

# The Evolution of Legal Education in Spain

Soledad Atienza

Since the 1960s, Spanish law schools have educated lawyers who have assisted in the opening of the national economy and helped develop successful international law firms in Spain based on the Anglo-American model. Yet until recently, little of the dynamism reflected in the Spanish economy and, more directly, in the legal profession, was evident in law school methods or curriculum. This article presents a view of the Spanish legal profession and its relationship to the legal educational system. It begins with an overview of changes in the Spanish legal market over the past few decades. Then it explains the state of law schools in Spain, which for the most part have not kept pace with this changing market. A notable exception is described, as well as the recent adoption of the “Bologna process,” which has the potential to encourage change in Spanish law schools. The article then presents short testimonials from Spanish law graduates from five different decades as to the role their legal education played in their respective professional successes.

## I. The Spanish Legal Market

With a population of over 40,000,000,<sup>1</sup> Spain ranks fifth in the European Union in the number of lawyers,<sup>2</sup> with one lawyer for every 366 inhabitants, or about 120,000 lawyers.<sup>3</sup> Madrid has the largest number of lawyers per capita, approximately one for every 200 inhabitants. In the last ten years the number of lawyers in Spain has increased 24 percent,<sup>4</sup> and the population has increased 13.4 percent.<sup>5</sup>

**Soledad Atienza** is a Law Professor and is the Director of the LLB at IE Law School-IE University. The author wishes to thank Miquel Roca, José María Segovia, Javier Villasante, Marta Pérez-Urruti and Elena Marcelo for their great contribution to this paper.

1. Censuses 2001, Demographic Structure of the Population, *available at* [http://www.ine.es/en/prodyser/pubweb/folletocenso01/pags7-27\\_en.pdf](http://www.ine.es/en/prodyser/pubweb/folletocenso01/pags7-27_en.pdf).
2. Consejo General de la Abogacía Española, La Abogacía Española en datos y cifras 2008 30 (2008), *available at* [www.cgae.es/portalcgae/archivos/ficuros/1225374383601.pdf](http://www.cgae.es/portalcgae/archivos/ficuros/1225374383601.pdf) [hereinafter Consejo General 2008].
3. *Id.* at 31.
4. *Id.* at 33.
5. *Id.* at 46.

Every year, 13,000 students graduate from law school in Spain; of those graduates, about 37 percent end up practicing in the private sector in one of the 91,000 law firms in Spain.<sup>6</sup>

The Spanish legal market is not only large, but also sophisticated and international. Some 30 percent of the European firms with over 400 lawyers are Spanish firms. The two largest European firms (Garrigues and Cuatrecasas Gonçalves Pereira), each of which has over 1,000 lawyers, are Spanish. Moreover, most international law firms have a presence in Spain (Baker & McKenzie since 1965, and others which have arrived more recently, such as Herbert Smith). The Iberian legal market (comprised of Spain and Portugal) is increasing its worldwide reputation and growing closer together; one of Spain's largest firms, Cuatrecasas, has changed its name to Cuatrecasas Gonçalves Pereira, after merging with the Portuguese firm in 2003.<sup>7</sup>

Spanish law firms have an excellent international reputation. As reported in the *New York Times*, Bloomberg ranked Uría Menéndez among the top ten law firms in the world.<sup>8</sup> A survey of law firms in the *Financial Times* ranked the firm as one of the top ten for innovation, client services, human resources, and corporate responsibility practices.<sup>9</sup>

One reason for the internationalization of Spanish law firms is that large Spanish companies (Telefonica, Banco Santander, Repsol, and Ferrovial, among many others) have significant interests in Latin America. Spanish law firms have followed their clients to Latin America and at the same time, they are looking for new business opportunities in countries such as Brazil.

The case of Uría Menéndez exemplifies how the Spanish legal market is relevant, but also indicates its connections to Latin America.<sup>10</sup> The Spanish economic boom which began in the early 1990s made the country an attractive business and legal market, thus attracting many international law firms. It also encouraged domestic firms to expand by merging with other firms. The legal market in Spain has been growing by almost 20 percent per year,<sup>11</sup> and international law firms have seen Spain as an important market as well as a bridge to Latin America.<sup>12</sup> U.S. law firms only open in new locations when they are convinced that the legal work will be very profitable. The fact that many

6. *Id.* at 98.

7. Marisa Mendez, Professor, IE Law School, Presentation at the Global Legal Management Project: The Legal Market in Spain, Mar. 19 2010.

8. Ellen Rosen, How Deal-Making Lawyers Keep Score, *N.Y. Times*, Oct. 19, 2007, at C8.

9. FT Law 50 Rankings, July 6, 2007, available at <http://www.ft.com/intl/cms/5d6dc8c8-28b1-11dc-af78-000b5df0621.pdf>.

10. Harvard Business School, Uría Menéndez (A) 6-7 (2008).

11. *Id.* at 7.

12. *See id.*

international firms, including U.S. firms, have opened offices in Madrid over the past ten years suggests that the market for legal services there is growing and profitable.

Spanish firms have been greatly influenced by U.S. and U.K. law firms. For example, Rodrigo Uría, formerly the managing partner of the Uría Menéndez law firm, learned while working in New York to look for talent for his firm at a time when other law firms were not focused on doing so.<sup>13</sup> Three things made Uría's recruitment process different: He offered high salaries, looked for lawyers who were fluent in English, and recruited lawyers interested in both research and teaching.<sup>14</sup> Spanish law firms now commonly use these selection criteria that were innovative in the 1970s.

The following timeline<sup>15</sup> evidences the growth of the Spanish legal market over the last decade:

- 1999 SJ Berwin opens an office in Madrid;
- 2000 Simmons & Simmons, Linklaters, and Jones Day all open in Madrid; Cuatrecasas opens in New York
- 2001 Davis Polk & Wardwell opens in Madrid;
- 2002 Herrero Advocats is the first Spanish law firm to open in China (it will become part of Roca Junyent);
- 2003 Cuatrecasas merges with Gonçalves Pereira; Hammonds enters the Spanish market by buying Nauta Dutilh;
- 2004 Lowells opens in Madrid;
- 2005 Cuatrecasas Gonçalves Pereira opens in Lisbon, Shanghai and Casablanca; Bird & Bird opens in Spain;
- 2007 Gomez Acebo y Pombo and Cuatrecasas Gonçalves Pereira open in Lisbon; Fernando Pombo is elected president of the IBA; Latham & Watkins opens in Madrid and Barcelona;
- 2009 Herbert Smith opens in Madrid.

As the Spanish market has become more international, the country's top domestic firms have grown into large organizations.<sup>16</sup> Yet despite the success of

13. *Id.*

14. *Id.* at 12-13.

15. J.M. Lopez Agundez, et. al., Expansion Ranking de despachos en España, Expansion, July 6, 2010, available at <http://www.expansion.com/2011/06/21/juridico/1308613801.html>.

16. James Swift, The Pain in Spain, The Lawyer, Mar. 22, 2010, available at <http://www.thelawyer.com/the-pain-in-spain/1003878.article>.

the homegrown and international firms now operating in Spain, the worldwide economic recession has hit the country hard. (Spain's unemployment rate is now close to 20 percent.<sup>17</sup>) As a result, while the Spanish legal market is maturing, lawyers are suffering during the crisis.

The president of the Madrid Bar Association, Professor Antonio Hernández Gil, sees important changes in the practice of law in Spain in the last few years. Among them, he identifies greater practice specialization, firm mergers, increasing corporate demand for legal services, economic growth and internationalization of the market, and litigation dropping as the share of legal services.<sup>18</sup> Law firms in Spain have grown rapidly to adjust to the needs of the market, to compete with other firms, and to become a one-stop shop for their clients. He believes that law firm growth and specialization are both key elements to the changes in the legal profession. In the future, Hernández Gil<sup>19</sup> predicts an increase in practice focused on risk prevention along with conciliation and mediation. Yet, he is concerned about the quality disparity he perceives in arbitration between party representatives and arbitrators.

## II. Law Schools in Spain

While law schools prepare legal academics, civil servants in legal positions, and judges, Spanish law schools, which also, of course, train practicing lawyers, are not always aware of the legal market situation. For instance, transformations in the market for legal services have not produced structural changes in Spanish law schools. As firms started to grow rapidly, some Spanish law students were lured away to jobs even before graduating. To serve their clients and train recruits, some Spanish firms also invited professors to join them as consultants, partners, or of counsels and, when they couldn't find Spanish graduates, they recruited from law schools abroad (generally from the U.S. and U.K.).

Yet the gap has remained between the international nature of law firm practice in Spain and law school curriculum. Miquel Roca<sup>20</sup> correctly notes that globalization affects small firms as well as large, and that lawyers working for small firms also need to be prepared to work with foreign lawyers, access documents, and read legal doctrine from other countries as part of their standard skill-sets. Law schools should prepare students for this kind of practice.

17. Instituto Nacional de Estadística, Actualidad Jurídica Uria Mendez, *available at* [http://www.ine.es/jaxi/menu.do?type=pcaxis&path=/t22/e3o8\\_mnu&file=inebase&N=&L=o](http://www.ine.es/jaxi/menu.do?type=pcaxis&path=/t22/e3o8_mnu&file=inebase&N=&L=o).

18. Antonio Hernandez Gil, La abogacía del futuro, Tribuna Abierta, Actualidad Jurídica Uriá Menéndez, Vol. 23 7-19 (2009), *available at* <http://www.uria.com/documentos/publicaciones/2267/documento/articuloUM.pdf?id=3081>.

19. *Id.*

20. Miquel Roca, ¡Si, abogado! Lo que no aprendí en la Facultad 11 (2007).

Keeping in mind that law is an undergraduate degree in Spain and that, in addition to developing professionals, education performs the functions of introducing students to life experiences, some<sup>21</sup> recognize the deficits in the Spanish education system, one of them being that some law graduates lack communication, reasoning and legal argumentation skills. Law Schools in Spain tend to use the lecture methodology which is not the best one to train lawyers for the practice. IE Law School is an exception in this sense as I will elaborate below.

#### *A. IE Law School*

IE Law School in Madrid is a well known exception among Spanish law schools. It was founded by IE Business School and has more than seventeen different nationalities among its students; a third of its students are not Spanish. Courses are taught in English and in Spanish, including by visiting professors from many top law schools around the world, and IE has exchange agreements with schools such as Northwestern, University of Virginia, William & Mary, National University of Singapore, Hastings, Tilburg, and Fundação Getúlio Vargas (EAESP). As most of its professors are practicing lawyers and alumni who work at the best national and international law firms, IE Law School is closely connected to the practice of the law. The teaching methodology is also very different from other law schools in Spain, employing the case method used in business schools, based on problem-solving in hypothetical situations. IE has taught about 4,000 lawyers in its first thirty-five years of existence.<sup>22</sup>

#### *B. The Bologna Process*

Adoption of the Bologna Process may encourage other Spanish law schools to pursue a more practical methodology that responds to the legal market. The Bologna Process was created to promote mobility of students, graduates and higher education staff, and prepare students for their future careers and

21. *Id.*

22. Other relevant Spanish law schools, based on the “El Mundo” ranking model (see Mastermania, Ranking de las Mejores Universidades de Derecho (2009), available at [www.mastermania.com/noticias\\_masters/ranking\\_de\\_law-mejores\\_universidades\\_derecho-org-1116](http://www.mastermania.com/noticias_masters/ranking_de_law-mejores_universidades_derecho-org-1116), are:

- ICADE, a Jesuit University in Madrid with high academic standards, a competitive admissions process and high number of students hired by law firms;
- Universidad Autónoma de Madrid, known for its research strong orientation;
- Universidad Carlos III, in Madrid, is the first university in Spain to adapt their programs to the Bologna Process;
- Universidad de Navarra, oriented to practice and a recruitment center for law firms in Spain;
- Universidad Complutense de Madrid, which has a very strong research focus; and
- ESADE Law School, in Barcelona, an independent, non-profit university, founded by a group of business people and the Society of Jesus. Their programs emphasize personal development and social responsibility. ESADE’s law programs are focused on training practicing lawyers.

as citizens in democratic societies. It created a European Higher Education Area (EHEA) based on international cooperation and academic exchange attractive to European students and staff as well as to those from other parts of the world.<sup>23</sup> The Bologna process is followed today by 47 countries, well beyond the 27 EU member countries, and all 47 are committed to the EHEA goals. The Bologna reforms are: (i) comparable degrees in three cycle structures (bachelor-master-doctorate), (ii) quality assurance and, (iii) fair recognition of foreign degrees.

Since employability is one of Bologna's priorities, law schools and universities will have to make important changes in their curricula and teaching methodologies for their graduates to navigate new rules regarding professional access and succeed in the globalized European job market.<sup>24</sup> Law 34/2006 from October 30 and Real Decreto 775/2011 from June 3, state the following requirements: (i) an undergraduate degree in law (ii) a Masters degree in law (iii) an internship and, (iv) passage of an exam.

### III. Five Spanish Lawyers from Five Generations<sup>25</sup>

In order to put the role of legal education and the Spanish law practice into perspective, this article briefly highlights five Spanish lawyers, spanning as many decades, and suggests the relationship of their education to their successes as lawyers. Each lawyer was asked about his or her legal education in terms of the effectiveness of teaching methodologies used. Other questions included whether he/she had a mentor as a student and/or as a young practitioner; and how each developed or acquired formal knowledge; practical skills; and legal ethics.<sup>26</sup> My aim was to clarify what they learned in law school and what they learned through practice and experience. Lastly, I asked each lawyer to evaluate the training younger and older lawyers received.

23. See the official Bologna Process website, available at <http://www.ond.vlaanderen.be/hogeronderwijs/bologna>.

24. LEY 34/2006, de 30 de octubre, sobre el acceso a las profesiones de Abogado y Procurador de los Tribunales (B.O.E. 2006, 18870) available at <http://www.boe.es/boe/dias/2006/10/31/pdfs/A37743-37747.pdf>.

25. I took my inspiration here from James Moliterno, *Legal Education, Experiential Education and Professional Responsibility*, 38 *Wm. & Mary L. Rev.* 71 (1996); Moliterno describes legal education in the U.S. based on the experience of five lawyers from different generations.

26. William M. Sullivan, Anne Colby, Judith W. Wegner, Lloyd Bond & Lee S. Shulman. *Educating Lawyers: Preparation for the Profession of Law 1-2* (Jossey-Bass 2007).

*A. The 60's: Miquel Roca<sup>27</sup>*

A practitioner since 1961, Miquel Roca is partner-president of Roca Junyent, a full-service Spanish firm with 242 professionals and offices in Barcelona, Madrid, Palma de Mallorca, Girona, Lleida and Shanghai. He also served as a member of Parliament in the Spanish Chamber of Deputies from 1977 to 1995, and has written extensively on the state of the legal profession at the dawn of the 21st century.<sup>28</sup> As with other successful lawyers of his generation, his professional career has encompassed both the public and private field.

Miquel Roca graduated in 1961 with the highest honors from the Universidad de Barcelona. He considers his undergraduate program to have provided him with structural knowledge of the law, which allowed him to understand the basics of the legal principles. The teaching methodology included lecture or master class, as well as seminars. During master classes, he recalls that his professors knew each one of the 60 to 100 students and had quite a close relationship to them. Seminars were more practice-oriented, more interactive, and, in his opinion, closer to the U.S. legal training methodology. Roca believes he acquired formal legal knowledge from this combination of more passive learning (master class) and more active learning (seminars).

At the beginning of his career, Miquel Roca worked as a trainee for a year, mostly in litigation. The lawyer who guided him that year, whom he considers a mentor, taught him practical skills. Roca believes that most young Spanish lawyers today do not get a good practice training, do not know how to connect concepts one to another, and lack the basic understanding of the structure of the law. He also considers young lawyers too individualistic, unprepared to work in teams, and in need of leadership training, which he considers a basic skill that every lawyer needs. He feels that the legal profession is about the generation of confidence and trust, rather than the exercise of a technique. Roca believes that the law school should be less conceptual and instead teach more professional skills. He summarizes it by saying that they should teach students legal analysis.

*B. The 70's: José María Segovia<sup>29</sup>*

José María Segovia is the senior partner of the Uría Menéndez law firm. He was previously the firm's co-managing partner. He joined Uría in 1980 and became a partner in 1988. Uría has evolved since the 1940s into a major law firm with sixteen offices in Europe, the U.S., Latin America and Asia, providing advice in all business-related practice areas.

27. Interview with Miquel Roca, Partner, Roca Junyent law firm, in Madrid, Spain (Sept. 22, 2010) (on file with the author).

28. See Roca Junyent Law Firm, <http://www.rocajunyent.com>.

29. Interview with José María Segovia, Partner, Uría Menéndez law firm, Madrid, Spain (Sept. 22, 2010).



Segovia admits that he could have studied more during his undergraduate years at the Universidad Complutense de Madrid (he graduated in 1977). On the one hand, the teaching was rigid and theoretical (the lecture method). Yet, since he joined the university at a very hot political time (the last years of Franco's dictatorship), few studied then. As a result, he considers his legal knowledge at the time of graduation to have been limited and believes that most of what he knows about the law, he learned practicing as a lawyer.

He followed his undergraduate study of law with a masters in tax law at ICADE (the Jesuit University in Madrid known for training in business and law) where for the first time, he studied with cases. It was his first exposure to a more active learning methodology and a big difference from what he was used to. He later earned a masters degree in comparative jurisprudence at NYU, where he had more exposure to the case method. He sees it as a method more oriented to training lawyers for practice, enabling students to see problems from different perspectives.

Segovia recalls he learned few practical skills in law school because the Spanish university was primarily concerned with training judges, government lawyers, or other civil servants. He claims he learned how to be a lawyer in his law firm via a method akin to training craftsmen in a guild. At Uría Menéndez, he created the legal ethics department; although he did not study the subject in his undergraduate or graduate courses, a case he had in practice that raised certain ethical questions sparked his interest in the field.

### *C. The 80s: Javier Villasante<sup>30</sup>*

Javier Villasante is a partner in the corporate group of the Cuatrecasas, Gonçalves Pereira law firm in Madrid. He previously managed the firm's New York office and has substantial experience in M&A transactions, corporate restructurings, joint-venture agreements and private-equity investments. He has played a significant role in developing the Cuatrecasas pro bono program and is a member of the firm's Committee for Social Action. Cuatrecasas, Gonçalves Pereira was founded by Emilio Cuatrecasas Buquet in 1917 and now has offices in twenty-three cities in Europe, America, Asia, and North Africa.

Villasante graduated from Universidad de Valencia, a big public university, in 1987. He remembers there were so many students that if you didn't get to class early, there was no place to sit. The content was very theoretical and the classes were conducted via the lecture method. In his third year, he started working as a volunteer trainee in a law firm in order to acquire the practical knowledge not available in law school.

Motivated by the fact that Spain had recently joined the E.U., Villasante did a program on E.U. law at the Universidad de Alcalá de Henares after graduating from Valencia. Moving to Brussels to do an LL.M. in E.U. law

30. Interview with Javier Villasante, Partner, Cuatrecasas, Gonçalves Pereira law firm, Madrid, Spain (Sept. 14, 2010).



at the Université Libre de Bruxelles, he also did a stint at the European Commission and worked in Brussels as a lawyer. The methodology at the ULB was again lecture, but more practice oriented. He feels the lecture method offers formal knowledge about the law, but it doesn't teach analysis and how to solve cases. Villasante discovered the Socratic Method when he did his LL.M. at Columbia Law School and found it helped him reason and solve legal problems. Villasante believes Spanish law schools are too devoted to memorization instead of teaching reasoning and problem solving. He feels that he learned about legal ethics by working in his law firm, which had its own values and norms to guide it and its members' conduct.

A number of mentorships have contributed to Villasante's education, including an internship with a small Valencia firm which allowed him to work very closely with the senior lawyers. It was the traditional apprenticeship, enabling him to learn by observing: He sat in the same office as the lawyer, attended all meetings, and even watched her talk on the phone.

He considers legal education in Spain to be better now than it was twenty years ago. Young lawyers are now more international, they have travelled more, and many of them have studied with the Erasmus program. They have profited from the economic growth of Spain in the last decades and from technological advances. He values the way young lawyers today usually have accounting and financial knowledge, which is something he did not receive in law school, and he feels continuing legal education programs for practicing attorneys in other countries is a positive development for Spain.

*D. Beginning of the 21st Century: Marta Pérez Urruti*<sup>31</sup>

Marta Pérez Urruti has a law degree from ICADE, where she graduated in 2003. Afterwards she studied to become a government lawyer for three years (a prestigious civil servant position in Spain, requiring various national exams). In 2007 she earned an LL.M. from the IE Law School in Madrid. She worked for two years in the Madrid office of a U.S. law firm, Latham & Watkins, and since 2009, she has worked in the legal department of Banco Santander.

The teaching methodology at ICADE during her time was largely through passive lectures. Professors explained topics to the students, which helped them to later study on their own at home. Thus, as she prepared herself to become a government lawyer, she realized she learned a lot of theory but knew little about the practice of law.

31. Interview with Marta Pérez Urruti, Alumnus, IE Law School, Madrid, Spain (Sept. 13, 2010).

Consequently, she decided to do an LL.M. at IE Law School and experienced a big change in teaching methodology there. The new approaches to legal education allowed her to solve cases by working with the case method, to participate with others in problem-solving, and to be proactive and creative.

With respect to mentoring, Pérez Urruti received assistance from others, learned how to help herself and learned from observing role models.

*E. Next Generation: Elena Marcelo*<sup>32</sup>

Elena Marcelo will graduate from the Universidad Autonoma de Madrid in 2012. She is studying following the Bologna Process. She has master classes, where professors lecture, and seminars that are more practice-oriented. The seminar topics (sometimes with the same professor as the master class) often require in-depth treatment and the development of special skills. Master classes typically have 200 students; seminars are limited to no more than 50 students. Since this is the first generation of students studying under the Bologna Process, they suffer from the fact that sometimes universities are not prepared to follow the curriculum as directed under that program. For example, some professors feel they do not have time to teach the complete “Bologna” syllabus and often use seminars in order to go through theoretical topics.

#### **IV. Conclusion**

Three of the five lawyers interviewed are recognized as top Spanish lawyers, and the other two will undoubtedly achieve that status in the future. Their excellence in the practice of the law is a result of training through different methodologies at different institutions as well as practical experience. My interviews illustrate common features as well as the evolution of legal education in Spain:

- The most common learning method in Spain is the lecture class. Most of the lawyers interviewed believe this is not the best method to train practitioners. By contrast, those who have studied with the case method agree that it develops legal reasoning and problem-solving skills.
- None formally learned legal ethics in law school (except one course at IE Law School), learning it instead in practice. Ethical issues are, for the moment, not relevant at most Spanish law schools; this is surprising considering that the Spanish legal ethics code is very strict. Most law schools consider ethics to be the responsibility of the bar association or the law firms where graduates find work.<sup>33</sup>

32. Interview with Elena Marcelo, Student, Universidad Autonoma de Madrid, Madrid, Spain (Sept. 24, 2010).

33. Roca, *supra* note 20, at 15.

- Having a mentor at the beginning of one's career is a key step in legal training. This has been mostly an informal rather than formal way of training, even though it has now become more formal in some firms (for example at Uría Menéndez).
- Each lawyer learned skills relevant for practice on the job.
- Most of the lawyers interviewed think Spanish legal education is better now than was years ago, and they admire other skills that young lawyers have, such as foreign language proficiency.
- Lawyers with different training and from different generations have pursued very different careers, including one who devotes his career both to the public and private service, another who has developed a successful career in a firm, another with an international career, and one who straddles both public and private practice.

These generational experiences indicate that most Spanish law schools are not sufficiently connected to legal practice. For most, it is not their main objective, even though students generally go to law school because they want to practice. IE Law School is an exception, where lawyers are trained for practice in a global setting and with a clinical methodology.

Because Spanish universities are currently adapting to the Bologna Process, this is a time of significant change. The prescribed curriculum and methodologies that are part of the Bologna Process do more to prepare students for practice. However, many professors will need training to do this well and law schools need the resources to effectively implement this relatively new approach. Nonetheless, Bologna and the new rules governing entry to the legal profession offer a welcome new opportunity to improve legal education in Spain.