



University of Washington School of Law
William H. Gates Hall

KYUSHU UNIVERSITY LAW SCHOOL (HŌKADAIGAKUIN) EXTERNAL EVALUATOR'S REPORT

Professor Veronica L. Taylor
University of Washington
December, 2005

INTRODUCTION

I visited Kyushu University Law School during October 12-14, 2005. Before my visit I read the Report on the Implementation of the 2004 Plan for the Law Faculty and Law School [*Kyushu daigaku hōgakubu/hōgakufu/hōgakukenkyūin*] *Heisei 16 nendo nendokeikaku no jissekihōkokusho: Heisei 17.8* (in Japanese) (hereafter 'H 16 Implementation Report').

I wish to record my thanks to Dean Ōde, Professor Doi and the academic and administrative staff and students who responded to many questions and volunteered very useful observations about the Law School's operations. I benefited from the insights of the External Evaluation Committee Chair, Mr Motobayashi and Committee Member Mr Furukawa. During our visit and discussion, the External Evaluation Committee members' views coincided on most aspects of the Law School's operations and trial evaluation.

During the Committee's visit we met with Dean Ōde and academic staff, observed a class in session and had an extended hearing with student representatives from Years 1, 2 and 3. We also toured the facility and had a detailed demonstration of the distance-learning television conferencing equipment.

At the request of the Law School, this evaluation follows the numbering of the Law School's Self-Evaluation Report dated 31 October 2005 [*Jikotenken/hyōkahōkokusho 2005.10.31*]

SUMMARY AND OBSERVATIONS

The academic and administrative staff at Kyushu Law School are to be congratulated for achieving a very high level of operation within a very short space of time. This evaluation focuses to a large extent on the quality of teaching and the educational environment in 2004-05.

I acknowledge at the outset several institutional factors that are beyond the control of the Dean and academic staff, including:

- the first year of operation;
- full-time and adjunct professors teaching to the Law School curriculum and timetable for the first time;
- the Law School curriculum design factors that are dictated by the Ministry of Education, Science and Technology (MEXT)

Despite the challenge and pressures involved in establishing a new Law School, the professors and administrative staff in the Law School have made a very strong start. The Law School has created an ambitious operational plan for 2005 and 2006 and has in place a very comprehensive system of self-evaluation. The quality of its planning is first-rate and reflects an enormous commitment by both academic and administrative staff.

The comments that follow represent constructive criticism of a very viable Law School that appears to be functioning well.

COMMENTS ON THE SELF-EVALUATION REPORT FOLLOWING THE EXTERNAL EVALUATION OCTOBER 2005

The Law School's Self-Evaluation is largely favorable. I broadly concur with the self-evaluation, given the design constraints for all Law Schools and the fact that the results of the first post-law school Bar Exam in 2006 is still unknown.

Below I comment only on those numbered items in the Self-Evaluation Report that seem to require it or that were the subject of some discussion by the External Evaluation Committee during our visit in October 2005.

1-1-1 (Setting Key Policies and Communicating these to the Law School Community)

As the report recognizes, scheduling and securing attendance at Faculty Development (FD) meetings has been a challenge. My impression is that the full-time academic staff are fully occupied just teaching and operating the Law School with existing resources.

However, our discussions with students and faculty showed that at Kyushu – as with other Japanese law schools - there is still considerable development needed in the area of teaching and learning. This is important if the Law School is to develop into a legal education institution, rather than a *yobikō* [cram school].

To develop a shared set of values and practices that incorporate best practice on legal education requires time. Scheduling FD meetings seems to be difficult. It would be natural for professors to suffer some 'meeting fatigue' at this point in institution building. Perhaps moving to a retreat format (*gasshuku*) or more importantly, bringing in expertise from outside the Law School – either from other Japanese Law Schools or from international partners – could be more effective.

Involving part-time and adjunct faculty in FD, even in law schools outside Japan, is always difficult. One method that is used elsewhere is to schedule separate days specifically for adjunct faculty to brief them on policies and practices and to offer professional development and training in teaching techniques (usually from an outside professional trainer or expert).

1-2-2 (Structures for Self-Evaluation)

Student evaluation of teaching and of the educational environment is a good start, but there is still some way to go to full implementation and use of this data. Currently the student evaluation response rate is about 30%. In an Anglo-American law school this would be regarded as too low to be really meaningful.

The FD meetings appear to have been used productively to discuss and work on policy issues during the year such as student feedback, entrance exams, grading and curriculum.

However, relying exclusively on the FD as a coordination mechanism is somewhat risky. Most established law schools outside Japan schedule

at least one or two retreats (*gasshuku*) per semester or per year in order to promote deep discussion and creative solutions. Introducing some external professional content or presenters may also be helpful.

Students who spoke with us had no criticisms of the 'road map' guidelines on course selection and no criticisms of the Orientation. However they did have comments about curriculum design and teaching. These were not new, but it was not clear what mechanism the Law School academic staff is using to systematically deal with student questions and criticisms and report back to students on problems that have been resolved.

1-4-2 (Delivery of promised educational environment to students)

One advantage that Kyushu has is that it is an ideal size. The entering class of 100 students and an academic staff of about 30 is a good ratio for both teaching and for policy implementation.

The building, study spaces and classrooms are modern, well-designed and comfortable. Students seem to get on well with one another and to enjoy a good study environment.

Both academic staff and students commented extensively on the challenges in this area, some of which are design features of law schools generally and some of which are within Kyushu Law School's control. Specifically:

- Some students complain that there is no rational reason for limiting students to 38 credits. Some students would like to take more courses and feel that they have the capacity to do this. Our understanding is that this rule is a design feature decided by MEXT.
- Students also asked why it is not possible to audit courses beyond the 38 credit limit, particularly where the course in question does not have 35 students enrolled. Our understanding is that this rule is a design feature decided by MEXT.
- There is some student resistance to the 35 student limit in classes. Many students (and professors) would prefer lecture-style classes in which information is presented systematically, particularly at first year level.

Part of the dissatisfaction with the 35 student class size seems to be that professors are supposed to use an interactive teaching method, but in short classes, this is typically just questions to a small number of students in the class. Students argue that this kind of teaching could easily be done in a class of 50, 60 or 70.

The core issue here seems to be that there has not been enough time for professors to really think about and practice interactive teaching in the real sense. The problem is compounded by a lack of local models of how to do this, although we were told that there is some exchange of ideas on teaching with other parts of campus.

Students commented that because of the diversity of backgrounds, not all students respond well to 'socratic method'. Students would like professors to work more on a range of methods of instruction. Students gave examples of questions asked by professors in the wrong sequence (i.e. very complex questions first, rather than straightforward questions that would build student confidence) and the need to create a classroom environment in which students feel comfortable asking questions of professors. Students commented that practitioners gave good classes, but these were sometimes *too* practical, while the professors gave classes that were too theoretical. What the students want is something in between.

A few professors are clearly creative teachers who use a range of techniques that are common in the U.S. but most understand 'interactive' as 'socratic method' or simply asking questions. Students commented that they do not see a great deal of difference between the teaching methods they experienced as law undergraduates and what they are seeing at Kyushu Law School.

More work is needed here to deepen professors' understanding and experience of a range of teaching techniques. Meanwhile, until the results of the first Bar exam are known, student anxiety will continue to build and students will continue to ask for lecture-style instruction. It will be a challenge to resist shifting to a *yobikō* [cram school] style of instruction (These comments also apply to 6-1-2).

A further issue is class management. Students would prefer to have the class outline and hand-out material for each class in advance. Some classes would probably also benefit from a class email-list or electronic discussion list or class web-site, of the kind that are commonly used to manage classes in Anglo-American law schools.

Students reported that the double-tutor system is working reasonably well, with at least one professor being available to answer students' questions or give guidance about course selection.

The library system seems to be working well but it would be desirable to have a better library on the premises of the Law School, even although students have access to the Law Faculty library.

According to some students, office hours are not working completely effectively. Professors' offices are located in the Law Faculty building which is some distance away. Not all professors (particularly part-time lecturers or adjunct professors) are available regularly and their office hours duration is not uniform. The result is that students tend to rush to ask questions after class.

The *kenkyūin* system established to help students bridge the period between graduation and passing the Bar Exam seems reasonable. However, I was concerned that not a great deal of thought seems to have been given to supporting the students who will *not* pass the Bar Exam if the pass rate is capped at 50-70%.

The current assumption by the Law School academic staff seems to be that corporations will absorb their non-Bar pass graduates. The internship program is partially aimed at creating ties with local businesses to foster these opportunities. However, not much institutional support in the form of career guidance or post-graduation support for non-Bar pass graduates seems to be planned at this stage. I suggest that this may become an issue after 2006.

The television conference classes with Kagoshima and Kumamoto Universities appear to be working extremely well and the technical system that Kyushu has devised for this with a commercial technology provided is outstanding. This system is superior to any that I have seen to date inside or outside Japan.

The lack of student interest in classes taught in English and in study opportunities at exchange universities is unfortunate, but this pattern is the same as for other Law Schools in Japan at present. The situation may improve after the Bar Exam results are known and the Law School system settles down.

4-1-1 (Professional development opportunities for academic staff)

The utility of the FD forum for bringing academic staff skills to the next level is discussed at 1-1-1 above.

Students commented that there is a problem with the amount of homework and pre-reading assigned for each class. There is also some anxiety about the pre-test results. This anxiety is unlikely to diminish until the actual Bar Exam results are known in 2006.

6-1-1 (Suitability and range of choice of courses)

Some students would like to have the opportunity to take courses in addition to the 38 credit limit, or to audit courses in their final year. They would also like more flexibility in the sequence of courses so that they can leave time in the final semester of their final year for Bar exam preparation. We discussed these issues with the Dean and academic staff, who were sympathetic. However, it would appear that most of these restrictions come from the MEXT design for Law Schools rather than from Kyushu itself.

Some students commented that the course offerings in business law are rather few in number and that this is rather unfortunate for the students who want to follow a corporate track after graduation. Students also commented that the courses outside the areas examined on the Bar exam (*sentaku kamoku*) are relatively few in number, with the exception of labor law. They would prefer a broader selection of elective courses.

At first glance the 4 model sequences for course selection (civil, criminal, public interest and corporate) seemed to cover rather a narrow range of potential work opportunities for law graduates. However, the Dean and academic staff explained that these are simply broad guidance for course selection. They seem to be functioning relatively well.

We were told that students have created their own *benkyōkai* study groups to which they invite professors, and which the Law School supports. This seems to be a very healthy development and signals a mature approach to study by the students. This is also consistent with Kyushu Law School's philosophy of self-study [*jigaku jishū*].

We were told that writing skills are a problem and that there is a significant spread in writing ability among students, in part because of the diverse backgrounds of those enrolled. At present there is no room in the curriculum to do writing instruction as such. Some courses do assign papers, but students commented that they need more feedback on their writing, not simply a grade. The External Evaluation Committee suggested that this is something that could be developed voluntarily or outside the credit-bearing curriculum. We also suggested that this is a good opportunity to build teamwork exercises and have students work together to critique each other's work.

In relation to their experience of the pre-test, students commented that their classes do not really emphasize outcomes sufficiently. They would like to have more focus on practice answers and outputs that will help them pass the Bar exam.

6-1-4 (Applied Courses)

The Law School appears to be putting tremendous effort into its externship and legal clinic programs and from what we could gauge, both seem to be operating very well, with strong citizen demand for the clinic.

9-1-1 and 9-1-2 (Grading)

Students we met with were quite vocal about grading. The issues are the same as those identified in the Self-Evaluation: there are discrepancies in grades awarded by different professors; students are unclear about the criteria for grading and there is general anxiety about the accuracy of the grading system following the pre-test. The latter anxiety may settle after the first Bar Exam results in 2006 when there is a better sense of how the grading system translated into Bar Exam performance.

It would be advisable to also think more comprehensively about grade appeal systems and at least insist that professors meet with students who are querying grades. At present this seems to be done in writing, which is not ideal and not conducive to building trust in the grading system.

CONCLUSION

Given its geographic location and the constraints of its campus, Kyushu has made a spectacularly good start as a Law School. The quality of both the students and the academic staff seem high. Dean Ōde is an energetic and visionary leader and the key professors and administrative staff responsible for planning are talented and dedicated. The planning and execution of the curriculum seem carefully thought-out and sustainable.

Kyushu's physical facilities are very good. Its television-linked teaching is innovative and clearly stimulating for both professors and students. Its collaboration with Kumamoto and Kagoshima University Law Schools is also practical and innovative.

The challenges that the Law School faces at this point are universal ones, such as:

- Student and professor anxiety about the content and pass rate of the Bar Exam in 2006;
- Professors' heavy teaching loads;
- Professor's unfamiliarity with the newer theory and practice of teaching;
- A gap between student expectations of the curriculum and what is possible to deliver under the current budget and the MEXT design for Law Schools, at least in their first three years of operation.

Given the effort that Kyushu Law School teaching and administrative staff have put into their self-evaluation process, it seems very likely to me that the issues raised by students and the External Evaluators in 2005 will be addressed and resolved. It may take a little time for the teaching culture to settle down and develop, but this is also normal for an institutional reform of this magnitude.

Kyushu Law School shows every sign of becoming a successful Law School of high quality and I wish them well as they work towards this goal.

Veronica L Taylor

Henry M. Jackson Professor of Law
Director, Asian Law Center
University of Washington
School of Law