

Legal Profession Presentation

(Note: references might be outdated due to lack of current material in English, Presentator did not have enough time to translate the latest in Korean literature pertaining to the Legal Profession)

0 The Korean people tended to pursue the legal profession based on practical, historical, and Confucian beliefs. In the days from the Japanese rule to the present, the only way for a person to have power and to control people was to become a government official, as a judge or public prosecutor. The Confucian spirit in Korea championed a man who took national examination in Seoul in order to become a public official and so to be successful and secure.

0 Most professionals and students of law agree that the bar examinations are necessary for the profession in order to produce competent law professionals because of the concern that the law schools are not preparing students well enough to practice law.

0 The ambition of and pressure on the student to pass the national bar examination is so intense that students will study from the sophomore year, day and night, and while skipping many regular law classes. This is different from the American Bar Exam experience where over 80% of the students taking the exam will pass.

0 The test has been criticized by many who consider that the law system is making future professionals memorize textbooks and code provisions, while not training lawyers to make the "right" decisions. The law students are fitted into a mould and are discouraged to be creative or sensitive. Also, the passing of the bar exam does not reflect the skills, law ability, or creativity in the legal profession since the creators of the examination are professors who have often never experienced the actual practice of law. The subjects on the bar also does not always reflect the subject matter of what the students learn at their law schools. Also, the price of not passing the bar is very steep in terms of shame and frustration.

9 Bar examination consists of 2 parts:

- Multiple choice screening exam - Constitutional Law, Civil Law, Criminal Law. Most students pass
- Subjective Essay portion - on same subjects and also a choice of one subject in three groups of subjects.
- Bar examiners are largely professors in the universities.
- Only 1 to 4% of the students pass the bar examination.

Page 1 of 2

Eugene Park "Legal Profession" Presentation

- Not enough legally-trained practicing lawyers in growing metropolitan areas, countryside to assist in village legal affairs, and female lawyers due to the late focus on women's rights.

0 There was a great division or barrier between teachers or professors of law and the practitioners of law. Law professionals often frame the law system as one of class structure with the professional

attorneys at the top, the law professors in the middle, and the students at the bottom. Also law professionals consider the positions in Seoul to be superior to provincial positions. The result of this thinking is excessive lawyers in Seoul and excessive competition for professional positions.

9 Many law professors chose their career of teaching because of the scholarship involved and because of the feelings of service to the law, that they have had to study more widely and deeply in the law than many of their contemporaries in the profession who have completed their formal education. There is a movement to allow law professors to practice law after two or **five** years. The professionals strongly oppose professors from easily entering their field by maintaining high barriers of entry like the bar exam. There are strong benefits for allowing professors to practice law after lets say five years because there could be a union of practice and theory if the professors and lawyers got together.

0 Current problems of law include the international process as Korea intensifies its relationships with other nations of the world. The constitutional process or the whole area of complex management of processes of governmental power demands a law knowledge of great depth and insight into the modes of behavior of the culture and its values. The constitutional specialists can represent the nation in a local village level, regional/provincial level or national level. Other problems involve private rights, civil rights, and contract rights. The fights of foreigners and women are the focus of recent attention in the legal arena.

0 The practice of law in Korea is negotiation, conciliation, adjustment, and persuasion. The integration of the affirmative aspects of this method into the formal pattern of legal education could lead not only to the improvement in legal education but to the development of a legal profession with strong roots in the culture itself