ATTACHMENT A
CURRICULUM DETAILED ON PAGES 5 to 8

March 9, 2015 – Revised April 13, 2015 – Approved by College of Law Faculty May 6, 2015

To: College of Law Curriculum Committee and Faculty

From: Mark Adams, Dean and Professor of Law and Jeffrey A. Dodge, Associate Dean for Students & Administration and Associate Clinical Professor of Law

Subject: Proposal to Establish an LL.M. Degree

The University of Idaho College of Law administration proposes the creation of an LL.M. (Masters of Law) degree program to begin in Summer 2016. The LL.M. degree will start with four emphasis areas that align with our J.D. curricular strengths at the College of Law: Democracy, Justice & the American Legal System; Natural Resources & Environmental Law (NREL); Business Law & Entrepreneurship (BLE); and Litigation and Alternative Dispute Resolution (LADR). The LL.M. is a graduate law degree, and all incoming students would be required to have a first degree in law, in this country that is a J.D. degree, but in many others it is a Bachelors degree. The LL.M. program will primarily recruit lawyers from foreign countries and provide approximately 9 to 12 months of instruction in Moscow at the University of Idaho.

Ideal Proposal Time Frame
- March 9, 2015 – Proposal to the Chair of the College of Law Curriculum Committee
- March 2015 – Curriculum Committee Reviews Proposal at Two Meetings
- April 1, 2015 – Proposal Memo Discussed at the College of Law Faculty Meeting and Voted On (if ready)
- May 6, 2015 – Proposal Memo Voted on by College of Law Faculty (if not in April)
- May 2015 – Complete Idaho State Board of Education Proposal for Graduate and Doctoral Degree Form (Attachment A) and Baccalaureate and Graduate Degree Programs Budget Template (Attachment B) to Reflect Faculty Approval; Submit SBOE Forms to the Provost’s Office; and Begin ABA Acquiescence Questionnaire to Start a Non-J.D. Degree (Attachment C)
- Summer 2015 – Develop Marketing Materials for Use After ABA and SBOE Approvals
- July 2015 – ABA Acquiescence Questionnaire Due to the ABA
- September 2015 – UCC and Faculty Senate Approval
- September 2015 – ABA Accreditation Committee Meeting to Review for Acquiescence
- December 2015 – Proposal Before the State Board of Education for Approval
- January to May 2016 – Attend Recruiting Events, Initiate Marketing and Process Applications; Enroll Students and Issue Student Visa Documents
- August 2016 – Enroll First Class of LL.M. Students

Justification
This degree will provide significant value to the LL.M. students that enroll. The goal of the program is to strengthen the foreign lawyers’ knowledge of various aspects of American law, especially for those seeking to sit for a bar exam in states that permit it. For foreign and
domestic students looking to specialize in one of our J.D. emphasis areas, the program allows them to chart out a focused area of study in the field of their choice. For international lawyers, this knowledge and the accompanying degree are designed to advance the careers of lawyers working abroad or doing business with American companies, governments, and organizations. The degree also prepares recipients to participate in rule of law development efforts in their home countries. A thesis option will provide an opportunity for LL.M. recipients to prepare for academic positions, but is not required nor available for every emphasis.

The LL.M. program will also be a significant benefit to our approximately 350 J.D. students. Our J.D. students will have the opportunity to meet experienced lawyers from other countries, learn about the system of laws in those countries, and expand their knowledge of other cultures and legal systems. In an increasingly global legal market it is imperative that American law students gain exposure to and knowledge of legal systems throughout the world.

The LL.M. program will operate closely parallel to the existing J.D. program. For example, an LL.M. student will take the same Business Organizations course as the J.D. students. All of the classes in the LL.M. program will be shared with the J.D. program except two new courses called Introduction to American Law and Legal Education and Legal Writing and Research for LL.M. Students. They will be new courses taught initially as 901 seminars. The Introduction course will be required for all international students in the LL.M. program and the Legal Writing course will be required for all students in the Democracy, Justice & American Legal System emphasis. The integration of the LL.M. students into the J.D. classroom environment for all other courses allows for the efficient allocation of law school resources to the new program. The integration also provides the opportunity to reap the educational benefits of direct interaction between J.D. and LL.M. students studying in the same academic environment.

It is expected that most LL.M. degree recipients will return to influential legal, academic, and business positions in their home countries after completion of their study. The degree affiliation of these lawyers with the University of Idaho and their experience living in Idaho could play a positive role in their encouraging future foreign investment in this state, tourism, and greater diplomatic understanding. The graduates of our LL.M. program also support the University of Idaho’s internationalization efforts and offer the College of Law an immediate international network of alumni. (See Attachment D - LSAC data that shows the gender and county of origin for fall 2013 applied and enrolled LL.M. students)

**Competition**

There are no similar programs in the state or local region (within 250 miles of Moscow). Gonzaga University used to have an LL.M. but now will recognize 30 credits of foreign coursework to the J.D. degree instead. The J.D. degree is the only option at Gonzaga. The University of Montana, Seattle University, and Concordia University also do not have LL.M. degrees. Lewis and Clark has LL.M. degrees in Animal Law and Environmental Law. Willamette has LL.M degrees in Dispute Resolution, Transnational Law and a General concentration geared toward international students. The University of Washington has numerous LL.M. degrees in a variety of subjects. UW and Willamette thus appear to be the closest regional competitor with an LL.M. degree emphasis focused on international students. UW currently charges out of state and international students $45,024 per year and Willamette charges $39,355. Our current out of state and international student tuition is $30,010, making us the most cost conscious choice.
Looking a bit farther away, the University of Oregon has LL.M. concentrations in Environmental and Natural Resources Law, Business Law and American Law, but Eugene is 450 plus miles away from Moscow. Just a bit further away, the University of Utah offers an Environmental and Natural Resources LL.M. and Brigham Young University has an LL.M. in American Law for international students. Given the focus of the former and the religious affiliation of the latter, these two programs also do not seem to be much in the way of competition for students.

**Program Demand and Productivity**

The law school anticipates that initial enrollment in the program will be modest and will grow as the reputation of the program spreads internationally. The College of Law anticipates an initial enrollment of 5 to 10 LL.M. students in the first couple of years with enrollment increasing by the fourth year of the program to approximately 10 to 15 students annually. If interest in the program grows beyond those projections, the College will reevaluate whether additional faculty and staff resources are needed to handle the growth and whether we want to increase at all.

The estimates for the number of students to enroll come from the law school’s study of other LL.M. programs at American law schools. Typically the LL.M. programs at schools with J.D. degree programs of approximately 300 to 400 students will enroll 10 to 20 students in their LL.M. program each year. The law school will initially reallocate administrative time of the Deans to launch the program by traveling to countries in Asia, Europe, and Latin America to establish relationships with potential students. Deans Adams and Dodge have run programs like this at other institutions and are familiar with the avenues to recruit potential students. The LSAC also now runs an LL.M. Credential Service, which allows law schools to generate reports of potential LL.M. students and market to them electronically. Significant in person travel will be needed at first, but as the program grows the travel will phase into a regular pattern.

**Administration & Faculty**

The administrators involved are: Dean, Associate Dean for Students & Administration, Associate Dean for Faculty, Assistant to the Deans, Director of Admissions, Director of Academic Success, and Assistant Dean for Career Development. It is currently expected that the Associate Dean for Students & Administration will serve as the Faculty Director of the LL.M. program and lead the recruitment and enrollment strategies. The Associate Dean role will be reviewed to permit the addition of these responsibilities. Advising of the students will fall to faculty the students are working with to meet their curricular goals in emphasis areas. The Faculty Director, with the support and assistance of interested faculty, will teach the introductory course in an intensive fashion in August before schools starts each year. The administration will evaluate how best to offer Legal Writing and Research for LL.M. students with the faculty resources available or a qualified adjunct professor.

**Application for Admission Requirements**

To be considered for the LL.M. program, an applicant must have a J.D. (Juris Doctor) from an accredited U.S. law school or a first law degree (J.D., LL.B. or the equivalent) from a foreign law school. Admission to the LL.M. program is competitive. In evaluating applications, the Committee takes into consideration the applicant's grades and rank in his or her law school and other university studies, letters of recommendation, occupational interests, professional and personal accomplishments, and other factors. The program is designed for intellectually curious and thoughtful candidates who come from a variety of legal systems and backgrounds and who
have demonstrated an intent to return to their country to contribute to academia or the legal profession. The College is equally interested in applicants pursuing careers in law teaching and research, government service, the judiciary, international organizations, non-governmental organizations and private practice.

The following items are required as part of the application process:

- Non-refundable $50 application fee
- LL.M. Application (through LSAC or in hard copy directly)
- Law School Admission Council Credential Assembly Service (CAS) Report (if applying through LSAC, if not then all materials should be sent directly to the College of Law)
- Transcripts from former institutions
- CV/Resume
- Personal Statement - Not to exceed 3 pages and includes your reasons for wanting to study law and your reasons for wanting to study law at the University of Idaho.
- Letters of Recommendation - At least 2 are required. You may choose whomever you wish to write on your behalf. However, it is strongly recommended that at least one letter come from a post-secondary professor whose class you have taken if possible.
- A detailed addendum of explanation if any question on the CHARACTER AND FITNESS section is answered “Yes.”
- An Employment Addendum if Question 16 is answered “No.”
- A TOEFL, IELTS or other score if you were educated outside of the U.S., your native language is not English, and you have received no educational instruction in English.
- Thesis Proposal (Optional) – Include a summary of the type of research you hope to complete at the University of Idaho. The proposal should indicate if there are faculty you hope to work with on the research.

Bar Examination Opportunities for Graduates
This program is intended to give foreign lawyers knowledge of American law that will enhance their careers in their home country. The degree program’s emphasis on Democracy, Justice & the American Legal System will be marketed as a track that would allow students to take a bar exam and become licensed to practice law in the U.S. The other emphasis areas will not qualify students. While Idaho is not a state they would be able to practice in, there are other states, like New York and California, that would recognize this degree as qualifying for the bar examination. The College of Law will provide career counseling, resume review, and guidance to LL.M. students as they pursue their degree and prepare to return to their home country.

Curriculum
To earn the LL.M. degree, students will be required to successfully complete a minimum of 24 credits and maintain a 2.0 or higher. The students will begin with a late summer course called Introduction to American Law and Legal Education (2 credits). The 24-credit requirement is in line with other LL.M. programs around the country. If students are interested, they may arrive earlier than the start of this course and access the University of Idaho’s American Language and Culture Program. Applicants must receive a satisfactory score on the TOEFL, IELTS or other English language proficiency exam, but the opportunity to participate in the American Language and Culture Program will be made available to all as English will be their second language. The University’s English language satisfaction options are as followed:
• TOEFL: 550 on the paper test or 79 on the internet test
• IELTS: Minimum score of 6.5
• UI American Language and Culture Program: With a Level 6 Pass
• Earned degree at an accredited institution OR successfully completed upper level college courses, both taught and evaluated in English

The Introduction to American Law and Legal Education course will introduce the LL.M. students to the various structures and sources of American law. This will include topics such as: the civil law and common law systems, the United States Constitution, the branches of government, statutes, and regulations, and the expectations at U.S. law schools. The course will draw on the rich resources of our faculty, local attorneys, and regional court systems through guest speakers and field trips.

The LL.M. students will otherwise be able to enroll in classes already offered at the law school to complete their remaining 24 credits. The rules for an F-1 student visa require they be enrolled full time. The students who enroll in, for example, the summer of 2016 are thus expected to complete the program in May 2017.

The law school will also offer a limited number (maximum 5) of LL.M. students the option of completing a thesis project. An applicant for the LL.M. program will have to apply to be admitted to the program under the “thesis option.” This will give the law school the ability to assess whether the student has the ability to complete a substantial written project during the academic year. A faculty member would need to agree in advance to work on the thesis paper with the student over the year, so a thesis plan is expected at the time of application. The faculty advisor for the thesis will guide the LL.M. students in the development of their topic, help them to identify other faculty members that may provide assistance, and monitor the student’s progress towards completion of the thesis. Students in the thesis option will be required to enroll in a 2-credit directed study course in the spring, which will count toward the 24 credits need to receive the LL.M. degree.

Finally, the law school will provide additional opportunities for LL.M. students to learn about the American legal system through invitations to events such as faculty colloquia and symposia, conferences, court hearings, Bellwood and more.

**Emphasis Curriculum**

The LL.M. degree will have four curricular emphasis areas to start and can be added to over time. Aside from the Democracy, Justice & the American Legal System emphasis, the curriculum will line up with the expectations of students in the J.D. emphasis areas, but be compressed to account for the short time frame students are enrolled in the LL.M. All international students, regardless of emphasis area, must take Introduction to American Law and Legal Education (2 credits). The emphasis area requirements then split off as followed. As a note of caution, at the time this memo was prepared this portion had not been vetted by the emphasis area faculty, but is being sent to them for review and feedback. Below is a first attempt to translate the emphasis expectations in the J.D. program to a one-year LL.M. degree. Students who need to complete a substantial writing paper or thesis can do so in a paper course or under the supervision of a faculty member in a directed study.
Democracy, Justice & the American Legal System
In this emphasis area, students are required to take the following classes:

- Legal Writing and Research for LL.M. Students (2 or 3 credit separate writing course)
- Professional Responsibility

While it is recommended they take as many of these courses as possible, students must also complete at least six credits of bar exam-tested coursework in the following subjects:

- Advanced Torts
- Business Associations
- Civil Procedure I & II
- Conflict of Laws
- Constitutional Law I & II
- Contracts
- Criminal Law
- Criminal Procedure
- Evidence
- Family Law
- Native American Law*
- Property
- Property Security
- Sales
- Torts

*Native American Law can satisfy requirements for the LL.M. degree, but cannot be counted by students seeking to sit for a bar exam.

Natural Resources and Environmental Law
In this emphasis area, students are required to take the following classes:

- Administrative Law
- Environmental Law or Introduction to Natural Resources Law

Students are also expected to take at least 10 credits of natural resources and environmental law courses from the following list:

- Environmental Law
- Environmental Policy
- Interdisciplinary Methods in Water Resources
- International Environmental and Water Law
- Introduction to Natural Resources Law
- Land Use Law and Planning
- Law, Science, and the Environment
- Lawyering Process
- Native American Natural Resource Law
- Natural Resource Law Seminar
- Water Law I
- Water Law II
- Water Law Practicum
- Water and Energy Policy Seminar
- Wildlife Law and Policy
- Up to 3 credits may be satisfied by non-law graduate courses with approval of both the NREL LL.M. emphasis advisor

Business Law and Entrepreneurship
In this emphasis area, students are required to take the following classes:

- Business Associations
- Contracts
Students are also expected to take 9 credits of additional business law and entrepreneurship courses from the following list:

- Accounting for Lawyers
- Administrative Law
- Advanced Torts
- Antitrust
- Bankruptcy
- Consumer Law
- Copyrights
- Corporate Taxation
- Cyberlaw
- Introduction to Intellectual Property
- Mass Media Law
- Negotiable Instruments
- Partnership & LLC Taxation
- Patents
- Property Security (if not taken as a required course)
- Real Estate Transactions
- Sales (if not taken as a required course)
- Securities Regulation
- Suretyship and Guaranty
- Taxation
- Trademarks & Trade Dress
- White Collar Crime
- Workplace Law

**Litigation and Alternative Dispute Resolution**

In this emphasis area, students who want a general law focus are required to take the following classes:

- Administrative Law
- Negotiation and Appropriate Dispute Resolution
- Civil Mediation or Family Mediation

Students must then take at least 6 additional credits from the list below:

- Constitutional Law I
- Constitutional Law II
- Evidence
- Lawyering Process
- Remedies

In this emphasis area, students who want a criminal law focus are required to take the following classes:

- Criminal Law
- Criminal Procedure
- Negotiation and Appropriate Dispute Resolution
- Civil Mediation or Family Mediation

Students must then take at least 3 additional credits from the list below:

- Advanced Criminal Procedure
- Advanced Topics in Criminal Procedure
- Constitutional Law I
- Constitutional Law II
- Evidence
- White Collar Crime
In this emphasis area, students who want a family law focus are required to take the following classes:

- Family Law
- Negotiation and Appropriate Dispute Resolution
- Family Mediation

Students must then take at least 7 additional credits from the list below:

- Children and the Law
- Community Property
- Wills, Trusts & Estates
- Constitutional Law II
- Domestic Violence and the Law

Students in this emphasis area are required to compete in either the mediation or negotiation intermural competition held annually.

**Grading**

Unlike many of the J.D. students, English will not be the first language of LL.M. students. They also will not have an advanced understanding of the common law system as they usually come from civil law countries. The legal writing and research skills in those countries are markedly different. It is very common for LL.M. students to be more direct than analytical. Their writing is more about the rule and conclusion then articulating the issue and applying the facts. Civil law systems are, in short, more focused on the rules then the argument. These facts, coupled with the reality that LL.M. students are here to learn more about the common law systems, develop their legal English skills, and grow academically in a shorter time than J.D. students, it is important for their grading assessment to also be different and not directly comparative. We suggest we grade LL.M. students with the following guidance:

- A – Very Good – Excellent Performance
- B - Good – Performance Above Average
- C - Pass – Performance Worthy of Credit
- D or F – Fail – Performance Unworthy of Credit

It is important to note that because LL.M. and J.D. students are not comparable in terms of performance in classes, they will not be ranked together either. LL.M. students will not have a class rank, just a GPA and their degree.

**Recruiting and Marketing Strategy**

The College of Law will take J.D. promotional pieces and emails, like the viewbook and prospective student emails, and repurpose them with LL.M. specific information. The primary recruiting tool will be an LL.M. viewbook about the College, Moscow, and the degree program. The LL.M. CRM resource will also be used to communicate with prospective students electronically.
A complete plan, similar to what is done for the J.D. program, will be developed in summer 2015. Recruiting events around the world are available through EducationUSA, QS World Grad School Fair, embassy presentations, online college fairs, and more. The College will also maximize our recruiting efforts by making sure COGS and IPO have materials about the LL.M. program for when they do international recruitment. Efforts will be made to use faculty relationships to schedule campus visits to present to undergraduate law students abroad.

**Enrollment Goals & Credit Hours**
Below is a breakdown of the anticipated enrollment in the LL.M. program and the anticipated credit hours needed to support the program each year. The number of credit hours are being provided to show that the impact of these additional students on the seats in classes. In spring 2015 alone, the capacity in University of Idaho College of Law classes was well over 1,000 hours in Moscow.

<table>
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<tr>
<th>Year</th>
<th>Enrollment</th>
<th>Annual Credit Hours</th>
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</thead>
<tbody>
<tr>
<td>2016-17</td>
<td>5</td>
<td>120</td>
</tr>
<tr>
<td>2017-18</td>
<td>10</td>
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<td>10</td>
<td>240</td>
</tr>
<tr>
<td>2019-20</td>
<td>15</td>
<td>360</td>
</tr>
<tr>
<td>2020-21</td>
<td>15</td>
<td>360</td>
</tr>
</tbody>
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**Budget Considerations**
For the most part, operating the LL.M. program utilizes the resources already available through our J.D. program. The following details the known costs to initiate such a program:

ABA Application for Acquiescence - $6,000
Marketing Materials – Design, Print & Mail - $10,000
Recruitment Abroad - $15,000 the first year and $10,000 annually thereafter
Library Resources - $2,000
General Supplies and Materials - $2,000

The above costs do not include faculty or staff labor to recruit, enroll and support the new LL.M. program. On the revenue side, each international student pays out of state tuition, which this year is $30,010. Many schools offer nominal scholarships to show interest in their admitted students, but with our lower tuition, we may not have to. For each student we enroll, we get their total professional fee, approximately $85K for 10 students and they will go into our overall enrollment, helping our centrally allocated budget. If we only enroll five students in the initial year of the program, our revenue will still exceed our expenses. When we are able to enroll closer to 10 students each year (more or less in some years) the financial gain will far exceed the expenses needed to maintain the program. Operating the LL.M. program will thus not take away financially or resource wise from the J.D. program.