

**PRE-PROPOSAL FOR NEW ACADEMIC PROGRAM**

**Northern Kentucky University – Salmon P. Chase College of Law**  
Institution Submitting Proposal

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**Program Type**

**LL.M. in U.S. Law**  
Title of Proposed Degree Program

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**Degree Level**

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**EEO Status** \_\_\_\_\_

**CIP Code** \_\_\_\_\_

**Academic Unit (e.g. Department, Division, School)** \_\_\_\_\_

**Name of Academic Unit** \_\_\_\_\_

**Name of Program Director** \_\_\_\_\_

**Date of pre-proposal** \_\_\_\_\_

**End of review period** \_\_\_\_\_

**Intended Date of Implementation** **August 2016**

**Name, Title and Information of Contact Person** \_\_\_\_\_

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Is this program a pre-baccalaureate certificate or diploma program? Y\_\_\_ N **XXX**

- If YES, is the program Technical/Occupational/Vocational
- Please provide documentation that this program was approved by the KCTCS Board of Regents

**Date of CPE Approval** \_\_\_\_\_

## **A. Centrality to the Institution’s Mission and Consistency with State’s Goals**

### **1. Provide a brief description of the program.**

The Master of Laws degree (LL.M.) is an internationally recognized post-graduate degree in law. Students with J.D. degrees from U.S. law schools typically pursue an LL.M. to focus their post-J.D. studies on a specific area of law such as tax law, corporate law, or environmental law. Students with law degrees from foreign countries (where a law degree is an undergraduate degree) typically pursue an LL.M. degree in the United States to become familiar with the United States legal system, use the experience to network and make business connections in the United States, and perhaps to focus their studies in a particular area of law.

The proposed “LL.M. in U.S. Law” program is a thirty credit-hour degree program designed to attract foreign lawyers to NKU Chase and to provide them with the opportunity to do the following: (1) gain a more thorough understanding of the American legal system, (2) focus their studies on a particular area of American law, including Information Technology and Informatics, and (3) earn a non-J.D. credential from an American law school. The students will be required to take three courses (Basic Legal Skills – Research, Basic Legal Skills – Writing, and Introduction to U.S. Law), and the students can use the remaining credits to take core, elective, and required courses from the J.D. curriculum. Once the one-year program is fully implemented, the target number of LL.M. students will be approximately fifteen students per year.

There are several reasons why such a degree is useful. First, because of the increasing amount of business interaction between entities in different countries, many foreign lawyers need some understanding of the American legal system and specific areas of American law. This program will allow those foreign lawyers to gain that knowledge without the three-year time commitment or the three-year cost of earning an American J.D. degree. This degree will allow these individuals to perform their current jobs at a higher level and make them more marketable for promotions or for positions with other employers.

After completing this program, the LL.M. graduates will: (1) have a solid understanding of the United States legal system; (2) be able to find, read, and understand various types of U.S. legal authorities; (3) have a solid understanding of a specific area of law, provided the student focuses his or her studies in a specific area of law (criminal law, law and informatics, employment law, etc.); and (4) be able to engage in the skill of legal reasoning.

LL.M. degrees are valuable degrees for lawyers trained in countries where law is not a graduate degree. There is also value to NKU Chase, as having an international presence in the law school will enhance the learning environment for the J.D. students.

- a. Does this program have any specializations? Y or **N** If yes, add specialization name, add specialization description.

Although there will not be any “formal” specializations, students will be able to select electives in a particular area of law if they choose to do so. For example, a student interested in American employment/labor law could choose from the following courses: Administrative Law, Employee Benefits Litigation, Employment Discrimination Law, Employment Law, Labor Law, and Mediation. A student interested in American tax law

could choose from the following courses: Basic Tax, Advanced Tax, Business Tax, Tax Litigation, and Estate Planning. If a student is interested in American criminal Law, he or she could choose from the following courses: Criminal Law, Criminal Procedure, Criminal Litigation, Corporate and White-Collar Crime, Death Penalty Seminar, and Sentencing. Finally, students interested in information technology and informatics could select courses at both NKU Chase and the NKU College of Informatics to customize a program in that evolving field. These examples, along with many other possible “custom” specializations, are not *formal* specializations, but they will provide students with an area of concentration if that is what they desire.

2. What are the objectives of the proposed program?

The main objectives of the program are: (1) to provide foreign-trained lawyers with the opportunity to expand their knowledge of the American legal system, (2) provide foreign-trained lawyers with the research skills, the writing skills, the analytical skills, and the substantive knowledge necessary to perform their jobs in a more skillful and knowledgeable manner; and (3) to allow these students to focus in one or more areas of American law, which will improve their job performance and/or make them more attractive to potential employers.

3. Explain how the objectives support the institutional mission and strategic priorities, the statewide postsecondary education strategic agenda, and the statewide strategic implementation plan.

One of the goals articulated in NKU’s strategic plan is “Talent Development.” This goal promotes “lifelong learning,” which is something the LL.M. will provide for all students. Specifically, these students are already lawyers in their home country, but offering them this opportunity will further their education in a way that is not possible in their home countries. It will provide them with networking opportunities as well as the opportunity to immerse themselves in a different culture. NKU also lists the following under the goal of “Talent Development”: (1) “Enroll more students to increase educational attainment levels;” (2) “Produce skilled graduates prepared for the workforce, advanced careers, and graduate education;” and (3) Assist graduates in the transition from college to work an career advancement.” This program will help further all three of these goals.

The LL.M. program will also support additional goals located within NKU’s strategic plan such as: “Expand relevant programs in high-demand fields to meet regional workforce needs.” Although the students in this program will most likely not remain in this region, this program will support the goal of addressing the need for professionals in “high-demand fields” by allowing students to focus their studies on areas of the law that affect their home countries and the world, including the emerging field of information technology and informatics (including data privacy and cyber security). Specifically, students interested in both the legal and technology aspects of this field will be able to take courses at both NKU Chase and at the NKU College of Informatics to provide them with an area of specialization unavailable at most other American law schools. Students can also focus on other topics in whichever “high demand fields” exist in the countries to which they return

Regarding the CPE’s values, this program will (1) foster a “culture of inclusion” by providing opportunities for people from a broad spectrum of professional, cultural, and socio-economic backgrounds to participate in the program; (2) promote the highest standards in teaching and research; (3) provide access to those who are committed to the pursuit of higher learning; and

**(4) help prepare students to be “informed, competent, knowledgeable, and engaged” citizens and leaders. This program will also promote the use of technology, as students who wish to pursue the area of information technology and informatics are free to select from the many technology-related courses at NKU Chase and at the NKU College of Informatics. Faculty members also incorporate technology into their classrooms, which would certainly continue once LL.M. students are participating in those classrooms.**

4. Is an approval letter from Education Professional Standards Board (EPSB) required?  
a. If yes, attach the approval letter from EPSB.

**No**

## **B. Program Quality and Student Success**

1. What are the intended student learning outcomes of the proposed program?

**Although the LL.M. graduates are not expected to be “bar-ready” after completing this program,<sup>1</sup> the LL.M. graduates will be able to do the following: (1) understand the American legal system and the various sources of American law; (2) read and understand various types of American legal authorities; (3) gain a knowledge base in a particular area of law (or a more general knowledge base in American law) that will allow them to be more productive and sought-after employees; and (4) utilize the skill of legal reasoning. All of these skills will enhance their value to current or future employers.**

2. How will the program support or be supported by other programs within the institution?

**The LL.M. program will be self-supporting and will be fully integrated into the J.D. program at NKU Chase. The LL.M. students will be taking the same courses routinely offered at NKU Chase, meaning that no additional courses (other than “Introduction to U.S. Law”) and no new faculty members will be required.**

**These students will also benefit from the facilities and services provided by NKU Chase. Specifically, these students will have the same access to the law library, career placement office, student success office, and all other student-services programs.**

3. Will this program replace or enhance any existing program(s) or tracks, concentrations, or specializations within an existing program? **See below.**

- a. If yes, please specify.

**This program will not replace any of Chase’s existing programs, tracks, concentrations, or specializations. Regarding enhancing the J.D. program, when foreign students enter the program, they will bring their experiences and their cultural diversity into the classroom and will enhance the learning environment for the J.D. students.**

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<sup>1</sup> Some states do allow LL.M. recipients to take their state bar exam under certain circumstances. NKU Chase makes no representation regarding whether this program will qualify students to take a bar exam in the United States. Each student will have to determine whether this program will allow him or her to qualify to take a state bar exam.

4. Will this be a 100% distance learning program? **No**
5. Will this program utilize alternative learning formats (e.g. distance learning, technology-enhanced instruction, evening/weekend classes, accelerated courses)? **Yes**
- a. If yes, please check all that apply.
- Distance learning: **Depends on the course**
  - Courses that combine various modes of interaction, such as face-to-face, videoconferencing, audio-conferencing, mail, telephone, fax, e-mail, interactive television, or World Wide Web? **Depends on the course**
  - Technology-enhanced instruction: **In most courses**
  - Evening/weekend/early morning classes: **All will be available**
  - Accelerated courses: **No**
  - Instruction at nontraditional locations, such as employer worksite: **Not likely**
  - Courses with multiple entry, exit, and reentry points: **Not likely**
  - Courses with “rolling” entrance and completion times, based on self-pacing: **Not likely**
  - Modularized courses: **No**
6. Are new or additional faculty needed? **No**
- a. If yes, please provide a plan to ensure that appropriate faculty resources are available, either within the institution or externally, to support the program. **N/A**
- b. Note whether they will be part-time or full-time. **N/A**

### **C. Program Demand/Unnecessary Duplication**

1. Provide justification and evidence to support the need and demand for this proposed program. Include any data on student demand; career opportunities at the regional, state, and national levels; and any changes or trends in the discipline that necessitate a new program.

**If approved, the Chase LL.M. will be the only one offered by a Kentucky law school. With respect to career options at the regional, state, and national levels, the students for whom this program is designed will most likely be returning to their home countries; they will most likely not be looking for employment in this geographic area. Nonetheless, these graduates will be pursuing jobs in international law firms doing business in the United States and representing clients with a U.S. presence. They will also be pursuing jobs with companies and/or governments that routinely conduct business affected by U.S. laws.**

**Employers outside the United States do value these degrees. Specifically, an H.R. manager from an international law firm (Freshfields Bruckhaus Deringer) in Hamburg, Germany stated the following:**

"We are interested in those who have studied in the US, the UK, Australia, South Africa, and New Zealand," says Hedi Ruth Osenberg, human resources manager at Freshfields in Hamburg. About 30 percent of new hires at Freshfields in Germany last year had an LL.M. from one of these English-speaking countries.

"The main things are English-language skills and the intercultural experience," says Osenberg about how an LL.M. can strengthen a candidate's profile. The year studying abroad makes lawyers more aware of differences and difficulties among nationalities - something Osenberg says is "very helpful" at a firm working on transnational deals and international clients on a daily basis.<sup>2</sup>

The following facts regarding the value of an LL.M. for foreign lawyers were also addressed:

Of 474 partners promoted between January 2009 to July 2010 at 12 of the world's biggest international law firms, about a quarter of them had an LL.M. Freshfields, for example, promoted 32 new partners in 2009-10, 8 of whom had an LL.M. All 8 were promoted at offices outside of Britain and the United States. This reflects another trend at the 12 firms: of 281 partners promoted outside of the UK and US, a bigger percentage - 36%, or 103 partners - had an LL.M.

From another source that addressed the value of an LL.M. for foreign lawyers:<sup>3</sup>

Most law firms don't require LL.M.s when hiring. However, they can be valuable for those who want to climb the career ladder in international-facing law firms outside the US and the UK. For instance, although Germany's Hengeler Mueller does not actively look for LL.M.s when hiring, the firm does have a formal requirement "that our associates must have spent about one year or so in an English speaking country in some professional environment before he or she is up for partnership," according to Joachim Rosengarten, a partner at the firm.

"Having an LL.M. is one way to fulfill such criteria."

Indeed, for many lawyers from non-English speaking countries, this international experience is an important facet of the LL.M. experience. For these students, especially if they want to go back to their home countries after graduation, "they then have a better chance of getting into the very best law firms in their countries," according to Alexander Türk, the director of postgraduate taught programs at King's College London.<sup>4</sup>

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<sup>2</sup> <http://www.ilm-guide.com/article/534/do-law-firms-value-the-ilm>.

<sup>3</sup> <http://www.ilm-guide.com/article/958/how-many-big-law-associates-and-partners-have-an-ilm>.

<sup>4</sup> In this same article, the following information was revealed regarding lawyers working in eleven of the world's biggest international law firms: "In these places [several European and Asian cities], we

**This source also included the following conclusion:**

**For those aiming for Big Law jobs in non-English speaking countries, an LL.M. can be valuable for the international experience it provides. A good command of legal English and exposure to facets of international law can go a long way in international-facing law firms in countries like France and Germany.**

**As the competition for law jobs increases, having a law degree from an American law school will help improve a graduate's chances of securing a job in a country outside of the United States. As a result, this proposed program will be seen as providing a valuable degree for foreign lawyers.**

2. Specify any distinctive qualities of the program.

**This program allows foreign students who do not wish to invest the time or the resources into obtaining a J.D. degree to learn about the United States legal system as well as about a particular area of American law (of the students' choosing). The program's structure provides for both an understanding of some core legal concepts of the American legal system as well as for specialization in a particular area of law. One unique aspect of this program is the students' ability to focus on an area of law that rests at the intersection of law and technology. Specifically, students interested in this area can take courses at both NKU Chase and the NKU College of Informatics. This will allow students to understand both the technological and legal aspects of issues involving information technology and informatics (including information/data privacy and cyber security), both of which are becoming extremely important topics.**

3. If similar programs exist,

**No similar programs exist at the other law schools in Kentucky. There are, however, other LL.M. programs at law schools throughout the country.**

a. Does the proposed program differ from existing programs? If yes, please explain.

**This program would be unique for Kentucky Law schools. This program differs from several LL.M. programs at non-Kentucky law schools because of its flexibility. Many subject-specific LL.M. programs have several course requirements, while this proposed program has only a limited number of required courses. Also, the program allows the students to focus on a particular area of specialization if that is what the students wish to do. And as was mentioned earlier, one of these areas of law on which students can focus their studies is information technology and informatics (including information/data privacy and cyber security), a field which very few American law schools have the ability and resources to address as well as NKU Chase will be able to do.**

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**find that an average of 19 percent (but up to 43 percent) of lawyers in these firms have pursued an LL.M."**

- b. Does the proposed program serve a different student population (i.e., students in a different geographic area) from existing programs? If yes, please explain.

**Yes. The LL.M. program will be directed toward foreign students who have already earned their law degrees.**

- c. Is access to existing programs limited? If yes, please explain.

**Other than geographic proximity, we are unaware of limitations regarding other programs.**

- d. Is there excess demand for existing similar programs? If yes, please explain.

**There is foreign-student demand for U.S. LL.M. degrees.**

- e. Will there be collaboration between the proposed program and existing programs?

- i. If yes, please explain the collaborative arrangements with existing programs.  
ii. If no, please explain why there is no proposed collaboration with existing programs.

**Yes. One of the proposed areas of specialization will involve information technology and informatics (including information/data privacy and cyber security). As a result, there will be some collaboration with the NKU College of Informatics. This is not collaboration with any existing LL.M. programs, but it is collaboration with another signature program at NKU.**

#### **D. Advanced Practice Doctorates**

1. Does the curriculum include a clinical or experiential component? **The LL.M. is not a doctorate degree**

- a. If yes, list and discuss the nature and appropriateness of available clinical sites.

- i. Does your institution have official agreements with clinical sites? **Please see below.**  
ii. Supply letters of commitment from each clinical site that specifies the number of students to be accommodated and identifies other academic programs that also use the facilities.

**The program does not have a clinical or experiential requirement, but students are free to participate in NKU Chase's field placement program, in which students serve as interns in various types of legal settings. These settings include prosecutors' offices, public interest groups' offices, private law firms, judges' chambers, corporate offices, and other settings in which students gain valuable, practical training.**



2. Describe how the doctorate builds upon the reputation and resources of the existing master's degree program in the field.

**N/A**

3. Explain the new practice or licensure requirements in the profession and/or requirements by specialized accrediting agencies that necessitate a new doctoral program.

**N/A**

4. Explain the impact of the proposed program on undergraduate education at the institution. Within the explanation, note specifically if new undergraduate courses in the field will be needed.

**There will be little, if any, impact on undergraduate education at NKU.**

5. Provide evidence that funding for the program will not impair funding of any existing program at any other public university.

**The costs of this program are minimal. Other than the "Introduction to U.S. Law" course, no new courses will be added to the Chase curriculum as a result of this program. Further, no new faculty will be required. The only funding required for this program will be the initial start-up costs (such as travel to publicize the program) and other forms of marketing/publicity.**

**E. Cost and Funding of the Proposed Program**

1. Estimate the level of new and existing resources that will be required to implement and sustain the program using the spreadsheet below.

<b>a. Funding Sources, by year of program</b>	<b>1<sup>st</sup> Year</b>	<b>2<sup>nd</sup> Year</b>	<b>3<sup>rd</sup> Year</b>	<b>4<sup>th</sup> Year</b>	<b>5<sup>th</sup> Year</b>
Total Resources Available from Federal Sources New Existing	0	0	0	0	0
Narrative Explanation/Justification:					
Total Resources Available from Other Non-State Sources New Existing	0	0	0	0	0
Narrative Explanation/Justification:					
State Resources New Existing	0	0	0	0	0
Narrative Explanation/Justification:					
Internal Allocation  Internal Reallocation	0	0	0	0	0
Narrative Explanation/Justification:					
Student Tuition New Existing	<b>5 students; \$150,000</b>	<b>10 students; \$300,000</b>	<b>15 students; \$450,000</b>	<b>15 students; \$450,000</b>	<b>15 students; \$450,000</b>
Narrative Explanation/Justification: Describe the impact of this program on enrollment, tuition, and fees.					
<b>The figures above represent estimates regarding the number of students in the program. The tuition cost is an estimated current “market rate” for an LL.M. program for international students, and it does not include any increases. The law school does not anticipate more than fifteen students entering the program each year.</b>					
<b>TOTAL</b>	<b>\$150,000</b>	<b>\$300,000</b>	<b>\$450,000</b>	<b>\$450,000</b>	<b>\$450,000</b>

**b. Breakdown of Budget Expenses/Requirements**

**1<sup>st</sup> Year**

**2<sup>nd</sup> Year**

**3<sup>rd</sup> Year**

**4<sup>th</sup> Year**

**5<sup>th</sup> Year**

Staff:					
Executive, administrative, and managerial	0	0	0	0	0
New					
Existing					
Other Professional	0	0	0	0	0
New					
Existing					
Faculty	0	0	0	0	0
New					
Existing					
Graduate Assistants	0	0	0	0	0
New					
Existing					
Student Employees	0	0	0	0	0
New					
Existing					
Equipment and Instructional Materials	0	0	0	0	0
New					
Existing					
Library	0	0	0	0	0
New					
Existing					
Contractual Services	0	0	0	0	0
New					
Existing					
Academic and/or Student Services	0	0	0	0	0
New					
Existing					
Other Support Services	0	0	0	0	0
New					
Existing					

**Narrative Explanation/Justification**

**LL.M. students will have access to the existing resources and support services at the law school. No additional academic and/or student services will be required.**

Faculty Development New Existing	0	0	0	0	0
Assessment New Existing	0	0	0	0	0
Student Space and Equipment (if doctorate) New Existing	0	0	0	0	0
Faculty Space and Equipment (if doctorate) New Existing	0	0	0	0	0
Other New Existing	\$15,000	\$10,000	\$10,000	\$5,000	\$5,000
Narrative Explanation/Justification:	<b>No significant additional resources will be required. The only additional resources/costs will be the costs associated with marketing and publicizing the program (including foreign travel). There will be more of these expenses during the first few years of the program.</b>				
<b>TOTAL</b> New Existing	<b>\$15,000</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$5,000</b>	<b>\$5,000</b>

## **F. Program Review and Assessment**

1. Identify both the direct and indirect methods by which the intended student learning outcomes will be assessed.

**Students in the LL.M. program will be required to complete the same assignments, exams, and projects as J.D. students in the same courses. In most courses, the students are assessed in the following ways: (1) a final examination only; (2) a final examination and a mid-term examination; (3) group or individual projects; or (4) performance in simulation exercises. Unlike the J.D. students who take the bar exam, which provides NKU Chase the opportunity to evaluate the students' mastery of the subject matter, the LL.M. students will not be expected to take the bar examination;<sup>5</sup> therefore, the assessment will be based on the students' performance on the "in-house" exams and class projects/assignments. After completing this program, the LL.M. graduates will: (1) have a solid understanding of the United States legal system; (2) be able to find, read, and understand various types of legal authorities; (3) have a solid understanding of a specific area of law, provided the student focuses his or her studies in a specific area of law (criminal law, law and informatics, employment law, etc.) ; and (4) be able to engage in the skill of legal reasoning.**

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<sup>5</sup> Some states do allow students to take their state bar exams under certain circumstances. NKU Chase makes no representation regarding whether this program will qualify students to take a bar exam in the United States. Each student will have to determine whether this proposed program will allow him or her to qualify to take a state bar exam.