

**Constructing joint (and exchange) programs between Chinese and Australian Law Schools for the teaching of LLB, LLM and other coursework programs:
An Australian perspective**

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Abstract

This paper outlines options available to Australian Law Schools to facilitate international student mobility at undergraduate and postgraduate level. These range from the taking of a single subject in a condensed teaching mode through to full semester exchanges and the construction of joint degree programs. Professional accreditation requirements in Australia are likely to have the effect that joint programs might only be possible for LLM courses. It is noted that only a small number of Australian law students have advanced Mandarin proficiency. For this reason it is likely that only subjects taught in English in Chinese Law Schools would be appropriate for exchange or joint program arrangements. Exchange agreements would need to be negotiated between each individual Australian institution and the respective Chinese partner, although opportunities for multi-university arrangements may be viable, especially where technology-enriched teaching methods are used.

Introduction

Australian Law Schools have great interest in establishing cooperative student mobility arrangements with Chinese Law Schools. The principal objective is to broaden the international experience of Australian law students so that they are well-placed to secure positions in the global market for legal services. Distinguished globalised law firms facilitate an increasing number of international business transactions with Chinese companies. These firms desire law graduates who have the ability to understand Chinese legal processes and who have Chinese cultural literacy and Mandarin proficiency. The establishment of student mobility arrangements between Chinese and Australian Law Schools would assist participating students to develop global vision and capacity.

This paper first outlines the English language requirements in Australian universities and key terminology used in Australia regarding international student mobility. It then outlines the different

types of student mobility arrangements, and identifies areas for future discussion with Chinese law deans. In particular, it is important to consider differences in Australian and Chinese requirements for LLB/JD and LLM degrees in order to develop appropriate student mobility arrangements.

English language

An expectation of Australian Law Deans is that the students they select to go to China to study law would have high motivation to learn Mandarin. Unfortunately, it would be necessary that the law subjects taken by Australian students in China be taught in English because it is likely that the Australian students will have no proficiency in written Chinese. Australian Law Schools would endeavour to provide elementary spoken Chinese instruction for their students before they depart for China. It would be hoped that participating Chinese Law Schools would assist by providing further basic Mandarin training opportunities. Chinese Law Schools that would like to receive Australian law students full time for one semester would need to be able to offer three or more subjects in English in one semester. However, as many Australian law students study a double degree (for example, Bachelor of Arts + Bachelor of Laws) participating Australian students might, for example, take two law subjects in English at the Chinese University and a third subject in English but from a different discipline, for example, literature, philosophy etc, or from a different Chinese University.

All subjects offered by Australian Law Schools would be taught in English. Australian universities may have different requirements for English language proficiency. Achievement of at least IELTS 6.0 (or equivalent) would be required for Chinese students taking non-award subjects. For joint programs, the requirement might be IELTS 7.0 (or equivalent). In all cases, achievement of IELTS 6.5 (or equivalent) or higher would be recommended so that there is high confidence that the visiting Chinese students will have a successful study experience in Australia.

Terminology

Australian universities have similar processes for international student mobility. By way of illustration, the processes that operate at the University of Wollongong (UOW) are described.

University of Wollongong (UOW) international agreement process and information	
Memorandum of Understanding (MOU)	A formal expression of goodwill and intent to embark on a productive relationship. Contract requirements are specified in appendices.
Student Exchange Agreement	A reciprocal arrangement involving equal numbers of UOW students and students from partner universities enrolling on a tuition fee-waiver basis. The Agreement is normally in the form of a MOU plus Student Exchange Appendix but it can be a stand-alone agreement.
Study Abroad Agreement	An outline of procedures for enrolling non-award students in UOW coursework programs, or a combination of UOW and UOW College, on a fee-paying basis. The Agreement is normally in the form of a stand-alone agreement.
Visiting Research Program	A program to enable individual students from overseas institutions to undertake unpaid research experience with a UOW researcher. The arrangement is normally specified as part of a Student Exchange Appendix or a Study Abroad Agreement or it can be a stand-alone agreement.
Articulation/Credit Arrangement Agreement	Normally in the form of a stand-alone agreement which outlines the credit to be awarded for UOW subjects to individual students on the basis of studies completed at the partner institution. A Twinning Agreement is a formal legal agreement to outline the academic input that UOW provides into the partner institution's program, and normally students will study at both institutions. An Offshore Teaching Agreement is a formal contract to outline the arrangements for teaching UOW programs at an overseas partner institution.
Steps in establishing a formal international alliance at UOW	

- 1) Submission of International Alliance proposal
- 2) Assessment of Proposal
- 3) Negotiation of a Formal International Alliance
- 4) Completion of Memorandum of Understanding
- 5) Signing the MOU

Student mobility options available to cooperating Australian and Chinese Law Schools

There are a number of student mobility options available for Australian and Chinese law students. These range from permission for a student to enrol in a single subject through to full semester exchanges for groups of students and the possibility of joint LLM programs. Each option is outlined below. The options described are suitable for studies in LLB or JD subjects, and might also be suitable for LLM subjects.

Intensive single or multiple subject arrangements

A Chinese and Australian Law School could make an arrangement whereby a group of Chinese law students visit the Australian Law School to take one or more subjects either across a whole semester (typically around 15 weeks) or in an “intensive” / “block” mode whereby each subject is taught in a condensed mode. For example, if the Australian subject normally has 26 hours of classes (for example, 13 week teaching semester x 2 hours class per week), the classes could instead be taught in blocks (for example, 6 days x 4.5 hours per day). A program of study could be developed whereby, for example, visiting Chinese law students take two subjects at an Australian Law School during a visit of around one month. Intensive delivery in this manner would reduce accommodation costs for the visiting Chinese students because their stay in Australia will be shorter than a full semester. This type of arrangement would require advanced notice so that the Australian Law School can schedule appropriate law subjects at a time of the year that would be suitable for the Chinese students. As a general rule, exchange within the Chinese Spring Semester would match Australia’s Autumn/1st Semester.

This arrangement could also be developed for Australian law students to study at one or more Chinese Law Schools. Taking individual subjects (especially in block mode) could broaden student mobility by allowing students to study at more than one Law School in the other country during one visit. Study programs delivered in shorter intensives modes might enable cooperation with multiple Chinese Law Schools with the result of enhanced efficiency and greater subject choice, leading to a higher number of Australian students studying law in China.

This arrangement described here could be on the basis of a “*Study Abroad Agreement*” (above) in which a fixed fee is set for a quota of visiting law students. Study programs could be designed for specific cohorts of students, for example, a group of Chinese students who have especial interest in international law, or commercial law etc.

This type of arrangement could be enhanced by agreement for the co-teaching of subjects. For example, an Australian law academic could accompany a group of visiting Australian law students and deliver some classes at the partner Chinese Law School. It is also worth considering options to reduce costs further, such as supplementing some of the taught classes with on-line delivery. Interactive sessions could also be included, such as by utilising Skype for introductory or concluding classes. This would enable interaction between a greater number of Chinese and Australian law students, that is, not just those students who have been selected to visit the other country.

Another option to establish student mobility between cooperating Chinese and Australian Law Schools is to formalise a “**Student Exchange Agreement**” (above). This is where a group of Australian and Chinese law students are “exchanged” on a fee-waiver basis. A typical initial agreement would be a “2-for-2” swap in which two Chinese students would visit Australia to take

subjects in the same year as two Australian students would visit China to take subjects. This option is aimed at being “cost neutral” to both law schools. It is important to monitor the numbers of students participating so that over time there is parity in the exchange.

It is common to first establish a study abroad agreement and then add the exchange component at a later date if there is uncertainty about the numbers of students who will participate. Alternatively, agreement could be reached for an exchange relationship for an agreed number of students annually, allowing any additional students to visit as study abroad students on a fee paying basis. Chinese and Australian students could study for up to one year overseas. The subjects would be taken on a non-award basis.

Curriculum mapping exercises between institutions would ease the flow of students and contribute to an effective Study Abroad or Exchange relationship. Provision to students of a list of pre-approved subjects would increase mobility due to the ease of obtaining approval for credit transfer. This would help to avoid a common barrier to international mobility faced by Australian students. Subject choice in China for Australian students studying LLB or JD degrees would most likely be limited to electives (not core units) because of accreditation issues (below). This might also be the case for Chinese students studying in Australia. Nevertheless, Australian Law Schools have the capacity to run a sufficient number of elective subjects that would be suitable for Chinese students studying in Australia full time for one or two semesters.

Establishment of Joint Programs between Chinese and Australian Universities

A joint coursework program (or joint degree) is a single program taught by a university and one or more partner universities that is jointly approved and collaboratively developed and delivered. In some cases, a joint degree leads to a single joint award which is recognised and accredited by the two or more participating institutions. Current joint programs in China typically lead to one degree from the partner university and a second separate degree from the Australian University if students commit to study a component at the Australian University. We note that in China joint degrees with foreign institutions must be approved by the Ministry of Education.

Joint degree for LLB or JD?

The Australian LLB (or Bachelor of Laws) is an undergraduate law degree that leads to admission to legal practice. The JD (or Juris Doctor) also leads to admission to legal practice but it is only available to graduates (of disciplines other than law). It is taught at postgraduate level. Approximately half of Australia’s Law Schools offer a JD and LLB. Three universities now only offer a JD. Chinese students entering a JD program in Australia, even on exchange, would be expected to be graduates. Our understanding is that Chinese LLBs typically are of 4 years duration, and, like the Australian LLB, students may enter straight from High School.

LLB and JD degrees offered by Australian Law Schools are accredited in Australia at the provincial level. For example, Law Schools operating in New South Wales have their degrees accredited by the Legal Profession Admission Board. Accreditation requirements across Australia are identical in terms of required fields of study and course duration. The specified 11 compulsory areas of study comprise approximately 75% of the LLB or JD degree, and each degree must be at least 3 years full time duration. For this reason, it is not possible to establish a joint degree with an overseas university where the foreign students study no more than one year in Australia.

Joint degree for LLM?

The LLM offers greater potential for the construction of a joint degree program with a Chinese University. This is because the course duration is shorter (typically one year; sometimes 1.5 years)

and, as an advanced degree, it does not need to be accredited by provincial admissions boards. In the typical case of an Australian one-year LLM, Chinese students who meet admission requirements could study for one year in Australia and take out the degree, even in the absence of a joint degree agreement with their Chinese Law School. A key issue to discuss between Australian and Chinese Law Deans is the amount of credit recognition that is permitted by their universities. Chinese students might be able to take out the Australian LLM with six months study in Australia if agreement can be reached on prior credit recognition (generally Australian universities permit “advanced standing” of up to 50% of the total credit point requirements for an LLM, with the possibility of this extending to 66.6% where there is a formal articulation arrangement). We would be interested to discuss what amount of study in China would be required of Australian LLM students to be able to graduate with a Chinese LLM. Our understanding is that Chinese LLMs typically are of 2 years duration for students who have an LLB, although some LLMs are of 3 years duration.

Example of joint program: Master of Comparative Law (Adelaide/Mannheim)

The MCL is a joint degree between the University of Adelaide and University of Mannheim, a leading European business and law Faculty. It has been in place for over ten years. Students will receive a joint degree, and will enrol at the place they commence (Mannheim or Adelaide). Mannheim students also originate from outside Germany, through the Erasmus programme.

The programme is 1.5 years in length. Students undertake 1 full time semester at the University of Adelaide. They then undertake 1 full-time semester in Mannheim. They then return to Adelaide to complete their dissertation. (If they start in Mannheim, the structure is the same, spending the second semester in Adelaide and then returning to Mannheim to do the dissertation).

A core course in both parts of the programme is Comparative Law, and the Dissertation of 12-15000 words. Students may take the remainder of their units as electives. The program enables students to study the different systems of law throughout the world such as common law, civil law and Islamic law. It also enables Australian students to obtain a more detailed understanding of the legal framework in the European Union. It will be conducted entirely in English in both locations, but some Australian students proficient in German may choose to study in that language in Germany. Students are able to audit additional courses in either location.

A number of Faculty at Adelaide Law School have undertaken the MCL themselves, or have taught in Mannheim in the programme. Conversely, Mannheim staff visit and teach in Adelaide in their specialist areas.

Conclusion

Student mobility between Australian and Chinese Law Schools is desired from both sides. Options exist to achieve this by negotiated agreements between partner Law Schools. Exchanges for up to one semester are straightforward. Further discussion is needed to fully explore options for higher-level cooperation, such as in the construction of joint programs. This is likely to be most suitable for LLM programs.

In all cases of student exchange it would be beneficial if cooperating Law Schools also provide an introductory language program as well as a cultural and sight-seeing program. The latter could be informal and be developed with the assistance of student helpers, such as in a “buddy” program. Australian Law Schools are keen to develop more initiatives to facilitate further international student mobility, for example, the University of Adelaide:

Example of enhanced student mobility support: University of Adelaide

The University of Adelaide's Strategic Plan, the 'Beacon of Enlightenment', includes a commitment to all our students having an overseas study opportunity. Our Global Learning Office has established an Open Access Student Mobility plan, which shifts the focus from selection and limits, to finding opportunities for all students to participate. This is done through a number of flexible approaches to rules and procedures which existed in the past:

1. Revising grade-based and credit eligibility criteria;
2. Where possible, allowing [Australian] students to study overseas earlier in their degree- although in the case of Law, we have to ensure students have undertaken certain key compulsory courses first- this means law students (if they are not doing another degree), could go overseas in the second half of their second year;
3. Establishing an increasing network of arrangements with overseas quality institutions and law schools to facilitate course-matching involving automatic cross-credit and wider range of locations/courses;
4. Finding opportunities to embed international study experience in existing courses and programmes, not simply relying on traditional exchange arrangements. In particular, study tours are increasing, and Adelaide Law School has organised or planned study tours to Europe, US, China, UK (joint Law and Politics).

The University has provided travel grants and access to Australian Commonwealth Government study abroad grants (such as 'Asiabound'). A comprehensive Global Learning Application System is streamlining the administration of study experiences overseas."

In a nutshell: Steps for Chinese students attending an Australian Law school

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| 1. Applications submitted to the University's office responsible for international student mobility and assessed against the University's entry requirements |
| 2. Offer of admission accepted |
| 3. Students apply for accommodation and submit intended study plans |
| 4. Confirmation of Enrolment (COE) given to allow student to apply for Visa. |
| 5. Enrolment completed online |
| 6. Airport pick up, arrival to University and orientation |