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LITIGATION

## International program fosters goodwill between US and China

By James McManis

Committed to making a lasting contribution to society, the International Academy of Trial Lawyers (IATL) sent lawyers to numerous countries behind the Iron Curtains of Asia and Eastern Europe in the early 1990s. The group wrestled with the overwhelming task of helping to establish the Rule of Law in these developing nations, and concluded that focusing on one nation would be the most efficient way to have an immediate impact. The IATL chose to concentrate on China.

Modern law did not come to China until the founding of the Republic of China by Dr. Sun Yat-sen in 1911. In 1949, Mao Zedong abolished the legal system all together, preferring the Rule of Man to the Rule of Law. After Mao's death in 1976, Deng Xiaoping ushered in the market economy. To gain entry into the world market and the rush for trade with the West, it was imperative that China quickly develop its own Rule of Law. For this, China turned to the West, especially the U.S., but an American public with the memory of the Tiananmen Square protests rebuffed China in 1989. By contrast, Germany, France, the United Kingdom, Japan and other countries jumped to assist China in the hope that this vast nation would pattern its laws after their own.

What began as a sightseeing tour for several IATL Fellows soon became one of China's most ambitious cooperative development efforts with representatives of the Western world. Determined to make a difference in the international arena, the IATL initiated a relationship with the Chinese people by organizing the China Program in 1994 to assist the development of the nation's legal, economic and financial infrastructure.

Proposed and launched by then IATL President Raymond J. Tam, the China Program, in a few short years, became a model for private efforts. The program enables Chinese government lawyers and leaders to travel to the U.S. to experience the life of a practicing American trial lawyer. Since the inception of the program, nearly 150 Chinese lawyers have participated and returned to China to serve in prominent government positions.

The program was not immediately viewed as a success, however. When the IATL approached the ambassador at the U.S. embassy in Beijing about hosting the program's first workshop, he was pessimistic, arguing the Chinese would never participate and would avoid the U.S. embassy to protest a capitalistic Western power.

The IATL worked with Chinese government officials to create a curriculum that would help Chinese lawyers improve their understanding of the American legal system. On the morning of the first program, the ambassador was stunned to find 30 Chinese government officials lined up at the front gate of the embassy.

The workshop was a resounding success. A number of questions

were posed to the IATL's panel of lawyers, with topics ranging from bar associations and judicial discipline to environmental and securities law. The interaction was lively and created an atmosphere of goodwill.

Since then, the IATL has hosted seven to 12 Chinese legal delegates to the U.S. annually, all of whom have been government lawyers active in the drafting and administration of the laws of China. Many of China's laws, such as the Negotiable Instruments Law, Aviation Law, Securities Law, Commercial Banking Law, Contract Law and Electronic Signature Law, have been influenced by the IATL China Program.

What makes the program unique is the cultural immersion afforded Chinese lawyers by observing and actively participating in the American legal system and family life. Through living with an IATL Fellow and his or her family, delegates form close-knit relationships with their hosts that last long after their return to China.

Lasting three weeks in total, delegates spend their first week attending an orientation designed to introduce them to the American legal system. For the China Program's first 16 years, the orientation was held in Honolulu. This year marked the first time it took place in San Jose. After the orientation, delegates then travel to the homes of IATL Fellows in various cities, where they live for two weeks. Delegates then return to share their experiences before traveling home to Beijing. The program is fully funded by the IATL and its Fellows.

Since its inception, delegates of the China Program have continued to grow and evolve. Their level of education (many now holding multiple Masters and Ph.D. degrees), their proficiency in English, their job ranks and their openness in discussing political, legal and humanitarian subjects continues to progress.

The China Program includes regular visits by some of the most respected attorneys in the U.S., comprising workshops, seminars and information exchanges with leading Chinese business, legal and government officials responsible for drafting new laws that will help China emerge as a world leader.



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