The Graduate Law Program

This fall, the halls of the Law School will echo with many languages besides English. Twenty-eight students, representing seventeen countries, have accepted places for 1990-91 in the Law School's graduate student program. Participants study for the LL.M. (Master of Laws) or M.C.L. (Master of Common Law) degrees in one year of residence at the Law School. In its current form, the program is entering its seventh year but its origins date back almost fifty years.

The first LL.M. degree was awarded in 1942 and the first M.C.L. degree in 1954. Max Rheinstein, Max Pam Professor of Comparative Law from 1942 to 1968, directed the early programs. Under Professor Rheinstein's enthusiastic leadership, the programs offered opportunities for graduate study in four areas. The comparative law program, which was the most similar to the current program, was a one-year introduction to the American legal system for graduates of foreign law schools and earned them the M.C.L. degree. Graduate students with law degrees from certain Commonwealth countries were granted Commonwealth fellowships. They spent one year at the Law School and were awarded the J.D. degree. Then there was a foreign law program, designed to attract outstanding graduates of American law schools. In this program, students spent one year at the Law School studying civil law with Professor Rheinstein and undertaking intensive language studies (French or German), then a second year in France, Belgium, or Germany, attending a university and working for a public institution, such as the EEC.

The final program was designed for graduates of United States and Canadian law schools who wanted to earn an LL.M. or J.S.D. degree in order to qualify to teach, or who wanted to do intensive independent research. These four programs flourished during the 1950s and 60s, funded to a large extent by a grant from the Ford Foundation.

After Professor Rheinstein retired, these programs lay dormant for some years. In 1984, Gerhard Casper, then Dean of the Law School, reinstated the program for graduate students of foreign law schools. He had been an L.L.M. student himself at Yale in the early 60s and felt strongly about the value of offering students from other countries and other legal systems the opportunity to gain an American legal education. Casper appointed Assistant Dean Roberta Evans '61 Director of the program.

"The program was something of an experiment," said Evans. "We had to learn how to interpret transcripts and credentials from schools we knew nothing about in countries whose educational systems were totally different from ours. The first year there were only five students, one Belgian, one German, two Swiss and one Taiwanese."

Over the years Evans has built up statistical data on schools and countries and can now predict which students from schools in which countries are likely to do well, but this does not mean that the program has become restrictive. "Each year we try to broaden the base and invite students from countries who have not previously been represented. We are very proud to be welcoming in 1990-91 our first student from Swaziland." Students in the program take part in regular classes and have a free choice of courses. Students from non-common law countries are advised to take at least one course in torts, contracts, or civil procedure, and a course in constitutional law is recommended to all students. Since all classes are conducted in English, one of the most important requirements for admission is proven ability in English. "All students from non-English speaking countries are required to take the Test of English as a Foreign Language (TOEFL) examination," said Evans. "Poor TOEFL scores can disqualify even the most highly qualified applicants."

The number of law schools offering programs to graduates of foreign law schools is growing and
now numbers around forty-one. In 1986 the group was granted provisional status as a Section in the Association of American Law Schools. Roberta Evans was chair of the section in 1988–89. The section received official status in 1990.

Most students return to their own countries after their year in Chicago, although Evans said that many find it helpful to do some practical training in a U.S. law firm first. Enrollment in an L.L.M. program qualifies students to take the New York bar examination, and some have done this and then joined New York law firms. "I believe that any firm with a commercial practice today must expand internationally," said Evans. "As more and more firms are opening offices abroad, there will be more cases of firms in New York and Washington employing L.L.M. graduates in the U.S. for a period and then sending them to their European offices. Similarly, firms on the West Coast are opening up branches in the Pacific basin."

The program gives students from other countries an excellent opportunity to learn about the way of life in the United States and also introduces the American J.D. students to other cultures. Faculty often call on the international students in class to comment on their experiences in their own countries. The recently formed International and Comparative Law Society holds a reception for the international students and invites them to speak. Most of the L.L.M. students integrate well into the life of the Law School, especially those who have already traveled outside their own countries, and many have formed lasting friendships with American students. All the students agree that Roberta Evans is the ideal choice as Director of the Graduate Student Program. She lived in Japan for two years and enjoys working with students and helping them adjust to American culture.

from thirty law schools across the Midwest. Highlights of the conference included an awards banquet featuring Congressman William Gray III (D-PA), House Majority Whip, as the keynote speaker and the annual Midwest Regional Frederick Douglass Moot Court Competition. The Moot Court finals took place at the Law School, presided over by Judges James B. Parsons '49 (Senior Judge and Chief Judge Emeritus, U.S. District Court, Northern District of Illinois), Howard T. Savage '45 (Associate Judge, Cook County Circuit Court), and Ellis E. Reid III '59 (Judge, Cook County Circuit Court, 1st Municipal Division).

Kathryn R Stell '86, Assistant Dean of Students and Director of Public Service Placement, was co-organizer of the conference and arranged the Moot Court competition. She was pleased with the conference. "The conference was a significant example of the past, present, and future contributions of the Law School and its alumni to the African-American legal community."

Musser Lecture

Eugene McCarthy, former U.S. Senator from Minnesota, and candidate for President in 1968, gave the Clifton R. Musser Lecture on May 11, 1990. His talk, entitled "Internal and Institutional Threats to U.S. Democracy," ranged over a wide set of ills, with emphasis on threats to democracy from a bureaucracy which continues to grow and has the power to enact regulations without reference to elected officials. He also criticized government control of the election process, claiming that election laws set restrictions on political freedom and freedom of expression, and deplored the excessive power of political action committees, saying they discourage individual political action. He pointed out that the Constitution does not guarantee good or efficient government, just representative government. At the same time that he criticized government's control over elections, McCarthy also frowned at the lack of direct government control over multinational corporations, saying that their autonomy represented a threat to democracy. Moving on to the military, McCarthy called military establishments a "Republic within a republic" and deplored the current mercenary status of the military, which contradicted Jefferson's idea of universal military service. Looking back to the years of the draft, he scorned those who did their military service in the National Guard, "ready to defend the country from Kent State students."

Schwartz Lecture

William M. Kunstler gave the annual Ulysses S. and Marguerite S. Schwartz Lecture on April 6, 1990.