

## Current Status and Agenda for Law School Education in Conflict of Laws and International Business Transactions — Private International Law (Summary)

Akihiko KUNITOMO

Professor, Osaka City University

Kokusai-kankei-ho (*Shiho-kei*), Conflict of Laws (including International Civil Procedure) and International Business Transactions, is an important area in the Law School education in Japan.

In this report I have made some comments on the current status and agenda for teaching of Private International Law [hereinafter PIL] in the narrow sense.

Regarding the contents of the course on Conflict of Laws, including International Civil Procedure, the PIL Association of Japan published “Proposal of Model Curriculum of Private International Law” in 2002. This was a great help to me in making curriculum in Osaka City University Law School. Based on this Model Curriculum, two casebooks were published in 2004, one of which treated PIL in the narrow sense (Yoshiaki Sakurada/ Masato Dogauchi, ed., *Kokusaishibo Cases & Materials* [Yuhikaku]. And the other volume on International Civil Procedure.). These two volumes have been bound into one and its current edition is: Sakurada/ Dogauchi, ed., *Law School Kokusaishibo·Kokusai-minji-tetsuzukiho (Conflict of Laws, Cases and Materials)*, 3rd ed. (Yuhikaku, 2012). For my Courses I have adopted these casebooks.

It seems to be a remarkable trend that Intellectual Property has been established as a major part of PIL course in Law Schools. One of the reasons is that the number of the Japanese judicial precedents in this part has increased notably in this century. And some other problems on the contents are discussed, including Nationality Law and some substantive law problems peculiar to transnational cases (in Civil Law and Corporation Law).

Next problem is how to divide Conflict of Laws. In this point each Law School has its own way. So it is difficult to classify them clearly. Then I show the subject division in my Law School. Here PIL in the narrow sense is divided into two subjects: “Kokusai-zaisan-ho (PIL in Business Law)” and “Kokusai-kazoku-ho (International Family Law [including Succession])”. In addition, the course of “International Civil Procedure” is also given. Then I discuss merits and demerits of such a division.

In the last chapter I have described teaching methods in my classes. I combine lecture

method and case method. In the class evaluation by students I often hear opinions that find the above-mentioned casebook difficult and request more use of lecture method with an easily understandable textbook. However, Standards for the Establishment of Professional Schools (Ordinance of the Ministry of Education, Culture, Sports, Science and Technology) Article 8(1) demands that “case study” or “other bilateral or multilateral discussion or calling on to answer questions” should be adopted. Simple lecture method is thus insufficient. Considering this request, I continue to make effort to improve my lecture to be more intelligible.