

UNIVERSITY OF HAWAI'I AT MĀNOA

**WILLIAM S. RICHARDSON
SCHOOL OF LAW**

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**STUDENT HANDBOOK
FALL 2002**

(Students should retain this copy of the student handbook until they graduate)

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MISSION STATEMENT

The William S. Richardson School of Law is dedicated to providing excellence in legal education and scholarship and to promoting justice, ethical responsibility and public service. We place special emphasis on fields of law of particular importance to Hawai'i and the Pacific region, such as environmental law, native Hawaiian rights, ocean law, and Pacific and Asian legal studies.

The Law School reserves the right to change, delete, supplement, or otherwise amend at any time and without prior notice the information, requirements, and policies contained in this Handbook.

UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC REGULATIONS

(Revised July 2002)

Read these regulations carefully; all students are presumed to have full knowledge of their contents.

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity without the written consent of the student or former student. Provisions of the Family Educational Rights and Privacy Act (FERPA) shall govern the handling of student records. Under no circumstance will information about a current or former student's academic record (including grades & GPA) be made known to the student over the telephone. A student may request access to his/her academic records by appearing in person at the school, with photo I.D. and by completing a written request to review his/her record. See also section XXVII.

II. Requirements for the Juris Doctor (J.D.) Degree from the William S. Richardson School of Law

A. Full-time residence in the school for at least six academic semesters subject to specified exceptions regarding visiting, transfer, and foreign law programs.

- 1. To be considered "in residence" full-time for law school enrollment purposes, a student must register for at least 12 credits and receive a passing grade for at least 9 of those credits. Withdrawal from a course prior to the completion of the semester that causes the student to fall below twelve credits will result in failure to earn residency. Under extraordinary circumstances and with the prior written permission of the Associate Dean or his/her designee (hereafter referred to as "Associate Dean"), a student may register for as few as 10 credits and still receive full residency for that semester, provided the student receives a passing grade for at least 9 of those credits. In no case may a student earn more than one semester of full-time residence credit during the academic semester.**
- 2. Students may only earn partial residency with the prior written permission of the Associate Dean. Partial residency may only be earned in the three following situations.**
 - a. Students who enroll in and receive credit for six or more credits in an ABA-approved summer law program may receive one-half (.5) a semester of residency.**
 - b. Under exceptional circumstances, a student may register for between 6 and 9 credits and receive one-half (.5) a semester of residency. "Exceptional circumstances" might include parenting, health, care giving and pregnancy. It is anticipated that a student would only be allowed to exercise this option one time. Two semesters of half residency earned under (a) or (b) may be combined to constitute one full semester of residency.**
 - c. A dual degree candidate in his or her terminal law school semester, may combine a half semester of residency earned under (a) with a half semester of law school residency to earn a full semester of residency, provided the student takes at least six**

law school credits in the terminal semester and remains enrolled full-time at the University of Hawai'i, pursuing courses in his or her other degree.

Students who have registered as full-time students but who earn fewer than 9 credits are not entitled to earn partial residency unless they meet the standards set forth in sub-paragraph (b) or (c) above.

3. After the first year, any student in good standing may, with the prior written approval of the Associate Dean, choose to take fewer than 12 credits, with the express understanding that the student will not earn any residency for that semester. This option may not be exercised more than twice.
- B. Eighty-nine or more semester credit hours earned.
 - C. A cumulative grade point average of 2.00 or better in all work taken after the first semester of the first year.
 - D. Completion of the pro bono requirement.
 - E. All required courses including the first year curriculum, Constitutional Law I, Second Year Seminar, Professional Responsibility, and a clinical or skills course from a list of courses satisfying that requirement maintained by the Associate Dean. The requirements are more fully described in the official School of Law Catalog. Required courses cannot be taken at another law school.
 - F. A student must complete the requirements in subparagraphs A-E, above, within five years of admission to the School, not including Pre-Admission semester(s).
 - G. All outstanding obligations to the law school and/or the University such as emergency student loans, keys, parking fines and borrowed library books must be satisfied prior to graduation.
 - H. Students must give careful attention to graduation requirements. **Although students may receive counsel from the School's administration and faculty, students are personally and directly responsible for meeting their graduation requirements.**

III. Special Projects

- A. Special Projects defined.

Special Projects include Externships, directed study, Law Review, Asian-Pacific Law & Policy Journal, foreign law programs (i.e. non-ABA accredited programs, e.g. a semester at the University of the Philippines), Moot Court Team, and Moot Court Board, as well as graduate courses, seminars, etc. taken outside the School of Law at other departments at the University of Hawai'i. Law courses, including summer courses in foreign locations (e.g. Santa Clara University's summer programs in Japan, Korea and Singapore) taken at other ABA-accredited law schools are not counted as Special Projects.

time of the regular registration period for the semester in which the project will be undertaken.

4. Students on probation may not enroll in a directed study.

IV. Grades

A. Grade System

Subject to paragraph E, and exceptions listed in A.1 and A.2 below, students will be graded in all academic work carried for credit in accordance with the following system:

GRADES	GRADE POINTS
A – Excellent	4
B – Good	3
C – Satisfactory	2
D – Low Pass	1
F – No Credit	0
I – Incomplete	0

Even though professors may award unofficial plus ("+") or minus ("-") grades, under no circumstances will these grades be used to calculate a GPA for any reason.

Work taken in the first semester of the first year, or the work taken in the semester(s) as a Pre-Admission student, shall be treated as follows:

1. No grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.
2. Subject to Academic Regulation V.A., students' letter grades in the first semester or the Pre-Admission semester(s) will not be used in determining a student's official law school GPA except to assist the student for purposes of permitting graduation, avoiding dismissal, or avoiding probation.

For first year students, these letter grades will be used to decide academic status and whether the student is eligible to continue in residence following the first semester of the first year. Pre-Admission students should refer to the Pre-Admission Academic Regulations for additional grade information.

3. The term "Credit" as it is used in paragraph A.1 shall show a performance of "D" or better.

B. Grading Norms

Grading norms for all courses are set out below to afford each instructor a guide to institutional expectation while simultaneously permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. In the event of departure from the stated range the instructor will be expected to justify the departure on inquiry of the Dean or faculty.

GRADES	RANGES		
	<i>Over 20 Students</i>	<i>20 Students & Under</i>	<i>Writing Courses (LMS, ApAd, SYS)</i>
A – Excellent (4)	5-20%	5-25%	25-40%
B – Good (3)	25-50%	25-50%	40-65%
C – Satisfactory (2)	30-70%	25-70%	20-35%
D – Low Pass (1)	0-10%	0-10%	0-10%
F – No credit (0)	0-10%	0-10%	0-10%

The grade curve for most courses is a C+/B-. The grade curve for writing courses is a B.

C. Ranking

NUMERICAL RANKING

The top 15% of each class is calculated after Spring grades are issued. For 2Ls and 3Ls, the numerical ranking is calculated based on the cumulative GPA (excluding the 1L fall semester of advisory grades). Multiple class rankings (i.e. ties) are possible. Students are strongly encouraged to clarify to prospective employers if he/she is tied as reflected in the "unofficial" law school grade report issued the following spring semester.

For 1Ls, numerical ranking shall be calculated only on Spring semester grades because Fall semester grades are advisory only, even though a "grade report" for Fall semester may be issued by the law school. For December graduates, numerical ranking shall be calculated only after the following Spring grades are reported. December graduates are ranked together with the following spring's graduating class.

If a student is ranked in the top 15%, the numerical ranking shall appear on the “grade report” for Spring only. If no numerical ranking is indicated, the student is not in the top 15% and should refer to his/her reported quartile ranking.

QUARTILES

The School of Law calculates four quartile rankings for each class: top quartile (25%), second quartile (50%), third quartile (75%) and fourth quartile. In addition, the class median is calculated. Quartiles are based on each student’s cumulative GPA (not including any semester with advisory grades). Quartiles are indicated on the “grade report” for each semester except for 1Ls’ fall semester “grade report.”

HONORS for Graduating Students

<i>Summa cum laude</i>	Top 5% based on overall GPA
<i>Magna cum laude</i>	Top 10% based on overall GPA
<i>Cum laude</i>	Top 25% (top quartile) based on overall GPA

D. Grade Reporting

School of Law grades are reported in a number of different formats. Final grades for each course are posted by exam number and published to students on email. For courses with more than 10 students, grades are also posted on the school bulletin board. To insure students’ rights of confidentiality, it is prohibited to calculate the grades of other students and to distribute such information.

GRADE REPORT

The School of Law’s Student Services Office automatically prepares a “grade report” for each student following each Fall and Spring semester. Every course taken during the semester and the actual grade received, including “+” and “-” are indicated, unless the course is taken for “Credit/No Credit” or “Audit.” The “+/-” is optional and is not factored into a student’s GPA. For 1Ls, although a “grade report” will be issued after the Fall semester, the grades are advisory only and are not disclosed by the School of Law to anyone outside of the law school. A “grade report” is considered unofficial.

“Quartiles” are indicated on each “grade report” after each semester except for 1Ls after the Fall semester.

“Numerical ranking” of the top 15% of each class is done once a year, only after Spring grades are issued. If a student is ranked in the top 15% of the class, it will be indicated on the “grade report” issued for Spring semester grades only. “Numerical rankings” will not appear on a Fall semester “grade report.” Fall semester grade reports will only reflect quartile rankings (i.e. top quartile, second quartile, etc.).

Students may list their numerical (if applicable) and quartile rankings on their resume. However, if a student is tied for a numerical rank in the top 15% (of the top quartile), the student is

responsible for clarifying this information on the resume and during interviews. Students are encouraged to utilize the "unofficial" grade policy handout, which describes the current grading system and curve for each semester.

GRADE MAILER

The University of Hawai'i's Admissions and Records Office automatically issues a "grade mailer" after each semester, which lists the courses and grades for the semester. Because the "grade mailer" is sometimes prepared before law school grades have been finally reported, a specific grade in each course may not appear.

OFFICIAL TRANSCRIPT

The University of Hawai'i's Admissions and Records Office also prepares the student's "official transcript" upon request and with a small charge. The "official transcript" is cumulative and lists every course taken and the final grade. However, "+" and "-" are not indicated and are not computed in tabulating the student's Grade Point Average. Each student should request a copy every semester, after final grades are posted. Please note that the GPA on the "official transcript" may differ from the GPA as computed by the law school. This is due to the complexity of our Academic Regulations. For example, when you take an upper campus course, the grade for that course is not computed by the law school for your law school GPA.

For 1Ls, the "official transcript" of fall semester courses will not indicate any letter grades but will only show "Credit/No Credit."

It is the responsibility of each student to keep copies of all documents, including, grade reports, grade mailers and official transcripts.

- E. All courses and seminars taken outside the law school, including courses at other law schools, must be taken on a graded basis, but shall be entered as "Credit/No Credit" on the law school transcript. The "Credit" shall show a performance of "C" or better.
- F. All Externships shall be graded on the basis of "Credit/No Credit." The term "Credit" shall show a performance of "C" or better.
- G. Each law student may choose to take up to six semester hours (during the entire period of residency) of electives (that are normally graded) on a "Credit/No Credit" basis with the permission of the instructor. "Credit" will be given to those students earning an equivalent of a "C" or better. "No Credit" will be given to those students earning the equivalent of a "D" or "F." If no credit is given, those hours will not count towards the six semester hours. No grade will be included in a student's grade point average when the "Credit/No Credit" option is picked nor is that student eligible for an award for the highest grade in that course. Students selecting this option must do so by the end of the add period for classes.

Students are urged to be cautious in exercising this option, particularly in his or her terminal law school semester, and should consult with the Associate Dean before doing so.

- H. "No Credit" grades shall not count toward residency requirements and shall not count in the credit hours required for graduation.

Example: A student registered for twelve credits taking a 4-credit course as "Credit/No Credit" and earning a grade of "D" would not earn credit and would also not earn a resident semester, having fallen below nine credits. **If the student was in his or her last semester of law school, the student would not be eligible to graduate (See Academic Regulation, II.A.1, above).**

- I. A faculty member has broad discretion in determining the factors (including but not limited to answers to examination, assigned written or oral work, class participation and special projects) to be considered in evaluating student performance, and in determining what weights are assigned to such factors in determining grades. Factors which do not bear reasonable relationship or relevance to the course's educational objectives, or that are not reasonably necessary or useful to achieve such objectives, should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she shall give written notice to the students together with the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded and shall submit at that time to the administration in writing the factors and relative weights to be assigned to such factors in determining grades for that course.

V. Eligibility to Continue in Residence

- A. Students shall not be eligible to continue in residence beyond the end of any semester after which the student's cumulative average falls below 1.60.
- B. A student who is eligible to continue in residence but whose cumulative average at the end of any semester is less than 2.00 but greater than 1.59 shall be allowed to continue in residence but he or she shall be on probation. Unless such student maintains a 2.00 average on all work taken the next regular fall or spring semester during which he or she is on probation, he or she shall be ineligible to continue beyond the end of such semester.
- C. In computing a student's cumulative average at the end of any semester for purposes of paragraphs V. A and V. B, above, a grade of "Incomplete" shall not be considered.
- D. A student on probation may not stand for election or appointment to or continue to serve on a regular standing law school or University committee or represent the law school in any student competition such as Moot Court. Students on probation are also strongly urged not to seek or hold office in any student organization.
- E. A student on probation may not register for any Special Project as described in III.A. above.
- F. A student on probation shall not be eligible for any clinic course.

VI. Passing Required Seminars and Workshops; Retaking of Courses

A. Passing required courses, seminars and workshops.

Except for transfer students, students must earn a grade of "D" or better in all required courses, seminars and workshops graded for a letter grade or credit in courses graded for "Credit/No Credit." Students who earn an "F" in any part of a sequential course required in the First-Year (Contracts I & II, Civil Procedure I & II, and Torts I & II) must retake that part, but may enroll in the next scheduled sequence prior to retake.

B. Retaking of courses generally.

A student otherwise eligible to continue in residence may retake any required or elective course in which he or she earned the grade of "F", "D" or "No Credit." Each course may only be retaken once. Thus, if a student receives an "F" in a required course and, upon re-enrollment, again earns an "F", the student may not re-enroll a second time and must be dismissed from the law school as it is a requirement of graduation (see VI.A above) that a student receive a grade of "D" or better in each required course. Also, if a student initially took a course on a "Credit/No Credit" basis, the course must be retaken on the same basis. Likewise, if the course was originally taken for a letter grade, the course must be retaken on the same basis.

1. Treatment of grades earned upon retake.

a. Lower grade upon retake.

If a lower grade is earned upon retake, the grade earned upon retake replaces the original grade for all purposes (e.g. computation of cumulative and semester GPA, graduation, continuing in residence, etc.) even though this new grade is lower than the original grade. Thus if a student retakes a course in which he or she previously earned a "D" and earns an "F", the new "F" grade replaces the original "D" grade for all purposes.

b. Grade for retake will not exceed a "C."

If the new grade is an "A" or a "B", a grade of "C" shall be entered on the student's law school records rather than the higher grade and this new grade of "C" shall be used for all purposes.

2. Treatment of credits earned upon retake.

In situations where the number of credits for the retaken course differs from those of the original course, the credits for the retaken course shall replace the original credits for all purposes.

VII. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if any extension is arranged for before the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision. In the case of sectioned classes such as Second Year Seminar, Appellate Advocacy and Legal Method Seminar, with uniform deadlines, extensions must be requested through the Associate Dean who will determine whether a late paper is excused or unexcused and subject to penalty. Delays because of computer related problems are not excused. An excused absence from class does not result in an automatic extension of time on written work. Extensions may be granted either by the instructor or the Associate Dean as appropriate.

Unexcused late papers, including first drafts, are penalized as follows:

If paper due on Monday at 9:00 a.m.

But paper arrives between 9:01 a.m. and 12:00 noon

Grade reduced by one step.

(A becomes an A-, A- becomes a B+, etc.)

Paper arrives between 12:01 p.m. and 4:30 p.m. same day

Grade reduced by a two steps.

(A becomes a B+, A- becomes a B, etc.)

Paper arrives on Tuesday, a day late

Grade reduced by one full grade per day thereafter.

(A becomes a B, B becomes a C, etc.)

If paper due on Monday at 1:00 p.m.

Paper arrives between 1:01 p.m. and 4:30 p.m.

Grade reduced by one step.

Paper arrives on Tuesday

Grade reduced one full grade per day thereafter.

For unexcused delays that occur over a weekend or a holiday

Associate Dean will determine the penalty.

The official time for written work to be turned in to the faculty mailboxes is set by the clock in the faculty secretaries' office.

VIII. Auditing

Auditing is permitted with the permission of the professor. Only second- and third-year students may register to audit courses. Officially audited courses appear on UHM transcripts with the designation "L," but do not count toward computation of GPA, graduation requirements or residency.

IX. Readmission

A student who for academic reasons is ineligible to continue in residence may petition the Law School Petitions Committee in writing for readmission. The Petitions Committee will evaluate such petitions according to the academic standards governing the law school and will act favorably on such petitions only under the following circumstances:

- for first semester first year students, the petitioner proves that he or she has a **strong likelihood of completing the law school program and becoming a competent attorney.**
- for all other students, the petitioner proves that he or she was subject to **extraordinary circumstances** and that the petitioner has a **strong likelihood of completing the law school program and becoming a competent attorney.**

Petitions to the Petitions Committee must be submitted in writing through the Associate Dean by the stated deadline. To be considered for readmission, the petitioner must submit the petition at least two calendar weeks before the beginning of the semester following the dismissal or at such earlier or later time as the Associate Dean may designate in writing to the potential petitioner. Failure to petition at this time constitutes a waiver of the right to petition.

A petitioner has the right to appear in person before the Petitions Committee and may bring an associate to help in the advocacy of the petition. It is the petitioner's burden to bring all relevant evidence before the Petitions Committee. The Petitions Committee may review the student's law school file, including academic record, and actively seek outside information regarding the petitioner. Favorable action by the Petitions Committee is a final decision on the petition.

A denial of the petition may be appealed to the full faculty. On appeal to the full faculty, the petitioner, or his or her advocate, may address the faculty for five (5) minutes. No new evidence may be brought before the full faculty. However, the full faculty may review the Petitions Committee's decision and make a de novo determination.

The faculty has defined "extraordinary circumstances" as:

An event or series of events that is unforeseeable and unusual for law students and that has an extreme adverse impact upon the student's ability to pursue the study of law.

X. Examinations

- A. A student who is enrolled in a course in which an examination is given will be required to take said examination at its regularly scheduled time and place. Failure to hand in an examination paper will result in the award of an "F" grade for courses taken for a grade or in the award of "No Credit" for courses taken on a "Credit/No Credit" basis.

Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies or exceptions beyond the student's control that substantially impair the student's ability to do the examination at the scheduled time, provided that to the extent practicable, the

student obtains prior approval from the Dean or the Associate Dean and provided further that, to the extent practicable, the rescheduled examination be given after the time of the regularly scheduled examination.

- B. Final examinations will be graded anonymously. The system by which this is done will be designed by the administration and from time to time reviewed by the faculty.
- C. Examination procedures as established by the Assistant Dean are incorporated by reference.

XI. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course.
- B. If, after the review provided in paragraph XI. A, above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may use the law school's Academic Grievance Procedures to seek a change in the grade.
- C. If the instructor believes the grade was the result of a mathematical error in computing the grade, the instructor will notify the Associate Dean who will circulate a memorandum to the faculty, explaining the circumstances of the error and requesting approval to change the grade. A grade may not be changed based upon a reevaluation of a student's work.

XII. Policy for Student Review of Examination Papers

Examination papers are an important element of law school pedagogy. Examination papers should be made available for students to review either at the professor's office, the faculty secretaries' office or permanently released to the student 45 days after the mailing of the Grade Report. All exams must be held for one year unless the examination papers are returned to the student.

It is left to the individual faculty member's discretion to devise a system of grading examination papers. Should the system involve making scoring notations on the examination paper itself, faculty members are strongly urged to devise a notation method that protects against the remote possibility of subsequent alteration.

For example, a method in which the professor marks down all points earned in light pencil could be taken advantage of by someone slightly altering one or more point notations and then claiming that the professor had made a mathematical error in computing the point notations. Such a situation could be avoided by not making point notations on the examination paper, by keeping a separate tally sheet, or by using a pen.

XIII. Summer School

Any matriculated classified student in good standing (i.e., not on probation or dismissed) may enroll in law courses at any ABA approved summer program with the prior written approval of the Associate

Dean. A brochure with the course description or a syllabus detailing the host institution, course(s) to be taken, and number of credit units must be provided. In addition, a student must request a letter of good standing, which will be produced and forwarded to the host school by the Student Services Office.

Courses cannot be identical to or substantially similar to previously credited law school courses. Such courses must be taken for a letter grade unless a letter grade option is not offered. For any course in which the student earns a "C" or better, the credits will be accepted toward the student's graduation requirement. However, that grade will be counted only as "Credit" and will not be included when computing the law school cumulative grade point average. Upon completion of the summer program, the student is responsible for having a transcript sent to this school.

XIV. Visiting UH Law Students

Any student in good standing may visit one or two semesters at another ABA-approved law school as a full-time student during the semester earning residency at that law school and transfer the credits earned at that school with the prior written approval of the Associate Dean. The student must have earned a total of at least 45 of his/her graduation requirement of 89 credits in residence at the University of Hawai'i and have taken all required courses at this law school in order to be graduated from this law school.

XV. Students Visiting UH

Students visiting UH from other law school are bound by these academic regulations, particularly Section II. A. regarding full-time residence. Students visiting UH may not participate in the course lottery but may enroll during open enrollment if space permits. Visiting students may take Second Year Seminar on a space-available basis if a section is subscribed under 12 students and with the instructor's approval.

XVI. Transfer Students

Transfer students may transfer up to 44 credits from their prior law school. The Associate Dean shall determine which courses will be accepted and the number of credits to be transferred. In making this determination, if the credits earned at the other law school for a particular course are more than the credits that could be earned here, the student may only receive the credits that would have been earned at our law school. The student's prior cumulative grade point average may not be used in computing the student's law school cumulative grade point average for any purpose including graduation and eligibility to continue in residence. A grade of "Credit" will be used for all transferred credits. Transfer students must complete a minimum of three full-time semesters at this law school with no semester fewer than 12 credits. A minimum of 45 credits must be taken at this law school.

XVII. Transfer Credits

In approving transfer credits for transfer students or UH students visiting another ABA-approved law school, the Associate Dean may not allow a student to transfer credits for a course in excess of the amount of credits the course is currently offered for at the University of Hawai'i. For example, a student seeking to transfer three credits from an Immigration Law course taken at another law school

will only be allowed to transfer two of those credits as our Immigration Law course is only offered for two credits. In all cases in which transfer credits are allowed, the grades earned for those credits are not counted; a grade of "Credit" will be used for all transferred credits. A student must have earned at least a grade of "C" in order for the credits to be transferred.

While attending another law program as a visiting student, students must take all courses for a letter grade, i.e. they may not enroll in courses graded "Pass/Fail" or "Credit/No Credit" unless a course is only offered "Pass/Fail" or "Credit/No Credit" as confirmed by that school.

XVIII. Part-time Employment

The School of Law, while it does not prohibit it, strongly discourages Pre-Admission and first-year students from taking employment during the school term. Because of the demands placed on students by the beginning curriculum, a student's learning and academic progress may be seriously compromised by the distractions which employment is likely to bring. However, rising tuition costs and difficult economic conditions may make it necessary for some students to engage in employment. **Under no circumstances may any law student engage in employment for more than 20 hours per week during school terms.** Those who violate this policy may be held accountable under the Academic Regulations. Students should also be advised that the need to work may not be raised as a justifying factor in the process of appealing academic actions or as a defense for failing to meet academic deadlines or attendance requirements.

XIX. Foreign Law Programs

It is possible for a second or third-year law student to attend a foreign law program for one or two semesters and transfer a maximum of twelve credits each semester earned at that program as well as a full semester of residency, assuming the student is registered for at least twelve credits that semester. Such programs require at least a year of advance planning, must conform to strict ABA guidelines, and must have the prior written approval of the Associate Dean.

XX. Requirements of Regular and Punctual Attendance

Full-time study shall mean registration for a minimum of 12 credit hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the law school community.

Subject to limitations imposed by accrediting institutions of the University of Hawai'i, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency or other extraordinary situations.

Some classes have an attendance policy monitored by the Associate Dean. If a student needs to miss a class, contact the Associate Dean's Office (by telephone or e-mail) to report an absence from class. Indicate the reason for the absence, the classes to be missed and the total number of days to be absent. The Associate Dean will determine whether the absence is excused or unexcused and will notify the instructor. Absences will be excused if approved by the Associate Dean. Excused absences do not automatically extend due dates on written work.

Examples of excused and unexcused absences:

A. Excused Absences

- Serious personal matters
- Illness (requires doctor's note for an extended absence)
- Death and/or funeral of close friend or family
- Religious holidays (e.g. Rosh Hashanah, Yom Kippur, etc.)
- Moot Court, Client Counseling Competitions
- Attend a local or national law related conference as a participant (speaker, law student representative, coordinator or award recipient)
- Court appearances (provide copy of subpoena showing conflict with class time)

The law school recognizes the importance of fulfilling jury duty. The Associate Dean's office can prepare a letter to have jury duty excused or postponed.

B. Unexcused Absences

- Attend a conference as an attendee
- Law school sports tournaments
- Personal matters that are not emergencies (e.g. regular doctor's appointments, puppies being born, etc.)
- On-campus interviews/call backs
- Car trouble/missed ride or bus
- Weddings, reunions
- Computer problems

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or assignment of a failing grade for the course.

In the case of a student who has accumulated excessive unexcused absences, the Associate Dean or his/her designee has the authority to intervene and impose one of the sanctions listed in the preceding paragraph. "Excessive" is defined as three weeks of class or more.

XXI. Course Load

A normal semester course load is 14 to 16 credit hours. Students who wish to register for more than 17 or fewer than 12 credit hours per semester must first obtain the written approval of the Associate Dean or the Assistant Dean. When the Associate Dean approves a load of fewer than 12 credits, a note shall be placed in the student file indicating the decision, the reasons and whether residency will be awarded.

XXII. Law Review

Qualifications for membership on Law Review are set by its editorial board and described within its by-laws.

XXIII. Withdrawal from Courses

During the law school's drop/add period, students may freely withdraw from any elective course, assuming they would still be in residence full-time (see II.A.1.). From that time until the date set by the University as the last day for restricted withdrawal, a student must have the Associate Dean's written permission to withdraw. After that day, no withdrawals are permitted except under unusual circumstances beyond the student's control. Withdrawal from required courses (i.e., all first year courses, Constitutional Law I, Professional Responsibility and Second-Year Seminar) is only allowed under extraordinary circumstances.

XXIV. Leave of Absence

A student who has completed the first year of law school may request a one to two semester leave of absence. The request should be in writing to the Associate Dean and state the reason(s) for the request.

If a student on a leave of absence fails to return at the end of the leave of absence, the student will be withdrawn from the J.D. program. Should that student wish to resume law study, the student will have to reapply to enter as a first-year student and none of the previously completed courses may be counted towards the J.D. degree.

XXV. Active Duty

A student who leaves law school prior to completion of a semester as a result of being called to active military duty in the armed forces of the United States may be granted appropriate credit for the semester which was interrupted by the call to active military duty. The Associate Dean shall determine the requirements to complete course work.

XXVI. Application and Amendment of Regulations

Amendments to these regulations or modifications of graduation requirements may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided, however, that no such amendment shall apply to the prejudice of any student enrolled in the school at the time of adoption as to credit and cumulative average requirements for graduation.

XXVII. Appeal

Any decision made by the Associate Dean, pursuant to these regulations may be appealed to the full faculty by submitting a written petition to the Associate Dean at least five days before the next regularly scheduled faculty meeting. The petitioner may, at the discretion of the faculty, appear at the faculty meeting.

XXVIII. Privacy Rights

Pursuant to Section 99.6 of the rules and regulations governing the Family Educational Rights and Privacy Act of 1974 (hereinafter the Act), students in attendance at the campuses of the University of Hawai'i are hereby notified of the following:

1. It is the administrative policy of the University of Hawai'i to subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of Public Law 90-247 as amended, and to the rules and regulations governing the Act, which protect the privacy rights of the students.
2. The rights of students under the Act include the following, subject to conditions and limitations specified in the Act:
 - (a) The right to inspect and review education records.
 - (b) The right to request to amend education records.
 - (c) The right of protection from disclosure by the University of Hawai'i personally identifiable information contained in education records without permission of the student involved.
 - (d) The right to waive certain rights under the Act.
 - (e) The right to file complaints concerning alleged failure by the University of Hawai'i to comply with the Act.
3. Students are advised that institutional policy and procedures required under the Act have been published as Administrative Procedure A7.022, Procedures Relating to Protection of the Educational Rights and Privacy of Students. Copies of APA7.022 may be obtained from the Office of the Dean of Students or at www.hawaii.edu/svpa/apm/a700/a7022a.pdf.
4. **Directory Information**

Students are advised that certain personally identifiable information is considered by the university to be directory information and, in response to public inquiry, may be disclosed in conformance with state law, at the university's discretion, without prior consent of the student unless the student requests that the university not disclose such information.

 - (a) Name of student.
 - (b) Local address and zip code maintained in the campus locator printout.
 - (c) Local telephone number maintained in the campus locator printout.
 - (d) E-mail address
 - (e) Major field of study.
 - (f) Education level (e.g., freshman, sophomore, etc.)
 - (g) Fact of participation in the officially recognized activities and sports.

- (h) Weight and height of members of athletic teams.
- (i) Degrees and awards received.

A student has the right to request that any or all of the above items not be designated directory information with respect to that student. Should a student wish to exercise this right, he or she must in person and in writing, not earlier than the first day of instruction, nor later than fourteen calendar days from the first day of instruction for the academic term or semester, or the fourth day of a summer session, inform the campus registrar which of the above items are not to be disclosed without the consent of that student.

- 5. A parent or spouse of a student is advised that information contained in educational records, except as may be determined to be directory information, will not be disclosed to him/her without the prior written consent of the son, daughter, or spouse.

UNIVERSITY OF HAWAI‘I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

**ACADEMIC REGULATIONS FOR
PRE-ADMISSION TO LAW SCHOOL PROGRAM**

(Revised July 2002)

The Academic Regulations for the University of Hawai‘i at Mānoa William S. Richardson School of Law apply to all Pre-Admission students and are incorporated herein by reference. The provisions below are specifically for students in the Pre-Admission Program. In the event of a conflict between the two sets of academic regulations, the provisions specifically adopted for the Pre-Admission Program shall control.

I. Status of Pre-Admission Students

- A. Pre-Admission students are enrolled as unclassified graduate students. Upon admission to the law school they are enrolled as classified law students.

II. Requirements for Admission to the William S. Richardson School of Law

A. Required courses.

1. Regular first-year courses.

Each Pre-Admission student shall enroll in the following regular first-year courses in the Fall semester:

LAW 506: Legal Research – 1 cr.
LAW 509: Contracts I – 3 cr.
LAW 516: Civil Procedure I – 3 cr.

Each Pre-Admission student shall enroll in the following regular first-year courses in the Spring semester:

LAW 510: Contracts II – 3 cr.
LAW 517: Civil Procedure II – 3 cr.

2. Pre-Admission Seminar.

Each Pre-Admission student also shall enroll in the Pre-Admission Seminar in each semester (LAW 501 in the Fall – 4 cr.; LAW 502 in the Spring – 4 cr.).

3. Tutorials.

In addition, each Pre-Admission student shall enroll in LAW 516L (Civil Procedure Tutorial - 1 cr.) and LAW 509L (Contracts Tutorial - 1 cr.) during the Fall semester, and LAW 517L (Civil Procedure Tutorial - 1 cr.) and LAW 510L (Contracts Tutorial - 1 cr.) during the Spring semester.

B. Grading.

1. Pre-Admission students will be tested and graded with regular first-year students, and on the same basis, in those first-year courses in which they are enrolled during their Pre-Admission semester(s).
 - a. For these courses no grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.
 - b. These grades will not be used except to assist the student for purposes of permitting graduation, avoiding dismissal, or avoiding probation. The grades will also be used to determine academic status under II.C. below.
 - c. The term "Credit" as it is used in this section shall show a performance of "D" or better.
2. The Pre-Admission Seminar and Tutorials shall be graded "Credit" or "No Credit" and without advisory letter grades. "Credit" shall be awarded to students who:
 - a. Regularly and punctually attend Pre-Admission Seminar and Tutorial meetings.
 - (1) Absences shall not exceed a total of three per semester for each of these three courses. Additional absences may be permitted by the Associate Dean, but only for reasons of compelling health or other personal emergencies. Documentation may be required.
 - b. Students must substantially comply with all requirements, assignments, reassignments, and deadlines established by the Seminar Leader and the Tutorial Leaders.
3. A Pre-Admission student may not take an "I" (Incomplete) grade in any course or seminar. A grade of "F" shall be entered in the event a student fails to sit for an examination or fails to meet the requirements of B.2, above.

C. Standards for continuing in residency and admission to the School of Law.

1. Early Admission.
 - a. A student who achieves a "Credit" in the Pre-Admission Seminar, Tutorials and Legal Research and a GPA of a 2.50-2.99 with respect to their Contracts and Civil Procedure courses during the Pre-Admission Fall semester, shall be admitted as a classified law student for the Spring semester unless the student requests that the Associate Dean determine an extraordinary circumstance exists to delay admission. A student who achieves a "Credit" in the Pre-Admission Seminar, Tutorials and Legal Research and GPA of 3.0 or better

with respect to their Contracts and Civil Procedure courses during the Pre-Admission Fall semester shall be admitted as a classified law student for the Spring Semester.

2. Continuing in the Pre-Admission Program.
 - a. Pre-Admission students must achieve a GPA of 1.00 or better in all regular course work taken in the first Pre-Admission semester and must receive "Credit" for the Pre-Admission Seminar and Tutorials to be admitted to their Pre-Admission second semester.
3. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:
 - a. Receives a GPA of 2.00 or better for all course work taken in the Pre-Admission Spring semester, or
 - b. Receives a cumulative GPA of 2.00 or better for all course work taken in the two Pre-Admission semesters

shall be admitted as a classified law student effective the following Fall semester.

4. Admission on Probation.
 - a. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:
 - (1) Receives a GPA between 1.60 and 1.99 for all course work taken in the second Pre-Admission semester, or
 - (2) Receives a cumulative GPA between 1.60 and 1.99 for all course work taken in the two Pre-Admission semesters

shall be admitted on probation as a classified law student effective the following Fall semester.

5. Dismissal from the Pre-Admission Program.
 - a. A student who fails to meet the requirement for continuing on for the second Pre-Admission semester (C.2 above) shall be dismissed from the Pre-Admission program.
 - b. A student who fails to meet the requirements for admission after the two Pre-Admission semesters (C.3 or 4 above), shall not be admitted to the School of Law.

III. Post Matriculation

- A. Students admitted to the School of Law after one or two Pre-Admission semester(s):**
1. Shall have only the regular first-year law school courses taken during the Pre-Admission semester(s) count toward their graduation requirements.
 2. Must retake any regular law course taken during their Pre-Admission year in which they received an "F" and earn at least a "D" for that course upon retake. The retaking of courses after admission is governed by Section VI of the law school Academic Regulations.
 3. Shall enroll in all first-year courses and seminars not taken during the Pre-Admission semester(s). However, Pre-Admission students admitted after only the first Pre-Admission semester may not take the second semester of any of the first year sequential courses (i.e. Torts II) immediately upon admission to the School of Law.
 4. May take, with the consent of the Associate Dean, upper division law courses in any semester in which such student is also completing regular first-year requirements. It is strongly recommended that a matriculated Pre-Admission student take no more than 12 credits for the first semester after matriculation. Only students who have completed at least one academic year of study may enroll in an externship.
- B. Residency.**
1. The Pre-Admission semester(s) shall not count toward the graduation requirement of six semesters in residence. The 5-year period within which a student must complete law studies commences with the first semester as a classified law student.
- C. Probation.**
1. A former Pre-Admission student admitted to the regular first-year class on probation must earn at least a 1.75 GPA in the first semester following admission of the first year to continue in residence. For each semester after that the student remains on probation, he/she must earn at least a 2.0 GPA.
- D. Summer School.**
1. A Pre-Admission student who matriculates early and is in good standing, may enroll in ABA-approved summer programs during the summer following the first matriculated semester. However, the non-completion of certain first-year courses could affect a Pre-Admission student's ability to perform in certain elective courses.

**UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW**

DISCIPLINARY REGULATIONS

(Revised July 2002)

Article I. School of Law Disciplinary Action

- A. Rules relating to student conduct and discipline. Students are subject both to the Student Conduct Code of University of Hawai'i, as approved in July 1992 and amended from time to time and to the rules and regulations of the School of Law, as published and amended from time to time, relating to student conduct and discipline. Each entering law student shall receive a copy of the rules and regulations of the School of Law upon matriculation. The University of Hawai'i Student Conduct Code is available through the office of the University of Hawai'i Dean of Student Services.
- B. Scope of disciplinary action by the School of Law. Disciplinary action by the School of Law is governed by these regulations. Such action extends to the following conduct:
1. Conduct in violation of School of Law rules or regulations. Such conduct is defined in Article II, below.
 2. Other conduct, including but not limited to conduct in violation of University of Hawai'i rules or of public law, when such conduct is not commensurate with professional standards of conduct required of lawyers. Such conduct is defined in Article III, below.
- C. Applicability. These regulations apply only to law students enrolled in an ABA approved law school program at the time the alleged violation occurred. Cases involving students from other University departments or colleges will be referred to the University's Dean of Students.

Article II. Violations of School of Law and University Rules and Regulations

- A. General rule. Any law student who violates the rules or regulations of the School of Law or the University of Hawai'i may be subject to disciplinary action pursuant to these regulations. Violations include, but are not limited to, the specific examples of School of Law rules and regulations contained in paragraph B.
- B. Specific examples. The following are examples of actions which may result in disciplinary action pursuant to these regulations:
1. School of Law Academic Regulations. Students are required to comply with the School of Law Academic Regulations. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.

2. Disruption of School of Law activities or operations. Conduct that disrupts or impairs School of Law or University activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

3. Plagiarism. The definition of plagiarism by this law school is a simple one:

The submission or presentation of any work, in any form, that is not a student's own, without acknowledgement of the source. A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert. **Regardless of intent**, the failure to properly acknowledge the use of another's work constitutes plagiarism.

All written work, whether in preliminary or final form, submitted by a student in the course of law study is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed to that source. The use of another's language or the substantial adaptation thereof without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may subject students to disciplinary action. (See Policy on Plagiarism).

4. Examinations. Students are required to comply with the rules established for examinations, including both those established by the School of Law and those established by the instructor giving the examination. Violation of the rules set for any examination, including "take-home" examinations, may subject a student to disciplinary action. The examination rules established by the School of Law are described in full in a memorandum issued by the Assistant Dean and entitled "Policies and Procedures for Examinations."
5. Abuse of these Regulations. Any student who knowingly files a false report or complaint under these Regulations or knowingly gives false information may be subject to disciplinary action.
6. Obstructing enforcement of these Regulations. Obstructing enforcement of these Regulations is defined as any act which prevents the enforcement of these Regulations. Examples of this offense include, but are not limited to:
 - a. failure to cooperate with the Disciplinary Committee, as in:
 1. failing to appear and testify without reasonable excuse (excluding the student defendant) or produce documents or other evidentiary material before the Disciplinary Committee when requested;

2. misrepresenting material facts before the Disciplinary Committee;
 - b. failing to report any violation of these regulations by any student having reasonable grounds to believe that such a violation has occurred;
 - c. destroying evidence in order to hinder the prosecution of any complaint.
7. **Misrepresentation.** Misrepresentation is defined as any act or omission which is deceptive or misleading and by which a student gains or attempts to gain a benefit or advantage from the University, its faculty, staff, or students, or persons dealing with the University. Examples of this offense include, but are not limited to:
- a. forging or altering any University document, record, or instrument of identification;
 - b. furnishing any person material information which is known to the student to be false and which relates to the student's academic record or otherwise concerns activities in the University.
8. **Interference with property.** Interference with property is defined as any taking or destroying of the property of the University or of its faculty, staff, or students. Such property includes, but is not limited to, materials in the Library of the School of Law. Examples of this offense include, but are not limited to:
- a. stealing, damaging, or destroying books, notes, computers, or other belongings of students or faculty;
 - b. stealing, hiding, or vandalizing library materials;
 - c. stealing, damaging, destroying, or other abuse of University information technology resources including the University's hardware, systems, network and services;
 1. unauthorized entry into a file, to use, read or change the contents, or for any other purpose;
 2. unauthorized transfer of a file;
 3. unauthorized use of another individual's identification and password;
 4. use of computing facilities to interfere with the work of another student, faculty member or other member of the University community;
 5. use of computing facilities to send obscene or abusive messages;
 6. use of computing facilities to interfere with normal operation of the University computing system;
 7. unauthorized used of facsimile machines, media equipment, phone equipment (including voicemail);

- d. stealing, damaging, destroying, or otherwise misusing other University property.
9. Aiding and abetting. Any intentional act to aid and/or abet a violation of these Regulations may be subject to disciplinary action.
10. Cheating. Cheating includes but is not limited to giving or receiving unauthorized assistance during an examination or other written assignment; obtaining unauthorized information about an examination before it is given; submitting another's work as one's own; using prohibited sources of information during an examination or other written assignment; fabricating or falsifying data in research; altering the record of any grade; altering answers after an examination has been submitted; falsifying any official University record; or misrepresenting of facts in order to obtain exemptions from course requirements.
11. Conduct in violation of UH rules, regulations and policies. Activity in violation of the University's policies including policies against discrimination, sexual harassment and inappropriate use of technology, may be subject to disciplinary action. For example, laws relating to child pornography, obscenity and defamation apply in electronic environments.

Article III. Unprofessional Conduct

- A. General rule. Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to University of Hawai'i, may be subject to disciplinary action pursuant to these regulations. Unprofessional conduct is conduct:
 1. that is illegal conduct involving moral turpitude; or
 2. that involves dishonesty, fraud, or deceit; or
 3. that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar. Such standards include the standards enacted by the Supreme Court of the State of Hawai'i to govern the conduct of lawyers.
- B. Specific examples. Subject to the standard defined in paragraph A, above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations:
 1. Failure to comply with University rules relating to student conduct and discipline. Students are required to comply with the rules established by University of Hawai'i relating to student conduct and discipline. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.

2. Violations of public law. Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to criminal or other sanctions. In making such determinations, relevant opinions and decisions by the State of Hawai'i Office of Disciplinary Counsel and other analogous agencies in other states should be considered.
3. Other conduct. Conduct defined as unprofessional conduct under paragraph 1, above, may be subject to disciplinary action pursuant to these regulations whether or not such conduct is related to the academic process at University of Hawai'i, and whether or not such conduct is also subject to other sanctions.

Article IV. Investigation and Presentation of Charges

- A. Preservation of anonymity. Throughout all phases of investigation, presentation of charges and review of Disciplinary Committee decisions, and subject to the needs of a reasonable investigation, all parties will take reasonable steps to maintain the anonymity of the student(s) charged with misconduct under these regulations.
- B. Temporary suspension. In an emergency, the Dean may temporarily suspend a student prior to a hearing; provided that hearing pursuant to these rules is conducted within a reasonable time thereafter if the student requests a hearing. Examples of emergencies include situations where the student poses a danger of inflicting bodily harm upon himself/herself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of law school activities including classroom instruction. If possible, a temporary suspension should be issued only after the Dean has met with the student and relevant others and discussed the situation and alternative solutions with them.
- C. Investigation of reported student misconduct. All reports of student misconduct must be in writing and shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, the Associate Dean or the Assistant Dean shall discuss the matter with the student at the earliest opportunity, informing the student of the right to counsel at his or her own expense and the right to remain silent, and warning that anything the student may say may be used against the student. At that time, the student shall be given a copy of these regulations.
- D. Informal disposition. If, in the judgment of the Dean, the report is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's law school record or upon the student's University transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

If, in the judgment of the Dean, the report appears to warrant disciplinary action, the Dean, with the written agreement of the student, may impose any of the sanctions provided herein. Such agreement must be reached within seven calendar days of the receipt by the student of written notice of the Dean's recommended sanction.

- E. Presentation of charges. If, in the judgment of the Dean, the report appears to warrant disciplinary action and the student does not agree to the sanction recommended by the Dean, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to the Law School Disciplinary Committee. The Associate Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Disciplinary Committee convened to hear the charges pursuant to Article V, below. If, in the judgment of the Dean, the alleged violation does not involve unprofessional conduct as that term is defined in Article III above, the Dean may hand the matter over to the University's Dean of Students for further disposition rather than referring the matter to the Law School Disciplinary Committee.

Article V. The Disciplinary Committee

- A. Composition of the Disciplinary Committee. Except as provided in paragraph B, below, the Disciplinary Committee shall consist of one third-year law student and four members of the full-time Faculty of the School of Law. The Disciplinary Committee shall be constituted by the Dean each academic year at the same time and the same manner in which all other faculty committees are constituted, with the exception that the student member shall be selected by the Dean rather than by student election.
- B. Election of a Disciplinary Committee consisting solely of Faculty members. Any student against whom charges are brought pursuant to these regulations may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges. The Dean shall decide which one of the four original faculty members is to be removed from the Committee for the purpose of that hearing.
- C. Joint hearings. Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in paragraph D, below, the Faculty members of the single Committee constituted pursuant to this paragraph shall constitute the Disciplinary Committee in the case of such student or students and shall hold a separate hearing or hearings as required.
- D. Resignation and replacement of Disciplinary Committee members. If any member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and a replacement shall be selected by the Dean.

Article VI. Disciplinary Committee Procedure and the Rights of the Student

- A. Hearing date. Upon presentation of charges against a student as provided in Article IV, above, the Disciplinary Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation of the case by the Associate Dean and by the student. Provided, however, since the Committee only sits during Fall and Spring semesters, the hearing on charges brought late in one semester may be deferred until the following semester.
- B. Notice to the student. The Disciplinary Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:
1. a written copy of the charges made and referred to the Committee; and
 2. copies of all supporting documents submitted to the Committee.
- C. Presentation of the case. The Associate Dean shall prepare the case and present the facts in the proceedings before the Disciplinary Committee. The Associate Dean shall have the right to be assisted by counsel.
- D. Student's right to counsel. The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Disciplinary Committee. Such advisor or counsel may be any person of the student's choice, provided, however, that any cost incurred shall be borne by the student.
- E. Witnesses and evidence at the hearing. Both the student and the Associate Dean have the right to call witnesses and to introduce evidence at the hearing. Each party and the Committee members may cross-examine any witness.

At least four days prior to the hearing the parties shall exchange copies of all documents to be submitted at the hearing and a list of all witnesses expected to be called, including a brief summary of each witness' testimony.

- F. The right to remain silent. The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain silent at the hearing.
- G. Rules of evidence. The rules of evidence applicable to criminal and civil trials do not govern hearings before a Disciplinary Committee. Except as otherwise provided in this article, and subject to disapproval by vote of the Committee, the Chair of the Disciplinary Committee may make such rulings as to the admissibility of evidence as in the judgment of the Chair will expedite the hearing and ensure due process.
- H. Disciplinary Committee hearings. The place of the hearing before a Disciplinary Committee shall be determined by the Committee. Hearings are normally closed. However, the student may elect to have the hearing open to the public.

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- I. Tape recordings. Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full on audio tape, which shall be held in the files of the School of Law and made available to the student, or the student's authorized representatives, for review. Such materials shall be kept for a period of time consistent with the University's normal record retention policies and/or practices.
- J. Rules of procedure. Except as otherwise provided in this article, the Disciplinary Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.
- K. Burden of proof. The Associate Dean bears the burden of proof to establish by clear and convincing evidence that the student violated these Regulations.

Article VII. Disciplinary Committee Decisions

- A. Disciplinary Committee deliberations private. After receiving all the evidence, statements, and arguments submitted at the hearing, the Disciplinary Committee shall deliberate in private.
- B. Majority vote required. The Disciplinary Committee's decisions shall be reached by majority vote.
- C. Acquittal. If a majority of the Disciplinary Committee does not decide that a rule violation or unprofessional conduct has been established by clear and convincing evidence, the student shall be acquitted. In such a case, the charges shall be dismissed and no record shall be made of the matter in the student's law school record or upon the student's University transcript. An acquittal is a final decision and may not be appealed to the Disciplinary Review Panel.
- D. Rule violation or unprofessional conduct established. If the Disciplinary Committee decides that a rule violation or unprofessional conduct has been established, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal pursuant to Article VIII, below. If the student fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant person to implement the decision.
- E. Form of disciplinary action. The following are some of the forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee or the Dean. In its determination of an appropriate sanction, the Committee may take into consideration factors beyond those at issue at the hearing, e.g. the impact of a grade reduction on the student's G.P.A.:
 - 1. Reprimand. The student may receive a reprimand. The reprimand is part of the student's law school record, but is not recorded upon the student's University transcript.

2. **Censure.** The student may receive a censure. The censure is part of the student's law school record and is recorded upon the student's University transcript.
 3. **Grade reduction/revocation of degree.** The student's grade in the course in which an alleged violation occurred may be reduced by one or more grade levels or rescinded. Moreover, a previously awarded degree may be revoked.
 4. **Suspension.** The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension is part of the student's law school record and may be recorded upon the student's University transcript. A suspension may be stayed subject to the proviso that the stay shall terminate automatically if, during such stay, the student is found to have again violated these regulations.
 5. **Expulsion.** The student may be expelled. The expulsion terminates the student's status as a law student and permanently ends the student's studies at the School of Law. The expulsion is part of the student's permanent law school record and is recorded upon the student's University transcript.
 6. **Notice to State Bar Examiners.** Any finding of unprofessional conduct or rule violation shall be reported to the Bar Examiners of the Supreme Court of the State of Hawai'i or to any similar agency in another jurisdiction in which the student might seek to practice law.
- F. **Effect of decisions of a Disciplinary Committee.** In any case involving a finding of cheating on a final examination in a course or plagiarism on a paper in a course, seminar, or supervised writing project, the presumptive effect of such a finding shall be that the student receives a grade of "F" (or in the case of a CR/NC course, a grade of "No Credit"). The Committee may, if in its discretion the circumstances warrant, deviate from this presumptive rule.

Article VIII. Appeal of Disciplinary Committee Decisions

- A. **Review by the Disciplinary Review Panel.** All Disciplinary Committee decisions finding that a rule violation or unprofessional conduct has been established may be appealed by the student involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of the student's receipt of the Committee's report. The student's appeal statement shall set forth grounds upon which the student desires relief from the Committee's decision. The Disciplinary Review Panel shall review such portions of the evidence and testimony as are necessary to full consideration of the student's appeal, but the Panel need not confine its review to issues raised before the Committee. No additional evidence shall be introduced for consideration in the review by the Panel.
- B. **Composition of the Disciplinary Review Panel.** The Disciplinary Review Panel shall consist of all voting members of the Faculty except that the faculty members who served on the Disciplinary Committee shall not be voting members of the Disciplinary Review Panel.

- C. Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- D. Panel procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
- E. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.
- F. Action on review of Disciplinary Committee decisions. The Disciplinary Review Panel may take the following action on review of decisions by a Disciplinary Committee:
1. adopt the Committee's decision and the disciplinary action determined by the Committee; or
 2. adopt the Committee's decision as modified to impose a lesser disciplinary action than that determined by the Committee; or
 3. set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee.
- G. Disciplinary Review Panel's decision final. The action taken by the Disciplinary Review Panel on review of a decision by a Disciplinary Committee is final within the University.

Article IX. Rights of the Student Defendant

- A. Rights of the student defendant.
1. A student defendant has the right to a clear, concise written statement of charges against the student.
 2. A student defendant may enter a plea of guilty in writing to the alleged violation to the Dean at any time before the final verdict has been rendered by the Disciplinary Committee. If the Dean and the student are unable to agree upon an appropriate sanction, the matter shall be submitted to the Disciplinary Committee for determination. The student has the right to appeal such a determination to the Disciplinary Review Panel.
 3. In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:

- a. prompt completion of all the procedures provided herein, provided, however, that the student be given sufficient time to prepare any defense the student wishes to offer, and further provided, however, that the hearing and the appeal procedures can only take place in the Fall and Spring semesters;
- b. appear before the Disciplinary Committee;
- c. legal counsel or a representative of the student's choice, with any cost so incurred to be borne by the defendant;
- d. present oral, documentary, or physical evidence on the student's behalf;
- e. examine and cross-examine witnesses;
- f. require the Disciplinary Committee to request the presence of witnesses and the production of documents or physical evidence;
- g. remain silent without such silence being construed against the student;
- h. a presumption of the student's innocence until the Disciplinary Committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of these Regulations;
- i. a copy of the Disciplinary Committee's decision in writing; and
- j. waive any right herein conferred by notice of such waiver in writing to the Disciplinary Committee, or by failure to appear after being duly served, or by failure to exercise any rights granted the defendant.

Article X. Severability

If any provision of this Disciplinary Regulations is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

**UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW**

**ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)
(Revised July, 1999)**

I. Introduction

These procedures are used to ensure consistent and equitable treatment for students and to resolve issues arising from the academic relationship between individual faculty and students.

For any grievance involving a claim of sexual harassment, the student should contact the University's Equal Opportunity & Affirmative Action Officer in Law 225 or the Sex Equity Specialist in Student Services Center 209 before beginning any of the steps outlined below.

II. Statute of Limitations

Claims must be initiated within 45 days of mailing of grade.

III. Step 1 (Informal Resolution)

- A. Meet with Professor, or
- B. See Associate or Assistant Dean.
- C. Campus mediation services are available to assist in resolving disputes.

IV. Step 2 (Formal Resolution)

- A. Written complaint given to Associate Dean within 14 days after Step 1 has ended.
- B. Associate Dean has 14 days to achieve mediated resolution.

V. Step 3

- A. Written request for a hearing before the Academic Grievance Committee-Law must be filed with the Associate Dean within 14 days after student has been notified of final results of Step 2.
- B. Academic Grievance Committee-Law.
 - 1. Composed of one third-year student and four faculty (at option of grievant, may consist solely of 3 faculty members).

**ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)**

Page 2

2. Committee may decide before scheduling a formal hearing that no reasonable case exists (must be done within 7 days of filing of appeal).
 - (a) A decision that no reasonable case exists is appealable to the full faculty.
 3. Hearing on appeal held within 14 calendar days of decision to hear appeal.
 4. Grievant and faculty member may have advisor present.
 5. Hearing open unless grievant or faculty member requests it be closed.
 6. Burden of proof (clear & convincing evidence) rests upon grievant.
 7. Committee only sits during Fall and Spring semesters, therefore, completion of actions brought late in the semester may be delayed until the following semester.
- C. Decision by AGC-Law may be appealed to full law faculty within 14 days of issuance of AGC-Law report.
1. Appeal heard within 35 days or next semester.
 2. Decision by law faculty final within the University.

**UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW**

ACADEMIC GRIEVANCE PROCEDURES
(Revised July, 2001)

These policies and procedures are established by the faculty of the William S. Richardson School of Law to provide consistent and equitable treatment for faculty and students of the law school in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.

While based upon policies and procedures followed by the University as a whole, only these policies and procedures are applicable to students taking courses at the law school. Decisions reached through these procedures shall be considered final within the University.

DEFINITIONS

Students - Any individual enrolled in a course for academic credit at the law school.

Faculty Member - Any individual engaged in research and/or instruction for credit at the law school.

Semester - Any scheduled term of instruction including Summer Session.

I. Responsibilities of Faculty

In the classroom and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in fundamental accord with the latest course description.
- C. To provide students at the beginning of the semester/ session with written explanation of the course objectives, general grading policy, syllabus listing reading assignments, attendance policy (See II. B), and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments. Substantial amendments and exam detail changes should be in writing.

- D. To retain student papers, tests, and examinations for one year unless returned to the students.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the law school calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To discuss on request, the final grade assigned to the work of any student in the instructor's course, free from abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness.
- H. To provide students equitable and unbiased treatment in an educational climate free from discrimination based on race, color, religion, national origin, sex, handicap, or age and harassment.
- I. To post and maintain reasonable and mutually convenient office hours during the course of the regular semester to meet with students.
- J. To adhere to the policies of the Faculty Senate as adopted in December 1975, along with any amendments thereto, concerning authors' recognition of contributions to their work by students and others.
- K. To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

II. Responsibilities of Students

The AGC-Law's decision on whether or not to hear a grievance will depend in part on the student-grievant having fulfilled the following responsibilities with regard to all matters relevant to the grievant:

- A. To exhibit classroom behavior which does not infringe on other students' right to learn.
- B. To attend classes as required by the instructor, recognizing that absences may adversely affect the final grade or credit for the course.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade or credit for the course.

- D. To abide by student, academic and administrative regulations as published by the University and the law school.
- E. To follow official procedures in pursuing redress of a grievance.
- F. To refrain from frivolous grievances.
- G. To promote an educational climate free from harassment and discrimination based on race, color, religion, national origin, sex, handicap, or age.

III. Procedures for Resolution of Academic Grievances

If a student has fulfilled his/her responsibilities relevant to his or her grievance and believes that a faculty member has failed to meet any of the responsibilities stated in Section I of this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve remedy. The action(s) available is outlined below and must be initiated no later than 45 calendar days after the grade for the course in question has been mailed to the student. Since the AGC-Law only meets during Fall and Spring semesters, completion of actions begun late in the semester may have to be delayed until the following semester.

- A. Step 1 (informal) - The student should try to resolve the problem with the faculty member involved. The student may first discuss the grievance with the Assistant or Associate Dean or another faculty member before speaking with the faculty member. Should the grievance involve a claim of sexual harassment, the student should go to the campus Equal Opportunity and Affirmative Action Officer before speaking with the faculty member. In the attempt to resolve the matter with the faculty member, the student and the faculty member are encouraged to consider the use of professional mediation services available on campus. When approached by a student concerning a grievance, the faculty member should first remind the student of the existence of these procedures and suggest that the student obtain a copy from the Associate Dean's office before proceeding.

If the resolution reached in Step 1 suggests a change of a grade, the grade change must be approved by the full faculty before it is implemented.

- B. Step 2 (formal) - Failing to resolve the problem at Step 1, the student shall prepare a formal complaint in writing indicating (1) the facts as the student perceived them, citing specific violations where possible; (2) the remedy sought; (3) the faculty member's response, if any, to the consultations of Step 1. This complaint is presented to the Associate Dean, with a copy for the faculty member, and must be filed within 14 calendar days of the time when the outcome reached in Step 1 is made known to the

student. For the purpose of this Statement, where the faculty member involved is the Associate Dean, the Dean shall assume the responsibilities of the Associate Dean detailed in this section. Any formal complaint alleging sexual harassment will not be heard by the Associate Dean but will be immediately referred to the campus Equal Opportunity and Affirmative Action Officer.

The Associate Dean shall first meet separately with the student and the faculty member, or, if both parties agree, jointly, to discuss the complaint and attempt to reach a mutually agreeable resolution. If within 14 calendar days of receipt of the written complaint, a mutually agreeable resolution has not been reached, the Associate Dean shall notify the parties in writing that Step 2 has been completed and that the student may go on to Step 3.

If the resolution reached in Step 2 suggests a change of grade, the grade change must be approved by the full faculty before it is implemented.

- C. Step 3 (AGC-Law) - If within 14 calendar days of receipt of the written complaint the parties have failed to achieve a satisfactory solution at Step 2, the student may file a written request with the Associate Dean for a hearing before the Academic Grievance Committee-Law (AGC-Law). Such request must be done within 14 calendar days after the student has been notified that Step 2 has concluded. The student shall provide as part of the request complete copies of all materials associated with Steps 1 and 2 and shall notify the Associate Dean of the names of other custodians of relevant material which the student does not possess. It is the responsibility of the Associate Dean to insure that all notifications required under Section IV, D, are accomplished. The Associate Dean shall deliver all materials described in this paragraph to the Chair of the AGC-Law.

IV. The Academic Grievance Committee of the School of Law

- A. Composition of the AGC-Law. Except as provided in paragraph B, below, each AGC-Law shall consist of one third-year law student to be selected by the Dean and four members of the full-time Faculty of the School of Law. The faculty members shall be selected by the Dean each academic year at the same time and in the same manner as other faculty committees are constituted.
- B. Election of an AGC-Law consisting solely of Faculty members. Any student filing an academic grievance may elect to have the AGC-Law consist solely of three members of the full-time Faculty of the School of Law selected by the Dean. Such election shall be made in writing three working days after the request for a hearing has been filed with the Associate Dean.

C. Resignation and replacement of AGC-Law members. If in the opinion of the Chair of the AGC-Law, the relationship of any member of the AGC-Law with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the Chair shall immediately remove the member from the AGC-Law and a replacement shall be selected by the Dean.

D. Responsibilities and Procedures of AGC-Law.

1. Pre-hearing Procedures

- a. Should AGC-Law decide, on the basis of all material before it, that no reasonable case exists, it has the right to refuse the hearing request. Completion of Steps 1 and 2 does not automatically lead to a full hearing. A decision denying a hearing request is appealable to the law school faculty. Such appeal must be made in writing within five calendar days of receipt of notice of the AGC-Law decision and shall be heard at the next regularly scheduled faculty meeting.
- b. Upon receipt of the appeal, the AGC-Law has seven calendar days within which to decide if it will hear the grievant's case.
- c. The AGC-Law shall hold a hearing on the case within 14 calendar days of its decision to hold a hearing.
- d. The AGC-Law may waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made.
- e. Upon scheduling a hearing, the Chair of the AGC-Law shall:
 - 1) give written notice of the hearing, at least seven calendar days prior to the hearing, to the student and the faculty member;
 - 2) inform all parties of the date, time, and place of the hearing

2. Hearing Procedures

The AGC-Law shall adopt written guidelines for the conduct of the hearing which shall include but not be limited to the following:

- a. The student grievant and/or faculty party may have an advisor present provided that notice of such intent and the name of the advisor are given to the Chair seven calendar days prior to the hearing. The other party to the case shall be notified by the Chair of such notice and may,

then, in such event, without notice, also have an advisor present.

- b. The hearing shall be open unless the student grievant or faculty party requests, in writing, a closed hearing. This request must be made at least 24 hours prior to the hearing.
- c. The burden of proof shall be upon the student grievant who shall prove his or her case by clear and convincing evidence.
- d. The Chair shall be responsible for recording the hearing on audio tape, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.
- e. The student grievant and faculty party shall be provided the opportunity to present evidence and arguments on all issues involved.
- f. Oral and documentary evidence may be introduced.
- g. The student grievant and faculty party shall have the right to question witnesses and submit rebuttal testimony.
- h. All members of the AGC-Law may question witnesses.
- i. The AGC-Law may secure testimony from witnesses other than those presented by the student grievant or faculty party. The committee may also secure documents and materials, including grades and other scores, relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student grievant or faculty party. Other confidential documents may be secured only with the consent of appropriate parties.
- j. The hearing will be held as scheduled even in the absence of the faculty party alleged to have committed the grievance, unless such absence is for good and sufficient cause. If the faculty party cannot attend for good and sufficient cause and desires a continuance, the committee may grant such a continuance for a reasonable period under the circumstances. The decision of the AGC-Law as to good and sufficient cause is final within the University.
- k. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AGC-Law as to good and sufficient cause is final within the University.

- l. The deliberations of the AGC-Law after receipt of all testimony shall be closed.
- m. After the hearing committee has made its findings and reached a decision, the Chair shall inform the student grievant and faculty party of the findings and decision, in writing, within seven working days. A copy shall be sent to the Associate Dean.

3. Records of the Academic Grievance Hearing

- a. The Associate Dean shall maintain a log of all AGC-Law hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of the Associate Dean.
- b. Other records to be maintained by the Associate Dean shall include but need not be limited to the following and shall not be open to inspection except by the interested parties: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AGC-Law, and audio tape recording of the hearing. This material will be kept for a period of time consistent with the University's normal record retention policies and/or practices. A summary of the disposition of the grievance shall be placed in the student's file.

V. Appeal of the AGC-Law's Final Decisions

- A. Review by the Full Faculty. The final written decision by the AGC-Law may be appealed to the full faculty by the student grievant or faculty party. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of issuance of the Committee's report. The party's appeal statement shall set forth the ground(s) upon which the party desires relief from the decision. The faculty shall review such portions of the evidence and testimony as are necessary to full consideration of the appeal, but need not confine its review to issues raised before the AGC-Law.
- B. Disqualification. If any faculty member feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.

- C. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the faculty only meets during Fall and Spring semesters, the hearing on an appeal filed late in the semester may have to be deferred until the following semester.
- D. Right to appear at hearing. The student grievant and the faculty member(s) against whom the grievance was filed may be requested to attend the hearing at the discretion of the faculty, however, neither party has an absolute right to attend.
- E. Faculty's decision final. The action taken by the faculty on its review of a decision by an AGC-Law is final within the University and not subject to further review.
- F. Notification of parties. The faculty, through the Associate Dean, shall notify the parties of its decision within three working days of the hearing.
- G. Authority of the faculty. The faculty shall have the authority to affirm, reverse or modify the decision of the AGC-Law.

VI. Authority of the AGC-Law

- A. The findings and decisions reached pursuant to these policies and procedures shall be final within UH-Manoa.
- B. The Dean shall have the authority to direct the execution of remedies.

VII. Redress Beyond the University

Nothing in this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

VIII. Severability

If any provision of this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

WILLIAM S. RICHARDSON SCHOOL OF LAW
POLICIES AND PROCEDURES FOR EXAMINATIONS

(Revised July 2000)

The policies and procedures for examinations are set forth to provide each law instructor and student with a guide to the norms of the William S. Richardson School of Law.

Unless the instructor directs that the examination may be written outside the physical confines of the Law School, these provisions on examinations will apply.

BEFORE THE EXAM

- About one week prior to the commencement of final exams, each student must obtain an identification (ID) number from the Student Services front desk. Students will be given *one* ID number *per semester* to be used on all *final* exams for that semester. (A separate number will be issued each semester for those classes having midterm exams.) Students should assure that the ID number will be easily available for each examination. Since ID numbers assure an anonymous grading system, please guard your number as appropriate.
- Each student is charged with the responsibility for noting the exact date, time and room for each and every examination which he or she is required to take. Such detailed information will be contained in the "Final Exams Schedule" that will be distributed and posted on the official bulletin board a few weeks before final exams commence.

THE DAY OF THE EXAM

- Students writing their exams should proceed to the designated room(s); typists will be assigned separate room(s). Students *must* be seated *15 minutes before* the examination commences, with *no less than one seat* space (approximately 3 feet) between students. Students arriving late for an exam will not be given additional make-up time.
- Faculty may not proctor their own examinations. However, the instructor of the course should be available in his/her office during the hours of the exam to respond to questions about the examination. If the course instructor cannot be available, he/she should ask another member of the faculty or staff to be available for questions regarding the exam. Responses to individual questions which might affect the grading of the examination will, as much as possible, be announced to the entire group taking the exam.

- ***Any books, notes and other course-related materials not authorized for use during the examination may not be brought into the exam room. Students may not consult any unauthorized materials during the examination.***
- There will be a proctor present or nearby throughout each examination.
- Students *writing* their exams will initially receive two blue books from the proctor. Extra blue books will be provided as needed. For some exams, students may also be given scratch paper which should not be written on until the exam begins.
- Students must supply their own pens. Unless instructed otherwise, write with a blue or black ink pen—***on every other line, on one side of each page***. Do not write in the margin on the left side of the page.
- Students *typing* their exams will be supplied with colored typing paper for each exam. Only the paper issued for that exam will be accepted. Each person must supply his/her own typewrite, extension cord, extra ribbon cartridges, etc. ***Word processors and electronic typewriters with more than one line of memory are prohibited***. This will be strictly enforced. If a student's typewriter malfunctions during the exam, the student should inform the proctor and resume answering the examination in blue books in the *writing room*.
- After blue books have been issued and exam announcements made, the proctor will start the exam. The instructor is responsible for issuing explicit written instructions relating to every exam whether the exam is given outside or within the Law School.
- When time is called at the end of the exam, stop writing or typing ***immediately!*** A proctor who has reasonable cause to believe that a violation of examination rules, procedures or standards has occurred will, in writing:
 - a. Describe the occurrence, ask for and note the student's name and examination number, and ;
 - b. Submit the above in writing along with his/her (the proctor's) name to the Law School Assistant Dean.
- Upon completion of the exam:
 - a. (FOR THOSE WRITING): The student's ID number should be on all blue books and all should be numbered, i.e. 1 of 3, 2 of 3, 3 of 3. Insert all books ***and the exam question*** into the manila envelope provided. Seal the envelope and write your exam number across the seal. ***Return any unused blue books to the proctor.***

- b. (FOR TYPISTS): The ID number should be on each typed page; each page should be numbered together with the total number of pages—for example: 1 of 10, 2 of 10, 3 of 10, etc. Staple all answer sheets together (a stapler is provided in the typing room). Typists must also turn in the exam question. Place typing papers and exam question in the manila envelope, seal and place exam number across the seal.
 - c. ***Be sure to turn in all materials containing answers.*** It is students' responsibility to insure that all materials (such as blue book, typing paper, answer sheets, etc.) intended to be graded are submitted to the proctor at the end of the exam in the sealed envelope. Credit will be given *only* to such materials.
 - d. Sign the class list. This is important as it serves as proof of a student's presence during the exam.
- Students should gather their papers ***QUIETLY*** so as not to disturb others. Once out of the room, please be quiet as students may be taking exams in adjacent rooms.
 - Students may leave the exam room to go to the restrooms or to take a break. Please do not allow classroom doors to bang as you enter and exit. During such a break, students should not talk to anyone or remove exam materials (questions and answers) from the exam room. There will be ***ABSOLUTELY NO SMOKING, NO DRINKING OF BEVERAGES OR CONSUMPTION OF FOOD IN THE EXAM ROOMS.***

AFTER THE EXAM

- Students should not discuss the contents of examinations until grades are posted. This is necessary to assure the security of the exam in the event that someone is unable to take the exam at the scheduled time.
- Under no circumstances should students identify themselves or their matching exam numbers to the professor (this applies the exam paper itself, as well as before, during or after the examination). References or notations on the exam which the professor may recognize coming from a certain student should be studiously avoided. Students should not discuss their examination with the professor ***until grades have been posted.***
- Students should contact the Assistant Dean immediately regarding concerns about anonymity, transposed or forgotten exams, etc.
- ***Students should not attempt to calculate other students' GPAs from the posted grades, nor should students or faculty attempt to identify from posted grades who might have earned which grade.***

POSTING OF GRADES/LOST EXAM NUMBERS

- Results of examinations will be posted on the Student Services bulletin board and via e-mail by ID number. Grades are due one month after the date of the exam, although some grades may be posted sooner.
- The Student Services Office *will not give out ID numbers or exam results to students who have lost or misplaced their ID number*. In such cases, the student must wait until grade reports are issued to all students after all exam results for the semester have been posted. Grade reports are mailed about six weeks after the last exam.
- Students may request that their results not be posted on the bulletin board and via e-mail. However, non-posting will apply to *all* results for that student for that semester. The Student Services Office will not give out exam results to students who have requested non-posting. In such cases, students must wait until grade reports are issued to all students after all exam results for the semester have been posted.
- Students who do not wish to have their grades posted are reminded to tell the Student Services Office of their wishes before the exam period of *each* semester.

FINAL EXAM RESCHEDULING (MAKE-UP)

- Students should check the final exam schedule before registering for courses. Rescheduling will not be permitted if a student has two exams on the same day or on successive days.
- Exceptions to the provision requiring that all exams be taken at the scheduled time will be allowed *only* for medically certified disabilities or verified emergencies beyond the student's control which substantially impair the student's ability to perform on the exam at the scheduled time.

To the extent practicable, the student must obtain prior approval for the rescheduling *from the Associate Dean*. The Associate Dean will then discuss the student's situation anonymously with the professor whose exam is being given. *Students should not discuss the need for rescheduling directly with the professor concerned as this breaches anonymity*. The rescheduled exam should be given after the time of the regularly scheduled exam, on a date to be determined by the Associate Dean and instructor.

Requests for rescheduling or extra test time will not be granted for such excuses as studying for the wrong exam, oversleeping, tardiness, forgetfulness, car trouble, traffic congestion, etc.

**University of Hawai'i at Mānoa
William S. Richardson School of Law**

Policy on Plagiarism

(July 2001)

Each student should make it a practice to read the school's policy on plagiarism on a regular basis and before commencing all writing courses and special projects including Legal Methods Seminar, Appellate Advocacy, Second Year Seminar, Moot Court Team, and Law Review. You will be assumed to be familiar with its contents and held accountable for any violations.

Plagiarism is serious business, particularly in law schools. The Internet has created new temptations, as well as an additional means for detecting plagiarism. Learning what plagiarism is and how to avoid it makes sense for at least two reasons: ethical and practical. The Code of Professional Responsibility, which sets forth the ethical norms (some aspirational and some mandatory) by which lawyers are expected to conduct their professional affairs, does not specifically mention plagiarism. But, Rule of Professional Conduct 8.4 (c) states that "[i]t is professional misconduct for a lawyer to...engage in conduct involving dishonesty, fraud, deceit, or misrepresentation." It should be obvious that a law student who, under pressure of deadlines, "borrows" without attribution language and ideas from others might also have no qualms about "borrowing" other, more tangible things once in practice. Law schools are duty-bound to do all they can to ensure a firm moral grounding for all potential lawyers.

On the practical side, the key to a successful legal argument is the ability to convince the listener (be she judge, client, or opposing counsel) there is a sound legal and factual basis for the position you are advocating. If your argument lacks citation, or if the citations are inaccurate, the listener will not be swayed. Even in cases where your argument is at the cutting edge of the law and advocates a new direction, contrary to existing law, the listener must be brought gradually to that eventual leap of faith along a comfortable path well-marked by citation to existing authority.

The definition of plagiarism used by this law school is a simple one:

The submission or presentation of any work, in any form, that is not a student's own, without acknowledgment of the source. A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert. **Regardless of intent**, the failure to properly acknowledge the use of another's work constitutes plagiarism.

Given the gravity of the offense, the sanctions imposed through the Student Conduct Code can be severe: an "F" in the course and, perhaps, even expulsion from law school.

Excuses That Won't Work

I can't even spell plagiarism (sic), how should I know what it means?

I never learned this stuff in undergraduate school.

But this was just my first draft, you know I would never hand in a final draft like this.

I was so far behind on the whole thing, I just threw it together late last night and fully intended to go back later and "clean" everything up.

The law review articles I read all talked about the same suggestions for reforming the law and besides, it was so common sense that anyone, even me, could have come up with the same ideas if only I would have had the time.

Everyone does it, why are you singling me out?

I cited that article on page 5, so it's not like I was trying to hide the fact that the (uncited) materials on pp. 35-40 were taken from the same source. Why do I have to keep on citing to the article? It's a waste of time.

But I thought if I changed one word in five . . .*

Well, I haven't read the cases, but they were in a law review footnote . . .*

Everyone knows the court said that and not me . . .*

I don't need quotation marks if I use ellipses and brackets . . .*

The idea came from the law review article, but I wrote every word of the paper myself.*

*Taken from "Plagiarism: Pilfered Paragraphs," The Second Draft, 8.2 (April 1993).

Common Problems/Solutions

A. The "borrowed" footnote.

Law review articles are infamous for the number of footnotes they include. Among devotees of this art there is a story, no doubt apocryphal, about a law review article with one line of text accompanied by seventy pages of footnotes.

Suffice it to say, footnotes in law review articles can be an excellent source of footnotes or even text for your own paper. It is not necessarily unethical to take advantage of this gold mine of information, but steps should be taken to avoid even the appearance of plagiarism. As a further note of caution, even in the best of journals, footnotes are not always accurate. All "borrowed" citations should be checked for accuracy (both the citation format and to be sure the cited case/article stands for the proposition for which it is being cited, and that the law has not subsequently changed).

Examples

- (1) You are doing a paper on a family law issue. Footnote 37 of a law review article lists the 38 states that have a similar provision regarding adoptions. You want to include this info in your paper. Do you cite the law review footnote? Absolutely, this is research they did, not you. Do you review the statutes of all 50 states to confirm that the original footnote was correct? If the information is important to your thesis and/or you plan to publish your article in a law review, absolutely yes. If the information is peripheral, probably not, but you might want to add some qualifying language like, "according to there are 38 states with similar provisions..." rather than just a simple cite to the footnote number.
- (2) Footnote 115 cites a line of cases on an issue peripheral enough to your topic that you don't want to discuss them in the text of your paper, but you feel the reader might find them of interest. You must acknowledge that it was the law review author, not you, who found these cases. Depending upon the circumstances, you might also want to check them to be sure the citations are accurate and that they stand for the proposition for which they are being cited.
- (3) Footnote 149 cites a 1994 Ohio case for the proposition that there is at least one recent state appellate court decision holding that any law school graduate may pursue an educational malpractice claim against their former law school professors if the graduate is ever sued by a client for attorney malpractice. Guess what: (1) the citation was inaccurate, it was a 1884 case; (2) the holding was expressly limited to non-ABA accredited law schools; and, (3) there is a 1968 case from the same court that holds the earlier decision is no longer valid. Don't be surprised; law review editors are only human and they too make mistakes (except at UH). By borrowing the footnote without checking its accuracy you have inadvertently damaged the credibility of your own paper. If you are going to use the cite, check it first.

B. Quote/Paraphrase/Your Own Words

When is a quote (rather than a paraphrase) appropriate? This is partially a question of style, but as a general rule of thumb quotes should be used when you feel that the language used by the author is so well crafted that to even slightly tinker with it would destroy its impact. Similarly, in those rare moments when a court is able succinctly to sum up its holding (or even dicta) in a line or two, this is powerful language to raise before your own judge.

Examples

- (1) You are comparing four recent U.S. Supreme Court decisions all of which have detailed fact patterns that must be discussed in some detail in order for you to distinguish them from your case/fact pattern. Do you quote the fact patterns word for word, closely paraphrase them (with footnotes, of course), or what? This is more a question of style than plagiarism. It will probably take some time, but you should still be able to digest the fact patterns and state them in your own words and not have to footnote every line of your paper. Any unique descriptive terms used by the courts, should, of course, be cited.
- (2) You need to discuss the reasoning by the courts in a line of cases. There are one or two law reviews that already do this. Do you quote/paraphrase or what? As with the preceding paragraph, this is more a problem of style than plagiarism. You would still, however, want to have at least a general footnote to the articles so a reader could know that others have discussed the same line of cases. The closer you find yourself following the articles' discussion, the more you will want to be citing to the articles with more regularity throughout your discussion. For example, you might find yourself unconsciously following the format one of the articles used in its discussion, i.e. the order in which it addressed the issues. If this, in turn, is simply a mirroring of the courts' format, there is probably not a problem.

In order to provide further assistance in defining plagiarism, attached are two documents "Avoiding Plagiarism in Law School: A Law Student's Guide to Sources and their Acknowledgement" copied from an article by Robert Brill, "Plagiarism in Law School: Close Resemblance of the Worst Kind?" 31 Santa Clara Law Review 1990, 103-146, and "Using Examples to Illustrate Plagiarism" taken from Volume 8.2 (April 1993) of The Second Draft, the Bulletin of the Legal Writing Institute. These are full-text (retyped) copies from recent materials discussing plagiarism in law schools.

AVOIDING PLAGIARISM IN LAW SCHOOL:
A LAW STUDENT'S GUIDE TO SOURCES
AND THEIR ACKNOWLEDGMENT¹

Plagiarism is the submission or presentation of any work, in any form, that is not a student's own, without acknowledgment of the source.² A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert.³ *Regardless of intent*, the failure to properly acknowledge the use of another's work constitutes plagiarism.⁴

Plagiarism is considered by many to be one of the most serious offenses that can be committed in an academic community⁵ and may reflect upon an individual's moral fitness to practice law.⁶ The failure to acknowledge sources violates the code of scholarly ethics, and ironically, may also indicate one's anxious and abject dependence upon them. Plagiarists, in effect, forfeit the opportunity to do their own original work.

A law student charged with plagiarism is subject to disciplinary action which may include a failing grade, loss of course credit, suspension or expulsion, and notification to the Committee of Bar Examiners in every state where the student intends to practice law.

¹ Title and text adapted with permission from Dartmouth College, *SOURCES: THEIR USE AND ACKNOWLEDGEMENT* (1987).

² Although there is no universal definition for plagiarism utilized by every law school, the majority share common elements. See, e.g., *Notre Dame Law School Honor Code* " 3.01(b), "To submit as one's work the work of another," University of South Carolina, School of Law, *Code of Academic Responsibility*, Art.III, " 1(d), "[T]he act of taking the idea writing, or work of another and presenting it as the product of one's own activity, whether in whole or in part;" University of Oklahoma, College of Law, *Code of Academic Responsibility*, " 201(b)(vii), "[T]he incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author's work with quotation marks, notes, or other appropriate written designation."

³ See Western State University Honor Code "201(b)(9). See also Southern Methodist University, School of Law, *Code of Professional Responsibility*, Art. III, "A(2)(1982).

⁴ *SOURCES: THEIR USE AND ACKNOWLEDGEMENT*, *supra* note 1, at 7.

⁵ See Kolich, *Plagiarism: The Worm of Reason*, 45 C. ENG. 141 (1983); see also Mawdsley, *Plagiarism Problems in Higher Education*, 13 J.C. & U.L., 65 (1986).

⁶ See, e.g., *In re Lamberis*, 93 Ill. 2d 222, 443 N.E.2d 549 (1982); but see Rhode, *Moral Character as a Professional Credential*, 94, YALE I.J. 491, 518-37 (1985).

Many entering law students erroneously believe that plagiarism can occur only in a class paper or law review article, and then only by an explicit intent to deceive. Plagiarism can occur *whenever* one makes use of the ideas or work product of another without including an appropriate citation, and applies to *every* type of work encountered in law school: essays, law review articles, case briefs,⁷ pleadings and legal memoranda for class credit, homework, and examinations. Plagiarism is possible with any formal work performed in any medium.

Many forms of inadvertent plagiarism are caused by poor research habits. Law students should cite sources not only in a final draft, but also in all preliminary notes for any project. The accurate use of quotation marks is essential to good notetaking, and will avoid the unfortunate consequences that result from mistakenly assuming that one's notes are in one's own words. A working knowledge of the rules contained in *A Uniform System of Citation*⁸ will facilitate this practice.

A. *Examples of Plagiarism*

Following these excerpts from the late Professor Fred Rodell's famous lampoon of legal literature⁹ are typical examples of plagiarized work:

[T]he explosive touch of humor is considered just as bad taste as the hard sock of condemnation. I know no field of learning so vulnerable to burlesque, satire, or occasional pokes in the ribs as the bombastic pomposity of legal dialectic. Perhaps that is the very reason why there are no jesters or gag men in legal literature and why law review editors knit their brows overtime to purge their publications of every crack that might produce a real laugh. The law is a fat man walking down the street in a high hat. And far be it from the law reviews to be any party to the chucking of a snowball or the judicious placing of a banana peel. Occasionally, very occasionally, a bit of heavy humor does get into print. But it must be the sort of humor that tends to produce, at best, a cracked smile rather than a guffaw. And most law review writers, trying to produce a cracked smile, come out with one of those pedantic wheezes that get an uncomfortably forced response when professors use them in a classroom. The best way to get a laugh out of a law review is to take a couple of drinks and then read an article, any article, aloud. That can be really funny.¹⁰

⁷ In some law schools the mere possession of "canned briefs" (*e.g.*, *Legal Lines or Casenotes*) on campus subjects a student to suspension or dismissal. *See, e.g.*, Western State Univ., Admin. Rule 7 (1989). Recitation of a canned brief as one's own synopsis of a case may also constitute plagiarism under a strict construction of the term.

⁸ HARVARD LAW REVIEW ASS'N, *A UNIFORM SYSTEM OF CITATION* (14th ed. 1986).

⁹ Rodell, *Goodbye to Law Reviews Revisited*, 48 VA. L. REV. 279 (1962).

¹⁰ *Id.* at 281.

1. *Example 1*

Plagiarism by unacknowledged direct quotation or word-for word transcription from source:

In legal writing an *explosive touch of humor* is considered to be in *bad taste*, and is *perhaps the very reason why there are no gag men in legal literature*. Law review editors work overtime to purge their publications of humor, but *occasionally a bit of heavy humor* escapes their scrutiny.

Note that this paragraph duplicates Professor Rodell's passage with only a slight rearrangement and restatement, and without using appropriate quotation marks or citation at the end.

2. *Example 2*

Plagiarism by mosaic, or, mixing paraphrase and unacknowledged quotation from source:

Jokes in literature are *considered to be in bad taste*, perhaps due to the genre's extreme *vulnerability to satire*. The law reviews work *overtime* to remove obnoxious levity and the snippets of humor that remain are often little more than *pedantic wheezes*. Sometimes, the only way to get a laugh out of legal writing is to *take a drink then read aloud*.

Note how in this case the plagiarist intermingles his own original writings with unmarked excerpts and phrases drawn directly from Professor Rodell, adopts the ideas of the original author, and again fails to provide any citation.

3. *Example 3*

Plagiarism by paraphrase and/or use of ideas:

Drollery is unwelcome in legal literature. The few authors who gingerly attempt to elicit a smile, and escape their editor's overzealous attempts to preserve the sanctity of the publication, are generally rewarded with little more than a wry smile. Humorists need not apply as legal writers.

Note that although this excerpt does not make literal use of Professor Rodell's paragraphs, it nevertheless draws its ideas from them without any acknowledgment and thus constitutes an act of plagiarism of equal severity as the two preceding examples.

B. *When to Cite Sources*

Although scholars of various disciplines differ on when to cite and not to cite sources, most follow the basic principle that a citation is required to any source of a direct quotation,

paraphrase, fact or idea. Lawyers, finding the bare assertion of a legal theory without authority to be less than useless, reduce the principle to its elemental form, "cite everything!"¹¹ Winning a case for one's client requires that a court be persuaded that statutory or case authority demands the requested ruling. A court will not take a lawyer's word for it, or give credence to his opinion that the law is what he says it is. A court must know which authority. Therefore, "[l]awyers cite the law."¹²

This citation principle may be divided into six basic rules. The first two cover direct quotation, paraphrase and summary of language, facts and ideas. The third considers information that may be regarded as "common knowledge." The fourth, often considered a recommendation rather than a strict rule, asks for citations to sources that supply different or additional views on the same or related topic that the reader might find relevant or helpful.¹³ The fifth rule specifies citations to sources that cannot be defined as written texts, including such materials as public lectures, recordings, films, graphs, statistical tables and computer data. An additional rule, addressed in legal writing courses, requires citation to all sources relied upon for authority to support any legal proposition or rule. The proper format for each required citation will be found in *A Uniform System of Citation*,¹⁴ better known as the "Harvard Bluebook."

1. *Cite sources for all direct quotations.*

There is no exception for this rule since scholars, judges and other lawyers expect to know the original source of every quotation whether for the purpose of simply finding it there, checking for accuracy, or when appropriate, perhaps using it in their own work.¹⁵

2. *Cite sources from which language, facts, or ideas have been paraphrased or summarized.*

A paraphrase requires the same citation as a quotation. This rule helps avoid a common form of plagiarism: not only paraphrasing an unacknowledged source's idea(s), but also literally adopting ("lifting") certain specific phrases or stylistic expressions without quotation marks and explicit acknowledgement of their original source. Students are cautioned to organize any summary or paraphrase in their own distinctive manner and style.¹⁶ As a general rule, each paragraph

¹¹ See P. MERKLE & R. TALMO, *LEGAL RESEARCH AND WRITING, COURSE MATERIALS* 4 (1988).

¹² *Id.*

¹³ See Samuelson, *Good Legal Writing: Of Overall and Window Panes*, 46 U. PITT. L. REV. 149, 161 (1984).

¹⁴ HARVARD LAW REVIEW ASS'N, *supra* note 92.

¹⁵ There is no consensus in legal academe whether the "lifting" of quotations from a secondary source without additional citation constitutes plagiarism. It is, however, bad research methodology. One should always read quoted material in the original source.

¹⁶ Note, however, that excessive paraphrasing tends to weaken the rhetorical effect of any work.

containing paraphrase material should contain a cite to the source.

A persistent and potentially dangerous myth is that plagiarism is harmless if unattributed material consists of less than one page in a typical 20-page student paper. This is not so! Although an individual instructor or school may sometimes find that a small amount of "accidental" plagiarism does not warrant formal disciplinary action, the student's work remains flawed. Not only is the non-plagiarized remainder suspect, any positive impact on the reader is lost. Such an incident of plagiarism, however "minor," may rate a failing grade from the professor and irreparably damage a student's reputation.

3. *Cite sources for idea(s) or information that could be regarded as common knowledge, but which a) was not known to the writer before encountering it in a particular source, or b) the reader might find unfamiliar.*

Less clear than the two previous rules, this third rule addressed an ideas that did not originate with the writer but seems generally well known (i.e., that the federal legislature is bicameral),¹⁷ and a generally well-known idea treated as a distinctive or seldom understood concept (i.e. Judge Bork's controversial theory on the limited scope of the first amendment).¹⁸ In the first case, some legal scholars omit a citation when the idea can be found in five or more independent sources. In the second case a formal citation is always required. When in doubt, *cite the source.*

4. *Cite sources that add relevant information to the particular topic or argument propounded.*

This "rule" allows the writer to supply related or parenthetical information without cluttering the body of the paper with extraneous details. Restraint should be exercised in the use of supplementary citations. Too many will distract the reader from the flow of the argument.¹⁹

¹⁷ A term now in common usage, originally applied by Jeremy Bentham to the division of a legislature body into two chambers. BLACK'S LAW DICTIONARY 147 (5th ed. 1979).

¹⁸ Bork, *Neutral Principles and Some First Amendment Problems*, 47 IND. L.J. 1, 26-28 (1971).

¹⁹ "Encountering a [footnote] is like going downstairs to answer the doorbell while making love. - Noel Cowrad." Bowersock, *The Art of the Footnote*, 53 AM. SCHOLAR 54 (1984), cited in Austin, *Footnotes as product Differentiation*, 40 VAND. L. REV. 1131, 1152 (1987).

5. *Cite sources from and for other kinds of specialized materials.*

This fifth rule extends the application of the preceding our rules to other forms of work such as lectures, recordings, films, interviews, letters, unpublished manuscripts, graphs, charts, tables, etc.

6. *Cite sources relied upon for authority to support any legal proposition or rule.*

Because judicial action is governed by the principles of precedent and stare decisis,²⁰ adherence to this rule not only avoids plagiarism from judicial opinions, statutes or secondary authority, it also is essential to effective lawyering . Students might sometimes feel embarrassed by writing that relies on secondary sources, and try to paraphrase a hornbook, treaties or law review without providing citations to anything but the primary authority.²¹ Not only is it obvious to an experienced reader that a student has relied on a secondary source (even without citations), the student risks a charge of plagiarism.²² Although original analysis of a court decision is always preferred , there is no shame in using a secondary source so long as a proper foundation is laid and the complete citation is given.²³

Plagiarism is easily avoided by careful research methodology and adherence to simple rules of citation. The practice of law is based upon the craft of effective writing, and law students should write often. A fear of plagiary that manifests itself in the failure to take advantage of every writing opportunity in law school is a tragedy in itself. Don't be afraid of sources, interact with them. Although some of the rules seem fraught with ambiguity, particularly when a fact or idea appears to be common knowledge, proper attribution is an absolute prevention for plagiarism. So long as a student dose not represent the work of another as his own, and credited his sources, he cannot be a plagiarist. The student who also understands that a legal rule without citation is like a pen without ink has taken an important step toward effective advocacy.

²⁰ C. KUNZ, D. SCHMEDEMANN, C. ERLINDER & M. DOWNS, *THE PROCESS OF LEGAL RESEARCH* 52-54 (1986).

²¹ W. STATSKY & R. WERNET JR., *CASE ANALYSIS AND FUNDAMENTAL OF LEGAL WRITING* 418 (2d ed. 1984).

²² *Id.*

²³ *Id.*

USING EXAMPLES TO ILLUSTRATE PLAGIARISM

WAKE FOREST

To help you avoid plagiarism and learn appropriate attribution, consider the examples based on the following excerpt:

"A 'handicap' could be defined by listing certain traditionally-recognized handicapping conditions, or a legislature may choose to provide a more comprehensive list of the types of disabilities that will be considered "handicapping conditions" in that state. These approaches are problematic, however, because they can lead to legislation that does not include certain groups of handicapped people simply because the legislature was not aware of a particular handicap."

Maureen O'Connor, Note, *Defining "Handicap" for Purposes of Employment Discrimination*, 30 ARIZ. L. REV. 633, 636 (1988).

Example 1: *The term "handicap" may be defined in general terms or a Legislator may choose to provide a more comprehensive list of the types of disabilities that will be considered "handicapping conditions" in that state.*

This example needs quotation marks around the words printed in bold, and a citation at the end of the sentence. When you quote or copy words directly from the source, you must use quotation marks and give a citation.

Example 2: *It is problematic to define a handicap by providing a list of the types of disabilities that will be covered because certain groups of handicapped people might be excluded. The legislature might simply be unaware of certain handicaps.*

This example needs a citation. If you change a few words and mix up the order of the source sentence, you must give a citation. It is permissible to paraphrase only if you give proper attribution.

Example 3: *The term "handicap" is difficult to define in a statute. Any attempt to provide a complete list of covered disabilities, however, will be inadequate; some conditions will inevitably be omitted.*

This example needs a citation because it expresses the same ideas as the source article. Unlike the first two examples, comparing the two statements side by side might not yield conclusive proof of plagiarism. But if the author of the second statement borrowed this idea from the source, a citation must be included. If you are ever in doubt, you should err on the side of giving credit, remember that a citation increases persuasiveness.

Example 4: *When defining statutory terms, legislators should not attempt to draft a complete list specifying everything the statute is intended to cover. Such lists will inevitably be incomplete; some will later make a claim that the legislators did not anticipate. Further, the statutory list may quickly become outdated.*

This example should have a citation to the source preceded by the signal *See*, pursuant to Bluebook Rule 1.2. Legal writers often build on other sources to arrive at their own analysis or conclusion. Sometimes a source may trigger a related idea. In these instances, even when there is no inference of plagiarism, citation to the original source, with an appropriate signal, should be included.

UNIVERSITY OF MISSOURI-KANSAS CITY

What follows is a two paragraph section taken directly from a law review article, Note *Legal Fictions Mask Human Suffering: The Detention the Mariel Cubans Constitutional, Statutory, International Law, and Human Considerations*, 62 SO. CAL. L. REV. 1733, 1754-55 (1989) (footnotes renumbered) (emphasis in original). Then, several examples are used to illustrate how a fictional writer may use this law review article to commit plagiarism in the writing of a brief or memorandum. These examples are provided to illustrate commonly occurring instances of plagiarism so that you will avoid these usages. The examples given do not represent every possible unattributed use of another's work, but are intended to clear up confusion in some areas.

Original:

Even if the Mariel Cubans are not being "punished," their civil detention still denies them their liberty interest in being free from prolonged detention. The Fourth and Eleventh Circuit Courts of Appeal have held that excludable aliens have no liberty in freedom from prolonged detention, and therefore, are not entitled to due process of law. These courts reason that detention, even for as long as seven years, is merely a part of the exclusion process. These courts inaccurately rely on the well-settled principle that "an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative."²⁴

The problem with these circuit court decisions is that they fail to distinguish between an alien's interest in his or her "initial admission" or "application" for admission, which in most cases has already been processed and denied, and his or her interest in being free from arbitrary and prolonged detention; these two interests are distinct. Consider that the courts have long recognized that an alien's interest in admission is distinct from his or her interest to be free from arbitrary and prolonged criminal detention, the latter of which is protected by the due process clause.²⁵ A criminal sentence can only be handed down in accordance with the due process clause, but why

²⁴ Landon v. Plasencia, 459 U.S. 21, 32 (1982) (emphasis added). Further, at least one commentator has suggested that this principle is not well settled at all and is, in fact, incorrect. See Note, The Measure of a Nation, 73 VA. L. REV. 1501 (1987) (authored by Christopher R. Yukins) (Suggesting that the history of Supreme Court decision making indicates that aliens do have an interest in admission to the United States, but that the process due is defined by those procedures which Congress has provided to an alien.

²⁵ See Wong Wing v. United States, 163 U.S. 228 (1986); United States v. Henry, 604 F. 2d 908 (5th Cir. 1979).

aliens should only receive the protection of the due process clause after violating our laws, and not prior to civil detention, has never been satisfactorily explained.²⁶

PLAGIARISM EXAMPLE 1

Several federal appellate courts have held that excludable aliens have no liberty interest in freedom from prolonged detention and, therefore, have no due process rights.

Comment: This is plagiarism because the writer of Example 1 has used the exact words of the source's author (first paragraph, second sentence of original) without quotation marks and without attribution. Furthermore, even the paraphrase at the beginning of the sentence needs attribution.

PLAGIARISM EXAMPLE 2

In holding that the due process clause does not apply to the Mariel Cubans, the courts have failed to distinguish between two interests, the Cubans' interest in freedom from arbitrary and prolonged detention and their interest in the initial application into the United States.

Comments: This is plagiarism because the writer of the example has used the idea of another without attribution. Even the act of thorough paraphrasing does not "save" the writer. Even the thorough rewording of another's idea must be attributed to the source of that idea. The passage above uses another's idea - that the problem with the circuit court decisions is that they fail to distinguish between two distinct interests, an alien's interest in initial admission and his interest in freedom from arbitrary and prolonged detention - without attribution. Thus the author of Example 2 is creating the impression that this notion is his original idea rather than another's idea.

PLAGIARISM EXAMPLE 3

Those federal appellate courts that have denied a due process liberty interest in freedom from prolonged detention reason that prolonged detention, even for several years, is just part of the exclusion process. In so holding the federal appellate courts erroneously rely on the Supreme Court's holding that "an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." Landon v. Plasencia, 459 U.S. 21, 32 (1982).

²⁶ See Jean v. Nelson, 472 U.S. 846 (1985) (Marshall, J., dissenting). Justice Marshall presents an impassioned critique of the logic behind the Fourth and Eleventh Circuit decisions. The paradoxical nature of this distinction becomes more obvious, and less tolerable, when one considers that the conditions of the "civil" confinement are often worse than the criminal confinement, not to mention the fact that the civil confinement is open-ended. See *supra* notes 25-39 and accompanying text.

Comment: This example is a typical technique that many students use without recognizing that it is plagiarism - the use of another author's words and ideas.

Here, the author of Example 3 has actually located the quote from the *Landon* case in context in the law review article. By citing to the case itself and not also the law review article, the writer is representing that he has read the case and created the context or placed the case within the context of his idea. In fact, he may have done neither. Even if the writer goes to read the *Landon* case (as he must), he must attribute the compilation or combination of this case with this idea to the author of the law review article. If he does not, he has used another's idea (the compilation) without attribution.

PLAGIARISM EXAMPLE 4

As one recent commentator has noted, these circuit court decisions are problematic because they fail to make the distinction between an alien's interest in his initial admission and his interest in freedom from arbitrary detention. *See Note, Legal Fictions Mask Human Suffering: The Detention of the Mariel Cubans Constitutional, Statutory, International Law, and Human Considerations*, 62 S. Cal. L. Rev. 1733, 1754-55 (1989). The United States Supreme Court has, however, long recognized that these two interests are distinct because the freedom from arbitrary and prolonged detention in the criminal court context is protected by the Fifth Amendment due process clause. *See, e.g., Wong Wing v. United States*, 163 U.S. 228 (1986).

Comments: The writer of this example has committed plagiarism in at least two ways. While appropriately citing to the law review article after the first sentence, the writer then neglects to attribute or cite to the article again after the second sentence. The failure to attribute the second sentence to the author of the law review article creates the erroneous impression that the example writer developed this idea independently when in fact he is using the idea represented in the law review article.

The writer also has committed plagiarism as exemplified above in Example 3 by citing only to *Wong Wing* rather than to the law review article.

(ENDNOTE 11) The format for these examples is inspired by Ralph D. Mawdsley, *Legal Plagiarism* (National Organization on Legal Problems of Education 1985) (using examples from H. Bond, T. Seymour and J. Stewart, *Sources: Their Use and Acknowledgement* (Trustees of Dartmouth College 1982)).

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Office of the Dean

July, 2002

TO: Law School Community
FROM: Lawrence C. Foster, Dean *LCF*
SUBJECT: Discrimination and Sexual Harassment

Welcome to the William S. Richardson School of Law! The University of Hawai'i in general and the law school in particular are committed to providing all students, staff and faculty with an environment free from discrimination and sexual harassment. As a part of this commitment, the University has implemented policies and detailed procedures to be followed in the case of an alleged violation of one of these policies.

While we do not anticipate having a serious case of discrimination or sexual harassment at the law school, we do occasionally have a situation in which a visitor or a member of our own community unconsciously or inadvertently makes an inappropriate statement or gesture. As you probably already know, in sexual harassment cases the intentions of the harasser are irrelevant. A court looks at how the recipient perceived the conduct or behavior, notwithstanding the "innocent" state of mind of the harasser.

More obvious examples of sexual harassment or discrimination include telling sexual or off-color jokes, unconsented touching, repeatedly asking out a person who is not interested, or making remarks disparaging of a person's gender, race, ethnicity, or sexual preference.

While consensual relationships between professors and teachers are not barred by any University policy, they are strongly discouraged. Consensual relationships should be avoided until the law school relationship has ended so as to avoid even an appearance of impropriety.

More subtle examples of unwelcome behavior include using last names for all the male students and first names for all the female students, use of hypothetical situations in which the parties are stereotyped (e.g., Mary the homemaker enters into a contract with Manuel the yardman), and repeatedly calling on or interrupting or being "harder" on only one type of student (i.e., based upon their gender, race, etc.).

An Equal Opportunity / Affirmative Action Institution

Moreover, while some types of behavior may not be classified as discrimination or harassment, they may create a "chilling" learning or working environment. Examples might include demeaning a student's personally distinct style of learning or performance level.

Thank you for contributing to our law school's educational program. We should all stop and consider the effect our words and actions may have on others. Such consideration among a close-knit community such as ours is usually enough to elevate all our words and actions. I hope you will find this policy statement a reassuring reaffirmation of our commitment to creating a positive working and learning environment for all.

Should you feel that we as a community or someone individually are not meeting this commitment, I encourage you to discuss your concerns with me or one of the other Deans. For issues concerning sexual harassment, you should also be contacting the University's Dean of Students at the University's Student Services Center. For further information, please review the relevant University policies and procedures which are available in the law school's Student Handbook.

StudentHandbook:\Discrimination.doc

Prepared by the Office of the President.
This replaces E1.203 dated July 1991.

UNIVERSITY OF HAWAI'I

EXECUTIVE POLICY – ADMINISTRATION

April 2001

P 1 of 7

E1.203 Policy on Sexual Harassment and Related Conduct

I. INTRODUCTION

This policy reflects the University of Hawai'i's systemwide commitment to eliminate sexual harassment. Sexual harassment is a form of sex discrimination. It is the policy of the University of Hawai'i that harassment based on sex is prohibited and will not be tolerated in any part of the University's programs, activities, or employment. Acts of sexual harassment undermine the trust and mutual respect essential to the mission and function of the academy.

State and federal laws protect University of Hawai'i employees, students, and applicants for employment or admission against discrimination. Sexual harassment constitutes illegal discrimination under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, as amended, and the Hawai'i State Fair Employment Practices Act, Chapter 378 HRS, as amended.




Furthermore, Section 1-5, Policy on Nondiscrimination and Affirmative Action, of the Board of Regents' Bylaws and Policies provides the administrative basis for complying with applicable federal and state statutes, rules, regulations, city and county ordinances, and provisions in the collective bargaining agreements governing nondiscrimination. Board Policy is implemented through Executive Policy E1.202, Nondiscrimination and Affirmative Action, and this Executive Policy on sexual harassment.

In addition, sexual assault or any forcible physical sexual behavior is prohibited by each campus' sexual assault policy and may also be prosecuted as a criminal offense.

II. OBJECTIVE

The purpose of Executive Policy E1.203 is to define the elements of sexual harassment, establish general guidelines for developing complaint procedures, and discuss the difference between sexual harassment and consensual relationships.

 Chancellors and Vice Presidents may establish specific procedures for handling complaints of discriminatory harassment, including sexual harassment; or they may use the existing discrimination complaint procedures contained in UH Systemwide Administrative Procedure A9.920. Chancellors and Vice Presidents are charged with the responsibility and authority to implement Executive Policy E1.203.

III. DEFINITIONS AND EXAMPLES

Sexual harassment can take many forms. Although sexual harassment often involves an abuse of authority or power, it can also occur between peers. For example, it can occur between students or coworkers. It is also possible for a student to harass a faculty member or employee. In addition, sexual harassment can involve persons of the same or opposite sex, and both men and women can be targets and/or perpetrators of sexual harassment.

There are two kinds of sexual harassment: *quid pro quo* and hostile environment.

A. Quid pro quo sexual harassment is defined as sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature when submission to such conduct is either explicitly or implicitly

1. a condition for advancement;
2. a factor in performance evaluation;
3. a condition for participation in University activities; or
4. a condition for receiving any other benefit given by the University.

Quid pro quo sexual harassment involves abuse of authority. Some examples include

1. implied or direct promises of academic or work benefits, such as high grades, promotions, or letters of recommendation, in return for sexual favors;
2. implied or direct threats of adverse decisions or evaluations, such as low grades, negative evaluations, or failure to hire or promote, should conduct of a sexual nature be rejected;
3. adverse decisions or evaluations, such as negative evaluations, failure to hire or promote, low grades, or negative references, because conduct of a sexual nature has been rejected.

B. Hostile environment sexual harassment is defined as sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature, when such conduct is unwelcome to the person to whom it is directed or to others directly aware of it, and when such conduct is

1. intimidating, threatening or offensive; and
2. sufficiently severe, persistent, and pervasive enough to interfere with an employee's work environment or student's education.

The conduct must be both objectively and subjectively perceived as offensive. That is, the reporting party must view the conduct as offensive, and a reasonable person with the same fundamental characteristics as the reporting party (e.g., age, race, gender) must also view the conduct as offensive.

Examples of behaviors that could constitute hostile environment sexual harassment include but are not limited to

- unnecessary and unwanted touching, patting, hugging, or brushing against a person's clothing or body;
- remarks of a sexual nature about a person's clothing or body;
- remarks about sexual activity or speculations about previous sexual experience;
- pressure for sexual activity, an element of which may be nonverbal conduct, such as repeated and unwanted staring or sexually suggestive gestures;
- display or distribution of sexually offensive literature, images, cartoons, or other audio-visual materials; or
- gratuitous introduction into instruction, discussion, or conversation of material of a sexual nature, such as sexually explicit anecdotes, questions, or jokes.

This policy shall not limit the scholarly, educational, and/or artistic content of any written, oral, or other kind of presentation or inquiry that falls within justifiable academic standards covering course content and pedagogy. The University of Hawai'i is committed to academic freedom for all members of the academic community. Accordingly, academic freedom will be liberally construed but will not be used as a pretext for violation of this policy. When appropriate, faculty are advised to inform students that content and teaching strategies properly employed in higher education may be controversial and/or discomfoting to some individuals.

IV. POLICY ON RETALIATION

The University of Hawai'i System prohibits and will not tolerate retaliation, which is defined as adverse treatment or hostile action, against any individual who has engaged in any of the following activities

- reported sexual harassment;

- sought advice or assistance about sexual harassment;
- participated in any manner in a sexual harassment complaint resolution process under this administrative procedure; or
- opposed sexual harassment in any manner because the individual participated in the protected activity.


Adverse treatment or hostile action may include, for example, unfair evaluation, unfair assignment, direct or implied threats, coercion, or encouragement of others to retaliate.

Retaliation is a separate complaint and will be investigated accordingly.

The right of individuals to use lawful means to defend themselves against charges of sexual harassment is not abridged by this policy. Such a right and the prohibition against retaliation are not mutually exclusive.

V. PROCEDURAL GUIDELINES ON SEXUAL HARASSMENT

Chancellors and Vice Presidents are directed to refer to the most current policy guidance on sexual or discriminatory harassment issued by the U. S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Education, Office for Civil Rights (OCR). These policies can be obtained from the EEO/AA coordinators on each campus.

- A. Program. To carry out the University's commitment, Chancellors and Vice Presidents are hereby charged with the responsibility and authority to develop a program to implement this policy on sexual harassment. Preventive and corrective action shall include
1. development and implementation of educational programs to prevent harassment;
 2. wide dissemination of the University's policy prohibiting sexual harassment, including a documented receipt of a copy of the University's policy against sexual harassment by each new employee;
 3. implementation of procedures for responding to complaints of sexual harassment established by each Chancellor and approved by the University Executive Council;
 4. implementation of appropriate remedies; and
 5. imposition of appropriate corrective actions.
-  B. Complaint Procedures. Complaint procedures must comply with the principles of due process. The procedures shall also comply with the guidelines in UH Systemwide Administrative Procedure A9.920, Discrimination Complaint

Procedures for Employees, Students, and Applicants for Employment or Admission. These guidelines include, but are not limited to, the following requirements:

1. appointment of complaint intake officers for each campus whose names, phone numbers, and office locations are well-publicized;
 2. informal as well as formal procedures;
 3. appointment of impartial investigators;
 4. description of each step in the process;
 5. time frames for processing complaints and rendering decisions;
 6. notification of findings to both parties;
 7. specification of administrators who have authority and responsibility to effect remedies and disciplinary actions;
 8. an appeals process;
 9. provisions for confidentiality and appropriate disclosure; and
 10. the statement of non-retaliation policy in Section IV.
- C. Remedies. The University of Hawai'i strives for an environment in which the dignity of all members of the institutional community is respected. Therefore, the University will implement remedies for persons whose rights have been violated by sexual harassment.

Remedies shall be reasonably devised to correct the harmful effects caused by sexual harassment. Remedies for employees may include, for example, letters of apology, back pay, and reinstatement. Remedies for students may include, for example, letters of apology, review of grades, and tuition refunds.

- D. Corrective Actions. For students and excluded employees, the University will impose disciplinary actions against any individual found to have violated this policy. Disciplinary actions shall be reasonably calculated to
1. be commensurate with the seriousness of the offense;
 2. stop the harassment;
 3. ensure the harassment will not recur; and
 4. assure a workplace and educational environment free from sexual harassment.

For included employees, the responsible administrator will follow the collective bargaining agreement provisions related to disciplinary actions.

To maintain consistency, Chancellors and Vice Presidents will consult with the systemwide Office of Human Resources prior to imposing employee disciplinary actions. Disciplinary actions against students should be consistent with each institution's student conduct code.



E. Monitoring. In accordance with UH Systemwide Administrative Procedure A9.910, Reporting Procedure for Employment Discrimination Complaints, each Chancellor or designee shall submit an annual summary report of sexual harassment complaints to the Office of the President. In addition, the Office of the President may periodically request reports from or conduct audits of the efforts of Chancellors and Vice Presidents to prevent and correct sexual harassment.

Annual reports, with personally identifying references removed, shall be widely distributed to all members of the University community by the Office of the President. These reports shall describe the facts and disposition of all cases investigated and any remedies and disciplinary actions applied.

VI. CONSENSUAL RELATIONSHIPS

Consensual relationships, by definition, do not constitute sexual harassment. However, such relationships can and have led to charges of sexual harassment. Furthermore, romantic and/or sexual relationships, that appear to be consensual and might be appropriate in other circumstances, are inappropriate when they occur between teachers or other employees of the University and individuals they teach, evaluate, or supervise.

Consensual relationships are never within the course and scope of an employee's employment.

Even when both parties to a consensual relationship appear to have consented, a power differential can raise serious concerns about the validity of the consent. Furthermore, these relationships can undermine trust and create an appearance of favoritism and unfair treatment of others.

In the event of charges of sexual harassment based on a consensual relationship between teachers or other employees of the University and individuals they teach, evaluate, or supervise, the validity of consent may be called into question.

A faculty member or other employee of the University who enters or has entered into a romantic and/or sexual relationship with a subordinate (or with someone who is likely to become a subordinate) should make arrangements with a supervisor that will ensure all present and future instructional, supervisory, and evaluative obligations will be competently and objectively handled by someone else. The reasons for making alternative arrangements do not need to be disclosed.

Law Students and the Unauthorized Practice of Law

"An unsupervised law student who engages in legal representation or gives legal advice is no different from any other nonlawyer who also gives legal advice."

by Mary Obrzut, Esq.

■ *"Looking for Law Student to assist [sic] future Small Business Owner with Legal advise [sic]." (From a notice posted on the law school Administrative Board without permission.)* A chill ran down my spine as I pulled the notice off the Board and noticed that two of the phone number tags were missing.

■ *"How do I put on my résumé that I'm helping an inmate on Death Row?" (From a 2L transfer student whose résumé I was reviewing).* In answer to my questions the student explained that while interning for a public defender he had worked with a death row inmate. He "liked the inmate so much" he was continuing to help him write an appeal. And, no, he was not working with or for an attorney.

■ *"But, when I went to law school we were happy to do research for someone who wanted to file a suit. What do you mean, your students can only work for attorneys? Well, I'll just come in and post a notice, and you won't even know about it!" (From an irate caller, who is not an attorney, looking for a law student to help her prepare a suit against her doctor.)*

Each of the above conversations or events occurred during the fall semester of 1994. I became concerned about law students who might respond to a posted notice and, without knowing the rules, end up accused of the unauthorized practice of law. I looked for an official statement that I could post and include in my written materials to explain what the

unauthorized practice of law is, why it is an issue, and what the ramifications are for someone (law student or not) who practices law without supervision or without a license. I looked through the materials in my office, e-mailed several other career services offices, and called NALP to see if a statement or policy existed. No one had an official policy available that I could use, so I began to research the topic and look for information that I could use to inform and protect my students.

Following many conversations and much research, I am happy to share with you what I have found. After reviewing the Model Rules of Professional Conduct, ABA Opinions, the Student Practice Rules, and cases in different states, I have found rules and regulations that exist and apply to students in three settings. The first two settings generally do not raise concerns; it is the third setting that is most likely to be misunderstood by law students.

1. Students Subject to State Student Practice Rules

Senior law students are eligible for a limited license to practice as students. Every state has rules and regulations that define what the student can do, whether they must be supervised, and what requirements they must meet in order to be licensed. At Northern Illinois University College of Law, these students are usually involved in either civil or criminal externship programs, are very closely supervised, have taken a class in professional responsibility, and are aware of the pitfalls of the unauthorized practice of law.

2. The Student Working under the Supervision of a Licensed Attorney

The student who is working under the supervision of an attorney may be a 1L, 2L, or 3L. He or she may be working on a short- or long-term research project, may be working part-time or summers as a law clerk, or may be involved in a voluntary structured *pro bono* program. For the most part, the student will have found this project or job through the career services office, which assures the student that someone has

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checked to make sure that the work is under the supervision of a licensed attorney.

3. Law Students without a License and without Supervision

An unsupervised law student who engages in legal representation or gives legal advice is no different from any other nonlawyer who also gives legal advice. That law student is engaging in the unauthorized practice of law.

A first- or second-year student who does not know the risk of engaging in the unauthorized practice of law also is probably not aware of the impact of that activity on his or her eligibility to sit for the bar exam. Specifically, the law student may fail the character and fitness investigation or be refused permission to sit for the exam because of criminal sanctions for the unauthorized practice of law.

It is a criminal offense in every state to practice law without a license. The policy reasons behind those rules concern the protection of the public. Since a law student is not licensed as an attorney, he or she is not subject to professional discipline. There is also no attorney-client privilege available when an attorney does not supervise the matter.

Overview

Each state defines and regulates the practice of law within its jurisdiction, usually through state Supreme Court rules. In addition to the criminal sanctions for practicing law without a license, in some states there may be civil remedies available to a client who has been fraudulently represented by a person who is not a licensed attorney. Each state charges an ethics committee with implementing the practice rules and with the administration of professional discipline. Although the responsible agency may differ from state to state, there is uniformity among the states in providing some type of student practice rules, rules for professional responsibility and regulation of licensed attorneys, and for criminal sanctions for the unauthorized practice of law.

Student Practice Rules

Unlike the student performing legal work in an unsupervised environment, student practice rules offer some protection from unauthorized practice of law claims.

Although Colorado enacted the first student practice rule in the United States in 1909, the American Bar Association presented the Model Student Practice Rule in 1969 with the goal of increasing the availability of legal services for indigent clients. Today every state has either adopted the Model Rule or created its own rule providing for the limited practice of law by students. For an excellent overview see: Kuruc, Joan Wallman and Brown, Rachel A., *Student Practice Rules in the United States*, *The Bar Examiner*, August, 1994, pp. 40-55.

Every student practice rule provides that students must meet eligibility requirements and may only practice law under the supervision of a licensed attorney. All states allow these students to prepare documents, pleadings, and briefs under the

general supervision of an attorney. Whether or not they may represent clients in court without the supervisor's immediate presence varies from state to state. But, uniformly, the rules require that the client consent in writing to representation by a student, and often that consent must be filed with the court. Many states require that students understand and agree to be bound by the rules of professional responsibility.

Professional Responsibility

Further protections are provided for the supervised law student by the professional responsibility obligations of the supervising attorney.

The American Bar Association has provided the leadership in legal ethics and professional responsibility by adopting professional standards that have served as models of the regulatory law that governs the legal profession. In 1969, the ABA House of Delegates adopted the Model Code of Professional Responsibility, which has been subsequently adopted by the vast majority of state and federal jurisdictions. In 1983, the ABA adopted the Model Rules of Professional Conduct. As of 1992, two-thirds of the jurisdictions had adopted new professional standards based on these Model Rules.

Additionally, the American Bar Association publishes opinions of The Standing Committee on Ethics and Professional Responsibility, which is charged with interpreting the professional standards of the Association and issuing opinions on those interpretations.

The Model Rules of Professional Conduct Rule 5.3 clarifies the responsibilities of a lawyer who has nonlawyer (including law student) assistants:

"Rule 5.3 Responsibilities Regarding Nonlawyer Assistants with respect to a nonlawyer employed or trained by or associated with a lawyer:

- (a) a partner in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer;
- (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
 - (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner in the law firm in which the person is employed, or has direct

"... The measures employed by lawyers in supervising nonlawyers should take account of the fact that nonlawyers do not have legal training and are not subject to professional discipline."

supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action."

The comment to the Rule additionally states that the measures employed by lawyers in supervising nonlawyers should take account of the fact that nonlawyers do not have legal training and are not subject to professional discipline. A lawyer should give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product.

The Model Rules of Professional Conduct Rule 5.5 applies to lawyers who aid a nonlawyer (lay person or law student) in the unauthorized practice of law:

"Rule 5.5 Unauthorized Practice of Law

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law."

Two specific ABA Opinions clarify the Model Rules of Professional Conduct:

"A lawyer often delegates tasks to clerks, secretaries, and other lay persons. Such delegation is proper if the lawyer maintains a direct relationship with his client, supervises the delegated work, and has complete professional responsibility for the work product. A lawyer can employ nonlawyers to do any task for him except counsel clients about law matters, engage directly in the practice of law, appear in court or appear in formal proceedings as a part of the judicial process, so long as it is he who takes the work and vouches for it to the client and becomes responsible to the client." *ABA Opinion 316 (1967)*

"A lawyer cannot delegate his professional responsibility to a law student employed in his office. He may avail himself of the assistance of the student

in many of the fields of the lawyer's work, such as examination of case law, finding and interviewing witnesses, making collections of claims, examining court records, delivering papers, conveying important messages, and other similar matters. But the student is not permitted, until he is admitted to the Bar, to perform the professional functions of a lawyer, such as conducting court trials, giving professional advice to clients or drawing legal documents for them. The student in all his work must act as agent for the lawyer employing him, who must supervise his work and be responsible for his good conduct." *ABA Opinion 85 (1932)*

Public Policy

Annotations to the Model Code of Professional Responsibility explain the public policy reasons behind the Code:

"The prohibition against practice of law by a layman is grounded in the need of the public for integrity and competence of those who undertake to render legal services.

A layman who seeks legal services often is not in a position to judge whether he will receive proper professional attention. The entrustment of a legal matter may well involve the confidences, the reputation, the property, the freedom, or even the life of the client. Proper protection of members of the public demands that no person be permitted to act in the confidential and demanding capacity of a lawyer unless he is subject to the regulations of the legal profession.

A nonlawyer who undertakes to handle legal matters is not governed as to integrity or legal competence by the same rules that govern the conduct of a lawyer. A lawyer is not only subject to that regulation but also is committed to high standards of ethical conduct.

A person who entrusts legal matters to a lawyer is protected by the attorney-client privilege and by the duty of the lawyer to hold inviolate the confidences and secrets of his client."

Cases in several states illustrate the results of allowing law students to do legal work without sufficient supervision. The Supreme Court of Indiana affirmed that allowing law students to answer telephone inquiries concerning legal matters was sufficient evidence of professional misconduct to disbar an attorney (*In re Zarko Sekerez*, 458 N.E.2d 229 (Ind. 1984)).

In Iowa an attorney's license was suspended for failure to properly supervise a legal assistant [*Committee on Professional Ethics and Conduct of the Iowa State Bar Assn. v. Lawler*, 342 N.W.2d 486 (Iowa 1984)]. The Supreme Court of New Jersey publicly reprimanded an attorney for aiding in the unauthorized practice of law when his law clerk (who was not yet sworn in) represented a client in court without the lawyer's knowledge. The law clerk was also reprimanded by the Committee on Character of New Jersey [*In the Matter of Siegmar Silber* 497 A.2d 1249 (N.J. 1985)].

Summary

My search for a policy statement about law students and the unauthorized practice of law led me instead into the rules and regulations governing the practice of law and the policy statements that support those rules and regulations. A lawyer cannot aid a nonlawyer in the practice of law. A student cannot practice law on his or her own without a limited license, and/or without the supervision of a licensed attorney. To do otherwise may subject the student to criminal sanctions and prevent him or her from continuing in a legal career.

The following policy statement condenses the rules, regulations, and public policy reasons that apply to law students, legal employment, and the unauthorized practice of law:

Law Students, Legal Employment and the Unauthorized Practice of Law

A lay person who seeks legal services often is not in a position to judge whether he will receive proper professional attention. The entrustment of a legal matter may well involve the confidences, reputation, property, freedom, or even the life of

the client. Proper protection of members of the public demands that no person be permitted to act in the confidential and demanding capacity of a lawyer unless he or she is subject to the regulations of the legal profession. The same rules that govern the conduct of a lawyer do not govern the conduct of a law student. The law student is not subject to professional discipline.

A person who entrusts legal matters to a lawyer is protected by the attorney-client privilege and by the duty of the lawyer to hold inviolate the confidences and secrets of the client. Entrusting legal matters to a nonlawyer does not provide those same protections.

Each state has jurisdiction over the practice of law and has established rules and regulations to govern that practice. It is the responsibility of the student to determine from the laws of the state in which he or she may accept legal work any requirements related to attorney supervision of legal work and any additional student practice rules.

Law students may perform legal work only under the supervision of an attorney and so long as it is the lawyer who takes the work, vouches for it to the client, and is responsible to the client.

A lawyer cannot delegate his professional responsibility to a law student employed in his or her office. The student in all of his or her work must act as agent for the lawyer. The lawyer must supervise the student's work and be responsible for the student's good conduct.

A law student who undertakes legal representation without the supervision of a licensed attorney may be subject to criminal or civil penalties for the unauthorized practice of law. ■

Public Interest Discussion Group Formed

A new group, comprised of law school staff who devote the majority of their time to public interest advising and programming, has recently been formed. The first meeting of the group was held this past December at Fordham University School of Law. The group's next meeting will be May 22, 1995, at Harvard Law School. Any law school staff member who devotes a significant portion of time to public interest programming or advising is welcome to attend.

For additional information contact: Stacy DeBroff, Director, Public Interest Office, Harvard Law School, (617) 495-3108 or Kimberly Emery, Assistant Dean for Public Service Placement, University of Virginia School of Law, (804) 924-7349. ■

Desiré Peterson Joins NALP Staff

NALP welcomes Desiré Peterson as the Administrative Assistant on the NALP staff. Many members have already spoken to Desiré when they called the NALP office. She assumed the position of Administrative Assistant on a temporary basis on October 31. On January 1, she officially became part of the NALP administrative staff. Immediately prior to coming to NALP in late October, Desiré "temped" for the Office of Career Services at the Georgetown University Law Center. She thus came to NALP having just experienced a law school career services office at the most frenetic time of the year for career services and recruitment professionals.

"I look forward to meeting NALP members at the Annual Education Conference in Cleveland," notes Desiré. ■

University of Hawai'i at Mānoa

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Office of the Dean

July 2000

TO: Law School Community

FROM: Lawrence C. Foster *LCF*
Professor and Dean

SUBJECT: Bulletin Boards

This school relies on the posting of information on bulletin boards to communicate certain information.

There are several bulletin boards located throughout the law school campus. In addition, e-mail may be used to post notices of general interest to the law school community (see Memo on E-mail Protocol). The posting of bills on building walls, doors and other surfaces on the law school campus is not allowed. Tapes and other adhesive materials destroy the paint surface.

The set up of the bulletin boards is as follows:

1. The glass bulletin boards located on both sides of the hallway around the corner from Classroom 1 are the official location for school announcements. Students should check these boards daily.
2. The board located inside and outside the Faculty Lounge is for all flyers, letters and memos of general interest to the faculty.
3. The student bulletin boards inside and outside the Student Lounge are for items of interest to all students, such as items for sale or wanted, typing services, student organization notices, student activities, scholarships, writing competitions, etc. A "Free Speech" board is located in the courtyard near the elevator. The board is cleared at the end of each month.
4. The bulletin board located just inside the front doors of the Administration Building is used to announce clerkship opportunities, non-Hawaii summer internships and some placement information.
5. The glass display case in the student hallway is for special displays by the SBA and other organizations. Please see the Associate Dean if you would like to use this space.
6. To use the Law Library bulletin board, please see the librarian.

Please let us know if the above-described use of bulletin boards proves inconvenient to anyone in the law school community. Direct all inquiries to the Associate Dean.

UNIVERSITY OF HAWAII AT MĀNOA

The William S. Richardson School of Law
Office of the Dean

July 2002

TO: All Students

FROM: Lawrence C. Foster *LCF*
Professor and Dean

SUBJECT: Messages, Appointments, Food, Facilities, Campaigns & Fundraising Activities, etc.

1. Dean's Office: The Dean and the rest of the Administrative personnel are in and out of their offices throughout the day. If we are here and free, please do not hesitate to see us. Otherwise, please make an appointment to see us.
2. Arranging To See Faculty: Each faculty member will post his or her office hours and e-mail address on the bulletin board opposite the Faculty Secretaries' Office or on the door to their office. Appointments to see them at other times should be made by calling them directly or contacting them by email. Messages may also be left for them by contacting the faculty secretary assigned to each faculty member (Room 252, or call 956-7629).
3. Student Messages: If someone outside the school needs to leave a message for you, please ask the person to call the Student Lounge, 956-8633. Anyone answering the phone should leave a message for you on the alphabetized student message board located on the second floor by Student Organizations. This is not a completely reliable way of reaching you but we do not have the facilities for anything more elaborate.
4. Emergency Messages: The Administration will accept emergency messages only, and will interrupt classes to deliver them to you there. The Library staff will likewise accept emergency messages only, and deliver them to your carrel.

If you know that an emergency situation is possible, please make prior arrangements with me for the delivery of emergency messages. "Emergencies" are generally medical in nature.

5. Use of Rooms: The six seminar rooms and the five main classrooms (when unlocked) can be used by student study/discussion groups on an "as available" and "first come" basis without prior clearance. A late class, an examination, a special event, or any formally scheduled event or class takes precedence. If you want to use a room other than these seminar rooms or the five main classrooms, you must see the Associate Dean or his/her secretary. Please limit your studying to the Library or the rooms described above. When using such rooms, be sure that they are closed and secured when you leave.

Please note that the storage of books, study aids and other personal effects must be confined to lockers in the Student Lounge. The rest of our facilities including all classrooms and seminar rooms are open to all students and therefore inappropriate for personal storage. This rule will be strictly enforced.

Issuance of Classroom Keys: Student organizations may reserve rooms for use during the day or after hours. In cases of special need, **one person** from the law student organization may be authorized to obtain/return key(s) from the law school for the room(s). If that person is unable to come to the Law School and pick up the key(s) the organization **must designate in writing** who will be authorized to pickup/return the key(s). Keys are to be returned **ASAP** and no later than **8:30 a.m.** the next working day. Should it be a weekend or a holiday event then the key(s) must be returned the next working day at 8:30 a.m., e.g. Monday. If the Associate Dean's office does not receive the key(s) by then, this would affect future usage of law school facilities for that organization. A lost key fee of \$25.00 will also be charged.

- 6. Building Security and Lock-up:** Because our classroom building is built in a series of modular blocks, access to a particular module may be required before use of a specific room within that module is possible. Campus security rules prohibit our leaving all modules open to free access at all times. This is particularly difficult in relation to the Student Lounge and the Student Message Board. We are prohibited from leaving the access doors to the corridors in that area open all the time. We lock the access doors at 4:15 p.m., weekdays. They will not be open on Saturdays, Sundays, or holidays.

A key allowing access to this corridor is kept at the front desk in the library and may be checked out by law students.

The main classrooms will be locked at 4:30 p.m. When open and not in use, these rooms are available for student study/discussion groups, as noted above. They will not be left open, however, for study later than the normal lock-up time. The same is true with the rest rooms on the ground floor of the courtyard; they will be locked at 4:30 p.m. each day. The rest rooms on the upper level of the courtyard will remain open.

NOTE: Please maintain the confidentiality of any unlocking combinations that you may know. Our building is readily accessible to pedestrian traffic; our only security is our ability to lock certain doors. Should we suffer any property loss or damage, we may not be able to keep the rooms available for study groups.

CAUTION: For your safety, if you must be on campus in the evening or late at night, we urge you to take advantage of campus security's dusk to dawn escort service (dial **956-8211**, on campus phone **6-8211**), to travel in groups, and to know where the nearest emergency call boxes with blue lights are located. There is one located in Zone 17 parking lot adjacent to the law school at the mauka, diamond head entrance to the building. For emergencies call Campus Security (dial **956-6911**, on campus phone **6-6911**). For non-emergencies dial **956-8211**, on campus phone **6-8211**.

7. **Two-Wheeled Vehicle Parking:** Parking spaces for bicycles, mopeds, motorcycles, motorbikes, or other two-wheeled vehicles are provided at the Ewa ends of both the library and classroom buildings. Parking such vehicles along the railings or in the corridors of the classroom building is prohibited by University policy. Violators will be referred to Campus Security.

8. **Storage, Preparation, Consumption of Food:** Unrefrigerated food is not to be kept or stored anywhere on the Law School campus. Food is not to be cooked or prepared in any room or building at the Law School; food preparation is limited to outside areas. Food may be consumed in the Student Lounge (Room 255) and our courtyard. Consumption of food in all other places unfortunately creates problems which our limited janitorial staff cannot handle, and which could lead to serious damage to the building. Please do not consume food in any other part of the building, including classrooms, even during study/discussion group sessions. You can obtain prior permission from the Administrative Officer for events which include food, in these otherwise restricted areas. Be sure to have arrangements for clean-up when seeking such permission.

The consumption or storage of food and beverages in the library building is prohibited. This prohibition includes your carrel and all side rooms in the library. Food crumbs attract bugs, and bugs eat books when they run out of crumbs. The bugs are smarter than we are, and that threatens our collection. Students who bring in food and drink will be asked to leave the library building.

9. **Smoking:** Smoking is prohibited inside the Law School and the courtyard. Smoking is only permitted in front of the law administration building, the railing by CR 4 and in the parking lot area. These smoking areas are subject to change in accordance with University policy and regulations.

10. **Get Togethers:** We encourage the use of our courtyard for get togethers, subject to the following:
 - a. If your group wishes to have an event in the courtyard, you must plan for and reserve its use in advance. If night classes are scheduled, or a special lecture, such events will take priority. Scheduling of events is accomplished through the Associate Dean.

 - b. Cooking, particularly over open fires, will not be permitted in the courtyard in conjunction with a party. However, charcoal grills, etc., may be set up at the rear of the building (the Administrative Officer will show you where), and the food brought into the courtyard for consumption at a party held there. The reason for this restriction is to protect the courtyard from grease stains on the concrete floor (they are virtually impossible to remove), from smoke being trapped in the courtyard, or worse, from it staining the walls and ceilings of the balcony overhangs, etc.

 - c. Remember, if you wish to serve beer or wine at your event, whether held in the courtyard or elsewhere in the building, permission must be secured through the Assistant Dean at least one week in advance. This is a University policy which the Law School is not authorized to waive.

 - d. Clean up is the responsibility of the students, not our janitors. Please return all tables and chairs to their original location and wipe down furniture if necessary.

11. **Student Mail:** The Law School may not be used as an address for receipt of students' mail. Unfortunately, we do not have the facilities or staff to provide this service even for law related mail.
12. **Campaign & Fundraising Activities:** Under HRS Chap. 84, the following activities violate the state ethics code:
 - a. using state time, equipment, supplies, or state premises for campaign activities or campaign purposes
 - b. using state personnel during state time for the purpose of performing campaign tasks or activities
 - c. using the state mail or messenger service for campaign purposes
 - d. soliciting campaign contributions or campaign assistance by sending letter addressed to state officials or employees at their state offices
 - e. using one's state position to give unwarranted advantages of preferential treatment to campaigns
 - f. selling fundraiser tickets to, or soliciting the purchase of fundraiser tickets from, subordinates or businesses or persons supervised or inspected
 - g. candidates walking through state agencies for campaign purposes.

These rules also apply to the use of the law school e-mail lists and all mailtrays.

The State Ethics Commission informs us that students are also under the same restrictions as state employees and officials, if state property is involved.

University of Hawai'i at Mānoa

The William S. Richardson School of Law
2515 Dole Street • Honolulu, Hawai'i 96822
Telephone: (808) 956-6363 Facsimile: (808) 956-6402

Office of the Dean

July 2002

TO: Law School Community
FROM: Lawrence C. Foster *LCF*
Professor and Dean
SUBJECT: E-mail Policy

A. E-Mail Accounts

E-Mail: Every law student is required to have an e-mail address to receive communication from the law school. If you already have an e-mail address, you can provide it to us during registration. Please advise the front desk or e-mail csshelp@hawaii.edu of any changes to your e-mail address. If you don't presently have an e-mail address or if you would like a university e-mail address as an additional address, you may obtain a University e-mail address for free.

1. To obtain a free university e-mail account and obtaining an ITS user name and password, you may either: a) personally sign-up at the computer lab in Keller Hall Room 105, Monday - Friday between 8:00 a.m. and 4:30 p.m. and select your password. You will need your student identification card and registration slip (call ITS Help Desk at 956-8883 for information); or b) sign-up through the web by filling out and submitting the appropriate information at www.hawaii.edu/cgi-bin/idrequest.
2. If you have an existing e-mail account with a commercial provider and wish to continue using it, you can forward all of your "hawaii.edu" e-mail to your commercial account. For help in creating an e-mail forwarding file from your university e-mail account, send e-mail to csshelp@hawaii.edu.
3. Access to a university e-mail account is easy if you are on campus. There are computer stations at the law school, law library and computer labs at upper campus. For off-campus access, you may dial into the two modem pools (14.4K and 28.8K SLIP/PPP) operated by the university or you may seek an alternative access provider. Commercial providers are also available.
4. E-mail and e-mail lists are used extensively to communicate about a variety of law school related matters. To have your e-mail address added to the lists, e-mail to csshelp@hawaii.edu. A more detailed directory will be provided to you later.

Faculty and deans	law-faculty-l (letter "l")		
Faculty, staff & admin.	law-l		
All law students	lawstu-l		
PreAds	lawpread-l	TwoLs	law21-l
OneLs	law1l-l	ThreeLs	law31-l

5. To block/filter unwanted e-mail on Eudora, Outlook Express or Pine, go to www.hawaii.edu/law/questions.html.

B. E-Mail Etiquette and Rules

In the tradition of e-mail list owners everywhere, we are posting a list of good manners and rules when participating in lists at the law school. All users have the responsibility to operate the University Computing systems in an ethical, lawful and responsible manner.

1. The law school and the university do not tolerate discrimination and/or harassment of any kind regardless of the format/medium. Using law school e-mail lists for political purposes or non-law school fundraising solicitations is prohibited. Obscene e-mail is comparable to obscene phone calls or letter. Laws relating to child pornography, obscenity & defamation apply in electronic environments.
2. Think before you post. Do you really want to say this to another person? Think twice before you post to a list. Reread what you wrote; once a message is sent, it can't be retrieved. Also, always assume that what you write will not be confidential, it is always retrievable (even if you delete it) and is always discoverable by a court of law. By accident or design, it is all too easy for private e-mail messages to become public subject matter.
3. **DON'T SHOUT** – unless you really mean it. The use of all uppercase letters is considered shouting, and therefore rude. Part of the problem with all caps is that it is harder to read than mixed case. The other problem is that since facial expression and tone of voice are missing from e-mail, some way to express strong opinions (either positive or negative) is needed so ALL CAPS has been designated. Another convention that had emerged is to use the asterisk to denote **emphasis** on a word or series of words short of shouting. You can also use smiley faces :-) or frowns :-(.
4. Do not "flame." Flaming is an emotionally charged posting, typically directed at an individual, e.g. "Fred, I am SICK AND TIRED of reading your garbage on the list; how can you be SO DUMB!" As in face-to-face communication, think before you speak/write.

It is all too easy to sit in front of a terminal by yourself and say inappropriate, insensitive, or inconsiderate things that you would/should never say in a face-to-face conversation. You are a professional, and it is generally agreed that professionals do not act this way. As with offensive communications relating to discrimination and/or harassment, flaming will not be tolerated on the law school listservs.

5. Because of its impersonal nature and lack of ability to show tone and body language, it is all too easy to appear to be curt in e-mail. If you are curt in real life and are happy with that persona/reputation, so be it. Otherwise, you should take care to "soften" messages.
6. Be careful when you reply to a message. If you only want to reply to the sender, watch the cc line in the address to be sure you are not inadvertently sending your reply to everyone. Again, remember that even if you intend to only send a reply to the sender, your message could still wind up being broadcast to a wider audience (see #1 above).
7. Try to avoid re-sending a copy of the entire first message and/or subsequent replies. Sometimes it is helpful to follow the thread of a "conversation" on e-mail and thus keep all the messages in one long thread, but the thread can get very long very fast and eat up a great deal of space on your system. As an alternative, be sure the subject line your message header clearly identifies the topic you are addressing.
8. It is generally a good idea to "sign" your e-mail at the end. Try to stick with your name and not include elaborate signature lines.
9. On many e-mail systems, it is not easy to correct typos/grammar or otherwise edit a text. Most e-mail communications begin and end as first drafts. Be tolerant of those who do not type perfectly, and who do not write perfectly constructed sentences/paragraphs in a first draft. On the other hand, if the errors or first-draft nature of the text create ambiguity, feel free to **politely** seek clarification.




UNIVERSITY OF HAWAII

THE WILLIAM S. RICHARDSON SCHOOL OF LAW
OFFICE OF THE ASSOCIATE DEAN

July 2000

TO: Student Organization Leaders

FROM: Carol Mon Lee
Associate Dean 

SUBJECT: Procedures & Rules for the Use of Law School Facilities

Please advise your members of the rules regarding the use of our facilities by your organization.

1. **Notification of Events** -- Inform the Associate Dean about all meetings and/or events. As the keeper of the "master calendar," the Associate Dean's office can double check for any conflicts. The dates will also be placed on the law school calendar of events. The calendar is published every Monday so please provide information to my office by Wednesday of the preceding week (e-mail: lawnews@hawaii.edu). The calendar is posted on several bulletin boards and distributed via e-mail.
2. **Room reservations and keys**. Reserve rooms and courtyard early through the Associate Dean's Office to avoid problems and/or conflicts. There is a \$25.00 fee for lost keys.
3. **No liquor without a valid permit**. If you plan to serve any liquor at an on-campus function, you must file for a permit from the Assistant Dean's office. Plan ahead: it can take up to two weeks for approval of a permit as it must be approved by the University of Hawai'i Dean of Students.

Practicing lawyers have a high rate of substance abuse (drugs and alcohol). Your organization should make a conscious effort not to encourage excessive drinking at your law school functions whether held on or off campus. As for drugs, a felony conviction for drug possession is likely to result in the end of a career in law. You should also be aware of the most current University and/or school policies adopted on this matter.

4. **Post no bills**. Do not tape announcements on any doors. This is reserved for emergency announcements only.
5. **Clean up**. Move tables and chairs back to where you found them, pick-up all rubbish, and clean up all food and spilled drinks. Janitors do not work in the evenings or on weekends. Classrooms are often used on Saturday mornings, so please return all classrooms back to their original condition.
6. **Display case**. The glass display case in the student hallway is for student organizations. If your organization would like to reserve the case, please contact the Associate Dean. Exhibits will rotate regularly.
7. If you are having an evening function -- please be considerate about noise. If you are having a daytime function -- please do not disturb the classes.

Thanks for your help!

ORIENTATION: FALL 2000 StudOrg.F00

2515 DOLE STREET • HONOLULU, HAWAII 96822-2328
TEL (808) 956-8636 • FAX (808) 956-6402 • INTERNET www.hawaii.edu/law

**LAW STUDENT PUBLIC SERVICE
(PRO BONO) PROGRAM
INFORMATION AND FORMS PACKET**



**Pro Bono Program
University of Hawai'i at Manoa
William S. Richardson School of Law
2515 Dole Street, Room 225
Honolulu, Hawai'i 96822
Tel: (808) 956-6785 Fax: (808) 956-9439
Email: probono@hawaii.edu
Web Page www.hawaii.edu/law/probono.html
James H. Pietsch, Pro Bono Program Advisor**

(Revised July 2001)

**WILLIAM S. RICHARDSON SCHOOL OF LAW
LAW STUDENT PUBLIC SERVICE (PRO BONO) PROGRAM**

HIGHLIGHTS OF THE PROGRAM

The Law Student Public Service (better known as "Pro Bono") Program introduces the concept of pro bono service to law students. The program allows law students to address unmet legal needs in the community while enriching their legal education. The preparation of lawyers who recognize the importance of their public service obligations is an important objective of the William S. Richardson School of Law.

The definition of pro bono is construed liberally and encompasses government service, including any federal, state, or local government agency or court. Law students are encouraged to provide a portion of their pro bono service for indigent clients. Successful completion of the pro bono service requirement is a condition for graduation. The pro bono requirement began with the entering class of August 1992. All law school admittees are given notice of the pro bono graduation requirement when acceptance letters are sent to them.

A. PRO BONO PROGRAM GUIDELINES

1. Except for transfer students, law students who enroll in the William S. Richardson School of Law must complete 60 hours of pro bono service prior to graduation. Transfer students must complete a total of 10 hours of pro bono service for every semester enrolled in the William S. Richardson School of Law.
2. Law students are solely responsible for locating pro bono work and qualified supervisors. They are also responsible for the timely submission of required documentation, including registration forms, time sheets, student critiques and supervisor evaluations. The deadline for graduating students for completion of their pro bono requirements, including submission of all required documentation, is the last scheduled day of classes of the semester. Only the Dean or Associate Dean may grant extensions to this deadline.
3. Except for certain restrictions on the first year law student and preadmission student pro bono activity, the 60-hour requirement may be fulfilled during one or more semesters and during the winter, spring, and summer recesses. First year law students may only perform approved pro bono service starting with the winter recess of their first year after completion of examinations for the first semester. Non-matriculated pre-admission students are only authorized to perform up to 12 hours pro bono service during the spring semester and up to 20 hours during the summer recess, and only with the pre-approval of the Pre-admission Director
4. The 60-hour pro bono work requirement may be fulfilled with one or more approved agencies, individuals, organizations, or projects. Students are encouraged to perform at least 20 hours of pro bono service with an organization receiving funding from the State of

Hawai'i Judiciary's Indigent Legal Assistance Fund or with an attorney or organization providing similar legal services to indigent clients in Hawai'i or in another jurisdiction.

5. Pro bono work must be approved by the Pro Bono Program Advisor. For pre-admission students, pro bono work must be approved in advance by the Pre-admission Director prior to submission to the Pro Bono Advisor.

B. PRO BONO WORK CRITERIA

1. Pro bono work must conform to the following definitions of public interest legal service:

- a. **Indigent Legal Assistance--Poverty Law:** Legal services in civil and criminal matters of importance to a client who does not have the financial resources to compensate counsel;

All legal services provided to organizations receiving funding from the State of Hawai'i Judiciary's Indigent Legal Assistance Fund (ILAF) meet this definition. Eligible ILAF providers for 2001-2002 are:

- Domestic Violence Clearinghouse and Legal Hotline
- Hawai'i Disability Rights Center
- Kokua Legal Services, Inc.
- Legal Aid Society of Hawai'i
- Na Loio—Immigrant Rights and Public Interest Legal Center
- Native Hawaiian Legal Corporation
- Senior's Law Program (Kaua'i)
- University of Hawai'i Elder Law Program
- Volunteer Legal Services Hawai'i

- b. **Civil Rights Law:** Legal representation involving important interests belonging to every citizen;
- c. **Public Rights Law:** Legal representation involving an important right belonging to a significant segment of the public;
- d. **Charitable Organization/Public Agency Representation:** Legal service to charitable, religious, civic, governmental, and educational institutions in matters in furtherance of their organizational purpose;
- e. **Administration of Justice:** Activity, whether under bar auspices or otherwise, which is designed to increase the availability of legal service, or otherwise improve the administration of justice;

- f. **Environmental Law:** Legal representation of environmental organizations dedicated to the protection, preservation, and wise use of the environment;
 - g. **Native Rights Law:** Rights which emanate from the status of native people including Hawaiians as an aboriginal people and from the political status of the Hawaiian Kingdom prior to 1893.
2. Pro bono work must be uncompensated and must not be for academic credit and must be work for which the supervisor does not charge a fee, or charges a substantially reduced fee.
 3. Pro bono work must involve legal service and must be approved by the Pro Bono Program Advisor.
 4. Pro bono work must be supervised by an attorney, a law school faculty member, or other qualified supervisor as may be approved in advance by the Pro Bono Program Advisor. Law students are not authorized to act as supervisors.

C. LAW STUDENT RESPONSIBILITIES

1. Identify pro bono work that conforms to the pro bono work criteria and locate a supervising attorney, law school faculty member, or other qualified person to supervise the pro bono work.
2. Submit all required forms by deadline indicated in the guidelines to the Pro Bono Program Advisor. Forms are available in the Pro Bono Program office, the associate dean's office or download from www.hawaii.edu/law/probono.html.
 - a. Submit registration forms for all pro bono placements. These forms must be signed by the law student and by the qualified person who agrees to supervise the pro bono work of the law student and who agrees to follow the Pro Bono Program ground rules. No pro bono work credit will be granted without a registration form. Only the Pro Bono Program Advisor may approve pro bono work.
 - b. Submit time sheets to the Pro Bono Program office, signed by the law student and qualified person who supervised the pro bono work, indicating the number of pro bono hours performed. No pro bono work credit will be granted until approved time sheets are submitted.
 - c. Submit student's critique of pro bono placement form and supervisor's evaluation of student form for each placement to the Pro Bono Program office. No pro bono work credit will be allowed until approved critique and evaluation forms are submitted.
3. Maintain copies of forms and correspondence submitted to the Pro Bono Program office.

4. Check the pro bono section of the student bulletin board for information about the program and possible pro bono opportunities and contact the Pro Bono Program Advisor for guidance and assistance concerning questions about and/or problems with the Pro Bono Program.

D. DEFINITIONS

1. "Attorney" is a person who is certified or provisionally certified to practice law in the State of Hawai'i by the Supreme Court of Hawai'i or authorized to practice in another jurisdiction.
2. "Pro Bono Program Advisor" is the Associate Dean or other law school faculty member selected by the Dean of the Williams S. Richardson School of Law to administer the Law Student Pro Bono Program.
3. "Law school faculty member" is a person who is a professor, associate professor, assistant professor, visiting professor, or adjunct professor at the William S. Richardson School of Law.
4. "Law student" is a person who has matriculated and who is enrolled at the William S. Richardson School of Law, and who is seeking a Juris Doctor Degree. This term shall also apply to persons who are enrolled as transfer students at the William S. Richardson School of Law.
5. "Pre-admission student" is a person who has not matriculated as a law student but who is enrolled in the William S. Richardson School of Law pre-admission program.
6. "Pro bono" means "for the public good" in the ordinary sense of the term, including any legal work performed without compensation which is provided for needy clients at no cost (or at a substantially reduced cost) to the client or which is performed in the public interest. The notion of pro bono espouses no partisan program or philosophy. It is work which, judged on the merits of the issue addressed, furthers justice, fairness and the public good rather than the interests of a client who is represented on the familiar commercial terms. It does not include service that is otherwise required of an individual, such as jury service.

E. PRO BONO PROGRAM ADVISOR

1. The Dean of the Law School shall designate the Associate Dean or a faculty member to serve as the Law School Pro Bono Program Advisor.
2. The Pro Bono Program Advisor:

- a. Supervises pro bono program staff and volunteers and provides guidance and assistance to law students concerning questions about and/or problems with the Pro Bono Program.
- b. Maintains a list of agencies, individuals, organizations, and projects that qualify for placement under the pro bono criteria.
- c. Is the approval authority for law student pro bono work that satisfies the pro bono criteria. Note that only the Dean or the Associate Dean may grant extensions to the pro bono service completion deadline for graduation.
- d. Maintains records of the progress of each law student and submits pro bono completion notices to the assistant dean.
- e. Posts information about the Pro Bono Program and possible pro bono opportunities on the pro bono section of the student bulletin board or by other means.

F. PRO BONO PROGRAM COMMITTEE

- 1. The Pro Bono Program Committee consists of:
 - a. Three law school members designated by the Dean. The Pro Bono Program Advisor shall be one of the committee members; and
 - b. One law student designated by the Student Bar Association.
- 2. The Pro Bono Program Committee:
 - a. Rules upon law student appeals concerning law student proposals for pro bono work projects or concerning credit for service provided;
 - b. Make general policy decisions to assist the efficient administration of the program;
 - c. Amend provisions of pro bono service policies, without reducing any requirements, for the purpose of enhancing the efficient operation of the Law Student Public Service Program.

G. PRO BONO PROGRAM OFFICE

The Pro Bono Program is located in the law school building and employs administrative staff under the supervision of the Pro Bono Program Advisor.

**Pro Bono Program
Ground Rules/Professional Responsibility/Confidentiality**

Students participating in the William S. Richardson School of Law Pro Bono Program are not covered by the so called "student practice rule" of the Rules of the Hawai'i State Supreme Court, thus you may not give legal advice, or make formal appearances in court or otherwise engage in the practice of law. Nevertheless, many of you during the course of your pro bono placement will be working on actual cases involving real clients. You should know that even though you are still a student and not a licensed attorney, the Code of Professional Responsibility still applies because you are working (or should be working) as the agent of a licensed attorney.

One of the most difficult aspects of law practice is confidentiality. We are all accustomed to talking with our friends, families and others about the things that happen in our day at the office or school. Many of the "stories" you will encounter in your law work will certainly be intriguing "gossip." Hawai'i's Rule of Professional Conduct 1.6 expressly states that a lawyer and those working for the lawyer may not reveal information relating to representation of a client unless the client consents or the disclosure is otherwise permitted.

This confidentiality includes not disclosing the legal research and drafting you might be performing for a client. If opposing counsel in any kind of legal matter, such as litigation, business planning, real estate development can get a clue as to what your research and/or drafting strategies might be, your client could be put at a serious disadvantage. You should not discuss your research with your classmates and, while working in the law library either here at UH or downtown, you should not leave copies of office memos or other materials lying in plain view in your carrel. Our legal community in Hawai'i is a very small one. Oftentimes, the student sitting in the carrel next to yours is clerking for opposing counsel. Thus, much of what you encounter by way of human drama or interesting/difficult/boring research questions in your law work cannot be discussed with people outside the office. The risks to you and the attorney of revealing a confidence or secret of a client are great.

An attorney violating this rule risks revocation of his or her license to practice law. A law student violating this rule risks not being licensed.

**Pro Bono Program
List of Required Forms/Reports**

These are forms currently being used in the Pro Bono Program. Forms are available in the Pro Bono Advisor's Office, in the Associate Dean's Office, or on the Pro Bono web site—www.hawaii.edu/law/probono.html. Students are required to keep copies of all documents submitted to the Pro Bono Advisor.

FORM	WHEN NEEDED
<i>Letter to Supervisor:</i> Information to potential supervisor; understanding of supervisor of Pro Bono Program ground rules.	To be submitted to potential supervisor along with registration form.
<i>Registration Form:</i> Basic information about proposed work; agreement of supervising attorney and student; Pro Bono Program Advisor approval.	Before starting work with a new agency. Student is responsible for maintaining a copy for his or her personal records.
<i>Time Sheet:</i> Records hours of service and types of work done. Requires signature of supervising attorney and approval by Pro Bono Program Advisor.	Whenever significant service is finished. Separate time sheets must be kept for each organization the student serves. Student is responsible for maintaining a copy for his or her personal records.
<i>Student's Critique:</i> of the pro bono experience.	Upon completion of service for a given agency/supervisor. Student is responsible for maintaining a copy for his or her personal records.
<i>Supervisor's Evaluation:</i> of the student's performance.	Upon completion of the student's work for a given agency/supervisor.
<i>Individual Student's Report:</i> of hours completed.	Upon submission of required forms. Also available on request from the Pro Bono Program Office.
<i>Pro Bono Program Completion Report:</i> Summary of student's pro bono experience; hours worked, agencies served, etc. Becomes part of the student's permanent file.	Submitted to records upon completion of pro bono requirement. The deadline for graduates for submission of <u>all required forms</u> is the final day of classes for the semester.

University of Hawai'i at Manoa

The William S. Richardson School of Law
Law Student Public Service (Pro Bono) Program
2515 Dole Street Honolulu, Hawai'i 96822
Telephone: (808) 956-6785 Facsimile: (808) 956-9439
e-mail: probono@hawaii.edu

TO: Potential Pro Bono Program Supervisor

FROM: James H. Pietsch
Pro Bono Program Advisor
William S. Richardson School of Law

Thank you for your interest in our Pro Bono Program. If you have any questions or suggestions about the program, please call me at 956-6785 and I would be happy to discuss the program with you.

The Law Student Public Service (better known as "Pro Bono") Program introduces the concept of pro bono service to law students. The program allows law students to address unmet legal needs in the community while enriching their legal education. The preparation of lawyers who recognize the importance of their public service obligations is an important objective of the William S. Richardson School of Law. Successful completion of the pro bono service requirement is a condition for graduation and conferral of a Juris Doctor Degree

We have a limited number of students, so we cannot guarantee that students will volunteer to work with your organization. We will, however, do our best to make the students aware of the availability of a placement with you. To this end, we suggest that you keep on file with us an updated, brief description of what duties a student might be expected to perform at your office. Please be sure to include the name and phone number of the contact person at your office. Please understand that neither supervisors nor students can change the following guidelines without the concurrence of the Pro Bono Program Advisor or the Pro Bono Program Committee.

Pro Bono Ground Rules

1. Except as provided in Rule 7 of the Rules of the Hawai'i State Supreme Court, students participating in this program are not covered by the so called "student practice rule", thus they may not give legal advice, make formal appearances in court or otherwise engage in the practice of law.
2. It is anticipated that students will generally be supervised directly by an attorney licensed to practice law in the State of Hawai'i. Exceptions to this general rule must be approved in advance of any placement by the Pro Bono Program Advisor.

3. Supervision of students participating in the Pro Bono Program is the sole responsibility of the supervising attorney or other approved supervisor.
4. Work assigned to students under this program should be law-related and not simply clerical.
5. Each student, upon completion of a placement, will complete a written critique of the placement and submit it to the Pro Bono Program Advisor. Each supervisor will be requested to provide an evaluation of the student's pro bono work. All recent written student critiques and supervisor evaluations will be kept on file for review by law students. .
6. Students may not be compensated nor receive academic credit for any work done under this program.
7. The legal work must conform to concept of "pro bono" which means "for the public good" in the ordinary sense of the term. Pro bono work includes any legal work performed without compensation which is provided for needy clients at no cost (or at substantially reduced cost) to the client or which is performed in the public interest.
8. All work done by the student under the program must be recorded on a Pro Bono Program time sheet and each time sheet must be signed by the student and the student's supervising attorney before it is submitted to the Pro Bono Program Advisor.
9. For each placement, a Pro Bono Registration Form must be signed by the student and the supervising attorney and should be submitted to the Pro Bono Program Advisor for approval prior to commencement of pro bono work.

Once again, please call me if you have any questions or suggestions about the program. Thank you for your interest in our program.

**University of Hawai'i
William S. Richardson School of Law
Pro Bono Program Registration Form**

Current Semester: _____ Year: _____ Anticipated Graduation (Month, Year) _____

Transfer Student? (Yes, No) _____ Currently a Pre-admission Student? (Yes, No) _____

Name of Student: _____

Address: _____

Phone: _____ **E-Mail** _____

Name of Organization: _____

Name of Supervisor: _____

Address: _____

Phone: _____ **E-Mail** _____

Type of Work Planned for the Student: (Use additional sheets of paper as necessary)

(Signature of Supervisor)

(Date)

(Signature of Student)

(Date)

(Law School Pro Bono Program Advisor's Initials)
(Students—keep copies of all documents submitted)

**WILLIAM S. RICHARDSON SCHOOL OF LAW
PRO BONO PROGRAM TIME SHEET**

Student's Name

Supervisor's Name

Student's Signature

Supervisor's Signature

Anticipated Graduation (Month, Year) _____

Transfer Student? (Yes, No) _____ Currently a Pre-admission Student? (Yes, No) _____

Organization Served: _____

DATE	DESCRIPTION OF WORK DONE	HOURS
TOTAL PRO BONO HOURS FOR ORGANIZATION		

Law School Pro Bono Program Advisor's Initials: _____
(Students—keep copies of all documents submitted)

STUDENT'S CRITIQUE OF PRO BONO PLACEMENT

To help evaluate the Pro Bono Program and to help future students decide where to go to fulfill their pro bono requirement, we are asking that you complete this questionnaire and return it to the Pro Bono Advisor at the end of your placement. This form will be compiled in a resource binder which will be made available for future students to read.

Name of Supervisor: _____

Position or Title: _____

Name of Agency (if applicable): _____

1. How would you rate your placement overall?

Poor 1 2 3 4 5 Excellent

Comments:

2. How much time did you devote to the following activities:

		Low	1	2	3	4	5	High
A.	Legal research and writing	—	—	—	—	—	—	—
B.	Conferences with your supervisor	—	—	—	—	—	—	—
C.	Working with clients	—	—	—	—	—	—	—
D.	Clerical work	—	—	—	—	—	—	—
E.	Reviewing legal documents	—	—	—	—	—	—	—
F.	Other duties (please specify)	—	—	—	—	—	—	—

(Continued on next page)

3. Were your expectations met?
4. What type of work did you do?
5. What did you like the best and why?
6. What are the disadvantages and drawbacks, if any, of this placement?
7. How can this placement be improved?
8. Would you recommend this placement to other law students? Why/why not?
9. Do you think that pro bono service should be a graduation requirement? _____ Yes or No

If yes, do you think that authorized activities should be expanded to include public service that does not involve legal services? Please use additional sheets of paper as necessary to explain.

Student's Name: _____ Date _____
(My name may appear in the pro bono directory)

Pro Bono Office cut here if student desires to keep name out of pro bono resource binder

Student's Name: _____
(I wish to keep my name out of the pro bono resource binder.)

SUPERVISOR'S EVALUATION OF STUDENT

Please complete this questionnaire and return it to the Pro Bono Program Advisor,
William S. Richardson School of Law, 2515 Dole Street, Honolulu, HI 96822 or FAX (808) 956-9439

Student's Name: _____

Name of Supervisor: _____

Position or Title: _____

Name of Organization or Agency (if applicable) _____

1. How would you rate this placement overall?

Poor 1 2 3 4 5 Excellent

Comments:

2. How would you rate the student's attitude toward pro bono work (e.g. motivation, initiative, enthusiasm, confidence, relations with others)?

Poor 1 2 3 4 5 Excellent

Comments:

3. Did the student perform work that was of an overall benefit to you?

Yes _____ No _____

Comments:

4. In general, do you feel that the Law School Pro Bono Program serves a useful purpose?

Yes _____ No _____

Comments:

5. Please attach any further comments on this placement and any comments and/or suggestions concerning the Pro Bono Program in general. Thank you for your cooperation.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT

The University of Hawai'i at Mānoa is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, arrest and court record, sexual orientation, and veteran status. This policy covers admission and access to, and participation, treatment and employment in the University's programs, activities, and services. For more information on equal opportunity and affirmative action policies and complaint procedures, contact:

Students: Alan Yang, Dean of Students, 956-3290 (V/T)

Employees: Mie Watanabe, EEO/AA Director, 956-7077 (V/T)

Students with Disabilities: Ann Ito, KOKUA Program Director, 956-7511 (V/T)

ON-LINE EEO/AA RESOURCES

UNIVERSITY OF HAWAI'I

Website Address: <http://www.hawaii.edu>

UH Systemwide Executive Policies

- E1.202: University Statement of Nondiscrimination and Affirmative Action
<http://www.hawaii.edu/svpa/ep/e1/e1202.pdf>
- E1.203: Policy on Sexual Harassment and Related Conduct
<http://www.hawaii.edu/svpa/ep/e1/e1203.pdf>

UH Systemwide Administrative Procedures

- A9.900: ADA Complaint Procedure for Members of the Public Who Have Complaints Regarding Disability Access to University Services, Programs, and Activities
<http://www.hawaii.edu/svpa/apm/pers/a9900.pdf>
- A9.920: Discrimination Complaint Procedures for Employees, Students, and Applicants for Employment or Admission
<http://www.hawaii.edu/svpa/apm/pers/a9920.pdf>

Accessibility to Electronic Information for People with Disabilities

- UHM Accessibility Home Page
<http://www.hawaii.edu/access>

Veteran Affairs

- Manoa Campus
<http://www2.hawaii.edu/admrec/veteran.html>

Studenthandbook2001:Student Handbook 2001\EEEOAA Policy.doc

Rev. 7/2/01

UNIVERSITY OF HAWAI'I AT MĀNOA

**WILLIAM S. RICHARDSON
SCHOOL OF LAW**

Office of the Associate Dean

2515 Dole Street

Honolulu, HI 96822

808-956-8636

www.hawaii.edu/law



**STUDENT HANDBOOK
FALL 2002**

(Students should retain this copy of the student handbook until they graduate)

CONTENTS:

- 1. Mission Statement**
- 2. Academic Regulations**
- 3. Academic Regulations For Pre-Admission to Law School Program**
- 4. Disciplinary Regulations**
- 5. Academic Grievance Procedures (Overview)**
- 6. Academic Grievance Procedures**
- 7. Policies and Procedures for Examinations**
- 8. Policy on Plagiarism**
- 9. Memo on Discrimination & Sexual Harassment**
- 10. Policy on Sexual Harassment and Related Conduct**
- 11. Unauthorized Practice of Law**
- 12. Memo Regarding Bulletin Boards**
- 13. Memo Regarding Messages, Appointments, Food, Facilities, Campaign & Fundraising Activities**
- 14. Memo Regarding E-Mail Policy**
- 15. Memo Regarding Use of Law School Facilities**
- 16. Pro Bono Program Guidelines**
- 17. Equal Opportunity/Affirmative Action Policy Statement and Online Resources**

MISSION STATEMENT

The William S. Richardson School of Law is dedicated to providing excellence in legal education and scholarship and to promoting justice, ethical responsibility and public service. We place special emphasis on fields of law of particular importance to Hawai'i and the Pacific region, such as environmental law, native Hawaiian rights, ocean law, and Pacific and Asian legal studies.

The Law School reserves the right to change, delete, supplement, or otherwise amend at any time and without prior notice the information, requirements, and policies contained in this Handbook.

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UNIVERSITY OF HAWAI‘I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC REGULATIONS

(Revised July 2002)

Read these regulations carefully; all students are presumed to have full knowledge of their contents.

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity without the written consent of the student or former student. Provisions of the Family Educational Rights and Privacy Act (FERPA) shall govern the handling of student records. Under no circumstance will information about a current or former student's academic record (including grades & GPA) be made known to the student over the telephone. A student may request access to his/her academic records by appearing in person at the school, with photo I.D. and by completing a written request to review his/her record. See also section XXVII.

II. Requirements for the Juris Doctor (J.D.) Degree from the William S. Richardson School of Law

A. Full-time residence in the school for at least six academic semesters subject to specified exceptions regarding visiting, transfer, and foreign law programs.

- 1. To be considered "in residence" full-time for law school enrollment purposes, a student must register for at least 12 credits and receive a passing grade for at least 9 of those credits. Withdrawal from a course prior to the completion of the semester that causes the student to fall below twelve credits will result in failure to earn residency. Under extraordinary circumstances and with the prior written permission of the Associate Dean or his/her designee (hereafter referred to as "Associate Dean"), a student may register for as few as 10 credits and still receive full residency for that semester, provided the student receives a passing grade for at least 9 of those credits. In no case may a student earn more than one semester of full-time residence credit during the academic semester.**
- 2. Students may only earn partial residency with the prior written permission of the Associate Dean. Partial residency may only be earned in the three following situations.**
 - a. Students who enroll in and receive credit for six or more credits in an ABA-approved summer law program may receive one-half (.5) a semester of residency.**
 - b. Under exceptional circumstances, a student may register for between 6 and 9 credits and receive one-half (.5) a semester of residency. "Exceptional circumstances" might include parenting, health, care giving and pregnancy. It is anticipated that a student would only be allowed to exercise this option one time. Two semesters of half residency earned under (a) or (b) may be combined to constitute one full semester of residency.**
 - c. A dual degree candidate in his or her terminal law school semester, may combine a half semester of residency earned under (a) with a half semester of law school residency to earn a full semester of residency, provided the student takes at least six**

law school credits in the terminal semester and remains enrolled full-time at the University of Hawai'i, pursuing courses in his or her other degree.

Students who have registered as full-time students but who earn fewer than 9 credits are not entitled to earn partial residency unless they meet the standards set forth in sub-paragraph (b) or (c) above.

3. After the first year, any student in good standing may, with the prior written approval of the Associate Dean, choose to take fewer than 12 credits, with the express understanding that the student will not earn any residency for that semester. This option may not be exercised more than twice.
- B. Eighty-nine or more semester credit hours earned.
 - C. A cumulative grade point average of 2.00 or better in all work taken after the first semester of the first year.
 - D. Completion of the pro bono requirement.
 - E. All required courses including the first year curriculum, Constitutional Law I, Second Year Seminar, Professional Responsibility, and a clinical or skills course from a list of courses satisfying that requirement maintained by the Associate Dean. The requirements are more fully described in the official School of Law Catalog. Required courses cannot be taken at another law school.
 - F. A student must complete the requirements in subparagraphs A-E, above, within five years of admission to the School, not including Pre-Admission semester(s).
 - G. All outstanding obligations to the law school and/or the University such as emergency student loans, keys, parking fines and borrowed library books must be satisfied prior to graduation.
 - H. Students must give careful attention to graduation requirements. **Although students may receive counsel from the School's administration and faculty, students are personally and directly responsible for meeting their graduation requirements.**

III. Special Projects

- A. Special Projects defined.

Special Projects include Externships, directed study, Law Review, Asian-Pacific Law & Policy Journal, foreign law programs (i.e. non-ABA accredited programs, e.g. a semester at the University of the Philippines), Moot Court Team, and Moot Court Board, as well as graduate courses, seminars, etc. taken outside the School of Law at other departments at the University of Hawai'i. Law courses, including summer courses in foreign locations (e.g. Santa Clara University's summer programs in Japan, Korea and Singapore) taken at other ABA-accredited law schools are not counted as Special Projects.

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law career and that the content is of a nature to justify its substitution for courses offered in the law school.

4. All graduate course(s) must be taken for a letter grade. A grade of "C" or better shall be counted as a "Credit" on the law school transcript and will not be computed by the law school in the cumulative grade point average.
5. A student on probation may not enroll in courses outside the law school either during the academic year or the summer.

D. Externships.

1. Except for a Pacific/Asia Externship, an Externship earns two credits. Only students who have completed at least one academic year of study may enroll.
2. A student may earn graduation credit for two Externships (4 credits); however, students electing a Pacific/Asia Externship may not count another Externship toward graduation. Only one Externship may be taken in each of the following sectors: law firm, public agency, judiciary, or state legislature.
3. A student may receive 12 credits and a full residency semester for work during the regular academic year if enrolled in Pacific/Asia Externship. A student earning Pacific/Asia Externship credit may not earn credit toward graduation for another Externship. Pacific/Asia Externships may be approved for placements anywhere out of the state of Hawai'i. There are limits on the number of students per semester that may enroll in Pacific/Asia Externship. A classroom component is required. Advanced approval must be obtained from the Externship Director.
4. Only one Externship will be permitted in any one semester.
5. Students on probation may not enroll in an Externship.

E. Directed Study.

1. Members of the full-time faculty are permitted to supervise up to three students each semester working on Directed Study, Law 576V, and either to give letter grades for these projects or to award "Credit/No Credit" as mutually agreed at the time of enrollment. During the first two years of teaching for a new faculty member, a new faculty member is neither expected nor advised to supervise directed research projects.
2. Such projects shall be limited to no more than three credits unless the faculty member supervising the project, on written petition setting forth the reasons, secures approval from the faculty to award more credit prior to the beginning of the semester in which the project is to be undertaken.
3. A decision whether the project shall receive a normal grade or "Credit/No Credit" shall be made by the supervising faculty member and entered into the student's record at the

B. Restrictions.

1. No more than a combined total of 12 credits of Special Projects can be credited towards the requirements of the J.D. degree. For students pursuing a dual degree, a Pacific/Asia Externship, or a foreign law program, a total of 17 credits of Special Projects can be credited.
2. A student on probation cannot enroll in Special Projects courses.
3. Students are not permitted to enroll in both a foreign law program and a Pacific/Asia Externship.

C. Courses outside law school.

1. Students not pursuing a dual degree/certificate.

A student not pursuing a dual degree may earn and count in the credit hours required for the J.D. degree, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 3 hours of credit for the successful completion of a graduate level (600 or higher) course taken outside the law school.

With the approval of the Associate Dean, a student may take a language course and earn up to 3 hours of credit for successful completion if the language course is a 300 or higher level. However, if the language does not offer courses higher than a 200 level, then a 200 level course may be approved.

2. Dual graduate degrees and graduate certificate programs.

There is no special application process to enter a dual degree program. It is necessary however, to make a separate application to each graduate program and meet the admission requirements of each program. Admission into one program does not guarantee admission into the second program. For the law school, transfer credit can not be granted for any courses taken prior to matriculation into the law school.

Students properly enrolled in and concurrently pursuing our J.D. degree and another graduate degree or graduate certificate program may earn and count in the credit hours required for the J.D. degree, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 10 hours of credit for the successful completion of work in the other graduate degree or certificate program.

In those cases where the student completes the J.D. degree before the other graduate degree or certificate, the ten credits from that degree or certificate program will only be counted toward the J.D. degree if the student has made substantial progress toward the second degree or certificate program.

3. For advance approval of graduate courses, the Associate Dean must be satisfied that the course(s) will prove useful and relevant to the student's professional legal education or

law career and that the content is of a nature to justify its substitution for courses offered in the law school.

4. All graduate course(s) must be taken for a letter grade. A grade of "C" or better shall be counted as a "Credit" on the law school transcript and will not be computed by the law school in the cumulative grade point average.
5. A student on probation may not enroll in courses outside the law school either during the academic year or the summer.

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2. A student may earn graduation credit for two Externships (4 credits); however, students electing a Pacific/Asia Externship may not count another Externship toward graduation. Only one Externship may be taken in each of the following sectors: law firm, public agency, judiciary, or state legislature.
3. A student may receive 12 credits and a full residency semester for work during the regular academic year if enrolled in Pacific/Asia Externship. A student earning Pacific/Asia Externship credit may not earn credit toward graduation for another Externship. Pacific/Asia Externships may be approved for placements anywhere out of the state of Hawai'i. There are limits on the number of students per semester that may enroll in Pacific/Asia Externship. A classroom component is required. Advanced approval must be obtained from the Externship Director.
4. Only one Externship will be permitted in any one semester.
5. Students on probation may not enroll in an Externship.

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2. Such projects shall be limited to no more than three credits unless the faculty member supervising the project, on written petition setting forth the reasons, secures approval from the faculty to award more credit prior to the beginning of the semester in which the project is to be undertaken.
3. A decision whether the project shall receive a normal grade or "Credit/No Credit" shall be made by the supervising faculty member and entered into the student's record at the

time of the regular registration period for the semester in which the project will be undertaken.

4. Students on probation may not enroll in a directed study.

IV. Grades

A. Grade System

Subject to paragraph E, and exceptions listed in A.1 and A.2 below, students will be graded in all academic work carried for credit in accordance with the following system:

GRADES	GRADE POINTS
A – Excellent	4
B – Good	3
C – Satisfactory	2
D – Low Pass	1
F – No Credit	0
I – Incomplete	0

Even though professors may award unofficial plus ("+") or minus ("-") grades, under no circumstances will these grades be used to calculate a GPA for any reason.

Work taken in the first semester of the first year, or the work taken in the semester(s) as a Pre-Admission student, shall be treated as follows:

1. No grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.
2. Subject to Academic Regulation V.A., students' letter grades in the first semester or the Pre-Admission semester(s) will not be used in determining a student's official law school GPA except to assist the student for purposes of permitting graduation, avoiding dismissal, or avoiding probation.

For first year students, these letter grades will be used to decide academic status and whether the student is eligible to continue in residence following the first semester of the first year. Pre-Admission students should refer to the Pre-Admission Academic Regulations for additional grade information.

3. The term "Credit" as it is used in paragraph A.1 shall show a performance of "D" or better.

B. Grading Norms

Grading norms for all courses are set out below to afford each instructor a guide to institutional expectation while simultaneously permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. In the event of departure from the stated range the instructor will be expected to justify the departure on inquiry of the Dean or faculty.

GRADES	RANGES		
	<i>Over 20 Students</i>	<i>20 Students & Under</i>	<i>Writing Courses (LMS, ApAd, SYS)</i>
A – Excellent (4)	5-20%	5-25%	25-40%
B – Good (3)	25-50%	25-50%	40-65%
C – Satisfactory (2)	30-70%	25-70%	20-35%
D – Low Pass (1)	0-10%	0-10%	0-10%
F – No credit (0)	0-10%	0-10%	0-10%

The grade curve for most courses is a C+/B-. The grade curve for writing courses is a B.

C. Ranking

NUMERICAL RANKING

The top 15% of each class is calculated after Spring grades are issued. For 2Ls and 3Ls, the numerical ranking is calculated based on the cumulative GPA (excluding the 1L fall semester of advisory grades). Multiple class rankings (i.e. ties) are possible. Students are strongly encouraged to clarify to prospective employers if he/she is tied as reflected in the "unofficial" law school grade report issued the following spring semester.

For 1Ls, numerical ranking shall be calculated only on Spring semester grades because Fall semester grades are advisory only, even though a "grade report" for Fall semester may be issued by the law school. For December graduates, numerical ranking shall be calculated only after the following Spring grades are reported. December graduates are ranked together with the following spring's graduating class.

If a student is ranked in the top 15%, the numerical ranking shall appear on the "grade report" for Spring only. If no numerical ranking is indicated, the student is not in the top 15% and should refer to his/her reported quartile ranking.

QUARTILES

The School of Law calculates four quartile rankings for each class: top quartile (25%), second quartile (50%), third quartile (75%) and fourth quartile. In addition, the class median is calculated. Quartiles are based on each student's cumulative GPA (not including any semester with advisory grades). Quartiles are indicated on the "grade report" for each semester except for 1Ls' fall semester "grade report."

HONORS for Graduating Students

Summa cum laude

Top 5% based on overall GPA

Magna cum laude

Top 10% based on overall GPA

Cum laude

Top 25% (top quartile) based on overall GPA

D. Grade Reporting

School of Law grades are reported in a number of different formats. Final grades for each course are posted by exam number and published to students on email. For courses with more than 10 students, grades are also posted on the school bulletin board. To insure students' rights of confidentiality, it is prohibited to calculate the grades of other students and to distribute such information.

GRADE REPORT

The School of Law's Student Services Office automatically prepares a "grade report" for each student following each Fall and Spring semester. Every course taken during the semester and the actual grade received, including "+" and "-" are indicated, unless the course is taken for "Credit/No Credit" or "Audit." The "+/-" is optional and is not factored into a student's GPA. For 1Ls, although a "grade report" will be issued after the Fall semester, the grades are advisory only and are not disclosed by the School of Law to anyone outside of the law school. A "grade report" is considered unofficial.

"Quartiles" are indicated on each "grade report" after each semester except for 1Ls after the Fall semester.

"Numerical ranking" of the top 15% of each class is done once a year, only after Spring grades are issued. If a student is ranked in the top 15% of the class, it will be indicated on the "grade report" issued for Spring semester grades only. "Numerical rankings" will not appear on a Fall semester "grade report." Fall semester grade reports will only reflect quartile rankings (i.e. top quartile, second quartile, etc.).

Students may list their numerical (if applicable) and quartile rankings on their resume. However, if a student is tied for a numerical rank in the top 15% (of the top quartile), the student is

responsible for clarifying this information on the resume and during interviews. Students are encouraged to utilize the "unofficial" grade policy handout, which describes the current grading system and curve for each semester.

GRADE MAILER

The University of Hawai'i's Admissions and Records Office automatically issues a "grade mailer" after each semester, which lists the courses and grades for the semester. Because the "grade mailer" is sometimes prepared before law school grades have been finally reported, a specific grade in each course may not appear.

OFFICIAL TRANSCRIPT

The University of Hawai'i's Admissions and Records Office also prepares the student's "official transcript" upon request and with a small charge. The "official transcript" is cumulative and lists every course taken and the final grade. However, "+" and "-" are not indicated and are not computed in tabulating the student's Grade Point Average. Each student should request a copy every semester, after final grades are posted. Please note that the GPA on the "official transcript" may differ from the GPA as computed by the law school. This is due to the complexity of our Academic Regulations. For example, when you take an upper campus course, the grade for that course is not computed by the law school for your law school GPA.

For 1Ls, the "official transcript" of fall semester courses will not indicate any letter grades but will only show "Credit/No Credit."

It is the responsibility of each student to keep copies of all documents, including, grade reports, grade mailers and official transcripts.

- E. All courses and seminars taken outside the law school, including courses at other law schools, must be taken on a graded basis, but shall be entered as "Credit/No Credit" on the law school transcript. The "Credit" shall show a performance of "C" or better.
- F. All Externships shall be graded on the basis of "Credit/No Credit." The term "Credit" shall show a performance of "C" or better.
- G. Each law student may choose to take up to six semester hours (during the entire period of residency) of electives (that are normally graded) on a "Credit/No Credit" basis with the permission of the instructor. "Credit" will be given to those students earning an equivalent of a "C" or better. "No Credit" will be given to those students earning the equivalent of a "D" or "F." If no credit is given, those hours will not count towards the six semester hours. No grade will be included in a student's grade point average when the "Credit/No Credit" option is picked nor is that student eligible for an award for the highest grade in that course. Students selecting this option must do so by the end of the add period for classes.

Students are urged to be cautious in exercising this option, particularly in his or her terminal law school semester, and should consult with the Associate Dean before doing so.

3. The term "Credit" as it is used in paragraph A.1 shall show a performance of "D" or better.

B. Grading Norms

Grading norms for all courses are set out below to afford each instructor a guide to institutional expectation while simultaneously permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. In the event of departure from the stated range the instructor will be expected to justify the departure on inquiry of the Dean or faculty.

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OFFICIAL TRANSCRIPT

The University of Hawai'i's Admissions and Records Office also prepares the student's "official transcript" upon request and with a small charge. The "official transcript" is cumulative and lists every course taken and the final grade. However, "+" and "-" are not indicated and are not computed in tabulating the student's Grade Point Average. Each student should request a copy every semester, after final grades are posted. Please note that the GPA on the "official transcript" may differ from the GPA as computed by the law school. This is due to the complexity of our Academic Regulations. For example, when you take an upper campus course, the grade for that course is not computed by the law school for your law school GPA.

For 1Ls, the "official transcript" of fall semester courses will not indicate any letter grades but will only show "Credit/No Credit."

It is the responsibility of each student to keep copies of all documents, including, grade reports, grade mailers and official transcripts.

- E. All courses and seminars taken outside the law school, including courses at other law schools, must be taken on a graded basis, but shall be entered as "Credit/No Credit" on the law school transcript. The "Credit" shall show a performance of "C" or better.
- F. All Externships shall be graded on the basis of "Credit/No Credit." The term "Credit" shall show a performance of "C" or better.
- G. Each law student may choose to take up to six semester hours (during the entire period of residency) of electives (that are normally graded) on a "Credit/No Credit" basis with the permission of the instructor. "Credit" will be given to those students earning an equivalent of a "C" or better. "No Credit" will be given to those students earning the equivalent of a "D" or "F." If no credit is given, those hours will not count towards the six semester hours. No grade will be included in a student's grade point average when the "Credit/No Credit" option is picked nor is that student eligible for an award for the highest grade in that course. Students selecting this option must do so by the end of the add period for classes.

Students are urged to be cautious in exercising this option, particularly in his or her terminal law school semester, and should consult with the Associate Dean before doing so.

VI. Passing Required Seminars and Workshops; Retaking of Courses

A. Passing required courses, seminars and workshops.

Except for transfer students, students must earn a grade of "D" or better in all required courses, seminars and workshops graded for a letter grade or credit in courses graded for "Credit/No Credit." Students who earn an "F" in any part of a sequential course required in the First-Year (Contracts I & II, Civil Procedure I & II, and Torts I & II) must retake that part, but may enroll in the next scheduled sequence prior to retake.

B. Retaking of courses generally.

A student otherwise eligible to continue in residence may retake any required or elective course in which he or she earned the grade of "F", "D" or "No Credit." Each course may only be retaken once. Thus, if a student receives an "F" in a required course and, upon re-enrollment, again earns an "F", the student may not re-enroll a second time and must be dismissed from the law school as it is a requirement of graduation (see VI.A above) that a student receive a grade of "D" or better in each required course. Also, if a student initially took a course on a "Credit/No Credit" basis, the course must be retaken on the same basis. Likewise, if the course was originally taken for a letter grade, the course must be retaken on the same basis.

1. Treatment of grades earned upon retake.

a. Lower grade upon retake.

If a lower grade is earned upon retake, the grade earned upon retake replaces the original grade for all purposes (e.g. computation of cumulative and semester GPA, graduation, continuing in residence, etc.) even though this new grade is lower than the original grade. Thus if a student retakes a course in which he or she previously earned a "D" and earns an "F", the new "F" grade replaces the original "D" grade for all purposes.

b. Grade for retake will not exceed a "C."

If the new grade is an "A" or a "B", a grade of "C" shall be entered on the student's law school records rather than the higher grade and this new grade of "C" shall be used for all purposes.

2. Treatment of credits earned upon retake.

In situations where the number of credits for the retaken course differs from those of the original course, the credits for the retaken course shall replace the original credits for all purposes.

- H. "No Credit" grades shall not count toward residency requirements and shall not count in the credit hours required for graduation.

Example: A student registered for twelve credits taking a 4-credit course as "Credit/No Credit" and earning a grade of "D" would not earn credit and would also not earn a resident semester, having fallen below nine credits. **If the student was in his or her last semester of law school, the student would not be eligible to graduate (See Academic Regulation, II.A.1, above).**

- I. A faculty member has broad discretion in determining the factors (including but not limited to answers to examination, assigned written or oral work, class participation and special projects) to be considered in evaluating student performance, and in determining what weights are assigned to such factors in determining grades. Factors which do not bear reasonable relationship or relevance to the course's educational objectives, or that are not reasonably necessary or useful to achieve such objectives, should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she shall give written notice to the students together with the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded and shall submit at that time to the administration in writing the factors and relative weights to be assigned to such factors in determining grades for that course.

V. Eligibility to Continue in Residence

- A. Students shall not be eligible to continue in residence beyond the end of any semester after which the student's cumulative average falls below 1.60.
- B. A student who is eligible to continue in residence but whose cumulative average at the end of any semester is less than 2.00 but greater than 1.59 shall be allowed to continue in residence but he or she shall be on probation. Unless such student maintains a 2.00 average on all work taken the next regular fall or spring semester during which he or she is on probation, he or she shall be ineligible to continue beyond the end of such semester.
- C. In computing a student's cumulative average at the end of any semester for purposes of paragraphs V. A and V. B, above, a grade of "Incomplete" shall not be considered.
- D. A student on probation may not stand for election or appointment to or continue to serve on a regular standing law school or University committee or represent the law school in any student competition such as Moot Court. Students on probation are also strongly urged not to seek or hold office in any student organization.
- E. A student on probation may not register for any Special Project as described in III.A. above.
- F. A student on probation shall not be eligible for any clinic course.

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In situations where the number of credits for the retaken course differs from those of the original course, the credits for the retaken course shall replace the original credits for all purposes.

VII. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if any extension is arranged for before the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision. In the case of sectioned classes such as Second Year Seminar, Appellate Advocacy and Legal Method Seminar, with uniform deadlines, extensions must be requested through the Associate Dean who will determine whether a late paper is excused or unexcused and subject to penalty. Delays because of computer related problems are not excused. An excused absence from class does not result in an automatic extension of time on written work. Extensions may be granted either by the instructor or the Associate Dean as appropriate.

Unexcused late papers, including first drafts, are penalized as follows:

If paper due on Monday at 9:00 a.m.

But paper arrives between 9:01 a.m. and 12:00 noon

Grade reduced by one step.

(A becomes an A-, A- becomes a B+, etc.)

Paper arrives between 12:01 p.m. and 4:30 p.m. same day

Grade reduced by a two steps.

(A becomes a B+, A- becomes a B, etc.)

Paper arrives on Tuesday, a day late

Grade reduced by one full grade per day thereafter.

(A becomes a B, B becomes a C, etc.)

If paper due on Monday at 1:00 p.m.

Paper arrives between 1:01 p.m. and 4:30 p.m.

Grade reduced by one step.

Paper arrives on Tuesday

Grade reduced one full grade per day thereafter.

For unexcused delays that occur over a weekend or a holiday

Associate Dean will determine the penalty.

The official time for written work to be turned in to the faculty mailboxes is set by the clock in the faculty secretaries' office.

VIII. Auditing

Auditing is permitted with the permission of the professor. Only second- and third-year students may register to audit courses. Officially audited courses appear on UHM transcripts with the designation "L," but do not count toward computation of GPA, graduation requirements or residency.

IX. Readmission

A student who for academic reasons is ineligible to continue in residence may petition the Law School Petitions Committee in writing for readmission. The Petitions Committee will evaluate such petitions according to the academic standards governing the law school and will act favorably on such petitions only under the following circumstances:

- for first semester first year students, the petitioner proves that he or she has a **strong likelihood of completing the law school program and becoming a competent attorney.**
- for all other students, the petitioner proves that he or she was subject to **extraordinary circumstances** and that the petitioner has a **strong likelihood of completing the law school program and becoming a competent attorney.**

Petitions to the Petitions Committee must be submitted in writing through the Associate Dean by the stated deadline. To be considered for readmission, the petitioner must submit the petition at least two calendar weeks before the beginning of the semester following the dismissal or at such earlier or later time as the Associate Dean may designate in writing to the potential petitioner. Failure to petition at this time constitutes a waiver of the right to petition.

A petitioner has the right to appear in person before the Petitions Committee and may bring an associate to help in the advocacy of the petition. It is the petitioner's burden to bring all relevant evidence before the Petitions Committee. The Petitions Committee may review the student's law school file, including academic record, and actively seek outside information regarding the petitioner. Favorable action by the Petitions Committee is a final decision on the petition.

A denial of the petition may be appealed to the full faculty. On appeal to the full faculty, the petitioner, or his or her advocate, may address the faculty for five (5) minutes. No new evidence may be brought before the full faculty. However, the full faculty may review the Petitions Committee's decision and make a de novo determination.

The faculty has defined "extraordinary circumstances" as:

An event or series of events that is unforeseeable and unusual for law students and that has an extreme adverse impact upon the student's ability to pursue the study of law.

X. Examinations

- A. A student who is enrolled in a course in which an examination is given will be required to take said examination at its regularly scheduled time and place. Failure to hand in an examination paper will result in the award of an "F" grade for courses taken for a grade or in the award of "No Credit" for courses taken on a "Credit/No Credit" basis.

Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies or exceptions beyond the student's control that substantially impair the student's ability to do the examination at the scheduled time, provided that to the extent practicable, the

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Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies or exceptions beyond the student's control that substantially impair the student's ability to do the examination at the scheduled time, provided that to the extent practicable, the

Dean. A brochure with the course description or a syllabus detailing the host institution, course(s) to be taken, and number of credit units must be provided. In addition, a student must request a letter of good standing, which will be produced and forwarded to the host school by the Student Services Office.

Courses cannot be identical to or substantially similar to previously credited law school courses. Such courses must be taken for a letter grade unless a letter grade option is not offered. For any course in which the student earns a "C" or better, the credits will be accepted toward the student's graduation requirement. However, that grade will be counted only as "Credit" and will not be included when computing the law school cumulative grade point average. Upon completion of the summer program, the student is responsible for having a transcript sent to this school.

XIV. Visiting UH Law Students

Any student in good standing may visit one or two semesters at another ABA-approved law school as a full-time student during the semester earning residency at that law school and transfer the credits earned at that school with the prior written approval of the Associate Dean. The student must have earned a total of at least 45 of his/her graduation requirement of 89 credits in residence at the University of Hawai'i and have taken all required courses at this law school in order to be graduated from this law school.

XV. Students Visiting UH

Students visiting UH from other law school are bound by these academic regulations, particularly Section II. A. regarding full-time residence. Students visiting UH may not participate in the course lottery but may enroll during open enrollment if space permits. Visiting students may take Second Year Seminar on a space-available basis if a section is subscribed under 12 students and with the instructor's approval.

XVI. Transfer Students

Transfer students may transfer up to 44 credits from their prior law school. The Associate Dean shall determine which courses will be accepted and the number of credits to be transferred. In making this determination, if the credits earned at the other law school for a particular course are more than the credits that could be earned here, the student may only receive the credits that would have been earned at our law school. The student's prior cumulative grade point average may not be used in computing the student's law school cumulative grade point average for any purpose including graduation and eligibility to continue in residence. A grade of "Credit" will be used for all transferred credits. Transfer students must complete a minimum of three full-time semesters at this law school with no semester fewer than 12 credits. A minimum of 45 credits must be taken at this law school.

XVII. Transfer Credits

In approving transfer credits for transfer students or UH students visiting another ABA-approved law school, the Associate Dean may not allow a student to transfer credits for a course in excess of the amount of credits the course is currently offered for at the University of Hawai'i. For example, a student seeking to transfer three credits from an Immigration Law course taken at another law school

student obtains prior approval from the Dean or the Associate Dean and provided further that, to the extent practicable, the rescheduled examination be given after the time of the regularly scheduled examination.

- B. Final examinations will be graded anonymously. The system by which this is done will be designed by the administration and from time to time reviewed by the faculty.
- C. Examination procedures as established by the Assistant Dean are incorporated by reference.

XI. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course.
- B. If, after the review provided in paragraph XI. A, above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may use the law school's Academic Grievance Procedures to seek a change in the grade.
- C. If the instructor believes the grade was the result of a mathematical error in computing the grade, the instructor will notify the Associate Dean who will circulate a memorandum to the faculty, explaining the circumstances of the error and requesting approval to change the grade. A grade may not be changed based upon a reevaluation of a student's work.

XII. Policy for Student Review of Examination Papers

Examination papers are an important element of law school pedagogy. Examination papers should be made available for students to review either at the professor's office, the faculty secretaries' office or permanently released to the student 45 days after the mailing of the Grade Report. All exams must be held for one year unless the examination papers are returned to the student.

It is left to the individual faculty member's discretion to devise a system of grading examination papers. Should the system involve making scoring notations on the examination paper itself, faculty members are strongly urged to devise a notation method that protects against the remote possibility of subsequent alteration.

For example, a method in which the professor marks down all points earned in light pencil could be taken advantage of by someone slightly altering one or more point notations and then claiming that the professor had made a mathematical error in computing the point notations. Such a situation could be avoided by not making point notations on the examination paper, by keeping a separate tally sheet, or by using a pen.

XIII. Summer School

Any matriculated classified student in good standing (i.e., not on probation or dismissed) may enroll in law courses at any ABA approved summer program with the prior written approval of the Associate

Dean. A brochure with the course description or a syllabus detailing the host institution, course(s) to be taken, and number of credit units must be provided. In addition, a student must request a letter of good standing, which will be produced and forwarded to the host school by the Student Services Office.

Courses cannot be identical to or substantially similar to previously credited law school courses. Such courses must be taken for a letter grade unless a letter grade option is not offered. For any course in which the student earns a "C" or better, the credits will be accepted toward the student's graduation requirement. However, that grade will be counted only as "Credit" and will not be included when computing the law school cumulative grade point average. Upon completion of the summer program, the student is responsible for having a transcript sent to this school.

XIV. Visiting UH Law Students

Any student in good standing may visit one or two semesters at another ABA-approved law school as a full-time student during the semester earning residency at that law school and transfer the credits earned at that school with the prior written approval of the Associate Dean. The student must have earned a total of at least 45 of his/her graduation requirement of 89 credits in residence at the University of Hawai'i and have taken all required courses at this law school in order to be graduated from this law school.

XV. Students Visiting UH

Students visiting UH from other law school are bound by these academic regulations, particularly Section II. A. regarding full-time residence. Students visiting UH may not participate in the course lottery but may enroll during open enrollment if space permits. Visiting students may take Second Year Seminar on a space-available basis if a section is subscribed under 12 students and with the instructor's approval.

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will only be allowed to transfer two of those credits as our Immigration Law course is only offered for two credits. In all cases in which transfer credits are allowed, the grades earned for those credits are not counted; a grade of "Credit" will be used for all transferred credits. A student must have earned at least a grade of "C" in order for the credits to be transferred.

While attending another law program as a visiting student, students must take all courses for a letter grade, i.e. they may not enroll in courses graded "Pass/Fail" or "Credit/No Credit" unless a course is only offered "Pass/Fail" or "Credit/No Credit" as confirmed by that school.

XVIII. Part-time Employment

The School of Law, while it does not prohibit it, strongly discourages Pre-Admission and first-year students from taking employment during the school term. Because of the demands placed on students by the beginning curriculum, a student's learning and academic progress may be seriously compromised by the distractions which employment is likely to bring. However, rising tuition costs and difficult economic conditions may make it necessary for some students to engage in employment. **Under no circumstances may any law student engage in employment for more than 20 hours per week during school terms.** Those who violate this policy may be held accountable under the Academic Regulations. Students should also be advised that the need to work may not be raised as a justifying factor in the process of appealing academic actions or as a defense for failing to meet academic deadlines or attendance requirements.

XIX. Foreign Law Programs

It is possible for a second or third-year law student to attend a foreign law program for one or two semesters and transfer a maximum of twelve credits each semester earned at that program as well as a full semester of residency, assuming the student is registered for at least twelve credits that semester. Such programs require at least a year of advance planning, must conform to strict ABA guidelines, and must have the prior written approval of the Associate Dean.

XX. Requirements of Regular and Punctual Attendance

Full-time study shall mean registration for a minimum of 12 credit hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the law school community.

Subject to limitations imposed by accrediting institutions of the University of Hawai'i, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency or other extraordinary situations.

Some classes have an attendance policy monitored by the Associate Dean. If a student needs to miss a class, contact the Associate Dean's Office (by telephone or e-mail) to report an absence from class. Indicate the reason for the absence, the classes to be missed and the total number of days to be absent. The Associate Dean will determine whether the absence is excused or unexcused and will notify the instructor. Absences will be excused if approved by the Associate Dean. Excused absences do not automatically extend due dates on written work.

Examples of excused and unexcused absences:

A. Excused Absences

- Serious personal matters
- Illness (requires doctor's note for an extended absence)
- Death and/or funeral of close friend or family
- Religious holidays (e.g. Rosh Hashanah, Yom Kippur, etc.)
- Moot Court, Client Counseling Competitions
- Attend a local or national law related conference as a participant (speaker, law student representative, coordinator or award recipient)
- Court appearances (provide copy of subpoena showing conflict with class time)

The law school recognizes the importance of fulfilling jury duty. The Associate Dean's office can prepare a letter to have jury duty excused or postponed.

B. Unexcused Absences

- Attend a conference as an attendee
- Law school sports tournaments
- Personal matters that are not emergencies (e.g. regular doctor's appointments, puppies being born, etc.)
- On-campus interviews/call backs
- Car trouble/missed ride or bus
- Weddings, reunions
- Computer problems

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or assignment of a failing grade for the course.

In the case of a student who has accumulated excessive unexcused absences, the Associate Dean or his/her designee has the authority to intervene and impose one of the sanctions listed in the preceding paragraph. "Excessive" is defined as three weeks of class or more.

XXI. Course Load

A normal semester course load is 14 to 16 credit hours. Students who wish to register for more than 17 or fewer than 12 credit hours per semester must first obtain the written approval of the Associate Dean or the Assistant Dean. When the Associate Dean approves a load of fewer than 12 credits, a note shall be placed in the student file indicating the decision, the reasons and whether residency will be awarded.

XXII. Law Review

Qualifications for membership on Law Review are set by its editorial board and described within its by-laws.

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1. It is the administrative policy of the University of Hawai'i to subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of Public Law 90-247 as amended, and to the rules and regulations governing the Act, which protect the privacy rights of the students.
2. The rights of students under the Act include the following, subject to conditions and limitations specified in the Act:
 - (a) The right to inspect and review education records.
 - (b) The right to request to amend education records.
 - (c) The right of protection from disclosure by the University of Hawai'i personally identifiable information contained in education records without permission of the student involved.
 - (d) The right to waive certain rights under the Act.
 - (e) The right to file complaints concerning alleged failure by the University of Hawai'i to comply with the Act.
3. Students are advised that institutional policy and procedures required under the Act have been published as Administrative Procedure A7.022, Procedures Relating to Protection of the Educational Rights and Privacy of Students. Copies of APA7.022 may be obtained from the Office of the Dean of Students or at www.hawaii.edu/svpa/apm/a700/a7022a.pdf.
4. Directory Information

Students are advised that certain personally identifiable information is considered by the university to be directory information and, in response to public inquiry, may be disclosed in conformance with state law, at the university's discretion, without prior consent of the student unless the student requests that the university not disclose such information.

 - (a) Name of student.
 - (b) Local address and zip code maintained in the campus locator printout.
 - (c) Local telephone number maintained in the campus locator printout.
 - (d) E-mail address
 - (e) Major field of study.
 - (f) Education level (e.g., freshman, sophomore, etc.)
 - (g) Fact of participation in the officially recognized activities and sports.

XXIII. Withdrawal from Courses

During the law school's drop/add period, students may freely withdraw from any elective course, assuming they would still be in residence full-time (see II.A.1.). From that time until the date set by the University as the last day for restricted withdrawal, a student must have the Associate Dean's written permission to withdraw. After that day, no withdrawals are permitted except under unusual circumstances beyond the student's control. Withdrawal from required courses (i.e., all first year courses, Constitutional Law I, Professional Responsibility and Second-Year Seminar) is only allowed under extraordinary circumstances.

XXIV. Leave of Absence

A student who has completed the first year of law school may request a one to two semester leave of absence. The request should be in writing to the Associate Dean and state the reason(s) for the request.

If a student on a leave of absence fails to return at the end of the leave of absence, the student will be withdrawn from the J.D. program. Should that student wish to resume law study, the student will have to reapply to enter as a first-year student and none of the previously completed courses may be counted towards the J.D. degree.

XXV. Active Duty

A student who leaves law school prior to completion of a semester as a result of being called to active military duty in the armed forces of the United States may be granted appropriate credit for the semester which was interrupted by the call to active military duty. The Associate Dean shall determine the requirements to complete course work.

XXVI. Application and Amendment of Regulations

Amendments to these regulations or modifications of graduation requirements may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided, however, that no such amendment shall apply to the prejudice of any student enrolled in the school at the time of adoption as to credit and cumulative average requirements for graduation.

XXVII. Appeal

Any decision made by the Associate Dean, pursuant to these regulations may be appealed to the full faculty by submitting a written petition to the Associate Dean at least five days before the next regularly scheduled faculty meeting. The petitioner may, at the discretion of the faculty, appear at the faculty meeting.

XXVIII. Privacy Rights

Pursuant to Section 99.6 of the rules and regulations governing the Family Educational Rights and Privacy Act of 1974 (hereinafter the Act), students in attendance at the campuses of the University of Hawai'i are hereby notified of the following:

1. It is the administrative policy of the University of Hawai'i to subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of Public Law 90-247 as amended, and to the rules and regulations governing the Act, which protect the privacy rights of the students.
2. The rights of students under the Act include the following, subject to conditions and limitations specified in the Act:
 - (a) The right to inspect and review education records.
 - (b) The right to request to amend education records.
 - (c) The right of protection from disclosure by the University of Hawai'i personally identifiable information contained in education records without permission of the student involved.
 - (d) The right to waive certain rights under the Act.
 - (e) The right to file complaints concerning alleged failure by the University of Hawai'i to comply with the Act.
3. Students are advised that institutional policy and procedures required under the Act have been published as Administrative Procedure A7.022, Procedures Relating to Protection of the Educational Rights and Privacy of Students. Copies of APA7.022 may be obtained from the Office of the Dean of Students or at www.hawaii.edu/svpa/apm/a700/a7022a.pdf.
4. Directory Information

Students are advised that certain personally identifiable information is considered by the university to be directory information and, in response to public inquiry, may be disclosed in conformance with state law, at the university's discretion, without prior consent of the student unless the student requests that the university not disclose such information.

 - (a) Name of student.
 - (b) Local address and zip code maintained in the campus locator printout.
 - (c) Local telephone number maintained in the campus locator printout.
 - (d) E-mail address
 - (e) Major field of study.
 - (f) Education level (e.g., freshman, sophomore, etc.)
 - (g) Fact of participation in the officially recognized activities and sports.

- (h) Weight and height of members of athletic teams.
- (i) Degrees and awards received.

A student has the right to request that any or all of the above items not be designated directory information with respect to that student. Should a student wish to exercise this right, he or she must in person and in writing, not earlier than the first day of instruction, nor later than fourteen calendar days from the first day of instruction for the academic term or semester, or the fourth day of a summer session, inform the campus registrar which of the above items are not to be disclosed without the consent of that student.

- 5. A parent or spouse of a student is advised that information contained in educational records, except as may be determined to be directory information, will not be disclosed to him/her without the prior written consent of the son, daughter, or spouse.

UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

**ACADEMIC REGULATIONS FOR
PRE-ADMISSION TO LAW SCHOOL PROGRAM**

(Revised July 2002)

The Academic Regulations for the University of Hawai'i at Mānoa William S. Richardson School of Law apply to all Pre-Admission students and are incorporated herein by reference. The provisions below are specifically for students in the Pre-Admission Program. In the event of a conflict between the two sets of academic regulations, the provisions specifically adopted for the Pre-Admission Program shall control.

I. Status of Pre-Admission Students

- A. Pre-Admission students are enrolled as unclassified graduate students. Upon admission to the law school they are enrolled as classified law students.

II. Requirements for Admission to the William S. Richardson School of Law

A. Required courses.

1. Regular first-year courses.

Each Pre-Admission student shall enroll in the following regular first-year courses in the Fall semester:

LAW 506: Legal Research – 1 cr.

LAW 509: Contracts I – 3 cr.

LAW 516: Civil Procedure I – 3 cr.

Each Pre-Admission student shall enroll in the following regular first-year courses in the Spring semester:

LAW 510: Contracts II – 3 cr.

LAW 517: Civil Procedure II – 3 cr.

2. Pre-Admission Seminar.

Each Pre-Admission student also shall enroll in the Pre-Admission Seminar in each semester (LAW 501 in the Fall – 4 cr.; LAW 502 in the Spring – 4 cr.).

3. Tutorials.

In addition, each Pre-Admission student shall enroll in LAW 516L (Civil Procedure Tutorial - 1 cr.) and LAW 509L (Contracts Tutorial - 1 cr.) during the Fall semester, and LAW 517L (Civil Procedure Tutorial - 1 cr.) and LAW 510L (Contracts Tutorial - 1 cr.) during the Spring semester.

B. Grading.

1. Pre-Admission students will be tested and graded with regular first-year students, and on the same basis, in those first-year courses in which they are enrolled during their Pre-Admission semester(s).
 - a. For these courses no grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.
 - b. These grades will not be used except to assist the student for purposes of permitting graduation, avoiding dismissal, or avoiding probation. The grades will also be used to determine academic status under II.C. below.
 - c. The term "Credit" as it is used in this section shall show a performance of "D" or better.
2. The Pre-Admission Seminar and Tutorials shall be graded "Credit" or "No Credit" and without advisory letter grades. "Credit" shall be awarded to students who:
 - a. Regularly and punctually attend Pre-Admission Seminar and Tutorial meetings.
 - (1) Absences shall not exceed a total of three per semester for each of these three courses. Additional absences may be permitted by the Associate Dean, but only for reasons of compelling health or other personal emergencies. Documentation may be required.
 - b. Students must substantially comply with all requirements, assignments, reassignments, and deadlines established by the Seminar Leader and the Tutorial Leaders.
3. A Pre-Admission student may not take an "I" (Incomplete) grade in any course or seminar. A grade of "F" shall be entered in the event a student fails to sit for an examination or fails to meet the requirements of B.2, above.

C. Standards for continuing in residency and admission to the School of Law.

1. Early Admission.
 - a. A student who achieves a "Credit" in the Pre-Admission Seminar, Tutorials and Legal Research and a GPA of a 2.50-2.99 with respect to their Contracts and Civil Procedure courses during the Pre-Admission Fall semester, shall be admitted as a classified law student for the Spring semester unless the student requests that the Associate Dean determine an extraordinary circumstance exists to delay admission. A student who achieves a "Credit" in the Pre-Admission Seminar, Tutorials and Legal Research and GPA of 3.0 or better

B. Grading.

1. Pre-Admission students will be tested and graded with regular first-year students, and on the same basis, in those first-year courses in which they are enrolled during their Pre-Admission semester(s).
 - a. For these courses no grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.
 - b. These grades will not be used except to assist the student for purposes of permitting graduation, avoiding dismissal, or avoiding probation. The grades will also be used to determine academic status under II.C. below.
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with respect to their Contracts and Civil Procedure courses during the Pre-Admission Fall semester shall be admitted as a classified law student for the Spring Semester.

2. Continuing in the Pre-Admission Program.
 - a. Pre-Admission students must achieve a GPA of 1.00 or better in all regular course work taken in the first Pre-Admission semester and must receive "Credit" for the Pre-Admission Seminar and Tutorials to be admitted to their Pre-Admission second semester.
3. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:
 - a. Receives a GPA of 2.00 or better for all course work taken in the Pre-Admission Spring semester, or
 - b. Receives a cumulative GPA of 2.00 or better for all course work taken in the two Pre-Admission semesters

shall be admitted as a classified law student effective the following Fall semester.

4. Admission on Probation.
 - a. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:
 - (1) Receives a GPA between 1.60 and 1.99 for all course work taken in the second Pre-Admission semester, or
 - (2) Receives a cumulative GPA between 1.60 and 1.99 for all course work taken in the two Pre-Admission semesters

shall be admitted on probation as a classified law student effective the following Fall semester.

5. Dismissal from the Pre-Admission Program.
 - a. A student who fails to meet the requirement for continuing on for the second Pre-Admission semester (C.2 above) shall be dismissed from the Pre-Admission program.
 - b. A student who fails to meet the requirements for admission after the two Pre-Admission semesters (C.3 or 4 above), shall not be admitted to the School of Law.

III. Post Matriculation

- A. Students admitted to the School of Law after one or two Pre-Admission semester(s):
1. Shall have only the regular first-year law school courses taken during the Pre-Admission semester(s) count toward their graduation requirements.
 2. Must retake any regular law course taken during their Pre-Admission year in which they received an "F" and earn at least a "D" for that course upon retake. The retaking of courses after admission is governed by Section VI of the law school Academic Regulations.
 3. Shall enroll in all first-year courses and seminars not taken during the Pre-Admission semester(s). However, Pre-Admission students admitted after only the first Pre-Admission semester may not take the second semester of any of the first year sequential courses (i.e. Torts II) immediately upon admission to the School of Law.
 4. May take, with the consent of the Associate Dean, upper division law courses in any semester in which such student is also completing regular first-year requirements. It is strongly recommended that a matriculated Pre-Admission student take no more than 12 credits for the first semester after matriculation. Only students who have completed at least one academic year of study may enroll in an externship.
- B. Residency.
1. The Pre-Admission semester(s) shall not count toward the graduation requirement of six semesters in residence. The 5-year period within which a student must complete law studies commences with the first semester as a classified law student.
- C. Probation.
1. A former Pre-Admission student admitted to the regular first-year class on probation must earn at least a 1.75 GPA in the first semester following admission of the first year to continue in residence. For each semester after that the student remains on probation, he/she must earn at least a 2.0 GPA.
- D. Summer School.
1. A Pre-Admission student who matriculates early and is in good standing, may enroll in ABA-approved summer programs during the summer following the first matriculated semester. However, the non-completion of certain first-year courses could affect a Pre-Admission student's ability to perform in certain elective courses.

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**UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW**

DISCIPLINARY REGULATIONS

(Revised July 2002)

Article I. School of Law Disciplinary Action

- A. Rules relating to student conduct and discipline. Students are subject both to the Student Conduct Code of University of Hawai'i, as approved in July 1992 and amended from time to time and to the rules and regulations of the School of Law, as published and amended from time to time, relating to student conduct and discipline. Each entering law student shall receive a copy of the rules and regulations of the School of Law upon matriculation. The University of Hawai'i Student Conduct Code is available through the office of the University of Hawai'i Dean of Student Services.
- B. Scope of disciplinary action by the School of Law. Disciplinary action by the School of Law is governed by these regulations. Such action extends to the following conduct:
1. Conduct in violation of School of Law rules or regulations. Such conduct is defined in Article II, below.
 2. Other conduct, including but not limited to conduct in violation of University of Hawai'i rules or of public law, when such conduct is not commensurate with professional standards of conduct required of lawyers. Such conduct is defined in Article III, below.
- C. Applicability. These regulations apply only to law students enrolled in an ABA approved law school program at the time the alleged violation occurred. Cases involving students from other University departments or colleges will be referred to the University's Dean of Students.

Article II. Violations of School of Law and University Rules and Regulations

- A. General rule. Any law student who violates the rules or regulations of the School of Law or the University of Hawai'i may be subject to disciplinary action pursuant to these regulations. Violations include, but are not limited to, the specific examples of School of Law rules and regulations contained in paragraph B.
- B. Specific examples. The following are examples of actions which may result in disciplinary action pursuant to these regulations:
1. School of Law Academic Regulations. Students are required to comply with the School of Law Academic Regulations. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.

2. Disruption of School of Law activities or operations. Conduct that disrupts or impairs School of Law or University activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

3. Plagiarism. The definition of plagiarism by this law school is a simple one:

The submission or presentation of any work, in any form, that is not a student's own, without acknowledgement of the source. A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert. **Regardless of intent**, the failure to properly acknowledge the use of another's work constitutes plagiarism.

All written work, whether in preliminary or final form, submitted by a student in the course of law study is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed to that source. The use of another's language or the substantial adaptation thereof without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may subject students to disciplinary action. (See Policy on Plagiarism).

4. Examinations. Students are required to comply with the rules established for examinations, including both those established by the School of Law and those established by the instructor giving the examination. Violation of the rules set for any examination, including "take-home" examinations, may subject a student to disciplinary action. The examination rules established by the School of Law are described in full in a memorandum issued by the Assistant Dean and entitled "Policies and Procedures for Examinations."
5. Abuse of these Regulations. Any student who knowingly files a false report or complaint under these Regulations or knowingly gives false information may be subject to disciplinary action.
6. Obstructing enforcement of these Regulations. Obstructing enforcement of these Regulations is defined as any act which prevents the enforcement of these Regulations. Examples of this offense include, but are not limited to:
 - a. failure to cooperate with the Disciplinary Committee, as in:
 1. failing to appear and testify without reasonable excuse (excluding the student defendant) or produce documents or other evidentiary material before the Disciplinary Committee when requested;

2. Disruption of School of Law activities or operations. Conduct that disrupts or impairs School of Law or University activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

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6. Obstructing enforcement of these Regulations. Obstructing enforcement of these Regulations is defined as any act which prevents the enforcement of these Regulations. Examples of this offense include, but are not limited to:

- a. failure to cooperate with the Disciplinary Committee, as in:

1. failing to appear and testify without reasonable excuse (excluding the student defendant) or produce documents or other evidentiary material before the Disciplinary Committee when requested;

2. misrepresenting material facts before the Disciplinary Committee;
 - b. failing to report any violation of these regulations by any student having reasonable grounds to believe that such a violation has occurred;
 - c. destroying evidence in order to hinder the prosecution of any complaint.
7. **Misrepresentation.** Misrepresentation is defined as any act or omission which is deceptive or misleading and by which a student gains or attempts to gain a benefit or advantage from the University, its faculty, staff, or students, or persons dealing with the University. Examples of this offense include, but are not limited to:
- a. forging or altering any University document, record, or instrument of identification;
 - b. furnishing any person material information which is known to the student to be false and which relates to the student's academic record or otherwise concerns activities in the University.
8. **Interference with property.** Interference with property is defined as any taking or destroying of the property of the University or of its faculty, staff, or students. Such property includes, but is not limited to, materials in the Library of the School of Law. Examples of this offense include, but are not limited to:
- a. stealing, damaging, or destroying books, notes, computers, or other belongings of students or faculty;
 - b. stealing, hiding, or vandalizing library materials;
 - c. stealing, damaging, destroying, or other abuse of University information technology resources including the University's hardware, systems, network and services;
 1. unauthorized entry into a file, to use, read or change the contents, or for any other purpose;
 2. unauthorized transfer of a file;
 3. unauthorized use of another individual's identification and password;
 4. use of computing facilities to interfere with the work of another student, faculty member or other member of the University community;
 5. use of computing facilities to send obscene or abusive messages;
 6. use of computing facilities to interfere with normal operation of the University computing system;
 7. unauthorized used of facsimile machines, media equipment, phone equipment (including voicemail);

- d. stealing, damaging, destroying, or otherwise misusing other University property.
9. Aiding and abetting. Any intentional act to aid and/or abet a violation of these Regulations may be subject to disciplinary action.
10. Cheating. Cheating includes but is not limited to giving or receiving unauthorized assistance during an examination or other written assignment; obtaining unauthorized information about an examination before it is given; submitting another's work as one's own; using prohibited sources of information during an examination or other written assignment; fabricating or falsifying data in research; altering the record of any grade; altering answers after an examination has been submitted; falsifying any official University record; or misrepresenting of facts in order to obtain exemptions from course requirements.
11. Conduct in violation of UH rules, regulations and policies. Activity in violation of the University's policies including policies against discrimination, sexual harassment and inappropriate use of technology, may be subject to disciplinary action. For example, laws relating to child pornography, obscenity and defamation apply in electronic environments.

Article III. Unprofessional Conduct

- A. General rule. Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to University of Hawai'i, may be subject to disciplinary action pursuant to these regulations. Unprofessional conduct is conduct:
 1. that is illegal conduct involving moral turpitude; or
 2. that involves dishonesty, fraud, or deceit; or
 3. that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar. Such standards include the standards enacted by the Supreme Court of the State of Hawai'i to govern the conduct of lawyers.
- B. Specific examples. Subject to the standard defined in paragraph A, above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations:
 1. Failure to comply with University rules relating to student conduct and discipline. Students are required to comply with the rules established by University of Hawai'i relating to student conduct and discipline. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.

- d. stealing, damaging, destroying, or otherwise misusing other University property.
9. Aiding and abetting. Any intentional act to aid and/or abet a violation of these Regulations may be subject to disciplinary action.
10. Cheating. Cheating includes but is not limited to giving or receiving unauthorized assistance during an examination or other written assignment; obtaining unauthorized information about an examination before it is given; submitting another's work as one's own; using prohibited sources of information during an examination or other written assignment; fabricating or falsifying data in research; altering the record of any grade; altering answers after an examination has been submitted; falsifying any official University record; or misrepresenting of facts in order to obtain exemptions from course requirements.
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 2. that involves dishonesty, fraud, or deceit; or
 3. that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar. Such standards include the standards enacted by the Supreme Court of the State of Hawai'i to govern the conduct of lawyers.
- B. Specific examples. Subject to the standard defined in paragraph A, above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations:
 1. Failure to comply with University rules relating to student conduct and discipline. Students are required to comply with the rules established by University of Hawai'i relating to student conduct and discipline. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.

2. Violations of public law. Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to criminal or other sanctions. In making such determinations, relevant opinions and decisions by the State of Hawai'i Office of Disciplinary Counsel and other analogous agencies in other states should be considered.
3. Other conduct. Conduct defined as unprofessional conduct under paragraph 1, above, may be subject to disciplinary action pursuant to these regulations whether or not such conduct is related to the academic process at University of Hawai'i, and whether or not such conduct is also subject to other sanctions.

Article IV. Investigation and Presentation of Charges

- A. Preservation of anonymity. Throughout all phases of investigation, presentation of charges and review of Disciplinary Committee decisions, and subject to the needs of a reasonable investigation, all parties will take reasonable steps to maintain the anonymity of the student(s) charged with misconduct under these regulations.
- B. Temporary suspension. In an emergency, the Dean may temporarily suspend a student prior to a hearing; provided that hearing pursuant to these rules is conducted within a reasonable time thereafter if the student requests a hearing. Examples of emergencies include situations where the student poses a danger of inflicting bodily harm upon himself/herself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of law school activities including classroom instruction. If possible, a temporary suspension should be issued only after the Dean has met with the student and relevant others and discussed the situation and alternative solutions with them.
- C. Investigation of reported student misconduct. All reports of student misconduct must be in writing and shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, the Associate Dean or the Assistant Dean shall discuss the matter with the student at the earliest opportunity, informing the student of the right to counsel at his or her own expense and the right to remain silent, and warning that anything the student may say may be used against the student. At that time, the student shall be given a copy of these regulations.
- D. Informal disposition. If, in the judgment of the Dean, the report is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's law school record or upon the student's University transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

If, in the judgment of the Dean, the report appears to warrant disciplinary action, the Dean, with the written agreement of the student, may impose any of the sanctions provided herein. Such agreement must be reached within seven calendar days of the receipt by the student of written notice of the Dean's recommended sanction.

- E. Presentation of charges. If, in the judgment of the Dean, the report appears to warrant disciplinary action and the student does not agree to the sanction recommended by the Dean, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to the Law School Disciplinary Committee. The Associate Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Disciplinary Committee convened to hear the charges pursuant to Article V, below. If, in the judgment of the Dean, the alleged violation does not involve unprofessional conduct as that term is defined in Article III above, the Dean may hand the matter over to the University's Dean of Students for further disposition rather than referring the matter to the Law School Disciplinary Committee.

Article V. The Disciplinary Committee

- A. Composition of the Disciplinary Committee. Except as provided in paragraph B, below, the Disciplinary Committee shall consist of one third-year law student and four members of the full-time Faculty of the School of Law. The Disciplinary Committee shall be constituted by the Dean each academic year at the same time and the same manner in which all other faculty committees are constituted, with the exception that the student member shall be selected by the Dean rather than by student election.
- B. Election of a Disciplinary Committee consisting solely of Faculty members. Any student against whom charges are brought pursuant to these regulations may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges. The Dean shall decide which one of the four original faculty members is to be removed from the Committee for the purpose of that hearing.
- C. Joint hearings. Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in paragraph D, below, the Faculty members of the single Committee constituted pursuant to this paragraph shall constitute the Disciplinary Committee in the case of such student or students and shall hold a separate hearing or hearings as required.
- D. Resignation and replacement of Disciplinary Committee members. If any member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and a replacement shall be selected by the Dean.

- E. Presentation of charges. If, in the judgment of the Dean, the report appears to warrant disciplinary action and the student does not agree to the sanction recommended by the Dean, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to the Law School Disciplinary Committee. The Associate Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Disciplinary Committee convened to hear the charges pursuant to Article V, below. If, in the judgment of the Dean, the alleged violation does not involve unprofessional conduct as that term is defined in Article III above, the Dean may hand the matter over to the University's Dean of Students for further disposition rather than referring the matter to the Law School Disciplinary Committee.

Article V. The Disciplinary Committee

- A. Composition of the Disciplinary Committee. Except as provided in paragraph B, below, the Disciplinary Committee shall consist of one third-year law student and four members of the full-time Faculty of the School of Law. The Disciplinary Committee shall be constituted by the Dean each academic year at the same time and the same manner in which all other faculty committees are constituted, with the exception that the student member shall be selected by the Dean rather than by student election.
- B. Election of a Disciplinary Committee consisting solely of Faculty members. Any student against whom charges are brought pursuant to these regulations may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges. The Dean shall decide which one of the four original faculty members is to be removed from the Committee for the purpose of that hearing.
- C. Joint hearings. Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in paragraph D, below, the Faculty members of the single Committee constituted pursuant to this paragraph shall constitute the Disciplinary Committee in the case of such student or students and shall hold a separate hearing or hearings as required.
- D. Resignation and replacement of Disciplinary Committee members. If any member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and a replacement shall be selected by the Dean.

Article VI. Disciplinary Committee Procedure and the Rights of the Student

- A. Hearing date. Upon presentation of charges against a student as provided in Article IV, above, the Disciplinary Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation of the case by the Associate Dean and by the student. Provided, however, since the Committee only sits during Fall and Spring semesters, the hearing on charges brought late in one semester may be deferred until the following semester.
- B. Notice to the student. The Disciplinary Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:
1. a written copy of the charges made and referred to the Committee; and
 2. copies of all supporting documents submitted to the Committee.
- C. Presentation of the case. The Associate Dean shall prepare the case and present the facts in the proceedings before the Disciplinary Committee. The Associate Dean shall have the right to be assisted by counsel.
- D. Student's right to counsel. The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Disciplinary Committee. Such advisor or counsel may be any person of the student's choice, provided, however, that any cost incurred shall be borne by the student.
- E. Witnesses and evidence at the hearing. Both the student and the Associate Dean have the right to call witnesses and to introduce evidence at the hearing. Each party and the Committee members may cross-examine any witness.
- At least four days prior to the hearing the parties shall exchange copies of all documents to be submitted at the hearing and a list of all witnesses expected to be called, including a brief summary of each witness' testimony.
- F. The right to remain silent. The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain silent at the hearing.
- G. Rules of evidence. The rules of evidence applicable to criminal and civil trials do not govern hearings before a Disciplinary Committee. Except as otherwise provided in this article, and subject to disapproval by vote of the Committee, the Chair of the Disciplinary Committee may make such rulings as to the admissibility of evidence as in the judgment of the Chair will expedite the hearing and ensure due process.
- H. Disciplinary Committee hearings. The place of the hearing before a Disciplinary Committee shall be determined by the Committee. Hearings are normally closed. However, the student may elect to have the hearing open to the public.

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- I. Tape recordings. Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full on audio tape, which shall be held in the files of the School of Law and made available to the student, or the student's authorized representatives, for review. Such materials shall be kept for a period of time consistent with the University's normal record retention policies and/or practices.
- J. Rules of procedure. Except as otherwise provided in this article, the Disciplinary Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.
- K. Burden of proof. The Associate Dean bears the burden of proof to establish by clear and convincing evidence that the student violated these Regulations.

Article VII. Disciplinary Committee Decisions

- A. Disciplinary Committee deliberations private. After receiving all the evidence, statements, and arguments submitted at the hearing, the Disciplinary Committee shall deliberate in private.
- B. Majority vote required. The Disciplinary Committee's decisions shall be reached by majority vote.
- C. Acquittal. If a majority of the Disciplinary Committee does not decide that a rule violation or unprofessional conduct has been established by clear and convincing evidence, the student shall be acquitted. In such a case, the charges shall be dismissed and no record shall be made of the matter in the student's law school record or upon the student's University transcript. An acquittal is a final decision and may not be appealed to the Disciplinary Review Panel.
- D. Rule violation or unprofessional conduct established. If the Disciplinary Committee decides that a rule violation or unprofessional conduct has been established, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal pursuant to Article VIII, below. If the student fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant person to implement the decision.
- E. Form of disciplinary action. The following are some of the forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee or the Dean. In its determination of an appropriate sanction, the Committee may take into consideration factors beyond those at issue at the hearing, e.g. the impact of a grade reduction on the student's G.P.A.:
 - 1. Reprimand. The student may receive a reprimand. The reprimand is part of the student's law school record, but is not recorded upon the student's University transcript.

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- I. Tape recordings. Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full on audio tape, which shall be held in the files of the School of Law and made available to the student, or the student's authorized representatives, for review. Such materials shall be kept for a period of time consistent with the University's normal record retention policies and/or practices.
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- D. Rule violation or unprofessional conduct established. If the Disciplinary Committee decides that a rule violation or unprofessional conduct has been established, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal pursuant to Article VIII, below. If the student fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant person to implement the decision.
- E. Form of disciplinary action. The following are some of the forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee or the Dean. In its determination of an appropriate sanction, the Committee may take into consideration factors beyond those at issue at the hearing, e.g. the impact of a grade reduction on the student's G.P.A.:
 - 1. Reprimand. The student may receive a reprimand. The reprimand is part of the student's law school record, but is not recorded upon the student's University transcript.

2. **Censure.** The student may receive a censure. The censure is part of the student's law school record and is recorded upon the student's University transcript.
 3. **Grade reduction/revocation of degree.** The student's grade in the course in which an alleged violation occurred may be reduced by one or more grade levels or rescinded. Moreover, a previously awarded degree may be revoked.
 4. **Suspension.** The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension is part of the student's law school record and may be recorded upon the student's University transcript. A suspension may be stayed subject to the proviso that the stay shall terminate automatically if, during such stay, the student is found to have again violated these regulations.
 5. **Expulsion.** The student may be expelled. The expulsion terminates the student's status as a law student and permanently ends the student's studies at the School of Law. The expulsion is part of the student's permanent law school record and is recorded upon the student's University transcript.
 6. **Notice to State Bar Examiners.** Any finding of unprofessional conduct or rule violation shall be reported to the Bar Examiners of the Supreme Court of the State of Hawai'i or to any similar agency in another jurisdiction in which the student might seek to practice law.
- F. **Effect of decisions of a Disciplinary Committee.** In any case involving a finding of cheating on a final examination in a course or plagiarism on a paper in a course, seminar, or supervised writing project, the presumptive effect of such a finding shall be that the student receives a grade of "F" (or in the case of a CR/NC course, a grade of "No Credit"). The Committee may, if in its discretion the circumstances warrant, deviate from this presumptive rule.

Article VIII. Appeal of Disciplinary Committee Decisions

- A. **Review by the Disciplinary Review Panel.** All Disciplinary Committee decisions finding that a rule violation or unprofessional conduct has been established may be appealed by the student involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of the student's receipt of the Committee's report. The student's appeal statement shall set forth grounds upon which the student desires relief from the Committee's decision. The Disciplinary Review Panel shall review such portions of the evidence and testimony as are necessary to full consideration of the student's appeal, but the Panel need not confine its review to issues raised before the Committee. No additional evidence shall be introduced for consideration in the review by the Panel.
- B. **Composition of the Disciplinary Review Panel.** The Disciplinary Review Panel shall consist of all voting members of the Faculty except that the faculty members who served on the Disciplinary Committee shall not be voting members of the Disciplinary Review Panel.

- C. Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- D. Panel procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
- E. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.
- F. Action on review of Disciplinary Committee decisions. The Disciplinary Review Panel may take the following action on review of decisions by a Disciplinary Committee:
1. adopt the Committee's decision and the disciplinary action determined by the Committee; or
 2. adopt the Committee's decision as modified to impose a lesser disciplinary action than that determined by the Committee; or
 3. set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee.
- G. Disciplinary Review Panel's decision final. The action taken by the Disciplinary Review Panel on review of a decision by a Disciplinary Committee is final within the University.

Article IX. Rights of the Student Defendant

- A. Rights of the student defendant.
1. A student defendant has the right to a clear, concise written statement of charges against the student.
 2. A student defendant may enter a plea of guilty in writing to the alleged violation to the Dean at any time before the final verdict has been rendered by the Disciplinary Committee. If the Dean and the student are unable to agree upon an appropriate sanction, the matter shall be submitted to the Disciplinary Committee for determination. The student has the right to appeal such a determination to the Disciplinary Review Panel.
 3. In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:

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- C. Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- D. Panel procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
- E. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.
- F. Action on review of Disciplinary Committee decisions. The Disciplinary Review Panel may take the following action on review of decisions by a Disciplinary Committee:
1. adopt the Committee's decision and the disciplinary action determined by the Committee; or
 2. adopt the Committee's decision as modified to impose a lesser disciplinary action than that determined by the Committee; or
 3. set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee.
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 3. In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:

- a. prompt completion of all the procedures provided herein, provided, however, that the student be given sufficient time to prepare any defense the student wishes to offer, and further provided, however, that the hearing and the appeal procedures can only take place in the Fall and Spring semesters;
- b. appear before the Disciplinary Committee;
- c. legal counsel or a representative of the student's choice, with any cost so incurred to be borne by the defendant;
- d. present oral, documentary, or physical evidence on the student's behalf;
- e. examine and cross-examine witnesses;
- f. require the Disciplinary Committee to request the presence of witnesses and the production of documents or physical evidence;
- g. remain silent without such silence being construed against the student;
- h. a presumption of the student's innocence until the Disciplinary Committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of these Regulations;
- i. a copy of the Disciplinary Committee's decision in writing; and
- j. waive any right herein conferred by notice of such waiver in writing to the Disciplinary Committee, or by failure to appear after being duly served, or by failure to exercise any rights granted the defendant.

Article X. Severability

If any provision of this Disciplinary Regulations is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

**UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW**

**ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)
(Revised July, 1999)**

I. Introduction

These procedures are used to ensure consistent and equitable treatment for students and to resolve issues arising from the academic relationship between individual faculty and students.

For any grievance involving a claim of sexual harassment, the student should contact the University's Equal Opportunity & Affirmative Action Officer in Law 225 or the Sex Equity Specialist in Student Services Center 209 before beginning any of the steps outlined below.

II. Statute of Limitations

Claims must be initiated within 45 days of mailing of grade.

III. Step 1 (Informal Resolution)

- A. Meet with Professor, or
- B. See Associate or Assistant Dean.
- C. Campus mediation services are available to assist in resolving disputes.

IV. Step 2 (Formal Resolution)

- A. Written complaint given to Associate Dean within 14 days after Step 1 has ended.
- B. Associate Dean has 14 days to achieve mediated resolution.

V. Step 3

- A. Written request for a hearing before the Academic Grievance Committee-Law must be filed with the Associate Dean within 14 days after student has been notified of final results of Step 2.
- B. Academic Grievance Committee-Law.
 - 1. Composed of one third-year student and four faculty (at option of grievant, may consist solely of 3 faculty members).

**ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)**

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2. Committee may decide before scheduling a formal hearing that no reasonable case exists (must be done within 7 days of filing of appeal).
 - (a) A decision that no reasonable case exists is appealable to the full faculty.
 3. Hearing on appeal held within 14 calendar days of decision to hear appeal.
 4. Grievant and faculty member may have advisor present.
 5. Hearing open unless grievant or faculty member requests it be closed.
 6. Burden of proof (clear & convincing evidence) rests upon grievant.
 7. Committee only sits during Fall and Spring semesters, therefore, completion of actions brought late in the semester may be delayed until the following semester.
- C. Decision by AGC-Law may be appealed to full law faculty within 14 days of issuance of AGC-Law report.
1. Appeal heard within 35 days or next semester.
 2. Decision by law faculty final within the University.

**ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)**

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**UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW**

ACADEMIC GRIEVANCE PROCEDURES
(Revised July, 2001)

These policies and procedures are established by the faculty of the William S. Richardson School of Law to provide consistent and equitable treatment for faculty and students of the law school in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.

While based upon policies and procedures followed by the University as a whole, only these policies and procedures are applicable to students taking courses at the law school. Decisions reached through these procedures shall be considered final within the University.

DEFINITIONS

Students - Any individual enrolled in a course for academic credit at the law school.

Faculty Member - Any individual engaged in research and/or instruction for credit at the law school.

Semester - Any scheduled term of instruction including Summer Session.

I. Responsibilities of Faculty

In the classroom and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in fundamental accord with the latest course description.
- C. To provide students at the beginning of the semester/ session with written explanation of the course objectives, general grading policy, syllabus listing reading assignments, attendance policy (See II. B), and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments. Substantial amendments and exam detail changes should be in writing.

- D. To retain student papers, tests, and examinations for one year unless returned to the students.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the law school calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To discuss on request, the final grade assigned to the work of any student in the instructor's course, free from abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness.
- H. To provide students equitable and unbiased treatment in an educational climate free from discrimination based on race, color, religion, national origin, sex, handicap, or age and harassment.
- I. To post and maintain reasonable and mutually convenient office hours during the course of the regular semester to meet with students.
- J. To adhere to the policies of the Faculty Senate as adopted in December 1975, along with any amendments thereto, concerning authors' recognition of contributions to their work by students and others.
- K. To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

II. Responsibilities of Students

The AGC-Law's decision on whether or not to hear a grievance will depend in part on the student-grievant having fulfilled the following responsibilities with regard to all matters relevant to the grievant:

- A. To exhibit classroom behavior which does not infringe on other students' right to learn.
- B. To attend classes as required by the instructor, recognizing that absences may adversely affect the final grade or credit for the course.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade or credit for the course.

- D. To retain student papers, tests, and examinations for one year unless returned to the students.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the law school calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To discuss on request, the final grade assigned to the work of any student in the instructor's course, free from abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness.
- H. To provide students equitable and unbiased treatment in an educational climate free from discrimination based on race, color, religion, national origin, sex, handicap, or age and harassment.
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- B. To attend classes as required by the instructor, recognizing that absences may adversely affect the final grade or credit for the course.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade or credit for the course.

- D. To abide by student, academic and administrative regulations as published by the University and the law school.
- E. To follow official procedures in pursuing redress of a grievance.
- F. To refrain from frivolous grievances.
- G. To promote an educational climate free from harassment and discrimination based on race, color, religion, national origin, sex, handicap, or age.

III. Procedures for Resolution of Academic Grievances

If a student has fulfilled his/her responsibilities relevant to his or her grievance and believes that a faculty member has failed to meet any of the responsibilities stated in Section I of this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve remedy. The action(s) available is outlined below and must be initiated no later than 45 calendar days after the grade for the course in question has been mailed to the student. Since the AGC-Law only meets during Fall and Spring semesters, completion of actions begun late in the semester may have to be delayed until the following semester.

- A. Step 1 (informal) - The student should try to resolve the problem with the faculty member involved. The student may first discuss the grievance with the Assistant or Associate Dean or another faculty member before speaking with the faculty member. Should the grievance involve a claim of sexual harassment, the student should go to the campus Equal Opportunity and Affirmative Action Officer before speaking with the faculty member. In the attempt to resolve the matter with the faculty member, the student and the faculty member are encouraged to consider the use of professional mediation services available on campus. When approached by a student concerning a grievance, the faculty member should first remind the student of the existence of these procedures and suggest that the student obtain a copy from the Associate Dean's office before proceeding.

If the resolution reached in Step 1 suggests a change of a grade, the grade change must be approved by the full faculty before it is implemented.

- B. Step 2 (formal) - Failing to resolve the problem at Step 1, the student shall prepare a formal complaint in writing indicating (1) the facts as the student perceived them, citing specific violations where possible; (2) the remedy sought; (3) the faculty member's response, if any, to the consultations of Step 1. This complaint is presented to the Associate Dean, with a copy for the faculty member, and must be filed within 14 calendar days of the time when the outcome reached in Step 1 is made known to the

student. For the purpose of this Statement, where the faculty member involved is the Associate Dean, the Dean shall assume the responsibilities of the Associate Dean detailed in this section. Any formal complaint alleging sexual harassment will not be heard by the Associate Dean but will be immediately referred to the campus Equal Opportunity and Affirmative Action Officer.

The Associate Dean shall first meet separately with the student and the faculty member, or, if both parties agree, jointly, to discuss the complaint and attempt to reach a mutually agreeable resolution. If within 14 calendar days of receipt of the written complaint, a mutually agreeable resolution has not been reached, the Associate Dean shall notify the parties in writing that Step 2 has been completed and that the student may go on to Step 3.

If the resolution reached in Step 2 suggests a change of grade, the grade change must be approved by the full faculty before it is implemented.

- C. Step 3 (AGC-Law) - If within 14 calendar days of receipt of the written complaint the parties have failed to achieve a satisfactory solution at Step 2, the student may file a written request with the Associate Dean for a hearing before the Academic Grievance Committee-Law (AGC-Law). Such request must be done within 14 calendar days after the student has been notified that Step 2 has concluded. The student shall provide as part of the request complete copies of all materials associated with Steps 1 and 2 and shall notify the Associate Dean of the names of other custodians of relevant material which the student does not possess. It is the responsibility of the Associate Dean to insure that all notifications required under Section IV, D, are accomplished. The Associate Dean shall deliver all materials described in this paragraph to the Chair of the AGC-Law.

IV. The Academic Grievance Committee of the School of Law

- A. Composition of the AGC-Law. Except as provided in paragraph B, below, each AGC-Law shall consist of one third-year law student to be selected by the Dean and four members of the full-time Faculty of the School of Law. The faculty members shall be selected by the Dean each academic year at the same time and in the same manner as other faculty committees are constituted.
- B. Election of an AGC-Law consisting solely of Faculty members. Any student filing an academic grievance may elect to have the AGC-Law consist solely of three members of the full-time Faculty of the School of Law selected by the Dean. Such election shall be made in writing three working days after the request for a hearing has been filed with the Associate Dean.

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IV. The Academic Grievance Committee of the School of Law

- A. Composition of the AGC-Law. Except as provided in paragraph B, below, each AGC-Law shall consist of one third-year law student to be selected by the Dean and four members of the full-time Faculty of the School of Law. The faculty members shall be selected by the Dean each academic year at the same time and in the same manner as other faculty committees are constituted.
- B. Election of an AGC-Law consisting solely of Faculty members. Any student filing an academic grievance may elect to have the AGC-Law consist solely of three members of the full-time Faculty of the School of Law selected by the Dean. Such election shall be made in writing three working days after the request for a hearing has been filed with the Associate Dean.

C. Resignation and replacement of AGC-Law members. If in the opinion of the Chair of the AGC-Law, the relationship of any member of the AGC-Law with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the Chair shall immediately remove the member from the AGC-Law and a replacement shall be selected by the Dean.

D. Responsibilities and Procedures of AGC-Law.

1. Pre-hearing Procedures

- a. Should AGC-Law decide, on the basis of all material before it, that no reasonable case exists, it has the right to refuse the hearing request. Completion of Steps 1 and 2 does not automatically lead to a full hearing. A decision denying a hearing request is appealable to the law school faculty. Such appeal must be made in writing within five calendar days of receipt of notice of the AGC-Law decision and shall be heard at the next regularly scheduled faculty meeting.
- b. Upon receipt of the appeal, the AGC-Law has seven calendar days within which to decide if it will hear the grievant's case.
- c. The AGC-Law shall hold a hearing on the case within 14 calendar days of its decision to hold a hearing.
- d. The AGC-Law may waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made.
- e. Upon scheduling a hearing, the Chair of the AGC-Law shall:
 - 1) give written notice of the hearing, at least seven calendar days prior to the hearing, to the student and the faculty member;
 - 2) inform all parties of the date, time, and place of the hearing

2. Hearing Procedures

The AGC-Law shall adopt written guidelines for the conduct of the hearing which shall include but not be limited to the following:

- a. The student grievant and/or faculty party may have an advisor present provided that notice of such intent and the name of the advisor are given to the Chair seven calendar days prior to the hearing. The other party to the case shall be notified by the Chair of such notice and may,

then, in such event, without notice, also have an advisor present.

- b. The hearing shall be open unless the student grievant or faculty party requests, in writing, a closed hearing. This request must be made at least 24 hours prior to the hearing.
- c. The burden of proof shall be upon the student grievant who shall prove his or her case by clear and convincing evidence.
- d. The Chair shall be responsible for recording the hearing on audio tape, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.
- e. The student grievant and faculty party shall be provided the opportunity to present evidence and arguments on all issues involved.
- f. Oral and documentary evidence may be introduced.
- g. The student grievant and faculty party shall have the right to question witnesses and submit rebuttal testimony.
- h. All members of the AGC-Law may question witnesses.
- i. The AGC-Law may secure testimony from witnesses other than those presented by the student grievant or faculty party. The committee may also secure documents and materials, including grades and other scores, relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student grievant or faculty party. Other confidential documents may be secured only with the consent of appropriate parties.
- j. The hearing will be held as scheduled even in the absence of the faculty party alleged to have committed the grievance, unless such absence is for good and sufficient cause. If the faculty party cannot attend for good and sufficient cause and desires a continuance, the committee may grant such a continuance for a reasonable period under the circumstances. The decision of the AGC-Law as to good and sufficient cause is final within the University.
- k. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AGC-Law as to good and sufficient cause is final within the University.

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- k. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AGC-Law as to good and sufficient cause is final within the University.

- l. The deliberations of the AGC-Law after receipt of all testimony shall be closed.
- m. After the hearing committee has made its findings and reached a decision, the Chair shall inform the student grievant and faculty party of the findings and decision, in writing, within seven working days. A copy shall be sent to the Associate Dean.

3. Records of the Academic Grievance Hearing

- a. The Associate Dean shall maintain a log of all AGC-Law hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of the Associate Dean.
- b. Other records to be maintained by the Associate Dean shall include but need not be limited to the following and shall not be open to inspection except by the interested parties: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AGC-Law, and audio tape recording of the hearing. This material will be kept for a period of time consistent with the University's normal record retention policies and/or practices. A summary of the disposition of the grievance shall be placed in the student's file.

V. Appeal of the AGC-Law's Final Decisions

- A. Review by the Full Faculty. The final written decision by the AGC-Law may be appealed to the full faculty by the student grievant or faculty party. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of issuance of the Committee's report. The party's appeal statement shall set forth the ground(s) upon which the party desires relief from the decision. The faculty shall review such portions of the evidence and testimony as are necessary to full consideration of the appeal, but need not confine its review to issues raised before the AGC-Law.
- B. Disqualification. If any faculty member feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.

- C. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the faculty only meets during Fall and Spring semesters, the hearing on an appeal filed late in the semester may have to be deferred until the following semester.
- D. Right to appear at hearing. The student grievant and the faculty member(s) against whom the grievance was filed may be requested to attend the hearing at the discretion of the faculty, however, neither party has an absolute right to attend.
- E. Faculty's decision final. The action taken by the faculty on its review of a decision by an AGC-Law is final within the University and not subject to further review.
- F. Notification of parties. The faculty, through the Associate Dean, shall notify the parties of its decision within three working days of the hearing.
- G. Authority of the faculty. The faculty shall have the authority to affirm, reverse or modify the decision of the AGC-Law.

VI. Authority of the AGC-Law

- A. The findings and decisions reached pursuant to these policies and procedures shall be final within UH-Manoa.
- B. The Dean shall have the authority to direct the execution of remedies.

VII. Redress Beyond the University

Nothing in this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

VIII. Severability

If any provision of this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

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WILLIAM S. RICHARDSON SCHOOL OF LAW
POLICIES AND PROCEDURES FOR EXAMINATIONS

(Revised July 2000)

The policies and procedures for examinations are set forth to provide each law instructor and student with a guide to the norms of the William S. Richardson School of Law.

Unless the instructor directs that the examination may be written outside the physical confines of the Law School, these provisions on examinations will apply.

BEFORE THE EXAM

- About one week prior to the commencement of final exams, each student must obtain an identification (ID) number from the Student Services front desk. Students will be given *one* ID number *per semester* to be used on all *final* exams for that semester. (A separate number will be issued each semester for those classes having midterm exams.) Students should assure that the ID number will be easily available for each examination. Since ID numbers assure an anonymous grading system, please guard your number as appropriate.
- Each student is charged with the responsibility for noting the exact date, time and room for each and every examination which he or she is required to take. Such detailed information will be contained in the "Final Exams Schedule" that will be distributed and posted on the official bulletin board a few weeks before final exams commence.

THE DAY OF THE EXAM

- Students writing their exams should proceed to the designated room(s); typists will be assigned separate room(s). Students *must* be seated *15 minutes before* the examination commences, with *no less than one seat* space (approximately 3 feet) between students. Students arriving late for an exam will not be given additional make-up time.
- Faculty may not proctor their own examinations. However, the instructor of the course should be available in his/her office during the hours of the exam to respond to questions about the examination. If the course instructor cannot be available, he/she should ask another member of the faculty or staff to be available for questions regarding the exam. Responses to individual questions which might affect the grading of the examination will, as much as possible, be announced to the entire group taking the exam.

- ***Any books, notes and other course-related materials not authorized for use during the examination may not be brought into the exam room. Students may not consult any unauthorized materials during the examination.***
- There will be a proctor present or nearby throughout each examination.
- Students ***writing*** their exams will initially receive two blue books from the proctor. Extra blue books will be provided as needed. For some exams, students may also be given scratch paper which should not be written on until the exam begins.
- Students must supply their own pens. Unless instructed otherwise, write with a blue or black ink pen—***on every other line, on one side of each page***. Do not write in the margin on the left side of the page.
- Students ***typing*** their exams will be supplied with colored typing paper for each exam. Only the paper issued for that exam will be accepted. Each person must supply his/her own typewrite, extension cord, extra ribbon cartridges, etc. ***Word processors and electronic typewriters with more than one line of memory are prohibited***. This will be strictly enforced. If a student's typewriter malfunctions during the exam, the student should inform the proctor and resume answering the examination in blue books in the ***writing room***.
- After blue books have been issued and exam announcements made, the proctor will start the exam. The instructor is responsible for issuing explicit written instructions relating to every exam whether the exam is given outside or within the Law School.
- When time is called at the end of the exam, stop writing or typing ***immediately!*** A proctor who has reasonable cause to believe that a violation of examination rules, procedures or standards has occurred will, in writing:
 - a. Describe the occurrence, ask for and note the student's name and examination number, and ;
 - b. Submit the above in writing along with his/her (the proctor's) name to the Law School Assistant Dean.
- Upon completion of the exam:
 - a. (FOR THOSE WRITING): The student's ID number should be on all blue books and all should be numbered, i.e. 1 of 3, 2 of 3, 3 of 3. Insert all books ***and the exam question*** into the manila envelope provided. Seal the envelope and write your exam number across the seal. ***Return any unused blue books to the proctor.***

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- b. (FOR TYPISTS): The ID number should be on each typed page; each page should be numbered together with the total number of pages—for example: 1 of 10, 2 of 10, 3 of 10, etc. Staple all answer sheets together (a stapler is provided in the typing room). Typists must also turn in the exam question. Place typing papers and exam question in the manila envelope, seal and place exam number across the seal.
 - c. ***Be sure to turn in all materials containing answers.*** It is students' responsibility to insure that all materials (such as blue book, typing paper, answer sheets, etc.) intended to be graded are submitted to the proctor at the end of the exam in the sealed envelope. Credit will be given *only* to such materials.
 - d. Sign the class list. This is important as it serves as proof of a student's presence during the exam.
- Students should gather their papers ***QUIETLY*** so as not to disturb others. Once out of the room, please be quiet as students may be taking exams in adjacent rooms.
 - Students may leave the exam room to go to the restrooms or to take a break. Please do not allow classroom doors to bang as you enter and exit. During such a break, students should not talk to anyone or remove exam materials (questions and answers) from the exam room. There will be ***ABSOLUTELY NO SMOKING, NO DRINKING OF BEVERAGES OR CONSUMPTION OF FOOD IN THE EXAM ROOMS.***

AFTER THE EXAM

- Students should not discuss the contents of examinations until grades are posted. This is necessary to assure the security of the exam in the event that someone is unable to take the exam at the scheduled time.
- Under no circumstances should students identify themselves or their matching exam numbers to the professor (this applies the exam paper itself, as well as before, during or after the examination). References or notations on the exam which the professor may recognize coming from a certain student should be studiously avoided. Students should not discuss their examination with the professor ***until grades have been posted.***
- Students should contact the Assistant Dean immediately regarding concerns about anonymity, transposed or forgotten exams, etc.
- ***Students should not attempt to calculate other students' GPAs from the posted grades, nor should students or faculty attempt to identify from posted grades who might have earned which grade.***

POSTING OF GRADES/LOST EXAM NUMBERS

- Results of examinations will be posted on the Student Services bulletin board and via e-mail by ID number. Grades are due one month after the date of the exam, although some grades may be posted sooner.
- The Student Services Office *will not give out ID numbers or exam results to students who have lost or misplaced their ID number*. In such cases, the student must wait until grade reports are issued to all students after all exam results for the semester have been posted. Grade reports are mailed about six weeks after the last exam.
- Students may request that their results not be posted on the bulletin board and via e-mail. However, non-posting will apply to *all* results for that student for that semester. The Student Services Office will not give out exam results to students who have requested non-posting. In such cases, students must wait until grade reports are issued to all students after all exam results for the semester have been posted.
- Students who do not wish to have their grades posted are reminded to tell the Student Services Office of their wishes before the exam period of *each* semester.

FINAL EXAM RESCHEDULING (MAKE-UP)

- Students should check the final exam schedule before registering for courses. Rescheduling will not be permitted if a student has two exams on the same day or on successive days.
- Exceptions to the provision requiring that all exams be taken at the scheduled time will be allowed *only* for medically certified disabilities or verified emergencies beyond the student's control which substantially impair the student's ability to perform on the exam at the scheduled time.

To the extent practicable, the student must obtain prior approval for the rescheduling *from the Associate Dean*. The Associate Dean will then discuss the student's situation anonymously with the professor whose exam is being given. *Students should not discuss the need for rescheduling directly with the professor concerned as this breaches anonymity*. The rescheduled exam should be given after the time of the regularly scheduled exam, on a date to be determined by the Associate Dean and instructor.

Requests for rescheduling or extra test time will not be granted for such excuses as studying for the wrong exam, oversleeping, tardiness, forgetfulness, car trouble, traffic congestion, etc.

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**University of Hawai'i at Mānoa
William S. Richardson School of Law**

Policy on Plagiarism

(July 2001)

Each student should make it a practice to read the school's policy on plagiarism on a regular basis and before commencing all writing courses and special projects including Legal Methods Seminar, Appellate Advocacy, Second Year Seminar, Moot Court Team, and Law Review. You will be assumed to be familiar with its contents and held accountable for any violations.

Plagiarism is serious business, particularly in law schools. The Internet has created new temptations, as well as an additional means for detecting plagiarism. Learning what plagiarism is and how to avoid it makes sense for at least two reasons: ethical and practical. The Code of Professional Responsibility, which sets forth the ethical norms (some aspirational and some mandatory) by which lawyers are expected to conduct their professional affairs, does not specifically mention plagiarism. But, Rule of Professional Conduct 8.4 (c) states that "[i]t is professional misconduct for a lawyer to...engage in conduct involving dishonesty, fraud, deceit, or misrepresentation." It should be obvious that a law student who, under pressure of deadlines, "borrows" without attribution language and ideas from others might also have no qualms about "borrowing" other, more tangible things once in practice. Law schools are duty-bound to do all they can to ensure a firm moral grounding for all potential lawyers.

On the practical side, the key to a successful legal argument is the ability to convince the listener (be she judge, client, or opposing counsel) there is a sound legal and factual basis for the position you are advocating. If your argument lacks citation, or if the citations are inaccurate, the listener will not be swayed. Even in cases where your argument is at the cutting edge of the law and advocates a new direction, contrary to existing law, the listener must be brought gradually to that eventual leap of faith along a comfortable path well-marked by citation to existing authority.

The definition of plagiarism used by this law school is a simple one:

The submission or presentation of any work, in any form, that is not a student's own, without acknowledgment of the source. A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert. **Regardless of intent**, the failure to properly acknowledge the use of another's work constitutes plagiarism.

Given the gravity of the offense, the sanctions imposed through the Student Conduct Code can be severe: an "F" in the course and, perhaps, even expulsion from law school.

Excuses That Won't Work

I can't even spell playgarism (sic), how should I know what it means?

I never learned this stuff in undergraduate school.

But this was just my first draft, you know I would never hand in a final draft like this.

I was so far behind on the whole thing, I just threw it together late last night and fully intended to go back later and "clean" everything up.

The law review articles I read all talked about the same suggestions for reforming the law and besides, it was so common sense that anyone, even me, could have come up with the same ideas if only I would have had the time.

Everyone does it, why are you singling me out?

I cited that article on page 5, so it's not like I was trying to hide the fact that the (uncited) materials on pp. 35-40 were taken from the same source. Why do I have to keep on citing to the article? It's a waste of time.

But I thought if I changed one word in five . . .*

Well, I haven't read the cases, but they were in a law review footnote . . .*

Everyone knows the court said that and not me . . .*

I don't need quotation marks if I use ellipses and brackets . . .*

The idea came from the law review article, but I wrote every word of the paper myself.*

*Taken from "Plagiarism: Pilfered Paragraphs," The Second Draft, 8.2 (April 1993).

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Common Problems/Solutions

A. The "borrowed" footnote.

Law review articles are infamous for the number of footnotes they include. Among devotees of this art there is a story, no doubt apocryphal, about a law review article with one line of text accompanied by seventy pages of footnotes.

Suffice it to say, footnotes in law review articles can be an excellent source of footnotes or even text for your own paper. It is not necessarily unethical to take advantage of this gold mine of information, but steps should be taken to avoid even the appearance of plagiarism. As a further note of caution, even in the best of journals, footnotes are not always accurate. All "borrowed" citations should be checked for accuracy (both the citation format and to be sure the cited case/article stands for the proposition for which it is being cited, and that the law has not subsequently changed).

Examples

- (1) You are doing a paper on a family law issue. Footnote 37 of a law review article lists the 38 states that have a similar provision regarding adoptions. You want to include this info in your paper. Do you cite the law review footnote? Absolutely, this is research they did, not you. Do you review the statutes of all 50 states to confirm that the original footnote was correct? If the information is important to your thesis and/or you plan to publish your article in a law review, absolutely yes. If the information is peripheral, probably not, but you might want to add some qualifying language like, "according to there are 38 states with similar provisions..." rather than just a simple cite to the footnote number.
- (2) Footnote 115 cites a line of cases on an issue peripheral enough to your topic that you don't want to discuss them in the text of your paper, but you feel the reader might find them of interest. You must acknowledge that it was the law review author, not you, who found these cases. Depending upon the circumstances, you might also want to check them to be sure the citations are accurate and that they stand for the proposition for which they are being cited.
- (3) Footnote 149 cites a 1994 Ohio case for the proposition that there is at least one recent state appellate court decision holding that any law school graduate may pursue an educational malpractice claim against their former law school professors if the graduate is ever sued by a client for attorney malpractice. Guess what: (1) the citation was inaccurate, it was a 1884 case; (2) the holding was expressly limited to non-ABA accredited law schools; and, (3) there is a 1968 case from the same court that holds the earlier decision is no longer valid. Don't be surprised; law review editors are only human and they too make mistakes (except at UH). By borrowing the footnote without checking its accuracy you have inadvertently damaged the credibility of your own paper. If you are going to use the cite, check it first.

B. Quote/Paraphrase/Your Own Words

When is a quote (rather than a paraphrase) appropriate? This is partially a question of style, but as a general rule of thumb quotes should be used when you feel that the language used by the author is so well crafted that to even slightly tinker with it would destroy its impact. Similarly, in those rare moments when a court is able succinctly to sum up its holding (or even dicta) in a line or two, this is powerful language to raise before your own judge.

Examples

- (1) You are comparing four recent U.S. Supreme Court decisions all of which have detailed fact patterns that must be discussed in some detail in order for you to distinguish them from your case/fact pattern. Do you quote the fact patterns word for word, closely paraphrase them (with footnotes, of course), or what? This is more a question of style than plagiarism. It will probably take some time, but you should still be able to digest the fact patterns and state them in your own words and not have to footnote every line of your paper. Any unique descriptive terms used by the courts, should, of course, be cited.
- (2) You need to discuss the reasoning by the courts in a line of cases. There are one or two law reviews that already do this. Do you quote/paraphrase or what? As with the preceding paragraph, this is more a problem of style than plagiarism. You would still, however, want to have at least a general footnote to the articles so a reader could know that others have discussed the same line of cases. The closer you find yourself following the articles' discussion, the more you will want to be citing to the articles with more regularity throughout your discussion. For example, you might find yourself unconsciously following the format one of the articles used in its discussion, i.e. the order in which it addressed the issues. If this, in turn, is simply a mirroring of the courts' format, there is probably not a problem.

In order to provide further assistance in defining plagiarism, attached are two documents "Avoiding Plagiarism in Law School: A Law Student's Guide to Sources and their Acknowledgement" copied from an article by Robert Brill, "Plagiarism in Law School: Close Resemblance of the Worst Kind?" 31 Santa Clara Law Review 1990, 103-146, and "Using Examples to Illustrate Plagiarism" taken from Volume 8.2 (April 1993) of The Second Draft, the Bulletin of the Legal Writing Institute. These are full-text (retyped) copies from recent materials discussing plagiarism in law schools.

B. Quote/Paraphrase/Your Own Words

When is a quote (rather than a paraphrase) appropriate? This is partially a question of style, but as a general rule of thumb quotes should be used when you feel that the language used by the author is so well crafted that to even slightly tinker with it would destroy its impact. Similarly, in those rare moments when a court is able succinctly to sum up its holding (or even dicta) in a line or two, this is powerful language to raise before your own judge.

Examples

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AVOIDING PLAGIARISM IN LAW SCHOOL:
A LAW STUDENT'S GUIDE TO SOURCES
AND THEIR ACKNOWLEDGMENT¹

Plagiarism is the submission or presentation of any work, in any form, that is not a student's own, without acknowledgment of the source.² A student must not appropriate ideas, facts or language from the work of another without proper use of quotation marks, citation or other explanatory insert.³ *Regardless of intent*, the failure to properly acknowledge the use of another's work constitutes plagiarism.⁴

Plagiarism is considered by many to be one of the most serious offenses that can be committed in an academic community⁵ and may reflect upon an individual's moral fitness to practice law.⁶ The failure to acknowledge sources violates the code of scholarly ethics, and ironically, may also indicate one's anxious and abject dependence upon them. Plagiarists, in effect, forfeit the opportunity to do their own original work.

A law student charged with plagiarism is subject to disciplinary action which may include a failing grade, loss of course credit, suspension or expulsion, and notification to the Committee of Bar Examiners in every state where the student intends to practice law.

¹ Title and text adapted with permission from Dartmouth College, *SOURCES: THEIR USE AND ACKNOWLEDGEMENT* (1987).

² Although there is no universal definition for plagiarism utilized by every law school, the majority share common elements. See, e.g., *Notre Dame Law School Honor Code* " 3.01(b), "To submit as one's work the work of another," University of South Carolina, School of Law, *Code of Academic Responsibility*, Art.III, " 1(d), "[T]he act of taking the idea writing, or work of another and presenting it as the product of one's own activity, whether in whole or in part;" University of Oklahoma, College of Law, *Code of Academic Responsibility*, " 201(b)(vii), "[T]he incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author's work with quotation marks, notes, or other appropriate written designation."

³ See Western State University Honor Code "201(b)(9). See also Southern Methodist University, School of Law, *Code of Professional Responsibility*, Art. III, "A(2)(1982).

⁴ *SOURCES: THEIR USE AND ACKNOWLEDGEMENT*, *supra* note 1, at 7.

⁵ See Kolich, *Plagiarism: The Worm of Reason*, 45 C. ENG. 141 (1983); see also Mawdsley, *Plagiarism Problems in Higher Education*, 13 J.C. & U.L., 65 (1986).

⁶ See, e.g., *In re Lamberis*, 93 Ill. 2d 222, 443 N.E.2d 549 (1982); but see Rhode, *Moral Character as a Professional Credential*, 94, YALE I.J. 491, 518-37 (1985).

Many entering law students erroneously believe that plagiarism can occur only in a class paper or law review article, and then only by an explicit intent to deceive. Plagiarism can occur *whenever* one makes use of the ideas or work product of another without including an appropriate citation, and applies to *every* type of work encountered in law school: essays, law review articles, case briefs,⁷ pleadings and legal memoranda for class credit, homework, and examinations. Plagiarism is possible with any formal work performed in any medium.

Many forms of inadvertent plagiarism are caused by poor research habits. Law students should cite sources not only in a final draft, but also in all preliminary notes for any project. The accurate use of quotation marks is essential to good notetaking, and will avoid the unfortunate consequences that result from mistakenly assuming that one's notes are in one's own words. A working knowledge of the rules contained in *A Uniform System of Citation*⁸ will facilitate this practice.

A. *Examples of Plagiarism*

Following these excerpts from the late Professor Fred Rodell's famous lampoon of legal literature⁹ are typical examples of plagiarized work:

[T]he explosive touch of humor is considered just as bad taste as the hard sock of condemnation. I know no field of learning so vulnerable to burlesque, satire, or occasional pokes in the ribs as the bombastic pomposity of legal dialectic. Perhaps that is the very reason why there are no jesters or gag men in legal literature and why law review editors knit their brows overtime to purge their publications of every crack that might produce a real laugh. The law is a fat man walking down the street in a high hat. And far be it from the law reviews to be any party to the chucking of a snowball or the judicious placing of a banana peel. Occasionally, very occasionally, a bit of heavy humor does get into print. But it must be the sort of humor that tends to produce, at best, a cracked smile rather than a guffaw. And most law review writers, trying to produce a cracked smile, come out with one of those pedantic wheezes that get an uncomfortably forced response when professors use them in a classroom. The best way to get a laugh out of a law review is to take a couple of drinks and then read an article, any article, aloud. That can be really funny.¹⁰

⁷ In some law schools the mere possession of "canned briefs" (*e.g.*, *Legal Lines or Casenotes*) on campus subjects a student to suspension or dismissal. *See, e.g.*, Western State Univ., Admin. Rule 7 (1989). Recitation of a canned brief as one's own synopsis of a case may also constitute plagiarism under a strict construction of the term.

⁸ HARVARD LAW REVIEW ASS'N, *A UNIFORM SYSTEM OF CITATION* (14th ed. 1986).

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1. *Example 1*

Plagiarism by unacknowledged direct quotation or word-for word transcription from source:

In legal writing an *explosive touch of humor* is considered to be in *bad taste*, and is *perhaps the very reason why there are no gag men in legal literature*. Law review editors work *overtime to purge their publications* of humor, but *occasionally a bit of heavy humor* escapes their scrutiny.

Note that this paragraph duplicates Professor Rodell's passage with only a slight rearrangement and restatement, and without using appropriate quotation marks or citation at the end.

2. *Example 2*

Plagiarism by mosaic, or, mixing paraphrase and unacknowledged quotation from source:

Jokes in literature are *considered to be in bad taste*, perhaps due to the genre's extreme *vulnerability to satire*. The law reviews work *overtime* to remove obnoxious levity and the snippets of humor that remain are often little more than *pedantic wheezes*. Sometimes, the only way to get a laugh out of legal writing is to *take a drink then read aloud*.

Note how in this case the plagiarist intermingles his own original writings with unmarked excerpts and phrases drawn directly from Professor Rodell, adopts the ideas of the original author, and again fails to provide any citation.

3. *Example 3*

Plagiarism by paraphrase and/or use of ideas:

Drollery is unwelcome in legal literature. The few authors who gingerly attempt to elicit a smile, and escape their editor's overzealous attempts to preserve the sanctity of the publication, are generally rewarded with little more than a wry smile. Humorists need not apply as legal writers.

Note that although this excerpt does not make literal use of Professor Rodell's paragraphs, it nevertheless draws its ideas from them without any acknowledgment and thus constitutes an act of plagiarism of equal severity as the two preceding examples.

B. *When to Cite Sources*

Although scholars of various disciplines differ on when to cite and not to cite sources, most follow the basic principle that a citation is required to any source of a direct quotation,

paraphrase, fact or idea. Lawyers, finding the bare assertion of a legal theory without authority to be less than useless, reduce the principle to its elemental form, "*cite everything!*"¹¹ Winning a case for one's client requires that a court be persuaded that statutory or case authority demands the requested ruling. A court will not take a lawyer's word for it, or give credence to his opinion that the law is what he says it is. A court must know which authority. Therefore, "[l]awyers cite the law."¹²

This citation principle may be divided into six basic rules. The first two cover direct quotation, paraphrase and summary of language, facts and ideas. The third considers information that may be regarded as "common knowledge." The fourth, often considered a recommendation rather than a strict rule, asks for citations to sources that supply different or additional views on the same or related topic that the reader might find relevant or helpful.¹³ The fifth rule specifies citations to sources that cannot be defined as written texts, including such materials as public lectures, recordings, films, graphs, statistical tables and computer data. An additional rule, addressed in legal writing courses, requires citation to all sources relied upon for authority to support any legal proposition or rule. The proper format for each required citation will be found in *A Uniform System of Citation*,¹⁴ better known as the "Harvard Bluebook."

1. *Cite sources for all direct quotations.*

There is no exception for this rule since scholars, judges and other lawyers expect to know the original source of every quotation whether for the purpose of simply finding it there, checking for accuracy, or when appropriate, perhaps using it in their own work.¹⁵

2. *Cite sources from which language, facts, or ideas have been paraphrased or summarized.*

A paraphrase requires the same citation as a quotation. This rule helps avoid a common form of plagiarism: not only paraphrasing an unacknowledged source's idea(s), but also literally adopting ("lifting") certain specific phrases or stylistic expressions without quotation marks and explicit acknowledgement of their original source. Students are cautioned to organize any summary or paraphrase in their own distinctive manner and style.¹⁶ As a general rule, each paragraph

¹¹ See P. MERKLE & R. TALMO, *LEGAL RESEARCH AND WRITING, COURSE MATERIALS* 4 (1988).

¹² *Id.*

¹³ See Samuelson, *Good Legal Writing: Of Overall and Window Panes*, 46 U. PITT. L. REV. 149, 161 (1984).

¹⁴ HARVARD LAW REVIEW ASS'N, *supra* note 92.

¹⁵ There is no consensus in legal academe whether the "lifting" of quotations from a secondary source without additional citation constitutes plagiarism. It is, however, bad research methodology. One should always read quoted material in the original source.

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containing paraphrase material should contain a cite to the source.

A persistent and potentially dangerous myth is that plagiarism is harmless if unattributed material consists of less than one page in a typical 20-page student paper. This is not so! Although an individual instructor or school may sometimes find that a small amount of "accidental" plagiary does not warrant formal disciplinary action, the student's work remains flawed. Not only is the non-plagiarized remainder suspect, any positive impact on the reader is lost. Such an incident of plagiarism, however "minor," may rate a failing grade from the professor and irreparably damage a student's reputation.

3. *Cite sources for idea(s) or information that could be regarded as common knowledge, but which a) was not known to the writer before encountering it in a particular source, or b) the reader might find unfamiliar.*

Less clear than the two previous rules, this third rule addressed an ideas that did not originate with the writer but seems generally well known (i.e., that the federal legislature is bicameral),¹⁷ and a generally well-known idea treated as a distinctive or seldom understood concept (i.e. Judge Bork's controversial theory on the limited scope of the first amendment).¹⁸ In the first case, some legal scholars omit a citation when the idea can be found in five or more independent sources. In the second case a formal citation is always required. When in doubt, *cite the source.*

4. *Cite sources that add relevant information to the particular topic or argument propounded.*

This "rule" allows the writer to supply related or parenthetical information without cluttering the body of the paper with extraneous details. Restraint should be exercised in the use of supplementary citations. Too many will distract the reader from the flow of the argument.¹⁹

¹⁷ A term now in common usage, originally applied by Jeremy Bentham to the division of a legislature body into two chambers. BLACK'S LAW DICTIONARY 147 (5th ed. 1979).

¹⁸ Bork, *Neutral Principles and Some First Amendment Problems*, 47 IND. L.J. 1, 26-28 (1971).

¹⁹ "Encountering a [footnote] is like going downstairs to answer the doorbell while making love. - Noel Cowrad." Bowersock, *The Art of the Footnote*, 53 AM. SCHOLAR 54 (1984), cited in Austin, *Footnotes as product Differentiation*, 40 VAND. L. REV. 1131, 1152 (1987).

5. *Cite sources from and for other kinds of specialized materials.*

This fifth rule extends the application of the preceding our rules to other forms of work such as lectures, recordings, films, interviews, letters, unpublished manuscripts, graphs, charts, tables, etc.

6. *Cite sources relied upon for authority to support any legal proposition or rule.*

Because judicial action is governed by the principles of precedent and stare decisis,²⁰ adherence to this rule not only avoids plagiarism from judicial opinions, statutes or secondary authority, it also is essential to effective lawyering . Students might sometimes feel embarrassed by writing that relies on secondary sources, and try to paraphrase a hornbook, treaties or law review without providing citations to anything but the primary authority.²¹ Not only is it obvious to an experienced reader that a student has relied on a secondary source (even without citations), the student risks a charge of plagiarism.²² Although original analysis of a court decision is always preferred , there is no shame in using a secondary source so long as a proper foundation is laid and the complete citation is given.²³

Plagiarism is easily avoided by careful research methodology and adherence to simple rules of citation. The practice of law is based upon the craft of effective writing, and law students should write often. A fear of plagiary that manifests itself in the failure to take advantage of every writing opportunity in law school is a tragedy in itself. Don't be afraid of sources, interact with them. Although some of the rules seem fraught with ambiguity, particularly when a fact or idea appears to be common knowledge, proper attribution is an absolute prevention for plagiarism. So long as a student dose not represent the work of another as his own, and credited his sources, he cannot be a plagiarist. The student who also understands that a legal rule without citation is like a pen without ink has taken an important step toward effective advocacy.

²⁰ C. KUNZ, D. SCHMEDEMANN, C. ERLINDER & M. DOWNS, *THE PROCESS OF LEGAL RESEARCH* 52-54 (1986).

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USING EXAMPLES TO ILLUSTRATE PLAGIARISM

WAKE FOREST

To help you avoid plagiarism and learn appropriate attribution, consider the examples based on the following excerpt:

"A 'handicap' could be defined by listing certain traditionally-recognized handicapping conditions, or a legislature may choose to provide a more comprehensive list of the types of disabilities that will be considered "handicapping conditions" in that state. These approaches are problematic, however, because they can lead to legislation that does not include certain groups of handicapped people simply because the legislature was not aware of a particular handicap."

Maureen O'Connor, Note, *Defining "Handicap" for Purposes of Employment Discrimination*, 30 ARIZ. L. REV. 633, 636 (1988).

Example 1: *The term "handicap" may be defined in general terms or a Legislator may choose to provide a more comprehensive list of the types of disabilities that will be considered "handicapping conditions" in that state.*

This example needs quotation marks around the words printed in bold, and a citation at the end of the sentence. When you quote or copy words directly from the source, you must use quotation marks and give a citation.

Example 2: *It is problematic to define a handicap by providing a list of the types of disabilities that will be covered because certain groups of handicapped people might be excluded. The legislature might simply be unaware of certain handicaps.*

This example needs a citation. If you change a few words and mix up the order of the source sentence, you must give a citation. It is permissible to paraphrase only if you give proper attribution.

Example 3: *The term "handicap" is difficult to define in a statute. Any attempt to provide a complete list of covered disabilities, however, will be inadequate; some conditions will inevitably be omitted.*

This example needs a citation because it expresses the same ideas as the source article. Unlike the first two examples, comparing the two statements side by side might not yield conclusive proof of plagiarism. But if the author of the second statement borrowed this idea from the source, a citation must be included. If you are ever in doubt, you should err on the side of giving credit, remember that a citation increases persuasiveness.

Example 4: *When defining statutory terms, legislators should not attempt to draft a complete list specifying everything the statute is intended to cover. Such lists will inevitably be incomplete; some will later make a claim that the legislators did not anticipate. Further, the statutory list may quickly become outdated.*

This example should have a citation to the source preceded by the signal *See*, pursuant to Bluebook Rule 1.2. Legal writers often build on other sources to arrive at their own analysis or conclusion. Sometimes a source may trigger a related idea. In these instances, even when there is no inference of plagiarism, citation to the original source, with an appropriate signal, should be included.

UNIVERSITY OF MISSOURI-KANSAS CITY

What follows is a two paragraph section taken directly from a law review article, Note *Legal Fictions Mask Human Suffering: The Detention the Mariel Cubans Constitutional, Statutory, International Law, and Human Considerations*, 62 SO. CAL. L. REV. 1733, 1754-55 (1989) (footnotes renumbered) (emphasis in original). Then, several examples are used to illustrate how a fictional writer may use this law review article to commit plagiarism in the writing of a brief or memorandum. These examples are provided to illustrate commonly occurring instances of plagiarism so that you will avoid these usages. The examples given do not represent every possible unattributed use of another's work, but are intended to clear up confusion in some areas.

Original:

Even if the Mariel Cubans are not being "punished," their civil detention still denies them their liberty interest in being free from prolonged detention. The Fourth and Eleventh Circuit Courts of Appeal have held that excludable aliens have no liberty in freedom from prolonged detention, and therefore, are not entitled to due process of law. These courts reason that detention, even for as long as seven years, is merely a part of the exclusion process. These courts inaccurately rely on the well-settled principle that "an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative."²⁴

The problem with these circuit court decisions is that they fail to distinguish between an alien's interest in his or her "initial admission" or "application" for admission, which in most cases has already been processed and denied, and his or her interest in being free from arbitrary and prolonged detention; these two interests are distinct. Consider that the courts have long recognized that an alien's interest in admission is distinct from his or her interest to be free from arbitrary and prolonged criminal detention, the latter of which is protected by the due process clause.²⁵ A criminal sentence can only be handed down in accordance with the due process clause, but why

²⁴ *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (emphasis added). Further, at least one commentator has suggested that this principle is not well settled at all and is, in fact, incorrect. See Note, *The Measure of a Nation*, 73 VA. L. REV. 1501 (1987) (authored by Christopher R. Yukins) (Suggesting that the history of Supreme Court decision making indicates that aliens do have an interest in admission to the United States, but that the process due is defined by those procedures which Congress has provided to an alien.

²⁵ See *Wong Wing v. United States*, 163 U.S. 228 (1986); *United States v. Henry*, 604 F. 2d 908 (5th Cir. 1979).

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Original:

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The problem with these circuit court decisions is that they fail to distinguish between an alien's interest in his or her "initial admission" or "application" for admission, which in most cases has already been processed and denied, and his or her interest in being free from arbitrary and prolonged detention; these two interests are distinct. Consider that the courts have long recognized that an alien's interest in admission is distinct from his or her interest to be free from arbitrary and prolonged criminal detention, the latter of which is protected by the due process clause.²⁵ A criminal sentence can only be handed down in accordance with the due process clause, but why

²⁴ *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (emphasis added). Further, at least one commentator has suggested that this principle is not well settled at all and is, in fact, incorrect. See Note, *The Measure of a Nation*, 73 VA. L. REV. 1501 (1987) (authored by Christopher R. Yukins) (Suggesting that the history of Supreme Court decision making indicates that aliens do have an interest in admission to the United States, but that the process due is defined by those procedures which Congress has provided to an alien.

²⁵ See *Wong Wing v. United States*, 163 U.S. 228 (1986); *United States v. Henry*, 604 F. 2d 908 (5th Cir. 1979).

aliens should only receive the protection of the due process clause after violating our laws, and not prior to civil detention, has never been satisfactorily explained.²⁶

PLAGIARISM EXAMPLE 1

Several federal appellate courts have held that excludable aliens have no liberty interest in freedom from prolonged detention and, therefore, have no due process rights.

Comment: This is plagiarism because the writer of Example 1 has used the exact words of the source's author (first paragraph, second sentence of original) without quotation marks and without attribution. Furthermore, even the paraphrase at the beginning of the sentence needs attribution.

PLAGIARISM EXAMPLE 2

In holding that the due process clause does not apply to the Mariel Cubans, the courts have failed to distinguished between two interests, the Cubans' interest in freedom from arbitrary and prolonged detention and their interest in the initial application into the United States.

Comments: This is plagiarism because the writer of the example has used the idea of another without attribution. Even the act of thorough paraphrasing does not "save" the writer. Even the thorough rewording of another's idea must be attributed to the source of that idea. The passage above uses another's idea - that the problem with the circuit court decisions is that they fail to distinguish between two distinct interests, an alien's interest in initial admission and his interest in freedom from arbitrary and prolonged detention - without attribution. Thus the author of Example 2 is creating the impression that this notion is his original idea rather than another's idea.

PLAGIARISM EXAMPLE 3

Those federal appellate courts that have denied a due process liberty interest in freedom from prolonged detention reason that prolonged detention, even for several years, is just part of the exclusion process. In so holding the federal appellate courts erroneously rely on the Supreme Court's holding that "an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." Landon v. Plasencia, 459 U.S. 21, 32 (1982).

²⁶ See Jean v. Nelson, 472 U.S. 846 (1985) (Marshall, J., dissenting). Justice Marshall presents an impassioned critique of the logic behind the Fourth and Eleventh Circuit decisions. The paradoxical nature of this distinction becomes more obvious, and less tolerable, when one considers that the conditions of the "civil" confinement are often worse than the criminal confinement, not to mention the fact that the civil confinement is open-ended. See *supra* notes 25-39 and accompanying text.

Comment: This example is a typical technique that many students use without recognizing that it is plagiarism - the use of another author's words and ideas.

Here, the author of Example 3 has actually located the quote from the Landon case in context in the law review article. By citing to the case itself and not also the law review article, the writer is representing that he has read the case and created the context or placed the case within the context of his idea. In fact, he may have done neither. Even if the writer goes to read the Landon case (as he must), he must attribute the compilation or combination of this case with this idea to the author of the law review article. If he does not, he has used another's idea (the compilation) without attribution.

PLAGIARISM EXAMPLE 4

As one recent commentator has noted, these circuit court decisions are problematic because they fail to make the distinction between an alien's interest in his initial admission and his interest in freedom from arbitrary detention. See Note, *Legal Fictions Mask Human Suffering: The Detention of the Mariel Cubans Constitutional, Statutory, International Law, and Human Considerations*, 62 S. Cal. L. Rev. 1733, 1754-55 (1989). The United States Supreme Court has, however, long recognized that these two interests are distinct because the freedom from arbitrary and prolonged detention in the criminal court context is protected by the Fifth Amendment due process clause. See, e.g., Wong Wing v. United States, 163 U.S. 228 (1986).

Comments: The writer of this example has committed plagiarism in at least two ways. While appropriately citing to the law review article after the first sentence, the writer then neglects to attribute or cite to the article again after the second sentence. The failure to attribute the second sentence to the author of the law review article creates the erroneous impression that the example writer developed this idea independently when in fact he is using the idea represented in the law review article.

The writer also has committed plagiarism as exemplified above in Example 3 by citing only to Wong Wing rather than to the law review article.

(ENDNOTE 11) The format for these examples is inspired by Ralph D. Mawdsley, Legal Plagiarism (National Organization on Legal Problems of Education 1985) (using examples from H. Bond, T. Seymour and J. Stewart, Sources: Their Use and Acknowledgement (Trustees of Dartmouth College 1982)).

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University of Hawai'i at Mānoa

The William S. Richardson School of Law
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Telephone: (808) 956-6363 Facsimile: (808) 956-6402

Office of the Dean

July, 2002

TO: Law School Community
FROM: Lawrence C. Foster, Dean *LCF*
SUBJECT: Discrimination and Sexual Harassment

Welcome to the William S. Richardson School of Law! The University of Hawai'i in general and the law school in particular are committed to providing all students, staff and faculty with an environment free from discrimination and sexual harassment. As a part of this commitment, the University has implemented policies and detailed procedures to be followed in the case of an alleged violation of one of these policies.

While we do not anticipate having a serious case of discrimination or sexual harassment at the law school, we do occasionally have a situation in which a visitor or a member of our own community unconsciously or inadvertently makes an inappropriate statement or gesture. As you probably already know, in sexual harassment cases the intentions of the harasser are irrelevant. A court looks at how the recipient perceived the conduct or behavior, notwithstanding the "innocent" state of mind of the harasser.

More obvious examples of sexual harassment or discrimination include telling sexual or off-color jokes, unconsented touching, repeatedly asking out a person who is not interested, or making remarks disparaging of a person's gender, race, ethnicity, or sexual preference.

While consensual relationships between professors and teachers are not barred by any University policy, they are strongly discouraged. Consensual relationships should be avoided until the law school relationship has ended so as to avoid even an appearance of impropriety.

More subtle examples of unwelcome behavior include using last names for all the male students and first names for all the female students, use of hypothetical situations in which the parties are stereotyped (e.g., Mary the homemaker enters into a contract with Manuel the yardman), and repeatedly calling on or interrupting or being "harder" on only one type of student (i.e., based upon their gender, race, etc.).

An Equal Opportunity / Affirmative Action Institution

Moreover, while some types of behavior may not be classified as discrimination or harassment, they may create a "chilling" learning or working environment. Examples might include demeaning a student's personally distinct style of learning or performance level.

Thank you for contributing to our law school's educational program. We should all stop and consider the effect our words and actions may have on others. Such consideration among a close-knit community such as ours is usually enough to elevate all our words and actions. I hope you will find this policy statement a reassuring reaffirmation of our commitment to creating a positive working and learning environment for all.

Should you feel that we as a community or someone individually are not meeting this commitment, I encourage you to discuss your concerns with me or one of the other Deans. For issues concerning sexual harassment, you should also be contacting the University's Dean of Students at the University's Student Services Center. For further information, please review the relevant University policies and procedures which are available in the law school's Student Handbook.

StudentHandbook:\ Discrimination.doc

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StudentHandbook:\ Discrimination.doc

Prepared by the Office of the President.
This replaces E1.203 dated July 1991.

UNIVERSITY OF HAWAI'I

EXECUTIVE POLICY – ADMINISTRATION

April 2001

P 1 of 7

E1.203 Policy on Sexual Harassment and Related Conduct

I. INTRODUCTION

This policy reflects the University of Hawai'i's systemwide commitment to eliminate sexual harassment. Sexual harassment is a form of sex discrimination. It is the policy of the University of Hawai'i that harassment based on sex is prohibited and will not be tolerated in any part of the University's programs, activities, or employment. Acts of sexual harassment undermine the trust and mutual respect essential to the mission and function of the academy.

State and federal laws protect University of Hawai'i employees, students, and applicants for employment or admission against discrimination. Sexual harassment constitutes illegal discrimination under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, as amended, and the Hawai'i State Fair Employment Practices Act, Chapter 378 HRS, as amended.



Furthermore, Section 1-5, Policy on Nondiscrimination and Affirmative Action, of the Board of Regents' Bylaws and Policies provides the administrative basis for complying with applicable federal and state statutes, rules, regulations, city and county ordinances, and provisions in the collective bargaining agreements governing nondiscrimination. Board Policy is implemented through Executive Policy E1.202, Nondiscrimination and Affirmative Action, and this Executive Policy on sexual harassment.

In addition, sexual assault or any forcible physical sexual behavior is prohibited by each campus' sexual assault policy and may also be prosecuted as a criminal offense.

II. OBJECTIVE

The purpose of Executive Policy E1.203 is to define the elements of sexual harassment, establish general guidelines for developing complaint procedures, and discuss the difference between sexual harassment and consensual relationships.



Chancellors and Vice Presidents may establish specific procedures for handling complaints of discriminatory harassment, including sexual harassment; or they may use the existing discrimination complaint procedures contained in UH Systemwide Administrative Procedure A9.920. Chancellors and Vice Presidents are charged with the responsibility and authority to implement Executive Policy E1.203.

III. DEFINITIONS AND EXAMPLES

Sexual harassment can take many forms. Although sexual harassment often involves an abuse of authority or power, it can also occur between peers. For example, it can occur between students or coworkers. It is also possible for a student to harass a faculty member or employee. In addition, sexual harassment can involve persons of the same or opposite sex, and both men and women can be targets and/or perpetrators of sexual harassment.

There are two kinds of sexual harassment: *quid pro quo* and hostile environment.

A. Quid pro quo sexual harassment is defined as sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature when submission to such conduct is either explicitly or implicitly

1. a condition for advancement;
2. a factor in performance evaluation;
3. a condition for participation in University activities; or
4. a condition for receiving any other benefit given by the University.

Quid pro quo sexual harassment involves abuse of authority. Some examples include

1. implied or direct promises of academic or work benefits, such as high grades, promotions, or letters of recommendation, in return for sexual favors;
2. implied or direct threats of adverse decisions or evaluations, such as low grades, negative evaluations, or failure to hire or promote, should conduct of a sexual nature be rejected;
3. adverse decisions or evaluations, such as negative evaluations, failure to hire or promote, low grades, or negative references, because conduct of a sexual nature has been rejected.

B. Hostile environment sexual harassment is defined as sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature, when such conduct is unwelcome to the person to whom it is directed or to others directly aware of it, and when such conduct is



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B. Hostile environment sexual harassment is defined as sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature, when such conduct is unwelcome to the person to whom it is directed or to others directly aware of it, and when such conduct is

1. intimidating, threatening or offensive; and
2. sufficiently severe, persistent, and pervasive enough to interfere with an employee's work environment or student's education.

The conduct must be both objectively and subjectively perceived as offensive. That is, the reporting party must view the conduct as offensive, and a reasonable person with the same fundamental characteristics as the reporting party (e.g., age, race, gender) must also view the conduct as offensive.

Examples of behaviors that could constitute hostile environment sexual harassment include but are not limited to

- unnecessary and unwanted touching, patting, hugging, or brushing against a person's clothing or body;
- remarks of a sexual nature about a person's clothing or body;
- remarks about sexual activity or speculations about previous sexual experience;
- pressure for sexual activity, an element of which may be nonverbal conduct, such as repeated and unwanted staring or sexually suggestive gestures;
- display or distribution of sexually offensive literature, images, cartoons, or other audio-visual materials; or
- gratuitous introduction into instruction, discussion, or conversation of material of a sexual nature, such as sexually explicit anecdotes, questions, or jokes.

This policy shall not limit the scholarly, educational, and/or artistic content of any written, oral, or other kind of presentation or inquiry that falls within justifiable academic standards covering course content and pedagogy. The University of Hawai'i is committed to academic freedom for all members of the academic community. Accordingly, academic freedom will be liberally construed but will not be used as a pretext for violation of this policy. When appropriate, faculty are advised to inform students that content and teaching strategies properly employed in higher education may be controversial and/or discomforting to some individuals.

IV. POLICY ON RETALIATION

The University of Hawai'i System prohibits and will not tolerate retaliation, which is defined as adverse treatment or hostile action, against any individual who has engaged in any of the following activities

- reported sexual harassment;

- sought advice or assistance about sexual harassment;
- participated in any manner in a sexual harassment complaint resolution process under this administrative procedure; or
- opposed sexual harassment in any manner because the individual participated in the protected activity.


Adverse treatment or hostile action may include, for example, unfair evaluation, unfair assignment, direct or implied threats, coercion, or encouragement of others to retaliate.

Retaliation is a separate complaint and will be investigated accordingly.

The right of individuals to use lawful means to defend themselves against charges of sexual harassment is not abridged by this policy. Such a right and the prohibition against retaliation are not mutually exclusive.

V. PROCEDURAL GUIDELINES ON SEXUAL HARASSMENT

Chancellors and Vice Presidents are directed to refer to the most current policy guidance on sexual or discriminatory harassment issued by the U. S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Education, Office for Civil Rights (OCR). These policies can be obtained from the EEO/AA coordinators on each campus.

- A. Program. To carry out the University's commitment, Chancellors and Vice Presidents are hereby charged with the responsibility and authority to develop a program to implement this policy on sexual harassment. Preventive and corrective action shall include
1. development and implementation of educational programs to prevent harassment;
 2. wide dissemination of the University's policy prohibiting sexual harassment, including a documented receipt of a copy of the University's policy against sexual harassment by each new employee;
 3. implementation of procedures for responding to complaints of sexual harassment established by each Chancellor and approved by the University Executive Council;
 4. implementation of appropriate remedies; and
 5. imposition of appropriate corrective actions.
-  B. Complaint Procedures. Complaint procedures must comply with the principles of due process. The procedures shall also comply with the guidelines in UH Systemwide Administrative Procedure A9.920, Discrimination Complaint

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Procedures for Employees, Students, and Applicants for Employment or Admission. These guidelines include, but are not limited to, the following requirements:

1. appointment of complaint intake officers for each campus whose names, phone numbers, and office locations are well-publicized;
 2. informal as well as formal procedures;
 3. appointment of impartial investigators;
 4. description of each step in the process;
 5. time frames for processing complaints and rendering decisions;
 6. notification of findings to both parties;
 7. specification of administrators who have authority and responsibility to effect remedies and disciplinary actions;
 8. an appeals process;
 9. provisions for confidentiality and appropriate disclosure; and
 10. the statement of non-retaliation policy in Section IV.
- C. Remedies. The University of Hawai'i strives for an environment in which the dignity of all members of the institutional community is respected. Therefore, the University will implement remedies for persons whose rights have been violated by sexual harassment.

Remedies shall be reasonably devised to correct the harmful effects caused by sexual harassment. Remedies for employees may include, for example, letters of apology, back pay, and reinstatement. Remedies for students may include, for example, letters of apology, review of grades, and tuition refunds.

- D. Corrective Actions. For students and excluded employees, the University will impose disciplinary actions against any individual found to have violated this policy. Disciplinary actions shall be reasonably calculated to
1. be commensurate with the seriousness of the offense;
 2. stop the harassment;
 3. ensure the harassment will not recur; and
 4. assure a workplace and educational environment free from sexual harassment.

For included employees, the responsible administrator will follow the collective bargaining agreement provisions related to disciplinary actions.

To maintain consistency, Chancellors and Vice Presidents will consult with the systemwide Office of Human Resources prior to imposing employee disciplinary actions. Disciplinary actions against students should be consistent with each institution's student conduct code.



E. Monitoring. In accordance with UH Systemwide Administrative Procedure A9.910, Reporting Procedure for Employment Discrimination Complaints, each Chancellor or designee shall submit an annual summary report of sexual harassment complaints to the Office of the President. In addition, the Office of the President may periodically request reports from or conduct audits of the efforts of Chancellors and Vice Presidents to prevent and correct sexual harassment.

Annual reports, with personally identifying references removed, shall be widely distributed to all members of the University community by the Office of the President. These reports shall describe the facts and disposition of all cases investigated and any remedies and disciplinary actions applied.

VI. CONSENSUAL RELATIONSHIPS

Consensual relationships, by definition, do not constitute sexual harassment. However, such relationships can and have led to charges of sexual harassment. Furthermore, romantic and/or sexual relationships, that appear to be consensual and might be appropriate in other circumstances, are inappropriate when they occur between teachers or other employees of the University and individuals they teach, evaluate, or supervise.

Consensual relationships are never within the course and scope of an employee's employment.

Even when both parties to a consensual relationship appear to have consented, a power differential can raise serious concerns about the validity of the consent. Furthermore, these relationships can undermine trust and create an appearance of favoritism and unfair treatment of others.

In the event of charges of sexual harassment based on a consensual relationship between teachers or other employees of the University and individuals they teach, evaluate, or supervise, the validity of consent may be called into question.

A faculty member or other employee of the University who enters or has entered into a romantic and/or sexual relationship with a subordinate (or with someone who is likely to become a subordinate) should make arrangements with a supervisor that will ensure all present and future instructional, supervisory, and evaluative obligations will be competently and objectively handled by someone else. The reasons for making alternative arrangements do not need to be disclosed.



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A person who ends a consensual relationship should notify a University official of unwelcome conduct of a sexual nature as soon as possible, using the complaint procedure. To assist the University in taking immediate corrective and remedial action, the University must be notified.

VII. NOTIFICATION OF POLICY VIOLATIONS

All University administrators are required, and other members of the University community are strongly encouraged, by this policy, to notify the appropriate Chancellor, EEO/AA officer, or designated sexual harassment contact person when they are notified of or otherwise become aware of conduct that may constitute sexual harassment.

Law Students and the Unauthorized Practice of Law

"An unsupervised law student who engages in legal representation or gives legal advice is no different from any other nonlawyer who also gives legal advice."

by Mary Obrzut, Esq.

■ *"Looking for Law Student to assist [sic] future Small Business Owner with Legal advise [sic]." (From a notice posted on the law school Administrative Board without permission.)* A chill ran down my spine as I pulled the notice off the Board and noticed that two of the phone number tags were missing.

■ *"How do I put on my résumé that I'm helping an inmate on Death Row?" (From a 2L transfer student whose résumé I was reviewing).* In answer to my questions the student explained that while interning for a public defender he had worked with a death row inmate. He "liked the inmate so much" he was continuing to help him write an appeal. And, no, he was not working with or for an attorney.

■ *"But, when I went to law school we were happy to do research for someone who wanted to file a suit. What do you mean, your students can only work for attorneys? Well, I'll just come in and post a notice, and you won't even know about it!" (From an irate caller, who is not an attorney, looking for a law student to help her prepare a suit against her doctor.)*

Each of the above conversations or events occurred during the fall semester of 1994. I became concerned about law students who might respond to a posted notice and, without knowing the rules, end up accused of the unauthorized practice of law. I looked for an official statement that I could post and include in my written materials to explain what the

Mary Obrzut, Esq., is Director of Career Services and Alumni Relations at the Northern Illinois University College of Law.

unauthorized practice of law is, why it is an issue, and what the ramifications are for someone (law student or not) who practices law without supervision or without a license. I looked through the materials in my office, e-mailed several other career services offices, and called NALP to see if a statement or policy existed. No one had an official policy available that I could use, so I began to research the topic and look for information that I could use to inform and protect my students.

Following many conversations and much research, I am happy to share with you what I have found. After reviewing the Model Rules of Professional Conduct, ABA Opinions, the Student Practice Rules, and cases in different states, I have found rules and regulations that exist and apply to students in three settings. The first two settings generally do not raise concerns; it is the third setting that is most likely to be misunderstood by law students.

1. Students Subject to State Student Practice Rules

Senior law students are eligible for a limited license to practice as students. Every state has rules and regulations that define what the student can do, whether they must be supervised, and what requirements they must meet in order to be licensed. At Northern Illinois University College of Law, these students are usually involved in either civil or criminal externship programs, are very closely supervised, have taken a class in professional responsibility, and are aware of the pitfalls of the unauthorized practice of law.

2. The Student Working under the Supervision of a Licensed Attorney

The student who is working under the supervision of an attorney may be a 1L, 2L, or 3L. He or she may be working on a short- or long-term research project, may be working part-time or summers as a law clerk, or may be involved in a voluntary structured *pro bono* program. For the most part, the student will have found this project or job through the career services office, which assures the student that someone has

checked to make sure that the work is under the supervision of a licensed attorney.

3. Law Students without a License and without Supervision

An unsupervised law student who engages in legal representation or gives legal advice is no different from any other nonlawyer who also gives legal advice. That law student is engaging in the unauthorized practice of law.

A first- or second-year student who does not know the risk of engaging in the unauthorized practice of law also is probably not aware of the impact of that activity on his or her eligibility to sit for the bar exam. Specifically, the law student may fail the character and fitness investigation or be refused permission to sit for the exam because of criminal sanctions for the unauthorized practice of law.

It is a criminal offense in every state to practice law without a license. The policy reasons behind those rules concern the protection of the public. Since a law student is not licensed as an attorney, he or she is not subject to professional discipline. There is also no attorney-client privilege available when an attorney does not supervise the matter.

Overview

Each state defines and regulates the practice of law within its jurisdiction, usually through state Supreme Court rules. In addition to the criminal sanctions for practicing law without a license, in some states there may be civil remedies available to a client who has been fraudulently represented by a person who is not a licensed attorney. Each state charges an ethics committee with implementing the practice rules and with the administration of professional discipline. Although the responsible agency may differ from state to state, there is uniformity among the states in providing some type of student practice rules, rules for professional responsibility and regulation of licensed attorneys, and for criminal sanctions for the unauthorized practice of law.

Student Practice Rules

Unlike the student performing legal work in an unsupervised environment, student practice rules offer some protection from unauthorized practice of law claims.

Although Colorado enacted the first student practice rule in the United States in 1909, the American Bar Association presented the Model Student Practice Rule in 1969 with the goal of increasing the availability of legal services for indigent clients. Today every state has either adopted the Model Rule or created its own rule providing for the limited practice of law by students. For an excellent overview see: Kuruc, Joan Wallman and Brown, Rachel A., Student Practice Rules in the United States, *The Bar Examiner*, August, 1994, pp. 40-55.

Every student practice rule provides that students must meet eligibility requirements and may only practice law under the supervision of a licensed attorney. All states allow these students to prepare documents, pleadings, and briefs under the

general supervision of an attorney. Whether or not they may represent clients in court without the supervisor's immediate presence varies from state to state. But, uniformly, the rules require that the client consent in writing to representation by a student, and often that consent must be filed with the court. Many states require that students understand and agree to be bound by the rules of professional responsibility.

Professional Responsibility

Further protections are provided for the supervised law student by the professional responsibility obligations of the supervising attorney.

The American Bar Association has provided the leadership in legal ethics and professional responsibility by adopting professional standards that have served as models of the regulatory law that governs the legal profession. In 1969, the ABA House of Delegates adopted the Model Code of Professional Responsibility, which has been subsequently adopted by the vast majority of state and federal jurisdictions. In 1983, the ABA adopted the Model Rules of Professional Conduct. As of 1992, two-thirds of the jurisdictions had adopted new professional standards based on these Model Rules.

Additionally, the American Bar Association publishes opinions of The Standing Committee on Ethics and Professional Responsibility, which is charged with interpreting the professional standards of the Association and issuing opinions on those interpretations.

The Model Rules of Professional Conduct Rule 5.3 clarifies the responsibilities of a lawyer who has nonlawyer (including law student) assistants:

"Rule 5.3 Responsibilities Regarding Nonlawyer Assistants with respect to a nonlawyer employed or trained by or associated with a lawyer:

- (a) a partner in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer;
- (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
 - (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner in the law firm in which the person is employed, or has direct

checked to make sure that the work is under the supervision of a licensed attorney.

3. Law Students without a License and without Supervision

An unsupervised law student who engages in legal representation or gives legal advice is no different from any other nonlawyer who also gives legal advice. That law student is engaging in the unauthorized practice of law.

A first- or second-year student who does not know the risk of engaging in the unauthorized practice of law also is probably not aware of the impact of that activity on his or her eligibility to sit for the bar exam. Specifically, the law student may fail the character and fitness investigation or be refused permission to sit for the exam because of criminal sanctions for the unauthorized practice of law.

It is a criminal offense in every state to practice law without a license. The policy reasons behind those rules concern the protection of the public. Since a law student is not licensed as an attorney, he or she is not subject to professional discipline. There is also no attorney-client privilege available when an attorney does not supervise the matter.

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 - (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner in the law firm in which the person is employed, or has direct

"... The measures employed by lawyers in supervising nonlawyers should take account of the fact that nonlawyers do not have legal training and are not subject to professional discipline."

supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action."

The comment to the Rule additionally states that the measures employed by lawyers in supervising nonlawyers should take account of the fact that nonlawyers do not have legal training and are not subject to professional discipline. A lawyer should give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product.

The Model Rules of Professional Conduct Rule 5.5 applies to lawyers who aid a nonlawyer (lay person or law student) in the unauthorized practice of law:

"Rule 5.5 Unauthorized Practice of Law

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law."

Two specific ABA Opinions clarify the Model Rules of Professional Conduct:

"A lawyer often delegates tasks to clerks, secretaries, and other lay persons. Such delegation is proper if the lawyer maintains a direct relationship with his client, supervises the delegated work, and has complete professional responsibility for the work product. A lawyer can employ nonlawyers to do any task for him except counsel clients about law matters, engage directly in the practice of law, appear in court or appear in formal proceedings as a part of the judicial process, so long as it is he who takes the work and vouches for it to the client and becomes responsible to the client." *ABA Opinion 316 (1967)*

"A lawyer cannot delegate his professional responsibility to a law student employed in his office. He may avail himself of the assistance of the student

in many of the fields of the lawyer's work, such as examination of case law, finding and interviewing witnesses, making collections of claims, examining court records, delivering papers, conveying important messages, and other similar matters. But the student is not permitted, until he is admitted to the Bar, to perform the professional functions of a lawyer, such as conducting court trials, giving professional advice to clients or drawing legal documents for them. The student in all his work must act as agent for the lawyer employing him, who must supervise his work and be responsible for his good conduct." *ABA Opinion 85 (1932)*

Public Policy

Annotations to the Model Code of Professional Responsibility explain the public policy reasons behind the Code:

"The prohibition against practice of law by a layman is grounded in the need of the public for integrity and competence of those who undertake to render legal services.

A layman who seeks legal services often is not in a position to judge whether he will receive proper professional attention. The entrustment of a legal matter may well involve the confidences, the reputation, the property, the freedom, or even the life of the client. Proper protection of members of the public demands that no person be permitted to act in the confidential and demanding capacity of a lawyer unless he is subject to the regulations of the legal profession.

A nonlawyer who undertakes to handle legal matters is not governed as to integrity or legal competence by the same rules that govern the conduct of a lawyer. A lawyer is not only subject to that regulation but also is committed to high standards of ethical conduct.

A person who entrusts legal matters to a lawyer is protected by the attorney-client privilege and by the duty of the lawyer to hold inviolate the confidences and secrets of his client."

Cases in several states illustrate the results of allowing law students to do legal work without sufficient supervision. The Supreme Court of Indiana affirmed that allowing law students to answer telephone inquiries concerning legal matters was sufficient evidence of professional misconduct to disbar an attorney (*In re Zarko Sekerez*, 458 N.E.2d 229 (Ind. 1984)).

In Iowa an attorney's license was suspended for failure to properly supervise a legal assistant (*Committee on Professional Ethics and Conduct of the Iowa State Bar Assn. v. Lawler*, 342 N.W.2d 486 (Iowa 1984)). The Supreme Court of New Jersey publicly reprimanded an attorney for aiding in the unauthorized practice of law when his law clerk (who was not yet sworn in) represented a client in court without the lawyer's knowledge. The law clerk was also reprimanded by the Committee on Character of New Jersey (*In the Matter of Siegmar Silber* 497 A.2d 1249 (N.J. 1985)).

Summary

My search for a policy statement about law students and the unauthorized practice of law led me instead into the rules and regulations governing the practice of law and the policy statements that support those rules and regulations. A lawyer cannot aid a nonlawyer in the practice of law. A student cannot practice law on his or her own without a limited license, and/or without the supervision of a licensed attorney. To do otherwise may subject the student to criminal sanctions and prevent him or her from continuing in a legal career.

The following policy statement condenses the rules, regulations, and public policy reasons that apply to law students, legal employment, and the unauthorized practice of law:

Law Students, Legal Employment and the Unauthorized Practice of Law

A lay person who seeks legal services often is not in a position to judge whether he will receive proper professional attention. The entrustment of a legal matter may well involve the confidences, reputation, property, freedom, or even the life of

the client. Proper protection of members of the public demands that no person be permitted to act in the confidential and demanding capacity of a lawyer unless he or she is subject to the regulations of the legal profession. The same rules that govern the conduct of a lawyer do not govern the conduct of a law student. The law student is not subject to professional discipline.

A person who entrusts legal matters to a lawyer is protected by the attorney-client privilege and by the duty of the lawyer to hold inviolate the confidences and secrets of the client. Entrusting legal matters to a nonlawyer does not provide those same protections.

Each state has jurisdiction over the practice of law and has established rules and regulations to govern that practice. It is the responsibility of the student to determine from the laws of the state in which he or she may accept legal work any requirements related to attorney supervision of legal work and any additional student practice rules.

Law students may perform legal work only under the supervision of an attorney and so long as it is the lawyer who takes the work, vouches for it to the client, and is responsible to the client.

A lawyer cannot delegate his professional responsibility to a law student employed in his or her office. The student in all of his or her work must act as agent for the lawyer. The lawyer must supervise the student's work and be responsible for the student's good conduct.

A law student who undertakes legal representation without the supervision of a licensed attorney may be subject to criminal or civil penalties for the unauthorized practice of law. ■

Public Interest Discussion Group Formed

A new group, comprised of law school staff who devote the majority of their time to public interest advising and programming, has recently been formed. The first meeting of the group was held this past December at Fordham University School of Law. The group's next meeting will be May 22, 1995, at Harvard Law School. Any law school staff member who devotes a significant portion of time to public interest programming or advising is welcome to attend.

For additional information contact: Stacy DeBroff, Director, Public Interest Office, Harvard Law School, (617) 495-3108 or Kimberly Emery, Assistant Dean for Public Service Placement, University of Virginia School of Law, (804) 924-7349. ■

Desiré Peterson Joins NALP Staff

NALP welcomes Desiré Peterson as the Administrative Assistant on the NALP staff. Many members have already spoken to Desiré when they called the NALP office. She assumed the position of Administrative Assistant on a temporary basis on October 31. On January 1, she officially became part of the NALP administrative staff. Immediately prior to coming to NALP in late October, Desiré "temped" for the Office of Career Services at the Georgetown University Law Center. She thus came to NALP having just experienced a law school career services office at the most frenetic time of the year for career services and recruitment professionals.

"I look forward to meeting NALP members at the Annual Education Conference in Cleveland," notes Desiré. ■

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University of Hawai'i at Mānoa

The William S. Richardson School of Law
2515 Dole Street • Honolulu, Hawai'i 96822
Telephone: (808) 956-6363 Facsimile: (808) 956-6402

Office of the Dean

July 2000

TO: Law School Community

FROM: Lawrence C. Foster ^{LCF}
Professor and Dean

SUBJECT: Bulletin Boards

This school relies on the posting of information on bulletin boards to communicate certain information.

There are several bulletin boards located throughout the law school campus. In addition, e-mail may be used to post notices of general interest to the law school community (see Memo on E-mail Protocol). The posting of bills on building walls, doors and other surfaces on the law school campus is not allowed. Tapes and other adhesive materials destroy the paint surface.

The set up of the bulletin boards is as follows:

1. The glass bulletin boards located on both sides of the hallway around the corner from Classroom 1 are the official location for school announcements. Students should check these boards daily.
2. The board located inside and outside the Faculty Lounge is for all flyers, letters and memos of general interest to the faculty.
3. The student bulletin boards inside and outside the Student Lounge are for items of interest to all students, such as items for sale or wanted, typing services, student organization notices, student activities, scholarships, writing competitions, etc. A "Free Speech" board is located in the courtyard near the elevator. The board is cleared at the end of each month.
4. The bulletin board located just inside the front doors of the Administration Building is used to announce clerkship opportunities, non-Hawaii summer internships and some placement information.
5. The glass display case in the student hallway is for special displays by the SBA and other organizations. Please see the Associate Dean if you would like to use this space.
6. To use the Law Library bulletin board, please see the librarian.

Please let us know if the above-described use of bulletin boards proves inconvenient to anyone in the law school community. Direct all inquiries to the Associate Dean.

UNIVERSITY OF HAWAII AT MANOA

The William S. Richardson School of Law
Office of the Dean

July 2002

TO: All Students

FROM: Lawrence C. Foster *LCF*
Professor and Dean

SUBJECT: Messages, Appointments, Food, Facilities, Campaigns & Fundraising Activities, etc.

1. Dean's Office: The Dean and the rest of the Administrative personnel are in and out of their offices throughout the day. If we are here and free, please do not hesitate to see us. Otherwise, please make an appointment to see us.
2. Arranging To See Faculty: Each faculty member will post his or her office hours and e-mail address on the bulletin board opposite the Faculty Secretaries' Office or on the door to their office. Appointments to see them at other times should be made by calling them directly or contacting them by email. Messages may also be left for them by contacting the faculty secretary assigned to each faculty member (Room 252, or call 956-7629).
3. Student Messages: If someone outside the school needs to leave a message for you, please ask the person to call the Student Lounge, 956-8633. Anyone answering the phone should leave a message for you on the alphabetized student message board located on the second floor by Student Organizations. This is not a completely reliable way of reaching you but we do not have the facilities for anything more elaborate.
4. Emergency Messages: The Administration will accept emergency messages only, and will interrupt classes to deliver them to you there. The Library staff will likewise accept emergency messages only, and deliver them to your carrel.

If you know that an emergency situation is possible, please make prior arrangements with me for the delivery of emergency messages. "Emergencies" are generally medical in nature.

5. Use of Rooms: The six seminar rooms and the five main classrooms (when unlocked) can be used by student study/discussion groups on an "as available" and "first come" basis without prior clearance. A late class, an examination, a special event, or any formally scheduled event or class takes precedence. If you want to use a room other than these seminar rooms or the five main classrooms, you must see the Associate Dean or his/her secretary. Please limit your studying to the Library or the rooms described above. When using such rooms, be sure that they are closed and secured when you leave.

Please note that the storage of books, study aids and other personal effects must be confined to lockers in the Student Lounge. The rest of our facilities including all classrooms and seminar rooms are open to all students and therefore inappropriate for personal storage. This rule will be strictly enforced.

Issuance of Classroom Keys: Student organizations may reserve rooms for use during the day or after hours. In cases of special need, **one person** from the law student organization may be authorized to obtain/return key(s) from the law school for the room(s). If that person is unable to come to the Law School and pick up the key(s) the organization **must designate in writing** who will be authorized to pickup/return the key(s). Keys are to be returned **ASAP** and no later than **8:30 a.m.** the next working day. Should it be a weekend or a holiday event then the key(s) must be returned the next working day at 8:30 a.m., e.g. Monday. If the Associate Dean's office does not receive the key(s) by then, this would affect future usage of law school facilities for that organization. A lost key fee of \$25.00 will also be charged.

6. Building Security and Lock-up: Because our classroom building is built in a series of modular blocks, access to a particular module may be required before use of a specific room within that module is possible. Campus security rules prohibit our leaving all modules open to free access at all times. This is particularly difficult in relation to the Student Lounge and the Student Message Board. We are prohibited from leaving the access doors to the corridors in that area open all the time. We lock the access doors at 4:15 p.m., weekdays. They will not be open on Saturdays, Sundays, or holidays.

A key allowing access to this corridor is kept at the front desk in the library and may be checked out by law students.

The main classrooms will be locked at 4:30 p.m. When open and not in use, these rooms are available for student study/discussion groups, as noted above. They will not be left open, however, for study later than the normal lock-up time. The same is true with the rest rooms on the ground floor of the courtyard; they will be locked at 4:30 p.m. each day. The rest rooms on the upper level of the courtyard will remain open.

NOTE: Please maintain the confidentiality of any unlocking combinations that you may know. Our building is readily accessible to pedestrian traffic; our only security is our ability to lock certain doors. Should we suffer any property loss or damage, we may not be able to keep the rooms available for study groups.

CAUTION: For your safety, if you must be on campus in the evening or late at night, we urge you to take advantage of campus security's dusk to dawn escort service (dial **956-8211**, on campus phone **6-8211**), to travel in groups, and to know where the nearest emergency call boxes with blue lights are located. There is one located in Zone 17 parking lot adjacent to the law school at the mauka, diamond head entrance to the building. For emergencies call Campus Security (dial **956-6911**, on campus phone **6-6911**). For non-emergencies dial **956-8211**, on campus phone **6-8211**.

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7. **Two-Wheeled Vehicle Parking:** Parking spaces for bicycles, mopeds, motorcycles, motorbikes, or other two-wheeled vehicles are provided at the Ewa ends of both the library and classroom buildings. Parking such vehicles along the railings or in the corridors of the classroom building is prohibited by University policy. Violators will be referred to Campus Security.

8. **Storage, Preparation, Consumption of Food:** Unrefrigerated food is not to be kept or stored anywhere on the Law School campus. Food is not to be cooked or prepared in any room or building at the Law School; food preparation is limited to outside areas. Food may be consumed in the Student Lounge (Room 255) and our courtyard. Consumption of food in all other places unfortunately creates problems which our limited janitorial staff cannot handle, and which could lead to serious damage to the building. Please do not consume food in any other part of the building, including classrooms, even during study/discussion group sessions. You can obtain prior permission from the Administrative Officer for events which include food, in these otherwise restricted areas. Be sure to have arrangements for clean-up when seeking such permission.

The consumption or storage of food and beverages in the library building is prohibited. This prohibition includes your carrel and all side rooms in the library. Food crumbs attract bugs, and bugs eat books when they run out of crumbs. The bugs are smarter than we are, and that threatens our collection. Students who bring in food and drink will be asked to leave the library building.

9. **Smoking:** Smoking is prohibited inside the Law School and the courtyard. Smoking is only permitted in front of the law administration building, the railing by CR 4 and in the parking lot area. These smoking areas are subject to change in accordance with University policy and regulations.

10. **Get Togethers:** We encourage the use of our courtyard for get togethers, subject to the following:
 - a. If your group wishes to have an event in the courtyard, you must plan for and reserve its use in advance. If night classes are scheduled, or a special lecture, such events will take priority. Scheduling of events is accomplished through the Associate Dean.

 - b. Cooking, particularly over open fires, will not be permitted in the courtyard in conjunction with a party. However, charcoal grills, etc., may be set up at the rear of the building (the Administrative Officer will show you where), and the food brought into the courtyard for consumption at a party held there. The reason for this restriction is to protect the courtyard from grease stains on the concrete floor (they are virtually impossible to remove), from smoke being trapped in the courtyard, or worse, from it staining the walls and ceilings of the balcony overhangs, etc.

 - c. Remember, if you wish to serve beer or wine at your event, whether held in the courtyard or elsewhere in the building, permission must be secured through the Assistant Dean at least one week in advance. This is a University policy which the Law School is not authorized to waive.

 - d. Clean up is the responsibility of the students, not our janitors. Please return all tables and chairs to their original location and wipe down furniture if necessary.

11. **Student Mail:** The Law School ~~may not be used~~ as an address for receipt of students' mail. Unfortunately, we do not have the facilities or staff to provide this service even for law related mail.

12. **Campaign & Fundraising Activities:** Under HRS Chap. 84, the following activities violate the state ethics code:
 - a. using state time, equipment, supplies, or state premises for campaign activities or campaign purposes
 - b. using state personnel during state time for the purpose of performing campaign tasks or activities
 - c. using the state mail or messenger service for campaign purposes
 - d. soliciting campaign contributions or campaign assistance by sending letter addressed to state officials or employees at their state offices
 - e. using one's state position to give unwarranted advantages of preferential treatment to campaigns
 - f. selling fundraiser tickets to, or soliciting the purchase of fundraiser tickets from, subordinates or businesses or persons supervised or inspected
 - g. candidates walking through state agencies for campaign purposes.

These rules also apply to the use of the law school e-mail lists and all mailtrays.

The State Ethics Commission informs us that students are also under the same restrictions as state employees and officials, if state property is involved.

11. **Student Mail:** The Law School may not be used as an address for receipt of students' mail. Unfortunately, we do not have the facilities or staff to provide this service even for law related mail.
12. **Campaign & Fundraising Activities:** Under HRS Chap. 84, the following activities violate the state ethics code:
 - a. using state time, equipment, supplies, or state premises for campaign activities or campaign purposes
 - b. using state personnel during state time for the purpose of performing campaign tasks or activities
 - c. using the state mail or messenger service for campaign purposes
 - d. soliciting campaign contributions or campaign assistance by sending letter addressed to state officials or employees at their state offices
 - e. using one's state position to give unwarranted advantages of preferential treatment to campaigns
 - f. selling fundraiser tickets to, or soliciting the purchase of fundraiser tickets from, subordinates or businesses or persons supervised or inspected
 - g. candidates walking through state agencies for campaign purposes.

These rules also apply to the use of the law school e-mail lists and all mailtrays.

The State Ethics Commission informs us that students are also under the same restrictions as state employees and officials, if state property is involved.

University of Hawai'i at Mānoa

The William S. Richardson School of Law
2515 Dole Street • Honolulu, Hawai'i 96822
Telephone: (808) 956-6363 Facsimile: (808) 956-6402

Office of the Dean

July 2002

TO: Law School Community
FROM: Lawrence C. Foster
Professor and Dean
SUBJECT: E-mail Policy

LCF

A. E-Mail Accounts

E-Mail: Every law student is required to have an e-mail address to receive communication from the law school. If you already have an e-mail address, you can provide it to us during registration. Please advise the front desk or e-mail csshhelp@hawaii.edu of any changes to your e-mail address. If you don't presently have an e-mail address or if you would like a university e-mail address as an additional address, you may obtain a University e-mail address for free.

1. To obtain a free university e-mail account and obtaining an ITS user name and password, you may either: a) personally sign-up at the computer lab in Keller Hall Room 105, Monday - Friday between 8:00 a.m. and 4:30 p.m. and select your password. You will need your student identification card and registration slip (call ITS Help Desk at 956-8883 for information); or b) sign-up through the web by filling out and submitting the appropriate information at www.hawaii.edu/cgi-bin/idrequest.
2. If you have an existing e-mail account with a commercial provider and wish to continue using it, you can forward all of your "hawaii.edu" e-mail to your commercial account. For help in creating an e-mail forwarding file from your university e-mail account, send e-mail to csshhelp@hawaii.edu.
3. Access to a university e-mail account is easy if you are on campus. There are computer stations at the law school, law library and computer labs at upper campus. For off-campus access, you may dial into the two modem pools (14.4K and 28.8K SLIP/PPP) operated by the university or you may seek an alternative access provider. Commercial providers are also available.
4. E-mail and e-mail lists are used extensively to communicate about a variety of law school related matters. To have your e-mail address added to the lists, e-mail to csshhelp@hawaii.edu. A more detailed directory will be provided to you later.

Faculty and deans	law-faculty-l (letter "l")		
Faculty, staff & admin.	law-l		
All law students	lawstu-l		
PreAds	lawpread-l	TwoLs	law21-l
OneLs	law1l-l	ThreeLs	law31-l

5. To block/filter unwanted e-mail on Eudora, Outlook Express or Pine, go to www.hawaii.edu/law/questions.html.

B. E-Mail Etiquette and Rules

In the tradition of e-mail list owners everywhere, we are posting a list of good manners and rules when participating in lists at the law school. All users have the responsibility to operate the University Computing systems in an ethical, lawful and responsible manner.

1. The law school and the university do not tolerate discrimination and/or harassment of any kind regardless of the format/medium. Using law school e-mail lists for political purposes or non-law school fundraising solicitations is prohibited. Obscene e-mail is comparable to obscene phone calls or letter. Laws relating to child pornography, obscenity & defamation apply in electronic environments.
2. Think before you post. Do you really want to say this to another person? Think twice before you post to a list. Reread what you wrote; once a message is sent, it can't be retrieved. Also, always assume that what you write will not be confidential, it is always retrievable (even if you delete it) and is always discoverable by a court of law. By accident or design, it is all too easy for private e-mail messages to become public subject matter.
3. **DON'T SHOUT** – unless you really mean it. The use of all uppercase letters is considered shouting, and therefore rude. Part of the problem with all caps is that it is harder to read than mixed case. The other problem is that since facial expression and tone of voice are missing from e-mail, some way to express strong opinions (either positive or negative) is needed so **ALL CAPS** has been designated. Another convention that had emerged is to use the asterisk to denote ***emphasis*** on a word or series of words short of shouting. You can also use smiley faces :-) or frowns :-(.
4. Do not “flame.” Flaming is an emotionally charged posting, typically directed at an individual, e.g. “Fred, I am **SICK AND TIRED** of reading your garbage on the list; how can you be **SO DUMB!**” As in face-to-face communication, think before you speak/write.

It is all too easy to sit in front of a terminal by yourself and say inappropriate, insensitive, or inconsiderate things that you would/should never say in a face-to-face conversation. You are a professional, and it is generally agreed that professionals do not act this way. As with offensive communications relating to discrimination and/or harassment, flaming will not be tolerated on the law school listservs.

5. Because of its impersonal nature and lack of ability to show tone and body language, it is all too easy to appear to be curt in e-mail. If you are curt in real life and are happy with that persona/reputation, so be it. Otherwise, you should take care to “soften” messages.
6. Be careful when you reply to a message. If you only want to reply to the sender, watch the cc line in the address to be sure you are not inadvertently sending your reply to everyone. Again, remember that even if you intend to only send a reply to the sender, your message could still wind up being broadcast to a wider audience (see #1 above).
7. Try to avoid re-sending a copy of the entire first message and/or subsequent replies. Sometimes it is helpful to follow the thread of a “conversation” on e-mail and thus keep all the messages in one long thread, but the thread can get very long very fast and eat up a great deal of space on your system. As an alternative, be sure the subject line your message header clearly identifies the topic you are addressing.
8. It is generally a good idea to “sign” your e-mail at the end. Try to stick with your name and not include elaborate signature lines.
9. On many e-mail systems, it is not easy to correct typos/grammar or otherwise edit a text. Most e-mail communications begin and end as first drafts. Be tolerant of those who do not type perfectly, and who do not write perfectly constructed sentences/paragraphs in a first draft. On the other hand, if the errors or first-draft nature of the text create ambiguity, feel free to ***politely*** seek clarification.

1. The law school and the university do not tolerate discrimination and/or harassment of any kind regardless of the format/medium. Using law school e-mail lists for political purposes or non-law school fundraising solicitations is prohibited. Obscene e-mail is comparable to obscene phone calls or letter. Laws relating to child pornography, obscenity & defamation apply in electronic environments.
2. Think before you post. Do you really want to say this to another person? Think twice before you post to a list. Reread what you wrote; once a message is sent, it can't be retrieved. Also, always assume that what you write will not be confidential, it is always retrievable (even if you delete it) and is always discoverable by a court of law. By accident or design, it is all too easy for private e-mail messages to become public subject matter.
3. **DON'T SHOUT** – unless you really mean it. The use of all uppercase letters is considered shouting, and therefore rude. Part of the problem with all caps is that it is harder to read than mixed case. The other problem is that since facial expression and tone of voice are missing from e-mail, some way to express strong opinions (either positive or negative) is needed so **ALL CAPS** has been designated. Another convention that had emerged is to use the asterisk to denote **emphasis** on a word or series of words short of shouting. You can also use smiley faces :-) or frowns :- (.
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UNIVERSITY OF HAWAII

THE WILLIAM S. RICHARDSON SCHOOL OF LAW
OFFICE OF THE ASSOCIATE DEAN

July 2000

TO: Student Organization Leaders

FROM: Carol Mon Lee
Associate Dean

SUBJECT: Procedures & Rules for the Use of Law School Facilities

Please advise your members of the rules regarding the use of our facilities by your organization.

1. **Notification of Events** – Inform the Associate Dean about all meetings and/or events. As the keeper of the “master calendar,” the Associate Dean’s office can double check for any conflicts. The dates will also be placed on the law school calendar of events. The calendar is published every Monday so please provide information to my office by Wednesday of the preceding week (e-mail: lawnews@hawaii.edu). The calendar is posted on several bulletin boards and distributed via e-mail.
2. **Room reservations and keys.** Reserve rooms and courtyard early through the Associate Dean's Office to avoid problems and/or conflicts. There is a \$25.00 fee for lost keys.
3. **No liquor without a valid permit.** If you plan to serve any liquor at an on-campus function, you must file for a permit from the Assistant Dean's office. Plan ahead: it can take up to two weeks for approval of a permit as it must be approved by the University of Hawai'i Dean of Students.

Practicing lawyers have a high rate of substance abuse (drugs and alcohol). Your organization should make a conscious effort not to encourage excessive drinking at your law school functions whether held on or off campus. As for drugs, a felony conviction for drug possession is likely to result in the end of a career in law. You should also be aware of the most current University and/or school policies adopted on this matter.

4. **Post no bills.** Do not tape announcements on any doors. This is reserved for emergency announcements only.
5. **Clean up.** Move tables and chairs back to where you found them, pick-up all rubbish, and clean up all food and spilled drinks. Janitors do not work in the evenings or on weekends. Classrooms are often used on Saturday mornings, so please return all classrooms back to their original condition.
6. **Display case.** The glass display case in the student hallway is for student organizations. If your organization would like to reserve the case, please contact the Associate Dean. Exhibits will rotate regularly.
7. If you are having an evening function – please be considerate about noise. If you are having a daytime function – please do not disturb the classes.

Thanks for your help!

ORIENTATION: FALL 2000 StudOrg.F00

2515 DOLE STREET • HONOLULU, HAWAII 96822-2328
TEL (808) 956-8638 • FAX (808) 956-8402 • INTERNET www.hawaii.edu/law

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION INSTITUTION

**LAW STUDENT PUBLIC SERVICE
(PRO BONO) PROGRAM
INFORMATION AND FORMS PACKET**



**Pro Bono Program
University of Hawai'i at Manoa
William S. Richardson School of Law
2515 Dole Street, Room 225
Honolulu, Hawai'i 96822
Tel: (808) 956-6785 Fax: (808) 956-9439
Email: probono@hawaii.edu
Web Page www.hawaii.edu/law/probono.html
James H. Pietsch, Pro Bono Program Advisor**

(Revised July 2001)

**WILLIAM S. RICHARDSON SCHOOL OF LAW
LAW STUDENT PUBLIC SERVICE (PRO BONO) PROGRAM**

HIGHLIGHTS OF THE PROGRAM

The Law Student Public Service (better known as "Pro Bono") Program introduces the concept of pro bono service to law students. The program allows law students to address unmet legal needs in the community while enriching their legal education. The preparation of lawyers who recognize the importance of their public service obligations is an important objective of the William S. Richardson School of Law.

The definition of pro bono is construed liberally and encompasses government service, including any federal, state, or local government agency or court. Law students are encouraged to provide a portion of their pro bono service for indigent clients. Successful completion of the pro bono service requirement is a condition for graduation. The pro bono requirement began with the entering class of August 1992. All law school admittees are given notice of the pro bono graduation requirement when acceptance letters are sent to them.

A. PRO BONO PROGRAM GUIDELINES

1. Except for transfer students, law students who enroll in the William S. Richardson School of Law must complete 60 hours of pro bono service prior to graduation. Transfer students must complete a total of 10 hours of pro bono service for every semester enrolled in the William S. Richardson School of Law.
2. Law students are solely responsible for locating pro bono work and qualified supervisors. They are also responsible for the timely submission of required documentation, including registration forms, time sheets, student critiques and supervisor evaluations. The deadline for graduating students for completion of their pro bono requirements, including submission of all required documentation, is the last scheduled day of classes of the semester. Only the Dean or Associate Dean may grant extensions to this deadline.
3. Except for certain restrictions on the first year law student and preadmission student pro bono activity, the 60-hour requirement may be fulfilled during one or more semesters and during the winter, spring, and summer recesses. First year law students may only perform approved pro bono service starting with the winter recess of their first year after completion of examinations for the first semester. Non-matriculated pre-admission students are only authorized to perform up to 12 hours pro bono service during the spring semester and up to 20 hours during the summer recess, and only with the pre-approval of the Pre-admission Director
4. The 60-hour pro bono work requirement may be fulfilled with one or more approved agencies, individuals, organizations, or projects. Students are encouraged to perform at least 20 hours of pro bono service with an organization receiving funding from the State of

Hawai'i Judiciary's Indigent Legal Assistance Fund or with an attorney or organization providing similar legal services to indigent clients in Hawai'i or in another jurisdiction.

5. Pro bono work must be approved by the Pro Bono Program Advisor. For pre-admission students, pro bono work must be approved in advance by the Pre-admission Director prior to submission to the Pro Bono Advisor.

B. PRO BONO WORK CRITERIA

1. Pro bono work must conform to the following definitions of public interest legal service:

- a. **Indigent Legal Assistance--Poverty Law:** Legal services in civil and criminal matters of importance to a client who does not have the financial resources to compensate counsel;

All legal services provided to organizations receiving funding from the State of Hawai'i Judiciary's Indigent Legal Assistance Fund (ILAF) meet this definition. Eligible ILAF providers for 2001-2002 are:

- Domestic Violence Clearinghouse and Legal Hotline
- Hawai'i Disability Rights Center
- Kokua Legal Services, Inc.
- Legal Aid Society of Hawai'i
- Na Loio—Immigrant Rights and Public Interest Legal Center
- Native Hawaiian Legal Corporation
- Senior's Law Program (Kaua'i)
- University of Hawai'i Elder Law Program
- Volunteer Legal Services Hawai'i

- b. **Civil Rights Law:** Legal representation involving important interests belonging to every citizen;
- c. **Public Rights Law:** Legal representation involving an important right belonging to a significant segment of the public;
- d. **Charitable Organization/Public Agency Representation:** Legal service to charitable, religious, civic, governmental, and educational institutions in matters in furtherance of their organizational purpose;
- e. **Administration of Justice:** Activity, whether under bar auspices or otherwise, which is designed to increase the availability of legal service, or otherwise improve the administration of justice;

Hawai'i Judiciary's Indigent Legal Assistance Fund or with an attorney or organization providing similar legal services to indigent clients in Hawai'i or in another jurisdiction.

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- d. **Charitable Organization/Public Agency Representation:** Legal service to charitable, religious, civic, governmental, and educational institutions in matters in furtherance of their organizational purpose;
- e. **Administration of Justice:** Activity, whether under bar auspices or otherwise, which is designed to increase the availability of legal service, or otherwise improve the administration of justice;

- f. **Environmental Law:** Legal representation of environmental organizations dedicated to the protection, preservation, and wise use of the environment;
 - g. **Native Rights Law:** Rights which emanate from the status of native people including Hawaiians as an aboriginal people and from the political status of the Hawaiian Kingdom prior to 1893.
2. Pro bono work must be uncompensated and must not be for academic credit and must be work for which the supervisor does not charge a fee, or charges a substantially reduced fee.
 3. Pro bono work must involve legal service and must be approved by the Pro Bono Program Advisor.
 4. Pro bono work must be supervised by an attorney, a law school faculty member, or other qualified supervisor as may be approved in advance by the Pro Bono Program Advisor. Law students are not authorized to act as supervisors.

C. LAW STUDENT RESPONSIBILITIES

1. Identify pro bono work that conforms to the pro bono work criteria and locate a supervising attorney, law school faculty member, or other qualified person to supervise the pro bono work.
2. Submit all required forms by deadline indicated in the guidelines to the Pro Bono Program Advisor. Forms are available in the Pro Bono Program office, the associate dean's office or download from www.hawaii.edu/law/probono.html.
 - a. Submit registration forms for all pro bono placements. These forms must be signed by the law student and by the qualified person who agrees to supervise the pro bono work of the law student and who agrees to follow the Pro Bono Program ground rules. No pro bono work credit will be granted without a registration form. Only the Pro Bono Program Advisor may approve pro bono work.
 - b. Submit time sheets to the Pro Bono Program office, signed by the law student and qualified person who supervised the pro bono work, indicating the number of pro bono hours performed. No pro bono work credit will be granted until approved time sheets are submitted.
 - c. Submit student's critique of pro bono placement form and supervisor's evaluation of student form for each placement to the Pro Bono Program office. No pro bono work credit will be allowed until approved critique and evaluation forms are submitted.
3. Maintain copies of forms and correspondence submitted to the Pro Bono Program office.

4. Check the pro bono section of the student bulletin board for information about the program and possible pro bono opportunities and contact the Pro Bono Program Advisor for guidance and assistance concerning questions about and/or problems with the Pro Bono Program.

D. DEFINITIONS

1. "Attorney" is a person who is certified or provisionally certified to practice law in the State of Hawai'i by the Supreme Court of Hawai'i or authorized to practice in another jurisdiction.
2. "Pro Bono Program Advisor" is the Associate Dean or other law school faculty member selected by the Dean of the Williams S. Richardson School of Law to administer the Law Student Pro Bono Program.
3. "Law school faculty member" is a person who is a professor, associate professor, assistant professor, visiting professor, or adjunct professor at the William S. Richardson School of Law.
4. "Law student" is a person who has matriculated and who is enrolled at the William S. Richardson School of Law, and who is seeking a Juris Doctor Degree. This term shall also apply to persons who are enrolled as transfer students at the William S. Richardson School of Law.
5. "Pre-admission student" is a person who has not matriculated as a law student but who is enrolled in the William S. Richardson School of Law pre-admission program.
6. "Pro bono" means "for the public good" in the ordinary sense of the term, including any legal work performed without compensation which is provided for needy clients at no cost (or at a substantially reduced cost) to the client or which is performed in the public interest. The notion of pro bono espouses no partisan program or philosophy. It is work which, judged on the merits of the issue addressed, furthers justice, fairness and the public good rather than the interests of a client who is represented on the familiar commercial terms. It does not include service that is otherwise required of an individual, such as jury service.

E. PRO BONO PROGRAM ADVISOR

1. The Dean of the Law School shall designate the Associate Dean or a faculty member to serve as the Law School Pro Bono Program Advisor.
2. The Pro Bono Program Advisor:

4. Check the pro bono section of the student bulletin board for information about the program and possible pro bono opportunities and contact the Pro Bono Program Advisor for guidance and assistance concerning questions about and/or problems with the Pro Bono Program.

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E. PRO BONO PROGRAM ADVISOR

1. The Dean of the Law School shall designate the Associate Dean or a faculty member to serve as the Law School Pro Bono Program Advisor.
2. The Pro Bono Program Advisor:

- a. Supervises pro bono program staff and volunteers and provides guidance and assistance to law students concerning questions about and/or problems with the Pro Bono Program.
- b. Maintains a list of agencies, individuals, organizations, and projects that qualify for placement under the pro bono criteria.
- c. Is the approval authority for law student pro bono work that satisfies the pro bono criteria. Note that only the Dean or the Associate Dean may grant extensions to the pro bono service completion deadline for graduation.
- d. Maintains records of the progress of each law student and submits pro bono completion notices to the assistant dean.
- e. Posts information about the Pro Bono Program and possible pro bono opportunities on the pro bono section of the student bulletin board or by other means.

F. PRO BONO PROGRAM COMMITTEE

- 1. The Pro Bono Program Committee consists of:
 - a. Three law school members designated by the Dean. The Pro Bono Program Advisor shall be one of the committee members; and
 - b. One law student designated by the Student Bar Association.
- 2. The Pro Bono Program Committee:
 - a. Rules upon law student appeals concerning law student proposals for pro bono work projects or concerning credit for service provided;
 - b. Make general policy decisions to assist the efficient administration of the program;
 - c. Amend provisions of pro bono service policies, without reducing any requirements, for the purpose of enhancing the efficient operation of the Law Student Public Service Program.

G. PRO BONO PROGRAM OFFICE

The Pro Bono Program is located in the law school building and employs administrative staff under the supervision of the Pro Bono Program Advisor.

Pro Bono Program Ground Rules/Professional Responsibility/Confidentiality

Students participating in the William S. Richardson School of Law Pro Bono Program are not covered by the so called "student practice rule" of the Rules of the Hawai'i State Supreme Court, thus you may not give legal advice, or make formal appearances in court or otherwise engage in the practice of law. Nevertheless, many of you during the course of your pro bono placement will be working on actual cases involving real clients. You should know that even though you are still a student and not a licensed attorney, the Code of Professional Responsibility still applies because you are working (or should be working) as the agent of a licensed attorney.

One of the most difficult aspects of law practice is confidentiality. We are all accustomed to talking with our friends, families and others about the things that happen in our day at the office or school. Many of the "stories" you will encounter in your law work will certainly be intriguing "gossip." Hawai'i's Rule of Professional Conduct 1.6 expressly states that a lawyer and those working for the lawyer may not reveal information relating to representation of a client unless the client consents or the disclosure is otherwise permitted.

This confidentiality includes not disclosing the legal research and drafting you might be performing for a client. If opposing counsel in any kind of legal matter, such as litigation, business planning, real estate development can get a clue as to what your research and/or drafting strategies might be, your client could be put at a serious disadvantage. You should not discuss your research with your classmates and, while working in the law library either here at UH or downtown, you should not leave copies of office memos or other materials lying in plain view in your carrel. Our legal community in Hawai'i is a very small one. Oftentimes, the student sitting in the carrel next to yours is clerking for opposing counsel. Thus, much of what you encounter by way of human drama or interesting/difficult/boring research questions in your law work cannot be discussed with people outside the office. The risks to you and the attorney of revealing a confidence or secret of a client are great.

An attorney violating this rule risks revocation of his or her license to practice law. A law student violating this rule risks not being licensed.

Pro Bono Program
Ground Rules/Professional Responsibility/Confidentiality

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This confidentiality includes not disclosing the legal research and drafting you might be performing for a client. If opposing counsel in any kind of legal matter, such as litigation, business planning, real estate development can get a clue as to what your research and/or drafting strategies might be, your client could be put at a serious disadvantage. You should not discuss your research with your classmates and, while working in the law library either here at UH or downtown, you should not leave copies of office memos or other materials lying in plain view in your carrel. Our legal community in Hawai'i is a very small one. Oftentimes, the student sitting in the carrel next to yours is clerking for opposing counsel. Thus, much of what you encounter by way of human drama or interesting/difficult/boring research questions in your law work cannot be discussed with people outside the office. The risks to you and the attorney of revealing a confidence or secret of a client are great.

An attorney violating this rule risks revocation of his or her license to practice law. A law student violating this rule risks not being licensed.

**Pro Bono Program
List of Required Forms/Reports**

These are forms currently being used in the Pro Bono Program. Forms are available in the Pro Bono Advisor's Office, in the Associate Dean's Office, or on the Pro Bono web site—www.hawaii.edu/law/probono.html. Students are required to keep copies of all documents submitted to the Pro Bono Advisor.

FORM	WHEN NEEDED
<i>Letter to Supervisor:</i> Information to potential supervisor; understanding of supervisor of Pro Bono Program ground rules.	To be submitted to potential supervisor along with registration form.
<i>Registration Form:</i> Basic information about proposed work; agreement of supervising attorney and student; Pro Bono Program Advisor approval.	Before starting work with a new agency. Student is responsible for maintaining a copy for his or her personal records.
<i>Time Sheet:</i> Records hours of service and types of work done. Requires signature of supervising attorney and approval by Pro Bono Program Advisor.	Whenever significant service is finished. Separate time sheets must be kept for each organization the student serves. Student is responsible for maintaining a copy for his or her personal records.
<i>Student's Critique:</i> of the pro bono experience.	Upon completion of service for a given agency/supervisor. Student is responsible for maintaining a copy for his or her personal records.
<i>Supervisor's Evaluation:</i> of the student's performance.	Upon completion of the student's work for a given agency/supervisor.
<i>Individual Student's Report:</i> of hours completed.	Upon submission of required forms. Also available on request from the Pro Bono Program Office.
<i>Pro Bono Program Completion Report:</i> Summary of student's pro bono experience; hours worked, agencies served, etc. Becomes part of the student's permanent file.	Submitted to records upon completion of pro bono requirement. The deadline for graduates for submission of <u>all required forms</u> is the final day of classes for the semester.

University of Hawai'i at Manoa

The William S. Richardson School of Law
Law Student Public Service (Pro Bono) Program
2515 Dole Street Honolulu, Hawai'i 96822
Telephone: (808) 956-6785 Facsimile: (808) 956-9439
e-mail: probono@hawaii.edu

TO: Potential Pro Bono Program Supervisor

FROM: James H. Pietsch
Pro Bono Program Advisor
William S. Richardson School of Law

Thank you for your interest in our Pro Bono Program. If you have any questions or suggestions about the program, please call me at 956-6785 and I would be happy to discuss the program with you.

The Law Student Public Service (better known as "Pro Bono") Program introduces the concept of pro bono service to law students. The program allows law students to address unmet legal needs in the community while enriching their legal education. The preparation of lawyers who recognize the importance of their public service obligations is an important objective of the William S. Richardson School of Law. Successful completion of the pro bono service requirement is a condition for graduation and conferral of a Juris Doctor Degree

We have a limited number of students, so we cannot guarantee that students will volunteer to work with your organization. We will, however, do our best to make the students aware of the availability of a placement with you. To this end, we suggest that you keep on file with us an updated, brief description of what duties a student might be expected to perform at your office. Please be sure to include the name and phone number of the contact person at your office. Please understand that neither supervisors nor students can change the following guidelines without the concurrence of the Pro Bono Program Advisor or the Pro Bono Program Committee.

Pro Bono Ground Rules

1. Except as provided in Rule 7 of the Rules of the Hawai'i State Supreme Court, students participating in this program are not covered by the so called "student practice rule", thus they may not give legal advice, make formal appearances in court or otherwise engage in the practice of law.
2. It is anticipated that students will generally be supervised directly by an attorney licensed to practice law in the State of Hawai'i. Exceptions to this general rule must be approved in advance of any placement by the Pro Bono Program Advisor.

3. Supervision of students participating in the Pro Bono Program is the sole responsibility of the supervising attorney or other approved supervisor.
4. Work assigned to students under this program should be law-related and not simply clerical.
5. Each student, upon completion of a placement, will complete a written critique of the placement and submit it to the Pro Bono Program Advisor. Each supervisor will be requested to provide an evaluation of the student's pro bono work. All recent written student critiques and supervisor evaluations will be kept on file for review by law students. .
6. Students may not be compensated nor receive academic credit for any work done under this program.
7. The legal work must conform to concept of "pro bono" which means "for the public good" in the ordinary sense of the term. Pro bono work includes any legal work performed without compensation which is provided for needy clients at no cost (or at substantially reduced cost) to the client or which is performed in the public interest.
8. All work done by the student under the program must be recorded on a Pro Bono Program time sheet and each time sheet must be signed by the student and the student's supervising attorney before it is submitted to the Pro Bono Program Advisor.
9. For each placement, a Pro Bono Registration Form must be signed by the student and the supervising attorney and should be submitted to the Pro Bono Program Advisor for approval prior to commencement of pro bono work.

Once again, please call me if you have any questions or suggestions about the program. Thank you for your interest in our program.

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Once again, please call me if you have any questions or suggestions about the program.
Thank you for your interest in our program.

**University of Hawai'i
William S. Richardson School of Law
Pro Bono Program Registration Form**

Current Semester: _____ Year: _____ Anticipated Graduation (Month, Year) _____

Transfer Student? (Yes, No) _____ Currently a Pre-admission Student? (Yes, No) _____

Name of Student: _____

Address: _____

Phone: _____ **E-Mail** _____

Name of Organization: _____

Name of Supervisor: _____

Address: _____

Phone: _____ **E-Mail** _____

Type of Work Planned for the Student: (Use additional sheets of paper as necessary)

(Signature of Supervisor)

(Date)

(Signature of Student)

(Date)

(Law School Pro Bono Program Advisor's Initials)
(Students—keep copies of all documents submitted)

**WILLIAM S. RICHARDSON SCHOOL OF LAW
PRO BONO PROGRAM TIME SHEET**

Student's Name _____

Supervisor's Name _____

Student's Signature _____

Supervisor's Signature _____

Anticipated Graduation (Month, Year) _____

Transfer Student? (Yes, No) _____ Currently a Pre-admission Student? (Yes, No) _____

Organization Served: _____

DATE	DESCRIPTION OF WORK DONE	HOURS
TOTAL PRO BONO HOURS FOR ORGANIZATION		

Law School Pro Bono Program Advisor's Initials: _____
(Students—keep copies of all documents submitted)

STUDENT'S CRITIQUE OF PRO BONO PLACEMENT

To help evaluate the Pro Bono Program and to help future students decide where to go to fulfill their pro bono requirement, we are asking that you complete this questionnaire and return it to the Pro Bono Advisor at the end of your placement. This form will be compiled in a resource binder which will be made available for future students to read.

Name of Supervisor: _____

Position or Title: _____

Name of Agency (if applicable): _____

1. How would you rate your placement overall?

Poor 1 2 3 4 5 Excellent

Comments:

2. How much time did you devote to the following activities:

		Low	1	2	3	4	5	High
A.	Legal research and writing		—	—	—	—	—	
B.	Conferences with your supervisor		—	—	—	—	—	
C.	Working with clients		—	—	—	—	—	
D.	Clerical work		—	—	—	—	—	
E.	Reviewing legal documents		—	—	—	—	—	
F.	Other duties (please specify)		—	—	—	—	—	

(Continued on next page)

3. Were your expectations met?
4. What type of work did you do?
5. What did you like the best and why?
6. What are the disadvantages and drawbacks, if any, of this placement?
7. How can this placement be improved?
8. Would you recommend this placement to other law students? Why/why not?
9. Do you think that pro bono service should be a graduation requirement? _____ Yes or No

If yes, do you think that authorized activities should be expanded to include public service that does not involve legal services? Please use additional sheets of paper as necessary to explain.

Student's Name: _____ Date _____
(My name may appear in the pro bono directory)

Pro Bono Office cut here if student desires to keep name out of pro bono resource binder

Student's Name: _____
(I wish to keep my name out of the pro bono resource binder.)

3. Were your expectations met?
4. What type of work did you do?
5. What did you like the best and why?
6. What are the disadvantages and drawbacks, if any, of this placement?
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Student's Name: _____
(I wish to keep my name out of the pro bono resource binder.)

SUPERVISOR'S EVALUATION OF STUDENT

Please complete this questionnaire and return it to the Pro Bono Program Advisor,
William S. Richardson School of Law, 2515 Dole Street, Honolulu, HI 96822 or FAX (808) 956-9439

Student's Name: _____

Name of Supervisor: _____

Position or Title: _____

Name of Organization or Agency (if applicable) _____

1. How would you rate this placement overall?

Poor 1 2 3 4 5 Excellent

Comments:

2. How would you rate the student's attitude toward pro bono work (e.g. motivation, initiative, enthusiasm, confidence, relations with others)?

Poor 1 2 3 4 5 Excellent

Comments:

3. Did the student perform work that was of an overall benefit to you?

Yes _____ No _____

Comments:

4. In general, do you feel that the Law School Pro Bono Program serves a useful purpose?

Yes _____ No _____

Comments:

5. Please attach any further comments on this placement and any comments and/or suggestions concerning the Pro Bono Program in general. Thank you for your cooperation.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT

The University of Hawai'i at Mānoa is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, arrest and court record, sexual orientation, and veteran status. This policy covers admission and access to, and participation, treatment and employment in the University's programs, activities, and services. For more information on equal opportunity and affirmative action policies and complaint procedures, contact:

Students: Alan Yang, Dean of Students, 956-3290 (V/T)

Employees: Mie Watanabe, EEO/AA Director, 956-7077 (V/T)

Students with Disabilities: Ann Ito, KOKUA Program Director, 956-7511 (V/T)

ON-LINE EEO/AA RESOURCES

UNIVERSITY OF HAWAI'I

Website Address: <http://www.hawaii.edu>

UH Systemwide Executive Policies

- E1.202: University Statement of Nondiscrimination and Affirmative Action
<http://www.hawaii.edu/svpa/ep/e1/e1202.pdf>
- E1.203: Policy on Sexual Harassment and Related Conduct
<http://www.hawaii.edu/svpa/ep/e1/e1203.pdf>

UH Systemwide Administrative Procedures

- A9.900: ADA Complaint Procedure for Members of the Public Who Have Complaints Regarding Disability Access to University Services, Programs, and Activities
<http://www.hawaii.edu/svpa/apm/pers/a9900.pdf>
- A9.920: Discrimination Complaint Procedures for Employees, Students, and Applicants for Employment or Admission
<http://www.hawaii.edu/svpa/apm/pers/a9920.pdf>

Accessibility to Electronic Information for People with Disabilities

- UHM Accessibility Home Page
<http://www.hawaii.edu/access>

Veteran Affairs

- Manoa Campus
<http://www2.hawaii.edu/admrec/veteran.html>

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