Chapter 3 - Admissions

ABILITIES AND SKILLS FOR THE STUDY OF LAW-- PREAMBLE

*A candidate for the **Juris Doctor** degree must have abilities and skills in the categories described below. Capital University Law School is committed to enabling its qualified students by any reasonable means or accommodations to complete the course of study leading to the law degree.*

1. **Intellectual - Conceptual and Integrative Skills:** The candidate must be able to recall and analyze complex factual information, integrate this information with complex legal theories, and apply to those facts the substantive legal principles that will control the result in a particular case. This form of analytical ability involves the ability to recognize and identify the legal issues that are implicated by specific facts, the ability to sort material facts from immaterial facts, the ability to recognize and evaluate competing legal theories that might apply to the facts to reach a proper result. It also involves the ability to recognize when different legal analysis might lead to a different but nonetheless logically supportable result. The candidate must be able to perform legal research.

2. **Effective Communication Skills:** The candidate must be able to organize ideas, and express them with a high degree of organization, clarity, precision, and persuasive force. A candidate must be able to demonstrate facility with the English language and commitment to writing well, including appropriate vocabulary, grammar, syntax, spelling and punctuation. A candidate must be able to communicate candidly and civilly with others. A candidate must be honest in advocating a particular result, and should not misrepresent either facts or the content of any legal principle upon which the candidate relies.

3. **Behavioral and Social Attributes:** A candidate must possess the emotional health required for the full utilization of his or her abilities and posses the interpersonal skills to work with others. The candidate must possess the ability to:

   a. comply with requirements of applicable federal, state, and local laws, regulations, statutes, and applicable orders of a court or tribunal;

   b. comply with the ethical norms of the profession as expressed in the Code of Professional Responsibility and the ABA Model Rules of Professional Conduct, including the avoidance of acts that are illegal, dishonest, fraudulent, or deceitful;

   c. avoid acts that exhibit disregard for the rights or welfare of others;

   d. use honest and good judgment in financial dealings on behalf of oneself and others; and

e. act diligently and reliably in fulfilling one's obligations to others.

4. **Attendance and Participation:** A candidate must be able to have regular and punctual class attendance and to fully participate in class discussions.

5. **Time Management:** A candidate must possess the ability to comply with deadlines and time constraints, and to prioritize and manage multiple tasks.

These standards are based in part on the ABA Task Force on Law Schools and the Profession, Legal Education and Professional Development - An Education Continuum (1992) (often referred to as the "MacCrate Report" in honor of the chair of the task force) and the considered judgment of the faculty of Capital University Law School. Item #4 is based on Standard 304(c) of American Bar Association, Standards for Approval of Law Schools.

Capital University Law School does not discriminate against qualified persons with disabilities. Inquiries regarding these standards may be discussed with the Associate Dean.

EXPLANATION

The Law School first addresses these abilities and skills at the time an applicant seeks admission to law school. The Committee on Admission and Readmission, in its review of an applicant's file for admission to law school, makes a preliminary assessment of the applicant's potential to acquire the requisite skills and abilities. This assessment considers the record of performance in undergraduate education, other graduate education, or both; performance on the LSAT examination (including multiple examination scores); letters of reference; and any other information provided by the applicant in his or her file. Although each factor is important and is considered in the admission process, the LSAT score is the only common denominator among applicants to law school. The Law School does not admit all students who possess the abilities and skills for the study of law.

After applicants matriculate in the Law School, the Law School works with the students to assist them in developing and enhancing their abilities and skills. To this end, the Law School has developed an educational program designed for this purpose. Some of the program requirements are mandated by the accreditation standards of the American Bar Association or membership standards of organizations that the Law School belongs (e.g. the Association of American Law Schools). Other program components are the result of faculty deliberations as to what it collectively believes is necessary and fundamental to a legal education that primarily prepares students to practice law. In this regard the law school has developed curriculum requirements such as minimum graduation requirements, demonstrated minimum competency in both individual and comprehensive course work, required and elective courses, timing and sequencing of courses, minimum and maximum course loads, pre-requisites and co-requisites, cohesive, connected, and integrated educational experience, and more. These requirements are set forth in the Manual of Policies and Procedures. Other programmatic requirements such as the expectation and requirements of class preparation, regular and punctual

attendance at class, adherence to deadlines, civility, respect for others, and professionalism are also important to the development of the skills listed above.

The Law School provides two distinct programs. The full-time program requires, after the first year, a minimum of twelve credit hours of course work per academic term. The part-time program (day and evening) requires a minimum of eight hours of course work per semester. The part-time program originally was created for the purpose of providing an opportunity for a legal education to individuals who needed to work to support families. In addition, others might also benefit from a part-time program of legal education for other reasons such as family obligations and the need for a slower pace of legal studies. Even with its reduced course load, the part-time program achieves the educational objectives identified above so long as students enroll for the minimum of eight credit hours. These students therefore may pursue a part-time program of no fewer than eight credit hours in such a configuration that adheres to the educational integrity of, and meets the program objectives and goals as set forth in the curriculum.

We recognize that students achieve varying degrees of competencies, at various rates, in these areas. Moreover, not every student admitted to law school is able to successfully complete law school.

3.1 General Admissions Procedures

3.1.01 Responsibility for Admissions Process

The Assistant Dean of Admissions and Financial Aid bears primary responsibility for the entire admissions process and for most of the admissions decisions.

3.1.02 Committee on Admissions and Readmissions

One of the standing committees of the Law School is the Committee on Admissions and Readmissions, which typically consists of several faculty members, two students, and the Assistant Deans of Admissions and Financial Aid and Student Affairs, ex officio. This committee performs a number of functions, including acting on petitions for reinstatement (Section 4.8) and petitions for readmission (Section 3.3). Committee functions regarding the admission of new students include:

A. Recommending admissions policies and criteria to the Law School Council.

B. Deciding the acceptance or denial of students whose applications for admission are brought before the committee by the Assistant Dean of Admission and Financial Aid.

C. Advising the Assistant Dean of any matters on which the Assistant Dean seeks such advice.

D. Serving as an oversight committee for the entire process of admissions and financial aid.

3.2 Transfer Students, Visiting Students, and Auditors

3.2.01 Transfer Students

A. Students in good standing who attend law schools accredited or provisionally accredited by the American Bar Association may apply to transfer to Capital. The faculty requires students to complete one year of study prior to transferring unless there are compelling reasons for transfer prior to completion of a full year.

B. In order to be considered for admission, transfer candidates should submit the following material:

1. A completed application and the application fee.
2. A copy of the LSDAS report which is on file at the applicant's law school, showing the student's undergraduate grades and LSAT score.
3. A letter from the dean of the candidate's law school, stating the student is in good standing and unconditionally eligible to continue studies.
4. Law school transcripts showing all law school work undertaken by the candidate. See Policy on Transcripts.
5. Official copies of transcripts showing all college level and graduate work. One must be submitted for each institution a candidate attended after high school. See Policy on Transcripts.

C. Capital will accept credit for courses in which students have received at least a "C" or comparable grade. Courses taken at other law schools and accepted for credit at Capital are recorded as K credit and are not computed into the student's cumulative grade point average. Transfer students must complete no fewer than 45 semester hours at Capital and must maintain a cumulative grade average of "C" (2.0) for work undertaken at Capital. Any transfer student who fails to maintain a cumulative grade average of "C" (2.0) for work undertaken at Capital is subject to the rules and procedures concerning academic probation, dismissal, and reinstatement (section 4.8) of this manual.

3.2.02 Visiting Students

A. Capital University Law School welcomes applications from students who wish to study on a visiting basis. Visiting status allows students to receive coursework credit at Capital for transfer back to their "home" schools. Acceptable course grades from Capital are added to students' regular law school transcripts and count toward a degree at the law schools from which students come.

B. The application procedure is relatively simple and includes the following steps:

1. a candidate must submit an application fee and complete all of the non-essay questions on a Capital University application;

2. provide Capital's Office of Admissions with a letter of good standing from the dean of the "home" school.

C. Once a student is accepted on a visiting basis, Capital will send registration materials and a course schedule to the student. Prior to registering for classes at Capital, the student must obtain written approval from the dean of the student's law school for courses sought at Capital. In the case of a student who wishes to complete legal studies at Capital, the "home" school dean must also give approval for completing studies at the Law School. Admission as a visiting student does not amount to an admission as a student seeking a Capital University degree.

3.2.03 Auditors

Members of the bar, graduates from approved law schools, and in limited circumstances other college graduates, may be admitted at the discretion of the dean to enroll as auditors. Normally, an auditor is expected to prepare all assignments and to participate in classroom discussion, but takes no examinations and receives no academic credit.

3.3 Procedure: Reapplication/Readmission of Former Capital Students

3.3.01 Dismissed Students

Students who have been dismissed from Capital Law School may, two years after a dismissal becomes effective, seek permission to apply to the Law School for a fresh start and, if admitted, begin studies as a first-year student. If a student believes that he or she has an extraordinary circumstance, the student may seek permission to apply to the Law School for a fresh start one year after a dismissal becomes effective. In order to be considered for a fresh start, candidates must submit petitions to the committee similar to those required for reinstatement.The petition must address reasons for the candidate's poor academic performance during his or her prior attendance at Capital and explain who interim activities or changes in circumstances make the candidate currently suitable for the study of law.

3.3.02 Handling of Reapplicants

Petitioners for reapplication are handled in the same manner as petitions for reinstatement. Committee actions are final unless a member of the Law School Council has standing to request reconsideration. Standing exists only if a member of the council submits a recommendation and the committee acts contrary to the recommendation. Committee members may request reconsideration verbally after the committee has acted on a petition. For purposes of this policy on reapplication/readmission, if there is no minority member of the law school faculty, the Dean shall designate a minority counselor who shall have all of the rights and privileges of a council member except that he or she shall not attend or vote at council or faculty meetings. Thus, with the exception of attending and voting at council or faculty meetings, the term "council member" as used in this policy shall include the designated minority counselor.

3.3.03 Considerations

The committee, when considering whether to permit a new application, examines such factors as the following:

A. reasons given in the candidate's petition for poor performance during his or her prior legal studies and whether the stated problems could reasonably have had a significant impact on the candidate's performance;

B. interim activities, changes in circumstances, and their probable impact on the candidate's current suitability for legal studies;

C. the candidate's credentials, both current and prior to enrolling for the first time;

D. comments and recommendations from members of the Law School Council;

E. non-academic factors that are germane to the candidate's competence, character, and fitness to practice law.

3.3.04 Solicitation of Other Members of the Law School

In order to solicit comments and recommendations from members of the Law School Council, the committee compiles a summary of the petitioner's entering credentials and record of performance at Capital University Law School. This summary is made available to Council members in a manner designed to safeguard the confidentiality of the petitioners.

3.3.05 Approval

If the committee or council approves the candidate's petition, the petitioner may compete with other applicants for a position in the first-year class. If admitted, the admissions officer must place a signed statement in the student's file explaining the reasons why the student appears to be currently able to complete successfully the Law School's program of study.

3.4 Procedures for Special Admissions

3.4.01 The Procedure

The Law School faculty has delegated the authority to make final decisions on requests for special admissions to the Committee on Admissions and Readmissions. Decisions are made by the committee to admit, deny, or wait list applicants. In the case of wait-listed applicants, the Assistant Dean of Admission and Financial Aid has the authority to admit off the waiting list only if the candidate's index number was the highest on the list. Only members of the committee have authority to appeal an action to the entire faculty.

3.4.02 Examples of Candidates For Whom Special Admission Would be Considered

A. ***Candidates who attended an American college or university but who do not have a baccalaureate degree from an accredited college or university. These candidates fall into three categories:***

1. Candidates who graduate from unaccredited colleges or universities which later gained accreditation and became qualified institutions within the meaning of ABA, AALS, and League definitions.

2. Candidates who graduated from institutions currently unaccredited who subsequently obtained an advance degree from a professionally accredited institution or, in the case of graduate disciplines where no special accreditation is required, a qualified institution within the meaning of ABA, AALS, and League guidelines.

3. Candidates who received a professional degree in a program which accelerated baccalaureate studies by one year and where no bachelor degree was granted.

<u>Considerations regarding compliance with League, ABA, and AALS Guidelines</u>

AALS Guidelines permit this kind of special admission in "rare cases" and specify that special admissions of this kind be granted only to candidates whose experience and training make them qualified to study and who are at least 23 years of age. ABA guidelines permit special admissions of this kind in "exceptional cases" upon a clear showing of ability and aptitude for the study of law and require a signed statement by the admissions officer justifying the admission in the student's file. To avoid potential problems which candidates with "inferior" degrees may encounter with licensing agencies, the Director of Admissions will insert language in the letter of admissions stating the student has responsibility to investigate requirements for admission to the bar. ABA, AALS, and League rules (which are the same as those for AALS) anticipate that law schools will consider qualified candidates who do not possess the literal requirements for admission. The leeway given law schools to admit special candidates who show clear aptitude

for the study of law recognizes that their potential contribution to law schools and the profession should not be prevented by adherence to form over substance.

B. ***Students who receive a bachelor degree from a foreign institution not considered to be qualified by the ABA, AALS, and League.***

Considerations Regarding Compliance with League, ABA, and AALS Guidelines

The AALS and League guidelines on admissions state that applicants whose pre-legal studies have occurred outside the United States should be evaluated comparably with those who received degrees at accredited American institutions.

A law school that fails to consider applications by resident aliens who wish to practice law in the United States is, as a practical matter, denying access to the profession.

The ABA defines a qualified undergraduate institution from which students may pursue law as one accredited by a United States accrediting agency. Very few foreign institutions are so accredited. The ABA, however, permits admission of foreign degree candidates in exceptional cases.

To satisfy AALS guidelines regarding foreign students, the admissions officer works with Capital University's undergraduate registrar in evaluating the candidate's undergraduate work to ensure that it compared favorably with those of qualified American institutions in duration, scope, and quality. The Law School, in this regard, uses the National Association for Foreign Student Affairs, an organization used by undergraduate school for transfer applicants, to evaluate foreign transcripts. If an admission is granted, the admissions officer places a signed statement in the student's file describing the considerations which led to an admission to satisfy ABA requirements.

Most candidates who wish to pursue a Juris Doctor degree have resident visas or are naturalized citizens of the United States. Virtually all of these people plan to remain in the United States. To avoid potential problems which foreign candidates may encounter with licensing agencies in the United States or abroad, the Director of Admissions will insert language in the letter of admissions stating that the student has responsibility to investigate requirements for admission to the bar.

C. ***Candidates dismissed from ABA-accredited law schools or voluntarily withdrawn from other ABA-accredited law schools with less than a 2.0 grade average.***

Considerations Regarding Compliance with League, ABA, and AALS Guidelines

Both ABA and AALS guidelines permit admission of a student disqualified from studying at another law school. To satisfy ABA guidelines on admission following disqualification, the Committee requires disqualified candidates to wait at least two years following the determination that the applicant was disqualified for academic reasons. Candidates are required to submit written statements concerning prior attendance in law school. This statement must address reasons for the candidate's poor performance during his or her prior attendance at law school and explain why interim activities or changes in circumstances make the candidate currently suitable for the study of law. The committee considers such factors as the following when determining whether to permit application:

1. Reasons given in the candidate's petition for poor performance during his or her prior legal studies and whether the stated problems could reasonably have had a significant impact on the candidate's performance;
2. Interim activities, changes in circumstances, and their probable impact on the candidate's current suitability for legal studies;
3. The candidate's credentials, both current and prior to enrolling for the first time;
4. Non-academic factors that are germane to the candidate's competence, character, and fitness to practice law.

3.4.03 In the Case of an Admission

In the case of an admission, the admissions officer is required to place a signed statement in the file of the student detailing considerations that led to the decision to admit. AALS and League guidelines require a showing that the candidate has the requisite ability to study law and mandate that formerly disqualified students not constitute a substantial part of the school's enrollment.

3.4.04 Personal Reasons for Failure

There are qualified candidates who for personal, not academic, reasons failed to progress satisfactorily at another law school. If a formerly disqualified candidate shows a clear aptitude for law, the candidate can show his or her disqualification resulted from reasons other than lack of ability, and if Capital's function is to produce competitive and skilled attorneys, then the Law School should admit this person if he or she compares favorably to other applicants.

3.5 Transcripts

All students, whether they are new or transfer students, must furnish the Office of Admission with transcripts for each post-secondary institution that the student has attended. Transcripts must be sent directly to the Law School from the issuing institution, must bear an official stamp or seal of the issuing institution, and must indicate the degree awarded, if any, by the issuing institution. All admissions are conditioned upon the provision of transcripts within a reasonable time after admission. The failure to provide transcripts shall result in a cancellation of admission or dismissal from the Law School.