

Chicago Daily Law Bulletin®

Volume 161, No. 139

A world away, real-world legal lessons

John Marshall program sends students to China to learn its intellectual property system

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Chicago and Detroit are about 280 miles apart. Take Amtrak from one to the other, and you'll be on the train for 7½ hours.

Beijing and Shanghai are about 750 miles apart. Take China's high-speed rail between them, and you'll be on board for 5½ hours.

"I went the equivalent of O'Hare to the Hancock in five minutes," said Mitchell A. Capp, a 2L at The John Marshall Law School, about China's magnetic levitation train known as the "Maglev."

"I was blown away by every aspect of the culture in positive ways."

Capp was one of eight John Marshall students who spent June in China for the law school's annual China IP Summer Program, which sends JMLS students to Beijing to study comparative intellectual property law.

Students took two courses in Beijing from June 1 to June 18 taught by John Marshall professors and an alumnus and had internship opportunities with Chinese firms. Most of the students are still in Beijing.

The group also observed a pair of mock trials which used the same facts — one employing China's legal system and one using the American jury system.

Now in its seventh year, the trial program was extended for the first time to Shanghai. In the American trials, the John Marshall students served as jurors.

"You really get an appreciation for

what U.S. attorneys do, what the judges do and how it relates to a jury made up of laypersons," Capp said.

"The attorneys really need to be on their game and be up on the law and explain it at such a fundamental level that any common person could understand it."

The U.S. attorneys involved were a mix of John Marshall professors and lawyers at Loeb & Loeb LLP. The firm's relationship with John Marshall started with school alumni at the firm returning to teach and has grown into a sponsorship of the mock trial program.

"It's been kind of a progression of involvement that now has us really as the key U.S. participant in the program along with several major Chinese law firms," said Douglas N. Masters, co-chair of Loeb & Loeb's intellectual property protection group and managing partner of its Chicago office.

This was the first year that Loeb & Loeb worked on the American mock trial, Masters said, which had U.S. District Judge Matthew F. Kennelly serve as presiding judge.

The law school's relationship with China began in the 1990s when the then-head of the Chinese Patent Office — Gao Lulin — visited U.S. law schools to expand on China's collective intellectual property knowledge.

Gao took a liking to John Marshall and its dean at the time, Howard Markey, whose previous post was as the first chief judge of the U.S. Court of Appeals for the Federal Circuit.

"At the time (Gao) was very impressed with the program and was

able to meet with Judge Markey," said Arthur Tan-Chi Yuan, Loeb & Loeb senior counsel in Chicago and the director of John Marshall's Chinese IP Resource Center.

"That's how he realized that for the country to grow, especially commercially ... this was the connection he needed to make."

John Marshall students needed the connection too.

"I think that looking at comparative international intellectual property is very important for the development of the field," said 2L Adam Piccus, who chose John Marshall for its IP program.

"But also seeing Chinese law and how they conduct their matters has made me appreciate our system a lot more."

John Marshall is one of several Illinois law schools with international summer programs that introduce students to foreign cultures, customs and legal systems.

These include Southern Illinois University School of Law, which currently has students in Australia for the school's legal globalization and comparative law program, and Loyola University Chicago School of Law, whose 33rd annual Rome program ends Saturday.

Though not active this summer, the University of Illinois College of Law offers a Chinese exchange program. And in April, students from DePaul University College of Law competed in a moot court competition in Beijing, finishing third.

Masters — who earned his J.D. in 1988 at Harvard Law School — called the John Marshall trip a chance to learn the law within a context that "undoubtedly is going to be a major dynamic in the economy and in law going forward."

"It was an opportunity that certainly didn't exist when I was in law school," he said.

And while the legal opportunities are vital, the cultural ones may be even more memorable.

Before he went, Capp heard from friends and family members that China was dirty with poor air quality and bad food.

But he came away awed by the country's technological infrastructure, its size — Beijing, he learned, is six times bigger than Rhode Island — and the visuals captured out the window of the high-speed rail trip which whipped through the countryside at 180 miles per hour.

That view included the sight of China's so-called "ghost cities" —



Mitchell A. Capp



Arthur Tan-Chi Yuan



Douglas N. Masters

tracts of houses that remain under-filled.

"You would see 10 to 20 apartment buildings that looked exactly the same and 10 to 20 cranes around them that seemed like they put them up in a couple days," Capp said, adding that he noticed those tracts five and 10 times.

"The biggest lesson of the whole trip was to not be ethnocentric and stubborn in your ways. I think both countries have a lot to learn from each other."

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