Chapter 2

Stratification or Diversification?
2011 Survey of Young Lawyers in Japan

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I Introduction

Japan introduced a system of post-graduate law schools in 2004. Unlike the old system which did not require completion of university legal education as a prerequisite for sitting for the bar examination, the new system requires in principle graduation from a law school as a prerequisite for sitting for the bar examination. On the other hand, apprenticeship training provided to those who passed the bar examination by the Legal Training and Research Institute operated by the Supreme Court was shortened from one and a half years under the old system to one year under the new system. We wanted to examine new lawyers’ career trajectory under the new system, including work environment, specialization, income, job stratification, and impacts of gender, educational background, and other factors. We obtained a funding for five years from fiscal 2010 to 2014 and conducted a longitudinal survey of all lawyers who completed apprenticeship in 2009. They included those who passed the old bar examination, as well as those who passed the new bar examination, so that we could examine whether any differences appear in career development of the two groups. We conducted the first wave of survey in January to February 2011 and the second wave of survey in January to March 2014.

In this paper, we will report part of the findings from the first wave of our survey, particularly on specialization, work environment, and income. Before presenting our findings, we will outline previous national surveys of Japanese

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lawyers and provide context under which our survey was planned and conducted. In conclusion, we will discuss whether the apparent relationship between educational background and firm size and practice fields should be considered as a sign of stratification among Japanese lawyers.

II National Surveys of Japanese Lawyers

Several national surveys have been conducted to examine the activities of Japanese lawyers as summarized below. All of them have used mailed questionnaires.

A Japan Federation of Bar Associations

The Japanese Federation of Bar Associations (JFBA) is the mandatory national bar association in Japan. Practicing attorneys in Japan are required to register both at the JFBA and a local bar association. The JFBA conducted its first national survey of Japanese lawyers in 1980. Similar to the US census, this survey is conducted every ten years. The most recent survey was conducted in March–June 2010. A total of 10,000 lawyers were chosen from its 17,194 members and 1,795 responded (18.0% response rate). Its results were published in the 2011 special issue of JFBA’s flagship journal, Jiyu to Seigi (Liberty and Justice).

B Osamu Koyama

Osamu Koyama is a former staff researcher of the JFBA who is now an assistant professor at Doshisha University. He wanted to examine effects of law school education on attorneys’ subjective assessment of their own competence. He mailed questionnaires to 10,067 attorneys who registered in 2007 to 2011. The JFBA provided their list. Koyama obtained responses from 1,370 lawyers (13.9% response rate) and reported his findings in No. 80 of Ho Shakaigaku (Sociology of Law) in 2014.¹

C Three Surveys Conducted by the Group of Scholars Led by Setsuo Miyazawa

A group of scholars led by Setsuo Miyazawa (henceforth “our group”) has conducted three surveys since 2007.²

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² The co-authors of this paper have been major members of this group. Approximately 20 more scholars and practitioners recruited from all over Japan have also participated as advisory members, particularly at earlier stages of the project.