

Assessment of Provisional Programs

Master of Laws (LLM) Program for Foreign Law Graduates

6/29/2012

Since 1982, the William S. Richardson School of Law at the University of Hawai'i at Mānoa has been accredited by The Council of the American Bar Association Section of Legal Education and Admissions to the Bar. The Law School offers the Juris Doctorate and Master of Laws (LLM) degrees, along with dual degrees, which combine the Juris Doctorate (JD) with other graduate degrees, such as JD/Master's of Business Administration (MBA) or JD/Master's of Public Administration. JD students also may pursue Certificate Programs at the law school in the areas of Environmental Law, Native Hawaiian Law, and Pacific-Asian Legal Studies.

1. Is the Program organized to meet its objectives?

Yes, the Master of Laws (LLM) Program (hereinafter "LLM Program") is organized to meet its objectives of providing quality legal education to foreign law graduates.

The LLM Program, first approved by the Board of Regents in 2003, provides students with a broad understanding of U.S. and international legal issues—something that is increasingly necessary in today's globalized law practice. It also provides LLM students with a general introduction to the principles and distinctive aspects of the American legal system, its institutions and culture. All LLM students meet these learning objectives by the time they graduate and will be able to apply what they experienced during the program to their future careers. Now in its ninth year, the LLM Program has 76 alumni from 37 countries worldwide. The LLM Program Director (a full-time faculty specialist) and the LLM Academic Director (a full-time Law School tenured professor) provide academic advisement and carefully assist students in selecting courses and in registration.

The LLM Program is open to foreign legal professionals and law graduates who have earned a law degree (or its equivalent) outside of the United States. The LLM Program is one year in length, and students must take the 3-credit "Introduction to American Law" course and at least 21 additional credits to graduate. Students select their own courses to build a curricular path best suited to their career goals, as long as they earn at least 24 total credits over two semesters in residence. LLM students who decide to concentrate their study in one of our areas of excellence may earn a specialization in addition to their diploma. We now offer LLM specializations in five major areas: business and commercial law, conflict resolution, environmental law, international and comparative law, and ocean law and policy. See Appendix B.

During the Program, LLM students receive excellent training in the U.S. legal system, while improving their legal English skills as well as their understanding of American legal culture. All students are assessed and receive feedback for their coursework.

The Law School makes every effort to ensure that the LLM students have a successful experience both in and outside the classroom. We provide legal research, writing training, class preparation, and exam-taking training, as well as tutors to assist LLM students as needed. In addition, the LLM Program offers a series of special events to expose students to the culture of our legal community and to help integrate them with the other law students. LLM students

interact regularly with JD students, faculty and staff through their courses and a variety of organized activities. LLM students elect a representative to the Student Bar Association, and they may join any of the various law student groups and take part in their activities.

2. Is the Program meeting its learning objectives for students?

Yes, the LLM Program is meeting its learning objectives for its students. Our students are already law-trained (in very different systems) and are often practicing legal professionals when they enter the one-year course of study offered in our LLM program. Learning outcomes are therefore very specific and tailored to their experience and training; they must complete all of them satisfactorily. During the year they spend with us, they will:

(1) Gain a comparative understanding of the importance of law and legal institutions in the U.S., and the role and obligations of lawyers in the American legal system. In addition to completion of a general course on U.S. law, all LLM students participate in a series of organized court visits, meetings with judges and lawyers, trial hearings and special law programs at the Law School. Students keep a journal analyzing these events and comparing them to their own legal system and are assessed on their understanding of the similarities and differences between the US system and their home country's legal systems.

(2) Master fundamental skills in American legal research, legal analysis and legal reasoning. As part of the requirements of two special LLM courses, students must learn to write American case briefs, statutory analyses and legal summaries, and then research and write (and revise) a longer, more complex memorandum on issues of U.S. law. They are assessed on the writing and research skills they demonstrate in the memorandum.

(3) Develop expertise in a specialized area of U.S. or transnational law through successful completion of an organized program of courses in the specialty. We offer five optional specializations and students must achieve satisfactory results in each of the four required courses in their chosen area. Each specialization ordinarily requires papers and formal presentations in at least two of the courses chosen, in addition to examinations. (See Appendix B)

3. Are program resources adequate?

Faculty resources are adequate. LLM students can take courses taught by all Law School faculty. See Appendix A for a complete listing of Law School faculty. A Faculty Specialist allocates approximately half of his time as Director of the LLM Program. A full-time professor allocates a substantial part of her time as the Academic Director of the Program.

The Law School building houses all faculty, administration and classrooms. In addition, there is a large Law Library, which has a few classrooms and space allocated for student journal organizations. In the Law School building, students take classes in four large, tiered classrooms, two smaller classrooms, and six seminar rooms. The classrooms are all equipped with outlets for computers and wireless internet access as well as advanced audio visual equipment. The seminar rooms are available as study rooms when not in use. The students enjoy a student lounge and a

student service counter, which provides information and assistance with various issues ranging from course registration to exam taking.

The tuition for the LLM program for 2012-13 is \$34,920, while the JD tuition is \$33,816. Revenues from tuition are used to cover the operating expenses of the Program and other law school needs.

4. Is the program efficient?

Yes the LLM Program is efficient. Costs specific to the administration of the Program involve a 0.5 FTE for the Director, a 0.25 FTE for the Academic Director, and 0.25 FTE for the Instructor for one semester to teach the "Introduction to American Law course." Beyond that course, the LLM students generally register for courses that are not at full capacity, so that their presence does not require additional instructors. The LLM Program has generated close to \$2 million over eight years, or roughly \$250,000 per year on average. With 76 alumni, that equates to roughly \$1,100 per SSH in revenue. This is well above the instructional cost per SSH, which in 2011 is \$643. The current LLM class has twelve students, which is about 10 percent of the 115 JD student population. Tuition raised through the LLM Program helps to support other Law School programs and initiatives to reach their mission goals.

In addition to increased tuition funds, the LLM Program benefits the Law School and University in many ways. The Program serves as a bridge to other countries, particularly in the Asia Pacific region, by bringing highly educated foreign law graduates to Hawai'i. While these students learn the legal system of the U.S. and the state of Hawai'i, they contribute to the diversity and quality of the learning environment for our American students and faculty. Not only do they bring different cultural perspectives, but they also come with knowledge and practical experience in the legal systems of countries around the world. They provide valuable connections and serve as a great resource for the Law School and the legal community of Hawai'i.

5. Evidence of Program Quality.

Our LLM Program graduates have all received a solid foundation in the United States legal system, while improving their English language ability. They have also experienced many facets of American culture during their time at the Law School. Most of our graduates return to their home countries, where they use their newly-acquired knowledge and skills to enhance their careers. In turn, they provide great publicity for the University of Hawai'i and the Law School through networking with their colleagues. For example, in Cambodia, there are only about 600 practicing lawyers. Of these, three have graduated from our LLM Program through a grant from the Freeman Foundation. They now teach future generations of lawyers at the Royal University of Law and Economics and have key positions within the Cambodian government.

Approximately 36 of our graduates returned to their home countries to practice law in the private sector. About 14 LLM alumni work for their home governments or non-profit organizations. Nine of our LLM graduates have continued their legal education through our JD program, one earned an MBA at the Shidler College of Business, and two participated in the East-West Center Asian-Pacific Leadership Program. A number of our graduates have taken and passed the New York Bar Exam, which is one of the most difficult in the country.

Our alumni are very helpful to our faculty and administrators when they travel overseas, and are a good resource for contacts in the countries where they reside. They develop an affinity for Hawai'i while here and actively promote the University and the State through social media, such as Facebook, and other avenues.

The American Bar Association Accreditation Committee reviewed the Law School in 2011 and one of its findings on Feb. 15, 2011, was that "The LL.M. Program does not appear to burden the Law School or its J.D. curriculum; rather, the presence of these international students enriches the Law School community."

6. Are program outcomes compatible with the objectives?

Yes, all of our LLM students gain a basic understanding of our legal system and improve in their legal English ability during their time in the LLM Program. The LLM degree gives them a variety of career options, which enables each LLM student to suit her or his particular needs. Most LLM students return to their home countries and use what they have learned in private practice or government jobs. Others take an American bar examination, usually in New York, to earn an American license to practice law before returning to their home countries. A few continue their legal education by transferring into our JD Program and then practice law in the United States. Still others remain for a year of Optional Practical Training before returning to their home countries. The current LLM class has twelve students, which is about 10 percent of the 115 JD students. This represents 288 SSH or 2.7% of the total 10,504 SSH for all law students.

The LLM Program also enriches the Law School community, by bringing a diverse group of talented legal professionals from around the world to share their perspectives in the classroom. This fosters an enhanced learning environment for our law students and professors.

7. Are program objectives still appropriate functions of the college and University?

Yes, with increasing globalization, there is a growing need for lawyers to be trained in different legal systems. Our LLM Program enables foreigners to expand their knowledge of the U.S. and the state of Hawai'i generally, as well as the particular law subject areas of their choice. In addition to general law course offerings, our Law School is strong in the areas of Asia and the Pacific, Environmental Law, and Native Hawaiian Rights. For example, one of our LLM students, who is an aboriginal Taiwanese, came to our Law School specifically for our expertise in the rights of native and indigenous people. Several LLM students have chosen our Program for our strength in environmental law. Many of our European students gave our expertise in Pacific Asian Legal Studies as the reason for attending our Law School. Because the Law School has the most diverse student body in the country, our LLM students are able to experience a variety of cultures as well as the values we share in Hawai'i.

At the same time, our American students and faculty members gain the opportunity to learn about legal systems beyond our shores by interacting with our LLM students throughout the year. Many JD students choose to come to the University of Hawai'i for our expertise and resources in Pacific Asia Legal Studies. Since traveling abroad is not feasible for many law

students due to financial or time constraints, our LLM students serve as a valuable resource to the JD students. Not only do they come from different cultural backgrounds, but they also have knowledge and practical experience in the legal systems of countries around the world. This is a great resource for the Law School in general, and the legal community of Hawai'i.

The International Law Section of the Hawai'i State Bar Association meets with our LLM students each year, for example, to discuss similarities and differences in the practice of law here and in other countries. Another example is one of our LLM students from China helped a local law firm to establish an associates exchange program with a law firm in China. Through forming relationships between LLM students and members of the Hawai'i bar, the LLM Program creates opportunities for collaboration and networking long after they graduate.

8. Conclusion

The Master of Laws (LLM) Program meets its learning objectives for students in an efficient manner, while providing a valuable resource of foreign-educated law students to the University of Hawai'i. As the world becomes more interconnected, it is increasingly important for students to be cognizant of how law is practiced in the U.S. and in other countries. The LLM Program simultaneously provides quality legal education of the U.S. legal system to LLM students while exposing American JD students and faculty to foreign legal practices through interaction with LLM students. By educating LLM students here at the University of Hawai'i, and immersing them in our culture, the LLM Program makes a profound impact upon their lives and opens the door for future opportunities and collaboration.

Appendix A

Law School Faculty Profiles

Denise E. Antolini	Teaching Areas: Environmental Law
John L. Barkai	Teaching Areas: Evidence, Negotiation and Alternative Dispute Resolution, Prosecution Clinic
Hazel Glenn Beh	Teaching Areas: Advanced Torts and Insurance Law, Contracts, Legal Writing
Sayoko Blodgett-Ford	Teaching Areas: Intellectual Property
Charles D. Booth	Teaching Areas: Asian-Pacific Insolvency Law, Corporate Reorganization, Secured Transactions, Legal Writing
Ronald C. Brown	Teaching Areas: Labor Law, Employment Law, Employment Discrimination Law, Asian Comparative Labor Law,
Maxine Burkett	Teaching Areas: Climate Change Law and Policy, Torts Environmental and Climate Justice
David L. Callies	Teaching Areas: Land Use, Legal Writing, Property Law, State and Local Government Law
Williamson B.C. Chang	Teaching Areas: Conflicts of Law, Indigenous Peoples Rights, Jurisprudence, Native Hawaiian Rights, Water Resources
Alison W. Conner	Teaching Areas: Law & Society in China, Chinese Business Law, Comparative Law, Business Associations, and Introduction to American Law.
Danielle Conway	Teaching Areas: Intellectual Property, Internet Law and Policy, Governmetn Contracts, International Intellectual Property
Lawrence C. Foster	Teaching Areas: Securities Regulation, Legal Writing
Virginia E. Hench	Teaching Areas: Civil Rights, Criminal Justice, Criminal Procedure, Gender and Law, Hawai'i Innocence Project

Linda Hamilton Krieger	Teaching Areas: Employment Discrimination Law, Antidiscrimination Law and Policy, Legislation, Civil Procedures
Charles R. Lawrence, III	Teaching Areas: Constitutional Law, Critical Race Theory, Education Law
Mark A. Levin	Teaching Areas: International Business Transactions, Law & Society in Japan, Legal Research and Writing, Sales, Japanese Business Transactions
Justin D. Levinson	Teaching Areas: Law and Psychology, Business Associations, High Growth Entrepreneurship, Corporate Finance and Legal Writing.
Melody K. MacKenzie	Teaching Areas: Native Hawaiian Law, Legal Writing
Mari J. Matsuda	Teaching Areas: Torts, Organizing for Social Change, Legal Writing, Feminist Legal Theory, First Amendment Seminar, Asian Americans and Legal Ideology, Subordination, Traditions of Thought and Experience, Civil Rights, and Peacemaking.
Frances Miller	Teaching Areas: Health Law, Legal Writing
Calvin G.C. Pang	Teaching Areas: Family Law, Lawyering Skills, Legal Research and Writing
Carole J. Petersen	Teaching Areas: Constitutional and Administrative Law, Equality and Non-Discrimination, International Protection of Human Rights, Legal Writing.
James H. Pietsch	Teaching Areas: Elder Law, Health Law, Bioethics, Legal Research and Writing
Jill J. Ramsfield	Teaching Areas: Legal Discourse, Composition Theory, Legal Writing
Randall W. Roth	Teaching Areas: Professional Responsibility, Trusts & Estates, Federal Income Taxation, Nonprofit Organizations, and Estate Planning Workshop
Leina'ala R. Seeger	Teaching Areas: Legal Research and Writing, Contracts
Dean Aviam Soifer	Teaching Areas: Constitutional Law, Civil Rights and Civil Liberties, Legal History, Legal Research and Writing.

D. Kapua‘ala Sproat

Teaching Areas: Native Hawaiian Law, Environmental Law, and Legal Writing.

Eric K. Yamamoto

Teaching Areas: Civil Procedure, Advanced Procedure/Complex Litigation, Public Law Litigation, Race, Culture and Law, Reparations

Appendix B

LLM SPECIALIZATIONS

LLM students who decide to concentrate their study in one of our areas of excellence may earn a separate certificate in addition to their diploma. We now offer specialization certificates in five major areas: business and commercial law, conflict resolution, environmental law, international and comparative law, and ocean law and policy.

Business and Commercial Law .pdf

Hawai'i is strategically located to serve as a bridge between the major economies of the Pacific Rim—as the 2011 Asia Pacific Economic Cooperation Summit demonstrates. The Law School is strong in business transactions and many of our core business courses include an international perspective. The Law School program is supported by the Shidler College of Business, which emphasizes the development of global business skills and has long been recognized for its Asian-Pacific focus.

Conflict Resolution .pdf

The Law School is one of the most culturally and demographically diverse in the U.S., and we are uniquely positioned to provide training in negotiation and conflict resolution in a multi-ethnic, international setting. LLM students may also take courses at the University of Hawai'i's Matsunaga Institute for Peace & Conflict Resolution.

Environmental Law .pdf

The Law School's Environmental Law Program is widely recognized for its excellence. LLM students who pursue this specialization gain a greater appreciation for the beauty and fragility of our island environment as well as an understanding of the most important environmental issues. Students may also work with the University's Center for Island Climate Adaptation and Policy, which is headed by a member of the Law School faculty.

International & Comparative Law .pdf

The Law School offers a wide variety of international and comparative courses each year, especially in Pacific-Asian law, taught by distinguished visitors as well as our core faculty. LLM students may also take advantage of programs offered by the University's School of Pacific and Asian Studies and the world-famous East-West Center, which serves as a magnet for top scholars and researchers from the region.

Ocean Law and Policy .pdf

The Law School has long been known for expertise in law of the sea and ocean law issues. LLM Students may study laws governing our scarce ocean resources along with their implementation and in a global context. The law curriculum is supported by the University's excellent School of Ocean and Earth Science and Technology.

LL.M. Specialization in Business and Commercial Law

General Requirements: Satisfactory completion of four courses with a minimum total of 10 credits. At least one course must be chosen from Tier I and at least two courses from Tier II. A second course from Tier I may be substituted for a course in Tier II.

To apply for this specialization, please check the appropriate courses below and submit to the LLM Director by **March 15**.

Student Name _____ Date Submitted _____

Tier I Courses* (at least one course)

- ____ LAW 509 Contracts I
- ____ LAW 510 Contracts II
- ____ LAW 519 Real Property II
- ____ LAW 524 Advanced Torts & Insurance Law
- ____ LAW 531 Business Associations
- ____ LAW 535 Intellectual Property
- ____ LAW 567 Federal Income Taxation
- ____ LAW 569 Sales

A second course from Tier I may be used to meet the requirements of Tier II.

Tier II Courses* (at least two courses)

- ____ LAW 507 Employment Discrimination
- ____ LAW 508 Negotiation and ADR
- ____ LAW 515 Business Reorganization in Bankruptcy
- ____ LAW 520 (Advanced Legal Studies) courses with approval
- ____ LAW 525 Business Planning (Law 531 required)
- ____ LAW 545 Licensing Intellectual Property
- ____ LAW 550 Corporate and Partnership Taxation (Law 531 and 567 required)
- ____ LAW 554 Secured Transactions
- ____ LAW 557 Negotiable Instruments
- ____ LAW 558 Corporate Finance (Law 531 required)
- ____ LAW 559 Labor Law I
- ____ LAW 560 High Growth Entrepreneurship (limited enrollment)
- ____ LAW 562 Debtors' and Creditors' Rights
- ____ LAW 565 Securities Regulation
- ____ LAW 583 Real Estate Development and Financing (limited enrollment)
- ____ LAW 589 Labor & Employment Law
- ____ LAW 590 Mediation Workshop
- ____ LAW 591 Government Contracts Law
- ____ LAW 595 Internet Law & Policy
- ____ LWPA 553 Asian Insolvency
- ____ LWPA 575 Topics in International Legal Studies, with approval
- ____ LWPA 577 Japanese Business Law
- ____ LWPA 578 Chinese Business Law
- ____ LWPA 579 International Business Transactions
- ____ LWPA 596 International Intellectual Property
- ____ 600-level graduate course, with approval. Course Name _____

* Not all courses are offered every year.

Approved by: _____

LLM Faculty Advisor

LL.M. SPECIALIZATION IN CONFLICT RESOLUTION

General Requirements: Satisfactory completion of at least four courses, with a minimum total of ten credits. Two courses from Tier I (negotiation plus one mediation course) and at least two courses from Tier II. Please note that not all courses are offered every year, and some specialized law courses are only taught by visitors on a rotating basis. Negotiation and Mediation courses include practice exercises and require good spoken English.

To apply for this specialization, please check the appropriate courses below and submit to the LLM Director by **March 15**.

Student Name _____ Date Submitted _____

Tier I – (two required courses)

_____ LAW 508 Negotiation and Alternative Dispute Resolution

AND

_____ LAW 590P Mediation Workshop **OR**
_____ PACE¹ 647 Mediation: Theory and Practice

Tier II – (at least two courses)

- _____ LAW 520 Advanced Legal Studies (with approval)
- _____ LAW 529 Peacemaking
- _____ LAW 546 January Term Seminars (with approval)
- _____ LAW 572 International Protection of Human Rights
- _____ LAW 575: Topics in International Legal Studies (with approval)
- _____ LWPA 585 International Law
- _____ PACE 650 Dispute Resolution System Design
- _____ PACE 668 Facilitation: Facilitating Community & Organizational Change
- _____ PACE 690 Topics in Conflict Theory
- _____ PLAN 627 Negotiation and Mediation in Planning
- _____ SOC 730 Conflict Analysis/Resolution

LL.M. students may count no more than 6 credits from courses taken outside the Law School towards their LL.M. degree. But graduate courses needed to meet the specialization requirements may be taken in addition to the Law School's credit minimum.

Approved by: _____
LLM Faculty Advisor

¹PACE is an abbreviation for Peace and Conflict Education and refers to courses offered in the Matsunaga Institute for Peace and Conflict Resolution.

LL.M. Specialization in Environmental Law

General Requirements: Satisfactory completion of four courses (with a minimum total of ten credits). Students must complete Environmental Law and at least three courses in Tier II.

To apply for this specialization, please check the appropriate courses below and submit to the LLM Director by **March 15**.

Student Name _____ Date Submitted _____

Tier I-- Core Course (required)

____ LWEV 582 Environmental Law

Tier II--Specialized Courses* (at least three courses)

- ____ LWEV 503 Wildlife and Natural Resources Law
- ____ LWEV 512 Environmental Compliance and Regulated Industries
- ____ LWEV 527 Topics in Environmental Law
- ____ LWEV 528 International Environmental Law
- ____ LWEV 530 Climate Change Law & Policy
- ____ LWEV 588 Legal Aspects of Water Resources and Control
- ____ LWEV 592 Domestic Ocean and Coastal Law
- ____ LWEV 590E Environmental Law Clinic (with approval)
- ____ LWEV 593 International Ocean Law
- ____ LAW 503 Historic Preservation Law
- ____ LAW 561 Administrative Law
- ____ LAW 580 Land Use Management and Control

* Not all courses are offered every year.

Approved by: _____
LLM Faculty Advisor

LL.M. SPECIALIZATION IN INTERNATIONAL AND COMPARATIVE LAW

Requirements: Satisfactory completion of at least four courses with a minimum total of 10 credits. At least one course must be chosen from Tier I and at least one course from Tier II. To count towards this certificate, LAW 520 & LAW 546 courses must relate to Comparative or International Law.

Students whose program of study includes at least four Pacific-Asian courses (denoted with an *), with a minimum of ten credits may elect to receive a Specialization in Comparative Law – Pacific-Asia.

Please note that not all courses are offered every year, and some specialized law courses are only taught by visitors on a rotating basis. Please check the appropriate courses below and submit to the LLM Director by **March 15**.

Student Name _____ Date Submitted _____

Tier I Courses (at least one course)

- _____ LWPA 514 Law and Society in Japan*
- _____ LWPA 579 International Business Transactions
- _____ LWPA 585 International Law
- _____ LWPA 586 Law and Society in China*
- _____ LWPA 587 Comparative Law*
- _____ LWPA 594 Pacific Islands Legal Systems*
- _____ LAW 520H Law & Society in Korea*

Tier II Courses (at least one course)

- _____ LAW 520 Advanced Legal Studies (with approval)* _____
- _____ LAW 546 January Term Seminars (with approval)* _____
- _____ LWPA 553 Asian Insolvency*
- _____ LWPA 556 Asian Comparative Labor Law*
- _____ LAW 572 International Protection of Human Rights
- _____ LWPA 575 Topics in International Legal Studies—China, Japan, Korea and Southeast Asia*
- _____ LWPA 577 Japanese Business Law*
- _____ LWPA 578 Chinese Business Law*
- _____ LWPA 596 International Intellectual Property
- _____ LWEV 528 International Environmental Law
- _____ LWEV 593 International Ocean Law
- _____ 600- or 700-level Graduate courses (with approval). Course title _____

Approved by: _____
LLM Faculty Advisor

LL.M. SPECIALIZATION IN OCEAN LAW AND POLICY

General Requirements: Satisfactory completion of four courses (with a minimum total of ten credits). Tier I courses on ocean policy and marine resources are required, plus at least two courses from Tier II.

To apply for this specialization, please check the appropriate courses below and submit to the LLM Director by **March 15**.

Student Name _____ Date Submitted _____

Tier I-- Core Courses (required)

_____ SOCS 735/OEST 735 Ocean Policy & Management; and
_____ ECON 639 Marine Resources Economics

Tier II -- Specialized Courses* (at least two courses)

_____ LWPA 585 International Law
_____ LWEV 528 International Environmental Law
_____ LWEV 530 Climate Change Law and Policy
_____ LWEV 592 Domestic Ocean and Coastal Law
_____ LWEV 593 International Ocean Law

*Not all courses are offered every year

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LLM Faculty Advisor