



Prof. Dr. Dr. Portrait of Juliane Kokott

"I didn't think about doing anything better; I just did it."

Prof. Dr. Dr. Juliane Kokott, Advocate General at the CJEU, on the ability to plan one's own life path, the particular pressure on expectations before submitting the Opinion and the challenges as a mother of six children.

Ms. Kokott, you have been Advocate General at the ECJ for almost 18 years now, longer than most Advocates General before you. What continues to fascinate you about your job?

That what you do is always new and so diverse; no routine creeps in. The cases that I deal with are always new and not comparable with each other. The legal problems from practice also irritate me. You can't even think of the legal questions I am confronted with in his researcher room. Life is just more interesting. In addition, the level at which I and my employees are allowed to work is very high. I find that fun. Of course, it is also great to work on a court whose case law has such an immense impact.

What is the typical day-to-day work of a Advocate General at the CJEU?

There is actually no typical day-to-day work. But that's exactly what I enjoy about my job. I never wanted a job that was always the same. My days at the court are very individual, depending on the occasion, depending on the he Court for oral
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You studied in Bonn and Geneva, completed your legal clerkship in Heidelberg, two doctoral degrees in Heidelberg and Harvard and an additional LL.M. acquired in Washington. You then habilitated. Would you say that such an extensive academic career is imperative for a later career?

You can look around at the Union courts: Not everyone is habilitated there. The doctoral degree is more widespread and I personally think it is very useful, but not absolutely necessary. Experience abroad and a certain affinity for languages should be had if you want to work internationally. However, if that is the personal goal, your own interests will inevitably lead you in this way anyway.

Speaking of the path: Does your personal professional career come about naturally at some point or do you think you have to actively shape it and choose the path you take?

Mmh (laughs), that's an interesting question. I think that's a type question. For me it was more likely that the career turned out to be so. But I was always lucky enough to do what I enjoy. For example, I read Kafka because I enjoyed it, expanding my interest in the German language, or reading original French literature because I enjoyed it, and so, as a logical consequence, improved my French.

I originally wanted to become a diplomat. But when I got my LL.M. in Washington, I suddenly no longer had this goal. I have realized that I do not want to constantly stand around on social occasions, but rather spend my time in the library in peace and writing. When it came to the question of habilitation, I asked myself: "When do you want to become a professor? Do you also want to be at the age of 45, heather gray, like so many others in front of the copier?" "No, I didn't want that. That's why I set myself the goal of finishing my habilitation in a maximum of five years. So if I think about it more closely, I've already planned a lot. And yet I was just very lucky.

But I can only advise everyone to write down their goals. I always set deadlines for seminar papers, doctoral theses, papers, etc. I also regularly asked myself where I would like to be in a year, three or ten years. So I knew what I want. That helps a lot in making decisions.

So you never had any difficulties in making decisions?

No, I actually didn't. When I was seven years old, my notebook that I got from my father said: iur. Juliane Kokott (laughs). But I didn't really think about whether I would rather do something; I just did it.

In numerous proceedings before the European Court of Justice, you have filed a position as advocate general, which forms an important basis for the decision of the judges. Which procedures do you particularly remember?

I don't think I can actually call it that. Each procedure is attractive in its own right and taken together are so diverse. The case of the closure of the Central European University in Budapest, for example, was very interesting recently for me as an international lawyer.

In a very abstract way I can say that I always find cases exciting when they have a certain scope and novelty and are of course also legally challenging; if the cases are not technically so "messy" then the perfect case is born for me. Overall, of course, it's difficult to generalize.

Although the judges do not have to follow advocate general advices, they do so in about eighty percent of the cases. Your legal assessments and arguments are therefore of considerable importance. How do you deal with that? Does this affect your work?

If the solution comes from the law, you don't have to break down so much under the decision-making burden (laughs). Actually, it is only difficult with the borderline cases: If the case has a large scope, you are already struggling a lot. You are looking for a decision that is in line with the spirit of the law and at the same time fair. I work to the best of my knowledge and belief. You discuss and talk a lot with others and think for a long time, but most of them can still be solved satisfactorily.

For example, I work according to the four-eyes principle: if we discuss a case internally, my employees must first say what you think about it and only then do I give my opinion on it. This prevents you from being biased.

From October 2006 to October 2007 you were First Advocate General. What additional responsibilities did this activity entail?

The main change was that I distributed the cases and had a lot more protocol obligations. Otherwise, nothing changes.

When you were elected to the ECJ in 2003, you were the third woman in the entire history of the European Court of Justice to work as Advocate General. Did awareness of this fact bring with it a certain expectation and

As for my role in appointing other women to the Union courts, it is difficult to do anything from my position, since the members are nominated by the governments. But on a small scale, of course, I am already trying to balance my positions as a speaker or something similar.

Currently, out of 11 advocates-general, nine are male and only two are female. The situation is similar for the judges: 21 judges are male, 5 judges are female. In your view, what are the reasons for this unequal distribution?

Traditional role models that change for the happiness and benefit of both sexes and above all for the benefit of the children; because children need both, fathers and mothers. Both genders must be given the freedom to decide what they want to do professionally and what they want to do privately or within families. But I see that we are on the right track in this regard. You make progress.

As far as the filling of judge positions at the ECJ is concerned, there is no reason in my view that men in particular hold these high positions, because women are of course just as good lawyers. In my generation women were just too obedient; For example, most of my legal clerks wanted to become judges to work part-time, look after the household and have children. However, I doubt that it is a good starting point for a steep career if you do not choose a profession for your own sake but rather because of secondary motives.

For women it is also simply more difficult because of the mother role. That is why it is important that the father supports the mother wherever he can.

What development have you observed regarding the relationship between men and women at the ECJ since your arrival at the ECJ?

It got better at the court, our first instance, but I don't find it so convincing at the court itself. But something is happening.

You are a member of the German Lawyers' Association, are involved in events for and by women, and in 2011 argued in the process about different insurance tariffs for men and women in favor of a unisex tariff. What does the topic of promoting women and gender equality mean to you?

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It is much easier with several children because they play with each other. That makes education a little easier. But I'm also lucky to have uncomplicated children. We also had a nanny who did a lot of childcare. And I have to admit, we handled the children's bedtime somewhat loosely, so they were still awake when I got home in the evening. So I could also spend time with them. And because there were so many, they went to bed more easily afterwards because they were so tired (*laughs*).

Of course, a cooperative husband is also part of it. Mine, for example, has always taken over the entire organization of nannies and delivery and collection services for the forest kindergarten. So I didn't have to worry about that. It is also important to know that you are not perfect and can never be. You have to set priorities.

And if both parents work a lot, two things are important for the upbringing to succeed: You need a common line and a lot of heart, because children need to know that you are there for them when it is important.

Have you made a conscious decision to have so many children? Have you always wanted such a big family?

Yes, definitely. When I was little we had neighbors with eight children. I always found that much funnier. My husband also liked a lot of children. I actually would have gotten more. But sometimes it takes time to convince the husband, especially when he has a lot of professional duties himself and as a mother I work outside for days, so I'm gone.

You spend a lot of time at work, even on business trips, and see your children comparatively little. Have you ever had a guilty conscience or have you been blamed for it?

A guilty conscience ... no, I can't say that. Of course, sometimes I'm sad when I don't see my children. Especially when you drive and look at your children so sadly, one of my daughters was particularly good at it. That was difficult, of course. But you can't have everything. You cannot be an advocate general and be present at every child event. So it is now painted.

How do you deal with that? And what do you advise younger colleagues to do?

It is important that one does not concentrate on making everyone else happy without one's own inner line, because one believes that any social expectations dictate this. You have to ask yourself what you want and then ... good thing. But it e pleasant, but

turns out well, it is the father's good genes, if it turns out badly, it is the mother's care mistakes" (*laughs*).

Do you have a tip for young lawyers interested in a career at the ECJ?

In any case, make one of the stops at the ECJ in the legal clerkship to see if that is for you at all. You can also do maternity / paternity representation for a while. Knowledge of French is a must and bi-national law courses are advantageous. It is important that you have self-confidence and do not let yourself be deterred as a woman. A certain assertiveness and the will to fight for something help, of course.

Which lawyer inspired you so much that you should be nominated as a role model for breaking.through? How so?

Prof. Dr. Gabriele Britz, judge at the BVerfG and Ruth Bader Ginsburg from the Supreme Court in the USA. For younger women, my speaker, Dr. Hanna Schröder, be interesting. She goes her own way and, with two small children, practices law at the highest level without making a fuss about it.

Thank you for the interview and the time you took for it!

June 22, 2020, Luxembourg. The interview was conducted by Alicia Pointner.

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