



中國法律研究中心

SUMMER 2011

CENTER FOR CHINESE LEGAL STUDIES

China in the WTO:

New Seminar Brings Unprecedented Group of Experts into a Single Classroom

A new seminar on China in the World Trade Organization brought an impressive list of global trade law experts to Columbia in the fall 2010 semester. Each week two guest speakers, generally leading trade-law practitioners, joined three professors at the Law School for a two-hour discussion of cutting-edge issues.

The three professors were Merit Janow '88, professor in the practice of international trade and public affairs and the director of the Program in International Finance and Economic Policy at Columbia's School of International and Public Affairs; Benjamin L. Liebman, Robert L. Lieff Professor of Law and the director of the Center for Chinese Legal Studies; and Petros Mavroides, Edwin B. Parker Professor of Foreign and Comparative Law at Columbia Law School.

Topics discussed included intellectual property, bilateral trade negotiations with China, competition law, and China's currency. Most of the invited experts presented original research papers for the course, which the professors hope to edit into a book.

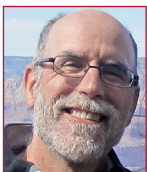
"This was the second cross-disciplinary course with experts from around the world on Chinese law offered at Columbia Law School in as many years," said Professor Liebman. "We're fortunate that at Columbia we also have in house an impressive array of authorities to call on. The number of high-level people who came from around the globe to take part in the seminar is recognition of just how important this kind of interdisciplinary course is—especially as it spotlights people actively practicing law at the highest levels." The class also brought together students from a range of departments at Columbia, including not just the law school but also the School of International and Public Affairs, the Business School, and the Department of Economics.

The experts who presented during the semester ranged from Matthew Kennedy, who was formerly a senior lawyer in the WTO Secretariat and a Secretary of the Council for TRIPS, to Mark Cohen, the director of International Intellectual Property with Microsoft.

The following speakers took part in the seminar:

"China in the WTO" Seminar Presentations

September 14



Thomas J. Prusa



Gary N. Horlick

"China's Recourse to Contingent Protection"

AUTHOR: Thomas J. Prusa,
Professor of Economics,
Rutgers University

DISCUSSANT: Gary N.
Horlick, Adjunct Professor of
Law, Georgetown Law Center;
International Trade Lawyer, Law
Offices of Gary N. Horlick

September 21



Matthew Kennedy

"China in the WTO and the International Trading System"

AUTHOR: Matthew Kennedy, Former Legal
Official of the WTO Secretariat

DISCUSSANT: Li Yongjie, Ministry of Commerce,
People's Republic of China

(continued on page 2)



"China in the WTO" Seminar Presentations

(continued from page 1)

September 28



Donald C. Clarke

"The Interface Between the Regulation of China's Internal Market and the Global Trading System"

AUTHOR: Donald C. Clarke,
*David Weaver Research Professor of Law,
George Washington University Law School*

October 5



Daniel H. Rosen

"China's Cross Border Investment Footprint: Patterns and Issues"

AUTHOR: Daniel H. Rosen,
*Principal, Rhodium Group, New York and
Adjunct Associate Professor of International and
Public Affairs, School of International and
Public Affairs, Columbia University*
DISCUSSANT: Owen D. Nee, Jr. '73,
*Of Counsel, Jones Day and Lecturer-in-Law,
Columbia Law School*

October 12



Americo
Beviglia-Zampetti

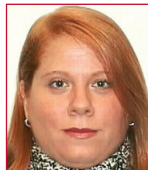
"China as a Regional Power and FTA Strategy"

AUTHOR: Jean-Pierre Chauffour,
*Economic Advisor of the International Trade
Department, The World Bank*
DISCUSSANT: Americo Beviglia-Zampetti,
*Counselor, Head of the Economic Section, European
Union Delegation to the United Nations*

October 19



Mark Cohen



Ayala Deutsch

"China's Domestic IPR System: Searching for the Origins of the Dilemma"

AUTHOR: Mark Cohen,
*Director, International Intellectual
Property Policy, Microsoft
Corporation*
DISCUSSANT: Ayala Deutsch,
*Senior Vice President and Chief
Intellectual Property Counsel,
National Basketball Association, Inc.*

October 26



Mark Wu



Tim Wu

"Enforcing TRIPS"

AUTHOR: Mark Wu,
*Assistant Professor of Law,
Harvard Law School*
DISCUSSANT: Tim Wu, *Professor
of Law, Columbia Law School*

November 9



Trevor Houser



Theodore
Roosevelt, IV

"China and Climate Change"

AUTHOR: Trevor Houser,
Partner, Rhodium Group
DISCUSSANT: Theodore
Roosevelt IV, *Managing
Director & Chairman of Barclays
Capital Clean Tech Initiative*

November 16



Zheng Wentong



H. Stephen Harris, Jr.

"Competition Law"

AUTHOR: Zheng Wentong,
*Associate Professor, University of
Buffalo Law School*
DISCUSSANT: H. Stephen
Harris, Jr., *Partner, Jones Day*

November 23

"China, Its National Currency and Financial Crisis"

AUTHOR: Shang-Jin Wei, *N.T. Wang Professor of Chinese Business
and Economy, Columbia Business School*

November 30



Claire Reade

"Putting the U.S.-China Trade Relationship in Context"

AUTHOR: Claire Reade,
*Assistant U.S. Trade Representative for China Affairs,
U.S. Department of the Treasury*

December 7



David Loevinger

"Approaching the U.S.-China Economic Relationship"

David Loevinger,
*Executive Secretary and Senior Coordinator for
China Affairs and the S&ED,
U.S. Department of the Treasury*

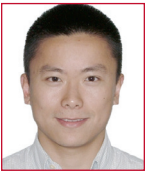


Oldham Fellows

The Center for Chinese Legal Studies supports both public interest work by students and original student research on the Chinese legal system. The Oldham Fellowship is one important way for the Center to do so. The fellowship, named for John Rochester Oldham '83, is supporting three students conducting research in China in the coming year.



Lina Zhou '11, is conducting research over several months on attorneys' professional ethics in China. Noting that students of law in China aren't required to take courses on professional ethics, she wonders how much regulatory authority bar associations in China actually possess. Also of interest is whether malpractice claims can be brought against attorneys and, if so, what kinds of claims have been successful. A side question she will be researching is whether courts can use professional ethics rules to intimidate or harass attorneys who take on unpopular causes.



Min Yuan '11, is researching the recognition and enforcement of foreign judgments in Mainland China, Hong Kong, Macau and Taiwan, known as the "Arrangement on Reciprocal Enforcement of Judgments in Civil and Commercial Matters." He notes that although each of these

regions is its own independent legal jurisdiction, they are all under the same sovereignty. He finished his Ph.D. on this topic from the University of Groningen in the Netherlands in 2007. In 2008 the new Arrangement came into effect and prompted his desire to update his research. He says that this new agreement raises interesting questions. For example, will some Mainland Chinese judgments be recognized in Hong Kong, but not in Macao? Will there be a need for bilateral agreements between Hong Kong and Macao to complete this triangular arrangement?



Darius Longarino '13, is in China studying civil rights discrimination litigation involving HBV (Hepatitis B Virus) carriers. HBV is impossible to transmit through daily contact and carriers rarely develop any significant complications. Even so, HBV carriers have trouble finding employment and being accepted into schools. In the summer of 2010, Darius worked for an HBV group called the Beijing Yirenping Center, which brought more than 150 HBV discrimination lawsuits since 2006 and assisted in settling several more claims. Darius is studying this record, recognizing that these cases may cast light on larger governance issues and legal development in China.

Visiting Scholars

In 2010-2011 the Center hosted six visiting scholars, three Center for Chinese Legal Studies Fellows, and two PILnet Fellows.

Cai Xilei

J.S.D. Candidate, Peking University Law School

Chen Shi

Associate Professor, Sichuan University Law School

Du Ying

*Professor, School of Law,
Huazhong University of Science & Technology*

Gao Qinwei

*Associate Professor, Law School,
Central University of Finance and Economics of China*

Li Qingming

*Assistant Professor, Institute of International Law,
Chinese Academy of Social Sciences*

Liu Renwen

Professor, Institute of Law, Chinese Academy of Social Science

Ni Shifeng

Research Fellow, Max Planck Institute for European Legal History

Qi Jianjian

Associate Professor, Institute of Law, Chinese Academy of Social Sciences

Jun (Brian) Yao

*Pro bono Attorney, Workers' Rights, Dacheng Law Office;
PILnet Fellow*

Zhang Zhongmin

*Assistant Professor of Law, Research Fellow of Environmental and
Resource Law, Zhongnan University of Economics and Law,
Wuhan, China; PILnet Fellow*

Zhu Guobin

Associate Professor, School of Law, University of Hong Kong



Center for Chinese Legal Studies Events with the Society for Chinese Law

The 2010-11 academic year brought an unprecedented range of Chinese law experts to the Law School. Many of these events were organized by the student-run Society for Chinese Law (SCL) in conjunction with the Center for Chinese Legal Studies. Together, the Center and SCL organized twenty-four events. Topics included China-related corporate law, the environment, intellectual property, criminal law, social justice, the arts, law of the sea, and finance.

September 15



“The Formation and Function of Disclosure Rules in China.”

Jane Fu, *Senior Lecturer in Law, School of Law, Deakin University, Australia*

September 24



“Managing U.S.-China Economic Relations”

Timothy P. Stratford, *Partner, Covington & Burling LLP*

October 5

“1L Summer Opportunities in China”
2Ls and 3Ls Discuss Internship Opportunities

October 6th

“The Development and Practice of Securities Law in China”
Shen Linping, *Senior Partner, Dacheng Law Offices*

October 13th,



Patty Gerstenblith

“War, Cultural Heritage, and the Law: Christie’s Auction of the Looted Chinese Imperial Relics”

Patty Gerstenblith, *Distinguished Research Professor of Law, DePaul University College of Law*
Joanna Waley-Cohen, *Professor of History, New York University*



Joanna Waley-Cohen

MODERATED BY: Jane A. Levine, *Lecturer-in-Law, Columbia Law School, and Senior Vice President and Worldwide Director of Compliance for Sotheby’s*

October 18



Xiaobo Lü



Howard French



Xiao Qiang and Guobin Yang

“Internet, Censorship, and Political Participation in China”

A PANEL DISCUSSION, FEATURING:

Xiaobo Lü, *Professor of Political Science, Barnard College*
Xiao Qiang, *Founder, China Digital Times; Adjunct Professor, Graduate School of Journalism, University of California, Berkeley*
Guobin Yang, *Associate Professor Asian and Middle Eastern Cultures, Barnard College*

MODERATED BY: Howard French, *Associate Professor, Graduate School of Journalism, Columbia University*

This event was part of “CHINA Town Hall: Local Connections, National Reflections,” with a live-broadcasted address by Ambassador Jon M. Huntsman, Jr., co-sponsored by the National Committee on U.S.-China Relations (NCUSCR).

October 27



“China’s Recent Anti-Monopoly Law: How Does Antitrust Fit in a State-Planned Economy?”

Owen D. Nee, Jr., *Of Counsel, Jones Day, and Lecturer-in-Law, Columbia Law School*

November 1



“China’s Open-Door Journey Since 1978: An Overview of the Legal Changes Behind China’s Rise”

Jack J.T. Huang, *Partner-in-Charge, Taipei, Jones Day*



November 11

“Legal Practice in China: Thinking About Your Career”

Yvonne Y.F. Chan, *Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP*
 Qi (Adam) Li, LL.M. '99, J.D. '03, *Partner, Jun He Law Offices*
 Richard Nie, *Partner, King & Wood*
 James Ma, *Senior Associate, Schulte Roth & Zabel LLP*
 Filip Moerman '87, *Partner, Cleary Gottlieb Steen & Hamilton LLP*
 INTRODUCTION BY: Alex Yong Hao, *Senior Associate, Vinson & Elkins LLP*; *Founding Director, Chinese Business Lawyers Association, Inc.*

January 27

“China and Intellectual Property Protection”

James J. Zhu '99, *Partner, Jun He Law Offices PC*

February 1



An Informal Discussion on Law Practice in China

Anthony Root and
 Naomi Ishikawa '97
Partners, Milbank, Tweed, Hadley & McCloy LLP

February 8

“China’s Intellectual Property Rights Protection Regime”

Liu Fengming, *Associate General Counsel and Vice President, Microsoft (China) Co., Ltd.*

February 24

“The Warriors of Qiugang”

Film Screening

March 1



“Practicing in China”

Howard Zhang, *Partner, Davis Polk & Wardwell LLP, Beijing*
 Antony Dapiran, *Partner, Davis Polk & Wardwell LLP, Hong Kong*

March 2

“The Law of the Sea and China’s Territorial Claims”

Peter Dutton, *Professor and Director, Strategic Researcher, China Maritime Studies Institute, U.S. Naval War College*
 Captain Stacy A. Pedrozo, *JAGC, and Military Fellow, U.S. Navy, Council on Foreign Relations*

March 7



Yu Fangqiang

“Civil Society in China: Fighting HIV and Hepatitis B Discrimination Under the Eyes of the State”

Xu Haibo, *Director, Korekata AIDS Law Center*
 Yu Fangqiang, *Chief Coordinator, Beijing Yirenping Center*

March 8

“The Future Financial Center of Asia”

Rebecca Blumenstein, *Deputy Managing Editor of International and former China Bureau Chief, The Wall Street Journal*
 Christopher J. LaFleur, *Vice Chairman, JPMorgan Securities Japan Co., Ltd., and Former U.S. Ambassador to Malaysia*
 Ramesh Parameswar, *Managing Director, Moon Capital Management, LLC*
 Owen D. Nee, Jr., *Of Counsel, Jones Day, and Lecturer-in-Law, Columbia Law School*

MODERATED BY: Merit E. Janow, *Professor in the Practice of International Trade and Public Affairs and Director, Program in International Finance and Economic Policy, School of International and Public Affairs, Columbia University*

March 23

A Discussion with Steven L. Toronto '91, *General Counsel, NBA Sports and Culture Development (Beijing) Co. Ltd.*

March 23



“Public Interest Work in China: Opportunities in China’s Burgeoning Civil Society”

Thomas Kellogg, *Program Officer, Open Society Institute and Adjunct Professor of Law, Fordham University School of Law*

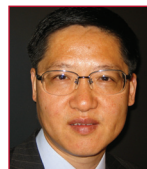
March 30



“Snakeheads, Trafficked Youth, and Immigration Law”

Lauren Burke, *Skadden Fellow, The Door*

April 25



“Cults, Underground Churches, and Religious (Non-)Freedom in China: A Critical Examination of the Law and Policy”

Zhu Guobin, *Associate Professor, School of Law, City University of Hong Kong*



Center for Chinese Legal Studies Co-sponsors Seminar on Medical Disputes in Beijing

On March 27 the Center for Chinese Legal Studies co-sponsored a seminar in Beijing on “Empirical Research on Medical Disputes.” The seminar was hosted, organized, and co-sponsored by the Institute for Advanced Judicial Studies at the Beijing Institute of Technology. The seminar brought together a dynamic group of scholars of law and medicine, judges, lawyers, and doctors to discuss current trends in medical disputes in China.

Professor Liebman, who presented a draft study of medical malpractice litigation in China, said that the seminar “brought together some of the best minds in law and medicine to discuss a critical issue in China today—how to resolve a growing number of disputes resulting from medical treatment.”

He noted that the issue has drawn extensive attention in China in recent years, particularly in light of numerous highly publicized violent incidents resulting from medical disputes. Until now, though, empirical research on the topic has been rare.

“Medical disputes touch on two crucial fault lines in contemporary Chinese society: The ability to obtain medical care and whether the legal system can be a vehicle for protecting ordinary citizens. The legal and healthcare systems are both undergoing rapid change, and one result has been a surge both in litigation and in protest surrounding medical care.”

Director of Center for Chinese Legal Studies Awarded Named Chair: Benjamin Liebman Named Robert L. Lieff Professor of Law at Law School Reunion



(left to right): Professor Benjamin L. Liebman, and Robert L. Lieff

Benjamin L. Liebman, director of the Center for Chinese Legal Studies, was recently named the Robert L. Lieff Professor of Law. He received this distinction at Columbia Law School’s Reunion 2011 celebration, during the June 11 session at the Waldorf Astoria, which was attended by Mr. Lieff.

“I am deeply honored to assume this chair,” said Professor Liebman. “Bob Lieff has been a leader in using the legal system to protect the rights of ordinary people—an issue very much central to my research on civil litigation in China today.”

At the event, Professor Liebman also spoke about his research before members of the Class of 1961, who were celebrating their 50th reunion. In his remarks, he said that the Chinese legal system has made great strides in reforming its practices and striving for fairness, but judges remain fearful of angering Communist party officials.

“The quality of the Chinese legal infrastructure continues to improve,” said Liebman. “The Chinese system is full of well-trained people working very hard to improve it.”

Liebman said in recent years China has also done a “pretty serious job” in limiting the use of capital punishment and is beginning to curb the use of torture by police. In addition, Liebman noted there are now numerous public-interest law groups working on a range of topics, from migrant worker rights to environmental law. Virtually none existed as recently as 15 years ago.

There has also been greater transparency about what goes on in the courts, with the advent of most decisions being published online, Liebman said, adding that “It’s much harder to cover up bad decisions today than it was a few years ago.”

At the same time, Liebman cautioned that at the top levels of the Chinese state there is still wariness about giving the courts and lawyers greater latitude. “Courts remain unable to resist external pressures from both the government and the media. Officials are still cautious about the development of autonomous legal institutions.” China minted 50,000 new lawyers last year, and Liebman said there are “significant constituencies pressing for legal reform.” Nonetheless, he added that “there is real tension that underlies current reforms. China is attempting to create a system of authoritarian justice that I think is unprecedented.”

Robert L. Lieff ’62, Of Counsel, Lieff Cabraser Heimann & Bernstein, LLP, founded the firm in 1973.



Chinese Judges Get an American Education at Columbia Law School: Third-Annual Program Trains Judges Who Will Hear Cases Involving Foreign Companies in the Basics of U.S. Law

By Nancy Goldfarb, Director of Public Affairs, Columbia Law School



Chinese Judges Meet U.S. Supreme Court Associate Justice Ruth Bader Ginsburg '59
(Photo Credit: Andrea Hackman, U.S. Supreme Court)

For some 45 judges and law students from China, a month spent in New York was anything but a holiday.

The judges, many in their 20s and 30s, spent most of their time immersed at Columbia Law School learning the basics of U.S. constitutional law, civil procedure, and torts. The judges are being trained as part of an LL.M. program run by City University of Hong Kong in collaboration with the National Judges College of China.

"This was the third year for the program at the Law School, which has been an unqualified success," said Brian Gibson, assistant dean for international and comparative law. "The group met with a wide array of federal, state and municipal judges, where they received professional and career advice and insights. A number of Chinese judges extended invitations to their U.S. counterparts to visit China. That has always been a long-range goal of the program."

One of the annual highlights of the program was a visit to Washington, D.C., and a meeting with U.S. Supreme Court Associate Justice Ruth Bader Ginsburg '59.

"Nearly two-thirds of the participants in this year's program are women," Gibson said.

Benjamin Liebman, who served as academic director and taught a class in torts, said of this year's program, "The students were extremely impressive. China has put extensive resources into improving the quality of the judiciary in recent years, and the judges who came to Columbia are among the best of the younger generation of judges."



Suzanne Goldberg



Jamal Greene

Professor Suzanne Goldberg, clinical professor of law and the director of the Center for Gender and Sexuality Law, taught civil procedure. Jamal Greene, associate professor of law, taught constitutional law. George Bermann, the Jean Monnet Professor of EU Law, Walter Gellhorn Professor of Law, the director of the European Legal Studies Center, and the co-editor-in-chief of the *American Review of International Arbitration*, taught arbitration. The group also met David M. Schizer, dean of Columbia Law School and the Lucy G. Moses Professor of Law.

Edwards Fellows

The Center for Chinese Legal Studies named four outstanding scholars as Edwards Fellows for 2010–2011. The Edwards Fellowship is named for Professor emeritus R. Randle Edwards, who founded and directed the Center until his retirement in 2002.

Feng Kai

*Associate Professor, School of American and Comparative Law,
China University of Political Science and Law*

Ming Hui

Associate Professor, Law School, Beihang University

Xie Jinjie

Associate Professor, Sun Yat-sen University Law School

Yang Yanyan

Lecturer, Fudan University Law School



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Inside

China in the WTO: New Seminar Brings Unprecedented Group of Experts into a Single Classroom	1
"China in the WTO" Seminar Presentations	1
Oldham Fellows	3
Visiting Scholars	3
Center for Chinese Legal Studies Events with the Society for Chinese Law	4
Center for Chinese Legal Studies Co-sponsors Seminar on Medical Disputes in Beijing	6
Director of Center for Chinese Legal Studies Awarded Named Chair	6
Chinese Judges Get an American Education at Columbia Law School	7
Edwards Fellows	7

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COLUMBIA LAW SCHOOL
435 WEST 116 STREET, BOX E-27
NEW YORK, NY 10027

