

Legal Professionalism and the Ethical Challenge for Legal Education: Insights from a Comparative Study of Future Lawyers in Greater China

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Abstract

This article uses data gathered from a survey that probed the career orientations and values of more than 1,000 law students in Beijing, Hong Kong and Taipei to examine the legal professionalism of future lawyers being trained under different legal education systems in Greater China. Our findings suggest that these future lawyers have a “materialistic” career orientation, although those studying in a system whose legal education goal is to train professional lawyers are more inclined to pursue professional legal ideals, and those trained in a system that emphasizes legal ethics are more likely to pursue public interest issues. On the basis of the findings, we argue that legal education systems in Greater China, while different in their traditions, share the same need to strengthen legal professionalism by according greater emphasis to legal ethics in their respective law school curricula.

Keywords: career orientation; future lawyers; legal professionalism; legal ethics; greater China

In recent years, legal professionalism has been a growing concern for both legal educators and practitioners in Greater China, as reports of “unprofessional” conduct among future and current lawyers have increased. Such cases have included, for example, a Hong Kong law graduate who forged her transcript and was subsequently sentenced to nine months’ imprisonment in 2018,¹ and a government prosecutor in Taiwan who was sentenced to 12 years in prison in 2019 for accepting bribes of TWS\$23,000,000.² The situation is particularly grave in mainland

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1 “Woman who lied about law qualifications gets nine months in jail.” *Coconuts Hong Kong*, 27 September 2018, <https://coconuts.co/hongkong/news/woman-lied-law-qualifications-gets-nine-months-jail/>.

2 Lam 2019.

China, where instances of unprofessional conduct by lawyers have involved the commission of criminal offences, conflicts of interest, unlawful fee charging, the unlawful influencing of court proceedings, and the failure to comply with judicial administrative and professional management procedures.³

This study investigates the problem of legal professionalism in Greater China by studying the career orientations and values of future lawyers being trained under different legal education systems in Beijing, Hong Kong and Taipei. Our study is based on the conceptual framework that future lawyers trained and shaped by different legal education systems are likely to adopt different values which, in turn, will influence their career orientations. We surveyed their business values,⁴ professional values⁵ and personal values,⁶ all of which influence these future lawyers in their on-the-job decision making.

In different parts of the world, legal education provides future lawyers with the legal knowledge, skills and values that enable them to frame their professional development in accordance with their career orientations and aspirations. Overall, future lawyers have three major career orientations. Some study law for material gain. For example, it has been found that a majority of Chicago lawyers chose law for higher social status and monetary rewards.⁷ To these future lawyers, law is merely a business and they are motivated by business values to study law. Legal ideals and social justice are not their primary concern. Many corporate lawyers fall into this first category.⁸ Other future lawyers focus on legal ideals such as procedural justice and the rule of law. They are motivated by these professional values and strive to adhere to the existing rules in pursuing legal justice. Most government lawyers fall into this category.⁹ Finally, some future lawyers study law because they wish to help the underprivileged or attain social justice. For example, it has been argued that a sizeable number of future lawyers at Harvard Law School chose law because they wished to reform society and seek social justice.¹⁰ Many “rights protection” lawyers (*weiquan lishi* 维权律师) in mainland China also fall into this category.¹¹ In reality, these three career orientations are not mutually exclusive, but one of them will prevail over the other two.¹² Moreover, some future lawyers may begin their legal education with one career orientation then change to pursue another after completing their law studies. For example, some intending to seek social justice at the outset

3 Su 2019.

4 In this article, “business values” refers to “capitalistic” values that are profit-oriented, focused on market competition and consumerism, and client-centred. See Swick 1998.

5 In this article, “professional values” refers to the values relating to the conduct commonly shared by the members of a profession. See Singhapakdi and Vitell 1993.

6 In this article, “personal values” refers to the values and priorities that form the bedrock of each person’s beliefs and attitudes. See Evans, Adrian 2010.

7 Zemans and Rosenblum 1981.

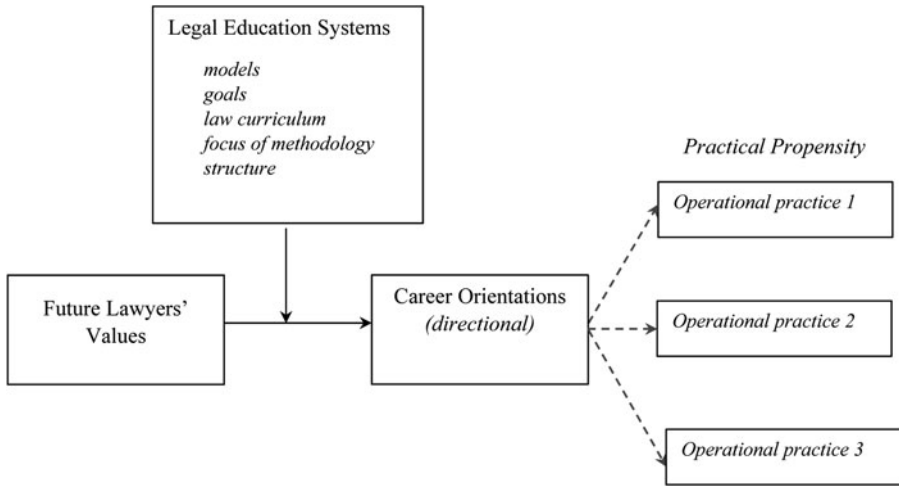
8 For a study of corporate lawyers in China, see Liu 2006.

9 For a study of government lawyers in Taiwan, see Kao 2017.

10 Granfield 1992.

11 For a study of “rights protection” lawyers in China, see Moliterno and Lan 2018.

12 See Schleef 2006, 122.

Figure 1: **Conceptual Framework**

of their studies may become interested in the pursuit of money and status over the course of their legal education.¹³

The conceptual model for this comparative study of law students – the future lawyers – is shown in Figure 1. In this article, we first examine the different legal education systems in mainland China, Hong Kong and Taiwan, with a focus on legal professionalism. We then consider the findings of a survey of future lawyers in Beijing, Hong Kong and Taipei. Specifically, we explore whether law students trained under different legal education systems display variations in their career orientations and we attempt to identify the institutional factors in the legal education systems which would account for any variations. We also reflect on the implications of our findings for legal professionalism. In the final section, we conclude with a discussion of legal professionalism and the ethical challenge for legal education in Greater China. Throughout this article, our central concept of legal professionalism goes beyond the narrow confines of technical competence to serve the best interests of clients and to maintain expertise in specialized areas of legal knowledge and skills.¹⁴ Here, we take the definition of legal professionalism to include those qualities and attributes of lawyers which contribute to the welfare of society as a whole. For example, lawyers should treat their profession as a public calling and concern for the public good. They should also preserve values such as honesty and integrity, which are important to their profession and society.¹⁵

13 See Bliss 2017.

14 See McCallum 2009.

15 See Kronman 1999, 3–6.

Legal Education Systems in Greater China

In this section, we compare the legal education systems of mainland China, Hong Kong and Taiwan on the basis of the models and goals of legal education, curriculum design, the focus of law teaching methodology, the structure of the legal education and the qualifying examination, with the focus on legal professionalism.

Models of legal education

Legal education systems in mainland China and Taiwan basically represent a government-regulated model, although with variance, while their counterpart in Hong Kong offers a professional influenced model.¹⁶ In mainland China, legal education is regulated by two government ministries, the Ministry of Education and the Ministry of Justice. Similarly, legal education in Taiwan is regulated by government – the Ministry of Education regulates higher education, while the Ministry of Justice is responsible for professional training. In addition, the Examination Yuan oversees professional examinations.¹⁷

While legal education in both mainland China and Taiwan is regulated by the government, the respective states perform different roles. As mainland China has remained an authoritarian country, its legal education is “state-controlled” and reforms are more feasible. In contrast, after a period of authoritarian rule, Taiwan became a democratic state after the lifting of martial law in 1987.¹⁸ Since then, legal education has become “state-coordinated” and, according to the democratic system, any reform requires negotiation and consultation. In particular, radical reforms need consensus and compromise from different stakeholders if they are to be implemented successfully. In 2005, the Taiwanese government appointed a task force to formulate and implement legal education reform aimed at training professional lawyers.¹⁹ Two years later, the reform came to a halt because of opposition from the law schools.²⁰ Therefore, although both systems are regulated by government, legal education in mainland China is controlled by the state, while in Taiwan the government plays more the role of a coordinator in legal education.

In contrast to mainland China and Taiwan, legal education in Hong Kong is heavily influenced by the profession. It can be described as “state-enabled” and is subject to little direct government influence. In 1971, the Advisory Committee on Legal Education (ACLE) was established to serve as a three-way channel of communication between Hong Kong’s two professional bodies, the law school and the chief justice.²¹ The ACLE was replaced by the Standing Committee on Legal Education and Training (SCLET) after 1997. Its members are nominated

16 This classification was adapted from Ostertag 1993, 320.

17 Wang 2009, 146.

18 Lin, Chin and Liu 2016.

19 Ibid., 252.

20 Wang 2009, 146–49.

21 Evans, Dafydd 1974, Appendix D.

by different stakeholders in the legal profession and appointed by the chief executive of Hong Kong.²² The composition of both the ACLE and the SCLET demonstrates the “state-enabled” model of legal education in which the profession plays an influential role.

The development of legal professionalism in Hong Kong relies on law schools and the legal profession, both of which operate relatively independently from the government. In contrast, the development of legal professionalism in mainland China and Taiwan is either controlled or coordinated by the state.

Goals of legal education

Divergences in models of legal education naturally lead to differences in their educational goals. Hong Kong is a common law jurisdiction and its educational focus when training lawyers is consistent with other common law systems such as those in the United States,²³ England and Wales,²⁴ and Australia.²⁵ Since 1997, legal education in Hong Kong has undergone two major reviews,²⁶ each seeking to develop a legal education “best capable of meeting the challenges of legal practice and the needs of Hong Kong society.”²⁷ In comparison with their counterparts in mainland China and Taiwan, law schools in Hong Kong are more focused on training professional lawyers whose concern lies with the interests of clients. The two reviews also reflected the strong role of the profession in the “state-enabled” model of legal education in Hong Kong.

In contrast, the educational goal of the Taiwan system is not focused on training professional lawyers. In fact, Taiwan’s first legal education institute, the department of government within the College of Liberal Arts and Political Science at Taihoku (Taipei) Imperial University, was initially established to train government officers rather than lawyers. The department of government later became the department of law at the National Taiwan University.²⁸ While legal education has expanded rapidly in Taiwan, law schools are divided in opinion as to whether they should concentrate on training lawyers, judges or legal scholars. In reality, most law graduates in Taiwan aspire to become judges, who enjoy security of tenure, decent starting salaries, high social status, good benefits and on-the-job training in comparison with lawyers.²⁹ As mentioned above, the Taiwanese government attempted to shift the direction of its legal education to focus on the training of professional lawyers; however, owing to the opposition of the law schools, the proposed reform came to a halt in 2007.³⁰

22 For a summary of the works of SCLET, see SCLET 2018, para. 2.13

23 Ostertag 1993, 339.

24 Boon and Webb 2008.

25 Parker 2002.

26 Redmond and Roper 2001; SCLET 2018.

27 Redmond and Roper 2001, 6; SCLET 2018, 2.

28 Wang 2009, 138.

29 Chen 2012, 39.

30 *Ibid.*, 48–51.

The failure of this reform effort reflects the lack of consensus on the aims of legal education in Taiwan. It also demonstrates the strong influence of law schools in the state-coordinated model of legal education there.

In comparison with Hong Kong and Taiwan, legal education in mainland China has been more politically directed. After 1949, China trained law students to “become people who possess basic knowledge of the Marxist-Leninist theory of law.”³¹ In the 1980s and 1990s, the ideological orientation of legal education took a more pragmatic turn following the adoption of a socialist market economy. The aims of legal education in China have shifted from training both “red and expert” (*you hong you zhuan* 又红又专) officers for the judiciary and government departments to training legal specialists for the developing market economy and the rule of law.³² Some Chinese scholars argue that the primary mission of law schools today should be to produce competent lawyers for the benefit of society and to teach law students legal practice skills. According to these academics, legal scholarship should not be the priority of law schools.³³ This view, however, ignores the fact that law schools in mainland China would find it difficult to concentrate solely on training professional lawyers. Chinese lawyers operate in a politicized environment and, as such, they need to develop political awareness in their legal practice. Most lawyers are also Chinese Communist Party (CCP) members and thus must comply with the demands of the Party leadership.³⁴ The law schools in mainland China therefore primarily focus on educating their students to become Party “politically-supportive” legal work personnel.³⁵

The divergences in legal education goals also reflect the different career visions of law graduates in the three Chinese societies. In Hong Kong, lawyering is regarded by most law students as a means to accumulate wealth, similar to the Chicago lawyers mentioned above.³⁶ In Taiwan, many students believe law graduates should aim to be judges.³⁷ In mainland China, some law students wish to become civil servants or businessmen after graduation.³⁸ Moreover, Hong Kong places greater emphasis on legal professionalism, as its law schools prepare students to become professional lawyers. In contrast, mainland China and Taiwan attach less importance to legal professionalism, as their law schools focus more on nurturing generalists who will enter different professions such as the judiciary and academia. In reality, mainland China has focused its reform efforts on judicial professionalism.³⁹

31 Han and Kanter 1984.

32 Zou 2003, 168.

33 Wu, Aiyong 2011, 7.

34 Pan 2017.

35 Zhou and Palmer 2020.

36 Zemans and Rosenblum 1981. For a critique of this instrumental approach to legal education, see Jones 2009, 115.

37 Liu, Zongde, and Sun 2014, 87.

38 Minzner 2013.

39 For a discussion of judicial professionalism in China, see Yu 2010.

Law curriculum

The law curricula in the three Chinese jurisdictions are also very different. In Hong Kong, law schools follow a common law curriculum, which has two components, namely, a Bachelor of Laws (LLB) or Juris Doctor (JD) degree, together with a Postgraduate Certificate in Laws (PCLL). In contrast, law schools in mainland China and Taiwan follow socialist and civil law curricula, respectively, which just have one component, namely, an LLB or JD.

In Hong Kong, the LLB focuses on both practical law subjects, such as contracts, and theoretical subjects, such as jurisprudence. There are 11 core subjects in the undergraduate law degree, which law students must study if they wish to enter the professional legal education course that will allow them to join the profession. These core courses make up a substantial portion of the undergraduate law curriculum. In fact, the number of core subjects in the Hong Kong law curriculum is very high compared with the number offered by curricula in other common law countries. This reflects the strong influence of the profession in the law school curriculum. In addition to the undergraduate LLB degree, law schools in Hong Kong also offer a postgraduate JD curriculum for those who study law as their second degree.⁴⁰ Both LLB and JD students have to study the PCLL if they wish to qualify as lawyers.⁴¹ The PCLL contains a mandatory course on professional responsibility, which is the equivalent to the legal ethics courses taught in other common law jurisdictions.

In Taiwan's civil law curriculum, the core subjects offered in the undergraduate law curriculum are closely tied to the subjects tested in the bar examinations, which are the examinations leading to the qualification of legal professional.⁴² Nearly 90 per cent of the core courses are subjects covered by the bar examinations.⁴³ These courses do *not* offer legal practice skills. Mandatory courses on professional responsibility or legal ethics have yet to be introduced into the law curriculum.

As mentioned above, Taiwan's attempt in the 2000s to introduce changes to its legal education so as to train legal professionals was brought to a halt by the opposing law schools.⁴⁴ However, there are always demands from the legal profession for more skilled lawyers to deal with globalization and international competition and calls for changes to be made to the curriculum to meet those demands.⁴⁵

In mainland China, the undergraduate law degree comprises 14 core courses.⁴⁶ As in Taiwan, these courses are of a theoretical rather than practical orientation,

40 For a discussion of the JD degree, see SCLET 2018, 63–64.

41 For a discussion of the PCLL course, see *ibid.*, 79–103.

42 For a discussion on the problems of the Judicial Examination, see Liu and Sun 2014, 82–84.

43 *Ibid.*, 79.

44 In Taiwan, the government established a task force headed by a law professor, and not a reform commission, for legal education reform. See Chen 2012, 48–49.

45 Lo 2006, 75–76.

46 Zeng 2001.

and there is no mandatory professional responsibility or legal ethics course. Instead, mainland Chinese law students are required to take a general course on political ideology, often along the lines of “Principles of Marxist philosophy” and “Principles of Marxist political economy.”⁴⁷

In reforms implemented in 2015, the mainland Chinese government introduced a new National Unified Legal Profession Qualification Examination (*Guojia tongyi falü zhiye zige kaoshi* 国家统一法律职业资格考试).⁴⁸ This new examination encourages future lawyers to support socialist legal values and study the legal philosophy of Xi Jinping 习近平, the CCP secretary general.⁴⁹ There is also a greater emphasis on legal ethics in this examination, which reflects a new focus on legal ethics in the law curriculum.⁵⁰ In addition, some mainland China law schools have introduced three-year LLM degrees (*faxue shuoshi* 法学硕士) as well as two- and three-year JM degrees (*falü zhuan ye shuoshi* 法律专业硕士), which are modelled on the JD degree in the US.⁵¹ However, the new JM degree has yet to fulfil the goals set out by the reform.⁵²

The law curriculum in Hong Kong offers more training in legal practice skills than its counterparts in mainland China and Taiwan, including training in drafting, negotiation and advocacy skills in its PCLL course.⁵³ In fact, one common problem with legal education in mainland China and Taiwan is the lack of practical skills training.⁵⁴ As a result, the onus is on the law graduates in these two Chinese societies to acquire the necessary legal practice skills after graduation. In mainland China, once they have passed the bar examination, graduates have to serve a year-long internship with a law firm before they can qualify as lawyers.⁵⁵ In Taiwan, prospective lawyers passing the bar examination have to undergo one month of training at the bar association and five months of internship at a law firm in order to qualify.⁵⁶

One criticism often levelled at law schools in all three Chinese societies is that they fail to provide a bridge between theory and practice.⁵⁷ Another criticism is that law professors who teach law courses usually lack professional experience, with the exception of the teachers on PCLL courses in Hong Kong, who usually have prior practical experience.⁵⁸ In recent years, law schools in Greater China have attempted to address such criticisms with new innovations in their law

47 Abramson 2006, 325.

48 This government reform effort was implemented while suppressing human rights lawyers at the same time. See Jenkins 2015.

49 Ibid., 34.

50 See General Office of the State Council 2015.

51 Ibid., 34.

52 For a criticism of the JM degree, see Erie 2009.

53 Chow, Wu and Chan 2006.

54 For such criticism of the Chinese legal system, see Hou 2006, 297–98. For similar criticism of the Taiwanese legal education system, see Lo 2006, 75–76.

55 “Law of the People’s Republic of China on lawyers.” *China Daily*, 26 December 2017.

56 See Taiwan Bar Association 2019.

57 Zhu 2009.

58 Wu, Richard 2004.

curricula.⁵⁹ In particular, there has been the development of legal clinics which combine legal theory and practice.⁶⁰

To sum up, all three Chinese systems are similar in that they lack compulsory courses on legal ethics in their academic law degree curricula, although in Hong Kong it is mandatory to study professional practice in the PCLL, its professional legal training programme. In 2019, the University of Hong Kong introduced an elective course on legal ethics to its academic law degree curriculum.⁶¹ In mainland China, the China University of Political Science and Law in Beijing is probably the only law school that teaches legal ethics in its law school curriculum.⁶²

Focus of law teaching

The focus when teaching law is influenced by different legal traditions and different sources of law across Greater China. Judges play an influential role in the development of laws in Hong Kong. In contrast, judges in mainland China and Taiwan are only expected to apply laws and not make them. Court decisions do not directly form sources of law in mainland China and Taiwan and, as a result, law students are not required to study court judgments, unlike their Hong Kong counterparts.

Hong Kong is a common law jurisdiction and as such its sources of law include both statutes and court cases. Judges make law by deciding cases and these decisions are binding on subsequent court decisions. Law schools in Hong Kong therefore teach law not only by reference to statutes but also through the interpretation of case law and statutes. In contrast, mainland China and Taiwan see themselves as part of the socialist and civil law traditions, and their sources of law are predominately statutes. Law schools in mainland China and Taiwan therefore concentrate on educating their students to analyse codes of law.⁶³

As expected, the teaching focus of legal professionalism is different in Hong Kong in comparison with mainland China and Taiwan. In Hong Kong, the professional practice component of the PCLL concentrates on case law as well as relevant statutes and rules of professional ethics. In contrast, in mainland China and Taiwan the teaching of legal ethics focuses on the relevant statutes and rules of professional ethics.

The structure of legal education and the qualifying examination

The structure of legal education also differs across Greater China. In mainland China and Taiwan, there is only one stage of legal education (the academic

59 Minzner 2013; Lo 2006.

60 Phan 2005; Mao 2007; Caplow 2006; Martinez 2012.

61 In 2019, a new course, entitled “Ethical lawyering for public interest,” was offered at the Faculty of Law, University of Hong Kong. It is the first elective course to teach legal professionalism in an academic law degree curriculum in Hong Kong.

62 McMorrow 2010, 1082.

63 Gao 2010; Lo 2006.

stage) in the form of a university law degree. In Hong Kong, all future lawyers need to pass through two stages of legal education (the academic and professional stages). They are also required to undertake professional legal training in the form of the PCLL in addition to acquiring an academic legal education in the form of an LLB or JD.⁶⁴

The three Chinese jurisdictions are also different in their professional qualifying examination system. In mainland China, law graduates are required to pass the recently introduced National Unified Legal Profession Qualification Examination.⁶⁵ Their counterparts in Taiwan have to sit a bar examination, the content of which was revised in 2012 to include new disciplines like international commercial law and legal English.⁶⁶ Taiwan has also implemented reforms which allow more than 70 per cent of law students to pass the bar examination and become qualified lawyers.⁶⁷ In contrast, there is no equivalent qualifying examination in Hong Kong,⁶⁸ although overseas lawyers can qualify by passing the Overseas Lawyer Qualifying Examination.⁶⁹ The Law Society has also proposed introducing a common entrance examination for future solicitors.⁷⁰ If this proposal goes ahead, it will reflect a converging trend of an examination leading to a legal qualification across all three jurisdictions.

Legal professionalism is taught at different stages of the legal education in the different Chinese systems. Law schools in mainland China and Taiwan teach legal ethics during the academic stage of legal education – if, indeed, they offer any legal ethics course. In Hong Kong, however, legal ethics is taught during the PCLL course on professional practice.

Obviously, legal professionalism has not received as much attention in the legal education offered in mainland China and Taiwan as it has in Hong Kong. It is important to note, however, that the course on professional practice mentioned above is taught in the professional stage of legal education, leaving Hong Kong, following the English model, with no compulsory legal ethics course in the academic stage of its legal education.⁷¹

64 For a history of the PCLL in Hong Kong, see Gold 1991.

65 For a discussion of the new National Unified Legal Profession Qualification Examination, see Zhou and Palmer 2020.

66 See “Professional and technical exams,” Ministry of Examinations, Republic of China, 6 July 2018, https://wwwc.moe.gov.tw/english/content/wfrmContent.aspx?menu_id=495. Accessed 6 July 2018.

67 Chen 2013.

68 For a discussion on the academic and professional stages of legal education in Hong Kong, see SCLET 2018.

69 For the Overseas Lawyers Qualifying Examination, see “Overseas Lawyers Qualification Examination,” Law Society of Hong Kong, 2019, https://www.hklawsoc.org.hk/pub_e/faq/olqe.asp, Accessed 18 March 2019.

70 HKSAR Legislative Council Secretariat 2016.

71 See the criticism of the consultants in SCLET 2018, 67–68. On the absence of legal ethics in the academic legal education in England and Wales, see Boon 2003.

A Survey of Future Lawyers in Three Chinese Cities

In this section, we draw on data collected in a questionnaire survey conducted in Beijing, Hong Kong and Taiwan in 2014 to analyse how the career orientations and values of law students in their final two years of study are related to the different legal education systems.⁷² We also discuss the implications of the findings for legal professionalism in Greater China. We collected a total of 1,108 questionnaires in 14 law schools (Hong Kong: N = 329; Beijing: N = 431; Taipei: N = 348).⁷³ The questionnaire survey focuses on six scenarios that examine law students' choices in job-related dilemmas, and the relative importance of certain values. Scenarios One and Two present the dilemmas of acting in the interests of the law firm/clients or those of a friend. Scenarios Three and Four suggest cases where there are conflicts between professional values and personal interests/welfare. Scenarios Five and Six present the dilemmas of acting in the public interest or the pursuit of financial profit for the law firm.⁷⁴

Based on our overview of the three major career orientations and three sets of values of future lawyers, as well as our five-dimension legal education comparative framework for Greater China as discussed in the previous section, we have developed the following three hypotheses:

Hypothesis 1: The likelihood that future lawyers will act for profit is positively related to their perceived importance of business values; this relationship is stronger in a “state-enabled” model of legal education than in a “state-controlled” or “state-coordinated” model.

Hypothesis 2: The likelihood that future lawyers will pursue professional ideals is positively related to their perceptions of the importance of professional values and negatively related to their personal values; the former relationship is stronger if the legal educational goal is to train professional and technical lawyers rather than judges and government officers.

Hypothesis 3: The likelihood that future lawyers will act in the public interest is positively related to their perceived importance of personal values in terms of personal integrity and civic duty, and negatively related to business values; the former relationship is stronger if the legal educational system places more emphasis on legal ethics in its law curriculum.

72 In the case of Hong Kong, the final two year students included those in their final year of academic legal education studying for the LLB or JD and those doing a year of professional legal education studying for the PCLL.

73 The universities include Tsinghua University, Peking University, China University of Political Science and Law, Jiaotong University, Shenzhen University, Peking University of Transnational Law, Shandong University and Jilin University in China; National Taiwan University, National Chengchi University and Soochow University in Taiwan; and The University of Hong Kong, Chinese University of Hong Kong and City University of Hong Kong in Hong Kong.

74 The full scenarios are available from the authors upon request.

Table 1: Chi-square Test of City Difference in Decision Making When Facing Dilemmas

Please indicate your choice in the following scenarios (1 = yes; 0 = no)	Hong Kong		Beijing		Taipei		Chi-square
	Mean	S.D.	Mean	S.D.	Mean	S.D.	
Act for profit							
S1 (<i>acting for a large corporate client but not your close friend</i>)	0.69	0.46	0.78	0.42	0.73	0.45	7.06*
S2 (working for longer hours in order to seek promotion to make partner but not spending more time with children who have behavioural problems)	0.43	0.50	0.36	0.48	0.25	0.44	23.58***
Act for professional ideals							
S3 (following the rule of mandatory reporting but not covering up the embezzlement problem of nephew)	0.64	0.48	0.32	0.47	0.49	0.50	78.10***
S4 (doubling the legal fees over what is justified, according to supervisor's demands)	0.48	0.50	0.56	0.50	0.59	0.49	9.39**
Act for public interest							
S5 (working on a public interest case but not taking up a profitable case according to a senior partner's demands)	0.46	0.50	0.68	0.47	0.69	0.46	43.64***
S6 (breaking client confidentiality and informing the relevant authorities of client's child abuse)	0.61	0.49	0.51	0.50	0.76	0.43	52.11***

Notes:

* $p < .05$; ** $p < .01$; *** $p < .001$.

To test the above three hypotheses, we conducted a statistical analysis of the six dilemma scenarios. We performed two sets of analyses. To examine cross-contexts variance in the law students' decision choices (for example, whether to act for the corporation or not when confronted with a dilemma), we performed a Chi-square test. Table 1 presents these results.

We first found that law students in all three Chinese cities prefer to act for the corporation, with those in Taipei and Beijing being slightly more likely to act for the corporation than their counterparts in Hong Kong, even though Hong Kong has a stronger business tradition (Scenario One). At the same time, law students in all three Chinese cities are unwilling to take on extra hours in order to progress an ongoing project, with those in Taipei being the least likely to take on extra working hours to seek promotion to partner (Scenario Two). Second, law students in Hong Kong are the most likely to act in accordance to professional values (in Scenarios Three and Four). Third, law students in Taipei are the most likely to act in the public interest in both scenarios. Differences between

their Beijing and Hong Kong counterparts are mixed. When there is a conflict between working on a public interest case and taking on a profitable case to appease senior partners (Scenario Five), Beijing law students are just as committed as the Taiwan students to the public interest case; however, Hong Kong students are the least likely to commit to the public interest case. Nevertheless, when it comes to breaking client confidentiality and informing the relevant authorities of a client's child abuse (Scenario Six), Beijing law students are the least willing to do so.

We then ran a logistic regression analysis to examine the relative importance of different values in shaping law students' choices in various dilemmas. In this article, we only present results with significant interaction terms. The full results are available from the authors upon request. Table 2 shows the regression results. Model 1 shows the results testing whether respondents would act for the corporation (Scenario One). Model 2 shows the results of the scenario that tested whether respondents would act in accordance with the legal profession (Scenario Three). Model 3 shows the results of the public interest scenario (Scenario Six).

We found that in general the likelihood that law students would act for the corporation is positively related to their perception of the importance of "business

Table 2: Regression Results

Act for:	Profit	Professional ideals	Public interest
<i>Models/scenarios</i>	(1)/S1.	(2)/S3.	(3)/S6.
Beijing	0.77(0.76)	3.27*(1.43)	1.10(1.18)
Taipei	-1.89*(0.89)	-0.29(1.72)	5.12*** (1.43)
Business efficacy	0.74***(0.17)		
Professional ambition	0.54***(0.11)		
Friendship loyalty	-1.06***(0.11)		
Friend's interests	-0.37** (0.12)		
<i>Business efficacy (BJ vs HK)</i>	0.02(0.21)		
<i>Business efficacy (TP vs HK)</i>	0.62*(0.25)		
Professional integrity		1.42***(0.33)	
Obedience to the law		1.43***(0.18)	
Loyalty to your firm		0.36** (0.14)	
Family loyalty		-0.64*** (0.16)	
Family members' well-being		-0.91*** (0.16)	
<i>Professional integrity (BJ vs HK)</i>		-1.06** (0.35)	
<i>Professional integrity (TP vs HK)</i>		-0.08(0.42)	
Client confidentiality			-2.05*** (0.18)
Professional integrity			-0.09(0.19)
Civic duty			2.07*** (0.18)
Personal integrity			0.56* (0.26)
<i>Personal integrity (BJ vs HK)</i>			-0.54† (0.29)
<i>Personal integrity (TP vs HK)</i>			-1.13*** (0.34)
Constant	1.45(0.90)	-4.94*** (1.43)	-1.08(1.16)
pseudo R ²	0.314	0.578	0.546

Notes:

Standard errors in parentheses; † p<0.1, * p<0.05, ** p<0.01, *** p<0.001.

efficacy” and “professional ambition” but negatively related to personal values (i. e. loyalty to a friend). In Scenario One (Model 1), the positive relationship between respondents’ perceptions of the importance of “business efficacy” and the likelihood of their acting for the law firm was found to be strongest for Taiwanese students. Therefore, Hypothesis 1 is partially supported.

Model 2 indicates that the likelihood that law students would act in line with the legal profession was positively related to their perceptions of the importance of “professional integrity” and “obedience to the law” but negatively related to personal values such as “family loyalty” and “family members’ well-being.” In Scenario Three, the positive relationship between respondents’ perceptions of the importance of “professional integrity” and the likelihood that they would report the matter to the local law society was found to be stronger for students in Hong Kong and Taipei than for those in Beijing. Therefore, Hypothesis 2 is partially supported.

As shown in Model 3, the likelihood that law students would act in the public interest was positively related to their perceptions of the importance of “personal integrity” and “civic duty” but negatively related to the business value of acting for clients. In Scenario Six, the positive relationship between respondents’ perceptions of the importance of “personal integrity” and the likelihood of their informing government authorities of a client’s child abuse was found to be strongest for Hong Kong students. These results thus lend mixed support to Hypothesis 3.

Our study reveals interesting findings on the legal professionalism of future lawyers trained under the different legal education systems in Greater China. First, the results to Hypothesis 1 suggest no significant correlation between legal professionalism and the model of legal education. In other words, legal professionalism may develop among future lawyers trained under both the “state-enabled” model (as found in Hong Kong) and the “state-coordinated” model of legal education (as found in Taipei).

In addition, the results to Hypothesis 2 suggest that the development of legal professionalism in a socialist legal education system (as found in Beijing) is weaker than that in another civil law education system (as found in Taipei), even though neither of the legal education systems focuses on training professional and technical lawyers. The finding suggests that a liberal democratic society (Taiwan) may be more conducive to legal professionalism and to educating ethical lawyers than an authoritarian one.

Finally, the findings to Hypothesis 3 suggest that a legal education system that places more emphasis on legal ethics (as found in Hong Kong) is more likely to nurture lawyers willing to act in the public interest. This finding suggests that legal ethics training will enhance legal professionalism in Greater China.

Discussion

This study contributes to the scholarship on comparative legal professionalism in China by presenting original evidence which suggests that legal ethics education

will enhance legal professionalism development across Greater China. It also demonstrates the empirical relationship between career orientations and the values of future lawyers trained under the different legal education systems in the three jurisdictions examined.

With respect to legal professionalism in Greater China, our findings are mixed. To begin with, all three Chinese city samples were similar in their desire to act for the corporation (Scenario One). This finding is consistent with those of similar studies in the United States which report the “financial” motivations of law graduates entering the legal profession.⁷⁵ Our study demonstrates the prevalence of a material-reward orientation and the decline of legal professionalism in the ethical standards of lawyers across all three Chinese jurisdictions. Obviously, these three Chinese societies are subject to the same forces of global capitalism such as commercialization.⁷⁶

However, there were variations among the three city samples. In comparison, the Beijing sample was the most willing to act for the corporation, while the Hong Kong sample was the least willing to do so. This finding is counter-intuitive, as one might expect future lawyers in Hong Kong to hold stronger business values owing to the city’s much stronger tradition of trading and commerce.⁷⁷ In addition, legal education in Hong Kong is more influenced by the profession in comparison with the legal education offered in Beijing and Taipei. These findings suggest that the “financial” orientation of future lawyers is not dependent on whether the legal education system is “state-enabled,” “state-coordinated” or “state-controlled.”

Interestingly, the higher ratings of the Beijing sample suggest that law students in a socialist country are increasingly driven by financial reward and so are more likely to be motivated by business values to join the legal profession than their counterparts in capitalist societies like Taiwan and Hong Kong. At first sight, this finding is also counter-intuitive, as one would have expected future lawyers trained in a socialist legal education system and shaped by the ideas and institutions of socialist law to be less motivated by “business.”

This finding may be explained by the erosion of both traditional cultural norms and socialist moral values in mainland China.⁷⁸ The socialist market economy has created a new generation of increasingly materialistic Chinese lawyers who are driven by the desire to make money above all else.⁷⁹ This represents the paradox of legal professionalism development in the reform era: mainland China has created lawyers who have more professional knowledge and skills but weaker professional values, compared with the “rice-roots” legal workers of the pre-

75 See, e.g., Steven 1973; Granfield 1992; Schleef 2006.

76 For a discussion on the convergence of professions existing in different jurisdictions, see Evetts 2011, 13–23.

77 For a study of Hong Kong as a business city, see Rabushka 1979.

78 Yan 2003, 233.

79 Yan 2009, 20.

reform era. In so doing, China has unintentionally undermined one visionary purpose of legal professionalism – the provision of wider access to justice.⁸⁰

In addition, the Hong Kong sample was also shown to be more willing than its Beijing counterpart to report a matter to the local law society in compliance with the mandatory reporting requirement (Scenario Three). This finding can be explained by Hong Kong's longer tradition of professional autonomy, as well as the weaker state control over legal professionalism development, compared with China and “pre-1987” Taiwan.⁸¹ The 150 years of British colonial rule have also inculcated stronger values of “professional integrity” and “obedience to the law” in Hong Kong's future lawyers, in comparison with their counterparts in Taiwan and Beijing.⁸²

The evidence also reveals that the Taipei sample was more willing than the Beijing sample to report the matter to the local law society in compliance with the mandatory reporting requirement (Scenario Three). This finding is surprising, as these two legal education systems are similar in that they do *not* focus on training professional lawyers. This difference in findings between the Beijing and Taipei samples may be explained by the strengthening of legal professionalism in Taiwan after the lifting of martial law in 1987, when both the number and social status of lawyers grew as society moved from authoritarian rule to democratic governance.⁸³

In addition, our findings may be explained by the authoritarian professionalism that exists under a socialist legal system. As Rachel Stern asserts, authoritarian professionalism is a kind of “state-promoted” professionalism which requires lawyers to share an ideological underpinning in their observance of professional values.⁸⁴ It is difficult for lawyers in such a system to embrace professional values. After all, the rule of law is a “political project” in a socialist law system, not simply a “professional” one.⁸⁵

Finally, the Hong Kong sample was more willing to break client confidentiality and inform the relevant government welfare authorities of child abuse, while the Beijing sample was less willing to do so (Scenario Six). The evidence suggests that a legal education system that cultivates “personal integrity” values will produce lawyers with a career orientation aimed towards the public interest. This finding also suggests that future lawyers trained in a legal education system that places more emphasis on legal ethics in its law curriculum are more likely to pursue public interests in legal justice.

Overall, it appears that a legal education system operating within the common law tradition places more emphasis on legal ethics than one operating within civil

80 Alford 2010, 59.

81 For a discussion on legal professionalism in Hong Kong, see Wu, Richard 2017. In Taiwan, legal professionalism developed after the lifting of martial law in 1987. See, e.g., Xia 2009.

82 For a discussion on the development of the rule of law in Hong Kong, see Chan 1997.

83 Chen 2013, 158.

84 Stern 2016.

85 For a discussion of the “professional project” and “political project,” see Macdonald 1995; Stern 2016.

and socialist law traditions, and this in turn promotes legal professionalism.⁸⁶ In particular, one law school in Hong Kong has recently introduced a new course to strengthen the legal ethics component of its academic legal education.⁸⁷ Mainland China is also fast developing its legal ethics education. With the recent emphasis on legal ethics in the National Uniform Legal Profession Admission Examination introduced in 2018, legal ethics has become more important in the design and the delivery of China's law curriculum. However, although legal ethics plays a prominent role in Hong Kong's legal education, it remains relatively underdeveloped in mainland China and Taiwan.

Conclusion

This study provides original insights into the legal professionalism of future lawyers who train under different legal education systems across Greater China. The universal “materialistic” orientation of future lawyers points to the need for more safeguards against the erosion of legal professionalism by the pressures and values of the market economy which can be found today in all three of the Chinese jurisdictions considered in this article. Legal professionalism may flourish more in legal education systems under the common and civil law traditions found in Hong Kong and Taipei than in the system formed according to the socialist law tradition in Beijing, for the latter may impose political constraints on the full development of legal professionalism. Finally, legal ethics education in a common law jurisdiction like Hong Kong enhances legal professionalism, which may in turn nurture lawyers with a public interest orientation.

Legal education and professionalism have followed different development paths in mainland China, Taiwan and Hong Kong. In mainland China, they are “state-controlled.” In Taiwan, they were also “state-controlled” until the lifting of martial law in 1987; they have become “state-coordinated” since then. In Hong Kong, they are “state-enabled.” State influence in legal education and professionalism development can therefore be considered to be “strong” in mainland China, “moderate” in Taiwan and “weak” in Hong Kong. In mainland China, law schools have not paid adequate attention to legal ethics education, which has led to a battle over legal professionalism there.⁸⁸ In the long run, legal education in Greater China cannot merely focus on nurturing professional technicians but should also aim to train lawyers who embrace such values of legal professionalism as access to justice.⁸⁹

86 For a discussion on how common law education impacts legal professionalism in Hong Kong, see Wu, Richard 2017.

87 The survey was undertaken in 2014 and covered Hong Kong law students studying for the PCLL, as mentioned above. In 2019, the University of Hong Kong Faculty of Law introduced a new course entitled “Ethical lawyering for public interest” to its academic legal education. The survey did not cover law students taking the new course.

88 Alford 2010.

89 Alford 2007, 300.

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Conflicts of interest

None.

Biographical notes

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摘要: 本文通过一项关于职业生涯取向和价值观的问卷调查, 对在大中华地区接受不同法律教育制度培训的未來律師的法律專業素養進行研究。北京, 香港和台北的一千多名法學生參與了此項調查。我們的結果表明, 在以教育目標為培養專業的技术型律師的法律教育體系學習的法學生

更倾向于追求专业的法律理想，在以强调法律伦理的法律教育体系学习的法学生更倾向于公众利益的追求；但在三个不同法律教育体系中的未来律师都同时具有「物质主义」的职业导向。根据调查结果，我们认为，尽管大中华地区的法律教育系统拥有不同的传统，但它们都同样有需要在法学院课程中更重视法律专业道德，以加强未来律师的法律专业素养。

关键字：未来律师；法律专业素养；法律专业道德；大中华区

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