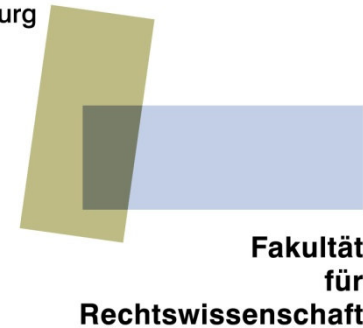


Universität Hamburg



Fakultät
für
Rechtswissenschaft

Law Studies in Europe: An Overview

– Conference „New Perspectives of Legal Education in Europe“ –

Berlin, 18 March 2010

Prof. Dr. Heribert Hirte, LL.M. (Berkeley)

Reasons for Regulating Legal Education

- Public interest (similar to medicine)
- in anticipation of potential market failures due to
 - the volatile nature of legal services
 - the difficulty to assess the value of legal services

Place of Regulation of Legal Education

- Regulation of the complete educational process
(Germany)
 - Regulation only by the regulated legal professions
(stronger than in Germany!)
- final outcome: similar

Admission to Legal Studies

- High entrance barriers (common law countries)
 - Low entrance barriers (continental Europe and Germany), but selection process
 - by state examination (Germany)
 - in the universities (France)
 - by the bar (Italy)
- final outcome: similar

Content of Legal Studies (I)

- defined by statute (in Germany)
 - defined by law schools and indirectly by bar associations and the courts (common law countries)
- final outcome: similar

Content of Legal Studies (II)

- national legal order!
- lack (unlike in the leading U.S. universities) to teach law generically
 - lack of respective material (the lack of a common language included)
 - lack of mandatory recognition of courses taught this way
- difficulty of cross-border exchange

Integration of Legal Practice (I)

- continuously („legal clinics“)
 - successively („Referendariat“)
- final outcome: similar (no clear advantage of one system over the other)

Integration of Legal Practice (II)

- different legal practice
 - high relevance of oral presentations (common law countries)
 - high relevance of legal writing (continental European countries)
- differences due to the different systems of legal procedure

Dropping out and Alternatives

- drop out
 - into professions that would require a commercial apprenticeship in Germany and/or an examination from an institution for applied sciences
 - window dressing of unemployment statistics ...
- new programs
 - no increased professional outlook for law students
 - but shift within the educational system

Summary

- Law Studies in Universities cannot be looked at without taking the regulation of the profession(s) into account, too