

CLINICAL LEGAL EDUCATION IN ASIA

ACCESSING JUSTICE FOR THE
UNDERPRIVILEGED

Edited by Shuvro Prosun Sarker



Contents

List of Tables and Figures	ix
Preface	xi
List of Contributors	xiii
1 Introduction: Clinical Legal Education and Its Asian Characteristics <i>Bruce Avery Lasky and Shuvro Prosun Sarker</i>	1
2 Better Lawyers, Better Justice: Introducing Clinical Legal Education in the Maldives <i>Marium Jabyn and Rogena Sterling</i>	17
3 Chinese Clinical Legal Education: Globalizing and Localizing <i>Cecily E. Baskir, Ma Liqun, and Li Ao</i>	37
4 Clinical Education in South Korean Law Schools: Challenges and Hopes <i>Helen Haekyong Kang and Kyung Sin Park</i>	53
5 Clinical Education in Taiwanese Law Schools <i>Thomas Chih-hsiung Chen</i>	75
6 Clinical Legal Education in Israel <i>Yael Efron</i>	91
7 Clinical Legal Education in Palestine: A Clinical Case under Military Occupation <i>Mutaz M. Qafisheh</i>	113
8 Clinical Legal Education in Singapore <i>Rathna N. Koman and Helena Whalen-Bridge</i>	137
9 Clinical Legal Education in Thailand: A Pedagogy Whose Time Has Come <i>Panarairat Srichaiyarat, Lisa Radtke Bliss, and Withoon Taloodkum</i>	159

viii • Contents

10	Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India <i>Shuvro Prosun Sarker</i>	177
11	Legal Clinical Education in Japan: A Work in Progress <i>Matthew J. Wilson</i>	195
12	Legal Clinics in Turkey <i>Julian Lonbay and Musa Toprak</i>	215
13	Pathways to Social Transformation through Clinic: Developing a “Social Justice” Culture in Hong Kong <i>Luke Marsh and Michael Ramsden</i>	229
	Index	249

CHAPTER 4

Clinical Education in South Korean Law Schools: Challenges and Hopes

Helen Haekyong Kang and Kyung Sin Park

Introduction

Korean clinical legal education (CLE) is in its infancy. Before the 2007 Act of the Establishment and Management of Professional Law Schools¹ (“Law School Act”) took effect, under which newly established, three-year postgraduate law schools opened in March 2009,² examples of clinical education were difficult to find. With one notable exception at Korea University, even in a few schools that exposed students to real cases with real clients, clinical education was at best insubstantial.³ Students in “legal counseling” projects that were most akin to clinics advised clients on simple general civil and criminal matters, and the clients were often fellow students or employees of the school. These efforts were not part of a school curriculum, but rather community service projects for which students did not receive any academic credit. Similarly, supervising professors did not receive any additional remuneration or reduction in teaching load from their schools.

Before the 2007 reforms, students majoring in law in undergraduate institutions were principally driven to curricular content tested on the bar examination known as the National Judicial Examination (*sabeobshiheom*), which required rote memorization of vast amounts of material.⁴ This prereform system has been justly criticized for creating several systemic problems.

Most notably, this old system has been blamed for the public’s poor access to justice.⁵ Since the advent of the bar examination after Korea’s adoption of the Western legal system, the number of applicants who could pass the National Judicial Examination was strictly limited by a numerical quota that set the

maximum number of bar passers each year.⁶ Under this quota system, Korea typically admitted less than 5 percent of bar examinees (1,000 persons under the latest quota).⁷ Compared to a ratio of about 1 lawyer per 260 residents in the United States, Korea has about 1 lawyer per 4,400 residents.⁸ As another point of comparison, there is 1 doctor for every 500 Koreans, whereas in the United States there are more lawyers than doctors for every person.⁹ Access to lawyer services in Korea has thus been limited, with many regions completely unserved by local lawyers and legal needs requiring specialization being unmet.¹⁰

Moreover, the intense focus on the bar examination is thought to have resulted in the characteristic lack of diversity of the bar: lawyers tended to be homogeneous in educational background because, as students, they focused on subjects tested on the bar to the detriment of their exposure to other subjects.¹¹ The two-year compulsory postbar training at the Judicial Training and Research Institute further made all the lawyers under the *sabeobshiheom* system even more homogenized.

The focus on the demanding bar studies also provided scant incentive to most law students for little else, including pro bono services.¹² The concept of lawyers as those entrusted with protecting the public interest is also underdeveloped in Korea. The bar admission quota allowed lawyers to accumulate wealth under the resulting monopoly, separating them as a class from the general populace and making most of them insensitive to the sufferings of the poor. Thus, for the disenfranchised and minority populations such as refugees and foreign migrant workers, access to justice has been an even more magnified problem.¹³

Lawyers were also criticized for being inadequately trained under the old system, primarily for lacking practice experience and expertise in specialized fields. Legal education was delivered primarily through large classroom lectures in undergraduate institutions as in Europe.¹⁴ These lectures were mostly conducted without incorporating active learning methods that were used abroad.¹⁵ Their post-bar training at the Judicial Training and Research Institute largely focused on litigation, preparing them primarily for government service as judges and criminal prosecutors.¹⁶ Prominent members of the bar have indeed criticized this focus as ineffective for preparing lawyers for Korea's globalized economy because lawyers, among other things, do not receive adequate training in corporate transactional law. Such deficiency is problematic, given Korea's role in the global market as one of the world's largest economies and the amount of foreign investments flowing into the country after the International Monetary Fund's bailout of Korea in the wake of the 1997 Asian financial crisis.¹⁷

The implementation of the Law School Act is envisioned to address these systemic problems created by the old system. Legal education at three-year institutions is intended to develop law students' professional identity, ethics, and practical skills and knowledge. The Act thus ambitiously provides reform that is rooted in an educational philosophy of growing lawyers with a deep understanding of social issues and values based on their commitment to justice and equality and specialized knowledge, ability, and ethics necessary to provide competent legal services.¹⁸ This notion of lawyers as public professionals is similar to that

espoused in the 2007 Carnegie Foundation report that has reignited curricular reform efforts in law schools in the United States.¹⁹

The Law School Act intends to achieve these goals through reforming both law schools and the bar examination. The law limits the operation of such schools to only those that have government authorization and regulates various aspects of school operation.²⁰ Specific provisions of the Act that may affect clinical, or at least practical, education include requirements that at least one-fifth of postgraduate law school faculties be comprised of lawyers with over five years of relevant practical experience; faculty to student ratio be no more than 1 to 15; and that schools “endeavor” to admit students with diverse knowledge and experience, with at least one-third admitted to come from those who did not obtain an undergraduate law degree.²¹ The law also provides that violations of some of the reform requirements by law schools may result in criminal sanctions or civil penalties.²²

Under this new law, the Korean Education Ministry in September 2008 authorized 25 law schools to operate a three-year postgraduate program.²³ Graduates from these schools are eligible to take a newly instituted bar examination, called the *byeonhosasiheom* (which by 2017 will replace the old exams still being administered concurrently with the new exams). Once graduates pass the new bar examination, they are required to register with the Korean Bar Association and undergo six months of practical training before practicing law.²⁴

The reforms present an opportunity to implement wide-ranging changes, including the adoption of meaningful clinical education. Law schools theoretically have an opportunity to newly design themselves, incorporating best practices from abroad, including learning from the reform efforts currently taking place in the United States. Indeed, reform appears to be afoot. All of the 25 law schools authorized under the Law School Act to offer postgraduate programs have established clinics and externships.²⁵ But whether how meaningful these new programs are in implementing the goals of the reform is a question as yet unanswered. When a professor at the nationally prominent Yonsei University Law School reviewed the state of affairs a year after the law schools opened, he was highly critical of the reform efforts, going so far as to conclude that the curricula were so superficially reformed as to be “window-dressing.”²⁶ He concluded that courses that claimed to contain practical content were in fact similar to those previously offered at undergraduate institutions. The practical content again focused mainly on litigation, while there were some exceptions, including those dealing with contract drafting, transactions, and tax planning, as well as clinics.²⁷ The extent to which Korean legal education has progressed beyond this assessment is difficult to gauge without a systematic study, which does not yet exist.

Precisely because these postgraduate institutions were established as extensions of already existing law schools, innovations to produce practice-ready lawyers may be difficult to implement for some of the same reasons that US law schools are also finding it challenging to institute changes. Those reasons may include the entrenchment of doctrinal faculty in the traditional method, failure to devote resources to the development of clinical education, failure to provide academic

incentives for students to choose clinical educational opportunities and take them seriously, and the failure to hire and train a sufficient number of professional clinical faculty.

The newly minted bar examination, administered initially in 2012 to the first class to graduate from postgraduate programs, may also contribute significantly to the continuing entrenchment of the old system. The new exam, too, has a quota but no passing score. This system pushes students into the prisoners' dilemma of spending as much time in their law school years as possible memorizing legal doctrines and cases to get ahead of one another because they are in competition with each other. Despite these challenges, promising clinics exist, including one that serves as a model for what is possible under the new system of legal education and the bar examination.

History of Korean Clinical Legal Education

Even under the old system, many undergraduate colleges of law had legal help desks where students provided counseling services free of charge to fellow students and employees of that school and, at times, local residents. In at least one case, undergraduate students offered extensive and considerable legal services in a large oil spill case, creating a pivotal moment for the development of Korean clinical education.

In December 2007, a barge owned by Samsung Heavy Industries and loaded with a sea crane collided with a foreign-registered supertanker, the *Hebei Spirit*, which was at a standstill at the time, after more than a full hour of advance warning of such collision. The collision caused the *Hebei Spirit* to spill 10,500 to 11,000 tons of oil (a quarter to a third of the infamous 1989 Exxon Valdez spill in the United States) on the 120 miles of scenic seashores of Taean, about 90 miles southwest of Seoul.²⁸ The spill devastated tourism, fisheries, oyster beds, and the residents' lives.²⁹ In the wake of the spill, over 280 students, mostly from colleges of law in Seoul, participated in coordinated legal advocacy for the local residents affected by the spill under the supervision of Korea University law professor Kyung Sin Park (coauthor of this chapter), Hyun Woo Nam (a local attorney), and several other volunteer lawyers.³⁰

From early on, the damages caused by the spill so close to and broadly affecting the vast Taean Seashore National Park³¹ were initially estimated to be close to 1 trillion KRW (approximately \$980 million USD), easily exceeding the aggregate compensation limit of about 321.6 billion KRW set by the relevant international conventions and local legislations enforcing them.³² Especially disturbing was the initially prevailing media report that the total liability of Samsung Heavy Industries, the primary tortfeasor, would be statutorily limited to 5.6 billion KRW. That is, in their news coverage, the mainstream media, dependent on Samsung business groups' advertising, often reported that there was a statutory cap on damages and strongly discounted the possibility that such a cap may be inapplicable where the ship owner commits a tort knowingly and recklessly. Because the total compensation amount was perceived to be capped (aggregating the *Hebei*

Spirit's insurance proceeds and the International Oil Pollution Compensation [IOPC] Fund covering Samsung Heavy Industries' liabilities, the latter of which are set so that the total amount came to 321.6 billion KRW), local residents did not expect full compensation, and thus in some cases were hesitant to seek relief. If the damages were indeed capped, then larger compensation awards to some victims would have meant a smaller recovery for other victims. The groups that suffered economic damages especially were discouraged about pursuing claims because recovery of such damages was again publicized, and therefore perceived, as difficult under the IOPC Fund's rules, which governed the payout scheme for both sources of compensation

The joint Volunteer Corps of professors, lawyers, and students³³ set up an on-site legal clinic for two months,³⁴ mostly assisting those suffering economic damages in the preparation of applications for compensation. One of the victims of the oil spill was the owner of an ocean view villa. Expecting and actually receiving no guests after the oil spill, he rented the facility to the Volunteer Corps for free during the two months, which the members made judicious and pleasant use of as they came from Seoul in groups of four or five and stayed there for a week at a time. The Volunteer Corps published and distributed biweekly newsletters, which delivered the information about liability and compensation that the mainstream media did not cover, such as the possibility that damages might not be capped. The Volunteer Corps also conducted a relay demonstration for several weeks in front of Samsung's headquarters,³⁵ urging the global company not to hide behind the treaty-based liability limitation and to offer a fair compensation proposal.³⁶ The Volunteer Corps members summarized their counseling experience by publishing a manuscript titled "200 Questions and Answers on Oil Pollution Compensation,"³⁷ which was mass-produced and locally distributed to the broader communities affected by the oil spill. The Corps members also collected and translated into Korean, major overseas precedents interpreting the liability limitation regimes for sea and air carriers, in order to encourage and educate lawyers who might have wanted to eliminate the damages cap by proving that Samsung had been reckless. This collection was officially published many months later in July 2009, as a 529-page volume, *Major Cases on Ship Owner's Liability Limitation*, and included Professor Park's preface analyzing the significance of these precedents.³⁸

The Volunteer Corps was successful in turning the public's attention to the possibility of "unlimited liability," a term first used by the Corps, which then gained wide acceptance among the general public as a normative standard to be applied. Moreover, group of law firms came forth to represent economic damages victims on a pro bono basis, taking on the task of attempting to prove Samsung's recklessness in an effort to eliminate the liability cap. After five months of operation, the Volunteer Corps dissolved itself and turned over all the intake documents to a public interest litigation group, including the law firms providing pro bono assistance. Litigation against Samsung on the limitation cap issue lasted for more than four years, until the Supreme Court's decision on April 17, 2012 that did not eliminate the cap.³⁹

What was significant for clinical education was that the Volunteer Corps' efforts became widely known in college circles and raised the awareness of such education among officials at Korea University, who were at the time planning for the opening of a three-year law school in 2009. They commissioned Professor Park to create a pilot project with undergraduate law students in June 2008. The newly created Global Legal Clinic was the first attempt at clinical education in Korea, and it was to be later transplanted once Korea University established a new law school under the new system.

The pilot Global Legal Clinic soon grew from 10 to more than 20 students who worked at three clinics: the Oil Spill Compensation, Foreign Workers' Rights, and Blind's Web Accessibility Clinics, all of which had very narrowly tailored goals. The Oil Spill Compensation Clinic was to be a policy clinic, the goal of which was lobbying the government to ratify the protocols governing the IOPC Supplementary Fund. Korea's ratification would result in increasing the amount available for compensation, from about 360 billion KRW to about 1 trillion KRW. The Foreign Workers' Rights Clinic was also to be a "policy clinic," the goal of which was to repeal the law requiring public employees to report any undocumented alien to the immigration authorities, most of the time, for deportation. The Web Accessibility Clinic was to be a "litigation clinic" aimed at filing civil rights suits against companies and agencies for failing to configure their websites for accessibility to the blind.

When the new law school opened at Korea University in March 2009, the Global Legal Clinic became the country's first clinical center that offered a course that could be taken for academic credit at a law school, and in 2010 it changed its name to the Clinical Legal Education Center (CLEC). The three earlier pilot clinics continued to be offered to law school students and resulted in tangible achievements in 2010 and 2013, which are discussed below.

Also, several college law students who participated and played leadership roles in the Volunteer Corps and the Global Legal Clinic enrolled in the new law schools in 2009 or 2010 and became active in or otherwise contributed to the formal clinics established there.⁴⁰ The student leadership was very important for the early phases of the law school clinics because there was barely a professor with any clinical education experience either as a student or as a professor.

Current Status of Korean Clinical Legal Education

As envisioned in the Law School Act, law school education is intended to be consonant with the ideals of clinical education as globally practiced. Similar to the ideal of clinical education, as "hands-on, professional skills training coupled with instruction in—and initiation into—lawyers' public and professional responsibilities,"⁴¹ the reform law is commendably aimed at producing lawyers who are worldly, with knowledge and understanding of the larger society and values based on concepts of equality and justice, and who also possess the skills necessary to serve the public.⁴² Indeed, in the competitive process established for the selection of institutions that could operate postgraduate

law schools, schools were awarded points for courses that combined practice with theory.⁴³

While experiential learning opportunities might appear to be an inevitable component of this aim, lawmakers did not consider clinics specifically as an essential element of the reform. Since the law schools opened in March 2009, externships and skills courses such as legal writing and drafting, litigation skills training, moot court, legal ethics, and problem solving have comprised the primary means of delivering practical education.⁴⁴ Of these courses, five are mandatory under the reform law: professional responsibility or ethics, legal research, legal document drafting, moot court, and an externship.⁴⁵

Programs that are considered “clinical” vary, consisting of on-campus clinics under the supervision of faculty; off-campus placements at law offices, NGOs or government offices, which are also commonly referred to as internships in Korea (referred to in the United States as externships); and hybrid models of collaboration between government agencies, law school faculty, and students, in which faculty provides on-campus supervision.⁴⁶ Most students consider clinical courses only after fulfilling their practical course requirement though an externship or internship.

Some Numbers on Korean Legal Clinics⁴⁷

In the first year of the newly established law schools, only Korea University had a legal clinic. Clinical programs at that school began in the inaugurating year of 2009 because it was able to build on its previous undergraduate clinical program. A year after the schools opened, only six law schools had adopted clinical courses.⁴⁸ Although all 25 law schools had built clinical programs by 2011, that is, when the first admitted class became third-year law students, the reality is that, oppressed by the bar examination pressure, students have rarely enrolled in clinical courses.

Overall, the law schools have not considered clinics an indispensable part of the new establishments. Only three law schools require a clinical course as a graduation requirement.⁴⁹ Yet even the graduation requirement at those schools is not very substantial. For instance, one of the three schools requires only one clinical unit, which corresponds to only 20 hours per semester, meaning barely a little more than one hour each week.⁵⁰ In addition, all 25 schools grant credits on a pass/fail basis.⁵¹ The clinical courses are expected to lose many students if they are competitively graded.

What is promising—and perhaps this is due to the few demands of clinical courses, including the hours requirement and the pass/fail grading—the number of students who participated in clinical programs is substantial. At least at five schools, more than 100 students per school participated in 2012.⁵² There are 14 schools at which fewer than 40 students participated, but that is because 8 schools received an admission quota of fewer than 50 from the educational ministry, and it is likely that these schools are in the group of 14.⁵³ Actually, given that only eight schools have quotas of 100 or more students per class and that the

students are not likely to participate in the clinical program for more than one year,⁵⁴ that five schools registered annual student participation of more than 100 is phenomenal. One can say that at those schools nearly every eligible student participated.

However, the depth and limitations of the current design of clinical education needs be considered. Although all 25 schools deal with real cases,⁵⁵ at least five schools do not engage in litigation and do not file lawsuits.⁵⁶ Such schools do not offer any alternative experience to real litigation to supplement the weak experiential component. As a result, 13 schools did not have any experience of delivering successful relief to their clients through litigation.⁵⁷ Indeed, it is rare to hear about a clinical lawsuit that led to a victory. The rarity of such victories is unsurprising: 11 schools allocate only one credit to all clinical courses, 10 schools assign two credits, and only 3 schools assign three credits.⁵⁸ Given the few credits, it is difficult to expect a clinical semester to accommodate the successful prosecution of a formal suit.

Twelve schools restrict the timing of enrollment in clinical programs to the upper years of the three-year program.⁵⁹ The cold reality is that the pressure to pass the attorney examination is so overwhelming, and more so toward the third year, that only students in their first years or the first semester of their second years have the mental leeway to enroll in a clinical course not related to the bar examination. It would appear that the rule that exists at 12 schools, limiting clinical enrollment to the upper years, results in the overall lack or shallowness of student participation.

Another salient point is that only five schools have a standard for client selection,⁶⁰ out of which only one school, Korea University, applies a financial means test. The remaining four schools limit the intake to only certain subject matters, kinds of clients (e.g., the school's employees and students), or to cases sourced from local welfare offices. Out of 25 law schools, only 12 have specialized clinics, with the rest being general civil and criminal clinics.⁶¹

At most schools, case administration proceeds as follows: (1) intake; (2) first draft opinion by students; (3) professor review and suggestions for revision; and (4) student delivery of final opinion to clients.⁶² Only two schools seem to have extra steps between (3) and (4) whereby professors give students the opportunity to improve upon their first draft opinions and, through dialogue with the advising professor, to have the experience of taking responsibility for the Final Opinion themselves.

Ironically, the students' satisfaction with clinical programs is generally very high: fourteen schools and six schools reported "high satisfaction" and "very high satisfaction," respectively, among clinical students.⁶³ Some students participate in the clinics as volunteers without credit during the summer or winter recesses.

The self-assessment of the clinical programs,⁶⁴ as shown through the survey, confirm some of the critique here, namely the following:

1. The pressure from the bar examination chills student participation throughout the three years, and especially participation of third-year students, who

- are best positioned to benefit from clinical courses, having received sufficient theoretical training in substantive laws.
2. The utter lack of full-time clinical staff and the poor funding to clinical programs limit the efficiency with which cases are handled. None of the clinical programs has a full-time staff person. Even the largest clinical program in the country, at Korea University, is run on a budget of less than USD 70,000 and with part-time fellows. SNU School of Law, with the largest student body, does not even have an organization responsible for administering clinical education, such as Korea University's CLEC.⁶⁵
 3. The lack of full-time staff also has other repercussions. It often leads to the clinic's inability to engage in effective publicity, which makes fundraising difficult. More importantly, without full-time staff, it is difficult to engage in effective case intake to obtain a stream of educationally appropriate cases. The government provides a subsidy of about 1 million USD that is distributed to 25 schools for their clinical programs in amounts set according to each clinic's performance, as evaluated by the Ministry of Education. The funding can be used only for clinical curriculum development and outside lawyers' fees. Critically, payment to outside lawyers is essential since law school faculties are not allowed to practice law.
 4. Because even licensed professors are not allowed to practice law, most practical instruction is done by outside lawyers, who have not been trained in clinical pedagogy.

Selected Clinics of Korea

There are Korean clinics that are successful at both educating future lawyers and providing socially valuable services, although educational success is difficult to measure. Yonsei University and Ehwa University have eight clinics and nine clinic courses, respectively. Ehwa opened its Gender Law Clinic in accordance with the school's identity as an all-women law school.⁶⁶ Kangwon, Konkuk, and Youngnam do outreach by visiting villages that lack lawyers.⁶⁷ Aju works closely with local agencies supporting small-to-medium-sized enterprises, and filed and won a customs tax reimbursement suit for an exporter at the appellate court in December 2012 and at the Supreme Court in June 2013.⁶⁸ Joongang has filed constitutional challenges in free speech and communication cases in which students actively participated.⁶⁹ We chose to focus on clinical programs at two law schools about which we have firsthand knowledge or obtained sufficient information to be able to assess current operations.⁷⁰

*Korea University*⁷¹

Korea University, in Seoul, was founded as the Private Bosung Professional College, established on April 3, 1905, by Lee Yong-Ik, a minister of the last Joseon crown. Its College of Law, originating from the Department of Law of Bosung

College, has been part of Korea University's centennial history. During the modernization period, Bosung College's Department of Law was the only private legal education institution. Korea University's College of Law since then has led the private schools, while Seoul National University (SNU) has led the public schools, in the number of bar passers under the National Judicial Examination system. Out of 3,330 bar passers produced over the span of five years up to 2012, SNU produced 26.4 percent of them, while Korea University produced 16 percent (Yonsei 12.6%, and Sungkyunkwan 7.4%).⁷² The Ministry of Education, in distributing the 2,000 law school admissions quota among the 25 law schools, took into account bar passage and gave SNU an admissions quota of 150, while giving Korea, Yonsei, and Sungkyunkwan 120 each year.

As described, Korea University's clinical education began even before the law school opened, with the United States-trained Professor Park working with students on the *Heibei Spirit* case. Close to two-thirds of the first entering class were law students who had sufficient knowledge to receive clinical training right away.

Since then, Korea University's CLEC has led the country in depth and breadth of clinical activities, resulting in a special mention by and financial support from the Ministry of Education in 2012. In each of the graduating classes of about 120, more than half have volunteered or taken credit courses offered by CLEC.

CLEC's major victories include the country's ratification of the protocols leading to Korea's enrollment in the International Oil Pollution Compensation's Supplementary Fund (April 2010)⁷³ and the settlement of the web accessibility lawsuit on behalf of the blind against Korean Air Line (October 2013),⁷⁴ both of which originated from the work of the pilot projects begun in 2008. With those achievements, the Oil Spill Clinic and the Blinds' Web Accessibility Clinic closed.

As of June 2014, there are 15 clinics at Korea University: General Civil and Criminal, International Human Rights, International Humanitarian Law, Public Interest, Social Enterprise, Internet Law, Mediation, Criminal Law, North Korea Human Rights, Legislation, Maritime Insurance, Patent, Tax Law, Competition Law, and Family Law. Below, we will cover the activities up to 2013 of only the most active clinics.

The General Civil and Criminal Clinic, mostly supervised by Professors Young-Hwan Chung and Jewan Kim, Director and Assistant Director of CLEC, respectively, began with the distribution of clinic brochures by students to passersby on one Saturday in March 2009. Since then, more than 100 clients concerned about a broad range of issues have come annually to the clinic after having read the brochures. Several professors, mostly former judges or licensed attorneys, from different fields of concentration have participated in advising 50 or so students each year. Early on, CLEC first adopted "Case Rounds," in which students present the diagnosis and prognosis of the cases to a panel of professors and all the other students in the clinic. Each Case Round can easily last longer than three hours due to the high volume of cases. Some of the cases led to actual lawsuits. In one case, a low-income tenant in public housing faced eviction because he had inherited 2/7 of a house upon his parents' death, which, however, was of no value

to him because the house was fully leveraged.⁷⁵ The clinic defended the tenant and had the eviction suit dismissed.

The International Human Rights Clinic, supervised by Professor Park, has administered projects related to Myanmar. Over the span of four years, the clinic's most important project has been developing a *Doe v. Unocal*⁷⁶-type legal remedy for the damages that local people suffered under the Shwe Gas project, in which a Korean company, Daewoo International, invested and participated. In 2010–2012, the supervising professor and the students collected information about Daewoo's Onshore Gas Terminal on Kyauk Phyu Island indirectly through expatriates in Mae Sot, Chiang Mai, and Yangon. In 2013, when the political rule became somewhat liberalized, the clinic finally paid a visit directly to the affected areas to interview local farmers who had sold their land rights to Daewoo in 2010 under unfavorable terms dictated by local military leaders. For instance, Daewoo compensated for only 3–5 years of land use, even though its occupation was planned for more than 30 years. While the clinic made fact-finding visits, it also conducted capacity-building workshops several times on the rule of law and democracy for local lawyers and law students. At the same time, the clinic participated in the international extractive industry transparency movement by working with a legislator to submit to the Korean National Assembly an extractor transparency bill similar to Section 1504 of the American Dodd-Frank Act⁷⁷ or the European Parliament's 2013 amendment of the Accounting (and Transparency) Directive.⁷⁸

The Internet Law Clinic, also supervised by Professor Park, runs a counseling-only cyberclinic at www.internetlawclinic.org in the area of communications law, where clients and students exchange questions and advice entirely through the website. Each piece of advice typically goes through the cycle of supervisors' review and the student's revisions 1–3 times. This innovative clinic took advantage of the fact that advising on media and communications law, such as defamation, insult, privacy, data protection, copyright, fair use, trademark, and unfair competition, can be done efficiently through cyberspace as long as the students are allowed to review the “full contents,” for example, actual photographs that allegedly infringe upon the copyrights of the original, and the original work itself. The Clinic has advised on 230 cases over the span of 2.5 years since its founding in November 2011. Supervision is augmented by several outside lawyers.

The Public Interest Clinic, supervised by Professor Zoonil Yi, adopted and expanded on the tradition of the Blinds' Web Accessibility Clinic to first operate as a disability rights clinic in 2010. It advised the National Human Rights Commission of Korea on the human rights review of the government's 2010 Plan for Guaranteeing Basic Life and 2010 Plan for Providing Attendants to People with Disabilities. In 2013, at a summer camp operated on the west coast of the country, several students drowned when they were ordered to jump off a boat without life jackets. The Public Interest Clinic intervened to represent the victims' families in the civil and criminal proceeding against the camp operators and obtained an indictment and a subsequent guilty judgment against the CEO of the boot camp in December 2013.

The Social Enterprise Clinic, supervised by Professor Jewan Kim, has provided legal services to WOOZOO, a company working to provide affordable housing to college students, and Enactus Korea, a company conducting various self-help income-generating projects for multiracial families, the elderly, and social activists.

The Mediation Clinic, supervised by Professor Young Hwan Chung, has trained students by requiring them to write memos to be read by mediation judges of the Seoul District Court under an agreement with Korea University to supply real cases. Students who author the mediation memos are also allowed to sit in on the mediation proceeding at the court. In 2013 alone, 41 cases were handled by 25 students.

Sungkyunkwan University School of Law

Founded in 1398 during the Joseon Dynasty, Sungkyunkwan University, in Seoul, is the oldest university in East Asia and one of Korea's elite institutions.⁷⁹ The law school is authorized to admit a class of 120 each year.⁸⁰ As of May 2014, four clinical programs are in operation: three clinics conceived by the school and directed by Professor He Wan Lee, who served as an appellate judge (and is thus a licensed lawyer) and then as CEO of an Internet-based legal information provider; and a refugee law clinic conceived by Professor Patricia Goedde, a United States-trained and licensed JD/PhD with a particular interest in refugees and with prior practice experience in a South Korean law firm.⁸¹ Launched in 2011 with advance planning, the clinics give students hands-on, practical experience, and participation is quite robust.⁸² Students enrolled in the clinics have numbered between 47 and 78 in the last three semesters. According to Professor Lee, nearly all of the students appear to be partaking in the clinical opportunities even though they are not mandatory. Student feedback also has been extremely positive and has even suggested that the clinics be mandatory and permitted to be retaken.

The three clinics that are generally under Professor Lee's direction expressly operate with the dual mission commonly found in foreign clinics—training effective would-be lawyers and providing needed social services—and address civil and criminal, public interest, and nonprofit business (or social enterprise) matters.⁸³ All three have a common Internet intake procedure. The civil and criminal clinic students are directly supervised by Professor Lee, and those of the other two, by outside lawyers. As to the civil and criminal clinic, with limited exceptions, a graduate fellow makes decisions on case selection according to preestablished guidelines. Generally, the clinic does not handle serious criminal cases and cases that are not amenable to a positive outcome through a legal process or cases that are definitively meritless, while the educational value of a case is considered, and whether it can be resolved within a semester. In between semesters, a formal program comprised of volunteer student teams performs case work. Most cases are resolved at the advice stage, while some cases proceed to litigation. Of the cases that do go forward, some proceed pro se and, in exceptional cases,

with a lawyer hired by the clinic (currently, one case). Both types of cases proceed with student participation. Students actively take part in all stages as the cases develop and receive thorough supervision. Supervision entails review of written work product before it leaves the clinic and receiving feedback in preparing for outside interviews and meetings. However, without student practice rules, any participation in court is reduced to observation of the proceedings and postproceeding debriefings with the lawyers in charge.

Students in the civil and criminal clinic have an opportunity to learn the same skills that their counterparts abroad do with real cases, such as interviewing, fact gathering, collaboration, research, and writing skills. Students also have an opportunity to learn professional values and judgment through case rounds. In case rounds, students are guided by material developed by Professor Lee based on principles espoused in a comprehensive 2011 Korean book covering practicum fundamentals such as necessary skills and values.⁸⁴ Participation in rounds is not mandatory, but the participation rate is high.

Typically a team of three students is assigned two cases: a case that is accepted through the intake process and a case assigned through the court-sponsored “early mediation” project (the same one in which the Mediation Clinic at Korea University participates, along with the law school at Jungang, and is described above). Begun in 2013, the mediation project introduces students to Korea’s relatively new alternative dispute resolution procedures and to experiential learning, through fact investigation, writing, and meetings with litigants, court personnel, and the professor in charge.

As for the refugee law clinic, it did not at first represent refugees because Professor Goedde believed, based on accepted international principles, that students should not do any casework before being trained. Students instead interacted with stakeholders, including asylum seekers, developed relationships with key players, and, in conjunction with paid researchers, developed a bilingual how-to manual for training future law students and prepared country of origin information used in asylum cases. At the request of a public interest law foundation, students also prepared a report intended for the Ministry of Justice on refugee case law developments in five foreign jurisdictions.⁸⁵ The clinic also assisted an NGO in representing an asylum seeker from Afghanistan with research and writing. The clinic is now working with the Korean Bar Association’s taskforce on matters related to asylum seekers held in detention facilities and preparing a comparative law report on border asylum procedures in other countries, which will be submitted to the NGO and the taskforce.⁸⁶

Given that Professor Goedde supervises the clinic part-time and that there are no students during breaks and no other staff attorneys, a docket comparable to some of the human rights clinics (with full-time staff) in the United States, where students undertake litigation, appears unrealistic and undesirable. The arrangement that the clinic has with an NGO, which handles casework, however, provides students with indirect casework experience. In addition, students appear to have a rich opportunity to deeply engage in reflection about and to be exposed to the implementation of Korea’s newly enacted asylum law, the policies

and practices of a complex area of the law, and professional reasoning, judgment and values involved in representing socially vulnerable populations. Students are also learning that developing a presence through relationship building is a core element in representing vulnerable groups and that these efforts necessarily take time. Significantly, students in the clinic, who grew up in a period of relative political stability, and some with many privileges and possibly no past work experience, may be being exposed for the first time to the importance of lawyering as part of a sociopolitical movement.

Critical Evaluation

Even though Korean legal clinics have a short history, their founding is introducing experiential education where little existed before in the education of lawyers. Some clinics are preparing law students for real practice, and most are creating links among alumni and other practicing lawyers, academics, and classrooms. The burgeoning movement is also bringing about interactions among Korean professors with those abroad.⁸⁷ Effectuating meaningful clinical education, however, must move beyond simply creating clinics or inserting students into settings with real clients and practicing lawyers.

To be successful in achieving the goals of the 2007 reform law, more should be done by the law schools themselves. Efforts at creating clinical programs must be made with intention, considering the educational goals of the clinic, teaching methodology, and social benefit. Administrators must provide due academic credit to clinical offerings and offer fair treatment between course offerings to ensure that students do not neglect clinical experiences or relegate them to volunteer opportunities with little feedback or accountability. Creating additional clinics also may require consideration of the school's academic focus, the resources that existing faculty can offer as well as other resources at the school, and the school's proximity to institutions that may be critical community partners in the clinical program. Law schools should also secure the resources necessary for ensuring that students are properly supervised and that the work students perform delivers educational benefits.

In this regard, the government and the bar also have a responsibility to do more because achieving the goals of the reform is ultimately about enhancing access to justice and professionalism. Institutions such as the Korean Law School Association must take a leadership role, for example, in formulating guidelines for success. Such efforts could take the form of adopting educational goals of clinical education and would not need to be crafted anew, but could look to articulations found abroad that could be adapted for the Korean context. Some useful exemplars are found in the Carnegie report and the Best Practices Project from the Clinical Legal Education Association (US CLEA).⁸⁸ The Carnegie report speaks of three aspects of professional education that are important to preparing students for the profession of law, called "apprenticeships": "intellectual or cognitive, [focusing] the student on the knowledge and way of thinking about the profession," which may be best achieved in academic classes (but in its absence

Korean clinical professors may have to integrate this cognitive aspect into their teaching); “expert practice shared by competent practitioners,” to be able to act as professionals in the field do; and introducing students to the values and “the purposes and attitudes that are guided by the values for which the professional community is responsible.”⁸⁹ The US CLEA project identifies best practices for experiential courses, and, for example, suggests that clinical courses articulate educational goals, provide a model of law office management, and adopt specific supervision models and co-curricular components such as rounds.⁹⁰

Indeed, the formation of an organization like the US CLEA that is purposefully focused on CLE would be a helpful step. Japan, which jump-started its experiment with law school reform before Korea, changed in 2004 from a system similar to Korea’s pre-2007 reforms to an American-styled professional school system and introduced a new bar examination for graduates of the newly established law programs.⁹¹ Japan established the Japan Clinical Legal Education Association (Japan CLEA) in 2008, which boasted 236 members in 2011, with the purpose of exchanging information among members, as well as learning from other professionals in Japan and professionals from abroad.⁹²

Information exchange with Japan CLEA might be particularly relevant because of similarities in the two countries’ legal systems, history of legal education, bar examination quota, licensing requirements, and the absence of rules allowing student practice in the courts.⁹³ The impetus of the reform, too, was similar: the reforms were meant to increase access to justice, particularly in rural areas, by licensing more lawyers and better educating lawyers for practice.⁹⁴ Also similar to Korea, the reform saw the founding of clinics, admission of a more diverse pool of candidates, including those with professional work experience, and faculty members who included practitioners.⁹⁵ As of 2008, half of Japan’s 74 new postgraduate programs had clinical courses in which students directly served clients, but some of the clinics were in fact more like externships supervised by lawyers off campus.⁹⁶ In addition, clinical faculty had lower status, little guarantee of continued employment, were underpaid for the amount of work they did, and did not receive institutional support for professional development.⁹⁷ Similarly, in Korea, clinical education is mostly done by practicing lawyers who have little time to devote to teaching students while handling cases. There is no genuine clinical faculty, but between these outside lawyers and theoretical professors moonlighting in the clinical programs, the country’s clinical education survives. Given some of these similarities, exchanges between clinical professors of both countries could prove fruitful, and some exchanges are already beginning to occur.⁹⁸ Exchanges with longstanding programs outside of Asia could also be beneficial.⁹⁹

Meaningful change will also involve exploring student practice rules. Experienced clinicians abroad believe that, without student rules, students are relegated to thinking like a student rather than a practitioner: “Responsibility for clients and accountability for one’s own actions are at the center of clinical experiences.”¹⁰⁰ “[T]he learning is deeper and more meaningful when a student is participating as a lawyer, rather than as an observer or assistant.”¹⁰¹ Japanese clinical

professors have had preliminary discussions about student practice rules with stakeholders,¹⁰² and lessons learned from the effort could inform the Korean bar and academia. Since lawyers in both countries share pervasively negative perceptions that students are unready to practice, exchanging information on this effort and on the history of practice rules abroad could be helpful to the debate.

However, the most determinative factor in any aspect of Korean legal education is still the strict annual bar admission quota of about 1,500¹⁰³ set against 2,000 graduates, which has distorted legal education into something similar to the former system, which was dominated by the 5 percent passing rate under the National Judicial Examination system: that of intense and largely memory-driven exam preparation. Given that 2,000 new examinees graduate every year and that at least 500 of them come back to retake the exam a second or third time, students are under intense pressure to study for the bar examination all through school. Because there is no passing score for the exam, they must study to compete with one another to qualify among the 1,500 without knowing how much better prepared the others might be. All of them end up pushing themselves to their physical limit to prepare for the bar examination, leaving only a small amount of time for clinical training or community service. This pressure was in no small part responsible for the painful experience of SNU, which, with the largest class size of 150, nevertheless enrolled fewer than 10 students in its first and only clinic course in 2011, and then had to shut it down in 2012 for lack of student interest.¹⁰⁴ The school, however, did come back successfully in Spring 2013 with the opening of its Occupational Safety/Workers' Compensation Clinic,¹⁰⁵ whose litigation and policy work contributed to Samsung's partial admission of responsibility in May 2014 in the 50 or so deaths of its employees.¹⁰⁶

Because of the pressure to pass the bar examination, even if the law schools increase the currently small number of credits given for clinical courses (one to three credits), it is unlikely that many students will take advantage of them. To be sure, on-campus clinical courses are not the only way to effect experiential training, and students can receive one to two externship credits for working full-time at law firms for two weeks, which are usually allotted to summer or winter recesses. Indeed, almost all law students complete at least one externship before they graduate, but less than half participate in clinics. Putting aside the theoretical debate on the relative values of on-campus clinics and off-campus externships, problems with the current externship practices abound as they operate more as opportunities for obtaining a job after graduation than as education. It is not clear whether students obtain educationally meaningful experiences since feedback is not guaranteed.¹⁰⁷

Conclusion

Korea's legal education reforms could provide an impetus for a grand experiment in designing clinical programs anew, based on best practices from abroad and within Korea from clinical models in practice in other professions such as medicine.

However, only very few graduate law schools have taken on the challenge as an opportunity to map out a new landscape in clinical education, largely restricted by the hostile educational environment that is due to the bar examination system that mandatorily fails a number equivalent to 25 percent of each year's graduating class. The lack of full-time clinical faculty, the rule against faculty practice, and the absence of a clinical education association are also noteworthy.

CLE, however, exists irrevocably in Korea. A few clinics are succeeding in producing impressive results, and students are at the center of critical aspects of these projects. As students with clinical experience move into leadership positions, and as the public reaps concrete benefits through free representation, clinical education may garner advocates even among skeptics.

Notes

1. "Beophakjeonmundae hakwonseolchiunyeong e gwanhanbeopyul" [The Act on the Establishment and Management of Professional Law Schools], Law No. 8544 of 2007, http://elaw.klri.re.kr/kor_service/lawView.do?hseq=25756&lang=ENG, accessed June 6, 2014. This chapter uses the Revised Romanization of Korean system of transliteration. As the system allows, personal names are denoted as used by the person, except that given names are provided first.
2. In Korea, almost all schools have their academic years begin with the spring semester.
3. See generally Young-Cheol K. Jeong, "Korean Legal Education for the Age of Professionalism" (2010) 5 *East Asia L. Rev.* 155.
4. Matthew J. Wilson, "U.S. Legal Education Methods and Ideals: Application to the Japanese and Korean Systems" (2010) 18 *Cardozo J. Int'l. & Comp. L.* 295, 335.
5. Jeong (n 3) 158–159.
6. *Ibid.* 335; Rosa Kim, "The 'Americanization' of Legal Education in South Korea: Challenges and Opportunities" (2012) 38 *Brook. J. Int'l L.* 49, 52. Although some refer to the examination as the National Judiciary Examination, the Ministry of Justice itself calls it the National Judicial Examination.
7. Wilson (n 4) 336; Kim (n 6) 49; Jeong (n 3) 158; Korean Bar Association, *byeonhosajedo*, <http://www.koreanbar.or.kr/info/info03.asp>, accessed June 9, 2014. The quota under the prereform bar examination has annually decreased the number of examinees permitted to pass. Jeong (n 3) 158.
8. The latest reliable statistics for the number of Korean practicing lawyers is from the Korean Ministry of Justice and relate to 2009. According to that information, there were 2,468 judges, 1,699 prosecutors, and 11,016 private attorneys in Korea. Ministry of Justice, Justice System, Overview, http://www.moj.go.kr/HP/ENG/eng_02/eng_2040.jsp, accessed May 22, 2014; the population data come from Country Statistical Profiles: Korea 2009, OECD, http://www.oecd-ilibrary.org/economics/country-statistical-profile-korea-2009_20752288-2009-table-kor, accessed May 22, 2014. Comparing data from the same general period, the United States had 1,180,386 lawyers for 307,006,550 residents, resulting in a ratio of 1 lawyer for about 260 residents. US Census Bureau, Vintage 2009: National Tables, Annual Estimates of the Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2009, http://www.census.gov/popest/data/historical/2000s/vintage_2009/index.html, accessed May 22, 2014; American Bar Association (ABA) National Lawyer Population by State 2003–2013, <http://www>

- .americanbar.org/content/dam/aba/administrative/market_research/2013natl_lawyer10_year_trends.authcheckdam.pdf, accessed May 22, 2014. The current ratio for the United States is not significantly different, at about 1 lawyer for about 250 residents. *Ibid.* (ABA); US Census Bureau, Annual Estimates of the Population for the United States, Regions, States, and Puerto Rico: April 1, 2010 to July 1, 2013, <http://census.hawaii.gov/home/population-estimate/>, accessed May 22, 2014.
9. OECD Health Data 2013, How Does Korea Compare, <http://www.oecd.org/els/health-systems/Briefing-Note-KOREA-2013.pdf>, accessed May 22, 2014; William M. Sullivan, Anne Colby, Judith W. Wegner, Lloyd Bond, and Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* (The Carnegie Foundation for the Advancement of Teaching, Jossey-Bass, 2007) 1.
 10. Kim (n 5) 55 (citing Dae-Kyu Yoon, *Law and Democracy in South Korea: Democratic Development since 1987* [Institute for Far Eastern Studies, Kyungnam University, 2010] 136); Editorial, “Too Many Lawyers?” *Korea Herald* (Seoul, December 9, 2010) <http://www.koreaherald.com/opinion/Detail.jsp?newsMLId=20101209000705>, accessed May 23, 2014 (noting that one-third of municipalities lack resident lawyers); Jeong (n 3) 180.
 11. Wilson (n 4) 335; Jeong (n 3) 157.
 12. Patricia Goedde, “Globalized Legal Education, Human Rights Lawyering, and Institutional Reform: the Case of a Refugee Law Clinic in South Korea” (2014) 20 *Clinical L. Rev.* 355, 374 (even under the new system, students focus on bar examination preparation in their third year).
 13. See, for example, *ibid.* 359 (noting the existence of only a handful of experts on refugee law); International Bar Association, *Korean Times* (February 2010) <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=b4dacd34-e9a2-4a88-a6c2-01c51890bf2a> (then president of the South Korea’s Bar Association discussing the bar’s underpreparedness to meet the challenge of the Korean legal market as one of the fastest growing for commercial law).
 14. Wilson (n 4) 335.
 15. *Ibid.* Compare with active learning and problem solving methods used in doctrinal classes, Myron Moskowitz, “From Case Method to Problem Method: The Evolution of a Teacher” (2004) 48 *St. Louis U. L.J.* 1205; Sarah E. Ricks, “Some Strategies to Teach Reluctant Talkers to Talk About Law” (2004) 54 *J. Legal Educ.* 570, 572.
 16. Jeong (n 3) 162, 175.
 17. *Korean Times* (n 13).
 18. The Act on the Establishment and Operation of Professional Law Schools (“Law School Act,” hereinafter) (n 1) ch. 1, arts 1 & 2.
 19. Sullivan et al. (n 9) 1, 21–23. This Carnegie report called for reforms of American legal education to change its overreliance on the case-dialogue method (also known as the lecture and Socratic method), underdevelopment of mechanisms for providing feedback and assessment of student learning, and the failure to integrate teachings of doctrine, skills, and professional identity.
 20. The Law School Act (n 1) ch 1, art 5, ch 3.
 21. *Ibid.* ch 3, arts 16 & 26.
 22. *Ibid.* ch 6.
 23. Jeong (n 3) 157.
 24. Korean Bar Association (n 7).
 25. Goedde (n 13) 356.

26. Jeong (n 3) 161, 163; Some of the programs, however, may have needed some incubation time, and as of that criticism made in 2010, positive changes have been made at some schools.
27. Jeong (n 3) 163.
28. John M. Glionna, "South Korean Oil Spill Victims Cautionary Tale" *Los Angeles Times* (July 17, 2010); Sang-Hun Choe, "South Korea Cleans Up Big Oil Spill" *The New York Times* (New York, December 9, 2007).
29. *Ibid.*
30. *Seohaengireumyuchulsagobeobryulbongsajiwondan* [West Seashore Oil Spill Accident Legal Services Volunteer Corps], <http://club.cyworld.com/taeanlegalservice>, accessed June 12, 2014. The number of student volunteers can be found at this social media site used by the volunteers.
31. Official website of Taeanhaean Korea National Park Service, National Parks of Korea, Taeanhaean, <http://english.knps.or.kr/Knp/Taeanhaean/Intro/Introduction.aspx?MenuNum=1&Submenu=Npp>, accessed June 16, 2014.
32. Facts about the case are known to coauthor Park from his work on the case.
33. *Seohaegireumyuchulsagoui* "wanjeonbokgu.wanjeonbosang, gahaejamuhanchaegim [Full Restoration, Full Compensation, No Liability Limitation on Wrongdoers], *Beobryul Journal*, January 7, 2008 http://news.lec.co.kr/gnuboard4/bbs/board.php?bo_table=pass&wr_id=36158, accessed June 12, 2014. The social media site through which the volunteers communicated was opened at <http://club.cyworld.com/taeanlegalservice>, accessed June 12, 2014.
34. "Chamyoyeondae, taeanheonjibeobryulsangdamsogaesomitbongyeokjeoginbeobryuljiwonhwaldongsijak" [On-site Legal Clinic Opens for Oil Spill Victims], *Yonhap News* (Seoul, January 7, 2008) http://app.yonhapnews.co.kr/YNA/Basic/article/Press/YIBW_showPress.aspx?contents_id=RPR20080107025200353, accessed June 12, 2014.
35. <http://www.ingopress.com/CSOScheduleRead.aspx?idx=626>. <http://www.ingopress.com/CSOScheduleRead.aspx?idx=626>.
36. Mainly due to similar protests from the victims, Samsung agreed in November 2013 to make a regional development grant of about 360 million USD to be distributed over the affected region. For related news report, see below. <http://www.yonhapnews.co.kr/bulletin/2013/11/28/0200000000AKR20131128084100063.HTML>, accessed June 12, 2014. The individual victims cannot receive cash under this arrangement. <http://www.yonhapnews.co.kr/bulletin/2013/11/28/0200000000AKR20131128084100063.HTML>, accessed June 12, 2014.
37. Text of the questionnaire available at http://www.korealawschool.com/_data/bbs//notice/2008/bbs7.1.20080929142117.pdf, accessed June 12, 2014.
38. The book is being commercial sold. <http://www.kyobobook.co.kr/product/detailViewKor.laf?ejkGb=KOR&mallGb=KOR&barcode=9788976416957&orderClick=LAG&Kc=>, accessed June 12, 2014.
39. Supreme Court Judgment 2010 ma 222. The Supreme Court unfortunately did not find the requisite recklessness and knowledge of probable damage on the part of Samsung. It was interesting that the Supreme Court used the complete lack of any direction from the land crew as evidence negating the ship owner's "personal knowledge," but did not choose to allow the same to be the basis for attributing the captain's conduct to the ship owner under the theory of blanket entrustment.
40. Just to name a few, Mi Ro Kang and Ik-Chan Sohn went on to Seoul National University and led in the creation of and participated in a newly created workers'

- compensation clinic there, which delved into the leukemia cases that Samsung Semi-conductors refused to recognize as work related. Ji-Heon Oh and Woo-Koo Choi went to the graduate law program of their alma mater, Korea University, and continued on with their respective clinical tasks to remarkable success, i.e., the IOPC Supplementary Fund advocacy and publication of the translation of *Major Cases on Ship Owner's Liability Limitation*. Jong Yeon Choi and Kelly Kha-Yeun Kim joined in the first field trip to the Burma-Thai border in February 2010 in an effort that was later formalized into the International Human Rights Clinic of Korea University Law School. Choi also coauthored the first published paper on the feasibility of a *Doe v. Unocal*-type remedy for Daewoo International, which provided a blue print for the subsequent actions of Korea University's International Human Rights Clinic. Jong Yeon Choi, Mi Ro Kang, and Soo Jin Kong, "A Forlorn Garden—Human Rights Abuse in Shwe Gas Development and Feasibility of Legal Action in Korea" (2010) 8 *Gong-ik-gwa In-gwon* 4, http://www.papersearch.net/view/detail.asp?detail_key=2y800094, accessed June 12, 2014. Kim, who led the Global Legal Clinic as a student, also coauthored the first published paper on the issue of web accessibility for the blind, which was submitted to court in a lawsuit against Korean Airline in 2011. Kyung Sin Park, Kelly Kha-yeun Kim, Seong-hun Kim, Son-hee Yang, and Pil-kyuChae, "The Blind's Web Accessibility: A Comparative-Legal Analysis with a Focus on the U.S., the U.K., and Australia" (2011) 61 *Goryeo Beobhak* 131, www.papersearch.net/view/detail.asp?detail_key=1f501080, accessed June 12, 2014.
41. Frank S. Bloch (ed.), "Introduction" in *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press, 2011) 22.
 42. The Law School Act (n 1) ch 1, arts 1 & 2.
 43. Jeong (n 3) 162.
 44. Goedde (n 13) 356.
 45. Jeong (n 3) 167.
 46. Yonsei operates externship (called internships) and clinic programs. http://law.yonsei.ac.kr/curriculum/curri01_01_2.php
 47. Data presented here are sourced from Chung Young-Hwan, Choi Won, and Moon Jae-Wan, *Current Status of Korean Legal Clinics and Proposals for Improvement*, Korean Association of Law Schools (January 2013) (Korean).
 48. *Ibid.* 60.
 49. *Ibid.* 63.
 50. *Ibid.* 64.
 51. *Ibid.* 81.
 52. *Ibid.* 65.
 53. *Ibid.* 65.
 54. <http://ko.wikipedia.org/wiki/%EB%B2%95%ED%95%99%EC%A0%84%EB%AC%B8%EB%8C%80%ED%95%99%EC%9B%90>, accessed June 12, 2014.
 55. Chung (n 50) 77.
 56. *Ibid.* 80.
 57. *Ibid.* 67.
 58. *Ibid.* 69.
 59. *Ibid.* 73.
 60. *Ibid.* 89.
 61. *Ibid.* 91.
 62. *Ibid.* 94–95.
 63. *Ibid.* 112.

64. Ibid. 113–116.
65. Ibid. 9.
66. Ibid. 8.
67. Ibid.
68. Ibid. 17; http://article.joins.com/news/article/article.asp?total_id=10545282&ctg=1213
69. Chung (n 50) 17.
70. Information gathered is current as of June 2014.
71. All the facts stated in this section originate from the author's memory and the following two useful compendiums: First CLEC Year Book: July 2008–November 2010, Volume 1, and Fourth CLEC Year Book (2013), Volume 1. The Second and Third Year Books were not consulted.
72. Statistics available here: <http://www.veritas-a.com/news/articleView.html?idxno=19806>, accessed June 12, 2014.
73. Ministry of Land, Transportation, and Seas, Ocean Policy Division, "Ocean Oil Pollution Compensation Limit Increased to 1.2 Trillion Won—Due to Korea Joining the IOPC Supplementary Fund" Blog, http://blog.naver.com/PostView.nhn?blogId=mltm_ocean&logNo=60106721950&viewDate=¤tPage=1&listtype=0, accessed June 12, 2014.
74. PSPD Homepage, "Korean Airline Settles on Blind's Web Accessibility—Due to Fix by May 31, 2014" (October 12, 2013) <http://www.peoplepower21.org/PublicLaw/1079578>, accessed June 12, 2014.
75. "Korea University Students' Rule of Loving Others: Rescuing a Tenant on Eviction Proceeding" (Segyellbo, December 18, 2010).
76. http://en.wikipedia.org/wiki/Doe_v._Unocal; <http://www.earthrights.org/legal/doe-v-unocal>, accessed June 12, 2014.
77. See <http://www.kpmg.com/us/en/issuesandinsights/articlespublications/dodd-frank-series/pages/financial-transparency-extractive-dodd-frank.aspx>, accessed June 12, 2014.
78. See http://europa.eu/rapid/press-release_MEMO-13-541_en.htm, accessed June 12, 2014.
79. 2013. World University Rankings, Times Higher Education, Thomson Reuters, <http://www.timeshighereducation.co.uk/world-university-rankings/2012-13/world-ranking/institution/sungkyunkwan-university-skku>, accessed May 26, 2014; 2013 Asia University Rankings, Times Higher Education, Thomson Reuters, <http://www.timeshighereducation.co.uk/world-university-rankings/2012-13/regional-ranking/region/asia>, accessed May 26, 2014; 2013 Jungangilbodaehakpyunggasunui, *Jungangilbo news*, "2013 daehakpyungga" (October 7, 2013) http://article.joins.com/news/article/article.asp?ctg=12&Total_ID=12783624, accessed May 26, 2014.
80. Jeong (n 3) 163, Table 1.
81. Goedde (n 13) 366–367; e-mail communications (May and June 2014) between on file with author Kang, Goedde, and Lee.
82. Goedde (n 13) 367; communications with Lee (n 85).
83. E-mail communications (May and June 2014 on file between author Kang and Lee (n 85). This chapter focuses on the civil and criminal clinic as the information received addresses that clinic more specifically.
84. Jaewan Moon, Hanjung Jeong, and Inhoe Kim, Law School *Silseubgwajeong* (Hanguk Haksuljeongbo, 2010).

85. Goedde (n 13), 367–371.
86. Communications with Goedde (n 85).
87. For example, Miyagawa was invited to speak at a symposium in Korea. Shigeo Miyagawa, “Developments and Challenges of Clinical Legal Education in Japan” (March 2012) 15 *Inba L. Rev.* 21.
88. Sullivan et al. (n 10); Roy Stuckey et al., *Best Practices for Legal Education: A Vision and a Road Map* (CLEA, 2007).
89. Sullivan et al. (n 10) 25, 28.
90. Stuckey et al. (n 92) 189–197.
91. Shigeo Miyagawa, Takao Suami, Peter A. Joy, and Charles D. Weisselberg, “Japan’s New Clinical Programs: A Study of Light and Shadows,” in Frank S. Bloch (ed.), *The Global Clinical Movement: Educating Lawyers for Social Justice* (OUP, 2011) 106–107.
92. Miyagawa (n 91) 32.
93. Miyagawa et al. (n 95); Bloch (n 42) 105–107, 114; see generally Miyagawa (n 877).
94. Miyagawa et al. (n 95) 105.
95. *Ibid.* 107–108, 110.
96. *Ibid.* 110–111.
97. *Ibid.* 112. Like Korea, Japan’s continued low bar passage rate (24% in 2011, for example) has had a pervasive influence in what students find important in legal education, with clinical education taking a backseat to their effort to pass the examination. Miyagawa (n 91) 26; Miyagawa (n 95) 113, 113.
98. Miyagawa (n 91) 21.
99. A Japanese professor was present at the April 2014 Conference on Clinical Legal Education of the American Association of Law Schools, which Kang attended.
100. Stuckey et al. (n 92) 191.
101. *Ibid.* 190.
102. Miyagawa (n 91) 23.
103. Miae Kim, http://info.leet.or.kr/board/board.htm?bbsid=job&ctg_cd=&page=1&key=&keyword=&mode=view&bltn_seq=387, accessed June 12, 2014.
104. Chung (n 50) 8.
105. Ik-Chan Sohn, a graduate of Korea University College of Law who participated in the Global Legal Clinic, went on to Seoul National University and is said to have contributed greatly to the success of this clinic.
106. See <http://www.electronicstakeback.com/2014/05/27/samsung-apologizes-to-semiconductor-workers-who-contracted-cancer-promises-compensation/>, accessed June 12, 2014.
107. Hankuk University of Foreign Studies (HUFS) has supervising lawyers interact closely with the clinical faculty to control the quality of education for “clinical courses run on externship,” but it is not known whether HUFS does that also for the 2-week externship programs as well. Chung (n 50) 16.