1-1-1999

Bulletin of the LL.M. Program in International and Comparative Law 1999

Notre Dame Law School

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Notre Dame Law School, with its home campus near South Bend, Indiana, is the oldest Roman Catholic law school in the United States. Founded in 1869, it has a distinguished reputation and an outstanding faculty and student body.

The Law School, and the University of which it is an integral part, are truly catholic in the several senses of the word. Founded by an order of French priests in 1842, Notre Dame earnestly welcomes students and faculty from all countries of the world and of all religious, racial and ethnic backgrounds. The University’s commitment to international interests is evidenced not only by the Law School’s London Programme, but by its many other foreign-study programs on several continents, in such locations as Rome, Italy; Innsbruck, Austria; Angers, France; Jerusalem, Israel; Cairo, Egypt; Mexico City, Mexico; Tokyo, Japan; Fremantle, Australia; and Santiago, Chile.

In 1968, Notre Dame established the first, and still the only, full-time branch of an American law school outside the United States. This program, located in the heart of London, England, now has three components — a year-long component of the J.D. program, a summer program, and the master of laws (LL.M.) graduate program in international and comparative law.

The J.D. component of the program gives second-year J.D. candidates from the Law School’s home campus the opportunity to study law in the country that gave birth to the common law. The program features British and other European faculty along with American faculty from the University, and offers a curriculum consisting of British, European and comparative law courses along with American law courses. The summer program in London, which was established in 1970, affords students from Notre Dame and other American law schools a similar opportunity over a shorter period of time.

The LL.M. program, established in 1986, is the only overseas graduate-degree program offered by an American law school. The program is designed both for graduates of law schools in the United States, Great Britain and other common-law countries who seek additional training in various advanced fields, as well as for graduates of law schools in civil-law countries who seek training in common-law disciplines or who wish to pursue studies that compare civil-law legal systems with the common-law systems of the United States and Great Britain. The program is appropriate for individuals interested in a career in legal education or in the practice of law in an international setting.
To earn the LL.M. degree, a student must:

- complete a minimum of 24 credits of course work;
- be in attendance at the Notre Dame Law School London campus for at least three terms; and
- maintain a minimum overall grade point average of C (2.0 on a 4.0 scale).

The academic calendar consists of three 10-week terms during the full-year program, from late September through early June, followed by a five-week summer term. Each term is followed by a one-week examination period.

The program provides participants with a reasonable amount of flexibility in determining how to complete these requirements. Options available to the student include the following:

- Of the 24 required credit hours, up to four credits may be earned through completion of a written work of substantial quality, done under the supervision of a member of the Notre Dame faculty. Any student who does not elect to complete such a thesis, however, must complete at least one paper in connection with one of the graded courses.

- A student may study for three terms during the Law School's full-year program; or a student may elect to take up to eight credit hours in the Law School's summer program.

The London LL.M. Programme offers a sufficiently diverse set of courses to expose students to American, British, international and comparative law. There is no prescribed curriculum for a student pursuing an advanced degree. However, every LL.M. candidate must participate in the LL.M. seminar; and every non-American student must take Introduction to the American Legal System. To satisfy the remainder of their credit-hour requirements, LL.M. students will participate in the courses and seminars offered to J.D. students in the full-year and summer programs. However, American law-school graduates pursuing the LL.M. degree cannot receive credit for courses that duplicate similar courses taken as part of the J.D. curriculum.

Courses are graded in accordance with the standard Notre Dame grading system, which provides for grades as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>4.000</td>
</tr>
<tr>
<td>A-</td>
<td>3.667</td>
</tr>
<tr>
<td>B+</td>
<td>3.333</td>
</tr>
<tr>
<td>B</td>
<td>3.000</td>
</tr>
<tr>
<td>B-</td>
<td>2.667</td>
</tr>
<tr>
<td>C+</td>
<td>2.333</td>
</tr>
<tr>
<td>C</td>
<td>2.000</td>
</tr>
<tr>
<td>C-</td>
<td>1.667</td>
</tr>
<tr>
<td>D</td>
<td>1.000</td>
</tr>
<tr>
<td>F</td>
<td>0.000</td>
</tr>
</tbody>
</table>

A grade of "D" indicates minimally acceptable performance, and "F" is a failing grade.
Program Courses

The following alphabetical list of course descriptions consists of courses that the Notre Dame London Law Programme plans to offer during the 1999-2000 academic year. Specific details regarding which courses will be offered during a particular term are available from the program director on request.

Lecture hours per week, laboratory and/or tutorial hours per week, and credits each term are in parentheses. Although the London program operates on the trimester system, the hours listed refer to semester-hour credits, to make record-keeping compatible with the University's semester-hour system.

Instructors listed for each course are accurate at the time this brochure was published.

The Law School administration reserves the right to alter the course offerings to meet faculty interest, student interest and the administrative needs of the Law School and the London Law Programme.

**Business Associations**
(4-0-4) Slaughter
Studies American agency, partnership and corporate law. The first part of the course explores what makes a business entity a corporation, but includes consideration of other business forms such as sole proprietorships and partnerships. The second part of the course addresses the operation of the corporation, and considers internal and external forms of control and regulation. Both parts of the course emphasize the substantive law as well as compliance with statutory formalities such as are contained in the Delaware Corporation Code.

**Carriage of Goods by Sea**
(2-0-2) Hawker
Provides an overview of the law regulating the carriage of goods by sea in international trade.

**Chinese Law**
(2-0-2) Palmer/Dicks
Examines the laws and legal institutions of the People's Republic of China. Principal attention is given to developments in the last two decades, although historical foundations are also considered. May also examine certain key selected areas of substantive law.

**Commercial Sales**
(2-0-2) Faculty
Studies the rules of law applicable to the sale of, distribution of, payment for and transactions in goods as defined in Article 2 of the American Uniform Commercial Code.

**Comparative Family Law**
(2-0-2) Smithburn
Comparatively analyzes contemporary family law issues in the U.S. and U.K., including: state interest in marriage regulation versus individual choice; extension of marital rights to unmarried cohabitants; prenuptial agreements; assisted conception and surrogate law; establishing parenthood; rights of children born out of wedlock; adoption; family torts; dependency; neglect and abuse of children; termination of parental rights; dissolution of marriage and its incidents, such as custody of children, support for children and spouses, visitation, and division of marital property; mediation; federalization of U.S. family law; the U.K. Children Act; and the Hague Convention on the Civil Aspects of International Child Abduction. Features presentation by U.K. trial and appellate court judges, barristers and solicitors, and visits to family court proceedings.
Comparative Law
(3-0-3) Banakas
Analyzes comparatively: legal concepts; law-making and law-finding in civil law and in common law; the purposes and functions of the comparative method; the history, methods and uses of comparative law; the legal families of the world; and the spirit and style of various legal systems.

English Legal System
(2-0-2) Darbyshire
Introduces the basic elements of the modern English legal system. Examines and analyzes: the source and the importance of English law; the court structure and the people involved in it; civil and criminal procedure; alternatives to the court; and access to justice.

European Economic Community Law
(2-0-2) Wooldridge
Surveys the common social, political and economic principles that underpin the European Economic Community (EEC), including a focus on the fundamental differences between the Anglo-American legal systems and those of the continental countries who belong to the EEC. Analyzes: the political and economic backdrop that led to the signing of the Treaty of Rome; the subsequent accession of additional nationalities, particularly the United Kingdom; the various institutions of the EEC and its lawmaking machinery; and the prospects for the EEC as a political and economic unit.

European Private International Law
(2-0-2) Faculty
Analyzes conflict of laws (private international law) from an international, rather than from an interstate, perspective. Looking at conflict of laws through European eyes, focuses on choice-of-law rules principally relating to personal status, contracts, sales, torts, property and personal jurisdiction within the European Economic Community (EEC). Identifies similarities to and differences from conflict-of-laws rules in the United States.

Evidence
(4-0-4) Bennett
Studies the American system of rules and standards that regulates the admission at trial of proof to establish controverted facts. Considers the traditional rules at length, and examines the U.S. Federal Rules of Evidence in this context.

International Environmental Law
(2-0-2) Greess
Studies the development of international environmental policy, customary international law and the prevention of environmental harm. Specific topics considered include: marine pollution, nuclear energy, the law of international watercourses, the conservation of marine animals, and the status of Antarctica.

International Law
(3-0-3) Slinn
Studies: the nature and sources of international law; the role of municipal rules in international law; international personality; recognition; territorial entities; jurisdiction; immunities; state responsibility; the law of treaties; and settlement of international disputes.

Introduction to the American Legal System
(2-0-2) Pearson
Surveys American legal institutions and principles of the American common-law system. Includes a study of the role of the three branches of government — judicial, legislative and executive — in making, interpreting and enforcing law; the role of precedent, statutes, secondary sources, etc., in determining law; the structure of the American court system; the nature of the American federal system and the relationships between state and federal governments; the differences between civil and criminal laws; the role of the U.S. Constitution in defining legal relationships, rights and duties; and a description of the processes of both civil and criminal litigation in American courts, from initiation of an action through trial and appeal.

This course is required of all students in the London LL.M. Programme who did not graduate from an American law school. American law-school graduates cannot take this course for credit toward the LL.M. degree.
Introduction to the Russian Legal System
(2-0-2) Henderson
Examines the premises of legal systems through
the prism of other systems. Although the course
concentrates on Russian law, it also addresses the
legal systems of Eastern Europe and China.

Jurisprudence
(3-0-3) Finnis
Considers philosophical aspects of the law
involving questions such as: whether a necessary
condition of a legal system is that it possess some
moral quality; what morality the law should enforce
— whether solely a majority view or whether
unpopular deviant groups should be protected as
well; the meaning of justice; and whether the law
and the courts fulfill their social function. Consid-
ers various schools of thought, including the views
of the Naturalists and Positivists as well as
Sociological Jurisprudence, American Realism
and Marxism.

Multinational Enterprises
(2-0-2) Muchlinski
Focuses on the problems involved in the legal
regulation of multinational enterprises. Begins
with a brief examination into why a corporation
may decide to expand internationally, focusing on
the problems such an expansion might cause for
both the home and the host countries. Studies the
many different methods of legal control —
disclosure requirements, screening laws, antitrust
laws — used by both home and host countries to
regulate the multinational enterprise's activities in a
particular territory. Also examines various
international dispute settlement regimes.

Property II
(3-0-3) Pearson
Deals with private landlord-tenant law and with
private and governmental control of land use
through easements, covenants and conditions;
allocation of water and air space; nuisance law;
zoning and subdivision control; and eminent
domain.
Since the fall of 1998, the London LL.M. Programme has been housed with the University's other programs in its newly renovated London Centre, Marian Kennedy Fischer Hall, on Suffolk Street near Trafalgar Square. The building was constructed in 1906 as a gentleman's club for graduates of Oxford and Cambridge, and continued to be used for this purpose until 1979. The building's exterior reflects the discreet grandeur thought to be appropriate for an Edwardian club. The interior preserves many of the period details expected of a building of this quality, including a sweeping central staircase, imposing reception rooms and marbled fireplaces. The University, with the permission of the Crown, has renovated the building extensively, creating a modern teaching facility in the heart of traditional London.

The centre contains the London Law Programme's own law library, but students can conduct more extensive legal research at the library of the Institute of Advanced Legal Studies, one of the finest legal research facilities in Europe, and with which Notre Dame has made arrangements for accommodation of its students. In addition, London and its environs contain many other great libraries such as the British Library and the Bodleian Law Library at Oxford. Notre Dame's London students are also able to apply to use these facilities for legal research.

The Law School does not provide dormitories or other housing facilities, but can help students make housing arrangements with temporary and permanent housing providers in the vicinity. Students should direct housing inquiries to the director of the Graduate Program.

Notre Dame Law School is fully accredited by all relevant American authorities, including the American Bar Association, and is a member of the Association of American Law Schools. Receipt of a graduate degree from an American university such as Notre Dame does not automatically qualify the recipient to sit for a bar examination in any of the 50 United States. Students interested in practicing law in the United States should inquire about bar examination requirements with the bar examination committee in the appropriate jurisdiction.
All courses and seminars in the Notre Dame London Law Programme are taught by a distinguished faculty of American, British and European academicians and practitioners. The permanent faculty of the London Law Programme consists of:

Professor Geoffrey Bennett, M.A., Barrister, who serves as director of the Notre Dame London Law Centre; and

Professor Aubrey L. Diamond, LL.B., LL.M., Q.C., director emeritus of the Notre Dame London Law Centre, is an English solicitor who has served on the law faculties of the London School of Economics and the University of London at Queen Mary College. He specializes in the area of commercial law, is the former director of the Institute for Advanced Legal Studies in London and has been a member of the Council of the Law Society for over a decade.

In addition, the following is a list of faculty who currently are scheduled to teach in the program during the 1999-2000 academic year:

- Efstratios Konstantinou Banakas, I.L.B., Ph.D. Senior Lecturer in Law, University of East Anglia
- Penny Darbyshire, B.A., M.A., Ph.D. Senior Lecturer in Law, Kingston University
- John M. Finnis, I.L.B., D.Phil., FBA Borchini Family Professor of Law, University of Notre Dame
- James A. Gresser, B.A., J.D., LL.M. Attorney-in-Charge, Department of Justice Attache
- Susan Hawker, I.L.B., I.L.M. Barrister, Senior Lecturer in Law, London Guildhall University
- Peter T. Muchlinski, I.L.B. Senior Lecturer in Law, School of Oriental and African Studies, University of London
- Carla Munee Slaughter, B.A., J.D., LL.M. Lecturer in Law, University of London
- Peter E. Slinn, M.A., Ph.D., Solicitor Senior Lecturer in Law, School of Oriental and African Studies, University of London
- Michael J.E. Palmer, B.Sc., M.A., I.L.B. Head of Department of Law, School of Oriental and African Studies, University of London
- Reverend John H. Pearson, C.S.C., B.A., M.Th., J.D. Director, Thomas J. White Center on Law and Government, University of Notre Dame
- J. Eric Smithburn, B.S., M.A., J.D. Professor of Law, University of Notre Dame
- Frank Wooldridge, B.Sc., I.L.M., Ph.D. Retired Senior Lecturer, University of Birmingham
Admission to the LL.M. Program in International and Comparative Law is limited to persons who have received a degree in law from a recognized law school, and whose academic performance in law school shows ability and promise for further legal studies. Admission to the program is competitive, as there are always more applicants than positions available.

To be considered for admission to the program, an applicant must:

- complete the application form included with this brochure and submit a non-refundable application fee of $50;

- furnish an official record of prior law school performance (authenticated transcripts);

- write a personal statement, including the reasons for wanting to participate in the London LL.M. Programme; and

- provide at least two recent letters of recommendation from individuals familiar with the applicant's scholarly abilities.

Applicants are encouraged to submit their applications early in the admissions process, but no later than April 1. Qualified students are admitted on a revolving basis as application files are completed. Applications not complete by May 1 will not be considered for admission.

All classes are conducted in English. Therefore, students must be proficient in reading, writing, speaking and listening to English. Students from non-English-speaking countries should take the Test of English as a Foreign Language (TOEFL), and should see that official copies of the test results are forwarded to the Law School Admissions Office.

Applicants may also submit an application on-line from our web-site: http://www.nd.edu/~ndlaw/LLM

Fees

The cost of tuition in the London LL.M. Programme is designed to be comparable to the fees charged for graduate degree programs at other universities in Great Britain. For the 1999-2000 academic year, tuition and other fees will be as follows (all costs in U.S. dollars):

For students from the United Kingdom and other Common Market countries:

<table>
<thead>
<tr>
<th>Tuition</th>
<th>$ 5,150</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library Fees</td>
<td>1,925</td>
</tr>
<tr>
<td>Student Fees</td>
<td>37</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 7,112</strong></td>
</tr>
</tbody>
</table>

For students from the United States and Non-Common Market countries:

<table>
<thead>
<tr>
<th>Tuition</th>
<th>$13,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library Fees</td>
<td>1,925</td>
</tr>
<tr>
<td>Student Fees</td>
<td>37</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,862</strong></td>
</tr>
</tbody>
</table>

Tuition for the program is set far below the cost of the J.D. program on the home campus; therefore, we do not offer any scholarships for LL.M. program participants.
For More Information

Requests for more information may be directed to either:

Professor Geoffrey Bennett, Director
Concannon Graduate Program
Notre Dame London Law Centre
1 Suffolk Street
London, England SW1Y 4HG

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E-mail: law.bulletin.1@nd.edu

Or, visit our web site at: http://www.nd.edu/~ndlaw/LLM.