

Proposal for a Master of Jurisprudence Law Degree for Non-J.D. Students
March 4, 2013

This proposal is for a Master of Jurisprudence (M.J.) degree at Indiana University Robert H. McKinney School of Law.

1. Characteristics of the Program

- a. Campus Offering Program: Indianapolis
- b. Scope of Delivery: This new Master of Jurisprudence degree will be offered at the Indiana University Robert H. McKinney School of Law.
- c. Mode of Delivery (Classroom, Blended, or Online): The initial program will include primarily classroom courses only; however, the school hopes to develop a blended or online component within five years after the program's inception.
- d. Other Delivery Aspects (Co-ops, Externships, Clinicals, Practica, etc.): This non-Juris Doctorate (J.D.) degree will not include experiential courses. Because the primary candidates will be those individuals who are already working in a profession that does not require a legal license, M.J. students may not enroll in experiential courses. This degree will not be available to anyone holding a J.D. or equivalent law degree.

2. Rationale for the Program

a. Institutional Rationale

The law school's mission statement sets out as a goal to "advance the understanding of the law" and to prepare "students to be excellent, ethical professionals and leaders."¹ This goal extends beyond the J.D. student to all who desire knowledge about the law.

The legal environment is changing and is likely to continue to change in the future. The law school anticipates fewer graduates requiring a license to practice law, in large part due to the downturn in the economy. At the same time, there is an increasing need for those professionals in tangential fields to be knowledgeable about legal issues as they relate to their individual professions.

The new M.J. degree is designed to attract professionals from within the State of Indiana as well as those individuals working around the world who are interested in learning about the law as a way to enhance and potentially advance their non-legal professions. The M.J. may also appeal to those seeking career opportunities where knowledge about the law would be beneficial but a full J.D. degree is not required, such as individuals seeking a dual graduate degree.

¹ <http://indylaw.indiana.edu/news/StrategicPlan.pdf>

Knowledge about the law intersects logically with a wide variety of fields, among those health and science; law enforcement; social work; business and corporate affairs; human resources; engineering; real estate; the environment; and foreign companies doing business with U.S. entities.

The mission of IUPUI is to provide students with the intellectual background and skills necessary to be productive members of society and good citizens.² This program would further the mission of IUPUI by expanding the availability of law-related degrees to those either presently working or intending to work in the State of Indiana. The degree would also provide new opportunities for international professionals whose jobs require them to interact with U.S. professionals and businesses and whose own profession will benefit with an understanding of the U.S. legal system.

The M.J. degree is the first degree the law school would offer to a non-lawyer. Both degrees presently available at the law school, the J.D. and the LL.M., require that candidates have a law degree either from an accredited law school in the United States or from a school outside the United States. This new degree is on the cutting edge of legal education, and Indiana University Robert H. McKinney School of Law will be considered among those law schools leading the way as the legal environment changes and legal education follows suit. This degree will naturally result in further interaction with professionals in other disciplines, which will inevitably raise awareness about and reputation of the law school.

b. State Rationale (How does this program address state priorities as reflected in *Reaching Higher, Achieving More*?)

In the Commission on Higher Education's March 2012 announcement of Indiana's *Reaching Higher, Achieving More*, it was announced that Indiana presently places forty-second in the nation with individuals with post-secondary education degrees. According to the statistics, thirty-three percent of Indiana citizens have post-secondary education credentials. The Commission's goal is to raise that number to sixty percent by the year 2025. While the M.J. degree comprises candidates who already have completed their undergraduate education, this program would further the State's overall goal in improving the education level within the State and creating higher qualified, more competitive professionals in the marketplace.

² <http://www.iupui.edu/about/core.html>

Finally, as part of the development of this program the law school has discussed the possibility of eventually creating online courses specific for the M.J. program. This new endeavor would fit nicely with IU Online, the online education initiative that has a specific focus on the development of graduate degree programs.

c. Evidence of National, State, or Regional Labor Market Need

Since there are very few similar programs across the country, as noted in Section 4.b., and those that are in existence are relatively new, published statistical data is unavailable on both the student demand and the employment possibilities for graduates. The best evidence of potential student demand is based on the change in the legal profession and its impact on related fields. The need for licensed attorneys is declining, and predictors in the field are suggesting that this change is not temporary. The change is reflected not only in the decreasing number of attorneys being hired at law firms across the country but also in the number of individuals taking the LSAT (the law school entrance exam) and the number of individuals subsequently applying to law school.

However, in many professions individuals are in positions that do not require a license to practice law but the individual and the employer would benefit from a strong legal foundation, which the M.J. degree can provide. A wide variety of individuals who do not wish to be licensed by the Bar, for example, would not require the ninety-credit J.D. but may still find an advantage in learning about the law and how it intersects with other disciplines. The law school is in the best position to provide that education through a M.J. degree, either on its own or as part of a dual graduate degree course of study.

The M.J. candidate will most likely be drawn from the ranks of professionals from a variety of backgrounds, including those in government positions, in private business, and in nonprofit companies, both here in the United States and from throughout the world. Professionals who are involved in regulatory work would benefit by an understanding of how our legal system works and, in particular, the regulatory process. These professionals may include the individual who desires utility or communication licensing to those with banking and investment interests. Law enforcement specialists who otherwise do not have a J.D. degree may better understand the roles of those with whom they relate, including criminal prosecutors and defense attorneys. Those involved in the legislature as well as those who are interested in legislative initiatives would benefit through an intense study of broader issues of public policy and theoretical studies, as well as a critical review of how the three branches of government intersect. Those individuals are represented,

for example, by the legislator, the lobbyist, and the philanthropist. Those in private business who might benefit from further knowledge about the law include the human resources specialist, who addresses employment issues on a daily basis; the business person who would benefit from an understanding of corporate law, including international transactional law; and those involved in other specific areas of interest, such as health, environment, and intellectual property. The possibilities are endless.

Further, the international M.J. candidate will likely be the non-lawyer professional working in international business, perhaps in engineering, real estate development, sales and distribution, and other international transactions where a deeper understanding of U.S. law would create an advantage for the international business person.

The law school is poised to respond to these individual interests. It presently offers students the opportunity to focus on a wide variety of legal fields through its attractive Centers and Programs or the law school's Certificate programs in areas such as Environmental and Natural Resources Law, International and Comparative Law, and Intellectual Property. The areas of concentration of our Centers and Programs presently include international and comparative law, intellectual property and innovation, international human rights, and law and state government, and will likely expand to include other areas such as criminal law. These particular areas would be especially attractive and suitable for the M.J. candidate since the courses are already in place to ensure specialized knowledge within each field. Further, curricula is in place to support acquiring extensive knowledge about those areas that are part of one of our dual degree programs, including business, library science, social work, medicine, public affairs, health administration, and philosophy.

[To Be Added: Letters of Support]

3. Cost of and Support for the Program

a. Costs

i. Faculty and Staff

The Master of Jurisprudence program will be funded through the reallocation of existing resources. The law school employs more than fifty full-time faculty and more than twenty full-time senior administrative staff members. No additional faculty or staff will be needed to administer and market this degree. Administration of the program will be achieved by reallocating present responsibilities to address the additional work required during the program's implementation and

initial growth, including issues related to admissions, placement, and advising. At the point where the size of the M.J. program requires more specialized attention, the increased tuition dollars of the students enrolled in the program would enable the law school to create where necessary new staffing to support the expanded program and to provide the best experience possible for the M.J.. candidates.

ii. Facilities

The administration foresees no necessary expenditures toward the cost of maintaining the law school for use by candidates in the M.J. program. The program requires no additional space through capital expenditures or leasing, and will not require maintenance support beyond what is already required for the law school's optimal use.

iii. Capital Costs

The administration also foresees no expenditures for additional equipment to be used in this program.

b. Support

i. Nature of Support (New, Existing, or Reallocated)

This program will not force any downsizing of existing programs; instead, it is responsive to the shift taking place in legal education, resulting in a downturn in the demand for the J.D. degree as well as an increase in international dealings requiring knowledge about the intricacies of U.S. law. Support for this program will be provided through the reallocation of existing funds.

ii. Special Fees above Baseline Tuition

No additional costs or special fees are involved in implementing the M.J. program.

4. Similar and Related Programs

a. List of Programs and Degrees Conferred

i. Similar Programs at Other Institutions Within Indiana

The M.J. degree at Robert H. McKinney School of Law would be the first in the State to offer the opportunity for non-J.D. candidates to take classes in a pure legal education environment alongside students who have the same interest in the law and from those professors whose life's work is to know about and teach legal doctrine. M.J. students will have a vast array of courses from which to choose; one of the strengths of

the proposed program is in its individualized curriculum, as discussed above. M.J. candidates will be able not only to acquire the foundational legal courses they need but also choose those courses that best meet their specialized needs. M.J. students can develop an individualized curriculum that enables them to acquire specific knowledge in their fields of interest without course limitations.

ii. Related Programs at the Proposing Institution

This new degree is designed for individuals who are not interested in acquiring a full law degree and practicing law but are interested in developing a better understanding of the law either as it affects their non-legal professional careers or as part of their educational process in developing their professional careers. All present programs at the law school focus either on those students desiring a J.D. degree or those students with law degrees and interested in either a certificate or a Master of Laws (LL.M.) degree. Both the LL.M. program and the proposed M.J. program market to international students, but international LL.M. students usually seek to enhance their legal position in their native country, while the focus of the M.J. program is to provide candidates with an opportunity to enhance their non-legal position in their native country.

b. List of Similar Programs Outside Indiana

The programs outside Indiana similar to the proposed M.J. program are relatively new.³ Interestingly, all noted programs are offered at law schools found in large metropolitan areas, likely due to the greater pool of professionals who might be interested in the advanced degree.

Midwest Schools:

Non-J.D. programs exist at Loyola University Chicago School of Law; John Marshall School of Law in Chicago; the University of Dayton School of Law; Cleveland State University College of Law; and IIT Chicago-Kent College of Law. The program most similar to the IU Robert H. McKinney Law School program is the Master in the Study of Law at Ohio State University Moritz College of Law. The Ohio program requires thirty credit hours; allows students to develop their own curriculum with the help of an advisor; requires first-year courses; and can be completed as a full-time or part-time program. All Master of Jurisprudence students choose courses offered in the J.D. or

³ Based on a November 2012 review of non-J.D. graduate programs at thirteen law schools (out of 203 law schools).

Master of Laws program (which requires students to hold a J.D. or international equivalent degree).

Non-Midwest Schools:

Examples of other law schools with a master's degree for non-J.D. students include Arizona State Sandra Day O'Connor School of Law; Emory University School of Law; Pepperdine University School of Law; University of Pittsburgh School of Law; Seton Hall University School of Law; University of California Hastings College of the Law; University of Denver Sturm College of Law; University of Nebraska College of Law; University of San Diego School of Law; Wake Forest School of Law; and Yale University School of Law.

c. Articulation of Associate/Baccalaureate Programs

There are no Associate/Baccalaureate Programs involved in this proposal.

d. Collaboration with Similar or Related Programs on Other Campuses

The M.J. degree should enhance the graduate programs available at IUPUI by providing new opportunities for dual master's degrees. Those candidates from the professional ranks would be new to the university, likely acquiring their M.J. on a part-time basis while working. The international M.J. candidate, however, is more likely to attend the program on a full-time basis.

Other M.J. candidates who are more likely to attend school full time might find particular interest in conducting interdisciplinary research requiring knowledge of the foundations of the legal system. Sample areas where dual degrees might be attractive include dual degrees in the following:

Within the Kelley School of Business:

M.J. and Accounting
M.J. and Business Administration
M.J. and Entrepreneurship
M.J. and Finance
M.J. and Supply Chain Management
M.J. and Business Law

Within SPEA:

M.J. and Criminal Justice (IU)
M.J. and Nonprofit Management (IU)
M.J. and Public Management (IU)

Within the IU School of Medicine:

M.J. and Medical Science (IU)
M.J. and Pathology (IU)

Within the Purdue School of Science:

M.J. and Computer and Information Science (Purdue School of Science)
M.J. and Forensic and Investigative Sciences (Purdue School of Science)

Within the School of Liberal Arts:

M.J. and Philosophy (IU)
M.J. and Political Science (IU)

Within Other Schools:

M.J. and Nursing
M.J. and Philanthropic Studies (IU School of Philanthropy)
M.J. and Curriculum and Instruction with a Focus on Technology (IU School of Education)
M.J. and Social Work (IU School of Social Work)
M.J. and Technology (Purdue School of Engineering and Technology).

5. Quality and Other Aspects of the Program

a. Credit Hours Required/Time To Completion

The M.J. degree requires thirty hours of credit. M.J. candidates may acquire the required thirty hours full-time within one full academic year plus one summer term or on a part-time basis over approximately two years (since most candidates will likely be professionals currently working in the field and taking courses on a part-time basis). Each candidate will discuss with the advisor the practicality of completing the degree within one academic year, considering issues such as the availability of the courses in which the candidate is interested and the candidate's outside responsibilities.

See Appendix A.

b. Exceeding the Standard Expectation of Credit Hours
[Not applicable to the Master of Jurisprudence program]

b. Program Competencies of Learning Outcomes
By providing a master's degree in law to individuals working in areas tangential to the law, the law school will be promoting "the intellectual growth of its citizens

to the highest levels national and international.”⁴ Specifically, the M.J. degree is designed to enable M.J. candidates to think critically about public policy and the law as it relates to their area of interest; to better consider the legal and ethical implications of their actions; and to understand how the law influences not only everyday decisions but those affecting the public interest.

c. Assessment

The graduate degree will not be reviewed as part of the American Bar Association’s accreditation process.

Internal reviews will be scheduled on a bi-annual basis, through the use of student evaluations, peer reviews of classroom instruction, and administrative oversight of the grading system to ensure that the program is sufficiently rigorous and meets the needs of the students through appropriate advising. The law school will also put in place a means of assessing its admission and retention rates as well as the job placement of its M.J. graduates, where needed. Following a reasonable period of time, the law school will administer an alumni survey.

Additional detail on assessment may be found in Appendix C

e. Licensure and Certification

Graduates of this program will earn a Master of Jurisprudence degree with no accompanying license or certificate.

f. Placement of Graduates

Since this degree focuses primarily on individuals already in their chosen profession, no separate and defined need for a placement program will be necessary. However, those M.J. candidates needing assistance in acquiring employment following graduation will be able to receive guidance and assistance and resources from the Office of Professional Development at the law school.

⁴ *Id.*

g. Accreditation

The American Bar Association presently does not require approval or accreditation for non-J.D. programs offered at U.S. law schools. However, the proposal will be submitted to the ABA Council on Legal Education for its acquiescence.⁵

⁵ ABA Standard 308

Appendix A

(Course-level detail on the program curriculum, including how long it will take to complete the program assuming full-time study)

General requirements:

The M.J. degree is designed for working professionals who seek additional knowledge in a specific field. M.J. students will enroll in existing law school classes but be graded separately. M.J. students must achieve a minimum 2.3 grade-point average to graduate. All M.J. students will be assigned a faculty advisor in their area of interest who will assist in designing and must approve the course of study.

1. Required Courses (5-8 credit hours, depending on the selected first-year courses):

- A. All M.J. candidates must complete a two-credit hour course, Legal Process, prior to the candidate's first full semester of study. The Legal Process course will provide an overview of the U.S. legal system, the case method study of law, and coverage of constitutional, statutory, common, and regulatory law.
- B. All M.J. candidates must also complete at least one of the first-year courses that are presently part of the J.D. first-year curriculum. The present first-year courses include Contracts and Sales (6 credit hours); Torts (4 credit hours); Property (4 credit hours); Criminal Law (3 credit hours); and Constitutional Law (4 credit hours).

2. Elective Courses (22-25 credit hours):

The remaining courses will be selected by the M.J. candidate in consultation with the candidate's designated advisor and will be based on the candidate's area of interest. A thesis is not required, although individualized M.J. degrees, upon student and faculty collaboration and consideration, may include a substantial written project. M.J. candidates may elect to take any first-year or upper-level doctrinal course, but M.J. candidates may not enroll in any experiential courses such as externships and clinics.

3. Design and Administration of Tracks:

- a. To further the M.J. candidate's pursuit of legal knowledge relevant to the candidate's present or future profession in a non-legal field, tracks will be developed in those specialized areas of interest where

sufficient courses exist to provide a strong curriculum for M.J. candidates focusing on that area of interest.

- b. The purpose of creating specialized tracks is to enable potential candidates to review and consider the master's program in their area of interest and to serve as the basis for their curricular choices, in consultation with their designated faculty advisor.
- c. Any tracks focusing on a specialized area of interest must be approved by the Academic Affairs Committee in consultation with the Vice Dean.
- d. Any curricular amendments to a M.J. track must be approved by the Academic Affairs Committee in consultation with the Vice Dean.
- e. Any student who wishes to pursue a general course of study in the master's program for which no track has been approved may do so by working with a designated advisor to create an individualized curriculum. The individualized curriculum will be established prior to the candidate's matriculation and subject to adjustment during the candidate's course of study in consultation with the academic advisor, so long as the course of study does not require the creation of any new courses and the M.J. candidate understands that the master's degree is not meant to prepare the candidate for the practice of law.

Appendix B includes two illustrative examples of tracks in Intellectual Property (IP) and Environmental, Energy, & Natural Resources (EENR) Law.

Appendix B: Illustrative Tracks

M.J. –Intellectual Property (IP) Track

Four required courses, 30 credits total

This track includes one required core first-year law course and one introductory course (Contracts & Sales I and Legal Process, respectively) as foundational for an understanding of the U.S. legal system as well as intellectual property assets and their value.

Required Core Courses (13 credits)

- Legal Process (2 cr.) (summer of year 1)
- Contracts & Sales I (3 cr.) (fall of year 1)
- Two of the following courses:
 1. Intellectual Property (3 cr.)
 2. Patent Law (3 cr.)
 3. Trademark Law (3 cr.)
 4. Copyright Law (3 cr.)
- One of the following courses:
 1. IP Transactions and Licensing (2 cr.)
 2. Intellectual Property Law Litigation (2 cr.)
 3. Intellectual Property Valuation (2 cr.)

Approved Elective Courses (17 credits)

Administrative Law (3 cr.)*

Antitrust Law (3 cr.)*

Art, Museum, and Publishing Law (2 cr.)

Biotechnology Law

Civil Procedure I & II (3-6 cr.)*

Closely Held Business Organizations (3 cr.)*

Contracts & Sales II (3 cr.)*

Copyright Law (3 cr.) (if not taken to fulfill Required Core Course credit)

Drug Innovation and Competition Law (2 cr.)

Entertainment Law (2 cr.)

Food and Drug Law (2 cr.)

Income Taxation of Individuals, Fiduciaries and Business Associations (4 cr.)*

Intellectual Property Law (3 cr.) (if not taken to fulfill Required Core Course credit)

Intellectual Property of Pharmaceutical Products and Medical Devices (3 cr.)

Intellectual Property Transactions and Licensing (2 cr.) (if not taken to fulfill Required Core Course credit)

Intellectual Property Law Litigation (2 cr.) (if not taken to fulfill Required Core Course credit)

Intellectual Property Valuation (2 cr.) (if not taken to fulfill Required Core Course credit)

International Business Transactions (3 cr.)*
 International Intellectual Property Law (2 cr.)
 International Law (3 cr.)*
 International Trade Law (2 cr.)*
 Internet Law (2 cr.)
 Seminar in Law and Technology
 Music Law
 Patent Law (3 cr.) (if not taken to fulfill Required Core Course credit)
 Patent Prosecution (2 cr.)
 Patent Litigation (2 cr.)
 Property (4 cr.)*
 Remedies (3 cr.)*
 Right of Publicity (2 cr.)
 Secured Transactions (3 cr.)* *or* Commercial Paper (3 cr.)*
 Sports Law: Individual, Amateur and Olympic Sports (2 cr.)
 Sports Law: Professional League Sports (2 cr.)
 Trademark Law (3 cr.) (if not taken to fulfill Required Core Course credit)
 Unfair Trade Practices
 World Trade Organization (WTO) Law (3 cr.)*

*The track may include a limit on the number of credits that may be taken in courses in which intellectual property law is not the main focus.

J.M – Environmental, Energy, & Natural Resources (EENR) Law Track

4 required courses, 30 credits total

This track includes two required core first year law courses (torts, property) that are foundational for any understanding of EENR law plus the legal process course.

Required basic courses (10 credits):

Legal Process (2 cr.) (summer of year 1)
 Property (4 cr.) (fall of year 1)
 Torts (4 cr.) (fall of year 1)

Required EENR basic course (3 credits) (at least one of two)

Environmental Law (3-4 cr.)
 Natural Resources Law (3 cr.)

Elective courses (17 credits):

Administrative Law (3 cr.)

Agriculture and Environmental Law (2 cr.)
Animals and the Law (2 cr.)
Bioethics and Law (3 cr.)
Constitutional Law (4 cr.) (spring of year 1)
Energy Law and Regulation (2 cr.)
Environmental Law (3-4 cr.)
Environmental and Toxic Tort Law (2 or 3 cr.)
Environmental Justice (3 cr.)
Food and Drug Law (2-3 cr.)
Law of Hazardous Waste Regulation (2 cr.)
International Environmental Law (3 cr.)
Land Use (2 or 3 cr.)
Natural Resources Law (3 cr.)
Public Utilities Regulation (2 cr.)
Special Topics in Environmental Law (2 cr.)
Water Law (2 cr.)
Advanced Field Research (AFR) (variable cr.) [EENR topic]
Supervised Research in EENR topic (variable cr.)

Appendix C: Assessment

Goals and Assessment of the New Degree

The goal in creating a new master's degree for non-J.D. students is to provide a learning environment in which candidates whose primary focus is in a field other than law can acquire a solid orientation to and education in legal areas relevant to their primary area of interest. The curriculum for this degree is intentionally flexible, so each student, in consultation with an advisor at the law school, can create a plan of study that serves that candidate's best interest.

The primary evaluation of any student enrolled in a course of study at the Robert H. McKinney School of Law is based on classroom performance and may include, but are not limited to, the following:

- One or more papers or other written assignments
- One or more examinations
- In-class participation, including formal presentations as well as informal discussions
- Out-of-class participation, including but not limited to one-on-one conferences with faculty, online forum postings, and assigned email communications.

Evaluating the success of the new graduate degree will be ongoing and will be overseen by law school administrators. Quantitative and qualitative measures of performance to determine success of the Master of Jurisprudence program will include, but are not limited to, the following:

- Flexibility of the program design and ability to provide a beneficial curriculum to individual students
- Student performance in both required and elective courses
- Student feedback on evaluation forms
- Feedback from alumni
- Feedback from employers of graduates
- Graduation rates of M.J. candidates
- Number and diversity of M.J. candidates

The faculty and administrators overseeing the M.J. program will conduct periodic review of the progress of students at the end of each semester to determine if the designed curriculum is meeting the needs of the individual student. Changes that may be implemented include creating specialized courses for M.J. students and offering additional, outside assistance for students in specialized areas of law.

Robert H. McKinney School of Law
Process for planning, evaluation, and improvement to monitor the
success of the Master of Jurisprudence degree and provide direction for the
future.



