April 10, 2014

To:       James H. Page

From:     Susan J. Hunter

Subject:  New Academic Program – Doctor of Science in Law, Maine School of Law

The Maine School of Law has submitted a New Program Proposal to create a Doctor of Science in Law (JSD). The Chief Academic Officers have reviewed and approved this plan. I concur with their recommendation and encourage your approval as well.
To: Peter Cook

From: Charles H. Norchi, J.S.D.
      Professor of Law
Re: University of Maine School of Law
     Doctor of Science of Laws (J.S.D.)
     Response to External Reviews

Date: March 30, 2014

We welcome and appreciate Reviewers’ comments which strongly support the establishment of the
Doctor of the Science of Law (J.S.D.) degree program in the University of Maine School of Law. We
particularly note the observation that in our age of globalized legal academia, the J.S.D has become a
credential highly sought by foreign academics. This is precisely our target group.

We took particular note of Reviewer’s observation that a number of J.S.D. programs have incorporated
an oral examination component. After careful consideration, including evaluating the prevailing practice
in law schools and non-law Ph.D. programs, we have decided to incorporate a formal oral dissertation
defense into our proposal. This would be a capstone event for the J.S.D. candidate entailing the formal
oral defense of the research project before the dissertation committee and invited guests. Thus the
J.S.D. experience would be (1) at least one year in residence, (2) submission of dissertation prospectus
to faculty committee, (3) Graduate Research Colloquium, (4) course teaching assistant, (5) research,
UNIVERSITY OF MAINE SYSTEM

New Degree Program Proposal

Submitted by UNIVERSITY OF MAINE SCHOOL OF LAW

Contact: Rita S. Heimes
Associate Dean for Academic Affairs
Clinical Professor of Law
University of Maine School of Law
246 Deering Avenue
Portland, Maine 04102
207-228-8435
rheimes@maine.edu

I Full Program Title

Doctor of the Science of Law (J.S.D.)

II Program Objectives

A. Narrative description of program rationale

The J.S.D. (Doctor of the Science of Law) is the terminal research degree in graduate legal education. It is typically a continuation of research commenced during course-based LL.M. (Master of Laws) study. The degree is sought primarily by foreign-trained lawyers preparing to become law teachers, scholars or legal advisers in their home countries. J.S.D. candidates normally do not take courses. Candidates research, write and present a dissertation representing a significant contribution to legal scholarship. The research is supervised by a committee of three professors chaired by a member of the faculty of the University of Maine School of Law. The non-chair committee members are readers who are experts in the candidate’s field and not necessarily members of the Maine Law faculty. The program will require at least one year in residence and enrollment in a Graduate Colloquium. There will be a time limitation of six years for completion of the dissertation. Tuition will be approximately one-third the price of the post-professional degree (LL.M.), or roughly $11,000 at current tuition rates. The students will not be required to enroll in courses, but may have an opportunity to assist with teaching to gain additional law teaching experience. Students who choose to enroll in courses will need to pay the per-credit tuition rate in addition to the J.S.D. tuition.

Admission: Applications to the J.S.D. program will be welcomed from applicants who have completed LL.M.-level work and who have demonstrated scholarly potential. A J.S.D. student would be accepted only when, in the judgment of the law school faculty, the student is exceptional and the law school faculty is in a position to provide proper supervision of the student's proposed course of study.
**J.S.D. Committee:** A candidate for the J.S.D. degree will work under the direction of a J.S.D. Committee comprising a Supervisor (Committee Chair) and two Readers. The Chair must be a member of the faculty of the University of Maine School of Law.

**Residence:** The minimum residence requirement for the J.S.D. Degree will be two full terms (the first year of the J.S.D. program). Completion of the degree normally requires four to six semesters (not all necessarily in residence).

The capacity to award the J.S.D. will strengthen our LL.M. program by attracting LL.M. candidates interested in academic careers. By not offering the degree we have lost candidates for our LL.M. program to other institutions. Many international candidates seek to combine the LL.M. degree with a follow-on J.S.D. degree.

**B. General Program Goals**

The program goal is to prepare lawyers and legal scholars, primarily foreign-trained, for academic careers.

**C. Specific Student Outcomes / Behavioral Objectives**

Students will achieve: (1) expertise in a specific field of law; (2) advanced research and writing skills through the development of a doctoral dissertation; and (3) law teaching skills by serving as teaching assistants in courses related to their research fields.

**III Evidence of Program Need**

Distinct from North America, a dissertation-based doctorate (i.e., J.S.D. or Ph.D. awarded by a law faculty) is a necessary credential for law teaching in most countries of Europe, East Asia, South Asia, the Middle East and South America. Hence, it is a credential highly sought by foreign-trained lawyers and legal scholars, including alumni of the University of Maine School of Law LL.M. program.

**IV Program Content**

**A. Outline of Required and Elective Courses**

**Coursework:** During their first year in residence, J.S.D. students will take an active part in a Graduate Research Colloquium during which they will present their research in progress and receive feedback from faculty and from experts outside the University of Maine School of Law. During the first year, a student’s Supervisor may also require that the student successfully audit or complete specific courses or seminars that the Supervisor deems to be useful for the student’s development as a scholar.

**Prospectus:** Prior to commencing dissertation work, a J.S.D. student will complete a dissertation prospectus in consultation with the supervisor. The prospectus, which should be
submitted by the end of the first year, must outline in detail the structure, content and methodology of the student’s proposed dissertation.

**Dissertation:** The J.S.D. student must pursue and complete with distinction the program of study and investigation as set forth in the prospectus approved by his or her Committee, producing a dissertation that constitutes a significant contribution to legal scholarship.

**B. Development of New Courses and Displaced Courses**

Graduate Research Colloquium. The Colloquium will cover legal research methods while providing students an opportunity to present work-in-progress and receive feedback from faculty and additional experts. The Colloquium will be open to LL.M. candidates writing theses, Visiting Scholars, and to select J.D. candidates working on substantial research projects. This course has been approved by the Curriculum Committee for 1 credit.

**C. Research Activity**

The J.S.D. program is a research-based degree program that assumes work with primary sources including case law, specialized legal materials, and the scholarly literature associated with the candidate’s research project.

**D. Independent Study, Clinical Experience, and/or Field Practicums**

Not applicable.

**E. Impact on Existing Programs**

The impact on the J.D. program and the LL.M. program is minimal. Candidates for the J.S.D. will work primarily with Professor Charles H. Norchi, Director of Graduate Law Programs, and with library personnel. We anticipate the J.S.D. candidates will have little reason to rely extensively on our other student support and student services personnel, and will rarely if ever take law courses involving other faculty of the law school. As we do for foreign students admitted to our LL.M. program, visa, travel and housing issues are managed in part by Prof. Norchi and in part by University of Southern Maine personnel familiar with international students. The law school has trained a faculty assistant to work closely with Prof. Norchi to support and facilitate internal and external communication regarding our international students and graduate degree programs.
V  Program Resources

A. Personnel

1. Vita of Responsible Faculty

The vita of Professor Charles H. Norechi, Director of Graduate Law Programs, is attached.

2. Effect on Faculty Assignments / Adjustments

The Director of LL.M. (Graduate) Program will assume full responsibility for these students and their graduate colloquium. No course adjustments will be necessary or permitted.

B. Current Library Acquisitions Available

The University of Maine School of Law library covers most fields of law and is strong in certain specialized fields such as oceans law. Materials not available on site are available through inter-library loan.

C. New Equipment Necessary

None.

D. Additional Space Requirements

None.

E. Extent of Cooperation with Other Programs

Students who pursue interdisciplinary dissertation projects may undertake aspects of research in schools or departments across the University of Maine System and/or in other universities with specialized library collections.

VI  Total Financial Considerations

A. Anticipated Costs and Income

There are no significant additional expenses associated with the J.S.D. program at this time. The anticipated additional income is $11,000 per student per annum.

B. Detailed information on First-Year Costs

The American Bar Association, the law school’s accrediting body, will charge a one-time, $5,000 acquiescence fee following the Board of Trustees’ approval of the degree. We anticipate no new travel or other marketing costs associated with the new degree; outreach efforts will be undertaken in conjunction with the existing LL.M. recruitment process.
CHARLES H. NORCHI
University of Maine School of Law
246 Deering Avenue
Portland, Maine 04102
207-228-8016
Charles.Norchi@Maine.edu

CURRENT

UNIVERSITY OF MAINE SCHOOL OF LAW
Professor of Law
Director, Graduate Law Programs
Director, Center for Oceans and Coastal Law
Faculty Advisor, Ocean and Coastal Law Journal,
International Law Society

EDUCATION

YALE LAW SCHOOL
Doctor of the Science of Law (J.S.D.) 2006

YALE LAW SCHOOL
Master of Laws (LL.M.) 1989

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW
Juris Doctor (J.D.) 1986

HARVARD UNIVERSITY
Bachelor of Arts with Distinction in Government (A.B.) 1979

INTERNATIONAL STUDIES:
Institut de Droit International et Comparé, Paris, 1984
Institut Universitaire de Hautes Études Internationales, Geneva, 1979-80
Institut d’Études Européennes, Paris, 1976-77
CHARLES H. NORCHI

PRESENTATIONS

“The Law of the Sea,”
  Lectures in the Law School of Peking University,
  April 28- May 9, 2014, Beijing, China

“The Public Order of the Oceans,”
  Xiamen University Faculty of Law, April 25-27, 2014, Xiamen, China

“United States Oceans Policy and the Continental Shelf,”
  China Institute for Marine Affairs and Second Institute of Oceanography,
  April 22-24, 2014, Xiamen, China

“Afghanistan: Rights, Risks and State Responsibility,”
  Palais Des Nations, March 6, 2014, Geneva, Switzerland

“The Arctic and the Law of the Sea: Routes, Risks and Opportunities”
  World Affairs Council of Maine,
  January 14, 2014

Portland, Maine “Polar Bear/Panda Bear: China in the Arctic”
  Association of American law Schools Annual Meeting (AALS)
  January 4, 2014, New York City

“Afghanistan Redux: American Foreign Policy and International Law”
  Faculty Workshop, University of Maine School of Law
  15 November 2013, Portland, Maine

“Maritime Boundary Delimitation What the Practitioner Should Know."
  International Law Association Annual Conference
  26 October 2013, Fordham University Law School, New York City

“Maritime Security: International Law & Policy,”
  Qatar Maritime Security Conference,
  8 October 2013, Doha, Qatar

“The Effect of Islands on Maritime Boundary Delimitations”
  Korean Ministry of Foreign Affairs,
  26 June 2013 Seoul, Korea.

“Maritime Piracy and the Public Order of the Oceans,”
  Hankuk University School of Law,

“Island Claims in Maritime Boundary Delimitation,”
  Nippon Fellows Program, United Nations Division of Ocean Affairs and Law of the Sea,

Maritime Law and Security: Issues for the Merchant Mariner,
  4 May 2013, Maine Maritime Academy, Castine, Maine

“Maritime Security and the Law of Sea,”
  Peking University School of Law,
  29 April 2013 Beijing, China.

“Shipping, Piracy and Global Trade,”
  Center for Maritime Law,
  25 April 2013 Hong Kong, China

“The Continental Shelf and Least Development Countries,”
  Institute for Law and Development Policy,
  14 March 2013 Geneva, Switzerland

“Human Rights and Indigenous Decision-making in Afghanistan,”
CHARLES H. NORCHI

International Law Symposium Tribute to Professor Jon van Dyke,
University of Hawaii at Manoa School of Law,
1 February 2013, Honolulu, Hawaii

“Oceans Law and Policy,”
City University of Hong Kong School of Law,
January 24/26, 2013 Hong Kong, China.

Association of American Law Schools Annual Meeting,(AALS)
3 January 2013, New Orleans, Louisiana

“Maritime Piracy and International Law,”
University of International Relations,
20 November 2012, Beijing China

“American Graduate Legal Education: The LL.M. Program”
University of International Relations,
20 November 2012, Beijing China

“Afghanistan Futures: East and West,”
Faculty of International Law, China University of Political Science and Law,
19 November 2012, Beijing, China

“United States Interests in the Outer Continental Shelf,”
The Continental Shelf and the Area, Third International Symposium on Scientific and Legal
Aspects of the Regimes of the Continental Shelf and the Area, China Institute for Marine
Affairs and The Second Institute of Oceanography, 22-23 November 2012, Beijing, China

“The Wobbly State and World Public Order: Post-2014 Afghanistan,”
Conference on The New Haven School of Jurisprudence,“
City University of Hong Kong School of Law,
5-6 October 2012, Hong Kong, China

“Graduate Legal Education in the United States,”
Public Private Partnership for Justice Reform in Afghanistan,

Intergovernmental Piracy Conference,
June 27-28, 2012, Dubai, United Arab Emirates

“American Eel and Alewife: Trans-boundary Species at Risk,”
Oceans Tracking Network Conference, Dalhousie University,
4 June, 2012 Halifax, Canada

“Maritime Rule Sets,”
China’s Far Seas Operations, United States Naval War College,
10 May 2012 Newport, RI

“Piracy in Comparative Perspective,”
State-Federal Judicial Council. 26 April 2012, Augusta, Maine

“Maritime Piracy and the Public Order of the Oceans,”
Gigneaux Inns of Court, 7 February 2012, Portland, Maine

“Shipping and Maritime Security,”
Hong Kong Center for Maritime and Transportation Law,
1 February 2012, Hong Kong, China

The International Maritime Labor Convention and Maritime Piracy,”
International Labor Organization, 15 December 2012 Geneva ,Switzerland

“China and the Public Order of the Oceans,”
Policy Sciences Institute, Yale Law School,
15 October 2012, New Haven, CT
“Peoples, Sovereigns and Crises: Self-Determination in International Law,”
City University of Hong Kong School of Law,
9 October 2011, Hong Kong, China

PUBLICATIONS

_Ghemal A. M. H. Norchi_ (2014)

**Afghanistan Redux: American Foreign Policy and International Law** (Forthcoming 2014)

*Petroleum Straits in the World Public Order of the Oceans* (with Michael J. Stepek)
Brill Martinus Nijhoff Publishers (Forthcoming 2014)

“Penser sous l’Etat.” (Thinking Below the State)
*Revue de Droit Public, DRC* (Review of Public Law)

“Maritime Piracy and the Public Order of the Oceans,”
_HUFS Global Law Review*, (Korea) February 2014

**International Straits of the World** (Book Series), Co-editor with Nilufer Oral,
Brill Publications, 2011


“Human Rights in Afghanistan: A Continuing Struggle for Dignity,”


“China and the Public Order of the Oceans,”


“Fixing a Fractured State: A Jurisprudence for a Free Society” _Asia Pacific Law 1_ (Vol. 18, 2010)


“When International Law was Made in Maine,” _Maine Bar Journal_, Winter (2010)


“Penser sous l’Etat: Retour philosophique sur le Nation-Building,” _Tome 52 Archives de droit du philosophie_, (Daloz Paris, France 2009)


“Freedom and Servitude in the Public Order of the Oceans: A Review ”


“From Real Estate to Nation-State: Who will Lead Afghanistan?” _Dissent_, (Winter 2006)

_Afghanistan: The Essential Field Guide_, Co-editor with Edward Girardet, Jonathan Walter and


“Challenging Sovereignty: India, TRIPS and the WTO”


“Indigenous Knowledge, Intellectual Property and Social Capital”

“The Circum-Mediterranean: from Clashing Civilizations to Transnational Arbitration”

“A Pivotal States Human Rights Strategy”

“Blowback from Afghanistan: Historical Roots” International Security Studies Monograph, Yale University, 1996.

“From Stage to Stagehand: The Media in the Post-Cold War International System”

Afghanistan After the Soviets: Time, Culture and Chaos

“Human Rights in the Post-Cold War Era” Span, September 1995

“International Human Rights and the Media”


“Human Rights in Afghanistan” In Brief, October 1994, No. 58 (International League)

“The Decision Seminar Technique as an Instrument of Power and Enlightenment”

“Federal Extraterritoriality and Fifth Amendment Due Process”

“Method in the Transcultural Application of International Prescription”

“Ethics and Choice in a World Transformed”

Writing a Prospectus for the J.S.D. Dissertation, Pamphlet publication of the Yale Law School Graduate Program, 1990

“Ayatollahs and Authors: Rethinking Human Rights”

“The Indian National Human Rights Commission as a Value Creating Institution”
CHARLES H. NORCHI

“Genocide and the Occupation of Afghanistan”

Opinion and Commentary
“Can Blue Berets Stop Piracy?” Lloyd’s List, 29 November 2011
“Afghanistan Ascending- so far, we must stay the reconstruction course” Roanoke Times, November 17, 2002
“Afghan’s lives getting better” Miami Herald, November 11, 2002
“Will we make Afghan’s future better than their past?” Repository November 8, 2002
“Afghanistan: The Important Work Lies Ahead” Hartford Courant, November 6, 2002
“Afghanistan ascending,” Pittsburgh Post-Gazette, November 6, 2002
“Reconstruction will save Afghans” Spokesman-Review (Spokane, WA) November 6, 2002
“Victory Isn’t the Only Thing” Cleveland Plain Dealer, November 2001.
“Globalism has Expanded Terrorism’s Reach” The Plain Dealer, December 29, 1999.
“Good Old Peshawar Days” Crosslines, February 1996.
“Afghans must fight their own hills” The Plain Dealer, June 22, 1988
“Soviets weigh costs vs benefits of peace in Afghanistan” New Haven Register, March 21, 1988
“Afghanistan lies battered and bloody from Soviet terror” New Haven Register, March 20, 1988
“End game for Afghanistan? The Plain Dealer, February 28, 1988
“U.S. walks away from Afghanistan vacuum” The Plain Dealer, July 1, 1988
“In Berlin, hear the world crack” The Plain Dealer, March 15, 1987
“What is the prognosis for Afghanistan?” The Plain Dealer, December 29, 1986
“Afghan rebels need steadier support” The Plain Dealer, May 4, 1984.
CHARLES H. NORCHI

SERVICE
American Association of Law Schools (AALS) Section on Admiralty & Maritime Law
Chairman, 2012-2013
Institute for Law and Development Policy, Geneva, Switzerland
Co-Chair
Public-Private Partnership for Justice Reform in Afghanistan,
Dean’s Advisory Council
International Law Association (London)
Committee on International Law and Sea Level Rise
Growing Portland (Maine) Marine Economy Working Group
Maritime University of Dubai
Steering Committee
Leader Development and Education for Sustainable Peace (LDESP),
Civil-Military Relations & Afghanistan Expert, 2007-
Hong Kong Centre for Maritime and Transportation Law,
Advisory Committee
The Explorers Club,
National Fellow, 1989-
Robert F. Kennedy Human Rights Center,
International Advisory Committee, 1990-2000
Society of Policy Scientists,
Prize Committee, 2012-
Executive Council, 2008-2012
Harvard Club of Maine
Board of Directors (2013-present)
Academic Council on the United Nations System (ACUNS)
Director, Human Rights and Human Security Workshops, 2003-04
International League for Human Rights, New York
Executive Director, 1992-1995
Independent Counsel on International Human Rights, Washington, DC
Director and Founder, 1986-1988
World Affairs Council of Maine
Board of Directors

COUNSELING
INSTITUTE FOR LAW AND DEVELOPMENT POLICY, Geneva, Switzerland
Coastal Development and Maritime Piracy 2011- (Pro Bono)

UNITED NATIONS DEVELOPMENT PROGRAM (UNDP),
Democratic Republic of the Congo
Team Leader and Counselor, 2006-2007

WORLD BANK, WASHINGTON, DC
Lead Consultant and Member, External Advisory Committee for
Civic Engagement, Empowerment and Respect for Diversity (CEERD) 2002-2005
CHARLES H. NORCHI

WORLD HEALTH ORGANIZATION, GENEVA
   Consultant, 1994, 2002

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION, VIENNA
   Consultant, 1997

UNITED STATES GOVERNMENT
   United States Information Agency, Department of State

PREVIOUS ACADEMIC APPOINTMENTS

UNIVERSITY OF MAINE SCHOOL OF LAW
   Associate Professor of Law, 2008-2010
   Visiting Professor of Law, 2007-08

CITY UNIVERSITY OF HONG KONG SCHOOL OF LAW
   Visiting Professor of Law, 2010-13

HARVARD UNIVERSITY
   JOHN F. KENNEDY SCHOOL OF GOVERNMENT 2005-2012
   Research Fellow, Ash Institute for Democratic Governance and Innovation,

HARVARD LAW SCHOOL
   Visiting Fellow, Human Rights Program, 2004-2005

YALE UNIVERSITY
   YALE COLLEGE
   Lecturer, 1993-2002
   Fellow ( Resident) Calhoun College, 1994-2004

INTERNATIONAL SECURITY STUDIES AT YALE (ISS)
   Senior Fellow, 1997-2002

YALE LAW SCHOOL
   Tutor-in-Law Advisor and coordinator for graduate law program, 1991-1992
   Myres S. McDougal Fellow, Visiting Scholar, 1987-1990

SOKA UNIVERSITY
   Visiting Professor, Fellow in the Pacific Basin Research Center, 2006
   Human Rights and Development

SARAH LAWRENCE COLLEGE
   Guest Professor, 1999-2004

ST. THOMAS UNIVERSITY SCHOOL OF LAW
   Visiting Adjunct Professor of Law, 2003 (winter)
CHARLES H. NORCHI

SMITH COLLEGE
Visiting Professor of Government, 2001 (spring)

FELLOWSHIPS, GRANTS AND AWARDS

Fellow, Center for Public Leadership, John F. Kennedy School of Government
Harvard University (2005- present)
Partner University Fund/French-American Cultural Exchange (2009-2012)
North East Foundation (2010-11)
Hollings Center for International Dialogue (2009-2010)
Foreign Affairs and International Trade Canada (DFAIT) (2009)
Smith Richardson Foundation Research Grant, 2007
Ash Institute for Democratic Governance Grant, Harvard University, 2006-07
Mellon Fellow in Law and Anthropology, Yale University 1991-1992
Institute for the Study of World Politics Research Award 1991
Ford Foundation Fellow in International Law, Yale Law School 1990-1991
Professor-in-Residence, International Maritime Law Institute, Malta 2008
Scholar-in-Residence, UNESCO (August 2008)
McDougal Prize in International Law, Society of Policy Sciences, 2004
United States Secretary of State International Education Award 1999
Foreign Language and Area Studies Award (FLAS), US Department of State, 1990
Yale Law School Graduate Fellowship 1988-1990
Tribute, United States Congress, Congressional Record, October 9, 1986
Rotary Ambassadorial Scholar/ Rotary International Foundation 1979-1980

MEMBERSHIPS

American Association of Law Schools
Section on Admiralty and Maritime Law, Chair 2012-13
Section on International Law
American Society of International Law
American Bar Association
The Elizabethan Club, Yale University
Mory’s, Yale University,
Harvard College, Cabot House Senior Common Room
Harvard Club of Maine
Board of Directors
Harvard Club of New York City
Delegate for the State of Maine
The Policy Sciences Center, Inc.
Board of Directors, 1999-
Signet Society, Harvard University
World Affairs Council of Maine
Board of Directors
Yale College, Calhoun College, Associate Fellow
February 2014