Paradigms in the Cultivation of China’s Future Legal Elite:
A Case Study of Legal Education in Western China

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* A.B. Princeton University, 1998; J.D. Harvard Law School, 2003. The author thanks Dean William Alford, Harvard Law School; Dean James Feinerman, Georgetown University Law Center; Professor David Kaye, Arizona State University College of Law; Judge Jack Lu, Boston Municipal Court; Consul General Jeffrey Moon, U.S. State Department; Professor Hari Osofsky, Whittier Law School; and John Smagula, Temple University James E. Beasley School of Law. Thanks and credit are due to Dr. Lee Abramson, Statistician, Nuclear Regulatory Commission (retired) for reviewing the survey and answering questions about survey methodology; Keith Hand, Senior Fellow and Lecturer in Law, The China Law Center, Yale Law School, for reading an early draft of the survey and suggesting several additional survey questions incorporated in the final version; and Professor Tian Zicheng, Southwest Nationalities University, Chengdu (retired), for editing the Chinese version of the survey. The author also thanks the members of the Sichuan University Law School who assisted in this project. Because some of these people participated in confidential interviews, individual names are omitted here. In addition, the author extends gratitude to Fulbright administrators from the Institute of International Education, U.S. Embassy in Beijing, and U.S. Consulate in Chengdu.
I. ABSTRACT

“Paradigms in the Cultivation of China’s Future Legal Elite: A Case Study of Legal Education in Western China” is an exploration into the legal culture at Sichuan University Law School, based on the author’s field work there in 2003-2004. As China tightens entry into its legal profession, formal university-based legal education has played an increasingly prominent role in producing new legal workers, and now serves as a key indicator of the future direction of China’s legal system. To date, however, no work of scholarship in legal literature has provided such an in-depth examination of Chinese law students based on sustained on-site research. This article fills this gap; it also complements existing scholarship on the Chinese legal profession, which tends to focus on China’s eastern urban centers, by focusing on a strategically important interior region of China. After describing the history and basic features of the nationally prominent law school and the author’s observations from auditing classes and teaching there, the article focuses on a survey designed to explore the demographics, aspirations, and legal views of the student body, with the aim of providing a window into the future of China’s legal profession.

II. INTRODUCTION

In the past two and a half decades, the legal profession in China has exploded from a few thousand lawyers to a bar exceeding 100,000.1 This increase is an important indicator of the scope and character of China’s legal reforms, yet few works of scholarship

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1 See, e.g., RANDALL PEERENBOOM, CHINA’S LONG MARCH TOWARD RULE OF LAW (2002) at 385 n. 24 (2002) (noting that there were 3,000 full-time lawyers in 1980). Current statistics place the number of lawyers around 120,000 to 130,000, although these numbers have been debated by legal scholars. See, e.g., Zhang Fusen: Zhongguo xuyao geng duo hao lushi (“[Ministry of Justice Head] Zhang Fusen says China needs even more good lawyers”), March 24, 2004, at http://www.china.org.cn/chinese/PI-c/522463.htm (placing the number of lawyers at 120,000); Statement of Benjamin L. Liebman, Congressional-Executive Committee on China Roundtable on “Access to Justice in China,” July 12, 2004, at http://www.cecc.gov/pages/roundtables/071204/liebman.php (citing 130,000 registered lawyers); and correspondence among members of the China Law list serve (suggesting that current official statistics are too low) (on file with author).
examine the Chinese bar and how its members are educated. As China tightens entry into its legal profession, formal university-based legal education has played an increasingly prominent role in producing new legal workers, and now serves as a key indicator of the future direction of China’s legal system. Existing English-language legal scholarship has focused either on a general description of legal training in China, often with attention to China’s eastern coastal cities, or a discussion of one component of legal education. This article aims to extend existing scholarship through a comprehensive examination of legal education at Sichuan University Law School, located in Chengdu, Sichuan Province.

The character of how law is conceptualized and taught in China provides insight into several fundamental questions about law in China, such as the relationship between law and the Communist Party, notions of rule of law in Chinese society, and the interplay of national and local politics. This article’s focus on a law school in western China adds to this an oft-overlooked emphasis on the role of law in China’s interior. An examination of China’s western region, Sichuan province in particular, contributes to a more complete understanding of law in China in several respects. First, Sichuan and its capital, Chengdu, are more representative than the more highly developed coastal regions of the economic, social, and legal challenges China as a whole faces during this current period of

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3 See, e.g., Benjamin L. Liebman, Legal Aid and Public Interest Law in China, 34 TEX. INT’L L.J. 211 (1999) (discussing two university legal aid clinics in China); Wang Zhengzhi et al., Health Law Teaching and Research in Chinese Law Schools: Results of a Pre-SARS Survey, 18 TEMP. INT’L & COMP. L.J. 77 (2004). Liebman’s article relies largely on interview data from eastern China but also includes a discussion of the legal aid clinic at Wuhan University, in central China. Zhang’s article includes survey data from several provinces outside the east coast, alongside a large body of data from Beijing and Shanghai, but does not include data from Sichuan province. For an overview of the classroom dynamics in the courses visiting lecturer John Head taught at Beijing’s Renmin University, see Head, A Fulbright Lecturer’s Experience Teaching International Law in China, AM. SOC’Y OF INT’L L. LAW NEWSL., Sept. 1994.
marketization and globalization spurred by China’s entry into the World Trade Organization. Moreover, Sichuan is a focus of state-sponsored development, most notably the Great Western Development Project, and thus provides a window into the evolution of the legal profession in an economic environment in which the state and state-owned enterprises continue to serve as principal economic actors. Sichuan University Law School, in particular, makes an ideal case study for exploring both the implications of legal education on a national level and its connection to regional issues. As part of a top-ranking “key university” under the control of the Ministry of Education, the Law School provides insight into the nature of national elite-level legal education, while at the same time illuminating the interplay of national legal norms with local identity and regional legal concerns.

This article is the product of a year of research and first-hand observation at Sichuan University Law School; as such, it is necessary I write myself into this discussion. On-the-ground fieldwork is a crucial component to understanding Chinese legal education, especially in light of the dearth of scholarship on the topic in both English and Chinese. With this in mind, I used a Fulbright Fellowship to spend the 2003-2004 academic year doing fieldwork at the Sichuan University Law School. I spent the fall semester auditing law school classes and, at the university’s request, teaching a graduate-level class in U.S. civil procedure; in the spring semester I designed a survey that I intended to distribute to law school undergraduates and graduate students in order to gather basic demographic data about the student body, elicit students’ opinions toward their legal education, probe their career plans, and gauge their viewpoints toward fundamental legal issues.4 (I discuss the drafting process and the methodological framework of the survey later in this article.) The survey was to form the bulk of my research project.

Shortly after I had made plans with law school faculty and staff to distribute the survey to some six hundred students, the university administration informed me that I was not allowed to carry

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4 The survey was in my original Fulbright proposal, and I submitted subsequent research plans outlining this project, as well as a copy of the survey itself, to members of the law school administration. I appeared to have the Law School’s approval for the project until the university administration intervened.
out the project. My efforts to salvage the project—including plans to rework the survey into oral interview questions—failed, and in the end I was unable to carry out the original survey or present survey questions through systematic interviews with students. I was also unable to carry out a much shorter survey designed to collect basic demographic data and information on pedagogy from the faculty. As a result, I rely more heavily in this article on my field notes and my impressions from teaching civil procedure than I had originally planned. Although I was unable to carry out the formal interviews I had planned as a substitute for the survey, I had access to students, faculty, and most law courses throughout the academic year. My observations and discussion notes from this segment of my research, along with my examination of primary-source documents from the Law School, add a comprehensive description of Chinese legal education to existing literature.

The survey contributes a new heuristic for understanding Chinese legal education, and by extension, the future of the Chinese legal profession. Thus, I have decided to publish the survey here, even though I was unable to test it other than in two pilot surveys. A number of scholars of U.S. legal education have used survey

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5 Initially, I was told that I was not allowed to carry out the survey on the grounds that I was enrolled in the Law School as a student, and all students are forbidden to carry out surveys. The University changed its reasons for blocking the survey the more I pursued the issue.

6 After I was told that I could not carry out the survey, I received assurances from a university administrator and law school faculty that I could conduct oral interviews instead. I accordingly refashioned the survey into interview questions and made plans to interview 40-50 students. In the end, however, I was unable to carry out these systematic interviews on the pretext that the students I had hoped to interview “did not have time” to meet with me.

7 I am not sure how university officials received a copy of my survey; I assume a student or faculty member who had access to the survey either voluntarily provided it to the administration or was asked to report on my activities. After the university forbade me from carrying out the survey I considered pursuing this project without the approval of the Law School or University, but I feared this would breach survey ethics and carry negative consequences for students who participated in the project.

8 My student assistant contacted faculty members of the courses I was interested in for their permission to audit.
instruments in their research, but the methodology remains largely untapped among observers of Chinese legal education. The questions I explore in the survey—from students’ family background to their opinions toward key legal questions such as innocence until guilt is proven and the right of judges to interpret the constitution—merit further attention. I was ultimately unable to use my survey to address these issues myself, but even unanswered survey questions can serve as a springboard for future scholarship on Chinese legal education. I submitted the survey to an extensive editing process,

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10 The exception to this in legal scholarship is Zhang’s survey of health law research and teaching, Zhang, supra, note 1. Zhang’s work contributes much needed insight into the curricular content of an issue of pressing importance in SARS-era China, but does not address more fundamental questions about Chinese legal education. In social science literature, Michael Agelasto surveyed Shenzhen University law students as part of a broader survey of students at that university. His anthropological study, which results from ten years of fieldwork at the university, has not been cited in standard law review articles on Chinese legal education [LEXIS search Oct. 27, 2004]. Agelasto’s work includes in its discussion of each department a description of the law department at Shenzhen University; the survey measures school-wide student satisfaction toward the education but does not ask specific law-related questions. Overall, Agelasto’s scholarship provides a rare, detailed sketch of legal education in a Chinese university but a few caveats are in order. As Agelasto notes, the newly established Shenzhen University was designed to focus on the specific needs of the city of Shenzhen, a prosperous free-trade zone with strong ties to Hong Kong. As such, during the period of Agelasto’s study, the law school geared its curriculum toward Hong Kong and international business law. As a new university with unique goals, the school also featured innovations in its pedagogy. The law department, for example, placed heavy emphasis on moot court and other simulation activities and aimed to restrict lecturing to one-third of classtime. Existing scholarship, although limited, suggests that the curriculum and pedagogy of Shenzhen University may be the exception rather than the norm in legal education, but Agelasto’s description of the mid-ranking university serves as an important reminder, nonetheless, of the variations that may exist across regions, especially among non-elite local universities. See generally Michael Agelasto, Educational Disengagement: Undermining Academic Quality at a Chinese University (1998).

11 American scholars working in conjunction with Chinese colleagues or Chinese scholars working alone may have better success than I did in carrying out such survey work.
peer reviews, and pilot tests; many questions, therefore, are suitable for direct use in other research projects. At the same time, surveys also benefit from fresh perspectives. I have also chosen to present it here to provide the opportunity for comment and suggestions on how to improve such instruments for future studies. I attach the survey as an appendix to this article and include a detailed discussion of the drafting process alongside my general description of legal education at Sichuan University.

In Part I of this article, I first detail the Sichuan University Law School’s surroundings through a discussion of the larger university and the physical environment that hosts it. After briefly describing the current contours of China’s legal profession, I then sketch the general features of the Sichuan University Law School. Using Law School sources I provide an overview of the Law School, describe the legal clinic, outline the curriculum, and discuss the make-up of the student body and faculty. These are the basic facts about legal education at both Sichuan University and Chinese universities that are largely lacking in many accounts of legal education in China. I recount in Part II my own observations from the classes I audited and from the civil procedure class I taught to graduate students. Finally, in Part III, I describe the drafting process of the survey and discuss my rationale for the inclusion of specific questions. After this discussion, I include a copy of the survey as I had planned to distribute it. Throughout the article, I reference scholarship on U.S. legal education both to provide a point of comparison and place in clearer context Chinese efforts to reform Chinese legal education along American lines.

III. SICHUAN UNIVERSITY LAW SCHOOL AND ITS ENVIRONS, PHYSICAL AND LEGAL: AN OVERVIEW

A. SICHUAN UNIVERSITY AND CHENGDU, CHINA

The main campus of Sichuan University (known in Chinese by its full name, Sichuan Daxue, and an abbreviated form, Chuanda) is located in the southeast section of Chengdu, the capital city of China.
Sichuan Province. Currently an amalgamation of three universities, the University locates its origins in the Sichuan West China School (Sichuan Zhongxi Xuetang) established in 1896. By the 2003-2004 academic year the university housed over 40,000 students and more than 3,000 full and associate professors. A national-level institution under direct control of the Ministry of Education and a “key institution” singled out for extra funding and resources, the University has been gaining in stature. In 2004 a prominent ranking system placed the university among the top ten in China for the first time in the university’s history.

13 The Sichuan West China School early on took the name of Sichuan University. The West China University of Medical Science (Huaxi Daxue), which later merged with it, was established in 1910; the final member, Chengdu University of Science and Technoglogy (Chengdu Keji Daxue) (CUST), dates back to 1954. After merging with CUST in 1994, Sichuan University became known as the Sichuan Federated University (Sichuan Lianhe Daxue) before taking on its current name. This information was available on the Sichuan University Web Site, “Xuexiao Gaikuang” (Overview of the School), at http://www.scu.edu.cn/scu2003/model/xuexioagk.html; and the Law School Web site, “Sichuan Daxue Faxueyuan Jianjie” (A Brief Introduction to the Sichuan University Law School), at http://www.scu.edu.cn/home/law/xyjs.htm. An English version of the University Web site was at “About the University,” at http://www.scu.edu.cn/3wpub/English/p1.htm. (in cases where there are discrepancies between statistics cited in the school’s English and Chinese Web pages, I have followed the Chinese version). (A print-out of these Web sites is on file with the author).

14 Id. According to the University Web site, the University was home to more than 30,000 undergraduates, 10,000 master’s and special degree researchers, and 2,700 doctorate students during the 2003-2004 academic year, plus a host of students in special programs. In addition, over 20,000 students participated in adult education; roughly the same amount participated in an Internet education program offered by the school. The school draws a small part of its student population from beyond the Mainland: students from Hong Kong, Macao, and Taiwan made up roughly 100 members of the student body in 2003-2004; the number of students from other regions exceeded 400. In the same academic year, the University offered 109 undergraduate majors, employed 972 full professors and 2240 associate professors, housed 4.8 million volumes in its library, and supported the publication of thirty-seven periodicals.

15 Id.

16 Id. “Woxiao jinru zhongguo daxue paiming qian shiming” (Our school enters the ranks of China’s top ten universities), from the Sichuan University Web site, on file with the author. See also “SCU Ranked First 10 Universities [sic] in China in 2004,” from the Sichuan University Web site, at
The university’s larger environment, Sichuan Province, is one of China’s most populous areas. Bordered by the Tibet Autonomous Region to its West, Chongqing Municipality to the east, Yunnan and Guizhou provinces to the south, and Gansu, Qinghai, and Shaanxi provinces to the north, the province is home to over 87 million people,\footnote{Statistics from the end of 2003 placed the population at 87,004,000. See Wu Weiji, “Sichuan renkou fazhan zhanlüe yanjiu baogao chulu” (Research report on strategies for Sichuan population development appears on stage). Zhongguo renkoubao (China Population Bulletin), 18 Oct. 2004, at http://www.chinapop.gov.cn/rkxx/gdkx/t20041018_16539.htm .} including several non-Han ethnic groups such as Tibetans, Yi, and Miao (Hmong). The province encompasses both extremes of wealth and poverty. While agricultural production has been a boon to the province, especially in the agriculturally rich basin of central Sichuan that is home to Chengdu, some of the mountainous regions in western and eastern Sichuan are among the poorest areas in China.\footnote{Lijian Hong, \textit{Sichuan: Disadvantage and Mismanagement in the Heavenly Kingdom}, in \textit{CHINA’S PROVINCES IN REFORM: CLASS, COMMUNITY AND POLITICAL CULTURE}, 199, 207-214 (David S.G. Goodman, ed., 1997).} Economic reform has imposed new hardships throughout rural Sichuan, as jobs have grown scarce and agricultural expansion has been difficult to achieve; by 1993, nearly five percent of the population, or some 5.5 million people, had left to seek work elsewhere in China, emptying some villages of their most well educated and productive members.\footnote{\textit{Id.} at 217-18.}

In recent years the central government has poured more resources into western China via its “Great Western Development Project,” and more domestic and international investment has entered Sichuan, but disparities in development rates remain both within the province and within its capital.\footnote{\textit{Id.} at 222-225.} Today, Chengdu houses expanding developments of tony luxury housing and high-end restaurants and clubs, holding firm to its reputation as the consumption and leisure...
capital of China’s interior, while signs of poverty are equally visible throughout the city.

B. THE CHINESE LEGAL SYSTEM

China’s move to a market economy has spurred changes across all aspects of Chinese society that interact with numerous facets of the Chinese legal system. As new freedoms and wealth encourage changes in marriage patterns; as firing and hiring policies adversely affect large segments of the Chinese population;21 and as poverty in the countryside drives men and women to migrate to urban centers where they may live and work on the fringes of society,22 the Chinese legal system has faced a range of new challenges in the past decade.23

China observers vary in their views of the Chinese legal system. International donors and their supporters tend to be optimistic about the current state of the Chinese legal system and its potential for further reform,24 while some academics have been more cautious in

21 See, e.g., id. at 6; First Case Involving Right to Equality, in BEIJING REV, Feb, 28, 2002, at 29 (Discussing a height discrimination case brought by a job applicant who did not meet the hiring bank’s height requirement. The lawyer representing the applicant, Zhou Wei, teaches constitutional law at Sichuan University. Zhou’s client lost his case but found another career path as a graduate student in the Sichuan University Law School).

22 See, e.g., DELIA DAVIN, INTERNATIONAL MIGRATION IN CONTEMPORARY CHINA (1999) for an overview of migration.

23 Scholars elsewhere have analyzed in greater detail the history of China’s legal profession both before and after the Cultural Revolution did away with the protections of the formal legal system. For general overviews, see, e.g., PEERENBOOM, supra note 1; ALBERT CHEN, AN INTRODUCTION TO THE LEGAL SYSTEM OF THE PRC (1992).

24 See, e.g., Robert A. Stein, Two Billion Reasons to Cooperate, 85 A.B.A. J. 86 (1999) (“While there is cause for concern about human rights abuses in China, the program initiated and coordinated by the Asian Law Initiatives Council [of the American Bar Association] will help develop the rule of law in China that will have the intended effect of reducing these abuses.”); Jack B. Weinstein, Some First Impressions of the Legal System in Three Cities, 24 BROOKLYN J. INT’L L. 221, 234 (1998) (describing the author’s trip to Beijing, Shanghai, and Hong Kong arranged by the Ford Foundation, and noting, “In general, I was fairly impressed except in the field of human rights. The judges and others are genuinely devoted, I think, to
Despite recent strides to improve the legal system, by many measures the Chinese legal profession exhibits serious problems. While the legal field has become more professionalized, it still grapples with the growing pains of a system that has been rapidly constructed and developed in a mere twenty-some years since the end of the Cultural Revolution; corruption and lack of independence continue to hinder the profession, and some legal workers are still poorly qualified. Legislative reforms and innovations in legal cases indicate growing recourse to legal means among the Chinese population as a way to order affairs and settle disputes, but China’s legal growth is uneven; rural areas, especially in the west, remain underserved, if served at all, by legal workers.
Nationwide, new legislation provides a normative thrust to China’s legal reform projects, but does not necessarily signify an on-the-ground commitment to such projects.

As China continues to refashion its legal system, China’s current law students will play a key role in shaping its future. This was not so in the past, when China required few educational qualifications to enter the legal profession, and law students numbered a few thousand. While such lax entrance requirements were necessary to build the profession in the wake of the Cultural Revolution, when formal education was interrupted, the legal system has struggled with this legacy.

New legislation has tightened entry into the legal profession. The 1996 Law on Lawyers, for example, was amended in 2001 to require an undergraduate degree in order to qualify for the bar, since its introduction in 2002, a unified judicial exam for all prospective lawyers, procurators, and judges, has further restricted entry into the legal profession. Data on the number of 2004 participants in the Unified Judicial Exam from Sichuan Province underscores the

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28 William Alford stresses in his scholarship, the role of the CCP should not be underestimated in assessments of the Chinese legal system. Thus, the women and men who will become legal workers will shape their profession against the backdrop of Party policy and, often, Party membership. See ALFORD, supra note 21, at 187-188.

29 See, e.g., Charles Chao Liu, Note and Comment: China’s Lawyer System: Dawning Upon the World Through a Tortuous Process, 23 WHITTIER L. REV. 1037, 1058 (2002) (noting there were 2,017 students who were law majors in 1979 and 2400 the following year).

30 As Randall Peerenboom stresses, as late as the mid 1990s, one-third of the practicing bar had no more than high school-level education, and in 1995 four-year degree holders comprised only five percent of the judiciary. Eighty percent of judges had roughly the equivalent of an associate’s degree (dazhuan) in law. Peerenboom, supra note 1, at 290, 365.


changing nature of the Chinese legal community. Of the 7,623 people from Sichuan who took the test, only 12.63 percent passed. Employees of the procuratorate, notary offices, courts and law offices had higher passage rates than members of other professions—the procuratorate passage rate, for example, was 16.69 percent—while current graduate students had a passage rate of 24.68 percent and college students slated to graduate that year had a passage rate of 4.05 percent. It is against this backdrop of transition and reform that Sichuan University Law School educates its students.

C. SICHUAN UNIVERSITY LAW SCHOOL: OVERVIEW

The Law School’s history in many respects mirrors the larger transformations and turmoil that China as a whole experienced in the twentieth century. The Law School traces its origins to a politics and law government training division (guanban zhengfa) established in 1905. After two further reorganizations, the National Law School of Sichuan University (Guoli Sichuan Daxue Faxueyuan) was established in 1933 and included Law, Politics, and Economics Departments. In 1952, the Law Department and Politics Department merged with the same departments at Chongqing, Yunnan, and Guizhou Universities and was reorganized into the Southwest Revolutionary University Politics and Law Department, under the umbrella of the Southwest Politics and Law School; at this point, the Sichuan University Law School ceased to function as a distinct entity.

Legal studies in Chengdu encountered the same fate as other institutions of higher learning during the Cultural Revolution. It was only in 1983 that legal studies at Sichuan University resumed in the form of a law department (falüxi) within the university. Like other civil law countries, legal education there was primarily an undergraduate discipline. The Law Department began accepting

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34 Information on the law school’s history can be found at “Sichuan Daxue Faxueyuan Jianjie” (A Brief Introduction to the Sichuan University Law School), supra note 13.
undergraduate students in 1984 and started a master’s degree program in criminal law the following year.\footnotesize{35}

The Law Department once again became a School in 1994, when Sichuan University merged with the Chengdu University of Science and Technology; the Law School then housed both the Law Department and the Philosophy Department. The Law School was reorganized twice again in 1998, by the end of which time it came to be known by its current name, the Law School (faxueyuan) of Sichuan University. During the 2003-2004 academic year, the Law School was comprised of the Law Department and the Population Studies Center (renkou yanjiusuo).\footnotesize{36} It also housed a law office, legal aid clinic, and several research centers.\footnotesize{37}

The Law School has expanded greatly in the twenty-some years since it was reestablished. By the spring semester of 2004, the law school had 1,512 undergraduate majors, 669 full-time master’s degree students, forty-eight doctoral candidates, and an additional 508 part-time master’s degree students.\footnotesize{38} The Law School also offers

\footnotesize{35} At that point, the faculty’s areas of supervision encompassed Chinese and international criminal law, legal logic, criminal investigations, and research in evidence skills. Id.

\footnotesize{36} The Population Studies Center’s position in the Law School reflects the outcome of organizational reshuffling in the University rather than a deliberate link forged between legal studies and demography.

\footnotesize{37} According to the Law School Web site, as of the 2003-2004 academic year, these bodies include the Sichuan University Law Office (chuanda liushihuwusuo), Legal Studies Research Office (faxue yanjiusuo), Comparative Law Research Center (bijiaofa yanjiuzhongxin), Intellectual Property Law Research Center (zhishichanquan yanjiu zhongxin), Judicial Reform Research Center (sifa gage yanjiu zhongxin), and the South China Sea Legal Research Center (Nan Zhongguohai falu yanjiu zhongxin). A visit to the Law School reveals a slightly different collection of centers, and the English and Chinese signs on the center doors do not always correspond. See “Brief Introduction to the Sichuan University Law School,” supra note 13.

\footnotesize{38} Information for this discussion is drawn from the Law School Web page and a background questionnaire [hereinafter Background Questionnaire] that I wrote and submitted to the law school. In the questionnaire, I ask for enrollment figures, class schedules and other data. My research assistant completed the questionnaire in consultation with Law School administrators and through sources available on the University Web site. (On file with the author). For enrollment figures, see Background Questionnaire questions A(3)-A(4).
training and classes outside these formal tracks. According to its Web site, from 1983 to 2003 the Law School trained over 3,500 undergraduate, graduate and special research (zhuanke) students, ninety percent of whom work in the fields of law and government.39

The Law School estimates that with approximately 1500 undergraduate concentrators, the institution is the sixth or seventh largest in the university.40 Within the university, the Law School ranks its reputation below the top ten in comparison with other departments and schools, in part because it has not been designated as a key department in which the government invests extra resources.41 The Law School is hesitant to estimate its nationwide rank due to what it sees as divergent standards used by different ranking systems. According to the same national ranking system that placed Sichuan University among the top ten of Chinese universities, however, the Law School placed twenty-first among a ranking of thirty-one highly ranked law schools selected from a total number of 361 universities in China that offer a law major.42

D. SICHUAN UNIVERSITY LAW SCHOOL FACULTY

As of the spring of 2004, fifty-four instructors made up the law school faculty, nineteen of whom were female; none of the women faculty held the rank of full professor.43 Although Law School

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40 Background Questionnaire, supra note 39, at question A(1).

41 Id. at question A(2).

42 The law school ranking is at http://www.china-school.net/gxph/2004114165557.htm. The compilers include under the umbrella of “legal studies” Marxist theory, sociology, and public security studies, in addition to conventional legal subjects.

43 These nineteen women made up roughly 35% of the faculty. 1994 data found that women professors made up 32% of their profession in China. WORLD BANK, CHINA: HIGHER EDUCATION REFORM 16 (1997), at http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2000/07/19/000009265_3971126124341/Rended/PDF/multi_page.pdf. Eleven men held the rank of professor (jiaoshou), seven women and sixteen men filled the ranks of associate professor (fujiaoshou), and six men and six women were lecturers (jiangshi). The Law School employed an additional eight teaching assistants, six of whom were
faculty members have more formal educational qualifications than Chinese academics as a whole, they nonetheless span a range of educational backgrounds. Of the fifty-two faculty members listed on a Law School Web page in the spring of 2004, six held bachelor’s degrees, two were bachelor’s degree-holders studying for their master’s degree, twenty-eight had master’s degrees, seven were master’s degree-holders studying for their doctorate, and nine held doctorates. A number of professors received their education from the Southwest Politics and Law University (Xinan Zhongfa Daxue) in nearby Chongqing, which until recently had one of the most prestigious law schools in the country.

Faculty members’ specialties largely reflect civil law groupings, with little obvious focus on the host of new academic disciplines and projects that occupy common-law academics; government oversight in the curriculum may explain part of this tradition. Faculty members list their areas of expertise as civil and female, and hosted fifteen “specially hired” professors (tepinyinjiaoshou), all of whom were male. The Law School has established ties with members of the local judiciary and political organs, and drew some of its specially hired faculty and guest lectures from this population. Full professors carried a course load of 80 to 90 teaching hours a year; the teaching load of other instructors varied. Background questionnaire, supra note 39, at D(1).

44 One study, drawing on data from the 1990s, noted that less than 30% of Chinese academics hold graduate degrees. Yvonne Turner and Amy Acker, Education in the New China: Shaping Ideas at Work 27 (2002).


46 I was never able to test this empirically through my faculty survey but found through informal discussion that several faculty members had received some of their schooling at the Xinan Zhengfa (Politics and Law School) in neighboring Chongqing.


48 Zeng reports that in 1997 the Ministry of Education’s National Guidance Commission on Higher Legal Education instituted the following subject areas as compulsory courses: “Jurisprudence, Constitutional Law, Legal History, Criminal Law, Civil Law, Commercial Law, Criminal Procedural Law, Civil Procedural Law, Economic Law, Administrative and Administrative Procedural
commercial law, criminal law, legal theory, international law, procedure law, population studies, legal history, economic law, civil law, constitutional and administrative law, jurisprudence, and international economic law. The law school boasts impressive output by its faculty. The Law School listed among the accomplishments of its faculty members in recent years the publication of seventy monographs (including teaching materials and handbooks) and an additional publication of over one thousand research papers. Its members include several nationally prominent scholars, and one professor, Zhou Wei, has made international headlines in recent years with a series of high-profile constitutional cases.

The faculty is involved in international academic projects and exchanges. In recent years, professors have visited or lectured at institutions in Europe, Japan, and the United States and have been fellows at the China Law Center at Yale Law School and the Center


More specifically, the Web site lists seven faculty members who specialize in civil and commercial law, eight in criminal law, three in legal theory, four in international law, eleven in procedure law, four in population studies, one in legal history, six in economic law, two in civil law, four in constitutional and administrative law, one in legal philosophy, and one in international economic law. See Introduction to the Organization and Members of the Law School, supra note 46.

The survey instrument would have been a useful tool to determine whether this comes at the expense of teaching duties.


See, e.g., First Case Involving Right to Equality, supra note 22. More recently Zhou litigated on behalf of an asymptomatic Hepatitis B carrier who was barred from a government job due to his condition.

The Law School has formal ties with Columbia, Saint Louis University, Washington University, and universities in Russia and Japan. “Brief Introduction to the Sichuan University Law School,” supra note 13.
for Chinese Legal Studies at Columbia Law School. The Law School also hosted three visiting instructors from the United States during the 2002-2004 academic years, as well as several international guest lecturers.

The Law School has also been an active player in foreign funded programs designed to promote rule of law in China. Many faculty members are savvy of available monetary sources and have received direct funding and participated in international exchanges. The Law School has received Ford Foundation money since 2002 to support its legal aid clinic. Under a separate program, a group of Massachusetts judges visited the Law School during the 2002-2003 and 2003-2004 academic years to perform a mock trial and meet with students and faculty.

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54 A list of visiting fellows to the China Law Center at Yale Law School, including two faculty members from Sichuan University Law School, is at http://chinalaw.law.yale.edu/html/fellows.htm.

55 An American lawyer spent the 2002-2003 academic year at the Law School under the auspices of the Ford Foundation, which provided funding for the legal clinic set up at the law school that year. In addition to working in the clinical program, this lawyer taught a graduate-level course in American criminal law and taught a legal English course to faculty members. During my stay at the Law School, I taught a course in American civil procedure to graduate students in the fall semester; during the spring semester of that year, a law professor from Arizona State University taught a course in evidence law to graduate students.

56 During my stay at Sichuan University, law professors from Temple University, Cardozo Law School and Arizona State University gave lectures on topics ranging from AIDS and the law to the use of expert testimony.

57 In 2003, the judges modeled their trial after an actual traffic accident case tried by one of the judges; twelve Sichuan University law students served on the jury while several hundred more crowded into the auditorium to watch the event. After the trial, the judges answered questions from the audience and later engaged in a smaller discussion group with Law School students and faculty. The trip to Sichuan and other parts of China represented a collaborative effort between the John M. McCormack Institute of Public Affairs at the University of Massachusetts Boston, the Massachusetts Judges Conference, and Chinese government, judicial, and academic bodies. See Don Aucoin, In a trip to China, judge finds family ties, in THE BOSTON GLOBE, March 5, 2003, at C1. (Other materials about this program are on file with the author).
E. THE LAW SCHOOL LEGAL AID CLINIC

The Sichuan University Law School is among a select handful in China to offer a U.S.-style clinical curriculum through the support of the Ford Foundation. While many Chinese law schools house legal aid centers or organizations, for which students volunteer outside of class time to provide legal services to designated clients, the U.S-style clinics add to this a classroom component and adopt U.S.-style teaching methods.

Attracted by the introduction of clinical education to other universities in 2000, the Law School applied for and received funding in 2001, which it used to establish its first clinical class in the spring 2002 semester. The Law School used its existing legal aid center as

58 Clinic programs first started in 2000 at Zhongguo Renmin University (The China People’s University), Beijing University, Fudan University, Huadong Zhengfa Xueyuan (East China University of Politics and Law), Wuhan University, and Zhongnancaijing zhengfa daxue (South China Finance, Economics, Politics, and Law University, also known as the Zhongnan University of Economics and Law). In addition to Sichuan University, the other schools to receive funding starting in 2001 were Zhongshan University (Sun Yat-sen University) and Xibei zhengfa xueyuan (Northwest University of Politics and Law). The clinical programs at all ten schools receiving funding are described in depth in a recent book on clinical education in China. Two Sichuan University law students, Wang Jianjian and Lan Rongjie, then writing as undergraduates (the two later entered the master’s degree program at the Law School), detail the history of the Sichuan university clinic and an evaluation of its strengths and weaknesses in one section of the book. See ZHENSUO FALUJIAOYU ZAI ZHONGGUO (Clinical Legal Education in China) (Zhen zhen, ed., 2002), and specifically, Wang Jianjian and Lan Rongjie, Sichuan Daxue Faxueyuan Zhensuo Lalü Jiayu Jieshao (“An Introduction to the Sichuan University Legal Aid Clinic,”) in ZHENSUO FALUJIAOYU ZAI ZHONGGUO, 411-430, for an account of the Clinic at Sichuan University. For a brief summary of the clinical program at each school, see CHINA LEGAL EDUCATION RESEARCH INSTITUTE, CLINICAL LEGAL EDUCATION COMMITTEE, LEGAL CLINICS IN CHINA (2002) (on file with the author).

59 To apply for funding, the university set up a working group of four faculty members; additional faculty members, undergraduate and graduate students, and legal professionals also contributed to the project. ZHENSUO FALUJIAOYU ZAI ZHONGGUO, supra note 58, at 415. It settled on five aims for developing a clinical program at Sichuan University: to cultivate practice-oriented students; explore new forms of legal education and “emulate the advanced models of foreign countries”; serve society on behalf of the school; develop the legal aid center to help those in need; and put forth a volunteer spirit and promote the reputation of the law school. Id. at 415.
the base for developing the legal aid clinic. Established in June of 2000, the center had been staffed by upper-level undergraduate and graduate student volunteers who provided free legal aid services to clients deemed in need of help. 60

The Law School chose criminal law as the clinic’s area of specialization and worked out a case-referral agreement with the Chengdu City Intermediate People’s Court and six district courts. 61 The Law School articulated three reasons for its focus on criminal cases: first, it saw its own program in litigation law, and criminal law in particular, as especially strong; second, the Law School felt it could serve society well by taking advantage of its good relations with local courts and focus on an area of law long marred by problems in the legal aid system; finally, the school wanted a specialty that would “cultivate students’ sense of fairness and justice.” 62 By the end of 2003, the clinic had taken forty-eight cases. 63 Like its predecessor, the Law School Legal Aid Center, and other clinics in China, the Sichuan University Clinic has used flexible guidelines for deciding who qualifies for legal help. 64

Since spring 2003, the Law School has also integrated labor law into its clinical work, building on a history of work in this area at its legal aid center. As part of this work, the clinic has provided legal advice via two local workers’ newspapers and has maintained

60 Services at that time included consultations, evidence investigation, mediation, representation, and document drafting, as well as a program to provide legal education to elementary and middle school students. Id. at 416.

61 Sichuan University Law School and Renmin University (the China People’s University) are the only two schools among the first ten Ford funding recipients to focus on criminal law. The low number of schools with this focus is not necessarily surprising: as the Law School itself noted, criminal defenders operate in an environment of heightened personal risk and may receive the brunt of traditional social animosity toward criminal suspects. See id. at 420-421.

62 Id. at 420-421. Since its establishment, the clinic has also taken a handful of civil cases, but the bulk of its work and the thrust of the clinic’s classroom component have been on criminal law.

63 In one case, the defendant was completely exonerated, and in fifteen, the defendants received reduced sentences.

64 See Liebman, supra note 1, at 248.
cooperative relations with arbitration committees and trade union groups.65

The classroom component of the clinic operates as a two-credit course for third-year undergraduates that meets two hours a week for a total of thirty-six hours per semester. Admission to the course is selective. In its first semester, 124 out of a total of 191 third-year students in the Law School applied for a spot in the program; after two rounds of interviews, twenty-six students were selected. Since then, roughly sixty students per year have participated in the clinic.66

Prior clinical classes have divided the semester into multiple units, touching on topics such as general skills training, rules related to criminal representation, interacting with clients, carrying out investigations, appearing in court, and professional responsibility.67 While faculty supervisors teach the classroom component and offer guidance to the student groups, students have considerable control over the daily workings of the clinic.68 A detailed set of rules outlines the responsibilities of clinic members, and a system of penalties and rewards is also in place.69

65 Clinic Materials (on file with author).

66 Students are selected with attention to grades, social skills and maturity, health, and ability to think quickly. The clinic also aims for a balance of local students and students from other provinces to ensure that the clinic includes an adequate number of students fluent in different dialects. Citing concerns for student safety, the clinic also balances the number of female and male students who are selected. See id. at 418-419. The Law School estimates that an additional ten to fifteen upper level and graduate students also participated in clinic cases outside of the formal clinical course. See email from Sichuan University Law School clinic supervisor, 18 April 2004 (on file with author).

67 To handle specific cases, students are organized into small groups. Two students per group handle actual client representation, while the rest provide other support. ZHENSUO FALUJIAOYU ZAI ZHONGGUO at 422-423.

68 Beyond handling cases, student groups also take responsibility over financial affairs, filing, office management, and other features of standard law offices. Wang and Lan explain, “…this democratic system lets students experience the reasonableness of democracy and democratic systems and let students experience for future jobs and energy for self regulation and the energy to respect one’s work.” Id. at 427.

69 See id. at 428.
While the clinic provides more oversight and more formal safeguards than many less formally run legal aid centers, clinic leaders recognize that the clinic faces a number of obstacles to providing good representation. Several of these difficulties relate to the status of student advocates within the Chinese court system. Students representing clients in criminal cases serve only as “citizen representatives” and do not have the same privileges as certified lawyers.\(^70\) For example, meetings with clients can only be arranged through the court, and a judge must be present during such gatherings. Non-lawyer representatives also face restrictions in their access to documents and capacity to collect evidence. Clinic leaders also argue that the deck is often stacked against them in China’s heavily formalized criminal trials because cases may be decided in advance, leaving the defender to serve more as an “ornament” rather than an effective participant in the trial process.\(^71\) Finally, clinic leaders note that clinical teaching often lacks sufficient teaching materials and sufficient reference models.\(^72\) In the final evaluation, however, the clinic describes its work as “a new turning point in the development of legal education” in China.\(^73\)

The clinic provides an impressive array of services for the community and learning opportunities for students; indeed, the clinic was a poster-child of sorts for a recent Ford Foundation article.\(^74\) The shortcomings of the clinic and other clinics in China, however, extend beyond the concerns raised by Sichuan University clinic members. Michael Dowdle, in a recent article on clinical education in China, argues that the importation of U.S.-style clinical education and dependence of foreign funding may crowd out other forms of clinical education.

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70 As citizen representatives, students cannot be appointed directly by the court to represent clients. Rather, the court suggests the students as representatives to criminal suspects. See id. at 424.

71 Id. at 430.

72 Id. at 430.

73 Id.

education beyond existing legal aid centers and thus lead legal educators to wrongly equate clinical education only with the U.S. model. He notes, for example, that some schools in China have scrapped plans to introduce clinical education because they felt they lacked the expertise to apply to foreign sources for funding.

In the case of the Sichuan University clinic, the clinical model effectively replaced the Law School’s Legal Aid Center and thus may have shut out more egalitarian opportunities for students to participate in such legal cases. The high number of applicants to the clinic suggests widespread interest in the program; outside of the formal clinical program, however, only an estimated ten to fifteen upper-level undergraduate students and graduate students participate in clinic cases, out of a student body exceeding two and a half thousand. Clinic members’ critiques of the former legal aid center suggest that they believe the more formal structure of the clinic, including its selection process, ensures a better experience for students and better quality representation for clients, but a redistribution of funding to build a more egalitarian law-school wide clinic could address these concerns as well. Similarly, an indigenous-style clinic made mandatory for all students, similar to programs in other parts of the world, would expose more students to legal aid work. Unfortunately, the choice to pursue a costly and less-inclusive


76 Id. at 59.

77 Email from clinic supervisor to author, supra note 68.

78 Wang and Lan state that the Clinic’s predecessor, the Legal Aid Center, was riddled with problems ranging from lack of a specific supervisor to no systematic training for its participants. ZHENSUO FALUIJIAOYU ZAI ZHONGGUO 412.

79 Universities in Argentina and Chile, for example, have mandatory clinical requirements. Like Chinese law students, students who graduate from these law schools may not practice law but are still required to gain clinical skills as part of their academic requirements. See Richard J. Wilson, Three Law School Clinics in Chile, 1970-2000: Innovation, Resistance and Conformity in the Global South, 8 CLINICAL L. REV. 515 (2002) and Stephen Meili, Legal Education in Argentina and Chile, in EDUCATING FOR JUSTICE AROUND THE WORLD 138-157 (Louise G. Trubek and Jeremy Cooper, eds. 1999).
U.S.-style model of clinical education may reflect a catch-22 in funding opportunities. While additional funds could have helped the former Legal Aid Center improve its existing services for clients and its learning opportunities for students, overseas funding comes with its own objectives that may require law schools to refashion their legal aid education along U.S. lines and shut out opportunities for developing existing models that may be better suited to the needs of China’s legal environment.

F. THE LAW SCHOOL CURRICULUM

As is the case at other universities in China, undergraduates enter the Law School based on the results of their college entrance tests. Students must meet the specific entrance requirements of a particular department within a particular school. The undergraduate training follows the standard pattern in many civil law countries of providing a mostly general, rather than professional, education in law, and it acccents this education with Marxist-oriented coursework.

Admitted students begin their legal studies in their first year of college, but the bulk of their first-year classes consist of courses outside the department. Most of this education consists of “common curriculum” classes (gongongke) mandated by the nationwide unified course curriculum (guojia tongyi kecheng) or by Sichuan University itself. As “basic courses” (jichuke) within the Law School, all first-

80 See, e.g., MERRYMAN, supra note 48, at 61, 65-67. As Merryman points out, however, there are variations in education practices among civil law countries, and some pedagogies overlap between civil and common-law countries (62). Id. at 54, 62.

81 General information about required classes for undergraduate students within the Sichuan University Web Site at Sichuan Daxue Benkesheng Peiyang Fang’an Shishi Yijian (“Views on Programs to Implement Sichuan University Undergraduate Training”) at http://www.scu.edu.cn/homr/law/xkjs.htm (on file with the author) [hereinafter Views on Programs]. The copy of this information on file applies for the requirements for the 2003-2004 academic year. See also Background Questionnaire, supra note 39, at B(1)(a).

82 The nationwide common classes for first-year students include Principles of Marxist Philosophy (Makesizhuyi Zhexue Yuanli), Principles of Marxist Political Economy (Makesizhuyi Zhengzhijingjixue Yuanli), The Contemporary World Economy and Politics (Dangdai Shijie Jingji yu Zhengzhi), National Self-Defense Education (Guofang Jiaoyu), and Military Training (Junxun);
year law students take one semester of a two-semester sequence in jurisprudence (falixue) and one semester of constitutional law (xianfa). In addition to these basic courses, other required classes for the first-year Law Department major during the 2003-2004 academic year, which were housed under the category of specialty courses (zhuanyeke), included criminal law (xingfa), a course in substantive and procedural administrative law (xingzhengfa yu xingzheng susongfa), and the first semester of a civil law course sequence (minfa); legal logic (falü luoji) was offered as an elective.

Students continue the common course curriculum in their second year of undergraduate legal studies. At this point, the course offerings in legal fields become more extensive. Students are required to take the second part of the civil law course sequence, criminal procedure law (xingshi susongfa), civil procedure law (minshi susongfa), international law (guojifa), commercial law (shangfa), and


Background Questionnaire, supra note 39, at B(1)(a)(ii). Coursework in areas deemed to be part of the “basic divisions of laws” in China are referred to as “basic courses,” but can be housed more broadly in the larger category of required classes that also includes specialty classes (zhuanyeke). There is no practical difference between these two types of required courses. See email from research assistant to author, 15 April 2004 (on file with author).

Background Questionnaire, supra note 39, at B(1)(a) and C(1). (Section B of the Background Questionnaire describes the standard curriculum; there are yearly variations in actual courses offered. Section C of the background questionnaire lists classes offered specifically during the 2003-2004 academic year.)

With the introduction of the “credit system,” in 2001 students at Sichuan University have had more flexibility to choose elective classes, both within and beyond their major. As of the 2003-2004 school year electives were to make up a minimum of 30% of total classes taken; required classes were not to exceed 70% of the total course load. Within the arts and letters division, of which the law school is a part, common course classes were to comprise 17% of each student’s undergraduate course load; basic classes, 20-30%; core classes in one’s major (which are required classes in the law school), 20-25%; practicum training, 8-15%, and electives, 30-35%. See Views on Programs, supra note 83.

Second-year students take an Introduction to Deng Xiaoping Theory (Deng Xiaoping Lilun Gailun) as a national-level class and continue the foreign language and physical education studies mandated by the University. Background Questionnaire, supra note 39, at B(1)(b)(i).
intellectual property law (zhishi chanquanfa) as required classes; during the 2003-2004, they could choose from six elective classes. In the third-year, students take no common course classes. The continuation of jurisprudence, first offered in one’s first year, is taught alongside History of the Chinese Legal System (zhongguo fazhishi) as basic classes. Economic law (jingjifa), international private law (guoji sifa), and international economic law (guoji jingjifa) comprise the remainder of required classes, and the curriculum is filled out by a range of electives, including the Law School Clinic open to sixty students in the class. As part of their practical education component (shijian jiaoxue huanjie), which is mandated in some form for all undergraduates, third-year students devote four weeks to writing a term paper and twelve weeks to a law-related internship.

Fourth-year students take an Introduction to Mao Zedong Thought (Mao Zedong Sixiang Gailun) as their final common course class and need only pick classes from a list of electives to fulfill their obligations within the Law School. To complete their practical

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86 Id. at B(1)(b)(iii).
87 These electives were labor law (laodongfa), evidence studies (zhengjuxue), family and succession law (qinshujichengfa), legislation jurisprudence (lifaxue), property law (fangdichanfa), and criminology (fanzuixue) as electives. Id. at C-1.
88 In 2003-2004 electives included Legal Documents (falü wenshu), The Legal Profession and Legal Practice (lüshi zhidu yu shiwu), Evidence Investigations (zhengju diaocha), Medicine Law/Law and Psychiatry (fayixue yu sifajingshengbingxue), Law of Bills (paiojufa), Legal Clinic (falü zhensuo jiaoyu), and Legal English (zhuanye yingyu). Id.
89 Id. See also Views on Programs, supra note 83.
90 Background Questionnaire, supra note 39, at (B)(1)(d)(i).
91 Fourth-year electives in 2003-2004 included History of Legal Thought (falü sixiangshi), History of Foreign Legal Systems (waiguo fazhishi), Introduction to Comparative Law (bijiaofa gailun), International Finance Law (guoji jinrongfa), Company Law (gongsifa), Contract Law (hetongfa), Environmental Resources Law (huanjing ziyuanfa), Torts (qinquanfa), Comparative Constitutional Law (bijiao xianfa), Research in Criminal Cases (xingshi anli yanjiu), Research in Civil Law Cases (minshi anli yanjiu), Research in Administrative Law Cases (xingzheng anli yanjiu), Research in Commercial Law Cases (shangshi anli yanjiu), WTO Law
education requirement, students are given eight weeks to work on their graduation thesis. Students also devote a significant amount of time in their fourth year to finding work or preparing for graduate school entrance exams.

Legal training at the undergraduate level is deliberately broad and is designed to provide students with basic training in legal ideas and skills. More specifically, the Law School explains that by graduation, undergraduates should:

grasp the basic theory and knowledge of each branch of learning of law; grasp the methods and skills of basic legal analysis; become familiar with China’s laws and interrelated Party politics; understand trends in legal theory and the construction of the Chinese legal system; have actual work skills to handle problems and use legal knowledge to analyze them; grasp document research and basic methods of gathering materials; and have a definite capability to do theoretical research.

At the graduate level, however, the Law School places more emphasis on specialized research within legal studies and more stress on its mission to prepare future members of the legal and political professions; perhaps because of this, the Law School underscores the interconnection between law and Party policy on its Web site describing its graduate program. For example, graduate-level training is designed to “cultivate high-level legal workers and managers” in line with the needs of the socialist legal structure and economic and social management. In addition, students should “insist on carrying out the Party’s basic itinerary, guiding principles and policies, and Chinese laws and regulations; ardently love the socialist motherland (zuguo), and possess good political qualities and professional morals.”

92 Background Questionnaire, supra note 39, at C-1.

93 Brief Introduction to the Law School, supra note 13.

Master’s degree students enter one of two tracks. Roughly half enroll in a general-degree program designed for students with no background in legal studies, and receive a master’s degree in law (falü shuoshi). The remaining students, who majored in law in college, specialize in a research area (fangxiang) within one of six majors (zhuanye): legal theory (faxue lilun), constitutional and administrative law (xianfaxue yu xingzhengfaxue), criminal law (xingfaxue), civil and commercial law (minshangfaxue), procedure law (susongfaxue), and economic law (jingjifaxue). These students receive a master’s degree in legal studies (faxue shuoshi). Students who did not study law in college may study for the legal studies degree provided they pass the entrance exam; in the case of both degree programs, an undergraduate degree is required but exceptions may be made in special circumstances. All students taking the entrance exam are tested in politics and English, in addition to law-related areas.

The master’s degree curriculum varies depending on the degree program and, in the case of the legal studies degree, one’s

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95 Interview with research assistant, Spring 2004 (on file with author). Interview with master’s degree graduate, Aug. 18, 2005 (on file with author).

96 There is an additional major in population studies for students who study in the Population Studies Center housed in the law school. The specific research areas for legal subjects are as follows. Within legal theory, students may focus on Chinese legal theory (zhongguofalixue) or Law and Society studies (falüshehuixue). Constitutional and administrative law students focus on constitutional law (xianfaxue), administrative law (xingzhengfaxue), or clean government laws (lianzhengfa). In the criminal law major, students focus on Chinese criminal law (zhongguoxingfa), economic crimes (jingjixingfa), or international criminal law (guoji xingfa). Civil and commercial law research areas include civil law (minfaxue), commercial law (shangfaxue), securities (zhengquanfa), comparative civil and commercial law (bijiao minshangfa), intellectual property law (zhishichanquanfa) and labor/social security laws (laodong yu shehuibaozhangfa). Procedure law divisions include criminal procedure (xingshi susong), civil procedure (minshi susong), investigation studies (zhencaxue), and administrative procedure (xingzheng susong). Within economic law, students study either the laws of competition (jingzhengfa) or company law (gongsifa).

97 Currently some 300 universities in China offer this degree in legal studies (faxue shuoshi), while only sixty-some universities also offer a degree in law (falü shuoshi). Interview with master’s degree graduate, supra note 97.

98 Id. Interview with research assistant, supra note 97.

99 Id.
research area. Students in the general degree program are required to take thirty-five credits offered through required courses.¹⁰⁰ They complete their class requirements with an additional fifteen credits of electives, out of a choice of fourteen two-credit classes.¹⁰¹

Students in the legal studies program take a diverse course load dictated by their specific major and research direction. The only common requirement is a course in Marxist theory (Makesizhuyi Lilunke) and a class in a first foreign language. Beyond that, students take a mix of classes, some of which are required for all students within a specific major, some of which are required for a specific research direction within that major,¹⁰² and some of which are electives; the electives available are specific to each major.¹⁰³

¹⁰⁰ These include Deng Xiaoping Theory (Deng Xiaoping Lilun), Foreign Language, Jurisprudence (fali), Chinese Legal History (Zhongguofazhi), Constitutional Law (xianfa), Civil and Commercial Law (minshangfa), Criminal Law (xingfa), Administrative Law and Administrative Procedure Law (xingzhengfa yu xingzhengsusongfa), Economic Law (jingjifa), Criminal Procedure (xingshi susongfa), Civil Procedure (Minshi susongfa), International Law (guojifa), International Private Law (Guoji Sifa), International Economic Law (Guoji Jingjifa), “Lawyers, Notarization, and the Arbitration System” (Lushi, Gongzheng yu Zhongcai Zhidu), and Legal Documents (Falü Gongwen), at http://www.scu.edu.cn/home/law/xkjs.htm.

¹⁰¹ These classes include Contract law (hetongfa), Criminology (fanzuixue), investigation studies (zhenchaxue), Bills (piaojuxue), Family and Inheritance law (jiating jichengfa), Foreign Civil and Commercial Law (waiguo minshangfa), Securities Law (zhengguanfa), Evidence Law (zhengjufa), Company Law (gongsifa), Tax Law (shuifa), finance law (jinrongfa), foreign criminal law (waiguoxingfa), labor law (laodongfa), and a Judicial ethics class in “Ethics of the Legal Profession and Professional Regulations” (sifa lunli xue: falü zhiye daode yu zhiye guize). Id.

¹⁰² Required classes are divided into “research direction classes” (yanjiu fangxiangke) and “required classes” (bixiuke); practically speaking, the distinction is not clear.

¹⁰³ Students in the criminal law major (xingfaxue), for example, all take a course in professional foreign language, Introduction to Chinese criminal law (zhongguo xingfa zonglun), and Theories of Chinese criminal law (Zhongguo Xingfa Gelun). Beyond that, required classes vary depending on whether one’s research direction is Chinese criminal law (Zhongguo xingfa), economic criminal law (jingji xingfa), or international criminal law (guoji xingfa). Students in the first major take Research in Legal Thought (falü sixiang yanjiu), foreign criminal law (waiguo xingfa), Studies in Carrying out Punishments (xingxingxue), Criminology (fangzixue), History of Chinese criminal law (Zhongguo Xingfashi), Special Theories in criminal procedure (xingshi susongfa Zhanlan), and Criminal Psychology (fangzui xinlixue). Students in the second research direction take
While the master’s degree program is the same length as an American J.D. program, the workload is not as heavy, and some students finish under three years. The course schedule for each graduate major is typically busiest in the first year, when students fulfill their common curriculum classes; students continue to take some classes in their second year and have no classes in their third year, which they devote to thesis writing and looking for employment. In addition to fulfilling the required number of credits, national regulations require that master’s degree students write and defend a thesis. School-wide regulations at Sichuan University require all master’s degree students to publish at least one article; the Law School requires its students to publish two articles.

Research in Legal Thought, foreign criminal law, economic criminal law (jingji xingfa), criminology, history of Chinese criminal law, Special Theories in criminal procedure, and criminal psychology. Students in the international criminal law major take Research in Legal Thought, International criminal law (guoji xingfa), international law (guojifa), criminology, history of Chinese criminal law, Special Theories in criminal procedure, and criminal psychology. The electives available to this major include physical education, a second foreign language, evidence studies (zhengjuxue), computer applications (jisuanji yingyong), criminal legislation and policies (xingshi lifa yu xingshi zhengce), criminal judgment work (xingshi shenpan shiwu), criminal procuratorate work (xingshi jiancha shiwu), lawyers’ work in criminal cases (xingshi anjian lishi shiwu), and investigative intelligence studies (zhencha qingbaoxue). See Background Questionnaire, supra note 39, at C(1).

Both the faxue shuoshi and the falü shuoshi typically take three years to complete, but at some other universities in China, students typically take two years to complete the faxue shuoshi program. According to a recent graduate of the faxue shuoshi program at Sichuan University, the Law School has plans to reduce the length of study of this program to two years. Email from master’s degree graduate to author, August 19, 2005 (on file with author).

Background Questionnaire, supra note 39, at (B)2(a)-(d).

Id. at (B)(2)(e) and Interview with master’s degree graduate, supra note 97. The Law School used to require students to publish in professional legal journals, but for the past several years has allowed any sort of publication due to the difficulty of meeting the old requirement. Anecdotally, students have told me about continued difficulties in publishing and have noted that the process is marred by plagiarism and academic fraud, such as when a person unknown to an original author is added to an article as a co-author. See also Shen Hong, Academic Freedom and Academic Duty in Chinese Universities, in CURRENT ISSUES IN CHINESE HIGHER EDUCATION (Organisation for Economic Co-operation and Development, 2000) at 29 (noting similar phenomena in Chinese academic publishing in general).
In 2003-2004, there were forty-eight students enrolled in the Law School’s doctorate program. Like their counterparts in the master’s degree programs, the doctoral students typically complete their program within three years, but have a much more flexible curriculum; advisors put together a course of study for each graduate student. Like their counterparts in the master’s degree program, doctoral students take a class in Marxist theory and are expected to have a working knowledge of a foreign language. In addition, they must publish six articles, in accordance with school-wide rules for humanities graduate students, and write and defend a thesis to receive their doctorate in legal studies (faxue boshi).

While admission to doctorate degree programs can be difficult, standards are flexible, depending on the individual advisor; in some cases only a bachelor’s degree is required for admission, in addition to tests in English and law-related subjects. Contrary to the system in the West, doctoral students at the Sichuan University Law School are not always seen as the best students in the law school. In one professor’s estimation, the undergraduates at Sichuan University are the most capable, followed by the master’s degree students, and finally the doctoral students. Highly competitive entrance requirements for undergraduate education, combined with the recent development and expansion of doctoral programs in China in order to

107 Background Questionnaire, supra note 39, at A(3)(c).

108 Id. at (B)(3)(a). Most graduate students, whether in the master’s or doctoral program, are usually expected to pursue English as their first foreign language, but the year I was at the school I noted some flexibility for graduate students who completed their undergraduate education in a part of China that offered Russian, rather than English, as its main foreign language. Students may take elective courses in a second foreign language.

109 Id. at (B)(3)(b).

110 According to one student, in 2004 only six of fifty applicants to the doctoral program were enrolled. Email from master’s degree graduate, Friday August 19, 2005, supra note 106.

111 Id.

112 Interviews with faculty (on file with author). Other observers of Chinese legal education have informally expressed similar opinions to me.

113 Id.
provide a temporary resting place for cadres whose work units are reorganizing may explain this perceived discrepancy. Nonetheless, top students do enter doctoral programs and the degrees can carry cachet, as suggested by the number of full professors at Sichuan who possess the degree or are working toward it.

G. LAW SCHOOL TEXTS

Sichuan University Law School professors rely on a variety of texts in their classes, published by the Sichuan University Press and national legal and university presses; some of these texts include books written by Sichuan University professors. A handful of classes rely on printouts alongside or instead of formal textbooks. Textbooks tend to be smaller than the typical American casebook and rely on a narrative explanation of the subject at hand rather than case studies. The narrative style lends itself well to broad categories of instruction, and it is not uncommon for a textbook to include chapters on the history of the subject, the development of the area outside of China, and relevant legal theory alongside a discussion of current law. The overall structure, then, mirrors more closely an American “nutshell” rather than a casebook. Some classes also include workbooks.

IV. IMPRESSIONS FROM THE CLASSROOM

In this section I relate my research notes from the classes I audited and discuss my own impressions from the civil procedure class that I taught to Sichuan University Law School graduate students in the fall of 2003. Such firsthand observations and informal discussions are a mainstay of anthropological fieldwork and have appeared in some legal articles on the Chinese legal system, including a brief account by John Head, who taught law at Beijing’s prestigious

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114 Discussions with western diplomat serving at the U.S. Consulate in Chengdu on several occasions during the course of my research.

115 A list of textbooks used is provided. Background Questionnaire, supra note 39, at Annex 1.
Renmin University in the spring semester of 1994. In some cases, my experiences mirrored his and also followed more detailed descriptions of Chinese legal education. In other cases, my impressions diverged from the standard portrayals of Chinese classrooms. I had hoped to bolster my impressions with more concrete data gleaned from my survey; in the end this was not possible, but I nonetheless provide my impressions both to add to existing accounts and explain what areas might be best served in the future by more quantitative research. To place my impressions in a broader context, I reference other evaluations of Chinese legal education and draw on more general discussions of legal pedagogy.

A. AUDITED CLASSES

Undergraduate lecture classes that I audited tended to be large. A rough head count of the classes yielded well over a hundred students. In most of the undergraduate classes I observed, teachers filled the majority of class time with lecture, usually by going over specific rules as detailed in a textbook; to assist in the transmission of large bodies of information—sometimes straight “blackletter law”—a number of professors projected Powerpoint notes during their lectures. To a lesser degree, some professors also

116 See Head, supra note 3.

117 Most of the classes that I audited were undergraduate classes. I had intended for the survey to fill out the bulk of the project and thus did not audit classes in the systematic manner than I would have had I planned for that form of fieldwork to form the core of my research.

118 Judging from empty seats in some classes, however, and a general tendency for students to skip classes, these classes were likely not filled to the enrolled capacity. A graduate-level legal English class, in contrast, had only twelve students in attendance, although I was told more were enrolled. At the undergraduate level, the clinical class limits enrolment to thirty students per semester.

119 This also helped bridge language barriers between professors who lectured in Sichuan-accented Chinese and students from other parts of China. Newer classrooms at Sichuan University—some of the campus lecture halls were completed as recently as 2002 and 2003—were wired for computer use, as were some older buildings.
discussed cases or examples from a textbook. Some teachers interspersed their lecture with the occasional question, sometimes calling on students and occasionally relying on volunteers—often with much coaxing—but on the whole discussion with students was far less frequent than that encountered in American classrooms. Various other accounts of Chinese law schools and Chinese higher education in general note similar teaching styles and classroom dynamics.

In nearly all the classes I attended, I noticed frequent reference to the laws of other countries, typically laws in Europe, the U.S., or “the West.” Although the references were not always extended, they tended to take place on a more frequent and consistent basis than one typically encounters in American legal classrooms. This is not surprising given China’s conscious look to other countries in its legal reform projects, but it is a welcoming reminder, nonetheless, that not all legal education needs to be as parochial as it is in the U.S., where reference to non-American systems in core classes is the exception, coursework in international law is seldom a graduation requirement (as opposed to required courses in international law for all Sichuan University Law School undergraduates), and few classes are offered in another language (versus legal English and substantive classes offered at Sichuan University by visiting American professors).

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120 One evidence professor supplemented his lecture with an episode of “CSI.”

121 See, e.g., Head, supra note 3; Peerboom, supra note 1, at 431 (noting a focus on blackletter law instruction); Gao, supra note 2, at 225 (citing lecture as the “main method of instruction”). But see Agelasto, supra note 10, at 259 (reporting that professors in the law department at Shenzhen University were not to exceed one-third of class time in their lectures) and Gao, supra note 2, at 225 (noting the introduction of practice-based instruction into some Chinese law programs).

In many respects, the classes I saw fit the standard description of a blackletter-focused civil law lecture class. Some scholars of legal education have negatively viewed such teaching methods, both as they occur in civil law countries generally and in China in particular, but these critiques can underestimate the positive aspects of instruction in specific legal provisions and also may overlook shortcomings in the alternatives to blackletter-law instruction. In order to provide intelligent analyses and grasp key legal issues, students need a certain body of data to cultivate a broader understanding of the law, especially in a civil law country like China that has instituted myriad new legal provisions in just the past decade; basic familiarity with these new laws is essential to building a competent legal profession.

Moreover, given Chinese academia’s tolerance for professors who fill classtime with boring ramblings or personal stories, it is also a promising sign that law school professors are indeed project, I noted that only a handful of schools offered foreign-language instruction or substantive classes in a foreign language. This is far from a systematic survey, but a more precise evaluation would likely reveal similar results.) The University of Michigan became the first law school to require coursework in a non-U.S. legal subject in 2001-2002. See Jeffery Atik and Anton Soubbot, International Legal Developments in Review: 2001, Public International Law, International Legal Education, 36 INT'L LAW. 715, 715, 717 (2002).

123 See, e.g., Peerenboom, supra note 1, at 365-66; Gao, supra note 2, at 224; Merryman, supra note 48, at 73.

124 Within American legal academic, some U.S. law students have shown a preference for blackletter law, even as they are instructed to prioritize other forms of legal knowledge. See Peter F. Lake, When Fear Knocks: The Myths and Realities of Law School, 29 STETSON L. REV. 1015 (2000). While law students must learn that the scope of the law extends beyond mere provisions in a legal compilation, the Langdellian method does not necessarily broaden the scope of inquiry beyond the facet of judicial decision making in appellate cases.

125 See Paul T. Wangerin, The Problem of Parochialism in Legal Education, 5 S. CAL. INTERDIS. L.J. 441, 455 (1997) (underscoring that good analytical skills are correlated to the amount of “domain specific” knowledge on possesses).

126 Anecdotally one hears of professors in China who come to class poorly prepared and talk off the cuff or read from outdated lecture notes. Needless to say this phenomenon is not limited to China, but given a history of rocky educational standards in higher education, the phenomenon seems more widespread.
transmitting knowledge to their students through a lecture style that keep students engaged in the topic. To be sure, greater attention to the multitude of forces that inform operation of the law is crucial to a well-rounded legal education, whether in blackletter-focused China or case method-focused America, 127 but at the very least, most of the teachers I observed succeeded in conveying key foundational knowledge to their students. Amidst a profession where some members have had little legal knowledge at all, this is one indicator of strides in legal education. Chinese legal education must move beyond mere blackletter instruction to better convey the reach and influence of legal forces, but good instruction in blackletter law produces a solid foundation for more sophisticated work.

Finally, criticisms of the blackletter law instruction are often premised on misguided assessments of the perceived superior alternative: American-style legal education. Legal academics overseas who have aimed to import U.S. pedagogies into their classrooms—including one whom I observed at the Law School128—have grasped onto different aspects of U.S. legal education, from the longstanding Langdellian method of case-centered materials paired with Socratic questioning 129 to more recent practice-oriented pedagogies.


128 In one graduate-level legal English class I attended, the professor, who had taken part in exchange programs in the U.S., taught cases using the Langdellian method. This professor used a mock legal case as his text, drawing comments from students and then readjusting the scenario with a new hypothetical. While he succeeded in drawing some participation, he reported that students have shown some resistance to his style of teaching. Scholars elsewhere have similarly noted resistance to teaching methods introduced by faculty who have studied abroad. See, e.g., WORLD BANK, supra note 43, at 71 (1997).

129 The Langdellian method has served as a powerful model in debates over legal reform elsewhere in Asia. See, e.g., Dae-Kyu Yoon, Current Reform Efforts in Legal Education and the Delivery of Legal Service in Korea, in Educating for Justice Around the World, supra note 81, at 64-92 (discussing debates over legal educational reform in Korea); Joseph L. Pratt, The Two Gates of National Taiwan University School of Law, 19 UCLA PAC. BASIN L.J. 131 (2001); Yukio Yanagida, Symposium: Legal Education in Japan, A New Paradigm for Japanese Legal Training and Education—In Light of the Legal Education at Harvard Law School, 1 ASIAN-PAC. LAW. & POL’Y J. 1, 7-8 (2000) (arguing that the Socratic method is superior to existing pedagogies in Japan).
Unfortunately, in their well-intentioned efforts to improve legal education, some overseas reformers may fail to critically examine the disadvantages of prevalent U.S. pedagogies.\textsuperscript{130} While the case method, for example, conveys some of the uncertainties within legal regimes and helps students develop advocacy skills, this method alone, like singular reliance on blackletter instruction, cannot accurately convey the range of skills needed by legal professionals and closes out a careful examination of legal forces manifest beyond the pages of case law. As Chinese law professors and U.S. funders in particular look to U.S. legal education as a model for China, it is important, then, that they do so with a more critical eye to the advantages and disadvantages of U.S. teaching methods.

\textsuperscript{130} Critiques of the Langdellian method are far reaching. Among other arguments, critics suggest that the case method alone shuts out broader examinations of the forces that shape a legal system, provides little instruction in the practice skills need by legal professionals, induces stress, and discriminates against women, to name a few. See generally Abramson, supra note 129, (offering a general critique of American legal education, summarizing other critiques, and proposing reforms in the first-year curriculum); see also, e.g., Russell L. Weaver, Langdell’s Legacy: Living with the Case Method, 36 VILL. L. REV. 517, (1991) (critiquing the Langdellian method and proposing more emphasis on skills training); Lani Guinier et al., Becoming Gentlemen: Women, Law School, and Institutional Change (1997) (arguing that traditional legal pedagogy can hinder the academic performance of female students); Gerald Hess, Heads and Hearts: The Teaching and Learning Environment in Law School, 52 J. LEGAL ED. 75 (2002) (discussing stress in law school). In addition, while traditional U.S. legal education is often slammed for being too “theoretical,” Floyd argues that U.S. legal education doesn’t offer enough “real theory” needed to inform practice. See Timothy W. Floyd, Legal Education and the Vision Thing, 31 GA. L. REV. 853 at 859 (1997). Chinese legal education has also been attacked for being too theoretical. See Gao, supra note 2, at 224-225 (arguing that Chinese law schools’ focus on theory and blackletter law “fails to encourage students to think and analyze legal issues actively and creatively.”) [In South Africa, Stewart Woolman and his colleagues have responded to attacks on theory-based education by noting “In a discursive practice like the law, theory is the better part of practice…Whatever else it may be, theory is not a luxury.” Stuart Woolman et al., “Toto, I’ve a Feeling We’re Not in Kansas Anymore”: A Reply to Professor Motala and Others on the Transformation of Legal Education in South Africa,” 114 SOUTH AFRICAN LAW JOURNAL 1 (1997) 30, 34. As Floyd’s and Woolman’s articles illustrate, “theory” is often attacked without adequately defining the term.
B. U.S. CIVIL PROCEDURE IN SICHUAN

At the university’s request,131 I taught a sixteen-week U.S. civil procedure course in English to students in the graduate school. The two-and-a-half-hour weekly class was required for civil procedure majors, and the total enrolment neared one hundred students.132

Although I never fully tested the limits, I seemed to have complete control over the content of my course. As I will discuss momentarily, however, this may have indicated lax oversight in supervising a new instructor133 more than it indicated a welcome trend in academic freedom.134 Using materials from U.S. textbooks, study guides, and the Internet, I compiled a reading list of roughly five to ten English pages a week for the students, including cases, legal complaints, scholarly articles, and legal Web sites.135 Given time limits and my own concerns about the case method, I planned to teach the course through a lecture-discussion method, in which I had hoped to punctuate my own lecturing with frequent contributions from

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131 When I contacted Sichuan University during my Fulbright application process and asked if they would host me at their university, they included in their response a request that I teach legal English at the law school. In turn, I offered to teach a class in one of my areas of expertise—most notably human rights law—rather than legal English and received, in response, a request to teach U.S. Civil Procedure. I decided to teach the course in part because I thought it would offer insight into the student body and in part because I thought that teaching would help me develop good relations with the law school administration, which would in turn help my research go more smoothly. In the end, the class indeed offered deep insight into the graduate student population, but having taught a course provided little leverage when I encountered problems carrying out my survey.

132 Many of these students did not attend class, but weekly attendance was close to this amount due to the number of auditors from other majors within the law school and other departments at the university.

133 My hunch is that there were students who monitored my class for political content, but the professor who arranged for me to teach the course never asked to see a syllabus or observed the class.

134 The fact that my survey was blocked indicates that in certain areas there is still little academic freedom at all.

135 This included some materials on international human rights litigation, although I deliberately drew on cases from countries other than China.
students. Once in class, however, the stereotype of low participation proved true. I found myself lecturing—aided by a computer projection of my key points—more than I would have liked, and I relied on a small handful of vocal students to answer most of my questions.

Despite low response rates in class, judging from their questions after class and during the class break, a fair number of students seemed to grasp the material—an especially impressive task considering the difficulty of the topic and the language of instruction. (Based on a personal information sheet I handed out to all students and on conversations with some of the students, I felt most students had a functional command of written English. A healthy chunk had strong speaking skills as well, including solid legal vocabularies.)

Reports on the difficulties of using non-traditional teaching methods and subject matter were mostly confirmed in my classroom. Students asked the most questions in class when I lectured on the Federal Rules of Civil Procedure, the most “blackletter” component of my instruction. Discussing other topics usually elicited fewer questions and comments, and even outright resistance. In one class, I decided to spend the final half hour breaking students into small groups to discuss the pros and cons of alternative dispute resolution and then to report discussion results to the class. Several students gathered up their belongings and skipped out of class early as I was organizing the groups; a few similar activities yielded the same response until I learned to schedule non-traditional activities earlier in the class period. The one exception to this resistance came on the day I discussed the Woburn, Massachusetts tort cases upon which the book and movie A Civil Action are based.

Students leaving class early reflects a problem noted by other scholars. Shen Hong has argued that Chinese classrooms are marred

136 See, e.g., WORLD BANK, supra note 43, at 71; Head, supra note 3.

137 Despite this resistance, the activity achieved my aims for the students who participated: several students who had not spoken all semester participated, and students offered a range of insightful responses.

138 Unable to locate a copy of the film, I created a computer presentation summing up the story and I presented it in the final half-hour of class. To my surprise, students became absorbed in the story and, most shocking of all, agreed to stay past the end of class so I could finish my presentation. Unfortunately, students offered few comments during our follow-up discussion the following week.
by tardiness among students and professors alike, while cell phone use has added further interruption to the classroom.\textsuperscript{139} My class was no exception. A majority of students was respectful during lectures, but a noticeable minority showed up late or left early, read personal materials or newspapers in class, and, on occasion, talked on the phone. I saw similar behavior in classes that I audited. Visibly rude behavior is far from absent in U.S. classrooms\textsuperscript{140} but seems to take place on a smaller scale than in China. I also noted that students sometimes did not pay attention when their classmates spoke out in class.

Despite these occasional lapses in manners, I quickly found my students to be an impressive group. Through discussions with students, I felt a number of them had a good grasp of an array of legal issues. A few of the most vocal students in the class would have been formidable opponents in any U.S. law school classroom debate, while some of the quieter students also displayed a thorough knowledge of the issues through their questions to me after class. Unfortunately I was unable to evaluate students through their performance on the mid-term or final exam. The biggest shock to me in the class—and the most disheartening sign that corruption and ethics violations in the legal system are not likely to disappear with a new generation of legal practitioners—was the degree of cheating and plagiarism in my class and the seeming lack of an institution-wide mechanism for dealing with this. I estimate that over half of enrolled students cheated on my in-class exam and even more students plagiarized or improperly cited sources on the final take-home exam.\textsuperscript{141}

\textsuperscript{139} Hong, \textit{supra} note 108, at 31.

\textsuperscript{140} The use of laptop computers in U.S. classrooms has opened the door to many new distractions, but they are often not visible to the professor lecturing at the front of the room. At Sichuan University Law School, some students owned laptop computers but I did not see any students use the computers in class.

\textsuperscript{141} Halfway through the semester, I gave students a short midterm quiz to see if they had picked up the basic facts covered in the class. I assured students that the test would be easy—I drew most of its contents from a review sheet I handed out to them a week before the exam—and planned for the quiz to count for only a fraction of the final grade. Unfortunately, when I distributed the test, many students consulted with each other, copied off of their own notes or cheated off of a classmate’s test. A number of students disregarded my demand that they stop talking. Initially I estimated that one-third of the students cheated. I have since learned that a number of the non-cheaters were not enrolled in the class, which means that the number of enrolled students who cheated was higher. The law school
A final area of surprise—troubling to my mind but less disheartening than the cheating—was the extent to which some students seemed obligated to work for their advisors, from translating articles to doing basic secretarial work. These fiefdoms also seemed to polarize the law school along political lines, breeding students with loyalty to the specific legal perspective of their advisor. This type of academic hierarchy, described by Shen, seemed most prevalent at the graduate level. While the opportunity to work for a professor may provide valuable academic and professional opportunities for students, some of the work seemed, from the context of American academic standards, to exceed the bounds of acceptable practice.

My observations from the classroom triggered a number of hunches and questions I hoped to explore through my survey. I devoted the spring semester to designing this survey, which I describe in the next section.

allowed me to deal with the situation as I felt appropriate, which points to a lack of a systemized approach to dealing with cheating. In the end, I voided the test.

For the final exam, I requested a larger classroom so I could seat students apart from each other during the exam, but was told a larger classroom was not available. I then opted for a take-home paper; I allowed students to work in groups of four to five and distributed five versions of the exam to cut down on cheating. I also distributed a sheet of instructions with information on how to cite sources. Unfortunately, several of the papers were heavily plagiarized; the only consolation, if it can be considered that, is that many of the plagiarizers cobbled together good answers out of the sources they copied, demonstrating that at least they knew how to address the issues involved. While during a typical class period I felt that many students were dedicated and possessed solid legal knowledge, the two episodes of cheating greatly reduce my optimism.

Alford has described a practice in traditional China of imitating or drawing heavily on existing literary and artistic works as a form of “engagement with the past.” While there may continue to be a tradition of acceptance toward certain types of imitation and copying, in the case of test-taking, I feel that I was not unfairly imposing a set of foreign standards to judge the students’ behavior. Some students reported cheating to me after the exam, indicating that they knew it was inappropriate behavior. A few students suggested that this episode of cheating resulted because my class was in English, but the scope and scale of the cheating, along with subsequent conversations with faculty from other universities, led me to believe it is a problem wider than my classroom. See William P. Alford, To Steal a Book Is an Elegant Offense: Intellectual Property Law in Chinese Civilization (1995), 19-29. See also Academic corruption said hurting China, (United Press International), Aug. 18, 2005, at http://feeds.bignewsnetwork.com/?sid=aa780fe18753d9ea (describing a prominent professor’s assertion that plagiarism in widespread in Chinese academia).

142 Shen, supra note 108 at 29.
C. SURVEYING SICHUAN

Survey and interview methodologies have proven to be valuable sources of insight into the habits and values of U.S. law students and the impact of their legal education.143 In designing my survey questions, I aimed to strike a balance between topics informed by surveys on U.S. legal education and issues specific to China and Sichuan; I recognized that some phenomenon detected in U.S. surveys may be limited to the specific context of U.S. legal education but I also wanted to probe values and trends that may be common to legal students across borders.

On the one hand, I wanted to see if some of the issues that surfaced in U.S. surveys, such as a change in values, perceived loss of faith in the efficacy of law, and move away from a desire to do public interest work, applied in the Chinese context.144 In informal conversations, some students at Sichuan University professed a strong interest in helping poor people but expressed a desire to enter careers in business law. Did this indicate a marked shift in values among law students, and did business-minded students intend to pursue public interest or pro bono work in addition to their regular work?

On the other side, I wanted to address a number of issues more specific to law and legal education in China. How many students belonged to the Chinese Communist Party, when did they join, and what were their motives for joining?145 Did students feel that

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143 Recent surveys have addressed a multitude of issues, ranging from value changes during law school to gender participation in the classroom. For a thorough review of survey literature see generally James R. P. Ogloff et al., More than “Learning to Think Like a Lawyer:” The Empirical Research on Legal Education, 34 CREIGHTON L. REV. 73 (2000).


145 Agelasto notes that CCP membership is high among law students. See AGELASTO, supra note 10, at 256.
professors who practiced law in addition to teaching—a common occurrence on Chinese campuses—were better instructors than professors who only taught?146 What were student views toward current legal issues and debates? Should judges be given the power to interpret the Constitution? What bodies should have the power to sanction violations of legal ethics?

The questions I aimed to answer were diverse and far-reaching; since I found so little previous survey scholarship on Chinese legal education, I hoped to use the survey to pinpoint exactly which issues were important in the Chinese context. After consulting with a statistician, I settled on a broad-reaching exploratory survey to meet this goal. Rather than test a specific hypothesis, I decided to use such a wide-ranging survey tool to identify issues in Chinese legal education that would be worthy of future research and would suggest topics for future surveys focused on specific issues.

I was interested not only in the total set of student responses, but also differences in response rates among subsets of the law school population. How did first-year undergraduate law students, newly exposed to legal education, differ in their views from graduating seniors? Did women and men hold different opinions toward key legal issues or toward their legal education? Longitudinal studies and regression analysis could measure some of these differences between subpopulations, but longitudinal studies require several years of survey work—unrealistic for the timeframe of my survey—and regression analysis introduces its own uncertainties into survey analyses.147 After consulting with a statistician, I decided that

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146 While academic salaries have risen in recent years, enabling professors to live solely on their income from teaching, a number of faculty continue to practice law in addition to teaching. Some observers and Chinese professors themselves feel that practitioners bring a greater breadth of experience to the classroom; others criticize the practice for pulling professors away from classroom responsibilities. See, e.g., WORLD BANK, supra note 44, at 67 (noting an increase in salaries since the 1990s); PEERENBOOM, supra note 1, at 369 (noting that while a low salary drives professors to practice law on the side, “ironically they are often better instructors as their experience in practice gives them a better appreciation of law in operation.”) Among professors I talked to, one who taught full time argued that students appreciated that he did not divide his time between academia and another job; a colleague who practiced law, on the contrary, claimed that students preferred professors who had actual practice experience.

147 Multiple regression analysis isolates the factors that most strongly influence a given response. Rathjen used it in his 1975-76 survey of University of Tennessee students to show that “year in law school is the most important factor
subjecting survey results to simple chi-square tests—which would determine if response rates for subsets of the respondents were statistically significantly different—would best suit this exploratory survey.148

I began the drafting process by writing out a series of questions in English, classified into six categories: personal background (jiben ziliao, or “basic data,” in Chinese); reasons for entering law school; career plans; law school classes and activities; views towards legal education; and views toward law and the legal profession. I aimed to keep the survey an acceptable length,149 and ended up cutting out some questions I had hoped to examine, including questions dealing with stress levels and health in law school. I made most questions multiple-choice, to make the data analysis process more efficient and reduce the chance that I would misread someone’s handwriting, but I included a number of open-ended answers to questions that did not lend themselves well to pre-categorized answers.

I submitted this first draft for peer review by U.S. scholars of Chinese law and worked with a statistician to refine the wording of the questions. After revising and adding several questions on the explaining the variation [in attitude among law students] and remains so even when controlling for the effects of the seven other predictor variables” such as political party or religious preference. Rathjen, supra note 146, at 100. While regression analysis may be apt in some contexts, its utility is lessened by the difficulty of quantifying the variables that may affect survey answers. Interview with statistician (on file with author).

148 While social scientists have attacked surveys in legal scholarship for perceived flaws in methodology, a key to good survey work is transparency. Even the more sophisticated methods espoused by the critics of legal surveys introduce their own flaws in the analysis process and lack the clarity of simple survey techniques—especially crucial in scholarship aimed toward non-social scientists. Moreover, I felt a simple survey tool would best accommodate the wide variety of questions in an exploratory survey. See Ogloff, supra note 9, at 242-243 (criticizing surveys in legal literature for failure to carry out longitudinal studies, small test populations, lack of a comparison group and widespread failure to “employ sophisticated and appropriate data analytic procedures”).

149 Bernard recommends surveys stay between ten to twelve pages and not exceed 125 questions in order to promote high response rates. Since I planned to distribute the survey during class and let students use class time to complete it, I thought I could push the boundaries of page length and settled on a 16-page survey with seventy-two questions. H. RUSSELL BERNARD, RESEARCH METHODS IN ANTHROPOLOGY: QUALITATIVE AND QUANTITATIVE APPROACHES 279 (1994).
advice of my reviewers, I translated the survey myself into Chinese, and then worked with a professional Chinese language instructor to edit the Chinese version. I next submitted this draft to my teaching assistant, a graduate student in the law school, for her feedback.

After this series of editing, I arranged to pilot test the survey among a sample group of law students. I wanted a diverse group of students in the pilot test and arranged to test the survey first among eight first- and second-year master’s degree students and the second time among four third-year undergraduate students. In both surveys, students offered significant input on both form and content. Some students in the first round felt my questions were not specific enough to China’s legal environment. For example, in my initial draft, I only asked students what their career plans were; it did not occur to me to ask them whether they thought they could achieve their career goals. In the U.S. market, virtually any law student who wants to become a practicing lawyer, for example, can; in China, the job market is much tighter, and graduates of even elite universities find it more difficult to secure employment, especially in their chosen fields and in more desirable geographic locations. I thus revised this line

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150 Pilot testing is an integral part of survey design. Test takers can point to errors not readily visible to the survey designer editing the survey on a computer screen; they also provide valuable feedback on the design and format of the survey. They may indicate as well whether assurances of confidentiality or other assurances are adequate. Id. at 281; Interview with statistician.

151 I had to juggle access to pilot test students with available space and time to conduct the pilot survey. In the end it was easiest for me to find master’s degree student volunteers in a class taught by a visiting American professor; I also relied on a third-year undergraduate contact to round up classmates to serve as undergraduate pilot testers. While second-year master’s degree students and third-year undergraduates were not part of the populations to be surveyed, I felt they were similar enough to the actual populations to serve as pilot testers. Because members of the pilot test should not participate in the actual survey, I had planned to tell first-year master’s degree participants that they should not participate in the actual survey when it was distributed in their classes.

152 See, e.g., Peter S. Goodman, College Degrees Lose Their Magic in China, WASH. POST, Aug. 19, 2003 at A1, A15 (reporting that graduates of less elite universities have the most difficulties finding work but that elite-university graduates have also been affected by the tight job market.) Ted Plafker, As China Churns Out Graduates, Job Prospects Are Dicey, INT'L HERALD TRIBUNE, Feb. 17, 2004, at 11 (reporting government assertions that there are sufficient jobs nationwide for the number of college graduates but that students in eastern China are reluctant to take jobs in the west of the country.)
of questioning to ask students the likelihood they thought they could work in their chosen fields.

Other than a few minor glitches, students in the pilot groups reported that the instructions and layout of the survey were clear. The diversity of answers suggested, as well, that students were candid in responding to the survey. (I do not discuss specific responses here because I did not inform the pilot groups that their responses would be used for such a purpose.) Overall, the survey responses and student feedback indicated that the surveys were in good shape and, after incorporating the minor modifications suggested by the students, would be ready for distribution.

In the final stages, I arranged with law school staff to distribute the survey. We decided on the mandatory politics class as the ideal venue for distribution, since it was one of the few locations in which all students of a particular grade level gathered, and we estimated that we could reach over six hundred students through this venue.153

The faculty advisors initially stated it would be better if I were not present in the room when the surveys were distributed. I had concerns that students would feel less comfortable answering candidly—especially in a mandatory politics class—if I were not present and available to immediately collect completed surveys; thus, I was planning to push for my attendance in the classes when I suddenly was informed that I could not carry out the survey. It was at this state—the survey had been pilot tested, edited and was now ready to be distributed—that I had to abandon the project.

Even in its current state, the survey pinpoints several topics for future research. In reviewing the survey for this publication, I have noticed areas that might have used further editing, but I have decided to publish the survey as it was last spring in order to provide a glimpse of what questions might have been answered had the survey been distributed. Below, I single out several survey questions for further discussion. I follow with a copy of the survey itself, in

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153 The supervisors for the different class levels indicated that all 187 first-year students attended the class and 150 of 187 fourth-year students attended the class. Graduate student advisors said that 250 first-year students could be surveyed in their required class, while third-year students would be harder to pin down because many were caught up in job searches. They suggested forty-sixty final-semester students might be available.
English.\textsuperscript{154} I translated the survey into Chinese early on in the editing process, and the Chinese version soon became the authoritative one. To capture this, I have provided here a back-translated version from the Chinese; in general I have stuck closely to the Chinese wording, even where the English translation is clunky because of this. Where my choice of English words merits extra discussion or where I feel further comment is needed, I include footnotes within the survey appended to this article.

D. SURVEY INTRODUCTION

Bearing in mind scholar John Agelasto’s experience, in which the students he surveyed in a university-wide study of Shenzhen University were unfamiliar with survey instruments and had concerns about confidentiality, I wrote an introduction that explained the scope of my survey and the way in which I would use the results. Pilot testers felt the introduction provided sufficient assurances of confidentiality.

1. BACKGROUND INFORMATION

Several questions here allow for the division of the subjects into smaller populations, based on grade in school, sex, or hometown, for example. Hometown is especially crucial as it relates to future career plans; will students from the countryside, for example, return home to work or seek employment in an urban area? Question 4, which asks for this information, and questions 12 and 13 (parents’ educational background) also provide some clues to a student’s socio-economic background; I felt a question asking parental income would be too intrusive.\textsuperscript{155}

Parental background also provides insight into the social mobility of university-educated youth. Although many of Agelasto’s students at Shenzhen University came from the upper socio-economic

\textsuperscript{154} A Chinese version is on file with the author.

\textsuperscript{155} Given social practices of asking salary in China, I may have been overly cautious in not directly asking for parents’ income; this may be an acceptable question for future surveys.
levels—50% of fathers and 28.8% of mothers had a four-year college education—nationwide, students have been drawn from more diverse socioeconomic backgrounds;\textsuperscript{156} based on informal discussions with students, I had the hunch my survey would yield results more similar to the national data than to Agelesto’s. Tellingly, during one pilot test, students suggested I add a “did not attend school” category to a question asking the respondent’s mother’s educational level; according to these students, some classmates had mothers who had never received any schooling. In my original survey I wrongly assumed that all parents would have received at least some primary education.\textsuperscript{157}

Information on ethnicity has received little attention in scholarship on legal education in China. I knew of a few non-Han Chinese students in the law school and wondered how many students total would identify as non-Han in the survey and how their make-up would compare to the ethnic breakdown of Sichuan Province. I was particularly curious about their views toward legal education, especially for students who are not native Mandarin speakers. (In this vein, I should have included a category asking students their native language and dialect. This also would have provided insight into how many Han students spoke a drastically different Chinese dialect like Cantonese as their first language.)\textsuperscript{158}

\textsuperscript{156} Statistics from the 1980s to the early 1990s indicate that 30% of students in institutes of higher education came from peasant backgrounds. \textit{World Bank}, \textit{supra} note 43, at 59. This category would not include students from other financially modest backgrounds, such as urban poor.

\textsuperscript{157} In the end, I added this answer to the questions on both parents’ educational backgrounds, although more women than men may have received less schooling.

\textsuperscript{158} The government sets aside admission spaces for non-Han students and provides pre-college preparatory courses, but has been criticized for failing to offer adequate support for students after they enter the university system. \textit{See generally}, Barry Sautman, \textit{Affirmative Action, Ethnic Minorities and China’s Universities}, 7 \textit{PAC. RIM L. & POL’Y} 77 (1998), 108 (noting problems have been especially acute for minority students at national-level elite universities).
2. REASONS FOR ENTERING LAW SCHOOL

This section aims to understand the factors that lead law students to pursue this academic discipline. Question 16 specifically asks this question. Would law students mirror U.S. students and profess—genuinely or not—an interest in helping the disadvantaged? John Head’s dismay over the his students’ willingness to state a desire “to make lots of money” as their motive for taking his business law class led me to believe that students might be more upfront than U.S. law students in citing economic reasons as a motivation for studying law. Unlike John Head and other scholars who have implicitly or explicitly criticized the Chinese bar for a perceived interest in earning money, 159 I wanted to view economic motivations in a broader context by keying answers to this question to data on students’ socio-economic background and career plans. U.S. law students and lawyers may understand that it is not socially acceptable to openly express a desire for a high-salary job, but research suggests money motivates their career choices and perhaps their decisions to enter law school in the first place. 160 (Chinese students might, then, be lauded for their

159 Although Peerenboom dwells on the number of Chinese lawyers who seem interested only in profit, he also notes that Chinese lawyers are hardly the only legal professionals motivated by such concerns. See PEERENBOOM, supra note 1, at 356 (“few lawyers [in China] have any interest in taking on sensitive political cases while most are quite concerned about making money”), 363 (noting China has “lack of a general altruistic sense”), 383 (“…most lawyers [in China] appear to be more concerned about making money than politics”), 565 (“Lawyers everywhere are often more interested in making money that in agitating for political reform”).

160 Granfield and others have argued that law school socializes students away from public interest law and encourages them to take corporate jobs. While a shift in values has been noticed in several studies, Cohen points out that Granfield never tries to gauge whether the public interest mentality professed by in-coming students is genuine. In Tucker, Albright, and Busk’s survey of alumni from twenty law schools, Tucker and her colleagues noted respondents were hesitant to pick economic motives as the prime reason for attending law school but based on the authors’ own experience counseling students, they thought that most students enter law school with an understanding that they will receive a high-paying job. In their survey, 2% picked financial reward as their primary motivation for attending law school, while 32% listed it as an “important factor.” See Granfield, supra note 146, at 3; Schacter, supra note 146, at 1875-1876; Schleef, supra note 146, at 619-620; Daniel A. Cohen, Book Note, Legal Education and Practice: Making Elite Lawyers: Visions of Law at Harvard and Beyond, By Robert Granfield, 92 MICH. L. REV. 1737 (1994) (reviewing Robert Granfield, Making Elite Lawyers (1992));
Second, “making lots of money” may mean something far different to a Chinese student from an impoverished background than it does to most American law students, and in this vein we might aim for more understanding of the circumstances that motivate Chinese students to pursue economic gain. Finally, economic motives may not crowd out a commitment to public interest or pro bono work. As Benjamin Liebman notes, research on public interest law in China must factor in for-profit lawyers who contribute to such work. Recognizing that economic motive may only be one of many possible reasons for studying law, I aimed to cross-reference this response and view the issue holistically.

I also provide in question 16 a mix of China-specific response (“Thought majoring in law would give me an edge in taking the Unified Judicial Exam”) and U.S. style answers (“like to argue”) to see which responses would come to the forefront. Later in this section (Question 21) I ask master’s degree students what they did between college and law school. In my own class of nearly one hundred master’s degree candidates, students looked remarkably similar to their American peers. A number had entered law school directly from college, but a significant group of students was older, ranging from students in their mid- to late-twenties who had taken a few years off before law school to older students who were pursuing law as a second career. I relied on the survey to provide more information on the diverse backgrounds of these students.


It is not surprising that Chinese law students from humble backgrounds, some of whose parents may be using all of their income plus borrowed funds to pay for school, might want to enter a field that promises some financial security. Great pockets of poverty exist throughout China; students from peasant and working class backgrounds do make it to elite Chinese universities, and if they desire a high-paying job, we should aim to be more understanding of this choice. We might also wonder how students define a high-income. Do they mean grossly inflated salaries similar to the kind new lawyers in the U.S. earn, or do they define it more modestly? I did not ask this in my survey, but it would be a useful question for future research.

Liebman, supra note 3, at 280.
3. CAREER PLANS

This section begins by asking how many students currently work or have worked in a legal field; given previously lax standards for entry into the legal profession, some legal workers have returned to school to bolster their qualifications. To gauge career plans, I designed a series of questions based on students’ response to an initial question (24) asking whether they want to practice law, be a judge, procurator, legislator, law teacher, police officer, do other legal work, or do non-legal work. I was especially curious to find out what types of law appealed to students who wanted to be lawyers.\footnote{163}

I was also interested in learning where students wanted to work (Question 27(a)/(b)) and whether they realistically anticipated they would work in that region (27 (c)/(d)). Although a recently inaugurated program sends new law grads to work in understaffed rural areas,\footnote{164} I wondered how many law students would take up such a task. Anecdotally, I knew some of my students were eager to leave China’s interior for eastern cities like Beijing and Shanghai.

I knew that a longitudinal study would best gauge shifts in career plans as students progressed in their legal education, but, as this tool was unrealistic for my survey, I aimed to get at the same issue by asking students whether their career plans had changed since they had first entered law school (Question 29). I completed this section with a series of questions on participation in the Unified Judicial Exam.

\footnote{163 On the pilot groups’ advice, I eliminated my initial list of legal fields on the grounds that some legal fields sounded too “American.” My research assistant felt there was no set list of legal fields in China but advised I use categories of law listed in an on-line legal directory, to which I added my own categories. Legal aid clinics, for example, were not listed in the Chinese directory but do exist in China. I was curious about law students’ interest in this field and included these categories in this list, as well as a few other categories that I felt would not be unfamiliar in a Chinese context. Because the fields listed in the directory are primarily business-focused, in retrospect, I might have consolidated some of these fields into broader categories rather than list them separately. As the choices stood at the time I planned to hand out the survey, responses likely would have been able to indicate a trend in preference for one area of law over another, (i.e., business over public interest), but the abundance of business-related responses and limit of three answers might have skewed some results. I would further refine these categories for future testing.}

\footnote{164 See Xinhua, supra note 28.
4. **LAW SCHOOL CLASSES AND ACTIVITIES**

I first ask students about their class attendance and class participation rates (Questions 31-35). I debated over the wording of these questions—should I measure in-class participation per class, per week or per semester? In the end, I settled on per class, but future surveys might want to consider other options for best pinpointing participation rates. At the same time, the low rate of in-class discussion that I observed suggests that participation does not play as large a role in the law school experience and its influence on different populations as it does in the U.S.; thus, this may be a less critical topic of inquiry in future studies.

I also ask how much time students spend doing work for a professor or working in a part-time job. I knew of some students who worked long hours in addition to attending classes. What impact would this have on students’ experiences? Finally, I ask undergraduates to discuss their views toward the legal aid clinic (Questions 39-42), including their reasons for applying or not applying to the program and, for those who participated in the clinic, their degree of satisfaction.

5. **VIEWS TOWARD LEGAL EDUCATION**

Here I ask a series of questions to measure how students envision good legal education and the extent to which their actual education conforms to this view. For instance, I ask what students view as ideal characteristics of a good law professor (Question 43) and the appropriate foci of legal education (Question 52(a)); I then ask students to state the extent their actual education fits with their ideals (Questions 44, 52(b)). In addition to law school-specific questions, I also ask about general satisfaction levels with non-law school classes to gain a sense of whether students’ law school courses are measurably different from other classes.

I also ask whether they think their education in legal ethics is adequate (Question 53). The Chinese legal system continues to be marred by widespread ethics violations;¹⁶⁵ do students recognize the need for ethics education and do they view their existing education in this field as sufficient?

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¹⁶⁵ See, e.g., PEERENBOOM, supra note 1, at 295-298.
I end by asking students if they would choose law school again if they had the choice.166

6. VIEWS TOWARD LAW AND THE LEGAL PROFESSION

Here I try to capture student views toward pressing issues within Chinese legal circles as well as issues of concern to non-Chinese observers. Do students believe that lawyers play an important role in social change within China (Question 56), 167 and do they believe that lawyers, once poorly regarded in Chinese society, enjoy a better status in today’s China (Question 67)? I also ask which practice fields they believe are dangerous to work in, and I ask whether they themselves would undertake such work (Questions 57-58). While lawyers in all countries may be exposed to risk, in China the dangers may be especially high for lawyers who work in politically sensitive fields.168

I address the question of guanxi, personal connections or relations, through two questions. Peerenboom notes that the use of guanxi remains widespread in China, leading even those who would prefer not to use such connections to rely on them nonetheless to level the playing field.169 I first ask if legal workers must rely on guanxi in

166 American lawyers and law students surveyed have largely said they would make the same choice. See generally, Lauren Rubenstein Reskin, A Portrait of America’s Law Students, 71 A.B.A.J. 43 (1985) (reporting that 95% of surveyed law students did not regret attending law school); Tucker, supra note 162, at 165 (noting that 78% of respondents were satisfied with their choice to attend law school).

167 As Peerenboom suggests, this number might be lower in a civil law country than in the U.S. See PEERENBOOM, supra note 1, at 15-16. See also, Meili supra note 81, at 145 (noting that in Argentina and China, activists for direct social change tend to pursue careers other than law.)

168 A lawyer in Shanghai, for example, was given a jail term on the grounds that he had provided state secrets to western human rights organization. The lawyer, who advocated on behalf of evicted tenants, had publicized these cases to some western organizations. See, e.g., Human Rights Watch, China: Tenant Rights Advocate Arbitrarily Jailed, Dec. 19, 2003, at http://www.hrw.org/english/docs/2003/12/18/china6762_txt.htm.

169 PEERENBOOM, supra note 1, at 366-367.
order to succeed in their legal work (Question 59). I then ask (Question 60) whether students feel this practice is acceptable.

To measure commitment to their legally required *pro bono* requirement, I ask in Question 62 the extent to which students agree with this obligation or prefer another model. I planned to compare responses here to responses on career plans and motivations for studying law. In Question 64 I address a key issue in the functioning of the Chinese court system: What factors should a judge consider in making a legal decision? What extra-legal factors, such as social stability or Party politics, might students select?

I finish this section with a question directly asking whether students now feel rule of law in China is more, less or equally effective as they first thought when entering law school (Question 70). Do Chinese law students become disenchanted with the legal system the more they learn about it, as some studies have suggested American students have?170

E. APPENDED QUESTIONS

Early in the survey drafting process, I also wrote a short survey that I intended to distribute to faculty members. I had hoped to gather both demographic and educational data as well as a sense of instructors’ teaching philosophies. I was later told by the Law School, before all my survey work was blocked, that I would likely receive a low response rate for this survey if I tried to carry it out. To gain a glimpse of this topic, I added two questions to the student survey, asking students to describe the teaching methods their professors used (lecture, discussion, etc.) and the content of the lectures (legal cases, current laws, party policies, etc.).

V. CONCLUSION

An analysis of legal education in Chengdu tests normative assumptions about emerging legal reforms in China. Research into how law is understood and explained, by whom and for whom it is taught, and how standards at the bar are realized, promotes a more

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accurate understanding of the broader domestic and international implications of China’s legal revolution. Many unanswered questions—including those raised in my survey—merit additional inquiry. Further studies should aim to consider interior regions like Sichuan as well as coastal cities in the East; future legal scholarship also should examine law outside of China’s elite universities.

As John Merryman has noted, “Legal education allows us to glimpse the future of the society” in which it operates.171 This is especially true in China, where legal workers with formal legal training are now filling the ranks of their profession after years of lax educational standards and poorly regulated entry into the bar. The future is yours, comrades.172 Those of us who want to better understand it must greatly expand our research on Chinese legal education; this article and the following survey are contributions to this effort.

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171 MERRYMAN, supra note 48, at 53.

172 This is a paraphrase of the title of Jerzy Kosinski’s 1960 book, THE FUTURE IS OURS, COMRADE (published under the pen name of Joseph Novak).
A Case Study of Legal Education in Western China

APPENDIX: LEGAL EDUCATION SURVEY

LEGAL EDUCATION SURVEY

Dear Student,

I am an American J.D. spending the year at Sichuan University as a visiting researcher. In the past I have done research on American legal education; my goal this year is to expand my research on legal education to China. In order to better understand Chinese legal education and China’s law students, I have designed the following survey to be distributed to 1st-year and 4th-year undergraduates and 1st-year and 3rd-year master’s degree students. Through this survey I hope to better understand a number of issues, from the demographics of law school students to your motivations for studying law and your views toward the law. The results of this survey will form the basis of an article intended for publication in an American legal journal. In general, I will discuss survey responses in the aggregate. If I find it necessary to discuss an individual response, I will do so in a way that protects the privacy of that respondent. I hope you will answer all of the survey questions and do so accurately and honestly; however, if there is a question you feel uncomfortable answering, you may skip it. You do not need to write your name on this survey.

Please note: Answers are primarily multiple choice. For fill-in-the-blank questions, please answer in Chinese and make your handwriting as clear and neat as possible, in order to help me read your response. (Please do not use pencil.)

As China and the United States increase cooperation, it is my hope that such surveys will be mutually beneficial to legal professionals in both countries. Thank you for your help with this survey.

Kara Abramson

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173 A Chinese contact suggested I require students to use pen; in the event the survey changed hands before reaching me—which I had hoped to avoid—answers could not be altered as easily.
It will take approximately 25 minutes to complete this survey.

1. GENERAL INFORMATION

1. Gender (please use a checkmark to select your answer, and use the same format throughout)
   
   _____ male  _____ female

2. What is your year in school?

   Full-time undergraduate
   _____ 1st year
   _____ 4th year

   Full-time master’s degree student
   _____ 1st year
   _____ final semester

   Part-time master’s degree student
   _____ 1st year
   _____ final semester

3. Master’s degree students: what is your major and concentration within that major? (Undergraduate students can skip to question 4)

   _____ General Legal Degree Program
   _____ Legal Theory Major: Chinese legal theory concentration
   _____ Legal Theory: Law and Society Studies
   _____ Constitutional and Administrative Law: Constitutional Law
   _____ Constitutional and Administrative Law: Administrative Law and Procedure
   _____ Constitutional and Administrative Law: Clean Government Laws
   _____ Criminal Law: Chinese Criminal Law
   _____ Criminal Law: Economic Criminal Law
   _____ Criminal Law: International Criminal Law
   _____ Civil and Commercial Law: Civil Law
   _____ Civil and Commercial Law: Commercial Law
   _____ Civil and Commercial Law: Securities Law
   _____ Civil and Commercial Law: Comparative Civil and Commercial Law
   _____ Civil and Commercial Law: Intellectual Property Law
   _____ Civil and Commercial Law: Labor and Social Security Law
   _____ Procedure Law: Criminal Procedure
4. Hometown: Please write the name of the province (or municipality or autonomous region) and use a checkmark to indicate the type of area you are from. (Students from the countryside should indicate so by checking the category for village-level hometown)

- province / municipality / autonomous region
- provincial capital
- other city
- county
- township
- village

5. Ethnicity: ________________

6. Age

- Under 17
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25-27
- 28-30
- 30-35
- 36-40
- Over 40

7. Please indicate the primary source of your tuition (check only one)

- government funds (scholarship)
- funded by work unit
social scholarship (non-governmental charitable scholarship)

Self-funded, using:
- mainly my own savings or funds from my spouse
- money from my parents
- money from other relatives
- loan (including bank loans and private loans)
- Other (Please specify: ___________________________

8. Family Circumstances (Check all that apply)

(a) Marital status
- married
- unmarried

(b) Spouse

(pick: lawyer, judge, procurator, law teacher, other)
- spouse does legal work
  (Select: _____lawyer
  _____judge
  _____procurator
  _____law teacher
  _____other)
- spouse is in another profession
- spouse is a law student
- spouse is a student in another field
- spouse has no fixed job

(c) Other
- currently divorced
- currently widowed
- have been divorced in the past
- have been widowed in the past

\footnotesize{\(^{174}\) I developed the answers to this question in consultation with a Chinese language instructor. Although they sound awkward in English, they reflect standard Chinese usage.}
(d) Do you have kids?

____ No
____ one
____ two or more

9. (a) Are you a party member?

____ No

Yes
____ entered the party after starting my master’s degree at chuanda
____ entered the party after starting my undergraduate legal studies at chuanda
____ was already a member before starting my master’s degree at chuanda
____ was already a member before starting my undergraduate legal studies at chuanda

(b) Which choice best explains your reason for entering the party?

____ faith in the Party
____ helpful in finding work
____ helpful in advancing my career

10. Are you a member of the Communist Youth League?

____ Yes   ____ No

11. Have you served in the military? (Pick one)

____ currently serve
____ served in the past
____ have not served

12. What is your father’s highest level of education (pick one)
13. What is your mother’s highest level of education (pick one)

_____ no schooling
_____ some elementary school
_____ graduated elementary school
_____ some junior high
_____ graduated junior high
_____ some high school
_____ graduated high school
_____ post-high school adult education, vocational education, etc. (including
non-transcript-granting courses)
_____ junior college graduate\textsuperscript{175}
_____ some college
_____ Completed College
_____ College Degree\textsuperscript{176}
_____ Some master’s degree education
_____ Completed a master’s degree program
_____ Master’s degree
_____ Some doctoral-level training
_____ Completed doctoral program
_____ Received doctorate

\textsuperscript{175} A \textit{dazhuan} degree is roughly equivalent to a junior college degree.

\textsuperscript{176} In China students may complete their college education without receiving a degree.
14. Does your father do or has he done in the past some form of law-related work? (Please pick all that apply)

_____ No
_____ Lawyer
_____ Judge
_____ Procurator
_____ Law Instructor
_____ Other law-related work (please specify: ____________)

15. Does your mother do or has she done in the past some form of law-related work? (Please pick all that apply)

_____ No
_____ Lawyer
_____ Judge
_____ Procurator
_____ Law Instructor
_____ Other law-related work (please specify: _____________)

II. REASONS FOR ENTERING THE LAW SCHOOL

16. Please rank in order of importance up to three answers that describe your primary motivation for attending your current law program

_____ Did not get into any other departments
_____ Sichuan University Law School was the best of the departments that accepted me
_____ Thought having a law degree would help me get a job with a high salary
_____ Thought having a law degree would help me find employment
_____ Thought a law degree would help me get a job with a high degree of independence
_____ Thought having a law degree is the easiest path for becoming a lawyer
Thought having a law degree is the easiest path for becoming a judge
Thought having a law degree is the easiest path for becoming a procurator
Thought that continuing my legal studies at the graduate level and getting a master’s degree in a specialized legal field would give me an advantage in finding a law-related job over just having an undergraduate degree in law
Interested in legal theory
Thought majoring in law would give me an edge in taking the Unified Judicial Exam
Like to argue
Law is a high-status career
Law is a prestigious major
Want to be a law instructor
Interested in politics and government work
Interested in legislative work
Want to help underprivileged people
Want to serve my community
Want to serve China
Influenced by friends studying law
My family wanted me to study law
Other (specify______________)

17. Was Sichuan University your first-choice school?

Yes
No, 2nd choice
No, 3rd choice
No, 4th choice
No, 5th choice or higher
No, did not select Sichuan University but was dispatched here

18. Was studying law your first-choice major?

Yes
No, 2nd choice
No, 3rd choice
No, 4th choice
No, 5th choice or higher
No, did not select Chuanda but was dispatched here

Based on the results of their university exams, students may agree to attend schools not on their list of choices.
19. Master’s degree students: Did you enter your master’s degree program directly from college? (Undergraduate students can skip to question 20)

(a)

_____ Yes (If yes, skip to question 20)
_____ No

(b) If no, how much time did you take off in between?

__________ Years

20. (a) Excluding your current program, please indicate your highest educational attainment/degree

_____ Graduated from high school
_____ Post-high school training below the junior college level
_____ Completed a junior college degree
_____ Completed a college program for continuing education students
_____ Completed college
_____ College degree
_____ Completed an M.A. Program
_____ M.A. degree
_____ Completed a Ph.D. program
_____ Ph.D. degree
_____ Other (Please explain:___________________)

(b) What was your academic major for the answer you selected above? (If you had no major, skip to the next question)

21. Master’s degree students: If you held a job prior to entering your master’s degree program, please give a simple description of the type of work you did. (Others can skip to question 22)
III. CAREER PLANS

22. Have you ever been a member of any of the following professions? (Check all that apply)
   _____ No
   _____ Lawyer
   _____ Judge
   _____ Procurator
   _____ Legislator
   _____ Law instructor
   _____ Police officer
   _____ Other law-related position (please specify_______________)

23. Are you currently a member of any of the following professions? (Please check all that apply)
   _____ No
   _____ Lawyer
   _____ Judge
   _____ Procurator
   _____ Legislator
   _____ Law instructor
   _____ Police officer
   _____ Other law-related position (please specify_______________)

24. Do you hope to engage in any of the following work in the future?
   _____ Lawyer (skip to question 26)
   _____ Judge (skip to question 27)
   _____ Procurator (skip to question 27)
   _____ Legislator (skip to question 28)
   _____ Law instructor (skip to question 27)
   _____ Police officer (skip to question 28)
   _____ Other law-related position (please specify____) (skip to question 28)
   _____ No (skip to question 25)
25. If you answered “no” to question 24, please explain what type of work you want to do in the future. (After answering, please go to question 28)

26. If you picked “lawyer” for question 24:

(a) In what field do you hope to practice (pick up to 3 responses)

- administrative law
- constitutional law
- criminal defense
- construction
- finance
- contracts
- real estate law
- restructuring shareholdings
- company and commercial affairs
- foreign investments
- enterprise and mergers
- bills
- securities
- intellectual property law
- electronic commerce
- information networks
- enterprise law consultant
- banking law
- environmental law
- labor law
- marriage and family law
- traffic accidents
- consumer rights/product liability
- international trade
- international commerce law
- public international law
- medical law
- general practice
- legal aid, general practice
- legal aid, workers rights
- legal aid, criminal defense
- legal aid, women’s rights
- military law
- arbitration
- Other Please explain: _____________________
(b) What is your primary reason for wanting to work in this field?  
(Pick all applicable answers)

_____ Interested in the subject matter  
_____ Find the field challenging  
_____ Able to obtain a high salary  
_____ Easy to find employment in this field  
_____ Want to help disadvantaged people  
_____ Want to serve the strengthening of China’s legal system  
_____ Want to aid in the development of China’s economy  
_____ Work in this field is fairly easy  
_____ Other (please explain_________________) 

27. If you selected lawyer, judge, procurator, or law instructor for question 24, please answer the following:

(a) In what province (or municipality or autonomous region or country outside of China) and in what type of region do you most hope to work?  
(Write out the province’s name and check the type of region)

________________________ province / municipality / autonomous region / country

_____ provincial capital  
_____ other city  
_____ county-level city  
_____ 乡镇 township

(b) Why do you most hope to work in this region?  (check all that apply)

_____ Family is there  
_____ Easy to find a legal job there  
_____ My spouse or partner has a job there or prefers that region  
_____ It most suits the area of law I want to practice  
_____ Want to work in a region that has a shortage or lack of legal workers  
_____ I like the climate/lifestyle of this region  
_____ Salaries are high in this region  
_____ Know people who can help me find a job there  
_____ Other (please explain: __________)

(c) If you selected lawyer, judge, procurator, or law instructor for question 24, in what type of province (or municipality or autonomous region or country outside of China) do you most realistically anticipate
you will end up working? (Write out the province’s name and check the type of region)

______________ province / municipality / autonomous region / country

_____ provincial capital
_____ other city
_____ county-level city
_____ township

(d) Why do you most anticipate you will end up in this area? (Check all the apply)

_____ Family is there
_____ Easy to find a legal job there
_____ My spouse or partner has a job there or prefers that region
_____ It most suits the area of law I want to practice
_____ Want to work in a region that has a shortage or lack of legal workers
_____ I like the climate/lifestyle of this region
_____ Salaries are high in this region
_____ Know people who can help me find a job there
_____ Other (please explain: ________)

28.
(a) Do you think you can pursue your career of choice in today’s job market?

_____ Yes, with no problems
_____ Yes, but may need to work in another field first
_____ Not sure
_____ Probably not
_____ Definitely not

(b)
(i) 4th-year undergraduates and final-semester students who have already found a job after graduation: Please explain the nature of this work and where this job is located (Others can skip to question 29)

Job: _______________
Location:

_____ province / municipality / autonomous region
_____ city
_____ county
(ii) What is your degree of satisfaction with this job?

_____ Very satisfied
_____ Somewhat satisfied
_____ Average
_____ Not very satisfied
_____ Not at all satisfied

29.
(a) Are your career plans the same as when you entered the current program in which you are enrolled?

_____ Yes (skip to question 30)
_____ No

(b) When you entered, did you plan to do law-related work?

_____ No (skip to question 30)
_____ Yes, wanted to be a lawyer
_____ Yes, wanted to be a judge (skip to question 30)
_____ Yes, wanted to be a procurator (skip to question 30)
_____ Yes, wanted to be a law instructor (skip to question 30)
_____ Yes, wanted to do other law-related work (please specify: ______)

(c) If you picked “wanted to be a lawyer” for your answer to question 29(b), please specify what type of law you wanted to practice (pick up to three choices)

_____ administrative law
_____ constitutional law
_____ criminal defense
_____ construction
_____ finance
_____ contracts
_____ real estate law
_____ restructuring shareholdings
_____ company and commercial affairs
_____ foreign investments
_____ enterprise mergers
_____ bills
_____ securities
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_____ intellectual property law
_____ electronic commerce
_____ information networks
_____ enterprise law consultant
_____ banking law
_____ environmental law
_____ labor law
_____ marriage and family law
_____ traffic accidents
_____ consumer rights / product liability
_____ international trade
_____ international commerce law
_____ public international law
_____ medical law
_____ general practice
_____ legal aid, general practice
_____ legal aid, workers rights
_____ legal aid, criminal defense
_____ legal aid, women’s rights
_____ military law
_____ arbitration
_____ Other (Please explain: ___________)

(d) Why did you want to do this type of work? (Pick all applicable answers)

_____ Interested in the subject matter
_____ Find the field challenging
_____ Able to obtain a high salary
_____ Easy to find employment in this field
_____ Want to help disadvantaged people
_____ Want to serve the strengthening of China’s legal system
_____ Want to aid in the development of China’s economy
_____ Work in this field is fairly easy
_____ Other (please explain_______)

30. Unified Judicial Exam

(a) Have you take the Unified Judicial Exam?

_____ No (skip to question 30(f)
_____ yes, once
_____ yes, twice
(b) Did you pass?

_____ On the first try (skip to question 30(d))
_____ On the second try (skip to question 30(d))
_____ No

(c) If you did not pass, do you plan to take it again?

_____ Yes
_____ No

(d) What was your primary method of preparing? (pick one)

_____ Used test preparation books to study on my own
_____ Attended law school classes and reviewed my class notes
_____ Took a prep course
_____ Did not prepare
_____ Other (explain: _______________________)
IV. LAW SCHOOL CLASSES AND ACTIVITIES

31. In general, what percentage of time do you attend all of your classes?
   _____ 90-100%
   _____ 70-89%
   _____ 50-69%
   _____ 30-49%
   _____ 10-30%
   _____ 0-10%

32. Have you asked a question in your lecture classes (seminars not included)
   _____ no
   _____ 1-2 times/class
   _____ 3-5 times/class
   _____ More than 5 times/class

33. Have you volunteered a comment in your lecture classes?
   _____ no
   _____ 1-2 times/class
   _____ 3-5 times/class
   _____ More than 5 times/class

34. Have you responded to a question a teacher has asked in a lecture class?
   _____ no
   _____ 1-2 times/class
   _____ 3-5 times/semester
   _____ More than 5 times/semester

35. Have you asked a professor a question after class?
   _____ No
   _____ 1-2 times/class
   _____ 3-5 times/class
   _____ More than 5 times/class
36. Please estimate your class rank among your section and list the number of people in your section

Rank: _______
Total number of people in your section: _______

37. Do you help your law school professors do research or other work?

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<tbody>
<tr>
<td>1. No</td>
<td></td>
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<tr>
<td>2. 1-3 hours/week</td>
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<td>3. 4-6 hours/week</td>
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<td>4. 7-10 hours/week</td>
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<td>5. 11-15 hours/week</td>
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<td>6. More than 15 hours/week</td>
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38. (a) Do you have any paying jobs, on or off campus?

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<tbody>
<tr>
<td>1. No (please skip to question 39)</td>
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<td>2. 1-5 hours/week</td>
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<td>3. 6-10 hours/week</td>
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<td>4. 11-15 hours/week</td>
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<td>5. 16-20 hours/week</td>
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<td>6. 21-30 hours/week</td>
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<td>7. 31-40 hours/week</td>
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<td>8. More than 40 hours/week</td>
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(b) Is this work law-related?

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<tbody>
<tr>
<td>1. Yes, I’m a lawyer</td>
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<tr>
<td>2. Yes, I’m a judge</td>
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<tr>
<td>3. Yes, I’m a procurator</td>
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<td>4. Yes, I work in a law office (but I am not a lawyer)</td>
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<tr>
<td>5. Yes, I work in a court (but I am not a judge)</td>
<td></td>
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<tr>
<td>6. Yes, I work in a procurator’s office (but I am not a procurator)</td>
<td></td>
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<tr>
<td>7. Yes, I am a law instructor</td>
<td></td>
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<tr>
<td>8. Yes, I am a police officer</td>
<td></td>
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<tr>
<td>9. Yes, I do other law-related work (specify________)</td>
<td></td>
</tr>
<tr>
<td>10. No, this work is not law-related (specify what kind of work it is______)</td>
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</table>
39. Undergraduates: Have you taken part in the clinic? (Master’s degree students can skip to question 43)

_____ Yes
_____ No, but I plan to apply
_____ No, I haven’t applied/do not plan to apply (skip to question 42)
_____ No. I applied but did not get in

40. If you participated in the clinic or plan to apply, what was/is your primary motivation for doing so? (pick all that apply) (Others may skip to question 42)

_____ Want practice experience
_____ Want to help disadvantaged people
_____ Thought/think it would be more interesting than regular classes
_____ Want to work with my classmates
_____ Provides the opportunity to get to know the professors in charge of the clinic
_____ For the sense of honor [for having been selected]
_____ Other (please explain________)

41. If you participated in the clinic, were you satisfied with your experience?

_____ Very satisfied
_____ Somewhat satisfied
_____ Average
_____ Not very satisfied
_____ Not at all satisfied

42. If you haven’t applied to the clinic and don’t plan to, what is the main reason why? (pick all that apply) (Others can skip to question 43)

_____ Too busy
_____ Not helpful to my studies
_____ Not interested in the cases the clinic takes
_____ Don’t want to represent criminal defendants
_____ Think it will adversely affect my studies
_____ Don’t plan to work in a law-related job after graduation
_____ Other (explain_______)
V. VIEWS TOWARD LEGAL EDUCATION

43. What skills and characteristics should a good law teacher have? (Check all that apply)

_____ Explains legal concepts clearly
_____ Frequently makes reference to legal theory during lectures
_____ Brings actual practice experience as a legal professional to the classroom
_____ devotes a significant amount of time to teaching and advising students and does not let practice outside school or one’s own research influence responsibilities toward students
_____ Expects a lot from students
_____ Sticks carefully to the textbook
_____ Mostly deviates from the textbook
_____ Entertaining
_____ Nice to students
_____ Easy to meet with outside of class
_____ Gives students research opportunities
_____ Other: __________________

44. I believe that, in general, the law professors at Sichuan University have the characteristics I selected in question 43)

_____ Strongly agree
_____ Somewhat agree
_____ Average
_____ Mostly disagree
_____ Strongly disagree

45. In general, I believe professors who do legal work in addition to teaching are better teachers than those who simply engage in teaching activities

_____ Strongly agree
_____ Somewhat agree
_____ No preference
_____ Mostly disagree
_____ Strongly disagree
46. I believe that the legal education I’ve received at Sichuan University is sufficient for a career as a lawyer

_____ Strongly agree
_____ Somewhat agree
_____ Not sure
_____ Mostly disagree
_____ Strongly disagree

47. I believe that the legal education I’ve received at Sichuan University is sufficient for a career as a procurator

_____ Strongly agree
_____ Somewhat agree
_____ Not sure
_____ Mostly disagree
_____ Strongly disagree

48. I believe that the legal education I’ve received at Sichuan University is sufficient for a career as a judge

_____ Strongly agree
_____ Somewhat agree
_____ Not sure
_____ Mostly disagree
_____ Strongly disagree

49. My degree of satisfaction with the legal education I’ve received at Sichuan University is:

_____ Very satisfied
_____ Somewhat satisfied
_____ Average
_____ Not very satisfied
_____ Not at all satisfied

50. My degree of satisfaction with the variety of courses offered at Chuanda is:

_____ Very satisfied
_____ Somewhat satisfied
51. My degree of satisfaction with Sichuan University classes outside of the law department is:

- Very satisfied
- Somewhat satisfied
- Average
- Not very satisfied
- Not at all satisfied

52. (a) The main focus of legal education should be: (Pick up to three and rank them in order of importance)

- Gaining knowledge about current laws
- Learning how to analyze legal problems
- Learning legal theory
- Developing litigation skills
- Developing negotiation skills
- Gaining actual experience representing clients
- Learning how to draft legal documents
- Learning to see both sides of a legal argument
- Learning how to advocate
- Learning professional and legal ethics

(b) Sichuan University Law School adequately stresses the answers I selected in 52(a)

- Strongly agree
- Somewhat agree
- Average
- Mostly disagree
- Strongly disagree

53. The law school has provided adequate education in professional responsibility and legal ethics

- Strongly agree
- Somewhat agree
- Average
54. If you could choose again, would you still study law?

<table>
<thead>
<tr>
<th></th>
<th>Mostly disagree</th>
<th>Strongly disagree</th>
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</table>

55. I believe that law is a powerful tool for social change

<table>
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<tr>
<th></th>
<th>Strongly agree</th>
<th>Somewhat agree</th>
<th>Not sure</th>
<th>Mostly disagree</th>
<th>Strongly disagree</th>
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56. Lawyers should play an important role in facilitating change in China

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Somewhat agree</th>
<th>Not sure</th>
<th>Mostly disagree</th>
<th>Strongly disagree</th>
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</table>

57. I believe that working as a lawyer in China in the following practice areas carries a high degree of personal risk (check all that apply)

<table>
<thead>
<tr>
<th></th>
<th>administrative litigation</th>
<th>corporate law</th>
<th>criminal defense</th>
<th>land disputes/evictions</th>
<th>civil rights</th>
<th>back wages</th>
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divorce law
Other (please specify___________)
I don’t believe working as a lawyer carries a high degree of personal risks

58. If I were a lawyer I would be willing to work in a field that I believe carries a high degree of personal risk

Definitely
Probably
Not sure
Probably not
Definitely not

59. Legal Professionals need to rely on guanxi to succeed in their law-related work

Strongly agree
Somewhat agree
Not sure
Mostly disagree
Strongly disagree

60. It is acceptable for lawyers to use guanxi to succeed in their work

Strongly agree
Somewhat agree
Not sure
Mostly disagree
Strongly disagree

61. Being a good legal professional means being able to suppress one’s emotions when engaged in legal work

Strongly agree
Somewhat agree
Not sure
Mostly disagree
Strongly disagree
62. In my opinion, it is correct to require all lawyers to volunteer some of their time to providing free legal services for disadvantaged people (This question is asking for your personal beliefs, not your knowledge of laws relating to this issue)

_____ Agree completely
_____ Lawyers should be made to provide some free services to others, but the recipients should not be restricted to disadvantaged people
_____ Lawyers should be encouraged but not required to provide free legal services to the disadvantaged
_____ Lawyers should be encouraged but not required to provide free legal services to the recipients of their choice
_____ Lawyers should not be required or encouraged; it should be up to each individual to decide
_____ Other (specify________________)

63. I believe a criminal suspect should be seen as innocent until proven guilty (This question is asking for your personal beliefs, not your knowledge of laws relating to this issue)

_____ Strongly agree
_____ Somewhat agree
_____ Not sure
_____ Mostly disagree
_____ Strongly disagree

64. In my opinion, when deciding a specific case, individual judges should consider: (check all that apply) (This question is asking for your personal beliefs, not your knowledge of laws relating to this issue)

_____ Advice of senior judges
_____ Advice of the court’s adjudication committee
_____ The laws on the books as they relate to the specific facts of the case
_____ Prior judicial decisions
_____ National policies
_____ Local political factors
_____ Party policy
_____ Social stability
_____ Views of party political-legal committees
_____ The judge’s relationship with the parties or the lawyers representing the parties
_____ Preserving face for the litigants
_____ Other (please specify: _______________ )
65. In my opinion, judges should have the power to interpret the constitution (This question is asking for your personal beliefs, not your knowledge of laws relating to this issue)

_____ Strongly agree
_____ Somewhat agree
_____ Not sure
_____ Mostly disagree
_____ Strongly disagree

66. A lawyer’s main responsibility should be to  (This question is asking for your personal beliefs, not your knowledge of laws relating to this issue)(pick one)

_____ client
_____ law firm
_____ the lawyer’s community
_____ Chinese society
_____ the state
_____ the party

67. I believe that being a lawyer is a well-respected job in Chinese society today

_____ Strongly agree
_____ Somewhat agree
_____ Average
_____ Mostly disagree
_____ Strongly disagree

68. In my opinion, lawyers in China pay adequate attention to ethics

_____ Strongly agree
_____ Somewhat agree
_____ Average
_____ Mostly disagree
_____ Strongly disagree
69. In your opinion which organ should take primary responsibility for regulating the legal profession and handling violations of professional ethics?

_____ The lawyer’s firm
_____ national lawyers association
_____ local bar association
_____ Courts and procurators
_____ Ministry of Justice

70. Compared to my views before entering this current program in law school, I now believe rule of law in China is:

_____ stronger and more effective than I previously thought
_____ Is less effective than I previously thought
_____ My views have not changed

ADDENDUM

71. (a) In general what methods do your law professors use when they teach? (Can select more than one answer)  (Please base your answer on all the classes you attend in a given semester)

_____ Lectures based on the textbook
_____ Lectures based on other materials
_____ Leads student discussion
_____ simulation activities such as mock trials
_____ Other (please specify: ____________)

(b) Of all the answers you selected in 71(a) which method is the one, in general, used most frequently by your teachers?  (Please pick only one answer)

_____ Lectures based on the textbook
_____ Lectures based on other materials
_____ Leads student discussion
_____ simulation activities such as mock trials
_____ Other (please specify: ____________)
72. (a) In general, when your law professors lecture, what subjects do they touch on? (Can select more than one answer) Please base your answer on all the classes you attend in a given semester)

_____ legal cases
_____ legal theory
_____ current laws
_____ current government policy
_____ current party policy
_____ legal/professional ethics
_____ The legal system of other countries
_____ The U.S. legal system
_____ International law
_____ Local Chengdu legal regulations
_____ Sichuan province legal regulations
_____ Other (please specify: ____________)

Of all the answers you selected in 72(a) which subject is the one, in general, touched upon most frequently by your teachers? (Please pick only one answer)

_____ legal cases
_____ legal theory
_____ current laws
_____ current government policy
_____ current party policy
_____ legal/professional ethics
_____ The legal system of other countries
_____ The U.S. legal system
_____ International law
_____ Local Chengdu legal regulations
_____ Sichuan province legal regulations
_____ Other (please specify: ____________)

Thank you very much for completing this survey!