



SCHOOL OF LAW

CASE WESTERN RESERVE UNIVERSITY

Dean and Joseph C. Hostetler-  
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DATE: February 20, 2013

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TO: Martin Snider  
Chair, Graduate Studies Committee  
CWRE Faculty Senate

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FROM: Lawrence F. Mitchell  
Dean and Joseph C. Hostetler -  
Baker Hostetler Professor of Law

RE: Proposal for an Inter-Divisional Doctoral Program  
LL.M. in International Business Law

I am writing to express my strong endorsement of the proposal for the original LL.M. in

Again, I wholeheartedly support this and I think it will be a great program.

**Case Western Reserve University  
School of Law**

**Proposal for on-line Delivery of Previously Approved  
LL.M. in International Business Law**

February 20, 2013

Contact person: Dale Nance, [dale.nance@case.edu](mailto:dale.nance@case.edu)

On-line delivery approved unanimously by the Faculty of Law on December 6, 2012

## Overview

The“LL.M

on those who wish to take American bar examinations become irrelevant. That opens up the possibility of providing legal education to foreign students by means other than requiring those students to attend classes in the U.S.

The present proposal is to adapt and offer our current LL.M. in International Business Law to these students using a different delivery system: entirely on-line education. On-line programs are burgeoning, with numerous universities, and law schools in particular, offering on-line LL.M. degrees. However, we are aware of no law school that has yet offered an on-line LL.M. in International Business Law. For foreign law graduates who are not planning to practice in the U.S. but will likely do business with firms from the United States, an LL.M. in international business from an American perspective is likely to be a very useful supplementary credential that can advance their careers.

### 1. Degree Program & Rationale

The existing degree program is a "Master of Laws in International Business Law." The residential LL.M. in International Business Law is designed to give foreign lawyers an opportunity to study United States business law as applied in international transactions. The one-year program, which begins in the Fall semester only, requires full-time attendance. It immerses students in academic analysis and practical applications of United States business law to entities doing business both within and outside the United States.

The proposed on-line version of the LL.M. in International Business Law will serve essentially the same purpose but it will be delivered on-line without a residence requirement. Like the resident LL.M. program, the on-line program will prepare foreign lawyers for positions in international law firms, in-house legal departments of multinational enterprises, government posts, and other for-profit and non-profit organizations doing business internationally. It will combine an academic approach to international business, including study of policy rationales underlying legal regimes, with a practical orientation to day-to-day problem-solving.

The program is a

the on-line materials developed for the LL.M. program to enrich their residential courses. Even for residential students, basic competencies can be reinforced by on-line learning, freeing class time to be devoted to more subtle or complex issues or practical exercises.

## **2. Description of Proposed Curriculum**

Like the residential program, the on-line version of the LL.M. program in International Business Law will require that the student earn 24 hours of course credits. Moreover, most of the required course work will be essentially the same as

The requirements of the two versions of the degree are compared below.

Current Requirements for Residential LL.M. in International Business Law:

Program Structure: courses taken over two 13-week semesters in residence

Required Courses: Foreign Graduate Seminar (4 credits, over two semesters)  
U.S. Legal Writing (3 credits, over two semesters)  
U.S. Contract Law for the LL.M. (3 credits)  
Business Associations for the LL.M. (3) or Business Associations (4)

Proposed Requirements for On-line LL.M. in International Business Law:

Program Structure: courses taken over no less than three, and no more than five, 8-week terms

Required Courses: Introduction to U.S. Law (3 credits)  
U.S. Legal Writing I: Basic Writing Skills (2 credits)  
U.S. Legal Writing II: Transactional Writing (2 credits)  
U.S. Contract Law for the LL.M. (3 credits)  
Business Associations for the LL.M. (3)

Electives for both programs: Additional electives are taken to fill out the required 24 credits. They are chosen from offerings within the following list, subject to the requirement that at least one of the electives must be one of those courses that are underlined

Alternative Dispute Resolution (2)  
Antitrust Law (3)  
Bankruptcy (3)  
Conflict of Laws (2 or 3)  
Contemporary Issues in International & Comparative Law (1)  
Corporate Finance (3)  
Corporate Real Estate Transactions (2)  
Credit Transactions in the Global Economy (1)  
Cyber Law (2)  
Debtor-Creditor Law (3)  
Doing Business in the U.S. (3)  
Employment Law (3)  
Federal Income Tax (3)  
Federal Income Tax of Corporations & Shareholders (3)  
Financial Institutions Regulation (3)  
Global Corporate Governance Law (3)  
Insurance Law (3)  
Intellectual Property Survey (2)  
Intellectual Property: Business & Strategic Planning Perspectives (1)  
International Banking and Finance Law  
International Business Transactions (3)  
International Environmental Law  
International Issues in Intellectual Property Seminar (3)

International Law (2)  
 International Real Estate Transactions (2)  
 International Tax (3)  
 International Trade & Development  
Mergers and Acquisitions (3)  
 Remedies (2)  
 Remedies in Transnational Litigation (1)  
 Sales (3)  
 Secured Transactions (2)  
Securities Regulation (3)  
 The World Trade Organization and Dispute Settlement (2)

Of course, the list of available electives changes over time according to availability of instructors and to faculty's perceptions of subject-matter importance. Moreover, some of these courses are not offered every semester even for the residential students, and some may not be put into on-line format. For the first year of the offering of the on-line degree program, we plan to have enough electives placed in on-line format that students will have some meaningful choice, but more extensive on-line elective offerings will be developed over time. In developing the on-line version of each course, there may be some adjustment in credit hours attributed to the course.

The Foreign Graduate Seminar for residential students, together with their one-month on-campus "orientation" program is being replaced with a course called "Introduction to U.S. Law." This course will probably be "front-loaded" during the first term; that is, it would be the only course the student takes for the first three weeks. It will be designed to give students a basic familiarity with the concepts essential to reading about American law, including: the federal structure of the nation and the associated structure of our court system; the basic differences between civil and criminal procedure; an introduction to administrative and regulatory processes and the allocation of doctrine among the basic subjects of tort, contracts, property, and criminal law.

As with the residential LL.M. program, on-line students' course schedules will be determined with the advice of the Director of the program, taking into account the student's prior coursework and experience, the career goals of the student, and the sequencing of courses. In particular, for students who have not already had a good grounding in basic International Law, our first course in International Law will be strongly recommended. Except in unusual circumstances, full-time students would be required to enroll in no fewer than 6 credits and no more than 12 credits per term; part-time students would be required to enroll in no fewer than 3 credits and no more than 6 credits per term. (Attached as Appendix A is a document illustrating the probable course sequence for students who complete their degree in three terms as well as a sample course sequence for students who extend their program to the maximum five terms.)

The use of traditional textbooks is complicated by the possible necessity of mailing (unreliably) books to distant parts of the world. Solutions being explored include the use of e-books, which some law publishers now produce, as well as the compilation of materials in the public domain in digital form into readers. In addition, students will have access to the enormous on-line resources of our library and its affiliates, which includes statutory and case law as well as articles written about the law. With regard to books that do not exist in digital form, but that might be of assistance to students (for example, monographs), generally students will have to acquire these themselves or rely upon their access to local libraries. As graduates of law schools in their respective countries, they should have some degree of access to useful materials.

The same grading system will be used for the on-line courses as for the residential LL.M. courses. That system is currently being revised. The current grading system is three-tiered: Honors, Satisfactory, and Unsatisfactory. It is anticipated that the new system will be a four-tiered system (e.g., Honors, High Pass, Low Pass, Fail).

There will be several forms of monitoring and advising during the student's period of study. DeltaK will monitor the rate of completion of course segments, so that the law school can identify a student who is not proceeding at an appropriate pace and intervention can be initiated in order to discern the nature of the problem. Synchronous communication by section leaders (adjunct faculty) will be combined with asynchronous communication (by e-mail) with both section leaders and primary course instructors.



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none has offered a fully on-line program, one without a significant residency requirement!

Both the residential and on-line programs represent the natural growth of the law school's integration of international legal concepts into many J.D. courses. The program recognizes the globalization of business and the requirement that attorneys who represent international clients become knowledgeable in more than their own legal systems. This is particularly true for those attorneys who represent clients that do business in the United States or whose clients deal with other persons that are doing business in the United States. No longer can an attorney adequately represent such clients based solely upon an understanding of local national laws. Without an understanding of international treaties and business-law concepts and approaches such as those employed in the United States, a foreign attorney may fail to provide sophisticated clients with a complete analysis of issues, risks and available solutions.

Further, foreign governments and their lawmakers often look to United States business law and institutions in reviewing and reforming their own laws and systems. Even when they do not adopt United States models, as is often the case, they frequently want to understand how their systems differ from those in the United States. Finally, the accelerating process of harmonization of international business laws requires that foreign governments understand the intersection of bilateral and multilateral business and tax related treaties with business laws enacted in the United States and other developed countries.

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in understanding the dense conceptualism of the law.

The existing residential LL.M. programs admit about 80% of their aggregate applicant pool, and about 40% of those admitted matriculate. Since the inception of the LL.M. programs, CWRU has graduated more than 800 students with LL.M. degrees from over 60 different countries. Of all the students who have matriculated in the LL.M. program since 1992, only a very small number (fewer than ten) have failed to complete the program of study.

We believe that web-based and student word-of-mouth marketing are the most successful approaches. When the residential LL.M. in International Business Law was created, in 2008, we expected enrollment in the first few years of the program to be no more than three to ten students per year. That program has already grown to 30 students. The school's pending agreement with Deltak contemplates a minimum of 42 students in the first year, with increases thereafter.

Based on our experience with the residential LL.M. degree, it is very likely that most students in the program will be from groups that constitute minorities in the U.S. That in itself serves the goal of diversity, but we of course hope and believe that spreading the good reputation for the school and the university internationally will contribute to successes in increasing the diversity of our residential student populations in all our colleges and schools.

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of motivated alumni of the program, it may be possible to incorporate some of these individuals as “on-site” discussion leaders in cities with significant enrollment.

#### **8. Projected Additional Costs and Institutional Commitment to Meet Costs**

The on-line program will have a positive financial impact on our J.D. program. The



## **Appendix A** **Illustrative Curricula**

### Standard Three-Term Curriculum

First Term (8 credits):

- Introduction to U.S. Law (3)
- U.S. Legal Writing I: Basic Writing Skills (2)
- U.S. Contract Law for the LL.M. (3)

Second Term (8 credits):

- U.S. Legal Writing II: Transactional Writing (2)
- Business Associations for the LL.M. (3)
- International Law for the LL.M. (3)

Third Quarter (8-12 credits):

- International Business Transactions (3)
- Electives (5-9 credits)

### Illustrative Alternative Five-Term Curriculum

First Term (5 credits):

- Introduction to U.S. Law (3)
- U.S. Legal Writing I: Basic Writing Skills (2)

Second Term (5 credits):

- U.S. Legal Writing II: Transactional Writing (2)
- U.S. Contract Law for the LL.M. (3)

Third Term (6 credits):

- Business Associations for the LL.M. (3)
- International Law for LL.M. (3)

Fourth Term (5 credits):

- International Business Transactions (3)
- Elective (2)

Fifth Term (3-6 credits):

- Electives

## **Appendix B**

### **Ohio Board of Regents' Advisory Committee on Graduate Study (RACGS) Guidelines**

RACGS Guidelines have been adopted with the intent "to permit flexibility in adapting degree requirements to alternative audiences, while not permitting institutions to design and deliver essentially new degrees within the format of a previously approved degree." Thus, on those occasions when "a previously approved degree program will be offered at an off-campus site, or extended to a different audience via electronic or blended means," RACGS need only be notified in writing. This requires only "a brief, concise description of the program that addresses the conditions" necessary to qualify as a new delivery of a previously approved degree. These conditions are stated and addressed below.

Condition 1. Under the RACGS Guidelines, "a program will be considered to have been 'extended to a different audience via electronic or blended means' when 50% or more of the course delivery is off-site or via alternative delivery models."

Our extant LL.M. in International Business Law is an exclusively residential program; foreign students must travel to the U.S. to take the entire program on campus. For the proposed on-line LL.M. in International Business Law, 100% of the program will be delivered on-line as distance learning. The program is clearly extended to a different audience via electronic means. At some point in the future, there may be a small off-site in person component if we add discussion coordinators who work in particular foreign cities.

Condition 2. Under the RACGS guidelines, "a degree program will be 'previously approved' when less than 50% of the content or course requirements in a degree previously given approval has been changed." "The Graduate Dean (or equivalent administrative officer) at each institution is responsible for the determination of whether

**“RACGS Program Standards:**

“To ensure that off-site and alternative delivery models adhere to the same standards as on-campus programs, RACGS member institutions will be required to adhere to the same standards as on-campus programs.”



13. Faculty are assured that appropriate workload, compensation, and ownership of resource materials have been determined in advance of offering the off-site or alternatively delivered course.
14. Program development resources are sufficient to create, execute, and assess the quality of the program being offered, irrespective of site and delivery mechanism employed.
15. Procedures are in place to accept qualified students for entry in the program-it is imperative that students accepted be qualified for entry into the on-campus program. In addition, program costs, timeline for completion of the cohort program and other associated information is made clear to prospective students in advance of the program's initiation.
16. Assessment mechanisms appropriate to the delivery approach are in place to competently compare learning outcomes to learning objectives.
17. Overall program effectiveness is clearly assessed, via attention to measures of student satisfaction, retention rates, faculty satisfaction, etc.”