

Recent Reform in Korean Legal Education*

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Abstract

Following many years of attempts to fundamentally change the legal education scheme in Korea, a graduate-level law school system was finally introduced in 2009. This comprehensive yet controversial educational reform has brought about tremendous changes to legal education as well as to many aspects of the Korean legal system. Such legal education reform that is currently ongoing will shape the future of the Korean legal system. Along this line, this article portrays detailed features of the recent reform in Korean legal education and illustrates salient changes that were brought about as a result of the reform. Further, this article proposes a way forward as follows. Concerted efforts among all the stakeholders should be made to form a more solid consensus on the specific mission of a law school, while improving the quality of education should be the focal interest above all. In doing so, legal professions should collaborate with law schools for better education. The government should not only be a strict regulator but also a passionate supporter of the new system. Whether or not this reform has succeeded is too early to tell and remains an open question. The virtues we need now are hope for a better legal education system, diligence in the reform efforts, and patience before challenges.

KEY WORDS: Law School, Korean Legal Education, Legal System, Legal Profession, Legal Education Reform, Diversity

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I. Introduction

Korea¹⁾ is a country of dynamism. This is witnessed in many aspects. Rising from the ashes of Korean War (1950-1953), Korea has shown

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1) Korea in this article refers to the Republic of Korea, commonly called South Korea as opposed to North Korea.

miraculous economic growth, which has been frequently referred to as the "Miracle of the Han River."²⁾ Continuing its unceasing growth, Korea is ranked the 15th in the world by nominal GDP and the 12th by purchasing power parity (PPP) as of 2012.³⁾ To many, Korea has been understood as a rare country where both industrialization and democratization were achieved in such a short period of time. After decades of authoritarian regimes, citizen movements and political reforms have led to a democratic society where the principle of checks-and-balances is respected and the people enjoy the freedom of expression.⁴⁾ Concurrently, the independence of the judiciary has become robust.⁵⁾ Although people may hold different views on whether or not Korea has reached the desired level of democracy, they obviously enjoy far broader political liberty and free speech than during the time of authoritarian governments. In the midst of such dynamic changes, Korea has proven itself to be one of the most noteworthy countries in terms of its social and economic stability and its success in democratization.

These positive changes in Korea may be attributed to a number of factors. Enthusiasm for education is undoubtedly one of them.⁶⁾ Korea, a country where people ceaselessly seek for better education, is known for its strong emphasis on education. Korea is ranked among the highest in terms of academic achievement.⁷⁾ Further, Korea spends the highest percentage of GNP on education among all OECD member countries.⁸⁾ The U.S. President

2) Jürgen Kleiner, *Korea, a Century of Change* 254 (2001).

3) Wikipedia, *Economy of South Korea* (Apr. 10, 2013), http://en.wikipedia.org/wiki/Economy_of_South_Korea

4) Youngjoon Kwon, *Bridging the gap between Korean substance and Western form*, *LAW AND LEGAL INSTITUTIONS OF ASIA* 152, (2011).

5) Eun-Young Park, *The Rule of Law in the Republic of Korea*, 6 N. TAI. U. L. R. 301, 30 (2011).

6) Regarding a significance of education in Korea, see Kyong-Whan Ahn, *Law Reform in Korea and the Agenda of "Graduate Law School,"* 24 WIS. INT'L L.J. 223, 224-226 (2006).

7) Korea is ranked the 1st of 150 nations in terms of education enrollment, the 1st of 148 nations in terms of primary education completion rate, the 1st of 27 nations in terms of scientific literacy, the 2nd of 17 nations in terms of mathematical literacy, and the 6th of 27 nations in terms of reading literacy.

NationMaster.com (Apr. 10, 2013), <http://www.nationmaster.com/red/country/ks-korea-south/edu-education&all=1>

8) Sunwoong Kim & Ju-Ho Lee, *Changing Facets of Korean Higher Education: Market*

Barak Obama in this regard has lauded Korea several times in an effort to encourage its citizens to do more on the educational front.⁹⁾ Although there is fierce criticism on the education in Korea for its excessive, competitive-driven nature and its failure to depart from passive learning and memorization, enthusiasm for higher education in Korea has been certainly one of the main driving forces to bring up Korea, even with small-sized land and without sufficient natural resources, to one of the top competitive nations in the world. Meanwhile, there have been constant reform measures to improve Korean education.¹⁰⁾ After all, dynamism that characterizes Korea has also been existent in the area of education.

Yet, legal education was an exception in this respect. Legal education largely kept its distance from this dynamism of ongoing changes that had prevailed in Korea until recently. Modern legal education in Korea first began when Beobgwan yangseongso (Judicial Training Center) was established in 1895.¹¹⁾ However, the annexation of Korea to Japan put an end to the self-motivated development of Korean legal education. Instead, a Japanese framework of legal education was transplanted to Korea. Subsequently, from the establishment of the Republic of Korea in 1948 until recently, legal education in Korea remained substantially unchanged. However, following many years of attempts to fundamentally change the legal education scheme, a graduate-level law school system was introduced in 2009.¹²⁾ This comprehensive yet controversial educational reform has brought about tremendous changes to legal education as well as to the relevant legal systems in Korea.¹³⁾ Such legal education reform that is

Competition and the Role of the State, 52 HIGHER EDUC. 557 (2006); quoted from Martha C. Nussbaum, *Democracy, Education, and the Liberal Arts: Two Asian Models*, 44 U.C. DAVIS. L. REV. 735, 752 (2011).

9) Korea Times, *Obama Praises Korean Education Again*, February 20, 2010, at http://www.koreatimes.co.kr/www/news/nation/2010/02/113_61138.html

10) See http://en.wikipedia.org/wiki/Education_in_South_Korea.

11) See http://law.snu.ac.kr/en_design/contents.asp?code=101314&lang=kor

12) In this regard, it may be called the "Americanization of Legal Education." See Rosa Kim, *The "Americanization" of Legal Education in South Korea: Challenges and Opportunities*, 38 BROOK. J. INT'L L. 49 (2012).

13) Korea is seen as an example for dramatic structural reforms, at the end of the continuum of legal education reforms currently sweeping Asia. Veronica L. Taylor, *Legal education as development*, LEGAL EDUCATION IN ASIA - GLOBALIZATION, CHANGE AND CONTEXTS 215

currently ongoing will shape the future of the Korean legal system as well. In this sense, Korea now stands at crossroads.

Against this backdrop, it is the aim of this paper to first portray the progress of Korea's legal education reform and its salient features (Part II), to analyze and evaluate significant changes caused by this reform as currently observed (Part III), and to make suggestions in search for the best way forward (Part IV), followed by a conclusion (Part V).

II. The progress of the recent legal education reform

1. *Legal education and the law profession prior to the reform*

1) *Legal education system*

(1) Path to become a lawyer

The legal education system in Korea prior to the recent reform was modeled after the continental European system. Like in many European countries, legal education was provided at the undergraduate level for the period of four academic years.¹⁴⁾ Usually, law students spent the first year receiving general non-law subject education in social sciences and liberal arts along with some of the basic introductory law courses, and then spent the rest of their college years tightly engaged in various forms of legal studies.¹⁵⁾ Yet, most of the students entering the college of law did not pursue their professional careers as lawyers; only a small number of law students ultimately became lawyers. Furthermore, the qualification to take the national examination for obtaining a license to practice law in Korea was not limited to the graduates from the college of law; instead, it was wide open to everybody regardless of their educational background. One could be licensed to practice law as long as one passed the National Judicial Examination (hereinafter "NJE") and received the two-year professional training in the Judicial Research and Training Institute (hereinafter "JRTI") which was operated by the Supreme Court of the Republic of Korea. Under

(2010).

14) Kwon, *supra* note 4, at 173.

15) *Id.*

this system, a law degree was not a prerequisite to the admission to the practice of law. This demonstrates a loose relationship between legal education and legal profession. The NJE, instead of legal education provided at and by the academic institutions, stood as the gatekeeper on the sole path to become a licensed lawyer in Korea.¹⁶⁾

For this reason, the NJE is one of the keywords in understanding the previous Korean legal education system. It is a nation-wide test administered annually by the government to select prospective lawyers.¹⁷⁾ The NJE consists of three-phase examinations: a set of multiple choice questions, essay questions and an interview.¹⁸⁾ This three-step examination, largely due to the lack of limits on the qualification for exam-taking and the low pass-rate, has been notorious for the extreme competitiveness. Students have spent a long period of time in order to prepare for the NJE. Most of the passers usually have devoted additional years subsequent to their graduation from college of law to pass this test.¹⁹⁾

An extremely limited number of applicants, usually around 1 to 6 percent of the total applicants, have passed the NJE each year.²⁰⁾ This has, in turn, led to the waste of human resources, driving many young individuals with great potentials to dedicate themselves to the study for the NJE for many years.²¹⁾ For example, 290 out of 16,390 passed the NJE in 1994, indicating the pass-rate of 1.7%. Since 1995, the number of the applicants who have passed the NJE per year has increased to over 300, when 308 out of 16,789 passed the test with the pass rate of 1.8%. The total number first rose over 1,000 in 2004, when 1,009 out of 15,446 passed with the pass-rate of 6.5%. In 2008, 1,005 out of 17,829 applicants passed with the pass-rate of

16) See generally Chang Rok Kim, *The National Bar Examination in Korea*, 24 WIS. INT'L L.J. 243 (2006).

17) Kwon, *supra* note 4, at 167.

18) Kim, *supra* note 16, at 244.

19) Tom Ginsburg, *Transforming Legal Education in Japan and Korea*, 22 PENN ST. INT'L REV. 433, 435 (2004).

20) These statistics can be found, in Korean language, on the website of the Ministry of Justice at http://www.moj.go.kr/HP/COM/bbs_03/ListShowData.do?strNbodCd=noti0083&strWrtiNo=7&strAnsNo=A&strNbodCd=noti0083&strFilePath=bar/&strRtnURL=BAR_40300000&strOrgGbnCd=103000&strThisPage=7&strNbodCdGbn (Jan. 1. 2013).

21) Kim, *supra* note 16, at 248.

Table 1. Number of successful applicants in the NJE (2003-2012)

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Successful Applicants	906	1,009	1,001	994	1,011	1,005	997	814	707	506
Pass-rate (%)	3.70	6.54	5.68	5.75	5.59	5.64	5.55	4.78	4.90	4.91

5.6%. As the statistics imply, extreme competitiveness of the test has resulted in the unbalanced portfolio of successful applicants. A majority of them conventionally have come from a few of the major universities. For example, the 2008 statistics show that 561 out of 1,005 successful applicants, i.e., approximately 55.8%, are from so-called “SKY” universities (Seoul National University, Korea University, and Yonsei University).²²⁾ From 2002 to 2007, 3,065 “SKY” students or graduates (1,685 from Seoul National University, 832 from Korea University, and 548 from Yonsei University) accounted for over 62% of the total number of successful applicants, which was 4908.²³⁾

After passing this competitive test, the successful applicants enter the JRTI. The JRTI is an institution established and operated by the judiciary that provides professional legal training for the period of two years before the trainees become judges, prosecutors or practicing attorneys.²⁴⁾ Here, trainees are endowed with a status of public officials and paid by the government. This shows a government-oriented approach in educating and training lawyers.²⁵⁾ Regardless of their future occupations, whether in public or private sector, they are all trained by the Supreme Court. In this institution, trainees study and socialize together, thereby cultivating idiosyncratic and homogeneous culture.²⁶⁾ At the same time, competition

22) Kwon, *supra* note 4, at 174.

23) *Id.*

24) See <http://jrti.scourt.go.kr/> (the official website of JRTI in Korean) for details. Japan has a very similar institution where professional training was offered for prospective judges, prosecutors, and practicing lawyers. Ginsburg, *supra* note 19, at 435.

25) Kookwoon Lee, *Law School Choejoewa Beobryulgajickui Beonhwa (Law School System and the Change in Legal Profession)*, LAW SCHOOL GWA BEOBHAK GYOYOOK (LAW SCHOOL AND LEGAL EDUCATION) 54, (2008).

26) A sense of unity and personal relationship developed during their training was sometimes deemed intangible asset, especially who sought to become practicing lawyers.

among trainees is severely harsh. These elites compete to gain higher grades while at the institution to secure their positions in better workplaces. In general, there has been a strong tendency for decades to prefer judgeship over other legal professions.²⁷⁾ After this rigorous training process, they choose their own careers on the competitive basis. From 1971 until 2013, total of 18,167 have completed the training program at the JRTI and started their career as legal professionals.²⁸⁾

The aforementioned NJE will exist through 2017 despite the adoption of the new law school system and the new National Bar Examination (hereinafter “NBE”), in order to protect the reliance interests of the applicants for the NJE.²⁹⁾ Therefore, the JRTI will also carry out its function of professional legal training for those who will pass the NJE until 2017. This means that, temporarily, there will be two different paths to become lawyers in Korea through the year 2017: the NJE-JRTI track on one hand, and the law school-NBE track on the other hand.

(2) Influence of the National Judicial Examination on the legal education

There was a widespread notion that Korean legal education had been severely undermined by the NJE.³⁰⁾ In the first place, the NJE did not require a law degree for its passage. Getting the good grades at the school was also irrelevant. Largely, it was the scores they earned in the NJE and the JRTI that actually determined their career paths and job placements. Therefore, the focus was on passing the NJE, and not on the legal education. There were numerous private institutions where they offered

Many people in Korea have believed that personal relationship between advocates and adjudicators may affect the outcome of the actual cases. Although the truthfulness of this presumption was fiercely disputed, people would hire lawyers who were trained together with judges adjudicating their cases.

27) Kwon, *supra* note 4, at 168.

28) See <http://jrti.scourt.go.kr/>.

29) However, the Ministry of Justice is planning to gradually reduce the number of passers for the NJE.

30) Lee, Sangsoo, *Daehak Hakbooseoui Beobhakgyoyook (Legal Education on an Undergraduate Level)*, 47-4 SEOULDAEHAKKYO BEOBHAK (SEOUL NATIONAL UNIVERSITY LAW JOURNAL) 129 (2006); Kim, Jaehyoung, *Saeroeun Minbeob Gyoyookui Choegewa Bangbeob: Seouldaeui Gyongwoo (The System and Methodology of a New Civil Law Education: In case of Seoul National University)*, 45-1 MINSABEOBHAK (CIVIL LAW JOURNAL) 34 (2009).

commercial preparation courses customized for the NJE, comparable to “Barbri” or “Kaplan” in the United States. Generally, students heavily relied on these courses.³¹⁾

Consequently, the courses offered at the law colleges were adversely affected. At schools, students hesitated to take courses that were not directly related to the NJE. Rather, students focused on subjects that were tested in the NJE. They generally neglected other extra-curricular activities that could enrich their perspectives, knowledge, and experience. In the meantime, creative, diverse and interactive legal education was stifled. No reform in the curriculum would have been meaningful without overcoming this circumstance, severely influenced by the NJE.³²⁾ It was one of the main causes for the recent legal education reform in Korea.

2) Legal profession

Legal profession in Korea is also the fruit of the legal education system. Since Korean legal education has been tied to the extremely competitive NJE-JRTI track, legal profession has consequently been regarded as one of the most prestigious career fields in Korea. This has become more obvious as the rule of law has grown widespread in Korea.³³⁾ The role and the function of the lawyers have significantly expanded.³⁴⁾ The social status of lawyers has remained high. Three words may represent traditional legal professionals in Korea in a simple way; homogeneity, scarcity and prestige.³⁵⁾ Of course, each feature does not stand alone. Rather, these features have been closely connected with each other.

Firstly, lawyers in Korea are generally homogeneous. The only way of becoming a lawyer was to take a notoriously challenging NJE and then to receive training in the JRTI. This single path, in which same subject matters

31) Matthew J. Wilson, *U.S. Legal Education Methods and Ideals: Application to the Japanese and Korean Systems*, 18 *CARDOZO J. INT'L & COMP. L.* 295, 337.

32) Konsik Kim, *Beobhakjeonmundaehakwon, eudoekke salleonagal geotinga (How to make a true law school)*, *LAW SCHOOL GWA BEOBHAK GYOYOOK (LAW SCHOOL AND LEGAL EDUCATION)* 20 (2008).

33) Ahn, *supra* note 6, at 223.

34) Kim, *supra* note 32, at 17.

35) Kwon, *supra* note 4, at 167. Jae Won Kim, *The Ideal and the Reality of the Korean Legal Profession*, 2 *ASIAN-PAC. L. & POL'Y J.* 2, 46 (2001) refers to the small size and homogeneous composition of Korean legal profession. .

are tested and taught, makes lawyers highly homogeneous. Regardless of specific legal professions they pursue afterward, they have all passed the same test and have been trained together in the same institute under the same curriculum. This has elevated the sense of fellow-feeling among them. The predominance of a handful of major universities has probably exacerbated homogeneity among the legal profession.³⁶⁾

Secondly, this professional circle has been very small in its size. This has been a natural outcome of the competitive lawyer-selection process based on the NJE and the JRTI. Until 1977, the annual number of applicants passing the NJE was less than 100. In 1981, this quota increased from 100 to 300. It gradually increased to 1000 around 2002. Since then, the number increased rapidly. In 2003, the total number of practicing attorneys was 5,586.³⁷⁾ It reached 10,976 in 2011.³⁸⁾ However, Korea is still deemed one of the lowest among OECD member countries in terms of the number of lawyers per capita.³⁹⁾

Thirdly, this scarcity in turn has curbed the competition in the legal market and kept the legal fees high. This market power due to scarcity in number has helped the legal profession keep its prestigious social and economic status in Korea. The high entry barrier to legal professions has also contributed to maintaining the quality of lawyers, which in turn upheld their prestige. In particular, judges and prosecutors have been deemed exceedingly prestigious thanks to the long-standing tradition and culture in which public officials were held in high regard. Practicing attorneys have also enjoyed high social status and income. These advantages have consequently led them to the stronger political power. The Korean bar association has been a major interest group influencing relevant

36) One symbolic example is the constitution of the Supreme Court, in which 12 out of 14 Justices are graduates of Seoul National University Law College as of May, 2013.

37) See statistics offered by the Ministry of Justice in e-narajipyo (e-national index) at http://www.index.go.kr/egams/stts/jsp/potal/stts/PO_STTS_IdxMain.jsp?idx_cd=1733&bbs=INDX_001&clas_div=C&rootKey=1.48.0.

38) *Id.*

39) "The decision to cap total enrollment in law schools at 2,000, despite the fact that the number of lawyers per capita in Korea is only a quarter of the OECD average, restricts competition and keeps prices high." Economic Survey of Korea 2008 : Boosting Productivity in Korea's Service Sector, at <http://www.oecd.org/korea/economicsurveyofkorea2008boostingproductivityinkoreasservicesector.htm>. .

legal reforms.

However, the role of the legal professionals in the Korean society has not been as significant as they should have been. Although these legal elites have been one of the main driving forces in the nation's achievement of a sound legal system within a relatively short period of time, they might have failed to meet the needs of the Korean society and its constituents. Basically, they have been too homogeneous and too domestic-oriented to correspond to diversified issues of the society in the era of globalization.⁴⁰⁾ Despite the increase in the number of the lawyers, they have been too small in number to satisfy the increased demand of the society. Further, it is not only the total size but also the concentration of attorneys in certain geographic areas that has aggravated the problem. For example, approximately 74% (10,744 out of 14,534) of the attorneys were registered with the Seoul bar as of December 31, 2012;⁴¹⁾ including Uijeongbu, Suwon, and Incheon bars, which are geographically adjacent to Seoul, 82% (11,973 out of 14,534) of the attorneys were practicing either in Seoul or the adjacent cities. This geographical concentration of attorneys has made it even more difficult for people in rural areas to have proper access to legal service. This has been one of the main reasons for the argument for more attorneys.

On the whole, the Korean legal profession in general has failed to play the pivotal role that the society has expected from it during Korea's transition to democracy and market economy.⁴²⁾ Against this backdrop, Korean society has been in constant demand for a more positive and active role by the legal profession.⁴³⁾ It was with this background that a legal education reform was planned and implemented.

2. *The implementation of legal education reform*

1) *Process*

Discussion on a fundamental legal education reform began at the Commission for Judicial System Development and Globalization

40) Ahn, *supra* note 6, at 234-235.

41) E-narajipyo, *supra* note 37.

42) Kim, *supra* note 35, at 46.

43) *Id.*

Committee in 1993.⁴⁴⁾ Such effort was the first of its kind to comprehensively review and address the need of a legal reform in light of the changes inside and outside Korea. It was also a part of nationwide efforts under Kim-Youngsam administration to globalize Korea.⁴⁵⁾ The commission, which was comprised of 31 members representing various legal professions and citizen groups, came up with a revolutionary proposal in 1995.⁴⁶⁾ A focus was on the legal consumers rather than lawyers. To accommodate the need of legal consumers, the Commission intended to increase the number of lawyers to a significant extent. The proposal also called for the adoption of the graduate-level legal education. Yet, this ambitious move was not realized due to opponents' criticism on its impracticability in the Korean circumstances.

However, a reform attempt did not stop here. Further, the Judicial Reform Promotion Committee was organized in May 1999 as a presidential advisory group.⁴⁷⁾ The committee also discussed a legal education reform in depth. The reform movement was finally accelerated when the Presidential Committee on Judicial Reform was launched in 2005 to implement judicial reform.⁴⁸⁾ Stakeholders participated on this issue, representing their own interests. Civic organizations and public opinion also played a certain role in the process.⁴⁹⁾

There was fierce controversy again over a law school system in the reform process. In general, universities were in favor of a law school system, while the Korean Bar Association was opposed to it.⁵⁰⁾ The National

44) See http://scourt.go.kr/eng/judiciary/judicial_reform.jsp.

45) Kim, Youngsam was the seventh President of Korea from 1993 to 1998. After he was elected, he vigorously pushed ahead with an international policy called Segehwa. See http://en.wikipedia.org/wiki/Kim_Young-sam.

46) See OHSEUNG KWON, *SABOPDO SERVISDA (LAW IS ALSO A SERVICE)* 11 (1996)..; Ginsburg, *supra* note 19, at 437.

47) See http://scourt.go.kr/eng/judiciary/judicial_reform.jsp.

48) Ahn, *supra* note 6, at 230-231.

49) Kim, Sung One, *Beobhakjeonmundaehakwon jedo doip gyuljeonggwajeong bunseok: Jeongchaek network mohyongjeul jungshimeuro (Analysis on the Policy-Making Process of Korea Law School – Focusing on the Policy Network Model)*, MASTER'S THESIS, GRADUATE SCHOOL OF GOVERNANCE, SUNGKYUNKWAN UNIVERSITY 94, 96, 134 (2012).

50) The Korea Times, *Professors Want Passage of Law School Bill Soon*, April 17, 2007, at http://koreatimes.co.kr/www/news/nation/2007/04/113_1017.html.

Table 2. Annual student quota for law schools in Korea

	School	Student Quota	Location
1	Seoul National	150	Seoul
2	Yonsei	120	Seoul
3	Korea	120	Seoul
4	Sungkyunkwan	120	Seoul
5	Busan	120	Busan
6	Gyungbook	120	Daegu
7	Chonnam	120	Gwangjoo
8	Ehwa Women's	100	Seoul
9	Hanyang	100	Seoul
10	Choongnam	100	Daejon
11	Donga	80	Busan
12	Chonbook	80	Jeonjoo
13	Youngnam	70	Daegu
14	Choongbook	70	Cheongjoo
15	Kyunghee	60	Seoul
16	Wongang	60	Iksan
17	Seoul Municipal	50	Seoul
18	Ajou	50	Suwon
19	Inha	50	Incheon
20	Choongang	50	Seoul
21	Hankook Foreign	50	Seoul
22	Kangwon	40	Chooncheon
23	Keonkook	40	Seoul
24	Seogang	40	Seoul
25	Jeju	40	Jeju

Assembly spent almost two years arguing over this controversial system.⁵¹⁾ The governing Uri party was in favor of the bill introducing a new law school system, trying to have it passed in the National Assembly. The opposition Grand National Party was against it and tried to peg this bill to an unrelated bill on private school reforms. Two parties were on the standoff.⁵²⁾ However, these two major political parties reached a political compromise, and finally passed this bill in July 2007.⁵³⁾ It was enacted as

51) The Korea Times, *Law Schools in Limbo* April 19, 2007, at http://koreatimes.co.kr/www/news/opinion/2007/04/137_1314.html.

52) *Id.*

53) The Korea Times, *Law School to Open in 2009*, July 4, 2007, at <http://koreatimes.co.kr/>

what we call "Law School Act."⁵⁴⁾ This epochal, yet controversial new legal education system was implemented in March 2009. A total of 25 law schools opened,⁵⁵⁾ and admitted approximately 2,000 students.⁵⁶⁾

2) *Salient features*

(1) Legal requirements for law schools

This new education system has key features of the U.S. law school model - a three-year training graduate-level professional school (Law School Act § 18 ①, ②). The number of law schools and the number of students are regulated by the Minister of Education. They were decided by the Minister after considering all the relevant circumstances, including appropriate supply and demand of lawyers and legal service (Law School Act § 6, 7). Other requirements on faculty, facilities, and curriculum are also prescribed by the Act (Law School Act § 16-20). To name a few of these requirements, the student-professor ratio should be 12 to 1 or less (Law School Act § 16 ①, Presidential Decree § 9 ①). At least 20% or more of the professors should have 5 years or longer career as practitioner either in Korea or abroad (Law School Act § 16 ④). Certain level of facilities and financial stability are also required (Law School Act § 17).

(2) Granting authorization for law schools

The Minister of Education, upon the application from universities, grants authorization for the establishment of a law school in light of above requirements (Law School Act § 6). The Law School Education Committee is established under the Minister of Education to deliberate on the matters relating to law schools including the authorization of the establishment of a

www/news/nation/2007/07/113_5931.html. Also see Kwon, *supra* note 4, at 162-164 for general explanation on the legislative process in Korea.

54) The official title of the Act is *Beophak jeonmun daehakwon seolchi unyeong-e gwanhan beopruyl* [Act regarding the Establishment and Operation of Professional Law Schools], Act No. 8544, July 27, 2007, amended by Act No. 10866, Jul. 21. 2011).

55) It is far below the number of new law schools open in 2004-2005 in Japan, which is 74. See Japan Times, *Reviewing Legal Education Reform*, April 22, 2013, at <http://www.japantimes.co.jp/opinion/2013/04/22/editorials/reviewing-legal-education-reform/>

56) Seoul National University was approved annual enrollment of 150 students, the largest size in the nation. There are four law schools with the approval of 40 students, being the smallest size in the nation.

law school and deciding student quota for each law school (Law School Act § 10).⁵⁷⁾ For those universities which obtained authorizations from the government to establish law schools, obligations are imposed to abolish undergraduate level law colleges, while maintaining its undergraduate law degree program for students who were already admitted before the opening of a law school (Law School Act § 8). Universities with no law school still can continue general legal education at undergraduate level. As a result, Korea has law schools without law colleges, and law colleges without law schools, but has no school running both of them. Major universities in Korea chose to have law schools without law colleges. Law colleges in Korea now are rather functioning as providers of general legal education courses than as training institutes producing legal experts.

(3) Admission, education, and the National Bar Examination

Students are selected from among persons who has an undergraduate degrees or who is deemed to have equivalent academic education (Law School Act § 22). As a precondition to be admitted to law schools, students are required to submit the score of the Legal Education Eligibility Test (LEET),⁵⁸⁾ undergraduate Grade Point Average (GPA), and the proof of foreign language proficiency⁵⁹⁾ (Law School Act § 23 ②). Further, they may submit other materials regarding community services and volunteer activities (Law School Act § 23 ②).

After students are enrolled, law schools offer a three-year degree program. The Act obliges a law school to establish adequate curriculum to train legal professionals in accordance with the educational ideology set forth in Article 2 (Law School Act § 21). There are mandatory subjects to be taught by law; Legal Ethics, Legal Research, Legal Writing, Moot Trial, and

57) This regulation is aimed both at quantity and quality control. The number of student is much lower compared to top 10 U.S. law schools. The average number of students per law school in Korea is 80, while it is 1,012 in the U.S. See <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-rankings> for the U.S. statistics.

58) This is similar to the LSAT in the United States and the new Japanese LSAT examination.

59) Usually, they submit the proof of score earned in various accredited English tests including TOEFL.

Practice Course (Law School Act § 16 ①, Presidential Decree § 13). Law schools can further designate mandatory subjects themselves other than these statutory mandatory subjects. In addition, in accordance with its educational goal, law schools generally offer diverse elective courses including interdisciplinary courses, foreign law courses, or clinical programs. The minimum number of credits required for the completion of a degree program is 90 (Law School Act § 19 ①, Presidential Decree § 12 ①). The degree awarded upon completion of the three-year program is a “professional master’s degree” (Law School Act § 18 ①). A law school can also establish and operate a professional doctorate degree program (Law School Act § 18 ①).

Upon finishing three years of legal education, law school students can sit for the NBE. The NBE, which will ultimately replace NJE, has an aim of testing abilities to practice law, such as professional ethics and legal knowledge, necessary to legal professionals (National Bar Examination Act § 1). This examination is administered by the Minister of Justice (National Bar Examination Act § 3, 4). It is consisted of three type sub-exams; multiple-choice questions, essay questions, and a separate Legal Ethics Examination (National Bar Examination Act § 8 ①). Public law (referring to Constitutions and administrative law), civil law (referring to civil law, commercial law, and civil procedure law), criminal law (referring to criminal law and criminal procedure law), and one of the subjects of legal specialties prescribed by the Presidential Decree⁶⁰⁾ are tested (National Bar Examination Act § 9 ①).

A law school will ultimately become the sole path to become a licensed lawyer in Korea. Only law school students who have completed the program are eligible to sit for the NBE (National Bar Examination Act § 5 ①).⁶¹⁾ They may apply for the NBE five times only during the five years beginning from the time of graduation (National Bar Examination Act § 7 ①). Successful applicants passing the NBE are no longer required to attend

60) According to the Presidential Decree § 5 ① and Table 1, these subjects are international law, international trade Law, labor Law, tax Law, intellectual property law, economic law, and environment law.

61) Constitutional Court Decision on Feb. 26. 2009, 2007hunma1262 confirms the constitutionality of the gradual abolishment of the NJE on whether or not this infringes the freedom of occupation.

the JRTI. The JRTI is likely to reduce its function to the judge-training center, instead of a comprehensive training institute for all would-be lawyers. The NJE will still be held until 2017 despite the implementation of the new education system in 2009, in order to protect the reliance interest of those remaining law college students.

III. Changes

I have so far sketched the overall framework of a new law school system. This system has brought actual changes to schools and legal professions.

1. Changes to a school – increased diversity

While striking changes brought to law schools can be summarized in many different ways, diversity might appropriately represent various changes. Along with educational excellence as the ultimate goal of a legal education, diversity has also been emphasized as a core value in an effort to educate a law student with broad knowledge and flexible perspective.

1) Diversity in student composition

Diversity in student composition is noteworthy. This is largely due to the regulation imposed on law schools by the Law School Act. The Act emphasizes diversity of student bodies in Article 26 ① by stating that “a law school shall endeavor to admit students having diverse knowledge and experience,” and then obliges law schools to admit students with diverse educational backgrounds.

Pursuing diversity in student composition is based on the idea that students learn not only from professors but also from their fellow students. This learning experience becomes more meaningful when they have opportunities to interact with others who have different backgrounds, experiences, expertise, and perspectives. Difference fosters richer interactions that consequently benefit students, institutions, and society.⁶²⁾

62) Charles E. Daye, *Does Race matter in Educational Diversity? A Legal and Empirical*

In this aspect, the increase of diversity is indeed a positive change.

(1) Student diversity in terms of educational background

On one hand, a law school is mandated to admit one third or more of its students having undergraduate degrees in fields other than law (Law School Act § 26 ②). This regulation is aiming at encouraging law schools to admit non-law major students to increase diversity among students. Otherwise, law schools can easily be tempted to select students who already have legal knowledge, in order to alleviate educational burden and to yield a better outcome in the NBE. The 2009 statistics show that the percentage of admitted students with undergraduate law degree nationwide ranges from 17% to 54%.⁶³ However, the percentage will go down over time. Major universities, where most of the law school applicants come from, no longer admit undergraduate law students since 2009. Thus, law schools will naturally be filled with students from different majors in the future.

On the other hand, a law school is mandated to admit one third or more of its students with undergraduate degrees from schools other than the school admitting them (Law School Act § 26 ③).⁶⁴ For example, the Seoul National University (hereinafter, "SNU") school of law is no longer allowed to admit more than 2/3 of its students from SNU. In other words, the SNU School of law is legally obliged to select 1/3 of its students from other universities. In the nation where the SNU is at the very top of the strict hierarchy among universities, this measure restricts the SNU School of law from selecting students from the brightest pool of SNU graduates. In this regard, this regulation has the purpose of leveling a field among law schools.

Analysis, 13 RUTGERS RACE & L. REV. 75 (2012).

63) Lee Soonhyuck, *Geudaeneun 20dae-SKY-gangnam choolshin (You are in your twenties, from SKY and come from Gangnam area)*, Hangeora 21, February 27, 2009, at http://h21.hani.co.kr/arti/cover/cover_general/24406.html.

64) Constitutional Court Decision on Feb. 26. 2009, 2007hunma1262 addresses the constitutionality of the Article 26 of the Law School Act which obliges law schools to admit students from different majors and schools. The Constitutional Court confirmed the constitutionality of the above provision, stating that the purpose of the Law School Act to produce lawyers with diverse educational backgrounds justifies such legislative measure. However, Justice Jo Daehyun, in his dissenting opinion, argued that there are no justifiable grounds to impose such limitation.

Table 3. Student composition (2009-2013)⁶⁵⁾
(Seoul National University school of Law)

Year	Students Admitted	law major (undergraduate)	Non-law major (undergraduate)	Male	Female
2009	150	50	100	84	66
2010	155	44	111	86	69
2011	155	61	94	86	69
2012	153	63	90	78	75
2013	154	54	100	77	77

Interesting fact is that more than 53.2% of the law school students admitted in 2009 were graduates from “SKY” universities (Seoul National University, Korea University, Yonsei University).⁶⁶⁾ This percentage is almost identical to the percentage of successful applicants from these three major universities in the NJE in 2008, which was 53.8%. This implies that “SKY” dominance at an undergraduate level will remain unchanged despite the adoption of a law school and the above regulation to diversify students in their educational backgrounds. Another recent survey shows that major law firms still prefer to employ graduates from three major law schools (Seoul National University, Korea University, Yonsei University). According to this survey, 40% of the newly employed attorneys among 2013 graduates in 10 major Korean law firms are from SNU School of law, and 72% of them from “SKY” law schools.⁶⁷⁾ Considering that there are 25 law schools, this is indeed huge portion. Meanwhile, 81% of these new attorneys held undergraduate degrees from “SKY” universities.⁶⁸⁾ This implies that diversity has not been sufficiently achieved in a legal market despite governmental regulation to flatten the strict hierarchy among schools.

65) Internal administrative statistics (Seoul National University School of Law). From 2010 on, the number of admitted students exceed 150, which is an allocated number of student quota. This is possible since law schools are allowed to admit more students if there are vacancies due to withdrawals, expulsion, and etc.

66) *Supra* note 63.

67) Beobryul Shinmoon(Law Times), *Daehyunglawfirmdo myongmoondae ssolim simgak - All chaeyoung 72%ga 'SKY' law schools (Major law firms evidently prefer prestigious schools - 72% among new employees are from 'SKY' law schools)*, May 16, 2013.

68) *Id.*

The number of female students in law schools has been on the rise as well. However, there is no legislative affirmative action that forces law schools to admit certain number or percentage of female students. It is rather a general and natural tendency witnessed in most of the higher educational institutions in Korea.

(2) Student diversity in terms of financial background

Diversity in financial background is also pursued. The Law School Act specifies two categories of student admissions; general admissions and special admissions (Law School Act § 23). The Presidential Decree further details on the special admissions. This admission process is to admit students who belong to the physically or financially disadvantaged group (Presidential Decree § 14 ②). Based on these legal grounds, the Minister of Education, upon granting authorization, has required each law school to admit at least 6% of the students from this group.

As a result, approximately 120 out of 2,000 students are selected by different criteria of special admissions every year. Further, the Minister also required all the law schools to give scholarship to students as much as 25% of the whole tuition, which is adhered to by law schools subsequently. All of these measures are aimed at giving more opportunities to diverse groups, especially to students with financial difficulty.

However, there are still many law school students who are struggling with high tuition bills. There are also many who hesitate to apply to law school for the same reason. As of 2012, the average of an annual tuition for national and municipal law schools was 10.04 million won (approximately 9,214 U.S. Dollar as of May. 30. 2013), and 20.75 million won (approximately 18,385 U.S. Dollar as of May. 30. 2013) for private law schools.⁶⁹⁾ Of course, this is much lower than tuitions for the U.S. law schools.⁷⁰⁾ The average tuition for top 10 law schools in the U.S. is 52,045

69) Korea Beat, *Law School growing more expensive in Korea*, April 25, 2013, at <http://www.koreabeat.com/2013/04/25/law-school-growing-more-expensive-in-korea/>.

70) There is wide concern that the U.S. law school tuition has crossed a line. Paul Campos, *The Crisis of the American Law School*, 46 U. MICH. J.L. REFORM 177, 183 (2012) states as follows. "A legal education was easily within the financial reach of the American middle class a generation ago and was a realistic career option for people of more modest socio-economic backgrounds. It is now an enormously expensive investment. Given how the employment

U.S. dollar, which is about 58.16 million won.⁷¹⁾ However, Korean law school tuition is definitely higher than average Korean college tuition.⁷²⁾ This may function as an entry barrier against those who cannot afford high tuition due to financial difficulties. This has led to “money school” controversy.⁷³⁾ Constitutional lawsuits were filed, contending that a law school system infringes the fundamental right of the poor by forcing them to be enrolled in a law school to become a lawyer.⁷⁴⁾ However, they were dismissed.

Recently, this debate was rekindled due to a preliminary test controversy.⁷⁵⁾ This is a test for those who are not law school graduates to gain qualification to take the NBE. Under a current system, only law school graduates are eligible to take the NBE. However, a law school imposes high opportunity costs and considerable financial burden on its students. Therefore, some politicians and lawyers have called for an alternative way for those who cannot afford law school tuition to sit for the NBE.⁷⁶⁾ However, the fundamental solution to this problem would be to enlarge special admissions and a scholarship program so that even the poor can go to law schools. Another option, should this test be adopted by the National Assembly, is to allow only these financially-distressed people to sit for the

market for people with law degrees has changed over the same period, that investment has become a remarkably risky gamble.”

71) See <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-rankings>. Out-of-state tuition was applied in case of state universities.

72) As of 2013, the average annual tuition for Korean colleges is 8.19 million won for national or municipal schools and 14.67 million won for private schools. See “<http://www.ilyosisa.co.kr/news/article.html?no=36512>.”

73) However, there is also the perspective that it is not only at law schools where money piles up, but also under the old system preparing for the NJE where private cram school tuition and daily life costs are so high. See <http://www.koreabeat.com/2013/04/25/law-school-growing-more-expensive-in-korea/>.

74) Constitutional Court Decision on Apr. 24, 2012, 2009hunma608, 2010hunma248, 2011hunma263, 2012hunma31. The Constitutional Court points out that the Law School Act provides a special admissions program, scholarship, and academic loan system in which the poor can also benefit from legal education.

75) See Presentation Materials for Discussion “Is preliminary test necessary?” hosted by Park Young-sun, Member of the National Assembly and the Chair person for Legislation and Judiciary Committee, Apr. 9, 2013.

76) *Id.*

preliminary test.⁷⁷⁾ Otherwise, the preliminary test would be nothing but a partial revival of an old NJE, thereby undermining the purpose of a legal education reform.

2) *Diversity in faculty composition*

Along with the increased diversity in student composition, diversity in faculty has also increased significantly as a result of the legal education reform.

(1) Faculty diversity in terms of practice experiences

Traditionally, law professors did not take the route for practitioners. Practice and academia was not strongly connected. Relatively few number of Korean law professors experienced law practice. College of law was not vigorously engaged in training practitioners. Rather, that function was mostly left to the JRTL.

One noteworthy change after the adoption of the law school system is the increase of professors with working experiences as a judge, public prosecutor, or practicing lawyer. These professor-turned lawyers were largely recruited in the wake of a legal education reform. The Law School Act requires each law school to hire at least 20% of a whole law faculty whose careers include five years or more years of practice in the legal field (Law School Act §16 ④). The motive for this regulation is to integrate legal practice with legal theory in the school. It is to overcome criticism against the past legal education that it was too much submerged with legal theories that are not highly relevant in the legal practice.

These professors have brought some positive changes to law schools. They contribute to the education of practice-related subjects in law schools. They share their practice-oriented perspectives in academic discourse. However, having extensive knowledge on legal practice does not necessarily guarantee their success in the legal academia. Therefore, some of them experience challenging moments as they strive to teach and write academic articles, something they are not quite used to.⁷⁸⁾ Further, they

⁷⁷⁾ Ahn, Gwonseop, the director for legal profession division in the Ministry of Justice, commented to this effect. *Id.*, at 93.

⁷⁸⁾ Approximately more than 10% of the professor-turned lawyers have resigned from

Table 4. Professors with practice experiences
(Seoul National University, School of Law, as of May 2013)

Total number of professors	Professors with practice experience (total)	Professors with five or more years of practice experiences
57	28	18

become less of a practitioner over time unless they continue to practice with real cases. Yet, these professors are not allowed to practice as a lawyer once they are appointed full-time law school professors. This regulation is imposed by the Ministry of Education, and is aimed at preventing these professors from being distracted due to law practice, thereby securing sufficient time and energy for teaching and research.

(2) Faculty diversity in terms of fields of research and teaching

Another change is the increase of faculty diversity in terms of their research and teaching fields.

In the past, the number of law professors was relatively small. Many of them researched and taught traditional subjects such as constitutional law, civil law, criminal law, administrative law, or procedural law. Upon the implementation of a law school system, the number of law professors increased. The Law School Act provided a standard on professor-student ratio (Law School Act § 16 ①, Presidential Decree § 9 ①), which is 1 to 12, and caused universities to recruit more law professors in the hope that this will increase the likelihood of acquiring authorization for law schools. Moreover, the Law School Act mandated the law schools to provide diverse subjects that may suit various needs of a society. In order to provide diverse curriculum, law schools have employed professors from wider range of disciplines. Although there are no specific legal requirements as to the numbers and details of the courses offered to law students, the diversity and specialty of subjects taught is an important factor in the law school assessment. This assessment takes place every four year by the Law School

their professorship within two years (2008-2010). Beobryulshinmoon (Law Times), *vision sangsil – law school ddeonnaneun silmoogyosoodeul (No vision – professors with practice experience leave law schools)*, March 27, 2010, at <http://www.lawtimes.co.kr/lawnews/News/NewsContents.aspx?serial=51817&kind=AM>

Assessment Committee established under the direction of the Korean Bar Association (Law School Act § 27 - § 37). To get good evaluation in this regard, each school has been striving to secure faculty members in a wide range of fields to achieve diversity in the curriculum. For example, SNU School of law has faculty members specializing in the fields such as law and economics, law and anthropology, gender law, public interest law, environmental law, international investment law, financial law, Korean legal history, Chinese law, German law, EU law, and negotiation.

3) *Diversity in curriculum*

(1) Increased diversity in curriculum

Diversity in student and faculty composition naturally leads to diversity in curriculum. Students with diverse background and diverse needs call for diverse curriculum. Professors in diverse fields with diverse interests offer diverse curriculum. Three features, compared to the past legal curriculum, are noteworthy.

Firstly, there are more practice-oriented subjects. Mandatory subjects by law, Legal Ethics, Legal Research, Legal Writing, Moot Trial, and Practice Course, are all practice-related (Law School Act § 16 ①, Presidential Decree § 13). Further, legal clinics are operated to ensure on-site experiences and professional skills of the students by giving them opportunities to deal with real world legal issues. Many incumbent jurists are invited to teach elective courses at law schools. Currently, the Supreme Court and the Ministry of Justice are officially sending judges and prosecutors to each and every law school to teach practice-oriented subjects.

Secondly, there are more interdisciplinary subjects. In the past, the borderline between subjects was clear. Take a transaction for instance. A commercial contract was taught and researched by the commercial law scholars. An ordinary contract was taught and researched by the civil law scholars. Although they share so much in common, these scholars were strongly bounded by intangible borderline between commercial law and civil law. However, one can easily note that there is no such borderline in the legal practice. Rather, all the legal issues in a legal dispute need to be understood in a comprehensive and systematic way. Further, knowledge and insights from non-legal disciplines are also important. To overcome ungrounded rigidity among subjects, law schools typically offer

integrated or interdisciplinary subjects to help students have comprehensive view on the issue. SNU School of law, for example, offers courses such as “Law and Economics,” “Real estate and Finance,” “Information Technology and Private Law,” “Corporate Governance and Law,” and “Internet Law and Policy” along with many other interdisciplinary subjects.

Thirdly, there are more foreign law subjects. This is a good way of understanding Korean law since Korean legal system is largely rooted in foreign legal traditions. Many of them are taught in foreign languages, mostly in English. This is in line with globalization efforts of a law school. For example, SNU School of law not only offers these classes during regular semesters but also invites foreign professors every summer for special summer semester.⁷⁹⁾ However, there is difference of opinions as to how far we should pursue globalization in law schools where Korean lawyers are educated. Especially, some professors doubt if it is reasonable to use English when there are only a Korean professor and Korean students in the classroom.

(2) True diversity in danger

Despite all the changes in the curriculum, it is yet to be seen if true diversity in this regard will be achieved. Three year is too short a period to achieve all the mandates of the law school. Generally, mastering basic subjects such as constitutional law, civil law, or criminal law, requires considerable period of time. Under the past NJE system, students usually spent more than 5 or 6 years for an intensive preparation for the NJE, and then spent 2 years for an intensive professional training before obtaining a

⁷⁹⁾ Following is an interesting observation made by an American professor who taught at Seoul National University during a summer semester in 2012, who realized that his concerns about teaching Korean law students had been unfounded. *“They knew English idioms and “got” American humor. Many of the students were also fluent in several languages (including German, French, Japanese, and Chinese). Approximately half of my students also had completed a summer course on German law taught by a visiting professor from Germany. Several qualities particularly impressed me in addition to my students’ high intelligence: their work ethics, maturity, respectfulness, good sense of humor, kindness, and community spirit.”* Brent E. Newton, *Report from South Korea: My Experience Teaching Law Students at Seoul National University*, The Law Teacher, Spring 2013, p. 24 (available at <http://lawteaching.org/lawteacher/2013spring/lawteacher2013spring.pdf>).

license to practice. In the new law school system, students spend only 3 years in a law school before obtaining a license to practice through NBE.

Given this time limit, law schools and law students tend to focus on the preparation for the NBE. In the new system, law schools consider a pass-rate of the NBE one of the important factors in building up their reputations. This gives incentive to law schools to invest more resources for preparing students for the NBE. Law students are anxious as well. Although the pass-rate is much higher than the old NBE, at least one out of four students fails to pass the NBE, as of 2013.⁸⁰⁾ Therefore, students feel inclined to concentrate on the preparation for the NBE. The NBE is starting to put pressure, though not as intensive as the NBE, on law schools and law students to concentrate more on the subjects that are tested in the NBE. This consequently and adversely affects the students' choice in taking diverse and interdisciplinary courses that have little to do with the NBE. The idea of "fostering through legal education" is once again at the risk of being undermined by the idea of "selecting through national examination."

Another interesting thing to note is that some students tend to take courses that are easier to get better credits, rather than to take courses that can actually benefit them and give them new perspectives.⁸¹⁾ This is due to a harsh employment situation. GPA they earn is critical in their employments. Therefore, students are so sensitive to the grades. Regarding grading, a strict grading system on a curve is enforced by the Law School Association. This means students can get lower credit if there are more outstanding classmates in the same course. Some students, under this grading system, show opportunistic behavior to choose courses where they can gain higher credits.⁸²⁾ To take one extreme case for example, law school students who are patent agents take patent law course to make use of their prior knowledge and experience to get better grade, while other students

80) The pass rate for the second NBE which took place in 2013 was approximately 75%. Detailed statistics will be given at the later part of this paper.

81) Park, Dong-Jin, *Beobjoin yangseongeul wihan beobhakjeonmundaehakwoneui gyoyookbanghyang(The Goal for Legal Training in the New Law School System)*,124 JUSTICE 36, 44 (2011).

82) This strict grading system was adopted by the law school association under the recommendation of the government and the strong urge from the bar to guarantee the quality of education.

who may be interested in the course would withdraw from the course to prevent getting lower grades because of their colleagues who already have expertise in the patent law. Such strategic behaviors among law students toward higher credits distort true diversity.

2. Changes to a legal market

One of the main goals for a legal reform in Korea was to enhance accessibility to legal service by significantly increasing the number of lawyers. Indeed, the number of lawyers has been on the constant rise even before the implementation of a law school system. The number of practicing lawyers in 2004 was 6,300. It has almost doubled in 2012 when the number hit 12,532.

This growing trend is likely to accelerate as law school graduates begin to pour out to the legal market. There have been two NBEs held in 2012 and 2013 respectively. This annual examination significantly increases the number of incoming lawyers. In 2012, total of 1,451 law school graduates passed the NBE and obtained licenses. In 2013, it was 1,538. As the number accumulates year by year, a legal market in Korea will witness unprecedented saturation.

Table 5. Number of practicing lawyers in recent 10 years in Korea⁸³⁾

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Lawyers	5,586	6,300	6,997	7,063	8,143	8,895	9,612	10,263	10,976	12,532

Table 6. Number of successful applicants in the National Bar Examination⁸⁴⁾

2012		2013	
Total Applicants	Successful Applicants	Total Applicants	Successful Applicants
1,665	1,451	2,046	1,538
Pass rate : 87.15%		Pass rate : 75.17%	

83) Ministry of Justice (administrative statistics) at http://www.index.go.kr/egams/stts/jsp/potal/stts/PO_STTS_IdxMain.jsp?idx_cd=1733&bbs=INDX_001&clas_div=C&rootKey=1.48.0.

84) Ministry of Justice, Official media report, Apr. 28. 2013.

Such increase will have direct impact on the profile of the legal profession. Having a lawyer's license in Korea was once believed to be a shortcut to the wealth and social position. However, as the above statistics show, the saturation of a domestic legal market gives rise to an unemployment issue. In 2011, the media reported that 44% of trainee lawyers at the JRTI were unemployed at the time of graduation.⁸⁵⁾ The situation will get worse as a great number of law school graduates throng out into the legal market every year.

Against this backdrop, a fierce controversy over a quantity control on the number of lawyers is flaring up. As mentioned above, the pass-rate has drastically increased, from around 1 to 6 percent to over 70 percent, upon the implementation of the law school system and the NBE. Although the NBE pass-rate dropped from 87.15% (2013) to 75.17% (2012), it is definitely higher than the neighboring Japan, where the pass-rate remains lower than 40 percent.⁸⁶⁾ It is quite comparable to the bar exam pass-rate in the U.S. According to the recent survey, bar exam pass-rate among the U.S. states varied from 44% (D.C.) to 94% (South Dakota) as of Feb. 2012, while the pass-rate in the majority number of states were between 70% and 90%.⁸⁷⁾ In Korea, the Ministry of Justice, which is in charge of hosting the NBE, has admitted approximately 1,500 every year.⁸⁸⁾ However, many incumbent lawyers, who are generally progenies of the old system, seem to be highly antagonistic to the new system and call for a more intensive quantity and quality control on the law school and the NBE. Whereas, law schools and their students are calling for the raise of pass-rate, arguing that it should only be operated as a test in which every test-takers above a certain level

85) The Korea Times, *44 percent of trainee lawyers unemployed*, January 12, 2011, at http://www.koreatimes.co.kr/www/news/nation/2012/05/113_79580.html.

86) Wilson, *supra* note 31, at 326-327, 339-340; Akira Fujimoto, *The Crisis of the Bar Exam and Legal Education in Japan*, 44-3 KYUNGHEE LAW JOURNAL 569 (2009). Also see Takao Suami, *Recent Development of Legal Education in Japan - Reform on Professional Legal Education and its Current Problems*, unpublished article, presented in the symposium 『Legal Education in Asia』 on May 31 2013, hosted by Asia Pacific Law Institute, Seoul National University, p. 50-57 for recent efforts to overcome challenges created by the low pass-rate in Japan

87) <http://focusbarreview.com/bar-exam-pass-rates-by-state.html>.

88) 1,500 was calculated as 75% of the total student quota for annual admission, which is 2,000.

need to be admitted to a bar.⁸⁹⁾ They are concerned that the pass-rate is destined to go down as the number of unsuccessful applicants every year accumulates over time. They are afraid that the NBE will eventually turn into another NJE. Although their grounds for arguments vary, the real controversy is on the number of new lawyers.

The growing number of lawyers, however, is lowering the barrier of legal service. In proportion to the fall of the social status of lawyers and the surge of competition among lawyers, people have better chance of receiving legal service at lower costs. One noteworthy example in this regard is a “legal home doctor.” Legal home doctor refers to the lawyers, hired on a contract basis, who offer free legal service such as legal counseling or legal documentation to the residents who cannot afford to hire lawyers. Legal home doctors are hired and paid by the Ministry of Justice, and dispatched in local governments or social welfare institutions. In 2012, the Ministry of Justice hired 20 legal home doctors out of 370 applicants.⁹⁰⁾

The increase in number also leads to diversification of career paths among lawyers. Traditionally, it was largely the composition of judges, prosecutors, and litigators. Now, the composition is being diversified and the range of legal services is expanding. The number of in-house counsels, public interest lawyers, or lawyers working for governmental organizations is slowly but steadily increasing. With the increase of lawyers, their status and income are not always high as in the past. Recently, a local government hired a lawyer as a grade seven officer.⁹¹⁾ In the past, lawyers rarely considered working for the local government. Even if they did, they were usually given at least grade five in the nine-grade scale. This is merely one

89) Beobryul Shinmoon (Law Times), *Law School Haksaeng hyeop, byeonhosa shiheom 'wanjeon jagyeok shiheomjae' yogoo* (Law school student federation demands making a bar exam completely qualification test), May 13, 2013, at <http://www.lawtimes.co.kr/LawNews/News/NewsContents.aspx?serial=74986>.

90) See <http://ko.wikipedia.org/wiki/%EB%B2%95%EB%A5%A0%ED%99%88%EB%8B%A5%ED%84%B0>.

91) Yonhapnews, *Busanshi, byeonhosa chilgeup jickwon chaeyong cheowoo nonran* (Controversy over Busan metropolitan government hiring a lawyer as a grade-seven official), May 9, 2013, at <http://news.naver.com/main/read.nhn?mode=LSD&mid=sec&sid1=102&oid=001&aid=0006251684>.

of so many examples where one can see the huge change within a legal market. Although this may seem regrettable who remembers the heydays of lawyers, this may be construed as a self-conscious response to the diversification of a society itself, which is a positive change.

In the wake of a series of changes in the legal market, three distinctive features that characterized a traditional Korean legal market - homogeneity, scarcity, and prestige - are fading away. A lawyer-oriented legal market is gradually turning into a client-oriented legal market. It is indeed a big move.

IV. Way forward

As I have described so far, the legal education reform in Korea was launched under the banner of modernization of a legal system. Yet, it is still facing many challenges. Considering that we are still in the transition period between the past system and the new one, it comes as no surprise. In the midst of this fierce controversy over a new system, a fundamental question may arise. Are we on the right track? Otherwise, should we take a totally new direction or even return to the old system?

A reasonable response is to focus on perfecting an ongoing legal education reform rather than seeking a completely new way or even a way to go back to the old system. An ongoing legal education reform took place with good reason. Given interdependency between a legal education system and the society it claims to serve, dramatic changes in Korean society in the past few decades obviously called for a fundamental change in the legal education system accordingly. The past legal education system, mainly characterized as a homogeneous, prestigious, elitist, domestic-focused and government-dominated system, was unbecoming of a society full of diversity, decentralization, pluralism, globalism, and autonomy. The change of a paradigm of a lawyer also called for a reform. A lawyer in Korean society was pictured as having a high and noble status. A lawyer was of "public nature," its main job ambitiously described as "defending fundamental human rights and realize social duties" as envisaged in Article 1 and 2 of the Lawyers' Act. This ideal of a lawyer, of course, still remains true to some extent. However, a lawyer in Korea is now asked to

condescend and serve. A lawyer needs to be the provider of “legal service” in accordance with the peoples’ need, as envisaged in Article 1 of the Law School Act. To accommodate this paradigm change, a legal education reform in this regard was inevitable. At the same time, it was in accordance with an Asia-wide trend toward better legal education. Legal education reform efforts have been made in Asian countries such as Afghanistan, Australia, Cambodia, China, Hong Kong, Japan, Singapore, Taiwan, Mongolia, and Vietnam.⁹²⁾

However, the current system is not without flaws that need corrections. Then what should be done to make it a better one? It would be nearly impossible to come up with clear-cut solution that satisfies everybody. However, some abstract-level suggestions may be made as follows.

1. All stakeholders - forming a solid consensus on the mission of a law school

Firstly, efforts should be made to form a more solid consensus on the specific mission of a law school. Current controversy largely reflects lack of basic consensus on this. Debates still linger over polarity between practice and theory, general education and special education, domestic approach and global approach, or paternalism and autonomy. The legal education reform has been planned and executed without forming a more solid consensus on these basic issues.

Of course, the Law School Act sets forth an educational goal in its Article 2, stating that it is “to train legal professionals who have sound professional ethics based on rich education, a deep understanding of people and society, and morals valuing freedom, equality and justice, and who have knowledge and abilities that will allow professional and efficient

92) See generally Stacey Steele & Kathryn Taylor (ed.) *Legal Education in Asia, Globalization, change and contexts 3* Routledge, 2010. Just to name several examples, Japan has implemented a law school system without abolishing undergraduate law colleges. Suami, *supra* note 86, at 42-43. Taiwan government initiated a series of reform proposals from 2005 to 2007 in pursuit of new legal professional institutes on a graduate level, which was largely opposed by law scholars and ultimately failed to go through. Thomas Chih-hsiung Chen, *Legal Education Reform in Taiwan: Are Japan and Korea the Models?* 62 J. LEGAL EDU. 32, 49-51 (2012).

resolution of diverse legal disputes in order to provide quality legal service responding to the people's diverse expectations and requests." As much as it is ambitious, it is vague and gives no concrete direction.

Above all, it is nearly impossible in a three-year education program to turn a total novice into a lawyer who is practice-ready domestically and competent internationally with interdisciplinary perspectives. Given the limit of time and human resources, law schools need to wisely set up priorities among different educational goals. In order to decide priorities, the concrete mission of a law school needs to be determined. What is the exact image of a law school graduate after three year education? Should they be more equipped with legal mind and solid substantive knowledge on the fundamental legal principles and doctrines? Or should they be more equipped with skills and experiences so that they can immediately be put to practice? Should they be more of a generalist? Or should they be more of a specialist? How important is foreign language proficiency? Although some diversity may be allowed, we should at least general consensus on such questions. We need to know what mission a law school can achieve and how it can be achieved. For this reason, discourse on a legal education reform should continue. We should be in pursuit of a more solid consensus on basic issues. If necessary, legal education reform needs reform.

2. Law School - putting priority on improving the quality of education

Secondly, improving the quality of education should be the focal interest in all the discourses. The legal education reform is fundamentally based on the paradigm shift: from a state-run examination to a school-run education. A responsible and high-quality legal education is a prerequisite to this paradigm shift. The new system will ultimately fail unless adequate education is provided.

In order to improve the quality of education, law schools need to exert extra efforts in teaching. Professors may do researches on various issues in many different ways. In this sense, they are sole masters of their research. When it comes to teaching, however, they need to provide the type of education the society demands rather than serving their own preferences and interests. Teaching is a separate field other than research that deserves professors' attention. However, there is tendency to put priority on

research before teaching among law school professors in Korea. This is quite understandable in the situation where research plays a far more critical role in the evaluation of a professor in promotion or receiving tenure. Indeed, not only teaching but also research belongs to the core function of a law school. Therefore, mitigating possible tension between research and teaching is one of the issues to be addressed in sustainably improving the overall quality of education.

“Teaching professors” may be a possible option in this regard. Currently, professors are asked to commit themselves both to research and teaching along with considerable administrative burden that a new law school system has brought about. However, it is not realistic to ask them to do everything satisfactorily. Therefore, creating another type of a tenure-track professorship – teaching professors – may be considered.⁹³⁾ These professors should be someone who can teach students well and should be given equal opportunities in the tenure-tracked system. Such role allocation will enhance overall quality of legal education and diversity of law faculty. It will also allow prominent and capable practitioners without doctorate degree to come to law school and be endowed with professorship, while focusing on teaching students. They will also consequently allow other professors to devote more time to research, which is as important as education.

Another thing to be noted is the importance of context-based teaching. Although teaching substance in the order of purely academic logic or in the order of statutory provisions may be one of the possible ways to teach law, a context-based teaching in which core substance of the law is taught in the context of a real case and from the perspective of law practice drastically cuts down time and efforts while fostering ability to apply law in a real world setting. For example, merely one case of a bank suing a company and its guarantor to repay after giving it a loan can offer a nice opportunity for students to learn about various legal doctrines such as doctrines on contract, surety, statutory interest and late interest, corporate, and

93) Brent E. Newton, *Preaching what they don't practice: Why law Faculties' preoccupation with impractical scholarship and devaluation of practical competencies obstruct reform in the legal academy*, 62 S. C. L. Rev. 105, 149-150 (2010) proposes that law schools should create two types of tenure-track professorships, “research” professors and “teaching” professors.

litigation-related issues. It would not always be a best idea just to throw the case to students and keeping asking questions to them without giving a well-organized explanation even at a later stage. Yet, it would help students quickly understand the context and the usage of a certain legal doctrines as well as underlying social customs and backgrounds if the relevant teaching method is used.

Finally, law schools need to take the first initiative in the strict quality control of prospective lawyers. The NBE, of course, is a vehicle by which under-qualified law students are sorted out. However, it should only be a final filtering mechanism. Law schools should take primary responsibility in educating worthy lawyers and be ready to carry out such a sorting function. Otherwise, the weight-shift from legal education at law schools to lawyer selection by the Government will occur despite the legal education reform that strived to depart from that very phenomenon. Further, it will prevent mass-producing law students with law degree but without a license after all three years of costly and intensive training.

In this regard, the Law School Association can play a crucial role. So far, the Law School Association had so many administrative and political issues to address at the initial stage of the reform. Now is the time to focus more on how law schools can provide better education and what law schools can do in making lawyers. The Association has collaborated on several issues such as enforcing a strict guiding policy or holding nationwide mock tests. The Association may also consider collaborating in teaching itself, developing adequate teaching methods, or sharing teaching materials.⁹⁴⁾ Given limited resources, some subjects can be taught together during summer session. As a collaborative measure for the sake of strict quality control, the Association may also consider holding the nationwide annual examination that tests minimum requirement of legal knowledge of the law students and failing them for a year if they turn out to be inadequate to promote to the next academic year. This will alleviate each law school from burden to fail their own students.

94) Though not in the exactly same context, Elizabeth Chambliss, *Organizational Alliances by U.S. Law Schools*, 80 *FORDHAM. L. REV.* 2615, 2628-2629 (2012) refers to alliance strategies among non-elite schools on various forms of legal education.

3. *Legal Professions – collaborating with law schools for better education*

Legal professions are the most important collaborator in the bigger framework of legal education. There are lawyers who passed the NJE under the old system and feel resentful of law school graduates, thinking that they have taken the “easier” route while enjoying the same benefits.⁹⁵⁾ This sentiment has been a cause for antagonism toward a law school system. However, lawyers should be ones who should share some responsibility in legal education. The role-allocation should take place in two forms; assisting law schools in educating law students, and continuing further legal education once they graduate from law schools and begin to practice.

Firstly, legal professions need to take active part in the three-year education program. In order to carry out practice-oriented legal education in an academic institute, incumbent lawyers’ knowledge and experiences need to be shared in law schools. Law schools also need insight from the legal profession as to what actually matters in the real world, either in the present or in the future, and constantly revise curriculum, substances, and teaching methods accordingly. These efforts can remedy disconnection between legal education and legal practice.⁹⁶⁾ Further, it will help achieve proportionality in theory and practice by proper role allocation. Currently, the Supreme Court and the Ministry of Justice dispatch incumbent judges and prosecutors to all the law schools to teach practice-related subjects to law students. This is of great help and assistance to law schools. There are practicing lawyers doing similar things on an individual basis. To take examples at SNU law schools, a law firm lawyer takes a sabbatical year from his work and is now teaching legal clinic at SNU School of law. Additionally, several prominent lawyers with extensive practice career teach legal writing and moot court every semester. This is a great example of collaboration. This type of collaboration can be advanced when it is done in a more organized way. The Law School Association and the Korean Bar

95) Kim, *supra* note 12, at 64.

96) See Daniel Fiedler, *Inadequate law professors*, The Korean Herald, March 12, 2013, at (<http://www.koreaherald.com/view.php?ud=20130312001061>) for unsparing comment on the inadequacy of law professors in this regard.

Association, which are sometimes viewed as pitted against each other, need to deliberate on how they can together improve legal education.

Secondly, legal professions need to realize that legal education continues even after law school period and assume educational role in that respect. Law school education is merely at the initial stage of continuing legal education in a longer-term perspective. No longer how many courses they take and how many textbooks they read, there are so much that can only be learned or at least efficiently be learned after they practice. In the U.S. there was even a proposal to allow students to take the New York bar after two years in law school, thereby making the third year optional.⁹⁷⁾ In a recent discussion held at New York Law School on Jan. 18, 2013 where more than 100 legal educators, practitioners and judges were gathered, this proposal was seriously received and discussed in New York.⁹⁸⁾ Many agreed that the third year at law school is useful but not crucial.⁹⁹⁾ What I intend to say here is not that we should also consider adopting this idea immediately in Korea. Rather, I am trying to say that we need to consider the underlying idea; practitioners are not perfected in a law school no longer how many years they study or how many courses they take. Courts, prosecutors' office, or law firms may need to reform their systems so as to embrace these law school graduates and train them.

4. Government – not only a regulator but also a supporter

The government should be not only a regulator but also a supporter for legal education. A legal education system is an important part of a social infrastructure. It has the feature of a public good and should be treated as

97) Samuel Estreicher, *The Roosevelt-Cardozo Way: The Case for Bar Eligibility after Two Years of Law School*, 15 N.Y.U.J. LEGIS. & PUB. POL'Y 599 (2012).

98) New York Law Journal, *Experts Debate Two-Year Law School Option*, January 22, 2013, at <http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202585158075&thepage=1>. Also see The National Law Journal, *Brooklyn Law Offers J.D. in an 'intense' Two Years*, May 8, 2013, at http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202599270540&Brooklyn_Law_Offers_JD_in_an_Intense_Two_Years&slreturn=20130411183445

99) The Economist, *Reforming America's Legal Education: The Two-Year Itch*, February 2, 2013, at <http://www.economist.com/news/business/21571213-could-law-schools-be-ready-change-their-ways-two-year-itch>.

such. Just like the government invests in paving the public road, it needs to invest human and financial resources to make a better legal education system for the benefit of the public. Moreover, the new law school system in Korea is merely in its infancy. Thus, the government should be willing to nurture this system with care and support. Among so many issues to be addressed, two stand conspicuous.

Firstly, the government needs to eliminate fear among law students that they may fail to pass the NBE no longer how hard they study. This is largely due to a quota system. The policy employed by the Ministry of Justice in the previous NBEs shows that the Ministry seems to adhere to a quota system by passing a fixed number of students. Professor Ginsburg, as he wrote on a Korean legal education system, pointed out the possible negative effect that a quota system can bring. He states that “as long as there is a quota system or a quota approach for admission to the legal profession, there will be a great pressure on legal education, of whatever form, to serve primarily as a kind of bar preparation course, rather than as a truly professional education that emphasizes skills.”¹⁰⁰⁾ Although his reference was made mainly concerning the old system, it still makes a valid point on the quota system under a new system. Thinking of adverse effects the NJE has brought to legal education, the Ministry of Justice should see to it that such adverse effects do not undermine the new system again. The proper number of lawyers in Korea might need to be carefully deliberated and calculated by taking many relevant factors into consideration. Yet, it should mainly be done in deciding the student quota for law school admission, rather than in the NBE. The NBE should be a test that all the qualified law students who have faithfully completed the three-year program can pass regardless of the number of percentage. Theoretically, it may be the pass-rate of 90%, but it may also be the pass-rate of 40%. What really matters is not a number, but qualification.¹⁰¹⁾ To make the NBE a true qualification test, the reasonable standard by which this qualification is measured needs to be further studied and developed.

Secondly, the government needs to take necessary measures to enlarge a

100) Ginsburg, *supra* note 19, at 439.

101) Jin Honggeun, *Byeonhosasiheomjedoewi hyunhwanggwaha han-ge* (Current state and tasks of the Bar Examination), 654 BEOBJO (LEGAL PROFESSION) 254 (2011).

legal market for law school graduates. With a sudden increase of lawyers in number after the adoption of the law school system and frequent economic recessions, an employment situation in the Korean legal market is likely to toughen. Unemployment has indeed become a worrisome issue.¹⁰²⁾ Reasonable students will take risks to come to law schools and endure large opportunity costs only when they can reasonably expect a career with sufficient social significance and an anticipated economic return. Repeated failures to meet such expectation will lead to the decrease of the number of capable students applying for law schools. It will eventually hamper the foundation of a new law school system. On one hand, law students need to realize that they are no longer automatically guaranteed a high social status and income as lawyers in the past. On the other hand, the government needs to actively make use of lawyers in various capacities to handle legal matters. Nearly all the governmental organizations need legal service. Law school graduates are good resource pool to satisfy such demands. They can be more directly involved in creating laws and other basic legal materials.¹⁰³⁾ They can also be more directly involved with expanding legal service in Korea. “Legal home doctor,” that I have previously mentioned in this paper, is a good example of enlarging a legal market for lawyers while ensuring greater legal service access to low-income people.

These governmental efforts will set the tone for a legal market enlargement in the private sector. Private companies will realize that they need legal service from lawyers and employ them. Many other non-profit organizations will also consider hiring lawyers for an advanced legal service. Even universities will feel such need. Actually, SNU already has three full-time in-house lawyers, and the SNU School of law has two as well. This is something that was unheard of in the past, and it shows the

102) In the fall of 2012, law schools have reported that 83% of their first law school graduates have found jobs within eight months after graduation, with 50% landing jobs as prosecutors, law clerks, or law firm associates. But these have been met with widespread skepticism, and law school students or professors say those numbers don't fit with the reality they see before them. The Asian Lawyer, *The Looming Threat for South Korean Law Grads? Unemployment*, April 8, 2013, at http://www.americanlawyer.com/PubArticleAL.jsp?id=1202595156721&The_Looming_Threat_for_South_Korean_Law_Grads_Unemployment.

103) Larry E. Ribstein, *Practicing Theory: Legal Education for the Twenty-first Century*, 96 IOWA L. REV. 1649, 1665 (2011).

possibility of job creation in the new arena. The opening of a legal market in Korea will also create more jobs. In March 2004, the Korean government submitted a proposal to the World Trade Organization that allows foreign law firms to open representative office in Korea to consult on international and foreign law issues.¹⁰⁴⁾ Since then, the opening-up of the legal market gradually proceeded. In 2009, the Foreign Legal Consultant Act (FLCA) was enacted.¹⁰⁵⁾ The Free Trade Agreement (FTA) with the United States and the EU were turning points in this process. Now foreign law firms are opening up their branches in Korea. Soon they will be able to hire Korean lawyers.¹⁰⁶⁾ It will give broader opportunities to law school students and enlarges an employment market.

V. Conclusion

The legal education reform in Korea is still in progress. It has faced considerable challenges and will continue to do so in the future. Whether or not this reform has succeeded is too early to tell and remains an open question. Along with rosy prospects, many concerns exist as well with good reason.

Along this line, Korean policy makers will need to deal with complicated policy issues such as the appropriate cap on the number of law schools and lawyers, the way to accommodate admissions for lower income groups in the midst of rising costs of legal education, enlarging a legal market in the midst of declining job prospects, and promoting the improvement in the quality of legal education. It would not be easy to find a single clear-cut solution to these complicated issues. However, hard lessons earned in the reform process so far will be beneficial in addressing such issues.

Professor Martha Nussbaum, a world-renowned philosopher, described Korea as “the only nation I know other than the U.S. where a broad-based

104) Kwon, *supra* note 4, at 178.

105) For the details of the FLCA, see Kyungho Choi, *Korean Foreign Legal Consultants Act: Legal Profession of American Lawyers in South Korea*, 11 *ASIAN-PAC. L & POL'Y. J.* 100 (2010).

106) *Id.*, at 103.

undergraduate liberal arts education is a common phenomenon, and also the only one in which law is (now) a postgraduate degree, following undergraduate preparation, often in the liberal arts."¹⁰⁷⁾ She sees Korea as a country where there is "a productive synergy between Confucian nationalism and American progressive education" that consequently leads to widely democratized, pluralistic, and market-driven education system.¹⁰⁸⁾

Often, we are betrayed by our own excessive expectation.¹⁰⁹⁾ The turbulence we have before us indeed concerns us and even makes us think that a law school system is something foreign that should not have employed in Korea. However, professor Nussbaum's optimistic observation implies that we may be able to come up with the creative type of a law school system well-suited to our own circumstances. Perhaps the virtues we need now are hope for a better legal education system, diligence in the reform efforts, and patience before challenges.

107) Martha C. Nussbaum, *Democracy, Education, and the Liberal Arts: Two Asian Models*, 44 U.C. DAVIS. L. REV. 735, 751 (2011).

108) *Id.* at 755.

109) Ahn, *supra* note 6, at 243.

