

**Challenging New Law School Education
at Okayama University Graduate Law School
— We Will Survive —**

Kazuhiro Nishida

- I. Okayama University Overview
- II. Okayama University Graduate Law School Overview
- III. Size and Location
- IV. Sources of Support
- V. Unique Challenges
- VI. Conclusion

This paper introduces the challenges facing one of Japan's regional universities, the Okayama University Law School.

I. OKAYAMA UNIVERSITY OVERVIEW

Okayama University is located in the western area of Japan's main island of *Honshū*. It is one hour from the city of Okayama to Kyoto by the *Shinkansen* express train. Okayama city is the junction between *Honshū* and *Shikoku* Island. The city itself has a population of 550,000, and with the surrounding cities the greater Okayama area has a population of 1.5 million.

Around 1,400 academic and 1,300 administrative staff members work at Okayama University, and more than 14,000 students study in the faculties and graduate schools.

Okayama University originated as a medical training place that was sponsored by the Lord (*Daimyō*) of Okayama and established in 1870. The faculty of law originated in the Sixth Higher School that was established in 1900. After World War II, the Japanese educational regime changed dramatically. Okayama University changed in line with other universities and was reborn as a university with multiple faculties in 1949.

Now Okayama University has eleven faculties, seven graduate schools, four schools attached to the faculty of education (such as primary schools), and more than ten centers and laboratories.

II. OKAYAMA UNIVERSITY GRADUATE LAW SCHOOL OVERVIEW

1. *Our aims*

We have two main objectives at Okayama University Graduate Law School:

- (i) Education for training talented lawyers who are interested in medical and social welfare issues and human rights from the viewpoint of contributing to solutions to issues

closely concerned with our community life.

(ii) Education for training talented lawyers in business issues in a broad context, including tax law, from the viewpoint of supporting the development of the regional economy and the corporate activities of medium and small companies.

2. *Students (current and newcomers in 2005)*

Our new law school enrolls up to 60 students a year. Like many new law schools, we have two courses, *i.e.*, a two-year course (*kishûsha*) and a three-year course (*mishûsha*). An examination is held to divide students into either of the courses after entrance formalities. This year (2004), 12 students are studying in the two-year course and 48 students in the three-year course. They range in ages from 22 to 49 years old. Of the 60 students admitted into our law school, ten students took the entrance exam as *shakai-jin* (briefly, *shakai-jin* means people who had or have earned their own living).

Seventy-five people passed the entrance examination in December 2004 for 2005 (since not all successful applicants are expected to complete registration, every university announces more successful applicants than those of the prescribed number). Among those, there were 32 *shakai-jin*.¹ The occupations of these people varied, including, for example, a national government bureaucrat, a banker, a medical doctor, a dentist, and a teacher.

3. *Staff*

Our law school is administered by the following academics:

• full-time professors	13
• full-time associate professors	7
• part-time professors and associate professors (full-time at the faculty of law)	14
• part-time professors and lecturers (full-time at the faculty of medicine)	3
• part-time professors (working at other universities)	9
• part-time lecturers (dispatched from the Okayama Bar Association)	22
• temporary employed professors from the Supreme Court and Public Prosecutor's Office	

The full-time professors' and associate professors' specialties are as follows: constitutional law (1), administrative law (1), civil law (3), commercial law (2), civil procedure law (2), criminal law (2), criminal procedure law (1), common law (1), anti-trust law (1), taxation law (1), social law (social security law and labor law) (1), practical education as lawyer, judge, prosecutor (*i.e.*, *jitsumu-ka* staff) (4).

The number of full-time staff at Okayama Law School exceeds the requirement for a law school with a capacity of 60 students (a year). This means that the class sizes amount to about 20 persons per class. This ratio is evaluated as excellent.

¹ Even if they were or are *shakai-jin*, they can choose (this means no experience as *shakai-jin*) in the entrance exam.

4. Curriculum

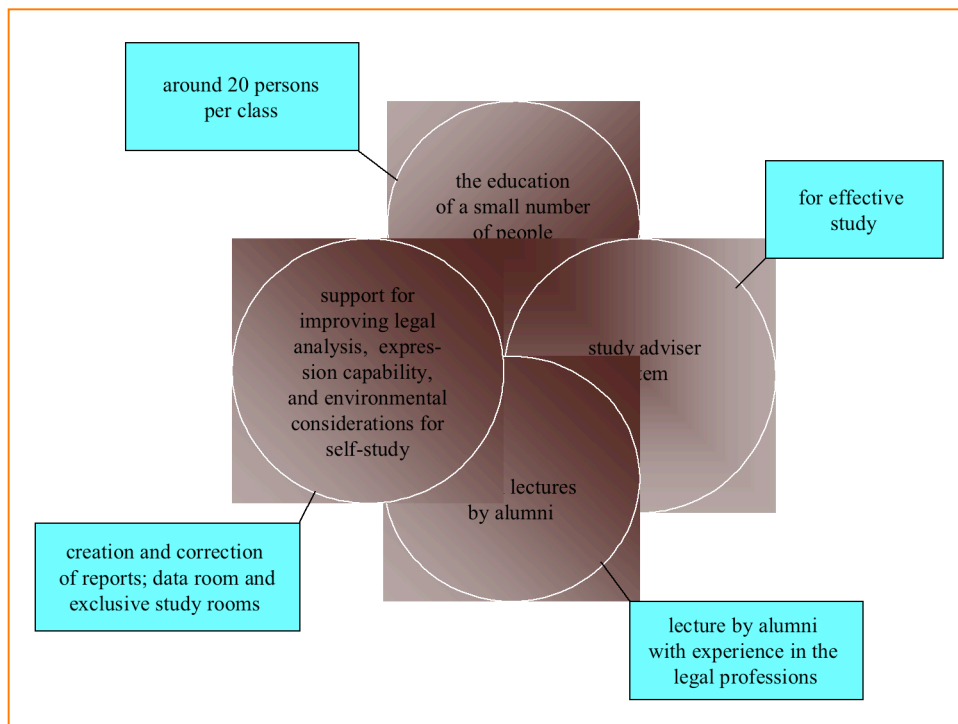
Like other law schools, students have to learn the basic subjects at an early stage.

TABLE 1: Requirements for graduation

	<i>mishūsha</i> (three-year course)	<i>kishūsha</i> (two-year course)
compulsory subjects within the basic legal subjects' group	60 units	30 units
compulsory subjects within the basic practical subjects' group	4 units	4 units
compulsory subjects possible to choose within the basic practical subjects' group	4 units	4 units
other subjects	not less than 27 units *	not less than 27 units *
total	not less than 95 units	not less than 65 units

* Students must have four units of compulsory subjects that can be chosen from philosophy of law, financial accounting, and so on. They must also have four units either within the subjects related to medical and social welfare law or within the subjects related to business law. This is a unique approach.

FIGURE 1: Effective educational system at Okayama Law School



III. SIZE AND LOCATION

As mentioned, our prescribed number of enrollments is 60. This is recognized as a moderate-sized law school. There also are law schools with a capacity of 200 or more, such as the University of Tokyo and Chuo University Law School. A law school with a capacity of 30 students is a minimum-sized law school. We decided to maintain a capacity of up to 60 students in consideration of the needs of our area and the effective management of the education of a small number of people.

At certain universities, I understand that there are too many students and it has become like a lecture subject instead of a seminar subject as advertised. We do not have such concerns. However, the burden of each staff member is increased compared to other law schools.

Is the student who learns locally disadvantaged? I do not think that this is necessarily so. Given that competition between law schools helps each grow and develop, there might be some disadvantages to regional law schools such as Okayama. By developing an information network, however, information acquisition is easy. Although one opinion points out that there are no or few preparatory schools in the local area, this opinion is flawed because it puts the cart before the horse: it is contrary to the idea of law schools removing the evil of preparatory schools (especially cram schools). Low living expenses in the regional city are attractive for students. Although Okayama is a regional city, transportation access is good. From a staff viewpoint, there are some perceived disadvantages that will be described in Section VI.1 of this paper.

IV. SOURCES OF SUPPORT

Various organizations and individuals cooperate with Okayama University Law School. The Okayama Bar Association enjoys especially close ties with Okayama University Law School and the Faculty of Law, providing *jitsumu-ka* staff,² internships for academic staff, practical training for law school students, and donations.

We also have the supporters' association organized by the alumni association, financial circles, local governments, other universities, and politicians in the Okayama area. The association especially supports us in establishing scholarships.

V. UNIQUE CHALLENGES

1. *What is the network seminar?*

The network seminar is a workshop-styled lesson with academics, students, and professionals in various fields. It is one of the unique programs that aim to improve legal edu-

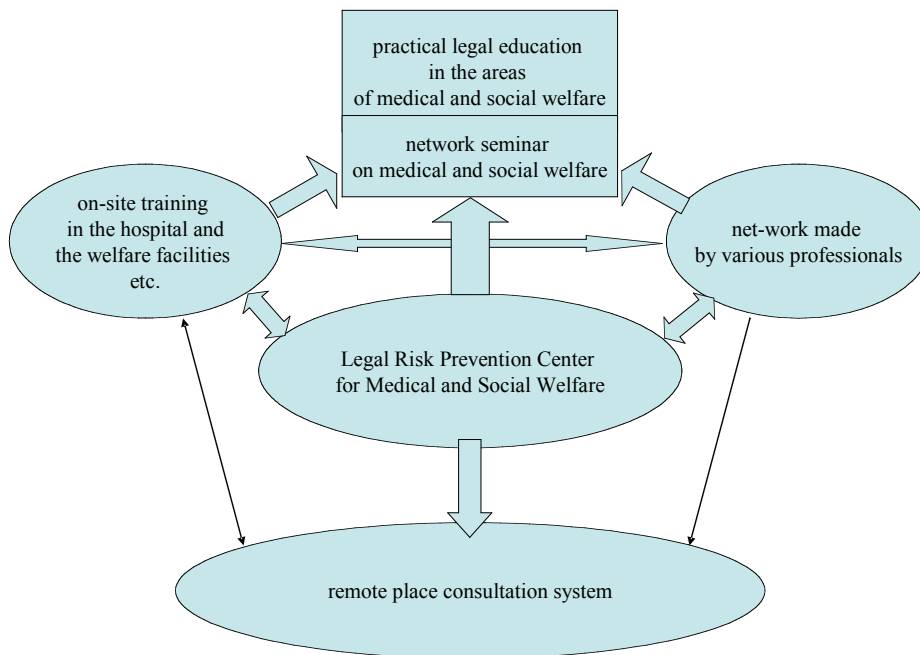
2 This refers to persons who have experience as lawyers, judges or public prosecutors and conduct practical classes as *jitsumu-ka* staff.

cation locally. Moreover, student instruction and an electronic legal chart of cases which utilize the network will be performed in the future using the social networking system (SNS).³ Great labor and expense will be needed to achieve this. Fortunately, Okayama University has been adopted by the Professional Graduate Schools Formation Support Program (which includes the law school) created by the Ministry of Education, Culture, Sports, Science and Technology. It is independently carrying out “the inter-regional association-type legal professional education which specializes in medical treatment and social welfare” (practical educational promotion program) and “the project that jointly develops and shares the teaching materials for the education which improves business skill” (educational highly advanced promotion program) with Nagoya Law School, among others.

As a person in charge, I’m now making an effort to establish a professional network and SNS. In the future, the professional network is expected to be extended to other fields besides the field of medical and social welfare.

FIGURE 2 :

The relation between the network seminar and the Legal Risk Prevention Center



3 The SNS is a professional network which intensely uses the internet for educational purposes and the promotion of regional issues.

2. *Legal Risk Prevention Center for Medical and Social Welfare*

We are also getting ready to commence the Legal Risk Prevention Center for Medical and Social Welfare. It is planned as a practical base for the educational project. At this time, no other law school has such a center. This will be the first attempt among universities.

As mentioned, the purpose of the network seminar for medical and social welfare issues is to examine actual incidents theoretically and practically and to offer solutions. It is thus important to pick up some actual cases that may serve as research subject matter.

The main business of the center will include consultations for service users, service providers, and local governments as well as finding cases for the network seminar. Of course, students in the seminar will also join the center practice in various ways. In the medical and social welfare fields, there are many disputes involving problems of a non-legal nature. Therefore, the center will collaborate with a specialist network that includes medical institutions, welfare facilities, and an attached law office; accept the trouble concerning medical and social welfare; protect users' rights; and make suggestions for risk analysis in medical institutions and social welfare facilities.

Such a practical challenge cannot be made by our full-time staff alone, and the cooperation of various specialists will be needed. For this purpose, the social networking system will be utilized. The center is also the support base of that network. Therefore, in terms of managing the SNS server and setting up a database of consultation business, the center will play an important role in the network seminar.

3. *Independent and unique law firm*

We have an independent and unique law firm attached to our law school that was opened in March 2005. Not many national university law schools have such a facility. The objectives for the law firm are to provide students an opportunity for internships and externships and to connect the law school with a legal clinic, Legal Risk Prevention Center, and so on. It also provides a legal consultation service.

4. *Independent and unique scholarships*

We have an independent and unique scholarship program as mentioned above. At present, five students are receiving a scholarship called *Okayama daigaku hôka daigaku-in shôgaku-kin*. Those students are chosen mainly by their grade point average. Scholarship recipients receive 100,000 JPY per month. This is actually a scholarship loan program, which they have 20 years to pay back after they become lawyers. They can be excused from repayment if they work in an area where there are few lawyers for a period of three to five years. The number of students that can receive a scholarship will be increasing year after year. This fund is provided by the supporters' association mentioned above (section IV) and individuals.

VI. CONCLUSION

How should Japanese law schools be improved? What are our obstacles?

I would like to address this briefly in my conclusion.

1. *We have two concerns from the viewpoint of management*

One of the concerns is to get *jitsumu-ka* staff. The Judicial System Reform Council has highlighted as a very important issue that legal professionals (especially *bengoshi*) are unevenly distributed. Actually, over 60% of lawyers in Japan are working in Tokyo and Osaka. In such areas, it's easy to get *jitsumu-ka* staff, but in local areas it seems difficult. There are 189 lawyers currently practicing in Okayama, while the number of people living in this area is 1.5 million. As a result, they may not have enough time to join the law school as teaching staff. Measures and policies considering local areas are needed in this regard.

The other concern is to improve our budget situation. It is common knowledge that all national universities were changed to independent administrative corporations by the National University Corporation Law⁴ on 1 April 2004. Disappointingly, the budget from the government was cut and will be decreasing year after year. Because our board of directors doesn't understand that the newly established law school will cost a lot of money for several years, we cannot get enough budget and space for education. I believe that investment in the law school is essential if it is to survive, since the pass rate on the new bar exam could affect the fate of the law school. Although it is a deplorable thing that all national universities have become independent administrative corporations, I understand that there needs to be an improvement in activities and management. In the case of a regional university, it is also difficult to raise donations.

2. *From the viewpoint of students, many students feel uneasy about the number of successful candidates for the bar examination which the Ministry of Justice proposes*

The number of applicants has decreased nationally this year, based on the Ministry of Justice's draft plan.

On 7 October 2004, the Bar Examination Committee presented the Ministry of Justice's draft concerning the pass rate for the old and new bar examinations. The draft projected the number of successful candidates to be 800 each for the old and new bar examinations in the 2006 fiscal year. For the 2007 fiscal year, these numbers will be 1600 for the new bar examination and 400 for the old one. The Law School Association argued that the content of this draft did not fully reflect the system reform idea of changing to the legal professional training system centering on law schools.

When new law schools and a new bar examination system was introduced, the government announced that about 70 percent of graduates of law schools were expected to pass the new bar examination. This attracted many students into studying at law

4 *Kokuritsu daigaku hōjin-hō*, Law No. 112/2003.

schools. Those who believed the announcement and entered law schools are now criticizing it as a fraud. This poses a high risk of spoiling the healthy development of law schools. As a result, consultation has occurred between the Association and the Ministry of Justice.

This issue is serious for all law schools, especially law schools in regional cities. As evidence, even if we ignore “the first exam festival,” the number of applicants has decreased nationally this year. Okayama Law School is no exception. Fortunately, we were able to get certain candidates for the exam, but some law schools could not.

On 28 February 2005, the Bar Examination Committee presented a new vision.⁵ The new draft projected the number of successful candidates at 900-1100 for the new bar examination and 500-600 for the old one in the 2006 fiscal year. It also projected the 2007 fiscal year with 1800-2200 for the new bar examination and 300 for the old one.

The problem is that the number of law schools and students is too many, which may create graduates who cannot be legal professionals. I expect that at least one-third of the current law schools will be abolished in the next ten years.

We have to try hard so that Okayama University Law School will be a success. We will survive.

ZUSAMMENFASSUNG

Der Beitrag kommentiert die Einführung des Law School Systems aus der Perspektive der Erfahrungen, welche die Universität Okayama, eine mittelgroßen Universität in Westjapan, im Zuge der Einrichtung ihrer Law School gemacht hat. Es werden sowohl die institutionellen Gegebenheiten wie auch das Curriculum und die Zusammensetzung von Lehrkörper und Studentenschaft analysiert.

(Zusammenfassung durch d. Red.)

⁵ THE BAR EXAMINATION COMMITTEE, *Heikō jisshi kikan-shu no shinkyū shihōshiken gōkaku-shasu ni tsuite*. See, <<http://www.moj.go.jp/SHINGI/SHIHOU/050228-1-1.html>>.