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The University of Georgia

Office of the Vice President for Instruction

March 13, 2007

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Dear Colleagues:

The attached proposal to modify the L.L.M. program will be an agenda item for the March 23, 2007, Full University Curriculum Committee meeting.

Sincerely,

William K. Vencill

Dr. William K. Vencill, Chair
University Curriculum Committee

cc: Dr. Arnett C. Mace, Jr.
Professor Jere W. Morehead

MEMORANDUM

To: Graduate Council
Graduate School
University of Georgia

From: Paul M. Kurtz

Re: Modification of the LL.M. Program

Date: February 2, 2007

Attached you will find a proposal to modify the current program for the LL.M. (Master of Laws, deriving from the Latin Legum Magister) degree. This proposal has the strong endorsement of the Law School and was suggested to us by the University's Program Review Committee during its inspection of the Law School during the 2005-06 academic year. This cover memorandum is designed to provide some context concerning the current program, the reasons for the proposed modifications and the results of our inquiry into the state of other LL.M. programs in the United States.

Please contact me if you have any questions about this proposal. We look forward to approval of it effective with the LL.M. class entering in August, 2007.

I. Present Program: The LL.M. is an advanced degree which follows the J.D. (Juris Doctor) degree, which, in turn, follows a baccalaureate degree. Traditionally, the LL.M. was an academic degree and was often earned by those aspiring to a career in the academy. Under the present LL.M. program, all students are required to complete 27 semester hours during a consecutive fall and spring semester, consisting of:

1) two semester hours for Graduate Seminar I during the Fall Semester and two semester hours for Graduate Seminar II during the Spring Semester;

2) at least 12 semester hours for courses in the regular Law School curriculum;

3) at least 7 semester hours on research preparation of the LL.M. thesis;

4) four semester hours for thesis work or additional law school courses or University graduate level courses relevant to the student's plan of study.

The present program also requires the completion no later than a reasonable time after the completion of course work of an LL.M. thesis which is a substantial research paper, normally 60 to 100 pages in length, meeting standards for publication in a reputable legal journal.

Enrollment in the current program has been in decline over the past 5 years. In the fall of 2001, the entering class numbered 25. Only once since then has the number exceeded 20 (22 in fall 2003). In the other years, we have had 15 students in 2002, 11 in 2004, 9 in 2005 and 16 last fall.

II. Outline of New Program: As detailed in the attached memorandum from Dean Wilner, the new program would replace the current one-track program designed originally to prepare students for a career as a law professor to a two-track system giving LL.M. students an opportunity to enroll in either: 1) a program designed to prepare a student for an academic career or 2) a coursework-intensive program aimed at providing international students a fairly broad exposure to United States law. In addition to creating this second alternative route toward the LL.M., the traditional "academic" version of the degree would be modified by replacing the current thesis requirement with a shorter LL.M. essay similar to that required in virtually all other United States law schools offering the LL.M. degree.

III. Rationale for a Change in the Program: For a great number of actual and potential graduate students in law, especially those who come to the United States from other countries, the LL.M. year is an extra year of professional training rather than an academic experience. Most international LL.M. students will continue as practitioners and will prefer to take courses that will be useful to them in their practice rather than engage in the academic writing that characterizes the LL.M. thesis. Most such students would rather "spend" their credits learning broad areas of American law, rather than writing on a narrowly focused topic. Thus, we believe that the proposal, in providing a non-thesis option, will help our program become more competitive in the market for international students.

Many international LL.M. students have a difficult time in preparing their thesis, often because of gaps in their mastery of the English language. This in turn creates a

great deal of extra work for faculty members supervising the LL.M. theses in accordance with the strict rules applicable to the current program. The requirement of a second faculty reader increases the pressure on the faculty. Faculty members are reluctant to give up time that could be used in their own research activities. Further, the July deadline for LL.M. students who cannot complete their thesis in May means that the thesis is submitted to the faculty supervisor (major professor) after the end of the semester when many faculty members have begun their summer activities and may be away from the university. Coordination between the students and faculty often becomes a major problem and results in the student leaving Athens before having completed the thesis and the final formalities.

As noted in the final report of the University Program Review committee which looked at the Law School in 2005-06, "[m]aintaining an adequate but small number of LLM students and insuring that those students have the ability to write a thesis in English represent the two main challenges facing the LLM program." In the exit interview with Dean Rebecca White, the University Program Review Committee encouraged the Law School to propose a modification such as the one we are proposing.

By providing a course-only LL.M. option and changing the writing component (for those electing to write a major paper) from an academic thesis to a shorter LL.M. essay, we are confident that we will be able to attract a larger and better-qualified student body for the program. We would expect that over the next 5 years we would regularly enroll 17-20 students in the program, as compared to the average of fewer than 15 students over the past 5 years.

IV. Other LL.M. Programs in the United States. Gabriel Wilner, the Charles Kirbo Chair and Director of Graduate Legal Studies, reviewed the LL.M programs at 22 peer institutions in the United States. All the LL.M. programs are one academic year programs. One school, the University of Wisconsin, requires a thesis, but only for students who intend to pursue an academic career. Most law schools have a courses-only LL.M. program with at least two hours of some type of legal writing through a seminar or research supervised by a law school professor. Some law schools, like Columbia and Northwestern, offer alternative tracks in their LL.M. programs. In fact, our proposal closely tracks the Columbia program, which permits students to opt either for an all-courses program or for a program in which the individual student prepares a law school Master's Essay for three to eight hours of course credit. The student must find a faculty member who assists in the preparation of a proposal for the Essay which must be approved by the director of the LL.M. program.

The number of required credit hours varies somewhat among LL.M. programs. Most programs require 24 hours of academic credit, including 2 to 4 credits for research and writing. Law schools with a two track system provide for a total of 24 hours and may

allow up to 6 to 8 hours of research and writing. A number of law school LL.M. programs require from 20 to 24 hours of credit.

Proposed Modifications in the Requirements for the Master of Laws Degree

The LL.M. Program

The University of Georgia Master of Laws (LL.M). Program offers a limited number of qualified and highly motivated persons who already hold law degrees the opportunity to pursue an individually fashioned program of course work in areas of law in which they are professionally interested. Except for the Graduate Seminar, LL.M. candidates take the courses and seminars open to J.D. students. The LL.M. degree is awarded upon the successful completion of 24 semester hours of credit during two consecutive semesters of residency in a single academic year. The academic year consists of a fall semester of 15 weeks, beginning in the second half of August, and a spring semester of 15 weeks, commencing in the second half of January.

LL.M. candidates may opt for the **All-Courses track** in which case their program will consist of courses offerings. Alternatively, candidates may elect to follow the **LL.M. Essay track**, substituting the LL.M. essay for six semester credit hours of courses. LL.M. candidates who opt to prepare the LL.M. essay have until December 1 of the calendar year in which they complete the required residency to submit their completed and graded work to the law school registrar.

LL.M. candidates who have received their training outside of the United States are expected to expand their knowledge of the American legal system. These students take the two-credit Graduate Seminar I in the fall semester. Both American and international LL.M. candidates take Graduate Seminar II (one credit) in the spring semester.

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The Course of Study

LL.M. candidates are encouraged not only to take subjects of immediate professional interest not fully covered during their prior legal studies but also to expand their understanding of law and legal issues. For international LL.M. candidates a possible program of study might include courses in U.S. law (such as constitutional law), in international law, in non-law subjects, and in a basic subject offered to first year J.D. students. The study of contracts, torts or another first-year course will help the student to acquire an understanding of common law legal analysis.

During the week before the beginning of classes, the LL.M. candidates are introduced to the University of Georgia through the orientation programs sponsored by the Graduate School and other university offices. The law school LL.M. orientation program takes place the day before classes begin.

An important characteristic of the LL.M. program is the flexible approach it offers in fashioning an individual program for each LL.M. candidate. In individual meetings with the director of Graduate Legal Studies, during the law school orientation, each student finalizes his or her own schedule of courses based on the proposed program of study submitted as part of his or her application. Students take ten to fourteen semester credit hours each semester. Non-Law School courses appropriate to the study program of a student may be authorized by the director of Graduate Legal Studies for up to six semester hours of credit.

The Graduate Seminar

Graduate Seminar I is required only for all non-United States LL.M. students. It focuses on certain aspects of law in the United States, in particular the federal system. A number of law faculty members lecture in the Graduate Seminar I. An extensive program on legal research and writing in American law is an essential component of the Graduate Seminar and is offered to international LL.M. candidates throughout the year. Training in the use of research tools, including computerized research, is a further key element of the legal research and writing program in the fall semester. All international LL.M. candidates write a 25-page research paper on a timely issue of American federalism.

Graduate Seminar II gives LL.M. students the opportunity to make oral presentations of legal issues subject areas of particular interest to them, followed by discussion with the other students.

The Legal Writing Requirement

Each LL.M. candidate must prepare either: an LL.M. essay, a research paper for a seminar or course given at the law school or a two-credit supervised research paper, under the direction of a member of the law school faculty.

The LL.M. Essay

The LL.M. essay is a substantial research paper, normally 40 to 60 pages in length, meeting standards for publication in a reputable legal journal. Six semester credit hours of the required twenty-four hours for the LL.M. degree will be given to LL.M. candidates who elect to prepare an LL.M. essay under the direction of a full-time member of the law school faculty. A student must state his/her intention to prepare an LL.M. essay in the application to the LL.M. program, and must provide a provisional title and a two-paragraph description of the intended work.

The opportunity to prepare an LL.M. essay will be given only if it is ascertained that a member of the law school faculty possesses sufficient specialized expertise in the

subject of the proposed essay and is willing to direct it. Applicants will be notified whether or not their request to take the LL.M. essay track has been granted. If the request has not been granted, the student may enroll in the All-Courses track.

The degree awarded is the LL.M., without reference to specialization.

Requisites for Applying for the LL.M.

American law students who wish to pursue the Master of Laws degree must hold a J.D. degree from a law school member of the Association of American Law Schools, approved by the American Bar Association, or which is state-accredited. Students from other countries who wish to apply for the LL.M. must hold a degree equivalent to the J.D. from a recognized law school.

LL.M. applicants must have an academic record and study program acceptable to the faculty of the UGA School of Law. Each student's qualifications and record of legal studies must reflect high scholarly aptitude, and the data required in the LL.M. application forms must set forth a well-conceived plan of study. Furthermore, international applicants must possess proficiency in English as demonstrated by results of the Test of English as a Foreign Language (TOEFL). An LL.M. candidate must score at least 100 on the TOEFL to be considered for admission to the program.

Degree Approval

At the end of the second semester of resident study, the law school will review the LL.M. candidate’s file. Each LL.M. candidate is required to maintain a 2.67 (B-) average for all the course work; students on the LL.M. essay track must receive at least the grade of 3.0 (B) for the essay. When all requisites are fulfilled, graduation is recommended by the School Law and authorized by the Dean of the Graduate School.

Annex

SEMESTER CREDIT HOURS REQUISITES FOR THE LL.M. DEGREE

The possible alternatives are the following:

A. ALL- COURSES TRACK FOR U.S. LAW STUDENTS

Courses – 21 hours (7 three-hour courses)
Writing requirement-2 hours
Graduate Seminar II –1 hour

B. LL.M. ESSAY TRACK FOR U.S. LAW STUDENTS

Courses – 17 hours (5 three-hour and 1 two-hour courses)
LL.M. Essay – 6 hours
Graduate Seminar II – I hours

C. ALL- COURSES TRACK FOR INTERNATIONAL STUDENTS

Courses – 19 hours (6 three-hour and 1 one-hour courses)
Writing requirement –2 hours
Graduate Seminar I&II – 3 hours

D. LL.M. ESSAY TRACK FOR INTERNATIONAL STUDENTS

Courses- 15 hours (5 three-hour courses)
LL.M. Essay – 6 hours
Graduate Seminar 2 & 1 – 3 hours