

## German Legal Education

### 1. Law School

In general, law schools in Germany are not considered to be "professional schools". They are part of larger research universities, like philosophy or physics departments, and usually perform a large amount of rather abstract research. Law school graduates are considered to be "academics" or "scientists". This public and self-perception is grounded on the way law is taught at German law schools, even though many schools now strive to incorporate more practically oriented training such as moot courts or contract drafting.

With the exception of one newly founded school, all law schools in Germany are part of the state universities. They charge no tuition. While some schools are "unofficially" less renowned than others, all German law schools provide roughly the same academic training. Consequently, the law school attended by a student does not have any major significance for later hiring decisions.

Unlike the US, there is no set schedule for the completion of the law school curriculum. The number of semesters an individual student spends in law school solely depends on his or her work speed and personal circumstances. Currently, the average is four to five years with the minimum being three and a half.

In Germany, grades obtained in final exams at the end of each semester ("Scheine") play no role in the computation of the grade of the two final exams given at the end of the student's law school career. The first exam ("Erstes Staatsexamen" - First State Exam) is not administered by individual law schools, but by a state board associated with a superior court. The exam is extremely comprehensive and covers every important area of the law. It usually consists of five days of written exams under supervision, a four-week take home exam, and a one-day oral examination before the board. Students usually prepare for the exam with the help of a commercial review course similar to Barbri, which runs for an entire year. The failing rate on the exam is high (about 40%), and an equally high percentage earn grades at the very bottom of the scale.

Even though the official point scale for legal exams in Germany extends from 0 to 18 points top grades are hardly ever given. Hence, candidates who achieved 9 points or more

are officially considered to have passed with distinction ("Prädikatsexamen") and usually account for only about 10 % of all students.

Until recently, students who passed the First State Exam earned no formal degree. However, many schools now award the degree "Diplom-Jurist", which is roughly equivalent to the American "Juris Doctor". Some graduates (about 10%) go on to pursue a Ph.D. in law, which - unlike in the US - requires no classroom attendance, but a rather substantial thesis which usually requires anywhere from one to five years of work.

## **2. Clerkship - "Referendariat"**

While passing the First State Exam ends the school portion of a law career, graduates are not automatically admitted to the German bar and cannot join the judicial or other public service. To become fully admitted as an attorney and eligible for a public service career ("Volljurist" or "Assessor"), law school graduates have to complete a two-year rotation clerkship.

During the clerkship, each graduate ("Referendar") spends a few months in the following four environments ("Station" or "Stage"): a judge's office at a court, a district attorney's office, a government agency and a law firm. During the final three or four months of the clerkship, the Referendar has the opportunity to choose a placement according to his or her interests or career objectives ("Wahlstation"). The Wahlstation is what leads some Referendare to the US.

Referendare receive a small remuneration from the government to set off living expenses (currently about 900 Euros per month).

The end of the two-year Referendariat is marked by one last exam, the Second State Exam ("Zweites Staatsexamen" or "Assessorexamen"), which is not considered to be an academic exam like the First State Exam. This exam is administered by the State Ministry of Justice and requires continuous study throughout the preceding two years. The grades obtained on this exam are crucial for finding a job in Germany's highly competitive legal job market.

Upon passing the Second State Exam candidates can apply for admission to the German bar or pursue other careers, including that of a judge.

-