



Max Planck Institute for  
Comparative and International  
Private Law | Hamburg

# HAMBURG LECTURE SERIES ON CHINESE LAW

*DR. YEDAN LI*

Bielefeld University

“Understanding China’s Court Mediation Surge:  
Insights from a Local Court”

Monday, 5 December 2016 – 5 pm

Conference Room 1, 1<sup>st</sup> floor

All employees and guests of the institute as well as  
other interested parties are cordially invited to the lecture.

Knut Benjamin Pißler

### About the Speaker:

Dr. Yedan Li is currently a postdoctoral researcher at the Faculty of Sociology at Bielefeld University. She received her doctoral degree in law from the University of Amsterdam in 2015 and LL.M. degree from Xiamen University in 2011. She is eligible to practice law in China.

### About the Topic:

Chinese court mediation experienced an unexpected comeback in the period 2004-2013. The national mediation rate in courts rose from around 30 percent in 2002-2004 to 68.2 percent in 2012 and 63.1 percent in 2013. As the majority of Chinese civil cases are solved by mediation, mediation holds the key to understanding the access to civil justice in China. In her presentation Li shows how reported mediation rates in Chinese courts are produced and what they actually signify. She analyzes data obtained in one local court through prolonged fieldwork which involved daily participant observation in 57 court mediation sessions, carrying out 22 semi-structured interviews with judges and mediators, and extensive ethnographic notes. Li finds that the court has directly responded to central level mediation incentives by enhancing its overall mediation rate. The court has done so strategically by seeking the highest increase using the fullest discretion in the mediation incentive structure and seeking to optimize the highest rate at the lowest cost and risk to the court. This has undermined the objectives of the central level incentives toward mediation, while also drawing the courts' scarce resources away toward unnecessary mediation practices.

### About the Hamburg Lecture Series on Chinese Law:

The "[Hamburg Lecture Series on Chinese Law](#)" was established in 2002 as a series of guest lectures from notable legal scholars and legal practitioners, who engage in research stays at the Hamburg Institute. It aims to provide insight into legal fields under development in the People's Republic of China and which are thus attracting great international interest.