

**The Sho Sato Program in Japanese and U.S. Law,
UC Berkeley School of Law**

and

**The Institute of Clinical Legal Education,
Waseda University**

**Co-Sponsored by Japan's Science Research Fund Group of Clinical Legal Education
and UC Berkeley School of Law's Clinical Program**

**THE 2013
SHO SATO CONFERENCE**

**Legal Education Within and
Without the Academy:
Meeting New Challenges in Japan
and the United States**

**Monday, and Tuesday
December 16 and 17
Warren Room, School of Law
UC Berkeley**

Legal Education Within and Without the Academy: Meeting New Challenges in Japan and the United States

MONDAY, DECEMBER 16

8:30 Continental Breakfast - Warren Room, Berkeley Law

9:00 Welcome

Gillian Lester, Acting Dean, UC Berkeley School of Law

Yoshitaka Wada, Director, The Waseda Institute of Clinical Legal Education

SESSION I: SETTING THE STAGE

THE LEGAL ACADEMY AND THE PROFESSION IN JAPAN AND THE UNITED STATES: PREPARING LAWYERS TO PRACTICE

Moderator: *Harry N. Scheiber, UC Berkeley School of Law*

9:15 Keynote: “Birth Pains of Law Schools in Japan: Transition from the Old-Fashioned Apprenticeship Training to the Professional Legal Education in Academic Environments”
Shigeo Miyagawa, Waseda University Law School

It has been ten years since 74 law schools opened in Japan in 2004. They suffer a continuing decline in applicants and a stagnant bar exam passage rate. Despite the difficulties, law schools changed the locus of professional legal education from the on-the-job apprenticeship training to the university environments. Professor Miyagawa will discuss what reforms took root and what challenges the Japanese law schools continue to face.

9:45 Keynote: “Professional Legal Education and Apprenticeships in the United States: Past, Present and Future”
Charles D. Weisselberg, UC Berkeley School of Law

During the last century, graduate professional law schools displaced apprenticeships as the primary path into the legal profession in the United States. Although schools have assumed this central role, debates persist about whether or how well the academy prepares students for the practice of law. These debates are particularly salient now, as school applications and the demand for law graduates have declined, the profession may be restructuring, and the bar insists that schools do more. Will we return to an apprenticeship model?

10:15 Discussion with speakers and audience

10:30 Break

**SESSION II: CHALLENGES OF LAW SCHOOLS AND
PRESSURES TO RESTRUCTURE WITHIN AND WITHOUT THE ACADEMY
DECLINE IN APPLICANTS AND DIFFICULTIES IN FINDING JOBS: HOW JAPANESE AND U.S. SCHOOLS
ADDRESS THE CHALLENGES**

Moderator: Satoru Shinomiya, Kokugakuin University Law School

10:45 “The Pathetic Case of Japanese Law Schools: Defective Birth, Unhealthy Growth, Remarkable Achievements, and Imminent Death”

Setsuo Miyazawa, Aoyama Gakuin University Law School & UC Hastings College of the Law

From the perspective of one of the scholars and practitioners who proposed to introduce a purer form of post-graduate professional law schools in around 2000, Professor Miyazawa will discuss how the birth of the present system of Japanese law schools was defective, how they have had to grow under adverse conditions, what they have achieved in spite of those conditions, and how the entire system is facing an imminent death as a result of the rapidly expanding preliminary examination. The speaker will conclude with a contemplation of a few possible scenarios for the survival of the system.

11:10 “Getting Our Head Out of the Sand: Can American Law Schools Take the Bold Steps Needed to Remain Viable Institutions?”

Shauna Marshall, UC Hastings College of the Law

Given the tight job market, the escalating cost of a public or private legal education, the declining applicant pool, and the limited role employers are willing to play training recent graduates, is the current model of legal education working effectively students or employers? To adapt to this new environment, law schools must re-examine the way they deliver their product, including their cost structure and the role of their faculty. This session will examine ways of meeting these challenges and look at whether it is possible for law schools to make necessary changes without losing their historical role of being a vehicle for social mobility and social change.

11:35 Discussion with speakers and audience

12:00 Lunch Break

**SESSION III: THE PERSISTENT “JUSTICE GAP”
TOO MANY LAWYERS BUT NOT ENOUGH JUSTICE?
LACK OF ACCESS TO LEGAL SERVICES,
DESPITE MORE LAW SCHOOL GRADUATES**

Moderator: Elisabeth Semel, UC Berkeley School of Law

1:30 “Unfulfilled Demand of Legal Services Despite the Difficulty in the Job Market for Novice Lawyers Supplied by the Law School System”

Takuo Yamaguchi, Esq., Attorney, and Tsukuba University Law School (Visiting)

By launching the law school system in 2004, Japan almost doubled the number of lawyers. Yet, the access to legal services in rural areas, among the indigents and for small businesses, remains difficult, and the conservative mind-set of lawyers and the society fails to diversify the business

model of the legal profession. Professor Yamaguchi will examine what the ten-year-old Justice System Reform has achieved and not yet achieved in Japan.

- 1:55 “The Lawyer-Justice Conundrum: Can Law Schools Help to Fill the Justice Gap?”
Jeffrey Selbin, UC Berkeley School of Law

By many accounts, the U.S. has an oversupply of lawyers, including many law school graduates who are under-prepared and under-employed. At the same time, experts estimate that 80 percent of the civil legal needs of the poor go unmet, as federal funding for legal services has waned in recent decades. Professor Selbin will describe law school efforts to prepare students for practice and to bridge this justice gap, including emerging opportunities and constraints.

- 2:20 Discussion with speakers and audience

- 2:45 Break

SESSION IV: RESTRUCTURING WITHIN RECENT REFORMS IN JAPANESE AND U.S. LAW SCHOOLS

Moderator: Professor Yoshitaka Wada, Waseda University Law School

- 3:00 “Ambitious Curricular Efforts Welcomed at First but Declined Now: What and How Should It Be Done in the Globalized Environment with ‘Justice Gap’?”
Toshiro Ueyanagi, Esq., Attorney, Formerly University of Tokyo Law School

Since the law school system started in 2004, ambitious curricular efforts have been made to train novice lawyers for the cutting-edge areas of legal practice, including the development of the practice-ready lawyers for the globalized and transnational environment of legal practice. Such efforts were aimed at closing the “justice gap” in demand and supply of lawyers capable in international legal transactions. These efforts seem to be welcomed in the early few years at Japanese law schools, but not so much in later years. The speaker will discuss examples of such efforts and their prospects.

- 3:25 “Curriculum Innovation in a Time of Crisis: U.S. Responses to the Call for ‘Practice Ready’ Graduates”
Deborah Maranville, University of Washington School of Law

As U.S. law schools respond to the call for “practice ready” graduates, a variety of models are emerging for creating a more coherent curriculum. Key issues are how can legal education better integrate skills and professional values into the curriculum as a whole, and how might the curriculum be structured to build students’ knowledge and skills in a thoughtfully sequenced fashion. What models are emerging in this effort and what do we know about them?

- 3:50 Discussion with speakers and audience

- 4:10 Panel discussion on persistent problems in law schools, the role of law schools, and the “Justice Gap.” Can U.S. schools innovate to meet the challenges of today’s legal and economic environment? Can Japan’s law schools fulfill the vision of the reformers who advocated for the establishment of professional law schools?

- 5:00 Session concludes

TUESDAY, DECEMBER 17

8:30 Continental Breakfast - Warren Room, Berkeley Law

SESSION V: RESTRUCTURING WITHOUT: POST-GRADUATE TRAINING, THE BAR, AND RECENT INNOVATIONS **CHANGES AND CHALLENGES IN ENTRY LEVEL PRACTICAL EDUCATION IN JAPAN AND THE U.S.**

Moderator: *Peter Stern, Esq., Attorney, Morrison & Foerster*

9:00 A brief overview of the previous day's discussion

9:05 "Japan's Judicial Apprenticeship: Is it a Post-Graduate Training Model, a Mold or Something Else?"

Satoru Shinomiya, Kokugakuin University Law School

Professor Shinomiya will discuss the court-centered training for all bar-exam passers to join the bar associations and to be appointed as a judge or a public prosecutor. He will address the history of the Legal Training and Research Institute (LTRI), the role of LTRI under the new law school system, and how bar-exam passers are trained. And he will also discuss how the LTRI should be.

9:30 "Innovate or Else: Regulatory Responses to The Slow Pace of Reform"

Kristen Holmquist, UC Berkeley School of Law

Legal educators have talked for years about curricular and structural reforms that would better prepare students for practice and help close the Justice Gap. But actual reform has been slow, and the profession has grown impatient. Now regulatory bodies, including the New York and California Bars, have proposed new rules for admission that could force law schools' hand. This session will explore those regulatory changes and law schools' potential responses.

9:55 "Bridging Law School and Legal Practice: Waseda Legal Commons, a New Law Office Established by Graduates of Leading Law Schools in Japan"

Kenji Fukuda, Esq., Attorney, Waseda Legal Commons Law Office

Sayaka Matsui, Esq., Attorney, Waseda Legal Commons Law Office

In March 2013, a dozen lawyers, mainly Waseda Law School graduates, established a law office, Waseda Legal Commons, which aims to support the coming generation of lawyers. In cooperation with Waseda Law School, the law office continuously provides opportunities for law school students to work on actual cases and employments for law graduates.

10:15 Break

10:30 “Incubating Law Practices”

Luz E. Herrera, Thomas Jefferson School of Law, and UC Irvine School of Law (Visiting)

While the greatest number of lawyers practice in solo and small firms, law schools do not devote sufficient resources to preparing law students for the opportunities and challenges that these type of law firms present. The recent economic recession has highlighted the need for the legal profession to support lawyers as they launch law practices serving low and modest income clients. The speaker will highlight the role of solo and small law firms in addressing access to legal services, discuss current efforts by law schools to incubate such law practices and offer recommendations for best practices in designing such programs.

SESSION VI: IS THE FUTURE BRIGHT OR OVERSHADOWED?
WHAT DOES THE FUTURE HOLD FOR LAW SCHOOLS AND TRAINING FOR THE PROFESSION?

Moderators:

*Robert Solomon, UC Irvine School of Law; and
Setsuo Miyazawa, Aoyama Gakuin University Law School and
The University of California Hastings College of the Law*

10:50 Panel Discussion with view to the years to come, with speakers, commentators and audience

11:50 Wrap up by the moderators to conclude the conference

12:15 Lunch