

## Global Clinical Legal Education and International Partnerships: A Chinese Legal Educator's Perspective

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# Global Clinical Legal Education and International Partnerships: A Chinese Legal Educator's Perspective

YANMIN CAI\*

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## I. INTRODUCTION

In May 2008, upon recommendation of my good friend Michael Wishnie, Clinical Professor of Law at Yale Law School, I translated into Chinese and published the book, *Storming the Court: How a Band of Yale Law Students Fought the President and Won*.<sup>1</sup> The book introduced a Chinese audience to the true and inspiring story of the Lowenstein International Human Rights Clinic. Led by Harold Koh, then a Professor of Law at Yale University, the students in this Clinic (Mike Wishnie among them) challenged the United States government on behalf of Haitian refugees detained at Guantánamo Bay in a human rights violation case that went all the way to the Supreme Court of the United States.<sup>2</sup> The translation process, set against the backdrop of collaboration with and communication about clinical legal education with American colleagues, was an enriching experience yielding not only the opportunity to understand the function of the international human rights clinic (IHR) and its divergent impact on society but also to see the deepening convergence of international law, domestic law, human rights law, and clinical legal education. Taking part in the *Maryland Journal of International Law* (MJIL) Symposium: *Re-imagining International Clinical Law*, reading the articles<sup>3</sup> submitted by other participants,

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1. BRANDT GOLDSTEIN, *STORMING THE COURT: HOW A BAND OF YALE LAW STUDENTS FOUGHT THE PRESIDENT – AND WON* (2005).

2. See generally Michael Ratner, *How We Closed the Guantánamo HIV Camp: The Intersection of Politics and Litigation*, 11 HARV. HUM. RTS. J. 187 (1998).

3. E.g., Deena R. Hurwitz, *Lawyering for Justice and the Inevitability of International Human Rights Clinics*, 28 YALE J. INT'L L. 505 (2003); Arturo J. Carrillo, *Bringing International Law Home: The Innovative Role of Human Rights*

and engaging in the Symposium panel discussions all helped me see the significant progress made by contemporary human rights clinics and understand their prominent place in American legal education.

## II. CLINICAL LEGAL EDUCATION IN CHINA

While it is easy to conclude that globalization has affected every country and individual, the degree and breadth of globalization's effects have not been uniform because of differences in settings and societal conditions. Generally speaking, clinical legal education has gone global.<sup>4</sup> It also has become more pervasive, making significant inroads in China over the past decade. However, it should be noted that clinical legal education in China is barely a decade old and is still in its preliminary stages; only thirteen percent of the law schools in China have established clinic programs.<sup>5</sup> Thus far, "international human rights clinics" and "comparative law clinics" do not exist in China, and few of the established clinics work on human rights issues in China. Therefore, the significant issues<sup>6</sup> explored in international human rights clinics in the United States, specifically addressed in the recent MJIL Symposium, are largely undeveloped in China.

Nevertheless, clinical legal education has emerged in China at a definitive moment in which national demand for change and international support coincide. In the past thirty years, China has

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*Clinics in the Transnational Legal Process*, 35 COLUM. HUM. RTS. L. REV. 527 (2004).

4. See generally THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (Frank S. Bloch ed., 2010) [hereinafter GLOBAL CLINICAL MOVEMENT].

5. LI LIN, ANNUAL REPORT ON CHINA'S RULE OF LAW, NO. 7 (2009) (noting that there were 634 law schools in China in November 2008); see *Beijing Evening News*, XINHUA (Mar. 10, 2009), [http://news.xinhuanet.com/edu/2009-03/10/content\\_10980289.htm](http://news.xinhuanet.com/edu/2009-03/10/content_10980289.htm). According to the CCCLE Annual Report of 2010, eighty-three Chinese law schools have integrated clinical programs into their institutions as of November 2010. Secretariat of Committee of Chinese Clinical Legal Educators, Meeting of Standing Committee in Beijing (Dec. 11-12, 2010) (unpublished report) (on file with author).

6. The panel themes/guidance questions provided prior to the *Re-imagining International Clinical Law* Symposium highlighted issues such as whether and how international human rights clinics do, or should, differ from other law school clinical offerings; whether such differences are pedagogically appropriate; and what are the necessary and most fundamental aspects of such programs as they seek to prepare law students to succeed in an ever-changing milieu? Panel Themes/Guidance Questions, *Re-imagining International Clinical Law* Symposium, Maryland Journal of International Law (on file with author).

experienced a critical period of transition under the national policy of reform, during which it has achieved remarkable progress and growth politically, economically, legally, and socially.<sup>7</sup> Such change has narrowed the gap between the rich and poor, provided legal aid services to disadvantaged groups, and enhanced the rule of law in the country.<sup>8</sup> With respect to legal education, the number of law schools has greatly increased, but there are reasonable doubts as to their quality. At present, there are 634 law schools in China<sup>9</sup> (all of them public), which means the number of law schools increased 105.67 times in the past thirty years.<sup>10</sup> However, this figure does not correspond with an increase in practicing lawyers as the employment rate for law graduates has been the lowest among the humanities in recent years.<sup>11</sup>

It is not very hard to understand that China's burgeoning legal education is facing unprecedented challenges and needs to be reformed. One particular challenge legal education reform in China faces is defining its goal, especially when it has to respond adequately to the social transformations taking place in the course of modernization. The country cannot afford to neglect societal ills and social groups that have been far removed from the rapid economic and social growth. Neither can China afford to neglect legal professionals' potential for improving access to justice for the average citizen. Chinese legal education reform should consider what type of legal professionals to develop, how to guarantee the quality and credibility of legal education, and how to transform the traditional style of teaching at the law school level into a new one that is responsive to social developments. From this perspective, the model of clinical legal education abroad is one that takes on the challenge of teaching students about professional values and a sense of social responsibility independent of lawyering skills. Therefore, it

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7. See generally Jinyan Li, *Development and Tax Policy: Case Study of China* (Osgoode Hall Law Sch. of York Univ., Working Paper), available at [http://faculty.law.wayne.edu/tad/Documents/Research/Jinyan\\_Li\\_Development\\_China.pdf](http://faculty.law.wayne.edu/tad/Documents/Research/Jinyan_Li_Development_China.pdf) (last visited Apr. 11, 2011); Yang Yao & Linda Yueh, *Law, Finance and Economic Growth in China: An Introduction*, 37 *WORLD DEV.* 753 (2009).

8. See generally Titi M. Liu, *Transmission of Public Interest Law: A Chinese Case Study*, 13 *UCLA J. INT'L L. & FOREIGN AFF.* 263 (2008); Jamie P. Horsley, *The Rule of Law in China: Incremental Progress*, in *THE BALANCE SHEET IN 2007 AND BEYOND* 93 (C. Fred Bergsten, N. Lardy, B. Gill & D. Mitchell eds., 2007).

9. See, e.g., *Lectures*, CHINA-EU SCH. L., <http://www.cesl.edu.cn/eng/academiclectureview.asp?id=594> (last visited Mar. 25, 2011).

10. LI, *supra* note 5; see *Beijing Evening News*, *supra* note 5.

11. See sources cited *supra* note 10.

is worthwhile to contemplate how best to integrate clinics into a traditional Chinese legal education system.

Traditional legal education in China is quite different from legal education in the United States. Unlike the J.D. programs in the United States, legal education in China is not treated as legal professional training; that is, it does not focus on developing a specific set of skills for lawyers-to-be but rather remains fundamentally traditional in structure and delivery. The curriculum is nationally standardized, with the Chinese Higher Education Committee of Law in the Ministry of Education prescribing certain textbooks and mandatory courses, including half a dozen general courses on Marxism, Mao Zedong thought and Deng Xiaoping philosophy, Modern China History, Cultivation of Morals and Basic Law,<sup>12</sup> and fourteen legal core courses.<sup>13</sup>

The goal of China's legal education is to transmit legal knowledge to students, which is achieved by lecturing. About two-thirds of China's 450,000-plus law students are undergraduates enrolled in a four-year program seeking their first university degree.<sup>14</sup> Only a few of these students will actually enter private law practice after graduation. Instead, most will take some sort of government job or go to work for a private business.<sup>15</sup> Undergraduate law students usually carry as many as six to eight courses per semester, necessitating fifteen to twenty hours in class each week. Nearly all of their teachers use that class time to lecture on black-letter legal rules which comprise the heart of their civil law courses. Most of the law faculty are scholars and have not practiced law. It is therefore not difficult to see why clinical methodology, with its interactive, discussion-focused format and its emphasis on building skills and values, presents a pedagogical challenge to Chinese students and teachers alike. The real world, client-centered focus on facts and practice—which lies at the heart of clinical legal education—could not be more different from the rest of the Chinese legal curriculum,

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12. *The Publicity Department of CCCPC & Ministry of Education's Opinion on Strengthening and Improving Ideological and Political Theory Courses in Higher Education*, RETRIEVAL SYS. EDUC. POL'Y L., <http://fagui.eol.cn/html/200909/1631.shtml> (last visited Apr. 6, 2011).

13. *Training Plan and Curriculum for Undergraduate Students of Law at Sun Yat-Sen University*, SCH. L. SUN YAT-SEN U., <http://law.sysu.edu.cn/Item/1350.aspx> (last visited Apr. 6, 2011).

14. See REPORT ON CHINA LAW DEVELOPMENT: DATABASE AND INDICATORS 41 (Zhu Jingwen ed., 2007) [hereinafter REPORT ON CHINA].

15. *Id.*

with its virtually exclusive emphasis on rules and theory. Nor could the discussion-oriented approach adopted by many clinical teachers be in sharper contrast to the passive lectures that the majority of their colleagues still use.

### III. INTERNATIONAL COUNTERPARTS

Undoubtedly, the traditional legal education in China is by no means satisfactory to meet contemporary societal demands and is in need of reform. Thankfully, in the past decade, Chinese legal educators, aided by their international counterparts at universities and institutions in the United States and elsewhere, have been exploring ways to integrate clinical legal education into the traditional Chinese legal curriculum.<sup>16</sup>

The Wuhan Center for the Protection of Rights of Disadvantaged Citizens at Wuhan University School of Law, the first university-based legal aid institution in China, is acknowledged as a pioneer in Chinese legal education reform.<sup>17</sup> Started in the early 1990s by Wan E'Xiang, then a young faculty member at Wuhan University (and now a Vice-President of the Supreme Peoples' Court in Beijing), the Center was from the start an effort to create a Chinese model for collaborative law reform efforts, uniting students and faculty with their community. The Ford Foundation (Ford) provided some of the first funding for the Center.<sup>18</sup> Initially, the Center was comprised of student and faculty volunteers, and a group of staff lawyers employed (and paid) by the Center performed most of the real legal work. A similar model was adopted a few years later by the Women's Legal Aid Center, which also acquired financial backing from the Ford Foundation.<sup>19</sup> Unlike the independence of the Wuhan Center, the Women's Legal Aid Center was more closely affiliated with Beijing

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16. See Cai Yanmin & J.L. Pottenger, Jr., *The "Chinese Characteristics" of Clinical Legal Education*, in GLOBAL CLINICAL MOVEMENT, *supra* note 4, at 87.

17. See CENTER FOR PROTECTION RTS. DISADVANTAGED CITIZENS, <http://www.cprdc.org/web/> (last visited Apr. 6, 2011).

18. Professor Wan studied at Yale Law School in the 1980s under the auspices of the Ford Foundation's Committee for Legal Education Exchange with China, where he observed U.S.-style law school clinics and local legal aid offices first-hand. Thus, when looking for funding for the Center, Professor Wan naturally turned to Ford.

19. See *Beijing Qianqian Law Firm*, FORD FOUND., <http://www.fordfoundation.org/grants/grantdetails?grantid=80404> (last visited Mar. 26, 2011). Beijing Qianqian Law Firm is the successor to the Peking University Law School Women's Legal Aid Center. *Id.*

University.<sup>20</sup> Both Centers successfully handled a variety of cases, large and small, developing strong, positive reputations with the public, media, and legal communities.<sup>21</sup> It was the result of the efforts of these Centers and government encouragement for legal reform and greater access to justice that student-run legal aid offices became increasingly common at universities with substantial law schools or law departments.

The faculty members and students who devoted their time to these expanding legal aid services found themselves in a difficult situation—the schools did not truly embrace the legal aid services and neither students nor teachers were given credit for their legal aid work. The plight of Ms. Ao Li illustrates this predicament.<sup>22</sup> Li is now a Professor of Law at Wuhan University and has been with the Wuhan Center since 1995, when she was a graduate student working as a volunteer. At that time, Li's law school failed to recognize, and therefore give academic credit for, Li's work at the Center. Moreover, faculty members' teaching assessments did not incorporate their work supervising students at the Center. Under these circumstances, the Center had a tenuous relationship with the School of Law at Wuhan University; teachers and students involved with the Center did not receive institutional encouragement or support for their legal aid efforts. The concerns of the Chinese faculty members strengthened the resolve of Ford Foundation officer Ms. Titi Liu<sup>23</sup> and her colleagues to launch a program to support the development of clinical legal education in Chinese law schools. Specifically, they sought to incorporate legal aid services into the law school curriculum. The communications with Ford also assisted Li Ao and

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20. See *Peking University Women's Legal Aid Center Loses its Affiliation*, NGOS IN CHINA (Apr. 14, 2010), <http://ngochina.blogspot.com/2010/04/peking-university-womens-legal-aid.html>.

21. For example, the Peking University Law School Women's Legal Aid Center provided help to a domestic violence victim. See *Peking University Law School Center for Women's Law Studies & Legal Services*, NGO LEGAL AID, <http://www.woman-legalaid.org.cn/detail.asp?id=1381> (last visited Mar. 25, 2011).

22. See Cai Yanmin, Remarks at the 2009 Annual Conference on Chinese Clinical Legal Education: Getting Experience on Clinical Legal Education in China (Aug. 20, 2009) (on file with author).

23. From 2000 to 2008, Ms. Liu served as consultant, and thereafter, Program Officer at the Ford Foundation. In the late 1990s, Titi Liu served as a visiting teacher at Fudan University and East China University of Politics and Law. At that time, she helped students formalize and strengthen their student legal aid offices and paired them with faculty who were interested in assisting with the legal aid services.

other Chinese faculty members in better coping with their predicament.

At the beginning of the new millennium, Titi Liu began working in collaboration with the Director of Clinical Education at Yale Law School, Professor J.L. Pottenger, Jr., to explore whether there might be interest among Chinese law faculty and administrators in experimenting with a more formal model of clinical legal education. Titi Liu arranged to visit six Chinese law schools (Fudan and East China (Shanghai); Wuhan University and South Central University of Politics and Law (Wuhan); and Beijing and Tsinghua Universities (Beijing)) with Pottenger, to speak to interested faculty and administrators about clinical legal education and to see whether they might be interested in seeking grants from Ford to pilot such an experiment in clinical learning. After some interactive discussions with law faculty from different Chinese law schools, seven prominent schools (including Beijing, Tsinghua, People, Wuhan, Fudan, China East, and South Central China Universities) planned to launch new clinical programs in the fall of 2000 with funding from Ford.<sup>24</sup> Ford Foundation staff, Professor J.L. Pottenger, and faculty from each school then worked together to develop guidelines, procedures, curricula, and funding metrics for the initial round of grants.

Through a series of trainings, conferences, and partnerships with U.S. law schools, clinical legal education readily expanded in China. In August 2000, a week-long training conference was organized at Wuhan University which brought together a team of clinical professors from the United States and the initial cohort of Chinese clinical professors.<sup>25</sup> That autumn, one group of Chinese professors from each of the first seven schools came to New Haven, Connecticut, for another week-long training session at Yale's clinic, the Jerome N. Frank Legal Services Organization. In early December 2000, People's University in China hosted a successful *Forum on Clinical Legal Education and 21st Century Legal Educational*

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24. In 2001, before launching the clinical program at Sun Yat-Sen University, I visited these law schools and interviewed the faculty members including Professor Zhen Zhen (People), Jianmin Chen (Tsinghua), Ao Li (Wuhan), Xihua Peng (South Central), and Xiaoyuan Mao (East China) who personally participated in these planning meetings and discussions. For additional information, see Liu Donghua, Remarks at the 2009 Annual Conference on Chinese Clinical Legal Education: Historical Review on the Development of Clinical Legal Education in China (Aug. 20, 2009) (on file with author).

25. *Id.*

*Reform.*<sup>26</sup> The first year's experiment was successful, and another international training conference was held at Wuhan in August 2001, followed by a second round of U.S.-based training that autumn in New Haven and at Columbia University in New York City. An additional four Chinese schools, including Sun Yat-Sen University, Northwest University of Politics and Law, Sichuan University, and Yunnan University instituted their own clinics during the 2001-2002 academic year. Clinical professors from China and the United States launched a series of law school exchanges and partnerships the same year, with Columbia-Wuhan, Georgetown-Northwest, and NYU-Sun Yat-Sen being the most successful pairings. The clinicians in each of the pairings visited each other's law schools and got to know each other's settings and conditions more fully. These visitations significantly helped implement the American clinical education model into the Chinese legal education system.

It is worth mentioning that in this process, the Yale-China Association also made a contribution and played a significant role by placing a group of American law fellows at a number of Chinese law schools, including Sun Yat-Sen University, Wuhan University, Sichuan University, Tsinghua University, and Northwest University of Politics and Law. These fellows taught courses on U.S. law and assisted their Chinese host schools in developing and teaching clinic classes with their Chinese colleagues. While the fellows made a significant contribution in assisting the development of clinical legal education in their Chinese host schools, they also gained valuable teaching experience which would benefit their future careers in the United States.<sup>27</sup>

One national organization, the Committee of Chinese Clinical Legal Educators (CCCLE), should be recognized for its great efforts in promoting the expansion of clinical legal education nationwide. In the summer of 2002, the CCCLE was launched at an international conference at Sun Yat-Sen's Zhuhai campus, a memorable event in the development of Chinese clinical education.<sup>28</sup> The event drew

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26. *Id.*

27. Some of these fellows include John Smagula, Hari M. Osofsky, Carl Minzner, and Pamela N. Phan, all of whom I have met at various events either in China or the United States. My conversations with the fellows confirmed the value of the fellowship program.

28. *Clinical Legal Education Committee of China's Inaugural Meeting was Held in Zhuhai*, NANFANG WANG (July 29, 2002), <http://www.southcn.com/news/dishi/zhuhai/shizheng/200207292163.htm>.

several new U.S. clinical professors and a large group of interested Chinese legal academics and curious government officials. The CCCLE, a nonprofit national academic organization, was launched with the approval of the China Law Society, an important Chinese legal association.<sup>29</sup> With the establishment of the CCCLE, Ford shifted its policy of giving funds directly to individual law schools and instead provided funding to the CCCLE.

The mission of the CCCLE is to launch all possible initiatives to facilitate and promote the spread and development of clinical legal education in China. The CCCLE has been fulfilling its mission by taking the lead role in expanding clinical legal education throughout China in a variety of ways, and continues to be a major player in Chinese clinical circles today. The most important activities of the CCCLE include planning an annual conference, organizing workshops and training meetings on various topics, organizing and funding academic research projects and publications on clinical legal education, and maintaining a website aimed at facilitating the development of clinical teaching methodology among Chinese clinicians.<sup>30</sup> The CCCLE also provides funding and technical support to the clinics for specific matters. For example, based on an initial review of the applications from law schools hoping to institute clinical programs, CCCLE representatives with experience in clinical teaching visit the candidate schools, observe classes, evaluate office conditions, hold meetings with students, teachers, and administrators, provide guidance and suggestions, and establish requirements for nascent clinic programs to assist them in getting off to a smooth start.

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29. The China Law Society (CLS) was founded in 1949 as an academic body of legal sciences and a national association of legal scholars, jurists, and law practitioners. CLS's objectives include: enriching legal studies; promoting the rule of law; and assisting in the development of successful civilizations. CLS has been actively organizing and mobilizing scholars and jurists to promote legal studies in different disciplines and at different levels by making great contributions to progress in legislation, justice administration, law enforcement, and the popularization of legal knowledge in China. Chinese society has consequently recognized CLS as an important force for the development of socialist democracy, the rule of law, and the promotion of human rights. *China Law Society: XXIV World Congress of Philosophy of Law and Social Philosophy in Beijing (China)*, CHINA L. SOC'Y, <http://www.chinalawsociety.com/index.asp?inford=56> (last visited Apr. 11, 2011).

30. See *Committee of Chinese Clinical Legal Educators*, CLINICAL LEGAL EDUC. CHINA, [www.cliniclaw.cn](http://www.cliniclaw.cn) (last visited Mar. 26, 2011); see also *CCCLE Training Materials*, MCGEORGE L. SCH., [http://www.mcgeorge.edu/Experiential\\_Education\\_in\\_China/News\\_and\\_Events/CCCLE\\_2009\\_Forum/CCCLE\\_Training\\_Materials.htm](http://www.mcgeorge.edu/Experiential_Education_in_China/News_and_Events/CCCLE_2009_Forum/CCCLE_Training_Materials.htm) (last visited Apr. 11, 2011).

In June 2010, the CCCLE held an international conference at the campus of the Chinese University of Politics and Law in Beijing to celebrate a decade of progress in Chinese clinical legal education.<sup>31</sup> That conference provided a critical opportunity for Chinese clinicians to reflect upon the development and status quo of the clinical legal education movement in China.

At that time, membership in the CCCLE had expanded to include a total of 134 institutions, eighty-two of which have formally integrated clinical education into their law school curriculum. Because some law schools have multiple clinics, the actual number of law clinics nationwide has grown to over 130.<sup>32</sup> The clinics differ in design, with some focusing generally on areas such as litigation, legislation, or alternative dispute resolution, while others have developed their own special areas of focus, including women's rights, labor rights, civil rights, rights of the disadvantaged, rural or farmers' justice, environmental protection, and criminal (including juvenile) justice.<sup>33</sup> Although it is true that clinical legal education in China is still in its preliminary stage, we can say optimistically that the scenario exemplifies one of Chairman Mao's famous sayings, "[l]et a hundred flowers bloom . . ."<sup>34</sup> While China does not have any human rights clinics, the work of the current Chinese legal clinics embody the same general principles of improving access to justice and providing legal services to disadvantaged or neglected individuals.

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31. *The Tenth Anniversary Celebration of the Chinese Clinical Legal Education and Clinical Legal Education Forum*, CHINA CT. (June 21, 2010), [http://www.chinacourt.org/public/detail.php?id=414793&k\\_title](http://www.chinacourt.org/public/detail.php?id=414793&k_title).

32. *Id.*

33. For example, the Legislation Clinic at the Northwest University of Politics and Law works with local governmental agencies and civilian groups to analyze local problems and propose legislative solutions to help disadvantaged groups. Teams of clinical students gather information from a variety of public and individual sources and bring this knowledge into the policymaking process. In the Labor Rights Clinic at Sun Yat-Sen University, the Clinic students represented a migrant worker who suffered a serious knee injury at his job in a Guangzhou restaurant. The employer had denied that the injury took place on the job, and two levels of local administrative review rejected the worker's claim for "identification of workplace injury." In an administrative litigation case filed in the Guangzhou People's Court, the Clinic succeeded in overturning the adverse administrative decisions which pressured the employer into reaching a compensation agreement with the injured worker.

34. MAO ZEDONG, ON THE CORRECT HANDLING OF CONTRADICTIONS AMONG THE PEOPLE (1957).

As part of its effort to promote clinical education in China, the CCCLE keeps in touch with the international clinical legal education circle. For example, CCCLE has invited experienced clinicians from the United States, India, South Africa, and Poland to attend the annual conferences, workshops, and training meetings to share their valuable teaching experiences with their Chinese colleagues. These international clinicians, in their enthusiasm and fervor, help design and frame the form, theme, content of workshops and training meetings, as well as remain deeply involved in the whole conference and training process.<sup>35</sup> These events and activities also have helped build a deep friendship between Chinese clinicians and international clinical scholars and have laid a strong foundation for a long-term cooperative relationship. Furthermore, Chinese clinicians, led and supported by the CCCLE, have been doing their best to engage and interact with their international counterparts. Chinese clinicians have attended international conferences on clinical legal education held in Poland, Argentina, and Africa, sharing their experiences with clinical scholars from over fifty countries and regions.<sup>36</sup> Active participation in the Global Alliance for Justice Education (GAJE),<sup>37</sup> close collaboration with clinical professors from other countries, and an emphasis on innovation are fast-becoming hallmarks of Chinese clinical legal education.

In the summer of 2009, CCCLE, the Ford Foundation, and the Public Interest Law Initiative (PILI)<sup>38</sup> launched a public interest

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35. These foreign clinicians include: Professors J.L. Pottenger and Michael Wishnie from Yale University; Professors Carol B. Liebman and Barbara A. Schatz from Columbia University; Professor Frank Bloch from Vanderbilt University; Professor Philip G. Schrag from Georgetown University; Professor Jennifer Lyman from George Washington University; Professor Margaret Woo from Northeastern University; Professor Sharon Hom from City University of New York; Professors Martin Guggenheim and Holly Maguigan from New York University; Professor Douglas Frenkel from the University of Pennsylvania; and Professor David McQuoid-Mason from the University of Natal, South Africa.

36. For example, at the fourth annual GAJE worldwide conference held in Argentina in November 2006, I launched and hosted a session on behalf of CCCLE entitled "Social Justice Education in Law School in the Era of Social Change" with several clinical scholars from the United States, Poland, and Russia. This session allowed me to share the Chinese clinical education experience with scholars from more than fifty countries and regions.

37. For more information on GAJE, see *Welcome to GAJE*, GLOBAL ALLIANCE FOR JUST., <http://www.gaje.org/> (last visited Apr. 11, 2011).

38. The Public Interest Law Initiative is a center for learning and innovation that advances human rights principles by stimulating the development of a public interest law infrastructure in a wide variety of countries. *Public Interest Law*

fellowship program.<sup>39</sup> Through this program, thirty recent Chinese clinic graduates have been awarded two-year fellowships to serve in public interest practice settings throughout China. These fellows are placed at government legal aid offices in different provinces and regions, where they provide various legal aid services to local disadvantaged groups, including negotiation, mediation, arbitration, and litigation under the supervision of experienced legal aid lawyers. This program may help create a public interest career path previously unknown in China, and the work of these clinical graduates may further advance the role and reputation of the law school clinics with which they were involved.

After a decade, we can conclude that the collaboration and partnership between U.S. and Chinese institutions, and their respective legal clinical scholars, help to establish clinical legal education in China and continue to foster its advancement. The Chinese clinical legal education initiative might also be regarded as a specific and vivid exemplification of globalization and internationalization as the story of clinical legal education in China would be substantially different without the valuable international collaborations and partnerships.

#### IV. CHALLENGES FACING THE DEVELOPMENT OF CLINICAL LEGAL EDUCATION IN CHINA

Though clinical legal education in China has made significant strides, there are still a number of specific challenges that need to be addressed. These include:

##### A. *Expense and Financing of Legal Clinics*

The very substantial Ford Foundation financial support, now in place for ten years and dispensed (mostly) through the CCCLE, has been only slightly supplemented by other founders. While the schools themselves have contributed to the expense of running clinics, no replacement for Ford has been identified. The Ministries of Justice and Education have thus far declined to contribute in any significant

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*Initiative: Cultivating a Lifelong Commitment to Public Interest Law*, PUB. INT. L. INITIATIVE, <http://www.pili-law.org/> (last visited Mar. 26, 2011).

39. For an introduction to the public interest fellowship program, see *China Law Society, Legal Education Research Association Community Clinical Legal Education Committee and the Legal Services Volunteer Programs Volunteer Recruitment*, RENMIN U. CHINA L. SCH., <http://www.law.ruc.edu.cn/jobs/ShowArticle.asp?ArticleID=17249> (last visited Apr. 6, 2011).

manner. If they continue to hold back, a serious funding crisis will soon occur which will significantly affect the sustainability of clinical legal education in the nation.

### *B. The Integration of Clinical and Traditional Legal Education*

Currently, both teachers and students are over-burdened as well as under-rewarded for their clinical work. This problem is most acute for certain teachers, as the task of supervising students is not integrated into their teaching assessments. In addition, the overall incentives and compensation structures directly undermine a faculty member's possible desire (and even financial ability) to work as a clinical teacher-supervisor. The demands of real casework, such as drafting and revising pleadings, collecting evidence, interviewing witnesses, doing legal research, and preparing a case for trial are simply too great to allow any but the most selfless educators to sacrifice their pay and publication and promotional prospects. Most of the traditional teachers, including some deans and presidents, still regard clinical teaching as merely the repetition of practitioners' clichés without academic value. This negative perception serves as the key obstacle for setting new professional/professorial standards by which to measure clinical teaching and supervision. Thus, it is critical to re-conceptualize Chinese legal academic standards. For while the growing pedagogical advantages inherent in clinical learning are invaluable to the Chinese legal education system, they alone are insufficient without revised legal standards.

### *C. Localization, Standardization, Improvement, and Assessment*

Clinical legal education in China needs to adapt to the requirements of its own educational authorities, developing practices and techniques that preserve its experiential essence while also maintaining its Chinese characteristics. One specific challenge is the continuing tension between ensuring competent representation and quality education and the desire to encourage experimentation and multiple models for clinics, sometimes with varying levels of case volume or faculty oversight. Thus, strengthening institutional procedures within the clinic is vital. The solutions, however, will need to meet the contextual requirements of Chinese society, including its legal and academic cultures.

## V. CONCLUSION

It is clinical education that encourages Chinese legal educators to contemplate how to shape legal education with stronger social responsibility, not simply to produce legal practitioners but to create a legal profession with moral obligations. Therefore, Chinese clinical legal educators are grateful to their American and other international colleagues and institutions for their significant contributions in helping us establish clinical legal education in China. More importantly, our international colleagues have helped us realize the relationship between legal education, public service, and social justice, thus enabling us to appreciate the social responsibility of legal education. Nevertheless, as mentioned earlier in this article, clinical legal education is barely a decade old and still at a preliminary stage in China. Therefore, even if high-profile international human rights issues and international human rights clinics do not currently exist in China, they will likely develop in the future. With this in mind, the *Re-imagining International Clinical Law* Symposium will have far-reaching significance and influence, especially in enlightening Chinese clinicians to pay serious attention to human rights issues in order to prepare us to respond theoretically and practically in the future. In the meantime, the enriching process and experience in the past decade of establishing clinical legal education in China has encouraged us to believe that the future development and growth of clinical legal education lies in a collective effort of Chinese legal educators and institutions and their international counterparts.