

Chinese LLMs for Foreigners

Donald Clarke
George Washington University Law School
<http://docs.law.gwu.edu/facweb/dclarke/>

May 5, 2008

*Note: In response to a number of queries on the Chinalaw list about Chinese LLM programs directed at foreign students, I asked for anyone with ideas about such programs to send me their thoughts. I have assembled the following notes based on contributions. I hope readers will forgive the lack of organization. The capital letters appearing in parentheses represent particular responders. Occasionally I have redacted the name of the firm or of the responder's specialty in order to preserve anonymity. **Please note that this document is entirely a compilation of the views of others assembled for the convenience of the Chinese law community; the views expressed herein are not mine.***

Some Chinese law schools have begun offering Chinese law courses in English (sometimes short-term certificate courses, sometimes LLMs) directed at foreigners.

- *What can such courses do for their students? (As a learning experience, as a way to get a better job.)*
- *In particular, how does having such a course on your CV compare with other qualifications law firms might look for: elite law school, good grades, experience, Chinese language ability. Can such a course ever make up for lack of any or all of the above? If you have all the above, does this kind of degree do anything for you?*

I put these questions to members of Chinalaw, asking in particular for responses from students who had taken the courses and from lawyers in the field who hire other lawyers.

I. *Lawyers' views (some quotations are slightly modified and are not word-for-word accurate)*

A. *Different answers perhaps for BigLaw compared with other firms*

“I think the answer might be quite different for other types of law firms, and will be interested to see what others who might know about those categories of firms have to say. I guess there's one other category of firm as well, something that just occurred to me (based on a friend's experience)—say, a Korean or Japanese law

firm that has an office of wants to set up an office in China, and wants to have an American JD on staff.” (A)

B. *The degree doesn't help, but Chinese language does*

1. **From a hiring lawyer (B)**

“As someone who hires lawyers from time to time, I have found these degrees (all of them) to be of at best peripheral value in enhancing the prospects of selection. A potential candidate would be much better off using the time to study Chinese language or some special interest such as international tax, M & A, etc, and obtain an LLM in such specialty. In our experience these degrees are only of slight use, if any, in enhancing a prospect's opportunities.” (B)

2. **From another hiring lawyer at BigLaw (G)**

My interest is almost exclusively in candidates with an interest or experience in [specialty], but on that basis:

- Having one of these English LLMs would be a tertiary factor in deciding on a candidate
- Chinese language ability and actual experience or deep research in China [specialty] are of top importance
- Deep research or experience in Chinese non-[specialty] law would be of secondary importance
- Indeed, just having an English LLM would send the message that the candidate's English [I think the responder meant to say “Chinese”] isn't up to snuff
- And while I'm not that familiar with these programs, I have to suspect that the exposure one gets to Chinese law would be limited, and that there'd be limited chances to otherwise generate fundamental skills that might be generated from exposure to a decent American professor—i.e., writing and critical thinking.

C. *The degree doesn't help, and neither does Chinese language if you don't have the standard qualifications*

1. **Generally**

“What would an English-language LLM at Beida or elsewhere in Chinese law do for someone looking to be hired by a big US law firm, either to a US office or one of its China offices? I think very little. It would not make up for deficiencies in the other items on your list. I think if you've got the other stuff, this sort of degree is not necessary—it's just icing on the cake. Shows a commitment, that you've learned something useful, relevant, etc. But certainly not necessary.” (A)

a. But might have other value

“That's not to say that there wouldn't be other sorts of value stemming from such a course of study and degree (the most obvious being the substantive stuff one would learn; it could prove useful in an interview (stuff to discuss), and as one of the posters on Chinalaw indicates, it sounds like there are internship possibilities associated with such programs as well as of course good guanxi possibilities. That might count for something. It could open doors that might otherwise be closed, in China.” (A)

2. **Specifically**

a. From a BigLaw associate

“The big firms in the US (like AmLaw Top 20/50 or whatever), I would say, have pretty rigorous/inflexible hiring criteria. They care about JD grades, where you got your JD, etc. The fact that you may also speak Chinese/have China experience no longer gets you particularly far, in my view. **Certainly Chinese language ability will not make hiring committees bend the rules if grades are below whatever the firm's cut-off is for grades.**” (A)

“I think it's generally the case that big firms want attorneys who express an interest in China (or other countries) first to spend time in a US office after law school. Firms want to see that the recently minted attorneys can perform at levels expected of them in a US office before sending them out to the wilds of China (or elsewhere). **In other words, a recent JD needs to get accepted by a US office of a large law firm, which has benchmarks, cut-offs, etc. If you don't make the grade, fluent Chinese won't get you in the door (now—it might have 10 years**

ago). Certainly the China offices may want to weigh in on a candidate, let's say, who's on the margin; if the China offices are excited by the person's China experience and/or language, that might be a swaying factor to extend an offer. The extent to which big law firms hire directly into their Chinese offices is something I'm not familiar with, but it obviously happens. [Responder's elite firm] does it (and I imagine the benchmarks are very high). My impression with [responder's elite firm] is that most or all of the laterals we've hired in China and HK have proven themselves elsewhere." (A)

b. From a BigLaw partner who has interviewed hundreds and hired dozens (F)

(1) *Summary*

(a) It can add some value to study an LLM abroad, but not necessarily very much;
 (b) the law school attended and the grades obtained in such an LLM are of relatively little relevance.

The bottom line is that, if someone meets criteria 1, 2 and 3 below then I would hire him or her without such an LLM. And if he or she doesn't meet the criteria then having an LLM isn't going to help. Such a degree can help with satisfying criteria 1, 2 and 3, but is not the only way to get there.

(2) *Detail*

Here's what I look for:

1. Good practical legal intelligence. The word "practical" should be emphasised: a really good knowledge of one legal system combined with problem-solving ability and judgment are absolutely key. A basic working knowledge of another legal system is useful but not essential (given that we work in teams of people with different backgrounds).

Criterion 1 is typically evidenced, *prima facie* (i.e., enough to get you an interview though not to be hired), by a reasonably good basic (3 year) law degree (JD, LLB etc) from a reasonably good law school.

The meaning of "reasonably good" is complex and different hirers will have different views. I won't attempt a complete definition, save to say that:

* For graduates from respected Western jurisdictions my own experience is that the people who become really good lawyers are typically in about the

top 25% of graduates. In other words, there is a correlation between success in one's JD, LLB, etc. and success as a lawyer, but it's not that precise. I have seen some people in the top 1% of graduates become really good lawyers; I have also seen some who are really hopeless in practice as lawyers. I have also on occasion seen people below the top 50% become really good lawyers, though this is an exception (and, for the most part, it is hard to get hired by a top firm with such grades these days).

* For graduates from respected Chinese university law school, **I am beginning to conclude from experience that the correlation is much lower between what is needed for success at such a school and what is needed for success as a lawyer in an international (non-Chinese) law firm.** I have several times had the experience of interviewing students with top grades from elite Chinese universities who could not even answer questions in interview (as opposed to making abstract, not-on-point assertions). When we have hired students from such universities and seen them be successful, they have typically been in the top 50% but not in the top 10%.

So much for “prima facie” evidence—criterion 1 is ultimately tested by a combination of interview and either a technical test or a vacation internship.

2. Character. This involves things like integrity, forcefulness (without aggression), charisma, empathy (including cross-cultural understanding) and diligence.

Criterion 2: The testing of this relies principally on a searching interview and, where possible, a vacation internship, with evidence of interesting experiences from resumes also being taken into account.

3. Language: ideally, top-quality written and spoken English and Putonghua.

Criterion 3 has traditionally been the least important to success as a lawyer in international practice. There are some very successful native Chinese-speaking lawyers in international practice who readily admit that their English is not brilliant, for example. Indeed, for really successful practising international lawyers in China above about 35, I would say that a noticeable deficit in one or other language is still the norm: true fluency in both stands out as exceptional. In contrast, for those below about 30, true bilingualism is noticeably more frequent.

c. From a legal recruiter

“My experience in a Manhattan legal recruiting firm confirmed my interpretation of much anecdotal evidence: the two most important factors in the current legal recruiting market are “in-the-box” presentation and technical background. By technical background I refer to, e.g., an EE or biochem degree for IP related fields, tax background for int’l tax positions, compliance experience for AML posts, etc. The English language LLM programs are not specialized enough to qualify as such technical background—a Chinese language program in a particular field, such as PRC/HK tax or IP law, might carry enough weight to qualify, but is outside the scope of this inquiry.

“By ‘in-the-box’ presentation, I mean a young candidate with a lock-step progressive resume. No gaps in time, no employment dips into the worlds of sole practice, contract work, or less than top-tier firms. Degrees will not make up for deficiencies in this area, no matter how well rationalized such deficiencies are.

“LLMs in areas other than tax are of most use to those pursuing academics and there as well, at least a few years of top-tier practice experience carries more weight. Why? There are simply too many J.D.’s and this dilutes the value of any add-ons to the degree. The recruiting firm for which I worked had a database of more than 25,000 candidates, more than half of whom were J.D.’s—and this was just one small firm doing placements in the NYC metro area. Note also that when filling many top corporate positions involving contract analysis, regulatory compliance, and similar fields one might well assume best filled by J.D.s, many companies now bar the consideration of J.D.s as candidates, or consider the J.D. as a negative to be ‘overcome’ by candidates who are particularly strong in other respects.

“In short, for most people, while Beida’s program is valuable and one can learn a great deal more about the current Chinese legal climate through their program than through a US or UK program, it goes more to self-edification than to marketability; I don’t think an LLM from Qinghua, Beida, or any similar program makes one significantly more marketable than one already is due to employment history, legal education, and character.” (E)

D. *Might have some general value (F)*

“That said, it can’t do much harm (at least so long as you don’t spend too much time on it—no more than one academic year—and don’t go too deeply into debt

because of it). If you use the time to improve your language skills and understanding of the relevant culture, then it will have some very real benefit. However, don't have unrealistic expectations. And don't worry too much about the particular institution or whether you get good grades (so long as you don't fail)."

E. *Where you do the degree doesn't matter (F)*

"I am sure that in making the above comments I lay myself open to criticism for not appreciating the subtle differences between the LLMs offered by Beida, Tsinghua, ECUPL [East China University of Politics and Law] or wherever (or between Harvard, NYU or wherever; or Oxford, London, Cambridge or wherever...) but when one weighs that sort of thing against all the other characteristics (positive or negative) of a particular applicant, I think it most unlikely that such factors will make a material difference to any rational firm's hiring decision; or to practical success in one's career once hired."

II. *Given the competition from English-speaking PRC lawyers, is there a future for non-Chinese lawyers in the China business?*

"Things have changed pretty dramatically in a very short span of time. There are now a significant number of native Chinese with excellent English who have JDs from top US law schools, or LLMs from top US law schools. Top American firms are heavily recruiting this group, understandably—to staff their China offices. Many of these guys and gals have serious guanxi (and serious talent). There is room for non-Chinese—but I think it's becoming increasingly competitive. Go to the web site of any big firm with a substantial China practice, it might be interesting to look at the make-up of the China offices. They are overwhelmingly staffed by Chinese lawyers. Among the ranks of the more senior folks (counsel and partners), you see Americans, but I think the idea now is to really target the bicultural and bilingual Chinese with JDs /LLMs from top US law schools. I know that XXX recently set up an office in China; a Chinese friend with an [elite school] LLM is part of that initial group, which is very much in rainmaking mode (tough for a young non-Chinese lawyer to be successful at this in China).

"There are not enough of these superstars to go around, however, and so there are still opportunities for young non-Chinese JDs. I think it's generally the case that big firms want attorneys who express an interest in China (or other countries) first to spend time in a US office after law school. Firms want to see that the recently

minted attorneys can perform at levels expected of them in a US office before sending them out to the wilds of China (or elsewhere). In other words, a recent JD needs to get accepted by a US office of a large law firm, which has benchmarks, cut-offs, etc. If you don't make the grade, fluent Chinese won't get you in the door (now—it might have 10 years ago). Certainly the China offices may want to weigh in on a candidate, let's say, who's on the margin; if the China offices are excited by the person's China experience and/or language, that might be a swaying factor to extend an offer. The extent to which big law firms hire directly into their Chinese offices is something I'm not familiar with, but it obviously happens. [Writer's elite firm] does it (and I imagine the benchmarks are very high). My impression with [elite firm] is that most or all of the laterals we've hired in China and HK have proven themselves elsewhere.” (A)

“My firm is a Korean firm with [a 3-digit number of] lawyers. About [20%] have bar certification in the US or UK and Korea. At any one time, they may be supporting [a low 2-digit number] studying abroad in an LLM program. From their point of view, the main value of an LLM is for their attorneys to gain a good grounding in a common law jurisdiction law while gaining professional level language skills in the legal field, and hopefully to learn enough to be able to take the US bar exam or complete a JD program. The fact that it is taught in the language of the jurisdiction is absolutely critical part of their justification for spending the money. So, if US law firms have the same logic, a US firm would rather hire a Chinese lawyer in a US LLM program than an American who has studied at Qinghua or Beida, hands down. However, they might be persuaded on other grounds, for example, a few years of strong experience at a Hong Kong firm or strong family ties to the mainland indicating a commitment to spending a long time in China.” (C)

III. *Academic and student views*

A. *Some educational value*

“At the very least any one of these programs offers a non-native a structured educational experience in China, which is to be preferred to just wandering about with a backpack.” (Academic, D)

B. *Some general value, but problematic*

[From a foreign student studying Chinese law in Chinese at a decent but not elite Chinese law school] “Just going to a foreign country to study is a good idea. No

matter what you study, it is useful to leave the little world you grew up in. Attending a English-language LLM here in China you can also easily also learn some Chinese language and culture. Though when it comes to the quality of the degree I am slightly skeptical. Bear in mind I have not attended classes at the most famous universities in China. [My school recently started an English-language LLM course in Chinese law.] What struck me last year when they started up the course was the lack of teaching material. They borrowed a few books from me, but books in English about Chinese law are difficult to find in China. There are some international publishers with good books about Chinese law, but with the average Chinese law book costing \$5-10 and the foreign one \$200, Chinese universities seem reluctant to buy (though they happily copied many of my books). A second problem is the professors' English. There is no guarantee that the teachers can speak good enough English to actually teach law. [New para.] When one graduates one will always have a small handicap. You will always have to depend on translations. All sources are still in Chinese and will remain that way.”

C. *Little value (Student J, who permits me to identify him/her as a Fordham 3L)*

[In the course of my job search], I found that nothing substitutes for good grades. When determining hiring, it is my feeling that most HR departments of large firms are not keenly aware of specific practice groups' long-term needs, and instead focus on filling the ranks with students from the best schools with the best grades and then let the chips fall where they may.

D. *Can't substitute for grades, but might help tip the scales in some cases (Associate K)*

“From my experience, NOTHING can outweigh your JD grades and JD school, regardless if you are fluent in one, two, or three languages or have an LLM from any school, U.S. or abroad. Nothing can sanitize your grades, even years of experience, when it comes to BigLaw. I'm sure if you asked legal recruiters, they would say the same.”

“I should also note that interestingly enough, one of the offers I received was from a firm that I contacted before attending [Elite Chinese School] for its opinion on the utility of a LLM in Chinese law. The hiring partner told me that they would not be interested in my LLM degree and while I had the law school credentials, they do not have room for entry levels and all hiring is done through their summer

program and without previous transactional experience, I was dead in the water. He suggested I apply to small- to mid-sized firms. Six months later, and after one semester at [Elite Chinese School], this same firm extended me an offer and expressed a strong interest in increasing their China-related deals. This same firm had turned me down for an interview when I applied as a 3L. Thus, I cannot help but conclude that had I not gone to [Elite Chinese School], I would not have received this offer. Thus, many of the law firm employers who may respond to your email may change their tune later on as China continues to heat up.”

“So, to sum it up, the LLM from China is only a supplement to your J.D. grades and your qualifications for getting your foot in the door. Because it cannot overcome J.D. grades/J.D. school does not mean it has no utility or is not necessary. It is not smart for everyone to go to China and do an LLM, and it certainly will not be fruitful for everyone regardless if you go to BeiDa/Qinghua/CUPL, etc. It is also foolish to think if you have mediocre grades from a mediocre school (or even a good school) that getting an LLM in China will miraculously get your foot into BigLaw. However, for those that are set up correctly to go over there, it is a priceless degree to have in addition to the great experiences one has from living in China for a year and in Beijing. I don’t know exactly why my law firm hired me or is as accommodating as it is, but it’s been a wonderful experience so far and I will be going to one of its China offices (to finish my LLM) and then to a satellite US office (to which I asked to be transferred) and I’m very excited for my future at this firm and I know that [Elite Chinese School] helped open many of these doors (and so did my JD school/grades).”