

Japanese Law Schools at Crossroads

By Isao ADACHI

Up until recently, students aspiring to become judges and lawyers entered law departments of universities and read law under the guidance of professors while cramming for bar exams in peer groups in an effort to get over the tough hurdle. Since the bar exam was hard to pass while in school, many gave up only after having failed many times after graduation. The way to the judiciary drastically changed in 2004 when a system of postgraduate law schools started with the sole mission of educating legal professionals. The Japanese version of law schools initially hit the lime-light as they did not limit admission to law students and were open to non-legal students and working people. Five years later, however, it became evident that law schools have several points to improve, including the chronically low rates of students passing the bar exam and decreased numbers of applicants.

The government's Judicial Reform Council noted the need for law schools in its recommendations announced in June 2001. The panel pointed out that it was necessary for legal professionals to have broad education, rich humanity and professional ethics in addition to specialized legal knowledge. It said demand for legal services will not only expand quantitatively but also be diversified and sophisticated in qualitative terms, thus calling for the establishment of law schools preparing students for law study, legal practice and bar exams.

Under the previous legal education system, students aiming for the bar exam began to focus their study on exam-taking techniques as soon as they entered university. Many even took cram school courses just to prepare for the bar exam. The council's recommendations were issued against the backdrops of criticisms that the legal system failed to respond to the social need for legal professionals equipped with knowledge of the natural sciences as well as a variety of knowledge and education in economics, finance and other areas.

In response to the call for quantitative expansion, the council proposed increasing the number of successful applicants for the bar exam from about 1,000 to 3,000 a year in 2010, thus commissioning law schools to play the role of helping to boost the bar population. Civil lawsuits increased as society became more sophisticated and conscious of various rights. In addition, the citizen judge system that requires ordinary people to participate in criminal cases calls for shortened, intensive trials. All these developments have burdened lawyers with increased workloads, making it imperative to expand the judicial population across the country, especially in rural areas. Statistics show that Japan's per capita judicial population is overwhelmingly small – just an 18th the US level, an 11th of Britain's and a 10th of Germany's.

Law schools in Japan presently number 74, totaling about 5,800 in annual enrollment quotas. However, only 2,065 law school students were able to pass the bar exam in fiscal 2008, with their pass rate, including that of those who did re-sits, remaining low at 35%. It is a far cry from the originally targeted rate of 70% to 80%. The



low pass rate has led to decreased numbers of applicants for law schools, with working people previously expected to help diversify legal circles amounting to only about 27% of applicants. Working people find it too risky to quit jobs in an attempt to enter law school.

Under the circumstances, there are criticisms about the quality of law school graduates that they have not measured up to expectations. On the other hand, however, successful postgraduate bar exam applicants receiving mandatory practical legal training before entering the legal community have earned high marks for their strong appetite for study, high ability to collect legal information, superb communication and expression capabilities, and diversified knowledge of practical legal affairs. The ideal of the new law school system may be gradually bearing fruit.

Law schools mushroomed too quickly and this could be blamed for causing some of the problems that exist today. Many of the 74 law schools were set up by universities with few track records in the bar exam. Some may have trouble maintaining the quality of students and education. A case in point is that as many as 25 law schools had a pass rate of 10% or less in the fiscal 2008 bar exam. "It so happened that when the law schools were being established, deregulation was at the height of its momentum," said an education ministry official in charge of the matter. "We granted licenses to whomever fulfilled the least requirements." There is no denying that the ministry did not take into full consideration the grave role that law schools were going to play in society. As a result, the law schools' enrollment quotas currently brought up for review are expected to be cut by 700 students in fiscal 2010. The law schools have entered a process of selection at the request of society calling for the recruitment of capable legal professionals and improvement in the quality of teachers.

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