

Washington University Law

The Whitney R. Harris Institute for Global Legal Studies

Comparative and International Law Programs

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Washington University Law

Whitney R. Harris Institute for Global Legal Studies



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Commemoration



Commemoration

The Nuremberg Trials and Judgment — *60th Anniversary Commemoration*

On September 30, 1946, four judges and their alternates began to read, in turn, the judgment of the International Military Tribunal established at Nuremberg trying the individual Germans and organizations responsible for criminal violations of international law before and during World War II. The reading continued through October 1. The Tribunal found nineteen of the twenty-four individual defendants and four of the seven defendant organizations guilty of at least one of the crimes for which they had been indicted: crimes against humanity, war crimes, and crimes against peace. This was the first major international criminal trial. It became the touchstone for contemporary international criminal trials. The Nuremberg Tribunal held that individuals have duties under international law and spawned the idea of international human rights.

The Whitney R. Harris Institute for Global Legal Studies marked the 60th anniversary of the Judgment at Nuremberg with a symposium and special commemorative program that examined its legacy in contemporary international criminal law and honored its participants. The program began on September 29 with a symposium, cosponsored by the Department of Philosophy, and included papers and discussion on international war crimes from contemporary perspectives by over a dozen leading philosophy and law professors. The program on September 30 was devoted to a commemoration of the Nuremberg Judgment. This commemoration included accounts of the personal experiences of the three living U.S. prosecutors at Nuremberg, as well as panel discussions of prosecutions of international crimes after Nuremberg and the newly established International Criminal Court. On October 1, the program concluded with official U.S.S.R. and U.S. documentary films of the Nuremberg Trial followed by conversations with Whitney Harris and personal accounts of and about others who participated in the Nuremberg Trial.



Whitney Harris

Symposium

Address: **M. Cherif Bassiouni**, DePaul University College of Law
Crimes Against Humanity, Including Genocide
Leila Sadat, Washington University, **David Luban**, Georgetown University, **Steven Ratner**, University of Michigan Law School, **Patricia Wald**, former Chief Judge, U.S. Court of Appeals and ICTY

Address: **Thomas Franck**, New York University School of Law
Offenses Against the Laws and Customs of War
Stephen Legomsky, Washington University, **David Rodin**, Oxford University, **Nancy Sherman**, Georgetown University, **Patricia Viseur-Sellers**, Prosecutor ICTY/ICTR
The Crime of Aggressive War
Larry May, Washington University, **Roger Clark**, Rutgers University School of Law, **Mark Drumbl**, Washington & Lee University School of Law, **Michael Walzer**, Institute of Advanced Studies

Commemoration

The Prosecution of War Criminals at Nuremberg
Greg L. Peterson, Robert H. Jackson Center, **John Q. Barrett**, St. John's University, **Whitney R. Harris**, Nuremberg Prosecutor, **Henry King**, Nuremberg Prosecutor
Prosecuting International Crimes After Nuremberg
Larry May, Washington University, **David Crane**, Syracuse University College of Law, **Michael Scharf**, Case Western Reserve University

Address: **Richard Goldstone**, Constitutional Court of South Africa
The International Criminal Court in the 21st Century
Leila Sadat, Washington University, **Hans-Peter Kaul**, International Criminal Court, **William Pace**, Coalition for the International Criminal Court, **David Scheffer**, Northwestern University
A World of Peace Under the Rule of Law
Ben Ferencz, Nuremberg Prosecutor, **Whitney Harris**, Nuremberg Prosecutor, **Christoph Safferling**, Erlangen University
Special Session
Christopher Dodd, United States Senator, **Philippe Kirsch**, International Criminal Court, **Hans Hesselmann**, City of Nuremberg, **Francis Slay**, City of St. Louis, **Mark Rollins**, **Kent Syverud** and **Mark Wrighton**, Washington University

Documentaries

Whitney Harris, Nuremberg Prosecutor, and **Sandra Schulberg**, Schulberg Productions
Photographic display and rare documentaries of Nazi Germany and the trials.

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The Nuremberg Trials and Judgement 60th Anniversary Commemoration

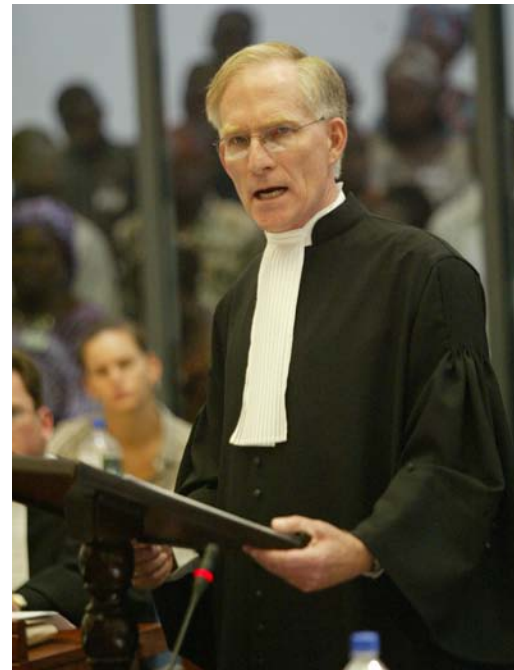
Also in commemoration of the 60th anniversary of the Nuremberg Trials and Judgment, the Harris Institute was pleased to sponsor or cosponsor a series of special lectures

David Crane

(November 14, 2005)

I'll Be Back – Charles Taylor, Terrorists, Warlords and Thugs: International Law in the 21st Century

David Crane is a former chief prosecutor for the Special Court in Sierra Leone, and currently the Distinguished Visiting Professor of Law at Syracuse University. Prior to his appointment as the chief prosecutor, Crane served more than 30 years in the U.S. federal government. Appointed to the Senior Executive Service of the United States in 1997, Crane has held numerous key managerial positions during his three decades of public service, including deputy inspector general, Department of Defense; assistant general counsel of the Defense Intelligence Agency; and Waldemar A. Solf Professor of International Law at the United States Army Judge Advocate General's School. His lecture was cosponsored by the Whitney R. Harris Institute for Global Legal Studies and the Clinical Education Program Africa Public Interest Law Project.



David Crane



Jerry Fowler

Jerry Fowler

(May 10, 2006)

Genocide Emergency: Darfur, Sudan – Who Will Survive Today?

Jerry Fowler is the staff director of the Committee on Conscience, which guides the genocide prevention efforts of the United States Holocaust Memorial Museum. He shared his thoughts in response to genocides such as those in Darfur and discussed ways to prevent genocide in the future. His lecture was the second in the series cosponsored with the St. Louis Holocaust Museum and Learning Center, the Jewish Community Relations Council, the Center for International Studies of the University of Missouri St. Louis, and the Missouri Historical Society.

John G. Stoessinger

(April 27, 2006)

Odyssey to America: Reflections of a Holocaust Survivor

John Stoessinger is visiting professor in the Social Science Division of the University of California, San Diego. The author of two books, Dr. Stoessinger is an internationally recognized political analyst. His talk, on the occasion of Yom HaShoah, Holocaust Remembrance Day, was presented in conjunction with Thomas Jefferson School's Lawrence A. Morgan Lecture Series. It was the first in a cosponsored series with the St. Louis Holocaust Museum and Learning Center, the Jewish Community Relations Council, the Center for International Studies of the University of Missouri St. Louis, and the Missouri Historical Society.



John G. Stoessinger



Kon Sik Kim, Rainer Kulms, Jan Sykora



Roel Campos

Jack Jacobs



CEO roundtable with Barrett Toan, John McDonnell, Maxine Clark, William H. T. Bush



Conference

(September 29–October 1, 2006)

The New Corporate Governance

by Troy Paredes

The Whitney R. Harris Institute for Global Legal Studies cosponsored a conference with the Center for Interdisciplinary Studies at the Law School on The “New” Corporate Governance, held September 29 to October 1, 2005. The conference, organized by professors Troy Paredes and John Drobak, was held in honor of Joel Seligman, who recently departed as the Law School’s dean to become president of the University of Rochester. Corporate governance has undergone historic change in recent years. Congress adopted the Sarbanes-Oxley Act in 2002. The Securities and Exchange Commission (SEC) has enacted a host of important securities law reforms. The Delaware judiciary is scrutinizing corporate conduct more aggressively. The New York Stock Exchange and NASDAQ have reformed their listing standards to ensure that boards of directors are more active and independent. State attorneys general, including Eliot Spitzer in New York, have pursued corporate corruption at an unprecedented pace.

All of this occurs against the backdrop of increasingly global capital markets. Having reshaped corporate governance, the question remains: How are these reforms working? The conference provided an opportunity to address this question from a variety of perspectives. The conference engaged such topics as the “imperial” CEO, the energized board of directors, executive pay, shareholder activism, the media’s impact on corporate behavior, and comparative corporate governance. Attendees and participants at the conference included leading legal and business scholars, corporate executives, regulators from the Securities and Exchange Commission, a Delaware Supreme Court Justice, business journalists, and practicing lawyers. One of the conference highlights was a CEO roundtable where leading executives discussed the present state of corporate governance.

Commercializing Innovation

(November 4–6, 2006)

by Scott Kieff

Together with the Washington University School of Law’s Center for Research on Innovation and Entrepreneurship and Center for Interdisciplinary Studies, the Whitney R. Harris Institute for Global Legal Studies hosted a conference on the commercialization of innovation on November 4 and 5, 2005. The conference was organized by professors Scott Kieff and Troy Paredes, with staff support from Karma Jenkins and Linda McClain.

The basic problem addressed by the conference is that while various forms of innovation are regularly generated within organizations and communities, all too often they are not put to use, or commercialized, as broadly or as rapidly as they could be. Obstacles of various types, including transaction costs, agency costs, and the lack of coordination, are often chief targets for blame. The identification of these problems in a wide range of fields has spawned a rich literature associated with modern theories of institutional economics, public choice, the firm, corporate control, finance, social cost, and property rights. This work collectively shows how these problems can be mitigated or even put to good use, depending on the institutional framework in which they exist, including relevant legal systems, norms, and markets.



Shaun Martin

The conference brought together leading thinkers in diverse fields of law, economics, finance, management, and political science to develop modern tools and strategies for improving the complex process of innovation commercialization, with a focus on both domestic and international implications. Following the successful model recently used for the topic of “Intellectual Property and the Human Genome Project,” this group of contributors prepared manuscripts for presentation and feedback at the conference. The presentation then will be further honed for publication in a forthcoming book published by a major academic press. The conference volume on the genome project was published by Elsevier, and the entire first printing sold out in approximately two months (for more on that project, see <http://law.wustl.edu/Faculty/Documents/Kieff/HGPIP/Book.htm>).



Scott Kieff, Troy Paredes

Symposia, Conferences & Workshops

Hans Kelsen and His Global Influence: Workshop (March 2-4, 2006)

At the beginning of March, the Harris Institute for Global Legal Studies sponsored an international conference on the influence of Hans Kelsen's legal theory in various countries of the world. Kelsen's influence, as the conference papers made abundantly clear, has been enormous--and enormously varied.

In England, where one might have expected to see no impact at all, Kelsen's legal theory profoundly influenced H.L.A. Hart, England's legal philosopher of the last century. In Germany, where one might well have expected a great impact stemming from Kelsen in neighboring Austria, his work has had practically no effect at all--neither in Weimar Germany nor today. Indeed, the Weimar theorists used Kelsen and his legal theory as a ploy, with motives that went well beyond matters juridical and philosophical in nature. Kelsen's role in other countries--Japan, Israel, the Netherlands, Sweden, etc. --holds many surprises, too. Some of these surprises were uncovered at the conference, and the papers read there establish a record of Kelsen's role and influence.

The participants included **John Haley** and **Stanley Paulson**, Washington University, **Izhak Englard**, Hebrew University and former justice of the Israel Supreme Court, **Åke Frändberg**, University of Uppsala, **Michael Green**, College of William and Mary, **Charles Leben**, Université Panthéon-Assas and director of the Institute for Advanced International Studies, **Ryuichi Nagao**, Nihon University, **Iain Stewart**, Macquarie University, **Bert van Roermund**, Tilburg University, and **Jan Wolenski**, Institut International in Philosophie in Paris and Polish Academy of Science and Arts in Krakow.

From left: Ryuichi Nagao, Charles Leben, John Haley



From left: Michael Green, Iain Stewart, Åke Frändberg, Jan Wolenski



Stanley Paulson

Promoting U.S.-China Business Relations (May 17-18, 2006)

Three Washington University centers -- The Murray Weidenbaum Center on the Economy, Government, and Public Policy, the Center for New Institutional Social Sciences (CNISS), and the Whitney R. Harris Institute for Global Legal Studies -- along with the University of Oxford's Centre for Socio-Legal Studies, hosted a three-day conference on U.S.-China Business Relations on May 11-13, 2006.

The conference began with a forum followed by more academic-oriented workshops. Keynotes and panels included business and industry leaders, academics, and key players inside the Chinese government who provided expert insight on topics affecting today's relations between the two countries. Topics included practical issues in U.S.-China commercial relations as well as intellectual property rights issues from both the Chinese and U.S. perspectives. Washington University's Edward Macias, dean of Arts and Sciences and executive vice chancellor; Steven Smith, director of the Weidenbaum Center; and Itai Sened, director of the Center for New Institutional Social Sciences opened the event. Douglass C. North, 1993 recipient of the Nobel Prize in Economics and Washington University Spencer T. Olin Professor in Arts & Sciences, gave the keynote lecture.

Topics and Speakers included:

Issues in Intellectual Property Rights in China from the Chinese Perspective

Gao Lulin, former head of China's State Intellectual Property Office, and **Charles McManis**, Washington University

Practical Issues in U.S.-China Commercial Relations

C. Richard D'Amato, chairman, U.S.-China Economic and Security Review Commission, **Yang Guohua**, Chinese Ministry of Commerce, **David Lampton**, Johns Hopkins University, **Murray Weidenbaum**, Washington University

Issues in Intellectual Property Rights in China from the U.S. Perspective

Robert Kapp, Robert A. Kapp & Associates, Inc., **Andrew Mertha**, Washington University



The Rule of Law in China: Theory and Practice
Donald Clark, George Washington University Law School, **Jacques de Lisle**, University of Pennsylvania, **Denis Galligan**, University of Oxford, **John Haley**, Washington University, **Stanley Lubman**, University of California-Berkeley, **Randall Peerenboom**, University of California-Los Angeles
WTO & IPR

Yang Guohua, Chinese Ministry of Commerce, **Yuka Kobayashi**, University of Oxford, **Andrew Sobel**, Washington University, **Peter Yu**, Michigan State
Centralization and Decentralization in China
Bill Lowry and **Andrew Mertha**, Washington University, **Barry Naughton** and **Susan Shirk**, University of California-San Diego, **Dali L. Yang**, The University of Chicago
China's Progress in Developing Modern Business Practices

John Adams, Principle Project Sponsor, **James Schwartz**, Mast Industries, Inc., **Murray Weidenbaum**, Washington University, **Junyang Xi**, Brandeis University & Shanghai University, **James Yuann**, Honeywell

Special Events

The Kyoto Protocol (November 21, 2005)

This special event was a panel discussion of the domestic and international implications of U.S. nonratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change. The Kyoto Protocol is an international treaty on climate change. Countries that ratify this protocol commit to reduce their emissions of carbon dioxide and five other greenhouse gases or agree to engage in emissions trading if they maintain or increase emissions of these gases. The United States, although a signatory to the protocol, has neither ratified nor withdrawn from the protocol. The protocol thus does not bind the United States. The discussion focused on the efficacy of international climate change policy without U.S. participation. As climate change becomes an ever-increasing problem that has been linked to frequency and severity of hurricanes in recent years, the decision by the United States not to ratify the Kyoto Protocol deserves heightened scrutiny.

Panelists included **Anita Halvorsen**, University of Denver College of Law & University of Colorado, **J. Kevin Healy**, Bryan Cave (New York), **William Pizer**, Resources for the Future, **Jacob Werksman**, Global Inclusion, Rockefeller Foundation, and **Douglas Williams**, Saint Louis University School of Law.



Anita Halvorsen



Douglas Williams

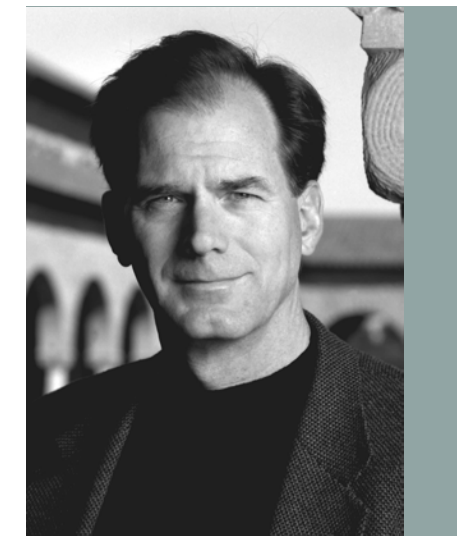
Jacob Werksman



William C. Jones Lecture Series (November 11, 2005)

Andrew Walder, "Politics and Privatization: China in Global Perspective"
The Whitney R. Harris Institute for Global Legal Studies and East Asian Studies presented the first lecture in our William Catron Jones Lecture Series with Andrew Walder on 11 November 2005. Andrew Walder is the director of APARC, a professor of sociology and an SIIS senior fellow. He is an expert on the sources of conflict, stability, and change in communist regimes. Walder's current research focuses on the impact of China's market reforms on income inequality and career opportunity. He is also conducting historical research on the Cultural Revolution of 1966-1969, with an emphasis on the Beijing Red Guard movement during 1966 and 1967.

His publications include: "Career Advancement as Party Patronage: Sponsored Mobility into the Chinese Administrative Elite," in the American Journal of Sociology (co-authored with Bobai Li, 2001) and "Politics and Life Chances in a State Socialist Regime: Dual Career Paths into the Urban Chinese Elite, 1949 to 1996," in the American Sociological Review (co-authored with Bobai Li, 2000).



Andrew Walder

Comparative Competition Law (February 22, 2006)

Dr. Xiaoye Wang, "The New Development of Chinese Antitrust Legislation"
Wang discussed the competition mechanism in China's market, diversification of ownership in business, integration of Chinese economy and world economy, restrictions on competition in China, China's existing anti-monopoly provisions and procedures, and the lack of a unified and independent enforcement agency, among other topics.

Xiaoye Wang is a professor at the Institute of Law, Chinese Academy of Social Sciences in Beijing, and the legal advisor for the Drafting Committee of Chinese Anti-Monopoly Law. Wang is also the head of the Expert-Group for WTO Trade and Competition Policy under the Commercial Ministry of the People's Republic of China. She has authored over 150 papers and four books. Wang works in the areas of economic law, international economic law, social law, and focuses on competition law.



Xiaoye Wang

Constitutional Courts

(March 23, 2006)

Justice Herbert Haller,
Constitutional Court of Austria

Justice Herbert Haller spoke on the interplay of the European Court of Human Rights with the Austrian Constitutional Court and with the legislator amending the Constitution. Haller is a professor of public law at the Vienna University of Economics and the head of the Austrian Data Security Council, and was appointed judge at the Austrian Constitutional Court in 2002.

The lecture provided an introduction to the Austrian constitutional system, which is typically continental; showed how compliance is sought by the Austrian Constitutional Court with the jurisdiction of the European Court of Human Rights; and analyzed those amendments of the Austrian constitution that became inevitable through membership in the Council of Europe.



Justice Herbert Haller

Young Scholars in International Law

(March 30, 2006)

Thomas Grant, "Universality, Diversity & Prospects for Reform of the United Nations"
Grant stated that "it is widely accepted that the United Nations is an institution in need of reform. However, not enough has been done to analyze the connections between what ails the international organization and its constitutive text, the 1945 Charter. The reform agenda will gain in coherence, and perhaps prospects for success, if it is informed by a better understanding of what can — and cannot — be achieved within the Charter — and within the world that the Charter, in no small part, has helped over the last 60 years to create."

Thomas D. Grant is a fellow at Wolfson College in the University of Cambridge and an associate of the Lauterpacht Research Center for International Law. His work is in public international law addresses, inter alia, state formation, secession, security, and intervention. Grant is an author and editor interested in comparative law and anti-corruption initiatives.

Thomas Grant



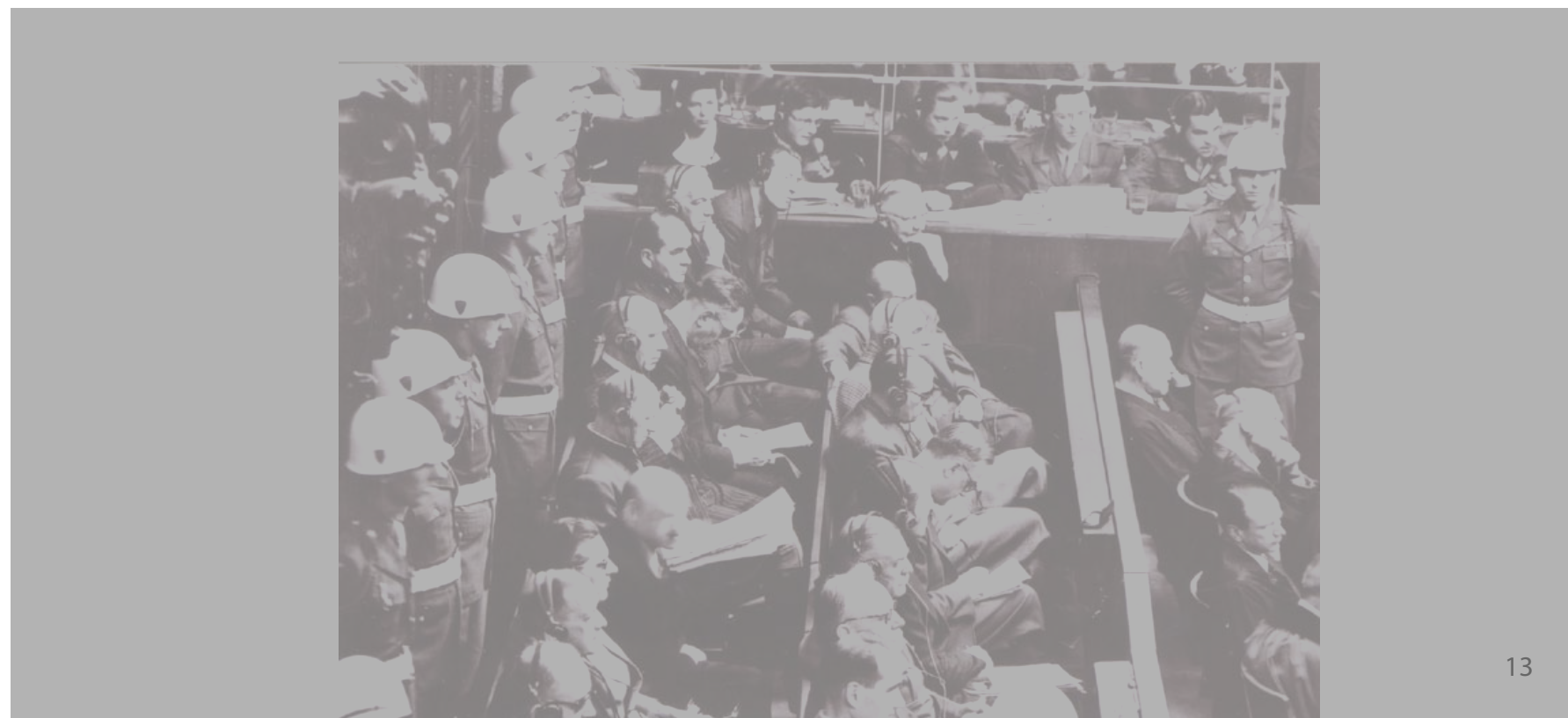
Distinguished Lawyers in International Law

(April 10, 2006)

Walter Slocombe, "Pre-Emptive Use of Force: Legalities and Realities in Today's World"
Walter Slocombe served as the Under Secretary of Defense for Policy (1994-2001) and Senior Advisor for National Security and Defense in the Coalition Provisional Authority for Iraq (2003). In 2004, President Bush appointed him to the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. His awards include the Department of Defense's Distinguished Public Service Medal and the Joseph Kruzal Award for Distinguished Service in the Pursuit of Peace. Slocombe has served as a member of the advisory and governing boards of several academic and defense analysis institutions and is also an attorney and author.



Walter Slocombe



Student Programs

The Harris Institute is involved in programs that encourage students to travel, learn, and interact with their world.

The Whitney R. Harris Institute for Global Legal Studies has four award categories each year.

- **Dagen-Legomsky Hague Fellow**
- **Dagen-Legomsky International Public Interest Fellow**
- **Whitney and Anna Harris Travel Grant Awards**
- **Harris Institute Conference and Meeting Grants**

We have an outstanding body of students who understand and welcome competition and are passionate about the opportunities offered in the field of international public law. This year proved to be quite competitive, and we were particularly excited about the response to the call for applications. It is the pleasure of the Harris Institute to announce the following awards and congratulations to these recipients.

Dagen-Legomsky Hague Fellow *Marisa Maclennan*

The Hague Academy offers three-week lectures in private international law and three-week lectures in public international law. These courses are attended by professionals from all over the world who work in international law or are pursuing advanced degrees in international law. "The seven scholars who teach at the Academy are outstanding and the students who attend are exceptionally bright, engaging, and friendly," says Stacie Powderly, a former Dagen-Legomsky Hague Fellow.

Dagen-Legomsky International Public Interest Fellow *Beth Simon*

Each year the Harris Institute awards at least one Dagen-Legomsky International Public Interest fellowship, in the form of a summer stipend, to a law student with an unpaid internship at an international public interest organization. Beth Simon [Centro de los Derechos del Migrante, Inc. in Zacatecas, Mexico] tells us that "As a law clerk, I had the opportunity to practice research and writing skills in the areas of labor and employment law

and had frequent contact with clients. I particularly enjoyed outreach trips where we met with other grassroots organizers to educate future migrants about their rights as laborers in the United States. Most importantly, these contacts provided a window into the actual impact of policy decisions in Washington on the lives of people thousands of miles away." Allison Scharf spent half the summer in Cambodia working for a legal capacity building project housed in the Pannassastra University of Cambodia Paralegal (Street Law) Project as well as the American Jewish Joint Distribution Committee, and other students worked at various agencies in Durban, South Africa, including the Children's Rights Centre, the HIV/AIDS Treatment Action Campaign, the Legal Aid Board and the Wentworth AIDS Project.

Whitney and Anna Harris Travel Grant Awards

The Harris Institute is pleased to announce 12 awards this year to the Republic of Georgia and Africa.
Travel Grant Awards to Republic of Georgia
Seth Bridge, Kate Burson, and Nathan Thomas

Travel Grant Awards to Africa
Barbara Burdette, Eleanor Forbes, Tracy Franklin, Rebekah Henn, Calvin Hwang, Niles (Neil) Naik, Jessica Mills, Wesley Schooler, and Lilia Tyrrell

International Humanitarian Law Teaching Project

The Harris Institute continues to work with the St. Louis Chapter of the American Red Cross on the International Humanitarian Law teaching project to train and encourage law students to introduce international humanitarian law into the core curriculum of local secondary schools in the St. Louis area. This *Students As Teachers* program pairs law students who become familiar with humanitarian issues through interaction and training with the American Red Cross. The law students travel to local secondary schools and offer slide and oral presentations to high schoolers. Teachers at these local schools are supportive of the program because it excites their students and encourages them to think about their world.

Two Washington University law students, **Roman Solowski** and **Hassan Akbari**, made quite an impact on the Constitutional Law students at Fort Zumwalt North High School. Sue Dubois, the teacher of the class, and fourteen of her students sent notes to Roman and Hassan thanking them for taking time out of their busy schedules and spring break to give the humanitarian law presentation to her class. One student writes, "Thank you for your time and resources to come and speak to our class. Your speech was very informative. The movies...showed a lot that the media cannot show. I think it had a much greater impact this way. Please continue to do what you do. It makes the world a better place."

Neil Naik offered to share his excitement and anticipation with us as he prepared to travel to South Africa: "Overall, I am looking forward to seeing how the law operates in a foreign country. I have heard much about the extremely progressive nature of South Africa's constitution as it was formed after the Apartheid era. It will be interesting to see how constitutional issues such as race discrimination arise and are dealt with on a daily basis in their country. I'm excited to be immersed in a completely different culture...I think I can speak for the whole group when I say we are all very excited for this summer."

Lilia Tyrrell worked at the Legal Aid Board to provide legal services to indigent individuals in the KwaZulu Natal province. She drafted pleadings, provided advice, worked on intake, and met with clients. Wesley Schooler was eager to embark on his trip to Durban: "While in South Africa, I'll be working with the Legal Aid Board in Durban. One of the exciting things about working in South Africa will be the chance to learn about and work with the country's new and very progressive constitution. I think it will be rewarding to learn how such a change in government has affected the country's citizens and their human rights." It's not all work and no play says Wesley, "Of course, I'm also excited about the fact that South Africa is a beautiful country

with many beaches, game reserves, vineyards, and plenty of other exciting things to occupy my free time." When Wesley gets back we will see how much time he had to enjoy the sights of this fascinating country!

Harris Institute Conference and Meeting Grants *David Gorvitz, Ali Adnan Ibrahim, Sasha Polonsky, and Naomi Warren*

Marisa Maclennan, Steve Legomsky, Beth Simon





Dean Kent D. Syverud joined the School of Law faculty in January 2006. He previously served as dean of Vanderbilt Law School from 1997 to June 2005. Among his accomplishments at Vanderbilt, Syverud launched the LL.M. Program for foreign students. He established a reputation as a prominent scholar in complex litigation, insurance law, and civil procedure at Vanderbilt and at the University of Michigan Law School, where he taught from 1987 to 1997. He also practiced law at Wilmer, Cutler & Pickering in Washington, D.C., and clerked for Supreme Court Justice Sandra Day O'Connor. A member of the American Law Institute, he has served as president of the American Law Deans Association and currently chairs the Board of Trustees of the Law School Admission Council.

Kent Syverud

At Washington University, his commitment to international and comparative law has included the naming of a new assistant dean for International Programs, Michael Peil, and support for the law school's many Harris Institute programs. He has a longstanding interest in international affairs, with an undergraduate degree from Georgetown University's School of Foreign Service. In addition to teaching core classes in a variety of areas, including Negotiation and Civil Procedure at the University of Michigan, Vanderbilt, and Washington University, Syverud has had several teaching appointments abroad. For seven years, he taught summer classes on American Civil Procedure and Litigation for German lawyers in Saarbrücken and Trier, Germany, under the sponsorship of the Freidrich Ebert Stiftung and the German-American Bar Association. He also taught a course on American Civil Procedure and the Jury System at Tokyo University Faculty of Law and Politics.

Jane H. Aiken is on the Steering Committee for the McDonnell International Scholars Academy. She is a founding board member of the International Society for the Scholarship of Teaching and Learning and is on the Fulbright Selection Committee for Law. In addition to her work in Nepal, Professor Aiken began a student internship program in the Republic of Georgia. She joined international scholars at the Rockefeller Center in Bellagio, Italy, to discuss the development of a national narrative in the Republic of Georgia and assisted in the drafting of a White Paper out of that conference.

She has presented at several international conferences: the Washington University International Pluralism Conference and the Washington University Global

Feminism Conference in the spring of 2006. In the summer of 2006, she presented a paper on International Clinical Collaborations for the Global Alliance for Justice Education. She also delivered a paper on the Skills of Cross-Cultural Communication at Tsinghua University in Beijing, China.

Jane Aiken



John Drobak

In May 2006, **John Drobak**, the George Alexander Madill Professor of Law, completed 15 years of teaching Political Economy and other related courses in the MBA program at the United States Business School in Prague. With the transition in Central Europe winding down, the school is ending its programs, having served its purpose of providing Western business skills to Czechs, Slovaks, and other Central and Eastern Europeans. Drobak, who has been affiliated with the school since its inception, taught all of the students who passed through the MBA program. Many of the graduates are the leaders of business and industry in the Czech Republic, including the senior partner of the largest brokerage firm in Central Europe, the C.E.O. of the Czech telephone company, the C.F.O. of one of the most famous breweries, and partners in global consulting firms.



Taking a break from a walk in a park in Prague this past May are (from left to right): Jan Samanek, Chair, School of Legal Studies, The New Anglo-American College in Prague (which is the first private law school in Central Europe); Vojtech Cepl, former Justice of the Czech Constitutional Court and Professor of Law at Charles University; Ladislav Smoljak, the famous Czech actor who appeared in the academy award winning Czech film Kolya; and John Drobak.

John Haley



Professor Haley continues as director of the Whitney R. Harris Institute for Global Legal Studies. His publications during the year included: "Law and Culture in China and Japan: A Framework for Analysis," 27 Michigan Journal of International Law 895 (2006); "The Civil, Criminal and Disciplinary Liability of Judges," 54 (Supplement) American Journal of Comparative Law 281 (2006); "Judicial Reform: Conflicting Aims and Imperfect Models," 5 Washington University Global Studies Law Review 81 (2006); "Waging War: Japan's Constitutional Constraints," 14 Constitutional Forum Constitutionnel 18 (No. 2, 2005); "Japanese Perspectives, Autonomous Firms, and the Aesthetic Function of Law," in K.L. Hopt, E. Wymeersch, H. Kanda, and H. Baum (eds), Corporate Governance in Context: Corporations, States and Markets in Europe, Japan, and the United States (Oxford: Oxford University Press, 2005), pp. 205-214; and "Heisei Renewal or Heisei Transformation: Are Legal Reforms Really Changing Japan?" 10 Journal of Japanese Law (Zeitschrift für Japanisches Recht) 5 (No. 19, 2005). He also reviewed Curtis J. Milhaupt and Mark D. West, Economic Organizations and Corporate Governance in Japan: The Impact of Formal and Informal Rules (Oxford and New York: Oxford University Press, 2004) in 32-1 Journal of Japanese Studies (Winter 2006).

Professor Haley also continues to serve on the Board of Trustees and Executive Committee of the Society for Japanese Studies (Journal of Japanese Studies), the Executive Committee, American Society of Comparative Law, and the Board of Directors, World Affairs Council of St. Louis. He is, in addition, an Affiliate Professor at the University of Washington School of Law.



Scott Kieff

Scott Kieff hosted, together with Troy Paredes, the conference on Commercializing Innovation in the fall of 2005, which brought numerous leading scholars in law, economics, business, and political science of innovation to the School of Law to work on draft chapters for a forthcoming book. Also with Troy Paredes, Kieff published a paper on intellectual property, bankruptcy, and corporate control in the school's Quarterly volume which was devoted to the annual F. Hodge O'Neal Corporate and Securities Law Symposium. Kieff also published a paper about the theory and practice of intellectual property transactions in the Houston Law Review, based on his talk at the Second Annual Baker Botts Lecture at the University of Houston Law Center. He gave numerous presentations during the year including a debate about "Open Source & Intellectual Property Rights" with Stanford University Law Professor Larry Lessig in Palo Alto, California. He also continued as a member of the founding faculty of the Munich

Intellectual Property Law Center, a joint venture of the Max Planck Institute for Intellectual Property, Competition, and Tax Law; the University of Augsburg; the Technische Universität München; and the George Washington University Law School, and as a member of the IP Modeling Group at the Canadian Centre for Intellectual Property Policy at McGill University Faculty of Law. Kieff also continued to serve on the editorial board of the American Intellectual Property Law Association Quarterly Journal.

In addition to teaching classes on Patent Law and Contracts and Intellectual Property here at Washington University, Kieff was appointed as a research fellow at the Hoover Institution at Stanford University. He also continued his focus on ADR and structuring transactions to avoid and resolve disputes and was appointed to serve on the new panel of mediators for the U. S. Court of Appeals for the Federal Circuit.



Steve Legomsky

In 2005, **Steve Legomsky** received the Arthur Holly Compton award for faculty achievement (given annually to one member of the Washington University hilltop campus faculty) and was the 2006 winner of the American Immigration Lawyers Association's Elmer Fried Teaching Award. He spent a week as the Distinguished Visiting Mentor at the Australian National University in Canberra, where he delivered three presentations to the law faculty and one to the Australian National Defence College. He was also named to the advisory board of Oxford University Press's International Journal of Refugee Law, the editorial board of the new Journal of International and Comparative Law (India), and the board of Interfaith Legal Services for Immigrants in St. Louis. Chancellor Mark Wrighton appointed Legomsky as Washington University's McDonnell Academy ambassador to the University of Hong Kong.

He has published an article on deportation and judicial independence in the Cornell Law Review, has completed book chapters for several edited volumes, and is nearing completion of a law review article on immigration control and criminal justice as competing models of social regulation. During this time he has also given law faculty workshops on immigration policy at the University of Iowa and Australian National University, and he has made presentations to various audiences in Berlin, Buffalo, Sydney, Las Vegas, Miami, Bellagio (Italy), Montreal, Geneva, and Washington University. He is also part of a team that is creating a new, autonomous model city in Belize; Legomsky is drafting the immigration laws for the new City.

C.J. Larkin and the ADR Program received a three-year, \$244,000 grant from the State Department to establish exchanges between the Washington University and Kathmandu law schools and between Washington University and two civil society NGOs in Nepal. Larkin provided mediation training to a Nepali delegation that visited the law school and met with ADR providers in the community in spring 2006. She and other law school representatives then made an exchange visit to Nepal in summer 2006. Along with the International Institute in St. Louis, Larkin received an ASC Foundation grant to train and mentor mediators within the immigrant-refugee communities and to develop an Ethnic Mediation Council in St. Louis. Other grants to the ADR Program will help provide interpreters for community mediation and train non-English speaking leaders in mediation in several other St. Louis immigrant communities, particularly the Afghani and Somali communities.

During 2005-06, Larkin served as a talk show host for WGNU Radio in the St. Louis-based program, "Both Sides Now." Guests discussed multiple sides of a chosen issue, such as abortion legislation in Missouri, stem cell research, the war in Nepal, and the recent United States Supreme Court "no knock" police case (with guest **Stephen Ryals**, the School's new clinic attorney). Larkin made a presentation on the immigrant-refugee community mediation

project, including issues related to gender and power, at the 2006 ABA-ADR Conference. She also made presentations on "Community Mediation in Nepal" and "Spirituality in Mediation" at the Association for Conflict Resolution Conference. Her co-authored article, "Community Mediation as a Tool for Addressing Social Exclusion in Nepal," was published in the Critical Half Journal, and her co-authored article, "Mediating in the Shadow of Revolution: Community Mediation in Nepal," is forthcoming in ACRResolution Magazine. Larkin also coached the School's ABA-ADR Representation in Mediation competition regional team members, who were semi-finalists at the national competition in Atlanta.

C.J. Larkin





Charles McManis

Charles McManis is the Thomas and Karole Green Professor of Law and director of the Intellectual Property and Technology Law Program. For the past three years, Professor McManis has worked with others at Washington University to secure and implement a \$3.5 million university-wide grant from the Ewing Marion Kauffman Foundation to promote a more entrepreneurial milieu on campus. This effort culminated in the establishment of two new components in the law school's Intellectual Property & Technology Law Program.

The new campus-wide Center for Research on Innovation & Entrepreneurship (CRIE), together with the law school's Whitney R. Harris Institute for Global Legal Studies and Center for Interdisciplinary Studies, and the Skandalaris Center for Entrepreneurial Studies at the Olin School of Business, cosponsored an inaugural academic conference in November 2005. The conference, "Commercializing Innovation," was organized by law faculty members Scott Kieff and Troy Paredes. CRIE also administers a campus-wide faculty competitive grant program that funds faculty research on innovation and entrepreneurship. The Kauffman grant also partially funded the law school's new Intellectual Property & Business Formation Legal Clinic, which is designed to provide law students with advanced training in one of four targeted program areas. These are: 1) interdisciplinary innovation, 2) business incubators, 3) pro bono representation of IP clients, particularly in the arts, and 4) collaborative nonprofit international research projects, involving biotechnology, biodiversity, and the protection of traditional medicinal and agricultural knowledge, particularly in the developing world.

This past year, the *Washington University Journal of Law & Policy* published a symposium volume, for which McManis wrote the introduction and a concluding article, on the topic "Biodiversity, Biotechnology, and the Legal Protection of Traditional Knowledge". The volume consisted of papers from a 2003 conference, cosponsored by the Whitney R. Harris Institute for Global Legal Studies and the Center for Interdisciplinary Studies, on the same topic. McManis has just completed editing a larger volume of other conference papers on the same topic, which will be published under the title, "Biodiversity, Biotechnology, and the Protection of Traditional Knowledge: Law, Science & Practice," by Earthscan/James & James in the spring of 2007.

In July 2006, McManis taught an International Intellectual Property course in the law school's Summer Institute for Global Justice at the University of Utrecht in the Netherlands.



Peter Mutharika

Professor **A. Peter Mutharika** has been appointed to the Panel of Arbitrators and the Panel of Conciliators of the International Centre for Settlement of Investment Disputes. Some 143 countries are contracting parties to this World Bank center, which serves as the tribunal for resolving international investment disputes.

Mutharika is an expert on international economic law, international law, and comparative constitutional law. He has played a leading role in the conceptualization and structuring of Malawi's new democratic Constitution; served as general counsel of the Malawi Action Committee, a human rights organization; and advised his brother's successful campaign for the presidency of Malawi.

Mutharika has authored books on statelessness, international development law, and the status of aliens in the United States. He is currently working on a book on foreign investment security in Sub-Saharan Africa. Mutharika recently returned from Malawi, where he presented a paper at the Constitutional Review Conference, titled "Towards a More Manageable Constitution."



Leila Sadat

Professor Sadat completed several major scholarly works over the past year. Her article, *Exile, Amnesty and International Law*, was accepted for publication by the *Notre Dame Law Review*, and her commentaries on the Saddam Hussein trial were solicited, published, and/or debated by the American Society of International Law, the Grotian Moment blog established by the Case Western University School of Law, and several law reviews as well as news media, including *The Washington Post*, *The Los Angeles Times*, and the Jim Lehrer News Hour on PBS. She also published a commentary on the Kvočka decision before the ICTY in *IX Annotated Leading Cases of The International Criminal Tribunal for the Former Yugoslavia* (edited by Sluiter and Klip) as well as an essay on U.S. detention and interrogation policies in the war on terror entitled "Ghost Prisoners and Black Sites: Extraordinary Rendition under International Law." The essay was featured at a debate on the legality of the U.S. extraordinary rendition policy held at Case Western Reserve University School of Law in October 2005. Professor Sadat gave a paper on a related topic at a symposium held at the George Washington University School of Law in October 2006. She recently completed the third edition of her International Criminal Law Casebook, to be ready by fall 2006, and is currently writing a book involving France and its war crimes trials (from Nuremberg to the Hague).

Professor Sadat has also been active lecturing and teaching this year, and has spoken or given papers at venues including Vanderbilt Law School; the Coeur d'Alene Symposium on Progress in International Organization; several programs for lawyers and judges in Missouri; the Irish Centre for Human Rights in Galway, Ireland; Temple Law School; a major international conference on Global Democracy sponsored by Widener University School of Law; International Law Weekend in New York; and the American Law Institute annual meeting. At the school of law, she organized and directed the new Summer Institute for Global Justice in the Netherlands at the University of Utrecht, which successfully debuted with nearly 50 students during the summer of 2005. This past summer the Institute featured as its distinguished lecturer David Crane, former chief prosecutor of the Special Court for Sierra Leone. Next year South African Supreme Court Justice Richard Goldstone, former chief prosecutor of the ICTY, will be the distinguished visiting lecturer of the Institute.

Professor Sadat continues to be active in professional associations, serving as secretary of the American Society of Comparative Law, vice president and co-director of Studies for the International Law Association (American Branch), and a member of the book awards committee for the American Society of International Law. She also advises the law school's award-winning Philip C. Jessup International Moot Court Team, and serves as the director of the school's academic consortium project for the Special Court for Sierra Leone. She was recently awarded a grant from the Washington University Center for the Humanities to start an interdisciplinary Joint Project in Norms and International Criminal Law along with Larry May, Department of Philosophy. The first activity of project co-directors has been the organization of a major conference celebrating the 60th anniversary of the Nuremberg Judgment which was held under the auspices of the Whitney R. Harris Institute for Global Legal Studies on September 29-October 1, 2006.



Karen Tokarz

Karen Tokarz and Washington University School of Law students worked with public interest law agencies and nongovernmental organizations in Africa this summer through the Africa Public Interest Law and Conflict Resolution Project. Since the project's inception five years ago, more than 30 students have spent their summers working in Africa, primarily in South Africa, providing legal aid to low-income people.

Naomi Warren and Hkelpo Children



"Working in South Africa is attractive to law students because the country is at the forefront of transformative justice, an emerging legal field," says Karen Tokarz, who directs the School of Law's Clinical Education and Alternative Dispute Resolution Programs and who has coordinated summer placements for students in South Africa since 2002. "Following a horrific period of apartheid, South Africa engaged in a unique truth and reconciliation commission. The country now is in the process of building a new social and legal order -- a progressive and dynamic process that is both enlightening and inspiring for our students," Tokarz says.

Eleanor Forbes, JD '08, Nilesh Naik, JD '08, and Wesley Schooler, JD '08, worked this past summer at the Legal Aid Board Justice Centre in Durban, South Africa, where Washington University students have worked in prior summers. The Legal Aid Board of South Africa provides free legal assistance on civil and criminal matters to indigent South Africans. The students engaged in client counseling, legal research and writing, trial preparation, and observation.

Calvin Hwang, JD/MBA '08, and Lilia Tyrrell, JD '08, worked for the Durban Lesbian and Gay Community Health Centre, which offers legal services, social services, and training to enable individuals to claim their rights to equality, dignity, and freedom under South Africa's new constitution. Following in the footsteps of earlier Washington University law students, Calvin and Lilia worked with the staff at the Centre on client advocacy, community education, and legal representation — particularly in the area of HIV-AIDS.



Legal Resources Centre - Accra, Ghana

For the first time this summer, the law students interning in South Africa participated in a two-week course in South African constitutional law, offered by the University of Missouri-Columbia School of Law on the campus of the University of Western Cape in Cape Town.

Thanks to new funding and partnerships, the Africa Public Interest Law and Conflict Resolution Project expanded into Ghana for summer 2006. Karen Tokarz and Kimberly Norwood developed placements for students with public interest law organizations in Accra, Ghana. They were assisted by Sena Dei-Tutu, a Ghanaian lawyer and faculty member at the University of Ghana Business Department, who received her JSD from Washington University in May 2006. Tokarz and Dei-Tutu visited Accra last December to meet with lawyers and organizations.

Four students, Barbara Burdette, JD '08, Tracy Franklin, JD '08, Jessica Mills, JD '08, and Naomi Warren, JD/MSW '08, worked at the Legal Resource Centre in Accra. The Legal Resource Centre collaborates with communities to ensure human rights, social progress, and economic development, especially in the areas of civil liberties, health, employment, education, and housing. The students assisted with client counseling, client advocacy, community education, and dispute resolution.

Rebekah Henn, JD '07, worked with FIDA (The International Federation of Women Lawyers)

Ghana Legal Aid Services in Accra. FIDA provides legal advice and representation in court for indigent women and children, mediation of family and estate disputes, legal literacy programs directed primarily to women and children, and legislative advocacy on issues related to the status of women and children.

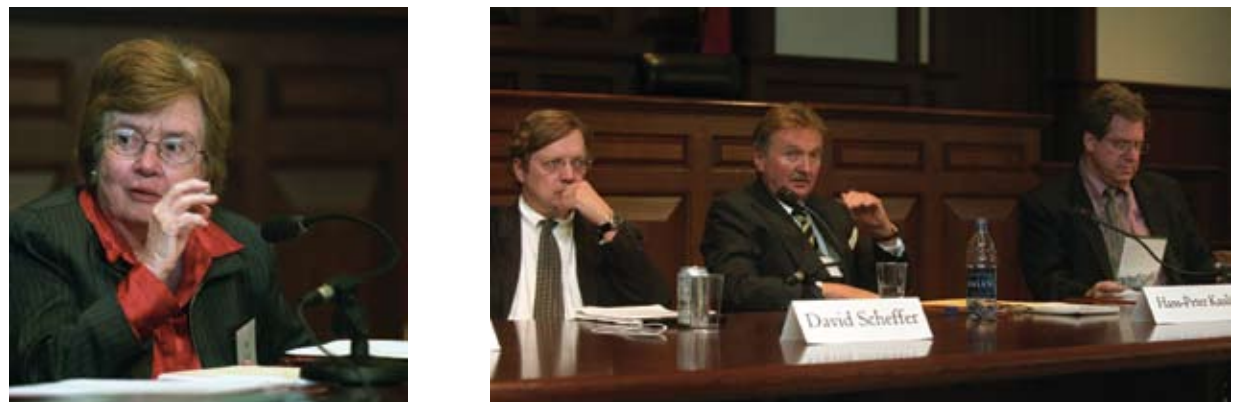
Various funding sources make these summer externships possible for the law students. Through its public interest stipend fund, the School of Law provides almost \$300,000 each summer for over 100 students who commit to working in public interest projects in the U.S. and abroad. The School's Whitney R. Harris Institute for Global Legal Studies provides fellowships and travel awards for the law students doing public interest work in Africa and other overseas locations.

Helping to make the project's expansion possible this year were new funding partners. Washington University's Richard A. Gephardt Institute for Public Service provided fellowships for the ten law students working in South Africa and Ghana. The African and African American Studies in Arts & Sciences provided a fellowship for Ghana, and the U.S. Arbitration & Mediation Service-Midwest in St. Louis provided stipends for students to pursue public interest work in conflict resolution in Ghana. The law firm of Sonnenschein Nath & Rosenthal LLP awarded scholarships to enable one JD/MSW student to pursue public interest work in Ghana and another JD student to go to the Republic of Georgia this summer.

Ghana Red Cross Society front row (middle) Naomi Warren and front row (right) Barbara Burdette



The Nuremberg Trials & Judgement 60th Anniversary Commemoration
 September 29 to 30, 2006 – Speakers & Guests



Top row, left to right: John Q. Barrett, Roger Clark, Mark Drumbi and Greg L. Peterson
 Second row: Michael Scharf, David Luban, Steven Ratner and Michael Walzer
 Third row: Patricia Wald, David Scheffer, Hans-Peter Kaul and William Pace
 Fourth row: Nancy Sherman, Patricia Viseur-Sellers, Christoph Safferling, Whitney Harris and David Crane

Richard Goldstone



M. Cherif Bassiouni



Thomas Franck



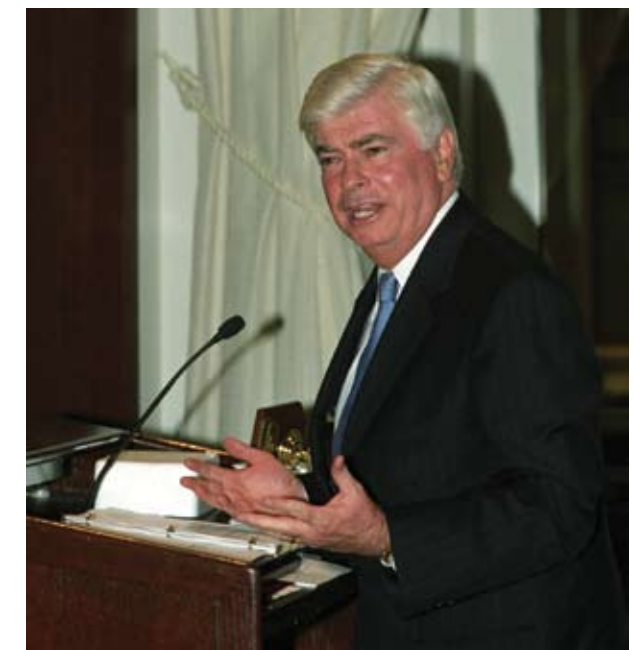
Hans Hesselmann and Francis Slay



Whitney Harris and Philippe Kirsch



Henry King, Ben Ferencz and Whitney Harris



Christopher Dodd

Photos by Mary Butkus Anna Harris