Germany’s legal education system offers lessons for U.S. reform

One issue that seems to be on the minds of everyone in the legal community is legal education reform. How can we provide better training for lawyers at a lower cost?

The need for reform in both the economic model of legal education and in the law school curriculum is driven by various factors. Changes in the economy, advancements in technology and the new demands of a global marketplace have changed the legal profession and professionals, and educators recognize that the way we train new lawyers can be improved.

As we consider ways to improve legal education in the United States, it is helpful to consider the legal education systems in place in other countries. As a Fulbright senior scholar in Germany, I had the opportunity to learn about legal education there.

In Germany, traditional legal education consists of a university degree program (somewhat comparable to U.S. undergraduate degree programs) after which the student must take and pass the First State Examination. Usually, it takes about five years to complete this first phase.

The university program is highly theoretical. In addition to specialized courses in law, students must satisfy general educational requirements and demonstrate proficiency in a foreign language.

Tuition at German public universities is very low; public universities’ primary funding is from the government.

Following the university program and passage of the first examination, the student must complete a two-year clerkship training period, followed by the Second State Examination.

The two-year clerkship includes a rotation in each of several different settings: civil court; criminal court or prosecuting attorney’s office; administrative court or government agency; private law firm; and a place of the clerk’s choosing. The clerks also take courses that are typically taught by judges or lawyers.

While the clerks complete their required clerkships, they receive a modest wage from the government.

Some law firms pay a premium to their clerks, but this premium reduces the amount paid by the government.

The first examination focuses on doctrinal knowledge and the second examination focuses on practical skills. Both examinations have written and oral components and are quite grueling in comparison to American bar examinations.

A German law student gets only two chances to pass each examination and is fully qualified to practice as an attorney or serve as a judge only after passing both.

The German system relies on a two-year clerkship system that sustains the German system of legal education, we could — through meaningful collaboration among the bench, bar and law schools — improve the way we train American lawyers.

As professionals, lawyers must think innovatively and that we do not overlook opportunities for change that will improve our system for everyone during this time of reform.

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