

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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*Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
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Oakland, California 94607-5200*

April 4, 2016

AIMÉE DORR
PROVOST AND EXECUTIVE VICE PRESIDENT
UNIVERSITY OF CALIFORNIA

Re: Approval of Master of Laws in American Law (LL.M.) at UC Irvine

Dear Aimée:

In accordance with the *Universitywide Review Processes For Academic Programs, Units, and Research Units* (the “Compendium”), and on the recommendation of CCGA, the Academic Council has approved UC Irvine’s proposal to establish a new Master of Laws in American Law (LL.M.) degree program.

Because this is a new degree, and the Assembly of the Academic Senate is not meeting within 30 days of CCGA’s approval, Council must approve the program per Senate Bylaw 125.B.7.

I am enclosing CCGA’s report on its review of the new degree, and respectfully request that your office complete the process of obtaining the President’s approval.

Sincerely,

A handwritten signature in blue ink that reads "J. Daniel Hare".

J. Daniel Hare, Chair
Academic Council

Cc: Academic Council
Senate Director Baxter
Senate Executive Directors



COORDINATING COMMITTEE ON GRADUATE AFFAIRS (CCGA)

Valerie Leppert, Chair
[vleppert@ucmerced.edu](mailto: vleppert@ucmerced.edu)

ACADEMIC SENATE

University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

March 28, 2016

ACADEMIC COUNCIL CHAIR DAN HARE

Dear Dan:

At its March 2016 meeting, the Coordinating Committee on Graduate Affairs (CCGA) voted unanimously to approve a proposal to establish a self-supporting Master of Laws in American Law (LL.M.) at the Irvine campus. This program is designed to provide advanced legal training in American law for foreign attorneys, judges, and recent law school graduates who seek a U.S. law degree.

The proposed program has three distinctive features in that it will specifically provide preparation for the New York and California bar examinations, it will provide exposure to both foundational doctrine and mode of analysis in U.S. law, and it will offer a specialization in international and transnational law. Requirements for admission to the program include a foreign law degree and English proficiency.

The unique program design, market differentiation, institutional and faculty quality, and the Irvine business and legal environment provide the ingredients for a long-term successful LL.M. program. CCGA and the reviewers identified a number of important strengths in particular:

1. It is well-conceived, of high quality, and has an appropriate curriculum. Reviewers noted that the program offers a rigorous approach to thinking about legal problems, and that it offers a distinctive academic model that sets it apart from other existing LL.M. programs.
2. The quality of the faculty is excellent and there is ample expertise to administer and teach the proposed LL.M. program.
3. The budget appears to be appropriate and sustainable. The program has a targeted available applicant pool, and job prospects for the students are strong.

In addition to program strengths, some concerns were raised by reviewers that included a lower minimum English requirement than for other top law schools, an apparent long-term reliance on faculty teaching overloads that may make teaching the program unsustainable, and the possible need for UCI to offer tuition discounts similar to the practice of other top Law Schools. The University Committee on Planning and Budget (UCPB) reiterated several of these concerns, and particularly questioned the low return on financial aid and high expense of the program.

In response to these concerns, the proposers raised the English language requirements, and responded that full-time and part-time faculty growth will take place before the launch and expansion of the proposed LL.M. program. Within four years the law faculty should number 58, providing sufficient overload coverage for the core courses in the LL.M. program, with adjunct faculty teaching the broader LL.M. courses. With respect to the question about the low return to financial aid and high expense of the program, the proposers pointed out that program fees are lower than those set by comparable programs nationally (this is confirmed independently in the review letters), that the one year vs. two year program

substantially reduces costs for students, and proposed to increase the allocation of funds for financial aid in Y1 and Y2 by \$10,000 to \$35,000 annually, and to increase the amount in Y3 by \$50,000 to \$100,000 annually.

Overall, CCGA believes that the program has responded appropriately and adequately to the reviews that were provided. This appears to be a well-justified and high quality program, with substantial market demand. CCGA recommends its approval.

As you know, CCGA's approval is usually the last stop of the Academic Senate side of the systemwide review and approval process, except when the new degree title must be approved by the President, under delegated authority from the Board of Regents. According to the Academic Senate Bylaws, the Assembly of the Academic Senate (or the Academic Council if the Assembly is not meeting within 30 days of CCGA's approval) must approve new degree titles. Given its status as a new graduate program title on the Irvine campus, CCGA submits it for formal approval by the Assembly of the Academic Senate. For your information, I have included the CCGA Lead Reviewer's final report as an enclosure. If you have any questions, please let me know.

Sincerely,



Valerie Leppert, Ph.D.
Chair, CCGA

cc: Jim Chalfant, Academic Council Vice Chair
CCGA Members
Shane White, UCPB Chair
Hilary Baxter, Academic Senate Executive Director
Michael LaBriola, Academic Council Analyst
Ken Feer, UCPB Analyst
Kimberly Peterson, Academic Planning Analysis Manager
Chris Procello, Academic Planning and Research Analyst
Alan Terricciano, UC Irvine Senate Chair
Judith Stepan-Norris, UC Irvine Vice Provost
Erwin Chemerinsky, UC Irvine Dean of the School of Law
Frances Leslie, UC Irvine Dean of Graduate Studies
Natalie Schonfeld, UC Irvine Senate Executive Director
Adriana Collins, UC Irvine Senate Analyst

Enclosures (1)

UC Irvine Masters of Law Proposal: CCGA Final Report

UC Irvine's proposed Masters of Law (LL.M.) in American Law program is a self-supporting program designed to provide "advanced legal training in American law for foreign attorneys, judges, and recent law school graduates who seek a U.S. law degree." Three distinctive features of the proposed program are that it will 1) specifically provide preparation for the New York and California bar examinations, 2) provide exposure to both foundational doctrine and mode of analysis in U.S. law, and 3) offer a specialization in international and transnational law. Requirements for admission to the program include a foreign law degree and English proficiency. Requirements to complete the program are the completion of 10 required courses (2-3 units each) for a total of 24 units. These are stand-alone courses specifically for the LL.M. program and will not include students from the school's J.D. program, except in the case of the international and transnational law specialization which requires that 9 of the units are in regularly scheduled J.D. courses. Normative time to complete the program will be 2 semesters. Within three to four years the program is expected to reach a steady state of 100 students, drawn largely from South Korea and China. Tuition will be \$58,370 and the program is expected to generate \$4.3 million per year. Approximately 75% of teaching in the program will be done by Senate faculty, largely on overload, the rest by expert adjunct faculty. Administrative support for the program will include an executive director and an administrative program manager.

The proposal was initially discussed at the July 1, 2015 CCGA meeting. Subsequent to that meeting twelve external reviews were solicited and four were received. Two external reviews were from UC campuses (David and Berkeley) and two from non-UC institutions (Stanford and University of Richmond). A review of the financial aspects of the proposal from the UCPB was received. The three available reviews were briefly discussed at the November 4, 2015 meeting of CCGA and it was decided to move forward and provide the opportunity for the program to respond to the points raised by the external reviewers and CCGA. The program's response was received on November 18, 2015. A fourth external review was received on November 20, 2015 and forwarded to the proposers. No new issues were raised in the fourth review, so no additional response was needed from the proposers.

The CCGA and external reviews identified a number of important strengths in the proposed program:

1. The program was viewed as well-conceived, of high quality, and having an appropriate curriculum. Reviewers noted that the program offers a rigorous approach to thinking about legal problems, and that it offers a distinctive academic model that sets it apart from other existing LL.M. programs.
2. The quality of the faculty is excellent and has ample expertise to administer and teach in the proposed LL.M. program.
3. The budget appears to be appropriate and sustainable. The program has a targeted available applicant pool, and job prospects for the students are strong. It was thought that the unique program design, market differentiation, institutional and faculty quality, and the Irvine business

and legal environment provide the ingredients for a long-term successful LL.M. program that will move quickly into the forefront of top U.S. LL.M. programs.

Several questions and concerns were raised by the CCGA review and the external reviewers. The program was asked to respond to each of these points and did so in their November 20, 2015 response letter. The issues raised and program responses are listed below:

1. The minimum English requirement for the program is significantly lower than for other top law schools. Specifically, a reviewer noted that *“required scores of 570 or 590 on the TOEFL and 6.0 on the IESLTS are lower than the 600 TOEFL and 7.0 IESLTS that are very common at comparable top law schools (even the graduate division at UCI requires a 7.0 IESLTS score).”* It was suggested that the program should consider consulting an ESL specialist and/or encourage students with lower TOEFL scores to participate in language intensive summer preparatory programs.

Program response: “In addition to a required live Skype interview, the UC Irvine program will require a TOEFL score of at least 600 or minimum IESLTS score of 7.0 UC Irvine is also considering a pre-LL.M. summer intensive English language course for additional preparation.”

2a. Reviewers raised some concern about the impact of the proposed program on faculty and staff. One reviewer (1) stated *“that long-term reliance on faculty teaching overloads raises two questions: will faculty be willing to teach overloads over the long run? And what will the impact be of overloads on other the other core responsibilities of these faculty (e.g., scholarship, service, devoting attention to J.D. students)?”*

Program response: “The Law School is committed to staffing and structuring the LL.M. program in a manner that does not adversely affect the J.D. program in any way. The Law School will offer generous compensation to faculty who teach an LL.M. specific course as an overload. The Law School Faculty LL.M. committee anticipates reasonably high interest in generous overload compensation sufficient to cover the relatively small number of LL.M.-specific courses. The law School will carefully monitor both the ratio and quality of instructors as the program matures.”

The University Committee on Planning and Budget (UCPB) also raised this issue stating that the program does not adequately address faculty teaching loads. The expected amount of overload teaching, when the program is fully launched, is not likely to be sustainable. That many extra courses and sections seem to require additional faculty to maintain academic quality.

Program response: Full-time and part-time faculty growth will take place before the launch and expansion of the proposed LL.M. program. Within four years the faculty should number 58, providing sufficient overload coverage for the core doctoral courses in the LL.M. program, with adjunct faculty teaching the broader LL.M. courses. In addition, a number of the LL.M. students will be enrolled in existing J.D. courses in International Law. This size of faculty has proven sufficient to support even larger LL.M. programs at other UC and non-UC law schools. After

careful review, the program sees no problem in coverage through some faculty teaching LL.M. courses as part of their teaching load, some faculty receiving additional compensation for teaching LL.M. courses, some students being enrolled in existing International Law courses, and the use of some adjunct faculty.

2b. Reviewers also suggested that the two staff members that the program plans to hire -an executive director and an administrative program manager- may not be sufficient since three primary areas should be considered – admissions, programmatic oversight, and attention to students’ experience while in residence/career services.

Program response: “A casual survey of similar LL.M. programs suggests that the two person staff is sufficient for the early phase of the UC Irvine program. It is likely that at full size the equivalent of an additional staff person would be added to assist admissions and LL.M. student life” (additional cost will be borne by the program).

3. Reviewers raised questions about the impact of the proposed program on the current culture and character of the Law School; particularly with regard to LL.M. students possibly feeling isolated from the rest of the student body (since they won’t share in J.D. classes for the most part) and the potential impact of adding 100 LL.M. students to a current student body of 326 on the character of the School.

Program response: “UC Irvine will monitor the LL.M. program as it grows to insure that LL.M. students have access to the advantages available to them at an American Law School. Particular focus will be given to cultural and educational opportunities more readily accessed at a Law School as intimate as UC Irvine. UC Irvine School of Law has worked hard to create a warm and inclusive culture for its students. We will take great effort to make sure that the LL.M. students are part of this.”

Program response: “Assuming the LL.M. enrollment takes 3-4 years to grow from 30 to 100 students, the LL.M. / J.D. ratio should remain fairly constant as the UC Irvine Law J.D. student body is projected to increase during this same period from 320 to 540. The Law faculty has had numerous discussions emphasizing the desirability of creating a meaningful, integrated LL.M. experience without inadvertently introducing negative effects on the J.D. program.”

4. Reviewers mentioned that the practice of providing tuition discounts is becoming more prevalent at other top Law Schools, and that UC Irvine may have to offer tuition discounts in order to matriculate the size class that it seeks. What impact might this have on the estimate of net revenue the program will generate?

Program response: “The Law School has been exploring tuition discounts similar to those offered by well-regarded LL.M. programs. UC Irvine proposes limited discounts to Least Developed Country applicants, as well as merit-based \$15,000 scholarships to the top academic percentage of program applicants. This approach mirrors that of the LL.M. program at UC

Berkeley School of Law. Such a program would, of course, put modest downward pressure on the program's revenue stream.”

UCPB raised two additional issues:

5. The cost of the program, and explicit statements in the proposal, suggest that a major part of the revenue will not be to support this program but to act as a subsidy for the parent department. Although UCPB expects a cushion to be budgeted, the proposal at hand anticipates a 2:1 profit to expense ratio (i.e. what they call “indirect to school” vs. line item costs). We suggest CCGA and the APC explore more fully the parameters of costing for SSPs and clarify the maximum limits of such revenue generation.

Program Response: The proposal clearly states that all LL.M. programs in the United States generate surplus revenue for law schools. The Berkeley and UCLA LL.M. programs each generate substantial surplus revenue. This is proving particularly important in our current era, where virtually all law schools must “discount” tuition to attract J.D. students and need to provide student services not funded by tuition and fees. The program also states that estimated tuition is market driven and consistent with other UC law schools. The program further states that the proposal is in line with existing UC policy on self-supporting programs which states these programs have the potential to generate resources that would “enhance the quality, accessibility, and affordability of core academic programs and departments.”

6. The facilities needed to educate the increased number of students were not sufficiently identified.

Program Response: The UCI School of Law initially planned and allocated space for 620 J.D. students. However, agreement was reached for a law school with 550 J.D. students. Thus, the initial allocation of space has additional capacity. Furthermore, the school was allocated an additional 7,200 assignable square feet beyond space planned at inception. Through careful class scheduling and distribution of room assignments, 11 medium and large classrooms will provide adequate space for an annual cohort of 100 LL.M. students.

I believe that the program has responded appropriately and adequately to the reviews that were provided. In general this appears to be an excellent, well-justified and well-conceived program. I recommend that CCGA approve the proposed program.