

Legal Education and Practice in the European Union

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Jan. 6, 2005 Panel: *Changes in Attitudes,
Changes in Latitudes: The Future of
Graduate Programs for Foreign Lawyers
in a Changing Environment*

Summary of Talk

- **The Global Legal Market**
- **Mobility of Lawyers in the EU**
- **Legal Education in the EU**
- **Recent (exciting) Initiatives Regarding EU Legal Education**
- **The Significance of these Developments for the US**

The Global Legal Market

- 93-03: US legal imports increase 173% (\$879 million); exports up 134% (\$3.4 billion)
- US firms no longer dominate as the world's 10 largest firms
- 6 of 10 largest firms have > 50% of lawyers outside firm's home country
- All 10 have more than 1500 lawyers and foreign branch offices

2004: The Ten Largest Law Firms

From Global 100, Am. Law. Nov. 2004

Rank	Firm	Headquarters	Number of lawyers	Lawyers outside home country	Countries with offices
1	Baker & McKenzie	US - International	3 053	83%	38
2	Clifford Chance	UK - International	2,684	62%	20
3	Freshfields Bruckhaus Deringer	UK - International	2,225	66%	19
4	Linklaters	UK - International	2 000	55%	23
5	Jones, Day, Reavis & Pogue	US - National	1,970	24%	12
6	Allen & Overy	UK - International	1,879	53%	20
7	Eversheds	UK - International	1,712	18%	11
8	Skadden, Arps, Slate, Meagher & Flom	US - New York	1,650	10%	12
9	White & Case	US - International	1,552	59%	22
10	Latham & Watkins	US - National	1,513	19%	10

EU Lawyer Mobility

- EU laws distinguish between “services” and “establishment”
- EU lawyers have greater intra-country mobility than US lawyers
- The relevant directives are 77/249, 89/48, and 98/5
- Because of the ECJ, a new issue is “unfinished” lawyers” Morgenbesser

Pending Developments That May Affect Lawyer Mobility

- **Draft Directive on Services in the Internal Market**
- **DG Trade, Report on Competition Among the Professions**
- **Likely Impact:**
 - **greater harmonization of EU lawyer rules & mobility**

Legal Education in the EU – Traditionally

- **Education has not been viewed as within the EU competences**
- **Law was viewed as particularly local**
- **Thus, legal education and training varied greatly within the EU**

from Wayne Carroll, Liberalization of National Legal Admissions Requirements in the European Union: Lessons and Implications, 22 Penn State Int'l L. Rev. 563 (2004)

Member State	Citizen or Age Limit	Duration of Legal Education	Examination Requirements	Practical Training Requirement
Austria	EU	4 (magister) to 5 (doctor) years	Bar exam in two parts, 18 months apart	5 years
Belgium		5 at university or 3 as trainee	Examination at end of education	1 year practical training course
Denmark		5 year degree program from 1 of 2 universities	Professional law exam	3 years practical training
Finland	EU and domicile in FI, MIN 25 years old	5-6 year degree program from 1 of 3 universities	Bar exam toward end of training period	4 years practical training
France		4 year degree	One year state course and exam to become <i>avocat stagiaire</i>	2 year traineeship
Germany		4 year degree	Bar exam in two parts over two years	2 years
Greece	EU or Greek origin, MAX 35 years old	4 year degree program from 1 of 3 universities	Professional law exam	18 months practical training

from Wayne Carroll, *Liberalization of National Legal Admissions Requirements in the European Union: Lessons and Implications*, 22 Penn State Int'l L. Rev. 563 (2004)

Member State	Citizen or Age Limit	Duration of Legal Education	Examination Requirements	Practical Training Requirement
Ireland		Solicitor vs. Barister distinction, university or practical experience paths	Written and oral exam for all, including Irish language testing	Solicitors: 12 month training after 6 month course Baristers: 1 year pupillage after 2 year course
Italy		5 year degree program	Written and oral exam	2 year practical training course
Luxembourg		No local law school until recently; recognition of other EU law degrees and supplementary course in local law	Professional examination	3 year practical training period
Netherlands		4-5 year law program at Open Univ. or one of 8 univ. law faculties	Professional training exam following practical training	Course of professional and practical training
Portugal	Portugese or EU nationality	5 year univ. degree program	Bar examination during practical training	18 month practical training period

from Wayne Carroll, *Liberalization of National Legal Admissions Requirements in the European Union: Lessons and Implications*, 22 Penn State Int'l L. Rev. 563 (2004)

Member State	Citizen or Age Limit	Duration of Legal Education	Examination Requirements	Practical Training Requirement
Spain	EU nationality	4 year univ. law degree program and final law exams	No bar exam but registration with local bar required	
Sweden	EU citizenship	4-5 year univ. law program		MIN 5 years of practical training, incl. prof. Ethics
England & Wales		Solicitor vs. Barrister distinction, univ. or practical experience paths	Written and oral exam for all, Inns of Court membership for barristers	Solicitors: 2 years training and Prof. Skills Course Barristers: 1 year pupillage after 1 year course
Scotland		3-4 year law (incl. Scots law) degree program from one of 5 univs.,	Written and oral exam for all	Solicitors: up to 3 years training Barristers: 1-2 year pupillage after 1 year course

The EU is Now A Major Player in Education

- **Promoting dialogue and networks**
(Eurydice)
- **Transnational education**
(Socrates/Erasmus/Erasmus Mundus/ENIC/NARIC)
- **EU Commission's Role:**
 - **Adapting own programs** (Socrates)
 - **EU Funding of pilot projects** (e.g., EU Masters programs, quality assurance, credit transfer)
 - **European benchmarks** (e.g., spend 3% of GDP on education)
 - **The Sorbonne-Bologna Developments**

Details about Sorbonne Bologna

- Objective: make EU education attractive & portable
- How to Implement
 - 1) Make degrees easily comparable
 - 2) have grad and undergrad education
 - 3) Encourage credit transfer (ECTS)
 - 4) Have quality assurance programs (ENQA)

Effect of EU & Sorbonne-Bologna Events on EU Legal Education

- Countries are creating a 3 year bachelors in law (Italy, Belgium, Netherlands)
- There are an increasing number of EU Masters (LL.M.) programs
- Countries have reduced their apprenticeship time
- EU casebooks; changing curriculum
- The emergence of professional organizations (ELFA, etc.)

Significance of EU Developments for US LL.M. Programs

- English is an important language for many European lawyers
- Because of lawyer mobility, English will remain a critical legal language
- EU students have more options than before to study law in English
- US v. UK law debate may affect US LL.M. programs (for foreigners)

Conclusion

- EU lawyers currently have more mobility than US lawyers
- The EU is working on efforts to expand mobility
- EU legal education is undergoing major, exciting changes
- To retain EU LL.M. students, US law schools should monitor EU & adapt (ECTS?)
- We live in an interconnected world

Some Resources

- Julian Lonbay, *Reflections on Education and Culture in EC Law*, at p. 270 in Rachael Craufurd Smith, Culture and European Law (Oxford 2004) (the source for much of this talk)
- Dr. Lonbay's with EU & Sorbonne/Bologna links <http://elixir.bham.ac.uk/menu/FreeMovement/frameset.htm>
- Draft Directive on Services in the Internal Market, COM (2004) 2 final (5 Mar. 04), http://europa.eu.int/eur-lex/en/com/pdf/2004/com2004_0002en03.pdf
- DG Trade, Report on Competition in Professions http://europa.eu.int/comm/competition/liberal_professions/final_communication_en.pdf
- For CCBE & other free Newsletters, see Terry, Global Legal Practice Resources webpage <http://www.personal.psu.edu/faculty/l/s/lst3/globalprac.htm>
- The on-line German Law Journal will publish papers from this AALS panel session, including my paper <http://www.germanlawjournal.com/>