SEMINAR SUMMARY

ON BUILDING CHINA’S NEW IP CASE SYSTEM: A DISCUSSION WITH CHINESE JUDGES AS WELL AS LEGAL AND BIG DATA EXPERTS

STANFORD LAW SCHOOL
October 19, 2017*

* The citation of this piece is: Seminar Summary: On Building China’s New IP Case System: A Discussion with Chinese Judges as well as Legal and Big Data Experts, STANFORD LAW SCHOOL CHINA GUIDING CASES PROJECT, Guiding Cases Seminars™, Oct. 19, 2017, https://cgc.law.stanford.edu/event/guiding-cases-seminar-20171019. This summary was prepared by Charles Qian Cheng, Cheng Cheng, Earl Joyce Rivera Dolera, Zhaoxin Jiang, Evan Takuya Kratzer, Joshua Alexander Rosefelt, Alex Yu, Wency Yu, George Zhang, Nathan Harpainter, Dimitri Phillips, Dr. Mei Gechlik, and the speakers. This publication has been approved by the seminar’s speakers.

Guiding Cases Seminars™ feature talks on Guiding Case–related topics with scholars, lawyers, policymakers, and other experts at venues around the world, disseminated in video and text summary to the global audience of the China Guiding Cases Project.
I. Overview


The CGCP thanks the sponsors of this event, including Alston & Bird LLP, Broad & Bright, the Center for East Asian Studies of Stanford University, China Fund of the Freeman Spogli Institute for International Studies of Stanford University, and the Fu Tak Iam Foundation Limited for their kind and generous support.

II. Opening Remarks; China’s Case Guidance System and Related Developments

Dean Elizabeth Magill and Professor Mark Lemley gave the opening remarks. Dean Magill stated that the evening’s seminar represented another success for the work of the CGCP. Since its founding in February 2011, the CGCP has developed a unique online knowledge-base of Guiding Cases and other materials and the knowledge-base has benefited readers worldwide. The project has further disseminated this knowledge through conferences and other activities organized by U.S. and Chinese governmental bodies as well as international groups, such as the World Bank.

Dean Magill emphasized the law school’s commitment to promoting the rule of law worldwide, including Asia, Africa, and the Middle East. With respect to China, SLS pursues these goals through the CGCP, a student-run body named China Law and Policy Association, and China-related course offerings at SLS as well as a study abroad program in partnership with the Peking University Law School. In addition, as mentioned by Dean Magill, the Stanford Center at Peking University is the university’s headquarters for faculty and students engaged in research, teaching, training, and outreach activities in China. Dean Magill also pointed out that the large
network of Stanford alumni can help SLS make even greater contributions to developments in Asia. Nearly 3% of all SLS alumni are based in Asia, and 45% of all current international students at SLS are from this region, with, specifically, 10% of SLS international students from Hong Kong or Mainland China. These alumni are the future leaders in Asia, and will empower SLS to pursue even more meaningful endeavors related to China in the coming years.

Professor Lemley spoke on behalf of the Stanford Program in Law, Science and Technology. He recalled the long history of cooperation in the area of IP between SLS and China, including long-term and mutual educational exchange programs between SLS and judges from Chinese courts. There are now even greater possibilities for cooperation with the Chinese legal community. One such opportunity is the relatively recent establishment of the specialized BIPC, which is significant inside and outside China because of the emergence of more cases with higher stakes, such as the recent dispute between Apple and Qualcomm.

At the conclusion of the opening remarks, Dr. Mei Gechlik began the panel discussion by providing an overview of the Supreme People’s Court (“SPC”) Case Guidance System, upon which the new IP Case Guidance System was built.

China’s Case Guidance System was formally established by the SPC in late 2010 with a directive to the country’s judges that they “should” refer to Guiding Cases (“GCs”) in handling similar subsequent cases. The choice of the word “should” over “must” makes it clear that judges have no legal obligations to follow GCs. The lack of this obligation is rooted in the fact that China, unlike common-law countries, does not recognize cases as a source of law. Despite this limitation, the SPC, for the purpose of enhancing uniform application of law, has strongly encouraged judges to refer to GCs, as reflected in more detailed instructions provided in another set of rules issued by the SPC in 2015.

To date, the SPC has released 87 GCs covering various areas of law. A total of 519 subsequent cases which explicitly mention GCs have been identified by the CGCP through the end of 2016. Yet much more can be done to improve the Case Guidance System. Therefore, in 2015, the SPC established the IP Case Guidance and Research (Beijing) Base in the BIPC, in the hope of accumulating more experiences from the development of a case guidance system that focuses on

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intellectual property cases. A successful model used in the BIPC may, hopefully, be replicated to help advance the entire Case Guidance System.

III. Big Data as well as the Construction and Application of China’s IP Case Guidance System

Unfortunately, Judge JIANG Shuwei of the BIPC was unable to attend the event due to travel delays. Dr. Gechlik presented, on his behalf, the material that he had prepared. Judge Jiang’s presentation first explained the reasons for the BIPC taking the lead to further explore the Case Guidance System. The main reasons are that the adjudication of IP cases is more specialized and often involves issues with international significance. In addition, IP legislation often lags behind the needs emerging from this rapidly-developed field.

As explained in Judge Jiang’s material, the IP Case Guidance and Research (Beijing) Base was established to serve as (1) a national research center for IP case guidance, (2) a center for identifying IP-related GCs, (3) an information center about IP cases and related developments, and (4) a national comprehensive service center for IP case guidance. To achieve these goals, a big data platform for supporting the IP Case Guidance System is being developed and the platform is scheduled to be promoted nationwide and connected with international databases in 2018 and 2019.

Specifically, the big data platform consists of three sub-systems: a system for reviewing cases to determine which cases should be identified as having guiding effect, a system for making cases available to the public, and a system for applying these cases. With respect to the first sub-system (i.e., the system for reviewing cases), before a case with guiding effect is published, it needs to be reviewed by experts, edited, and then go through a final review process. In relation to the third sub-system (i.e., the system for applying cases), a knowledge-base is in place to facilitate the application of these cases. The knowledge-base covers, among other materials, legal rules as well as significant cases and their main points. The new IP Case Guidance System is expected to help achieve various goals, including ensuring that similar cases be adjudicated similarly.

Judge LIU Yijun then discussed the application of the IP Case Guidance System in the BIPC. He explained that the BIPC endeavors to establish the principle that subsequent cases should be adjudicated in accordance with effective judgments and rulings rendered in prior similar cases. At this stage, judges in the BIPC are required to abide by effective judgments and rulings applicable to a pending case when said judgments and rulings have been rendered by the BIPC or upper-level courts. If other courts at the same level as the BIPC have rendered prior similar cases, the judgments or rulings of those cases should be referenced by the BIPC judge(s) adjudicating the pending case.

The IP Case Guidance System has successfully motivated social forces in the review of prior IP cases. With the support of the information technology department of the SPC and law
database companies, academic institutions such as Peking University and Tsinghua University, and more than 200 volunteer legal experts, over 500 IP cases with guiding effect have been selected and included in the big data platform.

Judge Liu also noted the preliminary success of the IP Case Guidance System. At the end of 2016, prior effective judgments or rulings were explicitly referenced in 763 cases adjudicated by the BIPC. Of these 763 cases, 657 were cases in which prior effective judgments or rulings were submitted to the BIPC by the parties to the disputes, and 106 were cases in which prior effective judgments or rulings were voluntarily mentioned by judges. The adjudication results show that in over 200 of these 763 cases, the BIPC’s decision was reached by following the prior effective judgments or rulings, while in another 80 cases the Court distinguished the prior effective judgments or rulings from the pending cases based on differences in facts. In the rest of the 763 cases, the prior effective judgments or rulings were found to be irrelevant to the pending cases or found to have been submitted to the Court without following the procedures.

Overall, Judge Liu observed that the new IP Case Guidance System is making a positive impact. The impact ranges from increasing judicial capacity and transparency to capturing more attention from the entire IP law community so that the community pays closer attention to the continued improvement of the system.

IV. The Function and Technology of the Platform for China’s IP Case Guidance System

Following the presentations prepared by Judge Jiang and Judge Liu of the BIPC, Mr. John Liu gave an introduction to the Smart Court Platform, set up through the cooperation of the BIPC with Gridsum Holdings. This Smart Court platform arose out of the vision of Judge ZHOU Qiang, Chief Justice and President of the SPC, seeking to promote interconnectivity and data sharing among courts and to increase the quality of trials. The platform is intended to improve judicial transparency by giving the public free access to trial documents, judgment documents, and enforcement information. Launched in February 2016, the Smart Court platform has generated positive results. The platform aims to automate and optimize the judicial decision-making process, to the extent possible. The platform has been benefitted from collaboration with various parties, including the IP Case Guidance and Research (Beijing) Base, the Chinese court systems at all levels, Peking University, and the People’s Court Press, which co-developed the Faxin Knowledge-base with Gridsum.

To support its goals, the Smart Court platform has seven distinct technological pillars, including the Faxin Legal Database, the IP Case Guidance Service Platform, an intelligent Q&A system, a remote trial system, a speech recognition and transcription system, a system for detection of similar cases, and a document generation system. The intelligent Q&A system allows legal professionals and ordinary people to learn more about the legal system. The remote trial system allows parties to participate in trials from different remote locations so that trials can proceed without delay. The speech recognition and transcription system facilitates automated
recordkeeping during trials and has already been implemented in a few courts in China. The system that allows detection of similar cases can be used by a judge to gauge where his decision lies compared with prior judgments and rulings. Finally, the document generation system enables automatic generation of certain legal documents for trial.

The key technologies supporting the Smart Court platform include natural language processing, machine learning, and knowledge graph processing. Using these key technologies, Gridsum can derive knowledge from plain text documents and apply this knowledge to build connections among key legal concepts. These technologies have been used to build the SmartPush system, which can be used to identify relevant cases to judges. A judge can input text from a judgment currently being drafted, and the SmartPush system can output similar judgments from similar cases for the judge to compare. In addition, ordinary expressions, instead of legal jargon, can be used with the SmartPush system so that ordinary people can search the SmartPush system for legal guidance.

V. Implementing a Case System in a Statute-Based Country: Why Now? And How?; Why a Public Database of Judicial Decisions is Essential to a System of Commercial Law

Professor Leon Lee’s presentation focused on the reasons for and means of implementing a case law system in China’s statute-based legal system. Professor Lee began with an overview of the eight sources of Chinese law, highlighting that effective judgments of prior cases are not considered a source of Chinese law.

He then explained the rationale behind the need for developing a case system. A major problem facing China is that similar cases are adjudicated differently by courts located in different provinces, by courts located in the same province, and by different judges of the same court. The reasons for this problem are uncertainty and inflexibility prevailing in legislation, discrepancy in judges’ understanding of legislation, and judges’ lack of sufficient time and competence to pursue excellent performance. Professor Lee explained the differences in the selection of Chinese and American judges. Unlike the situation in the United States, where the judicial ranks are composed of the most experienced and respected legal scholars and practitioners, the path to become a Chinese judge is often much shorter. A young law school graduate holding an undergraduate law degree can become a judge after a few years’ clerkship. With a much younger population of judges and fewer judges with advanced degrees, the competence of judges may become a long-standing problem if left unresolved. With respect to judges’ extremely heavy workload, Professor Lee mentioned that most judges simply do not have time to conduct thorough research or produce polished and detailed legal reasoning in their decisions. At this point, Judge LIU Yijun stated that he currently has more than 500 open cases awaiting adjudication. Despite regularly working long hours to attempt to clear his docket, he is still only able to close about 200 cases a year.

Another reason for developing a case-based system is the strong need arising from China’s rapid social and economic development. The Chinese government is currently promoting its Belt
and Road ("B&R") Initiative ("BRI"), which is intended to significantly increase trade and investment between China and foreign countries. In order to better protect Chinese companies participating in the BRI, the Chinese government is setting up a framework of bilateral and multilateral trade and investment treaties to reduce the legal risks of investing in these regions. As part of this process, the Chinese government also needs to demonstrate to these other countries that it is providing reciprocal protection for foreign firms coming into China. Implementing a case system allows the Chinese government to effectively address legal issues faced by companies from other BRI countries.

In the final part of the presentation, Professor Lee delved into the means of implementing the case system in China. The current development efforts are three-fold. Several courts are experimenting with case based systems and the use of "prior effective judgments". The BIPC is the primary example of this. The management of judicial personnel is undergoing a profound reform as well, with a goal of forming a mature team of judges with expertise to render well-reasoned judgments. Academia is also providing support: the Case Law Research Center directed by Professor Lee at the Central University of Finance and Economics is working collaboratively with the SPC to promote awareness of cases and to counsel academic partners, the private sector, and governmental agencies.

Following Professor Lee’s presentation, Judge William Fletcher shared his perspective on China’s efforts to implement case-based legal reform, drawing on his knowledge of U.S. legal history and practice. Judge Fletcher believes that building a body of case law is critical to the success of a system of commercial law. A collection of cases is a critical resource because it illustrates how cases are decided under a country’s commercial law and allows attorneys and businesses to compare and distinguish these cases with their own unique situations, arriving at an informed decision regarding the legal issues that they face.

Judge Fletcher then assured the audience that he believes the Chinese court system’s recent experiments with case law–type systems are likely to be successful. The current situation of the judicial system in China bears similarities to the early American period of law. Before the Case Law Reporter\textsuperscript{4} systems appeared in the United State, U.S. courts also had little, if anything, by way of a system of published case law to rely upon. Most judges and attorneys had only a copy of Blackstone’s \textit{Commentaries on the Laws of England}\textsuperscript{5} and perhaps one or two legal treatises upon which to base their legal arguments and decisions. The Supreme Court of the United States, which itself used to be a commercial law court, was originally the only court that reported the cases it heard. As time passed, however, more lower-level courts also began publishing their case decisions. Eventually, this developed into the current system of Case Law Reporters utilized by both state and Federal Courts in the United States. At present, the Reporters have two purposes: guide U.S. attorneys on what to do and indicate select cases that judges view as important.

\textsuperscript{4} “Case Law Reporter” refers to a series of volumes published at regular intervals in common law countries that contain the case decisions of a court. In the United States, published cases are also primarily limited to decisions issued by Federal and State Courts of Appeal, with some exceptions.

One motivation behind the development of the Case Law Reporter system was to indicate to European countries that the United States had a system of law that was uniform and that was based on the common law system already well established in England. This was necessary both to increase the reputation of the U.S. legal system and to assure other countries that they could securely invest in the new country. Building a case-based system is important to China as well because the country is interacting more and more with Western lawyers.

Case law is important even in civil law countries, such as France, which are governed by statutes. In the case of China, Judge Fletcher said he was fascinated to learn that judges in China are selecting the cases which are being put into the database. The fact that only certain cases, as selected by China’s courts, are published in the database could cause some to worry that there is a separate, “secret” system of cases which are unpublished and which the court may refer to, without the knowledge of the public, in adjudication. In practice, however, there is likely no need for such concern. Even in the U.S. case law system, the courts do not publish, in a reporter, every single case. Instead, they also select those decisions that, in their opinion, will be most helpful in addressing particular legal issues. Judges in the United States hear thousands of cases, and to require that every decision be published would be highly inefficient. This would also require attorneys and parties to comb through many more cases to seek an answer to their legal questions, and would ultimately result in greater uncertainty, not less. In China, there also will be some difficulty in determining what cases should be published, but the problem is one that can be overcome.

VI. Comments and Q&A

Following the presentations, Dr. Mei Gechlik invited the audience to pose questions to the speakers; some of the questions, with corresponding responses, are provided below.

The first question was about the reactions and responses of Chinese lawyers to the development of the IP Case Guidance System. Judge Liu said that lawyers are now actively citing cases in their legal documents. There is still uncertainty about how to cite cases and, sometimes, the cited cases are unrelated to the case at hand. Overall, however, lawyers’ responses to the system have been very positive.

Another attendee asked how the development of the Case Guidance System would affect legal education and legal research. Dr. Gechlik noted that this initiative is still in its initial stage. As more academic institutions and legal professionals become involved in this initiative, legal research and advocacy will be improved.

The third question was about how Chinese students in U.S. law schools can contribute to the development of the IP Case Guidance System in China. Mr. John Liu said that there were great opportunities in the fields of Artificial Intelligence and Big Data. Some of his colleagues served as judges for over ten years before joining Gridsum. Dr. Gechlik added that law students in
the United States have more knowledge about how to utilize case law databases and case-based reasoning, and they can help Chinese lawyers develop their skills in this area.

The next question raised the issue of how China, with relatively inexperienced judges, can find a sufficient number of experienced judges to help make effective a case-based system. Judge Liu acknowledged this is a challenge, due to the fact that a person can become a judge in China at a relatively young and inexperienced age. Judge Liu used his own experience as an illustration. He graduated from several well-regarded law schools in China, obtaining LLB and LLM degrees. He served as a clerk after graduation for three years and then as an assistant judge for another three years. He then became a judge.

The last question was about how lawyers practicing within a civil law system use prior cases that generally give short and abstract judicial decisions. Professor Lee said that it was an issue of balancing efficiency and quality in judicial decisions. Judges in the BIPC would like to maintain the quality of their rulings, but this is difficult because of the time limitations and workload. Judge Liu said that most cases tried by the BIPC are straightforward and the judge only needs to cite legislation. Judicial decisions in China have generally been shorter than those in the United States, and only when judges think that a case is important do they write a longer decision. Dr. Gechlik said the situation has improved compared to when she began her study of Chinese law twenty years ago, in that the facts and the legal reasoning of judges’ decisions are more detailed. Judge Fletcher cautioned that longer judicial decisions are not necessarily better. He feels that some U.S. cases are unnecessarily long, making it difficult for one to identify the essential facts and reasoning of the judgments and determine whether they are applicable to the pending case.

With no more time left for questions, this Guiding Cases Seminar proceeded to wrap up.
Appendix A: Bios of Speakers

MODERATOR

Dr. Mei Gechlik

Dr. Mei Gechlik is the Founder and Director of the China Guiding Cases Project (CGCP). Formerly a tenured professor in Hong Kong, she founded the CGCP in February 2011. With support from an international team of nearly 200 members and an advisory board of approximately 50 distinguished experts, including justices from the U.S. Supreme Court and the Supreme People’s Court, the CGCP has quickly become the premier source of high-quality translations and analyses of Guiding Cases, China’s de facto binding precedents (http://cgc.law.stanford.edu).

The CGCP has presented at various notable forums, including the World Bank, the Open Government Partnership Global Summit, and a U.S.-China Legal Exchange Conference. In 2012, the China eGovernment Development Index, which Dr. Gechlik and a few international experts created to assess e-government development in Chinese localities, made a big splash in China and was extensively covered by Chinese media, including the official People’s Daily.

From 2001 to 2005, Dr. Gechlik worked for the Carnegie Endowment for International Peace, a Washington D.C.–based think tank, testifying before the U.S. Congress on various topics about China and advising the United Nations and the Chinese government on implementing rule of law programs. Dr. Gechlik is admitted as a barrister in England, Wales, and Hong Kong and is a member of the Bar in New York and the District of Columbia. She received an M.B.A. in Finance from the Wharton School at the University of Pennsylvania and a Doctor of Science of Law (J.S.D.) from Stanford Law School.

SPEAKERS

The Honorable Judge JIANG Shuwei

Judge JIANG Shuwei, after receiving his Master of Laws degree, worked as an assistant judge in the Intellectual Property Trial Division of the Beijing No. 1 Intermediate People’s Court from 2004 to 2012. From 2012 to 2014, he first worked as a judge at the Shijingshan District People’s Court of Beijing Municipality and was then promoted to oversee the court’s Intellectual Property Trial Division and to serve as the director of its Research Office. Since November 2014, he has been working at the Beijing Intellectual Property Court and is currently serving as a member of the adjudication committee, a judge, and the director of the adjudication administrative office.

Judge Jiang has been conducting intellectual property adjudication and research on intellectual property judicial practice for 13 years. He has taken the lead in handling or participated in more than a thousand civil and administrative first-instance and second-instance intellectual property cases covering patent, copyright, trademark, unfair competition, and other areas.
In recent years, Judge Jiang has published over 10 essays and cases in various professional and academic journals, including China Copyright (《中国版权》), Technology and Law (《科技与法律》), China Trademark (《中华商标》), Intellectual Property Case Study (《知识产权判解研究》), and China Patents & Trademarks (《中国专利与商标》). He also participated in the writing of multiple collections of intellectual property essays and casebooks, including the Analysis of Well-Known Intellectual Property Cases (《知识产权名案评析》), Comprehensive Discussion of Categorized Intellectual Property Cases (《知识产权审判分类案件综述》), Research on Hot Topics of Intellectual Property Civil Litigation (《知识产权民事诉讼热点专题研究》), Copyright Infringement: Case and Academic Studies (《著作权侵权专题判解与学理研究》), and Ownership of Intellectual Property Rights (《知识产权权属》).

From 2007 to 2008, Judge Jiang wrote his own law review column in Beijing Daily (《北京日报》) and was awarded a “Special Column Prize”. In 2012, his paper titled Discussion of the Role of Using State Reference Diagrams in China’s Exterior Design Patents (《试论使用状态参考图在我国外观设计专利中的地位》) was given the National Second Prize in the Application of Law Writing Contest organized by the Supreme People’s Court and the China Intellectual Property Law Association. His essays titled Dissecting the Value Structure of Trademark Rights as the Basis for Determining Damages in Trademark Infringement (《以分解商标权价值构成为基础判定侵犯商标权损害赔偿》) and Turning the Bottleneck into a Shortcut: Discussion of the Coordination between the Review Procedures of Patent Invalidation and the Civil Litigation of Patent Infringement (《化瓶颈为捷径—试论专利权无效审查程序和侵犯专利权民事诉讼之协调》) earned the Second Prize of Beijing Municipality and the National Excellence Award at the 24th and 25th National Court Academic Symposia held in 2013 and 2014, respectively.

The Honorable Judge LIU Yijun

Judge LIU Yijun received his Bachelor of Laws degree from Southwest University of Political Science and Law, China. He also received a Master of Laws degree in Civil and Commercial Law (Concentration: Intellectual Property) from China University of Political Science and Law and a Master of Laws degree in Common Law from City University of Hong Kong. He is currently pursuing a Ph.D. degree in Intellectual Property Law at China University of Political Science and Law.

From July 2008 to November 2014, Judge Liu worked in the Civil Division II, the Office of Labor Disputes, and the Intellectual Property Division of the Beijing No. 2 Intermediate People’s Court. From December 2011 to January 2013, he took a leave of absence to complete his full-time study at City University of Hong Kong and have a short visit to Columbia Law School. He has been serving as a judge in the Trial Division II of the Beijing Intellectual Property Court since November 6, 2014.

Over the past five years, Judge Liu has handled over 1,300 cases, including cases concerning labor disputes, contract disputes, and civil and administrative disputes over intellectual property rights.
Several hundreds of these cases involved foreign parties. In recent years, Judge Liu has published over 20 articles in Chinese and international journals, including *The People's Judicature* (《人民司法》), *Journal of Law Application* (《法律适用》), *China Labor* (《中国劳动》), *Theoretical Exploration* (《理论探索》), *People's Court Daily* (《人民法院报》), *China Intellectual Property News* (《中国知识产权报》), and *Beijing Trial* (《北京审判》). Of these articles, four were published in core academic journals in China and one reprinted as reference material by the Renmin University of China. Judge Liu also contributed to the editorial work of several books published by Law Press China, including *Classification and Detailed Explanation of Classic Cases: Volume on Labor Disputes* (《经典案例分类精解-劳动争议卷》), *Intellectual Property: Adjudication Principles and Analysis of Difficult Cases* (《知识产权案件裁判理念与疑难案例解析》), *The Trial Experience of Intellectual Property* (《知识产权审判经验卷》), and *The Trial Research on Intellectual Property* (《知识产权审判研究卷》). In addition, Judge Liu has participated in multiple major research projects commissioned by the Central Political and Legal Affairs Commission, Supreme People’s Court, Beijing Higher People’s Court, and Beijing Intellectual Property Court, contributing more than 200,000 words in total.

**Mr. John Liu**

Since December 2014, John Liu has been serving as the chief technology officer of Gridsum, a leading provider of cloud-based big data analytics and AI solutions for multinational and domestic enterprises and government agencies in China. Prior to joining Gridsum, Mr. Liu was a software engineer, research manager, and R&D director at Microsoft Corporation from 1998 to December 2014. He was an engineer at Hewlett-Packard Company from 1994 to 1998. From 1989 to 1990, Mr. Liu was a researcher at the University of Paderborn in Germany.

Mr. Liu holds a bachelor’s degree in computer science from Tsinghua University and a master’s degree in computer science from the University of Pittsburgh.

**Professor Leon Lee**

Professor Leon Lee (YONG Li), an assistant professor at the School of Law, Central University of Finance and Economics (“CUFE”), primarily teaches courses on corporate law and international economic law as well as clinical programs. He joined CUFE after he received, in 2006, a Ph.D. degree in law from Tsinghua University’s School of Law. He has published more than twenty articles in various influential journals in China.

In addition to being a professor, Professor Lee has also been pursing legal practice. Of the numerous cases that he has handled in representing domestic and international companies, some are high-profile, with significant impact, and have tremendously enriched his teaching experience and allowed him to make his teaching lively and rigorous. His special experience in carrying out both legal teaching and legal practice has helped him develop a unique vision about how to combine theories with practice, drawing on the former to benefit the latter and vice versa. With
these insights and skills, Professor Lee has been recognized by companies whom he has advised for having the expertise to cope with cutting edge issues arising from different situations.

Professor Lee also serves as the executive director of the Case Law Research Center of CUFE. Founded after his one-year stint as a visiting scholar of Stanford Law School, the center is a think-tank advising the Chinese government on policy-making. This opportunity allows him to participate in various decision-making processes of the government and develop collaborative relationships with courts and governmental agencies. He believes that this new position will not only strengthen his academic career but also allow him to contribute his practical and theoretical views to the processes of policy-making and law-making.

The Honorable Judge William A. Fletcher

Judge William A. Fletcher was sworn in as United States Circuit Judge for the Ninth Circuit on February 1, 1999. He received a B.A. from Harvard College in 1968 in English History and Literature, magna cum laude; a B.A. from Oxford University in 1970 in English Language and Literature, where he studied as a Rhodes Scholar; and a J.D. from Yale Law School in 1975. He was honorably discharged from the United States Navy as a Lieutenant in 1972.

Judge Fletcher clerked for the Honorable William J. Brennan, Jr., of the United States Supreme Court from 1976 to 1977. He was a law professor at the University of California, Berkeley (Boalt Hall) from 1977 to 1999, specializing in Federal Courts and Jurisdiction and in Civil Procedure. At the time of his appointment to the Ninth Circuit, he was the Richard W. Jennings, Jr., Professor of Law. He is a member of the American Law Institute.