

# **Table of Contents**

## **Self-Study**

### **U.W. Law School Graduate Programs**

#### **1. Self-Study**

##### *I. Context.*

##### *II. Unit Roles and Responsibilities.*

1. Asian and Comparative Law
2. Law and Marine Affairs
3. Law of Sustainable International Development
4. Taxation

##### *III. Degree Programs.*

1. Bachelor's degrees
2. Master's degrees
  - a. Asian and Comparative Law
  - b. Law and Marine Affairs
  - c. Law of Sustainable International Development
  - d. Taxation
3. Doctoral program

##### *IV. Responses to change.*

##### *V. Goals.*

##### *VI. HECB Items.*

#### **2. Faculty CV's.**

#### **3. Law School Strategic Plan (Includes Mission Statement).**

#### **4. Appendices:**

- A. *Graduate Student Statistical Summary*
- B. *Academic Unit Profile*
- C. *List of special pathways, options, certificates within degree*
- D. *List of faculty by rank, including committees chaired*
- E. *Placement of graduates, 1996-1998*
- F. *Bulletin For Graduate Programs in Comparative and International Law, U.W. School of Law (1997)*
- G. *Graduate Program in Taxation 1999-2000, and 2000-2001*

# **I.**

## **Context**

### **A. Name of unit authorized to offer degrees**

School of Law

### **B. School or College**

School of Law

### **C. Exact titles of degrees offered**

LL.M. – Master of Law

Ph.D. - Doctor of Philosophy in Law

### **D. Brief description of the field and its history at the University of Washington**

In 1966, the University authorized the Law School to offer programs for 3 post – J.D. degrees: M.CL (Master of Comparative Law), LL.M. (Master of Laws), and Ph.D. (Doctor of Philosophy in Law). The M.CL was discontinued almost immediately. For the next four years, the sole focus of the School's graduate program was upon Asian Law, under the direction of Professor Dan Fenno Henderson. The degree program was expanded in 1970 to include an LL.M. degree in Law and Marine Affairs, under the direction of Professor William Burke. The development and expansion of these programs was described at length in the 1989 Self Study by the Law School of its graduate programs.

The 1990's have produced, both for the Law School, and for U.S. law schools generally, numerous changes in the number of graduate programs and the students involved in the programs. The Law School added an LL.M. program in the Law of Sustainable International Development in 1992. Later, in the same year, it added an LL.M. program in International Environmental Law. In 1995, it added a self-sustaining LL.M. program in Taxation. In 1998, it terminated the program in International Environmental Law for lack of students. Finally, it is currently considering the addition of an LL.M. program in Intellectual Property and Technology Law.

## **II.**

### **Unit Roles and Responsibilities**

Each of our 4 active LL.M. programs – Asian and Comparative Law (ACL), Law and Marine Affairs (LMA), Law of Sustainable International Development (LSID) and Taxation (Tax) – functions separately from the others; there is virtually no overlap in students, faculty, administration, required courses, relevant library resources, etc. between and among the four programs. Two programs (LMA and LSID) are interdisciplinary in design; the other two (ACL and (Tax) seldom involve students in courses outside of the Law School. Each program has a different role and responsibility both within the Law School, and within the University. We therefore have responded to the questions in II A-H separately for each of the programs.

## ***1. Asian and Comparative Law***

### **A. Roles and responsibilities within the Law School and the University.**

The University of Washington School of Law has long been a leading center for the comparative study of East Asian and U.S. law. Designed both for legal professionals from East Asia interested in the comparative study of American law and for language-qualified legal professionals from the U.S. and other countries outside of Asia, the ACL LL.M. program provides advanced, intensive instruction and research opportunities for those who intend to pursue a career in trans-Pacific legal affairs.

The program brings together foreign legal professionals from Japan, Korea, China, Taiwan, Thailand, Indonesia and other Asian countries and highly qualified non-Asian students who have competency in an East Asian language. Both sets of students interact in a series of comparative courses and out-of-class projects that produce a valuable reciprocal learning experience for each group. The program annually enrolls about twenty students.

The ACL LL.M. Program is, above all, a research program. The central requirement in the LL.M. program is a major comparative research paper on an original topic. For this reason, a significant factor in our consideration of candidates for admission is the candidate's statement of purpose and research objectives.

The ACL LL.M. program is a key part of the Law School's strength in Asian (specifically, East Asian) law. The school's Asian law program, broadly understood, covers LL.M. students, J.D. students and visiting scholars. In its broadest sense, it also embraces the efforts of faculty members in research, writing, and preparation of a broad range of teaching materials on Asian and comparative law topics. Today's LL.M. program owes much to the work of earlier faculty and students.

The School's Asian law program has played an important role in nearly all international activities that relate to East Asia within the University. The Program has the closest relationships with the Jackson School of International Studies and its various degree programs in East Asian regional studies. Nearly all of the introductory courses on East Asian law are cross-listed with the Jackson School and most of the remaining courses are open to graduate students and qualified undergraduates. With the exception of the concurrent J.D./M.B.A. program, the largest and most successful of the Law School's concurrent degree programs have been with the Jackson School's M.A.I.S. and East Asian regional studies programs.

**B. What opportunities do these roles provide you and how have you taken advantage of them? What plans do you have for exploring additional opportunities? What opportunities have you missed and why?**

An important goal of the ACL LL.M. program is to encourage important research on major topics of Asian and comparative law. Each graduate must prepare a thesis-length paper on an important topic, under the careful supervision of a faculty member. Over the 30 years of the

program's existence, its graduates have produced close to 500 probing papers. Unfortunately, many are not generally available because of limited publication opportunities. The School relatively recently commissioned a second law journal (Pacific Rim Law & Policy Journal); but even with that avenue available, few papers get published.

**C. What differences do you observe between your role and the college/university expectations of your unit? How might these differences be resolved?**

Since the Self-Study in 1989, the ACL LL.M. program has expanded its range of offerings to include courses in the law of China (both Taiwan and the PRC), Korea, and Southeast Asia. The expansion into Chinese law resulted from a grant from the Provost's office of a new position for that purpose.

**D. What changes have occurred in the last 10 years in your field? What changes do you anticipate?**

Competition in the area of Asian Law from quality law schools has intensified in the last 10 years. Asian law centers have sprung up at N.Y.U., Columbia, Michigan and Georgetown, and the center at Harvard recently expanded. ACL LL.M. student quality (except for the period of the Asian financial crisis) has continuously improved, as more lawyers from Pacific Rim countries have enrolled (as few as 2 percent of all law school graduates from Asian countries pass the bar.)

Future changes that are foreseeable: increasing competition from 2<sup>nd</sup> line law schools (as they add graduate degrees); more interest from foreign academics in American legal teaching methods (a recent major conference was held in Japan on this subject).

**E. What criteria are typical in your field against which you measure the success of your unit as a whole?**

The success of the ACL LL.M. program may be gauged from the increasing quality of our entering students, the quality and quantity of the research and writing done by students and faculty, and the program's international reputation (increasingly apparent as more of its early graduates rise to higher governmental, business and legal posts throughout Asia).

**F. In what ways is your unit a leader in your field? Describe areas and strategies for developing your potential for leadership in your field.**

As measured by any of the criteria in E. by the current positions held by its graduates, the contributions by faculty and graduates to the professional and scholarly literature on East Asian law in English, and American law in Japanese, Chinese and Korean, and the degree of support and interest of the international legal community, the Program is among the most successful instructional and research efforts of the University of Washington.

Obviously, the loss of two major scholars in Japanese law, at the end of 1999-2000, will impact the program in the short run.



**G. In what ways do you collaborate with units at other institutions to maximize the effectiveness of each institution's contributions to the field? How do your ties to similar departments at other institutions help you to respond to new developments? How could these ties be strengthened?**

The School of Law has a number of exchange relationships with universities in Asia, and those exchange relationships tie rather closely with activities of the Asian Law Program. The relationship with the Faculty of Law at Kobe University provides a model of what that collaboration can provide. Funding and tuition waivers permitting, the University of Washington sends one student and one faculty member to Kobe every other year, and receives one student and one faculty member from Kobe every other year. Typically, the U.W. student is a J.D. candidate who spends a full year at Kobe, and the Kobe student is a graduate student who completes a one-year LL.M. in Asian Law at U.W. The faculty members usually visit the respective institutions for up to one academic quarter, typically teaching one course. This exchange program has been very successful. It has provided U.W. faculty members who do not normally focus on Asian law with the opportunity to be immersed in a Japanese university; it has provided excellent courses for U.W. students; and it has provided those students who are fortunate enough to participate with an excellent opportunity for study and research. The School of Law has exchange relationships with several other universities in Asia. Some, including the relationships with Beijing University and National Taiwan University, have been relatively active; others exist on paper but have seldom resulted in actual exchanges. One barrier to greater collaboration is funding; a related barrier is the dearth of tuition waivers available to support exchange relationships.

**H. In what ways have collaborated with related areas on this campus? What is needed for ties with these units to be strengthened?**

The location of the School of Law has been a barrier to greater interaction, both to cross-enrollments in classes and to collaboration by faculty on research and teaching. For students, the distance has made it difficult to get back and forth in the ten-minute bread between classes. Better coordination of class schedules with the Jackson School for cross-listed courses might facilitate more interaction. In addition, greater interaction might be facilitated by better publicization of course offerings to JSIS students and, for certain specialized courses such as comparative criminal justice and comparative intellectual property, to other units on campus. At the faculty level, the distance has also represented an invisible barrier – psychological, even more than physical - to greater collaboration. The move of the School of Law to main campus should help foster greater collaboration. Even prior to the move, however, greater collaboration could be encouraged through the establishment of some form of University-wide network, or clearinghouse, for information on research and teaching on issues related to Asia.

## **2. *Law and Marine Affairs***

### **A. Roles and responsibilities within the Law School and the University.**

The roles and responsibilities of the Law and Marine Affairs (LMA) program include teaching, research and public service. Classes in the LMA program serve LL.M., J.D. and graduate students from other departments (mostly from the School of Marine Affairs). Continuing legal education courses in law of the sea and the National Fisheries Law Conference serve maritime, government and public interest attorneys and resource managers.

Professor Burke (now retired) was a prolific scholar whose publications on international law of the sea and marine fisheries issues are internationally acclaimed. Assistant Professor Allen, Burke's successor LMA program director since 1996, has also been a productive scholar, mostly on U.S. maritime law subjects. Finally, some of the papers prepared by students in the required Ocean Law Policy Seminar have made important contributions to the field. Faculty and students in the LMA program also serve a number of public service needs. Many LL.M. students have served as externs with the National Oceanic and Atmospheric Administrative regional council and natural resource damages offices. Others have externed with such organizations as People for Puget Sound and the Puget Soundkeepers' Alliance.

### **B. What opportunities do these roles provide you and how have you taken advantage of them? What plans do you have for exploring additional opportunities? What opportunities have you missed and why?**

The principal "opportunity" historically provided by the LMA LL.M. program has been the need it fills for an interdisciplinary approach to the law and policy of the oceans. Although students earn an advanced law degree, they are encouraged as part of their 40 credit hour LL.M. program to take up to half of their courses outside the law school, primarily in the School of Marine Affairs. At the same time, the relevant law courses are enriched by the presence of graduate students from SMA (and occasionally from the College of Fisheries and Oceanography).

Only one member of the law faculty now teaches in the LMA program; his duties in covering the courses and seminar required to support the LL.M. program, together with program administration, generally consumes all of his teaching time. Hence, he is unable to teach in the core J.D. program. By contrast, the University of Oregon, which offers a certificate program in Ocean and Coastal Law, has long had two faculty members in the program. Both teach courses supporting the Ocean and Coastal Law program, and also teach in the core J.D. program. A key advantage to UO's approach is that the ocean and coastal law faculty have much greater exposure to the J.D. student body and are better able to recruit J.D. students into their specialty courses.

One opportunity cost of a program that does not include a significant number of J.D. students relates to the short study cycle of the LL.M. program. LL.M. students generally complete their studies in nine months. As a result, all supporting courses and the seminar in the law school must be offered each academic year, greatly reducing flexibility in the curriculum. In

addition, the opportunity for extended or ongoing research by LL.M. students and the LMA faculty is more limited than it would be with J.D. students, who would be available for at least two years.

**C. What differences do you observe between your role and the college/university expectations of your unit? How might these differences be resolved?**

LL.M. enrollment (and the average quality of the students) has dropped to critical levels in recent years. The program was originally designed to enroll 15 students each year. In the 1998-99 AY, we enrolled only three students; and in the 1999-00 AY we enrolled 4 students. A poor job market for graduates hoping to specialize in maritime law likely plays a large role in the declining interest.

**D. What changes have occurred in the last 10 years in your field? What changes do you anticipate?**

Several changes have occurred over the past decade that have impacted the LMA program. The Asian economic crisis no doubt made it impossible for many southeast Asian students to study in the U.S., particularly since financial aid for international students is virtually non-existent. Job opportunities for LMA graduates have never been plentiful, and the few now available are highly sought after by attorneys who generally have much more experience than our graduates. International organizations, and federal and state governments, long significant employers of LMA program graduates have nearly all made sharp cuts in staff. Poor employment prospects no doubt discourage many applicants from investing the year in the program.

At the same time, the need for bright, motivated graduates sensitive to the need for an interdisciplinary approach to the problems of the oceans, marine pollution and marine fisheries is every bit as urgent now as it was nearly 30 years ago when the LMA program began. A recent article in *U.S. News and World Report* predicted that World War III would begin over a regional "fish war." Anyone who follows the regional salmon crisis is acutely aware of the importance of marine issues to the region.

**E. What criteria are typical in your field against which you measure the success of your unit as a whole?**

The "field" of Law and Marine Affairs within the university is so small that program-specific criteria for evaluating the program do not exist. Only two other graduate law programs in maritime law exist. The University of Miami School of Law offers a LL.M. in Ocean and Coastal Law, and the Tulane School of Law offers a LL.M. program in Admiralty and Maritime Law. Other programs that address ocean and coastal law (Oregon, Maine, Virginia and Delaware/Widener) all focus on J.D. programs. Perhaps the most likely criteria for measuring success include student satisfaction, contributions by the LMA students and faculty to the greater law school community, university and community.

Instructor and course evaluations reveal that students are quite satisfied with the courses offered through the program. The same can be said for SMA students who enroll in LMA classes in the law school. At the same time, however, many recent graduates report great disappointment in the poor opportunities for employment. Although the law school now has a placement officer dedicated to helping LL.M. students find jobs, students seeking maritime law jobs in the U.S., and particularly in the Northwest, have fared very poorly.

**F. In what ways is your unit a leader in your field? Describe areas and strategies for developing your potential for leadership in your field.**

The LMA program has been a leader within the Law School in its interdisciplinary approach to the study of law, science, social science and policy relating to the oceans. The leadership is made possible by the close relationship between the LMA program in the law

school and School of Marine Affairs. To enhance its leadership in the multidisciplinary study of law and marine affairs, it is critical that the program include more J.D. students and respond to emerging global and regional issues, including problems like the ESA listing of regional salmon stocks and the introduction of non indigenous species.

**G. In what ways do you collaborate with units at other institutions to maximize the effectiveness of each institution's contributions to the field? How do your ties to similar departments at other institutions help you to respond to new developments? How could these ties be strengthened?**

The only inter-university collaborations are through personal contact and agreements to speak at events sponsored by other institutions. Again, because the LMA field is so small and so dispersed, with limited travel funds, the opportunities for greater collaboration are scarce. Our closest ties are with the University of Oregon Ocean and Coastal Law Center, where Professors Burke and Allen periodically speak on marine law issues. The Law of the Sea Institute, formerly at the University of Hawaii and now at the University of Miami, has long served as an integrating force in the field. Regrettably, however, the LSI appears to be all but moribund now.

**H. In what ways have collaborated with related areas on this campus? What is needed for ties with these units to be strengthened?**



The most consistent ties on campus are between the LMA program and the School of Marine Affairs. Sadly, however, SMA is chronically under-funded. SMA enjoys a brilliant and prominent faculty and attracts outstanding students, but spends much of its time trying to decide how to offer a credible program with so little resources.

The SMA faculty has at times discussed the possibility of offering some classes only in alternate years, to better leverage their scarce teaching resources. Because LL.M. students are only here for a single academic year, however, the SMA alternate year approach would severely disadvantage them.

### **3. *Law of Sustainable International Development***

#### **A. Roles and responsibilities within the Law School and the University.**

The LSID LL.M. program is the first graduate program at an U.S. law school to focus on international development law. Effective legal work on international development problems requires substantive knowledge of both the transnational and international law of development and related areas of international environmental law, as well as a background in relevant economic, political, environmental, and administrative disciplines. The LSID LL.M. program allows students to obtain in-depth interdisciplinary training, taking advantage of the University's unusually rich course offerings in areas of the student's interest including: economics, political science, international studies, sociology, public health, and environmental studies.

#### **B. What opportunities do these roles provide you and how have you taken advantage of them? What plans do you have for exploring additional opportunities? What opportunities have you missed and why?**

Development of the Program since its formation in 1992 has provided the following opportunities:

- (1) a larger and more varied pool of well-qualified applicants for the program's 4-6 places has evolved, including qualified applicants from outside the U.S. and Canada;

- (2) the core, year-long seminar offering for the LL.M. candidates (Legal Problems of Economic Development) has further developed, with the addition of materials reflecting Professor Prosterman's recent work with development issues in the formerly centrally-planned economies;
- (3) there has been increasing synergy with the Rural Development Institute, a nonprofit organization affiliated with the Law School which focuses on development issues, (e.g., several people have been hired full-time by the Institute after completing their LL.M. programs; and several LL.M. candidates have gained experience as research assistants at the Institute.);

Opportunities have been missed in career counseling for graduates because of the failure to adequately track graduates of the program and to identify a broader scope of job listings related to the international development field. The program directors have met with the law school's Career Planning Center to remedy this.

**C. What differences do you observe between your role and the college/university expectations of your unit? How might these differences be resolved?**

No differences observed.

**D. What changes have occurred in the last 10 years in your field? What changes do you anticipate?**

Three important changes have occurred over the last ten years. The most substantial change has been the increasing importance of transitioning centrally-planned economies to market economies. A second important change is the increasing recognition of the role of legal systems and the rule of law in a country's development process. A third change is the rapidly increasing importance of private, international financial flows and international trade in the international development process.

Over the next ten years, we foresee that the latter two trends will continue and that the first trend will decline in importance as many of the transition economies will complete their transitions. We also expect to see a renewed focus on the most poverty-stricken countries, especially in Africa, including a growing concern with crucial public-health issues (particularly the epidemic spread of HIV/AIDS and re-emergence of other diseases resistant to all but the most costly treatments).

**E. What criteria are typical in your field against which you measure the success of your unit as a whole?**

We identify three important criteria:

- Can students readily identify both the overall importance of the role of law in the international development process and how, specifically, law must be used in specific sub-areas (health, family planning, foreign direct investment, international trade, financial systems, labor, land reform, gender issues, etc.) to achieve social and economic change?

- Do students realize both the potential and limitations of using developed country legislation or legal systems as models for developing countries?
- Have students supplemented their legal training with sufficient background in economic, political, social, and historical development issues so that their legal training can be made applicable to international development processes?

**F. In what ways is your unit a leader in your field? Describe areas and strategies for developing your potential for leadership in your field.**

The program is the only one of its kind in the United States at a time when the field of law and international development is gaining increasing recognition. The program directors are seeking publication opportunities for a coursebook in law and international development, which would be the first book of its kind in the United States.

**G. In what ways do you collaborate with units at other institutions to maximize the effectiveness of each institution's contributions to the field? How do your ties to similar departments at other institutions help you to respond to new developments? How could these ties be strengthened?**

Collaboration with units at other institutions is done primarily through the work of the Rural Development Institute which regularly collaborates with other institutions in its international development work. For example, RDI is partnering with Beijing People's University in a development project in China and RDI staff persons regularly attend international conferences to interact with people from other institutions. Such institutional ties could be strengthened by supplying RDI staff persons with written information about the LL.M. program so they could distribute this information to persons from other institutions with whom they frequently interact.

**H. In what ways have you collaborated with related areas on this campus? What is needed for ties with these units to be strengthened?**

Collaboration with related areas on campus has occurred in two different ways. First, individual students with specific international development interests related to other areas of campus are encouraged to collaborate in research and writing with graduate students or faculty from those units. For example, a recent graduate of this program worked closely with a faculty member from the School of Public Health in research and writing a published work related to the International Health Regulations. Second, students who work at RDI as research assistants collaborate with other units by conducting research in their libraries, participating in workshops and seminars sponsored by those units, by asking faculty members from those units to conduct colloquia at RDI, and by disseminating reports on international development and law topics to faculty members at other units. Such ties could be strengthened by establishing a regular RDI-sponsored international development and law colloquium series where faculty members from

other university units could make presentations on their work. Program students as well as J.D. students could be invited.

#### **4. Taxation**

##### **A. Roles and responsibilities within the Law School and the University.**

The principal roles of the Program are to produce technically proficient leaders of the tax law and tax accounting bar; to be a leading voice for positive change by making meaningful contributions to critical public discourse on the tax laws; to provide broad access to tax education and expertise to legal professionals and consumers of legal services; and as a self-sustaining program, to fulfill these roles while generating sufficient revenues to meet its own expenses.

##### **B. What opportunities do these roles provide you and how have you taken advantage of them? What plans do you have for exploring additional opportunities? What opportunities have you missed and why?**

1. Professional Education. Degree candidates must complete a total 36 credit hours for the degree. Of these, 18 credit hours (six courses) are required: taxation of property transactions, corporate tax, partnership tax, estate and gift tax, tax accounting, and federal tax controversies and procedures. Conversations with employers and currently practicing tax attorneys confirm that all tax lawyers should have a mastery of the fundamental issues in each of these course areas. With the 18 elective hours, students can continue to sample the variety of specialties within the profession or informally choose to concentrate their studies in one or more specialty paths.



There are still some curricular issues to be addressed. Tax attorneys need to be proficient with online and other computer-based legal research tools; yet the Program currently does not require students to complete the federal tax research course (about one-half of each entering class has chosen to take the elective course without the requirement). While the Program's adjunct faculty are highly qualified, ITS deserve more full-time faculty members who can be on campus regularly during the daytime to engage students outside of the classroom. Finally, the faculty recognize and support the requirement that each student complete a substantial paper. Although most tax LL.M. programs do not require students to write a substantial paper, a few programs (most notably the University of Florida) have implemented this requirement with considerable success.

2. Research, Scholarly, and Creative Activity. The Program's academic reputation depends in large part on the scholarly reputation and productivity of our faculty. While both Professor Emory and Assistant Professor Donaldson are engaged in creative, interpretive, and critical scholarship, our adjunct faculty are also leading authorities on tax law in the northwest.
3. Service. Beginning winter quarter 2000, the Program will offer LL.M. courses at the University's Tacoma campus. This action is consistent with the School of Law's desire to explore the benefits of (and need for) providing access to legal education for residents in the South Puget Sound region. The courses will be open to students working toward the LL.M. degree as well as nonmatriculating lawyers who can earn continuing legal education credits.

To enhance the profession, it is anticipated that the Program will sponsor a national tax conference, perhaps in AY 2000-2001. The conference will bring together leading scholars and practitioners from around the country. The Program and its faculty will continue to sponsor with the Law School continuing legal education programs for the local bar.

Finally, the Program is working with the Clinical Education program in the School of Law to establish a tax clinic whereby J.D. and LL.M. students would engage in tax planning and document preparation for nonprofit organizations and individuals who cannot afford access to traditional legal services. It is presently anticipated that the tax clinic will offer valuable work experience to 8 to 12 students annually, thus improving the professional education of the Program's students while providing important services to the community.

4. Self-Sustainment. The fact that the Program is self-sustaining provides strong incentive to its personnel to create a dynamic curriculum that can attract the best and brightest law students from around the world while minimizing costs. The Program has resisted the temptation to maximize revenues at the expense of lowering the standards for admission. The Program limits admission generally to applicants with strong law school records and/or applicants with significant prior experience with tax law or business, either through formal coursework, vocational experience, or both.

**C. What differences do you observe between your role and the college/university expectations of your unit? How might these differences be resolved?**

There appear to be no differences between the Program's roles as set forth above and the School of Law's (or the university's) expectations of the Graduate Tax Program.

**D. What changes have occurred in the last 10 years in your field? What changes do you anticipate?**

1. Technology. The exponential growth of technology in the last 10 years has greatly affected the tax bar. Today's tax lawyers have access to free and fee-based databases and other legal research resources over the Internet. The growth of computer-based research requires that our students receive extensive training in computer research. Further, as e-commerce continues to grow, tax lawyers will be forced to grapple with difficult, unfamiliar issues (e.g., jurisdiction to tax). The Program is one of very few LL.M. programs in the country that offers a course in the taxation of electronic commerce.
2. Evolution of Tax Law. The Internal Revenue Code of 1986, a complete revision of the Code, has been amended virtually every year since its adoption. Sometimes, the changes are quite significant for tax lawyers. It is safe to assume that even more substantial revisions await tax practitioners in the very near future. Accordingly, it serves little benefit for the Program's courses simply to describe the current statutory landscape. Students need to build their confidence in problem solving with exercises specifically aimed at reading and applying new laws on their own.

**E. What criteria are typical in your field against which you measure the success of your unit as a whole?**

1. Quality of Enrollees. The full-time portion of the program has attracted many well-qualified applicants, primarily from the Western United States, and from a number of foreign countries. The part-time portion has attracted highly qualified, experienced practitioners, principally from the Seattle metropolitan area.
2. Placement Rate for Graduates. The Program has thus far enjoyed a remarkable placement rate for its graduates, an indication not only of the need for Tax LL.M. degrees in the profession but also of the quality of the education earned by the Program's students. This year, the Program placed its first student clerk with a judge on the United States Tax Court. An increasing number of law and accounting firms are coming to campus to interview students in the Program.
3. Academic and Professional Reputation. *U.S. News & World Report* annually ranks accredited law schools in the United States. In addition to ranking schools, the magazine publishes a ranking of the top ten law schools for the study of taxation (and does not include the U.W. LL.M. program.) It is worth noting that several of the law schools listed in the top ten do not even offer regular tax LL.M. programs, or a significant number of tax courses.

**F. In what ways is your unit a leader in your field? Describe areas and strategies for developing your potential for leadership in your field.**

The Program is the only tax LL.M. program in the United States to require 6 courses. It also regularly offers courses in such specialized fields as: estate planning for business interests; taxation of trans-Pacific transactions; international taxation of electronic commerce; and international taxation of intellectual property. We know of no other program that offers 20 weeks of instruction in the areas of deferred compensation, international taxation, and estate and gift taxation.

**G. In what ways do you collaborate with units at other institutions to maximize the effectiveness of each institution's contributions to the field? How do your ties to similar departments at other institutions help you to respond to new developments? How could these ties be strengthened?**

While there is no clear collaboration between the Program and LL.M. tax programs at other law schools (indeed such programs are, in effect, competitors vying for the same talented student pool), the Program closely monitors the activities of the other programs, including curriculum changes, student profiles, student recruiting techniques, and the like.

**H. In what ways have you collaborated with related areas on this campus? What is needed for ties with these units to be strengthened?**

The School of Business offers a graduate program in taxation leading to the Master in Taxation (M.T.) degree. The M.T. program is different from that offered at the law school in that the M.T. is for students who have majored in undergraduate accounting while the program at the law school requires a J.D. degree for admission. Since the students in the Program are already attorneys (in most cases, already members of one or more state bars), the instruction technique is much more "law-based" than that offered at the School of Business, which tends to approach many of the issues from an accounting standpoint. Despite this difference in emphasis, the relationship between the two programs at the University of Washington is cooperative: students in each program may register for courses offered in the other.

### **III.**

#### **Degree Programs.**

#### **A. Bachelor's Degrees**

The Law School does not award bachelor's degrees.



## **B. Master's Degrees**

Each of our current LL.M. programs has a unique relationship to our J.D. program. Only the Asian Law LL.M. has a relationship both to our J.D. program and to our Ph.D. program.

Therefore, answers to the question posed are reported separately by program.

### ***1. LL.M. in Asian and Comparative Law.***

- 1. If applicable, show the relationship of master's degree programs to the undergraduate and/or doctoral degree programs in your unit. Describe the objectives of your master's degree program(s) in terms of student learning and other relevant outcomes, as well as its benefits for the academic unit, the university, and the region. (Please attach a curriculum description as an appendix to this report.) In the case of a terminal master's degree, compare your objectives with those for programs at institutions you think of as peers.**

The LL.M. degree opportunity in Asian Law has long attracted a remarkable number of the most outstanding legal professionals from Japan, China (including Taiwan and Hong Kong) South Korea and Southeast Asia, as well as a smaller number of exceptional students from North America (Canada, Mexico and the United States), continental Europe (Germany and France) as well as the British Commonwealth (Australia and the United Kingdom.) In keeping with the Program objectives to create an environment in which all students regardless of national or regional background and faculty participate actively in a community of learning, the Program

also provides J.D. candidates the opportunity for meaningful interaction through elective courses and seminars, "concentration" tracks, and concurrent degree opportunities (including regional study M.A. programs and a concurrent J.D./LL.M. opportunity). The LL.M. degree program is therefore the pivotal component of a much broader set of instructional and research opportunities.

One of the central goals of the offerings on Asian law is to educate American students (both LL.M. and J.D. students) and to enhance the interaction between American students and LL.M. candidates from Asia (many of whom are experience practitioners). Although a number of J.D. candidates attend one or more of the courses on Asian law, the program historically has not been able to attract highly-qualified American LL.M. candidates. The first response by the Law School to that problem was the introduction of an Asian Law J.D. Concentration Track. Completion of this track requires proficiency in an East Asian language, successful completion of at least four courses relating to Asian and comparative law, and completion of a major analytic paper dealing with an East Asian law topic. Despite its close relationship to the goals of the Asian and Comparative Law program, this concentration track is not a graduate program; it is designed to be completed within the normal 9 quarter J.D. program. (A related concentration track, in International and Comparative Law, has also been adopted recently. Unlike the Asian Law track, this track does not require language proficiency or study of Asian law courses, but requires substantial course work in international and comparative law topics.) The second major response by the School was the introduction, in the fall of 1995, of the concurrent J.D./LL.M. program. Initial experience suggests that, despite the requirement of 21 additional credits for completion of the J.D./LL.M., that option is more attractive to our American J.D. students than the J.D. Asian Law Concentration Track.

**2. List the standards by which you measure your success in achieving your objectives for master's program(s). Using these standards, assess the degree to which you have met your objectives, and discuss the probable causes for your success. Indicate the factors that have impeded your ability to meet your objectives and your plans for overcoming these impediments. What additional steps do you envision to improve the overall quality of master's degree programs?**

One goal of Asian Law LL.M. program is to place graduates all over the world, especially in Asia. This goal, has been, is being met; most of the program's graduates come from Asia and return there. As a result, the Law School enjoys a high reputation in countries such as Japan and South Korea from which a number of our students come.

A second goal of the program is to foster important research on major topics of Asian and comparative law, and facilitate the publication of that research. For the most part, the first part of that goal is being met. Each year our LL.M. candidates and visiting scholars produce fine research, often on cutting-edge topics; and the efforts of faculty members involved in teaching Asian and comparative law courses have resulted in several major sets of teaching materials and numerous publications. In addition, much of the work by visiting scholars is published (in the case of visiting scholars from Asia, however, it is often in journals or books in their own languages, rather than in English). Our record in facilitating publication of important research undertaken by the LL.M. candidates is less consistent. The establishment of the Pacific Rim

Law & Policy Journal in 1990 has provided a vehicle for publication of some of the best work; and the Asian and Comparative Law program has undertaken an Occasional Papers Series that also enables the publication of some of this research. In addition, a number of our LL.M. graduates have published articles resulting from their research here in other law journals both in the U.S. and abroad.

One goal which the Program has not met is to attract more highly qualified American LL.M. candidates. Over the years, the Asian and Comparative Law program has attracted a relatively small number of American LL.M. students with excellent credentials who have gone on to positions in teaching and at major law firms. Typically, however, our American LL.M. students tend to be those seeking to upgrade their original degrees from lesser-known law schools. With virtually no fellowship money available, we have found it difficult to attract American candidates with qualifications comparable to those of our foreign students. This is particularly true, given the fact that the most promising American candidates for this LL.M. program already have very good job prospects, so the opportunity cost of enrolling in the program is great. Moreover, while other units on campus may be able to "reward" their best graduate students with grants, research and teaching assistantships, we have few of such opportunities.

At the same time, each year our J.D. program attracts a number of highly qualified students with excellent Asian-language ability, who have chosen the U.W. Law School mainly because of the reputation of our Asian law offerings. Introduction of the Asian Law Concentration Track and the concurrent J.D./LL.M. program has enabled greater integration of

these students with our fine foreign students, further enhancing the learning experience for both groups of students.

The absence of sufficient funding to support graduate students has also had an impact on our ability to attract leading candidates to the LL.M. program from other nations, most notably the People's Republic of China. Those students typically need considerable financial support. In some cases, we have been able to offer tuition waivers; but limitations on the availability of tuition waivers, and the absence of funds to provide for other living expenses, mean that the program loses a number of promising candidates each year.

Another longstanding goal of the Program has been to have regular visiting professors from Asia offering courses in Asian law or comparative law (either alone or together with an American professor from our faculty). Despite the absence of a secure funding source for this purpose, in recent years the Law School generally has been able to offer at least one such course per year (typically through visiting professors funded by Fulbrights or other outside grants, in other cases with some funding from the University of Washington's Japan Endowment Fund and specially-allocated Law School funds). Stable and secure funding for visiting professors would enhance the Law School's ability to engage in advance planning for visitors and to assure students of the opportunity to study with foreign professors, so securing such funding remains an important goal for the program.

## ***2. LL.M. in Law and Marine Affairs***

- 1. If applicable, show the relationship of master's degree programs to the undergraduate and/or doctoral degree programs in your unit. Describe the objectives of your master's degree program(s) in terms of student learning and other relevant outcomes, as well as its benefits for the academic unit, the university, and the region. (Please attach a curriculum description as an appendix to this report.) In the case of a terminal master's degree, compare your objectives with those for programs at institutions you think of as peers.**

The objectives of the LMA program are to offer a relatively short, non-thesis, flexible and multi-disciplinary program of study in law, science, social science and policy for law students who have already earned a first law degree. The benefits of the LMA program to the law school's J.D. program and the university were discussed above. The principal beneficiary on campus is the School of Marine Affairs. At the same time, SMA courses are an integral and invaluable component of the LMA program. The contributions of the LMA program to region, the nation and beyond include the research and externships by the students was discussed in section II above.

The only true "peer" program in Law and Marine Affairs is the Ocean and Coastal Law LL.M. program at Miami. That program describes its objective as preparing attorneys to be specialists in the legal problems of the ocean environment. We certainly accomplish that –and

more. The key advantage to our program over Miami's is our close association with the School of Marine Affairs faculty and students. Without the context that SMA provides, our program would not be nearly as valuable.

- 2. List the standards by which you measure your success in achieving your objectives for master's program(s). Using these standards, assess the degree to which you have met your objectives, and discuss the probable causes for your success. Indicate the factors that have impeded your ability to meet your objectives and your plans for overcoming these impediments. What additional steps do you envision to improve the overall quality of master's degree programs?**

The standards by which the success of the LMA program should be measured include:

1. Quality and number of LL.M. students
2. Quality and number of publications or other research by our graduates
3. Placement rate of students in practice area of choice
4. Student satisfaction

Measured by these standards, the program is falling short in almost all areas. The number of enrolled students is down (three in 1998-99; 4 in 1999-2000) and the quality of those students is only average. Anecdotal information on placement demonstrates widespread frustration. Many graduates give up the search for a marine law position out of frustration and

move into general positions. Some have gone on to further studies (mostly international students).

Some students have produced excellent scholarship in the field. Several papers prepared for the Ocean Law and Policy Seminar were later published in scholarly journals. That has been the exception, not the rule, however.

Notwithstanding their disappointment with the job market, our graduates appear to be very satisfied with the program and grateful for the opportunity. Class evaluations are high. The LMA students are particularly pleased with their association with the School of Marine Affairs and its interdisciplinary approach.

### ***3. LL.M. in Law of Sustainable International Development.***

- 1. If applicable, show the relationship of master's degree programs to the undergraduate and/or doctoral degree programs in your unit. Describe the objectives of your master's degree program(s) in terms of student learning and other relevant outcomes, as well as its benefits for the academic unit, the university, and the region. (Please attach a curriculum description as an appendix to this report.) In the case of a terminal master's degree, compare your objectives with those for programs at institutions you think of as peers.**



The seminar in Legal Problems of Economic Development is also open to J.D. students in the Law School, who may use the major research paper produced to satisfy their Analytical Writing requirement. The seminar also frequently stimulates student papers which are publishable, especially on topics relevant to the Pacific Rim Law Journal published at the Law School. A student in the LL.M. program would be able, in special circumstances and with approval, to further pursue their interests in the international development law field by taking a Ph.D. in Law (one LL.M. student has applied, but the director did not judge circumstances suitable). Objectives in terms of student leaving have been described above; other relevant outcomes include preparing students for active careers in any of the many areas where a development law background will be of importance, most of them including an important or predominant element of public service. Benefits for the Law School, the University, and the region include the following:

- The presence of a unique program with a growing reputation in an important new area of the law.
- The consonance of the program with the public-service goals of the Law School, the University, and the legal profession (of relevance is the University's conferring of its Outstanding Public Service award on Professor Prosterman and making him the first incumbent of the University-wide John and Marguerite Walker Corbally professorship in Public Service).

- Benefits extend to the region and beyond, as recipients of the Program perform work on issues that will impact the future prosperity and security not only of developing societies but of ours as well: work on secure land rights for the 65 percent of China's population engaged in agriculture, with profound implications for China's economic growth, stability, and potential as a future market; work on reforms in eastern Europe and the former Soviet Union that will significantly impact the continued development of their market economies and the durability of their new democratic institutions; work with development issues on the West Bank whose successful pursuit will be an important element in ensuring a lasting settlement to the Mideast conflict; and continuing work with the World Health Organization on new International Health Regulations that will provide a crucial line of defense (now missing) against the potential rapid spread of dangerous disease organisms like in global transport.

This is normally a terminal master's degree; as already noted, there are no other similar programs at American law schools.

2. **List the standards by which you measure your success in achieving your objectives for master's program(s). Using these standards, assess the degree to which you have met your objectives, and discuss the probable causes for your success. Indicate the factors that have impeded your ability to meet your objectives and your plans for**

**overcoming these impediments. What additional steps do you envision to improve the overall quality of master's degree programs?**

The goal of the LSID program is to train people for a variety of possible legal careers connected with legal problems of economic development. The program is interdisciplinary, allowing students to draw in the varied resources of the University outside of the Law School, and permitting considerable flexibility as to the student's priority area or areas of interest within the development field. At this point, we believe that this goal is being met, and future prospects are strong. The program director, Professor Prosterman, reports that he hopes to see the applicant pool continue to expand over the next few years (though without enlarging the program itself).

### ***3. LL.M. in Taxation.***

- 1. If applicable, show the relationship of master's degree programs to the undergraduate and/or doctoral degree programs in your unit. Describe the objectives of your master's degree program(s) in terms of student learning and other relevant outcomes, as well as its benefits for the academic unit, the university, and the region. (Please attach a curriculum description as an appendix to this report.) In the case of a terminal master's degree, compare your objectives with those for programs at institutions you think of as peers.**

As previously explained, the most important purpose of the Tax LL.M. program is to develop students' abilities in understanding, applying, and critically evaluating complex tax statutes, cases, and regulations. The Program's mission is not simply to produce technically proficient members of the tax bar; it is dedicated also to producing the future leaders of the tax bar. To that end, teachers in the program are encouraged to incorporate contemporary public policy issues into all courses and to engage students in critical discussions of federal tax policy and shortfalls of the current system.

These objectives are comparable to those at other leading tax LL.M. programs. The Program distinguishes itself, however, by requiring students to complete 18 credits hours in fundamental courses identified by leaders of the tax bar as important components of an advanced study in taxation.

- 2. List the standards by which you measure your success in achieving your objectives for master's program(s). Using these standards, assess the degree to which you have met your objectives, and discuss the probable causes for your success. Indicate the factors that have impeded your ability to meet your objectives and your plans for overcoming these impediments. What additional steps do you envision to improve the overall quality of master's degree programs?**

The Tax LL.M. program's objectives, criteria for success, an assessment of the Program's performance to date and a description of the additional steps planned to improve the quality of the Program were discussed above.

The morale of full-time students in the program would undoubtedly improve if more classes were offered during the daytime hours at the School of Law. In the current facility at Condon Hall, J.D. classes use all of the larger (20 or more student) classrooms until 4:00 p.m. each weekday. As a result, all courses in the Tax LL.M. program are offered in the evening hours. While the evening schedule is accommodating to part-time students (who typically comprise about 25% of any given class), full-time students often bemoan the pitfalls of evening study: the doors to the School of Law are locked; access to faculty offices is impeded since all elevators in the building stop serving the main floor after 5:00 p.m.; there is no activity around the hallways at night and, thus, no corresponding sense of community. The evening schedule may also explain the relatively small J.D. enrollment in the LL.M. courses. It is anticipated that when the School of Law moves into its new building within the next few years, there will be additional classroom space so that the Program can begin offering day courses and enjoy a more visible presence in the School of Law.

### **C. Doctoral program.**

The University of Washington School of Law has awarded a Ph.D. degree in Asian and Comparative Law since 1966. It is unique among law schools in the country, which, if they recognize a third level degree, award a J.S.D. or S.J.D. degree.

As of June 1999, 12 candidates had received the degree. We currently have 7 active candidates. Three others are on leave or otherwise inactive and are not expected to complete the program.

- 1. Describe the objectives of your doctoral degree program(s) in terms of student learning and other relevant outcomes, as well as its benefits for the academic unit, the university, and region. Compare your objectives with those for programs at institutions you think of as peers. (Please attach a curriculum description as an appendix to this report.)**

We require all persons interested in pursuing the Ph.D. in Asian Law to have completed an LL.M. at this law school (nearly all of the Ph.D. candidates accepted to date have been graduates of the Asian and Comparative Law LL.M. program; two candidates were graduates of the Law and Marine Affairs LL.M. program who worked on dissertations relating to marine law in Asia.) The judgement to permit the student to continue academic work towards the Ph.D. is thus based

largely on the student's outstanding performance in one of our LL.M. programs. To be accepted, the applicant must also have the approval of at least one member of the Law School faculty who expressly states his or her willingness to supervise the student's general preparation and research and to chair the required Ph.D. committee.

Because we consider our Ph.D. program to be an interdisciplinary endeavor, we currently insist that at least one member of the committee hold a primary appointment in a faculty outside the Law School.

In counseling interested students, we urge them to consider carefully the suitability of the program in relationship to their individual career plan and goals.

We envision that ordinarily the program should take three years to complete after the student has satisfied LL.M. requirements. The first year is spent in preparation for an oral general examination by the faculty Ph.D. committee, held after the committee is satisfied that the student is sufficiently prepared both to undertake the examination and to begin research on the dissertation. All courses in the Law School are open to the students, and most of the students also take courses in other areas on campus relevant to their particular interests.

As a Ph.D. candidate, the student is to complete research and writing of the dissertation. This is expected usually to require an additional two or three years, depending on the necessity for fieldwork in Asia.

- 2. List the standards by which you measure your success in achieving your objectives for doctoral program(s). Using the standards, assess the degree to which you have met your objectives, and discuss the probable causes for your success. Indicate the factors that have impeded your ability to meet your objectives and your plans for overcoming these impediments. What additional steps do you envision to improve the overall quality of your doctoral degree program(s)?**

For law school graduates in the United States, the Ph.D. degree probably has marginal career value, because for professional and academic purposes within the United States the Juris Doctor degree is largely treated as the equivalent to the Ph.D. in the arts and sciences. Thus the primary value of the Ph.D. program to these persons is as a vehicle for advanced interdisciplinary research and writing. For other recipients of the degree who have been educated in a civil law system such as that of Germany, Japan, China, and Taiwan, where the first degree in law is an undergraduate degree, the benefits of the Ph.D. in Asian and Comparative Law may be substantial, particularly to those persons interested in teaching.

The greatest justification for the program is that it encourages research in areas of Asian studies that would not be covered in equivalent arts and sciences programs. The program attracts to our school the kind of students who have the interests and abilities to make this kind of contribution.

A great majority of Ph.D. dissertations prepared by graduates have been published, many both in English and a foreign language; and most of our Ph.D. graduates continue to publish



widely on topics of comparative and Asian law. Moreover, of the 12 candidates who have earned their Ph.D. degrees through June 1999, at least eight teach at the university level. One is a tenure-track faculty member at the Law School; another is an affiliate professor; and others are on the law faculties of National Taiwan University and Soochow University in the Republic of China, Indonesia University, Thammasat University, and Chulalongkorn University, in Thailand, and Seoul National University and Kyungnam University in Korea. Thus we have graduates on the faculties of the most prestigious universities in each of those countries. They and the other graduates of the Ph.D. program continue to contribute in many ways, including contributing to: the reputation of the University of Washington School of Law and its Asian Law Program; the interests of the students of U.W. (some of whom participate in exchange programs with institutions at which our Ph.D. graduates teach, and many more of whom benefit from guidance provided by the Ph.D. graduates, not to mention their scholarship; on occasion, Ph.D. graduates have also returned to teach at U.W. as visiting professors); the interests of the State of Washington itself (during their time in Seattle, most Ph.D. candidates develop close ties to the State, and many have maintained active involvement in providing advice on relationships – business, governmental, educational, and cultural – linking Washington with their home nations); and the development of knowledge (including U.S. understanding of Asian law and foreign understanding of U.S. law).

## **IV.**

### **Responses to Change**

- A. How have teaching and learning for both undergraduate and graduate programs changed in your unit in the last 10 years? What further changes do you anticipate or would you like to instigate?**

Our J.D. program has experienced a significant expansion in the last 10 years in the number and type of experiential offerings for law students: clinical opportunities, externships, simulations, and lawyers' skill offerings. At the same time, the curriculum has been modified to authorize concentration by a student in one of five areas (Asian Law, Comparative and International Law, Dispute Resolution, Environmental Law, and Health Care Law). More J.D. students have pursued concurrent graduate degrees on campus, and still others have availed themselves of advanced courses on campus (J.D.'s may take up to 15 hours of senior or graduate level credit on campus). In the last few years the Law School has recognized a concurrent J.D./LL.M. degree program in Asian and Comparative Law.

Our graduate programs expanded in the last 10 years from two to five areas of concentration, and then fell back to four when the LL.M. program in International Environmental Law was discontinued for lack of students. The School is currently studying the feasibility of continuing the Law and Marine Affairs program, as the number of qualified applicants has

shrunk dramatically since 1989. At the same time, the School has twice offered as a candidate for a University Initiatives grant an LL.M. program in Intellectual Property; it is very likely such a program will be approved by the faculty in the near future. The School recently received a \$1 million grant from Microsoft to support a Center on Law, Commerce and Technology. It is in the process of hiring a senior faculty member in the area, and depending on the selection, may consider an LL.M. program in Law, Commerce and Technology.

Our recent experience with shifting student demand for programs (driven by changes in employment market for specialists) suggests the need for a more flexible LL.M. organization plan. Most high quality law schools (NYU is the exception) offer an LL.M.-general, or an LL.M.-as approved. A recasting of our structure in that fashion (at least for most of our programs) would permit us to accept high quality applicants with an interest in any of our areas of J.D. concentration (e.g., health law), or with an interest in a number of areas (biotechnology/intellectual property), while freeing us of the need to offer every course in a program every year.

**B. In what ways have new developments in the following areas influenced teaching in your unit? What plans have you made to maximize your effectiveness in these areas? What impediments do you see to these plans and how do you anticipate overcoming them?**

## **1. Interdisciplinary Studies.**

Three of the LL.M. programs conducted by the Law School in the 1990's (Law and Marine Affairs, International Environmental Law, and Law of Sustainable International Development) have had substantial involvement with students and courses in other departments on campus. In 1999-2000, one will not be offered (Environmental Law) and the other two have enrollments of 4 (LMA) and 3 (LSID) students. On the other hand, neither our largest LL.M. program (Taxation), nor the next largest (Asian Law), has significant interdisciplinary connections (except for a few American ACL LL.M. students who have taken courses at the Jackson School of International Studies).

While one may be tempted to question the drawing power of an interdisciplinary connection, a more likely explanation for the decline in LMA and International Environmental Law enrollment is a significant change in hiring patterns, first by governments (and NGO's), and then by large law firms. Budget cuts by the former have virtually eliminated jobs for policy-oriented lawyers interested in the oceans, environment, etc. Large firms, as a result of cost pressures, are much more interested in lawyers whose extra training enhances their lawyers' skills.

It is clear that expansion by the Law School into an Intellectual Property Law LL.M. (and/or possibly a Law, Commerce and Technology LL.M.) will bring with it new connections with the Schools of Engineering, Business, Computer Science, etc.

## **2. Distance Learning.**

The School to this point has only experimented with distance learning: one of our professors conducted a two-hour class with law students at the University of Arizona; another set up a negotiation exercise (by fax between U.W. law students and students in Japan. We have no facilities in our current building for either transmission or reception. Our new building (completion of which 3-4 years away) will have state-of-the-art facilities. Once those facilities are available, there seems to be no reason why courses in at least Taxation LL.M. program could not be transmitted to locations throughout the state.

Beginning in winter quarter, 2000, the School will offer two evening classes in Taxation at the Tacoma branch (a step which involves transporting Seattle faculty to that campus.)

## **3. Experiential Learning.**

For a number of years, ACL LL.M. students have been involved in a law school course in International Contracting, which is heavily experiential, with simulated negotiations, drafting, renegotiation, and dispute resolution. An ACL LL.M. course in Transnational Litigation also includes significant experiential elements. In a course on Law and Investment in Japan, students spend considerable time on a close analysis of the joint venture agreement and related arguments, on negotiation and drafting issues, and on dispute resolution issues. In addition, and occasional LMA LL.M. student may do an externship with a governmental agency.

Two significant clinical opportunities for J.D. and LL.M. students are currently under study: a tax clinic, and a technology enterprise clinic. The tax clinic would afford opportunity for students to represent persons in various forms of dispute with the Internal Revenue Service. The technology enterprise clinic would permit graduate Tax and Intellectual Property students to advise fledgling enterprises (in connection with the Uwi planned Technology Enterprise Institute.)

#### **4. International Study.**

Law educated persons from other countries (many from Europe, but some from Asian Pacific Rim countries) have been frequent participants in the Law and Marine Affairs, Law of Sustainable International Development, and Taxation programs. International students predominate in the Asian Law LL.M. program, with most of the students coming from Japan, Taiwan, People's Republic of China, South Korea and Southeast Asia. Very few of our graduate students in the last 10 years have done course work off of this campus, let alone outside the country.

When the School establishes its LL.M. program in Intellectual Property, that program will have a strong comparative law flavor to it, and should be attractive to students from Europe, Asia, and South America.

The School's Graduate Studies Committee is currently considering a proposal to accept LL.M. students (largely American students) who want to emphasize European law. Such a step

would require an expansion of our currently limited J.D. offerings in the area, and would presumably lead to connections with corresponding European law schools.

## **5. Educational Technology.**

Technological developments have had little impact on the conduct of law school classes (whether J.D. or graduate) in the last 10 years. Law students are not generally computer-literate (e.g., fewer than 20 percent use laptops for note taking). A few professors have experimented with multi-media in the classroom (e.g., power-point class presentations) and conduct of virtual classrooms.

All J.D. students are trained in computer-assisted, and Internet research. Graduate students from foreign countries receive the same training as part of their LL.M. programs.

**C-1. In what ways have new developments in the following areas influenced research, scholarly or creative activity in your unit?**

### **1. Revolutionary advances in the discipline.**

None, certainly in the last 10 years.

## **2. Changing paradigms in the discipline.**

Law schools have greatly in the last 10 years increased emphasis on teaching lawyers' skills (in part under the pressure of a profession that no longer will underwrite apprentices). This shows up in greatly increased experiential offerings by all law schools. The other major change in paradigm has been the increase in theoretical analysis (e.g., critical legal studies, feminist legal studies, and race theory). Neither of these factors has played an important part in post-J.D. graduate study.

## **3. Changing funding patterns.**

The University first recognized self-sustaining units in the early 1990's. The Law School established its only self-sustaining program – the LL.M. in Tax – in 1995. Around that same time, the University imposed a biennial 1 percent permanent reduction on units to support its initiatives programs. None of the Law School's initiatives have thus far been funded.

## **4. New Technologies.**

The computer truly began to influence scholarly and creative activity in the Law School in the 1990's. Thus, we have a faculty member now with extensive experience in designing CD-ROM's as course study aids. Other faculty have begun to use digital technology and power point in classes and CLE programs. A stunning example of the latter is a presentation on the history of formation of the constitution which has numerous pictures of the historical documents.



**C-2. By what means does your unit measure its performance in research, scholarly or creative activities? In terms of those measures, how successful is your unit?**

Various methods have been used (principally by law review editors) to assess law school faculty productivity and to evaluate their publications. There is considerable debate as to the efficacy of those methods. Measuring the scholarly performance of the Law School's graduate programs is even more difficult. Every LL.M. graduating from the Asian Law, Law and Marine Affairs, and Law of Sustainable International Development (and International Environmental Law, when it existed) programs must produce a thesis-length paper. The papers, often involving subjects in which there is no comparable material (at least in English), now number over 600. Sadly, many of these were not published (indeed, some are not even placed in library), and hence have remained inaccessible.

A second major contribution of the graduate programs has been the creation of a substantial number of teaching materials, principally by faculty, but often with the assistance of students.

**D. What changes have you observed and do you anticipate in the next 5 years as your unit responds to the need to provide service to the U.W., your discipline and profession, and the broader community? By what means does your unit measure its performance in service activities? In terms of those measures, how successful is your unit?**

In the past ten years, U.W. law faculty (almost all of whom are members of the graduate faculty) have increasingly played important roles in the University Senate, faculty senate committees, and University task forces. Service to the broader community has also expanded with participation of faculty in such varied public roles as advisors to state law reform committees, state and local governments, and as counsel to the U.S. House Committee considering impeachment of the President. On the other hand, many of our graduate students have not participated in the School's range of experiential experiences, most of which provide service to persons who would not otherwise be represented. That may change when the School establishes a tax clinic, and a clinic in support of the Technology Enterprise Institute's effort to provide advice to fledgling businesses.

**E. What strategies has your unit developed to address the following anticipated changes in the next ten years?**

**1. Faculty retirements.**

The issue is upon us in the Asian law program – two chair professors will depart June 30, 2000, and two other teachers of core courses in our graduate programs are 67 and 61. The director of the LL.M. program in Taxation will retire June 30, 2001. An international search is underway for qualified Asian law replacements, along with an examination of ways to restructure substantive specialties in that program. The School recently appointed a promising

assistant professor with important duties in the Tax LL.M. program, and will commence a national search for a director in fall 2000.

**2. Increasing numbers of undergraduate students.**

The School's J.D. enrollment is expected to expand gradually after the move to a new building from 500 to 700 students, mainly to try to take a relatively constant percentage of highly-qualified Washington state college graduates (which are expected to increase significantly in the next 10 years). All of our graduate programs can accommodate a similar 40 percent increase in total enrollment at the graduate level.

**3. Increasing need for programs to accommodate the needs of full-time working professionals.**

Our largest LL.M. program, Taxation, currently offers late afternoon-evening classes exclusively. If an LL.M. program in Intellectual Property, and/or in Law, Commerce and Technology, is approved, serious consideration will be given to similar scheduling core classes in a way in which they will be accessible both by full-time and part-time students.

**4. Increasing need for faculty for the full spectrum of higher education institutions.**

As noted above, many of the school's Ph.D. degree-holders are faculty members at prestigious foreign institutions. In redesign of the Asian Law program, redesign of the Ph.D.

program (generally now open only to outstanding LL.M. graduates of this school) will also be considered.

**5. Emerging technologies for research and training.**

The School must improve its distance-learning capacity, so that working professionals in Tacoma, Bellingham, Olympia, Yakima, etc. can partake of at least Taxation and Intellectual Property Law courses.

**6. Pressures on space.**

A new building has been approved which will remove current severe space pressures (e.g., our full-time students must share half-lockers!) As noted above, the Tax program must schedule all of its classes at night because of the unavailability of 80+ seat rooms during the day.

**7. Pressures on budgets.**

Graduate education in the Law School generally is a great deal more expensive per student than J.D. education – the classes are much smaller than J.D. classes, and more work is done on individual research. On the other hand, over two-thirds of our graduate students are Tax LL.M. students, and are in a self-sustaining program with adequate resources to expand.

**F. Demographic Changes. How is your unit responding to changing demographic trends? What specific steps have you taken to make your student body, staff and faculty more inclusive by incorporating members of underrepresented groups? What additional steps have been planned? What additional steps have you taken to ensure that members from underrepresented groups are included in the life of the department in ways that benefit their professional development and success?**

The Law School has had great success in attracting diverse, highly-qualified J.D. student body (indeed, according to the plaintiffs in the discrimination law suit against the School, we have discriminated against white students, a charge we vigorously deny.) The passage of I-200 impacts admission to all of the School's programs by removing consideration of race as one of the factors the School may consider in admission decisions. We believe that despite the implications of I-200, the Law School is still considered to be an institution that welcomes and supports students from underrepresented groups.

**G. Personal Productivity.**

- 1. What steps has your unit taken to encourage and preserve productivity (in research, teaching, and service) on the part of all segments of your faculty? How are junior faculty members mentored to enhance their professional development? What impediments to faculty productivity exist, and what plans do you have for overcoming them?**

All of the faculty connected with Law School graduate programs teach courses in the J.D. program. The School uses merit pay increases, decanal meetings with faculty, and broad communication of faculty accomplishments to encourage faculty. In addition, since the 1989 Self-Study, six chairs or professorships have been created (at least two more are in process) and awarded to our most productive faculty – two of which are currently held by Asian law faculty). Each junior faculty member has a senior faculty mentor. We recognize that the administrative duties connected with being a program director are a heavy burden for the graduate faculty members called upon to do that work. We intend to increase administrative staff to help with the problem.

**2. What steps has your unit taken to encourage and preserve productivity on the part of all segments of your staff? How are staff recognized and rewarded for their performance? What programs are in place to support professional development of staff?**

The University's personnel system gives the Law School little freedom to reward outstanding performance by staff with increased compensation. We recognize outstanding staff performance by nominations for university awards and internal communications regarding their accomplishments. The staff meets frequently (and retreats once a year), and is encouraged to attend (cost-free) law school functions. Staff are specifically encouraged to pursue training on campus, and to participate in local and national organizations related to their functions.

## V.

### Goals

1. **What is the process by which your unit sets its overall goals? How often are departmental goals reviewed and reassessed? In what ways do you anticipate the goals of your program will change in the next 10 years?**

The Law School prepared a Self-Study (which included its graduate studies) in early 1996, in connection with its septennial inspection by the American Bar Association and Association of American Law School. The Self-Study (and 5 volumes of supporting documents) was the product of 18 months of committee work and 5 faculty colloquia. Shortly thereafter faculty and alumni committees were formed to develop a strategic plan for the school. A draft plan was developed in 1997, and which has since been revised in several ways.

The increase in graduate legal programs here and nationally generally reflects two factors: increased demand for American lawyers with particular specialties; and increased demand by foreign lawyers (or law students) for a solid background in American law. The School has had a strong presence in the latter (at least for law-trained people from Pacific-rim countries) for over 30 years; its presence in the former increased with the addition of the Tax program, and will increase more with an Intellectual Property Law, and/or Law, Commerce and Technology,

program. Beyond those programs, we must be alert to society's changing demands for providers of legal services.

- 2. List your goals for the next 5-7 years. How should you be rewarded by the university (beyond budget) for achieving those goals? In what ways could the university assist you in achieving your goals?**

It is hard to separate the goals for the Law School's graduate programs from those for the J.D. program; indeed, it can be argued that the most important goal for the graduate programs is to enrich the educational experience an enterprising J.D. can obtain. As its draft mission statement says, the Law School aspires to be a top-10 law school. It can be greatly assisted in reaching that goal if all of its graduate programs are equally well regarded. It will take considerable effort and ingenuity to maintain (let alone enhance) the reputation of the Asian Law program, given two critical faculty departures.