

How to become a Lawyer
Comparing: Lebanon - Germany

Introduction

In the office of the KAS Rule of Law Programme Middle East and North Africa, Nour Ghoch and Maximilian Lüderwaldt completed their respective internship (Nour) and legal traineeship (Maximilian) at the same time in the summer months of 2022. Since Nour studied law in Lebanon and Maximilian in Germany, they came up with the idea to compare the legal education systems of these two very different countries. The text will first provide an overview of the legal training in Germany, then describe the same in Lebanon, before concluding with a summary of the main differences between the two systems.

Maximilian: Germany

Broadly, the legal education in Germany is divided into two so-called state exams ("Staatsexamen"). The first state exam covers mostly substantive law and the preparation for it is completed at the university in the time-span of five to six years. It equates to a Juris Doctor in the US. The second state exam, in addition to substantive law, also covers procedural law, and involves working at various legal institutions as a paid legal trainee/ clerk for two years. The second state exam is the equivalent of the bar exam. In total, the education can take up to ten years to be completed.

First State Exam

Those who study law in Germany usually have to master three major subject areas, with some variations between the 16 federal states and the many universities: courses of German civil law, which usually are the most comprehensive; public law and criminal law. The first semesters usually also include classes on the fundamentals of the law, e.g., on the history of law or philosophy of law. A certain number of exams or term papers must be written in order to obtain so-called certificates ("Scheine"), which at most universities are divided into basic and advanced certificates. There usually is a so-called intermediate examination ("Zwischenprüfung") as the first hurdle after having completed most basic and advanced certificates. In addition, a certain number of compulsory legal internships must be completed during the course of study. Examinations during the time at university usually consist of written examinations and/or term papers in which a given case is to be solved.

After these first steps, students continue on their way to the first state examination. At every university, students are to choose "specialization" classes ("Schwerpunktbereichsausbildung") for which they also write seminar papers and take oral and written exams. At this stage, a non-binding specialization takes place. Often the specialization classes count for the exam, which is taken by the university, 30%, and the so-called, later described, state part 70%.

Some universities also enable students to obtain a bachelor's degree as an intermediate step before the first state exam, but this is still rather uncommon nationwide.

The first state examination typically works as follows: There are six exams, usually three from civil law, two from public law and one from criminal law. The review and grading of the exams can take several months, mostly about three months. But this is only the written part. A few weeks after the results are announced, if you pass, you are invited to an oral examination. This takes place on one day. It consists mainly of three equally long examination discussions on the areas of civil, criminal and public law. In some federal states, such as Berlin or Hamburg, an oral presentation must also be given. On the day of the oral exam, the topic is divulged to the exam candidate, which is to solve the given case in one hour and present it to the jury in ten minutes.

Generally, students can take the first state exam twice, if they fail at the first attempt. Those who study quickly have an additional attempt, the so-called free attempt. If one takes the exam twice, he/she can choose to keep the better grade out of the two attempts.

In both the first and second state exam, the grading scale always causes surprise, at least among those who are new to law or have not previously come into contact with the grading system. The grades range from 0 to 18 points. From 4 points on, one has passed the exam, and from 7.5 or 8 points on, one can nowadays choose a career, as long as the rest of the CV and general standing are aligned. Anything beyond 10 points is considered outstanding and more than 13 points are very rarely awarded, more than 15 points almost never. The average grade of a person passing the first state exam revolves around 6 points.

After the first exam, one can choose to do a master's degree (LL.M.), a PhD, or go directly move to the legal traineeship that is necessary for the second state exam.

Doing a Master's degree after graduation is not mandatory for a further career and it is unusual to do it at a German university. Those who chose to do an LL.M. do it at a university abroad, often in the USA, and then it can be seen as a long legal foreign language training abroad or a preparation for a career in International or European Law, since these subject-areas are not part of the syllabus for the German state exams.

Legal Traineeship/ Second State Exam

The legal clerkship is the path from the first to the second state exam. The second exam is required to become a fully qualified lawyer, since after the first exam one is "only" a "Jurist" (someone who studied law); however, this is not yet connected with the qualification to appear in court as a lawyer or prosecutor in the narrower sense or to become a judge.

There are five stations in total. Although they differ somewhat in all 16 German states, the main stages of the legal traineeship are as follows.

First, one usually completes the "civil station", where one is assigned to a civil judge at a court, the so-called single instructor. The length of the stations, as well as all other unspecified examples, are illustrated here using the example of the largest German state, North Rhine-Westphalia (NRW), where the civil station lasts five months.

This is followed by the “criminal station”, where it is possible to be assigned to a criminal judge, but is more commonly spent at the public prosecutor's office. The station lasts three months. The third “administrative station” can be spent at a governmental/ public authority, e.g., at a ministry or a parliament. The longest station is the “lawyer's station”, which can be completed with any fully educated German lawyer or in any law firm in Germany or abroad and lasts ten months.

In the tenth month of the lawyer's station, trainees undergo the written exams, which are the following:

In NRW, there are eight exams in total. The topics of the first four exams are taken out of the field of civil law, usually two of these exams are from the perspective of a judge and two from the perspective of a lawyer.

These are usually followed by two criminal law exams. The first criminal law exam is almost always written from the perspective of the prosecutor (an indictment). In the second criminal law exam, one usually writes an appeal exam; sometimes, albeit rarely, a criminal judgment.

The written exams then end with two exams from the area of public/ administrative law. The first exam is usually a court judgment or a court order, while the second exam is written from a lawyer's perspective.

In the three months following the written exams, the trainee completes the so-called “elected station”. They can choose where and with whom they complete this station, as long as they are supervised by a fully qualified German lawyer. This can be done, for example, at the KAS Rule of Law Middle East and North Africa in Beirut with Director Mr. Philipp Bremer RA as your mentor.

Once the written exams are passed, one usually receives the results in the month after the end of the elected station and has to take the oral exam in the second month after that. If the exam candidate has failed the exams, they have one attempt to take the exams again. If the candidate is not satisfied with their grade, they can take the exam again; ultimately, the better grade then counts.

In parallel to all stations, there are continuous classes held at the court, in which you are taught by judges, lawyers or public prosecutors, and no longer by university personnel such as professors, as was the case during your studies for the first state exam.

Students finance their studies, which are largely free of charge at the state universities (apart from semester fees, for which students usually receive a ticket for public transport in return and which also subsidizes the canteens), or their living costs in addition to their studies mostly either with a part-time job or money from their families or scholarships or with a combination of all.

Professionally, with the passing of both law degrees (first and second state exam) many career paths and future options are open for lawyers in Germany. For example, some become lawyers and join law firms, others join the judiciary as judges or prosecutors, or public administration such as government agencies and ministries, and still others join private businesses as legal consultants, to name just a few possibilities..

Nour: Lebanon

Studying law in Lebanon is not an easy road but it is worth the effort. Four full years of university studies are required from you before having to take legal traineeships.

In the first year, one will learn about the general law principles, and the philosophy of laws. One takes introductory courses like Introduction to Law, International Constitutional law, and other courses that will contribute to your general understanding of the law. The second and third year, one takes Private law courses, which include Civil, Commercial, and Criminal law courses, as well as Public law, which includes Constitutional law, Administrative law, Fiscal law, and International public law. The fourth year is a transitory phase from the bachelor's to the master's degree, but it is mandatory in most universities to maintain the legal educational path. Besides that, depending on the university, the fourth year can be a specialized year of study where you get to choose the area of law that you liked the most, or it can be general, which means taking courses from all law fields without having to choose a specific field.

In these four years, many research papers are required from you, as well as case analysis. Law students are not obliged to participate in an Internship Program while studying, this process is only mandatory after completing the four years of studies. The traineeship road will change depending on the work purpose of the graduates. Studying law at Lebanese universities opens the door to many job opportunities, but some require a certain duration of traineeship. Once they have graduated, graduates can choose their path. Law graduates can theoretically work as lawyers, judges, notaries, researchers, corporate employees, teachers, or public officials. Becoming a public official only requires the pursuit of three years of studies, but this career path is not advised, due to various problems posed by the Lebanese Government.

If legal graduates decide on practicing law in courts and defending and ensuring people's rights, they have to enter a bar association. Two bar associations exist in Lebanon, one in Tripoli, and the other in Beirut. Each year, bar associations open the door for new applicators, and graduates will have to present their official papers, and prepare for written and oral exams in various fields of law. Once the exams are passed, nearly three years of traineeship are required, which can take a little longer depending on the number of conferences, and court hearings attended, as well as on the participation in the law firms. Once these steps are accomplished, a final written and oral bar exam are to be passed to become a fully qualified lawyer.

If a law graduate decides on starting a career as a judge or a notary, they must wait for the State to appoint interviews, and written exams specific for judiciary applications, and others specific for public notary applications. Noting that a notary applicant must be 25 years old or older. Thereafter, a traineeship is required before becoming a fully qualified judge or a notary.

Lastly, accomplishing four years of law studies means you still have just one year to obtain a master's Certificate, noting that it can be a little longer depending on the process. Research lovers can pursue their master's degree and choose the law area they like the most and formulate a thesis about a topic they choose to work on. This will open the road to academia, by to registering in a Doctoral program in Lebanon or abroad, to become associate professors or professors and teach at universities.

Comparison and conclusion

There are differences on the organizational level, which are shaped by the overall situation of the country and the region and which influence the path of a law student beyond their education.

In Lebanon, the path seems to be even more dependent on the students' parents' financial situation than in Germany, since the overall economic situation in Lebanon is more difficult, while in Germany, the state supports students and trainees. Systems such as BAföG (a kind of student loan) are provided to those in need of financial support.