STANLEY B. LUBMAN

Office Address: 1422 Arch Street
Berkeley, California 94708
Tel: 510-843-8881
Fax: 510-843-8882

Law Teaching:
Current

University of California (Berkeley) School of Law (Boalt Hall): Lecturer, teaching courses on contemporary Chinese law and China in the international community, and Visiting Scholar, Center for the Study of Law and Society, 2001-present

Non-profit activities
Current

Advisor on law reform and other law-related projects in China, The Asia Foundation

Law Practice:
1972-2000

Transnational transactions with principal emphasis on the People's Republic of China: Negotiating and advising on transactions related to direct foreign investment, sales of heavy capital goods, technology licenses, construction and engineering projects and financial and capital markets transactions; representing clients before the China International Economic and Trade Arbitration Commission (CIETAC).

Current

Occasional consulting on issues of Chinese law since 2000; Member of the Panel of Arbitrators of CIETAC, Hong Kong Arbitration Centre and American Arbitration Association (California)

Education:
Legal

Columbia Law School: LL.B. 1958, Administrative Law Prize, Harlan Fiske Stone Honorary Scholar; LL.M. 1959, Jervey Fellow in Comparative Law (graduate study at Columbia and Faculty of Law, University of Paris, 1959-1960); J.S.D. 1969.

Study and Research on China

Columbia University 1963-1965: study of Chinese language and Chinese institutions under grants from the Rockefeller Foundation, the Foreign Area Fellowship Program of the Social Science Research Council-American Council of Learned Societies and Columbia.
Hong Kong 1965-1967: research on Chinese law and administration.

Undergraduate

Columbia College: A.B. with Honors in History, 1955, Phi Beta Kappa.

Languages:

Chinese, French, some German.

Professional Qualifications and Activities:

Admitted to Bar, New York 1959, California 1971, District of Columbia 1974.

Consultant to the Asia Foundation on legal projects in China, 1998-

Chair, U.S. Administrative Law Advisory Group consulting with Chinese counterparts on law reform (funded by The Asia Foundation), 1998-

Visiting Scholar, Oxford University, October 2004

Law teaching: Stanford Law School, 1997-2001 (Consulting Professor, 1997-2000, Senior Fellow in the Program on International Law, Business and Policy and Lecturer,

2001); Columbia Law School, Visiting Professor, Spring 1997 and Visiting Scholar, Fall 1998 and Fall 1999; Heidelberg University, Germany, Visiting Professor, Spring 1993; Stanford Law School, Visiting Professor, Spring terms 1992, 1990; School of Oriental and African Studies, University of London, Hart Visiting Lecturer, May 1991; Harvard Law School, Visiting Professor, Spring terms 1989, 1988, Fall term 1982, Lecturer 1984; Yale Law School, Lecturer 1974.

Research Associate, Center for Chinese Studies, University of California, Berkeley, since 1993.

University of California School of Law, Berkeley (Boalt Hall), Acting Associate Professor 1968-1972, Visiting Professor 1967-1968.

Member of many delegations to China (three with Presidents of the American Bar Association), testimony before committees of the U.S. Congress, speaker and panelist in seminars on trade and investment in China; author of articles in major newspapers in the United States, Europe and Asia.

Member, Advisory Committee, Project on promoting public participation and transparency in government policy-making in China, 2006- ; Co-organizer, conference on revision of the State Compensation Law of China, Shanghai, July 2005; Co-chair, conference on draft administrative procedure law for the PRC, San Francisco, December, 2003; Co-chair, Conference on impact of the WTO on Chinese administrative law, Shanghai 2001; Head of administrative law reform project in China sponsored by the Asia Foundation, 1998-2001; Co-founder and Executive Committee member, U.S. Committee on Legal Educational Exchanges with the PRC (funded by the Ford Foundation, 1982-1995); Co-Chair, Conference on Legal Aspects of Trade and Investment (Ford Foundation/ Chinese Ministry of Education), Wuhan 1985; Co-Chair, Conference on Role of Law in China (Ford Foundation/Chinese Academy of Social Sciences), Beijing, 1982

Professional Affiliations

China Group, Allen & Overy (Head, 1993-1996, Consultant, 1996-1997).

Thelen, Marrin, Johnson & Bridges, 1987-1993 (partner), San Francisco.

Heller, Ehrman, White & McAuliffe, 1977-1987 (partner), San Francisco.

Individual practice, 1972-1977, Berkeley, California and Washington, D.C.

Assistant Director, Legislative Drafting Research Fund, Columbia Law School, 1962-1963.

Law Clerk to U.S. Judge Wilfred Feinberg, Southern District of New York, 1961-1962.

Associate, Paul, Weiss, Rifkind, Wharton & Garrison, 1960-1961, New York City.

Professional Memberships: American Bar Association: Co-Chair, Committee on People's Republic of China, 1977-1984, 1986-1988. Association of the Bar of the City of New York; District of Columbia Bar Association.
Council on Foreign Relations; National Committee on U.S.-China Relations, Board member 1984-1993; World Affairs Council of Northern California, Board member 1985-1987; China Quarterly, Board of Editors since 1992; China Perspectives, Editorial Board since 1999; Hong Kong Law Journal, International Editorial Board, since 1999.

Honors: Honoree: "New Scholarship on Chinese Law: A Celebration in Honor of Stanley Lubman," Conference at Columbia Law School, April 15, 2005; selection of papers at the conference published in special edition of Vol. 19, Columbia Journal of Asian Law (Spring 2005-Fall 2005).

Personal: Born in New York City 1934; married to Judith Metzger 1958; two children: Sarah Ellen, born 1960; James Samuel, born 1962.

Publications: Books: *China's Legal Reforms* (Stanley Lubman, ed., Oxford University Press, 1996).

*Bird in a Cage: Legal Reform in China After Mao***,** (Stanford University Press, 2000).

Engaging the Law in China: State, Society and Possibilities for Justice (Neil J. Diamant, Stanley Lubman and Kevin O'Brien, eds., Stanford University Press, 2005).

Articles (partial list):

"Mao and Mediation: Politics and Dispute Resolution in Communist China," Vol. 55, California Law Review, pp. 1284-1359 (1967).

"Form and Function in the Chinese Criminal Process," Vol. 69, Columbia Law Review, pp. 535-575 (1969).

"Methodological Problems in Studying Chinese Communist 'Civil Law'," in *Contemporary Chinese Law: Research Problems and Perspectives*, pp. 230-260 (J.A. Cohen, ed., Harvard University Press, 1973).

"Trade Between the United States and the People's Republic of China: Practice, Policy and Law," Vol. 8, Law and Policy in International Business, pp. 1-75 (1976).

"Contracts, Practice and Law in Trade with China: Some Observations" in *Chinese Economy Post-Mao, Volume 1: Policy and Performance, A Compendium of Papers Submitted to the Joint Economic Committee, Congress of the United States*, pp. 764-788 (November 1978).

"The Emerging Functions of Formal Legal Institutions in China's Modernization" in *China Under the Four Modernizations, Papers Submitted to the Joint Economic Committee, Congress of the United States*, pp. 235-289 (December 1982).

"Foreign Investment in China: Selected Legal Problems and Some Perspectives on Them," in *Business Transactions with China, Japan and South Korea*, pp. 4-1-4-42 (Saney and Smit, eds., Parker School of Foreign and Comparative Law, 1983).

"Comparative Criminal Law and Enforcement: China" in *Encyclopedia of Crime and Justice*, Vol. 1, pp. 182-193 (Sanford Kadish et al., eds., Free Press, 1983).

"Negotiations with Foreigners," Financial Times, Supplement on China (London), December 9, 1985.

"Criminal Justice and the Foreigner," China Business Review, pp. 27-30, (November-December 1985) (with Gregory C. Wajnowski).

"Equity Joint Ventures in China: New Legal Framework, Continuing Questions" and "Technology Transfer in China: Policies, Practice and Law," in *China's Economy Looks Toward the Year 2000, Selected Papers Submitted to the Joint Economic Committee, Congress of the United States*, pp. 432-452 (1986).

Technology Transfer to China: Policies, Law and Practice," in *Foreign Trade, Investment and the Law in the People's Republic of China*, pp. 170-198 (Michael Moser, ed., Oxford University Press, 1987).

"Investment and Trade Contracts in the People's Republic of China: Perspectives on Evolving Patterns," 1988 Brigham Young University Law Review, pp. 543-565 reprinted in ISDACI, *Diritto Commerciale E Arbitrato in Cina*, pp. 171-208, (1991).

"Studying Contemporary Chinese Law: Limits, Possibilities and Strategy," Vol. 39, American Journal of Comparative Law, pp. 293-341 (1991).

"Technology Transfer to the People's Republic of China: Law, Practice and Policy" and "The Criminal Process" (with Gregory C. Wajnowski), Chapters 3 and 27, of *Doing Business in China* (Streng & Wilcox, eds., 2nd edition 1993).

"International Commercial Dispute Resolution in China: A Practical Assessment" (with Gregory C. Wajnowski), Vol. 4, American Review of International Arbitration, pp. 107-178 (1993).

"Introduction, " in *China's Domestic Law Reforms* (Pitman Potter, ed., M.E. Sharpe, 1994).

"The Future of Chinese Law," China Quarterly No. 141, pp. 1-21 (March 1995)

"Moving From 'No' to 'Yes'," China Business Review pp. 45- 48 (May-June 1995).

"Sino-American Relations and China's Struggle for the Rule of Law," East Asian Institute, Columbia University, Institute Report (October 1997) reprinted with afterword in *China and Hong Kong* (Joseph W. Delapenna & Patrick M. Norton, eds), Section of International Law and Practice, American Bar Association, 2000.

"The Policy and Legal Environment for Foreign Direct Investment in China: Past Accomplishments, Future Uncertainties," in *Private Investments Abroad,* Matthew Bender, 1998.

"Deng and Dispute Resolution: 'Mao and Mediation' Revisited," Vol. 11, Columbia Journal of Asian Law, (1997) [published in February 1999] pp. 229-391.

"Through a Glass, Dimly: Perceptions of China in the American Business Community," Problems of Post-Communism, March-April 2000, pp. 34-44.

"Bird in a Cage: Chinese Law Reform After Twenty Years," Vol. 20 Northwestern Journal of International Law and Business, (No.3, Spring 2000), pp. 383-424.

"Chinese Law" *International Encyclopedia of the Social & Behavioral Sciences* (Elsevier Science Ltd., 2001)

"Chinese Courts and Law Reform in Post-Mao China," *East Asian Law- Universal Norms and Local Cultures* (Arthur Rosett, Lucie Cheung and Margaret Y.K. Woo, eds., pp. 205-233 (Routledge/Curzon, 2003)

"The Study of Chinese Law in the United States: Reflections on the Past and Concerns About the Future," Vol. 2, Washington University Global Studies Law Review, pp. 1-36 (Winter 2003)

"Introduction - The Environment for Foreign Business in China: Two Decades of Progress, Continuing Uncertainties," *Doing Business in China* (Freshfields, eds., Juris Publishing, Inc., 2004)

"L'Incomplète réforme par le droit" (with Leila Choukroune) Esprit, (No. 2, February, 2004), pp. 122-136.

"The Dragon As Demon: Images of China on Capitol Hill," Vol. 13, Journal of Contemporary China, (No. 40, August 2004), pp. 541-606

"Law of the Jungle," China Economic Review, Sept. 2004, pp. 24-25