



中國法律研究中心

SUMMER 2008

CENTER FOR CHINESE LEGAL STUDIES

Center Celebrates 25th Anniversary with Events in China Part of the Law School's Global Series of Sesquicentennial Events



George He Zhu

Columbia Law School kicked off a global celebration of its 150th anniversary and its long connection with China by hosting events in Hong Kong, Shanghai, and Beijing in January 2008. The three events celebrated both the 25th anniversary of the Center for Chinese Legal Studies and the Law School's sesquicentennial.

The Hong Kong event, which took place on January 11 at the Mandarin Oriental Hotel, was a cocktail reception with Benjamin L. Liebman, professor of law and director of the Center for Chinese Legal Studies at Columbia Law School, and R. Randle Edwards, Walter Gellhorn Professor Emeritus of Law and the Center's first director. In Shanghai, on January 12, Professors Liebman and Edwards hosted an evening of conversation and dinner at the Pudong Shangri-La Hotel.

More than 150 people attended the January 14 event at the Raffles Beijing Hotel, a symposium and reception hosted by David M. Schizer, dean of the Law School and Lucy G. Moses Professor of

Law. The event drew significant coverage in the Chinese media, with China National Radio carrying an extensive report.

During the symposium, Professor Liebman moderated a panel titled, "Justice in the Public Interest: New Challenges for Courts and Lawyers." Panelists included Phyllis Chang, LL.M. '88, president of China Law and Development Consultants; Chen Zexian, professor of law and director of the Center for International Law Studies at the Chinese Academy of Social Sciences and a former visiting scholar at the Law School; Jiang Ping, professor and former president of China University of Political Science and Law and a former visiting scholar at the Law School; and the Honorable Li Xiao, LL.M. '02, of the Supreme People's Court of China.

A second panel titled, "China Invests in the World: Legal Implications of Chinese Investment Overseas," was moderated by Henry Ding, '93, a partner with Sidley Austin LLP. Panelists included Jon Christianson, '89, a partner with Skadden, Arps, Slate, Meagher & Flom LLP; George Davidson, '75, managing director of HSBC; Charles Li, '91, chairman of JPMorgan Chase China; Shen Sibao, professor of law and dean of the School of Law, University of International Business and Economics, and a former visiting scholar at the Law School; and George He Zhu LL.M. '91, a partner with June He Law Offices.

Center Co-sponsors the Fourth Annual China Symposium Defining Chinese Modernity: Information, Economy, and Environment



The Hon. C. H. Tung



Benjamin L. Liebman

The Center for Chinese Legal Studies was pleased to co-sponsor, with the Weatherhead East Asian Institute and The Earth Institute, Columbia University's Fourth Annual China Symposium. The conference was held on April 25, 2008, at the School of International and Public Affairs. The keynote speaker was the Honorable C. H. Tung, former chief executive of Hong Kong SAR and vice chairman of the Chinese People's Political Consultative Committee (CPPCC). His address was titled, "China's March towards Modernity and Her Relationship with the United States."



Thank you! We're almost there!

Alumni Help Celebrate the 25th Anniversary of the Center for Chinese Legal Studies by Donating \$750,000

Thanks to the generous support of our alumni, to date we have raised more than \$750,000 towards the Center's 25th anniversary goal of \$1 million. We would like to thank those alumni who have already sent in their contributions. If you have not yet made a gift, we hope that you will consider joining your fellow graduates in helping to endow the future of the Center for Chinese Legal Studies, widely recognized as the most important center for scholarship on Chinese law in the United States.

Gifts can be made either in full or in the form of pledges which can be paid over five years. A gift to the Center directly supports research in China, scholarships for students from China or studying Chinese law, and special events held by the Center, many of which are highlighted in this newsletter.

The envelope enclosed in the newsletter further explains how to make your gift. If you have any further questions, please contact the Development Office at 212-854-8640.

Student Profiles

José Burmeister, LL.M. '08



José was a lawyer in Chile before coming to Columbia. He worked at the Chilean Ministry of Foreign Affairs, where he was part of the negotiation team of the Chile-China Free Trade Agreement, one of the first free trade agreements entered into by China.

My interest for China arose when I took a break from my law studies to spend ten months doing community work with a British charity organization in China, back in 1998-1999. Also, on the academic side I have been working on establishing a center for Chinese legal studies at my alma mater, the University of Chile.

What brought me to Columbia was that I wanted to take a step forward in my academic and professional capacities, especially in a bigger, more international setting known for excellence. I wanted to specialize in particular fields, such as Chinese law, international trade, and investment arbitration. More generally, I wanted to take a break in my career and gain a broader perspective, one that was different from that within Chile.

I've enjoyed the privilege of living in New York and being a student at Columbia. I have also learned from the experience of centers, such as the Center for Chinese Legal Studies, and I hope in the future to help create similar institutions in Latin America.

Du Shu, '08



A graduate of Tsinghua University Law School, Du Shu worked with an American law firm in Beijing before coming to Columbia to pursue a J.D. degree.

I was so intrigued by the American legal system when I was at Tsinghua Law School back in China that I could not give up the idea of studying it further in an American law school. During the two

years which I spent working in the overseas office of an American law firm in Beijing following graduation from Tsinghua, it became my goal to be an international lawyer who would be able to assist both Chinese and American clients doing cross-border transactions. I wanted even more to make a systematic and in-depth study of American laws.

Columbia Law School has offered me many opportunities to explore the distinctive characteristics of the American legal system and to obtain the intensive training which is necessary to becoming an insightful practitioner. Throughout my three-year adventure of studying at Columbia, I have experienced great intellectual challenges and have learned from a diverse set of cultures. In addition to the foundation courses, I was able to select a wide range of wonderful courses in the area of corporate practice, like basic corporations, advanced M&A, securities regulation, and Chapter 11 reorganization. Through the interaction with the encouraging professors and inspiring fellow students, I believe I am better prepared to pursue a legal career as an international transactional lawyer in the greater China area.

Derek J. Ettinger, '08



Before studying at Columbia, Derek graduated in 1997 from the University of Arizona and then earned his Ph.D. in philosophy at Brown University in 2005. This spring he studied at Peking University (Beida) Law School as part of the exchange program between Columbia Law School and Beida.

I am interested in pursuing a career in legal academia and chose Columbia Law School with that goal in mind. In graduate school, I was very interested in comparative philosophy, and in law school that has translated into an interest in comparative law and public international law.



My interest in comparative law took specific focus after I took a class with Professor Liebman and spoke with him about opportunities for studying in China. Before studying at Beida, I took Professor Liebman's course on Chinese law. I also helped him with various Chinese law-related projects as his research assistant. During my 1L summer, I was also able to get some practical experience with law in Asia more generally by working for a human rights NGO in Cambodia.

After graduation I will work in the New York office of Debevoise & Plimpton. I am hoping to learn enough Chinese so that transferring to their Shanghai (or Hong Kong) office becomes a real possibility. The year after next I will be a law clerk to Judge M. Margaret McKeown of the U.S. Court of Appeals for the Ninth Circuit.

Li (Lipton) Jiadong, '08



Lipton was born and raised in Shanghai. When he was fourteen, he moved to San Francisco to finish high school, and then to Chicago, where he attended college and began his career.

I always thought that I'd work in finance, since I'm interested in the intricacies of the market and its effect on the economy. However, a summer internship at the World Bank Group made me think more deeply about the fundamental framework that made all this possible, namely the legal infrastructure.

The thought of going to law school was more "spontaneous" and based on instinct, rather than on any precise calculation of career paths, options, salaries, and other factors. Perhaps it was a result of my internship at the World Bank. Perhaps it was something else. In any case, the decision was made, and Columbia's strong international law programs, its business and finance cur-

riculum, and its location made me decide that this was the right school for me. At Columbia I took the core curriculum and then chose classes with an international spin. I particularly enjoyed classes where I could learn about familiar things from a different perspective, such as the course on Chinese law and institutions.

Zhu Qiongjuan, LL.M. '08



Prior to Columbia, Qiongjuan received her LL.B. and M.A. from Wuhan University Law School. She also received a graduate certificate from the Hopkins-Nanjing Center for Chinese and American Studies and worked in Jones Day's Shanghai office.

My career objective is to improve the rule of law in China. I wish to contribute to the establishment of the Chinese legal system which, on the one hand, incorporates its unique cultural and traditional heritage and, on the other hand, reconciles with the legal traditions of Western systems. I believe that a systematic study of the American legal system at Columbia Law School will equip me with the necessary skills and knowledge to do this.

The one-year LL.M. program is short, but I could not have benefited from it more! Of the world's top law programs, Columbia offers the best resources in my area of interest, comparative legal studies. In addition to its tremendous library collection and a rigorous environment for learning, academic discussions and intellectual exchange among students, professors and visiting scholars, Columbia is home to many distinguished scholars in my area of interest. Above all, my research has benefited enormously under the mentorship of Professor Benjamin Liebman, who is renowned for his expertise in the Chinese legal system.

Events, Fall 2007–Spring 2008

Fall 2007



September 10

Lesbian, Gay, Bisexual, and Transgender Rights and HIV/AIDS Advocacy in China

Lecture by Wan Yanhai, director of the Beijing Aizhixing Institute.



September 19

The Rule of Law in China: The Past Ten Years and Its Future

Lecture in Chinese by Li Lin, director of the Institute of Law of the Chinese Academy

of Social Sciences.

September 19

Mid-Autumn Festival

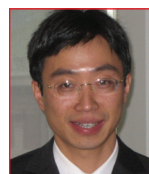
Co-sponsored with the Society for Chinese Law.



September 24

Hong Kong's Role in China's Modernization

The Center co-sponsored this lecture by Alan Leong, Hong Kong legislative councilor and former candidate for chief executive, with the Weatherhead East Asian Institute.



October 3

The Changes and Implications of the New Labor Contract Law in China: Progress and Challenges

Lecture by Xie Zengyi, assistant professor of law at the Institute of Law of the Chinese Academy of Social Sciences and visiting scholar at Columbia Law School.

**October 9****Legal Exchanges between China and US — A Personal Review**

Lecture with the Hon. Xue Hanqin, LL.M. '83, J.S.D. '03, the ambassador of the People's Republic of China to the Netherlands and permanent representative to the Organization for the Prohibition of Chemical Weapons.

October 24**Regulatory Hurdles to Private Equity Investments in China**

Lecture, co-sponsored with Career Services and the Society for Chinese Law, by Marcia Ellis, '95, and Scott A. Jalowayski, of the Hong Kong office of Morrison & Foerster.

October 31**Summer Internship Opportunities in China**

Professor Benjamin Liebman and the 2Ls and 3Ls of the Law School spoke about their experiences working in China.

**November 7****U.S. Corporate Compliance Meets Chinese Corporate Governance: Lessons in Applied Comparative Law**

Lecture by Preston M. Torbert, principal at Baker & McKenzie LLP in Chicago.

**December 5****China Modernizes: Threat to the West or Model for the Rest?**

Lecture by Professor Randall Peerenboom, '93, of the Oxford University Center for Socio-Legal Studies.

**December 7****A Discussion with Pu Zhiqiang**

Pu Zhiqiang, a partner of Beijing Huayi Law Firm who has undertaken a number of free speech cases, led a discussion about the challenges of being an activist lawyer in China.

Spring 2008**February 7****Chinese New Year**

Co-sponsored with the Society for Chinese Law and APALSA.

February 20**People's Mediation Committees in China:****A Review of a Unique Grassroots Organization**

Lecture by Peng Xihua, associate professor of the law school at Zhongnan University of Economics and Law in Wuhan.

**February 26****The Impact of Basel Capital Accord II on China's Banking Supervision**

Lecture with Zhou Xiaohong, assistant professor and vice director of international law at the law school of Jilin University and an Edwards Fellow.

**March 3****The Status of International Arbitration in China and Japan**

Lecture by David A. Livdahl, '77, partner in the Corporate Department of Paul Hastings, Janofsky & Walker LLP in Beijing. Career Services and the Society for Chinese Law co-sponsored this event.

**March 11****Human Rights without Protection: Pre-trial Treatment of Criminal Defendants in China**

Lecture by Wang Tiancheng, visiting scholar at the Center for the Study of Human Rights, Columbia University.

**March 25****The Dawn of the Due Process Principle in China**

Lecture by He Haibo, associate professor at Tsinghua University Law School.

**April 2****The Legislation of Tort Law in China**

Lecture by Yu Fei, associate professor at the School of Civil and Commercial Law, China University of Political Science and Law, and an Edwards Fellow.

**April 8****Constitutionalism with Chinese Characteristics? Constitutional Development and Civil Litigation in China**

Lecture by Thomas E. Kellogg, senior fellow at the Yale Law School China Law Center and lecturer-in-law at Yale Law School.

**April 15****The Company Law of China and its Role in the Reform of State-owned Enterprises**

Lecture by Ding Ding, professor and associate dean of the University of International Business and Economics in China and a Fulbright Scholar at the Law School.



China's Courts: Restricted Reform

In an article in the September 2007 edition of The China Quarterly, Professor Benjamin Liebman surveyed recent trends in China's courts. He noted a paradox inherent in court development in China.

Changes to China's courts' formal authority have been limited. Courts still struggle to address basic impediments to serving as fair adjudicators, and they continue to be subject to Communist Party oversight. At the same time, courts are confronting new challenges, in particular pressure from media reports and popular protests. The party-state has permitted, and at times encouraged, both significant bottom-up development of the courts and their expanded use as fora for the airing of rights-based grievances, including administrative litigation, class actions, and a small number of discrimination claims filed directly under the Constitution. Some courts have engaged in significant innovation. Judges are better qualified than in the past, and are increasingly looking to other courts and judges, rather than Party superiors, in deciding novel or difficult cases. As a result, courts are increasingly coming into conflict with other state institutions; growing numbers of well-educated judges are developing professional identities; and popular attention to both the problems and the potential roles of the courts appears higher than ever before. These

developments raise fundamental questions about the future development of China's courts — questions largely ignored in existing scholarship on Chinese law. In particular, why has the party-state permitted the courts to develop even limited new roles?

Professor Liebman argues that courts' ability to serve broader aims may depend on their developing greater authority, either on their own or at the behest of the party-state. Their ability to do so will be shaped not only by party-state policy, but will also reflect their continued bottom-up development. The roles of courts and judges are no longer solely defined by top-down pronouncements. Judges appear to be looking to the roles judges play in other countries as they seek to define their own positions; litigants' aspirations likewise appear to derive both from rising attention to the role of judges and from international norms. Recent attempts to steer judges away from "Western rule-of-law theories" are a tacit acknowledgment of such trends. Continued bottom-up development may be crucial to courts' serving the Party's interests — but may also promote new challenges. The most significant development regarding China's courts is that their role in Chinese society is increasingly contested.



Center Hosts Mark Cohen

Private and Public Property Rights: What China Does Differently about IPR, and Why We Should be Concerned

On April 22 the Center hosted a lecture by Mark Cohen, '84, senior intellectual property attaché at the U.S. Embassy in Beijing. After Mr. Cohen's lecture, there was a discussion, with Timothy Wu, professor of law at Columbia Law School, Benjamin Liebman, and R. Randle Edwards, Walter Gellhorn Professor Emeritus of Law, Columbia Law School.

Alumni Notes

Welcome to a new section of the newsletter. Following the tremendous turnout at the Columbia Law School events in China this winter, we are working to further develop links with and among alumni. If you'd like to let us know what you've been doing, please use the envelope enclosed with this newsletter or you may go online (www.law.columbia.edu/alumni). Paulette Roberts would also be happy to hear from you at prober@law.columbia.edu.

Cao Yu, '05, recently joined Covington & Burling LLP as of counsel, and will be based in the soon-to-open Beijing office. Currently he is visiting the Washington, DC office. While his practice will consist of general corporate finance, intellectual

property, and regulatory matters, entertainment and media industry-related matters will also continue to be important.



Morton Holbrook III, LL.M. '84, retired as a U.S. Foreign Service officer in January, 2007, in Paris, where he served as the economic counselor at the U.S. mission to the OECD. He immediately began work as a consultant at the U.S. Consulate in Hong Kong. Last September, he became a professor at United International College (UIC) in Zhuhai, teaching courses in U.S.-China relations, Chinese foreign policy, international political economy, and the Chinese legal system.



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

Earthquake Relief

The Center for Chinese Legal Studies joins our friends in China in mourning the tragic losses in Sichuan. Speaking at Columbia Law School's Graduation on May 22, 2008, Dean David M. Schizer commented that the Columbia community's joy at graduation was "tinged with sadness as we mourn the losses from the earthquake in China."

Under the direction of Professor Benjamin Liebman, a team of Columbia Law School students has begun working on a project with the law school of Sichuan University in Chengdu to examine the legal issues arising from the earthquake. Further details will be included in a future edition of this newsletter.

Information on how to donate to those in need may be found on the website of the National Committee on United States-China Relations (www.ncuscr.org/aid-victims-may-12-sichuan-earthquake).



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