International Legal Education and Specialist Certification Committee

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2018 saw the continued growth of certificate programs in both JD and LLM programs. Certificate programs, by definition, entail a student successfully completing a specialized curriculum in addition to their JD or LLM requirements. Schools vary widely in the requirements for certificates. Generally, a specialized series of required course electives comprises the core of the program. Universities vary the number of credit hours, from six to twenty-one credits for a specialty certificate. Some programs require an in-depth research paper or a practical skills program with varying amounts of hours.

No regulated set of requirements exists to determine a baseline standard for a specialty certificate. Several universities offer concentrations or areas of specialty which serve a similar purpose to certificate programs. The concentrations offer additional coursework in a particular area of specialty and encourage additional writing or experiential learning opportunities.

Universities market certificate programs as providing specific skills and an educational focus for a particular area of expertise. Students are encouraged to pursue a certificate of concentration in order to graduate with an additional value in a focused specialty. Universities proffer certificate programs as promoting increased job potential which may entice students to enroll in a particular JD or LLM program.

Certificate programs provide a specialized focus for students creating increased engagement and interest in JD and LLM programs. Warren Burger said,

[Perhaps] overriding other causes, is our historic insistence that we treat every person admitted to the bar as qualified to give effective assistance on every kind of legal problem that arises in life. . . . [L]egal educators can and should develop some system whereby students or new graduates who have selected, even tentatively, specialization in trial work can learn its essence under the tutelage of experts, not by trial and error at clients’ expense.

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While his call is for specialization in one area, this concept of specialization is what certificate programs attempt to reconcile by allowing students to develop more focalized education for particular types of practice.

As bar passage rates drop, some criticize certificate programs for drawing students away from core bar courses. Certificate programs encourage specialization in focused areas of law leading to outcomes of less generalized legal knowledge and market glut of niche legal practice areas. Historically, the concern for the development of specialty certification was the eventual lead to regulation in specialty areas and exclusion of general attorneys from areas that are considered specialties. But as of today, only two specializations in law require additional regulation: the Patent Bar and Admiralty Law. There has also been a trend toward regulation of Alternative Dispute Resolution professionals, but the debate over law or layman is still quite entrenched. While there is room for additional regulation, especially in specialty areas such as environmental law and types of business law (i.e., foreign direct investment), the core principles of each of these areas directly relate to other core general law classes (i.e., property law, general environmental law, business associations, contract law, etc.). There does not seem to be any move toward additional regulation within specialty fields at the moment.

Along with certifications, 2018 saw a rise in Master of Legal Studies (MLS) or Master of Jurisprudence (MJ) certificate options: online, part-time, and in-residence. The concept of a Master’s certificate in a specialty focused area for non-lawyers is to provide advanced information, which includes basic legal concepts, at a graduate level, to non-lawyer professionals. These programs are marketed as employment promotion potential to prospective candidates. The MLS or MJ appears to have the least ABA oversight since it does not purport to grant a law degree or steps toward bar licensure. The MLS or MJ appears to be intended to improve knowledge and working relations between non-lawyers and lawyers and provide individuals with a personal interest a higher level of understanding in a particular legal-based field.

Data Analysis:
- Percentage of law schools with only one specialty certificate: 3%
- Percentage of law schools with multiple specialty certificates: 36%

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5. Information compiled from Full ABA Accredited schools only, based on information gathered from ABA University JD and LLM program websites.
• Percentage of law schools with a specialty certificate that is international focused: 62%
• Percentage of law schools with a LLM: 65%
• Of law schools with a LLM, the percentage with a specialty LLM: 95%
• Of law schools with a LLM, the percentage of LLMs with an international focused specialty: 67%
• Percentage of law schools with a MSL or MJ for non-lawyers: 26%
• Percentage of MSL/MJ for non-lawyers which offer online options: 23%
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