

University of South Carolina School of Law

Proposal for LL.M. Degree in American Business Law

**Approved by USC School of Law Faculty: December 2013
Anticipated Start Date: Summer 2016**

Submitted By:

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Date

Classification

Program Title:	American Business Law
Concentrations:	2: Thesis Option, Non-Thesis Option
Designation/Type/Level:	Masters of Law (LL.M.)
Proposed Implementation:	Summer 2016
Qualifies for Palmetto Fellows/LIFE awards:	No
Delivery Mode:	Traditional

The University of South Carolina School of Law proposes an LL.M. (Masters of Law) degree program to begin in Summer 2016. The LL.M. degree will focus on American business law. The LL.M. is a graduate law degree, and all incoming students would be required to have a JD degree or the equivalent law degree from their home country. The LL.M. program will recruit lawyers from foreign countries and provide approximately 12 months of instruction on site at the University of South Carolina. The goal of the program is to strengthen the foreign lawyers' knowledge of various aspects of American business law, including: corporate law, tax law, entrepreneurship, regulation of businesses (e.g., health law, environmental law, securities law), labor and employment law, and intellectual property.

Justification

This degree will provide significant value to the LL.M. students that enroll. The program will provide LL.M. students with knowledge about the regulation of business, the governance structure of American businesses, intellectual property, and the taxation of businesses. This knowledge and the accompanying degree are designed to advance the careers of lawyers working abroad with American companies, working with foreign companies doing business in the United States, or with business law development efforts in their home countries. The thesis option will also provide an opportunity for LL.M. recipients to prepare for academic positions.

The LL.M. program will also be a significant benefit to our approximately 630 JD students. Our JD students will have the opportunity to meet experienced lawyers from other countries, learn about the system of laws in those countries, and expand their knowledge of other cultures and legal systems. In an increasingly global legal market it is imperative that American law students gain exposure to and knowledge of legal systems throughout the world.

The LL.M. program will operate closely parallel to the already existing JD program. For example, an LL.M. student will take the same Business Corporations course as the JD students. All of the classes in the LL.M. program will be shared with the JD program. The integration of the LL.M. students into the JD classroom environment allows for the efficient allocation of law school resources to the new program. The integration also provides the opportunity to reap the educational benefits of direct interaction between JD and LL.M. students studying in the same academic environment.

It is expected that most LL.M. degree recipients will return to influential legal and business positions in their home countries after completion of their study. The degree affiliation of these lawyers with the University of South Carolina and their experience of living in South Carolina will play a positive role in their encouraging future foreign investment in this state.

The LL.M. program will focus on American business law. First, most of the LL.M. programs offered by other American law schools are in general studies or American law. Approximately

only 8 other American law schools offer an LL.M. in American business law. These schools include: UCLA, Tulane, and New York Law School. Next, adopting a business law focus will allow South Carolina to attract students who are seeking a specialized LL.M. program and will help to distinguish our degree in the LL.M. market. Finally, the American business law emphasis will capitalize on the University's strength in this area. The IMBA program offered by the Darla Moore School of Business is the one of the top ranked IMBA program in the United States. The IMBA program recruits students from all over the world, so the University's established reputation in business graduate programs will help to attract students to the LL.M. program. During recruiting for the IMBA program, business school recruiters are frequently asked about whether the University's law school offers degrees for foreign lawyers.

There are no similar programs in the state. There are only two law schools in the state, only one of which - The Charleston School of Law - has an LL.M. program, in the unrelated field of admiralty law.

Program Demand and Productivity

The law school anticipates that initial enrollment in the program will be modest and will grow as the reputation of the program spreads internationally. The School of Law anticipates an initial enrollment of 5 LL.M. students with enrollment increasing by the fourth year of the program to approximately 20 students.

The estimates for the number of students to enroll come from the law school's study of other LL.M. programs at American law schools. Typically the LL.M. programs at schools with JD degree programs of approximately 600-700 students will enroll 10-20 students in their LL.M. program each year. The law school will hire the graduate director for the program in 2014 and the graduate director will travel to countries in Asia, Europe, and Latin America to establish relationships with universities for this program. The law school will introduce the program to international corporations in the state, such as BMW and Michelin with the intent that these corporations will be interested in sending some of their attorneys through the program.

Employment Opportunities for Graduates

This program is intended to give foreign lawyers knowledge of American business law that will enhance their careers and law practice in their home country. The degree program will not be marketed as a degree that would allow the foreign lawyer to take a bar exam and become licensed to practice law in the United States. The law school hopes to develop ties with foreign corporations, some that do business in South Carolina, to offer the LL.M. degree as a way for lawyers associated with those foreign corporations to gain experience that will enhance the corporation's business in the United States.

Curriculum

To earn the LL.M. degree, students will be required to take a minimum total of 27 or 30 credits.¹ The students will begin with two summer courses: Introduction to American Law (3 credit

¹ This is a post-JD program, not a traditional master's program, so 30 credits should not be required for all students in the program. The 27-credit requirement is in line with other LL.M. programs around the country. Other LL.M. programs in American business law, such as Loyola-

hours), and Intensive English for Lawyers (3 credit hours). These two introductory courses take place before the student begins their full course schedule in the fall semester. Under special circumstances, students may be exempted from the Intensive English for Lawyers course. Qualifying students who have received a satisfactory score on the TOEFEL exam will not take the Intensive English for Lawyers course, and therefore will only be required to attain 27 credits for graduation. The students who enroll in, for example, the summer of 2016 are expected to complete the program in May 2017.

The Introduction to American Law course will introduce the LL.M. students to the various structures and sources of American law. This will include topics such as: the civil law and common law systems, the United States Constitution, the branches of government, statutes, and regulations.

The law school will hire an LL.M. program director to help with the recruitment and academic advisement for the LL.M. students. The LL.M. director will also teach the Introduction to American Law course. The LL.M. director will be a new staff position with teaching responsibilities as an adjunct professor.

The LL.M. students will be able to enroll in classes already offered at the law school to complete their remaining 24 credits. There will be at least two required courses for all LL.M. students. These required courses, intended to meet the goal of enhancing the student's core knowledge in business law, will be:

Agency, Partnership, and LLC and
Business Corporations

Students will also have following electives from which to choose for their remaining credits:

Administrative Law
Antitrust
Bankruptcy
Business Crimes
Business Torts
Commercial Law
Copyright Law
Corporate Finance
Corporate Tax
Employment Law
Environmental Law
Health Law
Income Tax
Insurance (develop LL.M. course)
Intellectual Property
International Tax
Labor Law
Law & Economics
Mergers & Acquisitions

Chicago, San Diego University, and New York Law School only require 24 credits for the degree. Requiring 30 credits for all students would put our program at a significant competitive disadvantage.

Partnership Tax
Professional Responsibility
Project Finance
Securities Regulation
Secured Transactions
Structuring Secured Transactions
LL.M. Thesis Seminar

The law school will seek to develop a few specialized courses with the Moore School of Business to combine both legal knowledge and business school models. These courses will be designed to benefit the LL.M. students, but will also be available to JD students.

The law school will also offer a limited number (maximum 5) of LL.M. students the option of completing a thesis project. An applicant for the LL.M. program will have to apply to be admitted to the program under the “thesis option.” This will give the law school the ability to assess whether the student has the capability to complete a substantial written project during the academic year. The faculty member for the thesis course will guide the LL.M. students in the development of their topic, help them to identify other faculty members that may provide assistance, and monitor the student’s progress towards completion of the thesis. Students in the thesis option will be required to be enrolled in the “LL.M. Thesis Seminar,” a 3-credit course for the LL.M.

LL.M. students will also have the opportunity to engage in an experiential learning course such as a capstone course or an externship. The externship option will likely be placements with businesses and corporations that have a general counsel’s office. The capstone course will focus on international business transactions and include assignments that deal with corporate regulation, corporate financing, and intellectual property.

Finally, the law school will provide additional opportunities for LL.M. students to learn about American business law, for example, through invitations to events such as faculty colloquia and symposia. LL.M. students will be invited to attend a special speakers’ series on topics in the area.

Articulation and Inter-Institutional Cooperation

There are no similar law programs in this state; however, the Darla Moore School of Business has a top ranked IMBA program. The IMBA program recruits students from around the world and sends recruiters to Mexico, Colombia, Peru, Chile, Russia, Ukraine, Turkey, and Germany. The law school intends to capitalize on the University’s name recognition in these countries.

The law school has a nationally recognized faculty in the area of business law. Our faculty in this area have also practiced law in some of the most prestigious firms in the United States. One member of the business law faculty also has substantial international experience and knowledge of the international business community. The law school’s growing reputation in the area of business law will be a significant asset in attracting students to the LL.M. program.

Table A PROJECTED TOTAL ENROLLMENT						
YEAR	FALL		SPRING		SUMMER	
	Headcount	Credit Hours	Headcount	Credit Hours	Headcount	Credit Hours
2016-17	5	60	5	60	5	30
2017-18	15	180	15	180	15	90
2018-19	15	180	15	180	15	90
2019-20	20	240	20	240	20	120
2019-20	20	240	20	240	20	120

Table B- Faculty List

List Staff by Rank	Highest Degree Earned	Field of Study	Teaching in Field
Professor	LL.M.	Law	Yes
Associate Professor	JD	Law	Yes
Associate Professor	JD	Law	Yes
Associate Professor	JD	Law	Yes
Assistant Professor	JD	Law	Yes

Table C- Unit Administration, Faculty, and Staff Support

Administration

Year	New		Existing		Total	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
2015-16	1	1.0	4 ²	0.20	5	1.20
2016-17	0	0	5	1.20	5	1.20
2018-19	0	0	5	1.20	5	1.20

Faculty

Year	New		Existing		Total	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
2016-17	0	0	5	2.0	5	2.0
2017-18	0	0	5	2.0	5	2.0
2018-19	0	0	5	2.0	5	2.0

Staff

Year	New		Existing		Total	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
2016-17	0	0	2	1	2	1
2017-18	0	0	2	1	2	1
2018-19	0	0	2	1	2	1

² The administrators involved are: Associate Dean for Academic Affairs, Associate Dean for Student Affairs, Registrar, Associate Registrar, and the LL.M. Director. Only the LL.M. Director is a new hire for this program.

Table D- Estimated Costs and Sources of Financing by Year

ESTIMATED COSTS BY YEAR						
CATEGORY	1st	2nd	3rd	4th	5th	TOTALS
Program Administration	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$450,000
Faculty Salaries	-	10,000	10,000	10,000	10,000	40,000
Graduate Assistants	-	-	-	-	-	-
Clerical/Support Personnel	30,000	30,000	30,000	30,000	30,000	150,000
Supplies and Materials	-	2,000	2,000	2,000	2,000	8,000
Library Resources	-	2,000	3,000	3,500	3,500	12,000
Equipment	3,100	600	800	600	800	5,900
Facilities	-	-	-	-	-	-
Other:						
Travel	15,000	15,000	10,000	10,000	10,000	60,000
Advertising/Marketing	15,000	30,000	30,000	30,000	30,000	135,000
Fringes	36,000	39,000	39,000	39,000	39,000	192,000
TOTALS	189,100	218,600	214,800	215,100	215,300	1,052,900
SOURCES OF FINANCING BY YEAR						
Tuition Funding	-	176,400	529,200	705,600	705,600	2,116,800
Program-Specific Fees	-	-	-	-	-	-
State Funding	-	-	-	-	-	-
Reallocation of Existing Funds *	189,100	42,200	-	-	-	231,300
Federal Funding	-	-	-	-	-	-
Other Funding	-	-	-	-	-	-
TOTALS	189,100	218,600	529,200	705,600	705,600	2,348,100
Sources less Costs	-	-	314,400	490,500	490,300	1,295,200

* Carry-forward funds will finance the start-up years of this new program. No course or program will be eliminated as a result of the LLM program.