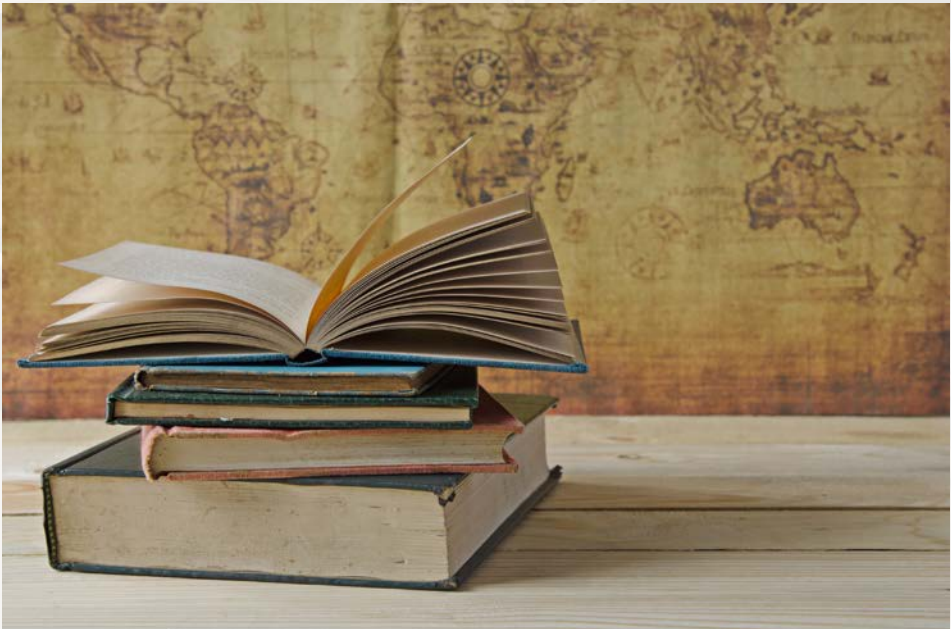


LEGAL EDUCATION ABROAD: COLOMBIAN LEGAL GRADUATES AND THE SOCIAL EFFECTS OF LL.M. DEGREES

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LEGAL EDUCATION ABROAD: COLOMBIAN LEGAL GRADUATES AND THE SOCIAL EFFECTS OF LL.M. DEGREES

CESAR S. RAMIREZ

Abstract

This paper analyzes the social effects of U.S. Master of Laws degrees (LL.M.) in the Colombian juridical field. Therefore, this paper asks: *what are the selection requirements of U.S. LL.M. programs? How do selection requirements reproduce social hierarchies in a country such as Colombia?* To address these questions, this paper first describes the admission criteria of LL.M. programs in U.S. universities by relying on qualitative data such as the universities' description of their selection mechanisms and the costs of admissions. Then, using primary and secondary quantitative and qualitative data, the paper describes how selection criteria reproduce the Colombian legal field's social hierarchies. The article focuses on four selection requirements: the English proficiency requirement, grades, *CV*, letters of recommendation, and the recognition of the degree. Finally, the paper concludes that current selection mechanisms reproduce social hierarchies in Colombia's legal profession.

Keywords: LL.M. degrees, social fields, legal education, social hierarchy, sociology of the professions, capitals.

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EDUCACIÓN LEGAL EN EL EXTRANJERO: GRADUADOS EN DERECHO COLOMBIANOS Y LOS EFECTOS SOCIALES DE LOS TÍTULOS DE LL.M.

CESAR S. RAMIREZ

Resumen

Este artículo analiza los efectos sociales de los títulos de maestría en derecho (LL.M., por sus siglas en inglés) de los Estados Unidos en el campo jurídico colombiano. Por lo tanto, este documento pregunta: *¿Cuáles son los requisitos de selección de los programas LL.M. en Estados Unidos? ¿Cómo los requisitos de selección reproducen las jerarquías sociales en un país como Colombia?* Para abordar estas preguntas, este artículo primero describe los criterios de admisión a las maestrías en derecho establecidos por las universidades de los Estados Unidos basándose en datos cualitativos, como la descripción de las universidades de sus mecanismos de selección y los costos de admisión. Luego, utilizando datos cuantitativos y cualitativos primarios y secundarios, el artículo describe cómo los criterios de selección de estos programas reproducen las jerarquías sociales del campo jurídico colombiano. El texto se centra en cuatro criterios de selección: el requisito de dominio del inglés, las calificaciones, la hoja de vida, las cartas de recomendación y el reconocimiento del título. Finalmente, el artículo concluye que los mecanismos de selección actuales reproducen las jerarquías sociales en la profesión jurídica.

Palabras clave: maestrías en derecho, campos sociales, educación jurídica, jerarquía social, sociología de la profesión, capitales.

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Introduction¹

The number of Colombian lawyers pursuing a Master of Laws (LL.M.) in the United States has increased during the last 20 years.² Colombian legal graduates pursue this degree to advance their social, economic, and professional status; learn about a different legal system and culture; gain practical experience; practice and learn a second language; expand their professional networks; among other reasons. Once they obtain a master's degree, legal graduates will have better professional opportunities and higher wages. More importantly, LL.M. degrees can provide social mobility to middle and low-class Colombian legal graduates and reaffirm the position occupied in the legal field by upper-middle- and upper-class legal graduates.

The legal education literature has addressed why U.S. universities are at the forefront of graduate legal education and the career paths taken by LL.M. and Doctor of

¹ Appreciations: I would like to thank Professor Aziz Rana for reviewing an earlier version of this Article and for his valuable comments. An earlier version of this Article was presented for the Critical Perspectives on the Law course with Professor Elizabeth Anker, whom I thank for her feedback. Any mistakes are my own.

² See Carole Silver, "Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers", *Cardozo Journal of International and Comparative Law* 14 (2006), for an account of the general increase of the number LL.M. students. Additionally, between 1992 and 2021, Colfuturo selected 746 lawyers to pursue LL.M. and Doctor of the Science of Law (J.S.D.) degrees in the U.S. but only 644 received the Colfuturo loan. See Colfuturo, "Beneficiarios del Programa Credito Beca para posgrados en el exterior", <https://servicios.colfuturo.org/seleccionados/> (accessed February 25, 2022). Once I accessed Colfuturo's public data set, I selected the following criteria: First, the years reported by Colfuturo, which extend from 1992 to 2021. Second, I selected the U.S. as country; finally, I selected a third criteria that would help me include all the Master of Laws programs by using two filters for area: law, and law, political science, and international relations. Then, I downloaded the PDF and Excel files. Additionally, the American Bar Association (ABA) requires ABA-approved law schools to report the number of non-Juris Doctor (J.D.) students. This would include LL.M., J.S.D. students, and other programs. Unfortunately, the data does not differentiate amongst non-J.D. programs. In 2019, for example, there were 19,819 non-J.D. students (ABA, "Statistics Archives", https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives/ (accessed March 30, 2022)). In 2021, during the COVID-19 pandemic, the total number of non-J.D. students was 21,044 (ABA, "Statistics Archives"). Counterintuitively, in 2020 there were 21,292 non-J.D. students, which means that the number of students did not decrease due to the pandemic. It was higher than in 2019 and 2021 (ABA, "Statistics Archives"). In comparison, in 2013 the total number of non-J.D. students was 11,132 (ABA, "Statistics Archives"). This means that, between 2013 and 2021, there was an 89.04% increase in the number of non-J.D. students (ABA, "Statistics Archives"). I cannot determine the increase solely for LL.M. programs because, as stated above, this information is not included in the law schools' mandatory disclosures to ABA. Finally, the ABA data set extends to 1963, when the total number of non-J.D. students was 2,886 (ABA, "Statistics Archives"). This means that there has been a 629.17% increase in the number of non-J.D. students from that year to 2021 (ABA, "Statistics Archives"). Another interesting point is that not even periods of crises seem to affect the growth of LL.M. programs. For example, during the 2009 financial crisis, non-J.D. student numbers continued to rise (ABA, "Statistics Archives"). See Sweethaa Ballakrishnan and Carole Silver, "A New Minority? International JD Students in US Law Schools", *Law & Society Inquiry* (2019) for an analysis on foreign graduate students seeking J.D. programs. Unfortunately, I cannot disaggregate the data by nationality.

the Science of Law (J.S.D.) graduates, the history of LL.M. programs³, and other related subjects. This paper contributes to the conversation by addressing the selection requirements of U.S. LL.M. programs and the effects they produce in the legal graduate's home countries. Hence, this paper asks: *what are the selection requirements of U.S. LL.M. programs? And how do selection requirements reproduce social hierarchies in a country such as Colombia?*

These questions are important for several reasons. First, LL.M. degrees are among the most important graduate degrees for lawyers worldwide. Therefore, the increasing number of international students pursuing the degree requires us to evaluate its positive and negative impacts. Second, given the importance of the degree, discussions of legal education cannot be limited to Juris Doctor (J.D.) programs (professional programs); the discussions must address the social consequences of master's and doctoral degrees, and the recent trend of international students pursuing J.D.s. Finally, proposals to improve legal education cannot ignore international LL.M. students because they are vital to U.S. law schools. Therefore, discussions on democratizing legal education and teaching methods, among others, must address these concerns regarding graduate legal education.

Case Selection and Research Design

I selected Colombia as a case study because it provided useful manifestations⁴ of the social consequences of LL.M. programs. Hence, Colombia is a useful case study for five reasons: first, the number of Colombian lawyers pursuing these degrees in

³ Silver, "Internationalizing"; Carole Silver, "States Side Story: Career Paths of International LL.M. Students, or 'I like to Be in America'". *Fordham Law Review* 80, no. 6 (June 2012); Carole Silver, "Getting real about globalization and legal education: potential and perspectives for the U.S.", *Stanford Law Review* 24, no. 2 (2013); Carole Silver, "Globalization and the monopoly of ABA-approved law schools: Missed opportunities or dodged bullets?" *Fordham Law Review* 82, no. 6 (2014); Carole Silver, "Educating Lawyers for the Global Economy: National Challenges," *Kyung Hee University Law Review* (2010); Carole Silver, "Coping with the consequences of 'too many lawyers': Securing the place of international graduate law students," *International Journal of the Legal Profession* 19, no. 2 (2012); Carole Silver, David Van Zandt and Nicole de Bruin, "Globalization and the Business of Law: Lessons for Legal Education," *Northwestern Journal of International Law & Business* 28, no. 3 (Spring 2008); Swethaa Ballakrishnen and Carole Silver, "A new minority? International JD students in US law schools," *Law & Society Inquiry* (2019); Swethaa Ballakrishnen and Carole Silver, "Sticky Floors, Springboards, Stairways & Slow Escalators: Mobility Pathways and Preferences of International Students in U.S. Law Schools," *U.C. Irvine J. Int'l Transnat'l Comp. L.* 39 (2018). Matthew Parker, "The Origin of LL.M. Programs: A Case Study of the University of Pennsylvania Law School," *U. Pa. J. Int'l L.* 825 (2018), Meera E. Deo, Mindie Lazarus-Black, and Elizabeth Mertz, *Power, Legal Education, and Law School Culture*, (New York: Routledge, 2020).

⁴ Michael Quinn Patton, *Qualitative Research and Evaluation Methods* (London: Sage, 2001).

the U.S. has significantly increased in the last 20 years.⁵ Second, transnational legal education is highly valued by Colombian legal graduates, law firms, law schools, and public institutions, among others. Third, studying abroad provides Colombian lawyers with symbolic, academic, and social capital.

Fourth, the Colombian Government seeks to attract foreign investment through legal change (i.e., legal transplants) in corporate law, criminal law, securities regulations, and so on, inspired by the U.S. legal system. LL.M. graduates can, therefore, elaborate legal transplants because of their knowledge of the U.S. legal system.⁶ Finally, foreign law firms and corporations interested in investing in Colombia hire Colombian law firms and lawyers. Thus, lawyers with LL.M. degrees are an asset to law firms because foreign companies will prefer firms that hire LL.M. graduates, given their knowledge of the Colombian and U.S. legal systems.

This paper relies on the following conceptual and methodological orientations. First, the article studies LL.M. degrees as a *subfield* of the *juridical field*. For that purpose, I will describe *the rules of the LL.M. game subfield* established by U.S. universities by relying on qualitative data such as the universities' descriptions of their selection mechanisms and admission costs. Second, I will use my personal experience as an LL.M. graduate, which provided me with first-hand knowledge of the rules of the LL.M. game subfield. Finally, the paper uses primary and secondary quantitative and qualitative data to describe four effects LL.M. selection standards produce on Colombian social hierarchies.

This paper is organized as follows. In section II, I explain the theoretical considerations of the article. Then, in section III, I conduct a qualitative description of the rules of the LL.M. game by presenting the selection criteria and the costs of the program. After addressing the selection criteria, section IV explains how they impact the Colfuturo loan program. I selected Colfuturo because it provides one of the most significant loans for Colombian graduate students to finance their graduate education abroad. Using Colfuturo's public data (external data) for 2018 and 2019, I describe

⁵ See Colfuturo, "Financiación de posgrados. Procesos de selección", <https://servicios.colfuturo.org/financiacion-de-posgrados-proceso-de-seleccion> (accessed February 2, 2022). Also, see footnote 1.

⁶ See Margit Cohn, "Legal Transplant Chronicles: The evolution of unreasonableness and proportionality review of the administration in the United Kingdom," *The American Journal of Comparative Law* 58, no. 3 (2010); Sital Kalantry, "Reverse legal transplants," *NCL Rev.*, no. 99 (2020); Mathias Siems, "Malicious legal transplants," *Legal Studies* 38, no. 1 (2018); Alan Watson, "Legal change: Sources of law and legal culture," *U. Pa. L. Rev.*, no. 131, 1121; Maximo Langer, "From legal transplants to legal translations: The globalization of plea bargaining and the Americanization thesis in criminal procedure," *Harv. Int'l LJ*, no. 45 (2004); Toby S. Goldbach, "Why legal transplants," *Annual Review of Law and Social Science*, no. 15 (2019).

how the LL.M. programs' selection criteria impact the loan program. During those periods, I show that the primary beneficiaries were middle- and upper-class legal graduates (this paper did not address the 2020 and 2021 periods).

Section V analyzes the different criteria contributing to social reproduction in the legal field. I focus on four criteria: the English proficiency requirement, grades, *C/V*, letters of recommendation, and the LL.M. degree validation procedure (the administrative process by which the Colombian Secretary of Education recognizes foreign degrees).

Using primary and secondary quantitative research data, this section shows the *social reproduction effects* of LL.M. degrees. By *social reproduction*, I mean three things: first, the selection criteria of the LL.M. programs unintentionally benefit upper-middle- and upper-class students. Second, LL.M. graduates will be hired by law firms and universities, which will help future graduates of these institutions and firms get interested in pursuing LL.M. degrees. Finally, LL.M. degrees will function as a *contested mechanism of distinction*. Let me explain what I mean by this.

I start from the premise that there is a process of democratization of legal education in Colombia (I do not address whether this is occurring. Even if it is not, the number of middle- and lower-class students pursuing LL.M. degrees has increased, as I will show below). Thus, middle- and lower-class students attending law school in Colombia have likely increased. Moreover, there was an increase in legal graduates who pursue LL.M. degrees or other graduate education to advance their careers.⁷ However, I argue that one of the unintended effects of this democratization process was that upper-middle- and upper-class legal graduates sought mechanisms to *distinguish* themselves from middle- and lower-class legal graduates.⁸ LL.M. degrees became one of those mechanisms.

⁷ See footnote 1 and Colfuturo, "Beneficiarios del Programa Crédito Beca para posgrados en el exterior", <https://servicios.colfuturo.org/seleccionados/> (accessed March 30, 2022).

⁸ Here, I draw inspiration from Bourdieu's *social specialization*, or *grounds of distinction* as coined by Jeremy Lane: "Furthermore, if certain fractions of the *classes moyennes* could now consider higher education to be a 'normal possibility,' this suggested that attending university was rapidly losing its distinctive or rarity value. New grounds of distinction were being produced within the university itself and Bourdieu produced a set of statistics to show that as new categories of students gained access to higher education so the discipline they chose, primarily in the faculties of science and arts, began to lose prestige." Jeremy F. Lane, *Pierre Bourdieu: A Critical Introduction* (London: Pluto Press, 2000), 63. See also Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* (London: Sage, 1990), 228-31.

Hence, I argue that LL.M. degrees operate as a *mechanism of distinction*⁹ in the legal field in two ways. *First*, the *degree itself* (i.e., the diploma) serves as a distinction mechanism by providing foreign graduates with explicit and implicit skills and capitals, such as knowledge of a second language, transnational social capital, prestige, economic capital, and symbolic capital.

However, when LL.M. degrees become accessible to middle- and lower-class legal graduates due to loans such as the ones provided by Colfuturo or university grants, the institution where you obtained your degree becomes the *second* mechanism of distinction.¹⁰ The legal field will generally value legal graduates with LL.M. degrees from tier 1 universities (I explain what this means below). I note that this is not *necessarily the case* because there could be instances in which the institution is not relevant (e.g., when law firms hire graduates regardless of the institution where they obtained the degree. For the firm, what matters is that the lawyer has an LL.M. degree).

Finally, I use the term *contested mechanism* for the following reason: even though LL.M. degrees might retrench social hierarchies during certain periods, this is not a *necessary effect*. Lower- and middle-class legal graduates are not passive actors; they understand the importance of the degree and its multiple professional and personal possibilities. Additionally, they are aware of the transformation and democratization of legal education produced by discussions on gender, class, and race (this paper does not address whether this is occurring in Colombia). Hence, some students

⁹ “Credentials help define the contemporary social order, in the medieval sense of *ordo*, a set of graduations at once temporal and spiritual, mundane and celestial which establish incommensurable degrees of worth among women and men, not only by sorting and allocating them across the different slots that make up the social structure, but also, and more importantly, by presenting the resulting inequalities between them as ineluctable necessities born of talent, effort, and desire of individuals...Here Bourdieu’s object is the operation of social alchemy whereby a social hierarchy dissimulates itself, to those it dignifies no less than to those it excludes, as a scale of human excellence, how a historically arbitrary social order, rooted in the materiality of economic and political power transmutes itself into what displays every outward appearance of an aristocracy of intelligence. Under this angle, the granting of an elite degree is not so much a “rite of passage,” a la Van Gennep as a *rite of institution* it does not demarcate a before and after so much as it differentiates —and elevates— those destined to occupy eminent social positions from those over whom they will lord. It evokes references for and consecrates them, in the strongest sense of the term, that is, it makes them sacred.” Loic J.D. Wacquant, “Foreword”, in Pierre Bourdieu, *The State Nobility*, (Stanford: Stanford University Press, 1996), x.

¹⁰ “This is where the system of elite establishments of higher education enter the picture. In societies characterized by the copresence and contest of diverse forms of power that all rely increasingly upon conversion into credentials as means for self-perpetuation, this system not only guarantees preferential and speed access to positions of command to the sons of those lineages who already monopolize them.” Wacquant, “Foreword”, xi-xii.

can pursue the degree because it has the potential to unsettle and contest social hierarchies in the legal field. This also means that the degree has a *contradictory nature*: it can serve as a mechanism of social reproduction and contestation of the social hierarchy. However, as this paper shows, it is currently reproducing social hierarchies. Finally, in section VI, I explain the conclusions the paper reached.

Two caveats are relevant at this point. First, the data I gathered to describe the Colfuturo loan is public and available on their website. I did not participate in Colfuturo's collection of data nor designed their methodology. Furthermore, I did not receive any kind of financial assistance to conduct this study, nor will I perceive any benefit from it. Second, as Patton notes, personal experience and engagement are appropriate mechanisms of data collection and fieldwork strategies because the researcher "has direct contact with and gets close to the people, situation, and phenomenon under study."¹¹ Hence, my experience as an LL.M. graduate and a Colfuturo beneficiary provided me with first-hand knowledge to collect data and understand the game's rules.

The Framework of Analysis: LL.M. Degrees as a Transnational Subfield of the Legal Field and Transnational Academic Capital

In this paper, I study LL.M. programs as a *subfield of the legal field*. Bourdieu defines the field as "an area of structured, socially patterned activity or 'practice.'"¹² Moi defines it as the "space in which a game takes place, a field of objective relations between individuals or institutions who are competing for the same stake."¹³ A field constitutes a "space of structured relations in which the positions of individuals or schools of thought were defined in terms of their differential relationship with other participants in the field."¹⁴ In simpler terms, a field is a social space where people interact, and transactions and events occur.¹⁵ In this space, actors will use strategies to improve or maintain their positions.¹⁶

¹¹ Patton, *Qualitative Research*, 40.

¹² Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field", *Hastings Law Journal* (1987): 805.

¹³ Toril Moi, "Appropriating Bourdieu: Feminist Theory and Pierre Bourdieu's Sociology of Culture," *New Literary History* 22, no. 4 (Autumn 1994): 1020–21.

¹⁴ Lane, *Pierre Bourdieu*, 73.

¹⁵ Patricia Thomson, "Field," in *Pierre Bourdieu: Key Concepts*, ed. Michael Grenfell (London: Routledge, 2014), 67.

¹⁶ Thomson, "Field", 69.

Bourdieu claimed that “The juridical field is organized around a body of internal protocols and assumptions, characteristic behaviors and self-sustaining values”¹⁷ or, as Terdiman puts it, a “legal culture.”¹⁸ Furthermore the “world of the law” establishes its own rules and professional requirements transmitted by tradition, education, and experience.¹⁹ Hence, *the law is a field*.

For Bourdieu, the actors in the juridical field *are competing for the right to determine the law*.²⁰ This right is determined by “a symbolic struggle between professionals possessing unequal technical skills and social influence.”²¹ According to Bourdieu, this struggle leads to two divisions. On the one hand, social divisions among professionals and laypeople. On the other hand, the competition among the professionals that integrate the legal field, such as practitioners (including judges and practitioners) and professors (this competition depends on the legal tradition).²²

However, I claim that there is one further distinction²³ between the legal actors in the struggle to determine the law, different from the distinction between practitioners and professors: legal actors with more or less technical knowledge or competence. Some legal actors will have more technical competence than others in the struggle to determine the law, and thus will have more influence in the discussions. What, who, and how this technical competence is determined depends on the legal culture and system.

With this consideration in mind, my claim is that LL.M. degrees serve as a *distinction mechanism* in the legal field because they provide *technical knowledge or competence*, which increases the degree holder’s academic, symbolic, and social capital. This distinction —*technical competence*— operates as a scale: actors with higher technical competence will occupy a higher position in the legal field. Additionally, this distinction, which seems objective and based on knowledge of the law, conceals the social structures favoring certain legal graduates, allowing them to obtain

¹⁷ Richard Terdiman, “Translator’s introduction: The Force of Law: Toward a Sociology of the Juridical Field,” *Hastings Law Journal* 38, no. 5 (1987): 806.

¹⁸ Terdiman, “Translator’s introduction”, 806.

¹⁹ Terdiman, 807.

²⁰ Bourdieu, “Force of Law”.

²¹ Bourdieu, “Force of Law”, 827.

²² Bourdieu, “Force of Law”, 827.

²³ I use the term *distinction* in a Bourdieusian sense, see Pierre Bourdieu, *Language and Symbolic Power* (Cambridge: Harvard University Press, 2001). For a discussion on distinction in language practices, or art and aesthetic practices see Pierre Bourdieu, *Distinction* (Oxford: Routledge, 2010). For the field of education see Pierre Bourdieu and Jean-Claude Passeron, *Los herederos* (Buenos Aires: Siglo del Hombre, 2019).

higher levels of technical competence. This technical competence gives certain legal actors (i.e., upper-middle- and upper-class legal graduates) the necessary capital to distinguish themselves from other actors and monopolize “the right to determine the law.”²⁴

The distinction provided by the degree leads to the hierarchization of the legal profession. For example, in theory, an upper-class lawyer who graduated from a top-ranked law school in Colombia with high TOEFL scores and who worked for the Colombian Government will have a high chance of admission into a top-tiered U.S. law school. In their statement of admission, the lawyer will argue that they will fix or contribute to Colombia’s legal system by transplanting a legal institution, working as an academic, or as a civil servant. Once they have obtained their degree from a top-tiered institution and return to the country, they will have the social, educational, symbolic, and economic capital to occupy multiple positions in the public and private sectors and as law professors.

Additionally, I study LL.M. degrees as *subfields of the legal field* for two reasons. First, and mentioned above, LL.M. degrees provide legal graduates with technical competence and educational, social, and economic capital to compete for the right to determine the law.²⁵ Hence, the degree serves a primary purpose in the legal field and possibly in the broader political field (because lawyers can become advisors for governmental institutions). Outside these fields, the degree loses much of its importance. Second, I study LL.M. degrees as a subfield to avoid a proliferation of fields.

In addition to studying LL.M. degrees as a subfield of the legal field, I analyze them as a form of *transnational capital*, following Susana Santos and Anne Schippling.²⁶ LL.M. programs are *transnational* because globalization and capitalism have transformed

²⁴ Bourdieu, “Force of Law”.

²⁵ Bourdieu, “Force of Law”, 828.

²⁶ Susana Santos and Anne Schippling, “Transnational Capital in Contemporary Legal Education: The Case of Portuguese Young Lawyers Trajectories’ Between the National and the Global Arena,” paper presented at the “Crisis, Healing, and Reimagining” 2021 Virtual Conference of the Law and Society Association, <https://ciencia.iscte-iul.pt/publications/transnational-capital-in-contemporary-legal-education-the-case-of-portuguese-young-lawyers/81765> (accessed March 1, 2022). For the transnationalization of legal education and law schools competing for markets see also Bryant G. Garth “Notes toward an Understanding of the US Market in Foreign LL. M. Students: From the British Empire and the Inns of Court to the US LL. M.”, *Ind. J. Global Legal Stud.* 22 (2015): 67, and Yves Dezalay, and Bryant G. Garth, *The internationalization of palace wars. Lawyer, Economists, and the Contest to Transform Latin American States*, (Chicago/Londres: University of Chicago Press, 2002).

and shaped the legal profession and legal education. For Santos and Schippling, “transnational capital is a form of capital within the Bourdieusian framework” because it allows the capital’s holder to engage in globalized social arenas.²⁷

Santos and Schippling encountered several manifestations of transnational capitals: *incorporated forms* (language skills and cosmopolitan mindsets); *institutionalized forms* (international jobs and credentials); and *objectivated forms* (possession of foreign texts and objects).²⁸ It also provides the degree holder with social capital that extends beyond the country where they obtained their degree. The degree also provides them with “social recognition and prestige”²⁹ that can be transformed into transnational symbolic capital.

I extend Santos and Schippling’s framework to argue that LL.M. degrees are a form of *transnational academic capital*. On the one hand, LL.M. degrees in their institutionalized form —i.e., the diploma itself— can be studied as academic capital. On the other hand, the field is transnational for three reasons. First, multiple universities worldwide offer LL.M. degrees. These institutions are competing to attract international students. The university’s prestige and position in rankings such as Quacquarelli Symonds (QS), Times Higher Education, and other factors influence the applicant’s decision to choose a specific institution.

Second, U.S. LL.M. programs also compete with graduate degrees in the lawyers’ home country. This leads to issues such as the recognition of foreign degrees (which I explain below), academic requirements, local law schools’ possibilities to compete against foreign universities, and so on. The key point is that globalization has transformed legal education, making it a transnational service in which universities worldwide compete to attract foreign legal graduates.

Finally, both the legal profession and law firms are global. U.S. law firms continue to expand to international legal markets and need legal graduates who can practice in multiple jurisdictions.³⁰ The LL.M. degree provides graduates with the required qualifications to practice in those jurisdictions. For example, foreign graduates can practice law in several U.S. states (e.g., California and New York).³¹ Additionally,

²⁷ Santos and Shippling, “Transnational Capital”.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Silver, “Internationalizing”, 145-46.

³¹ Nonetheless, even though it is beyond the scope of this paper, the number of foreign students pursuing J.D. degrees is also increasing. See Ballakrishnen, “A New Minority”.

these law firms might be interested in collaborating with firms that hire LL.M. graduates or lawyers who have the degree. The same applies to local law firms resembling U.S. big-law firm models.

LL.M Degrees: The Rules of the Game

Description of the LL.M. Programs

According to the Law School Admission Council (LSAC), an LL.M. is a “graduate qualification in the field of law. The LL.M. was created for lawyers to expand their knowledge, study a specialized area of law, and gain international qualifications if they have earned a law degree outside the U.S. or Canada.”³² LL.M. degrees or Master of Laws are pursued by lawyers who already hold a Juris Doctor (J.D.), graduate-entry professional degree, or a bachelor’s in law after several years of practicing or teaching law. Some of them have also pursued graduate education (master’s degrees or specializations) in different branches of law.³³

Carole Silver describes LL.M. degrees as an add-on for foreign-trained lawyers serving multiple functions in developing their careers.³⁴ For example, these programs provide professional networks that enable graduates “to connect with elite national and international law firms.”³⁵ This symbolic, academic, and social capital raises their status in their home country and teaches them legal terms that are critical for participation in the legal market³⁶.

Even though LL.M. degrees are important for foreign lawyers, they are highly unregulated in the U.S.³⁷ This lack of regulation is not a minor concern because

³² Law School Admission Council (LSAC), “LLM Degree Programs”, <https://www.lsac.org/discover-law/types-law-programs/llm-degree-programs> (accessed February 19, 2022).

³³ U.S. J.D. students are eligible to pursue this degree. However, there are practitioners who argue that it is a “bad idea” to obtain this degree and a “utter waste of your time and money.” The language used by the author in mention is dismissive of LL.M. programs. Harrison Barnes, “Why an LL.M. Degree is Almost Always a Bad Idea for Attorneys: In Most Instances an LL.M Will Never Get You a Better Job and Only More Debt”, <https://www.bcgsearch.com/article/900047532/Is-an-LL-M-Degree-Worth-It/> (accessed April 11, 2022). See also Case Sullivan, “3 Times when it make sense to get an LL.M.,” <https://www.findlaw.com/legalblogs/greedy-associates/3-times-when-it-makes-sense-to-get-an-llm/> (accessed September 5, 2022); JD Advising, “Is getting an LL.M. worth it after law school?,” <https://jdadvising.com/is-getting-an-llm-worth-it-after-law-school/> (accessed September 5, 2022).

³⁴ Silver, “Internationalizing”.

³⁵ *Ibid.*, 144.

³⁶ *Ibid.*, 144.

³⁷ Parker, “The Origin of LL.M.”.

over 150 U.S. law schools offer graduate degrees for international students.³⁸ For example, the American Bar Association (ABA) oversees U.S. law schools' accreditation process.³⁹

However, this accreditation does not extend to LL.M. programs: "the content and requirements of those degrees, such as an LL.M., are created by the law school itself and do not reflect any judgment by the ABA accrediting bodies regarding the quality of the program."⁴⁰ Hence, law schools are free to determine their admissions criteria, the structure of the program, the course offering for the programs, and so on.⁴¹

Instead of accreditation, the ABA provides *acquiescence* to LL.M. programs if the law school is fully approved and if offering the degree does not have an *adverse effect* on the universities' J.D. program.⁴² The ABA provides acquiescence to the law school if the requirements are met. However, Law schools cannot claim that their LL.M. program has been approved by the ABA.⁴³

Generally, states lack regulatory power over LL.M. programs. Nonetheless, they establish bar admission requirements. States such as California, New York, Massachusetts, Washington, and recently Florida admit foreign legal graduates to legal practice. Other states do not grant LL.M. graduates bar admission. Hence, states establish bar admission criteria that directly impact LL.M. graduates. The states might specify the number of credits international students must take to qualify for bar admission. Additionally, they might require specific courses. Therefore, states indirectly regulate LL.M. degrees by establishing requirements that graduates must meet if they want to be eligible for bar admission.

I use New York as an example to show how bar admissions for foreign graduate students work. "Section 520.6 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.6) contains the

³⁸ American Bar Association, "LL.M. and post-J.D. Degrees by School", https://www.americanbar.org/groups/legal_education/resources/lm-degrees_post_j_d_non_j_d/programs_by_school/ (accessed March 3, 2022); Silver, "Internationalizing". The number has increased by more than fifty law schools since Silver's study.

³⁹ American Bar Association, "Law School Accreditation", https://www.americanbar.org/groups/legal_education/accreditation/; Silver, "Internationalizing".

⁴⁰ American Bar Association (ABA), "Overview of Post J.D. and non-J.D. Programs", https://www.americanbar.org/groups/legal_education/resources/lm-degrees_post_j_d_non_j_d/ (accessed February 20, 2022).

⁴¹ ABA, "Overview".

⁴² *Ibid.*

⁴³ *Ibid.*

eligibility requirements for applicants who wish to qualify for the New York State bar examination based on the study of law in a foreign country.”⁴⁴

In the case of Colombian legal graduates, they must meet the four requirements of section 520.6 (b)(1). First, a qualifying degree in law allows them to practice in a country other than the U.S. Second, the degree must come from an accredited law school in a foreign country. Third, the program of study must be substantially equivalent in duration to those approved by the ABA in the U.S. Finally, the program must be based on the principles of Common Law and equivalent to the legal education provided by ABA-approved law schools.⁴⁵

Given that LL.M. graduates have not studied in the U.S., they can *cure* their degree. (Rule 520.6 [b] [1] [ii] and 20.6 [b] [2])⁴⁶ *Curing* means that if their legal education was not *substantially equivalent* or *sufficient in duration* to ABA-approved law programs in the U.S., graduates can cure one of the deficiencies, but not both, by graduating from an LL.M. program.⁴⁷ In the case of Colombians, they will have to cure the *substantial equivalence* deficiency by obtaining an LL.M. degree.

There are two different rules regarding curation (one applies to students who graduate from LL.M. programs before 2013, and the other to those who graduate after that date). Given the timeframe of this paper, I will focus on the new rule. New York State establishes that a foreign legal graduate can cure both deficiencies by obtaining an LL.M. degree at an ABA-approved law school. The foreign legal graduate must obtain the LL.M. degree within 24 months of enrollment.⁴⁸

Furthermore, the students must take at least 24 classroom semester hours of credits. If the graduate student does not meet the minimum requirements, New York allows them to take the additional credits on a non-degree basis at an ABA-approved law school. Additionally, the LL.M. program must take place over at least two semesters and cannot be completed exclusively in the summer. Only ABA-approved law schools can offer LL.M. degrees (therefore, analyzing the ABA’s regulatory framework is relevant).⁴⁹

⁴⁴ The New York State Board of Law, “Foreign Legal Education”, <https://www.nybarexam.org/foreign/foreignlegaleducation.htm> (accessed March 25, 2022).

⁴⁵ New York State Board of Law.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

The New York Board of Law Examiners also establishes coursework requirements for bar admissions. Foreign legal graduates must take two semesters of professional responsibility, two credits in legal research, writing, and analysis, two credits on American legal studies or a similar course that introduces U.S. law, and six credits in subjects that will be evaluated in the New York Bar (e.g., criminal law, civil procedure, evidence, among other courses).⁵⁰

In conclusion, even though LL.M.s are unregulated by the ABA, state requirements for bar admission impact LL.M. programs. These regulations can establish a specific number of credits, required courses, and other criteria that foreign legal graduates must meet during their program. LL.M. programs allow students to choose whether they want to pursue bar admission in a state that will enable international students to practice and provide the necessary course work. Ultimately, the decision rests with the foreign legal graduate.

Application Requirements: The LL.M. Rules of the Game

Even though selection criteria vary, the following requirements are common to all LL.M. programs. First, all universities require applicants to have a law degree. Additionally, applicants must submit a form to provide general information about themselves. Some universities require this form to be submitted directly, while others rely on an online system provided by LSAC to make the process efficient and manageable.⁵¹

Applicants from non-English speaking countries, who did not receive their legal education in English, must provide evidence of English proficiency. Usually, this is done by presenting the valid scores of an English proficiency test—such as the TOEFL (Test of English as a Foreign Language)—taken within two years before submitting their application.⁵² The minimum score required by most top-tiered universities is one hundred, with a minimum score of 25 in each subsection.

⁵⁰ *Ibid.*

⁵¹ LSAC charges a fee for its services. See Law School Admission Council (LSAC), “LLM Programs,” <https://www.lsac.org/llm-other-law-program-applicants/application-process-llm-other-law-programs/llm-credential-assembly> (accessed February 19, 2022).

⁵² Harvard and Yale only accept the TOEFL exam. Other universities have begun to accept other English exams.

Additionally, they must submit their C/V and a personal statement, which may have additional requirements depending on the institution.⁵³ The applicant must include their law degree transcripts and transcripts from other programs they may have completed after their law degree. They must provide at least two letters of recommendation from faculty members of their university and a professional recommendation. Finally, once a university admits a candidate to their program, some universities require students to request financial aid.⁵⁴

After applicants submit all the required documents, they must wait for a couple of months for the admissions decisions. We do not know how the process works internally. However, some law schools state their admission criteria and the academic accomplishments they seek in their applicants. I will focus on the LL.M. programs offered by three high-ranked institutions.

Yale Law School (YLS) states that “[a]pplicants to the LL.M. program must have a strong record of academic accomplishment. Additionally, some professional or law teaching experience following the completion of the first professional degree is encouraged”⁵⁵, and “admission is generally available only to individuals planning careers in law teaching and scholarship.”⁵⁶ In other words, YLS initially limits its admission to legal graduates who are pursuing an academic career. These requirements may discourage prospective applicants because it is difficult to have prior teaching experience in their home countries.

Harvard Law School (HLS) attracts “intellectually curious and thoughtful candidates”⁵⁷ who come from various legal systems and backgrounds and may have different career plans. According to Harvard’s admissions page, they “believe that an adequate comparison of personal qualities and professional accomplishments is not possible

⁵³ Harvard, and Yale require the students to submit an additional statement explaining the research they will conduct during their LL.M. program. Stanford requires a research proposal for students who are applying to the Stanford Program in International Legal Studies (SPILS). See Harvard Law School, “Sample 2022 LLM Application”, <https://hls.harvard.edu/content/uploads/2021/09/Sample-2022-LLM-Application.pdf> (accessed February 22, 2022); Stanford Law School, “Advanced Degree Application Process”, (accessed March 3, 2022). <https://law.stanford.edu/apply/how-to-apply/advanced-degree-application-process/> (accessed March 3, 2022); Yale Law School, “LL.M. Admission”, <https://law.yale.edu/studying-law-yale/degree-programs/graduate-programs/llm-program/llm-admission> (accessed February 22, 2022).

⁵⁴ If the documents are not in English, the applicant must incur in additional costs to have the documents translated and submit them directly to the institution or via LSAC.

⁵⁵ Yale, “LL.M. Admission.”

⁵⁶ *Ibid.*

⁵⁷ Harvard Law School, “LL.M. Program”, <https://hls.harvard.edu/dept/graduate-program/llm-program/> (accessed February 22, 2022).

on the basis of brief personal interviews.”⁵⁸ Hence, it seems the university’s decision is made by comparing the information provided by the applicants, such as the TOEFL exam, their CV, and their letters of recommendation.

Stanford Law School (SLS) offers two programs, the LL.M. and the Stanford Program in International Legal Studies (SPILS). Stanford considers both programs master’s degrees. However, the SPILS program is designed for “international candidates with a law degree earned outside the United States who are committed to pursuing careers in teaching, research, the judiciary, public policy, or service in government or non-governmental organizations.”⁵⁹ To apply for the SPILS programs, candidates must also submit a research proposal. The program only takes twelve candidates per year, and it is the pathway for pursuing the doctoral program in law. The LL.M. program has four specializations, and the admission process is separate from the SPILS program.

Costs and Scholarships

Cost of Admissions

The cost of tuition for a one-year LL.M. program in a top-tier school is around \$65,000 U.S. dollars for nine months.⁶⁰ Furthermore, a graduate student’s total budget for an LL.M. program is approximately USD 100,000 (this may vary). For a Colombian interested in completing her LL.M. studies in an American top-tier law school, the total investment she would have to undertake would be around 400 million Colombian pesos (without any scholarships or grants).⁶¹ The additional costs of the program are other expenses such as housing and living.

⁵⁸ Harvard, “LL.M. Program”.

⁵⁹ Stanford Law School, “Master’s Degree Programs”, <https://law.stanford.edu/education/degrees/advanced-degree-programs/#slnav-masters-degree-programs> (accessed February 22, 2022).

⁶⁰ I gathered this information from the university’s website.

⁶¹ Due to the COVID-19 2020 pandemic, the Colombian peso had its worst devaluation in history. One U.S dollar was worth almost 4.000 Colombian Pesos. Furthermore, a Colombian worker earning the net minimum wage in 2020 earned \$1.35 dollars per hour, for a total of \$3,900.29 per year. In contrast, the income of a recent law school graduate working in Bogota in 2018, was estimated at \$10,800 USD. Cardona, Andrés Octavio, “Los estudiantes recién egresados de derecho ganan un salario cercano a US\$900”, *Asuntos Legales*, June, 2022. <https://www.asuntoslegales.com.co/actualidad/cual-es-el-sueldo-de-los-abogados-egresados-en-colombia-2741523> (accessed March 3, 2022). According to the consulting group Michel Page, a lawyer with 3 years of experience working for a small law firm in Bogota earned around \$8,721.25 USD in 2020, due to the current devaluation of the Colombian Peso. This data, nonetheless, has serious methodological limitations and should not be taken at face value. Lawyers who did not graduate from top-tiered law schools and who do not live in Bogota will earn much less. Further empirical research is needed to compare lawyer’s income variations in Colombia. Michael Page, “Estudio de Remuneración Colombia 2019/2020”, <https://www.>

The Costs of Admission (C.O.A.) for some LL.M. programs for the 2020-2021 academic year in tier 1 universities were:⁶² Harvard Law School \$65,875;⁶³ Yale Law School \$65,792;⁶⁴ Stanford Law School \$64,350;⁶⁵ The University of Chicago Law School \$68,652;⁶⁶ Columbia University Law School \$72,352;⁶⁷ Berkeley Law \$66,530 (for their traditional and thesis track LL.M.'s);⁶⁸ Cornell Law School \$70,188;⁶⁹ New York University Law School \$68,348;⁷⁰ University of Pennsylvania Law School \$70,880 (including their summer program);⁷¹ University of California Los Angeles \$64,046;⁷² Georgetown \$69,050 (full time);⁷³ and the University of Michigan Law School \$68,160.⁷⁴

michaelpage.com.co/sites/michaelpage.com.co/files/estudio_de_remuneracion_michael_page_2019-2020.pdf (accessed March 4, 2022).

- ⁶² This distinction between top-tiered and not-top-tiered is based on how U.S. News & World Report ranks law schools. Top-tiered refers to the top-14 law schools. Those schools are known as tier 1. For examples of how legal actors elaborate the tier system see Hana LaRock, "What is the difference between tier 1 and tier 2 law schools?," <https://www.theclassroom.com/difference-tier-2-law-schools-7201950.html>, (accessed September 5, 2022), Kashmir Hill, "The tier system within the law school tiers (according to Shell Oil)," <https://abovethelaw.com/2010/05/the-tier-system-within-the-law-school-tiers-according-to-shell-oil/> (accessed September 5, 2022), among others. These informal sources provide us with an interesting account of how the tier system is portrayed in the legal field. The information may refer to the C.O.A. for 2021-2022 because the universities have updated the information. If the universities combine the value of the C.O.A. with other fees such as health insurance, and there is no way to separate the values of the other fees, I provide the total value. If the universities provide separate information for the C.O.A. and other fees, I only provide the C.O.A.
- ⁶³ Harvard Law School, "LL.M. Tuition and Financial Aid", <https://hls.harvard.edu/dept/graduate-program/llm-tuition-and-financial-aid/> (accessed March 3, 2022)
- ⁶⁴ Yale Law School, "Cost and Financial Aid," <https://law.yale.edu/admissions/cost-financial-aid/cost-attendance> (accessed March 3, 2022).
- ⁶⁵ The SLS website establishes this as the C.O.A. I could not find an independent website to determine the cost of either the SPILS program or the LL.M.'s they offer. Stanford Law School, "Cost of Attendance", <https://law.stanford.edu/apply/tuition-financial-aid/cost-of-attendance/> (accessed March 3, 2022).
- ⁶⁶ University of Chicago Law School, "Financial Considerations," <https://www.law.uchicago.edu/llm/financial-considerations> (accessed March 3, 2022).
- ⁶⁷ Columbia Law School, "J.D. and LL.M. Tuition Fees," <https://www.law.columbia.edu/about/offices-and-departments/office-financial-aid/costs-and-billing/costs-and-budgeting> (accessed March 3, 2022).
- ⁶⁸ Berkeley Law, "Cost of Attendance", <https://www.law.berkeley.edu/academics/llm/tuition-financial-aid/cost-of-attendance/> (accessed March 3, 2022).
- ⁶⁹ Cornell Law School, "LL.M. Admissions", <https://www.lawschool.cornell.edu/admissions/ll-m-admissions/> (accessed March 19, 2022).
- ⁷⁰ New York University School of Law, "Student Expense Budget," <https://www.law.nyu.edu/financialaid/budgetandbudgeting/studentexpensebudget> (accessed March 4, 2022).
- ⁷¹ Penn Law, "Tuition and Financing," <https://www.law.upenn.edu/admissions/grad/financing-your-education.php> (accessed March 4, 2022).
- ⁷² UCLA Law, "LL.M. Program Tuition and Visa Information," <https://www.law.ucla.edu/admissions/llm-admissions/tuition-visa-information> (accessed March 4, 2022).
- ⁷³ Georgetown Law, "Tuition and Cost of Attendance," <https://www.law.georgetown.edu/admissions-aid/financial-aid/tuition-cost-of-attendance/> (accessed March 4, 2022).
- ⁷⁴ University of Michigan Law School, "Financial Aid for LLM Students," <https://michigan.law.umich.edu/resource-center/financial-aid-llm-students> (accessed March 4, 2022).

In contrast, the C.O.A. of some non-top-tiered institutions are: University of Wisconsin-Madison \$46,400;⁷⁵ George Mason University, Antonin Scalia Law School \$40,740;⁷⁶ The University of Utah, S.J. Quinney College of Law \$45,000 (Master in Legal Studies for non-residents);⁷⁷ University of Colorado-Boulder \$34,008;⁷⁸ Arizona State University, Sandra Day O'Connor College of Law \$49,038 (for non-residents);⁷⁹ the University of Arizona, James E. Rogers College of Law \$27,625;⁸⁰ University of Connecticut \$29,160 (LL.M. in U.S. Legal Studies);⁸¹ Cardozo Law School \$63,900;⁸² the University of Miami \$55,936;⁸³ the University of Cincinnati \$29,010 (for non-residents);⁸⁴ Stetson Law School \$48,542⁸⁵ (which offers specialized LL.M.s in advocacy⁸⁶, elder law⁸⁷, and international law);⁸⁸ Florida International University \$20,180⁸⁹; Saint Thomas College of Law \$28,752 (Offers a human rights LL.M.)⁹⁰; and NSU Shepard Broad College of Law, which charges \$1,501 per credit.⁹¹

⁷⁵ University of Wisconsin-Madison Law School, "Tuition and Costs," <https://law.wisc.edu/grad/tuition.html> (accessed March 4, 2022).

⁷⁶ George Mason University, "Tuition and Costs," https://www.law.gmu.edu/financial_aid/tuition (accessed March 4, 2022).

⁷⁷ The University of Utah S.J. Quinney College of Law, "Tuition and Financial Information," <https://mls.utah.edu/tuition-and-financial-information/#:~:text=The%20total%20cost%20for%20Utah,prescribed%20number%20of%20credit%20hours> (accessed March 4, 2022)

⁷⁸ University of Colorado Boulder, "LLM Degree," 2022, https://www.colorado.edu/law/academics/degrees/llm-degree#tuition_expenses_and_financial_aid-1572 (accessed March 4)

⁷⁹ Sandra Day O'Connor College of Law, "Tuition and Fees," <https://law.asu.edu/admission/tuition-fees> (accessed March 4, 2022)

⁸⁰ This was the C.O.A. for 2020. The University of Arizona, "Tuition and Costs," <https://law.arizona.edu/tuition> (accessed March 4, 2022).

⁸¹ UCONN Law School, "Tuition, Fees and Cost of Attendance," <https://law.uconn.edu/student-life/tuition-and-financial-aid/tuition-fees-and-cost-of-attendance/> (accessed March 4, 2022).

⁸² Cardozo Law School, "Tuition and Expenses "LL.M.", <https://cardozo.yu.edu/admissions/llm-admissions/tuition-and-expenses-llm> (accessed March 4, 2022).

⁸³ The University of Miami, <https://grad-prof.miami.edu/cost/law-costs/llm-cost-of-attendance-folder/index.html> (accessed March 4, 2022).

⁸⁴ The University of Cincinnati, "Tuition and Cost of Attendance," <https://law.uc.edu/admissions-aid/tuition-and-aid/tuition---cost-of-attendance.html> (accessed April 3, 2022).

⁸⁵ Stetson Law Review, "Estimated Student Budget/Cost of Attendance", <https://www.stetson.edu/law/financial-planning/estimated-student-budget.php> (accessed March 19, 2022).

⁸⁶ Stetson Law School, "Online LL.M. in Advocacy – Tuition and Financial Aid," <https://www.stetson.edu/law/financial-planning/advocacy-llm-tuition-financial-aid.php> (accessed March 19, 2022).

⁸⁷ Stetson Law School, "LL.M. in Elder Law - Tuition, Scholarships and Financial Aid," <https://www.stetson.edu/law/financial-planning/elder-law-llm-tuition-financial-aid.php> (accessed March 19, 2022).

⁸⁸ I excluded degrees not targeted for lawyers.

⁸⁹ FIU Law School, "Cost & Financial Aid," <https://law.fiu.edu/admissions/cost-and-financial-aid/> (accessed March 19, 2022.)

⁹⁰ STU College of Law, "Tuition, Financial Aid, and Scholarship Information", <https://www.stu.edu/law/human-rights/llm/tuition-financial-aid-scholarship/> (accessed March 19, 2022).

⁹¹ NSUFlorida, "LL.M. Program," <https://www.law.nova.edu/llm/tuition-and-fees.html> (accessed March 19, 2022).

Using the U.S. News rankings as a reference, we evidence that LL.M. tuitions from top-tiered universities tend to be higher than low-ranked universities. Except for Cardozo and Miami, the costs of an LL.M. in a low-ranked university tend to be lower than \$50,000. In contrast, LL.M.'s in top-tiered universities cost over \$65,000 (except for Stanford).

In addition to the C.O.A., other fees and expenses are associated with the LL.M. degrees, such as university fees, books, housing, living expenses, and health insurance. Not all universities make public the same information about additional costs. Some universities provide more information than others (i.e., Berkeley estimates groceries whereas N.Y.U. does not). For example, the estimated cost of other expenses for 2020-2021 at Harvard was \$34,541, \$26,306 at Yale, \$26,306 at Cornell, \$32,068 at Columbia,⁹² \$35,774 at N.Y.U., and \$21,156 at UConn.

I will now provide the total cost of an LL.M. program in the universities I described above. I will organize the universities from the most to least expensive. The values provided in the Table 1 are estimates based on the information provided by the law schools. The costs may vary in each case. Moreover, some universities offer more information than others regarding other expenses. The table's organization will be different if we compare the cost of living in a big city like New York or Chicago to college towns like Ithaca or Ann Arbor.

Table . Estimated cost of LL.M. programs in different U.S. universities

University	Tuition	Other expenses	Total
Stanford	\$64,350	Above \$35,000 ⁹³	\$105,849 ⁹⁴
Columbia	\$72,352	\$32,068	\$104,420
NYU	\$68,348	\$35,774	\$104,113
Harvard Law School	\$65,875	\$34,541	\$100,416
Berkeley Law	\$66,530	\$33,139	\$99,669
Georgetown	\$69,050	\$30,428	\$99,478
University of Pennsylvania	\$70,880	\$28,040	\$98,920
Cornell Law School	\$70,188	\$32,068	\$96,560
Cardozo Law School	\$63,900	\$29,189	\$93,089
University of Chicago	\$68,652	NA ⁹⁵	\$93,000 ⁹⁶
Yale Law School	\$65,792	\$26,306	\$92,098

⁹² This includes academic and living expenses; it does not include tuition.

⁹³ Stanford estimates this value.

⁹⁴ This is an estimate value of the budget provided by Stanford.

⁹⁵ The University of Chicago does not provide information on other expenses.

⁹⁶ This is the reasonable budget provided by the University of Chicago at their website.

University	Tuition	Other expenses	Total
University of Michigan	\$68,160	\$23,400	\$91,560
University of California, Los Angeles	\$68,742 ⁹⁷	\$20,000 ⁹⁸	\$88,742
University of Miami	\$55,936	\$29,264	\$85,200
Arizona State University, Sandra Day O'Connor College of Law	\$49,038	\$22,714	\$71,752
Stetson Law School	\$48,542	22,050	\$70,592
George Mason University, Antonin Scalia Law School	\$40,740	\$27,246	\$67,986
University of Wisconsin-Madison	\$46,400	\$19,051	\$65,451
University of Colorado-Boulder	\$34,008	\$24,115.44	\$58,123.44
University of Connecticut	\$29,160	\$20,856	\$50,016
University of Cincinnati	\$29,010	\$20,428	\$49,438
University of Arizona, James E. Rogers College of Law	\$27,625	\$19,808	\$47,433
Florida International University	\$20,180	\$26,626	\$46,806
The University of Utah, S.J. Quinney College of Law	\$45,000	NA	\$45,000

Scholarships and Grants

As the previous data suggests, LL.M. programs are expensive, and not all applicants can afford them. Hence, universities usually offer scholarships or financial aid to help students finance their degrees. These scholarships can serve as incentives to attract candidates with different forms of capital —social, cultural, economic, professional, and symbolic. In other words, I believe financial aid is not only a mechanism that serves the manifest function of helping candidates finance their LL.M. degrees; it can also serve as a bargaining mechanism for universities to attract students. If the university offers the candidate a good scholarship, the probability of a candidate accepting their admissions offer will be higher. However, LL.M. candidates consider not only economic factors, but also the symbolic, social, and professional capital the university can provide.

Universities, in general, offer two forms of financial aid or scholarships. Once the applicant expresses her wish to be considered for financial assistance, universities can provide *merit-based* or *need-based scholarships*.⁹⁹ Universities assign merit-based scholarships to candidates with academic and professional achievements.¹⁰⁰ However,

⁹⁷ Includes health insurance and mandatory health facilities fees.

⁹⁸ Expected living expenses.

⁹⁹ See, for example, among others, Harvard Law School, “LL.M. Tuition and Financial Aid”; Yale Law School, “Financial Aid Support”, <https://law.yale.edu/admissions/financial-aid> (accessed March 19, 2022); Cornell Law School, “LL.M. Admissions”.

¹⁰⁰ The University of Michigan, for example, provides various merit-based scholarships. The Michigan Grotius Fellowships “acknowledge superior academic and professional achievements in all areas of law and recognize

each university is at liberty to define merit. In that sense, merit could mean the applicant's prior academic, professional, and individual experiences and how they advance the institution's values.¹⁰¹

Additionally, universities offer need-based scholarships to those applicants who provide a financial aid form indicating their personal and family income and other economic information. When scholarships are need-based, universities tend to combine scholarships with loans. However, there are cases where the universities provide full tuition and cover part of the living expenses.¹⁰²

Assessing the effects

Scholarships and Grants

Given the costs associated with obtaining an LL.M. degree, I want to analyze scholarships and grants. To do this, I use Colombia's Colfuturo loan program because of its importance for Colombian graduates pursuing postgraduate education abroad. This section relies on Colfuturo's public quantitative information to analyze the possible effects of LL.M. selection criteria.

Colfuturo's loan program is "an economic support initiative for Colombian professionals, with academic excellence, who wish to broaden their professional career with master's or doctorate studies at the best universities abroad."¹⁰³ The program receives financial resources from the Ministry of Science and private corporations.¹⁰⁴ Its primary purpose is to "encourage the return of talent trained abroad to work in the regions, academia, and the public sector."¹⁰⁵ The program does not offer full scholarships. It works both as loan and scholarship because if

the promise of distinguished legal careers after graduation." NYU provides three types of merit-based scholarships. The Hauser Global Scholarship is the most prestigious honor awarded to exceptional LL.M. students.

¹⁰¹ Lani Guinier uses the definition proposed by Amartya Sen and describes merit as "an incentive system that rewards the actions a society values." Lani Guinier, *The Tyranny of the Meritocracy* (Boston: Beacon Press, 2015), xi.

¹⁰² For example, Harvard Law School where "The average grant is approximately half of tuition; for a small number of students with particularly acute financial need, we are able to offer grants covering full tuition and a portion of living expenses." See, Harvard Law School. "LL.M. Tuition and Financial Aid". Yale also gives need-based scholarships that sometimes may cover full tuition for applicants.

¹⁰³ Colfuturo, "Programa Crédito Beca", <https://www.colfuturo.org/programas/credito-beca/informacion-general> (accessed March 4, 2022).

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

the beneficiaries fulfill certain requirements,¹⁰⁶ they can receive a scholarship of up to 80% of the loan.

The process for obtaining a Colfuturo loan is highly competitive and meritocratic. Successful grant applications must meet the following requirements: first, all students must be bilingual, regardless of whether the program they are applying to is taught in Spanish.¹⁰⁷ Second, all students must submit their undergraduate G.P.A. score, worth 42% of the application.¹⁰⁸ Third, you must select the university where you intend to conduct your LL.M. program. The university where you will obtain your degree is worth 38% of the application.¹⁰⁹ Colfuturo assigns a numeric value to¹¹⁰ the institution and the program based on rankings such as QS¹¹¹ Times Higher Education,¹¹² and Shanghai Ranking.¹¹³¹¹⁴

Fourth, you submit your undergraduate class ranking. If the ranking is higher than your G.P.A. (for example, your classmates obtained lower grades than you did), this is worth 15% of the application. If your G.P.A. is better, Colfuturo redistributes this percentage between all the prior selection criteria. The final requirement is an essay explaining why you are applying to the specific study program, worth 5% of the application.

¹⁰⁶ Twenty percent if you graduate from MBA studies, master's in administration and Law. Forty percent if you graduate from the rest of the study areas. Twenty percent if you work as a public official, as a full-time teacher or researcher of an educational entity. Twenty percent if you work outside of Bogotá and its metropolitan area. Colfuturo, "Programa Crédito Beca."

¹⁰⁷ Colfuturo, "Credito Beca-Convocatoria," <https://www.colfuturo.org/programas/credito-beca/convocatoria> (accessed March 4, 2022).

¹⁰⁸ Colfuturo, "Credito Beca-Convocatoria."

¹⁰⁹ *Ibid.*

¹¹⁰ If the institution is one of the top ten in the world, you obtain the highest possible score. Thus, you would get 5/5 points if you are admitted into Harvard, Yale, Stanford, Oxford, Cambridge. If you are admitted into an institution within the top twenty, your score would be 4.9/5, and so on.

¹¹¹ QS, "Top Universities. Law & Legal Studies," <https://www.topuniversities.com/university-rankings/university-subject-rankings/2020/law-legal-studies> (accessed March 4, 2022); QS, "Top Universities. World University Rankings," https://www.topuniversities.com/qs-world-university-rankings?utm_source=topnav (accessed March 4, 2022).

¹¹² Times Higher Education, "World Universities by subject: Law", https://www.timeshighereducation.com/world-university-rankings/2022/subject-ranking/law#!/page/0/length/25/sort_by/rank/sort_order/asc/cols/stats (accessed March 4, 2022); Times Higher Education, "World University Rankings", https://www.timeshighereducation.com/world-university-rankings/2022/world-ranking#!/page/0/length/25/sort_by/rank/sort_order/asc/cols/stats (accessed March 4, 2022).

¹¹³ Shanghai Ranking, "2021 Academic Ranking of World Universities," <https://www.shanghairanking.com/rankings/arwu/2021> (accessed April 3, 2022); Shanghai Ranking, "2021 Global Ranking of Academic Subjects", <https://www.shanghairanking.com/rankings/gras/2021/RS0503> (accessed March 4, 2022).

¹¹⁴ For a critique of rankings see, for example, Malcom Gladwell, "Lord of the Rankings," in *Revisionist History*, podcast, <https://www.pushkin.fm/episode/lord-of-the-rankings/>.

Colfuturo¹¹⁵ awarded 143 scholarships to lawyers¹¹⁶ in 2018 and financed 112 LL.M. programs¹¹⁷. In 2019,¹¹⁸ 128 lawyers were selected for the scholarship, and ninety-three intended to pursue the Master of Laws program. Colfuturo stratifies the data using the Colombian Government's social class measurement.¹¹⁹ Between 2014 and 2019, Colfuturo selected 689 lawyers to pursue graduate education, and 642 pursued a master's program. Around 63% percent of the lawyers chosen came from the two highest social classes (five and six),¹²⁰ and 37% were middle and lower class; 57.85% were women; only one person pertained to Indigenous Peoples, and five were afro descendants (this is the term used by Colfuturo).¹²¹

A high percentage of the beneficiaries come from top-tiered Universities in Bogota. According to several rankings,¹²² the top four private law schools in Colombia are Universidad de Los Andes, Universidad Javeriana, Universidad Externado de Colombia, and Universidad del Rosario, whereas the most important public institution is Universidad Nacional de Colombia. All these universities are in Bogota, Colombia's financial and political capital.

As stated above, Colfuturo selected 93 lawyers to pursue LL.M. programs in 2019.¹²³ Of these, 11 (11.82%) graduated from Universidad Javeriana Bogota, 34 (36.55%) from Universidad de Los Andes, 21 (22.58%) from Universidad del Rosario, six (6.45%) from Universidad Externado, five (5.37%) from EAFIT Medellin, four (4.30%) from Universidad Nacional, and 12 graduated from other 11 law schools. Thus, 77.4% of the scholarships offered by Colfuturo went to the top four universities

¹¹⁵ The current strength of the U.S. dollar, due to the Coronavirus pandemic has highly affected Colfuturo's beneficiaries. Blu Radio, "Colfuturo abre oportunidad a deudores afectados por la subida del dólar", March 17, 2020, <https://www.bluradio.com/economia/colfuturo-abre-oportunidad-a-deudores-afectados-por-la-subida-del-dolar> (accessed March 4, 2022).

¹¹⁶ There was a total of 1,367 applicants, not all of whom were lawyers. Colfuturo selected eighty-one lawyers who identified as female and sixty-three lawyers who identified as male. Furthermore, only 115 of them pursued LL.M. degrees.

¹¹⁷ Colfuturo, "Selección Programa Crédito Beca 2018," <https://servicios.colfuturo.org/apps/seleccionados2018/index.php> (accessed April 3, 2022).

¹¹⁸ Colfuturo, "Selección Programa Crédito Beca 2019," <https://servicios.colfuturo.org/apps/seleccionados2019/index.php> (accessed March 4, 2022).

¹¹⁹ Dane, "Preguntas Frecuentes", https://www.dane.gov.co/files/geoestadistica/Preguntas_frecuentes_estratificacion.pdf (accessed February 25, 2022).

¹²⁰ In 2021, most of the grants were given to middle-class graduates in general.

¹²¹ I calculated this information using Colfuturo's public data set. Colfuturo, "Selección Programa Crédito Beca 2018;" Colfuturo, "Selección Programa Crédito Beca 2019." See note 2 for an explanation on how I gathered the data. Any omissions would be caused by the selection criteria I used. Nonetheless, I tried using the broadest criteria possible to account for all the LL.M. prospective students selected by Colfuturo.

¹²² Such as QS, Times Higher Education, among others.

¹²³ Colfuturo, "Selección Programa Crédito Beca 2019."

in Colombia, all of which are in Bogota. Also, Los Andes, Javeriana, and Rosario accounted for almost 71% of the students. In contrast, other law schools accounted for 29% of the Colfuturo scholarship.

As an example of the symbolic and academic advantages of graduating from a top-tiered university, in a recent newspaper article journalists asked ten Colombian law firms about the best law schools in the country. Seven of them mentioned Universidad Externado, six Universidad de Los Andes and Universidad Javeriana, five Universidad del Rosario, and two Universidad Nacional. Only one firm mentioned two universities that were not in Bogota.¹²⁴

While Colfuturo's data is a reliable source of information, it has several shortcomings. First, this analysis is only applicable to LL.M. programs. Colfuturo financed a total of 1,368 graduate students in different fields in 2019.¹²⁵ Colfuturo awarded 57% of the loans to middle-class students, whereas 36.6% of the scholarships financed students from the top two social classes. Second, not all the selected candidates accept the scholarship.¹²⁶ Also, some beneficiaries might have chosen a different university than the one stated on Colfuturo's website. Additionally, the data set does not account for people that choose other means to finance their LL.M. studies. Furthermore, we do not have the total number of applicants for LL.M. programs.

Another important conclusion we can reach from the data is that few upper-class lawyers can finance their master's education. Thus, regardless of class, graduates usually seek other sources of funding. The economic reality of Colombia might explain this problem. For example, the Statistics National Administrative Department (DANE) considers that a person is poor if their income is below COP 211,807 (around 90 U.S. dollars). However, scholars, public institutions, and the media have studied hidden poverty in cities such as Bogota.¹²⁷ Hidden poverty refers to middle- and upper-class people who cannot provide for their expenses due to sustained unemployment.¹²⁸

¹²⁴ Daniel Rojas Castaneda, "Los Andes, Externado y Rosario, entre las mejores en derecho para los bufetes", *Asuntos legales*, March 24 2020, <https://www.asuntoslegales.com.co/consumidor/las-universidades-de-los-andes-externado-y-rosario-las-mejores-en-derecho-para-los-bufetes-2981661> (accessed February 25, 2022).

¹²⁵ Colfuturo, "Selección Programa Crédito Beca 2019."

¹²⁶ Colfuturo, "Selección Programa Crédito Beca 2018."

¹²⁷ Canal Institucional. "¿Sabes qué es la pobreza oculta? Aquí te contamos," <https://www.canalinstitucional.tv/noticias/pobreza-oculta-que-es-bien-dateado#:~:text=En%20nuestro%20pa%C3%ADs%20se%20presenta,cubrir%20todas%20sus%20necesidades%20b%C3%A1sicas> (accessed March 19, 2022).

¹²⁸ Canal Institucional. "¿Sabes qué es la pobreza oculta? Aquí te contamos".

English Proficiency, G.P.A. Scores and Class Rank, Professional Experience, and Letters of Recommendation

The English Proficiency Requirement

The first barrier that applicants must overcome is English proficiency. Universities set the minimum TOEFL score at 90 points and a minimum of twenty-five points in each section (writing, speaking, listening, and reading). While this seems meritocratic, Colombia's education system has one of the worst English levels in Latin America¹²⁹ and globally.¹³⁰ Hence, if you cannot afford a private school that teaches multiple languages, it will be difficult to learn English and obtain the required scores for a master's program. Moreover, even if you can achieve the minimum score, people with access to better education, such as private schools or private exchange programs, can attain higher scores.

Additionally, several grants, such as Colfuturo's, require proficiency in a second language. This requirement makes sense if the graduates pursue their master's degree in a different language. Nonetheless, this is needed even when the master's degree is in Spanish. Hence, the English proficiency requirement limits the application only to those students who can provide proof thereof. I note that the condition is flexible, and applicants can provide evidence of the second language up to two years after they were awarded the loan.

The English proficiency requirement creates issues in the admission process. English becomes the first barrier to LL.M. programs. The number of lawyers who consider applying to the program is limited. This particularly affects those who cannot afford bilingual education. They might look for other alternatives, such as exchange programs or free online options. However, this leads to the second issue: middle- and lower-class applicants compete against upper-middle- and upper-class students from Colombia and with students worldwide, using the TOEFL scores as a measure. The higher the law school is ranked, the higher the TOEFL score they require. While in theory this seems 'meritocratic', in practice this criterion unintentionally favors upper- and upper-middle-class lawyers that afforded private

¹²⁹ Revista Semana, "Colombia y su preocupante nivel de inglés", *Revista Semana*, October 4, 2017, <https://www.semana.com/educacion/articulo/bilinguismo-nivel-de-ingles-en-colombia/542736/> (accessed March 4, 2022).

¹³⁰ Revista Portafolio. "En Colombia, 1,2 millones de personas hablan inglés", *Revista Portafolio*, September 23, 2015, <https://www.portafolio.co/economia/finanzas/colombia-millones-personas-hablan-ingles-26770> (accessed March 4, 2022).

schools or had access to bilingual education, because they have a higher probability of obtaining better scores.

The English proficiency requirement cannot be eliminated because the program will be taught in English. However, universities could be flexible with their TOEFL requirements and provide English courses for students with lower scores during the summer. They could also offer tuition waivers for low-income students and free English courses during the summer before beginning their LL.M. They could also accept students with low TOEFL scores, and law schools could assign language tutors for them during the program. These measures can benefit low-income students and help them achieve their professional goals.

The G.P.A. Score and Class Rank

The second barrier is the G.P.A. scores and class rank. G.P.A. scores and the class rank are vital for the application process, both for grants and U.S. universities. Nonetheless, scholars have conducted few empirical studies in Colombia to determine if top-tiered universities give their alumni higher grades and if some institutions provide better scores than others (e.g., University X assigns higher grades than University Y).¹³¹ This relates to the phenomenon of grade inflation.¹³² Further research should be conducted in this area.

Even though there is no data available to analyze this issue, the system would be dysfunctional if there is grade inflation. Students with higher G.P.A.'s will have higher chances of being admitted by a tier 1 law school and obtaining merit-based grants. The same is true for the class rank, determined by the GPA. However, this grade would not be representative of the student's merit. Instead, other factors would come into play that the student does not control.

¹³¹ Sergio Clavijo, "Calificaciones Universitarias: Inflación de Notas, Contenidos Mínimos y Acceso Meritocrático", February, 2004, <https://www.banrep.gov.co/sites/default/files/publicaciones/archivos/edu0204.pdf> (accessed February 25, 2022).

¹³² Tom Lindsay, "The 'Other' College Scandal: Grade Inflation Has Turned Transcripts into Monopoly Money", *Forbes*, March 30, 2019, <https://www.forbes.com/sites/tomlindsay/2019/03/30/the-other-college-scandal-grade-inflation-has-turned-transcripts-into-mon>; Sita Slavov, "How to fix College Grade Inflation", *U.S. News*, December 26, 2013, <https://www.usnews.com/opinion/blogs/economic-intelligence/2013/12/26/why-college-grade-inflation-is-a-real-problem-and-how-to-fix-it>; Valen E. Johnson, *Grade inflation: A crisis in college education* (New York: Springer, 2003); Richard Sabot and John Wakeman-Linn, "Grade inflation and course choice," *Journal of Economic Perspectives* 5, no. 1 (Winter 1991): 159-170.

Additionally, if grades represent merit, Guinier's critique of meritocracy comes into play. Guinier argued that our current definition of merit is problematic. She defined merit as a 'testocracy'¹³³, which means that a student internalizes their success, takes personal credit for it, and ignores the "educational resources and networks of his college-educated parents. He has learned that individual achievement trumps collective commitment. Those who reach the finish line faster will reap their rewards here on earth."¹³⁴

This concept of meritocracy assumes that grades and test scores evidence the applicants' worth and probability of success in the program. Additionally, this idea leads us to ignore the applicant's environment: "the built-in biases that privilege those who are already advantaged."¹³⁵ Hence, society signals that it values competition by defining merit through grades and test scores.¹³⁶

Guinier believed there was an alternative to the current definition of merit. She argued that we should abandon testocracy and its focus on grades and test scores. Instead, we should adopt *democratic merit*. Democratic merit means that their contribution to democracy measures a student's potential. This contribution is calculated by leadership, collaboration with others, resiliency, drive to learn, and so on.¹³⁷

A further discussion on Guinier's understanding of merit is beyond the scope of the paper. However, we must take her invitation to discuss the current definition of merit and our focus on G.P.A. and class rank as "objective" bases to determine an LL.M. applicant's probability of success in the program.

Professional Experience (C/V)

The third barrier is professional experience. Markovits has shown that elites monopolize income, wealth, power, industry, public honor, and private esteem¹³⁸. The best job offerings —whether public or private— are given to elite lawyers. An important example of this is the hiring practices of law firms.

¹³³ Guinier, *The Tyranny of Meritocracy*, 33.

¹³⁴ Guinier, x.

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*, xi.

¹³⁷ Guinier, 33.

¹³⁸ Daniel Markovits, *The Meritocracy Trap*, (New York: Penguin Press, 2019).

I analyzed the law schools attended by partners of three top Colombian law firms. I categorized the firms using the 2018 incomes reported by the firms as appeared in Colombian business magazine *Dinero*.¹³⁹ Then, I cross-referenced the information with the one provided by *Legal 500*, *Latin Lawyer 250*, and *Chambers & Partners*. I selected the three top law firms as a case study.¹⁴⁰ After choosing the firms, I reviewed 18 curriculums from partners at these three law firms.¹⁴¹ From each firm, I randomly selected three male and three female partners. The data showed that 44.4% of these partners obtained their law degrees from Universidad Javeriana and 27% from Universidad de Los Andes. The rest studied in different universities such as Universidad del Rosario, Sergio Arboleda, Universidad de la Sabana, among others.

Furthermore, 94.4% of the partners attended law school in Bogota, 88.8% had LL.M. degrees, 55% from U.S. law schools, in universities such as Harvard (1), Columbia (2), University of Chicago (1), Georgetown (2), Boston College (1), and Northwestern (1). The data supplied here is not quantitatively conclusive, given the sample size. For qualitative purposes, however, it shows that randomly selected partners at top law firms tend to graduate from the top law schools in Colombia located in Bogota and pursue LL.M. degrees in tier one universities in the U.S. Hence, graduates from top-tiered universities with LL.M. degrees have high chances of becoming partners at big law firms.

Letters of Recommendation

The previous problem is not exclusive to law firms. It also applies to academic positions, because the probability of being hired as a professor by a university increases if you obtain an LL.M. from a top-tiered institution. Suppose a Colombian university employs professors with LL.M degrees from top-tiered institutions. In that case, this can increase the probability of admission of their students to tier-one LL.M. programs because the students can provide a letter of recommendation (LOR) from a professor who attended those institutions.

¹³⁹ *Dinero*, “Las firmas de abogados más grandes de Colombia en 2018”, *Dinero*, 18 July, 2018, <https://www.dinero.com/edicion-impresa/caratula/articulo/los-firmas-de-abogados-mas-grandes-de-colombia-en-2018/260183> (accessed April 4, 2020).

¹⁴⁰ *El Espectador*, “Las mejores firmas de abogados del país”, *El Espectador*, April 1, 2019, <https://www.elespectador.com/cromos/las-mejores-firmas-de-abogados-del-pais/> (accessed February 25, 2022).

¹⁴¹ I obtained the data in 2020 from Baker McKenzie, “People”, <https://www.bakermckenzie.com/en/people/?letter=A&sort=2&scroll=274.68121337890625> (accessed March 23, 2022); Brigard Urrutia, “Nuestra gente”, <https://bu.com.co/es/abogados> (accessed March 23, 2022.); and Posse Herrera Ruiz (PHR), “Abogados”, <https://phrlegal.com/abogados-phr/> (accessed March 23, 2022).

U.S. universities require that applicants provide LOR from faculty members of the university the student graduated from, and they can submit an additional one regarding their prior work experience. The chances of getting a letter from a professor who graduated from an LL.M. program at a U.S. university increase if you attend a top institution because of the university's social networks and social capital.

For example, Universidad de Los Andes has one of the highest-ranked Colombian law schools. Thus, I studied how many tenured professors at that University have LL.M. degrees from the U.S. and from top-tiered institutions. This sample is small, and I do not draw quantitative conclusions from it. Nonetheless, it still provides valuable information. It would be interesting for further studies to conduct a comparative analysis among different Colombian law schools. According to their website, Los Andes¹⁴² had 25 tenured professors in 2020 (65%); 12 held LL.M. degrees from U.S. institutions (31.5%).¹⁴³ 10 studied at top-tiered universities: were three (7,8%) Yale Law School LL.M. and J.S.D graduates, and seven (18%) Harvard Law School. LL.M. and S.J.D graduates.¹⁴⁴ This information does not include other adjunct faculty or visiting professors. The number of graduates from tier 1 U.S. institutions may be higher if the data set includes non-tenured professors.

Legal graduates from top-tiered institutions —such as Universidad Javeriana, Los Andes, Externado, and Rosario— have a higher chance of getting letters of recommendation that tier 1 U.S. institutions value, because these graduates will have higher chances of collaborating with professors with higher social, symbolic, and educational capital. This criterion can impact the selection process of LL.M. boards and might unintentionally favor graduates from top-tiered Colombian institutions.

One way to solve this issue could be blind LORs. Hence, the person providing the letter and their professional and academic experience would remain unknown to the selection committee. This measure would help center the analysis on the content of the letter. Additionally, since universities have strict policies on who writes the recommendations and how they are submitted, this system would remain in place. All that would be required is that, during the process, the admissions office eliminates the recommender's data from the letter.

¹⁴² I could obtain information for one professor. If Los Andes did not publish the information, I reviewed public information on websites such as LinkedIn and Colombia's CvLAC (a website where academics post their CVs).

¹⁴³ This data was gathered and analyzed by the author using the university's website in 2020.

¹⁴⁴ Nonetheless, H.L.S. requires its S.J.D students to waive their LL.M. requirements to pursue the doctoral program. That explains why the LL.M. degree does not appear in the professor's curriculum.

Recognition of the LL.M. Degree

The final requirement I analyze is the recognition procedure conducted by the Colombian Secretary of Education. Generally, Colombian legal graduates who pursue degrees in a foreign country must have their degree recognized by the Secretary of Education. The process is regulated by Resolution No. 10687 of October 9, 2019. Those degree holders interested in the recognition of the degree must meet all the criteria outlined in the Resolution.

I filed a right of petition to the Secretary of Education to inquire about the total Master of Laws degrees the Secretary had recognized between 2015 and 2019.¹⁴⁵ According to the Secretary, there were 1,012 requests. However, only ten requests corresponded to master's degrees in the U.S. The U.S. universities represented in the file were the University of Pennsylvania, New York University (3), the University of California (it is not clear which one), St John's University, American Andragogy University, California Western School of Law, University of Washington, and University of Houston. Interestingly, apart from NYU, no other tier 1 university degrees were recognized.

Does this mean that the Secretary will not recognize an LL.M. from Harvard or Stanford? Or that no Colombian legal graduates attended tier-one universities during the period? Not necessarily. It can be noted, comparing these numbers with those of Colfuturo, for example, that the number of degrees recognized does not correspond to the number of people who have obtained LL.M. degrees in the U.S. during the period under study. Various factors could explain this.

First, the Secretary of Education's administrative process can be time-consuming and expensive. The recognition criteria are difficult to meet (e.g., the degree must be notarized in the state where the law school is located). Furthermore, many graduate students are unaware of how the process works. Second, the recognition of the degree is not mandatory in all cases. Rather, the recognition is usually required to work in public institutions and universities¹⁴⁶. Hence, LL.M. graduates will only proceed to validate their foreign degree when their employer requires it.

¹⁴⁵ Information in file with author.

¹⁴⁶ Ministerio de Educación Superior, "Convalidaciones Educación Superior", April 14, 2020, <https://www.mineducacion.gov.co/portal/convalidaciones/Convalidaciones-Educacion-Superior/350670:Conozca-el-proceso> (accessed March 29, 2022).

Finally, and related to the previous factor, many LL.M. graduates will neither pursue academic nor public careers. For example, NYU's career services note that "The vast majority of graduates, in all specialties, work in private practice at law firms. Increasingly, students are exploring a wider range of opportunities including public accounting, investment banking, and in-house opportunities at corporations."¹⁴⁷ If this is the case, law firms and corporations do not require the recognition of the degree to hire LL.M. graduates. They only need them to have obtained the degree. Further studies should be conducted on the experience of Colombian legal graduates when returning to the country to work with law firms.

Conclusions

LL.M. degrees have become extremely important for Colombian legal graduates. The degree will provide different professional opportunities at the national and transnational levels. However, the selection criteria established by U.S. law schools produce negative effects, benefiting upper-middle- and upper-class legal graduates.

First, this paper described the selection criteria established by LL.M. programs (the game's rules). This description included the different elements of the application procedure. Then, the paper detailed the costs of an LL.M. program and the scholarship selection mechanisms set by universities.

In the second part of the paper, I showed how the selection criteria reproduce social hierarchies in the legal field by, first, studying how they impact the Colfuturo loan program and, second, by showing the effect of four of the selection criteria: the English proficiency requirements, the letters of recommendation, the professional experience, the G.P.A. scores and class rank, and the recognition of the degree.

This paper concludes that LL.M. degrees currently reproduce social hierarchies in the Colombian legal field. During the period under study, the selection criteria set by LL.M. programs favor upper-middle- and upper-class legal graduates pursuing the degree.¹⁴⁸ Additionally, that the number of upper-middle- and upper-class legal graduates receiving the Colfuturo loan was higher than that of middle and lower classes. As the paper showed, the selection mechanism of LL.M. directly impacts

¹⁴⁷ New York University, "Frequently Asked Questions for Foreign-Trained LLM Students," <https://www.law.nyu.edu/careerservices/llmstudents/faqsforforeigntrainedcandidates> (accessed March 29, 2022).

¹⁴⁸ This was not the case in 2021, which was not covered by this paper. Further research should be conducted to compare these periods.

the results of the Colfuturo loan program. However, it should be noted that there can be periods when the number of middle-class students exceeds high-class students because grants and loans facilitate access to legal education, and overall democratization of the programs occurs.

Nonetheless, access to LL.M. programs cannot be taken as proof that the degrees *necessarily* serve as a mechanism to contest the social hierarchy. The degrees can advance social mobility for low- and middle-class lawyers and serve as a mechanism to transform social hierarchies. Nonetheless, middle- and lower-class LL.M. graduates might have no interest in changing the social hierarchy and only use LL.M. degrees for the former purpose. Alternatively, there could be middle- and upper-class students who actively use their degrees to challenge the existing hierarchy.

Hence, LL.M. degrees can reproduce social hierarchies, but this is not a *necessary condition* of the degree. Actors in the field can use the degree for different—and sometimes contradictory—purposes. Therefore, we must study different periods and see what effects these types of degrees produce and the actors who participate in the process.

Additionally, it is worth exploring if the current Colombian political context and the social discussions of inequality (the social mobilizations in 2019, 2020, and 2021) can lead to a period where a group of LL.M. graduates (and graduates in other fields), irrespective of their class, will use their acquired academic capital to advance—or continue to prevent—social change in the legal and other social fields.

Furthermore, this paper leaves the door open for further quantitative and qualitative analyses on graduate legal education. A qualitative study of Colombian legal graduates would allow us to understand further why they are pursuing graduate education, their career paths, etc. These studies can also shed light on how LL.M. students transplant legal institutions from the U.S. and transform legal education. Scholars can also explore how the transplant of legal institutions produces new ideologies about the proper role of the lawyer, the relation of the legal profession to the broader political and economic fields, and how LL.M. graduates are transforming the Colombian state and economy.

Finally, even though I mentioned some measures that could be taken to minimize the effects described in the paper, I hope that this analysis sparks a conversation on this subject. Rather than contributing to the dominant discourse on legal education

and LL.M. degrees, or to give the impression that simple changes or reforms suffice, I hope this paper has shown its contradictory nature: LL.M. degrees might have the potential to offset legal hierarchies and societal change, but also to limit social transformations and reproduce the hierarchies of the social system. I also hope this paper provokes further discussions on graduate legal education in the selection mechanisms of graduate schools more broadly, and meritocracy.

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