

HAIL TO OCU LAW SCHOOL'S INTREPID HELMSMAN IN CHINA!

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Dean Larry Hellman contacted me when we were both in Beijing in December 2007. Larry was new to China; I was literally an old hand. He was seeking my counsel regarding his early efforts to establish relationships between Oklahoma City University School of Law and Chinese law schools and legal institutions. Always eager to encourage such relationships, I arranged for us to meet over tea at my hotel.

Joining us were Larry's charming wife Gay and Ms. Wu Xiaofeng, then a promising doctoral candidate in law in Beijing and a fellow at NYU's U.S.-Asia Law Institute, which I founded and directed. When Larry handed me a portfolio containing descriptions of OCU's China programs that had only begun the year before, I was impressed by what he had put together over just eighteen months since he first had the idea that there might be a place for OCU's law school in cooperation with China.

There were brochures and documents memorializing a multi-pronged exchange program between the law schools of OCU and Nankai University, a top-20 Chinese law school in the very important city of Tianjin. In the summer of 2006, twenty Nankai students had spent four weeks in Oklahoma City, earning a Certificate in American Law through a program Larry had established. That program was repeated in the summer of 2007, when a delegation of a dozen lawyers from the Tianjin Bar Association (TBA) joined another group of Nankai students for the second offering of the Certificate program. For the following summer of 2008, more Nankai students and TBA members were scheduled to go to Oklahoma City for the Certificate program, while American law students

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from OCU and other American law schools would attend a four-week summer study-abroad program on Nankai's campus in Tianjin, organized by OCU and Stetson University School of Law. Also under contemplation were student and faculty exchanges during the regular academic year and OCU's hosting of visiting scholars from Nankai's faculty.

Larry wanted my opinion of the soundness of the programs he had put in place and his plans to build on them to establish for OCU's law school a strong presence in China alongside the forays of a few other American law schools that were of the same mind. Knowing the many difficulties of launching such projects in China, I was overwhelmingly impressed. I simply said, "Yes, yes, yes. Keep going. The relationships you are building for your school and its students and faculty are important. Your efforts will help encourage those within China's leadership who see the value of modernizing China's approach to legal education and liberalizing the country's legal system."

And that's what Larry did; he kept on going, fortunately.

I must confess that I was curious as to why Larry, the dean of a small, private law school in the middle of America, had decided to forge a place for his law school in China. When I asked, I was fascinated to learn that the law school's parent university had had a presence there for more than a decade. During the 1990s, OCU's then-president, Jerrold Walker, had the vision to pursue engagement with China. The original point of entry had been business school programs. I'm honestly not sure how this was achieved, but OCU became the first American university to gain the approval of China's Ministry of Education to offer Chinese students an American-accredited M.B.A. program in China.

The M.B.A. program was placed at a relatively young university with an ambitious president – Tianjin University of Finance and Economics ("TUFEE"). OCU had planted its flag in one of China's most important cities, just as China's central government was preparing to pour in massive resources to further develop Tianjin, which was already a major international financial and manufacturing hub. Its population was in the process of growing from 8 million to 15 million. It was a dynamic city on the way to becoming an Asian center.

Then in 2005, the Chinese Ministry of Education partnered with the Association of American Law Schools to present a conference in Beijing for deans of Chinese and American law schools. Its purpose was to foster ties between American and Chinese law schools. Larry decided to attend the conference to assess whether OCU's law school could build on

the presence that OCU's business school had established in Tianjin.

Here good luck intervened. One of the first graduates of OCU's M.B.A. program in Tianjin, Gu Ming, had so impressed the OCU business faculty that, in view of his interest in law, he was given a scholarship to attend OCU's law school. A couple of years before the 2005 conference, Mr. Gu graduated with an OCU J.D. and became (I believe) the first mainland Chinese citizen admitted to the Oklahoma Bar. Aware that Gu Ming had remained in Oklahoma City to work for an energy company, Larry asked Gu to accompany him to the law conference in Beijing to serve as interpreter and advisor. Gu Ming arranged for Larry to visit Tianjin before moving on to the Beijing conference. They met with municipal leaders and the leadership of both Nankai University and its law school, and the meetings continued during the conference, since Tianjin is not far from Beijing.

Perhaps spurred by the Ministry of Education, as well as officials in Tianjin's government, Nankai's leadership was eager to conclude a cooperation agreement. Larry remembers that every question he asked about the details of how the relationship might work was promptly answered – in English! – with “No problem.” A few months later, Nankai's law dean led a delegation from his law school to Oklahoma City to sign a formal agreement that launched the OCU/Nankai partnership.

In subsequent years, with assistance from Gu Ming and Wu Xiaofeng, both of whom he later employed, Larry leveraged OCU's relationship with Nankai to introduce OCU's law school to other Chinese law schools and to recruit Chinese students to the Certificate in American Law program in Oklahoma City. During several grueling trips, Larry lectured and recruited at no fewer than eighteen law schools,¹ including some of China's finest, in Beijing, Tianjin, Wuhan, Chongqing, Changsha, Chengdu, and Guangzhou. He also lectured at a few bar associations. Following a lecture to the Shenzhen Lawyers Association in December 2013, in May 2014 fifteen members of that association came to Oklahoma City from China's fastest-growing metropolis for a tailored training program Larry put together with the cooperation of Oklahoma City lawyers and law firms.

Larry became a frequent lecturer in China on topics involving legal education and the American legal system.² He was one of only two

1. Some of these schools were visited multiple times.

2. Presentation, “Historical Review and Analysis of Legal Ethics Instruction at American Law Schools,” Faculty Workshop, China University of Political Science and

American legal ethics professors to be invited to speak at a conference in Beijing, hosted by China University of Political Science and Law, for the purpose of nurturing the teaching of professional responsibility in Chinese law schools,³ a topic that had been too long neglected in the country's legal education.

I was pleased to make an introduction for Larry to meet with officials of China's National Judges College in Beijing. These meetings continued for a few years, resulting in Larry being invited twice to lecture there.⁴ Another fruit of those meetings was a program whereby two senior faculty members at the Judges College spent a semester in Oklahoma City studying the case method of legal education while attending classes and interacting with American judges. This program was underwritten by a grant that Larry secured from the Ford Foundation.

When China's Ministry of Education began offering stipends to

Law, Beijing, China, (March 18, 2013); Presentation, "The American Criminal Justice System: The Roles of Prosecutors, Defense Lawyers and Judges in Preventing and Remediating Wrongful Convictions," Renmin University School of Law, Beijing, China, (March 15, 2013); Panelist, "Symposium on International Legal Services Talents Training, Beijing Normal University School of Law, Zhuhai Campus, Zhuhai, Guangdong Province, China, (December 26, 2012); Presentation, "The Role of Federal Courts in Interpreting, Applying, and Explaining the Constitution of the United States," Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China, (December 25, 2012); Presentation: "Constitutional Adjudication in the United States: Which Courts? What Standards? What Effects?" Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China (March 19, 2012); Presentation: "The American Jury System: Why Do We Have It? How Does It Work? What is the Role of the Judge?" Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China (March 21, 2012); Presentation: "Trends in Legal Education in the United States," Beijing Normal University, Zhuhai Campus, Zhuhai, Guangdong Province, China (December 11, 2011); Presentation: "Examining the Responsibility of Prosecutors to Rectify Wrongful Convictions in the American Adversarial System of Criminal Justice," International Conference on Sino-American Comparative Law, Nankai University, Tianjin, China (June 27, 2011).

3. Presentation, "The Limits of the Law Schools' Ability to Inculcate Adherence to Principles of Legal Ethics on the Part of their Graduates," Conference on Chinese Legal Ethics: Answer the Call for Reform, China University of Political Science and Law, Beijing, China, (March 16, 2013); Presentation, "Five Styles of Teaching Legal Ethics," Conference on Chinese Legal Ethics: Answer the Call for Reform, China University of Political Science and Law, Beijing, China, (March 17, 2013) (with Judith McMorro).

4. Presentation: "The Selection, Training, and Regulation of Judges in the United States," National Judges College, Beijing, China, December 11, 2013; Presentation: "The Roles of Defense Counsel, Prosecutor, and Judge in an American Criminal Trial," National Judges College, Beijing, China (July 1, 2011).

encourage young Chinese law professors to spend time in Western countries for study and research, Larry's contacts and visibility in China qualified OCU to be certified as a destination for visiting scholars. Over the years, dozens of visiting scholars came to spend a year in America, with Oklahoma City University as their base. They audited courses, attended and presented at faculty colloquia, and conducted research on American law. Their subsequent academic output has included numerous books and scholarly articles published in Chinese legal journals.⁵

Larry also nurtured an interest in Chinese law among member of his own faculty. Some taught in OCU's summer-abroad program in Tianjin. Some served as mentors to visiting Chinese scholars. In 2011, Larry led a delegation of ten OCU faculty colleagues to Tianjin to participate in the First International Symposium on Sino-American Comparative Law, a program that grew out of the OCU-Nankai relationship.⁶ This symposium was hosted by Nankai, and it concluded on the day that Larry's thirteen-year deanship ended. But his work with China continued.

Following a post-decanal sabbatical,⁷ Larry returned to OCU to organize and manage the highly ambitious Second International Symposium on Sino-American Comparative Law, which was held in Oklahoma City in May of 2013. Expanding on the bilateral partnership between OCU and Nankai, delegations from eight Chinese universities⁸ (including four deans⁹) joined OCU faculty members to present papers on

5. See Lawrence K. Hellman, *Chinese Scholarship and Oklahoma City University School of Law*, 36 Okla. City U. L. Rev. 423 (2011).

6. Larry's paper at the symposium was: Presentation: "Examining the Responsibility of Prosecutors to Rectify Wrongful Convictions in the American Adversarial System of Criminal Justice," First International Symposium on Sino-American Comparative Law, Nankai University, Tianjin, China (June 27, 2011).

7. Six weeks of Larry's sabbatical were spent on the campus of Beijing Normal University, Zhuhai Campus, where he taught two condensed courses in English – one on Civil Procedure, the other on Professional Responsibility. At the conclusion of his visit, he was made an honorary member of the BNUZ faculty.

8. Beijing Normal University, Zhuhai Campus, Civil Aviation University of China, Hunan University, Nankai University, Renmin University, Southwest University of Political Science and Law, Southwest University of Nationalities, and Zhongnan University of Economics and Law. Twenty-eight Chinese scholars and twenty-two members of the OCU faculty made presentations at the Symposium.

9. Zuo Haicong of Nankai University School of Law, Du Gangjian of Hunan University School of Law, Yu Fengzheng of Beijing Normal University – Zhuhai School of Law, and Xia Yong of Zhongnan University of Law and Economics School of Criminal

a broad range of topics that ran the gamut of law school subjects.¹⁰

Also impressive to me was the way Larry engaged Oklahoma lawyers in the programs he developed. Through articles published in bar association media, he shared with the local legal profession what he was learning about the Chinese legal system¹¹ and informed the bar about the interesting programs he was developing. Through these efforts, he attracted the participation of many lawyers, law firms, and judges.¹²

I saw this first-hand when Larry invited my wife Joan and me to visit OCU in November 2009. It was a memorable and heartwarming experience for us both. The great interest he had developed among Oklahoma City's legal community was quite evident at a seminar sponsored by the local chapter of the Federal Bar Association that took place in the Federal Courthouse. The topic that Larry proposed was "The Legal System and Judiciary of the People's Republic of China: Recent Developments, Current Challenges, and Prognosis for the Future." With China still basking in the glow of the successful Olympic Games held in Beijing in 2008, the end of Hu Jintao's second and final term as China's leader was coming into view. China's newly-gained status as a leading economic power caused many of us long-time China observers to wonder how the leadership transition would affect the maturation of the country's legal system that had accompanied (indeed, facilitated) its rapid economic growth and entry into the WTO. So, it was a good time to take stock and

Justice.

10. On the agenda were papers on aviation law, constitutional law, company law, competition law, criminal justice, environmental law, family law, food safety, government regulation of business, intellectual property, jurisprudence, legal education, legal process, and the rule of law.

11. Lawrence K. Hellman, "Inspiration from Courageous Chinese Lawyers," Oklahoma County Bar Association Briefcase (February 2010); Lawrence K. Hellman, "Ethics Lessons from The Beijing Lawyers Association," Oklahoma County Bar Association Briefcase (January 2010); Lawrence K. Hellman, "Lessons for Lawyers from Chinese Jaywalkers," Oklahoma County Bar Association Briefcase (January 2009).

12. The Oklahoma Bar Association hosted receptions for visiting Chinese students; the Oklahoma City Chapter of the Federal Bar Association co-sponsored the May 2013 Second International Symposium on Sino-American Comparative Law; law firms hosted luncheons and receptions and provided brief internships for lawyers from the bar associations of Tianjin and Shenzhen who came for training programs; some lawyers served as faculty for those training programs; justices and judges of the federal and state courts provided tours for visiting Chinese lawyers; specialty legal groups included visiting Chinese lawyers in their monthly luncheon gathering; and some members of the Oklahoma City legal community attended the Second International Symposium in May 2013.

peer into the future. At Larry's suggestion, I invited my friend Judge John N. Walker of the United States Court of Appeals for the Second Circuit, who is quite knowledgeable about China's legal system, to join the seminar. We had an interested audience of judges and lawyers who posed good questions. We were also able to meet with some OCU law students.¹³

Larry was not shy about sharing information about OCU's innovative China-related program. He made presentations at annual meetings of the International Association of Law Schools¹⁴ and the Association of American Law Schools,¹⁵ as well as at our U.S.-Asia Law Institute at NYU.¹⁶ And he was, justifiably, very proud of how his prodigious work had stimulated a stream of scholarship about American law and the American legal system in China. Through his efforts, Oklahoma City University School of Law made important contributions to the necessary development of legal education in China and that country's long and continuing struggle to establish a credible legal system within a Communist Party-dominated dictatorship.

Larry's constant and imaginative efforts not only make a great, too little-known story about the recent past, but also offer a significant precedent for the future. At a time when many voices are calling for "decoupling" American relationships with China, undoing forty years of hard-earned progress essential to international understanding and world peace, it is time for OCU and many other law schools in this country and abroad to seek to strengthen – not abandon – the kinds of cooperation that Larry has done so much to foster.

13. Gay and Larry arranged a delightful itinerary for Judge Walker, Joan, and me. Joan, a specialist in Chinese art history and film, had the opportunity to make a presentation on ancient Chinese art, all three of us were led on tours of two of Oklahoma City's treasured museums, and we were guests of honor at a lovely dinner hosted by Oklahoma Supreme Court Justice Yvonne Kauger. We truly had a wonder time.

14. Lawrence K. Hellman, Presentation: "Introducing the Essence of Lawyering in America to Chinese Law Students," International Association of Law Schools Educational Program, Montreal, Quebec, Canada (May 30, 2008).

15. Lawrence K. Hellman, Presentation: "The Changing Role of Graduate Programs for Foreign Lawyers," Association of American Law Schools 2009 Annual Meeting, San Diego, California (January 8, 2009).

16. Lawrence K. Hellman, Presentation: "OCU LAW Programs in China and for Chinese Lawyers and Students in Oklahoma City," U.S.-Asia Law Institute, New York University, New York City, New York (October 14, 2010).