

A Tale of Two Countries

Sho Sato Program compares and contrasts legal education issues in the US and Japan

Legal professionals in the United States and Japan share growing concerns about employment prospects for new lawyers, declining law school applications, and how law students should be taught. Boalt confronted these issues when it hosted the December 2013 Sho Sato Conference—the latest event in a longtime collaboration between its Sho Sato Program in Japanese and U.S. Law and Waseda University’s Institute of Clinical Legal Education in Tokyo.

With interpreters translating each presentation, U.S. and Japanese legal education experts shared ideas. A common refrain: While many U.S. issues can be linked to the Great Recession and some may turn around with the economy, Japan faces more-entrenched obstacles.

“If you look at the problems in both countries superficially, it seems like we’re dealing with the same challenges,” says Boalt professor and Sho Sato Program Director Charles Weisselberg. “But the conference illuminated some of our fundamental differences in training and culture, and our need to collaborate and devise ways to deliver legal training and services effectively while honoring our countries’ traditions.”

For example, as part of sweeping legal reforms, Japan opened 74 graduate law schools in 2004. A decade later, the nation’s law schools suffer declining applications and only one in four candidates passes the bar exam. Meanwhile, rural residents, indigent clients, and small businesses lack adequate legal services, though Japan’s attorney pool has swelled from 13,800 in 1990 to about 32,000 today.

“With that glut and 60 percent of our lawyers

working in solo practices, many lack the capacity to provide great value,” said Takuo Yamaguchi, vice chair of the Japan Federation of Bar Associations’ Center for Law Schools. “Also, our law schools emphasize subjects that aren’t attuned to modern-day practice, and there isn’t enough clinic work to develop practical skills.”

Japanese presenters also described a growing disagreement about lawyers’ roles, cultural aversion to litigation, and professions that handle non-litigation tasks lawyers could provide.

At the same time, Boalt clinical experts decried a difficult U.S. legal job market that leaves an estimated 80 percent of its poor people’s civil legal needs unmet. One in five qualifies for free legal assistance, but half are turned away because of insufficient legal aid resources.

“Law schools must play a crucial role in bridging these gaps,” said Boalt clinical professor Jeff Selbin. He urged administrators to “increase students’ experiential learning opportunities, expand post-graduate public interest opportunities, and partner with NGOs, bar associations, and government agencies.”

Kristen Holmquist, director of Boalt’s Academic Support Program and associate director of its Professional Skills Program, noted that bar organizations are pushing for more practical training and supervised pro bono experience.

“Many U.S. law schools have already added new clinics, specialization certificates, externship opportunities, and adjunct-taught skills courses,” Holmquist said.

Conference participants pledged to continue working together to help improve each country’s legal training and practice. —Andrew Cohen

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—Charles Weisselberg



PROBLEM SOLVERS: Professor and Sho Sato Program Director Charles Weisselberg (second from left) with some of the conference participants