

# European Legal Education: The Maastricht Experience

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## I. INTRODUCTION

Though the title of this paper suggests otherwise, there is no such thing as a uniform European Legal Education. Not within the context of the European Union (27 Member States), let alone in the context of the Council of Europe (47 Member States). In this paper, I will briefly describe the state of affairs of legal education in Europe after and with the Bologna declaration.<sup>1</sup> I will focus upon the impact of European law on legal education and the connection with present-day legal research focusing upon comparative law, European law, international law,

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1. See Joint Declaration of the European Ministers of Education: The Bologna Declaration of 19 June 1999, available at [http://www.bologna-bergen2005.no/Docs/00-Main\\_doc/990719BOLOGNA\\_DECLARATION.PDF](http://www.bologna-bergen2005.no/Docs/00-Main_doc/990719BOLOGNA_DECLARATION.PDF) (last visited Oct. 31, 2007) [hereinafter The Bologna Declaration].

Europeanization and globalization. Subsequently I will focus upon the Maastricht initiative to establish the European Law School, as a new and innovative law school focused upon training the lawyers and academics of the future.

## II. THE BOLOGNA DECLARATION

The idea that the Bologna Declaration and the ensuing process of harmonizing higher legal education has led to a uniform model of higher education is a myth; one of the reasons is that the Bologna document is based upon a voluntary approach; and another is that the several participating states have seen fit to implement Bologna according to their own higher education history and finances. Famously, Bologna introduced the three-tier system: bachelor, master, Ph.D.<sup>2</sup> That concept sounded simple enough; however, some states started with a four-year bachelor's degree;<sup>3</sup> most with a three-year model;<sup>4</sup> many set up a two-year master,<sup>5</sup> others only a one-year master,<sup>6</sup> or a mixed model: both two-year and one-year masters.<sup>7</sup> Some states were quick in reforming higher legal education in the Bologna format,<sup>8</sup> others (e.g. Germany) have been very slow so that only incidentally German universities (or law schools) have set up a Bologna-model of bachelors and masters.<sup>9</sup>

The fact that this is so, and that even within the European Union (EU) no uniformity or complete equivalence has been created, is caused, or explained, by the fact that the EU has not been given the rule-making power in this domain. There is simply no authority (competence) for the EU to regulate education. The best way to have a European impact upon higher legal education is by making funds available for desirable projects, such as research, student and staff mobility, and student exchanges (Erasmus/Socrates,<sup>10</sup> Marie Curie,<sup>11</sup> Erasmus Mundus,<sup>12</sup> Jean

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2. See ROGER KING, GOVERNING UNIVERSITIES GLOBALLY 112 (2009).

3. E.g., France and Austria. See HIGHER EDUCATION DYNAMICS 26: EUROPEAN INTEGRATION AND THE GOVERNANCE OF HIGHER EDUCATION 245 (Alberto Amaral et al. eds. 2009).

4. E.g., Belgium. See 2 ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD), HIGHER EDUCATION TO 2030: GLOBALISATION 211 (2009).

5. E.g., Belgium. See *id.*

6. E.g., The Netherlands. See *id.*

7. E.g., France/The Netherlands. See *id.*

8. E.g., The Netherlands and Belgium. See *id.*

9. E.g., Bucerius Law School in Hamburg. See RICHARD NAEGLER, DER BOLOGNA-PROZESS IN GESCHICHTE, GEGENWART UND ZUKUNFT: DAS ENDE DER ABENDLÄNDISCHEN UNIVERSITÄT UND/ODER DER BEGINN EINER NEUEN HOCHSCHULERFOLGSGESCHICHTE 39-40 (2009).

10. See generally European Commission, Education and Training, [http://ec.europa.eu/education/lifelong-learning-programme/doc80\\_en.htm](http://ec.europa.eu/education/lifelong-learning-programme/doc80_en.htm) (last visited Sep. 4, 2010).

Monnet).<sup>13</sup> But since the member states carefully guard and protect their sovereignty in the domain of education, the Bologna process, while a joint process, is still a voluntary.

In law, the situation is even further complicated by the fact that the domestic regulation of the legal profession is very much a domestic issue, partially regulated by the domestic bars and, at least, very much linked to national aspects, traditions, and (legal) culture. The process to become a practicing lawyer, or judge, or prosecutor, is very much in the hand and discretion of legislatures and/or the legal profession. The role of legal education varies; so does the labor market, the intake of students, etc. Although there is much more to be said, for the purposes of this paper, this brief description must do.

### III. DEVELOPMENT OF 'EUROPEAN' LAW

Luckily the situation that the study of law is predominantly a domestic issue and is therefore governed by domestic rules and traditions only, is very much in flux. Although the above seems to indicate a deadlock in the sense that legal education seems to be fixed and domestically oriented, there is still a lot of movement below the surface. Bologna and Socrates have triggered a lot of gradual changes and all kinds of reforms, having an impact upon both European legal education and European law faculties.<sup>14</sup> Also, other EU rules and principles have been leading toward progress in this area.<sup>15</sup>

In the first place, the EU has set certain rules regarding the freedom of services and free movement of workers within the EU relating to qualifications and recognition of diplomas that also affect the profession of lawyers ('attorneys-at-law').<sup>16</sup> Basically, the EU rules allow a person

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11. See generally Marie Curie Actions Homepage, <http://cordis.europa.eu/mariecurie-actions/> (last visited Sep. 4, 2010).

12. See generally Erasmus Mundus—Scholarships and Academic Cooperation, [http://ec.europa.eu/education/external-relation-programmes/doc72\\_en.htm](http://ec.europa.eu/education/external-relation-programmes/doc72_en.htm) (last visited Sep. 4, 2010).

13. See generally The Jean Monnet Programme: Understanding European Integration, [http://ec.europa.eu/education/lifelong-learning-programme/doc88\\_en.htm](http://ec.europa.eu/education/lifelong-learning-programme/doc88_en.htm) (last visited Sep. 4, 2010) [hereinafter *Jean Monnet Programme*].

14. Developments such as student and staff exchanges have led to the development of joint programs; courses that could be followed by exchange students; and collaboration between law faculties. Courses for exchange students often related to courses in the domain of European, international and comparative law, thereby adding new courses to existing curricula.

15. An example is the increasing impact of EU rules and principles in areas like consumer law, social law, freedom of movement, migration, establishment, freedom of services, contract law, tort law, and proportionality, as it relates to institutional and constitutional law.

16. See generally European Commission—The Single EU Market: Professional qualifications, [http://ec.europa.eu/internal\\_market/qualifications/index\\_en.htm](http://ec.europa.eu/internal_market/qualifications/index_en.htm) (last

who is qualified to practice as a lawyer in one state to also practice in another state.<sup>17</sup> Lawyers can also acquire the lawyer title of their host member state, either after practicing the law of that state for three years or by passing an aptitude test.<sup>18</sup> Much still needs to become clearer in this respect, through decisions by the ECJ and possibly through new EU directives, but the trend is clear towards an increasing movement of lawyers and their services.

Secondly, many areas and domains of domestic law are increasingly influenced or determined by EU regulations or directives.<sup>19</sup> This means e.g. that important aspects of company law appear to be domestic law and being part of domestic legislation and codes, but that they are basically translations and implementations of EU directives. Many aspects of what used to be purely domestic law are now, in effect, European law, as such and in disguise. Primary examples are company law, competition law, public procurement law, consumer law.<sup>20</sup> This harmonization implies that students, when properly educated, all over Europe will be taught the same substantive law. And this evidently also applies to European law proper. This is not to say that all European legal curricula properly cover European law and its broad implications. In fact, many universities still mainly focus upon domestic law while neglecting European law and its impact. But, here the situation is gradually improving (one of the stimuli in this respect has been the Jean Monnet program, funding chairs and courses in European subjects).<sup>21</sup>

As a consequence of the previous aspect of increasing importance and impact upon domestic law of EU law, and also as a separate independent development, legal academics started to research (also for the benefit of drafting new European legislation) common rules and principles and their transformation in domestic legal concepts. As part of its endeavor to promote trade and business within the EU and between the Member States, the European Commission has even mapped out a

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visited Sep. 4, 2010). Judges' professional qualification are not regulated therein, because most member states still require that the judge be a national of their country, before acceding to the vocation.

17. See Council Directive 98/5, Facilitate Practice of the Profession of Lawyer on a Permanent Basis in a Member State Other Than that in Which the Qualification was Obtained, 1998 O.J. (L 77) 36 (EC).

18. See *id.* art. 14.

19. One only has to consult the Official Journal and the case law of the Court of Justice and the new EU treaties as amended by the Lisbon Treaty to see the expansion of the policy areas of the EU and how EU rules and regulations impact criminal law, environmental law, immigration, contracts, non-discrimination, social security, state aid, competition, public procurement etc.

20. See GIULIANO AMATO & JACQUES ZILLER, THE EUROPEAN CONSTITUTION: CASES AND MATERIAL IN EU AND MEMBER STATES' LAW 185 (2007).

21. See *Jean Monnet Programme*, *supra* note 13.

course of seeking to codify these principles into European principles.<sup>22</sup> Many academics now work in different projects and collaborative initiatives drafting common principles of tort law, contract law and property law.<sup>23</sup> In Maastricht, we have translated these efforts in making grand case books on common European principles of tort, contract, property, civil procedure, judicial review, non-discrimination, each underpinning as a research project the codification exercises and enhancing our knowledge for teaching purposes.<sup>24</sup> These developments do not take place as purely autonomous efforts, irrelevant for legal practice. They are merely the consequences of European legal developments; the expansion of a concept such as freedom of movement for workers, goods and services—implying that it is easier to contract across borders when one knows that there are similarities (e.g. in the domain of consumer law which has been very much regulated by the EU<sup>25</sup>); or the development of an own EU concept of tort (the Francovich case law and its aftermath<sup>26</sup>), developed by the ECJ; or the relationship between the notion of freedom of (financial) services and cross-border mortgages which has an impact upon property law. In general, the EU has seen tremendous political and legal development: its powers have been expanded with a series of treaties (Single European Act 1986;<sup>27</sup> Treaty of Maastricht, 1992;<sup>28</sup> and subsequent treaties of Amsterdam;<sup>29</sup> Nice;<sup>30</sup> and now, on December 1st, 2009, the entry into force of the Lisbon Treaty<sup>31</sup>). In less than a quarter of a century, the EU has emerged

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22. See European Private Law (CoPECL), <http://www.copecl.org/> (last visited Sept. 2010).

23. See REINHARD ZIMMERMANN, COMPARATIVE FOUNDATIONS OF A EUROPEAN LAW OF SET-OFF AND PRESCRIPTION 1-10 (2002); Acquis Group—European Research Group on Existing EC Private Law, <http://www.acquis-group.org/> (last visited Sep. 4, 2010).

24. See METRO—Ius Commune Casebooks, <http://www.unimaas.nl/default.asp?template=werkveld.htm&id=OO11IA6XU2XFTA11S02P&taal=en> (last visited Sep. 4, 2010).

25. See Treaty Establishing the European Community, Nov. 10, 1997, 1997 O.J. (C340) 169 [hereinafter EC Treaty].

26. See Francovich and Others, Joined Cases C-6/90 and C-9/90, [1991] ECR I-5357.

27. See Single European Act, Feb. 28, 1986, 1987 O.J. (L 169) 1.

28. See Treaty on European Union (Treaty on Maastricht), Feb. 7, 1992, 1992 O.J. (C 191), available at [http://eur-lex.europa.eu/en/treaties/dat/11992M/tif/JOC\\_1992\\_191\\_1\\_EN\\_0001.pdf](http://eur-lex.europa.eu/en/treaties/dat/11992M/tif/JOC_1992_191_1_EN_0001.pdf).

29. See Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, Oct. 2, 1997, 1997 O.J. (C 340) 1.

30. See Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, Feb. 26, 2001, 2001 O.J. (C 80) 1.

31. See Treaty of Lisbon Amending The Treaty On European Union and the Treaty Establishing The European Community, Dec. 13, 2007, 2007 O.J. (C 306) 1.

as a strong polity, with, for many members, a common currency, and a whole new list of powers for the EU's institutions.<sup>32</sup>

#### IV. LAW SCHOOL CURRICULA

All the above developments have found their places in many curricula in European law schools; however, I submit that still, in too many law schools and European universities, developments have been too slow in fully making room for the EU's expansion. For this very, very slow integration, there are, in my perception and based on conversations with law professors in a variety of institutions many factors, including:

1. the interests (and in some countries, powers) of incumbent professors: many do not like to create room for EU-related subjects;
2. the sometimes overwhelming influence of the domestic bar associations;
3. the conservative nature of lawyers;
4. the scarcity of good people with knowledge of EU law and the competition with law firms (who generally pay higher salaries than universities);
5. the political climate;
6. the absence of power for law school deans or university presidents to make reforms; and
7. the difficulty (yet necessity) to integrate EU law in existing curricula (to integrate aspects of EU law in e.g. a course on contracts) due to the absence of good materials and a lack of knowledge on the part of professors.

Finally, I would like to draw attention here to the immense impact upon the future generation of lawyers and upon the development of new courses, of a new lingua franca (English, or maybe better Euro-English); of collaboration between European law schools and the emergence of new European law journals, through not only the previous developments

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32. See *EC Treaty*, *supra* note 25, at arts. 4-6.

but also by the Erasmus/Socrates exchanges, facilitated by the European Commission, as well as a pan-European credit system (ECTS: 60 ECTS per academic year).<sup>33</sup>

European law schools have developed new courses in English, developed courses adapted to exchange students, or designed courses based upon the development of EU law and research findings. However, as I argued before,<sup>34</sup> these developments have been more advanced in some places than in others. Some countries have been slow in adopting English-taught courses for reasons of domestic language policy or because foreign students came also for a study in their domestic language (Germany, Spain, Italy, France). Others quickly adapted to the need to have English-taught courses in order to cater to foreign exchange students (Sweden, the Netherlands). Belgium also moved along these lines but was hindered by domestic legislation prohibiting law schools to offer more than a few English-taught courses. Obviously the United Kingdom (UK) did not have to change, as all courses offered were already taught in English. Moreover, even the courses offered basically remained unchanged, addressing domestic law.

In the beginning, the courses that were taught in English in Dutch law schools were the obvious courses: international law, various courses on European law, and comparative law.<sup>35</sup> Gradually, under the influence of the increasing impact of European law within and upon domestic legal orders, we started to design courses that focused upon areas of law, integrating comparative law and European law.<sup>36</sup> These courses build upon academic research with respect to common principles of European law, in combination with comparative law, seeking for the “common law” of Europe.

Law school curricula in Europe are characteristically primarily focused upon domestic law and, necessarily and consequently,) taught in the domestic language(s) of the country with electives that might have been developed in English for exchange students on comparative law or international and European law. In only a few countries apart from the evidently English-speaking countries such as the UK and Ireland, English-taught LL.M programs have been developed (Scandinavia, the

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33. See European Commission—Education and Training, European Credit Transfer and Accumulation System (ECTS), [http://ec.europa.eu/education/lifelong-learning-policy/doc48\\_en.htm](http://ec.europa.eu/education/lifelong-learning-policy/doc48_en.htm) (last visited Sep. 4, 2010).

34. See *supra* Part III.

35. See generally Maastricht University, European Law School English Track, <http://www.maastrichtuniversity.nl/web/Faculties/FL/TargetGroup/ProspectiveStudents/BachelorsProgrammes/Programmes/EuropeanLawSchoolEnglishLanguageTrack1.htm> (last visited Sep. 4, 2010) [hereinafter *European Law School English Track*].

36. See *id.*

Netherlands, Belgium).<sup>37</sup> Toulouse University in France is now also in the process of setting up an English-taught, one-year masters program on international, European, and comparative law;<sup>38</sup> in Germany, a private Hamburg-based law school runs an English-taught program;<sup>39</sup> and Mannheim University is also constructing an English-taught LL.M program.<sup>40</sup> In Switzerland, the new Luzern University Law School also offers a great variety of English-taught courses.<sup>41</sup> However, despite these and possibly some more initiatives, the predominant feature is that law is taught in the domestic language, with some added courses on European law and occasionally a number of courses in English for exchange students.

#### V. LABOR MARKET AND INTAKE; TUITION AND FUNDING

Before moving on to describing and discussing further law school curricula and efforts to change and adapt them to modern-day European needs and the needs of a partly globalizing labor market for lawyers, a few words need to be said about student intake and output. The intake of students into universities and law faculties is very different from country to country. In Scandinavia, access to university is very selective: only the best students will be admitted.<sup>42</sup> In the UK, there seems to be a shortage of places and the top schools have the first pick.<sup>43</sup> In Belgium, France, Italy and Germany there is open access: all students who qualify (successfully graduate from secondary school) must be admitted.<sup>44</sup> This

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37. See Masters of Law Programs World Wide—Europe, <http://www.llm-guide.com/europe> (last visited Sept. 4, 2010).

38. See Masters of Law Programs World Wide—Université Toulouse 1 Capitole, <http://www.llm-guide.com/university/836/universite-toulouse-1-capitole> (last visited Sept. 4, 2010).

39. See Masters of Law Programs World Wide—Universität Hamburg—EMLE Programme, <http://www.llm-guide.com/university/189/universitaet-hamburg-emle-programme> (last visited Sept. 4, 2010); Masters of Law Programs World Wide—Bucerius Law School—Hochschule für Rechtswissenschaft, <http://www.llm-guide.com/university/640/bucerius-law-school-hochschule-fuer-rechtswissenschaft> (last visited Sept. 4, 2010).

40. See Masters of Law Programs World Wide—Universität Mannheim, <http://www.llm-guide.com/university/201/universitaet-mannheim> (last visited Sept. 4, 2010).

41. See University of Lucerne, [http://www.lucerne-academy.ch/index.php?option=com\\_content&view=section&id=5&Itemid=13](http://www.lucerne-academy.ch/index.php?option=com_content&view=section&id=5&Itemid=13) (last visited Sept. 4, 2010).

42. See Evanthia Kalpazidou Schmidt, *Higher Education in Scandinavia*, in 18 SPRINGER INTERNATIONAL HANDBOOKS OF EDUCATION 517-37 (2006).

43. See Polly Curtis, Ucas to review university admission points system, <http://www.guardian.co.uk/education/2010/jul/01/ucas-points-system-review> (last visited Sept. 4, 2010).

44. See generally Qrossroads, Higher Education in Europe, <http://www.qrossroads.eu/higher-education-in-europe> (last visited Sept. 4, 2010).

is also the case in the Netherlands, but legislation allows law faculties to expel students (after one year) who do not meet the standards set by the school.<sup>45</sup>

Funding is most commonly provided by the state: public funding seems to be the rule, with most countries allowing for no fees or only very low fees (a few hundred euros).<sup>46</sup> In the Netherlands, the fee is 1600 euro per year and in the UK, fees are even higher.<sup>47</sup> Public funding means that there is less and limited access for private funding (of education); for research the situation is different and more competitive.

Law faculties in most European countries train lawyers, but not necessarily solely or predominantly for law firms or the judiciary. Many graduated lawyers do not take the bar but use their legal education as an academic training and pursue other labor market avenues: legal departments in companies; civil servants in governments and the European Commission; policy advisors and policymakers; legal experts in agencies; consultancy firms; NGOs; lobby organizations, etc.

## VI. RESEARCH AND JOURNALS

As I have mentioned before, research in Europe among legal academics started to develop in the areas of comparative law, common European principles, Europeanization of domestic law, and related aspects. Many projects flourished, one of them in the Maastricht law faculty, which set up a major collaborative research school, with Leuven, Utrecht and Amsterdam: the Research School "Ius Commune."<sup>48</sup> Journals were set up on European constitutional law, European private law, and European and comparative law (such as the Maastricht Journal

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(navigate through left selection pane to access information on Belgium, France, Italy and Germany).

45. *See generally* Qrossroads, Higher Education in the Netherlands, <http://www.qrossroads.eu/higher-education-in-europe/netherlands> (last visited Sept. 4, 2010).

46. *See generally* MARY CANNING, MARTIN GODFREY & DOROTA HOLZER-ZELAZEWSKA, HIGHER EDUCATION FINANCING IN THE NEW EU MEMBER STATES: LEVELING THE PLAYING FIELD 11-12 (2007).

47. *See* CESIFO, TUITION FEES IN EUROPE 2007/2008 (2007), [www.ifo.de/pls/guestci/download.../2007/dicereport407-db5.pdf](http://www.ifo.de/pls/guestci/download.../2007/dicereport407-db5.pdf). State of affairs 2007/8: Austria: (prices in euro): 363 per semester; Belgium 500-800 per annum; Bulgaria 50-200 per annum; Cyprus: 0; Czech republic: 0; Denmark: 0; Estonia: 420-1200 per semester; Finland: 0; Germany: 0 in some states; between 100 and 500 per semester in others; Greece: university fees; Hungary: 16-48 per month; Ireland: 0; Italy: minimum 750 per annum; Latvia: 700-5811 per annum; Lithuania: 0- 3475 per annum; Luxemburg: 100 per semester; Malta: 0; The Netherlands: 1600 per annum; Norway: 0; Poland: 0; Portugal: 500 per annum; Romania: 350-650 per annum; Slovak Republic: 0; Slovenia: 0; Spain: 550-900 per annum; Sweden: 0; UK: up to 3070 per annum. *See id.*

48. *See* Ius Commune Research School Homepage, <http://www.iuscommune.eu/startpagina.aspx?language=English> (last visited Sept. 4, 2010).

on European and Comparative Law: MJ).<sup>49</sup> Maastricht started the mentioned casebooks project, under the supervision of Prof. Walter van Gerven.<sup>50</sup> Maastricht also started a *Ius Commune* book series.<sup>51</sup>

## VII. MAASTRICHT EUROPEAN LAW SCHOOL: ITS START IN 1992

In the context of European developments, we perceived in Maastricht that it was necessary to reflect upon the future of legal education in Europe and upon European legal education. Our perspective was the gradual growth of European law and of European common law, leading up to the future need to educate European trained lawyers. Lawyers with a good training in European institutional law and substantive law; who have a good command of Legal English (as a second legal language); and who were trained in the common principles of European legal systems so that they could operate across boundaries and were able to communicate with foreign colleagues about drafting new European rules and decisions and contracts. For that purpose, we started in 1992 a commercial post-graduate LL.M. program, entitled *Magister Iuris Communis* (Master of European and Comparative Law).<sup>52</sup> In this program we offered, for domestically trained lawyers, a curriculum with courses on European law proper as well as on European and comparative tort, contracts, property law; administrative law, company and business law etc.<sup>53</sup>

In 1995, we used the knowledge and experiences gained with this master program to offer a European Law School program (at that time, pre-Bologna), a four-year program with courses on Dutch law in the first two years and English-taught courses in the latter two years, focusing on the subjects mentioned and expanded with courses on criminal law, trade

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49. See Maastricht University, *Maastricht Journal of European and Comparative Law*, <http://www.unimaas.nl/default.asp?template=werkveld.htm&id=IHA3VONPFP25175R1IJP&taal=en> (last visited Sept. 4, 2010).

50. See Maastricht University, *Ius Commune Casebooks for the Common Law of Europe*, <http://www.unimaas.nl/default.asp?template=werkveld.htm&id=OO11IA6XU2XFTA11S02P&taal=en> (last visited Sept. 4, 2010).

51. See Maastricht University, *Ius Commune Europaeum Book Series*, <http://www.unimaas.nl/default.asp?template=werkveld.htm&id=M772225M74X20LMX367H&taal=en> (last visited Sept. 4, 2010).

52. See University, *Master's Programmes*, <http://www.maastrichtuniversity.nl/web/Main/ProspectiveStudents/MastersProgrammes.htm> (last visited Sep.5, 2010). This MIC programme has been reformed now into a master on International and European Economic Law, since the Maastricht European Law School LL.M includes the courses previously taught in MIC. See *id.*

53. These are casebooks analyzing case law in different EU member states seeking for common principles and solutions.

law etc.<sup>54</sup> This program has been a great success but suffered from two great disadvantages:

1. it was difficult to attract foreign students (because of the first two years in Dutch); and our idea was to seek a way to have an international classroom in which comparative law can flourish and which is truly European;
2. the need to train lawyers under Dutch law in order to educate them for a European labor market; i.e. the absence of a Europe-wide system of legal education and of Europe-wide standards of access to the legal profession, or at least the absence of some commonality in this respect.

#### VIII. THE MODERN-DAY EUROPEAN LAW SCHOOL LL.B. AND LL.M.

In 2006, Maastricht University dared to take the next step: offering a full fledged program on law, taught in English, from day one, with a focus on European law, comparative law and international law.<sup>55</sup> This step was obvious: considering the many developments in the domain of European Union law and the growing expertise in European and comparative law, we decided to reform the European Law School curriculum once more and to add a track (taught in English from day one) which basically is a three-year bachelor in International, European and comparative law. For those who opt for access to the legal profession we offer them a third year in Dutch in which we train them in Dutch law (which gives them two years to learn Dutch by the way).<sup>56</sup> If a student does not have the desire to enter the bar, (s)he will simply finish the LLB with English-taught courses.<sup>57</sup>

The full curriculum is relatively simple and straightforward, and not very revolutionary if not for the focus upon international, European and comparative law; teaching courses such as: Introduction to Law, Legal English, Skills, Moot court training, comparative contract, comparative tort, comparative property, comparative government, European legal

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54. See Maastricht University, Bachelor's Programmes, <http://www.maastrichtuniversity.nl/web/Faculties/FL/TargetGroup/ProspectiveStudents/BachelorsProgrammes/Programmes.htm> (last visited Sep. 5, 2010).

55. See *id.*

56. See *European Law School English Track*, *supra* note 36.

57. See Maastricht University, Bachelor's Degree—Programme Structure, <http://www.maastrichtuniversity.nl/web/Faculties/FL/TargetGroup/ProspectiveStudents/BachelorsProgrammes/Programmes/DutchLaw/ProgrammeInformation/ProgrammeStructure.htm> (last visited Sep. 5, 2010).

history, International and European law, European Law Foundations, European Substantive Law, comparative criminal law and criminal procedure, European company law.<sup>58</sup> In the subsequent master program, students take further courses on these areas in addition to courses on competition law, civil procedure, European criminal law, etc.

Evidently, we still feel hindered by the second disadvantage mentioned before; we still have to offer possibilities for students to take the bar if this is what they want. They can still opt for Dutch law courses (but must learn Dutch), or they can go for the one-year English CPE (Common Professional Education, training students with a non-English law bachelor and preparing them for the Bar Vocational Course).

However, despite these bar access problems, we see many benefits in our program and we also believe that, with the assistance of large law firms who operate at a truly European level, gradually the barriers will dwindle and disappear. We see the benefits of our program, and that is why our graduates are very much wanted, for a variety of reasons:

1. the students attracted are very motivated students;
2. they have been trained in different languages (native language and (legal) English);
3. their international and European legal training meets a real need in the market for lawyers; and
4. their comparative approach and knowledge have trained them better than others for European labor market demands.

The exercise of setting up this curriculum very much went hand in hand with research and the development of novel, tailor-made teaching materials. I already referred to the casebook project; also Philipp Kiiver and Nicole Kornet published a book with comparative, international and European legal provisions needed in our courses.<sup>59</sup>

#### IX. LABOR MARKET FOR THESE NEW LAWYERS

It is premature to provide solid data with respect to the labor market perspectives of our European Law School graduates. The students in the classic European Law School were very much welcomed on the labor

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58. *See id.*

59. *See generally* SELECTED NATIONAL, EUROPEAN AND INTERNATIONAL PROVISIONS FROM PUBLIC AND PRIVATE LAW; THE MAASTRICHT COLLECTION (Dr. Philipp Kiiver & Dr. Nicole Kornet eds., Europa Law Publishing 2008).

market and, compared to other law programs in The Netherlands, they entered international jobs on a large scale. Also, we found that a large proportion (larger than in other Dutch law school programs) found jobs in large law firms (25%).<sup>60</sup> For them, as well as for other law school graduates, the labor market was positive.<sup>61</sup>

The perspectives for the European Law School students cannot be predicted; law firms still hire new graduates, but certain areas (mergers and acquisitions) seem to suffer. On the other hand, qualitatively good students still find jobs and are still very much in demand, especially if they have done something different or extra. On domestic levels, there is also an increasing demand for these new lawyers; governments seek lawyers and other civil servants with excellent knowledge of European law, the interface between European law and domestic law, and legal English. The interaction between Brussels and domestic governments are so intensive that governments are desperate for expertise.<sup>62</sup> Recently, the European Council of the EU also called upon the national governments to improve legal training and expertise.<sup>63</sup> One of the reasons for this was a general consensus that domestic lawyers and domestic judiciaries lack the necessary expertise and knowledge in the relevant domains of European law and its intricacies and entanglement with domestic law<sup>64</sup>.

## X. CONCLUSION

Many interesting developments take place in Europe and in European legal education. I have not even touched upon benchmarks or features of what might constitute a good law curriculum.<sup>65</sup> At this stage,

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60. Since Maastricht is the smallest law school in the Netherlands with in total nine law schools, a large share of Maastricht graduates enter the bar. *See* Jaarverslag Orde van Advocaten 2009 (Annual Report 2009 of the Dutch Bar) at 52. In 2009 the law faculty issued 309 master degrees, which means that almost 50% of the law graduates entered the bar, which is an exceptionally high number. *Id.* at 10.

61. GERLA VAN BREUGEL, CHRISTOPH MENG AND GER RAMAEKERS, LOOPBANEN NA MAASTRICHT UNIVERSITY: METINGEN 2008 EM 2009, (2010).

62. I have no specific data on this but conclude from interaction with recruiters and government officials that they specifically seek students with knowledge of both English and European law.

63. *See* Council Resolution 2008/C 299/01, Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the training of judges, prosecutors and judicial staff in the European Union, 2008 O.J. (C 299) 1.

64. *See id.*

65. *See* Centre for Higher Education Development, Ranking, <http://www.che-ranking.de/cms/?getObject=613&getLang=en> (last visited Sep. 5, 2010). There is not yet a European-wide benchmark for European higher education; the best (and increasingly covering more universities) is CHE; it is not yet available for non-German speaking law schools. *See id.*

I submit that in Europe there is certainly room to move forward with regard to discussing European legal training. Europe needs lawyers who are fully trained in languages, European law, comparative law and the interaction between domestic legal systems and European law. A challenging new approach in this respect is the Maastricht European Law School project. Still, we have to find a solution to ensure that these new lawyers will be accepted as full lawyers and be recognized for what they are: European lawyers.