

Journal of Civil Rights and Economic Development

Volume 15
Issue 3 *Volume 15, Spring 2001, Issue 3*

Article 6

The Masters of Professional Studies of Law Program

Howard A. Glickstein

Follow this and additional works at: <https://scholarship.law.stjohns.edu/jcred>

This Symposium is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in Journal of Civil Rights and Economic Development by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

THE MASTERS OF PROFESSIONAL STUDIES OF LAW PROGRAM

HOWARD A. GLICKSTEIN*

I also want to say how pleased I am to be in Finley Hall. I was a friend of Leon Finley and I knew of his great love for this law school and I knew of how he appreciated throughout his life what this law school had done for him.¹

In February, I received a letter from David Kromm, the Editor-in-Chief of the *St. John's Journal of Legal Commentary*. He invited me to appear as part of this symposium to represent schools that offer a Masters of Legal Studies program. These are programs that are intended to give basic legal education to professionals from other fields who do not want or are not required to hold a J.D. degree. In his letter, Mr. Kromm said, "We believe that you would be the ideal person to discuss the impact the program has had on your school, your students and your community." I called Mr. Kromm and told him that I would be happy to participate in this symposium, but if I carried out his assignment, I doubted that my remarks would take more than a minute or two.

You see, although Touro developed a Masters of Legal Studies program that was approved by New York State and the American Bar Association, the program was never implemented. We built the program but no one came to participate in it.

I am here, however, and do intend to speak for more than two or three minutes. With Mr. Kromm's concurrence, I intend to focus on four topics. First, to explain why we developed a Masters of Legal Studies program. Second, what we planned to offer as part of the program. Third, how we expected the program to contribute to our students, to the community, and to the school. And fourth, why I

* Dean, Touro College, Jacob D. Fuchsberg Law Center. Dean Glickstein is a graduate of Dartmouth College and Yale Law School and he has an LLM from Georgetown.

⁸⁷ See *St. John's University School of Law, Programs and Applications Package*. On June 8, 1991, benefactor Leon Finley ('29) broke ground to expand St. John's Law School to include Finley Hall, doubling the school's size.

believe the program has been difficult to launch.

Let me start by explaining why we developed a Masters of Legal Studies program. The topic of this panel is the impact of economics on legal education. Perhaps what qualified me to speak today was my candid quote that appeared in the New York Law Journal some time ago.

I explained to the Law Journal reporter that over the last several years, we have decreased the size of our entering class to take into account the nationwide decrease in size of the law school applicant pool. I went on to say, "When you get very dependent on one market and that market shrinks, you need to find other ways to supplement your income." Can there be a better example of the impact of economics on legal education?

While economics is a part of the reason for what we did, it is not the entire explanation. In the early 1980's, I was the Dean of the University of Bridgeport School of Law located in Fairfield County, Connecticut. Fairfield County is the home of the headquarters of many of our Fortune 500 companies. Over the years I observed the interest of busy corporate executives in many aspects of the law. Some of them were anxious to learn more about the many laws that impacted on their own businesses. Some of them, as significant community leaders, felt it was important for them to better understand our legal system. I felt confident that there were many people who wanted to know what the law is; how the law is created; how the legal system operates; how lawyers think and function; what the sometimes mysterious language of the law means and how it is used; and how the law is, can be, and ought to be applied to the solutions of social, political and personal problems.²

These were the circumstances that lead me to first think about a program that would offer an overview of the law that would be useful to professionals who did not feel it necessary or have the time to acquire a JD degree. The program was not implemented at Bridgeport, but my thinking was revised at Touro when one of our

² See generally David Barnhizer, *Prince of Darkness and Angels of Light: The Soul of the American Lawyer*, 14 NOTRE DAME J.L. ETHICS & PUB. POL'Y 371, 376 (2000) (emphasizing lawyers' duty to provide zealous and competent representation for their clients); Ashutosh Bhagwat, *Hard Cases and Evolution of Constitutional Doctrine*, 30 CONN. L. REV. 961, 987 (1998) (discussing impact of constitutional decisions on society); *Comparative Law and Legal History of the United States*, 46 AM. J. COMP. L. 1, 7-9 (1998) (discussing historical development of U.S. law); Peter G. Glenn, *Commentary: Some Thought about Developing Constructive Approaches to Lawyer and Law Student Distress*, 10 J.L. & HEALTH 69, 72-74 (1995-96) (suggesting reform to legal profession).

students, a medical doctor, proposed to me that we should have a program for professionals who did not wish to spend the time acquiring a JD degree. He felt that there were many health professionals, particularly, that would be interested in such a program.

We did not do a feasibility study but concluded that in the Long Island area, there were likely to be many people interested in acquiring knowledge and skills in law without becoming qualified to practice. We believe that the Masters of Professional Studies of Law would permit non-lawyers to study the law relevant to their field and gain perspectives in the intersection of law and such disciplines as medicine, technology, business and government.

In short, the development of our Masters of Law program had an economic motivation but it was also grounded in the belief that it could provide an education to a segment of our population that was not being served by any current educational programs.³

Second, let me explain what we plan to do as part of the program. We decided that we would limit our program to certain specific fields. To invite nonprofessionals in every field to participate in the program might make it difficult, and economically infeasible, to offer specialized courses in so many different areas. We structured our program for business, healthcare, and technology professionals. The program required 30 credit hours of coursework, a requirement typical of many Master's programs. Students were expected to complete the program in four semesters of part-time study, but we were prepared to accommodate students who wished to go full-time or students who wished to participate on an extended part-time basis.

In the first semester, MPSL students were required to take eight credit hours of evening classes structured to provide a survey of the same core curriculum that is normally offered in the first year or first two or three semesters of law study. Of the eight credit hours, there are two required two-credit-hour introductory courses: A

³ See Note, *Essay: Decline of Professional Legal Training and Proposal for its Revitalization in Professional Law Schools*, 48 BAYLOR L. REV. 201, 201-02 (1996) (discussing education of lawyers and responsibility of law schools to prepare students to work in professional world); see also Paul D. Carrington, *Revolutionary Idea of University Legal Education*, 31 WM. & MARY L. REV. 527, 527-28 (1990) (emphasizing need to educate citizens about law); George J. Seidel, *Six Forces and the Legal Environment of Business: The Relative Value of Business Law Among Business School Core Courses*, 37 AM. BUS. L.J. 717, 730 (2000) (stating comprehension of law is essential to setting business policy).

course in U.S. law and legal institutions and a course in legal resources, discourse and conventions. For the balance of their credit load, that is for the other four credits, students could choose two of the four specially designed two-credit survey courses in constitutional law, contracts law, property law and tort law according to their professional needs.

These survey courses were to be specifically designed for the program and taught by teachers who ordinarily teach these subjects to JD students. The survey courses would be limited to Masters of law students since the survey courses would not qualify for our JD program. Beginning with the second semester, Masters of Law students could attend classes in the day or evening and take any of the non-clinical, non-practice electives from the JD curriculum.

The key to the program was flexibility. Once students had satisfied the first semester requirements, they could work at their own pace to complete the program creating individual law specialty concentrations in healthcare, business, and technology law.

In terms of the economics of this program, there would be some initial cost in creating the survey courses and the required introductory courses in U.S. law or legal institutions and legal resources, discourse and conventions. We intended to use our regular faculty to teach the two introductory courses and the survey courses and sought volunteers among the faculty to teach the courses as an overload, in addition to their normal teaching load.

Let me say a few words about how we expected the program to contribute to our students and the community. We believe that our students would benefit by improving the quality of discourse in upper-level classes, given the different objectives of the Masters of Law candidates and the JD candidates. For example, in healthcare law, the healthcare professionals in the class could probably help the law students better understand the problems that were discussed in various cases that the students would consider. In a business-planning course, a corporate executive's real-life experience might contribute to a law student's understanding of the legal issues involved in many business problems.

What we expected to occur was an amplification of the discourse we now see in many of the classes in our part-time program. Many of our part-time students work full-time during the day. They come from impressive backgrounds that contribute to their understanding of the legal situations they encounter in their classes. Many teachers

who teach such students in our JD program find that the class discussion is much richer as a result of these students.

I already have touched on how we expected the program to contribute to the community. It would do so by providing many professionals an opportunity to further their education and to develop knowledge in areas that would help them enhance their skills in their current occupations.

We also thought that the program could be a great benefit to the law school as an institution. If we were able to attract successful professionals to our student body and they left with a degree that they felt was a value to them, we would have another group of alumni from whom we could seek support for the law school.

Since fund-raising has become such a critical function for law schools, this prospect could not be overlooked. Again, we were somewhat influenced by economics.

Finally, let me explain why I believe it has been difficult to launch the program. I first should say a few words about what we did to promote the program. When we decided to focus to business, technology and healthcare professionals, we developed a strategy for advertising the program for these groups. We published ads in professional journals that business, technological and healthcare professionals were likely to read. We acquired mailing lists and mailed out large numbers of brochures and we held open houses in the law school. The open houses were all extremely well attended. The group that was best represented were the healthcare professionals. Apparently the extensive regulation of the healthcare field has made healthcare professionals particularly sensitive to issues of law. It is also possible that many healthcare professionals have become disenchanted with their fields and wanted to see if law might be a possible second career.

Unfortunately, the extensive interest that there seemed to be in the program did not result in a sufficient number of applications to allow us to launch the program in the Fall of 1998 as we intended. We did seek to ascertain from those who had shown interest why they did not actually matriculate. Some said that they were interested but needed a couple of years to plan their schedules so that they would have time to devote to a demanding program of study. It was not surprising to find that some professionals already had professional commitments that extended over a 12 to 18 month period. Such commitments probably were not the principal reasons

these people did not matriculate.

It is now a year and a half since we first planned to launch the program and some of those who showed an early interest have not returned with deposits for the first semester.

Another concern was the number of credits. Many persons with professional degrees in other areas thought that 30 credits were a bit too much for a Masters program. They explained that in many fields it is typical for a Masters program to be satisfied with 25 hours or less of coursework.

Some others were concerned that the time commitment to the program, even if the number of credits were reduced, was too great. They were not interested in attending a program where they would be required to go to school twice a week for 14 or 15 weeks.

Some pointed out that there were executive MBA programs where a degree could be obtained in four extended sessions. I believe that Hofstra University has such a program.⁴

Finally, there was concern about cost. We had decided to price the program at the same level as the JD program. We felt that it would be unfair to students taking the same course, one a JD student and one a Masters of Law student, to pay different tuitions. Although, such disparate pricing does not seem to trouble the airlines.⁵

We have not given up hope that we can successfully launch this program. We are considering modifying the program either by reducing the number of credit hours or by giving participants some credit for their work experience or for courses that they have taken in other institutions.

We also are looking at the feasibility of arranging the program so participants would not have to attend more than one night a week, with possibly some weekend sessions.

⁴ Hofstra, at <http://www.hofstra.edu/Academics/Business/biz-graduate-embal.cfm> (stating Zarb School provides focused curriculum in management education); see also Touro, at <http://www.touro.edu/CBA/MBA/Main.html> (stating Touro offers CBA/MBA program); University of Houston, at <http://www.uhembra.org/edp.html> (stating University of Houston offers one-year executive MBA or professional MBA program).

⁵ See generally Helen Leskovic, *Distance Learning in Legal Education: Implications of Frame Relay Video Conferencing*, 8 ALB. L.J. SCI. & TECH. 305, 312 (1998) (discussing videoconferencing as cost-effective method of teaching law school); Thomas D. Morgan, *Law & Economics and Legal Education: Admission of George Mason to Membership in the Association of American Law Schools*, 50 CASE W. RES. L. REV. 445, 454 (1999) (discussing economics of legal education); Robert J. Wood, *Capital Improvements: A Guide for the Construction of a Modern Law School*, 27 CAP. U. L. REV. 709, 710 (1999) (discussing Capital University's success in designing modern law school building, reducing tuition and meeting budgets for operation of law school).

Finally, we have decided to reduce the per-credit cost to the program. It does not seem inappropriate to charge a student to who is seeking a JD degree, which will permit that student to take the Bar exam and then practice law, a higher fee than the student who is taking a Master's Degree which is unlikely to have as significant of economic benefit.

Economic reality has always influenced legal education. The model of legal education that was created in this country over a century ago flourished because it was so economically viable.⁶ For many decades, legal education was accomplished with extremely large student-faculty ratios, with many part-time faculty members and with virtually no equipment except the library. Universities loved law schools because they generally were cash cows.

When clinical legal education was first proposed, there was great resistance, some of it on economic grounds. If we limited clinics to ten students per teacher, as most are, would that not increase the cost of legal education? If we increase the cost of legal education, would we not have to raise tuition? If we did not raise tuition, there would be less money in the pool left for salary increases for traditional faculty members. I think there is no embarrassment in

⁶ See generally Christopher T. Cunniffe, *The Case for the Alternative Third-Year Program*, 61 ALB. L. REV. 85, 85 (1997) (discussing alternative third-year apprenticeship program); Gary S. Laser, *Legal Education I: Educating for Professional Competence in the Twenty-First Century: Educational Reform at Chicago-Kent College of Law*, 68 CHI.-KENT L. REV. 243, 243 (1992) (recognizing American law schools do not adequately educate their students to practice law); Michael Norwood, *Scenes from the Continuum: Sustaining the MacCrate Report's Vision of Law School Education in the Twenty-First Century*, 30 WAKE FOREST L. REV. 293, 293 (1995) (discussing legal education); Daniel T. Ostas, *Postmodern Economic Analysis of Law: Extending the Pragmatic Visions of Richard A. Posner*, 36 AM. BUS. L.J. 193, 193 (1998) (discussing economic analysis of law).

conceding that economics have an impact on legal education.⁷ That itself is not an evil. I think our focus must continuously be to provide quality education and not think that we are reducing quality by promoting programs that help support our institution or providing instruction in less traditional but perhaps more economical ways.

⁷ See generally Cunriffe, *supra* note 6, at 97 (discussing intermediate consumer model with regards to legal education); *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15, 20-21 (1996) (discussing economics of market saturated with law reviews); John R. Kramer, *Legal Education in an Era of Change: Will Legal Education Remain Affordable, by Whom, and How?*, 1987 DUKE L.J. 240, 240 (1987) (discussing financing legal education).