

## WHAT'S YOUR MAJOR?— A QUESTION FOR LAW STUDENTS IN MICHIGAN?

By Ann M. Griffin

Michigan law schools each have their own mission and as a result, they vary in their approaches to curricular specialization, or concentration. Feedback from legal employers regarding the desirability of concentrations is anecdotal and inconsistent. Employers and educators need to communicate about concentrations and the practice of law.

The purpose of this article is threefold: to describe Michigan law schools' approaches to curricular concentration,<sup>1</sup> to discuss practitioners' perceptions of concentrations, and to hopefully spark further dialogue on this subject.<sup>2</sup>

The two Michigan law schools in the Lansing area offer curricular concentrations.

### Michigan State University– Detroit College of Law

Information listed on the Michigan State University–Detroit College of Law (MSU–DCL) website states that the school's goal “has been to prepare students for the general practice of law in any jurisdiction in the United States.”<sup>3</sup> The school's message also notes that

*[l]awyers... increasingly experience the need to limit their practices to specific areas of law, either by virtue of the needs of their particular practice or by virtue of the skills required by newly developing areas of the law. The Law College has met this need by requiring that [the] substantial proportion of courses prepare students for the general practice of law while allowing students to concentrate their efforts in a particular field of law if they so choose.*

MSU–DCL offers concentrations in international and comparative law and taxation. Students intending to practice family law may enroll in the law and social work program. A concentration in trial advocacy is being considered.<sup>4</sup>

According to the website, students are encouraged to begin the pursuit of a concentration early in their law school careers. To earn a notation of the concentration on their transcripts, students must take 14 credits in courses identified as part of the concentration and must earn a grade of at least 2.0 (a “C”) in each of the courses. Additionally, their cumulative grade point average in the concentration must be a 2.5 (a “C+”) or better.

### Thomas M. Cooley Law School

Thomas M. Cooley Law School offers concentrations and awards certificates to students who complete 21 core and elective credit hours in an area of concentration in their third year of law school. With the help of faculty and staff, students electing a concentration select courses and participate in related clinical and extracurricular programs. The areas of concentration available include business transactions, general practice, litigation, and public and international law. The public and international law concentration includes tracks in administrative law, constitutional and civil rights, environmental law, and international law. Students not pursuing a concentration must take federal administrative law, law practice, and sales in addition to the standard required courses.<sup>5</sup>

The other Michigan law schools have adopted different approaches.

### Ave Maria School of Law

According to Ave Maria School of Law's website, its “curriculum reflects its mission—to provide its students a superior legal education enhanced by instruction in the natural law and the teachings of the Catholic

Church as they relate to the practice of law and the development of professional men and women.”<sup>6</sup> The first-year curriculum features contracts; torts; civil procedure; property; research, writing, and advocacy; and moral foundations of the law. The website asserts that upper-class students will be able to “take a diverse selection of elective courses, pursue special interests, or develop expertise in a number of subject areas.” This is reflected in the list of upper-class courses, which groups classes by subject area and, consistent with the school's stated mission, includes classes such as Catholic social teaching and the law under the heading “law and perspective.”

### University of Detroit Mercy School of Law

At the University of Detroit Mercy School of Law (UDM), concentrations were considered but ultimately not recommended by the Task Force on the Course of Study, which produced a comprehensive report after conducting a thorough review of the curriculum. As the task force report states, this decision was based in part on input from practitioners. With the possible exceptions of tax, environmental, labor, and intellectual property law, practitioners were not supportive of concentrations and stressed that UDM should focus its efforts on teaching legal research, writing, and analysis.<sup>7</sup>

Consistent with the practitioners' feedback, the faculty passed the task force proposal that all upper-class courses include a writing component. Building on applied legal theory and analysis, the first-year research, writing, and legal analysis course,<sup>8</sup> students now benefit from the writing across the curriculum program, which requires that all upper-level courses include a writing component. Furthermore, students at UDM can take a variety of advanced elective courses.

All columns are the opinion of the writer and do not represent the position of the Legal Education Committee.

For example, UDM participates in the Intellectual Property Law Institute (IPLI) in conjunction with the University of Windsor and Wayne State University. IPLI schools offer intellectual property electives and allow their students to cross-enroll in intellectual property courses at the other participating schools.

### University of Michigan

As its website reflects, the University of Michigan Law School does not offer formal concentrations. Instead, the Student Services Office consulted with the faculty and student organizations and compiled a list of 17 curriculum interest areas to help students select their classes, pursue extracurricular activities, and develop professional skills.<sup>9</sup> In each area, the courses are listed, described, and classified as basic or advanced. Associated areas are referenced.

### Wayne State University

In lieu of concentrations, Wayne State University Law School (WSU) provides a variety of elective courses organized for students by areas of interest and emphasizes various areas of curricular strength, such as business, alternative dispute resolution, and intellectual property law.<sup>10</sup> Juris Doctor candidates also may select electives from courses offered through the school's LL.M. programs in taxation, corporate and finance, and labor law. As noted above, WSU is also a member of IPLI, so its students may take a variety of advanced intellectual property electives.

### Concentrations and the Practice of Law

Law schools must consider a variety of factors when designing their curricula and deciding whether to include concentrations. Arguably, one factor impacting a law school's decision is the potential reaction of the practicing bar and whether firms are interested in hiring students who completed law school with a concentration.<sup>11</sup> The practicing bar's perception of concentrations can be difficult for schools to gauge.

As Patricia Mell, Associate Dean for Academic Affairs and Professor of Law at MSU-DCL observed, "There may remain a crucial disconnect between the expectations of law students who take these programs believing they have résumé value and the assessment by

many employers that the completion of these programs does not add to a graduating law student's credentials for hiring purposes."<sup>12</sup>

Currently, evidence of the bar's perception of concentrations is anecdotal. Certainly, a sound pedagogical argument supports concentrations. Dean Harry Wellington thought that a more structured curriculum was required at Yale because "the educational experience of students will be improved, their intellectual horizons lifted, if they progress from the introductory to the intermediate to the advanced."<sup>13</sup> Consistent with that view, at least one large West Coast firm favors concentrations because focusing on one area of the law during law school evidences a commitment to that area of practice and provides a depth of preparation for practice in that area.<sup>14</sup> There is reason to believe that employer interest in concentrations may be growing. Associate Dean Ann Miller reports that "Cooley has begun to see employers inquire about students graduating in a concentration."

Other employers, like those interviewed by UDM and MSU-DCL, indicated that strong writing skills were preferred over a concentration. UDM's task force report indicates that "[o]ne large firm report[ed] 'near disasters' with students who specialized too much in law school. Nearly all practitioners

have described the major problem with specialization as the fact that law students seldom have any idea what kind of law they will ultimately practice."

Similarly, MSU-DCL conducted a series of discussions with legal employers who indicated that "the study of a specific substantive area was not a significant factor in the hiring decision. Far more important to the employer was the student's ability to write well."<sup>15</sup>

The employers interviewed by the UDM task force conceded that specialization could be appropriate in the areas of taxation, environmental, labor, and intellectual property law. However, a concentration may not be an employment prerequisite even in a specialized area of the law. Alan Smith, head of recruitment for Fish & Richardson's Boston office, was recently quoted in the September issue of *The National Jurist* as saying that their firm is flexible and that "[e]veryone starts by doing a little of everything, so that over time they get a feel for what they like and what they are good at."

A background in intellectual property is apparently not a prerequisite for employment in that area of the firm's practice. "If somebody has a patent class or trademark class, that's great, but I certainly would not exclude someone who didn't take the class.... I just want somebody who can show me they have

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done excellent work at one level or another," Smith said.

The perceived "disconnect" between law schools' curricula and employers' hiring preferences is, perhaps, a misunderstanding resulting from a lack of communication.<sup>16</sup> A curriculum including concentrations and a curriculum focused on strong analysis and communication skills are not necessarily mutually exclusive. If a law school curriculum challenges students by presenting progressively more difficult subject matter, whether through concentrations or otherwise, then the skills students hone in mastering the material will enable them to practice law more effectively upon graduation.

Law schools and practitioners should maintain an open and frank dialogue regard-

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ing law schools' curricula and, as former ABA President Robert MacCrate said regarding the vision of the Task Force on Law Schools and the Profession, they should "engage in a common enterprise to build an educational continuum for lawyers."<sup>17</sup> ♦

#### FOOTNOTES

1. Information regarding the schools' curricula was obtained through a review of the schools' websites. Additional information was obtained from the schools' literature and, whenever possible, informal interviews with administrators.
2. For a discussion of the relevant scholarship on this issue, see Patricia Mell, *Law Schools and Their Disciples*, 79 Mich Bar J 1392 (2000).
3. Michigan State University–Detroit College of Law, *Special Curricular Programs* (visited November 7, 2000), <http://www.dcl.edu/catalog/18.html>
4. Patricia Mell, *Law Schools and Their Disciples*, 79 Mich Bar J 1392, 1396 n 40 (2000).
5. Thomas M. Cooley Law School, *Thomas M. Cooley Law School Concentrations* (visited November 7, 2000), <http://www.cooley.edu/academics/concentrations/concen.htm>
6. Ave Maria School of Law, *Curriculum* (visited November 17, 2000), <http://www.avemarialaw.edu/curriculum/prepare/html>
7. Integrating Theory and Practice: Report of the Task Force on the Course of Study 3 (April 1998) (on file with author).
8. For further information about the Applied Legal Theory and Analysis Program, see Pamela

Lysaght, Byron Cooper, Cristina Lockwood, Denise Hudson & Ann Stirling, *Integrating Theory with Practice at University of Detroit Mercy*, 77 Mich Bar J 684 (1998).

9. The University of Michigan Law School, *Curriculum Interest Areas* (visited November 7, 2000), <http://141.211.44.51/academics/curriculuminterestareas/index.htm>
10. Wayne State University, *The Juris Doctor Program* (visited November 7, 2000), <http://www.law.wayne.edu/Pages/juris.htm>
11. This article does not undertake a discussion of the practicing bar's reaction to a concentration that is intended to prepare students for solo practice. For example, Cooley's General Practice Concentration is geared, at least in part, to students who anticipate careers as solo practitioners. Thomas M. Cooley Law School, *Thomas M. Cooley Law School Concentrations* (visited November 7, 2000), <http://www.cooley.edu/academics/concentrations/concen.htm>
12. Mell, *supra* n 4, at 1394–95.
13. Harry H. Wellington, *Challenges to Legal Education: The "Two Cultures" Phenomenon*, 37 J Legal Educ 327, 330 (1987).
14. Electronic mail message to author from law firm in San Francisco, California (November 8, 2000) (on file with author).
15. Mell, *supra* n 4, at 1395.
16. *Id.* (indicating that law schools may need to market concentrations to employers in such a way that employers understand the skills that are being imparted through the study of the concentration).
17. Robert MacCrate, *The Pursuit of Excellence in the Law*, 75 Mich Bar J 1012, 1014 (1996).