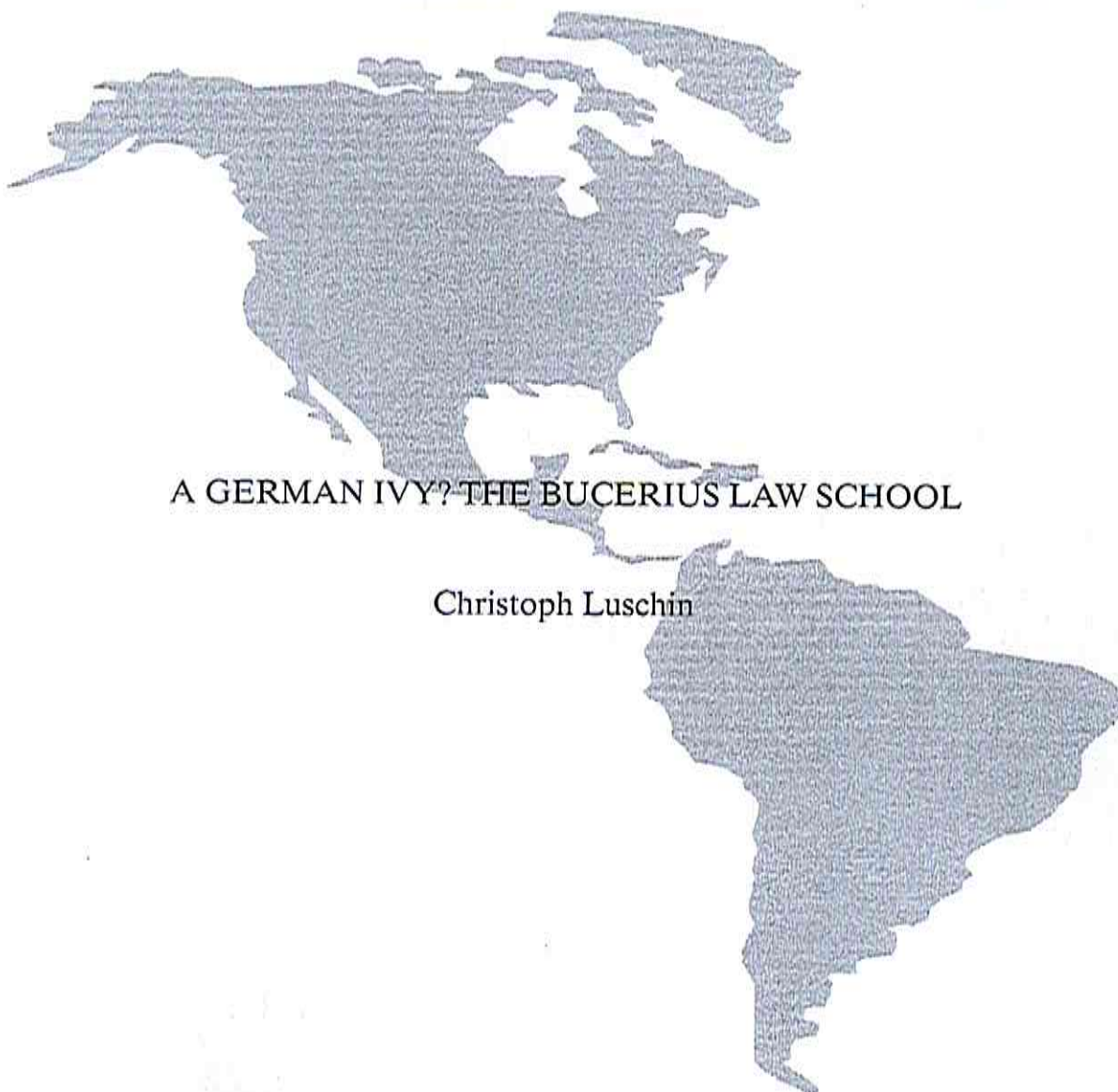


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# A GERMAN IVY? THE BUCERIUS LAW SCHOOL

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*German legal education has a long and great tradition, going back to the Middle Ages. . . . There are, however, indications that German legal education may be entering into a period of reassessment and revision. In my opinion, there is a task to be done if German legal education is to realize its full potential in a modern society and remain true to its great tradition.*

—Arthur T. von Mehren, Story Professor of Law,  
Harvard Law School, 1959<sup>1</sup>

## I. INTRODUCTION

It has been over fifty years since Professor Arthur T. von Mehren<sup>2</sup> issued this challenge for German legal education to realize its full potential. The decades since have seen much debate and various attempts at reform,<sup>3</sup> but despite modifications, much of the basic structure of German legal education has remained in place since the beginning of the Federal Republic of Germany, or even since the nineteenth century.<sup>4</sup> In the year 2000, this relative continuity was interrupted by the founding of Germany's first private law school—the Bucerius Law School, a new law school established with the intention of “provok[ing] discussion in the university system and, at the same

1. Arthur T. von Mehren, *German Legal Education*, 2 BULL. HARV. INT'L. L. CLUB 1, 4 (1959).

2. Professor von Mehren was an eminent scholar in the field of comparative and international private law, with special expertise on Europe, and on Germany particularly. *Professor Arthur von Mehren, 1922-2006*, HARV. L. SCH. (Jan. 18, 2006), <http://www.law.harvard.edu/memorials/faculty/vonmehren/>. After completing his law degree and Ph.D. at Harvard, he spent three additional years studying at different universities in Europe. See LAW AND JUSTICE IN A MULTISTATE WORLD: ESSAYS IN HONOR OF ARTHUR T. VON MEHREN xi (James A. R. Nafziger & Symeon C. Symeonides eds., 2002). He taught at Harvard Law School for some fifty years. *Professor Arthur von Mehren, 1922-2006*, *supra*. For several years, promising German post-graduate academics came to work with Professor von Mehren as Joseph Story Research Fellows. *Id.*

3. See Jutta Brunnée, *The Reform of Legal Education in Germany: The Never-Ending Story and European Integration*, 42 J. LEGAL EDUC. 399 (1992); Hans Peter Bull, *Von der Rechtswissenschaftlichen Fakultät zur Fachhochschule für Rechtskunde?*, 57 JURISTENZEITUNG 977 (2002) (Ger.); Wilhelm Karl Geck, *The Reform of Legal Education in the Federal Republic of Germany*, 25 AM. J. COMP. L. 86 (1977). For additional writings discussing German legal education reform, see Annette Keilmann, *The Einheitsjurist: A German Phenomenon*, 7 GERMAN L.J. 293, 293 n.1 (2006). See generally Juergen R. Ostertag, *Legal Education in Germany and the United States—A Structural Comparison*, 26 VAND. J. TRANSNAT'L L. 301 (1993).

4. See Stefan Koriöth, *Legal Education in Germany Today*, 24 WIS. INT'L. L.J. 85, 88-89 (2006).



time, in the legal education in Germany.”<sup>5</sup> Now, just over a decade later, is a timely juncture at which to evaluate this institution.

On a basic level, this new law school has filled a niche in German legal education by emulating the model of a prestigious U.S. law school: selective admission, costly tuition, and rigorous studies, followed by good career opportunities.<sup>6</sup> In doing so, Bucerius has become Germany’s most—though perhaps only—elite law school in just ten years, as is described herein.<sup>7</sup> Yet, on a deeper level, this new law school is striving to meet Professor von Mehren’s challenge by reforming and reenergizing legal education in Germany. Whether Bucerius has been successful in this effort can now only be evaluated in part. What influence this law school has in Germany and beyond will be seen more clearly in the years ahead.

This article is divided into two parts. Part I provides an overview of legal education and the legal profession in Germany, which can be passed over by those already familiar with the subject. For those without this background knowledge, it is important to have at least a basic understanding of the existing system of public universities, as one cannot otherwise understand how Bucerius Law School functions or how different it is. Part II, the main substance of this article, presents the Bucerius Law School. Given the Law School’s novelty,<sup>8</sup> this article is intentionally primarily descriptive, thereby allowing English-speaking legal educators and students to become better acquainted with Bucerius. A judgment on the merits of this new educational endeavor is left to the reader.

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5. Markus Baumanns, Exec. Vice President, ZEIT-Stiftung Ebelin und Gerd Bucerius, *Who Will Run the 21st Century? The Role of Education in Global Leadership in China, Europe, and the United States* (Sept. 10, 2009) available at <http://www.globalization101.org/who-will-run-the-21st-century-the-role-of-education-in-global-leadership-in-china-europe-and-the-united-states/> (follow “Click here to watch the video” hyperlink).

6. See ANNA KUCHENBECKER, BUCERIUS LAW SCH., BUCERIUS LAW SCHOOL BROCHURE, 1, 4-5, 7-8, 14-15 (2008) (Ger.), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/Bucerius\\_Brochure\\_2008.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/Bucerius_Brochure_2008.pdf); Hariolf Wenzler & Kasia Kwietniewska, *Educating the Global Lawyer: The German Experience*, 61 J. LEGAL EDUC. 462, 466-67 (2012).

7. Beginning in the fall of 2011, the European Business School opened a private law school located in Wiesbaden near Frankfurt. See *Welcome*, EBS L. SCH., <http://www.ebs.edu/law-school-ueber-uns.html?&L=1> (last visited Sept. 23, 2012) (Ger.). It remains to be seen whether the EBS Law School is able to achieve the same level of success.

8. There still is a paucity of writings about Bucerius Law School in English. One example is a brief page-and-a-half mention in the following work, written shortly after the Law School first opened. See INGO VON MÜNCH, *LEGAL EDUCATION AND THE LEGAL PROFESSION IN GERMANY* 31-32 (2002). Another is a six-page summary that discusses Bucerius in the context of educating global lawyers. See Wenzler & Kwietniewska, *supra* note 6.



## II. PUBLIC UNIVERSITIES: THE TRADITIONAL PATH

### A. Overview

To become a member of the legal profession in Germany, whether as an attorney, judge, notary or prosecutor, the sole point of entry is the study of law at the university level.<sup>9</sup> No alternative, such as an apprenticeship or a “reading the law” program,<sup>10</sup> exists. Students begin their legal studies promptly upon the successful completion of their secondary education (*Abitur*).<sup>11</sup> Once at law school,<sup>12</sup> students must complete a required number of courses and semesters to become eligible to take the first state examination.<sup>13</sup> Students who successfully pass the exam next complete a series of internships in judicial chambers, government-lawyer positions, and private practice.<sup>14</sup> These internships culminate in the second state examination, which, if passed, leads to admission to the legal profession.<sup>15</sup>

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9. See Koriath, *supra* note 4, at 85-86, 90.

10. See *id.* at 85, 99; Robertson, B. Cohen, *Attending Law School versus “Reading the Law,”* 38 *COLO. LAW.*, May 2009, at 83.

11. See Koriath, *supra* note 4, at 90; *Ostertag, supra* note 3, at 305. The completion of one’s secondary education is known as the *Abitur*, or more formally as the *Allgemeine Hochschulreife*, and is a prerequisite for admission to a university. While the exact requirements vary from state to state, the *Abitur* completes one’s general education and usually consists of courses in languages, mathematics, sciences, social sciences, arts, and physical education. The courses culminate in several exams (*Abiturprüfung*). Until recently, men generally were also required to first complete mandatory military or civil service. See Stephan Löwenstein, *Wehrdienst—Bundeswehr zieht die letzten Wehrpflichtigen ein*, *FRANKFURTER ALLGEMEINE ZEITUNG* (Ger.), Jan. 3, 2011, <http://www.faz.net/aktuell/politik/inland/wehrdienst-bundeswehr-zieht-die-letzten-wehrpflichtigen-ein-1579475.html>; Stephan Löwenstein, *Abschlussbericht der Weise-Kommission—Guttenberg: Bundeswehrreform binnen acht Jahren*, *FRANKFURTER ALLGEMEINE ZEITUNG* (Ger.), Oct. 26, 2010, <http://www.faz.net/aktuell/politik/inland/abschlussbericht-der-weise-kommission-guttenberg-bundeswehrreform-binnen-acht-jahren-11056112.html>. Anecdotaly, hardly any of the incoming students at Bucerius in recent years have completed military or civil service.

12. When discussing German legal education, the term “law school” is used within this and other articles written in English; however, the term is an imperfect fit. Law schools in Germany are generally each a faculty within a public university rather than an independent institution or professional school. See Koriath, *supra* note 4, at 90-91. Law is considered to be one of the classic faculties within a university, alongside medicine, the natural sciences, and philosophy (arts and humanities). See *Ostertag, supra* note 3, at 316-17. There are further departments within each faculty. See *id.* In Germany, students enter law at the undergraduate level, and thus German law schools also lack the independent, professional graduate school status that U.S. law schools have.

13. See Koriath, *supra* note 4, at 92-96.

14. See *id.* at 97-98.

15. See *id.* at 85-86, 97-99.



## B. *The Students*

The number of law students has increased dramatically in the last fifty years.<sup>16</sup> Overall, young people have entered the university in increasingly larger numbers, and many have chosen to study law. For example, the number of new students enrolling annually in law has increased from just over 3000 in 1960 to nearly 20,000 students in the late 1990s and early 2000s.<sup>17</sup> By the mid 1990s, there were already over 100,000 law students.<sup>18</sup> Growing accordingly, the number of lawyers has increased by some 720%, from a mere 18,347 in 1960 to over 150,000 by 2009.<sup>19</sup> During the same time span, however, the population of Germany rose by only around twelve percent, from approximately seventy-three million to eighty-two million.<sup>20</sup>

However, two developments regarding the increase in the number of law students should be noted. First, attrition rates have historically been high (perhaps as high as twenty-five percent), especially in the first few semesters though leveling off thereafter.<sup>21</sup> Second, as the

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16. See JULIA VON SELTMANN, BUNDESRECHTSANWALTSKAMMER, STATISTIK JURASTUDENTEN, PRÜFUNGEN, RECHTSANWÄLTE 5 (Oct. 20, 2003) (Ger.), available at [http://www.rechtswaltskammerhamburg.de/KammerReport/2003/5\\_2003/Anlagen/Statistik\\_Studenten.pdf](http://www.rechtswaltskammerhamburg.de/KammerReport/2003/5_2003/Anlagen/Statistik_Studenten.pdf).

17. *Id.*

18. See Press Release, Statistisches Bundesamt, Pressemitteilung Nr. 387, 57% Studienanfängerinnen in den Rechtswissenschaften 2005 (Sept. 18, 2006) (Ger.), available at INFORMATIONSDIENST WISSENSCHAFT, <http://idw-online.de/pages/en/news175471>.

19. BUNDESRECHTSANWALTSKAMMER, ENTWICKLUNG DER ZAHL ZUGELASSENER RECHTSANWÄLTE SEIT 1915 (Ger.), available at [http://www.brak.de/w/files/4\\_fuer\\_journalisten/EntwicklungRAe.pdf](http://www.brak.de/w/files/4_fuer_journalisten/EntwicklungRAe.pdf). It should be noted that these numbers only refer to registered lawyers and do not include legal professionals who work as non-lawyers, e.g., judges or prosecutors. See *id.* By the beginning of 2011, there were 155,679 such admitted attorneys. *Id.*

20. See *Bevölkerung*, DESTATIS: STATISTISCHES BUNDESAMT, <https://www.destatis.de/DE/ZahlenFakten/Indikatoren/LangeReihen/Bevoelkerung/lrbev03.html> (last visited Nov. 7, 2012) (Ger.).

21. See Koriath, *supra* note 4, at 90 & n.29. In recent years, however, the attrition rate has been decreasing. For law students beginning their studies in 1992 to 1994, the attrition rate was 27%. Ulrich Heublein, Robert Schmelzer & Dieter Sommer, *Die Entwicklung der Studienabbruchquote an den deutschen Hochschulen: Ergebnisse einer Berechnung des Studienabbruchs auf der Basis des Absolventenjahrgangs 2006*, HIS: PROJEKTBERICHT, Feb. 2008, at 8-10 (Ger.), available at <http://www.his.de/pdf/21/his-projektbericht-studienabbruch.pdf>. For law students starting in 1999 to 2001, the attrition rate was dramatically reduced to only 9%. *Id.* The study credits recent reform efforts, the introduction of the *Freischussregelung*, and possibly the adjustment of expectations regarding the course of study and subsequent opportunities in the labor market as reasons for this decline. *Id.*; see *infra* note 56. By comparison, the attrition rate for students beginning their studies in economics (*Wirtschaftswissenschaften*), with some fluctuation, went from 31% to 27% during the same time period. Heublein, Schmelzer & Sommer, *supra*, at 9. For a more detailed study of reasons behind student attrition, see Ulrich Heublein, Christopher Hutzsch, Jochen Schreiber, Dieter Sommer & Georg Besuch, *Ursachen des Studienabbruchs in Bachelor- und in herkömmlichen Studiengängen: Ergebnisse einer bundesweiten Befragung von Exmatrikulierten des Studienjahres 2007/08*, HIS: PROJEKTBERICHT, Dec. 2009 (Ger.). The Hoch-



population of Germany has reached a plateau and slowly begun to shrink, so also has the number of law students slightly declined—especially as some of the larger demographic cohorts have passed beyond the age of university studies.<sup>22</sup>

During these decades of increase, attempts at capping the number of spots for law students were resisted for a number of reasons, the least benign being that crowding law students into large lecture halls is cheaper than building laboratories and workshops for engineering and science students.<sup>23</sup> Traditionally, the universities, which were public, had less flexibility in designing their own admission policies and were also subject to substantial budget constraints.<sup>24</sup> While the following statement may or may not be referring to Germany, it may contain some appropriate parallels: “One Minister of Justice, himself a former Dean, told me that in his country law, as a cheap subject, was the main dumping ground for excess demand for higher education and the main function of legal education was to reduce juvenile delinquency by keeping youngsters off the streets.”<sup>25</sup> The more benign view is that young people are simply rational actors reacting to the demands of a mature, service-oriented society with increasing legal needs.<sup>26</sup>

Regardless of the reason for this increase in law students and whether or not it is justified, neither the number of new law schools nor the number of professors has kept pace with the rising number of students.<sup>27</sup> Some thirty years ago, students already complained about overflowing lecture halls with several hundred students, impersonal law schools with several thousand students, and student-to-faculty ratios of “at best an average of 110-120 law students to one professor.”<sup>28</sup>

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schul-Informationen-System GmbH (“HIS”) was founded as a non-profit organization by the Stiftung Volkswagenwerk in 1969 and was then absorbed by the federal and state governments in 1976. They conduct research and provide many publications in the field of higher education. See *Publikationen*, HIS, <http://www.his.de/publikation> (last visited Oct. 8, 2012) (Ger.).

22. See Press Release, Statistisches Bundesamt, *supra* note 18. For example, in 2005, there were some 13,400 law students fewer than ten years previously. *Id.* During the same time period, while the overall number of new enrollees declined by some 6%, the percentage of women among new enrollees increased from 49% to 57%. *Id.*

23. See Geck, *supra* note 3, at 91, 93; Keilmann, *supra* note 3, at 303-04.

24. See Geck, *supra* note 3, at 91, 93.

25. WILLIAM TWING, BLACKSTONE'S TOWER: THE ENGLISH LAW SCHOOL, 51 (1994).

26. See Koriath, *supra* note 4, at 89.

27. See *id.* at 91.

28. Geck, *supra* note 3, at 91; see also DIETRICH RUESCHEMEYER, LAWYERS AND THEIR SOCIETY: A COMPARATIVE STUDY OF THE LEGAL PROFESSION IN GERMANY AND IN THE UNITED STATES 102 (1973).



The situation today, depending on the law school, is perhaps not much improved.<sup>29</sup> Professor Koriath describes his own institution as follows:

[T]he law faculty of the Ludwig-Maximilians-Universität Munich has *thirty full professors and about fifty-five full time assistants* (who teach and do research under the supervision of a professor) for *four thousand law students*. The number of law students does not include those students who choose law as a minor subject besides their studies of political sciences, business, and other fields.<sup>30</sup>

### C. Choice of Law School

There are over forty law schools in Germany, and the ranking of and competition among these law schools has historically been minimal.<sup>31</sup> The curriculum taught is similar, and while some schools are larger and others smaller, the consensus was and is twofold. First, students can receive the required necessary education at any of these institutions.<sup>32</sup> Second, if students perform well on the state exams, they will have promising career options regardless of their alma mater.<sup>33</sup> As a result, it is not surprising that many prospective students make their choice of law school based on geography.<sup>34</sup> As one student

29. See Koriath, *supra* note 4, at 91. The current situation is especially severe for two reasons: (i) many German states have reduced the length of primary and secondary education from thirteen to twelve years, leading to a doubling of the number of graduates in the year in which the last students under the old and the first students under the new system graduate, and (ii) the abolition of conscription likewise leading to an increase in the number of students. As an additional consequence, everything connected to the university is likewise affected, such as there being a surge in demand in the student housing market. See *Aussetzung der Wehrpflicht—Zehntausende zusätzliche Studienanfänger erwartet*, FRANKFURTER ALLGEMEINE ZEITUNG (Ger.), Oct. 19, 2010, <http://www.faz.net/aktuell/beruf-chance/campus/aussetzung-der-wehrpflicht-zehntausende-zusaetzliche-studienanfaenger-erwartet-1592892.html>; Lisa Becker, *Bildungsstandort Deutschland—Knappheit an den Hochschulen*, FRANKFURTER ALLGEMEINE ZEITUNG (Ger.), Jan. 10, 2012, <http://www.faz.net/aktuell/wirtschaft/bildungsstandort-deutschland-knappheit-an-den-hochschulen-11598497.html>; Sebastian Engelmann, *Hochschulen: Doppelter Jahrgang, multiple Probleme*, FOCUS ONLINE (Ger.), Feb. 9, 2010, [http://www.focus.de/wissen/mensch/campus/tid-16866/hochschulen-doppelter-jahrgang-multiple-probleme\\_aid\\_470797.html](http://www.focus.de/wissen/mensch/campus/tid-16866/hochschulen-doppelter-jahrgang-multiple-probleme_aid_470797.html).

30. Koriath, *supra* note 4, at 91 (emphasis added).

31. See HANS JOACHIM MAFRE, *DIE PRIVATUNIVERSITÄT: ALTERNATIVE ZUM STAATLICHEN HOCHSCHULMONOPOL* 125 (1973); Wenzler & Kwietniewska, *supra* note 6, at 464.

32. See Wenzler & Kwietniewska, *supra* note 6, at 464.

33. See *id.*

34. See Marian Krawietz & Christoph Heine, *Wahlmotive und Bewertungen des Studienortes bei Studienanfängern im Vergleich der neuen und der alten Länder: Ergebnisse aus der Befragung der Studienanfänger des Wintersemesters 2006/07*, 18 HISBUS-KURZINFORMATION, HIS: PROJEKTBERICHT, Aug. 2007, at 12 (Ger.), available at [http://www.bmbf.de/pubRD/hisbusstudie\\_studienstandort.pdf](http://www.bmbf.de/pubRD/hisbusstudie_studienstandort.pdf). A survey of students regarding why they chose their respective university found the most common reason to be the existence of a course offering that meets their subject interests (25%), followed by proximity to their hometown (18%). *Id.* Presumably, there-



explained to another in a blog post, after first emphasizing the unimportance of rankings, “It is almost a universal opinion among attorneys that the university [at which one studies] is unimportant. . . . Choose your university according to how attractive the city is.”<sup>35</sup>

The admissions process was and is very bureaucratic. Formerly, students submitted their preference to a central allotment system and were then assigned a place of study. Now, students generally apply directly to their school of choice; however, universities are still not overly selective in admitting new students to study law, especially in comparison to other subjects such as medicine.<sup>36</sup> If a GPA cap exists, based on grades from the *Abitur*, it tends not to be terribly restrictive.<sup>37</sup> For those students who do not receive admission to their first choice, it can still be possible to transfer later.<sup>38</sup> Moreover, other students simply wait and reapply, as spending a gap semester or year

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fore, if this attitude holds true among law students to the same extent as among students generally, and if a law student is choosing only among universities that offer law, then the proximity to one’s hometown would be the most common reason for choosing a university. See generally Christoph Heine, Julia Willich & Heidrun Schneider, *Informationsverhalten und Hochschulwahl von Studienanfängern in West- und Ostdeutschland: Eine Sekundäranalyse der HIS Studienanfängerbefragung des Wintersemesters 2007/08*, HIS: PROJEKTBERICHT, Feb. 2009, at 23-28 (Ger.), available at <http://www.hochschulkampagne.de/dateien/HIS-Infoverhalten-Studienanfänger-2009.pdf> (discussing motives of university choice).

35. StR-Tobi, Comments to *Jura—wo—Rankings?*, DIE ADRESSE FÜR AUSBILDUNG, STUDIUM UND BERUF (Jan. 1, 2011, 11:51 PM, Jan. 2, 2011, 12:18 AM & Jan. 2, 2011, 12:24 AM), <http://www.uni-protokolle.de/foren/viewt/275664,.html>. His full original comments in German are as follows: “Vergiss die Rankings, sind für Deutschland dank StEx uninteressant. . . . Nein, ist nicht wichtig. Das einzige was zählt sind die Examensnoten, die Uni ist wurst. . . . Es ist nahezu allgemeine Meinung unter den Juristen, dass die Uni egal ist. Jeder, der dir was anders erzählt, überschätzt seine Uni. Such dir die Uni nach der Attraktivität der Stadt aus, davon hast du mehr.”

36. See Brunnée, *supra* note 3, at 401.

37. See *id.* at 401 & n.10; Geck, *supra* note 3, at 95. This GPA cap, known as the *Numerus Clausus* or *NC*, represents the lowest grade on the *Abitur* among the students admitted on the basis of their grades. See Geck, *supra* note 3, at 93, 95. For the Winter Semester 2010/2011, the *NC* at the University of Hamburg for law was 2.4. *Numerus Clausus-Werte für den Studiengang Rechtswissenschaft an der Uni Hamburg*, NC-WERTE.INFO, <http://www.nc-werte.info/hochschule/uni-hamburg/rechtswissenschaft/> (last visited Oct. 8, 2012) (Ger.). The following example gives a sense of the distribution of grades on the *Abitur*. Of the 12,637 students who took the *Abitur* in Berlin in 2010, 5,613 students (44.4%) scored a 2.4 or above (passing grades range from a top score of 1, to a low of 3.9). See *Senatsverwaltung für Bildung, Jugend Und Wissenschaft, Abi '10*, BERLIN.DE, <http://www.berlin.de/sen/bildung/bildungswege/schulabschluesse/abi10.html> (last visited Oct. 8, 2012) (Ger.).

38. Law Students are more mobile relative to students in other subjects such as in engineering or in forestry, agricultural and nutritional sciences. See HOCHSCHUL-INFORMATIONEN-SYSTEM GMBH, MOBILITÄT IM STUDIUM: EINE UNTERSUCHUNG ZU MOBILITÄT UND MOBILITÄTSHINDERNISSEN IN GESTUFTEN STUDIENGÄNGEN INNERHALB DEUTSCHLANDS 19-20 (Marian Krawietz et al. eds., 2008) (Ger.), available at [http://www.hrk-bologna.de/bologna/de/download/dateien/Mobilitaet\\_im\\_Studium\\_2008.pdf](http://www.hrk-bologna.de/bologna/de/download/dateien/Mobilitaet_im_Studium_2008.pdf).



waiting increases one's chances of being admitted.<sup>39</sup> Though there are some variations by state, yearly tuition fees are either non-existent or negligible, e.g., in the range of 500 Euro per year.<sup>40</sup> Attempts in recent years to introduce or increase tuition fees were met with significant student protest.<sup>41</sup>

#### D. Course of Studies

Students take required classes in public, private, and criminal law, though they increasingly may also choose from a growing body of electives.<sup>42</sup> While German university students are reputedly slow in their studies, for law students, this is partially the result of the vast and ever-growing amount of substantive law that they are required to learn for the first state exam (*1. juristische Staatsprüfung*).<sup>43</sup> Though students may take the exam as early as after four to six semesters in theory, most students require significantly more time to prepare. At most law schools, the timeframe of eight to nine semesters (the *Regelstudienzeit*) is considered to be more realistic.<sup>44</sup>

At public universities, where students control their schedules, arguably much time is squandered—especially by new law students. The

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39. In addition to the admission pool that looks to the students' grades, universities also have an admission pool that also factors in the number of semesters a student has been waiting for admission. Interestingly, there are a number of lawyers in Germany who specialize in the field of *Studienplatzklagen*, i.e., in pursuing claims that a place to study was wrongfully denied. Their advertisements can be found in a variety of student related publications.

40. See *Tuition Fees in Germany*, STUDIS ONLINE, [http://www.studis-online.de/StudInfo/Gebuehren/tuition\\_fees.php](http://www.studis-online.de/StudInfo/Gebuehren/tuition_fees.php) (last visited Oct. 8, 2012) (Ger.). For a more in-depth discussion, see THORSTEN LANG, HOCHSCHUL-INFORMATIONEN-SYSTEM, HIS-DOKUMENTATION ZU STUDIENGEBOEHREN/STUDIENBEITRÄGEN (Feb. 2005) (Ger.), available at <http://www.his.de/pdf/23/HIS-Dokumentation-Studiengebuehren-1.pdf>.

41. See *Autobahn in Frankfurt blockiert*, AKTIONSBÜNDNIS GEGEN STUDIENGEBOEHREN (Ger.), May 17, 2006, <http://www.abs-bund.de/aktuelles/ansicht/autobahn-in-frankfurt-blockiert/> (indicating that some of these protests included successful and unsuccessful attempts at blockading traffic on the *Autobahn*).

42. See Koriath, *supra* note 4, at 92-93, 95.

43. See *id.* at 92-96; Keilmann, *supra* note 3, at 294-95. The state exams were previously called, and are still commonly known as, the *juristisches Staatsexamen*.

44. See, e.g., *Rechtshaus—ABC*, FAKULTÄT FÜR RECHTSWISSENSCHAFT—UNIVERSITÄT HAMBURG, <http://www.jura.uni-hamburg.de/rechtshaus-abc/r/> (last visited Oct. 8, 2012) (Ger.). For example, at the University of Hamburg, law as a subject has a *Regelstudienzeit* of nine semesters. *Id.* They define *Regelstudienzeit* as the number of semesters in which it is possible to complete a given course of study. *Id.* "Regelstudienzeit Jeder Studiengang hat eine bestimmte Anzahl von Semestern, in der ein Studiengang absolvierbar ist." *Id.* For example, of those who passed the exam on their first attempt in 2004, a mere 4.3% had completed just seven semesters or less. See BUNDESMINISTERIUM DER JUSTIZ, AUSBILDUNGSSTATISTIK, BUNDESAMT FÜR JUSTIZ [BMJ] REFERAT R B 6, 2224 III-R2 49/2005, Anl 5 (2008) (Ger.), available at [http://www.bmj.de/SharedDocs/Downloads/DE/pdfs/Ausbildungsstatistik2004.pdf?\\_\\_blob=publicationFile](http://www.bmj.de/SharedDocs/Downloads/DE/pdfs/Ausbildungsstatistik2004.pdf?__blob=publicationFile). The average student who had passed on his/her first attempt had completed 9.8 semesters. *Id.*



reality of the first state exam is quite distant, and until recently, there was little rigorous review along the way.<sup>45</sup> On the other hand, this degree of flexibility is advantageous for some students, such as those who have to work alongside their studies or who enjoy structuring their own curriculum.<sup>46</sup>

### E. *The First State Examination*

At most law schools, completing the required courses does not culminate in a degree but instead simply enables students to sit for the first state exam.<sup>47</sup> The exam is administered by the state in which a student has completed his or her studies and is designed to cover the theoretical material taught at the university.<sup>48</sup> For the most part, the exams are similar in content and format, but there may be some variations from state to state.<sup>49</sup> Generally, the exam includes five to seven written tests and a four-to-six-hour oral component and is assessed by professors and practitioners.<sup>50</sup> Beginning as of several years ago, a part of the assessment is done by the university, which counts as thirty percent of the final grade on the state exam.<sup>51</sup>

The exams are graded on a scale of zero to eighteen; in order to pass, candidates must receive at least four points, a grade known as

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45. See Brunnée, *supra* note 3, at 402-03. For a perspective from an alumnus of the Freien Universität in Berlin, see DANIEL JURCKES, PARTY, PARTY UND PRÄDIKATSEXAMEN (2006).

46. The following criticism by Professor von Mehren is somewhat outdated because, for example, there are exams that students must take during their studies. However, there may still be some validity to what he says: "Legal education at the German university puts, as is readily apparent, the student very much on his own. For a mature person, of scholarly inclinations, it can work very well indeed. I am more skeptical with respect to the great run of law students." Von Mehren, *supra* note 1, at 2-3; see also Brunnée, *supra* note 3, at 402-03.

47. See Koriath, *supra* note 4, at 95-97.

48. See Heinrich Amadeus Wolff, *Bar Examinations and Cram Schools in Germany*, 24 WIS. INT'L L.J. 109, 109-10 (2006).

49. See *id.* at 109, 111-12.

50. See BUNDESMINISTERIUM DER JUSTIZ, AUSBILDUNGSSTATISTIK, BMJ REFERAT III 3, 2224 III—B7 365/2009, Anl 1c (2010) (Ger.), available at [http://www.bmj.de/SharedDocs/Downloads/DE/pdfs/Ausbildungsstatistik\\_2008.pdf?\\_\\_blob=publicationFile](http://www.bmj.de/SharedDocs/Downloads/DE/pdfs/Ausbildungsstatistik_2008.pdf?__blob=publicationFile); Koriath, *supra* note 4, at 96; Jochen Schönmann, *Jura-Bachelor: Angriff auf den Dinosaurier*, SPIEGEL ONLINE (Ger.), Mar. 20, 2008, <http://www.spiegel.de/unispiegel/studium/jura-bachelor-angriff-auf-den-dinosaurier-a-542687.html>. For a description of exam format and further information on legal education more generally, see Philip Leith, *Legal Education in Germany: Becoming a Lawyer, Judge, and Professor*, 4 WEB J. CURRENT LEGAL ISSUES (1995) (U.K.), <http://webjcli.ncl.ac.uk/articles4/leith4.html>.

51. See BUCERIUS L. SCH., STUDIENEHRER SOMMERTRIMESTER 2011, at 37 (Ingrid Herzig et al. eds., 2011) (Ger.), available at [http://bewerberportal.law-school.de/fileadmin/user\\_upload/Dokumentarchiv/Publicationen/SF\\_ST\\_2011.pdf](http://bewerberportal.law-school.de/fileadmin/user_upload/Dokumentarchiv/Publicationen/SF_ST_2011.pdf); Koriath, *supra* note 4, at 95.



“sufficient” (*ausreichend*).<sup>52</sup> Approximately seventy percent of candidates pass the first state exam.<sup>53</sup> The grading in law is very stringent compared to other fields, and only a few students receive what are considered very good grades. The national average is approximately six points, and only about fifteen percent receive nine points or more, which is known as an “exam with distinction” (*Prädikatsexamen*).<sup>54</sup>

Given that the exam grade is the single most important factor in dictating future employment opportunities, students spend substantial amounts of time preparing for the exam.<sup>55</sup> Students may take a year off for intense study, and many will retake the exam in the hope of passing or improving their grade.<sup>56</sup> Similar to graduates of American law schools, most students supplement their university studies with a commercial preparation course, known as the *Repetitorium*.<sup>57</sup> There are several national providers, with courses in each of the major cities.<sup>58</sup> Several regional or other smaller independent course providers also exist.<sup>59</sup> However, the *Repetitorium* is arguably more than a mere

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52. See Carole Silver, *The Variable Value of U.S. Legal Education in the Global Legal Services Market*, 24 GEO. J. LEGAL ETHICS 1, 26-27 (2011).

53. See Koriath, *supra* note 4, at 96-97. For an article on those who do not pass the exam, see Jörg Schallenberg, *Endstation Staatsexamen: Down by Law*, SPIEGEL ONLINE (Ger.), Aug. 30, 2004, <http://www.spiegel.de/unispiegel/studium/endstation-staatsexamen-down-by-law-a-315057.html>.

54. See BUNDESMINISTERIUM DER JUSTIZ, AUSBILDUNGSSTATISTIK, BMJ RIEBERAT III 3, 2224 111—B7 221/2007, Anl 1 (2008) (Ger.), available at <http://rsw.beck.de/rsw/upload/JuS/BMJ-Ausbildungsstatistik-2006.pdf>. In most subjects, the average grade for students on their respective exams tends to be in the very good to good range. Grades on the state exam in the field of law stand in stark contrast to this. See Jona Kohl, *Menetekel Examen: Juristen am Rande des Nervenzusammenbruchs*, SPIEGEL ONLINE (Ger.), Sept. 11, 2007, <http://www.spiegel.de/unispiegel/studium/menetekel-examen-juristen-am-rande-des-nervenzusammenbruchs-a-504946.html>.

55. See Silver, *supra* note 52, at 26-27.

56. Students may retake the state exam at least once and, depending on the state and under certain conditions, may take the exam an additional time if they have completed their studies within a certain timeframe (*Freischussregelung*). While the number varies from state to state, on average about a third of students retake the state exam. Students who retake the exam tend to pass in higher numbers and receive better grades. See BUNDESMINISTERIUM DER JUSTIZ, *supra* note 44.

57. See Wolff, *supra* note 48, at 118-20. For further articles on the balance between the universities and the *repetitorien*, see Reiner Kramer, *Jura-Studium: Das Geschäft mit der Examensangst*, SPIEGEL ONLINE (Ger.), Sept. 26, 2003, <http://www.spiegel.de/unispiegel/studium/jura-studium-das-geschaeft-mit-der-examensangst-a-251854.html>, and Fabian Klask & Markus Verbeet, *Hochschulen: Rechthaber unter sich*, DER SPIEGEL (Ger.), Apr. 3, 2010, available at <http://www.spiegel.de/spiegel/a-687478.html>.

58. National providers include Alpmann Schmidt Juristische Lehrgänge (<http://www.alpmann-schmidt.de/>), Juristisches Repetitorium hemmer (<http://www.repetitorium-hemmer.de/>), and Jura Intensiv (<http://www.jura-intensiv.de/>). A rough estimate of the cost of such a course is 160-185 Euro a month, though costs vary by provider and city.

59. See Wolff, *supra* note 48, at 120.



exam passage tool, and it actually provides case-based training that will be beneficial in practice:

[T]he examination system is much more practically than theoretically oriented: specific legal cases . . . which have to be answered both in written papers and in oral examinations. . . . [T]he *Repetitor* sees legal education as a “craft” and that a good *Repetitor* will try to teach the “craftsmanship of law.” This is not “how to pass an exam,” so much as “how to solve a case.” Being able to solve a case is, of course, necessary in order to pass the examination system at both the First and Second Examinations.<sup>60</sup>

#### F. *The Internship Period*

After successfully passing the first state examination, students next complete a two-year series of internships known as the *Referendariat*.<sup>61</sup> During this time, they receive a modest government-funded living stipend and rotate through a variety of legal positions.<sup>62</sup> The sequence and lengths of each station vary by state.<sup>63</sup> In the state of Hessen, for example, students spend four months each at a civil court, criminal court (either with the prosecution or a judge), and administrative station (within local, state, or national government, a political party, or a public university), as well as nine months with an attorney or law firm and three months at an elective station of their choice (for which some students will opt to go abroad).<sup>64</sup> Throughout the *Referendariat*, the legal trainees (*Referendare*) also meet in study groups, which are designed to connect practice and theory.<sup>65</sup>

Students are generally assigned stations but may apply to specific positions for the administrative, attorney/law firm, and elective stations.<sup>66</sup> An advantage of this arrangement is that it gives students a wide exposure to the legal system and an opportunity to engage in real legal work before they commit to a specific career path. A disadvantage is that the quality of mentorship and training depends very much on whether individual judges, prosecutors, and lawyers are willing to invest in the *Referendare*. Then, for those students who have

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60. Leith, *supra* note 50.

61. See Wolff, *supra* note 48, at 111.

62. See *id.*

63. See *id.*

64. See Koriath, *supra* note 4, at 97-98. The greater allotment of time for the station with an attorney or a law firm was part of a reform effort in 2002 that sought to respond to the reality that the majority of students become practicing attorneys rather than government civil servants. See *id.* at 98.

65. See *id.* at 98.

66. See *id.* at 97-98.



already made up their minds regarding their choice of career, it represents a costly delay. Also, some *Referendare* do not take the internships very seriously.<sup>67</sup> But, given the importance of the state exams, it is not surprising if *Referendare* prefer to focus their time and energy on preparing for the second state exam.

### G. The Second State Examination

Once *Referendare* complete the *Referendariat*, they may then take the second state exam (2. *juristische Staatsprüfung*).<sup>68</sup> This exam also includes several written exams, as many as eight to twelve, and an oral portion.<sup>69</sup> However, more attention is given to legal practice and procedure, and the examiners are practitioners.<sup>70</sup> Many students resume attending commercial courses in order to prepare for the exam, usually at or toward the end of their internship period.<sup>71</sup> About eighty percent pass the second state exam, and about sixteen percent achieve a *Prädikatsexamen*.<sup>72</sup> Having successfully completed this exam, a student is then known as an *Assessor*, or *Volljurist*—a fully qualified jurist permitted to practice in any position in the legal profession (e.g., attorney, judge, prosecutor, etc.).<sup>73</sup>

German law students take an average of eight years or more to become a *Volljurist*.<sup>74</sup> A thirty-year-old who is just entering the legal profession is by no means unusual.<sup>75</sup> This process is so long, in part because there may be waiting periods before an internship station is assigned, the state exam can be taken, or the exam score is received.<sup>76</sup>

### H. The LL.M. Degree

The number of German law students who obtain an LL.M. degree has increased in recent years, especially among students pursuing

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67. See von Mehren, *supra* note 1, at 3.

68. See Wolff, *supra* note 48, at 111.

69. See Koriath, *supra* note 4, at 98.

70. See Wolff, *supra* note 48, at 111-12 (discussing the state examinations in greater detail).

71. See *id.* at 120-21. The commercial courses preparing one for the second exam usually cost slightly less than those preparing for the first exam. Such a course may be around 120 Euro a month, though costs likewise vary by provider and city.

72. See BUNDESMINISTERIUM DER JUSTIZ, *supra* note 54, at Anl 2 (indicating that in 2006, only 16.4% of candidates received *Prädikatsexamina*).

73. See Koriath, *supra* note 4, at 98-99.

74. See *id.*

75. See Brunée, *supra* note 3, at 412.

76. See *id.* at 412-13; see also Tilman Botzenhardt & Olaf Tarmas, *Welche Juristen Braucht Deutschland?*, RE.VISION (Ger.), 2010, at 62, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf).



careers in corporate law firms, international organizations, or academia.<sup>77</sup> Students who do pursue an LL.M. degree generally do so after taking the first state exam, though others wait until after the internship period or second state exam, or possibly until they have more work experience.<sup>78</sup>

Many students pursue an LL.M. mainly to increase their command of the English language, especially legal English.<sup>79</sup> Thus, English-speaking countries are preferred destinations, especially the United Kingdom and United States.<sup>80</sup> Students know that English is the language of the modern professional world. Professor Carole Silver, reporting on a survey of LL.M. students in the United States, observed, "Foreign lawyers, from diverse countries . . . report that at least half of the work in their home country is performed in English."<sup>81</sup> Also connected to this is, perhaps, an increase in living standards. For example, compared to decades ago, young people increasingly have the financial means necessary for a year abroad, and for the increasing number of young people who have already traveled outside of Germany, they likely have firsthand exposure to the importance of English.

Another reason to pursue an LL.M. is that it "enables foreign lawyers to gain substantive knowledge that they perceive is necessary for sophisticated practitioners in an international and competitive legal market."<sup>82</sup> While this may be true for some, others, including practicing attorneys at law firms, will concede that the substantive law learned is secondary to one's ability to speak English and be international.<sup>83</sup> A third reason to pursue an LL.M. is that the degree, especially from a well-known school, signals to foreign clients and attorneys that the lawyer is well-qualified, can understand their needs, and

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77. See generally Silver, *supra* note 52 (analyzing the value of a U.S. LL.M. degree in Germany and China respectively).

78. See *id.* at 27-28.

79. See Carole Silver, *Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers*, 14 *CARDOZO J. INT'L. & COMP. L.* 143, 156-57 (2006).

80. Until recently, New Zealand was also a popular destination due to an agreement between the two countries by which German students paid tuition at the rate for domestic rather than international students. See *Abkommen ermöglicht kostengünstiges Studium in Neuseeland für deutsche Studierende*, *NACHRICHTEN AUS AUSTRALISCHER UND NEUSEELÄNDISCHER WISSENSCHAFT UND FORSCHUNG*, <http://www.wissenschaft-neuseeland.de/neuseeland000138.html> (last visited Oct. 8, 2012) (Ger.).

81. Silver, *supra* note 79, at 156.

82. Carole Silver, *The Case of the Foreign Lawyer: Internationalizing the U.S. Legal Profession*, 25 *FORDHAM INT'L. L.J.* 1039, 1050 (2002) (citing Colin Woodard, *Legal Education in Germany Faces Iconoclastic Competition*, *CHRON. HIGHER EDUC.*, June 1, 2001).

83. See Silver, *supra* note 52, at 29.



can communicate with them proficiently.<sup>84</sup> This can be especially important to a client or attorney who is unfamiliar with the legal profession in Germany.

### I. Doctoral Degree

Some of the best students (as determined by their grade on the first state exam) proceed to complete a doctoral degree, known as the *Doktor der Rechtswissenschaften* (Dr. jur.). For example, of the 13,300 students who completed some course of legal studies in 2005, about fourteen percent received a doctoral degree.<sup>85</sup> Students who perform well enough on the first state exam have an automatic right to be admitted into a doctoral program.<sup>86</sup> Students with lower grades may still be able to enroll in a doctoral program. Though, finding a professor (known as a *Doktorvater* or *Doktormutter*) willing to supervise them may be more difficult. The degree requires a dissertation and an oral examination and can be completed in one to three years, depending on factors such as the topic and how much guidance (or pressure) the student's supervisor provides.<sup>87</sup> The completed thesis is usually published.

Many students pursue a doctoral degree even if they have no intention of pursuing an academic career. It is not at all uncommon for practitioners to have a doctoral degree, especially at corporate law firms.<sup>88</sup> In fact, at certain leading law firms, generally only attorneys with doctoral degrees are able to become partners.<sup>89</sup>

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84. See Silver, *supra* note 79, at 156.

85. See Press Release, Statistisches Bundesamt, *supra* note 18. This actually represented a two-thirds increase in the number of students receiving a doctoral degree compared to ten years previously. See *id.* Of the remainder, 9800 completed the First State Exam or a comparable degree, and 1600 another type of degree. See *id.*

86. See Leith, *supra* note 50.

87. See *id.*

88. Germans reputedly have an affinity for titles and advanced degrees, and doctoral degrees are not at all uncommon in fields such as business or politics also. The importance of obtaining a doctoral title, whether real or imagined, and the lengths that some individuals are willing to go to obtain such a title, can be seen in the recent series of scandals involving the discovery that several prominent German politicians had committed plagiarism in their doctoral dissertations. A Wiki entitled *VroniPlag Wiki* was launched in March 2011 to investigate allegations of plagiarism in doctoral dissertations. See *VroniPlag Wiki*, WIKIPEDIA, [http://de.wikipedia.org/wiki/VroniPlag\\_Wiki](http://de.wikipedia.org/wiki/VroniPlag_Wiki) (last visited Oct. 4, 2012) (Ger.). For a summary of a study on the impact of doctoral titles on political elections, see Gerald Wagner, *Dokortitel: Der kann es, der ist promoviert*, FRANKFURTER ALLGEMEINE ZEITUNG (Ger.), Nov. 1, 2011, <http://www.faz.net/aktuell/feuilleton/forschung-und-lehre/dokortitel-der-kann-es-der-ist-promoviert-11514348.html>.

89. For example, at Gleiss Lutz, a lawyer must have a doctorate to become a partner. *Qualifikation*, GLEISS LUTZ, <http://karriere.gleisslutz.com/sie-und-wir/qualifikation.html> (last vis-



## J. *Academia and Habilitation*

Becoming a legal academic in Germany is a lengthy process. Given that law schools are publicly funded, budgets are tight and relatively few faculty positions exist.<sup>90</sup> After earning a doctoral degree, the path to academia often involves several more years of an assistant position under the supervision of a professor, during which time the aspiring academics help their professor teach and research while also pursuing their own research.<sup>91</sup>

Generally, as a prerequisite to becoming a full professor, academics must also produce a *Habilitationsschrift*—a book on a more expansive topic of law than the narrower topic of the dissertation.<sup>92</sup> Once this second book is accepted, the law faculty then grants the academic the *Habilitation*, also known as *die Lehrbefähigung* or *facultas docendi* (university lecturing qualification).<sup>93</sup> This process may take four or five years, and academics that complete the *Habilitation* are generally already in their mid to late thirties.<sup>94</sup> By completing this step, they show a capacity for scholarly breadth and depth, as well as a readiness to engage in teaching responsibilities. Under this system, academics reach an academic post much later in life; on the other hand, aspiring scholars have the benefit of an apprenticeship-like period during which to work with a leading expert, similar perhaps to post-doctoral fellowships in other fields.<sup>95</sup>

## K. *Bologna Process*

In the past decade, European countries have been seeking convergence among their disparate systems of education to a more uniform system of bachelor's, master's, and doctoral programs, in what is known as the Bologna process.<sup>96</sup> In Germany, while a number of

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ited Oct. 4, 2012) (Ger.) (follow "Promotion" hyperlink). Another example is the prestigious firm Hengeler Mueller, where only five of the eighty-five partners do not have doctoral degrees. See *Unsere Anwälte*, HENGELER MUELLER, <http://www.hengeler.com/anwaelte/> (last visited Oct. 4, 2012) (Ger.).

90. See Koriath, *supra* note 4, at 91.

91. See *id.* at 101.

92. See *id.*

93. See *id.*

94. See Brunnée, *supra* note 3, at 408. Nationwide, for all subjects, the average age of habilitation is just over forty. *Habilitationen*, DESTATIS: STATISTISCHES BUNDESAMT, <https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/BildungForschungKultur/Hochschulen/Tabellen/Habilitationen.html> (last visited Oct. 12, 2012) (Ger.).

95. See Koriath, *supra* note 4, at 100-02.

96. See Laurel S. Terry, *Living with the Bologna Process: Recommendations to the German Legal Education Community from a U.S. Perspective*, 7 GERMAN L.J. 863, 866 (2006).



other fields have transitioned over to the new system, law has been more resistant to change.<sup>97</sup> A major concern is that a law student with only a three-year bachelor's degree is not sufficiently prepared to practice law.<sup>98</sup> With some exceptions, such as Bucerius Law School, most law schools continue to adhere to the traditional system.<sup>99</sup>

The signals regarding if and when law schools will transition to the new system have been mixed. In 2008, the ministers of justice from the respective state governments delayed making a final decision regarding implementation and reform, and they agreed instead to continue investigating the issue.<sup>100</sup> Then, in a 2010 address to students, German Chancellor Angela Merkel called legal studies to transition to the new degree system: "Surely lawyers are something special, but not that special."<sup>101</sup> However, the Federal Minister of Justice, Sabine

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97. See *id.* at 873.

98. See *id.* at 877-79. Overall, Germany has embraced the Bologna Process and, in fact, received one of the best scores in the 2005 Stocktaking Report. See WORKING GRP, APPOINTED BY THE BOLOGNA FOLLOW-UP GRP, TO THE CONFERENCE OF EUROPEAN MINISTERS RESPONSIBLE FOR HIGHER EDUC., BOLOGNA PROCESS STOCKTAKING REPORT 21, 4041, 78 (2005), available at <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/documents/BPStocktaking9May2005.pdf>. For information on the Bologna Process, see OTFRIED SEHWALD, SCHRIFTENREIHE DER UNIVERSITÄT PASSAU: JURISTENAUSBILDUNG UND BOLOGNA, HEFT NR. 29 (2007) (Ger.), available at [http://www.uni-passau.de/fileadmin/dokumente/oeffentlichkeit/Publikationen/Schriftenreihe\\_Uni\\_Passau/Oster\\_Druck\\_JuristenBologna.pdf](http://www.uni-passau.de/fileadmin/dokumente/oeffentlichkeit/Publikationen/Schriftenreihe_Uni_Passau/Oster_Druck_JuristenBologna.pdf), and Terry, *supra* note 96, at 863-905.

99. The situation of bachelor's degrees at German law schools is quite complex. As of 2005, only six law schools offered a Bachelor's examination (and presumably a bachelor's degree), including the Universities of Bremen, Erfurt, Greifswald, and Hamburg and Bucerius Law School. See WISSENSCHAFTSRAT, PRÜFUNGSNOTEN IM PRÜFUNGSJAHR 2005, DRs. 7769-07, at 78-79 (2007) (Ger.), available at <http://www.wissenschaftsrat.de/download/archiv/7769-07.pdf>. As of 2006 to 2007, still only ten percent of law students planned to obtain a bachelor's degree. See Marian Krawietz, *Bachelor! Was sonst? Abschlussarten deutscher Studienanfänger im WS2006/07*, 17 HISBUS-KURZINFORMATION, 2007 (Ger.), available at <https://hisbus.his.de/hisbus/docs/hisbus17.pdf>. Currently, many law schools that now offer a bachelor's degree do so as an interdisciplinary degree or as a minor, e.g., law and business or law and management, or as preparation for the alternative career path as a *Wirtschaftsjurist*. For the students who intend to become *Volljuristen*, they continue to offer no bachelor's degree and instead simply prepare them to take the first state exam. See DEUTSCHER AKADEMISCHER AUSTAUSCH DIENST [DAAD], STUDYING IN GERMANY: A GUIDE FOR INTERNATIONAL STUDENTS 16-17 (Dagmar Giersberg ed., Gregory John Moore trans., 2d ed. 2007) (Ger.), available at [http://www.britishcouncil.org/studying\\_in\\_germany\\_2\\_farbig.pdf](http://www.britishcouncil.org/studying_in_germany_2_farbig.pdf).

100. See *Die Kanzlerin sagt Ja: Neues zum Bachelor im Jurastudium*, AZUR (Ger.), Mar. 30, 2010, <http://www.azur-online.de/2010/3/30/die-kanzlerin-sagt-ja-neues-zum-bachelor-im-jurastudium/> [hereinafter *Die Kanzlerin sagt Ja*].

101. *Merkel fordert Abschaffung des Staatsexamens für Juristen*, RING CHRISTLICH-DEMOKRATISCHER STUDENTEN (Ger.), Feb. 20, 2010 (quoting Angela Merkel), <http://www.pressanzeiger.de/pm/Merkel-fordert-Abschaffung-des-Staatsexamens-fuer-Juristen-323475>. "*Juristen sind sicher etwas Besonderes aber nicht so besonders.*" *Id.* (quoting Angela Merkel). Her statement contains humor that rests on the dual meaning of *Besonderes*, which implies being peculiar as well as special.



Leutheusser-Schnarrenberger, has been reportedly more skeptical.<sup>102</sup> It remains to be seen whether the transition will occur.<sup>103</sup>

### L. *The Legal Profession*

While German *Volljuristen* have been exposed to a number of legal career paths during the *Referendariat*, in reality, their performance on the state exams severely limits their ability to choose among these paths.<sup>104</sup> Many students may aspire to the prestige and security of a judgeship or to the fast pace and financial rewards of working at a large corporate law firm; however, such positions are generally available only to those who have a *Prädikat* on both exams. In-house legal departments who recruit new graduates—and only large corporations actually do—tend likewise to be very selective. Some *Volljuristen* find employment in administrative civil service positions, which are less selective and correspondingly less prestigious. In reality, however, a large portion of new *Volljuristen* ends up practicing in small settings. According to one study, some thirty-three percent of new attorneys even become solo-practitioners.<sup>105</sup> Some *Volljuristen* also turn to employment in other fields.<sup>106</sup>

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102. See *Die Kanzerlin sagt Ja*, *supra* note 100.

103. Possibly, there may also be some political wrangling among different political actors and interests regarding Bologna and legal education. See Terry, *supra* note 96, at 881-82; see also Mario Gotterbarm, *Jurastudium: Streitfall Bologna*, FRANKFURTER ALLGEMEINE ZEITUNG (Ger.), May 21, 2009, <http://www.faz.net/aktuell/beruf-chance/campus/jurastudium-streitfall-bologna-1800659.html>; Reinhard Müller, *Studienreform: Mit Recht gegen Bologna*, FRANKFURTER ALLGEMEINE ZEITUNG (Ger.), July 28, 2010, <http://www.faz.net/aktuell/politik/studienreform-mit-recht-gegen-bologna-1100731.html>.

104. Employers in Germany look primarily to grades on the two state exams. On the one hand, this process makes hiring very objective, especially considering that employers are not relying on a more subjective measure such as law school rankings. On the other hand, this also means that only one criterion is really considered. In the United States, where employers rely on a weighted combination of law school grades and law school rankings, the measures may not be as objective; but, the law school admissions process already assesses multiple criteria, including broad intellectual abilities, background, and personality. For a thoughtful piece on issues related to this subject generally, see Scott Westfahl, *Response: Time to Collaborate on Lawyer Development*, 59 J. LEGAL EDUC. 645 (2010).

105. *Erfolgreich ins Berufsleben starten*, 21 JURIS BRIEF Nr. 2, 2009, at 2 (Ger.), available at [http://www.juris.de/jportal/cms/remote\\_media/media/jurisdc/pdf/jurisbriefe/jurisBrief\\_2\\_9.pdf](http://www.juris.de/jportal/cms/remote_media/media/jurisdc/pdf/jurisbriefe/jurisBrief_2_9.pdf).

106. Journalism and politics are often cited as alternative career paths. Three of the eight German chancellors of the Federal Republic of Germany have been lawyers: Konrad Adenauer, Kurt Georg Kiesinger, and Gerhard Schröder. About one in six members of the German parliament is a former lawyer or judge. See Michael Bröcker, *Wird das Volk von Juristen vertreten? Das Beamten-Parlament*, RP ONLINE (Ger.), Oct. 4, 2009, <http://www.rp-online.de/politik/deutschland/das-beamten-parlament-1.2298178>.



There are approximately 200,000 legal professionals in Germany, of whom about 150,000 are practicing attorneys.<sup>107</sup> Of the attorneys, some 25,000 are estimated to be employed by medium and large companies; the rest work in private practice, ranging from solo-practice to major international law firms.<sup>108</sup> Of the remaining legal professionals, some 21,000 are judges, just over 5000 are public prosecutors, about 20,000 are civil servants, and about 1000 are in legal academia.<sup>109</sup>

### III. BUCERIUS LAW SCHOOL

#### A. *Origins*

The ZEIT-Stiftung Ebelin und Gerd Bucerus accompanies the Bucerus Law School as its founder, sole shareholder and largest sponsor, while at the same time allowing the Law School to maintain its academic integrity. Bucerus Law School and the Foundation are allied in their goal towards a blossoming evolution of research and teachings.<sup>110</sup>

The Bucerus Law School is the flagship program of the ZEIT-Stiftung Ebelin und Gerd Bucerus, one of Germany's largest independent charitable foundations.<sup>111</sup> The ZEIT-Stiftung has embraced the mission of strengthening civil society through the promotion of research and scholarship, art and culture, and education and training.<sup>112</sup> The idea for a private law school was conceived in March 1997

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107. See BUNDESRECHTSANWALTSKAMMER, *supra* note 19; Koriath, *supra* note 4, at 86, 89-90.

108. See Koriath, *supra* note 4, at 90; Christoph Luschin, *Large Law Firms in Germany*, 14 *TOURO INT'L. L. REV.* 26, 37 (2010). Official statistics on the number of in-house lawyers are not available, and different sources provide different estimates. For example, according to one study, thirteen percent of new attorneys join in-house counsel offices. See *Erfolgreich ins Berufsleben starten*, *supra* note 105. A significantly lower figure is given in another study. See Peter Hamacher, *Der Syndikusanwalt*, in *DAV-RATGEBER* 193, 193 (12th ed. 2008).

109. See Koriath, *supra* note 4, at 86, 89-90. For further information on the German legal profession, see VON MÜNCH, *supra* note 8, at 56-78. For more information on large law firms in particular, see Luschin, *supra* note 108, at 4092.

110. *Mission Statement*, BUCERIUS L. SCH., <http://www.law-school.de/leitbild.html?&L=1> (last visited Oct. 16, 2012) (Ger.). "This mission statement was drawn up by members of the Law School and approvingly acknowledged by the Board of Trustees and the Supervisory Board of the Bucerus Law School. It was adopted by Bucerus Law School's Senate on July 5, 2006." *Id.*

111. See *Portrait of the Foundation*, ZEIT-STIFTUNG, <http://www.zeit-stiftung.de/home/index.php?id=1> (last visited Oct. 16, 2012) (Ger.).

112. *Id.* While the Bucerus Law School is the foundation's flagship, the foundation uses its resources both within Germany and internationally for a number of other educational purposes. These include the Bucerus Art Forum; the Bucerus LERN-WERK (educational project); the Bucerus scholarship program for young historians; the Gerd Bucerus Prize Free Press of Eastern Europe; the Bucerus Summer School on Global Governance; a post-doctoral scholarship program entitled "Germany and its Eastern neighbours—contributions to European history";



during a brainstorming session involving ZEIT-Stiftung representatives, academics, politicians, and others.<sup>113</sup> At the time, higher education in Germany faced numerous difficulties, and they hoped that an innovative and successful institution might have a reenergizing and revitalizing effect. They also wanted to create a tangible symbol that would have an influence on society and be well known by the public at large.<sup>114</sup> The reason for this was that while Germany has many private foundations that are engaged in numerous projects, they are rarely well known. Thus, they envisioned an institution that would showcase the impact of private means, and thereby encourage a culture of philanthropic investment in civil society.<sup>115</sup>

A private law school seemed a fitting tribute to the late Dr. Gerd Bucerius (1906-1995), the ZEIT-Stiftung's benefactor, because he had begun his career as a lawyer before becoming a politician and newspaper baron.<sup>116</sup> The city of Hamburg was the logical location because Dr. Bucerius had strong ties to the city.<sup>117</sup> He became an honorary citizen in 1986, and the newspaper he had helped found (*Die ZEIT*) and his charitable foundation (the ZEIT-Stiftung) are headquartered there.<sup>118</sup> Moreover, Hamburg is Germany's second largest city and one of its larger metropolitan regions, with a city population of nearly

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the summer school "History Takes Place"; the German Historical Institute Moscow; a series of panel discussions promoting the humanities; the Bucerius Institute for Research of Contemporary German History and Society at the University of Haifa; the Transatlantic Academy; the Bucerius Lectures in Washington, Moscow, and Jerusalem; and medals for outstanding academic achievements. See *Projects: Research and Scholarship*, ZEIT-STIFTUNG, <http://www.zeit-stiftung.de/home/index.php?id=4> (last visited Oct. 16, 2012) (Ger.). The endowment of the ZEIT-Stiftung was valued at 715 million Euro as of December 31, 2008. Michael Göring, *Stiftungen und die Wirtschaftskrise*, in *STIFTUNGSAKTIVITÄTEN 2007-2008*, at 12, 14 (Frauke Hamann ed., 2009) (Ger.).

113. See Michael Göring, Editorial, *Bucerius Law School Newsletter—January/February 2010*, BUCERIUS L. SCH., [http://en.newsletter.law-school.de/344.html?&no\\_cache=1](http://en.newsletter.law-school.de/344.html?&no_cache=1) (last visited Oct. 16, 2012) (Ger.).

114. See *id.*; *Mission Statement*, *supra* note 110.

115. "'Stiften heißt anstiften.'" Manfred Lahnstein, *Ein Bewegtes Jahrzehnt: Die Bucerius Law School kann auf sich stolz sein*, in *EINE ANDERE HOCHSCHULE* 13, 15 (Frauke Hamann ed., 2010) (Ger.), available at [http://www.zeit-stiftung.de/ufile/9\\_79\\_2.pdf](http://www.zeit-stiftung.de/ufile/9_79_2.pdf) (meaning, "to donate or endow is to incite or instigate"). This maxim is a clever phrase in German due to the multiple meanings and cognates of the word *stiften*. Professor Dres. h.c. Lahnstein is thereby expressing that the purpose of an endowment (or of donating) is to create something that will have a wider impact on society. See *id.*

116. See *The Founder*, ZEIT-STIFTUNG, <http://www.zeit-stiftung.de/home/index.php?id=2> (last visited Oct. 16, 2012) (Ger.).

117. See *id.*

118. See *id.*; *Ernennung zum Ehrenbürger 1900-1999*, HAMBURG.DE, <http://www.hamburg.de/ernennung-ehrenbuenger-1901999/> (last visited Oct. 16, 2012) (Ger.).



1.8 million and a metropolitan population of 4.3 million.<sup>119</sup> With centuries of maritime tradition, Hamburg is considered one of Germany's gateways to the world.

A committee known as the Founding Commission (*Gründungs-kommission*) advised the Law School during the early stages.<sup>120</sup> The Commission consisted of numerous distinguished and prestigious individuals: two former Mayors of Hamburg, prominent academics (including the renowned British-German academic and politician Lord Ralf Dahrendorf), the former German President Professor Dr. Roman Herzog, a Vice President of the Federal Association of German Industry, and notable Hamburg attorneys and notaries.<sup>121</sup> Visits were also undertaken to several elite U.S. law schools. Strategy consulting firm Roland Berger was also commissioned to undertake a feasibility study to assess the economic viability of such an institution.<sup>122</sup> Thus, each step was planned carefully. However, up until the point of no return, those involved agreed that the idea could have been abandoned if it was found not to be realizable.<sup>123</sup> Ultimately, the Law School founders envisioned an institution that would have an impact.<sup>124</sup>

## B. Organization

### 1. Overview

The Law School's management, together with its administration, forms the organizational backbone of Bucerius. Staff members are dedicated to the principles of personal responsibility and team spirit. They ensure that daily campus life functions smoothly, by addressing the needs of the students, lecturers and researchers.<sup>125</sup>

It was realized early on, that the Bucerius Law School<sup>126</sup> would need to have its own identity while still maintaining its connection

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119. See BUREAU OF STATISTICS: HAMBURG & SCHLESWIG-HOLSTEIN, HAMBURG METROPOLITAN AREA, available at [http://www.statistik-nord.de/fileadmin/download/faltblaetter/Metro-polregion\\_englisch.pdf](http://www.statistik-nord.de/fileadmin/download/faltblaetter/Metro-polregion_englisch.pdf) (last visited Oct. 16, 2012) (Ger.).

120. See *Organization*, BUCERIUS L. SCH., <http://www.law-school.de/organisation.html?&L=1> (last visited Oct. 16, 2012) (Ger.).

121. See *id.*; Michael Göring, *Die Gründung der Bucerius Law School*, in *EINE ANDERE HOCHSCHULE* 23, 26 (Frauke Hamann ed., 2010) (Ger.), available at [http://www.zeit-stiftung.de/ufile/9\\_79\\_2.pdf](http://www.zeit-stiftung.de/ufile/9_79_2.pdf).

122. Göring, *supra* note 121, at 25.

123. See *id.*

124. See Göring, *supra* note 113.

125. *Mission Statement*, *supra* note 110.

126. The English designation "Law School" with the German *Hochschule für Rechtswissenschaft* as a subtitle was a very deliberate choice. Deputy CEO Benedikt Landgrebe explained, "the Anglo-American law-school system is a very important point of reference for us." Aisha



with the ZEIT-Stiftung.<sup>127</sup> Thus, the Law School was incorporated as a non-profit organization (*gGmbH*) wholly-owned by the ZEIT-Stiftung.<sup>128</sup> The Law School has its own logo and identity, but they are seldom far removed from the logo of the foundation. This connected-but-separate arrangement was necessary to provide reassurance that the foundation was committed to this new institution on the one hand, while on the other hand still allowing the Law School to appear under its own name. That way, the Law School would be an independent institution that could, for example, solicit donations from third parties with confidence.

The Law School is headed by a President, who is appointed by a Board of Trustees (*Kuratorium*) based on the recommendation of the Law School Senate, and a CEO (*Geschäftsführer*), who is appointed by a Supervisory Board (*Aufsichtsrat*).<sup>129</sup> The first president, Professor Dr. h.c. mult. Hein Kötz, was “an excellent teacher and a well-known researcher not only in private law, but in comparative law and in private international law.”<sup>130</sup> Professor Kötz had been the director of the Max Planck Institute for Comparative and International Private Law in Heidelberg for over two decades.<sup>131</sup> On the verge of retirement, he was asked to be the new Law School’s president.<sup>132</sup> As a long-time critic of the state exam and the judiciary-focused nature of German legal education, this was his proverbial chance to practice what he had preached.<sup>133</sup> He thus accepted the position of president for a five-year term that would end when he turned seventy.<sup>134</sup> The first CEO, Dr. Jürgen Buring, was also hired at the close of his professional career from WHU, one of Germany’s leading private business schools.

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Labi, *Germany's First Private Law School Shakes up a Tradition-Bound System*, CHRON. HIGHER EDUC. (Ger.), Apr. 8, 2005, at A38 (quoting Benedikt Landgrebe).

127. See *Mission Statement*, *supra* note 110.

128. See *Portrait of the Foundation*, *supra* note 111.

129. See *Organization*, *supra* note 120.

130. VON MÜNCH, *supra* note 8, at 32. Professor Kötz had also received an M.C.L. (Master of Comparative Law) from the University of Michigan, had researched and taught in the United States, Sweden, and the Netherlands, and was a fellow of the British Academy. See *id.*; Hein D. Kötz, MAX PLANCK INST. COMP. & INT'L. PRIVATE L., [http://www.mpipriv.de/ww/en/pub/staff/koetz\\_hein.cfm](http://www.mpipriv.de/ww/en/pub/staff/koetz_hein.cfm) (last visited Oct. 16, 2012) (Ger.).

131. See *Hein D. Kötz*, *supra* note 130.

132. See Göring, *supra* note 121, at 26.

133. See Keilmann, *supra* note 3, at 306.

134. See *Hein D. Kötz*, *supra* note 130.



The second President, Professor Dr. Dres. h.c. Schmidt, was a renowned scholar in the area of commercial and business law.<sup>135</sup> The current president, Professor Dr. Doris König, M.C.L, is a scholar in the area of environmental law, maritime law, and European integration; she has been a member of the faculty since 2000.<sup>136</sup> The current CEO, Dr. Hariolf Wenzler, is a former strategy consultant.<sup>137</sup> Although the President technically has responsibility for academic affairs and the CEO for day-to-day operations, in practice the two areas strongly overlap.<sup>138</sup> The Law School's Board of Trustees advises primarily on issues of content, and the Supervisory Board advises primarily on issues of business and operational strategy.<sup>139</sup> The two boards include a number of renowned individuals from the fields of business, law, philanthropy, and politics.<sup>140</sup>

The Law School Senate is an administrative body that consists of the Law School leadership, including the President, CEO, professors, and a set number of representatives from the research assistants, post-doctoral research fellows, staff members, and students.<sup>141</sup> Non-voting members include a representative from the alumni association, as well as the respective heads of the foreign language program (the *studium generale*)<sup>142</sup> and the business/economics program.<sup>143</sup> The Senate is the body responsible for the school's internal administrative matters, including the school's development, commissioning of hiring committees and other committees, promoting of young academics, designing of the curriculum and degree programs, etc.<sup>144</sup>

## 2. Finances

Bucerius is financed completely through private means. Former German Chancellor Helmut Schmidt, who has been involved with the Bucerius Law School because of his long affiliation with the *Die ZEIT*

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135. See *Professor König to be the new President of Bucerius Law School*, BUCERIUS L. SCH. (Apr. 17, 2012), [http://www.law-school.de/204.html?&no\\_cache=1&L=1&tx\\_ttnews\[tt\\_news\]=530&tx\\_ttnews\[backPid\]=74&cHash=1e5d2ce119](http://www.law-school.de/204.html?&no_cache=1&L=1&tx_ttnews[tt_news]=530&tx_ttnews[backPid]=74&cHash=1e5d2ce119) (Ger.).

136. See *id.*

137. See *Organization*, *supra* note 120.

138. See WISSENSCHAFTSRAT, STELLUNGNAHME ZUR AKKREDITIERUNG DER BUCERIUS LAW SCHOOL, HAMBURG, DRS. 8468-08, at 22-23 (2008) (Ger.), available at <http://www.wissenschaftsrat.de/download/archiv/8468-08.pdf>.

139. See *Organization*, *supra* note 120.

140. See *id.*

141. See WISSENSCHAFTSRAT, *supra* note 138, at 21 n.10.

142. See *id.*; see also *infra* text accompanying notes 188-89.

143. See WISSENSCHAFTSRAT, *supra* note 138, at 21 n.10.

144. See *id.* at 21-22.



newspaper, exclaimed, “‘We won’t take any dough from the state.’”<sup>145</sup> This decision has allowed Bucerius to “remain independent,” explained Professor Göring, “and to ward off potential accusations that we were taking away state funds from the public universities.”<sup>146</sup> The means are derived through a combination of tuition fees, contributions from the ZEIT-Stiftung, and third parties, the latter of which includes both donations and commercial revenue.<sup>147</sup> These additional contributions are necessary, as tuition fees cover only a portion of the operating expenses.<sup>148</sup>

The Law School continues to rely heavily on the ZEIT-Stiftung, which is committed to providing continued financial support and currently provides the largest share of the budget.<sup>149</sup> For example, the annual budget for 2009 was 14.7 million Euro.<sup>150</sup> The ZEIT-Stiftung provided 59%, tuition 23%, third parties 10%, and income of the Law School 8%.<sup>151</sup> The 2010 budget was 14.8 million Euro, with the foundation providing 58%, tuition 23%, donations 10%, commercial activities and revenue of the Law School 8%, and the intergenerational contract 1%.<sup>152</sup>

In the next few years, the Law School leadership would like to reduce the proportion that the foundation contributes. This gradual

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145. Göring, *supra* note 121 (quoting Helmut Schmidt). “‘Wir nehmen keine Staatsknete.’” *Id.* (quoting Helmut Schmidt).

146. *Id.* “[U]m unabhängig zu bleiben und uns frei zu halten von möglichen Vorwürfen, wir nähmen den staatlichen Hochschulen öffentliche Fördergelder weg.” *Id.*

147. See *Facts and Figures*, BUCERIUS L. SCH., <http://www.law-school.de/zahlenfakten.html?&L=1> (last visited Oct. 17, 2012) (Ger.).

148. See *id.*

149. See *id.*; *ZEIT-Stiftung Ebelin und Gerd Bucerius*, BUCERIUS L. SCH., <http://www.law-school.de/zeit-stiftung.html?&L=1> (last visited Oct. 17, 2012) (Ger.).

150. *Facts and Figures*, BUCERIUS L. SCH. (Mar. 2009), <http://web.archive.org/web/20090421044347/http://www.law-school.de/zahlenfakten.html?&L=1> (accessed by searching for <http://www.law-school.de/zahlenfakten.html?&L=1> in the Internet Archive index) (Ger.).

151. *Jahresabschluss für das Geschäftsjahr vom 1. Januar bis zum 31. Dezember 2009*, RE.VISION (Ger.), 2010, at 45, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf). This arrangement is not unlike other elite educational institutions such as Harvard Law School, where “the tuition charged is substantially less than the actual cost of services provided to each student, because a significant portion of this cost is covered by the school’s endowment funds.” E-mail from Kenneth Lafler, Dir., Student Fin. Servs., Harvard Law Sch., to Christoph Luschin (May 14, 2008) (on file with author). Likewise, tuition fees cover only about twenty percent of expenses at other private institutions of higher education in Germany. See Sebastian Balzter, *Hochschulen—Privat, aber nicht privilegiert*, FRANKURTER ALLGEMEINE ZEITUNG (Ger.), Oct. 2, 2010, <http://www.faz.net/aktuell/berufchance/campus/hochschulen-privat-aber-nicht-privilegiert-1574731.html>.

152. *Facts and Figures*, BUCERIUS L. SCH. (May 2010), <http://web.archive.org/web/20100813145434/http://www.law-school.de/zahlenfakten.html?&L=1> (accessed by searching for <http://www.law-school.de/zahlenfakten.html?&L=1> in the Internet Archive index) (Ger.).



decrease is critical to allowing the Law School to become more financially independent and allow the foundation to engage in other philanthropic activities. The 2012 budget was as follows: of 15.9 million Euro, 53% is to come from the foundation, 23% from tuition, 10% from donations, 13% from commercial activities and revenue of the Law School, and 1% from the intergenerational contract.<sup>153</sup>

### 3. Degree Courses

Bucerius Law School currently offers several degrees: the Bachelor of Laws (LL.B.); the Master of Law and Business (MLB) in cooperation with the WHU—Otto Beisheim School of Management; a doctoral degree (Dr. Jur.); and even the opportunity for *Habilitation*. Each is described in turn.

In its desire to achieve [the best possible education], Bucerius is aware of its responsibility in assisting the harmonization process of the higher education system in Europe.<sup>154</sup>

Bucerius Law School embraced the recommendations of the Bologna process and became one of the first—and still one of the few—German law schools to offer a Bachelor of Laws degree (LL.B.) that prepares students to take the first state examination.<sup>155</sup> The LL.B. was the first degree the Law School offered and remains its largest program.<sup>156</sup>

### 4. Admissions

[T]he aim of the Law School is to educate outstanding individuals . . . .<sup>157</sup>

What the German version of the mission statement clarifies is that the aim is actually to produce outstandingly educated individuals. Naturally, beginning with individuals who are already outstanding

153. See BUCERIUS L. SCH., ZAHLEN UND FAKTEN ÜBER DIE BUCERIUS LAW SCHOOL. (Oct. 2012) (Ger.), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/Factsheet%20Oktober%202012.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/Factsheet%20Oktober%202012.pdf).

154. *Mission Statement*, *supra* note 110.

155. See *Prospective Students*, BUCERIUS L. SCH., <http://www.law-school.de/studieninteressierte.html?&L=1> (last visited Oct. 17, 2012) (Ger.). The University of Greifswald also introduced an LL.B., starting in 2000. VON MÜNCH, *supra* note 8, at 25. However, this was phased out as of 2010 and has been replaced by a B.A. in “law, business, HR” (“*Recht, Wirtschaft, Personal*”). See *B.A. Studiengang “Recht-Wirtschaft-Personal,”* UNIVERSITÄT GREIFSWALD, <http://www.rsf.uni-greifswald.de/studium/ba-recht-wirtschaft-personal.html> (last visited Oct. 17, 2012) (Ger.).

156. See *Facts and Figures*, *supra* note 147.

157. *Mission Statement*, *supra* note 110. “[M]öchte die Hochschule hervorragend ausgebildete Persönlichkeiten hervorbringen . . . .” *Leitbild*, BUCERIUS L. SCH., <http://www.law-school.de/leitbild.html?&L=1> (last visited Oct. 17, 2012) (Ger.).



makes this aim more easily achievable. Thus, the admissions process at Bucerius is highly selective and demanding. Bucerius chooses approximately 115 students from roughly 600 applicants (the number of applicants has increased from the initial 450 to 500) and, despite the obvious demand, plans to maintain the current class size.<sup>158</sup>

Generally, students apply coming out of secondary school, though law students from other universities may apply currently, provided they have not completed more than two semesters.<sup>159</sup> Transfer students are otherwise not considered. Students submit their applications by mid May and, if admitted, start in mid September.<sup>160</sup> As part of the admissions process, applicants first take a written exam with both an essay and a multiple-choice component.<sup>161</sup> An independent outside evaluator, the ITB Consulting GmbH, designs and assesses the test.<sup>162</sup> Grades from the applicants' secondary education constitute one-third of their written exam score.<sup>163</sup> The school invites the top 200 applicants to return for an oral portion, which consists of two one-on-one interviews, a group discussion, and a presentation on a topic prepared by the applicant followed by a discussion.<sup>164</sup> The oral portion is evaluated by the faculty and other invited guests, who tend to be connected with Bucerius in some way,<sup>165</sup> whether they are alumni, the local pastor who facilitates a weekly devotional for students, or attorneys of firms who recruit on campus; to date, over 250 evaluators have participated.

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158. See *Bucerius Law School Newsletter—July-August 2012*, BUCERIUS L. SCH., <http://en.newsletter.law-school.de/> (last visited Oct. 17, 2012) (Ger.); *Häufig gestellte Fragen (FAQ) zum Thema Bewerbung*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/bewerbung-auswahlverfahren/bewerbung-haeufig-gestellte-fragen-faq.html> (last visited Oct. 17, 2012) (Ger.) [hereinafter *FAQ*].

159. See *FAQ*, *supra* note 158.

160. See *id.*

161. See *Auswahlverfahren*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/bewerbung-auswahlverfahren/auswahlverfahren.html> (last visited Oct. 17, 2012) (Ger.).

162. See *id.*

163. See *id.* This standardized test provides a more objective measure than relying heavily on the *Abitur*, which is generally done at the public universities. Since the *Abitur* is administered by the individual states, the grades are not completely comparable. See Ulrich Trautwein & Marko Neumann, *Bildung—Abitur ist nicht gleich Abitur*, FRANKFURTER ALLGEMEINE ZEITUNG (Ger.), Jan. 7, 2010, <http://www.faz.net/aktuell/politik/inland/bildung-abitur-ist-nicht-gleich-abitur-1908980.html>. Some states, Bavaria in particular, have a reputation for providing a more challenging education.

164. See *Auswahlverfahren*, *supra* note 161 (follow “Mündliches Auswahlverfahren” tab).

165. See KUCHENBECKER, *supra* note 6, at 5; *Termine & Grundsätzliches*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/bewerbung-auswahlverfahren/termine-grundsatzliches.html> (last visited Oct. 17, 2012) (Ger.).



Furthermore, all applicants for the LL.B. are required to demonstrate English proficiency.<sup>166</sup> For those taking the internet-based TOEFL, a score of ninety-five is required, which is almost as high as the score generally required of applicants to American LL.M. programs.<sup>167</sup> Given the application criteria and process, admitted students are generally among the best from their respective classes.<sup>168</sup> Moreover, because the students are consciously electing to pay significant amounts of tuition fees when they otherwise would not need to, they tend to be even more vested in and committed to their studies.<sup>169</sup> These factors set the tone for the learning culture that exists at Bucerius.

### 5. Student Population

The students at Bucerius Law School are open-minded young adults, who welcome constructive criticism. They develop their talents and abilities in an astute and determined manner.<sup>170</sup>

There are currently a total of 551 LL.B. students at Bucerius, including those who are finished with their classes and are now actively

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166. See *FAQ*, *supra* note 158; *Legal Studies*, BUCERIUS L. SCH., <http://www.law-school.de/jurastudium.html?&L=1> (last visited Oct. 17, 2012) (Ger.).

167. See *Wie bewerben?*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/bewerbung-auswahlverfahren/wie-bewerben.html> (follow “*Sprachzertifikat*” hyperlink) (last visited Oct. 17, 2012) (Ger.). While generally German university students have good English skills, the English proficiency requirement at Bucerius does favor certain students over others. In order to be able to apply to any university in Germany, students must have shown proficiency in at least two foreign languages; however, this can be accomplished by taking classes in any foreign language, such as Latin and Greek or French and Spanish, and need not include English. Thus, the English requirement acts as a filter and a statement of priorities. Of the students who are admitted, many have already had some sort of experience abroad, perhaps six months or a year spent attending a high school in a foreign country. See generally Jens Peschel, Ulrike Senger & Janka Willige, *Fremdsprachenkenntnisse—Subjektive Einschätzung und objektiver Test*, 12 HISBUS-KURZBERICHT (Ger.), available at [https://hisbus.his.de/hisbus/docs/HISBUS12\\_Fremdsprachenkenntnisse.pdf](https://hisbus.his.de/hisbus/docs/HISBUS12_Fremdsprachenkenntnisse.pdf).

168. Bucerius students are said to have on average a 1.5 on the *Abitur*. Stefani Hergert, *Bucerius Law School: Juristen mit Weitblick*, KARRIERE.DE, July 26, 2011, available at <http://www.karriere.de/studium/juristen-mit-weitblick-164013/>. By comparison, of 13,973 students in the city-state of Berlin who took the *Abitur* in 2009, the average grade was a 2.5 (on a scale of a perfect 1. to a mere passing 3.9, with anything above counting as not passing). See *Senatsverwaltung für Bildung, Jugend Und Wissenschaft, supra* note 37; *Ergebnisse des Abiturs im Jahre 2009*, BERLIN.DE, <https://www.berlin.de/landespressestelle/archiv/2009/07/09/131977/index.html> (last visited Oct. 17, 2012) (Ger.). Students in Berlin with the grade of 1.4-1.5 would be in approximately the ninety-seventh to ninety-fifth percentile of students.

169. This likely applies not only to students who are financing their education through their own means, but also to those students who do so with the aid of parental support, as they may be driven by a sense of accountability, i.e., a need to show value for money.

170. *Mission Statement*, *supra* note 110.



preparing for the state examination.<sup>171</sup> One figure that speaks to the caliber of students is that 11.2% of students are scholars of the German National Academic Foundation (*Studienstiftung des Deutschen Volkes*).<sup>172</sup> This figure is the highest percentage of any institution of higher education in Germany.<sup>173</sup> While students and faculty will freely admit that there are good students at other universities as well, they will also acknowledge just as readily that the students at Bucerius are above average.

## 6. Tuition Fees

The tuition fees LL.B. students pay are quite modest when compared with universities and law schools in the United States.<sup>174</sup> Tuition fees are currently 3700 Euro per trimester, for a total of 44,400 Euro for twelve trimesters.<sup>175</sup> In other words, the entire education costs not much more than a mere year at many American law schools. When the tuition fees were originally calculated, the management at Bucerius looked to other institutions of private higher education in Germany to provide a reference point, as no market for private law schools existed.<sup>176</sup> Since then, the management has carefully monitored inflation price indices for higher education.

Helmut Schmidt emphasized that the Law School must not become an institution just for children of parents with higher incomes.<sup>177</sup> Thus, the Law School made the admissions process independent of

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171. BUCERIUS L. SCH., *supra* note 153.

172. *Id.* "The *Studienstiftung* (German National Merit Foundation) is an institution supported largely by the German government that grants competitive scholarships to approximately one fourth of one percent of the German university student population. Awards are made after a multi-stage selection process and are based on grades, specialized exams, letters of recommendation, personality and character, and interviews with staff and affiliates of the foundation. Under the principles of uniformity and open access currently characteristic of German universities, the *Studienstiftung* serves as the main instrument to recognize and support the student elite in Germany." *The Studienstiftung des deutschen Volkes*, STUDIENSTIFTUNG, <http://www.studienstiftung.org/#stiftung> (last visited Oct. 17, 2012) (Ger.).

173. BUCERIUS L. SCH., *supra* note 153.

174. By way of further comparison, for EU students at the University of Oxford, annual tuition fees for 2012/13 for a Bachelor of Jurisprudence (Law) are £9,000. See *2012/13 University Tuition Fee Rates*, U. OXFORD, <http://www.ox.ac.uk/fcesandfunding/fces/information/universityrates/201213feerates/> (last visited Oct. 17, 2012) (U.K.).

175. *Facts and Figures*, *supra* note 147.

176. It is worth noting that there has been a dramatic recent increase in the number of private institutions of higher education. See *Balzter*, *supra* note 151. Of some ninety non-church-sponsored institutions of higher education in Germany, not even half are more than a decade old. *Id.*

177. See *Göring*, *supra* note 121, at 25. Helmut Schmidt is a member of the German Social Democratic Party.



any financial considerations and set up mechanisms to allow students of all backgrounds the opportunity to study at Bucerius.<sup>178</sup> Around ten percent of students receive federal financial aid (*Bafög*).<sup>179</sup> These students, in turn, automatically qualify for the Bucerius Scholarship, which reduces their tuition by half for each trimester for which they qualify for federal aid.<sup>180</sup> About thirty-three percent of the students take out private loans or sign up for the intergenerational contract (*Umgekehrter Generationenvertrag*).<sup>181</sup> The intergenerational contract is an arrangement whereby tuition fees are waived.<sup>182</sup> In return, upon entering the work force, students agree to repay eight to ten percent of their gross income over a ten-year period, providing they make at least 24,000 Euro.<sup>183</sup> There is a repayment cap at double the amount they originally would have paid in tuition fees.<sup>184</sup>

## 7. Course of Studies

At Bucerius Law School, the course of study is divided into twelve trimesters and begins in the fall.<sup>185</sup> Thus, students complete their studies relatively quickly and generally take the first state examination just after four years, which is well below the national average.

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178. See *id.* at 25-26; *Finanzierbare Studiengebühren*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/kosten-finanzierung/studiengebuehren.html> (last visited Oct. 10, 2012) (Ger.).

179. BUCERIUS L. SCH., *supra* note 153.

180. *Finanzierung der Studiengebühren*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/kosten-finanzierung/finanzierung-der-studiengebuehren.html> (follow "Weniger zahlen: Bucerius-Stipendium" hyperlink) (last visited Oct. 10, 2012) (Ger.).

181. BUCERIUS L. SCH., *supra* note 153. While this figure may seem low by American standards, it actually is very high compared to the national average of students who take out loans, which is about six percent. See Fatma Ebcinođlu & Jana Gersch, *Kredite zur Studienfinanzierung: Chance zu mehr Flexibilität oder Notwendigkeit zur Deckung von Finanzierungslücken?*, 19 HIS-BUS-KURZINFORMATION, HIS: PROJEKTBERICHT, Mar. 2008, at 34 (Ger.), available at <https://hisbus.his.de/hisbus/docs/hisbus19.pdf>. Nationally, twenty-three percent of students receive *Bafög*. See *id.* at 10.

182. See *Finanzierung der Studiengebühren*, *supra* note 180 (follow "Später zahlen: Umgekehrter Generationenvertrag (UGV)" hyperlink).

183. See *id.*; Jakob Vicari, *Keine Frage des Geldes*, RE.VISION (Ger.), 2011, at 25, available at [http://bewerberportal.law-school.de/fileadmin/user\\_upload/Dokumentarchiv/Publikationen/revision\\_2011\\_keine-frage.pdf](http://bewerberportal.law-school.de/fileadmin/user_upload/Dokumentarchiv/Publikationen/revision_2011_keine-frage.pdf).

184. See *Finanzierung der Studiengebühren*, *supra* note 180 (follow "Später zahlen: Umgekehrter Generationenvertrag (UGV)" hyperlink); Vicari, *supra* note 183, at 29. The amounts for the intergenerational contract minimum income and repayment cap are both inflation adjusted. See Vicari, *supra* note 183, at 27, 29. All in all, just over half of the students cover tuition fees without parental support. See *Finanzierung der Studiengebühren*, *supra* note 180.

185. See *Studienverlauf*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/das-bucerius-jurastudium/studienverlauf.html> (last visited Oct. 18, 2012) (Ger.).



The curriculum is very structured and includes a fixed sequence of mandatory courses, but it also offers a variety of optional courses.<sup>186</sup>

Bucerius students must take mandatory classes in the three main areas of private law, public law, and criminal law, as well as other required classes like introductory courses in economics, business studies, and taxation.<sup>187</sup> Students must also complete the *studium generale*, which consists of exposure to non-substantive law subjects, whether through attending presentations, lectures, or soft-skills workshops, or by participating in qualifying extra-curricular activities such as choir or theater.<sup>188</sup> The purpose of the *studium generale* is to “convey additional knowledge and key skills that will deepen [the students’] general education and encourage the development of their personalities.”<sup>189</sup> While this program does not equate to a minor in or in-depth study of additional subjects, it does enable students to engage with fields outside of the law. The program was also designed in part to counter the criticism that Bucerius was not part of a university where students could take courses in non-legal subjects.<sup>190</sup>

Students may also choose a variety of optional law courses and non-law courses in subjects such as accounting or selected problems in strategic management.<sup>191</sup> For students completing a sufficient number of business-related courses, an additional certificate is available from WHU.<sup>192</sup> Students must also show their ability to research and draw

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186. *See id.*

187. *See id.*

188. *See Jura Plus*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/das-bucerius-jurastudium/jura-plus.html> (follow “*Studium generale*” tab) (last visited Oct. 18, 2012) (Ger.).

189. *See* BUCERIUS L. SCH., *supra* note 51, at 31 (“*zusätzliche Kenntnisse und Schlüsselqualifikationen zu vermitteln, die ihre Allgemeinbildung vertiefen und ihre Persönlichkeitsentwicklung fördern*”). These presentations and lectures are to enrich the students’ general education, and they contain topics from the social sciences, arts, hard sciences, etc. *See id.* at 31, 187. Such topics can be anything from a five-part lecture series on mathematics or the philosophy of Hegel, to a two-part program on rhetoric for lawyers. *See generally id.* at 187-215. The *studium generale* is administered through the Center for *Studium Generale* and Personal Development (*Zentrum für Studium generale und Persönlichkeitsentwicklung, ZSP*) and is sponsored by Siemens AG. *See Bucerius Law School Newsletter—January-February 2012*, BUCERIUS L. SCH., [http://en.newsletter.law-school.de/415.html?&no\\_cache=1](http://en.newsletter.law-school.de/415.html?&no_cache=1) (last visited Oct. 19, 2012) (Ger.). It has adopted as its theme the development of well-rounded personalities that are socially competent and engaged in society. *See id.*

190. *See* Thomas Rübke, *Und Jedem Anfang. . .*, RE.VISION (Ger.), 2010, at 29 (quoting Michael Göring), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf).

191. *See Jura Plus*, *supra* note 188 (follow “*Wirtschaft*” tab).

192. *See id.*; Markus Hartung, Editorial, *Bucerius Law School Newsletter—March-April 2011*, BUCERIUS L. SCH., <http://en.newsletter.law-school.de/385.html> (last visited Oct. 19, 2012) (Ger.).



their own conclusions by producing, presenting, and defending a thesis, known as the *Bachelorarbeit*.<sup>193</sup>

## 8. Language Courses

There are two standard required language courses: Introduction to Legal English and Foundations of Contract Law.<sup>194</sup> The Introduction to Legal English course also provides an overview of Anglo-American law and focuses on not only the system's laws and rules, but also its culture.<sup>195</sup> It helps give students an insight into the mindset of Anglo-American attorneys, with whom they will likely interact in the course of their careers. The Foundations of Contract Law course provides students with the theoretical building blocks and rules that govern Anglo-American contracts, as well as practical experience in contract drafting.

There are also optional language courses in legal French and Spanish taught by qualified attorneys, as well as general language courses in French, Spanish, Russian, and Chinese.<sup>196</sup> Further optional courses currently include Law and Society (mooting), Legal Negotiation, Ashurst Mooting Course, Language of Commercial Law, Language of Company Law, Language of Public Law, Advanced Negotiation Course, English Legal Translation (English/German), *Traduction Français Juridique*, and *Traducción de Español Jurídico (español/alemán)*.<sup>197</sup> Students can qualify for internal certifications as well as for the University of Cambridge's International Legal English Certificate (ILEC) and the Certificate of Legal French (*Certificat de Français Juridique—CFJ*) offered by the Paris Chamber of Commerce.<sup>198</sup> Bucerius also offers an optional preparation course to help students prepare for the ILEC examination.<sup>199</sup>

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193. See *Studienverlauf*, *supra* note 185 (follow "Abschnitt: 8. bis 10. Trimester—Schwerpunktstudium" hyperlink).

194. See *Jura Plus*, *supra* note 188.

195. See *id.*; see also JAMES FAULKNER, BUCERIUS L. SCH., FOREIGN LANGUAGES PROGRAMME: LANGUAGE BROCHURE SUMMER 2010, at 1, 6 (Ger.), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/Language%20Brochure%20July%202010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/Language%20Brochure%20July%202010.pdf) (last visited Oct. 19, 2012).

196. See *Jura Plus*, *supra* note 188. Realistically, however, given the breadth of the legal curriculum and the compressed timeframe, most students are limited in their foreign language studies to languages they already knew somewhat before coming to the Law School. Few students advance from an elementary level to real proficiency in a new language while at Bucerius.

197. See FAULKNER, *supra* note 195, at 7-10, 12-13.

198. See *id.* at 18-19.

199. *Id.* at 19.



The mandatory and optional courses all have a very practical bent, and the foreign language staff tries to match the course content to the skill sets helpful to young professionals early in their careers. From drafting contracts to writing e-mails, the Law School aims to ensure that when the students begin their careers, that language will be a means of communicating rather than a barrier.<sup>200</sup>

## 9. Study Abroad

A founding goal behind Bucerius and a key differentiator from the existing public universities was to be more international, and an obligatory study abroad was planned from the Law School's inception.<sup>201</sup> Students spend their seventh trimester at one of ninety-six official partner-universities located in over thirty countries.<sup>202</sup> Former CEO Dr. Markus Baumanns explained why Bucerius emphasizes the study abroad program:

In the transnational practice for which we prepare our students, they will regularly encounter problems that involve more than one legal system. With this in consideration, a very important part of the legal education at Bucerius Law School is an integrated, mandatory semester abroad after two years of study. Hence, as an important pillar of their education—in addition to the German legal system—all students at Bucerius Law School gain insight into at least one other legal system. . . . [T]he mandatory study abroad term has become one of the most important reasons students name in choosing Bucerius Law School for their legal education.<sup>203</sup>

Many of the initial partnerships were set up through the personal network of Professor Kötz, as he reached out to contacts in law faculties around the world. Other partnerships were formed through the initiative of individual students, who petitioned to have a given school added as a partner university. While such petitions were more common earlier on, they are less so now, as the existing partnerships have

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200. *Id.* at 1, 21.

201. See KUCHENBECKER, *supra* note 6, at 2; *Internationality*, BUCERIUS L. SCH., <http://www.law-school.de/partneruniversitaeten.html?&L=1> (last visited Oct. 19, 2012) (Ger.); *Studienverlauf*, *supra* note 185 (follow “Abschnitt: 7. Trimester—Ausland” hyperlink). For a study on the international mobility of German students generally, see Ulrich Heublein, Christopher Flutzsch, Jochen Schreiber & Dieter Sommer, *Internationale Mobilität im Studium: Studienbezogene Aufenthalte deutscher Studierender in anderen Ländern*, HIS: PROJEKTBERICHT, Apr. 2007 (Ger.), available at [https://hisbus.his.de/hisbus/docs/hisbus\\_internationale.mobilitaet.pdf](https://hisbus.his.de/hisbus/docs/hisbus_internationale.mobilitaet.pdf).

202. See BUCERIUS L. SCH., *supra* note 153; *Internationality*, *supra* note 201; *Studienverlauf*, *supra* note 185 (follow “Abschnitt: 7. Trimester—Ausland” hyperlink).

203. Markus Baumanns, Exec. Vice President, ZEIT-Stiftung Ebelin und Gerd Bucerius, *The International Program at Bucerius Law School* (Oct. 19, 2007), available at <http://www.ial-snet.org/meetings/enriching/BaumannsMarkusINTprogram.pdf>.



solidified over time and as Bucerius has become more selective.<sup>204</sup> Changes to the constellation of partnership universities have already occurred, and readjustments will likely continue. Nearly half of the partner universities are in the United Kingdom or United States, and about a quarter are in continental Europe.<sup>205</sup> For many universities—even among those in non-English-speaking countries—only English proficiency is required; however, certain universities, especially those located in French- and Spanish-speaking countries, require students to demonstrate proficiency in the country's given language.<sup>206</sup>

A designated International Office oversees the actual logistics of this massive exchange program.<sup>207</sup> The students apply for placements during their fourth trimester by ranking their preferences.<sup>208</sup> They are then assigned a partner university based on a combination of their preferences and class standing, as determined by the internal law school exams they have taken up to that point.<sup>209</sup> About half of the students are matched with one of their top three choices.

So far, student preferences have changed from year to year. For example, more students have been drawn to well-known schools in developed countries in some years, while in other years more students have been interested in exotic destinations in developing countries. Overall, consistent favorites include the elite schools in the United States and United Kingdom, schools located in New York City, and schools in Australia, New Zealand, and South Africa. As an alternative to studying at a designated Bucerius partner university, students may also make their own arrangements—but must then also cover tuition fees themselves. If a student attends a partner university, the student continues to pay tuition only to Bucerius Law School, which makes arrangements with the partner university.

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204. See *id.*; *Internationality*, *supra* note 201; *International Office*, BUCERIUS L. SCH., <http://www.law-school.de/internationaloffice.html?&L=1> (last visited Oct. 19, 2012) (Ger.).

205. See *Partner Law Schools*, BUCERIUS L. SCH., <http://www.law-school.de/71.html?&L=1> (last visited Oct. 19, 2012) (Ger.).

206. See *Internationality*, *supra* note 201; *Studienverlauf*, *supra* note 185 (follow “*Abschnitt: 7. Trimester—Ausland*” hyperlink).

207. See *International Office*, *supra* note 204.

208. See *Studienverlauf*, *supra* note 185 (follow “*Abschnitt: 7. Trimester—Ausland*” hyperlink).

209. The matching works in a systematic fashion. The best-ranked student is automatically assigned to his or her first choice; then, the second-best student is assigned to his or her first choice, or second choice if the first choice is no longer available, and so on. Students rank up to twenty choices.



## 10. Internships

As part of their graduation requirements, Bucerius students must complete a total of thirteen weeks in internships spread out over either two or three summers.<sup>210</sup> For their first summer break (after their third trimester), students have five weeks in which to intern, and most complete internships domestically.<sup>211</sup> While students may arrange their own internships, they generally rely on the designated Career Office, especially for their first summer.<sup>212</sup> By now, the internship program is strongly institutionalized. The Career Office has a matching program whereby students rank their preferences and are then awarded placements accordingly. Having been matched, students must prepare and submit formal applications to the Career Office, which sends them to the respective employers. For the most part, this last step is generally just a formality, as employers rely on the screening done by the Law School to ensure the quality of the interns.<sup>213</sup>

For their second summer break (after the sixth trimester), which lasts eight weeks, just over half of the students complete foreign internships.<sup>214</sup> This also serves as useful preparation for the study abroad that follows directly after the internship. Some students opt to complete a third internship during their third summer (after the ninth trimester).<sup>215</sup>

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210. See *Jura Plus*, *supra* note 188 (follow “*Studium professionale*” tab); *Praxisbezug*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/das-bucerius-jurastudium/praxisbezug.html> (last visited Oct. 19, 2012) (Ger.).

211. See *Career Office*, BUCERIUS L. SCH., <http://www.law-school.de/careeroffice.html?&L=1> (last visited Oct. 19, 2012) (Ger.); *Jura Plus*, *supra* note 188 (follow “*Studium professionale*” tab).

212. See *Career Office*, *supra* note 211; *Jura Plus*, *supra* note 188 (follow “*Studium professionale*” tab).

213. See *Career Office*, *supra* note 211. For a list of law firms, corporations, and other organizations with which LL.B. students have interned, see *Mandatory Internships—A Selection*, BUCERIUS L. SCH., <http://www.law-school.de/praktikumsgeber.html?&L=1> (last visited Oct. 19, 2012) (Ger.).

214. See WISSENSCHAFTSRAT, *supra* note 138, at 29; *Internationality*, *supra* note 201.

215. It should be noted that the more widespread introduction of legal internship programs is relatively recent in Germany and is not comparable with the long-established summer programs common in the United States. While summer programs are the principal source of new hires in the United States (at least for large law firms and even some government positions), these students' entry into the workforce is still years removed in Germany. Thus, more active recruiting generally begins only during the *Referendariat*, as by then grades from the first state bar exam are available. Students are usually not compensated as full-time employees while interning and instead receive a small living stipend if anything at all. That said, as the legal market has become more competitive in the last two decades, students have looked to internships as a way to differentiate themselves.



### 11. The First State Examination

For Bucerius Law students, a preparatory review for the first state exam, known as the *Examensvorbereitungsprogramm (EVP)*, is built into the curriculum.<sup>216</sup> While the adequacy of the *EVP* is a subject of keen concern among Bucerius students,<sup>217</sup> they perform incredibly well on the first state exam. Their average is around ten points and roughly seventy percent of the students receive *Prädikatsexamina*, thus far outperforming the national average.<sup>218</sup>

Only very few students have turned to commercial courses offered outside the Law School,<sup>219</sup> and, supposedly, some of them have subsequently returned, preferring the *EVP* after all. As part of the *EVP*, students work through legal cases in small groups and subsequently receive the cases' resolutions, along with tutoring that guides them through the resolutions.<sup>220</sup> Also, weekly tests allow them to monitor their progress.<sup>221</sup> The *EVP* lasts through the final academic year at Bucerius and ends in October.<sup>222</sup> A handful of students take the exam in October before the end of the *EVP*. This may include students who began their initial studies at another law school prior to coming to Bucerius and who must take the exam within a certain timeframe, should they need to retake the exam.<sup>223</sup> Of the remainder, about a third take the exam in November, about half in February, and the rest in April.

216. See *Studienverlauf*, *supra* note 185 (follow "Abschnitt: 11. bis 12. Trimester—EVP" hyperlink).

217. See Sven Stillich, *Regieren geht über Studieren: An der Law School haben auch Studenten das Sagen*, RE.VISION (Ger.), 2009, at 14, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/revision\\_2009\\_Gesamtheft.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/revision_2009_Gesamtheft.pdf).

218. BUCERIUS L. SCH., *supra* note 153; *Legal Studies*, BUCERIUS L. SCH., <http://www.law-school.de/jurastudium.html?&L=1> (last visited Oct. 20, 2012) (Ger.). At present, Bucerius Law School only tracks students' grades on the first state exam, and it does so by relying on self-reporting. From what the faculty knows, there seems to be no significant number of students who actually fail the exam. Since students usually take the second state exam in the respective state in which they plan to practice, and as the exam is administered by the respective states, the reporting and comparing of this information is more difficult.

219. See *Studienverlauf*, *supra* note 185 (follow "Abschnitt: 11. bis 12. Trimester—EVP" hyperlink). According to a 2007-2008 survey done by ZEIT Studienführer/CHE-Hochschulranking, the number of students who attended external commercial courses was 3.2%. According to the 2011-2012 survey, no students attended external commercial courses. See *CHE Hochschulranking 2011/12*, ZEIT ONLINE (July 19, 2011), <http://web.archive.org/web/20110719115525/http://ranking.zeit.de/che2011/de/> (accessed by searching for <http://ranking.zeit.de/che2011/de/> in the Internet Archive Index) (Ger.).

220. See *Studienverlauf*, *supra* note 185 (follow "Abschnitt: 11. bis 12. Trimester—EVP" hyperlink).

221. See *id.*

222. See *id.*

223. See *supra* note 56.



## 12. Career Prospects

Though the first class of LL.B. students received their degrees in 2003,<sup>224</sup> it is only now that Bucerius students are entering the legal profession in larger numbers. It is usually at least several years after finishing their university studies before law students finally embark on a full-time career, and an LL.M. or a Dr. jur. (or both) postpones this even further for many Bucerius students. Consequently, it is too early to draw significant conclusions regarding career paths and opportunities. However, given their results on the state exam, Bucerius Law Students are certainly well placed.<sup>225</sup> Some sixty percent of Bucerius students begin their careers in large law firms,<sup>226</sup> and anecdotal evidence suggests that the students entering the legal job market thus far have typically had multiple employment offers. It also suggests that Bucerius Law School has been able to build a brand that is valued in the labor market aside from a student's performance on the state exam. While being a Bucerius graduate cannot completely compensate for poor performance on the state exam, it may give students a slight edge in the eyes of at least some employers, even if hard to quantify.<sup>227</sup>

It is also worth noting, as already mentioned, that Bucerius is one of the few schools to offer its students a Bachelor of Laws degree. This degree is awarded after the completion of the tenth trimester.<sup>228</sup> Thus,

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224. See *About Bucerius*, BUCERIUS L. SCHL., <http://www.law-school.de/hochschule.html?&L=1> (last visited Oct. 19, 2012) (Ger.); KUCHENBECKER, *supra* note 6, at 4.

225. The Bucerius Law School magazines have highlighted several Bucerius alumni. See, e.g., Constanze Kindel, *Und, Wie War Ich? Moritz Holzgraefe über seine erste Vertragsverhandlung*, RE.VISION (Ger.), 2010, at 66, 66, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf) (featuring an alumnus working in the management trainee program of a large media group); Thomas Röbbke, *Outlaw: Fabian Heilemann—Der Perfekte Deal*, RE.VISION (Ger.), 2010, at 50, 5051, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf) (featuring an alumnus who founded a successful internet company); Thomas Röbbke, *Outlaw: Max Fischer—Der Vereinsmeier*, RE.VISION (Ger.), 2009, at 28, 28-29, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/revision\\_2009\\_Gesamtheft.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/revision_2009_Gesamtheft.pdf) (featuring yet another alumnus who founded a successful internet startup); Malte Thies (Jenny Niederstadt, *protokoll*), *Und, Wie War Ich? Malte Thies über seine Premiere als Richter*, RE.VISION (Ger.), 2009, at 50, 50, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/revision\\_2009\\_Gesamtheft.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/revision_2009_Gesamtheft.pdf) (featuring an alumnus who became a judge).

226. See Hergert, *supra* note 168.

227. In this regard, one could argue that Bucerius' reputation in Germany is similar to that of an elite U.S. law school, such as Harvard Law School, in the United States or even internationally. See Silver, *supra* note 79, at 173 ("A Harvard degree may not afford greater opportunities for passing a U.S. bar exam but it continues to open doors around the world.").

228. *Studienverlauf*, *supra* note 185 (follow "*Abschnitt: 8. bis 10. Trimester—Schwerpunktstudium*" hyperlink).



those students (perhaps five percent or fewer) who do not want to pursue admittance to the legal profession can leave with at least a degree in hand to either begin careers in other fields or pursue further education elsewhere. They no longer pay tuition for the remaining two trimesters at that point, nor do they attend the *EVP*.

C. *Bucerius/WHU Master of Law and Business—Joachim Herz Program (MLB)*

From its inception, the overall design for the Law School included an advanced law degree in addition to the LL.B. The decision to offer a Master of Law and Business (MLB) was made, in part, to fill a void for a program offering a curriculum with a mixture of business and law courses.<sup>229</sup>

This one-year master's degree was launched in 2006 and is offered in cooperation with the WHU-Otto Beisheim School of Management.<sup>230</sup> This cooperation between the two schools evolved because of Dr. Jürgen Buring's connections with the WHU. The WHU was founded in 1984 as a private business school and was later renamed after Otto Beisheim, a wealthy businessman and benefactor.<sup>231</sup> Its campus is located about five hours southwest of Hamburg, approximately halfway between Bonn and Frankfurt am Main. WHU is well respected in Germany and is particularly popular among its students. In a *studiVZ* survey of nearly 150,000 students regarding over 500 institutions of higher education, WHU was ranked first in the category for best university (*beste Hochschule*).<sup>232</sup>

The program is jointly headed by Professor Clifford Larsen,<sup>233</sup> the UBS Professor of Law at Bucerius Law School, and by Markus

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229. See KUCHENBECKER, *supra* note 6, at 2, 9; *Why MLB?*, BUCERIUS L. SCH., [http://www.bucerius.whu.edu/Why\\_MLB.157.0.html](http://www.bucerius.whu.edu/Why_MLB.157.0.html) (last visited Oct. 20, 2012) (Ger.).

230. See KUCHENBECKER, *supra* note 6, at 2; *The Institutions*, BUCERIUS L. SCH., [http://www.bucerius.whu.edu/The\\_Institutions.149.0.html](http://www.bucerius.whu.edu/The_Institutions.149.0.html) (last visited Oct. 20, 2012) (Ger.).

231. See *WHU Historical Timeline*, WHU, <http://www.whu.edu/en/whu/about-us/the-beginnings-of-whu/whu-historical-timeline/> (last visited Oct. 20, 2012) (Ger.).

232. See *STUDI VZ, DIE GROÙE HOCHSCHUL-UMFRAGE* (Ger.), available at [http://static.ak.studivz.net/20100115-161685/lp/Svz/de/hochschulranking/img/80930\\_alle\\_d\\_korrekt.pdf](http://static.ak.studivz.net/20100115-161685/lp/Svz/de/hochschulranking/img/80930_alle_d_korrekt.pdf) (last visited Oct. 20, 2012). WHU received first place in the following sub-categories: from student-to-student, lecture halls and seminar rooms, library, computer and internet, overall conditions, study environment, professors and lecturers, course offering, qualifications, advising services, relevance of studies to practice, foreign exchange program, and feel-good factor of the campus. See *id.* It received third place for handicapped accessibility, twenty-second place for feel-good factor of the city, and thirty-fifth place for housing situation. See *id.*

233. See *Faculty*, BUCERIUS/WHU, <http://www.bucerius.whu.edu/Faculty.62.0.html> (last visited Oct. 20, 2012) (Ger.). Professor Larsen is a former Rhodes Scholar and a former Fulbright Senior Fellow. *Id.* He received his J.D. from the University of Virginia, and he then practiced at



Rudolf, Associate Dean and full Dresdner Bank Professor of Finance at WHU.<sup>234</sup> The faculty includes some fifty lecturers from the academic, business, and legal community.<sup>235</sup> The classes are taught primarily at Bucerius, though students spend two weeks at WHU.<sup>236</sup> They also have the option of visiting WHU for conferences and for writing their master's thesis.<sup>237</sup>

The program is designed to recognize the reality that law and business "are so close nearby because, in practice, . . . every lawyer has to understand . . . business."<sup>238</sup> One could add that every business person would probably likewise benefit from an understanding of law, as laws often both constrain and enable business opportunities. The degree is aimed at young professionals with a prior degree and work experience in either subject. As one student explained, "'The MLB perfectly combines business and legal aspects in daily business life, especially for those working in an international environment. This balanced combination sets the Program apart from traditional LL.M. and MBA programs.'"<sup>239</sup>

### 1. Admissions

In the last few years, the program has gained more recognition, and the number of applicants for the MLB program has increased correspondingly. Applications are due at the end of March for studies beginning in the fall,<sup>240</sup> and up to fifty students enroll in each MLB class.<sup>241</sup> From the perspective of those in charge of admissions, it is a challenging process to sort through the applicants because of the great differences in their personal, educational, and professional backgrounds. The selection criteria involve an assessment of a motivational statement, an analysis of a legal or business problem, letters of recommendation, and English ability, as the course is taught entirely in En-

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the New York office of White & Case and at S.G. Archibald in Paris. *Id.* In France, he was admitted as an *avocat à la cour de Paris*. *Id.* Prior to coming to Bucerius, he had taught at Université de Paris X (Nanterre) and Washington & Lee University. *Id.*

234. *Id.*

235. See BUCERIUS L. SCH. & WHU, BUCERIUS/WHU MASTER OF LAW AND BUSINESS: JOACHIM HERZ PROGRAM 16-17 (Hariolf Wenzler ed., 2009) (Ger.), available at [http://www.bucerius.whu.edu/fileadmin/user\\_upload/pdf/MLB%20Brochure.pdf](http://www.bucerius.whu.edu/fileadmin/user_upload/pdf/MLB%20Brochure.pdf).

236. *Id.* at 8.

237. *See id.*

238. Baumanns, *supra* note 5.

239. *See* BUCERIUS L. SCH. & WHU, *supra* note 235, at 14 (quoting Hector Anaya).

240. *Id.* at 25.

241. *Id.* at 6.



glish.<sup>242</sup> A graduate admission test is currently not required,<sup>243</sup> which perhaps invites more applications from persons in the workforce who might otherwise find it more difficult to allocate sufficient time to prepare for and take such a test.

## 2. Student Population

Thus far, the MLB students hail from over forty different countries from the following geographic regions: Western Europe (32%), Asia (18%), Eastern Europe (16%), Africa (13%), Latin America (11%), North America (7%), Oceania (2%), and the Middle East (1%).<sup>244</sup> Interestingly—though not surprisingly, given Bucerius' reputation in Germany—there are many German applicants, some who have a first degree from a university outside Germany. The MLB students' academic backgrounds are in law (51%), business (35%), and other fields (14%).<sup>245</sup> The variety of geographic, academic, and professional backgrounds leads to much diversity in the classroom. As one student observed, "The cohort model of learning brings people together from diverse educational, professional and cultural backgrounds, making for a multi-faceted shared learning experience and a network which will last long after the MLB is completed."<sup>246</sup>

## 3. Course of Studies

The MLB program lasts one year and consists of three terms.<sup>247</sup> The course of study begins in the fall with an emphasis on foundational concepts of international law and business.<sup>248</sup> Thereafter, a variety of optional courses are available during the spring and summer terms.<sup>249</sup> Students must take at least twenty-two courses total, half in law and half in business.<sup>250</sup> In addition, as of 2011, the entire course offering is presented in a logical progression along two topic areas:

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242. *See id.* at 9, 25. The required minimum TOEFEL score is 250 for the computer-based, 600 for the paper-based, and 100 for the internet-based exam. *See id.* at 25. The program also has adopted an American-university-style internet address: [www.bucerius.whu.edu](http://www.bucerius.whu.edu).

243. *See id.*

244. *See* BUCERIUS L. SCH. & WHU, BUCERIUS/WHU MASTER OF LAW AND BUSINESS: JOACHIM HERZ PROGRAM 21 (Hariolf Wenzler ed., 2011) (Ger.), available at <http://www.bucerius.whu.edu/Downloads.125.0.html> (follow "MLB Brochure" hyperlink).

245. *Id.*

246. BUCERIUS L. SCH. & WHU, *supra* note 235, at 15 (quoting Lauren Licuanan).

247. *Id.* at 9-10.

248. *Id.* at 10-11.

249. *Id.*

250. *Id.* at 9.



The first topic is the establishment and development (“life-cycle”) of a commercial enterprise. Thus, fall courses (such as Entrepreneurship, Business Entities, and Comparative Venture Capital Law) analyze an enterprise’s start-up phase, while spring and summer courses (such as Corporate Governance, Mergers and Acquisitions, and Insolvency Law) focus on the further development (sometimes successful, sometimes not) of the business entity. The second major topic is the creation and performance of an international sale of goods contract. Fall courses in this area include Negotiation, Contract Drafting, International Sale of Goods, and Commercial Instruments, whereas spring and summer courses address topics such as Admiralty and Air Transport Law, Strategic Sourcing and Logistics, and dispute resolution methods such as Litigation and Arbitration.<sup>251</sup>

This linking by topic is intended to help “students experience the individual MLB course topics not as isolated from one another, but arising—as they do in legal and business practice—within particular legal and business contexts.”<sup>252</sup> Yet, given the distinct idiosyncrasies of both fields, arranging this curriculum proved to be challenging and required much coordination before, as Dr. Baumanns explained, “[we] finally managed [to get] one law professor and one economics professor in one classroom teaching [about] capital markets and capital markets law.”<sup>253</sup> On the other hand, one issue with this arrangement is that the students, given their variety of backgrounds, are not homogenous in their abilities in or knowledge of various subjects. For example, the lawyers in the group might struggle in a finance class in comparison to students with a business background. On the other hand, this allows for a potentially enriched learning experience, as the students can bring their substantive knowledge to the course: “‘Coming from a finance background, I found the law courses particularly useful: we shared the experiences gathered in our former lives . . . and hearing the lawyers’ views broadened my horizon. . . .’”<sup>254</sup>

Another issue is that this arrangement invariably leads to some degree of repetition, which raises the question of whether it would be better to target this degree at persons without a background in either subject. However, doing so would mean a loss of the students’ substantive expertise. A partial solution to this dilemma is that the law courses all have an international or comparative focus. Thus, the law-

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251. BUCERIUS L. SCH. & WHU, *supra* note 244, at 10.

252. *Id.*

253. Baumanns, *supra* note 5.

254. BUCERIUS L. SCH. & WHU, *supra* note 235, at 21 (quoting Jan Gackenholtz).



yers, whose first degree tends to be nationally oriented, are exposed to material that is new while still related to their background.

In addition to the law and business courses, students must also take a mandatory intercultural training course and an interdisciplinary course (*studium generale*); they may also choose from a number of workshop-style courses that develop professional skills, such as negotiations or team building.<sup>255</sup> Additionally, students must complete an eight-week internship in a business, law firm, government entity, or other organization.<sup>256</sup> Following organized courses and the internship, students are allocated six weeks in which to focus solely on completing a master's thesis, though students are also encouraged to combine their thesis with their internship experience.<sup>257</sup> Furthermore, the MLB students may take German language courses during the duration of the program, with four levels of language classes available.<sup>258</sup>

The schedule is very intense, as much is compressed into just one year. This limits the amount of time that students have to engage in other activities or, for example, to interact or take classes with the LL.B. students. On the other hand, this encourages potential applicants who would not consider a two-year program. For working professionals, this program means one less year out of the workforce, and thus employers may be more willing to give their employees a leave of absence or even contribute toward expenses. Moreover, in addition to the LL.M. degree, which is generally a one-year program anyway, one-year masters degrees and MBA degrees are well-known in Europe.

#### 4. Tuition Fees

The tuition for the MLB is significantly more compared to the LL.B., but at 22,000 Euro, it is very affordable when compared with many LL.M. and MBA degrees in the United States.<sup>259</sup> The tuition is also relatively competitive compared to many LL.M. and graduate

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255. *See id.* at 9-11.

256. *See id.* at 19-20. For a list of law firms, corporations, and other organizations with which past MLB students have interned, see *Internship*, BUCERIUS/WHU, <http://www.bucerus.whu.edu/Internship.61.0.html> (last visited Oct. 20, 2012) (Ger.) (follow "Internship Employers" hyperlink).

257. *See Thesis*, BUCERIUS/WHU, <http://www.bucerus.whu.edu/thesis.147.0.html> (last visited Oct. 3, 2012) (Ger.).

258. *German Classes*, BUCERIUS/WHU, [http://www.bucerus.whu.edu/german\\_classes.155.0.html](http://www.bucerus.whu.edu/german_classes.155.0.html) (last visited Oct. 3, 2012) (Ger.).

259. *See Admission & Tuition*, BUCERIUS/WHU, [http://www.bucerus.whu.edu/Admission\\_Tuition.57.0.html](http://www.bucerus.whu.edu/Admission_Tuition.57.0.html) (last visited Oct. 3, 2012) (Ger.).



business degrees in Europe.<sup>260</sup> Bucerius offers need- and merit-based scholarships and partial tuition waivers, which likely help increase the diversity of the student body as well.<sup>261</sup> One scholarship recipient remarked, “‘Without the support of an Allen & Overy scholarship I would not have been able to take part in the MLB Program.’”<sup>262</sup> Students who are citizens of countries in the Euro-area can also participate in an inter-generational contract, made available through the WHU Brain Capital GmbH, by which they commit to ten years of repaying six to eight percent of their gross income, provided it is over 30,000 Euro.<sup>263</sup>

## 5. Career Prospects

Alumni of the classes 2007 to 2011 have gone on to work in over thirty countries and in major international and national law firms,

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260. For example, the University of Oxford's EU tuition fees for 2012–2013 for a Bachelor of Civil Law/Magister Juris is £13,200 in the European Union and £18,550 overseas, with an additional college fee of about £2,500. See *2012/13 University Tuition Fee Rates*, *supra* note 174; *2012/13 Graduate College Fees*, <http://www.ox.ac.uk/feesandfunding/fees/information/college/2012pgcollege/> (last visited Oct. 17, 2012) (U.K.). The tuition for 2012–2013 for a one-year Oxford MBA is £37,750, with an additional college fee of about £3,150. See *2012/13 University Tuition Fee Rates*, *supra* note 174; *2012/13 Graduate College Fees*, *supra*. For Harvard Law School, the 2012–2013 fee for an LL.M. degree is \$49,950. See *Financing LL.M. Study at Harvard Law School*, HARVARD L. SCH., <http://www.law.harvard.edu/prospective/gradprogram/llm/financial-aid/index.html> (last visited Oct. 21, 2012). Tuition for the two-year Harvard MBA starting in 2012 is \$53,500 per year. See *Cost Summary*, HARVARD BUS. SCH., <http://www.hbs.edu/mba/financial-aid/Pages/cost-summary.aspx> (last visited Oct. 21, 2012).

261. See *Financing Options*, BUCERIUS/WHU, [http://www.bucerius.whu.edu/Financing\\_options.73.0.html](http://www.bucerius.whu.edu/Financing_options.73.0.html) (last visited Oct. 3, 2012) (Ger.). Scholarships include the Joachim Herz Stiftung Scholarship, for highly qualified non-German applicants with a business/economics background; the Allen & Overy LLP Scholarship for applicants from a legal background, ideally from a country in which Allen & Overy has an office; the Krupp Scholarship for highly qualified applicants; the Schürfeld Scholarship for a student from Israel and an Arab country, respectively; the Haspa scholarship; the Marga und Kurt Möllgaard Scholarship; and the Horst Köhler Scholarship (endowed by the ZEIT-Stiftung) for highly qualified applicants from Africa. See *id.*; BUCERIUS L. SCH. & WHU, *supra* note 235, at 24; BUCERIUS L. SCH. & WHU, *supra* note 244, at 24. There are also regional scholarships for students from China, the MerCoSur states, Central America, Central and Eastern Europe, and South Eastern Europe. See *Regional Scholarships*, BUCERIUS/WHU, [http://www.bucerius.whu.edu/Regional\\_Scholarships.210.0.html](http://www.bucerius.whu.edu/Regional_Scholarships.210.0.html) (last visited Oct. 21, 2012) (Ger.). Additionally, there are scholarships for graduates of German institutions of higher education located outside of Germany, e.g., the German University in Cairo. See *German Schools and Universities Abroad*, BUCERIUS/WHU, [http://www.bucerius.whu.edu/German\\_schools\\_and\\_universitie.209.0.html](http://www.bucerius.whu.edu/German_schools_and_universitie.209.0.html) (last visited Oct. 21, 2012) (Ger.).

262. *Financing Options*, *supra* note 261 (quoting Mateusz Korus).

263. See BUCERIUS L. SCH. & WHU, BRAIN CAPITAL TUITION CONCEPT 1-2 (Ger.), available at [http://www.bucerius.whu.edu/fileadmin/user\\_upload/pdf/Flyer\\_braincapital.pdf](http://www.bucerius.whu.edu/fileadmin/user_upload/pdf/Flyer_braincapital.pdf) (last visited Oct. 22, 2012).



businesses, and other organizations.<sup>264</sup> Although anecdotal evidence suggests that Bucerius and WHU are currently less well-known among smaller and mid-sized companies and law firms that hire only sporadically, they are already well-known names among the larger businesses and law firms that hire annually, particularly within Germany. Time will tell how well the MLB is received on the job market, both in Germany and internationally, and whether the degree is accepted differently by businesses versus law firms or other types of employers.

While most students return to their previous career field in law or business, albeit better equipped than before, some law students use this degree to make a career transition. One student explained, "Through the MLB Program I was able to learn the required theoretical basics to make the switch from law into business and facilitate getting an internship in a Hamburg-based company, in the industry of my interest, and later a job offer from them."<sup>265</sup> Alternatively, a number of students have also gone on to complete further academic studies at Bucerius or elsewhere.<sup>266</sup>

#### D. Further Education

##### 1. L.L.M. and Doctoral Degree (Dr. jur.)

For many students at Bucerius, the LL.B. is not their terminal degree. Though Bucerius does not currently award a standard LL.M. degree,<sup>267</sup> approximately thirty to forty percent of the LL.B. students obtain an LL.M., usually in an English-speaking country.<sup>268</sup> As discussed above, this additional degree enhances language capabilities, adds substantive legal knowledge, and can be helpful for careers. Per-

264. See *The Alumni Network*, BUCERIUS/WHU, <http://www.bucerius.whu.edu/Alumni.143.0.html> (last visited Oct. 3, 2012) (Ger.); BUCERIUS L. SCH. & WHU, WHERE ARE THEY NOW—CURRENT EMPLOYERS OF THE CLASSES 2007-2010 (Ger.), available at [http://www.bucerius.whu.edu/fileadmin/user\\_upload/pdf/Where%20are%20they%20now\\_1.pdf](http://www.bucerius.whu.edu/fileadmin/user_upload/pdf/Where%20are%20they%20now_1.pdf) (last visited Oct. 22, 2012).

265. BUCERIUS L. SCH. & WHU, *supra* note 235, at 18 (quoting Rodrigo Hart).

266. *Id.* at 22. So far, students have remained at Bucerius Law School and have gone on to Columbia University, Georgetown University, the London School of Economics, Loyola Law School, the Max Planck Institute Research School for Maritime Affairs, the University of Hamburg, and WHU—Otto Beisheim School of Management. *Id.*

267. There are, however, plans under consideration for a research-focused LL.M. degree to be jointly granted by Bucerius Law School and Georgetown University Law Center. Axel Reimann, *Pioniere in New York: Liegt die Zukunft der Law School in den USA? Die American Friends of Bucerius sind schon da*, RE.VISION (Ger.), 2010, at 10, 11.

268. See generally *Master/Doktor*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/das-bucerius-jurastudium/master-doktor.html> (last visited Oct. 21, 2012) (Ger.); *Struktur der juristischen Ausbildung*, BUCERIUS L. SCH., <http://bewerberportal.law-school.de/was-ist-jura/struktur-der-juristischen-ausbildung.html> (last visited Oct. 21, 2012) (Ger.).



haps one reason why the percentage is not higher is that many of the students have already completed a semester abroad, and thus the marginal benefit of the additional year is less than it otherwise might be and is outweighed by the additional cost of time and money.

Roughly half of the LL.B. students also pursue a doctoral degree, which is a much higher proportion than at the public universities.<sup>269</sup> Bucerius Law School has been granted the right to award doctoral degrees by the city-state of Hamburg,<sup>270</sup> and many doctoral candidates stay at Bucerius for their degree because they have already established connections with members of the faculty. Some students, however, transfer to other universities. Currently, over 280 students (known as *Doktoranden*) are working on their doctoral degrees, and over 180 students have already received their doctoral degrees at Bucerius.<sup>271</sup>

## 2. Habilitation and Honorary Doctorate

One academic in residence at Bucerius has already completed a *Habilitation* and received a tenured position at another university.<sup>272</sup> Six more academics are currently working on their *Habilitation*.<sup>273</sup> Furthermore, the Law School has awarded one honorary doctorate so far, namely to Professor Dr. h.c. mult. Richard M. Buxbaum of UC Berkeley School of Law, a member of the Founding Commission that helped to advise the Law School in its initial stages.<sup>274</sup>

269. See Röbbke, *supra* note 190, at 29-30 (quoting Markus Baumanns); see also BUCERIUS L. SCH., *supra* note 153. See generally *Master/Doktor*, *supra* note 268; *Struktur der juristischen Ausbildung*, *supra* note 268.

270. See WISSENSCHAFTSRAT, EMPFEHLUNGEN ZUR VERGABE DES PROMOTIONSRECHTS AN NICHTSTAATLICHE HOCHSCHULEN, DRs. 9279-09, at 13 (2009) (Ger.), available at <http://www.wissenschaftsrat.de/download/archiv/9279-09.pdf>. In Germany, a school or university must obtain the right to award advanced degrees from the state. Private, non-church universities (as of February 2009) that are permitted to grant doctoral degrees include Ukrainische Freie Universität München; ESCP-EAP Europäische Wirtschaftshochschule Berlin; Steinbeis-Hochschule Berlin; Jacobs University Bremen; Bucerius Law School; European Business School (EBS) International University Schloss Reichartshausen Oestrich-Winkel; Frankfurt School of Finance & Management; Private Universität Witten/Herdecke gGmbH; WHU-Otto Beisheim School of Management; and Handelshochschule Leipzig. *Id.*

271. See BUCERIUS L. SCH., *supra* note 153.

272. See BUCERIUS L. SCH., *supra* note 153; *Privatdozenten*, BUCERIUS L. SCH., <http://www.law-school.de/privatdozenten.html?&L=> (last visited Oct. 23, 2012) (Ger.); *Promotion & Habilitation*, BUCERIUS L. SCH., [http://www.law-school.de/promotion\\_habilitation.html?&L=](http://www.law-school.de/promotion_habilitation.html?&L=) (last visited Oct. 23, 2012) (Ger.) (follow "Abgeschlossenen Promotionen und Habilitationen" hyperlink); *Teaching & Research*, BUCERIUS L. SCH., [http://www.law-school.de/lehre\\_forschung.html?&L=1](http://www.law-school.de/lehre_forschung.html?&L=1) (last visited Oct. 23, 2012) (Ger.).

273. BUCERIUS L. SCH., *supra* note 153.

274. *Honorary Doctors*, BUCERIUS L. SCH., <http://www.law-school.de/chrendoktoren.html?&L=1> (last visited Oct. 23, 2012) (Ger.).



### 3. International Orientation

A distinct aspect of the course of studies is its international orientation, which is evident in the mandatory semester abroad for all students, the presence of international students from our partner universities located throughout the world, our graduate programs as well as in our summer school offerings and additional programs abroad.<sup>275</sup>

Befitting legal education in the twenty-first century, “[i]nternationality is an important component of the education offered by Bucerius Law School.”<sup>276</sup> In fact, one of the founding goals behind the Law School was to ensure that the legal education matched international standards and would thereby enable academics and practitioners to thrive in the twenty-first century.<sup>277</sup> In addition to the international aspects of Bucerius already described, there are several more.

### 4. The Internationals

Each fall from September to December, law students from the various partner universities come to study at Bucerius while Bucerius students pursue their trimester abroad.<sup>278</sup> Originally, there were about eighty of these visiting students, known colloquially as “internationals”; currently, there are just over 100, thus exactly replacing the LL.B. students who are on leave.<sup>279</sup> While over twenty nationalities are usually represented, about half of the students come from the United States.<sup>280</sup> Students from American law schools can earn credits towards their J.D. degree, as these exchange agreements are recognized by the ABA.<sup>281</sup> The courses also meet the requirements of the European Credit Transfer System (ECTS).<sup>282</sup>

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275. *Mission Statement*, *supra* note 110.

276. *Internationality*, *supra* note 201.

277. *See id.*

278. Baumanns, *supra* note 203; *International Exchange Program*, BUCERIUS L. SCH., <http://www.law-school.de/exchangeprogram.html?&L=1> (last visited Oct. 23, 2012) (Ger.); *International Office*, *supra* note 204.

279. *See* Baumanns, *supra* note 203; BUCERIUS L. SCH., *supra* note 153; KUCHENBECKER, *supra* note 6, at 6; *International Exchange Program*, *supra* note 278; *International Office*, *supra* note 204.

280. *See* Baumanns, *supra* note 203; BUCERIUS L. SCH., PROGRAM IN INTERNATIONAL AND COMPARATIVE BUSINESS LAW 2012 (Ger.), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/Flyer%20Exchange%20Program%202012.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/Flyer%20Exchange%20Program%202012.pdf); *International Exchange Program*, *supra* note 278 (follow “Partner Institutions” hyperlink); *International Office*, *supra* note 204.

281. *See* BUCERIUS L. SCH., *supra* note 280; Labi, *supra* note 126.

282. *See* BUCERIUS L. SCH., *supra* note 280; WISSENSCHAFTSRAT, *supra* note 138, at 49.



As part of their experience, the internationals and Bucerius students are encouraged to interact with one another. A buddy system has been instituted, and, at the beginning of the program, there is a two-day outing to Malente, a small town northeast of Hamburg that is located within a nature park.<sup>283</sup> Through sporting and other events, the new LL.B. students and internationals have the opportunity to become acquainted.<sup>284</sup> Other extra-curricular activities and services are provided, such as a study trip to Berlin, to ensure that the internationals receive a breadth of experience that goes beyond the classroom.<sup>285</sup>

During their semester at Bucerius, the internationals must take a compulsory survey course of German law, but beyond that they may choose from a variety of classes directly tailored to them that emphasize international and comparative business law.<sup>286</sup> Courses are taught by academics from Bucerius and other German and foreign law schools, as well as practitioners, and include topics ranging from “Global Trends in Intellectual Property and Digital Media Law” to “Business and Economics of Law Firms: Cross Border Edition.”<sup>287</sup>

While the internationals may enroll in German language classes available at various levels of proficiency, and even in law classes with the German LL.B. students should their language skills permit, the courses tailored to the internationals are all taught in English.<sup>288</sup> Though this does limit the internationals from experiencing an immersion in a foreign system of legal education and the different perspective this would provide,<sup>289</sup> in reality, requiring proficiency in German would substantially limit the number of students able to participate in the program. In addition, having classes tailored towards the interna-

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283. See *Extracurriculars, etc.*, BUCERIUS L. SCH., <http://www.law-school.de/67.html?&L=1> (last visited Oct. 23, 2012) (Ger.) (follow “Extracurricular Activities” hyperlink).

284. For a comparison on interactions between foreign students and German students at German institutions of higher education, see Ulrich Heublein, Murat Özkilic & Dieter Sommer, *Aspekte der Internationalität deutscher Hochschulen: Internationale Erfahrungen deutscher Studierender an ihren heimischen Hochschulen*, 63 DOKUMENTATIONEN & MATERIALIEN: DAAD, DEUTSCHER AKADEMISCHER AUSTAUSCH DIENST 27-68 (2007) (Ger.), available at [http://www.his.de/pdf/21/daad\\_band63.pdf](http://www.his.de/pdf/21/daad_band63.pdf). For general information on studying in Germany, see *Länderinformationen*, DAAD, <http://www.daad.de/de/index.html> (last visited Oct. 23, 2012) (Ger.).

285. See *Extracurriculars, etc.*, *supra* note 283 (follow “Extracurricular Activities” and “Study Trip 2011” hyperlinks).

286. See BUCERIUS L. SCH., INTERNATIONAL EXCHANGE PROGRAM 2012 COURSE CATALOGUE 3-13 (Ger.), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/Course%20Catalogue%202012\\_01082012.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/Course%20Catalogue%202012_01082012.pdf).

287. See *id.* at 3-19.

288. See BUCERIUS L. SCH., *supra* note 280.

289. See Luz Estella Nagle, *Maximizing Legal Education: The International Component*, 29 STEVENSON L. REV. 1091, 1106-17 (2000).



tionals, rather than simply dispersing them among the regular classes with the LL.B. students, provides them with a more coherent and relevant learning environment.

### 5. Summer Law Institute

For several years, Bucerius Law School collaborated with the Kenneth Wang School of Law of Soochow-University and Cornell University Law School in hosting a three-week summer law institute in Suzhou, China.<sup>290</sup> The program aimed to address a growing need for connecting China, Europe, and the United States.<sup>291</sup> Dr. Baumanns explained the content of this so-called “Workshop in International Business Transactions with Chinese Characteristics”:

We invited German, Chinese, and American students . . . to run through a hypothetical . . . business case of a merger of a European and American with a Chinese company, and every day there was a new catastrophe, and then they have to muddle somehow through. The teams . . . were mixed between Germans, Americans, and Chinese. And, this was such an unbelievable cultural experience. This is far beyond law and business—this is more than that; and, we need programs like these in order to create future talents. . . .

[The students] attending this summer law institute, . . . [whether] they were Americans or Germans or Chinese, it changed totally their view, and I think this is really the future.<sup>292</sup>

### 6. Bucerius Summer Program

Responding to interest from students unable to participate as internationals in the fall, Bucerius Law School launched a summer program in 2008.<sup>293</sup> The four-week summer from mid-July to mid-August offers a variety of courses in international business law.<sup>294</sup> It is open to German and foreign law students who have already completed at least one year of legal study and to young professionals.<sup>295</sup> Classes are all in

290. See BUCERIUS L. SCH., SUMMER LAW INSTITUTE IN SUZHOU, CHINA: JULY 19-AUGUST 7, 2009 (Ger.), available at [http://www.law.hku.hk/prospectivestudents/exchange/BLS\\_Suzhou\\_Flyer%202009.pdf](http://www.law.hku.hk/prospectivestudents/exchange/BLS_Suzhou_Flyer%202009.pdf).

291. See *id.*

292. Baumanns, *supra* note 5.

293. See BUCERIUS L. SCH., BUCERIUS SUMMER PROGRAMS (2012) (Ger.), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/Flyer%20Summer%20Programs%202012.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/Flyer%20Summer%20Programs%202012.pdf).

294. See *id.*; *International Business Law*, BUCERIUS L. SCH., [http://www.law-school.de/sp\\_business\\_law.html?&L=1](http://www.law-school.de/sp_business_law.html?&L=1) (last visited Oct. 24, 2012) (Ger.).

295. See BUCERIUS L. SCH., *supra* note 293; *Academic Programs*, BUCERIUS L. SCH., [http://www.law-school.de/studium\\_programme.html?&L=1](http://www.law-school.de/studium_programme.html?&L=1) (last visited Oct. 24, 2012) (Ger.); *Bucerius*



English and include courses such as International Mergers & Acquisitions, Comparative Contract Law, and International Commercial Arbitration.<sup>296</sup> The instructors include both academics and practitioners.<sup>297</sup> Starting in 2012, the program offering was expanded with the launch of the Bucerius Summer Program in Mediation, a three-week course focusing on the advocacy and management skills, legal frameworks, and psychology relevant for business-to-business mediation.<sup>298</sup> Courses are designed under ABA guidelines and the ETCS to allow students to earn credits that can be transferred to their respective home institutions.<sup>299</sup>

## 7. International Initiatives

Using its network of renowned partner universities, Bucerius Law School supports the exchange of academic ideas at an international level as well, thereby creating a platform to support world-wide research contacts.<sup>300</sup>

Bucerius Law School is connected worldwide through its network of partner universities.<sup>301</sup> The Law School is also a partner in different international initiatives, as a sign of commitment to both scholarly exchange and the international idea. These initiatives include the China-EU School of Law, the Georgetown-initiated Center for Transnational Legal Studies, and the Association of Transnational Law Schools.<sup>302</sup> Bucerius is also a member of the European Law Faculties Association (ELFA), International Association of Law Schools (IALS), American Bar Association (ABA), and German-American Lawyers' Association.<sup>303</sup>

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*Summer Programs*, BUCERIUS L. SCH., <http://www.law-school.de/summerprogram.html?&L=1> (last visited Oct. 24, 2012) (Ger.).

296. See BUCERIUS L. SCH., *supra* note 293; *International Business Law*, *supra* note 294.

297. See *International Business Law*, *supra* note 294. One former participant described his experience this way:

I enjoyed the exposure to areas of traditional business studies that would not be available to me at my current law school. The best part of the program was meeting people from so many countries, learning the differences in culture and different qualifications for becoming a lawyer around the world.

BUCERIUS L. SCH., BUCERIUS SUMMER PROGRAM IN INTERNATIONAL BUSINESS LAW 2010 (Ger.) (quoting Joseph Peck), *available at* [http://www.law.hku.hk/lawdept/upload/notices/6/Bucerius\\_Summer\\_Program\\_2010\\_Flyer.jpg.pdf](http://www.law.hku.hk/lawdept/upload/notices/6/Bucerius_Summer_Program_2010_Flyer.jpg.pdf).

298. See BUCERIUS L. SCH., *supra* note 293.

299. See *id.*

300. *Mission Statement*, *supra* note 110.

301. *Internationality*, *supra* note 201.

302. *Id.*

303. See *id.*



## 8. American Friends of Bucerius

In 2006, the ZEIT-Stiftung launched a U.S.-based non-profit organization, the “American Friends of Bucerius” (AFB), in order to connect better with people and opportunities in the United States.<sup>304</sup> To assist with this effort, the foundation opened a representative office in Manhattan in 2009.<sup>305</sup> In its new office, the AFB is working to establish connections on behalf of the entire Bucerius community and to strengthen ties with the alumni of Bucerius’ various programs.<sup>306</sup> The AFB has been involved in a number of activities aimed at increasing transatlantic cooperation, such as organizing receptions and alumni reunions and hosting discussions and lectures on a variety of topics.<sup>307</sup>

## 9. Connections to Law Firms and Business

Much emphasis is placed on the dialogue with the legal practitioners . . . . Donations from private sponsors are a sign of society’s confidence in the Law School. The acquisition and maintenance of sponsors is an integral aspect of Bucerius’ concept.<sup>308</sup>

Bucerius Law School has well-developed relations with many law firms and corporations. These relations are even apparent in the naming of the campus’ physical facilities. The library is named the Hengeler Mueller-Bibliothek after Germany’s most elite law firm, and it, in turn, is housed in the Bucerius Center for Graduate Studies—Deutsche Bank Hall.<sup>309</sup> The campus has a Freshfields Bruckhaus Deringer-IT-Center and a Clifford Chance International Office.<sup>310</sup> A lecture hall is named after German computer pioneer Heinz Nixdorf, and lecture rooms are named after several law firms, including Baker &

304. See *Home*, AM. FRIENDS BUCERIUS, <http://www.buceriususa.org/> (last visited Sept. 21, 2012) (Ger.).

305. See *id.*; *Giving*, BUCERIUS L. SCH., [http://www.law-school.de/finanzielles\\_engagement.html?&L=1](http://www.law-school.de/finanzielles_engagement.html?&L=1) (last visited Sept. 21, 2012) (Ger.).

306. See *Home*, *supra* note 304.

307. See Axel Reimann, *Pioniere in New York: Liegt die Zukunft der Law School in den USA? Die American Friends of Bucerius sind schon da.* . . ., RE.VISION (Ger.), 2010, at 12, 14, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf); *Alumni*, BUCERIUS L. SCH., <http://www.law-school.de/alumni.html?&L=1> (last visited Sept. 21, 2012) (Ger.); *Events*, AM. FRIENDS BUCERIUS, [http://www.buceriususa.org/index.php?id=528&no\\_cache=1](http://www.buceriususa.org/index.php?id=528&no_cache=1) (last visited Sept. 21, 2012) (Ger.) (listing upcoming and past events coordinated by the ABF).

308. *Mission Statement*, *supra* note 110.

309. See *Campus*, BUCERIUS L. SCH., <http://www.law-school.de/campus.html?&L=1> (last visited Sept. 21, 2012) (Ger.); *Hengeler Mueller-Bibliothek*, BUCERIUS L. SCH., <http://www.law-school.de/bibliothek.html?&L=1> (last visited Sept. 21, 2012) (Ger.).

310. See KUCHENBECKER, *supra* note 6, at 13; *International Office*, *supra* note 204.



McKenzie, CMS Hasche Sigle, Linklaters, Lovells, Sibeth, Taylor Wessing, and White & Case.<sup>311</sup>

The board of trustees includes a Senior Executive Consultant of Deutsche Bank AG; partners at Hengeler Mueller, Freshfields Bruckhaus Deringer, and Linklaters; the Chairman of the Supervisory Board of Lufthansa AG; and formerly two Senior Partners from Freshfields Bruckhaus Deringer.<sup>312</sup> Several chairs are endowed by large businesses, from the Alfried Krupp Chair for Civil Law, German and International Business and Corporate Law, to the Commerzbank Chair for the Fundamentals of Law, and the UBS Professor of Law.<sup>313</sup> Student academic prizes include the Baker & McKenzie Prize for best seminar paper; the Montblanc Prize for best Bachelor's paper; and the Christian Wilde Prize, sponsored by Germany's oldest remaining private bank, the Berenberg Bank, given for a dissertation in the field of business and capital markets law.<sup>314</sup>

Various benefactors sponsor parts of the study programs. Linklaters supports the Bucerius Summer Program, and the MLB program is supported in part by a Magic Circle law firm, two banks, and several foundations: Allen & Overy, UBS Deutschland AG, Haspa, Joachim Herz Stiftung, Claussen-Simon-Stiftung, Marga und Kurt Möllgaard Stiftung, Alfried Krupp von Bohlen und Halbach-Stiftung, and ZEIT-Stiftung Ebelin und Gerd Bucerius.<sup>315</sup> Law firms Gleiss Lutz and Latham & Watkins have provided fellowships for students for the mandatory study abroad.<sup>316</sup> Numerous other businesses and law firms have also provided varying levels of financial support.<sup>317</sup> Aside from their financial importance, these sponsorships, through their affiliation with the Law School, serve to vouch for the high quality of the institution. As one MLB student expressed, "From the very

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311. See *Giving*, *supra* note 305.

312. See *Organization*, *supra* note 120. Christian Wilde, formerly co-senior partner at Freshfields Bruckhaus Deringer, passed away in 2004. See Antje Neumann, *Freshfields:Bisheriger Seniorpartner Christian Wilde verstorben*, JUVE (Ger.), May 13, 2004, <http://www.juve.de/nachrichten/namenundnachrichten/2004/05/freshfields-bisheriger-seniorpartner-christian-wilde-verstorben>.

313. See *LL.B./State Examination Faculty*, BUCERIUS L. SCH., <http://www.law-school.de/forschung.html?&L=1> (last visited Sept. 21, 2012) (Ger.).

314. See BUCERIUS L. SCH., *STUDIENFÜHRER HERBST-TRIMESTER 2012*, at 265, 267 (Annette Bärwinkel et al. eds., 2012) (Ger.), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/SF\\_HT\\_2012.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/SF_HT_2012.pdf).

315. See BUCERIUS L. SCH., *supra* note 293; BUCERIUS L. SCH. & WHU, *supra* note 235, at 7; BUCERIUS L. SCH. & WHU, *supra* note 244, at 6-7.

316. See BUCERIUS L. SCH., *supra* note 314, at 211; Baumanns, *supra* note 203.

317. For a list of sponsors of the Bucerius Law School, see *Giving*, *supra* note 305 (follow "Partners in Excellence" hyperlink).



beginning I have seen the support given by Allen & Overy as a big distinction for the Program attesting and acknowledging its high academic level and strong, partner-related connection with the professional world.”<sup>318</sup>

The Law School and the Bucerius alumni association organize an annual career forum in which lawyers meet with students and alumni.<sup>319</sup> Moreover, throughout the year, there is a continual flow of speakers visiting the campus to present on various topics, and they publicize their law firms in the process.<sup>320</sup> The various Law School publications, such as the term guide or annual magazine, also contain numerous advertisements from law firms, banks, etc.<sup>321</sup> A partner from Linklaters, which has hired ten graduates so far, explained:

“We see our commitment as an investment in winning better future talent. . . . The Law School was founded, because at that time the graduates of the public universities lacked sufficient knowledge and skills needed for certain fields of legal practice, especially for the international bar. The Law School covers this demand very well through the additional international and economic training.”<sup>322</sup>

## 10. Bucerius Executive Education

In 2005, the Law School launched the Bucerius Education GmbH to establish an offering of executive education courses in order to provide lifelong learning for working professionals, including both Bucerius alumni and others.<sup>323</sup> The Bucerius Education GmbH is a wholly-owned for-profit subsidiary, whose profits flow back to the benefit of the Law School.<sup>324</sup> In addition, the Law School benefits from closer ties to practitioners in the world of law and business (but also vice versa). This operation was an innovation in Germany, where continu-

318. See *Financing Options*, *supra* note 261 (quoting Mateusz Korus).

319. See *Kurzvorstellung des Vereins*, BUCERIUS ALUMNI E.V., <http://bucerius-alumni.de/kurzportrait.html> (last visited Sept. 21, 2012) (Ger.).

320. See *id.*

321. See, e.g., BUCERIUS L. SCH., *supra* note 314, at 2-314.

322. Tilman Botzenhardt, *Warum Machen Wir Das Eigentlich?*, RE.VISION (Ger.), 2010, at 36, 36 (quoting Wolfgang Sturm), available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf). “Wir sehen unseren Einsatz als Investition in eine verbesserte Nachwuchsgewinnung. . . . Die Hochschule ist deshalb gegründet worden, weil die Absolventen der staatlichen Hochschulen damals für einen Teil der Praxis—insbesondere für die internationale Anwaltschaft—oft zu wenig Kenntnisse erworben hatten. Die Law School deckt diesen Bedarf durch ihre internationale und wirtschaftswissenschaftliche Zusatzausbildung sehr gut ab.” *Id.* (quoting Wolfgang Sturm).

323. See *Institutional Setting*, BUCERIUS CENTER ON LEGAL PROF., <http://www.bucerius-clp.de/the-center/institutional-setting.html?L=1> (last visited Sept. 21, 2012) (Ger.).

324. See *id.*



ing education has traditionally been associated with professional associations or other organizations, but less so with universities.

When the program initially began, the executive education programs mainly offered the legal expertise of faculty members, such as courses on current developments in employment or tax law.<sup>325</sup> Over time, however, the course offering has expanded. Both general and tailored courses and seminars are now offered, and they are taught in both English and German.<sup>326</sup> Areas of focus include substantive matters in law and business, as well as soft skills like management and leadership.<sup>327</sup> In order to maintain the standard of quality associated with Bucerius and assemble the necessary substantive content, the Education GmbH has worked with faculty members at the University of St. Gallen in Switzerland, IESE in Spain, and Harvard in the United States.<sup>328</sup>

## 11. Bucerius Center on the Legal Profession

In 2010, the Law School launched the Bucerius Center on the Legal Profession (CLP) as a center for research on developments in the German legal market and on law firm management and leadership.<sup>329</sup> Founding the CLP was seen as the next logical step, since in order to advance the executive education program in the long-term, it would be important to accumulate original proprietary content that could be marketed independent of other providers.<sup>330</sup> Markus Hartung, former managing partner of Linklaters in Germany, was brought on board as the director; a number of attorneys from several of the large law firms in Germany serve in an advisory capacity as part of an

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325. *See id.*

326. *See* BUCERIUS EDUC. GMBH, EXECUTIVE EDUCATION PROGRAMME IN RECHT WIRTSCHAFT MANAGEMENT UND FÜHRUNG BERUFLICHE KOMPETENZEN JAHRESPROGRAMM 2012 (Ger.), available at [https://www.bucerius-education.de/fileadmin/user\\_upload/Dokumentarchiv/Downloads/Broschuere\\_2012\\_final\\_web.pdf](https://www.bucerius-education.de/fileadmin/user_upload/Dokumentarchiv/Downloads/Broschuere_2012_final_web.pdf).

327. *See id.* at 5. For example, the following programs were held in 2009: Corporate Tax, Tax Law—Current Aspects, Quality Broking in the Shipping Industry, Summer Law Institute, Actual Supreme Tax Court Precedents: Supreme Court Justices Discuss their Judgments, ILEC Examination Preparation Courses, and Conference on Corporate Conflict Management. For current information, see *Bucerius Executive Education*, BUCERIUS EDUC. GMBH, <https://www.bucerius-education.de/> (Ger.).

328. *See* BUCERIUS EDUC. GMBH, *supra* note 326, at 50; Sven Stillich, *Hilfe, Ich Werde Partner! Zu Gast im Bucerius Leadership Program*, RE.VISION (Ger.), 2010, at 46, 47-48, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf).

329. *See* BUCERIUS EDUC. GMBH, *supra* note 326, at 50; *Institutional Setting*, *supra* note 323; *Purpose*, BUCERIUS CENTER ON LEGAL PROF., <http://www.bucerius-clp.de/the-center/purpose.html?L=1> (last visited Sept. 21, 2012) (Ger.).

330. *See Purpose*, *supra* note 329.



advisory board (*Fachbeirat*), and individuals from a variety of fields function as lecturers.<sup>331</sup> Research and publications through the CLP involve not only analyses, but also empirical qualitative studies and case studies.<sup>332</sup>

## 12. Legal Education and Scholarship

Bucerius seeks not to be a mere trade school or bar preparation course, but rather a place of real legal scholarship.<sup>333</sup> The leadership of the Law School was fully aware that a modern Litchfield School<sup>334</sup> would not be taken seriously in the German and international legal education community, nor is that the type of school that the leadership intended to create. Professor Schmidt explained that Bucerius Law School “was founded with the conviction and is now led with the conviction that legal scholarship is the foundation not just for academic instruction, but also for the development of legislation, judicature, and formative legal practice.”<sup>335</sup> In recognition of their success as an academic institution, the school was accredited in 2008 by the Council of Science and Humanities (*Wissenschaftsrat*), a federally and state funded advisory body.<sup>336</sup> While the *Wissenschaftsrat* did provide some suggestions for improvement, the overall review was very posi-

331. See BUCERIUS EDUC. GMBH, *supra* note 326, at 5051; *Expert Faculty*, BUCERIUS CENTER ON LEGAL PROF., <http://www.bucerius-clp.de/people/expert-faculty.html?L=1> (last visited Oct. 25, 2012) (Ger.); *Markus Hartung—Director*, BUCERIUS CENTER ON LEGAL PROF., <http://www.bucerius-clp.de/people/markus-hartung.html?L=1> (last visited Oct. 25, 2012) (Ger.).

332. *Overview*, BUCERIUS CENTER ON LEGAL PROF., <http://www.bucerius-clp.de/research-and-publications/overview.html?L=1> (last visited Sept. 21, 2012) (Ger.).

333. See *Mission Statement*, *supra* note 110.

334. The Litchfield Law School was what might be considered the first American private law school (or perhaps the first American bar review course). Its staff consisted of one or two instructors for a fourteen-month course that provided students with their basic legal education: “Of the 903 graduates between 1774 and 1833, 2 became vice-presidents, 28 were elected to the U.S. Senate, 101 became Representatives, 16 were assigned to the post of chief justice, 14 became state governors, and 10 became lieutenant governors. There was a distinct elite tradition associated with this school. Litchfield lawyers assumed upper-class prerogatives and considered themselves above the multitude. . . . The momentum of the private law school movement, however, was slowed by the development of university-based law schools.” ROBERT GRANFIELD, *MAKING ELITE LAWYERS: VISIONS OF LAW AT HARVARD AND BEYOND* 24 (1992); see also Andrew M. Siegel, “*To Learn and Make Respectable Hereafter*”: *The Litchfield Law School in Cultural Context*, 73 N.Y.U. L. REV. 1978 (1998).

335. Karsten Schmidt, *Eine Stütze der Forschung und der Lehre*, in *EINE ANDERE HOCHSCHULE* 37, 37 (Frauke Hamann ed., 2010) (Ger.), available at [http://www.zeit-stiftung.de/ufile/9\\_79\\_2.pdf](http://www.zeit-stiftung.de/ufile/9_79_2.pdf). “*Die Bucerius Law School . . . wurde in der Überzeugung gegründet und wird mit der Überzeugung geleitet, dass rechtswissenschaftliche Forschung die Grundlage nicht nur für den akademischen Unterricht, sondern auch für die Entwicklung von Gesetzgebung, Judikatur und gestaltender Praxis ist.*” *Id.*

336. See *WISSENSCHAFTSRAT*, *supra* note 138, at 5.



tive and culminated in the announcement of accreditation for the next ten years.<sup>337</sup>

### *E. Faculty*

Bucerius Law School respects and promotes the free and independent research of the faculty and staff, who appreciate the intradisciplinary cooperation at Bucerius Law School and are open to the exchange of ideas. The Law School offers them the freedom to develop their thoughts, which are then further pursued by the university community. . . .

Bucerius professors view personal mentorship and intellectual advancement of their assistant professors, research assistants and doctoral and post-doctoral students as one of their main duties. In addition to their own research activities, the work of the assistant professors and research assistants is influenced by the intense and mutually productive exchange of ideas with the students. Assistant professors and research assistants assume important teaching duties while having sufficient time at their disposal to pursue their own research.<sup>338</sup>

In order to become a leading academic institution in terms of research and scholarship, the Law School needed to assemble an outstanding faculty. There was some concern about whether professors could be attracted from the comfort of their civil-servant status to join a novel, private, and untried institution. However, fortunately for Bucerius, this concern proved to be unfounded, as 156 individuals applied for the first five professorships.<sup>339</sup> In the last ten years, the faculty has grown to twenty-five professors, viz.: fifteen chairs, one Junior Professor, two Honorary Professors, two Professor Emeritus, and five Affiliate Professors.<sup>340</sup> Moreover, Bucerius has on an annual

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337. See *id.* at 5-62. The accreditation process of the Wissenschaftsrat involves a thorough review and also results in a published report. Between 2001 and 2012, the Wissenschaftsrat reviewed ninety-two non-state schools. Of those schools, fifty-eight were evaluated positively (including Bucerius), and thirty-one either were not accredited or had their applications canceled or suspended. See WISSENSCHAFTSRAT, HINTERGRUNDINFORMATION: INSTITUTIONELLE AKKREDITIERUNG NICHTSTAATLICHER HOCHSCHULEN DURCH DEN WISSENSCHAFTSRAT 2001 BIS 2012, at 2 (2012) (Ger.), available at [http://www.wissenschaftsrat.de/download/archiv/hginfo\\_312-allgemein.pdf](http://www.wissenschaftsrat.de/download/archiv/hginfo_312-allgemein.pdf); WISSENSCHAFTSRAT, PRIVATE UND KIRCHLICHE HOCHSCHULEN AUS SICHT DER INSTITUTIONELLEN AKKREDITIERUNG, DRs. 2264-12, at 5 (2012) (Ger.), available at <http://www.wissenschaftsrat.de/download/archiv/2264-12.pdf>.

338. *Mission Statement*, *supra* note 110.

339. See Röbbke, *supra* note 190, at 28 (quoting Michael Göring).

340. See BUCERIUS L. SCH., *supra* note 153.



basis about thirty national or international visiting lecturers who are either academics or practitioners.<sup>341</sup>

Only a small minority of the faculty arrived at Bucerius as seasoned academics.<sup>342</sup> For these individuals, coming to Bucerius was an opportunity to impart mentorship to the next generation and leave a lasting mark by investing in the future of this new law school. Professor Kötz described his tenure at the Law School as a “‘piece of candy at the end of my career.’”<sup>343</sup> Many of the professors, however, were relatively young when they joined Bucerius. A majority belong to the same generational cohort, i.e., born in the 1960s, completing their dissertations and habilitations in the 1990s, and, having shown their potential, joining the Law School at some point during the last twelve years.<sup>344</sup> These younger professors are establishing themselves as leaders in their fields and, at the same time, are tying their careers to the long-term success of Bucerius. Of these younger professors, the Wissenschaftsrat commented, “In light of the Law School still being in its early stages, and the fact that the professors, who are mostly on their first appointment, have in part developed themselves [very well], an overall very promising scholarly potential can be attested to the Law School.”<sup>345</sup>

The relatively low student-to-faculty ratio allows for smaller classes, particularly in comparison with classes at public universities.<sup>346</sup> Consequently, professors often know students by name, and many have an open-door policy. The high number of students who pursue a doctorate does place a substantial supervisory burden on the faculty. In return, however, the faculty is well supported. According to a *Die ZEIT* ranking on higher education, Bucerius invests substantially more into faculty resources than do other law schools.<sup>347</sup> In the cate-

341. See *id.*

342. For a background of the professors, see *Faculty*, *supra* note 313 (follow “Mehr” hyperlinks below each individual professor).

343. Röbbke, *supra* note 190, at 30 (quoting Hein Kötz) (“‘wie ein Bonbon am Ende meines Berufslebens’”).

344. See *supra* note 342.

345. WISSENSCHAFTSRAT, *supra* note 138, at 58. “Angesichts des frühen Aufbaustadiums der Hochschule und der Tatsache, dass die—zumeist—erstberufenen Professoren sich während ihrer Zeit an der Bucerius Law School zum Teil [sehr gut] weiterentwickelt haben, ist der Hochschule insgesamt ein vielversprechendes wissenschaftliches Potential zu bescheinigen.” *Id.*

346. See Wenzler & Kwietniewska, *supra* note 6, at 464; Carol J. Williams, *German Law School Blazes New Trail*, L.A. TIMES, Nov. 10, 2000, <http://articles.latimes.com/print/2000/nov/10/news/mn-49907>.

347. See *CHE Hochschulranking 2012/13*, ZEIT ONLINE, <http://ranking.zeit.de/che2012/de/?module=Fachbereich&do=show&id=410016> (follow “Jura” hyperlink) (last visited Oct. 26, 2012) (Ger.).



gory of financial resources per academic (*Forschungsgelder pro Wissenschaftler*), Bucerius spends 39,600 Euro, compared to approximately 12,700 Euro on average at the other law schools.<sup>348</sup> The fifteen full professors have some sixty-five research assistants and post-doctoral research fellows at their disposal.<sup>349</sup>

It is too early to tell whether Bucerius will become a leader in producing future generations of scholars. On the one hand, very few students at any institution go into academia, given the relatively low number of available positions; however, given the outstanding results on the state examinations and the high number of students at Bucerius who pursue a doctoral degree, the prospects in this regard are promising.

#### F. Research Institutes and Scholarship

Bucerius is an academic community of students and faculty who are engaged in constructive-critical thinking . . . .<sup>350</sup>

Bucerius Law School has two institutes with research areas that are aligned with its overall strengths: an Institute for Corporate and Capital Markets Law and an Institute for Foundation Law and the Law of Non-Profit Organizations.<sup>351</sup> Bucerius has also established a Center for Transnational IP, Media and Technology Law and Policy; further, it has announced plans to coordinate with the Notary Chamber of Hamburg (*Hamburgische Notarkammer*) and the German Notary Law Association (*Deutsche Notarrechtliche Vereinigung*) to establish a Notary Law Center with an emphasis on family enterprises (*Notarrechtliches Zentrum Familienunternehmen*).<sup>352</sup>

A very innovative feature of Bucerius is the Center for Legal Learning (*Zentrum für Juristisches Lernen*), which focuses on helping students with their legal studies.<sup>353</sup> Students first encounter the Center in a two-week preparatory course at the beginning of their studies known as the *Propädeutikum*.<sup>354</sup> Therein, students have a number of

348. *See id.*

349. *See* BUCERIUS L. SCH., *supra* note 153.

350. *Mission Statement*, *supra* note 110.

351. *See Teaching & Research*, *supra* note 272.

352. *See* Schmidt, *supra* note 335, at 38; *Center for Transnational IP, Media and Technology Law and Policy*, BUCERIUS L. SCH., <http://ipcenter.law-school.de/> (last visited Oct. 26, 2012) (Ger.).

353. *See Zentrum für Juristisches Lernen (ZJL)*, BUCERIUS L. SCH., <http://www.law-school.de/zjl.html?&L=> (last visited Oct. 4, 2012) (Ger.).

354. *See id.*; BUCERIUS L. SCH., *supra* note 314, at 28, 33, 315. The *Propädeutikum* seems very appropriate given that on average among new law students in Germany, more students feel insufficiently or poorly prepared for their legal studies than do students in other subjects, and



introductory sessions such as working with legal cases and statutory materials and understanding legal norms.<sup>355</sup> Students also attend introductory lectures on topics such as legal history and legal philosophy, etc.<sup>356</sup> Moreover, students receive an overview of the curriculum and become acquainted with the Law School's resources.<sup>357</sup> Then, throughout the students' time at Bucerius, the Center offers courses on topics such as term paper writing, as well as an exam clinic that offers individualized assistance in improving performance on written exams.<sup>358</sup> The Center also coordinates preparing students for the first state exam.<sup>359</sup> Finally, the Center is responsible for improving pedagogy in the law school through engaging in curricular development, providing continuing education for teachers, developing innovative teaching methods, and conducting research in the area of legal education.<sup>360</sup>

The Law School also has a student-run law journal, the *Bucerius Law Journal*.<sup>361</sup> Modeled after U.S. law school journals, it is edited and published by students who are assisted by an advisory board of several faculty members.<sup>362</sup> The journal is currently published three times a year and focuses on jurisprudential issues in Germany and elsewhere.<sup>363</sup> It features student and faculty writings, reviews of recently published legal literature, and a debate on a current question in German jurisprudence with contributions from academics and practitioners.<sup>364</sup> Though content is primarily in German, English-language submissions are also welcome.<sup>365</sup> The law firm Morgan, Lewis & Bockius supports the journal with financial assistance.<sup>366</sup>

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fewer students feel well prepared for their legal studies than do students in other subjects. See Christoph Heine, Marian Krawietz & Dieter Sommer, *Studienanfänger im Wintersemester 2006/07: Wege zum Studium, Studien- und Hochschulwahl, Situation bei Studienbeginn*, HIS: PROJEKTBERICHT, June 2008, at 47 (Ger.), available at <http://www.his.de/pdf/21/studienanfaenger-ws-06-07.pdf>.

355. See BUCERIUS L. SCHL., *supra* note 314, at 45, 47.

356. See *id.*

357. See *id.* at 28.

358. See *id.* at 33; Zentrum für Juristisches Lernen (ZJL), *supra* note 353.

359. See Zentrum für Juristisches Lernen (ZJL), *supra* note 353.

360. See *id.*

361. See *About Us*, BUCERIUS L.J., <http://www.law-journal.de/index.php?id=171> (last visited Oct. 4, 2012) (Ger.).

362. See *id.*

363. *Id.*

364. See *id.*

365. See *Information for Authors*, BUCERIUS L.J., <http://www.law-journal.de/index.php?id=207> (last visited Oct. 27, 2012) (Ger.); *Past Issues*, BUCERIUS L.J., <http://www.law-journal.de/index.php?id=178> (last visited Oct. 27, 2012) (Ger.).

366. See *About Us*, *supra* note 361.



In March 2011, the Law School announced the launch of its own university press, the Bucerius Law School Press.<sup>367</sup> The press will publish dissertations that are awarded “magna cum laude” or better, as well as writings of professors and academic staff members.<sup>368</sup> Upon the author’s request, books will also be made available electronically, such as through the Apple iBookstore and the Amazon Kindle Store.<sup>369</sup>

## G. *The Campus*

### 1. Physical Facilities

The campus is located within a 116-acre park but is within walking distance to the city center.<sup>370</sup> It is also easily accessible by several means of public transportation.<sup>371</sup> Though the Law School community had to endure a campus in the midst of construction in its initial years, the major projects are completed, and the Bucerius Law School now has an attractive and functional campus.<sup>372</sup> This was observed during the accreditation process by the Wissenschaftsrat, which acknowledged that the physical facilities are far above average.<sup>373</sup> Classes are held in twelve seminar rooms and in an electronic classroom equipped with high-tech facilities.<sup>374</sup> Students and faculty also have access to lounges, a cafeteria, and an onsite gym.<sup>375</sup> The entire campus has wireless coverage and can be accessed 24/7 by members of the Law School community.<sup>376</sup>

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367. See *Bucerius Law School Press*, BUCERIUS L. SCH., [http://www.law-school.de/verlag.html?&no\\_cache=1&L=](http://www.law-school.de/verlag.html?&no_cache=1&L=) (last visited Oct. 27, 2012) (Ger.).

368. *Id.*

369. *Id.* Partly in response to the recent highly publicized discoveries of plagiarism among leading politicians, dissertations will be reviewed by plagiarism detection software prior to their review by faculty. See *id.*; *supra* note 88.

370. See *Campus*, *supra* note 309.

371. *Id.*

372. See WISSENSCHAFTSRAT, *supra* note 138, at 43-44, 55-56.

373. See *id.* at 56 (“*Hervorzuheben sind auch die Ausstattung und die in jeder Hinsicht ansprechenden*”); Press Release, Wissenschaftsrat, Pressemitteilung Nr. 12/8, Drei nicht-staatliche Hochschulen vom Wissenschaftsrat akkreditiert (May 9, 2008) (Ger.) (quoting Peter Strohschneider), available at [http://www.wissenschaftsrat.de/download/archiv/pm\\_1208.pdf](http://www.wissenschaftsrat.de/download/archiv/pm_1208.pdf) (“*Die Betreuungsverhältnisse sind weit überdurchschnittlich, genauso wie die räumlichen und sächlichen Ausstattungen*”).

374. See *Campus*, *supra* note 309.

375. See *id.*; *Visiting Scholars*, BUCERIUS L. SCH., [http://www.law-school.de/visiting\\_scholars.html?&L=1](http://www.law-school.de/visiting_scholars.html?&L=1) (last visited Oct. 4, 2012) (Ger.).

376. *Campus*, *supra* note 309.



The buildings consist of a mixture of older and modern structures.<sup>377</sup> The Law School's main building is a renovated structure that, for nearly a century, was the home of the Institute of Botanic Studies associated with the University of Hamburg.<sup>378</sup> Other buildings on campus include an auditorium and a library.<sup>379</sup> Both are built to new environmental standards, with natural temperature control systems that remove the need for air conditioning.<sup>380</sup> The auditorium has a capacity of nearly 450 persons and has a foyer with a capacity of 300 persons.<sup>381</sup> The campus also has a bi-lingual daycare center for the children of members of the ZEIT-Stiftung, the Law School community, and the surrounding area.<sup>382</sup>

In 2007, the Law School obtained a classic villa located on the outskirts of Hamburg, the Goßlerhaus, through means provided by a donor.<sup>383</sup> A donation by the German bank Sal. Oppenheim allowed for renovation of the interior.<sup>384</sup> The Goßlerhaus is now used for conferences and other events and is managed by the Bucerius Education GmbH.<sup>385</sup>

## 2. Library

The Hengeler Mueller Library<sup>386</sup> at Bucerius Law School currently houses over 100,000 items,<sup>387</sup> which is still a relatively modest collection compared with many older, established law schools that have hundreds of thousands of books and other items.<sup>388</sup> The collection does, however, have an emphasis on business law, European law,

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377. *See id.*

378. *See id.*

379. *Id.*

380. *See* Jan-Oliver Meding, *Eine Hochschule Bauen. . .*, in *EINE ANDERE HOCHSCHULE* 51, 52 (Frauke Hamann ed., 2010) (Ger.), available at [http://www.zeit-stiftung.de/ufile/9\\_79\\_2.pdf](http://www.zeit-stiftung.de/ufile/9_79_2.pdf). For more information on the construction of the auditorium and library, see *id.* at 51-53.

381. *Campus*, *supra* note 309.

382. *See* WISSENSCHAFTSRAT, *supra* note 138, at 43-44, 55-56, 60; *Day Care Center*, BUCER-IUS L. SCH., <http://www.law-school.de/kita.html?&L=1> (last visited Oct. 4, 2012) (Ger.).

383. *Weiter gewachsen—die Bucerius Law School*, in *STIFTUNGSAKTIVITÄTEN 2007-2008*, at 18, 22 (Frauke Hamann ed., 2009) (Ger.).

384. *Id.* at 22.

385. *Id.*

386. During the 2010 FIFA World Cup, students briefly covered up the name "Hengeler" and replaced it with that of "Thomas." Thomas Mueller was Germany's leading goal scorer and received the golden boot for the tournament.

387. *See* BUCER-IUS L. SCH., *supra* note 153.

388. The University of Hamburg, for example, has approximately 500,000 volumes and continuously subscribes to some 900 periodicals. *See Zentralbibliothek Recht der Universität Hamburg*, BIBLIOTHEKSSYSTEM UNIVERSITÄT HAMBURG, <http://www.sub.uni-hamburg.de/bibliotheken/details/bib-id/1089712717.html> (last updated Jan. 20, 2012) (Ger.).



and international law, which is designed to meet the main interests of the students.<sup>389</sup> Moreover, students also have access to the sixteen *Lehrstuhlbibliotheken* (the libraries of the professors) and the voluminous law library of the University of Hamburg.<sup>390</sup> In comparison to public universities, the Hengeler Mueller Library has a far higher proportion of available desk space relative to the number of students: 560 workspaces are available.<sup>391</sup> One reason for this is that the tighter class schedule and absence of on-campus housing means that students spend more time studying in the library, as they are less able to return home to study.<sup>392</sup> The other is that Bucerius has a much greater proportion of doctoral students than public universities.<sup>393</sup>

#### H. Rankings

The concept of rankings in German higher education is relatively new, and where one studies remains insignificant in many ways, particularly in the field of law.<sup>394</sup> Perhaps, only with more advanced studies does the choice of university become important, as a given university may have certain professors, research facilities, or grants. However, university rankings have arrived in Germany, and several organizations and publications compile and publish various types of rankings.<sup>395</sup> Despite its novelty, Bucerius does very well, and the Law School ranks near or at the top in most of the rankings.<sup>396</sup> For example, in the 2008 ranking of law schools performed by studiVZ, Bucerius ranked first overall.<sup>397</sup> It also placed first for facilities, study environment, and relevance of studies to legal practice.<sup>398</sup> An HIS

389. See *Facts and Figures*, *supra* note 147.

390. See *Hengeler Mueller-Bibliothek*, *supra* note 309; *Library*, BUCERIUS L. SCH., [http://www.law-school.de/bib\\_service.html?&L=1](http://www.law-school.de/bib_service.html?&L=1) (last visited Oct. 27, 2012) (Ger.)

391. See *Hengeler Mueller Library*, BUCERIUS L. SCH., <http://www.law-school.de/bibliothek.html?&L=1> (last visited Oct. 4, 2012) (Ger.).

392. See Röbbke, *supra* note 190, at 29-30 (quoting Markus Baumanns).

393. See *id.* (quoting Markus Baumanns).

394. See *supra* note 33 and accompanying text. For a view of how German students perceive university rankings, see Janka Willige, *Hochschulrankings aus der Sicht Studierender*, 3 HISBUS-KURZBERICHT, Sept. 2003 (Ger.), available at [http://www.hisbus.de/results/pdf/2003\\_hisbus03\\_ranking.pdf](http://www.hisbus.de/results/pdf/2003_hisbus03_ranking.pdf); see also *supra* notes 34-35 and accompanying text.

395. See *Rankings*, BUCERIUS L. SCH., <http://www.law-school.de/rankings.html?&L=1> (last visited Oct. 27, 2012) (Ger.).

396. See *id.*

397. See *id.*; BUCERIUS L. SCH., *supra* note 153.

398. See *Rankings*, *supra* note 395. Bucerius Law School was ranked first in the following sub-categories: from student-to-student, lecture halls and seminar rooms, library, computer and internet, overall conditions, study environment, professors and lecturers, course offering, qualifications, handicapped accessibility, relevance of studies to practice, foreign exchange program, and feel-good factor of the campus. See STUDI VZ, DIE GROÖE HOCHSCHUL-UMFRAGE: DIE



study done during the 2010 summer semester found that ninety-four percent of students are “satisfied” or “very satisfied” with the studying conditions at Bucerius.<sup>399</sup> And, in the ZEIT-Studienführer/CHE-Hochschulranking in 2007-2008 and again in 2011-2012, Bucerius was the highest ranked law school.<sup>400</sup>

One ranking compiled by *junge Karriere* speaks to the reputation Bucerius has already established.<sup>401</sup> The *junge Karriere* ranking was based on a survey of some 5000 human resources employees, mostly of larger companies, who were asked which institution of higher education provides the best graduates in different fields.<sup>402</sup> In the field of law, Bucerius was ranked second (mentioned 15.2% of the time), just behind the famous 600-year-old University of Heidelberg (20.3% of the time).<sup>403</sup> These survey results show that by 2008, Bucerius had already achieved name recognition and was valued as a brand, even though those surveyed likely had little or no experience in hiring Bucerius graduates.<sup>404</sup> Surveys done by *Wirtschaftswoche*, which include more than 1000 human resource personnel, show similar results.<sup>405</sup> In 2006, its first year in the *Wirtschaftswoche* rankings, Bucerius Law School placed third.<sup>406</sup> Since then, Bucerius has continued to rank either second or third.<sup>407</sup>

Ultimately, perhaps the most important ranking is the success of students on the state exam.

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ERGEBNISSE (Ger.), available at [http://static.pe.studivz.net/2010402-161685/lp/Svz//de/hochschulranking/img/080925\\_Jura\\_d.pdf](http://static.pe.studivz.net/2010402-161685/lp/Svz//de/hochschulranking/img/080925_Jura_d.pdf) (last visited Oct. 27, 2012). It was ranked second for feel-good factor of the city and for advising services and was ranked thirty-third for housing situation. See *id.*

399. See BUCERIUS L. SCH., *supra* note 153. For a study on overall student happiness and satisfaction in Germany, including a comparison by subject, see Janka Willige, *Glück und Zufriedenheit Studierender: Online-Befragung Studierender im Sommersemester 2008*, 20 HIS-BUS-KURZINFORMATION, HIS: PROJEKTBERICHT, July 2008 (Ger.), available at [http://www.dgb-jugend.de/studium/mehr\\_infos/meldungen/kuschelnstattkarriere/data/his-studie.pdf](http://www.dgb-jugend.de/studium/mehr_infos/meldungen/kuschelnstattkarriere/data/his-studie.pdf).

400. See BUCERIUS L. SCH., *supra* note 153; *Rankings*, *supra* note 395; see also CHE Hochschulranking 2012/13, *supra* note 347. The CHE-Ranking considers itself to be the most comprehensive and detailed ranking in Germany. CHE Ranking, CHE, <http://www.che-ranking.de/cms/?getObject=42&getLang=de> (last visited Oct. 27, 2012) (Ger.). It is a non-profit organization and a member of the family of ZEIT entities. See CHE Hochschulranking, CHE, <http://www.che-ranking.de/cms/?getObject=50&getLang=de> (last visited Oct. 27, 2012) (Ger.).

401. See *Rankings*, *supra* note 395.

402. *Id.*

403. See *id.*; A. Himmelrath & B. Mersch, 2. Teil: Jura im Wandel, KARRIERE.DE (Ger.), May 30, 2008, <http://www.karriere.de/sonstige/2-teil-jura-im-wandel-7129/>.

404. See *id.*

405. See *Rankings*, *supra* note 395.

406. *Id.*

407. See *id.*; BUCERIUS L. SCH., *supra* note 153.



[W]hat counts in the competition with other universities is substance and results. One was proud accordingly when in 2004 the first students of the law school took the state exam: more than 90 percent achieved an exam with distinction, while the national average was below 20 percent. The Bucerius Law School had finally established itself at the peak of the judicial university landscape . . . .<sup>408</sup>

Perhaps more than ever intended—Professor Hein Kötz was and is a proponent of the abolition of the state exam—the Law School’s reputation has become linked to or possibly even synonymous with the students’ success on the state exam.<sup>409</sup>

### I. Student Life

The [Law School’s] management . . . acts on the impetus from the Law School community. Respecting the confidentiality of the individual, the management creates the ideal premises for the participation in and transparency of law school matters.<sup>410</sup>

The school prides itself on its close dialog with the students, and the students appreciate that their voice is heard and taken into consideration.<sup>411</sup> Elected student representatives and the Law School staff leadership meet weekly.<sup>412</sup> The student representatives include two students from each group, two students from the MLB program, and two additional students.<sup>413</sup> On a monthly basis, student representatives also participate in the Law School Senate. Then, on a trimester-basis, there is a large town-hall-like meeting for all students as well.<sup>414</sup> Every year, the student representatives also take part in a two-day excursion with the Law School leadership to discuss longer-term issues.<sup>415</sup>

This close dialogue between students, staff, and professors is one of the Law School’s strengths, as it allows the Law School to react and adapt to changing needs and circumstances according to the input of

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408. Röbbke, *supra* note 190, at 30. “[I]m Wettbewerb mit anderen Hochschulen zählen Inhalte—und Ergebnisse. Entsprechend stolz war man, als die ersten Studierenden der Law School im Jahr 2004 zum Staatsexamen antraten: Mehr als 90 Prozent schlossen mit Prädikat ab; der Bundesdurchschnitt lag unter 20 Prozent. Die Bucerius Law School hatte sich endgültig in der Spitze der juristischen Hochschullandschaft etabliert . . . .” *Id.*

409. *See id.* (quoting Hein Kötz).

410. *Mission Statement*, *supra* note 110.

411. *See* Stillich, *supra* note 217, at 15-18.

412. *See id.* at 15; *Studentisches*, BUCERIUS L. SCH., <http://www.law-school.de/studentisches.html?&L=> (last visited Oct. 28, 2012) (Ger.).

413. *See Studentisches*, *supra* note 412.

414. *See* Stillich, *supra* note 217, at 18.

415. *See id.* at 16.



members of the Bucerius community. The closeness of this dialogue is perhaps a function of the newness of the institution:

“None of us really knew what to expect. A group of students and a group of professors—both were new here, and wanted to work together in creating, achieving, and building something. The first students had it difficult; for example, they had no older classmates on whom to lean. If a bad grade led to tears, only we professors were available as a shoulder to cry on. This closeness to the students was quite unique.”<sup>416</sup>

Another reason is perhaps the large amount of tuition—in relative terms—that students pay for their education, as it seems to give them a sense of entitlement.<sup>417</sup> However, as a result, according to Professor Röthel, it sometimes becomes necessary to help students see the fine line between how much they realistically can change versus what they, in theory, would like to change.<sup>418</sup>

On the basis of a suggestion from some alumni, one faculty member was also designated to serve as a confidential liaison between students and professors.<sup>419</sup> As an external resource, the Law School has also engaged a confidential personal coach who assists students with academic and personal matters for the past eight years.<sup>420</sup> She has advised over 200 students so far on everything from study habits to career counseling, and even on the decision to leave Bucerius.<sup>421</sup> This offering is especially helpful because most of the students are undergraduates. They are thus at a point in life where they are making numerous life decisions while simultaneously being in a new and different environment, possibly without the same support structures to which they had previously been accustomed. The mission statement reads:

Bucerius Law School offers numerous social activities, ranging from the fine arts, culture and sports to other areas of society. It is

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416. Röbbke, *supra* note 190, at 27 (quoting Thomas Rönna). “*Wir wussten alle nicht so richtig, was uns erwartet. Eine Gruppe von Studierenden und eine Gruppe von Professoren—beide fingen hier neu an, wollten zusammen etwas erreichen, gestalten und aufbauen. Die ersten Studierenden hatten es etwas schwerer; so gab es beispielsweise noch keine älteren Kommilitonen zum Anlehnen. Wenn mit einer schlechten Note auch mal die Tränen kamen, blieben nur wir Professoren zum Ausweinen. Diese Nähe zu den Studierenden war schon einzigartig.*” *Id.*

417. At American universities, this sense of entitlement is arguably less, given that all law schools charge substantial tuition fees.

418. See Stillich, *supra* note 217, at 17.

419. *Id.*

420. See Jenny Niederstadt, *Zwei Für Alle Fälle: Prüfungsangst, Lernstress, Schlechte Noten—Ein Expertenteam Hilft Studenten in Not*, RE.VISION (Ger.), 2010, at 18, 18, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf).

421. See *id.*



through these activities that student initiatives diversify and enrich the university life.<sup>422</sup>

A wide range of extracurricular opportunities are available.<sup>423</sup> Students can participate in the Willem C. Vis Moot Court,<sup>424</sup> the Phi Delta Phi—Roman Herzog Inn student fraternity,<sup>425</sup> or other organizations on campus, including Amnesty International *HSG*,<sup>426</sup> a model United Nations society, social and religious groups, a theater group, a movie society, political groups (*Grüne HSG*, *Jusos*, *Liberale HSG*, *Ring Christlich-Demokratischer Studenten*, and the *Piraten HSG*), and sports clubs (including everything from basketball to volleyball).<sup>427</sup> For both students and faculty, the cultural, social, and extracurricular events are an important part of life within the Bucerius community.

#### IV. CONCLUSION

Being aware of its responsibility to its members, society and sponsors, the Law School continually explores new means to fulfill the growing expectations of an educated society. The Law School is open to the further development of graduate studies and related subjects, and after careful planning and consideration, will expand its programs. In this manner, Bucerius strives to make a lasting contribution to the renewal and retention of continuing university education.<sup>428</sup>

Seemingly overnight, the Bucerius Law School has established itself as the most elite—though perhaps the only elite—law school in Germany. For its tenth anniversary, the Law School hosted festive

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422. *Mission Statement*, *supra* note 110.

423. *See* BUCERIUS L. SCH., *supra* note 314, at 269-91. For a discussion of the social engagement of German students, including participation in various extracurricular activities, see Lars Fischer, *Studium—und darüber hinaus? Gesellschaftliches Engagement deutscher Studierender*, 15 HISBUS-KURZINFORMATION, HIS: PROJEKTBERICHT, Oct. 2006 (Ger.), available at <https://hisbus.his.de/hisbus/docs/hisbus15.pdf>.

424. *See* BUCERIUS L. SCH., *supra* note 314, at 269. In multiple years, students have received either an honorable mention or an award in the individual or team categories. *See id.*

425. *See id.* at 272. The International Legal Fraternity of Phi Delta Phi, established in the year 1869 to promote a higher standard of professional ethics, is the oldest legal organization in continuance [sic] existence in the United States. The Roman Herzog Inn at Bucerius Law School is the first German Inn and the second Inn in Europe. It is named after Roman Herzog, the former President of the Federal Republic of Germany. PDP has 131 active chapters—called Inns—in the Western Hemisphere and the number increases yearly. PDP has initiated in excess of 200,000 members making it the world's largest legal fraternity whose membership is restricted to students and practitioners of the law. *Studentisches*, *supra* note 412.

426. *Id.* A *Hochschulgruppe* ("HSG") is a university or campus student association or group.

427. *Id.* Bucerius Law School also has two eights for its rowing team that are named *Gerd* and *Ebelin* respectively.

428. *Mission Statement*, *supra* note 110.



celebrations,<sup>429</sup> and congratulations poured in from sponsoring corporations and law firms, and from politicians.<sup>430</sup> A group of current and former students created a commemorative piece under the title “10 Days—10 Persons—10 Places” (*10 Tage—10 Köpfe—10 Orte*) by shadowing a different student or alumnus each day for ten days.<sup>431</sup> One individual was selected from every year group that had enrolled in Bucerius up to that point.<sup>432</sup> Automobile maker Audi even provided five A-3 convertibles for the 4,500-kilometer tour around Germany.<sup>433</sup> The commemorative piece culminated in a magazine, blog, and short film that were released as part of the celebrations.<sup>434</sup>

The ZEIT-Stiftung has created a unique institution. The Bucerius Law School is a clear aberration within an established system of legal education and a remarkable success, given the reputation that it has established within just a decade—and even more so considering the condition of private institutions of higher education or even of higher education in Germany more generally.<sup>435</sup> However, despite such success, the Law School leadership is not content to remain static and is committed to expansion and innovation going forward.<sup>436</sup> Thus, while the Bucerius Law School has yet to stand the test of time, it will be worth monitoring its ongoing development and observing how and whether it lives up to Professor von Mehren’s challenge of realizing the full potential of German legal education while remaining true to its great tradition.

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429. Political speakers at the academic celebrations (*Akademische Feier*) included Dr. Till Steffen, at the time serving as *Justizsenator* of Hamburg; Professor Dres. h.c. Manfred Lahnstein, former German Federal Minister of Finance; and Professor Dr. jur. Dr. h.c. mult. Kurt Hans Biedenkopf, LL.M., former *Ministerpräsident* of Saxony. See *Happy Birthday, Bucerius Law School!*, BUCERIUS L. SCH. (Oct. 5, 2010), [http://www.law-school.de/204.html?&no\\_cache=1&L=1&tx\\_ttnews\[pointer\]=1&tx\\_ttnews\[tt\\_news\]=355&tx\\_ttnews\[backPid\]=203&cl-hash=79cc5a89c4](http://www.law-school.de/204.html?&no_cache=1&L=1&tx_ttnews[pointer]=1&tx_ttnews[tt_news]=355&tx_ttnews[backPid]=203&cl-hash=79cc5a89c4) (Ger.).

430. See *id.*

431. See Thomas Röbbke, *Roadtrip zum runden Geburtstag*, RE.VISION (Ger.), 2010, at 32, 32, available at [http://www.law-school.de/fileadmin/user\\_upload/medien/BLS-Publikationen/re.vision\\_2010.pdf](http://www.law-school.de/fileadmin/user_upload/medien/BLS-Publikationen/re.vision_2010.pdf).

432. See *id.*

433. See *id.*

434. See *id.*; Martin Hejma, *Willkommen, ZEHN TAGE ZEHN KÖPFE ZEHN ORTE* (May 28, 2010), <http://zehntage.com/> (Ger.).

435. It remains to be seen whether and how Bucerius is affected by the new competitor, the EBS Law School, see *supra* note 7, and by the changes and adaptations of public universities.

436. Professor Dr. Michael Göring has announced his hope that, should funds in the order of 100 to 150 million Euro become available, the ZEIT-Stiftung would like to establish a second faculty. See Hergert, *supra* note 168.