

To a Higher Degree: Lessons Learned and Implemented In the First Decade of American University's SJD Degree Program

By:

Anthony E. Varona¹

American University Washington College of Law, USA

The 2010-11 Academic Year marks the 10th year of existence of the SJD Program at the American University Washington College of Law (WCL). WCL was the first law school established by women and graduating the first class of women lawyers.² In recent decades, it has become increasingly recognized around the world as a leader in the study and exploration of international and human rights law and the valorization of global interconnection in domestic legal education.³ With the internationalization of legal education⁴ and the greatly increased popularity of the SJD as the degree required for law school teaching in many other countries (not, of course, in the U.S., where the J.D. is regarded as an adequate credential for law school teaching),⁵ it became clear to the law school's administration that the institution was very well-positioned to launch a new degree program resulting in the conferral of the SJD.

As first proposed to American University's administration, the WCL SJD Program was designed to advance the university's strategic plan objectives to improve the already excellent quality of scholarship produced by the university and to "generate significant new knowledge and improve the academic reputation of the university."⁶ It was hoped that WCL's SJD Program also would "enrich the academic life within WCL" by "allow[ing] for a larger body of research and writing to be produced by the WCL and will allow the law school to delve deeper into issue areas of intellectual interest."⁷ The SJD Program would "enrich the intellectual environment of the law school and...create new opportunities for research and scholarship." The Program also was intended to help WCL's large population of international LL.M. students have the ability, if their records in the LL.M. program were especially promising, to continue their studies onto the SJD degree without having to transfer to another law school in the states or in their home countries. In addition, the Program's founders, including most prominently our entrepreneurial and visionary Dean, Dr. Claudio Grossman, acknowledged that "[t]he fact that many of these alumni of WCL will become professors of law in their home countries" would "further extend the network of professionals with whom we can build collaborative research projects and group initiatives [which would] increase WCL's visibility both domestically and internationally."⁸

The WCL SJD Program was launched with a modest administrative infrastructure. Applicants to the program were required to submit a dissertation proposal as well as documentation showing

¹ Associate Dean for Faculty and Academic Affairs and Professor of Law (and SJD Program Director, 2007-2010), American University Washington College of Law.

² See generally Mary L. Clark, *The Founding of the Washington College of Law: The First Law School Established By Women For Women*, 47 American U. L. Rev. 613 (1998).

³ See, e.g., Claudio Grossman, *Building the World Community Through Legal Education*, 2 IUS Gentium 21 (2008); Claudio Grossman, *Reflections on Being a Law School Dean in an Interconnected World*, 31 U. Toledo L. Rev. 609 (2008).

⁴ See, e.g., Simon Chesterman, *The Evolution of Legal Education: Internationalization, Transnationalization, Globalization*, 10 German L. J. 877 (2009); Larry Catá Backer, *Internationalizing the American Law School Curriculum (In Light of the Carnegie Foundation's Report)*, 2 IUS Gentium 49 (2008); Carole Silver, *Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers*, 14 Cardozo J. Int'l & Comp. L. 146 (2006).

⁵ For an excellent history of the SJD degree in the United States, first as a terminal degree for domestic law professors and, once reduced in popularity for that purpose, a required degree for the teaching profession in countries lacking a doctoral level (JD-equivalent) law degree, see Gail J. Hupper, *The Academic Doctorate in Law: A Vehicle for Legal Transplants?*, 58 J. Legal Educ. 413 (2008).

⁶ Dean Claudio Grossman, *Proposal to Establish a Doctor of Juridical Science (S.J.D.) Degree Program*, American University Washington College of Law (2000), at 6, citing *Building a Global University: American University in the Next Century, Strategic Plan*, February 28, 1997, at 6.

⁷ Proposal at 2-3.

⁸ Proposal at 4.

that they held a J.D. degree or an LL.M. degree from an A.B.A. accredited law school with a minimum G.P.A. of 3.5. Applicants whose native language was not English also were required to demonstrate proficiency in English by means of a minimum TOEFL score.⁹ Applications were reviewed twice per year, for fall and spring admissions, by a committee comprised of the directors of the law school's international legal studies program, the Program on Law and Government, and the Women and the Law Program, in addition to one additional faculty member appointed by the dean to the admissions committee.¹⁰ Applicants were encouraged to have secured a full-time faculty member to serve as the chair of their dissertation examination committee and SJD advisor during the application process.¹¹ Once admitted, the law school depended on the SJD candidates and their respective faculty advisors to plan a roster of course audits (if any were called for; the WCL SJD Program did not have any course requirements for its first years of existence), and agree upon a schedule of research and writing benchmarks.

In its first five years of existence, the WCL SJD Program established its footing in the law school's institutional life and succeeded at attracting some very impressive candidates. During this critically important incubation stage, the Program was very skillfully administered by my colleague, Prof. Daniel Bradlow, who also served as the director of the International Legal Studies Program (ILSP) – a large and vibrant program at the law school that includes not just the international legal studies LL.M. degree program but a rich variety of other academic and experiential learning programs hosted at the law school and around the globe. By 2006, however, the SJD Program – as is common with degree programs in their transition from infancy through precocious toddlerhood – began to show some signs that it had outgrown its initial administrative structure and specifically the “add-on” or “step-child” nature of its relationship with the very labor-intensive ILSP Program. The Program seemed to call for more general administrative attention, more rigorous and streamlined coordination of the admissions process, and a more extensive administrative and academic infrastructure that addressed a number of challenges, including that of stagnating and even, in a few cases, *incommunicado* candidacies in need of revival, catalysis or, if necessary, termination.

In order to address these and other challenges, Dean Grossman opted to create a stand-alone SJD degree program directorate – an SJD Director position, to be held by a tenured or late tenure-track professor without other administrative duties to which he or she had to attend. The new SJD Directorate would be placed within the confines of the law school's longstanding and successful Program on Law & Government. I had the honor of being asked by Dean Grossman to serve in this new role, a position I held from January 2007 through August 2010. My colleague Mary Lee Clark succeeded me as SJD Program Director and has been doing a phenomenal job in the role.

In assuming the leadership of the SJD Program, I led a team that embarked on a fairly thorough review of its processes, policies and structure and instituted a number of reforms and “upgrades,” together with Dean Grossman, the Office of Academic Affairs (including Christine Farley and Mark Niles, the associate deans for faculty and academic affairs), a superb team of administrators in the Program on Law & Government, and many faculty colleagues actively engaged in advising SJD candidates. Below is a description of the principal improvements and reforms to the Program that we found most productive and successful, and that our colleagues leading other SJD Programs elsewhere, or considering launching new SJD Programs, may find informative.

⁹ Proposal at 5.

¹⁰ Proposal at 5.

¹¹ Proposal at 5.

I. Improvements Focused on the Program As A Whole

A. Appointment of a Faculty Director Dedicated Solely to the SJD Degree Program's Administration

Overseeing the operations of a degree program is no easy task. An SJD Program poses particularly time- and attention-consuming challenges. Admissions decisions are more laborious than they tend to be in the J.D. and LL.M. admissions processes. SJD applicants tend to be a very diverse lot, hailing from educational institutions scattered around the globe, and proffering backgrounds and areas of scholarly and professional interest that are remarkably diverse. In addition to coordinating the admissions process, an SJD program administrator must recruit faculty advisors and help those advisors in turn recruit examination committee members, welcome and acclimate new candidates (including by, as discussed below, creating a residency seminar), enforce program policies, resolve conflicts between faculty advisors and their candidates, preside over dissertation defenses, and represent the program and its students to the law school's faculty and administration and, in some instances, the university administration. With some SJD candidates coming from positions of great prominence and authority, an SJD Director must even at times play the role of diplomat – assuaging bruised egos, defusing conflicts and marshalling faculty advisors, examination committees and SJD candidates not used to facing rigorous criticism towards the finish line of a successful defense.

As noted above, WCL initially experimented with having the SJD Program fall under the responsibilities of a tenured faculty member already directing the law school's international law program (which includes a large and vibrant LL.M. program). Despite the formidable administrative and organizational talents of that colleague, the first few years of the SJD Program's existence made clear that this structure imposed unreasonable and unsustainable constraints and burdens on that colleague, the international studies program, and the SJD program itself. Recognizing this reality, Dean Grossman created a new semi-standalone structure for the SJD Program, severing it from the law school's International Legal Studies Program. He created a new "director of SJD Program" role to be held by a tenured or nearly tenured faculty colleague, and attached the program to the law school's Program on Law & Government, which was able to provide significantly expanded administrative and institutional support. Devoting such focused administrative attention to the SJD Program enabled it to improve, evolve and mature into a more prominent and dynamic program in the law school.

B. Restructuring of the Admissions Process to Improve Candidate Quality and Promote Efficiency

Initially, the WCL SJD Program admissions committee considered applications twice per year, allowing admitted applicants to begin in either the fall or spring semester. In 2007, we consolidated the two admissions cycles into one cycle taking place at the end of the spring semester and considering applications for both fall and spring semester starts in the following academic year. This change offered several advantages. First, it allowed the admissions committee to be much more discerning of applications, reviewing the full complement of applicants and proposals before making conditional offer decisions for the following year.¹² The consolidation helped control the Program's growth and limit admission to only the most qualified candidates. In fact, our admissions rate now hovers around 22% for the SJD Program. The consolidation of the preexisting biennial admissions cycles into one annual cycle also added efficiency to the process and economized the admissions

¹² To be clear, in exceptional circumstances the SJD Admissions Committee and the SJD Program administration have allowed admitted candidates to defer the start of their SJD candidacies for one semester – beginning in the spring semester of the first year of the candidate's degree program. The Program's strong preference, however, is that the entire first-year residency class begin simultaneously.

committee's time. And it allowed prospective faculty advisors to consider requests by candidates to serve as advisors at one time, avoiding the scenario of committing to a candidate in a fall admission round and having to decline a more promising and impressive candidate simply because the latter was considered for spring admission.

Another adjustment made in 2007 was to eliminate what had become a *de facto* requirement that applicants to the SJD Program recruit a faculty advisor in order for their application to be considered complete. Instead, we encouraged applicants to recruit and identify a faculty advisor at the application stage but clarified that the failure to do so before the application deadline would not affect the admissions committee's review of the applicant's application. In such a scenario, the admissions committee would review the application on its merits. If it voted in favor of offering admission to the applicant, then the applicant would be considered a conditional admittee who would be offered admission only if the SJD Director, in consultation with the associate dean for faculty and academic affairs, were able to recruit a suitable faculty advisor (a full-time tenured, tenure-track or quasi-tenured member of the faculty) for the applicant. This reform yielded several significant benefits. First, it reduced the number of inquiries to professors in especially popular substantive areas made by applicants desperate to find an advisor before the application deadline. It also enabled these especially popular professors to demur on committing to individual applicants until the prospective advisors had had an opportunity to review all or most of the SJD applications in their particular area of teaching and scholarship, and had been advised by the SJD Program Director about the nature and substantive makeup of the especially promising proposals in the applicant pool. Finally, it gave more of an opportunity to the SJD Program to recruit faculty colleagues who for a variety of reasons were not proactively approached by applicants but would make excellent faculty advisors.

II. Improvements Focused on SJD Faculty Advisors

In addition to the efficiencies we implemented in the SJD application stage that streamlined and focused the contacts between SJD applicants and eventual candidates and their advisors, we instituted a number of additional reforms and "upgrades" to improve the quality of the experience of SJD faculty advisors by giving them clearer expectations for the advisorial relationship, providing them with more administrative support, and more tangibly and visibly appreciating their work. These upgrades are helping to both retain these colleagues as advisors for future SJD candidates as well as attract new colleagues to serve as faculty advisors.

A. Providing Clearer Guidelines to Faculty Advisors on Program Expectations for Both Their Candidates and Themselves

Early in the review of the Program's state of affairs, it became clear that some faculty advisors were not aware of SJD Program policies, rules and expectations for candidates, and also were not familiar with the Program's expectations of them as faculty advisors to the candidates. We remedied those concerns by distributing clear SJD Program policies to current and prospective faculty advisors, and developing and distributing a detailed list of SJD Faculty Advisor roles and responsibilities to those same colleagues. Faculty advisors also were added to SJD Program Email listservs, and included in the law school's intranet site for the SJD Program. As discussed below, we also began to include Faculty Advisors in a new-and-improved SJD orientation program.

B. Enhancing the Status of Faculty Advisors

In the first years of the SJD Program, it was difficult if not impossible to tell who among the faculty was serving as a faculty advisor to SJD candidates. As of 2007, we began to give these

advisors a more prominent profile in the SJD Program and across the law school community. For example, in all announcements of incoming, new SJD candidates (including in law school print and electronic communications and in announcements at faculty meetings), we note the faculty advisors supervising the new candidates' work in the Program. We assign the advisors a role in greeting and orienting their incoming SJD candidates during the SJD orientation program. And in publicizing the informal presentations and dissertation defenses of SJD candidates, we prominently feature the names of the dissertants' advisors. Finally, once the successful candidate ascends to the stage at the law school's Commencement to receive his or her degree, it is the faculty advisor – introduced as such by the announcer – who hoods him or her before an audience of 5,000.

C. Crediting Faculty Advisors for their Work

Besides the more ceremonial and publicity-oriented “perks” of the new-and-improved faculty advisor role, we have instituted more tangible ways to recognize the work of SJD faculty advisors. For example, the size of the honorarium paid to a faculty advisor once his or her candidate completes a defense of their dissertation (regardless of verdict) was increased, thanks to Dean Grossman's generosity. The annual faculty activities reporting form, which in part is used by the Dean to award annual merit increases, now contains fields allowing faculty to report on work associated with the SJD Program, including faculty advising. Many faculty colleagues indeed now do feature their work on behalf of the Program in their periodic and annual reports, to good effect.

Of course, no faculty colleague agrees to serve as a faculty advisor to an impressive SJD candidate solely on the basis of the promise of public recognition or modest pecuniary remuneration. Nevertheless, these gestures on the part of the administration telegraph to faculty colleagues that we very much appreciate and recognize their work with our SJD candidates. These improvements have made a very positive difference. Whereas it was quite difficult to recruit new SJD faculty advisors in 2007, at the time I assumed the role of SJD Director, by the time I left the role in August 2010 the faculty advisor recruitment exercise had become much simpler and less frustrating. Faculty colleagues have even volunteered to serve as advisors, without even having been approached by applicants or the Program staff itself.

III. Improvements Focused on SJD Candidates Themselves

The main beneficiaries of our SJD Program are our SJD candidates themselves, of course, so many of the upgrades we incorporated into the Program focused on their experience and success. In reviewing the first five years of the SJD Program's existence, we noted that we needed to address some challenges common to doctoral programs: moribund or very slow-going candidacies and a lack of communication and interaction between candidates and their advisors as well as between candidates and the Program and the law school community itself. The following reforms attempted to remedy some of those concerns.

A. Clarifying and Enforcing Program Standards, Including Timetables, In New Orientation Program and Program Materials

Over the last several years, the SJD Program has significantly upgraded the manner in which we orient our incoming resident SJD candidates. On the first day of classes in the fall, we have a full day orientation event with detailed written materials (including a new SJD Program Handbook) clarifying all Program rules, guidelines, and timetables. Faculty advisors participate in part of the orientation program, establishing from Day One the vital importance of a productive partnership between advisors and candidates.

To avoid the problem of lingering and moribund candidacies, we make clear both to candidates and their advisors in multiple formats (including as early as in admission letters to candidates, which are copied to faculty advisors) that the SJD Program is designed to take no more than three years. The first year is devoted to research, the second year to drafting, and the third to editing and the defense. We also make clear to candidates that should they need an additional (fourth) year, they must seek approval from both their advisor and the SJD Program Director. Any additional extensions of time (for a fifth year or beyond) would be granted for extraordinary reasons only, and only by the Dean of the law school himself.¹³

B. Implementing a Detailed Semester Progress Plan System

In order to ensure that SJD Candidates start off their degree programs on the right foot, stay on-course, and remain in close contact both with their advisors and the SJD Program itself, we require them to complete and submit to their faculty advisors a completed Semester Progress Plan form early each semester in which they are in the Program. The form requires an explanation of the progress made on the dissertation's research and writing in the prior semester, and detailed plans for the current semester. The faculty advisor, in turn, reviews and approves the form, completes a new section devoted only to faculty advisors, and then submits the form to the SJD Program for filing. Candidates are warned that their failure to submit an "SPP" form may result in administrative dismissal from the SJD Program.

The more detailed and interactive SPP forms have resulted in more interaction between SJD advisors and their candidates, as well as more interaction between the candidates and the SJD Program. The consultations leading up to the form's submission can address any challenges faced by the candidate, including research and writing difficulties, theoretical and organizational barriers, etc. Any delays in the filing of the SPP not directly related to the candidate's substantive work also have enabled the Program to address and help to resolve promptly any financial and other logistical difficulties borne by the candidate.

C. Creation of Year-long SJD Residency Seminar

Perhaps the most significant upgrade in our SJD Program over the last few years has been our experimentation in 2009-10 with – and formalization in 2010-11 of – a new SJD Residency Seminar for first-year (resident) SJD candidates. Excellently taught by Prof. Amy Tenney, the associate director of the Program on Law and Government and one of the senior administrators of the SJD Program, the SJD Residency Seminar is the only for-credit course requirement in the Program. Lasting a full academic year, the seminar covers topics of utility to all new SJD candidates, including an introduction to American legal systems and legal scholarship, the techniques of legal research, tools and techniques for drafting long-form legal scholarship, etc. Depending on the particular make-up of a class of first-year SJD candidates, the Residency Seminar certain years also may contain topics of particular interest and utility to that specific class. For example, if three out of four SJD residents are researching dissertation topics in international commercial law, then the seminar that year may contain material to aid the research and drafting of dissertations in that particular topic.

The SJD Residency Seminar not only has provided significant substantive material and knowledge to our first-year SJD candidates, but it has been an important means by which we have built strong ties among the SJD candidates themselves, between the candidates and the Program, and between the candidates and the law school community.

¹³ An additional disincentive is that candidates continuing their degree programs into fourth and fifth years are charged tuition for each of the additional semesters (albeit, usually, at a low non-residency rate).

D. Incorporation of New Residency Certification Requirement

As a means of ensuring that SJD candidates are diligent about satisfying their responsibilities in their residency year, we instituted a requirement that in order to continue onto their second year in the SJD Program, residents completing their first year in the Program must obtain a signed Residency Certification Form from their respective faculty advisors. The simple one-page form certifies that the candidate has satisfactorily met all of the requirements of the residency year, including successful completion of the Residency Seminar, timely submission of complete Semester Progress Plans, satisfactory progress in their dissertation research and any preliminary drafting, attendance at all mandatory SJD Program events (including dissertation defenses), etc. First-year candidates are provided copies of blank Residency Certification Forms during the orientation day on the first day of classes in the fall. In addition, the certification requirement is discussed during the orientation, both with the candidates and with the faculty advisors. This change alone has contributed to greatly improved engagement and productivity by in-residence candidates during the first year of their respective programs.

E. Integrating SJD Candidates Into the Intellectual Life and Community of the Law School

A perpetual challenge of graduate legal programs (LL.M. and SJD alike) is to overcome the alienation of their students – because of cultural, linguistic, socioeconomic, geographic and other reasons – from the intellectual and community life of their respective law schools. SJD candidates are especially prone to these challenges, considering that many are in residence (*i.e.*, physically present at the law school) only for two or perhaps three full semesters at most, and for the most part are not required to engage in coursework and other collective participatory experiences common to J.D. and LL.M. programs that would bring them into close contact with other students and faculty. To avoid some of that alienation, and welcome our SJD candidates into the life and fabric of our law school, we have implemented several improvements in addition to the new requirement of the SJD Residency Seminar described above.

First, we have our SJD candidates introduce themselves and their areas of research at one of the first faculty meetings of the year, allowing the faculty to associate faces with the names and biographical descriptions of the incoming SJD candidates circulated to them in advance of the meeting. We encourage faculty colleagues to have the resident SJDs provide guest lectures and panel remarks during classes or conferences associated with the SJD candidate's areas of expertise. Many faculty colleagues have extended such invitations, and SJD candidates at the law school have served as guest lecturers in courses and seminars, panelists during academic symposia and conferences, and speakers at a variety of other events. These speaking engagements bring the SJD candidates into contact not only with WCL faculty members and students but also, in many cases, with prominent scholars, practitioners, jurists and government leaders in Washington, from around the nation and from around the world.

SJD candidates also are invited to participate in faculty scholarship workshops and colloquia, whenever the invited speakers deliver papers of interest to the SJD candidates or related to their topics of inquiry. In addition, SJD candidates occasionally are asked to serve as adjunct professors, teaching full courses and seminars at the law school. Many of our international SJD candidates are professors or instructors in universities in their home countries, and bring to WCL knowledge and experience unique to our full-time and adjunct faculty ranks. Adjunct teaching can constitute a significant commitment of time and energy, and the SJD Program and faculty advisors are in close consultation to ensure that candidates allowed to teach are those who are progressing apace in their research and writing.

Finally, to ensure that the impressive accomplishments and research interests of our SJD candidates are known to our own law school community as well as the outside world, we invite all of our SJD candidates to develop biographical pages on the SJD Program's section of the law school's website. The pages look very much like typical faculty bio pages, featuring the candidate's name, portrait, professional biography, and a list of publications. Candidates have appreciated these pages very much, not only as a means of becoming more visible in our community, but also as a career placement and marketing tool as they get closer to their dissertation defense and graduation. My faculty colleagues and members of the law school's administration also have appreciated these biographical pages, especially since they provide an easy way to appreciate the remarkable backgrounds and achievements of so many of our SJD candidates and alumni – an illustrious group of legal professionals and academics that includes a chief justice of a national court system in the Middle East, the first woman supreme court justice of a major African nation, several top advisors to heads of state, professors at prominent universities around the world (including in the United States), and distinguished practitioners and advocates for human rights, social justice, the rule of law, public interest and law reform.

F. Promotion of Dissertation Defenses As Community Events

An especially visible activity of our SJD Program of late is that of our candidates' dissertation defenses. Our defenses follow a relatively standard process for doctoral dissertations. After months of exchanges of close-to-final drafts between the candidate and his faculty advisor, the faculty advisor shares a draft with the other two members of the candidate's examination committee (chaired by the advisor himself or herself). Once the examination committee has given its preliminary feedback to the candidate and the advisor is persuaded that the candidate is ready for a defense, a full defense is scheduled and publicized throughout the law school community by means of electronic announcements, posters in the lobby, and elevator signs. Some dissertation defenses attract well over 30 observers. Almost all defenses remain public for the duration of the defense. A few examination committee chairs dismiss the observers and close the dissertation before the examination committee delivers a verdict that is less than positive. But almost all defenses remain open during the duration of the examination committee's deliberation in a private room neighboring the site of the defense, with the audience present when the committee returns and its chair (the faculty advisor in almost all instances) proudly announces, sometimes with great emotion, "congratulations doctor; you have passed" to a great ovation. All resident SJD candidates are required to attend defenses. Their presence helps them prepare for their own defense to come, and allows them to share in the excitement and joy of their SJD Program colleague.

All dissertation defenses are recorded, and a few especially impressive defenses are – with the permission of the dissertants and the examination committee – shared with the SJD Program community (candidates, faculty advisors and administrators) by means of our password-protected intranet website.