

**East Asian Legal Studies Center
The Annual Report 2007
From the Director, Charles R. Irish**

For the East Asian Legal Studies Center, 2007 was an especially active and rewarding year. In addition to the Center's activities and programs, the Center has given support to the Law School's Graduate Programs, and I would like to begin this annual report reflecting on the Center's support role for the Law School's MLI, LL.M., and SJD students (the Graduate Programs students) and then bring you up to date on the specific Center-related activities that occurred in 2007.

The Center continued its support of the Law School's Graduate Programs in 2007.

The Center continued to provide "writing tutors" for the MLI students to assist them in the writing of their research papers, required as part of their academic program, as well as discussion leaders for MLI students taking JD courses. Both the writing tutors and discussion leaders are either 2L or 3L students. The hiring and oversight of these JD student workers is carried out by the Center's associate director, Susan Katcher. The Center also takes care of updating the Law School's Graduate Programs website and works with Professor Gerald Thain, the chair of the Graduate Admissions Committee, in the administrative details of the weekly LL.M./SJD seminar. In addition to these activities, the Center continues to provide salary support for the program associate of the Graduate Programs division, Ethel Pellett, who executes the multiple details involved in administering the Graduate Programs applications and enrolled students programs. The Center's support of the Graduate Programs is also evident in the awarding of the East Asian Legal Studies Center Dean's Scholars from the MLI program. This award was instituted a number of years ago to recognize MLI students for their academic achievement and contributions to the Law School community. The 2006-07 recipients of this honor are Ming-Hui Huang, Nisit Intamano, and Xiaolin Teng. Dean Ken Davis and I congratulate them.

The Center, on behalf of the Law School, added academic agreements with universities in East and Southeast Asia in 2007.

As part of our continuing efforts to enhance the attractiveness of the MLI degree program and build stronger bridges with the academic community of East Asia, we expanded our agreements allowing a reciprocal exchange of credits for graduate students. In 2007, we concluded agreements between the Law School and the International Islamic University Malaysia in Kuala Lumpur, National Taipei University in Taipei, Dong A University in Busan, Korea, Chang An University and Hanyang University in Seoul, and Nanjing and Yantai Universities in China.

The Center continued its programs with institutions in China in 2007.

Our emphasis on engagement with China also was fruitful as evidenced by the following continuing education programs:

- During the spring semester, the Center hosted two judges from Shanghai, Zhang Fengxiang and Lin Xiaonie. In the fall semester, two more Shanghai judges, Wang Guojun and Xue Wencheng, came to Madison for courses, research, and

courtroom observations as a continuation of the Advanced Judicial Training Seminar. The judges' visits were part of an Advanced Judicial Training Seminar made possible by grants from the US – China Legal Cooperation Fund and support from the Shanghai High People's Court. In the fall 2007, Professor Michele LaVigne played an important auxiliary role in meeting with one of the judges to discuss his academic progress and to explain American culture (e.g., Thanksgiving!). I hope that other Law School faculty will consider being auxiliary personnel connected to this Advanced Judicial Training Seminar, which we expect to continue for two more semesters.

- On April 4 in Shanghai, I presented a lecture on the importance of transparency and accountability in government operations to a group of mid-level Chinese government bureaucrats. The lecture was sponsored by the Chinese Executive Leadership Academy Pudong (“CELAP”). The many questions and comments from the participants were good evidence of the Chinese Government's sincerity in its efforts at improving government administration. Outside reviewers, including the US Chamber of Commerce in China, would say that there is still a great deal left to be done.
- As part of the Special Program in Municipal Government Administration, Dane County Circuit Court Judge Maryann Sumi, Attorney Carl Sinderbrand, Program Administrator Jin Cho, Vice Director and Associate Professor John Ohnesorge and I lead lectures and discussions in Shanghai's Minhang District from June 10 – 26. The two weeks in Minhang District were largely supported by a grant from US State Department. There were 50 Minhang government and party officials in the two week program. After the two week program, 20 Minhang government and party officials were selected to participate in the US component, which ran from August 18 through October 27. The US component included ESL instruction, formal lectures, simulation exercises in cross cultural negotiations, observations in Milwaukee, Chicago, New York, Washington, D.C., and Los Angeles, and five week internships in Wisconsin state and local government offices for each of the 20 participants. A more detailed report is available at <http://law.wisc.edu/ealsc/outreach.htm>.
- Fifth Annual Judicial Skills Development Seminar was held from June 10 – 16 in Shanghai followed by the U.S. segment July 21-August 11. The Seminar, which is well recognized as an important interaction between the Chinese and American judiciary, is jointly sponsored by the Center and the Shanghai High People's Court. For the Shanghai segment, the Center's Vice Director and Associate Director joined Dane County Circuit Court Judges Michael Nowakowski, Sarah O'Brien, John Albert and Angela Bartell to lead the week long discussions. The US portion of the seminar included extensive observations and discussions with federal and state court judges in Madison and Minneapolis/St. Paul as well as formal classroom lectures. Additional information is available at <http://law.wisc.edu/ealsc/outreach.htm>.
- On September 18, I gave a second lecture to a large gathering of Chinese government and party officials at CELAP. The topic of the second lecture was similar to the first lecture in April – the importance of transparency and accountability. This time, however, I focused more on what US state and federal

administrative agencies were doing to improve their transparency and accountability.

- From December 1 through 16, the Center hosted 20 senior level procurators from the area of Hangzhou, China, in Zhejiang Province. During their time in the US, the procurators visited law firms in New York and Madison, toured the National Capitol and the US Supreme Court, and participated in a number of discussions about criminal practice and procedure in the US. The procurators were especially interested in the process of plea bargains by which so many criminal cases are resolved and the exclusionary rule which prohibits the use of illegally obtained evidence in criminal prosecutions.

The Center had interactions with representatives from Vietnam in 2007.

In the last annual report, I suggested that Vietnam would become a more prominent part of the Center's involvement in Asia. Events in 2007 seem to bear this out, although the very considerable expense of working with the Vietnamese is likely to limit what we can do in the near and medium term. Still, in 2007, we did have several successful interactions with Vietnamese academic institutions:

- On March 5 – 8, I gave a series of lectures on US international trade and business law for Vietnamese lawyers, business people and government officials. The lectures were hosted by the International School of Vietnam National University in Hanoi.
- In Ho Chi Minh City on March 29 and 30, I lectured to a large, lively class of business people and lawyers on the legal environment for doing business in the US. The lectures were on the campus of the International Business and Law Academy.
- From April through July, UW Alumnus Phong Cao (MLI 1995) was a visiting scholar in residence in Madison. In Hanoi, Phong works with the Vietnam Ministry of Justice.
- In May, the Center hosted a five person delegation from Hanoi Law University. Included in the delegation were Ngoc Hoa Nguyen, Van Dong Nguyen, Trung Tap Phung, Thi Hoc Pham, and Thi Hien Duong. The delegation talked with lawyers, judges, and UW law professors and toured the law library and the UW campus. They were especially interested in learning more about the “case method” of teaching.
- In late May, in Hanoi at Hanoi Law University, Professor Larry Church gave a week-long series of lectures on interactive classroom techniques, including the case method. The participants in the program were faculty of Hanoi Law University.
- Also in late May and extending into early June, Assistant Professor Stephanie Tai taught a short course in comparative environmental law at Hanoi Law University. UW law students joined Hanoi Law University students for the two week intensive course.

The Center participated in other academic and outreach activities in 2007.

Another initiative we hope blossoms is our cooperation with the International Islamic University Malaysia (IIUM). In late April, the Center was contacted by Terra Institute (www.terrainstitute.org) to assist with a visit to the University of Wisconsin by a delegation from IIUM. The delegation included Associate Professor Dr. Zalcha Kamarudin, Dean of the Faculty of Law, Dr. Azmi Harun, Director of the Law Centre, Dr. Hunud Abia Kadouf, Coordinator of the Land Tenure and Environmental Management (LATEM) Unit, and Dr. Sharifah Zubaidah, the Secretary of LATEM. As part of the visit at the University of Wisconsin, Associate Professor and Vice Director John Ohnesorge and Professors Art McEvoy, Stephanie Tai, and Asifa Quraishi hosted a lunch to discuss issues of international environmental law and possible cooperation with the Law School.

On May 29, I had a follow-up meeting with Dr. Azmi Harun in Kuala Lumpur to work out some specific areas in which IIUM/UW Law School cooperation might be mutually beneficial. At that time, I also attended a lunch hosted by the Rector of IIUM, Dr. Syed Arabi Idid, and learned that he got his doctoral degree from the UW. Then, on November 2, the Rector and others visited the Madison campus, during which time, the Rector signed an agreement for graduate legal training involving the reciprocal exchange of credits. Signing for the UW and the Law School were Provost Pat Farrell and Dean Ken Davis. We also made plans for further cooperation in 2008.

One of the most notable events of the year for the East Asian Legal Studies Center and the Law School was the Conference on “Law and Democratization in Taiwan and Korea – Twenty Years’ Experience” held at the Law School. Since the Center’s establishment in 1990, Taiwan and Korea have played critical roles in our work in East Asia so it was especially rewarding to celebrate the 20 years of democratic traditions in both countries with the conference in Madison on October 19 and 20. The idea of the conference and most of its design were done by Associate Professor and Vice Director John Ohnesorge. Sumudu Atapattu, the Associate Director of the Global Legal Studies Center, also provided very important support for the conference. The conference was cooperatively funded by The Global Legal Studies Center (a joint project of the Law School and the Division of International Studies), the Center for East Asian Studies at UW-Madison, The Taiwan Economic and Cultural Office, Chicago, and the Seoul National University Foundation. Participants included Professors Kyong-Whan Ahn, Wen-Chen Chang, Tsung-fu Chen, Hong Sik Cho, Kuk Cho, Jerome Cohen, Javier Couso, Anuj Desai, Tom Ginsburg, Chaihark Hahm, Cheng-Yi Huang, Joongi Kim, Chang-Hee Lee, Ilhyung Lee, Andrew Lin, Wen-cheng Lin, Chin-Shou Wang, and Jiunn-rong Yeh. Detailed information about the conference can be found at http://law.wisc.edu/gls/law_and_democracy_conference.html

In the last several years, we have made an effort to get the Law School faculty and students more broadly involved in the East Asian region. The high level of student and faculty participation in the courses and programs supported by the Center is especially notable. The breadth of this support suggests an institutional commitment to a continuing and substantial involvement in the East Asian region – something that I think is good for

the Law School, its students and faculty, and, very importantly, the State of Wisconsin. In addition to what is listed above, the major highlights for 2007 were the following

- In January, UW Law School students joined Nagoya University graduate law students in Nagoya for the concluding sessions of the fall, 2006 course in cross-cultural negotiations. The course was co-taught by Professors Susan Steingass and Charles Irish in Madison and Nagoya Law School Dean Yoshiharu Matsuura and Professor Ikuo Sugawara in Nagoya. Many of the sessions during the fall of 2006 were conducted through internet videoconferencing, but the concluding classes were in Nagoya, in January 2007, with some of the negotiation simulations in Japanese.
- In January, 2007, Assistant Professor Allison Christians taught an intensive course in international taxation at Thammasat University in Bangkok. UW JD students and Thammasat law students participated in the class.
- Also in January, 2007, Clinical Professor Ralph Cagle lead a group of UW students to Bangkok where they joined students from Chulalongkorn University for a short course in cross-cultural negotiations.
- During the spring semester, Adjunct Professor Christina Plum taught a non-credit course in oral communications skills especially for the graduate law students. The course was designed to improve participants' English speaking abilities in settings commonly encountered in the legal profession. The course was so popular with the students that it was offered again in the fall, 2007.
- On February 17, at the Lunar New Year's dinner party to celebrate the Year of the Golden Pig, about 95 students and their family members received traditional red envelopes -- huang bao -- for a good new year and had a great time! This has become an annual Center event, highly anticipated especially by the students in the Graduate Programs section of the Law School.
- On March 22 in Madison/March 23 in Beijing, through a live Internet videoconference, I lead a discussion of real estate investment trusts for UW and Peking University business and real estate students.
- In April, I gave lectures to the students and faculty at Nanjing University and Yantai University entitled "The Changing Face of Sino-American Economic Relations: Implications for Lawyers and Legal Education."
- In late May and early June, Associate Director Susan Katcher visited several universities in Japan where she met with alumni, colleagues, and students interested in advanced legal studies in the U.S. Susan talked about graduate programs in the U.S. and responded to students' questions; she also gave a presentation on legal analysis and writing at Chuo Law School (Tokyo).
- During the fall, Naoki Kanaboshi (MLI; LLM) taught a seminar on Japanese law and Visiting Professor Won Seog Park (MLI; LLM; SJD) (visiting from Chang-An University in Seoul) taught a course on the WTO and free trade agreements. Information about both of these courses is available at www.law.wisc.edu/ealsc.
- Dean Ken Davis, Program Director and Attorney Keith Johnson, and I were actively involved in the planning and presentation of an international conference on financial sector reforms in Taiwan. The conference was in Taipei on September 27 and 28 and was co-sponsored by the Yuanta Financial Holding

Company and the University of Wisconsin Law School. Conference participants represented institutional investors, securities regulators, and academic institutions from Asia, Australia, Europe, and North America. A more detailed report is available at <http://law.wisc.edu/ealsc/wicgi/>.

- Professor DaeHee Lee (MLI; LLM; SJD) arranged for me to give a talk on “Taxation and the Internet” to his students at Korea University on October 4.
- On October 5, in Seoul I talked with the Hanyang University Law faculty and students about US international commercial laws and policies. Also on October 5, in Busan, I gave a more formal lecture to the Dong-A faculty and students on globalized legal education for the 21st Century.
- On November 27 – 30 in Bangkok, I taught a course on US taxation of international business in Chulalongkorn’s English language LLM program.
- During a visit to Beijing on December 5, I talked with graduate students of the University of International Business and Economics about the changing economic relationship between China and the US and how it might affect their careers.

Looking forward

So, 2007 has been a challenging and rewarding year, but where are we headed in 2008? I envision continuing a high level of engagement with China, the cornerstone of which will be our cooperation with Chinese academic institutions. In addition, we should maintain our professional education programs since they offer us an effective way to support China’s liberalization processes. I also feel that major structural changes in the economic relationship between China and the US will become more apparent, with the consequence that Sino-American business law will focus more on direct and portfolio investment than on trade. By the end of 2008 (but maybe early in 2009), I also predict that China and the US both will be playing a much more active role in dealing with global warming and national and cross border environmental pollution.

Comparative water law, such as the course Professor Stephanie Tai taught in Hanoi, and the legal issues associated with carbon taxes or cap and trade systems will become much more mainstream in the legal curriculum. There also is a good possibility that 2008 will bring a higher level of interaction with the moderate Islamic states of Malaysia and Indonesia, which will be a very welcome development. Dean Davis and I expect to continue our corporate governance work in Taiwan and we are working on introducing our project to China. In Korea and Japan, we are exploring ways to become more engaged with Korean and Japanese law students and the legal profession even as those students become more and more preoccupied with their national bar exams.

In closing, I reiterate what I have said in the past: International legal education is an increasingly competitive endeavor. Those of us within the East Asian Legal Studies Center are doing our best to sustain the Law School’s competitiveness in the East Asian region, but the task is very difficult. Therefore, I urge any of our friends or alumni/ae with ideas for enhancing our competitive stature to contact me (crirish@wisc.edu), Vice Director John Ohnesorge (jkohnesorge@wisc.edu), or Associate Director Susan Katcher (skatcher@wisc.edu) to share your ideas.