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KOREA'S DOMESTIC
POLICIES AND THEIR
INFLUENCE ON ASIA



Agencies, Roles and Their Choices: Reform of the Korean Legal Profession from 1995 to 2007

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INTRODUCTION

Northeast Asian countries including Japan, Korea, China and Taiwan, have recently considered adopting the U.S.-style legal education as a revolutionary remedy to dissolve chronic problems of the Pre-Reform system. Especially in Korea and Japan, reform of the legal professional training system underwent a profound transformation by switching their four-year undergraduate legal education system to a three-year postgraduate—the U.S.-style law school—legal education.¹ Although the legal education system itself does not guarantee an advent of a law-governed society, the U.S.-style law school system provides symbolic meaning to Asian countries moving toward the rule of law, access to justice, and globalization.² Despite seemingly unending controversies, both Japan and Korea implemented the postgraduate law school system in 2004 and 2009 respectively. They both have conformed to the globalization pressure, the public demands of establishing a law-governed society by expanding the size of their legal education, and increasing the number of practicing lawyers.³

This study traces a wide range of agencies that were involved in reform of the Korean legal professional training system from 1995 to 2007. Previous studies found that the LDP and big business actively joined the discussion on the Japanese judicial reform in the mid-1990, and that they strongly urged Japan to introduce the U.S.-style law school.⁴ Those actors were primarily interested in substantially increasing the number of legal professionals regardless of instituting a postgraduate legal education system itself in Japan.⁵ The Japanese Federation of Bar Association (JFBA) also seemed to support the introduction of the U.S.-style law school, expecting to take more initiative in legal training under the Post-Reform system. On the other hand, no study has analyzed the Korean reform in this regard.⁶

The process of reforming the Korean legal profession (from 1995 to 2007) revealed sharper conflicts among diverse agencies than that of Japan. The existing legal profession, i.e., judges, prosecutors and practicing attorneys, overall vigorously opposed introducing the U.S.-style law school in Korea. Most law professors were reluctant to adopt the postgraduate law school, abolishing the existing colleges of law. The reformists, including the administration and the law school advocates, failed twice to transform the legal education system before finally finding success in 2007. During this time, neither a specific political party nor a business group had shown keen interest in adopting the new system in Korea. Then, who did play a decisive role in adopting the Post-Reform system in Korea and why?

Chapter II briefly describes the process of how three consecutive administrations initiated the legal reform in Korea by focusing on reform committees and the president as policy entrepreneurs. In Chapter III, in order to answer research questions, the study investigates arguments from business sectors, the Korean Bar Association (KBA), the Prosecutors' office mainly represented by the Ministry of Justice (MOJ), ministries of government, legal academics, and NGOs. By showing what interests were behind other relating agencies' arguments and explaining their positions more clearly, Chapter IV ultimately highlights the growing roles of the



Supreme Court judges as beneficiaries under the new system. I have conducted qualitative interviews in 2010 and 2011 in order to provide insights, detail and depth for the study. A third cohort of interviews is also underway.

THE ERA OF LEGAL REFORM IN KOREA 1995–2007: PRESIDENTS AND REFORM COMMITTEES AS POLICY ENTREPRENEURS

The post-1987 Korean democratic leaders and their administrations played important roles in initiating legal reform.⁷ From 1995 to 2007, three different administrations set the agenda promulgating reform of the legal profession that the study named Period 1 (1995-1996), Period 2 (1998-1999), and Period 3 (2003-2007).⁸ The reform of the legal education system was propelled by judicial reform councils or commissions which were established either by administrations or by the Supreme Court during the reform. In each period, committees were established based on a special act or presidential decree.

In January of 1995, the Kim Young-sam administration established the Presidential Council for Promoting Globalization (PCPG)⁹ under the Prime Minister.¹⁰ The committee consisted of a wide range of members (as needed) from the Ministry of Justice (MOJ), the Ministry of Education (MOE, now referred to as MEST—the Ministry of Education, Science and Technology), the Supreme Court, the KBA, legal and non-legal academia, the press, NGOs and a business group. The reform effort was led mainly by the administration through the PCPG, criticizing the outdated Korean legal profession and insisting that change had been stalled since the globalization trend. The PCPG recognized the severe entrance barrier to the legal profession, which in turn, reinforced the KBA's monopoly in the legal market. Only a reserved, handful of elite practicing lawyers had knowledge of the law, and they came at an extremely high price. This turned out to serve only the interests of the legal profession and barred public access, including the right to trial.¹¹ The PCPG's proposal triggered not only legal professionals, but also law professors, businessmen, and NGOs to convene comprehensive conferences to discuss judicial reform. Apart from the PCPG's special conferences, more meetings were held at various universities. Later in Period 2, President Kim Dae-jung also launched two similar forms of presidential committees in 1998 and 1999.

Throughout two trials, reformists have strongly argued that the number of legal professionals should be increased (a) to provide for both diversified and specialized legal services, (b) to secure international competitiveness in the globalizing legal market, and (c) to prevent the legal profession from continuing to monopolize legal services. They suggested introducing the U.S.-style law school in Korea, which would replace the undergraduate non-professional legal education system. Park, Se-Il was one of the leading figures of the Korean reform.¹² Since 1994, Park and other reformers insisted that legal professionals, especially practicing attorneys, must have insights not only into

social structures and human relations, but also into international relations and foreign laws in the globalizing world. He promulgated that the legal professional education should further foster legal service suppliers (i.e., judges, prosecutors, and practicing lawyers) with a sense of human rights, knowledge of laws in specialized and diversified areas, international perspectives, and foreign language proficiencies.¹³ The idea also influenced Japanese legal scholars in the mid-1990s, so that Japanese government officials and legal academics imported the idea of introducing the U.S.-style law school in Japan.¹⁴ Yet the previous two attempts at reform were both forced to bend to stiff opposition from the existing legal profession.

It was not until 2003 that legal reform reappeared on the political agenda in Korea as President Roh Moo-hyun's participatory administration (2003–2007) ¹⁵established the Judicial Reform Committee (JRC)¹⁶ to accomplish a wide variety of legal reform.¹⁷ The JRC was officially launched on October 28, 2003 at the end of the first year of President Roh's term. Throughout twenty-seven plenary meetings and thirteen division committee meetings, the JRC finally adopted the final report on December 31, 2004 for recommendation to the president.¹⁸ Different from two previous reforms, upon terminating the JRC's mission in December of 2004, the Presidential Committee for Promoting the Judicial Reform (PCPJR)¹⁹ was established as an advisory committee to the President for completing judicial reform legislation by May 2005. The PCPJR held fourteen regular sessions, sixteen working sessions, and eighteen meetings of subcommittees.²⁰ From January 18th, 2005 to the end of December 2006, the PCPJR also conducted thirty-one research projects, seven public hearings, forty-six expert debates, four surveys of public opinion and mock trials, and nine tours of inspection abroad.²¹ The main committee consisted of twenty members ranging from the Prime Minister and the Ministers of the MOE and MOJ, to attorneys and law professors. Under the main committee, there was a practice committee that consisted of eleven vice-ministers and seven civilian members from the KBA, the legal academia, the press and NGOs. However, the plan-promoting body mainly consisted of existing legal professionals, including twenty-seven judges, prosecutors, practicing attorneys, law professors and public officers carrying out specific tasks.

As reforms were implemented, the roles of Ministries, such as the MOE and MEST, were growing as they related to the education system. The new system currently devolves the power from the MOJ to the MEST, which is primarily comprised of educators. In fact, the Legal Education Committee (LEC), on the basis of the Establishment and the Management of the Legal Professional Graduate School (LPGS) Act of Korea (2007), is installed under the MEST. The LEC, under the MEST, developed criteria for the new legal education system and inspected the postgraduate law school application. It played a decisive role in determining the cap and local distribution. The KBA has the authority to assess law schools to determine if they have followed the criteria, but they cannot abolish or install a new law school.



CONFLICTS OF DIVERSE AGENCIES, AND THEIR CHOICES

In this section, based on the reform process explained in Chapter II, the study investigates diverse agencies besides the presidents and their administrations or special reform committees. The study assumed that certain actors played more decisive roles in implementing the postgraduate law school system than others, so it starts with the business sector that actively joined in Japanese judicial reform.

The Business Sector

As one of the biggest differences between Korea's reform and Japan's, business groups, as represented by the Federation of Korean Industries, have not been particularly enthusiastic about the reform of the legal profession.²² Different structures of the economy caused demands from the business sector to be much less intensive in Korea than in Japan. Although one or two representatives from the business sector joined in each reform committee, they did not show keen interest regarding the adoption of the U.S.-style law school or even in an increase of the total number of lawyers in Korea.²³ Under the Chaebol [conglomerate] governance, big business groups did not care much about the number of lawyers or legal education reform. They wanted the power to control the market, regardless of the fact that the size of the "pie" is fixed. The big business groups, therefore, could easily hire the most expensive practicing attorneys at will, notwithstanding the prices of the legal service.

Under the Pre-Reform system in particular, there used to be a long line of former judges or prosecutors who wanted to work as a corporate attorney. As Dezalay and Garth address, Korean major family groups, Chaebol, such as Samsung or Hyundai, have historically had little reason to use lawyers except for the most menial of tasks. The major business leaders dealt directly and personally with state representatives and they did not need lawyers under the conglomerate corporate structure. If there was a need for legal counsel for an international transaction, businesses sought non-domestic attorneys.²⁴ As business sectors have more interest in recruiting competent practicing attorneys from former senior judges and prosecutors, or young, prominent, and elite practicing lawyers, they can establish their own law departments.²⁵

On the other hand, small business circles could neither afford expensive lawyers nor insist on expanding the legal profession.²⁶ They could not compete with big business groups or public prosecutors simply by increasing legal service suppliers. As experienced legal reform activists and law professors have argued, Korean reform cannot be fully explained by globalization or free market theory.²⁷

The Korean Bar Association (KBA)

Although the government initiated the reform of the legal profession in Korea, existing legal professionals had strong impacts on the result of the reform. The existing private practice has been a great roadblock for the reformists, or law-school advocates. Nevertheless, under the Korean legal market structure, it seemed that the KBA was neither well organized nor powerful.²⁸ Practicing attorneys opposed

the reform individually, but not collectively in Korea. Rather, the legal profession united for legal reform during the period of negotiation provided by the Supreme Court, their “big brother.” Although judges, prosecutors, and practicing attorneys shared a strong feeling of solidarity, the KBA had not fully demonstrated solid organizational power during the legal reform.

The practice of retiring from poor-paying, but high-status judicial positions to enter the lucrative private sector has led to Korean practicing attorneys not to stand together as an association.²⁹ Under the circumstances, the adoption of the postgraduate law school system assumed the symbolic meaning of a field expanding in size and diversity. Most feared that reform would lead to an increase of new lawyers, and therefore, practicing attorneys anticipated a turf war between existing attorneys and prospective legal professionals.³⁰

Lawyers tried to not lose control over lawyer-supply-limiting entrance barriers to their own market. The KBA occasionally participated in legal education reform, insisting that the new system would soon reduce the quality of legal service because of the oversupply of lawyers since 1996.³¹ They suggested that the optimum number of new lawyers should be between 600 and 1,000 per year. This number was far short of the draft proposals of 2,500 to 3,000. The KBA demanded the former judicial examination system be maintained, arguing that the Post-Reform system would seriously deteriorate the “quality of the legal profession” by increasing the number of lawyers and abolishing the most prestigious legal professional training institution, the Judicial Research and Training Institute (JRTI). They regarded the JRTI as the matrix of legal professional training and thought that the JRTI provided higher quality legal education than law professors who had never passed the judicial exam nor completed the JRTI apprenticeship. They made efforts to reconfirm their positions in the new post-graduate law school system, demanding that a certain ratio of practitioner faculty members should be maintained.³²

When the Supreme Court and Roh’s administration were unwavering in their intent to adopt the three-year postgraduate law school system, the KBA and individual attorneys, again, insisted that the total number of new law school students shall not exceed 1,000–1,200. Their arguments, however, were neither logical nor consistent because their real interests were to maintain the previous system, particularly the exam cap, in order to protect their jobs among practicing attorneys and other quasi-legal professionals. They were also trying to prevent a decrease of their power and wanted to stick to the previous numerical control. It was true that several attorneys personally supported the law school reform effort, not in the name of the KBA, but as individuals.³³

The Prosecutor’s Office and the Ministry of Justice (MOJ)

The prosecutor’s social power had been enormously strong under the authoritarian regimes in Korea. The Prosecutor General is appointed directly by the president and has traditionally been an instrument of authoritarian regimes.³⁴ As Korean political



leaders have tried to capture the judiciary as an effective apparatus for executing their political power, they wanted to exert pressure on judges and prosecutors.³⁵ Under the “principle of unity,” prosecutors from the Prosecutor General who are newly appointed district prosecutors are considered as a hierarchically unified body. Public prosecutors not only hold the power to investigate crimes³⁶ and to solely prosecute a person for criminal charges, but they also have the power to discretionally prosecute or dismiss a criminal charge and to arbitrarily dismiss a charge that is obviously illegal. In particular, the prosecutariat is one of the most powerful groups, since it is well-connected to the politicians and businessmen, wielding almost absolute power in Korea.

Since liberalization and democratization of Korea began, however, prosecutors have seen their status fall.³⁷ Nevertheless, the MOJ has still consisted of high ranking prosecutors. It symbolizes another legal elite power, and the Korean public prosecutors have enjoyed more power under the strict hierarchical structures in the court than in any other governmental organization. The MOJ has been responsible for deciding the annual number of new lawyers and all the related factors for the judicial examination since 2001. Yet, it has been argued that the MOJ should transfer the superintendence to decide the annual cap of the legal profession through the legal reform in Korea.

Returning to the subject, the prosecutors’ group, mainly represented by the MOJ and the Prosecutor’s Office, took a relatively passive and ambivalent position on reform. Prosecutors, as legal professionals, basically opposed an increase in the number of lawyers and the introduction of the U.S.-style law school. The MOJ objected to the “radical” legal reform in Period 2 and strategically made a recommendation to the president to establish a separate Presidential Committee for Promoting Judicial Reform (PCPJ), thereby blocking the passage of the law school proposal of the New Education Community Presidential Committee (NECPC). The PCPJ submitted a distinctive proposal prescribing qualifications to take the judicial examination, with a four-time application restriction. However, in Period 3, the MOJ could no longer openly oppose the reform.

Prosecutors put the transformation of the legal professional training system on hold. Since the Supreme Court presented itself as the representative of the legal profession in Period 3, the MOJ did not actively or officially indicate its position regarding the law school reform. The MOJ avoided announcing its straightforward opinion on law school reform, while it strategically admitted the judicial reform committee’s proposal (from the PCPJ). However, the MOJ did take a position on other legal reform issues. For instance, prosecutors reacted strongly to the proposal that expands an appeal institution against a prosecutor’s “decision not to indict,”³⁸ and to a hearing-centered trial model proposal, which necessitates an extensive overhaul of the present procedures of examining evidence and interrogating defendants.³⁹

Legal Academia

Divergence of the legal academia

Compared to other agencies mentioned above, a small group of law professors, who are called law school advocates, played active roles in introducing the U.S.-style law school system in Korea in the early 1990s. During the reform, however, these agenda-setters drew little attention even from legal academia itself. Among legal academics, fear and concern about the radical introduction of an unfamiliar legal education system from the United States spread for many years. Debates concerning legal education reform had rarely spread beyond the circles of legal academia.⁴⁰ Those who had studied in European countries, such as Germany and France, were especially skeptical about introducing the U.S.-style system in Korea as well.

Unlike judges or practicing lawyers, it was even harder for legal academia to unify interests that had been formed and vested through the Pre-Reform legal education system over decades. Law professors were divided into several groups: Law professors who were former legal professionals versus non-legal professional professors; Seoul National University (SNU) graduates versus non-SNU graduates; SNU law professors versus non-SNU law professors; Seoul law professors versus non-Seoul law professors; etc. They had various academic backgrounds and local interests according to their affiliated universities and theoretical groundings. A prominent senior socio-legal scholar reminisced in his interview that the struggle between the legal profession and the legal academia had actually been a game to gain hegemony over legal education, rather than about instituting the U.S.-style legal education system in Korea.⁴¹

Law school advocates

As reform of the legal profession became symbolic and popular, the Korean legal academia also emerged as one of the significant players. Initiatives advocated by legal academics were successfully implemented in Korean society through efforts spanning the three legal reform periods. In the beginning, they failed to persuade not only the legal profession but also the rest of legal academia why the U.S.-style legal education system should be introduced in Korea. In Period 1, Park Se-Il, the former Senior Secretary of the Presidential Commission on Policy Planning under the Kim Youg-sam administration, as a law professor himself at the SNU College of Law,⁴² officially brought reform of the legal profession to the table. However, only two or three SNU faculty members joined him. Infuriated legal professionals severely criticized the law school proposal, blacklisting its proponents as the so-called *sabeob-ojeok* [five enemies of the judiciary].⁴³ Reformists could not prevail upon the existing legal profession's resistance. As the legal reform continued, especially through Period 2, legal academia gradually suggested alternative legal education reform proposals. During Period 3, a small group who had accumulated data throughout the precedent two reforms raised its voice with strong arguments for legal reform.

Interestingly, most of these scholars were SNU graduates who were teaching constitutional law, law and sociology, law and history, or criminal (procedure) law



in colleges of law mainly at non-SNU universities in and outside of Seoul. They were actually non-legal professionals because they had not passed the judicial exam under the Pre-Reform system. Called the sampallyuk sedae [386 Generation],⁴⁴ they turned out another “five (young) enemies” of the Korean legal profession in Period 3, eventually contributing to the current legal education system and Post-Reform debates. Their proposals provided guidelines for legal reformists, judges, and other law professors. They consistently insisted on abolishing the cap system and the JRTI and replacing them with the postgraduate legal education system, so that legal education could be normalized. They also argued that practicing attorneys and prosecutors with five or more years experience should constitute the bench, calling it beobjo il-won-hwa [single point selection of the judiciary], rather than appointing judges from among the young and novice JRTI trainees.⁴⁵ Some of them were also members of the presidential committees of each period, although their ideas could hardly be implemented in full in the final committee reports, mainly due to the legal profession's strong resistance. In leading the studies that compared Korea's legal profession to other countries (especially to Japan and the United States), they have produced a wide range of legal reform agendas from late 1999 to the present. What is noteworthy is that the small group of law professors who concurrently played a critical role in creating NGO policies and arguing for legal reform, also revealed dual identities as both law professors and a driving force in Korea's civil movement.

Transitions of the legal academia

Throughout the three periods of reform of the legal profession, the power and social impact that the legal profession had solely enjoyed began to be redistributed to legal academia. For example, undergraduate legal education had been disparaged not only by the students, but also by the legal profession. GPA had never been considered a significant factor in becoming a legal professional, while the judicial exam score and the JRTI ranking followed a legal professional to the end of his or her career. The postgraduate legal education system, in contrast, puts emphasis on raising lawyers through practice-oriented law school education, converting the national judicial exam to a mere qualification exam that will enable over 70 to 80% of the graduates to pass. Moreover, the former judicial exam will be discontinued in 2017, with the expectation that the JRTI will not be abolished until 2019 or 2020 when the successful 2017 applicants complete their apprenticeships.

As the new law school system replaces the existing one, faculty members will be dedicated to the education and training of prospective legal professionals. This means that it will be the university or the legal educators who have charge of providing the basic knowledge and skills to prospective legal professionals. Judges and prosecutors used to rotate every two years to serve as JRTI faculty and mainly instructed how to write decisions or arraignments. These job skills had never been taught to law students before getting into the JRTI. The reformists also expect to eradicate negative effects of the cram-school education market where either legal professionals or JRTI trainees have illegally given lectures. The student evaluation power will shift from the JRTI to accredited law schools when the students find jobs upon graduating from law school.

As the administration introduced law school reform by submitting the LPGA Act (2007) to the National Assembly (NA) in October 2005, legal academia's arguments seemed to be eventually resolved down to two. First, they agreed to abolish the judicial examination and the JRTI, substituting a new type of legal educational system, but there was no compromise on which specific system would fit best. Second, governmental control of the cap for the legal profession and legal education should be excluded and the right of legal education should independently belong to universities. Based on this consensus, the group of leading socio-legal scholars strongly argued to introduce the postgraduate legal education system, appreciating that no system could be perfect.

At the same time, not only law professors, who usually had not been much involved in the reform, but also the universities started preparing for law school accreditation. From 2004 to 2007, 24 universities hired 269 new faculty members in order to apply for law school accreditation.⁴⁶ Although the LPGA bill was still pending, universities had already started to meet the minimum accreditation requirements. They recruited practitioners from big law firms, courts and research institutions. The existing law professors in low-ranking or rural universities also maximized their opportunities to transfer to a higher-ranked Seoul university college of law. They believed that belonging to the new system would be more stable than being left under the old system. In the course of the preparation process, at least forty top universities and their law professors began to signal implied consent to adopt the law school system. Universities in particular desperately required government adoption of the new system after having invested enormous amounts of money in plant and equipment.⁴⁷

Several different associations of law professors pressed the NA where the LPGA bill had been pending for nearly two years. However, the historical en-masse migration of the law professors also brought political upheaval among the law professors after the new system launched in March 2009. The legal academia was newly divided into three large groups: professors from the twenty-five newly accredited law schools; faculty of the six to ten non-accredited but considerably prepared colleges of law; and professors at the non-law schools in or outside of Seoul.⁴⁸

Non-Government Organizations and Public Opinion

The study also stresses that, beyond the forces of economic development and modernization, legal reform in Korea rose from its civil society, aspiring democracy, and political liberalism since the 1980s. Some NGOs, involved in the Korean legal reform, argued that the small size of the legal profession has resulted in a monopoly in the legal market. They further argue that the government has helped the legal profession enjoy power in society by restricting the number of lawyers. They also pointed out that the barriers to enter the legal profession and the reinforcement of the KBA's monopoly served only a small number of lawyers, while infringing on the public's fundamental right to access the judicial system. As legal demands both in the public and private sectors have increased, the limited legal services available have reached only the large cities, or select groups of people or companies that have the resources to pay for legal services. Throughout the series of reforms of the legal profession, people changed the



way they regard legal professionals. They realized they have rights to access the court system and that legal professionals are legal service suppliers rather than bureaucrats. This change in people's awareness empowered the reformists.

In Period 1 especially, 'judicial reform' gained enormous public attention from the people and the press, including some NGOs. It would be hasty to conclude that the people's demand for democracy was the most decisive factor in Korea's legal reform. Even some NGOs were cautious to say so, mainly because the scope of NGO activists and supporters overlapped those of law professors.⁴⁹ Even if it is the truth, it is also undeniable that NGOs have reflected civil society's aspiration and claims. People expected that the new legal profession system would bring about an efficient judiciary and provide easy access to the legal system.

The People's Solidarity for Participatory Democracy

The People's Solidarity for Participatory Democracy (PSPD), the Cham-yeo-yeon-dae, was one of the most active NGOs.⁵⁰ Through the Judiciary Watch Center, established in 1995, the PSPD has criticized the authoritativeness of the judiciary and poor legal service, noting the absurdity of the legal service fee, the practice of jeon-gwan-ye-woo and cram-school legal education. The PSPD insisted upon and propelled reform of the legal profession. When the administration of Kim Young-sam proposed a reform plan, the PSPD and the press, Chosun Ilbo, jointly pushed the project forward.⁵¹ Although the first attempt at reform failed to establish a legal institution as they had envisioned, the media helped garner public support for more reform in the mid-1990s.

More specifically, a group of law professors led civil society movements with the help of NGOs. This group of legal academics, mostly graduated from SNU College of Law in the 1980s or 1990s,⁵² was comprised of non-legal professionals teaching public law in several non-SNU colleges of law. They have been active and passionate driving forces since the Kim Young-sam administration initiated the first legal reform. Most of them were PSPD members, nominated as expert members or representatives of the JRC, and delivered both legal academics' concerns and civil society's demands. They mainly challenged the cap, the method of accreditation and the allocation of the new law schools nationwide. They argued for the abolishment of the cap, the decentralized demography of law schools and financial support for students. In particular, they have dedicated themselves to advocate civil society's interests rather than their own interests as law professors. The PSPD produced discourse that envisioned the legal profession as a legal service supplier, not a juristocracy.

One of PSPD's most significant contributions was "The Reason Why We Support Law School: Law School Advocates' Letters to Congressmen." Seven law school advocates collectively sent twelve letters to ten Congressmen from November 15th, 2006 to December 15th, 2006 to persuade each Congressmen to expedite the legislative process. This was during the time period when the enactment of the LPGS Act (2007) had been delayed for over a year since the administration of Roh Moo-hyun submitted the bill in October of 2005. One advocate sent continuous letters to one Congressman

in three to four day intervals, and the PSPD made this public through the Internet and the press.⁵³ In order to urge enactment, they wisely put the burden on each member of the NA, elected officials who were conscious of their electorate.

Other NGOs

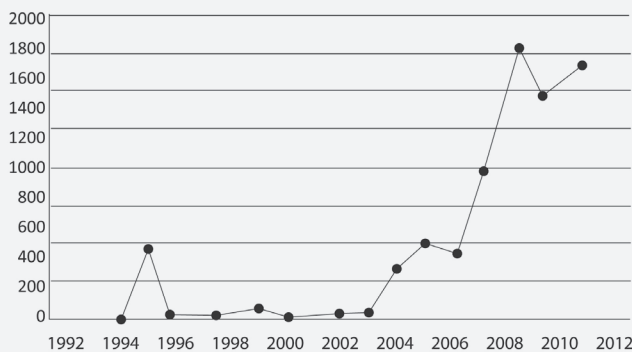
In the meantime, the Democratic Legal Studies Association (DLSA), Min-ju-ju-ui Beobhak Yeon-gu-hoi also produced opinions on the judicial reform and law school agenda. Compared to the PSPD, however, responses to these two organizations were less consistent. The members of the DLSA are mostly legal academics rather than lay people. The DLSA pursues the democratization of the legal system and legal studies in Korea.⁵⁴ The Human Rights Solidarity for New Society, the Sae-sahoi-yeon-dae, has produced a broader perspective on judicial reform and human rights issues than the DLSA after the reform.

Although it is a lawyer's association and not an NGO, the Minbyun, Lawyers for a Democratic Society⁵⁵ have keenly cooperated with the PSDP for other legal reform issues, but have not been a passionate advocate for the reform of the legal profession. Despite the fact that the Minbyun have been the symbol of an active bar of Korea that has had a profound impact on Korea's liberal transformation, their occupational interests as legal professionals could not easily align with democratic reformists.

Public attentions

There were some signs that the introduction of the U.S.-style law school rapidly attracted public attention. Their perception of reform of the legal profession has been developed through NGOs and the media during the reforms. The number of newspaper articles on the topic provides an example. As Table 1 shows, the media first reported the emergence of the "law school" in 1995. There were 340 articles searched by related term "law school" from January of 1994 to December of 1995, while that number decreased drastically in 1996. In 1999, a slight increase reappeared, but dropped again in 2000. It was not until 2004 that the number of articles sharply increased again. During 2004 to 2005, "law school" or "professional graduate law school"-related articles drastically increased.

Table 1: Newspaper Articles Titled "Law School" by Year (1994-2010)⁵⁶



Source: Mediagaon, Korean Press Foundation, <http://www.kinds.or.kr/> (last visit: Apr. 26, 2011).



From 1994 to the mid-2000s, public concerns fluctuated depending on how often the media or the press released relevant articles. Non-legal professionals could not obtain information through other sources, since the legal profession had limited their access under the Pre-Reform system. However, as people gained access to information, they voiced their opinions online. Table 1 also shows that the number of articles on reform has drastically increased since the LPGA Act (2007) was enacted.⁵⁷

Besides these NGOs, the coalition of the law professors of local universities occasionally cooperated with each other to form a united front. They held press conferences and demonstrated in front of the NA building, pressing the NA to pass the LPGA Act (2007) as the legislature continued to stall.

THE TRANSITION FROM A PRE-REFORM TO A POST-REFORM SYSTEM

The Supreme Court's Resolution

For many years, the Supreme Court judges, similar to prosecutors and practicing attorneys, opposed the reform. The Supreme Court had traditionally controlled legal professional training under the Pre-Reform system by running the Judicial Research and Training Institute (JRTI).⁵⁸ Meanwhile, former Chief Justices Yoon Gwan (Sept. 1993–Aug. 1999)⁵⁹ and Choi Jong Young (Sept. 1999–Aug. 2005) were too conservative to positively react to the reformists.⁶⁰ Justice Lee Hoi Chang⁶¹—the former Supreme Court Justice (1988–1993) and the former Prime Minister (Dec. 1993–Apr. 1994)—also vigorously opposed an increase in the number of lawyers.⁶² He argued to lower the annual cap of the judicial exam to less than 300, even in the early 2000s.

During the first reform period, the Supreme Court, in cooperation with the PCPG, suggested the final proposal on reform of the legal profession. The final report of the reform, however, seemed to be more like a political bargaining tool among the president, the PCPG members appointed by the president, and the Supreme Court, the representative of all other legal professions. Instead of transforming the Pre-Reform system, the Supreme Court compromised to increase the annual number of individuals who passed the judicial exam. In Period 2 (1998–1999), the Supreme Court was less involved in the reform process itself, but wisely began to prepare for when the reforms would take place.⁶³

In 2002, the Supreme Court unexpectedly did a complete turnaround, and consented to abolish the Pre-Reform system and implement a postgraduate-level legal education system in Korea. Its decision obviously embarrassed the prosecutors and the KBA. Even the reformists during Period 3 confessed that they did not anticipate the Supreme Court's cooperation in the early term of the reform.⁶⁴ The Supreme Court's conciliation accelerated the reform of the legal profession in Period 3 (2003–2007). Through its decisive cooperation, the Supreme Court obviously took the initiative. Above all, the JRC was established as an advisory committee to the Chief Justice of the Supreme Court, not as a

presidential council. The JRC, in the final report released in December of 2004, officially recommended adopting a legal professional graduate school system.⁶⁵ It appeared the Supreme Court wanted to lead the legal reform, perhaps because its active leadership on the matter would be the best way to protect their professional interests.⁶⁶ It is probable that judicial elitism moved the Supreme Court to be the leaders of the last phase of the legal reform ahead of practicing lawyers or prosecutors. The Supreme Court also represented all the other legal professionals, namely the prosecutors and the practicing lawyers.

In sum, in the beginning of Period 3, the Supreme Court changed its position and promoted legal education reform. The Supreme Court persuaded the prosecutor's office and the KBA to agree to the law school proposal. This study carefully focuses on this momentum that provided a crucial turning point in the tedious law school debates. Through in-depth interviews and research, the study found two fundamental reasons that the Supreme Court changed its position: one internal, and the other external.

Judicial Crisis and the External Demands of Reform

The Supreme Court internally experienced organizational change. In 1971, the first judicial crisis occurred. 150 young judges turned in their resignation en masse to protest governmental measures such as frivolous bribery charges filed against a few non-cooperative judges and others. These judges interpreted these charges as threats to judicial independence. In July of 1971, the South-Northern district courts made a joint declaration. In 1988, after Roh Tae-woo's administration was inaugurated, the second judicial crisis occurred. 330 judges demanded the resignation of the Chief Justice and the transformation of the constitution of the Supreme Court. Chief Justice Kim Yong Cheol resigned. When 40 judges submitted the judicial reform proposal to the Kim Young-sam administration in 1993, the Chief Justice Kim Deok-ju also resigned, which created a third judicial crisis. Three public, external "judicial crises" encouraged the people to distrust the judiciary, and the fourth judicial crisis had a decisive effect on the Supreme Court's position.

As Ginsburg (2004) described, the Chief Justice is a central figure in determining the relative independence and professionalism of the judiciary in Korea. The Chief Justice can either be a channel for political influence or a wall of insulation from such influence.⁶⁷ The Chief Justice is nominated by the president with the consent of the NA. He nominates Supreme Court Justices and exercises administrative control over the entire judiciary to a degree not usually found in Korean democracies.⁶⁸ During each period of reform, Chief Justices, either officially or unofficially, held meetings with the Presidents.

Reformists have also demanded, especially under Roh's administration, that the nomination of Supreme Court Justices no longer reside exclusively in the hands of the Chief Justice. In addition, several events occurred internally to impact reform. First, Chief Justice Choi Jong Young conventionally nominated a Gwangju High Court judge, Kim Yong-dam, who was vetoed by young judges. The Chief Justice ignored nominations from citizen groups of potential nominees who were younger and



more diverse than the senior candidates. On August 12th, 2003, the president of the KBA, Park Jae-seung, and the Minister of Justice, Kang Geum-sil, walked away during the nomination committee meeting. The next day, another judge, Park Si-whan, held a press conference and resigned in protest of the conventional practices of the Supreme Court. A compact under the joint signatures of 159 junior judges was circulated, demanding judicial reform.⁶⁹ It is called the fourth judicial crisis, which was recorded as a landmark event in Korean political history. The Supreme Court stepped back to ward off public criticism.⁷⁰ It appeared that the Supreme Court made an effort to avoid introducing the election system to maintain its authority to nominate judges, but it gave up the JRTI and compromised by introducing the law school system, which would not hurt its position as severely.

Also, when President Roh nominated Lee Yong Hoon (Sept. 2005–present) as Chief Justice in 2005, the Supreme Court did not officially oppose the administration or reformists. Justice Lee was President's Roh's legal counsel when Roh was impeached by the NA on March 12, 2004. As such, on May 12th, 2004, the Constitutional Court of Korea held that Roh's infringement was not unconstitutional.⁷¹ After Lee's appointment to the Supreme Court in 2005, his tendency was presumably for positions supported by the president. The Supreme Court even gave up the JRTI, which it had established and managed. In addition to these political reasons, the Supreme Court judges and the JRTI admitted that the JRTI training, originally designed to raise judges and prosecutors as bureaucratic officials, rather than raise a diverse legal profession, was insufficient for training practicing attorneys. Of the more than 2,000 JRTI apprentices, only 300 would be appointed to be a judge or prosecutor.⁷²

Internal Demands of Reform

The judiciary has seen an expansion in its role and status as litigation increases.⁷³ Among judges, the debate was whether to reform the system so that judges were appointed by election, like in the U.S. system. One reason for this debate was that judges and the judiciary had been criticized for their authoritative or bureaucratic characteristics, especially under the military authoritarian regimes from the 1960s through the 1980s. During two periods of reform (from 1995 to early 2000), judges had developed arguments about law school reform based on their own research and studies. Since the Judicial Policy Research Department (JPRD)⁷⁴ was established under the NCA, it has been manned by the most promising and brightest young judges since 1994.⁷⁵ The NCA judges are considered the most elite judges in Korea, serving in Seoul-centered courts, often nominated as Justices in the Supreme Court or other executives in the government.⁷⁶ When the reforms failed in the 1990s, these judges had time to compare the legal systems of Korea and the United States. One key proponent of the reform reminisced that members of the NCA in the years 1995 and 2002 were distinctly different. Those young judges, who were in their early forties, autonomously organized several studies and research teams to prepare for future reform.⁷⁷ According to a survey conducted by the Supreme Court from June 2nd-7th, 2004, 55% of the respondents out of 1,910 (836 judges, 1,074 court officials) supported the

introduction of the postgraduate law school.⁷⁸ Six out of nine expert members of the JRC also supported the introduction of a law school system by that time.

Moreover, younger generations who were more “Americanized” and less conservative, had a better appreciation for the U.S.-style legal system. The NCA facilitated judges studying abroad, especially in the United States, since the late 1990s. There, they conducted practical in-depth research and obtained first-hand experience of the U.S. legal education system. The younger generation was more open to reform than prosecutors, practicing attorneys or older judges. They were also open-minded about communicating with legal academics and obtaining support from law professors.⁷⁹ The judges who have been actively involved in judicial reform under Roh’s administration were from the JPRD.

Based on its own research and study, the Supreme Court seemed to conclude that the Korean legal system could become more adversarial than bureaucratic through the U.S.-style legal professional training system.⁸⁰ One suggestion for reform was to nominate judges who had at least ten years of experience rather than those who were just young and smart exam passers in their twenties or early thirties. Courts realized that reform would not harm the status of existing judges. Even if the number of lawyers increased under the reformed system, the judiciary would maintain its small size, and law school graduates and experienced lawyers would still aspire to join the judiciary. The prosecutors, on the other hand, would lose the power that they enjoyed under the previous legal professional training system. Thus, with the introduction of the law school, the prosecutors’ influence appears to have been weakened more than the judiciary. The Supreme Court concluded that the new system would probably make the judiciary less likely to succumb to the power of the prosecutors, thereby strengthening the judiciary.

CONCLUSION

This article illuminates recent reform of the legal professional training system in Korea. It precisely traces a wide variety of participating agencies, ranging from administrations as policy entrepreneurs to NGOs, their tangled interests and transitions, towards the final choices in adopting the law school system.

Since a few reformists proposed to introduce the postgraduate legal education system in 1995, Korea has finally adopted the U.S.-style postgraduate law school system in 2007. In Korea, it took over twelve years for the administration to submit a bill for legal reform, and for the National Assembly to finally pass legislation to establish a U.S.-style law school in Korea. When Japan intensively discussed similar reform between 1999 and 2001, adopting the U.S.-style law school system as co-optation tactics of traditional powerful actors, the LDP and big business played significant roles.

By focusing on diverse agencies that appeared during reform of the legal profession in Korea, this article shows how existing legal professionals, represented by judges, prosecutors, and practicing attorneys had been strongly against the reform. Although the administration had propelled the reform of the legal profession since the early 1990s, the previous two periods of reform



had revealed that the reform failed without the consent of the established bar and legal professionals. However, neither big business nor the existing legal profession, including the Korea Bar Association (KBA) was enthusiastic about reforming the Pre-Reform system. The roles of two groups, i.e., the legal academia and the NGOs, seemed to have the greatest impact on Korea's legal reform, while the business sector and prosecutors had less involvement.

The study, nevertheless, concludes that the Supreme Court's unexpected shift conclusively propelled the reforms under the Roh's administration since 2003. The legal profession took the lead as it tried to control the number of new law schools and practicing attorneys under the post-reform system. The study stresses that the Supreme Court confronted both internal and external demands to reform itself, and that it changed its position from opposition to proposition to introduce a postgraduate-level legal education in Korea.

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2. Mayumi Saegusa, *Why the Japanese Law School System Was Established: Co-optation as a Defensive Tactic in the Face of Global Pressures*, 34 LAW AND SOC. INQUIRY 365, 365-366.
3. Saegusa, Id.
4. Setsuo Miyazawa, *The Politics of Judicial Reform in Japan: The Rule of Law at Law?*, 2 ASIAN-PAC. L. & POL'Y J 89, 89-121 (2001).
5. Saegusa, *supra* note 2, at 373-374, 391.
6. Saegusa, *supra* note 2, at 390.
7. For the Korean political dynamics, see Ginsburg, *supra* note 1, at 50-55; DAE-KYU YOON, *Law and Democracy in South Korea: Democratic Development since 1987*, 16-19 (2010); Kyong Whan Ahn, *The Influence of American Constitutionalism on South Korea*, 22 S. ILL. U. L.J. 71, 74-75 (1997). The year 1987 is a landmark in the Korean democratization history. Over 30 years of military dictatorship and continuing authoritarian regimes concluded in that year. Furthermore, it marked an ambitious leap toward bottom-up democracy from an era of top-down politics.
8. Appendix A.
9. Segyehwa chujin wiwonhoe [Presidential Council for Promoting Globalization] (hereinafter). There is no unified official English translation for the each committee's name. Therefore, previous studies provided slightly different translations of the committee's name. This study provides translation of each committee's name based on the original meaning. See Appendix A.
10. Segyehwa chujin wiwonhoe gyujung [Rule of the Presidential Council for Promoting Globalization], Presidential Decree No.14504, Dec. 31, 1994, art.1 (S. Kor.) (hereinafter *Rule of Presidential Council*). This provides that the government establishes the Segyehwa chujin

wiwonhoe under the Prime Minister as a deliberative body to consider and perform the globalization policy by enhancing the political, economical, social, and cultural environments in order to cope actively with the changing international orders and circumstances and efficiently promote cooperation within the international society in the twenty-first century.

11. *Id.*; Beobryul Service mit Beobhak Gyoyukui Segyehwa Juyo Jaryojib [Collective Reports on the Globalization of Legal Service and the Legal Education] (12. 1995) at 9–129.
12. Park, Se-Il is the former Senior Secretary of the Presidential Commission on Policy Planning at Presidential Office of Korea (1994–1998) under the President Kim, Young-sam government. He is also the former President of the Education Reform Forum Korea and served as the 17th Member of the NA, belonged to the *Han-nara dang* [Han-nara Party] which was an opposition party under the President Roh Moo-hyun's term. Currently, he is the President of HANSUN FOUNDATION, People, <http://hansun.org/eng> (last visited: May 12, 2011), and a Professor of Graduate School of International Studies at SNU.
13. Interview with Se-Il Park, Former Senior Secretary of the Presidential Commission on Policy Planning at Presidential Office of the Republic of Korea (1994–1998), in Seoul Korea, (May 4, 2010 and May 11, 2010).
14. Several interviewees, especially the Korean initiatives in Period 1, commonly stressed that they were more welcomed by Japanese legal scholars and officials at that time because the Korean legal profession strongly opposed to the idea.
15. Cham-yeo jeongbu: President Roh's pre-presidential political career focused on human rights advocacy for student activists. Roh's election was notable for the arrival to power of a new generation in Korean politics, the 386 Generation, (i.e., it refers to the generation of South Koreans born in the 1960s who were very active politically as a young generation and instrumental in the democracy movement of the 1980s. The term was coined in the early 1990s, hinting at the then-latest computer model, the "386," and referring to people then in their thirties who attended university in the 1980s. As time progressed, they are now called the "486 Generation" as they move through their forties. Perhaps they will be called the "586 Generation" in ten year.
16. Sabeob gaehyuk wiwonhoe [Judicial Reform Committee] (hereinafter JRC).
17. DAE-KYU YOON, LAW AND DEMOCRACY IN SOUTH KOREA: DEMOCRATIC DEVELOPMENT SINCE 1987, 127–128 (Explorations in Korean Studies, 2010).
18. The JRC was composed of twenty-one members: The chairman (a lawyer); the vice chairman (a judge from the National Court Administration [NCA] of the Supreme Court); two judges (from the NCA), two public prosecutors (from the MOJ); two practicing lawyers (from the KBA); two law professors; the Vice-Minister of the MOE and the General Counsel of the Ministry of National Defense (representatives from the administration); two representatives from NGOs (a lawyer and a law professor); two representatives from the mass media; one representative from the Legislation and Judiciary Committee of the NA; one representative from the Constitutional Court (a former senior judge); one member representing business groups; one member representing labor (a lawyer); and one representative from a women's organization. Materials of the JRC's 27 plenary meetings and 13 division committee's meetings held from Oct. 28, 2002 to Nov. 15, 2004, available at *Sabeob gaehyuk wiwonhoe under Jeong bo gwang jang* [Information and Resources], SUPREME COURT OF KOREA. http://www.scourt.go.kr/information/jud_rfrm_comm/mtng_status/index.html
19. *Sabeob jedo gaehyuk chujin wiwonhoe* [Presidential Committee for Promoting the Judicial Reform] (hereinafter PCPJIR) published two white papers completing its project in December 2006. It contained the name of members, discussions, and legal reform bills that the PCPJIR finalized. PCPJIR, PRESIDENTIAL COMMITTEE FOR PROMOTING THE JUDICIAL REFORM, SABEOB JEDO GAEHYUK CHUJIN BAEKEO [PRESIDENTIAL COMMITTEE FOR PROMOTING THE JUDICIAL REFORM WHITE PAPER] (2006).
20. Sabeob jedo gaehyuk chujin wiwonhoe gyujeong [Rule of the PCPJIR], Presidential Decree No.18599, Dec. 15, 2004 (S. Kor.).
21. SEON SOO KIM, SABEOB GAEHYUK REPORT [THE LEGAL REFORM REPORT] (2008), at 18–24.
22. Dai-Kwon Choi, *Judicial Reform in Perspective with Particular Focus on Legal Education*, in JUDICIAL SYSTEM TRANSFORMATION IN THE GLOBALIZING WORLD 287, 289 (2007).



23. Interviews with three law professors, in Seoul Korea, (Mar. 13, 2011; Mar. 15, 2011; May 19, 2010); interviews the former members of the Judicial Reform Committee and the Judicial System Reform Promoting Committee, Il-san, Korea, (Apr. 29, 2010 and Apr. 30, 2010).
24. Yves Dezalay & Bryant G Garth, *International Strategies and Local Transformation: Preliminary Observations of the Position of Law in the Field of State Power in Asia: South Korea*, in RAISING THE BAR: THE EMERGING LEGAL PROFESSION IN EAST ASIA 81, 92–93 (2007).
25. Choi, *supra* note 22, at 311–312.
26. Interview with a professor and one of the PSDP activists, in Seoul Korea, (Mar. 24, 2011).
27. Interviews with reformists, law professors, and business entrepreneurs support this argument.
28. Through the interview with the judicial reformers, law professors, and practicing lawyers, interviewees (including the attorneys themselves) testified that the KBA had weak organizational power.
29. Interviews with a professor of law, in Seoul Korea, (Mar. 10, 13, and 24, 2011).
30. Interview with an attorney at law who was actively involved in the reform, in Seoul Korea, (Mar. 23, 2011).
31. Jung Won Yoo, *Gingeub Gigo, Opposing the Hasty Introduction of Law School System*, 253 GOSI YEONGU 158 (1995); interview with a professor of law, in Seoul Korea (Mar. 16, 2011).
32. The LPGS Act, Article 16 (4) provides that law schools shall secure no less than one-fifth of the number of faculty with practicing attorneys admitted to the bar, either at home or abroad, who have at least five years of practicing experience in related fields.
33. Interviews with law professors and staffs of the PSPD, Seoul Korea, (Mar. 24, 2011).
34. Interview with Dae-Kwon Chio, Emeritus Professor of Law, in Seoul Korea, (Mar. 24, 2011).
35. Dohyun Kim & Sanghie Han, *Civil Litigation in Korea: Trends and Analysis*, in JUDICIAL SYSTEM TRANSFORMATION IN THE GLOBALIZING WORLD 69 (2007).
36. DAI-KWON CHOI & KAHEI (EDS.) ROKUMOTO, JUDICIAL SYSTEM TRANSFORMATION IN THE GLOBALIZING WORLD : KOREA AND JAPAN (2007), at 24. Even police investigation is under the supervision of the prosecutor in that the prosecutors can independently investigate crimes. This is often abused especially when the cases are politically sensitive, involve ranking public officials or *Chaebol* [conglomerate]. The Korean police, therefore, have fought to obtain independent investigation power.
37. TOM GINSBURG, LEGAL REFORM IN KOREA. 11 (2004).
38. Choi, *supra* note 22 오류! 책갈피가 정의되어 있지 않습니다., at 295. The study does not include all the legal reform agenda that shortens the explanation. According to Choi, statutorily, the public prosecutors solely have the authority to indict or to not indict. And the prosecutor's "decision not to indict," while two-thirds of all the constitutional complaints filed at the Constitutional Court are against the public prosecutor's decision not to indict.
39. Choi, *supra* note 22, at 295–296.
40. Jae Won Kim, *The Ideal and the Reality of the Korean Legal Profession*, 2 ASIAN-PAC. L. & POL'Y J. 2, 64 (Feb. 2001).
41. Interview with a professor, in Seoul Korea, (Mar.10, 2011 and Mar. 24, 2011).
42. Interview with Park, Se-Il, in Seoul Korea, (Apr. 30, 2010). The former senior secretary of the Presidential Commission on Policy Planning at Presidential Office of the Republic of Korea (1994–1998), the 17th Member of the NA (May 30, 2003 – May 29, 2008).
43. The word means "five enemies of the judiciary." The original meaning came from the expression, Eulsa-ojeok [Five Enemies in the Years of Eulsa (1905)], the designation of five traitors of the Joseon Dynasty who signed the agreement that allowed Japan control over Joseon. The Korean legal professionals condemned the reformists who proposed to increase the number of lawyers, let the market decide the legal service fee, and to abolish the Pre-Reform judicial examination and the JRTI systems that had fostered and built the existing legal profession.
44. *Supra* note 15.
45. Choi, *supra* note 22, at 290–291.

46. For example, top universities including the SNU, Korea, Yonsei, Ewha, Seongyunkwan, Hanyang, and Sogang newly hired six to eleven new faculty members from courts, prosecutor's offices and big law firms during the summer of 2007. The total number, however, was estimated at 500 nationwide, considering 47 universities out of 98 prepared to apply for the accreditation.
47. Dae-Won Kim, Law School Yuchijoen [Law School War], MK NEWS (Oct. 16, 2007), available at <http://news.mk.co.kr/v3/view.php?year=2007&no=559896>; Yi-Seok Oh & Ji-Yoon Park, SEOUL NEWS (Sept. 5, 2007), available at <http://www.seoul.co.kr/news/newsView.php?id=20070905015002>
48. Not only because the LEC set high standards for accreditation based on the legislative purpose, but also because the new system presumed a limited cap for the total number of law schools and an allotted cap for each of them, universities applying for the new law school had overinvested to win a bid; investment reached roughly 202.0 billion USD for building construction and required facilities during 2004 to 2007 (as of July 4, 2007). Moreover, it is estimated that the universities have spent hundreds of millions scouting for law faculties among highly prestigious law firms or other related fields of practice, Kyunghyang Shinmun (July 5, 2007), at 3; Muhwa Ilbo (Aug. 23, 2007). The former MOE estimated that those universities preparing for the new law school application had invested approximately 40 billion USD only for the construction of exclusive law libraries, lecture rooms, moot court rooms, and new faculty recruitment,
49. Byung-Il Kim & Tae-Woong Jeong, *Adopting Law School, 40 Universities Have Spent Over 200 Billion USD*, HANKUK GYEONGJE, (Mar. 7, 2007), available at
50. <http://www.hankyung.com/news/app/newsview.php?aid=2007030746731>; Sung-Soo Kim, Law School Investment 116 Billion USD on Average, (Oct. 6, 2008), at 10, also available at <http://www.seoul.co.kr/news/newsView.php?id=20081006010006> Even the interests among the 25 law school professors are divided, depending on each law school's cap, which ranges from 40 to 150. Interviews with law professors and activist of the PSPS, in Seoul Korea, (Mar.13, 14, 15, 2011). The People's Solidarity for Participatory Democracy (PSPD) was established in 1994 with the support of over 200 members as a civil (non-government) organization. The PSPD has been dedicated to promoting justice and human rights through participation in Korean society. The PSPD has been playing a role as a watchdog against the abuse of power. The PSPD evokes public awareness through campaigns, questioning social and political activities, filing administrative and public litigations, and petitioning legislation. The Civil Actions for 2000 General Election (the CAGE) and the Minority Shareholders' Campaign might be said to be the most successful activities. The PSPD has developed and coordinated a wide range of activities to bring about a systematic reform and to suggest counterproposals to various government policies and agendas. The PSPD has regarded independence and consistency as the most crucial principles of being a watchdog of power: About PSPD, PEOPLE'S SOLIDARITY OF PARTICIPATORY DEMOCRACY (2010) <http://blog.peoplepower21.org/English/20789> ; Tom Ginsburg, Law and the *Liberal Transformation of the Northeast Asian Legal Complex in Korea and Taiwan*, in FIGHTING FOR POLITICAL FREEDOM: COMPARATIVE STUDIES OF THE LEGAL COMPLEX AND POLITICAL CHANGE 43, 51–53 (2007).
51. Chosun Ilbo [Chosun Daily News] published reform-related articles serially in 1994 and 1995.
52. They were the "386 Generation" as well. See, supra note 15.
53. *The Reason Why We Support Law School: Law School Advocates' Letters to The members of the NA*, THE PEOPLE'S SOLIDARITY FOR PARTICIPATORY DEMOCRACY (Jan. 25, 2007) <http://blog.peoplepower21.org/Judiciary/18411>; THE HANKYOREH, <http://english.hani.co.kr/arti/SERIES/92/> (last visited: May 12, 2011).
54. *Purpose of the Association*, DEMOCRATIC LEGAL STUDIES ASSOCIATION (Month Day, Year of publication), <http://delsa.or.kr/zbx/?mid=activity>
55. MINBYUN, <http://minbyun.org/english/> (last visited: May 12, 2011).
56. I counted ten newspapers from Jan. 1, 1995 to Apr. 30, 2011 through the Korean Integrated Newspaper Database System (KINDS): <http://www.kinds.or.kr> (last visited: May 12, 2011). See Appendix B.
57. See Appendix C.
58. Tom Ginsburg, *Transforming Legal Education in Japan and Korea*, 22 PENN ST. INT'L L.REV. 433, 438 (2004).
59. The Supreme Court Justice's term in office is six years in Korea.



60. Interviews with Se-Il Park, the former reformers, in Seoul Korea, (May 11, 2010); interview with a professor of law, Pohang, Korea, (Mar. 14, 2011).
61. He, as the head of the main opposition party *Hannara*, was defeated in the presidential elections in 1997 and 2002.
62. He passed the judicial exam in 1957 when he was senior at SNU School of Law.
63. The Supreme Court seemed to recognize the problems of the existing legal professional training system before reform of the legal profession was issued in 1995 by the government. See, NATIONAL COURT ADMINISTRATION, BEOJJO ILLYUK YANGSEONG E GWANHAN GAKGUK UI JEDO BIGYO [COMPARATIVE STUDIES ON THE LEGAL PROFESSIONAL TRAINING SYSTEM OF EACH COUNTRY] (1995).
64. One of the JRC members testified that he was astonished in the first meeting of the JRC by the Supreme Court's concrete decision on the introduction of postgraduate law school, Interview with Sang Hie Han, Professor of Law, in Seoul Korea, (Mar. 19, 2011).
65. Hoyoon Nam, *U.S.-Style Law School ("Law School") System in Korea: Mistake or Accomplishment?*, 28 FORDHAM INT'L L.J. 879 (2005); Chang Rok Kim, *The National Bar Examination in Korea*, 24 WIS. INT'L L.J. 243, 247-249 (2006).
66. Choi, *supra* note 22, at 309.
67. TOM GINSBURG, LEGAL REFORM IN KOREA (2004), at 11.
68. *Id.* at 10- 11.
69. THE HANKYOREH, *DAEBEOBGWAN JECHEONG PAMUN* [A Stir Created by the Justice Recommendation],
70. <http://www.hani.co.kr/section-005000000/2003/08/005000000200308171722468.html> (Aug. 17, 2003, 17:22 PM).
71. Interview with Kuk-Woon Lee, Professor of Law, Pohang, in Korea, (Mar. 13-14, 2011). The KBS, the public broadcasting station of Korea, held a public debates on August 16, 2003 titled, *"Justice of the Supreme Court, who should be nominated?"*, available at http://www.kbsmedia.co.kr/Shops/ProductView.php?prod_code=8535&ProdClass=0102 (last visited: May 12, 2011).
72. Jonghyun Park, *The Judicialization of Politics in Korea*, 10 ASIAN-PAC. L. & POL'Y J. 62, 67-72 (2008).
73. Interviews with four current Judges, former members of the JRC or the PCPJR from 2003 to 2004, in Seoul and Il-san, Korea, (Apr. 29, 2010 and Mar. 23, 2011).
74. Ginsburg, *supra* note 67, at 10- 11.
75. *Sabeob jeong jeongchak yeon-gu-won* [Judicial Policy Research Department] (hereinafter JPRD)
76. Interview with Hyung-Du Kim, judge, and former Judicial Policy Deliberation Judge of the JPRD at the NCA of the Supreme Court in Period 3, in Seoul Korea, (Mar. 23, 2011).
77. For example, the former Chief Justice Yang Seung Tae, a nominee Justice Lee Sang Hun, and current Prime Mister Kim Hwang-sik of Lee Myong-bak administration were former vice presidents of the NCA before they were nominated as a Justice. From 1980 to 2009, 12 out of 76 Justices had served as president or vice president, Kwonh-hyun Jung, Jingol pansa, Seong-gol pansa [Jingol Judges and Seong-gol Judges], CHOSUN.COM OPINION, (Feb. 10, 2011 23:12 PM),
78. http://news.chosun.com/site/data/html_dir/2011/02/10/2011021002214.html (hereinafter *Jingol Judges and Seong-gol Judges*).
79. Generally speaking, the top 100 JRTI trainees tended to apply for the bench, while the next 100 to 150 served in the prosecutor's offices for their first career in the Korean legal profession. The rest of the JRTI apprentices practice law in either a big law firm, boutique, or a company.
80. LAW PEOPLE, *Sabeob-bu Anpak, Law School Do-ip Choilgi [In and out, Impending to the Law School Introduction]*, <http://www.lawpeople.co.kr/print.htm?newsid=200406300017> (last visited: May 12, 2011).
81. Interview with a professor of law, Pohang, in Korea, (Mar. 13-14, 2011).
82. ROBERT KAGAN, *ADVERSARIAL LEGALISM : THE AMERICAN WAY OF LAW* (2001); Robert A. Kagan, *Globalization and Legal Change: the "Americanization" of European Law?*, 1 REGULATION & GOVERNANCE 99, 102-104 (2007).

Appendix A					
Period	President	Committee of Reform of the Legal Profession	Reform Agenda	Characteristics	Outcome
Period 1 (1995-1996)	Kim Young-sam (1993-1997)	A. Presidential Council for Promoting Globalization (PCPG) (January–December 1995) Presidential	Legal education reform was first officially suggested	Globalization	Fail
Period 2 (1998-1999)	Kim Dae-jung (1998-2002)	B. New Education Community Reform Committee (NECRC) (June 1998–June 1999) Presidential (Ministry of Education) C. Judicial Reform Promoting Committee (May1999–May 2005) Presidential (Ministry of Justice) Two presidential committees with different (opposite) perspectives co-existed	Previous arguments were continued (passive)	Education Reform	Fail
Period 3 (2003-2007)	Roh Moo-hyun (2003-2007)	D. Judicial Reform Committee (JRC) (August 2003–December 2004) Supreme Court E. Presidential Committee on Judicial Reform System (PCJRS) (January 2005–December 2006) Presidential	The administration turned to legislation, submitting a bill to the National Assembly	Decentralization/Power Redistribution	Succeed (Enactment)
Committees and Characteristics of Reform of the Korean Legal Profession (1995–2007)					

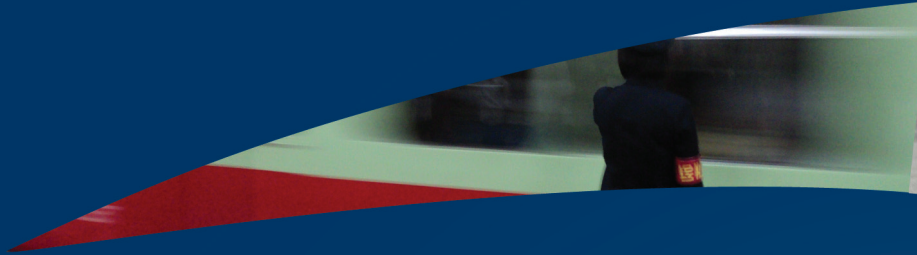


The Number of Newspaper Articles Searched with Keywords “law school” Before the Establishment and the Management of the Legal Professional Graduate School Act was Passed by the National Assembly (Jan. 1, 1994–July 3, 2007)

Appendix B													
1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	July 3, 2007
0	340	22	6	18	86	7	37	22	47	279	409	320	278
Source: ASIATODAY, www.asiatoday.co.kr ; SEOUL NEWSPAPER, www.seoul.co.kr ; THE KUKMIN ILBO, www.kukinews.co.kr ; THE HANKOOK ILBO, http://news.hankooki.com ; THE SEGYE ILBO, www.segye.com ; The DONG-A ILBO, www.donga.com ; THE HANKYOREH, www.hani.co.kr ; THE MUNHWA ILBO, www.munhwa.com ; THE KYUNGHYANG SHINMUN, www.khan.co.kr ; THE NAEIL SHINMUN, www.naeil.com													

The Number of Newspaper Articles Searched with Keywords “law school” After the Enactment of the Establishment and the Management of the Legal Professional Graduate School Act. (July 4, 2007–Apr. 30, 2007)

Appendix C													
Search Word	7.4.–12. 31, 2007	2008	2009	2010	1.1.–4.30, 2011	2000	2001	2002	2003	2004	2005	2006	July 3, 2007
“Law School” (1)	995	1,598	940	802	556	7	37	22	47	279	409	320	278
“Legal Professional													
Graduate School” (LPGS) (2)	619	1,038	897	1,235	479								
“Law School” AND “LPGS” (3)	575	800	307	331	195								
1+2-3	1,039	1,836	1,512	1,706	840								
Source: ASIATODAY, www.asiatoday.co.kr ; SEOUL NEWSPAPER, www.seoul.co.kr ; THE KUKMIN ILBO, www.kukinews.co.kr ; THE HANKOOK ILBO, http://news.hankooki.com ; THE SEGYE ILBO, www.segye.com ; The DONG-A ILBO, www.donga.com ; THE HANKYOREH, www.hani.co.kr ; THE MUNHWA ILBO, www.munhwa.com ; THE KYUNGHYANG SHINMUN, www.khan.co.kr ; THE NAEIL SHINMUN, www.naeil.com													



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