

# JAPANESE LAW STUDENTS' PERCEPTIONS OF DISPUTE RESOLUTION

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## ABSTRACT

*Japanese people have been known to avoid litigation compared to those in the U.S., but, some researchers have claimed that Japanese lawyers have negative perceptions regarding Alternative Dispute Resolution (hereinafter "ADR"). However, the lawyers are expected to play important roles in ADR either by becoming third-party neutrals or by introducing ADR to their clients. In light of this paradox, only a few Japanese law schools provide ADR classes.*

*As a first step to exploring Japanese people's perceptions regarding ADR, this study focuses on a specific group: Japanese law students, who have no practical experience. A questionnaire survey was conducted with 208 law students in 2010. The main findings are as follows. First, the respondents understood the importance of ADR, including non-binding dispute resolution. Second, there are three factors underlying perceptions about dispute resolution: (1) the legal*

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*basis of dispute resolution, (2) the initiative of lawyers, and (3) the importance of collaborative approaches involving clients and the other parties. Third, how the respondents are cognizant of the significance of collaborative approaches is affected by their experience in dispute resolution classes at law school.*

*In conclusion, the Japanese law students were found to understand the importance of both non-binding dispute resolution and collaborative approaches, indicating that they are ready to employ multifarious procedures in dispute resolution. If they retain positive perceptions after they begin their legal careers, they may recommend ADR to clients, resulting in a decrease of litigation cases in Japan. This issue should be examined in future studies.*

**KEYWORDS:** *alternative dispute resolution, law schools, Japan, law students' perceptions*