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Interdisciplinary Combined-Degree and Graduate Law Degree Programs: History and Trends, 33 J. Marshall L. Rev. 47 (1999)

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INTERDISCIPLINARY COMBINED-DEGREE AND GRADUATE LAW DEGREE PROGRAMS: HISTORY AND TRENDS

LINDA R. CRANE*

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A. PROLOGUE

“Doctor, Lawyer, Indian Chief.” Words from a childhood game, that so early established and completely defined my list of career options, forever—or so I thought.

I began my life-long involvement in volunteerism as a “candy-striper” at Jackson Park Hospital, located on Chicago’s South Side, during the summer when I was twelve. I soon realized that I was not destined to become a doctor. Suspecting that it was also unlikely that I would ever become an Indian chief, I immediately announced my decision to become a lawyer. I never wavered from that decision, and in due course, I entered law school.¹

Almost immediately upon entering law school, I realized that my strong desire to become a lawyer had never actually influenced my career objectives—some of which were law-related, but many were not. I had naively assumed that a law degree would open all doors, and that I could work in any capacity I chose. I soon learned, however, that I also needed an M.B.A. if I wanted to have access to more business-related career options. *Quel surpris!* Fortunately, at Northwestern, law students not only had general access to information about the Graduate School of Management (GSM),² but the law school allowed GSM representatives to actively recruit students into the university’s combined-degree J.D./M.B.A. program. Adding incentive, three of my best friends among my first-year law school classmates had recently completed a rigorous year spent entirely at the business school and were already in their second year of the combined-degree program. All of these factors conspired in my favor, and I quickly decided to transfer into Northwestern’s combined-degree program in law and business.

There was just one small problem. I had never taken undergraduate business courses nor had I done anything else to prepare myself for business school. In fact, I had a mammoth fear of numbers, which, although perfectly respectable for a law student, did not bode well for my success in business school. Nevertheless, I took the Graduate Management Admissions Test

1. See generally Linda R. Crane, Forum, *Colorizing the Law School Experience*, 1991 WIS. L. REV. 1427 (1991) (explaining the reasons why the Author entered law school).

2. The name of Northwestern University’s graduate business school was changed from the Graduate School of Management (GSM) to The J.L. Kellogg Graduate School of Management (KGSM) in 1979, after receiving a large monetary gift from the J.L. Kellogg Foundation. The graduate business degree conferred by KGSM, arguably the “best” business school in the United States, is called a Masters of Management (M.M.), rather than a Masters of Business Administration (M.B.A.). This label embodies the school’s philosophy that *any* problem in *any* business can be traced directly to a problem in management. *Kellogg Graduate School of Management* (visited Oct. 7, 1999) <<http://www.kellogg.nwu/academic/index.htm>>.

(GMAT) as soon as possible and applied to GSM. In short order, the admissions officers there expressed concern over my lack of preparedness for business school. I reminded them that they surely knew or should have known when they sent representatives to the law school that they would attract new students who were more prepared for law school than for business school. Consequently, I asserted, it was unreasonable for them to reject my application for that reason. My argument persuaded them, but they warned me that it would be difficult. It was. In truth, no one was more surprised than I when I not only overcame my numbing fear of numbers, but also eventually became a card-carrying "numbers cruncher." Fortunately, schools are in the teaching business. The business school faculty taught me to function and to think as a trained business professional, and the law school faculty taught me to function and to think as a trained legal professional.

My decision to pursue the combined-degree in law and business on my belief that it would increase my career options. It did. In fact, my options increased so much that simply sorting through them became a task in and of itself. Since graduating from law school and business school, I have used both degrees almost equally. Both are among my most valued possessions, and I have been both a better lawyer and a better businessperson because of my training in each discipline.

In 1981, the year I completed the four-year law and business school program, many potential employers questioned my commitment to either field. Some potential employers treated my decision to pursue the combined-degree as controversial and indicative of a lack of focus. In my view, it was a way to complete my education in all my areas of academic interest and to dramatically increase my career options. I also quickly learned to convince employers that the combined-degree had given me additional skills that they could use productively.

B. INTRODUCTION

The 1990s have been called the decade of legal education.³ There were more accredited law schools in the United States than ever before—and more students enrolling in law schools than ever before.⁴ However, "good times"⁵ can create a false sense of security within institutions and "stifle their impulse" to improve.⁶

3. Frank J. Macchiarola, *Teaching in Law School: What are We Doing and What More Has to be Done?*, 71 U. DET. MERCY L. REV. 531, 531 (1994).

4. ABA GUIDE TO APPROVED LAW SCHOOLS 450 (MacMillan 1999) [hereinafter ABA GUIDE].

5. See Macchiarola, *supra* note 3, at 532 (defining "good times" as the securing of quality candidates for law school study).

6. *Id.*

Unfortunately, the good times rarely last. Law school deans know that heightened interest in law-related careers is cyclical and that applicant pools dwindle when popular interest in attending law school wanes.⁷ During not-so-good times, attendance declines at Law School Admission Council-sponsored annual forums; the number of applications to medical, dental, and graduate schools increases; and overall admissions quality standards may suffer as law schools try to fill the seats for the entering class.⁸ Various culprits share the blame for this periodic downward trend in law school applications that include: fewer available law jobs as law firms and government agencies shrink in size; poor public image of lawyers and the legal profession; escalating costs of legal education; increased competition from other disciplines; and statutory limitations on attorneys fees.⁹

Even during the best of times, law schools attract many students who are undecided as to which career path to follow.¹⁰ In an increasingly competitive environment, the law school administration and its faculty must attract and retain students, regardless of whether the students intend to engage in a traditional law practice.¹¹ Law schools, in order to effectively compete with the other graduate and professional school programs, must combine the proper curriculum, methods of instruction, and testing.¹² They also must perform all of these functions in a timely fashion that will enable students to acquire the knowledge they need within time limits required by the American Bar Association to complete a law degree.¹³

One very important characteristic of the modern law school curriculum is its interdisciplinary scope. Academic disciplines, such as economics, political science, natural sciences, and literature, supplement the study of law. Increasingly, law professors have experience in these other disciplines as well. University administrators pressure appointment committees to search for faculty with Ph.D.s in related disciplines. Joint appointments onto the faculties of different schools are commonplace. Routinely, law professors who have classical training use it to complement their teaching. Moreover, the

7. *Id.* at 531.

8. Telephone Interview with Kent D. Lollis, Associate Director for Minority Affairs, Law School Admissions Council, Wash. D.C. (June 1, 1999).

9. See ABA GUIDE, *supra* note 4, at 450 (stating that the total enrollment in J.D. programs was 125,627 in Fall of 1998 and 128,623 in Fall of 1996).

10. Macchiarola, *supra* note 3, at 533.

11. *Id.*

12. See generally Linda R. Crane, Law School Examinations: Making A Case For Using Objective Exams To Cure What Ails 'Objectified' Exams (unpublished manuscript, on file with Author, located at the John Marshall Law School, Chicago, Illinois).

13. Macchiarola, *supra* note 3, at 534.

phenomenon of students coming to law school during and after other careers also impacts law school instruction and course content.

One of the goals of modern legal education should be to help young lawyers identify appropriate roles for themselves within the profession now, and in the future. Law professors should make students aware of what they can accomplish with their law degrees in terms of existing and evolving career opportunities. There needs to be a new tradition in legal education that prepares students for those opportunities.¹⁴ The benefit to law schools, of course, is that they will be better able to attract students during both good times and bad.

Although law faculty routinely admonish entering law students to approach their law school studies differently than they had approached their undergraduate work, it is not altogether surprising that students often fail to comply considering how much a legal education resembles an undergraduate liberal arts education. Typically, law students take a variety of courses that are designed to introduce them to different subjects. There is little subject area concentration and virtually no specialization. Moreover, in one regard, legal education is similar to high school education, in so far as every faculty member can teach almost every subject in the curriculum.¹⁵ In contrast, college faculties and graduate departments are highly specialized.¹⁶

If intellectual trends such as increasing specialization in legal scholarship continue, they could force the basic structure of the law school to change, becoming a university unto itself—comprised of individual graduate departments focusing on various disciplines.¹⁷ The ideal law school curriculum of the future may well include graduate courses in applied economics, social theory, and political science. Students will increasingly specialize in different areas, and intensified courses of study will follow.¹⁸ Ambitious scholars on law school faculties will insist on teaching subjects of increasingly narrow scope.

The job of a lawyer in modern society defies fixed description. Students must plan their futures in the face of tremendous social and technological change. Through the process of curriculum review, law faculty must help and be willing to identify and to

14. *Id.* at 540.

15. George L. Priest, *Social Science Theory and Legal Education: The Law School As University*, 33 J. LEGAL EDUC. 437, 440 (1983) [hereinafter Priest, *Social Science*].

16. *Id.*

17. *Id.* at 441. The John Marshall Law School has established a Graduate Programs Department to administer its seven LL.M. degree programs. *Academic Programs* (visited Oct. 7, 1999) <<http://www.jmls.edu/AcademProg/index.html>>.

18. *Id.*

incorporate new component parts of legal education. Law schools must teach students more than how to reach sound legal solutions because law students cannot afford to be naive about other disciplines.¹⁹ Graduate law degree programs and interdisciplinary combined-degree²⁰ programs provide law schools with significant opportunities to meet these challenges.

C. GRADUATE LAW DEGREE PROGRAMS, GENERALLY

Graduate law degree programs are proliferate.²¹ Since the early 1970s, new programs have emerged, leading to advanced degrees in a variety of areas such as taxation, corporate law, criminal justice, urban legal studies, intellectual property, and estate planning.²² By 1981, observers of this trend concluded that graduate legal education in the United States was a growing discipline.²³ More recently, law schools have begun conferring graduate degrees in such non-traditional areas as real estate transactions,²⁴ employee benefits,²⁵ and ocean and coastal law.²⁶

Law schools initiate and run graduate law degree programs in almost total isolation—setting their own standards, programs, and goals.²⁷ Consequently, there is no discernible cooperation among law schools, accrediting agencies, or other educators as to the purposes, goals, or standards of graduate legal education.

Prestige, money, and intellectual curiosity, among other reasons, explain the increased incidence of attorneys returning to law school for another degree.²⁸ Interest in advanced legal education programs also results from growing pressures on lawyers to deliver an increasingly complex network of services with demonstrable expertise. Furthermore, graduate law degree programs respond to the sense of importance of pursuing a

19. Macchiarola, *supra* note 3, at 540.

20. The term interdisciplinary combined-degree program as used herein is synonymous with other often-used terms such as: joint-degree programs and dual-degree programs, and generally does not refer to a program undertaken by a lawyer who holds a second (or even a third) graduate or professional degree which was not acquired concurrently with his Juris Doctor.

21. Henry D. Gabriel, *Graduate Legal Education: An Appraisal*, 30 S. TEX. L. REV. 129, 129 (1988).

22. *Id.* See Frederick E. Snyder & Jerome A. Cohen, *Harvard's Program in Law Teaching—A New Dimension in Graduate Legal Education*, 31 J. LEGAL EDUC. 140, 140 (1981).

23. *Id.*

24. See e.g., *The John Marshall Law School Center for Real Estate* (visited Oct. 7, 1999) <<http://www.jmls.edu/RealEstate/index.html>>.

25. See e.g., *The John Marshall Law School Center for Tax and Employee Benefits* (visited Oct. 7, 1999) <<http://www.jmls.edu/Tax/index.html>>.

26. See e.g., *The University of Miami Law School Graduate Programs* (visited Oct. 7, 1999) <<http://www.law.miami.edu/graduate>>.

27. Gabriel, *supra* note 21, at 130.

28. *Id.* at 129-30.

continuous learning experience.²⁹ It is axiomatic to say that the legal profession is becoming increasingly specialized.³⁰ In the near future, lawyers may be expected to have an advanced degree as well as to keep up with changes in the law.³¹

Law schools often classify graduate programs according to their purposes, dividing the programs into two categories: academic and professional.³² Academic LL.M. programs are designed to prepare law students to become legal scholars and law professors. Professional LL.M. programs are designed to further train lawyers in a specific area of practice.³³

There are three graduate law degrees conferred in the United States: the LL.M., the Master of Comparative Law (M.C.L.), and the Doctor of the Science of Law (J.S.D. or S.J.D.).³⁴ The titles of American law degrees are not always easy to understand. Certainly, it seems odd that the first degree one earns, the J.D., is a doctorate, while the next two are masters, and then finally a second doctorate—an oddity that developed over time by coincidence.³⁵

The College of William and Mary conferred the first law degree in the United States in 1793 and called it a Bachelor of Law (L.B. or B.L.).³⁶ Harvard Law School later adopted the LL.B. designation after borrowing it from the University of Cambridge.³⁷ Historically, the concept of the first law degree as a bachelor's degree was appropriate, because it was generally not preceded by an undergraduate college degree.³⁸ In fact, the requirement of a college degree before law school is a recent development, which accredited law schools began to universally impose following World War II. Therefore, the hierarchy of law degrees includes the traditional pattern of bachelor degree (LL.B.), masters degree (LL.M.), and doctorate degree (S.J.D. or J.S.D.).³⁹

The change in title of the initial law degree to Juris Doctor probably first occurred in 1900, when Harvard Law School restricted admission to college graduates.⁴⁰ Once the prerequisite

29. Snyder & Cohen, *supra* note 22, at 141 (citing Bonham, *Inching Toward the Learning Society*, 11 CHANGE, July-Aug. 1979, at 3; Jacobs & Phillips, *Beyond the Little Red Schoolhouse*, 11 CHANGE, July-Aug. 1979, at 5).

30. Danton Asher Berube, *Mastering Your Future*, 20 STUDENT LAWYER 38, 39 (1992).

31. *Id.* at 39 (quoting Mark Shelby, an LL.M. candidate at Emory University in 1997).

32. Gabriel, *supra* note 21, at 134.

33. *Id.*

34. *Id.* at 133.

35. *Id.* at 133 n.23.

36. *Id.*

37. Gabriel, *supra* note 21, at 133 n.23.

38. *Id.* at 134.

39. *Id.*

40. *See, e.g.*, W. Burlette Carter, *Reconstructing Langdell*, 32 GA. L. REV. 1,

of a college degree became widespread, law school became a de facto graduate level education.⁴¹ Underlying this change in designation was the idea that three years of post-collegiate work in law school was as arduous and as lengthy as the coursework required for a Doctor of Philosophy (Ph.D.) or Doctor of Medicine (M.D.).⁴² Given a choice between calling this advanced degree a J.D.—a derivative of the German phrase *Juris Utriusque Doctor* (J.U.D.)—or the more precisely corresponding LL.D., most schools chose the J.D. because the LL.D. had already become the standard designation for an honorary degree.⁴³ Interestingly, Harvard rejected the proposal to change the designation of the first law degree to J.D. for a few more years.⁴⁴

The J.D. and J.U.D. are not actually equivalents. Historically, the J.U.D. was an academic doctorate earned after the first law degree. Nevertheless, law schools in the United States adopted the J.D. designation as the standard first degree in law. Moreover, all accredited law schools offer the J.D. as the first law degree.⁴⁵ A few schools still offer the alternative LL.B. degree to their graduates who have not received an undergraduate college degree before the conclusion of their law school coursework.⁴⁶

Like all other academic institutions, the law school is responsible for providing its students with quality educational programs. Moreover, at the graduate level, law schools must respond, design, and conduct coherent, effective programs that challenge and expand the basic legal knowledge and skill sets of students.⁴⁷

1. *History: Graduate Law Degree Programs*

In Europe, graduate legal programs have a long tradition in universities geared toward legal education to meet the demands of legal scholars interested in theoretical and abstract analysis of law.⁴⁸ In contrast, graduate legal education in the United States has rather utilitarian origins. Reflecting the desire of legal educators to lengthen undergraduate legal education from two years to three years, early law school programs began extended professional training to supplement apprenticeship systems.⁴⁹

127 (1997) (discussing changes in the Harvard Law School in the late 19th and early 20th centuries).

41. *Id.*

42. Gabriel, *supra* note 21, at 134 n. 23 (citing HARVARD, REPORT TO THE PRESIDENT, 1901-02, at 21, 169 (1902)).

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. Snyder & Cohen, *supra* note 22, at 151.

48. Gabriel, *supra* note 21, at 130.

49. *Id.* at 131 n.5.

Similarly, United States law schools first offered most of their graduate degree programs as a substitute for actually extending the length of their basic LL.B. programs.⁵⁰ In 1874, Columbia University School of Law instituted one of the earliest graduate law degree programs when it began offering a Master of Laws degree to “any of its graduates—and/or graduates of other law schools—upon the successful completion of a third year of courses at the school.”⁵¹ Georgetown and Yale were among several other universities that soon established similar programs.⁵² When the undergraduate (J.D.) law degree program eventually extended to three years, most schools simply continued to offer the optional additional Master of Laws year as a fourth year.⁵³

In 1910, Harvard University, which had already revolutionized American legal education by introducing “both the case method and the standard first-year curriculum,” established the Doctor of Law degree, and, on June 20, 1912, admitted the first candidate for the degree “*ad gradum Scientiae Juridicae Doctoris*.”⁵⁴ This was probably the first graduate law degree program in the United States designed specifically for the advanced training of legal scholars.⁵⁵ Graduates of Harvard Law School and other law schools who planned to teach law, enrolled in the one-year full-time program consisting of coursework designed for and offered solely to graduate students of law.⁵⁶

For the academic year 1924-25, Harvard again led the way by announcing two separate and distinct graduate law degree programs, the Doctor of Juridical Science (S.J.D.) and the LL.M.⁵⁷ Both the S.J.D. and the LL.M. required one year of graduate work.⁵⁸ The S.J.D. focused primarily on training young law professors, while the LL.M. focused on further training for practitioners.⁵⁹ The S.J.D. and the LL.M. required twelve hours of coursework.⁶⁰ Standards for graduation differed insofar as the prospective “S.J.D. candidate was required to complete his studies with ‘distinguished excellence’ . . . [while] the prospective LL.M. candidate needed only to complete his work with the mark of ‘high rank.’”⁶¹ Since 1935, Harvard has required the S.J.D. candidate to

50. *Id.* at 131.

51. *Id.*

52. *Id.*

53. Gabriel, *supra* note 21, at 131.

54. ARTHUR E. SUTHERLAND, *THE LAW AT HARVARD: A HISTORY OF IDEAS AND MEN, 1817-1967* 233 (1967).

55. Gabriel, *supra* note 21, at 130.

56. *Id.* at 131-32.

57. SUTHERLAND, *supra* note 54, at 233.

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.*

produce a thesis that is deemed a "significant contribution to legal literature" to demonstrate academic accomplishment.⁶²

Following Harvard's example, several other institutions established Doctor of Laws programs requiring a thesis.⁶³ Columbia University established its D.J. program in 1923;⁶⁴ the University of Chicago followed suit in 1924 with its J.S.D.,⁶⁵ as did the University of Michigan in 1925.⁶⁶ Similar to Harvard, Columbia University, the University of Chicago, and the University of Michigan all required a thesis for completion of their Doctor of Laws programs. In 1922, four hundred and eight (408) graduate law degree students enrolled in the thirty-nine (39) law schools then offering graduate law degrees.⁶⁷ Of these 408 students, one hundred and sixty-four (164) or approximately forty percent (40%), enrolled in the Master of Patent Law programs offered by four law schools in Washington, D.C.⁶⁸

Today, the two most frequently offered advanced terminal law degrees are the LL.M. and the Doctor of Juridical Science (S.J.D. or J.S.D.).⁶⁹ The LL.M. degree, designed for both practicing attorneys and prospective law professors, usually requires one year of coursework upon completion of the J.D. degree. Other graduate law degrees at the masters level, such as the M.L.T. (Master of Laws in Taxation) and M.C.L. (Master of Comparative Laws), are comparable to the LL.M., but are more narrowly tailored.⁷⁰ The J.S.D. or S.J.D.,⁷¹ is the equivalent to the Ph.D., and is generally reserved for individuals seeking careers in academia. After receiving an LL.M., students may sometimes earn a J.S.D. degree by writing and defending a dissertation.⁷²

Law schools offering advanced law degrees have become commonplace. Graduate legal education no longer necessarily ends with the completion of the basic three-year law program; it represents a system of advanced training for both academic and professional careers.⁷³ Graduate law degrees offer lawyers an

62. SUTHERLAND, *supra* note 54, at 233.

63. *Id.*

64. Gabriel, *supra* note 21, at 132 (citing FOUNDATION FOR RESEARCH IN LEGAL HISTORY, A HISTORY OF THE SCHOOL OF LAW, COLUMBIA UNIVERSITY 73, 296 (1955)).

65. *Id.* at 132 (citing A. REED, PRESENT-DAY LAW SCHOOLS IN THE UNITED STATES AND CANADA (1928 & reprint 1987)).

66. *Id.*

67. *Id.*

68. Gabriel, *supra* note 21, at 132 (citing REED, *supra* note 65).

69. Unless otherwise indicated, all references to Master of Laws programs will be referred to as the LL.M.

70. Gabriel, *supra* note 21, at 131.

71. Berube, *supra* note 30, at 39.

72. *Id.*

73. Gabriel, *supra* note 21, at 132; *see, e.g.*, Snyder & Cohen, *supra* note 22, at 145.

opportunity to develop a higher degree of specialization than that offered by the J.D. degree.⁷⁴

2. Admissions: Graduate Law Degree Programs

The process of selecting an LL.M. program is similar to the process of selecting a law school for a J.D. degree. A prospective student should balance the school's reputation, curriculum, and location with her qualifications, interests, and personal commitments. Although a degree from a highly prestigious school is always a valuable, marketable asset, the selection of an LL.M. program should be based on more than a desire to go to the "best" law school one can get into. Insofar as the essence of the LL.M. is specialization,⁷⁵ perhaps even more important than a school's rank are the specific subject-related concentrations and course offerings that are available through its graduate programs.

Today, law schools also often use a different admissions process and may look for different indicia of potential for success when reviewing applications for their graduate programs. The Harvard Law School Committee on Graduate Studies (The Graduate Committee) controls the admissions process for Harvard's graduate programs.⁷⁶ The Graduate Committee looks for applicants who excelled in law school and strong letters of recommendation from law school faculty members familiar with their work.⁷⁷ Furthermore, the Graduate Committee prefers applicants who "have spent at least a year or two beyond law school working in private practice with a distinguished law firm, a public agency, a judge, or as a law school teacher."⁷⁸ Other factors that committees consider are the applicant's graduate education in a field other than law⁷⁹ and other materials demonstrating the applicant's interest in and capacity for a career in the teaching of law.⁸⁰

Concerned with the spread of graduate law programs, the American Bar Association in 1982, created a special committee under the chairmanship of former Dean Robert McKay of the New York Law School,⁸¹ to establish standards for graduate law programs.⁸² This was a "policing effort designed to insure that

74. Berube, *supra* note 30, at 39.

75. *Id.*

76. Snyder & Cohen, *supra* note 22, at 145.

77. *Id.*

78. *Id.*

79. *Id.*

80. *Id.*

81. Roger J. Goebel, *Profession Qualification and Educational Requirements for Law Practice in a Foreign Country: Bridging the Cultural Gap*, 63 TUL. L. REV. 443, 456 (1989).

82. *Id.* at 457.

higher quality is attained in LL.M. programs.”⁸³ Most graduate law degree programs must meet two standards: (1) a minimum number of credit hours in advanced courses in the particular area of concentration; and (2) a thesis or research project of publishable quality.⁸⁴ Most graduate law degree programs do not require qualifying entrance examinations, with the exception of the Test of English as a Foreign Language (TOEFL) for foreign language speaking applicants. Other committee requirements include the option of full or part-time status, and an undergraduate law degree or a comprehensive examination.

3. *Trends: Graduate Law Degree Programs*

The most common terminal graduate law degree offered by American law schools is the LL.M. or Master of Laws degree. Generally, an LL.M. degree is either specialized or general.⁸⁵ Law schools structure specialized graduate law degree programs with specific course requirements and limited electives.⁸⁶ For example, law schools that offer specialized graduate law degrees typically offer a number of thoughtfully developed advanced courses beyond the J.D. level in a specific area of law. Typically, such specialized programs have “more faculty members, resources, and contacts concentrated in that field.”⁸⁷ On the other hand, general LL.M. degree programs have few specific requirements. Some schools offer LL.M. students an elective program and encourage them to develop independent research and writing projects.⁸⁸ According to a 1999 study, out of one hundred and twenty-four (124) separate LL.M. programs offered in fifty-two (52) subject areas, only two (2), or 1.6%, are classified as “General.”⁸⁹

83. *Id.*

84. Berube, *supra* note 30, at 39.

85. *Id.*

86. *Id.*

87. *Id.* (quoting Professor Darrell Bratton, director of the general LL.M. program at the University of San Diego).

88. *Id.*

89. See Table 1 for illustration and analysis.

Table 1. Masters of Laws (LL.M.) Programs—By Type⁹⁰

Type of LL.M.	Number of U.S. Law Schools with Program	Percentage of Total Programs
Admiralty Law	1	0.79
Advocacy	1	0.79
Agricultural	1	0.79
American Law For Foreign Lawyers	1	0.79
American Legal System	2	1.58
Asian Law	1	0.79
Banking	1	0.79
Business and Taxation	2	1.58
Child Law	1	0.79
Comparative and International Law	7	5.55
Corporate Law	3	2.38
Corporate and Finance Law	2	1.58
Comparative Law	4	3.17
Common Law Studies	1	0.79
Energy	1	0.79
Energy and Environmental Law	4	3.17
Environmental Law	5	3.96
Environmental and Natural Resources	2	1.58
Estate Planning	1	0.79
Financial Services Law	1	0.79
General	2	1.58
Government Procurement Law	1	0.79
Health Law	6	4.76
Human Rights	1	0.79

90. The Author created this table based, in part, on information from EDWARD M. STERN & GERALD L. WILSON, *THE NAPLA/SAPL BOOK OF LAW SCHOOL LISTS 7-12* (1999-2000 ed. 1999).

Intellectual Property	5	3.96
Inter-American Law	1	0.79
International Banking	1	0.79
International and Comparative Law	1	0.79
International Environment Law	1	0.79
International Human Rights Law	2	1.58
International Law	11	8.73
International Law and Business	1	0.79
International Legal Studies	1	0.79
International Organizations	1	0.79
Insurance Law	1	0.79
Master of International Trade Law	1	0.79
International Trade And Banking	1	0.79
Judicial Affairs	1	0.79
Labor Law	3	2.38
Law and Marine Affairs	1	0.79
Legal Education	1	0.79
Litigation and Dispute Resolution	1	0.79
Ocean and Coastal Law	1	0.79
Real Estate	1	0.79
Securities Regulation	1	0.79
Taxation	26	20.63
Taxation and Business	2	1.58
Trade Regulations	1	0.79
Transnational Business Practice	2	1.58
Trial Advocacy	1	0.79
United States Legal Studies	3	2.38

Urban Affairs-Studies	1	0.79
Total LL.M. Programs	126	100.00

Although there is some faculty supervision and a writing requirement, typically, general LL.M. programs allow students more freedom to pursue their individual interests through coursework and/or scholarly research.⁹¹ Such programs are most attractive to students who have broader academic interests or whose specific interest is in a subject area for which no specialized degree is available.⁹² Of course, there are exceptions to every rule, and unique programs abound. For example, the University of San Diego offers students an option to enroll into either a general LL.M. with a concentration in taxation or into the more specialized Master of Laws in Taxation.⁹³ This option appeals to LL.M. students who wish to study graduate Tax but prefer to have greater access to electives in other subjects as well.⁹⁴ Other schools offer graduate law degree programs that resemble a "specialized" program, including: Pace University's LL.M. in Environmental Law, DePaul University's LL.M. in Health Law, Tulane University's LL.M. in Admiralty Law, and The John Marshall Law School's LL.M. programs in Employee Benefits Law and Real Estate Transactions.⁹⁵ Other schools offer a graduate law degree that resembles a "general" program, including: Yale University, the University of Georgia, Northwestern University, and the University of Missouri-Kansas City.⁹⁶ Increasingly, the legal profession has moved toward specialization.⁹⁷ "In tax, it is almost an unofficial requirement that you have an LL.M."⁹⁸ Of the graduate law degree programs in the country, twenty-eight (28) offer at least one concentration in the area of taxation. Although advanced law degrees have long been associated with that discipline, LL.M.'s are not just for tax attorneys anymore.

"As the law has become increasingly more complicated and specialized, law schools have responded to the challenge by developing new courses and curricula."⁹⁹ Today's LL.M. student can choose from among fifty-two (52) fields of concentration,

91. Berube, *supra* note 30, at 39.

92. *Id.*

93. *Id.*

94. *Id.* (quoting Prof. Darrell Bratton, director of the general LL.M. program at the University of San Diego).

95. STERN & WILSON, *supra* note 90, at 7-12.

96. *Id.*

97. *Id.*

98. Berube, *supra* note 30, at 39 (quoting Mark Shelby, an LL.M. candidate at Emory University in 1997).

99. *Id.*

including Ocean and Coastal Law, Transnational Business Practice, Agricultural Law, Financial Services Law, Admiralty Law, Energy and Environment Law, Latin American Studies, American Banking Law, and Urban Affairs.¹⁰⁰ Emory University even offers a specialized LL.M in litigation.¹⁰¹

There are also a couple of geographic factors that influence the development of graduate law degree programs: (1) local demand for practicing specialists, and (2) the quality of existing facilities.¹⁰² Specialized professional graduate law degree programs often develop in large urban legal centers where such specialty practices abound. For example, the availability of graduate patent law programs in Washington D.C. is undoubtedly related to the demand for trained patent specialists in that city. And financial centers such as New York City, Chicago, and Los Angeles are each home to at least one part-time graduate law degree program in taxation.¹⁰³

Similarly, many law schools offer graduate law degree programs designed to prepare future law professors because of their proximity to a higher concentration of nationally known scholars and outstanding research facilities.¹⁰⁴ Like the earliest graduate law degree programs, these programs intend to develop the aspiring law professor's capacity for legal scholarship and pedagogy or facilitate the transition to academic life in other ways.¹⁰⁵

a. International

An increasing number of LL.M. programs in international business and trade law have been started.¹⁰⁶ The interest in these programs has grown along with the expansion of the global economy—requiring cross-training of lawyers and other professionals who understand different cultures, laws, and business practices. American lawyers, foreign lawyers, and legal personnel in the U.S. and any nation that conducts business with the U.S. need a basic familiarity with various legal systems in order to negotiate and to execute stable contracts that represent a true meeting of the minds. This familiarity is critical if the profession will meet the challenges of rapidly changing political and economic circumstances. In addition to graduate law

100. See Table 1 for illustration and analysis.

101. Berube, *supra* note 30, at 39.

102. *Id.* at 40.

103. See STERN & WILSON, *supra* note 90, at 11 (referring to Syracuse University in New York, The John Marshall Law School in Chicago, and University of San Diego in California).

104. Gabriel, *supra* note 21, at 133.

105. Snyder & Cohen, *supra* note 22, at 143.

106. Goebel, *supra* note 81, at 455.

programs in international law, trade, and business offered to American lawyers, several leading American law schools have instituted special graduate degree and non-degree programs for foreign law students and foreign lawyers who wish to study American legal systems and international legal studies.¹⁰⁷

b. The United States/China Programs

Perhaps the best illustration of the increased demand for specialized LL.M. programs is the effort to cross-educate American and Chinese lawyers.¹⁰⁸ China's attempts to gain increased recognition internationally resulted in its reemergence as an active participant in world trade.¹⁰⁹ However, both countries must work to bridge the significant conceptual and normative gaps between the laws of China and the United States in order to develop as an economic power in the world.¹¹⁰ It is imperative, therefore, to cross-educate lawyers who can meet this challenge.¹¹¹

Since 1979, Chinese and American government agencies and law faculties have cooperated to establish a wide array of degree and non-degree programs for foreign lawyers.¹¹² The purpose of these programs is to prepare Chinese lawyers to help negotiate major contracts with American companies in oil development and other fields.¹¹³ Comprehensive systematic legal development programs in China and the joint efforts of Chinese and American governmental and non-governmental organizations have also resulted in steady increases in the number of foreign students enrolled in American Master of Laws or Master of Comparative Laws (M.C.L. or M.C.J.) programs.¹¹⁴ According to the ABA Guide's section on legal education, in 1998, 155 degrees of M.C.L. or M.C.J. were granted.¹¹⁵ Although a small and growing number of lawyers from Chinese trade ministries, corporations, and universities have enrolled in undergraduate J.D. degree programs at United States law schools, most have enrolled in LL.M. programs.¹¹⁶ Additionally, Chinese law faculties often invite American law professors and attorneys to visit their schools for as long as one year and to deliver law lectures. This is a trend that is likely to continue as foreign trade and investment in China grows

107. *Id.* at 461.

108. R. Randle Edwards, *Legal Training for Chinese Ventures*, 349 P.L.I. COM. L. & PRAC. COURSE HANDBOOK SERIES 295, 298 (1985).

109. *Id.* at 299-300.

110. *Id.* at 297.

111. *Id.* at 298.

112. *Id.* at 300.

113. Edwards, *supra* note 108, at 300.

114. *Id.* at 298.

115. ABA GUIDE, *supra* note 4, at 449.

116. Edwards, *supra* note 108, at 309.

in size and complexity.¹¹⁷

D. INTERDISCIPLINARY COMBINED-DEGREE PROGRAMS, GENERALLY

*Interdisciplinary efforts at schooling are an acknowledgment that knowing is much more than the classification of objects.*¹¹⁸

As controversial as it is challenging, interdisciplinary education is particularly difficult to facilitate when it requires a merger of the institutional missions of academic departments with those of professional departments such as United States law schools.¹¹⁹ Administrative nightmares aside, interdepartmental graduate level academic programs are inherently complex due to the scope of knowledge and the mystery of methods that the student must master.¹²⁰ Professional school education is arguably even more difficult to merge with graduate school education, however, because it insists on superimposing upon an already potentially schizophrenic set of idiosyncratic performance skills, the demands of an intense personal commitment, and an uncompromising professional ethic.¹²¹ Students who are enrolled in both graduate school and law school at the same time must balance academic and professional regimes that sometimes compete to impose different perspectives.

In addition to the complex institutional issues that are so important to a successful interdisciplinary combined-degree program with law, the student's own personality and experiences must be considered. And a well-structured program will foster interdisciplinary sensitivity and reflection.¹²² The design of an interdisciplinary program of law and academic graduate study involving academic and professional regimes should integrate both intellectual and social elements.¹²³ This requires a paradigm of learning that frames knowledge within a social and personal context.¹²⁴

Because of these challenges, interdisciplinary graduate study might easily remain little more than an unachievable ideal.¹²⁵ The development of successful interdisciplinary programs is hard work and takes time. It also requires the commitment of faculty who are predisposed to an interdisciplinary perspective and receptive to exploring learning together with their students. Although the

117. *Id.* at 303-04.

118. David S. Steward, *Interdisciplinary Graduate Programs Which Require Academic and Professional Perspectives*, 8 BEHAV. SCI. & L. 291, 291 (1990).

119. *Id.*

120. *Id.*

121. *Id.*

122. *Id.* at 299.

123. Steward, *supra* note 118, at 291.

124. *Id.*

125. *Id.*

burden is substantial, so are the rewards. Foremost among these is the thrill of graduating incisive, focused students who are intellectually independent.¹²⁶

Law touches all aspects of modern life, and judges recognize the importance of appreciating the contributions of other disciplines in resolving the controversies that come before them.¹²⁷ Because judges often write their decisions as if the issues before them already had answers, non-lawyers often assume that the law is clear and definite.¹²⁸ However, because the law is not always clear, lawyers must understand that the practice and the development of law require close attention to other disciplines. The most ardent proponents of interdisciplinary legal study may wonder whether the law is anything more than a combination of economics, philosophy, political science, statistics, semantics, and other disciplines.¹²⁹ Nevertheless, "interdisciplinary training as a component of legal education means many things to many people."¹³⁰ Clearly, cross-professional education exposes students to socialization systems, occupational cultures, and ideologies that may differ dramatically from their initial—and often primary—occupations.¹³¹

Professor George Priest has suggested various reasons for and examples of the increasing importance of interdisciplinary study in modern legal education and scholarship.¹³² He believes that the law's various constituents, the judge, the scholar, and the student, must draw upon the disciplines of economics, sociology, philosophy, and social theory to arrive at the best solutions to advance the interests of society.¹³³

Even the harshest critics of this trend acknowledge that the various so-called "law and" movements, including law and economics, law and literature, and law and sociology, have an important place in legal education.¹³⁴ Research in the social sciences, particularly in economics, sociology, anthropology, and

126. *Id.* at 299.

127. Phillip Areeda, Comment, *Always a Borrower: Law and Other Disciplines*, 1988 DUKE L.J. 1029, 1032 (1988).

128. *Id.* at 1029.

129. *Id.* at 1031.

130. E. Gordon Gee & Donald W. Jackson, *Bridging the Gap: Legal Education and Lawyer Competency*, 1977 BYU L. REV. 695, 874 (1977).

131. Eugene S. Schneller & Terry S. Weiner, *The M.D.-J.D. Revisited: A Sociological Analysis of Cross-Educated Professionals in the Decade of the 1980s*, 6 J. LEGAL MED. 337, 343 (1985).

132. George L. Priest, *The Growth of Interdisciplinary Research and the Industrial Structure of the Production of Legal Ideas: A Reply to Judge Edwards*, 91 MICH. L. REV. 1929, 1936 (1993) [hereinafter Priest, *Interdisciplinary*].

133. *Id.*

134. Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 49 (1992) [hereinafter Edwards, *Growing Disjunction*].

psychology, has helped to shape the role of law and legal institutions in modern society.¹³⁵

In modern society, other disciplines often influence the development of laws. For example, the decision to eliminate racial segregation in education was based not only on the moral repugnance of racial discrimination, but also upon sociological studies showing the detrimental psychological effects of segregation.¹³⁶ "Legal rules about the evidentiary value of lie detector or blood test results rest on judicial acceptance of certain scientific views about the reliability of such tests."¹³⁷ "Legal rules defining the scope of the 'insanity defense' to criminal liability rest on a complex interplay of judgments about the purposes of criminal punishment, the philosophical concept of moral responsibility for one's acts, and psychological learning about mental illnesses and their impact on human choices."¹³⁸ Contract laws on unconscionability and good faith reflect assumptions about what drives the economy, and anticipates the likely market consequences of enforcing, or refusing to enforce, contracts as written.¹³⁹ And many legal rules that implement the antitrust laws and public utility regulations are based on economic theory, as are many traditional property law rules.¹⁴⁰ These examples demonstrate that other disciplines bear upon not only the application of legal rules, but also upon the development and formulation of those rules.¹⁴¹

There is also some concern that many law professors have limited competency in teaching interdisciplinary perspectives.¹⁴² Even among some supporters of interdisciplinary legal education, there is a crisis of confidence in what law professors can do. On the one hand, law professors realize that they are not sociologists, philosophers, psychiatrists, political scientists, research scientists, nor economists. On the other hand, law professors are in the best position to recognize the insufficiency of legal doctrine when isolated from the wisdom of other important disciplines.¹⁴³ Some law schools adopt a university style of curriculum to provide greater professionalism in collateral fields.¹⁴⁴ In addition, law professors often have training in other disciplines.¹⁴⁵ Resident

135. Snyder & Cohen, *supra* note 22, at 141.

136. Areeda, *supra* note 127, at 1032.

137. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

141. Areeda, *supra* note 127, at 1032.

142. *Id.* at 1042.

143. *Id.* at 1038.

144. *Id.*

145. *Id.* at 1042.

psychiatrists, English teachers, economists, and even priests¹⁴⁶ are familiar additions to law faculties. Can sociologists and philosophers be far behind?¹⁴⁷

These developments create an uneasy alliance born of mutual dependence. For example, economists are not as good as lawyers at interpreting statutes and deciphering the common law. Lawyers are not as good as economists in doing what economists do. But increasingly, the law needs them both. Law schools are in the best position to respond to this demand, and interdisciplinary combined-degree programs that allow students to cross-enroll enable law students to do so.

Opponents of interdisciplinary legal education typically criticize the way it distracts the law school's attention away from providing a practice-based orientation for its law students. Judge Harry Edwards explicitly rejects the "graduate school" model of legal education that he attributes to Professor Priest.¹⁴⁸ Other scholars note that students enrolled in combined-degree programs face the challenges of learning the language and the thought patterns of two or more disciplines.¹⁴⁹ In addition, combined-degree students must grapple with other problems while they attempt to excel in two demanding programs at the same time. For example, faculty members often communicate, either through their attitudes or teaching methods, that their analytical methods are superior, thereby discouraging the use of integrated approaches.¹⁵⁰

Ironically, some questions arise concerning the aptness of the name "university" for institutions of higher education. Law schools must confront the political reality that forces departmentalized higher education departments to compete with one another for limited resources. Competition for financial assistance and other resources inhibits cooperation between departments and makes it difficult for faculty and students of different departments to use one another as resources.¹⁵¹

The Realist revolution, arguably the most significant development in American law during the past century, led to the widespread acceptance of viewing law and legal doctrine as

146. See, e.g., Saint Louis University Law School (visited Oct. 27, 1999) <<http://lawlib.slu.edu/lawschl/ministry.htm>>. Saint Louis University Law School has a priest on the staff to provide counseling and guidance for law students.

147. Areeda, *supra* note 127, at 1038.

148. Edwards, *Growing Disjunction*, *supra* note 134, at 40.

149. Steward, *supra* note 118, at 296.

150. Robert L. Bard & Lewis Kurlantzick, *Law and Society Perspectives in the Basic Law School Curriculum: Critique of an Interdisciplinary Experiment in Freshman Contracts*, 29 J. LEGAL EDUC. 66, 67 (1977).

151. Steward, *supra* note 118, at 296.

instruments of social policy.¹⁵² First, the Realist revolution challenges the law and legal system as distinctive social institutions.¹⁵³ When a legal rule is viewed as an instrument of social policy or as an expression of public values, then the rule must be compared with other instruments available for the achievement of similar ends.¹⁵⁴ The distinctive position of law necessarily diminishes.¹⁵⁵

Second, the Realist revolution challenges the insularity and uniqueness of legal reasoning and analysis.¹⁵⁶ In his article, Professor George Priest discussed several changes in the legal profession that he attributes to the Realist revolution.

If a legal rule is viewed as an instrument for imparting a beneficial societal effect, expressing a value, or otherwise achieving the public interest, it is surely as important to study the societal effect, the value, and the definition of the public interest as it is to study the legal mechanism employed to achieve it.¹⁵⁷

Third, and perhaps "most importantly, given the Realist revolution, greater interdisciplinary study of law and the legal system follows directly."¹⁵⁸ The increase of interdisciplinary "law and" scholarship helps to refine our understanding of the law far beyond what generations of those who create doctrine had achieved.¹⁵⁹

After the Realist revolution, legal doctrine may no longer be defended simply because it defers to a rule as a rule, or because it derives its origins in pre-recorded time. Today, good legal rules and doctrine must withstand scrutiny to show that they have a beneficial effect on society, are an expression of an important public value, or otherwise serve the public interest.¹⁶⁰ Such a dramatic change in the basic understanding of the role of law requires changes in the most basic understanding of the role of lawyers and the entire legal system. To accomplish this, law teaching and legal scholarship must be re-evaluated, and new approaches must be devised.¹⁶¹

Ironically, even the works of critics of this trend tend to support the interdisciplinary study of law.¹⁶² One such critic, Judge Harry T. Edwards, of United States Court of Appeals for the

152. Priest, *Interdisciplinary*, *supra* note 132, at 1932.

153. *Id.*

154. *Id.*

155. *Id.*

156. *Id.*

157. Priest, *Interdisciplinary*, *supra* note 132, at 1932.

158. *Id.*

159. *Id.* at 1934.

160. *Id.*

161. *Id.* at 1933.

162. Priest, *Interdisciplinary*, *supra* note 132, at 1932.

District of Columbia Circuit, has criticized the trend. Judge Edwards maintains that legal education should focus on practical, purely doctrinal and non-interdisciplinary scholarship.¹⁶³ However, the distinctions Judge Edwards introduces to characterize the cases that come before him¹⁶⁴ tend to support the interdisciplinary approach. Judge Edwards distinguishes between three types of court cases: easy cases, hard cases, and very hard cases.¹⁶⁵

“Easy” cases are those in which the pertinent rules are unambiguous and their application to the case is clear. “Hard” cases are those for which there are decent arguments on both sides, although one can readily determine a resolution. In contrast, “very hard” cases are those in which after reviewing the record and all the pertinent legal materials . . . the competing arguments drawn from those sources are equally strong¹⁶⁶

Traditional legal scholarship and education lean toward analysis of what Judge Edwards regards as “very hard” cases or legal issues.¹⁶⁷

It is not objectionable, of course, that legal scholarship should address “very hard” cases.¹⁶⁸ Nevertheless, cases that lack clear or obvious resolutions also provide the greatest opportunity for interdisciplinary scholarly contributions.¹⁶⁹ Insofar as such cases often implicate significant public policy issues, they provide opportunity for cross-disciplinary resolution.¹⁷⁰ Moreover, such cases will likely lead to the development of new law and will influence the resolution of future cases.¹⁷¹ Responding to criticism of interdisciplinary legal education, Professor Priest argues that cases that Judge Edwards defines as “very hard” may actually compel the most serious interdisciplinary research.¹⁷² Priest notes that according to Judge Edwards’ own definition, established legal

163. *Id.* (citing Edwards, *Growing Disjunction*, *supra* note 134, at 47; Harry T. Edwards, *The Judicial Function and the Elusive Goal of Principled Decisionmaking*, 1991 WIS. L. REV. 837, 856-63 (1991) [hereinafter Edwards, *Judicial Function*]; Harry T. Edwards, *The Role of a Judge in Modern Society: Some Reflections on Current Practice in Federal Appellate Adjudication*, 32 CLEV. ST. L. REV. 385, 389-402 (1983-84) [hereinafter Edwards, *Role of a Judge*]).

164. *See generally* Edwards, *Growing Disjunction*, *supra* note 134, at 47. *See also* Edwards, *Judicial Function*, *supra* note 163, at 856-63 (1991); Edwards, *Role of a Judge*, *supra* note 163, at 389-402.

165. Priest, *Interdisciplinary*, *supra* note 132, at 1934.

166. *Id.* (citing Edwards, *Role of a Judge*, *supra* note 163, at 389-402).

167. *Id.* at 1935.

168. *Id.*

169. *Id.*

170. Priest, *Interdisciplinary*, *supra* note 132, at 1935 (citing Edwards, *Role of a Judge*, *supra* note 163, at 389-402).

171. *Id.*

172. *Id.*

doctrine alone is insufficient for resolution of these cases when there is compelling doctrinal support for both sides of the dispute.¹⁷³ Therefore, logically, a court must refer to other sources to support a particular outcome in such cases.¹⁷⁴

1. *History: Interdisciplinary Combined-Degree Programs*

The demand for integration and collaboration between law and business studies has a long history. It dates back at least to the 1930s and continues today.¹⁷⁵ The University of Illinois at Urbana-Champaign has offered the combined J.D./M.B.A. since at least 1972, and some institutions, such as the University of California at Berkeley, the University of Georgia, and Marquette University, have offered this combined-degree since 1970.¹⁷⁶ The University of Iowa, which has offered a combined-degree program since 1965, is reportedly the oldest such program.¹⁷⁷ In 1974, the University of Virginia undertook a major initiative by using the law school as a locale for interdisciplinary studies; although the program at Virginia terminated after five years, it served as a model for future interdisciplinary programs.¹⁷⁸ Since that time, the number of law schools offering interdisciplinary combined-degree programs has increased steadily.

Combined J.D./M.B.A. programs clearly lead the vanguard in the developing trend of interdisciplinary studies associated with law in America.¹⁷⁹ Historically, law and business have been closely intertwined.¹⁸⁰ In fact, undergraduate business departments usually offer business law as a required course.¹⁸¹ However, the primary concern of graduate business schools is to advance the theoretical approaches involved in making business decisions.¹⁸² Thus, business schools give business law a low priority because they view business law as a technical pre-requisite for M.B.A. studies.¹⁸³ "The avowed purpose of law schools is to create

173. *Id.*

174. *Id.*

175. John Warren Kindt, *An Analysis of Legal Education and Business Education Within the Context of a J.D./M.B.A. Program*, 31 J. LEGAL EDUC. 512, 520 (1981).

176. Larman C. Wilson, *The Joint Law School (J.D.)-International Relations (M.A.) Program at the American University and a Survey of Other Joint Programs*, 30 J. LEGAL EDUC. 596, 597 (1980).

177. *Id.*

178. Kindt, *supra* note 175, at 529.

179. *Id.* See also David L. Boren, *An Analysis of Law Courses in Masters of Business Administration Programs at AACSB Institute*, 11 J. LEGAL STUD. EDUC. 21, 22 (1993) (showing the results of a survey of business schools which offer law-related courses in the MBA curriculum).

180. Kindt, *supra* note 175, at 520.

181. *Id.*

182. *Id.*

183. *Id.*

'generalists' in their J.D. programs."¹⁸⁴ Similarly, graduate business schools strive to create 'generalists' through their M.B.A. degree programs.¹⁸⁵ For the business lawyer to try to delineate where the demands of one discipline end and where those of the other begin is always challenging and is often an exercise in futility.¹⁸⁶ Invariably, however, economic and business issues must be given adequate consideration in the determination of judicial and political matters. Over time, legal educators and graduate business professors each recognized the need for wider breadth in decision-making, such that "policy-oriented jurisprudence" logically connects with "policy-oriented business."¹⁸⁷ The need for more breadth in legal decision-making is partly solved by J.D./M.B.A. programs.

2. Admissions: Interdisciplinary Combined-Degree Programs

Students wishing to enroll in interdisciplinary combined-degree programs face many logistical challenges. The process of maneuvering one's way through the application and admissions stage is a daunting task. The application process is not user-friendly. Even when encouraged to pursue a combined-degree at a school where such opportunities are widely supported and well-established, the typical applicant must navigate a virtual obstacle course before successfully enrolling. In fact, it is probably misleading to refer to these programs as *combined-degree programs* at all. Rather, students in such programs, technically speaking, are simply enrolled in two or more totally separate terminal degree programs in two schools within the same university simultaneously. Students may receive credit from each school for classes taken in the other in recognition of the transfer value of the learning received. But this credit is usually the result of informal agreements between the administrators of the respective schools.

As a general rule, applicants to interdisciplinary combined-degree programs offered today must take separate qualifying admissions examinations (LSAT, GMAT, MCAT, GRE, etc.) for each degree program. Applicants must also complete separate applications for admission into each program, pay required application filing fees, and meet the academic standards for admissions to each program. There is virtually no coordination of efforts of each respective admissions office. There is little, if any, coordination of scheduling classes. In fact, each program may schedule classes at times that will conflict with those offered by

184. *Id.* at 524.

185. Kindt, *supra* note 175, at 524.

186. *Id.*

187. *Id.* at 526-27.

the other. It is not uncommon for classes of different programs to even meet on different campuses.¹⁸⁸ In at least one example, the law school classes meet on a semester basis while all other terminal degree programs offered by the university meet quarterly.¹⁸⁹ Rarely have law schools kept any historical data recording which students enrolled solely in the law school and which enrolled in another graduate or professional degree program concurrently with the J.D. program.¹⁹⁰ In fact, many of the registrars at schools offering combined-degrees seemed baffled by the suggestion that such records should be maintained.¹⁹¹

Moreover, students have little or no access to information about how to successfully navigate around these obstacles. An informal survey of law school registrars was conducted for this Article in August of 1994. The survey asked each registrar to return the name and title of the directors of each of the graduate and interdisciplinary combined-degree programs offered by their schools. All of the schools that responded to the survey reported that all of their interdisciplinary combined-degree programs are the result of student requests and are approved on an ad hoc basis. None of those responding to the survey had a central office where interested applicants could go to receive necessary information explaining how to cross-enroll, an option that, ironically, every school seemed genuinely interested in providing. Only Harvard Law School reported having a central office where students in such programs could go for assistance with issues once enrolled. Some programs had never even designated a specific advisor to interested students, and almost all programs with advisors had entrusted the task to a member of the law faculty who was not otherwise involved in law school administration. Other programs were loosely coordinated by administrators who had other primary duties. Still others were administered by someone in the registrar's office on a completely ad hoc basis. The job of the interdisciplinary combined-degree program coordinators/advisors

188. This is especially true for combined-degree programs offered by stand-alone (unaffiliated) law schools in cooperation with a different institution; or those offered by universities which do not offer classes for both programs on the same campus. See, e.g., The John Marshall Law School, *Academic Programs* (visited Oct. 28, 1999) <<http://www.jmls.edu/Academic/index.html>>; Northwestern University, *Facts 1999* (visited Oct. 28, 1999) <<http://www.nwu.edu/factbook99/facts.3.html>>.

189. Telephone Interview by Shannon Moriarty with Benny Kent, Admissions Counselor, Northwestern University Law School, Chicago, Illinois (Oct. 5, 1999). This is true at least in the case of Northwestern University, where the law school is the only school in the university's system that meets on a semester-based school year while all other programs meet quarterly. *Id.*

190. This observation is based upon the Author's findings following an informal survey of law school registrars that was conducted during the summer of 1994.

191. *Id.*

consists mainly of making themselves available to students who may request information and directing them to one or the other of the respective administrative offices for each program. Using the most popular interdisciplinary combined-degree program—the J.D./M.B.A.—as an example, while conducting research for this Article, I found only one university able to track and identify graduates of both the law school and of the business school: Northwestern University.¹⁹² This was accomplished through a university-wide computer data bank that responded to a query asking for names of graduates of specific colleges within the university.¹⁹³ Even at Northwestern, however, neither the law school nor the business school maintained separate records detailing students who had received a combined-degree upon graduation and those who had received only a law degree.¹⁹⁴

Clearly, a more systematic approach toward the administration of combined-degree programs is necessary.¹⁹⁵ One particularly hopeful indication that a new trend may emerge is a novel effort at Northwestern University. In a unique display of ingenuity in this area, the law school at Northwestern University School of Law and its Kellogg Graduate School of Management—which previously managed the combined J.D./M.M. (M.B.A.) degree program according to the above-described model—recently created a truly integrated, unified program.

Since the fall of 1996, applicants for enrollment into the J.D./M.M. (M.B.A.) of both the law school and the business school at Northwestern benefit from a new streamlined process. According to Professor Thomas Eovaldi, interested students will apply directly to the Kellogg Graduate School of Business where they will begin the program. While each applicant must take the GMAT, the LSAT is not required. A joint committee of administrators from both schools will evaluate the applicants. Only one letter of notification will be mailed. Moreover, the university has assembled an Advisory Board made up of prominent members of the legal and business communities to support the J.D./M.M. program.

Northwestern's more streamlined approach to admissions serves to increase student access to the combined-degree program by providing a designated source of information and a simplified admissions procedure to students. In the traditional "separate admissions" approach, the student's ability to succeed in each program is assessed independently of the fact that students pursue the programs concurrently; however, Northwestern's "joint

192. See Telephone Interview by Shannon Moriarty with Benny Kent, *supra* note 189.

193. *Id.*

194. *Id.*

195. Kindt, *supra* note 175, at 529.

admissions" approach will enable committee-members to evaluate the student's ability to succeed in a joint program.

3. Trends and/or Popular Combined-Degree Programs

As previously noted in connection with the review of graduate law degree programs, there seems to be no end to the list of disciplines that are in some way relevant to the law.

Table 2. Types of Dual Degree Programs Offered¹⁹⁶

(Note: programs that are present at three or fewer schools have been omitted from chart)

JD Program	Number of Programs Offered	Percentage Out of Total
MA Accounting	13	2.40
MACC Accounting	4	0.73
MA Anthropology	4	0.73
MA Asian Studies	4	0.73
MBA Business Administration	137	22.51
MA Communications	8	1.48
MCP Community Planning/City Planning	5	0.92
MA Criminal Justice	4	0.73
MDIV Divinity	7	1.29
MA East Asian Studies	5	0.92
PhD Economics	7	1.29
MA Economics	31	5.73
MA Education/Educational Leadership	5	0.92
MHA Health Administration	9	1.66
MA History	20	3.70
MA International Affairs/Studies	19	3.51
MA Journalism/Mass Communications	4	0.73
MA Latin American Studies	6	1.11
MA Law and Political Science	4	0.73
MA Library Science	7	1.29
MA Mass Communications	5	0.92
MD Medicine	7	1.29
MA Philosophy	20	3.70
MA Political Science	23	4.25
MA Politics and/or Public Policy	15	2.77
MA Psychology	14	2.59
MPA Public Administration	53	9.80
MPA Public Affairs	4	0.73
MPH Public Health	16	2.96
RUP Regional and/or Urban Planning	9	1.66
MSW Social Work	27	4.99

196. Linda R. Crane, Types of Dual Degree Programs Offered (1999) (unpublished manuscript, on file with Author, located at the John Marshall Law School, Chicago, Illinois).

MA Sociology	11	2.03
LLM Taxation	6	1.11
MS Taxation	5	0.92
MUP Urban Planning	6	1.11
MA Urban and Regional Planning	5	0.92
MA Any Area Offered by the University	5	0.92
MA Variety Arranged with University's Grad School	7	1.92
Total Programs	541	100.00

Members of law school and social work faculties collaborate to teach such courses as Family Law and Sex-Based Discrimination in the Law.¹⁹⁷ Additionally, law and graduate school faculty members often appear as guest lecturers at other schools.¹⁹⁸

Moreover, law and psychology programs are becoming more common. "The development of a psychology and law movement progresses along with the evolution of its primary professional organization, the American Psychology-Law Society (AP-LS)."¹⁹⁹ Since at least 1975, a number of psychologists have been hired onto law faculties.²⁰⁰ "Although there are not as many opportunities for law-psychology joint-training as there are joint-training in other areas such as business administration, psychology nonetheless, is slowly gaining recognition as a useful contributor to law and legal education."²⁰¹ Additionally, "[u]niversity programs in law and the behavioral sciences have begun to pay attention to one another.

These institutional connections reflect the explosion of our knowledge base. As knowledge expands, the connections scholars make are expanded so that more things can be known more effectively."²⁰²

In his 1991 essay entitled *The Future of Legal Education*, Dean Robert H. Stein made predictions about the future of legal education that acknowledged the growing importance of interdisciplinary study.²⁰³

Stein Prediction #6:

[G]reater diversity . . . in law schools . . . will have an effect on

197. *Id.*

198. Francis C. Cady, *A Successful Experiment in Interdisciplinary Teaching and Learning*, 27 J. LEGAL EDUC. 609, 610 (1975).

199. Alan J. Tomkins & James R.P. Ogloff, *Training and Career Options in Psychology and Law*, 8 BEHAVIORAL SCI. & L. 205, 205 (1990).

200. *Id.*

201. *Id.*

202. Steward, *supra* note 118, at 291.

203. Robert A. Stein, *The Future of Legal Education*, 75 MINN. L. REV. 945, 953 (1991).

curriculum and the development of substantive law.²⁰⁴

....

Stein Prediction #8:

[B]y the year 2000, every law student will have an international or comparative law dimension to his or her legal education.²⁰⁵

Stein Prediction #9:

The law school curriculum in the future will offer far more specialized courses and seminars, and some . . . will offer specialization tracks.²⁰⁶

....

Stein Prediction #13:

American law schools will expand their interdisciplinary courses, studies, research and appointments.²⁰⁷

....

Stein Prediction #21:

Law schools will increasingly . . . develop a particular identity or niche in the legal education market²⁰⁸

As traditional distinctions between law schools blur and demand for legal education drops off, law schools will find it necessary to focus attention on developing an identity which will set them apart and provide a reason to attend their particular school.²⁰⁹

The ability to develop unique programs and/or those which fill an unmet need for a particular market niche may allow schools to compete for students—and tuition dollars, thus blurring the lines between good times and bad for law school enrollment cycles.²¹⁰

4. *The J.D./M.B.A.*

All interdisciplinary combined-degree programs are not created equal. A simple comparison of the enrollment figures for

204. *Id.* at 958.

205. *Id.* at 959.

206. *Id.*

207. *Id.* at 961.

208. Stein, *supra* note 203, at 967.

209. *Id.* at 967.

210. *Id.*; Gabriel, *supra* note 21, at 135.

various programs reveals that certain combinations are clearly more popular than others. Popular programs include: Public Administration, Political Science, Social Work, Urban and Regional Planning, History, Economics, and Accounting.²¹¹ The single most popular interdisciplinary combined-degree with law, of course, is the J.D./M.B.A.²¹²

One hundred thirty-seven (137) of the 181 ABA-approved law schools offer the J.D./M.B.A. option.²¹³ Since more schools offer J.D./M.B.A. combined-degree programs, and because of their popularity among students, there is more data available about them than for other interdisciplinary combined-degree programs with law.

Data drawn from surveys of J.D./M.B.A. graduates is particularly useful for facilitating the inclusion of some impressions of former students. Toward that end, the author conducted an informal survey during the spring and summer of 1995 of individuals who were graduated from both the law school and the business school at Northwestern University from 1958 until 1992.²¹⁴ This survey was similar to an earlier survey of all J.D./M.B.A. graduates of the University of Toledo.²¹⁵

Specifically, the survey asked questions regarding whether and to what extent the graduates of Northwestern's Law and Business Schools believed that they had benefited from attending both schools. Areas of inquiry ranged from what compelled them to first pursue both degrees to whether they use both degrees in their present positions. Out of the 162 surveys that were sent to previous graduates by mail, 88 were answered and returned for an overall response rate of 54.3%. The data collected from this survey, is reflected in tables 3 through 9 below.

Table 3. Additional Benefit of Possessing a Joint Degree in Present Position

Category	Number of Responses Out of Total	Percentage
Little or No Additional Benefit	8	9.09
Some Additional Benefit	12	13.64
Moderate Additional Benefit	25	28.41
Great Additional Benefit	29	32.95

211. STERN & WILSON, *supra* note 90, at 7-12.

212. *Id.*

213. *Id.* at 14-17.

214. The Author conducted this informal survey of all NU graduates of both the law school and the business school from 1958 to 1992.

215. Frederick R. Postetal, *The Added Value of the J.D./M.B.A. Program: An Empirical Assessment of the Synergy of the Joint Degree*, 11 J. LEGAL EDUC. 187, 189 (1993).

Very Great Additional Benefit	14	15.91
Total Responses	88	100.00

Table 4. Additional Benefit of Possessing a Joint Degree with Respect to Job Opportunities

Category	Number of Responses Out of Total	Percentage
Little or No Additional Benefit	13	14.77
Some Additional Benefit	24	27.27
Moderate Additional Benefit	23	26.14
Great Additional Benefit	21	23.86
Very Great Additional Benefit	7	7.95
Total Responses	88	100.00

Table 5. Law Courses Believed to be Essential in Present Position

Course	Number of Responses for Each Category	Percentage
Civil Procedure	7	7.95
Contract Law	31	35.23
Property Law	16	18.18
Tort Law	6	6.82
Criminal Law	1	1.13
Constitutional Law	2	2.27
Legal Ethics	12	14.77
Legal Research and Writing	17	19.32
Total Responses	88	

Table 6. Business Courses Believed to be Essential in Present Position

Course	Number of Responses Out of Total	Percentage
Accounting	23	26.17
Economics	35	39.77
Finance	25	28.41
Information Systems	5	5.68
Management	17	19.32
Marketing	19	21.59
Total Responses	88	

Table 7. Major Factors Influencing Decision to Enter Joint Degree Program

Category	Number of Responses Out of Total	Percentage
Status	16	18.18
Career Flexibility	80	90.91
Financial Reward	48	54.55
Social Responsibility	6	6.82
Family Expectation	3	3.41
Utilize Talents	40	45.45
Personal Challenge	37	42.05
Glamour of Legal Profession	8	9.09
Glamour of Business Profession	6	6.82
Other Reason	17	19.32
Total Responses	88	

Table 8. Positive Effects of Joint Degree on Areas of Life

Effects	Number of Responses Out of Total	Percentage
Self-Esteem	78	88.36
Financial Well Being	64	72.73
Community Standing	36	40.91
Community Influence	24	27.27
Family Life	21	23.86
Social Life	22	25.00
Emotional Well Being	45	51.14
Personal Life	34	38.64
Total Responses	88	

Table 9. Recommendation Regarding Whether a Person Should Seek Degrees Jointly or Separately

Recommendation	Number of Responses Out of Total	Percentage
Seek Degrees Jointly	71	81.61
Seek Degrees Separately	16	18.39
Total Responses	87	100.00

E. CONCLUSION

As the volume and scope of the law increase along with the volume and diversity of legal matters, the comparative advantages

to specialization should increase as well.²¹⁶ The number and variety of graduate law degree programs have increased in response to the growing modern demands that are being placed on the legal academy and the growing needs of the practicing and teaching bar for additional training in more and more highly specialized areas. As sworn protectors of law, legal scholars and practitioners may have assumed different responsibilities, but each must refine their respective skills in order to contribute most effectively to the success of the modern legal system. The legacy of Realism is the view of law as an instrument to promote the public interest. The study of how the legal system can effectuate the public interest is the defining feature of interdisciplinary work.²¹⁷

216. Priest, *Interdisciplinary*, *supra* note 132, at 1938.

217. *Id.* at 1943.