

Ladies and Gentlemen,

Dear distinguished guests from around the world,

On behalf of the German Rectors' Conference, I have the great pleasure to welcome you to our conference "New Perspectives of Legal Education in Europe". Organising this conference has been a joint effort by several professors and students from German law faculties as well as the German Academic Exchange Service, the Stifterverband für die Deutsche Wissenschaft and, finally, the German Rectors' Conference. Thus, I would like to take the opportunity to thank our experts for their efficient and professional co-operation.

## I. The European Reform Process

From the outset, I would like to underline the importance of exchange on education concepts. For one, this can be a source of inspiration as well as learning. In that context, it is worthwhile to take an overview of Bologna and to see where, perhaps, interesting potential may lie for legal education. The purpose of this meeting should be to analyze and discuss that potential but should also consider the limits of the European Reform Process on legal education.

It is in this spirit, Ladies and Gentlemen, that we have assembled here in Berlin for two days to discuss the topics of reforming legal education in Europe.

What does it mean to be and to think as a lawyer?

How to teach and examine in Law Studies?

These and other basic questions will be discussed in the next two days.

We will be looking at selected examples of “Good Practice” from different countries - not as cases of individual “national solutions”, but as sources of inspiration. They can provide more transparency, increase awareness for necessary changes, and perhaps promote the feasibility of two-cycle study programmes for Law in Germany and Europe.

The core of the University of Bologna, which is Europe’s oldest university, is the school of law. Without Bologna, the modern, European system of academic higher education and the Roman-influenced legal culture of European law would be unimaginable.

Nowadays, however, “Bologna” has also come to represent the most comprehensive and profound higher education reform of the last decades. It calls upon European universities and universities of applied sciences to adjust to a highly challenging time: a time where the percentage of the population seeking higher education degrees is increasing continuously; the higher education institutions are taking on ever more diverse and demanding tasks; while at the same time, the budget and especially state financing cannot keep up pace with the growing demands.

By now, German higher education institutions have adapted nearly 80 percent of their degree programmes to the new, tiered Bachelor/Master structure.

But it would seem that Bologna has not reached all study areas in Germany yet – this is most evident in subjects that are completed

by state-examinations or “Staatsexamen”, in particular law, medicine and teacher education. Here Germany with just a handful of Bologna member states has yet excluded law studies from the two circle structure.

And, while some Federal States in Germany have begun implementing bachelor and master into “teacher education” programmes, many have not. For universities, this situation is difficult and may throttle development.

## II. Legal Education and the Reform Process

The majority of law faculties and members of this discipline, however, remain sceptical of the study reform.

The main doubts concern qualifications and career possibilities after such a “short” education. These doubts are valid, but only to a certain extent. Let me point out that I do fully understand the concerns of legal associations as to a potential abuse of the Bologna Process in terms of having shortly and poorly educated 3-year Bachelor lawyers.

However, I firmly believe that we should use the Bologna Process as a tool to discuss the reform of study programmes in both structural and content matter, including legal education. Let us take this opportunity to become better at what we do and thus more competitive at European and international levels!

Let us then go to issue of the debate and ask ourselves the question of what the impacts of the Bologna Process could possibly be in the field of legal education. To answer this question, we first need to understand the special status as well as the

strengths and weaknesses of this discipline within the German educational system.

The concept and image of the “Volljurist”, or fully qualified lawyer, has been distinctive of this tradition for over 200 years: it is widely considered a guarantee for high quality education of German lawyers and legal professionals.

The content as well as the exams in legal education are regulated by law. So far the German Länder and not the universities are responsible for the final examination. Legal education in Germany is still designed to educate for a so called regulated profession which hypothetically allows a student to enter all legal profession after the second state examination.

As of now, university final (state)exam and professional licensing are fused into one examination.

Considering this special situation, we can start to discuss the potentials that the Bologna Process offers as well as the limits it has. There are certainly some aspects of the reform which also refer to legal education:

It should for instance be rather easily possible to define and measure concrete learning outcomes for the course units and to integrate them into modules, which is possible with the problem-oriented learning approach.

The orientation toward skills and learning outcomes as well as student-centred teaching in the degree programmes have helped to reduce the dropout rates in a number of disciplines significantly. In contrast to the traditional degree programmes, students are recognizing earlier, often in the first semesters, whether their

choice of major “fits” or not. Indeed, the educational backgrounds of students have become more diverse - a trend, by the way, that will only continue. As a result, the early phase of studies is becoming increasingly critical, in order to provide motivated students with the possibility to overcome any deficits.

Scholarly teaching has also gained in importance. Whereas teaching subject-related knowledge was the focus of many disciplines previously, today, there is a stronger focus on promoting methodological, social and personal skills. At many universities, students have more positive evaluations of the methods and teaching skills of their instructors in modularised degree programmes than in the traditional programmes.

Also, the introduction of ECTS as a system of accumulation can be reached.

These examples demonstrate that a reform along the Bologna action lines can be started without having a final decision on the degree structure.

Directly linked to the modernisation of degree programmes and a further important element of the reform is quality assurance of the programmes. Rigorous quality criteria at universities will have sustainable influence on the future competitiveness of the German graduates, their employers and the universities that educate them. Universities are the ones who organize and carry out study programmes; and they use external and internal tools for quality assurance. These tools must also be applicable on a university-wide basis and serve as a reference point for teaching. I'm convinced: Students can profit from higher teaching quality in the

long-term, once the necessary structures for quality assurance and further development are established.

As an additional feature, it should and could be discussed in this next step of systemic study reform of how to integrate research into the basic educational programme and deal with the issue of research versus practical orientation.

As to the degree structure, I would like to raise just one or two short issues for the debate:

Knowing, that an increasing number of graduates does not choose one of the so called regulated professions, but turns to other employment opportunities in the industry or public administration, do we believe that these students need the same educational background as a judge or a prosecutor? Don't we need a differentiation of study and graduate profiles due to the ever-increasing complexity of the demands on lawyers?

Clearly, not every career requires a graduate-level university degree. For a long time now, the labour market has been calling for younger graduates, who can gain further qualifications "on the job".

Furthermore, I would argue that it is imperative in the end, for law studies as well, to not only focus on the amount of material required to learn, but also to gear toward the skills students will need. What does a judge or lawyer need to know and be able to do? How much time does this require? And in addition to that, we know that there is a labour market for lawyers or legal practitioners below the qualification of a judge. What knowledge and skills are required here, and how many semesters should such an educational option entail?

Maybe we can answer some of these questions at the end of the conference.

Last but not least, it should be clear that we have to take a look at what is happening in the other countries around us.

The European Ministers of Education have long set the course for transition to Bachelor and Master in the still largely “Bologna-free” subject areas, such as Law. Here we could ask: is it possible to Europeanise higher education and still uphold national professional tradition? Obviously, long-established study programmes should, by no means, abandon their wealth of experience. Instead, they could take advantage of the opportunities that the reform process presents.

In order for the German *Staatsexamen* programmes to be aligned with the Bologna goals, the degree programmes would have to be disentangled. As of now, university final exam and professional licensing are fused into one examination. Ultimately, there is no absolute reason for this. But, there is good reason for giving universities full responsibility over the study programme, including the final academic exam required for graduation. The subsequent licensing process, on the other hand, could and should remain in state hands. Such a system would have several advantages:

1. First of all, higher education institutions could design their study programmes more individually, set their own focus, and compete with one another for the best students.
2. Secondly, graduates would have a choice! They would be able to decide for themselves, whether they want to try to enter the

regulated profession at all; and if so, they would have to take the necessary steps after completing the degree programme. Graduates, who choose not to do so, could prepare themselves for career alternatives, for instance in the legal or human resources departments of large companies.

### III. Conclusion

This greater flexibility - and not the commonly feared creation of a European “homogeneity” - is what the Bologna Process is essentially about. Bachelor and Master Degrees, modularisation, learning outcome orientation, and credit point systems are not tools for eliminating differences. On the contrary, they provide instruments for facilitating mobility. Precisely this responsible approach to diversity is one of the strengths, not to mention a fascinating aspect, of the emerging European Higher Education Area.

The European Higher Education Area can only be realised through an intensive exchange between the universities and the national higher education systems in Europe. Moreover, this calls for a continuous process of coordination, as well as the dissemination and adoption of examples of successful reform practice.

On that note, I wish all of you a fruitful exchange, enriching discussion, and, last but not least, much success in finding some good and inspiring examples for reforming legal education in Europe.

Thank you!