

BOOK REVIEW

INTERNATIONAL LL.M. STUDENTS: A GREAT RESOURCE FOR U.S. LAW SCHOOLS

LL.M. ROADMAP: AN INTERNATIONAL STUDENT'S GUIDE TO U.S. LAW SCHOOL PROGRAMS. BY GEORGE E. EDWARDS. NEW YORK, N.Y.: WOLTERS KLUWER LAW & BUSINESS. 2011. PP. LVII, 562. \$38.95.

Reviewed by Frank Sullivan, Jr.**

The thousands of international students enrolled today in LL.M. and other degree-granting programs in American law schools reflect a decades-long increase in the number of American law schools offering such programs as well as the number of students attending them. To assist international students with selection, admission, immigration, financing, and other issues related to attending American law schools, George E. Edwards, a highly accomplished and energetic professor at Indiana University's Robert H. McKinney School of Law in Indianapolis, has written the encyclopedic *LL.M. Roadmap: An International Student's Guide to U.S. Law School Programs*.

LL.M. Roadmap is not a *Princeton Review*-type profile or *U.S. News*-type ranking of LL.M. programs. The author makes clear that he "does not endorse or criticize any particular law school or LL.M. program, and does not rank or comment on schools' reputations."¹ Instead, *LL.M. Roadmap* comprehensively examines a multitude of topics and issues broadly applicable to the "international LL.M. phenomenon" – my term for the growth in the number of American law schools offering degree programs to international students and the number of students enrolling in them.²

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** This book review is dedicated to Yi M. Fang, J.D., University of Notre Dame School of Law (2011), LL.B., Peking University (2008), who came here to learn from us but from whom we have learned much more. I appreciate the time and suggestions of Mark L. Adams, Mohamed Abd Elhamied Arafa, Yen-Chia Chen, Jay Conison, Yi Fang, Lisa A. Farnsworth, Hon. Margret G. Robb, Carole Silver, D.A. Jeremy Telman, James P. White, Ersin Yeşil, and Xu Fang. And I owe particular thanks to my law clerk, Emily Slaten, for her assistance on this project.

1. GEORGE E. EDWARDS, *LL.M. ROADMAP: AN INTERNATIONAL STUDENT'S GUIDE TO U.S. LAW SCHOOL PROGRAMS* xlv (2011) [hereinafter *LL.M. ROADMAP*].

2. Unless the context otherwise requires, I include within the meaning of "LL.M." and "international LL.M. phenomenon" degree programs of all kinds (including J.D. programs) offered by U.S. law schools to international students (including international students with

I am very pleased to be asked to write this review of Professor Edwards's excellent book and in doing so, make two fundamental points: 1) While LL.M. programs offer great potential benefits to international students, these students face a range of risks that they should carefully consider before enrolling. Scrupulous attention to the advice contained in *LL.M. Roadmap* will greatly help international students in minimizing these risks. 2) Law schools in the U.S. should recognize that their international LL.M. students are a great resource for helping prepare their J.D. students for globalization. These inspiring men and women, already well-educated in their own countries, have put their own careers on hold and traveled to the U.S. for graduate training in law. They have much to teach us – and we have much to learn from them.

This book review consists of four parts. First, I will discuss the great potential benefits to international students in seeking an LL.M. in the U.S., benefits that doubtlessly help explain the strong demand for study in U.S. law schools by international students. But in the face of that strong demand, I turn to a second discussion: risk factors faced by these students in LL.M. programs. Third, I will generally describe *LL.M. Roadmap's* approach in helping international students select LL.M. programs; secure admission to them; negotiate the immigration, financial, and other prerequisites to enrolling; and deploy the knowledge acquired in these programs following graduation. Fourth, I will describe the great but underutilized value that international students bring to American legal education.

I. THERE ARE MANY GOOD REASONS FOR AN INTERNATIONAL STUDENT TO PURSUE AN LL.M. AT A U.S. LAW SCHOOL.

International students pursuing LL.M. degrees in U.S. law schools can be traced back to the end of World War II.³ Since that time, various market and regulatory forces have combined with increased globalization to propel U.S. law schools to establish and grow LL.M. programs aimed at international students and, likewise, to increase international students' interest in them.⁴

Two basic reasons international students enroll in LL.M. programs are to become better lawyers in general and to learn about U.S. law in particular, including preparing to practice law here. U.S. law schools have vast resources, in many cases well beyond those available in law schools in other countries, providing spectacular opportunities for students to expand their general legal knowledge and to learn about U.S. law.⁵ This undoubtedly benefits those

foreign law degrees).

3. Julie M. Spanbauer, *Lost in Translation in the Law School Classroom: Assessing Required Coursework in LL.M. Programs for International Students*, 35 INT'L J. LEGAL INFO. 396, 407 (2007).

4. *Id.* at 408. See also Carole Silver, *Winners and Losers in the Globalization of Legal Services: Situating the Market for Foreign Lawyers*, 45 VA. J. INT'L L. 897, 897-907 (2005) [hereinafter *Winners and Losers*].

5. LL.M. ROADMAP, *supra* note 1, at 20, 10-11. German LL.M. graduates told Professor

foreign-trained lawyers who wish to practice here and who are in fact eligible with their LL.M. to do so in certain states, most notably New York, upon successful completion of the bar examination.⁶ And some even use the LL.M. as a first step in pursuing a J.D.

Preparing to become a better lawyer and learning about U.S. law can improve the foreign-educated lawyer's marketability and increase his or her competitiveness for employment as a lawyer. International students seek degrees from U.S. law schools precisely because such credentials mean so much to employment prospects in their home countries.⁷ Almost all of the international students I interviewed in connection with this project told me with certainty that they would be assured of good employment at home with a degree from a U.S. law school. Related to this, studying at a U.S. law school gives a foreign-educated lawyer an opportunity to upgrade his or her credentials.⁸ This includes specializing in a particular area of law like intellectual property or tax;⁹ studying to become a law professor or law faculty administrator (often by pursuing an S.J.D. degree);¹⁰ or studying to become a domestic or international judge or government official.¹¹

Many Americans use law degrees not as credentials to practice law but to pursue non-legal careers. For example, many lawyers use their legal training in business or government administrative or managerial positions, and a law degree often serves as a credential demonstrating experience that warrants a rise in the ranks of management.¹² In this regard, Professor Edwards makes the point that because it is easier for a foreign-educated lawyer to join an LL.M. program than to be admitted to a U.S. graduate degree program in virtually any other field, an LL.M. can be a much more efficient way of obtaining an advanced degree so as to enhance one's career prospects in a field other than law.¹³ Professor Edwards also makes the point that an LL.M. can help international students wishing to take advantage of the "outsourcing" of legal services. In an effort to reduce expenses, some American enterprises are

Silver that they valued "the substantive law courses of an LL.M., either because an area of law is not covered in Germany . . . or because familiarity with U.S. concepts help lawyers explain German concepts to American clients and vice versa." Carole Silver, *The Variable Value of U.S. Legal Education in the Global Legal Services Market*, 24 GEO. J. LEGAL ETHICS 1, 31 (2011) [hereinafter *Variable Value*].

6. LL.M. ROADMAP, *supra* note 1, at 10-11, 426-27. International law firm hiring partners cite the route to the New York bar as the principal advantage that an LL.M. from a U.S. law school holds over a similar degree from other common law countries. *Variable Value*, *supra* note 5, at 29.

7. LL.M. ROADMAP, *supra* note 1, at 10.

8. *Id.* at 11-12.

9. *Id.* at 12-13.

10. *Id.* at 13-14.

11. *Id.* at 15-16.

12. See BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, OCCUPATIONAL OUTLOOK HANDBOOK, 2012-13 EDITION, LAWYERS, SIMILAR OCCUPATIONS, available at <http://www.bls.gov/ooh/legal/lawyers.htm> [hereinafter OUTLOOK HANDBOOK].

13. LL.M. ROADMAP, *supra* note 1, at 17-18.

looking abroad for a portion of their legal work. A foreign-educated lawyer with an LL.M. might well be in a highly advantageous position to take advantage of the outsourcing trend.¹⁴

Another primary reason for obtaining an LL.M. in the U.S. is to improve one's English. In her extensive research on the LL.M. as a credential in the international market for legal services, Professor Carole Silver – whose work will be discussed throughout this book review, and indeed, has already been cited – studied in-depth the legal services markets in Germany and China. She observed the principal reason that law graduates from both of those countries seek LL.M.s is to improve their English. In fact, she reports that “75% of Chinese LL.M. graduates who responded to a survey about their U.S. education experience and 67% of German respondents indicated being motivated by a desire to improve their English language ability.”¹⁵

Some reasons for seeking an LL.M. in the U.S. are more abstract. They are grounded in the fact that traveling internationally to study broadens one's professional network to include LL.M. graduates from around the world¹⁶ (and, one would hope, U.S. law professors and law graduates) and enhances one's intercultural professional competence.¹⁷ Professor Silver's research on Germany and China demonstrates these points. Several German LL.M. graduates “emphasize[d] that exposure to the legal profession in the United States was enlightening, both in terms of students in law school . . . and for purposes of career opportunities.”¹⁸ Professor Silver reports that in China, an LL.M. from a U.S. law school “is appreciated . . . as a mechanism for exposing students to another legal regime, to an international group of colleagues and to the United States itself. . . . These echo the value of the LL.M. in Germany.”¹⁹

Finally, Professor Edwards is a great champion of international human rights. At the Indiana University Robert H. McKinney School of Law, he directs a remarkable summer internship program that sends law students on challenging human rights assignments around the world.²⁰ And so it comes as no surprise that he also advocates enrolling in an LL.M. program as an opportunity to promote global peace and security and fundamental freedoms and human rights.²¹

14. *Id.* at 19-20.

15. *Variable Value*, *supra* note 5, at 46.

16. LL.M. ROADMAP, *supra* note 1, at 14.

17. *Id.* at 17.

18. *Variable Value*, *supra* note 5, at 30.

19. *Id.* at 51. Professor Silver says that “one potential LL.M. student explained to me that he was interested in enrolling in a U.S. LL.M. program in order to join my law school's alumni network”! *Id.* at 38.

20. *Summer Internship*, INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW PROGRAM IN INTERNATIONAL HUMAN RIGHTS LAW, <http://indylaw.indiana.edu/humanrights/interns/> (last visited Mar. 31, 2012).

21. LL.M. ROADMAP, *supra* note 1, at 21.

II. DESPITE THEIR BENEFITS, LL.M. PROGRAMS AT U.S. LAW SCHOOLS
CARRY PARTICULAR RISKS THAT INTERNATIONAL STUDENTS SHOULD
CAREFULLY CONSIDER BEFORE ENROLLING.

It is heartening that thousands of men and women from around the world are willing, in Professor Edwards's words, to make the "dramatic commitment in time and energy, and financial, physical, and emotional resources" to come to the U.S. to study in our law schools. When they do so, they need to be aware (as do their U.S. counterparts) that they are enrolling in institutions subject to three extremely powerful external forces. First, American law schools' accreditation is dependent upon their compliance with rigorous standards promulgated by the American Bar Association's Council of the Section on Legal Education and Admission to the Bar.²² Second, their relative rankings by *U.S. News & World Report Magazine* exert such pressure that some have struck Faustian bargains in an attempt to accommodate it.²³ Third, their performance in properly training and adequately preparing their graduates for a contracting legal labor market faces withering criticism from graduates and commentators alike.²⁴

22. The Section's Council and Accreditation Committee are recognized by the U.S. Department of Education (DOE) as the national accrediting agency for programs leading to the J.D. In this function, the Council and the Section are independent of the ABA, as required by DOE regulations. See ABA SEC. OF L. EDUC. & ADMISSIONS TO THE BAR, THE LAW SCHOOL ACCREDITATION PROCESS (2010), available at http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2010_aba_accreditation_brochure.authcheckdam.pdf (providing an overview of the accreditation process). Nevertheless, for ease of reference in this book review, the Section, Council, and Accreditation Committee will be referred to as the "ABA" unless the context otherwise requires.

23. Villanova University School of Law was censured on August 12, 2011, by the ABA for "intentional reporting of inaccurate admissions data to the ABA." See ABA SEC. OF L. EDUC. & ADMISSIONS TO THE BAR, PUBLIC CENSURE OF VILLANOVA UNIVERSITY SCHOOL OF LAW (2011), available at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20110815_villanova_u_school_of_law_sanctions.authcheckdam.pdf [hereinafter VILLANOVA]. Additionally, a report from November, 2011, revealed that the University of Illinois School of Law's admissions dean had reported inaccurate data to the ABA by "'report[ing] and/or publicly disseminat[ing]' inflated grades and test scores for the class of 2008 and the classes of 2010 through 2014," and by manipulating the acceptance rate of four classes. Jodi S. Cohen, *A University of Illinois Law Dean Resigns After Report Details Manipulations of Admissions Data*, CHI. TRIB., Nov. 8, 2011, at 4.

24. "Criticizing law schools is the new national pastime." Jay Conison, *Value and Delivery in Law School Education*, INDIANA LAWYER, Feb. 17, 2012. One example of such criticism was set forth in a series of five articles in the NEW YORK TIMES last year by reporter David Segal: David Segal, *The Price to Play Its Way*, N.Y. TIMES, Dec. 18, 2011, at B1; David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 20, 2011, at A1; David Segal, *Law School Economics: Ka-Ching!*, N.Y. TIMES, July 17, 2011, at B1; David Segal, *Behind the Curve*, N.Y. TIMES, May 1, 2011, at B1; and David Segal, *Is Law School a Losing Game?*, N.Y.

Each of these three forces buffeting American legal education today – ABA accreditation; *U.S. News* rankings; and pervasive criticism of performance – has a direct bearing and relationship on the international LL.M. phenomenon. The ABA does not accredit LL.M. programs; they are for all intents and purposes unregulated. Nor do the *U.S. News* rankings purport in any way to include LL.M. programs; there is no ranking system for them. The fact that LL.M. programs fall outside the purview of ABA accreditation and *U.S. News* rankings has several implications for international students, as I will discuss in a moment. Beyond that, international LL.M. graduates face challenges in the legal labor market just as their J.D. counterparts do.

As such, Professor Edwards's *LL.M. Roadmap* is far more than a "guide" for international students to U.S. law school programs: consider it a prospectus to be studied prior to an investment in an LL.M., identifying risk factors in the course of providing comprehensive information about such programs. I identify below what I view as the three most serious risks that international students face in these programs.

A. Risk Factor #1: LL.M. programs are neither accredited by any educational accrediting body nor ranked by any professional organization or popular publication.

Neither the ABA nor any governmental or professional agency in the U.S. accredits LL.M. . . . or any other "post-J.D." or "graduate" law degree program. The ABA notes that LL.M. and similar programs are created by the law schools themselves and do not reflect any ABA judgment regarding the quality of the programs. The ABA does not evaluate LL.M. admission requirements, particularly for international students²⁵

There are three implications for international students from Professor Edwards's plain statement of the absence of any professional accreditation for programs other than those leading to a J.D.

First, of course, is a straightforward *caveat emptor* to the prospective student: no governmental or professional entity has evaluated the program the student is considering for quality or even compliance with any minimum standards. Whereas the ABA has explicit "minimum requirements" for law schools designed "to promote high standards of professional competence,

TIMES, Jan. 9, 2011, at B1. For other recent examples of criticism of this nature, see Richard W. Bourne, *The Coming Crash in Legal Education: How We Got Here, and Where We Go Now*, 45 CREIGHTON L. REV. (forthcoming Spring 2012) [hereinafter *Coming Crash*]; BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (2012).

25. LL.M. ROADMAP, *supra* note 1, at 59. The author makes clear that the Council, not the ABA, does the accrediting. See ABA SEC. OF L. EDUC, *supra* note 22.

responsibility and conduct,”²⁶ the ABA is just as explicit that “the content and requirements of those degrees, such as an LL.M., are created by the law school itself and do not reflect any judgment by the ABA accrediting bodies regarding the quality of the program.”²⁷

The same *caveat emptor* applies in respect to the most widely discussed system of ranking law schools, the annual league tables published by *U.S. News*. Each year the publication evaluates the ABA-accredited law schools according to criteria that it refers to as “quality assessment,” “selectivity,” “placement success,” and “faculty resources.”²⁸ It then rank-orders the top three-quarters of the schools.²⁹ The premium that law schools and students place upon their *U.S. News* rankings borders on the monomaniacal.³⁰ Whether that is justified is open to debate,³¹ but regardless of how indicative the rankings actually are of law school quality, they only purport to measure the quality of the J.D. program – they say nothing of the quality of any LL.M. program. And although the most highly ranked law schools likely offer the strongest LL.M. programs, neither ABA accreditation nor *U.S. News* rankings should be taken as a proxy for the quality of LL.M. programs for schools not in the upper reaches of the rankings’ spectrum.

Second, the absence of any accreditation or rankings of LL.M. programs means that there is no central repository of data on these programs. Indeed, I have felt this lack of transparency first-hand in working on this book review in being unable to locate precise enrollment statistics. This lack of transparency

26. See ABA SEC. OF L. EDUC. & ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS pmb. (2011-2012), available at http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2011_2012_aba_standards_preamble.authcheckdam.pdf.

27. *Overview of LL.M. and Post J.D. Programs*, ABA, http://www.americanbar.org/groups/legal_education/resources/llm-degrees_post_j_d_non_j_d.html (last visited Mar. 31, 2012) [hereinafter *Overview*]. Although the ABA currently disclaims accreditation of LL.M. programs, that could change in the future. While there do not appear to be any plans on the horizon for the ABA actually to accredit LL.M. programs – likely because of resistance from the law schools – the ABA has made a proposal that would likely have a similar effect. See ABA SEC. OF L. EDUC. & ADMISSIONS TO THE BAR, PROPOSED MODEL RULE ON ADMISSION OF FOREIGN EDUCATED LAWYERS, <http://www2.americanbar.org/calendar/section-of-international-law-2011-spring-meeting/documents/friday/accreditation%20of%20foreign%20law%20schools/proposed%20model%20rule%20and%20criteria.pdf> [hereinafter PROPOSED MODEL RULE].

28. Robert Morse & Sam Flanigan, *Methodology: Law School Rankings*, U.S. NEWS (Mar. 12, 2012), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/03/12/methodology-law-school-rankings>.

29. The remaining schools, or the bottom 25 percent of those that are ranked, are listed alphabetically as Rank Not Published. *Id.*

30. See VILLANOVA, *supra* note 23.

31. Theodore P. Seto, *Understanding the U.S. News Law School Rankings*, 60 SMU L. REV. 493 n.1 (2007) (collecting citations to articles, blogs, and other materials debating “whether law schools can or should be ranked” and the *U.S. News* rankings).

and uniformity is also in large part why students need a book like *LL.M. Roadmap*.

Third, to the extent the ABA does examine non-J.D. programs, it is to assure that “the additional degree program will not detract from a law school’s ability to maintain a sound J.D. degree program.”³² The risk here is apparent. A law school may hold out to prospective international students that certain resources will be available to them if they enroll in its LL.M. program. But if the ABA finds that the allocation of those resources to the LL.M. program “detract” from the school’s J.D. degree program, those resources will not be allocated to the LL.M. program when those students actually enroll. No one whom I interviewed in connection with this book review identified any specific circumstance where a law school had been advised that it was devoting resources to its LL.M. program to the extent that it detracted from its J.D. program, but virtually every person I talked to indicated that LL.M. programs – particularly LL.M. programs aimed at international students – were sufficiently profitable that they helped underwrite the J.D. program.³³ And, because financial resources available to a J.D. program directly improve a law school’s *U.S. News* score, the profits generated by the LL.M. program also run the risk of being used to chase higher scores rather than being allocated to the LL.M. program.³⁴

B. Risk Factor #2: The LL.M. degree does not guarantee legal employment in the U.S., and evidence suggests that it is not particularly helpful in securing legal employment in the offices of American law firms, either in the students’ home countries or in the U.S.

The grim job market for lawyers in the U.S., at least since the onset of the economic collapse five years ago, has been the subject of much attention in the popular press.³⁵ According to the National Law Journal, the nation’s 250 largest law firms reduced their combined total headcount by approximately 2,900 lawyers in 2010 on top of a reduction of 6,600 in 2009.³⁶ And seasonally adjusted U.S. Department of Labor statistics reveal that legal sector shed

32. See Overview, *supra* note 27.

33. Frequent reference was made to international LL.M. programs as being “cash cows.” This is a matter of such significant concern to Professor Edwards that he devotes an entire section of *LL.M. Roadmap* to the topic of identifying and avoiding “cash cows” and “diploma mills.” LL.M. ROADMAP, *supra* note 1, at 65.

34. “The [*U.S. News*] questionnaire tends to simply identify quality education with institutional wealth.” *Coming Crash*, *supra* note 24, at 38.

35. E.g., Segal, *Is Law School a Losing Game?*, *supra* note 24; Annie Lowrey, *How Law School Went From Being A Sure Thing To A Bum Deal*, WASH. POST, Oct. 31, 2010, at G4; Dan Margolies, *Tough Time For Law Grads*, KANSAS CITY STAR, May 2, 2009; Amir Efrati, *Hard Case: Job Market Wanes for U.S. Lawyers*, WALL ST. J., Sept. 24, 2007, at A1.

36. THE NLJ 250, NAT’L L.J., Apr. 25, 2011.

approximately 2,500 legal sector jobs in 2011.³⁷ If this is the situation for U.S. lawyers generally, then the challenges facing international LL.M. graduates attempting to find jobs in the U.S. are undoubtedly greater. And, even assuming labor market opportunities are no more limited for international LL.M. graduates than for U.S. lawyers, international LL.M. students face special barriers to entering the practice of law in the US.

First, of course, is the fact that the expression “practicing in the U.S.” is a misnomer. A lawyer practices law in one or more U.S. states subject to the rules and regulations of the respective states. In many states, lawyers are not admitted to the bar unless they have earned a J.D. from a law school accredited by the ABA or at least a law school in the U.S.³⁸ I have been advised by some international students and by law school faculty and administrators who work with them that in many countries, the holding of a law degree without more is sufficient license to practice law. Students coming from these cultures need to be aware that in many U.S. states, their foreign law training, even if combined with an LL.M. from a U.S. law school, will not be sufficient to permit them to be admitted to the bar.

Professor Edwards begins his *LL.M. Roadmap* chapter on bar exams and practicing law in the U.S. with blunt warnings that neither LL.M. graduates nor foreign-educated lawyers have any automatic right to practice law in the U.S. and that licenses to practice law in the U.S. are granted on a state-by-state basis.³⁹ He correctly observes that a person with foreign law training, sometimes even without an LL.M. from a U.S. law school, can be admitted to practice law in some states, including New York.⁴⁰ But it is important for the

37. See *Market Trends, Facilities & Resources*, NORTHWESTERN LAW, <http://www.law.northwestern.edu/career/markettrends/> (last visited Mar. 31, 2012). “Legal sector jobs” includes attorneys, paralegals, and other non-lawyer support workers. *Id.*

38. In all states, rules for admission to the bar are promulgated by the state’s highest court including, in my own state of Indiana, the Indiana Supreme Court of which I am a member. In several states (not including Indiana), the court shares this authority with the legislature. NAT’L CONFERENCE OF BAR EXAMINERS & ABA SEC. OF L. EDUC. & ADMISSIONS TO THE BAR, BAR ADMISSION REQUIREMENTS 2012, Chart 1 at 1 (Erica Moeser & Claire Huismann eds., 2012) [hereinafter *BAR 2012*]. In 16 states (including Indiana), only J.D. graduates of ABA-accredited law schools are eligible for admission to the bar. *Id.* Chart 3 at 8-9. Another seven states permit graduates of law schools not accredited by the ABA to be admitted to the bar but not graduates of foreign law schools. *Id.* Chart 4 at 14-15.

39. LL.M. ROADMAP, *supra* note 1, at 419.

40. *Id.* at 423-27. In addition, an LL.M. may qualify an international student to sit for the bar in New York, among other U.S. jurisdictions, who might not otherwise qualify to do so. *Id.* at 426-27. The ABA proposed regulation to certify LL.M. programs mentioned in note 27, *supra*, is designed to expand this practice. Under the ABA’s proposal, states would adopt uniform standards in this regard. These standards include a requirement that for a foreign-educated lawyer to sit for the bar examination, the lawyer must have received an LL.M. certified by the ABA as meeting criteria established by the Council to qualify. Adopting the ABA proposal would be highly desirable as it would introduce quality control to the current “Wild West” of LL.M. programs and consistency to foreign educated lawyers’ examination and

international student to understand that that is the case only in some states – in at least 23 it is not – and that even in those states where it is the case, admission to the bar is conditioned upon passage of the state's rigorous bar examination. Passing the bar examination has proved to be a considerable hurdle to admission to practice for those international students who have been eligible to take it.⁴¹

The great number of international students who have planned from the outset of their American legal education to return to their home countries and deploy what they have learned in the U.S. also face employment challenges. One type of opportunity that we might expect would be available to a lawyer returning home with an LL.M. is employment in offices of U.S. law firms in the lawyer's home country.⁴² Among other things, "LL.M. graduates have some understanding of U.S. law, facility with legal English, familiarity with U.S. culture."⁴³ Indeed, a foreign-educated lawyer has related to me that a number of her classmates from her home law school who subsequently graduated from LL.M. programs were employed in the offices of U.S. law firms in their home country. But she is quick to point out that they all graduated from a highly prestigious law school in their home country and then attended highly prestigious law schools here. Aside from such situations, this lawyer does not perceive many opportunities in offices of U.S. law firms in a lawyer's home country after returning home with an LL.M.

This lawyer's perception of the contemporary situation corresponds with the results of empirical research conducted by Professor Silver and several colleagues during 2006 and 2007.⁴⁴ Their research was based on a survey of 64 U.S. firms supporting a total of 386 offices in 55 cities located in 38 countries outside of the U.S.; approximately 8,700 lawyers worked in these offices.⁴⁵

ultimate admission from state to state. However, implementing such a proposal would also diminish the value of non-certified LL.M. programs. PROPOSED MODEL RULE, *supra* note 27.

41. In 2010, three states reported more than 100 students educated at law schools outside the U.S. took their respective bar exams. The results were: California – 724 taking, 13% passing; New York – 4,596 taking, 34% passing; and Tennessee – 123 taking, 28% passing. Four other states and the District of Columbia reported between 20 and 100 students educated at foreign law schools taking their respective bar exams. Those states and their passage rates were: District of Columbia – 18%; Illinois – 17%; Louisiana – 15%; Massachusetts – 50%; Virginia – 23%. Nationally, 5,761 students educated at foreign law schools took the bar exam in 27 states and the District of Columbia; 31% passed. Nat'l Conference of Bar Examiners, *2010 Statistics*, 80 THE BAR EXAMINER 8 (2011).

42. See Carole Silver, Nicole De Bruin Phelan & Mikaela Rabinowitz, *Symposium: Empirical Research On The Legal Profession: Insights From Theory And Practice: Between Diffusion and Distinctiveness in Globalization: U.S. Law Firms Go Glocal*, 22 GEO. J. LEGAL ETHICS 1431, 1439-45 (2009) [hereinafter *Go Glocal*], for a general description of the international expansion of U.S. law firms through foreign offices.

43. *Winners and Losers*, *supra* note 4, at 925.

44. *Go Glocal*, *supra* note 42, at 1446-48.

45. These lawyers are heavily concentrated in EU countries with 35% of them practicing in England and 40% in other EU countries. Another 18% practice in Asian and Pacific countries. *Id.*

Relatively few lawyers in these offices held LL.M. degrees from U.S. law schools. Instead, the study showed that 68% of the lawyers working in these 386 offices had not completed any U.S. legal education at all – either J.D. or LL.M. Of the remainder, 18% had earned a J.D. degree in the U.S. and approximately 16% had earned an LL.M. in the U.S.⁴⁶ With respect to Professor Silver’s study of the legal services markets in Germany and China in particular, while the LL.M. is a credential of only marginal importance in both countries,⁴⁷ elite U.S. law firms in China appear to value greatly a **J.D.** from a U.S. law school while Germany does not.⁴⁸

C. Risk Factor #3: LL.M. programs vary greatly in the quality of their educational offerings and support and the degree of social interaction between J.D. and international LL.M. students.

International LL.M. programs, perhaps because of the absence of any accreditation or regulation, are not uniform or standardized in any way. This results in a number of problems.

First, there are a number of curricular matters that work to the detriment of international LL.M. students. While an international student may come to a U.S. law school expecting to take a particular course listed in the school’s catalog, students sometimes discover that that particular course is not offered during the short one year of an LL.M. program. While some law schools permit LL.M. students to take J.D. classes without restriction, others do not. Again, these restrictions are sometimes not apparent until the student actually arrives on campus. International students who have taken J.D. classes have told me of several difficulties. Often professors assume basic knowledge of American law, American culture, and “legal English” that is simply impossible for someone who has not spent any time in this country to know. One Chinese lawyer told me an interesting story about how much help American students studying law in China get – because they are so noticeable! Here, she says, that with the large number of Asian-American students, it is often not apparent to professors who the international students are in their J.D. classes. Finally, I have heard complaints about grading from two entirely different perspectives. I have heard complaints about the grading of classes for LL.M. students being so easy as to not be meaningful.⁴⁹ And I have heard international students taking J.D. classes

46. *Variable Value*, *supra* note 5, at 16.

47. *Id.* at 32, 52.

48. *Id.* at 55. The statistics bear out this conclusion. Professor Silver’s data shows that it is 20 times more common in China to find Chinese nationals working in elite U.S. law firms there having invested in a J.D. from the U.S. than to find similar connections in Germany. *Id.* at 40.

49. On this point, Professor Edwards writes, “Schools that hand out inflated high grades develop reputations as being ‘easy,’ and prospective employers discount the grades. This implicit devaluation penalizes students at those schools who legitimately earned high grades. Artificially high grades can also harm graduates whose grades are inflated because prospective

argue that the fact that English is their second language should be taken into account in their grades. In any event, Professor Edwards is undoubtedly right when he says that “[g]rading schemes differ at different LL.M. programs, and . . . [international students] will want to know whether grading policies at different schools are liberal, whether grades are based on a curve, and whether J.D. and LL.M. students are graded together on the same curve or graded separately.”⁵⁰

Second, law schools differ in the extent to which they support their international students with resources like legal writing programs and career services. There will likely be a writing component to any LL.M. program, but the way in which that component is supported will differ greatly from law school to law school. Not all schools have a legal writing infrastructure that utilizes professors with the training, experience, and cultural sensitivity needed for international students. And while there is a career services office at every law school, the availability to international students varies greatly. Professor Silver, for example, reports that most U.S. law schools do not invest in career services to help their LL.M. students search for jobs to the same extent as their J.D. students.⁵¹ *LL.M. Roadmap* extensively probes the issue of the availability of career services,⁵² concluding some law schools impose “second-class student citizenship” on their international LL.M. students by not providing career services.⁵³

Third, many international LL.M. students find themselves isolated from J.D. students. This concern has been documented in a recent survey, the Law School Survey of Student Engagement, which reported generally limited interaction between J.D. students and international graduate law students enrolled in the same law school.⁵⁴ The international students I met with on this project were generally of the view that their own degree of initiative determines the extent of their interaction with U.S. law students. Neither the U.S. students nor the administration or faculty of their law schools made such interaction a priority. One student told me of her efforts to organize a social event combining international and U.S. students but U.S. student attendance was poor. Another told me that U.S. students don’t think of their international counterparts as “real” law students. One professor called the international students “marginalized.” Another who regularly teaches international LL.M. students was critical of American law schools’ failure to introduce their international

employers might have higher expectations of them than will bear out. If the graduates do not perform at the high level that their high grades might predict or promise, the school’s program loses credibility, and other graduates will not be taken seriously.” *LL.M. ROADMAP, supra note 1*, at 110.

50. *Id.* at 251.

51. *Winners and Losers, supra note 4*, at 908.

52. *LL.M. ROADMAP, supra note 1*, at 116-20.

53. *Id.* at 117.

54. Law School Survey of Student Engagement, *Navigating Law School: Paths in Legal Education*, 2011 Annual Survey Results 14 (2011).

students to American cultural life while discussing some of his own impressive efforts in this regard. I will have more to say about the value of the interaction between international and U.S. law students later in the fourth section of this book review.

III. PROFESSOR EDWARDS'S *LL.M. ROADMAP* PROVIDES COMPREHENSIVE GUIDANCE TO INTERNATIONAL STUDENTS CONFRONTING THE INTERNATIONAL LL.M. PHENOMENON.

In the preceding section of this book review, I have laid down a broad range of cautions to international students contemplating LL.M. programs at U.S. law schools, quoting from and citing to *LL.M. Roadmap*. Recognizing that the book's candid assessment of the challenges that international students face in the U.S. is one of its great strengths, I turn now to a quick survey of *LL.M. Roadmap*'s wide-ranging advice to international LL.M. students on matters both great and small.

Part I of *LL.M. Roadmap* is an up-beat introduction,⁵⁵ including the catalog of reasons set forth in the first section of this book review for an international student to enroll in an LL.M. program in a U.S. law school.⁵⁶

Part II considers selection of the "best" LL.M. program, emphasizing that this will differ for any particular international student.⁵⁷ Part II includes the caveats about accreditation, rankings, and "cash cows" – all matters set forth in the second section of this book review.⁵⁸ And this part also illustrates Professor Edwards's comprehensiveness when it comes to supplying information in the form of 218 – count 'em, 218 – criteria for use in choosing the "best" LL.M. program.⁵⁹ The list of considerations includes everything: school and LL.M. program size; campus facilities; location in the U.S.; academic requirements; non-classroom activities. It sets forth questions like: What is the student-to-faculty ratio? Is the school technologically up-to-date? Is the school in a large city or small town? Is the LL.M. program course-based or research-based? Can LL.M. students work on law journals? And while some of these 218 criteria overlap, the inventory is valuable for students who might not fully understand the context in which any particular consideration is presented. The bottom line here is that Professor Edwards presents an extremely thorough method for attacking the lack of transparency and uniformity in LL.M. programs.

Part III meticulously sets forth the steps required for the international student to comply with admission policies, including English proficiency requirements,⁶⁰ applications, personal statements, writing samples, and

55. *LL.M. ROADMAP*, *supra* note 1, at 1-52.

56. *See supra* notes 1-21 and accompanying text.

57. *LL.M. ROADMAP*, *supra* note 1, at 55-56.

58. *See supra* notes 25-34 and accompanying text.

59. *LL.M. ROADMAP*, *supra* note 1, at 71-150.

60. *Id.* at 207-16. In preparing this book review, I received widely varying comments about

recommendation letters.⁶¹ Professor Edwards is persistent in this regard in emphasizing ethical considerations related to the admissions process – prohibitions on false or misleading information, plagiarism, and the use of others to prepare applications and personal statements.

Part IV discusses the next step in the LL.M. admission process – the school's response to a student's application⁶² and format of classes in U.S. law schools.⁶³ In a chapter that many American J.D. students would benefit from reading before entering law school, Professor Edwards describes the Socratic Method, offers some advice on preparing for and participating in class, and discusses U.S. law school exams.⁶⁴ He concludes Part IV by encouraging international students to participate in law student organizations and extracurricular activities and even offers a list of dozens of organizations active on law school campuses around the country.⁶⁵

Part V advises on the subject of student visas and other immigration issues.⁶⁶ Here Professor Edwards is at his best, breaking down each step of the process and explaining what things mean. He explains the types of visas, how to acquire them, and what students are authorized to do with each of them. *LL.M. Roadmap* includes charts comparing the two principal visa types for LL.M. students (the F-1 visa and J-1 visa)⁶⁷ and includes discussion of the student visa interview, what U.S. consular officers consider when deciding whether to issue a visa, and what students should bring with them to the interview.⁶⁸ Professor Edwards has provided a great service in compiling this essential information with such clarity and detail.

Part VI addresses financing issues – the cost of LL.M. programs; scholarships; tuition discounts; and student loans.⁶⁹ Here Professor Edwards makes the non-obvious point that generous tuition “discounts” can mask sub-standard academic programs⁷⁰ before admonishing students to avoid U.S.-based student loans.⁷¹ Part VI also includes some great practical tips on how to save money on these expenses, applicable to any student on a budget.

English proficiency. U.S. law school administrators and faculty with whom I spoke expressed concern about inadequate English preparation on the part of international students. International students, on the other hand, were confident in their legal skills and attributed their difficulties more to a lack of understanding of basics of the American legal system than difficulties with English language per se. Several students said that the knowledge of English tested by TOEFL (Test of English as a Foreign Language), a test used by many international LL.M. programs, bore little relevance to a student's ability to understand and work with “legal English.”

61. *Id.* at 151-206.

62. *Id.* at 229-40.

63. *Id.* at 241-304.

64. *Id.* at 263.

65. *Id.* at 331-40.

66. *Id.* at 305-340.

67. *Id.* at 329, 336-38.

68. *Id.* at 314-19.

69. *Id.* at 341-74.

70. *Id.* at 363-64.

71. *Id.* at 369-73.

Part VII discusses post-LL.M. employment opportunities. Given the attention to this subject in the previous section of this book review, I will not return to it here – except to say that Professor Edwards’s commitment to comprehensiveness is again on display with “88 strategies for achieving your career goals.”⁷²

The book concludes with interesting and useful discussions of other U.S. law degrees (Part VIII) and “legalities, lifestyles, and leisure in the U.S.” (Part IX). The former speaks primarily to students interested in pursuing either an S.J.D. or J.D. after earning an LL.M. In the latter, Professor Edwards speaks *in loco parentis*, warning international students about U.S. rules on alcohol consumption, drivers’ licenses, seat belts, driving, discrimination, and sexual harassment. It is obvious that the last thing he wants is for the students he has advised in getting here to get in trouble for some reason that can easily be avoided.

In sum, while one LL.M. administrator expressed concern to me over *LL.M. Roadmap*’s accessibility to non-English speakers and its length, I congratulate Professor Edwards for addressing and providing helpful advice on virtually every material issue relevant to an international student studying at a U.S. law school.

IV. U.S. LAW SCHOOLS THAT DO RIGHT BY THEIR INTERNATIONAL LL.M. STUDENTS WILL REAP RICH REWARDS.

The maelstrom that engulfs American legal education today has yielded a pragmatic, not idealistic, response. To ward off the pressures of *U.S. News* rankings, law schools have shifted financial aid from those in need to those with high LSAT scores.⁷³ To deal with the bleak job market, schools have employed their own recent alums or given them scholarships for graduate study.⁷⁴ To generate cash for these needs, schools have launched LL.M. programs.

Perhaps if the purpose of American legal education were, as some of its fiercest critics seem to contend, mass-producing cogs and widgets for an assembly line called “the practice of law,” such grubby pragmatism would be all that is warranted. But legal education is far more than vocational training.

Clients engage lawyers to vindicate their legal rights and to seek protection for their nearest and dearest interests. In vindicating and protecting these varied interests, a lawyer focuses on solving the problem or problems facing his or her client in a way that no other profession does or can.

Indeed, when we think of lawyers, we think not only of what they do for their clients; we also think of the unique skills they bring to their work. While a

72. *Id.* at 377-408.

73. Segal, *Behind the Curve*, *supra* note 24.

74. Segal, *Is Law School a Losing Game?*, *supra* note 24.

law degree is a license to practice a trade, a legal education is something far more. A legal education is writing and speaking; reading, researching, and analyzing. It is full immersion into an indeterminate world in which there are always two (and often more) sides to any issue; training that equips to analyze issues and problems – and not just legal issues and problems, but all sides of issues and problems of business and government and politics as well. Law students learn to organize facts to support principles and then to make reasoned exceptions to those principles. And this constant interplay of fact and principle, and exceptions therefrom, extends beyond law as well, enabling the businessman or government official or politician with legal training to infer policy from fact and decide when that policy should be modified. To borrow from Cardinal Newman, “[i]t is the education which gives a man a clear conscious view of his own opinions and judgments, a truth in developing them, an eloquence in expressing them and a force in urging them.”⁷⁵

This is why I think the breast-beating over contraction in the traditional market for practicing lawyers is overdrawn.⁷⁶ And it also explains why students continue to enroll in law school despite the bleak projections in the legal job market. These students are not dumb; they know how to evaluate the job market.⁷⁷ They know what commentators should know: that a legal education is preparation for a particular career but even more preparation for any career with its emphasis proficiency in writing and speaking, reading, researching, analyzing, and thinking logically.⁷⁸ And they want to develop that proficiency.

But there is another thing that law schools need to do. Law schools need to recognize that their students will be taking their place in a highly globalized world. There is no courtroom in this country into which international considerations do not enter, be they international child custody disputes or simply litigants from abroad bringing their different language and different

75. JOHN HENRY CARDINAL NEWMAN, *THE IDEA OF A UNIVERSITY* 178 (Frank M. Turner ed., 1907).

76. In point of fact, the Bureau of Labor Statistics projects that “[e]mployment of lawyers is expected to grow by 10 percent from 2010 to 2020, about as fast as the average for all occupations.” *OUTLOOK HANDBOOK*, *supra* note 12. While this does not keep pace with law school enrollment trends in recent years, it is not nearly so gloomy a prediction as that of many critics.

77. David Segal, *For 2nd Year, a Sharp Drop in Law School Entrance Tests*, N.Y. TIMES, Mar. 20, 2012, at B1 (reporting a steep decline in the number of Law School Admissions Tests administered in the last two years in apparent response to the job market for lawyers).

78. Professor William Henderson has found that the most valuable associates at law firms possess certain qualities and skills like initiative, integrity, responsiveness, confidence, oral communication, analytical thinking, and the ability to continue to learn and that partners, in addition to possessing those previously mentioned, excel at business awareness, decision-making, innovation, problem solving, and customer focus. Professor Henderson has argued that law schools should do better to prepare its students in these areas. American Bar Foundation, *The Fellows CLE Research Seminar: “What defines Competence? A Debate on the Future(s) of Lawyering”*, 22 RESEARCHING LAW, no. 2, Spring 2011, at 5-6.

understanding of law to the courtroom with them. There is no county recorder's office that does not reflect foreign-owned real estate. There is no Chamber of Commerce without an internationally-owned member. As Valparaiso Law Dean Jay Conison told me, it will be fatal for a law school – any law school – not to have an international component in the 21st century.

Professor Silver has identified several ways in which U.S. law schools attempt to reflect an “international character.” These include offering courses on international and comparative law; creating centers focused on international or foreign law; and supporting programs of study for their students in a foreign country.⁷⁹ I have no doubt that all of these contribute to law schools' preparing their J.D. students for globalization, be it in law or business or government.

But law schools are not valuing and utilizing the single greatest resource that they have for preparing their J.D. students for globalization – the thousands of international LL.M. students being educated at close quarters with those J.D. students. These are, as I have indicated at various points in this book review, inspiring men and women. They are well-educated in their own countries – excellent students; intelligent individuals – that have put their own careers on hold and traveled to the U.S. for graduate training in law. International LL.M. students are not science students here to do research; instead, as one international student told me, “they are law students here to learn.” There has not been a single conversation that I have had with an international LL.M. student that hasn't taught me something about a part of the world of which I was ignorant; an aspect of law with which I was not acquainted; or a dimension of human nature that I hadn't considered. Yet how many J.D. students go through their entire three years without a single substantive conversation with an international LL.M. student?

Law schools and their faculties need to recognize their LL.M. students as far more than just revenue generators and seek out opportunities for their international students to enrich the educational experiences of their J.D. students. Strong administration of the LL.M. program is essential. Some suggestions that I received from both U.S. law school faculty members and international LL.M. students include: programs with both U.S. and international students comparing the law and life in this country and theirs; utilizing international students in U.S. law schools' foreign study programs; consciously arranging seating in classes so as to mix U.S. and international students; assigning group projects so that U.S. and international students must work together and depend upon each other; intervening in housing arrangements so that U.S. and international students are not segregated from one another.

As a member of the Indiana Supreme Court, I have had the great good fortune of dozens of law clerks – brand new lawyers who have put their careers on hold – assisting me in my work. Their differences from me in age and

79. *Winners and Losers*, *supra* note 4 at 904-05.

experience and gender and race have helped me see sides to issues I would not have otherwise seen; assisted me in analyzing issues and problems in ways I would not have otherwise done; and likewise guided me in organizing facts to support principles and then to make reasoned exceptions to those principles. They have helped me because their differences from me meant they saw things differently than I did. International LL.M. students can do for their classrooms and their classmates what my law clerks have done for me. American legal education cannot afford to waste the incredible resource of the international LL.M. students in its midst; U.S. law schools need to recognize their full value.

V. CONCLUSION

As U.S. legal education continues to welcome thousands of international LL.M. students to its classrooms, it needs to minimize the risks these students face in coming here. Professor Edwards's *LL.M. Roadmap* is an indispensable resource in this regard, providing information that LL.M. students require – and information law schools need to provide them. Above all, U.S. legal education needs to integrate international LL.M. students into the entire fabric of law school life so that U.S. and international students can learn from each other in our brave new globalized world.