Memorandum

To: University Senate

From: Raymond A. Noe, Chair
Council on Academic Affairs

Date: May 26, 2006

A PROPOSAL FROM THE COUNCIL ON ACADEMIC AFFAIRS TO ESTABLISH A MASTER OF LAWS (LL.M) DEGREE PROGRAM.

WHEREAS increased globalization means that universities and law schools need to become more international in their mission, as is increasingly seen in their curriculum; and

WHEREAS this will be a one-year professional degree program directed at educating foreign lawyers and graduates of law schools of foreign countries, and will provide them with a basic understanding of the US legal system provided through a rigorous program of study; and

WHEREAS more than one half of all law schools in the United States, including all others in the Big Ten, offer such a degree program; and

WHEREAS the faculty has expertise in international and comparative law and has voted unanimously to offer this program; and

WHEREAS the proposal was reviewed by the Council on Research and Graduate Studies on November 9, 2006, and then by a Subcommittee and by the full Council on Academic Affairs on May 26, 2006.

NOW THEREFORE BE IT RESOLVED that the University Senate approve the proposal to establish a Master in Laws (LL.M) degree program, and respectfully request concurrence from the Board of Trustees.
From: Smith, Randy
Sent: Thursday, May 25, 2006 9:38 AM
To: Rogers, Nancy; 'Josh Stulberg'; 'deason.2@osu.edu'
Cc: 'Noe, Raymond'; Rankin, Joyce; Dutta, Lakshmi; Snyder, Barbara; Anderson, Carole (.32);
    'Elliot E. Slotnick'; Myers, Brad (.7); 'dickhaut.1@osu.edu'; Smith, Randy
Subject: Master of Laws

Nancy, Ellen and Josh:

I am pleased to inform you that the proposal from the Moritz College of Law to establish the Master of Laws (LL.M) degree program was approved by the Council on Academic Affairs at its meeting on May 24, 2006. Thank you for attending the meeting to respond to questions and comments.

The proposal will now be sent to the University Senate for action on June 1, 2006 (3:30 pm: Moritz College of Law). Professor Raymond Noe, Chair of the Council, will present the proposal on your behalf, but it is important that one or more of you be in attendance to respond to questions/comments.

If it is approved then, it will go to the Board of Trustees for action at its July 2006 meeting. As you know this proposal will also need Board of Regents’ approval and Professor Elliot Slotnick, Associate Dean, Graduate School, will work with you on that process.

Note that this message represents my formal communication with you about this action. You will not receive a separate letter from me. Please keep a copy of this message for your file(s) on the proposal and I will do the same for the file in the Office of Academic Affairs.

If you have any questions/comments about this action, please contact Professor Noe (noe.22@osu.edu) or me.

Congratulations on the successful completion of this important stage in the review/approval process.

Randy

W. Randy Smith
Vice Provost
Nancy:

I will be setting a meeting soon with the staff from the Office of the University Registrar, about implementation issues for the LL.M.

The majority of the members of the Council want some form of transcript differentiation to occur for these students and I will need to follow up with you, formally, about that step.

Randy
TO: Council on Academic Affairs  
    Ray Noe, Chair  

FROM: Subcommittee C  
    Electra Paskett, Chair  

DATE: May 15, 2006  

RE: Proposal for an LLM Program, Moritz College of Law  

Subcommittee C has evaluated a proposal for an LLM Program, from the Moritz College of Law. The Subcommittee submitted questions on the proposal to Dean Nancy Rogers. The questions were addressed to the satisfaction of the sub-committee. A revised proposal was also forwarded and missing Appendix C was sent last week.  

We now recommend approval of this proposal.
Memorandum

To: Council on Academic Affairs
   Subcommittee C

From: W. Randy Smith
      Vice Provost

Subject: Proposal to Establish the Master of Laws
         Moritz College of Law

Date: January 10, 2006

Enclosed is a proposal from the Moritz College of Law, to establish a Master of laws (LL.M.) program. This proposal has been reviewed by the Council on Research and Graduate Studies but no action was taken given that it is a graduate-level professional degree.

The contacts for this proposal are Professor Nancy H. Rogers, Dean, Moritz College of Law (2-0574: rogers.23@osu.edu) and Professor Ellen E. Deason (8-5794; deason.2@osu.edu). Please also get input from Professor Elliot Slotnick, Associate Dean, Graduate School (slotnick.1@osu.edu) during the review.

Please review this proposal with a goal of bringing it to the full Council for action by the end of Winter Quarter 2006 if possible.

If you have any questions, please contact me.
OutsideCourseApproval.pdf (40...)

From the Law School

Electra D. Paskett, Ph.D.
Marion N. Rowley Professor of Cancer Research School of Public Health Associate Director
for Population Sciences Comprehensive Cancer Center Ohio State University
A356 Starling Loving Hall
320 W. 10th Ave.
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-----Original Message-----
From: Ellen Deason [mailto:Deason.2@osu.edu]
Sent: Thursday, May 11, 2006 3:23 PM
To: Electra Paskett
Cc: Stulberg, Josh; Rogers, Nancy
Subject: College of Law LL.M. program

Dear Professor Paskett,

I just had a phone conversation with Dean Stulberg and am delighted to learn that
Subcommittee C will be recommending the Moritz LL.M.
degree program.

Dean Stulberg also told me that you are missing a copy of faculty rule 9.47(B), which
should have been included in appendix C in response to question #9 from the subcommittee.
I apologize for its omission from your copy of the appendices. The rule is quoted, along
with the applicable American Bar Association rule, in the materials the students receive
when they apply for credit for courses outside the College of Law. I'm attaching that
document for your convenience.

Sincerely,
Ellen E. Deason

---------------------------------------
Professor Ellen E. Deason
The Ohio State University
Moritz College of Law
55 West 12th Avenue
Columbus, OH 43210

Phone: 614-688-5794
Fax: 614-292-2035
Email: Deason.2@osu.edu
APPROVAL OF COURSE OR SEMINAR OUTSIDE THE COLLEGE OF LAW FOR CREDIT TOWARD JURIS DOCTOR DEGREE

1. Faculty Rule 9.47 (B) reads as follows:

(B) Law students shall be permitted to enroll in courses and seminars offered outside the College up to a total of five (5) semester credit hours provided:

(1) The student desiring to take such a course or seminar presents a petition to enroll to a law faculty member. Where practicable, the faculty member to whom the petition is presented shall be familiar with the area in question.

(2) The petition shall contain adequate data concerning the course or seminar, including reading lists and other requirements of the course, to demonstrate why the course is useful and relevant to the student's professional interests and to establish that there is no unacceptable overlap with offerings available in the College of Law.

(3) The law faculty member certifies in writing that the course or seminar will be useful and relevant to the student's professional interests and that there is no unacceptable overlap with offerings available in the College of Law.

(4) The petition is approved by the Associate Dean for Academic Affairs.

(5) Courses and seminars so approved shall count toward fulfillment of the College's hour requirement for graduation if: (a) the faculty member who approved the course or seminar under Paragraph (3) above, reviews the student's participation in such course or seminar at least once each quarter and determines that in its actual operation it is achieving its educational objective and that the credit allowed is, in fact, commensurate with the time and effort expended by, and the educational benefits to, the participating students; and (b) the student receives a passing grade in the course or seminar. However, grades earned in such course or seminars shall not be included in computing the student's cumulative point-hour grade in the College of Law.

(6) Approved petitions and statements required pursuant to Paragraph (5) above, shall be maintained in the College of Law files of the petitioning students. Copies of approved and disapproved petitions and statements required pursuant to Paragraph (5) above, shall be maintained by the Associate Dean for Academic Affairs.
2. ABA Standard 305 provides in relevant part:

(a) If a law school has a program that permits or requires student participation in studies or activities away from the law school or in a format that does not involve attendance at regularly scheduled class sessions, the time spent in such studies or activities may be included as satisfying the residence and class hours requirements, provided the conditions of this section are satisfied.

(b) Residence and class hours credit granted shall be commensurate with the time and effort expended by and the educational benefits to the student.

(c) The studies or activities must be approved in advance, following the school's established procedures for approval of the curriculum.

(d) Each such study or activity and the participation of each student therein shall be conducted or periodically reviewed by a member of the faculty to assure that it achieves its educational objectives and that the credit awarded is in fact commensurate with the time and effort expended by and the educational benefits to the student...

... Not fewer than 900 hours of the total time credited toward satisfying the "in residence" and "class hours" requirements of the standards shall be in attendance in regularly scheduled class sessions at the law school conferring the degree or, in the case of a student receiving credit for studies at another law school, at the law school at which the credit was earned.

3. The attached forms are to be employed in securing approval of a course pursuant to the Faculty Rule 9.47(B) and ABA Standard 305.

4. The procedure to follow is:

1. Select the course and discuss approval of your enrollment for credit with a faculty member "familiar with the area in question." (If you have any question as to who that faculty member may be, you may want to discuss that question with the Associate Dean for Academic Affairs.)

2. Complete the Petition For Approval of Non-Law credit (Attachment A);

3. Deliver this cover sheet and all attachments to the faculty member to whom the petition is addressed.

4. After execution of the approval by the faculty member, submit Attachments A and B to the College Registrar to be submitted to the Associate Dean for final approval.
Attachment A

PETITION FOR APPROVAL OF NON-LAW CREDIT

To: ____________________________________________
sponsoring faculty member

From: ____________________________________________
student's name and social security number

Subject: Approval of course or seminar pursuant to Faculty Rule 9.47(B) and ABA Standard 305.

1. I petition you to approve for credit toward my Juris Doctor degree:

<table>
<thead>
<tr>
<th>Course name:</th>
<th>College/ Dept.</th>
<th>Course number:</th>
<th>Call number:</th>
<th>Credit:</th>
</tr>
</thead>
</table>

The bulletin description of the course is as follows:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

I intend to enroll in the course during the AU W I S P SU Quarter, ________ (circle one) ________ (year)

2. Reading lists and other requirement of the course are attached: [ ]

3. This course is relevant to my professional interests because:

__________________________________________________________________________

4. I understand that during the time of participation in this course, it will be necessary for me to meet with you in order that you might certify that the credit to be awarded is commensurate with the time and effort that I am expending and is commensurate with the educational benefits that I am realizing.

5. I understand that I will receive credit toward my Juris Doctor degree only if I receive a passing grade of "C" or better in the course or seminar. I also understand that the grade I receive will not be used in computing my cumulative point hour ratio.

__________________________________________________________________________

student signature

(see other side for Attachment B)
Attachment B
MEMORANDUM

To: Associate Dean for Academic Affairs

1. Attached is the petition of ____________________________
   which was submitted to me for my consideration pursuant to Faculty Rule 9.47(B).

2. After review of the petition, I find:
   (circle yes or no)

   yes no a. That the course is useful and relevant to the above named student's
               professional interest;

   yes no b. That there is no unacceptable overlap with offerings available in the
              College of Law.

   Yes no c. That the credit hours to be earned are commensurate with the time and
              effort to be expended by the above named student and are commensurate
              with the educational benefits to the student.

3. I understand that during the semester I shall review the student's participation in the
   course and will ensure that in its actual operation the course is achieving its educational
   objectives and that the credit allowed is, in fact, commensurate with the time and effort
   expended by, and the educational benefits to, the participating student.

   Number of semester hours of credit for
   this course recommended by faculty member.

   __________________________

   signature of faculty member

Please submit this page to the COLLEGE REGISTRAR for final approval by the Associate
Dean for Academic Affairs.

ASSOCIATE DEAN APPROVAL:

Signature: __________________________

Approved for ____________ hours.     Date: ________________
November 14, 2005

W. Randy Smith
Vice Chair, Council on Academic Affairs
Vice Provost for Curriculum and Institutional Relations
203 Bricker Hall
Campus

Dear Randy:

The Council on Research and Graduate Studies approved the following proposals during its meeting on November 9, 2005. Attached please find a copy of the proposals as well as my correspondence with the proposing programs that may assist the Council on Academic Affairs during its review.

- Proposal for Graduate Interdisciplinary Specialization in University Teaching.
- Proposal for a Graduate Interdisciplinary Specialization in Disability Studies.
- Graduate Minors in Statistics and Statistical Data Analysis.
- Graduate Minor in Speech and Hearing Science.
- Graduate Interdisciplinary Specialization in Comprehensive Engineering and Science of Biomedical Images.

In addition, the Council on Research and Graduate Studies found the Master of Laws (LL.M) program proposal from the Moritz College of Law to meet the standards of similar programs across the country. No “approval” vote, per se, was held on this proposal since it is a graduate level professional degree to be administered by the Law School. As you know, critical review of this proposal was conducted at the request of RACGS. Please let me know if the proposal, which will now be given CAA review, can also be submitted simultaneously to RACGS for review as a Program Development Plan.

Please let me know if you have questions or if you require additional information.

Sincerely,

Elliot E. Slotnick
Associate Dean

Enclosures

c: Irene Mynatt
April 17, 2006

W. Randy Smith  
Vice Provost  
The Ohio State University  
203 Bricker Hall  
190 N. Oval Mall  
Columbus, OH 43210

Dear Vice Provost Smith:

Enclosed is a revised proposal for an LLM. program that, if approved, would be administered by the Moritz College of Law. We hope to inaugurate the program with the first class of students beginning in fall 2007.

The proposal for a LLM. program was approved unanimously by the Moritz faculty at its monthly meeting in June 2005. It was submitted to the Graduate School and reviewed by the Council on Research and Graduate Studies during the fall quarter of 2005. The proposal was then forwarded to the Council on Academic Affairs, where it was assigned to Subcommittee C. After studying the proposal, Subcommittee C formulated questions and comments at its meeting of January 30, 2006. Our revised proposal attempts to respond to these questions and comments. For ease of reference, we have indicated where the material relevant to each question is located in the proposal, and that document is attached.

We appreciate the time and careful consideration being given to this proposal by the Council on Academic Affairs. We are available to meet with Subcommittee C at its convenience as it continues its deliberations.

Sincerely,

Nancy H. Rogers  
Dean and Michael E. Moritz Chair  
in Alternative Dispute Resolution

Ellen E. Deason  
Professor
Questions/Comments from Subcommittee C  
RE: Proposal to Establish the Master of Laws (LL.M.) Program

1. Cover Page – Change wording on cover, as this proposal was not “approved” by the council, just “reviewed.”

The Cover no longer contains this language. The accompanying letter indicates that the Council on Research and Graduate Studies reviewed the proposal.

2. Title – Why not an LLM in a targeted area like other schools have?

The difference between general (or “as approved”) curriculum LL.M. programs and specialized curriculum programs is now described in section II on pages 1-2. Moritz’s decision to create a general program is explained at the end of section III. on page 4.

3. Section I - Why not allow students to ever transfer to a JD program? Can they apply separately without transferring course credits?

Admission into the J.D. program is now explained in section VII (Admission Requirements) on page 8.

4. Section II - Tables are confusing in light of text: Table 3 & Table 4 are not always saying the same thing and not all schools in Table 4 are listed in Table 1.

The tables and accompanying text on page 2 have been revised. The schools listed in Table 4 should appear in Table 1, 2, or 3. If there are remaining questions, we will be happy to address them in person.

5. Section III – Rationale – Describe what will be different at OSU’s program and why there is a need for such a program with others so closely located?

The rationale for the program in section III has been further developed. In addition to the need for post-graduate education for foreign lawyers, the program is needed to enhance the experience of the J.D. students at a world-class university.

Formalize the alumni mechanism for follow up.

Mechanisms for alumni follow up are discussed in section III on page 3.

3rd full paragraph on 2nd page – 85 Law schools is not correct – please use number from Table 1 here. Note – Cleveland Marshall is only on Table 4. Please add to either Table 1, 2 or 3 also.
By our count, 85 law schools offer LL.M. programs for foreign lawyers. Some schools offer more than one program. This should be the number of schools in Tables 1-3 after overlaps are eliminated. Cleveland Marshall (at Cleveland State University) was inadvertently omitted and has been added to Table 2.

6. Section IV – Is the 24 hour requirement equivalent to other LLM programs including tax law?

   Yes. Information on hour requirements for specialized LL.M. programs has been added to section IV on page 5.

2 new courses proposed. We need to see the course proposals.

   Course proposals are included in Appendices A and B.

   What is the framework for individually designed programs? Provide suggested "tracks" for individuals.

   Potential tracks of interest to lawyers of various backgrounds are now discussed in Section IV on page 5.

7. Section V – Grading – Explain this section in more detail. What about using shadow numbers for these students for classes taken with JD students?

   We have added additional information on grading. We are not sure what "shadow numbers" refer to and would like to discuss this concept with the subcommittee.

8. Section VII – Re-write 1st sentence – deleting “J.D. degree or the”.

   This phrase is now deleted.

9. Section VIII – What is Faculty rule 9.47 (B) (where is it located)? No copy was provided as an attachment. How many credits outside of law are allowed to be counted?

   The copy of this rule evidently did not accompany the proposal when it was referred from the Council. It is now attached in Appendix C.

   How will Admissions Committee evaluate candidates from so many different countries with different law programs?

   Further discussion has been added in Section VII on page 8.
10. Section IX – Faculty – Need CV’s for faculty and proposed Director of the LLM program.

Faculty CVs are included in Appendix D.

11. Section X – Where are the funds coming from to cover the administration costs stated? Please provide a Financial Impact Statement (do it following the Regents protocol – talk with Professor Slotnick).

A Financial Impact Statement is included as Table 5. Sources of funds are now discussed in Section X on page 9.

12. Other – We need to see faculty vote from the college (cover letter). Need to include a 5 year assessment plan with contingency plans for various outcomes from the assessment plan.

The faculty vote is included in the cover letter and an assessment plan is discussed in Section XI on pages 9-10.
Moritz College of Law
The Ohio State University

Proposed Development Plan
For a Master of Laws (LL.M.) Program

April 17, 2006
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A. Proposal for New Course: The U.S. Legal System and Legal Traditions

B. Proposal for New Course: Legal Writing for LL.M. Students

C. Procedure for Approval for Courses Taken Outside the College of Law

D. Faculty C.V.s
I. Introduction and Overview

This is a proposal for a new degree program, Master of Laws (LL.M.), to be implemented in the fall semester 2006 with the first students entering in the fall semester 2007. The program will be a one year program directed primarily at educating foreign lawyers and graduates of law schools from foreign countries. Unless the College of Law faculty gives its further approval for the admission of a graduate of a U.S. law school, all students admitted to the LL.M. program will be graduates of foreign law schools. The primary purpose of the program is to provide foreign lawyers and graduates of foreign law schools with a basic understanding of the United States legal system obtained through a rigorous program of study. We envision that most students who have successfully completed the program will return to their home countries and in some cases to their original professions after obtaining the LL.M. either immediately or after a period of apprenticeship or training in the United States. The LL.M. degree will be a professional degree, like the Juris Doctor (J.D.). It will be administered by the Moritz College of Law.

The program will normally be a one year program commencing in the fall semester and running through the winter semester. Students who have successfully completed the program will receive an LL.M. degree from the College of Law at the end of the academic year during which they enroll. Students in the program will be expected to enroll in courses that are presently offered at the College of Law in the basic Juris Doctor program, but will also need to fulfill special requirements for the LL.M. degree. Current faculty at the College of Law will teach the students in the LL.M. program.

The Dean of the College of Law will appoint a Director of the program who will be a full-time faculty member at the College of Law. The Director shall be responsible for the overall development, implementation, and administration of the program. The College of Law will also appoint an Assistant Dean for International Programs to assist the Director in administering the program.

II. The Masters of Laws (LL.M.) Degree

The Master of Laws (LL.M.) is now the traditional post J.D. graduate law degree. (LL.M. is an abbreviation of the Latin Legum Magister, meaning Master of Laws.) The J.D. is considered to be the basic professional law degree in U.S. law schools and is obtained through the completion of a three year program of study. Originally the LL.M. degree, as a master’s degree, followed a Bachelor of Law (LL.B.) degree. When academic requirements changed and the LL.B. was preceded by a Bachelor of Arts or Sciences degree, the J.D. gradually displaced the LL.B. as the expected professional law degree in the United States. Legal education in this regard followed the much earlier shift of medical education from the Bachelor of Medicine (B.M.) to the Doctor of Medicine (M.D.) as the basic professional degree. The initial post-professional degree in both fields has remained the Masters degree.

According to the American Bar Association’s 2005 data on post-J.D. degree programs, a total of 115 U.S. law schools offer LL.M. degrees. There are two general types. One type is a general LL.M. degree (also called “as approved”), which allows students to design a curriculum suited to their individual needs and interests, subject to the approval of an advisor. A second type
of LL.M. degree is specialized; the curriculum concentrates on a particular substantive area, often an area in which the J.D. program is also particularly strong. In most law schools today, general LL.M. degrees are usually obtained by foreign lawyers, while the specialty programs attract both foreign- and U.S.-educated lawyers.

The complex tapestry of LL.M. programs is a result of an evolution of the degree in the United States. With the degree’s historical origin in generalist scholarship, initially the LL.M. rarely focused on educating foreign lawyers. (The College of Law, for example, offered the LL.M. degree from 1895 to 1905, but it was not focused on educating foreign lawyers.) At many institutions, the LL.M. was regarded as a general degree suitable for persons who wished to become law professors and was viewed as an intermediate degree toward a doctorate, e.g. Doctor of Juridical Science (J.S.D. or S.J.D.). General LL.M. programs have moved away from this emphasis, although the specialized subject matter programs serve this function to some extent in areas such as taxation, intellectual property, or environmental law. At the same time, the demand by foreign lawyers for graduate degrees from U.S. law schools has greatly increased. According to the American Bar Association, more than half the students enrolled in LL.M. programs nationwide are graduates of foreign law schools.

As a result of these trends, the general LL.M. degree is today typically a post-professional degree obtained by foreign lawyers. Based on ABA data, we have identified forty-six law schools that offer an LL.M. designated for foreign lawyers. (See Table 1.) These are usually general programs with tailored individual selection of courses. Another twenty-three schools offer general LL.M. programs that, while not designated for or restricted to foreign lawyers, serve primarily that student group. (See Table 2.) In addition to these general programs, there are thirty-two law schools with specialized LL.M. degrees in substantive areas that are particularly attractive to foreign lawyers, such as international law, comparative law, or international business or trade law. (See Table 3.) Altogether, a total of eighty-five schools are represented in these three tables because they offer one or more of these variants of LL.M. degrees earned primarily by foreign lawyers.

III. Rationale

Moritz College of Law’s LL.M. proposes an LL.M. program designed for foreign lawyers in response to several major developments in the international arena:

(1) Globalization has become the defining movement of the modern era. By globalization, we refer to the relatively free movement of goods, capital, services, and people around the world. This has led to the increasing integration of the economies of the world and to increased trade and economic exchanges. One of the most notable milestones in this process is the establishment of the World Trade Organization, which is now the world’s most important organization involved in the promotion of international trade and transnational economic and commercial activity of all kinds.

(2) Developing and non-western countries are beginning to play a significant role in the world’s political economy. The remarkable rise of economies in Asia, particularly the case of China, may foreshadow a fundamental shift in world
economic power in the twenty first century. According to current forecasts by the World Bank, two out of the top three economies in the world will be from Asia within the next decade with China having the largest economy in the world. The United States is projected to have the world’s second largest economy, with Japan in third place. This could signal a shift for the first time in modern history of economic dominance away from the west. Britain dominated the world economy in the nineteenth century and the United States has dominated the world economy in the twentieth century. As remarkable as it may sound, the dominance of the world economy may shift away from western developed countries for the first time in modern history.

The era of globalization means that universities, and law schools, must also become truly international in their mission. The projected change in economic power toward Asia means that universities and law schools will benefit from recognizing the importance of non-western legal perspectives as a major component of a globalized view. By enabling the College to attract foreign lawyers and foreign law school graduates, a LL.M. program will enhance the learning environment for our J.D. students.

A LL.M. program will also allow the law school to build connections and partnerships with universities around the world whose former students will enroll in the program. Over time, alumni of the program will be distributed all over the world. The College has its own alumni office that maintains mailing lists and prepares publications that keep alumni connected with the law school. It will expand this function to include LL.M. graduates. One way we plan to facilitate this connection is by surveying LL.M. students at the time they graduate. This survey will, among other things, provide a means for obtaining future contact information that will allow Moritz to remain in communication with students after they return to their home countries. By keeping in touch with this alumni network, the College can help create international and foreign opportunities for future J.D. and LL.M. students.

The impact of these developments, particularly globalization, has already been reflected in changes in the law school curriculum in the United States. Courses in international law have proliferated and are no longer considered to be esoteric or specialty courses. Some law schools, such as NYU Law School and Michigan Law School, now require international law or transnational law as part of the mandatory curriculum for all law students. Law schools now offer more international business and trade related courses. Only two decades ago, few law schools offered any courses at all on international business or trade. Today of the 174 law schools listed in the latest U.S. News & World Report rankings, 117 offer courses on international business transactions, 81 offer courses on international trade, and 47 schools offer both courses. Together 151 law schools now offer courses in either international business transactions or international trade. International law oriented courses have become a staple of the law school curriculum.

Another reflection of these developments is the demand for legal education in the United States by graduates of foreign law schools. As the process of globalization continues to deepen, foreign lawyers, judges, and government officials feel that it is increasingly important to obtain a basic understanding of the U.S. legal system, which has a major influence on the development of law on a global basis. Within the past two decades, law schools in the United States have begun
increasingly to offer LL.M. programs that educate foreign lawyers. As noted above, there are now approximately 85 law schools (out of 174 law schools) in the United States offering LL.M. programs that serve predominantly foreign lawyers. Most of the top-ranked schools in the U.S. News and World Report offer such programs. Of the ten law schools in the Big Ten, only Ohio State has yet to develop an LL.M. program. Data on LL.M. programs for foreign lawyers at top-ranked law schools, Big Ten law schools, and within Ohio are presented in Table 4.

The College of Law is well positioned to respond to the need for a global focus in legal education through the implementation of an LL.M. program. The College of Law has an outstanding faculty in the area of international and comparative law. Professors John Quigley, Daniel Chow, Edward Lee, Ellen Deason, and Amy Cohen are leading experts in the fields of public international law, international business transactions, international intellectual property, international trade, and international and comparative dispute resolution. In response to developments in Asia, the College plans a major focus on student recruitment in that region. Professor Chow of the College of Law faculty is a leading expert on legal issues concerning China and has built a number of relationships with universities in China, Taiwan, and Hong Kong. Professor Deason is the co-director of an exchange program funded by grants from the U.S. Department of Education and the European Commission that has built ties between the law school and several European Universities. With faculty guidance for recruitment, the program will be able to attract important and well-known foreign lawyers, judges, and government officials from around the world to The Ohio State University.

We are planning a general LL.M. degree program rather than one with a specialized focus for two reasons. First, the flexibility of a general program will attract the widest variety of foreign law graduate students. Moritz is a highly-ranked law school that offers high-quality instruction across the spectrum of subject areas and, as discussed below, we anticipate we will be able to recruit LL.M. students from around the world. There are only two general LL.M. programs currently offered in Ohio, at Case Western University and Cleveland State University. We believe our program will be distinct because of the strengths of the College of Law and the attractions of a world-class university located in a capitol city.

Second, a general program will best enrich the education of Moritz's J.D. students as they prepare to practice in an increasingly international environment. A general program will attract LL.M. students with a range of expertise and interests. This diversity will enhance the experience of J.D. students through their interaction with LL.M. students.

IV. Goals and Curriculum of the LL.M. Program

The goal of the LL.M. Program is to provide foreign students with a basic understanding of the United States legal system through a rigorous program of legal training by the College of Law faculty. The LL.M. will require a total of twenty-four (24) semester hours of successfully completed credit. This is the equivalent of thirty-six (36) quarter hours. We seek an exception to the University requirement of forty-five (45) quarter hours for a masters degree because otherwise the program will be unable to compete for students. While some U.S. LL.M. programs for foreign lawyers have lower credit requirements, 24 credits is the norm among the law schools we surveyed. See Table 4.
This credit requirement is also the norm for specialized subject-matter LL.M. degrees. Leading tax LL.M. programs at New York University, Northwestern University, Georgetown University, and George Washington University all require 24 credits. The same credit requirement characterizes the Washington University Intellectual Property and Technology Law LL.M. and the University of Houston Law Center LL.M. in Health Law, to cite a few highly regarded programs.

All students in the program will be required to take a core three hour course on the American legal system taught by the Director of the program or another faculty member. This will be a new course designed for foreign lawyers. J.D. students will not be eligible to enroll. In addition, LL.M. students will be required to take a two hour legal analysis, research, and writing course specifically designed for foreign lawyers and taught by the Assistant Dean of the program.

**Basic Required Courses**

3 hrs  The U.S. Legal System and Legal Traditions
2 hrs  Legal Analysis, Research and Writing for International Students

Proposals for these courses are attached as Appendices A and B.

The remaining required credits for the LL.M. degree would be earned through enrollment in core first year courses and advanced upper level courses from the J.D. curriculum. This course of study would be individually designed to meet the needs of each student in consultation with the Director of the program. This flexible approach to LL.M. curricular requirements is characteristic of the law schools we surveyed, which tend to have only one, or at most two required courses of the nature we propose. The justification is that LL.M. students often have an established career path in their home country. We anticipate that many of the students in the program will be practicing lawyers, academics, judges, prosecutors, and government officials in the countries from which they come. The courses that will help them further their careers will vary depending on their expertise and goals.

An attorney with a career involving business transactions with U.S. entities might be interested in a plan of study including the following basic courses:

3 hrs  The U.S. Legal System and Legal Traditions
2 hrs  Legal Analysis, Research and Writing for International Students
5 hrs  Contracts
4 hrs  Business Associations
3 hrs  Securities Regulation
3 hrs  International Business Transactions

The remaining required credits could be selected based on the student’s interests and drawn from courses such as:

2 hrs  Analysis of Financial Instruments
1 hr  Mergers and Acquisitions
6 hrs  Commercial Law or  3 hrs  Secured Transactions
4 hrs Federal Antitrust Law
3 hrs Introduction to Intellectual Property
4 hrs International Intellectual Property
4 hrs International Trade
4 hrs Taxation of Business Enterprises
3 hrs Negotiation

An attorney with a special interest in intellectual property could take a program drawing from the following courses:

3 hrs The U.S. Legal System and Legal Traditions
2 hrs Legal Analysis, Research and Writing for International Students
3 hrs Copyright
3 hrs Patent Law
2 hrs Patent Litigation
3 hrs Trademark
4 hrs International Intellectual Property
2 hrs Topics in the Law of Cyberspace

A student with a career in government service might take the following courses:

3 hrs The U.S. Legal System and Legal Traditions
2 hrs Legal Analysis, Research and Writing for International Students
3 hrs Administrative Law
4 hrs Legislation Clinic
4 hrs International Dispute Resolution
4 hrs International Human Rights

An attorney working for an entity with employees in the United States could build a program that could include the following courses:

3 hrs The U.S. Legal System and Legal Traditions
2 hrs Legal Analysis, Research and Writing for International Students
4 hrs Employment Law
3 hrs Labor Law
3 hrs Employment Discrimination Law
4 hrs Law of Disability Discrimination

The degree will not require an exit requirement beyond the course work. Although a thesis requirement is the norm for many masters’ degree programs, advanced degrees in professional fields, such as the J.D. and MBA, are an exception. While some of the law school LL.M. programs we surveyed require a thesis for domestic students, or offer an optional thesis track, most schools with programs for foreign lawyers offer a degree without a thesis requirement. Many LL.M. students will enroll in seminars or other courses with a substantial paper requirement.

We are also investigating the possibility of developing a supplemental opportunity for
selected students in collaboration with leading law firms that practice in the international arena. Several alumni of the College have expressed support for an externship program that would place foreign lawyers in such law firms following their completion of the LL.M. program. This would not be a degree requirement, but the degree would be a prerequisite. The role of the College would be to assist in arranging externships and to recognize participation. We anticipate that the availability of this opportunity would enhance the College’s ability to recruit high-quality students.

V. Grading

Some of the LL.M. students will not have strong proficiency in English and most will lack the necessary academic background in the United States to be competitive with U.S. students seeking a J.D. In addition, the goals of the LL.M. program are different from those of the J.D. program. Rather than preparing them for a domestic U.S. law practice, we anticipate that most LL.M. graduates will return to their home countries with some returning to their original employment. Those that do remain in the United States are likely to be employed in positions that capitalize on their connections in their home country or region.

A separate grading system will not affect the student dynamic in class, as most courses are graded on the basis of a final exam at the end of the semester. We would follow the current practice of allowing non-native English speakers extra time for time-limited exams. LL.M. students would not be included in determining honors or class rank of J.D. students.

VI. Student Demand and Predicted Enrollment

The College anticipates that approximately 15 to 25 students will be enrolled annually in the LL.M. program, although fewer students are likely to enroll in the program during the initial stage of the program in academic years 2007 and 2008. As the LL.M. program develops, the College anticipates that the reputation of the program will increasingly attract well-qualified applicants from countries around the world.

There is a high demand for graduate legal education in the United States for foreign students. For example, Indiana University (Bloomington) currently has a class of about 75 foreign LL.M. students, up from a class of about 25 only about 5 years ago. The College of Law presently receives numerous inquiries from within the United States and from overseas from persons with terminal professional law degrees who wish to pursue a LL.M. degree at the Ohio State University. These inquiries are due in part to the general strength of Ohio State’s national and international reputation for its graduate programs. At present the College of Law is compelled to refuse these applicants. Based on these past inquiries of interest from these prospective students, it is reasonable to expect that once an LL.M. program is established and made available at Ohio State such persons will wish to enroll in the College’s LL.M. program. We do not believe that it will be difficult to bring in a class of about 12 well qualified applicants during the first and second years of the program. By the third year, we should be able reach our maximum goal of 25 well qualified students enrolled in the program.

Based on enrollment in other law schools’ LL.M. programs, many of the students in the program will be lawyers who have already established themselves in a career in private practice or
government who wish to obtain a degree and to return to their careers with enhanced skills. In addition, as many international legal disputes that arise today may involve a U.S. party and may involve issues of U.S. law, acquiring a basic understanding of U.S. law will allow these students to return to their home countries better able to deal with these disputes. As we anticipate that the vast majority of the LLM. students will return to their home countries upon completion of the program, the LLM. program will also help to spread the reputation and influence of Ohio State University on a worldwide basis.

VII. Admission Requirements

 Students who are admitted to the LLM. program must have obtained a terminal professional law degree at a foreign university. (In many other countries, the professional law degree is an undergraduate degree.) In addition, all students must have a minimum score of 600 on the Test of English as a Foreign Language (TOEFL). A Moritz College of Law Admissions Committee for Foreign Graduate Studies will examine the credentials of the foreign degree granting institution and make an individual decision that each applicant has received a terminal professional law degree and is suitable for graduate study in LLM. program.

 In order to maintain high standards for students admitted to the program, the Committee will recruit students from universities with strong reputations and will consult with colleagues in domestic and foreign universities regarding applicants from unknown institutions. In addition, in many cases, the Committee will have information about an applicant’s post-graduate experience in the practice of law that will demonstrate a leadership and attainment of excellence in the home country.

 Under American Bar Association rules, LLM. students may not apply credits earned toward the LLM. degree toward a J.D. degree and thus may not transfer into the J.D. program. They may apply to be admitted independently into the J.D. program.

VIII. Relationship of the LLM. Program to Other Programs at the University

 Currently, J.D. students are permitted to take courses in other units at Ohio State in accordance with Faculty Rule 9.47(B) and ABA Standard 305. Those requirements are set forth at http://www.moritzlaw.osu.edu/registrar/forms/OutsideCourseApproval.pdf. and included as Appendix C to this proposal. The faculty will consider a rule that would extend this privilege to LLM. The institutional arrangements with other units would be the same as those applicable to courses taken by J.D. students. No matriculation arrangements are anticipated with other units at the University or with other institutions of higher learning other than the University. The LLM. program does not anticipate that service courses are to be provided anywhere else within the University.

 The impact of the LLM. program on courses offered for the J.D. degree with the College of Law will be minimal. We anticipate that the LLM. students will enroll directly in courses that are currently being offered to J.D. students.

 The LLM. program will not cause loss of Full Time Equivalents (FTEs) from other
instructional units within the University. Because this degree is not given elsewhere within the University, no present or future students would transfer to it. Because the LL.M. requires the prior earning of the equivalent of a J.D. degree, very few University students working on other Masters’ degrees would be eligible to apply to the LL.M. program.

IX. The Faculty in the LL.M. Program

A current tenured member of the faculty will assume the position of Director of the LL.M. program and will be in charge of the planning, development, and implementation of the program. Professor Ellen E. Deason has agreed to be the first faculty Director. An Assistant Dean for International Programs will be hired to assist the Director in administration of the program and will also have some teaching and counseling responsibilities. Otherwise, the students enrolled in the LL.M. program will be taught by the regular tenure track and clinical faculty at the College of Law in the same classes as J.D. students. Faculty C.V.s are attached in Appendix D.

X. Finances for the LL.M. Program

The Director of the LL.M. program will assume some of the administrative responsibilities of directing the program and either the Director or another full-time faculty member will teach the mandatory course on the U.S. Legal System. As a result, we anticipate that there will be a need to hire one half of an additional faculty member to teach courses now taught by the faculty member who will assume the role of the Director and teach the basic LL.M. course. We also project the additional costs of hiring an Assistant Dean for International Programs and part of the time of an administrative assistant. There will be no need for additional facilities. The LL.M. students will pay tuition roughly equivalent to out-of-state tuition for a J.D. student. After an initial cash investment during the first two years, we plan that the program will be self-sustaining through tuition, fees, and subsidies. The investment for the first two years will be funded from the Dean Gregory Williams Discretionary Fund for Innovation. A fiscal impact statement for the first five years is attached as Table 5.

XI. Assessment Plan

Once each year, we will formally evaluate the program. The Director and Assistant Dean will prepare a comprehensive report for the Dean and the faculty. We will survey students about their experience in the program as part of this evaluation. We will also review and critique recruiting methods and contacts.

At the end of five years, the College will be due for a site visit and a reaccreditation decision by the American Bar Association. As part of the process of preparing for the site visit, the College will undertake a thorough self-assessment that will include an assessment of the LL.M. program. In addition to assessing enrollment and quality of students admitted to the LL.M. program, we will assess the effect of LL.M. students on the classroom and extracurricular experience of J.D. students. We will also assess the LL.M. courses to ensure that they are meeting the needs of the students who are admitted to the program. ABA “approval” for a LL.M. program is not required, but the ABA team will review the program and offer a peer assessment.
Even if the assessment after five years indicates that enrollments are lower than expected, we do not anticipate difficulties in continuing the program. The financial assessment suggests that revenues from the program should be able to support it fully even if the number of students falls short.
<table>
<thead>
<tr>
<th>Alabama, University of</th>
<th>St. Mary’s University</th>
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<tbody>
<tr>
<td>Albany Law School</td>
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<td>Santa Clara University</td>
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<tr>
<td>Brigham Young University</td>
<td>Seattle University</td>
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<td>California-Davis, University of</td>
<td>Southern California, University of</td>
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<td>California-Hastings, University of</td>
<td>Suffolk University</td>
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<td>California-Los Angeles, University of</td>
<td>Temple University</td>
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<td>Touro College</td>
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<td>Valparaiso University</td>
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<td>Catholic University</td>
<td>Vanderbilt University</td>
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<td>Connecticut, University of</td>
<td>Wake Forest University</td>
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<td>Washington and Lee University</td>
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<td>Duke University</td>
<td>Washington University</td>
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<td>Duquesne University</td>
<td>Whittier Law School</td>
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<tr>
<td>Florida State University</td>
<td>William &amp; Mary, College of</td>
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<td>Georgetown University</td>
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<td>Hamline University</td>
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<td>Houston, University of</td>
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<td>Howard University</td>
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<tr>
<td>Indiana University-Indianapolis</td>
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<td>Loyola University-Los Angeles</td>
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<td>Miami, University of</td>
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<td>Michigan State University</td>
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<td>Minnesota, University of</td>
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<td>Northwestern University</td>
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<td>Pace University</td>
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<td>Pennsylvania State University</td>
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<tr>
<td>Saint Louis University</td>
<td></td>
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</tbody>
</table>

Table 2. **Schools Offering a General LL.M. Program Serving Predominantly Foreign Lawyers**

California-Berkeley, University of
Chicago, University of
Cleveland State University
Columbia University
Cornell University
Emory University
George Washington University
Georgia, University of
Harvard, University of
Illinois, University of
Indiana University-Bloomington
Louisiana State University
Michigan, University of
New York University
Pennsylvania, University of
San Diego, University of
Southern Methodist University
Stanford University
Texas, University of
Tulane University
Virginia, University of
Yale University
Yeshiva University-Cardozo School of Law

<table>
<thead>
<tr>
<th>Table 3.</th>
<th><strong>SCHOOLS OFFERING AN LL.M. OR EQUIVALENT IN COMPARATIVE LAW, INTERNATIONAL LAW, OR INTERNATIONAL BUSINESS &amp; TRADE LAW</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>*</td>
<td>Albany Law School</td>
</tr>
<tr>
<td></td>
<td>American University</td>
</tr>
<tr>
<td></td>
<td>Arizona, University of</td>
</tr>
<tr>
<td></td>
<td>Chicago-Kent-Illinois Institute of Technology</td>
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<td></td>
<td>Florida, University of</td>
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<tr>
<td></td>
<td>Fordham University</td>
</tr>
<tr>
<td>*</td>
<td>Georgetown University</td>
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<tr>
<td>*</td>
<td>Golden Gate University</td>
</tr>
<tr>
<td></td>
<td>Hofstra University</td>
</tr>
<tr>
<td>*</td>
<td>Indiana University – Bloomington (M.C.L.)</td>
</tr>
<tr>
<td></td>
<td>Iowa, University of</td>
</tr>
<tr>
<td></td>
<td>John Marshall Law School</td>
</tr>
<tr>
<td>*</td>
<td>Miami, University of</td>
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<td>*</td>
<td>Michigan, University of (M.C.L.)</td>
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<tr>
<td>*</td>
<td>New York University</td>
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<td>Pacific-McGeorge, University of the</td>
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<td>Puerto Rico, University of</td>
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<td>Southern Methodist University</td>
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<td>*</td>
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<td>Willamette University</td>
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</table>

*Also offers an LL.M. listed in Table 1 or Table 2.

Table 5. Fiscal Impact Statement

<table>
<thead>
<tr>
<th>LL.M. PROGRAM - MORITZ COLLEGE OF LAW</th>
<th>THE OHIO STATE UNIVERSITY</th>
<th>FISCAL IMPACT STATEMENT</th>
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<td>California—Berkeley</td>
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<tr>
<td>(Boalt Hall)</td>
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<td>Michigan State</td>
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<td>Northwestern</td>
<td>LL.M.</td>
<td>20</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>LL.M.</td>
<td>20 + writing req&lt;br&gt;23 w/o writing</td>
</tr>
<tr>
<td>Penn State (Dickinson)</td>
<td>LL.M.</td>
<td>24</td>
</tr>
<tr>
<td>Southern California (USC)</td>
<td>LL.M.</td>
<td>21</td>
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<tr>
<td>Stanford</td>
<td>LL.M. &amp; J.S.M</td>
<td></td>
</tr>
<tr>
<td>Texas</td>
<td>LL.M.</td>
<td>24</td>
</tr>
<tr>
<td>Vanderbilt</td>
<td>LL.M.</td>
<td>17</td>
</tr>
<tr>
<td>Virginia</td>
<td>LL.M.</td>
<td>24</td>
</tr>
<tr>
<td>Washington &amp; Lee</td>
<td>LL.M.</td>
<td>24</td>
</tr>
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<td>Washington Univ.</td>
<td>LL.M.</td>
<td>20</td>
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<tr>
<td>Wisconsin</td>
<td>M.L.I. &lt;br&gt;Masters of Legal Institutions</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>LL.M. (research based)</td>
<td></td>
</tr>
<tr>
<td>Yale</td>
<td>LL.M.</td>
<td>24</td>
</tr>
</tbody>
</table>

Sources: web pages for each law school.
Moritz College of Law
The Ohio State University

Proposed Development Plan
For a Master of Laws (LL.M.) Program

Appendices

April 17, 2006
Appendix A

Moritz College of Law
Course Proposal

The U.S. Legal System and Legal Traditions
Moritz College of Law
Course Proposal

The U.S. Legal System and Legal Traditions (3 credits)

Course Description

The U.S. Legal System and Legal Traditions is a three credit course designed for LL.M. students in the Master of Laws program who have received their law degrees from foreign universities. The course provides an overview of various areas of American law, the U.S. legal profession, and the U.S. judicial process. It combines a basic introduction to the common and statutory law of the U.S. federal and state systems of law with an in-depth examination of some of the distinctive features of the U.S. legal tradition. For some of the topics, the students will benefit from guest presentations from faculty who are experts in the area. The course is designed to develop the LL.M. students' understanding of American legal concepts and issues in order to broaden and deepen the non-U.S. lawyer's understanding of American law and its processes.

Class Meetings

This course will meet during the fall semester twice a week in 75 minute classes for 14 weeks. Class attendance is mandatory and expected. Points will be deducted from your final grade for unexcused absences and tardiness. Students are expected to come prepared for class and to participate actively. Assigned readings should be done in advance of class. Students may be called on randomly during class discussion.

Evaluation

The grade in the course will be based on the following components:

1) a ten-page paper comparing the American constitutional structure with that of your country of origin (30%)

2) final examination (60%)

3) class participation (including attendance) (10%)

The final examination will be a take-home examination that will focus on applying the concepts discussed in class to current events. You will have about 10 days to complete the examination so that you can fit it in with the exams for the rest of your course schedule. Each question will have a word limit.
Materials

The materials for the course include judicial decisions, textbooks, law review articles, books, and videos. These will include the following books and supplemental materials containing cases and law review articles.

Anthony Lewis, Gideon’s Trumpet (Vintage paperback 1989).

Syllabus

Introduction

1. U.S. Common Law Compared to Other Legal Systems
   Nedzel Chapt 1, pgs 1-17
2. The Case Method
   Nedzel Chapt 1, pgs 18-37
3. Introduction to the Legal Process: Justice and the Right to an Attorney
   Lewis, Gideon’s Trumpet
4. Justice and the Right to an Attorney
   Gideon v. Wainwright, 372 U.S. 335 (1963)
   Hamdi v. Rumsfeld, 2002 U.S. App. LEXIS 14012
5. American Courts and the Judicial System
   Burnham, Chapter 5; Chapter 9, Part I
   Recommended: SAL, Chapter 13

Selected Topics in U.S. Constitutional Law

6. The U.S. Constitution: An Introduction
   Burnham, Chapter 1
   SAL, Chapter 6
7. Separation of Powers
   U.S. Constitution (especially Articles I, II, and III)
   SAL, Chapter 24
   Koh, The Fast Track and United States Trade Policy
8. Federalism—The States and the Federal Government
   Recommended: SAL, Chapter 7 and 14
9. The Bill of Rights: An Overview
Zelman v. Simmons-Harris  
Burnham, Chapter 9, pgs 338-355  
SAL, Chapter 16

10. Issues of Race  
SAL, Chapter 21  
Smith v. University of Washington  
Grutter v. Bollinger  
Recommended: SAL, Chapter 18

11. Gender, Privacy Rights and Abortion  
Roe v. Wade, 410 U.S. 113 (1973)  
SAL, Chapter 25

12. Death Penalty  
Atkins v. Virginia  
Ring v. Arizona  
Bottoson v. Moore

13. The First Amendment: Separation of Church and State  
Burnham, Chapter 9, pgs.374-81  
Locke v. Davey

14. The First Amendment Speech Protections  
Burnham, Chapter 9, pgs. 355-73  
Virginia v. Black

15. Protecting Property: The Takings Clause  
Lucas v. South Carolina  
Kelo v. New London

Selected Topics in U.S. Substantive Law

16. Contracts  
Burnham, Chapter 10

17. Torts  
Burnham, Chapter 11

18. Intellectual Property  
Burnham, Chapter 12, Part III

Perspectives on the American Litigation System

19. The Adversary System  
Burnham, Chapter 3

Due Date: Comparative Constitutional Law Papers

20. Jurisdictional Reach of U.S. Courts  
Burnham, Chapter 7, Part II  
Internet cases

21. The American Approach to Pre-trial Discovery  
Burnham, Chapter 7, Part I

22. Juries as the Decisionmaker  
Inside the Jury Room (Video)
Uelman, Jury-Bashing and the O.J. Simpson Verdict
Jackson and Doran, Juries and Judges: A View from Across the Atlantic

23. Due Process and Punitive Damages
   BMW v. Gore

24. Challenges of Class Action and other Group Litigation
   Harr, A Civil Action
   Recommended: Erin Brockovich (movie)

25. Settlement
   Galanter, The Vanishing Trial

26. The American Legal Profession
   Goebel, Legal Practice Rights of Domestic and Foreign Lawyers in the United States
   Burnham, Chapter 4
   SAL, Chapter 31
   Recommended: SAL, Chapter 28

International Aspects of U.S. Law

27. International Law applied in the United States
   Burnham, Chapter 17, Part I

28. International Litigation in the United States
   Burnham, Chapter 17, Part II
Appendix B

Moritz College of Law
Course Proposal

Legal Analysis, Research, & Writing for International Students
Moritz College of Law
Course Proposal

Legal Analysis, Research, & Writing for International Students (2 credits)

Course Description

Legal Analysis, Research, & Writing for International Students is a two credit course designed to teach students with a law background from other countries the fundamentals of legal research and analysis in the United States and the conventions for communicating that analysis clearly and effectively to law-trained readers. To this end, you will be trained in library and online research tools. You will write two major papers, one predictive and one persuasive, and draft a contract. The course will provide hands-on experience to develop analytical and writing skills through multiple drafts of each paper, homework, in-class exercises, and conferences to discuss your papers with your instructor.

Class Meetings

This course will meet during the fall semester for two hours once a week for 14 weeks. Class attendance is mandatory and expected. Points will be deducted from your final grade for unexcused absences and tardiness. Students are expected to come prepared for class and to participate actively. Students may be called on randomly during class discussion. Assigned readings should be done in advance of class. Please bring your books to class. Unless otherwise instructed, do not do the exercises in the texts.

Course Materials

The following three texts are mandatory. They will be supplemented with handouts and exercises.


The Bluebook: A Uniform System of Citation (18th ed.).

Evaluation

There is no examination in this course. You will complete several written assignments for the course during the semester. Some will be critiqued but not graded. Others will be critiqued and graded. Each consecutive graded assignment will count toward a higher percentage of your final grade. The course will end, and the last assignment will be due, before
the beginning of the reading and examination period in December.

**Writing Assignments**

As is true in the practice setting, legal writing **deadlines are firm.** In the case of an emergency, I may, at my discretion, grant an extension if it is requested 24 hours in advance of the deadline. If your emergency is not a crisis for which you would consider approaching a judge, do not consider approaching me. Equipment failure does not constitute grounds for an extension. Accordingly, you need to budget your time so that you complete your assignments before they are due.

No extensions will be given without permission from me twenty-four hours in advance of the deadline. If you turn in an assignment after the deadline without permission, I will **deduct one percent from your final grade in the course.** An additional one percent will be deducted for each additional twenty-four hour period following the deadline that the assignment has not been turned in.

**Organization and Preservation of Work**

Please save an electronic back-up copy of each assignment. Please keep a copy of assignments that have been returned to you with comments. You will be expected to look at the comments you have received on previous assignments when completing new ones. In addition, you may want to use one of your assignments as a writing sample for prospective employers and may want to use the comments to edit it before submitting it.

**Course Ethics**

Although we will be doing some group work in class, the actual research and writing process for your assignments must be done individually. You may not look at, exchange, or otherwise share your research or written products with one another. You may not copy another person’s work, whether a draft or final version of a legal writing assignment, and whether you have their permission or not. Unless you have the specific permission of the instructor, you may not get editorial assistance from others. The work you submit must be entirely your own. **All writing must be done independently in order to comply with Article IV, Section (B)(2) of the College of Law Honor Code.** You may discuss your problem with others in the class, but you may not show any writing or lists of authorities to anyone else, including partners, spouses, and friends who are not law students, unless the instructor gives specific permission to do so. Remember that the point is for you to develop your own research and writing skills, by doing the work yourself.

Whenever you use the words or ideas of another writer, you should acknowledge the original source. If you use the exact words of a source, use quotation marks in addition to citing the source; if you put another writer’s ideas into your own words, cite the source without using quotation marks. Never copy from a court opinion, a law review article, or any other material without citing the source properly. If you are unsure about whether or not you are plagiarizing,
or if you are having difficulties with an assignment, talk with me BEFORE turning in the assignment.

**College of Law Honor Code Article IV(B)**

...  

(2) No student shall knowingly give or receive aid or assistance in any work assigned, including legal writing and research problems, Moot Court, Trial Practice, or any course, seminar, or other offering of the College of Law, when such aid or assistance has been prohibited or otherwise precluded by the instructor.

(3) No student shall plagiarize (1) in any written work assigned for any course or seminar, (2) in any work for Moot Court or (3) in any journal sponsored by the College. Plagiarism means knowingly copying or imitating the ideas or expressions of another and representing them as one’s own. Failure to acknowledge or cite a source which is copied or imitated constitutes the representation that the idea or expression is one’s own.

(4) No student shall knowingly steal, destroy or impede another student’s academic work. Impeding another student’s work includes, but is not limited to, the theft, concealment, defacement, or mutilation of common academic resources so that access and use by others is impeded.

**College of Law Honor Code Appendix B Sanctions**

Sanctions listed in Appendix B range from written or oral warnings to dismissal. Note that sanctions may also impact financial aid and the character and fitness process for the Ohio Bar.
# Sample Syllabus

**Legal Analysis, Research, and Writing for International Students**

<table>
<thead>
<tr>
<th>Week</th>
<th>Topics</th>
<th>Assignment</th>
<th>Written Assignment Due</th>
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<tr>
<td>1</td>
<td>Introduction to Legal Research &amp; the Federal System</td>
<td>Nedzel Chapt 2</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Legal Reasoning; Formulating a Rule</td>
<td>Nedzel Chapt 3 pgs 65-80</td>
<td>Bring 2 copies of rule formulation to class</td>
</tr>
<tr>
<td>3</td>
<td>The Research Process; Assignment for Office Memo</td>
<td>Nedzel Chapt 4</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Researching and updating caselaw; Citations</td>
<td>Nedzel Chapt 5 BlueBook: Intro, Blue pages, inside back cover</td>
<td>Citation Worksheet Due</td>
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<tr>
<td>5</td>
<td>Internet Legal Research; Workshops with representatives of Westlaw and Lexis</td>
<td>Nedzel Chapt 9</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Drafting an Office Memorandum</td>
<td>Nedzel Chapt 3 pgs. 82-97</td>
<td>Research Assignment Due</td>
</tr>
<tr>
<td>7</td>
<td>Rewriting and Style</td>
<td>Nedzel Chapt 7 JW Ch 1, pgs 15-21 JW Chs 4-5</td>
<td>First Submission Office Memo Due</td>
</tr>
<tr>
<td>8</td>
<td>Individual Conferences on Memos with Instructor</td>
<td></td>
<td>Bring self-graded memo to conference</td>
</tr>
<tr>
<td>9</td>
<td>Researching and interpreting constitutions, statutes, and international law; Assignment of Brief</td>
<td>Nedzel Chapt 6</td>
<td>Final Office Memo Due</td>
</tr>
<tr>
<td>10</td>
<td>Drafting Briefs</td>
<td>Nedzel Chapt 10, pgs 258-78</td>
<td>Annotated Outline Due</td>
</tr>
<tr>
<td>11</td>
<td>Persuasive Writing</td>
<td>Nedzel Chapt 10, pgs 278-81</td>
<td>First Submission Brief Due</td>
</tr>
<tr>
<td>12</td>
<td>Individual Conferences on Briefs with Instructor; Visit to Court</td>
<td></td>
<td>Bring self-graded brief to conference</td>
</tr>
<tr>
<td>13</td>
<td>Drafting Contracts</td>
<td>Nedzel Chapt 11</td>
<td>Final Brief Due</td>
</tr>
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<td>14</td>
<td>Exam Writing &amp; Legal Writing</td>
<td>Nedzel pgs 325-340</td>
<td>Contract Due</td>
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Appendix C

Moritz College of Law
Procedure for Approval for Courses Taken Outside the College of Law
Legal Analysis, Research, & Writing for International Students (2 credits)

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Whenever you use the words or ideas of another writer, you should acknowledge the original source. If you use the exact words of a source, use quotation marks in addition to citing the source; if you put another writer’s ideas into your own words, cite the source without using quotation marks. Never copy from a court opinion, a law review article, or any other material without citing the source properly. If you are unsure about whether or not you are plagiarizing,
or if you are having difficulties with an assignment, talk with me BEFORE turning in the assignment.

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