XI. GRADUATE PROGRAMS

In general, there has been a good deal of growth and development in our graduate programs since the last site inspection. LL.M. students comprise 21% of the total student body, including our students in Japan and China. This increase is partially a reflection of the increase in Temple’s international programs, but also results from our response to the profession’s need for graduate level training.

The Law School offers five LL.M. degree programs, each of which meets a distinct need in the legal profession for advanced training: the Graduate Teaching Fellow Program provides training for careers in legal academia; the LL.M in Trial Advocacy provides attorneys with the skills to try complex cases; the LL.M. and J.D./LL.M. in Taxation provides specialized training in an extremely technical area of the law; and LL.M. and J.D./LL.M. in Transnational Law (Philadelphia and Tokyo) and the LL.M. for Graduates of Foreign Law Schools (Philadelphia, Tokyo and Beijing), address the need for lawyers who can practice globally. Because the last two programs are so intertwined with our international programs, we elected to include these two LL.M. programs in Section X on International Programs.

The graduate programs are a fully integrated part of the law school, with synergies between the J.D. and LL.M. curricula. Courses are shared, with upper level J.D. and LL.M. students taking the same courses; this provides expanded course offerings for both J.D. and LL.M. students. Our Masters Trial Advocacy program developed pedagogical approaches that are now used in our J.D. trial advocacy courses. All of the Law School’s graduate programs operate on independent budgets and produce a positive financial impact on the J.D. program.

A. Graduate Fellow Program

The Law School’s Graduate Fellow program in legal education was founded in 1974 by Professors Joseph D. Harbaugh and Diane Maleson. Faculty responsibility for this program is now shared by Professors Richard Greenstein (who is a graduate of the program) and Jan Levine, Director of the Law School’s Legal Research and Writing Program. There is extensive participation by our entire faculty in this program. The goal of the two-year program is to produce experienced, high quality law teachers. Typically the Law School admits three students to the program annually, selected from approximately 30 applicants.

Since 1976, when the first class completed its program, most of the graduates who so desired have obtained full-time teaching positions. Over the years, our Graduate Teaching Fellows have been placed in nearly 50 schools. Currently, they teach in 45 schools, including 41 law schools, three undergraduate programs, and 1 school in the United Kingdom. Our graduates have received a number of teaching awards, and collectively they have produced more than one hundred articles and books, excluding work done while attending law school. Two Fellows are now law school deans.
Unlike many graduate teaching programs, Temple’s course of study emphasizes both teaching and scholarly research. All Graduate Teaching Fellows teach sections of the required four-credit course in Legal Research and Writing (LRW). At the time of our last Self-Study, the Law School had decided to make significant changes in its Legal Research and Writing Program, including the hiring of full-time LRW faculty. We noted at that time that these changes would “require some reworking of the role of the Graduate Teaching Fellows in the Legal Writing program.” As a result of Professor Levine’s taking on an integral role in the oversight of the Teaching Fellowship Program, that “reworking” was achieved smoothly, and Teaching Fellows benefit enormously from working closely with Professor Levine and the full-time LRW faculty.

The Fellows collaborate with our full-time faculty in a variety of courses in the regular law school curriculum. These collaborations provide the Fellows with opportunities to learn about curricular design, classroom methods, exam design, and other facets of law teaching from experienced members of our faculty. The Fellows teach several class hours in each collaboration, and their teaching is critiqued by their faculty mentors. Typically, Fellows collaborate in three courses during their two-year program: a traditional first-year course, a heavily-enrolled second-year course, and another upper level course or seminar.

During the spring semester of the second year of the program, each Fellow teaches an upper-level course on his or her own. Members of the Temple faculty serve as advisors, but the full responsibility for selecting materials, classroom instruction, examination, and grading falls on the Fellows. In the Spring 2004 semester, for example, Michael Borden taught Sales; Greg Duhl offered a section of Secured Transactions; and Kimberly Hausbeck taught Conflict of Laws. These teaching assignments afford Graduate Teaching Fellows an opportunity to experiment with a variety of pedagogical techniques, including case method, problem method, individual instruction, and simulation.

The Legal Education Seminar is another aspect of the LL.M. program in Graduate Teaching. Graduate Teaching Fellows regularly meet with the law faculty on several occasions during the academic year to discuss a variety of subjects. Topics in the past have included the recruitment of faculty with nontraditional credentials, the structure and content of the first-year curriculum, pedagogical goals in first-year courses, the effect of the first year of law school on students’ moral reasoning, how to advise students regarding upper-level electives and strategies for disseminating faculty scholarship within the academy.

In addition to the teaching component of the Graduate Teaching Fellowship program, fellows must complete a scholarship component, which requires the production of a thesis of publishable quality. Examples from the Class of 2004 include Michael Borden’s examination of the unintended consequences of Congressional legislation in the context of the marketing of variable annuities; Greg Duhl’s recommendations for reforming judicial treatment of the fourth factor of federal copyright law’s “fair use” doctrine (the effect of the infringing work on the copyright holder’s potential market); and Kimberly Hausbeck’s exploration of the link between the escalating problem of hacking in cyberspace.
and federal laws that prohibit hacking victims from engaging in defensive hack backs. Fellows’ theses are typically published as law review articles.

As has been the case for many years, the principal challenge facing the Graduate Teaching Fellowship Program is that noted in our last Self-Study: “to remain competitive in the increasingly tight market for legal educators.” Typically, our graduates begin their job search in their second year of residency by participating in the AALS Faculty Recruitment Conference. Participating in this entry-level market, they have the important advantage of more than a year of experience as teachers at Temple. More and more, however, law schools are expecting that even entry-level faculty candidates have already produced substantial scholarship. While the Program's thesis requirement has always given Fellows the opportunity to use Temple’s resources to produce first-rate scholarship, we need to accelerate that production. Our goal should be that all Fellows have their theses accepted for publication by the beginning of their second year of residency.

B. Graduate Tax Program.

Temple’s Graduate Tax program was founded in 1973. In 2001, the director's duties were assumed by Kathy Mandelbaum, who was a highly regarded adjunct for a number of years before joining Temple. A former partner at a large Philadelphia law firm, where she practiced for almost twenty years, specializing in transfer taxes and the law of tax-exempt organizations, Professor Mandelbaum holds a decanal non-tenure track appointment to direct and teach in the program.

Professor Mandelbaum, Assistant Dean Ferguson and the four tenured faculty members who teach tax law courses constitute the Graduate Tax Committee, and meet regularly during the year to discuss curriculum, hiring, student matters and policy issues, which are reported to the faculty as needed. The program continues to employ a number of adjunct faculty members, all tax law specialists with Internal Revenue Service, private practice and/or accounting firm experience, in addition to the permanent faculty members, who teach many of the required courses in the program.

Although the LL.M. program still requires that students complete 24 credits with a grade point average of 2.5 to earn the degree, the faculty has made some positive adjustments to the program since the Law School’s last self-study, all of which were designed to better serve the academic needs of our students.

First, in 2001, the faculty voted to reduce the number of required courses in the program. Tax Procedure is no longer required. As a result, students have more flexibility in choosing those courses in the program which will best serve their interests. In addition to the eleven credits in required courses and the required writing component of the program, students choose from a broad variety of elective courses to complete the 24 credit requirement for graduation.

Second, the faculty approved the addition of a new certificate program since the last self study.
In addition to the nine-credit Estate Planning Certificate, we now offer an eight-credit Certificate in Employee Benefits. A student must complete Introduction to Employee Benefits and three of four electives (Qualified Employee Benefit Plans, Welfare Benefit Plans, Taxation of Executive Compensation and ERISA’s Fiduciary Provisions) with a cumulative grade point average of 2.5 within a two year period to earn the certificate. Introduced in the fall of 2001, the program has been popular both with students interested in earning only the certificate and with our LL.M. students. In addition, a number of students who initially enroll with the intention of completing just a certificate choose to stay on and complete the requirements for the LL.M. The same admission standards and procedures are used for the LL.M. program and the two Certificate programs.

Third, we created a track within the LL.M. program for graduates of foreign law schools who want to focus on American taxation. This relatively new opportunity has been used to great advantage by a few of our LL.M. students, who are practicing tax law in multi-national firms.

The student body is composed primarily of part-time students who attend classes in the evening. In recent years we have seen an increase in the number of full-time students. The three programs currently have approximately 110 enrolled students, of whom 72 are registered for classes in the Fall 2004 term. Our J.D./LL.M. program, which allows Temple J.D. students to apply up to 12 J.D. credits in tax courses toward the 24 credits required for the LL.M. degree, continues to be popular, with roughly half a dozen students admitted to begin after their law school graduations in each of the last few years. In addition, we have seen an increase in the number of J.D. students who enroll in a limited number of LL.M. level tax courses.

Professor Mandelbaum counsels both J.D. and LL.M. students on tax-related employment and clerkship of the most recent LL.M. graduating class is clerking for the United States Tax Court, and a 2004 J.D. graduate is now employed by the National Office of the Internal Revenue Service in Washington, D.C., both coveted positions. The vast majority work in the private sector in small, medium and large law firms or with the large consulting firms. Many of our graduates already have jobs and attend the program to enhance their skills, but others also come with the goal of retraining or specializing so they can develop a new career in the tax field. As the program grows, the next step is to work more closely with the Office of Career Planning to better serve this student population.¹

¹ The employment of a Director who devotes roughly half her time to the administration of the program has increased our tax-related opportunities for both J.D. and LL.M. students. Professor Mandelbaum supervises our reinvigorated Volunteer Income Tax Assistance (VITA) program, popular with both J.D. and LL.M. students. She also supervises the Law School’s participation in the ABA Tax Section’s Law Student Tax Challenge, a tax research and counseling competition for J.D. students, in which Temple placed first in the nation in 2002. Professor Mandelbaum also serves as faculty advisor to the newly-created Tax Law Society, a group of J.D. and LL.M. students which has already sponsored a number of speakers and roundtables on tax topics. She has also arranged with the Tax and Probate Sections of the Philadelphia Bar Association and other local tax law-related organizations to provide a limited number of complementary tickets to educational programs of interest to tax students. Students also submit articles for publication in the Probate Section’s quarterly “Orphans’ Court Newsletter”.
C. Graduate Program in Trial Advocacy.

The LL.M. in Trial Advocacy is a one-year, 24 credit degree program designed for trial lawyers who seek to refine their skills and to draw upon Temple's great strength in the field of trial advocacy. Full-time Evidence and Trial Advocacy faculty teach many of the courses, and some of the finest trial lawyers in the area participate as adjunct professors.

The LL.M. offers a comprehensive and organized approach to trial lawyering by combining analysis and practice. The course of study stresses developing the underlying case theory, which must inevitably govern the trial presentation, as well as training in the rituals, tactics and skills of practice. The integration of theory and simulation offers students the equivalent of years of experience in a relatively short, albeit intense, period of time.

Most students are recruited from the local bar, but an increasing number of students are traveling great distances to attend the program. Currently, students commute from Ohio, Harrisburg, and northern New Jersey. Thirty-one students are enrolled in the program this year. A majority of our students are in civil practice but several are active in the prosecution and criminal defense bars. The program has been enormously successful and its students consistently praise its rigorous curriculum.

Course offerings include Advanced Evidence, Expert Witnesses, Art of Advocacy, Pretrial Strategy, Persuasive Speaking, Jury Selection, Deposition Program, Motions Practice, Technology in the Courtroom, Jury Trials and Litigation Strategy. All performance sessions are videotaped and the faculty-student ratio for performance sessions is generally 1 to 4.

Associate Professor Caroline Goldner Cinquanto, who was formerly Associate Director, has recently been appointed Interim Director of the LL.M. in Trial Advocacy upon the retirement of Associate Professor John Drost. Professor Cinquanto also holds a full-time non-tenure track faculty appointment. She has 10 years experience as a successful trial lawyer and is a 1997 graduate of the program. In addition to administering the LL.M. program, she teaches Trial Advocacy to J.D. students and is a coach of Temple’s Trial Team.