

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

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Despite their practical importance, methods or contents of international civil procedure law education have rarely been discussed seriously in Japan to date. From the perspective of a law school teacher, this is unsatisfactory in many ways.

Due to the tight curriculum, some important issues cannot be touched upon in the course of lectures. For example, procedural aspects of international commercial arbitration are only taught briefly, which seems to have led to the weak treatment of arbitration clauses by Japanese businesses involved in international trade disputes. Topics of practical significance such as drafting arbitration clauses are not accorded sufficient attention in class.

It is widely acknowledged that international student moot competitions such as the Vis Arbitral Moots held annually in Hong Kong and Vienna are quite educational for law school students interested in international commercial dispute resolution. Using such opportunities, students can enrich their legal knowledge, brush up on their debating skills and build up personal networks for their future career. However, tight curriculums, low success rates in bar exams and language barriers have made it virtually impossible for Japanese law school students to participate in such competitions. For the same reason, lectures on international civil procedure law also tend to focus on academic issues that may feature in bar exams. The decrease in the number of applicants for doctoral programs after starting at Japanese law schools has made nurturing researchers in graduate schools of law more difficult than before.

A prescription to deal with these problems surrounding international civil procedure law education is not easy to find. In the long run, the contents of the bar exam should be more practice-oriented. Furthermore, real fundamentals which must be taught at law school level should be clarified by stimulating active dialogues between theory and practice. Externships at foreign law firms represent a good opportunity for students to gain an understanding of the reality of international civil procedure.