

X School of Law

Richard L. Braun, Dean
Fred M. Greguras, Assistant Dean

The plan and design of the law program is predicated on a careful consideration of what law demands of those who choose it as a profession: a high level of competence in the knowledge, theory, and practice of law. In order that the student may achieve such competence, the University of Dayton School of Law regards as its primary responsibility the maintenance of a program of studies that is both thorough and exacting.

The program recognizes that the lawyer must fulfill several roles: counselor, advocate, member of a profession, and public servant. As a counselor, the lawyer must be prepared for the reality that legal matters are often interrelated with other factors, sometimes very personal ones, in an attorney-client relationship. As an effective advocate, the lawyer must be capable of securing for the client the rights and privileges the law accords. As a member of a profession, the lawyer has a responsibility to earn the respect and confidence of the public essential to a sound legal and judicial system. As a public servant, the lawyer must realize that the very nature of his training and profession imposes the duty of leadership and service.

Accordingly, the Law School does not stint in its treatment of the substance and procedure of the law, legal institutions, and jurisprudence. The faculty view the substance of the law as involving not only what the law is but also its theory, philosophy, and development. Some courses focus directly on the dimensions of social justice and the underlying values of the legal method and system. Other courses treat thoroughly practice and application. Still others provide for specialized development. Necessary compartmentalizing of courses, however, need not nor does it here result in overlooking the necessity of their integration. The Law School likewise recognizes that not all learning takes place in the classroom. Frequent association with members of the profession and the judiciary, exposure to actual practice, and participation in professional events are important parts of learning law.

In summary, legal education at the University of Dayton is based on the belief that the lawyer must be able to offer his clients and the public the combination of competence in legal knowledge and skill, sensitivity to personal values and behavior, and awareness of moral and ethical responsibility that befit the profession.

ADMISSION REQUIREMENTS

Admission to the School of Law is not based on color, sex, creed, or national origin.

The candidate for admission must have a bachelor's degree from an accredited college or university before admission to the Law School. The candidate must achieve a satisfactory score on the Law School Admissions Test (LSAT). This test is administered periodically by the Educational Testing Services (20 Nassau St., Princeton, N.J. 08540) in a number of testing centers throughout the country, one of which is the University of Dayton. It is advisable to take the test at the earliest possible time. For current testing dates contact the dean's office of the School of Law. Law School Admission Test results should be sent directly to the University of Dayton School of Law as a part of the LSDAS report by the Educational Testing Service. In requesting LSAT scores, indicate the University of Dayton reporting number, R1834.

The School of Law accepts beginning students for the fall term only. Transfer students may be accepted at the discretion of the dean. Application forms for admission may be obtained from the School of Law, University of Dayton, Dayton, Ohio 45469.

APPLICATION PROCEDURE

No application will be considered until all supporting material has been received.

- 1. The application and any attachments must be completed and sent to the School of Law. Applications should be submitted as early as possible. Applications submitted later than April 1 may not be acted upon.
- 2. A \$20 nonrefundable application fee must accompany the application.
- 3. Two letters of recommendation must be sent to the School of Law *directly* by the persons making the recommendations.
- 4. An LSDAS report must be sent to the School of Law by the Educational Testing Service, Box 944, Princeton, New Jersey, 08540. The current Law School Admission Bulletin provides information on LSDAS.

TUITION AND OTHER EXPENSES

Tuition and expenses, other than living costs, are as follows:

Application fee (payable once, nonrefundable)	\$ 20.00
University fee (per semester)	15.00
Student Bar Association fee (per semester)	10.00
Tuition for full-time student (per semester)	1,200.00
Tuition for part-time student (per semester hour)	80.00

(A course load of twelve semester hours or more classifies a student as full time; eleven hours or fewer as part time.) The estimated cost of required books per year for a full-time student is \$150.00. NOTE: Tuition and fees are subject to change.

FINANCIAL AID

Those students who anticipate having difficulty meeting financial requirements should apply as early as possible for financial aid. For scholarships administered by the School of Law (awarded on the basis of both need and academic achievement), application forms can be obtained from the Law School. For other kinds of financial aid, application forms can be obtained from the Director of the Office of Student Aid, University of Dayton, Dayton, Ohio 45469.

THE JURIS DOCTOR PROGRAM

Eligibility for the degree of Juris Doctor requires the following:

1. Satisfactory completion of all required courses and sufficient electives for a minimum total of 84 semester hours of credit.
2. Attainment of at least a 2.0 point average for all courses taken.
3. Resident requirements as prescribed by the American Bar Association's standards for legal education.
4. Evidence of sound moral character.

The Juris Doctor program is such that the first year and much of the second year are largely prescribed. The first year consists entirely of required courses; the second year provides some opportunity for electives. The third year, however, provides great latitude for electives. The program is designed to insure that the student has covered all areas of study essential in the practice of law and yet to provide ample latitude for courses in particular areas of interest. The student is permitted to elect up to six semester hours of courses in other graduate departments and programs when such interdisciplinary work is suitably related to the individual program of law studies. (These courses must be approved by the Law School.)

Registration

Registration for courses must be completed before the beginning of each term. Deadlines are listed in the calendar in this chapter. It is the policy of the Law School that all first-year students in the day program be enrolled in and examined in all 32 semester hours of first-year work.

Bar Regulations

Students are responsible for acquainting themselves with the regulations for admission to the bar in the states in which they intend to practice. A number of states (e.g., Ohio) require bar registration at the time the student begins the study of law.

Academic Standards

Regular attendance at all classes is required. A faculty member may, at his discretion, disqualify a student from taking his final examination for failure to attend classes regularly.

In recording the quality of academic work, the Law School uses a system of letter grades, granting a specific number of quality points for each semester hour

of a course in which a given grade is earned. The grades, with their equivalents in parentheses, are as follows: A+ (4.3); A (4.0); A- (3.7); B+ (3.3); B (3.0); B- (2.7); C+ (2.3); C (2.0); C- (1.7); D+ (1.3); D (1.0); F (0); I (incomplete); W (withdrawal); K (credit from other institutions or University departments).

Academic averages are computed by dividing the total of the earned quality points by the number of semester hours taken. If a course is failed and repeated, the hours and quality points each time are included in the computation of the average.

An over-all grade point average of 2.0 is required for graduation. Students must maintain a specified grade point average upon completion of each school year in order to remain in good standing. The standards are detailed in the School of Law's Policy Manual, with which students are required to become familiar.

If a student withdraws from a course with the permission of the instructor and the dean, that course will not count as work taken in the computation of the average. If a student withdraws without such permission, a failing grade is recorded and is counted in the determination of the average.

Full-Time Program

Three-Year Program			
First Term	Semester Hours	Second Term	Semester Hours
First Year			
Contracts.....	3	Contracts.....	3
Civil Procedure.....	3	Civil Procedure	3
Constitutional Law.....	3	Constitutional Law.....	3
Property.....	3	Property.....	3
Torts.....	3	Torts.....	3
Legal Research.....	1	Moot Court.....	1
	16		16
Second Year			
Uniform Commercial Code ¹	3	Uniform Commercial Code ¹	3
Evidence.....	2	Evidence	2
Corporations.....	2	Corporations.....	2
Federal Income Tax ¹	3	Criminal Procedure ¹	3
Criminal Law.....	3	Electives.....	3
	13		13
Third Year			
Wills and Trusts.....	4	Electives	13
Professional Responsibility.....	2		
Electives.....	7		
	13		13

¹ May be taken in either the second or the third year to provide flexibility for electives.

Evening Part-Time Program

The part-time program is a complete one in all respects. It maintains the same standards and quality as the full-time program. Designed to accommodate those who must maintain full-time or nearly full-time employment, it normally extends over a period of four years. It should be pointed out to prospective candidates that while the schedule is part-time, it is still a heavy load and requires extensive commitment.

Four-Year Program (Evening Division)			
<i>First Term</i>	<i>Semester Hours</i>	<i>Second Term</i>	<i>Semester Hours</i>
First Year			
Civil Procedure.....	3	Civil Procedure	3
Contracts.....	3	Contracts.....	3
Torts.....	3	Torts.....	3
Legal Research.....	1	Moot Court.....	1
	<hr/> 10		<hr/> 10
Second Year			
Property.....	3	Property.....	3
Constitutional Law.....	3	Constitutional Law.....	3
Corporations.....	2	Corporations.....	2
Criminal Law.....	3	Criminal Procedure.....	3
	<hr/> 11		<hr/> 11
Third Year			
Uniform Commercial Code.....	3	Uniform Commercial Code.....	3
Federal Income Tax	3	Evidence	4
Electives.....	5	Electives.....	4
	<hr/> 11		<hr/> 11
Fourth Year			
Professional Responsibility.....	2	Electives	10
Wills and Trusts.....	4		
Electives.....	4		
	<hr/> 10		<hr/> 10

JOINT DEGREE PROGRAMS

In cooperation with the School of Business Administration, the School of Education, and the Philosophy Department of the College of Arts and Sciences, the Law School offers three joint programs leading to the simultaneous conferment of, respectively, the Juris Doctor and the Master of Business Administration, the Juris Doctor and the Master of Science in Education, and the Juris Doctor and the Master of Arts. See Chapter V; see also Chapters VI, VII, and VIII and consult with directors of the programs.

1976-77 ACADEMIC CALENDAR

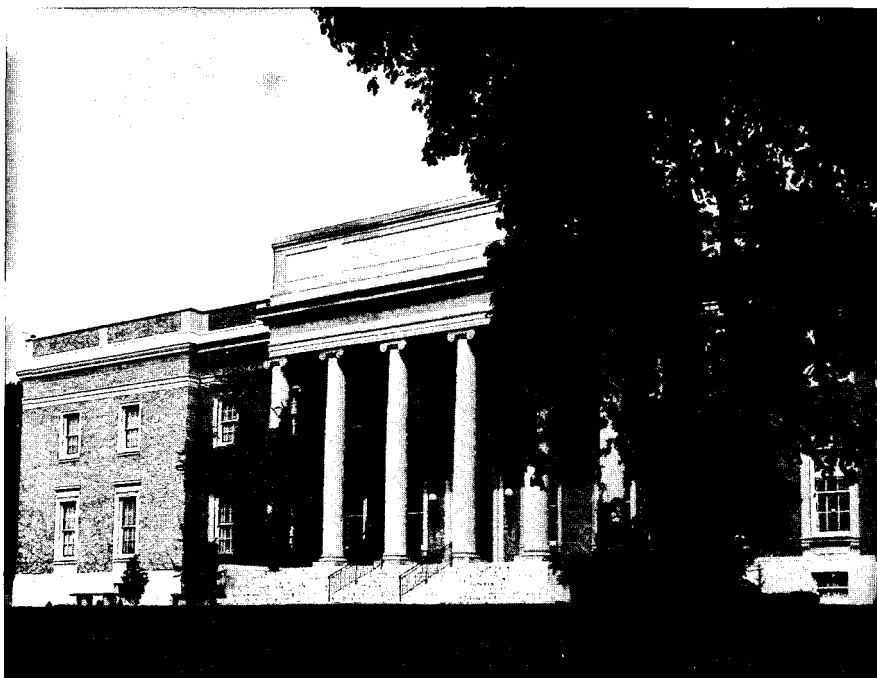
First Term

August 20	Last day to complete registration
August 27	Freshman orientation
August 30	Classes begin
September 6	Labor Day — No classes
November 25-26	Thanksgiving recess
November 29	Classes resume
December 6	Classes end
December 8-21	Examinations

Second Term

January 3	Last day to complete registration
January 4	Classes begin
February 21	Lincoln-Washington Birthday — No classes
April 15	Classes end
April 18-30	Examinations
May 1	Commencement

NOTE: No other holidays will be observed.



COURSES OF INSTRUCTION

Note: The schedule and descriptions of courses are projected for the year 1976-77, and are subject to revision. All courses listed are not necessarily offered every year.

REQUIRED COURSES

CIVIL PROCEDURE: Jurisdiction of courts, venue, parties, joinder of parties and claims, pleadings, pretrial devices, trial by jury and appeal. *6 sem. hrs.*

CONSTITUTIONAL LAW: Judicial function in constitutional cases. Division of power, separation of power, amendments and federal organization. *6 sem. hrs.*

CONTRACTS: A study of the doctrines used to determine those promises that society will enforce. Offer and acceptance, capacity to contract, Statute of Frauds, consideration, assignment, performance and remedies. Other topics appropriate to the contracting process. Impact of Uniform Commercial Code. *6 sem. hrs.*

CORPORATIONS: Introduction to the law concerning the modern business corporation, to include formation, corporation financing, state and federal regulations concerning the issuance of securities, powers, duties and liabilities of directors and officers, shareholders' rights, dissolution, and reorganization. *4 sem. hrs.*

CRIMINAL LAW: Concepts of criminal law, crimes, and parties to crimes; requirements for criminal liability including intent and mental responsibility; justification and excuse. *3 sem. hrs.*

CRIMINAL PROCEDURE: A treatment of criminal prosecution including arrest, bail, indictment, arraignment, pleas, sentencing, and the rights of the accused. *3 sem. hrs.*

EVIDENCE: Rules and principles of exclusion and selection of evidence; examination; cross-examination; competency and privileges of witnesses; judicial notice, burden of proof; presumptions; province of the court and jury; relevancy and materiality; admissions; confessions; the hearsay rule and its exceptions; the "best evidence" rule. *4 sem. hrs.*

FEDERAL INCOME TAX: Basic concepts of federal income taxation: gross income, deductions, exemptions, capital gains and losses, payments and returns. *3 sem. hrs.*

LEGAL RESEARCH AND WRITING: A study of the fundamentals of legal research and writing. *1 sem. hr.*

MOOT COURT: Appellate advocacy. Preparation of appeal brief and oral argument. *1 sem. hr.*

PROFESSIONAL RESPONSIBILITY: Professional responsibility, duties, and privileges of the legal profession. *2 sem. hrs.*

PROPERTY: Real and personal property law: means by which title is obtained, fixtures, estates in land, concurrent ownership, future interests, conveyancing, mortgaging, recording, covenants, adverse possession, landlord and tenant, and easements. *6 sem. hrs.*

TORTS: Intended and unintended interference with the person or property of another and the defenses thereto; negligence, contributory negligence; misrepresentation, defamation, liability without fault. *6 sem. hrs.*

UNIFORM COMMERCIAL CODE: The law of sales, negotiable instruments, and secured transactions considered under the Uniform Commercial Code. *6 sem. hrs.*

ELECTIVE COURSES

ADMINISTRATIVE LAW: Separation of powers and administrative process; rule-making procedure; scope of judicial review. *3 sem. hrs.*

ADVANCED CRIMINAL PROCEDURE: Decision to arrest, prosecutive discretion, bail, the preliminary hearing, right to a speedy trial, discovery, plea bargaining, publicity, post-conviction procedures. *2 sem. hrs.*

AGENCY-PARTNERSHIP: Master-servant relationship, vicarious liability, independent contractor, scope of employment; authority and apparent authority; ratification; undisclosed principal; fiduciary duties. Elements of partnership. *2 sem. hrs.*

ANTITRUST LAW: A study of the federal antitrust laws, including the Sherman Act, Clayton Act, Federal Trade Commission, the Robinson Patman Act, and their amendments. *3 sem. hrs.*

BUSINESS PLANNING: Taxation of corporate entities and the tax consequences of fundamental changes in business forms; changes in business forms as they affect securities. Incorporation of a viable business; corporate distribution; recapitalization; repurchase of share, sale of the corporation, and corporate combination. *3 sem. hrs.*

COMPUTERS, SOCIETY, AND LAW: The computer's implications for law practice, substantive law, and society. No prior knowledge of computer technology required. *3 sem. hrs.*

CONFLICT OF LAWS: Problems involving conflict of laws of various states; foreign judgments; full faith and credit problems and the choice of law. *3 sem. hrs.*

CREDITORS' RIGHTS: State and federal laws concerning creditors' and debtors' remedies: enforcement of money judgments, assignment for benefit of creditors, fraudulent conveyances, tax liens, and bankruptcy. *3 sem. hrs.*

ENVIRONMENTAL LAW: Government control of the environment, solid waste management, water and air pollution control, control of the electric power industry, common law remedies, the urban environment, and transportation problems. *3 sem. hrs.*

EQUITY: The history of equity; equitable remedies; equitable jurisdiction and powers; a consideration of trusts. *3 sem. hrs.*

ESTATE PLANNING: Consideration of the problems of estate planning involving Federal estate and gift taxes; *inter vivos* and testamentary trusts; gift programming; life insurance and the marital deduction. *3 sem. hrs.*

FAMILY LAW: Marriage, divorce, and alimony; parent and child. Lectures in sociology, psychology, and religion in the application of family law. *3 sem. hrs.*

FEDERAL JURISDICTION: The jurisdiction of the Federal courts under the Constitution and the Federal Code including original, removal, and appellate jurisdiction. *3 sem. hrs.*

FUTURE INTERESTS: Property interests in future estates; rule against perpetuities. *2 sem. hrs.*

GOVERNMENT CONTRACTS: Survey of basic law underlying government procurement, basic power of and limitations on federal government in entering into contracts, administrative and legislative policies governing these contracts, advertised and negotiated procurement procedures, forms of contracts and clauses used. *2 sem. hrs.*

INTERNATIONAL LAW: An introduction to international law as applied between independent nations and in American courts. Selected problems dealing with the sources, development, authority, and application of international law; the making, interpretation, enforcement, and termination of treaties; recognition; territory; nationality; jurisdiction and immunities; the United Nations and other international organizations; international protection of basic human rights; state responsibility and international claims for wrongs to citizens abroad; and certain aspects of war, including war crimes trials. *3 sem. hrs.*

JURISPRUDENCE: Basic jurisprudential concepts; nature of law; development of legal institutions; jurisprudential schools – natural law, analytical, historical, sociological, functional; law and logic; law and justice; the judicial process; legislative, executive, administrative decision making; impact of politics, economics, and scientific advance on legal systems; contemporary trends in jurisprudential thought. *2 sem. hrs.*

LAW CLINIC (CIVIL): Opportunity for the third-year student to represent actual clients under the supervision of either a faculty member or a practicing attorney. The subject matter of typical cases would include poverty law, contracts, landlord-tenant, and family law. The student is expected to handle all aspects of a case from initial interview, through trial, to final judgment. *3 sem. hrs.*

LAW CLINIC (CRIMINAL): The Criminal Law Clinic is similar to the Civil Clinic, except that third-year students will represent clients in nonfelony criminal cases under the supervision of faculty or practicing attorneys. *3 sem. hrs.*

LAW AND JUDEO-CHRISTIAN ETHICS: Judeo-Christian ethics and its relationship to social and nonsocial justice, commutative and distributive justice, human rights, legal rights, concept of a person and a legal person, privacy, private property, obligations, duties, models of society, values, justice and morality. *3 sem. hrs.*

LEGAL ACCOUNTING: The purpose of the course is to give an understanding of accounting principles with which attorneys should be familiar. *3 sem. hrs.*

LEGISLATION: Legislative organization, the legislative process, and the role and use of statutory materials. This course is intended to develop a greater appreciation and understanding of the role of legislation in the legal system. *3 sem. hrs.*

LEGISLATION SEMINAR: Each student is required to undertake the research and study of a current problem and to draft proposed legislation for its solution. *2 sem. hrs.*

REAL ESTATE AND LAND USE LAW: The legal concepts and institutions in the sale of land, conveyancing, landlord and tenant, and mortgages; land use planning in relation to modern urban concepts. *3 sem. hrs.*

SECURITIES REGULATION: An examination of investment securities, the rights and duties of investors and shareholders, federal and state regulation of business fund-raising techniques including an examination of the basic structure of the state "Blue-Sky Laws," the Federal Securities Act of 1933, and the Securities Exchange Act of 1934. *3 sem. hrs.*

TAX PROBLEMS: Topics of interest and importance. These vary from year to year, but may include tax procedure, tax accounting, and tax reform. *3 sem. hrs.*

TRIAL PRACTICE: Detailed study of preparation for trial. Participation in the trial of hypothetical cases. *3 sem. hrs.*

UNFAIR COMPETITION, PATENTS, TRADEMARKS, AND COPYRIGHTS: A survey of the law of intellectual property rights and unfair competition. *3 sem. hrs.*

U.S. TAXATION OF FOREIGN TRANSACTIONS: The U.S. tax rules which govern income of U.S. persons earned abroad, income of foreign persons earned in the U.S., and related matters. This is a subject of increasing importance and attention. *3 sem. hrs.*

WILLS AND TRUSTS: Testate and intestate succession, powers of appointment; private and charitable trusts, their creation and administration, the obligation of the trustee to the beneficiaries and third persons, resulting and constructive trusts, termination of trusts. *4 sem. hrs.*

WOMEN AND THE LAW: An examination of the treatment of women in all areas of the law. Emphasis on education, public accommodations, employment, and health and welfare services. *2 sem. hrs.*

