

# CHINESE BUSINESS LAW

**LAW 6930, COURSE NUMBER 22588**

**1 CREDIT**

**FALL 2018**

**CLASS TIME:** This course meets on Tuesdays, Wednesdays, and Thursdays from October 2<sup>nd</sup> – 25<sup>th</sup> from 5:15pm to 6:15pm in Holland Hall 345.

**PROFESSOR:** *Xiaoping ZHANG, PhD*, Professor of Law, Law School of the Central University of Finance and Economics  
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**OFFICE HOURS:** TBA

**COURSE WEBSITE:** <http://lss.at.ufl.edu>

**REQUIRED TEXTS:** Denial Chow, *The Legal System of People's Republic of China in a Nutshell (3<sup>rd</sup> edition)*, West Academic Publishing, 2015.

Danlin Yu, *Chinese Business Law*, Renmin University Press, 2015.

**ADDITIONAL RESOURCES:**

<https://www.chinalawandpractice.com/>

<https://www.chinalawblog.com/>

**COURSE DESCRIPTION:** With the growing influence of China's economy and continuous increasing complexity of Chinese legal system, there has been a demand of knowledge regarding Chinese legal system, business in particular. This course offers a quick overview of the main part of legal provisions of business operation in China, as well as political and cultural backgrounds behind them. It also illustrates the legal methodology concerning Chinese legal system.

**PREREQUISITE KNOWLEDGE AND SKILLS:** Introduction to American Legal System, Contract Law, Corporate Law

**PURPOSE OF COURSE:** China is the world's fastest growing economy and largest business partner of the U.S. Economic ties between the two countries are the most important economic relationship in the world today. Knowing Chinese law, even in a basic way, will help law students in their future careers such as representing their Chinese clients or communicating with Chinese colleagues more effectively.

**COURSE GOALS AND/OR OBJECTIVES:** By the end of this course, students will:

1. gain basic knowledge about Chinese law, especially its differences with common law system in terms of sources of law, legal reasoning, and adjudication.
2. have rudimentary understanding of Chinese civil and commercial law, both the framework and some crucial details.
3. know how to undertake general legal research when confronted with China law issues.

**TEACHING PHILOSOPHY:** In relation to the knowledge of China, there are interests, controversies, and perhaps misconceptions. Lawyer's thinking is rule-based on one hand, and political or social-related on the other. By analyzing the legal rules as well as their application in real life, students can master the essence of law quickly.

**INSTRUCTIONAL METHODS:** The course is lectured-centered considering the nature and content of the knowledge. However, students are encouraged to raise questions at any time and short presentations of their assignments may be required.

## COURSE POLICIES:

**ATTENDANCE POLICY:** Students are requested to attend all scheduled class meetings. If there is some reason why you must miss class, please contact the instructor in advance via phone or email and ask for excused absence. Your final grade in the course may be lowered one level (e.g. B to B-) for each unexcused absence. If you have six (6) or more absences, you will be barred from taking the final exam, and will automatically fail the course.

**QUIZ/EXAM POLICY:** The final exam will be a close book examination consisting of three short questions, two case analysis, and one essay question.

**MAKE-UP POLICY:** You are responsible for finding out what you missed, handing in assignments on time, and obtaining any handouts or assignments.

**ASSIGNMENT POLICY:** Considering this is an intensive course, assignments will be limited to two or three. Assignments should be turned in within 3 days.

**WORKLOAD:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. It is expected that you will spend approximately two hours preparing for every hour of class.

**COURSE TECHNOLOGY:** *N/A*

## UF POLICIES:

**UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES:** Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the Assistant Dean for Student Affairs, Brian Mitchell. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**UNIVERSITY POLICY ON ACADEMIC MISCONDUCT:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**NETIQUETTE: COMMUNICATION COURTESY:** All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats. <http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf>

## GETTING HELP:

For issues with technical difficulties for E-learning in Sakai, please contact the UF Help Desk at:

- [Learning-support@ufl.edu](mailto:Learning-support@ufl.edu)
- (352) 392-HELP - select option 2
- <https://lss.at.ufl.edu/help.shtml>

Any requests for make-ups due to technical issues **MUST** be accompanied by the ticket number received from LSS when the problem was reported to them. The ticket number

will document the time and date of the problem. You MUST e-mail your instructor within 24 hours of the technical difficulty if you wish to request a make-up.

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

## GRADING POLICIES:

The final grades of the points will consist of four parts:

1. Assignments: 20 points
2. Presentation: 20 points
3. Class interaction: 10 points
4. Final Exam: 50 points

**GRADING SCALE:** The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33

D (Poor)	1.0
D-	0.67
E (Failure)	0.0

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

## COURSE SCHEDULE:

**FINAL EXAM:** *TBA*

Course Schedule:

Course 1: Understand Chinese Legal System: Constitutional Background

Course 2: Between Civil Law and Common Law: Characteristics of China Law

Course 3: Contract Law

Course 4: Contract Law (cont.)

Course 5: Corporation Law

Course 6: Corporation Law (cont.)

Course 7: Foreign Investment Law

Course 8: IP Law

Course 9: Antitrust Law

Course 10: Arbitration in China

Course 11: Civil Litigation: An Overview

Course 12: Presentations and Q&A

Disclaimer: This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.