

# *Legal Education in Taiwan: Evolution and Innovation*

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## **Abstract**

Taiwanese legal education is undergoing transformation and diversification. While the traditional approach to legal education has produced legal professionals who have led civil rights movements and contributed to the democratization of Taiwan, it has failed to meet the challenges of today's world. Under globalization, Taiwanese industries and society now require lawyers capable of solving transnational legal disputes and legal issues regarding developments in technology and changes in society. However, these new challenges also provide law schools in Taiwan with an opportunity to apply experimental approaches, to innovate legal education. This essay describes the past and present state of legal education in Taiwan, especially its development since the government's failed attempt at reform. Furthermore, it introduces the successful example of National Chiao Tung University's Law School—a new law school that has developed a creative model of “innovation hub” and “social enterprise” that is transforming Taiwan's legal education.

**Keywords:** legal education, globalization, innovation, National Chiao Tung University Law School

## 1. INTRODUCTION

This essay discusses the 2005 legal education reform in Taiwan and subsequent developments after its failure. The most obvious problem with traditional legal education in Taiwan

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is its failure to produce lawyers that respond to the needs of industry and society. Being aware of this problem, in 2005, the Taiwanese government introduced reform to radically transform both law schools and legal education. The attempt failed, however, due to opposition from traditional legal academics. However, this failed attempt did not halt the motivations for reform. In fact, without government intervention, it created an opportunity for younger, smaller law schools to adopt new approaches to revolutionize legal education.

This essay begins with a very brief introduction to legal developments in Taiwan after World War II. The third part describes problems associated with traditional legal education and solutions proposed by the government through reform. The focus then shifts to introduce developments after legal academics turned down the government's proposal, more specifically, innovative concepts and approaches adopted by National Chiao Tung University's Law School. Finally, this essay ends with a possible plan for future developments.

## 2. POSTWAR LEGAL DEVELOPMENT IN TAIWAN

Postwar legal development in Taiwan can be divided into three stages: the transitional stage (1945–49), authoritarian stage (1949–87), and liberalization and democratization stage (1987–2000).<sup>1</sup>

The transitional stage was a period when the government of the Republic of China (ROC) took control of Taiwan from the Japanese colonial government after World War II. Due to regime change, most Japanese laws were repealed in 1946. Japanese law, however, remained highly influential, because both Chinese and Japanese law shared the same German root.

The authoritarian stage began in 1949, when the Kuomintang (KMT) government lost the Chinese Civil War to the Chinese Communist Party and was forced to abandon mainland China, fleeing to Taiwan. To stabilize its rule in Taiwan, the KMT government soon implemented martial law. During this period of martial law, Taiwan was an authoritarian state. Both the executive and judicial branches served the needs of those in power and showed no mercy to those who dissented politically. Western liberal legal ideals had limited influence on the legal system and its development in Taiwan, especially in the fields of constitutional, administrative, and criminal law. However, since Taiwan experienced huge economic growth in the 1960s and 70s, this propelled the development of Western commercial and civil laws. The economic growth alone did not satisfy native Taiwanese elites and, in 1986, an opposing political party, the Democratic Progress Party (DPP), was established. Political pressure eventually led to the end of the martial law period, in 1987.

The lifting of martial law ushered in a period of liberalization and democratization. During this period, the economy continued to soar, and the legal system was further liberalized. Six amendments were introduced to reform the Constitution of the ROC. In 1996, for the first time, the President of the ROC was elected by popular vote and, in 2000, the DPP candidate, Chen Shui-bian, won the presidential election, ending 55 years of KMT reign. During this period, legislators, also elected by popular vote, continued to reform the legal system to respond to the needs of people in Taiwan. Since then, Taiwan has gradually transformed into a democratic country.

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1. Wang (2002).

In ancient China, law was regarded as an instrument to be used solely for ruling. People were required to obey the law, but neither learn nor practise the law. Legal education did not exist in Taiwan until the Japanese colonial period, when a Law Faculty was established in Taipei Imperial University.<sup>2</sup> However, as an academic discipline, law was not as popular as it is today. The best students would choose medicine or engineering rather than law, as the ideals of law were found to be on the wrong side under the authoritarian rule, and law was seen as too close to politics. This was true during the periods of Japanese colonial rule and martial law under the KMT.<sup>3</sup>

However, things began to change during the period of liberalization and democratization. The legal profession had a profound impact on the democratization of Taiwan. Since 1987, two out of three presidents have practised as lawyers. Former President Chen Shui-Bian was known for being one of three defence attorneys for the defendants in the Kaohsiung Incident, in which more than 100 political dissenters were arrested; dozens were tried under martial courts and convicted as a result of coerced confessions. One of them was eventually sentenced to life imprisonment, and the others were sentenced to lengthy terms of imprisonment. Former President Chen reported that the experience of defending political dissidents was part of the reason he went into politics.<sup>4</sup>

The activism of lawyers went far beyond the realm of politics. Lawyers began to use litigation to bring about social reform. Lawyers were involved in labour and consumer law, as well as women's and other civil right movements. These lawyers helped labourers to form unions, participated in the establishment of the Consumer Foundation, which eventually led to the passage of the Consumer Protection Act, and started the Women's Awakening Foundation, which focused on promoting women's right and lobbying for legal reforms.<sup>5</sup>

### 3. LEGAL EDUCATION IN TAIWAN

The ROC inherited its legal system primarily from Germany, with substantial influence from Japan.<sup>6</sup> As a result, traditionally, most law school professors earned their doctoral degrees in Germany and Japan. More recently, the number of professors who earned their doctoral degrees from the US and UK is increasing. These professors brought back the latest critical legal thinking from Western countries. Inevitably, law schools became an important cradle for the cultivation of political dissidents. Law school professors, through their students, who later become lawyers and politicians, contributed to the process of political liberalization and democratization.

With political liberalization, legal education has also undergone a process of liberalization in the past few decades. Between 1990 and 2012, the number of colleges or universities providing legal education increased from 8 to 37.<sup>7</sup> This is largely the result of government policies aimed at increasing the number of universities nationwide, to provide more opportunities for college education. Moreover, some law schools began to provide legal

2. See Lo (2006).

3. *Ibid.*, pp. 48–9.

4. See Winn & Yeh (1995).

5. *Ibid.*, pp. 594–5.

6. Wang, *supra* note 1, p. 536.

7. Chen (2012).

education to students with backgrounds in subjects other than law and create part-time legal programmes. Others focused on a particular field of law or interdisciplinary studies between law and another field. To compete for more resources, many law schools also began enrolling more students.

However, while the liberalization of law schools has certainly allowed greater access to legal education, it has not solved other problems facing law schools in Taiwan. The former Dean of National Taiwan University's Law School, Professor Chang-Fa Lo, opined on two main views regarding the inadequacies of legal education: the source of law school students, and failures to adapt to social and economic changes in Taiwan resulting from globalization.<sup>8</sup>

Regarding the source of law school students, Professor Lo observed that, generally speaking, law school students lack the basic abilities and life experiences to fully understand and grasp the essence of legal reasoning.<sup>9</sup> Under the current system, the main body of legal education is provided at the undergraduate level and continues through the graduate level. The majority of law school students are selected through the "Joint College Entrance Exam" after graduating from high school. Although, compared with other colleges and departments, the entrance scores for law schools are generally high, these young law school students have limited linguistic and analytical skills, not to mention a lack of exposure to social problems. These inadequacies prevent law schools in Taiwan from becoming truly "professional schools" that train lawyers. Instead, the undergraduate programmes aim only at providing general training in different aspects of law.

Another problem exists regarding the sources of law school students, which is not mentioned by Professor Lo. In Taiwan, high-school students are generally divided into three groups: humanities and social sciences, sciences and engineering, and biological sciences. The humanities and social sciences group focuses more on subjects such as language, history, and geography; the sciences and engineering group on mathematics, physics, and chemistry; and the biological sciences group on biology and chemistry. Almost all law school students come from the humanities group. There is an old joke regarding lawyers, which runs as follows: "What do all lawyers share in common? They performed poorly on mathematics and sciences in high school." To some extent, this joke represents the limitations of undergraduate legal education in Taiwan—limits to pursuing interdisciplinary integration and developing professional law schools.

Professor Lo also argued that Taiwanese legal education failed to provide adequate support to a rapidly changing Taiwanese society. Law schools in Taiwan traditionally focus on only fundamental subjects, such as constitutional, administration, civil, and criminal law. Law schools focus less on specialized subjects, such as WTO, competition, securities, and financial law. Also, law school professors typically teach their courses by giving lectures. The classes focus more on legal theories and doctrines and less on analyzing actual cases. Traditionally, law schools have generally not provided either clinical education or practical training, although some law schools have student associations focusing on legal aid, which provide some practical training.

He observed that increasing globalization corresponds with increasing international transactions. States are now bound by not only domestic law, but also international treaties

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8. Lo, *supra* note 2, p. 43.

9. *Ibid.*

and trade agreements. Lawyers must possess the knowledge and skills to practise international and transnational law. Furthermore, domestically, social values in Taiwan are changing. Traditional values once rooted in families are crumbling, and people tend to resolve disputes by law. Finally, he noted that technological developments open up a whole new horizon for legal practice and research. All of these factors present new challenges to legal education.

The problems associated with legal education are exacerbated by the qualification policy of the legal profession. The legal profession in Taiwan has been described as the “two gates and two tracks” system.<sup>10</sup> A Judicial Officer Exam is held to select judges and prosecutors, and a separate Bar Exam is held for lawyers. Those who pass the Judicial Officer Exam will be admitted to the Academy for the Judiciary for practical training. At the end of training, trainees are appointed as either judges or prosecutors, based, in part, on their performance in the Academy and based, in part, on their personal preference. Those who pass the Bar Exam are required to undertake practical training sessions at the Lawyers Training Institute and, by contrast, complete an internship at a law firm.

The two training tracks differ in both length and intensity. The Academy for the Judiciary offers a two-year intensive programme, which includes complete training in both law and practical skills. In addition, the Judicial Yuan, the highest judicial administrative authority in Taiwan, and the Ministry of Justice appoint senior judges and prosecutors as mentors to trainees. Before the end of the training, the trainees are also assigned to courts, prosecutor’s offices, and law firms for internships.<sup>11</sup> Lawyers, however, do not receive the same amount of training after passing the Bar Exam. The training programme provided by the Lawyers Training Institute is a one-month programme that consists of lectures taught by guest speakers, plus a five-month internship at a law firm, either before or after the training programme.<sup>12</sup> There is no fixed protocol for the law firm internship; different mentors provide different training to interns.

The pass rates for the two exams are extremely low. Exams are held once a year. The annual admission’s number for the Judicial Officers Exam is based on the number of anticipated vacancies of judges and prosecutors in the following years. In 2014, 9,366 people applied to take the Judiciary Officer Exam, but only 54 people passed the exam (approximately 0.5%). In both 2013 and 2012, the pass rates were around 1%. The Bar Exam used to have the same low pass rates in the 1970s and 1980s, but now the pass rates are significantly higher. In 2014, 10,693 people applied to take the Bar Exam and 915 people passed the exam (around 8.5%). The pass rates were approximately the same in 2013 and 2012.<sup>13</sup>

The low pass rates of both the Judicial Officers Exam and Bar Exam contribute to distortions within legal education. Law school students usually have to start preparing for the exams as early as the beginning of their second year in college. Many law school students attend cram schools in the evenings, as law school courses do not necessarily prepare them for the exams. Large parts of the exams are tests of memory and writing skills. The cram schools provide students with concise materials designed specifically for the exams and

10. Chen, *supra* note 7, p. 37.

11. Regulations of Training for Judges and Prosecutors, Arts. 10–13 (2015).

12. Regulations Governing Pre-Service Training for Attorneys, Art. 5 (2013).

13. Statistics, Ministry of Examination, online <[http://www.moex.gov.tw/main/content/SubMenu.aspx?menu\\_id=316](http://www.moex.gov.tw/main/content/SubMenu.aspx?menu_id=316)> (last accessed 26 April 2016).

focus on solving exam problems. The result of this cram school phenomenon is that law school professors become less motivated to provide quality education or do research on areas unrelated to exam subjects.<sup>14</sup>

It has also been pointed out that examiners are part of the problem. The questions on both exams are usually designed and given by senior professors from prestigious colleges specializing in the tested fields. Being designated an examiner in either of the exams is considered official recognition and an honour for legal scholars. However, the exams are widely criticized for acting as instruments for some legal scholars to promote their personal opinions. Because of the fierce competition on the exams, candidates resort to studying the publications of those who might become official examiners.<sup>15</sup> Cram schools even provide classes in linguistic style analysis, which they claim help students to identify the examiner who came up with the specific exam question, analyzing the words and phrases used in the question.

In 2005, the then Vice President Lu Xiu-Lian initiated an effort to reform the legal education system.<sup>16</sup> Vice President Lu appointed Professor Lo to draft a proposal of and later execute the reform. He believed a fundamental change was needed to correct the problems of legal education in Taiwan.<sup>17</sup> The essence of his proposal was to follow the models used by Japan and Korea, establishing American-style professional law schools at the graduate level. According to his proposal, after a transition period of 17 years (2022), only graduates of the new professional law schools would be allowed to take the two exams. The proposal also incorporated an accreditation system that controls the quality of the newly established professional law schools. In 2007, the Ministry of Education announced a plan that provides subsidies to the existing law schools. The subsidies specifically targeted courses including legal ethics, clinical education, and globalization.<sup>18</sup>

The reform was meant to address some of the shortcomings thought to be the most problematic in traditional legal education. Establishing professional law schools at the graduate level would resolve the problem of admitting immature high-school graduates into law schools. This new approach, it was hoped, would fundamentally change classroom chemistry, as students would have more life and social experiences. Additionally, the subsidies were meant to encourage law schools to teach more specialized subjects and provide clinical opportunities that would help to create more competent lawyers for the future of Taiwan.

However, efforts at reform were unsuccessful. Failure in the reform resulted from several factors. First, as mentioned earlier, most law school professors earned their advanced degrees in Germany and Japan. These professors are not familiar with the concept of an American professional law school.<sup>19</sup> Second, the original proposal was later replaced by a second draft

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14. For further discussions of cram schools in Taiwan, see Lo, *supra* note 2, pp. 64–9.

15. Chen, *supra* note 7, pp. 46–8.

16. It should be noted that the 2005 reform was not the first attempt to reform legal education in Taiwan. Since 1990, modelled after American law schools, Soochow University Law School began to receive students without legal backgrounds into their graduate programme. Their efforts caused a huge debate in traditional law schools, and eventually forced traditional law schools to create a division to receive students with non-legal backgrounds. See Pratt (2001).

17. Lo, *supra* note 2, p. 82.

18. Chen, *supra* note 7, pp. 49–50.

19. *Ibid.*, pp. 50–1.

proposed by a congressman, who was a strong supporter of the American professional law school model. According to this new proposal, the deadline to transform into professional law schools was moved from 2022 to 2015. The strict timeline to transform stirred up more opposition from legal academics.<sup>20</sup> Third, and most importantly, legal scholars have different opinions regarding the role graduate-level professional law schools should play in legal education. According to the reform proposal, future professional law schools would entirely replace the existing undergraduate law schools. Scholars opposed to this proposal believed that the current two-tier legal education system was good enough to respond to many of the problems outlined above. They observed that more and more graduate law schools are providing training in special areas of law, such as intellectual property, technology, financial, and international trade law. Therefore, scholars who opposed the proposal believed that the existing system was already responding to the needs of Taiwanese society, and they viewed the professional law schools as complementary, not as replacing the two-tier system.<sup>21</sup> They believed that the purpose of undergraduate-level law schools is to train generalists, while graduate-level or professional law schools should train specialists in certain fields of law. From the perspective of the low pass rate of the two exams, a clear distinction between the roles of undergraduate- and graduate-level law schools might be helpful to students, as it would allow undergraduate law schools to focus more on traditional law subjects and help students to pass the two exams. However, due to the unresolved issues in the proposal and the strong opposition from many legal scholars, the then President Chen Shui-Bian halted the reform proposal in 2007.

#### 4. INNOVATING TAIWAN'S LEGAL EDUCATION

Failure of the former attempt at reform did not stop efforts to innovate Taiwanese legal education. When the “one-shot solution” proposed by the government was turned down by legal academics, the Ministry of Education became reluctant to interfere with the development of law schools. The loosening of government controls opened up opportunities for individual institutions to try out different approaches in training future lawyers. While most traditional law schools retain undergraduate legal programmes as the main channel of education, some newer law schools, in their early stages of development, have increased their focus on intellectual property law and interdisciplinary areas. Thus, the failure of the government's efforts to reform might not be bad after all. It has allowed legal education in Taiwan to become more diversified in its student intake, as well as in its offering of certificates, such as undergraduate, post-graduate, and joint degrees with other disciplines and specialized legal programmes. Taiwan has truly become an experimental platform for innovation within legal education.

Taiwan is renowned for its information technology industry. The world's largest chipmaker, Taiwan Semiconductor Manufacturing Company (TSMC), is based in Taiwan. Taiwan is also home to MediaTek, the fourth largest integrated circuit (IC) designer in the world. But, while the industry has grown rapidly since the 1990s, the development of

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20. *Ibid.*

21. *Ibid.*, pp. 51–4.



intellectual property and technology law has been left behind. The result is that Taiwan's technology companies constantly face patent challenges from international competitors.

Legal academia began responding to the needs of the technology industry in the early 2000s. Many newly established graduate-level law schools focus on the integration between law and technology. National Chiao Tung University created the Graduate Institute of Technology Law in 2000, which was first of its kind in Taiwanese legal education. National Tsing Hua University also created the Institute of Law for Science and Technology in 2000; National Cheng Chi University created the Institute of Intellectual Property in 2003; National Chung Hsing University created the Graduate Institute of Technology Law in 2004; and National Cheng Kung University created the Graduate School of Technology Law in 2004.

In addition to these research universities, many vocationally oriented universities also created graduate-level institutes. For example, National Yun Lin University of Science and Technology created the Graduate School of Science and Technology Law in 2004, and National Taiwan University of Science and Technology created the College of Intellectual Property and the Graduate Institute of Patent in 2010.

Moreover, traditional law schools also attempted to innovate by establishing interdisciplinary graduate institutes within the existing law schools. For example, National Taiwan University Law School established the Graduate Institute of Interdisciplinary Legal Studies of Law in 2004, and National Cheng Chi University Law School founded the Graduate Institute of Law and Interdisciplinary Studies in 2005.

Almost all of these new graduate-level law schools target students who do not have legal backgrounds. The idea is that these new law schools could produce lawyers with diverse backgrounds. These lawyers would then make up for the disadvantages of traditional law school students and satisfy the needs of the technology industry, while traditional law schools would continue to exist and supply the traditional legal market.

However, not all of these newly created institutions have been successful. The Cheng Chi University Institute of Intellectual Property merged with the Graduate Institute of Technology and Innovation Management in 2013; the National Chung Hsing University Graduate School of Technology Law merged with the law school in 2010; National Cheng Kung University Graduate School of Technology Law stopped admitting students in 2011. And even the so-called interdisciplinary legal studies in leading traditional law schools, such as National Taiwan University and National Cheng Chi University, as well as many other new law schools, are struggling to attract students.

There are two main reasons for these difficulties: first, regardless of the names of these schools, many institutes struggle to recruit qualified faculty members capable of integrating law, technology, and other fields. Many new law schools "borrow" faculty members from traditional law schools and provide curricula similar to traditional law schools. Students who graduate from these law schools thus fail to distinguish themselves from those who graduate from traditional law schools. Second, students with non-legal backgrounds do not have enough incentive to apply to these new law schools. According to the Bar Exam rules, any person who has taken more than 20 credits on core subjects in a Ministry-of-Education-accredited university can apply to take the Bar Exam. Therefore, students with non-legal backgrounds can simply take individual courses instead of a degree programme.



## 5. THE “INNOVATION HUB” CREATED BY THE NATIONAL CHIAO TUNG UNIVERSITY SCHOOL OF LAW

While many new law schools are struggling, the National Chiao Tung University School of Law (NCTU Law) has become one of the most successful law schools in the last decade. NCTU Law has built up its programme with an industry-oriented approach, developing into an “innovation hub” of legal education, to meet the challenges of a dynamic world and changing society. NCTU Law aims at not only transforming legal education in response to the needs of industry, but also proactively leading industry by building up legal awareness and cultivating a socio-legal environment to prepare for global economic competition (Figure 1). An “innovation hub” refers to the role NCTU Law plays in managing an open platform where knowledge, skills, and experience are gathered and dispersed effectively and efficiently. Although the law school has a limited number of full-time faculty and degree-pursing students, it has enormous influence in leading legal education and a huge impact on changing society, through managing education to become a centre of vision, strategy, and action in a dynamic environment.

### *5.1 Focus on American and International Law*

NCTU Law focuses on American and international law. The Taiwanese technology industry is an indispensable part of global supply chains. Knowledge of international and transnational commercial law has become a basic requirement of corporate lawyers. This results from the facts that not only are most patent infringement lawsuits brought in the US, but also routine legal work, such as contract reviewing and drafting, involves knowledge of American and international law. Knowledge of American and international law thus gives NCTU Law graduates a huge advantage in the job market. But the advantage of this new approach expands beyond the needs of the technology industry. As mentioned earlier, Taiwan’s legal system has been highly influenced by both Japan and Germany. However, more recently, American legal concepts and practices have come to dominate the development of many fields of law in Taiwan, including securities regulations, corporate and finance, biomedical, and even certain areas of criminal law (white-collar crime). Focusing on American law thus allows both the faculty and students to become more sensitive to international issues in these rapidly changing areas of law, and to be pioneers in these new issues in Taiwan, in terms of academic scholarship.

### *5.2 Enhancement of Practical and Empirical Elements*

Second, influenced by American law schools, NCTU Law emphasizes training in practical skills and empirical approaches to law. Traditions legal education in Taiwan focuses almost entirely on legal concepts and principles. Legal writing and trial practices have never been parts of curricula. It is not uncommon for students to graduate from law school without experience reading real case dossiers or drafting legal documents. Professors are more interested in developing legal theories but neglect how law is applied in practice. As a result, rookie lawyers have to go through a long process of maturation before they can be trusted handling cases on their own.

The practical training and empirical education NCTU Law provides significantly shortens this process of maturation. Practical training involves inviting a substantial number of adjunct professors, who are experienced practitioners, to conduct courses on a regular basis. Another important aspect of practical training is internship opportunities in courts, prosecutor's offices, government agencies, such as the trade negotiation office, and non-governmental organizations (NGOs). These internship opportunities allow students to work side by side with practitioners for as long as 320 hours over two semesters.

The empirical approach involves the use of empirical analysis as a research method. NCTU Law is a graduate-level law school. Students are required to finish a master's thesis before graduation. To ensure that these theses fit the needs of society, students are required to incorporate qualitative reasoning and quantitative analysis as the bases of their arguments.

### *5.3 Redesigning the Exam-Oriented Model into an Interdisciplinary Problem-Solving Model*

One of the major problems of traditional graduate-level legal education is its design, requiring both professors and students to focus on only one particular field of law. Almost all graduate-level law schools in Taiwan divide professors and students into different "groups," which usually include groups related to public, civil, commercial, criminal, and international law, as well as one related to fundamental legal studies. Each group has its own curriculum and focus. Once students are divided into these groups, the courses they take and the research they do are usually limited to the group's boundaries. The design of these groups is related to the Judicial Officers and Bar Exam. The division of these groups parallels the major subjects tested in these exams, and a major part of the groups' mission is to help students pass these exams.

This group-dividing strategy is successful, from the perspective of nurturing experts in specific areas of law tested by the exams and helping students to pass the exams, but it comes at a high cost. Real-world legal problems often cannot be categorized into specific legal fields. Also, focusing on exam subjects ignores the fact that many important legal fields cannot be categorized into any of these traditional subjects. NCTU Law has established problem-solving task groups and integrates different fields of law, based on the needs of industries. Currently, there are six task groups in NCTU Law: Intellectual Property Rights and Knowledge Venture; Business Laws and White Collar Crime; Biotech and Health Laws; Gender Equality, Labor Rights and Social Justice; Transactional Laws and International Negotiation; and Information and Communication Laws. Each task group is built on the foundations of two or more fundamental legal subjects. Each faculty member is required to join two of the six groups, and every student is also required to choose a mixture of courses from at least two groups before graduation. This design provides students with the necessary support to pass both exams, and at the same time prevents faculty members from focusing too narrowly on certain fields of law. Furthermore, it serves as stimulation to both the faculty and students, to maintain awareness of society's needs.

### *5.4 Transforming Traditional Training into Open Platform Legal Education*

Two initiatives stand at the core of this innovation. The first allows students with different backgrounds to attend the same courses. Every year, NCTU Law receives about 50 graduate

students; about one-third of them have non-legal backgrounds. The second merges full-time with part-time students. The part-time graduate school system in Taiwan receives students with full-time jobs, pursuing graduate degrees by attending classes on weekday evenings and weekends. Traditionally, in most universities, the full- and part-time educational systems are separate. Each system has its own curricula, and the two student groups generally do not interact. NCTU Law has merged the two systems into one, allowing all students to attend the same courses.

The new approach has several advantages. First, and perhaps most importantly, merging students with different backgrounds helps to create an interdisciplinary environment, and turns the classroom into a platform that allows students with diverse backgrounds to interact with each other. Also, different groups of students have different strengths in learning. Needless to say, students with legal backgrounds are more familiar with the law, and those with non-legal backgrounds are more familiar with other fields. The different groups often contribute very different dynamics to the classroom.

However, an even more interesting dynamic comes from merging full-time with part-time students. Full-time students usually have a better command of English and have more time to work on reading assignments, but they are unfamiliar with the application of legal principles to cases. Part-time students, on the other hand, are exactly the opposite. Many of them are patent engineers or serve as in-house counsel for technology companies. They lack the time and the English-language abilities to process the readings but have much more work experience. Thus, they can easily link what is taught in classroom with problems they encounter at work. They are also more willing to raise questions once they have learned law from their instructors and classmates. Both groups have much to gain from each other. Merging these two groups into the same courses contributes to the learning experience.

Another advantage of merging classes is that, to some extent, it replaces the necessity for summer internships. American law school students usually apply for internships during summer vacations. The purpose is usually to familiarize students with jobs and make connections. The courses at NCTU Law replace the need for internships, because part-time students talk about their work and share their experiences in class. Full-time students are thus exposed to people from a variety of backgrounds every day. In terms of making connections, what kind of connection is better than working on group projects in courses with potential future employers? It is not unusual for full-time students to be recruited by their classmates after graduation.

### *5.5 Adopting a Social Enterprise Model in Operating Law Schools*

The biggest difference between American and Taiwanese law schools is government control. In Taiwan, the best universities are public universities. The government controls both the number and salary of faculty members, and the number of and tuition fees for students. Under the current government policy, tuition fees are kept extremely low. The annual tuition fee for studying full time in a public university graduate law school is less than 50,000 NTD (which is approximately US\$1,500). Also, for a young law school like NCTU Law, faculty positions supported by the government are very limited. Currently, NCTU Law has only 12 full-time faculty members. It is extremely difficult to maintain a full law school curriculum, which covers both fundamental and advanced legal subjects, and at the same time distribute a

reasonable workload to faculty. Therefore, hiring adjunct professors is inevitable. And, because most adjunct professors hired by NCTU Law are practitioners, they not only share the workload of full-time professors, but also contribute their thoughts on the latest industry issues. However, to acquire the funding to hire adjunct professors, NCTU Law should become a social enterprise that creates revenue.

Providing continuing education programmes for the government and corporations is crucial to the development of NCTU Law School. Conducting high-quality continuing education programmes brings in funding to hire the necessary adjunct professors. The revenue is then invested back into continuing education programmes and used to conduct seminars and large-scale conferences. The success of these programmes and conferences brings in more revenue and attracts higher-quality students to apply for full- and part-time graduate degree programmes. Higher-quality students attract even better adjunct professors, and thus create a sustainable virtuous cycle that provides the best-quality education to students (Figure 2).

In sum, NCTU Law is striving to establish a new model for legal education in Taiwan. The new model consists in an industry-led approach, based on the belief that legal education should serve the needs of society and local industry. To achieve this goal, the new model emphasizes the importance of international law, particularly American law; it requires students to receive practical training and apply empirical methods to research; it uses a problem-solving-oriented approach to designing courses and conducting research; and, finally, it operates according to the ideal of a social enterprise, to overcome limitations imposed by the government.

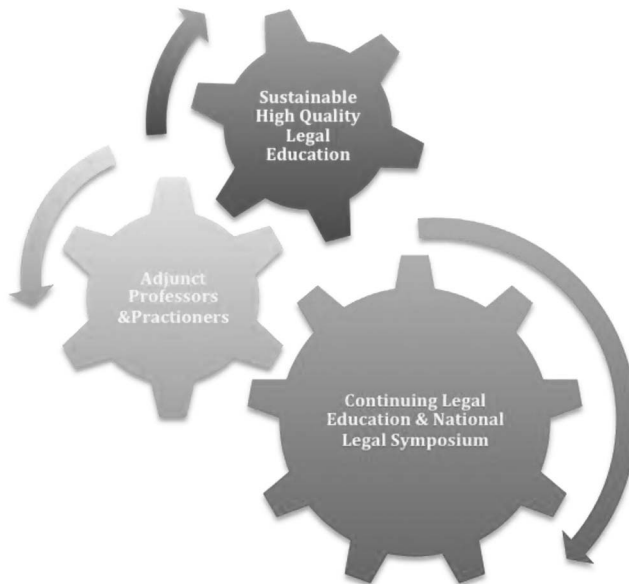
### *5.6 Achievements*

NCTU Law's innovative approaches to legal education have achieved great success over the past decade. With training in American and international law provided by NCTU Law, over one-third of all graduates pursue a second LL.M. degree in the US, to qualify to sit the New York State Bar Exam. Almost all of these students were accepted by top 10 US law schools, and many of them passed the Bar Exam. Experience also shows that NCTU Law graduates are capable of working in international law firms even without US law degrees. NCTU Law's success in international legal training is also reflected in the performance of its students in various moot court competitions. Participating only their second time, NCTU Law representatives placed in the top 16 in the Willem C. Vis (East) International Commercial Arbitration Moot 2014/2015, stopped from advancing only by losing to the team that went on to win the competition. In addition to the Vis Competition, NCTU Law has also performed well in international ADR and WTO moot court competitions.

The platform design and interdisciplinary approach are widely praised by students. NCTU Law's continuing education programmes have nurtured more than 90% of all intellectual property (IP) professionals in the nearby Hsinchu Science Park, the largest science park in Taiwan. Around 40% of all applicants every year work as patent engineers or in-house counsel in the science park. NCTU Law's approach was also recognized by the public sector. When the Intellectual Property Court was established in 2008, among the first eight judges assigned to the new court, four of them graduated from NCTU Law. Today, NCTU Law continues to provide training to both private and public institutions. Its innovative approach has indeed created a sustainable business model for NCTU Law.



**Figure 1.** The Core Concepts of NCTU Law's Legal Training



**Figure 2.** The Social Enterprise Model

## 6. THE NEXT STEP: POSSIBLE COLLABORATION BETWEEN EAST ASIAN LAW SCHOOLS AND US LAW SCHOOLS?

One problem shared by many major East Asian law schools is the fact they attract mostly local students. American law schools attract thousands of applicants every year from around the world. Many such law schools are actively seeking opportunities beyond the borders of the US. Some have summer programmes in Europe and Asia, while others arrange non-US

employer externship opportunities. A few law schools have even created Asian study and research centres, and hired non-American faculty members to attract students from Asia. The fact that many Asian students are willing to attend US law schools, with much higher costs, shows that East Asian law schools have a ways to go in improving global competitiveness.<sup>22</sup>

After fulfilling the needs of local industries and society, the next step in legal education reform in Taiwan is supplying the demands of global markets. However, due to the limited resources of law schools in East Asia, it would be hard for any individual school to compete with American law schools anytime soon. This is why East Asian schools should consider forming alliances as platforms for collaboration. Similar to the platform established by NCTU Law, which allows students with different background to interact, an international platform for East Asian law schools would allow its members more information regarding the status of global markets, and the opportunity to exchange ideas concerning methods of training competitive lawyers for global markets. Also, such alliances would open up possibilities for joint degree and exchange programmes, thus providing more learning opportunities for students in member schools.

Other options that would be helpful in producing competitive lawyers would include extending internship opportunities, to include international corporations, NGOs, and non-profit organizations (NPOs), or establishing cross-border teaching law firms or legal clinics with other law schools. For example, students at NCTU Law have the potential to compete in global markets if given the chance of training in international environments. One of the major advantages of NCTU Law students is their language skills. While most American lawyers are unable to speak a second language, most NCTU Law students can. In addition to Chinese, a good working-level English-language ability is a prerequisite for studying at NCTU Law. Many others are even fluent in Japanese. With some training in American and international law, most if not all of NCTU Law's students could easily fit into international working environments. A second major advantage of NCTU Law students and many other East Asian law school students is their culture. American lawyers generally lack exposure to East Asian cultures. This creates a huge obstacle to their working in East Asian corporations and interacting with Asian customers. It would be much easier for East Asians to adapt to the cultures of neighbouring East Asian countries. These elements provide unlimited possibilities for East Asian law schools.

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22. For further discussion concerning globalization and American legal education, see Silver (2014).