

Xin HE (Frank)

School of Law, City University of Hong Kong; lwxin@cityu.edu.hk; 2788-7202

EDUCATION

Doctor of the Science of Law (JSD), School of Law, STANFORD UNIVERSITY, 2004

Master of the Science of Law (JSM), School of Law, STANFORD UNIVERSITY, 2000

Master of Legal Philosophy, PEKING UNIVERSITY, 1999

LL.B., PEKING UNIVERSITY, 1995

AREAS OF RESEARCH AND TEACHING

Law and society; law and development; law and politics; Chinese legal system

POSITIONS

September 2008- **Associate Professor**, School of Law, City University of Hong Kong

Other Appointments

Global Visiting Professor, NYU Law School, Spring 2009.

Visiting Professor, College of Law, University of Illinois, Fall 2009.

Visiting Professor, Southwestern University of Finance and Economics, China, 2009-.

Assistant Professor, School of Law, City University of Hong Kong, July 2006-2008.

Hauser Research Scholar, NYU Law School, Sept. 2005 -May 2006.

Lecturer, School of Law, City University of Hong Kong, Aug. 2002-Aug. 2005.

Summer Associate, Baker & McKenzie LLP, Hong Kong Office, 2001.

BAR ADMISSION

State of New York, January 2001.

COURSES TAUGHT DURING 2002-2009

Applied Legal Theories

Chinese Civil Law

Chinese and Comparative Property Law

Dissertation Supervision

Law and Development

Law and Society in China (University of Illinois, 2009)

Law and Society in East Asia (NYU Law School, 2009)

Jurisprudence

Jurisprudence and Political Theories

Advanced Legal Research Methodology

EXTERNALLY COMPETITIVE RESEARCH PROJECTS

2009, Principal Investigator,

“State Channeling of Labor Conflict in China,” HK\$684,000, General Research Fund(GRF), Hong Kong Government.

2008, Principal Investigator,

“The Enforcement of Contract Judgments in China,” HK\$356,000, General Research Fund(GRF), Hong Kong Government.

2007, Principal Investigator,
Getting Justice in China's Urbanization Process, SRG City University of Hong Kong,
Converted from a CERG application.

2005, Principal Investigator,
Caseload Change in China: Hong Kong Government CERG grant, fundable.

REFERENCES

Professor Lawrence M. Friedman, Stanford Law School, Stanford, CA 94305, USA
(650)723-3072, lmf@stanford.edu

Professor Frank Upham, NYU Law School, New York, NY, (212)998-6243,
frank.upham@nyu.edu

Dean and Professor Suli Zhu, School of Law, Peking University, China
(008610)6275-7371; sulizhu@law.pku.edu.cn

PUBLICATIONS

A. JOURNAL ARTICLES IN ENGLISH

15. "Debt-Collection in the Less Developed Regions of China: An Empirical Study from a Basic-Level Court in Shaanxi Province," *The China Quarterly*, 2010, forthcoming.
14. "Street as Courtroom: State Accommodation of Labor Protests in South China," coauthored with Yang Su, *Law & Society Review*, Vol. 44, No. 1, 2010, forthcoming.
13. "Enforcing Commercial Judgments in the Pearl River Delta of China," *American Journal of Comparative Law*, Vol. 59, No.2, 419-56, 2009.
12. "Court Finance and Court Reactions to Judicial Reforms: A Tale of Two Chinese Courts," *Law & Policy*, Vol. 31, No. 4, 463-486, 2009.
11. "Routinization of Divorce Law Practice in China: Institutional Constraints' Influence on Judicial Behavior," *International Journal of Law, Policy and the Family*, Vol. 23, No. 1, lead article, 1-27, 2009.
10. "Dispute Resolution in China," co-authored with Randall Peerenboom, *East Asia Law Review*, Vol. 4, lead article, 1-61, 2009.
9. "Why Do They not Take the Disputes? Law, Power, Politics in the Decision-Making of Chinese Courts," *International Journal of Law in Context*, Vol. 3, No. 3, 203-25, 2007.
8. "Recent Decline in Chinese Economic Caseload: Exploration of a Surprising Puzzle," *The China Quarterly*, Vol. 190, 352-74, June 2007.
7. "Why Do They Not Comply with the Law? Illegality and Semi-Illegality among Rural-Urban Migrant Entrepreneurs in Beijing," *Law & Society Review* Vol. 39, No. 3, 527-62, 2005.
6. "Ideology or Reality? Limited Judicial Independence in Contemporary Rural China," *Australian Journal of Asian Law*, Vol. 6, No. 3, lead article, 213-30, 2004.
5. "The Stickiness of Legal Collusion: A Difficulty of Legal Enforcement", *International Journal of the Sociology of Law*, Vol. 32, No 2, lead article, 103-117, 2004.
4. "Sporadic Campaigns as a Means of Social Control," *Columbia Journal of Asian Law*,

Vol. 17, No. 1, 121-45, fall 2003.

3. "Explaining the Development of Migrant Businesses in Beijing," *Asian and Pacific Migration Journal*, Vol. 12, No. 3, 385-406, 2003.

2. "Legal Evasion: the Strategies of Rural-urban Migrants to Survive in Beijing," *Canadian Journal of Law and Society*, Vol. 18, No. 2, 69-90, 2003.

1. "Regulating Rural-Urban Migrants in Beijing: Institutional Conflict and Ineffective Campaigns," *Stanford Journal of International Law*, Vol. 39, No. 2, lead article, 177-206, summer 2003.

B. OTHER REFEREED ARTICLES IN ENGLISH

4. "Courts Push Back: Law, Power, Politics in the Chinese Courts," in Randall Peerenboom ed., *Judicial Independence in China*, forthcoming 2009, Cambridge University Press.

3. "Administrative Law as a Political Control Mechanism in Contemporary China," in Stephanie Balme & Michael Dowdle eds., *Building Constitutionalism in China*, Palgrave Macmillian, 143-161, 2009.

2. "Enforcing Commercial Judgments in China," Oxford: Foundation for Law, Justice and Society, 12 pages, 2008, available at <http://www.fljs.org/content.asp?pageRef=55>.

1. "Dispute Resolution in China," co-authored with Randall Peerenboom, Oxford: Foundation for Law, Justice and Society, 32 pages, 2008, available at <http://www.fljs.org/content.asp?pageRef=55>.

C. OTHER OUTPUTS

1. "Why Did They not Take the Disputes?" New York University School of Law's Global Law Working Paper Series, in hardcopy and online at www.nyulawglobal.org, 2006.

D. INVITED PRESENTATIONS

Invited Speaker, "Filtering or Channeling? The Systematic Erosion of Administrative Litigation by Administrative Reconsideration in China," Conference on Administrative Disputes Resolution in China, organized by China University of Political Science and Law & the Ford Foundation, July 12, 2009, Beijing.

Invited Speaker, "A Political Analysis of China's Administrative Law," June 8, 2009, Southwestern University of Finance and Economics, Chengdu, China.

Invited Speaker, "Street as Courtroom," Comparative Law and Economics Forum (CLEF), May 22-23, 2009, Singapore.

Invited Speaker: "The Caseload Change in Chinese Courts," Harvard Law School, February 27, 2009.

Invited Speaker, "Chinese Courts: New Development," Columbia Law School, February 20, 2009.

Featured Panelist: "The Puppet of the Party or the Forum of Rights: The Controversial Role of Chinese Courts," NYU Law School, February 19, 2009.

Invited Speaker, "The Controversial Role of China's Courts," Council on Foreign Affairs, New York, February 18, 2009.

Invited Speaker: "The Role of Law in Developing Countries," Workshop at School of Law, University of Wisconsin at Madison, December 5-7, 2008.

Invited Speaker: “Court Financing in China and its Impact on Judicial Behavior,” Annual Meeting of European Chinese Law Association, Bologna and Torino, Italy, October 1-4, 2008.

Invited Speaker: “Judicialization or Dejudicialization? The Relationship between Administrative Litigation and Administrative Reconsideration in China,” Conference on Empirical Studies onto Judicial System, organized by Academia Sinica, Taiwan, June 20-21, 2008.

Invited Speaker: “Formal Contract Enforcement and Economic Development in Urban and Rural China,” NYU Conference on Law, Commerce and Development, New York City, April 11-12, 2008.

Invited Speaker: “Enforcing Commercial Judgments in the Pearl River Delta,” Conference co-organized by the Foundation for Law, Justice and Society, University of Oxford, and University of Hawaii, Honolulu, Hawaii, September 17-18, 2007.

Invited Speaker: “Why the Courts Refuse to Take the Disputes?” “Enforcing Economic Cases in Chinese Courts,” “Politics in Judicial Studies.” All the three speeches were delivered at the Distinguished Scholars Forum, April 3-11, 2007, Southwestern University of Political Science and Law, Chongqing, China

Invited Speaker: “Administrative Law as a Political Control Mechanism in Contemporary China,” invited speaker at “Constitutional and Judicial Reform in China” conference organized by CERI and Sciences Po, Dec. 13, 2005, Paris, France

Invited Speaker: “Social Sciences of Law in Transition China: A Preliminary Analysis on Its Supply and Demand,” Law and Social Sciences Studies Meeting, organized by *the Journal of Social Sciences in China* and Peking University Law School, May 2005

E. BOOKS IN CHINESE

《政治中的法院》，北京大学出版社，2009年，即出。

F. JOURNAL ARTICLES IN CHINESE

16 “中国法院的财政来源不足与司法腐败”，载《二十一世纪》，12-23, 2008年1期。

15.“离婚法实践的常规化”，《北大法律评论》，No.2, 2008 (A translation from A10).

14. “为什么法院不受理外嫁女案件？”《法律和社会科学》，No.3 2008(A translation from A9).

Partly reprinted in 《中国社会科学文摘》，No. 2, 2009.

13. “我国近期经济案件数量下降的考察”，载《现代法学》No. 1, 3-16, 2007 (A translation from A8).

Reprinted by 《经济法学、劳动法学》（人大复印资料）No. 1, 2007, p3.

12. “作为政治控制机制之一的行政法—当代中国行政法的政治学解读”《法哲学与法社会论丛》，No. 8, 207-26, 2005 (An early version of B3).

11. “在法律的边缘—部分外地来京工商户经营执照中的‘法律合谋’”，《中国社会科学》，No. 3, 91-103, 2005(A simplified and translated version of A7).

10. “经济合同案件的执行：来自珠三角某基层法院的经验研究”，载《司法》，2007

第 2 期, 72-109 (An early version of A12).

9. “运作不良的基层法院?” 《法律和社会科学》 No. 1, 30-65, 2006.

8. “转型中国背景下的法律与社会科学研究” Vol. 7, 《北大法律评论》 No. 2, 21-36, 2005

7. “中国农村紧张的官民关系与有限的司法独立” 25 期《香港社会科学学报》 75-95, 2003 年春/夏 (An early version of A6).

Reprinted in Mainland China by 《乡村中国评论》, 创刊号, 45-59, July 2005.

6. “中国民事诉讼确实存在逆向选择效应吗? ——评张维迎、柯荣住的《诉讼过程中的逆向选择及其解释——以契约纠纷的基层法院判决上书为例的经验研究》” No. 7, 49-56, 2005

5. “‘专家评审制’应当实行: 美中法学刊物编辑过程的比较研究”, 《中外法学》, No.5, 2004, 584-93.

Partly reprinted by 《中国社会科学文摘》 No. 1, 2005; Also partly reprinted by 《中国学术年鉴》, 2005.

4. “地方的兴起和‘政治双轨’的淤塞: 重读费孝通的《乡土重建》” 27 期《香港社会科学学报》 27-40, 2004 春/夏, 27-40.

3. “特定物所有权转移时间的经济分析,” 《法学家》, No. 5, 114-23, 2003.

Reprinted by 《民商法学》 (人大复印资料), No. 1, 87-97, 2004.

2. “自由市场和普选民主中的民族仇恨” 《读书》, No. 10, 15-23, 2004.

1. “对‘消费者权益保护法’惩罚性赔偿规定的思考” 《中央政法管理干部学院学报》 35-38, Jan 1998.