

LEGAL SERVICES COUNTRY PROFILE

REPUBLIC OF KOREA

International Legal Services Advisory Council

Attorney-General's Department

Australia

January 1998

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Acknowledgment

The contribution and assistance of Mr B W Kim, Korean Legal Consultant, Clayton Utz, Sydney; Mr John Kell, Mallesons Stephen Jaques, Sydney; Mr S. K. Bang, Partner, Freehill Hollingdale & Page, Sydney; Ms Veronica Taylor, Faculty of Law, Australian National University; Canberra; and Ms Magell Hind, Korea Section, Department of Foreign Affairs and Trade, Canberra, are gratefully acknowledged.

Legal Services Country Profile : Korea

International Legal Services Advisory Council (ILSAC)

January 1998

ISSN 1039-4656

<http://law.gov.au/aghome/advisory/ilsac/ilsac.htm>

Published by the International Legal Services Advisory Council (ILSAC) Secretariat, Attorney-General's Department, Canberra. Printed in Australia.

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Introduction

The International Legal Services Advisory Council (ILSAC) was established in late 1990 by the Australian Government to assist in improving Australia's international performance in legal and related services. To help achieve this purpose profiles for seventeen countries and economies of the Asia Pacific region have been prepared. The Profiles, which are intended as a guide only, cover Australia, Cambodia, China, Fiji, Hong Kong, India, Indonesia, Japan, Laos, Malaysia, Papua New Guinea, The Philippines, Singapore, South Korea, Taiwan, Thailand and Vietnam.

ILSAC is chaired by the Hon Sir Laurence Street AC KCMG and comprises representation from private legal practice, the Law Council of Australia, commercial dispute resolution centres, education institutions and relevant Government departments and agencies.

This third edition of the Profiles is designed to provide an overview of the legal and related services sector in each country or economy. The information in the Profiles is organised under the following main headings:

1. General information:	key data, legal language, form of government and economic indicators.
2. Basic legal information:	system and sources of law, structure and regulation of the legal profession, law-making bodies and professional legal education.
3. Legal services market:	professional legal associations, local, Australian and foreign law firms, and commercial dispute resolution.
4. Market access requirements:	foreign lawyer admission requirements, regulation and restrictions on foreign lawyers/firms and recent regulatory changes.
5. Australian legal services:	prospects for Australian legal services; Australian dispute resolution services and Australian legal education and training services.
6. References/sources:	list of source material and date of information contained in the profile.

Comments, additional information or corrections, and suggestions for improvement of this Profile would be welcome.

How to order

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**ILSAC Secretariat
Commonwealth Attorney-General's Department
Robert Garran Offices
National Circuit
Barton ACT 2600
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**Telephone +61-2-6250 6704; Facsimile +61-2-6250 5952
Email: ilsac.secretariat@ag.gov.au
<http://law.gov.au/aghome/advisory/ilsac/ilsac.htm>**

1 General information

Official name

Republic of Korea.²²

Population

As at July 1994, the population was 44.45 million with an estimated growth rate of 0.9 per cent.²³

Languages

The official language is Korean. English is spoken to a limited extent in business circles.¹

Legal language

The official language of all legal proceedings is Korean.³

Form of government

The Republic of Korea is a constitutional Republic headed by a President. The President is directly elected through universal and secret ballot by the people. The President serves a five year term and cannot be re-elected. Presidential elections were held on 18 December 1992. The National Assembly (Parliament) is composed of 299 members of which 224 are chosen by popular election and 75 by proportional representation. The President appoints the State Council (Cabinet), which is composed of the President, the Prime Minister and between 15 and 30 Ministers. Ministers are not entirely drawn from the ranks of the National Assembly and may be appointed from areas such as academia, the media or bureaucracy.^{14/19}

- Head of State: President, Mr Kim Young-Sam (inaugurated on 25 February 1993).
- Head of Government: Prime Minister Dr Lee Hong-Koo.
- Ruling party: Democratic Liberal Party (DLP) which resulted from a merger between the former Democratic Justice Party (DJP) led by the then President Roh Tae Woo, and two opposition parties, the Reunification Democratic Party and the New Democratic Republican Party. The DLP suffered a serious setback in the March 1992 National Assembly elections when it failed to obtain an outright majority, gaining 116 out of 299 seats. The DLP was nevertheless able to secure a majority by attracting some independents into its ranks.
- Opposition parties: Democratic Party (DP) led by Lee Ki-Taek, the United People's Party (UPP) led by Mr Kim

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Dong-Gil, the New Korea Party (NKP) led by Mr Lee Jong-Chan and the New Political Reform Party (NPRP) led by Mr Park Chan Jong.¹⁹

Economic information

Basic indicators	1990	1991	1992	1993
GDP (US\$b)	239.1	272.7	285	330.8
Real GDP growth %	9.0	8.5	4.8	5.5
Consumer price index (% change)	8.6	9.7	6.2	4.8
Exports fob US\$b	63,123	69,581	75,169	80,950
Imports fob US\$b	65,127	76,561	77,315	79,090
Current account US\$b	-2,172	-8,726	-4,529	384

Sources: Republic of Korea, Country Economic Brief, Department of Foreign Affairs and Trade, May 1994. The Republic of Korea: Outline Brief, Korea Section Department of Foreign Affairs and Trade, December 1994

Per cent of GDP in services sector

The services sector was the largest contributor to GDP in 1993, growing by 9 per cent and accounting for 43 per cent of total GDP. The services sector now employs over 60 per cent of the work force. The Government is keen to encourage the expansion of the services sector though direct foreign investment in certain industries. Following the Uruguay Round services outcome, the Republic of Korea is committed to open up 78 business lines in 8 fields including Government procurement, finance, communications, tourism and environmental services, which should lead to future market opportunities for legal services.²²

Total two-way trade with Australia (1994) A\$'000	6,498,484
as % of total Australian trade	4.9
rank in total Australian trade	4
Value of Australian exports (1994) A\$ million	4,732,332
as % of Australian exports	7.3
market ranking in Australian exports	2
% growth (five-year trend)	12.5
Value of Australian imports (1994) A\$ million	1,766,152
as % of Australian imports	2.6
market ranking in Australian imports	10
% growth (five-year trend)	12.4

Source: Department of Foreign Affairs and Trade, *Composition of Trade—Australia, 1994*.

2 Basic legal information

Legal system

The Republic of Korea has a civil law system.³

Sources of law

- In the period 1392 to 1910, China had a significant influence on the penal and administrative law of the Republic of Korea.
- In the post war period (since 1945) the Republic of Korea's legal system has been influenced by:
 - German civil law statutes and jurisprudence which were introduced by the Japanese (1910 to 1945); and
 - Anglo-American common law which has particularly influenced the Republic of Korea's commercial laws.
- The Constitution was adopted in 1948 and has undergone a series of subsequent amendments.¹⁰

Structure of the legal profession

The Republic of Korea's legal profession has three major branches: judges, public prosecutors and attorneys. As in other common law countries, the para-legal profession also performs other important transactional roles.³

Regulation of the legal profession

The Republic of Korea's legal profession is regulated by:

- the *Court Organisation Act*, Law No. 3992, 4 December 1987 (as amended); and
- the *Lawyers Act*, Law No. 3594, 31 December 1982 (as amended).

Notaries Public are regulated by the *Notary Public Act*, Law No. 723, 23 September 1961 (as amended).¹⁰

Law-making bodies

The primary sources of law are statutes enacted by the National Assembly (legislature), pursuant to the Constitution. Other classes of laws are:

- decrees issued by the President, Cabinet and various ministries;
- rules made by the National Assembly pursuant to Article 64 of the Constitution;
- rules made by the Supreme Court regarding the administration of the court system pursuant to Article 108 of the Constitution; and
- international agreements.¹⁰

Law derived from Australia

None.¹⁶

Court structure

The judicial system is composed of the:

- *Supreme Court*—which hears appeals against decisions of the Appellate and District courts in civil and criminal cases;
- *Constitution Court*—which adjudicates the constitutionality of a law (when requested by the other courts), impeachment, dissolution of a political party, disputes between state agencies, or between state agencies and local governments, and petitions relating to the Constitution;
- *Appellate Courts* (known as High Courts) which have appellate jurisdiction in civil and criminal cases and can also pass judgment on administrative litigation against government decisions;
- *District Courts*—which exercise jurisdiction over all civil and criminal cases in the first instance; and
- *Family Court* and *Courts-Martial*.^{5/8}

Professional legal education

Primarily trained

Legal practitioners of the Republic of Korea are trained primarily in the Republic of Korea.²

Qualifications for practice

Judges, public prosecutors and attorneys trained in the Republic of Korea must pass a national bar examination arranged by the Ministry of Government Administration and then attend a two year training course at the National Judicial

Research and Training Institute.^{10/12} The bar examination has a pass rate of approximately 3 per cent and there are no plans to change the pass rate. Anyone can undertake the bar exam as it is not necessary to have completed a university law course or any university course. Nevertheless, most people who undertake the bar exam have undergraduate law degrees.⁸

Principal universities

Universities in the Republic of Korea that offer law, include:

Seoul National University (Seoul);
Korea University (Seoul);
Yonsei University (Seoul).^{6/17}

Other domestic training institutions

None.¹⁶

Post-graduate legal courses

Post-graduate legal courses, including masters and doctorates, are offered at most of the leading law schools, including those listed above.

Other domestic legal qualifications

Judge advocates, after ten years experience, may be granted permission to practise as an attorney. However, to become a judge advocate a person must first undertake a special government exam.⁸

Practical legal training

The National Judicial Research and Training Institute, which is attached to the Supreme Court, is responsible for the provision of practical legal training.²

Foreign legal training

Sources

The United States, England and Germany are the main overseas study destinations.

Skills obtained

Students from the Republic of Korea generally study abroad to obtain post-graduate tertiary qualifications and specialist training by intensive courses.²

3 Legal services market

Professional associations (law societies/bar associations)

The Korean Bar Association represents the legal profession in the Republic of Korea.⁸

Korean Bar Association
1553 -1, Socho Dong, Socho-gu
Seoul
Republic of Korea
Telephone: (82) (2) 522 3763
Facsimile: (82) (2) 522 3767

Local legal firms

Local legal firms

As at June 1993, there were 123 local legal firms.²⁶

Local lawyers

As at June 1993, there were 2,648 practising lawyers.²⁶

Per cent in international commerce

Most lawyers in the Republic of Korea are sole practitioners. Law firms in the Republic of Korea which do not deal with international clients tend to be two or three person partnerships and deal exclusively in domestic law.¹¹ It is estimated that less than 400 of the 2,648 practising lawyers deal with foreign investment clients.²⁶

Dollar value of legal services

Information not available.

Local legal firms involved in international work

There are approximately ten local law firms involved in international work in the Republic of Korea. Around 50 per cent of their fees come from international foreign investment clients. The size of these firms ranges from ten to eighty professionals. Some of the attorneys in international law firms are patent attorneys.

Practice mix

Listed are five leading corporate practices in the Republic of Korea which reportedly have a high proportion of international work. These firms provide a full-service corporate practice,

however, specialisation varies. The firms below are claimed to possess particular strengths in the areas listed:

- Kim & Chang—corporate, securities and banking, project financing and leasing, mergers and acquisitions, insurance, tax, intellectual property, labour, maritime, litigation and arbitration;
- Lee & Ko—corporate, foreign investment, securities and banking, maritime, real estate, copyright, aviation, litigation and arbitration;
- Bae Kim & Lee PC—litigation and arbitration, banking and finance, intellectual property and high technology;
- Shin & Kim—securities, banking, foreign investment and technology transfers, taxation, international trade, telecommunications and intellectual property;
- Yoon & Partners—corporate and commercial work, telecommunications, taxation, finance, intellectual property, litigation and foreign investment.¹²

Australian and other foreign legal firms

Australian firms

There are no Australian law firms operating in the Republic of Korea, as this is not permitted by the Government of the Republic of Korea. However, local law firms collaborate with 40–60 foreign law firms.²

Australian firms represented in the Republic of Korea :

- Freehill Hollingdale & Page has the first Australian qualified Korean lawyer (partner) who heads the Korean Business Unit in Sydney. The Korean Business unit has two other Australian qualified lawyers with Korean background. Freehill Hollingdale & Page does not have any formal associations with any of the law firms in Korea, preferring to associate itself with Korean law firms on a case-by-case approach having regard to particular transactions;²⁹
- Clayton Utz, through the Pacific Rim Advisory Council, is associated with Kim Chang & Lee which specialises in banking and finance, corporate law and general international business transactions.^{15/27}
- Dunhill Madden Butler has an associate firm arrangement in Seoul. There are no Australian lawyers working in this associate firm; and^{24/13}

Legal Services Country Profile: Korea

- Mallesons Stephen Jaques has an associated office arrangement in Seoul.¹⁸

The international firm of Baker & McKenzie has a correspondent relationship with Yoon & Partners in the Republic of Korea.⁷

Australian lawyers

Australian law firms do not have direct presence in the Republic of Korea, but a number of international law firms based in the Republic of Korea have foreign legal consultants including two Australian solicitors in Seoul.

Local lawyers

Not applicable (see *Regulation of foreign law firms* below).

Foreign legal firms

There are no foreign law firms operating in the Republic of Korea, as this is not permitted by the Government of the Republic of Korea. However, local law firms collaborate with 40–60 foreign law firms.²

Status of lawyers employed

Local lawyers

Not applicable (see *Foreign legal firms* above)

Foreign lawyers

There are currently 54 foreign lawyers working as legal consultants for local legal firms involved in international work.⁹

Principal home countries

Most of the foreign lawyers are from the United States. However, local law firms collaborate with foreign firms from the United States, Europe, Japan, and other Asian countries.²

Practice mix

Foreign firms rely particularly on collaboration when working in areas of direct overseas investment, merger and acquisition, loan agreements and technology inducement and transfer.²

Commercial arbitration

The Republic of Korea has a system of arbitration regulated by the *Arbitration Act*, Law No. 1674, 1966 (as amended). The Act covers arbitration generally and has special provisions covering the conduct of commercial arbitration.²⁸

Firms/centres

Under the *Arbitration Act*, the Korean Commercial Arbitration Board (KCAB) has jurisdiction over commercial arbitration.^{12/8}

Korean Commercial Arbitration Board
159 Samsung-dong, Kangnam-ku
Seoul
Republic of Korea
Telephone: (02) 551-2000/1

In practice, most local trading firms include an arbitration clause in their contracts. However, depending upon the situation and nature of the market, local firms sometimes seek to utilise offshore arbitration systems. The KCAB estimates that the approximate local/offshore usage is 70 : 30 per cent.²

Principal coverage

See *Firms/centres* above.

Foreign restrictions

No special rules relate to foreign participation in arbitral proceedings. Foreign lawyers may be appointed as arbitrators in the Republic of Korea, however they may not represent clients in arbitral proceedings.¹⁰

International instruments

The *Convention on the Settlement of Investment Disputes between States and Nationals of Other States 1965* (ICSID Convention) came into force for the Republic Korea on 23 March 1967.⁴ The Republic Korea has enacted *Promulgation of the Convention (as Treaty No. 234)* (Official Gazette. Extr. No. 4580, Feb 21, 1961, p. 361), pursuant to Article 69 of the ICSID Convention, to make its provisions effective in the territory.²¹

The Republic of Korea became a party to the *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)* on 8 February 1973.

The Republic of Korea has not adopted the *UNCITRAL Model Law on International Commercial Arbitration (1985)*.⁴

4 Market access requirements

Foreign lawyer/firm regulation

Body responsible

Foreign lawyers/firms are not permitted to practice in the Republic of Korea, hence no body has been established which is directly responsible for the regulation of foreign lawyers/firms.⁹

Laws & regulations

Foreign lawyer status is regulated by Article 6 of the *Lawyers Act*.¹⁰ However, there are no special regulations that specify the requirements for the practice of law by foreign lawyers/firms in the Republic of Korea.⁹

Foreign lawyer admission to practice requirements*

(*Foreign lawyers are not permitted to practise law in the Republic of Korea.⁹)

Citizenship

Article 6 of the *Lawyers Act* provides that:

“In a case where an alien ... has rendered meritorious services for the Republic of Korea or is deemed worthy ...the Minister of Justice may approve his/her qualifications as a lawyer”.

However, no overseas practitioner has been granted permission to practise by the Minister for Justice during the postwar period.²⁶

Educational qualifications

Not applicable.

Experience

Not applicable.

Pupillage period

Not applicable.

Residency requirements

Not applicable.

Government approvals

Not applicable.

Other

Not applicable.

Admission authority

Not applicable.

Special admission

It is understood that there are no special regulations other than those referred to above (Article 6 of the Lawyers Act) for special admission and no foreign lawyers have been given special admission.¹⁶

Additional requirements

Immigration in the Republic Korea is regulated by the *Exit and Entry Control Act* (also translated as Immigration Act), Law No. 3694, 1983.¹⁰

Visa restrictions

Visas are not always necessary for non-business visits, provided onward tickets are held.¹ Foreigners generally require a visa to enter the Republic of Korea, which may be a short period 90-days visa or a longer visa for a particular purpose.¹⁰ Evidence of local means of support and a letter of invitation from a local business may be required.¹ The 90-days visa may not generally be extended, however, visas for longer periods can be extended, subject to Ministry approval of the purpose of the extension.¹⁰

Note: Visa regulations are liable to change at short notice and should be checked before departure.¹ Foreigners remaining in the Republic Korea for longer than 90 days must report to and register with the local Immigration Office.¹⁰

Work permits

Work permits are required by foreigners for any employment in the Republic of Korea.¹⁶

Regulation of foreign law firms*

(*Foreign firms are not permitted to practise law in the Republic of Korea. However, many local law firms often hire foreign lawyers from their overseas associates to act as foreign law consultants.²)

Use of firm names

Not applicable.

Employment of local lawyers

Not applicable.

Local firm associations

Attorneys in the Republic of Korea may not employ or form partnerships with overseas practitioners.¹⁰

Government approvals

Not applicable.

Other

Not applicable.

Restrictions on practice

Local law

Overseas lawyers may not advise clients on laws of the Republic of Korea.⁹

Home law

Foreign lawyers are not permitted to practice law in the Republic of Korea.⁹ However, in some cases foreign legal consultants advise clients on home country and foreign law.

Foreign law

See *Home law* above. Foreign lawyers are confined to handling matters concerning 'foreign individuals' or 'foreign juridical persons' (*Lawyers Act*, Article 6(2)).¹⁰

International law

See *Home law* above. However, reportedly in some cases foreign lawyers advise clients on international law involving foreign jurisdictions.

Other

Foreign lawyers cannot represent clients in courts in the Republic of Korea.

Recent regulatory changes

Recent regulatory changes

The Republic of Korea made no commitments on legal services under the GATT Uruguay Round.²⁸

5 Australian legal services

Australian law firms*

*(*Australian law firms and lawyers providing services see 3—
Legal services market above.)*

Prospects for Australian legal services

The Republic of Korea is now Australia's second largest export market. The Republic's growing influence in the Asia-Pacific region is widely recognised and it is increasingly being seen as a major source of industrial and commercial activity. Given Australia's international reputation for legal expertise in the area of large scale primary industry and commercial projects, significant opportunities exist for the provision of legal services to Korean clients.

Furthermore, it is rumoured that within the next twelve months the market may be opened up to allow foreign lawyers to enter and practise home country and international law. If this occurs, it presents a significant opportunity for Australian legal service providers.⁹

Dispute resolution services

Centres/firms

The **Australian Centre for International Commercial Arbitration (ACICA)** provides services for the settlement of international commercial disputes of all kinds to the region. ACICA was established in 1985 as a company limited by guarantee and incorporated in Victoria by the Institute of Arbitrators, Australia. The Institute of Arbitrators has as its main objectives the education and training of arbitrators and their grading, the nomination of arbitrators to arbitrate disputes and the promotion of arbitration as a means by which commercial disputes can be resolved. ACICA has entered into arrangements with the International Centre for Settlement of Investment Disputes in accordance with the provisions of the ICSID Convention.

ACICA has Co-operation and Trade Arbitration Agreements with 34 International Arbitral Centres around the world including those in the world's major trading nations in Asia, Europe, the Middle East and the Americas.

ACICA is a member of the Council of Asia Pacific Commercial Dispute Resolution Centres and has close relationships with the International Chamber of Commerce Court of Arbitration in Paris.

ACICA is in close contact with the Korean Commercial Arbitration Board in Seoul, although no formal co-operation agreement exists at present.

For further information on ACICA, contact:

**The Secretary General
Australian Centre for International Commercial Arbitration
Level 1
22 William Street
Melbourne Vic 3000
Telephone: (03) 9629 6799
Facsimile: (03) 9629 5250**

The **Australian Commercial Disputes Centre (ACDC)** provides consulting, training and dispute resolution services both domestically and internationally. It concentrates on mediation, expert appraisal and determination. ACDC has entered into arrangements with the International Centre for Settlement of Investment Disputes in accordance with the provisions of the ICSID Convention.

ACDC is the London Court of International Arbitration (LCIA) Registry for the whole Asia Pacific Region. LCIA's services are available to all involved in international commercial activity. It is open to any party to elect to have his/her dispute determined under the internationally recognised LCIA Arbitration Rules or UNCITRAL Rules.

ACDC is a signatory to the Agreement of Cooperation with the Korean Commercial Arbitration Board. ACDC is also a member of the Council of Asia Pacific Commercial Disputes Centres.

For further information on ACDC, contact:

**The Chief Executive Officer
Australian Commercial Disputes Centre
Level 5
50 Park Street
Sydney NSW 2000
Telephone: (02) 9267 1000
Facsimile: (02) 9267 3125**

Legal education and training

Overseas students studying law in Australia

Undergraduate

In 1993, there were four students from the Republic of Korea recorded as studying Law/Legal Studies at an undergraduate level in Australian (public & private) universities.²⁴

Post-graduate

In 1993, there were three students from the Republic of Korea recorded as studying law/Legal Studies at a post-graduate level in Australian (public & private) universities.²⁴

Short courses

Not known.

Overseas students studying in Australia

Commonwealth-funded higher education institution

As at 30 June 1993, there were 1,372 students from the Republic of Korea recorded as studying at Australian Higher Education institutions. The majority undertook Arts, Humanities, Social Sciences (32.1%) followed by business administration/economics (24.3%).²⁵

Short courses

Not known.

Overall

There are a growing number from the Republic of Korea wishing to study abroad, particularly to develop English language skills. In 1993, the Australian Embassy in Seoul issued 2,761 student visas, compared with 2,110 in 1992.²³

Qualifications recognised

Law degrees conferred by universities in the Republic of Korea are generally recognised for the purposes of admission to graduate programs in Australian law schools.

Australian lawyers have experienced no difficulty in having their Australian qualifications recognised as a satisfactory basis for application to graduate programs in the Republic Korea.

As the Republic of Korea is a civil law jurisdiction, law degrees conferred by universities in the Republic of Korea are not recognised for admission to practice purposes in Australia. Lawyers from the Republic of Korea or law graduates would be required to complete at least 75 per cent of an Australian law degree to cover the areas of knowledge required for admission to practice in Australia.¹⁶

Australian Education Centre representation

The Australian Education Centre (AEC) was established in July 1990 to process overseas student applications for visas, act as a source of advice to prospective students, be a liaison point

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between students and the Embassy and act as the coordinating agency for the promotion of Australia's overseas student policy.¹⁴

For further information, contact:

Jong-Woo Pak
Manager
Australian Education Centre
11th Floor
Kyobo Building
1 Chongro-1
Chongro-ku
Seoul, Republic of Korea
Telephone: (822) 776 7246/7
Facsimile: (822) 773 8063

Dollar value of educational services

Information not available.

6 References/sources

1. The Asia & Pacific Review, Hunter Publishing Incorporation, 1990.
2. Export of Australian Legal Services, An Overview of the Legal Services Markets in the Asia Pacific Region, Austrade, August 1990.
3. Kime's 1993–1994 International Law Directory, Irene Slade (Editor), Longman, 1994.
4. Information provided to the ILSAC Secretariat, from the Attorney-General's Department, December 1992
5. The Europa World Year Book, Europa Publications Limited, 1994.
6. The LAWASIA Directory of Law Courses in the Asia and West Pacific Regions, Centre for Legal Education, Third Edition, 1994.
7. Australian Legal Services Directory 1993/94, Law Council of Australia.
8. Information provided to the ILSAC Secretariat, Attorney-General's Department, from an Australian Law Firm, 6 July 1992.
9. Information provided by an Australian Legal Firm, 3 March 1995
10. South Korea, Doing Business in Asia, CCH Asia Limited, 1991.
11. Information provided to the ILSAC Secretariat, Attorney-General's Department, from an Australian Law Firm, 9 July 1992.
12. The International Financial Law Review 1995 Edition, A Guide to the World's International Law Firms, Euromoney Publication plc 1994.
13. Australian Law Firms—Overseas Representation, ILSAC Secretariat, Attorney-General's Department, 4 September 1992.
14. Republic of Korea, Country Economic Brief, Department of Foreign Affairs and Trade, March 1992.
15. Lex Mundi, Directory of Members, October 1993.
16. Information provided to the ILSAC Secretariat, Attorney-General's Department, from the Asian Law Centre, The University of Melbourne, December 1992.
17. Information provided to the ILSAC Secretariat, Attorney-General's Department, from the Centre for Legal Education, November 1992.
18. Information provided to the ILSAC Secretariat, Attorney-General's Department, from an Australian Law Firm, 1 February 1993.
19. Information provided to the ILSAC Secretariat, Attorney-General's Department, from the Department of Foreign Affairs and Trade, 3 February 1993.
20. Information provided to the ILSAC Secretariat, Attorney-General's Department, from the Republic of Korea Embassy, 4 February 1993.
21. Contracting States and Measures Taken by Them for the Purpose of the Convention, International Centre for Settlement of Investment Disputes, November 1991.
22. Republic of Korea, Country Economic Brief, Department of Foreign Affairs and Trade, May 1994.
23. The Republic of Korea: Outline Brief, Korea Section Department of Foreign Affairs and Trade, December 1994.
24. Information provided by the Department of Employment Education and Training, April 1994.
25. The Department of Employment Education and Training, *Overseas Student Statistics 1993*, DEET, International Division, Canberra, 1994.
26. Information provided to the ILSAC Secretariat, Attorney-General's Department, by a member of the Korean Bar Association, 13 February 1995.
27. Directory of Member Firms 1993–1994, Pacific Rim Advisory Council.
28. Information provided to the ILSAC Secretariat, Attorney-General's Department, by the Department of Foreign Affairs and Trade, 2 March 1995.
29. Information provided to the ILSAC Secretariat, Attorney-General's Department, from an Australian Law Firm, 7 March 1994.