

# Enhancing the Rule of Law by Building Professional Skills



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**PACIFIC**  
McGeorge School of Law





# Qingdao, July 2009

- Professor Brian Landsberg
  - University of the Pacific, McGeorge School of Law
- Professor Elliott Milstein
  - American University, Washington College of Law
- Professor Luo Wenyan
  - Zhejiang Gongshang University
- Professor Xu Shenjian
  - China University of Political Science and Law
- Professor Teng Hongqing
  - South China University of Technology



# Purposes of Grant

- Enhance capacity of Chinese law schools to provide education in lawyering skills and to provide clinical legal services.
- Enhance American understanding of Chinese legal system and legal education.
- Enhance rule of law by encouraging a higher level of professionalism, ethics, process and transparency.



# Professor Wan Exiang

- Vice President of the Supreme People's Court of the People's Republic of China

“A market economy requires the “rule of law” to govern the growing economy and to adjudicate social conflicts.”



# A Partner School Motto

法 治 天 下  
学 问 古 今

法学院院训

To rule by law under heaven, to learn from ancient and modern.

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# Program Design

- Train the trainers
- Learn by doing
- Participants develop teaching plans



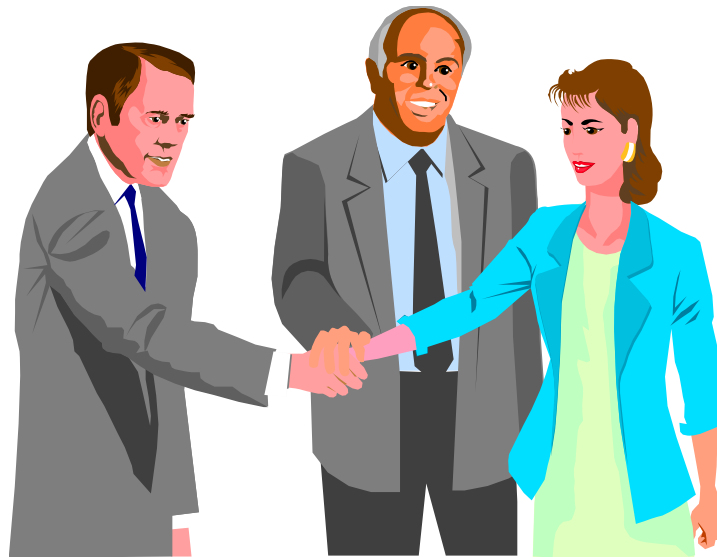
# Program Design, Phase One

- **Creation of partnerships between Chinese and U.S. law schools.**
- **Expose Chinese law professors to techniques of teaching professional skills.**
  - Summer workshops.
  - LLM programs at Pacific McGeorge and Washington College of Law for junior faculty.
- **Reciprocal visitorships to enhance mutual understanding.**
- **Conferences.**
- **Pilot programs, followed by full implementation.**



# The Core Idea of Clinical Education:

- *Placing Students in Professional Roles is an Essential Component of Professional Education*





# Implementation – Summer Workshops



- CCCLE  
Professor Cai Yanmin  
Summer 2007  
Professor Chen Jianmin  
Summer 2008



# Negotiation/Mediation, Professor Fred Galves





# Small Group Negotiation Session





# Receiving Feedback





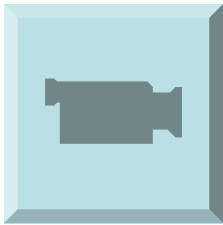
# Class Discussion of Negotiation Session





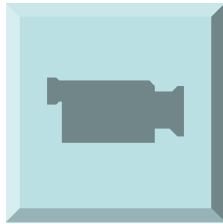
# Arbitration

## Professor Cary Bricker





# Arbitration





## *Most important goals of in-house clinics:*

- Client-centered lawyering
- Theory-driven preparation and advocacy
- Professionally responsible legal work
- Develop and shape facts
- Persuasive advocacy
- Strategic Planning and problem solving
- Reflective Practice



# Using the Clinic to Teach Ethics





# *Learning Modes in Clinics:*

- Fieldwork
- Supervision
- Seminar
- Case Rounds



# Clinical workshop

- Client interviewing
- Theory of the client
- Theory of the case
- Fact investigation
- Client counseling
- Negotiation



# Visitorships

- Chinese visitors to U.S. schools
- U.S. visitors to Chinese schools



# LL.M. Programs



- *I want to learn the ethics of the U.S. legal system, not the specific regulations. I also want to know the purpose/reason and effect of such kind of teaching. In fact, I've used some of the teaching style in my class, but not so often.*
- *I will have a class of advocacy either independently or with other teachers, translating what I learned here. And I will do research on the proper style to make it efficient. What's more, this kind of teaching style can be used in other areas - for example in my international economic class, to make students think more like lawyers.*



## Phase Two

- CCCLE becomes a key participant
- Faculty from Phase I schools will help train faculty from other Chinese law schools
  - Summer workshop to design training
  - training for Phase II schools during school year and summer 2010
- LLMs from provincial schools
- Creation of more program materials
- Faculty visits to Phase II schools



# Ultimate objective

- Capacity building by
  - Enabling participant law schools to strengthen their programs
  - Creating a cadre of professors with expertise in experiential education
  - Encouraging interaction by other Chinese and U.S. law schools interested in experiential education



# Ultimate objective

- A growing number of Chinese lawyers and judges with critical skills that will promote the rule of law.