



中國法律研究中心

SUMMER 2007

CENTER FOR CHINESE LEGAL STUDIES

A Note from R. Randle Edwards



R. Randle Edwards

In Spring 2007, Professor R. Randle Edwards returned to teach at Columbia for the first time in five years. We would like to share this recent note from him:

On retiring from Columbia Law School in June, 2002, my wife and I moved to Washington, D.C. to be near our three grandchildren. We now have seven, four here, two in London and one in Beijing. Another strong attraction for me is the Potomac River, which is excellent for sculling, my favorite sport. Because we are now in the middle of the racing season, I row virtually every day.

Living in Washington is also interesting because of the constant political drama. Aside from rowing and observing the daily political developments, I have taught courses at Harvard Law School and at George Washington University Law School. I have enjoyed seeing some alumni from the Center for Chinese Legal Studies in Washington, and look forward to seeing more of you.

Since retiring from Columbia, I have also had the pleasure of giving visiting lectures at the Law School from time to time, and teaching a seminar on legal aspects of China's international relations this past spring. Each time I visit "The Law School," I am pleased to see what a large and dynamic group Professor Liebman has attracted to the Center for Chinese Legal Studies.

It is a source of great satisfaction for me to see how the Center has thrived under the able leadership of Professor Liebman. As you may know, the faculty recently granted tenure to Professor Liebman. This is both a testament to his outstanding scholarship and superb leadership of the Center and a statement of the faculty's continued pride in Columbia Law School's Chinese law program.

I am confident that the Center for Chinese Legal Studies will continue to be a leader in fostering Sino-American mutual understanding and cooperation in the legal field. This goal is virtually guaranteed by Professor Liebman's leadership, strong faculty support, the Center's location in a great city, an outstanding group of alumni who continue to play a leading role in U.S.-China legal and business relations, and in the ongoing development of the Chinese legal process.

R. Randle Edwards
Walter Gelhorn Professor Emeritus of Law



Private Attorney Generals in China?

Professor Jack Coffee Returns to China After Nearly 10 Years

In December 2006, at the invitation of China Law and Development Consultants and the Tsinghua University School of Law, Jack Coffee, Adolf A. Berle Professor of Law at Columbia Law School, returned to China to participate in an international conference. This was Professor Coffee's first visit to China in almost ten years.

The conference, called "Enforcement of Laws through Private Litigation," took place in Beijing on December 8 and 9, 2006. The topic of Professor Coffee's talk was how weak or ineffective state enforcement of laws intended to serve the public interest can be bolstered through litigation by public and private parties.

Professor Coffee's work on private enforcement of securities law in the U.S. through class and derivative actions is considered seminal. His research and theoretical writings have sparked further exploration of this topic in many countries throughout the world.

The conference was part of a project being conducted by Tsinghua Law School with assistance from China Law and Development Consultants (CLD) and the George Washington University Law School. CLD is a Chinese company specializing in non-profit work in legal-system development, governance and NGO capacity-building. CLD was founded by Phyllis L. Chang, '88 LL.M., a former Jervey Fellow.

There is budding interest in China in private enforcement. This movement is closely related to the emergence of public interest law in China and attempts by Chinese citizens to bring group or collective litigation seeking damages. Cases have involved such areas as defective products, environmental pollution and securities fraud. For the past several years, Professor Benjamin L. Liebman, director of the Center for Chinese Legal Studies, has been studying these issues.

Professor Coffee's visit included meetings in Beijing with Chinese securities regulators and Columbia Law School alumni. On December 11, he also gave a talk to officials of the Chinese Securities Regulatory Commission (CSRC) on new developments in securities regulation in the U.S. Following the meeting, he attended a dinner as the guest of Mr. Gui Mingjie, vice chairman of the CSRC. On December 12, Professor Coffee was introduced to China's booming private sector at a dinner that included CLS alumni Charles Li, '91, chairman and CEO of JPMorgan Chase China; Roger Peng, '97, a partner with Hogan and Hartson in Beijing; Chen Jie, '04 LL.M., and Zhang Wei, '97 LL.M., partners with Jun He Law Firm in Beijing; and Phyllis L. Chang, president of CLD.

The week Professor Coffee spent in China was busy and eventful. There have been many changes in China during the decade between his visits. The topic of his talk, for instance, in the 1990s would have been of theoretical interest to scholars in China, but today it has wide and practical relevance.



Jack Coffee and Conference Participants in Beijing

Events, Spring 2007



Yang Chunfu

The Center sponsored many events during the spring. They included five lectures, one panel discussion about the environment, and one two-hour forum featuring prominent Chinese investigative journalists.

January 26

Economic Rights as Human Rights

This was a lecture by Yang Chunfu, professor of law and vice dean, Nanjing University, and an Edwards Fellow at Columbia Law School.



Liao Fan

February 13

The Influence of the U.S. Criminal Justice System on the Acculturation of Recently Arrived Ethnic Groups in the United States

This was a lecture by William D. Oldham III, consultant and author. Mr. Oldham is the brother of John Oldham, '83, for whom the Class of 1983 John Oldham Memorial Rights Internship is named. This fund allows many Columbia students travel to China each year to take part in public interest internships or to conduct research.



China Environmental Panel

March 28

Recent Revision of the Chinese Securities Law and Its Implications

This was a lecture by Liao Fan, assistant professor, Center for International Law Studies, Chinese Academy of Social Sciences, and visiting scholar at Columbia Law School.

April 5

China and the Environment at a Turning Point?

Prospects for Reform and the Role of Law, Lawyers and Courts

This discussion featuring four panelists was co-sponsored with the Environmental Law Society. The moderator was Benjamin L. Liebman, professor of law and director of the Center for Chinese Legal Studies. The panelists were Wang Canfa, director, Center for Legal Assistance to Pollution Victims (CLAPV) and professor, China University of Political Science and Law; Xu Kezhu, deputy director, CLAPV, and professor, China University of Political Science and Law; Chang Jiwen, professor, Institute of Law, Chinese Academy of Social Sciences, and Edwards Fellow at Columbia Law School; Alex L. Wang, attorney in Beijing for the Natural Resources Defense Council, and attorney and director, China Environmental Law Project.



Fu Hualing

April 11

Wèiquan (Rights Protection) Lawyering in an Authoritarian State: The China Case

This was a lecture by Fu Hualing, associate professor, Faculty of Law, University of Hong Kong.



Zhang Shoudong

April 18

Religious Law and Policy in China

This was a lecture by Zhang Shoudong, associate professor of law, China University of Political Science and Law, and Edwards Fellow at Columbia Law School.



Chen Guidi and Wu Chuntao

April 26

The Current Situation in China's Countryside: A Discussion with the Authors of *An Investigation into China's Peasants*

This two-hour forum featured authors Chen Guidi and Wu Chuntao. The book, which was published in English as *Will the Boat Sink the Water?* (Public Affairs, 2007), was a pathbreaking exposé of the hardships facing China's peasants.



China-related Courses Expand

The China-related law curriculum continues to expand, reflecting the growing interest in China and Chinese law at Columbia Law School. This year Columbia Law School students could choose from five courses. Four were offered by the Law School. In addition a legal Chinese language course, taught by Lening Liu, senior lecturer in Chinese and the director of the Chinese Language Program, was offered through Columbia University's Department of East Asian Languages and Culture. During the recent academic year nearly 100 students were enrolled in courses relating to Chinese law — a record at the Law School.

Legal Aspects of China's International Relations

R. Randle Edwards, Walter Gellhorn Professor Emeritus of Law

This seminar examines the role of law in shaping China's international relations. It starts with an examination of China's historical interactions with international law before taking on a range of contemporary topics. The discussion surrounds how law and arguments about law affect China's interactions with other countries. The topics are numerous and include, for example, the impact of China's participation in international environmental lawmaking; China's take on international human rights; international legal issues relating to Hong Kong, Tibet, and Taiwan; cross-border private dispute resolution and intellectual property law; and labor migration and labor standards. The seminar also examines legal aspects of China's participation in international efforts to fight terrorism and the role that foreign countries play in China's legal reform efforts.

International Business and Investment Transactions with China

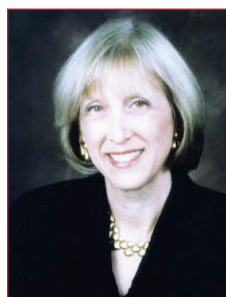
Owen D. Nee Jr., '73, Of Counsel, Jones Day



This course introduces students from a common law background to international business and investment transactions with China. In this course, Professor Nee — who has practiced law in China for the past thirty years — explains to students how China has moved from a state-planned economic system to a quasi-market system. China's form of economy is unique in that commercial activities are regulated primarily by market forces, and yet there remains a continuing role for the prevalent political forces in the country. Towards the end of the term, Professor Nee takes on scenarios for the likely future course of economic regulation in China. Some issues that are considered are corporate governance reforms, stock market regulation, and antitrust and bankruptcy law developments.

Chinese Legal Thought and Legal History

Madeleine Zelin, Dean Lung Professor of Chinese Studies, Department of East Asian Languages and Literature, Columbia University



In this course Professor Zelin introduces Chinese legal history. She examines the evolution of codified law, describes the changes in legal and judicial practice, and demarcates the various institutions that shaped legal culture in the imperial and Republican periods. Issues that she covers include understanding the foundations of civil and criminal law and what constitutes formal and informal justice; how law and the family intersect; and how law affects the economy — and vice versa. Throughout the semester, the students also engage in debates on current issues, including the role of customary versus codified law and the role of Confucianism in Chinese legal culture. Throughout, class discussions return to a central question for both students of Chinese legal history and for students of contemporary Chinese law: What may or may not be the limits of the rule of law in China?

Law and Legal Institutions in China

Benjamin L. Liebman, Professor of Law and Director, Center for Chinese Legal Studies

In this course, Professor Liebman takes historical and comparative perspectives when surveying contemporary Chinese legal attitudes and practice. He begins the course by briefly examining key themes and practices in China's traditional legal order. Then the course looks at China's early-twentieth-century efforts to import a Western legal model and the role of law in the decades following the establishment of the People's Republic of China. Much of the course addresses China's extensive array of formal and informal legal institutions as well as its procedures and contemporary efforts toward legal reform. The course examines key areas in contemporary Chinese law, including environmental law, securities law, labor law and the impact of China's accession to the WTO on its legal system.



Huang Scholarship Fund Created

Third CLS Fund for Students from Greater China in as Many Years

The Center is pleased to announce the creation of the Jack J. T. Huang Scholarship Fund. The fund will provide financial aid to LL.M. students who are residents of greater China, with preference to students who are residents of Taiwan. This is the third fund in as many years for students from greater China. The other funds are the Fubon Fellowship Fund, established in 2005, and the Allen Hsu Scholarship Fund, established in 2006.

“Columbia Law School has a strong and growing relationship with the legal communities of greater China. These fellowships are fundamental to strengthening that important commitment,” said Professor Benjamin L. Liebman, director of the Center for Chinese Legal Studies. “Attending Columbia is an expensive investment; these new scholarships will make a Columbia education more accessible for students from both mainland China and Taiwan.”

The Huang Scholarship fund was established in 2007 with a \$150,000 gift from Jack J.T. Huang who, as partner-in-charge in the Taipei office of Jones Day, oversees the firm’s greater China practice. In the late 1970s, Mr. Huang was among the first international corporate lawyers to pioneer representing multinational clients in investment matters involving China. His current practice encompasses a broad range of projects, includ-

ing international investments, mergers and acquisitions, securities, technology licensing, and infrastructure. He has practiced law in Hong Kong, New York, and Taipei.

In 2005, the Fubon Fellowship Fund was created through the generosity of Fubon Financial Holding Co. Ltd., Taiwan’s third largest bank, under the direction of Daniel M. Tsai, chairman, and Richard M. Tsai, vice chairman and chief executive officer. The fund provides fellowships to Columbia Law School LL.M. students, with award preference given to those from greater China. The following year, in 2006, Allen Hsu, deputy managing director of the Yulon Group, a major automotive assembly and textiles industrial group in Taipei, graciously created the Allen Hsu Scholarship Fund to help J.D. students, with preference given to students from mainland China.

The Center is grateful for the establishment of the Huang, Fubon, and Hsu funds. Columbia was among the first law schools in the country to establish classes in Chinese law and has been a leader in Chinese legal studies for more than thirty years. The number of J.D. and LL.M. students from mainland China, Taiwan, and Hong Kong at the Law School has steadily increased. In 2006–07, there were forty-five students. All three scholarships help ensure that the representation of greater China at Columbia Law School will continue to grow.

Luo Haocai Visits Columbia Law School

Luo Haocai, the vice chairman of the 10th National Committee of the Chinese People’s Political Consultative Conference, visited the Law School for a roundtable in April. Participating were David Schizer, dean and the Lucy G. Moses Professor of Law, Columbia Law School, and CLS faculty members R. Randle Edwards, Walter Gelhorn Professor Emeritus of Law; Tim Wu, professor of law; Benjamin L. Liebman, professor of law and director of the Center for Chinese Legal Studies; Curtis Milhaupt, ’89, Fuyo Professor of Law and director of the Center for Japanese Legal Studies; and Katharina Pistor, professor of law. One of China’s most prominent legal figures, Mr. Luo is a former vice president of Peking University and of the Supreme People’s Court. He was a visiting scholar at Columbia Law School in the early 1980s.



Luo Haocai and Dean David M. Schizer



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Center Celebrates 25th Anniversary

The year 2008 marks the 25th anniversary of the Center for Chinese Legal Studies and the 150th anniversary of Columbia Law School. Watch your mail for details on events around the world celebrating these milestones.

Please direct questions, comments or changes of address to Paulette Roberts (prober@law.columbia.edu).

www.law.columbia.edu/center_program/chinese



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