

Judicial Reform in Perspective

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1. INTRODUCTION

Perhaps the law and the judicial system are among the most conservative forces in society; however, they are by no means immune to change. Korean society is characterized by the rapid, dynamic changes, industrialization and democratization that have taken place over just the last half century. However, the rate of change in Korean law and the Korean legal system has noticeably lagged behind other sectors, particularly in light of the fact that the speed of development in these other sectors has been accelerating.

The recent arrival of left of center governments in power has been at least partially responsible for the current judicial reform movements. Twice the government has initiated a judicial reforms committee: in 1995 under the Kim Yong-sam administration and in 1998 under the Kim Dae Jung administration. These committees both were successful only in having set the most urgently needed judicial reform agenda, including legal education reform. Their failure in carrying through the reform items was the result of a lack of determination on the part of the presidential leadership in the face of all-sided resistance: the Kim Dae Jung administration started as a plurality government having garnered less than a half of the votes at the presidential elections.

Judicial reform has again become one of the major policy goals the Roh Muhyun government has vowed to undertake. At a meeting between the President and the Chief Justice in 2003, an agreement was made to form a judicial reform committee. Unlike previous committees, the 21 member Judicial Reform Committee was created at the Supreme Court (Ministry of Court Administration) with its leadership. Following a full year of committee work in 2004, the Judicial Reform Committee finalized its judicial reform proposals and recommended them to the Blue House (the Presidential Residence) for their realization. As a result, the Presidential Commission on Judicial Reform, was created at the Blue House to realize the reform proposals through legislation and other necessary decision making. Eventual judicial reforms – what to reform and how – will all be dependent upon the presidential leadership, the reactions of other actors, and the political environments surrounding them.

Among the various judicial reform proposals by the Judicial Reform Committee, the ideas pertaining to law schools and the jury system stand out. What follows in this chapter is an introduction to the judicial reform proposals by the Judicial Reform Committee, including speculation on the prospects of their realization. Particular focus will be placed on both legal education and related reforms. Initially, there was a written rendition of a 2002 round table discussion in which professors Choi Dai-Kwon, Han Sang-hui, Kim Do-hyun, Hwang Seung-hum, and Lee Kuk-woon had participated on legal education and other judicial reforms. The round table discussion was originally planned to be a chapter. However, this written rendition was too narrative and non-analytic. An entirely new writing is conducted here to accommodate the narrative version into a more analytic one; furthermore, this analysis includes the recent developments, that is, the activities and proposals of the Judicial Reform Committee, and their prospects in the future.

2. JUDICIAL REFORM COMMITTEE AND THEIR PROPOSALS

The Judicial Reform Committee was composed of 21 members: the Chairman (lawyer), the Vice Chairman (from the Court Administration); two judges (from Court Administration); two public prosecutors (from the Ministry of Justice); two practising lawyers (from the Korean Federation of Bar Association); two law professors; two representatives from the Administration (the Vice-Minister of Education and a high ranking judge-advocate from the Ministry of Defense); two representatives from NGOs (a lawyer and a law professor); two representatives from the mass media; one representative from the Judicial Committee of the National Assembly); one representative from the Constitutional Court (a former senior judge); one member representing management; one member representing labor (a lawyer) and one representative from the feminist perspective. In terms of their respective occupations, however, we can immediately notice the fact that lawyers formed the clear majority of the committee. Officially the committee started its work with its opening ceremony followed by its first plenary meeting on October 28, 2003 and concluded its task with the recommendation of the finalized proposals for judicial reform made public on December 27, 2004. After 27 plenary meetings, 13 division committee meetings, two public hearings on lay participation and on jury system, and moot jury and assessor trials, the committee adopted its final judicial reform proposals for their recommendation to the President.

The recommended final proposals of the Judicial Reform Committee may be subdivided into the following five headings: Court (especially the Supreme Court, organization); Selection of Judges; Legal Education and Training of Lawyers; Citizen Participation; Judicial Service and Administration of Criminal Justice; and other miscellaneous matters. Under the court organization heading, the recommended proposals include adoption of appellate divisions of the last resort for certain cases in High Courts to alleviate the work loads of the Supreme Court, the introduction of a nine-member advisory institution (composed of 3 judges, the Minister of Justice, the President of the Korean Federation of Bar Associations, the President of the Law Professors Association, and three well-respected citizens) whose function is to recommend suitable persons to Chief Justice for Supreme Court Justice positions and/or to advise on them, the upgrading of trial courts' trial functions; for example, by having these courts staffed with more experienced judges, and the introduction of a specialized court or division for labor disputes. Under the selection of judges heading, the recommendations include a unified plan for judicial appointment in which for five or more years judges are to be selected from among such experienced types of lawyers as practising lawyers, public prosecutors, or from other legal fields. According to the plan, by the year 2012, at least 50% of newly appointed judges would be selected from among such experienced lawyers.

Under the legal education and training of lawyers heading, the idea of 3-year graduate-level professional legal education institutions (law schools) is proposed to start from year 2008. Under the law school proposal, only those universities having acquired accreditation from the Legal Education Commission to be set up under the umbrella of the Ministry of Education would be authorized to establish a law school; moreover, unlike their Japanese counterparts, no undergraduate law department or program would be allowed at these universities. In addition, the full-time professor-law student ratio would be set at 1 to 15 with a total faculty requirement of 20 or more full-time professors at any individual law school. The committee members agreed that the total national number of law students should be controlled. According to their proposal, the total number would be jointly determined by the Minister of Education in consultation with the Minister of Court Administration, the Minister of Justice, the President of the Korean Federation of Bar Associations, and the President of Association of Law Professors; furthermore, consideration would be given to the bar examination pass quota then in operation. Following the introduction of the law schools, their graduates alone would be entitled to take the new bar examination. However, the present state bar examination would also be conducted for 5 more years as a transitional measure for those students who had prepared for the bar examination under the old system.

Under the heading of lay participation in the judicial process, the committee decided to propose a step by step approach, scheduled to start full-fledged in 2012, to conduct the finalized form of a citizen participation system suitable to Korean society. As a first step trial measure before 2012, the committee proposed to set up a hybrid citizen participation institute composed of elements of both jury and assessor systems to begin in 2007. After learning from a public hearing and test moot trials involving jury and assessors, the committee proposed a trial entity composed of 3 professional judges and 5 to 9 lay persons selected from the most recent available voters roll. This trial entity is intended to try only serious criminal cases: a projected annual total of about 100 to 200 cases. Cases in which the defendant declines to be tried by the trial entity will be excluded. Furthermore, the entity's verdict will only have persuasive power over the fate of trial cases. Between years, all different kinds of assessment measures will be taken such as special legislation, the setting up of a task force composed of specialists, and the forming a citizen participation committee composed of professionals, scholars and citizen representatives.

Under the heading of the Judicial Service and Administration of Criminal Justice, the committee's various proposed judicial improvement measures will include: provisions to expedite the payment of fines as well as the proceedings of minor criminal cases from indictment to trial; various measures for the betterment of detention proceedings; the expansion of protection under the court-ordered counsel institute to all detainees including those who are detained for questioning following issuance of a warrant of arrest; the introduction of public hearing centered trial proceedings from examination of evidence; interrogation of defendant to court-room structure; improved sentencing; various measures to improve the protection of crime victims; improvement of the martial court system; improvement of professional ethics for judges and public prosecutors; improved legal aid; and efficient ADRs.

Finally, on November 2, 2004, the committee proposed to the President to set up an institute to systematically follow-up their suggestions. In response, on December 15, 2004, a Presidential Decree was announced concerning the Commission on Judicial Reform. The decree became effective from January 1, 2005. According to the provisions of the decree, the Presidential Commission on Judicial Reform was established. This commission began their activities with the appointment of a civilian chairman on January 18 followed by their first meeting on February 4, 2005. What will be realized out of the recommended proposals outlined above primarily depends, of course, upon the leadership and determination of the President and upon the interactions of the social forces concerned with the various proposed judicial reform items. Within this paper, legal education reform will be singled out from the other reform proposals: we will see specifically what kinds of legal reform ideas have been proposed and tried thus far in Korean history and attempt to speculate upon how the present proposed law school idea will fare in the future.

3. A BRIEF HISTORY OF LEGAL EDUCATION REFORM IDEAS

A look at the Seoul National University Graduate School of Law in the 1960s may be in order. The Graduate School of Law was the brainchild of Dean Paul K. Ryu of the Seoul National University College of Law. The Graduate School of Law was created as a Korean version of an American law school. Prior to this graduate school, the prevailed practical judicial training institute was that of a one year judicial apprenticeship, through which all those who passed the state bar examination – a very small number – went on to become a judge or public prosecutor. From 1962, those who passed the state bar examination entered the two year Seoul National University Graduate School of Law to train to become a judge, prosecutor, or practising lawyer. Definitely an innovation upon the previous institution! The intended idea of the school was that, during the two-year training program, the university professors were to teach legal theories while practitioners such as judges, prosecutors and practising lawyers were to provide practical training to the "graduate students." Among those students whom were already holders of a bachelor's degree, many earned a Master's of Law degree (in addition to the lawyer's licence) providing they fulfilled the requirement of writing a master's thesis. All of the stu-

dents were required to reside in university dormitories designated specifically for them (located on campus across from the present College of Medicine Hospital) – an English "lawyers inn" concept.

Certainly, a sense of idealism had run through this plan for the graduate school of law. However, the reality would not live up to this initial idealism. Personally, I recall a few law professors complaining at that time that they were having a difficult, stressful time introducing the "unruly" graduate students to academic disciplines because these students were not interested in university provided legal studies as such. When the professors tried to persuade the students to work hard, the students would say that they were not merely students but, rather, future judicial officials. Practitioner-instructors also complained that the students would not listen to them while using the excuse that they were university students, not judicial officials. There was even a well-known episode in which, during the middle of the night, a few drunken Graduate School of Law students flouted the authority of the police trying to question them over their violation of then in force night curfew by standing in front of a police box while making fun of the police with the taunt, "We are none other than those who will become your superiors (yonkammim)." Particularly the ideal of learning through communal life with seniors was recognized as being completely lost in the students' everyday dormitory life.

Compounding these difficulties was the widely shared sentiment among the legal professionals was that the university had no business training future judicial officials because these students were their "family members" (sikku), not the university's.

As a result of these difficulties, the Graduate School of Law began to be phased out in 1972: its displacement by the Judicial Research and Training Institute (JRTI) would prove to be as dramatic as had been its introduction through the legislation adopted by the military council in 1962. I recall a law professor, probably the last Dean of the School, telling us that the Graduate School of Law was "stolen" with little prior consultation with the university officials. Politically, at that time, Korea was in the middle of the transition from the relatively democratic regime of the 1960s to the definitely authoritarian period of the 1970s. In 1969, a constitutional amendment was adopted by the National Assembly abolishing the two terms of office limitation provision so as to allow a third term of office for the President. Under this provision, the government party would control absolute majority votes with: (1) the attendance of the opposition members obstructed; (2) popular approval by referendum through the help of the National Referendum Act. In 1971, the so-called first judicial crisis occurred: a hundred-some young judges turned out en masse to protest the governmental measures which these judges interpreted as being threats to the independence of justice. In July, the South-North Joint Declaration was made. More importantly, in December, 1972, the National Assembly adopted a constitutional amendment inviting in the definitely authoritarian regime that prevailed throughout the rest of the 1970s. In 1970, during this politically turbulent, transitional period, the legislation that would come to displace the Graduate School of Law with the Judicial Research and Training Institute in 1972 was passed.

During the 1960s, 1970s, and 1980s, legal education had consistently been a controversial topic within numerous academic, scholarly debates. Naturally, a variety of legal education reform ideas were proposed for discussion, including a 5-year law program (this proposed 2 year pre-law and 3 year law program was meant to parallel the 2 year pre-med and 4 year medical program) and a 7-year law school program (4 years of undergraduate education followed by a 3 year law program). At all of these conferences, the state bar examination then in operation was invariably pointed out as having contributed largely to the glaring failures of the prevailing university legal education. The neglect of many important law courses, including such basic law courses in university law departments as the Sociology of Law, the Philosophy of Law, and Legal History, as well as the growing prosperity of so-called "cram course institutions," were attributed to the bar examination. A large number of university students and graduates whose majors or specialties were other than law (many of whom were even in the middle of their non-legal careers) were also attracted to the bar examination; as a result, these students largely neglecting or abandoning their own majors and specialties to prepare for the examination. No law degree, not even a university degree, was required for the bar examination. Once the students

passed the bar exam, they reasoned their life time job security would be secured through their lawyer's license, especially in economically difficult times.

However, the pass quota for the examination was very small. From among the 10 to 20 thousand applicants, there were less than 200 passing students a year; even less than 100 in some years, during the 1960s and 1970s. In the 1980s and up through to 1995, 300 students could pass the examination. Naturally, there were many more repeaters than successful applicants leading to the result of many *kosinangins* [[definition required?]], creating the social problem of having educated Lumpen. However, the bar examination had proved to be an effective entrance barrier to the lawyers' market thus benefiting the interests of the established legal profession. Furthermore, the knowledge of successful applicants consisted only of the memorized knowledge of law necessary just for the passing of the bar examination. Consequently, an intensive retraining of law with overtones of practical knowledge and skills at the JRTI was obviously necessary in order for the students to become knowledgeable legal practitioners to just enough of an extent to meet the expectations of career judges, public prosecutors and practising lawyers.

It should be noted that the legal knowledge these now former students had obtained through the bar examination and their JRTI provided training is now beginning to be revealed as having been far from sufficient in preparing them for the current tasks required for servicing the newly emerged lawyers market that has formed because of the globalization of the economy following Korea's rapid industrialization.

Following incessant discussions under the leadership of Professor Jai-Schick Pae when he was dean of the Seoul National University College of Law in the mid-80s, the five year law program idea was once again formally adopted by the university to be part of its long-range development projects. However, the five year idea quietly died out because there were no follow-up efforts for its realization by the succeeding deans and university presidents. Case methods were variously discussed and tried for teaching. In fact, for the first time in Korea, a case book series project was planned and undertaken by the Seoul National University College of Law from the mid-1960s to 1970s. Out of the case book project, a total number of 14 cases books were published. However, these case books were not popularly adopted as main or supplemental texts. First of all, within the prevailing 4 year undergraduate level legal education system containing only one year devoted to liberal education, the case method was not suitable, both in terms of the intellectual maturity of the law students and the accustomed teaching methods of the law teachers. These methods were traditionally lecture-centered using traditionally rendered law textbooks in which the law was systematically expounded. From the vantage point of today, case books, when and if there are needs for them, seem to be entirely devised anew to meet the concrete class room needs by the instructors in charge of law classes. This phenomenon is particularly true with proposed new classes at law schools. The concept of the first case book series was shaped without consideration of the concrete class room needs to be met.

Certainly, Korea can be characterized by the rapid social changes, including industrialization, democratization and globalization, that have affected every aspect of its society over the last few decades. The speed of change, however, has not been uniform from social sector to sector: the legal and judicial systems have been one of the least changed sectors. The gaps between the more advanced sectors and the least changed sectors have been expressed mostly through popular demands for various reforms and for rectifications of past bad usages and misdeeds. These popular demands for reforms and rectifications have explosively accelerated, particularly following the democratization of 1987. Consequently, "reforms" ranging over many different aspects and areas of society invariably have been the topics of campaign pledges during the latest three presidential elections. Legal and judicial reforms have loomed large among the major items of the various reforms attempted or undertaken by the three latest "civilian" presidents and their governments. The popular distrust of the past institutions that have failed, that is, the kinds of judicial review institutions in which ordinary courts or a constitutional commission had the judicial review power, in addition to the reformist demand for promising but as yet untried ideas, were definitely also behind the introduction of the constitutional court concept in 1987.

In January, 1995, the Presidential Commission on Globalization was launched by the Kim Young-Sam government. Judicial reform was announced as one of the central projects to be undertaken by the commission. Among other reforms, plans for the "globalization of legal service and legal education" were reported by the commission to President to be pursued. For several weeks, as if in response to the governmental movements, the new media in unison made critical reports on all different kinds of ills and unethical practises related to the judiciary and the legal profession, including the shortage of lawyers, excessive lawyers fees, "preferential treatment" given to former judges and prosecutors turned lawyers, and the unkind and upper-handed attitudes of lawyers in government and practice toward citizen-clients. These reports were followed by editorials and comments arguing for the necessity of judicial reform, including suggestions for the abolition of the present state of the bar examination, the introduction of law schools, and an increase in the number of new lawyers to 2,000 annually. At that time, however, in defiance of these popular sentiments distrustful toward the judiciary and the legal profession, the Korean Federation of Bar Associations (KFBA) announce its new fee schedule for practitioners. In this atmosphere, the commission's proposal for the introduction of the law school was made public.

The commission's law school idea was systematically resisted by the established legal profession (as represented by the Supreme Court), and eventually abandoned. I personally believe that the initial smear tactics toward the judiciary and the legal profession to achieve judicial reform backfired in that these attacks aroused a strong self-defensive resolve on the part of the legal profession. Furthermore, the determination and willingness to realize the law school idea on the part of the President was somewhat dissipated following the sound defeat of the governmental party in local elections. The commission, however, attained partial success in that it and the Supreme Court agreed to an increase in the annual quota of new lawyers up to 1,000, starting from 1996 with 500, 1997 with 600 and so on. The number of new lawyers annually totaling 1,000 eventually became a *modus vivendi*. Since this decision, the KFBA has incessantly made demands for the decrease of the 1000 new lawyer quota to a lower number such as 800. Despite these assaults, the agreed-upon quota has been successfully kept alive. In light of this resistance, the success of the present talk on the adoption of a law school is going to be entirely dependent upon how to overcome the hurdle of the 1,000 new lawyer quota.

The succeeding Kim Dae Jung government also unfurled the banner of reforms, especially educational reforms. Under the banner, the Presidential Commission for the New Education Community was launched in 1998 to pursue various educational reforms to enhance the global competitive capacity of Korea as the country faced the opening of education and legal service markets to the world community. Naturally legal education reform had emerged as one of the Commission's major agendas. Thus, the Legal Education Institution Study Committee, a task force composed of legal scholar-specialists headed by myself as its chairman, was formed under the Commission's University Sub-Committee to prepare, in particular, for the Commission's legal education reform plan (August 1999). On the basis of the studied recommendation of the task force, the Commission adopted a law school proposal, which featured a "post-bachelor's degree legal education" structure, along with a new medical school concept, for its recommendation to the President (September 1999). However, upon the instructions of the President to implement the graduate level legal education plan after consultation with the concerned judicial-legal circle, another Presidential commission, the Judicial Reform Committee, was also instituted in May 1999 to prepare their version of legal education reform proposals, along with various other judicial reform proposals. The President's legal advisors, especially sent from the Ministry of Justice, were responsible for the formation of the Judicial Reform Committee.

The Judicial Reform Committee turned out to have been, in fact, representing the interests of the judiciary and the legal profession. The 19 member Committee, including its chairman, a prominent senior lawyer, was composed of 2 senior judges, 2 senior prosecutors, 4 senior practising lawyers, 3 law professors, one of whom was a former senior prosecutor and another whom was a lawyer-professor, and various citizen representatives who were generally sympathetic to the judicial-legal interests. Also, I happened to be a member of the Committee, the only one who supported a law school plan. Among many other judicial-legal reform proposals by the committee, its legal education reform proposal was

basically intended to salvage the status quo. The committee's proposal was to remake the present JRTI into an independent two-year, national judicial graduate school administered by the Supreme Court, whose curricula would be composed of both academic and practical education. However, the proposed graduate school, whose graduates would be given a master's degree, reminded us of the former Graduate School of Law, except for the fact that the Supreme Court would be the administrator instead of the university. Moreover, only those students who had majored in law or acquired a certain minimum number of credit points in law at university would be entitled to take the state bar examination and to enter the school upon its passing. At the most, 1,000 students would pass the exam and enter the school.

The Presidential Commission for the New Education Community and the Judicial Reform Committee had conferred with each other to find common ground regarding legal education in December, 1999; however, they were unable to reach this goal. The two bodies each followed their own course in reporting their proposals to the President, on whose part no action was taken to further legal education reform movement. Here, we should note that this struggle between the legal profession, as championed by the Supreme Court, and the University and law professors had actually been waged over gaining hegemony over the matter of legal education, rather than over specific kinds of legal education institutes. This struggle still lingers today. In those days, a number of academic and professional groups and organizations actively engaged in heated debates and conferences, some to support law school ideas, others to propose their own versions of the ideal legal education institution; for instance, among other proposals, a 6 year law program featuring a 2 year pre-law and 4 year law scheme, or a 6 year law program requiring 4 years of undergraduate law followed by a 2 year graduate law program.

Under the President Roh Moo-hyun government, the goal of reform has reentered the central stage. Clearly, judicial and legal reform has also emerged as one of the major reform items to pursue. This time, however, judicial and legal reform, including legal education reform, has found itself in a changed, much more preferable environment for its realization than before, as will be shortly explored below.

4. PLAYERS AND PROSPECTIVE

In response to the popular distrust and the related demands for reforms within the judicial department and the legal profession, President Roh's left of center government introduced wide-ranging reform programs which definitely included judicial and legal reforms. The appointment of Kang Kum-sil, a young, popular female lawyer, as Minister of Justice and the ministerial drive to reform the rather recalcitrant prosecutors office were an early sign of his reformist determination directed toward the judicial-legal system and the legal profession. At this point, the quoting of an old Korean proverb "No tree can survive chopping ten times" (yolbon jjiko an nomojinun namu obda) may be appropriate in partially explaining the changed attitudes of the Supreme Court, which thus far had been the stalwart of the legal profession's conservatism. The combination of the early reformist assaults under the two previous popularly elected presidents, the emergence of another reform-minded president and his government, the widely expressed popular demands for reformation associated with the popular distrusts toward the legal profession, the need to meet the challenges of the impending opening of the lawyers market, and the elitism of the Justices and judges, led to the Supreme Court changing its former attitude toward legal reforms, especially legal education reform.

It is probable that judicial elitism moved the Supreme Court to be on the leading side through legal reforms definitely ahead of those of the prosecutors office and the practicing lawyers of the legal profession. Generally speaking, the top graduates of the JRTI choose the judgeship, the next top graduates the prosecutors office, and the rest the practising attorneys career. The Supreme Court has been known to have also run a judicial research department under its ministry of court administration, manned by the most promising, brightest young judges. This department's functions involve conducting research related to the judicial and legal system in preparing for reforms, to initiate these reforms, and/or to

address changes pushed upon these reforms. For a long time, the judicial department has been preparing law school and lay participation institutions among many other activities. It is against all this background that the Judicial Reform Committee, under the auspice of the Supreme Court, was born with the above mentioned blessing of President Roh. It is thus far apparent from what has happened and is planned to happen under President Roh's government-supported legal reform movement that the judicial department has been conducting a show of legal reform, including the legal education reforms under its control, in competition with the proposed reforms of the university law professors.

Today, the sense that legal education reforms are long overdue and inevitable is rather widely shared even in the legal profession. However, at this point in time, it is difficult to predict whether the proposed law school idea will ever be successfully realized or even how its introduction will proceed. The answers to these questions will hinge on a number of factors. In fact, only a few law professors who were friendly with the Supreme Court were individually invited to become members of the Judicial Reform Committee or the subsequent Presidential Commission and/or to confer on legal education reforms with these bodies. Consequently, the great number of law professors, universities and the Ministry of Education were largely left out of the deliberation process. Naturally, some resentment over this matter runs nationally among the large number of left-out law professors. This group began to organize themselves to have their voices heard and to find their proper role to play in the realization process, partly out of their fears that their university law schools might be denied accreditation. Another large group of law professors, usually members of small, local universities possessing little chance of obtaining a law school, have also organized themselves to voice their resistance to the introduction of law schools in Korea. The majority of law professors of the major universities tend to be either uncaring, in that they will have nothing to lose because they will have a law school anyway once the go-ahead sign is made by the government, or unhappy because they personally oppose the law school idea.

It is instructive that the business sector as represented by the Federation of Korean Industries (the Korean counterpart of the Japanese keidanren) have not been particularly enthusiastic about the introduction of law schools as such. Korean business circles appear to be more interested in recruiting established former senior-judge-or -prosecutor-turned lawyers and able young bright lawyers under their fold into the law departments of their firms. In recent years, big business corporations have developed the tendency of embellishing their law departments with lawyers and other specialists.

The enlargement in recent years of the quota for the state bar examination up to 1,000 students annually has been viewed as a serious threat to the lawyers service market share by a clear majority of the practising lawyers: they have even been demanding the quota be cut down. These lawyers have kept up their resistance to the law school idea because they have regarded it as merely a scheme for increasing the size of the quota. With the strong voice stemming from their alleged professional interests in the background, the Judicial Reform Committee was unable to reach an agreement on their recommended national size for the student body in order for law schools to be established. In consideration of the proper falling-off size to meet the annual 1,000 new lawyer limit, a national student body quota of 1,200 students quota was known to have been the most favorably viewed suggestion at the committee meeting. Clearly, the Supreme Court has not been very enthusiastic about increasing the quota size.

In the meantime, various kinds of competition related to installing law schools in case the government takes concrete actions to implement the proposal, including the construction of new law buildings and the recruitment of new faculty members among other measures, have been fiercely waging under the surface within many universities in recent years. For many of them, the acquisition of a law school is a matter of survival as a university law department or even as a university. However, if the applications of all of these universities are actually rewarded with accreditation of law schools, the national number of students to be admitted would amount to several thousand – more than 3,000 at least. Based upon their avowed opinion, this estimated number will definitely not be acceptable to the legal profession. Moreover, the 1,200 target number is unacceptably low to meet the equally strong aspirations of universities all over the nation. It is probable that the very introduction in Korea of the proposed law school system depends for its success on the proper size of the national law student body which is in

turn closely associated with the nation-wide number of law schools, more than anything else. Therefore, in the final analysis, the government will ultimately need both vision and determined effort in the form of persuasion, cajoling and/or coercion to lead the concerned players toward a sufficient, nationally acceptable number of law school students and law schools.

Initially, President Roh's government started as a minority government. Since his inauguration, President Roh has been plagued by a number of political setbacks including a low popularity rate, impeachment, and the Constitutional Court's decision that capital relocation law was unconstitutional. In spite of these frustrations, the impeachment crisis has actually carried the president to a political comeback. Following the Constitutional Court's acquittal decision in 2004, President Roh has not only survived the impeachment process but has also enjoyed his government party's attainment of the majority of the National Assembly seats. However, the president still has a number of unpopular agendas to push through in his remaining three years, including the recovery of the economy from its recess, the abolition of the National Security Act, and another "relocation of the administrative capital" legislative attempt. What is important is the question of how much of President Roh's political resources will remain available for legal education reform as he tackles higher political priorities. The answer to this question will also answer the question of whether the law school plan will be successfully implemented.