

A BRIEF LOOK TO THE LEGAL EDUCATION IN DENMARK

Rařit UYSAL*

* LL.M., Faculty of Law, University of Copenhagen.

In Denmark there are four Universities offering Law as education, among which the Faculty of Law at the University of Copenhagen is the largest with more than 4.000 students. It is the oldest law faculty in Denmark, as it was opened in 1479. According to the 2010 Academic Ranking of World Universities (arwu.org) the University of Copenhagen has furthermore occupied a ranking in the top 10 among European universities.

THE STUDY PROGRAMMES

The law school consists of two study programmes: Bachelor of Law and Master of Law.

The bachelor degree (LL.B) takes three years (six semesters) to complete and corresponds to 180 ECTS points. The bachelor programme mainly consists of mandatory courses, in which the main subjects are Public Law and Private Law, including EU Law. At the end of each semester the exams are taken to pass the courses. In the last semester of the programme the students are also required to compose a bachelor project. As a comparison it can be mentioned that the Danish bachelor degree is considered equivalent to the British bachelor degree.

Finally, after the completion of the bachelor degree, there is the master degree (LL.M) which takes two years (four semesters) to complete and corresponds to 120 ECTS points. In this part of the education there are only two mandatory courses, titled Procedural Law and Tax Law. Contrary to the courses in the bachelor programme, each course corresponds to 10 ECTS points which means students must take three courses per semester (exclusive of fourth semester—see below) to complete the master programme within two years (if one wishes to do so). Similar to the bachelor programme there are exams at the end of each semester. The aspect in which the master programme most differs from the bachelor is the fourth (and last) semester, when the students are obligated to compose the final master thesis only. This thesis has to correspond to 30 ECTS points since the master programme “only” contains nine different courses.

LEGAL PRACTICE

After graduation from law school, typically, one either works as a jurist (also known as a “law school-graduand” in Denmark), or becomes an attorney, prosecutor or judge. In the following section I will briefly state the procedure for becoming an Attorney at Law as it corresponds to my own educational background.

In Denmark to become an Attorney at Law, one has to work as an “assistant attorney at law” for three years in a law office. Assistants usually have their own cases to attend to and are entitled to appear before the District Courts and

the Maritime and Commercial Court. The important thing to notice is that the assistant always acts on behalf of a principal (an Attorney at Law). During this period the assistants are required to participate in various legal courses concerning the position as an Attorney at Law. These courses are offered by The Danish Bar and Law Society (Advokatsamfundet). Moreover, the assistants have to pass the bar exam at the end in order to acquire the Danish title “Advokat” (Attorney at Law).

THE JUDICIAL SYSTEM

The Danish court system consists of judicial powers with thereto administrative functions attached. Among the administrative functions belong inter alia, probate matters, bankruptcy, bailiff's court, and general administration. Therefore, there are no separate independent courts for these matters, as they belong to the ordinary judicial powers.

The courts of Denmark are composed of the Supreme Court (Højesteret), the two high courts (Østre- og Vestre Landsret), the Maritime and Commercial Court (Sø- og Handelsretten), the Land Registration Court (Tinglysningsretten), and 24 district courts (Byretterne).

District courts (first tier) hear civil, criminal, enforcement, probate, and bankruptcy cases. Within the jurisdiction of these courts are also notarial acts. Some district courts will continue to handle registration in certain jurisdictional districts until such registration is taken over by the Land Registration Court. The bottom line is that as a main rule, all cases start in the district court.

The two high courts (the High Court of Western Denmark and the High Court of Eastern Denmark) –second tier– try appeals from the district courts. However, a civil case may be referred to a high court under certain conditions, for instance in cases where expert knowledge on intellectual property law is needed.

As the name of the Maritime and Commercial Court says, this court hears cases concerning maritime and commercial matters from all over the country. Among the matters are cases on the subject of the Danish Trade Marks Act, the Design Act, the Marketing Practices Act, the Competition Act, cases concerning international trade conditions, and other commercial matters. Cases concerning EU-trademarks and EU-designs must start and be tried in the Maritime and Commercial Court, whereas cases relating to the above mentioned acts, by request, may be referred to the Maritime and Commercial Court.

The final court of appeal (third tier) in Denmark is the Supreme Court. Similar to the Maritime and Commercial Court, the Supreme Court is situated in Copenhagen. The court reviews judgments in both civil and criminal cases delivered by the two high courts and the Maritime and Commercial Court. In

criminal cases, it shall be noted that the Supreme Court does not review the question of guilt or innocence. Furthermore, it is important to point out that only in exceptional cases is there a right of appeal to the Supreme Court. This means that the court only hears cases where it is obvious that a judgment is needed to clarify an ongoing uncertainty concerning rules of law.

Lastly, it shall be mentioned that Denmark, contrary to Turkey and other countries, does not have any constitutional court since such subjects are handed by the Supreme Court.

