

COMPLETION REPORT

Our research revealed that Japan adopts a model of self-regulation for lawyers' ethics (namely, by the Japan Federation of Bar Associations), while China implements a 'hybrid' model of regulation, namely, state regulation (namely, by the Ministry of Justice') and self-regulation (namely, by the All China Lawyer Association). The Japanese regime for lawyers' ethics has a long history, whose origin can be traced back to the post- Second World War era. In contrast, the Chinese system only developed after the country adopted an 'Open Door' policy in the late 1970s.

Our study also found that the legal profession in both China and Japan has grown in the past decade. In Japan, the number of lawyers has grown from 18,243 in 2001 to 28,789 in 2010, representing a 57.8% increase. In China, the number of lawyers has grown from 66,269 in 2001 to 185,513 in 2010, representing a 280 per cent increase. In comparison, the percentage growth of lawyers in China is about 4.8 times that of Japan. The growth of the legal profession in Japan resulted from a reform of its justice administration system following the adoption of the Final Report of the Justice System Reform Council in 2001, which advocated a substantial increase in the number of lawyers. In China, the growth of lawyers was attributed to the dramatic growth of law schools, as well as the increased popularity of law as a career choice of college students.

In our research project, we adopted the conceptual framework of comparative legal ethics as devised by Hazard and Dondi, who argued for six 'professional virtues' of competence, independence, loyalty, confidentiality, responsibility, and honorable conduct. On competence, our study revealed that the Chinese regime is less comprehensive than its Japanese counterpart. On independence, the Japanese regime confers a high degree of independence on its legal profession, while its Chinese counterpart clearly stipulates its legal profession to be regulated by the state, namely, the Ministry of Justice. On loyalty, both China and Japan have developed a comprehensive regime for this 'virtue'. On confidentiality, the Japanese regime has developed a comprehensive regime for this 'virtue', while its Chinese counterpart set the exception of 'state secret'. There is also a noted absence of the doctrine of legal professional privilege, which made China falling short of international best practice in terms of the confidentiality virtue. On responsibility, both countries have incorporated the virtue, and both are similar in their emphasis on the regulation of improper competition. On honorable conduct, both have incorporated the virtue but they have different emphasis. Japan focuses on retainer and fees, while China stresses the prevention of bribes.

Publication of the Results of Research Project:

Verbal Presentation (Date, Venue, Name of Conference, Title of Presentation, Presenter, etc.)

1. R Wu and KW Chan, "Comparing the Ethical Regulation of the Legal Profession in China and Japan", 5th International Legal Ethics Conference, Banff Centre, Banff, Canada, 12-14 July 2012
2. R Wu and KW Chan, "Regulatory Regime for Lawyers' Ethics in China and Japan", HKU-Peking U Law Conference, Peking University Law School, Beijing, China, 26-27 October 2012

3. R Wu and KW Chan, "Disciplining Lawyer Misconduct in China and Japan: A Comparative Study of Beijing and Tokyo", The Third East Asian Law and Society Conference, Jiaotong University Law School, Shanghai, China, 22-23 March 2013

Thesis (Name of Journal and its Date, Title and Author of Thesis, etc.)

1. R Wu, "Strengthening Judicial Ethics in China", *Legal Ethics*, June 2011, vol.14, pt.1, at 135
2. R Wu, "Two Initiatives to Improve Legal Ethics Regulation", *Legal Ethics*, December 2011, *Legal Ethics*, vol.14, pt.2, at 252
3. R Wu, "Imposing Liabilities on Judges for Wrong Decisions: Judicial Ethics with Chinese characteristics?", *Legal Ethics*, December 2012, vol. 15, pt 2, at 395
4. R Wu and KW Chan, "Regulatory Regimes for Lawyers' Ethics in Japan and China: A Comparative Study" , *Tsinghua China Law Review*, 2013 (forthcoming)(submitted article and letter of acceptance attached)

Book (Publisher and Date of the Book, Title and Author of the Book, etc.)

Nil