

5-1-2000

Korean Students In U.S. Law Schools and Foreign Students at Seoul National University Law School

Sang-Hyun Song

Follow this and additional works at: <http://elibrary.law.psu.edu/psilr>



Part of the [Legal Education Commons](#)

Recommended Citation

Song, Sang-Hyun (2000) "Korean Students In U.S. Law Schools and Foreign Students at Seoul National University Law School," *Penn State International Law Review*: Vol. 18: No. 3, Article 7.

Available at: <http://elibrary.law.psu.edu/psilr/vol18/iss3/7>

This Article is brought to you for free and open access by Penn State Law eLibrary. It has been accepted for inclusion in Penn State International Law Review by an authorized administrator of Penn State Law eLibrary. For more information, please contact ram6023@psu.edu.

Korean Students In U.S. Law Schools and Foreign Students at Seoul National University Law School

Professor Sang-Hyun Song*

In recent years, there has been a strong tendency for Korean law students and professionals to study in the United States, despite staggering tuition cost. Some scholars still choose to pursue studies in Germany, but they are primarily academics who are interested in teaching about continental law or civil legal systems. Korea is a civil law country, and there will continue to be a demand for legal scholars with expertise in civil legal systems, but the pervasive influence of American law has made studying in the States a more attractive and productive option for most law students and legal professionals. The American influence on corporation law, international trade and investment law, bankruptcy, maritime and insurance law, intellectual property law, banking and securities regulation, and antitrust and competition laws has been profound in Korea. Many statutes in these areas have been modeled on the corresponding statutes in the United States. This influence on domestic Korean law, combined with the strong U.S. influence on international trade laws, has been both a product of, and an impetus for, the increase in Korean law students studying in the United States.

The Korean government, as well as the private sector, recognizing the importance of American legal concepts in the formation and administration of Korean and international law and legal institutions, sponsor one or two-year expense-paid sabbaticals for study abroad for judges, prosecutors, government bureaucrats, and corporate employees. Competition to study at prestigious American law schools is severe. Many large law firms also offer their associates the opportunity to study for one or two years in the U.S., followed by the practical training at an

* Professor of Law, Seoul National University.

American law firm. In both cases, the students usually acquire an LL.M. degree from an American law school, and some pass one of the state bar exams, adding the prestige of an American law degree and membership in an American state bar to an already rewarding educational and professional experience. Young law graduates aspiring to be law professors also tend to choose the States. The willingness on the part of the government, law firms, corporations, and individuals to spend such large amounts of money on a U.S. legal education, especially at one of the prestigious law schools, indicates just how important a strong knowledge of American law is considered to be in Korea today. It is not exaggerating to say, therefore, that most of the young, ambitious, career-conscious, white collar workers in Korea do want to carry out at least graduate legal studies toward an LL.M. degree in the U.S., even if they never studied law before.

Although most Korean law students studying in the U.S. enroll in a one year LL.M. or MCJ program, a smaller number have even entered three year J.D. programs. Some LL.M. students specialize in the fields like securities regulation, intellectual property law, anti-trust law, tax law or international trade law (indeed, some have been sent by their law firm to specialize in a particular field), but the majority seem to choose a curriculum of general legal studies in order to be introduced to American legal concepts and legal education. Although they have had a course in Anglo-American law as undergraduate law majors, and are constantly comparing Korean laws and legal institutions to their American counterparts, Korean students benefit at American law schools from the more in-depth treatment of these legal topics, conducted in English by an American professor using the Socratic method. They may also benefit from discussions with their American counterparts, both in and out of the classroom environment.

In order to gain admission, the Korean law students have to achieve a high score on the TOEFL test, and are able to read most of the material they are assigned - although it is difficult for them initially. They have far more difficulty understanding the lectures, and are especially intimidated by class participation schemes such as the Socratic method. This is mostly due to a general lack of confidence in their spoken English skills, but it may also be due, in part, to the lecture style classes to which they are accustomed in Korea. Of course, gaining proficiency in spoken English is important if they are planning to deal with foreign clients in the future.

Traditionally, all Korean law students who planned to study law in the States wanted to study at Harvard, and if they felt they had a chance to enter Harvard's LL.M. program they would almost always apply. Harvard Law School is certainly one of the best, and many of the best and brightest Korean law students have studied there, since it runs the biggest LL.M. program. The Harvard name is still a big draw, but over the past decade or so Korean law students have begun to recognize that other schools provide an excellent legal education as well. For example, students of tax law or international law will often choose to attend NYU, and those who aspire to be law professors tend to apply to Yale. As students from other major law schools return to Korea and spread the word of their alma maters, more and more Koreans have become aware of the many excellent law schools in the U.S. I try to help this process along by making students aware of the many options they have when choosing the schools to which they will apply, and by making them aware of the characteristics of each school, as I know them. This helps the students to select the law schools that most closely match their interests, goals, and abilities. At any rate it is those Koreans educated at American law schools that have been a locomotive for recent legal reform that was required by the IMF mandates, because they are equipped with a broader and deeper global outlook and technical knowledge.

Because of my experiences studying and teaching at American law schools, almost all of the SNU law school graduates come to me seeking advice on choosing the right school, meeting the applications requirements, and succeeding academically in U.S. law schools. The challenge for me is to guide each student to apply to the law schools that are appropriate for his or her goals, and then to assist them with advice and recommendations as they apply to those law schools. The needs of each student are different, so I may recommend different schools to different students.

In addition to Korean law students who wish to study in the United States, I have had several advisees who were American students studying law under my supervision at Seoul National University. This is part of a recent trend in which an increasing number of foreign students are studying law in Korea. At first, our law school primarily had ethnic Koreans from Japan or China, as well as a few Japanese, Chinese, and other Asian students. Recently, however, we have had a few American, Australian, European and African students studying in our two-year master's

degree program. A student from the Ivory Coast even obtained a doctoral degree from us.

Two of my American advisees continued their legal studies in the U.S. after completing their studies at SNU, one at Columbia, and one at NYU. I found myself in the unique position of advising American students about studying law in the U.S. as they came out of our law school. Of course, I have advised many of our Korean students about studying in the U.S., so this is nothing new to me, but it is somewhat different when dealing with American students coming from SNU to an American law school. First, most Korean students are interested in graduate studies, usually an LL.M., while these two American students were applying to the J.D. programs at their respective schools. This affects advising because the standards and criteria for admission are somewhat different. More importantly, the American students are being compared to other American students, and it is up to me to try to show how their experience in a Korean law school should be evaluated in comparison with the educational experiences of more traditional applicants. Certainly an American student who has studied law at SNU in a totally Korean-language environment with other Korean law students has had a unique exposure to our legal system, and this is something which must be explained to admissions officers at U.S. law schools as they seek to evaluate my advisees.

Because of the very few foreign students in our law schools (we have no more than ten at SNU at any given time), no special programs have been implemented to support the special needs of foreign students. There are many problems facing foreign students, and it usually falls to me to counsel them and help them address these problems because of my experience in the U.S. and exposure to international legal education, not to mention that I can communicate with them in English.

Among the most daunting problems faced by foreign students is of course the difficulty of the Korean language. This is especially true in the field of law because of the requirement that students learn many technical terms and approximately 1,500 Chinese characters. Very few Western students have the linguistic background required to handle legal texts in Korean, and there is no structured program designed to address this problem. Second, and perhaps related, is that there is no "introduction to Korean law" course for foreign students, which might be especially helpful to students coming from common law jurisdictions. If we decide to encourage more foreign students to come to study law at SNU,

a course introducing Korean legal concepts and legal terminology (and Chinese characters) may be necessary.

Again, due to the small number of foreigners in our law schools, we have no special advising programs to help them to navigate the vagaries of course selection or to clear the administrative hurdles which face all of our students. One student was unable to register for his graduation test because of a miscommunication with the registrar's office, for example. In the absence of any program set up to deal with foreign students, I have kept close tabs on them to help them in terms of choosing courses and professors, and have been available to discuss any questions they may have. If the trend continues and we have more foreign students, it may be necessary to implement a more structured advising system. For the time being, I imagine that I will continue to advise the Western students we may have at SNU.

In terms of advising my American students as they apply to American law schools, I have been fortunate to have close ties to some of the best law schools in this country. Therefore, I can offer these American students very good advice on which law schools they should apply to, and what kinds of qualifications such schools are looking for. In some ways, I can treat these students as Koreans, in that I know far more about American law schools than they do, even though they are Americans. And when I recommend these students to my colleagues at American law schools, I can do so without reservation because these students have successfully completed law studies in a very difficult language in classes with some of the best law students in Korea. My hope is that some of them, well equipped with Korean law and language proficiency, will someday start a Korean legal studies program at an American law school. Another point is that for too long the educational exchange has been a one-way street, with Koreans studying in the U.S., but very few Americans studying in Korean law schools. I hope in the future we will have a more balanced approach to better understand and interact with each other's legal systems.

