



JUDICIAL ADMINISTRATION IN JAPAN AND CHINA

In Japan the needed increase in the number of judges is made difficult by low judicial salaries, which in turn are held down by the necessity of keeping them in line with those of other government employees.

Each year from 6,000 to 10,000 Japanese law school graduates take the bar examination and only about 300 pass. Few persons pass without having taken it several times. That small number is determined by the capacity of the Legal Training and Research Institute, in which all successful applicants must immediately enroll. This Institute conducts classes in which the practical side of law practice and court work is taught, plus a period of internship in which all students spend a period of months in a law office, in a prosecutor's office, and in a court learning by actual practice the work of the lawyer, the prosecutor and the judge. At the end of their Institute study, the students decide into which of the three branches of the profession they will go after having been equally familiarized with all three. Thereafter, each goes his separate way. The profession is divided three ways, and the judges, the lawyers and the prosecutors each have their own separate organisations, publications and activities in which the other two do not participate at all.

The Chinese system is similar, except that the Institute is used only for judges and prosecutors and covers only the work of those offices. The relation between judge and prosecutor is a close one. An individual may transfer from the one office to the other, and in court the prosecutor sits in the bench beside the judge. However, we are assured that trials are fair and that the prosecutor enjoys no advantage over the defense attorney because of his position.

In March the people of Free China were shocked by the arrest of a judge of the High Court for allegedly having accepted a bribe of about £12,500 in connection with a case before him. The editor of the *China Post* referring to other instances of bribing of prosecutors, asserted that they all stemmed from lack of money and, while paying high tribute to the integrity of the great majority of the judges and prosecutors, strongly urged that the government should act at once to raise their pay "to a reasonable level"

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