Request for Authorization to Plan a New Degree: 
Doctor of Juridical Science (SJD) – Revised

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1. Department

The William S. Richardson School of Law requests authorization to plan a new academic degree at the Law School: a Doctor of Juridical Science (SJD, Scientiae Juridicae Doctor). The proposal to establish the degree was submitted by the International Programs Committee and has the enthusiastic support of Dean Avi Soifer. The proposal was approved by the Law School faculty at its regular meeting on January 17, 2014.

2. Planning Committee Chair and Members

The Planning Committee includes:

- Professor Alison Conner (JD, PhD) – Planning Committee Chair
- Professor Diane Desierto (JD, LLM, JSD)
- Professor David Cohen (JD, PhD)
- Professor Carole Petersen (JD)
- Professor Tae-Ung Baik (LLB, LLM, JSD)
- Minara Mordecai (JD)

All members of the core planning committee have extensive experience in international education and in working with international students from Europe as well as from Asia. As
indicated above, two of the members have doctorates in law (termed either SJD or JSD) and 
two have doctorates in other disciplines, so the group is familiar with the standards for both 
degrees.

3. Degree Description

The SJD will be the most advanced degree offered by the Law School. The SJD degree is the 
standard doctoral degree in law offered at American law schools, virtually none of which offer a 
PhD as their most advanced degree. It is primarily a research degree for those who teach or 
who wish to teach law abroad. Most law schools outside the United States require a doctorate – 
whether a PhD or SJD – as a condition of employment or promotion. Consequently, most 
candidates for the SJD degree in the U.S. are foreign law graduates who seek an academic career 
in their respective countries. Currently, over 40 law schools in the U.S. offer the SJD or JSD 
degree.

The William S. Richardson School of Law offers a Masters of Law (LLM) degree, which provides 
advanced training for foreign-trained legal professionals, including those who are preparing for 
academic careers—almost all SJD programs require completion of the LLM degree. The SJD 
degree achieves two objectives beyond what the Law School’s existing LLM program can offer. 
First, the focus of the SJD degree is on research and writing, and the program will require every 
successful candidate to produce a work of scholarship of publishable quality that makes a 
unique contribution to the legal scholarly literature. The SJD also will allow academics and other 
legal experts to hone their expertise within a specific legal field.

Admissions

The Law School’s proposed SJD degree will be open to all qualified students, whether trained in 
the U.S. or abroad. Few Americans traditionally participate in SJD programs; the JD is the 
highest required degree for virtually all purposes in the U.S., including teaching law, so those 
who plan academic careers generally prefer doctorates in another discipline. We thus expect 
that most SJD applicants will be foreign-trained, from countries in Europe and especially in Asia. 
The SJD applicants will be required to submit proof of the following:

- Successful completion of an LLM degree either from an American or a foreign law school, 
or a JD degree from an American law school;
- A strong academic record;
- A detailed statement of purpose or a dissertation proposal;
- Published work or a writing sample of publishable quality;
- At least two letters of recommendation from law faculty members.

Applicants must also demonstrate excellent English writing skills and a thorough 
understanding of the subject matter discussed in the dissertation proposal. In addition, 
qualified applicants will not be admitted to the Program unless the SJD Committee can identify 
a suitable Law School faculty member willing to serve as academic advisor.
Admissions decisions will be made by the SJD Committee, consisting of faculty and admissions representatives, in consultation with the faculty member committed to serving as the candidate’s dissertation advisor.

**Program Structure**
The SJD will be a research-based degree with a minimum of one year in residence at the Law School. During that year, the SJD Committee Chair will teach SJD Legal Scholarship (fall semester) and SJD Legal Writing (spring semester) seminars, which will serve to provide students with general guidance and feedback on their developing research. The syllabus and curriculum will be organized by the chair of the SJD Committee, including frequent collaboration with other members of the SJD Committee and the Law Librarians. Both SJD seminars will be introduced as new courses (three to four credits); the general outlines, approved by members of the Planning Committee, are attached to this application. In addition, SJD students will be required to enroll in Directed Research (one to four credits) with their dissertation advisers. By the end of the first year, SJD students will be expected to submit their dissertation proposals and outlines for approval.

With the approval of their faculty advisors, SJD students may also enroll in courses related to their areas of research. After completion of the first year of the program, SJD students may advance to candidacy to complete their dissertations. They need not remain in residence to do so, although students will be encouraged to spend a second year in residence to concentrate on writing. All coursework prior to the dissertation phase will be graded.

The SJD students will be enrolled at the University as full-time students and will be responsible for appropriate tuition and fees until their degrees are conferred. All SJD students will be encouraged to complete their degrees within three years. Students will be expected to submit their completed dissertations at the end of the third year, but they will have up to five years to do so. Students who fail to complete the degree within five years will be required to petition the SJD Committee to be reinstated and to submit their dissertation.

**4. Rationale and Demand for the Program**

**Background for the SJD Program Development**
The International Programs Committee first began to discuss establishing an SJD Program in April 2013.¹

¹ In April 2013 members of the International Programs Committee included: Professors David Cohen, Alison Conner, David Forman, Carole Petersen, and Faculty Specialist Spencer Kimura. In the fall of 2013 the Committee added two new members, Professors Diane Desierto and Tae-Ung Baik, both of whom hold JSD degrees (SJD equivalent) from ABA-accredited law schools.
The faculty serving on the Committee met on a monthly basis and carefully considered the advantages and any concerns in implementing such program. The Committee took into account the success of other SJD programs; the demand for the degree at our Law School based on discussions with current and former LLM students; the availability of resources; and the timeline for implementation.

The Committee unanimously agreed that the current timing for the introduction of an SJD program is excellent. The Law School now employs enough full-time faculty to offer depth in many important areas of legal research, and an SJD program will complement and support what is now a well-established LLM program that has already achieved an international reputation. An SJD program will contribute greatly to existing collaboration with major Asian law schools and enhance the Law School’s position as a center of research on Asian-Pacific law.

In January 2014, after consultation with many colleagues, the International Programs Committee submitted the SJD degree proposal to the Law School faculty, which enthusiastically supported the proposal and voted to approve it. The faculty agreed that the development of an SJD program will support the academic excellence of the Law School and will affirm its global reach.

**Purpose of and Rationale for the SJD Program**

The purpose of the SJD degree is to train future law school faculty members and policymakers who will conduct scholarly research and will work on law reform in foreign jurisdictions and the United States. For American-trained lawyers, an SJD degree offers the opportunity to pursue research in a specialized legal area leading to careers in policy and public service and can enhance their professional opportunities abroad. Moreover, Richardson Law students who wish to continue scholarly research after completing their degrees will contribute to unique legal scholarship of significance to our State, such as Native Hawaiian Law, Ocean and Maritime Law, Energy Law, and Pacific Asian Business Law.

Outside the U.S., American SJD degrees are generally regarded as prestigious because foreign policymakers often look to U.S. law and policy in reviewing and reforming their own laws and legal structures, and because many legal specialties may not be offered in their home countries. All SJD students will have the opportunity to develop their research and academic skills as well as to develop expertise in richly varied legal policy areas, which will serve them well in their future academic and government positions.

The SJD program will become an extension of and will help supplement the Law School's current international LLM program. The LLM Program recently celebrated its 10th anniversary and boasts a strong and supportive alumni base around the globe with graduates from over 50 different countries. For international LLM students on an academic track, the SJD is a natural extension of their graduate studies. The SJD is usually a necessary terminal degree for a
successful teaching career in their countries of origin. Over the past ten years, the Director of International Programs has received many inquiries from LLM alumni wishing to pursue an SJD degree at Richardson Law. The stability of the Law School’s resources and the success of the LLM program have positioned us well to establish a doctoral degree as part of a comprehensive program of post-JD education.

International SJD students often receive at least some funding from their home countries and institutions to pursue their doctoral degrees. We anticipate that these SJD candidates will seek to study at the Law School because of our highly-regarded areas of expertise, notably in environmental law, international law, human rights, and business and commercial law, particularly in Asia and the Pacific. The Law School offers unparalleled depth in our expertise and experience in these areas. Because of the advanced level of training and scholarly expertise SJD students will bring, they also will contribute to research and teaching at the Law School.

International SJD students will have many opportunities to interact with American SJD and other law students during their time in residence, which will add to their understanding of different legal systems and cultures, as well as to the possibilities for further study in specialized areas.

**Existing SJD/JSD Programs**

Many U.S. law schools, particularly those at major research institutions, already offer the SJD (or JSD) degree. These include:

- **Harvard Law School**
  (http://law.harvard.edu/academics/degrees/gradprogram/sjd/index.html)
- **Indiana University-Bloomington, Maurer School of Law**
  (http://www.law.indiana.edu/degrees/graduate/requirements.shtml)
- **University of California, Berkeley Law School** (http://www.law.berkeley.edu/5653.htm)
- **University of Chicago Law School** (http://www.law.uchicago.edu/jsd-program)
- **University of Iowa School of Law** (http://www.law.uiowa.edu/sjd)
- **University of Michigan Law School**
  (http://www.law.umich.edu/prospectivestudents/graduate/degreeprograms/sjd/Pages/default.aspx)
- **University of Wisconsin Law School**
  (http://law.wisc.edu/grad/prospective/sjd/overview-sjd.html)

These programs attract competitive foreign applicants from across the globe. The William S. Richardson School of Law’s unique geographic location provides an opportunity for similar international academic partnerships, particularly with the legal communities in the Asia-Pacific
region. At the same time, Hawai‘i students can pursue advanced research degrees in law while living and working at home. Overall, the establishment of the SJD program falls squarely in line with the University’s strategic goals to “promote faculty and student research and scholarship; improve research infrastructure; invest in key areas of research and scholarship,” as well as with our general commitment to attract high-caliber international students to the University.

5. **Student Learning Outcomes**

All successful SJD graduates will:

- Conduct research related to legal issues in their areas of expertise;
- Write and successfully defend a dissertation of publishable quality that makes an original and substantial contribution to legal scholarship in the candidate’s selected field.

6. **Similar Existing UH Programs (if any)**

Currently, the University of Hawai‘i does not offer a comparable doctoral degree in law. The LLM program is a one-year master’s degree and is primarily practice-oriented.

7. **Planning Period**

The proposal to establish the SJD Program was approved by the Law School faculty at its regular meeting on January 17, 2014. The planning period has been ongoing and will extend through December 2015, with the goal of enrolling the inaugural class in August 2016. As part of the process, the Law School sought acquiescence from the American Bar Association – the Law School’s accrediting agency – to establish a new non-JD program. In February 2015, the American Bar Association notified the Law School that it had granted acquiescence for the proposed SJD degree.²

During the planning phase, members of the SJD planning committee will prepare the SJD application form along with policies related to the application process. They will also assist in creating a new webpage dedicated to the SJD program. The program will be labeled as “Pending Approval” until full approval has been granted by the University of Hawai‘i. The Law School’s anticipated expenses during the planning period include: publication of print materials (in-house), creating a webpage (in-house), designing and sending promotional email campaigns to prospective applicants announcing the new program (in-house, $500), and the application fee for ABA acquiescence ($6,000).

² Standard 308 of the ABA states that an ABA-approved law school must obtain acquiescence prior to commencing a non-JD program.
The SJD program will be financially sustainable primarily because of its low operating costs; we expect that the revenue generated from tuition will cover much more than the expenses of the program.

8. Description of Resources Required

The anticipated number of SJD students will be 6-10. The SJD program will start with a small inaugural class, with the possibility of expanding the number of students in subsequent years once the program has been established.

- **Faculty (existing and new FTEs)**
  - No new full-time or part-time faculty will be required for the program. The faculty members who will serve as dissertation advisors will be assigned no more than two students and in most cases only one student per year (approximately 10% of faculty workload). The faculty teaching first-year SJD students will be assigned a reduced JD teaching course load to correspond with additional responsibilities.
  - The SJD Committee Chair or another member of the Committee will teach the SJD Seminars in both fall and spring semesters each year (approximately 25% of existing workload).

- **Library resources (estimate of current resources and additional resources required)**
  - Initially, no additional library resources will be required. The current Law Librarians will assist SJD students with research, although the incoming students will be expected to be skilled in advanced legal research. The Law School will acquire new library materials as needed, subject to further discussion with the Law Library staff.

  - The Richardson School of Law Library is a 30,000 square foot research center that seats more than 400 students. Our current student population, including non-JD students is 331. The Law Library has ample seating space and study carrels for post- and non-JD students who choose to study in the Law Library. The Library collection exists in mixed media, with a heavy reliance on legal databases for access to domestic, foreign, and international primary collections and specialized commentaries. All students are issued individual accounts for the most popular resources, and they are given access codes for more specialized databases upon request. Database contracts reflect the number of enrolled students at the school each year and are available remotely if students choose to do their research off-campus. Augmenting the student population through advanced degree programs will not negatively affect these services.
• **Physical resources (space, equipment, etc.)**
  o No additional space or equipment will be required. The Law School will be able to accommodate all SJD students within the existing facilities.

• **Other: Faculty Support, Student Services**
  o The SJD students will receive administrative support through the faculty support unit assisting the SJD Committee and thesis advisors. They also will have access to administrative offices at the Law School and the University, such as the Law School's career counseling, financial aid, student services, and the Law School registrar.

9. **Projected Budget for the Program**

The proposed estimated budget, including tuition, is comparable to SJD programs at other universities that are likely to compete for the same applicant pool. As a preeminent American law school in international and Asian law with strong connections in Asia and the Pacific, we anticipate that the SJD program will attract international students predominantly from the Asia Pacific region, especially Southeast Asia.

The program will focus on training legal scholars and foreign law school faculty members rather than lawyers, which means that expectations for professional income will be considerably lower than for typical JD and LLM students.

The majority of the SJD cohort will be international students with limited financial resources and ineligibility for federal financial aid, including loans. In addition, the Law School cannot offer graduate assistantships or fellowships to SJD students. Unless the students receive outside scholarships, they will be responsible for the entire cost of their degree plus living expenses in Hawai‘i.

As mentioned in the Program Description section, continuing SJD students will enroll in fewer credits after the first year as they advance to the dissertation phase of the program. They will register for the Law Dissertation course (1 credit) each semester until they submit their dissertations.³

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³ The one-credit dissertation course will be modeled after the existing 800 Dissertation Courses available to other graduate students at the University. However, we are aware that the one-credit dissertation and thesis courses are currently under review.
<table>
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<tr>
<th>PROJECTED REVENUES</th>
<th>FY 2016-17</th>
<th>FY 2017-18</th>
<th>FY 2017-18</th>
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<tbody>
<tr>
<td>Projected Enrollment</td>
<td>6 students</td>
<td>12 students</td>
<td>18-20 students</td>
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<tr>
<td>New students</td>
<td>6</td>
<td>7</td>
<td>7</td>
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</table>
| Continuing students (advanced to candidacy) | N/A        | 5-6        | 11-13  
| No. of Credits per Student         |            |            |            |
| New students                       | 16 (8 per semester) | 16 (8 per semester) | 16 (8 per semester) |
| Continuing students (advanced to candidacy) | N/A        | 2 (1 per semester) | 2 (1 per semester) |
| Tuition Rate per Credit (Proposed) |            |            |            |
| Resident                           | $637       | $637       | $637       |
| Non-resident                       | $1,532     | $1,532     | $1,532     |
| Total Tuition per Student per Year |            |            |            |
| New students (Resident/Non-resident) | $10,192/$24,512 | $10,192/$24,512 | $10,192/$24,512 |
| Continuing students (Resident/Non- resident) | N/A        | $1,274/$3,064 | $1,274/$3,064 |
| Total SSH (Student Semester Hours) | 96 (48 per semester) | 124 (62 per semester) | 138 (69 per semester) |
| Total Revenue from Tuition         | $147,072   | $189,968   | $211,416   |
| Other Sources of Income            | 0          | 0          | 0          |
| TOTAL Revenues                     | $147,072   | $186,968   | $211,416   |

<table>
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<tr>
<th>PROGRAM COSTS</th>
<th>FY 2016-17</th>
<th>FY 2017-18</th>
<th>FY 2017-18</th>
</tr>
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<tbody>
<tr>
<td>Faculty w/o fringe</td>
<td>$32,355</td>
<td>$84,123</td>
<td>$135,891</td>
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<tr>
<td>Other personnel costs w/o fringe</td>
<td>$6,095</td>
<td>$6,095</td>
<td>$6,095</td>
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<td>Library</td>
<td>0</td>
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<tr>
<td>Equipment Supplies</td>
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<tr>
<td>Other: Publication of promotional materials</td>
<td>$500</td>
<td>$500</td>
<td>$500</td>
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<tr>
<td>TOTAL Expenses</td>
<td>$38,950</td>
<td>$90,718</td>
<td>$142,486</td>
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**Program Costs Narrative**

The faculty and other personnel costs listed in the table above do not represent any additional hiring or increase in salaries. These are existing Law School expenses. The current staffing at the Law School allows for a redistribution of duties of the current faculty and administrative staff.

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4 Estimate is based on possible attrition.
5 The majority of the SJD cohort will be non-resident international students. Consequently, we base total projected tuition revenue on the non-resident tuition rate.
Estimated annual expenses to implement the program will be:

- Publication of informational and promotional materials = $500
- Increased workload for the existing faculty:
  - FY 2016-17
    - SJD Seminar instructor and advisor = 25% of the current teaching load = $32,355
  - FY 2017-18
    - SJD Seminar instructor and advisor = 25% of the current teaching load = $32,355
    - Other dissertation advisors = 10% of the current teaching load = $12,942 x approx. 4 advisors = $51,768
  - FY 2018-19
    - SJD Seminar instructor and advisor = 25% of the current teaching load = $32,355
    - Other dissertation advisors = 10% of the current teaching load = $12,942 x approx. 8 advisors = $103,536
- Increased workload for the administrative staff and faculty support unit = approximately 8% time commitment of 1 existing staff member = $6,095

The Law School will be able to accommodate up to 25 SJD students with existing resources. Most of the program costs are closely tied to instruction and enrollment, so if the anticipated enrollment does not materialize, the costs will decrease. Furthermore, the resources and program costs associated with the second and third year students will be lower as the students will focus their attention on writing and will not be enrolled in regularly scheduled classes.

10. Impact on Current Courses or Programs

The SJD degree will have minimal impact on existing courses and other programs at the Law School at the UH Mānoa campus. The focus of the SJD program is overwhelmingly on the individual research and dissertation writing. In addition, the program will be highly selective, and the anticipated enrollment of SJD students will be less than 5% of the Law School’s total student body.

JD students will continue to have priority enrollment in all JD courses. The SJD policy and program description will stipulate that the SJD students may enroll in JD courses only with the permission of the course instructor and the faculty advisor.

The Law School will create new SJD Seminar courses restricted to SJD students and led by members of the existing law faculty, with guest lecturers. Because of the restricted SJD class size
(6-10 students each year) and topic-specific advising, no new faculty or administrative staff will be required to support the SJD program.

11. Multidisciplinary

This program will not be multidisciplinary. SJD students will be permitted to audit courses outside the Law School only with the prior approval of their dissertation advisor as well as the individual course instructor.

12. Appendix: Course Descriptions

SJD Legal Scholarship Seminar [Fall Semester]

The SJD Seminar is designed to provide SJD students with an overview of legal analysis in a series of related fields. Through presentations by the instructor and by other law faculty members in different fields, the students will be introduced to different research approaches and areas of legal analysis. Appropriate introductions will be given to some of the principal research methodologies widely used in legal research, together with more detailed comment on those relevant to individual dissertations being proposed and undertaken by SJD students in the class. Introductions will be provided to the following: empirical methods of research, ethical standards and legal research, historical research, comparative legal research, case studies, and interdisciplinary research, among others. The seminar will guide and support SJD students to help them prepare and present their dissertation proposals. Each student will be expected to give a class presentation on her/his research question and preliminary proposal for feedback from the course instructor and classmates.

This seminar is required for all entering SJD students in the fall semester and will meet once a week, though additional sessions may be arranged, depending on student interest. Enrollment is limited to SJD students.

The most important student learning objectives for this course are: to provide students with the intellectual and methodological skills they will need to plan, research, write and publish their theses. In particular, the objectives are to assist students in enhancing their understanding of significant issues in current legal theory and awareness of theoretical approaches relevant to their research areas as they prepare feasible research plans, which address research aims, assumptions, methods, and possible findings.

Seminar Topics
Session 1: What is an SJD and How Does One Commence?
Session 2: Structuring and Writing a Dissertation
Session 3: Introduction to Empirical Methods in Legal Research
Session 4: Ethical Aspects of Legal Research
Session 5: Legal History: Research Aspects
Session 6: Comparative Legal Studies
Session 7: Case Studies
Session 8: “Law in Context” Approaches
Seminar 9: Comparative Legal Theory: Natural Law and Positivism
Seminar 10-11: Comparative Legal Theory: Individual Theories and Legal Development
Seminar 12: Legal Research in Common Law and Statutes, including Statutory Interpretation

SJD Legal Writing Seminar [Spring Semester]

This seminar follows on the SJD Legal Scholarship Seminar, in which all SJD students enroll during their first semester. The seminar will include participation by the law librarians to discuss advanced legal research techniques and materials. Research approaches and relevant materials for each candidate will be reviewed and discussed. Attention will be given to structuring the dissertation, citation style, avoiding plagiarism, complying with copyright requirements, and arranging for publication of dissertation chapters and/or monographs. Each student will present her/his revised dissertation proposal and outline for comment and discussion by the instructor and the group.

This seminar addresses some of the mechanics of preparing a dissertation, including an advanced introduction to University of Hawai‘i library resources; Open Access publishing; data collection by downloading online sources, filming and editing materials, preparing draft legislation or treaties, using the media to publicize aspects of your dissertation, possible post-doctoral opportunities, and getting your dissertation published (including writing a book proposal, whom to approach for publication, law review publication, SSRN publication, and others).

The seminar is required for all entering SJD students in the spring semester and it will meet once a week, with special sessions to be arranged depending on the interests of the students. Enrollment is limited to SJD students.

The most important student learning objectives for this course are: to provide students with the intellectual and methodological skills they will need to research, write, and publish their theses and to think broadly and creatively about the best way to answer their research questions; in particular, to assist students to enhance their ability to prepare and execute feasible research plans and to write and revise their SJD dissertations.
Seminar Topics
Session 1: Legal research and library sources
Session 2: Planning the argument and working on first draft
Session 3: Correct citation practices; use of sources and avoiding plagiarism
Session 4: Bluebooking of sources
Session 5: Bluebooking (con't) atypical sources
Session 6: Review of legal resources and methods
Session 7: Structuring and writing a dissertation
Session 8: Planning the argument and first draft; legal analysis vs. descriptive writing
Session 9: Discussion of outlines and working bibliographies
Session 10: Planning the bibliography
Session 11: Editing drafts of the dissertation
Session 12: Revision and publication of the SJD dissertation
Session 13: Individual candidate meetings on outlines
Session 14: Oral presentations of project.