

Agenda Item: I.B.

DATE: November 19, 2015

SUBJECT: University of Tennessee – Knoxville, Master of Laws (LL.M.) United States Business Law

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: The University of Tennessee Knoxville has developed a curriculum proposal for the Master of Laws (LL.M.) in United States Business Law. The LL.M. is an advanced law degree that allows a practicing lawyer who has already earned a J.D. or its foreign equivalent to attain specialized knowledge useful for practice. The proposed LL.M. program will target foreign-educated lawyers seeking a credential in U.S. Business Law.

In Tennessee, as well as other states, a practicing lawyer who has received a law degree from another country may sit for the state's bar exam and apply for admission, provided the lawyer receives additional education from a law school accredited by the American Bar Association (ABA) and satisfies the state's other eligibility requirements. The proposed LL.M. program will provide the required additional educational requirements. The curriculum for the LL.M. program is based on an existing concentration (Business Transaction) and it is anticipated that the degree will be completed in one year.

The practice of law is increasingly global. To provide the full range of legal services that many clients require, today's lawyers may need an understanding of the legal system that exists in their home countries and well as other countries. The proposed LL.M. program may serve as a bridge that links a foreign-educated lawyer's existing knowledge and experience to an understanding of the U.S. legal system.

The UT College of Law has developed strong ties with several law schools in China and Australia. The College is confident that it can attract quality students from these institutions and from law schools in other countries. The proposed program will position the UT College of Law to prepare lawyers to practice in a global marketplace.

PROPOSED IMPLEMENTATION DATE: Fall 2016

1.1.20A MISSION: The proposed LL.M. program will advance the institutional mission of the University of Tennessee Knoxville and the UT College of Law. The program supports the University's mission of "enriching and elevating the citizens of the state, the nation, and the world." The program will attract internationally trained lawyers who will each bring their own unique perspectives to the classroom.

UTK's 2015 vision calls for creating value "through economic, social, and environmental development targeted to an increasingly global and multicultural world." The LL.M. program will provide a valuable educational benefit to lawyers who have already earned a legal degree in another country and provide opportunities to build and expand legal and business relationships between Tennessee and other countries.

1.1.20B CURRICULUM: The LL.M. in United States Business Law will be a one-year program consisting of 24 credit hours. The curriculum consists mainly of the existing courses in the Business Transaction concentration (17 credit hours). The remaining curriculum will consist of the following courses: Structure and Operation of the American Legal System (two credits), Legal Research, Writing and Analysis (two credits), and Legal Ethics (three credits).

Completers of the LL.M. program will be eligible to sit for a state's bar examination, provided they satisfy all other requirements.

1.1.20C ACADEMIC STANDARDS: Program admission requires a foreign law degree (qualifying them to apply for or sit for a licensing examination); a minimum 2.0 overall undergraduate GPA; and competency of the English language sufficient to allow them to achieve success in the LL.M. program.

Students enrolled in the LL.M. degree program will be graded on a No Credit/Satisfactory, Honors, or High Honors basis. In order to remain in good academic standing, students enrolled in the LL.M. program must earn a grade of at least Satisfactory in two-thirds of the required courses.

Projected Program Enrollment and Productivity

Enrollment projections for the proposed LL.M. program are based on existing relationships with three prominent law programs in China and one in Australia. Dean Han of the Renmin Law School in Beijing has committed to offering his students the opportunity to enroll in the proposed program. The UT College of Law has also developed an exchange program with Queensland University in Australia. As a result of these existing relationships, the initial enrollment projections are based on attracting students from China and Australia coupled with a focused marketing program to attract students from other countries in the future.

Year	Enrollment	Graduates
2016	3	3
2017	4	4
2018	7	7
2019	10	9
2020	10	9

1.1.20D FACULTY: The current ten full-time faculty who regularly teach courses in the Business Transaction concentration are adequate to support the program. In limited instances, an adjunct faculty member may teach a course associated with the proposed degree program.

1.1.20E LIBRARY RESOURCES: Existing law school library and information technology resources are adequate for program implementation. These resources meet or exceed the standards established by the American Bar Association.

1.1.20F ADMINISTRATION/ORGANIZATION: This program will be offered through the University of Tennessee College of Law's Clayton Center for Entrepreneurial Law. The Center's director will have primary responsibility for administration of the program. The director's administrative and service responsibilities will be reduced due to the new responsibilities associated with the proposed LL.M. degree.

1.1.20G SUPPORT RESOURCES: Students will have access to a wide range of support resources, including advising support from the program director. Additionally, a Chinese librarian in the College of Law will serve as an advisor to any applicants from China.

The UT College of Law, through its International Law Student Association, will coordinate with the University's International House to help integrate LL.M. students in the law school, university, and broader Knoxville communities. Students will also have the opportunity to meet with local lawyers and business leaders in conjunction with the College of Law's Alumni Development and Pro Bono office.

1.1.20H FACILITIES AND EQUIPMENT: Current facilities and instructional equipment are adequate to support the program.

1.1.20I NEED AND DEMAND: According to the American Bar Association, the demand for LL.M. programs increased 52 percent from 2000 to 2012. Coupled with this demand, the Law School Admission Council recently reported an increase in LL.M. applications for 2015, with the highest increase (38 percent) occurring in law schools located in the Southeast. The proposed LL.M. program will contribute to meeting this demand especially with the focus on foreign-educated lawyers. Familiarity with U.S. business law will give foreign-educated lawyers greater understanding of U.S. legal principles and assist them in

interactions with legal professions in the United States or abroad. The demand for American LL.M. programs has increased dramatically in recent years, especially from Asian countries. The UT College of Law has established strong relationships with several prominent Chinese laws schools.

1.1.20J NO UNNECESSARY DUPLICATION: Establishing the proposed degree program will not result in an unnecessary duplication. The proposed program will be the only LL.M. program in operation at a public law school in Tennessee. The only LL.M. program currently available in Tennessee is at Vanderbilt University.

1.1.20K COOPERATING INSTITUTIONS: N/A

1.1.20L DIVERSITY AND ACCESS: The UT College of Law already boasts a diverse student body. For example, the Class of 2018 has an ethnic diversity of 22 percent. The proposed LL.M. degree will enhance the diversity of the Knoxville campus as well as enrich the education of other students. Law students will be taking classes with practicing lawyers where they will bring with them their own perspectives from their countries. These perspectives will expand the worldview of traditional law students.

1.1.20M ASSESSMENT/EVALUATION AND ACCREDITATION: The proposed LL.M. program will be evaluated annually to ensure program viability and effectiveness. The program director will evaluate the curriculum every two years to ensure that it remains effective and relevant. Students will complete surveys to assist in determining program strengths and weaknesses. Adjustments to instruction, advising, scheduling and other practices will be made as needed based on the results of these assessments. Additionally, the program will be evaluated externally every five years.

The American Bar Association does not currently accredit LL.M. programs. Accordingly, the UT College of Law requested “acquiescence” from the ABA and demonstrated that the proposed LL.M. program would not detract from the College’s ability to maintain a solid J.D. degree program. The UT College of Law received acquiescence from the ABA in July 2015.

1.1.200 EXTERNAL JUDGMENT: External review of the proposed program was conducted during an institution site visit on September 8-9, 2015. Mr. Bryan Fair, Thomas E. Skinner Professor of Law at the University of Alabama, served as the external reviewer. Mr. Fair directs the University of Alabama’s LL.M. program for international students. He stated that the proposed program has several strengths that include talented and dedicated faculty and staff, commitment from all levels and significant success with the existing concentration in Business Transaction.

Mr. Fair stated that “based on the materials and my on-site meetings, I am convinced that the University and its College of Law have the commitment to implement and administer an outstanding International LL.M. program for foreign-trained lawyers.”

1.1.20P COST/BENEFIT: The cost to administer the proposed LL.M. program will be significantly less than its potential revenue raising capabilities. Expenditures for the program will include a one-third staff position to provide administrative support, adjunct faculty salary and marketing. Projected revenue from out-of-state tuition will offset the projected expenditures, even based on a conservative estimate of student enrollment.

1.1.30 POST APPROVAL MONITORING: An annual performance review of the proposed program will be conducted for the first five years following program approval. The review will be based on benchmarks established in the approved proposal. At the end of this period, the campus, governing board, and Commission staff will perform a summative evaluation. The benchmarks include, but are not limited to, enrollment and graduation, program cost, progress toward accreditation and other metrics set by the institution and agreed upon by governing board and Commission staff. If benchmarks are not met during the monitoring period, the Commission may recommend that the governing board terminate the program. If additional time is needed and requested by the governing board, the Commission may choose to extend the monitoring period.