

Outline of the Act Partially Amending the Act on Coordination between Education at Graduate Schools of Law and the Bar Examination and Related Acts

Purport

This Act, in order to strengthen education at the graduate schools of law that serve as the core educational organizations for the cultivation of jurists and to advance the securement of human resources possessing highly specialized abilities and superior qualities who will become jurists: 1) newly prescribes it to be the responsibility of the university to undertake the progressive and systematic implementation, in graduate schools of law, of an education that is meant to cultivate the necessary learning in students seeking to become jurists, as well as taking measures such as 2) establishing a system for coordination among graduate schools of law and undergraduate law departments offering educational programs that are meant to ensure a smooth connection to the educational programs offered in those graduate schools of law, and 3) granting bar examination eligibility to persons certified, by the head of the graduate school of law, as having earned the required credits in that graduate school of law's educational program and as being expected to complete the relevant program.

Overview

1. Partial Amendment of the Act on Coordination between Education at Graduate Schools of Law and the Bar Examination

(1) Strengthening of the Education Offered in Graduate Schools of Law

- 1) The amendment prescribes that the following learning is to be cultivated progressively/systematically in graduate schools of law: [\[Article 4\]](#)
 - a) the learning that is commonly required for students seeking to become jurists, and the practical ability to utilize it;
 - b) the learning in specialized fields of law that is required for students seeking to become jurists, and the practical ability to utilize it;
 - c) a basic grounding in legal practices, the ability to present an argument, and other such learning.
- 2) The amendment makes it obligatory for graduate schools of law to disclose their educational programs and things such as their standards for academic assessments and certification of completion. [\[Article 5\]](#)

(2) Establishment of Provisions for Coordination among Graduate Schools of Law and Undergraduate Law Departments

The amendment creates a system for a graduate school of law to enter into *Jurist Training Coordination Agreements* with undergraduate law departments seeking to put in place *Coordinated Introductory Law Programs*—educational programs that are meant to ensure a smooth connection to education in that graduate school of law—regarding things such as the implementation of education in those programs, and for the Minister of Education, Culture, Sports, Science and Technology to certify them. [\[Article 6\]](#)

(3) Ensuring the Diversity of Entrants at Graduate Schools of Law

The amendment prescribes the requirement for consideration to be given, in admissions screenings, to persons who have not completed an undergraduate law course, persons who have graduated from university and are no longer students, and persons who are attempting to enter through early graduation/accelerated admission. [\[Article 10\]](#)

(4) Establishment of Provisions on Reciprocal Consultation between the Minister of Justice and the Minister of Education, Culture, Sports, Science and Technology

The amendment provides that the Minister of Justice and the Minister of Education, Culture, Sports, Science and Technology may ask each other to consult on the maximum number of students that can be enrolled in a graduate school of law and on other particulars involved in the training of jurists. [\[Article 13\]](#)

* Cabinet Order prescribes increases in the maximum capacity of a graduate school of law to be a matter requiring approval, and public notice of the Ministry of Education, Culture, Sports, Science and Technology prescribes that the total number of students entering graduate schools of law is limited to approximately 2,300 persons.

2. Partial Amendment of the School Education Act [\[Article 102, paragraph \(2\)\]](#)

The amendment extends eligibility for accelerated admission to graduate schools so that, in addition to persons who are found to have earned superior grades in the credits set by the university that has established the relevant graduate school, persons who are found to have at least the same qualifications/abilities* will also be eligible.

* Order of the Ministry of Education, Culture, Sports, Science and Technology provides for examinations for approval of prior learning for graduate schools of law as a material to determine this.

3. Partial Amendment of the Bar Examination Act and the Court Act

- 1) The amendment adds persons enrolled in a program in a graduate school of law who have been certified by the head of the graduate school of law to have obtained the required credits and to be expected to finish the relevant graduate course within one year as persons who have the qualification for taking the bar examination, and establishes special provisions regarding the starting point for calculating the period during which such a person may take the bar examination while enrolled in the program in that graduate school of law. [\[Bar Examination Act, Article 4, paragraph \(2\)\]](#)
- 2) The amendment makes it a requirement that, in order to be appointed as a legal apprentice, a person who has taken the bar examination using the relevant qualification as stated above needs to have completed a program at a graduate school of law in addition to passing the bar examination. [\[Court Act, Article 66, paragraph \(1\)\]](#)
- 3) In light of the revision of education in graduate schools of law, including the addition of the requirement to complete subjects that are equivalent to the elective subjects of the bar examination*, the amendment introduces elective subjects for the essay question sections for the preliminary bar examination, and discontinues the essay question sections for liberal arts subjects. [\[Bar Examination Act, Article 5, paragraph \(3\)\]](#)
 - * As provided by Order of the Ministry of Education, Culture, Sports, Science and Technology, in light of 1. (1) 1) b), above.

Effective Date

April 1, 2020 (However, the effective date for 1. (4) and provisions on transitional measures is the date of promulgation; the effective date for 3. 1) and 2) and those of the provisions referred to in 1. that concern 3. 1) is October 1, 2022; and the effective date for 3. 3) is December 1, 2021.)

法科大学院の教育と司法試験等との連携等に関する法律等の一部を改正する法律の概要

趣 旨

法曹の養成のための中核的な教育機関としての法科大学院における教育の充実を図り、高度の専門的な能力及び優れた資質を有する法曹となる人材の確保を推進するため、①法科大学院における教育は法曹となろうとする者に必要とされる学識等を涵養するための教育を段階的かつ体系的に実施すべきこと等を大学の責務として新たに規定するとともに、②法科大学院を設置する大学と当該法科大学院における教育との円滑な接続を図るための課程を置く大学との連携に関する制度の創設、③法科大学院の課程における所定の単位の修得及び当該課程の修了の見込みについて当該法科大学院を設置する大学の学長が認定した者に対する司法試験の受験資格の付与等の措置を講ずる。

概 要

1. 法科大学院の教育と司法試験等との連携等に関する法律の一部改正

(1) 法科大学院における教育の充実

- ① 法科大学院において、以下の学識等を段階的・体系的に涵養すべきことを規定。[【第4条】](#)
 - (ア) 法曹となろうとする者に共通して必要とされる学識及びその応用能力
 - (イ) 法曹となろうとする者に必要な専門的な法律に関する分野の学識及びその応用能力
 - (ウ) 実務の基礎的素養や弁論能力等
- ② 法科大学院に、教育課程や成績評価・修了認定の基準等の公表を義務付け。[【第5条】](#)

(2) 法科大学院と法学部等との連携に関する規定の新設

法科大学院を設置する大学が、当該法科大学院における教育との円滑な接続を図るための課程（連携法曹基礎課程）を置こうとする大学と当該課程における教育の実施等に関する「法曹養成連携協定」を締結し、文部科学大臣が認定する制度を創設。[【第6条】](#)

(3) 法科大学院における入学者の多様性の確保

法学未修者、社会人、早期卒業・飛び入学により入学しようとする者に対する入学者選抜における配慮義務を規定。[【第10条】](#)

(4) 法務大臣と文部科学大臣の相互協議の規定の新設

法務大臣及び文部科学大臣は、法科大学院の学生の収容定員の総数その他の法曹の養成に関する事項について、相互に協議を求められることができること等を規定。[【第13条】](#)

※ 政令により法科大学院の定員増を認可事項とし、文部科学省告示により入学定員総数につき2,300人程度を上限とする。

2. 学校教育法の一部改正 [【第102条第2項】](#)

大学院への飛び入学の資格について、当該大学院を置く大学が定める単位を優秀な成績で修得したと認められる者に加えて、当該者と同等以上の資質・能力を有すると認められる者（※）を追加。

※ 文部科学省令により、判断材料として、法科大学院の「既修者認定試験」を規定。

3. 司法試験法及び裁判所法の一部改正

- ① 司法試験の受験資格を有する者として、法科大学院の課程に在学する者であって、所定の単位を修得しており、かつ、1年以内に当該法科大学院の課程を修了する見込みがあると当該法科大学院を設置する大学の学長が認定したものを追加し、受験可能期間の起算点の特則を規定。[【司法試験法第4条第2項】](#)
- ② 上記の受験資格に基づいて司法試験を受けた者については、司法試験の合格に加え、法科大学院課程の修了を、司法修習生の採用に必要な要件として規定。[【裁判所法第66条第1項】](#)
- ③ 司法試験の選択科目相当科目の履修義務付け（※）を含む法科大学院教育の見直しを踏まえ、予備試験の論文式試験について、選択科目を導入し、一般教養科目を廃止。[【司法試験法第5条第3項】](#)

※ 1. (1) ①(イ)を踏まえ、文部科学省令において規定。

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施行期日

平成32（2020）年4月1日（ただし、1.（4）及び経過措置に係る規定は公布日、3. ①及び②並びに1.のうち3. ①に係る規定は平成34（2022）年10月1日、3. ③は平成33（2021）年12月1日）