

Nichole Sterling
nsterlin@umich.edu

I was a Dean Acheson Legal *Stagiaire* in the chambers of Judge Thomas von Danwitz, the German judge at the Court of Justice of the European Union in Luxembourg, from February 18-May 17, 2013. Broadly speaking, my work for Judge von Danwitz involved primarily background research and drafting internal memos about upcoming court cases for which Judge von Danwitz is the reporting judge. I also performed supporting research for Judge von Danwitz's professional commitments, interpreted common law, and regularly attended hearings at the Court of Justice.

My research and internal memos for Judge von Danwitz focused on data privacy and the European Union's Data Retention Directive. Judge von Danwitz is the reporting judge for the upcoming Digital Rights Ireland at the Court of Justice. Digital Rights Ireland and the similar Seitlinger case are both forthcoming fundamental rights challenges to the Data Retention Directive. The cases present new challenges for the Court of Justice in applying the Charter of Fundamental Rights to data privacy. Judge von Danwitz asked me at the beginning of my clerkship to research and explain to him how the United States courts and Congress have handled issues concerning data retention and access to private data. When I completed this assignment, I was asked to continue helping Judge von Danwitz and his *referendaires* as they prepared the preliminary report for the Digital Rights Ireland case. I drafted a technical glossary of the terms in the Data Retention Directive and an overview of the methods commonly used to circumvent the Directive that will likely be included as an annex to Judge von Danwitz's preliminary report when it is circulated to the other Court of Justice judges. Finally, I researched whether and how data retention could be outsourced under the Directive.

In addition, I completed background research for Judge von Danwitz comparing re-regulation of financial institutions in the European Union and the United States after the global financial crisis. This research was completed to support a speech that Judge von Danwitz is giving this year. However, it also led to me being involved in the discussions concerning the pending Landsbanki case at the Court of Justice for which Judge von Danwitz is the reporting judge. I attended the hearing for this case, researched the common law procedures for liquidating a financial institution, and also provided initial translation and interpretation support when the first draft of the Advocate General's conclusions in the case was delivered in Spanish.

Finally, because I was the only *stagiaire* or *referendaire* working in Judge von Danwitz's chambers who had common law legal training, I was consulted about common law interpretation in a number of cases, reading background documents on several Irish and British cases before the Court of Justice. I also regularly attended Court of Justice hearings and participated in weekly meetings in Judge von Danwitz's chambers where we discussed the preliminary reports the judges would be deliberating at each week's Reunion General.

The experience as a whole was fantastic. Judge von Danwitz's chambers included two administrative staff members, four *referendaires* (permanent law clerks), and two legal *stagiaires* (term law clerks). Judge von Danwitz is currently the President of the Fifth Chamber at the Court of Justice, so my experience in his chambers allowed me to see some of the

administrative aspects of the Court's work as well. Although French is the official language of the Court of Justice, German was typically used in Judge von Danwitz's chambers, as the Judge appreciated being able to discuss law, especially finer points of law, in his native language. Judge von Danwitz speaks excellent English, as do most of the judges at the Court of Justice. Judge von Danwitz is exacting and has high standards for those who work for him; he is also incredibly smart and truly values those who work for him. He routinely invited all members of chambers for coffee and cakes – from Oberweis, a wonderful bakery and chocolatier in Luxembourg – in his office. Judge von Danwitz ate lunch with his *referendaires* and *stagiaires* when his schedule allowed, and he was readily available to answer questions and discuss points of law. His permanent legal staff – the *referendaires* – were also amazing, accomplished attorneys. While I was there, one of his *referendaires* was appointed as a new judge at the German Federal Court (*Bundesgerichtshof*). While the *referendaires* were typically busy with heavy caseloads, they were always available to answer questions and explain court procedures – no matter how mundane my questions. Additionally, the Judge's administrative staff members were beyond generous with their time and support through my time in chambers.

For those considering applying for a Dean Acheson Legal *Stagiaire* position, I highly recommend the experience. I took European Legal Order as a student at the University of Michigan Law School with Professor Halberstam. I thoroughly enjoyed the course and felt that I learned a lot from the reading and in-class discussions, but it is so much more meaningful to see the Court of Justice in action. I came away with an understanding of the process necessary to reach the decisions that you study in law school. As the legal world becomes more and more global, I believe it becomes increasingly important to understand how the law is made and functions in other parts of the world. The European Union continues to grow as a coherent entity and regularly interacts with the United States. I leave this experience with a sense of how law and policy is determined in the European Union that I will take back with me to the United States, and I am certain this will be important in my future work as an attorney, whatever that may be.

Lastly, I would note that when you become a *stagiaire* at the Court of Justice, you become part of a group of *stagiaires* from all over Europe. The *stagiaires* have a standing lunch hour (12:30pm) everyday, a regular happy hour on Wednesdays, and often organized everything from parties to squash times at the gym to dinners to weekend travel together. Many of the *stagiaires* who are accepted for a short-term appointment at the Court of Justice are accomplished lawyers, trainee judges, public servants, and doctorate-level legal students in their home countries. There is a lot to learn from the daily interactions with this group at the Court of Justice. Also, because *stagiaires* cannot be appointed for more than six months, and judge's chambers are typically limited to having one *stagiaire* per chamber, the *stagiaires* make up a fluid group that is incredibly inclusive and welcoming to newcomers.