

Legal Education in Japan

2004 Reform: Its Pros and Cons

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I-1. Basic Information : Judicial System

Judicial System

- Independent from Cabinet/ Parliament
- Supreme Court (1); Court of Appeals (8), District Courts (53)
- Civil Code & Penal Code from Germany
- Judges work at various courts and climb up their *career ladders*. Prosecutors likewise.
- Attorneys may practice all over Japan once licensed, must belong to a local bar association & Japan Bar Association

Lawyers

- Enjoy prestigious status in society
- 2,800 judges (F 25%) / 2,000 prosecutors (F20%) / 37,000 attorneys (F20%) [2016]
- Most judges and prosecutors have no experience as attorneys
- Retired judges and prosecutors often work as attorneys after belonging to the bar associations

Quasi-lawyers: tax agents, patent agents, administrative scriveners, judicial scriveners, who work outside judicial system

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I-2. Basic Information: Universities

Generally

- National Universities (86), Municipal (roughly 70) & Private (roughly 600)
- Law Faculties: 93 nationwide and undergraduate: 45,000 enrolled/year
- "Law Faculties" have undergraduate programs (bureaucrats & lawyers)
- Graduate programs are also offered for academic education (masters and Ph.D.)

Law Professors

- Live in a different world from j/p/a.
- They are "academics" who devote their time to research & teaching
- Most law professors do not have working experience as practicing lawyers
- But law professors have leading roles in making and grading bar exams

Population: 126,000,000 (decreasing)
Under 15: 16,000,000 (12 %)

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II-1. Before the Reform of 2004

No university degree necessary
(Universities had no official role)

Qualifying Exam
for those without university degree

Old
Legal
Exam

- (1) Multiple choice
(2) Essay exams
(3) Oral exam

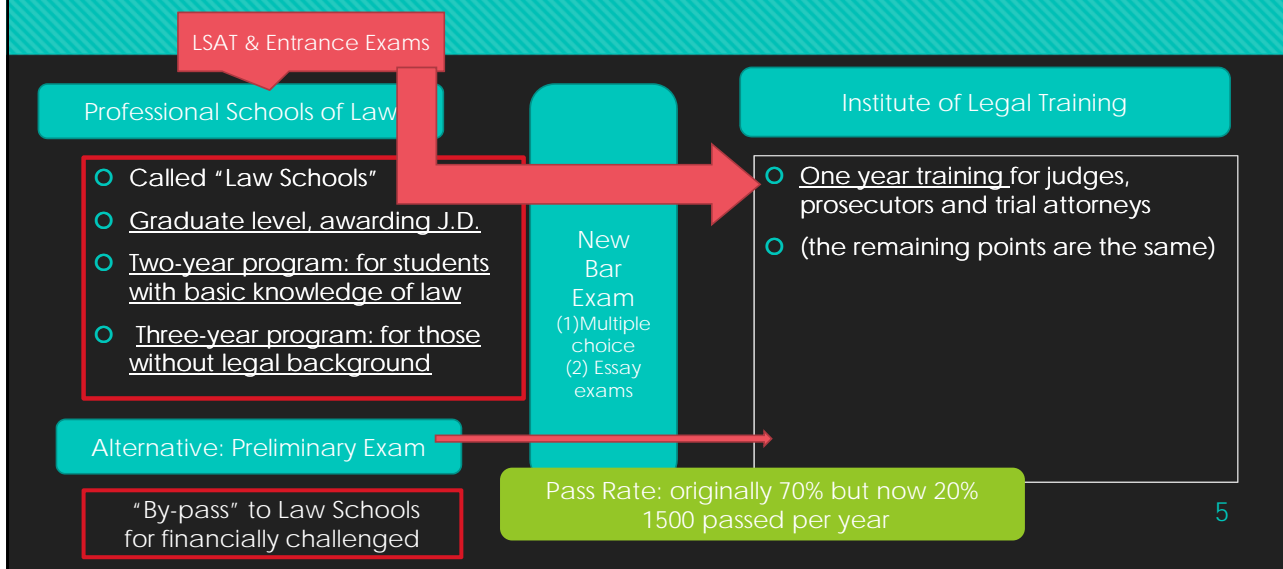
Pass Rate 5%:
500 passed per year

Institute of Legal Training

- Institute is operated by the Supreme Court
- Two / (or one-and-half) year training for judges, prosecutors and attorneys
- Classroom sessions at the Institute (near Tokyo) and on-site training sessions all over Japan
- Must pass the final exams ("Second Exams")
- Judges and Prosecutors recruited here

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II-2. After the Reform of 2004



III-1. Education at "Law Schools"



III-2. Two-tier and three programs

Undergraduate Programs (bachelor of law)

Same as before– a bit “unfocused”

- Typically Laws & Politics are taught
- Classes tend to be *basic* due to job orientation diversity among students
- Most graduates work as government or corporate employees (non-legal), journalists, etc.
- Some (5 to 25 percent) are willing to go to “Law School” to be lawyers

Mass education

“Law School” programs (JD)

Very much “focused”

- Dedicated to law education practice
- Open to non-law degree students (engineering, physics, economics, etc.)

Graduate Programs (Master /Ph.D.)
For academic purposes

Small size education

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IV. Why Things Changed

Government wanted it

- “Judicial Reform Committee” was set up in 2001 (PM Jun’ichiro Koizumi) headed by a con. law professor
- Based on criticism that the judicial sector of Japan was **too small, expensive, and detached from needs** (of business or ordinary citizens).
- Business wanted more lawyers with more abilities and global competitiveness
- Issued Recommendations in 2003, **introducing new “law schools”**, lay judges in major criminal cases, etc.

Universities wanted it

- Some law professors wanted to *institutionally* get involved with educating future j/p/a: worrying legal exam answers were deteriorating
- For some universities, the idea of “law schools” seemed a big opportunity

Undergraduate education is not fit for the purpose

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V: What Happened: Success or Failure?

First 5 years: Super-popular

- 3,000 were planned to pass the exam/year (Judicial Reform C.) which meant average 70% pass rate
- 74 Law Schools set up in 2004
- Law Schools rankings attract media attention

Too many law schools
jobless rumors



Down trends

- **Legal exam pass rate gets lower**
Now only 1,500 pass the exam/year
Pass rate average 20-25%
Top law schools 40-50 %
By-pass exam takers: 70 % (loophole)
- **LS applications are down**
2005: applicants 42,000; enrolled 5,500
2017: applicants 8,000; enrolled: 1,700
- **Some Law Schools are pulling out**
Now about 40 schools are still active

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VI. Unfinished Reform

Missions accomplished

- To produce "many more" lawyers
From 500 to at least 1,500
Small cities: enjoy more lawyers
Business: in-house attorneys increased
- To produce "more able" lawyers
administrative law and elective courses
know how to use law
- Two different worlds converge:
collaboration between academics and practitioners

Unexpected results

- "Unpopularity of law schools" might gradually be overcome
 - Law schools decreases
 - Legal market getting brighter
- Mistakes we med:
 - (1) Too many law schools permitted at the same time in 2004
 - (2) Loophole of shortcut: the most able college students tend to avoid law schools

Now hit the
bottom?

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