DEVELOPMENTS

The *Einheitsjurist*: A German Phenomenon

By Annette Keilmann[*]

A. Introduction

Despite never-ending discussion and innumerable reforms,[1] the German system of legal education still has as its objective the so-called *Einheitsjurist*. This being a German specialty,[2] it is almost impossible to find an English expression for it.[3] One might try the translation "uniform jurist." To qualify as an *Einheitsjurist*, every law student must go through the same legal education no matter which of the classical juridical professions he or she wants to pursue. To be admitted to the Bar, the same formal qualification is required as for the admission to the Bench. In both cases you have to pass the "second state exam."

This examination follows a two-year stage of practical legal training (*Referendariat* or *Vorbereitungsdienst*), which is organized and paid for by the federal state (*Bundesland*) in which the training is undertaken. Because Germany is a federal

[*] Research Assistant at the Lehrstuhl für Bürgerliches Recht, Rhetorik und Europäische Rechtsgeschichte (Prof. Dr. Ulrich Falk), University of Mannheim, Germany. Email: annettek@rumms.uni-mannheim.de.

[1] The long history of reforms is discussed in Rinken, EINFÜHRUNG IN DAS JURISTISCHE STUDIUM 282 ff. (3d ed. 1996); Arbeitskreis für Fragen der Juristenausbildung e.V., *Die Ausbildung der deutschen Juristen. Darstellung, Kritik und Reform* 166 ff. (1960); Behrens, *Brauchen wir eine neue Juristenausbildung?*, *in* ZEITSCHRIFT FÜR RECHTSPOLITIK 92-95 (1997); Martin, *Unausgeschöpfte Möglichkeiten der deutschen Juristenausbildung*, *in* JURISTISCHE SCHULUNG 86 (1992); *see* Gilles and Fischer, *Juristenausbildung 2003 – Anmerkungen zur neuesten Ausbildungsreform*, *in* NEUE JURISTISCHE WOCHENSCHRIFT 707 (2003); Kilger, *Juristenausbildung und Anwaltsausbildung*, *in* NEUE JURISTISCHE WOCHENSCHRIFT 711 (2003). (In the 19th century, discussion on reforms was probably as vivid as during the 20th century); *see* Weber, *Die Entwicklung des juristischen Prüfungs- und Ausbildungswesens in Preußen*, *in* ZEITSCHRIFT FÜR DEUTSCHEN ZIVILPROZEß 253, 268 (1935).

[2] *See, e.g.*, Flotho, *Abschied vom Einheitsjuristen?*, *in* RECHT IM SPANNUNGSFELD VON THEORIE UND PRAXIS 223 (Heldrich et al., eds., FESTSCHRIFT FÜR HELMUT HEINRICHS ZUM 70. GEBURTSTAG, 1998).

[3] Sometimes the translation of German words into the English language is rather complicated. For instance, the German word *Jurist* covers everybody who studies or has studied law regardless of the later exercised profession. Presumably there is no word in the English language which has the exact same meaning as the German word; *see* v. Münch, LEGAL EDUCATION AND THE LEGAL PROFESSION IN GERMANY 9 (2002).

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state, all of the 16 *Länder* (states) have their own laws with regard to their universities, and their own regulations with regard to education and the practical legal training. Nevertheless, there are general principles in the form of federal legislation giving a common legal framework on the issue. The law of the federal states must observe the standards set by federal law and at the same time the freedom of academic teaching and research which is guaranteed by the constitution. Therefore, strict detailed regulations on university education in law are all but impossible. The federal Law on the Judiciary (*Richtergesetz)* lays down the outline form of the examination system and each of the federal states provides its own detailed legislation; the differences, however, are related essentially to procedural aspects of examination. Though based on the federal states' system, the organization of the system is roughly similar and not limited to each state. All states recognize each other's examinations as equivalent.

The entrance ticket for the practical legal training is the "first state exam" (*Erste Juristische Staatsprüfung*), which is taken at the end of University studies in law. The first state exam does not enable the candidates to work as a practicing lawyer; only the second does, taking the place of the Bar Exam familiar to American lawyers. Those who pass the exam must be accepted by the professional association of lawyers. Nevertheless it is not correct to call the second state exam the Bar Exam, because it entitles the successful candidates to directly apply for the judiciary, too.

In spite of the dual Bar/Bench possibilities that result from German legal training, the formal aim of the German legal education system remains qualification for service on the Bench (*Befähigung zum Richteramt*). Of course, the overwhelming majority of graduates strive for other professions. A judicial or governmental career is not open to the vast majority anyway.[4] It follows from this fact that a shift in emphasis of legal education is regarded as necessary. The idea of qualifying for the office as a judge is seen as less justified, and the need to improve qualifications for practical work in advocacy is gaining ground. This is why the existing system has been subject to various kinds of criticism for many years. On the one hand, the professional association of lawyers complains that, in general, students are not sufficiently prepared to work as practicing lawyers.[5] On the other hand, the state pays for the education of all graduates although most of them will never work for

[4] It is estimated, that up to 75 % of all graduates take up a lawyer's job; *see* Dylla-Krebs, *Das neue Juristenausbildungsgesetz Nordrhein-Westfalen (JAG NRW), in* NORDRHEIN-WESTFÄLISCHE VERWALTUNGSBLÄTTER 369 (2003); Behrens, *supra* note 1, at 92.

[5] *See* Jerschke, *Umbildung der Ausbildung: Die Rolle der Rechtsgestaltung in der neuen Juristenausbildung*, *in* DEUTSCHE NOTARZEITUNG 581, 582 (2003); VERHANDLUNGEN DES 62. DEUTSCHEN JURISTENTAGES BREMEN 1998, vol. II/1, N 32 (1998).

the state. A closer look at the two-phase model of legal education will lead to a better understanding of the problem.

B. Studying Law at the University

University studies in law normally last at least four years or eight semesters. However, German law students apply to be admitted to the final examination after around ten semesters on average.[6] In theory, it is possible to take the first exam much earlier, provided that six compulsory practical exercises have been passed. The exercises deal with private law, criminal law and public law. For a successful completion of each exercise a homework assignment and a supervised written test are required. In both papers, the student is usually presented with a set of hypothetical facts and must provide a reasoned legal opinion with the relevant statutes available. The results of those exercises will not be used in the calculation of grades toward the final degree. It is generally considered that those tests are much easier to pass in comparison with the final exam, the state exam.

Universities intend to prepare students for the first state exam, the entrance examination for the stage of practical legal training called *Vorbereitungsdienst* (preparatory service). The final exams differ slightly in the various federal states. South German students are required to write seven five-hour papers in the space of two weeks: three of them in private law, two in criminal law and two in public law. In Northern Germany, only three papers have to be written, one in each subject. In addition, a six week homework assignment on a particularly tricky set of facts is required. Finally, an oral exam takes place in all states.

Traditionally, the first state exam was not administered by the Universities but by the Court of Appeals (*Oberlandesgericht*) of each respective region and their State offices for the Law Examinations (*Justizprüfungsämter*). As a consequence, German law students conclude their University studies not by obtaining a University degree. Professors participate in the process of examining, but they do not directly influence the content of the exam. Professors will be asked to provide questions; these will be considered by a committee under the supervision of the Examination office in order to join questions together into a coherent and well structured examination which tests all of the desired areas. The examiners are therefore not identical with University professors. The exam is the same among all law students in a federal state, no matter at which Faculty of Law they have studied. The papers

[6] For the official statistics *see* http://www.bmj.bund.de/media/archive/1038.pdf (page 7) (Last visited Jan. 24, 2006).

will be handed in anonymously,[7] and will be corrected by professors and also by judges. For the purpose of correction, the Examination offices will provide a detailed "solution" to the question papers. The goal of abolishing this separation of teaching and exam has often been subject to a demand for reforms.[8]

The subject matter of the state exam is set out in the various legal training regulations of the federal states. The hard core is private law (general part, obligations, property, family law and successions, the latter two only "in outline", and the fundamental features of commercial law, company law and labor law), criminal law and public law (European, constitutional and administrative law, the latter confined to the general principles and some special areas), together with the respective rules of procedural law, as well as a general introduction to legal history, legal philosophy legal sociology and jurisprudence. This hard core is even set out by the federal Law on the Judiciary.[9] Thereby, the State indirectly determines the agenda of the academic legal training.[10] The center of gravity of academic teaching is, or from many students' point of view at least should be, oriented to needs which are imposed by the governmental examinations.[11]

As seen above, an enormous amount of subjects must be mastered for the state exam. In addition, German legal education is primarily aimed at teaching a law student how to solve a legal problem from the perspective of a judge. This means that the student has to attempt to find the "objectively correct" answer to the case and to motivate this decision.[12] The answer to problems posed in legal education also must closely follow a distinct style. This method is designed to ensure that the student considers the case under every possible legal aspect, that he explores every conceivable argument and that, in the process, he avoids touching upon any issue

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[7] *See also* Hattenhauer, *Einheit des Juristenstandes und Einheit der Rechtsordnung*, *in* ZEITSCHRIFT FÜR RECHTSPOLITIK 234, 238 (1997).

[8] *See, e.g.*, Hassemer and Kübler, *Welche Maßnahmen empfehlen sich – auch im Hinblick auf den Wettbewerb zwischen Juristen aus den EG-Staaten – zur Verkürzung und Straffung der Juristenausbildung?*, *in* VERHANDLUNGEN DES 58. DEUTSCHEN JURISTENTAGES MÜNCHEN 1990, vol. I, E 79 and E 105 f. (1990); *Reform der universitären Juristenausbildung – Das Ladenburger Manifest*, *in* JURISTISCHE SCHULUNG BEILAGE ZU HEFT 2/1999, 11; Böckenförde, *Juristenausbildung – auf dem Weg ins Abseits?*, *in* JURISTENZEITUNG 317, 325 (1997).

[9] *See* § 5 (a)(2) DRiG.

[10] Zimmermann, *An Introduction to German Legal Culture*, *in* INTRODUCTION TO GERMAN LAW 1, 29 (Ebke and Finkin, eds., 1996).

[11] Braun and Birk, *Germany, Federal Republic*, 5 COMPARATIVE LAW YEARBOOK 69, 72 f. (1981).

[12] v. Münch, *supra* note 3, at 47.

that is not strictly relevant. Thereby a style of writing which is precise, detached, and "neutral" is required.[13]

After all, the state exam is regarded as extremely difficult and many students do not feel that they are sufficiently prepared for passing it. If one considers the high percentage of failures in the first exam, regularly around 30 % of the candidates do not pass and the most frequent grade received is "sufficient" (*ausreichend*),[14] this feeling is understandable. Failure on the second attempt regularly ends the student's legal career. Consequently, most German law students train with a private law teacher, a so-called *Repetitor*. This is an institution which has existed for centuries (see section F).[15] Another reason for the success of the private law teachers might be the fact that lectures at Universities are often crowded and the studies take place in an atmosphere of anonymity. First and second year courses with 400 or 500 students are not at all rare. In addition, because examinations during the degree course are not too stringent, they do not provide substantial feedback to the student. After all, only about half of the students beginning university studies in law successfully take the first state exam.[16]

Following calls for reform, particularly with regard to training for the practice of law, the Law on the Judiciary (*Richtergesetz)* was changed in 2002.[17] Now, the first state exam consists of two parts: the state exam (70 %) and a final exam administered by the University itself (30 %).[18] This gives the different Faculties of Law the chance to create a distinctive profile by offering a range of specialized courses of study.[19] The students have to elect a number of subjects of their choice

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[13] *See,* Zimmermann, *in* INTRODUCTION TO GERMAN LAW, *supra* note 10, at 31.

[14] In some federal states the failure rate is even higher. For the official statistics on the exam results in the year 2004 *see* http://www.bmj.bund.de/media/archive/1038.pdf (Last visited Jan. 24, 2006).

[15] *See, e.g.*, Martin, JURISTISCHE REPETITORIEN UND STAATLICHES AUSBILDUNGSMONOPOL IN DER BUNDESREPUBLIK DEUTSCHLAND (1993); Lueg, DIE ENTSTEHUNG UND ENTWICKLUNG DES JURISTISCHEN PRIVATUNTERRICHTS IN DEN REPETITORIEN (1994).

[16] In addition to the high failure rate, a substantive attrition rate must be taken into consideration. In the year 2002, 37% of law students gave up studying this subject, *see* http://www.bmbf.de/pub/studienabbruchstudie_2002.pdf (page 37) (Last visited on Jan. 24, 2006).

[17] Gesetz zur Reform der Juristenausbildung vom 11.07.2002, Bundesgesetzblatt 2002 Teil I Nr. 48, 2592; for texts and materials on the reform *see, e.g.*, Münch, DIE NEUE JURISTENAUSBILDUNG. CHANCEN, PERSPEKTIVEN UND RISIKEN 87 ff. (2004); Greßmann, DIE REFORM DER JURISTENAUSBILDUNG. EINFÜHRUNG, TEXTE, MATERIALIEN (2002).

[18] § 5 (1) DRiG (Law on the Judiciary).

[19] Riedel, *Schwerpunktbereichsprüfung und Pflichtfachprüfung – Verhältnis, Vorgaben, Freiheiten*, *in* DIE NEUE JURISTENAUSBILDUNG. CHANCEN, PERSPEKTIVEN UND RISIKEN 27, 29 (Münch, ed., 2004); Burgi, *Die*

and complete University exams. At the same time, this reform should enable training institutions to react more swiftly to new developments than under the former system. Before the latest reform, as a rule, a change in the law of legal education was necessary before new aspects could be implemented in the training curricula.[20] Furthermore, the Universities now have to offer courses on so-called *Schlüsselqualifikationen* (general studies/"key qualifications"), for example, on mediation, legal debate, or negotiation.[21] The aim of the reform is to better adapt legal training to the practice of law (for more details on the reform see section E),[22] it has been agreed that a higher standard for young advocates should be ensured.[23] However, many Universities have already offered special courses for a better orientation toward advocacy before the reform.[24]

One of the predictable future problems will be the increasing amount of exam subject-matter. The requirements for the state exam were not decisively lowered. Therefore the students are now even loaded with additional subjects.[25] Yet, during the long history of debates on reform, it has always been emphasized that a reduction of subjects was absolutely indispensable.[26] On the other side, the Universities have to shoulder the additional teaching and exams. The university

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glückende Reform: Zur neuen Juristenausbildung an den Universitäten, *in* NEUE JURISTISCHE WOCHENSCHRIFT 2804, 2805 (2003).

[20] Riedel, *The Reform of Legal Education in Germany*, 0 EUROPEAN JOURNAL OF LEGAL EDUCATION 3-10 (2001). *Available at* http://elfa.bham.ac.uk/site/ELFA/EJLE/issue0/Riedel.htm (Last visited Jan. 9, 2006).

[21] § 5 (a)(3) DRiG (Law on the Judiciary). For an overview, *see* Markert, *Gesetz zur Reform der Juristenausbildung: »Schlüsselqualifikationen« – Ein Überblick, in* JURA 802 -806 (2003); for more details *see* Römermann and Paulus, SCHLÜSSELQUALIFIKATIONEN FÜR JURASTUDIUM, EXAMEN UND BERUF (2003).

[22] *See, e.g.,* Dylla-Krebs, *supra* note 4, at 369, 374; Prütting, *Risiken der neuen Juristenausbildung*, *in* NORDRHEIN-WESTFÄLISCHE VERWALTUNGSBLÄTTER 377 (2003).

[23] Riedel, *supra* note 20.

[24] *E.g.*, the University of Heidelberg with its concept of so-called *Anwaltsorientierte Juristenausbildung* (legal education orientated towards the advocacy); *see* ANWALTSORIENTIERTE JURISTENAUSBILDUNG. ZWEITE HANS SOLDAN TAGUNG (2001).

[25] *See also* Burgi, *supra* note 19, at 2805; Schöbel, *Das Gesetz zur Reform der Juristenausbildung – Ein Zwischenbericht, in* JURISTISCHE SCHULUNG 847, 850 (2004).

[26] Böckenförde, *supra* note 8, at 317 ff.; Hassemer and Kübler, *supra* note 8, at E 26 ff. and E 79 ff.; Flotho, *supra* note 2, at 231; Hensen and Kramer, *Welche Maßnahmen empfehlen sich – auch im Hinblick auf den Wettbewerb zwischen Juristen aus den EG-Staaten – zur Verkürzung und Straffung der Juristenausbildung?*, *in* VERHANDLUNGEN DES 58. DEUTSCHEN JURISTENTAGES MÜNCHEN 1990, vol. I, F 35 (1990); Arbeitskreis, *supra* note 1, at 209 ff.; Steiger, *Deutsche Juristenausbildung und das Jahr 1992*, *in* ZEITSCHRIFT FÜR RECHTSPOLITIK 283, 285 (1989).

exams have to be administered without any additional resources within the current structures.

C. Practical Legal Training (*Referendariat* or *Vorbereitungsdienst*)

Having passed the first state exam, each graduate becomes a "trainee" (*Referendar)* and has the right to enter the second stage of training. Depending on the demand and the situation in the different federal states, students seeking admission to the *Vorbereitungsdienst* (preparatory service) might have to wait for a place. The waiting time could be a year or longer if the grades obtained in the first exam are not good enough. This causes the legal education to be prolonged. Traditionally, the German legal education is criticized as lasting far too long anyway.[27] At the end of the second state exam in law a German student is normally about 29-30 years old. But one must also take into consideration the fact that German pupils used to spend 13 years in school (and the males another year for military draft) before entering university. Primary and secondary schooling has recently been shortened to 12 years.

The preparatory service is organized completely by the individual federal states and has nothing to do with University. It involves 24 months, consisting of lectures on selected aspects and on-the-job training in different legal professions. The lectures are given by legal practitioners, mainly judges. Before the most recent reform, only a couple of months of the practical legal training had to be spent at a lawyer's office. Most of the time was spent working as a law clerk in a civil court, then in a criminal court (or at a public prosecutor's office) and in public administration. Of late, at least nine months out of the two years have to be completed at a lawyer's office; training for the practice of law has therefore become a more integral part of the second stage. In the state of *Baden-Württemberg* the other stages are as follows: civil court (five months), criminal court or public prosecutor's office (three and a half months), administration or administrative court (three and a half months) and three months of almost free choice among the existing legal professions. The duration of the stages varies slightly in the different federal states. Now, the professional association of lawyers has begun expressing concern about the lengthy time trainees spend in law offices and the associated costs.[28] It should be noted, however, that lawyers are not obliged to pay the *Referendar* during these

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[27] Hassemer and Kübler, *supra* note 8, at E 23 ff.; Hensen and Kramer, *supra* note 26, at F 35 f.; Böckenförde, *supra* note 8, at 322; Steiger, *supra* note 26, at 284.

[28] Kilger, *supra* note 1, at 713 ff.; Jost, *Die Tür ist aufgestoßen. Anwaltsausbildung gewinnt an Gestalt*, *in* ANWALT 12, 13 (2002); Stobbe, *Der Einheitsjurist – Leitbild oder Trugbild der Juristenausbildung?*, *in* DEUTSCHE RICHTERZEITUNG 439, 443 (1996).

training stages because the state pays the trainees a moderate salary (nevertheless, some lawyers, especially law firms, do pay them).

The second phase of German legal education ends with the second state exam. The subject-matter of the exam is approximately the same as in the first exam and the pattern is similar too. But the examination papers will typically be longer in the second exam and provide more detailed factual information, often in the form of legal documents. The candidate will less often be asked to give an expert opinion on the case, but rather to draft a judgment or an indictment. The emphasis of the examination lies on procedural aspects and the techniques of law in practice. The examiners are mainly judges, but also senior civil servants and senior practicing lawyers. Upon passing the exam, the lawyer holds the qualification for judicial office. Therewith he or she automatically acquires the right to be admitted to the Bar and start a law practice. The admission can only be denied in rare cases foreseen by the law.[29] It is therefore prohibited to restrict admission to the Bar by introducing another exam.[30]

In Germany, there is no distinction between barristers and attorneys. A formal hierarchy in the profession of the *Rechtsanwälte* (legal practitioners/advocates) does not exist.[31] Every *Rechtsanwalt* is entitled to appear before all the lower courts. Before the year 2000, a *Rechtsanwalt* was only entitled to appear before a court of the local district in which his or her office was located; this restriction was lifted. Today, a special admission must be obtained only to appear before higher courts.

The second state exam, however, entitles successful candidates, who are now known as an *Assesor* or a *Volljurist* ("fully qualified lawyer"), to start working in any other legal profession too. Those who pass may now try to secure an appointment as a judge, as a notary, as a public prosecutor or as an advisor in the legal department of a firm. In consequence, a person who is younger than 30 years may be appointed as a probationary judge provided their grades in the second state exam are excellent. A young colleague used to be instructed by more ancient judges of the chamber of judges he sat in, but since the latest reform of the civil procedure, more cases are to be decided by a single judge only. It is therefore doubtful whether or not the beginners will still receive sufficient instruction in the future.[32] Of course,

[29] § 6 (2) BRAO (Federal Regulation for Legal Practitioners/Advocates) *e.g.* if the applicant is a judge, a civil servant, or a member of the armed forces, or that the applicant is an insolvent; *see* § 7 BRAO.

[30] *See* Hommelhoff, *Anwälte im Streckbett der Richterausbildung*, *in* FAMILIENGESELLSCHAFTEN 463, 464 (Hommelhoff et al., eds., Festschrift für Walter Sigle zum 70. Geburtstag, 2000).

[31] v. Münch, *supra* note 3, at 56.

[32] Bilda, *Reformüberlegungen zum Einheitsjuristen*, *in* DEUTSCHE RICHTERZEITUNG 433, 435 f. (1996).

in many other cases training on the job is necessary in order to acquire special knowledge and qualifications for the concrete job. Because of this, the *Einheitsjurist* concept has generated criticism. It is said that the aim of legal education to produce the all-round lawyer who, after having successfully passed the required periods of training and examination, is qualified to start work in any legal profession, would regularly be missed.[33] This leads to a closer look at the pros and cons of the existing system of German legal education.

D. The Pros and Cons of the Existing German System

Specialists and generalists disagree on the aim of legal education (to be discussed in section I). Some believe that students should be able to start working as a specialized lawyer directly after the last state examination.[34] In contrast, others stress that students should become acquainted with any legal profession before becoming entitled to practice because of the consolidated instruction on legal reasoning and basic skills received at the university.[35] The two problems that have to be solved are the large number of law students (discussed in section II) and how they should be supported (discussed in section III). Furthermore, it will be questioned whether the State is responsible for guaranteeing the quality of all legal professionals (discussed in section IV).

I. The Aim of German Legal Education

Training for the *Einheitsjurist* does provide young German lawyers with a broad base of knowledge in different fields of law. It seems especially effective at instructing students and trainees in the methods a judge is likely to use in deciding a case, insight of clear value to the work of a good lawyer.[36] However, it is often criticized that the legal education only teaches to think like a judge because the

[33] *See, e.g.*, Stobbe, *supra* note 28, at 441; Rinken, *supra* note 1, at 93 f.; Kötz, *Glanz und Elend der juristischen Einheitsausbildung, in* ZEITSCHRIFT FÜR RECHTSPOLITIK 94, 95 (1980).

[34] *See* Gilles and Fischer, *supra* note 1, at 707; Kilger, *supra* note 1, at 713.

[35] Gilles and Fischer, *supra* note 1, at 711; Dylla-Krebs, *supra* note 4, at 376; Uerpmann, *Bayerische Wege in der Gestaltung der Schwerpunktbereichsprüfung zwischen universitärer Autonomie und landesrechtlicher Festschreibung des Einheitsjuristen, in* DIE NEUE JURISTENAUSBILDUNG. CHANCEN, PERSPEKTIVEN UND RISIKEN 41, 49 (Münch, ed., 2004); Bull, *Von der Rechtswissenschaftlichen Fakultät zur Fachhochschule für Rechtskunde?, in* JURISTENZEITUNG 977, 978 f. (2002); Jerschke, *supra* note 5, at 588, 591; v. Münch, *Flut und Ebbe in der Juristenausbildung, in* NEUE JURISTISCHE WOCHENSCHRIFT 2576, 2577 f. (1997).

[36] Bull, *supra* note 35, at 978; Jerschke, *supra* note 5, at 588; v. Münch, *supra* note 35, at 2578; Schöbel, *supra* note 25, at 850; Hommelhoff, *supra* note 30, at 472.

impartial assessment of a legal conflict would always be the focus of attention.[37] This argument does not sufficiently take into consideration that the establishment of the relevant facts, for example, is not only part of a judge's job.[38]

Furthermore, the common education of members of all legal professions creates a common basis for better communication among them all.[39] In addition, early specialization is dangerous because the market is often not predictable.[40] In the *Einheitsjurist* system, students have flexibility which they do not have in other systems to change career plans or, indeed, careers at a date after they begin training.[41] Last, but not least, every specialization nonetheless presupposes an overview of and basic competence with the whole system of law.[42]

Opponents of the existing system argue that the much-lauded flexibility is only a theoretical advance[43] and that the state exams require students to master far too much material.[44] The huge number of laws, it is argued, calls for specialization.[45] And the idea of an all-around legal education would no longer be possible in times where the scope of the law tends to become ever wider, more complicated and more diversified. In contrast, it is emphasized that in times of rapidly changing laws only a deep methodological knowledge based on scientific studies will help to become competent in new fields of law.[46]

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[37] Hommelhoff, *supra* note 30, at 465 f.; Kötz, *supra* note 33, at 97; VERHANDLUNGEN DES 62. DEUTSCHEN JURISTENTAGES BREMEN 1998, vol. II/1, N 33 f. (1998); Steiger, *supra* note 26, at 285.

[38] Palm, *Gedanken zum Einheitsjuristen*, *in* JURISTENZEITUNG 609, 614 (1990); *see also* Flotho, *supra* note 2, at 232 f.; Schöbel, *supra* note 25, at 850.

[39] Dylla-Krebs, *supra* note 4, at 376; Rinken, *supra* note 1, at 95 f. and 316; Palm, *supra* note 38, at 616.

[40] Windel, *Scheinspezialisierung und Verzettelung als mögliche Folgen der Juristenausbildungsreform*, *in* JURA 79, 80 (2003).

[41] Rinken, *supra* note 1, at 5; Bilda, *supra* note 32, at 434, 437; Palm, *supra* note 38, at 613; Hattenhauer, *Juristenausbildung - Geschichte und Probleme*, *in* JURISTISCHE SCHULUNG 513, 518 (1989).

[42] *See* Windel, *supra* note 40, at 81; 75 JAHRE DEUTSCHER JURISTEN-FAKULTÄTENTAG. GESCHICHTE UND GEGENWART. THESEN ZUR JURISTENAUSBILDUNG 92 (Knemeyer et al., eds., 2d ed., 1995).

[43] Stobbe, *supra* note 28, at 442.

[44] *See* section B; clearly applicable hereto are Böckenförde, *supra* note 8, at 317 ff.; Steiger, *supra* note 26, at 284 f.

[45] *See* Behrens, *supra* note 1, at 93, note 18.

[46] *See* Palm, *supra* note 38, at 611; Flotho, *supra* note 2, at 229; Böckenförde, *supra* note 8, at 323.

II. Large Numbers of Law Students

At the moment, thousands of students who have passed the second exam are left unemployed or are unable to earn their living as a lawyer.[47] Until recently, German universities did not charge tuition fees and there is only one tuition-charging private law school. The introduction of tuition fees is now discussed in several federal states. However, the announced amount (1000 Euros per year) is moderate compared to Anglo-Saxon Universities. In addition, studying law is often found to be useful for the "managing classes" and is also an important part of the education of senior civil servants. Law has thus always been a very popular subject; this has lead to the qualification of far too many lawyers. The professional association of advocates therefore has demanded restrictions on admissions to the Bar.[48] Handing over the training of future lawyers to this association would be a comfortable way to prevent lawyers already practicing from too much competition.[49] Legal education under this scheme would probably be restricted to the number of candidates necessary to replace retired advocates. Similarly, the state would only educate a limited number of jurists if the existing system was changed into a system that leaves it to the different legal professions to train their successors.

On the one hand, this would definitely reduce unemployment amongst lawyers. That may well result from better training in fields such as mediation or negotiation, as well.[50] On the other hand, there is reason to worry that many graduates would not find a suitable position to complete their legal education. Furthermore, better training would not automatically increase the chances of young lawyers in a saturated market.[51] In addition, judges, not only lawyers, need special skills in negotiation techniques, for arranging settlements as an example. For these reasons, doubts have been raised about whether the requirements for different legal professions really differ that much in the end.[52] There is also an opinion that legal training according to the needs of the Bar would in itself have to be rather general and of uniform character, because practicing lawyers cover a vast variety of fields.[53]

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[47] Kilger, *supra* note 1, at 711; Behrens, *supra* note 1, at 93.

[48] *See* v. Münch, *supra* note 35, at 2576 f.; Gilles and Fischer, *supra* note 1, at 709.

[49] v. Münch, *supra* note 35, at 2577; Hattenhauer, *supra* note 7, at 239; Flotho, *supra* note 2, at 225 f.

[50] *See* Gilles and Fischer, *supra* note 1, at 707; Kilger, *supra* note 1, at 711; Kötz, *supra* note 33, at 99.

[51] Bilda, *supra* note 32, at 435; Behrens, *supra* note 1, at 93.

[52] *See* Jerschke, *supra* note 5, at 588; Behrens, *supra* note 1, at 93; Palm, *supra* note 38, at 614 f.

[53] *See* Riedel, *supra* note 20.

Another problem should also be kept in mind: reducing the number of prospective lawyers by restricting the number of students receiving training might cause constitutional problems. As the admission to the Bar is open, the state could possibly be obliged, according to its capacity, to ensure candidates open access to the corresponding education.[54] Under German constitutional law,[55] it would be unlawful to restrict access to the Bar on the sole ground of limiting supply for, and demand of, the legal profession. Access to a legal education as such cannot be challenged with the argument that a sufficient number of lawyers have already been admitted to the Bar.[56]

III. Support of Law Students

Although the wages for trainees have decisively been lowered, the existing system is expensive for the states. All graduates have the right to enter the *Referendariat*. For two years, they are given a small salary and they are mainly educated by the state, meaning that the state pays for the education of the vast majority of jurists who will never work for a state institution.[57] At the end of the day, it is the tax payer who finances the trainee programs of thousands of future advocates, a fact that has generated criticism.

Still, this system enables every graduate to finish his or her education regardless of their financial situation; people from every social background can become judges or lawyers. This is often seen as an advantage of the German system.[58] Changing the system and making the professional association of lawyers responsible for the future lawyers' education would probably mean that candidates would have to pay for their education themselves.[59] The professional association of lawyers has already refused to pay for the costs of legal education if it is not geared to their needs.[60]

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[54] *See* Behrens, *supra* note 1, at 94.

[55] Article 12 *Grundgesetz* (Basic Law) guarantees the freedom of profession.

[56] Riedel, *supra* note 20

[57] *See* Martin, *supra* note 1, at 87; Behrens, *supra* note 1, at 93 f.

[58] *See* Dylla-Krebs, *supra* note 4, at 376; Behrens, *supra* note 1, at 95.

[59] *See* Kilger, *supra* note 1, at 715.

[60] *See* v. Münch, *supra* note 35, at 2577; Schöbel, *supra* note 25, at 852; Behrens, *supra* note 1, at 94.

IV. Is the State Responsible for the Quality of All Legal Professionals?

Last but not least, discussing the highly state-dependant system of legal education in Germany is linked to the question of whether the State is responsible for guaranteeing the quality of legal professionals, including advocates. In Germany this question is frequently answered in the affirmative,[61] but this might seem a rather strange idea to people from other countries and other legal systems. In Germany, many supporters of the existing system are strictly against handing over the advocates' training to their professional association because this would mean that a young lawyer's quality depended on the lawyer who trained him or her.[62] It will be shown that the particular state-dependency of the German legal education not only results from historic reasons, but is also part of the theoretical conceptualization of the system.[63]

E. The Latest Reform in More Detail

Since 1996 there has again been intensive discussion about how to reform legal education in the light of modern developments, especially the market of legal jobs. Proposals were numerous and highly controversial.[64] For instance, in 1998 a broad majority of ministers of justice of the different federal states favored a proposal by which theoretical and practical legal education should have been integrated in one course of study; classes at University were to be linked with stages of practical training in law firms, courts etc. After this integrated course, a single final exam should have been the overall qualification for any legal profession (one-phase model).[65] Different one-phase models have already been tried and tested in practice; eight universities offered such programs after a corresponding change of the Law on the Judiciary in 1971, but in 1984 another change of the Law ended this

[61] Behrens, *supra* note 1, at 95; Dylla-Krebs, *supra* note 4, at 376; Stobbe, *supra* note 28, at 442; *see also* Rinken, *supra* note 1, at 7.

[62] *See, e.g.*, Ströbel, *Reform der Juristenausbildung*, *in* BUNDESRECHTSANWALTSKAMMER-MITTEILUNGEN 146, 147 (2003); Grunewald, *Ausbildungsziel Anwalt. Neuerungen im Studium*, *in* ANWALT 6, 7 (2002).

[63] *See* sections F. and G.

[64] For an overview of different reform models *see, e.g.*, Behrens, *supra* note 1, at 94 f.; Kilger, *supra* note 1, at 713.

[65] *See* Goll, *Praxisintegrierte Juristenausbildung als Chance*, *in* ZEITSCHRIFT FÜR RECHTSPOLITIK 38-44 (2000); *Mitteilungen zum 62. Deutschen Juristentag in Bremen, in* NEUE JURISTISCHE WOCHENSCHRIFT 108, 115 (1999).

experiment.[66] In 1999/2000 the ministers' proposal did not find enough political support to reintroduce integrated practical education phases.

It has repeatedly been suggested that the branches of legal education be separated after a prospective jurist completes his or her university studies. This would mean abandoning the concept of overall uniform qualification and introducing separate practical training courses for the different legal professions. In this system, after the university education, prospective lawyers might be taught by lawyers under the supervision of the professional association. Judges, however, would qualify for their distinct service in a state-based system similar to the existing preparatory service. The Chamber of Commerce could organize the legal training for those prospective lawyers wanting to work in the legal departments of large firms.

There are only few holders of the opinion that it is necessary to completely abolish the *Einheitsjurist* concept. The most prominent among them is Prof. Dr. Hein Kötz, Emeritus Director of the Max-Planck-Institute for Foreign and International Private Law in Hamburg and President of the first and only private law school in Germany. He argued in favor of an early specialization with regard to the different fields of legal practice.[67] Nevertheless, the private law school also prepares its students for the uniform state exam. It is not surprising that the call for specialization has been advocated by the Bar association also;[68] such a change would give it the opportunity to restrict access to the profession by controlling access to practical training courses.[69]

While the need for reform was accepted almost unanimously, none of the radical proposals found significant support in the latest reform discussion. This was especially the case with reform models that aimed at a complete replacement of the first state exam by a university exam.[70] The maintenance of comparable exams with

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[66] Martin, *supra* note 15, at 34 ff.; *see* experiences with this modell JURISTENAUSBILDUNG – ERNEUT ÜBERDACHT. ERFAHRUNGEN AUS DER EINSTUFIGEN JURISTENAUSBILDUNG ALS GRUNDLAGE FÜR EINE WEITERHIN ANSTEHENDE REFORM (Giehring et al., eds., 1990).

[67] *E.g.*, Kötz, *supra* note 33, at 94 ff.; in this direction also Hassemer and Kübler, *supra* note 8, at E 65: They propose to keep formally equal exams but with a differentiation as regards the content of subject matters.

[68] *See* the proposals of the German Bar Association (*Deutscher Anwaltverein*) for a reform of the preparatory service *in* VERHANDLUNGEN DES 62. DEUTSCHEN JURISTENTAGES BREMEN 1998, vol. II/1, N 16 and 48 (1998).

[69] Riedel, *supra* note 20.

[70] *See, e.g.,* Arbeitskreis, *supra* note 1, at 229 ff.; *Reform der universitären Juristenausbildung – Das Ladenburger Manifest, in* JURISTISCHE SCHULUNG BEILAGE ZU HEFT 2/1999; Böckenförde, *supra* note 8, at 325; Hassemer and Kübler, *supra* note 8, at E 105; Hensen and Kramer, *supra* note 26, at F 111 ff. (they

standardized performance requirements has been regarded as too important.[71] According to Johannes Riedel, of the Ministry of Justice of the federal state Nordrhine-Westphalia, the basic common maxims of the demand for reform were as follows:

• To maintain the all-round (uniform) qualification for all legal professions.

• To keep the two phases of legal education, viz. university education, followed by a (first) exam and practical training (organized by the state), followed by a second exam.

• To allow more flexibility, both during the course of studies at the University as well as during practical training in preparatory service.

• To ensure a more qualified education for those who will end up as practicing lawyers (advocates). For that purpose, it is foreseen that legal education should ask for a stronger emphasis of practical legal work. Students should be encouraged to find out that practicing law demands more then finding the "correct solution" to a legal problem. They should also be made familiar with the way of finding out the interest of clients and the facts of the case. Finally, they should be taught thinking of strategies to avoid legal complications or to resolve legal disputes. In short, not only the point-of-view of a judge but also the point-of-view of an advocate shall now be integral part of university education. In consequence, final exams will put more and more weight on the work and the role of advocates.[72]

For Riedel, the idea of the reform concept is the attempt to reconcile two seemingly conflicting aims: the call for a higher degree of specialization on the one hand and, on the other hand, the necessity of providing young lawyers with the methodical knowledge and a broad overview of basic legal subjects, techniques and skills in order to enable them to acquaint themselves with any legal profession. Furthermore, the reform is trying to unite those who favored a university exam and those who opposed altering the former system.

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propose keeping the two state exams but changing the exam modus and integrating university exams into the state exam).

[71] *See* the motivation for the law on the latest reform of legal education, quoted by Greßmann, *supra* note 17, at 28; Ströbel, *supra* note 62, at 146; Bilda, *supra* note 32, at 437.

[72] Riedel, *supra* note 20. For texts and materials on the recent reform see Greßmann, *supra* note 17. At 32 ff., Greßmann also quotes the basic vertices of the reform according to the debate in parliament.

As a result, the reform finally accepted is a compromise leading to seemingly minor changes to the existing system. Sufficient support could only be found for a number of rather small and less revolutionary reform steps. With the newly introduced 30% university exam, the state exam did not lose too much of its significance. The *Einheitsjurist* concept was not given up. On the contrary, there was broad consensus to maintain the uniform professional qualification for advocacy, the judiciary, and other legal professions. This calls for a closer look at the historical and theoretical background of the German concept in order to better understand this phenomenon.

F. History of the *Einheitsjurist* Concept

An obligatory state-run preparatory service combined with state examinations was introduced in the Germanic country of Prussia in the 18th century.[73] At first, the practical legal education was not the same for the judiciary and the advocacy, but advocates also had to pass a state exam.[74] Later, the education for both branches was united. In the context of this piece, only a brief summary on the probable reasons for this development can be given.

At the beginning of the 18th century, "Prussia" was only a collective term for a group of territories, mainly around Berlin and further east, under the rule of the elector of Brandenburg and King in Prussia. The multitude of scattered areas was held together by only the common monarch. To overcome this territorial sectionalism a strong army and a centralistic bureaucracy served as tools.[75] Only with the help of a homogeneous, highly qualified, and loyal body of executive and judicial officers was it possible to administer a far-flung and fairly heterogeneous territory and to unite Prussia as a modern state until the beginning of the 19th century.[76] Therefore, the education of lawyers was regarded as a state affair. The state tried not only to recruit very qualified lawyers, but also intended to socialize its civil servants with respect to the existing structure of governance.[77]

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[73] *See* for more details Bake, DIE ENTSTEHUNG DES DUALISTISCHEN SYSTEMS DER JURISTENAUSBILDUNG IN PREUßEN 8 ff. (1971). For a broad description of the prussian legal education system *see* Weber, *supra* note 1, at 1-53, 96-168, 253-290.

[74] *See, e.g.*, Weißler, GESCHICHTE DER RECHTSANWALTSCHAFT 332 (1967); BAKE, *supra* note 73, at 15.

[75] *See* Bleek, VON DER KAMERALAUSBILDUNG ZUM JURISTENPRIVILEG. STUDIUM, PRÜFUNG UND AUSBILDUNG DER HÖHEREN BEAMTEN DES ALLGEMEINEN VERWALTUNGSDIENSTES IN DEUTSCHLAND IM 18. UND 19. JAHRHUNDERT 62 (1972).

[76] *See* Hattenhauer, *supra* note 41, at 514; Bilda, *supra* note 32, at 433; Zimmermann, *supra* note 10, at 28; Hassemer and Kübler, *supra* note 8, at E 16; Flotho, *supra* note 2, at 223.

[77] *See* Mehrlein, DIE ZWEITEILUNG DER JURISTENAUSBILDUNG ALS SYSTEMSTABILISIERENDER FAKTOR IN PREUSSEN IM 19. JAHRHUNDERT 11 (1976); Hattenhauer, *supra* note 41, at 515 f.

Another aspect has to be taken into consideration. At the beginning of the 19th century, the reformer Wilhelm von Humboldt gained major influence on the character of University studies in general. According to him, the university should form character and cultivate pure science, there was no room for the preparation for professional qualifications.[78] Thus, the preparatory service was needed to equip university graduates with the necessary practical skills to perform their governmental function.[79] And of course it was necessary to train for the state exam in order to be accepted for the second phase of legal education; this training often did not take place at University but was offered by specialized private law teachers, the *Repetitoren*. The dualism of abstract meta-theory and practical legal training still dominates today's German legal education.[80] Recent reform debates also discuss the right proportion of academic elaboration of the scientific fundamentals of law and applied professional training.[81] As seen above, the *Repetitor* has not lost his influence yet.

During the 19th century, political motives for the state-run uniform preparatory service changed. The education of civil servants was more and more integrated into the legal education out of liberalism.[82] Social classification by birth of estate was replaced by the civil merit principle, i.e. every competent person should be accorded access to civil service independent from his social background.[83] Furthermore, when the Germanic territories were united in 1871, the Prussian model of legal education was again helpful in implementing the nation's unity.[84] It seemed entirely rational to ensure that the exponents of a national legal system and law are trained in the same laws, and in the same way, in order to ensure the continuing unity of a national legal system, hence the requirement for all lawyers to be trained up to the standard of the requirements for judicial office.[85]

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[78] Braun and Birk, *supra* note 11, at 70; see also BAKE, *supra* note 73, at 81 ff.; Bleek, *Die preussische Reform: Verwaltungsqualifikation und Juristenbildung (1806-1817), in* DIE VERWALTUNG 179, 185 f. (1974); Rinken, *supra* note 1, at 125 f.

[79] Zimmermann, *supra* note 10, at 28.

[80] Braun and Birk, *supra* note 11, at 70.

[81] *See also* Rinken, *supra* note 1, at 124.

[82] *See* Hassemer and Kübler, *supra* note 8, at E 16; *see also* Flotho, *supra* note 2, at 223.

[83] Bleek, *supra* note 78, at 183.

[84] *See* Hattenhauer, *supra* note 41, at 517.

[85] Foster, GERMAN LEGAL SYSTEM & LAWS 87 (2nd ed., 1996).

After all, the existing system of German legal education still reflects its origins in 18th century Prussia. The advantages as well as the misery of German legal training are linked to its constituent historical features.[86] German education of *Staatsdiener* (civil servants) is still regarded as a state affair for historical reasons as well. An Irish reader in law once described the corresponding German mentality as follows: "There is a long tradition in Germany of civil servants (and judges are viewed as civil servants) having high status: Germans are aware themselves of their tradition of respect to authority and there is little of … distaste for … central organisation and authority… . A system which educates those who will become civil servants to a high level is seen to be a valuable part of the educational system."[87] Importantly, some remarks on the theoretical background of the *Einheitsjurist* concept might help to establish understanding for the peculiarities of the German legal education.

G. Theoretical Conceptualization of the *Einheitsjurist*

The ideology behind the *Einheitsjurist* concept can be outlined as follows: the form of legal education aims to provide jurists with as complete a knowledge of German law as possible and to have regard for the system of German laws as a whole.[88] The *Einheitsjurist* is therefore conceived as a mission statement for the principle of unanimity of the legal system.[89] This principle basically means that all parts of a legal system must be co-ordinated with each other to ensure that one part does not overly contradict the other.

At the same time, the uniform education leading to a formally equal status of all the legal professions[90] is awarded a fundamental role for German legal culture and the maintenance of a constitutional state founded on the rule of law.[91] A common basis

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[86] Zimmermann, *supra* note 10, at 28.

[87] Leith, *Legal Education in Germany: becoming a Lawyer, Judge, and Professor*, *in* WEB JOURNAL OF CURRENT LEGAL ISSUES 4 Web JCLI (1995).

[88] *See* Foster, *supra* note 85, at 87.

[89] Holzheid, *Im Leitbild der Einheit der Rechtsordnung - Volljuristen im Dienst der Justiz*, *in* Blomeyer (ed.), DIE JURISTENAUSBILDUNG AUS DER SICHT DER PRAXIS. ATZELSBERGER GESPRÄCHE 1993 21, 25 (1994); Hattenhauer, *supra* note 7, at 238; v. Münch, *supra* note 35, at 2577; *see also* the 7th of the 12 assumptions of the *Juristen-Fakultätentag* (i.e. the conference of the deans of the German law faculties) for a reform of legal education (Knemeyer et. al., eds., 75 JAHRE DEUTSCHER JURISTEN-FAKULTÄTENTAG, 92); Hassemer and Kübler, *supra* note 8, at E 36.

[90] Foster, *supra* note 85, at 89; *cf. also* Jerschke, *supra* note 5, at 583.

[91] Palm, *supra* note 38, at 616; Holzheid, *supra* note 89, at 26; Ott, *Pflichtfächer und Wahlschwerpunkte im Curriculum der Juristenausbildung, in* JURISTENAUSBILDUNG – ERNEUT ÜBERDACHT. ERFAHRUNGEN AUS DER EINSTUFIGEN JURISTENAUSBILDUNG ALS GRUNDLAGE FÜR EINE WEITERHIN ANSTEHENDE REFORM 48, 59

among all lawyers and a uniform class consciousness[92] is comprehended as a useful contribution to solving conflicts.[93] The mission statement of German legal education is the fair-minded and independent judge seeking justice.[94] According to § 1 BRAO (Federal Regulation for Legal Practitioners/Advocates), the advocate is an *unabhängiges Organ der Rechtspflege*, an independent organ of the administration of justice. The State guarantees the quality of legal practitioners not in order to protect the advocates' clients, but to protect an efficient administration of justice.[95] Therefore, even as private practitioners representing party interests, German lawyers must ultimately be committed to serving justice in a higher and more disinterested sense.[96] From a common law point-of-view, the working courtroom style of the German lawyer may, indeed, seem radically different. One might find less confrontation and more desire to help the judge arrive at a just conclusion.[97] A homogeneous legal culture might actually facilitate an orientation toward a common constitutional legal system.[98]

H. Conclusion

The German system of legal education is peculiar because of its rigid regulation by the State.[99] The system is also unique because admission to the Bar is simply "dockened" to the admission to the judiciary.[100] Yet, German legal practitioners still make their way when going abroad. The results of the highly criticized system are seemingly not too bad.[101] Those who finish the second exam are comparatively

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(Giehring et al., eds., 1990); Hattenhauer, *supra* note 7, at 238; Flotho, *supra* note 2, at 234 f.; *see also* Rinken, *supra* note 1, at 97 and 132; Stobbe, *supra* note 28, at 442; doubtfully Bilda, *supra* note 32, at 434.

[92] *See* Hattenhauer, *supra* note 7, at 237; Kötz, *supra* note 33, at 94.

[93] Hensen and Kramer, *supra* note 26, at F 49; Hattenhauer, *supra* note 7, at 237.

[94] Hattenhauer, *supra* note 41, at 518; Bilda, *supra* note 32, at 434; Holzheid, *supra* note 89, at 27; Zimmermann, *supra* note 10, at 32.

[95] *See* Hommelhoff, *supra* note 30, at 468.

[96] Zimmermann, *supra* note 10, at 32; Flotho, *supra* note 2, at 234 f.

[97] *See* Leith, *supra* note 87.

[98] Flotho, *supra* note 2, at 234 f.

[99] Rinken, *supra* note 1, at 4 and 7; Zimmermann, *supra* note 10, at 33.

[100] Hommelhoff, *supra* note 30, at 465.

[101] *See* Hommelhoff, *supra* note 30, at 472; Bilda, *supra* note 32, at 435; Hattenhauer, *supra* note 7, at 238; Flotho, *supra* note 2, at 229; VERHANDLUNGEN DES 62. DEUTSCHEN JURISTENTAGES BREMEN 1998, vol. II/1, N 79 (1998); Dylla-Krebs, *supra* note 4, at 376.

highly qualified, but one must also take into consideration that many of them will nonetheless not find an adequate job.

There is a longstanding debate about fundamentally changing the system of legal education. Nevertheless, the *Einheitsjurist* has survived yet another reform. It also seems that legal education will not generally be changed into a bachelor/master degree system in the near future. Despite a distinct tendency toward this system in German Universities due to a general European reform process, the ministers of justice of the federal states have clearly voted against replacing the existing system. They fear a loss of quality.[102] The ministers' opinion is shared by the vast majority of German jurists.[103] The basic pattern of German legal education has again proved to be largely resistant to change.[104] Still, many seem to have the impression that the latest reform is the first step away from the German phenomenon called *Einheitsjurist*.[105] That remains to be seen, as the next reform will definitely come.

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[102] *See* http://www.justiz.nrw.de/JM/justizpolitik/jumiko/beschluesse/2005/herbstkonferenz05/I_1.html (Last visited Feb. 20, 2006).

[103] *See* Dauner-Lieb, *Der Bologna-Prozess - Endgültig kein Thema für die Juristenausbildung?*, *in* ANWALTSBLATT 5, 7 (2006) with further references on the subject.

[104] Böckenförde, *supra* note 8, at 322.

[105] *See* Windel, *supra* note 40, at 81; Münch, *Zwischenprüfung und Schwerpunktbereichsprüfung – Juristenausbildung im Systemumbruch -, in* DIE NEUE JURISTENAUSBILDUNG. CHANCEN, PERSPEKTIVEN UND RISIKEN 9, 21 (Münch, ed., 2004); Dauner-Lieb, *Buchbesprechungen, in* NEUE JURISTISCHE WOCHENSCHRIFT 443 (2004); Pieroth, *Juristenausbildungsreform 2003: Aufgabenübertragung ohne Ressourcentransfer, in* NORDRHEIN-WESTFÄLISCHE VERWALTUNGSBLÄTTER 379 (2003).