

A Study on the Employability of Law School Graduates in Japan

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PURPOSE AND ARGUMENT



Purpose

- The purpose of this study is to describe the employability of law school graduates in Japan. More precisely, the study attempts to delineate the following:
 - Law school graduates' career paths outside the legal sphere
 - Career support systems at law schools
 - Successful career models for graduates who fail the National Bar Examination



Argument

- The study argues that law schools are reluctant to improve their career support systems for non-legal professionals, because these schools are evaluated largely based on the percentage of successful graduates of the National Bar Exam.
 - If the percentage of the successful graduates remains below half the average, the schools will suffer a significant reduction in governmental subsidies and will face difficulties with their accreditation process.



OUTLINE OF LEGAL TRAINING

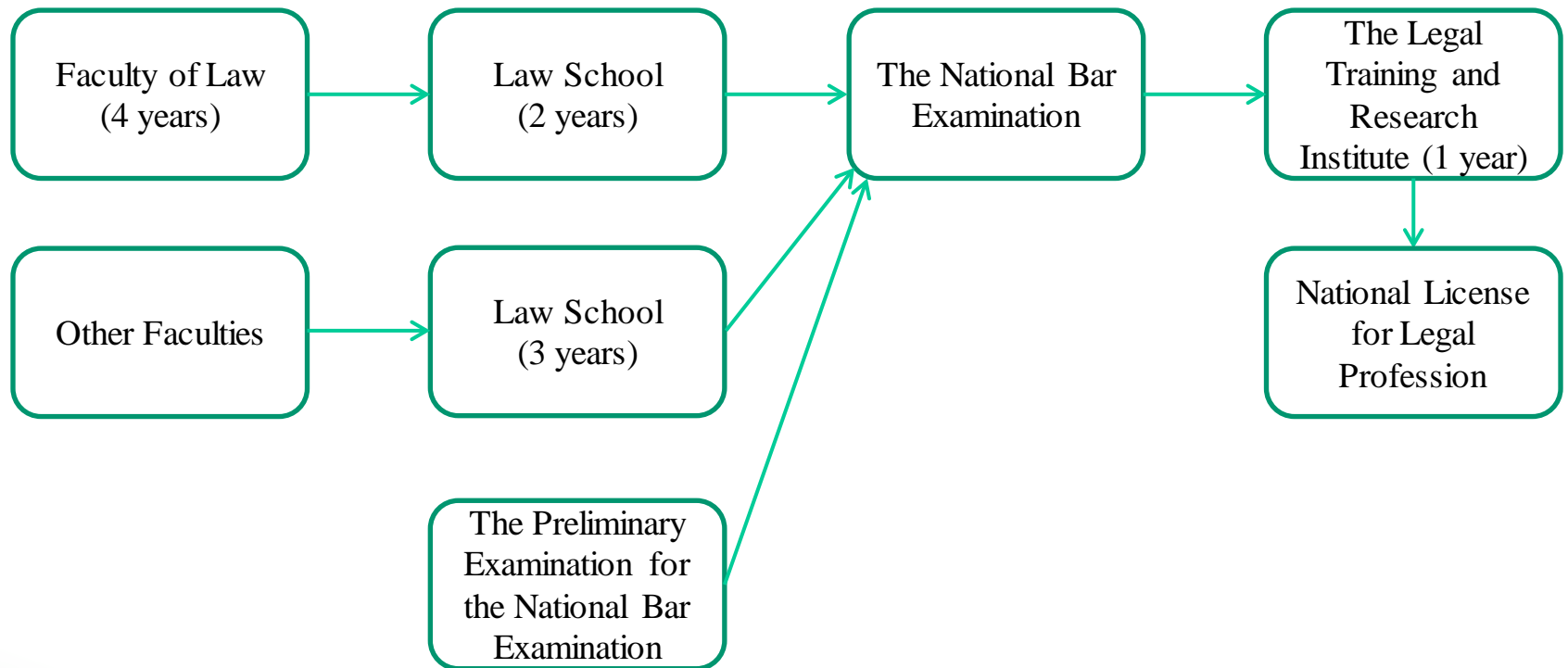


Outline of Legal Training in Japan

- Japanese law schools were founded in April 2004, and then, a new system for legal training started.
- Under this new system, those who desire to be legal professionals must, in general, have the following requirements:
 1. graduated from a law school,
 2. passed the National Bar Examination,
 3. completed a training programme at the Legal Training and Research Institute operated by the Supreme Court.



Schematic Diagram of the Training System





Difficulties in Passing the Bar Examination

- Candidacy qualifications for the Bar Exam are valid for five years and are granted to those who have completed their studies at law schools.
- However, in recent years, the Bar Exam **success rate** has been approximately **25%**.
- This shows that more than half of all law school graduates fail the Bar Exam and have no choice but to reluctantly engage in other professions or remain unemployed.



Decline in Popularity (1)

- Law school graduates who fail the Bar Exam tend not to find jobs related to their Juris Doctor degrees.
- This has resulted in a sharp decline in the popularity of law schools.
 - At the peak of the law school system, there were 74 schools. In 2004, there were 72,800 applicants. In 2006, the schools had the capacity for 5,825 students and actually accepted 5,767 students.
 - As of 2014, a total of 67 law schools exist; there are 11,450 applicants (15.7% of the peak figure); the schools have the capacity for 3,809 students (65.4%); 2,272 enrol (39.4%).



Decline in Popularity (2)

- There is also a year-on-year decrease in the percentage of slots for enrolled students that are actually filled:
 - 84% in 2010, 79% in 2011, 70% in 2012, 63% in 2013, and 60% in 2014.
 - In particular in 2014, among the 67 schools, 22 filled 30% or less of their slots.
- Some law schools which were unable to attract sufficient students entirely ceased their recruitment activities.
 - 1 school in 2011, 4 schools in 2013, and 2 schools in 2014.



Government Action

- In 2012, the Japanese Government determined that both the number of law schools and their capacity were excessive.
- The government established the ad hoc Council of Ministers for Training Legal Professionals, whose main task was to review the number and capacity of law schools.
- Under this council, the Review Board for Training Legal Professionals was established.



Summary of the Review Board

- On 26th June 2013, the Review Board published the Summary, which proposed the following:
 1. The number of slots for students in law schools should be drastically reduced.
 2. Law schools with ‘problems’ should voluntarily review (that is, **consolidate or abolish**) their organisations.
 3. Legal actions (that is, **sanctions**) of the government should be imposed on the law schools that do not implement appropriate reviews, despite encountering ‘problems’.



Classification by Indicators

- On 11th November 2013, the Ministry of Education introduced four indicators for classifying some law schools as problematic.
- These are as follows:
 1. The percentage of law school graduates who passed the Bar Exam (number of successful candidates/total number of applicants): **maximum of 12 points**
 2. The most recent Bar Exam success rate for those law school graduates who hold no LLB (number of successful candidates without LLB/number of applicants without LLB): **maximum of 8 points**
 3. The ratio of the number of slots actually filled in the most recent year (actual number of entrants/slots for enrolled students): **maximum of 8 points**
 4. The percentage of the most recent entrants who hold no LLB (number of entrants without LLB/total number of all entrants) or the percentage of the most recent entrants who are working adults (number of entrants who are working adults/total number of all entrants): **maximum of 4 points**



Impact of the Policy

- The Ministry of Education announced a policy that law schools with low points on each of the four indicators would face a **severe reduction** in governmental subsidiaries.
- The impact of this policy was enormous. Indeed, as of 1st July 2014, **13 out of the 67** law schools have already ceased recruiting students for the 2015 academic year.



Counterargument

- A government-manufactured ‘survival game’ among law schools has commenced due to the government’s policy forcing organisational abolishment.
- As a counterargument to the policy, the study emphasizes the improvement of career support systems for non-legal professionals.
 - In order to investigate the current conditions of such systems, questionnaire and field surveys were conducted.



RESULTS OF THE SURVEYS

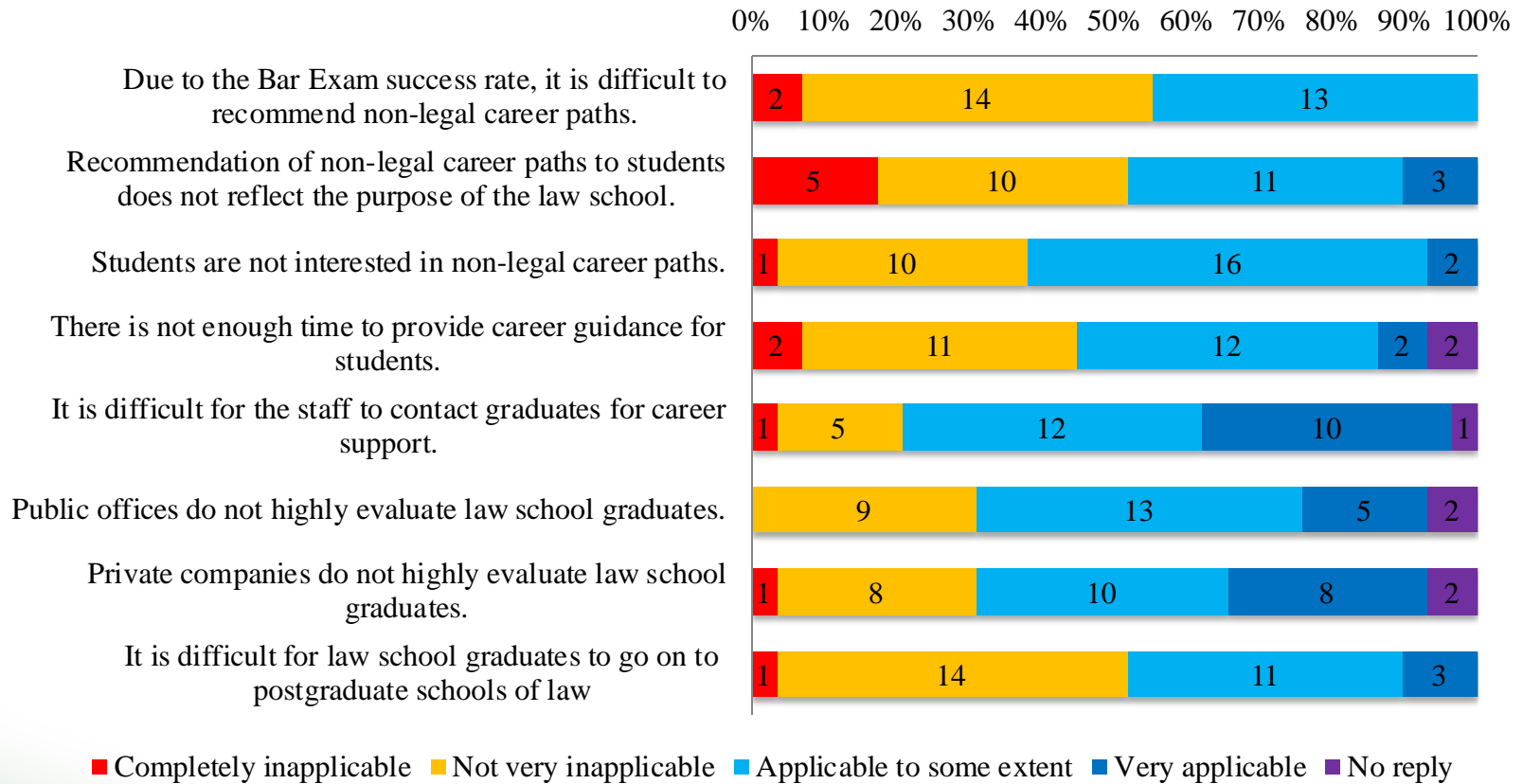


Questionnaires

- A questionnaire survey was conducted in April and May 2014.
- The targets of this survey were the deans of all 59 law schools, excluding the 15 schools that had already announced their future closure by April 2014.
- 29 schools responded: the response rate was 49.2%.
- Since the statistical bias of the 29 schools in terms of scale and location is fairly small, the results of the survey can be regarded as representative of the entire population.
- However, the sample size is small. Therefore, the results of the questionnaire (quantitative) survey should be considered to be a reference only.



Figure 1: Current Issues Pertaining to Career Support





Analysis of Figure 1 (1/4)

- 16 schools (55.1%) replied ‘inapplicable’ to the following statement: “Due to the Bar Exam success rate, it is difficult to recommend non-legal career paths”. 15 schools (51.7%) also replied ‘inapplicable’ to the following statement: “Recommendation of non-legal career paths to students does not reflect the purpose of the law school”.
- Although law schools are legally required to be professional schools only for the training of legal professionals, given the continuous decline in the Bar Exam success rate, it appears to be important to reasonably evaluate proactive contributions toward fostering personnel other than legal professionals.



Analysis of Figure 1 (2/4)

- 18 schools (62%) replied ‘applicable’ to the following statement: “Students are not interested in non-legal career paths”.
- In reality, the following opinion was rendered in the free description column:
 - Educational achievements at law schools would be useful for law-related careers other than legal professionals; nonetheless, considering the desires of students, it is difficult to give them guidance that recommends other career paths (A19).



Analysis of Figure 1 (3/4)

- 22 schools (78.6%) replied ‘applicable’ to the following statement: “It is difficult for the staff to contact graduates for career support”.
 - This observation is not only applicable to law schools; Kaneko (2011: 11) highlights that the issue of career support for graduates has been entirely neglected by Japanese universities.
- Law school students will take the Bar Exam after graduation and will start looking for jobs based on the results. Accordingly, the first priority for law schools should be to provide career support for graduates.

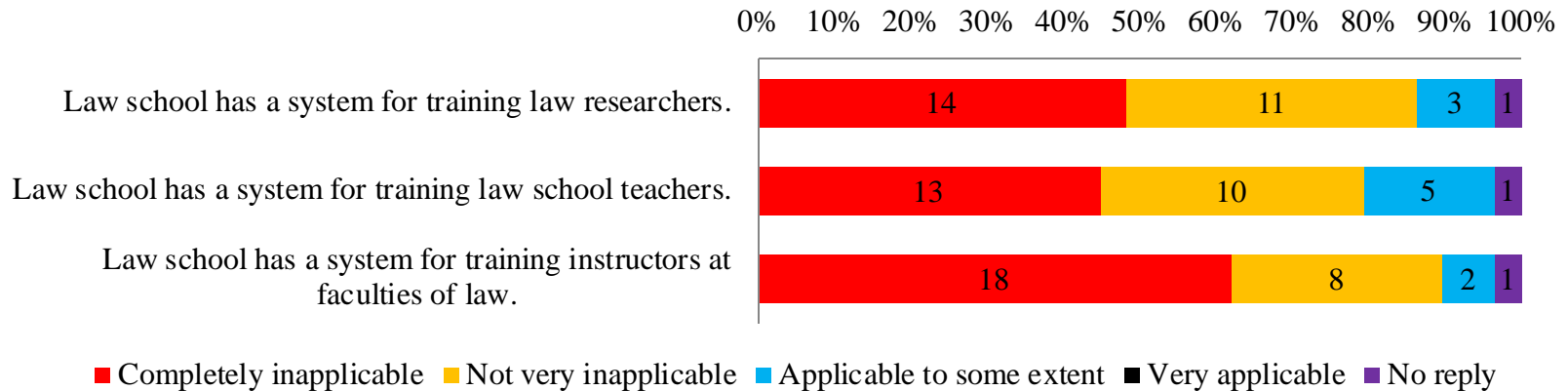


Analysis of Figure 1 (4/4)

- 18 schools (66.7%) replied ‘applicable’ to the following statement: “Public offices do not highly evaluate law school graduates”. 18 schools (66.7%) also replied ‘applicable’ to the following statement: “Private companies do not highly evaluate law school graduates”.
- Majority of the opinions were to the effect that neither public offices nor private companies highly evaluate law school graduates.
 - In the free description column, the following opinion was expressed: “It seems to me that neither public offices nor private companies highly evaluate law school graduates, and these graduates are not socially recognised” (A9).



Figure 2: The Training of Law Researchers



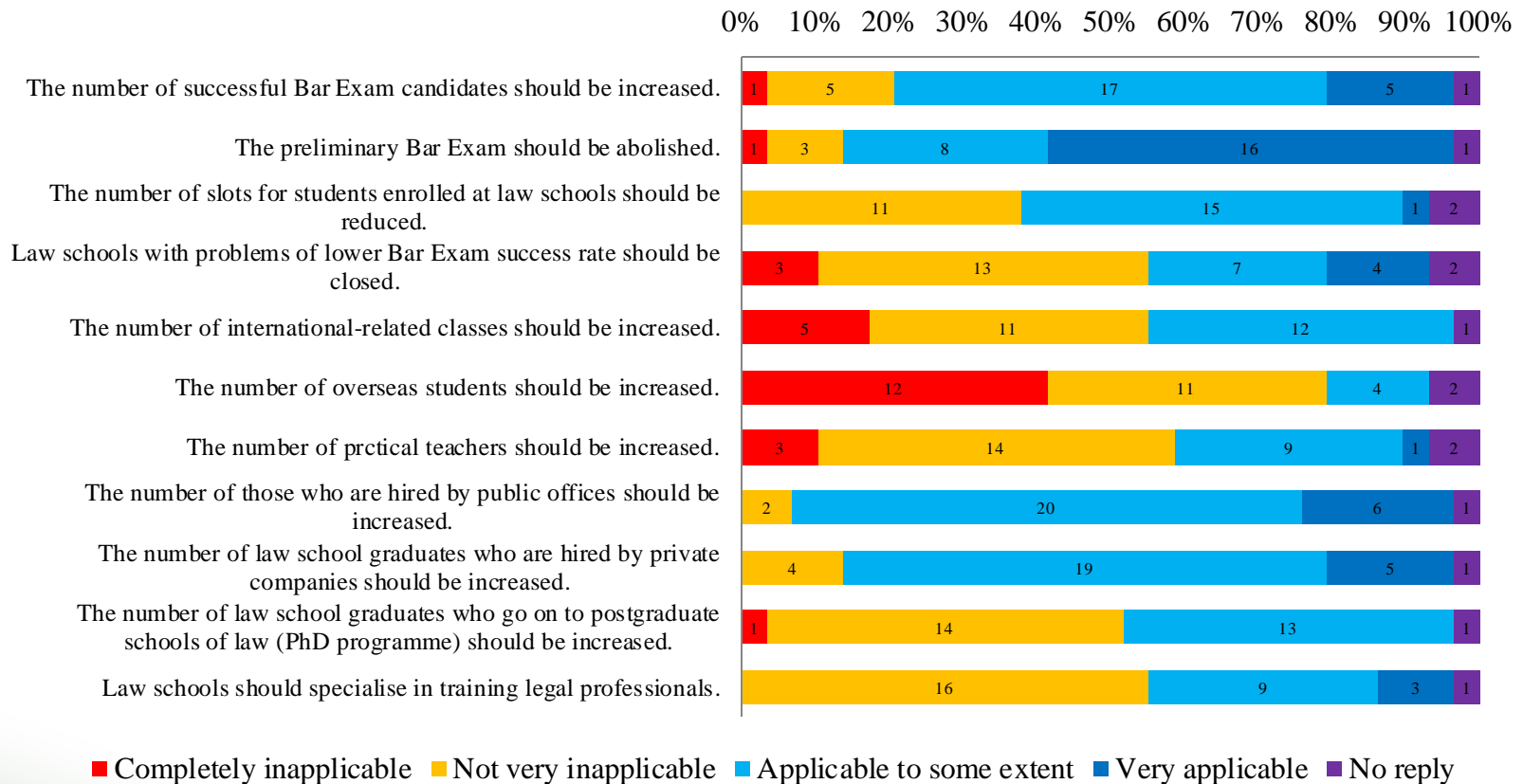


Analysis of Figure 2

- Three statements were made in relation to the training of law researchers, law school teachers, and teachers at law faculties. 25 schools (89.3%), 23 schools (82.1%), and 26 schools (92.9%) replied ‘inapplicable’, respectively. Therefore, it can be suggested that law schools do not implement programmes for training law scholars.
- However, the following opinion was stated in the free description column:
 - The number of instructors who graduated from law school has been increasing at our law school (A2).
- As shown from this expect, it seems that the occupational field of law school instructor will become an attractive employment prospect for law school graduates (Tanaka 2014).



Figure 3: Expectations of Legal Training in the Future





Analysis of Figure 3 (1/3)

- 26 law schools (92.9%) replied ‘applicable’ to the following statement: “The number of law school graduates who are hired by public offices should be increased”. 24 schools (85.7%) also replied ‘applicable’ to the following statement: “The number of law school graduates who are hired by private companies should be increased”.
- There are two reasons to seek the employment of relevant personnel in public offices or private companies: (1) expansion of occupational fields for qualified legal professionals and (2) preservation of places of employment for unsuccessful Bar Exam candidates.



Expansion of Occupational Fields

- The first reason (expansion of occupational fields) is significant for maintaining the number of law schools.
 - In order to maintain the number of law schools, it is necessary to expand the occupational field for qualified legal professionals.
- In fact, the following opinion was noted in the free description column:
 - For the future, it is necessary to expand opportunities for those who have passed the Bar Exam, so they can use their skills in public offices, private companies, higher education institutions, and so on. By doing so, the number of successful Bar Exam candidates will increase. Problems pertaining to career support for law school graduates have been solved in this way (A17).



Preservation of Places of Employment

- The second reason (preservation of places of employment) is also significant in terms of law school diversification.
- The following creative proposal was noted in the free description column, relating to organisational career support for unsuccessful candidates:
 - Many of law school graduates are not able to pass the Bar Exam. In light of this current condition, there is an urgent need for such personnel to be given career support by the government or by law schools... For example, qualifications for real-estate transaction specialists should be granted to law school graduates: they should be given preferential treatment on qualification tests (A14).



Analysis of Figure 3 (2/3)

- 16 law schools (57.1%) replied ‘inapplicable’ to the final statement: “Law schools should specialise in training legal professionals”.
- This study also proposes that law schools should not specialise in training legal professionals, because it is yet unknown whether there will be an increase in the demand for such legal professionals; further, it is difficult to adjust the number of law schools and their slots for students in accordance with such unpredictable demands.



Analysis of Figure 3 (3/3)

- Therefore, it is essential to support employment on an organisational level for persons other than legal professionals. This approach is also very important as a measure for survival.
- The Ministry of Education's policy—according to which simple indicators (e.g. Bar Exam success rate) are used to classify law schools as problematic—may cause confusion depending on the extent of the demand for legal professionals. This policy also does not allow for the diversification of law schools. Thus, it is necessary to reconsider the policy.



CONCLUSIONS



Conclusion (1/2)

- In 2006, there were as many as 74 law schools in Japan, a number which far exceeded the expected scope at the time of institutional planning. The number of slots for enrolled students increased to an all-time high of 5,825.
- These exceeding numbers were the result of a lack of foresight by universities and associated ministries (the Ministry of Education and the Ministry of Justice).
- However, the associated ministries have placed the blame solely on the universities. By way of justification, it is unreasonable to institutionalise a reduction in the number of slots for enrolled students and abolishment of law schools with problems. This is because the ministries play a central role in attempting to self-righteously pursue the strict evaluation criteria for identifying law schools with problems.



Conclusion (2/2)

- Law schools are legally recognised as professional schools that specialise in training legal professionals. This statement makes it difficult to take much action about the issue of blame, even if the number of law schools and slots for enrolled students are excessive, unless there is a sharp increase in demand and unless occupational fields for legal professionals can be assured.
- However, if law schools are redefined as professional schools that foster personnel with advanced legal knowledge and backgrounds, then the number of current law schools and slots for enrolled students would not necessarily be excessive. In other words, if the current number of law schools is to be maintained, it is imperative to promptly arrange a system for career support that allows law school graduates to enter occupational fields other than those of legal professionals.



THANK YOU FOR LISTENING



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