



# St. Thomas Law News

ST. THOMAS UNIVERSITY SCHOOL OF LAW NEWSLETTER

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## SANTA CLAUS, THE TOOTH FAIRY, AND THE “EXCUSED” ABSENCE

There seems to be a misunderstanding of the attendance policy at STU law. As required by the ABA, STU law has an attendance policy that mandates that students have actual class hours (time spent in class) tied to the credit hours earned in the class. The ABA also requires that the law school have a policy to see to it that students attend class.

In accordance with the mandate of the ABA, STU law adopted a policy whereby students must attend at least 80% of the class hours in a term in each class. That is, a student cannot miss more than 20% of the class hours in each term

associated with a class in order to earn credits in that class. The 20% allowance for attendance breaks down as follows for the regular fall and spring terms.

For a class that meets 3 times per week, a student may miss no more than 8 classes.

For a class that meets 2 times per week, a student may miss no more than 5 classes.

For a class that meets 1 time per week, a student may miss no more than 2 classes.

(The allowable absences in the summer are fewer due to the fact that the classes meet for only 7 weeks).

Once the student has exceeded these absences, he or she has missed more than 20% of the class hours associated with the class. Except as provided below, the STU law rule then requires that the student be given an Administrative F. So, in essence, all of these allowable absences are “excused.” However, once a student has met these limits, he or she has missed more than 20% of the classes and any subsequent absence will cause the student to have missed more than 20% of the class hours. The administration does not have the authority to “excuse” additional absences (i.e., to somehow treat the student as present in a class he or she missed).

Simply put, there is **no such thing as an “excused” absence**. The need to miss classes is already built into the allowance of missing 20% of the classes. If you get sick, have a family emergency, or car problems, you may miss a class. The attendance policy takes into account that such events occur.

## CAMPUS EVENTS

<b>October 19:</b>	Navy Jag Corps L & L, CPD-113 @ 12:00 p.m.
<b>October 19:</b>	Speed Networking, Convocation Hall
<b>October 20:</b>	Pro Se Asylum Clinic, Cordero Breezeway @ 8:30 a.m.
<b>October 24:</b>	Prayers and Reflection, 109A @ 12:05 p.m.
<b>October 24:</b>	Trade Secrets L & L, CPD-113 @ 12:00 p.m.
<b>October 27:</b>	Friday Bible Study, 109A @ 12:15 p.m.

The school will take no negative action as a result of an occasional absence. From the Administration's standpoint, no action is taken, unless you exceed the 20% limitation, and once you do, you have simply missed too many class hours to be deemed to have successfully participated in the class. Note, however, that each professor can have his or her own more strict attendance policy, and how he or she addresses the issue of absences that are less than 20% of the classes is within his or her discretion.

That being said, there are a few factors you may need to keep in mind. If you encounter a health or family emergency (not of your own making), and you know it will cause you to miss class(es) in the future, sometimes (with the Professor's permission) we can tape the class and allow you to view the tape. The viewing of the taped version of the class can be treated as being present on the date the class was taped. But this "remedy" is available only in exceptional circumstances, only if the absence has not yet occurred, and only if the professor will allow you to view the class in this manner. Obviously, viewing a tape is not the same as being engaged and present for the class. The other exception is that we do not count students as absent on days they miss due to observance of particular religious holidays. There are notifications sent out in advance of these dates, and students must comply with the reporting requirements for those days to not count in the absence total. Last, if a student misses class(es) due to some extraordinary circumstances beyond his or her control (e.g., health issues, family emergency, etc.) then he or she may be allowed to withdraw from the class (or all his or her classes), rather than receive an Administrative F. If this situation confronts a student, he or she needs to contact the Assistant Dean for Student Affairs at the earliest time possible.

So, what should you do? Do not think of the 20 percent absences permitted as classes that can be missed. Each student should make every effort to be in every class. That way, if you do have an emergency that necessitates missing a class, you have absences in the bank. If you get sick, get a flat tire, have to attend a funeral, want to attend your cousin's wedding, etc., you can miss a class and have no consequence.

Plan so that you can avoid missing classes. Do not schedule doctor's appointments, social events, extended vacations, etc. that will cause you to miss class(es). These are absences, and they count. If you "schedule" an absence and then get sick or need to attend to some serious business, you have already used an absence that would have been available for that purpose. If you get called for jury duty and it will cause you to miss class(es), you can request a letter from the office of the Assistant Dean for Student Affairs that we routinely send to the court. This usually acts to allow you to defer the jury duty.

Remember that although you can check your absences as recorded online by using WebAdvisor, you should not rely on the information there. That information is current only if the professor has turned in all of his or her attendance sheets and the Registrar has input all the attendance sheets turned in by the professor. Each student should know whether he or she missed a class and how many classes in total.

Given that each student can miss up to 20 percent of the classes in any class, most "excess" absences can (and should) be avoided. The entire attendance policy is set out in the student handbook. If you have further questions, see Assistant Dean for Student Affairs John F. Hernandez.

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## FRIDAY BIBLE STUDY

Come out and join the St. Thomas More Catholic Law Society in its weekly Friday Bible study, in Room 109-A (in the Law Library) at 12:15 p.m. Bring your Bible, and spend an hour growing closer to God and learning how a Catholic University can grow your faith with your studies. If you have questions or need additional information, please contact Dr. Chris Shawe at [cshawe@stu.edu](mailto:cshawe@stu.edu).

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### PRE-MINORITY MENTORING RECEPTION

On October 11, 2017, St. Thomas Law students participated in the Pre-Minority Mentoring Picnic Reception at Kozyak Tropin & Throckmorton in Coral Gables. The Minority Mentoring Picnic's primary goal is to build an effective pathway to diversity in the legal profession by providing opportunities and support to minority and women law students through mentoring programs, networking and fellowships. It was a wonderful networking opportunity for the students.

### TAX LAW SOCIETY INVITES ALUMNI(AE) TO SPEAK

On October 9, 2017, the Tax Law Society held its first general meeting this year. Alumni(ae) **Jennifer J. Wioncek '05**, Partner at Bilzin Sumberg; and **David Bauer '12**, The Bauer Law Office, P.A. spoke to a group of more than 60 students about how St. Thomas Law grounded them in the area of tax law and the steps they took to succeed as Tax Law attorneys.



### THE UNRESERVED EFFECTS OF A BROKEN IMMIGRATION SYSTEM LUNCH & LEARN

On October 5, 2017, the Caribbean Law Students Association, in conjunction with the Black Law Student Association, Public Interest Law Society, and the American Immigration Lawyers Association Student Chapter presented a Lunch & Learn on The Unreserved Effects of a Broken Immigration System. More than 50 students heard from panelists (pictured left to right), Jamal Hinkson, Esq., Cynthia Lauriston, Esq., Bill Barner, Esq. and Jason Blank, Esq., on the current state of the immigration system and the anticipated issues going forward with the new administration in Washington DC.

### STEPHEN R. BOOHER AMERICAN INN OF COURT FIRST MEETING

On October 4, 2017, St. Thomas Law students attended the first meeting of The Stephen R. Booher Inn of Court, where they were paired with mentors for the year, and enjoyed a presentation on networking.

Pictured from left to right: **Aleksei Voiskovich, Melissa Ramos, Rosie Miranda, Judy Echavez, Garrett Faulkender, Jillian Tate, Isabel Vera, Jean Fernandez, Karl Daniel, and Joe Galinskie.**



## STUDENT ACHIEVEMENTS

**Victor Borimonoff** (3L) accepted a PAID Law Clerk position with Gimenez & Carrillo, LLC in Miami.

**Patrick Calixte** (2L) accepted a paid Law Clerk position with Florida Advocates in Dania Beach, specializing in Insurance Litigation and Personal Injury.

**Natasha Mathurin** (2L) accepted an Internship with the Office of Compliance and Ethics at Jackson Health System, one of the nation's largest public hospital systems.

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## ALUMNI(AE) NEWS

**Juan Bru**, a 2017 graduate, was promoted to Legalman First Class with the US Navy (Helicopter Command Mine Countermeasures Squadron TWELVE (HM-12) in Norfolk, Virginia.

**Emilio Dominguez**, a 2016 graduate, completed his LL.M. in Taxation at the University of Florida and has accepted a Tax Attorney position with Perez-Roura, P.A. in Miami.

**Cristina Hernandez**, a 2016 graduate, accepted an Associate Attorney position with The Law Offices of Alex Hanna, P.A., specializing in Criminal Defense.

**Tim Karkatselos**, a 2016 graduate, accepted an Associate position with Daniels Rodriguez Berkeley Daniels & Cruz in Coral Gables, specializing in Construction Litigation.

Correction **Janna Mateo**, a 2017 graduate, is an Associate Attorney with Ainsworth & Clancy, PLLC in Miami, specializing in Corporate Law, Commercial Litigation, and Business Immigration.

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## FACULTY ANNOUNCEMENTS

Professor **Roy Balleste**'s latest article, *Space Station Asgardia 2117: From Theoretical Science to a New Nation in Outer Space* will be published in December of 2017 in volume 16 of the *Santa Clara Journal of International Law*.

Professor **Raúl Fernández-Calienes** continues to serve his multi-year appointment on the Joint Survey Committee of the Legal Writing Institute (LWI) and the Association of Legal Writing Directors (ALWD). The Joint Committee's charge is to conduct an annual survey of legal writing programs and to report the results to the membership.



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