

Court of appeals on law student



Susan M. V. New York Law School, No. 129, Court of Appeals of New York, 76 N. Y. 2d 241; 556 N. E. 2d 1104; 557 N. Y. S. 2d 297; 1990 N. Y. LEXIS 1413, April 26 1990, Argued, June 14, 1990, Decided Facts: Petitioner law student was placed on academic probation after her first year of law school. A year later, having failed to maintain a minimum cumulative average as required by respondent law school's rules, she was dismissed after a hearing of respondent's academic status committee. She sought reinstatement in an action under N. Y. C. P. L. R. 8 alleging that the decision was arbitrary and capricious, and that her poor academic performance was due to three professors' irrational testing and grading procedures. She argued that the committee failed to give sufficient weight to various personal factors and that the dismissal was in retaliation for complaining about her professors. Issue: Student was being kicked out of school for having failed to maintain a minimum cumulative average as required by respondent law school's rules, she was dismissed after a hearing of respondent's academic status committee.

Holding: The court found the student guilty of not being able to be in compliance with the minimum requirement for a cumulative average. Responsive affidavits asserted that exam grading was purely a matter of academic discretion based on the overall quality of the answers. The appellate division remanded for consideration of whether a particular grade was a rational exercise of discretion, but granted the parties leave to appeal. The court dismissed the petition, holding that assessments of academic performance involved academic determinations requiring the expertise of educators.

Hence, petitioner's claims were not judicially cognizable. Analysis: The student was unable to comply with requirements from the school and was overturned on the fact that her grades were solely held to the discretion of the professors whom had a reason for each of the grades she had received. Conclusion: Her petitions didn't matter and ended up getting removed from the law school because of her failure to comply with certain academic policy's of that school.