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A Report on Graduate Studies at the University of Michigan Law School

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by
Virginia B. Gordan
Assistant Dean

The University of Michigan Law School's graduate study program remains, at the beginning of the 1990s, a small and highly selective one. Priority is given to personal attention and academic flexibility for its participants, almost all of whom are students and research scholars from overseas. In the last ten years, the graduate program has included men and women of 50 different countries.

Admissions and Fellowships

Applications to the graduate program (MCL, LLM, SJD and research scholar) have increased substantially in the last decade. This year we received more than 550 applications for approximately 30 new spaces in the degree programs compared to 350 applications for 1981-82. Although more than 60 countries are represented in the 1991-92 applicant pool, most of our applications are drawn from Asia (especially China, India, Japan, Korea and Taiwan) and Western Europe (particularly Belgium, France, Germany and Switzerland). This results from a combination of factors, including the Law School's historical relationship with law faculties in particular countries, the contacts and scholarly interests of faculty, and the varying degree of interest in, and opportunity for, study in the United States in different parts of the world. Because we strive for geographical diversity in our graduate program, we seek to increase our applications from areas such as Africa and South America.

What criteria are used in the selection process? A highly important consideration is the applicant's academic and professional record in his or her own country. We seek individuals with proven intellectual and professional capacities. We take very seriously the letters of reference we receive, as well as the academic goals the applicant seeks to attain through graduate study.

While a high threshold of academic and professional excellence is a minimum requirement, we also strive for heterogeneity in the group we select. We seek graduate students with different intellectual interests, from different national and cultural backgrounds, and with different life and professional experiences. Our applicant pool includes those who are just completing their legal educations and those well into professional careers; we receive applications from individuals in academia or on the academic track, government lawyers, those in private practice, and in-house corporate counsel.

In absolute numbers, applicants in the private sector, with interests in international commercial practice, outnumber those with academic or government career goals. Although we welcome applicants
who are going into private practice, we give preference in awarding financial assistance to those who are embarked on academic careers in law or who are from less developed countries.

For the upcoming academic year (1991-92), we have tried an experiment with financial aid to graduate students. Financial aid has been offered in the form of a loan which will convert to a grant, and not require repayment, if the student returns promptly (usually within one year) to his or her country and engages in continuous law teaching (or, in some cases, government service) for at least two years.

A considerable portion of the financial assistance budget for graduate studies goes each year to provide fellowships in the form of grants to support visiting research scholars, most of whom are on law faculties abroad. The research scholar program enables us to bring distinguished scholars to Michigan to engage in research and participate in the intellectual and social life of the school.

Funds for financial assistance for graduate studies are critical to maintaining the program’s high quality. Although many applicants have financial support from families, employers, governments, foundations or other institutions, such support is not universal by any means. Even those with outside financial support typically do not have enough to cover all expenses. Tuition for one year of study in the current academic year (1991-92) is $16,864, and estimated living expenses for a single student (exclusive of travel expenses) is $9,000. This compares to $7,058 for tuition and $6,000 for living expenses in 1982-83, with tuition increases outpacing the rate of inflation.

The Law School is not able to “waive” tuition for students. When we give a student a tuition fellowship, we are actually spending money from the Law School’s budget because we must pay the tuition to the University from our own funds. The Law School’s commitment to its international studies program is evidenced by its continued appropriation to the program of a disproportionately high per capita amount of grant money compared to the JD program. Given the many competing demands on Law School resources, raising funds for financial assistance to international students is very important to the ongoing strength of the graduate program.

Notwithstanding the significant increase in our applicant pool during the last decade, we have deliberately chosen to keep the size of our graduate program small. We receive between 25 and 30 new master’s degree students each year, only one or two SJD candidates, and about fifteen research scholars. Despite the strong competition for places in our program, we do lose some of those we admit each year to other schools, especially Harvard and Yale, and especially when a more attractive financial aid package is offered elsewhere.

One reason for keeping the program small is our exacting admission standards. We want every applicant admitted to complete the program successfully and, hopefully, with distinction. We have been successful in achieving this goal. For example, of the twenty-six students in the 1988-89 academic year who were awarded master’s degrees, sixteen had final grade point averages upon graduation higher than 3.5 (B+) [three with final averages higher than 4.0 (A)] and only one had an average below B (3.0).

But the “quality of life” issue is the primary reason for keeping the program small. Each graduate student receives individual research supervision from faculty. Faculty also assist graduate students with course selection, and we try to maximize opportunities for enrollment in seminars which have limited space. Finally, we encourage those in the graduate program to interact with their American peers and to participate fully in the life of the Law School community. We wish to avoid the development of an isolated enclave of foreign students as is common in larger programs. To this end, the program’s small size enables us to reserve rooms for all interested graduate students in the Lawyers Club, to arrange
excursions to law firms and to local courts, and to facilitate social events which mix American and foreign students. At the same time, the graduate program's small size affords all members the chance to get to know each other very well, a uniquely important and exciting opportunity because our program participants come from all over the world and represent a broad spectrum of legal, cultural and political viewpoints.

The Graduate Degree Programs

The Law School offers three graduate study programs leading to graduate degrees. The three degrees granted are the Master of Comparative Law (MCL), the Master of Laws (LLM), and the Doctor of the Science of Law (SJD). The degree programs are intended for those who wish to carry on advanced legal studies and research, to engage in comparative legal studies, to gain a better understanding of the United States legal system, or to pursue a field of specialization. In any given year, we may have degree candidates who will return to teach in their own countries and who wish a chance to pursue coursework in American law and specialized research; those in private international practice who wish to better understand how American lawyers think as well as gain exposure to such fields as international trade, corporate and commercial law, and intellectual property; and those in governmental positions involving environmental regulation, criminal justice or international human rights who seek to pursue comparative study in their fields.

Each of the three degree programs seeks to accommodate the various interests of the participants, and each allows students to tailor studies to individual academic goals.

Students in the MCL and LLM programs may select courses and seminars from the full range offered each year by the Law School. With the exception of two courses required for and limited to foreign graduate students (the first, a survey of U.S. constitutional law and introduction to legal process; the second, a mini-course on legal research), the graduate students are free to choose all their other classes. Students in these classes are predominantly American JD students. Students in the MCL and LLM program must also complete a research paper under faculty supervision in a seminar or as an independent research project. MCL and LLM candidates may take up to six credit hours of graduate-level classes in other units of the University of Michigan. Although most MCL and LLM students choose a course of study consisting primarily of law classes, it is possible to pursue a master’s program with a research focus, enrolling in courses and seminars in the first term and undertaking extended individually supervised research in the second term.

The main difference between the MCL and LLM degrees lies not in curricular content, but rather in degree requirements. The MCL degree demands the completion of 20 credit hours with a C+ (2.5) average, and the LLM requires the completion of 24 credit hours with a B (3.0) average. Students need not decide which to pursue until they settle on their course credits in the second term. Michigan’s master’s degree requirements are among the most demanding in the United States.

Our SJD program has only one to three new participants each year. It is intended primarily for persons engaged in, or planning to pursue, law teaching careers and who wish to carry on original research under faculty supervision. SJD students devote almost all their time in residence to research and writing a doctoral dissertation which is expected to be of publishable quality. Since supervision of SJD research demands specialized expertise and a significant commitment of faculty time, no one is admitted to the SJD
program without outstanding academic qualifications and unless a faculty member is available to act as research supervisor.

Research Scholar Opportunities

The Law School has a non-degree program for research scholars that is attractive to overseas legal scholars for whom access to U.S. legal materials is important. The program appeals especially to senior and junior law faculty, post-doctoral candidates, faculty in law-related disciplines, and persons in public service careers. Research scholars’ visits range from one week to two years. With more than 600,000 volumes, the Law School’s library collection of domestic and foreign materials is an extraordinary resource. Our faculty enjoy the chance to confer with distinguished colleagues from overseas, and we seek to ensure significant contact between research scholars and Michigan faculty who share intellectual interests. In addition to pursuing their research, visiting scholars may audit Law School classes on an informal basis and occasionally give talks or classes in their fields of expertise. We have renovated carrels on the 5th and 9th floors of the Legal Research Building with lines for telephones and computers to enable research scholars to use the library facilities of the Law School as comfortably as possible.

Conclusion

The graduate program at the Law School is in good health. The number of applications has grown over the years, and our graduate alumni tell us they return to their home countries with a valuable degree and a sense of high achievement. However, there are important areas in which to strive for improvement. They include increasing our “take” of the best foreign applicants to U.S. law schools, expanding resources for financial support of graduate students, and ensuring the representation in our program of those who will embark on distinguished academic careers as economic forces worldwide and in the U.S. push students more exclusively into the private sector.

There are many questions which we repeatedly ask ourselves and which are difficult to answer. How should we change? Is our program the correct size? Are our degree requirements appropriate? Are we attracting the best applicants? In these and many other questions, we seek the guidance and suggestions of our distinguished alumni whose presence in our graduate program and whose loyalty over the years has been its greatest asset. Our graduate program alumni from more than 70 countries include leaders of the private bar, professors at major law faculties, and distinguished governmental officials, including justices of the supreme courts of several countries. We wish to ensure that the program continues in the tradition of distinction which our alumni have established.
A LETTER FROM
THE CHAIR OF THE
GRADUATE COMMITTEE

Dear Alumni and Friends:

It has been my privilege for the last five years or so to chair the Graduate Committee, which, together with Dean Gordan, oversees the graduate programme. I have liked the job a lot, not the least because of the excitement of meeting the actual people behind the paper file and then following their fortune at the Law School. Since I teach EEC law and international law, I get to teach many graduates in my classes, and I try to keep contact with as many of them as possible, even after graduation.

I would like to pick up some of the points mentioned in Dean Gordan’s report, especially those involving policy choices, and give you my own perspective on these decisions. I would welcome any comments, oral or written. As you can imagine, I think we are doing a good job. All the more reason for you to be critical and suggest where we can do better.

The graduate programme has not been static over the years, and although its basic structure has not changed much, changes in tenor, detail and emphasis have occurred.

The Decision to Keep the Programme Small

The Michigan programme is one of the smallest of its kind among our peer schools. We pay a price for this. Each year we turn away many qualified applicants who could do very well in the programme. Put differently, if we were to admit all those whom we believe meet our quality requirements, the Michigan graduate programme would probably be three times its current size.

Because of its small size, our programme is also very costly. Indeed, many of our peer schools make a considerable amount of money from their graduate programmes. Admitting many more students paying full tuition would generate substantial profits for the University. Instead, we actually spend money on our Programme.

We have resisted pressures to increase the size of the programme because we believe, as mentioned in the report, that the small size is among the factors that makes graduate study at Michigan special — for us and for our foreign students. We try to give special attention to the graduates from the first letter of information, through the admissions process and, of course, during the programme itself. The same consideration applies to the Research Scholar programme. Our criteria for inviting Research Scholars is not simply very high scholarly credentials but an active interest by faculty members in the Research Scholar and his or her scholarly interests.

Programme Requirements

We know of no school that has higher requirements for obtaining the LLM degree than Michigan: twenty-four credit hours and a B grade point average. Most of our peer schools require fewer credit hours and
a lower GPA. Each year I hear complaints from the incoming class about these requirements. Most complaints are based on fear of failure. It is easy enough to reassure the incoming class that given our exacting admission standards failure is rare. We do not like to waste our resources on students whom we do not believe are able to complete the programme successfully. But there are other costs to the high requirements. Less time is available for leisure, for travel, for social activity. We have no plans to compromise our current standards. They represent the value choice which the School has made and have become one of the drawing points of the programme among applicants and prospective employers. Obtaining a graduate degree from Michigan is no vacation.

On one point I have failed to convince my colleagues. It is the current policy of the School to allow graduate students from non-English speaking countries to have extra time for their exams. I would abolish that concession. Getting our graduate degree should, in my view, also signify an unquestionable facility to work in English. What we have done, however, is to impress on the faculty that no concessions should be made in grading foreign graduates. They should be graded on par with their American peers.

The New Policy on Grants

As mentioned in the Report, we are currently experimenting with a policy which would offer substantial financial support (through the convertible loan scheme) only to applicants who enter academia or, in some countries, government service. We have yet to evaluate the impact of this policy on the programme. The thinking behind this experiment is simple enough. We want to try to ensure that a meaningful portion of our foreign graduates go into teaching and public service — as has been the case over the years. Given the substantial increase in the cost of graduate legal education in the States and the need to make difficult choices in allocating increasingly scarce resources, we find it easier to justify giving substantial grants to persons entering academia or, in some countries, government service, than to those entering the more lucrative private sector.

Special Courses for Foreign Graduates

This is an area where we have not been able to come up with a truly satisfactory formula. In the past, graduates took a one-semester class which was a compressed version of the normal first year writing programme of their American JD peers. They also took a special introductory course in U.S. Constitutional Law.

Some students complained that a writing programme geared to students in their first year of law school was ill-suited to the graduate students— all of whom had already earned at least one law degree and many of whom had additional experience. The two required courses were criticized as consuming too much time and not allowing students to concentrate on the preferred subjects. Some would dispense with them altogether— especially those who came to specialize in, say, international law and the like.

In recent years we have introduced some significant changes to this part of the programme. We decided to resist the pressure from a minority of students to abolish the requirement of a course in American Constitutional Law. We do not think that anyone should graduate from the School without a basic familiarity with this subject. In response to student requests, the course was expanded to cover legal process as well as constitutional law. Also, with the help of the Library, we designed a new writing course which meets only for the first six weeks of the fall term and puts greater emphasis on research techniques in American law, with some training in legal writing. Reaction here has been mixed and often
with great extremes. Some praised the new course, others were scathing in their critique. With such a diverse graduate class, it is apparently difficult to come up with a course which will satisfy all. Maybe what is needed is a differentiated approach that could cater to different interests and needs.

Conclusion

The Michigan Graduate programme is very difficult to get into, it demands an awful lot of work from those admitted, and it is uncompromising in its final evaluation of the accomplishments at the end of the year. That is how we want it to be. It has, we believe, its gratifications. With few exceptions, our graduates come to appreciate the exacting nature of the programme and its intellectual content and register a huge sense of accomplishment upon completion. Many of them have found that the programme has also had tangible and less tangible benefits in their subsequent careers. Last and not least, despite all, most also seem to have a very good time during their stay in Ann Arbor and go home with fond memories of a welcoming and concerned environment. That, of course, is our gratification as well.

Joseph Weiler