

Postgraduate education: Specialisation in a global law market



An upswing in enrolment rates since the late 1990s suggests lawyers are increasingly looking to postgraduate qualifications to enhance their careers. Mark Story reports

According to statistics from the Department of Education, Science and Training, there were 5,500 postgraduate law students Australia-wide in 2005, a near quantum leap on former years. Neville Carter, who runs the College of Law, claims migration by lawyers towards postgraduate study reflects a growing recognition that higher degrees make them more employable both here and offshore.

He claims it is also a realisation by practising lawyers, who typically have up to five years' experience, that career advancement means specialisation and the need for deep technical knowledge.

According to Professor Gordon Walker, head of the law school at La Trobe University, lawyers are returning to the halls of academia in response to the globalisation factor currently playing out within law firms. "In the old days people thought it was okay to take a common or garden range of subjects," says Walker. "These days graduates are much savvier about the subjects they do and how they'll make them more marketable internationally. That's why we've seen an explosion in global business law classes."

Owing to the diversification in legal practise over the last 10 years, Carter says lawyers are actively planning for multiple career changes throughout their working lives. "It's all part of a growing consciousness that people need to take further study to maximise career opportunities," says Carter.

The specialisation factor

This 'specialisation factor' results in the availability of an impressive range of postgraduate options offered by some 38 law schools Australia-wide. Not surprisingly, the well established law schools in the capital cities dominate the market at the postgraduate level. Supporting the need for deep technical knowledge is a growing number of specialist subjects with accreditation throughout Australian universities.

Most LLM programs have traditionally been general in content, but many now offer either a combination of specialist strands or focus in one area. While many lawyers are now attracted to an LLM program due to specialist strands, Michael Crommelin, dean of law at Melbourne University, says MBAs provide a good foundation for those wanting to transition in and out of the practise of law. In response to the need for hybrid skills, Melbourne University also runs a JD/MBA.

Jointly offered by the law and business schools, the program is designed for students who require legal expertise, plus comprehensive management education.

While there will always be demand for traditional LLMs, Walker says a lot of today's specialisation recognises that law firms want to operate both locally and within cross-border environments.

Given that the practise of law is becoming increasingly fragmented (with the proliferation of boutique firms), he says more lawyers are looking for programs offering a point of difference. In response to these dynamics, La Trobe University offers several specialist programs at the masters level. These include: Masters in Conflict Resolution, LLM in Practise Law, and LLM for International Students (with a first degree in law from overseas).

But what is arguably in vogue, says Walker, is their LLM in Global Business Law (which is outsourced to international providers). He says because La Trobe is not a premium brand, the law school tries to offer things the others don't. "I take the attitude we're selling units not degrees," he says.

For example, La Trobe's law school recently offered a 'sunrise' class on IP Licensing and had 49 participants. Walker says courses offered at La Trobe on both Australian federal government procurement contracts and US/Australia free trade have also been popular with practising lawyers looking for professional development.

The College of Law has also positioned itself towards the professional development market by offering more vocational and fewer academic courses. Instead of providing LLMs, it offers programs like Legal Practice Management and its Graduate Diploma in In-house Legal Practice.

In addition to LLM and graduate diploma courses, most universities also offer short professional development courses. For example, during 2007/08, the University of Technology, Sydney (UTS) is offering courses in Collaborative Practice, Understanding Financial Operations for Lawyers, Coronial Law, and Preparatory Courses for NSW Bar Association Exams. By comparison, the University of Adelaide offers one-week courses

on Wine Law and International Environmental Law.

Overseas opportunities

According to Walker, short courses and electives increase in importance once recently-qualified lawyers look offshore. He claims it is not uncommon for lawyers (on their overseas experience) to get hired in markets like the UK on the strength of these electives. "Rather than specialising in one particular area, taking a number of mainstream areas is more likely to get you hired overseas," says Walker. That is why he says strands in US Corporations, Introduction to American Law, and US Anti Trusts are now recognised by many as 'must do' subjects. "Instead of spending US\$70,000 studying in the US, students can get an LLM in American Law here and then sit the New York State bar exam," says Walker.

Other popular electives, he adds, include Chinese Business and Law Practise, and Hong Kong Company and Security. Indian Business and Law Practise is soon to become an additional strand.

For those with their sights on European markets, the University of Adelaide offers a joint Masters degree in conjunction with the University of Mannheim, Germany. Students spend four months studying at the University of Mannheim, with the remainder spent at the University of Adelaide. Chris Finn, associate dean at Adelaide University, says the joint program enables Australian students to obtain a more detailed understanding of the legal framework in the European Union.

With more law firms having greater exposure to offshore markets, Asian law is also growing in popularity at the University of Melbourne, but Crommelin says leading courses (by enrolment numbers) are still more traditional practice areas, such as taxation, intellectual property, construction law, and corporations and securities law.

Diversity in offerings

In 2008 Melbourne will be offering some 150 courses across 21 fields of specialisation (all at the masters level). It is unusual for the university's 1,000 students, who are currently in the masters law program, to have such diversified course offerings. But like Walker, Crommelin says firms are beginning to expect this level of specialisation to help professionally develop new recruits.

Meanwhile, he says more senior lawyers often return to study for intellectual stimulation and to keep abreast of new developments. "That's especially true if they've been in one area of specialisation for some time," says Crommelin. "We also bring in international expertise on short bursts and recently had a presentation by Professor Deborah Hensler, leading expert on class actions and mass torts at Stanford Law School."

Crommelin says the growing internationalisation of law is also reflected in the following (graduate diploma) courses offered at Melbourne: Competition Law, Asian Law, Energy and Resources Law, International Economic Law, Islamic Legal Studies, and Transnational Law.

Owing to cost and time constraints, Bronwyn Olliffe, associate faculty of law dean at UTS, says many postgraduate students are attracted to either short-block and/or online modules that don't require regular classroom attendance. Subject to a major review, Olliffe advises that UTS' LLM program will be substantially modified in 2009, possibly including greater specialisation.

In addition to its more general LLM, UTS offers masters programs in Dispute Resolution, International Trade Law and (an online) Masters of Industrial Property (that qualifies graduates to act as patent attorneys). From 2008, UTS is also offering a new Juris Doctor (award course) that is designed to equip UTS law graduates with the qualifications to broaden their career prospects overseas.