

Globalization in Legal Education of Korea

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Globalization: A National Agenda

“Globalization” is one of the most frequently mentioned words since the mid-1990’s in Korea. The Kim Young Sam Administration, which launched in 1993, set globalization as one of the national agenda, and in this flow of globalization legal education has also absorbed the concept and applied it to the actual reform process.

However, this idea of globalization is not an easy subject for Korean lawyers to conceptualize considering Korea’s historical and societal backgrounds: for hundreds of years before the 1960’s when it embarked on industrialization, Koreans had had seldom contacts with foreign countries, and they had hardly communicated with foreigners in their daily lives. Consisting of unitary race and using the same language, most Koreans were not able to fully understand the meaning of “foreign,” be it a country or a person. In this sense, the Korean situation shows an obvious distinction from that of Europe, which has been exposed and used to multi-racial and multi-lingual environment throughout the history. Moreover, as far as the Korean lawyers are concerned, they have experienced few cases that involve foreign actors both in theory and in practice for a long time.

With these conditions in mind, the question of what globalization specifically stands for does not provide an easy answer to both legal educators and experts alike. Although this question has

not yielded coherent discussions and uniform consensus so far, at least two major objectives have been sought during the past ten years with regard to the globalization of legal education in Korea: one is to establish law schools by making an institutional reform of the legal education, and the other is to foster international lawyers by changing the contents of legal education.

Establishing Law Schools

Since the theme of globalization at that time was related to the social reform of the existing system according to the “global standard,” the reform was also called for in the judicial system in general and education in particular. Reports¹ clearly set an objective to provide legal service equal to that of the developed countries. In terms of the legal education, two important decisions have been made.

The first was an incremental increase of the number of the successful candidates at the Korean Bar Exam. In 1994 the total number of the successful candidates was 300 and the ratio of lawyers per 10,000 people was 1.79,² which was considered insufficient to provide well qualified but inexpensive legal service. Therefore, it was decided that the number should be increased annually to reach 1000 by the year 2000.

The second was to change the system of the legal education. The legal education in Korea was mostly performed at an undergraduate level, and those who passed the Bar Exam were trained at Judicial Research and Training Institute (JRTI) to be judges, public prosecutors and practicing lawyers. Because the undergraduate courses fail to reflect various interests of students and focus

¹ Presidential Council for the Globalization and the Supreme Court, *Globalization of Legal Service and Education*, (April and December 1995)

² Japan 1.19, France 4.99, German 7.65, UK 12.55, USA 28.97.

only on studying law, Korean lawyers' lack of expertise has been criticized compared to those in other countries, who are equipped with diverse backgrounds apart from law. Accordingly, a proposal to allow various majors in undergraduate and educate law in graduate school, which is similar to law school system in the United States, was proposed. Coupled with the increase of the number of bar passers, the proposal for establishing law schools has aroused heated debates nationwide, and it is still in halt due to the conflicting opinions of the interested parties.³

Fostering International lawyers

The other objective to globalize the legal education lies in fostering international lawyers, whose meaning is not so clearly defined. Learning the legal principle of the international community, which is required when handling the issues arising from the international affairs, is being emphasized. In part, this emphasis is an answer to the criticism that Korean lawyers are not efficiently under girding the international activities of Korea, which is one of the ten major countries in the international trade.

This change in conception has brought some modifications in the composition of law faculty and curriculum. Foreign-related subjects, such as international trade law and economic law, gained some attention. Furthermore, English was adopted as a required subject in the Bar Exam.⁴ In the past, one could choose any language test among English, French, German, Japanese, Chinese and Spanish and add its score to those of six other tests in the first qualification test. Since 2004, however, the application qualification is granted only to those who acquire more than a designated score in the English test.

³ Japan has launched law school program from 2004, which modeled after the Korean proposal.

⁴ In Korea, the Ministry of Justice performs Bar Exam on a national basis.

The most fundamental change has occurred to the curriculum of the JRTI, where the passers of the Bar Exam are trained. International contract practice is a required course, and to the trainees of the international law field more diversified courses are provided.⁵ JRTI also runs a two-week program on international trade law and regulation at Washington D.C. in cooperation with Columbia Law School.⁶

Early estimation shall be prevented with regard to what has been accomplished through the globalization of the legal education in Korea. Many more students are preparing for the Bar Exam as the number of acceptance grows, and the competition among lawyers became fierce than ever before. Legal experts show an increased interest in foreign languages and laws, and students of other majors as well as law major are increasingly going to law schools in the States.

Hurdles to be Overcome

There is an important task at stake with the meaning of globalization in the legal education. On a conceptual level globalization does not signify Americanization, but on a practical level it does not deviate much from Americanization in two senses: first, a problem of language exists. Since there is no official *lingua franca* in the international field, English is evidently the most predominant language. Most international economic transactions are performed in English, and so are international conferences. This also applies to the legal field. Notwithstanding the geographical, historical and legal proximity between Korea and Japan, the communication between these two countries is made in English, rather than Korean or Japanese.

⁵ The courses include the followings: international trade law; international economic law 1,2; international human rights; international business English; international contract; conflict of law and international civil procedure; American constitutional law; American civil law; American criminal law; English law; German law; French law; legal English.

⁶ It also plans to launch another two-week program on international business transaction with Georgetown Law School.

The second issue is the power of the American law. Due to the economic and political superiority of the United States, the American law takes an advantageous position in constituting the international standard. In addition, the accumulation of experiences in market economy and democracy in America allows its legal principle to make an adequate reference to the legal systems of other countries.

In my own opinion, the more salient problem in cultivating capable lawyers with an international perspective is the language. Since many Korean lawyers feel uncomfortable with English, they also find it burdensome to meet foreigners and communicate with them. This is further intensified in talking about legal matters. Therefore, English education is inseparable to the globalization in legal education. The dilemma here is, however, that the legal and language education is hard to achieve at the same time. Even when the colleges of law provide several courses of English and classes with international aspects laws, only a few students take part in them.

Ewha Woman's University's attempt to globalize its legal education begins with running an Internet website that posts Korean legal information in English. This website, entitled "www.Lexkorea.org," contains English articles and statues and briefly introduces legal news. The website provides a good opportunity for those students who are interested in English and international affairs and want to be "globalized." I hope this attempt can be a stepping-stone for diversifying contents of legal education and ultimately fostering capable students who will work in the international field.