PROPOSAL FOR A NEW GRADUATE DEGREE PROGRAM

A. General Information

1. Institution: The University of Alabama

2. Date of Proposal Submission: August 14, 2012

3. Institutional Contact Person: Professor Bryan K. Fair, Dir. International Programs
   Telephone: 205-348-7494
   Fax: 205-348-7850
   E-mail: bfair@law.ua.edu

4. Program Identification--
   Title: Doctor of Jurisprudence
   Degree: J.S.D.
   CIP Code: 22.0203

5. Proposed Program Implementation Date: Fall, 2013

6. Program Administration
   College or School: UA School of Law
   Dean: Kenneth C. Randall
   Department: Chairperson: Professor Bryan K. Fair

B. Program Objectives and Content

1. To facilitate review of the proposal, please classify the degree program (e.g. Post Baccalaureate Masters, Research Doctorate (Ph.D.), Applied/Professional Doctorate (DPT, Ed.D., or DBA), ...). If desired, please elaborate in a short paragraph. Professional Doctor Degree.

   The Law School currently offers a highly selective LL.M for lawyers trained around the world. The J.S.D. degree is designed for the very best of those students who have earned the Masters Degree and who seek to earn the terminal degree, usually in preparation for an academic career in law teaching. The Law School has enrolled many students who have wanted to continue their studies at Alabama, but the Law School has had no higher degree program to offer such students. Such students have had to go to other law schools to continue their studies. Our law school competes directly with many of these other law schools for students. Our Law School is at a competitive disadvantage without the additional degree. The J.S.D. degree will fill this
void, allowing the Law School to join over 40 other law schools, including many of the most prestigious law schools in the U.S. currently offering the J.S.D. or its equivalent. For reviewers who are less familiar with law schools, I am including a list of schools which currently offer the J.S.D. or its equivalent.

The following ABA-Approved Law Schools with J.S.D. or S.J.D. Programs:

American University
The University of California- Berkeley
The University of California- Los Angeles
The University of Chicago
Chicago-Kent College of Law
Columbia University
The University of Connecticut
Cornell University
Duke University
Emory University
The University of Florida
Fordham University
George Washington University
Georgetown University
Golden Gate University
Harvard University
The University of Illinois
Indiana University- Bloomington
Indiana University- Indianapolis
The University of Kansas
Loyola University- Chicago
The University of Michigan
Northwestern University
The University of Notre Dame
Pace University
The University of the Pacific-McGeorge
The University of Pennsylvania
The University of Pittsburgh
St. Thomas University
Samford University
Southern Methodist University
Stanford University
Suffolk University
Temple University
Thomas Jefferson School of Law
Tulane University
Vanderbilt University
The University of Virginia

Form Date: 12/11/02
Wake Forest University
Washington University
Widener University
The University of Wisconsin
Yale University

Alabama Law is now ranked among the top ten public law schools in the country and among the top 30 law schools in the nation. Alabama competes for its very best students with many of these law schools, including schools in the southern region such as Vanderbilt, Emory, Duke, Florida, Tulane, and Wake Forest, as well as other top-ranked schools outside of the region, such as Yale, Stanford, Harvard, UCLA, Michigan, Columbia, and Chicago. Each of these peer schools currently offers a JSD degree program.

The Law School has had some success with joint degree and dual enrollment degree programs. We have a thriving JD/MBA program and we have collaborated with Political Science and Economics in PhD/JD dual enrollment degree programs. A number of the Law faculty members have earned the JSD degree or its equivalent and some have held special appointment through the Graduate School to dissertation panels. We are well prepared to supervise advanced law students in graduate education.

2. List the objectives of the program as precisely as possible. The objectives should address specific needs the program will meet (institutional and societal) and the expected student learning outcomes and achievements. This is an extremely important part of the proposal. The objectives should lend themselves to subsequent review and assessment of program accomplishments.

One institutional objective of the JSD degree program is to enable the Law School to compete with other top law schools across the U.S. which currently offer the JSD degree or its equivalent. The University of Alabama School of Law has been ranked among the very best law schools in the nation for almost 15 years. The Law School has offered an LL.M degree (Masters of Law) for nearly 40 years, averaging between 5 and 15 students per year. During that time, many students in the Masters program have requested the opportunity to study at the Law School for a longer period, but the Law School has had no additional degree program. As a result, many students have chosen to enroll in other Masters of Law programs, never enrolling at the Law School. Others have had to leave the Law School after one year, to enroll at another Law School for further graduate law study. Rather than have its best students forced to go to another Law School, the Law School seeks to establish the JSD degree program to enhance the appeal of the LL.M program and to make the Law School more competitive with its peer schools.
A second institutional and societal objective is to provide graduate educational opportunities to law graduates seeking to advance their professional training or to enter law teaching around the world. In recent years, there has been an enormous growth in interests in legal education, especially in learning more about the law in the Unites States. A number of countries now sponsor graduate education fellowships for their most talented graduates. Many of those programs target U.S. law schools. For the most outstanding students and those seeking to enter the legal academy, there is enormous interest in and need for terminal law degree programs. Thus, almost all of the top ranked law schools in the U.S. now offer LL.M and JSD programs. As part of its mission of service, the Law School wants to help meet this growing demand for graduate legal education.

A third institutional objective of the JSD degree program is to further the Law School's efforts to promote internationalization and law training in a global environment. The goal here is to expand the knowledge and experience of Alabama law students and international students. For the past decade, the Law School has sought to expand its international course offerings and to develop new programs for its students interested in studying law in comparative contexts. The Law School now offers more international courses than ever, including specialized classes taught by Alabama law faculty and leading visiting legal scholars from around the world. The Law School also supports its students who wish to spend a summer or semester abroad in programs in Switzerland, Australia, Israel, and India, or in other ABA-approved programs at other law schools. These programs help the Law School attract the very best applicants to the school and enhance its reputation, two important factors in law school rankings.

A fourth societal objective of the JSD program is to bring a small number of graduate law students to the Law School to train with our outstanding faculty. These students will enhance the cultural and intellectual environment of the Law School, and will assist the Law School in its quest to promote graduate legal education around the world. As graduates, these students will take academic posts across the globe, carrying with them the Law School's training and reputation. If the Law School can produce one to three JSD graduates each year, it can make an important contribution to graduate legal education around the world. This is a significant part of the Law School's mission and strategic plan.

As for student learning outcomes, students who complete the J.S.D. degree will:

i) Demonstrate a broad substantive mastery in their field of study;
ii) Demonstrate a mastery of legal research methodologies;
iii) Demonstrate the ability to write articles and manuscripts of publishable quality;
iv) Demonstrate the ability to present their research at regional and national conferences;
v) Demonstrate the ability to teach and lecture in their core research field.
Each of these skills will be assessed regularly by the participating faculty teaching core classes, by the faculty advisor who will meet regularly with the student and who will supervise independent study and directed research classes, and the International Program Committee during each year the students are enrolled in the JSD program. The Law School has a rigorous assessment program, requiring students to demonstrate a comprehensive mastery of each substantive law subject. Students in the JSD program will take examinations, write papers, conduct research, and present lectures under careful and individual scrutiny.

There will be formal assessment after each class in the form of exams, critiques of research and writing, and review of lectures. In addition, the Program Director will meet with each student at the end of each semester to discuss the student's progress toward earning the degree, providing additional critique, review, and assessment on each student learning outcome.

3. Will this program be related to other graduate programs at your institution? If so, how?

The Law School has been actively involved in graduate legal education for a number of years, especially its international LL.M program, training law graduates holding law degrees from foreign countries. That program has enrolled between 5 and 15 students per year. It has always been a small program. The very best students in the program have often requested to stay an additional year or more, but the Law School has not had an additional degree program in which such students could enroll. The JSD degree program is designed to meet such demand. We anticipate that many of our LL.M graduates, or those from other highly selective Masters of Law programs, will seek to enroll in our JSD program. The Director of International Programs, in consultation with the International Program Committee, and a supervising faculty member will determine whether an applicant is admissible to the JSD degree program, after the applicant has completed a significant portion of the LL.M degree.

4. Please identify any existing program, option, concentration or track that this program will replace.

There is no other program or degree like the JSD currently offered at the Law school.

5. This program will not reduce enrollments in any existing Law School programs. Instead, we anticipate that by offering the JSD degree, the Law School will see a rise in its enrollments in its international LL.M program. We expect that number to rise because some applicants choose to enroll in an LL.M program only if the Law School also offers the JSD degree or its equivalent.
6. List new courses that will be added to your curriculum specifically for this program. Indicate number, title and credit hour value for each course.

In most JSD degree programs, students participate in supervised independent study classes and directed research classes, under the supervision of the Director of the JSD degree program and a faculty expert in the student's field of research. Because students will undertake research and write in a broad range of fields, the courses will be more generic descriptions of activities rather than subject concentrations. The Law School will create new independent study courses, directed research classes for the program, and a dissertation research course, once this proposal has been approved at all levels of review.

The Law Faculty has recommended approval of the program. It has also been reviewed by the ABA, which has concluded that the Law School has the resources to well support the JSD and it will have no detrimental effect on the JD program. Once the Law School has approval from ACHE, the Law School Curriculum Committee will undertake its usual role in approving the description and content of new courses, and recommend the same for final approval by the full faculty.

7. Please list any existing undergraduate programs at the institution which are directly or indirectly related to the proposed graduate program. If this is a doctoral proposal, also list related master's programs at your institution.

The most related existing program at the Law School is the international LL.M degree program. As described above, some of the very best applicants to LL.M programs choose to attend law schools which also offer the JSD degree. The Law School seeks to join the list of such schools.

8. Program Completion Requirements—

The Law School expects most JSD degree candidates to be enrolled at the Law School for 2 to 3 years beyond the LL.M degree to complete the 48-hour JSD degree program. The time will vary based on prior work and the pace of each candidate's research and writing progress. The Director of International Programs, in consultation with the International Program Committee and any supervising faculty, will set the credit hour requirements for major courses, supporting courses, and dissertation preparation individually for each applicant. The minimum time in the JSD degree program will be two academic years, or the completion of 48 hours, after earning the LL.M. After the completion of 1 year, candidates for the JSD will defend their dissertation/research proposal before a committee, including the supervising faculty, the Director of International Programs, and at least two members of the International Program Committee.
Credit hours required in major courses: 12
Credit hours required in support courses: 12
Credit hours in required or free electives: 0
Credit hours for thesis or dissertation: 24
Total hours for JSD degree: 48

Appendix A provides a sample curriculum for the JSD program, modeled after programs at peer schools.

9. Accreditation

If there is a recognized (USDE or CHEA) specialized accreditation agency for this program, please identify the agency and explain why you do or not plan to seek accreditation.

The American Bar Association (ABA) is the accreditation body for law schools in the U.S. The ABA does not accredit graduate law degree programs beyond the Juris Doctor degree. However, it does review proposals for new degree programs to determine if the programs will negatively impact the existing JD degree program. The Law School has submitted its proposal to the ABA for its review and acquiescence. The Law School has confirmed that the new JSD degree program will have no detrimental impact on its JD degree program. The ABA has concluded that the Law School has the faculty, staff, and resources to support the JSD degree.

The ABA letter is attached to this proposal.

C. Program Admissions Requirements, Enrollment Projections and Completion Projections

1. Describe briefly the criteria and screening process that will be used to select students for the program.

The Law School has a team of five professionals who work in its Admissions Office. That team promotes all the Law School’s programs, including the international LL.M program. The team screens applicant queries and forwards information to the Director of International Programs, who then follows up with applicants interested in the international LL.M program. The Director of International Programs works with the Associate Dean of Admissions and with the International Program Committee to determine standards for admission and to review applications for the International LL.M Program. Because classes are taught in English, applicants must provide evidence of a mastery of English, usually through a TOEFL Score (Test of English as a Foreign Language). Typically, the Law School seeks
minimum scores near the 80th percentile, but we review the entire application, including letters of recommendation and personal statements.

The Law School will employ these same resources and procedures to evaluate applicants for the JSD degree program. We anticipate that some applicants will arise from the existing LL.M pool currently studying at the Law School. Others will arise from former students in the international LL.M program. Other applicants may come to us from other outstanding LL.M programs at leading law schools. We are planning for a small program, perhaps three to five students at a given time. These projections are based on average enrollments at the Law School in the international LL.M program during the past decade and our goal of a highly selective program. As LL.M programs grow and the number of new law schools expands, we anticipate sufficient quality applicants for our program.

In addition to general application requirements, each JSD degree applicant must submit a plan of study and a dissertation proposal as part of his or her application. The applicant must have the approval of one or two faculty members at the Law School willing to supervise the study plan and dissertation plan. In addition, the plan must be approved by the Director of International Programs, in consultation with the International Program Committee. After the completion of 1 year in the program, candidates for the JSD degree must defend their dissertation proposals before a committee, including the supervising faculty, the Director of International Programs, and two representatives of the International Program Committee.

2. Please describe your methodology for determining enrollment projections. If a survey of student interest was conducted, please attach a copy of the survey instrument with a summary of results as Appendix B. N/A

For the past several years, Professor Bryan K. Fair has served as Director of International Programs for the Law School. He has also worked closely with the Associate Provost for International Programs at the University, traveling to Europe and Asia and meeting with Embassy delegations in Washington, D.C. In addition, other Alabama law faculty members have traveled to various countries to teach and conduct research. Through those activities, the Law School has developed formal and informal partnerships with leading international law schools in Australia, China, India, South Korea, Israel, England, and Switzerland. Our partners have expressed growing interests in having their students study at Alabama to earn advanced law degrees.

In addition, many of our LL.M students have expressed an interest in earning a terminal law degree in preparation for a career in law teaching. Thus, there is a growing demand for the JSD degree and most of the top law schools in the country now offer the JSD degree.
3. Provide a realistic estimate of enrollment at the time of program implementation and over a five-year period based on the availability of students meeting the criteria stated above.

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4. Projected Program Completion Rates.

Please indicate the projected number of program graduates for the first five years.

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D. Program Need Justification

1. Will the program satisfy a clearly documented need (institutional and societal) in an effective and efficient manner? If the program duplicates or closely resembles another program already offered in the State, can this duplication be justified? What characteristics of the identified need require that it be met by a new program rather than an existing program? (Note: In explaining how the proposed program meets this criterion, an institution may refer to the criterion on collaboration and develop a response that addresses both criteria simultaneously). For purposes of this criterion, duplication is defined as the same or similar six-digit CIP code and award level in the Commission's academic program inventory. Institutions should consult with the Commission staff during the NISP phase of proposal development to determine what existing programs are considered duplicative of the proposed program.

There are important institutional and societal needs for this program, and there is no program duplication. As explained earlier, the program is important to the Law School's mission and strategic plan. It is also important to the Law School's reputation. The Law School is now one of the best law schools in the nation. Its peer schools, those ranked among the top public and private law schools in the nation, currently offer the JSD degree or its equivalent. Those schools have a competitive
advantage over the Law School. Said differently, Alabama is at a disadvantage in its recruitment because it does not offer the JSD degree.

It is also important to the Law School's mission and strategic plan to become a global leader in graduate legal education. The JSD degree program will help the Law School achieve its mission and strategic plan.

Demand for legal education, especially training in U.S. law, is growing around the world. Moreover, there are now over 200 accredited law schools in the U.S. Some U.S. law schools have formal training programs for aspiring law teachers located abroad. The more traditional model is for leading law schools to sponsor formal training programs for future law teachers at their campus. Alabama has offered training for international lawyers for over forty years. The Law School seeks to continue this important work by training some of the future legal educators.

Finally, there is no program duplication. As the state's only public Law School, no other school offers this JSD degree.

2. Based on your research on the employment market for graduates of this program, please indicate the total projected job openings (including both growth and replacement demands) in your local area, the state, the SREB region, and the nation. These job openings should represent positions that require graduation from a program such as the one proposed.

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3. Please give a brief description of the methodology used to determine the projected job openings. If a survey of employment needs was used, please attach a copy of the survey instrument with a summary of results as Appendix C.

If it difficult to predict accurately the number of new positions in legal education each year, but there are 200 accredited law schools in the US and each year most of those schools will hire new law faculty. It is even more difficult to predict positions.
internationally, but the number of law schools is growing around the world and so is the demand for new law teachers.

4. If the program is primarily intended to meet needs other than employment needs, please present a brief rationale.

The Law School will enroll a very small number of students in the JSD program. Most of the students in the program will seek to join the legal academy, often in another part of the world. A few need such a degree for industry or judicial offices. The demand for graduate legal education for foreign students, especially in the Law of the U.S. has increased dramatically. Many foreign governments now sponsor fellowships for their best students. The Director of International Programs has met numerous Embassy representatives in Washington, DC, to discuss such increasing demand for graduate training at U.S. law schools. For graduates with the JSD degree, we anticipate numerous opportunities for employment between the academy and industry.

5. If similar programs are available at other institutions in the state, will any type of program collaboration be utilized? Why or why not? What specific efforts have been made to collaborate with institutions to meet the need for this program? Address qualitative, cost, and access considerations of any collaboration that was considered.

There is no program duplication.

6. Please identify any similar programs at institutions in other SREB states. If the proposal is for a doctoral program, also identify similar programs in the nation.

As indicated on page 2, virtually all of the top-ranked law schools in the U.S. currently offer the JSD degree program. Each program is unique in size and scope. The Law School plans to enroll a small number and to promote quality through selectivity in enrollments. We anticipate a positive impact on all existing programs, as well as enhancement of the Law School’s reputation.

7. Will any type of distance education technology be utilized in the delivery of the program on your main campus or to remote sites? If not, why? Address the quality, access and cost considerations of using distance technology in the program.

No. Students who enroll in the JSD degree program will be in residence at the Law School.
E. Program Resource Requirements

1. Number of currently employed qualified faculty who will teach in the program:

The Law School has a dynamic, talented faculty. Many of the faculty conduct research and write in broad areas of law. Some specialize in comparative and international law subjects. Based on the students who enroll, the Director of International Programs, in consultation with the International Program Committee and individual faculty, will determine whether each applicant's research field falls within a supervising faculty member's area of interest and strength.

Primary Faculty--
    Full-time: 10 to 12 overall, but 2 to 3 most of the time.
    Part-time:

Support Faculty--
    Full-time: 1
    Part-time:

Please attach the curriculum vita of each existing faculty member to this proposal as Appendix D.

4. Number of additional qualified faculty who will be employed to teach in the program during the first five years:

None.

5. Briefly describe the qualifications of new faculty to be hired.

No new faculty will be hired. Existing faculty and existing staff will supervise the JSD degree program, led by Professor Bryan K. Fair, Skinner Professor of Law and Director of International Programs.

4. Briefly describe available and additional support staff that will be provided for the program. NA

5. Describe any special equipment that is necessary for this program, indicating what is currently available and what would be added, including the cost of any additional equipment. NA

6. Describe facilities required for the program, indicating what is currently available and any necessary renovations or additional facilities that would be added. Provide a cost estimate for any renovations or additions. NA
7. Using the Collection Assessment Manual of the Network of Alabama Academic Libraries (NAAL), provide an indication of the current status of the library collections supporting the proposed program. Please describe how any deficiencies will be remedied, including the cost of such remedies.

The Law School has a comprehensive research law library that is regularly reviewed for quality and comprehensiveness by the ABA. In reviewing the proposal for the JSD degree, the ABA considered the existing library resources. The Law School employs an exceptional staff of professional librarians to assist students and faculty with research plans. The Library is also part of a large interlibrary loan network. There are no deficiencies in the Law School's library or its resources, and it will provide ample support for any JSD degree candidate.

8. How many assistantship/fellowship stipends will be provided and what will be the range of support involved?

Currently, there are no resources available for JSD assistantships. Most of the students will come with their own funding, some of which may be provided by their home country.

F. Costs and Financial Support of the Program

Provide a realistic estimate of the costs of the program. This should only include the additional costs that will be incurred, not current costs. All sources and amounts of funds for program support should be indicated.

The Law School anticipates no new costs for this JSD degree program. Because of its size and its connection to the existing international LL.M degree program, existing resources will meet all costs.

Estimated New Funds Required to Support the Program

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*Additional faculty salaries should be shown in all five years

**Sources and Amounts of Funds Available for Program Support**

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*Attach a statement identifying actual or probable sources of extramural funds for the program as Appendix E. NA.*

**G. Institutional Program Evaluation and Approval Process**

1. Please describe the process used by your institution in its internal evaluation and approval of this program.

As with all new programs, this degree program arose from faculty committees. The International Program Committee and the Curriculum Committee endorsed the JSD proposal. It was then reviewed and discussed by the full Law Faculty. After approval by the Law School, the proposal was sent to the Provost and the President for review and approval. Next, a NISP was sent by the President to the Board of Trustees and it was approved at its regular meeting. Then, the NISP form was sent to ACHE and to other institutions of higher education in Alabama. The proposal was also sent to the ABA for its review and acquiescence. The ABA’s acquiescence letter is attached. It was also discussed with representatives to SACS, who agreed the new program was not a substantive change to an existing program.
2. It is expected that the institution will utilize one or more external consultants for all doctoral program proposals and the more esoteric or unusual master's programs. Please attach the consultant's report as Appendix F.

The ABA provides regular and impartial reviews for law school programs. Its committees include administrators and faculty from law schools across the country. The ABA letter of acquiescence is attached.

H. Program Review and Assessment

Approval of this program will be on the basis of certain program outcomes agreed upon by the institution and the Commission. The outcomes will be based on the stated objectives of the program and enrollment and productivity projections. In the final analysis, the institution and its governing board are accountable for the quality, utility and productivity of this and all other programs of instruction. With this in mind, please describe the procedures that will be used in assessing program outcomes. Among other things, include an assessment process for student learning outcomes and a follow-up plan to determine accomplishments of graduates such as obtaining relevant employment or being admitted to a doctoral program.

Students who complete the J.S.D. degree will:

i) Demonstrate a broad substantive mastery in their field of study;
ii) Demonstrate a mastery of legal research methodologies;
iii) Demonstrate the ability to write articles and manuscripts of publishable quality;
iv) Demonstrate the ability to present their research at regional and national conferences;
v) Demonstrate the ability to teach and lecture in their core research field.

Each of these skills will be assessed regularly by the participating faculty teaching core classes, by the faculty advisor who will meet regularly with the student and who will supervise independent study and directed research classes, and Director of International Programs and the International Program Committee during each year the students are enrolled in the JSD program. The Law School has a rigorous assessment program, requiring students to demonstrate a comprehensive mastery of each substantive law subject. Students in the JSD program will take examinations, write papers, conduct research, and present lectures under careful and individual scrutiny of the Director of International Programs, the supervising faculty, and the International Program Committee.

There will be formal assessment after each class in the form of exams, critiques of research and writing, and review of lectures. In addition, the Program Director will meet with each student at the end of each semester to discuss the student's progress toward degree, providing additional critique, review, and assessment on each student learning outcome.
The Law School regularly reviews all of its programs and will add the JSD degree program to that schedule of review, assessment, and evaluation.
Appendix A:
Sample Curriculum

JSD curricula vary widely. This proposal is modeled on the leading JSD programs. Each study plan will be tailored to the academic interests of each candidate. Each candidate will enroll in designated courses at the Law School until completion of the degree. It is expected that all students will complete the JSD degree within 3 years, but no later than 5 years from first enrolling in the JSD program.

First Year-

Fall Semester: Complete 12 hours of Independent Study/Directed Research in major field.

LAW 900 3 credit hours on Advanced substantive law
LAW 901 3 credit hours on Advanced substantive law
LAW 902 3 credit hours on Advanced substantive law
LAW 903 3 credit hours on Advanced substantive law

Spring Semester: Complete 12 hours of Independent Study/Directed Research in related courses.

LAW 904 3 credit hours on Legal Philosophy
LAW 905 3 credit hours on Legal Research
LAW 906 3 credit hours on Advanced substantive law
LAW 907 3 credit hours on Advanced substantive law

End of year 1: Defend dissertation proposal before the Committee.

Second Year-

Fall Semester: Revise dissertation proposal.

LAW 908 Dissertation Research-- complete 12 hours of directed research under faculty supervision.

Spring Semester: Write dissertation and complete

LAW 909 Dissertation Writing—complete 12 hours of dissertation drafting under faculty supervision. Defend dissertation before the Committee.

Third Year (if necessary)

Revise/complete dissertation.
Appendix B: NA

Appendix C: NA

Appendix D: Faculty Curriculum Vitae
To avoid encumbering the proposal, the CVs of the faculty who will likely participate in the program are included as a separate attachment.

Attachment
The ABA Acquiescence Letter in support of the JSD Proposal is included as a separate attachment.
JSD Proposal to Faculty:

Date: January 21, 2011

To: International Program Committee

From: Jamie Leonard and Shahar Dillbary

Re: “JSD Program”

Dear Colleagues:

We are writing to propose the establishment of a new advanced degree: The Doctor of Juridical Science (“JSD” or the “Program”) in the Fall of 2012. The JSD program will operate in a format similar to similar degrees offered by leading law schools and provide research opportunities to a small and exceptionally well-qualified group of students who aspire to become legal academics or experts in a specific field. The program will draw on the law school’s existing strengths and will allow faculty members who are interested and willing to supervise a JSD candidate to do so. We envision that the Program will provide opportunities for comparative research in areas which are of interest to the faculty, allow greater interaction with foreign academic institutions and scholars, increase The University of Alabama School of Law’s reputation and, finally, encourage enrollment in our international LL.M. program.

The Motivation:

The JSD, the most advanced law degree, is often sought by foreign scholars who aspire to become leaders in specific academic fields in their home countries. The degree is also valued by other institutional and private actors such as banks and law firms. In fact, many foreign universities require their faculty to obtain a JSD. The high demand for this degree is also evident from the large number of JSD programs. A survey we conducted reveals that 19 of the top 22 law schools and 27 of the top 50 law schools have a JSD program.1 Currently, The University of Alabama School of Law offers three advanced law degrees: the Master of Law in Taxation, an LL.M. in Business Transactions and an international LL.M. degree. The Law School also offers students the opportunity to pursue a doctoral degree in other departments while pursuing their J.D. (e.g., J.D./Ph.d in Economics, J.D./Ph.d in Political Science). But it does not offer a doctorate in law – a degree which is now available in schools which are competing with Alabama, including Emory (ranked 22), Notre Dame (ranked 22), Indiana Bloomington (ranked 27), Wisconsin (ranked 28), Wake Forest (ranked 38), Arizona (ranked 42) and Tulane (ranked 48).

The proposed program seeks to reposition the Law School and improve its ability to attract aspiring legal academics and international scholars by offering a comparable doctoral program. We envision that the Program will foster, support and signal the Law School’s commitment to excellence and provide research opportunities to faculty members who are interested in supervising a research scholar and/or conducting comparative legal studies. It will also allow Alabama to increase its brand recognition and facilitate new relations with international academic institutions. As in similar programs, the proposed JSD requires the publication of a dissertation in the form of a manuscript or a series of high quality articles and will thus contribute the school’s scholarly efforts. Another benefit will be the impact on the existing LL.M. programs. It is our understanding that many highly qualified students apply to LL.M. programs with the hope of being admitted to a JSD program. Accordingly, these students only apply to LL.M. programs at institutions that offer a JSD degree. We thus believe that a JSD program will attract highly qualified students to our existing LL.M. programs.


Form Date: 12/11/02

Acad Policies/
FM-Grad Proposal
The Program:
As noted, the JSD is designed for those who pursue excellence and who wish to become academics, researchers and leaders in their field. Accordingly, only a small number of students who have demonstrated outstanding academic promise will be eligible to apply to the Program. The Program will be open to applicants with government or law practice experience as well as those who already started an academic career. More specifically, JSD applicants will be required to: (1) have graduated from the LL.M program at the University of Alabama School of Law with high standing and demonstrated a commitment to research and scholarship (although in exceptional circumstances the International Program Committee may admit students who graduate with an LL.M degree from other institutions); (2) identify two faculty members who are willing to serve as supervisors and readers; (3) submit a dissertation proposal, including a proposed time frame for completion of the dissertation that must be approved by the supervising faculty and the International Program Committee.

We propose that each JSD candidate will be allowed to pursue a course of study which is tailored to suit the candidate’s and the candidate’s supervisors’ academic interests. Candidates will therefore be allowed to pursue a wide range of dissertation topics and will be encouraged to incorporate insights from other disciplines, draw on the law school’s international programs and attend workshops at the Law School and other departments relevant to their research area. After admission to the program, the JSD candidate and his or her primary advisory must develop a detailed plan of study. The plan should specify what steps the candidate will take to complete the dissertation. For example, the plan might specify that the candidate will take for credit or audit certain law school or other courses relevant to the dissertation, pursue readings in particular areas, or make presentations to faculty or other groups.

JSD candidates will be expected to graduate within 36 months and will be required to spend their first year in residence at the law school (although in some rare situations exceptions or deferments may be granted). While at the University of Alabama School of Law candidates will be provided with the opportunity and will be expected to participate in academic life of the institution including regular attendance at faculty and curriculum workshops and endowed lectures. Admitted candidates will be required to periodically submit a report on their progress and will be subject to oral examinations as will be determined by their supervisors.

The JSD will be awarded to a student who has completed a dissertation that, in the opinion of the International Program Committee, made a substantial contribution to legal scholarship and successfully defended it. The dissertation itself may take the form of a single monograph or a number of related essays suitable for publication.

Resources and Governance:
The proposed JSD program will draw on the law school’s existing resources. JSD candidates will receive a carrel at the library, will attend scholarly presentations and academic activities and will work with faculty members who have agreed to supervise them. Candidates will be required to pay tuition (unless granted an exemption or a scholarship) and, given the very small number of students envisioned, will likely require little or no additional resources.

As with the international LL.M., we propose that the International Program Committee approve applications to the Program. In addition, to facilitate and coordinate the work of the International Program Committee and the faculty supervisors, we propose that a faculty member, who will serve as an ex-officio member of the International Program Committee, be designated as the JSD Program Director.

Accreditation: The ABA does not accredit programs other than the first degree in law. Standard 308 of the ABA Standards of Approval of Law Schools states that an ABA-approved law school may not establish a degree program in addition to its J.D. program unless the additional program will not detract from a law school’s ability to maintain a sound J.D. program. The school must only obtain the Council’s acquiescence prior to commencing a program.

The proposed Program will not detract from the law school’s existing programs as it is focused on individual research. In fact it may add to such abilities as candidates will ordinarily be required to pay full tuition.
Moreover we envision that the Program will attract highly qualified students to the LL.M. programs – which are revenue-generating programs.

The Program will also have to be approved by the Alabama Commission on Higher Education (ACHE) and the Southern Association of Colleges and Schools (SACS) and the JSD Program Director will work with Dean Jenelle Marsh to meet any requirements from ACHE or SACS.

Concluding Note:
The Committee strongly supports the establishment of a JSD Program. We believe that a JSD program will further and signal the law school’s commitment to scholarship, that it will provide additional research opportunities, that it will attract and infuse our existing LL.M. programs with highly qualified students and that it will allow The University of Alabama School of Law to join other top and similarly ranked law schools who strive for excellence.

Proposed Website Information

General Information
The Doctor of the Juridical Science (JSD) is The University of Alabama School of Law’s most advanced law degree. It is designed for those who strive for excellence and who wish to become academics, researchers and leaders in their field. Applicants with government or law practice experience, and those who already started an academic career are eligible for admission. Each JSD candidate will pursue a course of study which is tailored specifically to his or her academic interests and is supervised by at least two faculty members. Candidates can pursue a wide range of dissertation topics and are encouraged to incorporate insights from other disciplines, draw on the law school’s international programs, and attend workshops at the law school and other departments relevant to their research area.

Admission Standard
Only a small number of students who have demonstrated outstanding academic promise are eligible to apply to the program. JSD applicants must: (1) have graduated from the LLM program at the University of Alabama School of Law with high standing and demonstrated a commitment to research and scholarship; (2) submit a complete JSD application form (include a link here) within the specified deadline; (3) identify two faculty members who are willing to serve as supervisors and readers; (4) submit a dissertation proposal, including a proposed time frame for completion of the dissertation that must be approved by the International Program Committee. Admission to the JSD program does not follow automatically from admission to the LLM program or from award of the LLM degree, but rests solely on the committee’s independent judgment. In exceptional circumstances, the committee may admit students who graduate with an LLM degree in other institutions.

The Program
JSD candidates are expected to graduate within 36 months and although they may work anywhere on their dissertation, they are required to spend the first year in residence at the law school (although in some rare situations exceptions may be granted). While at the University of Alabama School of Law candidates are provided with the opportunity and are expected to participate in academic activities including regular attendance at the faculty and curriculum workshops. Admitted candidates must periodically submit a report on their progress and are subject to oral examinations. The JSD is awarded to a student who has completed a dissertation that, in the opinion of the committee, made a substantial contribution to legal scholarship and successfully defended it. The dissertation may take the form of a single monograph or a number of related essays suitable for publication.
Dear Dean Randall:

Attached please find the decision of the Accreditation Committee at its meeting on April 12-14, 2012, with respect to the application of the University of Alabama School of Law for acquiescence in the establishment of a J.S.D. Program.

Dr. Charles R. Nash was not in attendance at the April 2012 meeting of the Committee, but he has recused himself from participation in the Committee’s consideration of this matter.

Please feel free to call me, Deputy Consultant Scott F. Norberg, or Executive Assistant Cathy A. Schrage if you have questions or need clarification or guidance.

Sincerely yours,

[Handwritten Signature]

Hulett H. Askew
Consultant on Legal Education to the American Bar Association

[Address]

HHA/cs
Attachment

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Frederick Y. Yu
Denver, CO

CONSULTANT ON LEGAL EDUCATION TO THE AMERICAN BAR ASSOCIATION
Hulett H. Askew
Chicago, IL

DEPUTY CONSULTANT
Scott F. Norberg
Chicago, IL

ASSOCIATE CONSULTANT
Camille deJonge
Chicago, IL

ASSISTANT CONSULTANT
Charlotte (Becky) Stretz
Chicago, IL

EXECUTIVE ASSISTANT
Cathy A. Schrage
Chicago, IL

American Bar Association
Section of Legal Education and Admissions to the Bar
Office of the Consultant on Legal Education to the American Bar Association
321 N. Clark Street
Chicago, IL 60654-7598
(312) 988-6738
FAX: (312) 988-5681
E-mail: legaled@americanbar.org
http://www.americanbar.org/legaled
DECISION OF THE ACCREDITATION COMMITTEE
April 2012

The Accreditation Committee (the "Committee"), at its April 12-14, 2012 meeting, considered the application of The University of Alabama School of Law (the "Law School") for acquiescence in the establishment of a Doctor of Jurisprudence ("J.S.D.") program. The Committee had before it the Law School's completed Questionnaire on Degree Programs in Addition to the J.D., together with a letter, dated February 8, 2012, from Dr. Robert E. Witt, President, and Kenneth C. Randall, Dean and McMillian Professor of Law of the Law School, and a memo to the Law School's International Program Committee regarding the J.S.D. program.

FINDINGS OF FACT:

(1) The Law School proposes to start a J.S.D. program in the 2012-2013 academic year. In addition to its J.D. program, the Law School currently offers three advanced law degrees programs: an LL.M. in Taxation, an LL.M. in Business Transactions, and an international LL.M. degree.

(2) The Law School anticipates a small enrollment in the J.S.D. program, likely one to two full-time students per year. The anticipated enrollment in the J.D. program during the first year of the J.S.D. program is 525 full-time students.

(3) The J.S.D. program will provide a doctoral degree with research opportunities for a small and exceptionally well-qualified group of students who aspire to become legal academics or experts in a specific field. It will also provide opportunities for comparative research in areas that are of interest to the faculty, allow greater interaction with foreign academic institutions and scholars, and encourage enrollment in the Law School's International LL.M. program.

(4) Applicants to the J.S.D. program will be required to: (a) have graduated from the LL.M. program at the Law School with high standing and demonstrated a commitment to research and scholarship (in exceptional circumstances applicants may have graduated from equivalent programs at other institutions); (b) identify two faculty members who are willing to serve as supervisors and readers; (c) and submit a dissertation proposal, including a proposed time frame for completion of the dissertation.

(5) Each J.S.D. program candidate will be allowed to pursue a course of study tailored to suit the academic interests of the candidate and the candidate's supervisors. Candidates will enroll in supervised independent study courses. Those courses will be limited to J.S.D. program students. Since the J.S.D. program will be very small, it is not expected to have any negative impact on J.D. classes, enrollments, or resources.

(6) Each candidate for the J.S.D. program must present a score on one of the English proficiency exams, such as TOEFL or IELTS, that shows
English proficiency. As with its international LL.M. program, the Law School will be rigorous in examining admissions files to ensure English proficiency.

(7) The Law School’s Faculty Resource Summary for the fall semester 2011 shows 38 full-time faculty members, including 25 tenured faculty members, four tenure-track faculty members, six long-term presumptively renewal contract faculty members, and three visiting faculty members. In the spring semester 2011, the full-time faculty count was 42 members. In the 2011 calendar year, the Law School’s student/faculty ratio was 10.49:1.

(8) The New Program Questionnaire does not list any revenues or expenses specifically attributable to the J.S.D. program. Nor does it show any tuition from the program. However, it is stated elsewhere in the memo to the International Program Committee that tuition will be charged. The Dean’s letter states that there are no associated budget items with the J.S.D. program, but that the tuition from the program (albeit small) could even benefit the J.D. program.

(9) There is no anticipated need for additional library resources to support the J.S.D. program. Existing library resources together with online and interlibrary loan resources will support the program.

(10) The Director of the proposed J.S.D. program is Professor Bryan K. Fair, who has been on the faculty of the Law School since 1991. From 2007 to 2008, he was the Director of International and Diversity Programs; from 2008 to 2010, he was the Associate Dean for Special Programs; and since 2010, he has been the Director of International Programs. He is qualified by background and experience to direct the J.S.D. program. No additional administrative or faculty resources are needed to support the program.

(11) The J.S.D. program has been approved by the faculty. It is also supported and endorsed by the Dean of the Law School and the President of the University of Alabama. The J.S.D. program must be approved by the Alabama Commission on Higher Education, which is anticipated in spring 2012. The memo to the International Program Committee also states that approval must be obtained from the Southern Association of Colleges and Schools.

CONCLUSIONS:

(1) The Committee concludes that the proposed J.S.D. program will not detract from the Law School’s ability to maintain a sound J.D. program. [Standard 308.]

(2) Accordingly, under authority delegated by the Council of the Section of Legal Education and Admissions to the Bar, the Committee
acquiesces in the application of the Law School for the establishment of the J.S.D. program.

(3) Pursuant to Rule 21(h), an evaluation of the Law School will be conducted in the first academic year subsequent to acquiescence in which students are enrolled in the J.S.D. program. The Consultant will determine whether such an evaluation will be conducted through an actual site visit or may be conducted by other means.

(4) Acquiescence beyond the first degree in law (J.D.) is not an approval of the J.S.D. program itself, and therefore the Law School may not announce that the program is approved by the American Bar Association. [Standard 308 and Interpretation 308-2.]