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Abstract

This Note will examine Korea’s efforts to transform its legal education system. Part I will explain the particularities of the legal profession in Korea and its current legal education system. Part II will discuss the proposed plan for the implementation of the Law School system in Korea and the arguments by the opposition with a brief comparison to Japan’s efforts to reform its legal education system. Part III will then address the advantages and disadvantages of the proposed plan.

U.S.-STYLE LAW SCHOOL ("LAW SCHOOL") SYSTEM IN KOREA: MISTAKE OR ACCOMPLISHMENT?

*Hoyoon Nam**

INTRODUCTION

Lawyers in Korea[1] enjoy particular attention from the general public because they are extremely rare.[2] Although Korea has a population of 48 million people, fewer than 1000 applicants per year may pass *sabubshihum*, the Korean equivalent of the bar examination.[3] In aggregate, only about 10,000 lawyers currently practice law as judges, prosecutors or private practitioners in Korea.[4] As a rough comparison, those in the United

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1. For purposes of this Note, "Korea" refers to the Republic of Korea or South Korea.

2. *See* Jae Won Kim, *The Ideal and the Reality of the Korean Legal Profession*, 2 ASIAN-PAC. L. & POL'Y J. 45, 46 (2001) [hereinafter Kim, *Ideal and Reality*] (stating that small size characterizes Korean legal profession); *see also* Tom Ginsburg, *Transforming Legal Education in Japan and Korea*, 22 PENN ST. INT'L L. REV. 433, 434 (2004) (commenting on small number of lawyers in Korea); Sang-Hyun Song, *Legal Education in Korea and the Asian Region*, 51 J. LEGAL EDUC. 398, 398 (2001) (suggesting that fewer than 10% of students from undergraduate law departments ("Law Colleges") may qualify as lawyers).

3. *See* Population Clock, Official Korean National Statistical Office Website, *at* http://www.nso.go.kr/eng/ (last visited Feb. 2, 2005) [hereinafter Korean Population Clock] (indicating that Korea's estimated population is approximately 48 million); *see also Sooryoja Hyunhwang* [Trainees Information], Official Website of Judicial Research and Training Institute in Korea ["JRTI"], *at* http://jrti.scourt.go.kr/intro/situation.asp?flag=6 [hereinafter Trainees Information] (last visited Feb. 2, 2005) (indicating that 887 people were admitted into JRTI in 2004 and 987 in 2005). *See generally* Seung Ryong You, *Wae Bubhak Junmun Daehakwon (Law School) Inga?* [Why Law School?], GOOKJEONG BRIEFING, Oct. 7, 2004, *available at* http://www.news.go.kr/warp/webapp/news/view?id=814c9409f1bfce40505fef5e (stating that out of 30,146 applicants who took *sabubshihum* in 2002, only 998 passed *sabubshihum*, setting pass rate at 3.61%); Chang Hoon Baik, *Report: Law School Choonggyuk, Goshichoni Heundeullinda* [Report: Bar Exam Prep Courses May Be in Danger Because of Law School], WOLGAN JOONGANG [Joongang Monthly], Nov. 2004, at 218, 223 (indicating that many young people try their luck with *sabubshihum* numerous times and that average age of those who started JRTI training in 2004 was 30.17).

4. *See* Judicial Administration, Official Korean Supreme Court Website, *at* http://www.scourt.go.kr/english/admin.html (last visited Feb. 2, 2005) (indicating that total number of judges in Korean court system was 1436 as of July 1, 2000); *see also* Manpower of Korean Prosecution, Official Website of Supreme Public Prosecutors' Office of Ko-

States enjoy one lawyer for every 300 people, whereas Koreans only have one lawyer for every 4800 people.[5]

The current *sabubshihum* scheme in Korea has drawn much criticism.[6] Some have suggested that *sabubshihum* has caused a social problem where many young people waste their youths by repeatedly attempting to pass *sabubshihum* without any success.[7] Others have alleged that *sabubshihum* has induced the scarcity of lawyers and, thus, the denial of legal services to ordinary citizens as well as not-for-profit and governmental organizations.[8] Still

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rea, *at* http://eng.sppo.go.kr/intro/manpower.htm (last visited Feb. 2, 2005) (stating that total number of prosecutors in Korea was 1329 as of January 2004); Structure of Korean Bar Association, Official Korean Bar Association Website, *at* http://www.koreanbar.or.kr/eng/03.asp (last visited Feb. 2, 2005) (indicating that members of Korean Bar Association total 6273 in number as of May 18, 2004).

5. *See* Korean Population Clock, *supra* note 3 (estimating that Korea has about 48 million people); *see also* Population Clock, Official U.S. Census Bureau Website, *at* http://www.census.gov/main/www/popclock.html (last visited Feb. 2, 2005) (showing estimate of U.S. population as approximately 295 million); David Barnhizer, *Profession Deleted: Using Market and Liability Forces to Regulate the Very Ordinary Business of Law Practice for Profit*, 17 GEO. J. LEGAL ETHICS 203, 235 (2004) (mentioning that United States has roughly one million lawyers). *But see* Tae Sung Cho, *Byunhosa-JunmoonJagyksa Yungyuk Datum* [Territorial Struggle between Lawyers and Other Licensed Professionals], SEOUL SHINMOON [Seoul Daily], Oct. 25, 2004, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=081&article_id=0000018139&section_id=100&menu_id=100 (indicating that Korea allows licensure for other law-related professions, including judicial scriveners, patent professionals, and tax consultants, and suggesting that recently, lawyers have called for termination of such licensure).

6. *See* JAMES M. WEST, EDUCATION OF THE LEGAL PROFESSION IN KOREA 27 (1991) (describing shortcomings of *sabubshihum*); *see also* Kim, *Ideal and Reality*, *supra* note 2, at 66 (listing reasons why people have proposed reform of current system); Sang Hyuk Yim, *Joongsogyumo Bubgwadaehakeui Law School Doibe Gwanhan Yungu* [Study on Implementation of Law School System in Small to Mid-size Law Colleges], ILBAN NONDAN [General Discussion Forum] 265, 265 (2004) [hereinafter Yim, *Implementation*] (commenting on Korean society's dissatisfaction with legal profession).

7. *See Law School Doibchuiji Sallilyumyun* [In Order to Bring to Life Motivation behind Implementation of Law School System], GYUNGHYANG SHINMOON [Gyunghyang Times], Oct. 6, 2004, *available at* http://www.khan.co.kr [hereinafter *Law School*, GYUNGHYANG] (stating that many sabubshihum applicants spend much time preparing for examination but without success); *see also* Ji Eun Yim, *Sabubgaehyukwiwonhoi 1 Nyun Hwaldong Chong Pyangga* [Overall Evaluation of One-Year Activities of Judicial Reform Committee ["JRC"]], WOLGAN JOONGANG [Joongang Monthly], Nov. 2004, at 232, 232 (mentioning that sabubshihum has induced so-called *goshinangin* phenomenon).

8. *See* Ginsburg, *supra* note 2, at 436 (mentioning that citizens in Korea and Japan find it difficult to retain lawyers because of lack of available lawyers); *see also* Kim, *Ideal and Reality*, *supra* note 2, at 47 (claiming that shortage of lawyers has denied ordinary citizens access to judicial system); Byung Jik Cha, *Law School Jaedo Doibeui Pilyousung* [Necessity for Implementation of Law School System], 27 BUBHAK NONCHONG [Journal of Legal Study] 11, 22 (2003) (indicating that governmental agencies and not-for-profit organizations need lawyers; suggesting that shortage of lawyers may not be due to small

others have blamed *sabubshihum* for the poor-quality legal services offered in Korea.[9]

Responding to such criticisms, the Korean government has instituted some changes to the *sabubshihum* scheme over the years; most notably, there has been a substantial increase in the number of people allowed to pass *sabubshihum.*[10] Because the government left intact the basic framework of the *sabubshihum* scheme, however, many insisted that more fundamental changes were necessary.[11] On October 4, 2004, the Judicial Reform Committee ("JRC"), an advisory board under supervision of the Korean Supreme Court, proposed a plan to overhaul Korea's legal education system by eliminating *sabubshihum* and implementing a graduate-level, U.S.-style law school ("Law School") system.[12]

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number of lawyers but attitude of lawyers; and implying that lawyers in Korea would not settle for anything less than what they feel is adequate consideration for their services).

9. *See* Kim, *Ideal and Reality*, *supra* note 2, at 63 (indicating that *sabubshihum* scheme hinders one from being competent lawyer because it does not allow one to learn how society functions and to study various law-related subjects before endeavoring to study law); *see also Law School Doibmani Gaesunchekinga?* [Is Law School Only Way to Improve?], BUBRYUL SHINMOON [Law Times], Aug. 16, 2004, *available at* http://www.lawtimes.co.kr [hereinafter *Law School*, BUBRYUL] (arguing that quality of legal services in Korea is low because *sabubshihum* only allows for small number of lawyers). *See generally* Jong Hwan Jung, *Bubhakjunmundaihakwoneui Doibnoneuieui Euieuiwa Banghyang* [Reasons and Direction of Law School Implementation Discussion], 45(2) SEOUL DAIHAKGYO BUBHAK [Seoul National University Legal Study] 21, 27 (2004) (attributing poor-quality legal services in Korea to lack of specialists; indicating that specialized knowledge is essential in certain types of legal counseling; and suggesting that current system in Korea does not allow prospective lawyers to obtain such knowledge before studying at Law College).

10. *See* You, *supra* note 3 (mentioning that number of people permitted to pass *sabubshihum* has increased to 1000 recently); *see also Law School*, BUBRYUL, *supra* note 9 (stating that number of people allowed to pass *sabubshihum* has reached 1000). *See generally* Trainees Information, *supra* note 3 (indicating that as recently as 1996, JRTI admitted only about 300 and that in 1996 315 started training at JRTI).

11. *See* You, *supra* note 3 (stating that current *sabubshihum* scheme has remained intact despite various reform proposals); *see also* Yim, *supra* note 7, at 232 (suggesting that many proposed changes by Korean government have not produced any real changes to current *sabubshihum* scheme).

12. *See* Press Release, JRC, *Sabubgaehyuk Ouiwonhui Huieui Gyulgwa* [Results of October 4, 2004 JRC Meeting] (Oct. 4, 2004) [hereinafter JRC October Press Release] (setting forth final terms of agreement recommending implementation of U.S.-style law school ("Law School") system); *see also* Soo Jin Cho, *Bubjoin Sunbal Moondab Puli* [Questions Answered Regarding Selection of Lawyers], DONGA ILBO [Donga Daily], Oct. 5, 2004, *available at* http://www.donga.com (stating that JRC finalized plan for Law School system implementation ("Law School Plan")); Jin Hwan Suk, *Choi Jong Sullibggaji Nameun Julcha* [Steps toward the Final Implementation], HANGYURE ILBO [Hangyure Daily], Oct. 5, 2004, *available at* http://www.hani.co.kr (mentioning that JRC finalized Law School Plan).

Ever since the JRC promulgated its proposal, the topic has stirred up much discussion among legal scholars, practitioners and the general public alike.[13] Some praise this decision as a revolutionary step in the right direction,[14] while others vehemently oppose it.[15]

This Note will examine Korea's efforts to transform its legal education system. Part I will explain the particularities of the legal profession in Korea and its current legal education system. Part II will discuss the proposed plan for the implementation of the Law School system in Korea and the arguments by the opposition with a brief comparison to Japan's efforts to reform its legal education system. Part III will then address the advantages and disadvantages of the proposed plan.

I. *CURRENT LEGAL EDUCATION SCHEME IN KOREA*

Currently, prospective lawyers in Korea must pass *sabubshihum* and then complete training at the Judicial Research and Training Institute ("JRTI") in order to practice law as lawyers.[16]

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13. *See Law School*, GYUNGHYANG, *supra* note 7 (suggesting that most common debate subject regarding Law School Plan is number of students to be admitted); *see also* Sang Lok Lee, *Law School Doib Hwakjung: 2007 Nyun Chut Ibhakshihum . . . Eungshihoisu Jaehan* [Law School Implementation Finalized], DONGA ILBO [Donga Daily], Oct. 5, 2004, *available at* http://www.donga.com (indicating that JRC's proposed plan left several important points for further discussion among academics and practitioners).

14. *See Law School Yi Sunggong Haryumyun* [In order for Law School System to Succeed], JOONGANG ILBO [Joongang Daily], Oct. 5, 2004, *available at* http://www.joins.com [hereinafter *Law School*, JOONGANG] (stating that implementation of Law School system is good idea); *see also Law School Gereut Choongsilhi Chewoya* [We Must Fulfill Law School's Objectives], HANGYURE SHINMOON [Hangyure Times], Oct. 5, 2004, *available at* http://www.hani.co.kr (stating that JRC's decision is improvement from failed initiatives in past); Jae Jung Bae, *Law School 2008 Nyun Doib: Jooyo Naeyong Mit Moonjaejum* [Law School Implementation 2008: Main Content and Issues], BOOSAN ILBO [Boosan Daily], Oct. 6, 2004, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=082&article_id=0000017240&section_id=102&menu_id=102 (reporting that Law School implementation is solution to *goshinangin* problem).

15. *See* Jung, *supra* note 9, at 21 (stating that Law School system is not suitable for Korea's legal culture); *see also* Baik, *supra* note 3, at 222 (stating that Law School education is expected to cost as much as 20 million won per year); Soo Shin Yoon, *Seoul Byunhosahoi Law School Je Doib Bande* [Bar Association of Seoul Opposes Law School System], BUBRYUL SHINMOON [Law Times], Aug. 3, 2004, *available at* http://www.lawtimes.co.kr (stating that seven out of ten members of Seoul Bar Association object to Law School Plan but indicating that even opponents of Law School Plan acknowledge that current system has problems).

16. *See Shihum Annae. Shihumbangbub/Gwamok* [Examination Information: Method of Examination/Subjects], Official Website of Ministry of Justice of Korea, *at* http://www.moj.go.kr/barexam (last visited Feb. 16, 2005) [hereinafter Examination

Competition involved in becoming a lawyer is fierce throughout the process, which begins for many people as early as in high school.[17] Many *Sabubshihum* aspirants devote a significant amount of time and energy to preparing for the examination, but often without success due to its competitiveness.[18]

A. *Pre*-Sabubshihum *Competition*

Because of the prestige and lucrative compensation opportunities, Koreans consider a career as a lawyer extremely desirable.[19] As a result, many parents encourage their academically gifted teenage children to consider studying law.[20] Whether motivated by their own will or by a sense of filial piety, many top high school students in Korea apply to undergraduate law departments of universities ("Law Colleges").[21] Consequently, Ko-

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Information] (indicating that would-be lawyers must pass *sabubshihum*); *see also Sabubshihumbub* [*Sabubshihum* Act] § 1 (2001), *available at* http://wan.pe.kr/~min/cgi-bin/NeoBoard/NeoView.cgi?Db=lecture3&Mode=view&Block=1&Number=1&BackDepth=1&SearchID=&fmSearchType=&fmKeyWord= (last visited Mar. 25, 2005) [hereinafter *Sabubshihum* Act] (stating that prospective lawyers must pass *sabubshihum*); *Law School*, BUBRYUL, *supra* note 9 (suggesting that prospective lawyers need to complete JRTI training).

17. *See* You, *supra* note 3 (stating that only 998 out of 30,146 applicants passed *sabubshihum* in 2002, setting pass rate at 3.61%); *see also* Gun Yang, *Law School Yougam* [Unpleasant Feelings about Law School], BUBRYUL SHINMUN [Law Times], Sept. 30, 2004, *available at* http://www.lawtimes.co.kr/Lawtimes_WEB/etc/PDF/data/3302/3302-4.pdf (indicating that high school students go through fierce competition to get into Law Colleges); Baik, *supra* note 3, at 223 (implying that many academically talented high school students are encouraged to become lawyers and to go to Law College).

18. *See* You, *supra* note 3 (stating *sabubshihum* pass rate was 3.61% in 2002); *see also Law School*, GYUNGHYANG, *supra* note 7 (stating that many sabubshihum applicants spend much time studying for examination but without success); Yim, *supra* note 7, at 232 (suggesting that many sabubshihum applicants devote their youth to studying for examination).

19. *See* Kim, *Ideal and Reality*, *supra* note 2, at 48 (commenting on prestige lawyers enjoy in Korea); *see also* Song, *supra* note 2, at 398 (suggesting that many people wish to be lawyers in Korea); Baik, *supra* note 3, at 218 (stating that passing *sabubshihum* is opportunity for change of fate in life).

20. *See* Song, *supra* note 2, at 398 (stating that parents encourage their children and students to attend Law Colleges despite their own career aspirations); *see also* Sang Hoon Lee, *Law School Hu Wa Shil* [Falseness and Realness behind Law School], MEIL GYUNGJE [Daily Economy], Nov. 23, 2004, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=009&article_id=0000407778&section_id=001&menu_id=001 (stating that many Korean parents want their children to go to Law College and become prosecutors or judges); Baik, *supra* note 3, at 218 (stating that many parents encourage children to go to Law College).

21. *See* Baik, *supra* note 3, at 223 (citing interview in which *sabubshihum* aspirant

rea's leading Law Colleges attract the best and the brightest, inducing intense competition among applicants.[22] The Law College in a given university in Korea is typically one of the most competitive colleges, if not the single most competitive one.[23]

Law Colleges in Korea are highly competitive, despite the fact that *sabubshihum* does not require a would-be lawyer to attend one.[24] In fact, many prospective lawyers prefer to go to a Law College, partly because of the alumni network.[25] An overwhelming majority of lawyers in Korea consists of graduates of the country's leading Law Colleges.[26] A diploma from a prestigious Law College can, therefore, afford a lawyer a valuable

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suggests that many children go to Law College because parents have encouraged them ever since they were young); *see also* Song, *supra* note 2, at 398 (reporting that many teenagers apply to Law Colleges). *See generally* Michael R. Curran, *On Common Ground: Using Cultural Bias Factors to Deconstruct Asia-Pacific Labor Law*, 30 GEO. WASH. J. INT'L L. & ECON. 349, 409 (1996-97) (stating that Confucianism teaches that children should defer to parental authority).

22. *See* Song, *supra* note 2, at 398 (stating that Seoul National University's Law College, which most Koreans consider to be Korea's top university, attracts brightest high school students each year); *see also* Yang, *supra* note 17 (stating that non-science college applicants in Korea rank law as their number one choice of concentration).

23. *See* Song, *supra* note 2, at 398 (stating that many people consider Law College students in given university to be brightest group); *see also* Yang, *supra* note 17 (indicating that Law Colleges are more competitive than other colleges). *See, e.g.*, *2004 Haknyundo Jungshi Junghyun Sooneung Pyunggyun Jumsoo* [Academic Year 2004 College Entrance Examination Average Score], *at* http://www.hanyang.ac.kr/admission/fresh/index_pastjungsi.html (last visited Mar. 2, 2005) (indicating that for academic year 2004, average college entrance examination score of those who gained admissions to Law College in Han Yang University was highest out of all listed colleges/majors).

24. *See Sabubshihum: Eungshijagyuk* [*Sabubshihum*: Eligibility], Official Website of Ministry of Justice of Korea, *at* http://www.moj.go.kr/barexam/ (last visited Mar. 25, 2005) [hereinafter *Sabubshihum*: Eligibility] (setting forth eligibility requirements for *sabubshihum*, which do not include one for legal degree). *Cf. Sabubshihumbub Shihengryung* [*Sabubshihum* Act Implementation Order] § 3 (2001), *available at* http://wan.pe.kr/~min/cgi-bin/NeoBoard/NeoView.cgi?Db=lecture3&Mode=view&Block=1&Number=2&BackDepth=1&SearchID=&fmSearchType=&fmKeyWord= (last visited Mar. 25, 2005) [hereinafter Implementation Order] (indicating that starting January 1, 2006, applicants need complete 35 credits of law-related classes in order to be eligible for *sabubshihum*).

25. *See* Kim, *Ideal and Reality*, *supra* note 2, at 49 (suggesting that graduates of leading Law Colleges in Korea comprise majority of lawyers); *see also* West, *supra* note 6, at 20 (indicating that majority of successful *sabubshihum* applicants come from Korea's leading universities).

26. *See* Kim, *Ideal and Reality*, *supra* note 2, at 49 n.20 (indicating that majority of those who pass *sabubshihum* come from handful of Law Colleges, including Seoul National University, Korea University, and Yonsei University); *see also* West, *supra* note 6, at 20 (mentioning that majority of successful *sabubshihum* applicants come from Korea's leading universities).

alumni network and, in turn, supply real career advantages in the long run.[27]

Enrollment in a top Law College, however, by no means marks the end of a difficult journey for would-be lawyers.[28] Because an applicant's college transcript or origin of college does not have any bearing on the result of *sabubshihum*, a student or graduate of a leading Law College receives no advantages on *sabubshihum*, and must prepare diligently for the examination.[29] Moreover, a significant number of non-law majors also join the pool of *sabubshihum* applicants and, in effect, raise the level of competition.[30]

B. *Sabubshihum*

Sabubshihum consists of three phases.[31] The first phase is a multiple-choice examination that covers Civil Law, Constitutional Law, Criminal Law, English, and one elective selected among Criminal Policy, International Law, International Transaction Law, Intellectual Property Law, Economy Law, Labor Law, Legal Philosophy, and Tax Law.[32] The second phase, an essay-

27. *See* Kim, *Ideal and Reality*, *supra* note 2, at 48-49 (emphasizing role of personal relationships in Korean legal industry); *see also* West, *supra* note 6, at 26 (suggesting that exclusion from alumni networks of leading Law Colleges can limit breadth of career opportunities available).

28. *See Sabubshihum*: Eligibility, *supra* note 24 (suggesting that college record is irrelevant for purposes of *sabubshihum*); *see also* Song, *supra* note 2, at 398 (stating that only 800 of roughly 9000 Law College graduates go into legal profession). *See generally* Ginsburg, *supra* note 2, at 435 (indicating that *sabubshihum* is separate goal for Law College students in Korea and that very few succeed).

29. *See Sabubshihum*: Eligibility, *supra* note 24 (indicating that applicant's academic performance in college is irrelevant because law degree is not prerequisite for *sabubshihum*); *see also* Ginsburg, *supra* note 2, at 436 (stating that most people who pass bar examination in Korea and Japan spend additional years after college preparing for bar examination). *See generally* West, *supra* note 6, at 21-22 (indicating that in effect, college becomes "bar review" for many *sabubshihum* applicants because their ultimate goal is to pass *sabubshihum*, not to do well in college or even graduate and implying that balanced education on college level is improbable).

30. *See* Trainees Information, *supra* note 3 (indicating that in 2003, approximately one out of five passing applicants did not major in law); *see also* Yim, *Implementation*, *supra* note 6, at 268 (stating that approximately twenty to thirty percent of successful *sabubshihum* applicants are non-law majors). *See generally* Song, *supra* note 2, at 398 (mentioning that among law majors, pass rate on *sabubshihum* is approximately 10%).

31. *See* Examination Information, *supra* note 16 (setting forth method and content of *sabubshihum*); *see also Sabubshihum, Naver Baiggwa Sajun* [Naver Encyclopedia], *at* http://100.naver.com/100.php?id=83487 (last visited Mar. 2, 2005) [hereinafter *Sabubshihum, Naver*] (explaining requirements of *sabubshihum*).

32. *See Sabubshihum* Act, *supra* note 16 (setting forth method of examination for

format examination, tests applicants in Administrative Law, Civil Law, Civil Procedure, Commercial Law, Constitutional Law, Criminal Law, and Criminal Procedure.[33] During the first and second phases, only a set number of applicants, based on their numeric examination scores, may advance to the next phase.[34]

The third phase, an interview, evaluates applicants in five categories: (1) ethical view; (2) specialized knowledge and ability to apply knowledge; (3) communication skills; (4) manner and attitude; and (5) creativity and perseverance.[35] Interviewers rate each applicant with values ranging from one to three on each of the five categories.[36] Every applicant who obtains, on average, a score of ten or above from all interviewers may pass the third phase, unless the majority of interviewers have rated the applicant with a score of one in any category.[37]

An applicant must pass all three phases sequentially, in order to gain admission into the JRTI.[38] If an applicant does not

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first phase); *see also Sabubshihum, Naver, supra* note 31 (listing topics for first phase). *See generally* Examination Information, *supra* note 16 (indicating that Economy Law includes, among others, topics regarding consumer protection, antitrust and fair trade).

33. *See* Examination Information, *supra* note 16 (listing subjects covered in second-phase examination); *see also Sabubshihum* Act, *supra* note 16, § 8 (setting forth method of examination for second phase); *Sabubshihum, Naver, supra* note 31 (listing topics for second phase).

34. *See* Examination Information, *supra* note 16 (explaining method of determination for passing applicants); *see also Sabubshihum* Act, *supra* note 16, § 10 (stating that applicants' numeric scores are sole factor in determining successful *sabubshihum* applicants); Implementation Order, *supra* note 24, § 5 (explaining determination method for successful *sabubshihum* applicants).

35. *See* Examination Information, *supra* note 16 (setting forth topics of evaluation at interviews); *see also Sabubshihum, Naver, supra* note 31 (listing topics for third-phase examination). *See generally* West, *supra* note 6, at 19 (stating that although it is requirement, many people consider interview process to be mere formality).

36. *See* Examination Information, *supra* note 16 (explaining method of evaluation for interviews); *see also* Implementation Order, *supra* note 24, § 5 (stating that interviewers rate interviewees on five categories with values ranging from one to three).

37. *See* Examination Information, *supra* note 16 (announcing threshold requirements for passing third-phase *sabubshihum*); *see also* Implementation Order, *supra* note 24, § 5 (stating that score of ten is necessary for passing third phase with certain exception).

38. *See* Examination Information, *supra* note 16 (indicating that successful applicants must pass all three phases); *see also Bubwon Jojikbub* [Court Organization Act] § 72(1) (1996), *available at* http://www.sasi-law.co.kr/popup/print.htm?no=57&chk_cate=&print_view=law. [hereinafter Court Organization Act] (last visited Mar. 2, 2005) (stating that JRTI accepts those who pass *sabubshihum* and trains them for two years); *Sabubshihum* Act, *supra* note 16, § 7 (implying that applicants must pass all three phases of *sabubshihum* sequentially).

pass the second- or third-phase examination at first try, she can try again only the following year.[39] If she fails it for the second time, then she must pass the previous phase(s) again.[40]

In reality, because of the memory-driven nature of *sabubshihum* and the fierce competition, success on *sabubshihum* is considered virtually impossible without the help of specialists.[41] With rare exceptions, most who study for *sabubshihum* avail themselves of some type of private tutoring, including the kind offered by private *sabubshihum* preparation schools ("Bar Prep Schools").[42] Not surprisingly, such private tutoring classes are a thriving business in Korea and often charge a large amount of tuition.[43]

Further, the competitive nature of *sabubshihum* has caused a social problem commonly referred to by Koreans as the

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39. *See* Examination Information, *supra* note 16 (indicating that if applicants fail second or third phase of examination, they may retake it only once following year without having to pass all previous phases again); *see also Sabubshihum* Act, *supra* note 16, § 10 (suggesting that applicants do not have to retake first or second phase of examination if they passed it previous year).

40. *See Sabubshihum* Act, *supra* note 16, § 10 (implying that if applicants do not pass second or third phase by second year from time when they passed previous phase of examination, they must go through prior phase(s) again); *see also* Examination Information, *supra* note 16 (indicating that there are limitations as to how many times applicants can fail given examination before they must retake all previous phases); *Sabubshihum, Naver*, *supra* note 31 (suggesting that applicants need to pass all prior phases again if they do not pass all three phases within certain period of time).

41. *See* Cha, *supra* note 8, at 16 (commenting on difficulty of passing *sabubshihum* without assistance of private *sabubshihum* preparation schools ("Bar Prep Schools")); *see also* Yim, *Implementation*, *supra* note 6, at 280 (suggesting that Bar Prep Schools are prevalent in Korea); West, *supra* note 6, at 19, 21-22 (indicating that sabubshihum is driven mostly by facts and formulae and suggesting that applicants need to commit enormous amount of information to memory and be ready for regurgitation on test).

42. *See* Cha, *supra* note 8, at 16 (stating that majority of *sabubshihum* applicants do enroll in Bar Prep Schools); *see also* Yim, *Implementation*, *supra* note 6, at 280 (suggesting that Bar Prep Schools are norm); Baik, *supra* note 3, at 218 (indicating that 90% of *sabubshihum* applicants study at Bar Prep Schools).

43. *See* Yim, *Implementation*, *supra* note 6, at 280 (suggesting that Bar Prep Schools are expensive; indicating that prolonged *sabubshihum* preparation can cost applicants hefty sum of money, perhaps even nearing anticipated amount of Law School tuition; and mentioning that majority of *sabubshihum* applicants enroll in Bar Prep Schools); *see also* Dong Gwon Jung, *Jigeum Shinlimdong Goshichonen . . . Binmin Goshiseng, Guijok Goshiseng Gongjon* [In Korea's Shinlim District, Poor and Rich Sabubshihum Aspirants Co-exist], GOOKMIN ILBO [Gookmin Daily], Mar. 28, 2005, *available at* http://www.kmib.co.kr (stating that some private tutors charge as much as 200 million won — roughly U.S. $2000 — per month). *See generally* Cha, *supra* note 8, at 16 (indicating that demand for Bar Prep Schools is great).

"*goshinangin* phenomenon."[44] Allured by the promise of instant status elevation and monetary rewards after the success on *sabubshihum*, many young people spend years (or, in some cases, decades) out of their youths repeatedly attempting to pass *sabubshihum*, but with no success.[45] An estimated 100,000 hopefuls study for *sabubshihum* at a given time, but fewer than 1000 may pass it annually.[46] In the process of long, drawn-out *sabubshihum* preparation, an unsuccessful *sabubshihum* applicant loses an opportunity to enter into a different career field and becomes a *goshinangin*.[47]

C. *Post*-Sabubshihum *Training*

Those who pass all three phases of *sabubshihum* embark on a two-year-long training session at the JRTI.[48] Membership in the Korean Bar requires successful completion of training at the JRTI.[49] Whether an aspirant wishes to practice law as a judge,

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44. *See Goshi, Naver Yungu Sajun* [Naver English Dictionary], *at* http://endic.naver.com/endic.php?docid=143509 (last visited Mar. 8, 2005) (defining word *goshi* as examination); *see also Nangin, Naver Yungu Sajun* [Naver English Dictionary], *at* http://endic.naver.com/endic.php?docid=155284 (last visited Mar. 8, 2005) (defining word *nangin* as unemployed person); Baik, *supra* note 3, at 223 (indicating that *goshinangin* phenomenon is serious problem in Korea because many employers are unwilling to consider favorably older applicants with little or no job experience applying for entry-level positions).

45. *See Law School*, GYUNGHYANG, *supra* note 7 (stating that *sabubshihum* scheme has created countless incidences of *goshinangin* phenomenon); *see also* Yim, *supra* note 7, at 232 (mentioning that *sabubshihum* scheme has created *goshinangin* phenomenon where many young people devote their youths to *sabubshihum*); *Law School Maneuron Junmoonbubryulga Gilrujiji Anneunda* [Legal Specialists Impossible with Law School System Alone], CHOSUN ILBO [Chosun Daily], Aug. 16, 2004, *available at* http://www.chosun.com [hereinafter CHOSUN, *Legal Specialists*] (indicating that many young people spend many years studying for *sabubshihum*).

46. *See* Yim, *supra* note 7, at 237 (stating that estimating that 100,000 men and women are currently in process of preparing for *sabubshihum*); *see also* Trainees Information, *supra* note 3 (indicating that 887 people were admitted into JRTI in 2004 and 987 in 2005); You, *supra* note 3 (indicating that fewer than 1000 may pass *sabubshihum*).

47. *See* Baik, *supra* note 3, at 223 (indicating that *goshinangin* phenomenon is serious problem in Korea because many employers are unwilling to consider favorably older applicants with little or no job experience applying for entry-level positions); *see also* CHOSUN, *Legal Specialists*, *supra* note 45 (implying that many tens of thousands of people waste their youths by spending years and years studying for *sabubshihum*).

48. *See* Court Organization Act, *supra* note 38 (indicating that JRTI trains those who pass *sabubshihum* for two years); *see also* Kim, *Ideal and Reality*, *supra* note 2, at 48 (indicating that only those who pass *sabubshihum* can get into JRTI); *Law School*, BUBRYUL, *supra* note 9 (indicating that lawyers need to be trained for two years at JRTI).

49. *See Law School*, BUBRYUL, *supra* note 9 (stating that one needs to go through two years of training at JRTI to become lawyer); *see also Byunhosa Jaedo* [Institution of Law-

prosecutor or private practitioner, all prospective lawyers receive training together at the JRTI.[50]

For the most part, judges and prosecutors conduct JRTI training as professors.[51] Out of sixty-seven current JRTI professors, forty-three are judges, twenty-one are prosecutors, and three are other professionals.[52] Some suggest that the prevalence of judges and prosecutors in the JRTI faculty leads to inadequate training, as the majority of trainees will become private practitioners.[53] Some also argue that sixty-seven professors may not be enough to supply effective practical training to 2000 trainees.[54] As a comparison, the JRTI's faculty-student ratio of 1:30 falls far below what would be expected in a U.S. law school.[55]

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yers], Official Website of Korean Bar Association, *at* http://www.koreanbar.or.kr/info/01_03.asp (last visited Mar. 2, 2005) (indicating that only those who duly complete training at JRTI can become lawyers); *Gae Yo* [Introduction], JRTI Official Website, *at* http://jrti.scourt.go.kr/intro/summary.asp?flag=1 (last visited Mar. 2, 2005) (stating that after applicant successfully completes training at JRTI, she becomes licensed lawyer).

50. *See* Ginsburg, *supra* note 2, at 435 (indicating that prosecutors, judges, and practicing lawyers are trained together at JRTI); *see also* Kim, *Ideal and Reality*, *supra* note 2, at 48 (stating that all prospective Korean lawyers, including judges and prosecutors, train together at JRTI after passing *sabubshihum*); *Law School*, BUBRYUL, *supra* note 9 (stating that those who complete training at JRTI become prosecutors, judges, and practicing lawyers).

51. *See Gyosujin Sogae* [Faculty Information], JRTI Official Website, *at* http://jrti.scourt.go.kr/information/practical_05.asp?flag=0 (last visited Mar. 25, 2005) (listing information regarding individual JRTI professors); *see also* Yim, *Implementation*, *supra* note 6, at 269 (stating that most JRTI professors are judges). *Cf.* West, *supra* note 6, at 23-24 (mentioning that most Law College professors are not licensed lawyers; indicating that lack of Law College professors with experience as lawyers is often blamed for ineffective practical training in Law College; and stating that lawyers rarely teach in Law Colleges).

52. *See Gyosujin Sogae*, *supra* note 51 (listing names of JRTI professors and their biographies); *see also* Yim, *Implementation*, *supra* note 6, at 269 (stating that majority of JRTI professors are judges).

53. *See Gyosujin Sogae*, *supra* note 51 (indicating that overwhelming majority of JRTI professors are judges); *see also* Yim, *Implementation*, *supra* note 6, at 269 (stating that JRTI training is biased toward prospective judges).

54. *See Gyosujin Sogae*, *supra* note 51 (indicating that JRTI has 67 professors); *see also* Trainees Information, *supra* note 3 (indicating that JRTI currently has 2000 trainees); Yim, *Implementation*, *supra* note 6, at 269 (implying that JRTI is unable to provide effective training because of number of students vis-à-vis number of professors).

55. *See* Student-Faculty Ratio (Semester System Schools), Official American Bar Association Website, *at* http://www.abanet.org/legaled/statistics/sfratio.html (last visited Mar. 6, 2005) (indicating that average faculty-student ratio of all ABA-accredited Law Schools in United States with more than 1099 students is 1:20.4). *See, e.g.*, Faculty-Student Ratio, *available at* http://www.bcgsearch.com/crc/book/fordham.html (last visited Apr. 15, 2005) (indicating that faculty-student ratio of Fordham University School

Trainees at the JRTI must complete class and externship work worth sixty-six credits during their two-year matriculations; one credit typically equals fifteen hours of lecture time.[56] During their time in the JRTI, trainees receive a salary equivalent to the amount afforded by high-level government employees.[57] While virtually all trainees complete the program, JRTI training still involves heavy competition since a trainee's academic performance there will determine the breadth of career options available to her after training.[58] The importance of a prospective lawyer's performance at the JRTI is evidenced by some recent JRTI graduates who now report that they are unable to secure adequate employment.[59]

The basic framework of the *sabubshihum* scheme described

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of Law is roughly 17 to 1). *But see* Tae Ak Roh, *Law School Doib Geu Hueui Noneuie Butyu* [Regarding Law School Plan Implementation], BUBRYUL SHINMOON [Legal Times], Mar. 10, 2005, *available at* http://www.lawtimes.co.kr (stating that second-year JRTI trainees participate in externships as part of curriculum for certain period of time and implying that these trainees do not require teaching by professors in class).

56. *See Haksa Annae* [Information], JRTI Official Website, *at* http://jrti.scourt.go.kr/information/practical_03_1.asp?flag=0 (last visited Mar. 2, 2005) (stating that successful JRTI trainees must complete 66 credits and that 1 academic credit normally requires 15 or more hours of lecture time in semester); *see also Gyogwagwajung Annae* [Curriculum], JRTI Official Website, *at* http://jrti.scourt.go.kr/information/practical_01_05.asp (last visited Mar. 24, 2005) (indicating that JRTI trainees work in courts, law firms, prosecutor's office, and other relevant organizations during their third semester through externship program).

57. *See* Court Organization Act, *supra* note 38, § 72(1) (stating that JRTI trainees are government employees); *see also Sabubyunsuwon* [JRTI], *Naver Baiggwa Sajun* [Naver Encyclopedia], *at* http://100.naver.com/100.php?id=83489 (last visited at Mar. 3, 2005) [hereinafter JRTI, Naver] (indicating that JRTI trainees are Level V government employees); Yim, *Implementation*, *supra* note 6, at 269 (stating that JRTI trainees receive salaries of high-level government officials, even though they will go on to occupy highest position in compensation scale within Korean society and questioning validity of government's practice in using tax revenues to compensate prospective lawyers during their JRTI training).

58. *See* Trainees Information, *supra* note 3 (indicating that program completion rate at JRTI is near 100%); *see also* Yim, *Implementation*, *supra* note 6, at 269 (indicating that competition is fierce among JRTI trainees for coveted judge and prosecutor positions). *See generally* Kim, *Ideal and Reality*, *supra* note 2, at 48 n.16 (suggesting that many JRTI trainees are now forced to choose private practice because only so many can become judges or prosecutors).

59. *See* Jae Won Moon, *Law School Jaedodoibe Ddareun Gyoyuknaeyongeui Gaebyun* [Educational Reform Pursuant to Law School Implementation], 27 BUBHAK NONCHONG [Journal of Legal Study] 49, 73 (2003) (indicating that many 2004 JRTI graduates have difficulties finding employment). *See generally* Yi Suk Oh, *Haengjungbuchu Samugwanjik Mojibe Byunhosadeul Daegu Molryu* [Lawyers Applying to Positions in Government], BUBRYUL SHINMOON [Legal Times], Mar. 15, 2005, *available at* http://www.lawtimes.co.kr/LawNews/News/NewsContents.aspx?kind=&serial=15624 (reporting that unprece-

above has existed for decades.[60] It has been hailed as a fair way to select talented individuals, creating opportunities for people with underprivileged backgrounds to advance in society.[61] While such sentiment has not disappeared completely, many people increasingly felt that the *sabubshihum* scheme needed reform.[62]

D. *Road to Law School*

In 1995, then-President Young Sam Kim of Korea established the Globalization Committee, an advisory board in charge of facilitating Korea's globalization initiatives.[63] Recognizing the weaknesses of the *sabubshihum* scheme, the Globalization Committee sought an overhaul of Korea's legal education system and recommended the introduction of a Law School system in Korea.[64] The Globalization Committee's ambitious suggestion,

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dented number of recent JRTI graduates applied to positions within government, reflecting tightening job market for new JRTI graduates).

60. *See* Yunhyuk [History], Official Website of Ministry of Justice of Korea, *at* http://www.moj.go.kr/barexam/contents/c01_01.html (last visited Mar. 2, 2005) (stating that *sabubshihum* scheme was first implemented in 1964); *see also* Yunhyuk [History], JRTI Official Website, *at* http://jrti.scourt.go.kr/intro/history.asp?flag=2 (indicating that JRTI was established in 1970).

61. *See Law School*, BUBRYUL, *supra* note 9 (stating that current *sabubshihum* is fairest and most transparent method of evaluation); *see also* Baik, *supra* note 3, at 218 (indicating that *sabubshihum* creates unparalleled opportunity for advancement in society). *See, e.g.*, Gail Martin, *President Roh Moo Hyun: An OnLine News Hour Report*, *available at* http://www.pbs.org/newshour/bb/asia/jan-june03/roh_bio_5-14.html (last visited Dec. 20, 2004) (introducing life story of Korean President Moo Hyun Roh who overcame obstacles to become human rights lawyer and then President of Korea).

62. *See* Cha, *supra* note 8, at 11 (suggesting that reform is necessary); *see also* Moon, *supra* note 59, at 73-77 (recommending options for reform of current system); Yim, *Implementation*, *supra* note 6, at 267 (stating that many have expressed dissatisfaction with current system and called for change).

63. *See Oneuleu Sosa* [Daily Almanac], YONHAP NEWS, Jan. 20, 2005, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=001&article_id=0000889466&section_id=001&menu_id=001 (stating that Globalization Committee had its first meeting on January 21, 1995); *see also* Yim, *Implementation*, *supra* note 6, at 265 (suggesting that President Young Sam Kim established Globalization Committee in order to facilitate the country's globalization effort); Chang Ho Shin, *Law School Chujin Baikyunggwa Naeyong* [Background and Details of Law School System], GOOKMIN ILBO [Gookmin Daily], June 21, 2004, *available at* http://news.naver.com/news/read.php?mode=LOD&officeq=005&article_id=0000166538 (suggesting that Young Sam Kim administration established Globalization Committee).

64. *See* Yim, *Implementation*, *supra* note 6, at 265 (stating that Globalization Committee first introduced idea of Law School); *see also* Shin, *supra* note 63 (stating that Globalization Committee initiated idea of Law School implementation); Jae Yong Jung, *Law School Eun Byunhosa Eui Juk?* [Is Law School Lawyers' Enemy?], NEWSMAKER, Aug. 13,

however, only produced marginal success.[65] The stiff opposition by the legal community and the lack of support in the administration precluded the implementation of the Law School system.[66] Yet, a compromise reached by the parties allowed for a gradual increase in the number of JRTI admittees each year.[67]

In 1998, the New Education Unification Committee, an advisory board to then-President Dae Joong Kim of Korea in charge of Korea's education reform effort, initiated a more formal discussion on the viability of the Law School system option.[68] This round of discussion also failed to bring Law Schools into reality.[69] In 1999, the Judicial Reform Facilitation Committee put forth the "Korea Judicial Graduate School Plan" which, in

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2004, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=033&article_id=0000004507&section_id=102&menu_id=102 (mentioning that idea of Law School has been in discussion for ten years, its origin dating back to Young Sam Kim administration).

65. *See* Kim, *Ideal and Reality*, *supra* note 2, at 67 (stating that faced with opposition, Globalization Committee withdrew idea of Law School system, but succeeded in increasing annual quota for new lawyers); *see also* You, *supra* note 3 (stating that Globalization Committee's proposal for Law School system did not materialize); Yim, *Implementation*, *supra* note 6, at 265 (stating that idea of Law School failed to garner enough support).

66. *See Law School Chujin Baegyunggwa Naeyong* [Background and Details of Law School System], GOOKMIN ILBO [Gookmin Daily], June 21, 2004, *available at* http://news.naver.com/news/read.php?mode=LOD&office=005&article_id=0000166538 [hereinafter *Law School*, GOOKMIN] (stating that different views among members of administration and opposition by academics precluded implementation of Law School system in 1995); *see also* Kim, *Ideal and Reality*, *supra* note 2, at 66 (stating that Korean Bar Association, Korean Supreme Court, Association of Law Professors opposed idea of Law School). *See generally* Cha, *supra* note 8, at 26 (stating that one argument against Law School is unsuitability of U.S. model in Korea which has German-model-based system).

67. *See* Yim, *Implementation*, *supra* note 6, at 265 (suggesting that Globalization Committee decided to increase gradually number of JRTI admittees to 1000); *see also Law School*, GOOKMIN, *supra* note 66 (stating that the Globalization Committee did succeed in increasing number of prospective lawyers admitted into JRTI each year). *But see* Jung, *supra* note 64 (indicating that 1000 new lawyers each year may be too many and reporting that some lawyers already have trouble finding adequate employment).

68. *See* Kim, *Ideal and Reality*, *supra* note 2, at 67 (stating that President Dae Joong Kim revisited issue of implementing Law School system); *see also* Yim, *Implementation*, *supra* note 6, at 265-66 (indicating that New Education Unification Committee ("NEUC") in charge of Korea's education reform initiatives proposed Law School system idea to President Dae Joong Kim); *Law School Habgyuk Daehakdeul Junchojun* [Preliminary Round for Universities before Law School System Implementation], HANGYURE ILBO [Hangyure Daily], June 17, 2004, *available at* http://news.naver.com/news/read.php?mode=LOD&office_id=028&article_id=0000064388 [hereinafter *Preliminary Round*, HANGYURE] (stating that in 1998, NEUC formally discussed Law School Plan).

69. *See* Kim, *Ideal and Reality*, *supra* note 2, at 67-68 (stating that NEUC's plan failed

essence, proposed to turn the JRTI into a graduate-level university program while retaining the current *sabubshihum* scheme.[70] This plan met the same fate as its predecessors.[71]

In October 2003, current Korean President Moo Hyun Roh established the JRC and entrusted it with the task of devising a plan for *sabubshihum* reform.[72] The JRC considered various options with respect to the future of the country's legal education system.[73] First, Korea could establish a single, graduate-level, government-financed institution, substantially similar to the current JRTI, which would be responsible for educating prospective lawyers ("New JRTI Plan").[74] Second, Korea could maintain the current system but refine the eligibility requirements for *sabubshihum*, so as to limit the number of times an applicant may take the test ("New *Sabubshihum* Plan").[75] Third, Korea could implement a three-year, graduate-level Law School system while keeping current Law Colleges as they were but eliminate *sabubshihum* in its entirety ("Law School Plan").[76]

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because of opposition); *see also* Yim, *Implementation*, *supra* note 6, at 265-66 (indicating that NEUC's plan never became reality).

70. *See Preliminary Round*, HANGYURE, *supra* note 68 (implying that Judicial Reform Facilitation Committee ("JRFC") proposed single, graduate-level institution for legal education ("Korea Judicial Graduate School Plan")); *see also* Yim, *Implementation*, *supra* note 6, at 265-66 (indicating that Korea Judicial Graduate School Plan had no element of reform and that it in essence merely tried to change name for JRTI).

71. *See Preliminary Round*, HANGYURE, *supra* note 68 (indicating that JRFC's Korea Judicial Graduate School Plan failed); *see also* Yim, *Implementation*, *supra* note 6, at 266 (mentioning that JRFC's plan had no element of reform).

72. *See* Yim, *Implementation*, *supra* note 6, at 266 (indicating that President Roh established JRC as of October 28, 2004); *see also Preliminary Round*, HANGYURE, *supra* note 68 (indicating that JRC will decide Law School Plan's fate); Soo Yong Jun, *Daebubwon Sanha Sabubgaehyuk Ouiwonhoi Gongshik Chulbum* [JRC's Formal Debut], CHOSUN ILBO [Chosun Daily], Oct. 29, 2003, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=023&article_id=0000026233&section_id=102&menu_id=102 (stating that JRC launched on October 28, 2003 with mission of discussing reform proposals for judicial system).

73. *See* JRC October Press Release, *supra* note 12, at 6 (stating that JRC considered different options for reform); *see also* You, *supra* note 3 (suggesting that JRC reviewed three different options for reform of Korean legal education system).

74. *See* JRC October Press Release, *supra* note 12 (stating that JRC considered establishing modified version of JRTI as Nation's new legal learning institution ("New JRTI Plan")); *see also* You, *supra* note 3 (suggesting that New JRTI Plan was one idea for reform).

75. *See* JRC October Press Release, *supra* note 12, at 6 (mentioning that JRC considered for option refining eligibility requirements of *sabubshihum* while maintaining current scheme ("New *Sabubshihum* Plan")); *see also* You, *supra* note 3 (indicating that New *Sabubshihum* Plan was one option as plan for reform).

76. *See* JRC October Press Release, *supra* note 12, at 6 (indicating that JRC consid-

On October 4, 2004, after a year of discussion and deliberation, an overwhelming majority of the JRC voted to adopt the Law School Plan as its recommendation for submission to the Korean Supreme Court and President.[77] The JRC indicated that the New JRTI Plan seemed inadequate to address fully the problems associated with the current system, whereas the New *Sabubshihum* Plan left intact the *sabubshihum* scheme and proposed no real solutions to improve the quality of legal education.[78] While the Law School Plan generated concern regarding the proliferation of Law Schools and lawyers with questionable qualifications, the JRC concluded that it provided a more effective and realistic option than the other two in improving the flaws of the current system and minimizing the repercussions.[79] The JRC predicted that: (1) the strict adherence to and reinforcement of the rigorous approval standards to be set by the governing body would improve the quality of legal education; and (2) competition among schools to attract able students would create an incentive to provide better education.[80]

Subsequent to its adoption, the Law School Plan successfully garnered endorsement from the Korean Supreme Court, which, in turn, submitted the Plan to President Moo Hyun Roh

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ered plan for Law School Plan); *see also* You, *supra* note 3 (suggesting that Law School Plan was one possibility as one option for reform).

77. *See* JRC October Press Release, *supra* note 12, at 3 (indicating that out of fifteen possible votes, excluding one abstention, New JRTI Plan received no vote and New *Sabubshihum* Plan garnered two votes, while Law School Plan obtained majority with thirteen votes); *see also Law School*, JOONGANG, *supra* note 14 (stating that JRC announced implementation of Law School system on October 4, 2004); *Lee*, *supra* note 13 (indicating that JRC announced to public Law School Plan on October 4, 2004).

78. *See* You, *supra* note 3 (commenting on JRC's conclusion that New JRTI Plan was not fit for current problems and that New *Sabubshihum* Plan would not improve quality of education); *see also* JRC October Press Release, *supra* note 12 (mentioning that JRC considered New JRTI Plan and New *Sabubshihum* Plan but rejected these options).

79. *See* You, *supra* note 3 (stating that Law School Plan may lead to proliferation of Law Schools and lawyers without sufficient qualifications, but it has realistic chances of rectifying many of current problems). *See generally* Chang Hyun Lee, *Byunhosahui Wa Law School* [Bar Association and Law School], 120 DAEHAN BYUNHYUB SHINMUN [Korean Bar Association News], Nov. 15, 2004, at 7 (reporting that Japan, which recently implemented Law School system similar to one proposed in Korea, ended up approving approximately 70 Law Schools, number that is much higher than anticipated).

80. *See* You, *supra* note 3 (stating predictions made by JRC regarding Law School Plan). *See generally* JRC October Press Release, *supra* note 12, at 6 (setting forth JRC's recommendation for standards to be used in allocating Law School establishment rights).

for his review.[81] On January 18, 2005, President Roh created the Judicial System Reform Facilitation Committee ("JSRFC").[82] The JSRFC was charged with ironing out the details of the Law School Plan and overseeing its implementation process.[83]

II. *LAW SCHOOL PLAN*

Although necessary steps are still pending for final implementation, many aspects of the Law School Plan have drawn much attention.[84] Issues regarding the establishment rights and the number of students have become especially popular discussion topics.[85] Some commentators argue, however, that the Law

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81. *See* Sung Gyu Lee, *Law School Yunnaehwa — Uddudge Unyoung Doelgwa* [Law School Legislation — How It May Work], GOOKMIN ILBO [Gookmin Daily], Jan. 12, 2005, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=005&article_id=0000191311&section_id=102&menu_id=102 (stating that chief justice of Korean Supreme Court submitted Law School Plan to President Roh). *See generally* Sang Joon Park, *Sagaechoooui Hwaldong Shijak* [Judicial Reform Facilitation Committee ["Facilitation Committee"] Started Its Tenure], HANGOOK ILBO [Hangook Daily], Jan. 18, 2005, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=038&article_id=0000266032&section_id=100&menu_id=100 (suggesting that President Roh reviewed JRC's plan before establishing Facilitation Committee on January 18, 2005); Goo Yuul Gang, *Law School Choiousun Gwaje Bubryul Jejungmoonje Jooryuk* [Law School Plan's First Priority Is Legislation], SEGYUE ILBO [Segyue Daily], Jan. 19, 2005, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=022&article_id=0000075928&section_id=102&menu_id=102 (indicating that President Roh reviewed Law School Plan and established Facilitation Committee on January 18, 2005).

82. *See* Park, *supra* note 81 (indicating that President Roh established Facilitation Committee on January 18, 2005); *see also* Gang, *supra* note 81 (stating that Facilitation Committee had its first meeting on January 18, 2005); Jae Suk Park, *Han Seung Hyun Sagaechuoui Wouiwonjang, Law School 9 Wol Gookhui Sangjung Joonbi* [Han Seung Hyun, Head of Facilitation Committee, Predicts Law School Legislation by September], NO-CUT NEWS, Jan. 19, 2005, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=079&article_id=0000022430&section_id=102&menu_id=102 [hereinafter Park, *Legislation*] (reporting that Facilitation Committee aims to legislate Law School Plan into law by September 2005).

83. *See* Park, *supra* note 81 (stating that Facilitation Committee will clarify details of Law School Plan); *see also* Gang, *supra* note 81 (indicating that Facilitation Committee will monitor Law School Plan implementation); Park, *Legislation*, *supra* note 82 (mentioning that Facilitation Committee aims to legislate Law School Plan into law this year).

84. *See* Gyu Jin Lee, *Law School Daehak Nenyun 7-10 Wol Hwakjung* [Law Schools to Be Finalized by Next July-October], SEOUL GYUNGJE [Seoul Economy], Feb. 23, 2005, *available at* http://www.sedaily.com (setting forth steps necessary for final implementation of Law School system). *See generally Law School*, GYUNGHYANG, *supra* note 7 (suggesting that most common debate topic is number of students to be admitted into Law Schools); Lee, *supra* note 13 (indicating that JRC's proposed plan is silent on many important issues).

85. *See Law School*, GYUNGHYANG, *supra* note 7 (suggesting that most common de-

School Plan does not solve the existing problems and oppose the Plan.[86]

A. *Details of Plan*

1. Establishment Rights

Under the Law School Plan, a university wishing to establish a Law School must apply for approval.[87] A committee comprised of government officials, legal scholars, practitioners, and civic activists will oversee the approval process.[88] The ultimate approval authority will, nonetheless, rest with the Minister of Education and Human Resources Development ("Minister of Education").[89]

Although the JRC's proposal did not arrive at a clear conclusion on several controversial points of the Law School establish-

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bate topic is number of students to be admitted into Law Schools); *see also* Lee, *supra* note 13 (indicating that several parts of JRC's plan are subjects of heated debate among academics and practitioners).

86. *See* Jung, *supra* note 9, at 21 (stating that Law School system is not appropriate for Korea's legal culture); *see also* Baik, *supra* note 3, at 222 (stating that Law School education may cost as much as 20 million won — roughly U.S. $20,000 — per year); Yoon, *supra* note 15 (mentioning that 70% of Seoul Bar object to Law School Plan).

87. *See* JRC October Press Release, *supra* note 12, at 6 (stating that university needs to obtain right to establish Law School). *See generally* Suk, *supra* note 12 (predicting that with proposed 1200 cap on number of students, number of universities gaining rights to establish Law Schools will be ten at maximum, which may prompt universities to contest this number); Chun Young Lee, *Bubdae Sengjon Dalryut Da* [Survival of Law College Depends on Law School Establishment Right], SEOUL SHINMOON [Seoul Times], Oct. 7, 2004, *available at* http://www3.seoul.co.kr/news/seoul_print.php?id=20041007 0088 [hereinafter Lee, *Survival*] (indicating that universities compete fiercely for Law School establishment rights; stating that they treat matter as their first priority; and suggesting that failed attempt at Law School establishment may lead to termination of Law College).

88. *See* JRC October Press Release, *supra* note 12, at 6 (stating that committee of qualified individuals will oversee approval process); *see also* Bae, *supra* note 14 (reporting that committee to be established will allocate Law School establishment rights, in consultation with government officials, lawyers, professors, and others); Choong Sik Gang, *Jungwon 1200 Myungsun Law School 2008 Nyun Doib Hwak Jung* [Law School Implementation Finalized with 1200 Students], SEOUL SHINMOON [Seoul Times], Oct. 6, 2004, *available at* http://www3.seoul.co.kr/news/seoul_print.php?id=200410060052 (indicating that various individuals will be consulted in deciding which universities will establish Law Schools).

89. *See* JRC October Press Release, *supra* note 12, at 6 (stating that Minister of Education and Human Resources Development ("Minister of Education") will have ultimate discretion to approve Law Schools); *see also* Gang, *supra* note 88 (indicating that Minister of Education will have final authority to approve Law Schools); Bae, *supra* note 14 (suggesting that Minister of Education will eventually decide which universities will establish Law Schools).

ment standards, it put forth a number of suggestions as guidelines.[90] First, to ensure the quality of teaching, the JRC recommended as its majority opinion that: (1) the faculty-student ratio requirement be 1:15 or lower; (2) the threshold number of law professors be twenty or higher; and (3) the percentage of law professors with five or more years of practical experience be twenty percent or higher.[91] Second, the JRC suggested that in order to create an environment conducive to legal learning, Law Schools must equip themselves with: (1) special libraries exclusively devoted to law; (2) moot courtrooms; and (3) appropriate information technology tools.[92] Third, the JRC expressed a concern for the anticipated high cost of Law School education by advising that the approval criteria include the university's ability to provide financial aid to students.[93] Lastly, a university establishing a Law School must discontinue its Law College.[94] Further, while not as a formal recommendation, the JRC insisted on

90. *See* JRC October Press Release, *supra* note 12, at 6 (listing its recommendations for Law School establishment standards); *see also* Lee, *supra* note 13 (suggesting that JRC did not come to clear conclusion on certain details of Law School Plan); Suk, *supra* note 12 (stating that certain details of Law School Plan will be finalized in later stage).

91. *See* JRC October Press Release, *supra* note 12, at 7 (setting forth its recommendations for Law School establishment standards); *see also* Bae, *supra* note 14 (explaining various requirements for Law School establishment right). The JRC recommended, as its minority opinion, that: (1) the faculty-student ratio requirement be 1:12 or lower; (2) the threshold number of professors be 25 or higher; and (3) the percentage of professors with 5 or more years of practical experience be 30% or higher. *See* JRC October Press Release, *supra* note 12, at 7 (listing minority opinion for Law School establishment standards); *see also* Lee, *supra* note 13 (reporting on JRC's guideline for Law School establishment standards); Cho, *supra* note 12 (answering questions regarding Law School Plan).

92. *See* JRC October Press Release, *supra* note 12, at 7 (stating that Law Schools must have certain facilities); *see also* Lee, *supra* note 13 (stating that Law Schools must have required facilities); Choong Sik Gang, *Dasoo Aneuro Bon Law School* [Law School from Perspective of Majority], SEOUL SHINMOON [Seoul Times], Oct. 6, 2005, *available at* http://www3.seoul.co.kr/news/seoul_print.php?id=200410060079 (suggesting that Law Schools need to equip themselves with certain facilities).

93. *See* JRC October Press Release, *supra* note 12, at 9 (expressing its concern regarding anticipated cost of Law School education); *see also* Lee, *supra* note 13 (stating that university's financial situation will be factor in allocating Law School establishment rights); Cho, *supra* note 12 (indicating that university's financial well-being is factor in determining eligibility for Law School establishment).

94. *See* JRC October Press Release, *supra* note 12, at 6-7 (indicating that universities to establish Law Schools must terminate their Law Colleges); *see also* Cho, *supra* note 12 (stating that universities to establish Law Schools must discontinue their undergraduate Law Colleges); Lee, *supra* note 13 (commenting on termination of Law Colleges in case of Law School establishment and questioning fate of Law Colleges due to uncertainties regarding possibility of credit transfers from Law Colleges).

a balance between universities based in Seoul, Korea's capital, and non-Seoul-based ones in allocating establishment rights, in light of the government's effort to develop non-Seoul cities more to their potential.[95]

2. Number of Students

The Minister of Education will have the ultimate power to set the exact number of Law School students to be admitted.[96] Given the sensitivity of the matter, however, the Minister must consult with the President of the Korean Bar Association, the President of the Association of Law Professors, the Minister of Justice, and the Director of Registry Bureau in the Ministry of Court Administration in deciding on the number.[97] The JRC recommended that approved Law Schools admit, in aggregate, no more than 1200 students when the Plan is first implemented.[98]

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95. *See* Cho, *supra* note 12 (indicating that there needs to be balance in number between Seoul-based Law Schools and non-Seoul-based ones); *see also* Jung Hoon Kim, *Law School Jaedo Sunggong Haryumyun* [In Order for Law School System to Succeed], GOOKMIN ILBO [Gookmin Daily], Oct. 7, 2004, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=005&article_id=0000179714&section_id=001&menu_id=001 (expressing opinion that non-Seoul-based universities should get establishment rights); Gyung Up Ho, *Yuchimothamyun Pyegwa*, CHOSUN ILBO [Chosun Daily], Jan. 13, 2005, *available at* http://www.chosun.com/national/news/200501/20050113 0410.html (stating that committee is urged to maintain necessary balance between Seoul-based universities and non-Seoul-based ones in distributing establishment rights, so as to give other cities more opportunities and indicating that such preference toward non-Seoul-based universities will create intense competition among Korea's leading universities based in Seoul).

96. *See* JRC October Press Release, *supra* note 12, at 8 (mentioning that Minister of Education will determine final number of students to be admitted into Law Schools); *see also* Eun Joo Jung, *Law School Sullibshinchung Naenyun 3 Wol Batnenda* [Law School Establishment Rights to be Applied for by March Next Year], SEOUL SHINMOON [Seoul Daily], Feb. 24, 2005, *available at* http://www.seoul.co.kr (reporting that Minister of Education will have final say in determining number of Law School students).

97. *See* JRC October Press Release, *supra* note 12, at 8 (announcing that Minister of Education will consult other members of legal community in determining exact number of Law School students to be admitted); *see also* Jung, *supra* note 96 (reporting that Minister of Education will take into consideration opinion of other members in legal community to determine number of Law School students). *See generally* Lee, *Survival*, *supra* note 87 (indicating that decision on number of Law School students has greater implications because it, in effect, determines number of Law Schools to be established).

98. *See* JRC October Press Release, *supra* note 12, at 8 (mentioning that majority of JRC members believe number of Law School students should be number of current JRTI admittees); *see also* Gang, *supra* note 88 (indicating that number of Law School students will probably be 1200 when Law School system first debuts). *But see* Sang Chul Hwang, *Law School Jungwon 3000 Myung Doeya* [Law School Student Quota Should Be

3. Application Process

An applicant for Law School admission must possess a college degree and may only apply a limited number of times.[99] Further, the JRC recommended that the admissions committee of a Law School consider an applicant using the following criteria: (1) undergraduate academic record; (2) foreign language ability; (3) score on a Law School aptitude examination ("LSAE"); and (4) relevant work and/or community service experience.[100] Finally, the JRC urged that a Law School maintain a balance between Law College graduates and non-Law-College graduates in its student body, in order to promote diversity.[101]

4. Curriculum

The Law School Plan sets the length of matriculation at three years.[102] Individual Law Schools may use discretion in allowing the transfer of academic credits from Law Colleges.[103]

3000], HANGYURE ILBO [Hangyure Daily], Oct. 15, 2005, *available at* http://www.hani.co.kr (reporting that student leaders of various universities insisted that number of Law School students should increase to 3000).

99. *See* JRC October Press Release, *supra* note 12, at 8 (stating that college graduates may apply for Law School admission but only limited number of times); *see also* Gang, *supra* note 88 (indicating that college degree is prerequisite for Law School application).

100. *See* JRC October Press Release, *supra* note 12, at 8 (listing suggestions for Law School admission standards); *see also* Cho, *supra* note 12 (explaining requirements for Law School admissions); Gang, *supra* note 88 (setting forth requirements for Law School admissions).

101. *See* JRC October Press Release, *supra* note 12, at 8 (mentioning that ratio between Law College graduates and others may be limited); *see also* Cho, *supra* note 12 (suggesting that Law College graduate may have disadvantages in Law School application process because Law Schools will look for diversity in their student bodies). *See generally* Soo Jin Cho, *Law School 2006 Nyun 3 Wol Shinchung Jubsoo . . . 10 Wolgge Hwakjung* [Law School Establishment Right Application by March 2006 and Results by October 2006], DONGA ILBO [Donga Daily], Feb. 23, 2005, *available at* http://www.donga.com [hereinafter Cho, DONGA] (indicating that JRC's recommendation of diversity in student body, in effect, deals another blow to existing Law Colleges because Law College graduates may find themselves at disadvantage in gaining admission to Law School, thereby less willing to attend Law College).

102. *See* JRC October Press Release, *supra* note 12, at 8 (stating that minimum length of Law School matriculation is six semesters); *see also* Cho, *supra* note 12 (indicating that length of Law School matriculation is at minimum six semesters).

103. *See* JRC October Press Release, *supra* note 12, at 8 (indicating that Law Schools will decide for themselves whether to accept credits from Law Colleges); *see also* Cho, *supra* note 12 (suggesting that Law Schools themselves may decide whether to allow credit transfers from Law Colleges). *See generally* Ho, *supra* note 95 (stating that many universities acknowledge that there is little point for existence of Law Colleges if

Law Schools also may design their own curricula, but are encouraged to include a variety of electives to promote specialization among students.[104]

5. Lawyer License Examination

A newly-created lawyer license examination ("License Exam") will debut in 2008 and replace the current *sabubshihum* in its entirety by 2013.[105] Consequently, starting in 2008, *sabubshihum* will admit a gradually decreasing number of trainees into the successor(s) of the JRTI and phase out completely in 2013.[106] Only the Law School graduates will be eligible to take the License Exam and may only try a specified number of times.[107] The JRC recommended that the License Exam be designed in such a way that those who complete their Law School education faithfully, can pass it with reasonable effort.[108]

6. Post-Law School Training

Whereas all prospective lawyers now receive the same, unified training from the JRTI, Law School graduates will complete different training pursuant to their career interests.[109] Separate

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Law School system is implemented and questioning fate of many of Korea's ninety-seven universities with Law Colleges).

104. *See* JRC October Press Release, *supra* note 12, at 8 (suggesting that Law Schools are encouraged to include many electives as part of curriculum).

105. *See* JRC October Press Release, *supra* note 12, at 9 (suggesting that lawyer license examination ("License Exam") will begin in 2008 and replace *sabubshihum* gradually); *see also* Cho, *supra* note 12 (stating that last *sabubshihum* will be administered in 2002); Gang, *supra* note 88 (stating that *sabubshihum* will be terminated by 2013).

106. *See* JRC October Press Release, *supra* note 12, at 9 (stating that current *sabubshihum* will admit decreasing number of applicants into JRTI starting in 2008); *see also* Cho, *supra* note 12 (stating that number of JRTI admittees via *sabubshihum* will be reduced gradually after 2008).

107. *See* JRC October Press Release, *supra* note 12, at 9 (stating that only Law School graduates may take License Exam and they may only take it limited number of times). *See generally* Cho, *supra* note 12 (suggesting that Law School graduates must pass License Exam to become lawyers); Bae, *supra* note 14 (indicating that Law School students must take License Exam after graduation).

108. *See* JRC October Press Release, *supra* note 12, at 9 (stating that License Exam will be of reasonable difficulty); *see also* Cho, *supra* note 12 (indicating that pass rate for License Exam will be set at around 80%); Yang, *supra* note 17 (suggesting that although JRC did not specifically set pass rate for License Exam, many expect it to be around 80%).

109. *See* JRC October Press Release, *supra* note 12, at 9 (stating that prospective lawyers will go through separate post-Law School training pursuant to their career aspirations); *see also* Cho, *supra* note 12 (indicating that Law School graduates will go

training bodies will be responsible for overseeing the process.[110] The current JRTI will likely assume the role of training judges or prosecutors because it has historically focused on training public officials.[111]

B. *Pending Steps*

By September 2005, the JSRFC aims to finalize a draft bill and introduce it in the Korean National Assembly.[112] If the Assembly passes the bill, thereby codifying the Law School Plan, the Legal Education Committee under the Department of Education and Human Resources Development will begin to work out some of the more difficult details of the Law School Plan, including the number of Law Schools and students.[113] The Law School selection process will begin by mid-2006 and be completed by late-2006.[114] The LSAE will be administered in 2007, and the application process will start soon thereafter.[115]

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through separate post-Law School, practical training according to their interests and career aspirations).

110. *See* JRC October Press Release, *supra* note 12, at 9 (mentioning that prospective lawyers will go through separate post-Law School training according to their career ambitions). *See generally* Cho, *supra* note 12 (indicating that under Law School Plan, Law School graduates wishing to become judges or prosecutors will complete separate practical training administered by Supreme Court or Prosecutor's Office).

111. *See* Yim, *Implementation*, *supra* note 6, at 269 (stating that JRTI focuses on judge training). *See generally Gae Yo*, *supra* note 49 (indicating that JRTI started off as training institution for judges).

112. *See* Lee, *supra* note 13 (stating that bill shall be introduced in National Assembly by September 2005); *see also* Cho, DONGA, *supra* note 101 (stating that bill codifying Law School Plan will be introduced by September 2005); Dae Jin Hwang, *Law School Sullib Daehak Nenyun Habangi Gyuljung* [Law School Establishment Right by Late Next Year], CHOSUN ILBO [Chosun Daily], Feb. 23, 2005, *available at* http://www.chosun.com (stating that Law School implementation bill will be introduced in National Assembly by September 2005).

113. *See* Lee, *supra* note 13 (stating that Legal Education Committee will be established after National Assembly approves bill); *see also* Cho, DONGA, *supra* note 101 (indicating that passage of Law School bill would give impetus to establishment of Legal Education Committee); Hwang, *supra* note 112 (stating that Legal Education Committee will be set up in October 2005).

114. *See* Lee, *supra* note 13 (indicating that Law School establishment application process will start around March 2006); *see also* Cho, DONGA, *supra* note 101 (suggesting that Law Schools will be selected around October 2006); Hwang, *supra* note 112 (stating that Facilitation Committee aims to select Law Schools by October 2006).

115. *See* Lee, *supra* note 13 (stating that Law School aptitude examination will be administered sometime in 2007 and implying that Law School application process will start soon thereafter and be finished by late 2007 because Korean academic calendar begins in March); *see also* Suk, *supra* note 12 (stating that JRC's plan reflects goal to have Law Schools start application process in early 2007).

C. *Opposition to Law School*

The Law School Plan has faced much opposition since its inception.[116] Some existing members of the Korean Bar have argued that the Law School Plan will create an oversupply of lawyers.[117] Others, including some law professors, have questioned the suitability of a U.S.-modeled system in Korea.[118] Still others have expressed a concern about the high cost of Law School education.[119]

1. Oversupply of Lawyers

Some members of the Korean bar insist that the Law School Plan would induce an increase in the number of available lawyers and create a variety of problems in the process.[120] They allege that the present system already produces more than enough lawyers and that many lawyers are currently unable to find adequate employment.[121] An increase in the number of lawyers,

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116. *See* Jung, *supra* note 9, at 21 (stating that Law School system is not suitable for Korea's legal culture); *see also* Baik, *supra* note 3, at 222 (stating that Law School education may cost as much as 20 million won per year); Yoon, *supra* note 15 (stating that seven out of ten members of Seoul Bar Association object to Law School Plan).

117. *See* Yoon, *supra* note 15 (stating that members of Korean Bar insist that Law School system should not be used as way to increase number of lawyers because oversupply of lawyers will create problems); *see also* Cha, *supra* note 8, at 26 (indicating that some worry about oversupply of lawyers after implementation of Law School system); *Law School*, BUBRYUL, *supra* note 9 (indicating that many members of Korean Bar already worry about oversupply of lawyers after annual JRTI admittees reached 1000).

118. *See* Cha, *supra* note 8, at 26 (stating that some claim unsuitability of U.S. model for Korea as basis for opposition against Law School Plan); *see also* Jung, *supra* note 9, at 21 (indicating that Law School system is not apt for Korea's legal culture); Yoon, *supra* note 15 (suggesting that Law School system is not fit for Korea).

119. *See* Baik, *supra* note 3, at 222 (stating that Law School tuition may be much as 20 million won per year); *see also* Jung, *supra* note 9, at 21 (indicating that Law School tuition will be expensive); Chang Hoon Lee, *Boojadeulmaneui Law School Andoigil* [Law School Should Not Be Just For Rich People], MAEIL GYUNGJE [Daily Economy], Oct. 7, 2004, *available at* http://news.naver.com/news/read.php?mode=LSD&office_id=009&article_id=0000397639&section_id=001&menu_id=001 (indicating that Law School may deprive poor people of opportunities to become lawyers).

120. *See* Jung, *supra* note 9, at 22 (stating that Law School system will supply more lawyers than current number); *see also* Cha, *supra* note 8, at 26 (indicating that oversupply of lawyers will cause various social problems).

121. *See* Yoon, *supra* note 15 (stating that Law School system should not be used as way to increase number of lawyers because oversupply of lawyers will create problems); *see also* Cha, *supra* note 8, at 26 (indicating that some worry about oversupply of lawyers after implementation of Law School system); *Law School*, BUBRYUL, *supra* note 9 (indicating that some already claim oversupply of lawyers after annual JRTI admittees increased to 1000).

they argue, would: (1) induce excessive competition among lawyers, thus promoting unethical practices; (2) force the bar to admit less qualified individuals into the profession, thereby lowering the quality of legal services provided; and (3) create a social problem where highly-educated individuals cannot find employment.[122]

2. Unsuitability of the U.S. Model

Others, including some law professors, the majority of whom have previously studied in Germany, claim that a U.S. model does not suit the Korean legal culture.[123] Korea has a code-based system heavily influenced by the German model.[124] The United States legal system, in contrast, has a legal system based on common law and its legal education has a different emphasis.[125] The opponents of the Law School Plan, therefore, argue that a U.S.-modeled system is not appropriate for Korea.[126]

3. Unfair Method of Selection

Other opponents of the Law School Plan argue that the implementation of the Plan effectively eliminates an opportunity for people with underprivileged backgrounds to move up on the social ladder.[127] *Sabubshihum* has been praised as a truly egalita-

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122. *See* Cha, *supra* note 8, at 26 (indicating that oversupply of lawyers will create excessive competition in legal market, lead to massive unemployment and produce ill-qualified legal personnel). *See generally,* Jung, *supra* note 64 (suggesting that lawyers already experience difficulty finding adequate amount of work and that Law School system implementation may worsen situation and encourage unethical practices by lawyers vying for more business).

123. *See* Cha, *supra* note 8, at 26 (mentioning that U.S. model may not be suitable for Korea's legal culture); *see also* Jung, *supra* note 9, at 21 (indicating that Law School system is not suitable for Korea's legal culture); Yoon, *supra* note 15 (suggesting that Law School system is not suitable for Korea).

124. *See* Cha, *supra* note 8, at 26 (stating that Korea has legal system influenced by German model); *see also* Yim, *Implementation, supra* note 6, at 270 (stating that Korea has code-based legal system); Jung, *supra* note 9, at 21 (stating that Korean legal system is code-based).

125. *See* Cha, *supra* note 8, at 26 (mentioning that U.S. legal system is based on common law); *see also* Jung, *supra* note 9, at 21 (indicating that U.S. legal education system has different emphasis); Yoon, *supra* note 15 (implying that U.S. legal education system has different emphasis).

126. *See* Yim, *Implementation, supra* note 6, at 270 (stating that Law School is not suitable for Korean legal system). *But see* Jung, *supra* note 9, at 22 (stating that Japan, which also has code-based legal system, recently decided to adopt U.S.-modeled system).

127. *See* Baik, *supra* note 3, at 222 (stating that Law Schools may charge as much as

rian way to evaluate candidates because it places all applicants on a level playing ground.[128] An applicant's personal attributes have no bearing on the result of the process; the one and only factor affecting the outcome is her numeric score on the examination.[129] *Sabubshihum* has come to represent one of the very few ways that the disadvantaged may achieve instant success in society.[130] Because of the promise of instant status elevation and monetary rewards, those who pass *sabubshihum* are considered to have "made it" in life and afforded much adulation and respect from their peers.[131] With the implementation of the Law School Plan, however, in order to become a lawyer, an aspirant now must go through four years of college education, then another three years of Law School education.[132] Such a lengthy educational requirement may be a significant financial burden and, thus, act as a deterrent to those with inadequate financial resources.[133]

D. *The Japanese Experience*

Japan, whose legal system bears many similarities to Korea's,

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20 million won per year for tuition); *see also* Jung, *supra* note 9, at 21 (indicating that Law School education will be costly).

128. *See Law School*, BUBRYUL, *supra* note 9 (stating that current *sabubshihum* is fairest and most transparent method of evaluation); *see also* Baik, *supra* note 3, at 218 (indicating that *sabubshihum* creates unparalleled opportunity for advancement in society).

129. *See Sabubshihum*: Eligibility, *supra* note 24 (indicating that applicant's academic performance in college is irrelevant because legal degree is not prerequisite for *sabubshihum*); *see also Sabubshihum* Act, *supra* note 16, § 7 (implying that three phases of *sabubshihum* alone determine admission into JRTI).

130. *See Law School*, BUBRYUL, *supra* note 9 (stating that current *sabubshihum* is fairest and most transparent method of evaluation); *see also* Baik, *supra* note 3, at 218 (indicating that *sabubshihum* creates unparalleled opportunity for advancement in society). *See, e.g.*, Martin, *supra* note 61 (introducing life story of current Korean President Moo Hyun Roh who was born into poor family but overcame obstacles to become human rights lawyer and eventually, President of Korea).

131. *See, e.g.*, Martin, *supra* note 61 (presenting life story of current Korean President Moo Hyun Roh). *See generally* Baik, *supra* note 3, at 218 (indicating that *sabubshihum* creates unparalleled opportunity for advancement in society).

132. *See* JRC October Press Release, *supra* note 12, at 8 (stating that only college graduates may apply for Law School admissions and that typical matriculation length will be three years); *see also* Jung, *supra* note 9, at 40 (indicating that Law School education will last three years); Cho, *supra* note 12 (mentioning that Law School education will be at least six semesters).

133. *See* Cho, *supra* note 12 (suggesting that given high price tag of Law School education, some express concern that poor people may not have chances to become lawyers); *see also* JRC October Press Release, *supra* note 12, at 8 (stating that minimum length of Law School matriculation is six semesters).

recently implemented a U.S.-style, graduate-level law school system ("Japanese Law School System").[134] While still in infancy and a state of flux, many feel that the Japanese Law School System is not fulfilling its intended goals.[135] Although the Japanese Law School System differs on many points from the Law School Plan pondered by Korea, many in Korea follow Japan's case attentively.[136]

1. Similarities between Two Systems

Korea's legal system possesses many of the same traits of its Japanese counterpart.[137] Japan and Korea have civil law-based systems modeled by the German system.[138] Both countries have administered an extremely competitive bar examination due to

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134. *See* James Maxeiner & Keiichi Yamanaka, *The New Japanese Law Schools: Putting the Professional into Legal Education*, 13 PAC. RIM L. & POL'Y J. 303, 303 (indicating that Japan implemented new, graduate-level, U.S.-style law school system ("Japanese Law School System") on April 1, 2004); *see also* Gyung Gi Lee, *Gingeub Jumgum — Law School Doib Pajanggwa Junmang* [Urgent Check — Implications of Law School Implementation], NAEIL SHINMOON [Naeil Daily], Mar. 24, 2005, *available at* http://www.naeil.com (mentioning that Japan implemented Japanese Law School System in 2004).

135. *See* Lee, *supra* note 134 (indicating that Japanese Law School System has various problems); *see also* Maxeiner & Yamanaka, *supra* note 134, at 312 (suggesting that pass rate for new lawyer license examination ("LLE") is now anticipated to be 25-35%, rate much lower than previously planned and indicating that number of passing applicants will change); Jong Chul Shin, *Law School Byunhyub An Junguk 5 Gae Jiyuk Gak 1200 Myung, Eungshi 3 Hoi* [Korean Bar Association Recommends 1200 Students from 5 Locations, 3 Times], BREAK NEWS, Apr. 14, 2005, *available at* http://www.breaknews.com (suggesting that Japanese Law School System is failure).

136. *See* Lee, *supra* note 134 (suggesting that Korean people worry about fate of Law School Plan in light of mistakes made by Japanese Law School System); *see also* Joon Hyung Hong, *Sabubgoshijedo Josokhi Gaehyukdoiya* [Judicial Reform Process Must Be Finalized Promptly], HANGOOK GYUNGJE [Korea Economy], Mar. 7, 2004, *available at* http://www.hankyung.net (suggesting that Korea needs to follow Japan's case attentively in preparation for its Law School Plan). *See, e.g.*, Maxeiner & Yamanaka, *supra* note 134, at 312 (stating that Japan will still require that prospective lawyers complete training in Legal Training and Research Institute ("LTRI") after Law School).

137. *See* Soo Jin Cho, *Munju Doibhan Ilboneun . . .* [As for Japan Which Implemented Law School System First], DONGA ILBO [Donga Daily], Sept. 24, 2004, *available at* http://www.donga.com (commenting on similarities between Korean legal system and Japanese legal system). *See, e.g.*, Maxeiner & Yamanaka, *supra* note 134, at 307 (mentioning that Japan's legal education system has its origin in Germany); Cha, *supra* note 8, at 26 (stating that Korea has legal system influenced by German model).

138. *See* Cha, *supra* note 8, at 26 (stating that Korea's legal system has been heavily influenced by German model); *see also* Maxeiner & Yamanaka, *supra* note 134, at 307 (mentioning that Japan's legal education system is modeled after German system); Ginsburg, *supra* note 2, at 434 (implying that both Japanese legal system and Korean legal system follow German model).

an artificial ceiling on the number of passing applicants allowed.[139] Moreover, both have mandated unified, post-bar examination training in a government-sponsored institute.[140] Due to such similarities, Japan has experienced some of the same problems Korea has endured, including its own version of the *goshinangin* phenomenon, the lack of available lawyers, and less than adequate practical training for lawyers.[141]

2. U.S.-Style Law School System in Japan ("Japanese Law School System")

Realizing the shortcomings of its legal education system, Japan implemented the Japanese Law School System on April 1, 2004, after years of preparation.[142] It introduced two types of Law Schools: two-year Law Schools for those who held a degree from a Law College and three-year Law Schools for those who held a degree in a non-law discipline.[143] Graduates of Law

139. *See* Maxeiner & Yamanaka, *supra* note 134, at 308 (stating that in 2002, 1183 out of total of 41,459 applicants tested passed Japan's bar examination); *see also* You, *supra* note 3 (suggesting that out of 30,146 applicants who took Korean *sabubshihum* in 2002, only 998 passed it, setting pass rate at 3.61%); Ginsburg, *supra* note 2, at 434 (implying that bar examinations are exceedingly difficult to pass in both Japanese legal system and Korean legal system).

140. *See* Maxeiner & Yamanaka, *supra* note 134, at 309 (indicating that successful Japanese bar examination applicants must go through training in LTRI); *see also* Ginsburg, *supra* note 2, at 435 (suggesting that Japan's LTRI and Korea's JRTI are similar post-law school training institutions).

141. *See* Maxeiner & Yamanaka, *supra* note 134, at 307-10 (suggesting that Japan has few lawyers; indicating that pass rate in its bar examination is very low; and mentioning that practical training for lawyers on college level is inadequate); *see also* Ginsburg, *supra* note 2, at 434-36 (suggesting that Japanese and Korean citizens have suffered from restricted access to legal services and indicating that many youngsters spend much time preparing for bar examination).

142. *See* Maxeiner & Yamanaka, *supra* note 134, at 303 (mentioning that Japanese Law School System made its debut on April 1, 2004); *see also* Gwon Hyun Jung, *Il Naenyun Law School 66 Gae Moon Yulu* [Japan Opening 66 Law Schools Next Year], CHOSUN ILBO [Chosun Daily], Nov. 23, 2003, *available at* http://www.chosun.com (reporting that Japan decided to implement Japanese Law School System in light of flaws of old system); In Han Choi, *Ilbonpan Law School Olhae Chut Doib* [Japanese Version of Law School System Debuts This Year], HANGOOK GYUNGJE [Korea Economy], Apr. 2, 2004, *available at* http://www.hankyung.net (indicating that Japanese Law School System debuted on April 1, 2004).

143. *See* Maxeiner & Yamanaka, *supra* note 134, at 312 (indicating that Japanese Law School System will have two different options for law majors and non-law majors); *see also* Choi, *supra* note 142 (stating that Japan has two kinds of Law Schools, one for law majors and the other for non-law majors); Cho, *supra* note 137 (reporting that Japan instituted system where law majors study at Law School for two years and non-law majors for three years).

Schools are eligible to take the lawyer license examination ("LLE").[144] Those who pass the LLE still must complete one-year-long training in the Japanese equivalent of the JRTI ("Japanese JRTI") in order to gain admission in the Japanese Bar.[145] Japan will still allow those without Law School education to become lawyers.[146] Starting in 2011, after the old bar examination scheme completely phases out, Japan will administer an LLE eligibility examination ("Preliminary Examination") for those without a Law School degree.[147] Successful Preliminary Examination candidates will be eligible to take the LLE and become lawyers.[148]

3. Evaluation of the Japanese Law School System

Many consider the Japanese Law School System as falling short of expectation.[149] Perhaps the biggest source of discon-

144. *See* Choi, *supra* note 142 (indicating that Law School graduates are eligible to take LLE); *see also* Jung, *supra* note 142 (suggesting that Law School graduates will be able to take LLE); In Han Choi, *Ilbon Law School Jolupseng Hapgykryul 50%* [Japan, Law School Graduates' Pass Rate Only 50%], HANGOOK GYUNGJE [Korea Economy], Mar. 1, 2005, *available at* http://www.hankyung.net [hereinafter Choi, *Pass Rate*] (stating that Law School graduates are permitted to take LLE).

145. *See* Maxeiner & Yamanaka, *supra* note 134, at 312 (mentioning that LTRI training will continue to be mandatory but reduced to one year); *see also* Choi, *supra* note 142 (reporting that successful LLE applicants still must go through one year of LTRI training).

146. *See* Choi, *Pass Rate*, *supra* note 144 (stating that Japan will administer LLE eligibility examination ("Preliminary Examination") for those without law degree starting in 2011); *see also* Dong Il Roh, *Law School Noneui Olbareun Banghyang* [Law School Discussion in the Right Direction], GOOKMIN ILBO [Gookmin Daily], Jan. 17, 2005, *available at* http://www.kmib.co.kr (stating that Japan will institute system of Preliminary Examination where non-Law School graduates can take LLE); Gyung Ki Lee, *Ilbon Sabubgaehyuk 99 Nyun Butu Hyunjae Jinhaeng Joong* [Japan in Process of Planning Law School System Implementation Since 1999], NAEIL SHINMOON [Naeil Daily], Sept. 13, 2004, *available at* http://www.naeil.com (reporting that under Japanese Law School System, people without Law School education can still take LLE).

147. *See* Choi, *Pass Rate*, *supra* note 144 (stating that successful Preliminary Examination candidates are eligible to take LLE); *see also* Roh, *supra* note 146 (indicating that Japan will administer Preliminary Examination for those without Law School education); Lee, *supra* note 146 (reporting that Japan will institute Preliminary Examination starting in 2011).

148. *See* Choi, *Pass Rate*, *supra* note 144 (stating that Japan will administer LLE eligibility examination for those without law degree starting in 2011); *see also* Roh, *supra* note 146 (stating that successful Preliminary Examination applicants are eligible to take LLE); Lee, *supra* note 146 (reporting that people without Law School education can take LLE if they pass Preliminary Examination).

149. *See* Cho, *supra* note 137 (indicating that Japanese Law School System has many problems including too many Law Schools and Law School students); *see also*

tentment with it is the number of Law Schools and Law School students.[150] Japan had originally planned on thirty Law Schools.[151] Yet, giving in to the pressure by universities wishing to establish Law Schools, Japan, in the end, approved sixty-eight Law Schools which admitted roughly 5700 students in total.[152] Because of the unexpectedly large number of Law Schools and Law School students, Japan will face an LLE pass rate of lower than 50%, even after an anticipated numerical increase of LLE passing applicants to 3000.[153] Such a low rate is a sharp departure from the originally intended 70-80% pass rate.[154] Many, concerned about a large number of Law School graduates unable to find appropriate employment, insist upon a further increase on the number of successful LLE applicants.[155]

4. Korea's Reaction to the Japanese Law School System

Given the similarities between the two systems, Koreans watch any new developments in the Japanese Law School System

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Maxeiner & Yamanaka, *supra* note 134, at 312 (indicating that pass rate for new lawyer license examination will be extremely low because there are too many Law School students); Shin, *supra* note 135 (suggesting that Japanese Law School System is failure).

150. *See* Maxeiner & Yamanaka, *supra* note 134, at 312 (indicating that pass rate for new lawyer license examination will hover around 25-35% because of higher number of approved Law Schools in Japan); *see also* Lee, *supra* note 134 (stating that Japan approved much larger number of Law Schools, setting pass rate for LLE at about 30% in 2006).

151. *See* Lee, *supra* note 134 (stating that Japan tried to limit number of Law Schools to certain number); *see also* Cho, *supra* note 137 (reporting that Japan originally intended to have 30 Law Schools).

152. *See* Lee, *supra* note 134 (mentioning that Japan ultimately approved 68 Law Schools which ended up having 2004 incoming class of approximately 5700 students); *see also* Choi, *supra* note 142 (reporting that Japan's 68 Law Schools admitted 5590 students); Cho, *supra* note 137 (indicating that Japan has 68 Law Schools with 5676 students enrolled).

153. *See* Cho, *supra* note 137 (reporting that Japan's Law School students total 5676); *see also* Choi, *supra* note 142 (reporting that Japan will increase number of successful LLE applicants to 3000 by 2010); Tae Gyu Kim, *Byunhosa Upgye Sashi Hapgyukja 500 Myung Iharo* [Lawyer Industry Insisting on Fewer than 500 Successful *Sabubshihum* Applicants], HANGYURE ILBO [Hangyure Daily], Mar. 21, 2004, *available at* http://www.hani.co.kr (reporting that Japan will increase number of lawyers to 3000 by 2010).

154. *See* Maxeiner & Yamanaka, *supra* note 134, at 312 (stating that Japan originally intended pass rate for LLE to be 70-80%). *See generally* Yim, *Implementation*, *supra* note 6, at 271-72 (indicating that following Japan's case, Korea's Law School Plan should aim for pass rate of 70-80% for lawyer license examination as well).

155. *See* Maxeiner & Yamanaka, *supra* note 134, at 312-13 (predicting further increase in number of passing applicants); *see* Cho, *supra* note 137 (expressing concern regarding unemployment of highly educated Law School graduates in Japan).

with a critical eye.[156] Some use the mediocre success of the Japanese Law School System as a reason against the implementation of the Law School Plan in Korea.[157] Others consider Japan's example in a less pessimistic light and urge the government to refine the Law School Plan, so as not to repeat the same mistakes.[158]

III. *CAN THE LAW SCHOOL PLAN WORK?*

Many important details of the Law School Plan have yet to be decided and clarified.[159] Some people, however, already question whether it will adequately do the job.[160] While doubts regarding the Law School Plan still persist in Korea, the Plan does seem to address many of the existing problems borne by the current scheme.[161]

A. *Law School on Effective Legal Learning*

The first and perhaps biggest problem with the current legal education system in Korea has to do with the inherent flaws within the *sabubshihum* scheme.[162] Because an applicant's academic record from college has no bearing on the result of *sabubshihum*, prospective lawyers tend to focus heavily on academic

156. *See* Roh, *supra* note 146 (arguing against Law School Plan in light of Japan's mediocre success with Japanese Law School System); *see also* Lee, *supra* note 134 (implying that many oppose Law School Plan in Korea because of Japan's failure with Japanese Law School System); Hong, *supra* note 136 (suggesting that Korea should use Japan's example as reference).

157. *See* Roh, *supra* note 146 (indicating that Korea should change current system since Japan has miserably failed its attempt with Japanese Law School System); *see also* Lee, *supra* note 134 (implying that many oppose Law School Plan in Korea because of Japan's failure with Japanese Law School System).

158. *See* Cho, *supra* note 137 (indicating that Korea should be careful with its implementation of Law School System so as not to repeat mistakes committed by Japan). *See generally* Yim, *Implementation*, *supra* note 6, at 270 (indicating that Japanese Law School System actually prompted Korea to expedite process of planning for its own Law School Plan).

159. *See supra* notes 90, 95, 96, 101, 108, 112-115 and accompanying text (discussing important points of Law School Plan pending further clarification and determination).

160. *See supra* notes 116-133 and accompanying text (discussing opposition to Law School Plan).

161. *See supra* notes 14-15 and accompanying text (discussing arguments made by proponents and opponents of Law School Plan).

162. *See supra* notes 29, 40-41 and accompanying text (discussing some flaws of *sabubshihum*, including irrelevance of college transcript, memory-driven nature of examination and rigorous requirements for passing it).

topics that will likely be covered on *sabubshihum* during their college years.[163] This tendency precludes prospective lawyers from receiving a balanced education and, at the same time, embarking on any in-depth study of an academic subject.[164] To law majors, this means that they will not have exposure to diverse law classes.[165] To non-law majors, this leads to the abandonment of serious scholarship in their chosen majors.[166] College education for *sabubshihum* applicants in essence becomes a four-year "bar review" class.[167]

Moreover, *sabubshihum*, by nature, rewards the regurgitation of facts and fixed formulae more so than analytical ability and creative problem-solving skills.[168] *Sabubshihum* applicants, therefore, spend an enormous amount of time blindly memorizing passages out of law books and distilling information into a form suitable for regurgitation on the examination.[169] A *sabubshihum* aspirant has few opportunities to practice analytical skills needed for effective lawyering.[170]

A Law School may provide a more effective forum for legal learning because competition on the License Exam will be light.[171] Once admitted into Law School, students will have freedom to explore their scholarly interests in the discipline of law

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163. *See supra* note 29 and accompanying text (commenting on irrelevance of applicant's academic performance in college on *sabubshihum* and its impact on her study habits).

164. *See supra* note 29 and accompanying text (explaining *sabubshihum*'s inherent flaws and its impact on quality of college education received by prospective lawyers).

165. *See supra* note 29 and accompanying text (noting irrelevance of academic performance in college on *sabubshihum* and implying that would-be lawyers tend to focus only on subjects covered on *sabubshihum* in college).

166. *See supra* notes 29, 30 and accompanying text (discussing participation by non-law majors in *sabubshihum* and *sabubshihum*'s impact on their study pattern).

167. *See supra* note 29 and accompanying text (characterizing college education for prospective lawyers as "bar review" due to lack of incentives for them to take college classes unrelated to law).

168. *See supra* note 41 and accompanying text (explaining particular nature of *sabubshihum* driven mostly by facts and formulae).

169. *See supra* note 41 and accompanying text (explaining need to memorize enormous amount of information for success on *sabubshihum*).

170. *See supra* notes 29, 41 and accompanying text (remarking on impossibility of getting balanced college education because of need to prepare rigorously for *sabubshihum*).

171. *See supra* note 108 and accompanying text (discussing pass rate for License Exam, which is expected to be set at around 80%, compared to roughly 4% pass rate of *sabubshihum*).

without worrying too much about the License Exam.[172] In addition, because undergraduate academic records weigh heavily in the Law School application process, prospective lawyers need to take their college classes more seriously.[173] College education, hence, will become much more meaningful.[174]

Some Law School opponents claim that a U.S. model is not suitable for the Korean legal culture, which is heavily influenced by the German system.[175] While this argument has validity at first blush, careful examination of the Law School Plan proves otherwise.[176] Although the idea of a Law School system originates from the United States, the Law School Plan does not purport to imitate the U.S. system blindly.[177] First, it allows universities to design their own curricula suitable for Korea's legal culture.[178] Second, the vast majority of Law School professors will be current Law College professors, who understand the peculiarities of Korea's legal culture.[179] An argument regarding the unsuitability of a U.S. model, therefore, loses its persuasiveness.[180]

B. *Law School on the Goshinangin Phenomenon*

The second problem with the current system is the Korean

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172. *See supra* note 104, 108 and accompanying text (explaining Law School curricula and its emphasis on variety of classes and commenting on License Exam's anticipated pass rate of 80%).

173. *See supra* note 100 and accompanying text (setting forth Law School application requirements, which include college transcript).

174. *See supra* notes 29, 100 and accompanying text (commenting on current tendency for prospective lawyers to treat college as *sabubshihum* preparatory course and setting forth application requirements for Law School).

175. *See supra* notes 123-126 and accompanying text (discussing arguments by opposition against Law School system based on unsuitability of common-law based U.S. model for Korea's code-based system).

176. *See supra* notes 91, 104, 123-126 and accompanying text (explaining certain features of Law School Plan and application of U.S. model in Korea).

177. *See supra* notes 91, 104 and accompanying text (indicating that Law Schools will have freedom to design their own programs within certain guidelines).

178. *See supra* note 104 and accompanying text (suggesting that Law Schools will decide their own academic curricula).

179. *See supra* note 91 and accompanying text (stating that Law Schools will need to comply with certain requirements regarding professors but implying that many current Law College professors will continue to teach in Law Schools).

180. *See supra* notes 91, 104 and accompanying text (referring to certain aspects of Law School Plan that would rebut arguments by opposition against U.S. model).

society's obsession with the profession of lawyer.[181] The Law School Plan may act as a shield against the *goshinangin* phenomenon.[182] By limiting the number of times an aspirant can apply for Law School admission and take the License Exam, the Law School Plan effectively eliminates the possibility of a wasted youth.[183] Moreover, because it incorporates the undergraduate academic record into the admissions criteria, the Law School Plan encourages an applicant to focus on her major study during college and makes it easier for a failed Law School aspirant to enter into a different career field.[184]

Despite the aforementioned advantages of having a separate Law School education, some still oppose the Law School Plan, because it allegedly disadvantages poor people by requiring four years of college education and three years of Law School education.[185] While their argument may be a legitimate one, the cost of Bar Prep Schools puts things in perspective.[186] Reportedly, 90% of successful *sabubshihum* applicants avail themselves of assistance from Bar Prep Schools, albeit for varying lengths of time.[187] The popularity of such establishments allows them to charge a large amount of tuition.[188] Many *sabubshihum* applicants spend more than a few years preparing for the examination and, thus, pay a hefty sum of tuition to Bar Prep Schools over the course of their lengthy *sabubshihum* preparation.[189] As

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181. *See supra* note 19 and accompanying text (mentioning that Korean people consider profession of lawyer highly desirable).

182. *See supra* notes 99, 100, 107 and accompanying text (discussing Law School admissions process and License Exam and also implying that such mechanisms may help alleviate problem of *goshinangin*).

183. *See supra* notes 99, 100, 107 and accompanying text (explaining specifics of Law School admissions process and License Exam).

184. *See supra* note 100 and accompanying text (discussing Law School admissions process and listing admission criteria which include undergraduate academic performance).

185. *See supra* notes 99, 102, 127-133 and accompanying text (explaining requirements for Law School education and indicating that Law School Plan may place poor people at disadvantage).

186. *See supra* notes 41-43 and accompanying text (indicating that Bar Prep Schools in Korea are popular and that they charge expensive tuition).

187. *See supra* notes 42-43 and accompanying text (stating that overwhelming majority of *sabubshihum* applicants enroll in private Bar Prep Schools).

188. *See supra* notes 42-43 and accompanying text (suggesting that Bar Prep Schools are popular and expensive).

189. *See supra* notes 42-43 and accompanying text (discussing popularity of Bar Prep Schools and high price tag attached to their services).

such, the problem relating to the Law School tuition may not rise to the devastating level described by the opponents of the Law School Plan.[190]

C. *Law School on Practical Training*

The third problem concerns the quality and quantity of formal practical training for lawyers on the Law College level.[191] Under the current regime, prospective lawyers neglect school in general because they are busy handling the more important task at hand: *sabubshihum* preparation.[192] Any practical training that may be provided on the Law College level is, thus, unlikely to produce its desired effects because a prospective lawyer's immediate goal in college is not to do well in class but to pass *sabubshihum*.[193]

Moreover, even if prospective lawyers make use of practical training opportunities available in Law College, the quality of such training provided by Law Colleges is questionable because almost all Korean Law College professors are not lawyers.[194] There seems to be a great divide between the academics and the practitioners within the Korean legal community.[195] On one hand, the great majority of Korean Law College professors, even at the country's leading Law Colleges, are not licensed lawyers because they either could not or never attempted to pass *sabubshihum*.[196] They, therefore, possess no real-life lawyering experience to share with their students.[197] To make matters worse, practicing judges, prosecutors, and lawyers often look down on

190. *See supra* note 43 and accompanying text (commenting on Bar Prep School tuition).

191. *See supra* note 29 and accompanying text (indicating that many *sabubshihum* applicants disregard college classes if they have no direct relevance to *sabubshihum*).

192. *See supra* note 29 and accompanying text (commenting on ineffectiveness of legal education on Law College level and realities of *sabubshihum* preparation).

193. *See supra* note 29 and accompanying text (suggesting that prospective lawyers devote most of their time to *sabubshihum* preparation in college and mostly disregard college curriculum).

194. *See supra* note 51 (suggesting that quality of practical training in Law College is questionable because most professors are not lawyers).

195. *See supra* note 51 and accompanying text (stating that JRTI professors are all licensed lawyers, whereas most Law College professors are not lawyers).

196. *See supra* note 51 (indicating that most Law College professors are not lawyers).

197. *See supra* note 51 (implying that Law College professors have no practical experience, since most of them are not lawyers).

those in the academia and seldom agree to lecture in universities.[198] Consequently, Law College students rarely have opportunities to learn about the practical side of the law.[199]

Some defend the current system by arguing that the JRTI provides effective practical training, but this assertion is tenuous at best.[200] First, the type of training that trainees receive at the JRTI is heavily catered to those who wish to become public officials, such as judges or prosecutors.[201] JRTI trainees can receive little practical guidance from their professors on being a private practitioner.[202] Second, a faculty-trainee ratio of 1:30 seems hardly adequate for any kind of effective practical training, which is often human capital-intensive.[203]

Law Schools may provide an effective forum for adequate practical training.[204] The Law School Plan includes a requirement that each Law School employ a certain percentage of law professors with five or more years of practical experience.[205] Moreover, unlike the current JRTI system, the Law School Plan requires separate post-Law School training for judges, prosecutors, and private practitioners.[206] In this way, the Plan allows for effective practical training during and after Law School.[207]

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198. *See supra* note 51 (suggesting that lawyers in Korea are unwilling to teach in universities).

199. *See supra* note 51 (discussing lack of opportunities for Law College students to receive training from real lawyers).

200. *See supra* notes 51-54 and accompanying text (commenting on weaknesses of JRTI, including lack of professors who have experience as private practitioners and small number of professors).

201. *See supra* notes 51-53 and accompanying text (indicating that JRTI faculty is dominated by judges and prosecutors and their ability to train future lawyers serving as private practitioners is doubtful).

202. *See supra* notes 51-53 and accompanying text (indicating that most JRTI professors have not practiced law as private practitioners).

203. *See supra* note 54 and accompanying text (stating faculty-student ratio of JRTI and indicating that its faculty-trainee ratio may not be adequate).

204. *See supra* notes 91, 92, 110 and accompanying text (indicating that each Law School must meet threshold criteria regarding professors and that there will be separate training bodies for judges, prosecutors, and private practitioners).

205. *See supra* note 91 and accompanying text (stating that Law Schools must have certain percentage of professors with five or more years of experience as practicing lawyer).

206. *See supra* note 110 and accompanying text (suggesting that Law School Plan will require separate training bodies for prospective lawyers pursuant to their career interests).

207. *See supra* notes 91, 92, 110 and accompanying text (discussing quality of practical training in context of Law School Plan).

D. *Law School on Specialists*

The fourth problem deals with the lack of specialists in the Korean legal services field.[208] To handle the increasingly complicated disputes, lawyers must possess specialized knowledge.[209] Yet, the majority of lawyers in Korea, having majored in law at college, have never conducted any in-depth scholarship in non-law-related academic subjects and, thus, possess no specialized knowledge in any field.[210] Further, the small portion of lawyers who did major in subjects other than law in college also do not have specialized knowledge.[211] Because of the competitiveness of *sabubshihum*, law-majors and non-law majors alike have little time to focus on subjects unrelated to *sabubshihum* and, thus, to develop any specialties.[212]

The Law School Plan, by establishing a graduate-level institution for legal learning and incorporating undergraduate record into the admissions criteria, encourages prospective lawyers to pursue aggressively their academic interests in undergraduate college.[213] It also permits candidates to gain valuable work experience after college, but before entering Law School.[214] The Plan, therefore, will attract candidates with diverse academic backgrounds and work experiences into the legal profession, thereby producing a broad array of lawyers with different specialties.[215]

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208. *See supra* note 29 and accompanying text (discussing lack of serious scholarship by *sabubshihum* applicants in college).

209. *See supra* note 9 (commenting on importance of specialized knowledge for effective counseling as lawyer).

210. *See supra* notes 9, 29, 41 and accompanying text (indicating that *sabubshihum* prevents applicants from taking on serious academic pursuits because they need to devote all their attention to *sabubshihum* preparation).

211. *See supra* notes 29, 30, 41 and accompanying text (suggesting that many non-law majors in college take *sabubshihum* but implying that they too need to focus on *sabubshihum* preparation during college years, not their major studies).

212. *See supra* notes 29, 30, 41 and accompanying text (remarking on heavy competition involved in *sabubshihum* and applicants' inability to focus on academics unrelated to *sabubshihum* in college).

213. *See supra* note 100 and accompanying text (discussing necessity of good academic record in college for Law School admission and importance of diversity in Law School).

214. *See supra* note 100 and accompanying text (mentioning that Law School admission is for college graduates only and work experience is one of factors in admissions criteria).

215. *See supra* note 100 and accompanying text (indicating that Law Schools will recruit people with diverse work experiences and academic interests).

E. *Law School on Adequate Supply of Lawyers*

The fifth problem is the inadequate amount of legal services currently available in Korea.[216] The current system imposes an artificial ceiling on the number of available lawyers by admitting only a set number into the JRTI, rather than letting the market force determine the adequate number of lawyers.[217] The small number of lawyers in Korea has resulted in the prohibitively high price tag attached to retaining a lawyer and, thus, the denial of legal services to ordinary Korean people.[218] Moreover, governmental agencies and not-for-profit organizations, who rarely have enough financial backing to hire lawyers, are also in dire need of legal services.[219] Affordable legal services are an absolute necessity in Korea.[220]

The Law School Plan, unfortunately, may not be the solution to an inadequate supply of legal services.[221] The root of the problem may not lie in the sheer number of existing lawyers because even at present, some lawyers reportedly have trouble finding an adequate amount of work.[222] Lawyers in Korea feel justified in demanding a certain amount of respect and compensation because of the extreme difficulty involved in becoming a lawyer. Because they are unwilling to settle for anything less than what they feel is adequate, some lawyers find themselves unemployed.[223] The heart of the issue, hence, may be their un-

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216. *See supra* notes 2, 3, 8 and accompanying text (suggesting that ordinary citizens in Korea as well as governmental and not-for-profit organizations are unable to avail themselves of legal services because of high price tag induced by scarcity of lawyers).

217. *See supra* note 3 and accompanying text (indicating that only certain number of people may pass *sabubshihum* each year and become lawyers).

218. *See supra* note 8 and accompanying text (commenting on unavailability of legal services to ordinary citizens in Korea).

219. *See supra* note 8 and accompanying text (indicating that governmental and not-for-profit organizations need lawyers).

220. *See supra* notes 3, 8 and accompanying text (discussing lack of lawyers in Korea and need for affordable legal services).

221. *See supra* note 8 (suggesting that problem of inadequate supply of legal services may lie in attitude of lawyers, not number of available lawyers).

222. *See supra* notes 8, 59 and accompanying text (stating that some lawyers are currently unable to secure employment and indicating that problem may be attitude of lawyers).

223. *See supra* note 8 (mentioning that some lawyers are unable to find employment because of their expectation for certain level of compensation).

willingness to take on certain types of jobs.[224] A mere increase in the number of lawyers alone may not transform the attitude of lawyers and solve the problem of an undersupply of legal services.[225]

F. *Lessons from the Japanese Law School System*

Some in Korea doubt the effectiveness of the Law School Plan in light of the poor performance record by the Japanese Law School System.[226] While the Japanese Law School System has encountered problems, it has a short history and is still in a state of flux.[227] It is too soon to evaluate its success conclusively.[228] To ensure the successful implementation of the Law School Plan, Korea nevertheless must examine closely the current status of the Japanese Law School System and consider critically any modifications Japan may introduce to its system.[229]

CONCLUSION

The proposed Law School Plan is a daring attempt at a complete overhaul of the current legal education system in Korea. While its predecessors lacked force to survive the pressure from the opposition, the Law School Plan is now well on its way to final implementation and only has a few hurdles to overcome. In this respect, the JRC's effort in finalizing the Law School Plan is certainly worth an accolade.

While the Law School Plan has its strong points, many members of the Korean society still doubt the likelihood of its success. They acknowledge that the current *sabubshihum* scheme has problems and that reform is necessary, but are quick to point out that not every change is reform. They correctly insist that changes introduced to the current system may well produce neg-

224. *See supra* note 8 (indicating that problem may be attitude of lawyers and their unfulfilled expectations).

225. *See supra* note 8 (discussing problem of inadequate supply of lawyers).

226. *See supra* notes 135, 157 and accompanying text (commenting on Korea's reaction toward mediocre success of Japanese Law School System).

227. *See supra* notes 135, 149-155 and accompanying text (discussing status of and problems with Japanese Law School System).

228. *See supra* note 135 and accompanying text (discussing short history of Japanese Law School System).

229. *See supra* notes 156, 158 and accompanying text (indicating that Korea should consider Japan's example and make any appropriate changes to its Law School Plan).

ative consequences and disrupt the balance that the present regime has been able to maintain for decades.

Korea, therefore, is right to be critical of the Law School Plan and must scrutinize it before its final implementation. In doing so, however, Korea should ask itself, not whether the Plan will eliminate all existing problems immediately, but whether it will be able to improve the current system in the long run. Reform is a gradual process; it takes time. Moreover, no plan is a panacea. The proposed solution may incur a gain in certain aspects, but a loss in others. Korea needs to determine, after taking into account every potential gain and loss, whether the system as a whole will be better off under the Law School Plan.

Will the Law School Plan render Korea's legal education system better off? On theory, the Plan deals effectively with many imperfections of the *sabubshihum* scheme. Whether the Plan's implementation will produce intended results, however, remains to be seen. Japan's example sheds some light on how the Plan should be implemented. Sufficient care and vigilance is essential as Korea carries forward this revolutionary plan.