearing on a form that has been created for this purpose.
3. *Confidentiality of Registrar's.* The Privacy Act assures students the right to inspect and review all records, files and data directly related to them with the exception of medical and psychiatric records, confidential recommendations submitted before January 1, 1974, records to which they have waived the right to access, and financial records of their parents or guardians.

The Privacy Act also prohibits the distribution of grades to parents or guardians without a student's prior written consent, or a statement of dependency from a parent or guardian when the student is a dependent as defined under the Internal Revenue Code.

However, the Law School may make public at its discretion, without prior approval, the following information: class year, home address, telephone number, University address and telephone number, major field, date and place of birth, dates of attendance at the Law School, degree honors, awards received, and previous educational institutions most recently attended. A student may limit the release of the discretionary information by filing a special form with the Vice President for Academic Affairs of the University each year.

D. *Faculty Evaluations.* Students shall be afforded the opportunity to evaluate each faculty member in each course in an effort to identify effective and ineffective teachers and to develop quality in the program of the by providing constructive criticism.

E. *Description of Faculty Committees.* The Dean shall provide to the Student Bar Association a description of the charge and jurisdiction of each faculty committee for which students are eligible for membership. A student may file with the Student Bar Association a request for appointment to one or more faculty committees, stating the student's preference, but a student is not eligible to serve on more than one faculty committee. The Student Bar Association shall announce a deadline for the receipt of student requests for faculty committee appointments. The Student Bar Association shall then certify the names of students to serve on each faculty committee to the Dean. The Dean shall then announce the names of the faculty and the student members on each faculty committee.

F. *Registration with State Bar.* Some states require that a student, shortly after beginning the study of law, register with the Board of Bar Examiners in the state in which the student plans to practice. It is the student's responsibility to ascertain the rules of the state(s) in which he or she may wish to practice.

### III. Interpretation

The headings used in these Academic Standards are for convenience only and are not to be considered a part of these standards. The information in this publication is not to be regarded as creating a binding contract between the student and the Law School. Western New England University reserves the right to change any of the

requirements and regulations of the Law School at any time without prior notice. This includes, but is not limited to, the right to modify requirements or admission or graduation; to change the arrangement or content of the courses, the instructional materials used, and tuition and other fees; to alter any regulation affecting the student body; to refuse admission or readmission of any student at any time; or to dismiss any student at any time should it be in the interest of the Law School or the student to do so.

## Procedural Rules for the Academic Standards and Student Petitions Committee

### I. Petitions to the Committee

#### A. Meetings with the Committee.

1. *Initial Readmission Petitions.* An individual who petitions the Committee for readmission to the Law School shall have the right to a meeting with the Committee with respect to the initial petition. Only the student and the Committee may be present at such a meeting.

2. *Other Petitions.* The Committee may grant, in the Committee's discretion, personal meetings for all other petitions.

B. *Student Members.* The petitioner may elect to include or exclude student members of the Committee from consideration and/or decision of the petition. Such an election is to be made in writing. If no election is made, student members will not participate in consideration or decision of the petition.

C. *Record of Meetings.* All personal meetings before the Committee shall be recorded on tape and retained by the Committee.

D. *Additional Information to the Committee.* The Committee may request such additional information it deems necessary or helpful in order to act on a petition. The petitioners shall present all relevant material and information in their written petitions.

### II. Petitions for Reconsideration

A. *New or Additional Information.* The Committee shall review a petition for reconsideration of a prior petition only to determine if the reconsideration petition contains new or additional information which was not available or which could not reasonably have been available at the time of the original petition. If the Committee determines that the reconsideration petition contains such new information, then the Committee will reconsider its prior determination in light of this new or additional information. If the Committee determines that such reconsideration petition does not contain such new or additional information, the reconsideration will be denied.

B. *Action By Committee.* The Committee may, in the Committee's discretion, meet with the petitioner during the reconsideration process; however, the petitioner shall not be entitled to such a meeting as a matter of right.

### III. Miscellaneous Rules

A. *Communications with the Committee.* Students or persons acting on the behalf of any student should communicate only with the Chair of the Committee with respect to any petition.

B. *Notice of Decision.* All notices of decision shall be issued by the Chair of the Committee. The decisions of the Committee shall be communicated in writing to the petitioner. The notice of the decision

shall be sent to the mailing address of the petitioner as listed on the petition. The petitioner may request that the written notice be held for him/her in the Registrar's Office of the Law School.

## APPENDIX

### PETITION FORM

#### WESTERN NEW ENGLAND UNIVERSITY

##### School of Law

ELECTION TO INCLUDE OR EXCLUDE THE STUDENT MEMBERS OF THE ACADEMIC STANDARDS AND STUDENT PETITIONS COMMITTEE FROM CONSIDERING AN INDIVIDUAL PETITION

CHECK ONE:

1. I request that the student members of the Academic Standards and Student Petitions Committee participate in the deliberation of my petition and vote on its merits.

2. I request that the student members of the Academic Standards and Student Petitions Committee participate in the deliberation of my petition, but not vote on its merits.

3. I request that the student members of the Academic Standards and Student Petitions Committee **NOT** participate in the deliberation of my petition.

REQUEST FOR PERSONAL APPEARANCE BEFORE THE ACADEMIC STANDARDS AND STUDENT PETITIONS COMMITTEE BY THE PETITIONER FOR AN EXCEPTION FROM THE ACADEMIC RULES

CHECK ONE:

1. I request to appear before the Academic Standards and Student Petitions Committee and present an oral statement in support of my petition.

2. I do **NOT** request to appear before the Academic Standards and Student Petitions Committee and present an oral statement in support of my petition.

PRINT

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### Procedures and Practices

#### Introduction

This section of the Student Handbook is intended as a description of the procedures and practices of the Law School, compiled here for student convenience, and not as an official compilation of these practices and procedures. While every effort has been made to describe the Law School's procedures and practices with accuracy, any variation between the procedures or practices here described and those mandated by law or by the official rules and regulations of the Law School shall be resolved in favor of those mandated by law or the Law School's official rules. Neither this Handbook nor the rules and regulations of the School of Law should be regarded as creating a binding contract between the student and the school. The School of Law reserves the right to change any of the requirements and regulations of the school at any time without prior notice. This includes the right to modify requirements for graduation; to change tuition and other fees; to alter any regulation affecting the student body; and to dismiss any student at any time should it be in the interest of the school or the student to do so.

#### Coursework and Residency

##### I. Advanced Research

Advanced Research may be done for two or three credits by agreement with and the supervision of two or three faculty members and permission of the Associate Dean for Academic Affairs. The research must result in a substantial and innovative scholarly paper that is presented to a panel of the supervising faculty upon completion. For further information and the Advanced Research form, see the Registrar's Office.

##### II. Audits

A student may audit a law school course if the course is not fully enrolled and the appropriate prerequisites have been satisfied. No credit will be received for the course, and the audit must be approved by the faculty member teaching the course and the Associate Dean for Academic Affairs. For further information see the Academic Standards, Part F.II.

##### III. Grading System

The School of Law records letter grades, except where the nature of the course makes a letter grade impractical. The School of Law grade structure for all course work is as follows:

A 4.00	B 3.00	C 2.00	D 1.00	P Pass
A- 3.67	B- 2.67	C- 1.67	F 0.00	
	C+ 2.33	D+ 1.33		

The cumulative grade point average of any student is determined by multiplying each grade given for every graded course by the total number of semester hours assigned to that course, then dividing the product by the number of graded credits attempted. Grade point averages are calculated to the second or hundredths decimal place and are not rounded upward or downward. Grade point averages are calculated for every student upon the submission of course grades for each semester and summer term, where applicable.

2. Pass-Fail Courses. In certain courses, a grade of “P” (Pass) is assigned if the student satisfactorily completes the course. A grade of “P” in a pass-fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of “A” through “C”. A grade of “F” in a pass-fail course is intended to reflect work equivalent to the letter grades of “C-” through “F”. A grade of “F” (Fail) in a pass-fail course is treated as if it were a letter grade of “F”. Courses taken at another law school for credit have no effect on a student’s cumulative grade point average at this School of Law.

3. Unsatisfactory Grades. Grades of C-, D+, and D are considered Unsatisfactory. A grade of F is considered Failure and no credit is awarded. A student with a grade point average of less than 2.00 at the end of any semester, after the first semester of the student, is subject to dismissal. Any required course with a grade of F must be repeated. If the failing grade is in a course which is the prerequisite to an advanced course, the prerequisite course must be repeated successfully before the advanced course is taken.

4. Grade Normalization. The law faculty has adopted a grade normalization policy for all graded courses. Under this policy, a faculty member who is teaching a required course or a large section course (25 students or more) must distribute grades so that the mean or average grade for the class falls within the range of 2.90 to 3.20, with the distribution as follows:

- A- And above 0-25%
- B- And above 40-85%
- C- And above 75-100%
- D+ And below 0-25%

A faculty member who is teaching a graded course other than a required course, a large section course, or a small section course (eight or fewer students) must distribute grades so that the mean or average for the class falls within the range of 2.90 to 3.67. Faculty members whose grades fall outside those limits are required to request a variance from the Associate Dean before grades are distributed.

5. Academic Warning. All students below a first-year cumulative grade point average of 2.67 or with a single first-year grade below a “C” will be placed on a new status, “academic warning” at the end of their first year; this status will remain in effect through graduation. Students on academic warning will be required to (a) take academic success courses, (b) take a school-provided bar preparation course during the final year of their respective studies, (c) have their course selections for all subsequent semesters approved by the Associate Dean for Academic Affairs or her delegate, to ensure that the chosen curriculum provides an academically rigorous education and improves the likelihood of bar success, (d) meet regularly with the Academic Success Dean to strategize for success and (e) not serve as an officer in any student organization without prior approval of the Associate Dean for Academic Affairs or her designate. Failure to comply with these conditions will lead to dismissal or withdrawal. For dismissal policies and procedures, please refer to the Academic Standards section of the Student Handbook (Academic Standards, Part C, I-IV).

#### IV. Incomplete Grades

If the professor has granted an incomplete grade, the work for the course must be completed by the day grades are due in the following academic-year semester. An I (Incomplete) will appear on the student’s transcript until the grade is submitted to the Registrar’s Office. If work is not completed by the deadline, a failing grade may be given.

#### V. Externships

Externships provide valuable opportunities to experience particular aspects of law practice. A student may earn three credits for any approved externship that provides 12 hours per week of on-site supervision. Contemporaneously with the student’s first externship, s/he shall enroll in the applicable one-credit externship seminar. A student may take three externships for credit as part of his or her law curriculum. To be eligible to take an externship, a student must have completed 32 hours of law studies. Faculty members teaching the externship seminars shall supervise students enrolled in the course. All other externships must be supervised by a faculty member.

A student may not take more than three externships for a maximum of nine academic credits (not including the one-credit externship seminar). If a student takes more than one externship, the externships must be substantially different from each other.

#### VI. Residency Requirements

Residency requirements prevent students from early graduation from the . To earn the required six residence credits, a full-time student must pass a minimum of 12 credits in at least six semesters, and a part-time student must pass 9-10 credits in at least eight semesters. For further information see the Academic Standards, Part B.II.

#### VII. Student Practice

##### *Massachusetts: 3:03 Certification*

Supreme Judicial Court Rule 3:03 allows a student of senior status to practice in certain circumstances in both civil and criminal cases in a court under the direction of a attorney. A second-to-last year student may practice civil cases if participating in a law school clinical instruction program. Such student practice is generally limited to government practice or representation of indigent persons and must be done without compensation. To be eligible, the student must be in good standing, of good character, and have successfully completed or be currently enrolled in LAW 553, Evidence, or LAW 681, Trial Methods. A part-time student may participate as a senior when s/he has completed 56 academic credits.

If you are eligible and wish to be certified under Rule 3:03, bring the name, address, and Board of Bar Overseers Number of the supervising attorney to the Registrar’s Office for transmission to the Supreme Judicial Court. A response is usually received within one week. *Please see S.J.C. Rule 3:03*

##### *Connecticut: Rule 75*

A student may practice in Connecticut under Rule 75 under the guidance of a practicing attorney in the State of Connecticut if the student has completed two full semesters in an ABA accredited law school. If, as is so for students attending Western New England University School of Law, the student attends a non-Connecticut law school, the student must be eligible for student practice in the state where the student ends law school. If you are eligible to practice in Massachusetts under Rule 3:03, then certification in Connecticut should be possible. *Please see Connecticut Rule 75.*

##### *Rhode Island: Rule 9*

Rule 9 requires a student to have senior status (completed 2 years in a 3-year law school program or completed 3 years in a 4-year law

school program) in a law school accredited by the ABA. The student needs to be currently enrolled in or have completed a trial practice course or evidence course before completing his/her second year of law school. Students must have written verification from the Dean of their law school that they are in good standing, have sound character, and have the proper legal ability and training. Placements for Rule 9 candidates will be within the Office of Public Defender, the Criminal Division of the Attorney General's Office, a city or town Solicitor's Office, or District, Family, or Superior Court (with the presiding Judge's consent). The Registrar's Office is unable to send a certifying letter unless all of the above requirements have been met. *Please see Rhode Island Rule 9.*

### **VIII. Transferring**

Students interested in transferring to another institution should contact the school of interest to obtain transfer information. Requests for transcripts and letters of good standing from the dean may be obtained through the Registrar's Office. For more information, contact the Associate Dean of Student Affairs or the Associate Dean for Academic Affairs.

### **IX. Independent Tutorial Study**

One or more students may study a topic of choice under the instruction of a full-time faculty member for one to three academic credits and either a letter or pass/fail grade. The student(s) meet with the instructor on a regular basis. See the Registrar's Office for more information.

### **X. Visiting Another Law School**

Under certain, relatively narrow circumstances, a student may visit another law school during the academic year if the school is ABA accredited and AALS approved. Visits at ABA accredited and AALS approved law schools during summer sessions, including sessions abroad, are more widely authorized. For either kind of visit, prior approval must be obtained from the Associate Dean for Academic Affairs. The Request to Visit Form is available in the Registrar's Office, and information about summer visits abroad is available through the Career Services Office. Requests for summer visits are processed on a rolling basis throughout the spring semester. Requests for visits during the academic year must be submitted to the Associate Dean by March 1<sup>st</sup> of the spring term before such visit is requested. **For full details on visiting another law school, see the Academic Standards, Part D.**

### **XI. Withdrawals**

If a student drops a class during the add/drop period, no record of a withdrawal will appear on the student's transcript. If the student drops a class after the last day of add/drop, a W will appear on the student's transcript. A student may withdraw without prior permission from any elective course through the last day of classes for a semester, unless dropping the course will cause the student to fall below the minimum number of credits for a semester. In that case, a student may drop an elective course only with the permission of the Associate Dean for Academic Affairs. Students are not permitted to withdraw from required courses absent extraordinary circumstances, and then only with permission of the Associate Dean for Academic Affairs or the Academic Standards and Student Petitions Committee. **For full details, please consult the Academic Standards, Part A.VI.**

## **Examinations**

### **I. Exam Conflicts**

A student shall be granted a departure from the examination schedule for a conflict. A conflict in the examination schedule is defined as: (A) two examinations simultaneously; (B) two examinations in successive examination periods (including night-morning but excluding Saturday-Monday); (C) two examinations on the same day; (D) three examinations on three successive evenings for part-time students employed full-time who certify that they cannot obtain time off during the examination period; (E) four examinations on four

consecutive calendar days, unless the student has a reading period of four consecutive calendar days (or five non-consecutive calendar days) between his or her last day of classes and the first of his or her four consecutive exams; (F) four examinations on four consecutive calendar days in any semester in which the exam schedule was not published by the end of the fifth day of classes.

The exam schedule is published each semester, after online registration but before the add/drop period ends. The exam schedule can be found online at [www.law.wne.edu](http://www.law.wne.edu).

The Registrar's Office will make conflict forms available. If a student wants to reschedule one of the exams in conflict, a conflict form must be filed in the Registrar's Office by the deadline specified at the top of the exam schedule. The conflict(s) will be resolved by the Registrar's Office, and the student will be informed of the date, time, and room where the make-up exam will be given. It is important to file the conflict form on time and to notify the Registrar's Office promptly if the student intends to take his/her exams as originally scheduled.

Each instructor is notified of the number of make-up exams to expect and the date and time they are scheduled. The instructor has the option of giving a different exam. Students should NEVER inform their instructor when they have a conflict or a make-up exam. **For full details, please consult the provisions of the Honor Code and the Academic Standards.**

### **II. Exam Numbers**

All examinations are graded anonymously. The exams are proctored and exam numbers are used to identify the student in lieu of his/her name.

A different exam number is assigned to each student each semester and these are available online on the student's schedule for the appropriate semester as viewed through ASAP (Administrative Systems Access Point) before the end of classes and throughout the exam period. Students should identify themselves only by exam number on their exams and exam answers. The possible consequences of using any identifying information on an exam other than the assigned exam number e.g., Social Security number or "Graduating Senior" include having the grade withheld, a failing grade, or having the matter reviewed by the Honor Committee. **For full details, please refer to the Honor Code (p. 66).**

Any additional points that are assigned by name are submitted to the Registrar's Office to be integrated with the exam grade for a final course grade.

### **III. Exam Procedures**

In the event of an emergency that would prevent a student from taking an exam as scheduled, only the Associate Dean for Academic Affairs has authority to allow the exam to be rescheduled. Students *should not* contact their professors about such a conflict or emergency but should notify the Associate Dean (413-782-1622) or the Registrar's Office (413-782-1402) as soon as possible. In the case of illness, a note from the attending physician is required documenting when the student was seen, the diagnosis, and treatment as it relates to when the student can and cannot take the exam. If an exam needs to be postponed because of a death or illness in the family, documentation may be required. When part-time students who work full-time are required to be somewhere else because of their work, a letter from the student's employer on company letterhead is required specifying that the student must be at work or traveling at the time the exam is scheduled. In each of these cases, the

exam must be rescheduled as soon as possible. **For full details, please consult the Honor Code and the Academic Standards.**

#### IV. Laptop Exams and Exam Accommodations

Students may type their examination answers, but they must provide their own lap-tops and arrange through the Registrar's Office to down-load the exam software. Each semester, The Registrar's Office posts notices informing students of the procedures to down-load the software, and interested students should watch for this information beginning sometime mid-semester.

Any student who has a disability that requires special facilities in the taking of his or her exam should see the Associate Dean for Law Student Affairs as set forth in the *Academic Policies, Accommodations for Disabilities* section of this Handbook. It is important for a student with a disability to meet with the Associate Dean for Student Affairs as early in the semester as possible; if a student delays, s/he may miss the deadline for documenting the disability and arranging an appropriate accommodation.

#### V. Exam Results

Exam results are available online through the ASAP site. No results are released by telephone or email.

Faculty have one month from the end of the exam period to submit grades. Updated transcripts are available to the student when all of his/her grades have been received. All grades can be accessed through the ASAP site at <http://yogi.wne.edu/general/welcome.htm>.

#### VI. Reviewing Bluebooks

Bluebooks for the immediately preceding exam period are available for review by students. Bluebooks for day courses are kept by the faculty assistants on the second and third floors and bluebooks for evening courses are kept in the Registrar's Office. Bluebooks can be signed out for 24 hours only by each individual student. They can be photocopied by the student, if desired. When a student has an appointment to review his/her answers with the instructor who gave the exam, the instructor may request the bluebooks.

Bluebooks are kept for one year following the exam period. After one year, they are kept in secure storage off-site.

#### Registration

##### I. On-Line Registration

Returning students register on-line for the upcoming academic year during the month of July. Each student will receive instructions on how to access the course schedules and descriptions and how to register for both fall and spring courses. Registration is a "first-come, first-serve" process. However, graduating seniors (third year full-time and fourth year part-time) will have exclusive registration privileges during the first week of registration. After the first week, second year full-time, third year part-time, and transfer students will gain access to registration. We use a system of waiting lists and lotteries to allocate seats in limited enrollment courses. We do our best to honor and accommodate student schedule requests and preferences. This is done through an email to [registration@law.wne.edu](mailto:registration@law.wne.edu). **Please refer to the Academic Calendar for important the deadlines to Add/ Drop and/or withdraw from a course.**

##### II. Add/Drop/Withdrawal

The first ten (10) days of classes each semester and the first three (3) days of the summer session are reserved for add/drop. No student may drop a required course or fall below the minimum number of credits without permission from the Associate Dean for Academic Affairs.

Courses dropped after the add/drop period will remain on the academic record and a W (Withdrawal) will be recorded. The last day to withdraw from a course is the last day of classes.

#### III. Summer School

Summer school is designed primarily for part time students who want to graduate in four years. Two to three summers taking eight to ten credits total are necessary for part time students to graduate in four years.

Students may take up to five credits during each summer session. Permission must be received from the Associate Dean for Academic Affairs for more than five credits.

Part time students do not pay tuition for summer courses because it is included in their annual tuition. A per credit tuition fee plus a general service and registration fee is required for full time students enrolled in summer courses. A registration fee and the general service fee will be charged to all student accounts regardless of status. Please contact Student Administrative Services (SAS) for any issues or explanations regarding billing, fees, or financial aid.

#### IV. Email Accounts

**Every student** should regularly check their official law school WNE email account because each student is **responsible for any and all information and notifications sent by the school. All official school correspondence and important notifications are sent to your official Western New England University email address.**

#### Additional Academic Policies

##### I. Absence Dictated by Religious Beliefs

The General Laws of, Chapter 151C, Section 2B, provide that:

Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his (or her) religious beliefs to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement which he (or she) may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school.

If due to religious belief you are unable to take a scheduled exam or participate in any other required activity, please see the Associate Dean for Academic Affairs.

##### II. Alcohol Policy

The legal age for consumption of alcoholic beverages in is 21. The University upholds this law through provisions in the *Student Conduct Code*, which governs all use of alcohol on campus and at all University-sponsored events. Alcohol may not be served at a University-sponsored event without applying for and receiving prior permission through the Associate Dean for Law Student Affairs. When permission is granted to serve alcohol, it is limited to beer and wine, and there are other restrictions on the circumstances and manner of service. For more information, contact the Assistant Dean of Student Affairs.

##### III. Accommodations for Disabilities

Title III of the Americans with Disabilities Act, 42 U.S.C. §12182(a), provides that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation. As a place of public accommodation the University adheres to the requirements of the Act.

The provides an accessible entry on the side of the building. An elevator is available for access between floors. Special arrangements will be made depending on student needs for classroom work and exams. ***It is the student's responsibility to notify the Associate Dean for Law Student Affairs to request special arrangements or accommodations. This notification must be made within the first month of each semester of each year of law school.***

Students requesting accommodations and/or support services under the Americans with Disabilities Act (ADA) and/or Section 504 of the Rehabilitation Act of 1973 must provide documentation of the existence of a learning disability which substantially limits a major life activity. In order to accurately determine the appropriate accommodations, the documentation should be current, within three years. It may be appropriate to extend the testing limit to five years if the testing is reflective of the adult's current functioning. In all cases, the documentation should be appropriate to the anticipated setting.

The Office of Student Affairs will help arrange the services you need to transition to law school and succeed as a law student. In order to access these services, you must first provide the Office of Student Affairs with current and relevant documentation. The guidelines below are consistent with those suggested by the Association of Higher Education and Disability (AHEAD) best practices.

#### **General Guidelines**

1. States a specific diagnosis according to the DSM-IV
2. Is current (for those with learning disabilities, documentation is usually current within three years or, five years for students out of high school for two or more years. (IEP's do not qualify as documentation)).
3. Describes the presenting problem(s) and developmental history, including relevant educational and medical history.
4. Describes the comprehensive assessments (neuropsychological or psycho-educational evaluations) including evaluation dates used to arrive at the diagnosis.
5. Describes functional limitations resulting from the disability, as supported by the test results.
6. Describes specific recommended accommodations and provides a rationale explaining how these specific accommodations address functional limitations.
7. Establishes the professional credentials of the evaluator, including information about licensure or certification, education or specialization.

Note: Specific guidelines may vary depending upon an individual's disability status and/or extenuating circumstances.

#### **Grievance Procedure**

The has adopted a grievance procedure providing for prompt resolution of complaints by persons who believe they have been subjected to discrimination based upon their disability. The procedure set out is the exclusive method of appeal within the . Appeals as permitted herein will be considered only if they are filed in a timely manner.

1. A person who requests an accommodation and who believes that the accommodation has been impermissibly denied or that the granted accommodation is not sufficient shall first bring the matter to the attention of the Associate Dean of Academic Affairs.

The Associate Dean for Academic Affairs, after consideration of the student's concerns and review of the documentation provided, shall present the student in writing, with this decision

2. If unsatisfied with the decision of the Associate Dean, the student may file an appeal with the Chair of the Academic Standards Committee. The appeal must be filed within ten (10) working days of receipt of the decision and it must state in writing the grounds for appeal. All complaints must be in writing. The Academic Standards Committee shall prepare in writing a decision on the appeal as expeditiously as is feasible. Absent extraordinary circumstances, the decision will be issued no later than thirty (30) working days of the receipt of the grievance. The decision of the Committee is final.
3. The School of Law reserves the right to amend or modify this grievance procedure at any time.

#### **IV. Confidentiality of Registrar's**

The Family Educational Rights and Privacy Act of 1974 assures each student the right to inspect and review all law school records, files, and data directly related to the student with the exception of medical and psychiatric records, confidential recommendations submitted before January 1, 1975, records to which the student has waived the right of access, and financial records of the student's parents or guardians.

The Privacy Act also prohibits the distribution of grades to parents or guardians without the student's prior written consent or a statement of dependency from the student's parent or guardian when the student is a dependent as defined under the Internal Revenue Code.

The Family Education Rights and Privacy Act of 1974 provides the University with the right to make public at the University's discretion, without prior authorization from the individual student, the following personally identifiable information, known as "Directory Information":

- **Name of student;**
- **Class year;**
- **Local and permanent addresses and telephone numbers; (including cellular telephone numbers);**
- **Email addresses;**
- **Enrollment status (i.e. full-time or part-time);**
- **Date and place of birth;**
- **Dates of attendance at Western New England University;**
- **Dates of degree, honors, and awards received;**

A student may prevent the release of the above information by filing a Directory Information Waiver Form with Student Records Office.

***Students should be aware that completing this Directory Information Waiver Form may result in the following consequences (this list is NOT exhaustive): missed mailings, messages and announcements, non-verification of enrollment or degree status, and non-inclusion in the campus directory, Commencement program, and other University publications.***

#### **V. Controlled Substances Act**

Part of the federal omnibus drug legislation enacted November 18, 1988, is the Drug Free Work Place Act of 1988. Under the provisions of this legislation, direct recipients of federal grants or contracts must certify that they will provide drug free workplaces. Individuals receiving funding directly from the federal government will also have to certify that their conduct will be drug free. In the case of University's and universities, the Department of Education has said that individual Pell Grant recipients will have to certify that they are drug free to receive their student aid awards.

If universities do not promote drug free workplaces, drug free awareness programs, or establish procedures for reporting violations,



they are subject to sanctions, including suspension of payments, suspension or termination of grants, or debarment, thus becoming ineligible to receive grants or awards from any federal agency during the term of debarment.

Students applying for financial aid involving federal funding must certify that they are drug free and that they will remain drug free in order to receive such federally funded student aid awards. Appropriate forms for such certification are available in the Financial Aid Office of the University.

## VI. Firearms, Ammunition, and Weapons Policy

Applicable to all students, staff, and faculty:

1. The possession, sale, and/or unauthorized use on University property of firearms or other dangerous weapons, or ammunition, explosives, combustible fuels, firecrackers, and potential ingredients thereof is forbidden by University policy.
2. Western New England University's policies comply with Massachusetts law. In Massachusetts, it is illegal for anyone to carry firearms (including unloaded weapons) or ammunition (including some forms of knives/other weapons) on the property of a college or university in the state, unless given express written consent by the University.
3. Western New England University considers any threats involving deadly weapons (firearms, rifles, shotguns, machine guns or assault weapons), explosives, bombs, chemical or biological agents, or any other deadly weapons actionable by University and local authorities, and punishable by fines and/or imprisonment.
4. Recreational devices like paintball guns, BB guns, and sling shots are not allowed on campus unless part of a University approved activity.
5. The University also prohibits any member of the community from carrying on his/her person or under his/her control in any vehicle, any object that may be used to threaten, harass and/or injure.

In conclusion, in accordance with Massachusetts General Law Chapter 269 Section 10J, weapons are prohibited on the grounds of the University with the exception of law enforcement officers duly authorized to carry such weapons. No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the University.

For the purposes of this policy, the term "weapons" includes, but is not limited to: firearms of any nature or description, including shotguns, rifles, pistols, and revolvers, paintball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (pocket-style) knives with a blade length of three inches or greater; swords; pointed metal darts; (unauthorized) pepper spray; or any other destructive device or instrument that may be used to do bodily injury or damage to property. In addition, items that may be used as weapons, whether or not they fit the definition above, will be subject to seizure.

(as of 5/2013)

[1] M.G.L. c. 269, §10J.

## VII. Immunization Requirements

The laws of the Commonwealth of Massachusetts require full time students born on or after January 1, 1957, to present evidence of immunization against measles, mumps, rubella, diphtheria, and tetanus as a condition of registration for classes. Such immunization may be evidenced: (1) through an appropriate letter of verification from a licensed physician; or (2) by completion of the Immunization History section of the Report of Medical History form, required of all new students entering the University; or (3) in the case of students who graduate from high school in Massachusetts, by forwarding a copy of the immunization transcript provided by Massachusetts high schools to students at the time of their graduation.

While in some cases lack of immunization may be temporarily accepted, subsequent registration requires that immunization be obtained within ten days of the first day of classes. All students are urged, therefore, to satisfy the immunization requirements as soon as possible, preferably prior to registration.

**In any circumstance, no full time student born in 1957 or after may continue beyond ten days after the first day of classes without the required verification.**

## VIII. Non-Discrimination Policy

Western New England University does not discriminate on the basis of race, religion, color, creed, national origin, age, sex, sexual orientation, gender identity, gender expression, veteran status, or disability in admission to, access to, treatment in, or employment in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Assistant Vice President and Director of Human Resources

Western New England University

1215 Wilbraham Road

Springfield, MA 01119

(413) 782-3111

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J. W. McCormack P.O.C.H., Room 222, 02109-4557.

## IX. Discrimination and Harassment Policy and Procedures

The University's Discrimination and Harassment Policy can be found later in this Student Handbook (p. 81). It is the policy of the University to maintain a working and educational environment free from all forms of discrimination, harassment or intimidation.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are serious violations of University policy and will not be condoned or tolerated. Not only is sexual harassment a violation of University policy, but it may also violate Title VII of the Civil Rights Act.

Any employee or student who is subjected to sexual harassment or intimidation should immediately contact the Executive Director of Human Resources in the case of an employee, or the Associate Dean of Law Student Affairs in the case of a student. All complaints of sexual harassment will be investigated promptly and confidentially.

Any employee or student who violates this policy will be subject to appropriate disciplinary action up to and including dismissal from the University.

#### **X. Procedure for Student Complaints Concerning the Program of Legal Education:**

As an American Bar Association accredited law school, Western New England University School of Law is subject to the ABA Standards for Approval of Law Schools. The ABA Standards may be found at

[http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html).

Any student at the law school who wishes to bring a formal complaint to the administration of the law school alleging a significant problem that directly implicates the law school's program of legal education and its compliance with the ABA Standards should do the following:

1. Submit the complaint in writing to the Associate Dean for Academic Affairs or the Associate Dean of Student Affairs. The writing may consist of an email, U.S. mail, or fax.

2. The writing should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the law school's program of legal education and its compliance with a specific, identified ABA Standard(s).

3. The writing must provide the name, email address, phone number, and a street address of the complaining student, for further communication about the complaint.

Within three weeks after the receipt of the complaint, or if the complaint is received within three weeks before the last day of classes in a semester, within three weeks of the beginning of the next semester, the administrator, or the administrator's designee, will either meet with the complaining student or respond to the substance of the complaint in writing. In this meeting, or in this writing, the student will either receive a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint or to further investigate the complaint. If further investigation is needed, after the completion of the investigation, the student will be provided with either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint. Within two weeks after being advised of any action the law school is taking to address the matter, the student who filed the initial complaint, may appeal the decision regarding the complaint, to the Dean of the law school, or if the Dean decided the merits of the complaint, to the Provost Vice President of Academic Affairs of the University. Any decision made on appeal by the Dean, or by the Provost shall be final.

A copy of the complaint and a summary of the resolution of the complaint will be kept in the office of the Dean for a period of seven years from the date of final resolution of the complaint.

### **Honor Code**

#### **PART 1: General Provisions**

##### **1.1. Scope**

All provisions of this Code, except for Section 2.3(f), apply to the conduct of all students at Western New England University School of Law (the "Law School") during the time they are enrolled in the School of Law. Section 2.3(f) applies to the conduct of all students during the time they are applicants for admission to the School of Law. A student is subject to disciplinary action for violations of Section 2.3(f) only upon enrolling in the Law School. A student is subject to disciplinary action for violations of this Code, even though the offending student is no longer enrolled in the School of Law, subject to the time limitation set out in Section 4.10.

##### **1.2. Purpose**

The purposes of this Code are:

- a. to establish standards of honorable conduct expected and required of students at Western New England University School of Law;
- b. to constitute and define the authority of the Honor Committee; and
- c. to provide appropriate procedure by which the Honor Committee and faculty enforce the standards this Code establishes

##### **1.3. Duties**

- a. All students have the duty to know the contents of this Code and to conform their conduct to it. All students are presumed to know the contents of this Code. See §2.1(b).
- b. The Law School has the duty to make copies of this Code available to students within one week of their matriculation. In addition, copies of this Code, copies of advisory opinions issued pursuant to §3.5(b), and copies of public records created pursuant to Part 7 shall be made available in the Registrar's Office and the Law Library. All students are bound by this Code even in the event that a copy of the Code has not been provided to them by the Law School.
- c. As members of the School of Law community, students should notify the Dean, the Associate Dean, or the Honor Code Committee of conduct that the student reasonably believes constitutes a violation of this Code. However, failing to give notice of such a suspected violation is not itself a violation of this Code.

##### **1.4. Definition of Faculty**

For purposes of this Code, the faculty shall consist of members of the full time faculty and the student representatives to the faculty meeting.

##### **1.5. Construction of Code Provision**

The provisions of this Code shall be construed to further the general purpose of the Code, see §1.2(a), and the specific purposes of the particular provision involved.

## **PART 2: Standards of Conduct**

### **2.1 Culpability**

Unless a particular Standard of Conduct otherwise provides, a student violates a Standard of Conduct set forth in this Code if the student intentionally, knowingly, or recklessly engages in the prohibited conduct.

a. *Definitions:* As used in this Code, the following terms shall have these respective meanings:

1. *Intentional:* A student intentionally violates a Standard of Conduct when it is the student's conscious object to engage in conduct of that nature.

2. *Knowing:* A student knowingly violates a Standard of Conduct when the student is aware or is practically certain that the student's conduct is of that nature.

3. *Reckless:* A student recklessly violates a Standard of Conduct when the student is aware of a substantial risk that the student's conduct is of that nature but the student nevertheless acts in conscious disregard of that risk. A risk is substantial for this purpose if it would be a substantial deviation from reasonable conduct, given the student's level of academic experience, to engage in that conduct in conscious disregard of that risk.

4. *Negligent:* A student negligently violates a Standard of Conduct when the student reasonably should be aware of a substantial risk that the student's conduct is of that nature. A risk is substantial for this purpose if it would be a gross deviation from a reasonable standard of care for a law student at the student's level of academic experience and engaged in the student's conduct to be unaware of it.

b. *Knowledge of Code:* Every student is presumed to know the contents of this Code, and ignorance of its contents or ignorance of that particular conduct is prohibited under its provisions is not a defense to any violation of the Code.

c. *Intoxication:* If a student is found to have been voluntarily intoxicated at the time the student acted in violation of a Standard of Conduct, that student shall be deemed by virtue of that intoxication to have acted recklessly with respect to each such violation. If the Standard of Conduct in question requires proof of knowledge or intent, the Committee fact finders may consider evidence of intoxication insofar as it is relevant to whether or not the required knowledge or intent has been proven.

*Explanation:* This section establishes recklessness as the minimal standard of culpability for all offenses under this Code, subject to the imposition of a higher standard of culpability for individual offense within particular sections of the Code. This section rejects the idea that negligent behavior can constitute violation of the standards of conduct, or that a violation can be found solely on the basis of the effects of the student's actions (strict liability). The requirement of

culpability is consistent with an Honor Code's purpose of delineating standards of honorable behavior and punishing only dishonorable conduct rather than punishing any actions that lead to harm.

This section also makes clear that ignorance of the Code is no defense to a charged violation. This rule is consonant with the fact that this is an Honor Code which represents the ethical intuitions of all members of the community, rather than a technical set of directives.

### **2.2. Academic Standards**

The following conduct of a student relating to any School of Law course (including Law Review, independent studies, tutorials, internships, moot court, and clinics), in intramural or interscholastic lawyering skills competition, or research assistant services is a violation of this Code.

a. *Plagiarism.*

1. *Definition.* Plagiarism is the written representation of the written words or ideas of another as one's own. Written words or ideas include all representations in tangible media, including audio and video recordings of oral presentations.

2. *Inference.* A student's representation of the words or ideas of another without providing appropriate citation or attribution at the point of the presentation of such words or attribution at the point of the presentation of such words or ideas is sufficient to permit an inference of plagiarism.

3. *Presumption.* The Committee shall presume that the student has plagiarized if the student represented the verbatim or substantially identical words of another as the student's own words by failing to use quotation marks. This presumption shifts to the student the burden of persuading the Committee that the presentation of these words without quotation marks was not intentional, knowing or reckless.

*Explanation:* To represent as one's own the written words or ideas of another is dishonest. Such presentation nearly always violates the integrity of the person whose words or ideas are misappropriated. Plagiarism also violates the legitimate expectation of an instructor that written work offered by someone as his or her own was truly prepared solely by that person and not in whole or in part by someone else.

In order to be sure of avoiding plagiarism, a student who uses the written words or ideas of another person, whether they are found in a published or unpublished work, or are produced through a collaborative effort with another student, must, for each instance of usage, indicate the source by way of a footnote or textual reference,

and must enclose any passages taken directly from the source within quotation marks. A student may not slightly alter the written words of another and then simply provide a textual attribution to the source; in this case the student is required either to place the verbatim words of another within quotation marks, or substantially change the words by paraphrasing. Using the unwritten words or ideas of another student (e.g. receiving that student's assistance in preparing an assignment when assistance is not permitted) is not plagiarism, but may constitute a violation of this Code under Section 2.2(b)(3).

A student commits plagiarism only if the student acts intentionally, knowingly or recklessly. See §2.1. The provision makes clear that representing the words or ideas of another without proper citation or attribution is sufficient conduct from which to draw an inference of intent, knowledge or recklessness, and that such inference is sufficient to support a finding of plagiarism.

In those cases where a student has used another's words verbatim, or with minimal paraphrasing, without using quotation marks, the permissible inference becomes a mandatory presumption. This means that a student must be found to have plagiarized these words unless the student persuades the Committee that the use was not intentional, knowing or reckless.

An instructor may authorize conduct that otherwise fits within the definition of plagiarism, as for example by permitting students in a, simulation class to utilize standard interrogatories from form books as part of a drafting exercise. A student may raise the question of authority as an affirmative defense. However, in a dispute between the instructor and the student as to whether authorization was given, the student bears the burden of proof. See §2.4.

b. *Cheating*. Cheating in connection with an assignment or examination is:

1. Acquiring information concerning an examination or assignment, without the instructor's authorization;

2. Taking an examination for another student in whole or in part, permitting another student to take one's own examination in whole or in part, or collaborating with another student by taking an examination jointly, without the instructor's authorization;

3. Preparing an assignment for another student in whole or in part, permitting another student to prepare one's own assignment in whole or in part, or collaborating with another student by preparing an assignment jointly, without the instructor's authorization;

4. Removing an examination from the examination room in order to give or receive assistance on the examination;

5. Using materials not authorized by the instructor while taking an examination or completing an assignment;

6. Failing to follow instructions concerning the administration of an examination, including the instruction to stop writing;

7. Breaching the anonymity of an anonymously graded examination or assignment;

8. Discussing any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor's authorization;

9. Submitting work previously submitted for any other purpose, without authorization;

10. Falsely claiming sickness or disability to secure a deferred examination or assignment due date; and

11. Assisting another student with legal research for any writing assignment, or receiving such assistance, without the instructor's authorization. Providing or receiving general assistance with generic research skills or strategies is not cheating unless this manner of assistance has been prohibited by the instructor.

c. *Unauthorized Taking of Academic Materials*. An unauthorized taking of academic materials occurs when a student takes any academic materials (notes, books, papers, outlines, computer disks, or other work product) from any other student who owns or is using such materials, without that other student's consent.

d. *Library Misconduct*. Library misconduct includes:

1. Defacing, mutilating, or destroying library material or equipment;

2. Hiding or knowingly misfiling library material;

3. Knowingly removing library material from the library without checking out the materials;

4. Intentionally using any computerized research services covered by a contract to which the Law School or its Library is a

party in a manner that violates such a contract. Generally, permitted uses include: work for Law School courses, work in connection with other activities listed in Section 2.2, work as a research assistant to a faculty member, and authorized research regarding employment opportunities; and

5. Creating disturbances that are inconsistent with the rights of others to a quiet study environment.

### 2.3. Non-Academic Standards

The following conduct by a student is a violation of this Code:

a. *Violence on Campus.* Violence on campus is the use of physical force or violence, or the threat thereof, to harass, abuse, intimidate, coerce, or injure any person on the premises of Western New England University, except as may be necessary in self-defense.

b. *Harassment.* Harassment is persistent conduct, including oral or written communications, directed at a specific member of the School of Law community for the purpose of placing such person in fear of physical harm or of causing such person severe emotional distress.

c. *Property Interference.* Property interference is the theft, destruction, defacement, or other interference with the use of property located on the premises of Western New England University, property of Western New England University, or property of a member of the School of Law community.

d. *Misconduct in Seeking Admission.* Misconduct in seeking admission is knowingly providing false or misleading information to any person to gain an advantage in securing admission to the School of Law.

e. *Misconduct in Seeking Employment.* Misconduct in seeking employment is knowingly providing false or misleading information to any person to gain an advantage in securing employment.

f. *Non-Cooperation with Honor Committee.* Non-cooperation with the Honor Committee is the refusal to meet with and provide information to the Honor Committee or its representatives with respect to any investigation or proceeding under this Code. No student is required to provide information of a self-incriminating nature.

g. *False Statement.* False statement is making a false or misleading statement to the Honor Committee or its representatives with respect to the Honor Committee or its representatives with respect to any matter under investigation or review pursuant to this Code.

h. *Breach of Confidentiality.* Breaching confidentiality is knowingly revealing, without authorization, information obtained through participation in a formal School of Law activity (such as a Student Bar Association committee, a Law School governance committee, Law Review, or some form of employment by the Law School or University) if that information is of a confidential nature.

### 2.4. Proof of Violations

The following rules govern the proof of a violation of this Code:

a. *Burden of Proof.* The investigators bear the burdens of production and persuasion, except as otherwise provided in this section.

b. *Standard of Proof.* The standard of proof necessary to establish a violation and any affirmative defense to a charged violation is a preponderance of the evidence.

c. *Affirmative Defenses.* In proving an affirmative defense to a charged violation of a Standard of Conduct, the accused student shall bear the burdens of production and persuasion.

d. *Presumption of Non Authorization.*

1. Proof establishing that prohibited conduct occurred in the circumstances, other than lack of authorization, described by any Standard of Conduct in Section 2.2 shall give rise to a presumption that the conduct was not authorized and that a student's unawareness of such lack of authorization was reckless.

2. It is an affirmative defense that the offending conduct was authorized by the instructor or that, if unauthorized, the student did not have the prescribed level of culpability concerning that lack of authorization.

### 2.5. Duty to Report Violations

Failure to report an act which may constitute a violation of this Code is not itself a violation of the Code. However, as members of the Law School community, students are expected to notify the Dean, the Associate Dean, or the Honor Committee of conduct that the student reasonably believes constitutes a violation of this Code.

### 2.6. Residual Authority

Although only the Honor Committee may determine that a student has violated this Code, nothing in this Code shall limit the authority of:

a. instructors to establish academic standards of performance for their courses, to evaluate student performance under these standards, and to impose such sanctions for failure to adhere to these standards as is within the authority of the instructor, including without limitation, the authority to give a failing grade to the student for the course; and

b. the dean or the faculty to take measures to protect the physical safety of members of the Law School community, or to maintain conditions compatible with the educational process or institutional integrity of the Law School.

1.

## PART 3: The Honor Committee

### 3.1. Composition

The Honor Committee should consist of three members of the faculty, chosen by the faculty, and three law student representatives chosen by the Student Bar Association. The Student Bar Association also will designate two alternate members at the beginning of the year. At the beginning of each academic year the Committee shall select a chair for that year from among its members.

**3.2. Quorum**

A quorum for any meeting of the Committee shall consist of three members, except that a quorum for purposes of a hearing under Part 5 shall consist of four members acting as judges.

**3.3. Withdrawal of Members**

A member of the Committee may withdraw from the consideration of any Committee matter if such member believes that participation would be improper or unwise. A member of the Committee shall withdraw from consideration of any Committee matter if such member provided the statement of violation to the Committee, if such member may reasonably be expected to testify or otherwise furnish information regarding facts pertinent to the matter, or if such student member is charged with a violation of the Code in the matter before the Committee.

**3.4. Replacement of Members**

a. Whenever a faculty member of the Committee withdraws from participation pursuant to Section 3.3, the Chair shall appoint another faculty member to serve. Whenever a student member of the Committee withdraws from participation pursuant to Section 3.3, the Student Bar Association President shall appoint one of the alternates designated pursuant to Section 3.1 to serve.

b. Whenever members of the Committee withdraw from further participation in a matter pursuant to Section 4.6(c), the Dean shall appoint two faculty members, and the Student Bar Association President shall appoint the two alternates designated pursuant to Section 3.1 to serve as the replacements for purposes of the Committee's disposition of that matter.

**3.5. Responsibilities**

a. The Committee shall resolve all suspected violations of this Code brought to its attention under Section 4.1, according to the procedures set out in Parts 4 and 5 of this Code.

b. The Committee may also issue written advisory opinions as to whether particular hypothetical conduct constitutes a violation of this Code.

c. The Committee shall carry out all other responsibilities that this Code assigns to it.

**PART 4: Investigation****4.1. Notification of Suspected Violation**

Any person who reasonably believes that a student has violated this Code and who wishes to report such violation shall submit a statement, orally or in writing, containing all relevant information to any member of the Committee.

**4.2. Initiation of Investigation**

As soon as practicable after receiving a statement under Section 4.1, the Committee shall meet to determine whether investigation of the matter described in the statement is warranted. If the Committee determines by majority vote that investigation is warranted, the Chair shall appoint one faculty member and one student member of the Committee to serve as investigators. Investigators shall not thereafter

act as members of the Committee with regard to the matter under investigation.

**4.3. Investigation**

a. The investigators shall conduct their investigation in whatever way they consider appropriate, including gathering relevant documentary evidence and speaking to the person who referred the matter and other persons who may have relevant information. The investigators shall not reveal the name of the person who notified the Committee of a suspected violation or the name of the student whose conduct is under investigation unless doing so is necessary to their investigation.

b. Before concluding their investigation, with respect to any student whose conduct is under investigation, the investigators shall:

1. notify such student in writing of the investigation;

2. provide such student with a copy of this Code; and

3. advise such student in writing that the Code details the student's rights and responsibilities concerning all investigations and proceedings regarding alleged violations.

c. The investigators shall complete their investigation within two weeks of the date of their appointment or within such longer time period as may be authorized by the Chair for good cause.

**4.4. Non-Issuance of Complaint**

a. After completing their investigation, the investigators shall decide whether to issue a complaint against any student. The investigators shall not issue a complaint only if they reasonably believe that no violation of this Code has occurred, that sufficient evidence does not exist and cannot be obtained to support a complaint or that the matter can be resolved informally pursuant to Section 4.5.

b. If the investigators do not issue a complaint, they shall report to the Committee in writing the reason for their decision. Where appropriate, the report may include the views of any member of the School of Law community having substantial interest in the matter.

c. Unless disapproved pursuant to Section 4.6, the investigators' decision not to issue a complaint becomes the Committee's final decision on the matter and is not further reviewable under this Code.

**4.5. Informal Resolution**

a. Subject to the disapproval of the Committee pursuant to Section 4.6(a), the investigators are authorized to resolve informally a matter referred to them if:

1. they reasonably believe that there are substantial grounds for deciding not to issue complaint;

2. they reasonably believe that no sanction is appropriate or that an appropriate sanction for the violation is one or more of the sanctions set out at Sections 5.4(d)(1) (4); and

3. the student under investigation agrees to accept the resolution proposed by the investigators.

b. Whenever the investigators resolve a matter informally, their written report under Section 4.4 shall set forth the nature of the informal resolution, any sanction, and the investigators reasons for deciding not to issue a complaint.

c. An informal resolution may (but need not) provide that the student admit violating this Code.

#### **4.6. Disapproval of Investigators Decision Not to Issue Complaint**

a. The Committee may, by majority vote, disapprove a decision by the investigators not to issue a complaint only if such decision is unreasonable. Upon such disapproval the Committee may, by majority vote, direct the investigators:

1. to investigate the matter further;

2. to seek or to renegotiate, as appropriate, an informal resolution of the matter pursuant to Section 4.5; or

3. to issue a complaint pursuant to Section 4.8.

b. If the Committee directs the issuance of a complaint as authorized by Section 4.6(a)(3), either investigator may withdraw from further participation in the matter pursuant to Section 3.3. If either investigator withdraws, the Chair shall designate a faculty or student member of the Committee, as appropriate, to serve as a substitute.

c. If the investigators issue a complaint after further investigation of a matter pursuant to Section 4.6(a)(1) or after the Committee's direction pursuant to Section 4.6(a)(3), the members of the Committee shall withdraw from further participation in the matter. The Dean and the Student Bar Association President, respectively, shall appoint their replacements pursuant to Section 3.4(b).

#### **4.7. Disagreement Between Investigators**

If the two investigators disagree as to whether to issue a complaint on a matter under investigation, the investigator who favors the issuance of a complaint shall prepare and issue it pursuant to Section 4.8. The investigator who did not favor issuing a complaint may withdraw from further participation in the matter pursuant to Section 3.3. If that investigator withdraws, the Chair shall designate a faculty or student member of the Committee, as appropriate, to serve as a substitute. At the time of the hearing on the matter, a person appointed pursuant to Section 3.4(a) shall serve as judge in place of the Committee member designated to serve as a substitute investigator.

#### **4.8. Issuance of Complaint**

a. *Conditions for Issuance.* After completing their investigation, the investigators shall, within a reasonable time, issue a complaint if they:

1. reasonably believe that a violation of this Code has occurred, that sufficient evidence exists or can be obtained to support a complaint, and that the matter cannot be resolved informally pursuant to Section 4.5; or

2. are directed to do so pursuant to Sections 4.6(a)(3) or 4.7.

b. *Contents.* The complaint shall include a description of the student's alleged conduct, the charges against the student, and a specification of the Code provisions allegedly violated.

c. *Filing and Notice.*

1. The investigators shall submit the original complaint to the Committee for placement in the file maintained pursuant to Section 7.1.

2. The investigators shall, by certified mail, send the student a copy of the complaint and a copy of this Code. Concurrently with the mailing to the student, the investigators shall provide each member of the Committee with a copy of the complaint.

3. The investigators' failure to provide the student with proper notice under Section 4.3(b) is not a ground for dismissal of the charges against the student. Such failure may constitute good cause for a continuance under Section 5.1.

#### **4.9. Continuing Responsibilities of Investigators**

After the issuance of a complaint, the investigators:

- a. may continue to gather evidence relevant to the alleged violation in preparation for the hearing on the charges set out in the complaint; and
- b. retain the authority to resolve the matter informally consistent with the rules set out in Sections 4.4 and 4.5 governing the informal resolution of a matter when a complaint is not issued.

#### **4.10. Time Limitation**

No investigation shall be instituted later than one year following the student's graduation, final withdrawal, or dismissal from the Law School.

### **PART 5: Hearing, Decision and Sanction**

#### **5.1. Timing**

As soon as practicable after the Committee receives a copy of the complaint, the Committee shall determine the date, time and place of the hearing on the alleged violation, and notify the student, by certified mail, of the time and place and of the student's rights pursuant to Section 5.2. At any time the Committee may grant a continuance of a hearing for good cause shown.

#### **5.2. Rights of Student Charged**

A student who has been charged with a violation of the Code shall have the following rights:

- a. to be present at the hearing and to be assisted at the hearing by counsel or any other representative of the student's choice;
- b. to review (personally and/or through counsel) any information gathered by the investigators and any evidence in the possession of the investigators at a reasonable time prior to the hearing;
- c. to present any relevant evidence at the hearing and to cross examine any witnesses who testify at the hearing;
- d. to testify or (without prejudice or adverse comment by the investigators) to refrain from testifying at the hearing;
- e. to a closed hearing, or, upon written request to the Committee, an open hearing;
- f. to request or oppose at the hearing any particular sanction for violating this Code; and
- g. to prepare (at the student's expense) a daily transcript of the hearing record maintained pursuant to Section 5.3(d).

#### **5.3. Conduct of the Hearing**

a. *Judges.* The four Committee members shall serve as judges, and they shall appoint one member to serve as presiding judge for the hearing. The presiding judge shall convene the hearing and shall advise the student of the student's rights pursuant to Section 5.2. The presiding judge shall establish fair and efficient procedures, consistent with this Code, for the presentation of evidence and argument at the hearing, and shall rule on any matters arising at the hearing.

b. *Investigators.* The investigators shall present all relevant evidence (including exculpatory evidence) to the judges.

c. *Evidence.* Formal rules of evidence do not apply at the hearing. The presiding judge shall admit to the record any relevant evidence, unless it was obtained unlawfully. The judges may not consider evidence outside the hearing record. Notwithstanding the right to an open hearing provided in Section 5.2(e), witnesses other than the student charged with a violation shall not be present during other testimony unless at least three judges decide otherwise.

d. *Hearing Record.* The judges shall maintain a verbatim record of the hearing, including all testimonial and documentary evidence.

#### **5.4. Decision and Sanction**

a. *In Camera Conference.* As soon as practicable after the hearing, the judges shall meet in camera to decide the merits of each charge set out in the complaint and to determine the appropriate sanction if the charged student is found to have violated this Code. The judges may reopen the hearing to take additional evidence for purpose of determining an appropriate sanction.

b. *Finding of Violation.* The judge shall find a violation of this Code only if at least three judges determine that a violation has been proved under the rules established by Section 2.4.

c. *Sanctions.* The judges shall impose one or more sanctions for each violation of this Code. Any sanction imposed shall be agreed to by at least three judges. In reaching their decision as to appropriate sanctions, the judges may not consider evidence outside the hearing record. The judges may take into account the possible impact that the sanctions may have on the student's admissibility to the bar.

d. *Available Sanctions.* Sanctions include one or more of the following:

1. Written warning;
2. Written reprimand;
3. Requiring the student to accept appropriate counseling;
4. Restitution;
5. Probation;
6. Requiring a retake of an examination in a course, or requiring additional work as condition of satisfactory completion of a course;
7. Withdrawal from or withdrawal of credit for a course;
8. Lowering of a grade in a course, including the imposition of the grade of "F";



9. Suspension for one or more semesters from the School of Law;
10. Expulsion from the School of Law;
11. Withdrawal of a degree awarded; and
12. Publication to the School of Law community of the identity of the student.

e. *Entry on Student's Record.* Written notice of the finding of violation and of the sanctions imposed shall be entered on the student's permanent record unless at least three judges find that the conduct constituting the violation does not raise a serious question as to the student's character and fitness for the practice of law.

f. *Opinion.*

1. Within seven days of the hearing the judges shall prepare a written opinion briefly setting forth: the evidence they considered; their findings of fact; their decision on the merits of each charge set out in the complaint; the sanctions imposed, if any; the reasons for their decisions on the merits and as to any sanctions; and the number of judges who concurred in each aspect of the decision.

2. A judge who disagrees with any aspect of the disposition may prepare a separate opinion.

3. As soon as practicable, the judges shall send a copy of each opinion by certified mail to the student charged in the complaint.

## **PART 6: Appeals**

### **6.1. Right of Appeal**

The student may appeal the judges' decision or the sanctions imposed, or both, to the faculty. No sanction shall be imposed pending the faculty decision of the appeal.

### **6.2. Notice of Appeal**

Within 10 days of receiving the decision, or within such additional time as the Chair may allow, a student who wishes to appeal must submit a written notice of appeal to the Chair. The notice of appeal shall include a brief statement of the reasons for appeal. The student may assert additional grounds for the appeal in the written brief or oral statement permitted by Sections 6.3 and 6.7. As soon as practicable after receiving notice of an appeal, the Chair shall inform the Dean of its submission.

### **6.3. Written Briefs**

The student (or the student's representative) and the investigators may submit written briefs regarding the appeal.

### **6.4. Preparation of Transcript**

At the request of the faculty or the student taking the appeal, the Chair of the Committee shall prepare a transcript of the record of the hearing and make copies of that transcript available at the Law School's expense to the faculty and to the student. The Committee shall make such copies available as soon as practicable.

### **6.5. Transmission of Documents**

As soon as practicable, but in no event later than two days before the hearing on appeal, the Chair of the Committee shall transmit to the faculty copies of the written notice of appeal submitted by the student, the complaint, the judge's written opinions and any briefs submitted under Section 6.3.

### **6.6. Hearing on Appeal**

As soon as practicable after receiving notice of an appeal from the Chair of the Committee pursuant to Section 6.2, the Dean shall set the

date, time, and place for the hearing of the appeal by the faculty and shall provide at least five days advance written notice of this date, time, and location to the student and to the Chair of the Committee. The Dean, or a faculty member designated by the Dean, shall preside at the hearing on appeal.

### **6.7. Oral Statement**

The student (and the student's representative) and the investigators may make brief oral statements to the faculty regarding the appeal.

### **6.8. Decision on Appeal**

As soon as practicable after the hearing on appeal, a majority of the faculty voting on the appeal shall affirm, reverse, or modify the judges' decision and sanctions, or remand the matter to the Committee. The faculty shall affirm all findings of fact made by the judges unless it determines that the findings were not supported by substantial evidence. The faculty shall not consider any evidence outside the hearing record, although for good cause shown the faculty may remand the matter to the Committee for the purpose of taking additional evidence. The faculty shall review *de novo* any sanction imposed by the judges, but shall not increase any sanction. The faculty shall also review *de novo* any interpretation of this Code made by the judges.

### **6.9. Withdrawal**

A faculty member may withdraw from participation and voting in the determination of an appeal if such member believes that participation or voting is improper or unwise. A faculty member shall withdraw from participation and voting in the determination of an appeal if the faculty member filed the statement of violation with the Committee, represented the charged student in connection with the charges, or served as a witness during the hearing. Neither Committee members nor investigators shall be present or vote at the hearing on appeal, except as provided by Section 6.7.

### **6.10. Disqualification**

The student may petition the faculty to disqualify not more than two faculty members from voting on the appeal. The student shall present a written memorandum in support of the petition to the faculty. By majority vote, the faculty may grant the petition and disqualify up to two faculty members from hearing the appeal. Faculty members who are the subject of the petition shall not vote on the question of their disqualification.

### **6.11. Finality of Decision on Appeal**

Decisions of the faculty under Section 6.8 shall be final. Decisions of the Committee pursuant to a remand by the faculty shall be appealable as provided in this Part.

## **PART 7: Records of Proceedings**

### **7.1. Committee File**

a. *Creation and Maintenance.* The Committee shall create and maintain a file with respect to every notification of suspected violation pursuant to Section 4.1 and advisory opinion pursuant to Section 3.5(b). The file shall contain all documents relevant to the Committee's consideration and disposition of the matter in question.

b. *Sealing.* Subject to the preparation of records pursuant to Sections 7.2 and 7.3, the Committee shall seal any file maintained as a result of notification of suspected violation at the conclusion of the proceedings.

### **7.2. Official Record**

a. *Duty to Prepare.* At the conclusion of the proceedings, the Committee shall prepare an official record with respect to every notification of suspected violation pursuant to Section 4.1.

b. *Matters Resolved Without a Hearing.* When a matter is resolved without the issuance of a complaint pursuant to Section 4.4 or by informal resolution pursuant to Section 4.9(b), the official record shall contain the written report of the investigators and any other information the Committee decides should be retained.

c. *Matters Resolved After a Hearing.* When a matter is resolved after a hearing pursuant to Part 5, the official record shall contain the hearing record maintained pursuant to Section 5.3(d), the original complaint, the judge's opinions, any decision on appeal, and any other information the Committee decides should be retained.

### 7.3. Public Record

a. *Duty to Prepare.* At the conclusion of the proceedings, the Committee shall prepare a public record with respect to every notification of suspected violation pursuant to Section 4.1.

b. *Matters Resolved Without a Hearing.* When a matter is resolved without the issuance of a complaint pursuant to Section 4.4 or by informal resolution pursuant to Section 4.9(b), the public record shall contain the written report of the investigators with the names of individuals excised from the text.

c. *Matters Resolved After a Hearing.* When a matter is resolved after a hearing pursuant to Part 5, the public record shall contain the complaint, the judges' opinions, and any decision on appeal, with names of individuals excised from the text. The Committee shall include in the public record the identity of the person found to have violated the Code only if the judges direct such inclusion as a sanction pursuant to Section 5.4(d)(12).

### 7.4. Inspection of Records

a. *Official Record.* The Committee subsequently may consult the official record for any purpose relevant to its responsibilities under this Code, but only if the public record is insufficient for that purpose. The administrators of the Law School may inspect the official record only for the purpose of deciding whether to certify the student for admission to the bar. The official record shall not otherwise be disclosed to any person without the prior written authorization of the student.

b. *Public Record.* The Committee shall provide a copy of the public record to each member of the faculty and, for decisions finding a violation, shall make the public record available to the School of Law community pursuant to Section 1.3(b).

### 7.5. Preservation of File and Records

After three years from the student's graduation, expulsion, or final withdrawal from the Law School, the Committee may destroy any material contained in the Committee file or in the official record of a proceeding under this Code, other than the judges' opinions and any decision on appeal. The Committee shall permanently retain the public record.

## **PART 8: Ratification, Amendment and Prospective Application**

### **8.1. Ratification and Effective Date**

This Code, and any amendments thereto shall take effect upon ratification by majority vote of the faculty and by majority vote of the Student Bar Association. The effective date of this Code is August 22, 1999.

### **8.2. Amendment**

Any student or instructor may propose an amendment to this Code by submitting such amendment in writing to the Committee for its consideration. If four members of the Committee approve such amendment, as modified if appropriate, the Committee shall submit the amendment to the full time faculty and Student Bar Association for their ratification pursuant to Section 8.1.

### **8.3. Prospective Application**

This Code shall apply to conduct only if the conduct in question occurs entirely after the date of ratification. Amendments to this Code also shall have only prospective effect. Conduct not governed by this Code is governed by the Honor Code in effect at the time the conduct constituting an alleged offense commenced.

## FACULTY/STAFF/ADMINISTRATION

### Dedicated to Teaching, Committed to Students

Ask students and graduates what makes Western New England University School of Law unique and one answer is bound to be its faculty. Some would refer to the faculty's impressive credentials and teaching qualifications, while others would point to their distinguished careers. All would mention the faculty's accessibility and commitment to teaching.

The School of Law's 38 full-time faculty members have been educated at many of the nation's most prestigious law schools. All have practiced law prior to joining our faculty, with most having practiced in the fields of law they now teach. Our adjunct faculty is comprised of more than 30 professionals, including practicing attorneys and judges, who bring current legal practice into the classroom.

### Faculty Who Care About Students

Visitors immediately sense that our faculty are passionate about teaching. In the classroom, professors engage students in lively debate, challenging them to defend positions, and encouraging them to express thoughts and opinions.

Outside class, it is common to see students and professors meeting in hallways or working together in small groups. Faculty maintain regularly scheduled office hours, availing themselves to students for conversations about anything from classes and career objectives to personal issues. Students can also find faculty members at a number of social events, from the Dean's Teas to informal pizza gatherings to sporting competitions.

The School of Law places a strong emphasis on collaborative learning and student-professor interaction. By fostering an open and comfortable atmosphere, we believe that students obtain a positive legal education while preparing to become highly effective legal practitioners.

## School of Law Faculty

### Full-time Faculty

**Adomeit, Peter**  
Professor of Law

**Baker, William**  
Professor of Law

**Baldwin, Bridgette**  
Professor of Law

**Bouchard, Philip**  
Professor of Law Emeritus

**Buzuvis, Erin**  
Director, Center for Gender & Sexuality Studies  
Professor of Law

**Cafaro, Tina**  
Clinical Professor of Law

**Carasik, Lauren**  
Clinical Professor of Law

**Charity, Matthew**  
Associate Professor of Law

**Cohen, Beth**  
Associate Dean for Academic Affairs  
Director, Legal Research and Writing Program

Associate Professor of Law

**Cohen, Amy**  
Professor of Law

**Cuffee, Jocelyn**  
Assistant Professor of Legal Research and Writing

**Flynn, Taylor**  
Professor of Law

**Freeman, Harris**  
Professor of Legal Research and Writing

**Gaudio, Arthur**  
Dean  
Professor of Law

**Goldstein, Anne**  
Professor of Law

**Gordon, James**  
Professor of Law

**Gouvin, Eric**  
Director, Center for Innovation & Entrepreneurship  
Professor of Law

**Harpaz, Leora**  
Professor of Law

**Kaiser, Jeanne**  
Professor of Legal Research and Writing

**Kalodner, Howard**  
Dean and Professor of Law Emeritus

**Leavens, Arthur**  
Professor of Law

**Levi, Jennifer**  
Professor of Law

**Lusardi, Robert**  
Professor of Law Emeritus

**Metzger, William**  
Professor of Law

**Miller, Bruce**  
Professor of Law

**Newcombe, Pat**  
Associate Dean for Library and Information Resources  
Assistant Professor of Law

**Noah, Barbara**  
Professor of Law

**Orlen, Myra**  
Assistant Dean for Academic Success  
Associate Professor of Legal Research & Writing

**Reich-Graefe, René**  
Professor of Law

**Royal, Frederick**  
Associate Dean for LL.M. Programs  
Professor of Law

**Setty, Sudha**  
Associate Dean for Faculty Development & Intellectual Life  
Professor of Law

**Shay, Giovanna**  
Professor of Law

**Statchen, Robert**  
Assistant Clinical Professor of Law

**Steiner, Julie**  
Assistant Professor of Law

**Stonefield, Samuel**  
Professor of Law

**Wolf, Arthur**  
Director, Institute for Legislative & Governmental Affairs  
Professor of Law

### **Adjunct Faculty**

Abouelleil, Hisham

Adler, Norma

Agen, Michael

Aloise, Louis

Barshak, Danielle

Belsky, Charles

Blanchard, Michael

Boroff, Henry

Chapman, Scott

Colburn II, Philmore

Coyle, Steven

Darling, Hyman

Dion, Justin

Dolan, Charles

Donnelly, James

Donnelly, Michael

Farris, Timothy

Feinstein, Michele

Ferrucci, Danielle

Galica Peck, Kelley

Grant, Alex

Groce, Charles

Hug, Christopher

Jones, Paula

Kalman, Judy

Kaufman, Oran

Liberti Jr., Vincent

Lovejoy, Elizabeth

Madge, Leslie

Markowski, Andrew

Mason, Mark

Miller, Kelley

Neiman, Kenneth

O'Regan, Kevin

Ochrymowicz, Crystal

Oppenheim, Ian

Parrot, Margot

Pelletier, George

Perachi, Paul

Powers, Mark

Santaniello, Carmino

Shaw, Gordon

Spano, Stephen

Stewart, John

Winseck, Katie

Worthington, Mark

## **School of Law Administration**

### **Eric J. Gouvin**

#### **Dean and Professor of Law**

*BA, Cornell University*

*JD, LL.M., Boston University School of Law*

*MPA, Harvard University*

Eric Gouvin became Dean of the School of Law in 2013. Prior to joining the faculty, he practiced corporate, commercial, and banking law with a large firm in Portland, Maine. Dean Gouvin worked on matters for business clients ranging from *Fortune 500* companies to small, closely held concerns. He has been very involved in entrepreneurship education, having founded the Small Business Clinic at Western New England University School of Law, serving on the Board of Editors for the Kauffman Foundation's eLaw website, and being a member of the Board of Advisors for the Scibelli Enterprise Center and for the Harold Grinspoon Charitable Foundation's Entrepreneurship Initiative. Dean Gouvin is currently Chair of the AALS Section on Transactional Law and Skills. His areas of scholarly interest include corporate, banking and entrepreneurship law, often with an international or comparative perspective. He is a coauthor of the treatise *Blumberg on Corporate Groups* and numerous law review articles on a wide variety of topics. He has also written several lessons on corporate law for the Center for Computer Assisted Legal Instruction (CALI) library. Dean Gouvin is an active member of the American Bar Association, where he chairs the Adjunct Faculty Committee for the Section on Legal Education and Admission to the Bar and has previously cochaired the Business Law Education Committee for the Business Law Section. In addition to his service at Western New England University School of Law, Dean Gouvin has also taught a course in comparative corporate law as a Visiting Professor at the University of Paris X (Nanterre) and at Vytautas Magnus University in Lithuania. In the spring of 2012 he delivered a series of lectures in Chongqing China at the Southwest University of Political Science and Law as a Fulbright Specialist.

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Publications

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Dean Cohen has taught at Western New England University School of Law since 1990. Prior to teaching at Western New England University, she taught Legal Practice Skills at Suffolk University Law School, where as a student she served on their Law Review. In addition, she has also earned a Diploma in Advanced International Legal Studies in Salzburg, Austria, from the University of the Pacific, McGeorge Law School. She has served as a Law Clerk to the Honorable Michael A. Ponsor of the United States District Court in Springfield, MA, and was an Associate at a small general practice law firm in Boston. She serves as the Director of the Legal Research and Writing Program.

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Publications

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Dean Newcombe has been with Western New England University School of Law since 1995, holding various positions in the Library. A 2001 cum laude graduate of the School of Law, she also served as the Articles Editor for the *Western New England Law Review*. She teaches Advanced Legal Research and writes the chapter on "Legal Citation Form" in the treatise *Fundamentals of Legal Research*. She has contributed numerous articles to library literature. Prior to working in academia, she worked in the private sector at Morrison & Foerster in Washington, DC, and Cravath, Swaine & Moore in New York.

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**Michael Johnson****Associate Dean of Student Affairs and Enrollment Planning***BA, University of North Carolina, Charlotte  
JD, West Virginia University College of Law*

Michael A. Johnson currently serves as the Associate Dean for Law Student Affairs and Enrollment Planning at Western New England University School of Law in Springfield, Massachusetts. Michael has been at Western New England University School of Law since 2003 where he started as Assistant Director of Admissions. Michael has served as Assistant Dean of Admissions at Western New England University School of Law and Oklahoma City University School of Law. He has served on the Law School Admission Council's Legal Affairs and Finance Committee and the LGBT Subcommittee. He currently serves on LSAC's Misconduct and Irregularities in Admissions Process Subcommittee. Prior to joining Western New England University School of Law, Michael was a flight attendant for USAirways for 13 years.

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Phone: 413-782-1376

Office: 143

**Sudha Setty****Associate Dean for Faculty Development & Intellectual Life and Professor of Law***BA, Stanford University  
JD, Columbia Law School*

Sudha Setty is a Professor of Law and the Associate Dean for Faculty Development and Intellectual Life. She specializes in the areas of comparative law and national security. Her scholarly publications address secrecy, separation of powers and rule of law issues in the comparative constitutional context. Her most recent scholarly work is available on SSRN.

Prior to joining the faculty of Western New England in 2006, Professor Setty was a litigator with the New York firm of Davis Polk & Wardwell, where she focused on antitrust and securities regulation matters. She served as defense counsel in civil, regulatory, and criminal matters involving national security issues, including terrorism financing investigations and lawsuits, and a pro bono matter challenging sentencing guidelines for those convicted of terrorist acts. Her pro bono practice also included litigating federal civil rights cases and the mentoring of New York City high school students. Professor Setty graduated as a Harlan Fiske Stone Scholar from Columbia Law School and received her A.B. in History (concentration in comparative civil rights) with honors from Stanford University.

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**Fred Royal****Associate Dean for LL.M. Programs and Professor of Law***BA, University of Massachusetts  
JD, Cornell Law School  
LLM, Boston School of Law*

Professor Royal, whose advanced degree is in taxation, served as clerk to United States Tax Court Judge William M. Drennan for two years. Before joining the faculty in 1978, he specialized in the practice of tax law. He has published in the areas of tax procedure and corporate taxation. He is a frequent speaker in the Springfield area discussing various tax-related issues. He also presents talks as part of programs sponsored by Massachusetts Continuing Legal Education, Inc. Prof. Royal is the Director of the School of Law's LL.M. program in Elder Law and Estate Planning.

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Office: 336

**Myra G. Orlen****Assistant Dean for Academic Success and Associate Professor of Legal Research and Writing***BA, University of Massachusetts  
MEd, Antioch University  
JD, Northeastern University School of Law*

After graduation from law school, Professor Orlen served as the Law Clerk for the Honorable Alexander O. Bryner, Chief Judge of the Alaska Court of Appeals, and later served a clerkship in the Superior Court of Massachusetts. After her clerkships, she worked as a Staff Attorney for the University of Massachusetts Student Legal Services Office in Amherst and as an Associate in a Northampton, MA, law firm. Professor Orlen has taught in the law program since 1995.

Email: morlen@law.wne.edu

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**Karen M. Romano**  
**Assistant Dean and Director of Admissions**  
*BA, Assumption College*  
*JD, Western New England University School of Law*

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**Paula Zimmer**  
**Assistant Dean and Director of Career Services**  
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*MA, University of Connecticut*

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**Marie K. Fletcher**  
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**Carol A. Lynch**  
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**Carol Thompson**  
**Law School Alumni Coordinator**  
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**Terese Chenier**  
**Law School Registrar**  
*AS, Bay Path College*  
*AS, Holyoke Community College*  
*BS, Western New England College*

Email: [tchenier@law.wne.edu](mailto:tchenier@law.wne.edu)  
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## **Law Faculty Assistants**

**Linda Towne**  
2nd Floor – Rm. 207  
413-782-1522

**Jackée Gadson**  
3rd Floor – Rm. 307  
413-782-1443

**Marcella Haynes**  
2nd Floor - Rm. 207  
413-782-1468

**Sandra Marques**  
3rd Floor – Rm. 307  
413-782-1442

**Office Hours - 8:30 a.m. to 4:30 p.m.**

**Monday through Friday**

### **Location and Mailing Address:**

Western New England University  
School of Law  
S. Prestley Blake Law Center  
1215 Wilbraham Road  
Springfield, MA 01119-2684

Fax Number: 413-796-2067 (Administration)

## STUDENT SERVICES

### Academic Success Advising Office

The Law School Academic Success Program provides assistance to students who need additional support in developing their writing, studying, and/or analytical skills. The program is administered by the Assistant Dean of Academic Success. The Academic Success Program helps students work on skills such as time management, case reading and briefing, case analysis and analytical reasoning, and legal argumentation. It also assists students with study techniques, class preparation, outlining, and exam preparation and exam writing techniques. The program is open to all students, with special sessions for both first-year day and evening students.

The Assistant Dean for Academic Success meets with students to discuss a plan for academic support.

The Academic Success Program provides academic support assistance in both group and individual sessions. Active participation in the program is considered by the Academic Standards and Student Appeals Committee in the event a student is academically disqualified and seeks readmission.

To learn more about the Academic Success Program, contact Myra Orlen, Assistant Dean for Academic Success at morlen@law.wne.edu or 413-782-1415. Dean Orlen's office is located on the second floor of the Blake Law Center in Room 221.

Myra Orlen  
Assistant Dean for Academic Success  
Associate Professor of Legal Research & Writing  
Room 221  
413-782-1415  
morlen@law.wne.edu

### Services

#### One-L Workshop Series

Fall semester workshops available to all first-year students on topics designed to ease your transition to law school study and maximize your potential for success.

#### Opportunities for Upper-Level Students

Returning students who have completed all of the required first-year courses, may take a diagnostic test administered by the Kaplan Bar Review.

#### Individual Counseling

Dean Orlen is available to meet with and counsel students at any time regarding study techniques, time management, supplemental materials, study groups, and other matters related to academic progress.

At the end of the first year, those students placed on academic warning status, whose academic performance is sufficient for advancement but in need of improvement, meet individually with Dean Orlen to form a course and study plan for the coming year, and have periodic support meetings to check on progress.

#### Resource Room

Room 212 makes available a library of academic support materials. These materials may be perused in the Resource Room.

#### Bar Support Services

The Law School offers a Supplemental Bar Pass Course for students in their final year of law study. The Supplemental Bar Pass Course is

open to all students, but it is required for students on Academic Warning Status.

Dean Orlen is available to meet individually with graduates to help them form a study plan as they prepare to take bar examinations.

### Career Services for Students

Welcome to the Office of Career Services. We are dedicated to meeting your needs by providing personalized career advising and the resources you need to plan and pursue the career you want. We can help you market yourself confidently and professionally and assist you in developing life-long job search techniques.

#### Appointments

Advisors are available to help you formulate your career plans, devise an effective job search strategy, and refine your application materials. Call 413-782-1416 to schedule an appointment.

#### Mock Interviews

Mock interviews with career advisors are a helpful way to prepare for the job search.

#### Symplicity

Career Services online recruiting system, Symplicity, contains jobs, fellowships, internships, externships, and clerkships. It contains names, practice areas, and contact information for many firms. Most recruiting, including the submission of application materials, will be done through this online resource.

#### First-year Students

For law students who attend schools that are, like Western New England University School of Law, members of the National Association for Law Placement (NALP), the first few months of a full-time student's first academic year are reserved for academic activities. NALP bylaws require career offices to wait until November 1st to begin actively working with full-time, first-year students. As a first-year student, you may apply to employers who are NALP members after December 1. You are free to pursue law-related employment with non-NALP members on your own during this initial period.

First-year students are strongly encouraged to actively participate in the First-Year Mentor Program, through which they are paired with an attorney. Applications are available in the fall.

#### Career Resource Room and Website

The Career Services Resource Room and website, [www.law.wne.edu/careerservices](http://www.law.wne.edu/careerservices), contains a variety of reference materials for job seekers, including information on law firms, state and federal government agencies, corporations, public interest employers, various types of law practice, federal and state judicial clerkships, nonlegal career opportunities, fellowships, study abroad, summer study, graduate law programs, and links to many sites of interest.

#### Career Search Guides

Career Services produces handouts on many aspects of career development, including the job search, resume and letter writing, interviewing techniques, networking, clerkships, fellowships, and more. All of our handouts are available on our website.

### Employer Panels and Information Sessions

During the academic year, professionals from a variety of legal fields offer panel presentations and individual information sessions. Topics include current hiring practices, industry trends, employment opportunities within presenters' organizations, types of law, and more. Information about specific programs can be found in the "Weekly Publications and Events" section of the Career Services website.

### Alumni Finder

The "Alumni Finder" is a resource for finding alumni for informational interviews. You may ask for advice and information on such subjects as choosing a career, the nature of practice in certain areas of the law, and the local legal community. The "Alumni Finder" is located at [www.law.wne.edu/alumni](http://www.law.wne.edu/alumni) on the School of Law website.

### Alumni Mentoring

Many local graduates participate in the annual Mentoring Network Reception that pairs students with a legal mentor from the community to welcome them into the community. Each spring, alumni support classroom learning by volunteering as moot court judges for mock trials. As participants in our Job Shadow Experience, alumni help students to bridge classroom doctrinal instruction and practice their legal skills.

### Student Newsletter

Emailed to students regularly, the newsletter contains information on career events, postings for jobs (including internships, externships, and clerkships), and timely advice.

### Bulletin Exchange and the Intercollegiate Job Bank

Career Services is part of the Intercollegiate Job Bank, a cooperative site that features job bulletins from law schools all over the country. It can be found at [https://www.law2.byu.edu/career\\_services/jobbank/](https://www.law2.byu.edu/career_services/jobbank/) Contact Career Services or check the welcome message in Symplicity for the confidential username and password.

### Fax

The Career Services fax machine may be used by students solely to send resumes, law transcripts, references, and other application materials to potential employers.

### Business Cards

We provide students with student business cards for a small fee. Students can place new orders or reorders anytime throughout the calendar year. For more information and an online order form go to [http://www1.law.wne.edu/careerservices/business\\_card\\_request.cfm?selection=doc.8065](http://www1.law.wne.edu/careerservices/business_card_request.cfm?selection=doc.8065).

### Reciprocity

Western New England University School of Law students and alumni may use Career Services at some other law schools. Requests for reciprocity can be made through Career Services here at the law school. Reciprocity is not usually extended from August 15 through November 15.

### Registrar

The Registrar's Office at Western New England University School of Law serves both current students and alumni in a variety of important ways. In addition to being responsible for maintaining academic records, the Registrar's Office is also responsible for schedule

preparation, course registration, exam administration, grade processing, transcript requests and processing bar applications.

### Office Hours:

Mon - Thurs 8:30am - 7:00pm  
Fri 8:30am - 4:30pm

### Office Staff:

Terese Chenier, Registrar: 413-782-1402  
[tchenier@law.wne.edu](mailto:tchenier@law.wne.edu)

Mary Jo Hebert, Assistant Registrar: 413-782-1403  
[mjhebert@law.wne.edu](mailto:mjhebert@law.wne.edu)

Shavonne Turner, Academics Records Assistant: 413-782-1404  
[shavonne.turner@law.wne.edu](mailto:shavonne.turner@law.wne.edu)

Fax Number: 413-796-2067

### Law School Technical Support:

Anne Houlihan, Administrator of Technology Services: 413-796-2052  
[anne.houlihan@wne.edu](mailto:anne.houlihan@wne.edu)

### Mailing Address:

Western New England University School of Law  
Registrar's Office  
1215 Wilbraham Road  
Springfield, MA 01119

### Office of Student Affairs

The Office of Student Affairs provides advice and counseling on academic and non-academic matters for all law students. The office acts as a liaison between students, faculty, and other law school administrators. It provides important information and resources to students on a vast array of issues. When you need answers, the Office of Student Affairs is a great place to start.

### Services include:

- Short-term counseling and assistance with academic and personal problems, leave of absence, and other issues related to a law student's life.
- Coordinating student activities such as first-year orientation and graduation.
- Hosting workshops designed to enrich student understanding of law school procedures and life as a law student.
- Overseeing the Student Bar Association and student organizations.
- Acting as the primary coordinator and liaison for students with disabilities and overseeing the process of providing accommodations to students with disabilities.
- Assist with short-term emergency loans.
- Implement procedures for scholarship opportunities for returning students.

We have an open door policy. We encourage students to address any issue that relates to or enriches your law school experience.

Office hours: 8:30 a.m.-4:30 p.m. (hours are extended until 6:15 p.m. on Monday, Wednesday and Thursday) The Office of Student Affairs is located in the Blake Law Center in Room 143.

Telephone: 413-782-1624 or 413-782-1376 Fax: 413-796-2067



**Michael A. Johnson**

Associate Dean of Student Affairs and Enrollment Planning  
mjohnson@law.wne.edu

**Barbara Cooley**

Administrative Assistant  
bcooley@law.wne.edu

**Non-Discrimination Policy**

Western New England University is committed to the principle of equal opportunity in education and employment. The University does not discriminate on the basis of sex, race, color, creed, national origin, age, religion, sexual orientation, gender identity, gender expression, veteran status, or disability in admission to, access to, treatment in, or employment in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies: Executive Director of Human Resources, Western New England University, 1215 Wilbraham Road, Springfield, MA 01119-2684. Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office of Civil Rights, U.S. Department of Education, J.W. McCormack P.O.C.H., Room 222, Boston MA 02109-4557.

**Student Handbook**

**Western New England University**  
**School of Law**  
**2013-2014**

**Discrimination and Harassment Policies and Procedures****A. Introduction**

Every member of the University community has the right to live, learn, and work in a harassment free environment. Discrimination/harassment in any form undermines this concept and will not be tolerated. Harassment can be defined as any behavior that creates an intimidating, hostile, or offensive environment for any individual or group. Harassment is discriminatory when it is based on gender, race, religion, ethnic origin, disability, age, sexual orientation, gender identity, or gender expression. It is important to understand that the feelings of the recipient rather than the intentions of the initiator determine harassment. The subsequent procedures governing harassment will apply to any and all violations of state or federal law.

The Mission Statement and Strategic Plan of Western New England University call for, among other things, a renewed commitment to creating and maintaining "an atmosphere of personal concern."

Discrimination/sexual harassment has no place in that atmosphere, or in any part of our University community. "Community" at Western New England University involves an environment, both within and beyond the classroom, where *all* members participate fully in an atmosphere free from prejudice, harassment, exploitation, or intimidation. When discrimination/harassment occurs, the learning and working environment is compromised, the mission of the institution is diminished, trust is violated, and personal dignity is assaulted.

These policies and procedures provide the Western New England University community guidance with respect to the University's *zero tolerance* approach to discrimination/harassment. University policy as well as federal and state laws prohibit discrimination/sexual harassment and provide recourse for victims. Therefore, the University will respond promptly to complaints of discrimination/harassment. Where it is determined that such inappropriate conduct has occurred, the University will take steps to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Retaliation against anyone bringing a complaint about discrimination/harassment or against anyone cooperating in an investigation of a complaint of discrimination/harassment will not be tolerated.

Please review these policies and their procedures carefully. The individuals listed in this brochure should be contacted about any discrimination/harassment problems you experience or observe, or of which you become aware. By working together, we can maintain an environment that values personal concern and that reinforces our educational mission.

**B. Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964**

Title IX was the first comprehensive federal law to prohibit gender discrimination against students and employees of educational institutions. Title IX benefits both males and females, and is at the heart of efforts to create gender equitable schools. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on gender. Western New England University does not discriminate on the basis of sex in its education programs; sexual harassment and sexual violence are types of sex discrimination that will not be tolerated at the University. Under Title IX, males and females are expected to receive fair and equal treatment in all areas of schooling: recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarship and athletics.

**C. What is Sexual Harassment?**

"Sexual harassment," pursuant to Massachusetts law and federal statutes, means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of an unwelcome sexual nature where:

- submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of an individual's education or employment, or as a basis for employment decisions, or as a basis for decisions regarding a student's academic progress/grades; and/or
- such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive educational, residential, or employment environment.

The courts have recognized two different types of actionable sexual harassment:

1. ***Quid pro quo*** harassment occurs when a person with authority uses submission to or rejection of unwelcome sexual conduct as the basis for making academic or employment decisions affecting a subordinate or student. This kind of harassment usually involves explicit or implicit threats or retaliation for refusing to submit to sexual advances.
2. ***Hostile environment*** harassment is unwelcome conduct of a sexual nature that is sufficiently severe, persistent, or pervasive as to limit a person's ability to work or participate in a program or activity.

**D. Examples of Sexual Harassment**

It is important to emphasize that sexually oriented conduct that is *unwelcome* and has the effect of creating a workplace and/or learning environment that is hostile, offensive, intimidating or humiliating to

male or female students or employees of the University community may constitute sexual harassment.

While it is not possible to enumerate all circumstances that may constitute sexual harassment, the following are some examples of conduct which, if *unwelcome*, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether or not they involve physical touching;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; or
- Discussion of one's sexual activities.

Below, find other examples of incidents that may constitute sexual harassment at the University:

- "My advisor meets with me in his office with the door closed. Despite my efforts to distance myself from him, he moves closer. He always comments on my appearance. Last time we met, he brushed up against me. I am uncomfortable and am considering changing my major and my advisor."
- "One of the female managers in my department kept asking me out on a date. She said that getting to know her better would improve my chances of promotion. I asked her to stop, but she would not take no for an answer."
- "I work in a department where most of my peers are men. They continually tell sexual jokes. One brought in and made copies for the other guys of a cartoon about women and parts of their bodies. I told my supervisor that I do not think this is funny. He has asked the others to stop, but they just ignore him."
- "I take a class where the professor assigns readings from *Hustler* and *Playboy* magazines. Last week, the professor showed a video that contained some sexually suggestive material. During the video, many guys in the class laughed or told lewd jokes, and the professor did nothing about it. The course is about human relations, so the professor thinks he is being provocative or interesting, but I find him to be sexist. Several women have dropped the class, but I want to take this class."
- "Guys on the floor think I'm gay. At least a couple of times a week, someone—I do not know who—tapes a derogatory cartoon, article, or picture to my door. I have complained to my resident advisor, but he just says he has no idea who is doing it. I am thinking of transferring, but in the meantime, I am pretty depressed."
- "I spent a lot of time at a party three weeks ago talking to a classmate. Now, he simply won't leave me alone. He follows me across campus, tries to touch me inappropriately, makes suggestive comments, and calls all hours of the night. I have asked him to stop but he won't take no for an answer. Yesterday, he cornered me outside the library and would not let me pass. Luckily, someone else came by. I feel very threatened."

Faculty, employees, and students are strongly encouraged to review the University's Policy on Sexual Misconduct and Sexual Assault. These policies are set forth in the University's Student Handbook.

### ***E. What Should you Do if You are Discriminated Against/Sexually Harassed?***

While the University accepts its role and responsibilities in providing a workplace and learning environment free from discrimination/harassment, there are steps that each member of the University community can and should take. Individuals who harass will have no reason to stop unless they are challenged. It is therefore imperative that individuals who believe that they have been discriminated against or harassed come forward. While some individuals may be reluctant to do so, ignoring or minimizing discriminating/harassing conduct will not eliminate it, and will not allow the University to investigate and correct unacceptable and unlawful conduct. Individuals can sometimes stop discrimination/harassment by taking direct action.

- ***Respond immediately:*** Sometimes, telling the discriminator and/or harasser that his/her behavior is unwelcome will stop the conduct. State an emphatic "NO" in the case of sexual harassment at the time. Be direct and firm. Clearly express disapproval of any behavior that causes discomfort. Communicate that it is *unwelcome and that you want the behavior to stop*. Ignoring or avoiding a discriminator and/or harasser usually does not work. If you are unable to confront the harasser in person, try writing a letter. In the letter, include a detailed account of the conduct you find offensive, including dates. State the impact the conduct has had on you and that you will take further action if the behavior does not stop. Keep a copy of the letter.
- ***Keep records:*** Document all incidents and conversations that might constitute discrimination and/or harassment, including dates, times, places, witnesses, and an accurate description of specific incidents. Write down quotes so that you can recall at a later date the exact language used.
- ***Talk to someone:*** If the discrimination/harassment does not stop, or you are reluctant or unable to confront the person verbally or in writing, talk to someone. Talk to a supervisor or someone of authority at the University whom you trust. Seek confidential support through the Counseling Center, Campus Ministries, Human Resources, the Career Development Center and/or Health Services. You may also consult one of the administrative and/or faculty resources listed within this brochure. The University also encourages individuals who have witnessed, or who have knowledge of, discrimination/harassment directed at any member of the University community, to report such conduct immediately.

The University has designated several members of the University community to serve as resources to any individual who has a discrimination/harassment complaint or inquiry. These individuals are available to discuss any concerns that you may have and to provide information to you about our policy on discrimination/harassment and our grievance procedures.

#### **Joanne Ollson**

Assistant Vice President and Director of, Human Resources  
Designated Equal Employment Opportunity (EEO) Officer  
413-782-1343

#### **Beth Cohen**

Associate Dean for Academic Affairs,

413-782-1622

**Jeanne Steffes**

Vice President for Student Affairs, Dean of Students

413-782-1282

**Kathleen Reid**

Director of Health Services/Nurse Practitioner

413-782-1211

**Beth Hill**

Associate Director, Residence Life

413-782-1317

**Michael Johnson**

Assistant Dean for Student Affairs,

782-1376

**Lori Mayhew**

Head Women's Softball Coach/Equipment Manager

782-2230

Students may also contact Victim Advocates by calling 413-575-7194.

**F. What Happens When a Report is Made?**

**1. Informal Resolution**

Many claims of discrimination/harassment may be resolved informally. In the informal process input will be important, yet direct confrontation with the alleged harasser may not be required. The goal of an informal resolution is to end the offensive or unwelcome behavior. The Dean of the respective School (if the Respondent is a faculty member), the Executive Director of Human Resources and Career Development Center (if the Respondent is classified staff or administration), and the Dean of Students or the Associate Dean for Law Student Affairs (if the Respondent is a student) will work with the Complainant and the Respondent to reach an informal resolution.

Examples of informally reached outcomes might include:

- Mediated, informal conversation between the Complainant and Respondent;
- Conducting educational programs for a unit, division, or department; or,
- Adjusting residential or academic placement of either the Complainant or Respondent.

Resorting to formal hearings will be avoided whenever possible. The purpose of information adjudication is to arrange an appropriate solution acceptable to all parties concerned. At the conclusion of the informal process, the only document that will be maintained is a memorandum of understanding, signed by both parties, and maintained by the EEO Officer.

Informal University proceedings must be exhausted before formal University proceedings will commence. In the event that the informal process does not achieve resolution of the issue, the EEO Officer will prepare a memorandum signed by the parties BEFORE the formal process will be available.

**2. Formal resolution**

If informal efforts to resolve a problem are not successful, or if informal resolution is inappropriate or inadequate based on the severity of the case, or if the Respondent is a known prior offender, then a more formal resolution may be necessary. Formal written complaints must be filed with the Equal Employment Opportunity (EEO) Officer. The matter will then be referred to the University's Discrimination/Sexual Harassment Hearing Committee by the EEO Officer.

The EEO Officer will monitor the implementation of these formal grievance procedures, and either party may request a formal hearing.

The EEO Officer will intervene in the formal process when in his/her judgment such intervention is necessary for expediency. The EEO Officer will schedule all committee meetings, oversee the process and procedures, and attend hearings, if necessary, as a non-participating, non-voting member. The EEO Officer will NOT contribute to the writing of the Hearing Committee's findings.

**G. Procedures for Formal Hearings by the Discrimination/Sexual Harassment Hearing Committee**

**1. Composition of the Discrimination/Sexual Harassment Hearing Committee**

The Discrimination/Sexual Harassment Hearing Committee will consist of six (6) members of the University community appointed by the President to serve two-year terms. Members can serve no more than two (2) consecutive two-year terms. The Committee will be comprised of three (3) tenured faculty members referred to the President by the Faculty Senate, the School of Law and the School of Pharmacy, two (2) classified staff, and two (2) administrators, all from different departments. Replacement of faculty representatives on the Committee (if it became necessary) would be made either by the Senate, the School of Law, or the School of Pharmacy as appropriate. The President will designate a Chair of the Committee, based on such considerations as experience, continuity, and sensitivity to the concerns of those affected by discrimination/harassment. At any given time there should be no more than five (5) persons of the same gender on the Committee. Two (2) additional members who are students will sit on the Committee when a complaint directly involves a student. For complaints involving graduate students, pharmacy students, or law school students, at least one (1) of the two (2) student members on the Committee will be a graduate student, law student, or pharmacy student as appropriate to the case.

**2. Initiation of the Hearing Procedure**

A copy of the complaint will be mailed by the EEO Officer to the Respondent, who will be afforded ten (10) calendar days from the mailing date to prepare a written response regarding the incident. Upon receipt of the Respondent's response the EEO Officer will mail to each party a copy of the complaint and response.

At that time both parties will be presented a list of the members of the Committee and may challenge any member's eligibility for cause in writing to the Chair within two (2) working days of the presentation of the list. Any such challenge will be ruled upon by EEO Officer. Any Committee member with previous knowledge of the incident will present that information for the Committee, which will decide if that member should be disqualified from hearing the case. If the Chair is released by challenge or disqualification, the Committee will elect a Chair *pro tempore*. If, by challenge, disqualification, or unavailability, fewer than six

(6) members of the Committee remain eligible, others will be appointed by the President *pro tempore*.

No hearing will be held without the parties being given at least seven (7) calendar days notice. Each party may be accompanied during each session by one advisor from the University community. The advisor will not participate in the session, but may consult freely with the person whom they are advising. The advisor may be an attorney from the University community. The Complainant and Respondent may each request witnesses and present documentary evidence. Witnesses will be present at the hearing only when giving testimony. Each party may bring any number of witnesses; however, the actual number of witnesses heard will be at the discretion of the Committee. The Committee may refuse to accept or hear any evidence that it deems irrelevant or unreliable. Rules of evidence used in courts of law are not used in this process.

### 3. Conduct of Formal Hearings

The formal hearing will be tape recorded for the Committee's use in deliberations. The tape will not be transcribed, but will be stored securely and confidentially by the General Counsel. Upon written request, a copy of the tape will be made available to either party of this proceeding. The Committee alone may question witnesses and parties. In the course of the hearing, each party may submit in writing, questions to be asked by the Committee. However, the Committee reserves its right to decline to pursue any such questions. The Respondent has the right to refuse to testify.

### 4. Written Report

Within ten (10) calendar days of the hearing, the Committee must prepare a written report that details the allegations, the hearing process, and the evidence heard. The Committee shall include in this report its findings of fact, including any findings it makes concerning the credibility of witnesses. All findings made by the Committee shall be based on a majority vote of the panel. All Committee members must sign the written report.

### 5. Findings of the Committee

After a hearing, the Committee may find one of the following:

- that it is more likely than not that the alleged violation occurred, or
- that it is more likely than not that the alleged violation did not occur.

### 6. Referral for Action

The Committee will issue a written report to the relevant Dean or supervisor, who after a review of said report, will distribute a copy of the report to the Complainant and Respondent. The relevant Dean, after consultation with the EEO Officer, will determine and impose sanctions in writing to the Respondent within fifteen (15) calendar days of the Dean's receipt of the Committee's report. Appropriate disciplinary action will be taken by the Respondent's supervisor for staff, Deans of the respective School for faculty or for graduate students, the Dean of Students for undergraduate students, or the Dean of the School of Law for law students.

### 7. Sanctions

Sanctions imposed on the Respondent will be commensurate with the seriousness of the conduct, and will be adequate and sufficient to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent further violations. The assessment of the severity of the sanction will be

based on both the current case and the Respondent's previous record of misconduct. Any sanctions imposed on tenured faculty will be pursuant to the procedures delineated in the appropriate faculty handbook. Sanctions might include, but are not limited to:

- a written apology;
- a transfer or change in department or teaching assignment;
- a warning, meaning a written statement that the Respondent violated this policy, a notification of which would be placed in the Respondent's permanent record; and/or
- a referral for counseling and/or training (failure to fulfill the sanctions shall be cause for sanctions of a more serious nature);
- probation for a stated period of time within which the Respondent's rights to participate in University-sponsored activities and/or access to facilities may be limited or removed;
- suspension (with or without pay), meaning a separation from the University for a stated period of time or until specific conditions are met;
- dismissal, meaning permanent removal from employment or University programs, facilities, and property.

The relevant member of the President's staff will review any sanction recommending termination from employment at the University. If a member of the President's Senior Staff is the Respondent, the President will review any sanction recommending termination from employment at the University.

### 8. Summary Suspension

The University reserves the right to take necessary and appropriate action to protect the educational environment, and the safety and well being of members of the University community. In the event that any individual charged with violation of the University's Discrimination/Harassment Policy is deemed a serious risk to the safety and security of the University and/or its campus community, its faculty, students, or staff, the University reserves the right to summarily suspend that individual. The University reserves its right to suspend that individual with or without pay and benefits (tenured faculty can only be suspended with pay and benefits) and exclude that individual from campus, except as is necessary to participate in the formal process delineated above.

Nothing in this policy shall limit the authority of the University, or any of its constituent parts, to take such actions as the appropriate University officer or Dean or his/her designee deems necessary to protect the physical safety of members of the University community, or to maintain conditions compatible with the educational process or institutional integrity of the University or any of its constituent parts.

### 9. Appeals

**A. Notice of an appeal:** Respondents and Complainants may appeal by filing written notice with the University official who issued the disciplinary sanctions (or lack thereof) within fourteen (14) calendar days from the day a sanction is or is not imposed, with a copy to the EEO Officer. *Respondents seeking an appeal must specify in writing the grounds for the request. Respondents who fail to file an appropriate written request for an appeal within fourteen (14) days waive their right to appeal.*

**B. Grounds for appeal:** Appeals will be considered only under one or more of the following circumstances:

- when the Respondent deems the sanction inconsistent with the gravity of the offense, except in the case of termination of employment as provided in Section 11.10 of the *Western New England University Faculty Handbook* where review is automatic;
- when new evidence that was not available at the time of the hearing becomes available within the above-referenced fourteen (14) calendar day period; or
- when there has been a substantial and material procedural error during the hearing process.

**C. Reviewer:** The relevant member of the President's Staff will review appeals. In the event that the EEO Officer is the appellee's direct and immediate supervisor, the appeal will be heard by an alternate, designated by the President.

**D. Possible results:** The relevant member of the president's Staff will review the request for an appeal and any evidence necessary to support that request. He/she shall then have the authority to:

- affirm;
- reverse;
- modify the sanction imposed; or
- remand the matter for further investigation or consideration by the Discrimination/Sexual Harassment Hearing Committee (only available in cases where there is new evidence or where there has been a substantial and material procedural error).

Decisions of the relevant member of the President's Staff are final.

In the event that the Respondent is a member of the President's Senior Staff, the President will review appeals.

**E. APPEALS FOR TENURED FACULTY ONLY:** Should any tenured faculty member at the University desire to pursue an appeal of any actions imposed on him/her through these procedures, the affected faculty member will avail himself/herself of the procedures delineated in appropriate faculty handbook (for Law Faculty, refer to Section 13.1 in the *Western New England University Law Faculty Handbook*, and for other tenured faculty, refer to Section 6.(B).5 in the *Western New England University Faculty Handbook*.

#### 10. Substitutions

In the event that the Respondent is a Dean, Equal-Employment Opportunity Officer, or a member of the President's Staff, the President will designate an appropriate substitute who will assume the responsibilities outlined in this policy. In the event that the Respondent is the President, the Chairman of the Board of Trustees will receive the report of the Committee and determine, with the Board of Trustees, any sanctions to be imposed in accordance with the Bylaws of Western New England University. The decision of the Board of Trustees shall be final.

#### 11. Confidentiality

Throughout all investigations and hearings of complaints arising from discrimination/sexual harassment, both formal and informal, the confidentiality of the proceedings and the identities of the parties to the complaint shall be protected to the fullest extent practicable under the facts and circumstances of each case.

#### H. What External Resources will Process a Complaint?

Any individual may also file a formal complaint with either or both of the government agencies listed below. Each agency has a short time period for filing a claim (EEOC – 300 days; MCAD – 300

days). Using the University's complaint process does not prohibit a student or employee from filing a complaint with these agencies:

##### **Boston Office-Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Phone: 800-669-4000

Fax: 617-565-3196

##### **The Massachusetts Commission Against Discrimination (MCAD)**

MCAD Boston Office

One Ashburton Place - Room 601

Boston, MA 02108

617-7273990

##### **MCAD Springfield Office**

436 Dwight Street, Second Floor, Room 220

Springfield, MA 01103

413-7392145

##### **Disabilities Accommodations**

Western New England University School of Law recognizes that each person has a unique learning style and individual physical needs. Through the Office of Student Affairs, the School of Law assists students with challenges in developing strategies to participate fully in the law school experience. Our goal is to help students become independent learners with the skills and abilities to take full responsibility for their own academic success.

Upon admission to the law school, students with physical, psychological, and/or learning disabilities (who can show current documentation less than three years old) can request academic accommodations through the Associate Dean for Student Affairs and Enrollment Planning. Participation is strictly voluntary. The School of Law admission process is independent from consideration of student disabilities.

The student reviews disability issues and academic needs with the Associate Dean for Student Affairs and Enrollment Planning. Appropriate accommodations based upon submitted documentation, on a class-by-class basis, are discussed. Such accommodations might include extended time for exams and papers, peer note takers in the class, exams given in a distraction free setting, audio taping of class lectures, alternative testing formats, sign interpreters, books on tape, etc.

At the request of the student, the Associate Dean for Student Affairs and Enrollment Planning will work with the faculty to accommodate the needs of the student. In addition, students are offered a service of regular meetings to monitor accommodations and academic progress.

When should a student inquire about services?

Inquire as soon as possible! The sooner the inquiry after admission occurs, the sooner the student can register with the Associate Dean for Student Affairs and Enrollment Planning and discuss appropriate academic accommodations for the upcoming semester. The Associate Dean for Student Affairs and Enrollment Planning can provide a list of possible evaluation sites if needed.

It is the responsibility of the student:

- To disclose a disability to the Associate Dean of Student Affairs and Enrollment Planning in a timely manner when requesting academic accommodations.
- To provide appropriate, current documentation supporting the disability. The documentation must include a report from a qualified professional identifying the disability and indicating academic recommendations. A high school Individual Education Plan is not sufficient for a complete documentation file.
- To understand the attendance policy and attend classes unless illness or emergency prevents them from doing so.
- To meet the academic requirements of their courses and of their majors.
- To assess the extent to which the accommodations agreed upon and implemented for the semester are meeting their needs and share their conclusions with the Associate Dean of Student Affairs and Enrollment Planning.

#### Responsibilities of the University

Through the Associate Dean for Student Affairs and Enrollment Planning, the law school provides a variety of services to students with disabilities based on individual documentation and need. The responsibility of the law school is to provide reasonable accommodations on a case-by-case basis and to afford equal opportunity for student participation in the institution's programs, activities, and services.

Additional services are provided through Student Disability Services

- Students evaluate their academic strengths and learn how to use them to their advantage.
- Students have the opportunity to develop areas that need strengthening, such as:
  - Listening, speaking, reading, and writing
  - Mathematical and organizational abilities
  - Studying, note-taking, and test-taking
  - Library research
  - Time management
- Students receive training as needed on adaptive lab equipment (voice recognition software, inspiration software, and math skills software).

#### Dispute of Accommodation Decisions or Process

Students who wish to challenge any part of the accommodations process may do so under the procedures for student grievances outlined in the School of Law's Student Handbook.

#### Disclosure and Confidentiality

Student disclosure of a disability is voluntary. Data about students with disabilities is collected at various points of a student's entrance into the University for the purpose of reporting demographic information, but it is voluntary. Western New England University considers disability-related information as confidential material and will protect it in accordance with the Family Educational Rights to Privacy Act (FERPA). The information will not be released except in response to a student's request or written authorization, as needed to assist a student with an educationally related issue, or as permitted under certain circumstances in accordance with FERPA guidelines.

Western New England University provides services to support students with disabilities because it is of the utmost importance that all students at the University are offered the appropriate tools to succeed. The Student Disability Services Office can be utilized voluntarily by students and is a free service offered by the college. For further information contact:

#### Michael Johnson

Associate Dean for Student Affairs and Enrollment Planning  
1215 Wilbraham Road  
Springfield, MA 01119-2684  
Telephone: 413-782-1376 or 413-782-1624  
Fax: 413-782-2067

#### Student Administrative Services

The Student Administrative Services (SAS) office, has combined the traditional offices of financial aid, registrar, and bursar in one location. The office is located in the Lower Level of D'Amour Library. Your account is assigned, by the student's last name, to a Student Services Administrator (SSA).

The office address is:

Western New England University  
Student Administrative Services  
1215 Wilbraham Road  
Springfield MA 01119-2684  
Phone: 413-796-2080 or 800-325-1122 ext. 2080  
Fax: 413-796-2081

#### Academic Year Hours

Monday through Thursday: 8:00 a.m. to 5:00 p.m.  
Friday: 8:00 a.m. to 4:30 p.m.

The campus bank stops cashing checks one half hour prior to office closing.

#### Making a Payment

Students' LINK to pay deposits and balances  
Parents' LINK to pay deposits and balances

#### Counseling Center

Counseling Services Caring, licensed professionals provide confidential help to students with personal, social, and educational concerns. Common areas of concerns include adjustment to college, anxiety, depression, relationships and sexual orientation, eating

disorders, substance abuse, sexual/physical abuse, and test anxiety. Services include individual, couple, and family counseling, as well as crisis intervention. We can provide a list of off campus therapists when requested. Psychiatric consultations are available in our office

upon referral. Check out our website where you can take a self-help screening for depression, anxiety, substance abuse, eating disorders, PTSD, or bipolar disorder. You will also find more information about our staff, commonly asked questions, the Sexual Misconduct Advocate Response Team (SMART), and our Alcohol and Drug Education Services. To make an appointment you may come to the Counseling Center in person or call 782-1221 during office hours, Monday through Friday, 8:30 a.m. to 4:30 p.m. We are located in the St. Germain Campus Center, Room 249.

## Spiritual Life

Spiritual Life values the spiritual growth of its students as a vital part of their development, welcoming them to an atmosphere of dialogue and discussion that allows each to embrace a personal truth and to respect the truths of others.

The pastoral team reflects the diversity found within the campus community. The Rabbi, Protestant Minister, Roman Catholic Priest and Lay Minister create an atmosphere of welcome, celebration and understanding for people of all faiths. Special events include a monthly Luncheon, Shabbat and Holy Day Dinners, Interfaith Celebrations and Holy Day Masses.

The Spiritual Life joins the Cultural Liaison Office on campus to work with the Springfield Council of Churches, the Rabbinic Fellowship of Greater Springfield, Roman Catholic Diocese of Springfield and serves as a link to area Mosques, Churches, Temples and Synagogues.

## Office of Information Technology

The Office of Information Technology's primary goal is to provide the University community with comprehensive and reliable technology. The department supports all types of technology and is continually partnering with the academe to ensure the presence of state-of-the-art facilities for delivering education.

The department also provides business applications, appropriate technology, and support to conduct the University's business enterprise.

The Office of Information Technology is committed to providing the highest quality of support and a high level of client satisfaction in its delivery of services.

Questions? Contact the Help Desk at 413-796-2200.

## Health Services

Health Services is located in the Center for the Sciences and Pharmacy. The department is directed by a full-time certified family nurse practitioner and staffed with nurse practitioners, physician assistants, and a part-time physician. Healthcare is available Monday and Friday 8:30 a.m. to 4:00 p.m., while undergraduate classes are in session.

During the hours when Health Services is not available, students will find access to a variety of healthcare facilities within close proximity to the University and can be directed to them from our website

([www.wne.edu](http://www.wne.edu), quick links, and choose health services from the drop down menu) or from the Campus Police and Residence Life staff. Health Service staff is also "on call." Call the office at 782-1211 and follow the instructions.

Prior to the start of classes, all full-time students are required to have on file with Health Services a medical history and a recent physical examination. A completed immunization record is mandatory including evidence of immunizations against measles, mumps, rubella, tetanus, diphtheria, and the hepatitis B series and meningitis vaccine. Immunizations may be evidenced by documentation or titer values. Registration for classes is contingent upon the above requirements.

Except for treatment rendered by Health Services, students are responsible for financial obligations incurred for medical services. These include laboratory fees, radiology charges, prescription medications, and visits to off campus healthcare providers.

The Commonwealth of Massachusetts requires that undergraduates taking nine credits or greater, or graduate students taking seven credits or greater must either purchase insurance through the University or complete a waiver form with pertinent information about their private insurer.

## Mail Services

Western New England University Mail Services is a department of the Office of Finance and Administration reporting to the Controller's Office. Mail Services provides the collection and distribution of campus mail, delivery of incoming mail, DHL, FedEx and UPS shipments, overnight express packages, and the processing of outgoing mail and parcels.

Campus mail is internal mail sent from one department to another or to faculty and student mailboxes. It is delivered the same or the next business day. Mail between departments and faculty should be placed in interdepartmental mail envelopes. Mail sent to a student's campus mailbox should be placed in a yellow #10 envelope that is available from Print and Supply Services. Bulk mail to be distributed to student mailboxes must be in numerical box sequence to assist in sorting.

Mail Services provides daily delivery and pickup service to over 50 departmental locations between the hours of 10:00 a.m. - 12:00 noon and 1:00 p.m. - 3:00 p.m. If you have a special request call Mail Services at 413-782-1509.

## Personal Incoming & Outgoing Mail

### Outgoing Personal Mail

Outgoing personal mail is handled along with business mail. You may deposit your personal mail in your departmental mail pouch or at the Campus Center mail drops. Outgoing personal mail must be sealed and have the proper postage affixed prior to depositing in the Campus Mail System. Personal mail sent to Mail Services without sufficient postage will be returned to sender.

DHL, FedEx, and UPS services, shipping supplies and stamps are available at Mail Services.

### Incoming Personal Mail

Campus personnel should not receive personal correspondence at the University. Personal mail is subject to being opened for proper identification and distribution. All mail addressed to the University's physical address is the property of Western New England University. Mail sent to the University should always have a complete address identifying the department, individual or campus mailbox number. See example below.

(EXAMPLE Staff & Faculty)	(EXAMPLE Student)
MS MILDRED DOE College of Business Western New England University 1215 WILBRAHAM RD SPRINGFIELD, MA 01119-2684	MR SHOE SHINE Mailstop # _____ (# is box number assigned to you by Mail Services) Western New England University 1215 WILBRAHAM RD SPRINGFIELD, MA 01119-2684

### Department of Public Safety

The Department of Public Safety provides a full range of safety and crime prevention services, including:

- 24-hour police patrols on foot, mountain bikes, and in cruisers;
- 57 surveillance cameras throughout campus;
- Fire and environmental safety efforts;
- 33 Emergency phones throughout campus;
- Medical first responders and six emergency medical technicians;
- Educational programs on alcohol and drug use, personal safety, rape aggression defense, and fire safety.

The Department is staffed with personnel, trained and qualified by the Massachusetts State Police, including a Director, two lieutenants, four sergeants, eleven police officers, and five emergency dispatchers. Each officer is certified under Massachusetts General Law and has full police powers.

For more information about the Department of Public Safety, please visit their website: [www.wnepolice.net](http://www.wnepolice.net)

### Emergency and Escort Service Number

One of the most significant means of providing protection and assistance to the community is the Protective Escort Service. This service is provided by the Campus Police and the Student Patrol 24 hours a day, seven days a week. For emergencies or to request the Escort Service please call: (413) 782-1411 or use any of the Emergency Phones located on campus.



## RESIDENCE/STUDENT LIFE

### The Alumni Healthful Living Center

The 123,000-square-foot Alumni Healthful Living Center (AHLIC) offers students a place to unwind and stay in shape. Alumni can enjoy the facility free-of-charge for life.

The facility features a 2,000-seat basketball facility, fitness center, aerobics room, eight-lane pool and recreation area, indoor track, racquetball and squash courts, practice courts, and a wrestling room.

The Student Bar Association sponsors intramural basketball, volleyball, and softball teams. Open to players at all skill levels, the Association's Intramural teams bring students, faculty, and alumni together for spirited competition.

For more than 30 years, Western New England University School of Law has been the host of the Inter-law School Student Basketball Tournament at the AHLIC. Students also participate in the annual "Ambulance Chase" 5K road race that benefits area charities.

### Living Facilities

Students may live in a variety of accommodations, ranging from traditional residence halls to room suites with semiprivate baths to apartments or townhouse units with full kitchens and baths. Residence facilities serve as an integral part of the educational program. Students proceed through various types of residential facilities as they progress through their undergraduate programs. First-year students are normally assigned to traditional residence halls. Sophomores normally reside in either traditional or suite-style living units and, as space permits, the University's apartment complex. Juniors and seniors may reside in apartments or townhouse units.

All residence facilities are furnished with twin, bunk, or loft style beds, storage space (such as closets, free standing wardrobe units, or bureaus), desks, and chairs. Apartment and townhouse units are also furnished with kitchen appliances, a dining table, and living area furnishings. Information regarding services, laundry facilities, etc. is provided online, either as a link on the University's home page, or at [www1.wne.edu/residencelife/](http://www1.wne.edu/residencelife/). Assignment is largely determined by the student's housing preferences, class level, and demonstrated academic performance. Requests for university housing are honored depending on availability of facilities and fulfillment of application, payment, and assignment deadlines.

Each area within the residency complexes is staffed by an area coordinator, residence director, or residence manager, and several resident advisors. The area coordinator and residence director are full-time professional staff in residence, who oversee components of University housing throughout the campus. Residence managers are typically graduate students who reside on campus and are responsible for the management of their particular residence hall or area. Resident advisors are full-time undergraduate students working directly with a specific living group. Residence Life is supervised by the assistant dean of students, two associate directors, with support and assistance from an administrative assistant and student office assistants.

### Dining Services

Food services are provided in the St. Germain Campus Center. A full service board plan offers students a variety of dining options. Resident students normally take their meals in the main dining room. The Campus Center food court provides a varied menu for commuting students including a la carte dining or late night snacks. Food service is available seven days a week while classes are in

session. Students residing in traditional or suite-style units are required to participate in a comprehensive meal plan. Students residing in Gateway Village apartments, Evergreen Village, Southwood Hall, and commuting students may choose to participate in a variety of alternative meal plans, and may register online for the meal plan of their choice. Whereas first year students are required to participate in the full meal plan (20 meals per week), sophomores, juniors, and/or seniors assigned to traditional or suite-style housing may switch to a reduced meal plan option (any 14 meals per week). This may be done online as well.

Students may also purchase 'declining balance points' (DB) which function like a debit card and may be used at all dining locations and the campus center convenience store. All students may purchase DB points and may do so at Student Administrative Services.

Food Service professionals are available to assist with dietary concerns such as food allergies. Detailed documentation from a physician outlining specific food restrictions and/or needs, should be provided to the Office of Student Disability Services for consideration of an accommodation or exemption status.

### Campus Center

The St. Germain Campus Center serves as a focal point for social, cultural, and leisure activities at the University. In addition to various recreational and dining facilities, it contains offices for student clubs and organizations, the University Bookstore, and a convenience store. It also contains an art gallery featuring monthly exhibits, a television lounge, and a variety of conference and meeting rooms. A game room provides other leisure time activities.

Most of the Student Affairs administrative offices are located on the second floor, allowing students easy and convenient access. These include the offices of the vice president of student affairs and dean of students, Student Activities and Leadership Development, Residence Life, Learning Beyond the Classroom, the Career Development Center, Counseling, Drug and Alcohol Education, Spiritual Life, and Diversity Programs and Services. The Office of Freshman and Transfer Students is located on the first floor. The University Bookstore, also located in the Campus Center, provides a complete textbook service. The store stocks a wide variety of paperback books, magazines, educational supplies, and sundry items. Assorted gifts, t-shirts, hats, athletic wear, and other items with the University name or emblem are also available.

### Rivers Memorial Hall

The center of the building contains a carpeted area used for large programs and banquets. The perimeter includes space for the music program; the drama program; an arts and crafts area; and the student media including the newspaper, literature magazine, and the yearbook. The cultural center; gay, lesbian, bisexual and transgender resource room; and the campus radio station, as well as additional conference and meeting rooms are also available here. There are also faculty offices here.

### SBA Student Organizations

Western New England University School of Law's SBA Officers are elected by the entire student body and representatives are elected by class from both the full-time and part-time divisions. The SBA plays a significant role in the administration of the School of Law. It designates two representatives to the Faculty Meeting, who have the right to participate in and vote on most matters coming before the faculty. The SBA also designates student members of the Faculty/Student Committees, whose policy-making or advising

functions include the areas of admissions, curriculum, honor code, and student petitions for exceptions to the academic standards.

The SBA also oversees and finances all of the student organizations and standing committees.

**SBA Standing Committees**

The Regular Standing Committees of the SBA include:

- Budget Committee
- Speakers Committee
- Elections Committee
- Scholarship Committee

- Social Committee
- Charities Committee
- Orientation Committee
- Athletic Committee
- Graduation Committee
- Information Technology Committee
- Evening Students Committee

**Annual Basketball Tournament**

Each year, Western New England University School of Law hosts a regional basketball tournament for law schools throughout the northeastern United States. More information on this year’s tournament will be available shortly.

**JD ACADEMIC CALENDAR 2013-2014**

**2014**

Monday-Thursday, August 18-21	Orientation & First-Year Introduction to the Law Class
Monday, August 25	Classes Begin
Monday, September 1	Labor Day - No Classes
Thursday, September 4	Last Day to Apply for Degrees to be awarded in October
Monday, September 8	Last Day to Add/Drop Courses
Friday, November 7	Last Day to Apply for Degrees to be awarded in February
Tuesday, November 25	Friday Classes Meet This Day
Wednesday-Friday, November 26-28	Thanksgiving Recess
Thursday, December 4	Last Day to Withdraw - Last Day of Classes
December 5 - December 8	Study Period
December 9 - December 18	Final Examinations

**2015**

Wednesday, January 7	Classes Begin
Monday, January 19	Martin Luther King Day – No Classes*
Wednesday, January 21	Monday classes meet this day; Last Day to Add/Drop Courses
Friday, February 6	Last Day to Apply for Degrees to be awarded in May
Monday-Friday, March 16-20	Spring Recess
Wednesday, April 22	Last Day to Withdraw – Last Day of Classes
April 23-26	Study Period

April 27-May 6	Final Examinations
Saturday, May 16	Commencement

**Summer Session 2015**

Monday, May 18	Classes Begin
Friday, May 22	Last Day to Add Classes
Monday, May 25	Memorial Day Observed – No Classes
Wednesday, July 8	Monday classes meet this day; Last Day to Withdraw - Last Day of Classes
July 9-12	Study Period
July 13 & 15	Final Examinations

\*The Law School administrative offices remain open. The Law School does not close but classes are canceled on this day.



## LLM ONLINE LEARNING WITH LIVE CLASSROOM INSTRUCTION

### Real Classes in Real-time

In the LLM in Estate Planning and Elder Law, all courses are taught online. The courses are live and completely interactive. In other words, the classes are in real time. The courses are taught through the use of virtual classrooms over the Internet. Our distance-learning courses are completely synchronous. With this synchronous system, the professor and the students meet at the same time but not in the same place. Since we are employing a live synchronous system, the professor can engage the students in discussions. The classroom is equipped with a whiteboard on which the professor can write. The professor can also place PowerPoint and other visual aids on the screen for the students to review and discuss.

We have equipped each faculty member with a web camera which projects a real-time image of the professor during the class. Each student is supplied with a headset and microphone so that he/she can actively participate in classroom discussions. As an added feature, both the video and audio of all of our online classes are also recorded. If a student has to miss a class or wants to review a class, the student can watch and listen to the recorded class.

Our approach to distance learning provides unprecedented interaction with classmates and faculty, bringing the immediacy and intimacy of the classroom experience directly to your home, office, or wherever you may need to travel. Real-time instruction also provides the feedback that enables our professors to assess students' level of understanding, letting them pace instruction and clarify content as the class progresses, just like a traditional classroom.

### LLM in Closely-held Businesses

#### LLM in Closely-held Businesses Program Information

The objective of the program for our LLM in Closely-held Businesses is to accommodate attorneys who wish to obtain the LLM degree on a part-time basis. All of our courses are taught live and online through the use of virtual classrooms over the Internet. The courses are live and completely interactive. Please review our Online LLM page to learn more about our online program.

A student can earn the LLM degree in Closely-held Businesses in 2 or 3 academic years. Students who plan to complete the program in 3 years take 2 two-credit courses each semester for 6 semesters. Students who plan to complete the program in 2 years take 3 two-credit courses each semester for 4 semesters. A student is permitted, on an individual basis, to adjust the number of courses that he/she takes each semester. For example, if a student experiences demands from his/her practice, that student may reduce his/her course load to one course for certain semesters. We recognize that a number of students are busy practitioners and may need to change the number of courses they take in a semester due to the demands of their law practice.

Classes are held on Monday, Tuesday and Wednesday evenings from either 6:00 p.m. to 7:30 p.m. Eastern Time or from 8:00 p.m. to 9:30 p.m. Eastern Time. Candidates for an LLM degree in Closely-held Businesses must successfully complete a minimum of 24 credit hours in both required and elective courses with an overall grade point average of 70 or better.

#### Registration Materials

- ASAP
- 2013 Fall Course Schedule

- 2014 Spring Course Schedule

### LLM - LLM in Closely-held Businesses Courses

#### LLMC 832 - Business Succession Planning (2)

This course will consider the issues that owners of closely-held businesses face in the operation and disposition of their business interests. The course will consider the operational and transfer problems for unrelated business owners as well as the operational and transfer problems for family owned businesses. Areas of study will include buy/sell agreements, life insurance, and alternative methods of succession.

#### LLMC 836 - Income Taxation of Pass-Through Entities (2)

This course is designed to teach the fundamental concepts of accounting that a business attorney should know. The course is for students with no background in accounting. Areas will include the basic understanding of financial statements, accounting mechanics, and underlying accounting concepts and principles.

#### LLMC 850 - Accounting for Lawyers (2)

This course is designed to teach the fundamental concepts of accounting that a business attorney should know. The course is for students with no background in accounting. Areas will include the basic understanding of financial statements, accounting mechanics, and underlying accounting concepts and principles.

#### LLMC 852 - Commercial Real Estate Transactions (2)

This course will focus on both the tax and non-tax issues of commercial real estate transactions. Topics will include structuring the transaction, financing the deal; and choice of entity to own real estate; postponement of tax through section 1031 like-kind exchanges.

#### LLMC 853 - Designing Fringe Benefits and other Compensation for Owners and Key Employees (2)

This course will explore the creative ways in which the business owner and other key employees can be compensated. Topics will include stock options, non-qualified deferred compensation agreements (section 409A of the Internal Revenue Code); substantial risk of forfeiture issues under section 83 of the Internal Revenue Code; cafeteria plans; and life insurance.

#### LLMC 854 - Employment Law (2)

This course provides a basic overview of employment law. Topics will include employment agreement, wrongful discharge, wage and hour laws (FLSA), leave (e.g., FMLA), safety (OSHA), and unemployment insurance. The course will also consider discrimination in the workplace (Title VII; ADA; ADEA). Finally, consideration will be given to drafting employment agreements which protect the employer's intellectual property, trade secrets and which contain non-competition clauses.

#### LLMC 855 - Franchise Law (2)

This course will explore the fundamental of franchise law. The areas of trademarks, contracts, state and federal laws and regulations, and antitrust will be studied within the context of franchise law.

### **LLMC 856 - International Business Transactions & The Closely-Held Business (2)**

This course will consider some of the major private and public law issues involved in international trade and investment. The course will focus primarily on the private international business transactions. This course will examine typical legal arrangements for (i) the international financing and sale of goods (including extensive coverage of the United Nations Convention on Contracts for the International Sale of Goods – CISG), (ii) the non-establishment forms of foreign investment employed by market participants in order to generate business internationally (including licensing of intellectual property rights, international distributorship contracts, transfer of technology agreements, etc.), and (iii) the foreign direct investment of capital through the establishment of business operations abroad. Aspects of public international trade law, such as NAFTA, will also be discussed.

### **LLMC 857 - Intellectual Property (2)**

This course is designed to introduce a basic overview of intellectual property law. The course will include the topics of trade secret, patent, copyright, and trademark law. These topics will be examined with a focus on new technologies. This course is a foundation course for the advanced course in trademark law. This course provides a general understanding of intellectual property law.

### **LLMC 858 - Trademark Law (2)**

Trademarks and logo are used by businesses to identify themselves and set themselves apart from the competition. Often, these trademarks and logos enhance the value of the business' goodwill. The course is a detailed consideration of the federal trademark statute and how it provides protection for business' trademark and logo. Topics will include trademark infringement, dilution, counterfeiting, false advertising, false endorsement, and the right of publicity; and defenses and remedies in trademark actions.

### **LLMC 860 - Design and Drafting of Corporate Operating Documents (2)**

This course is an intensive drafting course. Students will design and draft all of the necessary documents for the creation and operation of a corporation, including articles of organization, bylaws, and shareholder agreements. The course will also explore the issue of choosing the state in which the corporation should be formed.

Distribution: Required Course.

### **LLMC 861 - Income Taxation of Corporations (2)**

This course studies the federal taxation of corporations and their shareholders. Emphasis will be given to the tax issues involving closely-held corporations, including corporate formation, structure, distribution of profits and liquidation. Topics will encompass dividend distributions, stock redemptions, personal holding companies, accumulated earnings and subchapter S election.

Distribution: Required Course.

### **LLMC 862 - Operation, Management and Control of Closely-held Businesses (2)**

This course provides an overview of the legal problems involved in the formation and operation of closely-held businesses. For purposes of this course the term closely-held business will mean any business whose ownership interests are not publicly traded. The course will focus on both the unincorporated and incorporated business. Primary emphasis will be given to the limited liability company, the limited liability partnership and closely-held corporations. Topics will include the mechanics of entity formation; management and control of the closely-held business; financial rights and liabilities of the entity's owners; fiduciary duties among the entity's owners; the transferability of entity ownership; and exit rights during dissociation and dissolution.

Distribution: Required Course.

### **LLMC 863 - Business Financing (2)**

The course will explore the financing options for a business entity. Areas of discussion will include conventional commercial financing, venture capital and other private equity financing.

Distribution: Required Course.

### **LLMC 864 - Design and Drafting of Limited Liability Company Operating Documents (2)**

This course is an intensive drafting course. Students will design and draft all of the necessary documents for the creation and operation of a limited liability company, including the operating agreement. The course will also explore the issue of choosing the state in which the limited liability company should be formed.

Distribution: Required Course.

### **LLMC 865 - Income Taxation of Limited Liability Companies and Partnerships (2)**

This course focuses on the income tax treatment of partnerships and limited liability companies. Areas of study will include the formation of a partnership; basis of partnership interests and assets; effect of liabilities on basis; allocation of income and deductions. Topics will also include the termination of partnerships; family partnerships; sales and exchanges of partnership interests; liquidating and non-liquidating distributions; death of a partner and retirement of a partner.

Distribution: Required Course.

### **Curriculum for LLM in Closely-held Businesses**

### **LLM in Closely-held Businesses**

### **Degree Requirements**

Since the primary objective of the program is to prepare the students to establish and represent closely-held businesses, the course will emphasize the practical aspects of drafting and representing closely-held businesses. To obtain the degree, each student will be required to complete 12 credit hours in required courses and a minimum of 12 credit hours in elective courses. The following list of courses merely identifies the possible curriculum. Additional courses can be added. This list simply shows that enough significant and substantive courses can be established to justify an LLM program.

### **Required Courses**

LLMC 860	Design and Drafting of Corporate Operating Documents	2
LLMC 861	Income Taxation of Corporations	2

LLMC 862	Operation, Management and Control of Closely-held Businesses	2		<i>(No classes - Thanksgiving)</i>	<i>(No classes - Thanksgiving)</i>
LLMC 863	Business Financing	2	December 2	December 3	December 4
LLMC 864	Design and Drafting of Limited Liability Company Operating Documents	2	December 9	December 10	December 11
			<b>(Last Monday class)</b>	<b>(Last Tuesday class)</b>	<b>(Last Wednesday class)</b>
LLMC 865	Income Taxation of Limited Liability Companies and Partnerships	2	Monday, September 16 is last day to Add Courses		
			Wednesday, December 11 is last day to withdraw from Courses		

### Elective Courses

LLMC 836	Income Taxation of Pass-Through Entities	2	<b>Due Dates for Final Projects and Assignments: December 1 – 17</b>		
			<b>Spring 2014</b>		
			<b>Monday Dates</b>	<b>Tuesday Dates</b>	<b>Wednesday Dates</b>
LLMC 850	Accounting for Lawyers	2	January 13 (Classes begin)	January 14	January 15
LLMC 832	Business Succession Planning	2			
LLMC 852	Commercial Real Estate Transactions	2	<b>January 20 (Martin Luther King Day. No class)</b>	January 21	January 22
LLMC 853	Designing Fringe Benefits and other Compensation for Owners and Key Employees	2	January 27	January 28	January 29
LLMC 854	Employment Law	2	February 3	February 4	February 5
LLMC 855	Franchise Law	2	February 10	February 11	February 12
LLMC 856	International Business Transactions & The Closely-Held Business	2	February 17	February 18	February 19
			February 24	February 25	February 26
LLMC 857	Intellectual Property	2	March 3	March 4	March 5
LLMC 858	Trademark Law	2	March 10	March 11	March 12

### LLM Program Faculty

#### Academic Calendar 2013-2014 for LLM Program in Closely-held Businesses

##### Fall 2013

##### Monday Dates      Tuesday Dates      Wednesday Dates

<b>September 2 (Labor Day. No classes)</b>	<b>September 3 (Classes begin)</b>	<b>September 4</b>
September 9	September 10	September 11
September 16	September 17	September 18
September 23	September 24	September 25
September 30	October 1	October 2
October 7	October 8	October 9
October 14	October 15	October 16
October 21	October 22	October 23
October 28	October 29	October 30
November 4	November 5	November 6
November 11	November 12	November 13
November 18	November 19	November 20
November 25	<b>November 26</b>	<b>November 27</b>

<b>March 17 (Spring Break. No classes)</b>	<b>March 18 (Spring Break. No classes)</b>	<b>March 19 (No classes)</b>
March 24	March 25	March 26
April 1	April 1	April 2
April 7	April 8	April 9
April 14	April 15	April 16
April 21	April 22 <b>(Last Tuesday class)</b>	April 23 <b>(Last Wednesday class)</b>

April 28  
**(Last Monday class)**

Monday, January 27 is last day to Add Courses

Monday, April 28 is last day to withdraw from Courses

**Due Dates for Final Projects and Assignments: April 29 – May 7**

**May 17 Commencement**

### LLM in Estate Planning and Elder Law

#### LLM in Estate Planning and Elder Law Program Information

The objective of the program for our LLM in Estate Planning and Elder Law is to accommodate attorneys who wish to obtain the LLM

degree on a part-time basis. All of our courses are taught live and online through the use of virtual classrooms over the Internet. The courses are live and completely interactive. Please review our Online LLM page to learn more about our online program.

The Program is designed so that a student can earn the LLM degree in two or three academic years. Students who plan to complete the program in 3 years take two 2-credit courses each semester for five semesters. In their sixth semester, these students take the 4-credit capstone course, known as the Final Drafting Project. The class times are structured so that students planning to complete the program in three years will normally attend classes one night per week. Students who plan to complete the program in two years take three 2-credit courses each semester for three semesters. In their fourth semester, these students take one 2-credit course and the 4-credit Final Drafting Project. The class times are structured so that students planning to complete the program in two years will normally attend classes two nights per week. Please review our Curriculum page and our Course Descriptions page to learn more about the courses.

A student is permitted, on an individual basis, to adjust the number of courses that he/she takes each semester. We recognize that a number of students are busy practitioners and may need to change the number of courses they take in a semester due to the demands of their law practice. Classes are held on Monday, Tuesday and Wednesday evenings from either 6:00 p.m. to 7:30 p.m. Eastern Time or from 8:00 p.m. to 9:30 p.m. Eastern Time. Candidates for an LLM degree in Estate Planning and Elder Law must successfully complete a minimum of 24 credit hours in both required and elective courses with an overall grade point average of 70 or better.

#### **Registration Materials**

- ASAP
- 2013 Fall Course Schedule
- 2014 Spring Course Schedule

#### **LLM - LLM in Estate Planning and Elder Law Courses**

##### **LLME 801 - Wills and Trusts (2)**

In this course, students will learn to design and draft wills and trusts. The course is an intensive study of the laws of wills and trusts. Students will learn the basic skills necessary to transfer property from the owner to the beneficiary in an efficient manner and to draft the documents and presentations that are an integral part of estate planning.

##### **LLME 802 - Fiduciary Administration (2)**

This course is a survey of the fiduciary powers and duties of executors and trustees in the administration of estates and trusts. Topics will include qualifications of a fiduciary, potential liabilities, and conflicts of interests of a fiduciary. Special consideration will be given to an attorney's role in representing the estate, the trust, and/or the fiduciary.

##### **LLME 803 - Federal Wealth Tran. Tax (2)**

This course is a study of the basic principles of the federal transfer tax system, including estate tax, gift tax, and generation-skipping tax. The topics included in this course are retained interests, powers of appointment, lifetime transfers, life insurance, marital deduction, definition of gift, transfers to revocable and irrevocable trusts, and gifts to minors.

##### **LLME 804 - Federal Inc. Tx Est.&Trus (2)**

This course studies the income tax issues for estates, trusts, and beneficiaries. Topics that will be examined include grantor trust rules, simple trusts, complex trusts, distributable net income, distributions in-kind, assignment of income, and income in respect of a decedent.

##### **LLME 805 - Wealth Plan w/life Ins. (2)**

This course will consider the various uses of life insurance in wealth planning, including funding buy/sell agreements, providing liquidity for the estate, and restoring capital used for taxes. Areas of study will include the use of irrevocable life insurance trusts, as well as various life insurance products.

##### **LLME 806 - Final Drafting Project (4)**

The final project is a simulation course in which the student must design and draft a comprehensive estate plan under the supervision of an estate planner. The student will be given a hypothetical problem that will require complex estate planning. The student will be required to prepare detailed memoranda to the estate planner explaining the student's proposed estate plan design. The project will culminate with the drafting of sophisticated estate planning documents.

##### **LLME 807 - Elder Law (2)**

This course concentrates on the legal problems associated with the elderly and issues of aging. Topics of discussion will include social, psychological, legal, and financial aspects of planning for the elderly. Issues will include Medicare benefits, Medicaid benefits, nursing home institutionalization, social security, and estate planning.

##### **LLME 808 - Est Plan & Mar Deduct (2)**

This course is to study Estate Planning issues and specifically marital deduction issues that arise within the context of Elder Law planning. You can take this course even if you have taken LAW 810 Marital Deduction Planning.

##### **LLME 810 - Adv. Issues Wealth Trnsfr (2)**

This course will consider advanced topics in marital deduction, including the passing requirement, QTIP and non-QTIP requirements, the terminable interest rule, formula clauses, valuation, state law issues, non-citizen surviving spouse and qualified domestic trusts, the use of disclaimers, GST, and issues in post mortem estate planning. The course will be taught online using the problem approach and drafting marital deduction provisions as a solution to the problem. Proposed drafting solutions will be due approximately one week after the "chat with respect to a problem. Prerequisites—Wills and Trusts: Design, Drafting and Implementation and Federal Wealth Transfer Taxes.

##### **LLME 811 - Generation Skip Trnsf Tax (2)**

This course is an in-depth study of the federal generation-skipping transfer tax. Topics will include direct skips, taxable distributions, taxable terminations, definitions of skip and non-skip person, GST exclusion, allocations planning and drafting.

##### **LLME 812 - Chapter 14 IRC (2)**

This course will consider advanced topics in wealth and transfer taxes [chapter 14], including qualified personal residence trusts, grantor retained annuity trusts, grantor retained uni-trusts, private annuities, deferred payment sales, grantor retained income trusts, transfers with a retained interest in tangible personal property, sales of remainder



interests, lapsing rights, restrictions on liquidation, options, non-commercial restrictions, loans, leases and lease-backs, and estate tax freezes and reverse freezes. The course will be taught online using the problem approach and drafting as a solution to the problems. Students will be required to participate in weekly online discussions. Prerequisites are Law 803 Federal Wealth Transfer Taxes and Law 801 Wills and Trusts: Design, Drafting and Implementation.

### **LLME 820 - Inc. Tax for Estate Plann (2)**

This course will focus on income tax issues that are essential for estate planning. The topics in this course will include the income tax treatment of bequests and inheritances; the income tax treatment of gifts; basis rules; income taxation of life insurance and annuities; tax rules for sale of a personal residence; taxation of exchanges; fundamentals of capital gains; tax deferred like-kind exchanges; concepts concerning the time value of money, imputed interest and the original issue discount rules; installment sales; income in respect of a decedent; assignment of income and the income taxation of deferred compensation.

### **LLME 821 - Tax Procedure (2)**

This course will focus on the preparation and planning of gift and estate tax returns; the administrative process involved in an audit, including settlement procedures and administrative remedies; interest and penalties; the tax collection process; ethical considerations relating to estate tax matters; and the most current issues and how they are addressed at the audit level.

### **LLME 832 - Business Succession Plann (2)**

This course will consider the issues that owners of closely held businesses face in the operation and disposition of their business interests. The course will consider the operational and transfer problems for unrelated business owners as well as the operational and transfer problems for family owned businesses. Areas of study will include buy/sell agreements, life insurance, and alternative methods of succession. Note: This course was formerly called Business Estate Planning/Closely Held Business Entities.

### **LLME 833 - Estate Planning for Retirement Benefits for Qualified and Non-Qualified Plans (2)**

This course will examine the income tax, estate tax, gift tax, and generation-skipping tax consequences of the distribution of benefits from qualified and non-qualified plans. Areas of discussion will include spousal rights, designation of beneficiaries, rollover options, and minimum distribution requirements.

### **LLME 834 - Planning for Charitable Transfers (2)**

This course will explore the income, estate and gift tax consequences of gifts to charities. The course will focus on the use of both public charities and private charities. Topics will include the design and drafting of charitable remainder trusts and other split interest gifts, and the use of private foundations in the estate planning process.

### **LLME 836 - Inc. Tax of Pass-Through (2)**

This course focuses on the income tax treatment of partnerships, limited liability companies, and Subchapter S corporations. Areas of study will include tax consequences from the operation of the entity, the tax consequences from retirement or death of an owner, from the redemption of an owner's interest, and from the liquidation or sale of the entity.

### **LLME 838 - Adv Issues Elder Law II (2)**

This course will be an in-depth study of a selective number of advanced topics in Elder Law that have not been covered in the basic Elder Law course, including legal capacity issues, governmental benefits, and financial and estate planning. Prerequisite is LAW 807 Elder Law.

### **LLME 839 - Estate Planning for Same-Sex Couples (2)**

This course will focus on the unique issues in estate planning for same-sex couples. Topics will include marriage, domestic partnership, and civil unions as they relate to estate planning. The planning topics will be children and family planning, advanced tax planning such as ILITs, GRITs, GRATs and family limited partnerships.

### **LLME 840 - Special Needs Planning (2)**

Special needs trusts and supplemental needs trusts (both commonly known as SNTs) allow a disabled beneficiary to receive gifts, inheritances, lawsuit settlements, or other funds and yet not lose his or her eligibility for certain government programs such as Supplemental Security income (SSI) and Medicaid. SNTs can be set up by parents or other persons for a disabled child or relative and later receives the proceeds of a personal injury award or settlement. This course is designed to provide a practical guide to using different types of SNTs each with its own eligibility standards-planning for and administering the trusts, integrating them into larger estate plans, and drafting tips and common traps for the planner and clients.

### **LLME 841 - Drafting Revocable Trusts (2)**

This course is a detailed review and analysis of revocable living trusts and the role they play in estate planning, including an in-depth understanding of the effective use of various tax-based clauses.

### **LLME 842 - Elder Law Simulation (2)**

This course will explore advanced will and trust drafting; how to read existing trusts and spot problem issues; how to draft to meet clients' goals, address foreseeable changes in circumstances, and avoid latent and patent ambiguities. Students will study individual clauses to understand its rationale and how and why it might be written in a particular way. The estate, tax and Medicaid ramifications of various instruments will be explored. Prerequisites are Elder Law and Elder Law II.

### **LLME 843 - Int'l Estate Planning (2)**

Clients with international interests are on the rise. This course examines the profile of a multinational client in need of estate and income tax planning. Foundational concepts, such as the reach of the U.S. transfer and income tax system outside U.S. borders are covered, as well as the situs rules for various types of assets and the concept of residency. The operation of both credits and deductions available in an international context are explored as well as a focus on charitable planning for charities overseas. Pre-immigration planning for the multinational coming to the U.S., as well as expatriation planning for the U.S. citizen or resident is explored, along with a focus on the recent exit tax and federal "inheritance" tax laws. Income tax planning for both of these populations will also be covered, as well as the recent foreign bank account income and reporting issues common to these populations. Foreign Trusts, estates and beneficiaries will be discussed. The use of tax treaties throughout all of the topics will be discussed.

**LLME 844 - Medicaid Planning (2)**

This course covers Community and Institutional Medicaid; Medicaid Waivers; Rules regarding Categorical, Medical, and Financial Eligibility; rules regarding Asset Transfers, Liens and Estate Recovery; Treatment of Spouses and other Special Individuals; Rules regarding Trusts and Trust Drafting; and Relationship to Social Security Supplemental Security Income and Social Security Disability Income. Examine the relationship with VA Aid & Attendance benefits and how VA benefits influence Medicaid trust drafting. While strategies will be discussed, this course is designed to lay the statutory, regulatory, and judicial foundations of Medicaid, while "Law 842: Elder Law Simulation" is designed to apply this foundation to realistic hypotheticals and illustrate strategies in a more detailed, workshop environment. For the 2011-2012 year, you need not take Medicaid Planning as a prerequisite for Elder Law Simulation. Students who took Advanced Elder Law II with Professor Worthington in Spring 2011 are not eligible to take this class. Prerequisite: Law 807 Elder Law. Recommended but not required: Law 804 Federal Income Taxation of Trusts & Estates; Law 803 Federal Wealth Transfer Taxes; Law 801 Wills and Trusts: Design, Drafting and Implementation. Basic Elder Law is now a co-requisite, not a pre-requisite.

**LLME 845 - Planning Grantor Trusts (2)**

This class will cover the Rules in depth, compare and contrast with estate tax inclusion rules, explore the consequences and uses of Grantor Trust Status, examine the interaction with Medicaid and SSI, and present numerous pitfalls and opportunities. Grading is based on a combination of class participation, informal homework, and a final paper. Prerequisites: Law 804: Federal Income Taxation of Trusts and Estates; Law 803: Federal Wealth Transfer Taxes. Nice but no means required: Law 801: Will and Trusts: Design, Drafting and Implementation.

**Curriculum for LLM in Estate Planning and Elder Law****LLM in Estate Planning and Elder Law****Degree Requirements**

Since the primary objective of the program is to prepare the students to practice estate planning, the courses will emphasize the practical aspects of drafting estate plans and administering the settlement of estates. To obtain the degree, each student will be required to complete 16 credit hours in required courses and a minimum of 8 credit hours in elective courses. As a final 4 credit project, every student will design and draft a comprehensive estate plan under the supervision of an experienced estate planner.

**Required Courses**

LLME 807	Elder Law	2
LLME 801	Wills and Trusts	2
LLME 802	Fiduciary Administration	2
LLME 803	Federal Wealth Tran. Tax	2
LLME 804	Federal Inc. Tx Est.&Trusts	2
LLME 805	Wealth Plan w/life Ins.	2
LLME 806	Final Drafting Project	4

**Elective Courses**

LLME 838	Adv Issues Elder Law II	2
LLME 842	Elder Law Simulation	2

LLME 834	Planning for Charitable Transfers	2
LLME 812	Chapter 14 IRC	2
LLME 836	Inc. Tax of Pass-Through	2
LLME 832	Business Succession Plann	2
LLME 839	Estate Planning for Same-Sex Couples	2
LLME 833	Estate Planning for Retirement Benefits for Qualified and Non-Qualified Plans	2
LLME 820	Inc. Tax for Estate Plann	2
LLME 810	Adv. Issues Wealth Trnsfr	2
LLME 811	Generation Skip Trnsf Tax	2
LLME 821	Tax Procedure	2
LLME 843	Int'l Estate Planning	2
LLME 840	Special Needs Planning	2
LLME 844	Medicaid Planning	2
LLME 808	Est Plan & Mart Deduct	2
LLME 841	Drafting Revocable Trusts	2
LLME 845	Planning Grantor Trusts	2

**LLM Program Faculty****Frederick D. Royal, Professor of Law****Associate Dean for LL.M. Programs in Estate Planning and Elder Law and Closely-held Businesses**

*BA, University of Massachusetts*

*JD, Cornell University School of Law*

*LLM, Boston University School of Law*

Frederick Royal is a Professor of Law and Associate Dean of the Graduate Program in Estate Planning and Elder Law. Professor Royal has also served as the Associate Dean for Academic Affairs at the School of Law. Professor Royal was a Law Clerk to United States Tax Court Judge William M. Drennen for two years. Before joining the faculty in 1978, he specialized in the practice of tax law and estate planning. He has published in the areas of tax procedure, corporate taxation, and estate planning. His most recent publication is Chapter 22, "Representing a Trustee" in *Understanding and Using Trusts*, Massachusetts Continuing Legal Education, 2005. He is a frequent lecturer for continuing legal education programs, including Massachusetts Continuing Legal Education and the Massachusetts Bar Association. Professor Royal teaches in the areas of Corporate Taxation, Income Taxation of Pass-Through Entities, Federal Wealth Transfer Taxes, Estate Planning, and Business and Estate Planning for Owners of Closely Held Business Entities.

**William G. Baker, Professor of Law**

*BA, Clarkson College*

*JD, Union College, Albany Law School*

Professor Baker, a member of the faculty since 1975, is a former Law Clerk to New York State Supreme Court Judge Andrew V. Siracuse. He has been a consultant to the Rochester, NY, law firms of Kaufman, Kenning, Tyle and D'Amanda and Pauley & Barney. He is a frequent program participant, speaking in the areas of estate planning and real estate transactions. He has written numerous articles on estate planning. Presently, he serves as an associate editor

to the American Bar Association Probate and Real Property Journal. His pro bono work often consists of assisting not-for-profit corporations. Professor Baker teaches in the areas of Trusts and Estates, Estate Planning, Federal Wealth Transfer Taxes, and Planning for Charitable Transfers.

**Jennifer L. Levi, Professor of Law**

*AB, Wellesley College*  
*JD, University of Chicago Law School*

Professor Levi has dedicated her career to fighting for the rights of women, children, the poor, and gay, lesbian, bisexual, and transgendered clients. Most recently, Professor Levi was senior staff attorney for Gay and Lesbian Advocates and Defenders in Boston. Prior to that, she was a visiting professor at Chicago-Kent College of Law in Chicago, worked as an associate attorney for two Chicago law firms, and clerked in the United States Court of Appeals for the First Circuit in Boston. Professor Levi served as co-counsel for the seven same-sex marriage couples who sued the Commonwealth for denying them the right to obtain marriage licenses in the landmark case *Goodridge et al v. the Department of Public Health*. Professor Levi teaches Estate Planning for Same-Sex Couples.

**Attorney Hyman G. Darling, Adjunct Professor of Law**

*AB, Boston University*  
*JD, Western New England University School of Law*

Attorney Darling is a shareholder in the law firm of Bacon Wilson, P.C. of Springfield, MA and is Chairman of the Estate Planning, Elder Law Department of the firm. His areas of expertise include estate planning, probate, and elder law. Professor Darling is the author of numerous articles on elder law and estate planning and is a frequent lecturer for continuing legal education programs, including Massachusetts Continuing Legal Education and the Massachusetts Bar Association. He has been a member of the adjunct faculty of Western New England University School of Law for more than a decade. Professor Darling teaches Elder Law.

**Attorney Brenda S. Doherty, Adjunct Professor of Law**

*AB, Brown University*  
*JD, Harvard Law School*  
*LLM, in Taxation, Boston University School of Law*

Attorney Doherty works for the law firm Doherty, Wallace, Pillsbury & Murphy in Springfield, Massachusetts, where she practices in the areas of estate planning, taxation and business law. She is a member of the Education Committee of the Community Foundation of Western Massachusetts, on the Board of Directors of Western Mass. Legal Services, and Vice Chair of the Springfield Board of Appeals. Professor Doherty teaches Life and Death Planning for Retirement Benefits.

**Attorney Michele J. Feinstein, Adjunct Professor of Law**

*BS, Boston University*  
*JD, Western New England University School of Law*  
*LLM, in Taxation, Boston University School of Law*

Attorney Feinstein is a shareholder in the Springfield law firm of Shatz, Schwartz and Fentin, P.C. where she practices in the areas of estate planning, including probate and the administration of estates and elder law, and business planning, including all aspects of planning for the succession of business interests, representation of closely held businesses and their owners. Professor Feinstein is a frequent lecturer for Massachusetts Continuing Legal Education and the Massachusetts Bar Association on estate planning, estate administration, and elder law topics. Professor Feinstein teaches Fiduciary Administration.

**Attorney Danielle P. Ferrucci, Adjunct Professor of Law**

*BA, University of Connecticut*  
*JD, University of Connecticut School of Law*  
*MPA, University of Connecticut*

Attorney Ferrucci is a Partner at Shipman & Goodwin LLP. She practices in the areas of estate planning, estate settlement and trust administration. She assists clients with the full range of planning techniques for tax-effective inter-generational and charitable transfers. She also prepares, or advises those preparing, probate documents, estate tax returns and fiduciary income tax returns as well as represents estates before the IRS and DRS on audit. She is a member of the Connecticut Bar Association, Planned Giving Group of Connecticut, Greater Hartford Probate Forum and National Academy of Elder Law Attorneys. Professor Ferrucci teaches Planning for Charitable Transfers and Generation Skipping Transfer Tax.

**Attorney Christopher J. Hug, Adjunct Professor of Law**

*AB, Brown University*  
*JD, Western New England University School of Law*

Attorney Christopher J. Hug is a partner at Robinson & Cole LLP. He focuses exclusively on dispute resolution, whether in litigation, arbitration and/or mediation contexts. Since 2011, he has served as a member of the Connecticut Probate Practice Book Advisory Committee that is responsible for drafting a comprehensive probate practice manual for the Connecticut Probate Courts. A significant part of his practice relates to the representation of parties in contested probate matters before the various courts of Connecticut. Such matters typically include will contests, conservatorships and various claims for breach of fiduciary duty. He also assists various health entities in resolving matters related to conservatorships, psychiatric disabilities and end-of-life issues. He has lectured on conservatorships and discovery practice in probate matters. He is affiliated with the American Bar Association (ABA) and the Connecticut Bar Association (CBA). Professor Hug teaches Fiduciary Administration.

**Attorney Paula Jones, Adjunct Professor of Law**

*BS, West Chester University*  
*JD, Widener University School of Law*

Attorney Jones is an associate with Drinker Biddle & Reath LLP in the firm's Private Client Practice Group. She advises clients on estate planning and administration with a focus on international planning. She advises clients on all aspects of U.S. estate and gift taxation, the creation, migration and maintenance of U.S. and foreign trusts, pre-immigration planning for non-resident aliens coming to the United States, expatriation tax planning for residents and citizens leaving the United States, charitable giving overseas, offshore account compliance, administration of estates of foreign individuals with U.S., property and other related matters. Paula guest lectures on international wealth planning at Temple University School of Law's Masters of Laws Program and lectures frequently for organizations such as the American Immigration Lawyers Association, Society for Human Resource Management and American Bar Association, as well as local estate planning councils. Paula has authored several articles. She has developed a workshop on estate planning basics, titled "Will Power: Wealthy or Not, Your Estate Matters." The companion book was published by The Graduate Group in April of 2008. Professor Jones teaches International Estate Planning.

**Attorney Michael A. Kirtland, Adjunct Professor of Law**

*BA, Coe College*  
*MPA University of Colorado*

*JD, Faulkner University School of Law*  
*LLM, University of Alabama School of Law*

Attorney Kirtland is a managing member of Kirtland & Seal L.L.C., concentrating in estate planning, elder law, probate law, and related taxation issues. He is a Certified Elder Law Attorney by the National Elder Law Foundation. Past-chair, Elder Law, Disability Planning and Bioethics Group; member of several Committees, representative to ABA, Veterans Benefits and Services, Dispute Resolution, Board of Directors of National Elder Law Foundation, Ethics Committee and Special Needs Alliance. Numerous publications of books, articles, papers, op-eds and book reviews. Professor Kirtland teaches Special Needs Planning.

**Attorney Vincent A. Liberti Jr., Adjunct Professor of Law**

*BS, Union College*  
*JD, Western New England University School of Law*  
*LLM, in Estate Planning and Elder Law, Western New England University School of Law*

Attorney Liberti's practice encompasses matters dealing with wealth acquisition, preservation and transfer. His practice entails the use of wills, trusts, and sophisticated estate planning techniques; elder law representation; probate administration and fiduciary representation; business formation and succession planning; commercial real estate transactions, including IRC Section 1031 tax deferred exchanges. He is licensed to practice law in New York, Massachusetts and Connecticut. Vincent is a Partner at Halloran and Sage, LLP with a main office in Hartford, Connecticut and is Chair of their estate planning and probate and their business succession practice groups. He previously managed his own law practice and before becoming a lawyer was involved in real estate and mortgage brokerage. Professor Liberti teaches Wills & Trusts: Design, Drafting and Implementation.

**Attorney Leslie S. Madge, Adjunct Professor of Law**

*BS, Northeastern University*  
*JD, New England School of Law*

Attorney Leslie S. Madge's practice is concentrated in the areas of estate planning and elder law. She is a Certified Elder Law Attorney (CELA), through the National Elder Law Foundation, a certifying organization accredited by the American Bar Association. Attorney Madge has lectured and published extensively through Massachusetts Continuing Legal Education (MCLE) and Suffolk University Advanced Legal Studies. She is a past president of the Massachusetts Chapter of the National Academy of Elder Law Attorneys (NAELA) and currently sits on its Board of Directors. Attorney Madge has been designated a SuperLawyer since 2008. Professor Madge teaches Advanced Elder Law II & Elder Law Simulation.

**Attorney Kelley Cooper Miller, Adjunct Professor of Law**

*BA, Mount Holyoke College*  
*JD, Western New England University School of Law*  
*LLM, Georgetown University Law School*

Attorney Miller is an associate in the Philadelphia office of Reed Smith LLP. She regularly lectures in tax at Georgetown University Law Center. She is an active member of the American Bar Association Section of Taxation, Chair of the Law Student Tax Challenge Competition, member of the Federal Bar Association Tax Section, and member of the American Bankruptcy Institute. Professor Miller teaches Income Taxation of Pass-Through Entities.

**Attorney Crystal T. Ochrymowicz, Adjunct Professor of Law**

*BA, Millersville University of Pennsylvania*  
*JD, Western New England University School of Law*  
*LLM, in Taxation, New York University*

Attorney Ochrymowicz is an Estate Tax Attorney for the Internal Revenue Service where she examines estate and gift tax returns, including issues as grantor retained annuity trusts, qualified personal residence trusts, valuation of closely-held companies, Section 2032A special valuation elections, Section 6166 deferral elections, and charitable and marital deductions. Prior to this, Attorney Ochrymowicz clerked in the Third Department, Appellate Division in Albany. Attorney Ochrymowicz teaches Tax Procedure.

**Attorney Ian S. Oppenheim, Adjunct Professor of Law**

*BS, Marietta College*  
*JD, Northeastern University School of Law*

Attorney Oppenheim is a partner of Oppenheim & Cole, LLP in Halifax Massachusetts. His areas of expertise include elder and disability law practice. He is a Certified Elder Law Attorney (as certified by the National Elder Law Foundation of which he is a director) and is a past president of both the Massachusetts Chapter of the National Academy of Elder Law Attorneys [MANAELA] and the Plymouth County Bar Association of Massachusetts. Mr. Oppenheim has been honored as a Fellow of the National Academy of Elder Law Attorneys [NAELA] for his exceptional contributions in meeting the needs of older and disabled Americans and has also received the Academy's "Outstanding Chapter Member" award in 2007. Mr. Oppenheim has lectured at both MANAELA and NAELA conferences and has served as a faculty member for continuing legal education seminars sponsored by both Massachusetts Continuing Legal Education, Inc. [MCLE] and the Massachusetts Bar Association [MBA]. Professor Oppenheim teaches Elder Law, Advanced Elder Law and Special and Supplemental Needs Trusts.

**Attorney Margot N. Parrot, Adjunct Professor of Law**

*BA, University of Massachusetts*  
*JD, Western New England University School of Law*  
*LLM, Western New England University School of Law*

Attorney Parrot has recently retired as a solo practitioner, focusing on the areas of Trusts and Estates, Estate Planning for Traditional and Non-Traditional Families, Elder Law, and Small Business. She has volunteered on the boards of non-profit organizations, in local government and in local and state political campaigns. She currently serves as a Commissioner on the Massachusetts Commission on the Status of Women. Professor Parrot teaches Elder Law.

**Attorney Kelley Galica Peck, Adjunct Professor of Law**

*BS, Florida Southern College*  
*JD, Western New England University School of Law*  
*LLM, Western New England University School of Law*

Prior to joining Robinson & Cole, she was a partner and chair of the Trust and Estate Practice Group at Hallaron & Sage LLP. Attorney Peck focuses her practice on estate planning and probate. She has significant experience working with individuals and families to plan for the management, protection, and transfer of assets including succession planning for owners of closely-held businesses. She handles complex charitable gift planning, estate planning for nontraditional families, planning for protection and preservation of assets, and estate, gift and income tax return preparation and review. Attorney Peck also represents individual and professional fiduciaries and beneficiaries in probate courts. Professor Peck teaches Basic Drafting of Wills and Trusts, Advanced Issues in Wealth Transfer Taxes: Marital Deduction and Wealth Planning with Life Insurance.

**Attorney Mark W. Worthington, Adjunct Professor of Law**

*BSEE, University of Rochester*  
*JD, Northeastern University School of Law*  
*LLM in Taxation, Boston University School of Law*

Attorney Worthington is Managing Partner of Special Needs Law Group of Massachusetts, P.C. in Framingham, Massachusetts, where he practices exclusively in estate planning and elder law. He is a certified Elder Law Attorney (as certified by the National Elder Law Foundation), past President (2007) of the Massachusetts Chapter of the National Academy of Elder Law Attorneys, and a frequent lecturer for national and state continuing legal education programs. Professor Worthington teaches Medicaid Planning and Planning with Grantor Trusts, and has also taught Advanced Issues in Elder Law II and Federal Income Taxation of Estates & Trusts. He is also an Adjunct Professor in the JD Program at Northeastern University School of Law.

### Student Demographics

Since our LL.M. Program is completely online, the students in our Program are from all over the country and have graduated from a variety of law schools. As an example, the following list shows the law schools from which our enrolled students graduated.

University of Maine School of Law  
Case Western Reserve University School of Law  
Fordham University School of Law  
Georgetown University School of Law  
UCLA School of Law  
Boston College School of Law  
Western New England University School of Law  
University of Wisconsin (Madison) School of Law  
Washington University School of Law  
Dickinson School of Law  
University of Arkansas School of Law  
Tulane University School of Law  
University of Tennessee School of Law  
Northeastern University School of Law  
Southern Illinois University School of Law  
New York Law School  
New England School of Law  
University of Dayton School of Law  
University of Nebraska College of Law  
Suffolk University School of Law  
Boston University School of Law  
University of Tulsa School of Law  
Temple University School of Law  
St John's University School of Law  
Widener University (Harrisburg) School of Law  
Franklin Pierce Law Center  
Albany Law School  
Florida International University School of Law  
Columbia University School of Law  
Loyola University (Chicago) School of Law  
Marshall-Wyeth School of Law  
George Washington School of Law  
Quinnipiac College School of Law

### Academic Calendar 2013-2014 for LLM Program in Estate Planning and Elder Law

#### Fall 2013

Monday Dates	Tuesday Dates	Wednesday Dates
<b>September 2</b> (Labor Day. No classes)	September 3 (Classes begin)	September 4
September 9	September 10	September 11

September 16	September 17	September 18
September 23	September 24	September 25
September 30	October 1	October 2
October 7	October 8	October 9
October 14	October 15	October 16
October 21	October 22	October 23
October 28	October 29	October 30
November 4	November 5	November 6
November 11	November 12	November 13
November 18	November 19	November 20
November 25	<b>November 26</b> (No classes - Thanksgiving)	<b>November 27</b> (No classes - Thanksgiving)
December 2	December 3	December 4
December 9	December 10	December 11
<b>(Last Monday class)</b>	<b>(Last Tuesday class)</b>	<b>(Last Wednesday class)</b>

Monday, September 16 is last day to Add Courses

Wednesday, December 11 is last day to withdraw from Courses

### Due Dates for Final Projects and Assignments: December 1 – 17

#### Spring 2014

Monday Dates	Tuesday Dates	Wednesday Dates
January 13 (Classes begin)	January 14	January 15
<b>January 20</b> (Martin Luther King Day. No class)	January 21	January 22
January 27	January 28	January 29
February 3	February 4	February 5
February 10	February 11	February 12
February 17	February 18	February 19
February 24	February 25	February 26
March 3	March 4	March 5
March 10	March 11	March 12
<b>March 17 (Spring Break. No classes)</b>	<b>March 18 (Spring Break. No classes)</b>	<b>March 19 (No classes)</b>
March 24	March 25	March 26
April 31	April 1	April 2
April 7	April 8	April 9
April 14	April 15	April 16
April 21	April 22 (Last Tuesday class)	April 23 (Last Wednesday)

class)

April 28  
(Last Monday class)

Monday, January 27 is last day to Add Courses

Monday, April 28 is last day to withdraw from Courses

**Due Dates for Final Projects and Assignments: April 29 – May 7**

**May 17 Commencement**

## Tuition, Fees, and Financial Aid

The tuition for the LLM Program in Estate Planning and Elder Law is charged on a per credit hour basis. The LLM Program per credit charge for the 2013-2014 academic year is \$1,645.

In addition to tuition, there is also an annual fee of \$556, which includes registration, general services, and graduation fees. (Please note the fee costs are subject to change.)

Additionally, Massachusetts law requires documentary proof of some form of health insurance for all students. There are a number of available individual student health insurance plans. Contact Health Services for more information at 413-782-1211. If you are in the full-time (1 year program) in Estate Planning and Elder Law, the annual fee for health insurance is \$2,210.

### Loans

Information concerning available loan programs for the LLM Programs may be obtained from the Student Administrative Services Office, Western New England University, 1215 Wilbraham Road, Springfield, MA 01119-2684, (413) 796-2080. Federal Loans are available for students taking six credits or more per semester. Private Loans are available for less than six credits.

### Prepayment Plan

The Prepayment Plan prorates costs over a 10 or 12-month period. In this way, students avoid having to make large payments at the beginning of each semester. There are no finance charges or interest rates associated with this plan. The plan is based on a year by year (12 month) contract. There is a \$50 application and processing fee for the prepayment plan. After adding the entire year's tuition, and then deducting financial aid, you will know your outstanding balance for the fall and spring semesters. Your monthly payment can be computed by dividing this balance by 10 or 12, depending on the plan you select. For more information, please contact the Western New England University Student Administrative Services (SAS) office at (413) 796-2080.

### Tuition Refund Policy

The University operates on an academic term basis by which commitments are made in advance to teaching staff and to others whose services are essential to the operation of the University. Under University policy and the School of Law's Academic Rules, refunds are made to students based on the following schedule:

- 100% refund of the tuition charge, less the tuition deposit, when notice of withdrawal is received prior to the first day of classes.
- 75% will be refunded when notice of withdrawal is received during the first week of classes.
- 66 2/3% will be refunded when notice of withdrawal is received during the second week of classes.

- 33 1/3% will be refunded when notice of withdrawal is received during the third week of classes.
- 25% will be refunded when notice of withdrawal is received during the fourth week of classes.
- No refund will be granted after the fourth week of classes.

Students who withdraw from a class or from the LLM Programs must notify Carmen Alexander Blatch in the LLM Office at the School of Law and a Withdrawal Form will need to be filled out and emailed at the time of withdrawal. Approved refunds will be computed on the basis of the date appearing on the official withdrawal form. Absence from class does not constitute withdrawal from a course.

No refunds will be made on fees other than tuition.

Students who use the deferred tuition payment plan are obligated to pay in accordance with the above schedule. If, at the end of a semester, a student has not paid the accrued charges for that semester, the student will be designated "not in good standing" until the charges are paid.

Students who withdraw with an unpaid balance will be financially liable for any amount remaining unpaid after a refund credit has been applied to the balance.

No student may withdraw in good standing from the University unless all financial obligations have been met.



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