

The Law Clinics at SNU School of Law: A Laboratory for Pedagogical Entrepreneurialism*

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Abstract

2021 marks ten years since Seoul National University School of Law (SNU Law) launched its law clinics. Such anniversaries present us with an occasion not only to celebrate how far we have come, but also with an opportunity to think strategically about the years ahead. This paper describes how SNU Law incrementally built and strengthened its clinical program, and how it managed within one decade to build one of Korea's most dynamic clinical legal education (CLE) programs. SNU Law has embarked on a mission to host a diverse clinic, devoted to the promotion of a public service mindset among its students and faculty. SNU Law's clinic is designed to make a positive social impact in the surrounding communities, and develop a uniquely Korean model of clinical legal education that other law schools in Korea can adopt and amend as they see fit. This paper also looks to the future to describe those constituencies and audiences that, in the opinion of the author, will likely prove to be the most directly relevant in the ability of the clinics to achieve this lofty vision.

This paper's contribution is not primarily the description of a concrete and finalized outcome of SNU Law's investments into CLE. Rather, it describes the process that SNU Law – and in particular its clinical faculty – are using to refine and improve the effectiveness of the clinics. By giving its clinicians a great deal of freedom to experiment with new and innovative teaching methods, SNU Law's clinics are well placed to continue adapting and evolving to meet the needs of those who have the greatest interest in the clinic's success. This is a story of how to build a dynamic clinic, and an invitation to other institutions to replicate not the exact form of SNU Law's clinic (or any other clinic model one can choose from), but rather to emulate instead the process by which successful clinical programs are designed and refined. the lives of people with disabilities in South Korea.

KEYWORDS: Law Clinic, Legal Clinic, South Korea, Seoul National University, Pedagogy, Experiential Education

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* For the sake of avoiding acronym overload, I will refer to SNU School of Law simply as "SNU," even despite the fact that SNU is a university composed of numerous graduate programs and an undergraduate college, most of which would know little of the unique world of law schools described below.

I. Introduction

2021 marks ten years since Seoul National University School of Law (SNU) embarked on a bold experiment to create a world-class law clinic at one of Asia's most renowned law schools. This paper takes stock of SNU's experience with Clinical Legal Education (CLE) so far and looks forward to another decade of growth and sophistication ahead. It is written by SNU's newest clinician. It would therefore hardly be appropriate for me to speak on behalf of SNU, its clinics, Korea, Korean clinics, etc...! At best, I am speaking as someone who cares deeply about CLE, and as someone who was drawn to SNU by its bold commitment to incorporate this style of learning into its overall approach to legal education. In writing this paper, I draw on my comparative experience working with law clinics in Asia, the United States, and Europe. My analysis is also informed significantly by the insights and experiences of my colleagues on SNU's full clinical faculty, as well as numerous informal conversations with colleagues on SNU's regular faculty. Despite all of these valuable inputs, I write this paper in the first person singular to underscore the fact that any inaccuracies or misinformed perspectives in this article are mine and mine alone.

This article recounts SNU's first decade of experience with CLE—from its initial foray into experiential education to the present day. I describe how SNU's clinic gradually evolved, and how—despite some initial setbacks—it grew in popularity and scope to eventually become one of SNU's key curricular priorities. SNU is not the only law school in South Korea (*hereinafter* “Korea”) to experiment with CLE, nor was it the first law school to start a legal clinic.¹ But SNU is—arguably at least—one of the

Parts of this article draw on discussions that came about during a pedagogy workshop and visioning exercise the SNU clinical faculty conducted during the fall 2020 semester. The participants in this workshop were all full-time clinical faculty, most of whom had been hired to SNU in the previous year as part of a major expansion of SNU's legal clinic in 2019. I would like to thank and acknowledge the contributions made by Ms. Ra-Mi Soh (Deputy Director of the SNUPLC and Clinical Associate Professor), Mr. Yong-Kuk Lee (Clinical Professor), Mr. Hyun Jong Lee (Clinical Associate Professor), Ms. Nam-Hee Kim (Clinical Associate Professor), Ms. In-Young Cho (Clinical Associate Professor), Ms. So-Eun Lee (Clinical Assistant Professor), Ms. Jin-Sook Oh (Clinical Instructor), and Ms. Ji-Young Yoon (Clinical Instructor). I also owe a particular note of gratitude to two of SNU's “founding fathers” of

most (if not *the* most) well-known law school in Korea.²⁾ Therefore, the fact that specifically SNU—of all Korean law schools—has decided to invest so heavily into CLE, is bound to make an impact on the *national* shape of legal education in the near future.

The story of how SNU came to embrace such an ambitious CLE

Clinical Legal Education. Mr. Seung-Hwa Chang is a Professor of International Trade Law and served as Dean of SNU Law from 2018-2020. Under his leadership, SNU's clinics made a substantial leap forward. Mr. Joo-Young Kim was the first Director of the SNUPLC. Prof. Kim has been involved with SNU's legal clinics since its earliest days in 2011. The thoughtful feedback and input of both Professors Chang and Kim have been extraordinarily valuable. Finally, I would like to graciously acknowledge the thoughtful feedback of this article's anonymous peer reviewers, as well as the very helpful research support by my research assistant, Mr. Young-Ho Kwon.

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1) That honor goes to Korea Law School, *see* Helen Haekyong Kang & Kyung-Sin Park, *Clinical Education in South Korean Law Schools: Challenges and Hopes*, in *CLINICAL LEGAL EDUCATION IN ASIA: ACCESSING JUSTICE FOR THE UNDERPRIVILEGED* 53 (SHUVRO PROSUN SARKER ed., 2015).

2) For many Koreans, this statement is relatively uncontroversial. Seoul National University is one of a few universities generally considered to be the most prestigious in Korea, and of those it stands out as attracting among the most highly qualified students. Moreover, its graduates go on to take a lion's share of the most prestigious jobs in the country. This holds especially true for SNU, which, according to one former SNU Professor, Mr. Sang-Hyun Song (who later went to become a Judge and President of the International Criminal Court) the reason for SNU's dominance is primarily cultural. *See e.g.*, Sang-Hyun Song, *Legal Education in Korea and the Asian Region*, 51 J. of L. Educ. 398, 398 (2001) ("If a student excels in high school and his SAT score is very high, he will be pressured by high school teachers, parents, other relatives, and friends to apply to Seoul National University and its College of Law, regardless of his own career aspirations and aptitude. As a result, the SNU [...] can always select the brightest [...] applicants each year."). This then has spin-off effects, namely that those students, when they graduate, tend to gravitate through the ranks of their chosen profession to become the most prestigious group of alumni, most likely to donate generously to their *alma mater*, etc. Over the years, therefore, it has become relatively established to state that SNU ranks as Korea's most prestigious Law School. *See also* Kyong-Whan Ahn, *infra* note 7, at 225.

program is interesting on its own merits. It is a story of institutional change, innovation, and expansion, driven by a combination of policy reform, bold institutional leadership and an ‘educated guess’ about the future of Korean legal education. At a minimum, the story of CLE at SNU should be added to the growing body of literature documenting the growth of CLE in Korea and the region.³⁾

SNU’s experience also demonstrates the malleability of CLE as a style of teaching. Like molten glass in the hands of a skilled glassblower, SNU’s story shows how CLE can be formed to fit a number of different institutional purposes and national contexts. Just because CLE in the United States (or Cambodia..., or Germany..., or Australia...) has been described as serving one or another type of institutional purpose, this must *not* be the same institutional purpose that CLE will eventually serve here in Korea. While Korea has certainly learned a great deal from foreign CLE models, it is also true that it is currently developing its own—*Korean*—model of CLE. That model will be custom-designed to suit local needs, institutional cultures, and pedagogical imperatives.

As fair warning to this paper’s readers: The focus of this paper is primarily on documenting the *process* SNU is using to create its clinics, not the specifics of how each of SNU’s individual clinics have structured their pedagogies. Those specifics are the subject of a forthcoming publication, which is due to appear in early 2021. While I certainly believe that SNU (circa 2021) has managed to put in place a truly impressive CLE program, I also suspect that SNU’s clinics will continue to evolve and mature in the years ahead. Here, I choose rather to focus on what I consider to be SNU’s noteworthy strategy of allowing CLE to evolve and develop organically. SNU’s decision to give its clinicians breathing room to be what I call “pedagogical entrepreneurs”⁴⁾ has set the scene for a great leap forward in

3) See Kang & Park, *supra* note 1; Patricia Goedde, *Globalized Legal Education, Human Rights Lawyering, and Institutional Form: The Case of a Refugee Law Clinic in South Korea*, 20 Clin. L. Rev. 355 (2014); and THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (FRANK S. BLOCH ed., 2011).

4) This term should not be confused with the concept of teaching entrepreneurial skills, which has certainly been discussed at length in other fora. Here, I am focusing instead on an entrepreneurial approach by teachers to themselves create innovative and creative lesson plans that suit their institutional and pedagogical priorities.

CLE at SNU in the coming years.

My analysis is influenced by ideas of institutional change management⁵⁾ and stakeholder analysis.⁶⁾ It is also influenced by my general skepticism that there is necessarily one universally valid ‘best practice’ model of CLE that would apply regardless of institutional context or professional culture. If anything, I believe that the ‘perfection’ (or ‘imperfection’) of a CLE program lies not so much in its final form, abstracted from any institutional context, but rather the degree to which that *process* was engineered to include relevant institutional perspectives in the conversation of what that end-result should be. I describe this as the process of ‘endogenizing’ CLE to fit within a law school’s unique regulatory, cultural, institutional, and pedagogical context. This paper, for anyone hoping to learn lessons from SNU’s experience, is focused more on that endogenization *process*.

The introduction of CLE into Korean law school curricula took place around the same time as the country was embarking on a massive overhaul of its entire system of legal education. Thus, Korean educators did not enjoy the privilege of gradually and meticulously introducing this style of teaching into an otherwise static curriculum. As the former Dean (2002-4) of SNU’s law college, Prof. Kyong-wan Ahn put it, the 2007 reforms changed the “kaleidoscope of the Korean legal society”.⁷⁾ This state of general flux also makes it more difficult to assess the unique impact (or lack of impact) made by the introduction of law clinics into Korean law schools isolated from all of the other changes happening at the same time. Clinics were introduced in Korean law schools as only one of many parallel curricular reforms. These reforms were forced upon Korean law schools by national legislative reforms that dramatically overhauled not just legal education, but also the entire process of qualifying to practice as a lawyer in Korea.⁸⁾

5) Harold L. Sirkin, Perry Keenan, & Alan Jackson, *The Hard Side of Change Management*, HARV. BUSINESS REVIEW MAGAZINE (Oct. 2005), <https://hbr.org/2005/10/the-hard-side-of-change-management> (last visited Jan. 7, 2021).

6) Ronald K. Mitchell, Bradley R. Agle & Donna J. Wood, *Toward a Theory of Stakeholder Identification and Salience: Defining the Principle of Who and What Really Counts*, 22 *Academy of Management Rev.* 853 (1997).

7) Kyong-Wan Ahn, *Law Reform in Korea and the Agenda of Graduate Law School*, 24 *Wis. INT’L L. J.* 223, 242 (2006).

8) See *infra*, note 17 and accompanying text.

These reforms have buffeted Korea's law schools into different and sometimes competing directions. Unsurprisingly, they have been controversial, also among law professors who have had to adjust their teaching methods to meet the demands of a new system.⁹⁾

One can approach the question about the relevance of CLE in Korea's overall pedagogical landscape in one of two ways. The first would be to point out that "Korean CLE is as-yet completely unproven," and thus inherently suspect. That is, of course, a valid conclusion, and given the measurement problems identified above, this article can do little to satisfy such concerns. Legal education is crucial to the overall integrity of a country's legal system, and therefore reform proposals should not be taken lightly. The second interpretation, however, is to note that *precisely because* CLE is as yet unproven, the time is ripe for clinicians to *now* go out to demonstrate its value. If CLE has proven to be so valuable in other societies, could it prove to be similarly valuable here in Korea?

That second approach, to my understanding, is the one SNU's faculty has chosen with regard to CLE. SNU has taken a big risk on CLE. It has announced to the world its intention to create a world-class clinical program. Even if it may be true that the long-term role of CLE in Korea's overall landscape of legal education is still unclear, SNU has decided that it wants to play an active role in the experimentation to explore its full potential. Moreover, SNU has wisely taken a long-term perspective with regard to its experiment. To quote again from former Dean Ahn, "Education is a long-term investment, and educational experiments should be undertaken on a long-term basis."¹⁰⁾ SNU has invested significant human and physical resources into its CLE program, and endowed its clinicians with the necessary autonomy to experiment and learn from their own experiences; in other words, to "endogenize." If I am right in this assessment, the burden now falls on us—SNU's clinicians—to demonstrate the added-value of our style of teaching. This article is an attempt to start a discussion about how we clinicians can best go about doing so.

9) See Kyong-Whan Ahn, *supra* note 7, at 234.

10) Kyong-Whan Ahn, *supra* note 7, at 242.

II. A Brief History of the Clinics at Seoul National University School of Law

Before recounting the history of how SNU's CLE program emerged in the past decade, I would like to repeat a note of humility about my personal ability to speak with authority on this topic. I am a newcomer to Korea, having arrived only in 2020. For me to describe events that took place well before my arrival at SNU, and almost exclusively in a language that I do not yet understand (Korean), might strike many as imprudent (or worse).¹¹⁾ It is therefore with some trepidation that I venture into this discussion anyway. Many of the events described here remain controversial to this day.¹²⁾ There are significant disagreements between perfectly reasonable people about whether the reforms described in this section represent *progress* or *decline* for Korea's law schools. To quote yet again from former Dean Ahn, "For some, the changes may mean the best of the times, while for others, the worst of times".¹³⁾

Instead of diving headlong into these hotly contested waters, I attempt to present them here in largely descriptive terms. Perhaps it takes the naïveté of a newcomer to view these raging debates not as an opportunity for me to add my personal opinion, but rather as an invitation to understand the ideological ether from within which CLE is sprouting, taking root, and spreading its leaves at SNU and in Korea more generally.

11) Here I would like to thank some of my thoughtful colleagues who cautioned me to not base my analysis too much on the English language literature on Korea's curricular reforms. While much of that literature has been written by Koreans or foreigners who can read Korean-language commentary on these reforms, it is also true that what has been written in English on this topic has the feel of an echo-chamber, with a limited number of authors citing to one another or a few early pathbreaking pieces to anchor their analysis.

12) The idea to reform legal education reportedly enjoyed widespread popular support, even if it was more critically received by the legal profession. See Chang Rok Kim, *The National Bar Examination in Korea*, 24 Wis. INT'L L. J. 243, 248 n.28 (2006) (citing statistics claiming that 67.8 % of the population in 1995 supported the introduction of the law school system); see Ho yoon Nam, *U.S.-Style Law School ("Law School") System in Korea: Mistake or Accomplishment?*, 28 FORDHAM INT'L L. J. 879, 896 n.86 (2004) (stating that in 2004, only three years before the reforms were ultimately passed, a staggering 70% of the Seoul Bar was opposed to the proposed plans to reform Korean legal education).

13) Kyong-Whan Ahn, *supra* note 7, at 242.

This context will inform whether the “CLE sapling” that SNU has decided to plant ultimately grows in the coming decade to become a robust tree, integral to the landscape of Korean legal education, or merely a decorative shrub, pleasing to the occasional passer-by but not really doing much to alter the overall picture of how lawyers are trained.

SNU’s clinics were launched in the year 2011.¹⁴ This was only two years after SNU transitioned its curriculum from a four-year undergraduate (LL. B.) model of legal education to a three-year graduate level program, comparable to the U.S. *Juris Doctor* (J.D.) degree.¹⁵ This transition was the result of a decades old effort to reform Korean law schools, and mirrored a similar reform effort that was already unfolding in Japan at about the same time.¹⁶ These reforms, as well as the motivations for them, have been described elsewhere,¹⁷ and are summarized here only for context, and

14) Personal communication with Prof. Kim Joo-young, (former) Director of SNUPLC 2019-2020 (Dec. 2020).

15) See generally *infra* note 13. With regard specifically to SNU School of Law, see Admissions, Seoul National School of Law, http://law.snu.ac.kr/page_en/admissions.php (last visited Jan. 13, 2020) (“Since 2009, the undergraduate courses have been removed.”)

16) See Mathew J. Wilson, *Legal Education in Japan: A Work in Progress*, in *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged* 195 (SHUVRO PROSUN SARKER ed., 2015); Tom Ginsburg, *Transforming Legal Education in Japan and Korea*, 22 *Penn State INT’L L. REV.* 433, at 434-438 (2004) [hereinafter Ginsburg 2004]; Yookyong Choe, *Agencies, Roles and their Choices: Reform of the Korean Legal Profession from 1995 to 2007*, 22 *Joint U.S.-Korea Academic Studies: Emerging Voices* 8, at 8-23 (KEI ed., 2011), http://www.keia.org/sites/default/files/publications/emergingvoices_final_yukyongchoe.pdf (last visited Jan. 7, 2021).

17) For articles contemporaneous analysis commenting on the ongoing discussions over whether to reform legal education in Korea, see generally Jae Won Kim, *The Ideal and the Reality of the Korean Legal Profession*, 2 *ASIAN-PAC. L. & POL’Y.J.* 45, at 64-69 (Efforts to reform Korean legal education go back as far as 1955 (footnote 106) but these ideas gained “enormous public attention” (p. 64) in 1995 during the Kim Young Sam administration. According to Kim, the reform proposal was “revolutionary in light of the history of the Korean legal profession [in that] it intended to completely remake the roles and functions of the Korean legal profession to reflect the perspective of the consumer, not the supplier.” (p. 65)); Tom Ginsburg, *The Politics of Legal Reform in Korea*, in *LEGAL REFORM IN KOREA* (TOM GINSBURG ed., 2004) (describing the general trend of legal reform following Korea’s transition from its “authoritarian legacy” towards democratization, starting in 1987. Ginsburg describes the deep politicization of these reform efforts, and posits that “legal institutions have become the locus for broader political struggles” (p. 13)); Dae-Kyu Yoon, *The Paralysis of Legal Education in Korea*, in *Legal Reform in Korea* (Tom Ginsburg ed., 2004) (Yoon excoriates the system of legal education in Korea that existed prior to the reforms. He describes “Korea’s university legal education [as] one of the worst among civilized countries.” (p. 37), and compares law schools to “*de facto* cram schools

for the judicial examination” (p. 42). Of relevance to our discussion of CLE, he notes that under the old system “practical training [was] irrelevant, as it [did] not provide any meaningful preparation for the examination.” (p. 41.); Ginsburg 2004, *supra* note 16 (describing the motives of some educators pushing for reform in Korea as “an effort at globalization” (p. 438), and offering author’s opinion that “as long as there is a [...] quota approach for admission to the legal profession, there will be great pressure on legal education [...] to serve primarily as a kind of bar preparation course, rather than as a truly professional education that emphasizes skills” (p. 439)); Ho Yoon Nam, *supra* note 12 (surveying a number of critiques that motivated efforts to reform Korea’s law school system, including that it diverted many talented young people to waste years of their lives studying for an almost impossible-to-pass bar exam (p. 880, note 7), that the system produced insufficient numbers of lawyers to serve the legal needs of the general population (p. 880, note 8), and that the lawyers were not adequately trained to practice (p. 881, note 9). Drawing largely on Korean-language sources, Nam writes that by 2004 plans to reform legal education had been largely agreed upon, and that the principal issues remaining were the criteria according to which law schools would be licensed and the overall number of students those law schools would be allowed to admit. According to Nam, the principal critiques of the Law School Plan at the time were motivated by concerns that there would be an oversupply of lawyers, that the U.S. Model of education would be unsuited in the Korean (civil law) context, and that the new system would be unfair to students of underprivileged backgrounds (pp. 902-904). Nam seems to share some of those concerns, and concludes that the law school plan, while “revolutionary” (p. 918), it may not be a “panacea.” (p. 918)); Kyong-Whan Ahn, *supra* note 7 (describing the law school reforms as part of a “grand transformation” of legal society, which the author claims are motivated by “broader political struggles,” the result of which has been to expand the role of lawyers over time.” (p. 223). Ahn posits that “[i]t is doubtful whether the proponents of the graduate law program are concerned with the quality of legal education at all” (p. 234), and points instead at a supposed popular animus against undergraduate law schools. (p. 235). Ahn accepts that “[l]egal education in Korea is much overdue for an overhaul,” but questions whether the current reforms are likely to succeed); and *see also* Chang Rok Kim, *supra* note 12 (providing a concise overview of the draft Act on the Establishment and Management of Professional Graduate Law School, which was the basis of the Law Reforms passed in 2007. Kim criticizes the draft bill on the grounds that it is “contrary to the essence of the law school system,” (p. 253) which the author previously describes as being necessary to expand the overall number of lawyers in Korea; improve lawyer professionalism; end the need for students to attend expensive bar prep schools to succeed on the Bar Examination, and end the wastage of “enormous human resources” in the form of all the hopeful young students who never passed the bar (pp. 245-247)). For discussions that were written after the Law for the Establishment and Operation of Law Schools been passed into law in July of 2007, and after 25 Korean law schools subsequently had been licensed to open 3-year graduate degree programs, *see generally* Young-cheol Jeong, *Korean Legal Education for the Age of Professionalism: Suggestions for More Concerted Curricula*, 5 E. Asia L. Rev. 155, 159 (2010) (stating that part of the reason for the reforms was that “despite having privileges such as a monopoly on the ability to practice law” the legal profession “failed to provide important social services, such as regulating social transactions and securing justice.” (p. 159) The article was written from the perspective of Korea’s new

perhaps for the benefit of non-Korean audiences unfamiliar with this history.

1. *Reforming Korea's Law Schools*

Calls for reforms to Korea's system of legal education first arose in the 1990s as part of a general effort to make legal services more readily available to the general population.¹⁸⁾ At the time, reformers had the idea to gradually increase the quota of people who would pass the bar exam each year, and second to require anyone taking the bar to have completed a *graduate* level law school degree program. Accordingly, a select number of law schools were accredited to terminate their existing undergraduate law degree programs and offer instead three-year graduate level degree programs into which students from *any* undergraduate discipline could matriculate.

graduate law schools and their early lessons learned. The author writes that while most law school's early curricula were "just window dressing" (p. 161)—the schools should next focus "for immediate and long-term success" on the development of more practical and clinical courses (p. 161). He posits as the long-term goal for Korean legal education to "produce good lawyers with the skills, knowledge and ethics necessary to" be good *practitioner* lawyers (p. 189)); and Yukyong Choe, *supra* note 16 (detailed review of the legislative history of efforts to reform legal education from 1995 to 2007. Choe describes how the longstanding stalemate between the legal profession and center-left governments in the 1990s and early 2000s, backed by NGOs and some parts of legal academia, was finally broken by the judiciary, which finally "flipped" its position after a younger generation of judges argued that reforming the legal profession would not harm the fundamental interests of the courts);

Park Joon, *Beobhakjeonmundae hagwoneseui Irongyoyukgwa Silmugyoyuk [Legal Education at Korean Law Schools: Teaching Theory versus Practice]*, 151 JUST. 301, at 301-354 (2015) (In Korean) ("emphasiz[ing] the importance of teaching legal doctrines and principles as the basis for developing practical legal skills. [...] Law schools should take the responsibility for the education of certain practical skills such as spotting and analyzing legal issues and finding solutions."); Helen Haekyong Kang & Kyung-Sin Park, *supra* note 1 (description, circa 2015, of the state of CLE in Korea, describing in particular the clinical programs at Korea University and Sungkyunkwan University School of Law, and stating further that by 2011 all 25 accredited law schools in Korea had launched clinical programs, but describing also how most of those programs had failed to garner much momentum); and Namhee Kim, *Law Schools in South Korea: Past, Present, and Future*, 39 WASEDA BULL. COMPAR. L. 35, at 35-43 (2021) (overview and analysis of Korean law school reforms).

18) See Jae Won Kim, *supra* note 17, at 47 (describing lawyers as "the most privileged class in Korean society.").

Different authors emphasize different motives for these reforms.¹⁹⁾ Among the authors reviewed above, there seems to be some consensus that the reforms were motivated, as one commentator put it, “from the perspective of the consumer, not of the supplier” of legal services.²⁰⁾ Descriptions of the reform process sometimes had a populist overtone to them, depicting the debate over law school reform as a clash between ‘the establishment’ on the inside of the legal profession against ‘the reformers’ on the outside. Such narratives are undoubtedly oversimplified, since even to the outside observer it is clear that there were many on the ‘inside’ of the establishment, including law professors, members of the bar, and eventually the Supreme Court itself, who ultimately supported the reform proposals.²¹⁾

One commentator noted that those advocating for the reforms had sought to shift Korea’s model for the training of lawyers from one based on “‘selection through examination’ to [one of] ‘cultivation or training through education.’”²²⁾ According to its proponents, this new model of legal education would encourage students to broaden their perspective on the law by pursuing any of a range of qualifying undergraduate degrees: economics, hard sciences, the social sciences, etc.—before diving into a the more focused study of law as graduate student.²³⁾ This same broadening effect—so the reformers argued—would also result in lawyers pursuing a more diverse set of legal specializations, for example patent law, international law, human rights law, etc., based upon their previously

19) See discussion *supra* note 15.

20) See Jae Won Kim, *supra* note 17, at 65. (describing the initial proposal to reform legal education in Korea as “revolutionary” in that it “tried to increase substantially the number of lawyers [and] generate competition in the legal market and thereby produce better quality legal services.”)

21) See Yukyong Choe, *supra* note 16.

22) Jae Won Kim, *supra* note 17, at 66 n. 114 (quoting Oh Sung Kwong, Sabeopdo Seobiseuda [Law is Also a Service] 49 (1996) (In Korean)). See also Chyung Eun-ju, *Korea’s Last Bar Exam Passes 55 People*, The Korea Times (Nov. 8, 2017, 16:55 PM), https://www.koreatimes.co.kr/www/nation/2017/11/371_238970 (quoting Oh Soo-geun, Head of the Korean Association of Law Schools, 2017: “Law schools allow us to foster legal minds through a comprehensive education process instead of a one-time test.”).

23) Jae Won Kim, *supra* note 17 at 66, nn. 115-116 (quoting Oh Sung Kwong, Sabeopdo Seobiseuda [LAW IS ALSO A SERVICE] 27-29, 72-73 (1996) (In Korean)).

developed academic interests as undergraduates.²⁴⁾ This second effect was deemed essential in an increasingly globalizing Korean economy. In July 2007, the Korean legislature passed the Graduate Law School Act (GLSA),²⁵⁾ thus securing victory for the proponents of reform against those who wanted to retain Korea's old system of undergraduate legal education and a highly selective bar exam.

The GLSA set in motion a period of dramatic reforms to the legal profession in Korea. Most importantly, it mandated that only graduates of Korea's new graduate-level law schools could sit for the new bar exam. This new bar examination would be administered by the Ministry of Justice. The old Bar Exam, which was open to anyone *regardless* of their educational background, was phased out in 2007. This alone proved to be quite controversial, as some claimed it made it more difficult for the children of less affluent families to enter the legal profession.²⁶⁾

As another part of the reform program, the quota of exam takers who would pass the exam each year was raised to approximately 75-80% of the text takers. This increased the flow of new lawyers into the profession almost sixfold by comparison with the numbers who passed in the 1990s, satisfying one of the major objectives of the reformers.²⁷⁾ To avoid flooding the legal market, however, the GLSA also capped the overall number of students that could be admitted to Korea's newly-minted graduate-level law programs. Korea's 25 newly-licensed law schools could collectively accept no more than 2000 students annually. Compare this to the "roughly 9000 graduates"²⁸⁾ that Korean *undergraduate* law colleges churned out prior

24) Jae Won Kim, *supra* note 17, at 66.

25) Beobhak Jeonmun Daehagwon Seolchi Unyeongge Gwanhan Beobyul [Graduate Law School Act] [hereinafter *GLSA*], Act No. 8544, Jul. 27, 2007, amended by Act No. 8852, Feb. 29, 2008 (S. Kor.).

26) Chyung Eun-ju, *supra* note 22 (quoting Lee Jong-bae, representative of bar exam takers "Law schools' tens of millions of won in tuition fees hinder fair competition among candidates, making it virtually impossible for poor, ordinary citizens to seek legal careers.").

27) See Chang Rok Kim, *supra* note 12, at 257, and See also Kor. Dep't of Just., 2020 *nyeondo Je 9 hoe Byeonhosasiheom Habgyeokja Tonggye* [Statistics for the Administration of the 9th Bar Exam] (2020) (In Korean). In 1995, according to statistics gathered by Chang Rok Kim, only 308 applicants passed the bar (a 1.49% passage rate).

28) Sang-Hyun Song, *Legal Education in Korea and the Asian Region*, 51 J. LEGAL EDUC. 398, 398-402 (2001).

to the reforms.²⁹⁾ This rendered the law schools' admissions process into an important hurdle limiting the overall numbers of lawyers who could enter the legal profession.

From the perspective of legal educators, however, this also had a potentially liberating aspect to it. Especially for faculty at one of Korea's more reputable law schools, the higher bar passage quota, combined with the cap on overall law students, means that today they can be more creative about the nature of their teaching. To be clear, passing the Korean Bar Exam is still daunting. In 2020 only 53.3% of the applicants for the bar passed.³⁰⁾ Even for SNU's graduates, the specter of failing the Bar is real. Moreover, having committed themselves to a graduate program in the law, there were fewer options for students to refocus their careers if they failed the bar. Thus, the pressure on students to prepare for the Bar is still extraordinarily high. That said, law students enrolled in Korea's modern-day law schools can sleep at least a bit better at night, knowing that they are far more likely to become legal *practitioners* in the near future. In other words, for most law students in Korea today, the study of law become a lot less theoretical, and a lot more practical.

The GLSA mandated the Ministry of Education and Human Resources to competitively award licenses to universities wishing to host a graduate law degree program. The Ministry does so on the basis of law school evaluation criteria put out periodically by its Law School Evaluation Committee.³¹⁾ These criteria today include a number of components, among

29) Universities that were not licensed to operate a graduate level law degree program are free to continue offering undergraduate law degree programs, but graduates from these programs are not eligible to sit for the bar. To do so, they would still have to be accepted (and graduate from) one of the 25 graduate-level degree programs.

30) See Kor. Dep't of Just., *supra* note 27 (in 2020, 1,768 lawyers passed the bar, a 53.3% passage rate. The new bar exam was administered for the first time in 2012. For that year, the Ministry of Justice set a pass rate of 75%, meaning 1,500 students would pass). See also Kim Hyun-bin, *No. of Law School Grads Passing Bar Exam Decreases*, The Korea Times (May 3, 2018), <https://www.pressreader.com/korea-republic/the-korea-times/20180503/281621010957300> (examinees are allowed to sit for the bar for a maximum of five times, resulting in higher numbers of overall test-takers, and lower passage rates, in subsequent years. 3,316 students sat for the exam in 2020.).

31) Young-choel Jeong, *supra* note 17, at 159 n. 15 (standards are enforced every five years by the Ministry of Education, based on the Evaluation Guidelines promulgated by its Law School Evaluation Committee. If a law school does not meet the Evaluation Guidelines, the

them whether law schools have robust clinical legal programs in place.³²⁾ The most recent criteria stipulate that law schools must operate legal clinics that inculcate in students an appreciation for legal ethics and practical skills by having them participate in legal counseling on actual cases.³³⁾ They list a number of sub-criteria regarding what constitutes a robust clinical program, coupled with additional criteria focused on the public interest orientation of a CLE program. These criteria are in addition to a number of other elements of the law school evaluation process that further incentivize a practitioner-focused pedagogy at law schools, including provisions for schools to maintain low student faculty ratios,³⁴⁾ stipulations that a certain percentage of the law school faculty must have practical experience,³⁵⁾ and requirements that law schools must offer a number of other “experiential” style courses, for example courses on legal research and writing and moot courts.³⁶⁾

The final significant aspect of the 2007 reforms was the shuttering of the Judicial Research and Training Institute (JRTI). Prior to the reforms, the JRTI was administered by the Supreme Court of Korea. In the past, those lucky (and talented) students who managed to pass the old bar exam were automatically enrolled into a two-year course of study at the JRTI. There, they were paid a regular government salary and taught primarily by acting judges and prosecutors. Students in the old JRTI spent their first year in a classroom setting, where they divided their time between traditional classroom lectures and simulation-based experiential learning opportunities.³⁷⁾ They then spent a second year in a series of externships, first with the court (six months), then with the Prosecutor’s Office (four

Evaluation Committee can propose to the Ministry of Education that it withdraw the law school’s license).

32) Translation of Law School Evaluation Criteria provided by SNUPLC staff (on file with author).

33) *Id.*

34) GLSA, *supra* note 25, Art. 16 para. 1 (mandating a 15:1 student-to-faculty ratio or less).

35) GLSA, *supra* note 25, Art. 16 para. 4 (mandating that at least 20% of faculty have at least five years of practical experience).

36) Young-cheol Jeong, *supra* note 17, at 167 n.32.

37) Students engaged in a series of simulations, moot court exercises, brief-writing exercises, and – above all – exercises focusing on the formulation of judicial decisions. *See also* Ho Yoon Nam, *supra* note 12, at 898-91.

months), and finally with a private law office of their choosing (two months).

The JRTI system can therefore be considered to be a precursor to clinical legal education in Korea, albeit with significant differences in focus and intensity of faculty supervision.³⁸⁾ In particular, the JRTI employed almost exclusively judges and prosecutors as teaching faculty, and so their perspectives on legal practice understandably dominated the curriculum.³⁹⁾ Few of them would have been very well versed in (or perhaps even favorably inclined towards) the nature of criminal defense work, cause lawyering, or the complex interplay between social activism and impact lawyering. The same can be said of their experience of corporate or transactional law practice. Furthermore, the faculty-student ratio of the JRTI system, which was estimated to be at approximately 1:30,⁴⁰⁾ was far above what might be considered desirable in a clinical context.

The 2007 reforms abolished the JRTI and replaced it with a non-mandatory⁴¹⁾ six months part-time training institute administered by the Korean Bar Association. This further shifted the burden of practical training onto Korea's law schools and reinforced the necessity for a practical component to law school teaching. No longer could law schools rely on the JRTI as a "finishing school" for its graduates. From 2009 forward, Korean Law Schools had to provide their students not just with theoretical and doctrinal training, but also with practical preparation to serve as ethical and practice-ready lawyers.⁴²⁾

Korea's breakneck reform process has echoes of the history of legal

38) That claim must be tempered by a recognition of the very high student to faculty ratio, estimated by one author to be 1:30, and the fact that most of the training was focused on the perspective of judges and prosecutors, not private lawyers. *See* Ho Yoon Nam, *supra* note 12, at 888-891, 941.

39) Ho Yoon Nam, *supra* note 12, at 889.

40) *Id.*

41) If a law school graduate passes the Bar Exam and is already employed by a law firm or another qualified institution, she or he does not have to attend the KBA's 6-month training program. New hires of law firms or other qualified institutions, therefore, can satisfy their practice requirement after six months on the job.

42) *See* Young-cheol Jeong, *supra* note 17, at 162 ("[...] because practical education will have to be merged into the curriculum of graduate law schools, the need to expand practical courses or seminars will increase.").

education reform in the United States. There too, the development of clinics was at least partially driven by regulatory pressures. In order to be accredited in the United States, law schools must also “offer a curriculum that requires each student to satisfactorily complete at least...” (among other requirements)... “one or more experiential course(s).”⁴³⁾ The American Bar Association, which in the U.S. is the accrediting agency for Law Schools, has used this provision at least a few times to spur action at law schools that had not yet invested in their experiential course offerings.⁴⁴⁾

The universalization of CLE at U.S. law schools has a great deal to do with the ABA’s strategic deployment of its regulatory power. Some U.S. Law schools, of course, required no “nudging” by the regulatory authorities to build their CLE programs. These were the pioneers. For other law schools, however, the ABA’s gentle but credible regulatory pressure proved necessary. In concrete terms, the ABA proceeded like an inchworm crawling towards its goal: alternating between incremental reforms to their accreditation standards, followed by efforts to help law schools meet those standards—all backed by the constant but credible threat to withhold law schools’ accreditations if they failed to keep pace. The ABA’s standards pertaining to practical education were first drafted in the 1980s—initially in fairly aspirational language that left a good deal of discretion to individual law schools on how to interpret its language.⁴⁵⁾ Over time, however, these standards evolved and became both more clearly defined as well as more demanding. Today those standards require law schools to offer significant experiential learning opportunities to their students.⁴⁶⁾ By steadily putting

43) 2020-2021 Standards and Rules of Procedure for Approval of Law Schools § 303(a) (Am. Bar Ass’n), https://www.americanbar.org/groups/legal_education/resources/standards/.

44) Personal communication with Leo P. Martinez, Dean Emeritus & Albert Abramson Professor of Law Emeritus at the University of California Hastings College of Law and 2021 Chair-Elect of the ABA Section of Legal Education and Admissions to the Bar (Dec. 30 2020) (stating that “no school has failed to comply with the requirements pertaining to clinical offerings and thus no adverse consequences have resulted.”).

45) See Minna J. Kotkin, *Clinical Legal Education and the Replication of Hierarchy*, 26 *Clinical L. Rev.* 287, 290-291 (2019).

46) Prior to 2014, Standard 303(a) used to be numerated Standard 302. See Peter A. Joy, *The Uneasy History of Experiential Education in U.S. Law Schools*, 122 *Dick. L. Rev.* 551, 576 (2018).

pressure on law schools to take the regulations seriously or risk being denied accreditation, the ABA has managed over time to raise the overall industry standard—not just at the most elite law schools, but across the board. Notably, the ABA rarely had to exercise its regulatory power, thanks to the support of CLE specialists who worked behind the scenes with relevant law schools to help pull them back into compliance *before* the ABA had to withhold accreditation. For the most part, this system worked, and American law schools implemented and properly resourced their law clinics in line with the ABA’s evolving standards.

In Korea, the Ministry of Education has been given these same tools to drive the expansion of CLE in Korean law schools: concrete language mandating a practice-relevant component to Korean Law School Curricula, coupled with regulatory authority over those law schools. It is only a question of time and political will before those tools began to make an impact. The stage is set for CLE to make its grand entrance into Korean legal education.

1) Phase 1 of CLE at SNU Law: The Externship Model

This brief historical overview of the social and political trends that led to the transition from an undergraduate to a graduate model of legal education in Korea—and at SNU Law—demonstrates that what was required of SNU Law in 2009 was much more than just a little tinkering at the margins of its existing curricular model. Faced with growing popular discontent with the elitism of the legal profession, Korean law schools were forced to change not only their curricula, but also their institutional and pedagogical culture. Moreover, Korea’s law schools had to find more convincing strategies to inculcate in their students a passion for the public interest.⁴⁷⁾

47) See Jae Won Kim, *supra* note 17, at 59 (arguing that popular perceptions reactions to lawyers in Korea split between one of respect and admiration—stemming largely from the heroic acts of some lawyers who bravely stood up to South Korea’s previous authoritarian governments—and one of moral disapproval—accusing lawyers of being overly concerned with their personal enrichment); see also Yeom Hyung-Guk, *Byeonhosa Gongikwaldonggeun Deouk Hwalseonghwadoeeyo Handa* [Lawyers’ public interest activities should be more active], *Daehanbyeonhyeop Sinmun* (Nov. 11, 2019, 10:09 AM) (In Korean), <http://news.koreanbar.or.kr/news/articleView.html?idxno=20697> (opinion piece by the head of the Seoul Bar

SNU's transitional period from an undergraduate to a graduate legal education only formally ended in 2018,⁴⁸⁾ when SNU's last remaining undergraduate law student graduated. Between 2009 and 2018 SNU Law's faculty operated at least three parallel law programs under one roof: a new JD degree program that admitted its first batch of students in 2009, an old undergraduate law degree program that admitted its last incoming batch of students in 2008, and an old graduate program in law for older students who had already earned their first law degree at any level. In the midst of all that logistical chaos, with faculty frantically adjusting their teaching loads to simultaneously deliver courses to both their undergraduate and their graduate students, SNU Law made its first foray into experiential education.⁴⁹⁾

In August of 2010, SNU's faculty approved a new Legal Clinic Course Guideline. One semester later, Professor Jong Sup Chong,⁵⁰⁾ who at the time was serving as the Dean of SNU Law, nominally oversaw a first group of nine SNU Law students from SNU's inaugural cohort of JD candidates in a new course called "Legal Clinic" (*Imsang Buphak*). The course relied on the active support of six lawyers⁵¹⁾ practicing in various fields of law, each of whom took responsibility for supervising one or two of the students at their offices. The students were required to visit the law offices of their supervising attorneys several times during the semester. Their supervising attorneys assigned them specific tasks, such as preparing research

Association's Pro Bono Center, encouraging greater public interest engagement by lawyers: "What do lawyers live for. To make a lot of money? To buy a good house and car? To enjoy power and honor? Since everyone comes empty-handed and goes empty-handed, it is worthless to be greedy for wealth and power.").

48) The last student enrolled in SNU Laws LLB program graduated in 2018, thus formally putting SNU's old undergraduate law degree to rest for good.

49) Here I use the term "experiential education" to emphasize a broader concept of practice-based learning than that which is often meant when using the term "clinical legal education." Into this broader definition, I would argue, should belong not just traditional law clinics but also externships, simulation-based courses, moot courts, and other skills-based coursework. See also Elliott S. Milstein, *Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations*, 51 J. LEGAL EDUC. 375, 376 (2001).

50) Prof. Chong was a Constitutional Law scholar at SNU Law.

51) Mr. Joo Young Kim, the Director of SNU's Public Interest Law and Clinical Legal Education Center, was one of those first supervising attorneys invited to supervise students in this inaugural clinic.

memoranda or drafting legal briefs, and later provided them with feedback on their substantive work product. While it was called a clinic, the course might more accurately have been described as an externship model of experiential education, since students performed their work outside of the law school, under the supervision of lawyers who were neither employed by SNU nor specifically trained in legal pedagogy.

The course was offered for only one academic credit.⁵²⁾ Thus, while ambitious in scope, students received only a trivial amount of credit for participation in this demanding new clinical course. After its initial debut, the course was offered two more times, each time with only seven students registering for the course. It was later cancelled due to a lack of student interest.⁵³⁾ Students cited the fact that they received only minimal credit for the course and the requirement that they travel off campus to do their work as the primary reasons for not wanting to take the course.

2) Phase 2 of CLE at SNU Law: The Introduction of In-House Clinics

The following year, SNU's faculty took stock of its initial foray into CLE and invited a rotating group of practitioner-lawyers to be in-house clinical instructors at the law school. These lawyers took up temporary residence at SNU as Visiting Scholars. In reality, though, their mandate was to run a clinical course where students would work on projects—under their supervision—in the practitioners' areas of substantive expertise. Students earned two credits under this second model of CLE, and completed all of their coursework physically on campus, meeting with the practitioners in their on-campus offices or classrooms. While more convenient for the students, this new model represented a retreat from the "real world," since it did not require students to leave the physical and psychological space of the law school.

SNU's second model of CLE proved to be more popular with students. When the revised course was launched, 15 students signed up. That number soon grew to 23. Despite its popularity, though, the model made it impossible to have a sense of substantive continuity in the clinics, since

52) For context, this can be compared with the expectation that students take an average of 15 credits per semester.

53) Kang & Park, *supra* note 1, at 68.

each practitioner-in-residence would bring with him (or her) a new focus for the law clinic. Furthermore, given SNU's limited ability to host more than one practitioner-in-residence at a time, students taking the clinic had no choice between different substantive orientations.

3) Phase 3 of CLE at SNU Law: The Expansion of Clinical Courses

During the fall semester of 2015, SNU Law transitioned to its third model of CLE, offering not just one, but multiple different clinics. As before, visiting scholars were asked to come onto SNU Law's campus, essentially bringing the clinic 'in house.' Instead of doing so as practitioners-in-residence, however, they now were asked to do so on a part-time basis, typically on the side of their regular jobs as lawyers. Up to nine separate practitioners, with diverse legal specializations ranging from criminal law, public interest and human rights advocacy, freedom of speech protection, and social economy facilitated clinical courses. Students continued to respond favorably to this model, and numbers grew to as many as 72 students per semester by 2018.

4) Phase 4 of CLE at SNU Law: The Establishment of a Formal Law Clinic

In 2019, SNU Law launched a major institutional expansion of its clinical curriculum. Due to the leadership of former Dean Mr. CHANG Seung-Wha and his management team, SNU secured financial support for a major expansion of SNU's clinical program. With this significant boost in resources, SNU could finally afford to move away from a model that relied on the interest and availability of part-time visiting practitioners to supervise SNU Law students.⁵⁴⁾ Instead, SNU hired eight full-time clinicians and three clinical instructors into a separate clinical faculty.⁵⁵⁾ SNU's hiring spree means that its clinicians today are privileged to supervise students with a low 1:8 faculty-to-student ratio.

To house its clinicians, the university renovated two prominent

54) Outside practitioners continue to play an active role in SNU Law's legal clinic, and many continue to host clinical students both on- and off-campus.

55) Most of these clinicians were hired as practitioners. Only one had previously taught as a clinical instructor. One of those professors was hired as a tenure track professor, while the others have a variety of single or multi-year renewable contracts.

forward-facing office spaces for the clinics. Those offices also house SNU Law's Public Interest Center, which in 2019 was administratively merged with the clinic to become the SNU Public Interest and Legal Clinic Center ("SNUPLC"). This center not only oversees and coordinates the clinics, but also provides career advice to students interested in serving the public interest. The SNUPLC also oversees a new mandatory one-credit legal practice training requirement (*Pubmu Silsup*) that applies to all first year SNU Law students.⁵⁶⁾ That course requires students to work on field placements—typically organized during the winter holidays. This practice training requirement is not a clinic *per se*, but it means that at least one credit of experiential learning is mandatory to graduate from Korea's top-ranked law school. The SNUPLC brings these various clinical and public-interest activities together in one physical location, thereby ensuring that they remain integrated with one another.

The number of students who have signed up for SNU's fourth-generation clinics has continued to grow. So too, have the number of clients served by the clinic. During the spring semester of 2019, when the SNUPLC was first launched, 55 students enrolled into a clinic. By the fall semester of 2020, that number had grown to 118 students. Those students can apply to one of a total nineteen different law clinics.⁵⁷⁾ Some of those clinics engage in strategic litigation or administrative or civil actions⁵⁸⁾ some in criminal

56) In the past, SNU would give one credit to students for doing a private internship. Starting in 2019, SNU requires that all first-year students participate in this program.

57) In February of 2021, students at SNUPLC can choose between (1) the Supreme Court Clinic; (2) the Community Legal Aid Clinic; (3) the Women & Children Rights Clinic; (4) the Human Rights and Dignity Clinic; (5) the International Transactions Clinic; (6) the Consumer Dispute Clinic; (7) the Civil Law Practice Clinic; (8) the Class Action Clinic; (9) the Disability and Human Rights Clinic; (10) the Mediation Clinic; (11) the Standard Form Contracts Clinic; (12) the Criminal Practice Clinic; (13) the Criminal Defense Clinic; (14) the Victims of Sexual Violence and Child Abuse Clinic; (15) the International Human Rights Clinic; (16) the Social Economy Clinic; (17) the Freedom of Expression Clinic. The first 11 of those clinics are taught by one or more of SNU Law's full time clinical faculty, the remainder by Adjunct Professors. In 2021, students will have two additional clinics to choose from, namely (18) an Entertainment Law Clinic, taught by an Adjunct Professor, and (19) a Difficult Conversations Clinic taught by a full time Clinical Professor working in partnership with a colleague from the non-clinical faculty. Not all of these clinics are offered in each semester.

58) SNU's Class Action Clinic, for example, engages in strategic litigation on behalf of consumers. SNU's Standard Form Contracts Clinic focused on the examination of various

defense work,⁵⁹⁾ some are simulation based,⁶⁰⁾ some focus on advocacy and legislative reform projects,⁶¹⁾ and still others provide services to partner organizations or administrative agencies that require a certain kind of legal expertise or analysis.⁶²⁾ Since May of 2019, the SNUPLC has also operated a live client community law clinic that provides legal services to employees and affiliates of Seoul National University.⁶³⁾ During its first two years of operation, SNU's community law clinic has served a total of 264 individuals in a range of civil and criminal defense contexts, with a strong expectation that this annual number will continue to grow in coming years.

2. "Pedagogical Entrepreneurialism"

The fact that CLE was introduced during a period of such extraordinary institutional flux, rather than a period of curricular stability, ironically *increases* the potential for CLE to embed itself into the very heart of legal training at SNU. Indeed, I would argue that this coming decade might easily be SNU's – and Korea's⁶⁴⁾ – "CLE Moment," not unlike what

standard form contracts that students encountered in their every-day interactions and analyzed them for possible violations of consumer protection provisions, which were then forwarded to the relevant authorities for further action. SNU's civil law clinic but dealt with a number of real cases in 2020 – five for pre-trial counseling and one that the clinic took up for actual litigation.

59) Students in the Community Legal Aid Clinic, for example, provided legal support in 2020 to a criminal defendant who had been wrongfully accused of criminal trespass. He was ultimately acquitted of all charges.

60) SNU's International Corporate Transactions Clinic focuses on various cross-border transactions, including M&A and capital market matters. SNU's Consumer Dispute Clinic also uses mock simulations and real-life examples drawn from the news to examine consumer disputes.

61) SNU's Disability and Human Rights Clinic, for example, prepared a civil lawsuit on behalf of a person who died after being abused in a residential facility for the disabled, and partnered with an NGO to support model legislation pending before the Legislature.

62) The Human Dignity Clinic partnered with an NGO in the Seoul area providing services to a vulnerable population of refugees to evaluate their program and make recommendations for its improvement.

63) The clinic will not represent SNU Professors, nor will it represent anyone in a dispute with the university, or in a dispute that could also be handled by the Counselling Service and Report Mechanism of SNU's Human Rights Center (*see* <https://hrc.snu.ac.kr/en/process>).

64) While this may sound somewhat presumptuous to state, curricular reforms and

happened in the 1960s and 1970s in the United States.⁶⁵⁾ In those decades, CLE transitioned in the U.S. from being a fringe offering at the margins of some few U.S. law schools' course catalogues to being a central and even mandatory component of all self-respecting law school teaching programs.

This predicted explosion of CLE is not a foregone conclusion, however. CLE could just as easily sputter and ultimately die off, abandoned as a good intentioned but ultimately unsuccessful pedagogical experiment. The fate of CLE, in large part, depends on the entrepreneurialism and creativity of Korea's first generation of clinicians. To succeed, SNU Law's clinicians will have to close their eyes, hold their breath, and jump into the deep end of clinical teaching. The more they –*we*– manage to do so, in terms that resonate with the needs of our students, our law school colleagues, our communities, and the legal profession at large – the more CLE stands to become embedded as a crucial component of what will be considered an “essential” Korean legal education in years to come.

It is an understatement to suggest that there is no step-by-step manual⁶⁶⁾ on how to design a successful legal clinic at SNU! The concept of a legal clinic is still new in most Korean law schools.⁶⁷⁾ A majority of the regular (podium) faculty have little or no exposure to CLE, nor do they know how clinical teaching can differ from their own, primarily lecture-based, style of teaching. Ironically, the clinicians themselves are often just as unfamiliar with these differences. All (or almost all) of SNU Law's first generation of clinical faculty graduated from law schools at a time when clinical and experiential models of teaching were unheard of as part of Korean legal education. Thus, with few reference points and only abstract mantras such

innovations at SNU are likely to inspire similar initiatives at other law schools in Korea.

65) See Richard J. Wilson, *Legal Aid and Clinical Legal Education in Europe and the USA: Are They Compatible?*, in *Outsourcing Legal Aid in the Nordic Welfare States*, 263, 270 (Olaf Halvorsen Rønning and Ole Hammerslev eds., 2018).

66) SNU's Public Interest Law Center is currently working on the development of a Clinic textbook. Sungkyunkwan University School of Law also produced such a manual in 2011. See Kang & Park, *supra* note 1, at 65, footnote 84.

67) Kang & Park describe the origins of CLE in Korea as having happened as early as 2007, when a group of approximately 280 students worked on a volunteer basis with lawyers and a professor at Korea University. See Kang & Park, *supra* note 1, at 56-58.

as the importance of “learning by doing”⁶⁸⁾ and the need to “bridge theory and practice” to guide them, SNU’s clinicians must design their clinics from scratch.

To do so, SNU’s clinicians must be “**pedagogical entrepreneurs.**” They must embrace two principles of market economics that also hold for business entrepreneurs, neither of them particularly comforting to those who prefer simplicity, predictability, or stable professional workflows. The first is that **adversity breeds innovation**—in other words that periods of strain and competition over scarce resources can often produce the most innovative, inspiring and ultimately sustainable models of CLE. The fact that we as clinicians in Korea have to work so hard to attract our students, develop sustainable partnerships with outside organizations, and create new and innovative pedagogies mean that our community will remain dynamic and vibrant for years to come. The second is that this innovation process is rarely a smooth and linear process, but rather the result of **creative destruction**. Former SNU Dean Kyong-Whan Ahn concludes his discussion of Korean curricular reform by reminding his audience that “education is the constant modification of expectation by experience.”⁶⁹⁾ In this spirit, it is not just our students who are learning by doing, but also SNU’s clinicians themselves. This is exactly the spirit of pedagogical entrepreneurialism.

Institutional administrators should not be surprised if different models of CLE replace each another, often even in quick succession, as clinicians take stock of their initial successes and failures to gradually tweak and improve (“endogenize”) their pedagogical models. Such churn is not a sign of poor planning or inadequate expertise of their clinicians, but rather a sign that the process of ‘endogenization’ is working.

SNU has already begun with this process. For the past decade, a small but growing cadre of clinicians has been accumulating wisdom about what it takes to make CLE succeed in Korea. SNU’s decision, in 2019, to

68) Many would describe John Dewey (1859-1952), an American philosopher and educator, as the creator of the concept that young people learn better by doing than in traditional classroom settings. See Jon Ord, *John Dewey and Experiential Learning: Developing the Theory of Youth Work*, 108 *Youth & Policy* 55 (2012) (describing the functioning of “learner-centered classrooms” in Dewey’s theory).

69) See Kyong-Whan Ahn, *supra* note 7, at 241.

dramatically expand its CLE program stands to turbo-charge this endogenization process. If history and comparative experience offers any insights, SNU's clinicians are unlikely to sit still for long. As with most professional specialists, once a group of them are assembled into one place ("the clinic"), given a distinct professional label ("the clinicians"), and given a water cooler or coffee machine around which to assemble (which SNU has already graciously provided), they will inevitably begin to share experiences with one another, identify shared problems they all face, and problem solve on how to better achieve their objectives. That process is already beginning, both formally and informally.

I will restrict myself here to two examples of pedagogical entrepreneurialism. Prof. LEE Yong-Guk runs SNU's International Transactions Clinic. Prior to joining SNU in 2019, he was a partner at the Seoul office of a major international law firm, focusing primarily on cross-border transactions. Given his own expertise and SNU's strategic commitment to focus on international business law as one of its core areas of excellence, Prof. Lee wished to introduce students the practical realities of cross-border corporate law. He soon realized, however, that it would be quite challenging to get students "real world" experience in this area of the law. As a result, he began to introduce students to lightly fictionalized cases he had worked on as a practicing lawyer, asking them to think through concrete scenarios and develop legal strategies accordingly. In this way, Prof. Lee's pedagogy began to resemble not so much the US (Socratic) law school case study method,⁷⁰⁾ but rather the Business School case study model, where students are exposed to real-world cases and taught to reflect strategically at certain "inflection points" in the case study.⁷¹⁾ Prof. Lee found that by approaching his clinical teaching in such a manner, he was able to focus on developing the students' ability to identify and address key structuring, documentation and negotiation issues in international transactions, rather than on imparting knowledge regarding substantive corporate law through long and theory-oriented lectures. This encouraged

70) See Matthew J. Wilson, *U.S. Legal Education Methods and Ideals: Application to the Japanese and Korean Systems*, 18 *Cardozo J. Int'l & Comp. L.* 295 (2010).

71) See Harvard Business School: What is the Case Study Method, <https://www.exed.hbs.edu/hbs-experience/learning-experience/case-study-method> (last visited Jan. 13, 2021).

greater co-ownership between professor and student over the learning process and allowed Prof. Lee to target his lectures toward useful practical skills and tips. In addition, during his first semester teaching the clinic, Prof. Lee realized that the students could benefit from greater specialization of corporate lawyering skills, and decided as a result to split the course into two successive clinics, the first focusing on cross-border mergers and acquisitions and the second on international corporate finance deals.

A number of other Professors explored ways to get students more engaged in the process of identifying promising projects to work on in the clinic. Prof. KIM Joo-Young encouraged students to identify actionable issues in his Class Action Clinic. The students identified a case, conducted relevant research to drive the case forward and worked to build a group of potential plaintiffs. Although the case never proceeded to litigation, the process proved to be a tremendous success from a pedagogical perspective, with students learning not just about the *substance* of class action litigation, but also about the softer sides of client management and media outreach. In her Standard Form Contract Clinic, Prof. LEE So-Eun also involved her students in the process of identifying potential cases. Frustrated with the gap between the generally abstract principles taught in a doctrinal course on contract law and the technical nature of working with “real-world” contracts, Prof. Lee asked her students to keep track of various standard form contracts they sign on a daily basis, either online or offline, and evaluate them in line with the applicable consumer protection standards in Korea. Based on these analyses, the clinic chose a few of these contracts to bring forward to the relevant agencies. In my own clinic, I also relied on students to generate meaningful projects where the skills and capacities of our SNU Law students could be matched with the demonstrated vulnerabilities of clients in SNU’s Human Dignity Clinic.

These examples of pedagogical entrepreneurialism are only a small sampling of the lessons being learned, shared, and discussed by SNU’s clinical faculty. This knowledge is incrementally improving the quality of SNU’s clinical teaching. Other clinicians are exploring how best to explore the nexus between law and policy with their students—for example by involving their students in legislative reform efforts.⁷²⁾ Others are pushing their students to develop new strategies for analyzing the facts of a case, for example during the interview phase of a potential criminal defense

representation.⁷³⁾ Still others are focusing on the preparation of well-drafted legal documents, usually in practice areas where students can reasonably expect to see the outcome of their efforts.⁷⁴⁾ Other professors used in-class simulations to introduce students to practice areas that were either too complex – or legally impossible – to bring into a law school environment.⁷⁵⁾ The story of CLE at SNU during its first decade illustrates the endogenization process taking place, and highlights the extent to which it relies on the creativity, patience, and determination of individual clinicians to succeed.

III. Taking Stock of SNU’s First Decade of CLE

During the fall of 2020 – in the midst of the state of abnormality that the COVID-19 public health crisis foisted upon all of us – SNU Law’s clinicians discussed their experience during their first year as full-time SNU clinicians. Across a series of interactive pedagogy workshops,⁷⁶⁾ the clinical

72) *See supra* note 61.

73) Ms. Kim Nam-hee and Ms. So Ra-mi supervise two separate iterations of SNU’s Community Legal Aid Clinic – one focusing on criminal defense cases and the other on labor rights defense work – where they focus on their students’ ability to “understand the case facts, communicate with real clients, obtain necessary information, provide legal advice and write legal documents.” Personal Communication with Kim Nam-hee, Professor, in Seoul National University (Jan. 16, 2021).

74) SNU’s Consumer Dispute Clinic, under the supervision of Prof. Lee Hyun-Jong, focused on consumer dispute resolution processes, and asked students to draft a range of different documents, including legal memoranda, demand- and warning-letters, formal small claims complaints and court decisions for simulated or real cases.

75) In addition to Prof. Lee Yong-Guk, Prof. Cho In-young also brought her 17 years’ experience as a judge into her classroom with her. Her simulation classes are divided evenly between lectures and case briefings she provides, followed by document review and a simulated oral pleading before her (acting as judge).

76) The workshops were structured to generate a shared understanding, and collective sense of co-ownership, over key concepts in clinical legal pedagogy. The workshops intentionally modeled an interactive and facilitative teaching model, which was unusual in a context where lecture-based presentations represent the expected norm. The workshops were designed to help the clinical faculty work together as a group, and begin to understand not just the nature of experiential pedagogy, but also how to go about creating and improving pedagogical experiences for ourselves and our students as clinicians.

faculty conducted a range of exercises designed to generate a shared vision for the future of SNU Law's clinics and to reflect critically on their approach to teaching.⁷⁷⁾ The discussions that took place during these workshops form much of the raw material feeding the analysis that follows.⁷⁸⁾ The workshops also coincided with the conference on clinical legal education in Asia, which generated several of the articles contained in this volume of the Journal of Korean Law.⁷⁹⁾ This conference provided SNU's clinicians with a fascinating opportunity to contextualize SNU's experience in light of the experiences of clinicians in other East Asian contexts.

1. Strengths & Weaknesses

There was a palpable enthusiasm for the strengths of SNU's clinical model. Speaking at the end of their first year of employment as full time clinical faculty members, SNU's clinicians sensed that they had a unique

77) Mr. Sonnenberg designed and facilitated these sessions, with the gracious input of his colleagues at the SNUPLC, including Mr. Joo Young Kim and Ms. Ra Mi Soh. He also consulted with Prof. Wong Siew Yin, Eleanor, Director of the Legal Skills Programme at the National University of Singapore, who graciously shared materials she used in 2020 to structure a similar pedagogy workshop in Bhutan.

78) The workshops proceeded first with a joint visioning exercise designed to set a frame for ourselves as clinicians, asking ourselves broadly the question of why a law school in Korea would want to hire a group of clinical faculty members, and what expectations they—as well as other stakeholders—might have of us. Second, we conducted a joint SWOT analysis (Strengths; Weaknesses; Opportunities and Threats), in order to identify some of the key opportunities and also challenges we might face in the coming decade. For background on a SWOT analysis, see e.g., Thomas J. Chermack & Bernadette K. Kasshanna, *The Use and Misuse of SWOT Analysis and Implications for HRD Professionals*, 10 Human Res. Devt. Int. 383 (2007). Third, we conducted a stakeholder analysis and discussed how to go about coalition and consensus building in pursuit of a long-term vision for SNU Law's legal clinics, capitalizing on the SWOT analysis that had gone before. Fourth, we discussed how to match pedagogical activities with learning objectives, relying on Lorin Anderson & David Kratwohl, *Bloom's Updated Taxonomy: A Revision of Bloom's Taxonomy of Educational Objectives* (2001). Finally, each clinician chose a teaching unit to present to her or his colleagues, whereupon we gave each other constructive peer review and feedback designed to encourage a sense of pedagogical entrepreneurialism among the entire faculty.

79) See Xiangshun Ding, *The Status Quo and Institutional Challenges Faced by China's Clinical Legal Education*, 20 J. OF KOREAN L. 131 (2021); and Shigeo Miyagawa, *Strengthening Clinical Legal Education in Japan: What Should be Done in the Second Stage of the Law School System*, 20 J. OF KOREAN L. 159 (2021).

ability to connect to their students. By working one-on-one, in collegial and more egalitarian teaching environments, clinicians appreciated the opportunity to build genuine relationships with their students.⁸⁰⁾ This allowed for meaningful mentorship opportunities and relationships that endured even past the end of a student's enrollment in the clinic. Students appreciated learning from the practitioners' repertoire of 'war stories,' and most clinicians also had their fingers on the pulse of some of Korea's "hottest" social topics. This allowed them to craft exciting and engaging clinics. In one case, student themselves even *made* the news cycle, by means of a strategic litigation effort that subsequently got picked up by the mainstream news media.⁸¹⁾ From the student perspective, taking a clinic was not just useful, but also interesting; or even—dare we say it—fun?

The ultimate appeal of CLE, of course, is the opportunity to connect students with *real* clients. Nothing can be more motivating for a sleep-deprived law student than meeting with a client who appreciates the skills and insights they are so laboriously acquiring while at law school. Bringing those experiences back into a classroom can generate a first-person relationship with legal doctrine that studying it in the abstract has a hard time replicating. Sitting with an instructor to review a series of client interviews over coffee, students are able to discuss legal concepts in "human language" rather than memorized statutory code, are able to grapple with important ethical issues, and brainstorm action-oriented lawyering techniques with a sophistication that would have easily rivaled that of a seasoned practitioner. These successes proved to be just as motivating for the clinicians as they were for the students themselves.

SNU's clinicians also discussed a few hurdles to their work. All of SNU's clinicians are experienced practitioners, but most of them had only limited experience teaching. Even fewer had any prior exposure to non-lecture-based models of teaching. Clinicians felt they could use more pedagogical training, especially at the very outset of their careers as

80) This was true even despite the fact that much of the year had been spent in an online environment due to the COVID-19 public health crisis.

81) See description above about students enrolled in Prof. Kim Joo-Young's Class Action Clinic.

clinicians.⁸²⁾ Furthermore, the clinicians were constantly battling against time. Not only were the semesters relatively short, but the course credits allowed them to meet with their students for only a few hours each week. Additionally, some clinicians felt constrained by the logistics of trying to accomplish something unusual in a tightly regulated institutional environment where the rules are designed to facilitate a different model of teaching, research, and scholarship than might be common in a clinical environment. This was particularly true for clinicians seeking to build professional relationships with their “podium” colleagues.⁸³⁾ Despite such inevitable challenges, however, SNU’s clinicians felt optimistic about the potential for clinical legal education as a long-term feature of SNU Law’s pedagogy.

2. Threats & Opportunities

Looking beyond the walls of SNU,⁸⁴⁾ clinicians continued to feel the weight of Korea’s still-formidable Bar Examination. Despite the various reforms described above, Korea’s Bar Examination remains daunting. To pass, students must memorize literally thousands of cases, focusing on minute details that hinge on abstract doctrinal details. Students place themselves under enormous pressure to prepare for this exam. This significantly constrains the willingness of the clinicians to demand much of their students. Students typically begin to obsess about their bar preparation efforts during their second year of law school, after which any courses deemed “extraneous” will attract fewer potential applicants. Given that law clinics are open only to second and third-year law students, this means that clinicians face significant pressure not to scare away potential students. Some clinicians described the bar exam as the “Sword of

82) To this end, SNU’s Clinicians are currently working on a textbook for the clinic.

83) This concern has been written about at length in other contexts and is a frequent topic of discussion at clinicians’ conferences. See e.g., Stephen Miller, *Field Notes from Starting a Law School Clinic*, 20 CLIN. L. R. 137, 140-142 (2013) (“In many law schools, the distinction between doctrinal, or substantive teaching, and clinical, or skills-based teaching, is still made in stark black-and-white terms, and it can have real significance in an academic career.”).

84) See Chermack & Kasshanna, *supra* note 78 at 390 (Threats and Opportunities are usually defined as factors beyond one’s immediate institutional control.).

Damocles” hanging over the clinic, suggesting that if SNU’s bar exam passage rates were ever to plummet, the clinics would surely take the blame for having excessively distracting SNU Law’s students from their more exam-relevant studies.

Clinicians also felt threatened by the politicization of the terrain in which they were operating. While the term “public interest” may seem politically neutral and clear enough in the abstract, it becomes much more difficult to define that concept in the context of actual project work. For example, how can a criminal defense clinic “apolitically” but still ardently defend the procedural rights of criminal defendants in the midst of a raging political debate over whether the power of the Prosecutor’s Office should be curtailed—one of the most prominent Korean political issues in 2020? Can one argue prosecutorial overreach in such a context without being accused—at least potentially—of acting “politically?” Similarly, is it possible to run an international human rights clinic that speaks with clarity about regional human rights issues in the midst of a raging political debate over whether, and if so how forcefully, the country’s government should protest against alleged human rights abuses in the region?⁸⁵ Neither of these examples suggest that SNU’s clinicians are, in fact, acting politically, but both show how easy it can be to find oneself *accused* of doing so.⁸⁶ Clinicians were wary of mainstream and social media attention, and feared that SNU Law’s status as one of Korea’s top law schools had painted a giant target on their backs.

Finally, clinicians worried about the fact that law students were not authorized to provide legal advice to their clients. The lack of student practice rules in Korea prevents law schools from exposing their students to

85) See Yumi Ko, *A South Korean Perspective*, THE ASAN FORUM (Aug. 31, 2020), <http://www.theasanforum.org/a-south-korean-perspective-7/>. See also HUMAN RIGHTS WATCH, SOUTH KOREA: PROMOTE HUMAN RIGHTS IN NORTH KOREA: COALITION URGES PRESIDENT MOON TO TAKE STRONGER STANCE ON ABUSES, (Dec. 15, 2020), <https://www.hrw.org/news/2020/12/15/south-korea-promote-human-rights-north-korea>.

86) Many of those outside actors consciously *seek* to accuse SNU (or any other influential institution) of politicization in order to promote their own cause. Clinicians are used to these kinds of attacks. Attackers often accuse clinicians of political motives in order to throw doubt on the clinic’s work by depicting it as politically motivated, rather than steeped in an objective methodology. Others accuse clinics of politicization in order to scare them away from working on certain so-called “sensitive” topics.

the full responsibility of legal practice: Korean clinical students are forever condemned to being at least one step removed from the actual provision of legal advice. This differs significantly from some of the other clinical models worldwide,⁸⁷⁾ particularly those in North America. In terms of human resources, it also requires the SNUPLC to hire enough lawyers to personally conduct each legal representation, rather than relying on students to act as co-counsel and carry at least some of the associated workload.

Such concerns are not unfounded, but they are also all solvable. Each of them can give rise to potential long-term reform agendas that SNU's Clinicians might seek to pursue—systematically and constructively—in the years ahead.

A few particularly auspicious winds are also blowing across the horizon that bode well for the future of CLE in Korea. Many have to do with broader social trends that I, as a relative newcomer to Korea, am only slowly beginning to appreciate. A small but growing share of Korean university students, for example, seem intent to secure jobs that promise to be both professionally *and* personally gratifying. These students are willing to trade in the expectations of wealth and power associated with so-called “prestigious” jobs for more meaningful public interest jobs. Those students are likely to flock to CLE. In addition, the supercharged polarization that used to characterize ideological clashes between right-wing and left-wing politics in Korea is receding into history. Most of today's students came of age well after the end of South Korea's military dictatorships. The idea that one could be ridiculed, persecuted, fired from one's job, or physically

87) “International Student Practice,” [Database compiled by Prof. Wallace Mylniec and Meghan Strong, Georgetown L'18], on file with author. The database contained information about Argentina, Australia, Brazil, Bulgaria, Canada, Chile, China, Colombia, the Czech Republic, Germany, Hungary, India, Italy, Japan, Kenya, Lebanon, Lesotho, Mexico, Mozambique, New Zealand, Philippines, Poland, Portugal, Russia, South Africa, Turkey, Uganda, UK-England & Wales, UK-Scotland, United States, and Zimbabwe. NOTE: there regulations allowing for student practice in courts or administrative proceedings/tribunals demonstrate some variability: some allow for students to practice only in the lower courts (or only in the higher courts—ex: in India), or only in administrative proceedings. Other regulations allow for such practice only with the permission of the presiding judge or magistrate, and one jurisdiction allows students to assist his/her supervisor, but not to speak while in open court.

tortured because of one's political views today seems as remote a possibility as meeting someone who has never heard of K-Pop. Running bold clinics—even if they focus on so-called “sensitive” issues—no longer sounds nearly as risky as it might have been just a few decades ago. Being a public interest lawyer in Korea no longer requires that one be a hero, just that one care about one's immediate community.

IV. Making New Friends: Building Constituencies for the Future

A final theme of the workshops was to conduct an informal stakeholder analysis, looking to the future to identify potential allies for Korea's—and SNU's—clinical movement. Interestingly, the constituencies that proved to be most instrumental in the process of *creating* SNU's law clinics are likely to be less relevant than a new batch of potential allies, especially as the clinic's focus shifts from *establishing* the clinics towards *sustaining* and *endogenizing* them within SNU's overall curricular landscape.

1. The Clinics' Initial Proponents

As described above, the clinic came about as a result of the actions of politicians, regulatory agencies, SNU's Leadership, and SNU's Faculty.⁸⁸ All but one of those groups are likely to take a back seat in the coming decade, confident that they have already achieved what they wanted to achieve with the mere *establishment* of the clinics. In the decade ahead, it will be other constituencies that drive forward the *endogenization* process of the clinics.

88) For an excellent analysis of the various stakeholder groups that played a role in the political process driving Law school reforms, see Yukyong Choe, *supra* note 16 (providing an excellent analysis of the behind-the-scenes roles that that Korea's business community, Korean Bar Association, Prosecutor's Office, legal academicians, and non-governmental organizations and public opinion played in the process that eventually resulted in the law school reform agenda).

1) *Politicians*

An initial point—and one which may potentially strike some as being controversial—has to do with the observation that most of the politicians who in the past proved to be most passionate about the law school reform agenda tended to belong to left-leaning political parties. Most also had some direct or indirect connection to the student movements that were so instrumental in the democratization of South Korean politics during the 1970s and 1980s. Given the personal histories of those politicians, it is perhaps unsurprising that so many of them felt strongly about the nexus between university campuses and political activism, and that much of the rhetoric surrounding the creation of law clinics was infused with lofty talk of human rights work, social justice, and public interest advocacy. After almost 20 years of fighting over whether to move towards a graduate model of legal education, however, it is reasonable to assume that politicians *of all stripes* are eager to leave this topic as settled, devolving responsibility for managing law schools to the specialized agencies within the Ministry of Justice and the Ministry of Education.

2) *Regulators*

As we described above, the 2009 reforms included a number of provisions that forced SNU and other Korean law schools to institute *some form* of experiential learning. If the example of the ABA in the United States is a guide, the Ministry of Education's regulatory mandate may well—over time—lead to the progressive expansion of CLE as a core aspect of legal education in Korea. SNU today has significantly exceeded the regulators' directives, however, and is therefore unlikely to attract the Ministry of Education's scrutiny any time soon. Nor is it likely that the regulators will ratchet up the standards pertaining to experiential education to such an extent that it would threaten SNU's accreditation prospects, certainly in the short- to medium-term. Thus, for the time being at least, SNU should expect little nudging from the regulatory authorities to continue expanding its CLE offerings.

3) *SNU Leadership*

SNU's leadership in the past decade took a bold risk on CLE. The university made important investments in the clinic's capacity, hiring

scores of new faculty and allocating substantial institutional resources to the clinics. Such periods of expansion are usually followed by quieter periods of calm, during which those new resources are expected to grow roots and embed themselves within the overall institutional landscape. That more static approach is likely to persist for the next decade. While clinicians will not necessarily be ignored, it is also unlikely that they will continue to enjoy the largesse they did during the last decade. Additional investments, when they come, will likely be incremental, targeted, and evidence based.

4) SNU Faculty

SNU's faculty has already proven itself to be extraordinarily open to the creation of a CLE program at SNU. From a strictly comparative perspective, SNU went from not having a clinical program to hiring a clinician as a regular tenure track professor within one short decade. It also hired a slew of new clinicians who were all selected for their track record as practitioners. Moreover, the faculty seemingly respects a degree of autonomous self-governance for the clinics that would be the envy of many a clinical program director in other institutional settings. SNU's faculty, acting through a specialized management committee, sees its role as exercising *oversight*, not micromanagement. I mention this only to point out what an exceptional model this is. SNU's podium faculty has given its clinical colleagues the opportunity to act with equal agency, not as second-class citizens within one university environment. SNU's clinicians enjoy the breathing room they need to be pedagogical entrepreneurs, and to develop a clinic model that responds to the needs of the institution and its students. From a comparative perspective, this is truly noteworthy.

That said, many podium faculty members still have significant unanswered questions about the clinic. Their skepticism, so far at least, seems to be driven more by curiosity than any sense of principled opposition. As we discuss below, it will be up to the individual clinicians themselves to ensure that this lack of familiarity does not persist.

2. Constituencies for the Future

The constituencies that proved to be so instrumental during the first decade of SNU's clinical experiment are unlikely to continue promoting the

further expansion and entrenchment of CLE in SNU's curriculum. That said, this is not a depiction of storm clouds brewing on the horizon for CLE in Korea. Rather, SNU's clinicians should focus on new constituencies that are likely to support the strengthening and further endogenization of CLE at SNU and in Korea more generally in the decades ahead.

1) *Students*

The voice of the students is crucial in determining the ultimate fate of the clinics. Students did not play a particularly active role in the process to initiate CLE.⁸⁹⁾ But students' voices proved to be the *crucial* factor determining the sustainability the early iterations of SNU's clinics. If students do not like the clinics we teach, our clinics die off. And if students like our clinics, our clinics will flourish. It is a directly causal relationship. In that sense, no stakeholder group is more essential to the survival of CLE at SNU than our students.

Students interests are complex, however. In general, SNU's students are extremely intelligent, but also hesitant to take on courses that they do consider to be directly relevant to their future. Korean law students are not afraid of lecture-based courses graded by a summative final examination at the end of the semester. Korea's top students have been trained to succeed in this format for most of their lives. As clinicians, we tend to ask students to think and engage with one other in different ways, thereby breaking with the pedagogical model that our students have mastered so well. CLE encourages teamwork, individual initiative, and creativity – not test-taking. In this sense, one might expect SNU's students to be inherently skeptical of CLE.

In fact, however, SNU students have been signing up for clinic courses in increasing numbers. Why is this? Is it because students value the skills we teach, or the exposure to real-world legal issues and clients that students can get in a clinic? Is it because they value *how* we teach them? Or is it because clinical courses (at SNU) are graded on a pass/fail basis and therefore considered to be lower-pressure alternatives to podium-style

89) See e.g., HLS Advocates for Human Rights, 15th ANNIVERSARY REPORT, (June 2020), 3-5, <https://clinics.law.harvard.edu/advocates/about/15th-anniversary-report/> (example from Harvard Law School of how students can catalyze the development of a clinical program).

courses? Student feedback so far suggests that each of the above propositions is true. In other words, students value not just *what*, but also *how*, we clinicians teach. Students value the comparatively more relaxed and collaborative relationship between students and professors in clinical courses, and they appreciate the focus on real world legal problems and applied legal skills training. Students also note with satisfaction that clinics do not have the same grading pressure as do other courses at SNU. This is important feedback, and it must continue to inspire future developments of SNU's CLE model.

The role of *prospective* students in sustaining a robust CLE program should also not be underestimated. Given SNU's status as one of the top law schools in the country, it is unlikely that many prospective students would hesitate before accepting an offer to attend SNU. That said, prospective students might play an indirect role, even at SNU, in driving forward the creative destruction process described above. The fact that SNU has already established a major law clinic might eventually push other top law schools in Korea to also consider expanding their CLE offerings, *especially* if prospective students start to ask about the strengths of clinics as part of their matriculation decisions. With time, Korean law schools may seize upon CLE as a potential avenue for institutional self-promotion. If and when this happens, a healthy and friendly competition is likely to emerge between law schools over which school has the most dynamic clinical program. From the perspective of a clinician, or a student interested in a clinical education, such competition can only be welcomed.

2) SNU Faculty

As described above, SNU's faculty took a leap of faith by launching its ambitious CLE program. Why might they have done so? Many colleagues felt a strong personal interest in CLE, and a desire to connect (or perhaps re-connect) their own legal expertise with the world of practice. Indeed, many so-called "podium" faculty have already been *doing* CLE-style education, even if they did not consciously call it that.

That said, while the existing faculty welcomed the expansion of CLE at SNU, some also worry that by calling certain faculty 'clinicians' and others 'podium' or 'traditional' faculty, unnecessary rifts might begin to emerge within the faculty that could polarize an increasingly diverse faculty. The

podium faculty's concerns are not unfounded, and clinicians would be well-advised to build professional and personal bridges with all of their colleagues, regardless of whether they teach a clinic or not. This can happen in formal ways, for example by co-teaching a clinic with a podium faculty colleague, or informally, by means of reciprocal guest lectures to one another's classes or by involving colleagues to lend their advice and insights to ongoing clinical projects, for example.

3) Employers of SNU Graduates

Employers represent another potential constituency advocating in favor of stronger CLE offerings at Korean law schools. Employers have currently played only a nominal role in shaping the pedagogy of Korean law schools.⁹⁰⁾ Traditionally, there were simply too many institutional layers separating law schools from the private sector. Those days have passed, however, and today most Korean law students expect to become private lawyers, not judges or prosecutors. Many senior law firm partners are also eager benefactors to law schools. Given the fierce loyalties that many alumni feel towards their *alma maters*, these relationships have the potential to become increasingly important in coming decades, *especially* if they are premised not just on sentimentality but also on reciprocal self-interest.

Mr. Kim Jin-oh, Lawyer and senior member of the talent recruitment team at Kim & Chang (one of Korea's premier law firms), speaks about how current approaches to legal education fail to prepare students for the reality of corporate practice.⁹¹⁾ According to Mr. Kim, newly hired associates in law firms often lack any training in the softer skills that are—in his opinion—often the most important aspects of corporate practice. Kim focused in particular on the skills of listening, communication, and problem solving. He described how a clinic's focus on factfinding helps students to properly understand the true context of a legal dispute, including what he described as the skill of "hacking" into a human being—in other words, the ability to understand the true motives that a legal disputant may have. He

90) See Yukyong Choe, *supra* note 16, at 11.

91) Park Jong-Heun, Kim Jin-oh, Choi Jong-yeon, Panel at the Seoul National University: Development of Legal Clinics in Korea—Lessons from Global Experience, Conference on Current Situation of Clinical Legal Education in Asia and its Development, (Oct. 16, 2020).

also spoke approvingly of the ethical training that students receive in clinics. According to Kim, law firms should begin specifically to seek out students who have enjoyed robust clinical education.

Assuming that Mr. Kim's views are representative of law firms' attitudes more generally, employers could easily emerge as a powerful force driving the continued growth and vitality of CLE offerings at Korean law schools. Moreover, most Korean law firms are active providers of pro-bono legal services, and many support major foundations providing free legal aid to the community.⁹² These foundations could conceivably form robust partnerships with law clinics at Korean universities, and thereby reinforce the idea that law students must not abandon their passion for the public interest even if they decide to join the private sector.

4) *Clients of the Clinic*

Given the clinic's novelty, SNUPLC's clients have not yet had much occasion to advocate on behalf of the clinic. With an increasing number of clients served, however, SNU's clinicians might well begin to consider their former clients as reservoirs of support for the continued existence of CLE at SNU. This is especially true for the clinic's institutional partners, which could potentially become vocal proponents of SNU's clinics, expressing their enthusiasm both in terms of repeat projects and public praise for the work of the clinic. SNU should think of and engage with its institutional partners as potential "brand ambassadors," keeping them apprised of clinic news and updates, and giving them frequent occasions to explore mutually advantageous public relations opportunities.

92) See Wang Seong-Min, *Pro bono evolving... Law Firm's Public Interest Activities Diversified Settled as one of the law firm's significant management elements*, in LAW TIMES (Aug. 13, 2020), <https://www.lawtimes.co.kr/Legal-News/Legal-News-View?serial=163298> (accessed January 13, 2021) (In Korean) (discussion of several major Korean law firms' Lawfirm Social Responsibility—or "LSR"—initiatives, describing it as "noteworthy that law firms' public interest activities are evolving in the direction of reinforcing their own identity. The trend is shifting toward a realization of the social values that the law firm pursues, rather than fragmentary activities such as free legal counseling or one-time donations and volunteerism.").

5) *Gwanak-Gu*

The Gwanak precinct of southern Seoul is home to SNU's School of Law. It is also home to approximately half a million other residents, most of them unaffiliated with SNU. Gwanak precinct is a university town, but it is also a real city, complete with all the social issues one might expect in an intensely urban environment. Over time, SNU's clinics could develop a closer relationship with its immediate neighborhood.⁹³⁾ Doing so would allow SNU students to have "real" client contact *without* needing to venture too far from SNU's campus and their other coursework. It would also allow SNU's law clinic to build trust with their surrounding community—for example with community centers and local government administrators—that could eventually generate more predictable flows of case referrals.

6) *Clinicians at Other Law Schools*

A final frontier for constituency building is clinicians at other law schools—in Korea and regionally. SNU is not alone among Korean law schools in its efforts to build experiential learning programs. On paper, all 25 Korean law schools have launched legal clinics, and some of them have been quite successful in their efforts.⁹⁴⁾ These fellow clinicians should begin to collaborate actively, sharing experiences across institutional boundaries and finding a common voice on issues that impact CLE in Korea. The already-formed Korea Clinical Association can serve as an ideal platform to host such discussions. Moreover, Korean clinicians can also find common cause with regional clinical colleagues in neighboring countries, including Japan, China, Hong Kong, Singapore, and other East Asian countries.

93) This would resemble the experience of Harvard Law School, which developed a community law clinic in the Jamaica Plains neighborhood of Boston, see WilmerHale Legal Services Center of Harvard Law School, <https://www.legalservicescenter.org> (accessed January 13, 2021), and Stanford Law School, which similarly developed a community law clinic in East Palo Alto. See Legal Assistance, <https://law.stanford.edu/community-law-clinic/clc-legal-assistance/> (accessed January 13, 2021).

94) Kang & Park, *supra* note 1, at 61. See also Gye Gyeong-Moon, *Rigeolkeullinigi Unyeongsarye Mit Munjejeomgwa Gaeseonbangan [Legal Clinic Operation Cases, Problems, and Improvement Measures]*, 15 LAW RESEARCH, 59-64 (2012) (In Korean); and Oh Ji-Yong, *Rigeolkeullinigi Hyeonhwanggwa gwaje [The Current Status and Tasks of Legal Clinic]*, 61 DONG-A LAW 489-492, (2013) (In Korean).

V. Conclusion: Plotting a Strategy for Continued Success

SNU's Clinicians justify their commitment to CLE with reference to broader social trends. Some lament that Korean society has become more cut-throat, more career-centric, and more materialistic over the last few decades. As a result, they worry that the public interest and social services have been seriously eroded or bureaucratized, no longer flowing naturally among and between neighbors living together in communities. The clinicians feel that SNU as an institution had a strong responsibility to counteract that trend. As evidence, they note that SNU Law chose specifically to embrace public interest law and human rights as one of its core institutional focal points. SNU Law, in other words, is inviting the world to evaluate it based—in part—on its ability to produce law graduates who are deeply committed to the public interest and human rights.

The feeling among my colleagues is that SNU Law—perhaps more so even than any other university in Korea—carries an especially heavy burden to promote a public interest mentality. The clinics represent an overdue opportunity for members of the SNU community—faculty and students alike—to engage in socially valuable and practically relevant service to our neighbors in the community. Our graduates will likely soon play dominant roles in the next generation of Korean legal professionals. Regardless of whether our students continue into business, government service, or the non-profit sector, SNU's clinicians feel a responsibility to inculcate in their students a passion for public service. Failure to do so would not only be bad for our students' personal well-being and sense of professional identity, but more broadly also bad for Korean society as a whole. In no small way, therefore, SNU Law's experience launching and endogenizing its CLE program represents one of several important contributions towards the overall story of how the next generation of compassionate, multidisciplinary, and practically-grounded lawyers will be educated in Korea.

