GLOBALIZATION AND LEGAL EDUCATION- A JAPANESE PERSPECTIVE

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SUMMARY

This paper examines the impact of "globalization" on legal education, with particular reference to the recent experience of Japan. The paper argues that globalization has had a significant effect on law and the way that legal services are now delivered. In particular, legal globalization has resulted in the proliferation of specialized legal regimes, such as the *lex mercatoria* and the *lex constructionis* that cater to the needs of specific "transnational communities". The paper identifies a number of features of these regimes and suggests that one noticeable effect of these developments has been the creation of new types of demand for legal education. The paper suggests that catering to this new demand represents a strategically effective way for legal educators to broaden the scope of their activities in an increasingly competitive transnational legal educational market place.

Keywords: Globalization, legal education, Japan, legal services

ÖZET

Bu yazı, Japonya'nın son deneyimlerine belirli referanslar vererek, hukuk eğitimindeki "küreselleşme"nin etkisini incelemektedir. Rapor; küreselleşmenin hukuk ve şu an verilen yasal hizmet şekilleri üzerinde önemli bir etkisinin olduğunu savunmaktadır. Özellikle; yasal küreselleşme, "ulusal sınırları aşan toplulukların" belirli ihtiyaçlarını sağlayan lex mercatoria ve lax constructionis gibi, uzmanlaşmış hukuk rejimlerinin çoğalması neticesini çıkartmıştır. Rapor; bu rejimlerin bir dizi özelliğini tanımlamakta, bu gelişmelerdeki farkedilebilir etkilerden birisinin hukuk eğitimi için yeni talep örneklerinin bulunması olduğunu desteklemektedir. Rapor, bu yeni talep ihtiyacının, hukuk eğiticileri için, giderek artan rekabete dayalı bir uluslararası hukuk eğitimi piyasasında çalışma alanlarını genişletmek için stratejik olarak etkili bir yolu gösterdiğini öne sürmektedir.

Anahtar Kelimeler: Küreselleşme, hukuk eğitimi, Japonya, yasal hizmetler.

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1. INTRODUCTION

Over the last decade, a great deal has been written about the impact of "globalization" on legal education.[2] Much of this discussion has tended to focus on the experience of North American and European law schools and the experience of universities in other parts of the world has not figured as prominently in the debate, at least in the English language literature.[3] This paper, therefore, seeks to supplement the existing discussion by offering a Japanese perspective on this question. The paper begins with a brief and somewhat general review of the contemporary debate surrounding the concept of globalization (section 2), before examining, in a little more detail, the impact of globalization on the law (section 3.1) and legal practice & education (section 3.2). These sections suggest that globalization has resulted in the proliferation of specialized legal regimes, such as the *lex mercatoria* and the *lex constructionis* that cater to the needs of specific "transnational communities". The paper describes a number of distinctive features of these regimes and suggests that such regimes are central to the contemporary global legal order. The paper then describes recent legal educational developments in Japan and outlines the efforts of Kyushu University to develop graduate programs in law that respond to the new international environment (section 4). The basic contention of the paper is to suggest that globalization is changing, in a number of significant ways, both the nature of law and the way that legal services are delivered, and that an interesting knock-on effect of such a change has been the creation of new types of demand for legal education in emerging market economies, as well as the developed world.

2. WHAT IS "GLOBALIZATION"

The meaning of "globalization" is highly contested and there is a vast, and ever-expanding, literature debating this concept.[4] This is not the oc-

[2] For a representative selection of papers, see Fiona Cownie, ed., *The Law School: Global Issues, Local Questions*, Aldershot: Ashgate (1999). See also Alberto Bernabe-Riefkohl, 'Tomorrow's Law Schools: Globalization and Legal Education', 32 *San Diego Law Review*, 137 (1995); Claudio Grossman, 'Building the World Community: Challenges to Legal Education and the WCL Experience', 17 *American University International Law Review,* 815 (2002); Antonio Garcia-Padilla, 'The Internationalization of Legal Education', 19 *Indiana International & Comparative Law Review,* 129 (2009); & James P. White, 'A Look at Legal Education: The Globalization of American Legal Education', 82 *Indiana Law Journal*, 1285 (2007).

[3] For an interesting exception, see Simon Chesterman 'The Globalization of Legal Education', *Singapore Journal of Legal Studies*, 58 (2008).

[4] See generally, Manfred Steger, *Globalization: A Very Short Introduction*, Oxford: OUP, (2009), Joseph Stigitz, *Globalization & its Discontents*, New York: Norton (2003).

casion to engage in an extensive review of these diverse, complicated and often controversial arguments. However, it is perhaps worth noting a number of key points, insofar as they are relevant to the discussion of law and legal education that follows.

In its most general sense, the term "globalization" refers to the increased *inter-connection* of countries and peoples resulting from the dismantling of barriers to the flow of goods, services, information and capital that has occurred post-1945. Although most writers on this issue emphasize that the causes and effects of globalization extend far beyond the realm of economics, there seems to be a consensus that the economic dimension of globalization is central.

These economic changes have been facilitated by a number of factors, principally, the expansion of the GATT/WTO regime and the concomitant reduction in barriers to trade, as well as the liberalization and deregulation of financial markets by national governments. In addition, the proliferation of new technologies – in particular computer mediated communications – and the diminishing costs of international travel and transportation have played a crucial role. Increased mobility (of people, goods, knowledge) is one of the defining features of contemporary globalization. The effect of these changes has been to greatly expand the influence of transnational corporations, and facilitate the emergence of new markets and consumers.

Another recurring theme in this literature is the suggestion that these changes have resulted in growing asymmetries in the distribution of the benefits of globalization.[5] Greater inequality is often identified as a characteristic feature of a globalizing world. For example, the new global economy excludes much of the African population: the value of primary commodities (the traditional basis of African economies) has been greatly reduced, markets are small, investment is risky, politics are unpredictable, and the infrastructure is often weak. Whatever the cause of this situation, the result is that parts of Africa are struggling to be economically viable in the new global economy, and pre-existing inequalities are being further exacerbated.

And yet, over the last decade a more complicated picture of the effects of globalization has started to emerge. Although globalization does appear

5 See Manuel Castells, *the Network Society, Vol. III,* Oxford: Blackwells (1997).

to have increased inequality in some areas, it has also facilitated the emergence of new competitors located in emerging markets who are challenging previously dominant corporations based in the developed world.

Whereas globalization previously referred to the fact that business expanded *from* the developed *to* emerging world economies, now it increasingly refers to the fact that business flows in both directions, as well as between developing economies.[6] That is to say, contemporary globalization is increasingly *multi-directional*. For example, there has been a sharp increase in the number of emerging market companies buying out well established developed world brands (e.g. Chinese computer maker *Lenovo's* takeover of IBM).[7] These so-called "emerging market multinationals" often come from the BRIC economies (i.e. China, India, Brazil & Russia) but also Mexico, South Africa, Thailand and elsewhere). At the very least, such a phenomenon suggests that, in its contemporary manifestation, globalization should not be taken as a euphemism for a unidirectional process of "Americanization" nor should it be assumed that globalization *only* involves the perpetuation of existing inequalities between rich and poor. The reality is rather more nuanced.

Nevertheless, it remains the case that the developed world continues to enjoy a number of significant structural advantages over emerging and transitional economies. In particular, a system of contemporary wealth creation that puts a premium on the production and circulation of knowledge and information undoubtedly gives developing countries an important advantage.[8] Knowledge acquired by basic research, and then applied by managers and/or engineers, is the raw material that provides the crucial element driving contemporary economic growth. The developed world has significant advantages in the production and dissemination of such knowledge, not least as a result of the accumulated "know how" found in higher education and other research institutions.

Moreover, the developed world continues to benefit from an advantageous macro-economic and regulatory environment. In their influential

6 See generally, Ravi Ramamurti & Jitendra V. Singh, *Emerging Multinationals in Emerging Markets*, Cambridge: Cambridge University Press (2009).

7 See Ling Zhijun and Martha Avery, *The Lenovo Affair: The Growth of China's Computer Giant and its Takeover of IBM*, New York: Wiley (2006).

8 For the classic account of how knowledge is now the key economic resource driving economic development, see Peter Druker, *Post-Capitalist Society*, New York: Harper (1994).

account of the conditions necessary for "good capitalism", William Baumol, Robert Litan & Carl Schramm, suggest that an on-going problem with emerging market economies is high levels of state interference in the economy.[9] They suggest that this is likely to hinder in the medium term economic development in such economies due to poor history of the state in business and the inefficient regulatory thicket that often goes in tandem with such state involvement.

In short, for the purposes of this paper globalization is understood to refer to an on-going process of increased economic inter-dependence resulting from a combination of regulatory reform and technological advances.

3. THE GLOBALIZATION OF LAW & LEGAL EDUCATION

Having briefly outlined some of the main features of globalization, we can now turn to the question of how globalization has impacted upon the law (Section 3.1) and legal practice and education (Section 3.2).

3.1. Globalization & the Law

The standard narrative on globalization and the law tends to emphasize how globalization involves a profound challenge to territorial notions of state sovereignty.[10] It is often suggested that many areas of human activity - trade, investment, crime, and the environment, to pick some obvious examples – have abandoned the realm of domestic law and that this change has resulted from the realization that no single state can solve complex problems that have a transnational nature. Instead, there has been a growing emphasis on the need for international cooperation and coordination in regulatory responses to such issues.

One limitation of this type of account, however, is that in many versions it retains a state-centered perspective and fails to identify what we would suggest is another important feature of legal globalization, namely the emergence and expansion of new regulatory regimes that exist neither at the level of domestic or international law.[11]

[9] William Baumol, Robert Litan & Carl Schramm, *Good Capitalism, Bad Capitalism and the Economics of Prosperity and Growth*, New Have: Yale University Press (2007).

[10] See, for example, Boaventura de Sousa Santos, *Towards a New Legal Common Sense: Law, Globalization & Emancipation*, London: Butterworths (2002).

[11] See Andreas Fischer-Lescano & Gunther Teubner, 'Diversity or Cacophany? New Sources of Norms in International Law', 25 *Michigan Journal of International Law*, 999 (2004).

Globalization has resulted in the proliferation of what we might think of as new forms of "transnational community". Examples include the globalized economy, science & technology, the mass media, medicine, education, transportation, high culture and even professional sports. The existence of these new "communities" has created a historically unprecedented demand for regulatory schemes at a transnational level. National – and even international institutions – either cannot, or have been very slow, to satisfy this demand. Instead, these new transnational communities are satisfying their own need for regulatory frameworks by creating for themselves their own substantive legal regimes. Globalization has thus triggered a historically unprecedented rise in what we might think of as "quasi-private" law making.

In many cases, this has involved state actors but state involvement is no longer a sufficient, or even a necessary condition of such a project. Perhaps the most prominent of such contemporary quasi-private legal regimes" is the *lex mercatoria* of the new global economy.[12] Other obvious examples would be the *lex digitalis* of the Internet or the *lex maritima* governing the relationships between private entities that operate sea vessels.[13] Although some of these regimes obviously preexist the onset of globalization, their scope, complexity and significance has greatly expanded over recent decades as a result of the increased economic interdependence associated with globalization.

The dominant actors driving the regulatory agenda within these transnational communities are the leading market players, various transnational private trade associations and other interest groups. For example, in the world of international construction, the *lex constructionis* (the preferred global standard for the transnational community of construction engineers) and its standard contracts on trans-national construction projects is dominated by a small number of well organized private associations, notably the International Federation of Consulting Engineers, the International European Construction Federation, the Engineering Advancement Association of Japan & the British Institution of Civil Engineers. In addition, the World Bank, UNIDROIT, UNCITRAL, and international law

12 On *lex mercatoria*, see Lawrence M. Friedman, 'Erewhon: The Coming Global Legal Order', 37 *Stanford Journal of International Law,* 347 (2001); Abul Maniruzzaman, 'The *Lex Mercatoria* and International Contracts: A Challenge for International Commercial Arbitration?', 14 *American University International Law Review,* 657 *(*1999).

13 On the *lex digitalis*, see Henry Perritt, 'Dispute Resolution in Cyberspace: Demand for New Forms of ADR', 15 *Ohio State Journal on Dispute Resolution,* 675 (2000).

firms are also making an important contribution to the developing norms in this new area of global law.[14] Globalization has thus created a new transnational regulatory environment characterized by legal regimes that exist beyond and between traditional jurisdictional units. There are numerous instances of this type of quasi-private or private-public regulation. In each case, global actors are creating autonomous "post-national" legal systems that aspire to global validity within a particular transnational community.

Unsurprisingly, these new legal orders are closely linked to the distinctive interests and rationalities of the transnational communities that they are designed to serve. That is to say, they reflect the considered view and customary practices of the participants as they have developed over time and they have not (necessarily) been developed in cooperation with other normative systems, either domestic or international. This, inevitably, generates structural conflicts between these new transnational systems of law, and existing national and international regimes. Standard contracts within the *lex mercatoria*, for example, may well reflect the economic rationality of a global market economy but they may also conflict with international or domestic labor and safety law standards. The *lex constructionis* may reflect the interests of international construction project managers but it may also conflict with international environmental standards.

Moreover, such normative conflicts are often hard to resolve since this new global legal order is highly fragmented and integration of different institutional regimes within a single hierarchical structure is, in practice, almost impossible to achieve. Equally, doctrinal consistency is often absent and of little interest to those driving the normative agenda within each particular transnational community. In short, legal globalization (understood as the proliferation of a fragmented mosaic of specialized legal regimes) seems likely to result in an increased level of normative conflict. Although, it would be overstating the point to suggest that these conflicts are historically unprecedented, it nevertheless remains the case that in the context of an interconnected global economy such conflicts are both quantitatively and qualitatively more significant.

[14] See Carmilo Leguizamo, 'From *Lex Mercatoria* to *Lex Constructionis*', 6 *E-Mercatoria*, 1 (2009), available on SSRN.

This section has described one interesting feature of legal globalization, namely the increased significance of specialized transnational legal regimes within the context of an inter-connected economy. We concede that this is only one aspect of legal globalization; however, we would like to suggest in what follows that it is a change that is particularly relevant to this paper because it creates new opportunities for legal education.

3.2. Impact on Legal Practice & Legal Education

So how then have the above changes impacted upon legal education? As a preliminary observation, it is worth noting that market forces – in particular the demands of the labor market (in most countries, the legal profession) – have always exerted a strong influence over the content and form of legal education. Legal education has never existed in a vacuum.

Speaking in very general terms, it seems very obvious that in most countries legal education has been and continues to be predominantly focused on domestic law. This domestic agenda can be explained, in large part, by the fact that the study of law emerged in the context of legal and political cultures where the practice of law was confined within national borders. A predominantly local approach to law reflected prevailing notions of national sovereignty and nationhood. It was in the nature of legal systems that they were relatively insulated and closed, and it is therefore unsurprising that legal education was introspective in nature.[15]

In addition, a second reason for the dominance of a predominantly local approach to the study of law was that in many jurisdictions the primary function of legal education was to provide a professional, quasi-technical qualification, analogous to medicine or that offered in other skilled professions. Since most law was practiced in one jurisdiction educational institutions focused on training students for that purpose by designing their curriculum around domestic law. Legal education was thus tailored to the needs of the market for legal services. The primary function of legal education was to perform a gatekeeper role for the legal profession by making a law degree an often partial, but nevertheless necessary, precondition for engaging in legal practice. Of course, there are a number of exceptions to this basic model (as we see below, Japan pre-2004, for example) but in many jurisdictions legal education was expected to perform

[15] For an account emphasizing the connection between introspection in Anglo-American legal education and nationhood, see Ralph Stein, 'The Path of Legal Education: A History of Insular Reaction', 57 *Kent Law Review*, 429 (1981).

this role. In those countries where this model was dominant the focus of legal education was inevitably going to be domestic law. Since the practice of law in one jurisdiction did not require familiarity with the law of any other jurisdiction, there was no need - beyond intellectual curiosity - to study it. This, in turn, meant that the benefits for overseas study of anyone wishing to enter the legal profession in their home country were marginal at best. Hence, student – not to mention faculty - mobility was relatively limited. Legal education reflected the fact that the global legal order comprised of multiple autonomous and closed jurisdictions.

It is the case, however, that this profession-oriented model of legal education has always coexisted with other rationales, notably the idea that the aim of legal education is to provide a site within the University for the Scientific Study of law. According to this view, the primary focus of legal education should not be legal practice but rather an intellectual endeavor similar to history, literature or philosophy.

This "scientific" approach to legal education did allow legal scholars to move beyond the confines of their own jurisdiction in their teaching and writing. Courses in Roman law were often taught in common law jurisdiction, for example, even though knowledge of such law was not necessary for legal practice. Moreover, it is in this context that one might situate the comparative law tradition. Although the motive for comparison was often to arrive at a better understanding of domestic law or to improve domestic law (by evaluating different "solutions" to "universal" legal problems), comparative law did result in a broadening of the academic curriculum beyond purely domestic concerns. Nevertheless, it remains the case that in most jurisdictions the demands of the labor market, particularly the legal profession, exerted the dominant influence over legal education.

And yet, one consequence of globalization and the emergence of the new global legal regimes described in the previous section have been to transform legal practice, at least at the top end international law firms. If our assumption is correct, namely that legal education is connected to the demands of the labor market, then the changes described are likely to impact upon legal education. How then has the legal profession responded to the changes described in section 3.2?

Most significantly, the nature of legal work is changing, at least in the larger commercial-oriented and international law firms. On the one hand,

there has been a shift from what influential commentator on the legal profession, Richard Susskind, describes as "bespoke" legal services to more commoditized services.[16] Whereas, a bespoke suit is a suit you might buy in Saville Row, which is tailored specifically for you, a commoditized suit is bought "off the peg" and adjusted slightly. Susskind suggests that a lot of contemporary legal work is routine and repetitive and is increasingly being standardized and often completed with the help of computers. On the other hand, the emergences of the new global regimes described above have also generated highly complex legal problems that require greater intellectual flexibility. Lawyers and other legal professionals are increasingly expected to be capable of adapting to this new reality.

These changes, in turn, are impacting upon the organization of the larger law firms. The drive to control costs is compelling legal service providers to search for cheaper alternatives to traditional organizational forms. Over the last decade, the principle means for achieving cost cutting of this kind has been to outsource much of law firms' activities to emerging market economies. Currently, at least in an Anglo-American context this means outsourcing work to India where lawyers and paralegals can engage in the same work for a fraction of the cost of a home trained lawyer. This initially involved the outsourcing of administrative tasks (such as copying documents) but recently the more mechanical commoditized legal work, as well as research tasks are being performed "off-shore" as well. This is a trend that will move an estimated 50,000 US legal jobs overseas by 2015. Law firms will only retain their most valuable people (i.e. those who will be expected to perform the most complex tasks) in the main headquarters located in major global cities, such as New York, London or Tokyo.

We would suggest that these structural changes in how legal services are organized has created and will continue to create new pressures on and new sources of demand for legal education. Firstly, in the developed world although the content of the basic law degree will continue to emphasize domestic legal subjects, the changes described above will force legal educators to promote greater intellectual flexibility amongst domestic lawyers educating them to be capable of adapting not merely to new laws but to new jurisdictions, and to new forms of legality. Within this

[16] Richard Susskind, *The End of Lawyers*, Oxford: Oxford University Press (2009).

legal culture, exposure to international legal educational experiences will be seen as essential.

Secondly, we can see an increased demand for legal education from emerging market and transitional economies. Law students and legal professionals from emerging market countries wish to expand their knowledge of the new global law. Acquisition of this knowledge and associated skills is of direct relevance to their career plans. Expectations of overseas study have changed. Increasingly, students from emerging economies expect an international legal educational experience that focuses on global economic and business law, and not simply a 101-style introduction to the domestic law of the (developed) country where they are studying. Although, universities located in emerging markets are improving rapidly it often remains the case that potential employers prefer their prospective employees to have received some sort of graduate level education overseas at a historically established institution. Increasingly, government agencies in emerging market states want their judges, prosecutors and other public officials who work in law-related fields to receive exposure to such ideas. As such, there seems to be a greater awareness of the benefits of lifelong learning amongst the elites of emerging economies.

This section has suggested that legal education has always responded to the demands of the labor market and that, in most jurisdictions, the legal profession has played a crucial role in shaping the form and content of legal education. In addition, we have suggested that globalization has created a different kind of pressure for a more global legal education that provides students with the skills necessary to handle the more flexible, multi-dimensional legal problems associated with a globalized economy and internationalized society. We would suggest that, at a very general level, these sorts of changes affect every country.

4. LEGAL EDUCATION IN JAPAN

Thus far, this paper has framed the issues at a rather general level. We will now turn to the situation in Japan and describe the recent experience of one institution, namely Kyushu University.

An interesting feature of Japanese legal education is that prior to 2004 there were no legal educational requirements to sit for the national bar examination. Although in practice, the majority of those who took (and passed) the bar examination were law graduates, no formal education in

law was actually required.[17] The pass rate for the Bar Examination was very low (it fluctuated between 2-3% for most of the post-war period) with an average of around 700 candidates passing (compared to the approximately 50,000 admitted to the state bar each year in the US). All successful candidates then received formal training from the state-run Legal Research and Training Institute after which they pursued a career either as a judge, prosecutor or attorney. In 2004, this system was changed and a "US style" graduate-level law school system was introduced. Completion of a three years (in some cases two years) law school program became a precondition for taking the new bar examination.

This is not to suggest that pre-2004 there were a paucity of educational opportunities to study law at university. Quite the contrary: there were over ninety universities with faculties of law or other programs focusing on law. Interestingly, this system was left intact after the introduction of the new law schools. In discussing legal education, in Japan it is therefore necessary to examine the traditional undergraduate and graduate programs, as well as the post-2004 law schools.

The most important point to note is that the vast majority of students taking an undergraduate degree in law both before and after 2004 never actually practice law. Most graduates became white-collar workers; many joining the business world (often entering the legal department of the company), while others joined the government, either at the national or prefectural level (after passing the state examination for public officials). In Japan, no particular career choice was or is associated with completing an undergraduate law degree. The fact that many graduates went on to work in government may explain another interesting feature of Japan, namely the inclusion of political science and political scientists within law faculties.

Partly because a law degree was not required for the bar examination, and partly because most law students had no plan to take the bar examination, most law programs were not designed to prepare students to be practicing attorneys. Few universities offered practice-based training at the under-

[17] Tom Ginsburg, 'Transforming Legal Education in Japan and Korea', 22 *Penn State International Law Review*, 433 (2004); James R. Maxeiner & Keiichi Yamanaka, 'The New Japanese Law Schools: Putting the Professional into Legal Education', *13 Pacific Rim Law & Policy,* 303 *(2004).* For a regional comparison, see Chang Rok Kim, 'The National Bar Examination in Korea', 24 *Wisconsin International Law Journal*, 1 (2006).

graduate level and lecture style classes tended to dominate the traditional undergraduate curriculum.

In addition to the undergraduate programs, many universities also offered post-graduate (i.e. Master's and Doctoral level) legal education pre-2004. The major purpose of these "graduate schools" was to train academic researchers for a career as a university professor. The overwhelming majorities of legal academics were the product of graduate schools and had no experience of legal practice. Although law scholars did play an important role in law reform, such as in proposing and drafting legislation, in most cases they had little experience beyond the world of academia.

Why then were law schools introduced? Firstly, in the late 1990s big business in Japan became increasingly dissatisfied with the scarcity of lawyers and the quality and costs of legal services, and these concerns filtered through to the ruling Liberal Democratic Party. A second connected reason was the emergence of a new regulatory culture in Japan at around the same time. Specifically, deregulation and the replacement of *ex ante* administrative regulation by *ex post* remedies based on rule of law. Within this context the scarcity of lawyers was a serious obstacle to the new regulatory model.

The government formed the Justice System Reform Council, which delivered its final recommendations in June 2001.[18] The Council recommended establishing new graduate-level professional programs and the creation of new law schools to deliver this content. Under the new scheme, only those who complete a program at a designated law school are eligible to sit for the bar examination. The term of the law school education is three years, in principle, but institutions were permitted to shorten it to two years for those who already have a sufficiently strong legal background.

As was mentioned above, the existing undergraduate and graduate programs in law were maintained but the new law school programs were encouraged to admit a certain number of applicants who had no legal training, as well as people with practical work experience in other jobs. Around 70 law schools accredited with around 5,000 students entering the system in 2004 and subsequent years. The result of these reforms is that is not unusual for a Japanese university today to have undergraduate,

[18] An English language translation of the Justice System Reform Council's final report is available on line at: *http://www.kantei.go.jp/foreign/policy/sihou/singikai/990612_e.html.*

graduate and a law school program in law. This paper is not going to examine either the post-2004 experience of the law school or the question of how globalization might have affected the type of legal education offered in such institutions compared to the traditional undergraduate style of teaching. Rather, the issue that we would like to highlight in this paper is the serious impact that the 2004 reforms have had on the existing *graduate* legal education in Japan.

One important consequence of the new law school system is that it has reduced the number of students wishing to enter the post-graduate law programs either at the Master's or Doctoral level. Most students seeking a graduate legal education prefer to enter the new law schools and demand for the graduate school has dipped. Other factors have also had an affect: demographics (i.e. declining numbers of young people) and a rapidly shrinking labor market mean that graduates prefer to get a job as soon as possible whilst most employers are skeptical about the benefits of a graduate qualification in law. Finally, after 2004 graduate school is no longer the only route to legal academia as many law schools have broadened their recruitment to bring in former lawyers, prosecutors and judges (i.e. those with practical experience) to teach in the law schools. Identifying an appropriate role for graduate schools after the introduction of law schools has emerged as one of the major challenges for Japanese legal education today. In responding to this challenge, Kyushu University has adopted a rather different strategy from many other Japanese universities.[19] In particular, Kyushu University has focused on the provision of graduate programs taught either entirely or substantially in English at both a Master's and Doctoral level.[20] The first program, the LL.M. in International Economic and Business Law (or "*IEBL"*) was established in 1994. At the time, it was the only Master's course taught entirely in English within Japan and was designed to overcome the main obstacle to studying law in Japan, namely the Japanese language. The *IEBL* program was designed to develop a critical understanding of economic and legal principles within the framework of international and comparative law. In this respect the program focuses on the new global legal order described in earlier sections of this paper. An LL.D. program allowing students to complete a doctoral dissertation in English was added in 2000. Over the

[19] Kyushu University is located in the city of Fukuoka on the island of Kyushu. It was founded in 1911 as one of seven former Imperial universities.

[20] Further details can be found at: *http://www.law.kyushu-u.ac.jp/programsinenglish/.*

last, 15 years the LL.M. and LL.D. programs have continued to expand and we know have over 300 alumni from all corners of the world.

In 2001, the Japanese Ministry of Education selected Kyushu University to host a new program – the Young Leaders Program ("*YLP"*) in Law. This Master's level graduate program targets young legal professionals from designated emerging economy countries. Initially the geographical focus of the program was North East and South East Asian countries but recently a number of other countries have been added including India, South Africa and Turkey. Students on the *YLP* are integrated into the *IEBL* program where they study cutting edge issues with a particular focus on international and comparative law. In addition, YLP students complete an internship with law firms based in Fukuoka. All of these programs are taught by an international faculty with a diverse range of experience not only in academia but also in legal practice, international organizations, as well as the corporate world. Programs have received strong support from Japanese government and other funding agencies and this has this has allowed us to have relatively small class sizes and interactive teaching. Of course, such a strategy is not without difficulties, not least the high level of international competition between universities offering such educational opportunities. Nevertheless, we would suggest that greater levels of internationalization represents one way that Japanese graduate schools can maintain a meaningful role in the post-2004 law school system.

5. CONCLUSION

Clearly, most legal education around the world will continue to retain a domestic and practice oriented focus, and this is unlikely to change in the foreseeable future. However, equipping young lawyers with a flexible and adaptable skill set to handle the novel types of legal problems generated by the contemporary global legal order will require some change to existing educational models. There is an increased demand for this sort of educational experience both domestically and internationally. Catering to this new form of global demand may represent a strategically effective way for law faculties to broaden the scope of their activities in an increasingly competitive transnational legal educational market place.

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