



SHORT SURVEY ON THE ACCREDITATION OF LEGAL EDUCATION BY THE INSTITUTIONS OF LEGAL PROFESSIONS

The survey is designed to collect the basic information on the accreditation of legal education by the institutions of legal professions from the countries that participate in the Menu for Justice Project. The data gathered will provide with the essential additional information related to the facet of the autonomy of academic institutions over the programs of legal education. Specifically, it will show whether, how and to what general extent legal education, including the curricula therein, is affected by the institutional influences originating from the legal professions.

Please return your completed survey by **15 of February** to Assoc. Prof. Tomas Berkmanas at: t.berkmanas@tf.vdu.lt.

Background information about you:

Your Country:

Luxembourg

Your Name and Surname:

David Hiez – Christian Déprez

Which Task Force do you belong to?

Task Force 1 (Undergraduate)

Task Force 2 (Graduate)

Task Force 3 (Ph.D.)

Task Force 4 (Vocational Training)

SURVEY

1. Whether legal education is accredited by the institutions of legal professions (as, for example, bar associations, court administrations, etc.) in your country?

Yes

The Master's degree is the only public diploma delivered by the University, which is obligatory in order to be eligible to the bar training (Vocational training for lawyers - Cours Complémentaires en

droit luxembourgeois) (“CCDL”) which is mandatory to access to legal profession (Attorneys, Judges, Bailiff, Notary etc.. However, bachelor degrees and PhD degrees can be also required in many hypotheses.

No

If you answered ‘yes’ to the previous question, please, answer the following questions:

2. Which institutions of legal professions accredit legal education in your country?

Bar, Court administration, administrations etc.

3. Which level of legal education (graduate, undergraduate, Ph.D., vocational) is affected by the accreditation?

An undergraduate degree (bachelor) is the first degree for legal education, and is the more traditional way to access to a master’s degree in law (a professional experience validation is also possible in this respect). Detaining a bachelor can be required from private companies and formally required from civil servants candidates in administrations.

Obtaining a master’s degree is mandatory in order to access to the vocational training (CCDL) which is necessary to practice as lawyer. Finally, achieving a PhD is required to pursue an academic career, but not formally required in order to integrate legal professions. However, achieving a PhD demonstrates the persons acquired an expertise in the field, which can be necessary for some legal roles demanding a specialised knowledge.

4. Please, provide general information on the process of accreditation:

The transmission of the Master’s degree diploma in law is formally required when integrating the vocational training for legal professions (CCDL). This obligation is specified in article 8 of Grand-Ducal decree dated 10 June 2009 on the organisation of judicial training and regulating access to the notary profession.

The communication of the PH D. diploma is formally required for most academic positions. Transmission of the Bachelor degree diploma can be a formal requirement in order to participate to civil servant competition.

More generally, the required degree in the framework of a specific role is mentioned on the application form.

5. Please, provide general information on the aspects of the substance (curriculum/subjects) and the form (as credit/length, form of lecturing, etc. requirements) of legal education affected by the accreditation:

From a formally standpoint,

- In order to complete a **bachelor degree**, the student must complete a comprehensive program of at least 180 credits and a maximum of 240 credits in educational attainment, with a time limit of 10 semesters in the case of a full program of 180 ECTS and 12 semesters if it is a complete program strictly greater than 180 ECTS.

- A **master's degree** (for which obtaining a bachelor or equivalent is required) is issued after completion of a comprehensive program of at least 60 credits and a maximum of 120 credits in educational attainment, subject to obtaining a total of 300 ECTS credits, degree of Bachelor included, the time limit is 4 semesters if it is a complete program of 60 ECTS and 6 semesters if it is a complete program strictly above 60 ECTS.

-At the **PhD degree level**: The candidate's eligibility to the third level is defined according to article 12 of the Law dated 12th August 2003 (notably has achieved the second degree / obtained an equivalence according to article 12 etc.), he must be considered as able to start a personal and scientific work, and having obtained the acceptance of the thesis project. Once eligible, the Phd Student has a maximum of three years to finalise his/her thesis, defence included. At the stage of the defense, the jury decides by a vote taken by the majority of members. In case of equality, the voice of the President is preponderant. The PhD degree is named "*Docteur de l'Université du Luxembourg*" with the mention of the specialty, the members of the jury and is delivered by the University and signed by the Rector.

From a substantial standpoint,

- The academic **bachelor of law** is a three-year program which offers a global training in law and attendant subjects that teaches students the foundations of public and private law. Consequently, it encompasses all the fundamentals fields of legal education it contains also some mandatory courses of legal terminology, economics ... as well as optional non legal courses (history, accountancy, sociology, rhetoric, philosophy of law) and the possibility to choose "opened" inter-faculty courses.

- The **masters in law** aims at facilitating access to all legal professions, e.g. law firms, notary, magistrate, legal expert, national and European administrations, banks and other financial institutions. They also enable students to pursue an academic career by enrolling for a PhD. The University of Luxembourg has developed three masters in law with two sub tracks each: the master in European Law LL.M, master in European Economic Law LL.M, master in European and International Financial Law LL.M. The emphasis is put on the European law and the economic and financial law. A master in Luxembourg law is about to be created.

- At the **PhD degree level**, the University is young and a Doctoral school in Law has just been created within the University. Until this creation, a study program had been progressively & informally organised which was in-line with the expected characteristics of the current Doctoral school. The disciplinary content combines a unique and innovative training, which encompasses a very high level of expertise in European Law, Business Law (banking and financial law, Tax Law and Medias Law), Luxembourg Law and Legal theory and Philosophy of Law in the framework of the multilingual and interdisciplinary approach +/- 30% of the courses are not purely legal. Some of the courses can be chosen as tracks in the framework of the school.

Questionnaire TASK FORCE 1 Regarding Undergraduate law degree programs

Section I - State of Regulation

(Information in this section is required by 15 April 2010)

1.1 Are undergraduate degrees in law regulated by a special legislation in your country? Please indicate the name and reference of the relevant legislation, the Institutions with regulatory powers (i.e. parliament, executive, universities), and provide a brief description of the contents:

The University of Luxembourg is the only institution which legally retains the right to deliver a degree in law in Luxembourg according to articles 2, 6 of the Law dated 12th August 2003 establishing the University of Luxembourg. The governing policies regarding bachelors degrees (as well as PhD and masters) are described in Grand-Ducal Decree dated 22nd May 2006.

Original Name & Ref : Loi du 12 août 2003 1) portant création de l'Université du Luxembourg
Translation into English: Law dated 12th August 2003 establishing the University of Luxembourg
Web link to the Law

<http://www.legilux.public.lu/leg/a/archives/2003/0149/2003A29901.html?highlight=>

Institution with regulatory powers: Legislator

Brief description: Main norm on which is based the institution, describes the way it is organised and the way it operates.

1.2 Is the curriculum for all undergraduate law degrees in your Country determined by a central authority (such as the national department for education)? Or are academic institutions or law faculties themselves able to determine the specific courses offered in undergraduate law degree programs?

- Regarding the form, the steps leading to the degrees, the progress is determined at a central level by the law and is applicable to the whole University the Law dated 12th August 2003 establishing the University of Luxembourg. Luxembourg is part of the Bologna process, and its University has incorporated the Bologna System in its organisation.

The Grand Ducal Decree of 22 May 2006 on the bachelor's degree and master's degree from The University of Luxembourg outlines precisely the necessary steps to obtain the Bachelor's degree and the Master one.

The program in order to obtain Bachelor or Master's degree is organized into modules in which are allocated a number of ECTS credits (European Credit Transfer System). Each module has a maximum of 30 credits and consists of one or more constituent units, referred to as "Cours" (course). Each course has at least one ECTS credit. A credit corresponds to a study workload between 25 and 30 hours.

The Bachelor's degree is issued after completion of a comprehensive program of at least 180 credits and a maximum of 240 credits in educational attainment, with a time limit of 10 semesters in the case of a full program of 180 ECTS and 12 semesters if it is a complete program strictly greater than 180 ECTS.

- Regarding more substantially the curriculums themselves, the required steps to implement them are defined at a central level, through national Law and Decree, and the faculties are actually involved in the curriculum's definition, organised by the law and the Decree.

Articles 2, 3 and 4 of the Law dated 12th August 2003 establishing the University of Luxembourg precise it is the mission of the University to define the content of the teaching.

The research policy and scientific and technological development is defined in line with the research objectives set-up by the University in the 4-year development plan concluded with the state as well as programs defined by the National Research Fund.

In the framework of the Law, faculties are involved in the process, since they propose to the President the curriculum, in the framework of the development plan. The President after having taken advice from a Scientific Advisory Commission proposes in turn to the Board of Governors the curriculum which drafts the 4-year development plan and gives its approval on the curriculum in light with this plan.

In order the faculty set-up those curriculums and in line with the Bologna system, Article 3 of the Grand Ducal Decree of 22 May 2006 regarding bachelor's and master's degrees from the University of Luxembourg, fixes the guiding principles that must drive the curriculum implementation.

It belongs to the faculty for each module to define *"goals and content, prerequisites to register for them, the methods of organizing courses in the form of teaching lectures, seminars, tutored work, tutorials and practical work, research, visits and internships, activities individual or group, the modalities of participation of students, the distribution of different courses over time, assessment methods, which may take the form of a written or oral, during the course or at the end of the course It may take the form of a presentation or written work and is intended to confirm the active participation of the student during or verify that the student has acquired."* The Faculty defines the program, within each module.

As stated in article II.5.102 of the University's internal regulation, the faculty Board must be consulted, among other topics, on any *"proposal regarding the removal, maintenance, or addition of a curricula of the faculty, including when it is part of a track"*.

From the standpoint of implementation, the study directors of The University of Luxembourg must write educational objectives in terms of "learning outcomes" that allow one hand to determine concretely the contents to be covered and their importance, second to describe the skills that the student should have acquired at the end of the course and finally to define the methods of evaluation that will enable students to obtain a proof of achievement of competencies.

These results should be formulated as concrete goals, and the study director can use a grid of analysis classifying the scope of intellectual operations from the principles developed by Bloom's

taxonomy (the mere knowledge gained by the student up the ability to evaluate, through that understanding, analyzing and synthesizing).

1.3 Which are, if any, the formal legal constraints/barriers to reform or change undergraduate law degree programs in your Country?

(If you know of any, we also welcome any information about any informal/non-legal constraints/barriers to reform or change to undergraduate programs)

As far as the reform comply with the general framework of the Bologna process and the 4-year development plan there is not specific barriers or constraints to reform undergraduate law degree. The reform follows the normal procedures.

Section II - Contents of Undergraduate law degree programs

*(This information is **not** required by the first data reporting deadline of 15 April 2010, but any national contributors who would like to provide any of this information at this time should feel free to do so).*

2.1 Which is the scope for learning in legal subjects?

80 % of the program is related to strictly legal subject, and the rest are possible options.

2.2 Does learning involve international subjects? Please, tick the appropriate box, specifying if mandatory or not:

	Mandatory	Non-mandatory
Comparative Law	x	O
European Law	O	x
European Law and Proceedings	O	x
International Law	x	O

Others: Foreign legal terminology: English legal terminology (mandatory), German legal terminology (optional). In Luxembourg, teaching involves a comparative approach. Furthermore, the University promotes cross-faculty courses, involving interdisciplinary options (sustainable development, social enterprise ...), and actually in this aim: each faculty must choose several courses classified as “opened”, and each student from other faculties can choose several courses up to 4 credits.

2.3 Does learning involve inter-disciplinary courses? Please, indicate them and specify whether mandatory or not *(by **inter-disciplinary** courses, we mean courses that combine another discipline with law, such as Law and Economics)*

	Mandatory	Non-mandatory
Inter-disciplinary courses (specify)	x	O
Philosophy of law	O	x
History of law	O	x
Sociology and political institutions	O	x
Legal and judiciary rhetoric	O	x

2.4 Does learning involve disciplines that are outside the scope of legal subjects? If yes, please indicate what non-legal disciplines are taught. Please tick the appropriate box, specifying if they are mandatory or not (*by **non-legal** we mean courses that do not specifically include law, such as an Economics course in Game Theory*)

	Mandatory	Non-mandatory
Political Sciences	<input type="radio"/>	<input type="radio"/>
Economics	<input checked="" type="checkbox"/>	<input type="radio"/>
Anthropology	<input type="radio"/>	<input type="radio"/>
Foreign languages	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Medicine	<input type="radio"/>	<input type="radio"/>
Research methods	<input checked="" type="checkbox"/>	<input type="radio"/>
Psychology	<input type="radio"/>	<input type="radio"/>
History	<input type="radio"/>	<input checked="" type="checkbox"/>
Philosophy and ethics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Communications	<input type="radio"/>	<input type="radio"/>
Environmental policy	<input type="radio"/>	<input type="radio"/>
Statistics		

Others: Legal and judiciary rhetoric, pleading, management, Sociology and political institutions, accountancy, public finance, foreign legal terminology.

2.5 Please indicate whether the percentage of **inter-disciplinary** credits that students are allowed to take is limited, and if so what that credit limit is.

There is not any specific prohibition in this respect, but the student are automatically limited through the ECTS system, because many purely legal courses are mandatory. So the % of limitation depends for the rest on their selected options.

2.6 Please indicate whether the percentage of **non-legal** credits that students are allowed to take is limited, and if so what that credit limit is.

There is not any specific prohibition in this respect, but the student are automatically limited through the ECTS system, because many purely legal courses are mandatory. So the % of limitation depends for the rest on their selected options.

2.7 Are some courses taught in foreign languages? Please, specify.

About 85% of the classes are taught in french, the remaining 10%, in English. Certain optional courses are also offered in German. foreign legal terminology are a good illustration of it.

2.8 Is any practical experience/internship in the legal/judicial field mandatory for students taking undergraduate law degrees?

No: students enrolled on the Bachelor in Law degree course are given the choice of completing either a placement or a dissertation during the third and final year of the Bachelor degree course.

2.9 Is any practical experience/internship in the legal/judicial field optional (i.e., offered but not mandatory) for students taking undergraduate law degrees?

It is a possibility offered, but the student has to find a internship manager who will supervise the placement period. The student must then draft an internship report which is subsequently assessed by a member of the university teaching staff responsible for placements or one of the two directors of studies. Concretely the faculty strongly encourage student to do an internship, and 90 % of the Bachelor students do it in the rule in practice.

2.10 Do students need language requirements to be admitted to undergraduate law courses?

It is not formally required, but it is explicitly mentioned that the teaching languages are French and English. Moreover, a mandatory mobility period of a minimum of one semester at a university abroad is required by the Law on the establishment of the University of Luxembourg. For students who start their studies at the University of Luxembourg, this stay abroad must take place in the 3rd, 4th or 5th semester. By way of consequences, students must have languages skills.

2.11 How do examinations and final dissertation take place? (oral, written examinations, multiple choice tests, etc.)

If data vary from university to university, it is up to each national reporter to decide how to address this issue: for instance, either by providing a short sample of universities or by providing a general comment on the extent to which these types of courses are offered at universities in your Country.

Examination and final exams have several forms: written exams, multiple choices questions, and the final dissertation is graded. This situation is reinforced in Luxembourg by the fact that many Professors come from different countries (Germany, France, UK, Belgium, etc.), which implies different exam methods, depending on the national academic tradition of the country which they are from.

Section III - Innovative Experiences

*(This information is **not** required by the first data reporting deadline of 15 April 2010, but any national contributors who would like to provide any of this information at this time should feel free to do so).*

3.1 Are any innovative learning methods used in undergraduate law degree programs in your Country? (For instance, observation in court, multimedia in class, legal clinics, etc.)

Actually yes. First, Luxembourg specific situation involves a comparative approach in teaching, because students learn law in a multicultural context, at the meeting point of several legal orders, moreover, an emphasis is put in European and international law in line with the University research policy. This comparative approach is prolonged by a trans-systemic approach of law (common and civil law) similar to the teaching approach performed in Maastricht and McGill University. A current reform of the program is envisioned, aiming at reflecting these features in the programs themselves, and a new bachelor might be created in this respect. but not before 2013-2014.

Second an interactive approach is privileged during the seminars, where students work in small groups on court decisions or concrete cases.

Finally, professional experience, languages and geographical mobility are valued in the framework of the program through internships, through multilingual teaching (even if French is the main language), and finally through mobility, because part of the bachelor is done abroad, and the faculty has concluded lots of international agreements in order to organize this mobility.

3.2 Are any innovative learning contents used in undergraduate law degree programs in your Country?

The possibility to choose foreign legal terminology courses, non legal and interdisciplinary courses (as previously mentioned), and the emphasis put on European and international law, Luxembourg law and business and financial law, could be actually considered as innovative.

3.3 Do undergraduate law degree programs in your Country include any specific international components?

(For instance, is it either compulsory or optional to spend time studying in another country? If so, can you please provide some details about this)

Yes: a comparative and trans-systemic approach prevails in Luxembourg, and an emphasis is put on European and international Law research according to the development plan. This characteristics are also revealed in the content of the undergraduate studies. Regarding the mobility, a mandatory mobility period of a minimum of one semester at a university abroad is required by the Law on the establishment of the University of Luxembourg. For students who start their studies at the University of Luxembourg, this stay abroad must take place in the 3rd, 4th or 5th semester. To facilitate mobility, the University has concluded agreements with host universities.

For further information or clarification on these questions please contact the Task Force 1 Coordinators:

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Questionnaire TASK FORCE 2 Regarding Graduate Programmes

The information required here relates to **graduate law degree programmes** offered in your state. However, we also welcome any information you may be aware of about non-law graduate degree programmes in your state that offer courses covering legal issues.

Section I: State of Regulation

(Information in this section is required by 15 April 2010)

1.1 Legislation and institutions entitled to issue graduate degrees in law

Please provide the name of the legislation and/or regulatory body(s), and a brief description of the authority over graduate law degree programmes contained in the legislation or held by the regulatory authority.

The University of Luxembourg is the only institution which legally detains the right to deliver a degree in law in Luxembourg according to articles 2, 6 of the Law dated 12th August 2003 establishing the University of Luxembourg. The governing policies regarding masters' degrees (as well as bachelors and masters) are described in Grand-Ducal Decree dated 22nd May 2006.

1.2 What degree of autonomy is entrusted to each academic institution to determine the scope of (under)graduate degrees in law.

- *Is the curriculum for all graduate law degrees in your jurisdiction is determined by a central authority (such as the national department for education)?*
- *Are academic institutions or law faculties themselves are able to determine the specific courses offered in graduate law degree program?*

- Regarding the form, the steps leading to the degrees, the progress is determined at a central level by the law and is applicable to the whole University the Law dated 12th August 2003 establishing the University of Luxembourg. Luxembourg is part of the Bologna process, and its University has incorporated the Bologna System in its organisation.

The Grand Ducal Decree of 22 May 2006 on the bachelor's degree and master's degree from The University of Luxembourg outlines precisely the necessary steps to obtain the Bachelor's degree and the master one.

The program in order to obtain Bachelor or master's degree is organized into modules in which are allocated a number of ECTS credits (European Credit Transfer System). Each

module has a maximum of 30 credits and consists of one or more constituent units, referred to as "Cours" (course). Each course has at least one ECTS credit. A credit corresponds to a study workload between 25 and 30 hours.

master's degree (for which obtaining a bachelor or equivalent is required) is issued after completion of a comprehensive program of at least 60 credits and a maximum of 120 credits in educational attainment, subject to obtaining a total of 300 ECTS credits, Bachelor's degree included, the time limit is 4 semesters if it is a complete program of 60 ECTS and 6 semesters if it is a complete program strictly above 60 ECTS.

- Regarding more substantially the curriculums themselves, the required steps to implement them are defined at a central level, through national Law and Decree, and the faculties are actually involved in the curriculum's definition, organised by the law and the Decree.

Articles 2, 3 and 4 of the Law dated 12th August 2003 establishing the University of Luxembourg precise it is the mission of the University to define the content of the teaching.

The research policy and scientific and technological development is defined in line with the research objectives set-up by the University in the 4-year development plan concluded with the state as well as programs defined by the National Research Fund.

In the framework of the Law, faculties are involved in the process, since they propose to the President the curriculum, in the framework of the development plan. The President after having taken advice from a Scientific Advisory Commission proposes in turn to the Board of Governors the curriculum which drafts the 4-year development plan and gives its approval on the curriculum in line with this plan.

In order the faculty set-up those curriculums and in line with the Bologna system, Article 3 of the Grand Ducal Decree of 22 May 2006 regarding bachelor's and master's degrees from the University of Luxembourg, fixes the guiding principles that must drive the curriculum implementation.

It belongs to the faculty for each module to define "goals and content, prerequisites to register for them, the methods of organizing courses in the form of teaching lectures, seminars, tutored work, tutorials and practical work, research, visits and internships, activities individual or group, the modalities of participation of students, the distribution of different courses over time, assessment methods, which may take the form of a written or oral, during the course or at the end of the course It may take the form of a presentation or written work and is intended to confirm the active participation of the student during or verify that the student has acquired." The Faculty defines the program, within each module.

As stated in article II.5.102 of the University's internal regulation, the faculty Board must be consulted, among other topics, on any "proposal regarding the removal, maintenance, or addition of curricula of the faculty, including when it is part of a track".

From the standpoint of implementation, the study directors of The University of Luxembourg must write educational objectives in terms of "learning outcomes" that allow one hand to determine concretely the contents to be covered and their importance, second to describe the skills that the student should have acquired at the end of the course and finally to define the

methods of evaluation that will enable students to obtain a proof of achievement of competencies.

These results should be formulated as concrete goals, and the study director can use a grid of analysis classifying the scope of intellectual operations from the principles developed by Bloom's taxonomy (the mere knowledge gained by the student up to the ability to evaluate, through that understanding, analyzing and synthesizing).

1.3 Legal constraints/barriers to reform and changes in graduate law degree programmes

Which are, if any, the formal legal constraints/barriers to reform or change graduate law degree programmes in your Country?

(If you know of any, we also welcome any information about any informal/non-legal constraints/barriers to reform or change to graduate law degree programmes.)

As far as the reform complies with the general framework of the Bologna process and the 4-year development plan there are no specific barriers or constraints to reform graduate law degree. The reform follows the normal procedures

Section II: Disciplinary Contents

*(This information is **not** required by the first data reporting deadline of 15 April 2010, but any national contributors who would like to provide any of this information at this time should feel free to do so).*

2.1 How many types of graduate law degrees are offered in your Country?

Please indicate the different types of graduate law degrees available (i.e., LL.M., MA, others?)

The only available law degree in law in Luxembourg is the masters in law – LL.M

2.2. For each type of graduate law degree, please indicate the scope for learning in purely legal subjects.

The master in law – LL.M, is two-year curriculum which is decomposed as follows:

1st year master in European economic law (core curriculum) 0%

2nd year (specialisation)

master in European law LL.M: (10 % and more)

- General European track (as from 10 %): In this track, student can tailor their program the way they wish to, provided the study director agrees the selection. So it is impossible to tell precisely what would be the percentage, which can be very variable depending on the chosen tracks.
- European private law track (<10%): seminars are organised in order to deal with the political, historical, sociological aspects of the norms, those are mandatory.

master in European economic law LL.M

- European litigation track (0%)
- European Criminal Law track (few courses are specifically related to finance/economics/political framework and many of them combine economics and legal aspects, so a detailed approach would require a further analysis. This being said, one can estimate to 25 % of non purely legal subjects)

master in European and International Financial Law LL.M (+/-15%)

- European Banking and Financial Law track (few courses are specifically related to finance/economics or deontology, and many of them combine financial and legal aspects, so a detailed approach would require a further analysis. This being said, one can estimate to 15 % of non purely legal subjects)
- European and International Tax Law track (many courses combine economics and legal aspects ("Taxation of Financial Instruments", "Tax Policy", and "OPC"...), so a detailed approach would require a further analysis. This being said, one can estimate to 15 % of non purely legal subjects)

In conclusion, one can consider that in the framework of the current masters of the University, non legal topics proportion is around 10%.

2.3 For each type of graduate law degree, please indicate the scope for learning in interdisciplinary and non-legal subjects. So for each type of graduate law degree please state:

(a) Whether learning involves disciplines that are outside the scope of purely legal subjects?

Mandatory or Non-mandatory

(mandatory/ not mandatory, depending of which track is contemplated)

Political Sciences	<input type="radio"/>	<input type="radio"/>
Economics	<input checked="" type="checkbox"/>	<input type="radio"/>
Anthropology	<input type="radio"/>	<input type="radio"/>
Foreign languages	<input checked="" type="checkbox"/>	<input type="radio"/>
Medicine	<input type="radio"/>	<input type="radio"/>
Research methods	<input checked="" type="checkbox"/>	<input type="radio"/>
Psychology	<input type="radio"/>	<input type="radio"/>
History	<input checked="" type="checkbox"/>	<input type="radio"/>
Philosophy and ethics	<input type="radio"/>	<input type="radio"/>
Communications	<input type="radio"/>	<input type="radio"/>
Environmental policy	<input checked="" type="checkbox"/>	<input type="radio"/>
Statistics	<input type="radio"/>	<input type="radio"/>

Others Deontology

(c) Please indicate whether the percentage* of **inter-disciplinary** credits that students are allowed to take is limited, and if so what that credit limit is.

(by **inter-disciplinary**, we mean courses that combine another discipline with law, such as Law and Economics)

(d) Please indicate whether the percentage* of **non-legal** credits that students are allowed to take is limited, and if so what that credit limit is.

(by **non-legal** we mean courses that do not specifically include law, such as an Economics course in Game Theory)

Around 10 %

(e) Please indicate if any **practical experience** in the legal/judicial field is **mandatory** for students taking graduate law degrees in your jurisdiction.

(by **practical experience** in the legal/judicial field we mean, for instance, internships, moot courts, student law review work)

In some of the masters in law, an internship is mandatory, in some others highly recommended, and it is not required for the rest. Similarly, Moot Court Competitions preparation is either recommended or mandatory, depending on the chosen tracks.

(f) (g) Please indicate if a **dissertation** is mandatory.

If percentages vary from university to university, it is up to each national reporter to decide how to address this issue: for instance, either by providing a short sample of universities or by providing a general comment on the extent to which these types of courses are offered at universities in your jurisdiction.

Actually: in some masters a dissertation is mandatory, as well as traineeship reports after the internship.

Section III: Innovative experiences

*(This information is **not** required by the first data reporting deadline of 15 April 2010, but any national contributors who would like to provide any of this information at this time should feel free to do so).*

There may be a large degree of overlap between the information in Part 2 and this Part if there is a large degree of inter-disciplinary and non-legal study in graduate law degrees in your jurisdiction (especially in answering question 3.2 below). If so, please feel free to direct us to the information you provided in Part 2 in answering the following questions.

3.1 Please indicate whether any innovative teaching methods are used in graduate law degree programmes in your jurisdiction.

(For instance, in graduate law degree programmes in your jurisdiction, are judges involved in teaching, are students taught using hands-on practice in legal and judicial decision-making, or using recordings of actual legal proceedings?)

Many professionals are involved in the master's degree training (national and European Judges from the C.J.U.E. ...lawyers, head of financing and governmental institutions etc.). Practical cases are often used in the framework of the assessment, and the Moot Court Competition is mandatory for some of the Master, and optional for others, but is always considered as important in the framework of the education of the lawyers at that stage.

One of the most notable successes of the faculty - and at the same time a major vector of vitalization of students' life - is the strong involvement of the faculty in Moot Court competition coaching.

Over the last two years, this strong involvement led to high rankings of the Luxembourg participants¹ at such international competitions, which are made possible through an excellent training.

Finally, Internships in Courts or law offices are mandatory in most of the masters, as well as a report.

3.2 Please indicate whether any innovative teaching contents are used in graduate law degree programmes in your jurisdiction.

The University of Luxembourg master's degree are designed to provide to master's students a cutting-edge knowledge in the fields of Banking and finance law as well as European law, with many proposed sub tracks, so that they can deal the best with the technical aspects of their professional role, as soon as they have passed their exam. Actually Luxembourg is the ideal place to get professional opportunities in these fields.

3.3 Please indicate whether graduate law degree programmes in your jurisdiction include any specific international components.

¹ In 2012: 1st place and in 2011: 2nd place both in the role of a Commission Representative in the All European Final of the ELMC competition, in 2011: 6th place to European Human rights Rene Cassin competition, and participation to the final rounds of the individual pleaders' ranking for the Philip C. Jessup International Law Moot Court Competition).

(For instance, is it either compulsory or optional in a graduate law degree programme in your jurisdiction to spend time studying in another country, or are courses in EU law mandatory. If so, can you please provide some details about this)

The current master's degree programs have all included international components, and there are all, at least, bi-lingual.

For further information or clarification on these questions please contact the Task Force 2 Coordinators:

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MENU FOR JUSTICE

Taskforce PhD studies.

The status of PhD studies is different in the EU Member states. A PHD is a doctorate thesis. Within the Bologna system of higher education, a PhD is the level next to the attainment of the master degree. In some countries, this qualifies for a professorship. Some countries however have not enrolled the Bologna system (yet). There, it is the proof that the student can do a research autonomously. In other countries like Germany a professorship also requires a Habilitationsschrift, to qualify for a professorship. This is a major study in a scientific field.

A PhD may take 3-6 years, it differs per country and also circumstances are different. Several universities organize PhD studies in doctoral schools. In some countries doctoral schools are organized per discipline even with transnational cooperation. A PhD is generally not required to become a judge. PhD courses may be interesting for the Menu for Justice Project because they do provide information on the knowledge and skills necessary to succeed in PhD studies with a focus on justice, courts, public prosecutions offices and the legal professions.

We have discussed several boxes in the table below and the outcomes are summarized in the table on the next page.

!Deadlines!

Block 1 State of Regulation: Virtual Meeting in April 20 (approx): delivery by April 15; on website and to TF coordinators Langbroek and Ng. Please also have some preliminary findings on the blog for discussion 2010

Joint analysis: June 22nd 2010 to discuss the data found in all countries on this block only (Budapest), delivery by June 15 to TF coordinators and on the website.

Clusters of indicators		To be operated as:	When to be delivered :	Remarks
State of regulation	<p>a) Legislation and institutions entitled to issue.</p> <p>b) Existence of locally issued regulation (degree of autonomy entrusted to each academic institution and types of regulation).</p> <p>c) Legal constraints to reforms and changes.</p>	<p>Describe national rules and legislation on PhD studies.</p> <p>For larger countries: take a sample of 10 universities to describe governance policies for PhD's.</p> <p>For smaller countries (up to 10 universities: select all universities)</p> <p>Describe the constraints to adapt these rules.</p> <p>Is there a formal relation between achieving a PhD and judicial appointments and profession?</p>	<p>The first inventory of national rules: April 15 to TF coordinators and on the website</p> <p>All data for this block by June 15 2010 to TF coordinators and on the website</p>	<p>A university is an institution for third level higher education, typically with the right to grant the PhD status. It does not matter if the university has a public or a private character.</p> <p>1 page summary Final analysis: - Methods of steering</p>
Disciplinary contents	<p>a) Internship? Please indicate if stages are mandatory.</p> <p>b) In which of the following disciplines students are required to attend courses or seminars in order to go forward in the PhD program: - Law; - Social sciences; - Philosophy and ethic;</p>	<p>Make an inventory of PhD studies on the subject of justice studies during the years 2006-2010 (history, arts, law, sociology, political science, law and economics).</p> <p>Make an inventory of the courses PhD students in the indicated fields are to follow.</p> <p>Give an indication of</p>		<p>Try to use a national PhD registry. Otherwise :</p> <p>For large countries: take a sample of 10 universities; for smaller countries (up to 10 universities), select all universities.</p> <p>Final analysis will examine the percentage of non legal courses and seminars and the</p>

	<ul style="list-style-type: none"> - History - Others (foreign languages, communication skills, etc) c) If possible, provide the percentage of non legal courses and seminars. 	<p>proportion of the non-legal courses in the program.</p> <p>Is there a debate about the content of PhD studies in law faculties? Indicate if there are any doctoral schools or if courses are run as part of university syllabus for doctoral candidates?</p>		<p>development of doctoral education</p> <p>Elaborate on this a little.</p>
Innovative experiences	<p>a) Please specify:</p> <ul style="list-style-type: none"> - innovations in teaching methods; - innovations in teaching contents; - internationalisation 	<p>Is there a cooperation going on between justice organisations (courts, council for the judiciary, ministry of justice, public prosecutions agency, law firms etc.) and law schools?</p> <p>Has there been a debate on the innovation in teaching methods?</p> <p>Are there incentives for international cooperation?</p>		

Table PhD studies

I State of regulation:

(Describe national rules and legislation on PhD studies. For larger countries: take a sample of 10 universities to describe governance policies for PhD's. For smaller countries (up to 10 universities: select all universities). Describe the constraints to adapt these rules. Is there a formal relation between achieving a PhD and judicial appointments and profession?)

a) Legislation and institutions entitled to issue.

Legal framework regarding PhD studies: The University of Luxembourg is the only university in the whole country. This is also the only institution which legally detains the right to deliver a PhD degree in Luxembourg according to articles 2, 6 of the Law dated 12th August 2003 establishing the University of Luxembourg. The governing policies regarding PhD are described in Grand-Ducal Decree dated 22nd May 2006.

Specific constraints to adapt the general rules: The University of Luxembourg has started its first academic year during the year 2003/2004. Luxembourg is part of the Bologna process, and its University has incorporated the Bologna System in its organisation.

Luxembourg has not known a long academic history, and one can estimate that there are no specific local constraints to adapt these rules. However and more generally, substantial adaptation should not call into question the Bologna Process of which the University is part; challenge the principle of the academic freedom etc. and more formally speaking, since some rules are defined by the law or other norms or policies, each adaptation has to follow constraints linked to the amendments related to these norms

Regarding more particularly the rules governing PhD: These rules are established and described by the Grand-Ducal Decree dated 22nd May 2006 (hereinafter “the Decree”). Consequently, any change requires a formal amendment of the Decree by the Luxembourg Government.

In order to be eligible to the third level of study (being a PhD candidate), article 3 of the Decree states that the PhD Supervisor (Professor or associate Professor) must control:

- The candidate’s eligibility to the third level according to article 12 of the Law dated 12th August 2003 (notably has achieved the second degree / obtained an equivalence according to article 12 etc.),
- The candidate’s ability to start a personal and scientific work, and
- The acceptance of the thesis project.

The decision is decided by the President upon proposal of the PhD Supervisor based on these three criteria. As from a favourable decision obtained, the candidates can be considered as PhD Student: they have a maximum of three years to finalise their thesis, defence included.

A maximum one-year period can be exceptionally granted by the President, according to article 1. According to article 4: within two months the Dean of the faculty nominates a thesis committee composed of 3 scholars graduate with a PhD: its mission is to follow and assess the work of the PhD Student on a regular basis.

The PhD student is informed regarding the result, and if the results reveals as serious failure from the PhD student, the thesis committee can recommend the President to refuse a re-inscription for the next academic year.

The University of Luxembourg grants the possibility to PhD students (article 9 of the Decree) to do a joint doctorate degree with a foreign University. This possibility is commonly used by PhD students.

In order to have the authorisation to defend its thesis the PhD student presents its work to the thesis committee. The committee drafts a report and asks if necessary to the PhD Student to insert substantive amendments on its thesis. Once the thesis is considered in state to be presented to the President, this latter must take a decision to authorise the defence of the thesis, on the basis of the report and after having taken advice from the PhD supervisor and the Dean, and must inform the PhD student within six weeks.

According to article 6, the President appoints the thesis jury, a panel composed of 5 members who have achieved a PhD, including minimum one of them Professor/associate Professor from the University of Luxembourg, and minimum two between them, who are external from the University. Additional experts can also be associated to this panel. The date of the defence must be determined before maximum 12 weeks after the appointment of the members of the thesis jury.

In case of joint doctorate degree with another University, the modalities are defined within the convention with some limits defined by the law (Article 9 and following).

The defence is public, unless it is specified differently, and the minutes of the defence are drafted by the President of the jury, and must be signed by all members of the panel. A synthesis report of the thesis is drafted by one of the members, and is transmitted to the President and the PhD student.

The jury decides by a vote taken by the majority of members. In case of equality, the voice of the President is preponderant. The PhD degree is named “Docteur de l’Université du Luxembourg” with the mention of the specialty, the members of the jury and is delivered by the University and signed by the President.

Relation between achieving a PHD and judicial appointments and profession

A PhD is a necessary pre-requisite for most of the academic positions, but there is no formal relation between achieving a PHD and judicial appointments and profession.

b) Existence of locally issued regulation (degree of autonomy entrusted to each academic institution and types of regulation).

The Law and the Decree define for the unique University of the country the applicable rules. Consequently, there is not locally issued regulation.

c) Legal constrains to reforms and changes

As explained, there is no specific legal constrains to reforms and changes.

Disciplinary contents (the first part will be related to the research subjects (in english, french or german) and the second, to the content of the studies followed by students during their three-year period)

(Make an inventory of PhD studies on the subject of justice studies during the years 2006-2010 (history, arts, law, sociology, political science, law and economics).

The developed research themes are in line with the priorities of the research unit in law, which is focusing on the following fields:

- International Law, European law, Comparative Law,
- Economic, business and financial law
- Luxembourg Law,
- Legal theory and Philosophy of Law.

Here is an inventory of the PhD subjects on the subject of justice within 2006-2010.

1. Die Grenzen des europäischen Wirtschaftsstrafrechts am Beispiel des Mannesmann Verfahrens und des Untreuetatbestandes
2. Droits des contrats et droit des organismes de placement collectif
3. Europäische Beweise: Der Rahmenbeschluss über die europäische Beweisordnung zur Erlangung von Sachen, Schriftstücken und Daten zur Verwendung in Strafsachen
4. Gesetzliche Mitwirkungspflichten der Kreditwirtschaft bei der Geldwäsche - und Terrorismusbekämpfung
5. Information sharing and data protection in the area of freedom, security and justice.
6. Insider dealing and criminal law: les liaisons dangereuses?
7. Justice distributive: La question des brevets entre libéralisme et libertarisme
8. L'accès du public aux documents des institutions européennes: le développement d'un droit et sa mise en application (1973-2004)
9. La contribution du pluralisme constitutionnel à la constitutionnalisation de l'Union Européenne: Plaidoyer pour un renouveau théorique
10. La détresse financière des entreprises: trajectoire du déclin et traitement judiciaire du défaut
11. La théorie rawlsienne de la justice et les relations internationales
12. La titrisation des actifs intellectuels au prisme du droit luxembourgeois
13. L'autonomie et l'organisation- Essai aux fondements du droit privé comparé des sociétés
14. Law-aware access control for international financial environments
15. Le contrôle parlementaire du principe de subsidiarité. Une étude comparée du droit belge, néerlandais et luxembourgeois
16. Le fait générateur de la responsabilité civile des pouvoirs publics en droit luxembourgeois
17. Le transfert des sûretés
18. L'investisseur face aux réseaux de distribution d' OPCVM
19. Obligations d'information des sociétés cotées en droit communautaire
20. Sharia et les droits de l'homme: sens et non-sens de leur compatibilité
21. State Aid, Subsidy and Tax Incentives under EU and WTO Law
22. Strafgesetzhlichkeit als völkerstrafrechtliches Legitimationsprinzip
23. The principle of equality of arms in international criminal justice
24. Towards harmonised data protection principles for EU-International information exchange

Make an inventory of the courses PhD students in the indicated fields are to follow. Give an indication of proportion of the non-legal courses in the program.)

The University is young as well as the PhD studies. A Doctoral school in Law has just been created the 8th of May 2012, before its official creation, there was an informal study program which had been progressively & informally organised which was in-line with the expected characteristics of the future Doctoral school. Thus, until the official creation of the school, the PhD students' presence was not formally compulsory, but the attendance at the course were strongly recommended, and in practice PhD students were willing to attend and participate to it. As from its creation, the students' participation is mandatory in order to obtain the corresponding 20 ECTS they can allocate.

General principles

- Regarding the general philosophy of the current program of the Doctoral school: the program is built in order to complete the legal training of doctoral students, improve research methodology; develop the culture and openmindedness of the students through a interdisciplinary approach, promote immersion in foreign legal cultures. The disciplinary contents is aiming PhD students reach a high level of both analytic and synthetic skills, be capable to demonstrate understanding of foreign law and to evolve in various cultural and intellectual environments, be able to solve in an original and convincing way legal issues derived from practices, open new horizons to law resarch, be able to communicate as well in a theoretical as in a practical way, evolve in a multilingual environment.
- Regarding the disciplinary content: the disciplinary content combines a unique and innovative training, which encompasses a very high level of expertise in European Law, Business Law (banking and financial law, Tax Law and Medias Law), Luxembourg Law and Legal theory and Philosophy of Law in the framework of the multilingual and interdisciplinary approach. Some of the courses can be chosen as tracks in the framework of the school.

Pedagogical characteristics:

- The emphasis on interdisciplinary is enforced through commons research projects with others sciences (philosophy, economy, finance, sociology, history, political sciences etc.) and the possibility for students to participate to classes in these others fields.
- The emphasis on internationality is developed through a large and increasing international agreement network as well as the strong development of joint thesis.

Theoretical & practical training

- As regards the theoretical axis: Three main transversal axes (common to every research theme) are developed through the school:

1. The first axis (Module 1) is legal methodology regarding legal instrument utilisation at various levels (national, European levels, comparative law etc.),
2. The second one (Module 2) regards the Europeanisation of the law (European law principles & European institutions), and
3. The third one (Module 3) is the interdisciplinary approach (interaction with other sciences, as previously explained).

- As regards practical workshops (Module 4), there are organised in a way PhD students be in a position to

1. Technically elaborate a scientific work (Module 4) (formal presentation of scientific materials, technology & computer tools utilisation & optimisation, research tools),
2. Be ready for teaching (improvisation, rhetoric, public speaking workshop, academic recruitment). These workshops can have various forms (conferences, seminars, workshops ...).
3. Participate and organise academic events (Module 5): Students can participate, organise a conference or coach a Moot Court competition.

a) Internship? Please indicate if stages are mandatory.

b) In which of the following disciplines students are required to attend courses or seminars in order to go forward in the PhD program:

- Law;
- Social sciences;
- Philosophy and ethic;
- History
- Others (foreign languages, communication skills, etc)

Internships are not mandatory. Both full-time and part-time PhD students have a limited time to finalise their studies so internships are not specifically forecasted. However PhD students are free to follow an internship. It is also possible to professionally integrate a PhD in part-time, but in both cases there is a time limit (3 years + 1 year maximum for full-time students and the double for part-time students).

The doctoral school will integrate several PhD students per year after selection based on qualitative aspects, the adequacy of the thesis subject to the research topics of the doctoral school as well as to the PhD academic curriculum: however, the PhD students who are not integrated will be able to participate to the proposed modules in the framework of a Doctoral education agreement and obtain an additional diploma specifying the selected Modules.

Participation to the courses for PhD students integrated in the Doctoral will be mandatory and be awarded by ECTS attribution. PhD student must have in total 20 ECTS and some of the courses are mandatory. Regarding the optional courses, they can also apply for an individual program. Finally, there is a possibility for students (upon approval of the study Director), to follow training in others doctoral school of the University of Luxembourg or abroad.

c) If possible, provide the percentage of non legal courses and seminars.

The percentage can be assessed at 33 %: the doctoral school aims at providing the students a high level training as well as encourage them to think beyond the borders of their fields.

Innovative experiences

(Are there incentives for international cooperation? Is there a cooperation going on between justice organisations (courts, council for the judiciary, ministry of justice, public prosecutions agency, law firms etc.) and law schools? Has there been a debate on the innovation in teaching methods)

Regarding cooperation with justice organisations: the professional training for lawyers in Luxembourg is organised by the Ministry of Justice of Luxembourg through the Complementary Training in Luxembourg Law (CCDL) and a cooperation is not formally organised at the time being at the PhD level between the PhD and the professional training. However, there is no general prohibition for PhD students to participate to the CCDL

Regarding international cooperation: a strong emphasis on internationality is developed through a large and increasing international agreement network as well as the strong development of joint thesis. Through an informal way, the thesis Director follows the PhD graduate in his/her professional development and can provide her/him with his/her support in this respect.

Questionnaire TASK FORCE 4 Regarding Initial Training and in-service Training of Judges, Prosecutors and Advocates

Owen Neuteboom and prof.dr. Philip M. Logbook, Montaigne Centre, Utrecht University, the Netherlands.

Initial Training of Judges, Prosecutors and Advocates

Section I: Regulation and Context of Initial Training

(Information in this section is required by 15 April 2010)

1. Are the initial training conditions and institutions for Judges, prosecutor and Advocates regulated by a special legislation in your country? Please indicate the name and reference of the relevant legislations for each of the following category.

Judges

Original Name & Ref.:

Règlement grand-ducal du 10 juin 2009 portant organisation du stage judiciaire et règlementant l'accès au notariat.

Translation into English: *Grand-Ducal decree dated 10 June 2009 on the organization of judicial training and regulating access to the notary profession ("Decree")*

Web link to the Law:

<http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

Prosecutors

Original Name& Ref.:

Règlement grand-ducal du 10 juin 2009 portant organisation du stage judiciaire et règlementant l'accès au notariat.

Translation into English: *Grand-Ducal decree dated 10 June 2009 on the organization of judicial training and regulating access to the notary profession ("Decree")*

Web link to the Law:

<http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

Attorneys

Original Name& Ref.: *Règlement grand-ducal du 10 juin 2009 portant organisation du stage judiciaire et règlementant l'accès au notariat.*

Translation into English: *Grand-Ducal decree dated 10 June 2009 on the organization of judicial training and regulating access to the notary profession ("Decree")*

Web link to the Law:

<http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

2. How is the vocational training sector organised? Are the initial training institutions operating at a national and/or a decentralised level? Is there a monopole or a free/regulated market for the initial training of the following professions?

Judges & prosecutors: The training for judges and prosecutors is mainly done on a national level, except few weeks that must be done in the Ecole Nationale de Magistrature (ENM), in Bordeaux (France).

Since judges and prosecutors have to follow a two-year period as trainee-lawyers, the first stage of training for judges and prosecutors is the same that the one followed by lawyers: it combines a theoretical intensive training named the “*Cours complémentaires en droit luxembourgeois*” (“CCDL”) which is entirely done in Luxembourg, followed by a traineeship in a law firm. The entire training lasts two years and as from the starting of the CCDL, the participants are considered as trainees. For the sake of consistency, the entire training will be named hereinafter “Initial training”, even though these two years, and the two stages, represents in fact the complete training in order to become an attorney.

First stage of the Initial training: The CCDL are only done and managed in Luxembourg by a study director who is in charge of the training on a daily basis, under the control of a steering committee. Those courses are organised under the authority of the Ministry of Justice, and a certificate is delivered at the end of it to the student if he/she has passed the exam.

Second stage of the Initial training: During the two-year traineeship, the program is defined under the authority of the Ministry of Justice, and professional organisations are closely associated to the content and the elaboration of the program and their progress. However, trainees have the possibility (not compulsory) to do part of their professional training (between 3 and 6 months) in a law firm of the EU. The trainees must then pass a final exam which closes this training period and can practice as lawyers.

After having accomplished this Initial training which is done in common with attorneys, and after they have passed the final exam, a selection is performed between the persons who are willing and who are eligible (Luxembourgish nationality is required) to pursue their career as judges and prosecutors. The selected persons start an additional one-year training as “*attachés de justice*” (this one-year training will be named hereinafter “Additional training”): This Additional training is also within the jurisdiction of the Ministry of Justice, and coordinated and organised by the “Procureur général” (public Prosecutor in the Court of appeal & Supreme Court) and a specialised committee of judges. During this period, three weeks must be done in the Ecole Nationale de Magistrature (ENM), in Bordeaux (France). Once they have finalised the Additional training, a second selection is performed in order to define their hierarchical order as judges.

Attorneys: In order to become lawyers, jurists have to follow theoretical intensive training named the “*Cours complémentaires en droit luxembourgeois*” (“CCDL”) which is entirely done in Luxembourg, followed by a traineeship in a law firm. The entire training lasts two years and as from the starting of the CCDL, the participants are considered as trainees: for the sake of consistency, the entire training will be named hereinafter “Initial training”, even though these two years, and the two stages, represents in fact the complete training in order to become an attorney.

First stage of the Initial training: The CCDL are only done and managed in Luxembourg by a study director who is in charge of the training on a daily basis, under the control of a steering committee. Those courses are organised under the authority of the Ministry of Justice, and a certificate is delivered at the end of it to the student if he/she has passed the exam.

Second stage of the Initial training: During the two-year traineeship, the program is defined under the authority of the Ministry of Justice, and professional organisations are closely associated to the content and the elaboration of the program and their progress. However, trainees have the possibility (not compulsory) to do part of their professional training (between 3 and 6 months) in a law firm of the EU. The trainees must then pass a final exam which closes this training period and can practice as lawyers.

3. What are the names of the initial training institutions of Judges, prosecutors and Advocates in your country (if there is one single institution for two or the three categories, please indicate)?

Judges Original Name: Cours Complémentaires en droit luxembourgeois (“CCDL”)

Translation into English: Complementary course in Luxembourg Law.

Web link to the Law: <http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

Prosecutors Original Name: Cours Complémentaires en droit luxembourgeois (“CCDL”)

Translation into English: Complementary course in Luxembourg Law.

Web link to the Law: <http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

Attorneys Original Name: Cours Complémentaires en droit luxembourgeois (“CCDL”)

Translation into English: Complementary course in Luxembourg Law.

Web link to the Law: <http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

4. Is the initial training institution an autonomous/independent body or a special service of a broader institution?

Judges & prosecutors : No, the two stages of the Initial training are placed under the authority of the Luxembourg Ministry of Justice.

- During the first stage (CCDL): even if the members of the steering committee are appointed by the Ministry of Justice (attorneys, notary, bailiff), their choice regarding the quality and attractiveness of the training is rendered in total independence. However, the Ministry of Justice has the final power to decide.

- During the second stage (two-year professional training): the responsibility of the training is still under the jurisdiction of the Ministry of Justice, however, professional organisation are closely associated to the content and the course of the training.

Similarly, the responsibility for the Additional one-year training for judges and prosecutors is still under the jurisdiction of the Ministry of Justice. Their training is then controlled by a special committee composed of judges, and the content is tailored as the needs require.

Attorneys: No, the two stages of the Initial training are placed under the authority of the Luxembourg Ministry of Justice.

- During the first stage (CCDL): even if the members of the steering committee are appointed by the Ministry of Justice (attorneys, notary, bailiff), their choice regarding the quality and attractiveness of the training is rendered in total independence. However, the Ministry of Justice has the final power to decide.

- During the second stage (two-year professional training): the responsibility of the training is still under the jurisdiction of the Ministry of Justice, however, professional organisations are closely associated to the content and the course of the training.

5. Which body is in charge of the Administration of the initial training institution (within or out of the training institution)? Please indicate the composition of the Board of governance.

Judges & prosecutors: At the stage of the CCDL, this training is managed on a daily basis by a study director, under the control of a steering committee and organised under the authority of the Ministry of Justice. At the stage of the professional training, they are still under the authority of the Ministry of Justice, but professional organisations are closely involved to the elaboration & the content of the training and their progress.

Finally, the responsibility for the additional one-year training for judges and prosecutors is still under the jurisdiction of the Ministry of Justice. Their training is then controlled by a special committee composed of judges, and the content is tailored as the needs require.

Attorneys: At the stage of the CCDL, this training is managed on a daily basis by a study director, under the control of a steering committee and organised under the authority of the Ministry of Justice. At the stage of the professional training, they are still under the authority of the Ministry of Justice, but professional organisations are closely involved to the elaboration & the content of the training and their progress.

6. Which body is responsible for the pedagogy and programming of the initial training institution? Please indicate the composition of the scientific/programming Board.

Judges & prosecutors: At the stage of the CCDL, part of the mission of the steering committee is to propose the content of the training, in total independence. However, the Ministry of Justice has the final power to decide.

The steering committee of the Initial training is composed of members of different professions who are appointed for three years by the Ministry of Justice (art. 3 of the Decree):

- 3 lawyers (2 seniors and 1 Junior) designated by the president of the bar
- 1 notary designated by the President of the Notaries
- 1 bailiff designated by the President of the Bailiff
- 1 member of the teaching staff elected by the college of the teaching staff
- 1 member of the Ministry of Justice appointed by the Ministry of Justice
- 1 study director, appointed by the Ministry of Justice

At the stage of the Additional training for judges this latter is also within the jurisdiction of the Ministry of Justice, and coordinated and organised by the “Procureur general” (public prosecutor of the Court of appeal & Supreme Court) and a specialized committee of judges. During the Additional training, the program is adapted every year depending on the needs, but last year, the training was around 260 hours

Attorneys: At the stage of the CCDL, part of the mission of the steering committee is to propose the content of the training, in total independence. However, the Ministry of Justice has the final power to decide.

The steering committee of the Initial training is composed of members of different professions who are appointed for three years by the Ministry of Justice (art. 3 of the Decree):

- 3 lawyers (2 seniors and 1 Junior) designated by the president of the bar
- 1 notary designated by the President of the Notaries
- 1 bailiff designated by the President of the Bailiff
- 1 member of the teaching staff elected by the college of the teaching staff
- 1 member of the Ministry of Justice appointed by the Ministry of Justice
- 1 study director, appointed by the Ministry of Justice

7. How is the initial training institution financed (by who - public/private origin, state/regional/European or international funds, contributions from participants -, what repartition of the different incomes and how much is the budget)?

Judges & prosecutors: The Initial training is free for students and is financed by state. As they are considered as trainees since their entrance, they even perceive a training allowance which amounts 150 €/month during the CCDL, and then 400 €/ month, during their professional training. At the stage of the Additional training, they perceive a salary which is published on the salary scale for civil servants.

Attorneys: The Initial training institution is free for students and is financed by state. As they are considered as trainees since their entrance, they even perceive a training allowance which amounts 150 €/month during the CCDL, and then 400 €/ month, during their professional training.

8. What are the ways for acceding to the professions of Judge, prosecutor and Advocate in your country (examination, competition, selection based on a record, etc.)? What are the qualifications requested from candidates (university degrees, previous professional experience)? Please explain the process in its main lines.

Judges & prosecutors:

In order to be accepted to the first stage of the Initial training (CCDL), students need:

- either to have obtained the homologation of foreign diplomas in law in accordance with the grand-ducal decree dated 10 September 2004 stating the homologation criteria of titles and grade in law.

It implies that the diploma be delivered following accomplishment of a complete cycle in a law school full time for a minimum of 4 years, 8 semesters or 12 trimesters, or part-time, and that the teaching of law must encompass at least the following subjects of study: civil law, commercial law, criminal law, private international law or public administrative law. Civil law must have been taught for at least two years, four semesters or six quarters. The law taught in his perspective must also match fundamental general principles of Luxembourg legal system.

- either to have obtained a Master in law from the University of Luxembourg.

Once they get the certificate, they can start their two-years training period provided that:

- they have found an attorney having a minimum 5 years bar practice who are willing to become their supervisor during the training
- they can provide guarantee of honorability
- they have the nationality of one of the member state or European Union
- they speak the three official languages (Luxembourgish, French and German)

Finally, in order to access to the Additional training, the persons who are willing and are eligible to become judge or prosecutors are selected on their evaluation during the two stages of the Initial training and the best of them can integrate the Additional training as “*attachés de justice*”. Luxembourg nationality is a condition of eligibility for judges & prosecutors.

Attorneys : As explained before: in order to be accepted to the CCDL, students need:

- either to have obtained the homologation of foreign diplomas in law in accordance with the grand-ducal decree dated 10 September 2004 stating the homologation criteria of titles and grade in law.

It implies that the diploma be delivered following accomplishment of a complete cycle in a law school full time for a minimum of 4 years, 8 semesters or 12 trimesters, or part-time, and that the teaching of law must encompass at least the following subjects of study: civil law, commercial law, criminal law, private international law or public administrative law. Civil law must have been taught for at least two years, four semesters or six quarters. The law taught in his perspective must also match fundamental general principles of Luxembourg legal system.

- either to have obtained a Master in law from the University of Luxembourg.

Once they get the certificate, they can start their two-years training period provided that:

- they have found an attorney having a minimum 5 years bar practice who are willing to become their supervisor during the training
- they can provide guarantee of honorability
- they have the nationality of one of the member state or European Union
- they speak the three official languages (Luxembourgish, French and German)

9. Is the attendance of the initial training institution program mandatory in order to access to the profession?

Judges: Actually, the attendance of the Initial training is mandatory to access to the profession.

Prosecutors: Actually, the attendance of the Initial training is mandatory to access to the profession.

Attorneys: Actually, the attendance of the Initial training is mandatory to access to the profession.

10. Is the initial training period sanctioned by a final examination, exit contest, or any ranking between candidates?

Judges & prosecutors: The CCDL is sanctioned by an exam in all the studied topics. In order to get the certificate, the trainee must have minimum 10 out 20. Once they get the certificate, they can start their two-years training period provided that:

- they have found an attorney having a minimum 5 years bar practice who are willing to become their supervisor during the training
- they can provide guarantee of honorability
- they have the nationality of one of the member state or European Union
- they speak the three official languages (Luxembourgish, French and German)

At the end of the two-years training period, the trainees must pass the final exam of the Initial training. A ranking is performed on this final exam, on which is based the selection for the futures “attachés de justice”. Once they have finalised their Additional training as “attachés de justice” (one year), a further selection is performed in order to define their hierarchical order as judges.

The evaluation on which is based this second selection takes into account their results during the CCDL, their results after the exam following their two-years training period, their results during their foreign training at the Ecole Nationale de Magistrature in Bordeaux (ENM) (France), and finally the assessment of the person in charge of their professional training as judges.

Attorneys The CCDL is sanctioned by an exam in all the studied topics. In order to get the certificate, the trainee must have minimum 10 out 20.

Once they get the certificate, they can start their two-years training period provided that:

- they have found an attorney having a minimum 5 years bar practice who are willing to become their supervisor during the training
- they can provide guarantee of honorability
- they have the nationality of one of the member state or European Union
- they speak the three official languages (Luxembourgish, French and German)

At the end of the two-years training period, the trainees must pass the final exam and then become “avocats à la Cour”.

11. Is there a complementary training period or any tutoring organised during the first years of practice? If so, please specify the ways and if necessary the status of the young practitioner.

Judges & prosecutors: As already seen, a constant training and tutoring is performed at every stage of the process (3 years).

Attorneys: As already seen, a constant training and tutoring is performed at every stage of the process (2 years).

Section II: Content of the Initial Training

*(This information is **not** required by the first data reporting deadline of 15 April 2010, but any national contributors who would like to provide any of this information at this time should feel free to do so).*

12. What is the duration of the initial training? Please indicate the order and length of the different sequences, if there are some.

Judges & Prosecutors: As seen previously, the duration is three years. 2 years for the Initial training program and 1 additional year in the framework of the Additional training for judges.

Attorneys: As seen previously, the duration is 2 years for the Initial training program, but even if this training is named here “Initial”, because it is the first stage of the Judges training: this training is a complete theoretical and practical training, and represents the complete training for attorneys.

13. Please specify the way in which the initial training program is built (courses, workshops, seminars, study visits, internships, e-learning; mandatory and facultative periods; unique programming for all the trainees or possibility to choose tracks, options or any specialization during the initial training period)?

Judges & prosecutors:

During the Initial training program, trainees have to follow the CCDL (they can tailor their program through several tracks) and pass the exam in order to obtain their certificate. After this period, they have to do their internship in a law firm as well as to follow seminars and 36 hours of courses and finally, they have to pass their second exam.

During the first stage of the CCDL, the focus is on the Luxembourg law, and the training provides the trainees a complete view of the Luxembourg law, including practical aspects. The courses take place from 1st October to the end of February and encompass 242 to 250 hours of lectures (depending on the chosen tracks). These lectures are part of the professional training. During the second stage of the Initial training, the seminars and the 36 hours of course are also mandatory.

During the Additional training for judges, the program is adapted every year depending on the needs, but last year, the training was around 260 hours. This Additional training includes practical aspects such as jail, hospital, laboratories etc. visits, case studies, judgment drafting and trial simulation. This training takes place 8 weeks in Luxembourg and 3 weeks in Ecole Nationale du Barreau (ENM) in France and both French and Luxembourg practitioners are involved in the teaching. In addition to that, the trainees have to follow a specific training in the following services (prosecutor office, police, civil and commercial Court division etc.)

Attorneys During the two-years training program, trainees have to follow the CCDL (they can tailor their program through several tracks) and pass the exam in order to obtain their certificate. After this period, they have to do their internship in a law firm as well as to follow seminars and 36 hours of courses and finally, they have to pass their second exam.

During the first stage of the CCDL, the focus is on the Luxembourg law, and the training provides the trainees a complete view of the Luxembourg law, including practical aspects. The courses take place from 1st October to the end of February and encompass 242 to 250 hours of lectures (depending on the chosen tracks). These lectures are part of the professional training. During the second stage of the Initial training, the seminars and the 36 hours of course are also mandatory.

14. Is the initial training program delivered within the training institution done by a special staff (who are the trainers? Background, Status? Number of permanent staff) or externalised (to who? Please indicate the ways and proportion of externalization)?

Judges The trainers are usually judges, former judges, attorneys both for the CCDL and the professional stage.

Prosecutors The trainers are usually judges, former judges, attorneys both for the CCDL and the professional stage.

Attorneys The trainers are usually judges, former judges, attorneys both for the CCDL and the professional stage.

15. Are the following disciplines part of the initial training program delivered to Judges, prosecutors and Advocates? If yes, please tick the appropriate box.

	Judges	Prosecutors	Advocates
- Comparative Judicial Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Comparative Law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- European Law and Proceedings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Political Sciences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Sociology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Anthropology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Psychology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Philosophy and Ethics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
- Economics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- History	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Foreign Languages	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
- General professional skills, such as:			
Communication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Information technology	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Management	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- Others: In the program for attorneys, there are some courses of accountancy taking place at the second stage of the Initial training and in the Additional program for judges, there are some courses dealing with history, sociology and communication skills.

16. Please provide the approximate percentage of non legal disciplines and topics included in the initial training curriculum.

Judges & prosecutors: +/- 5 %, when taking into account the 3-years training program.

Attorneys: <5%, the training is mainly related to law topics and skills.

In-service Training of Judges, Prosecutors and Advocates

Preliminary remarks: Since both the Initial training and the Additional training include in themselves several years of professional training, you can refer for many questions to the previous part of the report.

For information, continuous learning of the practitioners, once they have entirely finished their training. At this stage, there is no specific organisation taking in charge this continuous training, but this training is carried on:

- as regards judges and prosecutors under the jurisdiction of the Ministry of Justice, and also through the European Judicial Training Network of which Luxembourg is part.
- as regards attorneys, continuous learning is only initiated by the attorney and/or depends on the training program that has been put in place by his/her respective law firm.

Apart from that, and more generally, the University of Luxembourg has established a specific procedure in order to validate the professional experience of practitioners so that they can integrate either academic or professional selective programs in the framework of a continuous learning, and second, organises on a regular basis conferences, seminars and workshop on miscellaneous topics scholars and professionals can attend to.

I. Regulation and Context of In-service Training

(Information in this section is required by 15 April 2010)

1. Are the in-service training conditions and institutions for Judges, prosecutors and Advocates regulated by a special legislation in your country? Please indicate the name and reference of the relevant legislations for each of the following category.

Judges

Original Name & Ref.:

Règlement grand-ducal du 10 juin 2009 portant organisation du stage judiciaire et règlementant l'accès au notariat.

Translation into English: *Grand-Ducal decree dated 10 June 2009 on the organization of judicial training and regulating access to the notary profession ("Decree")*

Web link to the Law:

<http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

And (regarding continuous learning)

European Judicial Training Network

Web link to the training institution: <http://www.ejtn.net>

Prosecutors

Original Name & Ref.:

Règlement grand-ducal du 10 juin 2009 portant organisation du stage judiciaire et règlementant l'accès au notariat.

Translation into English: *Grand-Ducal decree dated 10 June 2009 on the organization of judicial training and regulating access to the notary profession ("Decree")*

Web link to the Law:

<http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

And (regarding continuous learning)

European Judicial Training Network

Web link to the training institution: <http://www.ejtn.net>

Attorney

Original Name & Ref.:

Règlement grand-ducal du 10 juin 2009 portant organisation du stage judiciaire et règlementant l'accès au notariat.

Translation into English: *Grand-Ducal decree dated 10 June 2009 on the organization of judicial training and regulating access to the notary profession ("Decree")*

Web link to the Law:

<http://www.legilux.public.lu/leg/a/archives/2009/0140/index.html>

And (regarding continuous learning)

European Judicial Training Network

Web link to the training institution: <http://www.ejtn.net>

2. How is the vocational training sector organised? Are the in-service training institutions operating at a national and/or a decentralised level? Is there a monopole or a free/regulated market for the in-service training of the following professions? If relevant, indicates who is in charge of accreditation of institutions and provides credits to the professionals trained.

Judges & prosecutors: Regarding the in-service period in the framework of the Initial training and Additional training: please refer to question 2 part 1.

Attorneys: Regarding the in-service period in the framework of the Initial training: please refer to question 2 part 1.

3. What are the names of the in-service training institutions of Judges, prosecutors and Advocates in your country (if there is one single institution for two or the three categories, please indicate)?

Judges, prosecutors and attorneys: Please, refer to part 1 regarding the in-service period in the framework of the Initial training and Additional training.

4. Is the training institution an autonomous/independent body or a special service of a broader institution?

Judges & prosecutors: See part 1 question 4 regarding in-service period in the framework of the Initial training and the Additional training.

Attorney: See part 1 question 4 regarding in-service period in the framework of the initial training.

5. Which body is in charge of the Administration of the in-service training institution (within or out of the training institution)? Please indicate the composition of the Board of governance.

Judges & prosecutors: Refer to part 1 question 5 regarding in-service period in the framework of the Initial training and the Additional training.

Attorneys: Refer to part 1 question 5 regarding in-service period in the framework of the Initial training.

6. Which body is responsible for the pedagogy and programming of the in-service training institution? Please indicate the composition of the scientific/programming Board.

Judges & prosecutors: Regarding the in-service period in the framework of the Initial training and the Additional training, refer to question 6 part 1.

Attorneys: Refer to part 1 question 6 regarding in-service period in the framework of the Initial training.

7. How is the in-service training institution financed (by who - public/private origin, state/regional/European or international funds, contributions from participants -, what is the repartition of the different incomes and how much is the budget)?

Judges, prosecutors: Regarding the in-service period in the framework of the Initial training and the Additional training.

Attorneys: Regarding the in-service period in the framework of the Initial training, refer to question 7 part 1.

8. Is the in-service training mandatory for Judges, prosecutors and Advocates? If yes, please indicate to what extent (number of hours or days per year, sanctions).

Judges, prosecutors and attorneys: Regarding the in-service period in the framework of the Initial training and the Additional training, refer to question 9 part 1.

9. Is the career promotion scheme formally influenced by the attendance of in-service training by Judges, prosecutors or Advocates?

Judges & prosecutors: Regarding the Initial and Additional training: please refer to the first part.

Attorneys: There are no formal rules, regarding attorneys, but Law firms tend to recruit the trainees who have the best results in the specialisation they are seeking for the role.

10. Are there some hypothesis in which the attendance of a training is compulsory to access a specific position in the career? If so, please specify if it is before taking the position (and if the appointment is conditioned to a positive evaluation of the training) or after the appointment in the new position?

Judges & prosecutors: Regarding the Initial and Additional training, the training is compulsory (please refer to the first part)

Attorneys: The attendance to the two stages of the Initial training is compulsory, but there is no strict relationship with accessing a specific position in the career.

11. In general, do the in-service training modules evaluate the abilities demonstrated by or the knowledge acquisition of the trainee?

Judges, prosecutors and attorneys: In the framework of the Initial and Additional training, the combination between the theoretical and the practical aspects are likely to evaluate the abilities of the trainee, especially because there is a constant assessment. This is especially the case for judges who are ranked according to their performance during the whole three-years training period.

II. Content of the In-service Training

*(This information is **not** required by the first data reporting deadline of 15 April 2010, but any national contributors who would like to provide any of this information at this time should feel free to do so).*

1. Please specify the way in which the in-service training program is built (type of trainings offered: lectures, workshops, seminars, study visits, internships, e-learning and audiovisual facilities)?

Judges & prosecutors: Regarding the in-service period in the framework of the Initial and Additional training, there is an alternation between lectures, internships visits, seminars, workshops and technical facilities.

Attorneys: Regarding the in-service period in the framework of the Initial training, the training is mainly an alternation between lecture, internships, seminars and workshops.

2. Is the in-service training program delivered within the training institution done by a special staff (who are they? Background, Status? Number of permanent staff) or externalised (to who? Please indicate the ways and proportion of externalization)?

Judges, prosecutors & attorneys: Staff is composed mainly of representative of the different professional orders at the stage of the training.

Are the following disciplines part of the in-service training program proposed to Judges, prosecutors and Advocates? If yes, please tick the appropriate box.

Regarding the Initial and Additional training: the table below is the same that the one of the first part. Regarding the continuous training, there is no general rule because regarding judges the training depends on the needs, and regarding attorneys, it depends on the law firm / attorney.

	Judges	Prosecutors	Advocates
- Comparative Judicial Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Comparative Law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- European Law and Proceedings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Political Sciences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Sociology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Anthropology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Psychology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Philosophy and Ethics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
- Economics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- History	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Foreign Languages	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
- General professional skills, such as:			
Communication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Information technology	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Management	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Others: In the program for attorneys, there are some courses of accountancy taking place at the second stage of the Initial training and in the Additional program for judges, there are some courses dealing with history, sociology and communication skills.			

3. Please provide the approximate percentage of non legal disciplines and topics included in the in-service training program offered to professionals.

Judges, prosecutors & attorneys: Regarding the Initial and continuous training, please see part I question 16.