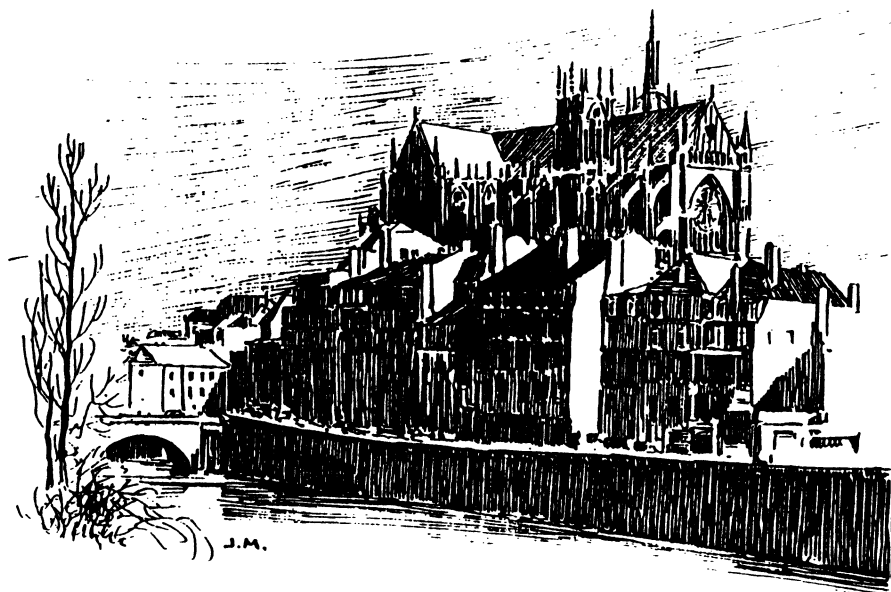


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LEGAL EDUCATION AND TRAINING IN TOMORROW'S EUROPE



DENMARK



UNIVERSITÉ DE METZ

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1. THE EDUCATION AND TRAINING OF JURISTS

1.1. HIGHER EDUCATION

The Danish Law degree (*cand.jur.*) was introduced by Royal Ordinance of 10 August 1736 and the legal study is presently governed by Ministerial Order No. 475 of 22 June 1987 issued by the Ministry of Education and Research with respect to the Law Degree Course at the Universities of Copenhagen and Aarhus. The prescribed number of years of study is five.

Besides university law schools there are other professional schools such as the Schools of Economics & Business Administration offering courses including a substantial element of law. Students, aiming at a career in trade and industry, may choose to enter one of these schools and thus, earn the degree of H.A.jur., following three years of studies and the *cand.merc.jur.* degree following five years of studies. It should, however, be noted that neither one of these two degrees will qualify for a position as a judge or an advocate. Students having obtained one of these two degrees will be permitted to transfer some of the units earned and thereby be able to receive a *cand.jur.* degree after successfully completing an additional three to four years of legal studies at a university law school.

The following outline is applicable to the *cand.jur.* degree only.

1.1.1. GENERAL

The Ministerial Order No. 475 of 22 June 1987 provides the frames for the Danish law study. Other ministerial orders are governing all higher education in regard to the exam regulation, the grading system, certain requirements for the first year of study, etc.

Furthermore, admission to the law schools is encompassed by an admission procedure which is shared by a large number of higher education institutions. According to this procedure applicants may choose to base their application on qualifications documented by examinations passed during their upper secondary education, or on other qualifications such as relevant vocational training, relevant (shorter) education, a stay abroad of some length, etc. Approximately 400 students - or thirty per cent of the applicants - are each year admitted to the Law School of Aarhus University and 800 to the Copenhagen University Law School; seventy or eighty per cent of the students admitted will eventually receive the *cand.jur.* degree. The current number of students in Aarhus is approximately 2,000 and in Copenhagen 4,000. The admission requirements are more or less identical for the two Law Schools and are considered to be relatively demanding.

The university law study is a full time study. Teaching is offered in the form of lectures holding between 80 to 500 students, as well as class-room discussions in groups of 20 to 50 students. A first or second year student should expect to follow lectures and class-room discussions up to 14 to 18 hours per week, and for a fifth year student eight to ten hours are required.

In order to facilitate the needs of a limited number of students who are admitted to the law school programme due to qualifications documented by vocational training and relevant

employment experience, i.e. students having been on the labour market for some years, evening classes covering essential parts of the first and second year curriculum are offered.

Since 1993 Aarhus University has offered the law study under the concept of "Open University", an educational programme encompassing several university studies with the emphasis on students to whom the study is an additional qualification for a career already in progress or to whom the study is an activity *con amore*. Under this concept the first three years of the full time law study are divided into six years. Approximately 80 students will be admitted to the "Open University Law Programme" each year.

1.1.1.1. Contents

The study for the *cand.jur.* degree is divided into two parts. The first part is a general legal education of three years after which the student is awarded the title of B.A. (Bachelor). Bachelors who have obtained an acceptable academic record, i.e. for the time being a score of at least 6 in all exams under the B.A. programme,¹⁾ are admitted to the second part, two years of specialized studies after which the candidate is awarded the title of *cand.jur.* (*candidatus / candidata juris*).

The second part of the study is divided into 12 study units and eight of these units (40 hours classes/one semester per unit) are elective courses. Two units are obligatory, i.e. tax law and micro or macro economics. Two units, resembling 2/3 semester, are reserved for an obligatory paper (thesis).

Only the *cand.jur.* degree fulfils the academic prerequisites for practising lawyers and judges. For this and other reasons the vast majority of B.A.-candidates choose to continue their studies in order to achieve the *cand.jur.* degree, but a higher average score than currently demanded for admission to the specialized studies can be envisaged in a not too distant future.

During the prescribed five years of study a student will pass at least 12 written and 12 oral exams. Most of the written exams are located on the B.A. programme whereas most exams following the elective courses on the two years of specialized studies are oral. It is characteristic for the law schools or faculties at the two Danish universities that all exams are graded by an examiner and an external censor appointed by the chairman among the members of the Censor Corps for the Law Study. The approximately 100 members of this Corps are appointed by the Ministry of Education and Research and they are, normally, recruited among the judges of the three tier judiciary system, among high ranking civil servants in the central administration, advocates, and to a lesser degree among lawyers in trade and industry.

1.1.1.2. Course Structure

The Ministerial Order governing the Danish law study provides the 5 years of legal education with a framework only. Therefore, it is the task of the universities to fill out this framework. Thus, the law studies in Copenhagen and Aarhus are not identical but most of the differences are, however, of a "study technical" character. Regarding substantive issues, the two

¹ Pursuant to Ministerial Order No. 148 of 5 April 1971 for Higher Educational Institutions the Danish grading system is based on the following marks:

00, 03, 5 (unsatisfactory), 6 (pass), 7, 8, 9 (good), 10, 11, 13 (very good).

universities have chosen more or less the same solutions. The following chart illustrates the course structure at Aarhus University.

Course Structure and Subjects

5th year	Elective		Thesis	
	Elective		Elective	
4th year	Elective		Elective	
	Elective		Elective	
3rd year	Tax Law		Economics	
	Elective		Elective	
2d year	Administrative Law		Private Law	
	EU Law International Law		Criminal Law and Procedure	
1st year	Procédure civile		Legal History Jurisprudence and Sociology of Law	
	Constitutional Law	Family Law and Succession	Law and Society	Contracts and Torts

Following a one week intensive introduction course the first year of the programme embraces four subjects: Contracts & Torts, Constitutional Law, Family Law & Succession, and Law & Society. The four courses are conducted in a combination of lectures and class-room teaching. Exams (one oral and three written) are held in May and June, reexamination in August, and the second and last reexamination is held in January of the following year. The exams following the first year of study are testing the students' knowledge of the subjects as well as their ability to study for an academic degree. Hence, it is required to take all four examinations in May and June, and all four examinations should be passed with at least the mark 6. If a student fails one or more exams during the examination and the two reexaminations, he or she will be barred from continuing the legal education programme.

The second and third year of the study contain several topics. The curriculum and syllabus are based on the division of the legal system into public law and private law and on the idea that these topics should be studied in a parallel six-semester course structure. Thus, the first year course on Constitutional Law is followed up, during the second and third year, by a four-semester course in Administrative Law, and the first year course in Contracts & Torts is followed up by a private law course encompassing a wide range of subjects in the fields of obligations and property covering examples of individual contractual relationships (e.g. contracts of service, transport, sales), company law, title to property, security, mortgage, registration of title, etc.

In conjunction with the private law course, students are introduced to private international law and enforcement of judgments. The four-semester courses on private law and public law are conducted in a combination of lectures and class room teaching and will after the completion of four exams (three written and one oral) conclude the study for the B.A. degree. Students are expected to pass these examinations after three years of study but are free to extend this period of time - and they often do take advantage of this freedom. Examinations are offered twice a year.

Whereas the private law and public law courses are sharing the third year of the B.A. programme, they are only a part of the programme for the second year. During this rather busy year of studies, students are expected to pass exams in four courses, two one-semester courses (European Community Law & Public International Law; Elements of Civil Procedure) and two one-year courses (Criminal Law & Administration of Criminal Justice; Legal History, Jurisprudence & Legal Sociology).

Having successfully passed all examinations included in the B.A. programme students are admitted to the two years of specialized studies leading to the cand.jur. degree. The first semester of this programme will normally consist of two mandatory courses, taxation and micro or macro economics, and one elective course. During the following two semesters, students are expected to pass exams in six elective courses, and the last semester is reserved for the completion of a thesis, written under the supervision of a member of the faculty, and a final elective course. Among the elective courses offered at Aarhus University are alternative dispute resolution, arbitration, bankruptcy, civil rights and privacy, collective labour law, company law, comparative commercial law I (taught in English), computers and law of property, construction law, consumer law, copyrights, credit and security, crime victims and witnesses, criminal justice, criminology, EC company law, EC law, EC competition law (taught in English or Danish), EEC law - the internal market (taught in Danish or English), environmental law, human rights, immigration and refugee law, insurance law, international trade, an introduction to Islamic law, labour law and white collar workers, landlords and tenants, law and market, law of local governments, law and sports, law and ethics, law of auction, law of transport, law and computers, legal psychology, legal informatics, medical law, mergers and acquisitions,

partnerships, penal law - special part, police law, procedure, products liability, public enterprises, registration of title to land, rules of bailiffs, social welfare law I, social welfare law II, stock-exchange law (securities), substitutes for bankruptcy, taxation II, taxation III, the legal position of cohabitants, the art of writing a legal text so anyone can understand it, the lawyer - duties and liability, the United States Legal System - an introduction (taught in English), and title to real property.

All elective courses are taught in classes of 12-40 students for 40-50 hours per semester and the course catalogue changes from time to time. Exams are generally oral.

1.1.1.3. Impact of European Programmes

The Danish legal system originates from the Nordic common law as codified most notably in the 12th and 16th century, and the Roman law tradition is less visible in Denmark than in several other Member States. In subsequent legislation it is, of course, possible to trace substantial inspiration from continental law and from the legal order of other Scandinavian countries. Nevertheless, the legal education - or at least the obligatory part hereof - seldom contains comparative elements.

On the other hand, the structure of the law study finds its roots of inspiration from foreign educational systems. The division of the candidate degree into two parts, B.A. and cand.jur., has during the 1980'ies been introduced to all higher educations in Denmark, and the "3+2+3 structure" (B.A.+candidate degree+Ph.D.) is today shared by almost all university studies. As for the law programme, the division of the candidate degree into a general three year legal education and an additional two years of specialized studies has facilitated a compromise between the traditional "unified" education producing candidates with a general competence and the market demand for candidates with a more specialized knowledge.

The division of the law study has also made it possible for law students to integrate studies abroad into their individual study programmes. Until 1987, the law school curriculum allowed students to include two or three elective courses only in their study programme resembling one semester out of the then 4 years of study. According to the former practice applied by the universities it was quite difficult to obtain credit for foreign studies if these studies were sought to replace parts of the obligatory Danish course programme. The one semester elective course programme could be replaced, but most students preferred to have at least one Danish elective course listed on their candidate certificate. Under the new curriculum a Danish law student can obtain full credit for one year of studies abroad, and an increasing number of students take advantage of this opportunity - either by participation in the Erasmus and Nordplus student exchange programmes or by participation in Master Level programmes abroad.

1.1.2. POST GRADUATE STUDIES

Although the specialized studies during the 4th and 5th year of the law curriculum may comprise a number of courses or elements on post graduate level, the cand.jur. degree is a prerequisite for obtaining the position as a judge or an advocate.

For the time being the law faculties do not offer programmes leading to degrees "in between" the candidate degree and the doctoral degrees.

1.1.3. PRE- AND POST-DOCTORAL STUDIES

The law faculties at the universities of Copenhagen and Aarhus can award the following doctoral degrees: Ph.D. (lic.jur.) and dr.jur.

The highest academic title, *dr.jur.*, is conferred upon a researcher as a recognition of scientific achievement documented by the dissertation. It is required that the dissertation establishes that the candidate possess a considerable scientific knowledge and maturity and that his work has brought the legal science a considerable step forward. The procedure and the requirements for the doctoral degrees are governed by Ministerial Order No. 410 of 2 June 1987. There is no formalized study or research programme for the dr.jur. degree, and candidates have normally been employed as associate professors at a university for some years. A limited number of doctoral candidates are found among judges and advocates. The number of degrees conferred in Denmark is one or two per year.

Until 1985-86 the number of *lic.jur.* titles awarded by the law faculties was also rather limited. A ministerial order did, however, further the interest for this title by making it a prerequisite for the position as an assistant professor (*adjunkt*) at the law faculties. The title was awarded law candidates who had been members of the law faculties for three years as holders of a research grant enabling the candidate to write a thesis on a topic chosen by him and accepted by the Faculty Board. The research programme was prepared by the candidate and his supervisor, a professor or associate professor, and the title was awarded the candidate by the Faculty Board based on an evaluation of the thesis and a lecture given by the candidate. The evaluation was prepared by an ad hoc committee comprising three professors or associate professors.

The *Ph.D. degree* was introduced in 1988 and is now governed by Ministerial Order No. 989 of 11 December 1992. The Ph.D. degree substitutes the former lic.jur. degree and the requirements and title are shared by a large number of higher educational institutions.

1.1.3.1. Contents

Whereas the studies for the lic.jur. degree were based mainly on an individual research programme, the three year Ph.D. curriculum comprises several obligatory elements. Firstly, the candidate must participate in the post graduate course programme at the faculty. Secondly, the candidate is expected to spend at least one semester abroad in order to prepare relevant comparative analyses of his or her subject, and thirdly, the candidate is expected to participate in the faculty's teaching activities for one semester. The fourth and main requirement is the thesis prepared under the supervision of a professor or associate professor and the concluding public lecture following the guidelines established for the former lic.jur. degree.

A significant difference between the former lic.jur. candidates and the Ph.D. candidates is their relationship to the faculty. Lic.jur. candidates were regarded as members of the law faculties receiving a remuneration resembling that of an assistant professor, whereas the Ph.D. candidates are receiving study grants, approximately four times the amount received by a student for the cand.jur. degree.

The formalized Ph.D. curriculum and an increased number of research grants are aimed at increasing the number of Ph.D. candidates in the years to come in accordance with the government's educational and research policy. The rather unattractive remuneration for a candidate who could have chosen a career as an advocate or a judge, and the fact that the Ph.D. degree is only the first of several steps towards a career at the universities, cannot be expected

to further this goal although a slight increase is expected. For the time being, approximately 15 Ph.D. candidates are studying at the law faculty of Aarhus University.

Applications for a position as a Ph.D. candidate are received by the law faculties twice a year. To some extent candidates, financed by external research foundations or other educational institutions, are admitted to the Ph.D. programme at the universities. In that case, the evaluation of the applicants is in the hands of the financing institution - but following the same guidelines as applied to the evaluation of the universities' "own" applicants. Generally, candidates must have passed all examinations leading up to the cand.jur. degree with a rather high average score, and they must submit a tentative research proposal indicating the potential for being a research candidate.

1.1.3.2. Course Structure

The course programme of the Ph.D. study contains courses in legal scientific methodology as well as courses in methods applied in social sciences in general. An agreement between all social science faculties in Denmark has recently entered into force giving candidates access to the research courses offered by other faculties. Additionally, plans for a Scandinavian post graduate social science network is in the process of being implemented. The course programme also comprises seminars on various topics in order to give the candidates an opportunity to present their research results and methods before other candidates and their supervisors.

The limited number of Ph.D. candidates and the fact that their research projects encompass almost all areas of the spectrum of law do not easily facilitate advanced courses on specific subject matters of common interest. The candidates are therefore expected to take part in relevant Danish and international seminars, courses and colloquiums. Fees and travel expenses are financed by the universities or by the external financing institution.

1.1.3.3. Impact of European Programmes

The framework for the Ph.D. study is laid down in a Ministerial Order governing the vast majority of doctoral studies in Denmark. The model seems to have been developed with a special view to the needs and tradition of the natural sciences and to some degree inspired by the U.S. American educational system.

On the other hand, the law schools seem to have implemented the model without any special interest in resembling studies abroad. It is, however, significant that as a mandatory element of the study at least one semester should be spent at foreign universities - indicating that comparative analysis should be a required part of the Ph.D. research. Creation of European networks for student exchange on the Ph.D. level is a first priority for Danish Universities.

1.2. TRAINING

The Danish law degree is based on an academic education without elements of practical training. The Ph.D. programme is a research programme preparing the candidates for a scientific career. There exists, however, a certain element of practical training in that the candidates are expected to teach during one semester out of their three years of research in order to qualify for a possible position as an assistant professor - a university position that can be

held for four years during which the candidate will have an opportunity to qualify for a permanent position as an associate professor.

Training for other positions and careers outside the world of the universities is not considered a university matter.

1.2.1. ADVOCATES

The work of the practising lawyer (*advokat*), is governed by the Administration of Justice Act, chapter 12-15b, art. 119-147c. Only an advocate can represent a party in the court system but litigation is only one part of the normal business of a Danish law firm. There exists no division between barristers and solicitors, and all advocates can appear before the trial courts of general jurisdiction, *byretterne*, in the following the city courts.

The license to practise is issued by the Minister of Justice and the main requirements are a cand.jur. degree and at least three years of practical legal training. A license cannot be issued to or held by persons who are publicly employed - and this includes a permanent position as a professor or associate professor since Danish universities are state universities.

The three years of legal practice are normally spent clerking in a law firm holding the position as *advokatfuldmægtig*, but a position at the courts, as prosecutor, etc., can be included. An advocate can employ one or two clerks. The city courts have the power to authorize clerks and the authorization can and should be obtained from the first day of the employment. The authorization enables the clerk to take part in all aspects of the lawyer's business - but he acts in the name of the employer. During the first two years of the employment he can appear before the courts of the first tier of the judiciary, the city courts, and in the third year he can obtain a nonpermanent permission to appear before the second tier of the judiciary, the High Court or *landsretten* (first instance for a limited number of civil and criminal cases and an appellate court for judgments rendered by city courts). Normally, a clerk will take part in civil litigation only. A clerk cannot be assigned as counsel for the defence and only with the permission of the court may the counsel allow his clerk to appear - and such permission is not easily obtained.

Pursuant to the Administration of Justice Act, art. 119, paragraph 6, the Minister of Justice is empowered to decide that a license to practise law as an *advokat* can be issued only if the applicant has gone through a theoretical supplementary training in subject matters of special importance to practising lawyers organized by the Danish Bar Association (*Det Danske Advokatsamfund*), but such decision has not yet been taken. It is, however, customary that clerks take part in the Bar Association's four semesters supplementary training programme encompassing a wide range of subjects during the nine days of courses each semester, but - for the time being - it is not a prerequisite for obtaining a license.

An *advokat* can appear before the city courts. To appear before the High Court, *landsretten*, the second tier of the judicial system, the lawyer has to pass a practical test, i.e. to appear before the court in two cases and thereby demonstrate the abilities necessary to obtain permanent permission to litigate in the court. The test can be taken any time the lawyer may choose or - more practically - when the lawyer believes that he has generated one or two cases that will give the court a satisfactory foundation upon which it can base the evaluation of the candidate's ability to litigate.

In order to obtain permission to argue cases before the Supreme Court, *Højesteret*, the lawyer must submit an application to the Court and two statements, one from the Bar

Association declaring that the applicant has been called to the bar of the High Court at least five years ago, and one from the High Court stating that the applicant has appeared before the court on a regular basis.

Although there are no obligatory supplementary training programmes for clerks and advocates, it should be mentioned that the Bar Association (*Det Danske Advokatsamfund*) and the Danish Jurist and Economists Association (*Det Danske Jurist- og Økonomforbund*) offer a wide range of courses each year.

1.2.2. JUDGES

Danish judges are appointed by the Queen and the appointment is contrasigned by the Minister of Justice. The appointment is in practice based on statements and evaluations of the candidates from the relevant courts, and over time appointments contrary to the nomination by the courts have been extremely rare. The appointment procedure and practices are presently being scrutinized by a committee and may be changed in the future. The only statutory demands for an appointment as a judge are that the candidate must have obtained the cand.jur. degree and be of an unblemished reputation. The traditional career for a city court judge will either start by employment at the courts as a deputy judge (*dommerfuldmægtig*) or in the Ministry of Justice.

Pursuant to the Administration of Justice Act, a deputy judge in a city court is empowered to handle probate cases as well as notarial acts and matters involving enforcement of judgment procedures. In addition, a deputy judge is, to a certain degree, permitted to preside over civil and criminal cases.

A deputy judge is during the first four years of the employment working as a trainee and must, according to the court's rotation system, be familiarized with every legal area of judicial power. This, of course, includes the actual trial experience. During the educational period the deputy judge takes part in a course programme composed of an introductory course as well as courses involving probate and enforcement of judgment matters. In addition, the programme contains a course on court rules as well as a course in accounting and judgeship management.

Following the four year educational programme, the deputy judge will be assigned to a High Court (*landsret*), working as a legal clerk for three months and thereupon receive an appointment as an acting appellate judge for six months, i.e., being the youngest member as well as being the first out of three judges to deliver an opinion.

Having completed the training programme of the judiciary, the deputy judge will be assigned to a city court jurisdiction. At a later date of his legal career he may be appointed city court judge or - in a limited number of cases - receive appointment to a High Court judgeship.

An appointment to a position as a judge can be secured by electing another legal career route, i.e. an employment as principal in the Ministry of Justice. The Ministry's training programme is extensive and includes part-time appointments as an acting deputy (e.g., deputy judge, chief constable within the police force, assistant procecutor, etc.). A position in the Ministry of Justice is regarded as an excellent starting point for a career in the legal system.

Appointment to the bench of the High Court, *landsretten*, is normally received by persons holding a city court judgeship or civil servants at the Ministry of Justice. In a limited number of cases a person holding the position as a deputy judge, advocate, university professor or associate professor is appointed.

An appointment to the Supreme Court bench requires that the candidate has been holding one of the following positions for at least three years: High Court judgeship, Chief justice for a larger city court or for the specialized courts, i.e. the Admiralty & Commercial court, an advocate with the right to argue before the Supreme Court, Head of a governmental department, or law professor.

In addition to the mandatory courses offered to the deputy judges as part of their job training programme, the courts are also providing continued educational courses for judges and deputy judges.

1.2.3. OTHERS (SOLICITORS, NOTARIES PUBLIC, WRIT-SERVERS, ETC.)

N/A

1.2.4. CORPORATE LAWYERS

The training of corporate lawyers may vary depending on the corporation. A legal department of a corporation may employ practising lawyers (*advokater*) and clerks (*advokatfuldmægtige*) in which case the department can be regarded as a law firm with one client only. The statutory demands for mandatory theoretical training and practical training of advocates in general apply.

1.2.5. CIVIL SERVICE (STATE AND LOCAL)

A great number of the Danish law school graduates are employed by the local and central administrations. The number of positions demanding a legal degree are, however, limited. Thus, the law school graduates will often find themselves competing with applicants holding degrees earned at the departments of political science and economics. Due to this fact, it is not possible to speak of a continuing educational programme, specifically directed at law school graduates holding public employment positions. This type of programme would be more or less non-existent had it not been for the extensive training and job rotation programmes administered by the Ministry of Justice. This programme has already been described above under 1.2.1.

Generally, there seems to be a trend in the public employment policy to ensure a high degree of flexibility by describing vacant positions as broadly as possible. In the past, the employment would, typically, refer to one Governmental department only whereas today the place of employment may pertain to all departments within the central administration. This new policy has created the possibility to transfer the younger civil servants between the different departments and thereby ensuring that the educational experience will be as diverse as possible. This transfer option is further facilitated by contractual agreements, governing a number of employment positions, which according to the so-called rotation system monetarily award employees who have a diverse employment background.

The Danish Jurist and Economists Association, as well as a number of private and public educational institutions are offering a very comprehensive course programme directed at the employees holding a social science degree and working at the central and municipal administrations. This, however, is not to be regarded as a mandatory continuing education programme.

2. NEW NEEDS AS TO EDUCATION AND TRAINING

2.1. SHORTCOMINGS AND LACKS

2.1.1. FROM THE POINT OF VIEW OF THE CHANGES IN LAW

The legal educational system was, in 1986, subjected to a thoroughgoing analysis which was followed up by a report submitted by a committee consisting of representatives from the universities, as well as from the courts, the central and local administrations, the Bar Association, and the private sector.

The present law school curriculum, which is based on this report, can be regarded as a compromise between different viewpoints, of which the following three deserve to be emphasized: (1) the legal education programme should continue to be a unified programme producing law graduates who possess a general legal competence and knowledge that satisfies the demand of the legal sector and, at the same time, allows the law graduates to choose from a wide range of jobs outside the legal sector which traditionally have been occupied by law school graduates. (2) the legal study programme should make room for students wanting to achieve a high degree of specialisation in a certain legal field. Thus, the programme should be divided into branches, for example a public administration branch, a legal sector branch, and a private sector branch. (3) The study of law should acknowledge its kinship as a member of the family of social sciences and to a higher extent than traditionally accepted include certain methodological aspects of political science and economics as an integral part of the law curriculum. This integration is believed to strengthen the law graduates' functionality in a society of steadily increasing complexity in which the legislative process and the administration of justice reflect social, political and economical trends and realities. Thus, it is important that the legal education is not operating in isolation.

It has been difficult to harmonize these diverse viewpoints since the legal study programme is operating on a particular time schedule and with limited resources. Although the attempts to compromise may have barred the universities from creating the - in their view - "ideal" law curriculum, the present legal study programme does attend sufficiently to the needs and demands of the legal sector. Furthermore, it allows the students to choose other forms of employment by offering not only a number of specific legal courses during the last two years of their studies, but also by giving full credit to nonlegal courses offered by other departments of the Faculty of Social Sciences. With this kind of specialization opportunity, the students are better equipped to seek a specific type of employment in competition with other social science graduates, but they may, on the other hand, be limiting their chances to move from one job sector to another. Law school students, nevertheless, tend to arrange their studies according to the traditional pattern and thus continue to focus on a career within the legal realm.

A potential reform of the Danish law curriculum may aim at maintaining and, if possible, strengthening the law students' methodological and analytical skills. The success of this reform may depend on a change in the Danish policy towards the higher educational programmes with its demands for greater study efficiency, more exams, and a shortening of the time to complete the education. The law studies, consisting of both the bachelor and graduate level, must continue to be viewed as an academic discipline which promotes analytical studies and scientific research, instead of a law candidate "factory" tending to produce graduates who have the so-called "fingertip knowledge" only and who are in lack of basic methodological and analytical qualifications.

2.1.2. FROM THE POINT OF VIEW OF THE BUILDING UP OF THE EUROPEAN UNION

The existence of the European Union and the EU-Law have put new and added demands on the Member States' educational systems. These demands may not yet have been fully met by the Danish educational system despite the establishment of mandatory European law modules as a part of the law curriculum. Any law graduate will be familiar with the structure and competence of the European institutions and the principal features of the substantive EU-Law. Furthermore, the university law schools offer a number of elective European law courses enabling students to achieve a high degree of specialization. Thus, shortcomings from the point of view of the creation of the European Union may be difficult to identify as regards the general principles of community law as well as substantive issues that can be taught solely on the basis of the laws of the Union.

On the other hand, several areas of national law are now based on or amended in accordance with EU-Law, and contrary to the generally accepted concept of the legal system as divided into public law, private law, European community law, etc., university teachers have to integrate the European law in courses traditionally taught on the basis of national law only. Such an integration will, however, mandate that the individual university teacher is able to teach the complexities of the national laws, as well as being able to describe the historical, political, economical, and social context governing the legislative and judicial process in this particular field of national law. Moreover, the university teacher is expected to teach the relevant EU-Law issues in a similar fashion and further be able to explain the reasons behind the many changes and amendments being made to the national laws due to the directive based harmonization requirements. This task may be regarded as exacting and it is without doubt possible to identify areas of the legal education where the European dimension has not yet been fully recognized.

The development of the EU-Law could perhaps give the impression that all future law graduates should be considered European jurists and as such be properly prepared and competent enough to embark on a legal career within the international market. Such a presumption is, of course, unrealistic since the legal systems throughout the Member States lack uniformity. It is, however, possible to produce law school graduates possessing a "European legal competence" in certain areas of law. The market demand for such candidates may be quite limited, since the main bulk of the work performed by the graduates during their legal career will be based on national law. Therefore, the methodological and research skills acquired during the legal education should be derived from principles of national origin mainly. Although it may be utopian to assume that a great number of foreign law elements will be built into the general study programme, it should, however, be noted that the comparative legal studies should and ought to be more emphasized than previously have been the case.

2.2. PERSPECTIVE

2.2.1. FROM THE POINT OF VIEW OF THE CHANGES IN LAW

The increasing number of amendments and new legislation which, to a large degree, may be ascribed the European Union's issuance of directives and emerging new legislative technique trends are creating significant demands on the legal educational system. Some of the problems associated with these demands have been discussed above. The legal educational system must now as well as in the future live up to the heightened demands by strengthening the students' information retrieval techniques as well as their methodological and analytical skills.

Emphasizing these areas may, however, cause a deemphasis on the dogmatic study of the legal conditions governing certain parts of *corpus juris*. The occurrence of a promising development depends on a proper balance between legal doctrines, methodology, and the understanding of the legal system's position in society. To find an accurate formula for this kind of mixture is difficult, nevertheless attempts are presently being made and will, naturally, continue to be made. Throughout this century, the Danish legal educational system has, with an interval of approximately 25 years, undergone fundamental changes, of which the latest took place in 1987. The life span of this last change will, without any doubt, be shorter than its predecessors.

Regardless of the content of any potentially fundamental change of the legal educational programme, to maintain the high level of the Danish lawyers' education it is of utmost importance to acknowledge that the Danish educational policy trend throughout the last 10 years must be changed. The existing trend has, as already mentioned above, been sparked by the demands for greater study efficiency and a constant betterment of the production results generated by the universities - and measured by the number of candidates produced. The ultimate goal seems to be to secure the growing number of upper secondary school graduates (*personer med studentereksamen*) access to higher education. It is time to realize that a large scale production of candidates not under the current conditions further excellence. The legal education at the universities should continue to be based on the educator's research results, and the legal study programme should, like other university programmes, try to maintain and continue to foster the scientific element of the education starting at the bachelor level up through the Ph.D. level, i.e. a clear correlation between research and teaching. In other words: The Danish law study is not and should not become a professional school but should instead continue to operate as an academic discipline.

2.2.2. FROM THE POINT OF VIEW OF THE BUILDING OF THE EUROPEAN UNION

The European integration adds a new dimension to the law study. For two decades European Community law has been an obligatory element of the Danish law curriculum, and in this respect it is difficult to identify new needs. It is, however, necessary to strengthen the European law element in the study of specific national legal disciplines insofar as the national legislation has been influenced by or is based on the European integration. The tendency to regard European Community law as a legal discipline which can be taught in isolation from other topics is no longer valid.

Arising from the existence of the European Single Market and the development of a European Union, the need for law graduates with a transnational competence will gradually be established. Today, the market demand for lawyers specializing in transnational law may be

rather limited, but in the future judges, advocates, and civil servants will have to deal with transnational legal problems on a more regular basis than today. It may be a fiction to believe that law schools are able to integrate substantive comparative or transnational elements into the law study to a much higher extent than today, and it certainly is a fiction to believe that all candidates in the future will graduate with a solid knowledge of the legal systems of Europe. It is, however, necessary to facilitate and encourage transnational studies for students with a special interest in comparative law, and all students should at least be familiar with basic methods of transnational studies and the available information systems.

2.2.3. FROM THE POINT OF VIEW OF THE CHANGES IN THE PROFESSIONS

The Danish universities are supplying the judiciary with candidates embarking on a career as judges or advocates. They also supply almost any branch of the public administration with civil servants on all levels, preferably equipped not only with a solid knowledge of law but also with competence in the fields of public administration and economics, and the private sector demands skilled corporate lawyers preferably with knowledge of international commercial law, business administration and economics. International organizations need lawyers specializing in various branches of international law. These diversified demands are presently met by universities offering a five-year law curriculum with an element of elective courses - but generally aiming at a production of all round competent law graduates with a special view to the needs of the judiciary.

Notwithstanding the law school graduates' reputation of being good administrators and good counselors insofar as the legal rules and regulations are concerned, employers within the governmental and private sectors time to time find that the applicants, having graduated from other social science departments, or even from the Schools of Economics & Business Administration are better suited for administrative positions requiring not only a general knowledge of law but also creativity, political adaptability and analytical skills. It is, however, the policy of the universities to maintain and strengthen their position as the sole supplier of candidates to the legal sector and attend to other skills in demand by encouraging students aiming at a career in public administration or in trade and industry to apply their freedom of choice during their two years of specialized studies for the cand.jur. degree by offering full credit for master level exams passed at other higher educational institutions in Denmark or abroad.

2.3. QUESTIONING JUDICIAL "NATIONAL PROVINCIALISM"

Whatever the content of judicial national provincialism may be, it should not be confused with the idea that the methodological and research skills acquired during the legal education should be derived from principles of national origin mainly,

Since most of the legal work performed by the graduates during their legal career will be based on national law, and since the diversity of the legal systems of Europe may be a valuable source of inspiration for the creation of European law in the years to come. Neither should lack of knowledge of foreign legal systems be regarded as national provincialism, although it may be a symptom hereof. If, however, lack of knowledge is combined with rejection of the possible inspiration that can be found in other legal systems, judicial national provincialism may have been identified.

One of the experiences most Erasmus co-ordinators can derive from years of contact with exchange students is, that provincialism as defined can easily be defeated by knowledge. The generations of law students who have taken advantage of the exchange programmes and subsequently enriched their fellow students with their knowledge of foreign systems have increased the interest for comparative analyses. Unfortunately, only a limited number of law students have the opportunity to go abroad during their studies. Therefore, easy access to information regarding the laws of the European states may be the best possible way to overcome any remaining national provincialism.

3. MEASURES TO BE TAKEN IN ORDER TO MEET THESE REQUIREMENTS

Among the measures to be taken on the national and international level is

- A thoroughgoing analysis of the Danish law curriculum with a special view to its efficiency and effectiveness regarding new demands and challenges. The main objective should be to find the proper balance between the detailed study of the national legal doctrine and, on the other hand, the level of analytical skills, methodology, and knowledge of the legal system's position in the national and international society.
- Maintenance of the academic and scientific principles governing the study of law.
- Envisualization of the European law elements in all curriculum modules or courses where applicable.
- Strengthening of the comparative analyses in advanced courses. And as a prerequisite ...
- Promotion of European textbooks and
- Course modules established in transnational cooperation.
- Promotion of transnational research projects.
- Inter-university exchange of information regarding educations, curricula and research areas. The ECTS-concept seems to lead in that direction.
- Application of the information technology - as a research facility but also for bringing students together in transnational project groups or networks for example during their research for the concluding thesis.
- Last but not least the importance of upholding existing student exchange networks should be emphasized as a means of offering students excellent opportunities of getting familiarized with foreign legal systems and languages. The programmes should be extended to the Ph.D. level and easement of the administrative burden of coordinators would be an additional quality.

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Denmark

Remarques générales

Conformément aux instructions données par le comité d'organisation et le comité scientifique, les rapports nationaux ont été soumis en anglais ou en français, à la seule exception du rapport allemand (présenté en allemand).

Certains rapports ont nécessité un travail plus ou moins conséquent de remise en forme ou même de réécriture, en particulier (mais pas seulement) lorsque la langue maternelle du rapporteur n'était pas l'une ou l'autre de ces langues. Dans tous les cas, les propositions de modifications ont été soumises aux auteurs qui ont donc pu valider les changements suggérés.

Toutes les versions traduites ont également été soumises aux rapporteurs pour validation avant impression.

Options retenues pour la traduction

L'équipe des traducteurs a pris les options suivantes dans son travail et les a appliquées de façon systématique à tous les rapports nationaux (textes originaux et traduits), dans un souci de cohérence et de bonne compréhension

- le premier terme des expressions désignant une discipline porte une capitale lorsqu'un s'agit de renvoyer au nom d'un enseignement (cours, modul, unité de valeur, etc.)
- les termes donnés dans la langue originale du rapporteur sont écrits en italiques; il s'agit essentiellement de désignations de diplômes, titres, ou encore d'institutions et d'organismes propres au pays. Les italiques sont également employés pour les mots pleins ou en abrégé repris du latin.

En conséquence, un terme ou une expression pourra apparaître en italique même s'il s'agit, par exemple d'un mot français dans le rapport français ou belge.

General

Following the guidelines provided by the organising committee and the scientific committee, all national reports were submitted in English or French, with the sole exception of the German report (drafted in German).

Some reports required more or less extensive editorial work or even re-writing, especially –but not exclusively – when the rapporteur's mother tongue was neither of these two languages. In all cases, proposals for amendments were submitted to the corresponding authors who were thus given the opportunity to validate the suggestions for changes.

All translated versions were also submitted to rapporteurs for validation before printing.

Decisions made for the translation

The translation team made the following decisions for their work and then systematically applied them throughout the national reports (original and translated texts) for the sake of greater consistency and readability

- the first term of phrases referring to a specific discipline is capitalised whenever they identify a part of a curriculum (course, module, study unit, etc.)
- terms provided in the rapporteur's original language have been italicized. This holds true in particular for references to degrees and diplomas, or for the names of institutions and organisations proper to the country concerned. Full words or abbreviations in Latin have also been italicized.

Consequently, a term of expression can be italicised even if, for instance, it is an English word found in the English or Irish report.

Dans certains cas, les traducteurs proposent – entre parenthèses – une traduction du terme original. Cette traduction est mise entre guillemets simples lorsqu'il s'agit d'une approximation plus ou moins grossière.

- certains éléments de la terminologie employée dans les traductions peut paraître artificiel. Il ne pouvait pas en être autrement. On citera comme exemple l'emploi systématique du mot *advocate* pour traduire *avocat*, alors que ce terme n'est pas le plus courant dans la pratique anglaise ou irlandaise.
- la table des matières est en principe identique pour tous les rapports. Il peut se faire que certaines rubriques, jugées sans objet par les rapporteurs, n'ont pas donné lieu à un quelconque texte. La numérotation peut alors présenter des lacunes. Certains rapporteurs ont ajouté des explications et des rubriques, généralement en introduction. Ces paragraphes ont été numérotés logiquement, en respectant la structure de base et en usant du Ø... lorsque cela était nécessaire. D'autres rapporteurs se sont éloignés du plan-type qui leur avait été proposé. L'équipe de traduction a pris la liberté de chercher à rapprocher les plans proposés du plan type en question.

In certain cases, the translators suggested – in parentheses – a translation of the original term. This suggestion is in single quotation marks when it is only a tentative approximation.

- some elements of the terminology used in translated texts may appear as artificial. But it could hardly be otherwise. A typical example is using the word *advocate* to translate the French *avocat*, even though this term is not so common in English or Irish practice.
- the table of contents is supposed to be identical for all reports. But it can happen that some items were deemed not applicable by rapporteurs and that there is no corresponding text. Consequently, there can be some gaps in the numbering sequence.

Certain rapporteurs provided some additional information and inserted new items, in most cases in the introduction. These paragraphs have been numbered in logical order, following the basic structure and using Ø... when necessary. Some other rapporteurs departed from the suggested outline, in which case the translation team took the liberty of making the proposed structures conform to this reference structure as closely as possible.