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# 5<sup>TH</sup> SINO-AUSTRALIAN LAW DEANS CONFERENCE 2016

**HOSTED BY UWA LAW SCHOOL  
THE UNIVERSITY OF WESTERN AUSTRALIA  
14-15 OCTOBER 2016**

UNIVERSITY CLUB OF WESTERN AUSTRALIA, HACKETT DRIVE, CRAWLEY, WA, 6009  
AUSTRALIA

## CONFERENCE BROCHURE

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## A BRIEF INTRODUCTION TO THE UWA LAW SCHOOL

### PERTH, THE CAPITAL OF WESTERN AUSTRALIA

With a population of over 2 million, Perth is the largest city in the state of Western Australia. It was founded in 1829 and is centred on the meandering Swan River, which flows out to the Indian Ocean.

Sights in the city centre include the new Elizabeth Quay, the Bell Tower, Government House, the Supreme Court and the Perth Mint. There is also plenty of shopping to be done, with parts of the city recently undergoing revitalisation.

For some fresh air, head up to Kings Park, which affords spectacular views across the city and river and attracts over 6 million visitors a year.

More tourist information is available at [www.experienceperth.com](http://www.experienceperth.com).

### THE HOST UNIVERSITY

The University of Western Australia (UWA) is one of Australia's leading universities and has an international reputation for excellence in teaching, learning and research.

The UWA Law School is the oldest in Western Australia and the fifth oldest in Australia, founded in 1927. From the very beginning the Law School developed a reputation for academic excellence and has continuously offered law degrees leading to qualification to practice since then. The degree has altered over time in response to changes within legal education and differing student and graduate needs. Most recently, in 2013 the Bachelor of Laws was replaced with the Juris Doctor to better prepare graduates for the challenges of contemporary practice.

A hallmark of the School's success has been the consistently high rates of employment of UWA Law School graduates, as well as the number of alumni that have gone on to distinguish themselves in a variety of fields. Among the School's alumni are not only judges, QCs and SCs, barristers, solicitors and academic lawyers, but also Rhodes and Fulbright Scholars, a prime minister, ministers, public servants, writers, journalists, conservationists and social commentators.

More information is available at [www.uwa.edu.au](http://www.uwa.edu.au).



## CONFERENCE OVERVIEW

**WEDNESDAY** ▶ Australian delegates arrive for the Council of Australian Law Deans Meeting in  
**12 OCTOBER** Fremantle.

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**THURSDAY** *During the day...*  
**13 OCTOBER** ▶ Australian delegates attend the Council of Australian Law Deans Meeting hosted by the University of Notre Dame, Fremantle.

- ▶ Chinese delegates will be met on arrival at Perth International Airport by representatives of the University of Western Australia and escorted to the Parmelia Hilton Hotel, with free time to settle into Perth.

*During the evening...*

- ▶ The Council of Australian Law Deans Dinner will be held at the Esplanade Hotel, Fremantle.
  - ▶ Pre-dinner reception to be held at the Fairweathers Building at the University of Notre Dame.
  - ▶ At 4pm, Chinese delegates will be transported from the Hotel to Fremantle.
  - ▶ At 8pm, ALL delegates will be transported from Fremantle to the Hotel.
- 

**FRIDAY** *During the day...*  
**14 OCTOBER** ▶ At 8am, ALL delegates will be transported from the Hotel to the University of Western Australia and escorted to the University Club for registration and arrival refreshments.

- ▶ Day 1 of the Sino-Australian Law Deans Conference begins at 9am.
- ▶ Morning tea, lunch and afternoon tea will be provided.
- ▶ Day 1 concludes at 5:15pm.
- ▶ At 5:30pm, ALL delegates will be transported from the University to the Hotel.

*During the evening...*

- ▶ The Sino-Australian Law Deans Conference Dinner will be held at the Hotel.
  - ▶ Delegates are requested to arrive at the Karri Room dinner venue by 6:15pm.
- 

**SATURDAY** *During the early morning...*  
**15 OCTOBER** ▶ At 7:30am, a coach will depart from the Hotel to the University for an optional University Gardens and Campus Tour.

- ▶ The Tour begins at 8am and lasts for 1 hour.
- ▶ Attendees will be escorted to the University Club conference venue by 9am.

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## CONFERENCE OVERVIEW

**SATURDAY** *During the day...*  
**15 OCTOBER**

- ▶ At 8am, delegates not attending the optional Tour will depart the Hotel for the University of Western Australia and be escorted to the University Club for arrival refreshments.
- ▶ Day 2 of the Sino-Australian Law Deans Conference begins at 9am.
- ▶ Morning tea and lunch will be provided.
- ▶ Day 2 concludes at 1pm.
- ▶ At 1:15pm, ALL delegates will be transported from the University to the Hotel.

*During the afternoon...*

- ▶ On arrival at the Hotel, delegates can choose to join an optional Walking Tour of Perth. Otherwise, free time for sightseeing, shopping and exploring.

*During the evening...*

- ▶ The Sino-Australian Law Deans Post-Conference Dinner will be held at the Hotel.
- ▶ Delegates are requested to arrive at the Karri Room dinner venue by 6:15pm.

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**SUNDAY**  
**16 OCTOBER**

- ▶ Chinese delegates will be escorted to Perth International Airport and farewelled. Australian delegates are welcome to extend their stay in Perth.
-

## CONFERENCE PROGRAM

### FRIDAY 14 OCTOBER 2016

09:00-09:15 Registration

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09:15-09:45 **WELCOME TO THE OPENING OF THE FORUM**

- ▶ **Mr Iain Watt**  
Pro Vice-Chancellor (International), The University of Western Australia
  - ▶ **Professor Carolyn Evans**  
Chair, CALD and Dean, Melbourne Law School, The University of Melbourne
  - ▶ **Professor Han Dayuan**  
Executive Vice President, China Association for Legal Education and Dean, Renmin Law School
- 

09:45-11:10 **FORUM 1: NEW DEVELOPMENTS AND POLICIES IN LEGAL EDUCATION**

*Chairs:*

- ▶ **Professor Stephen Bottomley**  
Dean, ANU College of Law, The Australian National University
- ▶ **Professor Shen Weixing**  
Dean, Law School, Tsinghua University

*Presenters:*

- ▶ **Professor Michael Adams**  
Deputy Chair, CALD and Dean, School of Law, Western Sydney University
  - ▶ **Professor Guo Li**  
Vice Dean, Law School, Peking University
- 

11:15-11:30 Morning tea

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11:30-13:00 **FORUM 2: THE IMPACTS OF THE FREE TRADE AGREEMENT ON LEGAL EDUCATION**

*Chairs:*

- ▶ **Professor Warwick Gullett**  
Dean, Faculty of Law, University of Wollongong
- ▶ **Professor Cong Lixian**  
Vice Dean, Law School, Beijing Foreign Studies University

*Presenters:*

- ▶ **Ms Eva Chye**  
Associate Director/Principal Adviser, Global Government and Corporate Partnerships, Office of the Pro Vice-Chancellor (International), The University of Western Australia
  - ▶ **Professor Shi Jingxia**  
Dean, School of Law, University of International Business and Economics
- 

13:00-14:00 Lunch

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## CONFERENCE PROGRAM

### FRIDAY 14 OCTOBER 2016

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14:00-15:30 **FORUM 3: HOW TO DEVELOP INTER-DISCIPLINARITY IN LEGAL EDUCATION**

*Chairs:*

- ▶ **Professor Margaret Otlowski**  
Dean and Head of School, Faculty of Law, University of Tasmania
- ▶ **Professor Ren Xirong**  
Vice Dean, Jilin University Law School

*Presenters:*

- ▶ **Professor William MacNeil**  
Dean and Head of School, School of Law and Justice, Southern Cross University
  - ▶ **Professor Wang Yi**  
Renmin Law School
  - ▶ **Professor Huang Yao**  
Dean, School of Law, Sun Yat-Sen University
- 

15:30-15:45 Afternoon tea

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15:45-17:15 **FORUM 4: THE DEVELOPMENT OF THE LEGAL PROFESSION AND LEGAL EDUCATION**

*Chairs:*

- ▶ **Professor Penelope Matthew**  
Dean and Head of School, Griffith Law School, Griffith University
- ▶ **Professor Yang Li**  
Vice Dean, Koguan Law School, Shanghai Jiao Tong University

*Presenters:*

- ▶ **Professor Nick James**  
Executive Dean, Faculty of Law, Bond University
  - ▶ **Professor Xu Shenjian**  
Vice Dean, Law School, China University of Political Science and Law
- 

17:30-18:00 Travel back to accommodation

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18:30-20:00 **CONFERENCE DINNER**

Karri Room, Parmelia Hilton Perth

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## CONFERENCE PROGRAM

### SATURDAY 15 OCTOBER 2016

08:00-09:00 Optional campus walking tour of UWA gardens

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09:00-10:00 **FORUM 5: ALTERNATIVE DISPUTE RESOLUTION AND LEGAL EDUCATION**

*Chairs:*

- ▶ **Professor Reid Mortensen**  
Head of School, School of Law and Justice, University of Southern Queensland
- ▶ **Professor Tang Li**  
Dean, Law School, Southwest University of Political Science and Law

*Presenters:*

- ▶ **Ms Maxine Evers**  
Associate Dean (Education), Faculty of Law, University of Technology Sydney
  - ▶ **Professor Shen Wei**  
Dean, Law School, Shandong University
- 

10:00-10:30 Morning tea

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10:30-11:30 **FORUM 6: CO-CULTIVATION OF LEGAL TALENT BETWEEN CHINA AND AUSTRALIA**

*Chairs:*

- ▶ **Professor Bryan Horrigan**  
Dean, Faculty of Law, Monash University
- ▶ **Professor Jian Jisong**  
Vice Dean, Law School, ZhongNan University of Economics and Law

*Presenters:*

- ▶ **Professor Jürgen Bröhmer**  
Treasurer, CALD and Dean, School of Law, Murdoch University
  - ▶ **Professor Shen Weixing**  
Dean, Law School, Tsinghua University
- 

11:30-12:00 **FUTURE DIRECTIONS**

- ▶ **Professor Han Dayuan**  
Executive Vice President, China Association for Legal Education and Dean, Renmin Law School
  - ▶ **Professor Carolyn Evans**  
Chair, CALD and Dean, Melbourne Law School, The University of Melbourne
- 

12:00-13:00 **FORUM CLOSE**

Lunch

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13:00-16:00 **OPTIONAL TOUR – CITY WALKING TOUR OR FREE TIME (SHOPPING / SIGHTSEEING)**

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18:30-20:00 **CONFERENCE DINNER**

Karri Room, Parmelia Hilton Perth

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## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### WELCOME SESSION

#### MR IAIN WATT

PRO VICE-CHANCELLOR (INTERNATIONAL), THE UNIVERSITY OF WESTERN AUSTRALIA



Iain Watt has been leading The University of Western Australia's (UWA) international engagement since 2013 when he took up his appointment as Pro Vice-Chancellor (International). Mr Watt has extensive international experience and a record of significant and successful leadership in international education.

Prior to joining UWA, he was Director of International Operations and Student Recruitment at the Australian National University (ANU), where he led international and domestic student recruitment and admissions, and was responsible for international strategic alliances and partnerships.

Mr Watt also lived and worked in Taipei for six years, and spent eight years in Beijing at the Australian Embassy. While at the embassy he held positions of Counsellor (Education) for four years and later, Minister-Counsellor (Education). In both positions he was the Australian Government's senior education representative in China.

Mr Watt holds a Bachelor of Science (Mathematics and Statistics) from ANU and completed postgraduate studies in Chinese language, economy and culture. Mr Watt is fluent in Mandarin.

#### PROFESSOR CAROLYN EVANS

CHAIR, CALD AND DEAN, MELBOURNE LAW SCHOOL, THE UNIVERSITY OF MELBOURNE



Professor Carolyn Evans has been Dean of Melbourne Law School since 2011 and Chair of the Council of Australian Law Deans since 2015. Carolyn has degrees in Arts and Law from Melbourne University and a doctorate from Oxford University where she studied as a Rhodes Scholar.

Carolyn has worked as a commercial lawyer and as a teacher at both Oxford and Melbourne. She is an expert on human rights, particularly religious freedom and in 2010 she was awarded a Fulbright Senior Scholarship to the US to examine questions of comparative religious freedom.

Carolyn has written or edited six books and dozens of chapters and articles on human rights. She is the honorary secretary of the Rhodes Scholars Selection Panel in Victoria and a member of the Board of the State Library of Victoria.

#### PROFESSOR HAN DAYUAN

EXECUTIVE VICE PRESIDENT, CHINA ASSOCIATION FOR LEGAL EDUCATION AND DEAN, RENMIN LAW SCHOOL



HAN Dayuan, Dean and Professor of Constitutional Law, has taught at Renmin University of China Law School since 1987, where his courses include constitutional law and comparative constitutional law.

He held undergraduate degree in law from Jilin University, and received master and Ph.D. degrees from Renmin University of China. Besides his many scholarly articles published in journals of law, his major books include *The Constitutional-Making Process of 1954 Constitution* (2014); *The Constitutional Logic of the Right to Life* (2012); *Research on Asian Constitutionalism* (2008); *Basic Theories of Constitutional Law* (2008); and *Comprehend the Spirit of Constitutional Law* (2008).

Professor Han also serves as the President of China Association of Constitutional Law, and the Executive Vice President of China Association of Legal Education. He received honorary doctorate degree of Law at University of Lapland, Finland in 2012, and the award of the Cheung Kong Scholar given by the Ministry of Education of China.

## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 1: NEW DEVELOPMENTS AND POLICIES IN LEGAL EDUCATION

#### CHAIRS

##### PROFESSOR STEPHEN BOTTOMLEY

DEAN, ANU COLLEGE OF LAW, THE AUSTRALIAN NATIONAL UNIVERSITY



Dean of the College of Law since January 2013, Stephen Bottomley is an expert in commercial law.

His 2008 book, *The Constitutional Corporation: Rethinking Corporate Governance* was awarded the Hart Socio-Legal Book Prize for outstanding piece of socio-legal scholarship in the same year. The book was described by reviewers at the University of London as “a most valuable and comprehensive response to economic contractualism providing a new normative framework to continue the international debate on corporate governance.”

Stephen is also the co-author of *Corporations Law in Australia* (2002, 2nd edn), *Law in Context* (2011, 4th edn), and *Directing the Top 500 - Corporate Governance and Accountability in Australian Companies* (1993).

His main areas of research interest are corporate governance, and law and regulation and he has also been published in the areas of corporate theory, corporate regulation and government-owned enterprises.

Stephen’s article “The Notional Legislator: The Australian Securities and Investments Commission’s Role as a Law-Maker” (2011) 39 *Federal Law Review* 1, was awarded the 2011 Zines Prize for Excellence in Legal Research.

##### PROFESSOR SHEN WEIXING

DEAN, LAW SCHOOL, TSINGHUA UNIVERSITY



Professor Shen Weixing is Dean of Tsinghua University, School of Law. Professor Shen earned his LLB and LLM degree from Jilin University School of Law, and his PhD in Law degree from China University of Political Science and Law. Then he conducted research on civil law as a postdoctoral researcher at Peking University School of Law. He was a visiting scholar at the Faculty of Law, University of Cologne and a senior visiting scholar at the Faculty of Law University of Freiburg. He also conducted research at Harvard Law School as a Fulbright Visiting Scholar.

Professor Shen’s research fields include ground principles of civil law, property law, German private law and health care law. In these areas, he has published 14 books, including *Studies on Basic Theories of Expectant Right (Studien zur Anwartschaftsrechtslehre)* and *Fundament Theories of Property Law*, and has published over 50 scholarly articles. Professor Shen is the Director of Real Estate Law Research Center at Tsinghua Law School, Vice Chairman of the China Health Law Society. In 2014, he was named as one of the “Ten Outstanding Young Legal Experts of China”.

BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

FORUM 1: NEW DEVELOPMENTS AND POLICIES IN LEGAL EDUCATION

PRESENTERS

**PROFESSOR MICHAEL ADAMS**

DEPUTY CHAIR, CALD AND DEAN, SCHOOL OF LAW, WESTERN SYDNEY UNIVERSITY



Michael's specialist areas are corporate law and corporate governance. He is an expert in financial services regulation (particularly securities markets, insider trading, market manipulation) and the broader area of legal education and technology. Professor Adams has been the Dean of the School of Law at Western Sydney University since 2007. Previously Professor of Corporate Law at the University of Technology Sydney and consultant to a major Australian law firm. He teaches, writes and presents regularly on these topics, as well as a media commentator. He has published 12 books, 35+ chapters, 95+ articles and has presented at over 250 conferences in the last 25 years. He is a Fellow of the Australian College of Educators (FACE), the Governance Institute of Australia (FCIS/FGIA-Life) and the Australian Academy of Law (FAAL). He is on various charitable boards and professional bodies, as well as the Deputy Chair of the Australian Council of Law Deans (CALD). In 2000 he was the recipient of the Australian University Teacher of the Year in "Law and Legal Studies" and in 2005 he was the recipient of the Institute's President's Award and made a Life member in 2014.

**ABSTRACT:**

*New Developments and Policies in Legal Education*

This session will cover the developments in Australia of the impact on the demand driven system of legal education over the last decade and the continuing requirement to monitor and improve student engagement. The regulatory framework in Australian Law School continues to be impacted by TEQSA (Commonwealth Government quality agency for tertiary education) and the application of the AQF (academic quality framework), as well as the government report, known as the "Bradley Review" to impose outcomes-based quality assessments. The global and Australian trends towards blended learning and more online-teaching and globalisation of legal education. The demand for internationalisation of curriculum and opportunities for law students to have an international experience, as part of their universities studies. The role of international ranking schemes in Australia and the challenges this produces for law schools. Finally, the debate over employment prospects, over enrolment and student ability to use a legal qualification for practising law in multiple jurisdictions to many diverse roles.

**PROFESSOR GUO LI**

VICE DEAN, LAW SCHOOL, PEKING UNIVERSITY



GUO Li is a Professor of Law and Vice Dean at Peking University Law School, and the chief editor of PKU Journal of Legal Studies. He has also taught and researched at Cornell, Duke, Freiburg, Vanderbilt, Case Western Reserve, and the recipient of the Humboldt Foundation Fellowship. His scholarly interests cover financial laws, social development and comparative studies. He is a graduate of PKU, Southern Methodist, and Harvard Law School.

**ABSTRACT TITLE:**

*Some New Developments and Challenges of Legal Education in China*

## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 2: THE IMPACTS OF THE FREE TRADE AGREEMENT ON LEGAL EDUCATION

#### CHAIRS

##### PROFESSOR WARWICK GULLETT

DEAN, FACULTY OF LAW, UNIVERSITY OF WOLLONGONG



Professor Warwick Gullett is Dean of Law at the University of Wollongong, NSW and was formerly Deputy Director of the Australian National Centre for Ocean Resources and Security (ANCORS). His research interests focus on legal protection of the marine environment and the international law of the sea. He is the author of *Fisheries Law in Australia* (335pp, LexisNexis Butterworths, 2008) and co-editor of *Asia-Pacific and the Implementation of the Law of the Sea: Regional Legislative and Policy Approaches to the Law of the Sea Convention* (230pp, Brill/Nijhoff, 2016) and *Marine Resources Management* (359pp, LexisNexis Butterworths, 2011).

Professor Gullett is Current Legal Developments Editor for the *Asia-Pacific Journal of Ocean Law and Policy*. He holds degrees in Law and Geography from Monash University (1997) and a PhD from the Australian National University (2002).

##### PROFESSOR CONG LIXIAN

VICE DEAN, LAW SCHOOL, BEIJING FOREIGN STUDIES UNIVERSITY



CONG Lixian is a professor and supervisor of PhD candidate at the law school of Beijing Foreign Studies University (BFSU). Professor Cong's main research direction is Intellectual Property Rights (IPR) and Private International Law (PIL). Professor Cong got his PhD (doctor of law) degree from Wuhan University Law School, completed his postdoctoral research work at Zhongnan University of Economics and Law, and worked as a visiting scholar at school of law of University of Washington (UW).

Professor Cong was selected into the Program of New Century Outstanding Talent supported by Ministry of Education, was named the National Intellectual Property Leading Talent supported by State Intellectual Property Office. Professor Cong is the arbitrator of China International Economy and Trade Arbitration Commission (CIETAC), and is the standing director of China Society of Private International Law (CSPIL), the director of fellow of China Society of Intellectual Property Law (CSIPL). In recent years, Professor Cong has published several academic books and more than forty academic papers in the academic journals in China, such as "Law science", "Law Review", "Social Sciences Abroad", "Renmin Daily", "Guangming Daily", "China publishing Journal" and other publications.

Professor Cong has won the honours and awards from provincial and ministerial level, and colonel-level. His monograph was selected in International Law Ph.D. Essay Library of Wuhan University, and was named "100 good books of Hubei Province", also achieved the Social Science Award of Liaoning Province. Professor Cong has presided more than 10 national, provincial and ministerial research projects. He independently completed the research project of the First China Postdoctoral Science Foundation special funding, and presided research project of National Social Science Fund, projects from Ministry of Justice and Ministry of Education.

## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 2: THE IMPACTS OF THE FREE TRADE AGREEMENT ON LEGAL EDUCATION

#### PRESENTERS

##### MS EVA CHYE

ASSOCIATE DIRECTOR/PRINCIPAL ADVISER, GLOBAL GOVERNMENT AND CORPORATE PARTNERSHIPS, OFFICE OF THE PRO VICE CHANCELLOR (INTERNATIONAL), THE UNIVERSITY OF WESTERN AUSTRALIA



Eva Chye specialises in establishing international projects that bring mutually beneficial outcomes and continuous business growth to stakeholders.

As the Associate Director of Global Government and Corporate Relations at UWA, Eva manages diplomatic protocol at the Vice-Chancellery as well as oversees international programs sponsored by government and industry, such as the New Colombo Plan, Australia Awards, and scholarships funded by overseas funding agencies.

Eva connects different stakeholders and facilitates business development from commercial analysis through to funding assessment, operational planning and negotiations.

Prior to UWA, Eva worked in both public and private sectors within Asia and Australia specialising in market research and business analysis. She has received the following recognition for her work in fostering international partnerships and is highly regarded for her experience in business development, resourcefulness, strong ethics, and unbiased insights.

Eva is also a proud alumnus of the UWA Law School's Master of International Commercial Law.

#### Awards and Fellowships

- The University of Western Australia Fay Gale Fellowship to China and Japan (2005 and 2007)
- Leadership Western Australia Fellowship (2010)
- Australian Federal Government Endeavour Executive Award (2011)
- Visiting Fellowship at Zhejiang University, China (2014)
- RMB80,000 (AUD17,500) joint research grant from Zhejiang Provincial Government to conduct a study on how to develop international collaboration as part of managing scientific research, with Zhejiang University, China (2015)
- Accredited Chinese-English translator with National Accreditation Authority for Translators and Interpreters (Current)

#### ABSTRACT:

##### *The Impacts of the China-Australia Free Trade Agreement on Education Services*

The China-Australia Free Trade Agreement entered into force on 20<sup>th</sup> December 2015, promising "significant opportunities for Australia in China". This presentation examines ChAFTA's goals in relation to education services and evaluates its effectiveness against an ever-changing international education landscape. After all, trade in education services is Australia's leading service sector and contributed AU\$19.65 billion to the economy last year. Given the current downturn in the resource sector, will ChAFTA help to boost the economy and save the day?

It will be shown that whilst ChAFTA offers opportunities for improved market access, its effects are limited. ChAFTA does not oblige China to supply Australia with students. The Chinese government is both a lawmaker and market creator, and Australia's success will be guided by bigger reform agendas in Beijing. We will look at what China's key drivers are, what Australia's competitors are doing, and propose new ideas for successful engagement with China.

BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

FORUM 2: THE IMPACTS OF THE FREE TRADE AGREEMENT ON LEGAL EDUCATION

PROFESSOR SHI JINGXIA

DEAN, SCHOOL OF LAW, UNIVERSITY OF INTERNATIONAL BUSINESS AND ECONOMICS



SHI Jingxia is the Dean and Professor (international business & economic law) at China University of International Business & Economics (UIBE) Law School. She also serves as the Director of UIBE International Law Institute (ILI) and UIBE Research Center for Unification of Commercial Law (RCUCL).

Dean Shi earned her B.A & LL.B in 1992, Ph.D in International Law (1998) from Wuhan University, China. Then she began her teaching career at UIBE Law School in August 1998 and was granted tenure professorship in late 2002. She also holds LL.M degree (2007) and J.S.D degree (2011) from Yale Law School. She has been a member of New York Bar since June 2012, a member of Chinese Bar Association since 1999.

A former member of drafting committee of the 2006 Enterprises Bankruptcy Law of the PRC, she was engaged in various speeches about the Law. She has been a member of governing council of International Institute for the Unification of Private Law (UNIDROIT) in Rome, Italy since 2014. The courses Dr. Shi has taught include international economic law, the essentials of WTO law, International law on trade in services, international and comparative insolvency law, etc. She has been retaining extensive practical and research interests in the areas of international trade and investment law with abundant publications involving trade in services and cross-border insolvency both in English and Chinese. She is frequently counseled both by Chinese government agencies and large companies.

Professor Shi stayed at the Center for Commercial Law Studies (CCLS), University of London (2000) and New York University School of Law (2003-04, "Global Research Fellow") as visiting scholar, Taiwan National Chengchi University and Soochow University as visiting professor (2006), and guest professor at Xiamen University (November 2012).

ABSTRACT:

*The Implications of Globalization on Legal Services and the Responses from Legal Education: A Perspective from ChAFTA*

The proposed presentation first examines the challenges brought by globalization to legal services with specific reference to the Chinese market. Then, it talks about the responses from legal education to the ever-increasing globalized legal services. To equip lawyers with the needed skills to practice law in a globalized world will require changes in the traditional legal education. The cooperation between law schools among different jurisdictions serves as a key part in the context of globalization.

The third part of the presentation focuses on the legal services liberalization in the ChAFTA which is unique in securing China's first-ever treaty commitments on commercial association between law firms. In addition to guaranteeing existing access for Australian law firms in China, it also ensures that Australian law firms are able to establish commercial associations with Chinese law firms in the Shanghai Free Trade Zone (SFTZ). It argues that albeit limited, Chinese legal services market has been gradually open to the outside world in an era of globalization. The presentation finally maintains that Chinese and Australian law schools should enhance their cooperation in due response to the practical needs.

## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 3: HOW TO DEVELOP INTER-DISCIPLINARITY IN LEGAL EDUCATION

#### CHAIRS

#### PROFESSOR MARGARET OTLOWSKI

DEAN AND HEAD OF SCHOOL, FACULTY OF LAW, UNIVERSITY OF TASMANIA



Professor Margaret Otlowski is Dean of the Faculty of Law at University of Tasmania and Deputy Director of the Centre for Law and Genetics.

She has longstanding experience in health law and bioethics, publishing extensively in the field, and has been engaged by Commonwealth and State governments and agencies as consultant and member for various committees, working parties and Tribunals, including current membership with the Tasmanian Anti-Discrimination Tribunal.

She has been involved with a number of funded collaborative research projects on law and genetics where her work has focussed on issues of regulation, privacy, discrimination and law reform. In 2015, she was made a Fellow of the Australian Academy of Law.

#### PROFESSOR REN XIRONG

VICE DEAN, JILIN UNIVERSITY LAW SCHOOL



REN Xirong, LL.B., LL.M, Ph.D. in Law, Professor of Constitutional Law and Vice Dean for Graduate Students and Foreign Affairs, Jilin University School of Law. Associate Editor of Contemporary Law Review, Member of Chinese Constitutional Law Society, Vice President of Jilin Law Society Constitutional Law Society, Legislative Counsel of the People's Government of Jilin Province, Advisory Counsel of Jilin High People's Court. Visiting Scholar of University of Hong Kong (09/2005-12/2005), Queen Mary University of London (08/2007-08/2008), and West Bengal University of Judicial Science (09/2011-10/2011).

Areas of specialization are Constitutional Law, Anti-discrimination law, Legislative Science, and History of Chinese Legal Thoughts.

Major publications include *On Supervision Power of the Local People's Congress*, China Renmin University Press (2013), *The World of Judicial Officials: Historical Perspective View of Lawyers' Occupationalization*, Law Press (2007), and a number of research articles in a diverse range of journals like *Law and Social Development*, *Social Science Front*, *Law Review*, etc. Currently researching projects are: *Constitutional Regulation of the Budget Authority*, *Institutionalized Discrimination Studies in China*.



## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 3: HOW TO DEVELOP INTER-DISCIPLINARITY IN LEGAL EDUCATION

#### PRESENTERS

#### PROFESSOR WILLIAM MACNEIL

DEAN AND HEAD OF SCHOOL, SCHOOL OF LAW AND JUSTICE, SOUTHERN CROSS UNIVERSITY



Professor William MacNeil is a cultural legal scholar and jurispude. He is The Honourable John Dowd Chair in Law, as well as Dean and Head of the School of Law and Justice, Southern Cross University, Australia.

His most recent book, *Novel Judgements: Legal Theory as Fiction* (Routledge, 2013), won the Penny Pether Prize for Scholarship in Law, Literature and the Humanities.

MacNeil is the editor of *Edinburgh Critical Studies in Law, Literature and the Humanities* and is, at present, working on a study of jurisprudence in science fiction, fantasy and horror.

#### ABSTRACT:

#### *Interdisciplinarity and the Question of Method: Reading Jurisprudentially*

With the explosion, over the last fifty years, of intellectual movements in law schools as diverse as law and economics, law in context, and sociological jurisprudence, not to mention the even more radical developments of critical legal studies, critical race theory, and critical legal feminism, it would seem that, today, *we are all interdisciplinary legal scholars*. My question is: why is this so? That is, what accounts for the tremendous triumph of interdisciplinarity in a field hitherto as closed off, indeed hermetically sealed as law? Some of interdisciplinarity's success can be attributed to the failure of legality's historically dominant theoretical paradigm, legal positivism. In the wake of legal positivism's decline in the last century, a critical consensus emerged—on both the right and left of the academy—that the law was deficient, lacking something, missing a vital 'X' factor.

Hence, the rush to raid other disciplines to supply that X, fill that lack, render the law sufficient by recourse, variously, to the discourses of utility, policy or politics. In this paper, I want to suspend, for the moment, what I take to be this all-too-hasty act of discursive appropriation and with it, a concomitant *faux* interdisciplinarity, asking instead the following: what would be the semiotic consequence if law was approached not as a problem for, but a solution to interdisciplinarity?

Specifically, what if law was seen as having answers for, rather than only questions to be posed to other fields, as much as itself? What might legality have to say to economics? Or sociology? Indeed, political science? Especially when deprived of those formalist props, case law and legislation. Is there something to 'thinking like a lawyer' that will yield a hermeneutic that is, essentially, transferable to disciplines outside of law, informing fresh readings of the social sciences, even the humanities? I will argue precisely for such a genuine interdisciplinary turn in legal studies, one that *gives* as much as *takes*, yielding innovative interpretations at the very moment it borrows (steals?) other disciplines' theories, practices and, above all, texts. Analysing in some detail, selected scenes from two cultural texts—one canonical (*Pride and Prejudice*), the other popular (*Buffy the Vampire Slayer*)—I want to enact an interdisciplinarity that, through the methodology of 'reading jurisprudentially', posits a site of representation that is neither and both 'cultural' and 'legal': namely, the cultural legal intertext.

BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

FORUM 3: HOW TO DEVELOP INTER-DISCIPLINARITY IN LEGAL EDUCATION

PROFESSOR WANG YI

RENMIN LAW SCHOOL



Professor WANG Yi, joined Renmin Law School in 2005, is standing Director and Secretary-General of China Civil Law Society and Deputy Director of Civil and Commercial Law Research Center of Renmin University of China, which is a key research base supported by the Ministry of Education of China.

His research and teaching focus on contract law, property law, tort law, general principles of civil law and methodology of civil law. He also practices as the arbitrator of China International Economic and Trade Arbitration Commission and several municipal arbitration commissions in China.

He was awarded Chang Jiang Scholar by the Ministry of Education of China in 2014.

ABSTRACT:

*Argumentation and Decision in Legal Studies*

One Chinese scholar once said “people learn axiom in primary schools; learn truth in middle schools; learn reasons behind in universities”. Law school students learn the reasons in law field, which includes both existing reasons and reasons to be told soon. The process of reasoning is a process of making analyses and arguments. During this process and under our civil law tradition, as for the issues of fact judgments, value judgments, choice of interpretations, legislative techniques and judicial techniques, intellectual resources and discussing methods out the scope of law are of vital importance for legal argumentation. In legal studies, researchers should perform the obligation of argumentation, but bears no responsibility to make decisions. In contrast, in the process of legislation and judicial adjudication, legislators and judges should both perform the obligation of argumentation and take the responsibility to make decisions. Renmin Law School now adopts the inter-discipline training pattern in order to make our students better perform the duty of argumentation and take the responsibility of making decisions.

PROFESSOR HUANG YAO

DEAN, SCHOOL OF LAW, SUN YAT-SEN UNIVERSITY



HUANG Yao is a professor of international law at Sun Yat-Sen University in Guangzhou city in China, a position she has held since 2004. Since March 2015 she has been Dean of the Law School of Sun Yat-Sen University. She is the director of the Research Centre for Ocean Law and Policy of the Law School, Sun Yat-Sen University.

Yao HUANG studied law and international law at Sun Yat-Sen University and pursued Ph. D. of Law studies at the Law School of Peking University in 1999-2002. In 1997-1998, she was a visiting scholar of the Law School at Washington University in St. Louis, the U.S.A. In October 2011-May 2012, she was a visiting fellow at the Lauterpacht Centre for International Law of University of Cambridge, U.K.

Her research activities cover the following fields: basic theories of international law, law of the sea, use of force in international law, law of international organizations, and international human rights law.

ABSTRACT:

*The Road to Interdisciplinary Legal Talents: An example from the practice of Sun Yat-sen University School of Law*

The traditional Chinese legal education is judiciary-centrism, without paying enough attention to the systems, policies, the decision-making and the like. Judiciary talents cultivated under the guidance of judicial centrism can hardly meet the need of the development and segmentation of the legal service market as well as coordination with China’s strategy of ruling the country by law and building up a law-based government. Thus, it is necessary to transcend the boundaries of the judicial centrism and focus on the cultivation of interdisciplinary legal talents. Taking the practice of SYSU School of Law as an example, this paper gives a brief introduction to the complex and comprehensive science of legislation, and the selection of paths to train decision-making legislative talents with interdisciplinary knowledge. In addition, it not only analyzes the existing problems in the training practice, but also proposes several counter-measurements. This paper holds that more attention should be paid to the cultivation of legal talents in our legal education so as to cater the need of the pluralistic legal service market, state and social governance.

BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

FORUM 4: THE DEVELOPMENT OF THE LEGAL PROFESSION AND LEGAL EDUCATION

CHAIRS

PROFESSOR PENELOPE MATHEW

DEAN AND HEAD OF SCHOOL, GRIFFITH LAW SCHOOL, GRIFFITH UNIVERSITY



Professor Penelope Mathew is the Dean of Griffith Law School. Her main area of expertise is refugee law and she has worked with and for refugees in many capacities, beginning as a volunteer lawyer with the Jesuit Refugee Service in Hong Kong's refugee camps in 1992. She has provided legal opinions on behalf of refugee applicants in litigation before Australian courts and she has presented evidence in numerous inquiries before the Australian Senate concerning legislative amendments affecting refugees. She advised the regional office of the United Nations High Commissioner for Refugees in Canberra concerning the 'Pacific Solution' and she worked as a consultant on the Australian Human Rights Commission's Human Rights Standards for Immigration Detention.

Pene has published widely in the areas of refugee law, human rights and international law. Her previous book was *Reworking the Relationship between Asylum and Employment* (Routledge, 2012) and her current book; co-authored with Tristan Harley is *Regionalism, Responsibility and Refugees* (Elgar, 2016).

PROFESSOR YANG LI

VICE DEAN, KOGUAN LAW SCHOOL, SHANGHAI JIAO TONG UNIVERSITY



Professor Yang Li is the law professor and Associate Dean of the Law School, Shanghai Jiao Tong University (SJTU). He is also the Director of Corporate Legal Affairs Research Center, the Director of Judicial Bid Data Institute of SJTU and the Chief Editor of *International Business Law Review*. In addition, he is the core expert of China Corporate Social Responsibility Think Tank, Regional Rule of Law Think Tank, Supreme Court Justice Studies Group, Shanghai High Court Think Tank, and is also the joint professor of Nanjing University of Aeronautics and Astronautics, the senior researcher of China Legal Affairs Institute, the senior researcher of American Law Center, the senior legal counsel of Shanghai Bureau of Justice, the vice chairman of Shanghai Association of Corporate Counsel, the vice chairman of Shanghai Association of Non-state Corporate Counsel, the vice chairman of Shanghai Big Data Application of Social

Science Institute.

He was invited to speak at international conferences by the institutes of America, Singapore, Russia, Japan, Hong Kong, Britain and Taiwan. Meanwhile, he was also regularly invited to speak at Summits by the Supreme Court, Ministry of Justice, Ministry of Education, State-owned Assets Supervision and Administration Commission, Shanghai Government and several famous universities such as Tsinghua, etc.

Especially, he initiated several influential legal summits or international conferences cooperated with American Bar Association, Duke Law School, Georgetown Law School, Emory Law School, Legal Daily, Japan Federation of Economic Organizations, Hong Kong University, Asian Legal Business and Taiwan University.

BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

FORUM 4: THE DEVELOPMENT OF THE LEGAL PROFESSION AND LEGAL EDUCATION

PRESENTERS

**PROFESSOR NICK JAMES**

EXECUTIVE DEAN, FACULTY OF LAW, BOND UNIVERSITY



Professor Nick James is the Executive Dean of the Faculty of Law at Bond University. He is a former commercial lawyer, and has been practising as an academic since 1996. His areas of teaching expertise include business and commercial law, law in context, legal theory, and company law. He has won numerous awards for his teaching including a National Citation for Outstanding Contribution to Student Learning, and he is the author of three textbooks: *Business Law*, *Critical Legal Thinking* and *The New Lawyer* (with Rachael Field). He has written numerous journal articles, book chapters and conference papers in the areas of legal education, critical thinking and critical legal theory. Professor James is the Director of the Bond University Centre for Professional Legal Education, Editor-in-Chief of the *Legal Education Review* and a member of the Executive Committee of the Australasian Law Teachers Association (ALTA).

**ABSTRACT:**

*Development of the Legal Profession and Legal Education in Australia*

In this presentation, Professor Nick James of Bond University examines the role of Australian law schools in preparing law students to become legal professionals, and the important relationship between legal education and the legal profession. After presenting the historical context of that relationship, and tracing the changing nature of the relationship over time, Professor James examines the practical implications of the biggest challenge presently confronting both legal education and the legal profession: digital disruption. He explains the nature of digital disruption, focusing upon technological innovation in the areas of communication, data analysis and artificial intelligence. He describes how digital disruption is transforming what lawyers do, how lawyers work and who lawyers serve. He then considers the digital disruption of legal education, and the changes that are occurring now or will be occurring soon to how law schools teach, what law schools teach, and who law schools teach.

**PROFESSOR XU SHENJIAN**

VICE DEAN, LAW SCHOOL, CHINA UNIVERSITY OF POLITICAL SCIENCE AND LAW



Professor XU Shenjian is the Vice Dean and a Law Professor at the School of Law, China University of Political Science and Law. He received Ph.D. from China University of Political Science and Law. He is the Vice Dean of Law School, China University of Political Science and Law. He is the General Secretary of China Legal Writing Society, the Deputy Director of China Committee of Clinical Legal Education. In March 2007, he was appointed Director of the Institute of Legal Ethics, in June 2007, he was appointed Director of the institute of Experiential Legal Education, and in September 2007, he was appointed the Director of the Legal Clinic programs. In 2008, he was appointed Director of the Center for Judiciary. He is the author or co-author of over 20 books, his current research fields include Legal Ethics, Procedure Law, Legal Clinic, and related subjects.

He was a Visiting Professor in Kyungpook National University of Korea in 2006, a Visiting Professor in MacGeorge School of Law in 2009 and a Visiting Professor in Washington College of Law in 2010 and a Visiting Scholar in NYU in 2014. He was awarded the prize of Distinguished Professor and Scholar in September 2006, and the prize of Distinguished Professor and Scholar of CUPL again in 2007. He was awarded the Prize of the Excellent Clinician of 10 years Chinese Clinical Legal Education in 2010; the Prize of Educational Pioneer in 2011 from the Beijing Teachers' Union and he won the Baogang Excellent Teacher Prize in 2015.

**ABSTRACT:**

*Clinical Legal Education in China: Past, Present and Future*

In this presentation, Professor Shenjian XU will focus on three main questions: (1) History: what is the history of clinical legal education in China?; (2) Present: what is the current situation?; and (3) Future: what is the future of clinical legal education? What might be some ramifications if current trends continue?

## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 5: ALTERNATIVE DISPUTE RESOLUTION AND LEGAL EDUCATION

#### CHAIRS

##### PROFESSOR REID MORTENSEN

HEAD OF SCHOOL, SCHOOL OF LAW AND JUSTICE, UNIVERSITY OF SOUTHERN QUEENSLAND



Reid Mortensen is Head of the School of Law and Justice and Professor of Law at the University of Southern Queensland at Toowoomba. His research is in private international law and legal ethics. Reid is, with Mary Keyes and Richard Garnett, author of *Private International Law in Australia*, now in its third edition. His work in this field has had a special emphasis on the integration of the Australian and New Zealand single economic market. He is a member of the Editorial Board of the *Journal of Private International Law*.

Reid is also General Editor of *Legal Ethics* (Routledge, Oxford). He is deeply engaged with the professional development of lawyers' ethics in Australia.

Reid is a Fellow of the Australian Academy of Law, and of the Queensland Academy of Arts & Sciences.

##### PROFESSOR TANG LI

DEAN, LAW SCHOOL, SOUTHWEST UNIVERSITY OF POLITICAL SCIENCE AND LAW



Professor TANG Li joined Southwest University of Political Science and Law in 1988. He has been the dean of the law school since 2010. He is also an executive director of the Chinese Seminar of the Civil Procedure Law.

Major research areas are Civil procedure law, Evidence law and the Civil enforcement law. He has published 5 books, 30 articles in the last ten years.

#### PRESENTERS

##### MS MAXINE EVERS

ASSOCIATE DEAN (EDUCATION), FACULTY OF LAW, UNIVERSITY OF TECHNOLOGY SYDNEY



Maxine Evers is the Associate Dean (Education) in the Faculty of Law at the University of Technology Sydney. Her passion for legal education and student learning is seen in the various roles she has enjoyed as an academic, including UTS Student Ombud, Director of Students and First Year Experience Coordinator.

Maxine's background in legal practice provided her with the experience to take up a clinical practitioner position in the Faculty's Practical Legal Training (PLT) program. As an academic, Maxine's core areas of teaching are ethics, dispute resolution and civil litigation. She maintains strong links with the profession through service on various admission and conduct committees.

Maxine researches in the areas of legal practice, the profession and legal education. Her work is practice-based and collaborative and includes the Good Practice Guide for the TLO (Threshold Learning Outcome) on 'Ethics and professional responsibility' (2011, co-authored) and chapters on the 'Resolution of Student Grievances within Universities' in *Higher Education and the Law* (2015, co-authored) and on 'Resilience and Wellbeing Programs in PLT' in *Promoting Law Student and Lawyer Wellbeing in Australia and Beyond* (2016, co-authored).

## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 5: ALTERNATIVE DISPUTE RESOLUTION AND LEGAL EDUCATION

#### ABSTRACT:

#### *ADR and Legal Education*

Alternative Dispute Resolution (ADR) in Australia has grown from a mere possibility to a pillar of today's legal system. Disputes arising across a wide range of areas are, at first instance, considered within an ADR framework. Increasingly, disputing parties are mandated to attempt to resolve disputes before approaching the court. Litigation is the last resort.

Mirroring the popularity of ADR in practice is the development of dispute resolution in the law curricula. Australian law schools have taken different approaches to teaching dispute resolution from compulsory stand-alone subjects to embedding ADR throughout courses. More recently, research-based changes to teaching dispute resolution have incorporated technology and student wellbeing.

This presentation briefly considers the development of ADR and legal education and concludes that these two entities share a close connection that is having a positive impact on law students, lawyers and their clients.

#### PROFESSOR SHEN WEI

DEAN, LAW SCHOOL, SHANDONG UNIVERSITY



Dean and Professor of Law, Shandong University Law School; PhD (London School of Economics and Political Science), LLM (University of Cambridge), LLM (University of Michigan), LLM & LLB (East China University of Political Science and Law); Attorney-at-Law, New York.

Professor Shen is also the Global Professor of Law, New York University School of Law; BFLC Adjunct Professor of Law, National University of Singapore; and has been included in Marquis Who's Who (2011 onwards).

Professor Shen is an arbitrator with Shanghai Arbitration Commission, Hong Kong International Arbitration Centre, Shanghai International Arbitration Centre, and Shenzhen International Court of Arbitration. He is an associate member of the International Academy of Comparative Law (Académie internationale de droit comparé). He is a member of Moody's China Academic Advisory Panel, and an Honorary Fellow of Asian Institute of International Financial Law, University of Hong Kong.

Professor Shen has been a Senior Research Fellow at Max-Planck Institute of International and Comparative Law (Hamburg) (Summer 2013), a Senior Research Scholar at Yale Law School (2013-2014). He is a Visiting Professor at Copenhagen Business School (Fall 2012), Taiwan Chiao Tung University (Fall 2014), New York University School of Law (Winter 2014), Tel Aviv University Faculty of Law (Spring 2015), Singapore Management University (Fall 2015), University of Hong Kong (Spring 2016). He also has been teaching at Duke University School of Law as well as in the School of Law, City University of Hong Kong.

Professor Shen is an editor of Chinese Journal of International Law (SSCI, Oxford University Press), Journal of East Asia and International Law (SSCI), European Business Law Review (Wolters Kluwer), China and WTO Review (Yijun Press, South Korea), China Legal Science (English version, China Law Society), and International Journal of Legal Discourse (De Gruyter Mouton, Germany).

Prior to teaching at the law school, Professor Shen practiced in major US and UK firms in Shanghai, Chicago and Hong Kong for a decade primarily assisting multinational clients in their China-related transactions such as foreign direct investment, private equity, mergers and acquisitions, project finance and commercial arbitration.

Professor Shen is now teaching international investment law, international financial regulation, company law, international economic law and contract law in the law school. Professor Shen's current research interests include international investment law, corporate governance, financial regulations, and international commercial arbitration.

Professor Shen is the author of the books: Rethinking the New York Convention – A Law and Economics Approach (Cambridge: Intersentia 2013), The Anatomy of China's Banking Sector and Regulation (Wolters Kluwer 2014), How Is International Economic Order Shaped? – Law, Markets and Globalisation (China Law Press 2014), Corporate Law in China: Structure, Governance and Regulation (Sweet & Maxwell 2015), and Investor Protection in Capital Markets – The Case of Hong Kong (Sweet & Maxwell 2015).

Professor Shen has already contributed to 26 books (23 in English and 3 in Chinese) and authored (or co-authored) over 130 articles in English and Chinese law journals. English Publications: <http://ssrn.com/author=2115556>

## BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

### FORUM 5: ALTERNATIVE DISPUTE RESOLUTION AND LEGAL EDUCATION

#### ABSTRACT

##### *Resolving Financial Disputes through ADRs: The Case of Shanghai*

The increasing resolution of financial disputes through alternative dispute resolutions (ADRs) continues the current trend in China of diversifying and improving the efficiency of its dispute settlement mechanisms. However, when it comes to Shanghai, it has been disappointing to note the following: (i) the third party mediation mechanism has caused a considerable waste of resources due to the low utility of existing institutional facilities, (ii) judicial confirmation of the mediation agreement could distort some basic mediation norms such as voluntariness and party autonomy, (iii) judicial confirmation of the mediation agreement does not have a strong legal basis according to civil procedure law and arbitration law.

This article, based on empirical studies, makes the following proposals in order to correct these institutional failures. Firstly, we could enhance the efficiency of the existing ADR institutions by encouraging financial industrial players to take advantage of mediation and other existing ADRs. Secondly, various incentives can be offered to those users of ADRs. Finally, linking the mediation agreement and arbitral award may help correct those problems caused by the frequently used judicial confirmation.

### FORUM 6: CO-CULTIVATION OF LEGAL TALENT BETWEEN CHINA AND AUSTRALIA

#### CHAIRS

##### PROFESSOR BRYAN HORRIGAN

DEAN, FACULTY OF LAW, MONASH UNIVERSITY



Professor Bryan Horrigan became Dean of the Faculty of Law at Monash University from January 2013, after almost 20 years as both an academic in various Australian law schools and a consultant to an international law firm. He was previously the Louis Waller Chair of Law and Associate Dean (Research) in the Faculty of Law from 2009 to 2012. In that role, he established the Faculty's Commercial Law Group, now part of the Centre for Commercial law and Regulatory Studies.

Professor Horrigan completed his undergraduate studies in law and arts at the University of Queensland, and holds a doctorate in law from Oxford University as a Rhodes Scholar. While studying at Oxford, he also operated the Centre Court scoreboard for the 1997 Wimbledon tennis championships. He has held academic and research leadership positions previously at a number of Australian universities.

Professor Horrigan has both academic expertise and professional experience in public and corporate law and governance from Australian, transnational, and cross-disciplinary perspectives. Bryan has advised commercial lawyers and their corporate and governmental clients on issues ranging from contractual good faith, unconscionable business conduct, and corporate governance to corporate social responsibility, business and human rights, and governmental liability and immunity. He has given invitational addresses at Oxford University, Harvard University, Stanford University, the Wharton Business School, Minter Ellison (Hong Kong), and for London clients of a leading UK commercial set of barristers (Four New Square).

In 2009, Bryan was appointed by the Australian Government to an expert panel asked to investigate the regulation of unconscionable business conduct and problematic franchising behaviours. The Australian Government's acceptance of that expert panel's recommendations in 2010 resulted in changes to major pieces of national economic regulation in the form of the Competition and Consumer Act, Australian Securities and Investments Commission Act, and Franchising Code of Conduct. These regulatory changes affect many businesses and consumers in the trillion-dollar Australian economy.

His most recent book in the area of corporate responsibility and governance, *Corporate Social Responsibility in the 21st Century: Debates, Models, and Practices Across Government, Law, and Business* was published internationally by UK-based Edward Elgar Publishing in late 2010. Bryan was also a rapporteur at the Toronto meeting on the international 'Corporate Law Tools' project under Prof John Ruggie's UN mandate on business and human rights. Together with three Nobel Laureates, he was invited to contribute to a major International Bar Association report on the role of the global legal profession in addressing poverty, launched at the IBA conference in Boston in late 2013.

BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

**FORUM 6: CO-CULTIVATION OF LEGAL TALENT BETWEEN CHINA AND AUSTRALIA**

**PROFESSOR JIAN JISONG**

VICE DEAN, LAW SCHOOL, ZHONGNAN UNIVERSITY OF ECONOMICS AND LAW



JIAN Jisong is the Professor of law, Doctoral supervisor, and Vice Dean of the Law School of Zhongnan University of Economics and Law. He is Vice Director of the Institute for Taiwan Issue Studies, Executive Member of Chinese Society of International Law, Executive Member of Hubei Province Society of International Law, Executive Member of Wuhan Law Society, Vice Director of Wuhan Association of Local Legislation, Supervisor of the People's Procuratorate of Hubei, Member of Expert Committee of Wuhan Intermediate People's Court, Member of Wuhan Administrative Review Committee, and Member of Standing Committee of CPPCC of Wuhan.

His main research interests are international law, international criminal law and criminal law issues. He teaches courses on International Law, International Criminal Law, History of International Relations and International Organizations Law. His major academic achievements include: 1. Books : Economic Sanctions by UN in China Education Press, in Dec. 2004, and Criminal Law and International Criminal Law Control of Terrorism in National School of Administration Press in July 2012. 2. Representative Papers. Jian has published over 50 papers, and representative ones include : (1) "On the Function of Economic Sanctions by UN" (China Legal Science, Issue 3, 2005); (2) "A Way to Prevent Sentencing Irregularity" (China Legal Science, Issue 6, 2009); (3) "The Judiciability and Legality of Unilateral Economic Sanctions" (Legal Science, Issue 1, 2007); (4) "State as the Body of Terrorism Crime" (Global Law Review, Issue 4, 2007); (5) "The Aggression Crime under ICC Jurisdiction-- Determination of the State Aggression Act" (Legal Science, Issue 9, 2008); (6) "The Legal Effect of Resolutions of the UN Security Council and Its Improvement" (Science of Law, Issue 10, 2009); (7) "A Research on the Defining of the UN's Sanction" (Legal Science, Issue 6, 2005); (8) "Independent Status of Ecological Legal Interests" (Criminal Science, Issue 5, 2006).

**PRESENTERS**

**PROFESSOR JÜRGEN BRÖHMER**

TREASURER, CALD AND DEAN, SCHOOL OF LAW, MURDOCH UNIVERSITY



In January 2012 Jürgen Bröhmer joined the Law School of Murdoch University in Perth, Western Australia as Dean and Professor of Law. Before joining Murdoch University he worked at the University of New England, in Armidale, NSW, Australia, having commenced there in 2006 and serving as Head of the Law School from 2007 to 2011 (where I am still an Adjunct Professor. He received his law degree from Mannheim University in Germany and his doctorate and post-doctoral habilitation from Saarland University in Saarbrücken, Germany where worked at the Europa-Institute of Saarland University from 1992 to 2006 and where he continues to be part of the visiting faculty. His areas of expertise are German and comparative constitutional law, European Union law, public international law and international human rights law. Jürgen has authored two and co-authored one monograph in specific areas of public international (State Immunity and the Violation of Human Rights, Kluwer Law International, 1997), German constitutional and European Union Law (Transparency as a Constitutional Principle – Basic Law and European Union, Mohr Siebeck, 2004), edited a number of other books (most recently: Europa und die Welt, Nomos Verlag, 2016) and published numerous articles and book chapters.

**ABSTRACT:**

*Co-Cultivation of Legal Talent between China and Australia*

The task of this talk is to share some – very subjective – thoughts about the development of legal talent in the context of legal education in our two countries. The talk first attempts to outline some measures that one might think of when addressing co-cultivation of legal talent. There is no shortage of ideas and the ones outlined are by no means exhaustive. Even some cursory thinking, however, reveals that even if one wanted to go down that path, there are serious obstacles. One of those is the question of whether we want to even look at the co-cultivation challenge from the perspective of peak-body collaboration or whether the question should be completely or largely left to the individual institutions to deal with as they see fit, or a mixture of both. Every peak-body involvement will have its challenges. Leaving those aside another question is what benefits flow from such co-cultivation collaboration, be it through our peak bodies or through our individual law schools and universities. A distinctly naive-educational view is taken to promote such collaboration, naive perhaps because in today's world of (alleged) utility and efficiency discussing notions of luxurious educational concepts might just be a bit "academic".



BIOS AND ABSTRACTS (IN ORDER OF PROGRAM)

FORUM 6: CO-CULTIVATION OF LEGAL TALENT BETWEEN CHINA AND AUSTRALIA

PROFESSOR SHEN WEIXING

DEAN, LAW SCHOOL, TSINGHUA UNIVERSITY



Professor Shen Weixing is Dean of Tsinghua University, School of Law. Professor Shen earned his LLB and LLM degree from Jilin University School of Law, and his PhD in Law degree from China University of Political Science and Law. Then he conducted research on civil law as a postdoctoral researcher at Peking University School of Law. He was a visiting scholar at the Faculty of Law, University of Cologne and a senior visiting scholar at the Faculty of Law University of Freiburg. He also conducted research at Harvard Law School as a Fulbright Visiting Scholar.

Professor Shen's research fields include ground principles of civil law, property law, German private law and health care law. In these areas, he has published 14 books, including *Studies on Basic Theories of Expectant Right (Studien zur Anwartschaftsrechtslehre)* and *Fundament Theories of Property Law*, and has published over 50 scholarly articles. Professor Shen is the Director of Real Estate Law Research Center at Tsinghua Law School, Vice Chairman of the China Health Law Society. In 2014, he was named as one of the "Ten Outstanding Young Legal Experts of China".

ABSTRACT:

*The Construction of China-Australia Free Trade Zone and the Cultivation of China-Australia Legal Talents*

China and Australia has a long time history of Culture and Economical exchange given the geographic advantages and culture inclusiveness. And this kind of collaboration comes to its peak from the time of the establishment of China -Australia Free Trade Zone in 2015.

The economic development relies on the optimization of the legal environment and high quality legal talents. This paper will examine the possible approaches to reach the aim of cultivating legal talents to meet the future challenges. One way to strengthen the China-Australia Legal Education Cooperation is to encourage Australian students to study Law in China. Studying in China will help Australian students to gain a firsthand experience understanding of Chinese Law and Business Environment. Right now Tsinghua Law School provides three English programs: LL.M. in Chinese Law, International Arbitration and Dispute Settlement Program, and International Intellectual Property Program. Another direction is bringing Chinese students to study Law in Australia. Tsinghua University just signing an agreement with Sydney University to provide a 3+2 LL.B. + J.D. program. Tsinghua students will be able study in two legal systems and obtained two degrees in five years. We also have a doctoral dual program with Melbourne Law School, in which Tsinghua Law School PhD students will be cultivated in two law schools and obtained two PhD degrees in their study session. Additionally, the establishment of Tsinghua Shenzhen International campus will also create platform to cultivate more legal talents to serve for the economic development of two countries.

## LIST OF PARTICIPANTS

### AUSTRALIA

**Australian Catholic University**  
Dr Catherine Renshaw

**Bond University**  
Professor Nick James  
Mr Gary Brady

**Charles Darwin University**  
Professor Ned Aughterson

**Deakin University**  
Professor Sandeep Gopalan

**Edith Cowan University**  
Mr Rupert Johnson

**Flinders University**  
Dr Sanzhuan Guo

**Griffith University**  
Professor Penelope Mathew

**La Trobe University**  
Professor Jianfu Chen

**Monash University**  
Professor Bryan Horrigan

**Murdoch University**  
Professor Jürgen Bröhmer

**Queensland University of Technology (QUT)**  
Professor John Humphrey

**RMIT University**  
Associate Professor Penelope Weller

**Southern Cross University**  
Professor Bill MacNeil

**The Australian National University**  
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**The University of Melbourne**  
Professor Carolyn Evans

**The University of Newcastle**  
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