
USAID RULE OF LAW PROGRAM

EXPERIENTIAL LEGAL EDUCATION IN CHINA
UNIVERSITY OF THE PACIFIC MCGEORGE
SCHOOL OF LAW

FINAL REPORT

JULY 30, 2012

Prepared by

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McGeorge School of Law

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I. Overview

A. Brief history of the program

In September 2006, USAID awarded a cooperative agreement in the amount of \$1,108,013 to the University of the Pacific/McGeorge School of Law (Pacific McGeorge) to support the Enhancing the Rule of Law by Building Professional Legal Skills Program. Since September 2007, the program has received additional funding totaling \$1,256,170; total funding amounted to \$2,364,183. The project was extended until July 2012. The overall goals of the program were to enhance the capacity of Chinese law schools to provide training in lawyering skills and clinical legal services, and to enhance the Rule of Law by encouraging a high level of professionalism, ethics, process, and transparency. This “train the trainers” program focused on introducing experiential teaching methodologies into Chinese legal education through a combination of activities for Chinese law professors, including workshops, study tours, conferences, and faculty exchanges. For the first few years it also brought Chinese law professors to the United States to study experiential legal education methods as part of LL.M. programs at Pacific McGeorge and American University’s Washington College of Law. The program also organized participating professors into teams to write books of curricular materials, handbooks, and a book of effective practices in Chinese experiential legal education.

The program began as a partnership between Pacific McGeorge, American University, and three Chinese universities: China University of Political Science and Law (CUPL) in Beijing, Zhejiang Gongshang University (ZGU) in Hangzhou, and South China University of Technology (SCUT) in Guangzhou. Later, five more Chinese universities joined the program: Southwest University of Science & Technology (SWUST) in Mianyang City, Sichuan Province,

North University of Nationalities (NUN) in Yinchuan, Ningxia Hui Autonomous Region, Southwest University of Finance & Economics (SWUFE) in Chengdu, and Wuhan University (WU) and Huazhong University of Science & Technology (HUST), both in Wuhan. American University's official participation in the program ended at about the same time, though a number of its professors continued to participate. Starting with the first workshop held in August 2007, the Committee of Chinese Clinical Legal Educators (CCCLE) participated in the program. CCCLE's participation steadily increased over the life of the program, enabling us to reach its network of 146 law school members. This relationship helped the program broaden its impact, establish consistency and trust, and create ongoing collaborative relationships between US and Chinese law schools. Moreover, the program's collaboration with the CCCLE has further enhanced US educational institutions' relationship with the Chinese government since the CCCLE is recognized by the Chinese central government.

In 2006, during the initial phase of the program, Pacific McGeorge formed an Advisory Board consisting of twelve legal experts from China and the US. Advisory Board members made periodic suggestions to implementing institutions in an effort to ensure that project activities would meet project goals and objectives. The Advisory Board was ultimately disbanded because of funding limitations. An independent consultant was also retained to report to the Advisory Board, partner institutions, and individual project staff members on the quality, quantity, and timeliness of work being performed. In May 2009, Pacific McGeorge entered into a subcontract with China Law and Development Consultants (CLD), a Chinese NGO that supports non-profit development work. The new subcontract gave the program an on-the-ground presence, which had been missing, and allowed more consistent and ongoing interaction with participating universities and CCCLE. CLD was able to assist with identifying appropriate partner universities, coordinating local training programs, providing monitoring and evaluation support, and providing valuable advice on program strategy, day-to-day operations and implementation issues. CLD and Pacific McGeorge stayed in frequent contact via biweekly telephone conference calls.

B. Brief summary of the report

This report begins with a description of the program's major achievements. Although it is not possible to project what the long term impact of the program has been, the short term objectives have been met and there is strong evidence that the program results are both sustainable and far reaching. The train the trainers approach resulted in the expected multiplier effect, providing the participating Chinese law professors not only experiential tools to use in teaching their students, but also the ability to serve as trainers of their colleagues as well as law professors from other universities in China and abroad. Both objective measures, such as bar examination results, and subjective measures, such as student and professor evaluations of the program, support this claim of success. The strengthening of clinical legal programs brought

students into contact with the less advantaged classes and instilled in them a deep understanding of the public service mission of lawyers, prompting one clinical professor to pronounce: “I have hope.” Moreover, the students in clinics and simulation courses are now practicing the concept of client centered lawyering. Experiential learning has deepened student understanding of traditional doctrinal courses and legal ethics as well. Finally, publication of three new books of curricular materials and effective practices in Chinese legal education this year leaves an important legacy. The books are in the process of being distributed to all 146 Chinese law schools currently belonging to the CCCLE, were featured in three conferences in June 2012, and will be featured in future CCCLE programs such as one occurring in Wuhan in August 2012.

This report also explains the key lessons learned over the past five and a half years. Our experience confirms that improving Chinese legal education is a prerequisite – though not alone sufficient – to consolidate the rule of law in China, and that experiential methods are a necessary component of any improvements. We learned that persuasive lawyering skills are highly relevant to the practice of law in China and that training in experiential teaching of these skills is among the important contributions US law schools can uniquely provide to Chinese law teachers. The train the trainers approach not only has a multiplier effect, but is a sustainable practice – and Chinese professors are very receptive to learning how to use experiential methods in their teaching. They are also receptive to the social justice goals of clinical education. The report concludes with a number of suggestions as to future needs offered by our participating Chinese faculty and deans and a series of appendices, including short reports on the June site visits to each of the eight Chinese partner schools.

This report was prepared jointly by Professors Bloch and Landsberg in their respective capacities as Project Consultant and Project Director. It is based in part on a series of site visits to the eight participating Chinese law schools in June, 2012. They were assisted during those site visits by Pacific McGeorge Professors Carrie Bricker and Mathew Downs, who also assisted in the preparation of some of the individual site visit reports included in the appendices. The eight individual site visit reports are attached as Appendix I. The Statistical Summary, attached as Appendix IV, was prepared by Ms. Ly Lee, Coordinator of the Centers of Distinction at Pacific McGeorge.

II. Accomplishments

This section of the report focuses on the program’s accomplishments relative to certain key goals that developed over the course of its five-year run. To some degree, these goals date back to the beginning of the program; its purpose from the outset was to train individual faculty from Chinese partner schools in experiential legal education methods in order to enhance their ability to run clinical programs and provide persuasive lawyering training to their students. And one of the original sustainability goals was to create a cadre of experienced teachers who could

not only use experiential legal education methods but could also teach others to use them. The program also sought to emphasize the two most important opportunities that clinical programs and persuasive lawyering courses offer for broadening the law school curriculum: bringing the public role of lawyers to forefront by involving students directly in public service (actual or simulated), and deepening the students' learning of lawyering skills and values. A final goal, pursued throughout the program but concentrated on more directly at the end, was the creation of publications and materials on experiential legal education that will assist in the further development of clinical programs and persuasive advocacy courses at Chinese law schools.

A. Training of individual faculty from participating schools in order to create a cadre of experienced teachers who use – and can teach others to use – experiential legal education methods.

These goals have been accomplished in a wide variety of ways over the course of the five years that the program was implemented. During the first phase, when the program included only the three original Chinese partner schools, there were two main efforts aimed at training individual faculty from those schools in experiential legal education: two intensive three-week workshops in the summers of 2007 (in Guangzhou) and 2008 (in Hangzhou), and year-long LL.M. studies by Chinese colleagues at Pacific McGeorge (for persuasive lawyering) and American University (for clinical education). Following a site visit to the three Chinese partner schools in November 2008, the program's consultant reported that the program has had a direct impact on course content and teaching methods at all three schools as a direct result of the two summer workshops and the LL.M. studies undertaken by Chinese colleagues in the US. More specifically, he observed new or revised advocacy skills classes and clinical programs at each of the Chinese partner schools that drew on the knowledge and experience gained by Chinese faculty at the workshops and in their LL.M. studies. A copy of Prof. Bloch's report on those site visits is attached as Appendix III.

Chinese partner schools have continued to add and improve clinics and advocacy skills courses throughout the remaining years of the program. For example, the faculty at SWUFE added a required second-semester, second-year Legal Practice Skills course for post-graduate students that covers a wide range of lawyering skills, focusing on those most useful in Chinese legal practice. In addition, some form of experiential learning has been added in approximately 10 traditional courses, most of which use materials received from the program. At SWUST, all of the participating faculty members now use experiential methods in their teaching. Thus, students in Professor Zhou Yuexue's WTO course carry out role plays based on China-oriented labor law cases; students in Professor Yu Lin's Contracts class draft contracts, negotiate contracts, and argue contract cases. The faculty at HUST has expanded the number of its clinical programs and skills-based curricular offerings and has incorporated experiential learning into other courses as well.

With the shift to the second phase of the program, the goal of training the more experienced Chinese colleagues in teaching others to use experiential legal education methods became more explicit. Thus, the first summer workshop that included the five new Chinese partner schools – in Wuhan in December 2009 – focused not only on training faculty from the new partner schools in experiential legal education, but also on having the US faculty work closely with Chinese colleagues from the original three partner schools to develop their own models for training future Chinese clinical teachers. Moreover, faculty members from the original three Chinese partner schools and some of the more experienced faculty from two of the five new Chinese partner schools (HUST and SWUFE) joined with US faculty to prepare the workshop at a planning meeting in Qingdao the summer before and the teaching faculty consisted of four US faculty and four faculty from Chinese partner schools (Dong Jingbo and Xu Shenjian from CUPL and Hu Minfei and Liu Jian Ming from ZGU), with major parts of the training carried out by the Chinese partner school faculty. Similarly, the preparations for and the implementation of the training workshop in Chengdu in 2010 were a collaborative effort among colleagues from the program’s US and Chinese partner schools. The program’s related work on creating curricular materials is a striking example of the its success in creating a cadre of experienced teachers who can meet its twin goals of both using experiential legal education methods more effectively and teaching others to do so. As discussed below relative to the program’s publications, those materials were developed and prepared in part at a workshop in 2011 attended by faculty from all of the program’s Chinese partner schools at which US partner school faculty served in a consulting role to their Chinese colleagues.

The continuing results of the program’s training of faculty at its Chinese partner schools to train others in experiential legal education were evident during the final site visits in June. Indeed, one of the very effective teachers we observed at CUPL had not participated in any training classes led by trainers from the US, but had been trained over the past three years by Chinese trainers. As one would expect, many of the most effective Chinese partner trainers are from the three original Chinese partner schools. For example ZGU Professors Liu Jianming, Hu Minfei, and Luo Wenyan served as trainers in program workshops and have also trained colleagues at ZGU and at other law schools in China. In addition, professors from ZGU have spoken about experiential legal education at conferences, in Wenzhou, Jinhua, Hangzhou, the United States, and Spain. CUPL professors have also sought to train their colleagues. Many professors from CUPL have written about experiential teaching techniques and have provided training in experiential teaching methods both within CUPL and at regional or national conferences focused on clinical and experiential teaching. Participating faculty have also spoken on experiential methods at local, national, and international programs. A number of the faculty members involved in the program from SCUT have visited other law schools to talk about and demonstrate the methodology presented at program workshops. In addition, SCUT has developed a cooperative relationship with Phase Two Chinese partner school NUN on

developing practical legal education. But faculty members from Phase Two Partner schools have also begun to engage in outreach training. Participating professors from SWUST conduct regularly scheduled trainings for other SWUST faculty members and have spoken on experiential methods at other law schools in China and abroad. Similarly, various faculty members from SWUFE have shared what they have taken from the program with their colleagues at SWUFE and with others at other law schools in Sichuan Province. Moreover, Prof. Wang is currently engaged in a research project in which he is reporting on and assessing the impact of the experiential teaching methods learned at the program workshops, with assistance from all of the other faculty members who participated in the program. And finally, a number of faculty members from HUST have discussed clinical and experiential teaching methods at regional and national conferences focusing on legal education in China.

B. Public service

The program has had two different but complementary public service goals, both of which have been accomplished to a significant degree. The first, which involved the introduction of the concept of “client-centered lawyering” into the clinical and persuasive lawyering curriculum, sought to focus professional skills training in China toward a more collaborative model of representation between lawyer and client. The second was to promote and support greater access to justice in China by demonstrating to law students through real-client contact the need of ordinary Chinese for legal assistance in a variety of contexts – and actually providing needed services to the community through law-school based legal clinics. A third public service goal, which can be seen as a different form of providing access to justice, was to incorporate Street Law or Street Law-type activities into the Chinese clinical curriculum.

Client centered lawyering

The concept of client-centered lawyering was first brought up in the early clinical training, drawing on current US lawyering literature to the effect that the primary aim of a lawyer’s work is to seek out and carry out the client’s interests. Workshop exercises and materials featured both the theory and practice of client-centered lawyering in different contexts, ranging from non-litigation settings such as interviewing and counseling to developing the theory of a case and addressing issues of professional ethics. Teaching client-centered lawyering has remained an important part of the program’s public service goal even as the program turned more toward developing and implementing Chinese models of experiential teaching methods. The continuing success of this effort can be seen in Professor Liu’s clinic class that we observed during the final site visit to ZGU. During a simulation exercise, based on a case handled by the clinic the year before, the class was broken down to three groups to come up with a case theory based on known facts and other facts that could be obtained. Reminding the students of the client-centered approach to lawyering, Prof. Liu instructed the students to consider the client’s

options, how they would communicate those options to him, and what sort of additional guidance they needed from him. Similarly, Professors Hu and Wang address the lawyer-client relationship in their negotiation class, including client control over the matter and the importance of obtaining authority to act on behalf of a client.

Access to justice

The program's efforts at training Chinese clinical teachers sought to maintain a balance between what are sometimes thought to be two conflicting goals of the clinical education movement: teaching lawyering skills vs. providing legal services to the community. It was able to avoid the pitfalls of this teaching-service dichotomy in part due to the fact that there was already a substantial clinical movement in China before the program began. The early clinical programs were set up in China at the beginning of this century with the assistance of the Ford Foundation and a group of US clinicians from law schools with well-established public service-oriented clinical programs that also concentrated on systematic training in lawyering skills (among others, Yale Law School, Columbia Law School, and Georgetown Law Center). This approach has been carried forward in China with the guidance of the CCCLE, with which, as noted earlier, the program has collaborated since its first training workshop (and with which it has increased its collaboration as the program developed). As a result, each of the program's Chinese partner schools has either created or developed further a component of its experiential learning curriculum that enhances access to justice for the less fortunate populations in their communities.

At some law schools the program prompted the introduction of entirely new opportunities for students to work directly in and serve the local community; at others, the program instigated expansions of and improvements in existing programs. In some instances, these new or improved programs are academic credit-bearing courses, which may be dedicated clinical courses or a clinical component of an otherwise more traditional doctrinal course. In other instances, they are incorporated into an internship program designed to fulfill undergraduate students' mandatory internship requirement. In this regard, the results have varied considerably among the eight Chinese partner schools and also between the three original partner schools and the five new schools added during the second phase of the program. One limitation shared by many – but not all – of the schools in the program is a difficulty in obtaining appropriate cases for students to handle in the clinics. This problem was quite pronounced in the early years of the program at the three original Chinese partner schools but seems to have been alleviated more recently through collaborations with local law firms and legal aid organizations.

During our final site visits to Chinese partner schools we saw a number of important substantive areas of public interest addressed in clinics or other experiential learning settings, or were told of plans to address them. These areas included employment, housing, disability,

gender, children, and the environment. For example, legal matters handled at the Clinic for Rural Affairs at HUST involve property law, family law, inheritance rights, and the right to seek benefits from local administrative offices. Other clinics handled general administrative matters. HUST hopes to expand its clinical offerings to include a labor law clinic and an environmental clinic. Students at HUST also participate in environmental law administrative matters in collaboration with the Chinese Environmental Protection Legal Assistance Center. The civil litigation clinic at WU deals with administrative law matters, focusing on the rights of minors/rights to education. WU hopes to expand its community-service and legal justice initiatives, possibly including environmental law, rights of women/gender-based discrimination, and rights of the disabled. Among the initiatives students have worked on in the local legislation clinic course at NUN was environmental protection in the rural areas around Yinchuan. At CUPL, there is a specialized clinic addressing student disabilities (access to education) and elder care, and the general administrative clinic addresses issues of public interest such as property/housing, eminent domain, and employment/labor.

Street law

As with the access to justice projects described above, some law schools in China had organized Street Law-type programs, in which students inform groups in the community about various laws of particular interest to those groups, before the program began. In many instances these types of community education programs, or “legal propaganda” projects, were extra-curricular activities. In a number of the program’s partner law schools they have now been incorporated into their curriculum using the experiential legal education methodologies presented in program workshops and trainings. For example, students in the Community Clinic at WU work in a variety of community service-oriented projects, including outreach intended to alert the public to social and legal services and their rights. SCUT students interning at the Nansha District People’s District Court have helped with the Court’s community outreach activities, most recently in a project to educate teenagers about juvenile law and the juvenile criminal process.

C. Student learning

The ultimate goal of the program was to enhance student learning at Chinese law schools by supporting an expansion of the curriculum to include more emphasis on lawyering skills and values through the use of experiential teaching methods. Student learning has been enhanced at the Chinese partner schools as a result of the program in three main ways. The first two relate back to the program’s success at supporting the creation and expansion of clinical programs and persuasive lawyering courses in China, as described above. Through the use of experiential legal education models developed for Chinese law schools at the program’s workshops (and during its various faculty exchanges, including Chinese faculty study in the US) and their direct exposure

to the problems of the less fortunate members of their communities, Chinese law students are now able to understand more fully the importance of lawyers' public professional role. And through case work and simulation exercises in clinics and in classrooms, they can learn important lawyering skills and address critical issues of professional and ethical values. A third way that student learning has been enhanced through the program's work on experiential legal education is more active and effective learning of doctrine. Set out below are five specific areas in which student learning has been enhanced at Chinese partner schools, including some examples of each drawn from our final site visits.

Understanding problems of the less fortunate.

Students' understanding of the problems of the less fortunate comes about through their direct contact with members of the local community, most often in the context of providing some sort of client representation in a clinical course. For example, students at NUN learn about problems facing lower-income members of the community as the casework in the clinic is handled through legal aid offices located on campus and at local government offices. Notably, the program was created collaboratively by the Director of the XiXi District administrative offices and the faculty at NUN, who shared a vision of providing practical legal education and providing legal services to under-served local citizenry. Students are also exposed to the role of law in protecting the interests of the public in the local legislation clinic course, in which they work on various initiatives including the provision of public transport within the City of Yinchuan and environmental protection in the rural areas around Yinchuan.

Persuasive lawyering skills.

Students in the Practical Skills course at SCUT work on all phases of litigation, including pre-trial preparation, court investigation, and court debate. The course focuses on case analysis, use of language, strategic thinking, and professional ethics and standards. In the classroom portion of Professor Teng's Urban Legal Clinic, students conduct exercises on client interviewing, counseling, and negotiation. CUPL has brought about a significant expansion of persuasive lawyering courses, including arbitration, mediation, and advocacy. The two-credit Legal Practice Skills course at SWUFE covers a wide range of lawyering skills, focusing on those most useful in Chinese legal practice.

Negotiation and mediation skills.

Students we interviewed in ZGU Prof. Liu's clinic class felt that negotiation was among the most beneficial skills covered in the class. Thus, one student noted that "negotiation skills are just skills, but we also learn the thinking modes of a lawyer. So we can make up a new skill from what we have learned." Students in the negotiation class taught by ZGU Professors Hu and

Wang cited that fact that the course covers related issues such as the role of ADR in the Chinese legal system and cross-cultural concerns that can arise when negotiating opposite someone from a different country. The mediation/arbitration class at HUST is particularly popular, and Professor Cheng's negotiation class at SWUST engages students in active learning using methods he learned from the program.

Professional and ethical values.

Student learning of professional and ethical values permeates the clinical and skills curriculum and are discussed regularly in all courses that include real or simulated interaction with clients and various actors in the legal process. For example, weekly classroom sessions in the civil clinic course at NUN focus on legal ethics and professional responsibility, in addition to interviewing, investigation, drafting, research, case analysis and pre-trial preparation, negotiation, mediation, and civil litigation. Students in ZGU Prof. Liu's clinic class mentioned that one of the main values of a clinical course is that they learn about "good standards of practice."

Enhanced learning of doctrine.

A number of students we interviewed at CUPL mentioned with great emphasis that the various clinics and classes that include skills-based instruction assisted them to understanding better legal doctrine and principles. One of the students we interviewed at HUST observed that they learn theory in law school, but in the clinic they learn how to use the theory and gain knowledge that you can't get from a textbook.

D. Publications

A key complementary goal of the program was to create and publish materials that could be used by Chinese law teachers in their clinical programs and persuasive courses. This was accomplished by having US faculty collaborate with Chinese colleagues on various publications over the past five years, culminating in the year-long curricular materials project that began at the 2011 summer workshop in Yinchuan and the Effective Practices project, launched in a September 2011 workshop in Beijing with a subsequent workshop in January 2012 and a further meeting in Hangzhou in March. Together these two projects produced three books that were rolled out at conferences in Beijing, Hangzhou, and Wuhan in June, 2012. A report on those conferences is attached as Appendix II. In addition to the production of these publications, the program provided training on preparing publications (most notably at the Yinchuan workshop, where training in preparing curricular materials was a significant part of the agenda).

The first major publication coming out of the program was a book of case files, “Representing the Client — Case Files,” a compilation of files created as a result of the Hangzhou workshop in the summer of 2008. Other publications written by faculty from Chinese partner schools during the course of the program include set of simulation exercises for use in clinical and persuasive lawyering classes co-written by eleven professors at ZGU and co-edited by Liu Jianming and Luo Wenyan, a Chinese translation by a group of clinicians at CUPL of “Best Practices For Legal Education — A Vision and A Road Map,” a highly regarded work prepared under the auspices of the US Clinical Legal Education Association by Roy Stuckey and others, and “Access to the Justice: Clinical Legal Education,” co-written by Teng Hongqing and Liu Changxing of SCUT. As noted earlier, three major publications came out of the program’s final workshop on curriculum materials held in Yinchuan in 2011 and the Effective Practices program: “Skills Training Handbook for Experiential Teaching in Doctrinal Law Courses,” which explains how experiential methods can be used in traditional law courses and includes simulations that can be used in courses on labor law, economic law, civil procedure law, criminal law, intellectual property law, and others; “Handbook for Teaching Experiential Legal Education,” which explains how to teach clinical courses, persuasive lawyering courses, and negotiation/mediation courses and also includes case files that can be used in simulation courses; and “Effective Practices of Experiential Legal Education,” which explains the theory and learning outcomes of experiential legal education, with guidance on how to structure clinical programs and simulation-based skills courses such as persuasive lawyering and negotiation/mediation. A complete list of publications produced during the course of the program is attached as Appendix IVD.

III. Lessons learned

Legal education reform is a necessary element of the rule of law in China.

The premise of the program was that a necessary element of bringing about the rule of law is the existence of lawyers, judges, and government officials with professional values and skills. Not only have participants in the program repeatedly echoed that thought, but perhaps the leading thinker in Chinese legal education, He Weifeng of Beijing University, recently wrote the following:

“So-called judicial professionalism, or professionalization, should be realized in several respects. For example, we should really treat judicial power as a special kind of power, one different from executive or legislative power. First of all, those who exercise this power should possess good specialized training and excellent abilities in legal thinking and analysis, as well as an ability to use the law to respond to society’s needs.”

<http://www.duihuahrjournal.org/2012/06/he-weifang-legal-reform-resolve-and.html>

Moreover, the Chinese Ministry of Education noted in December 2011 that “there is an urgent and imperative need to improve the quality of legal talent training program in China’s higher legal education reform and development.”

US legal practices are relevant to teachers of Chinese law

Both US clinics and US simulation courses and methods are transferable to the Chinese context, with some variations due to the nature of Chinese law and legal education. Thus, our partners at CUPL thought it worthwhile to translate the US book, Best Practices for Legal Education, and some case files are based on cases used in training US lawyers. Chinese clinics in the program are using the methods of supervision, reflection, case rounds, and client centered lawyering. The same is true for advocacy skills training, which includes training in negotiation and mediation. While we changed the label to “persuasive lawyering skills,” our recent evaluation trip provided numerous examples that contradict the statement in the 2011 US AID China Rule of Law Program Performance Evaluation to the effect that the program’s advocacy skills training had “little impact” due to differences between US and Chinese court procedures and the status of judges in the two countries (p. 21). Repeatedly, without prompting, Chinese professors and students thought that the advocacy training had provided skills they would need, especially in interviewing clients and witnesses, conducting examinations, and conducting debate. Students in the Moot Court class at ZGU said that the course helped them achieve practice skills, both written and verbal, and provided the opportunity to use theory and solve problems. Professor Wang from ZGU said that ZGU professors trained judges with the techniques learned in the program. Professor Wang Jianfe of HUST pointed out that the use of the methods he learned in the program helps students master theory and practical skills. Professors Li and Ye at WU noted that in teaching interviewing of clients and witnesses, they now explain the differences between open-ended questions, closed questions, and leading questions – and have the students learn when to use each. Professor Ye added that case theory was very useful in teaching students how to design a defense in a criminal case. Students at WU noted that they had learned how to use the other side’s evidence, the importance of knowing the details, and what their duty to their client is. Students at SWUST commented that they had learned Chinese criminal procedure, including cross-examination and other examination. Finally, some participant schools are now teaching courses modeled on our persuasive lawyering courses and two have also used Pacific McGeorge Professor Jay Leach to teach advocacy, thus demonstrating their view that this is an important course in China.

Train the trainers program has the expected multiplier effect.

At most of the participating schools faculty who participated in the program have trained colleagues who did not participate. In addition, several faculty members trained in the program have become trainers at other Chinese law schools, in conferences, and even abroad. For

example, five faculty members from Chinese partner schools gave presentations at a major international conference in Spain in 2011, organized by the Global Alliance for Justice Education (GAJE) and the *International Journal of Clinical Legal Education*. Moreover, the addition of the CCCLE as a partner has brought its over 140 member law schools into contact with the program by, for example, distributing to member school the curricular materials and effective practices books produced by the program.

Train the trainers program is more effective in providing sustainability.

A program to train students, lawyers, or judges does not guarantee sustainability. We projected that a train the trainers program would prove to be sustainable, and we believe that belief is supported by experience in the program. We consciously – and successfully – shifted the responsibility for later train-the-trainers workshops to Chinese colleagues, as noted as one of our accomplishments in Section II above. Several participants in the program have been promoted to higher ranks and to leadership positions, and a key participant, Xu Shenjian of CUPL, has been elected to the CCCLE board. Sustainability will be strengthened by the Chinese Ministry of Education policy, announced in December 2011, which includes guiding principles and methods of achieving them. Thus, the Ministry announced “we will increase the portion of experiential courses in legal education, ensuring that the academic credits ... of experiential courses take up no less than 15% of the total.” The Ministry also announced that it would “establish about 80 practice-oriented and integrative legal talent education and training bases, around 20 internationally oriented legal talent education and training bases and around 20 grassroots legal talent education and training bases for West China.” Some of the participant schools in the program have applied to be among those bases and are awaiting a decision from the Ministry. In addition, local education associations have become involved; for example, the Zhejiang Association for Legal Education co-sponsored the Hangzhou conference in June 2012.

Longer term training is more effective than short term training.

The program workshops began as three week programs. In addition, for the first few years of the program we offered one-year-long LL.M. programs at Pacific McGeorge and American University. Later, we conducted a two-day training session for CCCLE in Harbin. Although we have since heard from one Chinese professor that she has been using what she learned at the Harbin workshop, the teachers in the workshop felt that in two days we were able to deliver only a superficial understanding of clinical legal education. Subsequent workshops have been one week long. They have had some success, but the learning is not as deeply embedded as the training from the three-week workshops. On the other hand, repetition has helped: the same trainees attended one-week workshops in Wuhan, Chengdu, and Yinchuan, and some of them also took part in the ten-day study visit to the United States. The professors who

took the one-year LL.M. course at Pacific McGeorge or American University tend to have the deepest understanding of experiential legal education.

Many Chinese law professors are receptive to rule of law training.

The workshops, LL.M. programs, study visit, and book projects all required a substantial commitment of time and effort from the Chinese law professors. With few exceptions they responded enthusiastically to these activities. Many expressed concern over the current condition of the judiciary and the profession, and made clear their desire to provide learning that would help their students act professionally. One wrote his LL.M. thesis on “Black Society under Red Flag: A Case Study about Modern Chinese Criminal Underground and Its Legal Counterstrike.” Another, in his thesis about how to teach Constitutional Law in China, noted: “Basic skill means the ability to apply rules. The ability to apply law is an ability to apply constitutional rules on constitutional facts and to analyze and decide the constitutionality of law or regulations.”

Simulation courses and clinical courses have a natural synergy.

Most Chinese legal educators do not draw a sharp line between simulation and clinical courses. Several speakers at our closing conferences commented that simulation lessons are part of the clinical course and that simulation courses are both valuable in their own right and also form a bridge between traditional courses and client clinics.

US programs in China require long-term presence in China.

Building relationships is a long-term process and is essential to success. The fact that for over five years there was a reliable interchange between the program and the three original partner schools – and for three years with the five additional Phase II schools – created a level of trust and interaction that cannot be attained by a hit-and-run program.

IV. Future needs

Expand to more law schools, especially in poorer regions of China.

The program began in well-known areas of China and then expanded more to the center and southwest. As the Ministry of Education has recognized, the greatest needs are now in the west.

Expand to judges colleges.

In addition to the national judges colleges, there are provincial judges colleges. They could use help in introducing experiential methods to the training and continuing education of judges. In addition, colleagues at WU pointed out that many student internships are with judges, many of whom lack understanding of how to make the internship a learning experience for the students.

Refresher workshops for past participants.

Refresher workshops would enable more Chinese trainees to become trainers and would also sharpen their teaching skills and give them an opportunity to grow as teachers.

More publications.

More curricular materials, especially for traditional courses, are sorely needed to supplant or replace existing non-experiential materials. Scholarship on clinical legal education should be encouraged, both for its intrinsic value and as a step toward elevating the status of clinicians in China.

Use trainers to provide continuing legal education to lawyers.

Continuing legal education in China could become much richer if teachers trained in experiential methods could offer courses to upgrade the professional skills and values of lawyers.

Appendices

I. Individual site visit reports (June 2012)

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Appendix I

Individual site visit reports (June 2012)

A. Site visit report for China University of Political Science and Law (CUPL)

This site visit was conducted by Professors Brian Landsberg and Matthew Downs on June 5-6, 2012. Professor Dong Jingbo, Yu Guodan, Xu Shenjian, and Liu Xiaobing completed evaluations in advance. The team held in person interviews at the CUPL School of Law on June 5 with Professors Xu Shenjian and Li Chao , and Lecturer Deng Jian Xin. Additionally, the evaluators observed nine third-year clinical students doing an in-take discussion of an on-going case (quiet title civil action) led by Jian Deng Feng, and later met with a different group of five third-year clinical students enrolled in a general administrative law clinic taught by Zheng Min (who did not attend the interview session).

The written responses indicate that several of the faculty at CUPL have greatly expanded the number and breadth of clinical programs and skills-based curricular offerings over the past five years, have thoughtfully incorporated experiential learning into their teaching (including more traditional classes), have engaged in scholarship focused on experiential teaching techniques, participated in intra-school teaching programs and regional or national conferences focused on clinical and experiential teaching, and been involved in out-reach by presenting at local, national (and even international) programs.

The faculty and students interviewed reported that clinics, skills courses, and moot courts are increasingly popular with students. Professor Xu reported that in 2005, CUPL had three full-time persons involved in clinic or skills courses, but that there are now nine full-time faculty members – and in recent years several of them have been promoted from Instructor to Associate Professor or to Professor. Currently, nine faculty supervise about 130 students in clinics each semester (with some carry-over for students who wrap-up client representation that extends beyond the end of the semester). Clinics are offered to third-year students (CUPL School of Law offers a four year degree program); students apply and a selection committee of the clinic faculty select students based on criteria including academic credentials, capacity to benefit from the clinical experience, and the student’s career objectives. There is about three times the number of applicants for the spaces available.

The written evaluations and in-person interviews evidence a wide array of teaching innovations and methods currently being used, in larger traditional classes as well as in skills-based classes: problem solving, simulations, role playing, all-student participation by responding to short questions, in-class small-group or team discussions, brain-storming, etc.

Additionally, the faculty reported several recent curricular enhancements including a greater number of clinics offered and a broader array of practice areas covered in the clinics, thus serving a broader array of clients. There is a specialized clinic addressing student disabilities (access to education) and elder care, and the general administrative clinic addresses issues including property/housing, eminent domain, employment/labor, and personal injury.

CUPL also has brought about a significant expansion of persuasive lawyering courses, including arbitration, mediation, advocacy and moot court competitions. Most notable is the success CUPL has had participating in various competitions, including preliminary rounds of the Jessup International Moot Court Competition.

Almost all students do some sort of internship in fulfillment of their degree requirements, although the quality of the experience is inconsistent.

Significant improvements in technology and physical plant have been made in recent years to support the skills-based classes. The clinical faculty offices are in close proximity to each other, and faculty members have access to seminar rooms used to interact with students. Sophisticated AV equipment is used, which permits students to be taped when they engage in client interactions or simulations; the camera can be controlled remotely by the faculty member sitting at a computer, and the tape stored online, for later review and critique.

The CUPL faculty has been involved in a wide array of training programs, and faculty members have completed publications on clinical teaching and teaching innovation, in part because there is a general awareness that demonstrating teaching competency and an openness to teaching innovation enhances the law school's national and international reputation. Indeed, Prof. Xu was elected vice director of Chinese Committee of Clinical Legal Educators (CCCCLE). The School of Law at CUPL has hosted off-site programs focusing on clinical education, and the clinical faculty have attended and presented a numerous national conferences (and even international programs in Korea, Vietnam, Spain, and the United States).

Generally, the faculty expressed their perceptions that their colleagues on the faculty were increasingly respectful of skill-based instruction and clinical programs. They thought most faculty were receptive to discussions and had been involved in training programs focusing on interactive, skills-based teaching and were genuinely interested in programs focusing on improving teaching methods, but that interactive learning was still rare and more difficult to achieve in the very large lecture course (100 to 450 students).

The faculty members we interviewed were each genuinely concerned about student learning and how best to ensure that learning outcomes were achieved. They consistently expressed their beliefs that skills-based instruction fostered student learning, provided a milieu for inculcating professional ethics (as one example, while the evaluators attended the student-led client case in-take discussion, the professor expressed concern that we adhere to professional standards of client confidentiality), and provided practical experience. We were particularly impressed with the client in-take review session we observed – the professor demonstrated great skill in leading the students (literally every student was engaged and participated). Most notable is that this professor had not participated in any training classes led by US trainers, but has been trained over the past three years by Chinese trainers – suggesting that training the trainers aspect of the program has been fruitful.

The faculty reported that many of the CUPL students are headed to careers as criminal law prosecutors, defense attorneys, or judges, and that training in the trial advocacy classes, focusing on evidentiary matters, has grown in interest and importance. Recent changes in Chinese criminal procedure, which provides greater use of witnesses and cross-examination in gathering reliable evidence, has increased interest by the faculty and students in advocacy skills training.

Although well-supported by their Dean, the clinic faculty voiced concerns about some pressure to publish traditional scholarship and to share the teaching load of traditional large-enrollment

lecture classes so as to advance in terms of professional status and to gain promotion in academic rank. Some commented that these pressures made it hard to take on additional clinics and other skill-based classes, because these courses are typically have lower student enrollments and require more time-intensive student oversight.

The students were open and forthcoming in their comments about the various clinics and skills-based instruction that they had experienced. They voiced enthusiasm for honing skills they perceived important to advance their career potential and job performance once employed, but predominantly voiced their perception that these modes of instruction assisted them to understanding better legal doctrine and principles. They were critical of the large lectures which “stuffed” information into them, and were enthusiastic about the “fun” associated with clinics and the various moot court competitions.

B. Site visit report for Huazhong University of Science and Technology (HUST)

This site visit was conducted by Professors Brian Landsberg and Matthew Downs on June 11-12, 2012. Professors Yin Jianguo, Cao Haijing, Tang Yongzhong, and Yan Bin, and Dean and Professor Yu Jiang completed evaluations in advance. In addition to the detailed written evaluations, the team met in person at the HUST School of Law with several other faculty, including Wang Jiangfe, Chen Xugang, Wong Ming, and Tang Yongzhong. The team later met with some of the third year clinical students enrolled in one of the law clinics sponsored by HUST.

HUST has expanded the number clinical programs and skills-based curricular offerings over the past five years, and increasingly incorporated experiential learning into their teaching. Some of the faculty have participated in regional or national conferences focusing on legal education in China, and discussed clinical and experiential teaching methods. The Vice Dean is one of the lead editors of a manual on managing and teaching clinical program focused on rural affairs in China.

The faculty who attended the sessions all reported that they use a variety of experiential teaching methods in their classes, including the use of simulations, guiding students through case studies, and in some instances mock mediations or trials.

The faculty and students interviewed reported that clinics, skills courses, and moot courts are increasingly popular with students. Currently, the law school offers practical training opportunities for students as part of a clinic focusing on administrative law matters. The Dean reported that HUST hopes to expand the number and breadth of clinics in the near future, including a labor law clinic, and environmental clinic, and an administrative law clinic.

Students who participate in the Clinic for Rural Affairs work in conjunction with the Office of Justice of Liufang Street (Jiangxia District, Wuhan) located in the out-skirts of Wuhan, about 45 minutes from the campus. The Office of Justice is a legal aid office where supervising attorneys and the HUST faculty in charge of the clinic work together to provide training to the students in advance of their placement, and supervising attorneys monitor the students while they are in the office. The Rural Affairs clinic generally enrolls 10-12 students each semester. Students are selected from applications submitted, and preference is given to those with a rural background out of consideration that those students will better relate to the local citizens making use of the Rural Affairs Clinic. The legal matters involved range from property law disputes (some growing out of eminent domain actions of the local government), family law matters (divorce), and inheritance rights to assisting the citizenry seek benefits to which they assert rights in local administrative offices. The clinic also seeks to provide opportunities for law students to provide information to the public about the work of the clinic and how citizens may seek governmental benefits. The students told us that even though they received only two credits for the course they were glad to do the work, because they learned communication skills, writing, and teamwork, and had the opportunity to represent real clients. They think this helps them practice what they have been learning in the traditional classes. As one student said, in law school we learn theory, but here we learn how to use the theory and gain knowledge that you can't get from a textbook.

Of the four students we met at the office, one wants to practice public interest law, two want to become judges, and one wants to practice commercial law.

Students participate in environmental law administrative matters in collaboration with the Chinese Environmental Protection Legal Assistance Center. The HUST faculty wish to increase the number of opportunities for student to gain clinical experience, and to increase the level of community involvement, by coordinating programs in environmental law (with collaboration with the Environmental Bureau of Hubei Province) and in women's rights (in collaboration with the Women's Federation, Legal Services Office). One professor described a clinic he was crafting, focusing on real estate development/resolving private rights and also land development/construction transactions.

Almost all students do some sort of internship in fulfillment of their degree requirements, mostly in local courts, although the quality of the experience is inconsistent. The HUST faculty talked about the need to train judges better on how to provide a better learning experience for students, and how to gain more benefit from the internships.

The faculty was concerned about student learning. There was wide-spread agreement that skills-based instruction improved student participation, fostered student learning, and caused the faculty to be more mindful of teaching goals and outcomes. Generally, the faculty commented that many had started to provide a more practical and practice-oriented approach, often using case studies, whereby materials based on real cases are incorporated into the classroom.

The mediation/arbitration class was particularly popular. (One of the faculty indicated that he used materials that he had participated in developed under the USAID initiative; he believes they help students master both theory and practical skills.) The students indicated that they liked the skills-based classes, and felt that they learned more by doing; they described classes where the students were tasked to develop a strategy to resolve a dispute between parties, or to craft a specific document. The students appreciated the critique made by their classmates and the professor to their role-plays or to their writings.

C. Site visit report for North (Beifang) University of Nationalities School of Law (NUN)

This site visit was conducted by Professors Frank Bloch and Matthew Downs on June 14-15, 2012. North University of Nationalities (NUN) (also known as Baifang University of Nationalities) is a Phase II partner school whose six faculty members who participated in the program all began at the Wuhan training workshop in 2009. Most also attended the Chengdu training workshop in 2010, and three were at the 2011 Yinchuan curricular materials workshop as well. Four of them returned the pre-visit questionnaire with details about their experiential teaching in the Clinic (Question 2); a fifth questionnaire was returned by Dean Zhang Jing with general information about the impact of the program at the law school (Question 4). During the site visit, Professors Bloch and Downs met with a large group of faculty and students at the Clinic office (8 faculty members, including the Dean, and 13 students), observed a Clinic class, and visited the Xixia District Government Affairs Office and local Legal Aid Center.

The main influence of the program at NUN is in its Clinic, which offers two clinical courses: a civil clinic and a local legislation clinic. Although the Clinic pre-dates the program, having been established in 2003, both the classroom component and casework supervision have been revised since NUN's participation in the program to incorporate many of the methods and materials presented at program workshops – while at the same time retaining the original Chinese characteristics of the Clinic. As stated in the civil clinic course syllabus: “This course combines the advanced teaching mode from overseas and the reality of Chinese legal Education. It is an innovation of and supplement to the current Chinese legal education.” As explained by one of the professors during the site visit: “We use US methods, but not completely; we also have our own features.”

The civil clinic course begins with an introduction to the concepts of clinical legal education so that the students will have some familiarity with this new teaching approach. The weekly classroom session then focus on interviewing, legal ethics and professional responsibility, conducting investigations and obtaining evidence, legal drafting, statements of fact and legal research, case analysis and pre-trial preparation, civil litigation skills, negotiation, and mediation. The casework is handled through a legal aid office in the main teaching building on campus (which is technically a branch of the local government Legal Aid Center) and through the Legal Aid Center at the local government offices (where there is a walk-up Legal Aid consultation desk) and at a small field office in the District. The students' casework is supervised by the professors teaching the clinic (usually four), with some assistance from part-time lawyers working with the Legal Aid Center. Among the experiential teaching methods used in this clinic are, in addition to supervised casework: case rounds, brainstorming, small-group discussion, role play, and mock trial.

The local legislation clinic course has a distinctly public dimension. As stated in the syllabus for that course, in which the students learn about and work on local legislative issues: “In the process of learning this course, students come to know the importance of balancing various interests and conflicts, understand the role of law in protecting public interest and collective benefits, and feel the power of democracy and justice.” After an introduction to local legislation law, the three substantive areas taken up this past year – together with related fieldwork – were the regulation of sanitation at off-campus student catering venues, the provision of public

transport within the City of Yinchuan, and environmental protection in the rural areas around Yinchuan. Legislation projects are assigned through the Legislation Committee of the CPC, of which the professor in charge of the clinic (Prof. Zhang Jing) is a member. The students' work on their legislative projects is supervised by the faculty teaching the course (usually three), with some assistance from public officials involved in legislation. Drafting and negotiation are the main skills emphasized in the course.

Both clinic courses accept students based on written applications and interviews. They are one-semester, 2-credit courses; this past semester there were 48 students in the civil law course and 32 students in the local legislation course. The students we met with at the clinic were uniformly positive about their experiences in both courses. Notable comments included the following: the clinic gave me "relevant knowledge"; it was an "unforgettable experience"; I "lacked practical competence" and my work in the clinic "totally changed my concept" of what lawyers can do; we appreciate the opportunity to meet with clients from vulnerable groups; we "feel sympathy" with the clients and are "proud" to be able to help; working on local legislation gave me the opportunity to come up with "fair and just" proposals for the legislative branch; clinic was "helpful to understand and analyze the law" and it gave me a "solid foundation for my future practice." The students were also very positive about the classroom sessions, noting that the class takes place in a "roundtable format, quite different from the teacher in the front of the room and the students in the back." This format "creates an atmosphere of equality" where we "can freely express views."

The class session we visited, taught by Prof. Wang Youchen, exhibited the open learning atmosphere expressed by the students we met in the clinic (some of whom were also in the class). The 33 students sat around a large conference table; each student had a name plate and they were referred to by Prof. Wang by name. The class began with a short lecture on the subject of the day: case theory and case planning. The students were then broken down into four groups, with each group given 15 minutes to present in role a hearing on a complicated 4-party commercial lease case that they had been given to prepare as homework for the class. Each group included one student to play the role of judge, four students to play the roles of the parties' attorneys (two students for each side), and three or four students to offer commentary (one to comment on the performance, others to compare one team's approach to the approach of other teams). The exercises were well performed, although somewhat over-prepared so that much of the argument was read from notes. Each group considered the option of mediation, which was taken up by some groups and not by others. A truly unique feature of the class was the way in which the student commentators were used. By asking them to compare and evaluate the different approaches taken to the case by the four groups, all of the students were drawn into the discussion each time one group finished its presentation (except after the first group, with at the beginning could not be compared to any others). Moreover, Prof. Wang then asked individual students how they would react to the approach taken by their group (and other groups) in a role different from the one they played. The result was a remarkably lively and sustained discussion of the nuances of case theory and planning that lasted throughout the 2-hour class.

The Clinic enjoys great support from the school's administration. Apart from support from the program, the Clinic has been supported by the Chinese Committee of Clinical Legal Educators (CCCLE) and also receives financial support from the law school's budget. The administration

also encourages faculty to include experiential components in other courses, consisting typically of simulation exercises based on real cases. This can include, in addition to teaching credit, a supplemental stipend. Among the courses where this has been done are labor law, constitutional law, criminal practice, civil practice, and marriage law.

NUN Law School has in recent years partnered with the XiXia District Justice and Legal Aid Center to offer creative legal advice and advocacy assistance to the community. As part of the law school's Legal Clinic program, each semester 38-40 students are selected and trained to work with the XiXia District offices; each student earns 3 units of elective course credit. Under this program, by scheduled rotations pairs of students sit in a visible location in the administrative offices and are available to provide basic counseling on governing regulations and procedures to citizens (mostly walk-ins but also by phone) seeking assistance on a wide-range of topics, including divorce, rights to social benefits, eminent domain, real estate transactions, etc. If the citizens are in need of more sophisticated legal assistance, the students direct them to the Legal Aid Center, located 3-4 blocks distance, which is staffed by four part-time lawyers, and also by pairs of NUN law students who assists as part of this sophisticated Legal Clinic. Legal services are free to citizens and lawyers are funded by the government. The students receive training at the start of the clinic assignment by faculty at NUN and by the legal aid lawyers, who then continue to monitor and work directly with the students throughout their semester-long placement, and under the supervision of NUN law clinic faculty. Notably, the program was collaboratively created by the Director of the XiXi District administrative offices and the faculty at NUN, who shared a vision of providing practical legal education and providing legal services to under-served local citizenry.

D. Site visit report for South China University of Technology School of Law (SCUT)

This site visit was conducted by Professors Frank Bloch and Carrie Bricker on June 5-6, 2012. SCUT was one of the original three partner schools on the program and members of its faculty have participated in all of the program's activities from the beginning. The school's skills curriculum and its clinic were reviewed favorably in Prof. Bloch's report on his site visit to Guangzhou and the campuses of the two other original partner schools in November 2008. During this site visit, Professors Bloch and Bricker concentrated on how the program has influenced SCUT's required Practical Education Program. They met with a number of faculty members who participated in the program, including Professors Zhang Huihua, Zhou Dongjun, Teng Hongqing, Liu Changxing, and Zhou Shiwen, as well as some faculty members who are engaged in experiential teaching who did not participate directly in the program. Questionnaires were returned before the visit by Professors Teng (Questions 1 and 2, and Question 4 on behalf of the Dean) and Zhou Dongjun (Question 3). Professors Bloch and Bricker also visited Prof. Teng's clinic class and met with judges at the People's District Court, including the President of the Court, to discuss the Court's role in the required undergraduate internship program.

SCUT has incorporated experiential teaching into its curriculum in a number of significant respects. As reported by the Dean in the pre-visit questionnaire, the school's participation in the program has led to a change in the school's method of teaching from the "traditional" lecture method to methods based on "practical education" and case studies – resulting in an improvement in the overall quality of the faculty's teaching.

The centerpiece of SCUT's experiential teaching curriculum is a requirement that all students must take two out of three courses included in its Practical Education Program: Mock Trial, Clinic, and Practical Skills (including Legal Writing). Typically, these courses carry 4 credits each. (In addition, students must complete an internship as required of all undergraduate law students in China.) Faculty members are encouraged to offer experiential courses and as a result, more than 20 of the 45 current faculty members do so, including most of the faculty who participated in the program. During the site visit Profs. Bloch and Bricker discussed the Moot Court and Practical Skills course options with Professors Zou and Zhou, and visited a Clinic class taught by Prof. Teng. Each of the options is discussed below.

Moot Court can be offered separately or as part of a traditional law course. For example, Professor Zou, who did not participate in the program, teaches an international law course and also a related moot court segment involving a case at the International Court of Justice. This past year fifteen students were selected from around 150 students who had applied to participate. The substantive issue was a dispute over the sovereignty of islands between Singapore and Malaysia. The students were given the basic legal material to download, including rules of the ICJ, but were also expected to do some additional legal research on their own. The moot court exercise itself followed the classic format: the students were divided into three groups (judge, counsel for the plaintiff, and counsel for the defense); they studied legal memoranda and court documents in role, involving theoretical analysis and persuasive reasoning; they then conducted moot court hearings on the case; after the hearing, the professor critiqued the students' performances, including pointing out excellent presentations by strong students as a model for the others.

Prof. Zhou Dongjun teaches a typical Practical Skills course. (Three other faculty members teach similar courses.) Prof. Zhou's course has approximately 50 students and is a problem-based, learning-by-doing class. The students work on all phases of litigation during the semester, including pre-trial preparation, court investigation, and court debate. The course focuses on case analysis, use of language, strategic thinking, and professional ethics and standards. Class exercises include drafting documents and oral argument. Among the experiential teaching methods used in the class – in addition to the simulation exercises – are brainstorming, group discussion, and other types of role-play. There is also a mock trial at the end of semester. Throughout the course the professor critiques each student performance as other students observe. A number of the faculty teaching the course use materials from program workshops

Professor Hongqing Teng teaches a semester-long Urban Legal Clinic that includes both live client representation and in-class discussion and simulations; For the latter, the professor uses facts from real cases the students have worked on throughout the semester to create in-class exercises. Though an elective, the clinic is highly sought after; Professor Teng selects twelve students among many more applicants. Torts is a prerequisite for the clinic. Many of the twelve have also completed an environmental law class. In the classroom component of the course, students study the history of clinical legal education in China, learn about effective teaching methodologies in a clinical setting and conduct client interviewing, counseling and negotiating exercises. They also spend the last class of the semester conducting simulated courtroom trials where they play the roles of lawyers and judges. Professors Bloch and Bricker observed this last class which took place in a courtroom-classroom. Working with a fact pattern alleging an environmental tort, students conducted five mock trials over a two hour period. In teams of three, two students played the roles of plaintiff and defense counsel and engaged in courtroom debate before a third playing the role of judge. At the end of the five mock trials, Professor Teng sought feedback from the teams of performers and then opened up discussion to the entire class. Next he provided both individualized and general critiques that included substantive and performance-focused suggestions for improvement. During their individual mock trials and at the interactive critique session that followed students were well prepared and engaged in the process.

As is the case with all law schools in China, SCUT requires third-year undergraduate students to undertake an internship for one term, usually during the summer months. One of the major placements for SCUT interns is the Nansha District People's District Court. (Other placement opportunities include the criminal prosecutor's office and local law firms.) As noted earlier, Profs. Bloch and Bricker visited the Court, where they were received by a panel of judges including the President of the Court. The Court and SCUT have developed a relationship that includes not only the placement of students at the Court, but also includes interaction between the judges and various faculty members with expertise in areas relevant to cases before the Court. As a result, the relationship is important to – and benefits – both the Court and SCUT; indeed, it was described by the President as a “win-win” situation. With respect to the supervision of interns, the court assigns judges to work one-on-one with the students. Most of the judges on the Court participate in the program. While the students can work only at a “basic” level, they are given the opportunity to engage fully in the work of the Court. In addition to working on pending cases, the students have helped with community outreach activities of the

Court, most recently in a project to educate teenagers about juvenile law and the juvenile criminal process. In effect, the students operate much like a judicial law clerk in the United States (a position that up to now does not exist at the Court). The judges provide regular feedback to the students and they prepare evaluations of their work at the Court. At the end of the term the Court awards certificates to the best students.

Finally, a number of the faculty members involved in the program have visited other law schools to talk about and demonstrate the methodology presented at program workshops. In addition, SCUT has developed a cooperative relationship with Northwest Nationalities University School of Law on developing practical legal education. Among the faculty's scholarship related to the project is a major textbook on clinical education written by Professor Teng.

E. Site visit report for Southwestern University of Finance and Economics (SWUFE)

This site visit was conducted by Professor Frank Bloch on June 11-12, 2012. Written evaluations were completed in advance of the conference by Prof. Jiang Bo (Question 1), Prof. Wang Lungang (Questions 1 & 2), and Dean Prof. Gao (Question 4). Prof. Bloch then conducted in-person interviews at the SWUFE downtown campus with five of the six faculty members who participated in the program (persons present, in addition to Profs. Jiang Bo and Wang Lungang, were Profs. Cai Yongxi, Tao Weidong, and YinSheng). Professor Bloch also visited the new campus, where he met with Professor He, who runs the Law School's Legal Aid Center, and a group of nine undergraduate and post-graduate students who worked in the Legal Aid center. He also visited the Tahota Law Firm in downtown Chengdu, where he met with the firm's deputy director, Ms Ma, and a number of her colleagues to discuss the firm's supervision of SWUFE students who intern at the firm in fulfillment of the undergraduate internship requirement.

SWUFE joined the program in 2009, with its participating faculty joining the Wuhan and Chengdu workshops, as well as the curricular materials workshop in Yinchuan. Overall, the faculty members from SWUFE who participated in the program carried out the goals of the program to a remarkable extent, given the small number of faculty involved and the short period of time that SWUFE was in the program. Specifically, SWUFE has incorporated the methodology presented at the Wuhan and Chengdu workshops in three respects.

First, after the Wuhan workshop the faculty added a required second-semester, second-year course for post-graduate students called Legal Practice Skills. It is a 2-credit course taught by faculty members who participated in the program, as well as some other faculty members who were brought into the course and trained for teaching the course by program-trained professors. The course covers a wide range of lawyering skills, focusing on those most useful in Chinese legal practice. Because witnesses are rarely questioned in court, litigation skills focus more on case theory and strategy, as well as negotiation and mediation. The materials for the course have been adapted from materials obtained during program workshops. Other material recommended at the workshops is used as well, such as Fisher's and Ury's "Getting to Yes" and Shell's "Bargaining for Advantage." The course has been well received by students and is supported by the dean, who reported in the questionnaire that the faculty appreciates the unique teaching style of experiential learning and that both faculty and students have noted the benefits of interactive work as compared to the traditional lecture method. While this required course is only in the post-graduate curriculum, discussions are underway to add a similar course for undergraduate students.

Second, each of the faculty members involved in the program has added some form of experiential learning to his traditional courses (all of the SWUFE participants were male). Other faculty members have done this also, so to date such experiential components are used in approximately 10 courses. Moreover, most of these faculty members use materials received from the program, including materials used at the workshops and also copies of materials some faculty worked on for the book at the Yinchuan workshop. For example, Professor Cai has added a practical exercise in his Civil Procedure Law class, based on a real case that he handled as a lawyer. The materials for the exercise were prepared by him based on the actual case.

(Professor Cai was in the group at the Yinchuan workshop that worked on the materials for experiential learning in traditional classes.) Professor Tao has done the same thing for his Administrative Litigation Law course, where the students concentrate on negotiation strategy. Prof. Jiang uses methods and material from the workshop in both his undergraduate and graduate courses in Insurance Law. And Professor Yin has included a transactional exercise involving a contract matter in his International Investment Law course.

Third, faculty involved in the program have used the clinical teaching methods presented at the Wuhan and Chengdu workshops as they work with students at the Legal Aid Center. And although the Legal Aid Center was in place before SWUFE's participation in the program and is directed by a faculty member who was not involved in the program, the workshops have had a positive influence on the development of the Center's program through program participant's interaction with faculty and students working in the Center. Thus, Professors Wang and Cai have worked with the faculty director of the Legal Aid Center on improving student supervision – and they, along with other faculty involved in the program, help supervise individual students working on cases within their areas of expertise. (Approximately 35 undergraduate students work each semester in the Legal Aid Center, which is officially a branch of the local Legal Aid Committee. The Center has three components, one of which is a Case Center where undergraduate students provide consultation services and post-graduate students work on cases under the supervision of five faculty members and some outside lawyers. Undergraduate students earn 2 credits for working in the Center; post-graduate students do not receive credit, but each post-graduate student is required to work on at least one case before graduating.)

In addition, various faculty members have shared what they have taken from the program with their colleagues at SWUFE and with others at other law schools in Sichuan Province. For example, Prof. Wang wrote an article on difficulties and solutions for experiential legal education in China (based in part on work he did for the program's Clinical Handbook), which was presented by Dean Gao at a Ministry of Education conference on law teaching. He also wrote an article on clinical legal education and practical skills teaching in labor law. Moreover, Prof. Wang is currently engaged in a research project in which he is reporting on and assessing the impact of the experiential teaching methods learned at the program workshops, with assistance from all of the other faculty members who participated in the program, parts of which have already been presented at the annual SWUFE faculty meeting on teaching. Professors Tao and Yin have also shared what they have taken from the program with colleagues at SWUFE. At the national level, Prof. Jiang spoke at the annual conference of Chinese Insurance Law Studies on teaching practical skills related to insurance contract disputes.

Finally, the program's influence can be felt in the administration and operation of the required third-year undergraduate internship program at the Tahota Law Firm in downtown Chengdu. The firm has hosted approximately 50 SWUFE interns over the past 5 years (along with students from other area law schools). Both Prof. Wang and the deputy director of the firm, Ms. Ma, spoke of the students' internship experience at the firm as a bridge between in-school education and learning from practice. Students thus play a dual role of intern (part of their law studies) and a paralegal at the firm (an introduction to actual practice). The firm carries out the internship in cooperation with faculty members, especially Prof. Wang, in three areas of practice: business, government affairs, and litigation. Students work one-on-one with a lawyer and also the

lawyer's assistant, plus they often consult with faculty members when questions arise in a faculty member's area of expertise. There is a deliberate planning process for the students' experience, in which students' interests and lawyers' expertise are matched to create a program that can be effectuated realistically within the available time. The firm's goals for the program are fully consistent with the experiential teaching goals set out in the program: to provide students an understanding of the links between theory and practice and, through the opportunity to experience the way a law firm works, to understand more fully what lawyers do. There is also a system for periodic and final review of the students' work and the operation of the program.

F. Site visit report for Southwest University of Science and Technology (SWUST)

This site visit was conducted by Professor Brian Landsberg on June 14-15, 2012. SWUST supplied written answers to our questionnaire detailing work by the law school and its six program participants since SWUST joined the program. All six participated in the Wuhan, Chengdu and Yinchuan workshops, and the program director, Cheng Hao, also participated in the Effective Practices project.

Professor Landsberg discussed the program with SWUST vice president, Dong Faqin, the law school dean, Liao Bin, four of the six program participants [the other two are on leaves to work on their PhD degrees], other faculty members, and twenty students. He also observed a negotiation class conducted by Prof. Cheng. He toured the campus and saw the clinical facilities. Notably, the SWUST motto is “Morality, Profound Knowledge, Practice, Innovation.”

All program participants now use experiential methods in their teaching. Several who did not teach previously in the clinic do so now. They use a wide range of experiential methods, including role play, brainstorm, video, critique, reflection. These are used in both the clinic and in traditional courses. Both faculty and students commented on the favorable reaction of students. They become more involved with the law they are studying. Luo Zesheng believes that not only do the students learn more skills, but also that their knowledge of the law is enhanced. He points out that while 60% of their students who take the bar pass it, 80% of those who took the clinic pass. Zhang Zhihua says this is because the clinic trains students to think like a lawyer, and Luo adds that it helps them analyze and resolve problems. It also strengthens their self-confidence. Students made similar points: One student “learned to think like a lawyer and how to work cooperatively.” Another “learned how figure out what evidence we need, find the proof, discuss with the client.” A third learned how to use criminal procedure rules, and also how to cross-examine witnesses, a skill that both students and teachers agree is important in Chinese courts.

Although Professor Zhou Yuexue did not participate in this visit, she spoke at the Hangzhou conference where she said she had learned a lot from the program. She has added experiential elements to her WTO course, using China-oriented cases as role plays. The negotiation class that Professor Cheng taught on June 15 reflected a high level of teaching and learning. It was not a regularly scheduled class, but was a demonstration. Professor Cheng engaged the students in active learning throughout the class, using methods he learned from the program.

While the number of experiential offerings has not increased significantly, Dean Liao indicated that more would be started soon. The clinic will be expanded this fall to accommodate teaching of LL.M. candidates. One of the six teachers of the clinic is Dean Liao. The clinical structure was difficult to understand. There seems to be Criminal legal aid, civil legal aid, and the clinic, and it was not clear how they differ, except that legal aid is done at a center in town rather than on campus. All are given for credit. The clinic includes classes in interviewing, negotiating, fact

investigation, etc., with different teachers teaching different topics. Supervision is shared between professors and supervisors who are practitioners.

Zhou Yuexue received a teaching award for her use of experiential method. The SWUST participants in our program all write for our book project.

Vice President Dong, Dean Liao, and program director Cheng all expressed the view that the law school must continue to improve its experiential education program. They hope that the Ministry of Education's guidance will lead to more support for practical legal skills training. V.P. Dong noted that attitudes of some faculty would need to be overcome; some do not value practical skills education, perhaps because they think it is too difficult and also because the teacher evaluation system does not favor it. However, he said that at SWUST practical skills *must* be taught.

More concretely, the participants who were trained in our program conduct regularly scheduled trainings of other faculty members. For example, Professor Cao Hao, who teaches criminal law, attended these internal trainings and is now employing role plays as a teaching method. In addition, Professor Yu Lin attended our two-day Harbin training and says that as a result she changed her teaching methods. In her Contracts class she now has students draft a contract, negotiate a contract, and argue a contract case. She would like help in fashioning experiential methods for her family law course. Professor Zeng Xuemei reported that she is trying to use the training given by her colleagues, but would like more systematic training.

Two of the participants in the program have been promoted since the program began, one to full Professor and one to Associate Professor. As more receive promotions, the participants gain stature and influence in the law school.

Participants have helped to spread experiential methods to other law schools. Zhou Yuexue spoke on the subject in Korea; Cheng Hao spoke at last year's conference of the Global Alliance for Justice Education (GAJE) on the clinic's work on behalf of victims of the Beichuan earthquake of 2008, and the participants' written answers state: "Through experience exchange with other law schools, such as Chengdu University of Technology, Sichuan University of Science and Engineering, Southern Medical University, and Henan University of Economics and Law, we also fully demonstrated the charm of experiential teaching to their professors." Over fifty professors from SWUST and other law schools have participated in the trainings conducted by SWUST.

SWUST law school is a regional school ranked #3 in the region and #76 in China. They feel the need to have more training. They specifically mentioned the desire to send teachers abroad for training. They are concerned about the additional work that experiential methods require of teachers, and they want guidance on how to use their resources effectively. They would like to train more teachers of traditional courses how to incorporate experiential methods.

G. Site visit report for Wuhan University School of Law (WU)

This site visit was conducted by Professors Brian Landsberg and Matthew Downs on June 12-13, 2012. Prof. LI Ao, Associate Professor, completed the evaluation in advance, in collaboration with her colleagues. In addition to the written evaluations, the team met in person at the WU School of Law on June 12 with other faculty, including Chen Feng, Ye Xiaoqin, Fenglie Han, Xu Chen, Tian Hao, and Feng Jiehan. The team later met with some of the third year and graduate level students enrolled in one of the law clinics sponsored by WU.

WU has had a civil litigation clinic since 2000, which dealt with administrative law matters generally and with a focus on rights of minors/rights to education. In 2009, the law school opened a criminal law litigation clinic and a Community Clinic for undergraduate law students. The Criminal Clinic handles real cases, focusing on minor criminal defense and corrections-related matters. The Community Clinic is a non-litigation clinic. Students work in a variety of community service-oriented projects: completing specialized legal research; engaging in public-service outreach intended to alert the public to social and legal services and their rights; using mediation skills to resolve minor community disputes. In 2011, a simulated practice clinic was started for graduate law students, in conjunction with the graduate level Negotiation/Mediation course. Enrollment is limited and the process is highly competitive. For each of these clinical programs, students first complete written applications and then undergo interviews with the sponsoring faculty.

The law school also funds students at WU who participate in various regional, national, and even international advocacy programs (such as Jessup Moot Court).

The faculty reported that many of them had participated in regional or national conferences focusing on legal education in China, and some had been active leaders in the various programs. Some of the materials collected at the programs or provided under USAID funding has served as background for materials separately created by the WU faculty. One of the WU faculty members created a video using clinical materials collected while in the US on a USAID sponsored program, and is available via the WU website for faculty throughout China.

The faculty who attended the sessions reported that the WU faculty members increasingly use a variety of experiential teaching methods in their classes, including real cases adapted for simulations, brain-storming and role-play, guiding students through case studies, and mock mediations or trials. The faculty reported that “after participating in the USAID program, clinical teachers have come to realize the importance of feedback and evaluation” as a form of improving faculty teaching and student learning.

Indeed, student projects are often video-taped as part of skills-based classes, such as the popular Negotiation and Mediation course. Students review the tapes to critique each other as well as themselves, under faculty supervision.

The faculty and students interviewed reported that clinics, skills courses, and moot courts are increasingly popular with students. The faculty reported that WU hopes to expand the number and breadth of clinics in the near future, and to expand community service and legal justice

initiatives, possibly including environmental law, rights of women/gender-based discrimination, and rights of the disabled.

Almost all students do some sort of internship in fulfillment of their degree requirements, mostly in local courts, although the quality of the experience is inconsistent. A clinical program at WU thought to be particularly valuable involved a local judge who co-taught classes for students who were to receive judicial internships; the judge also provided oversight, evaluation, and critique throughout the internship. Generally, there was a wide-spread recognition that the law school should train judges better on how to provide a better learning experience for students. Indeed, the view was expressed in a small group, which included a local judge who serves part-time in one of the clinics, that there would support for a type of “judicial college.”

H. Site visit report for Zhejiang Gongshang University (ZGU)

This site visit was conducted by Professors Brian Landsberg, Frank Bloch, Cary Bricker, and Matthew Downs on June 7-8, 2012. Four professors had filled out in detail [questions 1-3] of the evaluation form; however the new Dean of the law school did not fill out question 4.

ZGU was one of the original partners, and has been an active and enthusiastic supporter of our program. Professors Liu Jianming and Hu Minfei have participated in every workshop and were among the authors of the curricular materials and effective practices books. Professor Luo Wenyan was co-editor of the first book of case files published by the program and she and Liu Jianming co-edited “Comprehensive Practices of Legal Skills,” an experiential legal education book written by eleven faculty members of ZGU. ZGU has made extensive use of the curricular materials and training from the US AID program, in its clinic, its simulation classes, and in traditional classes. Those three professors [Liu, Hu, Luo] have served as trainers in program workshops, and Prof. Liu has provided training to professors from several schools in Zhejiang Province, as well as North University of Nationalities. In addition, three professors from ZGU have spoken about experiential legal education at conferences, in Wenzhou, Jinhua, Hangzhou, the United States, and Spain.

Professor Liu Jianming’s clinic class is highly sought after by students. We attended Prof. Liu’s last class of the semester on case theory and analysis of facts, featuring a simulation exercise based on a real case that was handled by his clinic class the previous year. (Ordinarily, there is also a live-client component to Prof. Liu’s clinic where he works on a small number of cases with groups of students, but there were no clients this year because the clinic space is under renovation. The plan is to re-open the clinic space and start taking some cases again next year.) The client was a hotel employee who was fired for stealing from the hotel. The real issue wasn’t the theft, but rather the employee’s employment contract with the hotel. At the start of the class, Prof. Liu led a discussion that opened up various approaches to the theory of the case. The employee paid a fine, thereby effectively acknowledging the theft, but he did so in order to try to save his job. That led to the key question in the case: who broke the contract? According to relevant provisions of labor law and company rules, there are certain levels of action an employer must take, including certain verbal and written warnings. It was clear that the hotel wanted to terminate the employment, but did it have a basis to do so once he paid the fine? What did the employee admit – or not admit – by paying the fine? The class was then broken down to three groups to come up with a case theory based on known facts and other facts that could be obtained. Reminding the students of the client-centered approach to lawyering, Prof. Liu instructed the students to consider the client’s options, how they would communicate those options to him, and what sort of additional guidance they needed from him. The three groups then reported back one at a time, setting out their theories of the case and the various options for proceeding. At the beginning it seemed that the students from the other groups were not very

engaged – but as the reports progressed, the level of interaction among all of the students improved to the point that there was a lively exchange of ideas. Prof. Liu wrapped up the class with a discussion of next steps, including various options for obtaining additional evidence to support different theories. This simulation was based on a real case the clinic had handled that obtained relief for several employees.

We also met with a few of the students in Prof. Liu’s class. They were uniformly positive about the experience, even though there was no direct client representation this year. They felt that the simulation exercises based on real cases were very effective, helping them “think like lawyers.” They also appreciated the practical focus of the lectures in that they “explained what lawyers do.” From among the experiential methods used in the class, they noted specifically the exercises based on real cases and the use of videotaping followed by critique. They felt that the most beneficial skills covered in the class were interviewing, negotiation, analysis of evidence, and questioning of witnesses. They also mentioned that one value of a clinical course is that they learn about “good standards of practice.” As one student put it memorably: “Negotiation skills are just skills, but we also learn the thinking modes of a lawyer. So we can make up a new skill from what we have learned.” This is exactly the type of lasting impact our project is designed to accomplish.

We met with a group of students who took the negotiation class. It is a 3-credit course with approximately 60 students, taught by two professors (Prof. Hu and Prof. Wang). The weekly class is taught in three segments, 45 minutes each: lecture on a particular aspect, based on assigned readings; negotiation exercises carried out in teams of 2-3 students; reporting back on the results of the exercise and discussion. Each of the exercises is separate (they do not come out of a single fact pattern or case), in increasing levels of difficulty. The students were very pleased with the course, citing the fact that it has broadened their understanding of law practice and has given them the capacity to grow as lawyers. They also cited that fact that the course covers related issues that go beyond lawyering skills, including various issues that arise in the lawyer-client relationship (such as client control over the matter and the importance of obtaining authority to act on behalf of a client), the role of ADR in the Chinese legal system, and cross-cultural concerns that can arise when negotiating opposite someone from a different country. We later met with Professors Hu and Wang. They use program materials in the course and use the critique method they learned in the workshop.

Associate Professor Shi has taught legal writing at ZGU for approximately 25 years, who usually teaches 4-5 30- to 40-student sections each semester. Students generally complete writing projects in groups of 5-6 persons. The students in each of the groups collaborate in preparing the written submittals and critique each other’s contributions. Professor Shi reviews the papers submitted by each group and often selects portions of the students’ writings for in-class review and comment. Re-writes and refinements follow. In recent years, Professor Shi has focused on

practical lawyering skills in her teaching and most frequently uses case studies, based on real criminal case files, for the student writing projects. The students' assignments are intended to produce documents appropriate for judicial proceedings. The class focuses on legal analysis (relating facts and evidence of the case to legal principles gleaned from relevant statutes or regulations) and fundamental writing skills appropriate for persuasive and descriptive writings – word choice, organization, phrasing, grammar, etc. The students stated that the course was practical and useful. We later spoke with Professor Shi, who explained to us that her teaching methods have changed as a result of the program. Although she was not a participant, she learned new methods from Professors Luo and Hu.

After the project began, ZGU began offering a course in legal practice, which uses experiential methods to teach eight subjects, including civil procedure, administrative procedure, civil law, company law, etc. Associate Dean Yang said that the school made the change because it learned from the workshops that there were these new methods in addition to lectures, and they thought this would enhance job opportunities for graduates. Professor Liu said that students who have taken the experiential education classes do better on the bar than those who have not, and Professor Wang added that he has placed his students in top law firms and that the firms say the students excel in analyzing cases.

Moot court used to be, in Prof. Wang's words, a play acting exercise. However, he says it is now a learning tool. We interviewed three JM students who had taken moot court from Professor Liu. JM students typically did not study law as undergraduates. Before taking this course they lacked practical skills, and the course helped them understand how to organize their thoughts, the court procedures in civil and criminal trials, how to conduct the "debate" portion of a Chinese trial, collection and analysis of evidence, and verbal and written skills. They also learn how to work collaboratively with team members. They feel that the course helps them to use and understand theory and to solve problems and to also understand what they referred to as professional morals.

Appendix II

Report on conferences to roll out program publications

(June 2012)

US AID Pacific McGeorge Rule of Law Program

Report on Experiential Legal Education Conferences¹

China University of Political Science and Law, June 4, 2012

Zhejiang Gongshang University, June 9, 2012

Huazhong University of Science and Technology, June 10, 2012

Attendees:

CUPL: Thirty one persons signed the registration sheet; thirty three are in the group photograph; and an additional ten-twenty students attended. Attendees included five of the directors of the CCCLE,² the CCCLE secretary, and professors from seven universities, as well as the American Bar Association Rule of Law program and China Law Development.

ZGU: Sixty three persons registered; several students also attended. Four directors of CCCLE attended, along with deans, assistant deans and professors from seventeen universities and the Law Society of Zhejiang Province.

HUST: Thirty three persons appear in the photograph; 24 names appear on the registration sheet, which is incomplete. Four CCCLE directors attended, as did deans, assistant deans and professors from twelve universities.

All attendees at the conferences were given copies of the three books that the China Law Press had published just a few days earlier.

Content:

The conferences each followed a similar structure, beginning with an introductory session, followed by a general session on experiential education, then a session looking more specifically at teaching methods and the new books, followed by a group discussion opportunity and then a concluding session. Wang Shirong [Xibe University and CCCLE], Xu Shenjian [CUPL and CCCLE], Liu Xiuhua [Yangzhou University and CCCLE], and Liu Ying [CUPL] spoke at all three conferences, as did Frank Bloch and Brian Landsberg.

The dominant theme of the morning session³ was the growing recognition of the importance of experiential learning in Chinese law schools. The dean of each host law school made welcoming remarks committing the school to continue development of experiential legal education. For example, Dean Xue of the Law School at CUPL began the Beijing conference by noting that although experiential

¹ Prepared by Brian K. Landsberg.

² References to directors include outgoing and incoming directors, following elections in May 2012.

³ In addition to the Chinese teachers who spoke, Frank Bloch spoke about clinical education in the U.S. and about the global justice movement, Cary Bricker talked about persuasive lawyering at the ZGU conference, Matt Downs spoke at the HUST conference about future steps to take, and Brian Landsberg talked about the US AID ROL program and experiential legal education. The notes from which he spoke are attached.

education started late in China, educators now recognize its importance for our economy and society. Experiential learning helps our students understand society and the conflicts within society. CUPL has taken several steps to provide experiential learning in order to overcome the limitation of traditional learning to transmission of knowledge; we need to add practical skills and problem solving. Experiential learning is new to us, and we need text books such as this new series. These books fill a gap in the Chinese experiential learning field. We also need to transform teachers, who traditionally have not had practice experience. Professor Tan Shigui, the new Dean of Law School, ZGU, said he would work to bring experiential legal education to all the schools of Zhejiang Province. And Professor Yu Jiang, Dean of School of Law of Huazhong University of Science and Technology, stressed that law schools must make changes in legal education, which has not been meeting societal needs.

Similarly, Renmin University professor Long Yifei, CCCLE's new head, noted the need to produce graduates with skills and global values. He said that CCCLE has for a long time promoted experiential education in law schools, stressing the need to create education with Chinese characteristics. The collaboration project with Pacific McGeorge has set a model for legal education in China. CCCLE will promote the books and use them as an important tool of experiential education in China. International collaboration will continue to be an important aspect of CCCLE work.

A prominent theme was how experiential legal education fit into Chinese culture and practice. For example, Niu Taishen, Vice President of the Law Society of Zhejiang Province, quoted Chairman Mao as having said, that study of law should be carried out in a social setting. Learners of law should have contact with all sorts of social relationships. Several speakers noted that, while teaching methodology is hard to change, the Ministry of Education has a plan to improve practical learning, sending students to other organizations to perform practical skills. Reform methodologies are complex; these books should help.

The rest of the morning and the afternoon at each conference featured discussion, demonstration, and description of experiential legal education, generally in the context of the three books.

1. Demonstrations.

- a. Professor Dong Jingbo of CUPL demonstrated how experiential methods could be used in traditional courses. Her demonstration featured two students arguing a well-known case involving a charge of theft in connection with ATM withdrawals. It showed how a simulation could be used to increase understanding of the elements of theft and how it could be altered to achieve additional learning outcomes. The problem is set forth in a chapter of **Skills Training Handbook for Experiential Teaching in Doctrinal Law Courses**.
- b. Professor Hu Minfei of ZGU demonstrated use of simulation in teaching mediation , using a case file from the curricular materials book. Two students played the role of husband and wife in an emotionally charged marital dispute, and a third played the mediator, who lost control of the mediation. This led to teaching points, via critique, on how the mediator might have been more effective.

2. Descriptions.

- a. Professor Liu Ying, the editor of **Skills Training Handbook for Experiential Teaching in Doctrinal Law Courses**, also spoke about how it could be used as a bridge between traditional classes and clinical classes. Subjects covered in the book include labor law, economic law, civil procedure law, criminal law, etc. Students not only learn the substance of the law but also learn litigation strategy and commercial arbitration. The book provides guidance on evaluation, feedback and assessment. She used a power point to describe her use of an infringement on patent case as an example simulation case file. The case files are based on real cases that the authors handled. The book follows this pattern: chapter title, the case, the skill, the teaching objective, the contents, preparations [legal research], teaching arrangements, after class activities.
 - b. Professor Li Xiuhua of Yangzhou University described her family law clinic. It is designed to encourage students to strive for social justice. It handles domestic violence and divorce primarily. Psychologists and counselors visit the clinic classroom to help students understand divorce issues. Since the law does not provide adequate support to victims of domestic violence, the clinic provides clients with psychological and social help, not just legal help. We do this because we have hope.
 - c. Yu Guodan of CUPL described how he uses experiential methods in his criminal law clinic and juvenile clinic. He covers all phases and skills, such as opening statement, examination of witnesses, including direct and cross-examination and Closing argument. He believes that witness examination is increasingly relevant in China. He also believes that demonstration enables students to think from different perspectives. He acknowledged the problems: time [e.g., required to cover a lot in limited time in criminal law]. CUPL has too many students in criminal law classes, as many as 400.
 - d. Professor Zhou Yuexue (Southwestern University of Science and Technology) described how she incorporates experiential methods into her WTO course.
 - e. Zheng Pin'an (Associate Professor and assistant to the Dean of School of Law of HUST) described his use of experiential teaching in the traditional medical law course. Students do legal research, using right to privacy as the issue. All tasks are given to students. They learn statutory research, interpretation, and application. Students are becoming more participatory in this class.
 - f. Han Guijun (Deputy Director of Legal Aid and Protection Centre of Zhongnan University of Economics and Law, Associate Professor), used a power point to describe how eight students in the legal aid center learned labor law by handling a labor dispute involving an uninsured work related injury.
 - g. Professor Yin Jianguo from HUST described his use of experiential methods in the traditional administrative law course. Using a power point, he showed how his students studied a case file on secretly recorded records. He has developed a system for using group discussion that places all students in a variety of roles.
3. Discussion.
- a. Several professors spoke of how they might use the books. Meng Jun of Beijing Normal noted that the Ministry of Education has stressed the importance of but has not published standards for experiential learning. These books help fill that gap. They are

both practical and also provide theory. Similarly, Miao Mingyu of Capital University of Economics and Business, referring to the books as “inspiring,” noted that their teaching objectives help us crystallize and their methodologies save us a lot of trouble finding ways of teaching. A Professor from Hangzhou Normal University said that we have not had adequate books, but I have now read these three books, and they solve our problem. I will recommend that we use them.

b. Finally, other speakers addressed the learning objectives of Chinese legal education, the meaning of experiential legal education and the content of the books. CUPL’s program director, Xu Shenjian, who also edited one of the books, explained the interrelationships of the three books. Liu Xiaobing of CUPL described eight methods that could be used in teaching law classes. And CCCLE deputy director Wang Shirong of Xibei University demonstrated one such method, as well as commenting on how to evaluate experiential legal education. Chen Feng: (Lecturer and Assistant to Dean of School of Law of Wuhan University) discussed the use of simulation in a mediation clinic. Simulation helps the student understand the roles of judge, plaintiff, defendant, etc. The professor can control the complexity. Participation in the simulation motivates students and can help the student develop independence. Professor Teng Hongqing of SCUT discussed the importance of teaching ethics, and the effectiveness of experiential methods in achieving that learning objective.

ATTACHMENT

Brian Landsberg's rough notes from which he spoke at the conferences.

6/2/2012

In 2005 at a conference in Beijing of Chinese and U.S. law deans my dean at the time, Elizabeth Rindskopf Parker, and I learned that many Chinese legal educators believed that Chinese law schools also needed to provide their students with a richer learning experience. That conference focused on clinical legal education. It formed the basis for our concept of creating a program to train Chinese law professors in experiential legal education methods.

Our program is funded by the United States Agency for International Development. It responds to the agency's request for proposals to promote the rule of law in China. There is more than one definition of the rule of law, and our two countries, China and the United States might not follow the same definition. But no matter what definition one uses, the rule of law requires judges, lawyers, and government officials who act based on professional skills and values. The consensus at the 2005 conference was that Chinese law graduates needed more education aimed at professional skills and values. So we proposed to work with Chinese law professors to develop the kinds of teaching methodologies that would best accomplish that goal. After a planning meeting hosted by Dean Kong Qingjiang of Zhejiang Gongshang University law school in Hangzhou and attended by representatives of CUPL and SCUT, as well as advisors from the Chinese courts, we held our first three week workshop in Guangzhou, at SCUT. It began with a presentation by Professor Cai Yanmin representing the CCCLE, describing the development of clinical legal education in China. CCCLE has participated in all our activities in China since that time and has contributed to our program's stress on clinical legal education as the focus of our program. The initial focus of the workshops was to train Chinese law professors on U.S. methods of teaching clinical and persuasive lawyering courses. Since that first training, the focus has evolved to finding methods especially displaying Chinese rather than U.S. characteristics. This has meant bringing Chinese law professors, such as Xu Shenjian and Wang Shirong to workshops to act as trainers alongside the U.S. experts. The program also sponsored LL.M. study at Pacific McGeorge and American University and faculty exchanges. We held two conferences, one in Sacramento and one in Beijing, to discuss experiential legal education in China. Speakers at the conference included top clinicians from the U.S., from CCCLE, and from participating law schools. You may find presentations from the conferences on the Pacific McGeorge website, which also includes training materials from our workshops. After our second three week workshop in Hangzhou, Zhejiang Law School Press published a book of simulation case files that can be used in experiential law teaching; several law schools now use that book.

This conference represents the culmination of five and a half years of collaboration with partners such as Zhejiang Gongshang University and China University of Political Science and Law ---eventually eight law schools and the Committee of Chinese Clinical Legal Educators worked with our program in various ways. We learned from our Chinese participants that among the barriers to experiential legal education in China were the lack of adequate curricular materials and the lack of a theory-based set of principles that would guide law schools and law professors in adopting experiential methods. So we embarked on an ambitious project to produce in the space of less than one year a set of books that would help fill these needs. Despite predictions that this could not be done, today you see before you three books that

emerged from the steadfast and skilled work of our Chinese participants, such as Professors Wang Shirong, Xu Shenjian, Liu Ying, Liu Jianming, and Hu Minfei who are here today. These books are not translations of U.S. law books; they are the product of Chinese law professors who understand Chinese law and Chinese legal education.

Why do we regard this project as so important? We cannot prepare our students for the challenges of practice as a lawyer, judge, or government official by confining ourselves to the methods of the past. I say this for two reasons: modern learning theory validates the ancient Chinese wisdom that only by doing can one understand; second, the challenges of the modern global economy no longer permit us to rely on employers to impart the legal skills and values that lawyers, judges and government officials need. Modern governments wish to promote some version of the rule of law. Who will take charge of that project, if our graduates lack the basic skills and understanding of how the law works?

We must realistically rethink the objectives of legal education. I have heard cynics say the objective is to meet the demand from university students for a law degree, and that it is not important what they learn. However, I believe that most among us want more. We have, either explicitly or implicitly, adopted learning objectives for our students. We want them to know the law; we want them to know the theory that law is based on; we want them to have basic legal analysis skills; but these objectives are not enough. We must produce students who understand the law, who understand the theory, who understand the methods of the law, and who understand the impact of the law on human behavior.

If I am correct about these learning objectives, then it follows that our teaching methods and our curriculum must be designed to achieve those objectives.

I am advisedly using the word “we” [or “wo-men”] because these principles apply throughout the world, and they apply to the best law schools and the lesser law schools. Thus, the Dean of Harvard Law School says: “Curricular innovations revise rich traditions to keep pace with rapidly evolving legal, economic, and technological developments. Overhauled in 2006, the School’s introductory curriculum has included new courses on problem-solving, legislation and regulation, and comparative and international law.” [cite to website]. Yale Law School states: “Students get practical training by representing real clients in clinics starting in their first year.” Stanford Law School notes: “Our programs —intensive curriculum, hands-on legal clinics, high-profile academic centers — cultivate professional skills and values, inspire new ideas, and engage leaders in developing solutions.” My own school, Pacific McGeorge embraced these objectives even earlier than Harvard, Yale and Stanford. We pride ourselves in offering “A balance of theoretical education and practice-related skills training.”

Professor Frank Bloch will be speaking about the Global Justice Education movement, and I think you will see that the U.S. turn to experiential legal education has its counterparts in many parts of the world. We know that it is difficult for legal education to change, because law professors are comfortable using the same teaching methods that they encountered as law students, because some law professors fear that new methods may be too hard, and because some argue that teaching of professional skills and values would transform law schools from valued members of the scholarly community into mere trade schools. So why, in light of those difficulties, have Harvard, Stanford, Yale and Pacific-McGeorge joined so many other U.S. schools to embrace learning by doing? Essentially, we have been woken up by a confluence of factors:

- The marketplace:
 - o Demands from law firms

- o Demands from students
- Advancements in learning theory;
- o The recognition that adult learners respond to different teaching methods than children;
- o The understanding of the range of mental processes, from acquiring knowledge to understanding it and then to apply it to new situations
- The change in generational culture: the challenge of teaching
 - o students accustomed to sound bites and the quick pace of television
 - o students distracted by the internet, texting, computer games
- Growing recognition that experiential legal education aids the study and understanding of doctrine
- The globalization of the law and law study.

Given all this, most U.S. law schools recognize that although it is difficult to change, we risk our legitimacy and our very existence if we do not change.

On behalf of Pacific McGeorge School of Law I want to say to those who produced these books: congratulations and thank you. I should also thank the US Agency for International Development, which funded this project, the CCLE, which cooperated with our program from our very first workshop in 2006, members of our Board of Advisors, and the dedicated professionals of China Law Development, Phyllis Chang, Wang Yongmei, and Zhang Fang, whose wise counsel guided our planning.

Zhu Wei talked about the job market. It is one of the reasons we must change.

Li Xiuhua: We do this because we have hope.

Appendix III

Report on site visits (November 2008)

Report to The University of the Pacific, McGeorge School of Law

on

Site Visits to Chinese Partner Schools

November, 2008

Frank S. Bloch
Professor of Law, Vanderbilt University Law School
Project consultant

This report deals with the status of on-going Project-related activities at the three Chinese partner schools based on site visits I conducted at each of the schools at the end of November together with Ms Yang Xinxin. We prepared for the site visits with cooperation from Dean Kong Qingjiang at Zhejiang Gongshang University (ZGU) School of Law, Professor Wang Rong at China University of Political Science and Law (CUPL), and Professor Zhou Shiwen at South China University of Technology (SCUT). Each provided us with background information prior to our arrival (in the cases of ZGU and CUPL by returning completed questionnaires), arranged logistics for our stay, and prepared proposed agendas for the visits.

We spent nine days in China (November 20-28), which allowed us two full days during the week at each school. The visit at ZGU took place Thursday and Friday, November 20-21; the visit at CUPL took place on Monday and Tuesday, November 24-25; the visit at SCUT took place on Thursday and Friday, November 27-28. In addition, we had a free morning on Wednesday, November 26, during which we met with representatives of the Chinese Committee of Clinical Legal Educators (CCCLE).

Positive results from the Project were evident at all three Chinese partner schools, where we observed many impressive efforts to improve legal education through the development of advocacy skills training and clinical legal education. We saw many instances where the Project has had direct impact on course content and teaching methods, most obviously from the two summer workshops and the year-long LL.M. studies undertaken by Chinese colleagues. But we also observed a strong commitment to the broader goals of the Project, including advancing legal education reform through US-China collaborations and exchanges, which no doubt resulted from the full range of Project activities.

Colleagues at each of the partner Chinese school have put in place new or revised advocacy skills classes and clinical programs that draw on the experiences gained from the workshops and LL.M. studies. To some extent, one can see separate influences of the advocacy and clinical workshops and the LL.M. studies in advocacy undertaken at the University of the Pacific-McGeorge and the LL.M. studies in clinical legal education undertaken at American University's Washington College of Law. As discussed in more detail below, those advocacy skills classes and clinical programs reflect at the same time the incorporation of specific content and methods learned from the US and the influence of Chinese context in adapting content and methods on the ground. Most significantly, we saw a clear pattern of melding the advocacy skills and clinical education aspects of the Project that may signal the emergence of a new particularly Chinese approach to experiential learning that could help pave the way for broader incorporation of advocacy skills training and clinical legal education in China.

Many faculty members who participated in both workshops emphasized that they use materials and methods from both in their courses. A good example was Professor Liu Ying's Intellectual Property Clinic class (CUPL) that we attended at the offices of a law firm that

supplies the case work for the students. The course includes work at the firm, including giving advice to clients on simpler matters or participating in the handling of more complex cases, as well as class sessions on relevant skills. (Professor Liu is responsible for the class sessions; most of the supervision is done by Professors Feng Qin and Wang Shu, plus some of the lawyers in the firm.) Although structured in some ways similar to a typically advocacy class, it was designed specially to fit the need of that particular class. (The 48 students in the course are divided into four groups of 12 for their placement at the firm one day per week, where they work on on-going cases at the firm, primarily investigating matters and conducting legal research.) The session we observed centered on an arbitration exercise involving a software licensing dispute between Chinese and US companies. The students were divided into three groups of four (one group for the Chinese company, one for the US company, and one as the arbitrator). The students on each team shared various roles during the exercise. Thus, students on the arbitrator team opened the arbitration, kept the other students on track (or toned them down), asked for supplemental material, etc.; students on the two company teams presented positions on various arguments, debated points raised by the arguments, presented closing arguments, etc.

In a similar vein, the SCUT faculty noted that while the curriculum distinguishes between practical skills training classes and clinic, there is considerable overlap in what is covered in the class sessions. The real difference between the two is the case work included in the clinical courses, even though the case work opportunities in the clinic are limited. With respect to their on-going teaching, the most direct benefit of the Project has been in classroom teaching, where simulation exercises have been incorporated successfully not only in practical training and clinic classes, but also in other traditional classes. But they also see many opportunities for combining the advocacy teaching and clinic training they received from the Project in many courses (not

just advocacy training in advocacy courses and clinical training in clinical courses). They also feel that their students have been beneficiaries of the Project, to the extent that it has improved teaching methods by putting students at the center. They see that their students have become inspired and much more engaged by moving them from observers to participants in their own education.

This approach may be the result of the fact that typically clinic students handle very few cases, if any, and those they do work on most often involve only giving simple advice. The professors who participated in the clinical workshops appreciate and use the clinical methodology even when student client work is very limited – but often use advocacy training methods as well. For example, Professor Yu Guodan’s Juvenile Delinquency Clinic at CUPL, which he will be teaching with another professor, will have too many students (about 90) to deal with real cases; therefore, he plans to start with advocacy training on a simulation he is preparing based on a real case. About one-third of the class sessions will involve simulations, with the class broken down into 9 or 10 groups. Although he has no immediate for the students to handle real cases, he is open to trying to take just a few cases – probably only for an initial interview and limited advice – so that the class as a whole can have a limited exposure to a “live client” experience. The students will also go on jail visits.

CUPL’s Administrative Clinic, with approximately 220 students, is taught by 10 instructors, all also part-time lawyers (7 are affiliated with the experiential teaching group and 3 are in the comparative law group). After 2 weeks of general lectures for all of the students, each group of students spends one half-day per week at the Clinic together with its supervising instructor either meeting new clients (usually by phone) or working on existing cases. Although each “clinic” (one instructor with about 20 students) has its own process for choosing cases, most

of the cases involve matters where the client's only option is to plead with the government in Beijing (typical cases involve resettlement issues or improper infringement on farmers' land). Some clinics also take Beijing consumer cases at the district and middle-level courts. Supervision also varies among the clinic groups. Most students keep in touch with instructors via email, with additional supervision sessions taking place during the instructors' "spare time." Typically each student handles one "advice" matter per week, with perhaps one case per student lasting longer. If a case develops to the point that a hearing or other type of formal meeting takes place, the instructor may hold a moot practice session for the students handling the case, with the other students observing and offering critique. The clinic is in high demand; there were about 400 applicants for approximately 200 spaces the following semester. They are hoping to get more space and better facilities in the future.

We attended two sessions of the Administrative Law clinic class. (Sessions are taught typically by two professors; the sessions we attended were shared among Professors Xu Jianshen, Li Qian, and Li Chao). The first class was based on a simulation exercise involving a wage payment claim. The students were divided into 7 groups of approximately 8 students each (4 representing the worker, 3 representing the company) and were given about 20 minutes to brainstorm how they would proceed with the case. The groups then reported back to the whole class on the key ethics points, including gaining client trust and respecting client confidentiality, as well as the consequences of following various strategic options such as suggesting that the client regularize her work status by seeking a work permit. As the groups reported, the both students and professors jumped in with questions and comments – a sometimes the professors offered comments on the students' comments. The session concluded with a lively discussion on whether students should accept gifts from clients. The second class was on negotiation and also

included a role-play exercise. The first part of the class session was a brief lecture followed by discussion of relative merits of litigation and negotiation for individual clients and for society as a whole. The professors commented on the student's comments and also introduced some practical concerns. This led to a discussion of how to prepare for negotiations, including gathering relevant facts and setting target goals with the client. Students were then asked to volunteer to run the simulation; two teams of two students each were chosen, and they then ran the simulation for about 10 minutes. The class session ended with professors commenting on both team performances.

The clinic class we attended at SCUT (about 20 students taught by Professors Huang Juan and Zhou Shiwen) was on mediation and involved both lecture/class discussion and a simulation exercise. The lecture and class discussion was framed around two questions: should process in China center on litigation or should litigation and ADR operate in a parallel way, and should China follow a "judicial," "administrative," or "non-official" model for ADR? The next part of the class was a negotiation exercise using a divorce/visitation rights simulation. The problem was taken from a book and was presented in a typical "Western" context. Two teams of three students each were chosen to run the exercise, one representing the wife and the other the husband. The exercise began with the teams presenting typical back-and-forth positions; after some time they settled on a proposed resolution. The students then broke and met with their "client" in order to discuss what took place and the proposed resolution. A number of non-role-playing students joined in the discussions with the clients, both of whom had some resistance to the proposed resolution, and offered various suggestions. The negotiation then resumed for a while without reaching a final resolution. The class concluded with a critique and discussion period led by the professors, but other students – both those who were in the role play and those

who only observed – joined in. The final wrap up returned to the need for ADR in China, noting large backlogs in the courts and considerable support from key members of the judiciary.

Of course, skills training is considered to be part of clinical legal education in most countries of the world – including the US – and the Project’s clinical workshops included work on teaching skills. The CUPL Labor Law Clinic, which we didn’t visit but was described to us by Prof. Lu Weifeng, is an example of a clinic course that was influenced directly by the Project’s clinical workshops. It includes classes on interviewing with role play exercises based on material provided during the clinical workshops (chapters from Binder & Price and Chavkin, as well as an article by Milstein on clinical legal education in the US). The 13 students also do some client work through a telephone “hot line” and occasional walk-ins at the Legal aid office; although most of the cases involve only advice, they had accepted two cases at that point for more extensive representation, one in court and the other in negotiation. (They took the negotiation case because ADR is part of their clinical curriculum, started originally with a CCCLE grant.)

The fact that actual client work is limited has led faculty who have participated in the Project to develop interesting way to put the clinical methodology to use in their courses. One notable example is the clinic class taught by Professor Liu Jianming that we observed at ZGU. That class featured a live interview with a potential client who had been sued over an automobile accident in which a pedestrian had been injured. Prof. Liu chose 5 students to conduct the 45-minute interview, during which all 5 students asked questions while the other 17 students and Prof. Lie sat around the room where they could hear and observe the students and the client. One of the observing students took videos of the interview. Near the end of the interview, two of the observing students offered private comments/suggestions to their classmates. After the interview

was over, Prof. Liu led a lively and informative discussion, during which he first asked the interviewing students a few specific questions about the case and then turned to the whole group and asked what still needed to be clarified. At various points, Prof. Liu had exchanges with individual students on a particular point or summarized a number of student comments and then asked follow-up questions to the whole class, including what barriers they might expect to encounter when investigating the case. Professor Liu took full advantage of the live interview and the students' experience in participating (and observing) the interview during the post-interview group discussion. He also engaged the students at one point in a classic brainstorming exercise, followed by pointed questions.

We also observed classes at each partner school that were intended specifically for instruction in advocacy skills. In many of those classes, specific aspects of advocacy skills teaching methodology that were presented during the Project's training were put to use. A good example of this was an advocacy class on questioning witnesses that we attended at SCUT (taught by Professors Zou Dongjun and Zhang Jicheng). The class began with a mini-lecture on the importance of questioning witnesses in the context of Chinese evidence law reform. Professor Zou then introduced the problem the students would work on (slip and fall in a shopping mall where the mall denies negligence) and gave some pointers on structuring an examination. The students were divided into four groups of five (2 representing the plaintiff, 2 representing the defendant, and 1 as the witness), given instructions on how to run the role-play exercise, and 15 minutes to prepare. The groups then ran the exercise in front of the rest of the class, for about 10 minutes each. After the role play was completed, the instructors presented detailed critiques. They began with generally positive comments overall and then asked the

students for their general comments. This was followed by more focused critique by the professors, group-by-group.

Another example of the effective use of Project training on advocacy skills teaching was a class session on closing arguments that we observed in Prof. Zhou Haiting's "Lawyer's Practice" course at ZGU, in which he used the same SEATAC problem that was used during the summer workshops. There were 8 students in the class, broken into four two-student teams. Each student had an opportunity to argue (the arguments were presented twice). Prof. Zhou gave a brief critique after the first team completed its argument, concentrating mainly on a particular method of argument that he had presented in an earlier class. After the second team's argument, he gave an extensive (15-minute) critique of the students' individual performances. The critique was animated and constructive, with Prof. Zhou speaking directly to each student. The pattern was the same for the second set of student teams, except that Prof. Zhou began the critique of those teams by asking the members of the first set of teams to offer comments. The student comments were perceptive and responsible (although not surprisingly they limited themselves to positive points). Prof. Zhou's critique of these teams focused on common qualities of the students' performances with those from the first set of teams.

There seems to be great interest in expanding the use of advocacy skills training methods – not only in conjunction with clinic classes, as noted above, but also in more traditional courses. For example, Professor Li Qian plans to incorporate advocacy teaching in a traditional Intellectual Property course at CUPL, using a trademark case file that she will create based on a real case. At the same time, she also joined with Professor Liu to write the case file used in the IP Clinic. As a sign of her commitment to this enterprise, she gave a paper recently at the annual

international economic law meeting on international advocacy teaching – thereby spreading the word about the Project in her field.

As discussed earlier, the major damper on further development of clinical courses at the Chinese partner schools seems to be limited opportunities available for actual client work. Thus, a number of ZGU faculty members made the point that they have plenty of faculty capable and willing to supervise clinic students; the problem is getting suitable cases. Even with the model we saw in Prof. Liu's class, where the whole class participates in a client interview – and then the case (if accepted) is handled by 2-3 students – the problem is that very few clients are available for interviews and an even smaller number of cases are accepted for representation (either because the case isn't suitable or the person involved chooses not to be a client of the clinic). One option at ZGU is to make greater use of the school's law firm, which is involved already indirectly in the clinical program by providing intern opportunities for students to work on cases with the firm's lawyers (most of whom are also faculty members). The firm could refer appropriate cases to the clinic and also participate in supervising the students, since most of lawyers in the firm are also on the ZGU teaching staff.

The obvious opportunity for increasing students work with actual client is for law schools to affiliate with local legal aid or other types of legal service offices. Clinic faculty at each of the partner schools support this idea and some effective arrangements have been put in place. For example, SCUT has an agreement with a community judicial office in the Tianhe District of Guangzhou, which provides legal consultation and mediation services to solve community residents' simple legal problems, to supplement the office's staff one afternoon per week. During a 2-hour visit at the office we saw that the students were very enthusiastic about their work and that in most cases they could solve clients' problems independently. In a few instances

where students encountered questions beyond their capacity to answer, they went to office staff or their clinic supervisor for help. The office will also refer more complicated cases to law firms or legal clinics, including the SCUT clinic; so far, the SCUT clinic has taken three such cases from the judicial office. SCUT students, with the encouragement of the office director, also go into communities, villages, and factories to make the office's services more accessible to those in need.

On the other hand, we also noticed that some likely collaborators are hesitant to get involved with law school clinics. For example, the Xiaoshan District Legal Aid Committee in Hangzhou has a well equipped office staffed by two full-time government-funded legal aid lawyers that work with a network of more than 80 private lawyers. Although the office has accepted some law student externs over the years (including one recent ZGU graduate who now works for the Committee), the general feeling of the leadership is that legal education is the not the responsibility of legal aid institutions and that law students are not mature enough (or competent) to handle cases, even under close supervision of law faculty. Moreover, the provincial government provides a subsidy to private lawyers for each legal aid cases assigned by the Committee. As a result, there is little interest within the Committee or among cooperating private attorneys to allow law students to handle legal aid cases.

Other examples of venues where students have some limited opportunities to interact with clients are two offices at the CUPL city campus where law students have the opportunity. The first was a trade union legal aid office, which has its own staff to assist members with various legal problems. Students can volunteer to work at the office and some calls that come to the office are handled by students in the Labor Law Clinic. The Center for Legal Assistance to Pollution Victims has its own staff that carries out an agenda of research and impact litigation,

but it also serves as a placement for clinic students (especially those in the Environmental Law Clinic). Clinic students answer “hotline” calls and also prepare various types of legal documents, handle simple matters in court as “next friend” of the client, and assist their professors or Center lawyers on more complicated matters in court. Student work in at the Center is supervised by the professor teaching their clinical course. CUPL students can also do some live-client work through the Pre-lawyers Association, which runs a Student Legal Aid Center at which about 50 first- and second-year students handle a variety of civil, labor, administrative, and criminal matters. Typically the students answer phone calls, send letters, and give advice. They can also appear in some courts with special permission from the judge and the Ministry of Justice, based on special agreements between the University and particular courts to allow legal aid students to appear. They are supervised by volunteer faculty members and lawyers who agree to be listed as willing to help. The faculty involved with the Association includes some who teach clinics and some who do not. One of the motivations for students to be members of the Association is that they have a better chance to be selected for CUPL’s highly sought after limited-enrollment clinics.

The students at CUPL expressed strong support for the clinical program – noting that it gives them the chance to learn about law practice and the real life problems of society – but they complained that it was too limited. They appreciate the opportunity to work as volunteers at the University’s Student Legal Aid Center, but it is limited to simple problems where students can give advice pretty much on their own. There is some limited faculty supervision with the Legal Aid Center, but less than with the clinic class. While it is important to increase the opportunities for students to have contact with clients, we noted that in many of these settings they are given (or left with) quite a bit of responsibility for carrying out their legal work. The students are eager

to work with clients and they seem to take the initiative to seek out supervision when they think it is needed. But they also see the value of strong clinical teaching. It was clear, for example, that the students in Prof. Liu's class at ZGU appreciated the value of clinical teaching methods even though they had limited exposure to live client work. In a meeting with the students after the class, they noted several advantages of working with a real client, including learning what problems people face in society and what they "really care about." One student contrasted learning from simulations, where the "client" is a fellow student; with a real client they face less predictable situations due to clients' having real emotions and different perspectives from students. They also seemed satisfied with the supervision they received, given the fact that most of their actual client work consisted of giving advice on simple problems. The students indicated that while they don't have regularly scheduled case review sessions, they can approach faculty members directly for whatever guidance they needed. In the few instances where they worked on a more complicated case (usually in groups of 2-3), progress on the case would be followed by the whole class and some of the supervision would be provided during general class sessions.

The students in the CUPL Administrative Law Clinic were particularly positive about their clinic experience. One student pointed out that the clinic experience helped them understand not only the substance of relevant laws, but also to identify the problems with current laws. Another student noted that even though she had not yet dealt with any real cases, the training she received from clinic classes combined with the knowledge she learned from regular classes gave her confidence that she would be able to hand real cases very well. At the same time, some students raised questions and told us about their expectations. One student noted that they only received training in interviewing clients as a lawyer. In their post-graduation life, they

might be working as a judge or prosecutor, and therefore would like to be taught how to interview clients in other judicial capacities.

The students in the CUPL Intellectual Property Clinic commented that the course is important because it isn't just passive learning; they have some control over what they learn and they appreciate being exposed to real law practice. They also said that the course helped them understand law better by applying law to real cases and that the course would be useful no matter what kind of career they choose. One student noted in addition that working with real clients gives them a strong sense of professional responsibility and that taking the course made him more interested in becoming a lawyer.

The SCUT students were very supportive of both advocacy classes and the clinic. They would like to see more opportunities to work directly on cases, including placements with lawyers during the summer. The students feel that they have adequate contact with, and supervision from, the faculty – given the fact that they don't have much opportunity to work on more complex matters. They can consult with their supervisors on the spot or they can raise questions by email or during weekly group meetings at which on-going cases or other cases of general interest (often found on the internet) are discussed. Students spend about 10 hours per week on their clinic class, which is more time than they spend – proportionate to credit – on other courses.

Perhaps the best indication of student satisfaction with the advocacy and clinical teaching by the Project-affiliated faculty is that in each class that we observed, the students were very well prepared and genuinely enthusiastic. Prof. Zhou's students at ZGU, with whom we met with for about 45 minutes after class, liked the fact that the course deals with the skills that they will need to be a good lawyer and that the role play exercises gave them the opportunity to experience the

“drama” of a trial. They felt that the course was an important addition to the curriculum and hoped that there would be similar courses in other areas, especially criminal law. One student said that the course was her best experience in law school and that it should be required for all students.

We received positive feedback about advocacy skills training for practicing lawyers – as opposed to law students – during a visit to the King & Capital Law Firm in Beijing with Prof. Wang Rong. As expressed by the firm’s founder, Mr. Tian Wenchang, skills training is more effective with professional lawyers who already have substantial practice experience. He argued further that providing clinical training to practicing lawyers particularly urgent in China because they did not receive any form of practical skill training while in school (which, in his view, is a carryover from the old style of legal education). He also noted that using costly clinical methods to train law students could be a waste of resources, since only a small number of law students can receive clinical training and most law students don’t choose to practice law after graduation, and pointed out that in order to maximize the value of clinical training in law school there must be a mechanism to ensure that these resources go to those students who really want to practice law after graduation.

Finally, we asked our Chinese colleagues at various points during the visits about future implementation advocacy skills training and clinical legal education in China as a result of Project activities – and their views about goals for the Project in the coming year. The faculty members at ZGU, including and Dean Kong, expressed the hope to add to clinic offerings by adding clinical components to other courses (for example, criminal and commercial law) and also starting clinics in other areas (for example, environmental and labor law). Again, the major problem is getting suitable cases. They have enough core clinical faculty to staff some

expansion without additional resources; however, if they were to add new clinics with significantly more direct faculty supervision, there may be a resource problem (since faculty are paid a supplement beyond base salary and substantial clinical teaching responsibilities would require substantial payment beyond the base salary). They feel that the Lawyer's Practice class has improved substantially with the training received through the Project and noted that advocacy skills teaching methods (primarily the use of simulation exercises) are used now in a wide variety of other courses, with plans to add additional advocacy courses or advocacy components in the future. Another possibility for using the methodology to reform the curriculum would be the legal writing course. They also expressed a keen interest in expanding the Project to smaller, more remote schools in their province – where ZGU is already a recognized provincial leader in the field – as well as working with schools in other, less affluent provinces.

The consensus among CUPL faculty members was that extending advocacy training in China is relatively easy, especially with the new book of case files. The main difficulty with clinical course is finding good teaching cases. Also, most Chinese faculty are focused mainly on their “major” substantive areas and are reluctant to spend full time on clinical teaching, which isn't considered a specialty and also does not attract post-graduate students with whom they could work. Most teachers prefer to stick with giving lectures; they do not consider teaching methods as an important part of their work and believe that it is up to the students to learn. Therefore, it is not clear how open Chinese law faculties will be to learning new teaching methodologies. The faculty at SCUT indicated that they would like to see skills training and clinic extended to less affluent areas of the country, but they see at least two problems: local

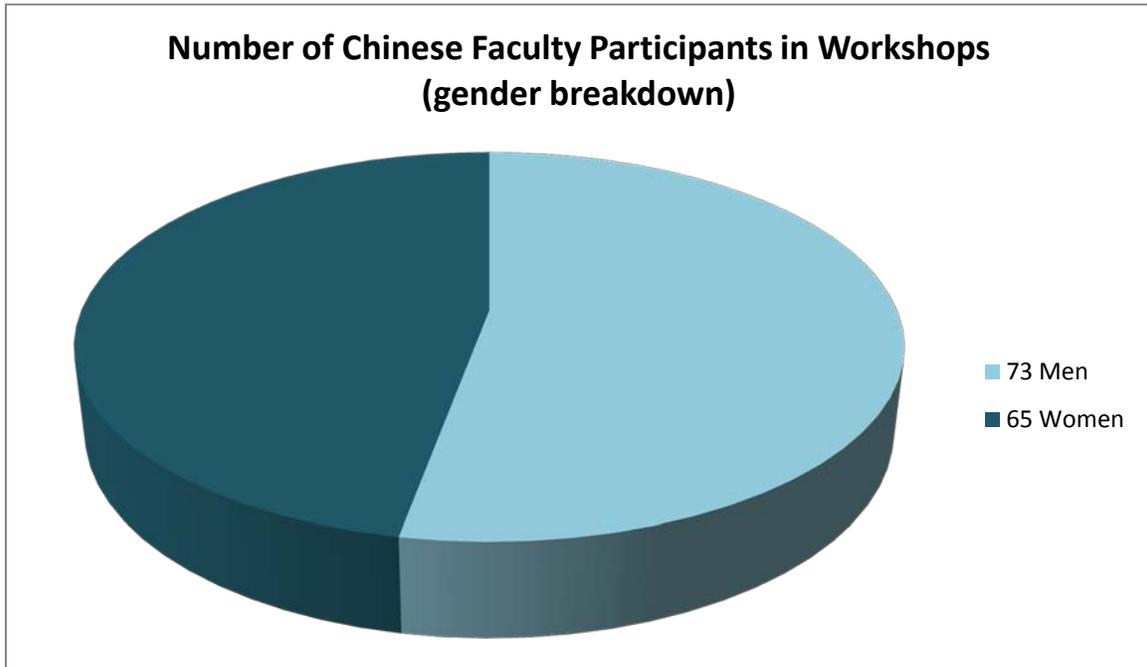
judicial agencies are more conservative and therefore less likely to cooperate, and there will be fewer resources to devote to these types of courses.

In an earlier report on the Hangzhou workshops I noted that the Project's two main workshops had two parallel agendas: providing training in clinical legal education and advocacy skills training to junior faculty at the Chinese partner law schools and a few faculty from other Chinese schools, and building on the progress made by the Project through its various activities to move the Project toward a successful conclusion (now rather a successful beginning of the recent extension of the Project granted by USAID). I concluded that report by stating the Hangzhou workshop was successful in achieving the goal of providing meaningful training to the workshop participants. As for the second goal, I observed that success would have to be measured by the extent to which the Project – and particularly the Chinese faculty partners – will be able to contribute to improving clinical legal education and advocacy skills training not only at the three Chinese partner schools, but also eventually throughout China. Having observed advocacy skills training and clinical legal education in operation at each of the Chinese partner schools, I can report that the Project, through the efforts of the original (and now expanded) Chinese and US partners, is in an excellent position to do just that.

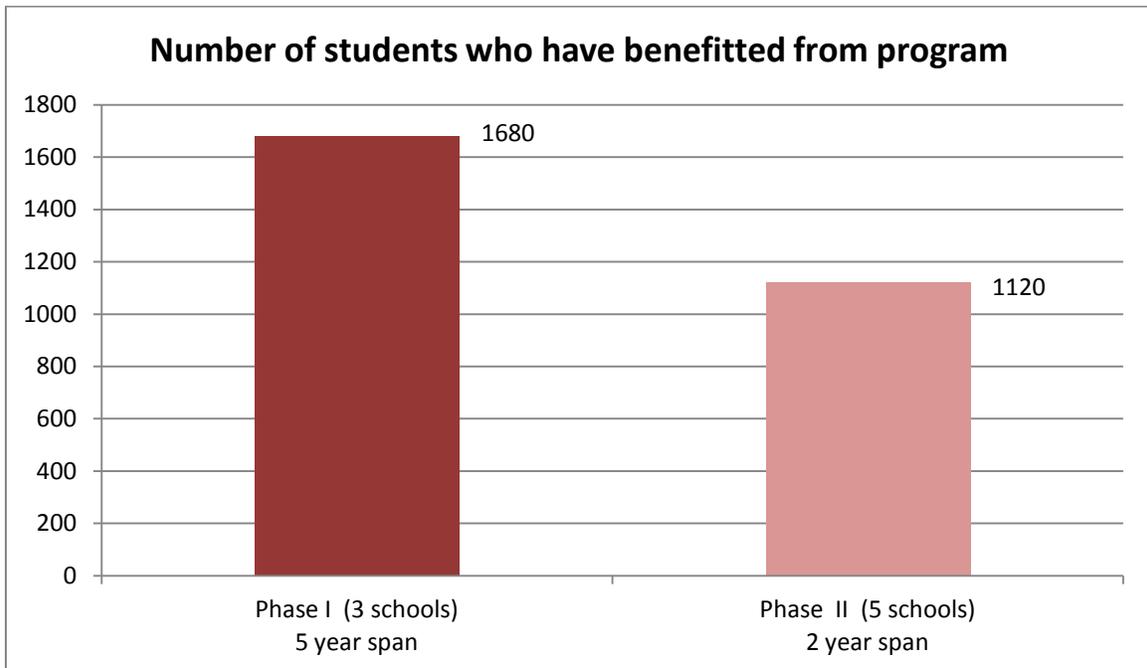
Appendix IV

Statistical summary

A.

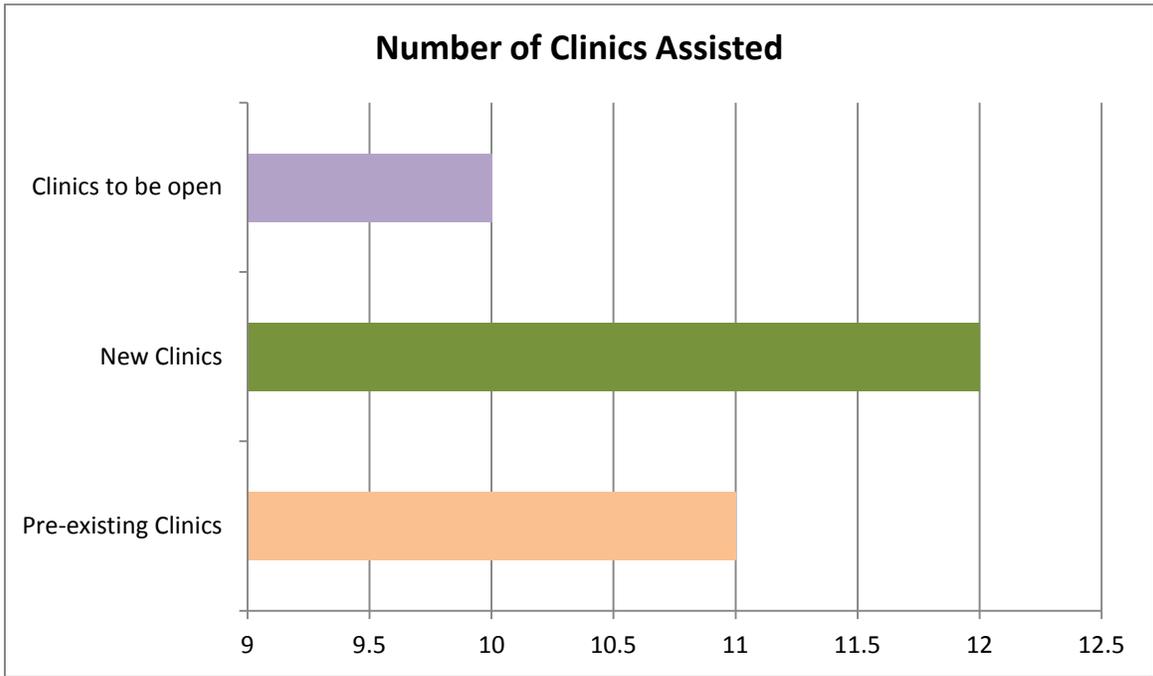


B.



Calculations based on: number of schools x estimated average number of students enrolled in clinical and simulation courses x years each school participated in the program.

C.



D. Publications

Books

Skills Training Handbook for Experiential Teaching in Doctrinal Law Courses

This book explains how experiential methods can be used in traditional podium courses and provides simulations that can be used in labor law, economic law, civil procedure law, criminal law, intellectual property law, and other courses.

Handbook for Teaching Experiential Legal Education

This book explains how to teach clinical courses, persuasive lawyering courses, and negotiation/mediation courses. It provides case files that can be used in simulation courses.

Effective practices of experiential legal education

This book explains the theory and learning outcomes of experiential legal education, and provides guidance on how to structure clinical programs and simulation programs, including persuasive lawyering and negotiation/mediation courses.

CUPL Journal of Experiential Learning Legal Education

This is the first volume from the Journal of Experiential Learning Legal Education, published by China University of Political Science and Law. In general, the articles cover information on Clinical Legal education in China and the integration of clinical and lawyering skills in the curriculum. This volume includes the article  Integrated Legal Education by Professor Brian Landsberg, Director of the China Experiential Legal Education Program at Pacific McGeorge School of Law. Please see  Table of Contents for titles of other articles that appeared in this volume. Professor Xu Shenjian is the current Editor-in-Chief.

Chinese Translation: Best Practices For Legal Education — A Vision and A Road Map

Clinicians from the China University of Political Science and Law produced this Chinese translation of *Best Practices For Legal Education — A Vision and A Road Map* by Roy Stuckey, et. al. This book provides a theoretical approach and guideline for conducting legal clinics in the United States. The English version can be accessed for FREE at:  http://law.sc.edu/faculty/stuckey/best_practices/

Comprehensive Practices of Legal Skills

This book was co-written by eleven professors from School of Law at Zhejiang Gongshang University, and co-edited by Wenyan Luo and Jianming Liu. Two-thirds of these professors received training from the USAID sponsored program directed by Pacific McGeorge. This book is an effort by Chinese law professors to apply what they have learned from American legal experiential education into Chinese context. It includes methodologies of legal experiential education, client interviewing, factual investigation, legal references retrieving and litigation strategies planning, legal counseling, negotiation, mediation, legal writing and trial advocacy. For more information please contact  Wenyan Luo and  Jianming Liu.

Access to the Justice: Clinical Legal Education

This book is made possible in part with funding from the *United States Agency for International Development*. It covers important elements of professional skills education, including clinical legal education, client interviewing, the attorney-client relationship, negotiation and mediation, trial techniques,

evidence rules, and attorney ethics. For a full copy of the book, please contact the authors, ✉ Dr. Hongqing Teng or ✉ Dr. Changxing Liu.

Representing the Client — Case Files

This book is a compilation of six case files that were created as a result of the Summer 2008 USAID workshop on Establishing and Enhancing Experiential and Clinical Legal Education in China.

Articles

JOURNAL OF CHINA LEGAL EDUCATION RESEARCH

DONG Jingbo, Professor of Law at China University of Political Science and Law in Beijing, China and USAID sponsored graduate from the LL.M. in Teaching of Advocacy at Pacific McGeorge in 2008, publishes "*Study on experiential education in courses of international law-teaching of advocacy in courses of international law On Practical Teaching Mode*".

 English  Chinese

LIU Xiaobing, Professor of Law at China University of Political Science and Law in Beijing, China and USAID program participant, publishes "*Clinic Legal Education and Legal Aid*".

THE CIP REPORT

Brian Landsberg, Program Director of the USAID Experiential Education program in China, publishes article in the CIP Report (see page 6).

 → "*A Train the Trainers Program for Building Legal Infrastructure in China*",

INTERNATIONAL JOURNAL OF CLINICAL LEGAL EDUCATION

Brian K. Landsberg, "*Walking on two legs in Chinese law schools": A Chinese / U.S. Program in Experiential Legal Education*, Summer 2011 INTERNATIONAL JOURNAL OF CLINICAL LEGAL EDUCATION 38

PACIFIC LAW ARTICLES

 "*Developing Experiential Legal Education in China*", Spring 2008

 "*Pacific McGeorge's Pacific Rim Connection*", Spring 2004

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 "*The Challenges and Opportunities of Importing and Exporting Experiential Education to China*", Volume 42 2011

Conference Papers

These papers were presented at the 2008 and 2009 USAID conferences on Experiential Legal Education that have been consolidated and listed by subject matter.

Advocacy

Jay Leach, Content and Design of Advocacy Education Courses in Chinese Law Schools: A Proposed Template

 English

Chinese Legal Education

Kong Qingjiang, Practice in Legal Education: International Experience and Chinese Response

 English  Chinese

Brian Landsberg, Strategies to Increase the Availability of Skills Education in China

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Li Chao, How to apply the Clinical Pedagogy of U.S. to the Administrative Law Clinic of CUPL

 English  Chinese

Pei Bei, The Expectation of Legal Skills in Chinese Legal Education

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Teng Hongqing, The Direction at Twist Time: Legal ethics and professionalism in China Law School

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Wang Rong

An outline of the project's development

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On the Role and Significance of Advocacy and Clinical Legal Education in China

 English  Chinese  Powerpoint

Zhen Zhen, Clinic Legal Education in China

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Zhou Shiwen, The Reform Stratagem of Legal Education in China

 English

Zhu Su Li, An Institutional Inquiry into Legal Skills Education in China

 English  Chinese

Clinical Practice

Susan Bennett

Reflections on Three Weeks: the "China Rule of Law Project: Training Clinical Teachers in China"

 English

The Content of Clinical Education Courses: A Proposed Template

 English

Elliott Milstein, Introductory Remarks: Conference on Experiential Education in China

 English  Chinese

Clinical Theory

David Chavkin, Experiential Learning: A Critical Element of Legal Education in China (and Elsewhere)

 English

Elliott Milstein

Experiential Education and the Rule of Law: Teaching Values Through Clinical Education in China

 English

Introductory Remarks: Conference on Experiential Education in China

 English  Chinese

Workshop Training Materials

These materials are from past workshops and trainings.

- Effective Practices Planning Meetings in September 2011 and January 2012
- Creating Curricular Materials for Experiential Legal Education in Yinchuan 2011
- Sacramento Observational Training and Study Tour 2010
- Chengdu Training 2010, Teaching Experiential Legal Education in Chinese Law School Session II
- Wuhan Workshop 2009, Teaching Experiential Legal Education in Chinese Law School
- CCCLE Forum on Clinical Education, Training in Harbin CCCLE
- Qingdao Planning Session
- Hangzhou Workshop 2008, Establishing and Enhancing Experiential and Clinical Legal Education in China
- Guangzhou Workshops 2007, Advocacy and Clinical Skills

Yinchuan Training 2011 - Creating Curricular Materials for Experiential Legal Education Materials

[ English, Chinese]

Sacramento Observational Training and Study Tour 2010 - Materials

[ English, Chinese]

Chengdu Training 2010 - *Teaching Experiential Legal Education in Chinese Law School Session II* Materials

[ English, Chinese]

Wuhan Workshop 2009 - *Teaching Experiential Legal Education in Chinese Law School* Materials

[ English, Chinese] PowerPoint Presentations

CCCLE Forum on Clinical Education 2009 - *Training in Harbin*

Materials [ English, Chinese]

Goals [ English/Chinese]

PowerPoint Presentations

Qingdao Planning Session 2009

Materials [ English/Chinese]

PowerPoint Presentation [ English]

Hangzhou Workshop 2008

Advocacy Materials [ English, Chinese]

Clinical Materials [ English, Chinese]

Guangzhou Workshop 2007 - *Advocacy and Clinical Skills*

Advocacy Materials [ English, Chinese]

Clinical Materials [ English, Chinese]