

*MD Kirk School of Law*  
*2010-2011 Catalog*

# *MD KIRK*

# *SCHOOL OF LAW*



**2010 – 2011 Catalog**



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## **Message from the Dean**

As a pioneer in American legal education for the 21st century, MD Kirk School of Law recognizes that today's students live in an increasingly global world, with international society, technology and law changing at an unprecedented pace. MD Kirk School of Law was founded to implement a strategic plan that addresses the complexities and the competitive environment facing future business leaders and legal professionals.

Anglo-American common law has become the dominant legal authority over most markets of the world, rendering knowledge of its practices and conventions relevant to the planning and successful execution of cross border projects. MD Kirk School of Law offers the tools for your success in the 21st century global economy.

The School offers a distance-learning law program to enrich your motivation, inspiration, diversity and network perspective and to enhance your ability to compete in an intellectually challenging globalized environment. MD Kirk School of Law's convenient and affordable online law education will enable you to achieve your professional goals and needs.

Sincerely,

***Jane G. Chung***

Dean, MD Kirk School of Law

## History of the School

MD Kirk School of Law was founded in 2005. It is registered with the California State Bar. The school is located at 3435 Wilshire Blvd. Suite #3040, Los Angeles, CA 90010. The school's facility contains an administrative lobby, faculty offices, and classrooms.

MD Kirk School of Law attempts to provide its students with a high quality correspondence program at a reasonable tuition rate. The teaching staff is dedicated to not only teaching the students the subject materials, but also in assisting the students in achieving a high level of comprehension and a strong ability to utilize their knowledge profitably in the real world.

The school provides its law course via correspondence and optional classroom attendance, and is designed to facilitate the desire and needs to undertake Law studies for people who are incapable of attending regular courses. Courses consist of video lectures and textbooks. The school understands that many people who wish to undertake law studies have various commitments and circumstances that prevent them from undertaking regular law courses, and thus the school has designed a program to accommodate these people. All course related enquiries and discussions can be conducted through e-mail if required.

Students are expected to be graduates of leading colleges and universities throughout the world. However LSAT scores are not required for admission.

All coursework is completed in the English language. Accordingly, documentation of English language proficiency may be required. The Test of English as a Foreign Language (TOEFL) scores are acceptable for that purpose.



# **Degree Program(Juris Doctor)**

## **(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.

## **(2) ADMISSION REQUIRMENTS**

MD Kirk School of Law assesses the academic qualifications of each applicant by examining his academic record, work history and personal statement and conducting a personal interview.

Applicants for admission must have successfully completed at least two years of college work (60 semester hours or 90 quarter hours), which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted by a college or university. The college or other institution that grants this credit must fit into one of the following categories: (1) it is approved by one of the six regional associations accrediting institutions of higher education; (2) its credits are acceptable by a state university in the state wherein such college or university is situated; or (3) it is approved by the Department of Education of the state wherein such college or university is situated.

As an alternative to this requirement, an applicant may take three College Level Examination Program (CLEP) examinations and must score at or above the minimum levels established by the Committee of Bar Examiners.

After thorough evaluation of a prospective student's admission file, a determination will be made whether the student should be admitted or not. If admitted, a further determination must be made as to whether or not the student will be admitted in "good standing" or "on probation." If admitted "on probation," the student will be counseled on the effects of the "on probation" status.

### **(3) TECHNOLOGY REQUIREMENTS:**

#### Minimum Computer Hardware, Software and Internet Requirements and Specifications:

The student must have access to a computer and the associated accessories and peripheral equipment, software and an internet service provider that satisfy the following specifications:

#### Minimum Computer Hardware Requirements

1 GHz processor or greater; 256 MB or more of RAM, web camera and headset with microphone.

#### Minimum Computer Software Requirements

For real-time, face-to face, voice-to-voice classes: Windows, Apple or Linux, Internet browser and the latest Adobe Flash Player. For class work and homework assignments: Any program capable of creating text documents (Windows: Word, Works, Wordpad, Notepad, OpenOffice [OpenOffice is available at no cost at [www.openoffice.org](http://www.openoffice.org)]). An ability to send and receive e-mail messages with file attachment capabilities. Adobe Acrobat Reader 9.0 for reading "pdf" formatted handouts, syllabus, assignments, etc (available at no cost at [www.adobe.com](http://www.adobe.com)).

#### Minimum Internet Service Provider (ISP) Requirements

1.5 mbps download speed and 512 kbps upload speed (cable or DSL preferred–no dial-up).

#### Computer Equipment:

No school-owned computer equipment, software or internet service will be accessible to the student. The student is responsible, at his or her expense, for obtaining access to the above specified computer hardware and software, and internet access. This includes, without limitation, a computer and the associated accessories and peripheral equipment (i.e., monitor, keyboard, printer, web camera, software and an internet service provider).

Many computers (especially laptops) come with built-in cameras which eliminate the need to purchase a separate web camera.

Computer Disclaimer:

Neither MD Kirk School of Law, nor the school's online service provider is responsible for lost files (i.e., data, homework assignments, email, computer-generated graphics) or events or conditions either natural or man-made occurring externally to the school's immediate physical environment or as a result of externally provided actions. A student's computer homework and projects are created and originate on the student's personal computer. Students are responsible for maintaining current and viable backups of all of their work on their own computer backup devices. Students are further responsible for ensuring all assignments are delivered to the school in a timely manner as directed regardless of whether their computer, email or internet is functioning properly. The school strongly recommends and urges all faculty and students to seek out and install adequate virus detection software and to routinely check for and install the most recent updates to their anti-virus software for their particular computer and operating system.

(4) CURRICULUM

First Year

Courses	Study Hours	Class Weeks	Units
Law 101 Introduction To Law and Legal Writing	80	4	2
Law 102 Contracts	360	18	9
Law 103 Torts	320	16	8
Law 104 Criminal Law	280	14	7



TOTAL	1040	52	26
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Second Year

Courses	Study Hours	Class Weeks	Units
Law 201 Civil Procedure	360	18	9
Law 202 Real Property	360	18	9
Law 203 Remedies	160	8	4
Law 204 Criminal Procedure	160	8	4
TOTAL	1040	52	26

Third Year

Courses	Study Hours	Class Weeks	Units
Law 301 Evidence	360	18	9
Law 302 Constitutional Law	360	18	9
Law 303 Legal Research & Writing	120	6	3
Law 304			



Corporation	200	10	5
<b>TOTAL</b>	<b>1040</b>	<b>52</b>	<b>26</b>

**Fourth Year**

Courses (Electives)	Study Hours	Class Weeks	Units
Law 401 Community Property	200	10	5
Law 402 CA Civil Procedure	160	8	4
Law 403 Professional Responsibility	160	8	4
Law 404 Agency & Partnership	160	8	4
Law 405 Wills & Succession & Trusts	240	12	6
Law 406 Advanced Legal Research & Writing	120	6	3
<b>TOTAL</b>	<b>1040</b>	<b>52</b>	<b>26</b>

**(5) COURSE DESCRIPTIONS**

## **LAW 101 – INTRODUCTION TO AMERICAN LAW AND LEGAL WRITING**

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.

## **LAW 102 – CONTRACTS**

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.

## **LAW 103 - TORTS**

This course is a survey of civil causes of action for which an 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, consent, necessity, immunity, contributory and comparative negligence and assumption of the risk.

### **LAW 104 - CRIMINAL LAW**

Students will examine Common Law and modern criminal justice systems including their classification of crimes and the required elements of various crimes. Students will study the criminal culpability rules applicable to perpetrators such as principals, accessories and accomplices. Students will learn the required 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.

### **LAW 201 - CIVIL PROCEDURE**

This course examines 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 case 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.

### **LAW 202 - REAL PROPERTY**

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.

### **LAW 203 - REMEDIES**

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, contempt and declaratory relief.

### **LAW 204 – CRIMINAL PROCEDURE**

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 right to counsel, jury trials, speedy trials, pleas, exclusionary rules, and the appellate rights of an accused to enforce constitutional guarantees.

### **LAW 301 – EVIDENCE**

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.

### **LAW 302 – CONSTITUTIONAL LAW**

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.

### **LAW 303 – LEGAL RESEARCH & WRITING**

Legal Research & 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 & Writing also serves as a bridge to our fourth-year

Advanced Legal Research & Writing course (Law 406).

### **LAW 304 - CORPORATIONS**

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.

### **LAW 401 – COMMUNITY PROPERTY**

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 .

### **LAW 402 – CA CIVIL PROCEDURE**

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.

### **LAW 403 – PROFESSIONAL RESPONSIBILITY**

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 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.

#### **LAW 404 - AGENCY & PARTNERSHIP**

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.

#### **LAW 405 - WILLS & SUCCESSION & TRUSTS**

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.

#### **LAW 406 – ADVANCED LEGAL RESEARCH & WRITING**

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.

#### **(6) Evaluation**

In addition to the midterm and final, students are to construct their own course outlines. The student's answers for the midterm and final essay examinations should demonstrate his/her ability to analyze the facts, to tell the difference between material facts and immaterial facts, and to discern the points of law and fact upon which the case turns. The student's answers should show that he/she knows and understands the pertinent

principles and theories of law, their qualifications and limitations, and their relationships to each other. The student's application should evidence his/her ability to apply the law to the given facts and to reason in a logical, lawyer-like manner from the premises he/she adapts to a sound conclusion. The followings are standards for homework, midterm and final exams and final grading of MD Kirk School of Law.

1) **HOMEWORK:**

- a. **WEEKLY CASE BRIEFS:** All students must submit assigned briefing homework. A student's briefing homework will count towards 5% of the final grade. If a student does not submit all of their briefs, their 5% credit will be adjusted in proportion to the total class briefs assigned and the total briefs submitted. The final day that briefs may be submitted for credit is the Saturday of final's week. However, students should keep up with their weekly reading assignments and should be submitting their briefs on a weekly basis.  
Briefs **MUST** be submitted through email attachment using either a ".doc" or ".rtf" format. The briefs should be sent directly to the law school and should be submitted on a weekly basis.
  
- b. **WEEKLY CALI HOMEWORK ASSIGNMENTS:** The CALI Homework lessons are worth 5% of the final grade. A student must attain a grade of at least 70% on each lesson to receive the 5%. The 70% is not a cumulative total (e.g., 80% on ½ of the assignments and 60% on the other ½ will result in no credit). If a student receives 70% on each of the homework assignments, then that student will receive the full 5% credit toward the final grade. A student must complete ALL of the homework sessions to receive the 5%. No points will be allowed for completion of less than 100% of the lessons or attaining less than a 70% score on any individual lesson—it is all or nothing. A student can repeat the lesson until the student achieves a grade of 70% or greater. Results of the CALI homework must be sent to MDK by copying the completion report and pasting it into an email. CALI grade reports are due the Sunday immediately following the final exam.
  
- c. **STUDENT STUDY LOG:** Each student will be **REQUIRED** to keep a personal study log that will accurately reflect the actual time that student spend on the study of law. This will include reading the casebook and summary, briefing cases, creating their own course outline, study groups, exam preparation, etc. It will be due the Saturday of final's week.

2) **MIDTERM EXAM:** The midterm exam will consist of one essay, twenty multiple-choice questions and

will be a closed-book exam. The midterm exam will be given during the 10<sup>th</sup> week of class at a time mutually acceptable to the student and MD Kirk school administration. Students will have two hours to complete the midterm exam. The midterm exam will be worth 30% of the final grade (15% for the essay and 15% for the twenty multiple-choice questions).

- 3) **FINAL EXAM:** The final exam will consist of two essays and thirty-three multiple-choice questions and will be a closed-book exam. The final exam will be given during the final week of class at a time mutually acceptable to the student and MD Kirk school administration. The final exam will consist of two essay and thirty multiple-choice questions. Students will have three hours to complete the final exam. The final exam will be worth 60% of the final grade (20% for each essay and 20% for the thirty multiple-choice questions).
- 4) **FINAL GRADE:** A student's final grade will consist of Briefing Homework: 5%; CALI Assignments: 5%; Midterm Exam: 30%; Final Exam: 60%.

## **(7) Academic Standards**

- 1) MD Kirk School of Law will use the following alphabetical/numerical grading system:
 

A+.....	4.3	Indicates the best level of achievement.
A.....	4.0	Indicates excellent level of achievement.
A-.....	3.67	
B+.....	3.33	
B.....	3.0	Indicates good level of achievement.
B-.....	2.67	
C+.....	2.33	
C.....	2.0	Indicates satisfactory level of achievement.
C-.....	1.67	
D+.....	1.33	Indicates poor level of achievement.
D.....	1.0	Indicates inadequate but passing level of achievement.
D-.....	0.7	
F.....	0.0	Indicates failing level of achievement.
P/F.....		Pass/Fail
W.....		Withdrawn

I.....Incomplete  
 R.....Repeated Course

- 2) "Pass/Fail" or "Credit/No Credit" designations will be used for only non-bar subject courses (LAW 101 Introduction to Law, LAW 303 Legal Research & Writing and LAW 406 Advanced Legal Research & Writing). Most courses offered by MD Kirk School of Law are bar subject courses.
- 3) A course with "R" as a grade indicates that the student has repeated the course at a later time and received a passing grade in the subsequent class. No credit will be given for the initial course with the R designation. The repeat may have been necessary because the student failed the course initially and passed on the retake. A student who fails a required course must repeat that course before graduation and earn a passing grade. Another reason for a repeated course may be because the student continued into the second and third year of law study and did not pass the FYLSX within the first three administrations that the student was eligible, but passed on a subsequent administration. In that case the student will not receive any credit beyond the first-year of law study and must repeat all courses beyond the first-year to receive credit toward graduation and qualification to sit for the California general bar examination (GBX).

The points given for the subsequent, repeated course will be the points achieved on the repeated class.

- 4) Grade point average required for good standing, advancement, and graduation:

Good standing:

In order for a student to be in good standing, the student must maintain a cumulative C average (2.0 or above). A student who fails to maintain a cumulative 2.0 grade point average will be placed on academic probation. The student will have until the end of the next subsequent class to raise their cumulative grade point average to a 2.0. If the student fails to raise their cumulative average to the required 2.0 grade point average, the student will be academically dismissed.

Advancement:

MD Kirk School of Law has different standards for advancement for the first-year and upper-class students.

First-year students advancing to second-year: First-year students with a cumulative grade point

average of B+ (3.33) or above, may advance into the second-year courses immediately following their first-year courses. First-year students with a cumulative grade point average below B+ (3.33) but equal to or above a C+ (2.33), may advance into the second-year courses immediately following their actual taking of the FYLSX. First-year students with a cumulative grade point average below C+ (2.33), may advance into the second-year courses immediately following their actual taking and passing of the FYLSX.

Upper-class students: Upper-class students (second and third-year) may advance into the next year courses as long as the student is either in good academic standing or is on probation as results of the grade received for the last class of the previous year. Students on academic probation will then be allowed the first course of the subsequent year to raise their cumulative average to a 2.0 grade point average, which will then place the student in good academic standing.

- 5) Anonymous grading is used to protect against favoritism or bias in grading. The procedure used to maintain the anonymity of examinees is by computer generated random identification numbers that will be used for the graders. Once the exams are graded, the computer will convert the identification numbers back to student numbers and populate the student database with the grades issued by the grader(s).
- 6) A student who fails to maintain a cumulative 2.0 grade point average will be placed on academic probation. The student will have until the end of the next subsequent class to raise their cumulative average to a C. If the student fails to raise their cumulative average to the required C average, the student will be academically dismissed.
- 7) A student who fails to maintain a cumulative 2.0 grade point average will be placed on academic probation.
- 8) The process for a review of grades is for the student to petition the Grade Review Committee, within 30 calendar days of the publication of the grades, and present credible evidence in support of such a claim that a course grade resulted from unfairness, a departure from established grading policy, or a clearly shown mistake. The petition process is at no cost to the student and submission of petitions is permitted on-line.

- 9) Credits and Honors- Student Grade Point Averages:
- |                |                                  |
|----------------|----------------------------------|
| Less than 2.00 | - Failure to Graduate            |
| 2.00 - 3.29    | - Graduation                     |
| 3.30 - 3.69    | - Graduation with Honors         |
| 3.70 - 3.99    | - Graduation with High Honors    |
| 4.00 - 4.30    | - Graduation with Highest Honors |

## **(8) Degree Requirements**

For a student to graduate, a student must pass all of the required courses offered by MD Kirk School of Law. In addition, the student must finish their studies with a cumulative grade point average of C (2.0) or greater to receive the Juris Doctor (JD) from MD Kirk School of Law.

Satisfactory completion of a course of study requiring a minimum of 864 hours of preparation and study a year for four years. The year of preparation and study must occur in not less than forty-eight or more than fifty-two consecutive weeks. To receive credit for one-half year, a student must have 432 hours of preparation and study in not less than twenty-four or more than twenty-six consecutive weeks.

# **General Information**

## **(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 MD Kirk School of Law JD program will enable graduates who pass the California Bar exam to be admitted to practice law before California State Courts, the United States Federal Courts and the United States Supreme Court.



## **(2) Mission and Objectives**

The primary goal and purpose of 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:

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

## **(3) California Bar Examiners Required Disclosures**

Guideline 2.3 (D) of the *Guidelines for unaccredited Law School Rules* provides

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

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. 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. 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. If the dismissed student subsequently passes the examination, the student is eligible for reenrollment in this law school's J.D. degree program, but will receive credit for only one year of legal study.

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.

This disclosure statement must be provided to each new student upon payment of an application fee, but before payment of a registration fee, and to each returning student, prior to payment of any fee for an academic term. This disclosure must be signed by the student, who must receive a copy of the signed statement.

#### **(4) Tuition and Expenses**

Application Fee \$50

Registration Fee: \$100

Tuition \$3,500 per year

Materials and Books (estimate) \$1,200 per year of legal study

LexisNexis Annual fee \$100

Graduation Fee \$100

Official Transcripts \$10

Note: All fees quoted are in U.S. dollars and are subject to change as circumstances dictate. Student loans and other financial aid are not available at this time. The school, however, will accept tuition paid in monthly installments (Initial \$800 payment and 9 payments of \$300).

#### **(5) Refund Policy**

The student has a right to cancel this enrollment agreement and obtain a refund. The student has a right to a full (100%) refund of all monies paid, if student withdraws or cancels **WITHIN 5 DAYS** after midnight (Pacific Time zone) of date the Agreement was signed.

In addition, the student may withdraw from a course after instruction has started and receive a pro rata refund for the unused portion of the tuition and other refundable monies.

Example: a student pays \$3,500 in tuition plus a \$50 registration fee and a \$100 LexisNexis Membership fee, for a total payment of \$3,650 for the 52 week program. If the student then decides to withdraw after 13 weeks, then the student would be entitled to a refund calculated in the following manner:  $52$  (total weeks of the program) -  $13$  (weeks of tuition used) =  $39$  (weeks of tuition that was paid but not used);  $39 / 52 = .75$  or 75% (the percentage of the unused tuition to the full tuition);  $\$3,500$  (cost of tuition only, the application fee and the LexisNexis Membership fee are non refundable fees)  $\times .75 = \$2,625$ ;  $\$2,625$  would be the amount refunded to the student.

The period of given instruction is counted on a weekly basis, regardless of the actual day that a particular course begins. Each week starts every Sunday at 12:00am and ends on Saturday at 11:59pm (Pacific Time zone). If notice is received after a particular week starts, then, that week is counted as a week of given instruction.

If MD Kirk School of Law cancels a course, the school will make a full refund of all charges.

You may withdraw or cancel this agreement and receive a refund by providing notice to the Director of Admissions by either email sent to: [admin@mdkirkschooloflaw.com](mailto:admin@mdkirkschooloflaw.com), or sent by U.S.P.S. Certified Mail, addressed to: Director of Admissions, MD Kirk School of Law, 3435 Wilshire Blvd. Suite 3040, Los Angeles, CA 90010. All such notices will be effective on the date received.

All refunds will be paid within thirty (30) days receipt of cancellation or withdrawal and the student will receive a clear explanation of the method of refund calculation within thirty (30) days of cancellation or withdrawal.

## **(6) Residence and Study Years**

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

California State Bar rules mandate that a correspondence JD program requires study for a period of four

years.

## **(7) Dropout Policies**

In general, a student will be considered enrolled in a program, as long as the tuition is paid and the student remains in good academic standing.

However, if a student gets more than four weeks behind in their course schedule, they will be dropped from the course, since the Committee of Bar Examiners requires a 48-52 week school year.

## **(8) Library Access**

MD Kirk School of Law is utilizing LexisNexis for their students. Each student will hold a LexisNexis account. They may access LexisNexis with designated ID's and passwords from any location. Means of access is through the LexisNexis website ([www.nexis.com](http://www.nexis.com)). Students may access LexisNexis from any computer with an internet connection. There are no time restrictions so students and school personnel can get access to legal research anytime.

MD Kirk School of Law does not provide students with off-line, traditional type law libraries. However, a letter of introduction would be given to the students to help them obtain use privileges at local law libraries near their homes and offices.

## **(9) Response Timing**

The number of days that will elapse between MD Kirk School of Law's receipt of students' examination answers and the school's mailing of its evaluation will 10 days or less.

## **(10) Student Rights**

### **1) Privacy:**

Appropriate federal and state laws limit the use of private student information. The MD Kirk School of Law guiding principles on this critical issue are as follows:

- (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) Upon request student access to their own records will be granted unless there are justifiable reasons for non-disclosure, such as outstanding financial obligations on the part of the student.

## **2) Non-Discrimination:**

The school adheres to the Constitution of the United States and other relevant rules of law in strictly prohibiting discrimination against a student on the part of the school or another student for reasons of race, ethnicity, religion, sex, national origin, age, handicap, etc.

## **(11) Student Code of Conduct**

MD Kirk School of Law has established the following policy for the imposition of student discipline to reinforce the personal integrity of our law students and prepare them for their professional and legal careers.

### Article I - Honor Code

A law student shall not lie, cheat, plagiarize, steal, interfere with another student's academic pursuits, falsify or misuse academic records, or fail to report another student's violation of these rules.

### Article II – Violations

The following conduct is a violation of the Honor Code only if (1) the conduct is intentional, and (2) it relates to any work intended to result in or lead to completion of work for academic credit from MD Kirk School of Law, while using the placement resources and facilities, or on or in connection with an application for admission to MD Kirk School of Law.

- a) Lying is deliberate misrepresentation of a fact, or deliberate omission of facts making an otherwise true statement a misrepresentation.
- b) Cheating is giving or receiving unpermitted aid in any course or assignment. Law students should assume that no aid is permitted, from other persons or materials of any kind, unless specifically authorized by the professor.

c) Plagiarism is the use, by a person, of another author's product with the representation that it is the person's own original product.

d) Stealing is taking without permission any property belonging to another.

e) Interference with academic pursuits is any conduct which makes it difficult or impossible for other law students to perform academic work. It must be done with the intention of hindering other students' academic success.

f) Falsification or misuse of academic records. An "academic record" is any paper or electronic version, official or unofficial, of any student's academic record, transcripts, application documents, admission credentials, and academic record transaction documents. "Falsification or misuse" is unauthorized access, use, disclosure, or alteration.

g) Failure to report a breach of the Honor Code is (1) failure to report, pursuant to Article IV a), actual knowledge that another student has committed a violation of the Honor Code or (2) failure to appear and testify truthfully as a witness in any Informal Hearing conducted under Article IV c).

h) Exception for good faith reporting of alleged offenses. The good faith reporting of an Honor Code violation, whether or not the alleged violator is later charged or convicted with any offense under the Honor Code, may not itself be punished as a violation of the Honor Code.

### Article III – Administration

The faculty of MD Kirk School of Law shall be responsible for implementing the Honor Code. An Honor Council shall be responsible for administering the Honor Code in accordance with its purpose, scope and procedures.

#### a) Honor Council Composition

1. Faculty Members - The Dean shall appoint two MD Kirk School of Law faculty members to the Honor Council. Faculty members shall serve a two-year term on the Honor Council on a staggered basis, and are eligible for reappointment. If a faculty Honor Council member is unable to complete his or her

two-year term, the Dean shall appoint a replacement to serve until the end of the term.

2. Honor Council Chair - The Dean shall serve as Chair. It shall be the duty of the Chair to preside at all meetings of the Council, to receive all complaints and allegations of violations of the Honor Code, to address the first-year class concerning the existence and importance of the Honor Code and its procedures, and to perform all duties required by the office.

b) Student Agreement

Upon acceptance to MD Kirk School of Law, each student acknowledges that he/she has received and read the Honor Code, understands it, and agrees to abide by its provisions.

Article IV – Procedures

a) Report of Suspected Violations

A law student or faculty member having actual knowledge that a law student has committed a violation of the Honor Code shall report such knowledge by a signed written complaint filed with the Chair of the Honor Council. In addition, any student or other person who believes there has been a violation of the Code may bring the alleged violation to the attention of the Chair by filing a signed written complaint. The complaint should include a brief account of the facts describing the incident and shall be submitted no later than 30 days after the complainant becomes aware of the incident.

b) Preliminary Determination

Upon receipt of a complaint, the Chair shall determine whether the complaint alleges a violation within Article II of the Honor Code. The Chair shall inform the complainant in writing of this decision and the rationale for it. If the Chair believes the reported act falls within Article II of the Honor Code, he or she shall inform the accused person (the "Respondent") in writing of the complaint and furnish him or her with a copy of the Honor Code. If the Chair does not believe that the reported act falls within Article II of the Honor Code, no further action shall be taken and all copies of the complaint in the possession of the Chair shall be destroyed. A determination by the Chair that the complaint fails to state a violation within Article II of the Honor Code does not preclude a contrary conclusion upon a subsequent complaint based on new evidence.

c) Informal Hearing

Within a reasonable time after a complaint alleges a violation within Article II of the Honor Code, the

Chair shall convene an Informal Hearing with the Honor Council.

1. Honor Council. The Honor Council shall consist of the Dean and two faculty members.
2. Notice to Respondent. The Chair shall inform the Respondent in writing of the time and place of the Informal Hearing.
3. Procedures. The proceeding shall be conducted informally. Only the Honor Council, the Respondent and his or her legal representative, if any, and, while they are testifying, any necessary witnesses may be present at the hearing. All matters discussed at the hearing are to be held confidential by those present. The Informal Hearing shall be recorded on audio or video tape by the Chair, and only the Chair and the Respondent and his or her legal representative, if any, shall have access to the tape recording without appropriate legal process. The Chair shall be responsible for the security of all records of the hearing, including taped records and any transcripts thereof, and shall make a proper disposition of them when they are no longer needed. The Honor Council may question the complainant, the Respondent, and any other witnesses present. The Respondent shall have the opportunity to present evidence and to question witnesses. The formal rules of evidence shall not apply.
4. Decision. At the conclusion of the Informal Hearing, the Honor Council shall deliberate on the issue of guilt and, if guilt is found, the appropriate penalty. In deciding the question of guilt, the preponderance of the evidence standard shall be applied by the Honor Council. A decision by a vote of at least three Honor Council members on the issue of guilt and/or on the appropriate penalty shall be considered a recommendation to the President and shall be overridden by the President only if he or she considers the recommendation to be clearly erroneous based on the evidence adduced at the Informal Hearing. If the Honor Council splits evenly on the issue of guilt or the appropriate penalty, the Chair shall decide the question(s) based on his or her own view of the preponderance of the evidence adduced at the Informal Hearing.
5. Penalties. In determining the penalty to be recommended and applied, the Honor Council shall include in their consideration the seriousness of the violation, the degree of willfulness and premeditation, and the truthfulness of the Respondent throughout the Informal Hearing. Possible penalties for each of the categories of Honor Code violations may include: a failing grade in the course, a cancellation of an examination, a denial of course credit, a formal written

reprimand, the loss of privileges, and suspension or dismissal. If the penalty is suspension, a student may be suspended for a reasonable amount of time, which may include the time required for treatment or rehabilitation.

d) Final Action

At the conclusion of the Informal Hearing, the Honor Council shall reach a determination on the issue of guilt and, if guilt is found, on the appropriate penalty. Within a one week, the Chair shall inform the Respondent, and the complainant in writing. The written final determination, will include a statement of the facts, conclusions, and sanctions, if any. If the penalty imposed includes suspension or expulsion, the matter shall be forwarded to the President for further action. Upon final determination of the issue of guilt and the appropriate penalty a record shall be filed in the confidential student file. Such record shall include the violation charged, the finding of the Honor Council (including any finding that the Respondent is not guilty of the charge), and the penalty imposed if guilt is found. In addition, the Honor Council may include such additional information as it determines is necessary.

e) Appeals

Any respondent found guilty of a violation of the Honor Code may appeal the finding of guilt and/or the penalty imposed by filing a written notice of appeal to the President within 10 working days of receiving notice of the Honor Council's determination in the matter. The student will have the right of class participation and attendance during the consideration of any appeal by the President.

f) Confidentiality

In all matters arising under this Honor Code, faculty members and students are expected to show due consideration for legitimate concerns regarding confidentiality. Faculty members and students must refrain from disclosing the identities of students who have alleged, reported, or been charged with violations of the Honor Code. Disclosure of the identity of such a student should only be made with the student's consent, in response to legal process, in seeking advice from legal counsel, or when necessary to further the policies underlying this Honor Code. Breach of any duty of confidentiality is in and of itself a violation of the Honor Code.

## **(12) Students 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 that the 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.

### **(13) 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 MD Kirk School of Law. Changes in the adopted academic standards will not be made without adequate prior notice to all affected students. 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.

### **(14) Retention of Student Records**

MD Kirk School of Law will maintain a computer system that will include software that will allow the retention of all course material delivered through the MD Kirk School of Law's student interface. All student examinations will be stored on electronic media. All tangible forms and material (i.e., student and faculty transcripts, foreign evaluations, certification forms) will be scanned and stored on electronic media. All physical forms will also be in filing cabinets at the MD Kirk School of Law's primary administrative offices. All meetings, including board, academic, faculty, grader and admission, will either be recorded or have minutes that will be electronically stored. All data will be securely backed-up by on-site and off-site devices.

### **(15) Admission to the California Bar**

Section 6060 of the Business and Professions Code of the State of California and the rules of the Committee of Bar Examiners regulates the admission to the practice of law in the State of California. Section 6060 reads: "To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall possess all of the following qualifications:

“(e) Have either:

(3) Studied law diligently and in good faith for at least four years in any of the following manners:

(iv) By instruction in law from a correspondence law school authorized or approved to confer professional degrees by this state and requiring 864 hours of preparation and study per year for four years.”

For admission, each student is responsible to comply with the requirements established by the Committee of Bar Examiners, and to obtain and read the Rules Regulating Admission to Practice Law in California from the Committee of Bar Examiners.

The JD program, upon successful completion of the four year study period, is designed to qualify students for licensure and admission to practice in the California State Courts and the United States Federal Courts as a California attorney. The completion of that program does not enable students to be eligible to sit for the bar and be admitted to practice law in states other than California. Some states, however, will allow an attorney to sit for the bar examination in their jurisdiction if he or she, after passing the California Bar, has practiced law for some period of time.

It is a rule that students who intend to practice law in California are required to register with the Committee of Bar Examiners within 90 days of enrolment in a law school. Additionally, the university must be notified by each student of the student registration numbers assigned by the Committee within 60 days of his or her receipt thereof.

Those students who registered must pass the State of California's "**First Year Law Student's Examination**" (FYLSX) after their first year of legal study. Transfer students who have completed the first year at an American Bar Association approved, or California State Bar accredited law school do not have to take and pass the First Year Law Students' Examination.

### **(16) Special Circumstances Exemptions**

MD Kirk School of Law may exempt a student from the unit or hourly requirement if a student demonstrates that illness, disability, or other unusual circumstance warrants such special consideration. MD Kirk School of Law will limit both the number of first year students and the number of upper division students so exempted to ten percent of each such classification of students enrolled. MD Kirk School of Law will, prior to

granting any such exemption, obtain the approval of the Educational Standards Department of the Office of Admissions of the State Bar of California. MD Kirk School of Law will maintain accurate records of all exemption requests, including the reasons for the exemption, its approval or disapproval by the Educational Standards Department, and any evidence submitted by the student or obtained by the law school in connection therewith. MD Kirk School of Law will place a copy of the record with any certificate submitted to the Committee in proof of the student's law study.

## **Faculty & Staff Members**

### **(1) Faculty Members**

**Jane G. Chung**, Dean/Professor of Law

Juris Doctor (Magna Cum Laude), Abraham Lincoln University, School of Law (2000);

Accounting, University of California, Los Angeles (1986)

Bachelor of Arts in Educational Technology, Ewha Women's University (1982)

Dean Chung has substantial experience as a practitioner in the field of Civil, Corporation, Criminal, Family and Immigration law under the laws of California and Federal

American Immigration Lawyers Association Member

Attorney at Law, California

E-mail: dean@mdkirkschooloflaw.com

**Chul Ho Kim**, Director of Faculty/Professor of Law,

Juris Doctor, Columbia Law School (1978)

Bachelor of Arts in Diplomacy, Seoul National University, College of Liberal Arts & Science (1974)

Professor Chul Ho Kim has been Professor and Director of the Executive LL.M (Master of Law) Program run by Northwestern Law School and Korea Advanced Institute of Sciences & Technologies (KAIST).

Attorney at Law, California

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**Chester Zaluga**, Academic Dean/Professor of Law



Juris Doctor (Summa Cum Laude), Valedictorian, Abraham Lincoln University (2006)

Master of Business Administration, Valedictorian, National University (1985)

Bachelor of Arts in Mathematics, University of Southern California (1975)

Reserve Deputy City Attorney, Los Angeles, California

Attorney at Law, California

E-mail: [czaluga@mdkirkschooloflaw.com](mailto:czaluga@mdkirkschooloflaw.com)

**John H. Kwon**, Professor of Law

LL.M. (With Honors) Northwestern University School of Law (2010)

Master of Business Administration, Yonsei University Graduate School of Business Administration (2009)

GDLP Australian National University School of Law (1996)

Barrister, Australia, Hong Kong, New Zealand, England & Wales (2006)

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**Gregory G. Yacoubian**, Professor of Law

Juris Doctor (Summa Cum Laude), Valedictorian, Abraham Lincoln University School of Law (2003)

Certified Peace Officer Standards and Training (POST) Instructor, California State University, Sacramento, California (2000)

Attorney at Law, California

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**Grace S. Cho**, Professor of Law

Juris Doctor, Southwestern University School of Law (2006)

Bachelor of Science in Biochemistry, University of California, Los Angeles (2000)

Attorney at Law, California

## **(2) Staff Members**

**Jane G. Chung**, Dean/Administrator

E-mail: [dean@mdkirkschooloflaw.com](mailto:dean@mdkirkschooloflaw.com)

**Tim Choi**, Registrar

E-mail: [admin@mdkirkschooloflaw.com](mailto:admin@mdkirkschooloflaw.com)

**Jin Woo Lee**, Administrative Assistant

E-mail: [info-kor@mdkirkschooloflaw.com](mailto:info-kor@mdkirkschooloflaw.com)

### **(3) Contact Information:**

Prospective students

: If you are interested in applying to the MD Kirk School of Law or have questions about the Law School and the application process, please contact us at:

- Address: MD Kirk School of Law, 3435 Wilshire Blvd. Suite 3040, Los Angeles, CA 90010
- Telephone number: (213) 368 - 5475 (KIRK)
- Fax Number: (213) 368 – 0319
- E-mail: [info@mdkirkschooloflaw.com](mailto:info@mdkirkschooloflaw.com)
- Website: <http://www.mdkirkschooloflaw.com>