

ARIZONA JOURNAL OF INTERNATIONAL  
AND COMPARATIVE LAW



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## **MASTER OF LAWS (LL.M.) AND DOCTOR OF JURIDICAL SCIENCE (S.J.D.) IN INTERNATIONAL TRADE AND BUSINESS LAW**

The LL.M. in International Trade and Business Law, offered by the James E. Rogers College of Law in conjunction with the National Law Center for Inter-American Free Trade, is designed to provide U.S. and foreign law graduates with the theoretical and practical knowledge required to practice and teach in the area of international trade and commercial law. The intensive curriculum focuses on the World Trade Organization, NAFTA, the European Union, and other regional and global agreements; the private law legal framework for global commerce, banking, and corporate activity; and relevant American laws, regulations, and business and investment practices affecting international trade and commerce.

In addition to international trade, commercial, and business law courses, students may choose from the broad range of commercial, corporate, environmental, intellectual property, immigration, and other upper-division law courses offered by the James E. Rogers College of Law. All candidates for the degree are required to complete, as part of their degree program, a substantial paper reflecting extensive legal research and analysis on a topic of their choice. Foreign law graduates also take a special introductory course in the American legal system.

During the nineteen years in which the LL.M. program has existed, students from the United States, Mexico, Canada, and more than thirty other nations in Asia, Africa, Europe, and Latin America have matriculated. Most graduates of the program are practicing law with private firms, companies, or governmental agencies, or teaching at the law school level. The three-year S.J.D. program provides additional training for those who wish to complete doctoral studies in international trade and business law.

The James E. Rogers College of Law, located in Tucson, Arizona, only sixty miles (100 km) from the Mexican border, is an ideal locale for the study of international trade and commercial law. In addition to the law college's extensive course offerings, the law library has excellent Latin American law, international trade, and commercial law collections, and offers many opportunities for research in international trade, commercial law, customs law, cross-border environmental problems, and the like. The University of Arizona is one of the outstanding public research universities in the nation, with strong departments and library resources in, inter alia, Latin American, Middle Eastern, and Native American studies.

Currently, the full-year costs of the LL.M. program are approximately \$42,000 for nonresidents and \$26,000 for Arizona residents. Some scholarship assistance is available. Housing suitable for graduate students is relatively plentiful and inexpensive.

The application deadline is March 1 for the academic year beginning late August; early applications are encouraged. For further information on both the LL.M. and the S.J.D. programs, please visit our website at <http://www.law.arizona.edu/tradelaw/> or contact David A. Gantz ([gantz@law.arizona.edu](mailto:gantz@law.arizona.edu)) or Carolyn Coolidge ([coolidge@law.arizona.edu](mailto:coolidge@law.arizona.edu)).

## **J.D. WITH ADVANCED STANDING PROGRAM FOR FOREIGN LAWYERS**

Responding to the exponential growth of multinational and transnational law, the University of Arizona James E. Rogers College of Law has established an expedited path to a J.D. for foreign lawyers.

The J.D. with Advanced Standing (JDAS) Program allows individuals holding an undergraduate or graduate law degree from outside the United States to obtain a full U.S. J.D. degree in only two years. In addition, it allows individuals holding both a foreign law degree and a recent LL.M from an ABA-accredited law school to earn a J.D. in as little as three semesters.

By providing an expedited path to a J.D., the JDAS Program responds to unmet needs of non-U.S. lawyers seeking U.S. legal training. Unlike an LL.M, a J.D. allows non-U.S. lawyers to take the bar exam in any U.S. jurisdiction. Moreover, the J.D. course of study ensures that non-U.S. lawyers learn the foundations of American law, which are taught primarily in first-year classes and are not part of most LL.M programs.

JDAS graduates will be, in a true sense of the word, U.S.-trained attorneys on equal footing with their U.S.-citizen counterparts. As such, they will have expanded opportunities to practice law in their home countries, the United States, and around the world.

The first class of JDAS students matriculated at Arizona Law in Fall 2011, and the matriculating JDAS class more than doubled in size in Fall 2012. Given the growing demand for attorneys with global legal credentials, we expect increasing numbers of JDAS students to join us over the next several years.

As with all Arizona Law programs, JDAS students enjoy a highly individualized and supportive experience, extensive training in research and writing, and a high degree of faculty interaction and mentoring.

Individuals interested in the JDAS program should contact Professor Brent White at [JDAS@law.arizona.edu](mailto:JDAS@law.arizona.edu).

**MASTER OF LAWS (LL.M.)  
AND DOCTOR OF JURIDICAL SCIENCE (S.J.D.)  
IN INDIGENOUS PEOPLES LAW AND POLICY**

The University of Arizona in Tucson, in the heart of the American Southwest and Arizona Indian Country, is widely recognized as one of the world's leading academic centers for the study of Indigenous peoples' cultures, histories, languages, laws, and human rights. With the strengths of the University of Arizona in the field of Indigenous peoples studies, the James E. Rogers College of Law, working closely with Indigenous peoples, their leaders, and their communities, offers the interdisciplinary Master of Laws (LL.M.) and Doctor of Juridical Science (S.J.D.) Programs in Indigenous Peoples Law and Policy.

The advanced one-year degree LL.M. Program is designed to prepare lawyers to meet the unique and difficult set of challenges and problems confronting international and domestic law reform and policymaking in the field of Indigenous peoples' rights in the twenty-first century. As the highest degree offered in the field of law, the S.J.D. offers candidates an intellectually challenging opportunity for academic specialization.

The LL.M. Program in Indigenous Peoples Law and Policy is designed to educate graduate law students from the United States and foreign countries on the most important legal and policy issues confronting lawyers in the field of Indigenous peoples' rights, with particular emphasis on indigenous peoples in the United States, Canada, Australia, New Zealand, and Latin America. In addition, the LL.M. Program strives to promote a deeper critical and global understanding of the challenges and problems confronting lawyers and policymakers in the field of Indigenous peoples' rights.

Both LL.M. and S.J.D. students have an opportunity to take a large number of courses offered at the College of Law and/or other graduate and professional school programs at the University of Arizona. The College of Law offers 20 to 30 credit hours of specialized Indian law courses each fall and each spring semester. The S.J.D. Program also offers highly qualified candidates the opportunity to conduct advanced research and produce original scholarship under the guidance of its internationally renowned faculty, including S. James Anaya, recently appointed as United Nations Special Rapporteur on Rights of Indigenous People and author of *Indigenous Peoples in International Law* (2d ed.); Robert A. Williams, Jr., co-author of *Federal Indian Law: Cases and Materials* (5th ed.); Melissa L. Tatum, contributing author to *Cohen's Handbook of Federal Indian Law* and leading scholar in tribal court jurisdiction; as well as other academic experts in the field of Indigenous peoples' rights. In addition to traditional coursework, clinical opportunities available to LL.M. and S.J.D. students foster the connection between practical experience and scholarly development, resulting in direct public service that is attentive to local, state, national, and international needs.

Applications are accepted on a rolling basis, although prospective students are strongly encouraged to apply by March 15 for the academic year beginning mid-August. After March 15, admission is granted only on a space-available basis. Questions relating to the LL.M. and S.J.D. in Indigenous Peoples Law and Policy Program should be addressed to Professor Melissa L. Tatum, Director of the IPLP Program at [mtatum@email.arizona.edu](mailto:mtatum@email.arizona.edu). Further information also is available at our website, <http://www.law.arizona.edu/depts/iplp>.





## EDITORIAL FOREWORD

Each year, the *Arizona Journal of International and Comparative Law* produces three issues, typically two traditional issues with full-length articles and student notes, and one symposium issue. For the symposium issue, the Editorial Board seeks material centering on timely subjects.

This symposium issue arose from the fact that residential real estate has been a key component in the U.S. economic recession and subsequent slow recovery. As Board members watched foreclosed homes sit empty in our own neighborhoods, we wondered how public policy and consumer attitudes may have contributed to the problems. Our own Professor Brent White's article *Underwater and Not Walking Away: Shame, Fear and the Social Management of the Housing Crisis*,<sup>1</sup> about the reluctance of Americans to walk away from underwater mortgages, had sparked controversy. The Board was interested in how these factors affected other countries. Professor White agreed to delve into one of his areas of expertise and explore Japanese homeowner attitudes toward strategic default. Professor Gregory M. Stein weighs in with a piece considering whether China could face a housing crisis similar to our own by comparing and contrasting the housing markets in the two countries. Providing a unique portrait of cultural forces and housing policy, Professors Youngjoon Kwon and Yong-Shik Lee look at the unusual practice of the long-term residential lease in South Korea and note its implications and lessons for the outside world, particularly for developing countries. None of these articles provides easy answers. Rather, they illuminate cultural nuances, laws, and policies that influence the emotional and financial ties individuals have with the buildings in which they live. "Home," it turns out, is intertwined with pride and policy across our global village, but sometimes in very different ways.

This issue also features the annual review of World Trade Organization decisions by Professors Raj Bhala and David A. Gantz. China is a major player in cases adjudicating remedies implemented by the United States and the European Union in response to unfair Chinese trade practices. Also included are cases considering Thailand's taxation of imported cigarettes and the U.S.-EU battle over large civil aircraft (Boeing and Airbus). The cases this year offer both high-stakes conflict and nuanced legal analysis. They also question how effectively the WTO, including the Appellate Body, is using what power it possesses to shape trade policy and compliance with the covered agreements.

I would like to thank the authors for their hard work and patience, Professors Gantz and White for their guidance as faculty advisors, and *Journal* staff members from fall 2011 through spring 2013, particularly Ron Cooper and John Lierman, for their extraordinary efforts.

Jacquelyne J. Mingle  
Editor-in-Chief, 2011–2012

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1. See Brent T. White, *Underwater and Not Walking Away: Shame, Fear and the Social Management of the Housing Crisis*, 45 WAKE FOREST L. REV. 971, 992–95 (2010).



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