

BACKGROUND AND REQUEST

CASE WESTERN RESERVE UNIVERSITY Master of Laws in International Business (LL.M.)

RECOMMENDATION

This program clearly meets the Chancellor's standards for graduate degree programs. The Regents' Advisory Committee on Graduate Study recently voted unanimous approval for the new degree program. There were no serious concerns raised in the review.

Request: Case Western Reserve University (CWRU) School of Law requests approval for a Master of Laws (LL.M.) in International Business degree program.

Program Mission and Background: The proposed LL.M. in International Business program is designed to give principally foreign lawyers an opportunity to study United States business law as applied in international transactions. The one-year program, which is planned to begin in the Fall semester only, requires full-time attendance. It will immerse students in academic analysis and in the practical applications of United States business law to entities doing business both within and outside the United States.

The program will prepare foreign lawyers for positions in international law firms, in-house legal departments of multinational enterprises, government posts and other for-profit and non-profit organizations doing business internationally. It will combine an academic approach to international business, including the study of policy rationale underlying legal regimes, with a practical orientation to day-to-day problem-solving.

Students will review the methods that U.S. lawyers use in solving international business problems. They will interact with U.S. law students and will be afforded the opportunity to intern with American law firms, corporations and courts. The proposed program is designed especially for non-U.S. lawyers who will interact with American lawyers or represent clients whose legal affairs are affected by U.S. business law. Business executives who do not have a law degree and would benefit from a year of immersion in international business law, as well as U.S. lawyers, will be considered for admission into the program.

The founding of the Gund Foundation International Law Center is premised on the fact that J.D. graduates must be prepared to practice law in a world in which they face a diversity of cultures and legal systems. CWRU's foreign students have enriched the dialogue both within and outside the classroom. Moreover, CWRU's foreign graduates have become resources as the institution's international programs have expanded. These graduates have helped to establish the contacts needed to bring the resources of international scholarship to the faculty and to identify foreign faculty and students who can enrich CWRU's programs at all levels.

Enrollments: Anticipated enrollment in the first few years of the program is expected to be no more than three to ten students per year. The best marketing approach for the current international LL.M. has been by word of mouth, which explains the high number of students from Thailand in the current program. While CWRU looks forward to attracting students from around the world, its immediate plan is to market the program first to Chinese and Indian lawyers, because the demand for the program seems strongest in these countries. Additionally, initially promoting the program in these countries will allow the program to be directed toward meeting the unique needs of Chinese and Indian lawyers. Admission decisions will be based on the ability of a student to thrive in the proposed academic program, as evidenced by the applicant's academic record and professional accomplishments, and on the candidate's ability to add to the richness of the academic and extra-curricular programs of the J.D. students. By adding diversity to the student body, programs for foreign lawyers enhance the opportunity to attract U.S. citizens of color to the law school.

Curriculum: The proposed curriculum will require 24 hours of course credit. The following three courses will be required of all students (unless they can demonstrate that they already had the same or equivalent courses). 1) The Foreign Graduate Seminar is a four credit hours course that has been specifically designed for LL.M. students to provide them with a broad understanding of subjects such as American constitutional law, judicial review, administrative law, the federal system, and the interaction between common law and legislative law. Students will write a major research paper in the second semester of the seminar. 2) A Professional Responsibility course will allow the LL.M. students to take a class with the J.D. students. 3) U.S. Business Law in Global Markets is an advanced two-semester, four credit, capstone course. For all students, the course schedule will be determined with the advice of the director of the program, taking into consideration the student's prior course work and experience, the career goals of the student and the sequencing of the courses. It is expected that students will concentrate on subjects that illuminate United States business law as applied in international

transactions.

Faculty, Facilities and Resources: CWRU can accommodate the size of the program that is envisioned with existing faculty and facilities. Adequate classroom and library space, seating capacity, and support resources are available to add an additional ten students. Administrative support will be provided by the existing administrative structure within the law school. Students in the proposed LL.M. program should not put great demand on the Career Planning Office, because most candidates will not be seeking jobs at United States law firms or corporations.

If demand for the program grows and the CWRU is able to attract more than ten qualified students, enrollment limits and the necessity of hiring additional administrative and faculty personnel will be re-evaluated. That step will not be taken without an explicit review of the costs and benefits of a larger program. If the decision is made to decrease the size of the J.D. classes in the future, there will be sufficient facilities and staff for a larger number of LL.M. in International Business candidates.

Evidence of Need: Although other U.S. law schools offer LL.M. degrees in a variety of areas, including specialty areas such as international tax, international securities and international environmental law, only eight other U.S. schools offer an LL.M. in international business. In important markets like China, there appear to be few opportunities for Chinese lawyers to earn an advanced degree in international business law in the U.S.

Based on comments from current Chinese and Indian LL.M. students, there is a high local demand for training and degrees in U.S. business law concepts and practices. Foreign attorneys may be able to obtain tuition from their current employers for the LL.M. in International Business because it would have direct application on the performance of their jobs.

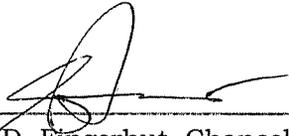
The proposed program is a natural growth of the law school's integration of international legal concepts into many J.D. and LL.M. courses. The program recognizes the globalization of business and the requirement that attorneys who represent international clients become knowledgeable in more than their own legal system. No longer can an attorney adequately represent such clients based solely upon an understanding of local national laws. Without an understanding of international treaties and business law concepts and approaches such as those employed in the U.S., an attorney may fail to provide clients with a complete analysis of issues, risks and available solutions.

There currently are more than 75 U.S. law schools competing for foreign

law graduates. CWRU has maintained a competitive edge by capitalizing on the strengths of the law school curriculum and the core values on which the LL.M. program is grounded. The law school seeks approval of the proposed new degree, which meets market demand and capitalizes on the strengths of the law school's curriculum.

End of Comment Period: May 6, 2009
No Comments Received: Recommend Approval

Approved:



Erie D. Fingerhut, Chancellor

6/3/09

Date

MLC