

Ladies and Gentlemen,

Thank you very much for the invitation to the 4<sup>th</sup> international TDP workshop to present the European Law School programme (ELS). My name is Martin Heger. Since 2005, I have taught German and European Criminal Law and Legal History at Humboldt University. I am a deputy member of the steering committee of the ELS programme at Humboldt University. It is a great honour to be able to tell you something about this new programme.

There is a joke in Germany: you can talk about whatever you want – but no longer than 20 minutes. I hope I can tell you something about the opportunities and challenges of the ELS within 20 minutes. First I want to say something about the foundation of the ELS and of its structure. Then I will focus on the students, especially the German students, and reflect on their opportunities and challenges.

The ELS is probably the most ambitious project of our law faculty in the last years and I think one of the most ambitious projects in the legal education landscape in Europe. The idea was born in 2004, when my colleague Stefan Grundmann came to Humboldt University. He is the chairman of the Society of European Contract Law - one of the most important legal research networks in Europe; in the late nineties he built a School of Law and Economics at the University of Halle. Unfortunately, he is not able to take part in this panel because of a research programme on European private law at the same time. The ELS is his baby. He could say much more about the history and the perspectives of the project but I will try my best.

First of all, I want to avoid two common misunderstandings. The ELS is no law school in the common sense; and the ELS normally does not build international classrooms of all participating students. In fact, the ELS is a trilateral network of three leading Law Schools in Europe - the King's College in London, the Université Paris II Pantheon Assas in Paris and Humboldt University in Berlin. The first steps to create the ELS were taken last summer. A board of trustees with academic scholars from the participating universities was established and the work has begun. In September 2007 at Humboldt University, we selected the first twelve German students for the ELS out of more than forty candidates. In December 2007 a new group of eight students joined the first group. This was the first step to fill the idea of the ELS with life.

At the moment the German students of the ELS programme study at Humboldt University. In addition to the German curriculum they must improve their language skills in French and/or English and they must hear lectures in European Law. I am teaching European Criminal Law in the programme in the current summer semester.

With the ELS the participating universities establish a new graduate study course for lawyers. In addition to the degrees of the three Universities – a Bachelor and two Masters - the students, who will complete the ELS programme, will receive the degree of a European Lawyer. This is not only a symbol for the new programme but it is the foundation for the access to the bar after vocational training in judicial service in each of the three countries without additional transfer tests.

The five year study course combines existing courses on the national level (Bachelor's degree) and a specialisation on the European level (Master's degree).

During the first three years at the home university, students will take general courses as well as courses in one of their specialist subjects in order to prepare them for the following two years abroad.

The European Lawyer study course is a combination of the two core contents that are necessary for a top legal profession in the European Union today: the law on the national and the European level, as well as the national laws of the United Kingdom, Germany and France.

Let me summarize the key features of the ELS:

- Three professional qualifications after five years of study: German first State Exam, French Master and British LLM.
- Access to the bar after vocational training in judicial service in each of the three countries without additional transfer tests.
- Specialist subject: harmonised law and national contents of the three leading EU member states in Private Law, Business Regulation, Public Law or Criminal Law.
- "Interfaces": basic knowledge of law-related sciences, especially Economics, and complementary skills (incl. legal German, French and English)
- Creation of a pan-European network of legal excellence.

As mentioned, the ELS is a network. In the future it aims to become a network of three dimensions

- A network of the participating universities
- A network of the participating students and
- A network of current students and alumni.

The three networks are part of a European network of legal excellence. There is a close contact between the students of the ELS first at their home universities and then with the ELS-students at the other participating universities. The network between the active students of the ELS and the alumni helps them students with problems in their studies and - after being a European Lawyer – to find a good job; on the other hand for the alumni the link to the current ELS programme is part of the idea of life-long learning.

With one exemption the ELS does not build international classrooms of its own.

The additional programme in European Constitutional Law, European Contract Law, European Company Law and European Criminal Law is part of the curriculum of our law faculty. All students of Humboldt University can hear the lectures during the semester. But only the students of the ELS programme can replace one of the seven papers in the German first state exam in the fields of Civil Law, Public Law and Criminal Law by a test in European Law.

An international classroom of its own is part of the additional programmes, especially during the summer break - the international summer school or summer academy and other meetings of the students of the ELS programme at all participating universities. The summer schools do not aim at another programme on the traditional fields of the national or European Law but they will provide additional skills for a better understanding of the different legal systems and legal cultures as well as a better access to the work as a European Lawyer. It is also the playground to train the complementary skills such as:

- Decision Theory and the practice of decision making in complex scenarios
- Mediation and negotiation
- Lifelong learning
- Basic knowledge of law-related sciences, especially Economics.

The summer school is open only for the students of the ELS of all participating universities and – in the future – for the alumni of the ELS programme. It is part both of the network of the students and of the network of the current students with the alumni.

The first summer academy will take place in September 2008 with two issues, which shows the intention of this part of the ELS programme:

1. Max Weber - from legal science and legal history to the sociology of law and
2. Negotiation in the dramatic theatre of the 18th Century and in legal practice

today.

The first issue shall provide access to the relationship between law and society, the second an introduction to law and literature. In German legal studies both fields do not play an important role but both questions can help the students to understand the empiric and cultural foundations of the law at home and in different societies.

Now I want to say something about the opportunities and challenges of the ELS. For the participating Universities the ELS is an extremely attractive programme which will attract some of the best students of all German law schools. It is an important tool in our "competition for students of excellence". The ELS programme could be a very good argument for fundraising especially in Germany. On the other hand the triangle between London, Paris and Berlin can strengthen the research activities in the field of the European Law. Three famous universities in the capitals of the three leading member states of the European Union should always find an open ear in Brussels. The location helps us to advise the national government especially in current questions of European Law. In addition to the network of students etc., a network of research activities is realistic in the future.

But there are not only opportunities; there are some challenges, too. In my opinion, the most important challenge is to find the best students; later on I will say something about the challenges and risks for the students and then you will see that the ambitious ELS programme cannot exist without students of excellence. If we are not able to find really gifted students, the ELS programme is in danger. But after the first selection in autumn 2007 I am very optimistic that we do not fail. The German students of the ELS programme are very qualified in both legal and language skills as well as very enthusiastic. I am absolutely sure that all will pass

the German first state exam with good marks as well as the French master and the British LLM.

Another challenge in regard to the students of the ELS programme concerns the participating students in Paris and London. Both partner Universities do not select their students. I am sure that in Paris it is no problem to find enough interested students. But I am not sure with London. In the past only a few students from the UK came to Berlin. I hope the ELS will be so attractive that in the future more English students are interested in Master programmes in Berlin and in Paris. Otherwise I don't know the future of the ELS programme.

Our first problem was the fundraising, because in Germany there is no sponsorship culture like in the USA. It was very hard to find enough sponsors to start the programme. But in the end especially Stefan Grundmann was very successful and we got ELS under way. If the ELS programme is successful, I am very sure that in the future the fundraising will be no problem.

Now let me say a word about the opportunities and challenges for the students of the ELS programme. I am not able to say something from the point of view of the French and English students. So I will focus on the special situation of the German students.

For the German students the ELS programme is a big chance. They can combine their national legal studies with two Master programmes abroad. They only have to be selected from their home university and can be sure that after passing the exam they will be accepted to the two other universities for their Master programmes. Furthermore, they are faster than other German students who want to make only one LLM programme. I can show you the duration with an overview. After completing the ELS programme they will get a new degree - the European Lawyer. This degree allows them the access to the bar not only in Germany but in France and England, too. The experience of studies abroad and the deep knowledge

of the legal terminology in Germany, France and England are very important for the jobs in the future.

But the students are confronted with some challenges as well. The ELS programme abroad is based on the national Bachelor's degree - in Germany it is the first state exam. The very short duration of the whole ELS programme of only five years makes it necessary that the German ELS students must leave Berlin after completing the last paper of their exam. For the next month they study in Paris or London but they don't know whether they have passed the exam. A really big problem would exist if someone failed. In Germany a third of all students don't pass the exam but we hope that we have taken only the best students who don't have any problems with the exam. There is another problem related to this one. In Germany the marks in the state exam are very bad. On a range between zero and 18 points you must achieve a minimum 4 points to pass the exam. For a good job as a lawyer you need 9 points or more. Most of the candidate's don't get more than 6 or 7 points. But it is possible to improve your exam one year later. This could be complicated for the students of the ELS programme because they are abroad in this year.

For another problem we could find a solution. The oral part of the first state exam will take place in February or March when the German ELS students study in Paris or London. But after an intervention at the examination office it is possible to do the oral in the following summer.

Another challenge we must take seriously is the financial aspect. In comparison to Berlin the Life in London and Paris is much more expensive. A lot of German students must to work have enough money for their studies. But when they leave Berlin they have to give up their jobs. For the students with rich parents it is no problem. But some of our students do not have such a financial background. The

German students are afraid of running into debt - and their parents too. We try to find grants of foundations to help the students.

Let me come to an end. I think the ELS programme is full of opportunities for the participating universities as well as the students and future alumni. But there are some risks on the way to the European Lawyer. We must wait and see what we have to change in the programme in the future.

Thank you very much for your attention.