Legal Education in Korea: Problems and Reform Efforts*

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I. Introduction

This short paper is designed to describe and discuss the salient problems faced in legal education of Korea as we perceive and the reform efforts made to tackle with the problems. I believe the topic of legal education can most profitably be explored in the political, social, economic, and cultural contexts when it comes to a comparative study with legal education of other society like when we undertake today. In this paper, however, a modest approach will be made to cover the topic notably in institutional contexts of university education and professional training, much less broad than the broadest approach mentioned above but broader than that of legal education in university. And yet my emphasis will be placed on university legal education, and bar examination and professional training will be dealt with when their discussion seems necessary for the handling of university legal education properly. As we know well, the latter cannot be fruitfully tackled without the former because both of them are closely related to each other.

I believe there are similarities and dissimilarities between Japan and Korea in legal education. With an institutional outlook of legal education in Korea similarities may loom large. Institutionally Korean legal education is basically modelled on that of Japan. There are a large number of legal scholars and lawyers of older generation who are still heavily inclined to look for Japanese examples when ideas for legal changes are sought in Korea. I believe, however, dissimilarities abound when a sociological approach is made in depth to look

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at the realities of law in general and legal education in particular. And there are a growing number of legal scholars and lawyers of younger generation whose source of inspiration for law and legal changes is more broadly international, say, from the United States, England, Germany, France, and Japan. Many of them had an advanced legal training in the countries above. There is also a subtle movement growing to have our own things even in law and legal education.

This paper is going to be more descriptive than analytic.

II. Legal Education in Korea

Legal education on university level is conducted at a college of law (like that of the Seoul National University) or at a department of law of college of law and political science, of college of law and economics, or of college of social sciences. The Seoul National University College of Law has two departments: Private and Public Law Departments. This division is made in 1981 for administrative convenience and for meeting needs of those students who want to take more non-legal courses than otherwise to prepare for higher civil service examination to be a civil servant. A few law colleges have also adopted such division following the suit. In any case, difference between the two departments are not great and practically they both are treated as one. The first year at such a college of law or a department of law is devoted entirely to a general education consisting of introductory social sciences and humanities and the next three years mainly to legal subjects. The total number of units of credit required for graduation differs from school to school from 140 units to 150. In Korea a course of three hours a week is counted as that of 3 units. In a university in which a government-initiated pilot school program was undertaken for a number of university reforms the total credit-units required for graduation was reduced on a university-wide basis to 140 from the previous 160 credit-units in 1973. We were, however, able to increase the requirement from university-wide 140 credit-units to 150 for law school because
we strongly felt that with 140 credit-units an adequate legal education in the present standard could not be conducted, particularly a variety of courses necessary for modern legal education could not be offered. A growing number of law schools have followed our suit. Other law colleges and departments stay with 140 credit-units.

In terms of curriculum, general education subjects of about 50 credit-units are required to take as a rule. The rest of the required 140 or 150 units are reserved for law and other courses. The major law courses offered including the "core courses," the bar exam topics courses of Constitutional Law, Civil Law, Criminal Law, Commercial Law, Civil Procedure, Criminal Procedure, and Administrative Law vary little from school to school, however. Otherwise the total number of law courses offered for students to take and thus the variety of newly developed courses vary greatly. So does the composition of compulsory and elective courses. See the Chart No. 1. The absolute majority of courses are lectures, and a relatively small number of courses are exercise (Übungen) and seminar courses. And the class size varies very greatly from a class of a few hundred to that of 30 or 40.

The total number of law colleges and departments counts 63 as of 1987. And the annual number of law graduates from them is about 6,000. The size of student body admitted each year to a school varies greatly from 290 of Korea University to 30 of some small law departments (that of Seoul National University 280). And the size of law faculty members also varies greatly with the average number being 7 (that of Seoul National University 29 at present). The prestige and the popularity of a law college or department vary far greater from university to university. In major universities and local national universities law is one of the most popular topics. In other private universities, particularly local universities, law is not necessarily a popular topic. Like Tokyo University Law Faculty, College of Law of Seoul National University is one of the most prestigious schools across universities and colleges and across subject matters.

The absolute majority of law students of Seoul National University and other
**CHART 1**: LIST OF THE COURSES OFFERED AT SNU COLLEGE OF LAW (C means Compulsory Course and E is for Elective Course; 2 indicates Course for Second Year Students, 3 for Third Year Students, and 4 for Fourth Year Students)

### 1st Year:
- Korean Language (C)
- Composition and Writing (C)
- History of Korea (C)
- Korean Sense of History (C)
- Korean Modern Nationalism (C)
- National Ethics I (C)
- National Ethics II (C)
- Physical Education (C)
- Introduction to Jurisprudence (C)
- Introduction to Economics (C)
- Chinese (E)
- English (E)
- Contemporary American Society and Culture (E)
- English and American Adolescence Literature (E)
- French (E)
- German (E)
- Russian (E)
- Spanish (E)
- Introduction to Literature (E)
- Understanding of Korean Modern Literature (E)
- Sino-Korean (E)
- Introduction to Linguistics (E)
- History of Asian Civilization (E)
- History of Western Civilization (E)
- Introduction to the Study of History (E)
- Introduction to Philosophy (E)
- Philosophical Understanding of Contemporary Civilization (E)
- Introduction to Logic (E)
- Introduction to Aesthetics (E)
- Introduction to Archaeology (E)
- Understanding of Fine Art (E)
- Understanding of Music (E)
- Introduction to Political Science (E)
- War and Peace (E)
- Economic Freedom and Equality (E)
- Introduction to Sociology (E)
- Introduction to Anthropology (E)
- Introduction to Psychology (E)
- Introduction to Geography (E)
- Introduction to the Study of Education (E)
- Women and Society (E)
- Mathematics (E)
- Statistics (E)
- Physics (E)
- Chemistry (E)
- Biology (E)
- Earth Science (E)
- Introduction to Natural Science (E)
- Introduction to History of Science (E)
- Structure of Contemporary Science (E)
- Modern Science and Environment (E)
- Military Drill (C)

### 2nd, 3rd, and 4th Year Students:

(For Department of Private Law) Constitutional Law I (2C)
Constitutional Law II (2E)
General Principles of Civil Law (2C)
Law of Property (2C)
General Principles of Commercial Law (2C)
General Principles of Criminal Law (2C)
Specific Part of Criminal Law (2C)
International Law I (2C)
International Law II (2E)
Roman Law (2E)
European Legal History (2E)
History of Legal Thoughts (2E)
Readings in Anglo-American Law (2E)
Readings in German Law (2E)
Readings in French Law (2E)
Microeconomics (2E)
Macroeconomics (2E)
Accounting (2E)
Law of Contracts and Torts I (3C)
Law of Contracts and Torts II (3C)
Family Law (3C)
Law of Corporation (3C)
Tax Law (3E)
Administrative Law I (3C)
Administrative Law (3E)
Civil Procedure I (3C)
Civil Procedure (3C)
Labor Law I (3E)
Legal Philosophy (3E)
Law of Commercial Papers (3C)
Advanced Study on Law of Property and Obligations (3E)
Advanced Study on Law of Corporations (3E)
Advanced Study on Criminal Law (3E)
Civil Procedure II (3E)
Labor Law II (3E)
Law and Regulations on Economy (3E)
Anglo-American Law (3E)
German Law (3E)
French Law (3E)
Sociology of Law (3E)
Seminar on Constitutional Law (4E)
Succession Law (4E)
Seminar on Civil Law (4E)
Law of Insurance (4E)
Law of Admiralty (4E)
Seminar on Commercial Law (4E)
Seminar on Tax Law (4E)
Seminar on Criminal Law (4E)
Criminology (4E)
Administrative Remedies (4E)
Seminar on Administrative Law (4E)
Environmental Protection Law (4E)
Seminar on International Law (4E)
International Business Transactions Law (4E)
Seminar on Labor Law (4E)
Social Security Law (4E)
Conflicts of Laws (4E)
Oriental Legal History (4E)
Korean Legal History (4E)
Law and Economy (4E)
Forensic Medicine (4E)
Law of
major universities prepare for bar examination and try to pass it when they are still in school or immediately following graduation. A much smaller number of law students than before prepare for civil service examination these days. Many end up with toiling to pass bar examination or the civil service examination for several years following graduation. Each year a stable number of 300 candidates pass bar examination from 1981. Prior to 1981, the annual number of successful candidates varied greatly year to year from one extreme of 4 to 150 or so. A majority of those who pass civil service examination are other than law graduates these days. There is no educational requirement to take bar examination at all. One does not have to be a law graduate, not even a college graduate. In that sense, the national bar examination is not linked with formal university-level legal education, although the absolute majority of successful
candidates are of course law students and graduates and only a tiny minority are ones whose college major is in other than law. One or two who do not have a formal college education at all pass the bar examination once in a while so that even newspapers carry a story of their feat loudly.

Law school graduates go into all different professions following their graduation. Only a minority of them, 300 out of roughly 6,000, go into legal profession like judgeship, prosecutorship and attorneyship, and an even smaller tiny minority take a scholarly and teaching career. The lucky three hundreds who passed the bar examination undergo for two years a professional training run by the Judicial Training Institute composed of various lectures, tours and supervised practices in a judge’s, public prosecutor’s and attorney’s offices. All the costs and expenses and even allowances for trainees at the Institute are financed by the government. Upon completion of their program, those who have not already served their compulsory military service have to take a three year tour of judge-advocateship in the Army. Otherwise immediately following the completion of training at the Institute and usually following the judge-advocateship, they become either a judge, public prosecutor, or practicing lawyer according to their individual desire and to the result of their performance at the bar examination and the Judicial Training Institute. The usual career pattern of becoming a practicing lawyer is to become a judge or public prosecutor and serve in that capacity for several years and then to go to practice following their retirement from public service. With a steady number of newly hatched three hundred young lawyers each year, a significant number (roughly 50%) of them now choose their practice career without acquiring a prior on-the-job training as a junior judge or public prosecutor as before.

There are few refreshment courses and lectures organized for lawyers after several years of their public service or practice. The national public prosecutors office run their own retraining institute for non-lawyer service men and clerical workers and prosecutors themselves. The Judicial Training Institute also runs some refreshment courses for judges and clerical personnel. And some bar
association organized lectures are available for their member lawyers, but their attendancy rate is very low.

Those law school graduates who want to be in scholarly-teaching career usually take a graduate course of two years of master's degree program and then more than three years of doctoral degree program. Many choose to receive an advanced training like master's degree and doctoral degree program abroad. A teaching position is not easy to get these days. And a doctoral degree almost became a "must" to an aspiring professor now.

The greatest proportion of the population in legal profession are graduates from Seoul National University College of Law. All the judges and public prosecutors are practically Seoul graduates. This picture of legal profession dominated by Seoul graduates is, however, going to change eventually; in very recent years a little more than a half of those who pass the bar examination are Seoul graduates. The proportion of Seoul graduates in the bar examination used to be more than two thirds.

III. Problems

It is possible that different persons see an identical thing differently. A problem for some one can be no problem at all for others. I believe a problem can be posited only on the basis of a certain standard or ideal. Problems in legal education of Korea as we see them are posited no doubt on the basis of ideals in legal education and law such as intellectual maturity, rationality, legal mind, sense of justice, personal integrity, professional skill, and the rule of law.

I believe that one serious problem we have concerns the nature of legal education conducted in university. There has been a consensus that the legal education provided in university is that of liberal arts, not professional enough. Consequently, the questions we have been raising are what we should do with the present legal education of that nature, whether we should maintain more or less what it is now with some adjustments if necessary, or whether we
should go more professional. The problem comes no doubt from our conviction that the present university legal education is definitely inadequate: students cannot be properly educated in both humanities and social sciences that are positively conducive to the formation of morally and intellectually matured personality, and in professional knowledge and skill.

In fact, we have been plagued with a sense of alarm that the present university legal education has been for too long too deficient in many aspects. Our further questions that are certainly associated with the ones posed above include that of whether the present four years are long enough, whether the present facilities including library are sufficient, whether the present professor-student ratio is proper enough, whether the presently prevailing method of instruction, that is, lecture style, is good enough, and whether we are offering sufficiently diverse courses beyond the “core courses” to meet the needs of contemporary world. To each of these questions, it is our opinion that we have to give a negative answer. The pilot school program mentioned above have made the matters more complicated: for example, the total credit-units needed for graduation were reduced to such a level that it is made hard to open new courses and to have students take them because they can meet the graduation requirement without having to take them.

Legal education actually conducted in university has been terribly affected by the bar examination which we have had; the present system of bar examination have had the tendency to render it extremely hard even to attain the best which we can make of the present university provided legal education. As we have already indicated, no formal educational requirement exists for one to take bar examination (or the higher civil service examination). Thus many law students who feel competent do take the examination in their third and fourth year. Particularly those who pass it when they are still in school are popularly highly praised as a big success and show of brilliancy. In order to pass the examination when they are still in school or immediately following their graduation from school, therefore, they intensively prepare for it day and
night in library or at home while largely neglecting their classes unless they are dealing with the exam topics.

Many start this kind of intensive preparation from their second year or at the latest from their third year; some start it even from their first year. Whatever new courses you develop to meet the needs of changing society and however well you prepare your courses, naturally the enthusiasm of students in the courses and their attendancy rate must be low unless you are dealing with the exam topics courses. Memorization by heart of those materials likely to be exam questions are practically all that concern those students. Those who study law in such an examination-oriented manner pass the bar examination and become lawyers. Only a tiny minority of students who aspire to be in the scholarly world alone are usually interested in exploring academic discourses and intellectual developments in law and beyond. And another tiny minority group of students are active in students movement and riots while neglecting almost entirely their classes and giving up the chance of becoming lawyers. Naturally both groups of students pursue respectively quite a distinctive road from the majority of students who are taking bar examination.

The present bar examination has been affecting our graduate program as well. We at the Seoul National University College of Law alone admit about one hundred students to our masters program each year, but about 90% of them have their name registered purely to secure deferment from military draft and about 10% or so would pursue their academic interest.

The number of graduates who passed the bar examination and the higher civil service examination is counted popularly as an indicator of school prestige in Korea. Many universities are conscious about the kind of popular prestige counts. Probably with the only exception of Seoul National University College of Law, most colleges and departments of law run one or more university-supported promotional programs for the increase of the number of their graduates who are successful in the bar examination. Those promotional programs include tuition waiver and monthly allowances, free room and board
in a specially arranged dormitory, and specially assigned library space, and special lecture series designed particularly for preparation of the bar examination (separate from regular classes) for law students specially selected on the competitive basis to do preparation of bar examination. No doubt, these programs have nothing to do with academism and other ideals for the promotion of which university is supposed to be best. They have nothing to do with professional training either. Those programs make many law colleges and departments look more or less like commercially run cram-courses institutions (學館). I believe it is reasonable to conclude that the lack of formal educational requirement (like law school degree) for the bar examination and the consciousness of the popularity counts by success in the examination are two major contributory factors to this picture of law colleges and departments looking like private cram-courses institutions.

The bar examination and the higher civil service examination itself as conducted today have a number of serious problems too. We cannot go over them in a great detail in this paper. But let us briefly discuss just a few problem areas enough to point out the other effects of the examinaions on legal education. The bar examination has three tests to take: the first test consisting of multiple choices is in fact a screening step to select for the second test a manageable number of about 1,500 out of almost ten thousands of candidates; a little more than 300 are selected through the second test consisting of essays; and only a few are eliminated at the third test of interviews with the remaining 300 or so being announced as successful candidates. The examination topics at the first and the second test include foreign languages, history of Korea, cultural history, introductory economics, ethics, and many others which can be termed unnecessary if you are graduates from a regular university. See Chart 2. Retaining those examination topics and the methods of test can be justified only with the assumption that candidates are not university graduates. Preparation for those topics for the particular purpose of taking the test costs each candidate a considerable time and energy which can be used
### Chart 2: The Test Topics of the Bar Examination

<table>
<thead>
<tr>
<th>First Test</th>
<th>Second Test</th>
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</thead>
<tbody>
<tr>
<td><strong>6 Required Topics</strong></td>
<td><strong>8 Required Topics (No Elective)</strong></td>
</tr>
<tr>
<td>Constitutional Law, Civil Law, Criminal Law, Introduction to Economics, Cultural History, History of Korea</td>
<td>National Ethics</td>
</tr>
<tr>
<td><strong>2 Elective Topics</strong></td>
<td>Constitutional Law</td>
</tr>
<tr>
<td>1 out of the Following: International Law, Private International Law, Social Law, Penal Policy, Political Science, Sociology, Psychology, Philosophy of Law</td>
<td>Administrative Law</td>
</tr>
<tr>
<td>1 out of the Following: English, German, French, Japanese, Chinese</td>
<td>Commercial Law</td>
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<tr>
<td></td>
<td>Civil Law</td>
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<td></td>
<td>Civil Procedure</td>
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<td>Criminal Law</td>
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<td>Criminal Procedure</td>
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</table>

### The Test Topics of Higher Civil Service Examination

<table>
<thead>
<tr>
<th>General Category</th>
<th>First Test</th>
<th>Second Test</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Constitutional Law, General Principles of Civil Law, English, History of Korea, Introduction to Public Administration</td>
<td>5 Required Topics: National Ethics, Administrative Law, Public Administration, Economics, Political Science, 2 Elective Topics 1 out of Civil Law, Social Science Methods, Psychology, 1 out of Introduction to Policy Science, Local Government, International Law</td>
</tr>
</tbody>
</table>

| Foreign Service   | Constitutional Law, Political Science, English, History of Korea, Cultural History | 6 Required Topics: National Ethics, English, International Law, Economics, International Politics, Second Foreign Language(1 out of German, French, Spanish, Chinese, Russian, Malaysian-Indonesian, Arabic, and Japanese), 1 out of Private International Law, General Principles of Civil Law, Administrative Law, Public Administration, Sociology, Psychology |

More fruitfully to cultivate his intellectual and professional capability. The higher civil service examination retains only a few law topics such as constitutional law, administrative law, and the general principles of civil law. Otherwise it is not designed for law students to take because it requires them to prepare almost entirely non-legal topics such as economics, political science,
public administration, and even unlikely subjects like ethics and social science methods. Thus preparation for the examination gives law students an extra strain to cram other subjects than law.

Particularly obnoxious with the bar and the higher civil service examinations is their test methods. The usual pattern of test question is to give an abstractly phrased big question with a few words like "Discuss negligence." With those questions you cannot test one's analytic power nor legal reasoning but memorization of "important" topics as written in the textbooks and their reproduction in exam papers. This kind of testing method, I believe, tends to ruin the will and ability of law students to develop intellectually critical mind and broad perspectives on society and world around themselves.

A recent controversy over the bar examination which has particularly attracted law professors' attention concerns the proper size of annual successful candidates. Generally, judges, public prosecutors, and particularly practicing lawyers regard the size of 300 as too many. In 1985 they almost succeeded in reducing the size to 150 with aggressive lobbying activities. Their argument was among others that with 300 the quality of those young lawyers has been considerably lowered and that their annual "overflowing" increase has been so crowding the already crowded small market of legal service that they would not have a place to go. Thereupon law professors reacted swiftly in unison to stop the reduction proposal with success. It would not give you a good feeling to see great many of your students failing in the bar examination all the time. And a law professor in many universities would be in an awkward position in the eyes of the university management who are conscious about the prestige counts and who support all kinds of promotional programs as was particularly the case before the size was increased to 300 because with a smaller quota not many successful candidates were produced. A more critical question is what the use of university legal education is unless it is not associated largely with production of lawyers. This is actually a question of relevancy concerning legal education. With only a much smaller number of law school graduates successful in
becoming lawyers, the question of relevance becomes more critical. Law professors in general therefore are in support of increasing the size even further or at least maintaining the *status quo*.

Education at the Judicial Training Institute is not free from problems at all. Let us just briefly point out a few outstanding problems with the Institute and its education and training. Probably the most critical view on the Institute and its education and training the emphasis of which is placed on practical training is that they do not add at all academic training to the meager intellectual background of the trainees who passed the bar examination with nothing but a slave-like toiling and yet they do not provide to them sufficient professional training either to be a judge, or a prosecutor, or a practicing lawyer. Those young lawyers who are just out of the Institute have to go through all the beginners' on-the-job training any way, whether they are appointed as a judge or a prosecutor or a practicing lawyer. Then the question that is naturally raised is of what the use of training at the Institute is. Moreover, the practical training conducted at the Institute is largely oriented toward judgship and typical civil and criminal cases as many point out. A half of the trainees go to practice immediately following their graduation so that the training they received at the Institute is simply irrelevant to their practice. Another critical question is why the government has to pay with tax money all the expenses for the training of the trainees, especially those trainees who go to practice immediately following their graduation, and even provide allowances to them. When they practice, they right away make several times higher income than an average even in their beginner's status. Finally, the puzzling question raised is with the contents of instruction and training at the Institute. For example, no constitutional law and administrative law instructions and trainings are provided at all so that one can legitimately question the ability of the court adequately to deal with constitutional law and administrative law issues in the judicial process. The same is with labor law. I believe that the recent announcement by the Minister of Labor that the government would organize labor court ought
to be received as a shock to lawyers in practice. I wonder how it is possible to run properly our new Constitutional Court which is supposed to be manned with "those qualified to be a judge," since they are all trained in, and accustomed to, typical civil and criminal law cases alone and not adequately trained in public law problems from their training period and on.

IV. Reform Efforts

A discussion of the Judicial Training Institute reminds me of its predecessor, the Graduate School of Law which had existed from 1962 to 1970 as a part of Seoul National University. Definitely the setting up of the School constituted an episode of our efforts to improve our legal education and training; I believe it was a step forward from our previous stage of legal education and training consisting in passing the bar examination and having an apprentice training at the court or the public prosecutors office for one year before appointment. The main thrust of ideas behind the School was to combine academism and practical training: law professors were to give "theories" and practitioners "practical training" to the enrolled students who passed the bar examination. Its academic program included writing master's thesis upon whose completion master's degree in law was to be awarded to those who had a bachelor's degree. Reality always does not fully match an ideal. I believe the same was with the School. However, the reason why the School was replaced by the Judicial Training Institute were not that it had some scientifically identifiable defects related to the legitimate question of reality failing to match the ideal. A parochialism on the part of the practitioners, particularly judges, had worked in favor of setting-up the Institute under the umbrella of their department, the court, and the Japanese model had also worked in the latter's favor. Thus one can wonder what improvement the Judicial Training Institute has made above the School.

We have been seriously discussing for many years what would be right directions and right means to improve our legal education. We have held
numerous seminars, colloquia, and conferences for such discussion, out of which many ideas, suggestions, and proposals have been forwarded. One idea among them is to make a progress in the professor-students ratio. The nation-wide situation in the ratio is far behind the ideal, but the general tendency is definitely to improve in that direction. Recent years Seoul National University College of Law has made a modest stride to increase the number of faculty members, by which we now have increased the number of professors and also those specialized in many new fields such as sociology of law, legislation, law and economics, environmental protection law, international business transactions law, and tax law. Most of these topics were not taught and studied in depth at all even ten years ago. Certainly opening up of such new course is also part of our reform efforts. They no doubt help to widen up the horizon of students' perspectives beyond the confinement of the “core” examination topics and related courses, and traditional courses such as roman law and continental law. We have been conscious of developing new teaching methods besides traditional lectures. Especially we have been experimenting with case-method. For this purpose we have developed a series of case books for student use.

The idea of more than 4 year law school plan like five year law school, six year plan, and seven year plan as an important institutional means to solve several problems we have in legal education has been around among us for many years since 1960's. In fact, the five year law school idea has been a pet program of Seoul National University College of Law faculty members. We had resolved twice to propose it in the past (in 1972 and again in 1974). And this year we have resolved to have it integrated into the Seoul National University's long term development plan that was finally formally adopted. Therefore we are now almost certain that we are going to have a five year law school by 1991. The details of the five year law school plan including necessary curriculum changes have yet to be worked out, but the basic idea behind the five year law school plan is to intensify both general education consisting of humanities and social sciences and professional education respectively
with two year pre-law course and three year law course. Needless to add, the idea is to kill with one stroke two birds, the two major weak points in the present university legal education as we have already seen. This five year scheme bears a parallel to the present medical school program composed of two year pre-medical and four year medical course. (Incidentally a seven year medial school course composed of four year undergraduate course and four year medical course is envisioned in the Seoul University's long term development plan). At least with the two year pre-law program, we believe we can conduct a modest level of general education to be conducive to the formation of the kind of personality that a lawyer is desired to possess. Only with the three year intensified law course, we think we can manage to give students an adequate level of knowledge of law (both core courses and newly developed areas of law) and skill (legal mind) so that they can think and act like competent lawyer. There is a split of opinion on the nature of the two year program before law school in terms of whether it should be a pre-law course or whether those who has already had two year university education in humanities or social science should be admitted to the three year law school (there is a consensus that those whose background is in other than humanities and social sciences should not be admitted). Law professors tend to favor the latter choice, but probably there will be a strong opposition to it from professors of other departments. We have an experience that can be a reference to this matter. With the pilot school program some years ago, all the first year students were admitted in such broad categories as humanities, social science, natural science and engineering without a specific departmental designation like law, sociology, English literature, physics, and biology, and a department or college of their choice was to be determined only following two years (later one and half, then one year) of education in their category on the basis of their application and the result of academic performance for two years. What had happened was that for example in the category of social science the absolute majority of students wanted to apply to College of Law, the most popular major, and many of those students who were admitted
to other departments were not able to give up law easily, actually studying law while neglecting their own major subjects. Naturally those professors whose departments have a low popularity among students had complained about the admission system. Now we are back to what we had before, that is, students are admitted to a department, or Law or Medicine from their first year.

Even many professors who are in favor of the five year law school program leave some doubt on the feasibility of the idea because it means that parents and students have to spend extra time and money for one more year without any use of it for taking the bar examination so that they would not apply to such a five year law school. It is on this ground that some oppose to adopting the idea even though they agree to the idea itself. In fact, the opposition to the idea is grounded on the kind of justifiable worry. We at the Seoul National University College of Law are not particularly worrying about the prospect of low application, but worries of many private universities' law college and department appear real.

I believe, however, that the five year course idea has a good chance of its being adopted nation-wide sooner or later in Korea. We at the Seoul National University are very much aware that what we are doing today is setting up a model for the rest of law colleges and departments to emulate as what we have done in the past have always been so on numerous occasions. Thus, we are quite sure that once we open up the five year course law school here it could work an enormous pressure on other law colleges and departments to follow our example. Moreover, the five year law school idea has been adopted by the National Law School Association as its official proposal for future legal education. I believe that ultimately the success of the five year course law school depend on what kind of linkage graduation from such a law school is going to have with the bar examination. It is certain that enthusiasm about such a law school would be low unless graduation from it would not give one any credit for the bar examination. My personal idea is a radically liberal one that all graduates from it should be admitted to the bar as attorneys, from among whom young
judges and prosecutors are recruited (the Judicial Training Institute should exist just for them), or at least that graduation from it is required for the bar examination (with a door left for the self-taught and candidates other than those graduates) and the quota of successful candidate should be so opened up that a half of those graduates can pass the examination. In any case, many professors in favor of the five year course strongly argue that those graduates should be exempted from the first test of the bar examination. They are quite certain that they would be able to have the first test exemption scheme successfully adopted. They strongly feel that they are in a better position than before to argue that the first test is not necessary for those graduates who have received a longer, intensified discipline in both general education and knowledge of law and skill because the first test is only a screening stage for ones to be qualified to take the second stage test and its test topics are all what they would have already learned intensively as pre-law students and as law students for five years. They argue, however, that the first test itself should be left as a door for the self-taughts and other four year college graduates to take the second test.

So much with the five year law school. Finally, I believe that the increase to 300 of the number of successful candidates for the passage of the bar examination is a revolution done on law and society in Korea. Previously, all the lawyers, judges, public prosecutors, and attorneys alike, who had one time passed the bar examination, have been forming an exclusive club-like group of the privileged, giving rise to a parochialism on their part. They have monopolized the small market of legal service as judges, prosecutors, and practicing lawyers in typical civil litigations and criminal trials. In the meanwhile, they have largely neglected developing their learned concerns and skills in other important fields of modern law such as constitutional law, administrative law, tax law, consumer protection law, environmental protection law, labor law, patent law and legislation, where the legal service of the qualified lawyers is definitely needed in any industrialized society. The policy
of maintaining lawyers as a small-sized exclusive group has in fact blocked many of law graduates from becoming lawyers who with a greater number would possibly have been interested in such important, albeit monetarily much less rewarding, new fields of contemporary law as well. In the meantime, it has in a sense helped many of para-legal professionals such as judicial scribners, tax specialists, labor specialists, patent specialists, and licensed real estate men to rise and grow, where qualified legal service has not been available unless litigation took place. The “threshold of lawyers” used to be and still is too high for ordinary citizen to enter to seek their service, as we used to say.

Now the small world has opened up its wall a little bit toward the outside. Through its tiny crack, the size of lawyers has been constantly growing beyond the natural attrition rate each year, albeit in a trickling pace in my personal opinion. And a growing number of newly hatched lawyers began to explore in diverse areas of law and legally related activities including such new fields of law mentioned above and house counsel which lawyers of older generation used to shun. I believe this phenomenon has many potentialities and implications: a qualified legal service is expected to be easily available in the future even in diversified areas of law beyond the confinement of typical civil litigations and criminal trials, and the threshold of lawyers’ office is expected to be lowered, whereby the rule of law is helped to spread in society. Further, I believe it has also helped many of law professors to enliven their scholarly and teaching activities and also their policy proposals for law school and society; they are observing an increasing number of their students becoming lawyers and proving their worth in society. Through an increasing number of their former students they now began to see their influence reaching society more clearly than before.