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# MD KIRK SCHOOL OF LAW

## STUDENT HANDBOOK



Table of Contents

## RULES AND REGULATION

## MD KIRK SCHOOL OF LAW STUDENT RIGHTS STATEMENT

## ARTICLE I . GENERAL INFORMATION

|   |    |
|---|----|
| Section 1.1 Overview -----                                      | 5  |
| Section 1.2 Required Disclosures -----                          | 6  |
| Section 1.3 Enrollment -----                                    | 7  |
| Section 1.4 Leave of Absence -----                              | 7  |
| Section 1.5 Reinstatement -----                                 | 7  |
| Section 1.6 Dropout -----                                       | 7  |
| Section 1.7 Dismissal -----                                     | 8  |
| Section 1.8 Re-enrollment of Students -----                     | 8  |
| Section 1.9 Reservation of Rights -----                         | 8  |
| Section 1.10 Student Code of Conduct -----                      | 8  |
| Section 1.11 Academic Misconduct -----                          | 9  |
| Section 1.12 Plagiarism -----                                   | 10 |
| Section 1.13 Responsibility to Report Academic Dishonesty ----- | 10 |
| Section 1.14 Sanction for Academic Dishonesty -----             | 11 |
| Section 1.15 Non-academic Misconduct -----                      | 11 |

## ARTICLE II . DEGREE PROGRAM– JURIS DOCTOR

|  |    |
|--|----|
| Section 2.1 Overview -----               | 13 |
| Section 2.2 Admission Requirements ----- | 13 |
| Section 2.3 Instructional Methods -----  | 13 |
| Section 2.4 Curriculum -----             | 14 |
| Section 2.5 Course Descriptions -----    | 16 |
| Section 2.6 Degree Requirements -----    | 19 |

## ARTICLE III . EXAMS, PAPERS AND GRADES

|  |    |
|--|----|
| Section 3.1 General -----  | 20 |
| Section 3.2 Examinations Requirements -----                      | 20 |
| Section 3.3 Special Circumstances on Proctored Exam -----        | 20 |
| Section 3.4 Academic Standard -----                              | 21 |
| Section 3.5 Grades -----   | 22 |
| Section 3.55 Grade Point Average -----                           | 23 |
| Section 3.6 Repeated Courses -----                               | 23 |
| Section 3.7 Missing an Examination -----                         | 24 |
| Section 3.8 Review of Examinations and Other Assignments -----   | 24 |
| Section 3.9 Student Work Authentication Procedures -----         | 24 |
| Section 3.10 Transcript Policy -----                             | 24 |
| Section 3.11 Grade Review Procedures and the Committee -----     | 25 |
| Section 3.12 Study Log System in Correspondence Law School ----- | 25 |
| Section 3.13 Regular Evaluation of Instructor Competence -----   | 26 |

|  |    |
|--|----|
| Section 3.14 Policy on Admission as Visitors, Auditors, or Non-JD candidates ----- | 27 |
| Section.3.15 Student Participation -----   | 27 |
| <br>   |    |
| <b>ARTICLE IV. FINANCIAL ARRANGEMENTS</b>  |    |
| Section 4.1 Overview -----   | 28 |
| Section 4.2 Tax Deduction -----  | 28 |
| Section 4.3 Refund Policy -----  | 28 |
| <br>   |    |
| <b>ARTICLE V. STUDENT SERVICES</b>   |    |
| Section 5.1 Housing and Placement -----  | 28 |
| Section 5.2 Library Access -----   | 29 |
| Section 5.3 Scholarships -----   | 29 |
| Section 5.4 Student Grievance Procedure -----                                      | 29 |

## **RULES AND REGULATIONS**

### **INTRODUCTION**

The Law School, like any organization engaged in complex activity in which many individuals are involved, has a body of rules to define the relationships within the organization and to implement its institutional objectives. MD Kirk School of Law is governed by its own set of rules and policies which can be found in this Handbook. Included are the rules governing the course of instruction.

Please remember that these rules were established not only to help the school carry out its responsibilities as an educational institution, but also to inform everyone who is subject to them of his or her individual rights, and to guarantee that the benefits and burdens of membership in the Law School community will be shared fairly and even-handedly by all. Specifically, this Handbook has been created to assist the students of MD Kirk School of Law with particular issues that arise in our school.

To function effectively the rules must be well understood, respected, and impartially enforced, with as few exceptions as possible. This Handbook should be consulted in all cases where a question of compliance or infraction may arise.

The rules listed in this book are subject to change and be updated at any time. Students will be notified upon the changes via distribution of a new handbook.

## **MD KIRK SCHOOL OF LAW STUDENT RIGHTS STATEMENT**

### **1. NON-DISCRIMINATION**

It is the policy of MD Kirk School of Law not to discriminate against any individual on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, age, disability, or veteran status in matters of admissions, employment, housing, or services or in the educational Programs or activities it operates, in accordance with civil rights legislation and University commitment.

Any alleged violations of this policy or questions regarding the law with respect to nondiscrimination should be directed to Administration Office, 3435 Wilshire Blvd. Suite #3040, Los Angeles, CA 90010, United States, phone 213) 368 - 5475.

### **2. PRIVACY**

Appropriate federal and state laws will limit the use of private information of the students. The MD Kirk School of Law has some guiding principles on this critical issue as following:

(a) All forms of disclosure of confidential information from student records to any third parties are strictly prohibited without the written and signed consent of the student. However, such entities or individuals that have a legal right of access to the records will be treated as an exception to this rule.

(b) Unless there are justifiable reasons for non-disclosure, upon request student access to their own records will be granted. Such justifiable reasons may include, but are not limited to, the releasing of the information being in direct conflict with the school's own interests.

## **ARTICLE | . GENERAL INFORMATION**

### **Section 1.1 Overview**

MD Kirk School of Law was established in 2005 to provide quality legal education to people inside and outside of the United States through combined educational methods of both traditional and up-to-date audio-visual and online instruction.

The J.D. program will enable successful students to be admitted to practice law before the California State Courts, the United States Federal Courts and the United States Supreme Court. The J.D. program requires study for the period of four years.

The primary goal and purpose of the MD Kirk School of Law is to provide quality legal education through distance, non-residential learning methods. MD Kirk School of Law is aiming at four points below:

- (a) Having students understand the history and basic principles of Anglo-American Legal system;
- (b) Providing students with quality legal education and training essential to their successful law practice;
- (c) Providing students who are seeking academic career with mental training that is crucial for legal reasoning and basic legal research skills; and
- (d) Having students be trained to draft essential legal documents with efficiency and accuracy.

Related to these, we seek students who possess not only the intellectual talent but also the communication skills, judgment, ambition, and maturity needed to succeed in Law School and beyond.

## **Section 1.2 Required Disclosures**

MD KIRK School of Law is registered, not accredited by the Committee of Bar Examiners of the State Bar of California. The State Bar of California regulates licensing through the California First-Year Law Students' Examination and the California Bar Exam for JD degree. The following disclosures are required by the California Committee of Bar Examiners;

(a) Basic Principle

The method of instruction at this law school for the Juris Doctor (J.D.) degree program is principally by correspondence.

(b) First Year Law Students' Examination

Students enrolled in the J.D. degree program at this law school who successfully complete the first year of law study must pass the First-Year Law Students' Examination required by Business and Professions Code § 6060(h) and Rule VIII of the *Rules Regulating Admission to Practice Law in California* as part of the requirements to qualify to take the California Bar Examination.

1. A student who passes the First-Year Law Students' Examination within three (3) administrations of the examination after first becoming eligible to take it will receive credit for all legal studies completed to the time the examination is passed.
2. A student who does not pass the examination within three (3) administrations of the examination after first becoming eligible to take it must be promptly disqualified from the law school's J.D. degree program.
3. If the dismissed student subsequently passes the examination, the student is eligible for re-enrollment in this law school's J.D. degree program, but will receive credit for only one year of legal study."

(c) Out of State Bar Membership

Study at, or graduation from, this law school may not qualify a student to take the bar examination or to satisfy the requirements for admission to practice in jurisdictions other than California. A student intending to seek admission to practice law in a jurisdiction other than California should contact the admitting authority in that jurisdiction for information regarding the legal education requirements in that jurisdiction for admission to the practice of law.

## **Section 1.3 Enrollment**

- (a) All students must complete the enrollment in the announced period of every semester.
- (b) When enrolling, students must pay tuition and fees. Specific amounts of tuition and fees

shall be determined by the Board before every semester starts.

- (c) All fees quoted are in US dollars and are subject to increase as necessary.
- (d) Limited period of enrollment is 8 years excluding the period of absence.

### **Section 1.4 Leave of Absence**

- (a) A student may be leave of absence from MD Kirk School of Law as two kinds of reasons as below
  - 1. Family affairs, illness and other unavoidable situation that make it impossible to enroll in each semester.
  - 2. Unavoidable circumstances that make it impossible to attend on each semester after the enrollment.
  - 3. Freshman in the first semester cannot make a leave of absence.
- (b) General Restrictions
  - 1. Students can register leave of absence no more than 3 semesters at once.
  - 2. Possible period of absence while in school is limited to 6 semesters in total.
  - 3. If a student do not reinstate after the lapse of period, 1 semester shall be extended automatically.
  - 4. If a student do not reinstate after 6 semesters of absence, he or she shall be dismissed automatically.

### **Section 1.5 Reinstatement**

- (a) Students can register their reinstatement before the number of classes is passed as much as one fourth.
- (b) Students can register their reinstatement by means of mail, fax and e-mail(scan only).
- (c) Students can reinstate even if the period of Leave of Absence does not expire. In that, early reinstatement is possible.

### **Section 1.6 Dropout**

A student may decide to withdraw completely from MD Kirk School of Law. If the student has already paid admission to MD Kirk School of Law but has not begun courses, the tuition will be refunded. If the student has already paid admission to the MD Kirk School of Law and has begun courses, there will be partial refund of tuition pursuant to Section 4.03.

### **Section 1.7 Dismissal**

Students corresponding to each one below shall be dismissed from MD Kirk School of Law.

- (a) Who does not reinstate after the expiration of limited period of absence.
- (b) Who has been expelled for disciplinary action.

- (c) Who does not his or her devoir as a student and acts contrary to duty as a student.

### **Section 1.8 Re-enrollment of Students**

A student who withdrew from MD Kirk School of Law in good standing may apply for re-enrollment by petitioning for re-admission to Chief Administrative Officer. The decision to re-enroll a student who had previously withdrawn, and the timing of such re-enrollment, is at the discretion of the Chief Administrative Officer.

At the end of the first academic year of two semesters and every academic year thereafter, students shall maintain a cumulative GPA of at least 2.33 for all completed courses. Failure to achieve or maintain a 2.33 GPA will result in academic disqualification. Students who are academically disqualified for the first time at the end of the second year with a GPA below 2.33 are permanently disqualified and not eligible for readmission.

Student who are academically disqualified at the end of the first two semesters of law school with a cumulative GPA of less than 2.20 are not eligible for readmission. There is no administrative or faculty discretion to waive this rule and readmit a disqualified student in this category. The faculty Committee does not have jurisdiction to consider cases relating to academic disqualification.

### **Section 1.09 Reservation of Rights**

MD Kirk School of Law reserves the right to refuse admission of any applicant, disqualify any student, or discontinue his or her course of studies at the discretion of the school's guiding body. As head of the school's guiding body, any decision relating to these matters may be sanctioned, modified or nullified by the Dean of the school. The school also reserves the right to make changes or amendments to any of its policies without prior notice. Such changes may include, but are not limited to, admission pre-requisites, fees, course structure, subject material, grading policies, course graduation standards and requirements, and etc.

### **Section 1.10 Student Code of Conduct**

- (a) For all purposes listed in this Handbook, students must first make a formal request from the administrative staff of MD Kirk School of Law, and then must receive formal confirmation. Students are hereby notified that if they do not receive positive confirmation, the Law School is unaware of the student's particular situation. Students are responsible for following the rules stated in this Handbook to ensure that MD Kirk School of Law is notified of any serious student situation (for example, but not limited to, withdrawals, leaves of absences, missed exams, failing grades).
- (b) The proper course of action for students is to notify the administrative staff of MD Kirk in L.A or in Seoul, who will work on the issue presented. The student(s) will then be notified either by the director or by the administrative staff of MD Kirk, depending on what the situation requires.

- (c) The school expects and requires its students to maintain the school's high levels of conduct and ethics, and any and all students found to be in breach of this conduct will be held liable for their actions and will be penalized accordingly. The penalties will be determined via the consideration of the student's individual circumstances and the severity of their breach and may range from, but are not limited to, voiding a grading for a particular assessment, suspension, expulsion and/or legal action. Examples of such breaches are, but not limited to cheating, plagiarism, misrepresentation of facts,

### **Section 1.11 Academic Misconduct**

Students are members of the school, with attendant rights and responsibilities. Students are expected to comply with all laws. The standards of conduct apply to students as the term 'student' is defined as the following:

- a. applicants who become students, for offenses committed as part of the application process;
  - b. applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and
  - c. former students for offenses committed while a student.
- (1) representing, expressly or impliedly, the work of another to be one's own;
  - (2) giving, obtaining, or soliciting unauthorized assistance or using unauthorized material in the preparation of material to be submitted or presented in a class, law review assignment or competition, moot court assignment or competition, client counseling competition, essay contest which the student is able to enter by virtue of being a law student, or similar activity;
  - (3) violating any rule imposed by the instructor or exam proctor;
  - (4) copying, or giving, receiving or soliciting unauthorized assistance or information during an exam;
  - (5) using unauthorized material during an exam;
  - (6) obtaining an exam, assignment, answer sheet or similar material in an unauthorized manner or at an unauthorized time;
  - (7) writing after the exam time has expired;
  - (8) making material misrepresentations in any submission to or through the Admissions Office, to the Career Services Office or to a potential employer.

### **Section 1.12 Plagiarism**

Plagiarism is the offering of another's work, without proper acknowledgment, as one's own. Any student who fails to give credit for quotations or essentially identical expression of material taken from books, encyclopedias, magazines, and other reference works, reports, or other writings of another individual, is guilty of plagiarism. Plagiarism includes but is not limited to the following actions:

- (a) Submitting written materials without proper acknowledgment of the source.
- (b) Deliberate attribution to, or citation of, a source from which the referenced material was not in fact obtained.

Faculty members will apply a grade of F to any student who violates rules regarding plagiarism or other form of cheating or academic dishonesty. It is the responsibility of the student to act in an honest manner and avoid conduct that may lead to the suspicion of academic dishonesty.

### **Section 1.13 Responsibility to Report Academic Dishonesty**

MD Kirk School of Law considers Academic Dishonesty is a corrosive force in the academic life. It jeopardizes the quality of education and depreciates the genuine achievements of others. It is, without reservation, a responsibility of all members of the school to actively deter it. Apathy or acquiescence in the presence of academic dishonesty is not a neutral act; histories of institutions demonstrate that such responses will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for academic dishonesty are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by students and faculty alike.

- (a) Faculty must undertake a threshold responsibility for such traditional safeguards as examination security and proctoring.
- (b) All members of the University community, students, faculty and staff, share the responsibility and authority to challenge and make known to the appropriate authority acts of apparent academic dishonesty.

### **Section 1.14 Sanction for Academic Dishonesty**

The student will always be placed on academic integrity probation for the remainder of the student's academic career. In addition, one or more of the sanctions listed immediately below will be imposed.

- (a) A reduction in grade on the assignment on which the violation occurred.
- (b) No credit on the assignment, paper, program, test or exam on which the violation occurred,  
or

- (c) No credit for the course.
- (d) The student will be suspended (or expelled) if the academic dishonesty is committed while he or she is already on academic integrity probation, or in other aggravated cases. Factors affecting this determination include whether the acts committed involved advance planning, falsification of papers, forms, or documents, collaboration with others, or some actual or potential harm to other students. For example, theft of another student's returned examination will usually merit suspension, even for a first offense. In cases where the student will complete graduation requirements during the current semester, suspension is to take effect immediately. In cases where a student will complete graduation requirements in either summer session I or II, the suspension period will be applied to summer session. Suspension will be noted on the transcript. Where suspension is the mandatory minimum sanction due to academic misconduct while on academic probation, a lesser sanction may be imposed in the Provost's discretion only upon a showing of extraordinary circumstances. Such a showing must be made by evidence and argument at the initial sanctioning (the Provost does not receive new evidence).
- (e) The student will be expelled in the most severe cases of academic dishonesty.

### **Section 1.15 Non-academic Misconduct**

Behavior that is subject to disciplinary action under this Code includes violations of Federal, State, and local Law, conduct that threatens the safety or well-being of the campus community, and any other behavior that adversely affects MD KIRK School of Law or its educational mission. Examples of behavior that will be subject to disciplinary action include:

- (a) Engaging in dishonest conduct, including knowingly furnishing false information to the California School of Law;
- (b) Forging, altering, or using university documents, records, or instruments of identification with intent to defraud;
- (c) Harassing and/or hazing in all forms, which includes, but is not limited to, threatening with violence, or other treatment of a demeaning, abusive, taunting, or alarming nature;
- (d) Intentionally obstructing or disrupting teaching, research, administration, disciplinary proceedings, or other law school activities and other activities on California School of Law;
- (e) Physically abusing any person or engaging in conduct that threatens or endangers the health or safety of any such person;
- (f) Selling, distributing, manufacturing, using, or possessing illegal drugs;
- (g) Stealing from or damaging the property of the California School of Law community;
- (h) Failing to comply with directions of California School of Law officials or engaging in

disorderly or abusive conduct toward officials acting in performance of their duties;

- (i) Violating published California School of Law regulations, including regulations relating to entry and use of California School of Law facilities;
- (j) Violating federal, state, or municipal laws;
- (k) Making false statements to, presenting false evidence to, or failing to comply with a subpoena or otherwise obstructing the administration of justice.

A faculty member shall not decrease a student's grade because of alleged nonacademic misconduct if the student has been found not guilty by the appropriate committee or Dean, or if the charge against the student has been dismissed for failure to state an offense, or the time for filing an appeal by the student, faculty or staff member has expired and no appeal has been filed.

## **ARTICLE II. DEGREE PROGRAM – JURIS DOCTOR**

### **Section 2.1 Overview**

The Juris Doctor (J.D.) is a graduate level doctorate degree of the study of law. It will be conferred to those who have successfully completed all the required law studies of our program. The J.D. students who plan to take the First Year Law Student's Exam or the California State Bar Exam are responsible for checking whether they have met the eligibility requirements of the California State Bar. Those requirements may be found at: [www.calbar.ca.gov/admissions](http://www.calbar.ca.gov/admissions). Those planning to take the bar exam of another state are responsible for checking whether they have met the eligibility requirements of that state. Bar eligibility is decided solely by each state on case-by-case basis.

### **Section 2.2 Admission Requirements**

- (a) Those who are seeking bar eligibility must have: completed at least 60 acceptable college semester units (or 90 quarter units) at a college or university approved by the California Committee of Bar Examiners; or passed the college equivalency (CLEP) examinations specified by the California Committee of Bar Examiners with at least the minimum scores set.
- (b) Required examination areas and corresponding scores for the CLEP exam are as follows:
  - 1) English Composition 50
  - 2) Any two of the following
    - 1. Humanities 50
    - 2. Mathematics 50
    - 3. Natural Sciences 50
    - 4. Social Sciences and History 50
- (c) Students must request that official transcripts be sent to the MD Kirk School of Law administration office from the college/university where those units were earned. Students

must be present for an interview that will be conducted by a professor and staff. This interview will take place at the Los Angeles office, located at 3435 Wilshire Blvd. Suite #3040, Los Angeles, CA 90010. Contact a representative at [info-kor@mdkirkschooloflaw.com](mailto:info-kor@mdkirkschooloflaw.com) to electronically receive the application form and to arrange an interview date. The application form must be submitted in hard copy format on the same date of the interview.

### **Section 2.3 Instructional Methods**

- (a) The curriculum of the program includes all subjects tested on the California Bar Exam. We utilize lectures and case presentations through audio/video material along with written material. The written material includes traditional law casebooks, specially designed course outlines, and case briefs. Although students don't participate in the on-site classroom activities, they will be exposed to the classroom atmosphere by listening to or watching tapes or CD/DVD's.
- (b) All audio/video materials, course outlines, and case briefs are well prepared by professors and the editorial board of MD Kirk School of Law. However, students are free to and encouraged to use other study aids such as hornbooks and flowcharts which are ordinarily used by students in traditional law schools.

### **Section 2.4 Curriculum**

All classes of MD Kirk School of Law are based on the module system. It is 52 weeks continuous schedule and one unit equals forty study hours. Specific curriculum for four years is below. The minimum required is 960 study hours, 48 class weeks and 24 units for each year.

<First Year>

| Courses                        | Study Hours | Class Weeks | Units |
|--------------------------------|-------------|-------------|-------|
| Law 101<br>Introduction to Law | 80          | 4           | 2     |
| Law 102<br>Contracts           | 360         | 18          | 9     |
| Law 103<br>Torts               | 320         | 16          | 8     |
| Law 104<br>Criminal Law        | 280         | 14          | 7     |
| In total                       | 960         | 52          | 26    |

## &lt;Second Year&gt;

| Courses                       | Study Hours | Class Weeks | Units |
|-------------------------------|-------------|-------------|-------|
| Law 201<br>Civil Procedure    | 360         | 18          | 9     |
| Law 202<br>Real Property      | 360         | 18          | 9     |
| Law 203<br>Remedies           | 160         | 8           | 4     |
| Law 204<br>Criminal Procedure | 160         | 8           | 4     |
| In total                      | 1040        | 52          | 26    |

## &lt;Third Year&gt;

| Courses                             | Study Hours | Class Weeks | Units |
|-------------------------------------|-------------|-------------|-------|
| Law 301<br>Evidence                 | 360         | 18          | 9     |
| Law 302<br>Constitutional Law       | 360         | 18          | 9     |
| Law 303<br>Legal Research & Writing | 120         | 6           | 3     |
| Law 304<br>Corporations             | 200         | 10          | 5     |
| In total                            | 1040        | 52          | 26    |

## &lt;Fourth Year&gt;

| Courses                                | Study Hours | Class Weeks | Units |
|--|-------------|-------------|-------|
| Law 401<br>Community Property          | 200         | 10          | 5     |
| Law 402<br>CA Civil Procedure          | 160         | 8           | 4     |
| Law 403<br>Professional Responsibility | 160         | 8           | 4     |
| Law 404<br>Agency & Partnership        | 160         | 8           | 4     |
| Law 405<br>Wills & Succession & Trusts | 240         | 12          | 6     |

|   |      |    |    |
|---|------|----|----|
| Law 406<br>Advanced Legal Research<br>& Writing | 120  | 6  | 3  |
| In total  | 1040 | 52 | 26 |

### **Section 2.05 Course Descriptions**

<First Year>

| Courses   | Descriptions   |
|---|--|
| <p>Law 101<br/>Introduction to Law &amp;<br/>Legal Writing</p> <p>2 Semester Units,<br/>4 Weeks</p> | <p>In this introductory course, the student discovers the basic concepts of law and the history of the American system of jurisprudence and juristic theory that originated from, and was developed and formulated through, the common law of England and is now recognized as an organic part of the jurisprudence of most of the United States. Students are introduced to important legal terminology, basic legal analysis, and the practice of the law. An Orientation to legal writing presented, with the goal that students develop their analytical writing skills, case analysis, and legal philosophy and reasoning.</p>  |
| <p>Law 102<br/>Contracts</p> <p>9 Semester Units,<br/>18 Weeks</p>                                  | <p>Students will study both the Common Law contractual principles relating to contracts for services and the Uniform Commercial Code contractual principles relating to contracts for goods. They will learn the rules governing the formation of contracts such as offer, acceptance, consideration and defenses, i.e., the Statute of Frauds, incapacity, illegality, misrepresentation/frauds, duress, unconscionability, undue influence and mistake. Also, students will study contractual conditions, and the law pertaining to the enforcement of contracts, liability and remedies for breach of contract and warranty liability for goods under the Uniform Commercial Code. Finally, the students will study third-party rights and obligations, i.e., third-party beneficiaries, assignments and delegations.</p> |
| <p>Law 103<br/>Torts</p> <p>8 Semester Units,<br/>16 Weeks</p>                                      | <p>This course is a survey of civil causes of action for which and injured part may seek redress and compensatory relief in court. Students will learn various theories of tort liability including intentional torts to person and property such as assault, battery, false imprisonment, infliction of emotional distress, trespass to land and chattel, and conversion. Students will also examine the law relating to causes of action for ordinary and professional negligence, wrongful death, products liability, and dignitary torts such as invasion of privacy, defamation, constitutional torts and nuisance. They will also examine strict liability causes of action such as animal and products liability. Finally, students will examine tort defenses of privilege, mistake, self-defense,</p>               |

|   |  |
|---|--|
|   | consent, necessity, immunity, contributory and comparative negligence and assumption of the risk.  |
| <p style="text-align: center;"><b>Law 104</b><br/><b>Criminal Law</b></p> <p>7 Semester Units,<br/>14 Weeks</p> | <p>Students will examine Common Law and modern criminal justice systems including their classification of crimes and the necessary elements of various crimes. Students will study the criminal culpability rules applicable to perpetrators such as principals, accessories and accomplices. Students will learn the elements of various crimes committed against persons such as homicide, assault, battery, rape and mayhem. Students will also study property crimes such as larceny, embezzlement, false pretenses, receiving stolen property, robbery, burglary and arson. Further, students will examine the inchoate crimes of attempt, solicitation and conspiracy, and will also learn many justifications and excuses including mistake, self-defense, defense of others, crime prevention, force used to effectuate and arrest consent, insanity, infancy, intoxication, public authority, duress, necessity and entrapment.</p> |

<Second Year>

| Courses  | Descriptions  |
|--|---|
| <p style="text-align: center;"><b>Law 201</b><br/><b>Civil Procedure</b></p> <p>9 Semester Units,<br/>18 Weeks</p> | <p>This course examine the rules governing civil proceedings and the jury trial system with emphasis on federal procedural rules. Students will study various phases of civil litigation and learn how to proceed with litigation in a court of law. Students will study the statutory and decisional law related to federalism, allocations of power between state and federal courts, personal and subject matter jurisdiction, rules of pleading, claim and party consolidation, venue, pre and post-trial motion practice, claim and issue preclusion, discovery, summary judgment, dismissals and the appellate process.</p> |
| <p style="text-align: center;"><b>Law 202</b><br/><b>Real Property</b></p> <p>9 Semester Units,<br/>18 Weeks</p>   | <p>The course provides doctrinal analysis of various common and modern real property rules. Students will examine ownership, possessory, alienable rights and other legal interests in freehold and non-freehold estates, future interests, land covenants, equitable servitudes and easements. Students will study the law related to the recordation, use and transfer of property interests and landlord /tenant law.</p>  |
| <p style="text-align: center;"><b>Law 203</b><br/><b>Remedies</b></p> <p>4 Semester Units,<br/>8 Weeks</p>         | <p>Students will learn equitable and legal remedies that are available to civil litigants. They will learn how to allege, measure and define the scope of monetary damage awards, restitution, legal fees, constructive trusts and apportionments in tort and contract actions. Students will explore coercive remedies such as temporary restraining orders, preliminary injunctions, permanent injunctions, specific performance,</p>   |

|  |   |
|--|---|
|  | contempt and declaratory relief.  |
| <p style="text-align: center;"><b>Law 204</b><br/> <b>Criminal Procedure</b></p> <p style="text-align: center;">4 Semester Units,<br/>       8 Weeks</p> | <p>Students will study the rights of the accused in criminal matters by examining various provisions to the Bill of Rights of the United States Constitution. Students will learn the law governing searches and seizures, confessions, double jeopardy, the rights to counsel, jury trials, speedy trials, pleas, exclusionary rules, and the appellate rights of an accused to enforce constitutional guarantees.</p> |

<Third Year>

| Courses   | Descriptions   |
|---|--|
| <p style="text-align: center;"><b>Law 301</b><br/> <b>Evidence</b></p> <p style="text-align: center;">9 Semester Units,<br/>       18 Weeks</p>                     | <p>This course teaches the standards that regulate the admissibility of proof at judicial proceedings placing special emphasis on the Federal Rules, California rules and general principles of evidence law. Students will study burdens of proof, relevancy, the hearsay rule and its exceptions, policy-based exclusionary rules, legal privileges, expert and lay opinions, scientific, forensic and demonstrative evidence, impeachment, authentication, character and habit evidence, and presumptions.</p>  |
| <p style="text-align: center;"><b>Law 302</b><br/> <b>Constitutional Law</b></p> <p style="text-align: center;">9 Semester Units,<br/>       18 Weeks</p>           | <p>Students will study the United States Constitution, the three branches and structure of the federal government, limitations and scope of government power, judicial review, the role of the United States Supreme Court, the Bill of Rights, and personal liberties. Students will examine the constitutional distribution of power between the federal government and the individual states, and personal liberties under the Due Process clauses with special focus on fundamental rights, equal protection, freedom of assembly, press, religion and speech.</p> |
| <p style="text-align: center;"><b>Law 303</b><br/> <b>Legal Research &amp; Writing</b></p> <p style="text-align: center;">3 Semester Units,<br/>       6 Weeks,</p> | <p>Legal Research &amp; Writing is a course that teaches students the fundamental aspects of lawyering: how to read a case; how to parse a statute; how to distinguish between material and immaterial facts; how to find legal authorities relevant to legal problems; how to analyze a legal issue using facts and law; and how to communicate legal analysis logically, clearly and concisely. Legal Research &amp; Writing also serves as a bridge to our fourth-year Advanced Legal Research &amp; Writing course (Law 406).</p>                                  |

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|---|---|
| <p>Law 304<br/>Corporations</p> <p>5 Semester Units,<br/>10 Weeks</p> | <p>This course is a didactic inquiry into the law governing American business enterprises. Students will study model, statutory and decisional law related to the formation and dissolution of private, public, close and limited liability corporations. Students will study the law governing public stock and securities transactions, dividends, mergers and hostile takeovers, and the rights of corporate shareholders. Students will study the respective roles, duties, liabilities, rights and remedies of shareholders and business decision-makers, including corporate directors, officers and subordinate employees.</p> |
|---|---|

<Fourth Year>

| Courses   | Descriptions   |
|---|--|
| <p>Law 401<br/>Community Property</p> <p>5 Semester Units,<br/>10 Weeks</p>             | <p>Students will examine the California law relating to community, quasi-community and separate property, the division of marital assets upon divorce and death of a spouse, marital agreements, business assets, commingling of funds, property improvements, spousal liability for community and separate debts, education expenses, spousal rights to pension and disability income, lawsuit settlements, life insurance proceeds, and management and transfer of community property assets.</p>  |
| <p>Law 402<br/>CA Civil Procedure</p> <p>4 Semester Units,<br/>8 Weeks</p>              | <p>This course examines the rules governing civil proceedings and the jury trial system with emphasis on California civil procedural rules. Students will study various phases of civil litigation and learn how to proceed with litigation in a court of law. Students will study and contrast California and federal civil procedure rules as they relate to federalism, allocations of power between state and federal courts, personal and subject matter jurisdiction, rules of pleading, claim and party consolidation, venue, pre and post-trial motion practice, claim and issue preclusion, discovery, summary judgment, dismissals, and the appellate process.</p> |
| <p>Law 403<br/>Professional<br/>Responsibility</p> <p>4 Semester Units,<br/>8 Weeks</p> | <p>This course is a survey of attorneys' legal and ethical obligations, and the standards that are attendant to the practice of law and the legal profession. Students will study California and model statutory codes and decisional law that define an attorney's legal and ethical obligations to clients, the courts, opposing counsel and the profession. They will study various legal conflicts that may arise during client representation while fulfilling the varying roles of advocate, officer of the court, public icon and working practitioner. Students will study the</p>   |

|   |  |
|---|--|
|   | business and economic aspects of the practice of law, restraints on practice, the role of the judiciary and the state bar in enforcing attorney rules of professional conduct, and sanctions for violating the rules.  |
| <p style="text-align: center;">Law 404<br/>Agency &amp; Partnership</p> <p style="text-align: center;">4 Semester Units,<br/>8 Weeks</p>                  | This course is a survey of the law of various unincorporated business associations. Its purpose is to acquaint students with the fundamental legal elements of these business relationships and entities. This course will focus on the laws of agency and partnership including formation, termination, fiduciary responsibilities and raising capital concern.   |
| <p style="text-align: center;">Law 405<br/>Wills &amp; Succession,<br/>&amp; Trusts</p> <p style="text-align: center;">6 Semester Units,<br/>8 Weeks</p>  | This course is a two-part survey of the law of probate. Students will learn California probate law as it relates to the formation and validity of testamentary wills, intestacy succession, and disposition of probate assets. Then, students will study common law revocable and irrevocable trusts and the statutory, doctrinal and decisional law pertaining to trust creation, modification and termination, trust management, the powers, duties and obligations of trustees, and beneficiary rights. |
| <p style="text-align: center;">Law 406<br/>Advanced Legal<br/>Research &amp; Writing</p> <p style="text-align: center;">3 Semester Units,<br/>6 Weeks</p> | Students will learn how to use resources effectively to draft targeted legal documents. Students will have multiple opportunities to practice writing documents, including briefs, interoffice memorandums and settlement agreements.  |

### **Section 2.6 Degree Requirements**

- (a) All degree requirements must be completed as set forth within this Handbook.
- (b) The candidate must complete a total of more than eight semesters in the JD Program. The candidate must earn no fewer than 96 semester hours of credit, and must achieve a cumulative grade point average of no less than 2.0.
- (c) The JD degree With Honors shall be awarded to a candidate who has satisfied all degree requirements and has achieved a cumulative grade point average of 3.3 or better.

## ARTICLE III. EXAMS, PAPERS AND GRADES

### Section 3.1 General

- (a) JD Program of MD Kirk School of Law requires evaluation by comprehensive exam, research paper, or both.
- (b) The Associate Dean or the Associate Dean's designate may allow any student additional time in which to complete the exam or authorize the instructor to substitute appropriate written work for the exam under the following conditions:
  - 1. The student has a substantial visual, physical or other handicap, which is of such severity **that the student would be unduly burdened in his/her performance on the exam unless the student** is provided additional time.
  - 2. The student has received a documented accommodation under the Americans with Disabilities Act.

### Section 3.2 Examinations Requirements

- (a) Examinations are proctored by our faculty members or other specially selected people such as lawyers and judges. Both closed-book style (most first year classes) and open-book style examinations are to be utilized. If Mid-term examinations should be tested in open-book style, it could be done by the students themselves at home and delivered to the school in specified time limit. But Final examinations are only administered by a proctor who ensures the progress of the exams, for example a lawyer, a judge of a regional court or a school administrator. Grades of the mid-term and the final are basically 50-50.
- (b) The test questions are similar to such given to students at traditional law schools in terms of their types and complexities.

### Section 3.3 Special Circumstances on Proctored Exam

- (a) Proctored exam dates cannot be changed once published. A student may not reschedule an administratively scheduled exam.
- (b) If there is a student medical or familial emergency that prevents the student from taking an exam on the exam date, with proper documentation, the faculty or administrator may permit the student to take the exam within a reasonable period of time after the student is able to do so and before the exam date; or
- (c) In unusual circumstances where it is impossible for a student to take an exam until after the exam date and the causes for the delay are adequately documented, a special exam may be authorized with the consent of the instructor involved.
- (d) Failure to take an exam without the consent of the instructor and permission will result

in the recording of an “I” or incomplete on the students’ transcript.

- (e) A student who sits for an exam, but who for reasons of illness leaves the exam before its completion may:
  - 1. Return to the exam and complete it in the remaining time allotted; or
  - 2. Having received the consent of the administration not to finish the exam, elect to receive a course grade on the basis of the portion of the exam completed and the other criteria the course instructor deems appropriate to seek to insure an evaluation that is not affected by the student’s illness during the initial exam.

### **Section 3.4 Academic Standard**

All students must maintain satisfactory academic progress as measured by the student’s cumulative grade point average. The minimum acceptable GPA (grade point average) is 2.0. Should an individual student’s grade point average fall below 2.0, the student will be placed on academic probation.

Should a student’s GPA fall below 2.0, the student will be informed that certain minimal corrective actions are required. These include:

- 1. Full and prompt cooperation and participation in a scheduled completion of assignments.
- 2. Demonstrated compliance with all communication requests issued by the instructor or the administrator.

A student whose cumulative GPA improves to or above the 2.0 level will be removed from academic probation.

Students who do not cooperate in a remedial program or who are otherwise unable to return their cumulative GPA to a 2.0 standing after the completion of a semester, will be so advised and administratively dropped from the program and be issued all refunds as required by the refund policy of the institution. Such refund policy will be in full compliance with the oversight agency of the institution, the California State Bar.

MD Kirk School of Law maintains individual student records.(see section 3.10 transcript policy) Grades are posted to the student’s academic progress record and interim transcripts are printed and reviewed. The institution will record all units attempted and the grade earned. Drops will also be recorded. At the time of the posting of grades, the student’s GPA will be calculated. Those students not meeting the minimum GPA requirement of 2.0 will be identified at the end of each semester session. A list of those students will be provided to the Dean who will contact students to arrange for remedial action plans.

### **Section 3.5 Grades**

- (a) Grades are primarily based upon the examination and assignment results of each individual student. However, faculty members may consider students’ academic performances shown during the courses through active participation and promptness of

assignment submission.

(b) In all courses in which a formal exam is given, grades will be recorded, unless specifically otherwise authorized by the Faculty, on a letter basis. Grades and their numerical equivalent on a 4.00 point scale are given below:

(c) Grades are generally issued within two weeks of the end of the course. The following grading system is used:

| Grade | Score  | GPA | Indication   |
|-------|--------|-----|--|
| A     | 90-100 | 4   | Indicates a strong command and thorough comprehension of the subject material, and an ability to creatively utilize the knowledge gained.        |
| B     | 80-89  | 3   | Indicates a good command and comprehension of the subject material and a good ability to utilize the knowledge gained.                           |
| C     | 70-79  | 2   | Indicates an average command and comprehension of the subject material with evidence of an ability to beneficially utilize the knowledge gained. |
| D     | 60-69  | 1   | Indicates a passing grade but a poor quality of comprehension with some ability to beneficially utilize the knowledge gained.                    |
| F     | 0-59   | 0   | Indicates a failing grade  |

**Remarks:**

Unit=40 study hours

(1) 1 weeks-per-year;

(2) 48 - 52 weeks equal one academic year.

(3) Following sub classified grade point system is in effect

|     |    |     |    |     |    |     |   |            |
|-----|----|-----|----|-----|----|-----|---|------------|
| (4) | A  | 4.0 | B- | 2.7 | D+ | 1.3 | F | Failure    |
|     | A- | 3.7 | C+ | 2.3 | D  | 1.0 | W | Withdraw   |
|     | B+ | 3.3 | C  | 2.0 | D- | 0.7 | I | Incomplete |
|     | B  | 3.0 | C- | 1.7 | F  | 0   |   |            |

(5) The highest earned grade of a repeated course is used in computing the GPA.

(6) The lowest passing grade point average for graduation is 2.0.

(d) Class Rank: Class rank is not computed, nor is any entry concerning class rank recorded on the official record of any student.

(e) Grades become official when the official grade report from by the course has been signed by the instructor and received to the Office of the Registrar. Thereafter a grade may be changed only to correct errors of computation or recording. Grades are released to a student and recorded on his or her permanent record only after they have become

official and not before the date announced by the Registrar.

- (f) Subject to the rules on exam, research paper and grade due dates above, the “IP” or “incomplete, in progress” grade may be awarded to reflect an approved plan for a later submission of exam papers or research papers. The IP grade will not be valued in computing grade point average.
- (g) The “W” or Withdrawn grade will be awarded in those instances where a student drops a class or withdraws from a specific course offering without compliance with these rules.

### **Section 3.55 Grade Point Average**

- (a) A grade point average shall be computed by the Administrative Officer for each semester and cumulative for all of each student’s grades.
- (b) A cumulative grade point average covering all of the grades earned to date shall be reported on the academic transcript of each student.
- (c) All grade point averages shall be rounded off to the nearest hundredth of one point. Five on thousandths of a point or higher shall be rounded off to the next highest hundredth. Any amount below five one thousandths shall be dropped (for example a grade point average of 3.225 would be rounded off to 3.23, but a grade point average of 3.2249 would be rounded off to 3.22).
- (d) The point value of each grade which is to be used in computing the grade point average shall be multiplied by the number of credit hours of the course in which the grade was earned. The resulting sums for each of the grades which are to be used shall then be added together. This total shall then be divided by the total number of credit hours of all the courses which are to be used in computing the grade point average.

### **Section 3.6 Repeated Courses**

- (a) A student who received a grade of Fail (F) for any course may repeat that course if it is offered again. If a course is offered in the next Programmatic year, the student will be required to re-register at the current tuition rate for that course.
- (b) Both grades received for the course shall appear on the student’s official record and both shall be considered in determining the student’s eligibility to continue in school and to receive a degree. Both grades will be considered in computing grade point average.
- (c) If a course is not offered in the next Programmatic year, the student will not be able to repeat a course in which he or she received a failing grade.
- (d) If a student chooses to repeat a course after successful completion of a course, full tuition rate will be applied.

### **Section 3.7 Missing an Examination**

Students are expected to take examinations when scheduled, even though ill or inconvenienced. However, for serious illness or other extraordinary or compelling reason beyond the control of the student, a student may be excused from taking the exam at its scheduled time, with the approval of the professor and the Dean. A student unable to take an exam must notify the professor and the Dean at the earliest possible time in advance of the exam, if the reason for missing the exam is known to the student in advance. When prior notice is not possible, the student must contact the professor and the Dean as soon as possible during or after the examination, to explain the failure to take the examination and, when permitted, to arrange for a makeup examination and/or an Incomplete. Failure to notify the professor and the Dean before grades are submitted will result in the student receiving a failing grade.

### **Section 3.8 Review of Examinations and Other Assignments**

A faculty member must review an examination or other written assignments with a student, regardless of the grade received, provided the student has complied with reasonable preconditions such as attending an examination review session or making an appointment within a specified time. A faculty member is not, however, expected to debate the grading.

### **Section 3.9 Student Work Authentication Procedures**

MD Kirk School of Law verifies student participation throughout Study Log System which records the number of hours spent in study and preparation. During the final examination, the professors make compulsory check on each of the students several times.

Exams, essays and other documents are submitted to the professor. Each student's records are maintained separately and these records can be viewed only by the professor and the student who submitted the exam.

### **Section 3.10 Transcript Policy**

MD Kirk School of Law ensures the confidentiality in pursuing with the Family Educational Rights and Privacy Act 1974 (FERPA) affording students a certain right with respect to their education record. The Family Educational and Privacy Act of 1974 (FERPA), as amended, requires that the schools notify students in order to comply with the law's requirements. FERPA assures access by students to their official records, permits student review of those records for accuracy, guarantees use of the records only for legitimate educational purposes, and controls release of records.

MD Kirk School of Law maintains the permanent record in the administration office. The permanent record includes the transcript, copies of applications for special programs (e.g., study abroad) or special requests (e.g., leaves of absence), and copies of official correspondence from or to deans and other MD KIRK administrators.. The permanent file is available to faculty and administrators who have valid educational reasons for reviewing it.

Original documents submitted to the University become a permanent part of a file and will not be returned to the student or sent elsewhere. The school's administration complies with privacy of student records as required by the Family Educational Rights & Privacy Act (FERPA).

### **Section 3.11 Grade Review Procedures and the Committee**

MD Kirk School of Law's Grade Review Committee is comprised of three faculty members with the Dean of the School. The complaints shall be presented according to the appealing procedure.

#### *<Academic appeal and procedure>*

- (1) Any student who has reason to believe that his final grade was prejudiced must consult with the faculty member who determined the grade. A request for appeal or consultation shall be made within after the grades for the course or seminar are posted by the school. The faculty member shall consult immediately with the student once receipt of appeal.
- (2) If after such appeal the student has reason to believe that his grade was determined as a result of mistake or prejudice, he may file a complaint with the Dean of the school. The Dean must refer the complaint to the Committee and send a copy to the faculty member involved. The complaint must be filed with the Dean within seven days after the appeal described in (1)
- (3) The Committee must review the appeal on the basis of its factual allegations and decide whether a hearing should be held. A hearing shall be held immediately if any two members of the Committee so vote. Unless two members so vote, the complaint shall be dismissed and the matter deemed concluded.
- (4) If the committee judges that the grade was determined as a result of mistake or prejudice, the Committee, after consultation with the student and the faculty member involved, must determine the appropriate grade. The grade may be higher, lower, or the same as the original grade or a grade of "O" may be given if redeemed appropriately.

### **Section 3.12 Study Log System in Correspondence Law school**

MD Kirk School of Law requires the student to record the number of hours spent in study and preparation according to the Student Log file on a weekly basis. All students must submit the Student Log via email to the professors. The school compulsorily checks student's participation and the accuracy of the hours recorded on the Student Log. The school will maintain all Student Logs for five years after the end of the school year.

### **Section 3.13 Regular Evaluation of Instructor Competence.**

MD Kirk School of Law requires the regular evaluation of instructor competence. The instructor's knowledge and the quality of lecture, assignment, examination are mainly evaluated. Evaluations submitted electronically are stored separately from any identifiable information, and are presented in a completely anonymous manner to administrative staff.

*<Evaluation Questions>*

1. The instructor displayed knowledge and mastery of the subject.
2. The instructor was well-prepared.
3. The instructor's presentation was organized and clear.
4. The instructor stimulated student interest and thought.
5. The instructor's pace for this course was: too fast/too slow/good
6. The workload for this course, given the unit weight assigned, was: too heavy/too light/good
7. The assigned course materials were effective.
8. Considering both the limitations and the possibilities of the subject matter and the course, how would you rate the overall teaching effectiveness of this instructor?

*<Student Comment Questions>*

9. The strengths and weaknesses of the class.
10. The instructor's in-class presentation (e.g., organization, clarity, interest, balance, use of theory and policy in analyzing doctrinal questions).
11. Course materials and instructional techniques (e.g., for materials, relevance, intellectual quality, editing, integration into class presentations; e.g., for techniques, use of distinctive media, written projects, assigned exercises that were particularly effective or ineffective).
12. Workload (amount, pacing, payback proportionate to effort expended).
13. Any other issues (including adherence to regular class schedule).
14. Please make thoughtful, deliberative comments about the educational value of this course and/or this professor's teaching that might help students decide which courses to take. Students are particularly interested in learning about the subject matter, workload, organization and clarity of a course. Please take this as an opportunity to provide helpful, thoughtful and deliberative comments, and to express your views in a sound manner consistent with the highest standards of civility and of the profession to which you aspire.

### **Section 3.14 Policy on Admission as Visitors, Auditors or non-JD candidates.**

#### *<Visitor Registration>*

MD Kirk School of Law accepts visiting students from other ABA accredited law schools who are in good academic standing at their home law schools. Prospective visitors should request the administrator at their home school to send a "Letter of Good Standing" to the MD Kirk School of Law. Visitors seeking to enroll in courses with prerequisites must also provide proof of having complete equivalent courses, either by inclusion of a statement in the "Letter of Good standing" or by submission of an official transcript. These documents must be received before visitors will be allowed to register. Visitors seeking to enroll in JD courses also must obtain the permission of the JD program administrative director.

Visiting JD students may register for up to a cumulative total of 8 units. Prospective visiting students who want to take more than 8 units should contact the Law School's administration Office to apply for admitted visitor status.

MD Kirk School of law transcripts for visiting students will not be automatically sent to their home schools. Instead, visitors must request copies of their transcripts from the school's office and pay for them to be sent, regardless of whether they are visiting from a consortium school or not. Visitors should verify all of their grades have been recorded before submitting transcript requests.

#### *<Non-Degree Candidate & Auditor Registration>*

Members of the bar, JD graduates of other institutions, or MD Kirk School of law alumni may take courses as non-degree-candidate students. Prospective non-degree-candidate students who are not the School alumni must present a bar membership card, official transcript, or other proof of having completed a JD degree to be allowed to register. All prospective non-degree-candidate students must obtain the approval of the administration office, and the permission of their course instructors prior to registration. Courses are typically taken on an audit basis, but may be taken for credit. Non-degree-candidate students who audit courses receive a one-third tuition auditor discount at the time of registration. Priority registration is not available to non-degree-candidate students.

### **Section.3.15 Student Participation**

MD Kirk School of Law allows the student participation in externship, law review, and similar program which are not taught by the faculty. The school records the activities and the time spent through the form – *'The record of the student extracurricular activities'* and requires the students to report the participation of the activities. The activities must be approved in advance. The school must maintain a record for each student, including at least the educational objectives, the number of hours spent by the student participating in the activity, the amount of academic credit authorized, the name of the faculty member who conducted or reviewed the activity, the name, address, telephone number, and qualifications of each person not on the faculty who directly supervised the student participating in the activity, the methods used to evaluate student performance, and all other records required under these guidelines.

## **ARTICLE IV. FINANCIAL ARRANGEMENTS**

### **Section 4.1 Overview**

The amounts of tuition and fees, which are subject to change without notice, are established by MD Kirk School of Law. Students are required to provide payment in full within the enrollment period. Students who accounts are not paid in full may not participate in classes and will be expelled.

### **Section 4.2 Tax Deduction**

Pursuant to Treasury Regulation 1-162-5, an income tax deduction may be allowed for educational expenses undertaken to (1) maintain or improve skills required in one's employment or trade business; or (2) meet expressed requirements of an employer or law imposed as a condition to retention of an employment, job status, or rate of compensation. Students are advised to consult their tax advisors and maintain a record of their expenditures pursuant to Treasury Regulation 1-162-5.

### **Section 4.3 Refund Policy**

- (a) The student has a right to a full refund of all monies paid, less the registration fee and any returned check charges, if the student cancels his or her agreement, by a written application for cancellation of an enrollment agreement delivered to the school, before the first lesson and initial correspondence materials are received. The School shall make a refund within 30 days of cancellation. If the School sent the first lesson and materials before an effective cancellation notice from the student was received, the School shall make a refund within 30 days after the student's return of the correspondence material in as new condition.
- (b) Under the statute for Postsecondary Schools of California, a later cancellation by a J.D. student who has completed 60% or less of the course of instruction (lessons) for the year shall result in a prorated refund of tuition based upon the number of lessons the student has or should have completed at the time of the student's notification of cancellation. No refund of tuition is available if the student has completed, or should have completed, more than 60% of the lessons for the year.

## **ARTICLE V. STUDENT SERVICES**

### **Section 5.1 Housing and Placement**

MD Kirk School of Law is a correspondence law school and utilizes non-resident, distance learning methods so that students do not have to be on-campus for their classes. So MD Kirk School of Law does not provide housing and placement services.

### **Section 5.2 Library Access**

Each student will hold a LexisNexis account. They may access LexisNexis with designated ID's and passwords from any location. We don't provide students with off-line, traditional type law libraries, but a letter of introduction would be given to the students to help them obtain use privileges at local law libraries nearby their homes and offices. But these services are subject to change by the School without notice.

### **Section 5.3 Scholarships**

- (a) Top 10% of the total students are awarded scholarships each semester.
- (b) Students who enter the MD Kirk School of Law with receiving a recommendation from alumni are exempt from Entrance Fee(worth 500 dollars).

### **Section 5.4 Student Grievance Procedure**

Any student(s) found to be in possible breach of conduct will be provided with detailed information on the relevant matters of concern. A hearing will be scheduled to review the matter and reasonable notice will be provided to the student to inform him or her of the relevant time and place, and his or her rights to explain his or her actions and circumstances to the reviewing body. If any student believes he or she has been mistreated, or the that school has failed to comply with the amended Family Rights and Privacy Act of 1974 during the course of the processing and finalizing of any such related matters, then he or she may file a complaint with the Family Educational Rights and Privacy Act Office of the United States Department of Education (FERPA) concerning the alleged failures by the school.



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[www.mdkirkschooloflaw.com](http://www.mdkirkschooloflaw.com)