

Mayumi Saegusa
Univ of Illinois at Chicago
msaegu1(at)uic.edu

Julian Dierkes
Univ of British Columbia
j.dierkes(at)ubc.ca

Integrating Alternative Dispute Resolution into Japanese Legal
Education

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In April 2004, 68 graduate law schools opened their doors to students for the first time. These law schools represent a significant shift in the structure of legal education from undergraduate law faculties following a continental European model of legal education since the Meiji Restoration, to graduate law schools modelled on North American legal education. This shift represents a massive exogenous institutional shock to legal education in Japan. Based on the neo-institutional perspective in organizational analysis, we expect structural as well as substantive isomorphism to emerge from the highly uncertain institutional environment that is the result of such a shock.

The current legal education reform in Japan offers opportunities to advance theory development within the neo-institutional paradigm as it represents a case of the wholesale restructuring of an entire organizational field, rather than the mere institutionalization of organizational innovation or the de-institutionalization of existing practices. We propose to examine the teaching of alternative dispute resolution (ADR) in Japanese legal education before and after this exogenous shock in order to test the prediction of pervasive isomorphism in the context of the adoption of a foreign/international model (North American law schools) in a substantially different local institutional environment. This paper presents preliminary analyses of processes that are very much in flux and occurring in Japan as we write. While contributing broadly to a sociological understanding of institutions and legal education, our research will also illuminate the diffusion of particular dispute resolution mechanisms from North America to Japan and possibly around the world.