

## **Introduction to Chinese Commercial Law**

**Friday, 19 September 2014**

Location TBA

Presented by Mr. JIN Saibo, a prominent Chinese commercial lawyer, this program will introduce GMU students and members of the broader community to the current state of Chinese Commercial Law. The program will cover Chinese organic law, the Chinese version of the Civil Law, the role of the courts and legislation, jurisdiction, and the openness of Chinese courts to international sources of law and practice. It will focus on Chinese Contracts and Sales law, concerning areas including Letter of Credit Law, Injunctions and Letter of Credit Fraud, Counter Undertakings, and the proposed rules of the Peoples' Supreme Court on independent guarantees. Mr. JIN will be joined by Professor James E. Byrne, who has regularly travelled to and taught in China since 1993 and who regularly interacts with Chinese bankers, lawyers, academics, and judges.

This unique program will run for 5 hours, and is independent of, but designed to harmonize with, the International Commercial Transactions course (1 Credit Hour/ Fall 2014), which is taught by Professor Byrne. The presentation will be free of charge to GMU students.

### **Program Schedule:**

- 12-1pm: Introduction to Chinese Law: the Constitution, the Courts, Jurisdiction, & Legislation
  - 1-2:00pm: Chinese Contract & Sales Law
  - 2-2:30pm: Break
  - 2:30-3:00pm: Chinese Negotiable Instruments Law
  - 3-4:00pm: Chinese Suretyship (Guarantee) Law
  - 4-5:00pm: Chinese Letter of Credit Law
- - Reception to follow - -

**Saibo JIN**, lawyer, litigator, and arbitrator of PRC, is a partner of Commerce & Finance Law Offices of China. He received his Master of Laws (LL.M.) and Ph.D. from University of International Business and Economics (UIBE) in Beijing. Mr. Jin was admitted to the bar of China and began his practice in Zhejiang Province In 1993. Mr. Jin is co-tutoring in Law School of Tsinghua University and Beijing University, giving lectures on *International Standard Banking Practice*. In 2000, he was a visiting scholar to School of Law of University of Arizona. His main areas of practice have been focused on trade financing and banking including letters of credits (LCs) and guarantee disputes and international commerce disputes resolution. He has been appointed from time to time as arbitrator or sole arbitrator by arbitral parties in arbitration cases relating to disputes in international trade and investment.

Currently, Mr. Jin is vice director of Banking & Securities Commission of the All China Lawyers Association (ACLA), assisting the Association in drafting *Guidelines for Letter of Credit Litigations in China*, vice director of Commercial Banking Committee of Beijing Lawyers Association(BLA), director of Research Center of Banking Law & Practices, Shanghai Law Society (SBL&P), arbitrator enlisted with CIETAC's Special Commission on Real Estate Disputes Resolution and vice director of CIETAC's Special Arbitration Commission on Financing Disputes, assisting CIETAC in drafting *Arbitration Rules on Financing Disputes*, and he was appointed as the sole arbitrator in the first arbitration case applying the said rules. He is a regular participant as an invited expert in Annual Survey of LC Law & Practice conference series of IIBLP (the Institute of International Banking Law & Practice, Inc.) in US, Europe, HK, Singapore and Beijing, delivering his opinions on trade financing, international commerce, and banking law of PRC.

Mr. Jin has also been invited on several occasions to attend the drafting discussion sections of PRC Supreme Court on modifying draft judicial interpretations such as the *Provisions of Some Issues Concerning the Trial of Cases of Disputes over Letter of Credit*. He has often been invited to give lectures on Analysis of LC-related Cases to PRC judges from the Supreme Court, Beijing High Court, Shanghai High Court, Tianjin High Court, Guangdong High Court, Zhejiang High Court and Inner Mongolia High Court. From 2000 through 2009 Jin has been providing countless presentations for bankers, lawyers, traders, law school students, on such topics as UCP, URDG, ISP98, and Risk Management on Trade Finance, PRC Court Cases Analysis of LCs and Independent Bank Guarantees, PRC Surety Law and Cases Analysis, both in China and abroad. The lectures are delivered in Chinese or English languages. Jin has published a number of books on L/C law and practice including

**Professor James E. BYRNE** is the Director of the Institute of International Banking Law & Practice, Inc. and a member of the faculty of George Mason University School of Law. He is the Editor of *Documentary Credit World*, a monthly journal of letter of credit law and practice, and has written and lectured extensively on LC law and practice, electronic commerce, international sales of goods, and commercial and financial fraud in more than 40 countries. He chaired and served as Reporter for the International Standby Practices (ISP98), and regularly attends meetings of the ICC Banking Commission, and was a member of its consulting group on the revision of UCP500, its Working Group on Electronic Credits which drafted the eUCP, and the Task Force that drafted the 2004 version of the International Standard Banking Practice (ISBP 2004). He chaired the American Bar Association/ U.S. Council on International Banking Task Force Study of U.C.C. Article 5, served as head of the U.S. Delegation to UNCITRAL in drafting the 1995 United Nations Convention on Bank Guarantees and Standby Letters of Credit, was an Advisor in the 1995 revision of the U.S. domestic statute, Uniform Commercial Code Article 5, is Past Chair of the American Bar Association's Letter of Credit Subcommittee. Professor Byrne has a Bachelor's degree from the University of Notre Dame, a Juris Doctor degree from Stetson University College of Law, and an LL.M. from the University of Pennsylvania College of Law. He clerked for the Honorable Paul H. Roney of the U.S. Circuit Court of Appeals for the Eleventh Circuit and practiced for several years in Florida. He is a member of the Florida and Maryland bars.