MEMORANDUM

TO: The Faculty
FROM: Laura A. Rosenbury, Dean
RE: Faculty Meeting Agenda

April 10, 2018

As previously announced, we have scheduled a Faculty Meeting on Tuesday, April 17, in the Faculty Lounge, beginning at 3:00 p.m. The following items are on the agenda:

1. Approval of Minutes

2. Approval of Spring 2018 graduates; materials attached

3. Approval of visiting professors; curriculum vitae attached

4. Update and action item from the Non-Tenure-Track Appointments and Retention Committee re: composition of the committee; materials attached

5. Update and action item from the Academic Standards Committee re: recommendation for Blind Grading Policy; materials attached

6. Update and action item from the Curriculum and Strategic Planning Committee re: proposal for JD/LLM seven semester dual degree program; materials attached
Law Faculty Meeting
February 20, 2018, 3 p.m.


NOT PRESENT: Angelo, Brauner, Burke, Calfee, Collier, Davis, J., Drake, Fernandez, Harrison, Jacobs, Johnsen, Murray, Nunn, Rawis, Wihnyk, Willis, Zheng

ON LEAVE: Nance, Noah, Rhee, Stein, Wolf

Meeting called to order at 3 p.m.

1. Ken Gerhardt; UF Ombuds

   Ken Gerhardt, UF Ombuds, was introduced by Dean Rosenbury who explained his role which is primarily listening and pointing faculty in the direction of resolution. His boss is Jodi Gentry. He does not mediate nor offer counseling and is not a counselor.

2. Approval of Minutes

   Minutes from the January 16 and 30, 2018 faculty meeting minutes were considered. Unanimously approved.


   Lobbying policy discussed; issues raised. Dean provided definition of lobbying.

4. Discussion of SBA Resolution; materials attached.

   Discussion of procedural and substantive issues raised by the SBA Resolution ensued. Dean will decide how best to proceed.

Meeting adjourned at 3:53 pm.
MEMORANDUM

TO: The Faculty
FROM: Rachel E. Inman
Associate Dean of Students
Levin College of Law

DATE: March 14, 2018
RE: Spring 2018 Graduation

Listed below are the students who have applied for graduation for the Spring 2018 semester. We have a total of 359 degree candidates this semester. We recommend approval of these candidates pending confirmation of their degree requirements.

Thank you for your consideration.

Master of Laws in Comparative Law

Dinsa, Tewodros
Poliakova, Ganna
Suarez, Sergio
Vargas Thomas, Pedro

Doctor of Juridical Sciences in Taxation

Al-Hababi, Faisal
Correa Talutto, Debora
Krishna, Aishwarya

Master of Laws in International Taxation

Aguaron, Pablo
Eduado Duenas, Sebastian
Lazarev, Stepan
Mileisi, Jimena
Plazas Molina, Claudia
Ruiz Mino, Francisca
Sotello Riveros, Alejandro
Wang, Tao
Zamora Hernandez, William
Master of Laws in Taxation

Acquaviva, Alyssa
Almeida, Tyler
Andersson, Frans
Barnes, Katherina
Begley, Brenton
Benson, Craig
Brooks, Keegan
Brown, Christy
Bryan, Jonathan
Carpenter, Charles
Carrillo, Oscar
Cockerill, Alexander
Dudré, Spender
Durst, Tanya
Feliciano, Jacqueline
Foster, Michael
Grant, Joshua
Gray, George
Guzman, Lilian
Hawkins Jr., Paul
Hunt, Tiffany
Jones, Christina
Larrinaga, Michele
Lauer, Eva
Mills, Richard
Mims, Kayla
Neilen, Gregory
Qureshi, Sara
Ross, Jason
Sanchez, Edgar
Schmidt, Christopher
Severino, Jasmin
Shapiro, Andrew
Spina-Jennings, Jeffrey
Stecker, Jeanette
Struve, John
Sultanfuss, Katherine

Juris Doctor

Acosta, John
Albrecht, Marcus
Alexander, Claire
Alford, William
Allen, Travis
Andrews, Deanna
Arias, Carolina
Arnett, Caitlyn
Ashouri,pars
Ashton, Stephanie
Avaritt, Christopher
Avendaño, Julio
Babik, Kristin
Bailey, Abe
Barbour, Amanda
Barrett, Charles
Barshel, Alexandra
Barton, David
Batista, Daniel
Beall, Bradley
Beck, Harry
Becker, Carole
Beebe, Stephen
Bell, Stephen
Benn, Joel
Booth, Sydney
Borrego, Nicholas
Bowie, Kevin
Boyle, Nicholas
Boynton, Michael
Bradley, Meghan
Brady, Quinton
Brenner, Michael
Breuer, Tiffany
Brito, Jasmine
Brown, Kylie
Brown, Ricky
Greenfield, Kelsey
Griffin, Patrick
Guariniello, Gabriella
Hallisey, Kelly
Hamburg, Katarina
Hansson, Katherine
Hartt, Ryne
Harvey, Nathan
Hayashi, Sophie
Heery, Adam
Heim, Emily
Heller, Alexandra
Hermida, Andres
Hernandez, Nina
Hernandez, Ryan
Hershorn, Alexandra
Hill, Jacquelyn
Holman, Aaron
Hoskisson, Devyn
Hubble, Melissa
Hudson, Mark
Huston, Corinne
Hutchins, Jacqueline
Hutson, Kurtis
Huynh, Megan Thao
Ivey, Maury
Williams, Natasha
Jadon, David
Johnson, Brittany
Johnson, James
Johnson, Katherine
Johnson, Rasheem
Johnson, Rocky
Jones, Eric
Joseph, Phoebe
Josephik, Stephen
Joyce, Bascom Nax
Karasek, Kelly
Kassem, Michael
Keefe, Robert
Keeler, Kelli
Kelly, Andrew
Kersey, Daniel
Khan, Reyhana
Khemlani, Jivesh
Kishek, Betty
Kleckner, Justin
Kleiman, Zachary
Knox, Marcus
Labarga, Caroline
Lamb, Lindsey
Lathan, Keegan
Laurienzo, Austin
Lehmann, Melanie
Leiva, Jennifer
Lengacher, Amber
Lenz, Tyler
Leon, Jennifer
Leonard, Katherine
Leute, Michelle
Levitas, Joshua
Levitt, Lauren
Liddell, Melissa
Loeffler, Abby
LoGalbo, Anthony
Loy, Christopher
Lynch, Sean
Mack, Rontavian
MacKay, Kenneth
Magee, Kevin
Major, Kevin
Maldonado, Robert
Malnik, Zachary
Mangen, Mark
Mann, Joseph
Mariani, Michael
Markow, Richard
Marois, Laurel
Marshall, Katelin
Mateo, Ralston
Pierre, Reno
Tragesser, Kevin
Unruh, Savannah
Valois, Kathryn
van Emmerik, Courtney
Vaughn, Madeleine
Vazquez, Stephanie
Velez, Francisco
Vento, Jose
Vitola, Brandon
Vo, Thai Phi Huynh
Wagenblast, Theodore
Wagner, Andrea
Wallace, Carter
Walters, Joshua
Ward, Daniel

Towzey, Thomas
Watson, Eric
Weaver, Emily
Weisenfeld, Ashley
Whitmire, Cari Ann
Wiggins, Ian
Williams, Rachel
Windhaus, Macie
Wittbrodt, Christopher
Wolf, Jonathan
Woods, James
Young, Nicholas
Youngblood, Sean
Yrigollen, Nicole
Zervos, Nomiki
ANN BARTOW

FRANKLIN PIERCE CENTER FOR INTELLECTUAL PROPERTY
UNIVERSITY OF NEW HAMPSHIRE SCHOOL OF LAW
2 WHITE STREET, CONCORD, NEW HAMPSHIRE 03301 USA
PHONE: 1.603.513.5106   EMAIL: ann.bartow@law.unh.edu

ACADEMIC EXPERIENCE

UNIVERSITY OF NEW HAMPSHIRE SCHOOL, CONCORD, NEW HAMPSHIRE
DIRECTOR OF THE FRANKLIN PIERCE CENTER FOR INTELLECTUAL PROPERTY
AND PROFESSOR OF LAW         July 2015 – Present

PACE LAW SCHOOL OF PACE UNIVERSITY, WHITE PLAINS, NEW YORK
Professor                   May 2011 – July 2015

Courses: Copyright Law, Advanced Copyright Law, Intellectual Property Survey, Art Law,
Trademark Law, Torts, and Supervised Legal Research.

Service: Appointments Committee (Chair), Graduate Admissions Committee, Search Committees
(Director of International Programs, Director of Climate Center) and AALS/ABA Self-
Study Committee.

TONGJI UNIVERSITY LAW SCHOOL, SHANGHAI, PEOPLE’S REPUBLIC OF CHINA
Fulbright Distinguished Lecturer       Fall 2011 - Spring 2012

Property Law and American Legal System Seminar.

Service: Judge, Shanghai Moot (Vis Preliminary Tournament) 2012.

UNIVERSITY OF SOUTH CAROLINA, COLUMBIA, SOUTH CAROLINA         August 2000 - August 2011
Professor of Law                      June 2008 - August 2011
Associate Professor of Law (with tenure)     June 2005 - May 2008
Assistant Professor of Law             August 2000 - May 2005

Courses: Intellectual Property Survey, Copyright Law, Trademarks & Unfair Competition Law,
Patent Law, Cyberspace Law, Constitutional Law II (Individual Liberties), Seminar on
Pornography, Prostitution, Sex Trafficking and the Law and Supervised Legal Research.

Honors: Recipient of the 2005 Carlisle Research Award, and the 2004-05 Outstanding Faculty
Publication Award.

Service: Chair of the Knowlton Lecture Committee, Chair of Tenure & Promotion Committees,
Chair of the Technology Committee, Member of the Admissions, Appointments,
Library, and Curriculum Committees, and Faculty Advisor to student organizations.
TEMPLE UNIVERSITY, JAMES E. BEASLEY SCHOOL OF LAW PHILADELPHIA, PENNSYLVANIA

Visiting Professor of Law

Courses: Introduction to Intellectual Property Law, Copyright Law and Supervised Legal Research.

Fall 2005

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW WASHINGTON, D.C.

Visiting Professor of Law


Spring 2004

UNIVERSITY OF DAYTON SCHOOL OF LAW DAYTON, OHIO

Visiting Assistant Professor of Law


Honors: Elected Professor of the Year (1999-2000) by the Second Year Class and (1998-1999) by the First Year Class (Section One).


August 1998 - June 2000

UNIVERSITY OF IDAHO COLLEGE OF LAW MOSCOW, IDAHO

Visiting Associate Professor of Law

Courses: Patent law, Employment Law, Property and Remedies.

Fall 1997 - Spring 1998

Service: Student Note Advisor to Law Review; Practice Judge for National Moot Court Team and Appellate Advocacy Clinic; Judge, Negotiation Competition.

TEMPLE UNIVERSITY SCHOOL OF LAW PHILADELPHIA, PA

Honorable Abraham Freedom Teaching Fellow & Lecturer in Law

Courses: Patent Law, Copyright Law, and Legal Writing & Research. Co-taught contracts (with Prof. Don Price), Family Law (with Prof. Sharon Harzenski) and Labor Law (with Prof. Marina Angel).

1995 - 1997

ADDITIONAL TEACHING EXPERIENCE: SUMMER TEACHING

SUNGKYUNKWAN UNIVERSITY SEOUL, SOUTH KOREA

Course: Intellectual Property Law in a Global Context (2014 and 2015), and Internet Law (2016), for Fordham School of Law's Summer in Korea Program.

June 23 - July 17, 2014
June 19 - July 5, 2015
June 17 - July 3, 2016
TSINGHUA UNIVERSITY, BEIJING, CHINA

Course: U.S. Copyright Law for Tsinghua University’s International Intellectual Property Program.

BEIHANG UNIVERSITY, BEIJING, CHINA

Course: Introduction to Intellectual Property Law for St. Mary’s University School of Law’s Summer in Beijing Program.

TEMPLE ABROAD PROGRAM, TEMPLE UNIVERSITY, James E. Beasley School of Law, Rome, Italy

Course: European Union Law.

UNIVERSITY OF TOLEDO COLLEGE OF LAW TOLEDO, OHIO

Course: Cyberspace Law

UNIVERSITY OF ATHENS GREECE ATHENS, GREECE

Course: International Intellectual Property Law for Temple University James E. Beasley School of Law’s Temple Abroad program

EDUCATION

CORNELL UNIVERSITY ITHACA, NY
B.S., Industrial & Labor Relations
Dean’s List; merit scholarships; rape crisis counselor/educator

UNIVERSITY OF PENNSYLVANIA SCHOOL OF LAW PHILADELPHIA, PA
J.D., cum laude
Articles Editor, Comparative Labor Law Journal; Dean Jefferson B. Fordham Human Rights Award; Herman Lazarus Prize (best comparative labor law paper); Alice Paul Award (service to law school); Intern, Women’s Law Project Intern (Spring 1989); Women’s Law Group; Equal Justice Foundation.

TEMPLE UNIVERSITY SCHOOL OF LAW PHILADELPHIA, PA
LL.M., Legal Education

May 1997
Honorable Abraham L. Freedman Teaching Fellow; L.E.A.P. Volunteer.

**PUBLICATIONS**

**Law Review Articles:**


Intellectual Property and Domestic Relations: Issues to Consider When There is An Artist, Author, Inventor or Celebrity in the Family, 35 F.L.Q. 383 (Fall 2001) (peer reviewed).

Reprinted: “The Best Articles Published by the ABA” issue of GPSOLO magazine (an ABA publication) September (Vol. 19 No. 6).


Book Chapters:


Jotwell:


Ann Bartow, Empirical Link Rot And The Alarming Spectre Of Disappearing Law, JOTWELL (April 11, 2014) (reviewing Raizel Liebler & June Liebert, Something Rotten In The State Of Legal Citation: The Life Span Of A United States Supreme Court Citation Containing An Internet Link (1996-2010), 15 Yale J. L. &


Published Transcripts:


Colloquium on Privacy and Security, 50 BUFFALO L. REV. 703 (Spring/Summer 2002).


Short Book Reviews:


Concurring Opinions Symposia:

Bernard E. Harcourt, Exposed, Desire and Disobedience in the Digital Age (Harvard University Press 2015); see http://concurringopinions.com/archives/2016/03/naked-and-afraid.html

Julie Cohen, Configuring the Networked Self: Law, Code, and the Play of Everyday Practice (Yale University Press 2012), see http://concurringopinions.com/page/2?s=bartow

Other Writings:


Our Data Ourselves: Cyberspace Data Collection and the E-Commercialization of Gender, in the proceedings book of the Fourth Annual Ethics & Technology Conference held at Boston College on June 4 and 5, 1999.


Privacy and the Collection of Personal Information Online, a topic module posted to LEARNING CYBERLAW IN CYBERSPACE, an online resource for law faculty who teach Cyberspace Law, accessible at http://www.cyberspacelaw.org (1999).

In Progress:

Trademarks and the Gender of Sports Mascots (in progress).

Robots and Gender (in progress).

Reading Lawrence Lessig in Beijing (in progress).

Copyright Misuse (in progress).
REPRESENTATIVE PRESENTATIONS FROM 2014 TO PRESENT (FULL LIST AVAILABLE UPON REQUEST)


Panelist, Symposium on UCC & IP Licensing and Exhaustion, held at Boston College Law School in Newton, Massachusetts on March 30, 2017.


Invited Participant, Methodologies in IP Scholarship (addressed feminist methodologies), Singapore Management University in Singapore on February 25, 2017.

Presenter, “Copyright Misuse,” (also Panelist and Commenter), Second Annual IP Scholars Asia Conference, convened by the SMU Applied Research Centre for Intellectual Assets and the Law in Asia at Singapore Management University in Singapore on February 23 & 24, 2017.


Lecturer, “Update on U.S. Copyright Law,” at Beijing Jiao Tong University in Beijing, China on June 15, 2016.

Featured Speaker, on the “Professors’ Panel” at the 2016 International Trademark Association’s Annual Meeting held in Orlando, Florida on May 21 – 25, 2016


Presenter, “Copyright Misuse” at the “Intellectual Property in All the New Places” Symposium held at the Texas A&M University School of Law in Fort Worth, Texas on April 15 &16, 2016.

Featured Speaker, “Copyright Law Isn’t Funny,” at the Interdisciplinary Approaches to Humor Conference, held at the University of North Carolina - Chapel Hill in Chapel Hill, North Carolina on April 8 & 9, 2016.


Presenter, “Copyright Law in China,” at the 13th Annual Works in Progress Intellectual Property (WIPIP) Colloquium hosted by the Center for Advanced Study and Research on IP (CASRIP) at the University of
Washington School of Law in Seattle, Washington on February 18th (the IP Asia Pacific Forum) and February 19th & 20th.

Presenter, “Copyright Law in China,” at the First Annual Greg Lastowka Cyberlaw Colloquium held at the University of Pittsburgh School of Law in Pittsburgh, Pennsylvania on February 5 & 6, 2016.


Copyright Members Consultative Group Meeting, Restatement of Copyright Law, at the American Law Institute in Philadelphia, Pennsylvania on December 4, 2015.


Presenter, “Trademarks and the Gender of Sports Mascots” at the 7th Annual Conference on Innovation and Communications Law held at Xiamen University Law School by the Intellectual Property Research Institute of Xiamen University in Xiamen, China on July 5-7, 2015.

Presenter “Robots, Gender and Sexual Autonomy,” and Commentator (via Skype due to MERS travel restrictions in Seoul, South Korea) at The Man and the Machine: When Systems Take Decisions Autonomously Conference held at the University of St. Gallen, Switzerland on June 26-27 2015.


Featured Commentator at the Fifth Annual Tri-State Region Intellectual Property Workshop held at the New York University School of Law in New York, New York on January 9, 2015.

Speaker on the Mentoring and Progressive Scholarly Agenda panels at the First Annual Mosaic Conference: Diverse Voices in IP Scholarship Conference held at Marquette University School of Law in Milwaukee, Wisconsin on November 14, 15 and 16, 2014.


Presented “Robots as Labor Creating Devices: Robotic Technologies and the Expansion of the Second Shift” at the “We Robot 2014: Risks & Opportunities” conference held at the University of Miami School of Law in Coral Gables, Florida on April 5, 2014.


Presented "Reading Lessig in Shanghai" at the 2014 Cyberlaw Colloquium held at the Wharton School of Business of the University of Pennsylvania in Philadelphia, Pennsylvania on March 1, 2014.

Presented "Bad Samaritanism, the Entirely Predictable Effect of Section 230 ISP Immunity" at the University of Maine School of Law's "Who's Governing Privacy?" Symposium in Portland, Maine on February 21, 2014.


LEGAL EXPERIENCE

Associate, McCutchen, Doyle, Brown & Enersen, San Francisco, California, 1990-92. After a merger, the firm was known as Bingham McCutchen, LLP and that firm has now been merged into Morgan, Lewis.


PROFESSIONAL AFFILIATIONS

Member of the ALI (inducted 2008) and American Bar Association. Member of Advisory Board, Electronic Privacy Information Center (EPIC) (since 3/03).

BAR ADMISSIONS

California (admitted January 1991) (currently on inactive status); Pennsylvania (admitted March 1993, on "active but non-practicing in Pennsylvania" status).
EDUCATION:
* Columbia University School of Law, New York, New York J.D. 1996
  Journal editor; Published chapter; Received recognition for achievement in international studies.
  Stanford University, Stanford, California B.A. 1993
  Graduated with honors in international relations and Spanish; Received honors for senior honors thesis.

JUDGE APPOINTMENT (GOVERNMENT AND REGULATORY EXPERIENCE):
Trademark Trial and Appeal Board, USPTO Since March 2008
Administrative Trademark Judge

FACULTY EXPERIENCE:
* Florida State University, School of Law (FSU) (tenure track) 2006-2007
* University of California, Los Angeles, School of Law (UCLA) (adjunct) 2010
* Loyola Law School (adjunct) 2005
* Santa Monica College (part-time) 2004-2005
Have taught and consulted in Business Law; Contracts; Intellectual Property; and Intellectual Property Licensing; Faculty Advisor for Dispute Resolution Society and Intellectual Property Society (see also “Presentations at Law Schools” regarding guest lecturing and presentations).

INHOUSE EXPERIENCE/UNIVERSITY ADMINISTRATION:
* University of California, Los Angeles (UCLA), 2002 to 2006
  Intellectual Property Manager and Assistant Director
  Advised and counseled university staff and administration. Managed patent portfolio of over 1000 cases; Managed over 100 external counsel. Managed multi-million-dollar budget. Created new organizational policies and collaborations. Coordinated training, including through local, national, and international conferences, seminars and written brochures. Negotiated and drafted intellectual-property and other legal agreements, including substantial number of copyright licenses, as well as VC-financing agreements, and novel fee-structure agreement which resulted in a 90% savings to UCLA on the cost of legal filings. Assumed and created other responsibilities in this new position, in office that quadrupled in size during my tenure.

INTERNATIONAL LAW FIRM EXPERIENCE:
* Arnold & Porter, Los Angeles, California 2000 to 2002
* Brobeck, Phleger & Harrison LLP, Los Angeles, California 1998 to 2000
  Attorney -- Litigation; Intellectual Property; Finance; M&A
Specialized in business and commercial law and intellectual property, including licensing. Successfully represented clients in negotiations, litigations, and ADR proceedings. Argued dozens of motions. Deposed and defended numerous witnesses. Organized case and trial preparation as first chair.

PUBLICATIONS:
Law Review Articles:
Is “Willful Blindness” the New “Recklessness” After Global-Tech?
21 FEDERAL CIRCUIT BAR JOURNAL 165 (2011) (lead article).

Reconciling Contract Doctrine with Intellectual Property Law: An Interdisciplinary Solution,

Re-Evaluating Declaratory Judgment Jurisdiction in Intellectual Property Disputes,
83 INDIANA LAW JOURNAL 957 (2008).

The Price of Progress: Are Universities Adding to the Cost?
44 HOUSTON LAW REVIEW 1373 (2006).

What Copyright Teaches Patent Law About “Fair Use” and Why Universities Are Ignoring The Lesson,
84 OREGON LAW REVIEW 779 (2005).

Chapters:
Immigration Law: The Immigration Consequences of Criminal Activity, chapter of
A JAILHOUSE LAWYER’S MANUAL, published by the COLUMBIA HUMAN RIGHTS LAW

Other Publications:
The High-Tech Judge Next Door, DAILY JOURNAL (July 7, 2014) (Opinion).

The Impact of Federal Budget Cuts May Weigh Heavy, THE WASHINGTON POST (Feb. 22, 2013)
(Letter).

The (Un)-Safe Harbor of Willful Blindness, DAILY JOURNAL (July 9, 2012) (Opinion).

PRESENTATIONS AT LAW SCHOOLS:
Presentation, Southwestern School of Law (Los Angeles), November 19, 2016 (presenting judge).
Guest Lecture, UCLA Law School, April 21, 2016 (guest lecturer).
Presentation and Hearing, SMU School of Law (Dallas), February 24, 2016 (presenting judge).
Presentation, Southwestern School of Law (Los Angeles), November 14, 2015 (presenting judge).
Presentation and Hearing, Loyola Law School (Los Angeles), November 13, 2015 (presenting judge).
Presentation, Golden Gate University School of Law/INTA (presented for roundtable).
Trademark Symposium, University of San Francisco, September 26, 2015 (presenting judge).
Presentation and Hearing, Fordham Law School, April 23, 2014 (presenting judge).
Guest Lecturer, Whittier Law School, February 20, 2014 (guest lecturer).
Guest Lecturer on Trademark Law, UCLA Law School, March 31, 2010 (guest lecturer).
Distinguished Alumni Workshop, Columbia University School of Law, September 23, 2009 (featured speaker).
Faculty Scholarship Workshop, Chapman University School of Law, November 26, 2007 (presented paper).
Faculty Scholarship Workshop, Hofstra University Law, November 19, 2007 (presented paper).
WIPO Comes to CA: Updates on the Madrid Protocol, Southwestern School of Law, Los Angeles, CA, November 5, 2007 (conference chair).
Recent U.S. Supreme Court Cases on Patenting, Loyola Law School (Los Angeles) June 15, 2007 (invited speaker).
Global Pharmaceuticals, Florida State University (Tallahassee) April 5-7, 2007 (panelist).
Employee-Inventor Rights, Loyola Law School (Los Angeles) September 15, 2006 (moderator).
Exploiting Patent Portfolios, Loyola Law School (Los Angeles) October 7, 2005 (featured speaker; planning committee).
The International Patent System: WIPO Comes to UCLA, UCLA School of Law (Los Angeles) September 16, 2005 (initiated and organized conference; conference chair; featured speaker).

OTHER LEGAL PRESENTATIONS:
Trademark Symposium, McCarthy Institute, Seattle, Washington, February 17, 2017 (presenting judge).
EUIPO, Alicante, Spain, May 5, 2016 (presenting judge).
Women in the Judiciary (AIPLA), Washington, DC, October 23, 2015 (program coordinator; speaker).
Litigation Updates (AIPLA), two webinars, February 4, 2015; April 23, 2015 (program coordinator; moderator).
Washington in the West, Los Angeles, CA, January 30, 2015 (presenting judge).
Fordham IP Institute, New York, NY, April 25, 2014 (presenting judge).
The Trademark Office Comes to California, CA, April 2013 (presenting judge).
Washington in the West, Los Angeles, CA, January 29, 2013 (presenting judge).
The Trademark Office Comes to California, CA, April 2011 (presenting judge).
Washington in the West, Los Angeles, CA, January 27, 2011 (presenting judge).
Nevada State Bar, Las Vegas, NV, November 5, 2010 (presenting judge).
Washington in the West, Los Angeles, CA, April 8, 2010 (presenting judge).
Columbia Law School Alumni Reception, Los Angeles, CA, March 26, 2008 (presenting judge).
Recent U.S. Supreme Court Cases and Licensing Practice, CA State Bar, July 12, 2007 (invited speaker).
The Federal Circuit Comes to California, Los Angeles, CA, February 20, 2007 (conference chair).
WIPO Conference on Dispute Resolution in International Science and Technology Collaboration, Geneva, Switzerland, April 25/26, 2005 (invited speaker).
Who Owns Art/Who Owns Science? Featuring Copyright Professor/Author David Nimmer, Los Angeles, CA; November 16, 2004 (moderator).

HONORS, AWARDS AND COMMITTEE APPOINTMENTS:
Founding Chair with Federal Circuit Chief Judge Rader, AIPLA Special Committee on Judges.
Special Act Award, 2011 (Department of Commerce, USPTO).
Judge Member, The Judge Paul Michel American Inn of Court.
Honored Judge, Giles Sutherland Rich American Inn of Court (March 2008).
Sole recipient, 2007 Bayh-Dole Fellowship in Public Policy (AUTM).
Appointed by the Board of Governors to the 17-member Executive Committee of State Bar of California, Intellectual Property Section (2005-2008).
Appointed by Hon. Secretary of Commerce Carlos Gutierrez to the national, 9-member Trademark Public Advisory Committee (TPAC) (2006-2008).
Planning Committee, USC Intellectual Property Institute (current).
Past Co-chair, ABA Universities and Intellectual Property Committee.
Past Vice-chair, Education Standing Committee, State Bar of California, Intellectual Property Section.
Admitted to State Bars of California and New York, and corresponding federal courts.

DISPUTE RESOLUTION APPOINTMENTS:
California Superior Court, Temporary Judge (Judge Pro Tem).
California Superior Court, Panel of Arbitrators.
World Intellectual Property Organization (WIPO), Geneva, Switzerland, Domain Name Panel.
WIPO Arbitration and Mediation Center, Geneva, Switzerland, Panel of Neutrals.

LANGUAGES: Spanish and English.
To: UF College of Law Faculty

From: Non-Tenure-Track Faculty Appointments and Retention Committee

Date: April 5, 2018

Re: Committee Charge to Change the Composition of the Committee

This year, the Committee was charged with, “reviewing the standing composition of the Committee set forth in the Faculty Policy Manual and proposing appropriate changes, particularly in light of our new professor of practice designation.”

The current non-tenure-track faculty policy (NTT Policy) provides that the Committee shall consist of an equal number of tenure and non-tenure-track faculty, and that the Directors of Legal Writing, Drafting, and Clinic Programs shall be members. There are presently 4 standing members: the Directors of Legal Writing, Legal Drafting, the Criminal Clinic, and the Civil Clinic.

I. Committee Recommendation Regarding Composition of NTT Committee

After discussion among Committee members and at a faculty-wide brown bag meeting, the Committee recommends that the faculty adopt 1 of the 2 following alternatives.

Alternative #1

1. Omit the language in the NTT Policy that states, “The Directors of the Legal Writing, Drafting, and Clinic Programs shall be members of the committee.”

2. Replace the omitted language with the following new language: “One non-tenure-track faculty member who teaches either Legal Writing or Legal Drafting and one non-tenure-track faculty member who teaches a clinic shall be members of the committee.”

In addition to these proposed changes, the Committee recommends that the faculty vote to direct the Dean to appoint an ad hoc committee to hire a professor of practice when such a position is desired to be filled.
Alternative #2

1. Omit the language in the NTT Policy that states, “The Directors of the Legal Writing, Drafting, and Clinic Programs shall be members of the committee.”

2. Replace the omitted language with the following new language: “One Legal Writing or Legal Drafting Director, one non-director Legal Writing or Legal Drafting faculty member, one clinic Director, and one non-director clinic faculty member shall be members of the committee.”

In addition to these proposed changes, the Committee recommends that the faculty vote to direct the Dean to appoint an ad hoc committee to hire a professor of practice when such a position is desired to be filled.

II. Committee Recommendation Regarding Professor of Practice

During the committee’s discussions and at the brown bag meeting, a number of faculty noted that the Professor of Practice position, while described in UF Regulation 7.003(4)(a)(8) as “tenure ineligible,” does not fit squarely within the college’s NTT Policy or the tenure appointments and promotion and tenure faculty policies. For example, questions were raised about the varying nature of the positions (skills vs. doctrinal), the hiring process, contracts, promotions, and eligibility to vote on decisions about the hiring and promotion of Professors of Practice.

In light of these questions, the Committee also recommends that the Dean appoint an ad hoc committee to explore questions about the Professor of Practice designation.
TO: UF Law Faculty

FROM: Academic Standards Committee (Professors Fernandez, Harrison, Klein (chair), and Malavet)

RE: Blind Grading Practices

DATE: March 26, 2018

Dean Rosenbury charged the committee, among other things,

[T]o work with the Office of Student Affairs to continue to ensure that all exams are administered in such a way that preserves the faculty’s commitment to blind grading. I also ask the Committee to continue its review of our policies for ensuring that all exams are graded blindly and that final grades in courses with exams are substantially based on those blind grades.

The committee discussed this issue internally at numerous meetings and also consulted with the library staff to conduct a survey of the blind grading practices at public law schools ranked in the top 50 by U.S. News & World Reports. To solicit faculty input, we held a brownbag meeting on January 23, 2018. Prior to that meeting, we distributed the relevant grade policy from the Faculty Policy Manual, as well as the results of the blind grading peer practice survey. Those documents appear as the end of this memo.

Our conclusions and recommendations fall into four categories:

1. **Maintain our current hybrid approach:**

   At present, for courses with exams, UF Law follows a hybrid approach under which faculty members grade each exam “blindly” without knowing the identity of the test-taker (as recorded on the “pink sheets”), but can later adjust those grades based on class participation and other relevant factors such as professional conduct in the classroom (as recorded on the “white sheets”). After such adjustments, however, the final course grades must continue to comply with all mandatory mean and mandatory distribution requirements applicable to the course (subject to the “deviation for good cause” exception contained in the faculty policy on grades). Under current practice, the Office of Student Affairs will disclose to students whether any adjustments were made to their own grades, as stated in the UF Law Handbook: “Approximately two weeks after the beginning of each term, students may request in writing from Student Affairs their final exam grades for the previous term to determine whether any adjustments were made in assigning final course grades.”

   Numerous peer schools follow a similar approach, including the University of Michigan (Ann Arbor), University of California (LA), University of Iowa, Ohio State (Moritz), University of Colorado (Boulder), George Mason, University of Illinois (Urbana-Champaign), and University of Maryland (Carey). In other cases, some of our peer schools permit grade adjustments for participation and similar factors, but require the adjustments to maintain student anonymity. For example, the instructor may be required to provide the Registrar with a list of students whose grades merit adjustment, and then the Registrar makes necessary computations (perhaps returning an anonymous grade list to the professor for assigning letter grades). See

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1 We thank Taryn Marks and her group of research assistants for compiling the attached report.
Minnesota (Twin Cities), Arizona State, University of Alabama, University of Arizona (Rogers), and the University of Washington.

In some cases, pure blind grading can interfere with another goal of many faculty members: to provide increased opportunities for students to take quizzes and other types of formative assessments. Depending on which electronic platform (if any) the professor uses for assessment purposes, and depending on whether the assessment is graded or ungraded, it may be necessary for professors to adjust the final "blind" final examination grade to reflect the students' performance on such formative assessments.

Attendees at the brownbag discussion expressed strong support for our current practice. They expressed a clear desire to maintain the faculty's prerogative to make discretionary grade adjustments after the students' identities have been revealed, and asserted that such discretion is necessary to ensure that students receive the grades they have fairly earned. However, the group agreed that student anxiety should be alleviated to the extent possible, and therefore recommended the following measures to promote transparency and a sense of fair dealing.

2. Faculty efforts to promote transparency—course syllabi:

To promote transparency, faculty members could clearly explain their grading policies in their syllabi. They could make clear whether the course is subject to full or partial blind grading (exam courses) or not (paper courses, or other courses requiring substantial instructor feedback and student revisions incorporating that feedback). The syllabi could specify the factors upon which grade adjustments will be based, and whether there is a limit to each adjustment (by no more than 1/2 letter grade or a particular percentage, for example). The syllabi could also inform students of their right (as described in section 1 above) to submit a written request to the Office of Student Affairs to determine whether their personal grades from the previous semester have been adjusted.

3. Administrative efforts to promote transparency and to calm student anxiety:

- **Calming student anxiety:** Grades are understandably a source of student anxiety. At least one former Associate Dean at the brownbag discussion recalled his/her experience with anxious students who feared that their classmates had somehow received an unfair grade advantage over them. That Associate Dean suggested that the administration can play a critical role in calming student anxiety by quelling inaccurate student rumors that arise from time to time, by assuring students of the faculty's commitment to fair grading, by reminding them of the blind exam grading policy, and by reminding them of their right to determine whether their individual grades from the previous semester have been adjusted.

- **Enforcing our grading policies against occasional outliers:** Students have expressed some concern about faculty members distributing and collecting final exams, based on student fears that a faculty member might be able to identify individual exams based on the time it was submitted (first or last) and the writing on their final exam. Although the Student Affairs Office now distributes and collects the final exams, some faculty members still want to be present. We could amend our faculty policy on grades to codify our current practice of exam administration, and the law school administration could work with individual faculty members to make sure we no longer participate in distributing/collecting final exams (at least without good reason).

- **Adjuncts and visitors:** Ensure that adjuncts and visitors know and follow UF Law grading policies.

4. **Updating the faculty policy on grading:** The current faculty policy is a patchwork of policies and amendments dating back to 1976. The attached document shows the policy as it exists today, with suggested
modifications. Most modifications are simply updates to reflect current practice, but recommended substantive changes and clarifications include:

- An explicit statement that faculty members should clearly explain their grading policies (including their policies on grade adjustments made after student identities have been revealed); and

- An explicit statement codifying the current practice under which the Office of Student Affairs will reveal upon written request an individual student’s grade before and after adjustments, if any.
Academic Standards Committee Attachment
Suggested Modifications to the Faculty Policy on Grades

Grades—Miscellaneous


A. Grading of Final Examinations: For courses in which grades are based primarily on final exams, faculty members shall grade each final exam “blindly” without knowing the identity of the test-taker. Later, to assign final course grades, faculty members may match exam numbers with student names and adjust final grades to reflect class participation, other course assignments, professional conduct in the classroom, and other relevant factors. After such adjustments, however, the final course grades must continue to comply with all mandatory mean and mandatory distribution requirements applicable to the course (subject to the “deviation for good cause” exception contained in the Faculty Policy on “Grades—Mandatory Mean and Distribution”). At the beginning of the next term, a student may request in writing from the Office of Student Affairs his/her final exam grade from the previous term to determine whether any adjustments were made in assigning that student’s final course grade. A student is entitled to know of adjustments made to his/her individual grade only, and not to learn of any adjustments made to other students’ grades or to the grades of course enrollees as a whole. Faculty members should clearly explain their grading policies in course syllabi, including, to the degree possible, the extent to which the final course grade is a result of blind grading, factors upon which grade adjustments may be based, and whether there is a limit to each adjustment (by no more than ½ letter grade or a particular percentage, for example). To the degree possible, course syllabi should also inform students of their right to submit a written request to the Office of Student Affairs to determine whether their grades from the prior semester have been adjusted.

B. Posting of Grades: Students will be informed of their final grades by posting of grades on the ONE.UF website, University Integrated Student Information System (www.isis.ufl.edu). Under University of Florida policy, no grades shall be posted in any manner outside those approved by the University Registrar, including, posting grades outside of a faculty member’s door, even if those grades are listed only by exam numbers.

Comment: The College of Law has had a longstanding policy that no grades will be released to students except by Tigert Hall. The primary exception to this rule has been in the case of graduating seniors who are informed of their grades by the Office of Student Affairs just before graduation.

C. Review of Grades: Members of the faculty should, upon request, afford to a student an opportunity within a reasonable time to review any written work by the student upon which a grade was based in whole or in part.
D. **Change of Grades:** There will be a one-year limit on changes of grades except under unique circumstances as determined by the Associate Dean for Student Affairs, for the designation of "N," which will have a two-year limitation. The purpose of this policy is to avoid the situation where a student could impound a faculty member to change a grade in a class taken a year or more prior to graduation. The impetus for such a grade change has been found where an upward change in grade would allow students to graduate with honors or be nominated for scholastic honors. Approval of any such grade change does not require the approval of the college deans; however, any such change must comply with the grading mean and grade distribution policies.

*Comment:* It is the opinion of the Office of Academic Affairs that college Deans do not have to approve grade changes made by professors in their colleges. Some college Deans insist upon having the authority; some college Deans do not. It is our belief that the following general principle should be observed: the professor is the final judge of what grade should be awarded his student. There may be instances of gross inequity wherein a professor has wrongly graded a student. The only remedy we see for such a case is redress through the procedures of common law. Grade appeal committees, department chairmen, and Deans can intervene in behalf of a student, but if a professor insists upon his judgment as being correct, I doubt a higher authority either can or should change the grade.

*When a professor from the College of Law changes a grade, his signature is sufficient for that change to be effected; your [Dean’s] signature will no longer be required on grade change forms from the College of Law (From letter to Dean Julius from Robert A. Bryan, 2/16/73).*

E. **Incomplete Grades / No Grade Reported:** The College of Law is bound by the University policy regarding incomplete and no grade and no grades: "I* or N* grades recorded on the student record indicate the non-punitive initial-term receipt of an I or NG. A grade of I* or N* is not considered a failing grade for the term in which it is received, and it is not computed in the grade point average. However, if the I* or N* has not been changed by the end of the next term for which [the student is] enrolled and receive[s] grades, it will be counted as a failing grade and used in computation of [that student’s] grade point average.

For purposes of determining grade point average after the initial receipt of an I* or N* grade, the three summer terms are considered collectively as a single term. I* and N* grades are not assigned to graduating students; they receive failing grades of I or NG.

An incomplete grade may be assigned at the discretion of the instructor as an interim grade for a course in which [the student has] completed a major portion of the course with a passing grade, been unable to complete course requirements before the end of the term because of extenuating circumstances, and obtained agreement from the instructor and arranged for resolution of the incomplete grade. Instructors are not required to assign incomplete grades.
If make-up work requires classroom or laboratory attendance in a subsequent term, [the student] must not register for the course again. Instead, [the student] should audit the course and pay course fees.

If the make-up work does not require classroom or laboratory attendance, [the student and the] instructor should decide on an appropriate plan and deadline for completing the course.

When the course is completed, the instructor will initiate the change of grade. These procedures cannot be used to repeat a course for a different grade. An I grade should not be assigned to a student who never attended class; instead, instructors should assign a failing grade.

University Registrar's Office strictly adheres to the deadlines published in the University Record as to the date each semester at which incomplete grades which were received in the previous semester of attendance become F grades. The University Registrar's Office will record an "I" grade when no grade is reported by the instructor. (Historical note: Memo from Associate Dean of Students to Dean, 1976)

F. **Dean's List:** To recognize excellent academic performance, the College of Law shall post and publish a "Dean's List" containing the names of email a letter from the Dean to those students who achieve at least a 3.30 semester grade point average in the spring or fall semester informing them that they have made the "Dean's list." Students must be enrolled in at least 12 semester credits of graded law courses to be eligible. Any course that is treated as a pass/fail or s/u course for purposes of computing grade point averages shall be treated as a non-graded course, earning "Honors," "High Honors," and "Book Awards" each academic term. The administration shall establish a procedure that will afford every student each academic term the opportunity to request that his or her name not appear on the Dean's List to be posted and published that term.

G. **Determining Class Rank:** For non-transfer students, the cumulative GPA and class rank will be calculated at the end of the first year, at the end of the second year, and at the end of the third year. In addition, at the end of the second year, the GPA for that year and the resulting class rank for the second year will be calculated for transfer students and non-transfer students together. At the end of the third year, the cumulative GPA for the second and third years for transfer and non-transfer students combined together, and the resulting class rank for the combined second and third years will be calculated. (Historical note: 10/11/2013).
### Blind grading policies
Peer Public Law Schools

<table>
<thead>
<tr>
<th>University Name</th>
<th>Rank</th>
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<tbody>
<tr>
<td>University of Michigan—Ann Arbor (ranked 8)</td>
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<tr>
<td>University of Virginia (ranked 8)</td>
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<tr>
<td>University of CA, Berkeley (ranked 12)</td>
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<tr>
<td>University of California – LA (ranked 15)</td>
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<td>University of California – Irvine (ranked 28)</td>
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<tr>
<td>University of Maryland (Carey) (ranked 48)</td>
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</tr>
</tbody>
</table>

**Note:** Rankings are as of 2018 edition, US News

**University of Michigan—Ann Arbor (ranked 8)**

- [http://www.law.umich.edu/currentstudents/studentservices/handbook/acadprog/Pages/GradesandTranscripts.aspx](http://www.law.umich.edu/currentstudents/studentservices/handbook/acadprog/Pages/GradesandTranscripts.aspx)
• Professors giving exams submit preliminary grades based on the Exam ID numbers. Once their preliminary grades are submitted, they may access the final grade roster that correlates the Exam ID numbers to student names, and may change the grades to account for class performance or other coursework.
• UM appears to have more specific grading policies, but they are behind login credentials

University of Virginia (ranked 8)
• Has one, mentions law school blind grading policy, but not publically available on website, have to go through UVA login

University of CA, Berkeley (ranked 12)
• https://www.law.berkeley.edu/academics/registrar/academic-rules/
• 12.9 Factors Used to Determine Grades Unless the professor makes an announcement to the contrary by the end of the second week of class, a student’s letter grade shall be determined on the basis of performance on the final examination in the course (or, in courses requiring, or permitting, a paper in lieu of final examination, performance on such paper). Class participation will be taken into account if a professor so indicates in the course syllabus.
• Also look at Article 11

University of Texas Austin (ranked 14)
• https://law.utexas.edu/student-affairs/academic-services/grading-policies/
• An explanation of the grading policy appears on the student’s transcript.
• After a final grade had been submitted to, and recorded by, the Main Office [Student Affairs Office], it shall not be changed except for good cause submitted in writing to the Associate Dean for Academic Affairs and approved by the Dean of the Law School. Good cause is best exemplified by arithmetical error, but may include other reasons. It is not good cause to change a grade for humanitarian or other reasons merely to affect a student’s grade point average, for example, to achieve honors status, to be eligible for graduation, to be removed from scholastic probation, or to be redeemed from dismissal for academic failure.

University of California – LA (ranked 15)
• Anonymous Grading System p.6
  o To ensure fairness in final course grades, the School of Law uses an anonymous grading system. In those courses, which are graded anonymously (experiential
courses and seminars are generally the only exception), students must place only their exam number on the exam or course paper.

- Grade for Class Performance/Participation p.8
  - In addition to the grade determined on an anonymous basis, an instructor may give a grade for class performance. This grade may be in the form of an increase or decrease, not exceeding one grading unit (e.g., B to B+ or B-, C+ to B- or to C). An instructor must announce not later than the end of the first week of instruction that grades for class performance will or may be given. The announcement may be verbal, included in the syllabus, or posted on the instructor’s webpage. The grade for class performance should reflect the quality (as distinguished from mere quantity) of a student’s participation in class discussion. A student should never be penalized for asking questions. However, the class performance grade may reflect a student’s attendance, level of preparation for class and/or performance on assigned exercises. After factoring in class participation, the distribution of grades must still be within the appropriate mandatory curve.

- Grade Change Rule p.9
  - Grades may be changed whenever the professor involved is convinced that the grade initially recorded is incorrect because of a clerical, technological or procedural error, discovered after the initial grade was recorded.

University of Iowa (ranked 20)
- Anonymous Grading p.15
  - Before taking an exam, each student will receive an identification number to insure anonymity in grading. Students must write their exam number on scratch paper and may other materials distributed at the start of the exam and collected at its conclusion. Each instructor will submit a grade for each identification number.
  - After the exam grade is recorded, the instructor’s assistant will receive from the Registrar, the student names corresponding to each identification number. The instructor will then assign class participation consistent with announced course policy.

University of Minnesota – Twin Cities (ranked 23)
- Rule 11.4 Blind grading. The Registrar’s office will assign each student an examination number for each midterm or final examination, in such a manner that the identity of the student cannot be known to the instructor when grading the examination. The Registrar will not release the identities of the students to the instructor until after the grades have been filed. If an instructor wishes to have any factor other than the final examination grade taken into account in the final grade (see Rule 11.1), the instructor must file a written statement of the manner in which it is to be taken into account, so that the Law School Registrar may make the necessary computation. The written instructions will be retained in the permanent grading files. This rule does not apply to seminar papers, independent
Page 19 of 26 field placement or research projects, externships, trial practice, legal writing, journals, moot court, clinics, or other similar exercises.
- https://www.law.umn.edu/current-students/rules-policies
- Click on PDF download of “Law School Academic Rules”
- Policy is found on pages 18-19

Arizona State University (O’Connor) (ranked 25)

- Chapter X, Section G. Anonymous Grading An instructor is not permitted access to student names on examinations at any time before grades are final and recorded. Supplementary credit for assignments other than final examinations or for classroom performance is permissible but must be determined and calculated in the final grade before student identification is known to the faculty member. If mid-term scores, grades on problems or papers, classroom performance bonuses (or demerits), or other factors are to be a part courses of the final grade of any course, a list of these items and student recipients should be submitted to the Registrar. When raw scores on the final examination papers have been entered, the papers should be delivered to the Registrar. The Registrar will add the assessment factors, and enter a final grade for the course on the official grade list. Only after this process is completed, may the instructor see the student names. An instructor may not alter the final grade except for clerical error. A written statement by the instructor explaining the reason for the change must be submitted to the Dean’s designee for approval prior to changes.
- Page 20 of Student Policies manual for 2017-2018
- https://law.asu.edu/sites/default/files/student_policies.pdf

University of Alabama (ranked 26)

- https://www.law.ua.edu/academics/curriculum/grading/
- Anonymous Grading
  - Examinations are graded anonymously. Each student’s exams are identified by a number, which changes each semester. The registrar’s office very carefully protects students’ anonymity, and students are expected to refrain from disclosing information (such as marking an exam “graduating senior” or some other subtle identification) to professors that might identify their exams. A professor does not learn the student name associated with a grade until after the professor has turned in the grades. Professors are not given students’ anonymous numbers. After grades are determined, however, students are given opportunities to discuss examinations with professors.
- Grade Changes
  - If, after grades are reported to students, a grade must be changed due to a mathematical or clerical error, and the change results in a deviation from an otherwise mandatory grading standard, other grades need not be changed to compensate. Faculty members may not change a reported grade based on subjective considerations, such as a re-evaluation of the strength of an
analysis. Subjective considerations should be addressed in the initial grading process, not in the context of an appeal.

- Participation Grades
  - Although it is not the general practice to do so, in courses other than seminars, and after notification to students at the start of the semester, a professor may raise grades by .3 for class participation or lower grades by .3 for lack of participation. In seminars, class participation or lack thereof may not count for more than 50% of the final course grade. In workshops, class participation or lack thereof may be the sole determinant of the grade. For serious failure on the part of the student to participate in class as required by the professor, the student may be dropped from the course.

University of California – Irvine (ranked 28)
- Anonymous grading p.23
  - There shall be anonymous grading of all examinations (in-class, take-home, or self-scheduled examinations.) Anonymous grading is not required for evaluations such as grades for papers and student performances where knowledge of the student is inevitable and desirable.
- Requests for Exceptions p.25
  - Strong presumption against such requests being granted.
- Points for Class Participation/Performance p.25
  - Participation points may be awarded by instructors, but they must be handled in a manner that does not compromise anonymous grading.
- Grade Changes p.28
  - Once a final grade or Credit/No Credit has been submitted to the Registrar, the grade or Credit/No Credit may not be changed by the professor except for computational or mechanical errors.

Indiana University – Bloomington (Maurer) (ranked 30)
- Exam Policies p.30
  - Exams are graded anonymously.
- Grading p.33
  - Once an instructor has submitted final grades for a class, no changes may be made to grades without the approval of the Executive Associate Dean.
- Grade Appeals Policy p.35
  - Instructors should provide feedback to students regarding student performance.
  - Student discussions or conferences with instructors regarding their performance on an examination or in a course are for learning purposes only.
Ohio State University (Moritz) (ranked 30)
- http://moritzlaw.osu.edu/registrar/academic-information/grading-policy/
- Anonymity and Grade Change for Participation - Some classes, such as seminars and clinics, require that assessment of students' work be done on a name-identified basis. However, in most classes, and all of those with exams, assessment is made anonymously. In some cases, professors may consider factors in computing a final grade that require the identity of the student, such as class participation or attendance. In such situations, the professor can turn in grade adjustments by name to the Registrar who then makes the change. Or the professor can make the adjustment after viewing a list of exam scores by name.

University of Georgia (ranked 30)
- http://www.law.uga.edu/student-handbook#part6
- Anonymous - All J.D. exams, whether take-home or timed in a classroom, will be graded anonymously.
- Grade Change - A grade change (other than a change from an Incomplete) will be approved by the Associate Dean for Academic Affairs only in situations where the instructor has discovered a ministerial error such as mistaken computation or transcription. A re-reading of a single paper or small subset of papers by the instructor will not justify a grade change. After discussing the grade with the instructor, a student dissatisfied with a course grade may file an appeal in writing with the Dean of the Law School within 30 days of posting of the grade. The assignment of grades for a course is within the broad discretion of the instructor. Accordingly, for an appeal to be successful the student must demonstrate that the grade was produced by: 1) a ministerial error by the instructor; or 2) improper or unprofessional bias of the instructor against the particular student.

University of Washington (ranked 30)
- https://www.law.washington.edu/students/academics/grading.aspx#Anon
- Anonymous grading (and performance) - Anonymous grading shall apply to all examinations and papers. If a professor chooses to use class performance as a component of the overall grade, he or she shall irrevocably report that component for all students to Student Services for factoring in the overall grade before release to the instructor of the examination grades. Course grades should be calculated by the professor after examination grades have been turned in.
- Change of Grade - Except in case of error, no instructor may change a grade that he or she has turned in to the Registrar. Grades cannot be changed after a degree has been granted.

University of Wisconsin – Madison (ranked 30)
- https://law.wisc.edu/current/rules/appendix_b.html
- Change of Grades - I have instructed the office staff in the office that after that time, they do not have any discretion to change grades except upon a statement from the instructor, in writing for the file, that there was a purely mechanical or arithmetical error. Any other
changes in the grades will be made thereafter by the office staff only on instructions from me. If you think there is a case for reopening a grade based upon an error in judgment, please address a memorandum to that effect to me.

University of Colorado – Boulder (ranked 36)
- https://www.colorado.edu/law/academics/rules-law-school
- Blind grading policy is on p. 25 (§ 3-3-4 Grading, subsection F)
- Faculty are not allowed to see names associated with anonymous numbers until they have turned in grades to the school.

University of California – Davis (ranked 39)
- https://law.ucdavis.edu/registrar/examination-information.html
- Examinations are identified by an anonymous number system.

University of North Carolina – Chapel Hill (ranked 39)
- http://www.law.unc.edu/academics/policies/evaluation/
- Grade changes and appeals - Except for grade changes secured through the grade appeal process, faculty members may change grades posted by the University Registrar only when an arithmetic, recording, or clerical error is involved.
- All grade appeals must be filed in writing within 60 days of the student's receipt of the grade. A copy of the grade appeals procedure may be requested from the Associate Dean for Academic Affairs.

College of William and Mary (Marshall-Wythe) (ranked 41)
- If a professor bases the final grade in a course in whole or in part on written assignments other than "traditional" exams, these written assignments should be graded anonymously except where the assignment involves student-faculty interchange that in the faculty member's judgment makes anonymity for all students impossible. Professors must announce their grading practices during the add/drop period.
- In upper-level elective and seminar courses, your academic work may be graded entirely by an exam or paper; or the professor may factor with the exam or paper grade, any of the following or combination of the following: in-course assignments, quizzes, classroom participation
- If a professor bases the final grade in a course in whole or in part on written assignments other than "traditional" exams, these written assignments should be graded anonymously except where the assignment involves student-faculty interchange that in the faculty member's judgment makes anonymity for all students impossible. Professors must announce their grading practices during the add/drop period.
George Mason University (ranked 41)
- [https://www.law.gmu.edu/academics/regulations](https://www.law.gmu.edu/academics/regulations)
- Appeals of Course Grades - The instructor may raise or lower a grade only with the approval of the Academic Standing and Student Affairs Committee. That committee will approve a grade change only after determining that the original grade was clearly erroneous because of (a) clerical error, or (b) defective construction or evaluation of the examination.
- Anonymous - To the extent practicable, all examinations are to be graded anonymously.
- Participation
  - Maintenance of matriculation requires regular class participation and attendance, registration in the course of study required for the status and program the student has selected, successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.
  - In courses that emphasize oral skills (e.g., trial or appellate advocacy), class participation may constitute a substantial portion of the final course grade. In courses that are evaluated primarily by written examination and/or papers, class participation adjustments ordinarily will be limited to a discretionary single-increment adjustment either upward or downward (e.g., from B to B+ or from A- to B+).

University of Illinois – Urbana-Champaign (ranked 44)
- Anonymous Grading - The College of Law uses an anonymous grading system for all final examinations and, at the professor’s option, for other written exercises as well.
- Grade Changes - Once a faculty member has submitted his or her final grades to the College’s Director of Student Records, no changes can be made subsequently, except in case of computational errors.
- Participation - The instructor may turn in a list of final exam raw scores linked to anonymous exam numbers, and receive back from the Student Records Office a list of raw scores linked to students’ names. Faculty members may then use these lists to compute final grades, taking into account class attendance, class participation, or other factors such as classroom exercises. Professors choosing this option must disclose that fact to their class at the beginning of the semester.

University of Utah (Quinney) (ranked 44)
- [https://www.law.utah.edu/students/student-handbook/grading-system/](https://www.law.utah.edu/students/student-handbook/grading-system/)
- Grade Appeals - A student may appeal a grade received in any course in accordance with the grade appeal procedures found in the Student Code, Policy 6-400, Section IV-Student Academic Performance.
- [https://www.law.utah.edu/students/student-handbook/exam-policies/#numbers](https://www.law.utah.edu/students/student-handbook/exam-policies/#numbers)
- See sections 1 (student anonymity) and 3 (exam numbers)
- **Student Anonymity:** The policy of anonymity on examinations is intended to protect the student taking the examination, the professor grading the examination, and all others who may be affected by grades given on the examination (including other students). Students share responsibility to maintain anonymity on examinations. Violation of the anonymity policy standing alone, however, will not be the basis for disciplinary action. Seminars, clinical courses and other courses for which law school credit is offered but which do not require in-class exams will be exempt from anonymous grading procedures.

- **Exam Numbers:** Students will be issued an exam number each semester to be used for identification purposes on exams in lieu of names and/or social security numbers. New exam numbers are available in the front office prior to the exam period. Students taking exams must obtain an exam number and sign an honor code statement each semester.

**Florida State University (ranked 48)**

- [http://www.law.fsu.edu/docs/default-source/academic_rules/academic_rules_policies.pdf](http://www.law.fsu.edu/docs/default-source/academic_rules/academic_rules_policies.pdf)
- Blind Anonymous Grading System p.49-50
- 5.1 Blind Anonymous Grading System (BAGS) All College of Law examinations are anonymously administered and graded pursuant to the Blind Anonymous Grading System (BAGS). Other graded work may, in the discretion of the instructor, be administered and graded pursuant to the BAGS system. 5.1.1 Assignment of BAGS Number Each semester, the Office of Admissions and Records will assign a BAGS number to each student. Students must use their BAGS number to identify their examination papers in all courses subject to blind grading and must not use their name or any other personal identification on their examination papers. A single BAGS number is used by each student for all final examinations taken during the semester. 50 5.1.2 Assignment of Additional BAGS Numbers Additional BAGS numbers will be assigned to students in courses with a midterm examination or other multiple evaluative instruments that are subject to blind grading. 5.1.3 Consequences of Failure to Follow Rule. An instructor may decline to grade a student’s examination if the student’s name or other personal identification appears on the examination paper.

**University of Arizona (Rogers) (ranked 48)**

- Anonymous - New midterm and final examination numbers are distributed each semester. These examination numbers are randomly generated and replaced twice each semester. The purpose of this process is to insure anonymity during grading.
- Change of Grade, Participation - Faculty members who wish to award credit in the grading process for class participation should consult with the College of Law Registrar to devise a method of anonymous grade adjustment. For example, an instructor may submit raw examination scores assigned by student examination numbers to the Registrar along with a list of names of students who are to receive extra credit, expressed in points, for class participation. The Registrar may then add the points to the students’ raw examination
scores and return the list of all scores by examination number to the instructor, who then may calculate and award the final grades. Faculty members may not adjust for class participation after grades are no longer anonymous in any class based on anonymous grading. Any adjustment of grades because of class participation or other basis must be done before applying the mandatory curve or the mean GPA requirement.

University of Maryland (Carey) (ranked 48)

- [https://www.law.umaryland.edu/facultystaff/guides/facultyguide.html](https://www.law.umaryland.edu/facultystaff/guides/facultyguide.html)
  - Requires log-in information for:
    - Grading Guidance
    - Grading System

- [https://www.law.umaryland.edu/studentresources/policies/standards.html#all](https://www.law.umaryland.edu/studentresources/policies/standards.html#all)
  - Grade Grievance Procedure - A. In the grading of coursework by their instructors, the students of the School of Law are entitled to a good faith evaluation of their actual course performance founded on an articulated standard. Grading, however, fundamentally falls within the professional judgment of the individual instructors for courses at the School of Law. As a result, the grade an instructor assigns to a student’s work is normally final. A grade may be changed only (a) by the instructor if a computational or recording error has been made, or (b) pursuant to this Grievance Procedure when it is determined that the grade was arbitrary or capricious. B. If a student believes that a grade is arbitrary or capricious, he or she may challenge the grade only by initiating a grade grievance pursuant to the following procedure.
Proposal for a Seven Semester J.D. / LL.M. Tax Dual Degree Program

This proposal is for a Seven Semester J.D. / LL.M. Tax Dual Degree Program as further described below. Interested J.D. students would apply in their 2L year. Applicants must show an aptitude for taking and completing graduate level taxation courses to be admitted. If accepted, they would begin dual LL.M. and J.D. coursework in their 5th semester (Fall semester in 3L). At the satisfactory completion of the requirements for both degrees, both a J.D. and LL.M. degree would be conferred at the end of their 7th semester.

J.D. students interested in taxation subjects but not in the dual degree program would continue to take courses that are specifically designed for and part of the normal J.D. curriculum on their path to only a J.D. degree. Similarly, J.D. students, as is the current practice, would only be allowed to take courses in the LL.M. curriculum in extraordinary circumstances with permission of the instructor and upon approval by the Director of the Graduate Tax Program.

Background

In 2016, members of the faculty with scholarly or teaching interests in the law of taxation Programs began discussing the development of a Seven Semester J.D. / LL.M. Tax Dual Degree Program. Various members of the faculty have discussed the concept with representatives of leading tax programs at various times in the past to better understand the feasibility and desirability of such a program. The dual programs at other institutions have been reviewed.

The Florida Alumni Tax Advisory Committee ("FATAC") has also been consulted. FATAC endorsed including the concept of a Seven Semester J.D. / LL.M. Dual Degree Program into the Strategic Preeminence and Succession Plan for the Graduate Tax Program. The concept endorsed by FATAC would consist of two years of J.D. course work, followed by the one-year of course work in the LL.M. program based upon the normal LL.M. curriculum, followed by one final semester to complete the J.D. courses. FATAC was concerned that the proposal should preserve not only the structure but also importantly the culture of the tax program by allowing the students to start in and participate in the LL.M. program at the same time as the other LL.M. students. This proposal maintains the culture of the program by having dual degree students begin the program in the fall, but it allows for flexibility in the 6th and 7th semesters to complete both the LL.M. and the J.D. program in a way that best suits each student's needs. The FATAC meeting also highlighted the importance of maintaining an adequate curriculum of summer courses to allow the both J.D. and LL.M. students some additional time and flexibility to complete the program requirements.

Benefits

1
Adoption of the Dual Degree J.D./LL.M. proposal provides advantages to both the College of Law generally and to the Graduate Tax Program. The primary benefit is that the Dual Degree program may attract additional J.D. students interested in pursuing a tax degree who would not otherwise have the resources to attend a separate LL.M. program after completing their J.D. program. A seven semester dual degree program would reduce both the time and the cost of obtaining both degrees. Moreover, the top tax J.D. students at UF would have a powerful incentive to stay at UF for the LL.M., rather than attend a different LL.M. program, if it can be done smoothly and efficiently. Additionally, the program could improve employment opportunities for our graduating class due to the high demand for students who are proficient in taxation.

Proposed Dual Degree Course of Study

As noted above, the concept and structure proposed require that students undertake two years of typical J.D. course work (the student’s 1L and 2L years), during which they would need to take at least two J.D. level tax courses and receive suitable grades that show an aptitude for tax, and maintain the requisite GPA. Upon application in the spring of the 2L year and admission to the program, students would then take at least three foundational LL.M. tax courses in the 5th semester, together with all entering LL.M. tax students who are following the traditional path. Upon satisfactory completion of the foundational courses, dual degree students would take a mix of upper-level specialized LL.M. tax classes and J.D. non-tax classes during their 6th and 7th semesters. Although it is anticipated that students will take most of their remaining LL.M. classes during their 6th semester, the program is flexible enough to allow them to take both J.D. and LL.M. classes in both 6th and 7th semesters to accommodate their interests and the fact that many upper level J.D. classes are offered only one semester per year.

While the program contains elements that are similar to those at other universities,1 the Tax Faculty seeks to, as much as possible, be consistent with and help preserve the unique culture of our Graduate Tax Program, whose widely-recognized and respected founders sought from the beginning both to utilize concepts from the programs from which they came but yet to create a program that was different and somewhat unique as a model for the University of Florida in Gainesville, Florida. One of the most important aspects of that tradition is the culture of collegiality that comes with spending an entire year in residence in a program with numerous shared classes. The flexibility of this program continues this tradition while not locking the students into an inflexible curriculum that hampers their J.D. experience. Because students take both J.D. and LL.M. classes throughout their 6th and 7th semesters, they will continue to experience the

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1 New York University School of Law ("NYU") offers a program that allows J.D. students the opportunity to obtain the J.D. and LL.M. in Taxation degrees in a total of seven full-time academic semesters. The requirements for the NYU LL.M. in Taxation for these dual degree students are generally the same as for students matriculating for the LL.M. degree after completing a J.D. program. The one semester reduction through this program is accomplished by giving credit for graduate tax courses taken in the LL.M. Program toward the J.D. degree. J.D. Students currently enrolled at another accredited American law school may apply to NYU to participate in their dual degree tax program. See appendix of NYU, Georgetown, and Northwestern’s dual degree program.
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camaraderie of the LL.M. program, but will have the flexibility to continue taking J.D. classes with their J.D. peers throughout their 5th, 6th, and 7th semesters as well.

Because the program is new, the committee recommends a review of the program be completed after two years and that the first class be admitted for the 2019/2020 academic year (with current 1Ls eligible to apply in the spring of their 2L year).

Requirements of the Dual Degree J.D./LL.M. Program:

- Only J.D. students whose credentials reflect aptitude for taking technical taxation courses will be admitted into the dual degree program. We currently offer numerous J.D. taxation courses of which LL.M. applicants must have successfully completed at least two (minimum of 6 credits) with a final grade of a B+ or better to qualify, except upon approval of the Director of the Graduate Tax Program who may waive this requirement (admission to the program will be determined using the same procedure as for regular LL.M. candidates, see below). Students must also have a GPA for their first three semesters of their J.D. program that is commensurate with the GPAs of regular LL.M. students.
- J.D. students would apply during the spring semester of their 2L year and be admitted into the dual degree program at the end of their 2L year to complete the LL.M. degree requirements in their 5th, 6th, and 7th semesters, simultaneously with their remaining J.D. requirements. Dual degree candidates would follow the same admissions procedure as regular LL.M. candidates; namely, consideration and approval by the Graduate Tax Admissions Committee and by the Director.
- J.D. students at other institutions could apply to the dual degree program during spring of their 2L year as well. Such students would need to apply to be a visiting student in the J.D. program and would complete their J.D. courses at UF simultaneously while earning the LL.M. degree. Their J.D. degree would be conferred by their original institution unless they applied to, and successfully transferred to, UF. The UF LL.M. degree could not be conferred upon these students until confirmation that they had successfully received the J.D. from their home institution.
- All requirements for the LL.M. degree in the regular course of study would be required for the dual degree students, including completion of 26 credit hours in LL.M. courses in residence at the College of Law and completion of a 2 credit hour LL.M. Federal Tax Research seminar and written project paper in the spring or following semesters. Dual degree students must take at least 9, but may take as many as 13, of those 26 required LL.M. credits in their 5th semester, spreading the rest throughout their 6th and 7th semesters. Thirteen LL.M. tax credits would count toward the J.D. degree to enable the students to meet the 88 credit J.D. degree requirement. Depending on the completion of the J.D. credits, the student might complete the J.D. after the 6th semester and the LL.M. after the 7th semester, or might complete both degrees at the end of the 7th semester. In no case may a student be granted an LL.M. degree before the J.D. degree.
- Because most of the Fall LL.M. courses are considered foundational to later more-advanced or specialized courses, matriculation into the LL.M. program curriculum must occur in the Fall of the 3L year, during which the student would take 9 – 13
hours of those courses along with the cohort of newly admitted regular LL.M. students.

- In the Spring (6th) semester and Fall (7th) semesters, students would be required to take 13-17 credits of LL.M. tax classes and 13-17 credits of regular J.D. classes, depending on the number of LL.M. tax credits taken in the 5th semester and remaining J.D. credits needed to complete the J.D. degree. It would be anticipated that the student would complete a majority of these LL.M. credits in the 6th semester, given the available curriculum of advanced or specialized courses. But, there are advanced tax LL.M. courses offered in the fall semester from which a dual degree student could take classes, and there must be sufficient flexibility to allow students to take upper level J.D. classes when they are available. Dual degree students would also be eligible to take graduate tax courses in the summer, as available, between their 6th and 7th semesters, just as regular LL.M. students may do.

- Students enrolled in LL.M. courses would be graded according to standards applicable to those courses. The thirteen hours of LL.M. course credits allowable to meet the requirements of the J.D. degree would be counted for purposes of the J.D. requirements on a pass/fail basis.

- Beginning in the fall of 2018, J.D. students are required to complete 6 credit hours in experiential courses (ABA Standard 303(a)(3)). LL.M. level courses that meet the requirements of Standard 303 may count toward the experiential learning requirement for the J.D. If the student does not take any LL.M. experiential learning courses, the dual degree student would need to take sufficient J.D. level courses to meet this requirement. There is currently no requirement that experiential courses be graded on a pass/fail basis, and there is no limit to the number of pass/fail credits a J.D. student can take to graduate. Most likely, it would be very difficult for a dual degree student to take the maximum number of externship credits (12) on a pass/fail basis and complete the dual degree requirements.

- Dual degree students are eligible to apply for a Tax Review scholarship when they apply to the program, just as regular LL.M. applicants apply. The Tax Review scholarships are limited to semesters 5 and 6 of the program (so that all student editors participate in editing one volume of the Tax Review). Students who have joined one of the J.D. law reviews (such as Florida Law Review) may continue with that journal during semesters 5 and 6, except that any students who join the Florida Tax Review must resign from any J.D. law review or seek a waiver from the faculty advisors of both law reviews to participate in both.

List of Current LL.M. Level Classes Taught in the Past Two Years

**Summer 2017**
Estate Planning
Partnership Taxation

**Fall 2017**
Corporate Taxation I (LLM)
U.S. International Tax I (LLM)
Income Tax Treaties (LLM)
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Tax Exempt Organizations (LLM)
Taxation of Property Transactions (LLM)
Taxation of Gratuitous Transfers (LLM)
Tax Policy (LLM)
Civil Tax Procedure (LLM)

Spring 2018
Advanced Topics in Tax of Estates and Trusts (LLM)
Corporate Taxation II (LLM)
European Taxation (LLM)
Income Taxation of Trusts & Estates (LLM)
International Tax Policy Practicum
Partnership Taxation (LLM)
Procedures in Tax Fraud Cases (LLM)
Professional Responsibility and Other Practice Issues for Tax Advisors
Research Seminar: International Tax
State & Local Taxation (LLM)
Tax of Financial Instruments (LLM)
Tax Planning and Reporting Issues for Cross-Border Transactions (LLM)
Timing Issues in Taxation (LLM)
Transfer Pricing (LLM)
U.S. International Tax II (Inbound) (LLM)
U.S. International Tax III (Outbound) (LLM)

Summer 2018
Estate Planning
Partnership Taxation

Fall 2018
Civil Tax Procedure
Corporate Taxation I
Income Tax Treaties
Tax Exempt Organizations
Tax Policy
Taxation of Gratuitous Transfers
Taxation of Property Transactions
U.S. International Tax I

Spring 2019
Corporate Tax II
European Taxation (Compressed)
Income Taxation of Trust & Estates
International Tax II Inbound
International Tax II Outbound
Partnership Tax
Procedures in Tax Fraud Cases
Final Draft 4-10-18

Professional Responsibility for Tax Advisors
State and Local Taxation
Tax Colloquium
Tax Planning and Reporting Issues for Cross-Border Transactions
Tax Policy Research Seminar
Tax Timing
Transfer Pricing

Costs

Because the dual J.D./LL.M. degree program does not constitute a “new” degree program under ABA guidelines, we anticipate no additional costs to this program because the core of the curriculum requirements would be our existing LL.M. curriculum and would only require a commitment to continue to support the curriculum at the present level. The current LL.M. faculty, staff, and curriculum should be able to accommodate the number of expected additional students.

If, however, the dual degree program were deemed a new degree program by the ABA, we would anticipate a one-time charge of approximately $6,000 for ABA Review.²

It is unclear at this time how block tuition would affect the dual degree program, or the rest of the College’s programs for that matter. Scholarships would apply as stated in the scholarship letter, or might be adjusted if necessary. For instance, a student who received a scholarship of 60% reduction in tuition for the J.D. would be entitled to a 60% reduction in tuition for 6 semesters, and would presumably pay full price for the 7th semester.

Other Approvals Needed and Timing

If the faculty approves the proposal, the next step would be to obtain other necessary approvals from the University and the ABA. Advertising and recruiting would begin as soon as possible after the necessary approvals are obtained, but no earlier than the fall of 2018, with the first applicants being considered for admission no earlier than the spring semester of 2019.

Program Review

Assuming the necessary approvals are met within the above deadline, the dual degree program would admit its first students in the academic year 2019-2020. The dual degree program shall be reviewed after two years of operation, which would presumably be in the spring semester of 2022, after two classes of dual degree students would have

² The ABA requires an initial review of all LL.M. programs but no longer requires a site visit. This review currently entails charges and fees of approximately $6000. It would not appear, however, that the program constitutes a new LL.M. program, but the dual degree program may require a review and approval.
graduated. If no students are admitted to the dual degree program in the fall of 2019, program review would occur no earlier than five semesters and no later than seven semesters after the first student is admitted to the program. Program review should consider the experiences of the dual degree students, their employment and placement record, the financial costs and benefits to the College of Law and the Graduate Tax Program, as well as the effects, if any, on the J.D. program. The program review should also consider the effects of the program, if any, on the summer curriculum. The program review should also consider the effects of the program, if any, on the need for additional LL.M. summer courses.

Attachments
Attachment B: Descriptions of the Dual Degree J.D./LL.M. programs at NYU, Ge ogetown, and Northwestern.
ATTACHMENT A

MINUTES – FATAC Subcommittee on Curriculum & Proposed Joint Degree (J.D./LL.M.)
Proposal
December 12, 2016 – 3:00 PM

I. Welcome and Historical Overview

Michael Minton attended by phone and opened the meeting at 3:00 PM welcoming those in attendance, which included: Bill Turner, who coordinated the meeting; Prof. Lee-ford Tritt; Prof. Dennis Calfee; Prof. Karen Burke; Dean Lyrissa Lidsky; and Prof. Steven Willis and Lou Nostro (both also by phone). After brief introductory remarks, Professor Calfee provided the historical overview of the Graduate Tax Program now in its 42nd year since it was established by Professors Jack Freeland and Dick Stephens as a part of the graduate school at the University. He summarized the collective success of the Program over the last four decades producing gainfully employed tax attorneys, over 100 graduates who are now teaching tax in academia and in excess of 200 adjunct professors across the country. The Program was established as a 1-year residency program with full-time professors and requiring a master’s thesis in essence with the Federal Tax Research course being required to complete the degree to distinguish itself from the other tax programs then providing such degree, most notably NYU. He also summarized the evolution of the International Tax Program and did a brief overview of the current curriculum. A question was raised by Prof. Willis as to when the curriculum ceased to require certain courses other than the masters thesis. It was suggested that the decision to move away from required courses should be reconsidered in light of the curriculum discussions of this Committee.

II. Culture of the Program

There was significant discussion about the relationships developed among the members of a class and the camaraderie that was fostered where one class stayed together throughout the Program. This was contrasted, however, with the likely development of other relationships that may exist if the classes were mixed with J.D. and LL.M. students. It was noted that those professors who went through other programs found that they made similar lifelong relationships when classes were comingled as they have experienced with homogenous classes.

III. Proposed Joint Degree - J.D./LL.M. Proposal

Michael Minton first acknowledged the wealth of materials that Dean Lidsky provided to the Committee which summarize the variety of dual degree programs offered by the top 10 tax schools in the country other than UF, a copy of which is attached. It was very helpful to all members of the Committee. Prof. Burke then shared her experience working at the University of San Diego which had a joint
J.D. and LL.M. program (7 semesters) and she noted that rarely were students able to complete it in that time period. She added having a robust selection of summer courses was necessary to complete the curriculum and provide necessary options for the students. It was noted having on-line programs could supplement the available courses. Prof. Burke also noted that the J.D. students still needed to have courses made available to them in tax where the J.D. students have no intention of seeking a graduate tax degree. Any restructuring done should not reduce the courses that are made available to purely J.D. students. Finally, she noted the most challenging part of a joint program was the sequencing of courses and scheduling.

A question was raised as to what was the goal in establishing a joint J.D./LL.M. program and whether it was primarily to:

1. help J.D. students graduate sooner and be more marketable;

2. address the U.S. News & World Report ranking issue associated with post-graduate J.D. students attending an LL.M. program; or

3. is it revenue driven?

We next spent time discussing the fiscal impact of such an expedited program — how to quantify the fiscal impact?; who would bear the burden of any lost revenue?; and whether there would be an opportunity to charge a premium hourly credit cost for students who wish to participate in this joint degree program.

Steve Willis raised many good issues regarding the fiscal impact, citing both positive and negative aspects of such a change to the current Program and questioning whether the State Legislature would authorize premium credit for a joint program and if so, whether the Administration would allow the Law School and Graduate Tax Program retain such revenue?

There was discussion regarding whether such a joint J.D./LL.M. program created some unique marketing opportunities. Could it be used to attract better quality J.D. students who wish to avail themselves of the opportunity of the fast track program and might it be used to attract quality transfer students after the first year of their J.D. program elsewhere? There may also be some concerns to address regarding the optics to other universities as to the marketing of such a Program to students at other universities where they have not yet completed their full J.D. curriculum.

While much of the discussion focused on the concept of a 7-semester program, Prof. Burke made the suggestion that perhaps we should be looking at a 2-year J.D./1-year LL.M. program where the 3rd year of J.D. curriculum was the LL.M. program, such that the students did stay together with the other LL.M. students matriculating from other law schools. This would allow UF J.D. students to take their LL.M. courses in advance of being awarded their J.D. degree which could be
awarded concurrently and allow the LL.M. Programs' credits to count against the credit requirements for the J.D. degree as well as the LL.M. degree. This may result in some J.D. students not completing their J.D. requirements until after the LL.M. program and possibly needing an additional summer semester. This proposal has the opportunity to address many of the goals and objectives as well as the concerns raised regarding such a fast track, dual degree program while avoiding many of the scheduling and sequencing trappings of a 7-semester program.

Lou Nostro shared his experience of graduating with his J.D. in 1982 and practicing before returning to the LL.M. program in 1986, but noted that the practice has evolved and many of the younger attorneys at this firm experienced the compression influences which encouraged students to graduate with both their J.D. and LL.M. degrees sooner than the current 8-9 semester programs allow.

It was discussed that we should analyze the dual degree programs being offered by NYU, Northwestern and Georgetown and how many of their students are joint J.D./LL.M. students since that is our primary competition. How many students are we trying to attract to such a Program (10, 20, or more?) and is there a critical mass necessary in order to offer such a Program.

Finally, Prof. Calfee raised a concern about the impact of such a fast track program upon other law school activities such as Law Review and whether students would have the opportunity to participate and benefit from all of the experiences of law school through a fast track program.

IV. Closing Remarks.

Michael Minton concluded the meeting at 4:40 PM by thanking all who attended for the open discussion of the issues and requested that each Professor in attendance undertake to provide input and outline a section of this portion of the Strategic Preeminence and Succession Plan. He will circulate the agenda noting those who seem to be in the best position to outline that portion of the Plan for comment with the understanding that we wish to circulate an outline to be fleshed out in advance of our January FATAAC meeting. Chair Minton reiterated that he and Lou Nostro were ready, willing and able to assist and comment on this Plan, but this Plan is a product of the Faculty and Administration.
ATTACHMENT B

NYU JD-LLM in Taxation

The Law School makes available to JD students from both NYU School of Law and other accredited American law schools the opportunity to obtain the JD and LLM degrees in a total of seven semesters of full-time study. The JD-LLM in Taxation takes only seven semesters to complete (instead of eight) because the Graduate Tax Program allows students to count graduate tax courses taken at NYU School of Law as JD students towards the LLM in Taxation degree.

The 24 credits required for the LLM degree must be completed within five years from the initial semester of enrollment in an NYU advanced tax course that will count toward the LLM degree. Students participating in the JD-LLM program must complete at least 12 credits of study as matriculated LLM students after completion of their JD degree. During this post-JD degree period, these students are considered LLM students at the Law School and are subject to the rules and regulations of the Law School applicable to LLM students.

NYU School of Law JD students may apply to the Office of Graduate Admissions during their 2L or 3L year, or shortly following graduation, for admission to the part-time or full-time LLM in Taxation program. Upon review of an applicant’s complete materials, the Committee on Graduate Admissions will determine both eligibility for and admissibility to the JD-LLM in Taxation program.

Students currently enrolled at another accredited American law school who wish to complete the JD-LLM in Taxation program must apply during their 2L year to the Office of JD Admissions as a Third Year Visiting/Non-Matriculant student. If admitted as a non-matriculant, it is expected that the student will complete 12 credits of advanced tax courses while in residence at NYU, and the student’s JD degree will be awarded by his or her “home” institution upon completion of the 3L non-matriculant year at NYU. Admission as a 3L non-matriculant does not assure or guarantee admission to the LLM portion of the joint degree program. Rather, during the 3L non-matriculant year, the student must apply to either the part-time or full-time LLM in Taxation program. The Committee on Graduate Admissions will then determine eligibility and admissibility to the JD-LLM in Taxation program.

JD-LLM in Taxation students who receive their JD from NYU are also eligible to apply for a Tax Policy Fellowship. Each year one or two students are provided a stipend to help finance a six-month internship either with the Office of Tax Policy in the US Treasury Department or the Congressional Staff of the Joint Committee on Taxation. The internship is taken at the completion of the student’s third year in the JD program, and the student returns to NYU School of Law the following spring to complete the joint degree requirements. A full-tuition scholarship is provided for this final semester. Those interested in the Tax Policy Fellowship must apply during their 3L year to the Graduate Tax Program for fellowship consideration and to the Office of Graduate Admissions for the full-time LLM portion of the joint degree program.

Detailed Requirements

Upon receipt of the JD, an NYU Law Dual Degree candidate will be admitted officially to the LLM program and will be given credit for advanced tax courses successfully completed while pursuing the JD. This is not technically a "dual degree" program in that a student does not formally become a candidate for the LLM degree until after they have received their JD degree. In compliance with ABA standards, the student's admission to the LLM program is contingent upon receiving the JD degree. No exceptions will be made to this requirement. Visiting third year JD students only will receive credit for advanced tax classes taken at NYU Law. Such non-matriculants should visit the Graduate Tax
Program office on the 3rd floor of Furman Hall for more information. The term "advanced tax courses" includes all tax courses except Income Taxation. This advanced credit enables the student to earn the LLM degree after a minimum of only one additional semester of full-time study.

Please note, at this time, online courses in advanced tax are not open to JD students. When completing the LLM degree, it is the responsibility of the students taking online courses to determine whether and to what extent their decision to take such courses will impact their ability to practice in their jurisdiction of choice. Additionally, foreign students should consult with the OGS to determine the effect of online classes on their visa status.

Part-time or Full-time

After completing the JD, a student in the Dual Degree Program may pursue the LLM either on a full-time or part-time basis. On a part-time schedule, Dual Degree Program participants can complete the LLM in as few as two semesters. A student may take as long as 5 years to complete the LLM requirements on a part-time basis. The 5 year period begins to run at the time the candidate took his or her first advanced tax course as a JD student.

Requirements

All of the requirements of both the JD (82 credits) and the LLM (24 credits) must be satisfied by joint degree students. Additionally, dual degree students must take 20 of the required 24 LLM credits in advanced tax courses. Only advanced tax courses taken as a JD may double-count toward the LLM Non-tax classes taken while a JD student do not count towards the LLM. The other 4 credits may be taken in any upper-level course offered in the Law School.

All candidates must complete a course in tax procedure and a course in tax policy. Even if a candidate plans to finish the degree on a part-time basis, they must satisfy both the tax policy and procedure requirements. This is in contrast to other part-time LLM students who need not satisfy the policy requirement. Beyond these two course requirements and attending a tax research workshop that is offered each fall during the day, dual degree candidates are free to design their schedules to meet their individual needs.

Regardless of how many advanced tax courses a student takes while pursuing his or her JD degree, after being awarded the JD degree, they must take 1 additional semester of full-time study (or its equivalent, i.e., 12 credits) to earn the LLM (in Taxation).

Examples

If a student took 15 credits in advanced tax courses while a JD student, then they must still take 12 credits after receiving the JD. However, only 5 of the remaining 12 would have to be in advanced tax classes.

If a participating NYU Law student took 12 credits of advanced tax courses while pursuing their JD degree, they would need only 12 additional credits to complete the requirements of the LLM degree, for a total of 24 credits. At least 8 of the 12 post-JD credits must be in advanced tax classes.
Final Draft 4-10-18

Writing Requirement

There is no independent writing requirement for students in the dual degree program. With permission, students may receive up to 2 credits for a Directed Research Project supervised by one of the tax faculty. No exceptions can be made to the maximum of 2 credits for directed research.

Suggested Schedule

First-year students should take Income Taxation during the fall semester of their second year. This will enable them to take a second tax course (probably Corporate Tax I & II) during the spring semester.

Second-year students should plan their last three semesters of study now because some advanced tax courses are offered only one semester each year, and other advanced tax courses are offered during the day only one semester each year. Courses students may want to consider taking during their third year include:

- Taxation of Property Transactions (3 credits). We highly recommend that if students are going to take this course, they take it during the fall semester. Mastery of the material in this course is necessary to appreciate fully many areas of the tax law.

- Corporate Tax I & II (4 credits). This course is offered both semesters during the day.

- Timing issues and the Income Tax (2 credits). There is no compelling reason for a student to take this course during their third year. If, however, a student does decide to take this course during their third year, we highly recommend that they take a day-time session.

- Tax Policy (2 credits). As mentioned above, all Dual Degree candidates must take one of our tax policy offerings. This required course is offered every semester, but only during the day. Because none of the tax policy classes is offered in the evening, if a student is planning to complete the requirements for the degree part-time, they should take this course during their third year.

- Tax Procedure (1 or 2 credits). Please note, the 1 credit course may only be offered in the fall during the day and the 2 credit course may be offered in evenings in the fall.

- Partnership Taxation (3 credits). This course is usually offered every semester.

- Estate and Gift Taxation (2 or 3 credits). This course is offered in the fall.

In addition to the above suggestions, there are numerous other courses that students may want to take, depending on their interests. Therefore, we recommend that students make an appointment with the Director of the Graduate Tax Program, who will work with them to devise a schedule that will meet their particular needs. Additionally, students should also feel free to discuss their schedule with any member of the Tax Faculty.
Georgetown Joint J.D./LL.M. in Taxation

The joint J.D./LL.M. degree program in Taxation enables Georgetown students and students from other accredited U.S. law schools to earn a J.D. degree and an LL.M. in Taxation in a total of seven full-time semesters.

The requirements of the Tax LL.M. degree for joint degree students are the same as for students who matriculate in Georgetown's LL.M. program after completing their J.D. degree (24 academic credits, of which 20 must be in eligible tax-related courses). Among the 20 credits of eligible tax-related courses, students must complete the following: (1) Corporate Income Tax Law I or Corporate Taxation, (2) Income Tax Accounting and (3) Basic Principles of Finance. However, joint degree students are eligible to complete the LL.M. degree requirements in one semester rather than two, because the program permits them to count 12 credits in tax courses toward both the J.D. and the LL.M. degree. Students apply to the J.D./LL.M. joint degree program at the end of their second year. During the J.D. phase of the program, joint degree students must take 12 credits in qualifying tax courses, and these courses will count toward their J.D. degree and toward their Tax LL.M. degree. For this purpose, "qualifying tax courses" means all courses (including J.D.-level courses) that are listed in the online Curriculum Guide as counting toward the specialization requirements for the Tax LL.M. degree. Taxation I, which is a prerequisite to matriculation into the Tax LL.M. program, cannot be included among the 12 credits that are counted.

After receiving their J.D. degree, joint degree students will need to complete only 12 additional academic credits (of which at least 8 must be in qualifying tax courses) in order to fulfill the requirements of the Tax LL.M. degree. All of these additional credits must be completed at the Law Center. Joint degree students are expected to begin the LL.M. phase of the program in the fall semester immediately following receipt of their J.D. degree. Students attending full-time will typically complete the LL.M. degree requirements during that semester. Students attending part-time are expected to complete their degree requirements within two years following their J.D. graduation. Under exceptional circumstances, a student who has been admitted to the joint degree program but is unable to start the LL.M. phase of the program in the Fall semester immediately following the conferral of his or her J.D. degree may request a deferral until the following spring or fall semester.

Application Procedure for Georgetown J.D. Students

Students currently enrolled in the Law Center's J.D. program should apply to the J.D./LL.M. in Taxation joint degree program at the end of their second year of law school. Students must have completed Taxation I before the end of that semester in order to apply. Georgetown J.D. students interested in the joint J.D./LL.M. program are encouraged to take Taxation I during the Fall semester of their second year, and Corporate Taxation during the Spring semester of that year, so that they may explore upper-level courses in Taxation during their third year and LL.M. semester. The
application form and deadlines for Georgetown J.D. students are available on the Joint LL.M. Degree Programs Admissions page.

*Application Procedure for J.D. Students at Other Accredited U.S. Law Schools*

Students currently enrolled in a J.D. program at another law school may apply for admission to Georgetown Law's J.D./LL.M. in Taxation joint degree program. Students who are admitted to the program must apply to attend Georgetown as visiting students for their entire third year. Visiting students must take 12 credits in qualifying tax courses while visiting at Georgetown. Courses taken at the applicant's home school will not count toward the LL.M. degree. Those credits count toward the student's J.D. degree (which would be awarded by the law school from which the student visited) and toward the Tax LL.M. degree (which would be awarded by the Law Center upon successful completion of the required additional LL.M. credits).

**Please Note:** An application to attend the Law Center as a visiting student will not be considered unless the law school from which the applicant is visiting authorizes the student's attendance and agrees to transfer the credits earned at Georgetown Law.

A visiting student seeking admission to the J.D./LL.M. joint degree program in Taxation must have completed Taxation I (or an equivalent introductory course in individual income taxation) during the first two years of his or her J.D. program. Successful completion of additional tax courses, although not required, will be viewed as a factor favoring admission. Students seeking admission to the J.D./LL.M. joint degree program from another law school should follow the instructions for Visiting Students on the Admissions webpage. The application deadlines for fall-semester visiting students will apply. In the personal statement, the applicant should list his or her intention to pursue the joint degree program in Taxation as the primary reason for requesting admission as a visiting student. The applicant will be admitted as a visiting student only if the applicant is accepted into the joint degree program.
Northwestern JD-LLM Joint Degree in Taxation

The Joint JD-LLM in Tax Program is open to both current Northwestern Law students and students at other ABA-approved law schools. Through the joint degree program, students are able to count 14 credits towards both their JD and LLM in Tax degrees, allowing them to complete both degrees in as few as six or seven semesters. Non-Northwestern JD students receive the JD degree from their home institution and LLM in Tax degree from Northwestern.

The Advantages of the Joint JD-LLM in Taxation

By enrolling in the joint degree program, students can maximize their time in law school by earning their JD and LLM in Tax degrees sequentially. Even if joint degree students do not complete the LLM in Tax degree requirements, they will be exposed to the four foundational areas of the modern tax law during the fall semester of their third year of law school. This comprehensive course of study will provide them with the knowledge necessary to enter into the practice of tax law.

Northwestern Joint Degree Tax Students

Admission Process

Northwestern JD students may apply for admission to the Tax Program either as part of the JD application process or by filing a separate application directly with the Tax Program during their first or second year of law school.

Curricular Requirements

Northwestern joint degree students must complete the required 24 credits for the LLM in Tax degree in addition to completing the requirements for the JD degree. Joint degree students may count up to 14 credits of courses in the Tax Program toward the requirements for the JD degree.

In order to earn the LLM in Tax degree, the student must accumulate at least 10 credits from Northwestern in addition to the required 85 credits necessary to obtain the JD degree.

Typical Curriculum Timelines

1. Students complete both their JD and LLM in Tax degrees in three years. Students accumulate the 10 extra credits through summer, intercession, or by taking extra classes throughout the year at Northwestern or another ABA-approved law school. (Total semesters: Six)
2. Students complete their JD in three years while also taking courses for their LLM in Tax degree. Students complete the 10 extra credits on a full-time basis at Northwestern or another ABA-approved law school. (Total semesters: Seven)

3. Students complete their JD in three years while also taking courses for their LLM in Tax degree. Students complete the 10 extra credits on a part-time basis at Northwestern or another ABA-approved law school. (Total semesters depend on the student's part-time schedule)

For more information and to discuss different curriculum timelines, contact Admissions.

Tuition

Full-Time Students:

1. Six Semesters: Students will be charged tuition equal to three years of tuition at the JD rate plus an additional one-semester's tuition for the LLM in Tax degree. This extra charge will be added upon the student's approval during his/her last spring semester.

2. Seven semesters or more: Students will be charged tuition equal to three years of tuition at the JD rate and will be charged a semester of LLM Tax tuition for each additional semester.

Part-Time Students: Students attending on a part-time basis will be charged the tuition for the LLM in Tax degree on a per-course basis as they enroll in additional courses (for a total minimum of one semester of tuition).

For more information and to view current tuition rates, visit Tuition and Financial Aid.

Non-Northwestern Joint Degree Tax Students

Admission Process

Non-Northwestern JD students interested in the joint degree program may apply for admission to the Tax Program during their second year of law school.

Curricular Requirements

Non-Northwestern joint degree students must complete the requirements for the JD degree, mandated by their JD institution and complete the required 24 credits for the LLM in Tax degree.

While a student's home institution may accept all 24 credits earned in the Tax Program in fulfillment of the school's JD requirements, Northwestern will not award the LLM in Tax degree unless the student has accumulated at least 10 credits from either Northwestern or
another ABA-approved law school in addition to number of credits necessary to obtain the JD degree from the student's home institution. For example, if a JD institution requires 85 credits to earn a JD degree, a LLM Tax student must complete 95 credits to earn both degrees.

Students are responsible for determining the extent to which credits earned at Northwestern while enrolled in the Tax Program may be used to satisfy the JD requirements of their home institution.

*Typical Curriculum Timelines*

1. Students visit at Northwestern during their third year of law school to complete the credits required for their JD and LLM in Tax degrees. Students complete the 10 extra credits through summer, intercession, or by taking extra classes throughout the year at Northwestern or another ABA-approved law school. (Total semesters: Six)
2. Students visit at Northwestern during their third year of law school to complete the credits required for their JD and LLM in Tax degrees. Students then return to Northwestern or another ABA-approved law school to complete the 10 extra credits on a full-time basis. (Total semesters: Seven)
3. Students visit at Northwestern during their third year of law school and complete the credits required for their JD and LLM in Tax degrees. Students return to Northwestern or another ABA-approved law school to complete the 10 extra credits on a part-time basis. (Total semesters depend on the student's part-time schedule)

For more information and to discuss different curriculum options, contact Admissions.

*Tuition*

**Full-Time Students:** Students will be charged tuition equal to the annual tuition at the LLM Tax rate if enrolled full-time for one academic year. If students return for more semesters after one academic year, they will be charged one-semester's tuition for each additional semester of coursework.

**Part-Time Students:** Students attending on a part-time basis will be charged the tuition for the LLM Tax degree on a per-course basis as they enroll in additional courses (for a total minimum of one semester of tuition).

For more information and to view current tuition rates, visit Tuition and Financial Aid.