

THE NEED TO RETHINK LEGAL EDUCATION IN CONTINENTAL EUROPE - JORGE BLECK

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Continental graduates may have superior technical legal knowledge than their Anglo-Saxon counterparts but their commercial know-how is vastly inferior, believes Jorge Bleck

One of the things business lawyers on the European continent have difficulty understanding about their UK counterparts particularly is that a significant number of the latter are not law graduates, but have studied other – probably more interesting – areas of knowledge such as history, physics, Arabian studies, and the like.

Los licenciados en Derecho en Europa Continental probablemente tengan conocimientos jurídicos superiores a sus homólogos británicos o estadounidenses, pero su capacidad de aplicar dichos conocimientos en un entorno comercial es claramente inferior. Esto se debe a la falta de programas específicos por parte de las facultades y los colegios de abogados, que provean la formación que necesita un abogado. Son los despachos los que están supliendo este vacío durante los primeros

años de práctica, dice Jorge Bleck de Linklaters en Lisboa.

In Portugal, as in the large majority of continental European countries, one cannot practise law without having graduated from a law school. More than this even, it is law school that is the mould which shapes all lawyers on the continent. This confers an unquestionable advantage when it comes to knowledge of the law, and yet is also a significant inconvenience, particularly for those wishing to practise business law.

The vast majority of law schools on the European continent tend to over-emphasise the academic side of things and not consider the professional one. These law schools usually say their role is to graduate jurists, not create lawyers and much less "business lawyers" – a category still looked upon with particular prejudice and criticism, including by other lawyers.

Hence, memorising scholars' thoughts and doctrine is of the essence, as it is to a law school graduate to express himself with erudition, even if the end result is the use of a kind of private language that clients do not understand – more so, that they do not even want to understand.

On the other hand, teaching law graduates how to interact with the client, what business clients usually want from a lawyer, what business means, how to develop commercial or presentation skills, to master project management or to understand basic concepts of business management, are the kind of subjects which do not deserve a single minute of attention in most European law schools.

Within Spain and Portugal there are a few notable exceptions, the highly regarded IE Law School in Madrid and ICADE (Universidad Pontificia Comillas) among those deserving praise, but which only highlight their very different approach to the vast majority of schools.

Unfortunately, local bar associations also tend to follow the same route as most law schools, tailoring the training of new lawyers to a replica of law school teaching, although with a more professional approach, at least towards deontology and procedural law.

Therefore to become a business lawyer in continental Europe, one must generally break down a true wall of prejudice, misunderstandings, criticism and lack of specific skills, mostly when compared with an English solicitor.

When knocking on the door of a law firm, clients tend to take for granted that lawyers' technical skills are on a level playing field. Thus for most clients, what differentiates one lawyer from another, apart from the chemistry which is always key in the client-lawyer relationship, is a lawyer's soft skills; precisely the ones that he or she is not given at law school.

In the absence of law schools' or local bar associations' specific education programmes providing the basic knowledge a business lawyer needs – and the non-existence of private legal training institutions such as the UK's College of Law – it is therefore up to law firms to fill the gap during the first years of apprenticeship.

Nonetheless, most continental European law firms do not have the resources or the critical mass necessary to implement a consistent and comprehensive training programme in the kind of skills that clients require from a business lawyer. This means that learning on the job is the pathway that the majority of business lawyers in continental Europe are obliged to follow.

Sadly, this is a handicap compared with the kind of diversified knowledge and skills that UK or US lawyers generally have when beginning to practise law, and is a disadvantage that continental law schools have yet to repair. I wonder when they will.

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