

Procedures for Petitioning for Reinstatement for a Student who has been Academically Dismissed in Other than their Final Semester in the Third Year

Any student who has been academically dismissed in other than their final semester of their third year may petition the Academic Advisory Committee for reinstatement. The decision of the Academic Advisory Committee concerning such petitions is final. All petitions for reinstatement must be typed and filed with the Office of the Vice Dean. Email petitions must be sent from the student's official .wm email account, and the student bears the burden of ensuring receipt. A student who has been academically dismissed after having been once readmitted is no longer eligible to petition for reinstatement.

Requirements for Petitions for Reinstatement

All petitions for reinstatement shall be made to the Academic Advisory Committee, c/o the Office of the Vice Dean, William & Mary Law School, P.O. Box 8795, Williamsburg, Virginia 23187-8795 or in person to the Administrative Suite of the Law School. The Academic Advisory Committee consists of the Vice Dean and two full-time faculty members appointed to that Committee by the Dean each year. Petitions for reinstatement will not be considered until the student who was academically dismissed sits out the start of the fall or spring semester following dismissal, whichever semester starts first. This ensures that the student who is academically dismissed sits out at least one semester between the dismissal and the earliest possible reinstatement. Petitions for reinstatement must be received no later than 60 days prior to the scheduled first day of classes of the academic semester to which the petitioner desires to be reinstated. In no circumstance will a petition be considered if it is submitted more than two years after the date of the notice of the original academic dismissal.

Consistent with ABA Standard 501(c), which notes, "A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar," in resolving the merits of a petition for reinstatement, the petitioner has the burden of justifying reinstatement by establishing each of the following criteria:

1. The petitioner must present and document specific unusual or unique circumstances, not common to a large number of students or inherent in the academic process, which reasonably could produce inferior academic performance.
 - a. The following are illustrative of specific unique circumstances: serious illness or injury to the petitioner or death, serious illness, or injury to a member of the petitioner's immediate family; unusual and unanticipated financial developments of a significant nature; serious personal problems such as divorce.
 - b. Typical examples of vague, non-unique circumstances or risks willingly assumed by students which will not justify reinstatement: difficulty of law school work, poor or unsuccessful study habits, lack of emotional maturity, financial worries, social relationship problems, lack of total commitment to the profession, roommate difficulties, employment that interfered with law school studies, and commitment to extracurricular activities in or out of the law school that detracted from legal studies.
2. The petitioner must present evidence establishing that the unique circumstances did, in fact, contribute to the poor performance. Post hoc rationalizations will not justify reinstatement.
3. The petitioner shall present evidence that there are excellent prospects for satisfactory performance

in the future, and why that is the case, and that the unique circumstance(s) which produced inferior academic performance no longer exists. Relevant evidence shall include evidence of academic accomplishment or potential not reflected in the law school record, e.g., graduate school, relevant work record, letters of recommendation, etc., and proposals or actions taken to remedy past defects and improve future performance.

Academic Advisory Committee's Procedures

The following procedures shall be followed by the Academic Advisory Committee concerning reinstatement decisions for a student who has been academically dismissed in other than the final semester of their third year:

1. Petitions for Reinstatement shall be reviewed and a final decision issued by the Academic Advisory Committee no later than 30 days after receipt of that petition.
2. Petitioners shall not be given a personal hearing.
3. The Academic Advisory Committee shall review and evaluate in private all petitions and any supporting documentation, as well as the student's entire academic record up to the dismissal, when making their decision.
4. Reinstatement shall be granted only by affirmative vote of a majority of the Academic Advisory Committee.
5. The advisory and conditions under which a petitioner is to be readmitted shall be determined exclusively by the Academic Advisory Committee; however, the Academic Advisory Committee shall not readmit a student who has been disqualified for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar.
6. The basis for any decision made by the Academic Advisory Committee is considered by the Committee to be privileged; however, for every reinstatement of a previously disqualified student, a statement of the considerations that led to the decision shall be placed in the student's file.
7. All decisions of the Academic Advisory Committee are final and are not subject to appeal.
8. All petitioners and the Dean shall be informed in writing of the Academic Advisory Committee's action.
9. All decisions of the Academic Advisory Committee denying reinstatement shall contain the following language: All decisions of the Academic Advisory Committee involve responses to requests for discretionary action. Such decisions are final and not subject to reconsideration, review or appeal. Any person wishing to inform the Committee of any matter relating to a decision may only do so by letter. Such correspondence should be addressed to the Academic Advisory Committee (c/o of the Vice Dean) and mailed or delivered to the Law School's Administrative Suite, Room 100 at 613 South Henry Street, Williamsburg. Emails must be sent from the student's official .wm email account, and the student bears the burden of ensuring receipt. Individual Committee members do not have the authority to speak for the Committee and should not be contacted concerning any Committee decision. All matters occurring during Committee deliberations are considered by the Committee to be privileged.

10. In resolution of any reinstatement petition for a student who is academically dismissed in other than their final semester in their third year, the reinstatement standards as described above shall be followed and c for any student who is in other than their final semester in their third year consistently applied.