Law Studies in Europe: An Overview

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