

## Migration and Social Structure: The Spatial Mobility of Chinese Lawyers

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*This article uses the case of Chinese migrant lawyers to examine how the spatial mobility of individual practitioners shapes the social structure of the profession. Drawing on data from 261 interviews conducted in twelve Chinese provinces during 2004–2010, the 2009 Chinese Legal Environment Survey, lawyer yearbooks, and other public sources, the authors examine the patterns, causes, outcomes, and structural consequences of Chinese lawyers' internal migration. The empirical analysis shows that the spatial mobility of Chinese lawyers has not only increased the stratification and inequality of law practice in major cities such as Beijing and Shanghai, but it has also aggravated the shortage of legal service and intensified interprofessional competition in western and rural China. Based on findings from the Chinese case, the article connects the sociology of law and migration studies and moves toward a new processual theory for understanding the relationship between microlevel mobility and macrolevel stratification in the legal profession.*

In modern society, lawyers have become increasingly mobile practitioners. The twentieth century witnessed the expansion in the scope of lawyers' practice from towns to cities, nation-states to continents. The process has culminated in the internationalization of business law firms (Liu 2008; Dezalay and Garth 2002b; Hanlon 1999; Abel 1988, 1989, 1994) and the formation of global legal institutions (Halliday and Carruthers 2007; Halliday and Osinsky 2006; Dezalay and Garth 1996, 2002a). Although the spatial mobility of lawyers is often observed in their everyday practice, sociologists of law have rarely studied this phenomenon (but see Dinovitzer 2006; Halliday 1986). Meanwhile, the vast sociological literature on migration often focuses on the large number of unskilled immigrants working in segmented labor markets (e.g., Logan, Alba, and Stults 2003; Massey and Espinosa 1997;

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Financial support for this project is provided by a research grant from the Graduate School of the University of Wisconsin-Madison. The article was presented at the American Sociological Association 106th Annual Meeting, Shanghai Jiao Tong University, Zhejiang University, and the University of Wisconsin-Madison and received helpful comments from many colleagues, particularly Daniel Blocq, Mustafa Emirbayer, Robert Freeland, Rongjie Lan, Jenna Nobles, Becky Pettit, Pamela Oliver, Gay Seidman, Carole Silver, Robin Stryker, Ruiqing Zhong, and anonymous reviewers.

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Piore 1979), but it rarely studies the migration of high-skilled professionals such as lawyers, doctors, and engineers (but see Portes and Rumbaut 2006; Portes and Böröcz 1989). This article uses the case of migrant lawyers in China to explore the connection between law and migration, two prolific areas of sociological research. It adopts a processual perspective and develops a spatial mobility framework for understanding the growth and stratification of the legal profession.

The contemporary Chinese legal profession was revived from scratch in the late 1970s after the Cultural Revolution devastated the legal system. In the 1980s, most Chinese lawyers were state employees, and they worked in legal advisory divisions affiliated with various levels of the state bureaucracy (Liu 2011b; Michelson 2007a). It was not until the 1990s when private law firms were first permitted in China and lawyers started to move across provincial borders and form new partnership firms (Liu 2011a). After a state-led “unhooking and restructuring” (*tuogou gaizhi*) campaign around 2000–2001, the majority of Chinese law firms had become partnerships and most Chinese lawyers private practitioners (Michelson 2007a).

Since the early 2000s, growth in China’s burgeoning legal profession has been concentrated in major cities on the east coast such as Beijing, Shanghai, Guangzhou, and Shenzhen. Every year, thousands of migrant lawyers moved from rustbelt cities and provinces to these large urban centers to practice. The internal migration of Chinese lawyers in the past decade has profoundly changed the social structure of the Chinese bar. While citizens and corporations in major cities on the east coast enjoy access to large and stratified markets of legal services, those in rural areas continue to suffer lawyer shortages. Interprofessional competition in urban areas also remains resilient in other parts of the country.

At the theoretical juncture between the sociology of law, migration, and social stratification, this article seeks to explain three empirical questions of the Chinese case. First, why do so many Chinese lawyers move to major cities in the east coast? Second, how do migrant lawyers survive in their new cities of practice? Finally, what is the relationship between the migration of individual lawyers and the social structure of the Chinese bar? The analysis in the following pages draws on theoretical insights from both migration studies and the sociology of professions to explain these empirical questions. We begin by outlining a spatial mobility framework for studying the legal profession. We then apply this framework to our analysis of the patterns, causes, outcomes, and structural consequences of lawyer migration in contemporary China.

#### SPATIAL MOBILITY: A PROCESSUAL PERSPECTIVE FOR STUDYING THE LEGAL PROFESSION

What produces the social structure of the legal profession? This is a long-standing research question in the sociology of law. The existing studies offer

three theoretical perspectives, mostly derived from the sociology of professions. The first perspective is the *client type* theory proposed by Heinz and Laumann (1982) in their seminal study on Chicago lawyers. Following the Parsonian functional approach (Parsons 1939, 1968), Heinz and Laumann argue that the social structure of the bar follows the types of clients that lawyers serve. Corporate lawyers serving large corporations are distinctive from personal lawyers serving individuals and small businesses in terms of social origins, education, status, networks, and other social characteristics. Accordingly, the social structure of the legal profession is divided into two distinct hemispheres, with few lawyers practicing across the intraprofessional border.

The second perspective is the *market control* theory developed in the sociology of professions (Parkin 1979; Larson 1977; Berlant 1975) and then popularized by Abel's (1988, 1989) historical studies on the legal professions in England and the United States. Often labeled a neo-Marxist or neo-Weberian approach, this theory emphasizes the market closure and collective mobility of professions through controlling the "production of producers" (e.g., licensing and professional education) and "production by producers" (e.g., code of ethics and price fixing). Accordingly, the structural changes of the legal profession are produced internally by the "professional project" (Abel 1989) in which the profession controls its licensing, education, and professional associations.

The third perspective is the *jurisdictional conflict* theory proposed by Abbott (1988). It follows the ecological tradition of the Chicago School of sociology and argues that professions constitute an interactional system and develop through jurisdictional conflict over professional work. For the legal profession, Abbott (1986) examines the historical development of English solicitors and American lawyers and shows that both developed their structural monopoly over legal work by fighting unauthorized practice and jurisdictional invasions by accountants, bankers, notaries, real estate agents, and others. Similar jurisdictional conflicts between lawyers and other professions also exist in Latin America (Dezalay and Garth 2002b), China (Liu 2008, 2011a, 2012), and other social contexts.

While all three perspectives provide important theoretical insights into the development of the legal profession, none of them takes into account how the mobility of individual law practitioners shapes the growth and structural differentiation of the bar. The client type theory reduces individual lawyers as followers of the status and interests of their clients, while the market control theory conceptualizes them as service producers who are produced and controlled by the collective professional project. The jurisdictional conflict theory focuses on interprofessional competition rather than on the internal dynamics within a profession. Indeed, no existing theory seeks to connect the macro structural changes of the bar with the activities of individual law practitioners and their mobility within the profession.

Building on a new processual theory of the legal profession (Liu 2013), this article proposes a *spatial mobility* framework that examines how the migration of individual lawyers shapes the growth and stratification of the bar. We begin with the theoretical assumption that the legal profession is not a static social structure but a social process that changes over space and time. To understand its nature, we shift the focus of research from static mechanisms such as client types or market control to dynamic processes such as diagnostic struggle, boundary work, exchange, and migration. By such a shift we seek to establish a conceptual link between interaction and structure (Liu 2013, 674). Each of these processual concepts, including migration, is both structured and structuring (Bourdieu and Wacquant 1992; Giddens 1986). On the one hand, lawyer migration is generated by the structural inequalities in the geographical or social space of the legal profession. On the other hand, the spatial mobility of individual lawyers has the potential of producing or reinforcing the profession's macro social structure. Adopting such a processual perspective, the spatial mobility framework provides an analytical tool for explaining the dialectics between microlevel social action and macrolevel social structure in professional life.

In developing this framework, we draw insights from the sociological literature on migration (Castels and Miller 2009; Portes and Rumbaut 2006; Massey et al. 1998). In his classic essay on human migration, Park (1928) argues that migration creates a unique personality type called the "marginal man." The marginal man is "a cultural hybrid, a man living and sharing intimately in the cultural life and traditions of two distinct peoples; never quite willing to speak, even if he were permitted to do so, with his past and his traditions, and not quite accepted, . . . in the new society in which he now sought to find a place" (Park 1928, 892). Migrant lawyers often move between distinct places of law practice; to a large extent, they resemble this type of marginal man and constantly struggle between the two unknown fates of assimilation and attrition.

The contemporary migration scholarship has studied exhaustively the causes and perpetuation of migration. While economic theories often treat migration as a human capital investment mainly driven by labor market mechanisms of supply and demand (Borjas 1989; Stark and Bloom 1985; Todaro 1980; Harris and Todaro 1970; Sjaastad 1962), sociological theories of migration, such as the segmented labor market theory (Piore 1979), social capital theory (Portes and Sensenbrenner 1993), and cumulative causation (Massey and Zenteno 1999), stress the importance of wage differentials, social capital, and social networks in the generation and perpetuation of migration. However, except for the segmented labor market theory, migration researchers seem to have a greater fascination with the patterns and causes of migration than with the stratification effects that migration has on social structures.

Our spatial mobility framework aims at explaining the relationship between migration and stratification within the legal profession, and it has

four components: patterns, causes, outcomes, and structural consequences. For migration patterns, we start with the structural inequalities within the legal profession, both between different geographical areas and between different fields of legal practice. In doing so, we identify the sending and receiving places of lawyer migration and measure the scale and intensity of such movements. We also investigate what types of lawyers are more likely to migrate and summarize the demographics of the migrant lawyer population.

For causes, we argue that lawyers change their place of practice for two primary reasons: income differentials and regulatory opportunities. Income differentials constitute a necessary condition for initiating migration (Borjas 1989; Todaro 1980; Harris and Todaro 1970; Sjaastad 1962). Like many other occupational groups, lawyers are more likely to migrate when there is a large income gap between the sending and receiving places. In addition, whereas the legal services market in the sending places is often limited, disordered, and underspecialized, the receiving places attract migrant lawyers with higher incomes, rich market opportunities, and favorable political as well as social environments.

Still, economic incentives alone are not sufficient conditions for lawyer migration. Lawyers, in China and elsewhere, are subject to local regulations in terms of licensing and bar registration. Regulatory opportunities are thus an important precondition for their migration. Lawyers are unlikely to migrate when it is too difficult for them to obtain practice license in the receiving places. In a federal system such as the United States, the individual states hold the power of bar admission, and interstate mobility is restricted by bar admission rules (Abel 1989). In China, although an annual national judicial examination is administered, local governments and bar associations may still establish registration rules that restrict the spatial mobility of lawyers. Therefore, lawyer migration is not simply an economic process but also a political process that penetrates the regulatory power of the state.

For the outcomes of migration, the crucial issue is to what extent professional expertise is transferable from place to place (Portes and Böröcz 1989). Unlike many other high-skilled professions, such as medicine and engineering, in which expertise is relatively more scientific and universal (Halliday 1985; Freidson 1970; Parsons 1939), legal expertise relies heavily on local knowledge and local social networks (Liu 2008; Sarat and Felstiner 1995; Silbey 1981). Although the loss of social capital and embeddedness (Burt 2005; Lin 2002; Granovetter 1985) is a general problem for all migrant professionals, the localized nature of lawyers' expertise makes it even harder for them to leave their original places of practice. It often takes migrant lawyers years to accumulate social capital and establish social networks in their new location of practice. Like many other migrant groups (Portes and Sensenbrenner 1993), migrant lawyers can acquire social capital in their destination through family networks and native-place ties, as Dinovitzer (2006) finds in the case of Jewish lawyers who migrated from Quebec to Ontario. However, to survive, migrant lawyers also need to access the professional

networks and state bureaucracy, such as local courts and government offices, in their receiving place. Those who fail to do so would have to leave the city or exit the bar after a period of time.

For structural consequences, we argue, because of the economic and political barriers as well as the loss of social capital, many new migrant lawyers cluster at the low end of the bar in the receiving places, specializing in less prestigious areas and serving individual clients (Heinz and Laumann 1982). When a large number of migrant lawyers rush into a city in a relatively short time, it could lead to a stratified or even segmented labor market in the local bar (Auerbach 1976). Most migrant lawyers face the professional challenge of “assimilation or attrition” in their struggles to survive in the new city. Meanwhile, for the sending places that suffer a “brain drain,” lawyer migration often produces a shortage of high-skilled lawyers and a proliferation of alternative legal service providers. Overall, the spatial mobility of lawyers strengthens the stratification and inequality of the legal profession both between the sending and receiving localities and within the receiving cities.

#### DATA AND METHODS

In this article, we draw data from four sources. First, we use qualitative data from the 256 in-depth interviews with law practitioners and state officials that the first author conducted in China during 2004–2007 for a larger research project on the Chinese legal services market. The interviews were conducted in twelve provinces, autonomous regions, or directly administrated municipalities: Beijing, Gansu, Guangdong, Hebei, Heilongjiang, Henan, Ningxia, Shanghai, Shanxi, Shaanxi, Sichuan, and Zhejiang. The field sites covered most major geographical regions and all administrative levels of the Chinese legal system. The interviewees included not only lawyers and other legal service providers, but also justice bureau officials who regulate the legal profession. In addition, five interviews with activist lawyers in Beijing that the first author conducted in August 2010 for a research project on Chinese criminal defense lawyers (Liu and Halliday 2011) are also used in the article with the permission of his collaborator.<sup>1</sup> Although most of the interviews asked a broader range of questions, lawyer migration emerged as an intriguing research topic and on which the first author accumulated a large amount of data in the process of fieldwork.

Second, we draw quantitative data from the Chinese Legal Environment (CLE) Survey, an Internet survey conducted by the first and third authors in summer 2009. Of the 2,335 individuals who responded, 1,511 identified themselves as members of the legal system and 1,019 full-time lawyers.<sup>2</sup> Although it is not a probability sample, our sample of lawyers is representative of the true population of lawyers in at least two respects. First, the geographical distribution of the 1,019 full-time lawyers who supplied geographical information is almost perfectly correlated ( $R = .92$ ) with the geographical

distribution of the 114,253 full-time lawyers in the true population in 2005. Second, the proportion of lawyers who are Chinese Communist Party (CCP) members in our sample (27.5 percent) is practically identical to the proportion of the true population (27.3 percent). However, women are under-represented in our sample of lawyers. The true population of lawyers in 2005 had 15.8 percent women whereas our sample has only 11.3 percent. We also acknowledge that lawyers who are Internet users tend to be slightly younger and more technologically savvy than the average Chinese lawyer.<sup>3</sup> These characteristics might increase lawyers' likelihood of migration and influence their survival strategies. Accordingly, we restrict the usage of the CLE survey data to descriptions of the general patterns of lawyer migration and the income gaps between different city tiers.

Finally, on the growth of Chinese lawyers between 2000 and 2007, we use official statistics in the China Law Yearbooks, China Lawyer Yearbooks, and China Judicial Administrative Yearbooks. To contextualize these figures, we also analyze a small set of media reports and blog posts on migrant lawyers that the second author collected from the Internet in 2010.<sup>4</sup> With the four data sources and a blend of social science methods, we construct a dynamic picture of the patterns, causes, and outcomes of lawyer migration as well as its consequences to the social structure of the Chinese bar.

#### MIGRATION PATTERNS OF CHINESE LAWYERS

Chinese lawyers work in a highly fragmented market for legal services, with huge inequalities between the east coast and the rest of the country, as well as between the corporate sector and the rest of the profession (Liu 2011a). While elite corporate lawyers in Beijing and Shanghai work in dazzling office buildings and enjoy high income and prestige in a rapidly globalizing market (Liu 2006, 2008), many lawyers practicing in smaller cities and rural counties still have difficulties making ends meet, and some risk personal safety when defending clients in criminal cases (Liu 2011b; Liu and Halliday 2011; Michelson 2007a). This extremely diverse and stratified social structure of the Chinese legal profession is our starting point for understanding the movement of lawyers across the country.

To some extent, Chinese migrant lawyers resemble rural migrant workers in their general migration patterns. Research on Chinese migrant workers has shown that migrants do not move randomly and haphazardly to the urban areas, but gravitate toward very specific places in the east coast and form urban villages based on native-place ties (Fan 2008; Zhang 2001; Davin 1999; Ma and Xiang 1998). Meanwhile, China maintains a *hukou* or household registration system that makes an institutional distinction between urban and rural residents and between residents of different geographical areas (Chan and Zhang 1999; Cheng and Seldon 1994). The system creates a

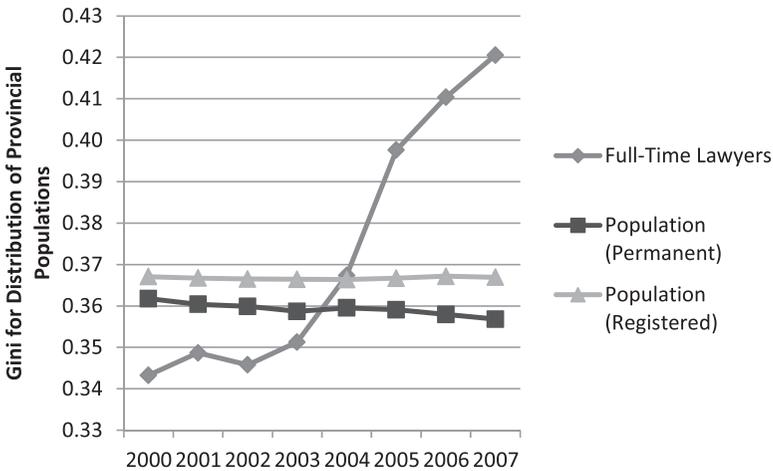


Figure 1. Gini Coefficients for the Distributions of Provincial Populations and Lawyers, 2000–2007.

Source: *China Lawyer Yearbook, 2000–2007*.

spatial hierarchy that privileges city over country in the allocation of state resources. It also structurally sorts workers based on their *hukou* status into the elites, the natives, and the outsiders (Fan 2002). Migrant lawyers in China are also subject to the *hukou* system. Most of them could not obtain local *hukou* in the receiving cities and thus belong to the “floating population” (*liudong renkou*) in urban China (Zhang 2001).

Still, the migration of Chinese lawyers displays some distinct patterns from that of the general population. Figure 1 shows the Gini coefficients for the distributions of provincial populations and lawyers in China in 2000–2007. While the distribution of China’s general population (both registered and permanent) remained stable throughout this period, the inequality in the distribution of full-time lawyers rose significantly. This suggests a sharp imbalance in the growth of lawyers across provinces. As reported in the Appendix, the average annual growth rates of lawyers across provinces in 2000–2007 vary from 24.35 percent in Beijing to 1.48 percent in Jilin Province, with Beijing, Guangdong (13.66 percent), and Shanghai (12.59 percent) leading in lawyer growth.

Based on the yearbook data in the Appendix, Table 1 shows the five provinces with the largest shares of full-time lawyers in 2000–2007. Note that the rise of Beijing and Shanghai is not only remarkable but also a recent phenomenon. In 2000 Beijing was not even in the top five but, in the following year, it jumped to third place and, in 2007, the city had the largest share of full-time lawyers in the country. Shanghai’s ascent is more recent still. In 2004 the city made it into fifth place where it remained until 2006 and then it rose to fourth place the following year. Guangdong Province was

Table 1. Top Five Provinces, Autonomous Regions, or Directly-Administered Cities with the Largest Shares of Full-Time Lawyers in China, 2000–2007

Rank (Full-Time Lawyers)	2000	2001	2002	2003	2004	2005	2006	2007
1	Guangdong	Beijing						
2	Shandong	Shandong	Beijing	Beijing	Beijing	Beijing	Beijing	Guangdong
3	Henan	Beijing	Shandong	Shandong	Shandong	Shandong	Shandong	Shandong
4	Jiangsu	Henan	Jiangsu	Jiangsu	Jiangsu	Jiangsu	Jiangsu	Shanghai
5	Sichuan	Jiangsu	Sichuan	Sichuan	Shanghai	Shanghai	Shanghai	Jiangsu
Percentage of All Full-Time Lawyers	32.6%	33.1%	34.4%	35.0%	36.4%	37.9%	39.4%	40.8%

Source: China Lawyer Yearbook, 2000–2007.

consistently the province with the largest share of full-time lawyers throughout the early 2000s. However, its status as such is less remarkable compared to Beijing and Shanghai: the two major *cities* outpaced whole *provinces* in their growths of full-time lawyers. Whereas the top five provinces accounted for 33 percent of all full-time lawyers in China in 2000, three of them plus Beijing and Shanghai accounted for 41 percent of the full-time lawyers in 2007. Consistent with Figure 1, Table 1 also suggests that the distribution of lawyers across China became notably more concentrated over this short period. Yet, no such change occurred in China's general population.

Arguably, the sharp geographical difference in lawyer growth may reflect the uneven levels of economic development and legal consciousness in China. However, we find that lawyer migration is an underlying cause for the variations in lawyer growth in different provinces. That is, certain provinces have higher lawyer growth rates than others not solely because they have more new local lawyers entering the legal profession but also because they have received more migrant lawyers from those provinces with lower lawyer growth rates. In our 2009 CLE Survey, approximately one-third of the 1,019 lawyer respondents indicated that they used to practice law in another city. Of the lawyer respondents who practiced in Shanghai, 47.5 percent of them reported that they had previously worked in another city; in Beijing, 44.3 percent; and in Guangdong Province, 43.2 percent. These three locations are also the most popular destinations among the lawyer respondents who reported that they planned to practice in another city in the next five years.

Our interview data also suggest that Beijing, Shanghai, and Guangdong are the primary destinations for interprovincial lawyer migration (IN06504; IN06505; IN07136; IN07506). Within Guangdong Province, Shenzhen, a Special Economic Zone with no major law schools, attracts not only a large number of factory workers from all over China, but also thousands of migrant lawyers (IN07131; IN07133; IN07135; IN07136). In our CLE Survey, 60 percent of the lawyers who reported that they had plans to move to Guangdong Province in the next five years specifically identified Shenzhen as their city of choice. While the vast majority of migrant lawyers set their sights on Beijing, Shanghai, and Guangdong, not everyone can get there, and some have to settle for other cities on the east coast or closer to home. Other popular destinations reported in the survey are mostly well-developed provincial capitals or directly administered municipalities; they include Chengdu, Changsha, Chongqing, Hangzhou, Suzhou, Tianjin, and Xi'an.

Indeed, intraprovincial movements appear more prevalent among the less developed and western regions. In Ningxia, a small autonomous region for Chinese Muslims (Hui ethnicity), lawyers were attracted to the regional capital Yinchuan. The lawyers there accounted for two-thirds of the region's lawyer population in 2006 (IN06515). According to a Ningxia lawyer, he downgraded himself when left his firm director post at a state-owned law firm in a rural county, where business was limited and client quality and starting fees were low, for the regional capital where he became an ordinary lawyer in

a partnership law firm (IN06515). Similar trends of lawyers concentrating in provincial capitals are also found in other western provinces such as Gansu and Sichuan (IN06513; IN07142). According to an official in the Gansu Provincial Justice Bureau, the provincial capital Lanzhou was home to 47 percent of all law firms and 58 percent of all lawyers in the province in 2006 (IN06512). Intraprovincial migration often takes a heavier toll on the sending places than does interprovincial migration. It simultaneously generates a local “brain drain” and a widening disparity in professionalization between lawyers who thrive in the provincial or regional capital and those who can barely survive in the smaller cities and rural counties.

Still, our 2009 CLE Survey data suggest that the lawyer exodus is a nationwide phenomenon. Lawyers from twenty of the thirty-one provinces, autonomous regions, and directly administered municipalities reported that they planned to leave their city within the next five years. The sending places also include Beijing, Shanghai, and Guangdong, but the three are at the bottom of the order of sending places. Not all migrant lawyers move eastward, from less developed to more developed cities. The survey results show that approximately 15 percent of the lawyers who previously practiced in another city reported that they had moved from Beijing, Shanghai, or Guangdong Province.

Meanwhile, since the early 2000s, the numbers of lawyers have been growing at a stunning speed in major receiving places such as Beijing. By the end of 2009, the total number of lawyers in the capital increased to 21,215 lawyers, with 3,284 new lawyers added in that year alone. Nearly 60 percent of all Beijing lawyers did not have the local *hukou*, and among the 3,284 newly licensed lawyers in 2009, less than 1,000 had the Beijing *hukou* (XHW\_20100417). In Haidian District alone, migrant lawyers accounted for three-quarters of the more than 400 newly licensed lawyers in 2006 (IN07121). Consequently, lawyers’ market competition in popular receiving places has become even more intense.

#### WHY DO CHINESE LAWYERS MIGRATE?

The notable increase in the number of migrant lawyers in China in the past decade requires a careful explanation. One reasonable hypothesis is that the patterns of lawyer migration follow the general movement patterns of Chinese migrant workers. However, our analysis of the yearbook data suggests that this is not the case. While Guangdong and Zhejiang are the largest receiving provinces of migrant workers in China (Fan 2008; Davin 1999), Beijing and Shanghai are the primary destinations of migrant lawyers. Unlike workers in manufacturing or construction industries who often form large migrant communities based on their regional ties (Zhang 2001), migrant lawyers rarely cluster by their geographical origins or exclusively serve migrant workers, the majority of whom cannot afford legal services

(IN07134). Instead, the main reasons for the spatial mobility of Chinese lawyers are income differentials and regulatory opportunities. The former is the primary driving force of lawyer migration, while the latter is responsible for its dramatic increase in the mid-2000s.

The disparity in income and work opportunities is the fundamental reason for Chinese lawyers' internal migration. The income gap between lawyers in rustbelt regions and those in Beijing and Shanghai is astoundingly large. A lawyer in Lanzhou, a major city in northwest China, describes the situation in 2006:

My hometown is Pingliang. [. . .] One of its counties has only one lawyer and he works on about 200 cases a year, charging 500–600 *yuan* per case. [. . .] Working as legal counsel for enterprises, [he] makes between 2,000–5,000 *yuan* [for each enterprise]. It's not too bad if the firm director could make 30,000–40,000 *yuan* a year, but he has to work like a dog. Because of the disparities between under-developed and developed regions, a client in the county could pay 100 *yuan* and make the lawyer do this and that. In Lanzhou, a case costs 2,000–3,000 *yuan*. I heard in Shanghai it's over 20,000 *yuan*. (IN06140, Gansu Province)<sup>5</sup>

This Lanzhou lawyer also told us that a former partner of his law firm went to Shanghai in 2000 and became an associate in a local law firm, where his annual income doubled from 100,000 to 200,000 *yuan*. After five to six years of practice there, this migrant lawyer could earn half a million *yuan* a year (IN06140). According to officials of the Gansu Provincial Justice Bureau, the average annual income among Lanzhou lawyers was about 30,000 *yuan*, close to that among local civil servants. Meanwhile, a handful of firm partners were turning a profit of half a million to two million *yuan* a year (IN06512; IN06513). Another senior Lanzhou lawyer also reported that the start-up rate for criminal cases was usually 10,000–20,000 *yuan* in Beijing but 3,000 *yuan* or less in Lanzhou (IN06131). Such differences in lawyer income remain significant even after we have taken into account the higher costs of living in Beijing and Shanghai.

But the road to the metropolis is not always paved in gold. Many migrant lawyers return home after a year or two, when they cannot find enough work to survive in the receiving city (IN06122; IN06131; IN06140; IN06513; IN06517; IN07119; IN07121). Older lawyers often decide to stay behind in the rustbelt cities because of their age and the high costs of leaving their familiar locality of practice. Several interviewees from different provinces indicated that lawyers who were over forty were significantly less likely to migrate than those who were under thirty-five (IN06125; IN06128; IN06131; IN06140; IN07148). According to his colleague, the aforementioned migrant lawyer in Shanghai who was able to make half a million *yuan* a year, in part, because he went to the city in his prime:

[He] left in 2000, he was thirty-eight at the time. [. . .] This year he's forty-four. When I chatted with him last year, he said he was making nearly 500,000 *yuan*

a year [but it took him] five to six years to build his client network. [. . .] Of course some lawyers came back. We had a managing partner of a provincial-level firm who went to the coast for three years then came back, [now] he's fifty-three or fifty-four years old, he left when he was forty-seven or forty-eight. He couldn't adjust to the new city, didn't have the energy to keep up. Also here, he has many connections. [. . .] Our young lawyers can still go, but I can't now. If I were ten years younger or not in charge [at the firm], maybe I would go. (IN06140, Gansu Province)

Migrant lawyers usually need several years to build new professional and social networks in the receiving city (IN07125). This makes it more costly for older lawyers to migrate, since the move would involve a significant loss of social capital that they have accumulated over the years at their original place of practice.

Contrary to a widely held belief among lawyers, our CLE Survey findings suggest that the greatest income differentials are not between lawyers in different cities but between lawyers in the same city and between the top 20 percent lawyers in different cities. Figure 2 shows the differences in median income between the top 20 percent and the bottom 80 percent lawyers by city tier.<sup>6</sup> In the Tier 1 cities, we observe the greatest difference in median income between the top 20 percent and bottom 80 percent lawyers: on average, the top 20 percent lawyers make about 7.5 times more than the bottom 80 percent. The differences in median income between the top 20 percent lawyers in the different city tiers are also considerable. On average, the top 20 percent lawyers in a Tier 2 city make about one-third more than that for their counterparts in a Tier 3 city, but they also make about 50 percent less than their counterparts in a Tier 1 city. However, for the bottom 80 percent

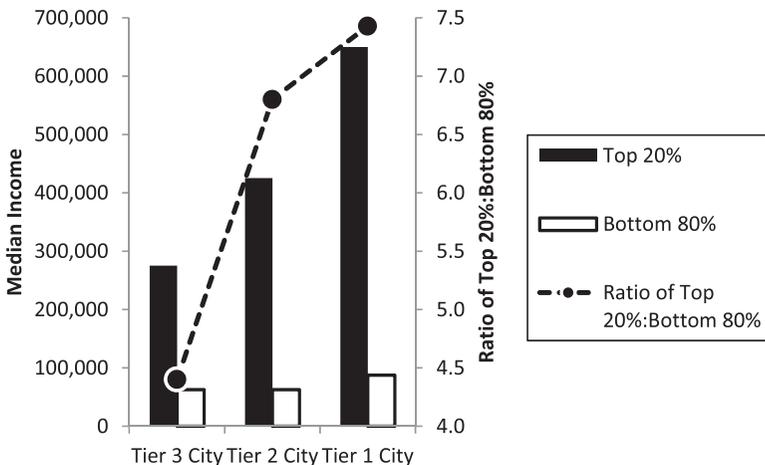


Figure 2. Lawyers' Median Income by City Tier.  
 Source: 2009 China Legal Environment (CLE) Survey. N = 1,019.

lawyers, the median income differentials between the three tiers are far less substantial. For those lawyers who do not belong to the top 20 percent in their sending places, moving between city tiers would not significantly increase their income. Many lawyers in Tier 2 or Tier 3 were not aware of this when they decided to migrate (IN06119; IN06140).

While income differentials have always existed in the Chinese bar, the relaxation of administrative regulation on lawyers' interprovincial mobility has directly and dramatically increased lawyer migration since the mid-2000s. The turning point was the promulgation of the Administrative License Law in August 2003, which states that professional licensing shall only be established by law or administrative regulation (arts. 12 and 14). Prior to this law, to be a licensed Chinese lawyer required not only passing the state judicial exam, but also an annual registration process controlled by the provincial justice bureaus, with various local restrictions constraining lawyers' interprovincial mobility. In contrast, the Administrative License Law limits the authority of granting professional licenses to the National People's Congress and the State Council. Provincial justice bureaus no longer have the regulatory authority to set formal restrictions on bar registration. Since the Administrative License Law became effective on July 1, 2004, Chinese lawyers could move relatively freely from one province to another without changing their *hukou* or other personnel status, provided that they could find a law firm in the receiving city or province to complete the necessary registration paperwork with the justice bureaus (IN06513).<sup>7</sup> However, it remains rare that the receiving law firm would provide the migrant lawyer with a local *hukou*.

The lack of residential status did not restrain migrant lawyers from flooding into major cities in the east coast. As the largest receiving city, Beijing initially welcomed migrant lawyers from all over the country. When interviewed in 2006, an official in the Beijing Justice Bureau expressed his optimism for the large-scale lawyer migration into the city:

I find it hard to assess if the number of lawyers in Beijing has reached its saturation point or not. It's because the situation in China differs from that in the US, [the Chinese bar] isn't separated by state but is nationally unified. Lawyers don't face regional restrictions in where they practice. Also, it's impossible to know how many lawyers Beijing needs. This year Beijing's lawyer growth was over 2,000, but Beijing lawyers work on cases from all over the country. Even after they have settled down in Beijing, some out-of-town lawyers still work on cases from their native places. An office in Beijing, a Beijing license, then they are considered a Beijing lawyer. In other words, "Beijing lawyer" has already become a brand name. (IN06505, Beijing)

The influx of migrant lawyers also generated a large amount of fees for the Beijing Lawyers Association (BLA). Every registered lawyer in Beijing needed to pay an annual 2,500-*yuan* membership fee, while every law firm needed to pay an annual 10,000-*yuan* registration fee to renew their practice licenses. With more than 20,000 lawyers in Beijing, the BLA now receives approximately 50–60 million *yuan* in membership and registration fees

annually and much of the amount goes to the Beijing Justice Bureau. In 2010, the BLA reduced the annual fee by 500 *yuan* to 2,000 *yuan*. At the same time, it began to set restrictions on lawyer migration by requiring all migrant lawyers to store their personnel files at local personnel agencies in Beijing. This has made migration significantly more difficult than before (Beijing Lawyers Association 2010).

In addition to income differentials and regulatory opportunities, family concerns and political causes are also reasons for lawyer migration. In our 2009 CLE Survey, when asked the potential locations for the migration, instead of reporting a city name, a lawyer wrote “depending on the child.” This suggests that their children’s education is of great importance to at least some migrant lawyers (IN06113). Municipalities such as Beijing and Shanghai have better schools and bigger admission quotas for elite universities in the college entrance examination than do most other cities. Like other migrant groups, lawyers may migrate in order to improve their children’s future prospects. But in reality, it is difficult for these parents to take the full advantages of the superior educational system in the major cities if they cannot obtain a local *hukou* (Chan and Zhang 1999; Cheng and Seldon 1994).

Furthermore, there is a small group of Chinese activist lawyers who moved to Beijing to pursue human rights or public interest causes (IN06153; IN07115; IN10103; IN10105). Although they constitute only a tiny portion of the migrant lawyer population, these lawyers often handle high-profile cases and receive much media attention, particularly from the international media (Fu and Cullen 2008, 2011). In this respect, the migration of activist lawyers to major cities is even more calculated than that of other migrant lawyers. They have to consider the political climate of their destination in addition to the usual economic and professional concerns.

Paradoxically, it seems safer for activist lawyers to practice in Beijing under the official radar than to work farther out in the provinces where official oversight is far more rampant (IN10103). As an extraordinary example, a Henan lawyer sued the provincial justice bureau for charging local lawyers exorbitant registration fees, and the bureau retaliated by withholding his license. Still, the Beijing Justice Bureau allowed him to practice in the capital without transferring his lawyer license (IN07115). The political consideration of migration may explain why lawyers in Beijing made up the majority of the small national network of Chinese human rights lawyers (IN10101; Fu and Cullen 2008, 2011; Liu and Halliday 2011). As we will see in the next section, these activist lawyers adopt a survival strategy vastly different from that of other migrant lawyers.

#### SURVIVING IN THE NEW CITY

With the massive influx of lawyers into Beijing, Shanghai, and other major cities, how to survive in the new city becomes the everyday concern of

migrant lawyers. As the general literature on social capital (Burt 2005; Lin 2002; Bian 1997; Granovetter 1973, 1986) would predict, the lack of local connections is the most challenging obstacle for migrant lawyers to overcome (XHW\_20070815). In contrast to the Jewish migrant lawyers in Canada who can rely on the “bounded solidarity” of the ethnic community for social capital (Dinovitzer 2006), the geographical and social origins of Chinese migrant lawyers are far too diverse for many of them to find support from social communities in the receiving cities. Consequently, they have to do what is comparable to “ambulance chasing” among low-status lawyers in the United States (Auerbach 1976). They distribute business cards at local court entrances; they offer contingency fee representation to clients (IN06119; IN07121; ZLZFW\_20070815). A migrant lawyer in Beijing even wrote letters to judges, promising kickbacks for case referrals—he was reported by a judge and sanctioned by the BLA (ZLZFW\_20070815). Not surprisingly, the vast majority of new migrant lawyers specialize in low-status fields of law such as criminal defense, divorce, labor, housing demolition (*chai qian*), and other disputes for individual clients (IN06113; IN06116; IN06118; IN06119; IN07131; IN07132).

Facing the hardship of migration, some migrant lawyers developed innovative strategies for self-advertising and finding clients, most notably via the Internet. They did not have many cases and spent much of their working hours surfing the web. This was the case for a migrant lawyer from Hubei Province who later became an Internet celebrity and even published a book on law practice:

At that time, I would surf the Internet when I had nothing to do, wrote some essays. [Through this way,] I met some lawyer friends. Later, [I] created a QQ [online] group [and soon] noticed some people in the group started to consult me. [Since] other people [in the group] could also see my replies, requests for consultations began to grow. Then I decided to create an online lawyer forum and through this [I had] gotten some case sources. (IN06119, Beijing)

In addition to self-advertisement on the Internet, some migrant lawyers also publish a large number of professional essays on blogs and online forums. Some even published self-promotion books to boost their business (IN06118; IN06119; IN07132). These essays and books often contain exaggerated descriptions of their professional credentials and experiences. For example, the Hubei lawyer quoted above labeled himself a “senior big lawyer” (*zishen da lishi*) in many of his online essays, when in fact he had practiced for less than three years and still had difficulties making ends meet (IN06119). Similarly, a law firm administrator in Beijing complained that a migrant lawyer in her firm used inflated language in his online biography and even added his colleagues’ cases to his own work experience (IN07121).

Despite their active efforts online and offline, many new migrant lawyers receive a very modest income, sometimes as low as 10,000 *yuan* a year (IN06119), comparable to what ordinary lawyers in rural China make

(Liu and Wu 2010). According to a Guangdong lawyer who migrated to Guangzhou from within the province, it took him two to three years to establish new social networks and get business; for migrant lawyers from other provinces, it would take at least four to five years (IN07125). In addition to the lack of social capital in the new city, the lack of firm support is yet another reason for the plight of many migrant lawyers. Until the Lawyers Law was revised in 2007, almost all Chinese lawyers were required to join a state-owned, cooperative, or partnership law firm. However, the vast majority of Chinese law firms used the commission-based (*ticheng*) system and provided minimal support to their lawyers (Michelson and Liu 2010; Michelson 2007a). Even today, individual law firms (*geren lüshi shiwusuo*), which are similar to solo practice elsewhere, remain rare in China. To register such a firm, the lawyer is required to have at least five years of practice experience (art. 16 of the 2007 Lawyers Law). Accordingly, most migrant lawyers are “lawyers on their own” (Carlin 1962) in their everyday work but have to pay hefty commission fees to their law firms.

There are two types of migrant lawyers who escape the fate of “ambulance chasing”—we label them the “celebrities” and “activists.” The “celebrities” refer to those lawyers who become media celebrities in the new city. The best example of these lawyers is Yue Cheng, a senior lawyer originally from Heilongjiang Province. He came to Beijing in the 1990s and became a regular guest on local TV programs and newspaper columns (ZLYXW\_20100520; FYFZ\_20080708). Like many migrant lawyers, when Yue Cheng first arrived in the capital, he had difficulties identifying case sources. Instead of paying for client referrals or seeking the assistance of local judges, he placed classified advertisements in a few prominent national newspapers on a weekly basis for two years. But ultimately, it was his reputation as a “Top 10 Lawyer” in his home province that helped him to catch the Beijing media’s attention. The success of the earlier generation of migrate lawyers has inspired many latecomers to try their luck in the city, but nowadays it is almost impossible to replicate the feat because of the cutthroat competition.

Still, media exposure continues to be an effective way for migrant lawyers to establish a reputation in the new city. For instance, a lawyer who migrated from Shandong Province to Shanghai became one of the city’s best-known divorce lawyers after he had developed a reputation on the Internet and subsequently appeared on national television:

I came to Shanghai in 2001 and failed. [. . .] I came again in 2003. [. . .] At first I was a commission-based lawyer in the Shanghai branch office of a Ningxia law firm, [I] didn’t have many cases and spent all day sitting there. [. . .] Then I started building real estate websites and slowly began to receive consultation requests. Because at the time not many lawyers were self-advertising on the Internet, so in 2003 I made 130,000 *yuan*. [. . .] But I realized my level of competence was too low, [I] couldn’t handle the big clients but found the small clients too much of a hassle. Later, I noticed that over half the court cases were divorce cases, so in mid-2003 [I] switched over to divorce cases, because

Shanghai had more divorce-related cases than economic cases, also clients from the Internet were usually more affluent. Now about 70% of my clients come from the Internet. [. . .] In May 2004, [the Hong Kong-based] Phoenix Television interviewed me because I wrote a piece titled “The Internet is a Marriage Killer,” [which was] a hot topic at the time. Then in July 2004, I got on the CCTV [China Central Television] program hosted by Cui Yongyuan [a famous Chinese TV host]. This was mainly because I did well on the Internet, also because divorce lawyers in Beijing were all too old and the young ones weren’t famous, so [CCTV] came to Shanghai [to find me]. (IN06116, Shanghai)

Without much local social capital, how do migrant lawyers attract the media’s attention? The key is to specialize in a specific legal field: divorce, criminal defense, housing demolition, administrative litigation, public interest litigation, etc. Although none of these fields of law are lucrative or prestigious, they can more easily generate media and public attention than do the sophisticated and technical fields of corporate law. If migrant lawyers specialize in one of these legal fields and handle a few *cause célèbre*, they are more likely to draw media attention. Needless to say, not every migrant lawyer succeeded by specializing his or her practice, but it is an empirical fact that, despite the strong generalist tendency in most Chinese lawyers’ practice, all the migrant lawyers who became “celebrities” are specialists in one or two very specific legal fields.

Many such stories can be found on the Internet. For example, the Jiangxi lawyer Wang Cailiang decided to specialize in real estate and medical malpractice from the outset of opening his own firm. When he came to Beijing and saw the ubiquitous urban redevelopment springing up around the city, he seized the opportunity and focused his practice on housing demolition. Since then he has written several books and become the preeminent specialist on housing demolition in China (CLC\_20060608). Another celebrity lawyer, Sun Zhongwei, fashions himself as a death penalty expert and claims that his firm is the only one in the country that specializes in death penalty cases. When he first arrived in Beijing as an inexperienced lawyer, Sun lived in a basement. He rode a second-hand bike, commuted on crowded buses, and distributed business cards near local courts without much success. It was not until January 2007 when he learned of the Supreme People’s Court’s decision to withdraw the power of death penalty review from provincial courts that Sun finally found his niche. Soon afterward, at the age of twenty-nine, Sun was interviewed by a few international media and was then labeled as “China’s first expert in death penalty review” (ZGFYW\_20100524). To aggrandize his reputation, in 2009 Sun moved his office to Wangfujing, one of the most expensive addresses in downtown Beijing.

The second exceptional group of migrant lawyers is found among the small number of human rights activists in Beijing. Unlike ordinary migrant lawyers who try to survive by making money, these activists restrict their practice to politically sensitive cases that generate both concerns from the Chinese government and attention from foreign donors and international media (Fu and

Cullen 2008, 2011; Liu and Halliday 2011). Some of these lawyers came to the capital to pursue human rights or public interest causes (IN07115), while others turned activists after realizing the hardship of survival in the city (IN10103; IN10105). In the case of the Henan lawyer mentioned in the previous section who sued the provincial justice bureau for charging local lawyers exorbitant fees, he was pushed out of his home province, for the local authorities considered him a troublemaker from the outset of his career (IN07115). Eventually, the lawyer decided to move to Beijing to continue his career as an activist.

The most internationally recognized Chinese activist lawyer is perhaps Gao Zhisheng, whose “idealistic beginnings as a peasant boy turned big-city lawyer gave way to simmering rage” according to his *New York Times* profile (Kahn 2005). Originally from Shanxi Province, Gao joined the People’s Liberation Army in his youth and was stationed out west in Xinjiang, where he later became a lawyer in the early 1990s. Gao gained fame as a high-profile criminal defense lawyer after winning a handful of cases against local state agencies. In 2000, Gao migrated to Beijing and opened a new law firm with several partners. Before long, Gao was taking on cases of “corruption, land seizures, police abuses, and religious freedom” from around the country (Kahn 2005). When the court rejected his filings, he took his cases to the public using the Internet. In 2006, Gao was arrested for defending Falun Gong practitioners and other radical political activities. In the international media, Gao was hailed as a symbol of human rights lawyering in China, but few noticed the fact that his migration to Beijing contributed to his political radicalization (Fu and Cullen 2008; Human Rights Watch 2008; Kahn 2005).

Meanwhile, less radical activist lawyers were either disbarred or constantly harassed by the government. Yet, many of them persisted at pursuing their causes and even formed a small human rights network in Beijing (IN10101; IN10104). The political activities of these lawyers have made the Chinese government and its justice bureaus fully aware of the potential political risks of lawyer migration. For instance, in August 2008, thirty-five activist lawyers—most of whom were migrants to Beijing—wrote an open letter to the BLA, in which they called for direct election of the bar (IN10105). It led to a harsh response from the Beijing Justice Bureau (NFC\_20081014) and several participants were forced to leave their firms or stop bar registration (IN10105). This incident and other political activities of migrant activist lawyers in the city were a main reason for the BLA’s reduction of its membership fee and implementation of the regulatory restriction on lawyer migration in 2010.

For the vast majority of migrant lawyers, becoming a celebrity is too unrealistic while turning an activist is too risky. To date, the numbers of lawyers in these two exceptional categories remain relatively small. After moving to the receiving city, most migrant lawyers face the tough choice between assimilation and attrition, that is, to localize by gradually accumulating social capital in the new city or, when they fail to do so, to exit the city

and/or the legal profession altogether. We do not have systematic data on the attrition rates of the urban Chinese bars, but our interviews suggest that younger and less experienced lawyers are far more likely to exit, particularly those who rush to the metropolises soon after law school or bar admission (IN06116; IN06119; IN06505). The next section discusses this and other consequences of lawyer migration on the social structure of the Chinese legal profession.

#### STRUCTURAL CONSEQUENCES OF LAWYER MIGRATION

The relationship between lawyer migration and the social structure of the Chinese bar is a complex one. On the one hand, as the previous sections have shown, the huge inequalities in economic development and the uneven growth of the legal profession in different parts of China are major causes for the exodus of Chinese lawyers from rustbelt regions and smaller cities to large cities in the east coast. On the other hand, the spike in lawyer migration in the past decade has substantially strengthened the geographical stratification of the Chinese bar, making major cities, such as Beijing and Shanghai, increasingly magnetic to ambitious lawyers across the country. Meanwhile, many smaller cities and rural counties have to contend with lawyer shortages and the proliferation of alternative legal service providers.

In rural areas, lawyer migration has aggravated the shortage in lawyers' professional services and deprived the local bar of young blood needed to sustain itself. In 2004, the Ministry of Justice identified 206 counties in China without lawyers or law firms (RMRB\_20060608). In a recent article, Liu and Wu (2010) also find that at least an equally large number of rural counties in China had only one state-owned law firm with fewer than ten lawyers. In 2006, Baise City in Guangxi Zhuang Autonomous Region in southwest China had a population of 3.8 million but only eighty-three lawyers. The nearby Debao County had five lawyers in two law firms in 2007, and the average age of these lawyers was sixty-six, with no new lawyers joining the firms in the past eleven years (FZRB\_20071014).

Arguably, the scarcity of lawyers in China's rural and rustbelt regions is not only a result of lawyer migration, but also related to the low local demand for lawyers' services. As Liu and Wu (2010) demonstrate in their study, the social structure for dispute resolution services in rural China is hierarchal; it involves multiple legal and administrative actors and lawyers occupy a marginal position in the resolution process. Most disputes are handled by local state agencies through informal negotiation and local cadre mediation. Only a tiny proportion of rural disputes in China were resolved in the official justice system by judges and lawyers (Michelson 2007b). In this sense, migrant lawyers who left those places were not only "pulled" by the market opportunities in larger cities, but also "pushed" out by the unfavorable local environment for law practice.

Even in provincial capitals of the inland regions, many capable lawyers are abandoning their local practices and relocating to the east coast (IN01635). For some rustbelt provinces, the outflow of lawyers is the direct cause of the slow growth of the legal profession. In Gansu Province, approximately 170 to 180 individuals passed the national judicial exam annually in the mid-2000s, of which only one-third would practice as lawyers. Meanwhile, each year more than fifty lawyers would migrate to other provinces to practice (IN06512). This left the number of lawyers in Gansu stagnant for a few years (see Appendix). The local bar not only experiences a brain drain as a result, but it also cannot specialize since lawyers often take their high-end corporate clients with them when they migrate (IN06135). Those lawyers who stay behind remain general practitioners and have to compete with alternative legal service providers, which include basic-level legal workers, legal consulting agencies, and the so-called black lawyers (*hei lüshi*) and barefoot lawyers (*chijiao lüshi*) (Liu 2011b).

Meanwhile, the in-migration of lawyers has also strengthened the stratification of the local bar in the receiving places, particularly in Beijing and Shanghai. While a large number of new migrant lawyers tend to concentrate in low-status areas of law practice, experienced local lawyers eschew them because these areas are often risky and unprofitable. A good example is criminal defense. In Beijing, except for a small number of elite criminal defense lawyers who mostly handle economic and white-collar crimes (Liu and Halliday 2011), the vast majority of local lawyers avoid criminal defense work and leave this difficult and dangerous area of practice to migrant lawyers (IN06113; IN06118). From migrant lawyers' point of view, criminal defense is a good playing field because it requires less social embeddedness and local knowledge than do civil cases. The visibility of criminal cases in the media and local community also makes it easier for lawyers to develop a reputation through criminal defense than through other types of litigation (IN06113; IN06118). Many new migrant lawyers are therefore willing to take the risks associated with criminal cases in order to expand their business in the new city.

In Beijing and Shanghai, lawyer migration has not significantly increased the specialization of the local bar as a whole, but it is an important driving force of specialization at the bottom of the bar where it used to be largely undifferentiated. Lacking local social capital and business opportunities, many newly arrived migrant lawyers are forced to the bottom, where they have to survive on cases from low-end legal fields (IN06119; ZLZFW\_20060608; FZRB\_20071014). To thrive at the bottom, migrant lawyers need to identify a niche market such as divorce, housing demolition, or death penalty and specialize in it. As we have shown in the previous section, this strategy has helped the celebrity lawyers to rise to the top in certain sectors of the Beijing or Shanghai bar. Some of these migrant lawyers carve out new areas of practice in which few local lawyers can be found. A good case in point is housing demolition, which has become one of the most

notable social problems in China in recent years. Public interest litigation is another example of such new areas mainly occupied by migrant lawyers (IN06115; IN06153; IN07115).

While lawyer migration has accelerated specialization at the bottom of the local bar in Beijing and Shanghai, its influence on high-end areas of law practice remains small. As a Beijing lawyer explains:

Out-of-town lawyers face a lot of pressure [when they come to practice in Beijing]. Many [of them] hand out business card in front of the courthouse. Some just rent a space and set up a desk. Most of them compete in the mid-range to low-end market. In reality, they don't pose much of a threat to the [local] Beijing lawyers, because high-end work like international trade or intellectual property is open and still hasn't reached its saturation point. That's why the arrival of out-of-town lawyers would make Beijing lawyers even more specialized and outstanding. (IN07121, Beijing)

The oversupply of lawyers at the bottom of the bar seems to indicate a segmented labor market in Beijing and other major receiving cities of migrant lawyers. However, our CLE survey analysis suggests that, in the Tier 1 cities (i.e., Beijing, Shanghai, Guangzhou, and Shenzhen), regardless of the length of practice in the city, there is no significant difference between local lawyers and migrant lawyers in terms of income and specialization. This indicates that the general consequence of lawyer migration is not segmentation between local and migrant lawyers, as the segmented labor market theory (Piore 1979) would predict. Rather, after several years of hardship, migrant lawyers are either assimilated to the local bar or pushed out. Over time, those who assimilated can move up in the professional status hierarchy and enjoy returns comparable to those of local lawyers.

It is helpful to compare the social stratification of the bar in the receiving cities to that of China's urban labor market as a whole. Fan (2002) argues that the Chinese labor market is segmented into three levels based on *hukou* or permanent household status: the elite, the native, and the outsiders. The elite are "permanent migrants" with high-status state jobs; they are "selected and privileged" (Fan 2002, 103). In contrast, the outsiders are "temporary migrants" whose migration is not sponsored by the state. They do not hold state jobs and are "on their own, and inferior" in the new city (*ibid.*). Between these two migrant groups are the natives or local residents who, by virtue of their local urban *hukou*, are inside the state plan and enjoy extensive state benefits.

Similarly, graduates from elite law schools monopolize the top of the local bar in the receiving cities of migrant lawyers. For instance, in business law firms specializing in high-end corporate transactions, most lawyers were trained in elite local law schools, often complemented with a law degree abroad, and few lawyers began their careers outside Beijing or Shanghai (Liu 2006, 2008). Among this small legal elite, many are "permanent migrants" in the sense that they are nonlocals who have acquired the local *hukou* through their education and employment in the receiving city. We do not consider

these lawyers migrant lawyers because they began their law practice in the city. Still, it is important to note their existence and the possibility of upward mobility through professional education. Arguably, there are also elite corporate lawyers who move between Beijing and Shanghai (IN06224) or from Beijing to Guangzhou or Shenzhen (IN07221; IN07136) for work or family reasons. But the nature of their migration is different from that of migrant lawyers who move from other areas to those cities. The impact of lawyer migration on the elite corporate sector of the Chinese bar is minimal, and it is extremely rare for a migrant lawyer from the provinces to land a position in this small but highly prestigious sector.

However, unlike the overall Chinese labor market, social mobility is more likely for lawyers who survive the hardship of their early migration days. The lack of local *hukou* does not prevent these migrant lawyers from assimilating into the local bar, as is the case for migrant workers in the local labor market (Fan 2002; Zhang 2001). After all, migrant lawyers have the license to practice law in the new city, and for those who are capable and perseverant, their professional expertise can generate social capital, income, and status over time. But it is also true that the vast majority of new migrant lawyers are moving to the bottom stratum of the legal profession in the receiving places.

Finally, the stratification of the local bar in the receiving places becomes a driving force for subsequent lawyer migration. Increasingly, lawyers migrate because of the large income differentials between different regions (see Figure 2). When making the decisions to migrate, they often compare themselves to the local practitioners or “permanent migrants” in the receiving place and expect to be in the median income bracket (IN06122; IN06131; IN06140; IN07119; IN07121) when, in reality, the majority of new migrant lawyers are eking out a living in the low-end legal fields where the billing rates are much lower than in the rest of the local legal services market. In other words, when calculating the income differentials between regions, many migrant lawyers have not taken into account of the stratification of the local legal profession that would funnel them to the bottom strata. And as more successful stories of celebrity migrant lawyers appear in the media, more aspirant lawyers will decide to migrate to the east coast. Lawyer migration then becomes a self-perpetuating process. Yet, what many migrant lawyers cannot foresee is that their relative chance at success will decrease as the absolute size of local bar in the receiving place increases. Migrant lawyers have a chance of making it in the new city, but they are also more likely to be stuck at the bottom or to exit the bar altogether. In the long run, migration becomes a social process that reproduces structural inequality in the legal profession.

## CONCLUSION

We can observe the concentration of lawyers toward business and political centers in many countries in the world history of the legal profession, but the

speed and magnitude of lawyer migration in China in the first decade of the twenty-first century are quite unprecedented. In this article, we have examined the patterns, causes, outcomes, and structural consequences of Chinese lawyers' spatial mobility across the country. Lawyer migration is mostly driven by income differentials between the east coast and the rest of China and regulatory opportunities created by the Administrative License Law, with Beijing, Shanghai, and Guangdong Province as the primary destinations. Survival in the new city remains a formidable challenge for many migrant lawyers. Besides the two small groups of "celebrities" and "activists," most migrant lawyers face the harsh reality of assimilation or attrition after struggling a few years in the receiving places. However, in comparison to the largely segmented labor market for migrant workers in China, upward mobility seems more promising for migrant lawyers, provided they survive the hardship in the early years of their migration.

Lawyers' spatial mobility has generated important consequences for the social structure of the Chinese bar. On the one hand, it has aggravated the lawyer shortages in rural areas and intensified the interprofessional competition in inland cities, where most lawyers remain general practitioners and have to compete with a gamut of alternative legal service providers. On the other hand, lawyers' spatial mobility has hardened the stratification of the local bars in major cities in the east coast, particularly in Beijing and Shanghai. The vast majority of new migrant lawyers specialize in low-end fields such as criminal defense and housing demolition, fields that local lawyers consider risky and less profitable. While corporate lawyers in elite law firms earn a sizeable income and enjoy an upper-middle class lifestyle, many new migrant lawyers have to "chase the ambulance" in order to make ends meet.

The consequences of lawyer migration are not only economic, but also political. The emergence of a small network of activist lawyers in Beijing in recent years is a direct result of lawyer migration, and it has made the Chinese government more vigilant on the political activities of some migrant lawyers. More importantly, the concentration of lawyers in major cities in the east coast widens the gaps between the regions in their population's access to justice. This in turn further marginalizes the role of lawyers in dispute resolution in the interior and rural areas. In the long run, the marginalization of lawyers could potentially lead to more unresolved grievances and social unrests in rustbelt and rural China.

The central sociological contribution of the article is to use the case of lawyer migration in China to develop a processual perspective for understanding the relationship between microlevel mobility and macrolevel stratification, which can be used to study the legal profession as well as other occupational groups. We have proposed a spatial mobility framework that seeks to explain the social structure of the bar by examining the spatial movements of individual law practitioners and by investigating how this microsocial process is related to macrostructural patterns such as

specialization, inequality, and political activism. While some structural consequences of lawyer migration in China may correspond to the client type theory (e.g., stratification of the Beijing bar), market control theory (e.g., regulatory changes on licensing), or jurisdictional conflict theory (e.g., interprofessional competition in inland regions), none of the three existing perspectives can adequately explain the structural differentiation of the Chinese legal profession in the past decade. The spatial mobility framework adds to the existing scholarship by revealing the inherent demographic dynamics in the growth and stratification of professions and moving toward a theory that conceptualizes professions not as static social structures but as social processes that change over space and time.

#### NOTES

1. When coding the interviews, we divide the large research project in 2004–2007 into five smaller subprojects: (1) individual legal service, (2) corporate legal service, (3) enterprise legal service, (4) criminal defense and public interest litigation, and (5) justice bureaus. The interview codes are in the form of “IN06123,” in which “IN” is the abbreviation for “interview,” “06” is the year (i.e., 2006) in which the interview was conducted, “1” is the subproject number, and “23” is the number of the interview under that subproject in that year. The five interviews in 2010 were also recoded according to this coding scheme.
2. We systematically collected e-mail addresses from all of the profiles of registered users of four popular electronic messages boards frequented by lawyers and other legal professionals in China: <http://www.acla.org.cn/forum/>; <http://www.fl168.com/>; <http://www.chinalawyer.org.cn/>; and <http://www.law-lib.com/>. We launched the survey on July 2, 2009, and closed it on October 4, 2009 (Beijing time).
3. Among the 919 lawyer respondents in our sample who provided their age information, 13.49 percent were twenty-nine or younger, 55.71 percent were between thirty and thirty-nine, 24.70 percent were between forty and forty-nine, and 6.09 percent were fifty or older. There is no reliable data available on the age distribution of the true lawyer population in China. However, given that lawyers as a profession were only revived in the 1980s, and the vast majority of Chinese lawyers did not begin their practice until the 1990s, it is unlikely that the age distribution in our sample is significantly younger than the true population.
4. The media and blog data are coded in the form of “XHW\_20100417,” in which “XHW” (*Xinhua Wang*, or *Xinhua Net*) is the pinyin abbreviation of the Chinese title of the media outlet or website, and “20100417” is the date (e.g., April 17, 2010) of the publication.
5. The currency exchange rate between US dollars (USD) and Chinese *yuan* (CNY) was approximately 1:7.8 in 2006–2007 when the interviews were conducted.
6. By population and per capita gross domestic product (GDP), we divide all the cities reported in our survey into deciles. Tier 1 cities are Beijing, Shanghai, Guangzhou, and Shenzhen, with a population and per capita GDP that belong to the top decile of all cities surveyed. Tier 3 cities are those with both populations and per capita GDP below the eighth decile or with fewer than thirty full-time lawyers in the survey, and Tier 2 cities are all the remaining cities.
7. The typical procedure for a lawyer to transfer his bar registration from one province to another is as follows. First, the lawyer needs to find a law firm in the receiving city that can secure a dossier transfer request (*diao dang han*) from the

local provincial or municipal justice bureau (IN06505). Then the lawyer makes a transfer request to his or her current firm and local justice bureau in the sending city. When the request is approved, the lawyer returns his or her practice license to the sending provincial justice bureau, and the bureau makes the final approval of the transfer request (IN06513). Finally, the sending provincial justice bureau provides the lawyer's dossier and a disciplinary clearance to the receiving provincial justice bureau (IN06505).

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## APPENDIX.

## THE GROWTH OF FULL-TIME LAWYERS IN CHINA BY PROVINCE, 2000–2007

Province	2000	2001	2002	2003	2004	2005	2006	2007	Average Annual Growth (%)
Beijing	3159	4814	7016	7332	8927	10634	12406	14522	24.35
Guangdong	5551	6474	7818	9093	10427	11290	13178	13605	13.66
Shanghai	3550	3750	4447	5090	5618	6626	7263	8143	12.59
Jiangsu	3693	4381	5301	6009	6556	6929	7413	7769	11.21
Anhui	1832	2126	2487	3334	3412	3424	3582	3657	10.38
Hunan	2471	3204	3933	3994	4239	4469	4589	4845	10.10
Chongqing	1828	2089	2558	2705	3300	3411	3453	3561	9.99
Yunnan	1629	1906	2040	2445	2751	3212	3179	3149	9.87
Tianjin	1004	1313	1454	1618	1705	1722	1821	1913	9.65
Fujian	1803	1944	2391	2842	3033	3115	3243	3390	9.44
Zhejiang	3020	3694	4148	4609	4908	5053	5600	5616	9.27
Shaanxi	1481	1868	2290	2475	2411	2512	2675	2744	9.21
Hubei	2386	2535	2790	3588	3626	3722	3984	4313	8.83
Guizhou	790	865	991	989	989	1091	1211	1421	8.75
Sichuan	3629	3989	4746	5537	5582	6025	6212	6485	8.65
Guangxi	1622	1784	2052	2166	2366	2452	2547	2737	7.76
Xinjiang	1519*	1525	1681	2065	2103	2160	2202	2252	6.03
Henan	3849	4296	4642	5311	5195	5323	5422	5774	5.96
Gansu	947	1010	1139	1243	1235	1297	1358	1409	5.84
Shandong	5538	5298	6080	6863	7180	7806	7856	8185	5.74
Inner Mongolia	1440	1480	1433	1731	1711	1760	1991	2109	5.60
Hebei	3287	3204	3738	3739	4172	4284	4521	4779	5.49
Shanxi	2068	2180	2785	2512	2205	2815	2922	2876	4.82
Ningxia	404	433	445	508	486	529	518	559	4.75
Liaoning	3281	3562	4044	4325	4558	4890	5067	4402	4.29
Hainan	546	570	602	596	634	665	675	719	4.01
Heilongjiang	2529	2576	2975	3069	2995	3060	3042	3175	3.30
Qinghai	245	267	272	317	320	351	354	305	3.18
Jiangxi	1618	1594	1839	1779	1851	1869	1869	1890	2.24
Jilin	1630	1792	1875	1909	1996	1930	2035	1807	1.48
Tibet	32	35	n/a	n/a	n/a	45	54	61	n/a
TOTAL	68381	76377	89883	99645	106325	114298	122066	127995	9.44

Source: China Lawyer Yearbook, 2000–2007.

\* The number of full-time lawyers in 2000 does not include full-time lawyers from the Xinjiang *bingtuan*.

# Xinjiang *bingtuan*, formally known as the Xinjiang Production and Construction Corps, occupies areas in Xinjiang Uighur Autonomous Region that are separately administered from the regional government.