

EDITORIAL

The present issue of the Journal focuses on the experience gained in the first years since the introduction of Japan's new law school system, which epitomizes a major reform of legal education in the country. On 21 February 2005, the Asian Law Centre at the University of Melbourne Law School hosted a SYMPOSIUM called *Build It and They Will Come: The First Anniversary of Law Schools in Japan*. The papers collected from that symposium are published in this Journal and the *Australian Journal of Asian Law* (vol. 7(3) 2005). Following this editorial, Stacey Steele presents a short overview of the conference and the editorial cooperation.

The various conference contributions are preceded by an in-depth analysis by Kahei Rokumoto of Japan's fundamental justice system reform. Though his article was not part of the symposium, it provides an excellent background by discussing the reform of legal education in that broader context. If the overhaul of the judicial system is completed as planned, it will dramatically alter Japan's legal culture. The author analyzes the underlying dynamics of the political economy shaping the reform. An increasing heterogeneity of the Japanese society is seen as leading to a growing importance of law in solving societal conflicts. This in turn calls for higher numbers of qualified jurists in Japan.

Masahiko Omura, Satoru Osanai, und Malcolm Smith argue in their conference contribution that there are very important elements of internationalization in Japan's legal education reform, and they test the extent to which the 74 newly established law schools have internationalized their curricula, methods, and staff. Kay-Wah Chan concentrates on the role that foreign law firms play in Japan, their noticeable impact on the *bengoshi* profession, and the resulting implications for the professional legal education system in the country. The introduction of ADR into the curricula of Japanese law schools is the starting-point for Mayumi Saegusa and Julian Dierkes to discuss the tendency of institutional isomorphism under insecure institutional settings. Peter Lawley's contribution examines Japanese undergraduate legal education in the light of the reforms to post-graduate legal education and identifies desirable characteristics in the post-law-school *hōgakubu*. Finally, Kazuhiro Nishida throws light on the challenges that the reform poses for Japan's regional universities by taking the Okayama University Law School as an example.

Marc Dernauer starts the ARTICLES section with a fundamental analysis of the current reform of company law in Japan due to come into effect on 1 April.¹ The major reform will bring about the emergence of a Japanese Company Act uniting all the legal provisions concerning companies that were formerly to be found scattered in various

1 This supplements the evaluation of the reform by Eiji Takahashi and Madoka Shimizu in ZJapanR 19 (2005) 35 ff. that concentrated on the effects on corporate governance in Japan.

laws such as the Commercial Code et al. Special emphasis is put on two new types of legal entities that will be introduced into Japanese law: the so-called limited liability company (*gôdô kaisha*, LLC) and the limited liability partnership (*yûgen sekinin jigyô kumiai*, LLP). Andreas Kaiser and Sebastian Pawlita give an extensive overview of the development and function of the Japanese notarial profession, which belongs to the group of the so-called “Latin notaries.” The work and position of a Japanese notary differ significantly from that of a U.S. notary public, and less so but still significantly from the Continental European type of notary. A critical evaluation by Motoko Yoshida introduces the new Law on Alternative Dispute Resolution that was promulgated in December 2004 but will not come into force before spring 2007. The ADR Law is an important part of the judicial system reform mentioned above.² Shuichi Sugahisa comments on the amendment of the Anti-Monopoly Act of April 2005 that brought an improvement of the surcharge system, which is the core sanction in Japan against hard-core cartels, and the introduction of a leniency program for firms voluntarily disclosing illegal practices. The text of a lecture by Chie Sato deals with the liability for environmental and property damages caused by shipping accidents under Japanese law. Picking up on recent political events, Melanie Ries discusses the possibilities of a self-dissolution of parliament in Japan and Germany; no such right exists in either country, but both parliaments nevertheless did dissolve in 2005.

In the section on CASE LAW, you will find a contribution by Eiji Takahashi und Tatsuya Sakamoto that supplies an overview of important company law decisions of the Supreme Court during 2003 and 2004. This adds to an earlier report in issue 17 (2004). A comprehensive REPORT by Eva Schwitek summarizes the findings of a major German-Japanese conference convened in Tokyo on 29 and 30 September 2005. The symposium was jointly organized by the Alexander von Humboldt Foundation (AvH) and the German Academic Exchange Service (DAAD) in cooperation with the DJJV, the Max Planck Institute, and others as part of the “Germany-in-Japan Year”. The BOOK REVIEWS introduce two new German publications: the first deals with Japanese tort law, and the second is about Japan’s economic performance compared to China’s.

Finally, the information supplied in the FORUM section about activities of the DJJV and of ANJeL may be of interest. I would like to draw your special attention to the announcement of the program of an upcoming symposium on the privatization of state enterprises in Japan and Germany. The conference is jointly organized by the DJJV and Waseda University in cooperation with the DAAD. It has been convened for 24 and 25 February 2006 on the premises of the German Cultural Center in Tokyo. Conference languages will be German and Japanese with simultaneous interpretation. The issue concludes with a few organizational announcements and advertisements for new publications.

Harald Baum

2 Cf. also the contributions in ZJapanR 18 (2004) dealing with other procedural reforms.