

Ch. 3 D. Research in Korean Legal Materials (pg.182–183)

American Style:

American lawyers are trained with emphasis on accurate analysis of facts, ability to put analyzed facts within standard classification under appropriate case-method approach.

Process of research: first consult primary sources of law→ proceed to textbooks and articles, supplemented by other secondary materials.

Korean Style: (opposite of American style)

Familiarize oneself with basic relevant statute in Compendium of Laws, narrow down the relevant provisions, and then move to details.

If the point is controversial, Korean lawyers will check the cases to see how the judges resolved the conflict (judges usually follow the leading cases).

Research in Korean legal materials should consult:

Digest of the Supreme Court Cases

General Digest of Court Cases

Supreme Court Cases Reports

Practices of many enforcing agencies are different from their theory.

Example: National Tax Admin. Ministry of Finance and Economy, Ministry of Defense,

Office of Supply..

Must obtain the latest information especially in areas of economic and administrative laws.