

Law of the lands is in his hands

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By Todd Balazovic (China Daily)



Jeffery Lehman helps to develop a program that bridges the legal systems of the US and China. Provided to China Daily

Former cornell university head wants more foreign legal talent in china

Whether it is a battle fought out in a courtroom or in negotiating the next big merger, it has long been known a lawyer's tone of voice can win or lose a legal battle.

But the chancellor and founding dean of Peking University's transnational law program, Jeffery Lehman, is teaching China's next line of legal eagles a different lesson in speaking in tones. Translating law across several languages and cultures is just one of the many additional skills would-be transnational lawyers have to understand to get ahead in the global village.

"What we really want is for students to understand that a big part of the work for a transnational lawyer is talking, listening, reading, writing and that the voice a lawyer uses is different for each context they are working in," Lehman says.

The former president of Cornell University is doing so by helping one of China's top universities develop a law program that may soon bridge the gap between two of the most polarized legal systems on the planet, those of the US and China.

"The two systems are quite different in their structures and their philosophies, in their specific rules and, historically, in their view of the role of a lawyer," Lehman says while visiting Peking University campus on a recruitment drive. "In the age of globalization all of these systems are getting closer and closer, but there's still a striking difference."

Those differences are being bridged by the likes of Transnational Legal Practice, a rigorous two-year course that teaches Chinese law students which tone of voice to use by creating mock trials in the classroom and putting students in the shoes of a transnational lawyer.

Lehman says it is the only course of its kind anywhere. "What we are doing is preparing our students to be completely comfortable in

both systems.

"We are not bringing actually American law to China, we are bringing American legal education to China."

He hopes to cross the chasm by educating and accrediting a new generation of Chinese lawyers versed in both Chinese and US law.

In order to do so, Lehman is pushing to break international boundaries by applying Peking University's transnational law program for accreditation with the American Bar Association (ABA). The school is waiting for the association's verdict, hoping the accreditation process can soon begin.

"We are the first law school ever from outside the United States to seek accreditation from the ABA. Because we are the first, the association is going through a very careful process of whether they should even accept an application from outside the US."

Lehman says a decision is expected in summer and, if successful, the school, designed to operate within the association's standards, could be accredited by 2014.

If any non-American school stands a chance, it is Peking University.

With China's new drive to attract foreign experts into its education system through the Thousand Talents program, set up in 2008, Lehman has spearheaded an effort to bring foreign talent into Peking's law program

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Seven of the program's nine staff are foreigners, hailing from the US, Britain, Germany and South Korea, all highly noted in international law.

Lehman himself was approached by Peking University leaders in 2007 while serving as the president of Cornell University and was made an offer he describes as "quite a surprise".

Even though his experience with China dates back to the 1990s when, as the dean of the University of Michigan law school, he began arranging faculty exchanges with Peking University law school, he did not expect to be approached for the position of dean when the institution decided to launch its transnational law program.

"I thought they were coming to talk about the idea, and to ask me to help design the program. I even recommended a number of American law professors who do speak Chinese and know China extremely well, who I thought could help.

"I was not sure I could do it effectively as a foreigner, not just a foreigner, but that much of a foreigner to China."

Hesitant to accept the position at first, he says it was the idea of doing something different and contributing to what he sees as a vital part of the world's legal future that finally convinced him.

"It was the school's vision that finally convinced me," he says. "The vision of the world as it is evolving and the need that has now for a particular type of person to help in this process of building the shared legal structure for the world is very compelling.

"The opportunity to help create this type of school, which is a resource for China and the world, is what won me over in the end."

After accepting the position, Lehman immediately began approaching leaders of Fortune 500 companies across the globe to explore what types of skills are lacking in the world of transnational law.

What he found was a huge demand from companies for people who understood the intricacies of Chinese culture as well as the way the West practices law.

"Universally everyone was so excited, because every one of them have experience with these problems of culture based misunderstanding, or legal-based cultural misunderstanding.

"Someone who is deeply bicultural, especially people who are native-born Chinese, is a skill set that is highly precious."

He says the need for China-based lawyers is a result of the interdependence between China and the US, something that has changed significantly since he first engaged in law.

"I grew up in a world where China and the United States were not interdependent. Each country could survive without the other.

"This generation is growing up in a world where both countries need each other. In the modern era we need people who are comfortable walking all around the table; where people are not locked into a single vision of what the law is, or what the rules are, or even what one's national interest is in some ways."

And for now, as the political landscape continues to transform globally, Lehman is happy to help China's next generation of transnational lawyers be heard.

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JEFFERY LEHMAN

Founding dean, School of Transnational Law, Peking University

Born: 1956

Career:

- 1981-83: Law clerk to US First Circuit Chief Judge Frank Coffin, and US Supreme Court Justice John Paul Stevens
- 1983-87: Lawyer with Caplin & Drysdale, Washington
- 1987-2003: Professor and Dean of Law School, University of Michigan
- 2003-05: President of Cornell University
- 2006-present: Chancellor and founding dean, School of Transnational Law, Peking University