

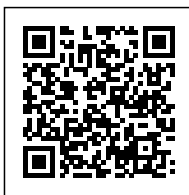
IN-LINE WITH EUROPE, RAMÓN MULLERAT

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Ramón Mullerat agrees with the current reforms in legal education

When designing the structure of a new Europe, Robert Schuman said it would not be achieved through a one-off change, but through a series of concrete achievements. The harmonisation of the liberal professions, with their concept of public service, would play an important role providing the balance and stability required within a dynamic society. Lawyers, he believed, have a key role to play in safeguarding the fair administration of justice and guaranteeing the basic rights required within a democratic society.

When I started as a lawyer some years ago, practising in civil matters, I had a crisis of conscience. I felt that my knowledge and efforts simply assisted in the transfer of money and goods from one person or company to another, and was disappointed to think that I was not creating some element

of social wealth. But now I can see that although I was not building bridges - or making new products - I was contributing to a fair society where people could live peacefully.

But times change. Economic globalisation, the complexity of the law and clients demands, the impact of technology (that leads to paperless offices and courts), increasing specialisation and the increase in cross-border transactions have created a new legal market. Europe is responding with the concept of the 'European lawyer' , which requires the harmonisation of practice at all levels of legal work. We have seen the Services Directive (1977), the Diplomas Directive (1988), and the Establishment Directive (1999), plus the introduction of the Code of Conduct for European Lawyers (1988) and the acceptance that achieving common approaches to legal education remains our fundamental objective.

A 1998 report by the Council of Bars and Law Societies of the European Union (CCBE) on harmonisation of the legal profession, proposed the following stages to achieve quality education:

1. the theoretical education of the law gained at university;
2. a practical education - such as completing documentation, interviewing clients, negotiation skills, ethical issues etc - typically offered by bar associations; and,
3. the continuing education keep up-to-date with developments.

While continuing education is still optional in some European countries, the theoretical and practical stages are mandatory in all European countries with the exception of practical education in Spain. If the concept of 'European lawyer' is achievable – with lawyers practising across the continent in competition with colleagues from other jurisdictions - we need to develop a level playing field.

Legal education in the 21st century has to safeguard fundamental rights to legal protection and the high standards of legal defence established by the Spanish Constitution. This implies common selection criteria and assessment for lawyers across Europe, as proposed under the cross border practice regulations, and compulsory postgraduate programmes, alongside more practical approaches to learning which reinforce the university studies. All this requires close co-operation with the universities – which are competent in learning methodologies – as well as the bar associations which have experience of the practical aspects of the legal profession and are responsible for guaranteeing an ethical and quality legal service.

Further education for professionals is, in my opinion, one of the crucial elements helping Europe's culture and values excel during what I believe is a time of change and confusion. The current discussion in Spain concerning the access of lawyers and 'procuradores' , and the recently published draft proposals by the Ministry of Justice, encapsulate the most important elements of the debate. This draft proposes practical education substantially in line with other European countries. I would expect that the relevant institutions, as well as the general public, will view the reform as a way of guaranteeing the provision of appropriate legal services, and the protection of common interests in society, through improving the new entrants within the profession, thus co-operating with the creation of the 'European Lawyer' .