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XXIII CESE Conference in Athens

7th July, 2008
Japanese Law Schools

- A new system of professional Japanese law schools, mainly for training those in the ‘legal profession’ (a generic term for judges, public prosecutors and lawyers) was initiated in April 2004.

- A new accreditation system for these schools was also introduced.
Three Accreditation Agencies for Japanese Law Schools

As of March 2008, there are three accreditation agencies:

- Japan University Accreditation Agency (JUAA)
- National Institution for Academic Degrees and University Evaluation (NIAD-UE)
- Japan Law Foundation (JLF)
A Question

- The direction of the development of law schools may depend on the contents of the accreditation standards.

- This suggests that it is important to comparatively analyse the differences among the accreditation standards of the three agencies, in addition to the visions of law schools held by each of these agencies.
The Difference in the Visions of Law Schools

- Law schools should be purely education-centred institutions with few research activities. (JLF)

- Law schools should be theory-oriented institutions in which not only the training of entrants into the legal profession but also that of law researchers and basic research are stressed (JUAA & NIAD-UE).
The JUAA and NIAD Emphasise the Research Activities of Law Schools

According to the Japan Association of Law Schools (JALS), this is because:

- “Research activities are useful for the education at law schools and help to form the foundation of law practices”.

- “If no research is conducted at law schools, there is little reason in why only universities—excluding vocational institutions—are allowed to create their law schools”.

(from an interview on 21st September 2005).
Nonetheless

- The JALS are possibly forced to emphasise the research activities of law schools in order to devise a countermeasure against the falling trends in the annual student intake, both of existing law faculties and postgraduate schools (master’s level).
The Decrease in the Annual Student Intake of Law Faculties (Bachelor’s in Law)
The Decrease in the Annual Student Intake of Postgraduate Schools (Master’s in Law)
The 2013 Problem (1)

- The decline in the capacity of both existing law faculties and postgraduate schools will be evident thereafter, especially in 2013.
- This is commonly referred to as the so-called ‘2013 Problem’.
The 2013 Problem (2)

Until 2013,

- all full-time teaching staff of a law school can officially be included among the full-time teaching staff of an existing postgraduate law school (doctoral level);
- up to one-third of all full-time law school staff can officially be included among the full-time teaching staff of an existing law faculty and postgraduate school (master’s level).

However, from 2013,

- such an inclusion will no longer be legally permitted.
Most staff members are willing to remain in their present posts at law schools after 2013, thus resulting in the further downsizing and weakening of the existing law faculties and postgraduate courses.

Due to the 2013 Problem, a crisis with regard to the training of law scholars would occur.
Thus, the JALS argue that even though the graduates of a law school earn a Juris Doctor, a new academic route for law scholars should be as follows:

- a faculty of law (an undergraduate course)
- → a law school
- → a postgraduate school of law (a doctoral course)

The establishment of this route requires accreditation standards to encourage law schools to develop into theory-oriented institutions with the function of training legal professionals.

(from an interview on 21st September 2005)
The JLF Emphasises the Educational Activities of Law Schools (1)

- “Law schools are expected to be the preparatory platform for training new members of law offices”.

Because

- “Existing training systems of law offices for their new members are no longer appropriate for the great increase in the number of lawyers”.

(from an interview on 1st August 2005)
The JLF Emphasises the Educational Activities of Law Schools (2)

- “Law schools should engage more legal practitioners as full-time teachers to fulfil the educational function properly”.

However,

- “When law schools were established, legal practitioners were pointlessly kept away from these schools, thanks to the Standards for the Qualification as a Teacher at Law Schools”.

(from an interview on 1st August 2005)
The JLF is expecting its accreditation standards to encourage law schools to employ many pure practitioner-teachers who lacked any research achievements.

Indeed, the JLF’s standards stipulates that “while law school teachers are required to submit a list of their research achievements if their lectures involve highly scientific elements of basic, adjacent, forefront and extending law subjects, the proof of their research abilities is not an essential prerequisite for teaching subjects with highly practical elements” (JLF 2006, 26).
pure practitioner-teachers’ abilities to instruct are judged comprehensively based on requirements one and three:

- Requirement one: Previous teaching experience at a law school and its contents are mainly assessed. If it is nothing or less than three years, experience in instructing apprentice or junior legal professionals and its educational contents are subject to the assessment.

- Requirement three: Practical experience to execute an idea, ‘education to bridge the gap between theory and practice’ is a basic precondition (JLF 2006: 26).
The Accreditation Standards of the JUAA and NIAD

- Conversely, the accreditation standards of the JUAA and NIAD are not quite instrumental in expanding the number of practitioner-teachers.
- They have only one clause that requires the observance of the 53rd Notification of the Ministry of Education:
  - “Over 20 percent of full-time teachers should have more than five-year practical experience as legal professionals, and most of them should have an advanced level of practical competence” (JUAA, 2005: 16).
One Possible Scenario

- Law schools will perhaps be gradually differentiated in function, when they have to choose either of the two different accreditation standards:
  - (1) the standards of the JLF with the strong conviction that law schools—where practitioner-teachers play a crucial role—should be purely education-oriented institutions for training legal professionals
  - and (2) the standards of the JUAA or NIAD-UE, both of which deem law schools to be theory-oriented institutions with functions not only of training legal professionals but also of basic research and training researchers.
Many Thanks for Listening

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