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# International Association of Legal Sciences Symposium: Colloquium Summary

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## Introduction

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### I. THEMES

This volume contains the National Reports presented to the Colloquium. Given the broad areas covered by "The Social Role of the Legal Profession," it seemed advisable to define the Colloquium topic in more specific terms. Accordingly, the following four themes were formulated and the National Reporters were asked to choose topics for their National reports:

- I. Contemporary Problems of the Judiciary
- II. Issues of the Lawyer Population
- III. Frontiers of Legal Practice
- IV. Role of the Legal Profession in Social Change

The themes that the National Reporters chose to discuss were as follows:

Australia: I, II  
China: General  
France: I, II, III, IV  
Germany: I, II  
Hungary: I, IV  
Japan: I, II  
Korea: I  
Thailand: General  
United Kingdom: II  
United States: I, IV

Theme III was taken up by only one National Report explicitly, but most papers discuss problems under this theme in some form. It is not surprising that some National Reporters chose to discuss the general conditions of their legal profession rather than focus on some of the suggested themes, for these themes are not particularly relevant to countries with relatively young legal professions.

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## II. VARIETY OF LEGAL PROFESSIONS

The variety of countries participating in this Colloquium is impressive. From a geographical point of view, Western and Eastern Europe and America are represented, as well as Asia and Oceania. Also, these countries are well-balanced from a historical and cultural point of view.

From a legal point of view, which may be the most relevant, conference participants represent a variety of legal systems. Some countries employ a legal system belonging to the common law tradition: Australia, the United Kingdom, and the United States. Its influence seems to be strong in the Thai legal system as well. France and Germany represent the continental or civil law heritage. It is significant to note that the German National Report contains a brief mention of the former East Germany. Korea and Japan might also be included in this group, although Japan introduced some Anglo-American elements into its basically continental legal system after 1945. In addition, the socialist legal system is represented by China. Moreover, Hungary's legal system is influenced by socialist ideas of law that prevailed until very recently.

Some of the legal professions represented have a long history of development, whereas others are very young, as is the case with the Chinese. Still others, such as the Japanese legal profession, have a hundred-year history, and are on their way to full institutional maturity.

In discussing the various problems of the legal profession reported in the National Reports, the variety of subject matter should be examined. The particular problems that each society sees in its legal profession must be viewed in the unique context of that society, as products of the specific constellation of its cultural, historical, political, and institutional heritage. At the same time, in spite of this variety, some important features are common to many, if not all of the legal professions represented, arising out of the more or less similar conditions of our contemporary society. With this variety in mind, each National Reporter was asked to fill out a questionnaire regarding some principal features of the legal profession he/she represents, so that a visual set of reference materials for discussion was available.

## III. TERMS

As all are aware, "legal profession" is an indeterminate term and its referent is somewhat different from one country to another or from one writer to another. "Legal profession" comprises various categories of lawyers or the lawyers occupying various positions in the legal system. Because the ways in which they are categorized and related to each other are also different from one legal system to another, some terminology is employed in order to be clear regarding discussion. As a starting

point, the term "fully qualified lawyer" and "private lawyer" were tentatively defined as follows:

A "fully qualified lawyer" refers to a person qualified by law to exercise legal expertise without restriction in a judicial or prosecutorial capacity, or to provide legal service to clients, representing the latter in a legal matter in or out of court, in drafting a legal document, or in giving legal advice.

A "private lawyer" refers to a person in "private practice" or employed by a business firm or a governmental organization other than a judicial or prosecutorial organ. It excludes "lawyers in office" (i.e., judges or prosecutors) and those in full-time teaching positions.

In addition, as the returned questionnaires testify, a number of professions do not consist of fully qualified lawyers, despite the fact that professional skills are exercised in a restricted area of legal services. For lack of better terms, these professions are labeled "quasi-lawyers" or "auxiliaries."

