

**OKLAHOMA CITY UNIVERSITY SCHOOL OF LAW'S
CERTIFICATE IN AMERICAN LAW PROGRAM FOR
NANKAI UNIVERSITY (TIANJIN, CHINA) LAW STUDENTS**

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Submitted for the IALS 2008 Educational Program

(please consider this paper for any of the three educational program sessions)

If selected for the first category, "Local Experiences: Six Delegate Reports on Effective Teaching Techniques," my presentation will describe techniques for making common law legal reasoning, research, writing, advocacy skills, and ethical rules relevant to students from a civil law background. I will describe how cases and legal writing assignments were adapted for non-native English speaking students and discuss techniques for providing constructive feedback to students. These techniques will be illustrated in my presentation with short video clips of class sessions, exit interviews with students and faculty, PowerPoint slides from class sessions, and screenshot samples of students' graded work. I will explore how professional outings to law firms and governmental entities were used to provide context for what students were learning in the classroom. Photographs and video clips of the professional outings will supplement this discussion.

If selected for the second category, "Effective Teaching Techniques Practical Demonstrations," I will demonstrate techniques from all educational segments of the Certificate program. From the introduction to the role of the lawyer in America segment I will discuss how course materials were chosen to yield comparisons between the Chinese and American legal systems and discuss the use of the modified Socratic method. Examples of the careful preparation of cases for briefing and sample briefs and memoranda completed by students with feedback from the professors will be used to demonstrate teaching techniques from the legal analysis and writing segment of the program. The comparative techniques used during the legal research segment of the program will be explored through PowerPoint slides used in classroom instruction. Video footage of the students' mock trial will demonstrate the techniques used during the introduction to American trial practice segment of the program. These demonstrations will be supplemented with short clips of video interviews with faculty who taught in the program evaluating their teaching techniques and describing new techniques planned for this summer's program.

Oklahoma City University School of Law's (OCU Law) Certificate in American Law Program was designed to provide Chinese law students from Nankai University¹ with an intensive educational and cultural introduction to the American legal system. The inaugural group of thirteen LL.B. and two LL.M. students attended the program during the summer of 2007. Nankai carefully selected students to participate based on their scholastic abilities and English language proficiency. For most of the students the trip was their first time abroad. The students ranged in age from nineteen to twenty five years old. The students were accompanied by two Nankai professors who attended all class sessions and extra-curricular events.

Students attended 150-minute class sessions Monday through Thursday mornings during four consecutive weeks. Outside of class students enjoyed an insider's view of the legal profession through numerous professional outings to large and small law firms, courts, and governmental entities. Trips to local attractions introduced students to the unique history and culture of the State of Oklahoma.

The academic program began with an introduction to the role of the lawyer in the American legal system taught by Dean Lawrence K. Hellman.² Beginning with this subject gave students a frame of reference that was useful during their remaining educational and professional experiences. Examining the role of the lawyer in the American legal system also provided numerous opportunities for comparisons with the role of the lawyer in the Chinese legal system and society. Hopefully, these comparisons will assist the students as they personally participate in the evolution of the role of lawyers in Chinese society.³

Over the past three decades the role of lawyers in China has changed dramatically. The adoption and subsequent amendments of the Chinese Law on Lawyers⁴ have played an important role in the development of the Chinese legal profession. The Law on Lawyers contains many concepts borrowed from the American legal ethics tradition that are discussed in more detail below.⁵ The implementation of the Law on Lawyers in China has been challenging. The law's prohibitions against influencing judges and officials run against the traditional concept of *guanxi*.⁶ It is still common practice for Chinese lawyers to use personal contacts and connections to influence the outcome of cases.⁷ Chinese law faculty have observed that lawyers who refuse to try and influence judges would quickly lose business.⁸ Another obstacle in the implementation of the Law on Lawyers is that legal ethics is not recognized as a course by the Chinese Ministry of Education and accordingly is not taught in Chinese law schools. One goal of including the regulation of lawyers as a subject in this program was to provide the students with knowledge of legal ethics that could be useful in the implementation of the Law on Lawyers and possibly even advance the rule of law in China.⁹

The assigned materials for this section of the course included the book *Legal Ethics in a Nutshell*,¹⁰ several cases,¹¹ and sections of the Oklahoma Rules of Professional Conduct¹² containing concepts also found in China's Law on Lawyers, including prohibitions on representation where a conflict of interest exists,¹³ prohibitions against dishonesty, fraud, deceit, misrepresentation, or implying that a lawyer can improperly influence a government agency or official;¹⁴ provisions of the Rules discussing a lawyer's obligation of confidentiality,¹⁵ and other provisions. Selecting concepts found in the laws of both countries gave students a chance to see how American law approaches these issues and allowed for comparative discussions.

In class, Dean Hellman primarily lectured, periodically called on students, and used student questions as a basis for further in-class explorations and discussions. This modified Socratic

method gave the students who were accustomed to lecture-only style classes in China an introduction to the format of a typical American law school class.¹⁶

Several professional programs and outings focused on the role of the lawyer in the American legal system. Dan Murdock, General Counsel of the Oklahoma Bar Association, gave students an introduction to the regulation of lawyers in the State of Oklahoma and answered questions about disciplinary procedures and the ethical requirements of practicing law.¹⁷

Students toured Oklahoma City law firms and had lunch with lawyers in the firms. Students asked the lawyers a variety of questions including concepts that were discussed in class and how they balanced their personal and professional lives. The Chinese Law on Lawyers contains several provisions regarding the organization of law firms and sole proprietorships, fee agreements with clients, and other matters relating to the management of law firms.¹⁸ American lawyers shared their insights into how they approach these issues, and Chinese professors and students offered their observations of how Chinese firms handle them. American lawyers were curious about Communist party membership and asked the students if they thought party membership would help or hinder them in representing their clients.

The students also visited the offices of Oklahoma Attorney General Drew Edmondson, an elected official whose office provides legal representation to state agencies and represents the interest of the state and its citizens in legal matters. Attorney General Edmondson discussed the challenges of being a politician, an elected official, and a lawyer and the tensions between these roles. The students and professors found these comments to be particularly relevant. They shared observations about how the role of the lawyer in China has developed from a state worker who put the party and state interests first to the more modern conception of lawyers found in the Law on Lawyers where duties to socialism and the state are not mentioned.¹⁹

The remaining portion of the academic program focused on practical skills training. This type of training is common in American law schools but not in China where the traditional approach to legal education focuses only on theories and concepts.²⁰ Problems caused by the lack of practical skills training were recognized at the 2005 conference for American and Chinese law school deans in Beijing and at least one other conference since then.²¹ Several outspoken deans of Chinese law schools have predicted that if Chinese law students do not receive skills training they will be unprepared to adequately represent their clients as China continues its transition toward a modern commercial and industrial society.²²

The first two weeks of skills training focused on legal reasoning, writing, and research in the American legal system. Designing this portion of the program to deliver meaningful training was challenging. We set out to introduce students hailing from a civil law tradition to fundamental elements of the American common law system in only two weeks.²³ The task seemed daunting given the number of glaring differences between the two cultures and legal systems. The most obvious differences include cultures and legal systems based on divergent philosophical foundations,²⁴ differences in the basic sources and hierarchy of legal authority,²⁵ and different roles played by the legal system and lawyers in American and Chinese society.²⁶

For training in legal reasoning and writing, students were divided into two small sections taught by Professor Emma Rolls and Professor Jean Giles. Small sections facilitated close interaction between the professors and students. The book *Legal Reasoning, Research, and Writing for International Graduate Students* was used for this section of the program because it included

material comparing the Asian and American legal traditions and material on legal analysis, writing, and research.²⁷ Additionally, a blog was set up to give students perpetual access to all the PowerPoint slides and audio recordings of many of the lectures from this and other subjects covered in the program.²⁸

A short video²⁹ was used to introduce students to the American legal system and to provide a segue into reading, analyzing, and briefing cases. Group discussions and in-class exercises were used to introduce students to American style case law and legal analysis and to engage students who were not accustomed to in-class participation.³⁰ Some students initially had difficulty reading and understanding cases. The two Chinese professors were present in the classes and were extremely helpful in providing explanations of particularly challenging concepts to the students in their native language.

Students read and briefed a case dealing with the immediacy requirement of the tort of intentional infliction of emotional distress.³¹ The professors edited the case to remove extraneous facts and reasoning. Briefs were graded and returned with comments. Once students were acquainted with analysis and case briefing the focus shifted to drafting a non-persuasive advisory legal memorandum. To keep the assignment straightforward students were given the cases³² they would use in writing their memoranda.³³ The memorandum also addressed the immediacy requirement of the tort of intentional infliction of emotional distress. Using a tort with easily defined elements helped simplify the analysis and application portions of the memorandum.

The memoranda and case briefs were graded more for content than for grammar, with an emphasis on clear expression and concept comprehension. In providing written feedback special attention was paid to avoiding overly negative comments or shorthand that only native English speakers would understand.³⁴ Both legal research and writing professors commented that they were impressed with the English language abilities of the students and that a few of the students' memorandums were as good as some memorandums written by native English speaking J.D. students.³⁵

Legal research instruction was provided simultaneously with instruction in legal analysis and writing. This approach provided context to all three subjects and allowed students to immediately apply what they learned. Legal research instruction began with an overview of primary and secondary sources and an explanation of the hierarchy of authority in the American legal system.³⁶ As each source was discussed, students were introduced to both the print and electronic versions and strategies for using both formats. Students had access to LexisNexis and Westlaw and were shown reliable free electronic sources. Students were introduced to legal research strategies including locating authority by subject using natural language and Boolean searching, locating authority by citation, and the use of citators.

As students were introduced to American primary and secondary sources, analogies and contrasts were made to Chinese legal sources. This technique provided students with context as they encountered the sources of American law. Three major areas of comparison were used when introducing students to American case law. First, the American system of binding precedent was compared with the “*de facto* binding and precedential effect”³⁷ of certain Chinese court decisions. Second, the format of American cases was contrasted with the lack of citation to authority, lack of dissenting opinions, and the typically “short and non-analytical”³⁸ format of most Chinese decisions. Finally, the publication practices of American courts were contrasted with the publication practices in China where only a small percentage of Supreme People's Court decisions

are published and lower court decisions are not systematically published but instead are circulated internally in judges' handbooks.³⁹ The Chinese decisions that are published are not uniformly indexed, and the decisions do not include any of the editorial enhancements like headnotes or KeyNumbers that are typically added to American cases by editors.⁴⁰

When exploring American statutory law, a comparison was made between U.S. federal session laws published in the *Statutes at Large* and China's *Gazette of the Standing Committee of the National People's Congress*.⁴¹ The comprehensive subject arrangement of U.S. federal statutory law in the *United States Code* could not be directly analogized with any Chinese source but was loosely compared with the commercially published *Compilation of Law and Regulation of the PRC*.⁴² A contrast was made between the civil law style codes used in China and the more piecemeal style of common law statutes found in the U.S.

The extensive number of American secondary sources was contrasted with the lack of secondary sources in China.⁴³ When discussing research strategies the interconnectedness of U.S. primary and secondary sources provided by annotated statutes, citators, and the West digest system was contrasted with the Chinese system. In China "an adequate information structure - a systematized information unit consisting of laws and regulations, case reports, law treatises, law reviews, and finding tools (such as an index and digest) - is still in the early stages of construction."⁴⁴ A basic introduction to the American system of legal citation and *The Bluebook* was provided. China currently does not have a standard legal citation system, but a legal citation system was recently proposed.⁴⁵

The research portion of the program was taught in a computer lab enabling students to explore electronic sources and practice research techniques during class. Instruction was a mix of lecture and demonstration using PowerPoint slides and guided live searching displayed on an overhead screen. Students completed individual and group research exercises that were adapted from exercises completed by first year J.D. students. They performed exceptionally well, and some even asked for extra work to complete outside of class.⁴⁶

The final week of the Certificate program was devoted to an introduction to American trial practice. The traditional model used for civil and criminal trials in China is the civil law inquisitorial model where the judge, and not the lawyer as in the U.S., collects and prepares the evidence for trial.⁴⁷ The Chinese criminal trial has been evolving toward a more adversarial process over the past several decades. Under the 1996 Code of Criminal Procedure the prosecutor now collects evidence, the defense attorney is able to present rebuttal evidence, and the judge evaluates evidence at trial.⁴⁸ Given these recent reforms, China's future lawyers and judges must be "well versed in the adversarial system and understand effective advocacy skills."⁴⁹

The introduction to American trial practice was taught by OCU General Counsel and Distinguished Lecturer in Law J. William Conger, a trial lawyer with over thirty years of experience. Students were introduced to the elements of a jury trial including discovery, jury selection, opening statements, admission of evidence, direct and cross examination, impeachment of witnesses, expert witnesses, closing argument, and jury instructions. Course materials were based on a case file adapted from a trial practice textbook.⁵⁰ Professor Conger combined lectures on discrete elements of the trial with practice demonstrations where students role-played attorneys, jurors, and witnesses. The week culminated in a half-day mock trial presided over by a federal magistrate judge who is an adjunct professor of trial advocacy. When asked about the performance of the students Professor Conger remarked "I didn't know whether I was asking too much of them

to put them in a trial setting where they played the role of lawyers, witnesses, and jurors, but they did an outstanding job.”⁵¹ The students’ experience in the mock trial was supplemented by a visit to the U.S. District Court for the Western District of Oklahoma where they viewed expert witness testimony in a bench trial.

In addition to the academic and professional programming students enjoyed cultural outings and entertainment. Events included trips to a minor league baseball game, to the Oklahoma City Bombing Memorial, to the National Cowboy and Western Heritage Museum, to the Oklahoma City Museum of Art, and several shopping trips to local malls. Professors who taught in the program hosted small groups of students at their homes for dinner. Students also enjoyed weekend road trips to the historic town of Guthrie, a rodeo, and a Native American Powwow ceremony. The program included an extensive orientation and opening and closing banquets at local restaurants.

Several OCU Law students were hired to serve as student ambassadors to assist the Chinese students in adjusting to life on campus and to accompany the group on professional and cultural outings. The involvement of the law student ambassadors was critical to the success of the program. In exit interviews and program evaluations, the Chinese students praised the friendliness and openness of the student ambassadors and were thankful for the additional perspectives they provided on American life and the study of law in America.⁵²

The Summer Certificate in American Law provided students with much more than just an introduction to the American legal system. Students gained a comparative perspective on ethical issues faced by American and Chinese lawyers that will assist with the implementation of the Chinese Law on Lawyers and will further the development of the rule of law in China. The professional events and visits to law firms opened students’ eyes to new possibilities. Several students commented that before participating in the program they were certain they would not practice law, but after touring the law firms and visiting with the lawyers they were seriously considering entering practice after graduating and taking the bar exam.⁵³ The practical skills element of the program provided students with training that is essential for the next generation of Chinese lawyers. Students improved their abilities to read, write, speak, and understand English. The case briefing, memorandum exercise, and introduction to the Socratic method gave students a glimpse of American legal education. Several alumni of the program are pursuing admission to American J.D. and LL.M. programs and at least one student has gained admission to a top tier American LL.M. program. The consensus among the faculty teaching in the program was that it was the most enriching teaching experience of our careers.⁵⁴ The students’ dedication, hard work, preparedness, excitement, and respectful attitudes renewed and invigorated our approaches to legal education.

Plans are underway to build upon the success of this program. OCU Law and Nankai recently signed an agreement to offer the program again in the summer of 2008. Eighteen law students and one faculty member are expected to attend the program in 2008. The two schools are also working to bring Nankai professors to OCU as visiting scholars in law and other disciplines and to plan an international conference. OCU Law and the Tianjin Bar Association (TBA) have forged an agreement that will bring a group of fifteen Chinese lawyers, who are TBA members, to OCU Law for the summer 2008 program.

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¹ Nankai University is located in Tianjin, China. Tianjin is a city of 11 million and is northern China's largest port. The city is "one of four municipalities with province-level status in China, Tianjin's economy has almost doubled in size in the first half-decade of the 21st century, to 366 billion yuan in 2005." Jane Macartney, *Booming Northern Port has Hi-tech Designs for China's Financial Future*, THE TIMES, Feb. 7, 2008.

² Dean Hellman's area of expertise is legal ethics. He has authored many publications and received numerous awards for his work in the field. He is the co-chair of the Oklahoma Bar Association's Rules of Professional Conduct Committee. Dean Hellman was recently invited to present a paper at the Third International Conference on Legal Ethics at Griffith University in Australia.

³ As the American Scholar Stanley Lubman has observed, in China "basically, the bar must be invented as a profession without any guidance from Chinese tradition or China's recent history." STANLEY B. LUBMAN, *BIRD IN A CAGE: LEGAL REFORM IN CHINA AFTER MAO* 158 (1999).

⁴ Law on Lawyers of the People's Republic of China (promulgated by the Standing Comm. Nat'l People's Cong., May 15, 1996 and amended Oct. 28, 2007) (hereinafter Law on Lawyers).

⁵ *Id.* Relevant provisions include prohibitions of conflicts of interest in Article 39 "A lawyer shall not represent both parties in a same case, and shall not represent a client in a legal affair that has any conflict of interest with himself or his close relative." Prohibitions against giving or accepting bribes are found in Article 40 "A lawyer shall not have any of the following conduct in practicing law: 3. Accepting property or any other benefit from the opposite party, maliciously colluding with the opposite party or a third party to damage the rights and interests of his client; 4. Meeting a judge, prosecutor, arbitrator or any other relevant staffer in violation of provisions; 5. Bribing or bribing as an intermediary a judge, prosecutor, arbitrator or any other relevant staffer, instructing or inducing a party to bribe the same, or affecting the handling of a case according to law by a judge, prosecutor, arbitrator or any other relevant staffer by any other illicit means." The Law on Lawyers discusses obligations of confidentiality in Article 38 "A lawyer shall keep confidential the condition and information that is known by the lawyer in practicing law and the client and other persons are reluctant to disclose, however, except facts and information on a crime compromising the national security or public security or seriously endangering the safety of the body or property of a person, which a client or other person prepares to commit or is committing."

⁶ *Guanxi* can be translated as personal relationships. The concept involves more than just favor trading and bribery but encompasses "the entire web of family, kin, and communal relationships in which persons are ordinarily involved and has been based not on instrumental conduct but on *renqing* or 'human feelings.'" LUBMAN, *supra* note 3, at 114. Indiana University Sociologist Ethan Michelson has insightfully explored the concept of *guanxi* as it relates to the evolving role of the lawyer in Chinese society in *Unhooking from the State: Chinese Lawyers in Transition* (Aug. 2003) (Ph.D. dissertation, University of Chicago) <http://www.indiana.edu/~emsoc/Dissertation.html> (last visited March 12, 2008).

⁷ LUBMAN, *supra* note 3, at 158. The author does not point out these difficulties in the implementation of the Law on Lawyers from a sanctimonious posture and acknowledges that the American legal system also struggles with these issues.

⁸ Elliot S. Milstein, *Experiential Education and the Rule of Law: Teaching Values Through Clinical Education in China* 8 (2008) (conference proceedings from the University of the Pacific McGeorge School of Law Conference: Experiential Education in China: Curricular Reform, the Role of the Lawyer and the Rule of Law, 2008, to be published in a forthcoming issue of the MCGEORGE LAW REVIEW).

⁹ Milstein, *supra* note 8, at 3-4. Knowledge of legal ethics is essential to rule of law reforms.

¹⁰ ROLAND D. ROTUNDA, *LEGAL ETHICS IN A NUTSHELL*, 3RD ED. (2007).

¹¹ The cases used were *Brady v. State*, 434 A.2d 547 (Md. 1981)(finding that prosecutorial indifference in failing to check for the presence of a defendant already incarcerated on other charges amounted to a violation of the defendant's constitutional right to a speedy trial), and *In re Ryder*, 263 F. Supp. 360 (E.D. Va. 1967)(suspending a criminal defense lawyer from practice for knowingly taking possession of a weapon used by the lawyer's client in a robbery and money obtained in the robbery in an effort to keep the evidence from the prosecution).

¹² The Oklahoma Rules of Professional Conduct, OKLA. STAT. TIT. 5, Ch.1, App. 3-A (2008), are modeled on the American Bar Association's Model Rules of Professional Conduct.

¹³ Compare Law on Lawyers, *supra* note 4, art. 39, and OKLA. STAT. TIT. 5, Ch.1, App. 3-A § 1.7 (2008).

¹⁴ Compare Law on Lawyers, *id.*, art. 40, and OKLA. STAT. TIT. 5, Ch.1, App. 3-A § 8.4 (2008).

¹⁵ Compare Law on Lawyers, *id.*, art. 38, and OKLA. STAT. TIT. 5, Ch.1, App. 3-A §§ 1.6, 1.13, 1.16, and 3.3 (2008).

¹⁶ See Mark E. Wojcik and Diane Penneys Edelman, *Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates*, 3 J. LEGAL WRITING INST. 127, 132 (1997). The lecture only style of class is typical in countries based in the civil law tradition and engaging students from the civil law tradition in an American style class can be particularly challenging.

¹⁷ The Office of the General Counsel of the Oklahoma Bar Association investigates alleged lawyer misconduct or incapacity, reports the results of these investigations to the Oklahoma Professional Responsibility Commission, makes recommendations to the Commission concerning the filing of a formal complaint, and prosecutes or participates in all disciplinary proceedings. Adapted from: <http://www.okbar.org/members/gencounsel/about.htm> (last visited March 5, 2008).

¹⁸ Law on Lawyers, *supra* note 4, Chapter III.

¹⁹ LUBMAN, *supra* note 3, at 156-57.

²⁰ Su Li, *An Institutional Inquiry into Legal Skills Education in China*, Keynote Address at the University of the Pacific McGeorge School of Law Conference: Experiential Education in China: Curricular Reform, the Role of the Lawyer and the Rule of Law (Jan. 25, 2008) to be published in a forthcoming issue of the MCGEORGE LAW REVIEW.

²¹ Chinese American Law School Deans Conference (March 31 – April 2, 2005). See also University of the Pacific McGeorge School of Law Conference: Experiential Education in China: Curricular Reform, the Role of the Lawyer and the Rule of Law (Jan. 24 – 25, 2008).

²² Li, *supra* note, 20, Hou Xinyi, *Modern Legal Education in China*, 31 OKLA. CITY U.L. REV. 293, 297 (2006), and Zuo Haicong, Remarks on the current state of legal education in China at Oklahoma City University School of Law (Jan. 24, 2008).

²³ The system of the People's Republic of China combines elements of “traditional Chinese culture and the Soviet model, mixed with the characteristics of the civil law family.” Joan Liu, Finding Chinese Law on the Internet, <http://www.nyulawglobal.org/globalex/China.htm> (last visited March 10, 2008).

²⁴ Confucianism has played a dominate role in China’s legal history and its influence is still present in the modern Chinese legal system. Confucianism values order, harmony, and the needs of the group over division, strife, and individual needs. WANG CHENGUANG AND ZHANG XIANCHU, INTRODUCTION TO CHINESE LAW 4-7 (1997). Law and morality are traditionally blurred in China with morality playing an important role in legal decision making. In contrast the U.S. legal system traces its roots to the separation of the state from morality. LUBMAN, *supra* note 3, at 13-14.

²⁵ See the comparisons and contrasts between the sources and hierarchy of legal authority discussed in the section on legal research instruction *infra*.

²⁶ Lawyers were not highly regarded in traditional Chinese society where they were viewed with contempt for asserting the rights of the individual over the group and causing strife. In imperial times lawyers were called *song shi* (shysters) and *daobi xiansheng* (knife-pen men). Their role was limited to document drafting and they were forbidden from representing clients in court. DANIEL C.K. CHOW, THE LEGAL SYSTEM OF THE PEOPLE’S REPUBLIC OF CHINA IN A NUTSHELL 225 (2003), CHENGUANG AND XIANCHU, *supra* note 24, at 6. In contrast, lawyers played a significant role in the development of the law in the U.S. and other Western societies. LUBMAN, *supra*, note 3 at 27.

²⁷ NADIA E. NEDZEL, LEGAL REASONING, RESEARCH, AND WRITING FOR INTERNATIONAL GRADUATE STUDENTS (2004). Many other texts for international law students only cover analysis and writing.

²⁸ OCU Law Summer Certificate in American Law, http://ocu_law_summer_certificate_in_american_law.classcaster.org/blog/ (last accessed March 11, 2008). Students were also mailed DVD’s of their mock trial.

²⁹ AMERICAN LAW: HOW IT WORKS (Promedion Productions 2004).

³⁰ Wojcik, *supra* note 16, at 132.

³¹ Nelson v. Lewis, 36 Ill.App.3d 130, 344 N.E.2d 268 (Ill. App. 1976).

³² The memorandum was based on Gates v. Richardson, 719 P.2d 193 (Wyo. 1986) and Contreras By and Through Contreras v. Carbon County School Dist. 843 P.2d 589 (Wyo. 1992). Both cases were edited by the professors to remove extraneous facts and reasoning.

³³ See Elizabeth L. Inglehart, *Teaching U.S. Legal Research Skills to International LL.M. Students*, 15 PERSPECTIVES 180, 181 (2007). The “closed universe” approach has been used in other legal research and writing courses for international students.

³⁴ See Wojcik and Edelman, *supra* note 16, at 131, for a discussion of the pros and cons of this approach.

³⁵ DVD: OCU Law Certificate in American Law Program Promotional Video (OCU Law Technology Services 2007) (on file with author).

³⁶ Primary sources including constitutions, cases, statutes, and administrative regulations and decisions were covered. Secondary sources included the Restatement, legal encyclopedias, legal treatises, American Law Reports, form books, and law review articles.

³⁷ Typical of civil law jurisdictions China does not have the extensively developed system of formally binding case law precedent that defines common law jurisdictions. *But see* RONALD C. BROWN, UNDERSTANDING CHINESE COURTS AND LEGAL PROCESS: LAW WITH CHINESE CHARACTERISTICS 82 (1997) (discussing Chinese lower court judges following “what the Supreme People’s Court has indicated is the ‘absolutely correct’ way to interpret the law” and the statement by the Supreme People’s Court that its opinions and instructions on the application of laws “shall be followed.”).

³⁸ *Id.* at 78. *But see* Civ. Proc. Law, art. 138 requiring written judgments of the People’s Court to contain “(a) the cause of action, the claims, the facts of the dispute and the grounds; (b) the facts and reasons ascertained in the judgment and the applicable law on which the judgment is based; (c) the result of the judgment and the apportionment of court costs; and, (d) the time limit for appeal and the court with which an appeal should be lodged (cited in Brown, *supra* note 37, at 79 n. 372). In Chinese legal publishing an important distinction is made between judgments which only include the facts and holding and cases which include the facts, holding, and the court’s reasoning. WEI LUO, CHINESE LAW AND LEGAL RESEARCH 248 (2005). Because of this distinction the generic term “decision” is used in this paper.

³⁹ Brown, *supra* note 37, at 80-81. *But see* Benjamin L. Liebman and Tim Wu, *China’s Network Justice* (January 9, 2007). Columbia Public Law Research Paper No. 07-143 Available at SSRN: <http://ssrn.com/abstract=956310> discussing the trend among some Chinese judges of posting their decisions on the internet and using the internet to collaborate on cases. The practice of the Supreme People’s Court of only publishing only a small percentage of its decisions is not unlike the practice of the U.S. federal appellate courts which only release 20% of their opinions for “publication” in the *Federal Reporter*. However, the remaining 80% of “unpublished” federal appellate court opinions are easily accessible in print and electronic sources. *See* Lee F. Peoples, *Controlling the Common Law: A Comparative Analysis of No-Citation Rules and Publication Practices in England and the United States*, 17 IND. INT’L & COMP. L. REV. 307, 320 (2007). The same cannot be said for every case decided by the Supreme People’s Court which are not readily accessible to the general public.

⁴⁰ LUO, *supra* note 38, at 248.

⁴¹ University of Washington Chinese legal research expert Bill McCloy notes that the Gazette of the Standing Committee of the National People’s Congress is the closest thing China has to session laws. Chinese Legal Research at the University of Washington, <http://lib.law.washington.edu/eald/clr/cres.html> (last accessed March 10, 2008).

⁴² LUO, *supra* note 38, at 233. COMPILATION OF LAW AND REGULATION OF THE PRC is published by China Law Press.

⁴³ China does not have a comprehensive legal encyclopedia like the U.S. encyclopedias AMERICAN JURISPRUDENCE OR CORPUS JURIS SECUNDUM. Chinese law reviews known as *Falu Lucong* or *Falu Pinglun* are edited by professional editorial boards. There are about 92 law magazines and 20 core law journals in China compared with over 1,300 U.S. law journals. China also lacks a comprehensive index to legal periodicals. LUO, *supra* note 38, at 233-258.

⁴⁴ Liu, *supra* note 23.

⁴⁵ Posting to Law Librarian Blog, http://lawprofessors.typepad.com/china_law_prof_blog/2007/12/the-bluebook-co.html (Dec. 14, 2007).

⁴⁶ OCU Law Certificate in American Law Program Promotional Video, *supra* note 35.

⁴⁷ Robert Lancaster, Ding Xiangshun, *Addressing the Emergence of Advocacy in the Chinese Criminal Justice System: A Collaboration Between a U.S. and a Chinese Law School*, 30 FORDHAM INT’L L.J. 356, 359 (2007). For information on civil trials in China see WEI LUO, THE CIVIL PROCEDURE LAW AND COURT RULES OF THE PEOPLE’S REPUBLIC OF CHINA (2006).

⁴⁸ Lancaster and Xiangshun, *supra* note 47, at 362 (2007). Additional revisions to the Criminal Procedure Law were considered in 2007 that would move the Chinese criminal trial further toward an adversarial style system. *Legislation Urged on Police Investigations*, People’s Daily Online, Aug. 24, 2007, <http://english.people.com.cn/90001/90776/6246922.html> (last visited March 13, 2008).

⁴⁹ Lancaster and Xiangshun, *supra* note 47, at 362 (2007). Despite differences between the American and Chinese legal systems, training in advocacy techniques from American law faculty is viewed as beneficial in the development of Chinese law students’ advocacy skills. A group of American and Chinese law schools are currently engaged in a multi-year project funded by U.S. Agency for International Development to develop frameworks and teaching materials for clinical and advocacy training to be used in Chinese law schools, <http://web.pacific.edu/x5449.xml> (last visited March 13, 2008).

⁵⁰ THOMAS A MAUET AND WARREN D. WOLFSON, MATERIALS IN TRIAL ADVOCACY, PROBLEMS AND CASES, 6TH ED. (2007). The criminal murder case of *State v. Merle Rausch* was used.

⁵¹ OCU Law Certificate in American Law Program Promotional Video, *supra* note 35.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ We are not alone in our experience. *See* L.K. Robel, *Opening Our Classrooms Effectively to Foreign Graduate Students*, 24 PENN STATE INT’L L. REV. 797-800 (2006), and Antonio Gidi, *Transnational Legal Education: Teaching Comparative Civil Procedure*, 56 J. LEGAL EDUC. 502 (2006).