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Training Legal Practitioners Is China's System of Legal Education Up To the Task?

Training Legal Practitioners Is China's System of Legal Education Up To the Task?

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Abstract

This analysis utilises educational theory to examine the potential of the system of Legal Practice Education in the People's Republic of China to train Legal Practitioners who can perform their duties as effectively as possible. In addressing this issue it is first essential to define the terms Social Purpose and Legal Practitioner in the context of the People's Republic of China and to discuss aspects of educational theory - which should underpin any good system of Legal Practice Education. The paper's question will then be formulated in light of the defined terms and theories and analysed in light of legislation and a range of legal articles and publications. The paper concludes that it is fair to say that it is apparent that China's system of legal education is indeed potentially up to the task of training effective practitioners. The impact of the lawyers' law on such training is generally beneficial and has the potential to continue to enhance the effectiveness of People's Republic of China Legal Practitioners over time. Having considered Legal Education in China in the context of the theoretical educational concept of Kolb et al's nodal learning cycle, Northedge et al's notion of learning spirals and in light of a number of other scholarly articles considered, it is apparent that, although there are some improvements yet to be made - particularly with regard to the prerequisites for sitting The State Law Examination - the basic structure required for the education of effective and competent Practitioners is in fact in place. China's system of Legal Practice Education is indeed potentially up to the task of training effective Legal Practitioners.

Social Purpose in Legal Practice Education

The concept of Social Purpose summarises the intentions of legislators and policy makers and encompasses an underlying intention broader than their stated surface intention and which may include underlying cultural and societal goals – Lubman, S.B. (1999 : 36-37) reports the term as deriving from Rabel, E. quoted in Kaplan, B. (1960 : 431).²

In estimating legislators' Social Purpose in PRC LPE, the views of PRC educators are illuminating. Han Depei (1984 : 543-582) wrote:

“Generally speaking, our goal is to train students through higher legal education to become people who possess basic knowledge of the Marxist-Leninist theory of law; are familiar with the party's political and legal work, policies and guiding principles; have mastered the professional knowledge of law; and are capable of undertaking research, teaching and practical work.”³

² Quoting Association of American Law Schools': *Summarised Proceedings*, 111.

³ Han Depei (1984 : p543-582 at p563) full reference in bibliography.

Arguably, the Social Purpose of PRC legislators in relation to legal education is to train lawyers to possess the broad skills set Han Depei describes and which includes political, politico-legal and legal knowledge skills. Han Depei implicitly cites these skills as precursor skills to being able to carry out the work competencies of research, teaching and practical work.

Full assessment of legal education and all its constituent precursor skills and work competencies is beyond the remit of this article, as is any qualitative research or objective analysis of the operational skill standard of Practitioners. The analysis here will be limited – for reasons of precision and space – to one specific work competency – practical legal work.

Practical legal work, however, consists of several sub-skills such as advocacy, drafting, provision of legal advice, negotiation and client conference skills. This analysis will focus on LPE for practical legal work generally, with some specific examination of work competency sub-skills for which scholarly analysis is available – legal advice provision, drafting and advocacy.

Arguably, Practitioners trained to a high level of effectiveness in these competencies and sub-skills can carry out their duties more effectively. Enhanced effectiveness is compatible with the aspirations of the Communist Party of China (“CCP”) – as expressed in Jiang Zemin’s ‘Three Represents.’⁵ The third of the represents is “representing the fundamental interests of the majority of Chinese people” and it is strongly arguable that the likely reduction of societal and business costs and legal risks associated with high Practitioner competency levels is in the interests of the majority of the Chinese people. Effectiveness is also compatible with the assertion of Han Depei (1984 : 543-582 at 581) that the driving force behind legal education is promotion of the Four ‘Socialist’ Modernisations⁶ by providing suitable legal experts. Furthermore, high competency levels protect client’s interest and are, therefore, implicitly within the requirements of The Lawyers’ Law to maintain clients’ “legitimate rights and interests.”⁷ The performance of work competencies to a high standard has, therefore, broad societal benefits which arguably justify adoption of these educational goals as the legislators’ Social Purpose.

The term Legal Practitioner adopted here is defined in the PRC, Lawyers’ Law 1996 (“The Lawyers’ Law”) as “personnel who have obtained a Business Licence for setting up a lawyer’s practice in accordance with law and who are providing legal services for the public.”⁸

Educational Theory in Context – Defining Kolbian Analysis

Kolb, D.A., Rubin, I.M. and Osland, J. (1991 : 58-60) identify the concept of learning cycles as central to the learning process suggesting that individual students:

⁵ Speech – 80th Anniversary of Founding of the CCP – 1st July 2001.

⁶ 12th Amendment to PRC Constitution 1982, preamble.

⁷ Art. 26 PRC, Lawyers’ Law 1996.

⁸ Art. 2 PRC, Lawyers’ Law 1996.

Firstly apply the pre-learned theory behind a skill or competency and carry out or practice that skill or competency;

Secondly, reflect on the effectiveness of their own skill or competency practice;

Thirdly analysis the effectiveness of their own skill or competency practice – preferably in conjunction with peers; and

Fourthly plan for the improvement of their skill or competency in subsequent practice

Northedge, A. and Lane, A. (1997 : 20-2) suggest that this cycle is in fact an ongoing and continuous spiral of incremental knowledge improvements as students pass through the Kolb cycle repeatedly refining their skills and competencies. Effective systems of education will, arguably, need to take this natural learning cycle into account and, thereby, facilitate students in building on their knowledge or skills base.

Applying the cycle to the process of learning the work competency providing legal advice – defined here in terms of The Lawyers’ Law authorisation for Practitioners to “answer questions concerning the law”⁹ – the cycle would relate to the learning process as follows:

- i. Apply pre-acquired precursor skills to client’s specific situation and advise client;
- ii. Reflect on advice given, using client feedback, peer and colleague feedback and – crucially – the Practitioner’s own observation of the impact of advice given;
- iii. Analyse the impact of advice given, in that the Practitioner forms his or her own explanations and view – in conjunction with colleagues where possible – as to why the advice was more or less effective than it could have been; and
- iv. Plan improvements to any subsequent advice based on the Practitioner’s enhanced understanding of how to maximise effective advice provision.

Analysis of LPE in the context of this four nodal and cyclic developmental learning process will, within the analysis in hand, be defined as (“Kolbian”) Analysis.

This analysis will, therefore, address the question of whether the system of LPE used in the PRC has the *potential* to satisfy legislators’ Social Purposes by producing Practitioners who perform their work competencies as effectively as possible. A Kolbian theoretical framework will be used to address this question.

⁹ Art 25(7) PRC, Lawyers’ Law 1996.

Historical and Social Constraints on PRC LPE

In all societies learning processes proceed within in the framework of pre-existing social structures and historical context. The PRC legal profession is still, arguably, recovering from what Han Depei (1984 : 543-582) called the “Period of Standstill and Retrogression” and the cultural revolution, which together succeeded in reducing the status of law and lawyers, the number of trained lawyers and opportunities for those lawyers to build on their practice experience. Reduced practice experience would tend to disrupt the learning process at Kolbian nodes (i) (ii) and (iv). Furthermore, Han Depei records that physical labour was a significant determinate of students’ school records, and reports Gellat and Schnyder’s (1980 : 226-232) indication that rapid changes in state policy meant that even those who taught the “correct line” could be at risk if state policy changed. Indeed, Han Depei notes that many academics suffered persecution and that all law departments, except Beijing University, were closed. Arguably the impact of the risks of teaching law disrupted the learning process at Kolbian node (iii) as tutors – and, it seems likely, practitioners – would be unwilling to share their experience with students, particularly those practice experiences relating to the pre-revolutionary period. Disruption would also be generated at Kolbian nodes (i) (ii) and (iv) as students would be less able to proceed through the learning cycle with other political and physical demands on their time.

The impact of this disruption can still be observed in PRC legal practice today as new lawyers’ efforts to enhance their effectiveness as Practitioners are, arguably, constrained by the relatively small number of experienced senior colleagues to whom they can turn for guidance. Examples of this constraint on skills development can, arguably, be seen in the issues raised by Peerenboom R. (1998 : 37-42) who records a number of quality concerns with regard PRC Practitioners, such as stating of views of a general nature and/or unsupported by law, expression of personal views as law, failure to analyse the facts which form the basis of the expressed opinion in terms of the law and a readiness or to reach conclusions too rapidly and without sufficient analysis. These quality concerns are arguably compounded by the tendency Peerenboom reports, for PRC Practitioners to proffer legal opinions – i.e. Legal Advice – skewed to meet Practitioners’ perceptions of what the client wants to hear.

Moreover, Chinese society has historically imposed on its participants social obligations, which tend to protect group cohesion, such as pressure to avoid undermining another individual’s standing, particularly that of more senior individuals – for example senior colleagues or clients. This societal imperative may, arguably, have a negative impact on development of legal practice skills by disrupting the learning process at Kolbian nodes (i) & (iv) and constraining the learning impact of node (iii).

After the so-called “Beijing Spring” of 1978-79 law departments were reopened and international legal contacts established but there was, however, substantial ground to be made up. Zheng, H.R. (1988 : p.448), writing over a decade ago, noted that a flexible approach to legal education – in terms of a multiplicity of availability of a range of media for legal education – was necessitated by demand for practising lawyers. Indeed the inability of the system to provide sufficient lawyers was confirmed by Pitney, H. (1988 : p.360) who noted that even the full range of

precursor skill provision courses available could not provide sufficient places for all those seeking legal education.

PRC, Lawyers Law 1996

Legal Practitioner's Business Licence Requirements

Chapter II of The Lawyers' Law sets out the requirements for obtaining a Practitioner's Business Licence. The applicant must: firstly have a lawyer's credentials;¹⁰ secondly, have worked in a law office as a trainee, originally for one year¹¹ but now for two years; and thirdly, show good behaviour.¹² Certain classes of individual are precluded from obtaining a licence, specifically those who are incapable of performing civil actions or who are restricted as to the same,¹³ those who have "received a criminal sanction" (not including involuntary offences)¹⁴ and those previously dismissed from the public's employ or whose Business Licence has been revoked.¹⁵

The required Lawyers' Credentials are defined at Article 6 in the act as being successful completion of PRC State Examination for Lawyers' Credentials ("The State Examination"). There are three educational or experiential alternatives stipulated as prerequisite for candidates for the examination, which are:

- (a) Completion of professional college training in law at an institution of higher education;
- (b) Acquisition of an equivalent level of speciality; or
- (c) Completion of a similar qualification level in a non-law subject.¹⁶

Arguably, the Lawyers Credentials required to obtain a Business Licence indicate the possession of the pre-acquired precursor skills discussed at page 3 above. In terms of the Kolb cycle (1991 : 58-60) these precursor skills are, therefore, a prerequisite to entering into the first node of the learning cycle and commencing the cyclic process leading to effective practice.

It is apparent that prerequisite requirement (a) is likely to provide PRC lawyers with appropriate precursor skills to commence on the first node of the learning cycle. It is important to note, however, that even those with type (a) qualifications may be limited in terms of precursor skills due to the educational concentration, reported by Peerenboom, R. (1998 : 37-42) on learning "black letter law" and the dearth of teaching with regard to problem resolution and analysis, which he describes. Moreover, Conner, A.E.W. (1986 : p185) indicates that educative organs offer training – in relation to precursor skill – on a range of levels of practicality. In a Kolbian educational context it is strongly arguable that the more practical the training for future Practitioners the better.

¹⁰ Art. 8(1) PRC, Lawyers' Law 1996.

¹¹ Art. 8(2) PRC, Lawyers' Law 1996.

¹² Art. 8(3) PRC, Lawyers' Law 1996.

¹³ Art. 9(1) PRC, Lawyers' Law 1996.

¹⁴ Art. 9(2) PRC, Lawyers' Law 1996.

¹⁵ Art. 9(3) PRC, Lawyers' Law 1996.

¹⁶ Art. 6 PRC, Lawyers' Law 1996

The remaining two precursor skills base alternatives (b) and (c) also give rise to some cause for concern.

Firstly, those lawyers with a (b-type) “equivalent level speciality,” are – given the PRC legal training history described above – likely to have obtained lawyerly positions without formal legal qualifications in the aftermath of the Cultural Revolution and are, consequently, likely to be in a weak position to perform work competencies effectively. Moreover, many of these individuals – having been amongst the first to practice law post Cultural Revolution – may now be in relatively senior positions and, consequently, are likely to be less inclined, or indeed less able, to seek advice from more highly trained but more junior colleagues. Indeed Peerenboom, R. (1998) reports the dearth of highly qualified practitioners from whom junior Practitioners may seek advice and specifies this as due to the historical factors mentioned at page 6 above. These concerns are likely to be compounded by the traditional Chinese concern – mentioned at page 6 above – to show respect for senior colleagues and through the reciprocal desire for senior colleagues to seek to maintain their position of respect.

Han Depei (1984 : p.565), however, indicated that these lawyers had – to his knowledge – begun to retrain to at least ‘secondary law school level’ but that a significant retraining task remained. Such retraining is likely to be facilitated by the flexible approach to training noted by Zheng, H.R. (1988 : 448) at page 6 above and is borne out by the report of Chen, A. H. (1998 : p.147) that in the 10 years following 1976 160,000 people graduated as lawyers by means of television and/or self study and/or magazine law courses. Retraining is likely to ameliorate the skills deficit somewhat.

The concerns raised above, however, are likely to be compounded by the fact that two sets of people in this group may be approved directly to practice and granted a Business Licence.¹⁷ The first group comprises those with law degrees, who are engaged in teaching and have attained a senior job title. The second group comprises those with “an equivalent level speciality” and arguably the possibility of granting a Business Licence to this group compounds the historical and social concerns raised above and seriously impedes efforts to educate more effective Practitioners. Moreover, first group individuals, engaged in teaching law, whilst academically able and capable of eventual effective practice are not, given China’s legal history and the lack of past practice experience amongst the senior educational levels which that history implies, likely to be in an immediate position to practice effectively. This concern, however, may be ameliorated somewhat as first group individuals may have previous experience of providing legal advice, albeit in a constrained format, through “Legal Consultancy Organs” at local Universities as reported by Gellatt, T.A. (1991 : 751-99).

Arguably the practice skills of Lawyers granted Business Licences in this a way may range from very weak to very strong and there is, at present, no way of knowing which standard predominates. Indeed Peerenboom, R. (1998 : 37-42) notes that data for 1996 indicates that only 25% of PRC legal Practitioners have any form of

¹⁷ Art. 7 PRC, Lawyers’ Law 1996.

post “high-school” qualification. It is, however, fair to say that this data predates, or at least coincides with, the promulgation of The Lawyers’ Law. Moreover, Peerenboom, Conner, A.E.W. (1986 : 181-199) and Gellatt and Schnyder (1980 : 226-232) note a wide variety of available means by which legal precursor skills may be obtained, including full-time, part-time, correspondence and television courses and also night schools and adult education classes. Arguably, these learning opportunities will be particularly useful for reiterating learning within the Kolbian cycle, thereby enhancing the skills of Practitioners in categories (b) and (c) above.

Secondly, those lawyers in group (c) who have completed a non-law college course at an institute of higher education, whilst intellectually capable of fulfilling the role of Practitioner, may sensibly be considered to be – in terms of the Kolbian learning cycle – a few turns of the cycle behind those with a formal law qualification. Of course, non-law graduates proceed to become lawyers in a number of jurisdictions throughout the world. The key issue is whether the conversion process provides an appropriate training system for those who succeed and filters out those who have not acquired the required precursor skills of an appropriate standard. Piney, H. (1988) indicated concerns that correspondence and television courses could not teach advocacy, drafting and/or legal writing properly. Legal writing is, arguably, a key precursor skill for Legal Advice provision. Anecdotal indications suggest, however, that The State Examination is not easy to pass and this in itself may well impose the necessary quality control on applicants to Legal Practice.

It is apparent from the above that a significant proportion of would be – and indeed practising – PRC lawyers are likely to have weak practice skills. The difficulty of the State Examination may ease quality concerns regarding lawyers who complete it successfully, but this clearly has no bearing on individuals in senior legal educative roles or with an equivalent level speciality who are granted Business Licences directly.

Some reassurance, however, may be drawn from the requirement for verification,¹⁸ from the applicant’s law office, of completion of the applicant’s two-year training requirement (“the training period”) under Article 8(2), which must be submitted with a Business Licence application. This implicitly incorporates the requirement that applicants will have acquired appropriate precursor skills at the Lawyers’ Credentials stage and have had a number of opportunities to (i) apply their skills, (ii) reflect on this, (iii) analyse the impact of the skill as performed with the guidance of colleagues, and (iv) planned further improvements based on the above – Kolb (i)-(iv).

The skills improvement obtained during the training period could, arguably, be enhanced by a requirement that the Ministry of Justice or a local relevant authority validate the *composition* of training during that period rather than simply verifying that training has occurred. Validation could be ex-ante validation of the training, which law offices intend to offer, ex-post appraisal of the completed training or concurrent supervision during the training period. Ex-ante and ex-post validation, however, impose a lower administrative burden on the appraising authority, and of these ex-ante validation imposes a lower business risk on the intending lawyer and the law office.

¹⁸ Art. 10(3) PRC, Lawyers’ Law 1996.

As the majority of law offices are state funded it is perhaps not surprising that validation currently focuses on ex-post investigation of the applicant by law office verification. Ex-ante validation of the intended training is arguably, however, highly compatible with the Kolbian cycle as each new training experience gained could be formally pre-structured into the cyclic learning process. A validation standard could be set by the appraising authority, which would give intending Business Licence applicants a goal to aim for with regard to each work competency. The present high level of state connection implies that changes to the validation system could be expedited with reasonable ease

A number of stipulations in Chapter III are likely assist the authorities in making such changes. Official validation, for example, is required to establish a law office¹⁹ or a branch of a law office.²⁰ Indeed Article 20 imposes the additional requirement that law office branches should meet “stipulated requirements” and Article 19 indicates that compliance with the requirements of The Lawyers’ Law should lead to issuance of a Business Licence to a law office within 30 days. With regard to branches it should not, therefore, prove to be an unduly onerous additional burden on the law office or on the appraising body to include specific training stipulations in the authorisation process.

In Kolbian terms, skills developed during training will be developed yet further if Practitioners are subject to a Continuing Professional Development (“CPD”) requirement. Peerenboom, R. (1998 : 37-42) reports a Ministry of Justice note indicating that Legal Practitioners must renew their Business Licence each year and that they must first have undergone 40 hours of CPD training. Responsibility for CPD provision is now, at least, partially, ceded to Bar Associations by the Lawyers’ Law 1996 Article 40. Peerenboom indicates that Bar Associations, along with the MOJ and local judicial agencies, may approve such training.

The Role of Bar Associations in Legal Training

The Lawyers’ Law records the prior formation of the All China Lawyers’ Association (“ACLA”) and provides for the creation of Local Bar Associations²¹ with nationally unified articles of association drawn up by a national congress of lawyers²² and requires all lawyers to join Local Bar Associations where their law offices are located, upon which they will automatically become members of the ACLA.²³

The Bar Associations’ role is set out as being to organise lawyers to “exercise self discipline,”²⁴ “sum up and exchange experiences” gained in Legal practice,²⁵ organise practice training for lawyers,²⁶ inspect, supervise and educate lawyers in professional ethics and discipline of lawyers²⁷ and to organise and conduct legal

¹⁹ Art. 19 PRC, Lawyers’ Law 1996.

²⁰ Art. 20 PRC, Lawyers’ Law 1996.

²¹ Art. 37 PRC, Lawyers’ Law 1996.

²² Art. 38 PRC, Lawyers’ Law 1996.

²³ Art. 39 PRC, Lawyers’ Law 1996.

²⁴ Art. 37 PRC, Lawyers’ Law 1996.

²⁵ Art. 40(2) PRC, Lawyers’ Law 1996.

²⁶ Art. 40(3) PRC, Lawyers’ Law 1996.

²⁷ Art. 40(4) PRC, Lawyers’ Law 1996.

exchanges with “foreign counterparts.”²⁸ Indeed Xiao, H. (2000 : Perspectives 1:6) indicates support for an enhanced regulatory and disciplinary role for Bar Councils and for at least a partial relaxation of restrictions, which preclude Chinese Lawyers from practising within Foreign Law firms. Even without this suggested relaxation, however, the current situation represents a significant change from the position reported by 15 years ago by Zheng, H.R. (1988 : 751-99) in which the MOJ had more extensive control over training.

Interestingly, the requirement to “sum up and exchange experiences” also falls upon law offices along with the additional requirement to organise Practitioners to do so and to encourage them to “study laws and national policy.”²⁹ Arguably, the summation and discussion stipulation is consistent with facilitating Kolbian node (iii), while the study stipulation is consistent with providing the precursor skills to facilitate Kolbian nodes (i) and (iv). This local exchange of information is also compatible with assertions by Dowdle, M.W. (2000 : 556-582) that indigenously developed systems of legal service provision may be as valuable as imported paradigm’s and of the value of adopting a ‘Pragmatic Approach’ – choosing the most appropriate strategy from a range of foreign and domestic strategy options. Although PRC Lawyers may develop their skills by expanding links with foreign lawyers under Art. 40(5) Dowdle’s perspective is compatible with arguments that indigenous experience exchange may help to overcome the quality concerns indicated by Peerenboom, R. (1998 : 37-42) at page 6 above.

Moreover, the stipulations that Bar Associations should “guarantee” that lawyers practice lawfully³⁰ and “punish lawyers in accordance with their articles of association”³¹ may arguably have a potentially stronger impact on Practitioner effectiveness than they initially appear to have. Since lawyers must be members of the Bar Association under Article 39, removal from membership would, arguably, be likely to have a detrimental impact on a Practitioner’s career. Although exclusion from the ACLA is not specifically listed as a reason for Business Licence suspension under Chapter VII – unless it can be said to fall under the catch-all “conduct other illegal activities” – it seems likely that non-exclusion from the ACLA would be a useful stipulation for local appraisal authorities to add. Indeed, since law offices, which fail to comply with the summation and exchange of experience stipulation may also be liable to correct their violation or pay a fine,³² the appraising authorities can clearly be said to have powerful tools to use in enforcing training requirements.

Two sets of provisions compound the pressure on lawyers to accept CPD training. Firstly, law offices are liable in full for clients’ losses flowing from “mistakes”³³ of lawyers in their employ and law offices also have the right to ask for compensation from the lawyer responsible if he or she was deliberately or seriously negligent. Secondly, lawyers setting up co-operative law offices and partnership law offices are responsible to the full extent of the law offices assets, in the case of state financed

²⁸ Art. 40(5) PRC, Lawyers’ Law 1996.

²⁹ Art 22 PRC, Lawyers’ Law 1996.

³⁰ Art. 40(1) PRC, Lawyers’ Law 1996.

³¹ Art. 40 PRC, Lawyers’ Law 1996.

³² Art. 47 PRC, Lawyers’ Law 1996.

³³ Art. 49 PRC, Lawyers’ Law 1996.

and also co-operative law offices³⁴ and to the extent of unlimited liability in the case of partnership law offices.³⁵ Law offices are also responsible for liability incurred by branches they have set up.³⁶ Clearly these potential liabilities impose significant pressure on law offices to ensure that all lawyers in their employ are fully trained and effective Practitioners and on the lawyers themselves to train to reach a high standard of practice.

Although co-operative and partnership law offices form a relatively small proportion of the law office base in China, this base can be expected to increase as Chinese lawyers seek to exploit the practice opportunities provided in a rapidly growing economy. As this process of economic growth and law office expansion proceeds the importance of the provisions detailed above can be expected increase correspondingly.

The Impact of Overseas Legal Training

The interest of foreign states in assisting the development of legal education in the PRC is evident in articles such as the report by Gibb, F. (2002), writing in *The Times*, that the U.K.'s Junior minister at the Lord Chancellor's Department expressed the view that U.K. law firms could usefully play a role in contributing to the training of PRC lawyers. Indeed, a large number of young PRC lawyers now engage in legal training in European Union and the United States. Although these lawyers often study academic courses – the precursor skill stage – there is also significant overseas interest in providing input to the practice stage of PRC legal training. The formation of link-making and training organisations such as “The China Law Centre” at Yale University and the Lord Chancellor's Scheme and Bar Council exchange visits in the United Kingdom evidence this. Moreover, Xiao, H. (2000 : Perspectives 1:4) noted that current limitations on links with practice non-PRC lawyers will likely be eased post-WTO accession, leading to a consequent increase in experience of and co-operation with foreign law firms for PRC lawyers. Adoption of Xiao's recommendations to permit cross-jurisdictional practice by PRC and non-PRC Practitioners – see page 12 above – will likely enhance the trend anecdotally reported by Walfish, D. (2000 : 58-60) for international firms to favour hiring PRC citizens in-house as opposed to farming-out work to PRC law firms.

PRC lawyers undergoing overseas training or gaining experience with non-PRC law firms will learn skills and gain insights which may or may not be readily capable of assimilation into PRC practice. The process of reconciling incompatible or conflicting views may be more difficult, particularly in light of the societal constraints dealt with at page 6 above. Conflicting insights, however, provide an opportunity for valuable Kolb (iii-type) analysis of the new ideas in conjunction with colleagues. Arguably Bar Association experience-exchanging sessions could help to provide a format to ease these societal constraints.

Arguably, these developments, taken together, are likely to impact strongly on future turns of the Kolbian Learning Cycle and drive forward the development of a rich base of Practitioners to support China's legal needs in the 21st Century.

³⁴ Art. 17 PRC, Lawyers' Law 1996.

³⁵ Art. 18 PRC, Lawyers Law 1996.

³⁶ Art. 20 PRC, Lawyers Law 1996.

Conclusion

In conclusion, it is fair to say that it is apparent that China's system of legal education is indeed *potentially* up to the task of training effective Practitioners. The impact of The Lawyers' Law on such training is generally beneficial and has the potential to continue to enhance the effectiveness of PRC Practitioners over time. When considered in the context of the theoretical educational concept of Kolb et al's (1991 : 58-60) nodal learning cycle, Northedge et al's (1997 : 20-2) notion of learning spirals and in light of the scholarly articles considered above, it is apparent that, although there are some improvements yet to be made – particularly with regard to the (b) and (c) prerequisites for sitting The State Examination – see page 8 above – the basic structure required for the education of effective and competent Practitioners is now in place, thereby facilitating attainment of Legislators' Social Purpose. China's system of legal education is indeed potentially up to the task of training effective Legal Practitioners.

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