



中國法律研究中心

SPRING 2012

CENTER FOR CHINESE LEGAL STUDIES

Columbia Law School Announces Greater China Public Interest Fellowship: Pioneering Program Will Put Graduates on a Public Interest Career Path

Columbia Law School has created the Greater China Public Interest Fellowship to help its graduates gain practical experience working with nonprofit organizations in mainland China, Hong Kong, or Taiwan. The one-year fellowship includes a stipend of \$60,000 and helps to expand the public interest sector in China.

“Public interest law has developed significantly in China over the past decade, but the field is still very small and public interest jobs are difficult to find,” says Benjamin Liebman the Robert L. Lieff Professor of Law and director of the Center for Chinese Legal Studies. “This fellowship will allow our graduates to develop the necessary skills for a career in public interest law in greater China—whether in academic life, in nongovernmental organizations, or as legal practitioners.”

The fellowship will be granted once a year, beginning in the spring of 2012. Each recipient will be required to work with a host organization, such as an international NGO that promotes public interest law in greater China or a domestic Chinese public interest group, according to Liebman. Fellows will be encouraged to organize workshops for public interest lawyers, both in Greater China and at the Law School, and to share expertise and contacts with public interest practitioners working in the region.

“I have long recognized the important role of public interest law in a robust civil society,” said Annie Chen ’88, whose gift established the fellowship. “It is especially meaningful for me to provide graduates from Columbia Law School with the opportunity to work in Greater China, where they will not only have a direct impact on a growing number of organizations engaged in public interest work, but also gain invaluable experience that I hope will benefit the fellows themselves, as well as others engaged in this important work.”

Chen is the founder of the Hong Kong-based River Star Foundation, which works to help create a more sustainable and equitable global community by supporting and investing in people and organizations that can act as catalysts for positive social change.

Public interest law has expanded dramatically in China over the past fifteen years, with a range of organizations working on issues as diverse as environmental law, the rights of migrant workers, and the rights of children. The expansion of public interest law reflects growing awareness of law and rights in China more generally, according to Liebman, who has written extensively on the growth of legal aid and public interest law in China.

The creation of the fellowship is the latest in a series of programs created at Columbia Law School to assist the development of public interest law in China. Clinical legal faculty have been working with Chinese colleagues to develop law school-based clinics in China for more than a decade. The Law School also brings leading public interest practitioners from China to New York every year, through collaboration with PILnet: The Global Network for Public Interest Law. The Haas Fellowship also provides support for students from China with a strong interest in public interest law to study at the Law School and to work in public interest organizations in the United States following graduation. The new fellowship adds to these efforts, providing crucial support for long-term career development of public interest practitioners in China.

The new fellowship is available to Columbia Law School students who expect to receive a J.D. or LL.M. degree in 2012. Consideration will also be given to J.D. and LL.M. graduates of the classes of 2011 and 2010. Applicants must have strong Chinese language skills and be ready to begin work in the fall of 2012.



Beijing Celebration Honors R. Randle Edwards

Renmin University of China School of Law held a ceremony in Beijing on November 16, 2011, to honor R. Randle Edwards, Walter Gellhorn Professor Emeritus of Columbia Law School. Officials from several of China's top law schools and law research institutes gathered to honor Professor Edwards' pioneering and lasting commitment to academic legal exchanges between Chinese and American universities, in particular his work in establishing and leading The Committee for Legal Education Exchange with China (CLEEC). The event marked the 30th anniversary of CLEEC.

At the event Professor Edwards was called, "The most famous Chinese legal scholar in the U.S."

CLEEC promoted mutual understanding of American and Chinese law through educational exchanges and cooperation, fostered academic talent internationally, and helped young academics attend American universities as visiting scholars. Between 1982 and 1995, CLEEC helped about 280 Chinese law scholars and professors come to America for legal training and advanced study.

Professor Edwards' keynote speech was called "Sino-U.S. Legal Education Exchanges, Past, Present, and Future." After describing how CLEEC was founded, he noted "CLEEC was just the beginning."

"For example," he said, "this year Columbia Law School has more than 60 J.D. and LL.M. students from China. Across the U.S. as a whole, the number of Chinese law students numbers in the hundreds or even thousands."

He predicted that such exchanges would continue, saying, "Because of the increased economic ties and trade between

China and America, each side is eager to understand the other's legal system."

Participants commented on the historic nature of Professor Edwards' contribution to academic exchanges in law between the two countries and their wide-reaching impact in China's legal education and law reform process. Others mentioned Professor Edwards' generosity of spirit and the personal care he took with CLEEC scholars.

Professor Li Buyun, of the Institute of Law of the Chinese Academy of Social Sciences, expressed thanks to Professor Edwards, and recalled that his experience studying in the U.S. moved him deeply. He recalled that Professor Edwards held a birthday party for him and helped him find a doctor when he needed one. Professor Li went on to praise Professor Edwards for not just being the first person to create the largest, most successful academic legal exchange program with China, but also for being the American legal scholar with the most far reaching impact in China.



Professor Edwards (front, center) at Beijing ceremony

Columbia Law School and Peking University Launch Faculty Exchange Scholars Will Spend Time in Beijing and New York for the Opportunity to Teach, Lecture, and Conduct Research

On December 20, 2011 Columbia Law School and Peking University Law School announced a new program designed to expand an ongoing exchange of ideas between faculty members of the two institutions.

The program is modeled on the student-exchange program that has linked the two schools since 2006. Visiting faculty are invited to co-teach a course with a colleague at the host institution, lecture on a topic of interest, and/or conduct research. They are also encouraged to participate in the

academic life of the host school and to take advantage of campus resources and events.

Columbia Law School is a longstanding leader in Chinese legal studies and is the only school among its peers with a full-time faculty member specializing in Chinese law since the 1960s.

"This exciting new faculty exchange program allows closer and formalized collaboration between Columbia scholars and their peers in China," said David M. Schizer, Dean and the Lucy G. Moses Professor of Law at Columbia Law School.

Charles Li '91 Returns to Columbia Law School to Discuss China's Economy



Charles Li

In 1993, when Charles Li '91 was working as an associate at a U.S. law firm, several banks wanted to hire him because of his fluency in Chinese, he told a gathering of Columbia Law School students on Oct. 27. Merrill Lynch hired him as a vice president—at three times the salary he'd been making as a lawyer.

Li went on to become managing director and president of Merrill Lynch China, then chairman of JPMorgan China. In 2010, he assumed his current role as chief executive officer of Hong Kong Exchanges and Clearing Ltd. (HKEx), the holding company for the sixth largest stock exchange in the world. HKEx, which was listed in June 2000, works closely with the principal regulator of Hong Kong's securities and derivatives markets.

Mr. Li discussed the European economic crisis before turning to China, noting that the success of the Chinese economy has come at the expense of rural residents and that the country must now begin investing in the future of its people. He explained that the \$3 trillion in U.S. dollars that China holds in foreign exchange reserves doesn't belong to the Chinese government. It belongs to the "ordinary folks."

"The current system of foreign exchange control causes structured inflation," he said, "and that has to change." He noted that most Chinese citizens are saving all of their money because of inflation and that the country needs a fair system for redistribution of wealth and a fair rule of law.

Li also described structural difference between the securities market in China and those in the U.S. and Europe.

"Other markets started with the broker/dealers," he said. "They formed the exchanges, and everyone else had to go through a broker/dealer to make investments. In China, they started that way, but then realized there are so many crooks in that middle section and started again. The result is a see-through structure which is much more effective for regulatory purposes."

Li concluded by telling students that their education at Columbia Law School will give them two useful tools—a method of collective problem-solving through careful analysis, and relationships that will prove invaluable throughout their professional lives.

"Twenty years from now, when you call to ask someone for a favor, they're going to ask 'Why?'" he said. "And you're going to say, 'Because we went to Columbia together!'"

Judge Xue Hanqin '83 LL.M., '95 J.S.D Visits Law School: Distinguished Alumna Re-elected to the International Court of Justice



Judge Xue Hanqin

Judge Xue Hanqin '83 LL.M., '95 J.S.D., a member of the International Court of Justice (ICJ), returned to Columbia Law School on November 30, 2011, to discuss her work on the principal judicial organ of the United Nations and to reminisce about her experiences while a law school student. Three days after her visit, she was re-elected to the ICJ for a nine-year term.

Judge Xue was first elected to the court in June 2010. She replaced her countryman Judge Shi Jiuyong, who resigned in May 2010 at the age of 83, just a year away from completing his term. In winning her seat, Judge Xue became the fifth Chinese member in history to be elected to the 15-member court, which was established in 1945 by the U.N. Charter. Of those five Chinese judges, three attended Columbia Law School.

"When Judge Xue first came to Columbia in 1982, she was only the second Chinese student from the People's Republic of China to enter the LL.M. program," said Benjamin L. Liebman in his introductory remarks. "This year, we have about 35 Chinese students studying for an LL.M. degree." Liebman noted that Judge Xue's successful election is not surprising, considering her "trailblazing history."

Judge Xue said that she chose Columbia Law School for its rich tradition in international and foreign law: "In one of my early classes with Professor [Richard] Gardner, he would often ask us what legal advice we would give to governments if we were their counsel. It was good training for my career."

After receiving her LL.M. degree, Judge Xue worked for more than two decades for the Department of Treaty and Law of the Ministry of Foreign Affairs of China, serving as director-general from 1999 to 2003. She returned to Columbia Law School for her J.S.D., which she received in 1995. Judge Xue has also served as a member of the International Law Commission for nine years, ambassador of the People's Republic of China to the Netherlands and permanent representative to the Organization for the Prohibition of Chemical Weapons, Chinese ambassador to ASEAN, and legal counsel of the Foreign Ministry of China.

A year into her new job, Judge Xue said that the court is now quite busy. As a new member, she has already worked on nine cases, mostly involving various subjects of international law.

Judge Xue told the standing-room-only audience of students, professors, and other guests that Columbia Law School is widely recognized abroad for its continuing contributions to international law. "Columbia Law School is known worldwide for its international legal studies."



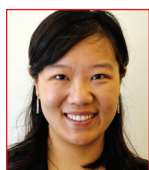
Visiting Scholars 2011–2012

The Center is hosting four visiting scholars, three Center for Chinese Legal Studies Fellows, and two PILnet Fellows.

**Ding Ding,**

*Professor of Law,
University of International Business and Economics
(UIBE)*

Professor Ding's areas of specialization are international law and business law. Her research topic while at Columbia was corporate social responsibility and legislation pertaining to low-carbon cities. In residence Summer 2011.

**Li Kefeng**

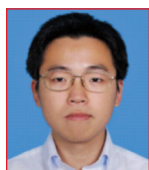
*Public Interest Lawyer and Project Manager,
Beijing Zhicheng Migrant Workers' Legal Aid and
Research Center (BZMW)*

Ms. Li's project is to work to establish protective legal mechanisms for NGOs in China designed to empower and inform women regarding their labor rights. Ms. Li is a PILnet Fellow. In residence Fall 2011–Spring 2012.

**Song Jing**

*Project Officer,
Environmental Legal Service Center,
All-China Environment Federation (ACEF)*

Ms. Song's project is the protection of environmental rights in China within the context of human rights, by creating codified mechanisms for public-interest litigation in China. Ms. Song is a PILnet Fellow. In residence Fall 2011–Spring 2012.

**Wang Lusheng**

*Ph.D. Candidate,
Sichuan University Law School*

Mr. Wang's areas of specialization are dispute resolution, procedural law, and the justice system. His research topic while at Columbia was a comparative study of the finance systems in China and the U.S. Mr. Wang was a Center for Chinese Legal Studies Fellow. In residence Fall 2011.

**Xue Yuan**

*Associate Professor,
University of International Business and Economics
School of Law, China*

Professor Xue's areas of specialization are international private law, international business law, and alternative dispute resolution. Her research topic while at Columbia is online dispute resolution. In residence academic year 2011–2012.

**Xu Xin**

*Professor of Law,
Beijing Institute of Technology (BIT)*

Professor Xu's areas of specialization are law and society, the judicial system, and procedural law. His research topic while at Columbia will be the state as "party" and the politics of dispute resolution. Mr. Xu will be a Center for Chinese Legal Studies Fellow. In residence Spring 2012.

**Yang Fan**

*Ph. D. Candidate,
Huazhong University of Science and Technology
School of Law*

Mr. Yang's areas of specialization are civil and commercial law, especially tort law. His research topic while at Columbia is an empirical and comparative study of the financial compensation system for disaster victims in the U.S. In residence academic year 2011–2012.

**Yue Lin**

*Ph.D. Candidate,
Peking University*

Mr. Yue's areas of specialization are sociology of law and legal philosophy. His research topic while at Columbia is the legal conflict between patient's autonomy and medical professional's authority. In residence academic year 2011–2012.

The Center for Chinese Legal Studies thanks its global network of alumni for its generous support. Your donations help the Center continue to grow. *Thank you!*



Edwards Fellows

In 2011–2012 the Center selected six outstanding Chinese legal scholars as Edwards Fellows. The fellowship was named for Professor Emeritus R. Randle Edwards, who founded and directed the Center until his retirement in 2002.



Jiang Yunwei, *Associate Professor, Fudan University Law School*

Professor Jiang's areas of specialization are torts and the law of medicine. Her research topic while at Columbia concerned the conflicts surrounding medical information rights. In residence Fall 2011.



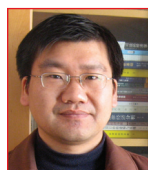
Lin Xifen, *Lecturer, KoGuan Law School, Shanghai Jiaotong University*

Professor Lin's areas of specialization are criminal procedure, judicial error in China, judicial reform in China, evidence law, constitutionalism, and human rights. His research topic was called, "A specious road to justice: The recently issued exclusionary rule in China and its impact on reducing judicial errors." In residence Fall 2011.



Su Mingyue, *Associate Professor, College for Criminal Law Science, Beijing Normal University*

Professor Su's areas of specialization are juvenile justice, probation and parole, criminal law, and criminology. Her research topic while at Columbia is the juvenile justice model and the judicialization of juvenile corrections in China. In residence Fall 2011.



Ye Liangfang, *Associate Professor, Zhejiang University Guanghua School of Law*

Professor Ye's areas of specialization include criminal law, criminal justice, and social law. His research topic while at Columbia is the federal sentencing guidelines and their influence on Chinese sentencing reform. In residence academic year 2011–2012.

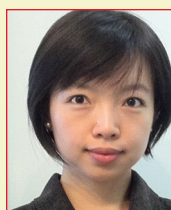


Zhi Zhenfeng, *Assistant Research Fellow, Institute of Law, Chinese Academy of Social Sciences*

Dr. Zhi's area of specialization is jurisprudence. His research topic while at Columbia was judicial theory. In residence Fall 2011.

NEW SCHOLARSHIP

The Mechanisms of State Capitalism in China: An Abstract



Li-Wen Lin



Curtis J. Milhaupt '89

While China appears to present a new variety of capitalism, frequently labeled "state capitalism," the features of this system—particularly the organizational structure and governance regime surrounding China's most important state-owned enterprises (SOEs)—remains a black box. Corporate governance scholarship on China has focused on listed firms, a majority of whose shares are owned by the state. But listed SOEs in China are nested in vertically integrated corporate groups, and the groups are strategically linked to other business groups, as well as to the Communist Party and to governmental organs. And while the parent company of the listed firms has a governmental controlling shareholder, deconstruction of this agency's control rights reveals that it has both less and more power than controlling shareholders in other regimes.

Unpacking the black box of Chinese state capitalism requires moving away from the standard focus on agency costs in listed firms that predominates in the corporate governance literature. Instead this research analyzes the relational ecology that fosters production in a system where all roads eventually lead to the party-state. The paper introduces two simple analytical constructs to understand key features of industrial organization in China's state-owned sector.

Exposing the mechanisms of state capitalism refocuses several scholarly debates in which China is conspicuous by its absence, including the law and finance literature, and the debate over convergence in corporate governance systems. It also raises a new set of questions whose salience increases as the global interaction of Chinese firms expands, such as how might the increasing global interaction of Chinese SOEs change their governance and relationship to the state?

Lin, Li-Wen and Milhaupt, Curtis J., We are the (National) Champions: Understanding the Mechanisms of State Capitalism in China (November 1, 2011). Columbia Law and Economics Working Paper No. 409.



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*Please direct questions, comments, or changes of address to the editor of the newsletter, Paulette Roberts at prober@law.columbia.edu.
Our website address is www.law.columbia.edu/center_program/chinese.*

