

## **Enhancing training for lawyers in an ever closer Europe from the perspective of the Austrian Bar Association**

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In Austria a recent draft for a most ambitious legal training programme is being discussed. The Austrian government has proposed some most important changes in its professional law concerning legal education. Austria seems to be on its way to realising the Lisbon Agenda, at least for legal education and continuing training of future (or young) lawyers. In Austria there are 2,000 trainee lawyers and 5,200 registered lawyers. While 50% of the trainee lawyers are women, the number of women registered as lawyers is only 15%.

A glance at the number of established European lawyers in Austria makes one doubt however, that the need of European colleagues to establish in other Member States is as important as commonly believed. In 2007 there were only 71 European lawyers established in Austria, 31 of them coming from Germany, 8 from the United Kingdom, 3 from the Czech Republic, 5 from Hungary, and 1 from respectively Denmark, Greece, Slovenia, Switzerland and Liechtenstein. In the view of the Austrian lawyers the reason for this small number lies in the fact, that the security of staying in one's country is much more important than the pleasure of travelling. We do not think that language barriers are the reason for the small number of established European lawyers as even the number of established German lawyers is very modest. Finally, eventual obstacles of access to the profession may not be the reason either as Austria was one of the first countries that transposed the establishment directive and the directive on the cross-border services of lawyers with a federal law.

From 2008 Austria will define all training standards for legal education in universities in the Bar's professional rules (*Rechtsanwaltsordnung*). It provides for a 4 year period of studies, no matter what the university title (bachelor, master etc.) in order to enable the student to get a wide and fundamental quality of knowledge. There will be a catalogue of fields of studies (200 ECTS points) thought necessary to get into a legal profession. There is, in the Bar's view, no interference with the competence of universities, still leaving for the student a wide space for special interests and studies. This catalogue is the best set of knowledge for the student to know, if his degree is to allow him to enter into a law office, a notary's office or to follow a judge's career, no matter where he get his law degree.

*Morgenbesser* applications will be easy to deal with: if there is any doubt about a candidate's knowledge, a special commission at the university will examine the case carefully to see if the migrants' catalogue is equivalent to the law's requirements in Austria. This commission consists only of judges.

It took a long time to achieve this result. Since 1985, a group of lawyers has worked on a continuing programme that would suit the demands of the profession of lawyers. Towards the end of the 20<sup>th</sup> century, the *Anwaltsakademie*, the lawyers' academy, was founded. Thanks to the lawyers' academy the training remains anchored within the profession of lawyers. This guarantees that the parameters of training are constantly evaluated.

The Austrian lawyers have set up one of the most comprehensive and detailed training programmes for trainee lawyers - one of the longest in Europe, but also one of the most challenging, and the Bar considers that there are very good reasons not to shorten the training time. The trainee lawyer has to practice for at least four years in a law firm. In addition, he has to have an internship with an Austrian court for at least nine months. In the frame of the four-years-period of training, the trainee lawyer may learn a lawyer's everyday life in a foreign country or the functioning of an administration. In all cases, the trainee lawyer has to attend a variety of courses of at least 21 days (a course taking 1.5 days) during he is traineeship. The courses concern not only the usual subjects such as European Law, but also include, for at least three days, topics such as alternative dispute mechanisms. The knowledge of the trainee lawyer is examined. Before being fully admitted as a lawyer, the trainee lawyer has to pass a written and an oral exam.

The above-mentioned draft will also change the exam's content: Later on we will not put the focus of the future lawyer's theoretical knowledge, which he should get during his university stage. Instead, we will be focussing his ability to interact with the authorities, how to provide the best service for his client, and adopt the best approach to his client's problems in the context of legal life.

The Austrian training standards are considered to fall within in the draft standards of the CCBE Training Outcomes Recommendation.<sup>1</sup> The different conditions of access to the profession of lawyer in Europe as well as the *Morgenbesser* case requires that a common basis must be found, on which mutual recognition may take place. With respect to the training of lawyers it is essential to state that only the highest level of training may guarantee a good quality of professional services. Services as we understand them in Europe have to be provided to the client in the best possible way. In order to reach this goal training standards may not be high enough. Only the best training guarantees the respect of clients' interests. The present framework conditions of the CCBE are a good way forward, we should stick to them.

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<sup>1</sup> Now adopted see: *CCBE Recommendation on Training Outcomes for European Lawyers* which can be found at [http://www.ccbe.org/fileadmin/user\\_upload/NTCdocument/EN\\_Training\\_Outcomes1\\_1196675213.pdf](http://www.ccbe.org/fileadmin/user_upload/NTCdocument/EN_Training_Outcomes1_1196675213.pdf)