

JUSTICE ONLINE? LAWYERS AND LEGAL ADVICE WEBSITES IN THE PEOPLE’S REPUBLIC OF CHINA

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Introduction.....	208
I. Mechanisms and Theory.....	210
A. Rule of Law and Why it Matters	211
B. Raising Consciousness.....	212
C. Empowering Legal Representation.....	215
D. Legal Advice Websites.....	216
E. Other Online Legal Services.....	218
F. Supporting Legal Professionals	220
G. Censorship	222
H. A New Phenomenon?	225
II. How Do Legal Advice Websites Work and What Kind of Impact Are They Having?	227
A. Why Do Lawyers Use Legal Advice Websites?.....	227
B. Quantitative Data	230
C. Types of Cases.....	231
D. Regional Variation.....	235
E. What Types of Questions do Lawyers Answer?.....	238
F. Administrative Cases	243
III. Conclusion	246
Appendix A: Guide to Interview Codes.....	248

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INTRODUCTION

After the onset of the Arab Spring in 2011, commentators around the world remarked on how the internet seemed to speed up the downfall of authoritarians. Nasrin Alavi noted that “[c]yber-technology can diminish a dictator’s monopoly of ‘truth.’ The footage of senseless carnage disseminated online . . . makes clear that noble Arab governments’ (or caliphs’) talk of ‘justice, truth and equality’ is a sham. In this new age of higher conciseness, the cyberactive ‘third eye’ also holds power accountable.”¹ Many scholars, however, have dismissed the internet as a venue for unsubstantial entertainment, not as a significant force or venue for change in authoritarian contexts.²

Both scholarly and popular writers continue to debate whether the internet has truly been a game changer for resisting authoritarians. Much has been written about how online tools have led to anti-regime protest and democratization.³ Yet, both the popular and scholarly discussion tend toward a narrow political focus principally aimed at protest, the development of civil society, and elections. To date, there has been almost no discussion of how the internet can or does facilitate legal challenges against authoritarian regimes or the advancement of the rule of law in such contexts. While the obvious effect of the internet on legal services has been the subject of a rapidly increasing body of legal scholarship, almost all of this research has been focused on developed democracies and tends to consider the ethics, liability, and quality of online legal services.⁴ Other studies consider the internet’s potential for enhancing access to justice, especially for more vulnerable individuals and populations.⁵ Another body of research focuses on how legal institutions restrict or enable internet

¹ David Hayes, *The Arab Spring: Protest, Power, Prospect*, OPENDEMOCRACY (April 12, 2011), <https://www.opendemocracy.net/david-hayes/arab-spring-protest-power-prospect> [<https://perma.cc/SJ9C-6NXD>].

² Dietram A. Scheufele & Matthew C. Nisbet, *Being a Citizen Online: New Opportunities and Dead Ends*, 7 INT. J. PRESS/POL. 55, 58 (2002).

³ PHILIP N. HOWARD & MUZAMMIL M. HUSSAIN, DEMOCRACY’S FOURTH WAVE?: DIGITAL MEDIA AND THE ARAB SPRING 3 (2013).

⁴ See, e.g., Paige A. Thomas, *Online Legal Advice: Ethics in the Digital Age*, 4 ST. MARY’S J. LEGAL MALPRACTICE & ETHICS 440 (2014); Jeffrey E. Kirkey, *Legal Ethics in Cyberspace: Keeping Lawyers and Their Computers Out of Trouble*, 18 T.M. COOLEY L. REV. 37 (2001); Isaac Figueras, *The LegalZoom Identity Crisis: Legal Form Provider or Lawyer in Sheep’s Clothing Comment*, 63 CASE W.L. REV. 1419 (2013); Adrienne E. Carter, *Blogger Beware: Ethical Considerations for Legal Blogs*, 14 RICH. J.L. & TECH., no. 2, 2007.

⁵ See generally James E. Cabral et al., *Using Technology to Enhance Access to Justice*, 26 HARV. J.L. & TECH. 241 (2012).

freedom.⁶ While some of these concerns are relevant to an authoritarian context like the People's Republic of China ("PRC" or China), they offer little insight into the most pressing questions that face scholarship on such regimes, such as how online legal services can contribute to the development of rule of law or assist individuals that attempt to use the legal system to defend their rights against an authoritarian state.

Both theory and common sense tell us that the internet could be an unrivaled tool for providing information about rights and laws, spreading and strengthening the rule of law, defending people's rights, and helping individuals and groups use legal systems to mobilize against the state. The ever-increasing wealth of information online means that even disadvantaged citizens in remote areas should be able to search and consult laws, rules, regulations, and precedents, as well as seek advice from experienced legal professionals thousands of miles away. Additionally, this article will suggest that law-related uses of the internet such as researching laws and seeking legal advice tend to be subject to far less censorship than more overtly political topics, such as protests, or coverage of official corruption and maleficence.⁷ Yet, the use of the internet for legal mobilization has been almost entirely overlooked. This article uses the case of the PRC to investigate the role of the internet, or lack thereof, in building rule of law in a developing, nondemocratic context.

Over the past decade, internet access in China has grown rapidly (Figure 1),⁸ yet instead of improvement, scholars have argued that in recent years China has turned against the rule of law.⁹ Has the internet's contribution to rule of law gone largely unnoticed? Or is this exceptionally powerful tool being underutilized? And if so, why? In order to help answer these questions, this article will examine legal advice websites in China and attempt to understand how they may be contributing to or undermining the rule of law and the ability of average Chinese to use the legal system to defend their rights and even push back against the state.

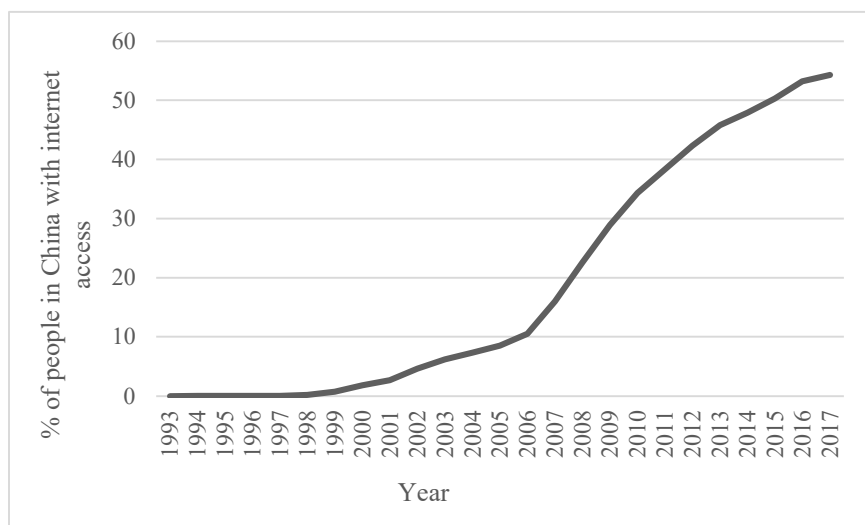
⁶ See generally JACK GOLDSMITH & TIM WU, WHO CONTROLS THE INTERNET? ILLUSIONS OF A BORDERLESS WORLD, 82 (2008).

⁷ See, e.g., Gary King, et al., *How Censorship in China Allows Government Criticism but Silences Collective Expression*, 107 AM. POL. SCI. REV. 326, 327 (2013).

⁸ See *infra* Figure 1.

⁹ Carl F. Minzner, *China's Turn Against Law*, 59 AM. J. COMP. L. 935, 937 (2011).

*Figure 1: Percentage of People in China with Internet Access*¹⁰



This article, both by necessity and design, is a preliminary examination of online legal resources and, in particular, online legal advice in the PRC. It is therefore focused primarily on outlining the basic characteristics and functions of online legal advice in China and considering what kinds of theories, mechanisms, and questions will be most useful in future research. The preliminary nature of this article is the result not of a lack of data, but an overabundance. Approximately 9.5 million questions scraped from a major Chinese legal advice website and thirteen interviews with Chinese lawyers conducted in May of 2019, provide a wealth of material from which to draw.

I. MECHANISMS AND THEORY

This section examines both the scholarly literature and empirics that suggest how the internet could and should be contributing to rule of law. Perhaps more importantly, it also outlines the specific mechanisms and resources by which I expect this relationship to develop.

¹⁰ *Individuals Using the Internet – China*, THE WORLD BANK, <https://data.worldbank.org/indicator/IT.NET.USER.S.ZS?locations=CN> [https://perma.cc/5JUJ-L4K2].

A. RULE OF LAW AND WHY IT MATTERS

Like many important but abstract concepts, there is significant controversy about how to define rule of law. Tamanaha defines it at its most basic: “government officials and citizens are bound by and abide by the law.”¹¹ Some additional criteria help flesh out this definition. Rules stated in general terms must be set forth in advance and generally known and understood. The requirements these rules impose cannot be impossible to follow. The rule must be equally applied to everyone through mechanisms or institutions that enforce laws if they are breached.¹² Rule of law is an ideal that is neither desirable nor possible in its most perfect manifestation,¹³ yet whether and how internet access and the development of online legal resources contribute to the rule of law matters. Rule of law has been identified as important for promoting economic growth¹⁴ as well as for protecting human and civil rights,¹⁵ the environment,¹⁶ political freedoms, and even democracy.¹⁷ Indeed, “[t]he relationship between democracy and rule of law is profound.”¹⁸

The relationship between rule of law and democracy is generally accepted, but complex. A degree of rule of law is possible without democracy¹⁹ and democracy, at least illiberal democracy, may exist without rule of law.²⁰ Large multi-country empirical studies have suggested that “rule of law increases as countries become democratic”²¹ and “that democratization does, indeed, positively influence the rule of

¹¹ Brian Z. Tamanaha, *The History and Elements of the Rule of Law*, SING. J. LEGAL STUD. 232, 233 (2012).

¹² *Id.*

¹³ See Frank K. Upham, *Mythmaking in the Rule of Law Orthodoxy* 7 (Carnegie Endowment for Int’l Peace, Dem. & Rule of Law Project, Working Paper No. 30, 2002).

¹⁴ See Lars P. Feld & Stefan Voigt, *Economic Growth and Judicial Independence: Cross-Country Evidence Using a New Set of Indicators*, 19 EUR. J. OF POL. ECON 497, 510 (2003).

¹⁵ Thomas Carothers, *The Rule of Law Revival*, 77 FOREIGN AFF. 95, 95 (1998).

¹⁶ See Per G. Fredriksson & Muthukumara Mani, *The Rule of Law and the Pattern of Environmental Protection*, 3 (IMF, Working Paper No. 02/49, 2002).

¹⁷ Christopher M. Larkins, *Judicial Independence and Democratization: A Theoretical and Conceptual Analysis*, 44 AM. J. COMP. L. 605, 606 (1996).

¹⁸ Carothers, *supra* note 15, at 96.

¹⁹ See Randall Peerenboom, *Rule of Law and Democracy: Lessons for China from Asian Experiences* (Yin-Wah Chu & Siu-Lun Wong, eds.) (forthcoming), available at <https://ssrn.com/abstract=1300882>.

²⁰ Fareed Zakaria, *The Rise of Illiberal Democracy*, 76 FOREIGN AFF. 22, 22–23 (1997).

²¹ Andreas Assiotis & Kevin Sylwester, *Does Democracy Promote the Rule of Law?*, 40 J. ECON. DEV. 63, 88 (2011).

law.”²² The causation appears to run both ways, “rule of law and democracy are generally mutually reinforcing and tend to feed on each other. Greater rule of law produces more democracy, and vice versa.”²³ There are those that cast doubt on this relationship. Barro found that “for given measures of the standard of living, there is a lot of independence in the ways electoral rights and the rule of law evolve.”²⁴ Yet, he also acknowledges that “rule of law can stimulate electoral rights indirectly by promoting economic growth.”²⁵ Whatever the exact nature of the relationship and causation, research on the internet and the rule of law would have profound implications for a range of fields including development, human rights, democratization, and environmental protection.

B. RAISING CONSCIOUSNESS

The idea that the average Chinese citizen is increasingly aware of rights, laws, and rules that allow them to challenge authoritarian overreach has become a major theme in the study of Chinese politics and law over the last two decades. This overarching idea comes in several different theoretical versions and is used to describe a wide variety of empirical phenomena.

At its broadest, the concept falls under the banner of rights consciousness in which individuals are aware of laws and legal norms, which they mobilize to contest any party, including the state, that may infringe on them.²⁶ This is often contrasted with the narrower category of rule consciousness “in which savvy protesters frame their grievances in officially approved terms in order to negotiate a better bargain with the authoritarian state.”²⁷ Located somewhere in between is the concept of rightful resistance: “a form of popular contention that operates near the boundary of authorized channels, and employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on

²² *Id.*

²³ Roberto Rigobon & Dani Rodrik, *Rule of Law, Democracy, Openness, and Income*, 13 *ECON. TRANSITION* 533, 538 (2005).

²⁴ Robert J. Barro, *Determinants of Democracy*, 107 *J. POL. ECON.* S158, S174 (1999).

²⁵ *Id.* at S173.

²⁶ Linda Wong, *Chinese Migrant Workers: Rights Attainment Deficits, Rights Consciousness, and Personal Strategies*, 208 *CHINA Q.* 870, 873 (2011); CHING KWAN LEE, *AGAINST THE LAW: LABOR PROTESTS IN CHINA’S RUSTBELT AND SUNBELT* 116–17 (2007); MERLE GOLDMAN, *FROM COMRADE TO CITIZEN: THE STRUGGLE FOR POLITICAL RIGHTS IN CHINA* 201–23 (2005).

²⁷ Elizabeth J. Perry, *A New Rights Consciousness?*, 20 *J. DEMOCRACY* 17, 20 (2009).

locating and exploiting divisions within the state, and relies on mobilizing support from the wider public.”²⁸ Another iteration, perhaps most relevant here, is legal consciousness: a type of rights or rule consciousness that is more specifically focused on the law and legal institutions.²⁹

What all these ideas have in common, however, is the need for the citizens to have some knowledge of the rules and rights on which their claims are based, as well as the process by which a remedy may be sought. Admittedly, their understanding of these rules need not always be particularly well-founded. For example, in certain types of rightful resistance, protestors make claims on rules and rights that are more imagined than real.³⁰ Nevertheless, the ability to consult laws, rules, and regulations, as well as to conduct further research into their meaning and application is closely linked to the theoretical concepts described in this section. O’Brien and Li vividly illustrate the importance of being able to access information on laws and regulations:

They [*local officials*] sometimes even block the local populace’s access to official documents and regulations. When a county government, for instance, began distributing some pamphlets and books, township leaders ordered that no materials related to legal education be made available because “as soon as ordinary people learn anything about the law then they become impossible to govern”. In Dangshan County, Anhui Province, when villagers went to a township to request central and provincial circulars regarding the tax-for-fee reform, township officials said that they had received no such documents and had only been notified orally. Actually, the Anhui Party Committee had instructed that all relevant materials, including “A Letter to Farmers” from the provincial government, a provincial circular and a tax card, be hand-delivered to every household.³¹

In theory, the internet should make these types of efforts to keep average Chinese from gaining access to basic information about laws, policies, and regulations impracticable, making nearly everyone “impossible to govern.” One of China’s most popular legal websites, china.findlaw.cn, for example, provides free instant access to tens of thousands of laws and regulations.³² These are organized by categories

²⁸ KEVIN J. O’BRIEN & LIANJIANG LI, *RIGHTFUL RESISTANCE IN RURAL CHINA 2* (2006) [hereinafter *RIGHTFUL RESISTANCE*].

²⁹ See Mary E. Gallagher, *Mobilizing the Law in China: Informed Disenchantment and the Development of Legal Consciousness*, 40 *LAW & SOC’Y REV.* 783, 783 (2006).

³⁰ *RIGHTFUL RESISTANCE*, *supra* note 28, at 128.

³¹ Kevin J. O’Brien & Lianjing Li, *Suing the Local State: Administrative Litigation in Rural China*, 51 *CHINA J.* 75, 78 (2004).

³² Zhǎo fǎlǜ (找法律) [FINDLAW], <http://china.findlaw.cn/> [<https://perma.cc/AB5P-CHUM>].

relevant to many of the most important fields of social, legal, political, and economic contention in the contemporary PRC, including hundreds of laws and regulations on housing demolition and relocation, criminal defense, and on labor, to name a few.³³ The laws themselves are just the tip of the iceberg, as the websites also feature cases,³⁴ commentary and explanations of laws,³⁵ and lawyers' answers to questions.³⁶ More recently, they have added audio and video explanations of legal issues.³⁷ This makes an incredible wealth of legal information available to anyone with access to an online computer, data enabled smartphone, or internet café.

The internet's contribution to rights consciousness may go far beyond access to information and lead to an increase in overall levels of legal, rights, and rules consciousness. Individuals searching for basic legal information may be inspired to defend their rights more aggressively as they learn about which more drastic steps are possible. Because people post questions and receive answers on legal websites, they are often encouraged by lawyers, or by reading about others who have successfully pursued grievances. Ian Johnson tells of a single anti-tax suit in the late 1990s in Shanxi sparking similar efforts in nearby villages.³⁸ Micro blogs, online videos sites, and social media are full of success stories of residents who managed to increase their compensation in government land takings. Some refused to leave a house that construction left surrounded by a giant pit³⁹ or a highway.⁴⁰ Others used homemade rocket launchers⁴¹ or Kung

³³ See generally *id.*

³⁴ Yúnfǎlǜ (云法律) [CLOUD LAW] yúnfǎlǜjīngdiǎnànlì (法律经典案例) Cloud Law case studies <http://www.yunfalv.com/Rightscaselist.htm> [https://perma.cc/4P2N-72SK].

³⁵ Huálǜwǎng (华律网) [Chinese Law Network] fǎlǜzhuāntí (法律专题) [specific legal topics] <https://www.66law.cn/topic2010/> [https://perma.cc/G2Z5-SXJM].

³⁶ Zhǎo fǎlǜ (找法律) [FINDLAW], Fǎlǜzīxún (法律咨询) [legal consultation] <http://china.findlaw.cn/ask/> [https://perma.cc/G9VV-B8VE].

³⁷ Huálǜwǎng (华律网) [Chinese Law Network] shuōfǎ (说法) [explanations] <https://v.66law.cn/> [https://perma.cc/4H4K-YAQC].

³⁸ IAN JOHNSON, WILD GRASS: THREE STORIES OF CHANGE IN MODERN CHINA 21 (2005).

³⁹ Howard W. French, *In China, Fight Over Development Creates a Star*, N.Y. TIMES, (Mar. 26, 2007), <http://www.nytimes.com/2007/03/26/world/asia/26cnd-china.html> [https://perma.cc/3CTU-MDTC].

⁴⁰ Malcolm Moore, *Chinese Home Surrounded by Highway Demolished*, TELEGRAPH (Dec. 2, 2012), <http://www.telegraph.co.uk/news/worldnews/asia/china/9717218/Chinese-home-surrounded-by-highway-demolished.html> [https://perma.cc/V6LZ-44T8].

⁴¹ Zhāng hán (张寒), Wǔhàn yǐ tǔ pào kàng chāiqiān nóngmín shèngyú lìpào bèi shōu qiān bù wéifǎ xiéyì (武汉以土炮抗拆迁农民剩余礼炮被收 签不违法协议) [Wuhan Peasant Who Used Home-made Rockets to Resist Demolition Signs a Deal], Rénmín wǎng (人民网) [People's Web]

Fu⁴² to fend off developer's thugs. More mundane tactics such as petitions and litigation are more common, though less likely to go viral. Due to this fact, it would be surprising if spreading access to the internet was not also spreading inspiration and information that would lead to contention.

C. EMPOWERING LEGAL REPRESENTATION

In 2010, I was interviewing a lawyer in the Chinese coastal city of Ningbo about his extensive experience suing the Chinese state. When I asked about how walk-in clients found him, he initially responded: "They find me on the internet."⁴³ Yet, almost immediately, he thought better of his response: "They just see my sign."⁴⁴ This lawyer was an experienced administrative litigator who had taken around thirty-five administrative cases in his career and had represented government departments and third parties, as well as plaintiffs who were suing the state. This experience made him extremely valuable to potential clients seeking representation in disputes against the state, especially considering that most Chinese lawyers have little knowledge of administrative cases and even less experience with them. Indeed, plaintiffs can find it difficult to find representation in such cases as most Chinese lawyers, lacking experience with administrative litigation, maintain an overly pessimistic opinion of administrative cases and are reluctant to take them on.⁴⁵ This lawyer had clearly expected the internet to empower his clients by connecting them to a vital resource—a litigator experienced in and willing to sue the Chinese state—and yet, upon reflection, he realized that it was not serving that function.

(June 9, 2010, 8:14 PM), <http://unn.people.com.cn/GB/14748/11821630.html> [<https://web.archive.org/web/20120513045934/http://unn.people.com.cn/GB/14748/11821630.html>]; Wūhàn nóngmín yángyǒudé zìzhì huǒpào liǎng cì dǎ tuì qiángchāi duì 24 xiǎoshí bǎowèi chéngbāo tǔdì (武汉农民杨友德自制火炮两次打退强拆队 24 小时保卫承包土地) [Wuhan Farmer Yang Youde's Self-Made Artillery has Twice Repelled the Forced Demolition Team to Defend Contracted Land for 24 Hours], Sina 新闻中心 (xīnwénzhōngxīn) Sina News (June 8, 2010, 2:56 PM), <http://news.sina.com.cn/o/2010-06-08/145617627699s.shtml> [<https://perma.cc/HFS4-AGKM>].

⁴² Malcolm Moore, *Chinese Thugs Knocked Out by Amateur Kung Fu Fans*, TELEGRAPH (Nov. 29, 2012), <http://www.telegraph.co.uk/news/worldnews/asia/china/9710514/Chinese-thugs-knocked-out-by-amateur-Kung-Fu-fans.html> [<https://perma.cc/VPW3-T5TV>].

⁴³ Interview with NB20-S, Head of Firm and Partner in Ningbo, China (Oct., 2010) [hereinafter NB20-S].

⁴⁴ *Id.*

⁴⁵ John Wagner Givens, *Sleeping with Dragons? Politically Embedded Lawyers Suing the Chinese State*, 31 WIS. INT'L L.J. 734, 749 (2014).

D. LEGAL ADVICE WEBSITES

In 2009, over 80% of Chinese lawyers surveyed reported that they found few if any of their clients online.⁴⁶ Yet over the last decade, it has become incredibly easy to find and consult legal professionals on the internet in China. In 2017–2018, when we (my Graduate Research Assistants and I) scraped it, findlaw.cn had approximately 9.5 million questions on its site with dates between 2012 and 2017 of which around 75% received an answer. This suggests that it addressed around seven million legal questions in that five year period. Close competitor 66law.cn may be able to boast even more impressive numbers. Despite these exaggerations, with China's largest legal aid sites answering millions of questions a year, there is no denying the tremendous scale and opportunity that the emergence of online legal services provides.

While the sheer scale of online legal services in China is staggering, the quality and quantity of answers provided for free on legal advice websites is often less impressive, a fact that concerns many Chinese lawyers.⁴⁷ Lawyers' answers to legal queries tend to be curt; a 2015 question about salary arrears (Screenshot 1), a serious and ongoing problem in the PRC,⁴⁸ elicited two answers on 66law.cn: "follow legal procedures" and "apply for labor arbitration."⁴⁹ In addition to providing little useful information on which a potential client could act, these answers failed to point out that the plaintiff's evidence was likely insufficient, as they possessed only photocopied documentation of the salary arrears.⁵⁰ While these answers lack detail, they may provide sufficient encouragement and information for the asker to take the next step: in this case, contacting a lawyer or arbitration committee. As we shall see, these lawyers provide free legal advice on these websites partially in the hope of attracting clients. Additionally, China's online legal

⁴⁶ Jason Abbott et al., *New Social Media and (Electronic) Democratization in East and Southeast Asia: China and Malaysia Compared*, 9 TAIWAN J. DEMOCRACY 105, 126 (2013).

⁴⁷ Interview with SH04N-S, Partner, in Shanghai, China (May, 2010) [hereinafter SH04N-S].

⁴⁸ *Can't Pay, Won't Pay: Unpaid Wages in China*, ECONOMIST (Oct. 29, 2011), <https://www.economist.com/asia/2011/10/29/cant-pay-wont-pay> [https://perma.cc/GHM7-AW3V].

⁴⁹ Guizhou-Qiannan (贵州-黔南), *Tuōqiàn gōngzī liǎng nián, zhǐyǒu qiàntiáo fùyìn jiàn, zěnme zǒu fǎlǜ chéngxù? Qiàn kuǎn 4 wàn duō* (拖欠工资两年,只有欠条复印件,怎么走法律程序?欠款4万多) [Two Years in Arrears, Only a Copy of the Arrears, How to Go Through Legal Procedures? More than 40,000 Arrears], mainPageTitle (pinyin) [66LAW] (Feb. 16, 2015), <https://www.66law.cn/question/4699764.aspx> [https://perma.cc/Z4GW-T6MY].

⁵⁰ Personal Communication with Mary Gallagher, Professor, Michigan University, in Pittsburgh, PA (Feb. 28, 2015).

community does not shy away from important and controversial issues. Along with traffic accidents and divorces, categories such as housing demolition and relocation, land requisition compensation, and criminal defense appear prominently on lawtime.cn's homepage.⁵¹ Though in a developed democracy these might be uncontroversial areas of law, in the contemporary PRC they are often anything but.

The internet can also help people find lawyers with the right experience for more politically sensitive cases. A simple search on China's most popular search engine, Baidu.com, for "administrative litigation lawyer" or for the more colloquial "lawyer for people suing officials" immediately produces the name⁵² of China's most prolific and successful administrative litigator, probably the only lawyer in China to make a living exclusively from administrative cases. For almost a decade, this lawyer and his assistants have taken hundreds of cases a year all over China. The price for being represented by such an experienced attorney is significant: RMB 30,000 for a case in his home city and RMB 100,000 outside it.⁵³ This means that his fees are generally only affordable for larger collective actions, which most of his cases are.⁵⁴ This lawyer was able to produce excellent results with many locally politically sensitive cases involving land, housing, and environmental compensation. In his words, "there are very few cases that are too sensitive."⁵⁵ The case of this prolific litigator demonstrates that the internet can be effective at connecting individuals with qualified and experienced legal representation. However, it also shows that there are limits in terms of the cost of such representation and that some issues and cases are off limits for all but China's most courageous or foolhardy rights protection lawyers.⁵⁶

⁵¹ FĀLŪ KUÀICHĒ (法律快车) [LAWTIME], <http://www.lawtime.cn/china> [<https://perma.cc/2JKL-T48Y>].

⁵² This lawyer's name is omitted for their protection.

⁵³ Interview with AL01-L, Senior Partner, (Aug., 2010).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See Eva Pils, *Asking the Tiger for his Skin: Rights Activism in China*, 30 FORDHAM INT'L L.J. 1209, 1209 (2006).

Screenshot 1: Lawyers Provide Curt Answers to a Question about Salary Arrears

拖欠工资两年,只有欠条复印件,怎么走法律程序?欠款4万多

贵州·黔南 2015-02-16 21:17 劳动纠纷

详细描述 (遇到的问题、发生经过、想要得到怎样的帮助) :

拖欠工资两年,只有欠条复印件,怎么走法律程序?欠款4万多

我也要提问

共 2 条回复

分享

2位律师解答

未到所面谈, 律师回答仅供参考



李新安

帮助人数: 11355

咨询电话: 13201463358

咨询我

申请劳动仲裁。

回复于 2015.02.17 14:40

赞同

0 人赞同了该回答



董补民

帮助人数: 158159

咨询电话: 15319713100

咨询我

走法律程序

回复于 2015.02.17 06:24

赞同

0 人赞同了该回答

没有符合您的答案? 立即在线问律师

E. OTHER ONLINE LEGAL SERVICES

Legal advice websites are hardly the only major online forum for online legal advice in China. One lawyer explained that their “law firm’s website also has an advice section where people can ask questions. But

nobody really uses computers anymore so people don't really post questions their anymore."⁵⁷ The firm's experience demonstrates the speed of technological change in many aspects of Chinese life, specifically the major shift from computers to smart phones as the primary mode of online access.

Over the past few years, Wechat, a multi-purpose messaging, social media, and mobile payment app developed by Tencent, has become so ubiquitous that it is also now a major player in the provision of legal advice in China. Various services exist on Wechat and other platforms which will, for a small fee (usually RMB 20, 30, or 50), connect clients with a lawyer for a prespecified period of time.⁵⁸ In the words of one lawyer, "you can do the legal consulting on the phone, where you get paid by time. So, for example, you might make RMB 100 for thirty minutes on the phone. But it is hard to make a living answering questions on the phone."⁵⁹ These rates did not compare favorably to those of another Shanghai lawyer whose firm charged far more for face to face consultations in Central Shanghai: "200 RMB normally the very lowest, 500–600 is more common—this is for about 10 minutes. Though the fee would be waived if we take the case."⁶⁰

The emergence of these services has not eluded legal advice websites; the Wechat based service run by China's most successful legal advice website is the first result for Chinese language web searches for "Wechat legal consultation." While such services can offer more depth than anonymous questions on legal advice websites, they still suffer from the same general casualization of legal services; "it is also hard to be professional and do your job as well as possible."⁶¹ On the other hand, conversations on Wechat, though not necessarily paid ones, seem to play an important role in bridging the gap between potential interest and actually coming into the office and hiring a lawyer.⁶²

While Wechat-based and other similar services will probably continue to grow in importance, this article will concentrate on legal advice websites for two, chiefly practical, reasons. First, legal advice websites have been around longer than Wechat-based services, which

⁵⁷ SH04N-S, *supra* note 47.

⁵⁸ Interview with SZ01N-L, Partner, in Suzhou, China (May, 2019) [hereinafter SZ01N-L].

⁵⁹ Interview with SH03N-S, Attorney, in Shanghai, China (May, 2019) [hereinafter SH03N-S].

⁶⁰ Interview with SH02N-L, Managing Partner, in Shanghai, China (May, 2019) [hereinafter SH02N-L].

⁶¹ SH03N-S, *supra* note 59.

⁶² SH02N-L, *supra* note 60.

allows us to examine their workings and impact over a longer period. Second, Wechat-based services are private conversations between a lawyer and client. There is therefore no way to collect large amounts of data on them. By contrast, we will see that legal advice websites provide millions of publicly available questions and answers to be collected and analyzed.

F. SUPPORTING LEGAL PROFESSIONALS

Unsurprisingly, one of the internet's most important effects on legal services in China is improving legal professionals' access to resources. This is of particular importance in a country such as China whose legal system had to be restarted from essentially nothing forty years ago and is still developing.⁶³ Building a modern legal system from scratch has meant that the number of laws, rules, and regulations in China has increased dramatically over the past couple decades and both judges and lawyers too frequently find themselves in the uncomfortable situation of needing to hear a case that revolves around new and unfamiliar laws.⁶⁴ The problem is amplified by historical problems with legal education.

Although by the late 2000s China was graduating over 100,000 law students a year,⁶⁵ the legacy of a lack of education and training is one of the biggest problems as "[t]hroughout the 1980s most of China's judges came to their positions through transfer from Party and military posts. Most lacked a university education, and very few had received formal legal instruction."⁶⁶ Although the education and training of judges has improved dramatically,⁶⁷ many poorly trained judges are still in the system.⁶⁸ Additionally, rather than an emphasis on improving and continuing legal education, revolutionary principles such as mediation⁶⁹

⁶³ See generally STANLEY B. LUBMAN, *BIRD IN A CAGE: LEGAL REFORM IN CHINA AFTER MAO* (1999) [hereinafter LUBMAN, *BIRD IN A CAGE*].

⁶⁴ Interview with SH15S, Partner, in Shanghai, China (Oct., 2010).

⁶⁵ Carl Minzer, *The Rise and Fall of Chinese Legal Education*, 36 *FORDHAM INT'L L.J.* 334, 356 (2013).

⁶⁶ LUBMAN, *BIRD IN A CAGE*, *supra* note 63, at 253.

⁶⁷ Benjamin L. Liebman, *China's Courts: Restricted Reform*, 191 *CHINA Q.* 620, 625–26 (2007).

⁶⁸ LUBMAN, *BIRD IN A CAGE*, *supra* note 63, at 253–57.

⁶⁹ See generally Michael Palmer, *Controlling the State: Mediation in Administrative Litigation in the People's Republic of China*, 16 *TRANSNAT'L L. & CONTEMP. PROBS.* 165 (2006); Michael Palmer, *Compromising Courts and Harmonizing Ideologies: Mediation in the Administrative Chambers of the People's Courts of the People's Republic of China*, in *NEW COURTS IN ASIA* 251, 251–77 (Andrew Harding & Penelope Nicholson eds., 2010); Stanley B. Lubman, *Mao and Mediation: Politics and Dispute Resolution in Communist China*, 55 *CALIF. L. REV.* 1284 (1967).

and the “mass line”⁷⁰ are often emphasized by higher levels. In a weak echo of Mao-era campaigns and the Great Leap Forward, judges were required to plant “trees as part of a greenification campaign.”⁷¹ Similar, though probably less severe, problems continue to persist with lawyers, especially among older lawyers in less developed areas.

In China, a dearth of legal knowledge and material relative to a more developed legal system⁷² make even basic online search tools for laws and published cases yet more important. Lawyers told me that they often use legal search tools⁷³ such as China Judgements Online, a website created by the Supreme People’s Court which, as of 2019, provided free access to over thirty-three million cases.⁷⁴ They also reported attending useful seminars on publishing cases online.⁷⁵ Although China is a civil law country without formal precedent, past cases still provide a wealth of important information for Chinese legal professionals. China has long practiced a “soft precedential” system in which courts are not required to rule the same way as in a previous case, but are likely to do so.

Existing research has also suggested that the internet helps legal professionals network with each other and provides them with a source of information and support other than the state. In China, lower court judges once “had little option but to consult higher courts.”⁷⁶ Now, they “routinely consult the internet to assist them when they encounter new questions,” a phenomenon that seems to be particularly important “in less developed areas” where the judges have limited resources.⁷⁷ Communication and networking between judges, much of it online, “may lead to more consistent application of the law”⁷⁸ and the development of a professional identity which can assist judges “as they seek to combat interference from both within and outside the courts.”⁷⁹ Since a lack of judicial independence is one of the most important deficits in the Chinese

⁷⁰ Qin Yang, “Judges’ Dilemma in China: Perspectives from Local People’s Courts,” in *The Chinese Judiciary in Practice* (The European China Law Studies Association Annual Conference, Sciences Po, Paris, 2011).

⁷¹ RANDALL PEERENBOOM, CHINA’S LONG MARCH TOWARD RULE OF LAW 331, 331 n.6 (2002).

⁷² Richard A Danner, *Legal Information and the Development of American Law: Writings on the Form and Structure of the Published Law*, 99 L. LIBR. J. 1, 35 (2007).

⁷³ Interview with SH01N-L, Managing Partner, in Shanghai, China (May, 2019) [hereinafter SH01N-L].

⁷⁴ Interview with SZ01N-L, Partner, in Suzhou, China (May, 2019) [hereinafter SZ01N-L].

⁷⁵ Interview with SH07N-S, Partner, in Shanghai, China (May, 2019) [hereinafter SH07N-S].

⁷⁶ Liebman, *supra* note 67, at 631.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

legal system, this could have a huge impact on people's willingness to resort to its courts and on lawyers' and judges' willingness to help them.

G. CENSORSHIP

The impressive extent to which the Chinese Communist Party ("CCP") has managed to censor China's internet is well-established. With remarkable prescience, the CCP set up several state working groups to monitor and control the development of the internet as early as 1996.⁸⁰ A landmark 2013 paper based on data collected from the Chinese internet shows that the PRC's "censorship program is aimed at curtailing collective action by silencing comments that represent, reinforce, or spur social mobilization, regardless of content. Censorship is oriented toward attempting to forestall collective activities that are occurring now or may occur in the future."⁸¹ Yet these same restrictions do not seem to apply to legal activities.

China's one-child policy provides a useful example of the relatively lax censorship of legal advice websites. The one-child policy is considered a moderately politically sensitive topic,⁸² but abortions and sterilizations forced by overzealous family planning officials are considered to be beyond the pale. Yet lawtime.cn contains a page (Screenshot 2) where lawyers respond to a question asked from Guizhou (one of China's poorest provinces): "can an 8 months pregnant unmarried woman who was compelled to get an abortion by family planning officials sue them?"⁸³ The page provides three responses from lawyers, one in the negative and two in the affirmative. This question is not unique; the site contains many questions and responses regarding forced abortions and sterilizations. Most of the cases are far less inflammatory than that above, asking: "is it legal for officials to force me to abort?" rather than claiming that they have already been forced to have an abortion. Additionally, questions about forced sterilizations are more common than forced abortions. These come in two varieties: tubal ligation and the much less permanent placement of an intrauterine device. As enforcement of family planning policies in China has grown laxer, the number of these types of

⁸⁰ MILTON MUELLER & ZIXIANG TAN, CHINA IN THE INFORMATION AGE: TELECOMMUNICATIONS AND THE DILEMMAS OF REFORM (1997).

⁸¹ Gary King et al., *How Censorship in China Allows Government Criticism but Silences Collective Expression*, 107 AM. POL. SCI. REV. 1, 1 (2013) [<https://perma.cc/8ZS9-8DF3>].

⁸² King et al., *supra* note 80, at 4.

⁸³ See *supra* Screenshot 2.

questions has waned. Despite this decrease, similar questions were still relatively common in rural areas up through 2015.

Screenshot 2: A Question about Suing the State for a Forced Abortion

未婚女性怀孕八月被计划生育强制拉去堕胎,是否可以起诉他们

我也要提问

如与您情况不符,可立即咨询律师

精选答案推荐

以上咨询为用户常见问题,经整理发布,仅供参考学习



顾问团
法律问答顾问

咨询我

不可以。本身就是违法在前。

对内容有疑问,可立即反馈。

反馈

相似问答推荐

以上咨询为用户常见问题,经整理发布,仅供参考学习

未成年女性怀孕了, 计划生育有没有权利强迫女性堕胎



金颖律师 律师

帮助人数: 432695
咨询电话: 18410012920
地区: 北京-朝阳区

咨询我

您好, 该行为是违法的!

未婚怀孕八个月会不会被计划生育强行引产



马君律师 律师

帮助人数: 80099
咨询电话: 13875830309
地区: 湖南-长沙

咨询我

你好, 正常情况是不会的, 如果对你造成损害, 可追究他们的刑事责任和民事赔偿责任。如有疑问或需要帮助, 可电话或当面咨询。谢谢!

对内容有疑问,可立即反馈。

反馈

Screenshot 3: A Collective Land Cases Receives a Detailed Answer

群体行政诉讼要到中院起诉吗

问题来自: 北京 - 北京 悬赏: 0分 咨询时间: 2014-09-25 18:04 咨询人: 30w925kat48os

法律快车推荐: 问题没有解决, 上"好律师在线"预约专业律师!

我来回答 您还可以输入5000字

请先登录, 再解答咨询!

温馨提示: 使用组合键Ctrl+Enter可快速提交! 发布问题、回复咨询, 更加方便、及时。

提交回答

法律快车律师回复 共6条回复



徐卫东律师[VIP]
北京-北京
电话: 1391005186
立即在线咨询

要具体分析, 详谈电话联系。

法律依据 中华人民共和国行政诉讼法

第三章 管 辖

第十三条 基层人民法院管辖第一审行政案件。

第十四条 中级人民法院管辖下列第一审行政案件:

(一) 确认发明专利权的案件、海关处理的案件;

(二) 对国务院各部门或者省、自治区、直辖市人民政府所作的具体行政行为提起诉讼的案件;

(三) 本辖区内重大、复杂的案件。

第十五条 高级人民法院管辖本辖区内重大、复杂的第一审行政案件。

第十六条 最高人民法院管辖全国范围内重大、复杂的第一审行政案件。

第十七条 行政案件由最初作出具体行政行为的行政机关所在地人民法院管辖。经复议的案件, 复议机关改变原具体行政行为的, 也可以由复议机关所在地人民法院管辖。

第十八条 对限制人身自由的行政强制措施不服提起的诉讼, 由被告所在地或者原告所在地人民法院管辖。

第十九条 因不动产提起的行政诉讼, 由不动产所在地人民法院管辖。

第二十条 两个以上人民法院都有管辖权的案件, 原告可以选择其中一个人民法院提起诉讼。原告向两个以上有管辖权的人民法院提起诉讼的, 由最先收到起诉状的人民法院管辖。

第二十一条 人民法院发现受理的案件不属于自己管辖时, 应当移送有管辖权的人民法院。受移送的人民法院不得自行移送。

回复时间: 2014-09-25 18:13

Another page asks about collective administrative cases (Screenshot 3), which raises the red flag of collective action aimed at the state, and received more detailed and positive answers from several lawyers.⁸⁴ With the most sophisticated censorship regime in human history at its disposal, these types of questions, some dating as far back as 2009, would not still be online if the state was interested in censoring them.

Some censoring of legal topics and websites probably does take place. Indeed, one of what was once one of China's most popular legal websites, chinalawyer.org.cn, was shut down under unclear circumstances. The issue of censorship is an important one and calls for its own detailed investigation. Nevertheless, as a rule, China's censors seem to allow for conversations about sensitive topics, even ones that encourage plaintiffs to challenge the state in controversial ways.

H. A NEW PHENOMENON?

A natural and appropriate question in regard to the internet's impact is to ask: is this truly a new phenomenon? After all, the Chinese state has sometimes made considerable efforts to disseminate materials about laws and regulations, legal books are easily available in bookstores, and legal advice columns are not uncommon in newspapers.⁸⁵ For example, from 1989 to 1998, Lawyer Bao provided answers to legal questions that reached hundreds of thousands of Chinese through his weekly column in the Beijing Evening News.⁸⁶ Are online legal resources actually something new or are they simply the migration of content to a new medium?

Despite important similarities with past printed legal materials, online legal resources are quantitatively and qualitatively different than their predecessors because they are more accessible, more numerous, more interactive, and therefore more specific. Even when they are otherwise exactly the same, online materials are far more accessible than their printed counterparts. As we have already seen, local governments possessed a reasonable capacity to limit access, especially in rural areas,

⁸⁴ See *infra* Screenshot 3.

⁸⁵ See generally Sida Liu, *With or Without the Law: The Changing Meaning of Ordinary Legal Work in China, 1979–2003*, in CHINESE JUSTICE: CIVIL DISPUTE RESOLUTION IN CONTEMPORARY CHINA 234 (Margaret Y.K. Woo et al. eds., 2011).

⁸⁶ See generally Ethan Michelson, *Dear Lawyer Bao: Everyday Problems, Legal Advice, and State Power in China*, in 55 SOC. PROBS. 43 (2008).

to materials which contain or explain policies, laws, and regulations enacted by higher levels of the state. With materials now available online, the local state has essentially lost this capacity, at least where internet access is available. Additionally, printed materials often require a higher level of commitment and education to access successfully. Those seeking legal materials would have to make a trip to a bookstore, library, government office, or legal aid clinic; in rural China, this could easily mean a journey of many hours. Once there, individuals would have to be able to identify and search through legal materials to find the information they were looking for. The cost, difficulty, and time required to find such material has been dramatically reduced by the publication of legal materials online and keyword searches. Additionally, audio and videos make legal content more accessible to those with lower levels of education.

Probably the biggest difference between online legal advice and previous printed legal materials is the scale on which such material is available. Whereas printed legal advice tools such as “Dear Lawyer Bao” answered thousands of questions and reached an audience of hundreds of thousands, legal advice websites answer tens of millions of questions and are accessible to hundreds of millions. Additionally, the interactivity of these sites gives everyone the chance to ask question and provides local lawyers with an opportunity to answer them directly. Even if individuals do not post their questions, which is both free and extremely easy, or have them answered, which around 70% of questions are, there are literally tens of millions of already existing questions publicly available and easily searchable online.

Finally, the quantity and interactivity of the medium means that the substance of online legal advice tools is less carefully managed. Whereas Michelson found that Lawyer Bao tended to delegitimize grievances in “which state interests were at stake,”⁸⁷ we have already seen that legal advice websites allow for questions on sensitive topics to be asked and that lawyers sometimes provide answers that encourage people to challenge the state. Despite very significant differences with today’s online legal advice websites, the themes brought up by past work on public legal advice should be kept in mind.

⁸⁷ *Id.* at 44.

II. HOW DO LEGAL ADVICE WEBSITES WORK AND WHAT KIND OF IMPACT ARE THEY HAVING?

This section examines the workings of legal advice websites and attempts to understand what type of impact they may be having on helping to build rule of law in China and why.

A. WHY DO LAWYERS USE LEGAL ADVICE WEBSITES?

Because legal advice websites count on lawyers to provide the vast majority of their content by answering anonymously posted questions, it is vital to understand the perspective of lawyers on legal advice websites. Lawyers answer questions on legal advice websites for several reasons:

1. Legal advice websites incentivize them to answer questions with more prominent placement or free advertising.
2. The answers to the questions are a form of advertising.
3. Lawyers, especially junior ones, may have extra time on their hands.
4. They want to help the people asking them.
5. In order to gain experience and knowledge.

Legal advice websites have fairly sizable numbers of salespeople who attempt to sell lawyers advertising on their website, including cold calls, which most of my interviewees regularly received.⁸⁸ As a prominent Suzhou lawyer explained: “Findlaw regularly contacts me. They have sales people everywhere. They try to get you to sign up. You have to pay to have your picture on the site, different rates for amounts of time, and the placement you get is everything. The top spot might cost more, perhaps 30,000 RMB for the top spot in Suzhou, but then to be 7 or 8 down the list might be just a few thousand.” However, this is not the only way to improve one’s placement on a legal advice website; “If you do a certain amount [of answering questions], you get the ads for free.”⁸⁹ Legal advice websites therefore use lawyers as both a source of revenue and free labor. Additionally, the two reinforce each other because lawyers can convert unused time into advertising that, at least according to legal advice websites,⁹⁰ has real value. Despite this, not all lawyers were convinced. A

⁸⁸ SZ01N-L, *supra* note 58; SH01N-L, *supra* note 73.

⁸⁹ Interview with SH02N-S, Attorney, in Shanghai, China (May, 2019) [hereinafter SH02N-S].

⁹⁰ *Id.*

very successful Shanghai lawyer argued that: “The more you advertise the more desperate you look, that is a paradox.”⁹¹

In my interviews with lawyers, getting free advertising from the websites was generally not cited as the chief reason they answered questions on legal advice portals. Likely of more value than any advertising or placement incentive from legal advice websites were lawyers’ answers to the questions. These serve as a form of advertising both to the question askers and anyone else looking at the site. Interviewees were not optimistic about how likely their answers to questions were to produce actual paying clients. “Only five percent of askers whose questions you answer might get in touch with you,” estimated one young lawyer.⁹² Another suggested it was very low, but refused to hazard a guess as to the percentage.⁹³ Even then there is a relatively low chance of converting such contact into a paying case: “you might get a case in 1–5% of cases in which the askers are local.”⁹⁴ Yet, despite these low numbers, most lawyers did not look on answering questions as a waste of time. Some lawyers answered questions on the site daily⁹⁵ while others might have devoted two to three hours a week. Others suggested they had done so earlier in their careers.⁹⁶ The most frequent responder showed the utility of the sites, saying he looked specifically for high value cases that could “bring in some cash.”⁹⁷ Answering questions within a lawyer’s area of expertise was also an important strategy.⁹⁸

Other lawyers and law firms seem to be less open to the idea of even dabbling in online legal advice. At one firm, I was told that: “we don’t use them [legal advice websites]. Our clients are more traditional. This firm is more traditional . . . At this firm they try to develop a relationship with the client, hope they will come for their future cases and try to work through word of mouth.”⁹⁹ A lawyer at a firm with a long and somewhat academic history suggested a related problem with the websites: “in China, people want to find a lawyer with whom they have trust—so people usually want friends or others to introduce them to their

⁹¹ SH01N-L, *supra* note 73.

⁹² SH03N-S, *supra* note 59.

⁹³ Interview: SH05N-S.

⁹⁴ Interview: GL01N-S.

⁹⁵ SH05N-S, *supra* note 93.

⁹⁶ GL01N-S, *supra* note 94. SH04N-S, *supra* note 47.

⁹⁷ SH05N-S, *supra* note 93.

⁹⁸ *Id.*; GL01N-S, *supra* note 94.

⁹⁹ Interview with SH06N-S, in Shanghai, China (May, 2019).

lawyers.”¹⁰⁰ By contrast, a lawyer who earned well in excess of a million RMB a year and was a senior partner in a firm in a shiny high-rise with multiple Maseratis in the parking lot told me that: “they [legal advice websites] are not very useful—most of the material is just about resolving very simple common people’s problems. But I am very busy so I do not really need or want to spend time on this. They are fairly simple questions.”¹⁰¹ Another similarly high-earning Shanghai lawyer told me he did not use the websites because he does not need to attract more work or more clients: “I don’t want to work on the weekends—many lawyers and people in general do, but I already have enough work.”¹⁰²

Some interviewees thought there was value in using legal advice websites to “allow you as a lawyer to see what is going on in society. This is really important for knowing what average people’s legal questions are.”¹⁰³ In particular, this seemed to be important for younger and more junior lawyers who could get a little experience answering a question without being face to face with a client and needing to know the answer immediately.¹⁰⁴

Perhaps surprisingly, many lawyers admitted to answering questions simply out of idleness.¹⁰⁵ Because of this, many of my interviewees stressed that answering questions on legal advice sites was something done by younger and more junior lawyers who often find themselves without cases to work on. Given the low chances of these answers being converted into income, some were surprisingly positive about the value of answering questions.¹⁰⁶ Yet, they may have had good reason for doing so as a couple fairly successful interviewees stressed that they had answered questions on these sites only much earlier in their careers.¹⁰⁷

There was a general idea among some lawyers that legal advice websites could genuinely help people with little legal knowledge and that it was worth answering questions in order to help people.¹⁰⁸ This was especially true for those that lacked the ability to pay the one to two

¹⁰⁰ SH04N-S, *supra* note 47.

¹⁰¹ SH07N-S, *supra* note 75.

¹⁰² SH01N-L, *supra* note 73.

¹⁰³ GL01N-S, *supra* note 94.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ SH02N-S, *supra* note 89.

¹⁰⁷ GL01N-S, *supra* note 94; SH04N-S, *supra* note 47.

¹⁰⁸ SH04N-S, *supra* note 47; GL01N-S, *supra* note 94.

thousand RMB that one interviewee estimated as a minimum to get a good quality legal answer.¹⁰⁹ One experienced lawyer tried to respond to questions he found interesting or those where he felt another lawyer had already posted an incorrect answer.¹¹⁰ But other lawyers doubted the quality of answers on legal advice sites¹¹¹ and the value they provided. One lawyer suggested that “some of the lawyers that use these sites are professional, but some are not, they do not actually answer your questions – they just want you to contact them. They do not want to put full answers on the website.”¹¹² He felt bad about what that meant for the legal profession in China and thought that these lawyers might lack professional ethics.¹¹³ However, a feeling that “you get what you pay for” was also fairly pervasive among my interviewees.¹¹⁴

While lawyers’ approaches to legal advice websites were fairly varied, two things seem clear. First, most of those answering questions on legal advice websites are younger and less experienced lawyers. Second, they are primarily looking for clients with relatively simple and profitable cases. While this does not preclude the contribution of legal advice websites to rule of law, it helps explain why they have not been as transformative as they might be given their size and scope. I will return to these ideas later.

B. QUANTITATIVE DATA

Hard numerical data relating to rule of law is notoriously difficult to find. In the PRC this is doubly true. By collecting and using data from China’s growing ecosystem of legal advice portals, this project not only specifically allows us to examine the functioning of legal advice websites in China, but also creates one of the largest datasets on contemporary China in existence. As this larger project moves forward, the data will allow us to examine the changing role and interactions between law, politics, technology, and society in the contemporary PRC.

For our purposes here, I will rely specifically on data collected from one of China’s most popular legal advice websites, findlaw.com. The data was scraped by creating a Python script that automatically collects

¹⁰⁹ SH01N-L, *supra* note 73.

¹¹⁰ GL01N-S, *supra* note 94.

¹¹¹ SH04N-S, *supra* note 47; SH01N-L, *supra* note 73.

¹¹² SH01N-L, *supra* note 73.

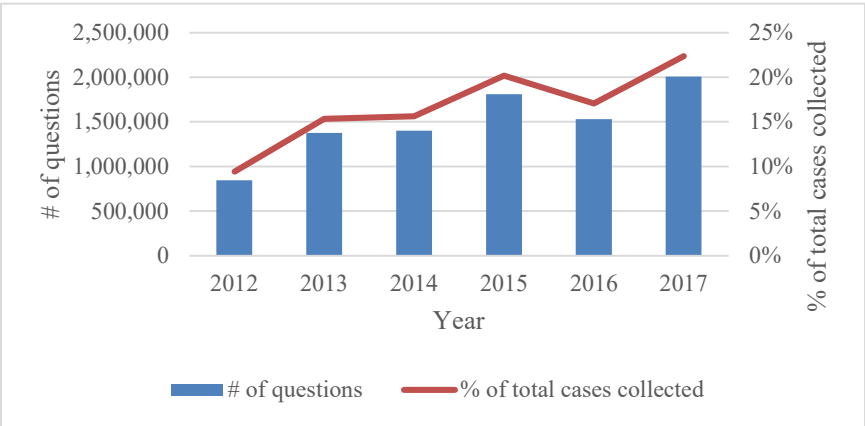
¹¹³ *Id.*

¹¹⁴ SH02N-L, *supra* note 60.

data from the site. First and foremost, this data consists of questions posted on the website by individuals. We also collected lawyers’ responses to the posted questions, as well as the original poster’s responses to the lawyers’ responses. We scraped data for every province in China from 2012 through the end of 2017.

Figure 2 shows the questions we collected beginning on January 1, 2012 and ending on December 31, 2017. The beginning date of 2012 was chosen partially for technical reasons that made collecting observations from earlier dates difficult. It also appears that relatively few questions were posted to the site until mid-2012. Since that time, however, the number of cases has grown tremendously, with the total number of questions topping two million in 2017.

Figure 2: Number of questions collected by year



C. TYPES OF CASES

Legal advice websites generally allow those posting questions to choose from a list of categories to help identify their question. This should allow lawyers to more easily filter cases based not only in their geographic area, where they would be more likely to have their services retained by a client, but also based on their legal specialties or interests. Question posters sometimes miscategorized their questions. Generally, this seems to be due to a lack of basic legal knowledge or a lack of care. Nevertheless, a brief look at the types of questions is highly instructive for understanding what type of legal advice is and is not being provided on Chinese legal advice websites. Table 1 shows an edited selection of the categories of

questions including the total number of questions in that category collected and the overall percentage of questions that number represents.¹¹⁵ For the sake of brevity, many categories have been excluded with an emphasis on retaining the largest categories as well as the ones most likely to prove politically or otherwise controversial or problematic in the context of the PRC.

Table 1: Selected Categories of 2012–2017 Cases Collected

Type of Case	# of Questions	% of Questions
Marriage and family	1,727,923	18.25
Traffic accident	1,105,982	11.68
Other	1,076,459	11.37
Contractual dispute	1,027,569	10.85
Real estate dispute	884,035	9.34
Labor injury	659,605	6.97
Consumer rights	361,045	3.81
Labor contract	293,258	3.1
Divorce	266,894	2.82
Criminal defense	242,777	2.56
Inheritance	99,941	1.06
Personal injury compensation	40,640	0.43
Work injury compensation	27,218	0.29
Demolition	20,456	0.22
Administrative litigation	19,913	0.21
Criminal administration	17,712	0.19
Intellectual property	13,537	0.14

¹¹⁵ See *supra* Table 1.

Type of Case	# of Questions	% of Questions
E-commerce	10,582	0.11
State compensation	10,242	0.11
Product quality	8,657	0.09
Trademark	8,143	0.09
Social security	7,430	0.08
Patent	5,002	0.05
Environmental protection	4,735	0.05
Copyright	4,047	0.04
Venture capital	2,860	0.03
Food safety	1,806	0.02
Death penalty	563	0.01

Cases listed on findlaw.cn run the gamut from popular and largely banal categories such as marriage and family, contract disputes, traffic accidents, and real estate disputes, to unusual cases such as food safety and death penalty defense. It also includes a good mix of cases with possible political and social repercussions such as consumer rights, labor contract, criminal defense, demolition and relocation, state compensation, environmental protection, and administrative litigation. One issue that immediately becomes clear from Table 1 is that the categories that might be considered more politically sensitive, at least from the perspective of the Chinese state, contain far fewer questions than more common areas of legal practice such as family law, traffic accidents, and contract disputes.¹¹⁶ There are a few notable exceptions, however, to this rule, specifically: consumer rights, criminal defense, and work or labor injury.¹¹⁷ Consumer rights and criminal defense in particular boast hundreds of thousands of questions over our five-year period. In the contemporary PRC, all of these areas tend to contain some reasonable portion of cases that are quite controversial in that they may directly

¹¹⁶ *Id.*

¹¹⁷ *Id.*

challenge state interests or the interests of powerful companies, often with close ties to the state.¹¹⁸ All of these areas may also contain many banal and everyday cases of little interest to the powers that be. Yet the same is true of less common categories of questions such as administrative litigation, state compensation, environmental protection, and demolition.

While some environmental questions may raise the specter of challenging large companies over even the state environmental bureau on major issues,¹¹⁹ many of the questions are about simple everyday issues such as pollution from a small business, for example a complaint about the noise from a local karaoke parlor.¹²⁰ Only an apparent minority of the fewer than 5,000 questions (around 0.05% of the total), classified as environmental protection, address China's major environmental challenges such as large-scale air or water pollution. Additionally, "[m]ost of the environmental questions on this website are not real actionable questions. They are just something vague about pollution."¹²¹ Worse still, many of the cases classified as environmental protection are actually asked by polluters or those accused of pollution. It seems clear that when it comes to environmental cases, legal advice websites are being dramatically underutilized.

In almost any legal system, far more people are going to have questions about legal issues pertaining to divorces, contracts, and car accidents than environmental degradation or suing the state (administrative litigation). To a significant extent, this discrepancy simply reflects the fact that these websites are meeting the real legal advice needs

¹¹⁸ See Lu Jun, *Human Rights Lawyers' Role in Rights NGOs in China: History and Future*, 41 FORDHAM INT'L L.J. 1197, 1208–09 (2018); LEE, *supra* note 26.

¹¹⁹ See generally Gao Qi, "Public Interest Litigation" in China: Panacea or Placebo for Environmental Protection?, CHINA: AN INT'L J., Nov. 2018, at 47, 51–52; Alex Wang & Jie Gao, *Environmental Courts and the Development of Environmental Public Interest Litigation in China*, 3 J. CT. INNOVATION 37, 43 (2010); RACHEL E. STERN, A STUDY IN POLITICAL AMBIVALENCE: ENVIRONMENTAL LITIGATION IN CHINA 80, 94–95 (2013); Sarah Eaton & Genia Kostka, *Authoritarian Environmentalism Undermined? Local Leaders' Time Horizons and Environmental Policy Implementation in China*, CHINA Q., June 2014, at 359, 360, 368; Benjamin van Rooij, *Implementation of Chinese Environmental Law: Regular Enforcement and Political Campaigns*, DEV. & CHANGE, Jan. 2006, at 57, 58.

¹²⁰ E.g., w13540, *Qīngwèn jūmín qū zhōuwéi yījiā KTV yánzhòng rǎomín, 110 měi cì chūjīng dōu zhī néng zhànshí jiějué, qīngwèn rúhé ràng wéifǎ KTV bèi qǔdī huò yǒng bù zàifàn* (请问居民区周围一家 KTV 严重扰民, 110 每次出警都只能暂时解决, 请问如何让违法 KTV 被取缔或永不再犯) [I would like to ask that a KTV around the residential area is a serious nuisance to the people. Each time 110 comes out of the police, it can only be temporarily resolved. How can I make the illegal KTV banned or never committed again?], ZHÀO FǎLǚ (找法律) [FINDLAW], (Aug. 13, 2016, 8:42 AM), http://china.findlaw.cn/ask/question_36406039.html [<https://perma.cc/W5NZ-QKZT>].

¹²¹ GL01N-S, *supra* note 94.

of average people. That reality is also reflected in a different way by the small number of cases in categories such as trademark, copyright, or venture capital. Although these areas of law support large numbers of lawyers in China, as in most developed or rapidly-developing economies, clients with serious questions relating to these issues generally have existing relationships with lawyers and are unlikely to post questions on publicly available legal advice websites.

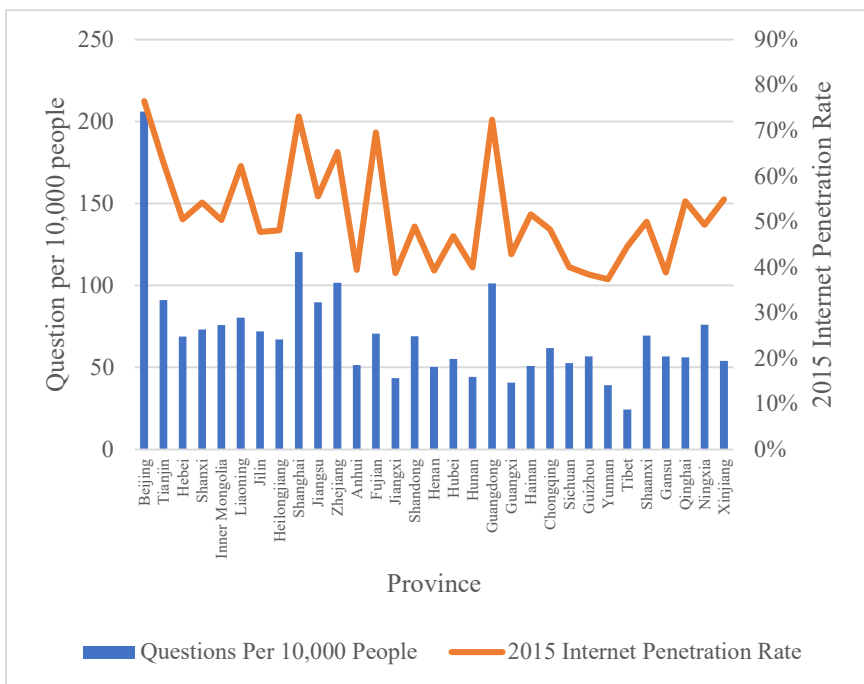
D. REGIONAL VARIATION

Another important consideration for our data is the regional variation in numbers, types, and content of questions, as well as the replies given by lawyers. The provincial level is a very coarse one and a tremendous advantage of our data is that it includes much more fine-grained geographic information. Yet, even on the coarse provincial level, tremendous variation is evident with Tibet accounting for fewer than 8,000 questions and Guangdong more than a million. Our data also includes much more specific geographic information in the form of the question askers' city-level (prefecture) location. In China's four cities that are directly administered by the central government (Beijing, Tianjin, Shanghai, and Chongqing), the location information is actually at the far more precise district (county) level. While a list of questions by city and district would be space prohibitive, I used this information in the regression reported below in order to control for regional effects by creating a separate dummy variable for every one of the over 400 cities/prefectures in my dataset.

Geographic variation also helps sketch out an answer about why online legal advice resources might not be having as much of an impact as could be theorized. The areas of China most badly lacking access to legal services are generally going to be disproportionately poorer, more rural, and have more minorities. Yet it appears that the vast majority of questions and answers on legal advice websites are being answered in more-developed urban areas where there are smaller populations of non-Han minorities. Almost 15% of all questions posted to findlaw.cn came from just four cities: Beijing, Shanghai, Guangdong, and Shenzhen, all developed coastal metropolises. By contrast, forty-nine cities or prefectures, mostly in minority provinces such as Xinjiang and Tibet, had fewer than 2,000 questions. This inequality is at least in part simply mirroring an inequality in internet access. While over 50% of Chinese now have access to the internet, most of those who do not are already in the

type of rural underdeveloped regions that are underserved by legal resources. Figure 3 demonstrates both the highly unequal number of questions per 10,000 residents by province and the clear relationship this has with internet penetration in the province. While there are some exceptions to this pattern, the relationship is confirmed by simple statistical tests. These tests show the two variables to be highly coordinated and statistically significant.

Figure 3: Questions per 10,000 people for 2012–2017 and the 2015 Internet penetration rate¹²²

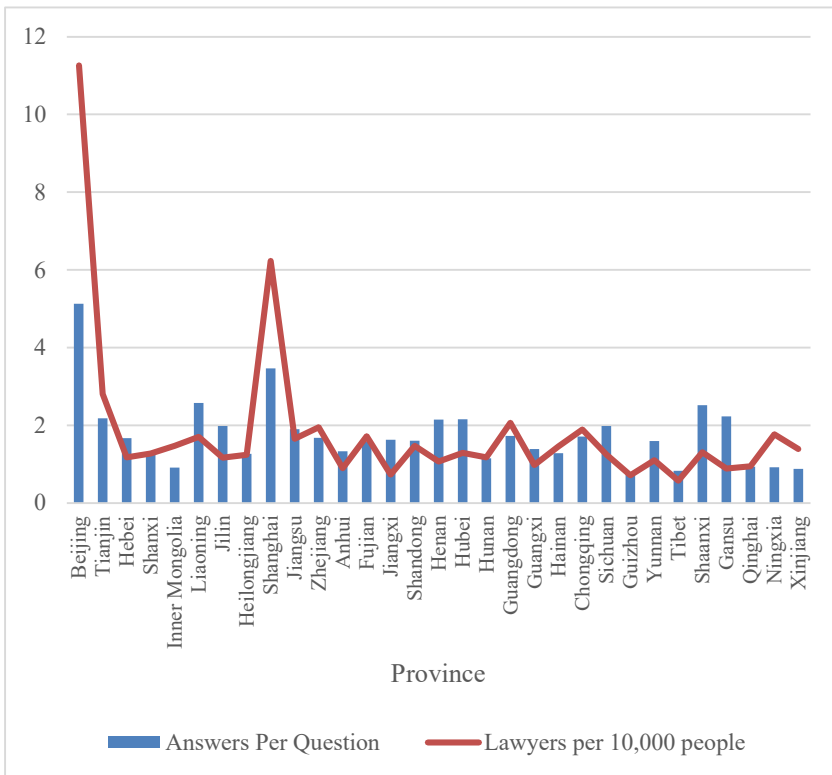


This inequality is also visible in the number of questions answered. While the mean question posted to findlaw.cn between 2012–2017 received 1.9 answers, this hides a tremendous amount of regional variation. Leaving aside directly administered cities like Beijing and

¹²² CHINA INTERNET NETWORK INFORMATION CENTER, 39TH STATISTICAL REPORT ON INTERNET DEVELOPMENT IN CHINA 42–43 (2017), available at <https://ccnic.com.cn/IDR/ReportDownloads/201706/P020170608523740585924.pdf> [<https://perma.cc/G4JB-FJZT>].

Shanghai, most of China's reasonably developed and overwhelmingly ethnically Han provinces average somewhere between two and one answers per question, as can be seen in Figure 4. Only six provinces, four out of five of China's minority autonomous regions, as well as the underdeveloped and heavily minority provinces of Qinghai and Guizhou averaged fewer than one answer per question. While a couple of minority-heavy provinces such as Gaungxi and Yunan did better, the pattern is clear; questions posted in less-developed, less-urban, and minority heavy provinces tended to have fewer of their questions answered.

Figure 4: Mean number of answers per question posted to findlaw.cn by province¹²³



¹²³ Figure 4 was created by combining scraped data on questions with official Chinese data on lawyers and population. See 吴秀军 Wu Xiujun and 范春雪 Fan Chunxue, eds., *China Lawyers Yearbook 中国律师年检 2011* (Beijing: Renminfayuan Chubanshe 人民法院出版社, 2012); CHINA DATA ONLINE, <https://www.china-data-online.com> [<https://perma.cc/3KC3-KMSC>] (regarding official data on lawyers and population (both from the year 2010)).

While a lack of internet access may help explain the low number of questions posted, it does little to explain the lower number of answers per question in more rural areas. Law firms in China do not exist in a city smaller than the county seat in a rural area. Therefore, almost every lawyer in China has, or at least could have, relatively easy internet access.

However, lawyers primarily focus on answering questions in their geographic area, largely because questions answered in areas further afield are unlikely to produce paying clients. Additionally, many lawyers would rather not take cases outside of their city both for logistical reasons and because of a lack of familiarity with other regions. One well-established lawyer explained that he would generally only take cases in and around Shanghai, where he currently works, or his hometown in Anhui where he maintains knowledge and relationships.¹²⁴ The low number of answers per question in more remote regions, therefore, is almost certainly a reflection of the low number of lawyers in these provinces. For example, in 2010 Tibet had only 174 lawyers and Qinghai had a little over 500. Ningxia had around 1,000 lawyers and Xinjiang around 3,000.¹²⁵ Even accounting for population differences these numbers compare poorly to Beijing, Guangdong, Shanghai, Sichuan, Jiangsu, and Zhejiang, all of which had more than 10,000.¹²⁶ Comparing the number of answers per question with the number of lawyers per 10,000 people in Figure 4 shows a fairly clear relationship between lawyers per capita and the number of questions answered.¹²⁷ This is supported by simple statistical tests, which show the two variables to be highly correlated and statistically significant. Despite the internet's theoretical ability to make geography less important, legal advice websites have largely reproduced existing inequalities in legal services.

E. WHAT TYPES OF QUESTIONS DO LAWYERS ANSWER?

Because sites count on lawyers to provide the vast majority of their content by answering anonymously posted questions, these sites are vital to understanding lawyers' perspectives and motivations relating to legal advice. One of the simplest, but most important, questions we can ask with our data is what kind of cases lawyers are most likely and least

¹²⁴ SH01N-L, *supra* note 73.

¹²⁵ Wu Xijun & Fan Chunxue, *supra* note 124.

¹²⁶ *Id.*

¹²⁷ See *supra* Figure 4.

likely to respond to. The answer to this question will help us understand what kinds of legal issues are addressed through legal advice websites. From the perspective of lawyers, the primary function of responding to questions is advertising. Lawyers hope that their responses will cause the askers to contact and hire them. The number of answers received tends to show us how willing lawyers are to take on different types of cases. Primarily, this gives us an idea of what types of cases lawyers view as profitable, especially in proportion to how difficult and time consuming they are.

While a lawyer in the United States might be interested in cases that would generate the most billable hours, the incentives of Chinese lawyers are rather different. Chinese lawyers generally charge a pre-negotiated flat fee for legal services, or, less commonly, a contingency fee.¹²⁸ Chinese lawyers find cases with the highest fee-to-difficulty-and-time ratio the most desirable.¹²⁹ Michelson has shown that Chinese lawyers are often under tremendous financial pressure just to meet their firms' minimum billing requirements,¹³⁰ and therefore target the most profitable types of cases.

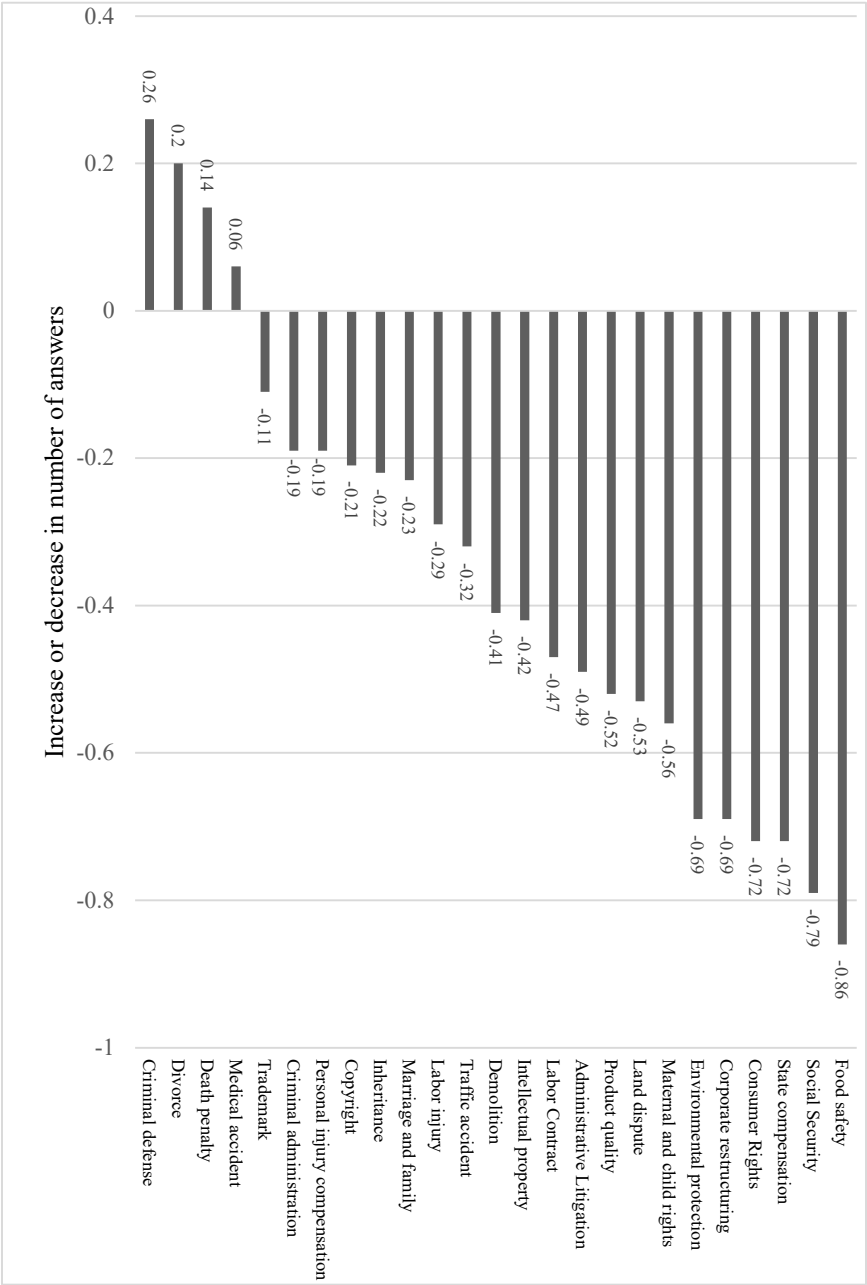
Figure 5 reports the partial results of a regression predicting how many replies various types of cases will receive. Unreported control variables include the date and time of the post and a dummy variable for every prefecture in China. Figure 5 shows that criminal defense and divorce are the clear leaders in terms of desirability for lawyers. Divorce cases are one of the most desirable types of cases, likely because they are generally straightforward and generate substantial revenue.

¹²⁸ Xiao Jianguo & Tang Xin, *Cost and Fee Allocation in Civil Procedure: China National Report*, 4 TSINGHUA CHINA L. REV. 55, 58 (2011).

¹²⁹ SH05N-S, *supra* note 93.

¹³⁰ Ethan Michelson, *The Practice of Law as an Obstacle to Justice: Chinese Lawyers at Work*, 40 L. & SOC'Y REV., 1, 8–9 (2006).

Figure 5: Predicted increase or decrease in the number of answers per question, by type of case



Criminal cases are, perhaps, a more surprising chart-leader.¹³¹ Lawyers in China face substantial obstacles at every turn when advocating for their clients in the criminal justice system.¹³² Lawyers are often prevented from seeing their clients and, despite recent efforts to address the issue, coerced confessions are common.¹³³ Yet, a conviction rate of 99.9%¹³⁴ may actually help explain why Chinese lawyers find criminal cases relatively appealing.

Criminal defendants, nearly certain they will be convicted, are willing to pay substantial sums to lawyers who can do relatively little other than help negotiate their sentences down.¹³⁵ This means that for a relatively low outlay of time and effort, lawyers can provide a valuable legal service. The fact that death penalty cases also feature high on the list is interesting, but probably anomalous.¹³⁶ There are so few death penalty cases that lawyers may answer questions about them, simply due to their novelty. The other types of cases that lawyers find desirable are largely predictable: those that tend to deal with large amounts of money, including debt, injury, trademark, and other types of family law.

Near the bottom of the spectrum there are many types of cases that, while not particularly sensitive or objectionable to the Chinese state, seem relatively difficult, time consuming, and less likely to generate revenue. These cases include parental and children's rights and adoption

¹³¹ See *supra* Figure 5.

¹³² Johnathon Kinkel & William Hurst, *Review Essay—Access to Justice in Post-Mao China: Assessing the Politics of Criminal and Administrative Law*, 11 J. EAST ASIAN STUD., 467, 469–78 (2011); SIDA LIU & TERENCE C. HALLIDAY, *CRIMINAL DEFENSE IN CHINA: THE POLITICS OF LAWYERS AT WORK* 1 (2016).

¹³³ Zhiyuan Guo, *Exclusion of Illegally Obtained Confessions in China: An Empirical Perspective*, 21 INT'L J. EVIDENCE & PROOF 30, 31–35 (2017); “My Hair Turned White”: Report Lifts Lid on China's Forced Confessions, THE GUARDIAN (Apr. 12, 2018), <https://www.theguardian.com/world/2018/apr/12/china-forced-confessions-report> [<https://perma.cc/Z8LX-BMZB>]; *China: Torture and Forced Confessions Rampant amid Systematic Trampling of Lawyers' Rights*, AMNESTY INT'L (Nov. 12, 2015, 5:56 PM), <https://www.amnesty.org/en/latest/news/2015/11/china-torture-forced-confession/> [<https://perma.cc/4SZN-GB2K>]; *China's Government Tries Again to Stop Forced Confessions Through Torture*, SOUTH CHINA MORNING POST (Oct. 10, 2016, 3:00 PM), <https://www.scmp.com/news/china/policies-politics/article/2026714/chinas-government-tries-again-stop-forced-confessions> [<https://perma.cc/S6H4-HEZB>].

¹³⁴ Terrence McCoy, *China Scored 99.9 Percent Conviction Rate Last Year*, WASH. POST (Mar. 15, 2019, 4:09 AM), <https://www.washingtonpost.com/news/morning-mix/wp/2014/03/11/china-scored-99-9-percent-conviction-rate-last-year/> [<https://perma.cc/JJY2-4M99>].

¹³⁵ Interview with Sida Liu, Assoc. Professor of Sociology & Law, Univ. of Toronto, in Madison, Wis. (Apr. 5, 2019).

¹³⁶ See *supra* Figure 5.

cases.¹³⁷ Still, there are categories like foreign investment and corporate restructuring also near the bottom of the list, which should be quite profitable areas of law.¹³⁸ Their presence near the bottom of the list is probably due to the nature of legal advice websites, which are a venue for average Chinese citizens and the lawyers that might serve them. In the words of a lawyer at a specialized maritime law firm in Shanghai explaining why she did not use legal advice websites, “you are not going to get shipping companies asking questions on a free legal advice platform.”¹³⁹ Corporate bosses search out the attorneys likely to work for them in other ways, through connections, recommendations, and prestigious firms. The lawyers on legal advice websites know this and that people asking these types of questions on legal advice websites are unlikely to be serious clients.

Demolition cases, where the Chinese government acquires the land to which farmers or residents have fixed-term use rights, represent the legal side of one of the largest and most significant social, political, and economic problems in China today. Local governments acquire the land, sometimes of tremendous value, and compensate the residents and farmers with a tiny fraction of the land’s value.¹⁴⁰ They use strong-arm tactics to guarantee compliance.¹⁴¹ Such cases are relatively undesirable for lawyers, but have the possibility of generating relatively substantial sums, as the amounts disputed are often large and officials may be willing to pay to resolve the disputes quickly.¹⁴²

Consumer protection, food safety, and environmental protection are also types of cases that get to the heart of major challenges faced by the Chinese state. While these cases usually mean disputes with private companies, the state is often perceived as ineffective or unwilling to protect its citizens from the harm generated by unscrupulous commercial interests, whether large polluting factories¹⁴³ or individual dairy

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Interview with SH01N-S, Partner, in Shanghai, China (May, 2019).

¹⁴⁰ John Givens & Andrew W. MacDonald, *Squeezing the Same Old Stone: Suing the Rural Chinese State and the Shift from Tax Reform to Land Seizures*, 17 CHINA CURRENTS, no. 2, 2008, available at https://www.chinacenter.net/2018/china_currents/17-2/squeezing-the-same-old-stone/ [https://perma.cc/ZDP4-K8GY].

¹⁴¹ *Id.*

¹⁴² AL01-L, *supra* note 53.

¹⁴³ RACHEL E. STERN, ENVIRONMENTAL LITIGATION IN CHINA: A STUDY IN POLITICAL AMBIVALENCE 3–5 (2013); Sarah Eaton & Genia Kostka, *Authoritarian Environmentalism*

farmers.¹⁴⁴ In the United States, such cases could produce awards of punitive damages that might richly reward the lawyers that take them. Yet, in China, lawyers understand that such cases are likely to be an unprofitable and losing uphill battle against powerful interests.¹⁴⁵ In more extreme cases they may even result in repression by the state, including criminal charges against plaintiffs or lawyers.¹⁴⁶ As could be expected, consumer protection, food safety, and environmental cases generally receive fewer replies than other types of questions which are likely to be both more profitable and less politically problematic for lawyers.¹⁴⁷ Yet, cases that challenge the interests of the Chinese state or are politically sensitive are precisely where legal advice websites have the biggest potential to contribute to the development of rule of law in China.

F. ADMINISTRATIVE CASES

To better understand the incentives of Chinese lawyers to answer questions in more sensitive areas of law at lower rates, this section will examine the most obvious and direct legal challenge against the Chinese state: administrative litigation. Administrative litigation allows individuals or groups to sue local governments to force them to comply with the law.¹⁴⁸ While suing the Chinese state is not as problematic or dangerous to lawyers as some might expect,¹⁴⁹ lawyers that take administrative cases are still likely to face difficult cases with relatively little chance of significant compensation.

Official statistics show that the apparent win-rate of plaintiffs in administrative cases is much better than in criminal cases. Reaching a peak in the early 1990s at around 40%, plaintiff victory rates dropped

Undermined? Local Leaders' Time Horizons and Environmental Policy Implementation in China, 218 CHINA Q. 359, 360 (2014); Benjamin van Rooij, *Implementation of Chinese Environmental Law: Regular Enforcement and Political Campaigns*, 37 DEV. & CHANGE 57, 58–59 (2006).

¹⁴⁴ Yanzhong Huang, *The 2008 Milk Scandal Revisited*, FORBES, (Jul. 16, 2014), <https://www.forbes.com/sites/yanzhonghuang/2014/07/16/the-2008-milk-scandal-revisited/> [<https://perma.cc/BBW6-XD6R>].

¹⁴⁵ RACHEL E. STERN, A STUDY IN POLITICAL AMBIVALENCE: ENVIRONMENTAL LITIGATION IN CHINA 151 (2013).

¹⁴⁶ ASSOCIATED PRESS, *Chinese Lawyer Who Exposed Baby Milk Scandal Jailed for Subversion*, THE GUARDIAN (Aug. 4, 2016) [<https://perma.cc/L4RH-XT9X>].

¹⁴⁷ *Id.*

¹⁴⁸ Kevin J. O'Brien & Lianjiang Li, *Suing the Local State: Administrative Litigation in Rural China*, 51 CHINA J. 75, 76 (2004).

¹⁴⁹ John Wagner Givens, *Sleeping with Dragons? Politically Embedded Lawyers Suing the Chinese State*, 31 WIS. INT'L L.J. 115, 116 (2014).

considerably over the past three decades, falling past the low teens by the late 2000s, and then rising slightly in subsequent years.¹⁵⁰ Although not high, the win-rate is better than rates for similar types of cases in Japan (4–8%)¹⁵¹ and roughly equivalent to those in which the United States government is the defendant (a little over 10%).¹⁵² Plaintiffs in administrative cases report rates of satisfaction with litigation that are significantly higher than other methods of redress. For example, in a 2005 survey, 40% of villagers who filed suits over government land expropriation received an increase in compensation that they found satisfactory.¹⁵³ In the author's interviews with Chinese lawyers in 2010 and 2011, the lawyers reported that they were able to achieve a satisfactory outcome for their clients in approximately 45% of cases.¹⁵⁴ Rates of satisfaction for plaintiffs are much higher than victory rates probably because administrative litigants may achieve a satisfactory outcome without a judgment in their favor, for example when the state agrees to many or all of a plaintiff's demands in return for withdrawing their suit.

Although rates of satisfactory outcomes are reasonably common, compensation in administrative lawsuits is generally meager. Litigation resulting from land and home demolition, which are often administrative cases, can result in large increases in compensation paid for land. On the other hand, payment for wrongful detention, imprisonment, or death "is calculated in accordance with the daily average wages of employees of the state in the preceding year."¹⁵⁵ A wrongful death is compensated at around 580,000 RMB (approximately USD 80,000).¹⁵⁶ In many cases, what might seem like a small sum to middle class Chinese, lawyers, or local

¹⁵⁰ (中国统计年鉴编委会) [China Statistical Yearbook Editorial Committee], (*中国统计年鉴*) [*China Statistical Yearbook*] (统计出版社) [Statistical Press] (1988–2018); Zhōngguó fǎlǜ niánjiàn biānjí bù (中国法律年鉴编辑部) [China Legal Yearbook Editorial Board], (*中国法律年鉴*) [*China Legal Yearbook*] (1988–2018).

¹⁵¹ RANDALL PEERENBOOM, CHINA'S LONG MARCH TOWARD RULE OF LAW 400 (2002).

¹⁵² Peter H. Schuck & E. Donald Elliott, *To the Chevron Station: An Empirical Study of Federal Administrative Law*, 1990 DUKE L.J. 984, 1011 (1990).

¹⁵³ Zhu Keliang et al., *The Rural Land Question in China: Analysis and Recommendations Based on a Seventeen-Province Survey*, 38 N.Y.U. J. INT'L L. & POL. 761, 783 (2006).

¹⁵⁴ John Wagner Givens, *Suing Dragons? Taking the Chinese State to Court* 115 (2012) (unpublished Doctoral Dissertation, University of Oxford) (on file with author).

¹⁵⁵ *State Compensation Law of the People's Republic of China 1994*, LEHMAN, LEE & XU, <http://www.lehmanlaw.com/resource-centre/laws-and-regulations/general/state-compensation-law-of-the-peoples-republic-of-china-1994.html> [https://perma.cc/G8CG-XMHB].

¹⁵⁶ Xu Minxuan, *Translation & Commentary: "To Refuse Compensation Is to Turn a Blind Eye to Torture,"* DUI HUA HUM. RTS. J. (Nov. 18, 2010), <http://www.duihuahrjournal.org/2010/11/translation-to-refuse-compensation-is.html> [https://perma.cc/8XMN-LPD7].

governments, such as 50,000 RMB (approximately USD 7,000) from local traffic police¹⁵⁷ or 300,000 RMB (approximately USD 50,000) received as compensation by a janitor injured while cleaning a government office, may be considerable to a plaintiff.¹⁵⁸

The issue of meager compensation in administrative litigation is especially common in wrongful detention cases.¹⁵⁹ Nationwide attention turned to a woman in Shaanxi province who “demanded 5 million yuan [approximately USD 600,000] in compensation after she was locked up for 15 days in January 2001 for ‘prostitution’—an ensuing check-up showed that the 19-year-old woman was still a virgin. Later, she was given 74.66 yuan [less than USD 10] as compensation, but her claim for mental distress was rejected by a district court, triggering a national outcry over the disregard for the law.”¹⁶⁰ Partially in response to this incident, in 2010, the State Compensation Law was amended to allow compensation for mental anguish and suffering.¹⁶¹ Yet the general pattern of high difficulty and low payoffs in administrative cases persists.

The lack of large monetary payoffs from administrative litigation makes it difficult to induce a more sizable population of lawyers to pay significant attention to administrative cases, despite the fact that administrative litigation provides a real and significant way to challenge the power of the local Chinese state and compel local governments to obey their own laws. It is unsurprising, therefore, that administrative litigation is another category of cases that lawyers are less likely to answer, almost certainly because it is seen as relatively difficult and unlikely to result in significant monetary compensation. But the fact that lawyers are less likely to take on cases that challenge the interests of the Chinese state should be neither surprising nor terribly discouraging. Indeed, the fact that 20,000 questions about administrative law were asked during a five-year period on findlaw.cn, and that they received an average of 1.7 answers (compared to 1.9 for cases overall), shows that legal advice websites are having an impact. Similarly, lawyer.110.com boasts 1,430 lawyers who identify

¹⁵⁷ Interview with NB20S, Partner, in Ningbo, Zhejiang (Oct., 2010).

¹⁵⁸ *Id.*

¹⁵⁹ Interview with BJ09-L, Of Counsel Lawyer, in Beijing, (March, 2011).

¹⁶⁰ Raymond Li, *State May Pay for Causing Distress*, S. CHINA MORNING POST, Oct. 24, 2008, ProQuest, Doc. ID 266677496.

¹⁶¹ *China Adopts Amended State Liability Compensation Law*, XINHUA (Apr. 30, 2010), http://news.xinhuanet.com/english2010/china/2010-04/29/c_13272905.htm [https://web.archive.org/web/20100504232857/http://news.xinhuanet.com/english2010/china/2010-04/29/c_13272905.htm]; Li, *supra* note 158.

themselves as experts on administrative litigation, a small percentage of the total lawyers, but a substantial number.

III. CONCLUSION

There are good theoretical and practical reasons to believe that legal advice websites should be having a tremendous impact on the ability of Chinese citizens to use the legal system to protect their rights and challenge the state. From reading published laws, regulations, and policies, to finding lawyers and online legal consultations, online legal resources have brought basic legal information within reach of the average Chinese citizen for the first time. They have also enhanced the ability of legal professionals to research and network. Tens of thousands of lawyers regularly use them, with tens of millions of Chinese citizens asking questions on them.

Legal advice websites can do little where an authoritarian legal system does not leave the door open, at least partially, to the possibility of a legal remedy. In response to the tainted milk scandal of 2008, for example, China's courts were under strict instructions not to accept potential cases related to the scandal.¹⁶² Yet, even in instances such as this, there can be a role for lawyers, though it may be a defensive one. One of the activists pursuing justice in response to the tainted milk scandal was himself charged and convicted in 2010 for "extortion" because he sought compensation after his infant daughter was sickened by melamine-tainted milk. In 2017, he was finally acquitted.¹⁶³ Even in the most controversial cases, therefore, there could be opportunities for legal advice websites to connect average people with lawyers and contribute to rule of law, though the results are unlikely to be dramatic in any area the state deems sensitive.

From the preliminary analysis in this article, one of the major factors that limits legal advice websites from having a larger impact on rule of law in China is that legal websites seem to reproduce inequalities in access to legal resources that already exist offline. There are three primary inequalities which we have seen above.

¹⁶² Barbara Demick, *In China, Tainted Milk Trial Kept Under Wraps*, L.A. TIMES (Jan. 1, 2009), <https://www.latimes.com/archives/la-xpm-2009-jan-01-fg-china-milk1-story.html> [<https://perma.cc/5X3U-ZRM4>].

¹⁶³ Qiao Long, *China's Guangdong Acquits Milk-Scandal Father Jailed for Five Years* (Luisetta Mudie, ed., trans.), FREE ASIA RADIO (Apr. 7, 2017), <https://www.rfa.org/english/news/china/court-in-chinas-guangdong-acquits-milk-scandal-father-jailed-for-five-years-04072017094814.html> [<https://perma.cc/LD8M-ASNG>].

First, it is primarily young and inexperienced lawyers that answer questions on legal advice websites. While their advice and legal knowledge still have considerable value, they are far less likely than their older and more experienced colleagues to be able to handle the difficulties involved in politically sensitive and other controversial cases such as administrative litigation, consumer rights, environmental protection, and demolition cases. This limits the usefulness of their answers and assistance in such cases, and thus, any potential contribution to the rule of law.

Second, although the internet has the capacity to reduce the importance of geography, the reality of legal advice websites is that lawyers primarily answer questions in their own geographic region. Online legal advice websites are making it more convenient for relatively well-off urbanites to gain access to legal advice, but they are doing relatively little to bring legal advice and other resources to poorer and rural Chinese citizens, especially those in more remote regions with large ethnic minority populations. This means legal advice websites are probably having less impact in less developed areas where improvements to rule of law are most badly needed.

Third, lawyers on legal advice websites tend to answer questions and seek out cases that are relatively fast, easy, and profitable. Lawyers are less likely to answer questions in areas of law that would be most likely to help the vulnerable, challenge the state, and assist in the development of rule of law. It seems likely that question askers who fail to receive a response are likely to be dissuaded from continuing their pursuit of justice, especially if they are relatively vulnerable or if the case is politically sensitive. The fact that politically sensitive cases are less likely to get an answer may act to dissuade many who are seeking justice under more difficult circumstances. On the other hand, we have also seen that online legal advice lawyers, unlike the newspaper-based legal advice columnists of the past, often give positive answers to those pursuing difficult or politically sensitive cases. Additionally, even the least popular category of cases among Chinese lawyers, food safety, still averaged 1.2 answers per question with 40% of questions going unanswered, a number not much larger than the 30% for all question types combined. In short, sensitive questions do get less attention on legal advice websites than they might, but they are not generally suppressed, delegitimized, or ignored.

As impressive as the numbers behind legal advice websites are, it is unrealistic to expect these resources to reform China's legal system single-handedly, especially as long as the Chinese state limits the potential for legal remedies on sensitive topics. Yet, if they were not having some

substantial impact, why would tens of thousands of lawyers and millions of average people be using them? Increased access to legal resources through legal advice websites could put pressure on the Chinese state to reform some aspects of the legal system to better protect the rights of its citizens. At root, however, such reforms would have to come in the form of political changes, changes that legal advice websites would more likely reflect than affect.

APPENDIX A: GUIDE TO INTERVIEW CODES

Interview Code	Location	Date of Interview	Head or Asst. Head of Firm?	Partner?
NB20S	Ningbo, Zhejiang	October, 2010	Yes	Yes
AL01-L	Withheld	August, 2010	Yes	Yes
SH15S	Shanghai	October, 2010	No	Yes
SZ01-L	Suzhou	May, 2019	No	Yes
GL01N-L	Guilin	May, 2019	Yes	Yes
GL02N-L	Guilin	May, 2019	No	No
SH01N-S	Shanghai	May, 2019	No	Yes
SH02N-S	Shanghai	May, 2019	No	No
SH03N-S	Shanghai	May, 2019	No	No
SH04N-S	Shanghai	May, 2019	No	Yes
SH05N-S	Shanghai	May, 2019	No	No
SH06N-S	Shanghai	May, 2019	No	No
SH07N-S	Shanghai	May, 2019	No	Yes
SH01N-L	Shanghai	May, 2019	No	Yes
SH02N-L	Shanghai	May, 2019	Yes	Yes