

Fall 2013: Studying Chinese Law at Shanghai Jiaotong University

Studying abroad in Shanghai was one of the best decisions I have ever made. During the fall of 2013, I attended Shanghai Jiaotong University as an exchange student. Although I was born in Beijing and had been to China multiple times, I had never been to Shanghai—the much larger “New York of Asia.” The trip to Shanghai fulfilled my expectations both intellectually and experientially.

Shanghai Jiaotong University (“SJTU”) is considered one of the best universities in China and among the top two universities in Shanghai. SJTU has five campuses spread across Shanghai and its suburb, Minhang. Fortunately, SJTU relocated its law school “Koguan Law School” from the suburban Minhang campus to its Xuhui campus in downtown Shanghai this year. Not only that, the Koguan Law School occupies a beautiful building with brand-new facilities. Koguan is located in a very central location in Shanghai and it is close to multiple subway lines. The transportation is highly accessible. I was lucky to attend school in such a prime location. From my understanding, the year before attended class in the Minhang campus, which is a 40 minute bus ride away from the metropolitan part of Shanghai. The location was also one of their major complaints. For future classes, the location of the school will no longer be an issue but an asset.

The classes I took at SJTU were pre-selected—Chinese Constitutional Law, Chinese Administrative Law, Chinese Competition Law, Chinese Human Rights and Labor Law, Chinese International Law, and Chinese Contract Law. These were the classes offered to the LLM and SJD students and the instruction was taught in English. Having had no prior knowledge on Chinese law, I learned a tremendously amount through the classes. The professors are all very nice and very approachable. However, I think Hastings has a much better quality of teaching.

The type and amount of assignments required depended entirely on the professor. For one class, the professor organized a simulated international commercial arbitration project. Other professors required in class presentations, papers, or some combination thereof. In addition to teaching pure Chinese Law, the professors encouraged the international students to introduce comparative aspects of law from our home countries. So, in a way, the courses broadened my understanding of multiple legal systems—including that of Germany, Saudi Arabia, Finland and Israel. While it was wonderful to have the opportunity to be a part of an international exchange class, I felt that we did not have much opportunity to meet and acquaint with the native Chinese law students from SJTU. Towards the end of the semester, the international students association at SJTU organized a Thanksgiving-themed social to bring together the SJTU students and the exchange students. That was the only event which allowed the two groups of students to meet and mingle. In addition, there were not too many school events that the exchange students could attend because the majority of them were conducted in Chinese.

One of the best things about living in Shanghai is that one can navigate the city without knowing much Chinese. Shanghai has a history of foreign influences and has always been hailed as the most international city in China. Today, Shanghai also hosts the highest number of expats in China. It is easy to find anything “foreign” in Shanghai and there are many American chain stores—even Wal-marts! All of the transportation and subways had English translations and English announcements. While having some Chinese language skills is definitely useful, many of my classmates had minimal knowledge of the language and enjoyed the semester without much trouble. For people who have never been to China before, there will be some initial culture shock. Although Shanghai is very modern and international, it is still an old city that stems from an entirely different culture and set of customs. I think it will be helpful to read about the Chinese customs prior to attending school in Shanghai. Furthermore, people who have never been to China before should be wary of the food and water sanitation. Several of my

classmates had multiple cases of food poisoning. The street food is often times questionable and the water should either be boiled or consumed from bottles. I recommend people to really exercise their street smarts.

In sum, my semester in Shanghai was fulfilling and eye-opening. I learned about a new body of law and experienced an entirely different culture. I am also really glad to have chosen SJTU. I would wholeheartedly recommend studying abroad in Shanghai.

I studied abroad at Shanghai Jiao Tong University, KoGuan Law School, during the fall semester of 2013. The newly-constructed law school building is located on the Xuhui campus in central Shanghai. I lived off-campus near Shanghai Stadium. I'll summarize the law classes I took, the "extra" classes that are available to international students, my living arrangements, and any other tips I have.

Law classes

I took 7 law-related classes at Shanghai Jiao Tong University. Some continued for the entire duration of the semester, while others ended roughly halfway through the semester. Classes were small (roughly 20 students) and typically taught in a seminar format. Grades were usually based on a mixture of in-class participation and a paper, and deviations from this general rule are noted below. The class was composed of students from all over the world.

<u>Class</u>	<u>Notes</u>
Administrative Law	This class focused on the various administrative organs that operate in China's judicial and political spheres. Special emphasis was placed on the emerging concept of <i>proportionality</i> , or ensuring that administratively-determined judgments must be proportional to the problem they are remedying.
Competition Law	This class focused on competition law, a rapidly-growing area of law in China. China is remarkably similar to the EU in regards to written competition law, though enforcement is lagging behind. The grade in this class was partially based on a 3-hour hand-written examination.
Constitutional Law	China's constitution has no supremacy, and China's Supreme People's Court has no authority to interpret the constitution. However, constitutionalism is gradually becoming a prominent school of thought, and the constitution (and national laws) do have some practical effect. This class was very interesting. One note—the professor talked very quietly in this class, so make sure to sit near the front if you have trouble hearing.
Contract Law	Contract Law is generally uniform across the world, but the important differences are highlighted in this class (such as the more prominent role of "good faith" in China). A moot court exercise kept this class interactive and interesting.
Criminal Procedure Law	This class focuses on how the criminal legal system operates in China. It was a relatively short class, ending after roughly 6 weeks.
Human Rights and Labor Issues	This class focuses on human rights, labor relations, and discrimination in China. This class ties in with Constitutional Law, as many of China's anti-discrimination clauses (both constitutional and statute-based) cannot be cited by the courts in decisions. However, public sentiment has been pushing for more equality and increased rule of law in recent years.
Practice of International Law	Each week, this class would focus on discussing a new area of international law of interest to China. Examples include the Taiwan issue, maritime disputes in the East China Sea (with

Japan and South Korea) or the South China Sea (see the “9-Dashed Line”), or administration of China’s Autonomous Regions. Class discussion was very valuable, as the professor and students expressed and understood many different viewpoints. Unfortunately, this professor retired after this semester.

“Extra” classes

Class

Intercultural Communication

Notes

I suggest dropping this class. It does not count towards your credits or GPA, since it is not a law-related course. Class takes an exorbitant amount of time—both in class, and working at home—and the work probably won’t add much to your experience.

Chinese Language

The professor begins teaching very quickly in this class, but don’t feel discouraged. Once a number of students drop, she slows the pace of the class to reasonable levels.

Living arrangements

Shanghai Jiao Tong University offers dorm living for students. If you register for a dorm, make sure that it is on Xuhui campus before paying. Some students were mistakenly assigned to the Minhang campus, which is roughly a 1-hour commute from the Shanghai suburbs.

I chose to make my own arrangements to live off-campus, and I highly recommend it because it is the best way to immerse yourself in the local culture. I found a shared apartment (with Shanghainese people) on smartshanghai.com. A reasonable price to pay for a room in an apartment is 2,500-4,000 RMB (\$400-650 USD). Utilities are cheap (and subsidized by the government), and transportation by Metro or taxi is also cheap. If you choose to live off campus, remember to visit the local police station shortly after you arrive to register and obtain a residence permit.

Other tips

I began taking private Chinese lessons from a tutor, and I found them to be extremely valuable. Contact me if you are thinking about taking lessons and I can put you in touch with my tutor (contact Global Programs).

Some other assorted tips:

- If you take a taxi from the airport, make sure they turn the meter on and calculate your charge based on the meter. Don’t agree to an up-front price, because you will be vastly overcharged.
- If you just made new friends, don’t follow them to tea! It’s a common scam in Shanghai—you will be robbed/coerced into giving up all of your money.
- Do make an effort to visit Hangzhou and Suzhou, which are short day-trips from Shanghai. I also highly enjoyed Guilin, Huangshan (the Yellow Mountains), Moganshan, Beijing, and Nanjing.

Study Abroad Essay

For my fall 2011 semester, I did an exchange program at Shanghai Jiao Tong University (“SJTU”). SJTU is located in Shanghai, China and is one of the oldest and most respected universities in China. I took seven courses in Chinese law as part of the school’s full time exchange program including: Introductory to Chinese Language; Chinese Foreign Investment Law; Advanced Legal Research Workshop; Chinese Criminal and Criminal Procedural Law; Chinese Constitutional & Administrative Law; Chinese and Comparative Contract Law; and Chinese Human Rights and Labor Issues. The curriculum provided a great introductory and bases to various aspects of Chinese law. Furthermore, I volunteered to be an editor for SJTU’s law journal.

Although some of the professors English could be difficult to understand at times, all of the professors were very nice, knowledgeable, understanding, informative and charismatic. Most of the professors held foreign degrees or had studied abroad. They were very interested in comparing the legal systems of the program’s student’s respective foreign countries to China’s legal system. We often had to do presentations on various aspects of our legal systems. Most of the professors were very familiar with American laws and the legal system. I was surprised how similar some of the aspects of China’s legal system and laws are to those of the United States. Before 1979, China was basically ruled by marshal law and did not have much of a legal system, but China has come a long way since it opened its doors to foreign investment. Today, the Chinese legal system is basically a blend of various aspects of the legal systems from Japan, Germany and America.

The LLM/exchange program is only a few years old and I had a very small class, with only seven foreign LLM/exchange students. The class included three students from the US, two students from Sweden, one student from Germany and one from Hungry. Additionally, some of

the classes also included Chinese students that attended SJTU. The small class size made it very easy to get to know everyone in the class. I was really fortunate because everyone in my class was really close and did everything together. It was great to be able to make friends from very different backgrounds.

Towards the end of the semester my class took two field trips. First, we received a tour of the Chinese Provincial Court in Minhang. I was amazed by the extravagance of the Chinese court. In addition, while at the court we got to watch a summary trial. For the second field trip, we visited two different international law firms, which included O'Melveny & Myers and a midsize British IP firm. It was interesting to hear the different perspectives of both expat and Chinese national lawyers on China's legal system. Moreover, my professors often took the class to lunch and we participated in fun traditional Chinese activities such as making dumplings.

SJTU has several different campuses throughout Shanghai. Unfortunately, KoGuan Law School is currently located at the Minhang campus, which is a rural area on the outskirts of Shanghai. Although the campus was very beautiful, life on campus seemed a little dull and the dorms were rundown. So, I rented an apartment in downtown Shanghai and commuted to school, which turned out to be a great decision and luckily for me Shanghai has an amazing subway system. Fortunately for future exchange students KoGuan law school is going to relocate to the Xuhui campus, which is a much more exciting part of Shanghai.

I enjoyed my life in Shanghai a great deal. I was surprised by the sheer magnitude of Shanghai, which has an estimated 23 million people. The opportunities for students in Shanghai are extensive. Shanghai is an amazing international city, as well as, a key center of finance, commerce, fashion and technology. Life in Shanghai is very fast paced and there are lots of foreigners living there. It was nice because some of my friends from San Francisco moved to

Shanghai for work before I came, so they were able to give me advice on places to visit and show me around the city. Additionally, it was very easy to make new friends. The food in Shanghai is extremely good and cheap. It did not take much money to eat well and enjoy my semester in Shanghai. I was surprised by the amount of “fake” or “counterfeit” goods that are for sale throughout China.

Shanghai is a city that has something for everyone. It has great cultural riches, such as the Shanghai Museum, which contains over 120,000 pieces of art, and the Yu Gardens. Then of course there's The Bund, which is located next to the river and is a great place to take a stroll at night and the French Concession, which has lots of nice shops and restaurants. During my semester, I also traveled to Beijing, Nanjing, Hangzhou and Shenzhen. There were several other places that I wanted to visit; however, I was only granted a one-time entry visa, which prevented me for traveling outside of China, during my semester. Unfortunately, both Hong Kong and Macau are both considered foreign territories. Fortunately for me there is a lot to see throughout mainland China. Overall, I would highly recommend the exchange program at SJTU; it was my best semester of law school to date.

Study Abroad Summary – SJTU

School

This was the first year Hastings did an exchange with SJTU and the second year SJTU had the program. As a result, we did not know what to expect. We did not even know what classes we would be taking until already in China. As a result, I did not have any strong pre-conceived notions of what the semester would be like. The semester ended up being 6 law classes and one Chinese class – all of which were 2 credits. The classes were all taught by Chinese professors. The classes themselves were all very different. In some classes, the professors spoke English very well. For example, the dean received an LL.M. for Harvard and a SJD from Stanford. However, others were almost impossible to understand and to get the information they wanted to present in class we had to read the PowerPoint presentations.

The classes themselves were: Advanced Legal Research, Chinese Human Rights and Labor Law, Chinese Foreign Investment Law, Chinese Contract Law, Chinese Constitutional Law, and Criminal Law and Procedure. Chinese Criminal Law and Procedure was taught as two separate half-semester classes, but graded as one course (we also had two finals). The finals for all but two classes were either take-home exams or papers.

The faculty and administration of the law school were extremely helpful and responsive to any questions. However, future students should know that because things work as more of a bureaucracy in China, it can be difficult to get answers to questions unless you find a person directly involved with what you are inquiring about. Likewise, a syllabus is rare and it is normal not to know what kind of test there will be or how you will be graded until the last week of class. Some things that are simple here can take a lot more time in China but the people are amazingly kind and helpful. One story to illustrate this is getting a copy of my passport.


During registration the school required an additional copy of our passports. I asked where we could get one and they said to go off campus (I'm not sure why because, as I now know, there are many places on campus). My roommate and I ventured out trying to find a place to make copies and were not having any luck. A student was riding by on his bike and my roommate flagged him down and asked in English where we could make copies. The student started to tell us and then said "here, let me show you." He walked us all the way to the print shop, made sure that the copies were good, and then he even tried to pay for the copies for us. The most humbling thing is that situations like this were not uncommon.

Living

The campus was located an hour and a half from the city center near an area commonly referred to as "the village." Of the 7 people in the program, I was the only one that decided to live on campus. All the others decided to live in or near downtown. As a result, I had a completely different experience from the others. For example, I spent most of my time with people from China, other Asian countries, or Africa. I went out several times with local Chinese police and even got invited to North Korea by students at the Christmas party. The experience outside the classroom was more interesting, more fun, and more informational than anything a classroom can provide. This is especially true for China where "relationship" is more important than law.

I only traveled to 2 other cities during the exchange. One was during the Chinese national day vacation. I visited Nanjing because it was one of the old capitals of China and home of several important monuments. For example, the mausoleum of Sun-Yet-Sun, one of the revolutionaries against the Chinese emperor, is located there.

On campus they had different available activities. I signed up for two dance classes and also helped the moot court team as they prepared for competitions in English. I also had a language exchange with a professor where we generally met once a week.



Even though we had regular law classes the value to the exchange was in meeting people, experiencing the culture, and forming new relationships. I did things on this trip I never imagined doing (like eating dog), and I'm grateful for the opportunity.

