This class will meet 28 times. Since it is a 3-credit course, each class will be approximately 78 minutes (1½ times the usual length). In an ideal world, every student in the class would be present and thoroughly prepared for all 28 classes. But I recognize that that is not a realistic expectation. Illness, family needs, religious holidays, job searches, and other things sometimes make either attendance or preparation impossible. In addition, I appreciate that we all fall behind from time to time.

In formulating an attendance and preparation policy, therefore, I have tried to walk a thin line. On the one hand, I want to be sure that the policy reflects the importance of regular class attendance and meticulous preparation. I believe that both will influence your development as future lawyers. On the other hand, I want to be fair and realistic.

So here are the rules:

1. Your absences plus your unprepareds may not exceed 6 (six). Upon the 7th, you WILL be withdrawn automatically from the course. There will be no distinction between "excused" and "unexcused" absences or unprepareds. The number 6, which is slightly more than 20% of the classes, is designed to allow for both.

2. For purposes of this rule, “unprepared” has a specific meaning. To be considered “prepared,” you must read the entire assignment and be able to discuss all the readings in reasonable depth. With respect to judicial decisions, the minimum preparedness entails close familiarity with the facts, an ability to articulate the rules or principles that can be extracted from the opinions, and an ability to describe and critique the court’s reasoning. You don’t have to prepare written briefs of the cases, as long as you can discuss these salient elements intelligently in class. (Though not required, I highly recommend writing out the essential information, especially facts, rules or principles, and rationales). For non-case materials, all I require is that you do your best to understand them and be able to discuss them intelligently in class.

3. If you are unprepared on a given day, you MUST let me know BEFORE CLASS BEGINS. You can either tell me orally or leave a note at the podium. I truly won’t be judgmental when you do this. As I said, I appreciate that unexpected events sometimes occur. My main reason for requiring you to tell me before class starts is that that is the only way I can enforce the 6-class rule. If you didn’t tell me, and I happened not to call on you that day, I would never know that you had used up one of your unprepareds. So I rely heavily on your integrity. For that reason, if you were to come to class unprepared and fail to tell me, I would regard that as a serious breach of trust.