



VIEWS & VISIONS

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Building Bridges of Understanding

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Frank Yining Liu is a professor at the Duquesne University School of Law, where he is also Director of the school's China study abroad program and Director of the Center for Legal Information/Allegheny County Law Library.

He developed the faculty exchange program between the Duquesne School of Law and the China University of Political Science and Law (CUPL), and co-founded the first ABA-approved Duquesne-CUPL summer Chinese law program in Beijing.

Professor Liu co-authored *Pennsylvania Legal Research Handbook, 2008 Edition*. He served as the President of the Duquesne University Faculty Senate, member of the executive board of the American Association of Law Libraries (AALL), the Pennsylvania Humanities Council, and the China-U.S. Joint Commission on Legal Education of American Association of Law Schools (AALS) and the Advisory Council of University of Texas at Austin, School of Information.

He is a recipient of the "Spirit of Law Librarianship" award and the Duquesne President's Faculty Award for Excellence in Community Service.

He received his LL.B. from National Taiwan University, his Master of Comparative Jurisprudence and Master of Library Science from the University of Texas at Austin, and did fellowship at Yale Law School.

As China's economic boom continues and the United States' investment in the country deepens, there is opportunity for growth among both American and Chinese interests. The exchange of ideas that leads to that success begins with a fundamental understanding of each culture, and the connections that bond each to the future.

China is now the second-largest economy in the world, after the United States. All major American companies have invested in China, with numerous Pittsburgh-area companies among those investing. By the end of 2013, China had approved 786,157 foreign-funded enterprises, with a total investment capital of more than \$1.4 trillion. China approved more than 7.4 million patents and registered over 8.6 million trademarks, including nearly one million trademarks from 177 countries and regions.

Between 1979, when China adopted economic and legal reform, and 2012, China enacted 254 legislations, 736 administrative regulations and more than 9,200 local regulations. The Chinese government stated that a comprehensive "socialist system of laws with Chinese characteristics" was solidly in place. China also created a comprehensive court system to enforce law, and developed a legal educational system to train legal professionals and establish a national judicial examination system to license judges and lawyers. At the present time, China has more than 600 law schools and over 200,000 lawyers. Considering its huge population however, China still has a very small number of lawyers.

The current Chinese legal system borrowed heavily from western models. It was built within a time span of 30 years since 1979, when China adopted an open-door and reform policy.

However, China had a unique legal tradition dating back 4,000 years based on "Li," meaning polite, propriety or good behaviors, and imperial codes. Li is a customary, hierarchical and strict system of ethical rules of conduct according to a person's age, order and rank in the family, society and the government. The imperial codes promulgated by each dynasty from 221 B.C. to 1911, when the last Qing dynasty was overthrown, were emperors' decrees for controlling their subjects, protecting imperial powers, maintaining social order and codifying the hierarchical rules of Li. The code did not deal with transactions between individuals. The law (code) was to be feared and avoided. Any involvement with the law was a disgrace and shameful. There was no independent judiciary, nor a legal profession.

This long Chinese legal tradition cannot be changed overnight. The observance of Li remains the strong practice in society. The Chinese Constitution and the Constitution of the Chinese Communist Party (CPC) stipulate that the final authority of the government and the law, including the courts, lies with the CPC. The rights of the individual can be restricted for the best interest of the state. However, China has enforced the laws relating to domestic, foreign economic and commercial activities rather diligently. The newly trained Chinese lawyers are serious about their mission to uphold the laws. The Chinese people are gradually using the legal system to protect their rights. The remarkable economic growth of China demonstrated the tangible effect of the function of its current legal system.

At the present time, 232 foreign law firms, including 106 American law firms, have established offices in China. Future

opportunities for American law firms or lawyers to serve American and Chinese clients are unlimited. For American lawyers to serve American clients effectively in China, or to serve Chinese clients doing business in the United States, these American lawyers need to understand the Chinese tradition, culture, the political reality and the operation of the Chinese legal system. Practical short- and long-term educational programs to train American lawyers to meet their needs are very much in demand.

Since 1995, the Duquesne University School of Law has continuously operated the first ABA-approved Summer Study of Chinese Law Program in Beijing. The three-week survey course of the Chinese legal system covers Chinese culture, legal history and all major areas of current Chinese laws. The program has been held at the China University of Political Science and Law (CUPL) in Beijing, the top law school in China, and is taught in English by leading Chinese legal scholars and practicing attorneys. More than 700 law students from over 190 law schools in the world have completed the program.

In 2012, Duquesne's law school established a Master of Law (LL.M.) Foreign Lawyer degree to train law students and lawyers from China to study American law at the Duquesne campus. In May 2014, three Chinese law students completed the program. A new bar track curriculum (BTC) was implemented, beginning with the fall 2014 semester, which will enable graduates to sit for the New York bar exam. Five Chinese students are currently enrolled, and this program is expected to grow in the future.

In May 2012, the Duquesne Law School coordinated an exchange program between Beijing Chaoyang Law Society, the largest and most prosperous bar association in Beijing, and the Allegheny County Bar Association. There have been ongoing discussions between these organizations

to develop cooperative and exchange programs, including CLE programs, internships, conferences, lawyer referral, partnerships between Chinese and American law firms, short-term training programs, etc. in Beijing and/or in Pittsburgh.

Much needs to be done at the educational front. For example, opening the Duquesne Summer Study of Chinese Law Program to American lawyers for CLE; organizing ad-hoc CLE programs in general or in specific areas of Chinese law, either in Beijing or in Pittsburgh; developing long-term cooperative and exchange relationships between American bar associations and Chinese bar associations; organizing international conferences as forums for exchange ideas and/or problem solving; developing a long-term strategy to enhance American lawyers' understanding of and proficiency in the Chinese language, etc.

Through the network of such programs, efforts and strategies, our law school will take the lead in establishing connections that will fortify both business relationships and personal bonds, steering both Chinese and American interests to greater success. ▽

Two Bowles Rice Attorneys Completed the Summer Study of Chinese Law Program in 2011.

They share their experiences below:



Ryan S. Welsch

"The China study abroad program has given me firsthand experience in the explosive economic growth experienced by the Chinese economy, and its direct relation to the American economy. From talking with other law students about their sports interests (while proudly supporting their favorite NBA team, i.e. American merchandising) to grasping the immense energy needs required to fuel the world's largest manufacturing economy (powered in part by American coal), it is apparent the American and Chinese economies will continue to grow alongside their respective educational programs that commingle the intellectual assets of the Appalachian region with their Chinese counterparts."



Joseph Budd

"Part of the curriculum in the China study abroad program focuses on corporate law in China. While American companies continue to invest in China, the importance of understanding Chinese corporate law and how it differs from corporate law in America cannot be understated. As business opportunities between America and China will likely continue to grow, being able to work with Chinese lawyers, while understanding their legal system, is becoming increasingly necessary."

Ryan and Joe practice in Bowles Rice's Southpointe, Pennsylvania office.