

What Courses Should Law Students Take? Lessons from Harvard's BigLaw Survey

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Introduction

During the spring and summer of 2013, we conducted an online survey of 124 practicing attorneys at major law firms on behalf of Harvard Law School (HLS) to learn more about how HLS can better advise and train its students. The survey focused heavily (but not exclusively) on business-methods courses (e.g., accounting).

The decision to focus on business-methods courses was prompted by our earlier interviews and round-table discussions with managing partners, hiring partners, and others involved in hiring decisions at major law firms, as well as informal discussions with alumni and other practitioners. The feedback that we received reinforced a general and long-standing recognition that business methods are a potentially valuable but pedagogically challenging component of legal education. One general take-away from these earlier interviews, discussions, and conversations with alumni and practitioners was that students should do more to acquire basic business-methods skills while in law school. At the same time, different people put different emphases on precisely what skills and topics would be the most important, how to prioritize among course choices (by students) and offerings (by law schools), and how to think about the inevitable trade-offs that any curricular change would involve. To get a broader and more representative sense of what skills and courses would be considered valuable by employers, we created the survey with help from Dean Martha Minow and over a dozen other HLS faculty.¹

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1. A copy of the survey can be found online in our SSRN working paper, "What Courses Should Law Students Take? Harvard's Largest Employers Weigh In," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2397317 [hereinafter Coates et al. (2014)].

We had three objectives in conducting this survey. The most important objective was to improve the quality and quantity of information available to students planning their course schedules. In deciding what courses to choose—from a large array of electives—students might wish to take into account which skills, bases of knowledge, and courses are considered most useful by the firms likely to hire them. (Of course, other considerations would remain relevant to course selection, including student interests, teacher quality, topicality and students' longer-term goals.) Yet reliable information about what employers value or view as useful was not available, and students, administrators, and faculty had to make assumptions about employer views, often based on word-of-mouth, in turn drawn from a small number of perhaps unrepresentative specific employers. The survey was intended to broaden and enrich the information available about this dimension of curricular choice. To the extent the students read the survey results themselves, they can get this information directly. To the extent students do not consult the survey, but rather rely on faculty for course-selection advice, the survey results can improve the advice offered by faculty.

A second purpose of the study was to better inform the curriculum planning process. Feedback from employers about the relative value of different courses enables the faculty and administration to better decide how to allocate scarce space and teaching resources, and whether to pursue more than incremental curricular reforms (and if so, how and to what end). Again, additional considerations would remain important, as law schools have goals other than training students for their first post-graduation jobs. Such goals include helping students learn to “think like a lawyer,” offering specialized legal courses strongly valued by some (but only some) students, and inculcating a broad perspective on law and legal institutions that will be of value throughout a law graduate's career. Nevertheless, better and more representative information about what skills and courses are valued by employers would clearly be useful to include in the curricular planning process, and would reduce the degree to which decisions are based on pure speculation about such views.

The third purpose of the report was to begin collecting information on what skills (e.g., teamwork) are most valued by employers. Indeed, our decision to ask about skills per se, as opposed to designing a survey focused exclusively on choices among existing courses, might help prompt employers themselves to reflect on how legal education might be improved, and how their organizations could (through their hiring and training decisions) contribute to that improvement. Information about skills needed by or useful to young lawyers could help law schools innovate around pedagogy so that faculty can both impart subject-matter knowledge and provide opportunities for skill-building in the classroom. To the extent the survey might show that employers are seeking skills not traditionally taught well in conventional law school courses, the results might also provide support to faculty seeking to innovate not simply in what they teach, but in how they teach their courses. Because the survey focused on business-methods skills, the survey clearly cannot provide

the information necessary to redesign an entire legal curriculum. However, because business-oriented employers are a major source of employment for law school graduates, the survey results should be useful for those components of legal education that are directed towards career success for a large share of law students.

The 124 attorneys participating in the survey come from the 11 largest employers of HLS students over the last several years: Ropes & Gray, Davis Polk, Skadden Arps, Latham & Watkins, Kirkland & Ellis, Cravath, Cleary Gottlieb, WilmerHale, Covington Burling, Gibson Dunn, and Sidley Austin. For the survey, each firm was asked to recruit respondents from a range of positions and practice areas in the firm. Sixty-eight of the surveyed attorneys are partners, 54 are associates, and 2 are of counsel. Fifty-two of the attorneys in our sample are in the litigation practice area, 50 are in the corporate/transactional practice area, and 22 are in the tax/regulatory practice area. Thus, the surveyed attorneys represent a range in practice specialty and experience.²

Section A describes feedback from the survey regarding course selection. Section B reports feedback regarding the skills and knowledge bases that students should acquire while at HLS. Section C summarizes.

A. What Courses Should HLS Students Take?

We turn first to attorney feedback on which business-methods courses students should take, and then to feedback about other courses.

1. Business-Methods Course Recommendations

We asked respondents to rate the usefulness of seven business-methods classes currently offered as part of the HLS curriculum from “not at all useful” to “extremely useful.” For reporting purposes, we have converted this to a 1-to-5 scale.

- Accounting and Financial Reporting
- Corporate Finance
- Negotiation Workshop
- Business Strategy for Lawyers
- Analytical Methods for Lawyers
- Leadership in Law Firms
- Statistical Analysis/Quantitative Analysis

Among all respondents, Accounting and Financial Reporting and Corporate Finance received the highest ratings with overall scores of 4.38

2. We did not ask the law firms to only ask HLS alumni to respond to the survey. While many of the respondents are HLS graduates, other respondents graduated from Yale, Columbia, University of Virginia, New York University, and Georgetown (among other law schools).

and 4.21, respectively.³ We also divided responses by practice area: corporate/transactional vs. litigation. The scores for Accounting and Financial Reporting and Corporate Finance given by attorneys in corporate/transactional practice were higher than the overall scores (4.62 and 4.66)⁴ and those given by attorneys in litigation practice only were lower (4.15 and 3.84).⁵ For both practice areas, these two classes were the highest ranked of the seven courses listed.⁶

We also asked attorneys to choose, from the above list of seven courses, the three most important business-methods courses.⁷ Accounting and Financial Reporting and Corporate Finance also topped that list. Overall, 83 percent of attorneys advised students to take Accounting and Financial Reporting, and 68 percent advised students to take Corporate Finance. Among corporate lawyers, 86 percent recommended Accounting and Financial Reporting and 78 percent recommended Corporate Finance. Among litigators, 85 percent of attorneys advised students to take Accounting and Financial Reporting, with 56 percent recommending Corporate Finance.

Ranking below Accounting and Financial Reporting and Corporate Finance in usefulness were the Negotiation Workshop, Business Strategy for Lawyers, and Analytical Methods for Lawyers, which received overall scores of 3.77, 3.59, and 3.46, respectively on the 1-to-5 scale.⁸ When asked to list the three most useful business-method courses, 46 percent of attorneys chose Negotiation Workshop, 41 percent chose Business Strategy, and 32 percent chose Analytical Methods. The scores tended to be somewhat lower for attorneys in litigation practice and higher for lawyers in corporate/transactional practice.⁹

In response to an open-ended question at the end of the survey, attorneys reiterated the importance of business-methods courses. Several corporate partners emphasized Corporate Finance, and lawyers from all departments (corporate, litigation and regulatory) emphasized Accounting. A young

3. See *infra* Appendix Question #1.

4. See Coates et al. (2014), *supra* note 1, at Appendix A3.

5. *Id.*, Appendix A2.

6. *Id.* at n.5. Because we received only 22 responses from attorneys in regulatory practice, we do not report separate results for this practice area.

7. See *infra* Appendix Question #2.

8. See *infra* Appendix Question #1.

9. See Coates et al. (2014), *supra* note 1, at 3 n.7, Appendices A2 and A3. Statistical/Quantitative Analysis and Leadership in Law Firms, received overall scores of 2.72 and 2.88, respectively, in Question #1, and were identified by 15 percent and 10 percent of attorneys in Question #2. These latter two courses received stronger support from attorneys in litigation practice, with 25 percent advising students to take Statistical/Quantitative Analysis and 17 percent to take Leadership in Law Firms, and lower scores in the corporate/transactional practice area.

corporate partner at a top national firm wrote that it was “critical to obtain a basic background in accounting and finance” for associates going into transactional or tax practice, while a litigation partner at the same firm suggested that all litigation associates would do well to have taken Accounting. A corporate partner with 30 years of experience in a top New York firm noted:

The biggest deficiency from my HLS education (many years ago) was the lack of any serious education in Accounting. All that was offered was a half-semester course in basic double-entry bookkeeping, which was a joke. Yet, Accounting is absolutely central to commercial life and for lawyers whose practice involves commerce, it is essential.

A regulatory associate at another top New York firm stressed that Accounting and Corporate Finance were particularly important for law students without business backgrounds:

I had no business background because my undergraduate studies focused on the humanities, and [I] can’t imagine how much more difficult it might have been had I started working here without having taken some of the more business-oriented classes in law school (corporate finance, corporations, and every tax class offered).

One self-identified Yale Law graduate with five to ten years of experience in a corporate department wrote:

What most matters is that students (i) develop deep analytical abilities, and (ii) can navigate accounting materials and technical literature (e.g., figuring out how the economics are working within a complex fund structure).

This commenter suggested, however, that Accounting and Corporate Finance classes proved useful as “vocabulary” and to “help students identify issues,” but emphasized there was “value to having students develop their analytical abilities both within those more practice-focused realms and within areas of more academic interest (e.g., Islamic law).”

The importance of these business-methods courses is also made clear by firms’ extensive use of training programs to teach accounting and finance to attorneys. Overall, 72 percent of the respondents reported that their own firms offer in-house training in the business-methods area.¹⁰ Most of these programs focus, at least in part, on accounting, financial reporting, and valuation. In addition, almost 30 percent of the respondents have taken CLE or supplemental courses outside their firms in accounting, financial reporting, and/or valuation.¹¹

10. *See id.* at Appendix B, Question 7(c).

11. *See id.* at Appendix B, Question 7(a).

To be sure, there were dissenting voices in the open-ended comments concerning the importance of business-methods courses. A corporate associate with 5-to-10 years of experience at a New York law firm wrote: “It’s [not] necessary to take a ton of business courses....Harvard students are bright enough to pick up what they need to know in the first year.” Others emphasized the importance of practice area in determining in retrospect what courses were most valuable.

2. *Non-“Business Methods” Course Recommendations*

In addition to asking attorneys about which business-methods courses students should take, we asked them to indicate which courses both in and outside the area of “Business Organizations, Commercial Law, and Finance” would be most useful to students.

a. Business Organization, Commercial Law, and Finance (BO) Courses

Respondents were asked to indicate the usefulness of HLS courses currently taught by regular Harvard faculty in the area of “Business Organization, Commercial Law, and Finance.” Three courses received overall scores above 4.00: Corporations (4.61), Mergers & Acquisitions (4.33), and Securities Regulation (4.22).¹² Many others received scores of over a 3.00: Capital Market Regulation (3.92), Securities Litigation (3.89), Taxation (Corporate) (3.83), Bankruptcy/Corporate Reorganization (3.77), Antitrust (3.59), Secured Transactions (Article 9) (3.51), and Taxation (Individual) (3.05).¹³

The rankings of the courses and the overall assessments of importance differed somewhat between practice areas. In the litigation practice area, the top three courses were Corporations (4.56), Securities Litigation (4.27), and Securities Regulation (4.02).¹⁴ In the corporate/transactional practice area, the top three were Corporations (4.78), Mergers & Acquisitions (4.70) and Securities Regulation (4.48).¹⁵ However, Corporations and Securities Regulation appear in the top three courses for both the litigation and corporate/transactional areas.

In response to the open-ended question, several respondents specifically mentioned Corporations and Securities Regulation. “Everyone coming to work at a Wall Street firm should take securities regulation, corporations and... taxation,” wrote one corporate associate with five to ten years of experience at a New York law firm. Another wrote: “Large firms represent large businesses. I think it makes sense for students interested in working for large firms—whether in the corporate or litigation area—to take business-related law courses.” Many

12. See *infra* Appendix Question #5.

13. *Id.*

14. See Coates et al. (2014), *supra* note 1, at Appendix A2.

15. See *id.* at Appendix A3.

also emphasized that the best course selections depended upon the practice area into which a student was headed.

b. Non-BO Courses

Among offerings outside the category of Business Organization, Commercial Law, and Finance, no course received an overall score of above 4.00. However, a number of courses received scores above a 3.00. In descending order, among all attorneys, these were Evidence (3.57), Intellectual Property Law (3.55), Federal Courts (3.50), Administrative Law (3.44), Patent Law (3.23), Conflict of Laws (3.06), and Copyright Law (3.02).¹⁶

However, for these non-business law courses, the rankings of the courses and the overall assessments of importance differed significantly between practice areas. In the litigation practice area, Evidence (4.50), Federal Courts (4.40), and Administrative Law (3.87) received the highest scores.¹⁷ In the corporate/transactional practice area, Intellectual Property Law (3.50), Patent Law (3.20) and Copyright Law (3.10) received the highest scores.¹⁸

B. What Skills/Knowledge Bases Should Students Acquire?

HLS students seeking to improve their capabilities through lecture courses, clinics, and extra-curricular activities should be aware of the skills and knowledge bases employers consider most important. We thus asked attorneys to indicate, on a scale of 1 to 5, the importance of several knowledge bases and skills for their associates:

- Accounting/Financial Statement Analysis
- Teamwork
- Financial Markets/Products
- Negotiations
- Business Strategy/Industry Analysis
- Statistical/Quantitative Analysis
- Legal Services Industry

Accounting/Financial Statement Analysis topped that list, with a score of 4.30 and teamwork was rated the second most important skill with an overall score of 4.28. In third place was Financial Markets/Products (4.00); in fourth was Negotiations (3.85); in fifth was Business Strategy/Industry Analysis (3.68).¹⁹ Taken together, these results suggest that law firms value softer skills and institutional knowledge as well as rigorous analytical skills.

16. See *infra* Appendix Question #6.

17. See Coates et al. (2014) *supra* note 1, at Appendix A2.

18. See *id.* at Appendix A3.

19. See *id.* at 6 n.17 (2014). The last two were Statistical/Quantitative Analysis (2.96) and Legal Services Industry (2.85).

These scores were reflected in the open-ended comments as well. A corporate partner with 10-to-20 years of experience suggested that “law firm leadership/business of law offerings are quite intriguing” and “could [give] HLS grads a leg up on a key determining factor in evaluating success in private practice—is the attorney adding value for the client....?” A litigation associate wrote:

I have to say that, surprisingly, my 3L class on large law firms was one of the most honest and helpful classes that I took, even though I’m much more of a core, lecture-based, bar-exam course type person generally.

Among the open-ended comments, litigators tended to single out “writing” or “persuasive writing” as a key skill that can be lacking in new associates. Other respondents indicated that students should work on communications skills (public speaking and presentations). One attorney suggested that students interested in working in a large New York firm read the *Wall Street Journal* regularly “so that they come to work with a sense of the context of deals as well as current issues and trends.”

A litigation partner with 10-to-20 years of experience also commented that “people skills” are “underrepresented” among new associates, and a corporate associate wrote that students would do well to take courses containing “leadership/teamwork training through group projects.”

Again, there were some dissenters. A litigation associate noted that “certain skills are best learned in practice,” and a litigation partner with 5-to-10 years of experience wrote:

I am skeptical that more “skills” training in law school can really prepare students ... [C]linical education (or even the skills classes described in this [survey]) are not similar enough to what we do to really help ... much ... I am a proponent of reducing law school to two years.

Finally, quite a few attorneys suggested that existing courses give more weight to transaction planning and documentation and less weight to caselaw.

Several other corporate associates stressed the importance of hands-on experience with contracts (M&A contracts and loan agreements) and SEC filings, one writing “it could be hugely helpful...if in the context of this type of workshop or another class, you could introduce students to the actual legal documents that govern these transactions....”

Another corporate associate with 5-to-10 years of experience in a national law firm suggested that courses should:

Use real-life examples of what the process of a deal is from signing of letter of intent/memorandum of understanding until close, including due diligence process, negotiation and drafting.

In the same spirit, a corporate associate at a national law firm suggested that negotiations skills could be taught around a potential deal:

The most useful thing...to prepare...to be a corporate lawyer would be...the negotiation workshop, but instead of negotiation simulations, it would be deal (public and/or private) simulations. Having students role play...what it is like to be on the buy-side, sell-side or financing side of transactions would be very helpful.

The importance of offering courses better connected to actual practice was repeatedly emphasized. A corporate associate with 5-to-10 years of experience at a New York law firm commented:

As an HLS alum who knew I wanted to practice corporate law before I came to law school, I was disappointed [that]... 75 percent of the classes still seemed to have nothing to do with corporate law or the real-world practice of law firms. I took...business strategy class one of the first semesters it was offered (I was a 3L), and it was wildly oversubscribed. I wish there had been more classes like that while I was there.

C. Summary

The most salient result from the survey for students is that they should learn accounting and financial statement analysis, as well as corporate finance. These subject areas are viewed as particularly valuable both for lawyers in litigation and as well those working in corporate and transactional practice areas. The survey also suggests that, to the extent opportunities to hone teamwork and develop and extend related “soft” people skills and capacities during law school are available, students would be well advised to do so. For example, students may have opportunities to work together in teams by participating in advanced or specialized moot court programs, in clinics that are structured with multi-member teams, and in classes where team-based learning is part of the pedagogical design.

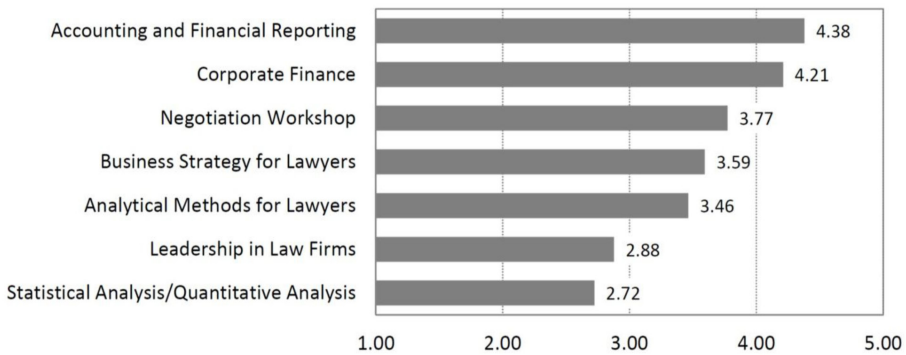
For faculties and others engaged in curriculum planning, the survey results have similar implications: regular offerings of accounting and finance are ways that law schools can add value to their students as they enter the legal marketplace. While many law schools offer such courses, they are often viewed as “extras”—our results suggest they have a more central role in the upper-level curriculum. Courses on business strategy are less common in law schools than our results suggest they should be. Finally, our results suggest that law schools might usefully consider how to make students aware of ways they can work in teams, whether in or out of class, before they begin their first full-time legal jobs, and to consider how best to encourage and support faculty interested in including simulations, exercises with real-world examples of legal documents, and similar pedagogical innovations in their course design.

Appendix

This appendix presents results from Harvard Law School's Employer Survey (2013). The results represent responses from all surveyed attorneys (N = 124).²⁰

Question #1: Rating HLS Business-Methods Courses

HLS has a variety of business methods course offerings that are geared towards students who have had little or no exposure to these areas. For each of the following existing HLS classes, please indicate how useful the course would be for an associate to have taken. (1 = Not at all Useful; 3 = Somewhat Useful; 5 = Extremely Useful)



Question #2: Ranking HLS Business-Methods Courses

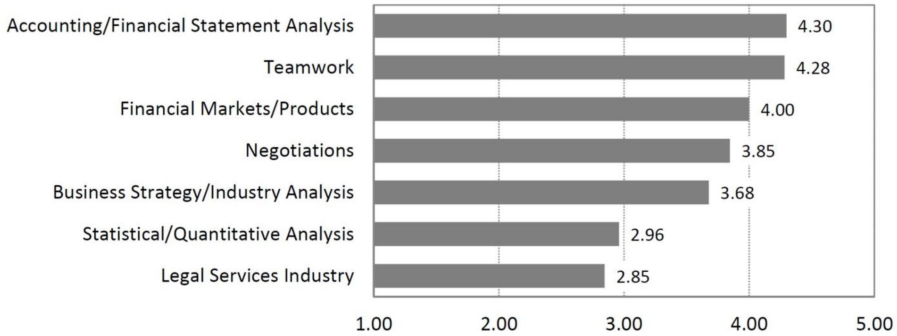
If you were advising an HLS student about which business methods class (or classes) to take, which three of the above classes would you suggest?



20. See Coates et al. (2014), *supra* note 1, for a copy of the survey; Appendices A2 and A3 break out the responses from attorneys in the litigation (N = 52) and corporate/transactional practice (N = 50) areas, respectively. We do not present separate charts for the tax/regulatory practice area (N = 22).

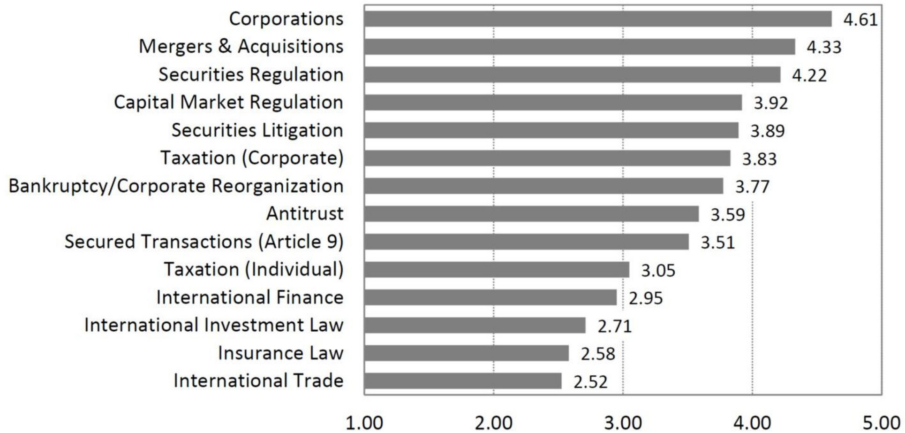
Question #3: Rating Knowledge/Skills Bases

Please indicate how important the following knowledge bases/skills are for your associates. (1 = Not at all Useful; 3 = Somewhat Useful; 5 = Extremely Useful)



Question #5: Rating Business Organizations Courses

Below is a list of courses taught by regular Harvard faculty in the area of Business Organizations, Commercial Law, and Finance during the academic year 2012-2013. The list excludes all of the business-methods courses described in the previous questions. Please indicate how useful it would be to an associate to have taken these courses. (1 = Not at all Useful; 3 = Somewhat Useful; 5 = Extremely Useful)



Question #6: Rating Non-BO Courses

Below is a list of elective courses taught by regular Harvard faculty outside the area of Business Organization, Commercial Law, and Finance. Please indicate how useful it would be to an associate to have taken these elective courses. (1 = Not at all Useful; 3 = Somewhat Useful; 5 = Extremely Useful)

