

我が国で法曹となるためには、原則として、専門職大学院である法科大学院を修了した後、司法試験に合格し、1年間の司法修習を終えることが必要です<sup>(注1、2)</sup>。司法修習は、法科大学院で学んだ法理論教育及び実務の基礎的素養を前提として、法律実務に関する汎用的な知識や技法と、高い職業意識や倫理観を備えた法曹を養成することを目的としており、法曹養成に必要な課程として置かれています。司法修習の最終試験(司法修習生考試)に合格して司法修習を終えることにより、裁判官、検察官又は弁護士となる資格が与えられます。

法科大学院においては、それぞれ特徴ある教育がされていますが、司法修習は、裁判官、検察官、弁護士のいずれの道に進む者に対しても、同じ修習課程により行われます(統一修習制度)。この統一修習制度は、司法官(裁判官及び検察官)の養成と弁護士の養成を二元的に行っていた制度を改めたものであり、昭和22年に司法修習制度が開始されて以来、我が国における法曹養成の一貫した方針となっています。それぞれの立場からの事件の見方を学ばせることにより、広い視野や、物事を客観的、公平に見る能力を養うとともに、法律家間の相互理解を深める意義もあります。このような統一修習制度は、国際的に見ても特徴のある制度であり、我が国において、高い評価を受けています。

注1) 平成13年の司法制度改革審議会意見を受けた法曹養成制度の改革により、平成16年から法科大学院制度が、平成18年からはこの制度を前提とする現在の司法試験及び、その合格者に対する司法修習が開始されました。この改革は、国の規制の撤廃、緩和の一層の進展や、内外の社会経済情勢の変化に伴い、より自由で公正な社会の形成を図る上で、法及び司法の果たすべき役割がより重要なものとなり、多様かつ広範な国民の要請に応えることができる高度の専門的な法律知識、幅広い教養、国際的な素養、豊かな人間性及び職業倫理を備えた多数の法曹を養成するためにされたものです(法科大学院の教育と司法試験等との連携等に関する法律(平成14年法律第139号)2条参照)。

注2) 法科大学院における教育と司法試験及び司法修習生の修習は、相互に有機的な連携のもとに行われます(同条参照)。

In Japan, in order to enter the legal profession, it is required, in principle, to complete Law School, which is a professional graduate school, to pass the National Bar Examination, and to complete a one-year training course of legal apprentices<sup>(Notes 1, 2)</sup>. This course is indispensable, and is intended to develop legal professions who have the knowledge and skills relating to a wide range of legal practices as well as high professionalism and ethical standards, based on the legal theory and basic practical groundings that they have acquired at law schools. Those who pass the final national examination and complete training course are qualified to become judges, public prosecutors or practicing attorneys.

While Law Schools provide distinctive education in different styles, the training of legal apprentices is implemented based on the common course applicable to all those who are to become judges, public prosecutors and practicing attorneys. (It is generally referred to as a unified training system.) This unified training system, into which the old training system for the *magistratures* (judges and public prosecutors) and the old training system for practicing attorneys was integrated, has been adopted as Japan's consistent policy for legal training system since the training system for legal apprentices started in 1947. Under this system, while learning the viewpoints from which the respective types of legal professions examine cases, legal apprentices can acquire a broad perspective and improve their ability to see things fairly and objectively. It is also conducive to enhancing mutual understating among legal professions. With these advantages, the unified training system is unique when compared internationally, and has been highly evaluated in Japan.

Note 1: Following the reform of the legal training system based on the recommendations of the Judicial System Reform Council in FY2001, the Law School system started in 2004, and the new National Bar Examination, which basically accepts law school graduates as qualified participants, has been implemented in 2006. Since then, the new training of legal apprentices has been conducted for those who have passed the new examinations. Along with the further advancement in the elimination and relaxation of national regulations and the changes in socio-economic circumstances at home and abroad, the law and the judiciary are expected to play a more important role in creating a society with more freedom and fairness. In light of such a situation, the reform was carried out with the objective of developing a number of legal professions equipped with advanced legal expertise, a wide-ranging education, a global perspective, a well-rounded character and professional ethics, who are capable of meeting a variety of requests from the public (see Article 2 of the Act on Coordination between Education at Law Schools and National Bar Examinations, etc. (Act No. 139 of 2002)).

Note 2: Education at Law Schools, the National Bar Examinations and the training of legal apprentices are implemented through effective coordination among them (see said Article).

# 司法修習の流れ

法科大学院  
Law School



司法試験  
National Bar Examination



導入修習  
(約1か月)  
Introductory  
Training  
(1 month)



分野別実務修習  
Field Training on each  
judicial function

司法研修所  
The Legal Training  
and Research Institute

## 司法修習

各実務修習地  
Field training locations

民事裁判(約2か月)  
Civil litigation (2 months)

刑事裁判(約2か月)  
Criminal litigation (2 months)

検 察(約2か月)  
Prosecution (2 months)

弁 護(約2か月)  
Advocacy (2 months)



# The flow of Training of Legal Apprentices

## Training of Legal Apprentices

司法研修所  
The Legal Training  
and Research Institute

各実務修習地  
Field training locations

集合修習(約2か月)  
Collective Training  
(2 months)

選択型実務修習  
(約2か月)  
Field Training based  
on legal apprentices'  
choices  
(2 months)

各実務修習地  
Field training locations

司法研修所  
The Legal Training  
and Research Institute

選択型実務修習  
(約2か月)  
Field Training based  
on legal apprentices'  
choices  
(2 months)

集合修習(約2か月)  
Collective Training  
(2 months)

司法修習生考試  
Final National  
Examination

裁判官 Judges  
検察官 Public Prosecutors  
弁護士 Practicing Attorneys

など  
etc.

司法修習では、経験豊富な実務法曹の指導によって、法律実務に即した教育を行い、実務の場で必要な知識、技法を身に付けさせています。司法修習生に、現代社会に生起する、複雑で多様化した法的事象に対処しうる汎用的な基礎力を養成することを目指します。また、国民の権利に直接関係する法曹は、プロフェッショナルとして高い倫理観と職業意識が求められます。司法修習では、法曹倫理の修得についても、重要な修習のテーマと位置付けています。

特に、司法修習では、実務的な技法や法曹倫理を効果的に学ばせるために、先輩の法曹による個別的な指導と監督の下、司法修習生が実際の事件の取扱いを体験的に学ぶ実務修習を重視しています。実際の事件を素材とすることで、司法修習生は、事件の重大さ、法曹の責任の重さを身をもって知ることとなります。この実務修習は、法曹を養成するために不可欠の課程です。

Legal apprentices receive practical education on legal practices under the guidance of legal professions who have a wealth of experience, so as to acquire the knowledge and skills required in legal practices. The aim of this training is for legal apprentices to cultivate the all-round basic capability to deal with complicated and diversified legal problems that occur in today's society. Legal professions are required to have high ethical standards and professionalism because they directly deal with issues that may affect the rights of citizens. For this reason, legal ethics is regarded as one of the priority subjects in the training of legal apprentices.

In particular, as an effective style of teaching practical skills and legal ethics, much emphasis is placed on field training. Through field training, legal apprentices experience how to deal with actual cases under the tutorial guidance and supervision of their seniors. By using actual cases as materials, legal apprentices can learn the seriousness of the cases and the gravity of the responsibility entrusted to the legal professions. In this respect, field training is an indispensable course for fostering legal professions.



中庭●Courtyard



テラス広場から西館●West Building

司法修習生は、司法試験に合格した者の中から、最高裁判所によって採用されます。

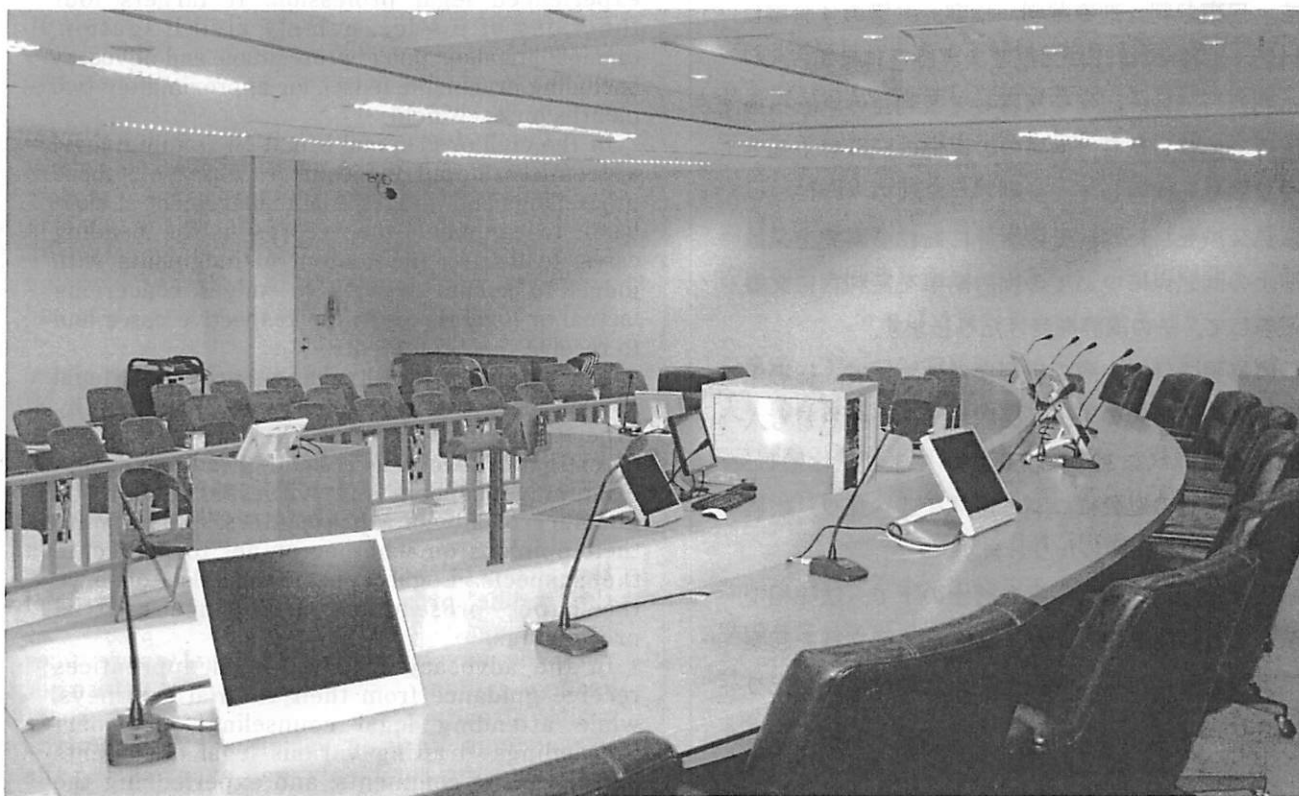
司法修習生に採用されると、修習に専念すべき義務(修習専念義務)、秘密を保持する法的義務(守秘義務)を負います。修習専念義務は、修習期間中、司法修習生が、全力を修習のために用いてこれに専念すべきであることから、課されるものです。守秘義務は、具体的な事件について修習することから、法曹と同様に、法的な義務として司法修習生に課されるものです。

司法修習生は、修習のため通常必要な期間、修習専念義務を担保するため、国庫から一定額の修習資金の貸与を受けることができます。

Legal apprentices are appointed by the Supreme Court of Japan from among those who have passed the National Bar Examination.

Those who have been appointed as legal apprentices have the legal obligation to devote themselves to training, which means that they must put all their energy into training during the training period. They are also under the legal obligation to keep official secrets, as general legal professions are, since they use actual cases as learning materials.

In order to ensure that they can fulfill the obligation to devote themselves to training, they are eligible to receive loans from the national treasury for the period ordinarily required for training.



法廷教室 ● Court classroom

司法修習では、まず、司法研修所における導入修習を行い、その後、各実務修習地において約8か月の分野別実務修習を行います。分野別実務修習が終わると、各実務修習地における選択型実務修習及び司法研修所における集合修習をそれぞれ約2か月間行います。

### (1) 導入修習

導入修習は、司法修習開始段階で司法修習生に不足している実務基礎知識・能力に気付かせ、かつ、より効果的・効率的な分野別実務修習が円滑に行えるようにすることを目的として、司法修習開始直後に司法研修所に司法修習生全員を集めて、約1か月間実施されます。

### (2) 分野別実務修習

分野別実務修習は、全国各地の地方裁判所、地方検察庁、弁護士会という実務の第一線において、経験豊富な実務家の個別的指導の下で、実際の事件の取扱いを体験的に学ぶ修習(個別修習)が中心となります。民事裁判、刑事裁判、検察、弁護の4分野について、それぞれ約2か月間ずつ実施されます。

裁判修習では、法廷を傍聴して裁判官の訴訟指揮を間近で体験したり、係属中の事件の記録や法廷でのやり取りを検討して、裁判官と判決の内容について意見交換をしたり、その事件における事実上又は法律上の問題点についての検討結果を裁判官に文書で報告して、その講評を受けたりします。

検察修習では、実際の犯罪事件について、指導係検事等による指導の下、証拠収集、被疑者や参考人に対する取調べなどの捜査について学び、体験し、起訴・不起訴の処分について意見を述べたり、検察官の公判立会を傍聴したりします。

弁護修習では、個別指導弁護士の下で、法律相談や法廷などに立ち会ったり、様々な法律文書を起草して講評を受けたり、弁護士会の活動を体験したりします。

Under the training system for legal apprentices, legal apprentices first undergo introductory training at the Legal Training and Research Institute of Japan and then field training on judicial functions for approximately eight months at field training locations. After finishing the field training courses in these judicial functions, legal apprentices receive field training based on legal apprentices' choices for approximately two months at the respective training locations and collective training for approximately two months at the Legal Training and Research Institute of Japan.

### (1) Introductory training

Introductory training is provided for approximately one month by gathering all of legal apprentices at the Legal Training and Research Institute of Japan immediately after the commencement of the training for the purpose of making legal apprentices aware of the practical basic knowledge and skills for which they are lacking at the beginning of the training and ensuring more smooth, effective and efficient field training on judicial functions.

### (2) Field training on each judicial function

This training mainly consists of the experience-based activities in which legal apprentices, at the front lines of legal practices, i.e. district courts, district public prosecutors offices and bar associations, learn how to deal with actual cases under the tutorial guidance of vastly experienced legal profession. It targets four functions of justice, namely civil litigation, criminal litigation, public prosecution, and advocacy (including criminal defense), for approximately two months on each field.

In the civil or criminal litigation training, legal apprentices attend the court to observe judicial proceedings and judges' trial management at close hand, to examine the records in the pending cases, to discuss the content of judgments with judge, to submit reports to judges concerning factual or legal issues in the respective cases and to receive their comments.

The prosecution training provides legal apprentices with the opportunity to study by experiencing the procedures relating to criminal investigations, such as collecting evidences and examining suspects and witnesses, under the guidance of advising prosecutors, and to state their opinions on whether or not to prosecute the suspects. Legal apprentices also observe the public prosecutor's attendance at trial proceedings.

In the advocacy training, legal apprentices receive guidance from their tutorial attorneys, while attending legal counseling and court proceedings, drafting various legal documents and receiving comments, and experiencing the activities of bar associations.

### (3) 選択型実務修習

選択型実務修習は、司法修習生が、分野別実務修習の4分野を一通り修習した後に、自らの進路や興味、関心に応じて、主体的に選択、設計することにより、分野別実務修習の成果の深化と補完を図り、又は分野別実務修習では体験できない領域における実務修習をするための課程であり、約2か月間にわたり実施されます。

選択型実務修習では、分野別実務修習において弁護士修習をした弁護士事務所を拠点(ホームグラウンド)とした上で、各地方裁判所、地方検察庁、弁護士会で多様な個別修習プログラムが提供されるほか、全国の司法修習生を対象とする修習プログラムも提供されます。また、司法修習生が、法曹の活動と密接な関係を有する分野について、自ら修習先を開拓して修習することもできます。

### (3) Field training based on legal apprentices' choices

After finishing training courses in the above-mentioned four judicial functions, legal apprentices receive various trainings that are chosen and designed according to their own career plans and interests. The objective of this training is to enhance and complement their achievements in the field training on each function, or to experience practical activities that they cannot experience in field training on each function. Legal apprentices undergo this training for approximately two months.

Setting their base at the law offices where they received advocacy training, legal apprentices take various regional training programs provided by district courts, district public prosecutors offices or bar associations, as well as training programs all legal apprentices nationwide may choose. They can also find the places, by themselves, where they wish to receive training in the areas closely related to the legal profession.



判定の像●Statue "Judgement"

#### (4) 集合修習

集合修習は、実務修習の体験を補完して、体系的、汎用的な実務教育を行い、法律実務のスタンダードを指導する課程です。4分野の分野別実務修習を終了した後、司法研修所において約2か月間実施されるものですが、集合修習と選択型実務修習のどちらを先に実施するかは、実務修習地ごとに異なります。

集合修習では、民事裁判、刑事裁判、検察、民事弁護、刑事弁護の5科目について行われます。クラス担任制が採られており、各クラスでは、科目ごとにそれぞれ1人、合計5人の教官によって、修習の総仕上げとするにふさわしい、充実した指導が行われます。

集合修習においては、司法修習生が、実際の事件記録をアレンジした修習用の事件記録(修習記録)を使って起案をしたり、各種演習等を行い、それを踏まえて教官から指導を受けたりします。例えば、起案については、教官が添削、講評を行います。その過程では、司法修習生相互で討論をして、学修効果を高める取組も行われています。

選択型実務修習と集合修習を終えると、修習期間の最後に、司法修習生考試が実施され、これに合格すると司法修習を終え、裁判官、検察官又は弁護士となる資格を取得します。

#### (4) Collective training

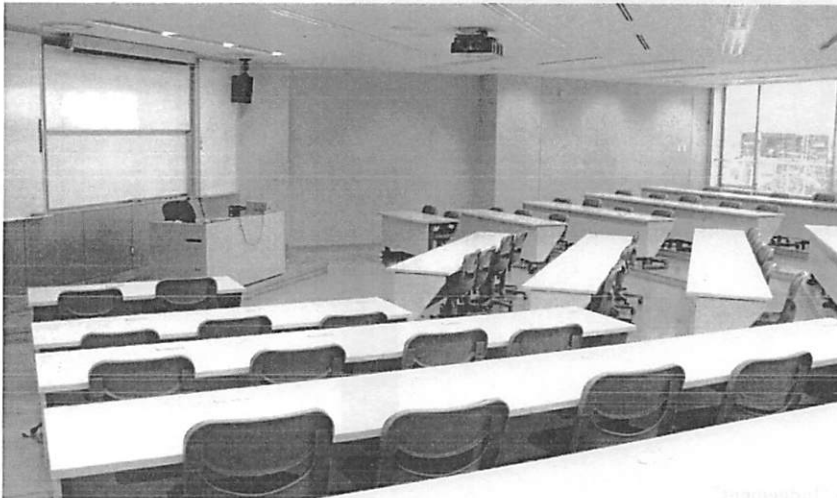
In order to provide systematic and versatile practical education which can complement the experience gained through field training and to teach standard judicial practices, collective training is conducted at the institute for a period of approximately two months. After finishing all the field training on each function, whether individual legal apprentices first receives collective training or field training based on their choices depends on the locations where he/she received the field training.

Collective training consists of five subjects of justice, namely, civil litigation, criminal litigation, public prosecution, civil advocacy practice, and criminal advocacy practice. The professor in charge is assigned to each class, and five professors in total (one for each subject) provide substantial lectures that these are worthy of finish for the training of legal apprentices.

In the collective training, legal apprentices prepare drafts and have practical training, and so on, by using case records arranged for the training purpose based on the actual case records (mimic records for training).

Through the drafting curriculum, in order to ensure deep understanding, professors not only provide for corrects and reviews, but make apprentices debate with each other on the subject.

After having finished both the field training based on their own choices and the collective training, legal apprentices take a final national examination at the end of the training period, and those who pass this examination finish the training of legal apprentices and obtain qualification as judges, public prosecutors or practicing attorneys.



教室 ● Classroom





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Feb, 2017

本館等 Main building etc.



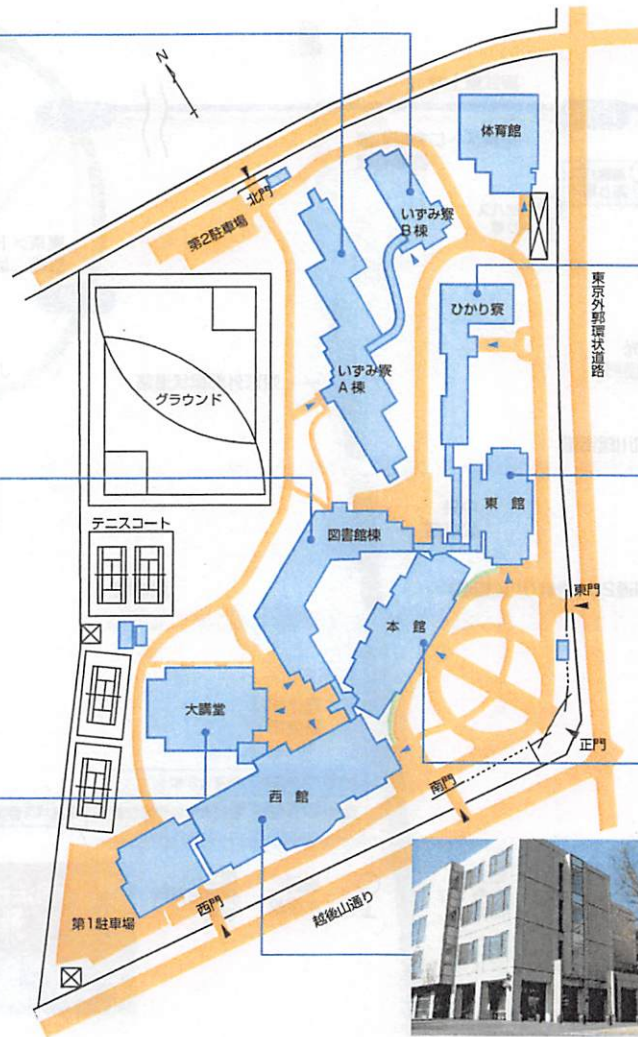
いずみ寮  
●Dormitory (Izumi-ryo)



図書館 ●Library



大講堂  
●Main Auditorium



ひかり寮  
●Dormitory (Hikari-ryo)



東館 ●East Building



本館 ●Main Building



西館  
●West Building

別館 Annex buildings



研修棟  
●Training building



なごみ寮  
●Dormitory (Nagomi-ryo)

