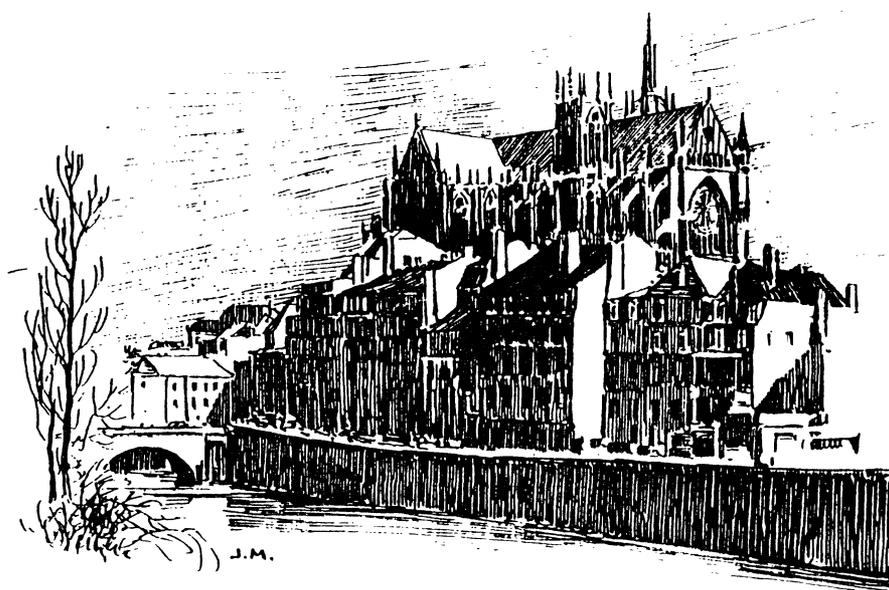


COMMISSION DES
COMMUNAUTES
EUROPEENNES



COMMISSION
OF THE EUROPEAN
COMMUNITIES

LEGAL EDUCATION AND TRAINING IN TOMORROW'S EUROPE



ITALY



UNIVERSITE DE METZ

LEGAL EDUCATION AND TRAINING IN
TOMORROW'S EUROPE

Italy

Drafted by :

Valerio GREMENTIERI

University of Siena

1. THE EDUCATION AND PROFESSIONAL TRAINING OF LAWYERS

1.1. HIGHER EDUCATION

1.1.1. GENERAL STUDIES

1.1.1.1. Contents.

There are 36 Law Faculties in Italy with an overall number of about 200,000 students, 50,000 of whom are in their first year of study. Every year about 12,000 students graduate i.e. 24% of those registered. The officially recognized Degree in Law is the basic requirement for entry into almost all branches of the legal profession.

1.1.1.2. Course Structure.

The present course structure dates back to 1938¹ and has only recently been modified (February 1994)². Both course structures will be presented since the new one will only become fully effective in the academic year 1996-1997.

The present course structure envisages two options for the Law student. In both cases the duration of the Degree Course is four years. The first option comprises the so-called ministerial plan which prescribes 21 exams, 18 of which are compulsory (including 5 biennial ones) and 3 chosen by the student, in the context of the courses taught in the single Faculties, for an overall total of 26 undergraduate courses. The curriculum ends with a Degree Dissertation.

The 18 compulsory basic subjects (for a total of 23 annuities) are as follows :

1. Private Law;
2. Roman Law;
3. Jurisprudence;
4. History of Roman Law;
5. History of Italian Law (biennial);
6. Economics;
7. Financial Studies & Financial Law;
8. Constitutional Law;
9. Ecclesiastical Law;
10. Roman Law (biennial);
11. Civil Law (biennial);
12. Commercial Law;
13. Labour Law;
14. Civil Procedure;
15. International Law;
16. Administrative Law (biennial);
17. Criminal Law (biennial);
18. Criminal Procedure.

¹ Royal Decree No. 1652, dated 30th September 1938, modified by Royal Decree No. 1359, dated 5th September 1942 and by Law Decree No. 58, dated 27th January 1944.

² The new course structure of the Law Faculty has been approved definitively by the Minister of University and of Scientific and Technological Research in the Official Journal on February 11th, 1994, and at the moment of writing (May 1994) has gone to publishing.

In addition, the student must choose three subjects from the complementary courses taught by the Faculty. The latter can introduce and teach other complementary courses besides the following originally envisaged in the ministerial scheme ³:

1. Statistics;
2. Demography;
3. Medical Insurance and Forensic Medicine;
4. Criminal Anthropology;
5. Canon Law;
6. Private Comparative Law;
7. Swiss Law;
8. Industrial Law;
9. Labour Legislation;
10. Agrarian Law;
11. Mining Law;
12. Navigational Law;
13. History of Treaties and International Politics;
14. Byzantine Law;
15. Greek Law;
16. Muslim Law;
17. Eastern Mediterranean Law;
18. Common Law;
19. Origins of Roman Law;
20. Origins of Italian Law;
21. Legal Papirology;
22. Psychology.

The second option was introduced in 1969 with the law on the liberalization of the study plan⁴. The length of the Degree Course is still four years.

A study plan is drawn up separately for each individual student, who must sit 21 examinations for the total 26 courses studied. As a condition for registration in their respective Orders, the different Professional Bodies have laid down a certain number of specific required subjects in the students' study plan. In view of this, and in order to rationalize the approval procedure of the individual study plans, all of the Law Faculties have preset curricula in which only 13/14 exams are compulsory, the remaining 13/12 courses being chosen by the student from a number of options.

In many Faculties the student can choose the optional subjects from pre-determined courses chosen by the Faculty. Generally, the compulsory subjects are as follows :

1. Private Law;
2. Constitutional Law;
3. Roman Law;
4. Jurisprudence;
5. Economics;
6. Criminal Law;
7. History of Italian Law;
8. Administrative Law;
9. Commercial Law;
10. Labour Law;
11. International Law;
12. Civil Procedure;
13. Criminal Procedure.

³ This is envisaged by Decree No. 312, dated 11th April 1953.

⁴ Decree No. 910, dated 11th December, 1964.

Nonetheless, each Faculty autonomously decides the compulsory subjects.

With reference to the courses, or plan-types, pre-determined by each Faculty, the choice of options is quite wide, including, for example, Forensic, Legal-administrative, Legal-economic, Company, Commercial, International, Historical and Philosophical areas.

As already mentioned, the Degree Course in Law has recently been modified radically by a Decree adopted by the Ministry of Universities on the basis of *Law No. 341*, dated 19th. November 1990, concerning the course structure. The new course will become effective in the single Law Faculties from the academic year 1996-97⁵.

On the basis of the new syllabus, the Law Degree Course covers 26 courses and concludes with the Degree dissertation⁶. At least 14 courses are basic and compulsory. These include one for each of the following discipline areas⁷:

1. Administrative Law;
2. Civil Law;
3. Commercial Law;
4. Comparative and European Law;
5. Constitutional Law;
6. Labour Law;
7. International Law and European Law (institutional profiles);
8. Criminal Law;
9. Civil Proceedings;
10. Criminal Proceedings;
11. Roman Law;
12. History of Medieval and Modern Law;
13. Economic-Financial area;
14. Jurisprudence.

Each Faculty will be responsible for identifying the basic compulsory courses in the context of the above-mentioned discipline areas. In addition, the Faculty must decide on the criteria for drawing up the study plans, the eventual courses and the eventual orientation of the Degree Course⁸. The Decree is not limited to the new discipline of the Law Degree Course, but also introduces an important new aspect to the application of both Law 341/1990 and the Ministerial Decree dated 31st. January 1991, regarding the "authorization of the Universities to introduce University Diplomas" (or "short Degrees") lasting three years, which are to be introduced for the first time in the Law Faculties.

The above-mentioned Decree envisages the possibility of activating the following University Diploma Courses:

1. Labour Consultant;
2. Law Operator;
3. Company Legal Operator⁹.

⁵ Art. 3 envisages that the Universities will adapt the Law Degree to the new course structures within two years of the date of the publication of the decree.

⁶ Art. 7 of the new Scheme III

⁷ Art. 8

⁸ Art. 4

⁹ Art. 1

(a) The Labour Consultant Diploma Course provides the legal knowledge and the operational tools necessary for the profession of Consultant in Labour Relations¹⁰.

The Labour Consultant Diploma was introduced to meet the heavy demand from the Labour market. This Diploma includes at least 14 syllabi (with a maximum of 16), basic computer skills and a professional training placement during the course. It ends with a Diploma examination¹¹.

Seven annual are basic and compulsory. These include one for each of the following discipline areas:

1. Civil Law;
2. Commercial Law;
3. Constitutional Law;
4. Tax Law;
5. Sociology;
6. Economics;
7. Historico-juridical area.

In the area of Labour Law, four yearly courses are basic and compulsory. At least one semester of each of the following three curriculum areas is compulsory:

1. Administrative Law;
2. Comparative, International and European Law;
3. Criminal Law¹².

It is worth noting that starting with the academic year 1991-1992, the Law Faculty at Siena University inaugurated the first School for Labour Consultants. The latter was the forerunner, both in aim and contents, of the Diploma for Labour Consultants which is soon to be introduced into many Law Faculties throughout Italy.

The Siena Law School has only a limited number of thirty places and it has already ended its first cycle and awarded its first diplomas. Moreover, it should be pointed out that the Siena Law School has already been an active partner in an ERASMUS PIC since the academic year 1993-94. This envisages the exchange of two students a year for one semester with the Universities of Pamplona, Cadix and Glasgow.

b) The University Diploma Course for Law Operators equips students with the necessary legal knowledge and the operational tools needed to carry out autonomous activities in the trial context¹³. The creation of the Diploma for Legal Operators arose out of the compelling need in the world of Law for such a professional figure.

The Diploma Course for Law Operators includes at least 14 (maximum 16) syllabi and a test in Basic Computer skills. It ends with a Diploma exam¹⁴.

Ten syllabi, one for each of the following disciplinary areas, are basic and compulsory:

1. Administrative Law;
2. Civil Law and Family Law;
3. Commercial Law and Bankruptcy Law;
4. Labour Law;
5. Comparative, International and European Law;

¹⁰ Art. 9

¹¹ Art. 10

¹² Art. 11

¹³ Art. 12

¹⁴ Art. 13

6. Criminal Law;
7. Civil Procedure and Bankruptcy Law;
8. Criminal Procedure;
9. Historic-judicial area;
10. Tax Law.¹⁵

c) The University Diploma Course for Company Legal Operators will train private administrators and give them the necessary legal and operational background to work effectively in private companies¹⁶. The introduction of the figure of Company Legal Operator stemmed from the pressing need in the private sector for middle-level figures with a legal preparation.

The Diploma Course for Company Legal Operators includes at least 14 (max. 16) syllabi and a test in Basic Computer skills. It ends with a Diploma exam¹⁷.

One syllabus for each of the following ten discipline areas is basic and compulsory:

1. Civil Law;
2. Constitutional Law and Administrative Law;
3. Commercial Law;
4. Comparative, International and European Law;
5. Labour Law and Welfare Law;
6. Criminal Law;
7. Historic-Judicial Law;
8. Finance and Public Accounts;
9. Administration Sciences;
10. Economics¹⁸.

At least one semester of the syllabus on Computer Applications in Law and one syllabus for each of the following three discipline areas are compulsory:

1. Organizational Methods and Administration Management;
2. Law of Banking and of the Financial Market;
3. Law of Taxation.

1.1.1.3. The Impact of the European Programmes.

The experience of the ERASMUS Programme in Italy opened up new possibilities for interaction between the Italian Law Faculties and European students.

It is well known just how important a role the ERASMUS Programme played in breaking down the national barriers between Universities in Italy and Europe. This Programme is not concerned with holding specific courses for students from other countries, but rather with including those European students in the normal courses being held at the receiving Universities. Therefore, it is not a case of organizing special courses but of studying one's University Curriculum not in one's home university but in other European Universities, in the prospective context of the European University System.

The course of development of the ERASMUS Programme in Italy was not as smooth as would have been hoped. The beginning was quite a disaster because the Italian Universities were not equipped institutionally nor did the teaching staff have an open enough mentality as

¹⁵ Art. 14

¹⁶ Art. 15

¹⁷ Art. 16

¹⁸ Art. 17

regards transnational exchanges. Thus, following a starting period of "erasmuserization", as it were, of the Italian Universities, which was particularly messy as regards not only the number but also the quality of the exchanges, things began to improve so that now the participation of Italian Universities in the ERASMUS programme is acceptable both from a quantitative and qualitative aspect.

The situation is quite delicate as far as the Law Faculties are concerned, because it was always believed that legal studies could not transcend the national legal system. Thus, if the legal studies were nationalized it would be pointless to employ the ERASMUS Programme in the Italian Law Faculties or to allow Italian students to attend European universities and do exams there as this would serve no useful purpose; indeed, the "professional" training which is envisaged for the students of the Law Faculties would be missing.

Fortunately, this attitude was radically changed after the first few years of ERASMUS. The result is the extremely active participation of the Italian Law Faculty in the ERASMUS Programme which exceeds the European average. More specifically, the Italian Law Faculties make up 15.5% of the total participation in the Erasmus Programme as opposed to the European average of 10.1%

Specifically, this 15.5% amounts to 805 European students coming into Italy and 805 Italian students scattered all over Europe.

The following is the breakdown of European students coming into Italy:

Belgium	Germany	Denmark	Spain	France
82	114	16	199	124
Greece	Ireland	Holland	Portugal	UK
38	8	73	31	75
Austria		Switzerland		Sweden
24		2		19

Let us take a closer look at these data. We will refer to the Italian Law Faculty whose presence is quantitatively and qualitatively the most important in the ERASMUS Programme. The University of Siena has always enjoyed a pre-eminent role in the participation in ERASMUS exchanges in Italy. This role is especially strong in the Faculty of Law. The said Faculty participates in the ERASMUS Programme with a two-way exchange of 94 students in some 85 Universities across Europe.

But what happens with the European students who come to Siena? These students come from all 19 member states of the European Union as well as from the European Economic Area and the EFTA countries. They attend all disciplines and sit exams across the board. Subjects such as Comparative Law, International Law, European Law and International Organization are not the only ones sought after. The European students in Italy also attend and sit exams in subjects such as Jurisprudence, Roman Law, Commercial Law, Private Law, Law of Banking, Family Law, Law of Taxation, Constitutional Law, Criminology, Forensic Medicine etc.. Thus, they use the Law Faculty just as the Siensese students do.

This is further evidence of the validity of the ERASMUS Programme within the Law Faculties. It is living proof of how one can study law effectively outside one's home University in a different legal and didactic system.

The Italian Law Faculties have also been positively influenced by the Jean Monnet Action. As is well known, the Jean Monnet Action has led to a strong increase in the study of thematics

related to European integration within Universities throughout Europe. It is a stimulating Pilot Project which aims to increase, on a large scale, the study of European issues in all universities across Europe. The Italian presence in the Jean Monnet Programme is very significant both quantitatively and qualitatively.

Examining the experience over the last three years, we find that Italian universities have set up European Chairs, European Modules and Courses for an overall total of 90 projects. Thus, the Italian presence in the Programme is extremely significant, and has in turn brought about a series of changes in the study of thematics related to European integration especially within the Italian Law Faculties which make up 50% of the participants in the Jean Monnet Programme. It is obvious that the introduction of such a huge number of new didactic models, including intensive modules and courses, to our Law Faculties has also influenced the studies of European students attending Italian universities. Indeed, all these courses, modules and chairs have witnessed the active participation of European students, not only of ERASMUS students but of all visiting students who were able to attend the general courses on offer.

Furthermore, it is especially interesting to note that didactic models already in use elsewhere in Europe and abroad but which previously were not practically applied in Italy, have been experimented in Italy thanks to the Jean Monnet Action. One example is the short course module which is extremely important for the integrated and intensive development of closely related thematics.

The ERASMUS Programme and the Jean Monnet Action are but single examples of the influence that the European dimension of Universities has had on the Italian Law Faculties. Indeed, the latter are becoming an integral part of the process which is leading to a European University System. The Italian Universities and Law Faculties have been spurred on to follow new didactic models and new cultural itineraries as well as to break down the national barriers which, for far too long, have conditioned their development.

To this end, specific models based on the Jean Monnet experience are anticipated. At present, however, it is also possible to pursue these aims outside the European Programmes in the context of newly passed legislation, the result of the overall university reform process which has affected Italy over the past five years. More specifically, I am referring to the new 1992 law on didactic organisation which envisages the creation of didactic modules and special curricula while at the same time allowing the Credits System to be used in Italian students' university curriculum. Moreover, and this is extremely important if our university system is to be converted into the European University System, the recognition of credits and exams done in the context of integrated programmes of co-operation is also envisaged.

Thus, it would seem that things are moving along the lines set out in the Memorandum on Higher Education in Europe, as is demonstrated by the results of the National Conference that the Ministry for Higher Education and the Rectors' Conference organized in Rome on 3rd & 4th of November 1992. In the context of this Conference, the President of the Rectors' Conference clearly outlined the right of Italian and European students to free movement in the context of the European University System. He undertook to see to it that every bureaucratic obstacle be eliminated from the Italian universities.

1.1.2. POST-GRADUATE STUDIES

Following the awarding of the Law Degree, a graduate has three alternatives if he or she wishes to pursue further studies. These are as follows: (i) a Ph.D. (this will be dealt with in detail under §1.1.3.), (ii) the Schools for Specialization and (iii) Advanced Specialization Courses.

1.1.2.1. Contents

The Advanced Specialization Courses and the Schools of Specialization are of particular importance since, as we have already seen (above, § 1.1.1.2.), during the four-year degree course only a general preparation is given. No specialized preparation is given as this would be both premature and misleading. The question of specialization arises after the degree because within the legal profession there is a growing tendency to specialize more and more in the single branches of Law.

This holds true not only for the legal profession, but also for the judiciary, the office of notary and the company jurist.

1.1.2.2. Course Structure

The Advanced Specialization Courses and the Schools of Specialization are governed by *DPR no. 162*, dated the 10th March 1982, and by the *Law no. 341*, dated the 19th November 1990. To attain admission to the Advanced Specialization Courses and to the Schools of Specialization one must hold a Degree Certificate. The Advanced Specialization Courses have a duration of one year, and an Advanced Specialization Diploma is awarded to students on passing the final exam. During the academic year 1993-1994 twenty-four such Courses were held in eleven Universities¹⁹.

The Schools of Specialization organize Courses of two to three years, and award students who pass the final exam with a Specialization Diploma. There are forty-five Schools of Specialization in seventeen universities. Courses were held by thirty-seven schools during the academic year 1993-1994.

1.1.2.3. The Impact of the European Programmes

The European Programmes have had a different impact on the Advanced Specialization Courses and on the Schools of Specialization respectively.

Given that the Advanced Specialization Courses have a duration of one year only, it was not possible to use the ERASMUS Programme regarding student mobility. However, use was made of both the mobility schemes for teaching staff, by organizing courses of lessons for teaching staff from other European Universities, and of the Intensive Courses, which were incorporated as part of the annual course and offered to European students and teaching staff.

The Jean Monnet Action has had a significant impact on the Advanced Specialization Courses, given that the permanent courses and European modules are well suited to the structure of the Advanced Specialization Courses, regarding European issues in the areas of Law, Economics, History and Politics.

The Schools of Specialization extensively used the ERASMUS Programme regarding the Intensive Programmes and students' and teachers' mobility. The Jean Monnet Action was also widely used not only regarding the permanent courses and the modules, but also in respect of the European Chairs instigated by it.

¹⁹ The Courses held covered numerous disciplinary areas, which can be summarized as follows: the Law of the European Community, Company Law, Criminology, Tribunal Law, Human Rights Law, Legal Information Systems, Administration, International Business Law.

1.1.3. PH.D. STUDIES²⁰

1.1.3.1. Contents

The Ph.D. Degree in Research is purely scientifically and academically oriented. To be admitted to this Doctorate Course one must have attained a Degree Certificate.

1.1.3.2. Course Structure

The Ph.D. Degree in Research has been established and is regulated by *Decree no. 382*, dated 1980, of the President of the Republic.

The Ph.D. Course is organized by two or more Universities which normally offer two to four places. The places are assigned based on an admission exam which the candidates sit at the University offering the Ph.D. Course. The Ph.D. Course can last from three to four years.

The Ph.D. student receives a scholarship grant for the duration of the Ph.D. Degree, and must attend courses, seminars and lessons, which deal with research methodology and with the specific subjects of the Ph.D. Course. In addition, the student must prepare a Doctoral thesis.

The Ph.D. Course ends with an exam before a national commission, which consists of a discussion of the Doctoral thesis.

1.1.3.3. The Impact of the Community Programmes

The ERASMUS Programme has been widely used, in respect of the fact that the Doctorate course provides for and encourages the realization of study periods abroad. It should be noted that the Doctoral student, besides receiving the ERASMUS grant and the Doctorate grant, also benefits from an extra 50% of the Doctorate grant during the mobility period.

1.2. PROFESSIONAL TRAINING

1.2.1. LAWYERS AND LEGAL PROCURATORS

1.2.1.1. Initial Training

In Italy, the Forensic Profession is formally divided between the persons of the Lawyer and the Legal Procurator, on the basis of the separate functions which they are authorized to fulfill: the Lawyer operates in the capacity of defence and client assistance, while the Legal Procurator fulfills the role of legal representation in court. This historical division has been gradually weakened over time, and currently Lawyers are authorized to fulfill both the functions of defence and representation, just as the Legal Procurators can also fulfill the role of defence.

For registration as a Legal Procurator, one must hold a Law Degree, have completed a two-year period of legal practice, and have passed the Law Society exams.

Therefore, no training exists after the attainment of the Degree Certificate, neither in the initiatives taken by the Universities nor in those taken by the Professional Bodies.

1.2.1.2. Continuous Training

The requirement of continual updating of the legal Profession is fully recognized. Despite this, neither the Universities nor the Associations of Lawyers and Legal Prosecutors have assumed the task of filling this gap in a concrete manner. Some universities organize seminars and conferences, and some associations organize short rounds of conferences, but these initiatives tend to be sporadic and restricted to once-off cases.

1.2.2. JUDGES

1.2.2.1. Initial Training

In Italy, admission to the Judiciary is based on a competition open to law graduates. Aside from a few exceptions, universities do not hold preparatory courses for this exam.

Those who have won the competition are designated as judicial assistants (*uditori giudiziari*), and must follow a period of apprenticeship of at least fifteen months in the legal offices of a city which is the seat of a Court of Appeal²⁰. Practical and theoretical training is provided for during the period of apprenticeship, which is designed to provide the judicial assistants with the tools of knowledge needed for carrying out the functions that will be required of them at the end of the apprenticeship period.

The current system of recruitment of judges is deemed to be insufficient to guarantee the adequate preparation of new judges. Therefore, proposals aimed at modifying the current system in a more or less radical manner have transpired, on the basis of models existing in other European States. The Higher Council of the Judiciary recently drew up a project with the objective of instituting a School of Judiciary Training.

Such a School could essentially carry out three functions : the first relates to post-university training of judges, the second to the professional training or apprenticeship of the judicial assistants, and the third to the permanent training of practicing judges²¹. The Higher Council of the Judiciary, in its report to the Parliament on the State of Legal Affairs for the year 1994, deemed it to be opportune to limit the School's activities to the second and third functions, postponing to a later period the activation of the function relating to the post-university training and the recruitment of judges²².

1.2.2.2. Continuous Training

In anticipation of the materialization of a School of Judiciary Training, the requirement of guaranteeing an adequate updating of practicing judges has begun to be fulfilled with the inauguration on the 11th of April 1994 of "Permanent Structures for the Professional Training of Judges".

The initiative, born of a convention between the Ministry of Justice and the Higher Council of the Judiciary, is for the moment limited to the continuous training of practicing judges, but may extend in the future to the two functions (post-university and professional) mentioned above in reference to the School.

For 1994 the organization of fifty training seminars is foreseen with the participation of one hundred judges at each session.

²⁰ The required areas to be covered in the apprenticeship of the legal hearers are contained in the President of the Republic's Decree no. 116, of 1988.

²¹ G. La Green, Appointment and training of magistrates. Legal Training School, in the Law Documents, 1994, pp. 261-269.

²² Higher Council of the Judiciary, Annual Report on the State of Legal Affairs for the year 1994. Recruitment and professional training of judges; the proposal for the establishment of a Judiciary School was already put forward in the Annual Report on the State of Legal Affairs for the year 1991.

1.2.3. OTHER PROFESSIONS

1.2.3.1. Notaries

Admission to the Office of Notary is attained via a competition which is organized on a national level for the number of places available under the National Plan. The requirements for admission to the competition are a Law Degree and two years' apprenticeship practice in a notary's office.

Post-university training is guaranteed by the Notaryship Schools organized by the Notary Councils and by the National Council of Notaryship. Attendance at the courses organized by these schools is not obligatory, but it is established practice that the aspiring notaries attend such courses.

Regarding continuous training, the Notaryship Schools organize updating courses and seminars, which practicing notaries are free to attend voluntarily.

1.2.3.2. Law Clerks

The Clerk is a member of the Judicial Orders, and is responsible for administration and certification. Admission to the role of Clerk is attained via a competition for exams which is restricted to law graduates. Neither post-university training courses nor continuous training courses are provided for.

1.2.3.3. State Lawyers

The profession of State Lawyers has the institutional and exclusive function of representing and defending all State administration in civil, criminal and administrative trial procedures, as well as before international jurisdictions.

State Lawyers can fulfill the functions of either Lawyers or Procurators. State Procurators are appointed through a competition open to judicial assistants, legal procurators, and law graduates who meet the requirements for participation in the Exam of Competence as Legal Procurators. State Lawyers are appointed via a competition restricted to State Procurators and magistrates who have been practicing for at least three years, to registered lawyers, and to university professors of law. Up to a third of the available places are reserved for State Procurators who have been practicing for at least eight years and who are considered worthy of the position.

No initial post-university training nor continuous training is provided for.

1.2.4. COMPANY LAWYERS

In Italy the professional figure of the Company Lawyer is not regulated by a formal discipline. Therefore, no particular admission procedures or requirements are stipulated for the practice of this profession which is taking on an increasingly important role within enterprises which, independently of their size, require constant legal advice.

It will be recalled that many Law Faculties provide for degree courses for Company Lawyers. Moreover, there are many Advanced Specialization Courses and Schools of Specialization dedicated to the training of Company Lawyers. Some non-university initiatives also provide for the organisation of Master's Courses for Company Lawyers.

Therefore, the Company Lawyer, an undisciplined professional figure, is provided with an initial university and post-university training superior to other regulated professional figures.

1.2.5. PUBLIC FUNCTIONS

Admission to the highest levels of public administration is attained via a competition. This competition is not limited to law graduates, the only requirement being the possession of a Degree Certificate.

In 1957 the Higher School of Public Administration was established for the training and updating of civil servants. Subsequently, the function of recruitment and training of Civil Servants and State Executives was introduced to the School. This second function has recently been extended by Decree no. 29 dated the 3rd of February, 1993, which entrusts the School with the task of providing for the recruitment of at least 30% of public administration management personnel via courses/competitions, which envisage two years of post-university training and a period of six months' apprenticeship in public administration.

Graduates up to thirty-five years of age can take part in the course/competition after passing an admission exam. During the course and the apprenticeship period the participants will receive a scholarship grant.

2. NEW TRAINING NEEDS

2.1. INSUFFICIENCIES AND NOTICEABLE GAPS

2.1.1. FROM THE POINT OF VIEW OF THE EVOLUTION OF THE LAW

The evolution of the law cannot be seen, at least in our opinion, independently of the evolution of society. Our post-industrial society is in a state of constant and complete change, for example as a result of new technologies, which are completely changing our work and private lives.

The effects of this evolution are widely felt by the Law, which strives to adapt itself to the new requirements of a rapidly transforming society. We need to ask ourselves whether our Law Faculties are capable of equipping their own students with the necessary tools and knowledge which they require in order to be able to enter, in a competent manner, into a professional reality which is changing rapidly on a world scale.

It seems that "novelty" is accepted with difficulty into our Law Faculties, and that these Faculties' traditional course modules are not adequately supported by the specialized instruction needed to revise the world of knowledge.

The inclusion of economic and social studies within Law Studies curricula do not yet seem to be sufficiently widespread on a national level. These problems do not relate only to initial university training, but are also to be found in post-university training, recruitment, apprenticeship and continuous training.

2.1.2. FROM THE POINT OF VIEW OF THE DEVELOPMENT OF THE EUROPEAN UNION

The European integration process presents new challenges to the study of Law in Italy. In the first place, the curricula of the Law Faculties must accommodate subjects such as European Law and Comparative Law. Secondly, the European dimension of curricula should be given wider coverage in the courses dealing with new regulations which are being adopted in every disciplinary area on a European level.

The Maastricht Treaty and the realization of the Internal Market provided for by *Art. 8a* of the Single Act brought remarkable changes to the four fundamental liberties (of persons, goods, services and capital), so much so that it is necessary to redesign many aspects of the various disciplinary areas.

In this case, too, we should not limit ourselves to values relative only to the initial university training, but should also consider how novelty presents itself in the development of the legal professions. Therefore, post-university training, recruitment, professional training and continuous training should take account of European issues which are the concern of the practicing jurist, who, being at one in the same time both an Italian and a European citizen, should be capable of being both an Italian and a European jurist.

2.2. PROSPECTS

2.2.1. FROM THE POINT OF VIEW OF THE EVOLUTION OF THE LAW

In this crucial moment regarding the need for change in the methods and contents of disciplines, the Italian Faculty of Law has the possibility of introducing necessary changes, using the new didactic structure of the Law course.

For example, steps are being taken to meet the principle requirement of a grasp of more than merely national issues, with the introduction of compulsory Comparative and European subjects. However, two or three new compulsory subjects should not be considered exhaustive in facing the new requirements, which should be met with a broad lateral response across the curricula offered by the individual faculties. A more flexible framework could be incorporated into study courses by singling out wider discipline areas designed to replace separate and restricted studies.

We have already seen how the ERASMUS Programme and the Jean Monnet Action have promoted the introduction of new didactic methodologies, new tools of evaluation, and new divisions of the academic year. Indeed, didactic models, intensive courses, and a semestral and four-monthly credit system may facilitate the adaptation of Italian Faculties to national and European exigencies.

2.2.2. FROM THE POINT OF VIEW OF THE DEVELOPMENT OF THE EUROPEAN UNION

There is a strong connection with the preceding point regarding the fact that the European integration process merely exacerbates the demands made by "novelty" which are emerging with the evolution of contemporary society. However, actions taken at the European level such as those proposed by the new Socrates Programme will obviously be of great assistance.

The Law Faculties will be able to benefit significantly from the incentive of the universities' European dimension and from the creation of disciplinary networks at a European level. The prospective creation of new European curricula, interlinking of university courses and student and teaching staff mobility incentives will certainly be of great help in facing the new reality of an open and interdependent society.

2.2.3. FROM THE POINT OF VIEW OF THE EVOLUTION OF THE PROFESSIONS

We have seen how the situation is developing regarding the professions. The Judiciary has started to respond effectively by undertaking the activation of permanent training for practicing judges. The School, which may enable the problems of the apprenticeship and professional training of new judges to be faced concretely and satisfactorily, is also in an advanced phase.

The solution to the problems of post-university training and the recruitment of judges will probably have to be found outside of the School.

The structures brought into being and activated will equip the Judiciary with the necessary means for adequately responding to the duties and functions which our society asks of it.

Taking a well-known example, one calls to mind the extent to which "novelty" was needed in the strategies used by the judges responsible for *Mani Pulite*. Totally new aspects and disciplines were involved, as were new methodologies and uses of sophisticated technologies.

For some time, the notary profession has positively answered the problem of post-university training and continuous training. In this case too, the existence of active structures may help in adapting to society's new demands.

The problem which is furthest from an appropriate solution is that of the Lawyer's profession. In this case the problems of post-university training, professional training and continuous training are still far from a satisfactory solution.

2.3. OVERCOMING LEGAL "NATIONAL PROVINCIALISM"

2.3.1. WHY?

As is evident from our report, legal "national provincialism" has become anachronistic and obsolete in our society. The requisite familiarity with the national legal system is no longer sufficient for the preparation of professional legal personnel, considering the legal and economic interconnectedness of our contemporary society, independent of the European integration process.

2.3.2. HOW?

Some prospects concerning the overcoming of the national boundaries of initial professional and permanent training have already been outlined. Obviously, in order to arrive at an appropriate solution, it is necessary and opportune that all those involved in training be given the opportunity to exchange and compare ideas, methods and information.

This task is not exclusively restricted to Universities or professionals, nor should it be limited to the national or community levels. To overcome legal "national provincialism", a healthy dialogue needs to be established on a national and European level, in order to draft solutions which should then be brought down to and regulated at the individual immediate levels of reality.

3. MEASURES TO BE TAKEN IN ORDER TO FACE THESE NEW NEEDS

3.1. MEASURES TO BE TAKEN IN UNIVERSITIES

We have already outlined some prospects regarding initial training (see 2.2.1., 2.2.2. above). The new didactic structure of the Law Faculties is the principle tool for adapting initial training to the exigencies of our evolving society.

Familiarity with other legal systems through Comparative Law and knowledge of European Institutional and Material Law would be a big step forward. However, it is also necessary to introduce a broad European dimension laterally to all disciplines and training areas. Moreover, the extent of interdisciplinarity and familiarity with extra-legal concerns should be broadened.

The use of new didactic methodologies and of greater flexibility both in course definitions and in the structural organization of the academic year (regarding modules, semesters, intensive courses, the use of credit systems etc.) could have a significant and positive effect. The possibilities offered by the second generation of European mobility programmes should also be

widely exploited, not only with respect to student and teaching staff mobility but also regarding professional apprenticeship, new curricula, distance education, etc..

Concerning professional training and exam preparation for admission to the legal profession, the Law Faculties should better define the Advanced Specialization Courses and the Schools of Specialization, and should possibly create new didactic structures, in accordance with the professions (see § 3.3. below).

Permanent training is an inescapable necessity, in Law as in other areas. Up to now the Law Faculties, have not paid enough attention to this area. In this case also the Law Faculties should prepare new initiatives in collaboration with the professions.

3.2. MEASURES TO BE TAKEN BY THE PROFESSIONAL TRAINING BODIES

We have seen that, in the Italian training system, the professional training bodies have until now been granted only a very limited scope.

No organic structures exist in the Legal profession. The Judiciary set in motion a framework for continuous training a few weeks ago. On the other hand, the Notaryship has a proven tradition of post-university and continuous training. In the Civil Service, a School has been established which is set to have an important role in post-university and professional training.

We are therefore facing a dynamic situation that may lead to interesting developments, but which calls for extensive cooperation and collaboration on the part of all interested parties.

3.3. COMMON MEASURES TO BE TAKEN TO COVER THE NEW TRAINING REQUIREMENTS

To conclude our report, we wish to stress that the challenges posed by contemporary society to training personnel are so important and global that they require a joint effort from all training staff.

If initial training is to remain the exclusive task of Universities, and, in our case, of the Law Faculties, we do not consider it opportune that post-university-, professional-, and continuous training be the exclusive task of Universities or professionals.

We consider that Universities and professionals should mutually collate and help each other to in order to cooperate in the creation of the structures necessary to guarantee adequate training. On that account, exchanges of Teaching Staff, Judges, Notaries, Lawyers, Company Lawyers, and Civil Servants should be employed on a large scale in both the pilot- and fully operative phases.

The exercise we are engaged in with the Conference of Metz concerning the interaction of teaching staff, lawyers and judges on a national and European level seems to me to be a convincing example of the positive results that can be obtained in this way. The analogous proposals contained in the Socrates Project concerning the cooperation of university staff and professionals encourage us in this proposal.

We believe that innovative, modern and flexible cooperation at a local, national and European level between university staff and practicing legal personnel may guarantee an appropriate response to the exigencies of professional and continuous training which are emerging from contemporary society and from the European integration process.

1.THE EDUCATION AND PROFESSIONAL TRAINING OF LAWYERS	2
1.1. HIGHER EDUCATION	2
1.1.1. GENERAL STUDIES	2
1.1.1.1. Contents.	2
1.1.1.2. Course Structure.	2
1.1.1.3. The Impact of the European Programmes.	6
1.1.2. POST-GRADUATE STUDIES	8
1.1.2.1. Contents	9
1.1.2.2. Course Structure	9
1.1.2.3. The Impact of the European Programmes	9
1.1.3. PH.D. STUDIES	10
1.1.3.1. Contents	10
1.1.3.2. Course Structure	10
1.1.3.3. The Impact of the Community Programmes	10
1.2. PROFESSIONAL TRAINING	10
1.2.1. LAWYERS AND LEGAL PROCURATORS	10
1.2.1.1. Initial Training	10
1.2.1.2. Continuous Training	10
1.2.2. JUDGES	11
1.2.2.1. Initial Training	11
1.2.2.2. Continuous Training	11
1.2.3. OTHER PROFESSIONS	12
1.2.3.1. Notaries	12
1.2.3.2. Law Clerks	12
1.2.3.3. State Lawyers	12
1.2.4. COMPANY LAWYERS	12
1.2.5. PUBLIC FUNCTIONS	13
2. NEW TRAINING NEEDS	13
2.1. INSUFFICIENCIES AND NOTICEABLE GAPS	13
2.1.1. FROM THE POINT OF VIEW OF THE EVOLUTION OF THE LAW	13
2.1.2. FROM THE POINT OF VIEW OF THE DEVELOPMENT OF THE EUROPEAN UNION	13
2.2. PROSPECTS	14
2.2.1. FROM THE POINT OF VIEW OF THE EVOLUTION OF THE LAW	14
2.2.2. FROM THE POINT OF VIEW OF THE DEVELOPMENT OF THE EUROPEAN UNION	14
2.2.3. FROM THE POINT OF VIEW OF THE EVOLUTION OF THE PROFESSIONS	14

2.3.	OVERCOMING LEGAL "NATIONAL PROVINCIALISM"	15
2.3.1.	WHY?	15
2.3.2.	HOW?	15
3.	MEASURES TO BE TAKEN IN ORDER TO FACE THESE NEW NEEDS	15
3.1.	MEASURES TO BE TAKEN IN UNIVERSITIES	15
3.2.	MEASURES TO BE TAKEN BY THE PROFESSIONAL TRAINING BODIES	16
3.3.	COMMON MEASURES TO BE TAKEN TO COVER THE NEW TRAINING REQUIREMENTS	16

Note pratique

Remarques générales

Conformément aux instructions données par le comité d'organisation et le comité scientifique, les rapports nationaux ont été soumis en anglais ou en français, à la seule exception du rapport allemand (présenté en allemand).

Certains rapports ont nécessité un travail plus ou moins conséquent de remise en forme ou même de réécriture, en particulier (mais pas seulement) lorsque la langue maternelle du rapporteur n'était pas l'une ou l'autre de ces langues. Dans tous les cas, les propositions de modifications ont été soumises aux auteurs qui ont donc pu valider les changements suggérés.

Toutes les versions traduites ont également été soumises aux rapporteurs pour validation avant impression.

Options retenues pour la traduction

L'équipe des traducteurs a pris les options suivantes dans son travail et les a appliquées de façon systématique à tous les rapports nationaux (textes originaux et traduits), dans un souci de cohérence et de bonne compréhension

- le premier terme des expressions désignant une discipline porte une capitale lorsqu'un s'agit de renvoyer au nom d'un enseignement (cours, modul, unité de valeur, etc.)
- les termes donnés dans la langue originale du rapporteur sont écrits en italiques; il s'agit essentiellement de désignations de diplômes, titres, ou encore d'institutions et d'organismes propres au pays. Les italiques sont également employés pour les mots pleins ou en abrégé repris du latin.

En conséquence, un terme ou une expression pourra apparaître en italique même s'il s'agit, par exemple d'un mot français dans le rapport français ou belge.

Practical Note

General

Following the guidelines provided by the organising committee and the scientific committee, all national reports were submitted in English or French, with the sole exception of the German report (drafted in German).

Some reports required more or less extensive editorial work or even re-writing, especially – but not exclusively – when the rapporteur's mother tongue was neither of these two languages. In all cases, proposals for amendments were submitted to the corresponding authors who were thus given the opportunity to validate the suggestions for changes.

All translated versions were also submitted to rapporteurs for validation before printing.

Decisions made for the translation

The translation team made the following decisions for their work and then systematically applied them throughout the national reports (original and translated texts) for the sake of greater consistency and readability

- the first term of phrases referring to a specific discipline is capitalised whenever they identify a part of a curriculum (course, module, study unit, etc.)
- terms provided in the rapporteur's original language have been italicized. This holds true in particular for references to degrees and diplomas, or for the names of institutions and organisations proper to the country concerned. Full words or abbreviations in Latin have also been italicized.

Consequently, a term of expression can be italicised even if, for instance, it is an English word found in the English or Irish report.

Dans certains cas, les traducteurs proposent – entre parenthèses – une traduction du terme original. Cette traduction est mise entre guillemets simples lorsqu'il s'agit d'une approximation plus ou moins grossière.

- certains éléments de la terminologie employée dans les traductions peut paraître artificiel. Il ne pouvait pas en être autrement. On citera comme exemple l'emploi systématique du mot *advocate* pour traduire *avocat*, alors que ce terme n'est pas le plus courant dans la pratique anglaise ou irlandaise.
- la table des matières est en principe identique pour tous les rapports. Il peut se faire que certaines rubriques, jugées sans objet par les rapporteurs, n'ont pas donné lieu à un quelconque texte. La numérotation peut alors présenter des lacunes. Certains rapporteurs ont ajouté des explications et des rubriques, généralement en introduction. Ces paragraphes ont été numérotés logiquement, en respectant la structure de base et en usant du Ø... lorsque cela était nécessaire. D'autres rapporteurs se sont éloignés du plan-type qui leur avait été proposé. L'équipe de traduction a pris la liberté de chercher à rapprocher les plans proposés du plan type en question.

In certain cases, the translators suggested – in parentheses – a translation of the original term. This suggestion is in single quotation marks when it is only a tentative approximation.

- some elements of the terminology used in translated texts may appear as artificial. But it could hardly be otherwise. A typical example is using the word *advocate* to translate the French *avocat*, even though this term is not so common in English or Irish practice.
- the table of contents is supposed to be identical for all reports. But it can happen that some items were deemed not applicable by rapporteurs and that there is no corresponding text. Consequently, there can be some gaps in the numbering sequence.

Certain rapporteurs provided some additional information and inserted new items, in most cases in the introduction. These paragraphs have been numbered in logical order, following the basic structure and using Ø... when necessary. Some other rapporteurs departed from the suggested outline, in which case the translation team took the liberty of making the proposed structures conform to this reference structure as closely as possible.

