

THE TWO GATES OF NATIONAL TAIWAN UNIVERSITY SCHOOL OF LAW

Joseph L. Pratt*

I. INTRODUCTION

In downtown Taipei near the President's office lies a small campus surrounded by a seven-foot high brick wall with inlaid ceramic tiles that display traditional Chinese paintings and calligraphy.¹ A sign on the main gate of the campus, written in vertical Chinese calligraphy, reads: National Taiwan University School of Law ("NTU Law").² A majority of Taiwan's Constitutional Court justices and the island's current President and Vice President, Chen Shui-Bian and Lu Hsiu-Lien (Annette Lu), once sat in its classrooms.³ The school's professors hold the legal profession's highest academic distinctions from universities like

* The author graduated from Northwestern University School of Law in 2000 and currently practices law in Hong Kong. He was a visiting student at National Taiwan University School of Law from September 1999 to June 2000. All translations in this document are the author's unless the original source provided an English translation. The standard pinyin romanization of Chinese is used in this article except for certain proper nouns and the names of individuals whose preferred romanization was either noted or published and publications that provided other transliterations. The author would like to thank Professors Annelise Riles and Carole Silver who provided helpful direction on the research for this paper and valuable feedback on earlier drafts.

1. For a view of National Taiwan University School of Law's campus, visit the NTU Law website at <http://aff.law.ntu.edu.tw/intro.html>.

2. The sign on the campus gate, National Taiwan University School of Law (Guoli Taiwan Daxue Faxueyuan), refers to the School of Law. In addition to the School of Law, the downtown campus hosts the Departments of Political Science and Economics, which are part of the School of Social Sciences.

3. TAIDA FALU XUEXI (SUO) SHENQING GAIZHI WEI FALU XUEYUAN JIHUASHU [NATIONAL TAIWAN UNIVERSITY LAW DEPARTMENT'S APPLICATION AND PLAN TO ESTABLISH A SCHOOL OF LAW] 27, Guoli Taiwan Daxue Falu Xuexi Zhuang [National Taiwan University Law Department] (February 1996) [hereinafter NTU APPLICATION]. NTU Law also lists a number of Taiwan's most influential professors and lawyers among its graduates. *See id.* In 1996, 18 of Taiwan's 153 legislators were graduates of NTU Law. *Id.* at 6. According to the NTU 1999-2000 Prospectus, "Quite a number of our alumni have been indeed the backbone to our society. Undoubtedly, their achievements persuasively demonstrate the success of both the legal education [sic] and study at the NTU College of law." NATIONAL TAIWAN UNIVERSITY PROSPECTUS 1999-2000 371-72, (National Taiwan University

Harvard and Yale in the United States, Bonn University in Germany, and Tokyo University in Japan.⁴ For the last ten years, the campus has attracted the top high school students in the country⁵ and has seen more of its graduates pass the difficult judicial and lawyer examinations than any other law school in Taiwan.⁶

Despite being known as the "Dragon Head" (*longtou*) of law schools on the island,⁷ NTU Law has recently come under great pressure from sources inside and outside its brick walls.⁸

Academic Affairs Publishing Organization) [hereinafter NTU 1999-2000 PROSPECTUS].

4. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 373-74.

5. Interview with Lin Tzu-Yi, Professor of Law at National Taiwan University, in Taipei, Taiwan (May 1, 2000); Interview with Hwang Jau-Yuan, Associate Professor of Law at National Taiwan University, in Taipei, Taiwan (May 5, 2000). See also NTU APPLICATION, *supra* note 3, at 5; Jane Kaufman Winn and Tang-chi Yeh, *Advocating Democracy: The Role of Lawyers in Taiwan's Political Transformation*, 20 LAW AND SOCIAL INQUIRY 561, 574 (1995) (noting that the law faculty at NTU is now "the first choice of students receiving the highest grades in the joint entrance examination.").

6. This information comes from the author's conversations with law professors, students and legal professionals in Taiwan. The only official statistics of which law schools' graduates have the highest passing rate on the examinations comes from the list of individuals that pass each examination. It is generally agreed that NTU Law has the highest passing rate, followed by National Chengchi University's law school.

7. According to Zhu Wu-Xian, the Vice-Chairman of the Public Officials Supervisory and Training Committee, NTU's law department is the "Dragon Head" (*longtou*) of legal education in the country. Zhu Wu-Xian, *Xingzheng Jiguan de Yongren Xiankuang ji dui Dangqian Faxue Jiaoyu zhi Qidai* [The Use of Legal Professionals in Taiwan's Government Organizations and Present Demands on Legal Education] 9, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Zhu Wu-Xian, *Taiwan's Government Organizations*]. See also NTU APPLICATION, *supra* note 3, at 4 (noting that NTU Law seeks to "maintain the university legal education program's position as the country's leading institution.").

8. In the past five years, three major conferences have focused on the state of legal education in Taiwan. See TAIWAN FAXUE JIAOYU ZHI GAIJIN—RUHE PEIHE SHEHUI RENCAI ZHI XUQIU, YANTAO ZUOTANHUI BAOGAO [IMPROVING LEGAL EDUCATION IN TAIWAN—HOW TO MEET THE DEMANDS OF SOCIETY, RESEARCH SEMINAR REPORT] (ed. Cheng Jia-Rui, Dec. 1997) [hereinafter DEMANDS OF SOCIETY] (This conference focused on the following questions: (1) the demands of industry and commerce on legal professionals, (2) the demands of the judiciary on legal education, and (3) the influence of the judicial and lawyer examinations on legal education.); *Taiwan Faxue Jiaoyu de Xingsi yu Jianyi Zuotanhui—Taiwan Faxue Jiaoyu Zongtiyan* [Conference to Consider and Critique Legal Education in Taiwan—An Overall Review of Legal Education in Taiwan], 25 YUEDAN FAXUE ZAZHI [TAIWAN LAW REVIEW] 6 (May 15, 1997) [hereinafter *Conference to Consider and Critique*] (The second conference focused on the following three questions: (1) a society based on the rule of law and legal education, (2) the national judicial and lawyer examinations and legal education, and (3) practical skills in the judiciary and legal education.); MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMI-

On campus, a rigid university entrance examination has dictated the school's undergraduate student population while harsh post-graduation judicial and lawyer examinations have contorted its curriculum.⁹ Off campus, global movements such as the World Trade Organization and domestic events like Taiwan's recent democratic transformation have forced the faculty to reconsider its traditionally narrow focus on civil and criminal substantive and procedural law.¹⁰ In addition, the opening of professional law programs by rival law schools in Taiwan has led to a sense that NTU Law might be losing ground to its closest competitors.

In the late 1980s and early 1990s, NTU Law revamped its curriculum to cope with the varied demands of Taiwan's new political system and economic environment and also began considering fundamental changes to its traditional civil law system of undergraduate legal education.¹¹ Although most professors supported the idea of change, the faculty splintered into two groups over the direction and degree of these changes. On one side of the room were professors who had studied in Germany and Japan. This group, which represented the majority, talked in terms of "modifying" (*biandong*) the undergraduate legal education system.¹² On the other side of the room were faculty members who had returned from the United States. This faction called for "reforming" (*gaige*) the school's educational structure.¹³ In the end, the faculty voted to add a new graduate program for undergraduates from other disciplines. The final decision closely reflects the faculty's composition and realities that it perceives in Taiwan.

Part II of this article begins by describing the historical circumstances surrounding the current legal education system in Taiwan and the debate over its direction. This section provides a context for analyzing why countries like Taiwan are reevaluating the traditional civil law system of undergraduate legal education and considering whether to implement a professional law pro-

NAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter, MOVING INTO THE 21ST CENTURY] (The last conference focused on three main areas: (1) legal education curriculum, (2) the structure of legal education, and (3) continuing legal education.)

9. See *infra* Part II sections entitled "The University Entrance Examination" and "The Judicial and Lawyer Examination."

10. See *infra* Part II section entitled "A Global Fall and Taiwanese Spring at NTU Law."

11. See *infra* Part II section entitled "A Global Fall and Taiwanese Spring at NTU Law" and Part IV sections entitled "The Faculty Convenes" and "The Faculty Debates the New Program."

12. See *infra* note 259 and accompanying text.

13. See *infra* note 262 and accompanying text.

gram.¹⁴ Part III then continues by describing the move by other law schools in Taiwan to offer an American-style graduate program. This portion of the paper examines one factor that may be prompting change in countries like Taiwan: Competition between law schools. Part IV presents NTU Law's decision and then discusses the ongoing debate over the plan's viability. This section highlights some of the problems that a law school in a civil law country faces in adopting a graduate program and how professional and personal interests may influence the decision-making process. Part V concludes by offering some observations on NTU Law's decision and the state of legal education in Taiwan. This analysis suggests that although NTU Law's decision may be a good stop-gap measure, a more comprehensive and integrated solution and the direct involvement of Taiwan's government are needed to resolve the problems plaguing Taiwan's system of legal education.

II. THE WALLS AROUND NTU LAW

A. A MOSSY STONE MARKS A COLONIAL PAST

The main gates at NTU Law open into a circular courtyard with Chinese fir trees and a stone pond for goldfish in the middle. Two large colonial-style buildings, built in the late 1920s when Taiwan was a Japanese colony, dominate the circle.¹⁵ The Japanese colonial administration originally built the structures to house the Taipei Secondary Business School, a technical school for business students.¹⁶ After a few years, however, the Japanese administration upgraded the school and renamed it the Taipei

14. Two other civil law countries in Southeast Asia, Japan and South Korea, are also considering changes to their systems of legal education. For information regarding changes in Japan, see Yukio Yanagida, *A New Paradigm for Japanese Legal Training and Education In Light of the Legal Education at Harvard Law School*, unpublished English manuscript. Translation from a Japanese version published in 1127 JURISUTO 111 (1998) and 1128 JURISUTO 65 (1998). For information regarding changes in South Korea, see Kun Yang, *Developments in the Proposal for Korean Professional Law Schools*, 33 KOBE UNIVERSITY LAW REVIEW 85 (1999).

15. For a brief history of NTU and NTU Law, visit the NTU website at <http://www.ntu.edu.tw>. Chinese language software is necessary to view the text on many of the NTU website pages. For a good historical account of legal education at Taipei Imperial University, see Chen Zhao-Ru, *Chushen Taipei Di Da Zhengxueke de Faxue Jiaoyu yu Faxue Yanjiu* [*The Original Program of Legal Education and Research in the Political Science Curriculum at Taipei Imperial University*], in TAIBEI DIGUO DAXUE YANJIU [RESEARCH ON TAIBEI IMPERIAL UNIVERSITY] 13-68 (Taiwan Daxue Taiwan Yanjiushi [Taiwan University Research on Taiwan Publishing] May 1997).

16. NATIONAL TAIWAN UNIVERSITY PROSPECTUS 1998-1999 100, (National Taiwan University Academic Affairs Publishing Organization) [hereinafter NTU 1998-1999 PROSPECTUS].

Economic Professional College.¹⁷ Next to one of the buildings sits a mossy stone inscribed with a vertical line of Chinese characters commemorating the twelfth graduating class of the early college.¹⁸

During the period of Japanese colonial rule in the first part of the 20th century, only business courses were taught on the downtown campus. The study of law was offered at the Taipei Imperial University, a college built by the colonial government for Taiwan in 1928.¹⁹ Taipei Imperial University offered law as an undergraduate degree through its College of Liberal Arts and Political Science.²⁰

When World War II ended in 1945, the Japanese government transferred control over Taiwan to the Nationalist Chinese government, or KMT (*Guomindang*), on mainland China.²¹ Shortly after assuming power, the Nationalist administration changed the name of the Taipei Economic Professional College to the Provincial College of Law and Commerce, and placed the campus under the auspices of its provincial government in Taiwan.²² In 1946, the Nationalist leaders also changed the name of the Taipei Imperial University to National Taiwan University (NTU).²³

When the KMT took responsibility for NTU, it reorganized the university's academic departments according to a system which it had developed on mainland China.²⁴ This blueprint was

17. *Id.*

18. Interview with Ho Jen-Ji, Ph.D. Candidate at National Taiwan University School of Law, in Taipei, Taiwan (May 16, 2000).

19. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 1. When Taipei Imperial University was first established, it contained two colleges and had sixty students. The NTU university prospectus indicates that at the end of World War II, the colonial university included five colleges and had 382 students. *Id.*

20. *Id.*

21. Zheng Zheng-Zhong, *Haixia Liangan Faxue Jiaoyu yu Sifaguan Yangcheng Xunlian zhi Bijiao Yanjiu* [A Cross-Straits Comparison of Legal Education and Judicial Training], 44 JUN FA ZHUANKAN [MILITARY LAW JOURNAL] 7, 10 (Aug. 1, 1998) [hereinafter Zheng Zheng-Zhong, *A Cross-Straits Comparison*].

22. NTU 1998-1999 PROSPECTUS, *supra* note 16, at 100.

23. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 1.

24. Zheng Zheng-Zhong, *A Cross-Straits Comparison*, *supra* note 21, at 9-10. In 1911, when the Republic of China was founded, and again in 1917, the central government on mainland China promulgated a law to establish schools focused on law, government, and economics. These schools were intended to train legal professionals for government service. The original programs lasted for three years, but were lengthened to five years by the Education Reform Law of 1922. This law also encouraged each district to establish a school for law and government for training official legal professionals (*fazheng zhuanmen rencai*). Because of political problems during that time, however, this model was never fully implemented. In 1927, the Japanese invasion of China disrupted the legal education training centers. After the invasion, the KMT government stressed natural science studies and largely abandoned social science subjects like law. In 1929, the government promulgated

based on a Western system of education that had been transplanted into China in the early 1900s.²⁵ NTU was divided into six colleges: liberal arts, law, science, medicine, engineering, and agriculture.²⁶ The original law faculty was further subdivided into the Departments of Law, Political Science and Economics.²⁷ Under this system, law continued to be offered as an undergraduate degree in Taiwan.

Shortly after reorganizing Taiwan's university system, the provincial government in 1947 decided to merge the Taiwan Provincial College of Law and Commerce with NTU's College of Law.²⁸ The government reportedly lacked funds to support the Provincial College and since NTU already offered a university legal education, the administration saw little reason to maintain a second school.²⁹ After the merger, NTU moved the entire College of Law, with the Departments of Law, Political Science and Economics, into the buildings on the downtown campus.³⁰ In the first few years of KMT rule on Taiwan, these classrooms offered the only law courses on the island.³¹

another university organization law, which once again emphasized legal education. The new law divided universities into several disciplines and, in particular, stipulated that university law students should have graduated from a high-level middle school (gaoji zhongxue) or a similar school (tongdeng xuexiao) and were to be admitted on the basis of an examination. The new law also reduced the number of years of legal study from five to four. *Id.*

25. *See id.* The curriculum for legal education was also based on a Western model and was adopted by China when it began to use a version of the Western legal system in the early 1900s. *See id.* For more information on the Western legal system that was transplanted to China, see *Conference to Consider and Critique*, *supra* note 8, at 21-22, attaching Chiu Lian-Going, *Background Information on Taiwan University Efforts to Reform Legal Education and the Training of Legal Professionals*; Ma Han-Pao (Herbert H.P. Ma), *Falu Jiaoyu zhi Qianzhan yu Jichu Faxue* [*The Past and Future of Basic Legal Education*, 160 LUSHI TONGXUN [LAWYER'S JOURNAL] 16 (Jan. 5, 1993) [hereinafter Ma Han-Pao, *The Past and Future*]; Yang Yih-Hwa, *Wo Guo Xianxing Faxue Jiaoyu zhi Yanjiu-Cong Falu Renbenzhuyi de Jiaodu Guancha* [*A Study of the Present Legal Education System in Taiwan—From the Perspective of Legal Anthropocentrism*], 18 GUOFANG GUANLI FAYUAN XUEBAO [JOURNAL OF NATIONAL DEFENSE MANAGEMENT COLLEGE] 77, 78, 84, 88 (February 1997) [hereinafter Yang Yih-Hwa, *Legal Anthropocentrism*].

26. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 1.

27. *Id.*

28. NTU 1998-1999 PROSPECTUS, *supra* note 8, at 1, 100.

29. COLLEGE OF LAW BULLETIN 1990-1991—NATIONAL TAIWAN UNIVERSITY 1 [hereinafter NTU LAW 1990-1991 BULLETIN].

30. GUOLI TAIWAN DAXUE GAIKUANG [NATIONAL TAIWAN UNIVERSITY BULLETIN] 225 (Guoli Taiwan Daxue Bianyin [National Taiwan University Publishing] 1984) [hereinafter NTU 1984 BULLETIN].

31. Zheng Zheng-Zhong, *A Cross-Straits Comparison*, *supra* note 21, at 10. In the 1950s and 1960s, many universities that fled to Taiwan with the KMT reopened their law schools. Soochow University and National Chengchi University reopened their law schools in 1954 and 1955. Fu Jen University and China Cultural University both established university law departments in 1963. Taiwan Shengli Zhongxing

B. THE OVERCAST YEARS OF KMT MILITARY RULE

In 1949 the entire KMT government, led by Chiang Kai-shek, arrived in Taiwan after losing a bitter civil war against Mao Zedong's Communist forces on mainland China.³² Almost immediately, the KMT enacted martial law to consolidate its power on the island.³³ The KMT based its decision on an asserted need to protect Taiwan from an attack by the Communists and a desire to retake mainland China from Mao's army.³⁴ The KMT military headquarters, located only a few blocks from NTU's law program, cast a long shadow over the downtown campus.³⁵

During the period of martial law the KMT controlled all facets of government, including the judiciary.³⁶ According to Professor Lin Wen-Shyong, who studied at NTU in the late 1950s, the KMT military leaders never even implemented many of the state's constitutional and criminal law provisions.³⁷ The only practical legal studies during this period consisted of learning the country's civil law code, which regulated disputes between private individuals rather than between the KMT government and Taiwan's citizens.³⁸

As a result of this political environment, few university students in Taiwan pursued legal studies during the period from 1949 to 1987. Among high school graduates, international trade and foreign language were the two most popular disciplines.³⁹ According to Professor Lin Wen-Shyong, many people believed

University also established a law department in 1969. *Id.* At present, there are over twelve public and privately financed law schools in Taiwan. *Id.* at 13.

32. Interview with Herbert H.P. Ma, Professor of Law at National Taiwan University, in Taipei, Taiwan (May 18, 2000). Professor Ma came to Taiwan in 1947 after studying law for two years at Fudan University in Shanghai. He enrolled as a third year student in the law department at NTU and graduated with the school's first class in 1950. Upon graduation, he became a teaching assistant at the law school. In 1955, he was promoted to assistant professor and has served as a professor in the law program at NTU ever since. *Id.*

33. *Id.*

34. See Winn & Yeh, *Advocating Democracy*, *supra* note 5, at 585 (remarking that military rule on Taiwan was legitimated, in part, by the need to maintain a high degree of military preparedness in order to retake the mainland or resist an attack from the mainland).

35. Interview with Lin Wen-Shyong, Professor of Law at National Taiwan University, in Taipei, Taiwan (May 10, 2000). For a good description of Taiwan's legal profession during the period of martial law, see Winn & Yen, *Advocating Democracy*, *supra* note 5, at 570.

36. Interview with Lin Wen-Shyong, *supra* note 35. See also Winn & Yeh, *Advocating Democracy*, *supra* note 5, at 571 (observing that from the 1940s through the 1980s, the autonomy of the ROC legal profession was limited by a variety of techniques under authoritarian rule).

37. Interview with Lin Wen-Shyong, *supra* note 35. See also Winn & Yeh, *Advocating Democracy*, *supra* note 5, at 562.

38. Interview with Lin Wen-Shyong, *supra* note 35.

39. *Id.*

that students who chose to study law were just making trouble for themselves.⁴⁰ The experiences of some NTU Law graduates supported this perception. Current Vice President Lu Hsiu-Lien (Annette Lu), for example, was arrested and convicted of sedition for protesting alleged human rights abuses on the island.⁴¹ The KMT even persecuted NTU Law graduates, such as recently elected President Chen Shui-Bian, for representing defendants in such cases.⁴²

The curriculum at NTU Law remained stagnant during the decades of martial law.⁴³ The school's main educational initiatives between 1949 and 1987 consisted of expanding its undergraduate program in accordance with a specific KMT directive and establishing a formal graduate program to train legal scholars. In 1953, the Ministry of Judicial Administration (*Sifa Xingzheng Bu*) asked the Law Department to create a "Special Program of Legal Study" for the judiciary.⁴⁴ After two years, NTU merged this program into the Law Department and established, in addition to its original Division of Legal Science, a Division of Judicial Administration.⁴⁵ While the Division of Legal Science emphasized the study of Anglo-American law, the Division of Judicial Administration focused on court proceedings.⁴⁶

In 1955 the College of Law created a graduate master's program with divisions in Public Law and Economic Theory.⁴⁷ In the following year, these two divisions were transformed into three separate Graduate Institutes based on the college's undergraduate departments of law, political science, and economics.⁴⁸ According to Professor Herbert H.P. Ma, who graduated with NTU's first law class in 1950 and began teaching as an assistant in the same year, the law department did not establish a graduate law program until 1955 because few faculty members held advanced degrees before that time and the department lacked a

40. *Id.*

41. Winn & Yeh, *Advocating Democracy*, *supra* note 5, at 593. A section of the Winn & Yeh article focuses on the role of lawyers in early opposition politics in Taiwan and notes that many of these lawyers graduated from NTU's law department. The Democratic Progressive Party or DPP (Minjindang), which defeated the KMT in Taiwan's 2000 presidential elections, was largely founded by these law graduates. *Id.*

42. *Id.* at 593-94.

43. Interview with Lin Wen-Shyong, *supra* note 35. See also NTU 1984 BULLETIN, *supra* note 30, at 228.

44. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 370.

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

proper library and adequate research materials to support such a program.⁴⁹

In 1960 the Law Department also established a Night Department of Law through the NTU Night School.⁵⁰ In 1967 this program began offering a five-year course that led to an undergraduate degree in law (LL.B.).⁵¹ According to Professor Lin Tzu-Yi, this program was originally intended to give high school graduates another opportunity to study law.⁵² Prior to that time, high school graduates could only study law by applying to the university's law department.⁵³

In 1971 the law school completed its graduate program by adding a doctoral program in law (Ph.D.).⁵⁴ Because of administrative problems, however, the school did not admit Ph.D. candidates until 1974.⁵⁵ Professor Ma explained that the law school again suffered from a shortage of faculty with advanced degrees in law and the necessary research facilities and materials to establish a doctoral program.⁵⁶ Professor Ma also remembered that NTU's administration took a long time to approve the law department's doctoral program.⁵⁷

The next major change at the law department came in response to a KMT decision in the early 1980s to pursue economic development by aggressively encouraging an export-oriented strategy. To support this drive, the law faculty began offering courses in economic law, property law, international trade, intellectual property, labor and employment law, and tax law.⁵⁸ According to the university's brochure from 1984, these new courses were designed to meet the "demands of society."⁵⁹ These new classes represented the first change in the law school's curriculum in over thirty-five years of KMT rule.

49. Interview with Herbert H.P. Ma, *supra* note 32. Since NTU did not offer an advanced degree in law during this time period, many aspiring legal scholars traveled to either Japan or Germany to pursue advanced degrees in law. See *infra* section entitled "The Faculty."

50. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 370.

51. *Id.*

52. Interview with Lin Tzu-Yi, *supra* note 5.

53. *Id.*

54. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 370.

55. *Id.*

56. Interview with Herbert H.P. Ma, *supra* note 32.

57. *Id.*

58. NTU 1984 BULLETIN, *supra* note 30, at 228. See also Wang Tze-Chien, *Faxue Jiaoyu de Mudi ji Gaijin zhi Dao* [The Goal of Legal Education and the Path to Improvement], 16 ZHONGGUO LUNCONG [THE CHINA JOURNAL] 10, 11 (May 1983) [hereinafter Wang Tze-Chien, *The Goal of Legal Education*] (noting the increasing importance of trademarks, patents, copyrights, products liability, and government compensation claims, among other areas of the law). Wang Tze-Chien was a law professor at National Taiwan University when this article was published.

59. *Id.*

The last major change at NTU Law during the period of martial law occurred in 1985 when the school's Graduate Institute of Law split into three subdivisions: Fundamental Legal Study, Public Law, and Civil and Criminal Laws.⁶⁰ In 1990, the school further divided the Division of Civil and Criminal Laws into the Divisions of Criminal Law and Civil and Commercial Law.⁶¹ Students at the Institute were required to specialize in one of these areas. The graduate program at NTU Law continues to employ these divisions today.⁶²

C. A GLOBAL FALL AND TAIWANESE SPRING AT NTU LAW

The main classrooms at NTU Law are located in a long two-story colonial building that faces the front gate and a similarly designed structure that lies directly behind it. Most classrooms face one end of the building and are filled with long rows of plain wooden desks and chairs. Both sides of the classrooms have large pane windows and open-air corridors run the length of the buildings. During Taipei's humid summer months, the classrooms can become so hot that they feel like a sauna and in the winter the rooms are often so cold that students wear caps and gloves to class. In addition to the temperature, during the late 1980s and early 1990s the professors and students in NTU Law's classrooms began feeling the effects of another kind of environmental change: Taiwan's own political and economic transformation.

In 1987 the KMT government lifted martial law and in 1991 Taiwan's citizens went to the polls in the island's first open presidential elections.⁶³ For the first time in the KMT's thirty-eight years of rule on the island, constitutional principles and criminal procedures were put in place and Taiwanese citizens could technically hold their government and judiciary accountable. In conjunction with this democratic transformation, Taiwan began a concerted effort to reenter the global political order. In the early 1990s, this entailed applying directly and through its allies for representation at the United Nations (UN).⁶⁴ Taiwan even

60. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 370.

61. *Id.*

62. *Id.* at 377.

63. Winn & Yen, *Advocating Democracy*, *supra* note 5, at 589. See also Lin Tzu-Yi, *Faxue Jichu Jiaoyu de Kecheng Neirong* [*The Basic Legal Education Curriculum*] 1, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Lin Tzu-Yi, *Basic Legal Education*].

64. Li Jing-Tan, *Faxue Jiaoyu de Pipan*, *Pipan de Faxue Jiaoyu* [*Legal Education's Criticism and Criticism's Legal Education*], 192 LUSHI TONGXUE [LAWYER'S

started complying with UN conventions to show its commitment to the global organization.⁶⁵ As a result of these efforts, Taiwan also became more responsive to many non-governmental organizations, such as organized labor, women's rights groups, and environmental watchdogs.⁶⁶

At the same time as these political changes, Taiwan's government launched a drive to industrialize and transform the island into a high-technology, export-oriented economy.⁶⁷ In line with this effort, the government began promoting private enterprise and initiated procedures to become a member of the World Trade Organization (WTO).⁶⁸ These measures required Taiwan to develop a wide body of law to govern private business transactions and bring the island's tariff and quota regimes in line with those of Western countries and Japan.⁶⁹ It also required the government to become familiar with Western trade measures on issues like anti-dumping and enact similar standards for the island.⁷⁰

When the KMT ended martial law and held democratic elections in 1991, according to Professor Lin Wen-Shyong, legal education at NTU Law finally "returned to normal."⁷¹ Professor Lin explained this connection as: "you need democracy for law to be important."⁷² Almost overnight in 1991, NTU Law became the first choice among high school graduates pursuing a university education in Taiwan.⁷³ In response to the political and economic

JOURNAL] 18, 19 (Sept. 15, 1995) [hereinafter Li Jing-Tan, *A Criticism of Legal Education*]. Li Jing-Tan was a law professor when this article was published.

65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.* This information also comes from the author's participation in a seminar on international trade taught by Professor Lo Chang-Fa at NTU Law during the fall semester of the 1999-2000 academic year. Professor Lo talked about how Taiwan had developed tariff and quota measures to protect its own infant industries in the 1980s and 1990s.

70. *Id.*

71. Interview with Lin Wen-Shyong, *supra* note 35.

72. *Id.*

73. Interview with Lin Tzu-Yi, *supra* note 5; NTU APPLICATION, *supra* note 3, at 5 ("The number of students who want to enter the law department or take classes at the law school is increasing every year."). Other law schools in Taiwan have enjoyed a similar resurgence. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 2 (noting that since 1991, in the humanities, social science, and commercial division on the national university entrance examination, the study of law has been the first choice of high school graduates). See also Cheng Yong-Yu, *Daxue Falu Zhuanye Jiaoyu zhi Xin Changshi-Yi Dongwu Daxue Faxueyuan Fashuoyizu wei Li* [*The Adventure of Professional Legal Education: The Example of Soochow University Law School's Second Master's Program*] 1, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUI,

transformation and its new status as the top academic department on the island, NTU Law also initiated several changes to its program.

In 1990, NTU established a Division of Economic and Financial Law, which focused on courses relating to financial, taxation, trade and economic law.⁷⁴ According to university promotional materials, the Law Department established this third division "in the hope of coping with rapid social changes and growing demands for legal professionals capable of handling economic and financial issues."⁷⁵

The next major change at the law program occurred in the early 1990s when the Department of Law asked the university for permission to separate from the Departments of Political Science and Economics and become an independent "School of Law."⁷⁶ The faculty believed that an independent school was necessary to meet the increased demands on legal professionals in Taiwan and the education system that produced them.⁷⁷ Faculty members were also concerned that the former system damaged the school's international reputation.⁷⁸ As Professor Lin Tzu-Yi explained, "NTU's original law department put many different academic subjects into one stove and gave others the impression that Taiwan did not value the law."⁷⁹ Finally, some faculty members believed that a separate law school would facilitate an international trend towards establishing a graduate department for stu-

XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Cheng Yong-Yu, *The New Adventure*] ("For the past ten years, every university's law school has been the darling of the university entrance examination."). Cheng Yong-Yu is a law professor at Soochow University.

74. NATIONAL TAIWAN UNIVERSITY 1999-2000 14, Abridged University Prospectus.

75. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 370.

76. Interview with Lin Wen-Shyong, *supra* note 35.

77. *Id.* Professor Lin Wen-Shyong was Director of the Law Department when the faculty first considered this change. See also NTU 1998-1999 PROSPECTUS, *supra* note 26, at 100; NTU APPLICATION, *supra* note 3, at 3.

78. Interview with Lin Wen-Shyong, *supra* note 35; Interview with Lin Tzu-Yi, *supra* note 5.

79. Lin Jing-Yang, *Lin Tzu-Yi: Women bu zuo, bieren ye hui zuo! Faluxi Zhuren Zhongshen Shuangguizhi zhi Juexin* [If We Don't Do It, Others Will! Director of Law Department Determined to Implement Two-Tier Legal Education System], TAIDA FAYAN [NATIONAL TAIWAN UNIVERSITY LAW COLLEGE NEWS], v. 204, December 28, 1998, pp. 1-2 [hereinafter Lin Jing-Yang, "If We Don't Do It, Others Will!"], quoting Lin Tzu-Yi, Director of the Law Department at NTU. NTU law department's application to become a School of Law stated: "Germany, Japan, the United States, Sweden and other advanced countries have all established independent schools," and noted that "this difference has led to problems with international scholarly exchanges [at NTU's Law Department]." NTU APPLICATION, *supra* note 3, at 3.

dents from other disciplines, which would have been difficult for a university department in Taiwan.⁸⁰

The entire process of establishing a separate School of Law, however, took several years because, as Professor Lin Wen-Shyong noted, "NTU is a big place."⁸¹ On June 15, 1996, NTU's University Congress adopted a resolution to upgrade the Law Department to a College of Law.⁸² The Ministry of Education (*Jiaowu Bu*) then approved this resolution and directed NTU's College of Law to be divided into a School of Law and School of Social Sciences on August 1, 1998.⁸³ Because of administrative problems, however, the schools did not formally separate until August 1999.⁸⁴

The last major development in legal education at NTU Law occurred in 1997 when the university converted its Night School into an "Extension School."⁸⁵ NTU Law's regular faculty, which had originally taught in the Night School, continued to teach classes in the traditional law program and the new Extension School.⁸⁶ Like its predecessor, the Extension School's law program offered an undergraduate law degree (LL.B.).⁸⁷

After the Extension School's reorganization, NTU Law's faculty, which controlled the law division's admissions process, began giving preference to applicants who held university degrees from other academic fields.⁸⁸ Originally, the Night Department was designed to provide high school graduates with another avenue to study law.⁸⁹ NTU made this decision, in part, because

80. NTU APPLICATION, *supra* note 3, at 8. See also Liu Xing-Yi, *Faxue Jichu Jiaoyu de Kecheng Neirong-Jian Lun "Jichu Faxue" de Yiyi yu Guihua Fazhang* [The Basic Legal Education Curriculum—The Present Purpose and Future Direction of Basic Legal Education] 9, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Liu Xing-Yi, *The Present Purpose and Future Direction*] ("Although each country's system is different, in general, the establishment of professional law graduate departments at law schools has become an international trend."). Liu Xing-Yi was a law professor at Zhongxing University when this seminar was held. In a newspaper interview, Professor Lin Tzu-Yi remarked, "The new Second Master's Program [was] related to the establishment of a formal law school [at NTU], but not the most important reason." See Lin Jing-Yang, "If we don't do it, others will!", *supra* note 79, at 1.

81. Interview with Lin Wen-Shyong, *supra* note 35.

82. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 370.

83. *Id.*

84. *Id.*

85. *Id.*

86. Interview with Hwang Jau-Yuan, *supra* note 5.

87. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 371.

88. Interview with Lin Tzu-Yi, *supra* note 5.

89. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 13.

university graduates were applying to the Extension School and NTU did not offer a separate program of legal study for these advanced students.⁹⁰ As a result of this decision, in 1998 nearly 80% of the approximately 300 students at the Extension School were university graduates from other departments.⁹¹

D. THE PRESENT HALLS OF NTU LAW

1. *The Faculty*

In the open-air corridors of NTU Law, most of the fifty-three faculty members are male; in fact, there are only six female professors.⁹² Nineteen faculty members hold law degrees from German universities, such as Bonn, Heidelberg, and Tuebingen.⁹³ Eleven professors earned LL.M. and S.J.D. distinctions in the United States at schools like Harvard, Yale, and Stanford,⁹⁴ and ten faculty members hold diplomas from Japanese universities, including Tokyo University and National Kyoto.⁹⁵ There are also two professors who have returned with graduate degrees in law from France and one each from Switzerland and England.⁹⁶ The remaining ten faculty members earned their degrees in Taiwan.⁹⁷ The Dean of NTU Law, Liaw Yih-Nan, views the faculty's di-

90. Interview with Lin Tzu-Yi, *supra* note 5. See also Shieh Ming-Yan, *Xueshihou Faxue Jiaoyu zhi Linian yu Guihua* [The Concept and Construction of Legal Education for University Graduates] 2, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Shieh Ming-Yan, *The Concept and Construction*]. Shieh Ming-Yan is a law professor at NTU.

91. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 13. In 1998, 55.41% of the students possessed an undergraduate degree and an additional 24.32% of the students had earned a graduate level degree. By way of contrast, in 1997, only 4.23% of the students possessed a graduate level degree. *Id.* at 5 n.5.

92. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 371. Three of the six female professors at NTU Law hold LL.B. degrees from National Taiwan University. The remaining three hold an LL.M. degree from the University of Washington in Seattle, a Ph.D. in law from London University, and a Dr. Jur. degree from Gottingen University in Germany, respectively. *Id.* at 373-74.

93. *Id.* at 373-74. There are also professors with Dr. jur. degrees from Frankfurt University and Munich University. *Id.*

94. *Id.* The NTU Law faculty also includes professors with American S.J.D. degrees from New York University and the University of Chicago. *Id.*

95. *Id.* at 371. There are also graduates from Osaka University and National Keio University. *Id.*

96. *Id.* These faculty members obtained their degrees from Paris I University in France, the University of Lausanne in Switzerland, and London University in England. *Id.*

97. *Id.*

verse educational background as one of the department's primary strengths.⁹⁸

According to Professor Ma there were few, if any, law professors with foreign credentials in the school's early years.⁹⁹ To cultivate academic talent for the school, NTU encouraged its most promising students to study in Japan, as most students in the 1950s were born during the period of Japanese occupation and spoke fluent Japanese. Moreover, Japan was seen as a natural training ground for Taiwanese legal academics because the KMT had adopted much of its legal system from Japan, which had turned to the West during the Meiji Restoration of the late 19th century.¹⁰⁰

The law faculty in the early years also encouraged students to pursue further studies in Germany, because the faculty recognized that Japan had imported many of its legal provisions from Germany.¹⁰¹ Law professors at NTU felt so strongly about directly studying Germany's civil law system that when the law department established its master's program in 1956, it required all graduate students to take at least eight hours of German language per week.¹⁰²

When students returned from Japan and Germany in the late 1950s and early 1960s with Ph.D. degrees in law, many took up faculty positions at NTU. These professors in turn encouraged their graduate students to travel to Japan and Germany, usually to their foreign alma maters, to pursue graduate degrees.¹⁰³ Since many students focused their graduate research on their supervising professors' area of expertise and often researched the law of the country where their professor had studied, most graduates found it easier to follow in their advisors'

98. Interview with Liaw Yin-Nan, Dean of National Taiwan University School of Law, in Taipei, Taiwan (May 4, 2000). The law and research library at NTU, which boasts a collection of 269,709 volumes, reflects this legal ancestry. Only 35% of the materials are in Chinese; 27% are in English, German, or French, and the remaining 38% are in Japanese or Korean. NTU 1998-1999 PROSPECTUS, *supra* note 3, at 104. The library also subscribes to 233 periodicals, including most major foreign legal publications, such as the *Hougaku Kyoshitsu* and *Jurist* from Japan, *Harvard Law Review* and *Yale Law Review* from the United States, and *Neue Juristische Wochenschrift* and *Juristische Schulung* from Germany. Visit to the National Taiwan University School of Law Research Library (April 18, 2000). The law library subscribes to a wide range of American law journals, including the *Northwestern Journal of International Law and Business*. *Id.* Likewise, the NTU Law library boasts over 100 German periodicals. NTU APPLICATION, *supra* note 3, at 163-64.

99. Interview with Herbert H.P. Ma, *supra* note 32.

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.*

footsteps.¹⁰⁴ Students also relied heavily on their advisor's contacts and recommendations to gain admission to the foreign universities.¹⁰⁵

In the late 1970s and 1980s, NTU Law began encouraging students to travel to a third country, the United States, for graduate legal studies. According to Professor Ma, many professors believed that Taiwan could not rely exclusively on Germany for legal methods and developments.¹⁰⁶ North America was also important to Taiwan's export driven economy.¹⁰⁷ From the students' perspective, it was generally more desirable to study in the United States.¹⁰⁸ Most students learned English in middle and high school and it took fewer years to obtain an S.J.D. in law from an American university than a Ph.D. from a school in Japan or Germany.¹⁰⁹ In the 1980s many Taiwanese law graduates thus began returning from the United States and taking up faculty positions at NTU Law.¹¹⁰

The legal traditions of the countries where faculty members obtained their advanced degrees influence them in several ways. First, professors often refer to the law of the country where they obtained their advanced degree in their courses. Professor Lin Tzu-Yi, who obtained an S.J.D. from Cornell University, for example, teaches freedom of speech by discussing U.S. Supreme Court cases on the topic.¹¹¹ Second, faculty members tend to employ the teaching methods of their foreign alma maters. Professors from Germany and Japan are more likely to lecture while American-trained faculty often employ the Socratic method in their classrooms.¹¹² Finally, the professors' educational backgrounds influence their views on legal education. Professors who have returned from the United States are more likely to favor the American approach whereas German and Jap-

104. Interview with Ho Jen-Ji, *supra* note 18.

105. *Id.*

106. Interview with Herbert H.P. Ma, *supra* note 32.

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.* The NTU university bulletins from 1984 and 1991 also show a marked increase in the number of faculty members with LL.M. and S.J.D. credentials from American law schools. For 1984, see NTU 1984 BULLETIN, *supra* note 30, at 228. For 1991, see NTU LAW 1990-1991 BULLETIN, *supra* note 29, at 5.

111. This information comes from the author's own experience of taking Professor Lin Tzu-Yi's class on the Freedom of Speech class during the fall semester of 1999 at NTU Law.

112. Interview with Chu Huai-Yuan, Graduate of National Taiwan University School of Law, in Taipei, Taiwan (April 23, 2000). This information also comes from the author's own experience of attending classes taught by NTU Law professors who had returned from the United States, Germany, France, and Switzerland.

anese-trained faculty generally support Taiwan's traditional system of undergraduate legal education.¹¹³

In the faculty room at NTU Law, Professor Ma often chuckles as he reflects on the four generations of professor-student relationships that sit among the black couches between classes.¹¹⁴ Nearly all of NTU Law's faculty graduated from the school, and there is a strong sense of respect for senior members.¹¹⁵ When associate professors see Professor Ma in the break-room, they address him with "Teacher Ma" (*Ma Laoshi*).¹¹⁶ There is also a strong sense of allegiance between faculty members who have returned from studying in Japan, Germany, or the United States. These bonds were forged when the younger members were graduate students at the school and strengthened upon their return to Taiwan seeking positions at NTU or other law programs.¹¹⁷ The generations are also connected by the tenure process which is heavily influenced by senior faculty members.¹¹⁸

2. *The Undergraduate and Graduate Programs*

a. The Undergraduate Program

Each year NTU Law admits 150 students from a national university entrance examination and accepts fifty transfer students from other departments at NTU and other law programs in Taiwan.¹¹⁹ This results in approximately 800 students enrolled in the traditional undergraduate program.¹²⁰ In contrast to the faculty, there are more female than male undergraduate students at the school with a female to male student ratio of 1.4:1.0.¹²¹ In

113. See *infra* Part IV section entitled "The Faculty Convenes."

114. Interview with Herbert H.P. Ma, *supra* note 32.

115. *Id.*

116. During the interview with Professor Ma, which took place in NTU Law's faculty breakroom, more than one associate professor greeted Professor Herbert H.P. Ma with this respectful phrase.

117. Interview with Ho Jen-Ji, *supra* note 18.

118. *Id.*

119. Interview with Lin Tzu-Yi, *supra* note 5. See also Bashiqi Niandu Daxue Lianhe Zhaosheng Dier Leizu Zuidi Luqu Zongfen (Han Jiaquan) Biao [The 1998 University Entrance Examination Lowest Acceptance Scores for Students in the First Category] (visited May 11, 2000) <<http://www.ceec.edu.tw/87undata/23.htm>>.

120. Interview with Lin Tzu-Yi, *supra* note 5.

121. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 371. One graduate of NTU Law explained two possible reasons for a higher proportion of female students in the undergraduate program. First, women perform better on the university entrance examination. Second, many young Taiwanese women feel a cultural bias against pursuing careers in the natural sciences, such as medicine or engineering, and thus more female high school students focus on the university entrance examination to study social science subjects at the universities. Interview with Chu Huai-Yuan, *supra* note 112. Chu Huai-Yuan's comments comport with statistics that show a male to female ratio in NTU's 1998 Medical School class of 3.8:1.0 and an even

addition to the regular undergraduate program, the Extension School offers legal education to approximately 340 students with a male to female ratio of 2.1:1.0.¹²² Between both programs and the graduate school, the student to professor ratio at NTU Law is approximately 18:1.0.¹²³

The traditional undergraduate program at NTU lasts four years.¹²⁴ At present, students must complete at least 148 credits to graduate.¹²⁵ Many students take a heavier load during their first three years, so that they may spend their fourth year preparing for the difficult examinations to become either a judge, prosecutor or private attorney in Taiwan.¹²⁶ The law school also requires more courses during the first few years.¹²⁷ The Division of Legal Science, for example, lists thirty-six required credit hours in the second year of study.¹²⁸ Since most classes at NTU Law are two to three semester credits, students may enroll in as many as ten classes per semester.¹²⁹

higher ratio of 6.5:1.0 in the 1998 engineering department. See Bashiqi Niandu Daxue Lianhe Zhaosheng Disan Leizu Zuidi Luqu Zongfen (Han Jiaquan) Biao [The 1998 University Entrance Examination Lowest Acceptance Scores for Students in the Third Category] (visited May 11, 2000) <<http://www.ceec.edu.tw/87undata/25.htm>>; and Bashiqi Niandu Daxue Lianhe Zhaosheng Dier Leizu Zuidi Luqu Zongfen (Han Jiaquan) Biao [The 1998 University Entrance Examination Lowest Acceptance Scores for Students in the Second Category] (visited May 11, 2000) <<http://www.ceec.edu.tw/87undata/24.htm>>.

122. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 371 (listing statistics for the 1998-1999 academic year).

123. *Id.*

124. *Id.* Most university undergraduate law programs in Taiwan last four years. Soochow University law school's undergraduate program lasts five years. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 3.

125. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 7. According to some reports, NTU's law school requires more credits to graduate than any other law school in Taiwan. Most law programs require between 128 to 148 credits. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 3. Since Soochow University's undergraduate legal program is for five years, the university requires students to complete 180 credits of study. *Id.* at 3-4.

126. Interview with Lu Hai, Third Year Law Student at National Taiwan University School of Law, in Taipei, Taiwan (April 28, 2000). Many students take over 20 credits during their first six semesters at NTU Law. Interview with Chu Huai-Yuan, *supra* note 112.

127. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 371.

128. *Id.*

129. The credits are broken down into the following general categories: General University Requirements (gongtong bixiu kecheng) 16 credits, General Law School Requirements (tong shi kecheng) 12 credits, Division Requirements 77-83 credits, and Elective Courses 37-43 credits with 20 credits required to be taken from elective courses in the law department. In the first semester of the 1999-2000 academic year, NTU Law School offered 53 elective courses to its undergraduate population. GUOLI TAIWAN DAXUE BASHIBA XUENIANDU DIYI XUEQI DIANNAO XUANKE SHUOMING YU JIAO JIAOXUE ZAFEI (ZHUCE) XUZHI JI FALU XUEYUAN GE XI SUO KECHENG SHUIAN BIAO [NATIONAL TAIWAN UNIVERSITY 1999 ACADEMIC YEAR FIRST SEMESTER COMPUTER REGISTRATION INFORMATION AND PAYING TUITION

b. The Graduate Program

There are also approximately 130 students pursuing master's degrees and another thirty-five doctoral candidates at NTU Law.¹³⁰ The master's program is open to undergraduate law majors and students who double majored in law and another subject. The Ph.D. division is limited to students with master's qualifications.¹³¹ NTU Law admits students to both programs based on the results of examinations, and all students must demonstrate proficiency in a third language of either German, French, or Japanese.¹³² The faculty believes that the graduate students need these language skills for conducting advanced research into the laws and legal developments of these countries.¹³³

Master's students at NTU are required to complete a minimum of twenty-four semester hours of coursework while graduate students must take eighteen credit hours during their period of study.¹³⁴ In addition, each graduate student is required by law to pass a qualifying examination, submit a written master's thesis or doctoral dissertation, and complete a successful oral defense

AND MISCELLANEOUS EXPENSES (REGISTRATION) INFORMATION AND SCHOOL OF LAW UNDERGRADUATE AND GRADUATE CLASS SCHEDULE] [hereinafter NTU LAW CLASS SCHEDULE] (JUNE 1999). For a recent listing of the elective courses at NTU Law, visit the school's website at <http://info.ntu.edu.tw>. Chinese language software is necessary to view the class schedules. According to Professor Wang Wen-Yu, who specializes in financial law, professors at NTU Law are free to offer an elective course so long as a minimum number of students enroll in the class. Interview with Wang Wen-Yu, Associate Professor of Law at National Taiwan University, in Taipei, Taiwan (May 18, 2000). Based on the graduation requirements, the students are allowed to take up to 37 credits of elective courses, including classes in other university departments. Each law division, however, requires that 20 of those credits must be taken from the law departments. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 7-9. According to Professor Lin, the required curriculum at most law programs in Taiwan is similar. Elective course offerings, however, vary depending on a particular school's emphasis. *Id.* at 6.

130. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 371. In 1998, NTU law reported a male to female student ratio of 2.1:1.0 in the master's program and 1.8:1.0 in the doctoral department. *Id.*

131. Interview with Ho Jen-Ji, *supra* note 18. See also Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 4.

132. Interview with Ho Jen-Ji, *supra* note 18. For the language requirements, see NTU 1999-2000 PROSPECTUS, *supra* note 3, at 377.

133. Interview with Ho Jen-Ji, *supra* note 18.

134. NTU 1999-2000 PROSPECTUS, *supra* note 3, at 377. The law in Taiwan stipulates that a master's program in law must be between 1-4 years and requires students to take a certain number of credits and complete a master's thesis. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 4, citing University Law, Section 25, Paragraph 2 ("For the master's programs . . . graduate students must complete the necessary curriculum with passing grades, to receive a masters degree from the university); Law on Conferring Degrees, Section 6, Paragraph 1, "University master's students that complete the necessary master's program curriculum, a master's thesis, and go through the master's degree examination committee's examination, shall receive a master's degree.").

of his or her paper to fulfill the respective degree requirements.¹³⁵

NTU Law takes great pride and holds extremely high standards for its master's theses and doctoral dissertations.¹³⁶ The school maintains a register of every candidate's paper and supervising faculty member since the school began its graduate program in 1956.¹³⁷ At the end of 1996, NTU Law's graduate school had produced 404 master's theses and twenty-three doctoral dissertations.¹³⁸ Professors at NTU Law often display their graduate students' bound papers on shelves in their offices and proudly point out that most submissions exceed 100 pages in length.¹³⁹

3. *NTU Law's Distinguishing Characteristic*

Although legal education at NTU Law is similar to schools in other civil law countries and also in common law jurisdictions like the United States, it can be distinguished by what is often referred to as the "vicious examination cycle."¹⁴⁰ A highly competitive national university entrance examination largely determines NTU Law's student population while difficult judicial and lawyer examinations heavily influence course selection and extra-curricular activities on campus.¹⁴¹

a. The University Entrance Examination

Admission to the three law divisions at NTU is based almost exclusively on the university entrance examination (*daxue liankao*).¹⁴² The examination process, however, begins much ear-

135. *See id.*

136. Interview with Liaw Yih-Nan, *supra* note 98; Interview with Lin Tzu-Yi, *supra* note 5; Interview with Hwang Jau-Yuan, *supra* note 5; Interview with Shieh Ming-Yan, Professor of Law at National Taiwan University, in Taipei, Taiwan (May 5, 2000).

137. NTU APPLICATION, *supra* note 3, at 33-49.

138. *Id.* at 25.

139. During interviews, two professors in particular, Lin Tzu-Yi and Hwang Jau-Yuan, pointed to shelves in their offices which display their students' thesis papers.

140. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 6.

141. These two examinations are discussed in the following two subsections. *See infra* sections entitled "The University Entrance Examination" and "The Judicial and Lawyer Examinations."

142. *See supra* notes 119-20 and accompanying text (discussing NTU Law's student population). Each division in NTU's law department admits fifty students through the university entrance examination. *See* Bashiqi Niandu Daxue Lianhe Zhaosheng Diyi Leizu Zuidi Luqu Zongfen (Han Jiaquan) Biao [The 1998 University Entrance Examination Lowest Acceptance Scores for Students in the First Category] (visited May 11, 2000) <<http://www.ceec.edu.tw/87undata/23.htm>>. NTU Law also accepts another fifty students from other academic departments at NTU and law schools in Taiwan based on credentials. *See supra* note 119 and accompanying text. Finally, NTU Law's extension program admits students based on an application process. *See supra* note 122 and accompanying text. In recent years, in order to

lier. In Taiwan, middle school students must take an examination that both determines whether they will study social or natural science subjects in high school and which secondary school they will attend.¹⁴³ The university entrance examination to enter law and other social science departments is generally limited to students that have studied social science subjects in high school.¹⁴⁴ Moreover, students at Taiwan's best high schools statistically do better on the university examination.¹⁴⁵ These two factors make the examination to enter high school nearly as important as the college examination.

How a student scores on the university examination normally determines which university the student will attend and even which discipline the student will study. After learning the results of the university examination, students receive information about the admissions standards of academic departments at each public university in Taiwan.¹⁴⁶ Students must select and apply directly to a university department or division.¹⁴⁷ Most high school students and their families thus view the examinations as extremely important to the students' future success.¹⁴⁸ One law professor described this emphasis by saying, ". . . it is difficult to guess how many young students go entire years without asking about everyday matters, studying day and night just so that they

promote other options for admitting students, universities in Taiwan and the University Examination Center have designed an "application based on credentials" ("tujian zhenshi") program. High schools recommend outstanding students from their classes who desire to study a particular field and these students take a special university department test which has both written and oral components. See Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 3. NTU Law, however, does not participate in this program because demand for its available seats is too great. Interview with Chu Huai-Yuan, *supra* note 112.

143. Interview with Chu Huai-Yuan, *supra* note 112. See also Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 6 (stating that the test advancement craze (shengxue zhuyi) began "twisting" the quality of high school and junior high school students in Taiwan years ago, especially because the tests emphasize rote memorization).

144. Interview with Chu Huai-Yuan, *supra* note 112. High school students in the natural science division, likewise can take the examination to enter medical school. In Taiwan, medicine is usually studied as an undergraduate degree.

145. *Id.* (noting that certain high schools in Taiwan produce the large majority of NTU Law's student population). This information also comes from the author's own conversations with students at NTU Law. A majority of students seemed to come from a few prestigious high schools in Taiwan.

146. Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, Third Year Law Students at National Taiwan University School of Law, in Taipei, Taiwan (April 26, 2000). For an example of these reports for 1998, see Bashiqi Niandu Daxue Lianhe Zhaosheng Dier Leizu Zuidi Luqu Zongfen (Han Jiaquan) Biao [The 1998 University Entrance Examination Lowest Acceptance Scores for Students in the First Category] (visited May 11, 2000) <<http://www.ceec.edu.tw/87undata/23.htm>>.

147. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 3.

148. Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146.

can gain admittance to the university undergraduate and graduate programs that produce this country's professionals."¹⁴⁹

Since 1991 the top high school graduates in the social science division have customarily chosen NTU Law as their first choice of academic departments.¹⁵⁰ These students often select NTU Law, as one student relayed, simply because "my score was good enough" (*wode fenshu yijing daole*).¹⁵¹ What surprises many students who enroll at the school is that "so many of my classmates chose it for the same reason."¹⁵² Students with the opportunity to study at NTU Law feel much pressure to do so from their families and high school teachers.¹⁵³ According to Professor Lin Tzu-Yi, one reason for this pressure is that entry into Taiwan's elite legal profession is virtually limited to people with an undergraduate degree in law from a respectable school.¹⁵⁴

In spite of, and perhaps as a result of this examination and selection process, however, many students find themselves at

149. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 1 (paraphrased by author).

150. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Hwang Jau-Yuan, *supra* note 5. See also NTU APPLICATION, *supra* note 3, at 5; Winn & Yeh, *Advocating Democracy*, *supra* note 5, at 574 (noting that the law faculty at NTU is now "the first choice of students receiving the highest grades in the joint entrance examination."). In 1998, for example, the Division of Legal Science at NTU Law was the first choice of high school students in the social science division. See Bashiqi Niandu Daxue Lianhe Zhaosheng Dier Leizu Zuidi Luqu Zongfen (Han Jiaquan) Biao [The 1998 University Entrance Examination Lowest Acceptance Scores for Students in the First Category] (visited May 11, 2000) <<http://www.ceec.edu.tw/87undata/23.htm>>. Interestingly, although the Division of Economic and Financial Law came in second place in 1998, the Division of Judicial Administration placed fourth behind NTU's Finance Department (Caiwu Jinrong Xuexi). *Id.* For students in the natural science division, NTU's School of Medicine was the top choice in 1998. See Bashiqi Niandu Daxue Lianhe Zhaosheng Dier Leizu Zuidi Luqu Zongfen (Han Jiaquan) Biao [The 1998 University Entrance Examination Lowest Acceptance Scores for Students in the Third Category] (visited May 11, 2000) <<http://www.ceec.edu.tw/87undata/25.htm>>.

151. Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146; Interview with Lu Hai, *supra* note 126. Other law schools in Taiwan note this same phenomenon, "The typical undergraduate student bases their decision to study law on their university entrance examination score and just studies law." *Conference to Consider and Critique*, *supra* note 8, at 8, *remarks of Li Mo*. Many students relate that prior to stepping into a college classroom, they did not know anyone in the legal profession and had never taken any classes related to law. Interview with Chu Huai-Yuan, *supra* note 112; Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146; Interview with Lu Hai, *supra* note 126.

152. Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146, *remarks of Chen Yi-Sou*.

153. Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146; Interview with Lu Hai, *supra* note 126. This information also comes from the author's conversations with students on NTU Law's campus from September 1999 to June 2000.

154. Interview with Lin Tzu-Yi, *supra* note 5.

NTU Law without much interest in studying law.¹⁵⁵ In casual conversations, students often remark that they would have preferred to study another subject, such as English literature or music.¹⁵⁶ The elective courses that students select and class attendance often reflect this lack of interest. Students commonly enroll in easier elective classes to allow more time for other pursuits and skip class when attendance is not mandatory.¹⁵⁷

b. The Judicial and Lawyer Examinations

Although many students at NTU Law are not interested in studying law, most students begin to feel the pressure of another set of tests, the qualifying examinations to become either a judge, public prosecutor or private attorney in Taiwan, shortly after arriving on the downtown campus.¹⁵⁸ NTU law students turn to

155. Interview with Chu Huai-Yuan, *supra* note 112; Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146. Other law schools in Taiwan have also experienced this phenomenon. *Conference to Consider and Critique, supra* note 8, at 8, *remarks of* Li Mo (noting many high school students are not interested in the law and do not know what they will do with it); DEMANDS OF SOCIETY, *supra* note 8, at 45, *remarks of* Liang Yu-Xian, Professor of Law at Zhongxing University School of Law (“Because university law school classes are made up of high school students who passed the university entrance examination to get into the school, many do not know much about the law.”).

156. This information comes from the author’s conversations with students on NTU Law’s campus from September 1999 to June 2000.

157. This information comes from the author’s own observations of attending classes at NTU Law from September 1999 to June 2000.

158. Ho De-Fen, *Faxue Jiaoyu yu Renge Jiaoyu [Legal Education and Personal Education]*, 25 YUEDAN FAXUE ZAZHI [TAIWAN LAW REVIEW] 6, 36 (May 15, 1997) [hereinafter Ho De-Fen, *Personal Education*] (remarking that “Students begin to feel the pressure of the examinations right after entering the university, so reforming legal education is very difficult.”). Ho De-Fen is a law professor at NTU. Professor Lin Tzu-Yi notes that although law students are not limited to becoming judges, prosecutors or lawyers, most students follow this route. Lin Tzu-Yi, *Basic Legal Education, supra* note 63, at 14-15. See also Interview with Chiu Lian-Going, Professor of Law at National Taiwan University, in Taipei, Taiwan (May 24, 2000). Professor Lin Tzu-Yi cites some compelling figures to support this conclusion. In 1998, 5,170 people signed up for the judicial examination and 4,185 people actually took the test. In the same year, 5,714 people signed up for the lawyer examination and 4,132 eventually took the test. According to Professor Lin’s calculations, which are based on data supplied by each of the law schools in Taiwan, every year there are approximately 1,800 law graduates in Taiwan. This means that many law school graduates continue to take the judicial and lawyer’s exams for several years after they graduate. Lin Tzu-Yi, *Basic Legal Education, supra* note 63, at 14-15. Other law schools in Taiwan report similar experiences. DEMANDS OF SOCIETY, *supra* note 8, at 47, *remarks of* Liang Yu-Xian, Professor of Law at Zhongxing University School of Law (remarking that if a student has not passed an examination after graduating from the undergraduate program and does not enroll in a graduate school, they often spend the next 2-3 years doing nothing but taking cram courses and preparing for the judicial and lawyer examinations); DEMANDS OF SOCIETY, *supra* note 8, at 6, *remarks of* Han Wei-Da, Professor of Law at Soochow University School of Law (estimating that at least 70% of the students want to take the lawyer or judicial examinations). In Taiwan, judicial officials are recruited through an ex-

these tests and seek these careers for three main reasons. First, many students arrive on campus without much work experience or exposure to other career opportunities and these tests give them a concrete goal.¹⁵⁹ Second, most of NTU Law's students are achievement-oriented, accustomed to success, and their families pressure them to pursue these high status careers.¹⁶⁰ Finally, the law school encourages students to focus on the examinations by emphasizing those career choices and even requiring more credits in examination subject areas like civil and criminal substantive and procedural law.¹⁶¹ One student summarized the

amination process and trained by a government body, the Department of Legal Affairs (Fawubu). Lin Hui-Huang, *Xin Shiji Faguan Yangcheng Jiaoyu zhi Zhanwang* [*The Direction of Training for Judicial Officials in the New Century*] 21, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Lin Hui Huang, *Training for Judicial Officials in the New Century*]. Lin Hui-Huang was the Director of the Judicial Training Institute (Sifaguan Xunliansuo) in Taiwan at the time of this conference. The judicial examination is open to people who hold a law degree and many recent graduates take and pass the examination each year. Interview with Chu Huai-Yuan, *supra* note 112. This information also comes from the author's own experience and conversations with undergraduate and graduate students at NTU Law from September 1999 to June 2000.

159. DEMANDS OF SOCIETY, *supra* note 8, at 11, *remarks of* Representative of Nan Qiao Chemical (Nan Qiao Huagong) (“[T]he students who study law often times do not have a specific plan for life, but the judicial and lawyers examinations provide a very concrete goal.”).

160. Interview with Chu Huai-Yuan, *supra* source appendix; Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146; Interview with Lu Hai, *supra* note 126.

161. Ma Han-Pao, *The Past and Future*, *supra* note 25, at 19 (“Whatever subjects the national examination decides to test, the schools and students have no choice but to emphasize.”). See also Li Jing-Tan, *A Criticism of Legal Education*, *supra* note 64, at 25 (“Ultimately, the examinations pull education . . . [r]egardless of whether we are talking about scholarship or practical applications, or legal principles and techniques, all within the university law curriculum is lost on the examinations.”). Other law faculties in Taiwan also emphasize the examinations. DEMANDS OF SOCIETY, *supra* note 8, at 47, *remarks of* Liang Yu-Xian, Professor of Law at Zhongxing University School of Law (“At present, every university's law school places importance on the lawyer and judicial examinations, especially the judicial examination.”). The emphasis on the examinations by law schools often is reflected in the pride that schools feel over the number of their students that pass the examinations. During a conference on legal education, a District Appeals Court Judge, who also teaches law, pointed out to the hosting university that its law department had recently finished third for the number of students passing the judicial examination and that this “showed good results and obviously demonstrated that the quality of students (at the university) was not bad.” DEMANDS OF SOCIETY, *supra* note 8, at 31, *remarks of* Liang Song-Xiong, District Appeals Court Judge (Taiwan Gaodeng Fayuan Tingzhang). Ho De-Fen, *Faxue Jiaoyu yu Renge Jiaoyu* [*Legal Education and Personal Education*], 25 YUEDAN FAXUE ZAZHI [TAIWAN LAW REVIEW] 6, 36 (May 15, 1997) [hereinafter Ho De-Fen, *Personal Education*] (remarking that “Students begin to feel the pressure of the examinations right after entering the university, so reforming legal education is very difficult.”). Ho De-Fen is a law professor at NTU.

mentality at NTU Law by remarking, "There is a common saying around campus. A legal education is a waste if you don't pass the examinations."¹⁶²

Since both the judicial and lawyer examinations are extremely difficult to pass, students that pursue these careers feel a substantial amount of pressure. The passing rate for the judicial examination, which is based on the demand for prosecutors and judges in Taiwan, usually ranges between two to five percent.¹⁶³ Similarly, the passing rate for the lawyer examination, which is technically determined by the Ministry of Examinations (*Kaoshi Yuan*) after consulting the Department of Legal Affairs (*Fawu Bu*) and the Taiwan Law Society (*Taiwan Falu Shehui*), normally falls between five to fifteen percent.¹⁶⁴ In 1998, for example,

Professor Rui said, "it made me feel very good that Soochow recently tested well." DEMANDS OF SOCIETY, *supra* note 8, at 36, *remarks of* Cheng Zhong-Mo, Constitutional Court Justice. National Chengchi University also reports that it "continues to struggle to raise the number of students who pass the judicial and lawyers examination. . ." DEMANDS OF SOCIETY, *supra* note, at 42, *remarks of* Liu Zong-De, Dean of National Chengchi University School of Law. Interestingly, Professor Ma noted the same problem with the examinations pulling legal education more than fifteen years ago. Ma Han-Pao (Herbert H.P. Ma), *Falu Jiaoyu yu Guojia Kaoshi* [Legal Education and the National Examinations], 3 FU REN FAXUE LUOGUANG [FU JEN LAW REVIEW] 1, 6 (January, 1985) [hereinafter Ma Han-Pao, *National Examinations*].

162. Interview with Lu Hai, *supra* note 126. A former law student's story likewise demonstrates this mentality, "When I was still studying law at the university, an older classmate who had already graduated told me, 'Before I passed the lawyer examination, I was like a rabbit, nobody paid any attention to me, but after I passed the test, people started pounding on my door.'" Maa Wei-Lin, *Jinri zhi Kexue-Tan Faxue Jiaoyu* [The Current Examination System—Discussing Legal Education], 63 WANGUO FALU [FT LAW REVIEW] 32 (June 1, 1992). Maa Wei-Lin was an attorney in private practice when this article was published.

163. Zhu Wu-Xian, *Taiwan's Government Organizations*, *supra* note 7, at 5.

164. For results of the lawyers examination for the last thirteen years, see Zuijin 11 Nian (76 nian – 86 nian) Zhuanmen Zhiye ji Jishu Renyuan Gaopu Kaoshi Gelei Ke Baoming, Luqu Qingxing—Jianbiao [The Registration and Passing Rates for the Professional Occupation and Technology Specialist Examinations for the Last 11 Years (1987 – 1997)] (visited May 6, 2000) <<http://www.moex.gov.tw/u01/rate-12.html>>. This table also includes figures for 1998 and 1999. For an analysis of the passing rates for Taiwan's lawyer examination in recent years, see Lushi Linian Luqulu Fenxi [An Analysis of the Passing Rates on the Lawyer examination in Recent Years] (visited May 6, 2000) <<http://www.license.com.tw/lawyer/exam/License/Course.html>>. Chinese language software is necessary to view the text on these web pages. Many consider a 15% passage rate to be a very high rate for Taiwan. From 1950-1970, fewer than ten law graduates, or less than 1%, normally passed the lawyer examination in Taiwan. Ma Han-Pao, *National Examinations*, *supra* note 161, at 6; Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 2. During the 1970s and early 1980s, this number gradually increased and beginning in the 1980s around fifty applicants usually passed the difficult test. Ma, *National Examinations*, *supra* note 161, at 6.

only 231 out of the approximately 4,130 candidates passed the lawyer examination.¹⁶⁵

In practice, senior professors at NTU Law, especially civil and criminal substantive and procedural law lecturers, exert great influence over the passing rate on the lawyer examination. Under the Ministry of Examination's (*Kaoshi Yuan*) guidelines, test takers must obtain a score of at least fifty percent in each of the subject areas on the examination to pass.¹⁶⁶ A special committee, under the auspices of the Ministry of Examinations, asks a select group of well-known law scholars in each subject area to provide the respective questions.¹⁶⁷ This committee is currently chaired by Ko Tse-Tung, a senior professor from NTU Law, and the authorities in important areas like civil and criminal procedural and substantive law include prominent professors from the school.¹⁶⁸ The professors who provide the test questions also grade the examinations.¹⁶⁹ Some professors, especially those who adhere to the traditional civil law approach to examinations, grade each of the over 5,000 examination papers or invite younger professors who share similar views on the examination question to assist them.¹⁷⁰ These professors have been known to grade the examination papers so harshly that almost no one passes.¹⁷¹ The selection of professors to supply questions thus

165. Zuijin 11 Nian (76 nian – 86 nian) Zhuanmen Zhiye ji Jishu Renyuan Gaopu Kaoshi Gelei Ke Baoming, Luqu Qingxing—Jianbiao [The Registration and Passing Rates for the Professional Occupation and Technology Specialist Examinations for the Last Eleven Years (1987 – 1997)] (visited May 6, 2000) <<http://www.moex.gov.tw/u01/rate-12.html>>.

166. Zuijin 11 Nian (76 nian – 86 nian) Zhuanmen Zhiye ji Jishu Renyuan Gaopu Kaoshi Gelei Ke Baoming, Luqu Qingxing—Jianbiao [The Registration and Passing Rates for the Professional Occupation and Technology Specialist Examinations for the Last Eleven Years (1987 – 1997)] (visited May 6, 2000) <<http://www.moex.gov.tw/u01/rate-12.html>>.

167. Interview with Ko Tse-Tung, Member of the Department of Examinations (*Kaoshi Yuan*) and Professor of Law at National Taiwan University, in Taipei, Taiwan (May 30, 2000).

168. *Id.* Ko Tse-Tung received a Ph.D. in law from the University of Paris in France. The four committee members with legal backgrounds take turns chairing the subcommittee for the judicial and lawyer examinations. *Id.* See also Interview with Chiu Lian-Going, *supra* note 158. Students seem to know which professors are normally asked to supply questions for the examinations. Interview with Ho Jen-Ji, *supra* note 18; Interview with Chu Huai-Yuan, *supra* note 112.

169. Interview with Ko Tse-Tung, *supra* note 167; Interview with Herbert H.P. Ma, *supra* note 32; Interview with Chiu Lian-Going, *supra* note 158.

170. *Id.*

171. Interview with Ko Tse-Tung, *supra* note 167; Interview with Herbert H.P. Ma, *supra* note 32; Interview with Chiu Lian-Going, *supra* note 158. Professor Ko remarked that some years so few people pass the examinations that the committee must ask the professors to come back and regrade the tests so that a reasonable number of people will pass. Interview with Ko Tse-Tung, *supra* note 167. According to Professor Ma, who served as the Director of the Ministry of Examinations in the early 1980s, the practice of awarding extremely low scores on the examinations has

heavily influences how many candidates will pass any given examination.¹⁷²

Given the low passing rates on the judicial and lawyer examinations, most students at NTU Law focus heavily on these tests.¹⁷³ A professor at another law school explained this relationship, "At present, law students lack confidence because they face an uncertain future. They want to become judicial officials and lawyers, but before becoming these, it is not possible for them to have any goal other than passing the examinations."¹⁷⁴ In practice, students concentrate on the few subjects that are tested by the examinations, especially criminal and civil substantive and procedural law.¹⁷⁵ Students conscientiously attend the classes of the "famous professors," faculty members who provide questions for the examinations in these subjects.¹⁷⁶ The common perception among students is that you must apply these professors' exact legal theories (*guannian*) to pass the examinations.¹⁷⁷

existed for several decades. *Id.* See also Wang Tze-Chien, *The Goal of Legal Education*, *supra* note 58, at 12. In order to increase the number of lawyers in the late 1980s, the Department of Examinations (Kaoshi Yuan) had to lower the minimum score in each category from 60 percent to the current figure of 50 percent. Interview with Herbert H.P. Ma, *supra* note 32. Professor Ma noted that now there is an unwritten rule that at least 15 percent of the total number of test takers should pass the lawyer examination. *Id.*

172. Interview with Ko Tse-Tung, *supra* note 167.

173. See Ho De-Fen, *Personal Education*, *supra* note 158, at 36 (noting that fourth year law students often are preparing for the three professional examinations and the examination to enter the graduate department so they do not have any time to concentrate on their classes).

174. DEMANDS OF SOCIETY, *supra* note 8, at 64, *remarks of* Chen Rong-Zhuan, Professor of Law at Soochow University School of Law (paraphrased by author). See also DEMANDS OF SOCIETY, *supra* note 8, at 65-66, *remarks of* Han Wei-Da, Professor of Law at Soochow University School of Law. Professor Chen Rong-Zhuan contrasted the experience of Taiwanese law students with American law students who he explained could begin planning and preparing for their future career. He said that this is something Taiwanese law students cannot do because of the examinations. *Id.* at 64.

175. This point is widely recognized by professors at NTU Law and other law programs in Taiwan. See, e.g., Interview with Herbert H.P. Ma, *supra* note 32; Interview with Chiu Lian-Going, *supra* note 158. Students also admit to focusing on the examination subjects. See, e.g., Interview with Lu Hai, *supra* note 126.

176. Interview with Chu Huai-Yuan, *supra* note 112; Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146; Interview with Lu Hai, *supra* note 126. Even people outside of the law school seem to realize that the students focus on these professors' classes. DEMANDS OF SOCIETY, *supra* note 8, at 31, *remarks of* Liang Song-Xiong, District Appeals Court Judge (Taiwan Gaodeng Fayuan Tingzhang) ("Universities also have what are called 'famous professors' (*mingshi*), not because of their knowledge in a certain field, but because they supply questions for the examinations.").

177. Interview with Chu Huai-Yuan, *supra* note 112; DEMANDS OF SOCIETY, *supra* note 8, at 31, *remarks of* Liang Song-Xiong, District Appeals Court Judge ("Students who want to test into the graduate school or pass the judicial examination must memorize their explanations or else they won't get good marks on these

A major drawback of this focus on the examinations is that many law students at NTU disregard other required courses at the school and take elective courses that require little time.¹⁷⁸ For example, in the international public law class, which is required for second year students, only half of the students normally attend class sessions. Many students similarly neglect practical skills, such as trial advocacy and legal writing, which are also not tested by the examinations.¹⁷⁹ A second manifestation of the judicial and lawyer examinations is that students often turn to private "cram schools" (*buxiban*) that offer evening review classes.¹⁸⁰ These intensive courses can last for up to eighteen months before an examination and usually meet three nights per week for three hours per evening.¹⁸¹ Many students begin taking cram classes in the summer following their third year of study, but some start as early as their second year.¹⁸² According to Pro-

examinations."). This perception is so strong that graduate students often purchase current class notes from undergraduates in these professors' classes. Interview with Chu Huai-Yuan, *supra* note 112.

178. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 15 ("[M]any law students during their university years neglect courses that are not on the judicial and lawyers examinations and do not place much importance on learning how and why the law is the law."). Professors at other law schools in Taiwan report a similar phenomenon. *Conference to Consider and Critique*, *supra* note 8, at 18, *remarks of* Liang Yu-Xian, Professor of Law at Zhongxing University School of Law; DEMANDS OF SOCIETY, *supra* note 8, at 38, *remarks of* Yang Jian-Hua, Dean of the Cultural University School of Law.

179. Li Fu-Tian, *Shixin Daxue Faxueyuan zhi Kecheng Sheji—Jian Lunfaxue Jichu Kecheng zhi Neirong* [Shixin University School of Law's Curriculum Design—The Content of the Basic Curriculum for Theory-Based Studies] 2, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Li Fu-Tian, *Shixin's Curriculum*] ("Undergraduate legal education frequently gets pulled along by the examinations and complete neglects the importance of practical skills to the studies."). Li Fu-Tian is the Dean of Shixin University School of Law.

180. Interview with Chu Huai-Yuan, *supra* note 112; Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146; Interview with Lu Hai, *supra* note 126. See also *Conference to Consider and Critique*, *supra* note 8, at 10, *remarks of* Li Yong-Ran. The problem with undergraduate law students attending review courses to prepare for the examinations is so severe in Taiwan that it was made the subject of a high level conference on legal education in 1997. *Conference to Consider and Critique*, *supra* note 8, at 7. This information also comes from the author's own experience of studying at NTU Law from September 1999 to June 2000. Third and fourth year students frequently left the school in the late afternoon to attend cram schools.

181. Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146. Some cram courses can require as much as 18 hours per week. Interview with Lu Hai, *supra* note 126.

182. Ho De-Fen, *Personal Education*, *supra* note 158, at 36 ("... the competition between the students is very strong, the earlier a student passes an examination, the more superior the student, so there are even students from their second year of study that start taking review courses."). See also Interview with Chu Huai-Yuan,

fessor Lin Tzu-Yi, the cram school craze is so prevalent that some students in the same year never meet at school because they are too busy attending outside review classes.¹⁸³

In addition to their impact on the undergraduate division at NTU Law, the judicial and lawyer examinations have an adverse influence on the graduate program. If students in the master's program have not passed an examination by the time they begin their studies, they often focus on preparing for the tests rather than researching and completing class work.¹⁸⁴ In the fall semester, which is when the judicial and lawyer examinations are traditionally held, many graduate students carry review materials to class and read in the back of the room while the professors lecture up front. As the test date approaches, attendance drops dramatically.¹⁸⁵ Some students even enroll in the graduate programs for the sole purpose of deferring military or work obligations to prepare for the examinations and then leave the programs after passing one of the tests.¹⁸⁶

4. Frequent Visitors to NTU Law

The major political and economic changes in Taiwan during the past twenty years continue to exert pressure on NTU Law. CEOs of Taiwanese conglomerates, directors of government bureaus, and constitutional court justices have all visited the campus in recent years to encourage NTU Law to produce a new kind of graduate.¹⁸⁷ These visitors use buzzwords that describe Taiwan's new political system and economic environment,

supra note 112; Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146; Interview with Lu Hai, *supra* note 126.

183. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 15.

184. *Conference to Consider and Critique*, *supra* note 8, at 19, *remarks of Yang Jian-Hua*, Dean of the Cultural University School of Law ("The problem of students in the graduate law programs actively preparing for the examinations and neglecting their research questions is quite serious.")

185. This information comes from the author's own experience of attending classes at NTU Law from September 1999 to June 2000. Interestingly, many professors at NTU Law seemed either to understand the students' predicament or not mind this practice.

186. DEMANDS OF SOCIETY, *supra* note 8, at 43, *remarks of Liu Zong-De*, Dean of National Chengchi University School of Law. Dean Liu explained the reason for this trend based on his experience after one examination: "After passing the judicial examination, a student must decide whether to continue studying at the graduate school or go to the army or start judicial training. For the most part, the student just wants to put his or her greatest interest first. Because of this problem, in the last few days, I have received several student requests to leave the school." *Id.*

187. NTU APPLICATION, *supra* note 3, at 1-2. This same trend appears to be true for other law schools in Taiwan. See, e.g., Li Jing-Tan, *A Criticism of Legal Education*, *supra* note 64, at 19 ("Calls for legal education reforms come from court judges and attorneys, lawyers in private practice, the media, and protesters on the streets.")

phrases such as multidimensional (*duoyuanhua*), specialization (*zhuan yehua*), faster (*kuaisuhua*), international (*guojihua*), and multilateral valuations (*jiazhi duoyuanhua*).¹⁸⁸

Taiwan's business community has called on NTU Law for three main reasons. First, this group has asked NTU Law to produce more specialists in important areas of commercial law.¹⁸⁹ One business leader, for example, recently lamented that law graduates who understand financial instruments and securities are rare in Taiwan.¹⁹⁰ Second, the corporate sector believes that law schools like NTU should emphasize practical skills and use real case studies so that students can handle tasks when they start working.¹⁹¹ A representative from Su Long Motors in Taiwan, for example, noted, "There is a big difference between actual practice and the theory taught at law school."¹⁹² Finally, Taiwan's business community has asked the law school to emphasize English language skills.¹⁹³ According to a member of Citibank's

188. *Conference to Consider and Critique*, *supra* note 8, at 9, *remarks of* Chiu Lian-Going. Chiu Lian-Going is a professor at NTU Law.

189. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 2; NTU APPLICATION, *supra* note 3, at 2. Recently, a major conference focused on the demands of industry and commerce on legal education in Taiwan. DEMANDS OF SOCIETY, *supra* note 8, at preface 1.

190. DEMANDS OF SOCIETY, *supra* note 8, at 8, *remarks of* Lin Fang-Dai, Representative of Ri Sheng Securities (Ri Sheng Zhengquan). See also Dong Bao-Cheng, *Present Condition*, *supra* note 8, at 1 (noting that legal specialization is becoming increasingly important to industry and commerce).

191. See DEMANDS OF SOCIETY, *supra* note 8, at 6, *remarks of* Lin Xing, Director of the Xin Zhu Industrial Technology Research Center (Xin Zhu Gongye Jishu Yanjiuyuan); DEMANDS OF SOCIETY, *supra* note 8, at 8-9, *remarks of* Huang Ju-Zheng, China Air (Zhonghua Hangkong Gongs) Legal Department (noting that China Air employees over 8,000 people, but in the employment law classes at National Chengchi University, most of the class material focused on theory rather than "important practical skills like handling labor disputes or negotiating with the labor union, so I had to learn these practical skills on the job." (paraphrased by author)). Interestingly, twenty years ago, law professors at NTU were also talking about the gap between the teaching of theory at the law schools and practical skills. See Ma Han-Pao, *National Examinations*, *supra* note 161, at 4.

192. DEMANDS OF SOCIETY, *supra* note 8, at 9, *remarks of* Peng Yu-Zhen, Representative of Su Long Motors (Su Long Qiche).

193. See, e.g., DEMANDS OF SOCIETY, *supra* note 8, at 6, *remarks of* Lin Xing, Director of the Xin Zhu Industrial Technology Research Center (Xin Zhu Gongye Jishu Yanjiu Yuan). DEMANDS OF SOCIETY, *supra* note 8, at 8, *remarks of* Huang Ju-Zheng, China Air (Zhonghua Hangkong Gongs) Legal Department ("At Soochow Law's graduate school, most students did not place importance on language, but instead emphasized the examinations. Almost nobody took the English classes. But in working at China Air I have found that English is very important. For example, when it comes to insurance, although the airline's insurance is through a Taiwan insurance company, the Taiwan company still uses an English airline insurance company." (quote paraphrased by author)); DEMANDS OF SOCIETY, *supra* note 8, at 10, *remarks of* Ruan Qi-Yin, Representative of Shen Da Computer Company (Shen Da Diannao Gongs) ("For legal professionals who work at modern companies, especially international companies, first, they must possess good English skills, second,

legal department in Taiwan, “[W]e usually only hire law students who have returned from studying abroad because students here only focus on the examinations and do not acquire strong foreign language skills.”¹⁹⁴

Public and private groups that are involved in the country’s legislative and executive processes have called on NTU Law to produce law graduates that can draft and execute appropriate laws for Taiwan.¹⁹⁵ The need for legal personnel to draft regulations and statutes in Taiwan has increased dramatically since the end of martial law in 1987 when generally only one legislative proposal was put forward.¹⁹⁶ Moreover, many new highly-specialized areas, such as intellectual property, financial crime, and environmental protection, “must be revised or written for the first time.”¹⁹⁷ Finally, Taiwan’s citizens are demanding a higher level of appropriateness and reasonableness in the country’s legal provisions.¹⁹⁸ Professor Lin explained that, in the past, most of Taiwan’s laws in areas like public health and transportation were drafted and executed by technical specialists rather than legal professionals.¹⁹⁹

The final group of visitors to NTU Law has come from Taiwan’s judiciary.²⁰⁰ In Taiwan, university law graduates can take

they need to be able to use computers because using computers to communicate is a global trend.”); DEMANDS OF SOCIETY, *supra* note 8, at 15, *remarks of* Lin Ming-Nan, Representative of Wei Quan Food Products (Wei Quan Shipin Gongsi) (noting that law schools should place more emphasis on English “because Taiwan wants to be a technology island”); DEMANDS OF SOCIETY, *supra* note 8, at 15, *remarks of* Guo Shang-Yi, Representative of China Trust (Zhongguo Xintuo) Legal Department (“No matter what kind of legal tasks one is responsible for at a company, English is the most necessary skill, and then, because now is the computer age, computer skills are also really important.”).

194. DEMANDS OF SOCIETY, *supra* note 8, at 10, *remarks of* Zhao Yu-Hua, Citibank (Hua Qi Yinhang) Legal Department.

195. Although law departments have increased their course offerings, according to at least one commentator, “traditional legal education is not able to produce the number of legislative drafters that the amount of the necessary specialized law provisions requires.” Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 4.

196. Ma Han-Pao, *The Past and Future* *supra* note 25, at 19 (explaining that rapid changes in society have created many new legal questions in Taiwan). One observer similarly noted, in contrast to the period under KMT rule, “In the 1990s, there is the possibility of having different proposals for a law.” Li Jing-Tan, *A Criticism of Legal Education*, *supra* note 64, at 23 (noting that now private legislative proposals often challenge government proposals).

197. Ma Han-Pao, *The Past and Future*, *supra* note 25, at 19. See also Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 4.

198. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 4.

199. Interview with Lin Tzu-Yi, *supra* note 5.

200. See Liu Xing-Yi, *You Gaishan Faxue Jiaoyu Tisheng Caipan Pinzhi* [*Raising the Quality of Court Decisions Through Improvements in Legal Education*], 27 ZHENGCE YUEKAN [POLICY MONTHLY] 20, 21-22 (October 1, 1997) [hereinafter Liu Xing-Yi, *Raising the Quality*] (noting that legal education is important to the quality of judicial decisions). Liu Xing-Yi was a law professor at Zhongxing University

an exam to become either a prosecutor or judge, and many graduates from NTU Law pass this examination each year.²⁰¹ The judicial system, however, has come under increasing scrutiny from the public in recent years.²⁰² Taiwanese citizens often chastise judges and prosecutors for lacking knowledge in fields outside the law and for failing to understand basic relationships between legal provisions and social processes.²⁰³ Judicial officials are thus asking NTU Law to produce people that not only possess good legal skills, but also will make good prosecutors and judges for the country.²⁰⁴ One judicial administrator, for example, asked NTU Law to focus on the personal qualities of its graduates: "Recently, I have been thinking about this problem, because while the students coming into the Judicial Training Institute are all very outstanding, after going through the eighteen months of judicial training and beginning to work in the judiciary, it is like putting a mud cow into water: everything disappears."²⁰⁵

when this article was written. See also Li Jing-Tan, *A Criticism of Legal Education*, *supra* note 64, at 19 (asking "Without legal education reforms, how can judicial reforms succeed?"). Li Jing-Tan was a law professor when this article was published.

201. Taiwan follows the civil law tradition of recruiting judicial officials through an examination process and training them in a school sponsored by a government body, the Department of Legal Affairs (Fawubu). Lin Hui-Huang, *Training for Judicial Officials in the New Century*, *supra* note 158, at 21. Many recent graduates pass the judicial examination and enter the Judicial Training Institute each year. *Id.* at 22. Some commentators attribute this phenomenon to the fact that students work the hardest to pass the examinations right after they graduate. See, e.g., *Conference to Consider and Critique*, *supra* note 8, at 15, *remarks of Xie Qi Da*, Member of Taiwan's National Legislature. NTU Law is believed to have the highest number of passing candidates on the judicial examination. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Hwang Jau-Yuan, *supra* note 5. This information also comes from the author's own experience at NTU Law. In a graduate seminar with approximately 12 students, two classmates passed the December 1999 judicial examination.

202. Li Jing-Tan, *A Criticism of Legal Education*, *supra* note 64, at 19. See also Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 1 (asserting that judicial officials are often denounced by Taiwanese citizens); Liu Xing-Yi, *Raising the Quality*, *supra* note 200, at 20-21 (noting that the judiciary in Taiwan has a poor reputation). According to Professor Li, prior to the end of martial law in 1987, Taiwan's legal processes and system reflected those of "Third World country." Li Jing-Tan, *A Criticism of Legal Education*, *supra* note 64, at 21.

203. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 4. See also Zheng Lian-Tai, *Talking Again about Legal Education in Taiwan*, 25 *TAIWAN LAW REVIEW* 33, 34 (May 15, 1997) [hereinafter Zheng Lian-Tai, *Talking Again*] (asserting that one benefit of a legal education program for individuals with prior undergraduate degrees is that this system produces judicial officials with varied backgrounds). Zheng Lian-Tai was a law professor at NTU when this article was written.

204. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 1 ("On the one hand, the judiciary does not seem capable of handling its internal problems. Officials are too young and lack life experience. On the other hand judicial officials do not seem to understand anything outside the law.").

205. DEMANDS OF SOCIETY, *supra* note 8, at 21, *remarks of Xie Zai-Quan*, Director of the Judicial Training Institute (Sifaguan Xunliansuo).

III. TAIPEI IS A SMALL CITY FOR LAW FACULTIES

Taiwan's community of legal scholars is often characterized as close-knit and hierarchical.²⁰⁶ Most of the country's twelve law programs, and all of its top five, are located in the capital city of Taipei.²⁰⁷ Professors often begin their careers at less prestigious universities and gradually work their way up to more prominent programs like NTU, and some scholars teach at more than one law school.²⁰⁸ Senior academics also hold great power over junior faculty members by deciding such matters as which professors are asked to supply questions for the judicial and lawyer examinations, whose academic articles are published, and which associate professors receive tenure.²⁰⁹

A. SOOCHOW UNIVERSITY ADOPTS A "SECOND MASTER'S PROGRAM"

In the late 1980s, a well-respected senior professor named Li Mo began encouraging his colleagues in Taiwan to consider a new approach to legal education.²¹⁰ Li Mo earned an LL.M. degree from Harvard University and reported that American diplomats in Taipei, who had studied law as a second degree, led him to advocate a new graduate law program modeled after the American system of legal education.²¹¹ Initially Li Mo took his idea to Fu Jen University, a private school with ties to the Catholic Church.²¹² The law faculty at Fu Jen, however, rejected his proposal because the school perceived a problem with offering a graduate law degree to students who had not studied law as undergraduates.²¹³ Next, Li Mo went to the Soochow University School of Law (*Dongwu Daxue Faxueyuan*), a private program

206. Interview with Herbert H.P. Ma, *supra* note 32; Interview with Ko Tse-Tung, *supra* note 167; Interview with Ho Jen-Ji, *supra* note 18.

207. Interview with Chu Huai-Yuan, *supra* note 112.

208. Interview with Shieh Ming-Yan, *supra* note 136.

209. Interview with Ko Tse-Tung, *supra* note 167; Interview with Ho Jen-Ji, *supra* note 18. Senior faculty members Dean Liaw Yih-Nan and Full Professor Chu Po-Song, for example, served as the editors of National Taiwan University's Law Journal in 1999. See GUOLI TAIWAN DAXUE FALU LUNCONG [NATIONAL TAIWAN UNIVERSITY LAW JOURNAL] v. 29 (Guoli Taiwan Daxue Falu Xuexi Chubun [National Taiwan University Department of Law Publishing] October 1999).

210. Zheng Jian-Yuan, *Li Mo: Zou Guo Gongzhi Shengya, Xian Shen Xin Zhi Faxue Jiaoyu* [Li Mo: A Career Devoted to a New Legal Education System], 3 YUEDAN FAXUE [TAIWAN LAW REVIEW] 120 (July 15, 1995) [hereinafter Zheng Jian-Yuan, *Li Mo*].

211. *Id.*

212. Telephone Interview with Hwang Tzong-Leh, Professor of Law at National Taiwan University, in Taipei, Taiwan (May 5, 2000). Professor Hwang Tzong-Leh was on the law faculty at Fu Jen when Li Mo approached the university with his plan.

213. *Id.*

which focused on Anglo-American and comparative law.²¹⁴ At Soochow's law department, which is located near NTU Law in downtown Taipei, Li Mo found a more receptive audience.²¹⁵

Like NTU Law in the late 1980s, Soochow had been feeling the pressure of the dramatic political and economic changes in Taiwan and saw the need for legal professionals that could apply their knowledge and experience in other fields to new areas of the law.²¹⁶ Law professors at Soochow also felt trapped by the "vicious cycle" of examinations.²¹⁷ Finally, the school wanted to find a way to re-unite theory with practice and foster more interaction between its students and professors.²¹⁸ According to Professor Cheng from Soochow's law program, the school was convinced that "[n]one of the university law programs—the undergraduate law degree (LL.B. Program), the masters law degree (LL.M. Program), the doctorate law degree (Ph.D. Program) or any extension programs—on the basis of concept, faculty resources or curriculum, could meet the demands of Taiwan then or in the next twenty years."²¹⁹ Soochow's faculty agreed to try Li Mo's unconventional plan by establishing a new graduate law

214. *Id.* For an excellent history of Soochow University's law program when it opened and began offering legal education in the town of Suzhou on Mainland China, see Alison W. Conner, *Training China's Early Modern Lawyers: Soochow University Law School*, 8 J. CHINESE L. 1 (Spring, 1994). Soochow University moved to Taiwan at the end of the civil war between the Nationalists and Communists. *Id.* at 9, 42-43.

215. DEMANDS OF SOCIETY, *supra* note 8, at 4, *remarks of* Lu Run-Kang, Chairman of Da An Bank in Taiwan. The law school at Soochow University focuses on Anglo-American law. *Id.* According to Professor Conner, Soochow University's law school has focused on Anglo-American law since American missionaries from the Methodist Episcopal Church South established it in 1900 in the city of Suzhou. See Conner, *supra* note 214, at 5. This may be one reason why Soochow University was more receptive to Li Mo's proposal.

216. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 6-7. See also Dong Bao-Cheng, *Xueshihou Faxue Jiaoyu zhi Xiankuang yu Jiantao* [Evaluating the Present Condition of Legal Education for University Graduates] 1, in MAIXIANG ERSHIYI SHIJI DE TAIWAN FAXUE YU FAXUE JIAOYU [MOVING INTO THE 21ST CENTURY: LAW AND LEGAL EDUCATION IN TAIWAN], TAIWAN FAXUEHUI BASHIBA NIANDU NIANHUIJI, XUESHU YANTAOHUI [SCHOLARSHIP SEMINAR SPONSORED BY THE TAIWAN LAW SOCIETY], December 4-5, 1999, Taipei, Taiwan [hereinafter Dong Bao-Cheng, *Present Condition*] ("The purpose of the American university legal education system in recruiting non-law department university graduates is to supply all different careers/work areas with the necessary legal professionals."). Dong Bao-Cheng was a law professor at National Chengchi University when this conference was held.

217. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 6. According to Professor Cheng, if the school did not figure out a way to escape the examination problem, it would be like, "changing the soup broth without changing the vegetables" ("huan tang bu huan cai"). *Id.* at 13-14.

218. *Id.* Professor Cheng referred to this process as "returning legal education in Taiwan to normal." *Id.*

219. *Id.* at 2.

program modeled after the American system of professional legal education.²²⁰

Like Fu Jen University, Soochow also debated what kind of degree it should award. Some professors believed that since the new program concentrated on basic legal studies and most classes were the same as the undergraduate curriculum, Soochow should confer an undergraduate law degree (LL.B.).²²¹ Many faculty also objected to offering a masters of law in just three years when traditional master's students spent four years to obtain an undergraduate law degree and an additional three years to acquire a master's degree.²²² Other professors, however, countered that since the new program was modeled after the American J.D. and students in the program would be completing a more intensive curriculum with a different focus than the traditional legal education system, Soochow should offer a graduate degree.²²³ Faculty in favor of offering a graduate degree further asserted that the new program's teaching methods and grading standards would be similar to the university's traditional master's program and students in the program would be required to complete a masters thesis.²²⁴ Eventually the faculty decided to offer a graduate level degree.²²⁵ Since statutory provisions in Taiwan prohibited the school from creating a special degree like the American J.D., Soochow decided to distinguish its new program by calling it the "Second Master's Program" (*Shuoyiban*).²²⁶

After deciding to move forward with the program in 1989, Soochow approached others in academia, private practice, and the government about its idea for reforming legal education.²²⁷ Most members of the legal community, however, opposed

220. *Id.* at 6-7. See also Zheng Jian-Yuan, *Li Mo*, *supra* note 210; Dong Bao-Cheng, *Present Condition*, *supra* note 216, at 1. It is interesting to note, according to Professor Alison Conner's research, this was not the first time that Soochow University's law school decided to require its students to possess a certain level of undergraduate education. Conner, *supra* source appendix, at 14. In the early 1920s, Soochow required its students to possess at least two years of university education. *Id.*

221. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 14.

222. *Id.*

223. *Id.* In some respects, Soochow University did not seem to care if traditional masters students felt that the Second Master's Program was unfair, remarking that the three year Second Master's Program is more "attractive" to prospective university graduates than the other ways of studying law after graduating from university. *Id.* at 9.

224. *Id.* at 14.

225. *Id.*

226. *Conference to Consider and Critique*, *supra* note 8, at 8, *remarks of Li Mo*. See also Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 14.

227. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 6-7.

Soochow's plan.²²⁸ In response to Soochow's application to offer the new program, the Ministry of Education (*Jiaowu Bu*), for example, only granted Soochow permission to proceed, "so long as it did not affect the traditional undergraduate legal education system."²²⁹

Despite this resistance, in 1990 Soochow began admitting a class of approximately twenty-five university graduates from other disciplines.²³⁰ Soochow professors proudly remark that the students have come from impressive backgrounds, including medicine, accounting, engineering, pharmacy, technology, teaching (including university professors), architecture, government, finance, business, and the media.²³¹ Soochow professors also give favorable reports about their classroom experience. One professor attributed the program's success to the fact that most participants, in contrast to the undergraduate students, research the program's goal, curriculum, faculty resources, educational concept, graduation requirements, and career opportunities.²³² Another professor gave credit to the new structure, "The strength of the American system is that it enables students to grasp legal concepts and gain a deeper understanding of the legal curriculum; the students are also more determined and mature, their personalities are more stable and they are better able to understand abstract concepts and use independent analytical skills."²³³

Although Soochow's Second Master's Program initially faced much opposition, in the late 1990s the school's new graduate degree gained credibility with law professors, private practitioners, and government officials in Taiwan.²³⁴ In addition to the judiciary and private practice, Soochow's graduates entered careers in the National Legislature, Department of Internal Affairs,

228. *Id.* Interestingly, Professor Lin Tzu-Yi said that he raised the idea of offering a similar program at NTU in 1987, but was turned down by the faculty. Interview with Lin Tzu-Yi, *supra* note 5.

229. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 6-7.

230. *Id.* at 7.

231. *Id.* at 2. Professor Cheng also proudly notes that students in the program frequently hold local or foreign masters and doctorate degrees. *Id.*

232. *Id.* at 8. See also *Conference to Consider and Critique*, *supra* note 8, at 8, *remarks of Li Mo* ("The quality of students in the Second Master's Program is high.").

233. Dong Bao-Cheng, *Present Condition*, *supra* note 216, at 1. See also Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 8 (noting that students in Soochow's Second Masters are superior to the average high school student and more determined to study law).

234. See Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 6-7. See also Dong Bao-Cheng, *Present Condition*, *supra* note 216, at 3.

Department of Foreign Affairs, and Department of Health.²³⁵ The success of the program and its new brand of students, put pressure on other law departments in Taiwan. According to one Soochow law professor, the new program was seen as "raising the standard of legal education in Taiwan."²³⁶

B. NATIONAL CHENGCHI UNIVERSITY FOLLOWS SUIT

One of Soochow's earliest and strongest supporters in the mid-1990s was the law faculty at National Chengchi University, a public institution located in the southeastern section of Taipei. National Chengchi's law department is considered to be NTU Law's strongest competitor.²³⁷ The school consistently admits the second highest level of incoming high school students and is believed to produce the next highest number of passing candidates on the judicial and lawyer examinations.²³⁸

The law faculty at National Chengchi University was impressed by Soochow's Second Master's Program. One professor stated that Soochow's experiment had received society's overwhelming approval.²³⁹ Professors at National Chengchi also agreed with Soochow's assessment of legal education in Taiwan: "As we step into the new century, society is becoming more specialized, multi-dimensional, information-oriented, international and faster; recent political, economic and cultural changes must be reflected in the country's legal education system."²⁴⁰ Based on these considerations, the faculty at National Chengchi decided also to offer a Second Master's Program.

As a public institution, however, National Chengchi faced a more difficult approval process and greater budget and faculty constraints than Soochow University.²⁴¹ For National Chengchi, the first step in this process involved gaining the Ministry of Education's permission to reorganize its Law Department as an independent School of Law.²⁴² National Chengchi wanted to make

235. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 9; Dong Bao-Cheng, *Present Condition*, *supra* note 216, at 3 (remarking that one measure of Soochow's success was the number of students who had become judges and lawyers, but concluding that this kind of "foreign measure" had twisted the original purpose of establishing the Second Master's Program). Since Soochow began the Second Master's Program, it has graduated over 240 masters students. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 2.

236. Cheng Yong-Yu, *The New Adventure*, *supra* note 73, at 9.

237. Interview with Wang Wen-Yu, *supra* note 129; Interview with Chu Huai-Yuan, *supra* note 112.

238. Interview with Chu Huai-Yuan, *supra* note 112.

239. Dong Bao-Cheng, *Present Condition*, *supra* note 216, at 3.

240. *Id.* at 1 (quote paraphrased by author).

241. *Id.* at 3.

242. *Id.* at 2.

the Second Master's Program a separate graduate school, but traditional undergraduate departments were not allowed to offer independent graduate programs.²⁴³

The second step in this process consisted of applying to the Ministry of Education for permission to offer the program. Initially National Chengchi asked the Ministry to increase its budget based on the statutory allocation for establishing a new university department.²⁴⁴ The Ministry, however, refused to provide any additional funding for the program.²⁴⁵ After revising its application several times, National Chengchi finally gained the Ministry's permission in 1997 to offer a Second Master's Program for fifteen students.²⁴⁶

Even though the new program placed a heavy burden on the law school's resources and faculty, National Chengchi went ahead with its Second Master's Program in the fall of 1997.²⁴⁷ National Chengchi tried to hire new full and part-time professors, but the Ministry of Education, which also controlled the school's hiring practices, again denied the school's request.²⁴⁸ The first class of National Chengchi University's Second Master's Program graduated in May 2000.

Although professors at NTU Law recognized that National Chengchi had experienced difficulty opening its new program and believed that it was still too early to assess the program, many faculty members felt pressure from National Chengchi's move to offer a special curriculum for university graduates from other disciplines.²⁴⁹ Unlike Soochow, National Chengchi was a public university and focused on the civil law tradition.²⁵⁰ Moreover, even if NTU Law did not compete with National Chengchi

243. *Id.*

244. *Id.*

245. *Id.*

246. *Id.*

247. *Id.* at 3.

248. *Id.*

249. Interview with Chiu Lian-Going, *supra* note 158; Interview with Liaw Yih-Nan, *supra* note 98; Interview with Lin Tzu-Yi, *supra* note 5; Interview with Shieh Ming-Yan, *supra* note 136; Interview with Wang Wen-Yu, *supra* note 129. Although Soochow and National Chengchi were the first and most prominent universities to offer Second Master's Programs, two other schools in Taiwan began offering similar programs during the 1990s. Shixin University started a Second Master's Program that focuses on intellectual property law and primarily recruits individuals with undergraduate degrees in the natural sciences, engineering, and agriculture. Li Fu-Tian, *Discussing the Content of Basic Legal Education*, *supra* note 179, at 1. The National Defense Management Institute (Guofang Guanli Xueyuan), in 1993, also established a law program to train university graduates for military leadership positions and legal positions in the military's procurement department. Dong Bao-Cheng, *Present Condition*, *supra* note 216, at 1-2.

250. Interview with Hwang Tzong-Leh, *supra* note 212; Interview with Chiu Lian-Going, *supra* note 158; Interview with Wang Wen-Yu, *supra* note 129.

for the best high school students in the country, its law graduates faced students from National Chengchi, and Soochow for that matter, in the marketplace for legal professionals in Taiwan.²⁵¹ According to one faculty member, there was a sense that NTU Law might be losing ground to its closest rival.²⁵²

IV. NTU LAW OPENS A SECOND GATE

On the second floor of the Japanese colonial building that houses administration offices at NTU Law are two large conference rooms. The rooms are decorated in a more stately fashion than the classrooms, boasting large crystal chandeliers that hang from the ceilings and long gold drapes that cover windows overlooking the courtyard. In the center of the rooms are long wooden tables that seat about thirty people. In the mid-1990s, the approximately forty full-time, associate and assistant professors at NTU Law began meeting in these rooms to discuss changes to the school's law program.

A. THE FACULTY CONVENES

Most professors at NTU Law agreed that the school needed to make some changes to its program.²⁵³ Professor Lin Tzu-Yi, for example, asserted: "At present, adjustments to university legal education, the education at the Judicial Training Institute and pre-employment training for lawyers can only solve the problem of meeting the demands for practical skills."²⁵⁴ Similarly, Professor Shieh Ming-Yan noted, "The fact that society is developing in many different directions and is becoming much more compli-

251. Interview with Liaw Yih-Nan, *supra* note 98; Interview with Lin Tzu-Yi, *supra* note 5; Interview with Wang Wen-Yu, *supra* note 129. See also Lin Jing-Yang, "If we don't do it, others will!", *supra* note 79, at 1, quoting Lin Tzu-Yi, Director of the Law Department at NTU ("If we want to produce competitive legal professionals with a range of experience and abilities (*kejizhenghe*), we must adopt the concept of the Second Master's Program. Soochow University and National Chengchi University are already offering it.").

252. This information comes from an off-the-record comment during one of the interviews with faculty members at NTU Law.

253. The professors were motivated by the same considerations as Soochow and National Chengchi, the demand for more legal specialization and the vicious examination cycle, and by pressure from these two other programs. Interview with Liaw Yih-Nan, *supra* note 98; Interview with Lin Tzu-Yi, *supra* note 5. See also NTU APPLICATION, *supra* note 3, at 2.

254. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 6. See also Lin Jing-Yang, "If we don't do it, others will!", *supra* note 79, at 1, quoting Lin Tzu-Yi, Director of the Law Department at NTU (noting that "Legal professionals in Taiwan, besides working in civil, criminal and constitutional legal areas, seldom play important roles in society. This is because lawyers are not familiar with other areas, such as science, engineering, agriculture, medicine, politics, management, and commerce. And specialists in these other fields do not have a good understanding of the basic legal system or legislative process.").

cated has resulted in many new problems that involve many different fields of study; it is not possible for only one academic field to handle these various issues.”²⁵⁵ Despite this general agreement, the faculty splintered into two “clearly visible” groups as to what direction and degree those changes should take.²⁵⁶ On one side of the room were the nineteen professors who had studied in Germany and the ten faculty members who had obtained graduate degrees from Japanese universities.²⁵⁷ On the other side of the room were the eleven professors who had studied at American law schools.²⁵⁸

The professors trained in Germany and Japan asserted that there was nothing fundamentally wrong with Taiwan’s current system, and thus talked only in terms of “modifying” (*biandong*) the law program.²⁵⁹ A minority of this group wanted simply to rework the traditional undergraduate program by increasing the number of years of study in order to cope with problems caused by the examinations and new demands on legal professionals in Taiwan.²⁶⁰ Most of these professors, however, agreed that the

255. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 1.

256. This information comes from interviews with over 10 faculty members at NTU Law. Although many professors noted that some faculty members were either unaligned or favored the other side, most described the division as “clearly visible” (*man mingxiande*). Professor Yen Chueh-An, who was described by some of his colleagues as relatively neutral faculty member, attributed these differences simply to the different backgrounds of respective professors. Interview with Yen Chueh-An, Associate Professor of Law at National Taiwan University, in Taipei, Taiwan (May 28, 2000). He said that most professors’ views of legal education were based on their personal experience, rather than a critical analysis of the matter. He said that there was a strong tendency among professors to point out problems with the other side and defend their own program’s strengths. *Id.*

257. This information comes from interviews with various faculty members at NTU Law.

258. *Id.* It is important to note that the approximately ten professors who had obtained their law degrees from Taiwan did not seem to be heavily involved in the debate over changes at the law school. One long-time professor, Herbert H.P. Ma, however, did become heavily involved and strongly endorsed the plan supported by professors who had returned from the United States. Interview with Herbert H.P. Ma, *supra* note 32. See also Ma Han-Pao, *The Past and Future*, *supra* note 25, at 21 (“I personally support these changes, mainly because I believe that they will do more to facilitate improvements in legal education . . .”).

259. Interview with Lin Wen-Shyong, *supra* note 35.

260. Interview with Chiu Lian-Going, *supra* note 158; *Conference to Consider and Critique*, *supra* note 8, at 16, *remarks of* Hwang Tzong-Leh, Professor of Law at National Taiwan University (suggesting a two-year optional period of study for students in undergraduate law programs). Professor Chiu said that four years of legal education was insufficient to meet the demands on legal professionals in the 21st Century. He originally advocated increasing the number of years of undergraduate legal education from four years to six years. *Id.* See also *Conference to Consider and Critique*, *supra* note 8, at 21-22, *attaching* Chiu Lian-Going, *Background Information on Taiwan University Efforts to Reform Legal Education and the Training of Legal Professionals*. It is important to note that at least one professor who had returned from the United States supported an optional period of study for under-

school should consider some sort of new program for university graduates from other disciplines.

The American-trained professors, on the other hand, called for the “reform” (*gaige*) of NTU’s law program.²⁶¹ These faculty members generally endorsed the U.S. model of legal education and argued that Taiwan should move toward this model to meet the demands of its new political system and economic environment.²⁶² In support of this effort, they underscored the need for change by pointing out the competitive threat from National Chengchi and Soochow universities.²⁶³ They also noted that law schools in other civil law countries were considering moves toward a graduate system of legal education, referring to the phenomenon as an “international trend.”²⁶⁴ Finally, this group of professors asserted that the U.S. system of professional legal education would make the law school’s graduates more competitive in the international legal services market, and would prepare them for an expected increase in competition from foreign lawyers after Taiwan’s entry into the WTO.²⁶⁵ Some members of the U.S. group even suggested that NTU Law should replace its undergraduate program with a purely graduate system.²⁶⁶

In response, the German and Japanese side declared that decreasing the number of undergraduate students was out of the question.²⁶⁷ They referred to this suggestion as the idea of “the

graduate law students. See Ho De-Fen, *Personal Education*, *supra* note 158, at 36-37 (Professor Ho advocated giving students who wanted to take the judicial and lawyer examinations an additional three years to take relatively specialized courses).

261. Zhu De-Ming & Jiao Yuan-Bo, *Faxue Jiaoyu de Gaige . . . Shifou you Biyao Fei Daxuebu* [*Legal Education Reform . . . Is it Necessary to Eliminate the Undergraduate Program*], TAIDA FAYAN [NATIONAL TAIWAN UNIVERSITY LAW COLLEGE NEWS], v. 202, November 26, 1998, p. 1 [hereinafter Zhu & Jiao, *Is it Necessary?*].

262. Interview with Lin Tzu-Yi, *supra* note 5.

263. See, e.g., Lin Jing-Yang, “*If we don’t do it, others will!*”, *supra* note 79, at 1, quoting Lin Tzu-Yi, Director of the Law Department at NTU (“If we want to produce competitive legal professionals with a range of experience and ability (*keji zhenghe*), we must adopt the concept of the Second Master’s Program. Soochow University and National Chengchi University are already offering it.”).

264. Interview with Lin Tzu-Yi, *supra* note 5.

265. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Hwang Jau-Yuan, *supra* note 5. See also Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 6 (pointing to Taiwan’s anticipated entry into the WTO and noting that basic legal education must address the issue of greater international competition in Taiwan’s legal services market and other effects of globalization).

266. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 15-16. In the late 1990s when Lin Tzu-Yi served as Director of the Law Department, many university materials referred to a plan to gradually decrease the number of undergraduate students. The law department’s application to become a separate School of Law, for example, specifically mentions this possibility. NTU APPLICATION, *supra* note 3, at 12.

267. Interview with Lin Wen-Shyong, *supra* note 35; Interview with Shieh Ming-Yan, *supra* note 136. See also Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 6 (“Opening a second degree legal studies program does not mean the

minority that returned from America”, and quickly pointed out that the United States was the only country in the world to adopt a purely graduate system of legal education.²⁶⁸ Despite acknowledging the success of National Chengchi and Soochow graduates in passing the judicial and lawyer examinations, these faculty members expressed skepticism about the quality of education at these schools’ Second Master’s Programs.²⁶⁹ When asked about changes at law schools in other civil law countries, such as Germany and Japan, the faculty members who had returned from these countries reported that they were not familiar with any changes at their alma maters and that even if there were such changes, foreign initiatives were not very relevant to Taiwan or NTU Law, which needed to consider its own circumstances and find its own solution.²⁷⁰

Outside the conference rooms, the U.S.-trained professors quietly suggested that the faculty members who had returned from Germany and Japan were defending the status quo primarily to protect their courses in civil and criminal substantive and procedural law. The U.S.-educated professors noted that their

end of the traditional undergraduate law program.”). According to Professor Shieh Ming-Yan the school experiences much pressure from the university administration to maintain the number of undergraduate students because the NTU law department ranks first on the national university entrance examination. Interview with Shieh Ming-Yan, *supra* note 136; Interview with Hwang Jau-Yuan, *supra* note 5. According to Professor Hwang Jau-Yuan, the university basically said “no” to any plans to decrease the number of undergraduate students. *Id.* Some faculty members also worried about a negative reaction from the public. Interview with Shieh Ming-Yan, *supra* note 136; Interview with Hwang Jau-Yuan, *supra* note 5. According to at least one professor, many people in society want their children to study law at the university. Interview with Shieh Ming-Yan, *supra* note 136.

268. The information in the first part of this sentence comes from an off-the-record statement by a professor at NTU Law. For the second part of the sentence, see Interview with Lin Wen-Shyong, *supra* note 35; Interview with Liaw Yih-Nan, *supra* note 98; Interview with Shieh Ming-Yan, *supra* note 5. See also Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 3 (Professor Shieh further asserted that the new masters degrees offered by Soochow and Zhenzhi did not conform to international standards).

269. For support of the Soochow and National Chengchi programs, see Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 6 (“The large number of their graduates passing the examinations and different fields all competing for their graduates is proof of their success.”). See also Interview with Hwang Tzong-Leh, *supra* note 212; Interview with Lin Wen-Shyong, *supra* note 35; Interview with Liaw Yih-Nan, *supra* note 98; Interview with Shieh Ming-Yan, *supra* note 136. In interviews, many of these professors, however, questioned how Soochow and National Chengchi could maintain the quality of their new students’ graduate papers and whether the students were spending more time at cram schools or in law classrooms. See Interview with Hwang Tzong-Leh, *supra* note 212 (reporting that he had heard conflicting results from professors associated with both schools). See also Interview with Liaw Yih-Nan, *supra* note 98; Interview with Shieh Ming-Yan, *supra* note 136.

270. Interview with Lin Wen-Shyong, *supra* note 35; Interview with Shieh Ming-Yan, *supra* note 5.

civil law colleagues were largely responsible both for the heavy focus on these subjects in the lawyer's examination and also for the traditionally low passing rate on the annual test, which together compelled students to devote a majority of their time to these classes.²⁷¹ They characterized the debate with the German and Japanese side as a "clash" (*gongji*) over the school's direction.²⁷²

Professors from the German and Japanese group countered that the American bloc's efforts to dredge up problems with NTU Law's current system, in light of "progressive" foreign law programs, was a furtive attempt to take a larger role in Taiwanese legal education.²⁷³ They suggested that this desire was generating the American side's rosy perception of the Soochow and National Chengchi Second Master's Programs.²⁷⁴

B. THE FACULTY DEBATES THE NEW PROGRAM

When the faculty sat down to discuss the school's future, professors on both sides of the table agreed to consider all of the options.²⁷⁵ After ruling out the possibility of encouraging undergraduate students to double major in law and another subject, or of transforming the Night School into an undergraduate division exclusively for university graduates, the faculty decided to move forward with creating a new program for students with undergraduate degrees from other disciplines.²⁷⁶ According to profes-

271. Not surprisingly, many professors favored liberalizing the low passing rate on the lawyer examination. See, e.g., Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 15-16.

272. This information comes from an off-the-record statement by a professor at NTU Law.

273. This information comes from interviews with various professors who had returned from Germany and Japan to teach at NTU Law.

274. *Id.*

275. The faculty believed that there were three main options for responding to the increased demands on Taiwan's legal profession. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 1.

276. The first option was to encourage students to double major in law and another subject or enroll in more classes outside the law school. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Shieh Ming-Yan, *supra* note 136. See also Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 13. Constraints on faculty resources at the university, however, limited this alternative. As Professor Lin Tzu-Yi explained, "the other university departments could not handle all of our students." Lin Jing-Yang, "If we don't do it, others will!", *supra* note 79, at 1, quoting Lin Tzu-Yi, Director of the Law Department at NTU. See also Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 13. Moreover, as Professor Lin noted, "even if the law department encouraged its students to double major, most students would only be able to double major in law and another social science area because law students usually have not studied natural science subjects at high school." Interview with Lin Tzu-Yi, *supra* note 5. See also *supra* notes 143-44 and accompanying text. The faculty also concluded that encouraging students to take more classes outside the law department was impractical, "There is no time for students to take outside

sors from both sides, a separate program for these more advanced students seemed like the natural solution.²⁷⁷

The two sides, however, continued to debate how large the new program should be and what role it would play vis-à-vis the traditional undergraduate division. Like Soochow and National Chengchi, NTU had originally hoped that the new division would escape the problem of the examinations.²⁷⁸ Given the low passing rates, however, some German and Japanese-trained professors doubted whether the new program would attract many good candidates.²⁷⁹ These faculty members also expressed concern that students in the new program would focus on test preparation rather than attend their law school classes.²⁸⁰ In support of this argument, some professors related stories of students in the Second Master's Programs at Soochow and National Chengchi

courses . . . in addition, the students face the pressure of the examinations." Zhu & Jiao, *Is it Necessary?*, *supra* note 262, at 1, quoting Lin Tzu-Yi, Director of the Law Department at NTU. A second option that NTU Law considered was to offer an undergraduate law section for university graduates from other departments. Lin Tzu-Yi, *Basic Legal Education*, *supra* note, at 13. According to Professor Lin, "[t]his kind of system came from recent developments in the night department." *Id.* Although the night department originally was for high school graduates, NTU Law had recently given priority to university graduates. *See supra* notes 52-53 and accompanying text. The problem with this option, according to Professor Shieh, was that the Extension Program's curriculum was not specifically designed for students with previous university degrees and simply consolidating the programs looked bad to many outsiders. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 4. Moreover, as Dean Liaw noted, the Extension Program only offered an undergraduate degree and many students with prior university diplomas were only interested in graduate programs. Interview with Liaw Yih-Nan, *supra* note 98. The Dean noted that many people in Taiwanese society place importance on higher degrees. *Id.* *See also* Interview with Lin Tzu-Yi, *supra* note 5.

277. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Shieh Ming-Yan, *supra* note 136.

278. According to Professor Shieh Ming-Yan, "although some students in the program for university graduates will likely want to return to their original fields after completing the program, a large number of students will enter the program for the purpose of taking and passing the examinations and becoming lawyers or judicial officials. . . . But it is worth mentioning, the legal studies program for students with undergraduate degrees should avoid being led by the examinations and only emphasizing the examinations. Otherwise the program will become a review course and twist the original goal of the program." Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 5. Professor Shieh also remarked that he did not personally oppose this phenomenon: "In the end, if they can pass the test and become judges, prosecutors or lawyers, with their knowledge of the law and another field, they not only will enrich the ranks of judges, prosecutors and lawyers, they can promote developments in their original fields and help raise the quality of court decisions." *Id.*

279. Interview with Hwang Tzong-Leh, *supra* note 212; Interview with Chiu Lian-Going, *supra* note 158; Interview with Shieh Ming-Yan, *supra* note 136; Interview with Yen Chueh-An, *supra* note 256.

280. *Id.*

spending their days at cram schools rather than in law school classrooms.

Many professors who advocated the U.S. model countered that Taiwan should solve this problem either by liberalizing the passing rate on the lawyer examination or adopting a different testing standard for students in the Second Master's Programs.²⁸¹ Liberalizing the passing rate, however, had been difficult in the past and given the continued resistance from civil law professors and the Law Society in Taiwan, most professors believed that it would remain difficult in the foreseeable future.²⁸² The American side thus conceded that the judicial and lawyer examinations could present a problem for the new graduate program. Professor Hwang Jau-Yuan, for example, commented that the new program would likely be a "risky investment" for prospective students because there was no guarantee of passing the examinations, and if they did not pass the examinations they ended up with "virtually nothing."²⁸³

A second point of discussion was the concern that a predominantly graduate level system would undermine traditional legal scholarship in Taiwan.²⁸⁴ Many German and Japanese-trained professors regarded the undergraduate division as an important source of future faculty members.²⁸⁵ If law was turned into a graduate program, this group asserted, students would have fewer opportunities to study abroad, especially in countries like Germany, Japan, and France, because other departments at the university did not emphasize these languages in their curriculum.²⁸⁶ They also claimed that it would be much

281. Interview with Lin Tzu-Yi, *supra* note 5. See also Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 15-16; Zheng Lian-Tai, *supra* note 203, at 35. At least some professors from other law schools in Taiwan supported this idea. See, e.g., DEMANDS OF SOCIETY, *supra* note 8, at 65-66, remarks of Han Wei-Da, Professor of Law at Soochow University School of Law (Professor Han advocated increasing "the number of lawyers, even if it means asking lawyers to teach in high schools, work in business, let every graduate have the certainty that they can pass the lawyer examination, allow them to have ample confidence so that when they are in school they can think about improving themselves for the career they pursue when they graduate.").

282. Interview with Herbert H.P. Ma, *supra* note 32. See also *supra* notes 163-64 and accompanying text.

283. Interview with Hwang Jau-Yuan, *supra* note 5. Professor Hwang Jau-Yuan pointed out that in this respect law students in Taiwan differ from students in the United States who had more confidence in passing the bar examination and finding good work to pay off loans. *Id.*

284. Zhu & Jiao, *Is it Necessary*, *supra* note 262, at 1.

285. Interview with Shieh Ming-Yan, *supra* note 136; Interview with Chiu Lian-Going, *supra* note 158.

286. Interview with Shieh Ming-Yan, *supra* note 136. See also Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 6. Professor Lin Wen-Shyong also noted that graduate students already face difficulty asking Japanese universities to

harder for older students, who often had work or family obligations, to travel abroad for five years to obtain an S.J.D. or Ph.D. in law.²⁸⁷ In addition to these concerns, some civil law professors asserted that the new students would likely be busier than traditional graduate students with coursework and preparing for the examinations and thus less likely to research legal theory.²⁸⁸ Some professors also believed that given their diverse backgrounds, students in the new program would likely be more focused on practicing law than researching theory.²⁸⁹

The American side, however, argued that the emphasis of Taiwan's present legal education system on theory and traditional law subjects undermined important new areas of legal scholarship. Professor Lin Tzu-Yi suggested that academic literature is richer in the United States, where law students come from different backgrounds and research combinations of the law with other fields.²⁹⁰ Despite this contention, U.S.-trained faculty were forced to conclude that the examinations could also interfere with graduate-level research in the new program and that a purely graduate system of legal education would likely hinder study-abroad opportunities for Taiwanese law students, especially to non-English speaking countries.²⁹¹ Professor Hwang Jau-Yuan pointed out that Taiwan, unlike the United States, expects aspiring academics to obtain advanced law degrees abroad.²⁹²

A third major issue, and an important factor in determining the scope of the new program, was the potential burden of additional master's students on faculty members. All master's students are required by law as well as NTU Law tradition to complete a thesis.²⁹³ Many NTU Law professors were proud of

honor their Taiwanese master's credentials. Interview with Lin Wen-Shyong, *supra* note 35. NTU Law offers German, Japanese, and French with an emphasis on legal vocabulary in its regular curriculum and these courses are often taught by native speakers from these countries. See NTU LAW CLASS SCHEDULE, *supra* note 129.

287. Interview with Shieh Ming-Yan, *supra* note 136. See also Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 6.

288. Interview with Shieh Ming-Yan, *supra* note 136; Interview with Yen Chueh-An, *supra* note 256.

289. *Id.*

290. Interview with Lin Tzu-Yi, *supra* note 5.

291. *Id.*

292. Interview with Hwang Jau-Yuan, *supra* note 5.

293. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Hwang Jau-Yuan, *supra* note 5. The law in Taiwan requires all master's candidates to write and defend a formal thesis. See *supra* note 134 and accompanying text. NTU Law primarily relies on full-time faculty members and, like National Chengchi University, cannot freely hire additional faculty or adjunct professors to teach in the new program. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Shieh Ming-Yan, *supra* note 136; Interview with Hwang Jau-Yuan, *supra* note 5.

the master's thesis process, and were unwilling to advocate eliminating or easing its requirement.²⁹⁴ Some U.S.-trained professors questioned the necessity and usefulness of such a requirement on all master's students. However, observing that professors already devoted a substantial amount of time to reviewing graduate student papers, and recognizing that the requirement would not change in the near future, the American group conceded that an influx of new graduate students would create workload problems for the faculty.²⁹⁵

Professors on both sides shared the fourth and final concern that offering only a graduate level law program would make legal studies unavailable to many students, especially those from poorer financial backgrounds.²⁹⁶ Many professors noted that older students generally are self-supporting, and that young people in Taiwan feel much pressure to be financially independent and get married or start a family.²⁹⁷ Professor Hwang Jau-Yuan again pointed out that in contrast to the United States, Taiwan does not have a financial aid system to help students who want to attend graduate school.²⁹⁸

C. NTU LAW'S DECISION

In the spring of 2000, after debating the issue for over four years, the faculty at NTU Law voted to create a new division for university graduates from other departments.²⁹⁹ Departing from the terminology used by Soochow and National Chengchi, NTU Law plans to call its new program the Institute of Law for Non-

294. Interview with Liaw Yih-Nan, *supra* note 98; Interview with Lin Tzu-Yi, *supra* note 5; Interview with Hwang Jau-Yuan, *supra* note 5. Each professor mentioned that a master's thesis at NTU typically ranges between 100-200 pages in length and that there was great competition among students to produce top quality papers.

295. Professor Lin Tzu-Yi noted that whether NTU Law should have such high standards for its master's thesis was another question. Interview with Lin Tzu-Yi, *supra* note 5.

296. Chiu Lien-Kong, *Lushi Yangcheng Jiaoyu zhi Ketu yu Zhanwang* [*The Curriculum and Direction of Training for Lawyers*], 156 LUSHI TONGXUN [LAWYER'S JOURNAL] 10, 12 (Sept. 5, 1992) [hereinafter Chiu Lien-Kong, *Direction of Training for Lawyers*]. Remaining portions of this article were printed in the following editions of LUSHI TONGXUN [LAWYER'S JOURNAL] (1) v. 157, October 5, 1992, pp. 26-35; (2) v. 159, December 5, 1992, pp. 27-32; (3) v. 160, January 5, 1993, pp. 10-15; (4) v. 161, February 5, 1993, pp. 31-42. Chiu Lien-Kong is a law professor at National Taiwan University.

297. Zhu & Jiao, *Is it Necessary*, *supra* note 262, at 1; Interview with Hwang Jau-Yuan, *supra* note 5.

298. Interview with Hwang Jau-Yuan, *supra* note 5. Interestingly, at least one professor suggested implementing a financial aid program to enable students to continue studying law for more than four years. Chiu Lian-Going, *Direction of Training for Lawyers*, *supra* note 296, at 12.

299. Interview with Liaw Yih-Nan, *supra* note 98.

Law Graduates (*Xueshihou Falu Yanjiusuo*).³⁰⁰ The school will begin admitting approximately thirty students in the fall of 2001.³⁰¹ To cope with problems uncovered by Soochow and National Chengchi and issues raised during the faculty meetings, NTU Law also chose a different structure for its new division.³⁰²

Although the new institute will lead to a master's degree in law (LL.M.), it will consist of two distinct stages.³⁰³ In the first stage, students will study basic legal subjects for two to three years and earn an undergraduate law degree (LL.B.).³⁰⁴ In contrast to the traditional undergraduate program, which requires 148 credits to graduate, students in the new program will only need eighty credits to pass the first stage.³⁰⁵ After earning the undergraduate degree, the students may take the judicial and lawyer examinations.³⁰⁶ According to Professor Shieh, this provides students in the program with a guarantee: "At the schools presently offering legal education programs for students with previous university degrees, many students after completing the required coursework, for different reasons, are unable to com-

300. *Id.*

301. *Id.*

302. *Id.* Interview with Lin Tzu-Yi, *supra* note 5, Interview with Shieh Ming-Yan, *supra* note 136; Interview with Hwang Jau-Yuan, *supra* note 5. NTU Law tried to make the program as flexible as possible. The school limited the number of required courses so that students could pursue their individual interests. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 5. See also Lin Jing-Yang, "If we don't do it, others will!", *supra* note 79, at 2, quoting Lin Tzu-Yi, Director of the Law Department at NTU ("On the one hand, we want students to have a solid foundation in the required areas of study; on the other hand, we want students to be able to pursue their own scholarly interests."). NTU Law also plans to give students in the new graduate institute a maximum of six years to complete the program. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 4. NTU will not require students to cease work and devote all of their time to studying law. According to Professor Hwang Jau-Yuan, it was difficult for NTU, without alienating many candidates, to require students to quit their jobs. Professor Hwang Jau-Yuan pointed out that Taiwan, in contrast to the United States, does not have a financial aid system to support needy students while they study law. Interview with Hwang Jau-Yuan, *supra* note 5. Finally, in contrast to both Soochow and National Chengchi, NTU Law will not require applicants to possess work experience. Interview with Liaw Yih-Nan, *supra* note 98. Dean Liaw explained this decision by saying that many Taiwanese parents want their children to continue studying in a master's program right after college and that male students must serve in the army for two years so a work requirement would be unfair. *Id.*

303. Interview with Liaw Yih-Nan, *supra* note 98. See also Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 3.

304. *Id.*

305. Interview with Liaw Yih-Nan, *supra* note 98. The curriculum during the first stage will be similar to the traditional undergraduate program at NTU Law. The law faculty plans to require students to complete 70 credit hours of required subjects and 10 credit hours of elective subjects in this stage. *Id.* If students in the new program take an average of 20 credit hours per semester, they may finish the first stage in two years.

306. *Id.*

plete the master's thesis. When the period for completing the program ends, these students find themselves unable to graduate and without any degree whatsoever. If we adopt the two-stage approach, when this kind of problem arises, students will at least be able to obtain an undergraduate law degree."³⁰⁷

In the second stage, the students will focus on a particular area of law, such as intellectual property or biotechnology, for an additional one to two-year period.³⁰⁸ After completing a traditional master's thesis, these students will then receive a master's of law degree (LL.M.).³⁰⁹ Like NTU Law's traditional master's program, the new graduate division will require twenty four credit hours of elective coursework and submission of a master's thesis for six credit hours.³¹⁰ The standards for the master's thesis will also be the same as NTU Law's traditional system.³¹¹

One civil law professor noted that, in addition to providing students with the opportunity to take the judicial and lawyer examinations without writing and defending a master's thesis, NTU Law's program offers three advantages.³¹² First, the school's plan conforms to the educational system in Taiwan. It avoids the problem of directly awarding a graduate diploma in law to students who do not possess an undergraduate law degree.³¹³ Second, the system avoids upsetting traditional graduate students at the law school who normally spend seven or more years obtaining a master's degree.³¹⁴ Finally, the program will not upset other university departments and raise potential barriers to approval because the law school has more graduate schools than undergraduate departments.³¹⁵

Although NTU Law faculty members believe this plan offers certain advantages, the professors generally recognize that there will be at least one major problem with its execution. Because of

307. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 3. *See also* note 294-96 and accompanying text.

308. Interview with Liaw Yih-Nan, *supra* note 98. *See also* Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 3.

309. *Id.*

310. *Id.*

311. *Id.*

312. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 3.

313. *Id.* (remarking that directly awarding a master's degree in law goes against international standards).

314. *Id.* In discussing the Second Master's Program at Soochow, National Chengchi, and the Military Management Institute, Professor Shieh noted that directly awarding a graduate degree in law is rare in other countries and unfair to traditional master's students who must study for six to seven years to obtain their diploma. *Id.* In his article, Professor Shieh suggested that the American J.D. program should be considered equal to other countries undergraduate law degrees and not necessarily a master's degree. *Id.* at 2.

315. *Id.* at 4.

faculty and budget constraints, NTU plans to place students in the new master's program in classes with undergraduate students.³¹⁶ According to Professor Shieh, this is not an ideal situation: "The trend towards specialized legal education implies many systematic differences with the traditional undergraduate legal program. The two programs possess two clearly different goals and methods. The new students are university graduates and work in many different professions; it is inappropriate to place them in the same class as university students."³¹⁷ Professor Lin Tzu-Yi noted that the experience of NTU's Extension school revealed the problem with mixing students: "It is hard to teach law classes at the extension program because the students are at different levels; in the classes, sometimes there are college freshmen sitting next to medical doctors."³¹⁸ Professor Shieh, however, downplayed this concern by asserting that since the content for the core legal classes is similar for both programs and most basic law courses consist of lectures, placing the students in one classroom will not be a major problem.³¹⁹

D. THE TWO TIERS OF NTU LAW

Although NTU Law has made its decision, professors at the school continue to debate the program's prospects and viability. Professors who studied in Germany and Japan are more likely than U.S.-trained professors to argue that the two tiers of legal education at NTU Law will be complementary.³²⁰ The second program is intended to increase interaction between law and other fields and broaden the scope of legal studies, whereas the traditional law program emphasizes the basics and is intended to support legal research.³²¹ When asked about potential future

316. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Shieh Ming-Yan, *supra* note 136. Other law programs in Taiwan have experienced problems with mixed classes. According to Professor Dong, "National Chengchi University's practice of having Second Master's Program students in their second and third year higher level classes mix with the undergraduate departments law students is not without its problems." Dong Bao-Cheng, *Present Condition*, *supra* note 190, at 5. Professor Dong reports that taking classes with the undergraduate students is frustrating for the Second Master's Program students. In addition, "the professors lessons are usually designed for the majority of students and thus concentrate on theory rather than practical skills." *Id.*

317. Interview with Shieh Ming-Yan, *supra* note 136. Professor Shieh Ming-Yan who also teaches part-time at Soochow, noted that NTU, as a public institution, faces more constraints than a private university. The Department of Education controls faculty hiring at public universities and the NTU administration must agree to hire additional faculty at the law school. *Id.*

318. Interview with Lin Tzu-Yi, *supra* note 5.

319. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 5.

320. Interview with Shieh Ming-Yan, *supra* note 136; Interview with Yen Chueh-An, *supra* note 256.

321. Shieh Ming-Yan, *The Concept and Construction*, *supra* note 90, at 6.

problems, professors in the German and Japanese group are likely to respond that no one has thought that far ahead or that there will not likely be any major problems.³²² One civil law professor concluded that since the Second Master's Programs in Taiwan are still relatively limited, the new graduates will not likely have a major impact on the legal profession in the country for the next ten years.³²³

Professors who studied in the United States, however, question whether Taiwan can support a two-tier system of legal education for long.³²⁴ Many professors note that the law division already faces severe faculty and budget constraints and must now expend resources to produce two different products for the same market.³²⁵ U.S.-trained faculty are also likely to point out potential conflicts between the two programs. Professor Hwang Jau-Yuan, for example, questioned: "What happens twenty or thirty years from now? The students with diplomas in two fields obviously will have a competitive advantage."³²⁶ Professor Lin Tzu-Yi likewise hinted at this problem during the debate over the school's direction: "We cannot for the purpose of protecting the students in our traditional law department limit additional education initiatives or double majors. This would be acting like a frightened ostrich and goes against the purpose of education."³²⁷

V. CONCLUSION

Just inside the main gates at NTU Law there is a small guard house with a tall green counter that displays the emblem of the university's security force. The guards wear uniforms that reflect their civilian status and calmly watch students and professors pass through the heavy wrought-iron gates. At 5:30 in the afternoon, after the last class has been dismissed, the guards go around and padlock each of the classroom doors. And at the end

322. Interview with Lin Wen-Shyong, *supra* note 35.

323. Interview with Yen Chueh-An, *supra* note 256.

324. Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 13 ("In the future, whether university undergraduate legal education can last for a long time under a two-tier system, we will have to wait and see.").

325. Interview with Lin Tzu-Yi, *supra* note 5; Interview with Hwang Jau-Yuan, *supra* note 5.

326. Interview with Hwang Jau-Yuan, *supra* note 5. See also Lin Tzu-Yi, *Basic Legal Education*, *supra* note 63, at 13 ("These new legal professionals will compete with and have a major influence on the legal professionals that come from the traditional undergraduate law programs."). Interestingly, even students at NTU Law have noted this potential problem, "[W]hat happens to people like us who do not have another degree? I just don't think we're that helpful, we only learned about the law." Interview with Zheng Chou-Ru, Yen Hua-Su, and Chen Yi-Sou, *supra* note 146, *remarks of Chen Yi-Sou*.

327. Lin Jing-Yang, "If we don't do it, others will!", *supra* note 79, at 1, quoting Lin Tzu-Yi, Director of the Law Department at NTU.

of the day, when the last student has left the reading room on the library's second floor, the guards take one last walk around campus and then swing the two gates shut.

This article began by describing the historical circumstances surrounding the current system of legal education in Taiwan and the major factors now prompting its evolution, such as Taiwan's recent economic modernization and democratic transformation. Business people, government bureaucrats, and judicial officials are now calling on NTU Law to produce law graduates that are more mature, possess a higher degree of specialization, and can resolve issues involving the law and other fields, such as biotechnology.

The paper then continues by analyzing another factor influencing NTU Law—competitive challenges from peer schools. This section showed that although competition among schools may be an important impetus for change and encourage innovation, this process has resulted in a fragmented legal education system in Taiwan and has strained the schools' resources. These unfortunate side-effects strongly suggest that NTU Law and its peer institutions in Taiwan need to engage Taiwan's legislature, which has not been actively involved in the process, and that the legislative body and Ministry of Education need to take an active, if not leadership role, in the effort to improve Taiwan's system of legal education.

Finally, this piece concludes by discussing the debate at NTU Law over the school's future and the decision reached by the faculty. This last section revealed that the challenge of modifying or reforming legal education in Taiwan is really a series of interrelated problems and that vested interests tend to hinder efforts to change the system. For example, making legal education in Taiwan more multi-disciplinary will be difficult without raising the passing rate on the lawyer's examination, which in turn will be difficult without satisfying the board examiners that the students are qualified to practice law and placating any stakeholders that may resist any decrease in their influence over the system and students. In addition to these obstacles, creating multi-disciplinary programs and encouraging students to pursue these studies will require additional financial support from the government. The complexity and magnitude of these problems further underscores the need for Taiwan's legislature to play a leading role in the effort to reform the legal education system and for the changes to be implemented at the level of the Ministry of Education.

NTU Law plans to open a second program for undergraduates from other disciplines in the fall semester of 2002. This program will exist alongside its traditional undergraduate and

graduate divisions. The decision by NTU Law, as comments from professors on both sides of the debate indicate, may be only a good stop-gap measure.³²⁸ The key to resolving the problems plaguing NTU Law and Taiwan's system of legal education in general lies in a comprehensive and integrated approach that is guided by legislative initiative and executed at a higher level.

328. Japanese and German-trained professors at the school asserted that getting the program started is more important than its actual size or connection to the traditional education system, while faculty members who have returned from the United States argued that the school's approach is a disservice to its traditional undergraduate students and does not go far enough to strengthen and improve Taiwan's legal profession.

