

PUBLIC INTEREST LAWYERING IN SOUTH KOREA: TRENDS IN INSTITUTIONAL DEVELOPMENT AND FUTURE SUSTAINABILITY

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Abstract

Public interest lawyering in South Korea has evolved over the years as a response to inadequate rights protection. Prior to and during democratic transition, human rights lawyers advocated for civil and political rights especially on behalf of workers, students, and dissidents. In the 1990s, lawyers helped to promote more social and economic rights in the areas of labor, consumer advocacy, environmental rights, and gender equality. In the past decade, public interest law groups have emerged to focus on the rights of minorities, such as migrants, refugees, people with disabilities, and sexual minorities. This article introduces the emergence of several public interest law entities to identify patterns in institutional development and sustainability. It asks how public interest law organizations have mobilized professionally to remain sustainable in complementing social movements. These case studies present the latest dynamics of rights advocacy mechanisms in South Korea by sharing the personalities of non-profit public interest law organizations, especially in how they network, collaborate, and generate more public interest lawyers. The article finds a pattern in modeling after pioneering public interest law groups but that these models present challenges in sustainability, resulting in complementary efforts to maximize resources by networking among public interest lawyers per cause.

Keywords: *Public interest law, human rights, legal mobilization, cause lawyering, social movements, South Korea*

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INTRODUCTION

By the summer of 2018, the arrival of over 500 Yemeni citizens on Jeju Island, South Korea, provoked nationwide debate on whether they should be formally admitted as refugees or deported as threats to national security. Citizen rallies and petitions to the Presidential Blue House called for a more stringent refugee policy in the name of protecting the physical and economic security of Korean citizens. South Korean refugee advocates spoke out tirelessly on behalf of the Yemeni, combating stereotypes and misperceptions of the Middle Eastern men who were being characterized as undocumented migrants out to usurp jobs, Muslim fundamentalists, and potential criminals, rapists, and terrorists. These advocates include public interest lawyers and groups who have increased their public visibility by participating in media broadcasts and conferences as well as by visiting schools and churches to explain refugee advocacy and why citizens fleeing war need protection not expulsion. These advocates are part of the Korea Refugee Rights Network that includes lawyers from various organizations such as Gonggam, Advocates for Public Interest Law (APIL), Gamdong, Dongcheon Foundation, Nancen, Dongheng, among others. This type of network illustrates how lawyers from different public interest law entities converge to advocate for rights protection.

Legal mobilization and cause lawyering studies go hand in hand in analyzing how lawyers advocate for causes using rights framing, advocacy coalitions, and legal processes. Rights revolutions rely on consistent, comprehensive litigation and the resources for sustained litigation, namely lawyers, advocacy organizations, and funding.¹ Lawyers help mobilize the marginalized by framing grievances into rights entitlement, simultaneously raising rights consciousness for disempowered groups and the public in general.² Global case studies on cause

¹ See generally CHARLES R. EPP, THE RIGHTS REVOLUTION: LAWYERS, ACTIVISTS, AND SUPREME COURTS IN COMPARATIVE PERSPECTIVE 18-22 (1998) (explaining an individual's lack of resources to ensure successful litigation, which is essential to the outcome of rights movements).

² See generally MICHAEL W. McCANN, RIGHTS AT WORK: PAY EQUITY REFORM AND THE POLITICS OF LEGAL MOBILIZATION 227-310 (1994) (discussing rights consciousness and mobilization); STUART A. SCHEINGOLD, THE POLITICS OF RIGHTS: LAWYERS, PUBLIC

lawyering and legal mobilization began to emerge more consistently in the recent decade.³ However, it has taken longer to study the legal profession's role in Korean social movements and how lawyers have also been critical agents in advancing causes.⁴ Professor Yang Kun was one of the first to call for the need to analyze the role of lawyers in the democratization of South Korea.⁵ Other Korean legal scholars heeded this call by explaining the difficulty of human rights lawyering during the authoritarian period of Park Chung Hee and Chun Doo Hwan.⁶ Attorney-now-mayor Park Won Sun published a detailed history of how human rights lawyers pushed for various social causes through their institutional development and legal advocacy.⁷ Most recently, Gonggam attorney Yeom Hyeong-guk has summarized the latest developments in public interest lawyering in South Korea, particularly the new forms of public interest law groups.⁸

This article further informs the scholarship on public interest lawyering in South Korea by addressing how public interest law groups have evolved in form and methodology to complement the current needs of social movements in the past decade. It uses Epp's

POLICY, & POLITICAL CHANGE 131-150 (2nd ed. 2004) (describing the politics of rights and mobilization).

³ See generally AUSTIN SARAT AND STUART A. SCHEINGOLD, *CAUSE LAWYERS AND SOCIAL MOVEMENT* (2006); THE WORLDS CAUSE LAWYERS MAKE: STRUCTURE AND AGENCY IN LEGAL PRACTICE (2005) (a collection of case studies on cause lawyering worldwide).

⁴ See generally Patricia Goedde, *How Activist Lawyers Mobilized the Law for Social and Political Change in South Korea: 1988-2007* (2008) (unpublished Ph.D. dissertation, University of Washington) (on file with author); CELESTE ARRINGTON, *ACCIDENTAL ACTIVISTS: VICTIM MOVEMENTS AND GOVERNMENT ACCOUNTABILITY IN JAPAN AND SOUTH KOREA* 6-7 (2016) (both exploring the role of the legal professional in social movements in South Korea).

⁵ Kun Yang, *Law and Society Studies in Korea: Beyond the Hahm Theses*, 23 *Law & Soc'y Rev.* 891, 900 (1989).

⁶ See Kyong Whan Ahn, *The Growth of the Bar and the Changes in the Lawyer's Role: Korea's Dilemma*, in *LAW AND TECHNOLOGY IN THE PACIFIC* 119, 123-128 (Philip S.C. Lewis ed., 1994); Jae Won Kim, *The Ideal and the Reality of the Korean Legal Profession*, 2 *ASIAN-PACIFIC L. & POL'Y J.* 45, 60-61 (2001) (discussing human rights lawyering in Korea under periods of authoritarian rule).

⁷ See generally Park Won Soon, *Yeoksaga idueuleul mujoero harira [History Shall Acquit Them]* (2003) (discussing the history of legal advocacy of human rights lawyers).

⁸ See Yeom Hyeong-guk, *Hanguk-ui gong-ik byeonhosa hyeonhwanggwae jeonmang [The Current Situation and Prospects of Korean Public Interest Lawyers]*, in MINBYEON, *HANGUK-UI GONGIK INKWON SOSONG §2 [KOREA'S PUBLIC INTEREST / HUMAN RIGHTS LITIGATION §2]* 25-49 (2018) (overviewing recent developments in Korean public interest law).

conception of legal mobilization sources and sustainability (i.e., lawyers, advocacy organizations, and funding) by assessing Korean legal advocacy organizations in particular, especially in how they define their work and support their activities institutionally and financially. The article's scope essentially focuses upon the recent iterations of public interest lawyering, and why some patterns endure while new forms innovate in other situations. What do public interest law groups have in common and how do they distinguish themselves from each other? How do the public interest law groups network among themselves for coalition advocacy and generate future public interest lawyers? Are current approaches institutionally sustainable or will public interest lawyering take new forms in the future? This article examines the emergence of several public interest law entities since the early 2000s to identify patterns in institutional development and sustainability, especially in terms of legal mobilization and coalition advocacy, professional affiliations and networks, and the reproduction of public interest lawyers. Based on interviews with leading lawyers of each key public interest law group and pro bono center in Seoul and their annual reports, these case studies present the latest dynamics of rights advocacy mechanisms in South Korea by sharing the personalities of non-profit public interest law organizations, especially in how they network, collaborate, and generate more public interest lawyers. It is worth learning the narrative of public interest lawyering in South Korea to understand how the legal profession has adapted rights advocacy to the needs of society at certain junctures in time; to see whether these new institutional formulations are unique to Korean society; and whether they may be adaptable or effective in other countries or areas.

Part II provides a brief overview of the history and discourse of public interest lawyering in South Korea. Part III introduces and compares the pioneering nonprofit public interest law group, Gonggam, and several of its successors, explaining what accounts for their similarities and differences, and how they fund their activities. Part IV introduces Dongcheon Foundation, the first public interest law foundation initiated by a private law firm; differentiates other similar legal entities that have followed; and analyzes their relationships with the nonprofit public interest law groups discussed in the prior part. Part V delves into the issue of sustainability, given the challenges of operating a public interest law

group, and analyzes how certain public interest law actors not only network and collaborate on certain causes but work to train and reproduce the next generation of public interest lawyers.

A BRIEF HISTORY OF PUBLIC INTEREST LAWYERING IN KOREA

The start of rights lawyering can be traced back to the colonial era when a small number of Korean lawyers (as well as a few Japanese lawyers) handled cases on behalf of those arrested for resistance by Japanese authorities.⁹ The outbreak of the Korean War, its aftermath, and political struggles gave rise to a few examples of lawyers defending opposition parties and newspaper publishers. Aside from male activist lawyers, Yi Tae-yeong was the first female lawyer in Korea, who worked unstintingly to combat gender discrimination in the existing family law and later founded the Korean Legal Aid Center for Family in 1956.¹⁰ Around this time, another lawyer, Yi Byeong-nin led efforts for a bar association independent from the state, later becoming president of both the Seoul District Bar and Korean Bar Association in 1964. Considered the “godfather” of human rights lawyers (in-gwon byeonhosa, 인권 변호사), Yi and his colleague Han Seung-heon inspired other lawyers in their defense of college students arrested in 1974, known famously as the Mincheong Haknyeon (민청학련) case, during the Park Chung Hee administration.

Such lawyers of the 1970s were called the “first generation” human rights lawyers, while they mentored the “second generation” of human rights lawyers who mainly defended workers protesting for better labor conditions. Yi’s death in 1986 motivated about 30 lawyers to form a covert group Jeongbeophoe (정의실천법조인회, abbreviated as 정법회, or Lawyers for the Realization of Justice) to handle cases brought against the state.¹¹ Jeongbeophoe could not operate openly since it could not register with the state, so it

⁹ PARK, *supra* note 7, at 70-74.

¹⁰ Hyunah Yang, *Envisioning Feminist Jurisprudence in Korean Family Law at the Crossroads of Tradition/Modernity* 126 (May 1998) (unpublished Ph.D. dissertation, New School for Social Research) (on file with the University of Pennsylvania).

¹¹ PARK, *supra* note 7, at 357; MINJOOSAHWEREUL EUIHAN BYEONHOSAMOIM [LAWYER’S ORGANIZATION FOR DEMOCRATIC SOCIETY], MINBYEON BAEKSEO [MINBYEON WHITE PAPER] 26 (1998) (S. Kor.).

functioned publicly as the Human Rights Committee of the Korean Bar Association. This institutional affiliation offered a certain level of protection in bringing cases against the state in the early to mid-1980s. Jeongbeophoe transformed into Minbyeon (민주사회를 위한 변호사모임, abbreviated as 민변, or Lawyers for a Democratic Society) in 1988 as democratization allowed non-governmental organizations to register with the state. With 51 co-founding members, Minbyeon was active in its early years taking on cases of those accused of violating the National Security Law and the Law on Assembly and Demonstrations, usually for protesting.¹²

Legal advocacy patterns began to change in the 1990s. Democracy opened up space for the emergence of civil society; civil and political rights protection improved; and attention turned to more socioeconomic concerns of the growing middle class. Minbyeon membership increased yearly, but its newer members began to align with and advise non-governmental organizations in the areas of environmental protection, labor rights, consumer rights, women's rights, and economic rights (though some members signed up in name only). Cases shifted from criminal defense litigation and moved toward proactive civil litigation for diversified rights advocacy.¹³

In 1994, Minbyeon co-founding member Park Won Soon (now the mayor of Seoul) helped establish the People's Solidarity for Participatory Democracy (PSPD), an influential NGO that monitored and litigated in reaction to government and conglomerate actions on a range of issues, from social welfare to shareholders' rights. For this, Park Won Soon enlisted the aid of other Minbyeon members to join PSPD sub-committees and litigate on the behalf of affected citizens. He also framed their work as "public interest law" (gongik beop, 공익법), borrowing this phrase from American discourse when talking about protecting citizens' rights. "Public interest lawyer" (gongik byeonhosa, 공익변호사) is thus a relatively new expression in South Korea, having evolved from the concept of human rights lawyering, which was the more prevalent

¹² MINJOOSAHWEREUL EUIHAN BYEONHOSAMOIM, *supra* note 11 at 80, 101 & 128.

¹³ See Patricia Goedde, *Lawyers for a Democratic Society (Minbyun): The Evolution of its Legal Mobilization Process Since 1988*, in SOUTH KOREAN SOCIAL MOVEMENTS: FROM DEMOCRACY TO CIVIL SOCIETY (Gi-Wook Shin & Paul Chang eds., 2011) (discussing changes in civil legal advocacy patterns in the 1990s).

discourse since the 1970s. This shift in discourse implies changes in the larger landscape of rights advocacy in South Korea, from mainly dissidents' civil and political rights to citizens' socioeconomic rights.

Park Won Soon later formed The Beautiful Foundation, a charity organization, through which a young attorney, Yeom Hyeong-guk, approached Park about his desire to work in the area of public interest law but knowing of little opportunity to do so. Park told Yeom that he had “the name but no money” for a public interest law firm.¹⁴ Nonetheless, he proposed that Yeom join the Beautiful Foundation in the meantime. The Beautiful Foundation thus created Korea's first nonprofit “public interest lawyers' group,” Gonggam (공익변호사그룹 공감, meaning “empathy”) with three more lawyers joining (Kim Yong-su, So Rami, Jung Jung-hoon) in 2003, and Hwang Pill-kyu in 2004.

It should be noted here that public interest law should be differentiated from legal aid, which is defined as assistance provided by the state. Bar associations continue to offer legal assistance, and government offices have legal aid available through the Ministry of Justice, Korean Legal Aid Corporation, court system, and city and district offices. *Pro bono* (Latin for the public good) usually implies unpaid legal services provided by private lawyers or law firms but may also be provided by a lawyer in any capacity. “Human rights lawyering” retains a certain degree of political connotation as opposed to the more neutral “public interest lawyer.” However, it is gaining more usage again given the mainstreaming of human rights discourse in South Korea and lawyers' regular participation in international human rights mechanisms, for example, as seen with Gonggam's recent change in name to “Gonggam Human Rights Foundation” and other public interest law groups that refer to their work as falling under human rights law.

GONGGAM AND NEWER PUBLIC INTEREST LAW GROUPS: A MODELING EFFECT?

Gonggam represents a new type of public interest law group in South Korea and a few others have followed in its footsteps. This

¹⁴ GongGam Human Rights Law Foundation, URINEUN HUI-MANG-EUL BYEONRON HANDA [WE DEFEND HOPE] 4 (2013).

section introduces four organizations (see Table 1): how they came into being, their target areas, how they imitate or diversify from Gonggam, their funding sources, and the continued viability of this organizational type for public interest lawyers.

Table 1

Name	Year founded	Full-time attorneys	Main subject areas	2018 Revenue (won)
Gonggam	2003	10	<ul style="list-style-type: none"> • Migrants / Refugees • Migrant women • Disabilities • Poverty / Social welfare • Laborers • LGBT • General public interest law • International human rights • PIL education / advancement 	943,266,000 (US\$845,000)
Hope and Law	2011	9	<ul style="list-style-type: none"> • Business & Human Rights • People with Disabilities • LGBT • Right to Assembly (Protest) 	532,747,000 (US\$477,000)
APIL	2011	5	<ul style="list-style-type: none"> • Refugees • Detained migrants • Trafficked victims • Stateless persons • Victims of multinational Korean companies 	522,655,000 (US\$468,000)
Gamdong	2014	2	<ul style="list-style-type: none"> • Migrant workers • Migrant women • Migrant / stateless children • Refugees 	178,785,000 (US\$160,000)

Gonggam Human Rights Law Foundation

Gonggam has developed solidly over the years and now has ten lawyers. Located in northern Seoul next to Changdeokgung Palace, it became independent from the Beautiful Foundation in December 2013, and is now the Gonggam Human Rights Law

Foundation (공익인권법재단 공감). As expressed in its mission statement, Gonggam's main purpose is to protect social minority rights. Their main areas of practice cover migrant women victimized by violence, people with disabilities, migrants and refugees, laborers, poverty and welfare, and public interest law in general. In terms of the type of work they do, Gonggam originally characterized its work into four major areas: (1) legal service projects for NGOs, (2) public interest lawsuits and legal reform, (3) development of public interest law programs and brokering pro bono activities, and (4) research. While public interest in South Korea started off being largely related to collective litigation, this is not the mainstay of what Gonggam does. In its early stage, one attorney explained that litigation is not the bulk of their work:

Impact litigation has been the stated goal, but in reality it is [both] impact litigation and legal assistance. One-third to one-fourth is litigation work. The rest is legal assistance, writing manuals, and doing research. Gonggam has about 40 cases per year (including all court levels).¹⁵

Gonggam's work is not just litigation, legal assistance and research, but also cooperating and networking with other governmental, human rights, and professional organizations at both the domestic and transnational levels to advance the impact of their legal activities. Gonggam was explicit about its brokering role, trying to match clients with private lawyers willing to take on pro bono cases. Gonggam has since expanded into international human rights promotion and public interest law education and advancement.

As the first public interest law group, Gonggam's learning curve was steep. In 2006, it made a fact-finding trip to the United States to "find a good role model for Gonggam." They visited about 20 organizations and attended conferences in New York, Washington, D.C., Los Angeles, and San Francisco. From the trip Gonggam gained many ideas about project development and management, sponsorships, funding, potential pro bono arrangements, and gathered many samples of legal manuals. During

¹⁵ Interview by Patricia Goedde with G090407, in Seoul, S, Kor. (Apr. 9, 2007).

its early years, senior Minbyeon lawyers were cautious about how long Gonggam would survive:

Gonggam is a pioneer group. Minbyeon and PSPD are watching Gonggam carefully as the first nonprofit public interest law group. At first, they were a bit skeptical, saying, “Let’s see how long Gonggam lasts.” Now they are surprised to see that we are still here, going strong in our fourth, fifth year.¹⁶

The lawyer continued, “We would like Gonggam to be a model for other public interest law groups.” Challenges did abound at the time, such as financial viability and having a small team trying to handle immense legal work, but their sustained efforts at litigation, consulting for NGOs representing minority communities, forwarding cases to Minbyeon attorneys and law firms, and initiating discourse about public interest law at the Judicial Research and Training Institute (JRTI)—these all represented starting points for a new institutional form of activist lawyering in South Korea.

As the now senior Gonggam attorney wished, Gonggam did indeed become a model for other public interest law groups. Several groups have formed from the mid 2000s, such as Korean Lawyers for Public Interest and Human Rights (Hope and Law) and Advocates for Public Interest Law (APIL) in 2011, and Immigrants’ Advocacy Center Gamdong in 2014. These are among the most representative public interest law groups since Gonggam and are thus covered next. While commonalities exist in terms of overlapping mandate areas, legal mobilization tactics, and financial donor models, each group distinguishes itself from Gonggam in some of their specializations and institutional design.

Hope and Law

Hope and Law (희망을만드는 법, also shortened as 희망법, “hope” and “law”) was founded in 2011, starting with six lawyers and later expanding to nine, now housed in Seoul Innovation Park in

¹⁶ *Id.*

northwest Seoul.¹⁷ The interviewed lawyer explained that they researched what kind of entity they wanted to become, looking carefully at Gonggam, which is the model the lawyers largely follow.¹⁸ Hope and Law's mandate areas are driven primarily by its lawyers' specializations, which are LGBT issues, people with disabilities, business and human rights, and the right of assembly and protest. Hope and Law is notable for having the first transgender lawyer in the country, Park Han-hee, who works on transgender rights.

Hope and Law does not have many cases in number, but the ones it has entail heavy workloads and long hours.¹⁹ These are usually impact cases, so the lawyers simultaneously work with plaintiffs, holding or presenting at seminars, and drafting documents. They take not just individual cases but those for framing and strategic positioning to set precedents.²⁰ These can include some criminal cases representing human rights defenders who have been jailed as well as cases regarding disabilities and LGBT rights. Additionally, Hope and Law files many petitions to the National Human Rights Commission of Korea because it is fairly easy to do so.²¹ It also submits legislative and Constitutional Court petitions, as well as reports to UN bodies.

As the lawyer explained, each area is a coalition movement. For example, for business and human rights, Hope and Law is a member of the Korean Transnational Corporation Watch. For LGBT rights, it is a member of Rainbow Action, a network of LGBT advocacy NGOs. For disabilities, it links with Disability Discrimination Acts of Solidarity in Korea (장애인차별금지추진연대, DDASK) and one of its attorneys is on the board of directors for the Korean Disabilities Law Association

¹⁷ Hope and Law uses "Korean Lawyers for Public Interest and Human Rights" as its English name but "hopeandlaw" for its website and email address (www.hopeandlaw.org) [<https://perma.cc/F74U-GX6H>]. Gonggam also originally referred to itself as "Korean lawyers for public interest and human rights," and continues to use "KPIL" on its website (www.kpil.org) [<https://perma.cc/CFF4-GWWR>]. To avoid confusion, this article uses "Hope and Law" as the English name for this group [hereinafter *Hope and Law*].

¹⁸ Interview by Patricia Goedde with H021117, in Seoul, S, Kor. (Nov. 2, 2017).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

(장애인법연구회).²² With a new government administration, Hope and Law is now working with the government on national action plans and looks forward to more collaboration between the government and civil society organizations on new laws and revisions.

Advocates for Public Interest Law (APIL)

Less than a kilometer from Gonggam's office, APIL (공익법센터 어필) sits in the Girl Scouts Building across from the famous Insadong street. Attorney Kim Jong-Chul created APIL in 2011, which has expanded to five lawyers. APIL differentiates itself from Gonggam, seeing the latter as a more general public interest law group.²³ APIL sees itself as protecting "the most vulnerable of the vulnerable,"²⁴ their five specific mandates being refugees, detained migrants, trafficked victims, stateless persons, and victims of multinational Korean companies. Their mission is to give legal assistance to not just non-citizens, but those who are most at risk being "first migrants": asylum seekers, refugees, the trafficked, and the detained among these, including children and transgender people. Its first priority is legal reform in these mandated areas.²⁵ They have many cases but limited resources, so they pursue impact litigation, taking newer types of cases not litigated before for the potential to set legal precedent.²⁶ APIL often obtains informal referrals from P'Nan and Nancen, two of the most active NGOs in Korea that assist refugees.

In terms of networking, APIL works with Gonggam, Gamdong, and Dongcheon Foundation on immigration matters, usually as part of the Korea Refugee Rights Network. They are involved with a number of networks both local and transnational (e.g., Korean, Transnational Corporation Watch, Asia Pacific Refugee Rights Network (APRRN), Good Electronics, Cotton

²² *Id.*; see KOREAN DISABILITIES LAW ASSOCIATION (장애인법연구회), <http://www.kdla.kr> [<https://perma.cc/7LUM-AD3Z>] (last visited Dec. 9, 2018) (showing the board members of the Korean Disabilities Law Association).

²³ Interviews by Patricia Goedde with A241017a & A241017b, in Seoul, S. Kor. (Oct. 24, 2017).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

Campaign). APIL is often heavily involved in contributing their research and findings for UN treaty reports and the Universal Periodic Review (UPR) process, once acting as the coordinating NGO for a UPR report (gathering and translating all NGO contributions for a joint report via Google Doc). The coordinating NGO has usually been Minbyeon, PSPD, or KOCUN (Korea Center for UN Human Rights Policy). The APIL lawyer noted that South Korea is unique in being this organized, even being questioned by the UN Secretariat in Geneva on whether all Korean NGOs cooperate so well given the many contrary examples of other countries. Meanwhile, unlike Gonggam, APIL has not had separate administrative staff until late 2018, meaning that all lawyers juggled both casework and office responsibilities. But like Gonggam, APIL takes interns from law schools locally and from abroad to help with research, translations, and writing. While administration can detract from substantive work, direct personal communication has allowed innovative and personalized approaches, such as making use of social media and online videos regarding their clients, causes, and themselves via Facebook, Twitter, and Instagram.

Immigrants' Advocacy Center Gamdong

Gamdong (이주민지원공익센터 감사와 동행, shortened as 감동) is a relatively newer public interest law organization of a slightly different nature from the above models. Instead of pursuing multiple causes, Gamdong focuses solely on migrants and refugees as clients. Established in 2014, attorney Goh Jieun worked solo on cases representing migrants and refugees until 2016 when she hired two more lawyers and an administrator, also gaining office space provided by the Seoul Bar Association in the Seocho legal district. Their mandates are to provide free legal assistance for migrant workers (including rural areas), migrant women, migrant children (including stateless children), and refugees.

While the aforementioned public interest law groups seek cases for impact litigation, Gamdong does not have such a formal strategy, working mostly on a case-by-case basis for any migrant needing legal assistance.²⁷ Gamdong lawyers are known for their willingness to visit individuals in detention centers (often hours

²⁷ Interview by Patricia Goedde with GA301017, in Seoul, S. Kor. (Oct. 30, 2017).

outside of Seoul) or in rural areas of the country.²⁸ Though Gamdong is known among the bar associations and has an online presence, their work is usually not publicized due to negative public sentiment about migrants, to which the court sometimes seems sensitive.²⁹ Instead of contending with the immigration department of the Ministry of Justice through lawsuits, sometimes it has been easier for Gamdong to deal directly with parliamentarians to appeal on behalf of a migrant worker about to be deported for example.³⁰ If there is a firm breach of law, then they can pursue cases via legal procedures, but since immigration authorities have so much discretion, better results can often be achieved with this method.³¹

Gamdong is actively networked within the legal community, relevant NGOs, and transnationally. For example, their lawyers have been a part of the Korea Refugee Rights Network that lobbied for the new refugee law passed in 2013. They work not only on advocacy and cases but also fact-finding projects, such as reporting on the detention conditions of migrants and asylum-seekers as part of the Korean Bar Association's taskforce on refugees.³² They are also members of the Korean Bar Association's general committee on migrants and refugees. Gamdong also has formal relations with the Seoul office of the UN High Commissioner for Refugees for case referrals and with the Korean Women's Lawyers Association for funding purposes. Gamdong participates in international and regional mechanisms, such as reporting for a UN Special Rapporteur investigation and attending meetings of the Asia Pacific Refugee Rights Network (APRRN). For all that they have accomplished in a short amount of time given their limited resources, Gamdong and its lawyers have received a succession of awards in 2017 from the Korean Bar Association, Seoul Bar Association, and the International Association of Korean Lawyers for their impactful work on behalf of the migrant community.³³

²⁸ Based on the author's personal observations interacting with Gamdong lawyers at the Public Interest Law Clinic and during other courses at Sungkyunkwan University (2013-2017).

²⁹ GOEDDE, *supra* note 27.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ See 이주미지원공익센터 감동 연간보고서 [ANNUAL REPORT OF GAMDONG], <http://www.gamdonglove.org> [<https://perma.cc/57JT-8BZL>] (last visited Oct. 13, 2019) (detailing the awards won by Gamdong and its lawyers for their work).

Funding

Institutional sustainability relies on revenue for the basic operation of an office, including rent, overhead costs, salaries, research and project funding, computers, printing, travel, etc. For public interest law groups, the donor model provides a significant amount of income from citizens who become “members” and donate a small monthly contribution ranging between 10,000 won to 100,000 won which count as a tax write-off.

As a nonprofit public interest law firm, Gonggam has been dependent on private voluntary donations. Its balance sheet of 2006 illustrates a total income of approximately 535,000,000 won (\$575,000) and expenses of about 293,000,000 won (\$315,000). At the time, one lawyer explained:

Funding is a huge challenge. Before there was seed money, some JRTI money and funding from law firms. Now it’s about one-third from individual contributors, one-third from companies, and one-third from law firms.³⁴

The increase in funds was a result of various campaigning efforts. The money from JRTI essentially consisted of pledges from JRTI trainees. Donors were asked to pledge one percent of their income to Gonggam. Gonggam attorneys regularly asked for donations at lawyers’ conferences. A decade later, its 2017 budget showed revenue of 1,091,000,000 won (about \$1,020,000).³⁵ This dipped to 943,266,000 won in 2018 with individual donations accounting for 75%, companies and other groups 19%, law firms 2%, and interest and other sources 4%. Personnel expenses account for 67% of its expenditures, 20% for business expenses, and 12% for operating costs.³⁶

The revenues and membership percentage of Hope and Law and APIL in 2018 were on par with each other. Hope and Law had revenue of 532,747,000 won (\$477,000) with individual donations

³⁴ GOEDDE, *supra* note 15.

³⁵ GONGGAM, 2017 ANNUAL REPORT, 58 (2017).

³⁶ GONGGAM, 15TH ANNIVERSARY COLLECTION 84-85 (2018).

at a little over 50% and total donations equaling 75%.³⁷ APIL had revenue of 522,655,000 won (\$468,000) with donations counting for nearly the total amount.³⁸ This amount increased from the prior year's total of approximately 377,150,000 won (\$353,500).³⁹ The former does consistently well relying on donor pledges by JRTI and law school alumni and colleagues. It also saves on rental costs by operating in a city-subsidized building, an initiative of Mayor Park Won Soon to help the sustainability of social enterprises and NGOs.⁴⁰ Additionally, attorney Park Han-hee's salary is funded by Gongmyeong, a public interest fund set up by more than seventy graduates of the sixth-year entering class of Seoul National University Law School.⁴¹ As one of its lawyers said, one of its successes is just being able to survive as an entity.⁴² Gamdong is a newer, smaller organization, operating in 2018 with a budget of 178,785,000 won (\$160,000) comprised of both regular and irregular donations making up 67% of the total budget, and the rest from various sources.⁴³ The organization saves costs by sharing office space provided by the Seoul Bar Association.

The exact breakdown of salaries is not apparent from the annual reports. Salaries would depend on how each organization defines personnel expenses, for example, whether to include travel costs, fellowship grants, internship stipends, etc. To sustain membership subscriptions, the public interest law groups invest a significant amount of time and energy to keep donors informed and appreciated. Besides regular email updates, for example, Gonggam and Hope and Law organize annual dinner events; APIL mails small

³⁷ HOPE AND LAW, KOREAN LAWYERS FOR PUBLIC INTEREST AND HUMAN RIGHTS ANNUAL REPORT 52 (2018), <http://www.hopeandlaw.org/희망을만드는법-연간보고서-2018> [<https://perma.cc/9GQ7-75QF>].

³⁸ ADVOCATES FOR PUBLIC INTEREST LAW, ADVOCATES FOR PUBLIC INTEREST LAW ANNUAL REPORT 2018 (Apr. 18, 2019), <http://apil.or.kr/?p=12142> [<https://perma.cc/57JT-8BZL>].

³⁹ ADVOCATES FOR PUBLIC INTEREST LAW, ADVOCATES FOR PUBLIC INTEREST LAW ANNUAL REPORT 2017 (Sep. 28, 2018), <http://apil.or.kr/?p=11593> [<https://perma.cc/H8GN-4V7E>].

⁴⁰ Author's visit to Seoul Innovation Park, in Seoul, S. Kor. (Nov. 2, 2017).

⁴¹ Park Soo-jin, *South Korea's First Transgender Lawyer Selected for Support from Alumni*, HANKYOREH (May 8, 2017, 4:04 PM), http://www.hani.co.kr/arti/english_edition/e_national/793826.html [<https://perma.cc/RAG3-MMSA>].

⁴² GOEDDE, *supra* note 18.

⁴³ GAMDONG, *supra* note 33, at 22.

fair trade items with its artful yearly reports; Gamdong gives a small gift upon subscription along with invitations to its events throughout the year. Online presence is also strong on either Instagram, Facebook, or Twitter for the aforementioned organizations, including newsletters, personalized photos and videos of their campaigns, court victories, client visits, solicitation for new donors, and everyday office life.

On the institutional side, funding works in a cascading fashion as public interest law groups, law firms, and law firms' pro bono centers provide financial support for each other, thus illustrating mutual reliance in terms of both financial and human resource support. For example, given the size and the nearly one million dollar budget of Gonggam, it is now in the position to give small grants of its own to smaller public interest law groups as well as funding fellowships for young lawyers (discussed more in a later section). As indicated in annual reports, Gonggam, APIL, Hope and Law, Dongcheon Foundation, and Jipyong have all donated to Gamdong, while Dongcheon Foundation and Jipyong have also contributed to APIL.

NGOs and Other Public Interest Law Entities

The viability of the Gonggam model is difficult for many entities to follow. As explained by one of Gonggam's senior lawyers, its model is very unique. It has the "premium" of having been around the longest, being the biggest, and having been very well networked.⁴⁴ While Hope and Law and APIL are relatively successful in their operations, it has been difficult for other attorneys to build an independent office. Instead, it is becoming easier to find other public interest law entities with a small number of lawyers, often just one lawyer, such as Boda Law Office (법률사무소 보다), Wongok Law Office (원곡 법률사무소), Neighborhood Lawyer's Café (동네변호사카페), and Minbyeon's Public Interest and Human Rights Litigation Center (민변 공익인권변론센터).

The emerging, wider pattern is where a single lawyer joins an NGO. As of the end of 2017, around 40 lawyers joined NGOs in

⁴⁴ Interview by Patricia Goedde with G261017, in Seoul, S. Kor. (Oct. 26, 2017).

this manner.⁴⁵ Hope and Law echoes that the new model seems to be one attorney per NGO (e.g., refugee advocacy, disabilities, LGBT Youth Crisis Center) or small law firms focusing on a single type of cause (like Gamdong).⁴⁶ Historically, in the 1990s and 2000s, several NGOs have had a single lawyer or more in labor and environmental NGOs and networks, such as the Korea Federation for Environmental Movement (KFEM) and Green Korea United, or more such as in PSPD, Citizens' Coalition for Economic Justice (CCEJ), and older ones such as the Family Legal Aid Center. The NGOs that lawyers have joined in recent years are much more diverse, covering areas in children and students' rights, migrant women and laborers, consumer rights, right to information, rights of employees and irregular workers, youth and sexual minorities, and social enterprises. These include, for example, OpenNet, Nancen (난민인권센터), Migrant Center "Friend" (이주민센터 친구), Ban Ollim (반올림), Window of Asia (아시아의 창), and Deoham (더함). Meanwhile, it is difficult to have public interest law groups outside Seoul given that most financial donors are in Seoul. For example, Gwangju's only non-governmental public interest law group is Dongheng (공익변호사와 함께하는 동행, also known as Lawyers for Public Interests), a two-member group that formed in 2015, focusing on women, migrants, and people with disabilities. While Gwangju has a substantial history of civil society movements and activities, it does not have much in the way of a donor society in the same manner as Seoul.

Besides non-governmental entities, city and provincial governments have also hired single lawyers upon opening "human rights centers" such as Seoul City's Human Rights Center for People with Disabilities, Seoul Social Welfare Public Interest Law Center, and Gyeonggido Human Rights Center for People with Disabilities. Universities such as Seoul National University and Korea University have also established Human Rights Centers, usually hiring an in-house lawyer, with other universities throughout Korea quickly following suit.

⁴⁵ *Id.*

⁴⁶ GOEDDE, *supra* note 18.

THE PRIVATE LAW FIRM'S PRO BONO MODEL

The pro bono requirement of lawyers is relatively new in South Korea. The Attorney-at-Law Act and the regulations of the Korean Bar Association were both amended in 2000 to add a public service requirement.⁴⁷ The exact term used in the Act and by the bar associations is *gongik hwaldong* (공익 활동, *gongik* meaning public good, benefit or interest, and *hwaldong* meaning activity, action, or operation). The Attorney-at-Law Act requires a certain number of hours of legal public service work as stipulated by the local bar association, currently set by the Korean Bar Association at 30 hours annually.⁴⁸ Attorneys are required to perform 30 hours of public service annually unless they have less than two years' practice or are over 60 years old.⁴⁹ Local bar associations have the option to reduce the requirement to 20 hours, as the Seoul Bar Association has done.⁵⁰ Each hour not performed may be atoned for by paying a penalty between 20,000 to 30,000 won (roughly around \$25) as determined by the local bar association, thus making it easy to evade this requirement.⁵¹ It should be noted here that pro bono is a loose term and not always applied in a private law firm setting for clients who cannot afford the standard fee. Lawyers may also be said to be doing pro bono work for nonprofit organizations, legal aid groups, and other indigent clients.

In the last decade, major private law firms in Seoul have started to prioritize the pro bono requirement in concert with in-house lawyers affiliated with Minbyeon or personal causes as well as with senior Gonggam members. Three years after the addition of the bar's public service requirement, PSPD surveyed twenty-five law firms about their pro bono system, finding that eight had started acknowledging pro bono hours as part of the required billable

⁴⁷ See generally Byeonhosabeop [Attorney-at-Law Act], Act No. 1154, Seat 24, 1962, amended by Act No. 6207, Jan. 28, 2000, art. 27 (S. Kor.); Korean Bar Association Rules, Aug. 29, 1952, amended Jul. 19, 2000, art. 9(2) (S. Kor.).

⁴⁸ *Id.*; Gongik-hwaldong deung-eh gwanhan gyujung [Korean Bar Association Regulation on Public Interest Activity], Regulation No. 54, June 26, 2000, amended Feb. 5, 2018, art. 3 (S. Kor.).

⁴⁹ Daehan byeonhosa hyeob-hwe hwechik [Korean Bar Association Rules], July 19, 2000, amended Feb. 27, 2017, art. 9(2) (S. Kor.); GONGIK-HWALDONG DEUNG-EH GWANHAN GYUJUNG, *supra* note 48, at art. 3(1).

⁵⁰ *Id.*

⁵¹ GONGIK-HWALDONG DEUNG-EH GWANHAN GYUJUNG, *supra* note 48, at art. 3(2).

hours.⁵² A year later, PSPD surveyed thirty-eight law firms, this time finding that among nine firms, many had or were planning to implement various pro bono support systems, including establishing centers, designating coordinators, formulating regulations, and funding.⁵³ In the summer of 2005, Gonggam interviewed ten law firms, observing that many lawyers were now providing pro bono legal services voluntarily through their local bar association, a government agency, or other public entity.⁵⁴

The momentum for public legal service has continued over the past decade. Bae, Kim & Lee LLC (BKL) was the first to establish a public interest law foundation, Dongcheon Foundation, in 2009. Since then, other major law firms in Seoul have followed suit by creating pro bono centers, foundations, or designating a pro bono coordinator. As of late 2017, these include Jipyong's Duroo (nine lawyers) of Jipyong LLC, Kim & Chang (two lawyers), Yulchon (two lawyers), Sejong (one), Hwawoo (one), Won (one), and Dongin (one).⁵⁵ During all this time, Gonggam's senior attorneys were in close communication with public service minded (if not Minbyeon) lawyers who were already partners at the top firms, exhorting them to further promote pro bono within their firms. These dedicated centers and coordinators led to Gonggam initiating the Law Firm Public Interest Network in 2016, with Yeom Hyeong-guk chairing its first few years. Representatives of now approximately a dozen private law firms meet monthly to share their pro bono casework and activities, which can vary but often overlap (e.g., disabilities, migrants and refugees, children, youth, women, elderly, multicultural families, social welfare, social enterprises, people with Hansen's disease, and international human rights issues).

The Law Firm Public Interest Network has also benchmarked US precedent, specifically the Pro Bono Institute's "Law Firm Pro Bono Challenge."⁵⁶ Among the principles calling

⁵² Yoo Wook, Lee Hui-suk, & Baek Min, *Ropeom gongikhwaldongui hyeonhwangwa gwaje* [Law firm's Current Status and Tasks of Public Interest], in LAW FIRM PUBLIC INTEREST LAW NETWORK, ROPEOM GONGIK NETEUWOKEU, ROPEOM GONGIKHWALDONG HWALSEONGHWA SEMINA JARYOJIP [LAW FIRM PUBLIC SERVICE ACTIVITIES SEMINAR RESOURCES] 10 (Nov. 7, 2016).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ YEOM, *supra* note 8, at 30.

⁵⁶ YOO, LEE, & BAEK, *supra* note 52, at 7, 11.

for institutional commitment to pro bono activities, one is that a major law firm shall make its best efforts to contribute, annually, at least three to five percent of the firm's total billable hours or 60 to 100 pro bono hours per attorney to pro bono work.⁵⁷ This would exceed the 50-hour per attorney/year recommendation set forth under the ABA Model Rules of Professional Conduct.⁵⁸ Both BKL and Jipyong have taken this standard seriously and surpassed both the Korean and Seoul Bar Associations' requirements in terms of pro bono hours. BKL shows that in 2018, 323 out of 431 attorneys (75%) participated in its pro bono activities (89 out of 107 partners, 234 of 324 associates).⁵⁹ BKL's average number of pro bono hours was 56.6 hours per participating attorney, totaling 18,275 hours.⁶⁰ Likewise, Duroo's 2018 report also demonstrates high pro bono participation with 139 out of 144 attorneys (96.5%; 67 partners, 72 associates) contributing an average of 54 hours, totaling 7,779 hours.⁶¹ As pro bono leaders, BKL and Jipyong have reached an advanced level of pro bono institutionalization, in terms of both having their lawyers commit above and beyond the required pro bono hours as well as having established public interest law centers. This section thus focuses on them as case studies to compare (see Table 2).

⁵⁷ LAW FIRM PROJECT, PRO BONO INST., LAW FIRM PRO BONO CHALLENGE, THE COMMENTARY TO STATEMENT OF PRINCIPLES 1 (2017), <http://www.probonoinst.org/wpps/wp-content/uploads/Law-Firm-Challenge-Commentary-2017-1.pdf> [<https://perma.cc/F93K-Q4KU>].

⁵⁸ AM. BAR ASS'N, MODEL RULES OF PROF'L CONDUCT §6.1 (1983).

⁵⁹ BAE, KIM & LEE LLC & DONGCHEON FOUNDATION, BKL-DONGCHEON LSR REPORT 2 (2018).

⁶⁰ *Id.* at 3.

⁶¹ JIPYONG DUROO, PRO BONO CSR REPORT 4-5 (2018).

Table 2

Name	Year founded	Full-time attorneys	Main subject areas	2018 Revenue (won)
Dongcheon	2009	3 (+ 2 fellows)	<ul style="list-style-type: none"> • Refugees • Migrants • Social enterprises • Disabilities • North Korean escapees • Women / Youth • Social welfare • Research, education, networking 	857,708,000 (US\$768,500)
Duroo	2014	9	<ul style="list-style-type: none"> • Disabilities • Children / Youth • Social enterprises • International human rights • General public interest law (free election, labor, environment, reunification) • Education, networking 	432,334,000 (US\$387,400)

Dongcheon Foundation

Dongcheon Foundation has just celebrated its 10-year anniversary. One of the top-ranked law firms in Korea nationwide, BKL has been the most aggressive in promoting a pro bono culture within its law firm and for setting a higher bar for Korean lawyers in general. BKL's Pro Bono Committee was established in 2002, expanding the number of its sub-committees progressively through the years to cover refugees, North Korean settlers, people with disabilities, women/youth, social enterprises, and welfare. In 2009, partners Noh Yeong-bo and Yoo Wook decided to take the institutional step of creating a separate non-profit foundation, Dongcheon Foundation, by hiring a full-time attorney, Yang Dong-soo, to head and coordinate pro bono projects. Since its inception, it has been consistently involved in litigation, research, and training, keeping up with its missions of promoting the social responsibility of law firms and associates, providing legal assistance to social

minorities, supporting civil society organizations, and cultivating public interest lawyers and advocates.⁶² In its first year, Dongcheon Foundation coordinated pro bono cases with BKL lawyers, started its first annual refugee legal aid training program, and granted scholarships and awards to students and local public interest advocacy groups.⁶³

Throughout the years, Dongcheon Foundation has been involved not only in substantive legal matters but also in promoting a pro bono ethic within the Korean legal profession. To this end, Dongcheon Foundation has regularly held international and domestic symposia on the state of public interest law issues globally and in Korea, including connections with groups such as the Global Network for Public Interest Law (PILnet).⁶⁴ It has held competitions for public interest law projects for law school students, and has been proactively involved with public interest law clinics at law schools such as Sungkyunkwan University, Korea University, and Yonsei University.⁶⁵ Since 2012, Dongcheon Foundation has hired attorney fellows on two-year contracts to train them in public interest law practice, with a total of eight fellows thus far.⁶⁶

Dongcheon's influence and centrality among public interest law entities have continued to grow. For example, in 2016, it contributed approximately 137,000,000 won (\$114,000) to 30 nonprofit organizations (including small funding to APIL, Gamdong, and Gonggam).⁶⁷ In the same year, it established the Dongcheon Legal Center for Non-profit Organizations, through which lawyers were matched to NPOs in an advisory capacity.⁶⁸ Financial contributions in 2017 amounted to 126,365,000 won (\$118,000) going to 26 nonprofit organizations, including program funding to APIL and Gonggam.⁶⁹ In 2018, 34 nonprofit organizations benefited from a total donation amount of 113,989,000 won

⁶² BAE, KIM & LEE LLC & DONGCHEON FOUNDATION, BKL-DONGCHEON LSR REPORT 12-13 (2017).

⁶³ *Id.* at 53.

⁶⁴ *Id.* at 5, 27.

⁶⁵ *Id.* at 36.

⁶⁶ *Id.* at 52.

⁶⁷ BAE, KIM & LEE LLC & DONGCHEON FOUNDATION, BKL-DONGCHEON LSR REPORT 33 (2016).

⁶⁸ *Id.* at 14.

⁶⁹ BAE, KIM & LEE LLC & DONGCHEON FOUNDATION, *supra* note 62, at 39 (2017).

(\$102,000).⁷⁰ Staff-wise, Dongcheon Foundation has three full-time lawyers, two attorney fellows, and four administrative personnel.⁷¹ The existence of Dongcheon Foundation has resonated with other large law firms that then started to open their own respective pro bono centers.

Duroo

Jipyong created the next largest pro bono center, Duroo, after Dongcheon Foundation was created. Founded in 2000, Jipyong is also a leading law firm in Seoul with over 140 attorneys. It had a public service committee upon its creation due in part to the background of then managing partner Cho Yong-Hwan who is one of the original Minbyeon members. He then created Duroo in 2014, which is headed by Kim Youngsoo, a partner and one of the original members of Gonggam. Another partner, Im Sung-taek, is also a Minbyeon member and heavily involved with the disabilities movement.

Duroo has nine full-time lawyers who also work directly with Jipyong lawyers on cases. Its subject areas are disabilities, social enterprises, international activities, education, and general cases. Duroo has worked with Dongcheon Foundation on some lawsuits, for example, on express bus accessibility for people with disabilities as well as a means for the hearing impaired to watch movies. Sometimes matching cases to lawyers can be difficult if it is urgent or a time-consuming case, so Duroo has referred cases out to NGOs and Dongcheon Foundation or BKL lawyers.⁷² Connections with other PIL groups depend on the subject matter, for example, cases concerning youths mean working directly with NGOs assisting the youth, and the same with social enterprises. For example, Duroo cooperates with Deoham, a social enterprise NGO now led by Yang Dong-soo, formerly at Dongcheon Foundation. Besides casework, Duroo also has research projects commissioned by the National Human Rights Commission of Korea, such as on disabilities' facilities and prisoners' children.

⁷⁰ BAE, KIM & LEE LLC & DONGCHEON FOUNDATION, *supra* note 59, at 39.

⁷¹ *Id.* at 14.

⁷² Interviews by Patricia Goedde with Jipyong and Duroo attorneys, in Seoul, S. Kor. (Oct. 23, 2017).

Duroo is operationally different from Dongcheon Foundation as the latter seems more independent from the law firm and has a fellowship program, hiring lawyers to train them as public interest lawyers.⁷³ Duroo attempted this, but it was difficult to find job placements afterwards for them. Duroo does not seem to view Dongcheon lawyers as being as active on case litigation with BKL lawyers, but that they rather act more as coordinators, unlike Duroo whose lawyers work directly with Jipyong lawyers and receive training in process.⁷⁴ Duroo lawyers do not view themselves as being competitive with Dongcheon Foundation, but instead as learning from each other.⁷⁵

With the backing of their respective law firms, Dongcheon Foundation and Duroo have strong institutional viability. Dongcheon Foundation reported revenue of roughly 860,000,000 won (\$770,000) in 2018, with 80% coming from general members and BKL lawyers.⁷⁶ (Gonggam was on par financially with Dongcheon Foundation in 2016, but surpassed Dongcheon Foundation's revenue in 2017). As for Duroo, Jipyong's Public Interest Committee decided from the outset that one to two percent of its profits would go to Duroo.⁷⁷ In 2018, this translates to each Jipyong employee (375 total) contributing on average 1,152,890 won (\$1,000) for the year, for an income total of 432,334,000 won (\$387,000) for Duroo.⁷⁸ While they operate at half the revenue of Dongcheon, Duroo has less overhead cost and fewer extensive programs, thus allowing more of their income to go to salaries.

LEGAL MOBILIZATION AND COALITION ADVOCACY

Overall, the public interest law groups and pro bono centers pursue very similar means of legal mobilization, which encompass legal consulting, litigation, legislative advocacy, coalition/network building, training, and education. These are evident in all of their annual reports as the organizations categorize their work not only into direct legal assistance such as litigation and consulting, but also

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ BAE, KIM & LEE LLC & DONGCHEON FOUNDATION, *supra* note 59, at 50-51.

⁷⁷ GOEDDE, *supra* note 72.

⁷⁸ DUROO, *supra* note 61, at 49.

research, training, and networking. Public interest law groups (i.e., Gonggam, Hope and Law, APIL, Gamdong) share commonalities not just in terms of mobilization methods, but also overlapping mandates, the donor model (common among NGOs), and the fact that virtually all are located in Seoul. All acknowledge Gonggam as the pioneer model, but they differentiate among each other in some ways. Specifically, APIL claims to represent the most vulnerable minorities; Hope and Law has four specific mandates and is a distinguishable leader in LGBT rights; and Gamdong has a single specialization in assisting migrant groups.

Dongcheon Foundation and Duroo share many of the same legal mobilization methods and mandates as the public interest law groups above but with stronger institutional backing from their respective law firms in terms of both funding, office space, and in-house lawyers who are available for pro bono work. What may look like a bifurcation in public interest law vehicles (public interest groups versus law firm pro bono centers) is not necessarily so considering that they often network and collaborate on the same causes and cases, for example, in the areas of refugees, migrants, disabilities, and social enterprises. While many mandates overlap among the public interest law groups, the public interest lawyers do not report viewing each other as competitors given the shortage of public interest lawyers to begin with.⁷⁹ Rather, lawyers from the different public interest and pro bono groups congregate per coalition movement, meeting through NGO coalition groups, bar or Minbyeon committees, or as needed for casework or UN reporting. Resource pooling is also evident, as public interest law groups may refer cases to each other when one lawyer cannot handle a case at the time or alone. Minbyeon and Gonggam have had this role brokering cases out to their network of attorney members or contacts, but with the advent of law firm pro bono centers, Dongcheon Foundation and Duroo can forward cases to their respective in-house lawyers as well. On the one hand, it appears that creating more public interest law organizations on the scale of Gonggam and Hope and Law are very difficult and thus lends to the notion that the growth of similar public interest law institutions is unsustainable. However, Gonggam, Dongcheon Foundation, and Duroo are the institutional powerhouses of public interest law work,

⁷⁹ GOEDDE, *supra* note 23; GOEDDE, *supra* note 18.

operating as financiers, brokers, and generators of cause networks. As they have largely captured the institutional “market” in public interest law service, the next-level iteration is networks of one to three public interest lawyers or private lawyers available for pro bono who assemble per case or cause, creating a synergy effect where legal knowledge, skills, and hours can be shared and called upon. This is particularly useful for those who need help with cases, especially impact litigation that needs law firm name/branding and sustained fees when filing significant lawsuits in court. For example, BKL handled a case calling for state health benefits for a recognized refugee child with disabilities.⁸⁰

PROFESSIONAL AFFILIATIONS AND NETWORKING

While each public interest law entity has a small number of lawyers, the networking among all of these groups with each other and relevant NGOs allows for more efficient and effective legal mobilization per cause. Given JRTI or law school alumni connections, Minbyeon membership, bar membership, and coalition networks, this means that the public interest law community is a tightly concentrated network. In addition to multiple memberships, migration between public interest groups and NGOs also occurs, resulting in a cross-pollination of knowledge and expertise as one lawyer moves from one entity to another.⁸¹ While Minbyeon has historically been the dominant network, a newer one of self-identified public interest lawyers is emerging via new professional networks such as the newer public interest law network, *Han Madang* (공익변호사모임 한마당), and through the new Seoul Bar Association Pro Bono Center.

The most common thread among all the public interest lawyers would be their alumni connection, mainly through the JRTI or respective law schools. The JRTI alumni network is strong, with the vast majority being graduates of Seoul National University. School ties are firmly bonded among same-year graduates but also on a senior-junior (*seonbae-hubae*) level. These connections have

⁸⁰ GOEDDE, *supra* note 27. See Busan District Court [Dist. Ct.], 2017GuHap20683, June 9, 2017 (S. Kor.); see also Busan High Court [Busan High Ct.], 2017Nu22336, Oct. 27, 2017 (S. Kor.).

⁸¹ Author’s observations based on professional relations with public interest lawyers in Seoul, South Korea since 2008.

historically linked judges, prosecutors, and lawyers across the civil service and public sector,⁸² but also generally apply to the public interest sector as well. Further affiliations cement these bonds even further, for example through Minbyeon, bar committees, or *Han Madang*.

The Minbyeon lineage is evident in the leadership of Park Won Soon (PSPD, The Beautiful Foundation, Gonggam), Cho Yong Hwan and Im Sung Taek (both of Jipyong), and Yeom Hyeong-guk (Gonggam, *Han Madang*, Seoul Pro Bono Center). Concurrent Minbyeon membership is apparent among the lawyers of the public interest law groups and pro bono centers. For example, all lawyers of Gonggam and Hope and Law are Minbyeon members. Everyone in Hope and Law met through Minbyeon.⁸³ For Hope and Law, having Minbyeon's support is a strategy. For them, Minbyeon is not a coalition but a brand name that can help a coalition with a statement, such as on a proposed bill.⁸⁴ In APIL, two out of five are in Minbyeon, and in Gamdong, two out of three.⁸⁵ APIL's senior lawyer Kim Jong-chul had also led the Korean Bar Association's Human Rights Committee for two years. One of the non-Minbyeon lawyers of APIL said she did not feel it necessary to join because she had already been doing public interest law work.⁸⁶ As for Dongcheon Foundation and Duroo, almost everyone is in Minbyeon (the one non-Minbyeon Duroo lawyer saying "not yet").⁸⁷ Minbyeon membership is on a sliding scale, discounted for public interest lawyers, thus making it more convenient for them to join.

Besides Minbyeon, *Han Madang* is a newer network of public interest lawyers, which meets every other month. The number of members has reached 100 as of March 2018 though not all attend the bimonthly meetings. Attorney Yeom Hyeong-guk of Gonggam is the most senior among the group, so by default he is the informal leader.⁸⁸ The lawyers communicate with each other in a Telegram chat group. (APIL and Hope and Law interviewees

⁸² JAMES WEST, EDUCATION OF THE LEGAL PROFESSION IN KOREA 26 (1991).

⁸³ GOEDDE, *supra* note 18.

⁸⁴ *Id.*

⁸⁵ GOEDDE, *supra* note 23; GOEDDE, *supra* note 27.

⁸⁶ GOEDDE, *supra* note 23.

⁸⁷ GOEDDE, *supra* note 72.

⁸⁸ GOEDDE, *supra* note 44.

stated that they were too busy with their own activities to participate as often.)⁸⁹

Attorney Yeom is also the director of the Seoul Pro Bono Center, having founded it in 2016 under the auspices of the Seoul Bar Association. The purpose is to match pro bono cases to lawyers. The online membership registry has not worked as well as intended yet.⁹⁰ Instead, an offline roundtable topic once a year with NGOs, existing and new lawyers on rotating topics such as migrants/refugees, the homeless, disabled, women, social enterprises, etc. Usually around 50 participants attend each roundtable, which is held in the basement conference room in the same building as the Seoul Pro Bono Center.⁹¹ Attorney Yeom is based full-time in Gonggam but visits the office once or twice a week.

Non-lawyer affiliations also help. APIL benefits from a strong Christian network. While some of its lawyers are Christian, APIL does not have a formal affiliation with a religious group.⁹² However, many church members donate to APIL through word of mouth and personal introductions.⁹³ Sometimes APIL refers cases to members of the Christian Lawyers Federation, such as general types of cases involving refugees (e.g., criminal, traffic) or those who can afford to pay for a lawyer.⁹⁴ APIL also does outreach with church groups, giving lectures about refugee advocacy, for example.

Networking between lawyers and NGOs is also important as lawyers become in-house counsel and link across NGOs on similar causes. Lawyers migrate to NGOs and converge with other lawyers and activists per cause. The migration of public interest lawyers and fellows to different public interest law groups and NGOs as seen throughout this article speaks to the general difficulty of building a long-term public interest law career at one organization, instead propelling lawyers on to other NGOs and public interest law groups but still retaining their former linkages and relationships. This helps to continue the networking effect and building of comprehensive public interest law expertise, but it also means that

⁸⁹ GOEDDE, *supra* note 23; GOEDDE, *supra* note 18.

⁹⁰ GOEDDE, *supra* note 44.

⁹¹ *Id.*

⁹² GOEDDE, *supra* note 23.

⁹³ *Id.*

⁹⁴ *Id.*

there are not enough sufficiently paid jobs for public interest lawyers. Regardless, all of the aforementioned public interest law groups and pro bono centers participate in training the next generation of public interest lawyers about human rights and pro bono ethics.

REPRODUCTION AND RECRUITMENT OF PUBLIC INTEREST LAWYERS

As mentioned earlier, legal education is a vital part of the activities of public interest law groups and pro bono centers as illustrated in their annual reports. These include community lectures, law school clinic participation, annual academic programs and workshops, and the provision of fellowships for new or young lawyers. Awareness programs are also publicized for the general public, including many talks and campaign events usually announced online via their homepages, Facebook, Twitter, Instagram, etc.

Gonggam and Hope and Law have taken the lead in training young lawyers and future generations of rights advocates. Gonggam runs an annual three-day Human Rights Summer Camp for undergraduates, covering an array of human rights topics led by local and international experts. Hope and Law offers a two-day Human Rights Academy every year for law school students and first and second year lawyers, which also counts as continuing legal education for practicing lawyers.⁹⁵ It is purposefully different from Gonggam's program as the latter wanted to provide training for young public interest lawyers, training that they themselves did not have as lawyers starting out in their career.⁹⁶ Many of the other public interest lawyers also often give public presentations, workshops, and lectures to the public, NGOs, and law schools.

Over the years, Gonggam has hosted research fellows, including law students, law graduates and young professionals, many of whom have left to become leaders in their own fields, such as attorney Goh Jieun of Gamdong. Currently, Gonggam provides fellowships to young lawyers who want to join NGOs. The

⁹⁵ For the sixth annual program in 2017, see HOPE AND LAW (May 16, 2017, 2: 49 PM), <http://www.hopeandlaw.org/9223-2/> [<https://perma.cc/6M89-UZTX>](last visited Dec. 14, 2018).

⁹⁶ GOEDDE, *supra* note 18.

fellowship program is in conjunction with NOW (나우), a network of 50 lawyers who donate funds for this very purpose. Gonggam's fellowship program pays half the salary a public interest lawyer who joins an NGO. Gonggam has funded public interest law fellowships, for example with the LGBT Youth Crisis Center, as well as NGOs in Gwangju and Busan.

Dongcheon Foundation hires attorney fellows, on average two per year, as part of its staff to provide early-career training. Duroo used to but had difficulty in placing their fellows with permanent jobs afterward and so decided to end their fellowship program.⁹⁷ Recruitment difficulties by existing public interest law groups and pro bono centers continue generally, explaining why public interest lawyers decided to join NGOs directly or attempt single or two-three member organizations. However, the continuing centralization of resources in Seoul raises the issue of whether public interest lawyering is successful throughout the nation as a whole, particularly other major cities and rural areas. The combined effect of the larger, newer forms of public interest law groups have dominated the public interest law market on the professional supply side, leading to public interest lawyers moving into small non-profit, civil society organizations as sole in-house counsel.

Meanwhile, law schools and student associations have cooperated with public interest lawyers' groups and pro bono centers to advance human rights education and training at the graduate level. For example, the legal clinics of Sungkyunkwan University, Yonsei University, and Ewha University have worked with Dongcheon Foundation on refugee advocacy projects.⁹⁸ Sungkyunkwan University has had a public interest law clinic since 2011 that has collaborated with both APIL and Dongcheon Foundation for a number of years.⁹⁹ Other law school clinics and human rights centers, such as Seoul National University and Korea University, frequently liaise with the lawyers of local public interest law groups and pro bono centers, especially given alumni relations. The public interest law groups and pro bono centers make an effort to connect with law students outside of Seoul as well. For instance,

⁹⁷ GOEDDE, *supra* note 72.

⁹⁸ Patricia Goedde, *Globalized Legal Education, Human Rights Lawyering, and Institutional Form: The Case of a Refugee Law Clinic in South Korea*, 20 CLINICAL L. REV. 355, 367-371 (2014).

⁹⁹ *Id.* at 355.

Dongcheon Foundation has also held small grant competitions nationwide for law students to create and run public interest law projects. Each law school also has a Public Interest and Human Rights Law Student Association which is part of a nationwide law student association called In Yeon (인:연). Meanwhile, Duroo, Gonggam, and others offer short externships for law students to experience some time working with them over academic breaks. As these examples illustrate, public interest lawyers and keen law students continue to cultivate and sustain professional interest in various social movements, human rights, and a general pro bono ethic.¹⁰⁰

CONCLUSION

The nature of Korean public interest lawyering in the new millennium focuses increasingly on the rights of social minorities as opposed to the civil and political rights of citizens in the 1980s and the socioeconomic rights of citizens in the 1990s. New legal institutions and mechanisms have developed accordingly in the past decade and half to respond to the unaddressed grievances of various minority communities. As in the 1980s and 1990s, lawyers continue as critical agents in strategizing and mobilizing the law in terms of human rights for social movements and causes. Collaboration occurs across NGO networks, including public interest law entities, to form unified domestic coalitions per rights issue, leveraging various legal approaches both domestically and internationally. Coalition advocacy occurs through these concentrative, synergistic networks where different lawyers' groups pool their legal knowledge and expertise, and migrate to their respective committees or on an ad hoc basis to strategize litigation and legal methods. This happens not just locally but also on a transnational level. Human rights and public interest lawyers have protested, litigated, drafted laws and amendments, reported via UN mechanisms, and networked with NGOs and each other to strengthen rights protection for Korean citizens and non-citizens.

¹⁰⁰ This section is primarily based on my experiences over the years being involved and talking with public interest lawyers, groups, etc., especially when running a law school clinic with Dongcheon Foundation, being a Public Interest Law Student Association's advisor, and being a donor or committee member to Gonggam, APIL, and Gamdong.

Gonggam has set an undeniable precedent in its design and leadership for the NGO community but it cannot fulfill every legal need. Meanwhile, its senior lawyers have been instrumental in creating new public interest law networks among both law firms and young lawyers. Institutionally the public interest lawyers' groups and pro bono centers assist one another through case referral, collaborative litigation, outsourcing to in-house counsel, funding projects, and legal training. While this seems to evidence a vibrant and intact ecosystem for public interest lawyering, the sustainability of this form must be probed. With the difficulty of expanding or replicating the existing public interest law entities, the emerging trend is for single lawyers to be embedded within or to advise an NGO, or for law firms to hire one lawyer to constitute their pro bono center. This is not an entirely new dynamic given that many Minbyeon lawyers in the past advised NGOs or that law firms also had civic-minded lawyers who volunteered their legal services, with often these two roles overlapping. Large law firms also happen to have more lawyers who can offer their time and services, especially in fulfillment of their annual pro bono requirements. They also have a vested interest in having the image of a corporation interested in social responsibility. Meanwhile, nonprofit public interest law groups can also capitalize on these law firms by asking for their free expertise, funding, and name brand for certain projects and cases when their resources are limited.

Challenges continue, with the fundamental question being whether minorities nationwide are finding adequate representation in existing public interest law sites and mechanisms. The new formations of public interest law entities lean toward impact litigation, meant to make systemic improvements for the many, but by default meaning that smaller, general cases of social minorities, particularly migrants outside the capital, often go unattended. Gamdong is the exception, but its small size limits its client intake. Cases regarding non-citizens, sexual minorities, and victims of racial discrimination are particularly frustrating and time-consuming without adequate legal and policy frameworks in place to structure potential administrative or court victories. For example, the continuing low acceptance rate of refugees means that pro bono lawyers are likely to lose their clients' cases from the beginning, disincentivizing them to take refugee cases.

The centralization of public interest law entities in Seoul is also problematic. While the most urgent cases filter up through NGOs to public interest law groups, these are mostly for cases that arise in Seoul. With most lawyers being physically based in Seoul, it means most public interest lawyers are also in Seoul rather than throughout the nation. Further connections for referrals may need to be explored between nonprofit public interest law entities and government legal aid offices such as the Korea Legal Aid Corporation, the Ministry of Justice's "village lawyers", and city and district legal aid offices. Improving the pro bono ethic among existing law firms, bar associations, law school students, and recent graduates is another narrative to investigate. Nonetheless, the public interest law community and the increasing number of self-identified "public interest lawyers" (as well as law school students who aspire to become public interest lawyers) attest to an undiminished spirit of rights advocacy within the legal profession.