MANUAL

OF

POLICIES AND PROCEDURES

CAPITAL UNIVERSITY LAW SCHOOL

GRADUATE LAW PROGRAMS

As of May 1, 2012

Table of Contents

GENERAL INFORMATION 1
Operating Hours and Office Locations 1
Bookstore 1
Parking 1
Student Identification Cards 1
Mailbox 2
E-Mail Address / Account 2
Library and Computer Lab 2
School Counselor 2
Career Services 2
ADMISSIONS 3
1.1 Admission Criteria 3
1.1.01 Master of Laws (LL.M.) 3
1.1.02 Master of Taxation 3
1.1.03 International Students 4
1.1.04 Joint Degree (J.D./LL.M.) Students 4
1.2 Admission Process and Procedures 5
1.2.01 Master of Laws and Master of Taxation 5
1.2.02 International Students 6
1.2.03 Combined and Joint Degree Students 6
1.3 Auditors 13
1.4 Reinstatement 13
1.4.01 Petitions for Reinstatement 14
1.4.02 Procedure for Petitions for Reinstatement 14
1.4.03 Appeal Process 15
ACADEMIC REGULATIONS 16
2.1 Degrees, Degree Requirements, Time Limitations and Course Load 16
2.1.01 Degrees Offered 16
2.1.02 Combined Degree (J.D./LL.M.) 16
2.1.03 Course Load 16
2.1.04 Time Limitations 17
2.1.05 Transfer Credit Policies 17
2.1.06 Course Selection and Registration 18
2.1.07 Change of Registration After Beginning of Semester or Summer Term 18
2.1.08 Graduate Law Degree Program Course Requirements 19
2.1.09 Changes in Required or Elective Courses 27
2.2 Policy Concerning the Teaching of Spouses, Relatives, and Those with Similarly Close Relationships 27
2.3 Maximum Tenure and Withdrawals 27
2.3.01 Maximum Tenure 27
2.3.02 Withdrawals 28
2.4 Class Meetings 28
2.4.01 Length of Classes 28
2.4.02 Class Cancellation by the Instructor 29
2.4.03 Class Attendance 29
2.5 Examinations and Grades 30
2.5.01 Examinations, Quizzes, and Papers 30
2.5.02 Scheduling of Examinations 30
2.5.03 Administration of Examinations 31
2.5.04 Course Grades 32
2.5.05 Value of Grades; Calculation of Grade Point Average 33
2.5.06 Grade Changes by the Instructor 34
2.5.07 Administrative and Faculty Review of Unreasonable Grades 35

2.6 Graduate Law Programs Course Descriptions 36
A. Taxation Courses 36
B. Business Courses 40
FINANCIAL REGULATIONS 47
3.1 Financial Aid 47
STUDENT AFFAIRS 48
BUILDING AND PARKING REGULATIONS 48

GENERAL INFORMATION

Welcome to the Graduate Law Programs at Capital University Law School. This policy manual is the official compilation of policies and procedures for graduate law students at Capital University Law School. It is applicable to all students obtaining a Master of Laws (LL.M.) degree as well as to those obtaining a Master of Taxation (M.T.) degree.

Operating Hours and Office Locations

The Director of Graduate Law Programs is Professor Regina Burch. The Director of Graduate Law Programs oversees all aspects of the Graduate Law Programs, including academic advising, admissions, course scheduling, curriculum, recruitment and scholarship aid. Professor Burch's contact information is as follows:

Professor Regina Burch
Director of Graduate Law Programs
Capital University Law School
303 East Broad Street
Columbus, Ohio 43215
P. 614.236.6564
F. 614.236.6956
rburch@law.capital.edu

Bookstore

The bookstore is located on the first floor of the law school. All texts for Graduate Law Programs may be purchased at the bookstore.

Hours of operation: (M – F)	Academic Year: 10:00 a.m. – 6:00 p.m. (Friday until 5:00) Summer: Noon – 6:00 p.m. (Friday until 5:00)

Parking

Parking is free. Evening students may park in designated Capital University Law School lots after 4:00 p.m. A form to obtain a parking pass may be obtained on-line at http://law.capital.edu/Parking/, along with a map of the parking lots available for students. Please contact Donna Garrett, Administrative Coordinator at 614-236-6441 for any assistance.

Student Identification Cards

All students must obtain a photo ID card. Please contact Donna Garrett, Administrative Coordinator to schedule your photo session. Her phone number is 614-236-6441. A specific time for photos for new students will be scheduled at the start of each semester.

Mailbox

Each graduate law student will be assigned a mailbox in the Huntington Commons (People's Court Café area) on the first floor.

E-Mail Address / Account

Each graduate law student will have a Capital University Law School e-mail address. Please check this account regularly as the law school and your professors will use this address to communicate with you. You should contact the technology help desk via the law school website (www.law.capital.edu) if you have problems with your e-mail account. **YOU WILL BE HELD RESPONSIBLE FOR ALL INFORMATION SENT TO YOU AT YOUR CAPITAL E-MAIL ADDRESS.**

Library and Computer Lab

With your student identification card, graduate law students have 24/7 access to the law library. You also have access to the computer lab located in the Annex on the first floor; your student ID card is needed for access to the building, the library and the computer lab. Food, drink and smoking are prohibited in the law school, law library and computer lab. A pamphlet on library services and usage is available at the Circulation Desk of the law library on the 4th floor.

Law School Counseling and Disability Services

Shirley Lange and Stacy Ingraham are professional counselors available by appointment to all students at no cost. Disability services are provided by Jennifer Speakman. Their office is located on the 5th floor of the Law School. They can be reached by phone at 236-6114 or by email at slange@capital.edu, singraha@capital.edu and jspeakma@capital.edu.

Office of Professional Development

The Office of Professional Development is located on the first floor of the law school in Room 171. Their services are available to all graduate law students. You are encouraged to utilize these services. The Director of Graduate Law Programs is also available for any questions you may have.

CHAPTER 1
ADMISSIONS

1.1 Admission Criteria

1.1.01 Master of Laws (LL.M.)

These standards are applicable for the Master of Laws in Taxation, Master of Laws in Business and the Master of Laws in Business and Taxation.

A. The Law School will only consider those applicants to our LL.M. programs who have (1) a law degree from an ABA-accredited law school; (2) a law degree from an internationally-accredited law school; or 3) a law degree and are licensed to practice law in a state, territory, or the District of Columbia.

B. The applicant must demonstrate aptitude to undertake graduate legal tax or business studies as evidenced by the following criteria:

1. law school academic record (preference will be given to applicants who were in the upper half of their law school class);
2. published and unpublished written work (applicants are encouraged to attach to their applications evidence or writing ability, including law review articles, tax articles, etc.);
3. nature and duration of legal, tax-related or business-related experience.

C. Each applicant must demonstrate successful completion, at the law school level, of a basic income tax course and a basic business associations course (including agency, partnerships and corporations). In addition, for the LL.M. in Business, successful completion of a secured transactions (UCC Article 9) course is required. Qualified applicants are eligible to enroll in J.D. courses to fulfill these prerequisite requirements**, <u>but the credit hours earned in completing those prerequisite requirements at Capital do not count toward the LL.M degree.</u>**

1.1.02 Master of Taxation

A. The applicant must have earned a baccalaureate degree at an institution accredited by one of the six regional accrediting affiliates of the American Council on Education or from an appropriately approved university outside the United States.

B. The applicant must have successfully completed 24 semester hours (36 quarter hours) of business and accounting courses which must include classes in federal personal income taxation and business law (including agency, partnerships and corporations). Preference is given to candidates with a B average or better, or those in the upper half of the class at the baccalaureate level.

C. The applicant must demonstrate aptitude to undertake graduate tax studies as evidenced by the following criteria:

1. accounting and undergraduate academic record, including grades in accounting, tax and tax related courses;
2. published and unpublished written work (applicants are encouraged to attach to their application evidence of writing ability including tax and business-related articles);
3. nature and duration of accounting experience, including possession of professional certificates such as the CPA or CMA; and
4. the score achieved not earlier than five years prior to the application on a nationally competitive admissions examination such as the LSAT, GMAT or GRE (taking these tests is not required for admission to either the LL.M. or the M.T. program but if the exam has been taken the results may indicate aptitude for success in the program).

1.1.03 International LL.M. Students

To be eligible for admission in the LL.M. degree programs, the applicant must have demonstrated through the application process and provision of documentary evidence, the following:

A. The applicant must have earned a J.D. or LL.B. from an accredited foreign law school. Based upon an examination of the transcripts, applicants may be required to take J.D. level business or taxation courses prior to beginning their LL.M. course of study. In this case, the applicant will be provisionally admitted with final evaluation after completion of the prerequisite courses. The prerequisite courses do not count toward the degree requirements.

B. Applicants whose native language is not English must take the TOEFL examination and achieve at least a 600 (250 on the computer version, 100 on the internet version). In lieu of TOEFL scores, the applicant may provide GMAT, GRE or LSAT scores.

C. The applicant must obtain appropriate visas for entry into the United States and show adequate financial resources to participate in the degree program.

1.1.04 Combined Degree (J.D./LL.M.) Students

Once a Capital University Law School J.D. student has completed Federal Personal Income Taxation, he or she is eligible for provisional admission in the LL.M. degree programs. The student may be permitted to transfer to the graduate law program up to twelve hours of upper-level tax and business courses taken while pursuing the J.D. degree.

Once the student completes their J.D. degree, he or she may carry over into the LL.M. program for credit and grade point average up to 12 credit hours of upper-level J.D. tax or

business courses in which they have earned an overall average of 2.75 grade points, as long as they have earned a grade of C or better in each of the courses. This enables the student to complete their course of study in three and one-half years rather than the four years typically required to pursue both degrees separately.

Subject to Director's approval, a student obtaining a J.D. degree from other ABA accredited law schools may transfer up to six credit hours of advanced tax and business courses (beyond Federal Personal Income Taxation and Business Associations or their equivalents) into the LL.M. program, with the understanding that only four credit hours of business courses can count toward the LL.M. in Taxation degree.

1.2 Admission Process and Procedures

1.2.01 Master of Laws and Master of Taxation

A. The applicant must complete the application, available online through the Capital University Law School website at www.law.Capital.edu or through the Law School Admissions Council website at www.lsac.org. A personal statement and a current resume or *curriculum vitae* must accompany the application. The personal statement gives applicants the opportunity to describe their reasons for pursuing a graduate law degree and to elaborate on their abilities and experience. This narrative should not exceed two double-spaced pages. **Note:** Capital University and Capital University Law School students and alumni should apply through the law school's website.

B. Applicants must provide the Graduate Law Programs office with original transcripts for each post-secondary institution they have attended. Transcripts must be sent directly to the Director of Graduate Law Programs 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. Transcripts for Capital University Law School alumni and current students can come directly from the Office of Records and Registration to the Director of Graduate Law Programs. All admissions are conditioned upon receipt of transcripts within a reasonable time after admission. Failure to provide a transcript shall result in cancellation of admission or dismissal from the Graduate Law Programs.

C. Two letters of recommendation are required. **Note:** Capital University and Capital University Law School students and alumni may submit contact information for two professional or academic references in lieu of letters of recommendation.

D. The application must be accompanied by a $35 non-refundable application fee. **Note:** The application fee is waived for Capital University and Capital University Law School students and alumni.

1.2.02 International Students

In addition to completing the above listed (1.3.1) admission process, international students must provide the following:

A. TOEFL scores, or in lieu thereof, GMAT, GRE or LSAT scores.

B. Documentation verifying the financial ability to successfully complete the graduate degree program and the ability to cover living expenses during that time.

C. Official transcript of foreign law education showing courses, grades, and achievement of the degree.

Additionally, applicants are responsible for obtaining appropriate visas for entry into the United States.

1.2.03 Combined and Joint Degree Students

A. ***J.D./LL.M. Combined Degree Program.*** Once a Capital University Law School J.D. student completes Federal Personal Income Tax, he or she may complete an application for admission to the combined degree program. The application fee is waived. The student's transcript will be evaluated and a personal conference will be scheduled with the Director of Graduate Law Programs.

B. ***LL.M./ MBA or M.T./MBA Joint Degree Program of Capital University Law School and the School of Management of Capital University***

1. Introduction

Capital University School of Management (SOM) and Capital University Law School offers a joint LL.M./MBA and joint M.T./MBA program. Without the joint program, a student would have to complete prerequisite courses, as needed, and 40 hours in the School of Management and 24 hours in the LL.M./M.T. program. Under the auspices of the joint program, the School of Management will award its students nine hours of elective credit for taking the LL.M. program; the Law School will award its LL.M./M.T. students four elective credit hours for completing the MBA program. Thus, through participation in the joint program, the student's hourly requirement is decreased by 13 credit hours.

It should be noted that a student may not simultaneously pursue a "triple" combined degree, i.e., a joint J.D./LL.M./MBA.

2. Advantages of the Joint LL.M./MBA Program

Frequently, business executives, accountants, and attorneys recommend to associates that they consider acquiring an LL.M./ M.T. degree or an MBA. Both courses of study are extremely useful in the business and legal communities. An individual holding both degrees will be able to progress even faster, utilizing the training in law and business to achieve both professional and personal goals. Having both degrees would provide the graduate with the flexibility of pursuing more advanced opportunities in law and/or business.

3. Application to the Joint LL.M./MBA Program

a. Students enrolled in either the School of Management or the Law School may seek the assistance of the program academic advisors. Prospective students not currently enrolled at Capital University may request additional information about the joint degree program from either:

Office of the Dean
Capital University
School of Management
2199 East Main Street
Columbus, Ohio 43209
(614) 236-6670
www.capital.edu

Director of Graduate Law Programs
Capital University Law School
303 East Broad Street
Columbus, Ohio 43215
(614) 236-6564
E-mail:culsgradlaw@law.capital.edu
www.law.capital.edu

b. Persons who desire to enroll in the joint program should read thoroughly the relevant materials of both the Graduate Law Programs and the School of Management prior to scheduling a conference with the joint program academic advisor in either school. A student already enrolled in one school should first talk with that school's academic advisor.

c. Admission into the MBA program requires completing and filing its admissions application, together with the reported results of the GMAT, with the School of Management (SOM). Similarly, admission into either the LL.M or M.T. program requires completion and filing of the appropriate admissions application and other required documentation with the Director of Graduate Law Programs.

1. The joint degree applicant must complete two applications, submit the required standardized test score to the School of Management, pay two application fees, and file the joint degree applications with both programs.

2. Because each school admits students separately, admission into either program does not signify or predict admissibility into the other.

3. A prospective student not already enrolled in either school may apply to both schools at the same time and so indicate by filing the joint student applications with both schools.

4. The student already enrolled in one program may apply for admission into the other program as outlined in the relevant admissions materials of each school and be considered a joint LL.M./MBA or M.T./MBA student. Also a joint degree application must be filed with the Office of Admission of each school.

a. As indicated above, admission into one program does not signify admissibility into the other program. In order to be admitted into the second program the student will have to be in good standing in the first program and meet all admission requirements of the second program. However, a student who is near completion of one program, but who has not yet commenced the other program, may not be able to realize the full benefits of the joint degree program.

b. A current student in either program may apply to be a joint student by notifying the Director of Graduate Law Programs.

5. Occasionally an applicant to the joint LL.M./MBA program seeks to apply, as transfer credit, course work taken at a school other than Capital University.

a. The School of Management accepts up to nine hours of transfer credit from another accredited MBA program (usually about three courses) and the Graduate Law Programs accept up to 6 credit hours of advanced transfer credit from another accredited law program, as described in section 1.1.04. However, a course taken at another institution and accepted for transfer credit by SOM cannot be used to satisfy the nine credit hours that the Graduate Law Programs accept from SOM work for credit toward the LL.M. degree. A course taken at another institution and accepted for transfer credit by the Graduate Law Programs cannot be used to satisfy the nine credit hours that the School of Management accepts from the Graduate Law Programs work for credit toward the MBA degree.

6. <u>Period of Enrollment</u>

a. The School of Management normally requires the student to complete the 40 credit hours required to obtain the MBA within five years from

the semester in which the student is initially enrolled in MBA 600 (Business and Society). Because the joint degree program requires completion of many more hours than the MBA, the SOM faculty has agreed to waive the five-year rule, providing the student is making satisfactory progress towards completion of both degrees. The student must seek and receive permission for waiver of this time period by formalized written application to the SOM faculty outlining a planned completion.

b. The Graduate Law Programs require that the student complete the 24 credit hours required for the LL.M. or M.T. program within six years from the term in which the student is first enrolled. The combined LL.M. or M.T./MBA may easily be completed within six years even by the part-time student. Therefore, no need exists to waive the requirement. Waivers rarely are granted by the Law School, and then only because of extraordinary circumstances, and only for one year.

7. <u>The Program of Study</u>

a. The School of Management offers its MBA primarily during the evening, with occasional classes on Saturday mornings, on a part-time basis. The Law School offers the LL.M. and M.T. degrees during the evening on a part-time or full-time basis.

b. With the permission of both academic advisors, a student may take both law and business courses during the same semester. Simultaneous enrollment in the School of Management and the LL.M. or M.T. program usually is permitted.

1. However, the full-time student may never take concurrently more than 16 credit hours in both programs in the same semester. The part-time LL.M. or M.T. student, may take courses concurrently in both schools, but is prohibited from taking concurrently more than 11 credit hours in both programs at any given time. During summer sessions, the joint degree candidate may not take more than eight credit hours concurrently as a full-time student or six credit hours as a part-time degree student, without the express written permission of the Associate Dean of the Law School for law courses and the Dean of the School of Management for MBA courses.

2. Joint degree students registered only in one school should communicate periodically with the other school. Each school's registrar automatically continues to mail registration materials to the joint degree candidate until it is determined that the candidate no longer wishes to receive them. It is the joint

degree student's responsibility to notify both the Law School Office of Records and Registration and the SOM Registrar of changes in either their permanent or local mailing address.

c. Because SOM and the Law School are on different calendars and may on occasion offer special courses at times and on a schedule which creates conflicts with the calendar and course and exam schedules of the other school, students may not always be able to take courses offered in the curriculum of the MBA program or the Law School. Students with scheduling problems should talk with the advisor at the school affected. However, there may be occasions in which a solution to scheduling conflicts cannot be resolved, and the student may have to postpone taking a desired course.

d. The joint degree student may complete both course requirements together, or complete one ahead of the other. Because each school grants academic credit for some courses successfully completed in the other school:

1. to be eligible to receive the LL.M. or M.T. degree, the joint degree student must successfully complete 18 credit hours in the MBA program at the 600, 700, and 900 levels.

2. to be eligible to receive the MBA degree, the joint degree student must successfully complete all Graduate Law Program courses being used as MBA Electives (joint degree credits) as well as the other MBA core courses.

The joint degree student must notify the registrar of each school at the appropriate time to receive the degree awarded by each. Degrees are presented at the respective commencements of the two schools.

8. <u>Definition and Operation of Joint Degree Credit</u>

a. SOM accepts up to nine hours of law work for its forty required hours to complete the MBA, i.e., SOM uses nine hours of specified law courses in place of nine hours of MBA electives. The Graduate Law Programs courses that can be used for credit towards the MBA are listed in section 9 following. The Graduate Law Programs will allow a law candidate to use any four hours in the MBA Core (600, 700, and 900 levels) to count towards its 24 credit hour degree requirement.

b. The academic retention rules of the School of Management and the Law School differ, and interested students are advised to consult with the appropriate academic advisor.

c. Accreditation standards prohibit either program from using transfer credit that has been achieved at a substandard level.

1. The LL.M. or M.T. student must maintain a 2.75 cumulative grade point average to remain in the Graduate Law Programs. Because a C grade or better is considered acceptable and receives credit in the Graduate Law Programs, a C grade or better earned in a Graduate Law Programs course that satisfies the requirements for joint degree credit will be counted as indicated below for joint degree credit.

2. The MBA student must achieve a cumulative 3.0 G.P.A. to graduate with the degree. A course taken in the MBA program will be counted for joint degree credit only if it satisfies the requirements for joint degree credit and only if the student earns a B or better.

d. A student enrolled in the LL.M. or M.T./MBA joint degree program will have two official transcripts, one from each program (LL.M. or M.T. and MBA). In order to have a complete record, it will be necessary for a joint degree student to request both transcripts.

1. Credits earned in the law program that satisfy and are to be counted for joint degree credits will appear on the Law School transcripts by course title, credit hour and letter grade. Those same credits, following an appropriate footnote, will be listed on the SOM transcript by course title and credit hour. The letter grades will not be averaged into the MBA cumulative grade average.

2. Credits earned in the MBA program that satisfy and are to be counted for the joint degree credits, will appear on the MBA transcript by course title, credit hour and letter grade. Those same credits, following an appropriate footnote, will be listed on the Law School transcript by course title and credit hour. The letter grades will not be averaged into the Law School cumulative grade point average.

9. Capital Law School LL.M. and M.T. Courses That Will Serve As Joint Degree Credit

(Courses listed below may change. Consequently, this list may not reflect courses currently being offered at the law school. Additionally, new courses may be added to the curriculum and not appear on this list. Students are advised to check the Course Descriptions appearing in the Manual of Policies and Procedures or contact the law school Office of Records and Registration.)

I. Required Courses for LL.M. in Taxation or Master of Taxation

-Advanced Individual Income Tax Problems
-Taxation Research and Communication I
-Taxation Research II or Tax Policy Seminar
-Introduction to Tax Procedure
-Tax and Professional Responsibility
-Corporate Tax
-Partnership Tax

II. Approved Elective Tax Courses (partial list)

-S Corporations
-Tax Reorganizations
-Consolidated Income Tax Returns
-Advanced S-Corporation Planning
-Advanced Partnership Issues
-Limited Liability Corporations
-Problems in Mergers and Acquisitions
-Estate and Gift Taxation (**M.T. students must obtain prior approval of the Professor to enroll in this class.)**
-Income Taxation of Trusts and Estates
-Drafting for Estate Planning
-Tax Fraud
-Tax Litigation Seminar
-Qualified Retirement Plans
-Executive Compensation
-International Taxation I and II
-Accounting Problems of Lawyers
-State and Local Taxation
-Real Estate Taxation
-Exempt Organizations
-Tax Timing Problems
-Charitable Giving
-Sales and Use Tax
-Alternative Minimum Tax

III. LL.M. in Business and Taxation and LL.M. in Business Courses

-Taxation of Business Entities
-Corporate Finance
-Business Planning Practicum
-Consumer Bankruptcy
-Business Bankruptcy
-International Sales
-Consumer Law
-Antitrust and Trade Regulation
-Unfair Trade Practices
-Securities Regulation
-Health Law
-Energy Law
-Entrepreneurship Law
-Labor Law
-Employment Law
-Employment Discrimination
-Labor Arbitration
-Law of Professional Sports
-Corporate Counsel
-Dispute Resolution
-Mediation
-Negotiation
-Arbitration
-Business Negotiation
-Multidisciplinary Dispute Processing and Conflict Resolution
-Systems Design in Dispute Resolution

1.3 Auditors

Members of the bar, graduates from approved law schools, alumni of the graduate law programs, 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.

1.4 Reinstatement

The student must achieve a 2.75 grade point average or better upon attempting 9 semester credit hours to continue to register for classes in a graduate program. Any student whose grade point average is below that which is needed to continue in a program must petition the Graduate Council for permission to continue his or her studies. Any student below a 2.75 grade point average after attempting 9 hours who is permitted to continue his or her studies is on probation and is not in good academic standing.

1.4.01 Petitions for Reinstatement

A. When a student is dismissed for failing to attain or to maintain the required cumulative grade point average, he or she may file a petition for reinstatement.

B. The petitioner must convince the Graduate Council in the form of its Academic Affairs Committee, the voting membership of which is comprised of the full-time tax and business faculty (the Law School Dean and Associate Dean are *ex officio* members), that the grades received by the dismissed student are not an adequate measure of the student's learning or performance. In particular, the petitioner must prove:

1. that the academic deficiency was the result of causes other than an inability to study in a graduate level program;

2. that such causes were sufficiently substantial to cause poor academic performance;

3. that such causes were beyond the petitioner's control, or were justifiable;

4. that the causes for the academic deficiency have been fully or substantially resolved, and no longer exist; and

5. that, given one more semester of graduate study, there is a reasonable possibility that the student will be able to attain the required cumulative grade point average.

1.4.02 Procedure for Petitions for Reinstatement

A. When a student is dismissed, the student is sent a letter that officially notifies the student of his or her dismissal. The letter of dismissal will advise the dismissed student of the privilege to file a petition for reinstatement within 14 business days.

B. The Graduate Council then meets to discuss each petition for reinstatement. As is the case with all petitions before the Graduate Council or its Academic Affairs Committee, petitioners do not appear nor do they have representatives appear on their behalf. Other subjects of petition may include a request for extension of the time limitation within which the student must complete his or her degree. The Graduate Council, in its deliberation, considers whether the student has a realistic chance of achieving academic success upon reinstatement. Factors to consider include, but are not limited to, the following:

1. The grade point average at the time the student petitions, including the level of performance a student must maintain to raise the grade point average to 2.75;

2. reasons given in the student's petition for poor performance and other matters presented in the student's petition;

3. the student's credentials, both current and those upon initial enrollment;

4. comments and recommendations from members of the Graduate Council;

5. the student's level of motivation;

6. the number of hours a student has attempted at the time of the petition.

C. The Director of Graduate Law Programs will promptly notify the petitioner in writing of the final decision of the Graduate Law Council.

1.4.03 Appeal Process

Academic decisions made by the Graduate Council, or any committee thereof, involving students are final, except that the decision may be appealed, in writing, to the Law School Dean within 14 days of the notice of the decision being transmitted to the student. The review of the decision by the Dean is a limited appeal. The Dean will review the decision only to determine whether the Graduate Council violated its own procedures or another Law School or University policy and the student was prejudiced by such violation. If the Law School Dean finds that the decision of the Graduate Council violated its own procedures or another Law School or University policy and finds the student was prejudiced by such violation, the Dean may, at the Dean's discretion, remand the decision to the Graduate Council for action consistent with the Dean's determination, reverse or modify the decision, or make the appropriate referral of the matter to another appropriate law school or university office. The Dean may confine the review to written materials submitted by the student and written materials submitted by the Graduate Council.

CHAPTER 2
ACADEMIC REGULATIONS

2.1 Degrees, Degree Requirements, Time Limitations and Course Load

2.1.01 Degrees Offered

Capital University Law School offers four graduate degrees: (1) Master of Laws in Taxation; (2) Master of Laws in Business; (3) Master of Laws in Business & Taxation; and (4) Master of Taxation. Each degree requires the successful completion of 24 academic credits, which is comprised of both required and elective courses.

2.1.02 Combined Degree (J.D./LL.M.)

Capital University Law School Juris Doctor students have the option of being provisionally admitted to a combined degree program, the J.D./LL.M. Once a student has completed Federal Personal Income Tax (FPIT), he or she may take up to twelve hours of elective credits in advanced tax or business courses while pursuing the J.D. degree. Following graduation with the J.D., the student may enroll in the LL.M. program and complete the remaining twelve credit hours required for the LL.M. degree in one semester of full-time study; students also may opt to obtain their additional twelve credit hours through part-time study. Additionally, a graduate of a law school other than Capital who has attended at least one full semester as a visiting student at Capital while a J.D. candidate at another law school may carry over up to twelve credit hours in qualifying advanced tax or business classes taken at Capital.

Also, Graduate Law Programs students have the option of pursuing a joint LL.M./MBA or a joint M.T./MBA. The complete set of policies for this option is set forth above in section 1.2.03(B).

2.1.03 Course Load

Students have the option of attending the LL.M. and M.T. programs as either part-time or full-time students. Part-time students may take up to 6 academic credit hours and full-time students must take at least 7 academic credit hours. Approval of the Director of Graduate Law Programs is required before a student may take more than 12 academic credit hours in a semester.

In the summer term, students are eligible for federal financial aid only if they maintain at least 2 credit hours during the term. In the spring and fall semesters, students are eligible for federal financial aid only if they maintain at least 4 credit hours during the term.

Students in their final semester are considered eligible for federal financial aid regardless of the number of academic credit hours for which they are registered.

2.1.04 Time Limitations

A. LL.M. in Taxation; LL.M. in Business; LL.M. in Business & Taxation; M.T.

Students have six years in which to complete a Master of Laws degree or the Master of Taxation.

B. J.D./LL.M. Students

There is a sliding scale for the maximum length of time allowed for J.D./LL.M. students to complete the LL.M. degree, as follows:

Number of hours of J.D. credit being carried over to LL.M. program:	Length of Time allowed Post-J.D. to finish LL.M.
12	3 years
8-11	12 terms or 4 years
4-7	15 terms or 5 years
3 or fewer	18 terms or 6 years

2.1.05 Transfer Credit Policies

A. Capital University Law School J.D./LL.M. Students

Capital University Law School students who are admitted as combined degree J.D./LL.M. students (as well as students from other law schools who were visiting students at Capital for at least one full semester) are able to carry over to any LL.M. degree program up to 12 academic credit hours for any eligible upper-level business or tax courses (excluding any course pre-requisites) taken at Capital in which they have a cumulative G.P.A. of 2.75, as long as they have earned a grade of C or better in each of those courses. The G.P.A. for transferred credits carries over into the LL.M. degree.

B. Non-Capital University Law School Applicants

Applicants to the LL.M. in Taxation program who have earned a J.D. from an ABA accredited law school and who satisfy all other LL.M. admission requirements may, at the discretion of the Director of Graduate Law Programs, transfer six (6) academic credit hours earned for upper level tax and business courses (excluding Federal Personal Income Taxation and Business Associations I and II or their equivalents) that were not taken at Capital into the LL.M. program, with the understanding that only four credit hours of business courses can count toward the

LL.M. in Taxation degree. If such a student also is a visiting student at Capital for at least one full semester, credits transferred in from the J.D. granting school's courses count toward the maximum of twelve credits that can be carried over from the J.D. into the LL.M. Students transferring credits are subject to the same sliding scale for degree completion as are Capital University Law School J.D./LL.M. joint degree students, set forth in section 2.1.04 (B) above.

2.1.06 Course Selection and Registration

A. The responsibility for the selection of an academic program rests primarily with the student.

B. Students are responsible to see that they meet all requirements for graduation and are encouraged to seek counseling with the Director of Graduate Law Programs if they have any questions concerning their program of study.

C. With the exception of Tax Research II, which may not be taken until fourteen credit hours of work have been completed, courses required for graduation should be taken at the earliest possible time.

D. Certain courses cannot be taken until pre-requisite courses have been completed, or unless co-requisite courses have been completed or are being taken at the same time, unless the student obtains the prior written approval of the Director of Graduate Law Programs. Pre-requisites and co-requisites are specified in the course description for each course. **Students are responsible for ensuring that pre-requisite and co-requisite requirements are met. Students who enroll in a course for which the pre- or co-requisites are not met will be administratively withdrawn no matter how late in the term the matter is discovered.**

E. Students may obtain elective credit for independent study at the discretion of the Director of Graduate Law Programs. Students must meet with the Director and complete a proposal for independent study form, which is available in the third floor Office of Records and Registration. Students must sign up for an independent study in the Office of Records and Registration and are assessed the usual tuition per credit hour. Students may not, except in extraordinary circumstances, take offered courses as independent study.

2.1.07 Change of Registration After Beginning of Semester or Summer Term

A. Withdrawal from a course (See section 2.3 – Maximum Tenure and Withdrawals).

B. During the fall and spring semesters, a course cannot be added to a student's schedule **after the first week of classes** without the express written permission of the Director of Graduate Law Programs. During the summer

term, a course cannot be added to a student's schedule later than 24 hours before the second class meeting without the express written permission of the Director of Graduate Law Programs.

2.1.08 Graduate Law Degree Program Course Requirements

There are four graduate law degree programs: (1) Master of Laws in Taxation; (2) Master of Laws in Business and Taxation; (3) Master of Laws in Business; and (4) Master of Taxation; each degree program requires the student to complete 24 academic credit hours within the appropriate time limitation. The requirements for these degree programs are set forth below.

A. <u>Master of Laws in Taxation</u>

The pre-requisites for the LL.M. in Taxation are the successful completion of Federal Personal Income Taxation or its equivalent, as well as Business Associations I and II or their equivalent (agency, partnership and corporate law).

The student must successfully complete 16 credit hours of required course work, which includes the following:

1.	Advanced Income Tax Problems	2 cr.
2.	Tax Research and Communication I	2 cr.
3.	Taxation Research II, Tax Policy Seminar or Thesis*	2 cr.
4.	Corporate Taxation	3 cr.
5.	Partnership Taxation	3 cr.
6.	Introduction to Tax Procedure	2 cr.
7.	Tax & Professional Responsibility	2 cr.

* In limited circumstances and for good reasons shown by the student to the Director of Graduate Law Programs, this requirement may be satisfied through Independent Study that results in a substantial research paper. With the approval of the Director of Graduate Law Programs, a member of the adjunct faculty may supervise the completion of the substantial research paper. A student wishing to complete a paper under the supervision of a member of the adjunct faculty must meet with the Director of Graduate Law Programs. Both the adjunct professor and the proposed thesis must be approved by the Director of Graduate Law Programs.

Supervision of a paper by a member of the adjunct faculty is available only once a student has matriculated into the LL.M. program. Supervision of a research paper by a member of the adjunct faculty is not available to J.D./LL.M students during the J.D. portion of their program.

The student must complete 8 additional credit hours of course work from the list of tax electives; it should be noted that an LL.M. in Taxation student may take up to four hours

of graduate business law courses. Taxation electives may include, but are not limited to:

S Corporations	2 cr.
Consol. Income Tax Returns	1 cr.
Problems in Mergers & Acquisitions	2 cr.
Limited Liability Companies	1 or 2 cr.
Estate & Gift Taxation	3 cr. **Note: MT students must receive permission from the instructor prior to taking this class.**
Income Taxation of Trusts & Estates	2 cr.
Drafting for Estate Planning	2 cr.
Civil and Criminal Tax Controversies	2 cr.
Intro. to Qualified Retirement Plans	2 cr.
Executive Compensation	2 cr.
International Taxation I	2 cr.
International Taxation II	2 cr.
Accounting Problems for Lawyers	2 cr.
Problems of State and Local Taxation	3 cr.
Exempt Organizations	2 cr.
Family Law and Family Tax	2 cr.
Timing Problems	2 cr.
Real Estate Taxation	2 cr.
Insurance Taxation	2 cr.
Natural Resources Taxation	2 cr.
Agriculture Tax Problems	2 cr.
Oil and Gas Taxation	2 cr.
Alternative Minimum Tax	1 cr.
Charitable Giving	1 cr.
Sale & Use Tax	1 cr.
Independent Study (paper requirement; permission of the Director required)	1 or 2 cr.

Courses are not offered every semester and many have prerequisites; students are responsible for determining whether they have met the prerequisite for whatever course they select. **The courses that have most recently been taught are described in Section 2.6 of this Policy Manual: Graduate Law Programs Course Description.**

B. **Master of Taxation**

The prerequisites for this program are the successful completion of 24 semester or 36 quarter hours of undergraduate accounting and business courses, which must include a business law and a federal taxation class.

The student must successfully complete the same requirements as set forth above for the LL.M. in Taxation student, with the exception that the M.T. student will take a separate section of Taxation Research and Communication I. Also, the M.T. student must request permission of the Director of Graduate Law Programs and the Instructor before taking any graduate business law courses.

C. Master of Laws in Business & Taxation

The Master of Laws in Business & Taxation student must select either a Tax Concentration or a Business Concentration. The prerequisites for this course of study are Federal Personal Income Taxation and Business Associations I and II or their equivalent (agency, partnership and corporate law).

1. LL.M. in Business and Taxation/Tax Concentration

A. The student must successfully complete 14 of the credit hours of course work required to earn the LL. M in Taxation degree. These courses are:

1.	Advanced Income Tax Problems	2 cr.
2.	Taxation Research & Communications I	2

* 3.	Taxation Research II, Current Issues Seminar, Tax Policy Seminar or Thesis	2
4.	Corporate Tax	3
5.	Partnership Tax	3
6.	Tax And Professional Responsibility	2

* In limited circumstances and for good reasons shown by the student to the Director of Graduate Law Programs, this requirement may be satisfied through Independent Study that results in a substantial research paper that contains a policy analysis component. With the approval of the Director of Graduate Law Programs, a member of the adjunct faculty may supervise the completion of the substantial research paper. A student wishing to complete a paper under the supervision of a member of the adjunct faculty must meet with the Director. Both the adjunct professor and proposed thesis must be approved by the Director.

Supervision of a paper by a member of the adjunct faculty is available only once a student has matriculated into the LL.M. program. Supervision of a research paper by a member of the adjunct faculty is not available to J.D./LL.M students during the J.D. portion of their program.

B. The student also must enroll in the Business Planning Practicum, Corporate Finance, and must elect 5 credit hours of course work from one of the concentrations for students pursuing the LL.M in Business degree.

2. LL.M. in Business and Taxation/Business Concentration

The student must successfully complete the following requirements:

A. Required Courses

1.	Corporate Finance	3 cr
2.	Taxation of Business Entities	3 cr
3.	Business Planning Practicum	2 cr

4. The student must complete a substantial research paper containing a policy analysis component, which is submitted for a grade in one of the LL.M. courses or seminars. The student must receive a minimum grade of C on the paper.

In limited circumstances and for good reasons shown by the student to the Director of Graduate Law Programs, this requirement may be satisfied through Independent Study that results in a substantial research paper that contains a policy analysis component. With the approval of the Director of Graduate Law Programs, a member of the adjunct faculty may supervise the completion of the substantial research paper. A student wishing to complete a paper under the supervision of a member of the adjunct faculty must meet with the Director. Both the adjunct professor and proposed thesis must be approved by the Director of Graduate Law Programs.

Supervision of a paper by a member of the adjunct faculty is available only once a student has matriculated into the LL.M. program. Supervision of a research paper by a member of the adjunct faculty is not available to J.D./LL.M students during the J.D. portion of their program.

B. Additional Course Requirements and Concentration of Law Study

1. Students pursuing an LL.M. in Business and Taxation/Business Concentration must select one of the following areas of concentration: ***(1) Finance/Corporate Governance, (2) Small Business, (3) Regulatory, (4) Dispute Resolution, (5) Labor and Employment, and (6) Intellectual Property.*** Concentrations are based upon courses the Law School intends to offer for at least 3 years. However, the Law School reserves the right to add or delete concentrations and/or courses within these concentrations depending upon course availability, course enrollment, or additional course development. If a student wishes to have a course not listed under a concentration count for credit toward that concentration, the student must file a Director's Action with the Director seeking approval of having that course count toward the concentration.

2. The student must take at least 8 of their remaining credit hours from the list of courses provided within the selected concentration area.

3. Following is a list of the concentration areas and the courses:

Finance/Corporate Governance	***Small Business***	***Regulatory***
Antitrust	Consumer Law	Antitrust
Mergers & Acquisitions	International Sales	Energy Law
Real Estate Finance	Consumer Bankruptcy	Environmental Law
Corporate Counsel	Business Bankruptcy	Hazardous Waste
Securities Regulation	Limited Liability Companies	Immigration Law
Corporate Taxation	Partnership Taxation	Environmental Practicum
International Taxation I and II	International Business Transactions	Health Law
Business Bankruptcy		Insurance Law
International Sales		Land Use Controls
International Business Transactions		Public Health Law
		Air Pollution Law and Policy
Corporate Governance		Water Pollution Law and Policy
Dispute Resolution	***Labor and Employment***	***Intellectual Property***
Mediation	Employment Law	Intellectual Property
Negotiation	Labor Arbitration	Computer Law
Arbitration	Employment Discrimination	Patent Law
Dispute Resolution	Labor Law	Copyright Law
Business Negotiation		Unfair Trade Practices
Mediation of Workplace Disputes		
Various DR clinics & practicums		

C. Elective Courses – Students must select additional electives so as to meet the 24 credit hour graduation requirement. At least four credit hours must come from the list of taxation courses permitted or required for a student pursuing the LL.M. in Taxation degree (See LL.M. in Taxation for a partial listing of LL.M. in Taxation courses).

D. Master of Laws in Business

The student must satisfy the following prerequisite courses prior to enrolling in the program:

1. Business Associations I and II or the equivalent (especially Corporations)
2. Secured Transactions or the equivalent (UCC Article 9)
3. Federal Personal Income Tax or equivalent (introductory federal tax course)

If not taken prior to receiving the J.D. degree, the student must take them prior to enrolling; the student, however, will receive no credit toward the LL.M in Business degree for taking these prerequisite courses.

The student must take the following required courses:

1.	Corporate Finance	3 cr
2.	Taxation of Business Entities	3 cr
3.	Business Planning	2 cr

4. The student must complete a substantial research paper containing a policy analysis component, which is submitted for grade in one of the LL.M. courses or seminars. The student must receive a minimum grade of C on the paper**.**

   In limited circumstances and for good reasons shown by the student to the Director of Graduate Law Programs, this requirement may be satisfied through Independent Study that results in a substantial research paper that contains a policy analysis component. With the approval of the Director of Graduate Law Programs, a member of the adjunct faculty may supervise the completion of the substantial research paper. A student wishing to complete a paper under the supervision of a member of the adjunct faculty must meet with the Director. Both the adjunct professor and proposed thesis must be approved by the Director of Graduate Law Programs.

   Supervision of a paper by a member of the adjunct faculty is available only once a student has matriculated into the LL.M. program. Supervision of a research paper by a member of the adjunct faculty is not available to J.D./LL.M students during the J.D. portion of their program.

Additional Course Requirements and Concentration of Law Study

1. Students pursuing an LL.M. in Business must select one of the following areas of concentration: ***(1) Finance/Corporate Governance, (2) Small Business, (3) Regulatory, (4) Dispute Resolution, (5) Labor and Employment, and (6) Intellectual Property.*** Concentrations are based upon courses the Law School intends to offer for at least 3 years. However, the Law School reserves the right to add or delete concentrations and/or courses within these concentrations depending upon course availability, course enrollment, or additional course development. If a student wishes to have a course not listed under a concentration count for credit toward that concentration, the student must file a Director's Action with the Director seeking approval of having that course count toward the concentration.

2. The student must take at least 8 of their remaining credit hours from the list of courses provided within the selected concentration area.

3. Following is a list of the concentration areas and the courses:

Finance/Corporate Governance	***Small Business***	***Regulatory***
Antitrust	Consumer Law	Antitrust
Mergers & Acquisitions	International Sales	Energy Law
Real Estate Finance	Consumer Bankruptcy	Environmental Law
Corporate Counsel	Business Bankruptcy	Hazardous Waste
Securities Regulation	Limited Liability Companies	Immigration Law
Corporate Taxation	Partnership Taxation	Environmental Practicum
International Taxation I and II	International Business Transactions	Health Law
Business Bankruptcy		Insurance Law
International Sales		Land Use Controls
International Business Transactions		Public Health Law
		Air Pollution Law and Policy
Corporate Governance		Water Pollution Law and Policy
Dispute Resolution	***Labor and Employment***	***Intellectual Property***
Mediation	Employment Law	Intellectual Property
Negotiation	Labor Arbitration	Computer Law
Arbitration	Employment Discrimination	Patent Law
Dispute Resolution	Labor Law	Copyright Law
Business Negotiation		Unfair Trade Practices
Mediation of Workplace Disputes		
Various DR clinics & practicums		

4. Students are expected to take the remaining number of credits (approximately 5-6 credits) needed to earn the LL.M. in Business degree (24 credits) from courses related to the students' area of concentration. Course selections are subject to the approval of the Director of Graduate Law Programs if the selected courses are outside of the courses listed under each concentration.

2.1.09 Changes in Required or Elective Courses

The Graduate Council and Law Council reserve the right and do periodically change course requirements as well as add and delete courses. Students are required to meet the requirements in effect at the time they begin the LL.M. program, unless otherwise provided by the Graduate and/or Law Council. Students in the three and one-half year program begin the LL.M. program only after they have earned their J.D. degree and must comply with the LL.M. course requirements in effect at the time they begin the LL.M. program.

2.2 Policy Concerning the Teaching of Spouses, Relatives, and Those with Similarly Close Relationships.

2.2.01 The faculty recognizes that the enrollment in a course of any student having a close personal relationship with the instructor creates a potential conflict of interest or appearance of favoritism. Therefore, it is the policy of the faculty that such enrollment should be avoided.

2.2.02 The relationships that are within the scope of this policy are spousal or similar close personal relationships that would create an appearance of favoritism, as well as close familial relationships such as those with siblings, parents, or children.

2.2.03 In the event that a student seeks to enroll in a course taught by a faculty member with whom the student has a close personal relationship, the following steps shall be taken:

A. When it is possible for the student to enroll in a section of the same class taught by another faculty member, the student shall be strongly encouraged to do so. In order to effectuate this policy, affected students will be permitted to register in another section or in the other division. When situations covered by this policy are brought to the attention of the administration, all reasonable efforts will be made to avoid such conflicts.

B. If the student is unable or unwilling to enroll in a course other than one taught by the faculty member with whom the student has a close personal relationship, then grading shall be on a "satisfactory-unsatisfactory" basis.

2.3 Maximum Tenure and Withdrawals

2.3.01 Maximum Tenure

All students must complete their degree requirements within the time periods noted in section 2.1.04**.** Students should be aware of the impact of transfer credit upon this rule, which is addressed in sections 2.1.04 and 2.1.05, above.

2.3.02 Withdrawals

A. Official withdrawal from the Law School or from a course (after the first week of classes) requires the permission of the Director of Graduate Law Programs. No official withdrawal from the Graduate Law Programs will be approved for a student who is not current in his or her financial obligations to the University.

B. The grade of "W" is entered on the student's transcript for an official withdrawal. Students who discontinue attendance without an official withdrawal from the Law School or from a course will receive a grade of "E" in all courses in which they are currently registered and in which they discontinue attendance.

C. Withdrawal from the Law School can be accomplished at any time prior to the end of classes in any semester. No withdrawals will be approved after the last day of classes.

D. Withdrawal from a course, other than complete withdrawal from the Graduate Law Programs, may be approved by the Director of Graduate Law Programs until two (2) weeks before the end of classes. Partial payment for the course will be assessed on a sliding scale if a student withdraws from a course after the first day of the semester.

E. After the second week of classes, withdrawal from a course will be permitted only upon a showing of good cause. This showing must be made by the student by completing a Director's Action form which may be obtained from the Office of Records and Registration and submitted to the Director of Graduate Law Programs for signature. Students are not permitted to withdraw from a class within two weeks prior to the conclusion of the course. In courses such as Tax Research I or II, in which course work is normally completed before the examination week, withdrawal will not be permitted after 60% of the course work has been completed.

F. Withdrawal by a student who is carrying only one course will be treated as withdrawal from that individual course, not as withdrawal from the Graduate Law Programs.

2.4 Class Meetings

2.4.01 Length of Classes

A. Three-hour courses meet for 160 minutes per week, usually for one three-hour period (including 20 minutes of "break" time, given in two 10-minute breaks or one 20-minute break).

B. Two-hour courses ordinarily meet once a week for two hours, including a 10-minute break.

C. Instructors do not regularly end class early, or retain the class for more than a few minutes.

D. The above does not apply to seminars, practicums, and clinics where the quality of individualized instruction is more important than the length of class meetings.

2.4.02 Class Cancellation by the Instructor

A. Regularly scheduled classes are not cancelled or postponed except for very compelling reasons.

B. If it is necessary for an instructor to cancel a class, he or she notifies the Office of Records and Registration, who ordinarily will notify the students in the course.

C. Credit hours for courses depend on the number of hours a course meets. Thus cancelled classes are almost always made up, at a time when other classes are not meeting or at a time when no student in the cancelled class has another class.

D. Because evening students usually work full days from Monday through Friday, canceled evening classes usually must be made up on a Saturday.

E. If an instructor will miss more than one (1) week of classes, the instructor should notify the Associate Dean for Academic Affairs and the Director of Graduate Law Programs so that a substitute can be considered.

2.4.03 Class Attendance

A. American Bar Association standards for accreditation require law schools ensure that students regularly attend class. Therefore, regular and punctual attendance is expected of all graduate law students. Class instructors are expected to cooperate in ensuring that this requirement is satisfied.

B. Soon after the commencement of a semester or summer term, the Office of Records and Registration will provide the instructor with a class roll, containing an alphabetized list of enrolled students and "boxes" for each class meeting. The instructor circulates this class roster during every class or uses some other method of recording class attendance.

C. The taking of attendance at every class is required. United States Department of Education regulations pertaining to financial aid require that the law school maintain accurate attendance records of all students receiving federally subsidized or guaranteed financial aid.

D. If an individual student is not regularly attending class, the instructor is to notify the Office of Records and Registration, who will communicate with the student. If the attendance problem continues, the Director of Graduate Law Programs will communicate with the student.

E. Faculty members have the authority to lower grades for failure to attend class or prepare course assignments.

F. Faculty members are required to submit class attendance records to the Office of Records and Registration at the end of the semester.

2.5 Examinations and Grades

2.5.01 Examinations, Quizzes, and Papers

A. The instructor of a regular class has the option to have a closed-book in-class exam, an open-book in-class exam, a closed-book take-home exam, an open-book take-home exam, a paper, or any combination of these. Timed, in-class final exams given at the termination of the course traditionally are the sole or primary basis for grades in required courses and heavy-demand electives.

B. Mid-term examinations and quizzes may be given in any course at the discretion of the instructor. Papers may be required in addition to or in lieu of examinations in certain courses.

C. Instructors of seminars, practicums, and clinics typically do not give final examinations. Seminars require students to submit law review quality papers of substantial length. Practicums require students to participate in several projects; e.g., simulations or planning papers.

2.5.02 Scheduling of Examinations

A. In-class examinations are scheduled during the examination period. Each instructor is responsible for administering his or her own exam.

B. Students in courses with in-class exams take the exam at the time scheduled, with two exceptions:

1. In case of an exam conflict, which is defined as two or more examinations with beginning times within a 24-hour period, the Associate Dean for Academic Affairs determines if such a conflict

exists. A student cannot re-schedule an exam until the Associate Dean has provided the instructor with written notice that a conflict exists.

2. Illness, documented physical or learning disability, or a compelling and unforeseen reason.

C. Make-up examinations

1. Only the law school Dean or Associate Dean for Academic Affairs can give permission for a student to take an exam at a time other than at the time scheduled, and only the Dean or Associate Dean decides when the make-up exam will be administered. Individual faculty members do not make "side" arrangements with students.

2. The student completes a Dean's Action form obtained from the Office of Records and Registration, which is given to the Associate Dean. Once it is determined that a make-up exam is appropriate, the Dean or Associate Dean will schedule the make-up exam, giving due consideration to the reasons why a make-up is necessary. The goal is to administer the make-up exam as close as possible to the time that the exam is regularly scheduled. The law school is willing to make reasonable accommodations when necessary, but the time of the make-up is determined by the law school, not by the student. Therefore, to the extent possible, the make-up exam will be scheduled a few hours prior to the time that the exam is regularly scheduled. If this is not possible, the make-up exam will be scheduled at a time as soon as possible after the time that the exam is regularly scheduled. Students needing to sit for a make-up exam may have to take that exam on a Saturday or Sunday, or during hours during which the student normally is employed.

2.5.03 Administration of Examinations

A. Instructors cannot excuse students from taking exams at the regularly scheduled time for any reason. Only the Associate Dean for Academic Affairs can approve student requests to reschedule examinations.

B. If examinations are scheduled for a fixed period of time [three (3) hours are typical], the instructor should not permit any students to have extra time, except in cases of disability as approved by the Associate Dean. To give any students extra time creates a perception of unfair advantage. Once a time limit is determined and announced, changes should not be made.

C. It is wise for faculty members, at the beginning of the exam, to orally notify students of the number of questions on the exam and the number of pages in the exam booklet. This will usually prevent situations where students later

claim that they forgot to read the last question, or forgot to look at the last page. If the instructor permits students who claim to have missed a question subsequently to answer that question at another sitting, it creates an appearance of unfairness to students who read the entire exam, followed instructions, budgeted their time and finished the exam within the allotted time.

2.5.04 Course Grades

A. Regular courses, in which final examinations are given, are typically graded by examination only; i.e., the grade on the final examination is the grade for the course.

1. Any deviation from this typical practice is communicated to students by means of a written syllabus at the beginning of the course. For example, if the final grade is based 50% on a final exam, 25% on paper, and 25% on class participation, students should be notified of this in advance.

2. If grades are to be lowered for absences or lack of preparation, the notice to students should specifically indicate the maximum number of permitted instances of class absence or lack of preparation, and the precise consequences of the student's failure to comply. A statement such as "the instructor reserves the right to lower grades for excessive absence" is not sufficient notice. Permissible is a statement such as "the student's grade will be lowered by one grade (e.g., C+ to C) for each instance of unpreparedness or absence in excess of four."

B. Seminar grades typically are determined by assigning a grade to the single paper written by the student. Any deviation from this typical practice is communicated to the student by written syllabus at the beginning of the semester or Summer term.

C. Practicum grades typically are determined by assigning grades to each paper, project, activity, or simulation engaged in by the student, and then by "averaging" all grades thus assigned, on an equal basis. Any deviation from this typical practice is communicated to students by a written syllabus at the beginning of the semester or Summer term. In particular, if some projects or activities are to be weighted more heavily than others, the students will be notified of the weighing factors to be used.

D. Grades are to be submitted to the Office of Records and Registration, who will communicate them to the students. Instructors do not announce the grades before the Office of Records and Registration does so.

E. Grading on final examinations, mid-term examinations, and quizzes is done anonymously. The only academic activities not utilizing anonymous grading are those demanding close one-on-one interaction between professor and student, such as research papers, clinics, externships, law review, moot courts, etc.

2.5.05 Value of Grades; Calculation of Grade Point Average

A. The point value of grades is as follows:

Grade	Point Value
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
E	0.00

The minimum required for credit is a C (2.0) in the Graduate Law Program.

B. Good Standing/Graduation Requirements

To be eligible to graduate, the student must have achieved a 2.75 grade point average. The student must achieve a 2.75 grade point average or better upon attempting 9 semester credit hours to continue to register for classes in a graduate program. Any student whose grade point average is below that which is needed to continue in a program must petition the Graduate Council for permission to continue his or her studies. Any student below a 2.75 grade point average after attempting 9 hours who is permitted to continue his or her studies is on probation and is not in good academic standing.

Students must complete an application for graduation the semester prior to the one in which they intend to graduate. These forms are available in the third floor Office of Records and Registration.

C. Other Transcript Entries.

1. Students who transfer to Capital Law School credit for course work taken at (1) another school, (2) other Capital Law School programs taken elsewhere, (3) programs of Capital University academic units other than the law school, or (4) academic programs of other institutions, receive the designation of "K" on their transcript. Such credit will transfer to Capital and be counted towards graduation

requirements only if the level of performance at the other program, unit, or institution earned the student a grade of C or higher.

2. A student's work may receive the temporary designation of "I" which means incomplete.

   a) Incompletes are given in limited circumstances when good cause is shown to the instructor in advance of the final examination or due date of other required work.

   b) An incomplete is not a grade and must be removed within a reasonable period of time. Except as noted in section 2.5.05(C)(2)(c) below, an incomplete shall in all instances be removed within four (4) weeks of the end of a semester or summer term during which course work is taken unless, in extraordinary circumstances, an extension is approved both by the instructor and by the Director of Graduate Law Programs.

   c) A student taking a paper course during the summer session, such as Tax Research II, has five months from the date of the last final exam in the summer session in which the course is taken to complete the course. If the student does not complete the course in that time, he or she will receive an “E.” in the course.

D. Calculation of Grade Point Average.

1. The grade point average required to graduate is a 2.75.

2. In determining a student's cumulative grade point average, his or her total accumulative points shall be divided by the number of hours attempted, excluding authorized withdrawals and courses for which grades or transcript entries of S, U, or K are awarded.

3. A student receiving a grade of "E" (failed) in any course required for an LL.M. or M.T. degree must repeat the course at the earliest possible opportunity. The original grade and the grade from the repeated course are both included in the student’s cumulative grade point average.

2.5.06 Grade Changes by the Instructor

After an instructor has submitted final grades to the Office of Records and Registration, the instructor cannot change any grades except on the basis of mathematical or computational error. If such an error is discovered, the instructor should fill out a "change of grade" form, which is available from the Office of

Records and Registration. The form includes space for the instructor to recite the precise reason for the grade change. The Associate Dean for Academic Affairs must approve the change before it becomes effective.

2.5.07 Administrative and Faculty Review of Unreasonable Grades

A. Procedure:

1. When a student believes that he or she has received a grade that no reasonable faculty member could justify under any reasonable standard, that student may, within 30 days of receipt of the grade, file a petition to have the allegedly unreasonable grade reviewed. Students who are academically dismissed must file the petition within ten days after the date of mailing of his or her formal notice of dismissal. If, through no fault of the student, the student is prevented from meeting the deadline, the deadline shall be extended for a period of ten days after the reason for the inability to meet the deadline no longer exists.

2. The petition should be submitted to the Associate Dean for Academic Affairs. If the petition concerns a grade given by the Dean or the Associate Dean, the petition should be submitted to the chair of the Faculty Grade Review Committee. The person to whom the petition is properly submitted will determine, after investigation, whether the petition states sufficient grounds to believe that a grade change may be warranted and to convene the Faculty Grade Review Committee. A decision by the appropriate person that the petition does not set forth sufficient grounds to review the allegedly unreasonable grade is final and may not be appealed in any fashion. If the person to whom the petition is properly submitted determines that there are sufficient grounds to convene the Faculty Grade Review Committee, that committee will review the grade.

3. The Faculty Grade Review Committee shall be composed of three tenured full professors who shall serve on a rotating and staggered basis for three grade reviews, with one member being replaced after each review. The member hearing his or her third review shall chair the committee for that review.

B. Standards: There are two principal grounds for review of a grade:

1. **Mathematical or computational error.** This is a rare basis since the faculty member already has the authority to change a grade based on mathematical or computational error. Mathematical or

computational error does not include an allegation of an error in evaluation; see (2) below.

2. **Arbitrary grade.** If in the reviewer's judgment there has been a grade assignment that a reasonable faculty member could not justify under any reasonable standard, the grade is deemed to be arbitrary. There is an extremely strong presumption of validity of the assigned grade, and a grade is not arbitrary merely because different persons might evaluate the work differently. "Arbitrary" does include allegations that the grade bears no demonstrable relation to the quality of the work, that the grade was computed in a manner substantially different from that announced in the syllabus, or that the grade was maliciously motivated by impermissible or illegal factors such as racism or sexism. In the case of a finding of departure from the manner of computation described in the syllabus, the normal disposition is to return the matter to the professor for grading in accordance with the standard promulgated.

C. Review of grades does not mean re-grading. Grades will not be reviewed merely because a student believes that his or her work should have been given a higher grade than it in fact was given. No two professors ever grade exactly alike, and differences in grading styles and results are not per se arbitrary.

2.6 Graduate Law Program Course Descriptions

The following are the required and elective courses within the LL.M. in Taxation, LL.M. in Business & Taxation, LL.M. in Business and the M.T. programs. Where a prerequisite or co-requisite is listed, it is a pre- or co-requisite only with respect to the listed degree that immediately precedes it.

A. Taxation Courses

860 Advanced Individual Income Tax Problems (2 Cr. Hrs.) The course utilizes selected problems to cover the major income tax issues for individuals. Topics covered include definition of gross income, business deductions, income splitting, sales and other dispositions of property, gains and losses, and timing issues. (Formerly Selected Problems of Federal Taxation)

862 Tax Research & Communication I (2 Cr. Hrs.) An introduction to tax research and communication. The student is responsible for completing certain exercises and drafting tax documents utilizing tax research techniques.

863 Tax Research II (2 Cr. Hrs.) A seminar requiring the preparation of a comprehensive research paper. LL.M. prerequisite: completion of fourteen credit hours of which two must

be in 862. M.T. prerequisite: completion of fourteen credit hours of which four must be in 860 and 862.

Business Taxation

854 Taxation of Business Entities (3 Cr. Hr.) This survey course will cover the basics of taxation of business entities. It will include an introduction to federal taxation of C Corporations, Partnerships, LLC's, and S Corporations. This course is designed primarily for students interested in business and will focus on identification and resolution of tax issues in common business transactions. **This course is not an approved elective for the LL.M. in Taxation or M.T. programs.**

855 Corporate Tax (3 Cr. Hr.) Tax considerations in corporate formation, distributions, redemption and liquidation. Introduction to corporate reorganizations and consideration of tax alternatives relating to the sale of corporate assets. M.T. prerequisite: 860; pre- or co-requisite: 862.

856 Partnership Taxation (3 Cr. Hr.) The meaning of partnership taxation including formation, transactions between partner and partnership, determination and treatment of partnership income and losses, sales or exchange of partnership interests, distributions, retirement, death of partner, and drafting the partnership agreement. M.T. prerequisite: 860; pre- or co-requisite: 862.

865 S Corporations (2 Cr. Hrs.) Advanced problems including Subchapter S Corporations, professional corporations, personal holding companies and punitive taxes on earnings accumulation, and collapsible corporations. M.T. pre-requisite: 860; pre- or co-requisite: 862.

868 Limited Liability Companies (1 or 2 credit hours): An examination of the 1994 legislation regarding limited liability companies. Other forms of business entities such as C-corporations, S-corporations and various forms of partnerships are explored for purposes of comparing and contrasting these entities to limited liability companies. M.T. prerequisite: 860; pre- or co-requisite: 862.

891 Consol. Income Tax Returns (1 Cr. Hr.) Detailed examination of the consolidated income tax return regulations and consideration of other problems encountered by affiliated groups of corporations. LL.M. prerequisite: 855. M.T. prerequisites: 855, 860; pre- or co-requisite: 862.

Estate and Trust Taxation

850 Estate & Gift Taxation (3 Cr. Hr.) Substantive provisions of federal estate and gift tax laws and the generation skipping transfer provisions, including transfer with retention of interest or power, joint interests, life insurance proceeds, property subject to powers of appointment, marital deduction and split gifts. (Formerly Wealth Transfer Taxation) M.T. prerequisite: 860; pre- or co-requisite: 862. (**Note: M.T. students must obtain permission of the professor to enroll in this course.)**

872 Income Taxation of Trusts & Estates (2 Cr. Hrs.) Taxation of income of trusts and estates, with emphasis on income required to be distributed currently; distributions; and other fiduciary tax problems, including the treatment of income in respect of decedents. M.T. prerequisite: 860; pre- or co-requisite: 862.

928 Drafting for Estate Planning (2 Cr. Hrs.) Prototype dispositive schemes for the married couple and how to draft them; the use and drafting of inter vivos trusts in estate planning including the minor's trust, insurance trusts, charitable trusts, and other estate planning techniques. LL.M. prerequisite: 850, M.T. prerequisites 860, 850; pre- or co-prerequisite: 862.

Tax Procedure and Professional Responsibility

858 Introduction to Tax Procedure (2 Cr. Hrs.) Adjudicative tax law and practice, including deficiency assessment, collection procedures, interest and penalties, and refund claims; prospective tax procedures, including revenue rulings and determination letters.

874 Civil and Criminal Tax Controversies (2 Cr. Hrs.) This course is designed to provide the tax practitioner with a basic but very broad overview of the procedural fundamentals and requisites for the representation of individual and entity clients before the Internal Revenue Service in multiple phases of IRS tax controversy matters. This course will cover all types of tax controversy representation ranging from appellate representation to criminal tax fraud representation. The course will cover the relevant issues and procedural aspects of each of these phases of representation and provide practical insights into initiating and handling controversy related tax representation. Topics covered will include handling IRS administrative appeals of proposed audit deficiencies; collection division representation; choice of forum for initiating tax litigation and the various prerequisites for initiation and handling tax litigation in the Tax Court and the other federal court forums; assisting the delinquent taxpayer; voluntary disclosure issues; amended returns; applicable statutes of limitation for assessment, collection, and criminal prosecution; and an overview of the federal criminal tax fraud statutes, investigations, and handling the criminal defense at the audit stage and beyond.. LL.M. prerequisite 858. M.T. prerequisites: 860, 858; pre- or co-requisite: 862.

876 Tax and Professional Responsibility (2 Cr. Hrs.) Examination of the ethical problems that confront the tax practitioner, including problems of return preparation, flagging weakness, review of returns, post-return developments, audits, disclosure of adverse facts and law.

Compensation Taxation

878 Introduction to Qualified Retirement Plans (2 Cr. Hrs.) A comprehensive study of pension, profit-sharing and 401(k) plans for small businesses and professionals. (Formerly

Pension and Retirement Planning For Small Businesses and Professionals)
M.T. prerequisite: 860; pre- or co-requisite: 862.

879 Executive Compensation (2 Cr. Hrs.) A review of non-qualified deferred compensation agreements, insurance programs for benefit planning, cafeteria plans and fringe benefits. M.T. prerequisite : 860; pre- or co-requisite: 862.

International Taxation

880 International Taxation I (2 Cr. Hrs.) Taxation systems of major nations; impact on United States business activity abroad; U.S. foreign trade. M.T. prerequisite: 860; pre- or co-requisite: 862.

881 International Taxation II (2 Cr. Hrs.) Special advanced problems in international taxation. LL.M. prerequisite: 880. M.T. prerequisites: 860, 880; pre- or co-requisite: 862.

General Electives

851 Family Law and Family Tax (2 Cr. Hrs.) Consideration of how the tax laws affect both traditional and non-traditional families in a myriad of circumstances. M.T. prerequisite: 860; pre- or co-requisite: 862.

853 Problems of State and Local Taxation (2 or 3 Cr. Hr.) Examination of state and local taxation including sales and use taxes, corporate taxation, property taxation, intangibles taxation, tax jurisdiction, assessment and collection procedures, and remedies available to taxpayers. M.T. pre or co-requisites: 860, 862.

877 Sales & Use Tax (1 Cr. Hr.) Problems of mail order sellers and the implications for their taxation. It examines the seminal case of Quill as well as cases before and since, and state legislation that affects this area. M.T pre- or co-requisites: 860, 862.

888 Accounting Problems for Lawyers (2 Cr. Hrs.) A study of the basic principles of accounting as related to law. Topics include the accrual and deferral of income, asset revaluation, cost allocation for intangibles, inventories and long-term cost of tangible assets. **Not open to students with more than 6 hours of accounting.**

890 Exempt Organizations (2 Cr. Hrs.) Organizational, operational and dissolution tax problems of federally tax exempt entities including Sec. 501(c)(3) charities, trade associations, clubs and voluntary employee benefit associations. M.T. prerequisite: 860; pre- or co-requisite: 862.

892 Timing Problems (2 Cr. Hrs.) Timing consideration and taxation issues. M.T. prerequisite: 860; pre- or co-requisite: 862.

896 Real Estate Taxation (2 Cr. Hrs.) Effect of income taxes on real estate and real estate transactions, sales and exchanges of real estate interests, various entities for the ownership

and development of real estate, real estate syndications, problems of the investor and the developer, basis and basis adjustment, and choices of financing techniques such as the sale-leaseback, depreciation, amortization and obsolescence. M.T. prerequisite: 860; pre- or co-requisite: 862.

898 Insurance Taxation (2 Cr. Hrs.) Federal taxation of insurance companies. M.T. prerequisite: 860; pre- or co-requisite: 862.

982 Independent Study (1-2 Cr. Hrs.) Independent study leading to a publishable research paper in taxation. LL.M. prerequisite: permission of Director of Graduate Law Programs. M.T. prerequisites: 860, 862 and permission of Director of Graduate Law Programs.

B. Business Courses

703 Corporate Counsel (3 credits): This course identifies the multiple roles that often comprise the position of corporate counsel, thus distinguishing it from others in the legal profession. The course focuses on problem- solving within corporate counsel's multiple roles.

704 Securities Regulation (3 credits): A survey of basic principles of federal and state securities laws, including registration requirements for public offerings, exemptions from registration, civil and criminal liabilities, mergers and acquisitions, regulation of transaction in secondary markets, regulation of market professionals, and the role of securities lawyers.

705 Corporate Finance (3 credits): A survey of issues and principles relating to the acquisition, accumulation and distribution of capital resources. Examination of concepts of valuation and capital structure, legal capital, classes of securities, corporate distributions, mergers, purchases of assets or stock, recapitalizations, and applicability of Federal securities and tax laws.

714 Consumer Bankruptcy (3 credits): State collection law and bankruptcy law in cases involving consumer debtors.

715 Consumer Law (2 credits): Legislative efforts to protect individuals when in the marketplace for goods and services that are primarily for personal, family, or household use. An examination of federal and Ohio statutes.

716 Business Bankruptcy (3 credits): Deals primarily with the reorganization of financially distressed businesses under Chapter 11 of the United States Bankruptcy Code. Includes eligibility for bankruptcy relief, involuntary bankruptcy, the scope of the debtor's bankruptcy estate; the automatic stay, control and operation of the debtor while the case is pending, avoiding powers (preferences, fraudulent conveyances, executory contracts, statutory liens), reorganization plans and post-confirmation issues. May include material on rehabilitation of individual business debtors and Family Farmers under Chapters 13 and 12 and state law receiverships.

720 Insurance Law (2-3 credits): An exploration of problems arising in insurance transactions: the application for and issue or rejection of a policy, the requirement for an insurable interest, valuation of a loss, multiple policies covering one loss, termination, coverage determinations, and the claims process. An emphasis on the relationship between the insurer and insured, and on the public interest in compensation for loss.

721 Computer Law (2 credits): A study of law as it pertains to computers and information technology, including issues in torts (computer fraud), contracts and commercial law (licensing and other agreements), criminal law (computer viruses, theft, and other forms of computer crime), civil procedure and evidence (use of computers during discovery and at trial), intellectual property (protection through copyright, patent, trade secret, and trademark), and international transactions.

760 Land Use Controls (3 credits): Analysis of the legal and administrative aspects of the regulation of land use and development; constitutional limitations on government regulation of land uses; problems and techniques of land use planning at the local, regional, state, and national levels. Particular attention is given to zoning, subdivision controls, public acquisition of land, housing and urban renewal, aesthetic regulations, environmental issues, and historic preservation.

770 Intellectual Property (3 credits): Introduction to intellectual property; background for general practice and a foundation for specialization in patents, trademarks, and copyrights; principles applicable to inventions and discoveries; secrecy as a means of protection; industrial espionage; the nature of the patent right, its acquisition, and enforcement; property and contract interests; basic requirements for trademark registration; relation of copyright to patents; trademarks.

772 Patent Law (3 credits): Conditions for a valid patent, subject matter of a patent, patent office procedures, amendment and correction of patents, patent infringement, property and contract interests in patents, and patent litigation.

774 Copyright Law (3 credits): A study of intellectual property rights in literary, musical, and artistic works and other "original works of authorship" under the federal law of copyright, primarily the Copyright Act of 1976, as amended.

776 Unfair Trade Practices (2 credits): The course consolidates diverse theories and causes of action relating to various kinds of “business torts.” It covers trade identity, unfair competition law, and the law of unfair trade practices, including discriminatory pricing, predatory practices, and regulation of false and deceptive advertising. The unifying theme is the study of private actions available for damages to business firms as alternatives to government-initiated remedies in antitrust, trade regulation, and consumer protection.

778 Water Pollution Law and Policy (2 credits): This course will begin by exploring the problem of water pollution in the United States including a survey of the various water pollutants and their harmful effects on human health and the environment. It will then look at the scope o the federal government’s authority to regulate in this area as it has been interpreted by Congress of, the courts and federal agencies. The course will then turn to an

in-depth examination of the federal Clean Water Act and of the various regulatory programs established under it. The focus will be on the National Pollutant Discharge Elimination System, permitting program, pursuant to which many industrial facilities are regulated. The course will also consider the Dredge and Fill program and associated wetlands protection issues, as well as current efforts to increase the regulation of Anon-points sources.

779 Air Pollution Law and Policy (2 credits): The Clean Air Act is one of the most significant areas of environmental law; it is also one of the most complex. This course will offer students a comprehensive introduction to the Act and to the legal and policy issues that arise under the Act. It will begin with an introduction to the National Ambient Air Quality Standards and State Implementation Plans, the building blocks of the Clean Air Act. It will then examine in some detail the Act's major regulatory programs (the Prevention of Significant Deterioration program, the Non-attainment New Source Review program, the New source Performance Standard program, and the Hazardous Air Pollutants program), as well as the Act's enforcement and judicial review provisions. In this context, issues of federalism, market-based approaches to regulation, and environmental justice will be addressed. The course will conclude with an introduction to international air pollution issues, with a focus on global warming.

780 Environmental Law (3 credits): Environmental issues have great importance for American society today. From climate change, to renewable energy, to air or water pollution, to "green" products or businesses, environmental issues are profoundly affecting our health, our natural environment and our economy. Environmental lawyers will play a major role in addressing these issues. They will interpret existing statutes and inform policymakers and businesses of their legal options and obligations. They will draft the legislation that shapes the environmental outcomes of the future, and the contracts that allow the new environmental technologies to emerge. They will bring the lawsuits that enforce the environmental laws on the books. This course will introduce students to the exciting world of environmental law and will prepare them to participate in it. It will provide students with a solid grounding in the major federal environmental statutes 150 The Clean Air Act, The Clean Water Act, the Superfund Law, the Endangered Species Act, and others 150 and will expose them to the most significant cases interpreting these statutes. In addition, the course will introduce students to the regulatory approaches -- such as market-based trading, technology-based 147command-and-control, 148 or planning-based strategies -- that underlie these statutes, and will thereby give them a deeper understanding of the statutes they are reading. The course will include regular exercises so that students can build their environmental law practice skills. It will close with a section on climate change law and policy, an area of increasing importance to the next generation of environmental lawyers.

781 Hazardous Waste Law And Policy (2 credits) This course will focus on two major federal environmental statutes: the Comprehensive Environmental Response, Compensation and Liability Act (otherwise known as the Superfund Law), and the Resource Conservation and Recovery Act. CERCLA establishes liability for past disposal of hazardous substances, while RCPA regulates the present and future handling of hazardous wastes. The course will begin with an introduction to the problem of hazardous waste, including a discussion of its effects on human health and the environment. It will then examine RCRA's Cradle-to-grave

regulation of hazardous waste, from its generation, to it transportation, to its eventual disposal. Related issues of administrative process, judicial review of agency action, government enforcement and citizen suits will also be addressed. The course will next explore in detail CERCLA cleanup process, liability scheme, including such contemporary issues as the liability of successor and parent corporations, lenders, and individual corporate officers and shareholders. Finally, the course will address defenses to CERCLA liability and the settlement of CERCLA liability suits. Prerequisites: 780.

783 Energy Law (2 credits): An overview of the basic principles governing the production, sale, and use of coal, oil, natural gas, and electricity. Focuses on the environmental and business laws that affect producers and consumers of energy.

808 Antitrust Law and Trade Regulation (3 credits): Competitors' and monopolists' behavior under federal and state antitrust laws; anti-competitive behavior such as price-fixing, allocation of markets, tying arrangements, refusals to deal; attempts to monopolize; mergers; pro-competitive behavior.

810 Labor Law (3 credits): Analysis of the relationship between employers, employees and unions in the private sector under the National Labor Relations Act and other federal statutes. Topics include union organizing, employer and employee bargaining relations, representation procedures, strikes and picketing, unfair labor practices, the duty of fair representation, internal union affairs, and the enforcement of collective bargaining agreements.

811 Employment Law (3 credits): Focuses on employment relationships between employers and employees. Examines the common law principles of employment-at-will, legal regulations on hiring and terminating employees, and conditions of employment.

813 Labor Arbitration (2 credits): The origin and development of labor arbitration. Examines state and federal labor arbitration laws, arbitration rules, and major arbitration decisions. Also includes the mechanics of the arbitration process and evidential and due process issues. This course usually concludes with a mock arbitration hearing, including the writing of a brief for an arbitration and an arbitration opinion.

817 Employment Discrimination (3 credits): A survey of federal laws prohibiting discrimination in employment on the basis of race, national origin, sex, age, religion, and disability. Focuses on Title VII of the Civil Rights Act of 1964, Americans with Disabilities Act, Age Discrimination in Employment Act, Equal Pay Act, and reconstruction era civil rights statutes.

821 Public Health Law (2 credits): This course will focus on efforts to use regulation, litigation and taxation to improve public health, with a particular focus on the tension between public health promotion and individual rights. It will survey the legal framework in which the government may regulate for the public health, focusing on the inherent tension between public health regulation and individual rights. The course will touch briefly on a wide range of constitutional limitations on government power (including 1st, 2nd, 4th, and 5th/14th Amendment issues) as well as the broader debate over whether government power

should be used for “paternalistic” regulation. It will review litigation in the public health arena, including a discussion of whether courts are an appropriate and effective forum for addressing public health concerns. Finally, the course will touch on taxation for the public health, addressing the impact of “sin” taxes and the debate about whether the government’s taxation power should be used to influence behavior.

822 Health Law (3 credits): An analysis of the health care industry, its financing and cost problems, its mix of public and private decision-making, and the various mechanisms by which resources are or might be allocated to health care uses. Specific topics include: 1) tensions of health policy--the health care sector and its special problems; access to health care-legal entitlements and obligations; professionalism; 2) mechanisms of quality assurance--credentialing and regulation of health care personnel; the quality of care in institutions; 3) controlling health care costs--regulatory approaches to cost containment; cost controls in government programs; privately initiated reforms.

830 Immigration And Naturalization (2 credits): A basic introduction to immigration law and procedure. The course traces major legislative history and immigration policy.

835 Law of Professional Sports (2 credits): Labor and antitrust issues in professional sports; ethical issues related to the representation of professional athletes; and negotiations in the professional sports context.

868 Limited Liability Companies (1 or 2 credits): An examination of the 1994 legislation regarding limited liability companies. Other forms of business entities such as C-corporations, S-corporations and various forms of partnerships are explored for purposes of comparing and contrasting these entities to limited liability companies. M.T prerequisite: 860; pre- or co-requisite: 862.

902 Dispute Resolution (2 credits): Study of the major alternatives to litigation for the resolution of disputes including negotiation, mediation, arbitration, and court-annexed procedures. Theoretical materials applied in simulated exercises. NOTE: Students enrolling in the summer intensive format version of this course are not to work during the course. Summer classes run from 8:00 AM to 12:00 PM every day from Monday through Saturday. A final exam is given the following Tuesday.

903 Business Negotiation (2 credit hours) This course is designed for students who have taken the Negotiation course and wish to learn about the use of negotiation in the business environment. A student who completes this course will acquire: a comprehensive and well-founded knowledge of business negotiation necessary for successful negotiation in business; the skills and abilities necessary to engage successfully in negotiation in various business and organization settings; an understanding of how the discipline of law relates to business negotiation; the ability to identify problems, create solutions, innovate, and improve current practices in business negotiations; and the ability to think creatively to reach mutually satisfactory negotiated outcomes in business. Prerequisites: 904.

904 Negotiation (2 or 3 credits): Selected materials in negotiation, the process by which lawyers resolve 90% of their clients' legal problems. Topics include selecting appropriate strategies for a particular negotiation, planning for a negotiation, and implementing strategy, selecting tactics and considering ethical issues of misrepresentation and zealous advocacy. NOTE: Students enrolling in the summer intensive format version of this course are not to work during the course. Summer classes run from 8:00 AM to 12:00 PM every day from Monday through Saturday. A final exam is given the following Tuesday.

907 Multi-Disciplinary Dispute Resolution (2 credits): This course will be a highly interactive skill based approach concerning communication messages that surround cultural and gender interaction in both negotiation and mediation. The student will learn how different cultures respond to conflict, uncertainty avoidance, direct and indirect communication, power distance and apologies.

910 Mediation (2 credits): This course approaches mediation from the advocate's perspective. Students will develop a sophisticated understanding of mediation and will learn when to use mediation as a settlement process. Learning objectives will be met through in class role-plays, reading assignments, written analysis of mediation role-plays, and a final examination.

920 International Business Transactions (3 credits): This course discusses patterns of transnational law practice and the regulation of that practice by nations. The course will compare how the conduct of lawyers is governed by other countries and compare rules of professional ethics around the world, with a special emphasis on Europe. The students will study several hypothetical international business transactions, discussing the role of the U.S. lawyer and the ethical problems U.S. lawyers experience in international commercial transactions.

930 Business Planning Practicum (2 credits): Integrated study of corporate, financial, tax, accounting and securities aspects of: organization of a small corporation, organization of a public corporation, stock dividends, recapitalization and stock redemption in the context of a stockholder conflict, corporate liquidations, corporate mergers and acquisitions. Prerequisite: 855,856 or 854.

938 Environmental Law Practicum (2 credits): This course uses problems and simulation exercises to teach students lawyering skills necessary for the practice of environmental law. It is divided into four sections -- compliance counseling, enforcement, litigation and policy -- which correspond to four of the main areas of environmental law practice. Each section commences with an introduction to the area of practice being covered. Following the introduction, students complete short problems designed to expand and deepen their understanding of the area. At the conclusion of each section, students engage in realistic that simulate the practice of environmental law. The course requires students to produce a variety of written work during the semester, such as memorandums, complains, and summary briefs. Students will be grade on these written assignments as well as on the quality of their performance in the simulations. There is no final exam or paper requirement. Prerequisites: 780.

966 International Sales (3 credits): Study of the fundamental international commercial transaction, the sale of goods – including sales, financing, transportation, and insurance contracts; introduction to related commercial relationships, agreements, organizations, and laws affecting private international transactions.

Note: these course descriptions are subject to change at the discretion of the Law School.

Chapter 3.0
Financial Regulations

The financial regulations of Capital University Law School may be found in Chapter 5 – Financial Regulations of the Manual of Policies and Procedures of Capital University Law School. The Capital University Law School financial regulations shall govern in all cases to which they are applicable and to the extent they are consistent with the Capital University Law School Graduate Law Programs Manual of Policies and Procedures or with any rules that may be adopted.

3.1 Financial Aid

3.1.1 All Master of Laws and Master of Taxation students are eligible for federal financial aid provided that they register for at least four credit hours in the Fall Term, four credit hours in the Spring Term and two credit hours in the Summer Term. Students should contact the Law School Financial Aid Office on the 3rd floor of the Law School for additional information. The Law School Financial Aid Office also may be contacted at financialaid@law.capital.edu or 614.236.6350.

3.1.2 Students expecting student loan refunds must obtain and complete a refund request form from the Law School Financial Aid Office. Most refunds are available through direct deposit.

3.1.3 There are a limited number of scholarships available from the Graduate Law Programs based upon financial need and academic merit/potential. These funds are to be used exclusively for tuition and books rather than living expenses. If you are interested in obtaining a scholarship, please contact the Director of Graduate Law Programs for an application.

Chapter 4
Student Affairs

The student affairs regulations of Capital University Law School may be found in Chapter 6 – Student Affairs, of the Manual of Policies and Procedures of Capital University Law School. With the exception of Section 6.4 – Employment, the Capital University Law School student affairs regulations shall govern in cases to which they are applicable and to the extent they are consistent with the Capital University Law School Graduate Law Programs Manual of Policies and Procedures or with any rules that may be adopted.

Chapter 5
Building and Parking Regulations

The building and parking regulations of Capital University Law School may be found in Chapter 7 – Building & Parking Regulations, of the Manual of Policies and Procedures of Capital University Law School. The Capital University Law School building and parking regulations shall govern in cases to which they are applicable and to the extent they are consistent with the Capital University Law School Graduate Law Programs Manual of Policies and Procedures or with any rules that may be adopted.