

Professor admits leaking bar exam questions to student

1. In a sign of systemic flaws in the nation's law schools, the Justice Ministry announced Tuesday it has filed a criminal complaint against a law professor for leaking questions for this year's bar exam to one of his students. Koichi Aoyagi, a 67-year-old professor at Meiji University's law school and a prominent scholar of constitutional law, was one of 132 experts appointed by the government to create questions for this year's bar exam, which was held in May.

2. Results of the exam were announced Tuesday and 1,850 out of the 8,016 applicants passed. Both Aoyagi and the student have admitted to the leak in an investigation by the Justice Ministry. While ministry officials declined to disclose the name, gender and age of the applicant, citing ongoing criminal investigations, media reports said the applicant is a woman in her 20s who has graduated from the Meiji University law school in Tokyo. 中略

3. The examiners are considered part-time employees of the central government and are obligated to maintain confidentiality. The ministry's panel will also investigate whether Aoyagi, who has served as an examiner since the current style of the exam was introduced in 2006, leaked questions to other students in the past.

4. The scandal came to light after another examiner found the student's answers suspicious, a ministry official said, noting the student wrote answers "in a way that couldn't have been written without the leak of certain information (in advance)." The ministry said the leak for this year's exam is limited to the student in question, noting that it examined answers on the constitutional law section of the exam from all of the applicants who passed and found no other signs of foul play.

5. The scandal comes when the nation's law school system and the current bar exam — aimed at drastically increasing the number of lawyers in private practice — are under intense scrutiny. In 2002, the government, anticipating a rapid rise in demand for lawyers, set a goal of increasing successful bar exam applicants to 3,000 a year by roughly 2010. This represented a huge shift in government policy, as the number of those passing the bar exam had been around 1,000 a year until then. The increase in the lawyers' ranks has resulted in excessive competition, leading to situations where newly licensed lawyers have a hard time finding work. Critics have also argued that the quality of legal professionals has declined.

6. Toru Ino, a Hokkaido-based lawyer who has written extensively on law school education, said the current industry climate — where many law schools are suffering from declining enrollment — may have triggered the scandal. "I think there are a lot of temptations (to commit fraud) on the part of law school faculty, because the percentage of those who pass the bar exam at law schools directly affects the amount of subsidies the schools get from the education ministry," Ino said. "The only way to prevent cases like this in the future is to ban law school faculty who have direct contact with students from drafting questions for the bar exams. But professors are often the top experts in fields of law. If they don't create questions, who can?"

7. Shinichi Sakano, a lawyer in Osaka, said this incident shows that academics can't clean up their act by themselves, pointing to a similar scandal in 2007 in which a professor at Keio University's law school acting as an examiner was accused of preparing students in his class for the bar by giving lectures and sending emails on subjects featured in the exam.

8. In that case, the professor was relieved of his examiner duty but was not indicted due to a lack of evidence on the link between his teaching and the exam questions. Since then, scholars in charge of writing bar exam questions have been banned from teaching law students in their final year. 後略 【Japan Times/Sep 8, 2015

／by Tomoko Otake】

prominent:卓越[傑出]した、著名な confidentiality:機密性 foul play:不正[裏切り]行為、ごまかし scrutiny:精査 ranks:ある特徴を共有する人々の集団 temptation:誘惑 fraud:不正手段 faculty:教授団 subsidy:補助金

★Ice breaker for active discussion★

1. Why do you think the professor revealed the questions to the student?
2. The penalty for the student is that she will be banned to take the exam for 5 years. What do you think about it?
3. The number of lawyers is increasing in Japan. What do you think are the merits and demerits of having more lawyers?
4. What is the importance of confidentiality? Why is it difficult to maintain?
5. Have you ever consulted a lawyer before? How was your experience?
6. Make sentences using the following words: leak, prominent, foul play
Scrutiny, temptation, fraud faculty subsidy and bar.

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