

**Giornata Europea Delle Donne Avvocato, Roma, 16.-17.06.2006**

**European Women Lawyers Day**

**Women Lawyers in Europe – Germany**

**Comparing Past, Present and Future Experiences**

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## **I. History<sup>1</sup>**

In the beginning of the 20<sup>th</sup> century women were allowed to study law in Germany for the first time which was an achievement of the women's movement. But still women were denied to take the examination to become a fully qualified lawyer. When they finally were admitted to the examination a couple of years later, they had to face the next obstacle: practising a law profession was forbidden for them. Then in 1922 they were formally admitted to all law professions but they shouldn't become judges or state attorneys. It was said that women should rather practise as counsels because the women's nature of partiality and emotionality would rather be in line with this kind of work. The other reason to let women work as counsels was that the reputation of the counsel's profession was not too high in those days. Only the male counsels offered resistance towards this "liberalisation" because they feared new competition. However, in 1933 only 33 women lawyers were practising. Due to Nazi ideology women lawyers had to stop working. So the situation was in fact that no women lawyers were visible throughout the entire nazi era.

In the late 40's – after the end of the Nazi regime - an organization was founded to represent the German women lawyers as the predecessor of the "German Women Lawyers Association"<sup>2</sup> (Deutscher Juristinnen Bund). It stands in the tradition of the „German Women Lawyers Society“ ("Deutscher Juristinnenverein") founded already in 1914 which was forced to disband when Hitler assumed power in 1933<sup>3</sup>. The German Women Lawyers Association brings lawyers and economists together who are interested in networking among colleagues.

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<sup>1</sup> Concerning the history of women lawyers in Germany: Deutscher Juristinnenbund, Juristinnen in Deutschland – Band 1, 4. Aufl. 2003; Reisert, Der DAV und die Frauen-Fragen, Berliner Anwaltsblatt 2003, 382f

<sup>2</sup> See also [www.djb.de](http://www.djb.de).

<sup>3</sup> See also Deutscher Juristinnenbund, Juristinnen in Deutschland – Band 1, 4. Aufl. 2003

They practise as attorneys, court judges, public administration, politics and business. Its aim is to develop the law in all fields with the foremost goal to bring equality and equal opportunities for women. This association initiated also the foundation of the [European Women Lawyers Association](#)<sup>4</sup> in 2000 in co-operation with colleagues from Austria and the United Kingdom. The German Bar (Bundesrechtsanwaltskammer) by the way was established only in 1959 as a representation of all German counsels.

## **II. The Working Group of Women Lawyers (Arbeitsgemeinschaft Anwältinnen) within the German Bar Association (Deutscher Anwaltverein)**

### **1. Working environment for Women Lawyers**

The number of lawyers has increased enormously within the last 35 years. While in 1970 22.882 lawyers were admitted in Germany, in 2005 it was already 132.569<sup>5</sup>. In 1970 only 4,52 % were women. In 2005 the number of women lawyers increased by almost 30 % and the number is still rising. The rate of growth is around 8 % annually.

Today, more than half of the students who begin to study law in Germany are women and also those who continue with the professional internship after finishing the law studies. This internship of two years is a precondition to become a lawyer or a judge. So the number of new admitted women counsels has increased constantly to 40,44 % in 2003.

If you take a close look on the titles of specialization (Fachanwaltschaften) in the different fields of practise you will find a higher number of women lawyers in family law (2/3) than in “classical male areas” i. e. criminal law (260 women out of almost 1600 defense counsels). Besides in the higher courts of Germany women are hardly to be seen. At the Federal Court of Justice (Bundesgerichtshof<sup>6</sup>) only 4 women lawyers out of 31 may appear before the court and we are far away from the percentage of law students in the panels of the courts.

### **2. The Foundation**

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<sup>4</sup> Details at [www.ewla.org](http://www.ewla.org).

<sup>5</sup> Census of 2005 and development at [www.brak.de](http://www.brak.de).

<sup>6</sup> Details at [www.bundesgerichtshof.de](http://www.bundesgerichtshof.de). A brochure may be downloaded about the function and organization of the court at [http://www.bundesgerichtshof.de/docs/brochurebgh\\_2005.pdf](http://www.bundesgerichtshof.de/docs/brochurebgh_2005.pdf).

Previous to the foundation of the Working Group of Women Lawyers (ARGE Anwältinnen) in 2004 there was a movement within the German Bar Association to improve the situation of women lawyers. The German Bar Association<sup>7</sup> (Deutscher Anwaltverein) is the independent lobbying organization of the German lawyer profession, democratically legitimated by voluntary membership. The general object and task of the Association is the representation of the economic, political and professional interests of lawyers vis-à-vis society, politics, and the state. It represents German lawyers since 1871 and at the moment more than 64.000 lawyers are members of the German Bar Association.

Professor Hommerich, a sociologist who is specialised in marketing and management made a research named “The access to the legal profession”. One of the results was that women lawyers earned a lot less income than their male colleagues and that they are hardly represented within the institutional bodies. This result encouraged the former president of the German Bar Association (Deutscher Anwaltverein), Dr. Michael Streck, in order to improve this situation and to focus on the special concerns of women lawyers to create a research group of women lawyers within the Association. That was in January of 2003. Eleven months later the research group organized the “1. Learning Congress for Women Lawyers”. The expressive subtitle was “Career, Money and Competence”, due to the German language abbreviated KKK (Karriere, Kohle, Kompetenz). The response and the interest was overwhelming.

Due to this success they officially established in May 2004 a working group that deals specifically with the concerns of women lawyers, the Working Group of Women Lawyers (Arbeitsgemeinschaft Anwältinnen)<sup>8</sup>. The working group is directed by a board of seven women lawyers, of which I have the honour to be one. The general idea of a working group of the Association is the organization of seminars on different branches of law and connected topics. It is also a forum to exchange information and ideas.

### **3. Aims, Activities and Projects**

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<sup>7</sup> Details at [www.dav.de](http://www.dav.de)

<sup>8</sup> Details at [www.dav-anwaeltinnen.de](http://www.dav-anwaeltinnen.de)

The Working Group aims to support the economic and career interests of the women lawyers with a special focus on their families. “Family” is to be widely understood in this context as we experience all women in social and private responsibilities in their lives. Specifically the combination of work and family life is a difficult task. Having this in mind, the main objectives of the Working Group are:

- improvement of the professional qualification of women lawyers by special trainings
- improvement of the working conditions and the economical situations of the women lawyers
- development of measures to guarantee the compability of family life and career and to ensure in general a successful work-life-balance
- networking
- development of a mentoring program
- maintenance and expansion of public relations especially to policy decision-makers
- organization of conventions, meetings and discussions dealing with women lawyer’s objectives
- improvement of the image of women lawyers by means of marketing and public relations

Furthermore the Working Group has organized a net of local representatives. Presently there are representatives in 20 regions. These women lawyers hold up periodical local meetings and organize professional lectures for women lawyers.

The Working Group runs a very informative website and sends a newsletter every month to all members with up to date information about meetings, court decisions, achievements in favour of women lawyers and so on.

One of the major projects of the Working Group is the mentoring program for women lawyers. The project started 1 ½ years ago and the results are very positive and promising. The mentoring partnership is set out for a period of one year. The mentees are not only newcomers but often lawyers who continue to work after a break due to a child care period. Mostly the mentoring tandems work in the same local area and/or in the same field of law. One of the main issues is the work-life-balance. Basically practical ideas in the daily work and the acquisition of clients are important. The majority of the mentees understand the project as a chance to improve their career possibilities. Some of the tandems have changed

into a professional relationship after finishing the project. One of the aims is to achieve a wider participation of women lawyers in all political, economical and social processes of decision making. In the near future the goal is to offer Know-How and information about the profession as counsel to law students and interns.

Since its foundation the Working Group has hold three conventions. These conventions included topics like “Strong Women Lawyers in Business Law”, “The Successful Constitutional Appeal”, “Success by Public Relation and Marketing”, “Woman Lawyer as a Trademark” and “How to Achieve Higher Fees”. The forth convention will take place in the city of Münster in November this year. The title is “The Woman Lawyer as a Businesswoman”<sup>9</sup>.

Our last convention in May 2006 was dedicated to a very controversial subject. The question to be solved was how the time of child care shall be weighed and be reimbursed in the pension fund (Rechtsanwaltsversorgung). These funds are exclusively for all counsels admitted to the bar and mainly obligatory. Different rules apply within the fund pension organisations of the different regional bars, which complicates the discussion even further.

In Germany the majority of women lawyers interrupt their career for child care and education. This might take a period of a few months up to three years. They might as well choose to continue their work as a lawyer but they reduce their work due to child care and therefore earn less money. The problem is that in many cases the women lawyers do not receive an adequate pension referring to the period of child care. The political debate was erupted by an outstanding decision of the Constitutional Court<sup>10</sup> in favour of a woman lawyer. The Court decided that the obligation to contribute to a pension fund during the first three years of child care violates the principle of equal opportunities. The written decision reveals that this point is only one part of the whole subject and it is certain that more court decisions will be made in the near future<sup>11</sup>.

Thus the discussion how to regulate the contribution during the child care and the amount of pension afterwards is ongoing and a complete solution not in sight. The Working Group of Women Lawyers will contribute to the public discussion by publishing proposals how to

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<sup>9</sup> Details at [www.dav-anwaeltinnen.de/dav-veranstaltungen.htm](http://www.dav-anwaeltinnen.de/dav-veranstaltungen.htm)

<sup>10</sup> BVerfG, Decision of 05.04.2005 – 1 BvR 774/02, details at [www.bundesverfassungsgericht.de](http://www.bundesverfassungsgericht.de)

<sup>11</sup> Current discussion: Fuchsloch/Schuler-Harms, Kindererziehungszeiten in der berufsständischen Versorgung, Neue Juristische Wochenschrift (NJW) 2004, 3065; Kirchhoff/Kilger, Verfassungsrechtliche Verpflichtung der berufsständischen Versorgungswerke zur Berücksichtigung von Zeiten der Kindererziehung, NJW 2005, 101; Wallrabenstein, Kindererziehungszeiten in der Anwaltsversorgung, NJW 2005, 2428; Düsing, Altersversorgung von Anwältinnen: Zeiten der Kinderbetreuung, AnwBl 2006, 328

regulate the rules of the pension funds according to the Constitution and in favour of the woman lawyers.

The Working Group occupies itself also with other political subjects such as the provision of kindergarten places for children under 2 years of age. As long as there is a lack of those places many women lawyers are disadvantaged in their attempt to continue their professional career as they are the once generally taking care of their children. The Working Group is gathering information at this moment about the different forms of child care the parents need in order to develop an adequate proposal, for example in cooperation with child care institutions. By the way, the German Bar Association (Deutscher Anwaltverein) plans to install a kindergarten at the Berlin headquarter for their employees.

Another important issue is to encourage more woman lawyers into the professional bodies and committees. So far, they are absolutely not equally represented the higher the position in the institution is. Therefore the Working Group initiates campaigns and talks to the main decision-makers to gain assistance. The situation is improving slowly. For example the majority of the recently new elected members of the lawyer's pension fund in Berlin were women lawyers. It is also a lot easier to achieve success in the main cities of Germany than in the countryside.

The Working Group of Women Lawyers (Arbeitsgemeinschaft Anwältinnen) is a young association that has already achieved success. We experience a lot of assistance and interest. Therefore, we are full of expectation about the future development of the situation of the women lawyers.

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