

September 27, 2017

TO: Members of the Board of Trustees
FROM: Jeremy Teitelbaum, Interim Provost 
RE: "Executive" Master of Laws (LLM) Program in Seoul, South Korea

RECOMMENDATION:

That the Board of Trustees approve the "Executive" Master of Laws (LLM) Program in Seoul, South Korea.

BACKGROUND:

Providing foreign lawyers with training in U.S. law has become a crucial part of American legal education. The UConn School of Law has long been a pioneer in this field and it continues to innovate. The present proposal is part of that continuing program of innovation.

By way of background, in the last two years, the School of Law has more than doubled the number of LLM programs it offers in Hartford and also more than doubled the number of foreign LLM candidates it has matriculated. In addition to growing its international program in Hartford, the School of Law has also initiated a summer and winter teaching program in Seoul, South Korea, offering law school courses to Korean lawyers on an intensive basis. The current proposal builds on that latter initiative.

Begun in the summer of 2014, the School of Law's Korean intensive teaching program was undertaken with a partner institution in Seoul, the Hallym University of Graduate Studies (HUGS). The courses offered in Seoul are taught in the summer and winter intersessions, in subjects tested on the examination for admission to the bar in the District of Columbia (the DC Bar Exam). Washington DC is unusual among American bars in that it permits foreign lawyers to sit for the qualifying exam without having received an LLM degree from a U.S. law school. Rather, Washington DC permits foreign law graduates to sit if the applicants have successfully completed 26 credits from an ABA-accredited law school in courses on subjects covered by the DC Bar Exam.

The students taking UConn Law courses in Seoul are thus graduates of South Korean law schools who seek to qualify to sit for the DC Bar Exam. To date, our Korean students have enrolled in our intensive courses in Seoul on a non-degree basis, with the option recently added to earn one or more non-degree certificates that the UConn Board of Trustees approved in April 2016.

The School of Law is now seeking to establish an Executive LLM degree to attract additional students and to entice the highest qualified students in our Seoul program to earn an LLM degree.

In the 2015-2016 academic year, our Korean partners at HUGS requested an upgrade in the relationship with UConn Law, specifically a “certificate” on a non-degree basis. At that time, however, our Korean partners also indicated that, for recruiting and competitive purposes, the establishment of an LLM degree would help to grow the program even further.

To gauge their seriousness as well as the overall feasibility of this proposal, the School of Law invited HUGS representatives to Hartford in July 2016. At that time, these representatives met with the Dean (Timothy Fisher), Director of International Programs (Peter Lindseth), and UConn’s Vice President for Global Affairs (Daniel Weiner), along with lead international programs staff at the School of Law. On the basis of that meeting and in consultation with Global Affairs, the School of Law concluded that adding an additional LLM track to our existing non-degree program could be both feasible and worthwhile.

Upon consultation with NEASC’s Commission on Institutions of Higher Education, the University’s regional accreditors, the University will be seeking recognition of the program in South Korea through NEASC following Board approval.

Request for New UConn Academic Degree Program

Name of proposed academic degree program: *“Executive” Master of Laws (LLM) Program in Seoul, South Korea*

Name of sponsoring School: *School of Law*

Campuses proposed to offer this degree program: *School of Law (providing instruction on-site in Seoul, South Korea)*

Contact person and contact details: *Peter Lindseth, Olimpiad S. Ioffe Professor of International and Comparative Law, Director of International Programs, UConn School of Law (peter.lindseth@uconn.edu)*

Type of Proposal: *New degree program / modified certificate program*

Type of Program: *Creating an “executive” LLM degree track to operate in conjunction with our existing non-degree/certificate program in Seoul, South Korea (the Board of Trustees approved the certificate program in April 2016)*

Anticipated Initiation Date: *September 2017*

Anticipated Date of First Graduation: *May 2018*

Background & Description

Providing foreign lawyers with training in U.S. law has become a crucial part of American legal education. The UConn School of Law has long been a pioneer in this field and it continues to innovate. The present proposal is part of that continuing program of innovation.

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The School of Law is now seeking to establish an Executive LLM degree to attract additional students and to entice the highest qualified students in our Seoul program to earn an LLM degree. (See Curriculum & Program Outline below for more detail).

Reasons for the Proposed Program/Modification

In the 2015-2016 academic year, our Korean partners at HUGS requested an upgrade in the relationship with UConn Law, specifically a “certificate” on a non-degree basis. At that time, however, our Korean partners also indicated that, for recruiting and competitive purposes (see Similar Programs section below), the establishment of an LLM degree would help to grow the program even further.

To gauge their seriousness as well as the overall feasibility of this proposal, the School of Law invited HUGS representatives to Hartford in July 2016. At that time, these representatives met with the Dean (Timothy Fisher), Director of International Programs (Peter Lindseth), and UConn’s Vice President for Global Affairs (Daniel Weiner), along with lead international programs staff at the School of Law. On the basis of that meeting and in consultation with Global

Affairs, the School of Law concluded that adding an additional LLM track to our existing non-degree program could be both feasible and worthwhile; hence this application.

Curriculum & Program Outline

In keeping with the requirements to qualify for the Washington DC bar or other bar exams, the curriculum in this program covers “courses of study, each of which is substantially concentrated on a single subject tested on the Uniform Bar Examination” (UBE) (quoting District of Columbia Court of Appeals Rule 46(c)(4)). These courses of study correspond to the core curriculum in U.S. legal education and are already taught at UConn School of Law.

The courses in this program are taught on an intensive basis either during the summer (May-August) or the winter (December-January) intersessions. Winter courses may also extend into February, in order to accommodate the needs of our Korean students for scheduling flexibility over the Lunar New Year Holiday. The number of courses as well as the topics taught each intersession are set by the School of Law in consultation with our partners in Korea on a term-by-term basis. Generally speaking, four courses are taught in the summer (between 14-16 credits total) and three to four courses are taught in the winter (between 10-16 credits total).

With the addition of an Executive LLM to the already-existing intensive teaching program in Seoul, we now envision a three-tiered program:

- (i) our existing general program, in which non-degree students take law courses from UConn instructors, receive a transcript upon successful completion;
- (ii) our existing certificate program, in which non-degree students, who are not enrolled in the LLM program, take law courses from UConn instructors, receive a transcript and any applicable certificate(s) upon successful completion of 12 credits of approved courses with a minimum of a B average in the courses qualifying towards the certificate; and
- (iii) an Executive LLM program, in which students apply directly to the UConn School of Law Executive LLM program and are admitted based on the admissions criteria set for the Executive LLM Program. The Executive LLM program requires successful completion of 24 credits. The Students previously enrolled in non-degree coursework would be able to access advanced standing for qualifying credits as set out in the Executive LLM regulations.

Admission into the general program (track (i), non-degree/non-certificate) is the responsibility of our Korean partner. Admission into the certificate program (track (ii), non-degree/certificate) is based on the attainment of grades in the required courses for such certificates at the level determined by the faculty of the School of Law as part of its general administration of the program. Admission into the Executive LLM program (track (iii), executive LLM) will occur only after students have completed the application for admission which will include an application, personal statement, writing sample, transcript of prior degrees in law, proof of language competency, and an application fee of \$75. Students requesting advanced standing for HUGS or other coursework would request that during admissions and must have achieved the requisite grade of “B” or higher on any advanced standing credits. Such admission will be

“Executive” Master of Laws (LLM) Program in Seoul, South Korea

conducted through the Graduate Admissions Office of the School of Law and follow the usual procedures for admission into a UConn Law LLM program, subject to any adjustments to meet the needs of this specific program. The successful completion of 12-credits at a "B" or higher will be a sufficient basis to waive the requirement for TOEFL or a like test for the issuance of the necessary student visa, if needed for travel to the U.S.

The ability to transfer 12 credits from either of the non-degree tracks into the Executive LLM program is consistent with the School of Law’s current rules for giving advanced standing in LLM programs generally. Those rules also permit applicants to use up to 6 credits earned at another law school toward the 12-credit advanced standing. We expect to apply the same rule in this program to incentivize students in competing programs (see Similar Programs section below) to transfer into our program and complete their studies through the UConn Executive Law LLM program in Seoul.

For successful completion of the Executive LLM program (track iii), participating students would be expected to earn a total of 24 credits, broadly consistent with the practices of other institutions (such as the London School of Economics and Northwestern) offering Executive LLM programs. Twenty of the required credits would be taken from the existing “core curriculum” courses offered in Seoul, and four additional credits would be earned via a selection of courses specifically developed for the program and focused on critical intellectual, cultural, and skills-development dimensions of U.S. legal study beyond the mastery of doctrinal material. To this end, three two-credit courses are currently in the planning stages, one offering sustained intellectual engagement with U.S. legal theory and history; a second offering a robust introduction to U.S. legal institutions and culture; and a third providing exercises in research and writing skills consistent with the academic requirements for current international LLM candidates studying in Hartford. Based on the demands of the program, these courses may be taught on the UConn Law campus; in Seoul; online using both synchronous and asynchronous methods; or some combination thereof.

The School of Law faculty will, consistent with this document, formulate any guidelines and/or academic regulations that are necessary to the administration of the intensive teaching program in Seoul (including tracks i, ii, and iii). These guidelines and/or academic regulations will be monitored by both the School of Law and HUGS for compliance.

Learning Outcomes

On the basis of the rigorous requirements for the curriculum and program set out in the prior section, we expect students participating in the Executive LLM program to achieve a strong basic grounding in U.S. law substantially similar to the grounding achieved by students in the School of Law’s U.S. Legal Studies LLM program in Hartford. Even though taught on an intensive basis, the School of Law has designed its “core curriculum” courses in Seoul to cover substantially the same material as courses in the same subjects taught in Hartford, and the previously described additional four credits of coursework will offer an opportunity for a more sustained engagement in the intellectual, cultural and skills-development dimensions of legal study than is ordinarily possible in intensive courses focused on the mastery of legal doctrine. And as noted, students opting to complete 26 credits on UBE tested subjects, may be able to gain

qualification to sit for the DC Bar Exam (although UConn Law explicitly makes no representation that its courses taught in this program will qualify students to sit for any bar in the United States).

Enrollment & Graduation Projections

The program to date has enjoyed steady and indeed growing enrollments. In Summer Term 2014, we offered four courses and had 27 students complete a total of 227 credits. In the Winter Term 2014-2015, we again offered four courses and had 29 students complete a total of 239 credits. In the Summer Term 2015, we offered four more courses and had 51 students complete a total of 588 credits. In the Winter Term 2015-2016, we offered four courses and had 56 students complete a total of 589 credits. In the Summer Term 2016, we again offered four courses and had 59 students complete a total of 616 credits. Most recently, in the Winter Term 2016-2017, we offered three courses and had 37 students complete a total of 354 credits.

Our Korean partners at HUGS have indicated that offering enrolled students the possibility of completing an LLM option will be a valuable recruitment tool that will contribute to continued program growth. Out of 66 students enrolled in courses during the winter and summer 2016 term, 35 students took more than one course. There were 64 students who earned a B or better in at least one course. Out of the 64 students who had at least one B, 59 enrolled in more than one course and 37 of those had two or more grades at B or above. Each semester we have returning and new students which increases the likelihood that we will have students enrolled in both the certificate programs and the executive LLM program.

Financial Resources

Student fees, set at the School of Law’s standard fees for the summer and winter session, have funded and will continue to fund the program for students in track (i), non-degree/non-certificate and students in track (ii), non-degree/certificate. For students in tracks i and ii, UConn and HUGS will continue to share the fees according to a payment schedule negotiated between the parties. In general, the allocation of fees per registered credit that shall be charged to each student follow this basic payment formula: UConn reimburses HUGS for the “hard costs” (e.g., faculty stipends, airfare, hotel, and other contractually-agreed expenses). Thereafter, student revenues are shared followed by a tranche in which we split the revenues 67-33 in favor of UConn and, at certain number of registered credits, a third tranche in which we split the revenues 50-50.

In the Executive LLM program (track (iii), Executive LLM), the fee-per-credit rate will increase to correspond to the rates charged in the U.S. Legal Studies LLM program, currently \$1190 per credit. Students enrolled in the Executive LLM program will pay the established per credit plus any applicable student fees and from these fees UConn Law will pay HUGS for any costs and services provided to UConn Law related to the management of the program.

Facilities/Equipment/Library/Special Resources

In Seoul, our Korean partners will provide the required classroom space, equipment, and library. In Hartford, this program will not require new classrooms, other space, or any new equipment. Drawing on a practice used by other Executive LL.M. programs, we may at some point offer a two-week “capstone” course in Hartford as part of the program, but we would schedule such a course during a period in which existing classroom space and student support services – such as assisting participants in locating short-term accommodations – would be adequate to our needs. The School of Law’s graduate and international program staff is experienced in providing such services and the additional responsibilities could be undertaken without compromising existing programs.

Program Administration

In the administration of the program, the Director of International Programs, the Director of Graduate and Exchange Programs and faculty will coordinate with the Office of Graduate and International Programs, which is currently responsible for the International Exchange Programs, the School of Law’s five existing LLM programs in Hartford, and the S.J.D. (doctoral) program.

As it does for these other programs, the Office of Graduate and International Programs, together with the Admissions Office and the Office of Student Services, will assist in coordinating admissions, student programming and academic counseling for the Executive LLM program in Seoul. This support will include working with School Registrar, Business Office, Student Finance Office, Career Planning, and Associate Dean for Academic Affairs, assisting each of them in administrative issues related to LLM students at the School of Law. The Graduate and International Programs Office will coordinate international admissions with the University’s Office of Global Affairs as well as its visa office (ISSS), as it currently does in its other programs.

Faculty

The instructors in this program are either current or retired full-time members of the faculty of the School of Law, or qualified adjunct faculty duly appointed by the Faculty Appointments Committee at the School of Law. In the program to date, the following faculty have taught courses in Seoul:

- Robert Birmingham, Professor of Law
- Deborah Calloway, Professor Emerita
- Michael Fischl, Professor of Law.
- Jennifer Mailly, Assistant Clinical Professor of Law
- Sachin Pandya, Professor of Law
- Jessica Rubin, Assistant Clinical Professor of Law
- Douglas Spencer, Associate Professor of Law and Public Policy and Roger S. Baldwin Scholar
- David Thaw, former UConn School of Law faculty member
- Stephen Utz, Professor of Law

Similar Programs in Connecticut or Region

Northwestern University School of Law offers courses in South Korea leading to an Executive LLM. Their program charges significantly greater tuition than our proposed LLM program and thus we expect to be very competitive with Northwestern with regard to price-sensitive students. In addition, Florida Coastal School of Law (FCSL) offers courses in South Korea on a non-degree basis. Although FCSL charges less than UConn School of Law on a fee-per-credit basis, we have remained very competitive with FCSL in terms of recruitment, due to the superior efforts of our Korean partner, the quality of our teaching, and the impressive international standing of the UConn “brand.”