

# Washington University Law

Whitney R. Harris  
World Law Institute

A GLOBAL COMMUNITY OF SCHOLARS



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University in St. Louis  
SCHOOL OF LAW

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The Honorable Louise Arbour  
is the former U.N. High  
Commissioner for Human  
Rights, a former Justice of the  
Supreme Court of Canada, and  
the former Chief Prosecutor of  
the International Criminal  
Tribunals for Rwanda and for  
the Former Yugoslavia.

**A**S OF THIS WRITING, the Harris Institute celebrated its eighth year—and what a year it was. We made great strides in “deepening” our existing programs for both faculty and students and “widening” our international programs more generally. In January 2008, **Justice Richard Goldstone** received the **World Peace Through Law Award** at an event marking the Institute’s rechristening as the “Whitney R. Harris World Law Institute.” We also convened our first **International Legal Scholars Workshop**, focusing upon public international law theory, international criminal law, and human rights. The highly successful workshop will become an annual event. The Harris Institute co-sponsored the **First Annual Chautauqua International Humanitarian Law Dialogs**, bringing together most of the chief prosecutors of the current and prior International Criminal Tribunals for a public, as well as private, assessment of international criminal law. Distinguished academics, U.N. officials, journalists, and policymakers gave lectures throughout the academic year, which was topped off with a

splendid conference on Japanese law in honor of the Harris Institute’s outgoing director, **John O. Haley**.

The law school also launched a new **International Ambassadors Program** with a lecture from the **Hon. Carla Hills**, former U.S. Trade Representative. This year, **H.E. Thomas A. Schweich** will become our first Ambassador-in-Residence, as part of a program designed to bring a foreign policy perspective to the international legal education of our students. Ambassador Schweich served as Principal Deputy Assistant Secretary of State for International Law Enforcement, U.S. Ambassador for Counternarcotics and Justice Reform in Afghanistan, and Chief of Staff of the U.S. Mission to the United Nations. He was recently appointed Special Representative for Latin America of the United Nations Office of Drugs and Crime (UNODC).

The Harris Institute continued its **International Humanitarian Law “Students As Teachers” Training Program** through the auspices of the St. Louis Chapter of the American Red Cross. This program trains law students to give lectures on humanitarian law to students in St. Louis-area high schools. Our **2007 Dagen-Legomsky Fellows, Anne Siarnacki** and **May Yeh**, studied at the Hague Academy of International Law and worked for UNICEF in

Cambodia, respectively. Altogether, more than 110 of our students were studying or working abroad this year, and we welcomed 104 students from overseas, as well as 14 visiting scholars.

Our **Summer Institute for Global Justice** continues to thrive in the Netherlands, our **international public service initiative** now has 24 students working abroad in eight countries, and we have **semester exchange programs** with 11 universities. We expanded our **international moot court program**, and our three teams (Jessup, Niagara, and Harish) took three championships, two first-place oralist awards, and five other individual oralist awards.

Looking forward, the Harris Institute is pleased to announce four major program initiatives. The first is a **Climate Change Colloquium** in October 2008, bringing together legal scholars, policymakers, and Washington University experts to examine climate change law and policy. Second, the Harris Institute has launched an **ambitious two-year project to draft a comprehensive crimes against humanity convention**. The Steering Committee for the project includes M. Cherif Bassiouni, Hans Corell, Richard Goldstone, Juan Méndez, William Schabas, Christine Van Den Wyngaert, and myself. Third, the Harris Institute will hold its second annual **International Legal Scholars Workshop** in 2009. Finally, in February 2008, the law school announced the commencement of the **Transnational Law Program**, a unique, integrated, four-year, dual-degree program with four partner law schools in Europe.

None of this would have been possible without the extraordinary support and leadership of Dean **Kent Syverud**, the hard work and enthusiasm of **Michael Peil**, assistant dean for international programs and the Harris Institute’s executive director, and the dedication of **Linda McClain**, the Harris Institute’s assistant director. Finally, we would be remiss not to mention the ongoing support and encouragement we receive from **Anna and Whitney Harris**. Their generosity has allowed us to blossom from a small seed to a wide and deep global community of students, faculty, jurists, scholars, partnership institutions, and friends.

Our international programs can be found at <http://www.law.wustl.edu/international>. We look forward to seeing you at one of our events soon.

Sincerely,  
Leila Nadya Sadat  
Henry H. Oberschelp Professor of Law  
Director, Whitney R. Harris World Law Institute



**LEILA NADYA SADAT**  
Henry H. Oberschelp Professor  
of Law and Director, Whitney R.  
Harris World Law Institute

# A Global Community of Scholars

By Leila Nadya Sadat

**I**T IS NOW *DE RIGEUR* that law schools must respond to the challenges of globalization. The U.S. Supreme Court has several international law cases on its docket every year, and law schools offer an increasing number of international and comparative law courses. As *New York Times* columnist Tom Friedman wrote in *The Lexus and the Olive Tree*, markets, nation-states, and technologies appear locked in an inexorable process of integration, permitting individuals, businesses, and government to reach around the world “farther, faster, deeper, and cheaper than ever before.” Many U.S. law schools now provide students with increasing numbers of international externships and study abroad programs, as well as expanding opportunities for foreign law students to study in the United States. Washington University Law is no exception to this trend—as the *Director’s Letter*

notes (see page 1), we have “deepened” and “widened” extensively over the past few years, both our international programs and the Whitney R. Harris World Law Institute’s offerings, in order to keep our programs, research, and curriculum up to date.

Yet there is more to the study and practice of international and comparative law than an ever-increasing, even bewildering, number of programs and course offerings. Washington University in St. Louis is one of the world’s great research universities, and Washington University Law is the oldest continuously operating law school west of the Mississippi River. Building the Harris Institute and the international programs at the law school involves engaging with and creating **an epistemic community of individuals** who share, as a common

goal, increasing understanding of interna-

tional legal problems, foreign law systems, and the advancement of the international legal order. This deepening of our mission involves building a vibrant community of scholars across disciplines, institutions, and even national borders. These scholars take seriously the research mission of the Harris Institute and Washington University Law—and seek to advance knowledge of the world around us and enhance the understanding of complex problems.

In terms of **regional focus**, the Harris Institute has been very successful in bringing together scholars in comparative law. This included creating a sense of community through a **Latin American Law Workshop**, for example, which met twice over the past few years to promote discussion of research and exchange of ideas. In 2008 the focus was on Japan, with a marvelous two-day conference celebrating the work



#### HARRIS INSTITUTE REDEDICATION

Harris Institute benefactors and leaders cut the ribbon at the January 2008 rededication of the Whitney R. Harris World Law Institute. From left, Justice Richard Goldstone, Dean Kent Syverud, Anna and Whitney Harris, Institute Executive Director Michael Peil, Institute Director Leila Nadya Sadat, Professor Stephen Legomsky, and Professor John Haley

**“This deepening of our mission involves building a vibrant community of scholars across disciplines, institutions, and even national borders.”**

of **John O. Haley**, the Harris Institute’s former director. In terms of **interdisciplinary collaboration**, many of our activities involve experts from political science, economics, anthropology, social work, engineering, and the humanities, who have enriched our understanding of legal problems by bringing both the tools and insights of their disciplines. In terms of substantive focus, the Harris Institute continues to do major programming in the area of **international criminal law**, hosting two very important conferences on international criminal law during the past five years, including a major three-day conference on the Nuremberg Judgment held in 2006.

In 2008 we embarked upon an ambitious, two-year project to draft a **comprehensive crimes against humanity convention**, as well as conduct a scientific study of the evolving jurisprudence and nature of the crime and its development in international and municipal law. The project’s steering committee is composed of: **M. Cherif Bassiouni**, the Distinguished Research Professor of Law at DePaul University College of Law and founder and president emeritus of the International Human Rights Law Institute; **Hans Corell**, former Under-Secretary-General for Legal Affairs and the legal counsel of the United Nations; **Richard Goldstone**, former justice of the Constitutional Court of South Africa and the first chief prosecutor of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda; **Juan Méndez**, president of the International Center for Transitional Justice, former executive director of the Inter-American Institute of Human Rights in Costa Rica, and a member and president of the Inter-American Commission on Human Rights; **Leila Nadya Sadat**, the Henry H. Oberschelp Professor of Law at Washington University and director of the Harris Institute; **William Schabas**, director of the Irish Centre for Human Rights at the National University of Ireland, Galway; and **Christine Van Den Wyngaert**, judge at the International Criminal Tribunal for the Former Yugoslavia in The Hague. We also continue to co-sponsor—with the American Society of International Law, Syracuse University, and others—an annual conference bringing together the past and present prosecutors of international criminal courts and tribunals at the Chautauqua Institute in New York, known as the **International Humanitarian Law Dialogs**.

In 2007–08 we took our research mission further, bringing together a group of remarkably talented legal scholars from across the United States and Canada for two days of intense, focused discussions. Our first **International Legal**



Whitney R. Harris presents Justice Richard J. Goldstone with the Harris Institute’s 2008 World Peace Through Law Award at the Harris Institute rededication in January 2008.



Andrew Strauss,  
University of Notre Dame



Brad Roth,  
Wayne State University



Larry May, Washington University  
in St. Louis (Philosophy)



Jenia Turner,  
Southern Methodist University



Peter Quint,  
University of Maryland



William Aceves,  
California Western School of Law

**Scholars Workshop** was a great success, not just because of the quality of the presentations, but because of the sense of community that participants enjoyed. As the photos demonstrate (see page 17), the discussions were often intense, yet extraordinarily fruitful.

Washington University's Department of Philosophy in Arts & Sciences was a co-sponsor of the event, which was supported by a grant from the University's Center for Programs, giving the roundtable an interdisciplinary, as well as international, feel. Papers presented included a very interesting empirical analysis of the contours of the peace vs. justice debate in Uganda (William Burke-White, University of Pennsylvania); the "silences and peculiarities" of the U.S. Supreme Court's opinion in *Hamdan v. Rumsfeld* (Peter Quint, University of Maryland); whether climate change is an "international legal problem" (Hari Osofsky, then University of Oregon); international law's "Natural Law Norms" (Mary Ellen O'Connell, Notre Dame); "Mapping Norm Portals" (Peggy McGuinness, University of Missouri-Columbia); the "identity crisis" of international criminal law (Darryl Robinson, University of Toronto); empirical research on the role of defense counsel before international criminal tribunals (Jenia Turner, SMU Dedman School of Law); international courts as lawmakers (Andrew Strauss, Notre Dame); genocide, reconciliation, and criminal trials (Larry May, Washington University Philosophy); and the domestication of the Nuremberg principles by French courts (Leila Nadya Sadat, Washington University Law).

The workshop was graced by an extraordinarily distinguished roster of discussants as well—Valerie Oosterveld (University of Western Ontario), Russell Miller (University of Idaho), Stephen Thaman (Saint Louis University), Melissa Waters (Washington & Lee and now Washington University Law), Brad Roth (Wayne State University), William Aceves (California Western School of Law), Kit Wellman (Washington University Philosophy), Michael Newton (Vanderbilt), Ken Anderson (American University), and Michael Peil (Washington University Law). The Harris Institute was very pleased to serve as the focal point, both for those presenting papers to receive feedback from an expert audience and

for discussants to try out ideas related to their own ongoing work. We will be holding a second international legal scholars workshop in 2009 and are already planning to reunite many of our old friends, as we extend invitations to new participants.

In terms of our internal Washington University community, we are pleased to welcome **six new faculty members with interests in international and comparative law**. Adrienne Davis, Gerrit De Geest, David Law, Carl Minzner, Adam Rosenzweig, and Melissa Waters have each joined Washington University Law, bringing their special talents and expertise to an international and comparative law faculty that was already quite extensive. In addition to her work on race and gender, **Adrienne Davis**, who joined the faculty in January 2008 as the William M. Van Cleve Professor of Law, has written on issues of transitional justice and brings a wonderful and very different perspective to the law school. **Gerrit De Geest** joined the faculty in summer 2007 from Utrecht University in the Netherlands and focuses upon comparative law and economics. **David Law**, who comes from the University of San Diego, joined the faculty in summer 2008 bringing with him his important work on globalization. **Carl Minzner** joined the faculty in summer 2007 and has, as his principal area of research, Chinese law and politics. **Adam Rosenzweig**, a domestic and international tax specialist who joined the faculty in summer 2007, teaches international tax and international business transactions. Finally, **Melissa Waters** joins the faculty from Washington and Lee University School of Law and will teach public international law and foreign affairs.

Additionally, we have added **three new members to the Harris Institute's International Council**. Joining us are: **Betsy Andersen**, executive director of the American Society of International Law; **Steven Cash Nickerson, JD '85, MBA '93**, EVP, CFO, and general counsel, PDS Technical Services, Inc. in Irving, Texas; and **Judge Hisashi Owada**, of the International Court of Justice in The Hague. We thank all three of them, in advance, for their service and are delighted that they have become part of our growing, vibrant international community.



Adrienne Davis



Gerrit De Geest



David Law



Carl Minzner



Adam Rosenzweig



Melissa Waters

# Learning to Live with Unequal Justice: Asylum and the Limits to Consistency

Stephen H. Legomsky



## **T** HIS ARTICLE IS ABOUT CONSISTENCY IN ADJUDICATION. . . .

I explore why consistency matters, what its determinants are, and whether it can be substantially achieved at a price that is worth paying.

This article is also about the United States asylum adjudication system. Asylum challenges the national conscience in distinctive ways. It generates hard questions about our moral responsibilities to fellow humans in distress; the recognition of human rights and our willingness to give them practical effect; the extent of our obligations to those who are not U.S. citizens; U.S. legal and moral obligations to the international community; the roles of state sovereignty and borders; foreign relations; allocation of finite national resources; and racial, religious, linguistic, and ideological pluralism.

Into this emotional and political fray, one often better known for polemic than for hard data, recently ventured Professors Jaya Ramji-Nogales, Andrew Schoenholtz, and Philip Schrag. Through painstaking and thoughtful empirical research, they collected massive data from several different federal bureaucra-

cies and shed important light on the results asylum adjudicators reach. Their impressive study, *Refugee Roulette: Disparities in Asylum Adjudication* (Asylum Study), . . . highlights the striking disparities in asylum approval rates from one adjudicator to another at various stages of the process. As the authors convincingly demonstrate, asylum outcomes often depend as much on the luck of the draw as on the merits of the case. . . .

The present article . . . has two aims. The first, which is asylum specific, addresses the “so what” question. What are the normative implications of the findings reached in the Asylum Study? What problems have the sharp disparities in asylum approval rates caused, and what, if anything, should we do about them? To answer those questions, the article sets a second objective—to examine, more generically, the role that consistency should play in any justice system. What, exactly, is the relationship between consistency and justice? What forces influence consistency? What instruments might enhance it? And what trade-offs do those instruments present?

Many readers will find the patterns revealed by the Asylum Study shocking. One’s visceral reaction might be that we need to “rein in” the adjudicators. Perhaps, one might think, the answers lie in terminating or demoting the outliers, or subjecting all adjudicators to performance evaluations, or making vastly increased use of agency head review of adjudicators’ decisions, or even imposing mandatory minimum and maximum approval rates.

I argue here that these impulses should be resisted. There are times when we simply have to learn to live with unequal justice because the alternatives are worse. Disparities in asylum approval rates just might be one of those instances. As long as adjudicators are flesh-and-blood human beings, as long as the subject matter is ideologically and emotionally volatile, and as long as limits to the human imagination constrain the capacity of legislatures to prescribe specific results for every conceivable fact situation, there will be large disparities in adjudicative outcomes and justice will depend, in substantial part, on the luck of the draw.



## “There are times when we simply have to learn to live with unequal justice because the alternatives are worse.”

This is not to suggest that inconsistent outcomes are harmless; they impede justice in several ways that will be explored below. Nor is this a call for complacency; there are several ways to mitigate the problem at the margins, and they, too, will be considered in this article. But more dramatic inroads into adjudicative inconsistency bear costs that, in my view, are socially unacceptable. The major cost is the erosion of decisional independence, but there are others as well.

Part I of this article provides basic background information on the asylum adjudication process and then summarizes the relevant empirical findings of the Asylum Study. Part II examines why consistency matters. It considers the costs of unequal justice. Part III identifies the determinants of consistency. These are the forces that influence the degree of inconsistency one might expect from a given adjudicative process. Part IV then surveys the policy options—both those that would enhance consistency at the margins and those that might well bring more dramatic uniformity gains but that would be bad ideas nonetheless....

\* \* \*

The hobgoblin of little minds it might well be, but consistency matters. The moral imperative of equal justice, the needs for certainty and predictability, the benefits of efficiency, and the objective of public acceptability all demand attention to consistency in any adjudicative framework. The Asylum Study—the product of a prodigious and highly successful effort by Professors Ramji-Nogales, Schoenholtz, and Schrag—has brought home the extraordinary extent to which the outcome of an asylum claim hinges on the particular adjudicators who are assigned the case.

But the forces that generate inconsistent adjudicative outcomes are not easy to constrain, at least not without costly trade-offs. Among the determinants are the number of decisional units; the size of the decisional units; the total caseload; the criteria and procedures for appointing adjudicators; the training and policy guidance they receive; their degree of decisional independence; the amount of deference and the scope of review on appeal; the prevalence of written reasoned opinions

and the accompanying use of *stare decisis*; the fiscal resources devoted to the process; the procedural resources; the degree of specialization; and such subject-matter attributes as the degrees of complexity, dynamism, emotional or ideological content, and determinacy.

In asylum cases, the unavoidable abstractness, complexity, and dynamism of the relevant legal language make it inevitable that the human adjudicators will bring their diverse emotions and personal values to bear on their decisions. Under those circumstances, we should not expect anything but the sorts of disparate outcomes that the Asylum Study has documented.

There are ways to reduce the inconsistencies at the margins, to be sure. The strategies for doing so might include more detailed legal and policy guidance, more adjudicators, larger decisional units, bolstered support staffs, appointment of counsel for indigent asylum applicants, improved quality controls at the hiring stage, beefed-up training for adjudicators and other professional development, dissemination of asylum approval rates at all stages of the process, enlargement of the scope of the Board of Immigration Appeals' review of immigration judges' decisions, and increased use of reasoned and binding opinions.

But any strategies that would shrink the inconsistencies more dramatically—and some that would not do even that—have costs that I argue are unacceptably high. These include more frequent agency head review of BIA decisions, additional restrictions on judicial review, ... and punishing wayward adjudicators. Each of those devices would either severely compromise decisional independence or impose other excessive costs.

In the end, we shall have to learn to live with some measure of unequal justice. It is not ideal, but, as they say, it beats the alternatives.

*Stephen H. Legomsky is the John S. Lehmann University Professor at Washington University Law.*

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<http://lawreview.stanford.edu/content/issue2/Legomsky.pdf>

# Harnessing the Costs of International Tax Arbitrage

*Adam H. Rosenzweig*



**T**HE CURRENT INTERNATIONAL TAX REGIME of the United States has become rife with planning opportunities for clever and aggressive taxpayers. In this regard, much attention has been paid to noneconomic “tax shelters” and other similar tax avoidance transactions.

However, one planning strategy unique to the cross-border setting (commonly referred to as “international tax arbitrage” or “cross-border tax arbitrage”) is different.

Under international tax arbitrage, a taxpayer can structure a transaction so as to technically comply with the laws of two or more jurisdictions while at the same time reducing their total worldwide tax liability as compared to what the taxpayer would have paid if only one jurisdiction had exercised its taxing authority. In effect, taxpayers can raid the fisc (which fisc is a different question), while fully complying with the law. Predictably, the jurisdictions involved tend to view these transactions as undesirable and seek to curtail them.

A more difficult question is how a jurisdiction, such as the United States, should respond to its taxpayers engaging in these types of transactions. This question is difficult precisely because international tax arbitrage arises as a result of the conflict between the tax laws of one jurisdiction with those of another

jurisdiction. Each country designs its own internal tax regime to promote specific policy goals, balancing the impact on the domestic economy, the distributive impact on its citizens and residents, and the impact on the worldwide economy in different ways. When the rules of two jurisdictions conflict, it is precisely because one or more of these policy decisions differ. As a result, any response to international tax arbitrage will necessarily implicate one or more of these policy choices.

In light of the conflicting policy choices implicit in international tax arbitrage, countries have an incentive not to cooperate to resolve the issue under the current international tax regime. This incentive structure leads to a long-term equilibrium of mutual noncooperation and, as a result, a suboptimal worldwide tax regime. An optimal solution might be the establishment of a worldwide taxing authority with the ability to impose harmonized laws on the two jurisdictions. The problem with this approach is that no one country has any incentive to surrender its power over tax matters to such a body. Respect for the sovereignty of countries to adopt and implement their own tax rules also complicates the creation of a body to impose harmonized tax rules on unwilling countries. Therefore, in the absence of a worldwide taxing authority, unilateral responses by individual countries must be considered.

Any unilateral response to international tax arbitrage necessarily requires consideration of not only the international tax arbitrage itself, but also the policy choices underlying the law that led to the conflict in the first place. The policies embodied in the U.S. tax regime are not, however, monolithic. The domestic tax rules and the international tax rules of the United States represent different, and at times incompatible, policy choices. Accepting that the U.S. domestic and international tax regimes adopt differing equity and efficiency policies, it follows that it may not be possible to maximize the efficiency of both regimes while also minimizing international tax arbitrage transactions. In such circumstances, a decision must be made whether to sacrifice either domestic or international equity or efficiency (or both) to combat international tax arbitrage. Traditional responses to international tax arbitrage have attempted to balance these disparate costs and benefits, a task which has proven difficult, if not impossible.

## “International tax arbitration arises as a result of the conflict between the tax laws of one jurisdiction with those of another jurisdiction.”

This article addresses the problem by proposing that there may be a different way to conceptualize the response to international tax arbitration. In particular, analysis of international tax arbitration must be taken out of isolation and placed within the proper context; international tax arbitration is not an independent phenomenon but rather one manifestation of the broader issue of international tax relations. Assuming that some cost is inherent in the system (either the arbitration itself or some policy compromise in response to the arbitration), the question is whether any particular response could provide some additional benefit to the international tax regime in exchange for bearing these costs.

In other words, can the inherent costs of international tax arbitration be harnessed to further other policy goals? This article proposes that such costs can be so utilized. More specifically, this article contends that the costs of international tax arbitration can be harnessed to benefit those countries which have not historically benefited from the policies of the worldwide tax regime—i.e., developing countries. Not only would such an approach benefit developing countries at little or no marginal cost to the United States but, more fundamentally, it could also serve to change the debate: placing the issue of international tax arbitration on the world stage, realigning worldwide incentives, and leading to increased worldwide cooperation and a more harmonized worldwide tax regime.

Part II of this article summarizes the development of international tax arbitration and discusses the underlying policy choices of the domestic and international tax regimes of the United States that have led to the current system. Part III then discusses responses to international tax arbitration and analyzes the criticisms of each in light of the policy choices discussed in Part II. Part IV proposes a new methodology for harnessing and directing the costs of international tax arbitration to promote worldwide development and analyzes how such an approach could ultimately transform the current worldwide equilibrium into a more cooperative regime while aiding developing countries in the short term. Part V then applies this framework to a case study of a particular international tax arbitration transaction, demonstrating the distributional and cooperative benefits of the approach proposed by this article....

\* \* \*

Despite attention from governments, international organizations, and academics, the issue of international tax arbitration has proven a difficult and at times intractable one. Rather than try to minimize the costs of such arbitration or prevent abuse of the laws of a particular regime, the United States should consider affirmatively bearing some of the costs of the international tax arbitration, both as a means to further exogenous policy choices and to transform the current incentive structure that led to the worldwide equilibrium permitting the rise of international tax arbitration in the first place, by unilaterally and explicitly permitting the benefits of such transactions to the extent they are undertaken in developing countries.

Harnessing the cost of international tax arbitration will not always be the appropriate response to every particular international tax arbitration transaction, but it should be considered when other, more traditional responses prove inadequate. At a minimum, in adopting such an approach, the United States would provide some level of subsidy for investment in developing countries at little to no cost to the current international tax regime.

At best, harnessing the costs of international tax arbitration could place the issue back on the international scene, restart stalled international tax discussions, and move the worldwide tax regime towards greater consensus, not only on the role of international tax arbitration, but also on the larger issue of international vertical equity in the global tax regime. In a second-best world, unilateral action by the United States to harness the costs of international tax arbitration may be the first step towards a first-best solution.

*Adam H. Rosenzweig is an associate professor at Washington University Law.*

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<http://www.entrepreneur.com/tradejournals/article/164997859.html>

# Extraordinary Rendition, Torture, and Other Nightmares from the War on Terror

Leila Nadya Sadat



*Men in black arrived ... and he remembers one shouting at him through an interpreter: “You are in a place that is out of the world. No one knows where you are, no one is going to defend you.” He was chained by one hand to the wall in a windowless cell and left with a bucket and a bottle in lieu of a latrine. He remained there for nearly a week, he said, and then was blindfolded and bound again and taken to another prison. “There they put me in a room, suspended me by my arms and attached my feet to the floor,” he recalled. “They cut off my clothes very fast and took off my blindfold....” He said the interrogators left him chained for five days without clothes or food. “They beat me and threw cold water on me, spat at me and sometimes gave me dirty water to drink,” he said. “The American man told me I would die there.”*

Craig S. Smith & Souad Mekhennet

“Algerian Tells of Dark Odyssey  
in U.S. Hands”

*New York Times*, July 1, 2006

**O**N SEPTEMBER 6, 2006, President Bush admitted publicly what had been surmised for some time: that the U.S. government was holding unnamed alleged terrorist “enemy combatants” in secret detention centers throughout the world as part of the Global War on Terror (GWOT). Some prisoners are in U.S. custody; others have been rendered to third countries. This “extraordinary rendition” program, as it has euphemistically been dubbed, has been vociferously criticized in the United States and abroad as both unlawful and ill-conceived.... The stories of the individuals “outsourced” as a result of the U.S. rendition program are lurid in their details, involving hooded detainees, who are spirited away in the dead of night and sent in chartered aircrafts to remote countries where they typically suffer torture and maltreatment. In the words of one former CIA agent: “If you want a serious interrogation, you send a prisoner to Jordan. If you want them to be tortured, you send them to Syria. If you want someone to disappear—never to see them again—you send them to Egypt.”

The use of torture by Americans and foreign governments acting as surrogates for the United States should not come as a surprise. Given the wealth of information on coercive interrogation tactics that has emerged from reports on conditions at Guantanamo Bay, as well as the sickening photo and video footage emanating from Abu Ghraib prison, it would be naive to assume otherwise.... Given the insistence of the White House on provisions retroactively amending the Federal War Crimes Act of 1997, which effectively amnestied those committing offenses under the prior law, it is hard to ignore the tacit admission in the recently enacted Military Commissions Act (MCA) that the United States has embarked on an official policy inconsistent with current international definitions of torture.

Although it was initially believed that the number of prisoners rendered abroad has been relatively few, it now appears that the number may be scores or even hundreds. The covert nature of the operations and the allegations of prisoner mistreatment raise very troubling questions about the U.S. rendition program, which has been labeled by [an] E.U. Parliamentary Committee as “criminal” and “illegal.”

\* \* \*

Many experts have applied themselves to an understanding of the deeper logic of terrorism and its causes, which is not our subject here. Those studies, however, in no way suggest that the kind of human rights abuses that currently taint the conduct of the

**“International law, like domestic law, is a system whose component parts are deeply intertwined. Unraveling portions of the legal fabric has unintended consequences for the whole.”**

GWOT are necessary for a better outcome. Secret prisons, secret prisoners, indefinite detention, and the use of torture and cruel, inhuman, and degrading treatment, all in violation of international human rights law and international humanitarian law, should be uniformly and categorically rejected, particularly by lawyers who understand the complexities of the law and its central role in holding a society together when tested by adversity...

The Nuremberg principles, with their emphasis on individual criminal responsibility rather than collective punishment of entire nations or ethnic groups, suggest an alternative vision of the GWOT: one that would permit the United States to retain both legal and moral clarity as it combats the very deadly scourge of international terrorist attacks. Indeed, following the September 11 attacks, the United Nations Security Council adopted a series of resolutions building on the Nuremberg precedent by mandating, for all nations, that the crime of international terrorism be treated as other *jus cogens* crimes, such as genocide and war crimes, over which all states may exercise universal jurisdiction. The resolutions emphasized the duty of all states to prevent, as well as punish, acts of international terrorism, and set out a framework for the continued elaboration of international norms and prosecutions of international terrorist crimes.

Whatever qualms one might have about the Security Council adopting this kind of international “legislation,” undoubtedly the September 11 attacks themselves were so horrifying in scale that they unified states’ desires to finally make progress regarding the definition of terrorism and the prosecution of major international terrorist figures. Many commentators suggested the need for international terrorist courts; not a new idea (an international terrorism convention, complete with a court, was elaborated in 1937 although it never came into force), but one worth seriously considering, particularly given the desire of many states to see the International Criminal Court eventually assume such a task.

The Bush administration’s approach has appeared hypocritical and confused, attempting on the one hand to extricate the “war on terror” from the application of international humanitarian law, while arguing on the other hand, as a matter of domestic law, that because terrorism is a problem of war, not crime, the President may establish military commissions, detain individuals indefinitely without charges, eliminate the possibility of federal court supervision, and substantially aggrandize his own authority.

[This] ... approach appears to have been remarkably shortsighted. Most international terrorists do not live in the United States or even in countries whose citizens are favorably disposed

toward Americans. Intergovernmental cooperation is therefore essential for the[ir] apprehension. The kind of “universal jurisdiction by treaty” regimes found in all the antiterrorism treaties alluded to earlier requires all contracting states to try or extradite suspected terrorists. The Security Council resolutions adopted after September 11 suggest that they may, in addition, be enforceable as a matter of customary international law against nonparty (or uncooperative) states by the Security Council. This is assuming the United States is willing to cooperate in a manner that gives assurances to other states that American efforts will be cabined by law. The use of secret prisons, the holding of “ghost prisoners,” and the endemic use of torture and cruel, inhuman, and degrading treatment against detainees in U.S. custody, however, gives states political cover for refusing to cooperate with the United States when they might otherwise have done so.

American leadership at Nuremberg showed the formerly warring states of Europe a new way to conceptualize international relations and instill the rule of law. The administration has cited no evidence that Geneva and the other treaties elaborated at that time are obsolete; rather the government has made what is, at best, a tenuous case that they are inconvenient. Shattering the consensus that produced them has serious consequences not only for the conduct of the GWOT, but the stability of all the institutions established under U.S. leadership after the Second World War.

International law, like domestic law, is a system whose component parts are deeply intertwined. Unraveling portions of the legal fabric has unintended consequences for the whole. The war that was launched from the nightmare of September 11 has produced the nightmare of Guantanamo, the horror of Abu Ghraib, the broken lives of the U.S. soldiers killed or wounded in Iraq and Afghanistan, the deaths of tens, maybe hundreds, of thousands of Afghan and Iraqi civilians, and the shattered psyches of America’s torture and rendition victims. The damage done has been considerable, but it is perhaps not yet insurmountable if the United States government changes course.

*Leila Nadya Sadat is the Henry H. Oberschelp Professor of Law and director of the Whitney R. Harris World Law Institute at Washington University Law.*

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[http://docs.law.gwu.edu/stdg/gwlr/issues/pdf/GWLR75\\_5-6\\_Sadat.pdf](http://docs.law.gwu.edu/stdg/gwlr/issues/pdf/GWLR75_5-6_Sadat.pdf)

# Harris Institute Kicks Off Landmark Project Focusing on Crimes Against Humanity



CRIMES AGAINST  
HUMANITY INITIATIVE

## Blue-Ribbon Steering Committee Plans International Treaty Draft; Convenes Experts Roundtable in April 2009

**W**ASHINGTON UNIVERSITY LAW'S WHITNEY R. HARRIS WORLD LAW INSTITUTE has announced a two-year project to study the international law regarding crimes against humanity and to draft a multilateral treaty condemning and prohibiting such crimes.

Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and director of the Harris Institute, recently convened the first meeting of the Steering Committee.

Kent Syverud, dean and the Ethan A.H. Shepley University Professor, notes: "Washington University Law and the Harris Institute have long been at the forefront of international scholarship and programs. This treaty convention is the latest in the law school's contributions toward the progressive development of international legal norms and standards."

"Crimes against humanity" was one of the three crimes set out in the Charter of the International Military Tribunal at

Nuremberg, which tried Nazi war criminals in the wake of World War II.

The Harris Institute project is prompted by a number of developments around the world which indicate that the time is propitious for a comprehensive international response to such crimes.

The Rome Statute of the International Criminal Court has broad international support. Members of the United States Congress have discussed criminal sanctions for crimes against humanity. A considerable body of jurisprudence has been generated in the last decade by several international criminal tribunals.

The Harris Institute project begins as the global community prepares to celebrate the 60th anniversary of the Universal Declaration on Human Rights and will build upon the important work already accomplished with the establishment of the International Criminal Court.



The project's Steering Committee consists of:

**PROFESSOR LEILA NADYA SADAT**,  
Washington University Law, Chair;

**PROFESSOR M. CHERIF BASSIOUNI**,  
President Emeritus of the International  
Human Rights Law Institute at DePaul  
University College of Law;

**HANS CORELL**, former United Nations  
Under-Secretary-General for Legal Affairs;

**JUSTICE RICHARD GOLDSTONE**, former  
justice of the South African Constitutional  
Court and former Chief Prosecutor of the

International Criminal Tribunals for the  
Former Yugoslavia and Rwanda;

**JUAN MÉNDEZ**, President of the Interna-  
tional Center for Transitional Justice and  
former President of the Inter-American  
Commission for Human Rights;

**PROFESSOR WILLIAM SCHABAS**,  
Director of the Irish Centre for Human  
Rights of the National University of  
Ireland, Galway; and

**JUDGE CHRISTINE VAN DEN WYNGAERT**  
of the International Criminal Tribunal  
for the Former Yugoslavia.

(from left)

Professor Leila Nadya Sadat (facing page)

Professor M. Cherif Bassiouni

Hans Corell

Justice Richard Goldstone

Juan Méndez

Professor William Schabas

Judge Christine Van Den Wyngaert



In addition to his duties on the Steering Committee, Bassiouni has agreed to chair the Drafting Committee for the treaty. The Steering Committee will extend invitations to leading scholars and jurists to participate in an April 2009 Experts Roundtable. Participants will present research on specific substantive and procedural aspects of the draft convention. After consideration of the experts' work, the project will culminate with a global conference on crimes against humanity, at which the Draft Convention will be discussed. In attendance at the conference will be academics, representatives of governments, intergov-

ernmental organizations, and nongovernmental groups.

In addition to the text of the treaty, the Harris Institute will publish the working papers presented during the Experts Roundtable and an accompanying commentary to the treaty.

"This was a productive first meeting for the Steering Committee and an auspicious start for this ambitious program," Justice Goldstone says. "I am extremely enthusiastic to be a part of the Steering Committee and the Crimes Against Humanity project."

# Two Major Conferences Address Global Climate Change

Climate change is an issue that requires joint cooperation among scholars, politicians, scientists, and policymakers, but there are few opportunities for these groups to work and meet together. This fall, Washington University is initiating two major conferences to provide a venue for meaningful exchange among these vital communities.

**O**n October 30, 2008, Washington University Law's Whitney R. Harris World Law Institute will host a Colloquium on International Climate Change Law & Policy

in preparation for the University's December 2008 Energy & Environment Summit in Hong Kong.

The colloquium, titled "International Climate Change: Post-Kyoto Challenges," is intended to initiate sustained and constructive discussion of international legal and policy responses to global climate change.

"We hope to bridge the gap between scientists and researchers engaged in the study of the mechanisms and the effects of climate change and the lawyers and policy-

makers charged with drafting and administering the international response," says Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and Harris Institute director.

The title refers to the 1997 Kyoto Protocol to the Framework Convention on Climate Change. The Kyoto Protocol is an international agreement designed to reduce greenhouse gases. As of 2008, some 182 States have ratified the Kyoto Protocol.

The colloquium is being held in advance of an international summit taking place in December 2008. The summit will engage Washington University's McDonnell International Scholars Academy partner universities, many of which are located in countries not participating in the Kyoto Protocol.





**“We hope to bridge the gap between scientists and researchers engaged in the study of the mechanisms and the effects of climate change and the lawyers and policymakers charged with drafting and administering the international response.”**

“The Harris Institute has invited top legal and policy experts from across the academic and industry spectrum for the colloquium so that the discussion can be intellectually broad in scope, as well as engaging and instructive for all participants,” Sadat says.

Confirmed speakers include:

**PRATIM BISWAS**, the Stifel and Quinette Jens Professor, Department of Energy, Environmental & Chemical Engineering, School of Engineering & Applied Science, Washington University;

**DANIEL BODANSKY**, Associate Dean of Faculty Development and Emily & Ernest Woodruff Chair in International Law, University of Georgia Law;

**MAXINE LIPELES**, Senior Lecturer in Law and Director, Interdisciplinary Environmental Clinic, Washington University Law;

**HARI OSOFSKY**, Associate Professor, Washington & Lee School of Law;

**JONATHAN WIENER**, the William R. and Thomas L. Perkins Professor of Law, Professor of Environmental Policy, and Professor of Public Policy Studies, Duke Law School; and

**TSEMING YANG**, Professor of Law, Vermont Law School.



Interdisciplinary Environmental Clinic Director Maxine Lipeles is helping organize the international climate change colloquium.

The colloquium builds on the law school’s strengths in both international and environmental law. In recent years, the law school has hosted several conferences and speakers on interdisciplinary environmental topics, and its Interdisciplinary Environmental Clinic (IEC) has represented nonprofit organizations in energy-related matters. The IEC typically pairs law students with engineering and environmental studies students to represent clients in litigation and in commenting on proposed regulations, permits, and environmental impact statements. In two recent matters, the IEC and its clients obtained settlement agreements whereby major facilities agreed to take actions to reduce their global warming emissions.

The University’s December 2008 international summit and Harris Institute colloquium are being organized in association with Washington University’s Energy, Environment, and Sustainability initiative. The University has committed \$55 million toward that initiative, which addresses related issues through education, research, and outreach.

“The University will seek and define best practices in its own operations and aspires to be a model for others in responsible use of energy and other practices,” noted Chancellor Mark S. Wrighton during the initiative launch. “Through innovative research the

University will contribute to the creation of new knowledge needed to achieve a bright and sustainable future and will foster collaborations regionally, nationally, and internationally to bring about rapid progress.

“Washington University will prepare tomorrow’s leaders and innovators engaged in assuring abundant, affordable energy while preserving the environment and human health, and advancing economic and social development for the nation and our world,” he added.

In related recent initiatives, Washington University has launched the McDonnell Academy Global Energy and Environment Partnership, a consortium of 25 universities and corporate partners working together on research, education, and operations in the areas of energy, environment, and sustainability.

The University also has created a new International Center for Advanced Renewable Energy and Sustainability (I-CARES) to encourage and coordinate University-wide and external collaborative research in the areas of renewable energy and sustainability—including bio-fuels, CO<sub>2</sub> mitigation, and coal-related issues. Additionally, the University is creating five new endowed professorships in the fields of energy, environment, and sustainability, and has appointed Matthew Malten as assistant vice chancellor for campus sustainability.

# Harris Institute Events

## LAW IN JAPAN SYMPOSIUM

Leila Nadya Sadat, the Henry H. Oerschelp Professor of Law and director of the Harris Institute, and Whitney R. Harris present John Owen Haley, the William R. Orthwein Distinguished Professor of Law, with a plaque of recognition during the closing banquet. Haley is immediate past director of the Harris Institute.



The Symposium featured a keynote address by His Excellency Hisashi Owada, judge on the International Court of Justice in The Hague. Judge Owada was also installed as a member of the Harris Institute's International Council.



## INTERNATIONAL HUMANITARIAN LAW DIALOGS

The first annual International Humanitarian Law Dialogs were held in August 2007 on the grounds of the historic Chautauqua Institute in Chautauqua, New York. The event united current and former international prosecutors, as well as leading scholars in international humanitarian law. (top) International prosecutors and international legal scholars, including Whitney R. Harris and Leila Nadya Sadat. (bottom left) Anna and Whitney R. Harris join international prosecutors in attendance at the Dialogs. (bottom right) Whitney R. Harris addresses the conference.



## JUDGMENT AT NUREMBERG

In fall 2006, the law school's Harris Institute hosted a three-day conference commemorating the 60th anniversary of the final judgment of the International Military Tribunal at Nuremberg.

Former Nuremberg prosecutors Henry King, Benjamin Ferencz, and Whitney R. Harris



Patricia Visseur-Sellers, former legal advisor for Gender-Related Crimes, Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia

**INSTITUTE LECTURES**

The Harris Institute brings leading international scholars and jurists to the law school each year. In 2007–08, Dinah Shelton (George Washington University) spoke on “The Right to a Remedy in International Law.” Larry Johnson, U.N. Assistant Secretary-General for Legal Affairs, addressed “U.N. War Crimes

Tribunals: Do They Help or Hinder Achieving Peace and Justice?” Susan Whiting (University of Washington) delivered the annual William Catron Jones Lecture on the development of Chinese law. Journalist Edward Vulliamy discussed the question of “Journalism, Law, and War: Should Journalists Testify?”

Dinah Shelton



Larry Johnson



Susan Whiting



Ed Vulliamy



The conference consisted of a symposium on international criminal law, a commemoration of the Nuremberg trials, and a documentary presentation on the Nazi atrocities and the trials.

Patricia M. Wald, former judge of the International Criminal Tribunal for the Former Yugoslavia, and former chief judge of the D.C. Circuit Court of Appeals



M. Cherif Bassiouni, distinguished research professor and president emeritus of the International Human Rights Law Institute, DePaul University College of Law

**INTERNATIONAL SCHOLARS WORKSHOP**

The January 2008 Roundtable in Public International Law and Theory brought together 16 scholars from around the United States and Canada for a two-day workshop on norms in international criminal law.



Larry May, professor of philosophy at Washington University in St. Louis, presents his paper, “Genocide, Reconciliation, and Criminal Trials,” to roundtable participants.



William Burke-White, University of Pennsylvania, and Valerie Oosterveld, University of Western Ontario, participate in the roundtable discussion.

# Justice Goldstone Receives World Peace Through Law Award



2008 World Peace Through Law Award recipient Richard J. Goldstone, left, and Whitney R. Harris with the plaque commemorating the 2008 World Peace Through Law Award

Richard J. Goldstone, former chief prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda and former justice of the South African Constitutional Court, received the Whitney R. Harris World Law Institute's 2008 World Peace Through Law Award at a celebration in January 2008.

**"THE WORLD PEACE THROUGH LAW AWARD** is bestowed upon an individual who, by his or her work and writings, has considerably advanced the rule of law and, thereby, contributed to world peace," says Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and Harris Institute director. "Justice Goldstone has played a crucial role in the development of international justice and international law. The scope of his work with the International Criminal Tribunals for the Former Yugoslavia and Rwanda and the South African Constitutional Court, as well as more recently with the Goldstone Commission, U.N. Independent International Committee, UNESCO's Valencia Declaration, and the International Independent Inquiry on Kosovo is truly inspirational."

Goldstone is the law school's second recipient of the World Peace Through Law Award, which was established in 2006. The first recipient was Judge Philippe Kirsch, president of the International Criminal Court.

Washington University Law alumni, faculty, and friends joined Whitney and Anna Harris in presenting the award to Justice Goldstone and in celebrating the rededication of the Harris Institute, which is named in honor of Harris, a philanthropist and Nuremberg prosecutor.

**“The World Peace Through Law Award is bestowed upon an individual who, by his or her work and writings, has considerably advanced the rule of law and, thereby, contributed to world peace.”**

At the celebration, Goldstone delivered an address on the evolution of international human rights law beginning with the Nuremberg prosecution through the subsequent work of various international criminal courts. He also discussed issues related to international human rights law with students in Sadat’s international law course.

“Justice Goldstone has been a great friend of the law school and Harris Institute for many years,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “We are grateful for his return to our school for this auspicious occasion.”

Goldstone is a member of the Harris Institute’s International Council. He currently chairs a committee to advise the United Nations on appropriate steps to preserve the archives and legacy of the International Criminal Tribunals for the Former Yugoslavia and Rwanda.

Among his other professional endeavors, Goldstone was appointed by the Secretary-General of the United Nations to the Independent International Committee, which investigated the Iraqi “Oil for Food” program. Goldstone has served as chairperson of the Commission of Inquiry regarding Public Violence and Intimidation that came to be known as the Goldstone Commission; of the Standing Advisory Committee of Com-

pany Law; of a high-level group of international experts that met in Valencia, Spain, and drafted a Declaration of Human Duties and Responsibilities for the Director General of UNESCO (the Valencia Declaration); and of the International Independent Inquiry on Kosovo.

From 1995 to 2007, Goldstone was chancellor of the University of the Witwatersrand, Johannesburg. He is the author of *For Humanity: Reflections of a War Crimes Investigator*, Yale University Press (2001). In addition to his work with the South African Constitutional Court,

he has served as judge of both the Transvaal Supreme Court and the Appellate Division of the Supreme Court in South Africa.

Justice Goldstone and his wife, Noleen, on the left, with Whitney Harris and his wife, Anna, after Goldstone’s keynote address

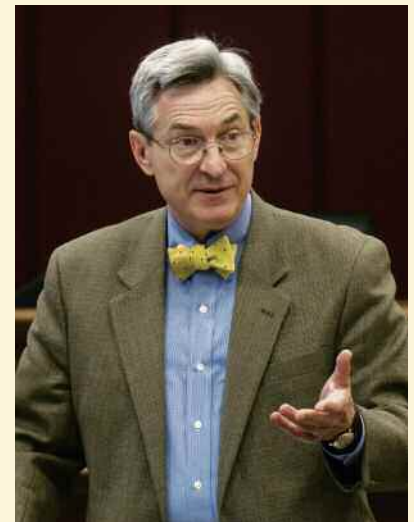


# Professor John Haley's Groundbreaking Work Is Recognized at Law in Japan Symposium

**P**ROFESSOR JOHN OWEN HALEY'S more than four decades of pioneering work in the fields of Japanese law and comparative law was the inspiration for a two-day conference hosted by Washington University Law's Whitney R. Harris World Law Institute in May 2008. "Law in Japan: A Celebration of the Work of John Owen Haley" brought together leading scholars who presented on both Haley's groundbreaking contributions and on various current aspects of Japanese law.

As part of the conference celebration, Kent Syverud, dean and the Ethan A.H. Shepley

University Professor, announced that Haley, then the Wiley B. Rutledge Professor of Law, has been named the William R. Orthwein Distinguished Professor of Law. Haley is widely credited with having popularized Japanese legal studies in the American academy. A former director of the Harris Institute, Haley's earlier career path included private practice in Japan. He also taught at the University of Washington for more than a quarter century, having served as associate dean of its law school, director of the Asian Law Program, and director of the Henry M. Jackson School of International Studies.



John Owen Haley,  
Washington University Law

"The central debate of Japanese legal studies is easy to summarize, or, for that matter, to caricature. Takeyoshi Kawashima argued in the 1960s that cultural factors keep Japanese litigation rates low.... Haley countered a decade later that Japanese reluctance to litigate was a 'myth,' and that it was institutions that were responsible for the lack of litigation. Haley's classic work appeared in Japanese contemporaneously with the English, and became a fixture of litigation explanations in the United States and Japan. Over the next three decades, new explanations were offered, the old ones were tweaked, and more evidence was gathered, but the basic institutions-versus-society paradigm remained. ... A cursory examination of Japanese law syllabi and casebooks reveals the continued centrality of the Kawashima v. Haley debate to the field."

**Mark D. West**  
Nippon Life Professor of Law,  
University of Michigan Law School

"Starting in the 1970s, well before our current emphasis on empirical and interdisciplinary approaches to analysis, John [Haley] brought a number of new modern perspectives to challenge cultural stereotypes and analyze the Japanese legal system and society.... John's pathbreaking views [include] three areas, all of which were influential in the United States: the role of lawyers, corporate governance, and state power."

**Bruce Aronson**  
Associate Professor,  
Creighton University  
School of Law

"Recent developments in the Japanese takeover market and law provide a wonderful opportunity to re-examine Haley's *Spirit of Japanese Law*. Much of his analysis of the Japanese judiciary and its self-perceived role seem apt today. The Takeover Guidelines are a fine example of consensual rule-making that, Haley argues, imbues Japanese law with its communitarian spirit. And in several important rulings, recent takeover cases evince the important role of the judiciary in reinforcing a distinctive communitarian ethic that Haley contends is the central feature of Japanese law, even when applying standards ostensibly derived from a more individualistic and market driven society such as the United States."

**Curtis J. Milhaupt**  
Fuyo Professor of Japanese Law;  
Cinelli Enterprise Professor of Law; and  
Director, Japanese Legal Studies Center,  
Columbia University School of Law



(top) Mark Ramseyer, Harvard



(below) Curtis Milhaupt, Columbia, and Dorsey D. Ellis, Jr., Washington University Law

Haley’s many scholarly works span issues ranging from international trade policy and comparative law to Japanese land use law, Japanese and East Asian business transactions, and Japanese law and contemporary society. A member of the American Law Institute, he is the author or editor of nine books or monographs. His current scholarship includes continued work on issues of restorative justice, as well as a book on the evolution of modes of law enforcement.

Highlights of the conference included welcoming remarks by Syverud; opening remarks by Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and Harris

Institute director; a luncheon tribute by J. Mark Ramseyer (Harvard) on “John Haley and the Growth of Japanese Law as a Scholarly Field in the United States”; and four panel presentations by leading scholars in the field, such as honorary co-chairs Ramseyer, Curtis Milhaupt (Columbia), and Mark D. West (University of Michigan).

Paper topics ranged from Japanese regulation of blowfish to the changing role of lawyers in business, corporate regulation, and governance; and from restrictions on political activism of Japanese judges to the complex problem of medical malpractice in Japan. Many papers also paid tribute to the

“In his classic 1978 article, ‘The Myth of the Reluctant Litigant,’ John Haley used institutional analysis to demolish the dominant culturalist view of Japanese litigation behavior. Haley’s foil, Takeyoshi Kawashima, had applied the dominant modernization theses of his time to understand Japanese law and society. Haley, on the other hand, was prescient in shifting the analysis to institutional factors. Within two decades, the various new institutionalisms had come to dominate the social sciences, and with them sociolegal studies as well. Thanks to Haley, Japanese law was a bellwether of this broader trend.”

**Tom Ginsburg**

Professor of Law & Political Science and Director, Program of Asian Law, Politics & Society, University of Illinois College of Law

**Glenn Hoetker**

Associate Professor of Business Administration, College of Business, University of Illinois at Urbana–Champaign

“While other works have presented elements of Japanese legal history, to the best of my knowledge, no other English-language writing has presented the topic in a single coherent presentation from the ancient to the present. Only Haley gives us all the ingredients—Japanese, Chinese, French, German, and Anglo-American.”

**Mark Levin**

Associate Professor, William S. Richardson School of Law, University of Hawai’i at Mānoa



Veronica Taylor, University of Washington



contributions of Haley to the study of Japanese law in the United States. The papers will be published in an upcoming issue of

the *Global Studies Law Review*.

“Haley entered the world of U.S. studies of Japanese law in the 1970s. Three decades later, he had transformed it utterly,” wrote Ramseyer, the Mitsubishi Professor of Japanese Legal Studies at Harvard. “In 1970, the field had served primarily as a venue for speculation about alternative, and largely imaginary, means of social organization. By sheer force of argument and



(top) Leila Nadya Sadat, Washington University Law, and Judge Hisashi Owada, International Court of Justice

(middle) Mark Levin, University of Hawai‘i at Mānoa

(bottom) Daniel H. Foote, University of Tokyo

force of example, Haley made it a venue for the rigorous exploration of the effect that specific legal rules and institutions could have on real human beings.”

Judge Hisashi Owada, International Court of Justice in The Hague, delivered the conference’s keynote address at a dinner reception, where Syverud, Sadat, and Nuremberg prosecutor and philanthropist Whitney R. Harris also spoke. Judge Owada discussed “The Rule of Law in a Globalizing World,” including his observations on the transition from a process-focused approach to law centered on the state to an end-oriented approach that focuses on individuals and human rights protections across international borders.

“There is no compelling evidence that the Japanese tort system is converging with the U.S. tort regime, and much to suggest that the area of medical malpractice in Japan is characterized by structural and social features that will continue to distinguish it from U.S.-style malpractice litigation. Instead, what is occurring in Japan is an example of the complex interplay of formal legal rules and procedures with economic, political, and social factors that frame their existence, creating a symbiotic relationship in which structure and culture affect and are affected by each other.”

**Eric A. Feldman**  
Professor of Law  
University of Pennsylvania  
Law School

“In the United States, public knowledge of who judges are, what they think, and how the judicial system operates is viewed as important for maintaining public trust in the judiciary. In Japan, in contrast, the fundamental ethos of the judiciary is one of uniformity and anonymity. People’s trust in the impartiality and fairness of judges is viewed as resting largely on the view that the identity of the judge does not matter—the image that procedures and outcomes will be the same no matter who the judges are.”

**Daniel H. Foote**  
Professor of Law  
University of Tokyo  
Faculty of Law



# Thomas Schweich of the U.N. to Serve as Ambassador-in-Residence

**T**HOMAS A. SCHWEICH, SPECIAL REPRESENTATIVE OF THE U.N.'S OFFICE OF DRUGS AND CRIME, HAS JOINED THE LAW SCHOOL AS AN AMBASSADOR-IN-RESIDENCE IN 2008-09.

Administered by the Whitney R. Harris World Law Institute, the Ambassadors Program invites diplomatic professionals to the law school to share their experiences and knowledge with the law school and the Washington University community.

“The purpose of the program is to bring the real-life experience of some of our top diplomats directly into the classroom experience of our students,” says Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and Harris Institute director. “Through the Harris Institute Ambassadors Program, our students are able to complement their training in international law with a practical foreign-policy perspective, thereby enriching their knowledge and practice of both international law and foreign relations.”

In 2007-08, the law school invited Ambassador Carla A. Hills, former United States Trade Representative, to deliver the Tyrrell Williams Lecture. In her talk on “Trade and the 2008 Elections,” Hills stressed that “adherence to a set of trade rules encourages transparency, rule of law, and respect for property, which encourages stability.” Hills believes that a lack of understanding contributes to the declining support for trade. She called on businesses, universities, think tanks, and knowledgeable citizens to help educate Americans about globalization.

In addition to serving as Washington University Law’s Ambassador-in-Residence in 2008-09, Schweich is working as Special Representative of the Director-General of the United Nations Office on Drugs and Crime (UNODC). He is promoting the UNODC’s work in Mexico, Central America, and the Caribbean. Third-year law students Daniel Tierney and Laura Crane have been selected to intern with Schweich.



**Thomas A. Schweich**  
Ambassador-in-Residence  
and Special Representative,  
United Nations Office  
of Drugs and Crime



**Carla A. Hills**  
Former United States  
Trade Representative

They will aid him in preparing for—and accompany Schweich to—meetings with senior diplomats, politicians, and law enforcement officers in the region. They also will assist in preparation of his reports to the UNODC Director-General and other stakeholders.

Previously, Schweich was Coordinator for Counternarcotics and Justice Reform in Afghanistan and the State Department’s principal deputy assistant secretary (PDAS) for the Bureau of International Narcotics and Law Enforcement Affairs (INL). He was also chief of staff to the U.S. Mission to the U.N.

At the law school, Schweich is serving as a visiting professor. Other visiting law professors include Peter Alces, Charles Burson, Adele Morrison, Camille Nelson, Michael Siebecker, and David Stras. In addition to his work at the University, Schweich is of counsel at Bryan Cave LLP.

# Law School Pioneers Combined Degree Program with European Partner Universities

"The Transnational Law Program is perfect for me. I would like to specialize in International Law, and am currently interested in issues related to the European Union and U.S. relations, immigration, and the International Criminal Court. However, I am not yet certain what my area of focus should be since other aspects of International Law sound fascinating. Participating in the TLP would help me narrow my focus and ultimately assist me in finding a career that I love."

Genevra Alberti, JD '11,  
Transnational Law Program

"This bold program provides law students a platform from which to launch into the new reality of our global market. Participation in the program will open up new and exciting opportunities for students, to the benefit of their future employers and clients."

Charles Burson, retired executive vice president and general counsel at Monsanto Company, visiting professor and member of the law school's National Council, and of counsel at Bryan Cave LLP

Washington University Law's Transnational Law Program (TLP), a unique four-year combined degree program offered in association with four prestigious European universities, is welcoming its first two classes of students this fall. Seven students have been admitted from the JD class of 2010, and eight students have been admitted from the incoming JD class of 2011.

Washington University, Utrecht University, Queen's University Belfast, University of Trento (Italy), and Catholic University of Portugal officially signed a partnership agreement for the program in spring 2008. Washington University is hosting the U.S. component of the combined JD and LLM degree program, and University College Utrecht in the Netherlands is hosting the European component.

Representatives from the five TLP partner schools meet during an autumn 2007 summit in Utrecht, the Netherlands. Washington University Law was represented by Kent Syverud, dean and Ethan A.H. Shepley University Professor, and Dorsey D. Ellis, Jr., William R. Orthwein Distinguished Professor of Law Emeritus and dean emeritus.



Unlike traditional international dual degree programs, the TLP is the first to provide:

- a targeted, integrated curriculum developed with partner institutions;
- internships with U.S. and European corporations, law firms, courts, enforcement and administrative agencies, and nongovernmental organizations;
- ongoing faculty exchanges among the participating schools; and
- related courses co-taught by partner and Washington University faculty.

Utrecht summit participants outside the Utrecht University Faculty Club during a break between meetings



## “Washington University Law and Utrecht University are now taking international legal education to the next level.”

“In today’s shrinking world, any lawyer with a commercial practice will sooner or later encounter an international transaction. The power of this program is that it exposes students to legal systems that differ from ours, making them more alert to legal issues in cross-border transactions.”

Thomas Lowther, law school National Council member and partner at the Stolar Partnership in St. Louis

A memorandum of understanding among the schools was officially signed at the conclusion of a roundtable in February 2008 on “The Globalization of Law and the Future of Legal Education” at Washington University. While the roundtable and signing ceremony marked the end of two days of meetings, the TLP is the culmination of several years of planning. The TLP builds upon the law school’s highly successful Summer Institute for Global Justice, launched in Utrecht in 2005 by Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law and director of the Whitney R. Harris World Law Institute. “There is a growing need for lawyers who understand both American and European law, can identify legal issues,

Law Student Molly Kelley, JD ‘10, discusses the new Transnational Law Program with, center, John Morison, former dean and professor of jurisprudence at Queen’s University Belfast, and Roberto Toniatti, dean of the faculty of law of the University of Trento.



and know reliable sources in the United States and throughout Europe,” says Kent Syverud, dean and the Ethan A.H. Shepley University Professor. “Many American law schools are expanding their international curricula study abroad programs. Washington University Law and Utrecht University are now taking international legal education to the next level.”

Adriaan Dorresteijn, dean of the University College at Utrecht, observes that the TLP is a natural fit: “This unique program builds upon our very successful partnership with Washington University School of Law. The new degree program addresses an obvious need for students and faculty at both universities.”

The TLP is designed to be a seamless, single educational experience overseen by a joint faculty advisory committee composed of each of the partner schools, developing new courses, new curricula,



and new ways of teaching in order to better prepare students for the transnational practice of law in an increasingly globalized legal profession. The Washington University members of the committee are: Professors Leila Sadat, Dorsey D. Ellis, Jr., Charles McManis, and Gerrit De Geest; they are joined by Assistant Dean Michael Peil and Associate Deans Janet Bolin and Michele Shoresman.

Ellis, the William R. Orthwein Distinguished Professor of Law Emeritus and dean emeritus, notes the natural evolution Washington University has undergone, from being among the first to recognize the need for interstate law in the 19th century, to offering increasingly international courses and programs into this century, to initiating a fully integrated program in transnational law.

“We are ready for the next step, and that is to create an integrated educational experience that won’t simply be getting a JD here and an LLM in Europe, or vice versa, but rather will provide the student with a multilegal ability, an ability to think in the law of both Europe and the United States,” he says. “If one can think in those two systems, then one has a handle on essentially every other legal system around the world.”

Sitting, from left: John Morison, Adriaan Dorresteijn, dean of the faculty of law, economics and governance at Utrecht University, and Dean Kent Syverud sign the Memorandum of Understanding creating the Transnational Law Program. Standing: Assistant Dean Michael Peil

# Selected International and Comparative Law Scholarship

**T**HE FOLLOWING IS A SAMPLING OF WASHINGTON UNIVERSITY LAW'S INTERNATIONAL AND COMPARATIVE LAW SCHOLARSHIP,

including pieces from faculty whose primary areas of focus are in different areas of the law. These entries highlight recent work, rather than listing all international scholarship and activities. Faculty members who have conducted international work, but who have not necessarily published on international topics, are not included.

## **KATHLEEN CLARK**

**Professor of Law**

### **Selected Recent Scholarship**

- "Confidentiality Norms and Government Lawyers," 85 *Washington University Law Review* (forthcoming 2008)
- "Ethical Issues Raised by the OLC Torture Memorandum," 1 *Journal of National Security Law & Policy* 455 (2005)

### **Selected Recent Activities**

- Advised ABA's Central and Eastern European Law Initiative in developing criteria for evaluating the legal profession in Eastern Europe and former Soviet Union
- Presented a paper on "Government Lawyers & Confidentiality Norms" at the Law & Society Conference in Berlin
- Has led ethics workshops in Europe, Africa, and South America

Professor Clark's primary areas of focus are legal and governmental ethics, national security law, and secrecy and whistleblowing.

## **GERRIT DE GEEST**

**Professor of Law**

### **Selected Recent Books and Articles**

- *The Economics of Comparative Law* (ed. De Geest), Edward Elgar (forthcoming)
- *Comparative Law and Economics* (ed. De Geest and R. Van den Bergh), Edward Elgar (2004)
- "The Filtering Effect of Sharing Rules" (with G. Dari Mattiacci), 24 *Journal of Legal Studies* 207 (2005)
- "Soft Regulators, Tough Judges" (with G. Dari Mattiacci), 15 *Supreme Court Economic Review* 119 (2007)

- "Judgment Proofness under Four Different Precaution Technologies" (with G. Dari Mattiacci), 161 *Journal of Institutional & Theoretical Economics* 38 (2005)
- "Street-Level Corruption in Industrialized and Developing Countries" (with P. Nieuwbeerta and J.J. Siegers), 5 *European Societies* 139 (2003)

### **Selected Recent Activities**

- Past president, European Association of Law & Economics
- Past member, European Group on an Integrated Contract Law
- Member, Economic Impact Group of the Common Principles of European Contract Law
- Former professor of law and economics, Utrecht University
- Dissertation advisor for PhD candidates at Utrecht and Ghent Universities, including for the following international law theses: Yariv Ilan, *Competition Law for New Technology Industries* (2007); Jef De Mot, *Economic Analysis of Civil Procedure: Basic Models and Extensions* (2007); and Mitja Kovac, *Comparative Contract Law and Economics* (2008)
- Member, Harris Institute Faculty Advisory Board

Professor De Geest's primary areas of focus are comparative law and law and economics.

## **JOHN N. DROBAK**

**George Alexander Madill  
Professor of Real Property &  
Equity Jurisprudence; Professor  
of Economics; and Director,  
Center for Interdisciplinary Studies**

### **Selected Recent Books, Book Chapters, and Articles**

- *Norms and the Law* (ed. Drobak), Cambridge University Press (2006)
- "A Comment on Privatization and Democratization," 50 *Saint Louis University Law Journal* 783 (2006)
- "Legal Change in Economic Analysis," *Elgar Companion to Law and Economics* (with D. North; ed. J.G. Backhaus), Edward Elgar (2nd ed., 2005)
- "Cognitive Science" *Elgar Companion to Law and Economics* (ed. J.G. Backhaus), Edward Elgar (2nd ed., 2005)

### **Selected Recent Activities**

- Presented papers on "Cognitive Science and Judicial Decisionmaking" at an

International Society of New Institutional Economics conference held in Reykjavik, Iceland, and on "Judicial Legitimacy and Cooperative Social Norms" at the economics society conference in Toronto, Canada

- Former member, MBA faculty for the United States Business School in Prague
- Former consultant, Government of Czechoslovakia
- Member, Harris Institute Faculty Advisory Board

Professor Drobak's primary areas of focus are law and economics, civil procedure, federal jurisdiction, and theory of property rights.

## **DORSEY D. ELLIS, JR.**

**William R. Orthwein Distinguished  
Professor of Law Emeritus and  
Dean Emeritus**

### **Selected Recent Articles**

- "Projecting the Long Arm of the Law: Extraterritorial Criminal Enforcement of U.S. Antitrust Laws in the Global Economy," 1 *Washington University Global Studies Law Review* 477 (2002)
- "Extraterritorial Criminal Enforcement of U.S. Antitrust Laws," 30 *Kokusai Shoji Homu (Journal of Japanese Institute of International Business Law)* 141 (2002)

### **Selected Recent Activities**

- Faculty, Summer Institute for Global Justice, Utrecht
- Chairman, Faculty Steering Committee, Transnational Law Program
- Member, Harris Institute Faculty Advisory Board
- Has taught, lectured, and/or conducted research in Belgium, England, Japan, the Netherlands, and New Zealand

Professor Ellis's primary areas of focus are antitrust and torts.

## **FRANCES H. FOSTER**

**Edward T. Foote II  
Professor of Law**

### **Selected Recent Articles**

- "American Trust Law in a Chinese Mirror" (forthcoming)
- "The Dark Side of Trusts: Challenges to Chinese Inheritance Law," 2 *Global Studies Law Review* 151 (2003)

### **Recent Activities**

- Member, Board of Directors, American Society of Comparative Law

- Associate member, International Academy of Comparative Law
- Member, Harris Institute Faculty Advisory Board

Professor Foster's primary areas of focus are trusts and estates, and legal systems of socialist and former socialist countries.

**JOHN OWEN HALEY**

**William R. Orthwein Distinguished Professor of Law**

**Selected Books, Book Chapters, and Articles**

- *The Spirit of Japanese Law*, University of Georgia Press (1998, 2006)
- *Antitrust in Germany and Japan: The First Fifty Years, 1947-1998*, University of Washington Press (2001)
- "Rethinking Contract Practice and Law in Japan," 1 *Journal of East Asia and International Law* 47 (2008)
- "The Japanese Judiciary: Maintaining Integrity, Autonomy and Public Trust,"

*Law in Japan: A Turning Point* (ed. Daniel H. Foote) University of Washington Press (2007)

- "Apology and Pardon," *Encyclopedia of Law and Society: American and Global Perspectives* (ed. David S. Clark), Sage Publications (2007)
- "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 *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* 18 (2005)
- "Japanese Perspectives, Autonomous Firms, and the Aesthetic Function of Law," *Corporate Governance in Context: Corporations, States and Markets in*

*Europe, Japan, and the United States* (eds. K.L. Hopt, E. Wymeersch, H. Kanda, and H. Baum), Oxford University Press (2005)

**Selected Recent Activities**

- Member, Board of Trustees and Executive Committee, Society for Japanese Studies
- Member, Executive Committee, American Society of Comparative Law
- Member, Harris Institute Faculty Advisory Board, and former director, Harris Institute

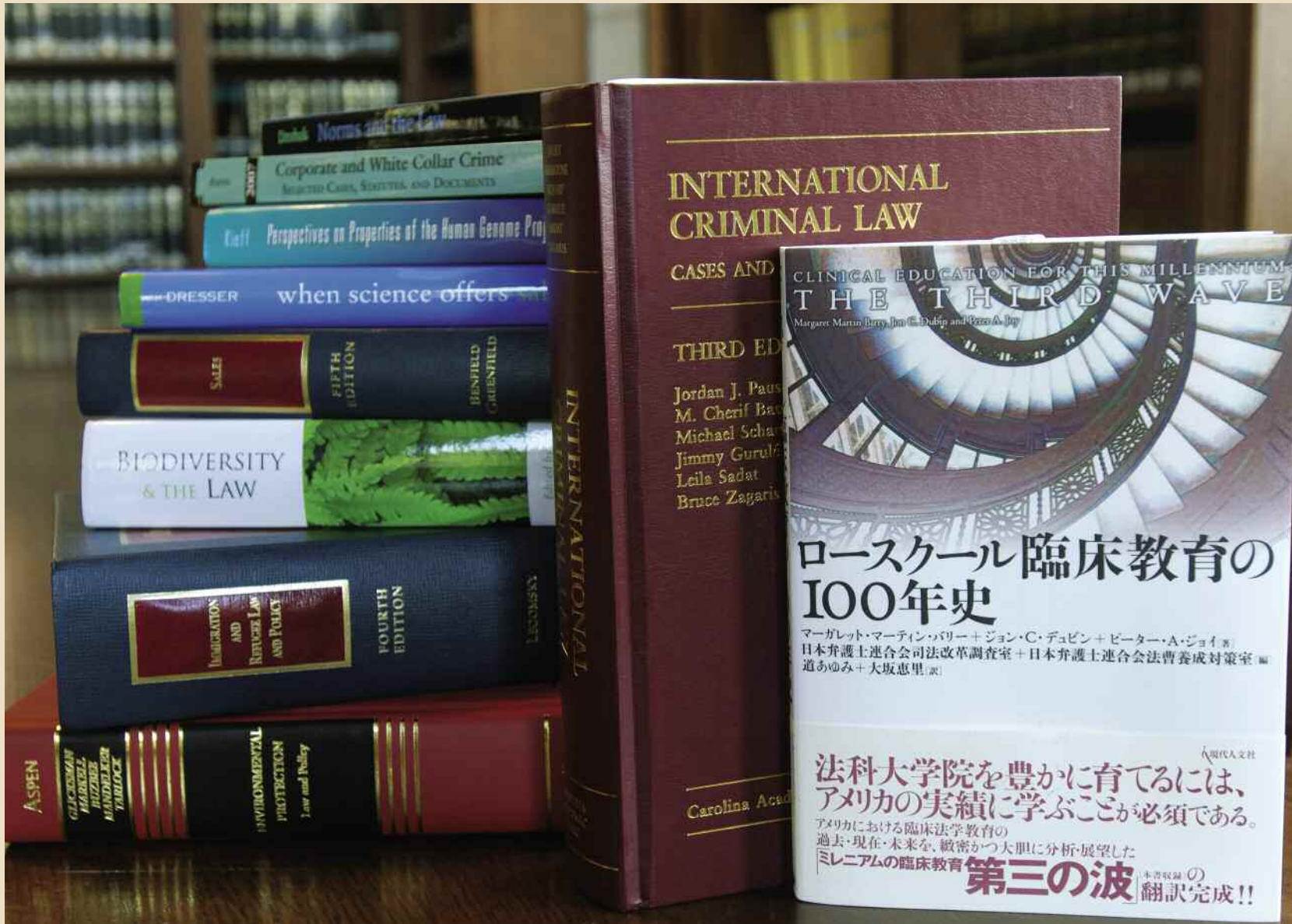
Professor Haley's primary areas of focus are Japanese law and comparative law.

**PETER A. JOY**

**Professor of Law and Director, Criminal Justice Clinic**

**Selected Books, Book Chapters, and Recent Articles**

- *Clinical Education for This Millennium: The Third Wave* (with M. Barry & J. Dubin; A. Miche Kodama & E. Osaka trans.), Seibundoh Press in Japan (2005)



INTERNATIONAL CRIMINAL LAW

CASES AND

THIRD ED

Jordan J. Paust  
M. Cherif Bassiouni  
Michael Schabas  
Jimmy Gurule  
Leila Sadat  
Bruce Zagari

Carolina Acad

CLINICAL EDUCATION FOR THIS MILLENNIUM  
THE THIRD WAVE

Margaret Martin Barry, John C. Dubin and Peter A. Joy

ロースクール臨床教育の  
100年史

マーガレット・マーティン・バリー＋ジョン・C・デュビン＋ピーター・A・ジョイ  
日本弁護士連合会司法改革調査室＋日本弁護士連合会法曹養成対策室  
道あゆみ＋大坂恵里(訳)

法科大学院を豊かに育てるには、  
アメリカの実績に学ぶことが必須である。  
アメリカにおける臨床法学教育の  
過去・現在・未来を、緻密かつ大胆に分析・展望した  
ミレニアムの臨床教育  
第三の波 翻訳完成!!

- “Criminal Law Clinics in the United States: Variation, History and the Quality of Student Representation,” *Development of Lawyers by Clinical Legal Education* (ed. S. Miyagawa), Seibundoh Press in Japan (2007)
- “Building Clinical Legal Education Programs in a Country Without a Tradition of Graduate Professional Legal Education: Japan Educational Reform as a Case Study” (with S. Miyagawa, T. Suami, & C.D. Weisselberg), 12 *Clinical Law Review* 417 (2006)
- “Political Interference in Clinical Programs: Lessons from the U.S. Experience,” 7 *International Journal of Clinical Legal Education* 1 (2006)
- “Criminal Law Clinics in the United States: Variation, History and the Quality of Student Representation,” 7 *Waseda Proceedings of Comparative Law* 93 (2005)
- “*Spaulding v. Zimmerman*: Exploring the Ethics and Morality of Lawyers and Physicians in Practice,” 1277 *Jurisuto* 80 (2004)

#### Selected Recent Activities

- Presented keynote lectures, “Commemoration of the Founding of the Japan Clinical Legal Education Association: Educating Competent, Ethical Lawyers—Opportunities for Collaboration,” in Japan; “Legal Education and the Ethical Development of the Legal Professional: Promoting Justice and Fairness,” at the Fifth International Journal of Clinical Legal Education Conference in South Africa; and “Political Interference in Clinical Programs: Lessons from the U.S. Experience,” at the Third International Journal of Clinical Legal Education Conference in Australia
- Has lectured, taught, and/or conducted research in Australia, Canada, Indonesia, Japan, and South Africa

Professor Joy's primary areas of focus are clinical legal education, legal ethics, and trial practice.

#### F. SCOTT KIEFF

##### Professor of Law and Professor in the School of Medicine

#### Recent Book

- *International, United States and European Intellectual Property: Selected Source Materials 2007–2008* (with R. Nack), Aspen Publishers (2006)

#### Selected Activities and Affiliations

- Member of the founding faculty of the Munich Intellectual Property Law Center at the Max Planck Institute for Intellectual Property, Competition and Tax Law in Munich, Germany

- Member of the Intellectual Property Modeling Group of the Center for Intellectual Property Policy at the McGill Faculty of Law in Montreal, Canada
- Member, Harris Institute Faculty Advisory Board

Professor Kieff's primary areas of focus are intellectual property, biotechnology, and the interface among technology, law, and business.

#### DAVID LAW

##### Professor of Law and Professor of Political Science

#### Selected Recent Articles

- “A Theory of Judicial Power and Judicial Review,” 97 *Georgetown Law Journal* (forthcoming 2009)
- “Globalization and the Future of Constitutional Rights,” 102 *Northwestern University Law Review* (forthcoming 2008)
- “The Paradox of Omnipotence: Courts, Constitutions, and Commitments,” 40 *Georgia Law Review* 407 (2006)
- “Generic Constitutional Law,” 89 *Minnesota Law Review* 652 (2005)

#### Selected Recent Activities

- Visiting associate professor, Keio University, Faculty of Law (2008)
- International Affairs Fellowship in Japan (Hitachi Fellowship) Council on Foreign Relations (2007)
- Member, Harris Institute Faculty Advisory Board
- Numerous presentations on “Globalization and Constitutional Law”

Professor Law's primary area of focus is public law and political science, including the politics of constitutional adjudication and transnational patterns in the development of constitutional law.

#### STEPHEN H. LEGOMSKY

##### John S. Lehmann University Professor

#### Selected Recent Books, Articles, and Book Chapters

- *Immigration and Refugee Law and Policy*, Foundation Press (4th ed., 2005; Supplement 2007)
- “Refugees, Asylum, and the Rule of Law in the USA,” *Refugees, Asylum Seekers and the Rule of Law: Comparative Perspectives* (ed. Susan Kneebone), Cambridge University Press (2008)
- “Learning to Live with Unequal Justice: Asylum and the Limits to Consistency,” 60 *Stanford Law Review* 413 (2007)
- “The New Path of Immigration Law: Asymmetric Incorporation of Criminal

Justice Norms,” 64 *Washington & Lee Law Review* 469 (2007)

- “A Comparative Study of U.S. and Canadian Refugee Policy,” *New Regionalism and Asylum Seekers: Challenges Ahead* (with F. Crépeau; eds. S. Kneebone & F. Rawlings-Sanaei) Berghahn Books (2007)
- “Addressing Secondary Refugee Movements,” *International Migration Law: Developing Paradigms and Key Challenges* (eds. R. Cholewinski et al.), Asser Press (2007)
- “La Regulación en los Países de Tradición Migratoria—Estados Unidos de América” (translated from English), *Immigración y Transformación Social en Cataluña* (ed. Enric Argullol i Murgadas) Fundación (2007)
- “Deportation and the War on Independence,” 91 *Cornell Law Review* 369 (2006)
- “The USA and the Caribbean Interdiction Program,” 18 *International Journal of Refugee Law* 677, Oxford University Press (2006)

#### Selected Recent Activities

- Delivered keynote address at annual ASEM meeting of ministers and department heads of the Asian and European governments in South Korea (2007–08)
  - Presented at Athens (Greece) Institute for Education and Research, Korean Immigration Service, Korea University, Soongsil University, National University of Singapore, Monash University, University of Konstanz, University of Hong Kong, and Chulalongkorn University (2007–08)
  - Testified before U.S. House Immigration Subcommittee and Missouri House Special Committee on Immigration Reform
  - Visiting Senior Research Fellow, National University of Singapore (2007)
  - Consultant to Commissioner of the Korean Immigration Service (2007) and to the Hummingbird Project to Plan Model City in Belize (2006)
  - Winner, American Immigration Lawyers Association's Excellence in Teaching Award (2006)
  - Member, Harris Institute Faculty Advisory Board, and former director, Harris Institute
- Professor Legomsky's primary areas of focus are U.S., comparative, and international immigration and refugee law and policy.

#### RONALD LEVIN

##### Henry Hitchcock Professor of Law

#### Recent Book

- *Administrative Law of the European Union: Judicial Review*, co-author, ABA Press (forthcoming)

**Selected Activities**

- Reporter, ABA Project on the Administrative Law of the European Union
  - Past consultant, Supreme Court of Indonesia
  - Has lectured in Germany and Japan
- Professor Levin's primary areas of focus are administrative law and legislation.

**WEI LUO****Lecturer in Law and Director, Technical Services, Law Library****Selected Recent Books**

- "Research Guide to Export Control and WMD Nonproliferation Law," 35 *International Journal of Legal Information* 447 (Winter 2007)
- *Proposed Chinese Legal Citation System* (in Chinese), Peking University Press (2007)
- *Chinese Civil Procedure Law and Court Rules*, William S. Hein & Co. (2006)
- *Chinese Law and Legal Research*, William S. Hein & Co. (2005)
- *Law Codification Study* (Falu Bianzuan Yanjiu) (with Qing Feng, etc., in Chinese), Legal System Press (2005)
- *Competition Law in China*, William S. Hein & Co. (2002)

**Selected Recent Activities**

- Past chair, American Association of Law Libraries' Asian Law Working Group
- Past president, Asian American Law Library Caucus
- Worked with the Legislative Affairs Office of the People's Republic of China's State Council on the creation of a codification system for the PRC's laws and regulations

Professor Luo's primary area of focus is Chinese law, in addition to his work in the law library.

**CHARLES R. McMANIS****Thomas & Karole Green Professor of Law; Director, Intellectual Property & Technology Law Program; and Director, Center for Research on Innovation & Entrepreneurship****Recent Book, Book Chapters, and Articles**

- *Biodiversity & the Law: Intellectual Property, Biotechnology & Traditional Knowledge*, Earthscan (2007)
- "The Interface of Open-Source and Proprietary Agricultural Innovation: Facilitated Access and Benefit-Sharing under the New FAO Treaty," 30 *Washington University Journal of Law & Policy* (forthcoming symposium issue for interdisciplinary academic conference on Open-Source

and Proprietary Models of Innovation: Beyond Ideology)

- "The Moral Foundations of Intellectual Property and Conservation of Biodiversity through Access and Benefit Sharing," presented at annual meeting, Latin American Studies Association, Montreal, Canada (forthcoming as chapter of book edited by Professor Joseph Vogel, University of Puerto Rico Department of Economics)
- "Are there TRIPS-Compliant Measures for a Balanced Co-Existence of Patents and Plant Breeders' Rights? Some Lessons from the United States of America's Experience to Date," *Compilation of the 2002 & 2003 Joint Symposia Documents of the World Intellectual Property Organization and the International Union for the Protection of New Varieties of Plants* (2005)
- "Fitting Traditional Knowledge Protection and Biopiracy Claims into the Existing Intellectual Property and Unfair Competition Framework," *Intellectual Property and Biological Resources* (ed. Burton Ong) Marshall Cavendish Academic (2004)

**Selected Recent Activities**

- Former consultant, World Intellectual Property Organization
- University Ambassador to Korea University through Washington University's McDonnell International Scholars Academy
- Member, Harris Institute Faculty Advisory Board
- Has taught, lectured, and/or researched in Argentina, Brazil, China, England, Germany, India, Japan, Korea, Malaysia, Taiwan, Singapore, and Switzerland

Professor McManis's primary area of focus is intellectual property law.

**CARL MINZNER****Associate Professor of Law****Recent Articles**

- "Judicial Disciplinary Systems for Incorrectly Decided Cases: The Imperial Chinese Heritage Lives On" (Forthcoming 2009)
- "Xinfang: Alternative to Formal Chinese Legal Institutions," 42 *Stanford Journal of International Law* 103 (2006)
- "New Chinese Regulations on Foundations," 2 *International Journal of Civil Society Law* 110 (2004)

**Recent Activities**

- Conducted research in Shanghai and Beijing (summer 2008)
- Member, Harris Institute Faculty Advisory Board

- International Affairs Fellowship, Council on Foreign Relations (2007–08)
- Numerous presentations on Chinese law and politics to academic and government audiences

Professor Minzner's primary area of focus is Chinese law and politics.

**A. PETER MUTHARIKA****Charles Nagel Professor of International and Comparative Law  
On leave serving as Chief Advisor to the President of the Republic of Malawi****Recent Books and Articles**

- *Foreign Investment Security in Sub-Saharan Africa: An Agenda for the 21st Century*, Transnational Publishers (forthcoming)
- "Accountability for Political Abuses in Pre-Democratic Malawi: The Primacy of Truth," *Third World Legal Studies* (2003)
- "Approaches to Restorative Justice in Transitional Societies: The Malawi Experience," *Proceedings of the Commonwealth Law Conference* (2003)
- "Legal System of Malawi," *Legal Systems of the World* 949, ABC-CLIO (2002)

**Recent Activities**

- Foreign Policy Adviser to the Government of Malawi (2006–present)
- Member, Panel of Arbitrators and Panel of Conciliators, International Centre of Investment Disputes
- Former Malawi delegate, United Nations General Assembly
- Has taught, lectured, and/or conducted research in Africa, Canada, and Europe

Professor Mutharika's primary areas of focus are international economic law and comparative constitutional law.

**STANLEY L. PAULSON****William Gardiner Hammond Professor of Law and Professor of Philosophy****Selected Recent Books, Articles, and Book Chapters**

- "Konstitutive und Methodologische Formen: Zur Kantischen und Neukantianischen Folie der Rechtslehre Hans Kelsens" (Constitutive and Methodological Forms: On the Kantian and Neo-Kantian Dimensions of Hans Kelsen's Legal Theory), *Kant und der Neukantianismus* (ed. C. Krijnen) Königshausen & Neumann (2007)
- "Ralf Dreiers Kelsen," *Integratives Verstehen. Zur Rechtsphilosophie Ralf Dreiers* (ed. Robert Alexy) Tübingen: Mohr Siebeck (2005)

- *Hans Kelsen: Staatsrechtslehrer und Rechtstheoretiker des 20. Jahrhunderts* (Hans Kelsen: Constitutional Lawyer and Legal Theorist of the 20th Century), (eds. Paulson & M. Stolleis) Mohr Siebeck (2005)
- "On the Background and Significance of Gustav Radbruch's Post-War Papers," 26 *Oxford Journal of Legal Studies* 17 (2006)
- "Kelsen, Hans," *Encyclopedia of Philosophy*, 2nd ed., vol. 8, Macmillan & Free Press (2006)
- "The Theory of Public Law in Germany 1914–1945," 25 *Oxford Journal of Legal Studies* 525 (2005)

#### Recent Activities

- Delivered, in the Upper House of the Austrian Federal Parliament, the academic keynote address at a session honoring Hans Kelsen on the occasion of his 125th birthday (October 2006)
- Recipient of the Alexander von Humboldt Foundation's Research Prize for scholars in the humanities
- Has held a number of postdoctoral fellowships in the United States and abroad
- Received honorary doctorates from the Faculty of Law at the University of Uppsala (Sweden) and the Faculty of Law at the University of Kiel (Germany)

Professor Paulson's primary area of focus is European legal philosophy and legal theory, and he is an authority on the work of Hans Kelsen.

#### ADAM H. ROSENZWEIG

##### Associate Professor of Law

#### Recent Scholarship

- "Taxation as a Global Socio-Legal Phenomenon" (with A. Christians, S. Dean, and D. Ring) *ILSA Journal of International and Comparative Law* (forthcoming)
- "Harnessing the Costs of International Tax Arbitrage" 26:3 *Virginia Tax Review* 555 (2007)

#### Recent Activities

- Presented papers on international tax and international relations at the 2008 International Law Weekend and the 2008 Law and Society Annual Meeting
- Member, Harris Institute Faculty Advisory Board
- Formerly practiced law in New York, including cross-border capital markets

Professor Rosenzweig's primary area of focus is tax law and policy.

#### LEILA NADYA SADAT

##### Henry H. Oberschelp Professor of Law and Director, Whitney R. Harris World Law Institute

#### Selected Recent Books, Book Chapters, and Articles

- *The Theory and Practice of International Criminal Law: Essays in Honor of M. Cherif Bassiouni* (with ed. M. Scharf) Martinus Nijhoff Publishers (2008)
- *The International Criminal Court and the Transformation of International Law*, Transnational (2002)
- "Shattering the Nuremberg Consensus," 3 *Yale Journal of International Affairs* 65 (2008)
- "Extraordinary Rendition, Torture, and Other Nightmares from the War on Terror," 75:5/6 *George Washington University Law Review* 1200 (2007)
- "Ghost Prisoners and Black Sites: Extraordinary Rendition Under International Law," 37 *Case Western Reserve Journal of International Law* 309 (2006)
- "Exile, Amnesty and International Law" 81 *Notre Dame Law Review* 955 (2006)
- "Commentary on Prosecutor v. Kvočka," *IX Annotated Leading Cases of International Criminal Tribunals* (eds. André Klip & Goran Sluiter) Intersentia (2004)
- "Terrorism and the Rule of Law," 3 *Washington University Global Studies Law Review* 135 (2004)
- "Summer in Rome, Spring in The Hague, Winter in Washington? U.S. Policy Towards the International Criminal Court," 21 *Wisconsin International Law Journal* 557 (2004)
- "Do All Arabs Really Look Alike?," 50 *Wayne State Law Review* 69 (2004)

#### Selected Recent Activities

- Chair, International Law Students Ass'n
- Director, Summer Institute for Global Justice, Utrecht
- Vice president, International Law Ass'n
- Commissioner, U.S. Commission for International Religious Freedom (2001–03)
- Former NGO delegate, U.N. Preparatory Committee establishing the ICC
- Plenary panelist, American Society of International Law Annual Meeting (April 2007)
- Keynote speaker, United Nations Peacekeeping Operations and the Law Symposium; New York, NY (June 2008)
- Expert participant, Conference on the International Criminal Court and the

Responsibility to Protect, Northwestern University School of Law (December 2007)

- Presenter, Biennial Meeting, International Law Ass'n, Rio de Janeiro (August 2008)
- Has taught, lectured, worked, and/or conducted research in Belgium, France, Germany, Greece, Ireland, Italy, the Netherlands, and the United Arab Emirates.

Professor Sadat's primary areas of focus are public international law, international criminal law, and human rights law.

#### MELISSA WATERS

##### Professor of Law

#### Recent Scholarship

- "Transnational Judicial Dialogue and Transnational Speech: International Jurisdictional Conflicts in Hate Speech and Defamation Law," *International Organization* (Miller & Bratspies, eds.), Martinus Nijhoff (2008)
- "The Attitudes of U.S. Courts Towards International Courts and Tribunals: Is Sanchez-Llamas a Model for Transnational Dialogue?," *The United States and International Courts and Tribunals* (Romano ed.), Cambridge Press (2008)
- "Creeping Monism: The Judicial Trend Toward Interpretive Incorporation of Human Rights Treaties," 107 *Columbia Law Review* 628 (2007)
- "Normativity in the 'New' New Haven School: Assessing the Legitimacy of International Legal Norms Created by the World's Judges," 32 *Yale Journal of International Law* 455 (2007)
- "Mediating Norms and Identity: The Role of Transnational Judicial Dialogue in Creating and Enforcing International Legal Norms," 93 *Georgetown Law Journal* 487 (2005)

#### Selected Recent Activities

- Consultant trainer, CEELI and International Bar Association programs for Iraqi and Central Asian jurists
- Member and consultant, Public International Law & Policy Group
- Member, Harris Institute Faculty Advisory Board
- Has lectured, taught, and/or conducted research in Belgium, Guatemala, and New Zealand

Professor Waters' primary areas of focus are foreign relations law, international law, conflict of laws, and human rights law.



# Law Students Shine in Prestigious International Law Moot Court Competition



For 10 years, Washington University School of Law has been one of the top schools in the oldest and most prestigious international law competition in the world.



**S**occer has the World Cup. Amateur athletics has the Olympic Games. For international law, the pinnacle of competition may be found at the Philip C. Jessup International Law Moot Court Competition. Now in its 50th year, the Jessup Competition is a student contest simulating oral and

(above) The 2008 Washington University Law representatives to the Philip C. Jessup International Law Moot Court Competition. From left: team coach Gilbert Sison, adjunct professor of law; Erin Griebel, JD '09; Shibani Shah, JD '09; Ashley Walker, JD '08; Jessica Cusick, JD '09; Rebecca Feldmann, JD '08; and faculty advisor Leila Nadya Sadat, the Henry H. Oberschelp Professor of Law

written practice before the International Court of Justice. The Jessup annually involves students from 600 schools representing nearly 100 countries. Among its alumni are some of the top scholars, diplomats, officials, and international lawyers in the world.

In 1998, then associate professor, Leila Nadya Sadat volunteered to assemble and coach a team of students for the Jessup Competition. Although Washington University Law had occasionally participated in the Jessup in previous years, its involvement was infrequent and not particularly successful. At the time, the Jessup was a highly competitive, worldwide competition, regularly dominated by a small group of schools from Singapore, Australia, and Venezuela. Sadat recognized that, in order to compete on the world stage, Washington University Law would need to attract top student oralists, researchers, and writers. More importantly, the team needed the year-to-year institutional memory that only a committed and passionate coach could bring to the competition. Now the Henry H. Oberschelp Professor of Law and director of the Whitney R. Harris World Law Institute, Sadat maintains her steadfast belief in the paramount importance of the Jessup as a tool for teaching international law.

“Jessup participants receive a practical exposure to international law that complements their course work and their work on law journals,” Sadat observes. “There is a real difference between studying international law in an academic setting and preparing arguments on behalf of an actual client. Jessup provides precisely that firsthand exposure.”



Marguerite Roy, JD '08, and Luke McLaurin, JD '08, won the Jessup Competition's Baxter Award for the best respondent submission in the world.

**The Jessup Competition requires teams of five students to prepare oral and written arguments in support of both sides in a hypothetical dispute involving two fictional countries. Students must work closely as a team for more than nine months to prepare arguments which they will eventually present to some of the top scholars and practitioners of international law.**

The Jessup *Compromis*, or statement of facts, is released in September of each year. The problem is authored by leading scholars in international law (Leila Sadat, herself, is a past co-author of two problems). Though hypothetical, the problem is by design intended to closely mirror current developments in international law. Past problems have concerned trafficking in women and children, official corruption, and the role of the International Criminal Court.

Teams spend most of the early months researching the substantive area of law, and, in most years, work “from scratch” to develop an expertise in an area of international law to which they have had little prior exposure.

By January of each year, teams are required to submit two 40-page written arguments (termed “Memorials” in ICJ

practice), one for each State in the dispute. Formatting rules in the Jessup are precise, and the late-night margin-, font-, and cite-checking on “Deadline Eve” has become a tradition for law students around the world.

Once the Memorials are submitted, teams turn to preparation of their oral arguments. Each team must prepare a 40-minute oral argument, presenting the legal and factual arguments for each side. Such preparation is not mere rote memorization—Jessup benches are notoriously “hot,” with judges from diverse specializations bringing a wide variety of questions and hypotheticals to each match.

**The Jessup Competition consists of two stages: “Qualifying Tournaments,” in which schools compete for the right to represent their country; and the International Rounds, at which the champions from around the world compete for the coveted Shearman & Sterling Jessup Cup. The 100 teams competing at the International Rounds are winnowed from nearly 600 teams competing in the earlier rounds.**

In the 10 years since Sadat assumed leadership of the Jessup team, Washington University Law has won its Qualifying Tournament in six of 10 tries. Only Harvard Law School—with seven wins in 10 years—has enjoyed equal success.

At the International Rounds, Washington University's teams have continued their winning ways. In six appearances at the International Rounds, our law students have won 15 of their 24 matches, a win total exceeded only by Harvard and Columbia. Their top finish, in 2007, placed them third in the world and earned them a place in the single-elimination Advanced Rounds, where their only loss of the season came to

the eventual World Champions from the University of Sydney, Australia.

**Washington University Law is also the only law school in the world to have won each of the Jessup's three distinct written Memorials Awards over the past three years; no other team has won more than one.**

The Jessup Competition awards three top honors for written Memorials. The Alona M. Evans Award is given to the team at the International Rounds with the highest Memorials scores. The Hardy C. Dillard Award is given to the team with the top Memorials scores in the world. And the twin Richard Baxter Awards are given to the single best Memorial in the world for each side—Applicant and Respondent—in the entire competition. Washington University Law has won all three in the past three years, from 2005–07. Over the same three-year period, no other team in the world has won more than one Memorial award, and only two U.S. schools (Michigan in 2006 and Columbia in 2005) have won even one.

**Success at the Jessup is a combination of four factors: recruiting, education, training, and institutional memory. Washington University Law has all four.**

By 2000, Sadat had put together two consecutive Qualifying Tournament titles, and she knew she had a winning formula. However, increasing research and teaching responsibilities demanded that she find a willing, experienced, and energetic coach to handle the day-to-day training of the team. She approached two-time International Rounds oralist Gilbert Sison, JD '00. Now an associate at the St. Louis law firm of Rosenblum,



Niagara Competition World Champions, from left, Robert McDonald, JD '09; Sally Conroy, JD '09; Sumeet Jain, JD '09; and Andrew Lucas, JD '09

Schwartz, Rogers & Glass PC, Sison agreed to serve as the team's coach.

"Professor Sison brings to the Jessup program—and indeed to all our international teams—an indispensable and irreplaceable level of practicality and professionalism," Sadat notes. "More than a coach, more than a professor, he is our institutional memory."

Sison quickly realized that preparation for the Jessup required more than evening practices and impromptu research sessions. Drawing upon a concept developed by Peter Joy, professor of law and director of the law school's Criminal Justice Clinic, Sison stepped in to teach a two-credit course focusing on practice and procedure under international law, including the International Court of Justice. Today, the "International Courts & Tribunals" course is a co-requisite for all students who participate on any of the law school's international moot court teams.

## Washington University Law's Jessup success continues today, and the future looks even brighter.

This year, the team won the first-ever Midwest "Super-Regional" competition, a preliminary tournament involving 24 teams from throughout the Midwest, and thereby qualified for the International Rounds once again. Second-year law student Jessica Cusick won Best Oralist in the competition, and third-year law student Ashley Walker placed in the top 10. At the International Rounds, Walker then placed ninth among individual oralists. Walker's international round success—combined with Liangwei Wong's fourth-place finish the previous year—makes Washington University Law the only school in the world to place one or more oralists in the top 10 in both consecutive years. Cusick and teammates Shibani Shah and Erin Griebel were each second-year students, and were competing in their first international moot court competition. All three are expected to return in 2008–09, forming the core of an even more competitive team.

Samir Kaushik, JD '08, and Andrew Nash, JD '08, accept the World Championship Trophy at the D.M. Harish Memorial International Moot Court Competition in Mumbai, India.



## MOOT COURT CHAMPIONS

2008 was a banner year for Washington University Law in international moot court competitions. In addition to the school's continued success in the Jessup Competition, law students claimed the world championship in two other international moot courts, one held in Washington, D.C., and the other in Mumbai, India.

In February, Andrew Nash, JD '08, and Samir Kaushik, JD '08, became the first U.S. law students to compete in an Indian international moot court competition, representing Washington University Law at the ninth annual D.M. Harish Memorial International Law Moot Court Competition. They won the competition, prevailing over teams from India, Australia, and Ireland. Nash also placed second among all individual oralists in the competition.

In March, Sally Conroy, JD '09, Sumeet Jain, JD '09, Andrew Lucas, JD '09, and Robert McDonald, JD '09, traveled to Washington, D.C., to compete in the Niagara International Law Moot Court Competition, an international competition focusing on U.S.–Canadian disputes. Like their Harish counterparts, this team won the Niagara Competition, prevailing over teams from 20 U.S. and Canadian law schools. In addition, Jain took Best Oralist in the competition, Lucas took second-best oralist, and Jain and Lucas combined to win Best Respondent presentation.

This was the first year that Washington University Law competed in the Harish. Although the Niagara Competition has existed for over three decades, this year was only the second year that Washington University Law participated.

"This level of success in international moot- ing—three championships in one year—is hard to achieve," observes Michael Peil, assistant dean for international programs, executive director of the Whitney R. Harris World Law Institute, and coach of the two teams. "It's a testament not only to the hard work and dedication of the students, but also to their teachers. Sustained success in international moots requires that a school have top-flight advocacy and international law instructors, and that's a combination that is rare."

# Studying Law Around the World

**E**ACH YEAR, WASHINGTON UNIVERSITY LAW STUDENTS TRAVEL AROUND THE WORLD, applying the skills they learn in the classroom to the public interest and enhancing their studies through specialized programs. Through internships and volunteer opportunities, these student lawyers gain invaluable firsthand experience while working for positive change throughout the developed and developing world.

Since 2002, the **Africa Public Interest Law & Conflict Resolution Initiative** has sent more than 60 students to South Africa, Ghana, and Kenya for the summer to provide legal services to low-income individuals. In 2008, eight students interned for 10 weeks at the Legal Aid Board in Durban, South Africa. The Board provides free legal assistance on civil and criminal matters to indigent South Africans. Washington University Law students engaged in client interviewing and counseling, legal research and writing, trial preparation, and appellate brief writing. Three students worked for the Black Sash in Durban and Cape Town, assisting with research, acting as liaisons with service providers, monitoring parliament, observing the implementation of government programs, providing administrative assistance to

paralegals, and providing community legal education.

Six Washington University Law students interned at the Legal Resource Centre in Accra, Ghana, this summer. The Legal Resource Centre works 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 were involved in client counseling, client advocacy, community education, and dispute resolution. The Africa Initiative is coordinated by Professors Karen Tokarz and Kim Norwood.

The law school's **David M. Becker Public Service Fellows program**, devoted to sponsorship of public interest activities in the United States and abroad, sent three students abroad for summer 2008. Brittany Davis worked with the World Health Organization in Geneva, Switzerland, and Debora Rogo worked with the International Organization for Migration, also in Geneva. Andrew Lucas interned with the International Prosecutor's Office of the Extraordinary Chambers in the Courts



(top left) Participants in the 2007 Summer Institute for Global Justice stand in front of the Peace Palace in The Hague after meetings with Judge Thomas Buergenthal of the International Court of Justice and representatives of the Permanent Court of Arbitration.

(above) Washington University Law faculty congratulate the winners of the 2008 Dagen-Legomsky Fellowships. From left: Michael Peil, assistant dean for international programs and executive director of the Harris Institute; Thomas Burgess, JD '10, Dagen-Legomsky International Public Interest Fellow; Erika Detjen, JD '10, Dagen-Legomsky Hague Fellow; Leila Nadya Sadat, Henry H. Oberschelp Professor of Law and director of the Harris Institute; and Stephen H. Legomsky, John S. Lehmann University Professor



(above) Brittany Davis, JD '09, and Josh Gammon, JD '09, in front of the Taj Mahal during their summer 2007 internship in Delhi, India. Davis and Gammon interned with the Human Rights Law Network.

(left) Summer Institute for Global Justice participants enjoy the warm Utrecht summer between classes with Professors David Scheffer, Leila Nadya Sadat, and Dorsey D. Ellis, Jr.



Each summer, Washington University Law sends several students to work with the Legal Aid Board in Durban, South Africa. Summer interns, from left, Calvin Hwang, JD/MBA '08, Neil Naik, JD '08, Eleanor Forbes, JD '08, Lilia Tyrrell, JD '08, and Wesley Schooler, JD '08, visit the Cape of Good Hope.

of Cambodia, prosecuting crimes committed under the Khmer Rouge regime in that country. Lucas is Washington University Law's second intern at the Chambers, following in the footsteps of Lilia Tyrrell, who worked there in spring 2008.

Three other students interned in Cambodia at Bridges Across Borders, an international, nongovernmental organization formed to address the root causes of violence and hatred in the world. The organization is a collaboration of activists, artists, students, educators, and other volunteers.

For three years, lecturer C.J. Larkin has taken law students to Kathmandu, Nepal, to conduct community-level training in alternative dispute resolution techniques. Larkin's work is funded by a USAID grant, and also brings Nepalese community leaders to St. Louis each year for follow-up training. This summer, three students worked with Larkin in Kathmandu.

The bulk of the students received primary funding through the school's **Public Interest Summer Stipend Program**. Several also were awarded travel stipends from the Office of International

Programs and the Gephardt Institute for Public Service to support their internships in South Africa, Ghana, Nepal, and Cambodia.

Two students are also studying and working abroad through the Whitney R. Harris World Law Institute's **Dagen-Legomsky Fellowship** program. Thomas Burgess received the Dagen-Legomsky International Public Interest Fellowship to support work with Black Sash in Cape Town. Erika Detjen received the Dagen-Legomsky Hague Fellowship to study at the Hague Academy for International Law in the Netherlands.



Michele Shoresman, associate dean for graduate degree programs, left, meets with Fulbright Scholars Nadine Germanos, a judge from Lebanon, right, and Sophia Espinoza Coloma, an intellectual property lawyer from Ecuador. Coloma is also a JSD student this fall conducting research on the protection of traditional knowledge. Among her programs, Shoresman has been overseeing for 10 years the highly successful LLM Program in U.S. Law for foreign students, the Intellectual Property and Technology Law LLM, and the JSD program. She brings considerable experience to the position, including 18 total years of related service at Washington University.



C.J. Larkin, administrative director for the Alternative Dispute Resolution Program, second from left, meets with, from left, Miska Shaw, JD '09, Steve Wiese, JD '09, and externship coordinator Kabita Pandey, of the Pro Public NGO, in Kathmandu, Nepal.



Ghana interns, from the left: Barbara Burdette, JD/MA '08, Jessica Mills, JD/MBA '08, Lariba Nabila, Legal Resources Centre staff member, Naomi Warren, JD/MSW '08, Professor Kim Norwood, and Tracy Franklin, JD '07. The students interned at the Legal Resources Centre in Accra, Ghana.



Marguerite Roy, JD '07, disembarks in Afghanistan during her work as head of office at the United Nations Assistance Mission in Afghanistan (UNAMA) office in Mazar-e-Sharif.

The law school's marquee academic offering during the summer is the extremely popular **Summer Institute for Global Justice**, a six-week intensive program focusing on international and comparative law. More than 40 students from the United States and Europe attend courses from top scholars and jurists, including past Distinguished Visiting Scholars such as Justice Richard Goldstone, Ambassador David Scheffer, and Professor David Crane.

During the academic year, 10 students traveled to Argentina to participate in the law school's **International Alternative Spring Break** service project. The students worked in a rural community in Salta province, helping with infrastructure development and meeting with local attorneys. In addition, more than 20 students each year teach principles of humanitarian law to area high school students. This unique program is offered in conjunction with the St. Louis Chapter of the American Red Cross.



Barbara Burdette, JD '08, and Kathryn Wendel JD '08, interact with local high school students as part of the IHL Students As Teachers program, co-sponsored by the St. Louis Chapter of the American Red Cross.

**Gerrit de Geest**

Professor of Law

**John Drobak**

George Alexander Madill Professor of Real Property & Equity Jurisprudence, Professor of Economics, and Director of the Center for Interdisciplinary Studies

**Dorsey D. Ellis, Jr.**

William R. Orthwein Distinguished Professor of Law Emeritus and Dean Emeritus

**Frances H. Foster**

Edward T. Foote II Professor of Law

**John O. Haley**

William R. Orthwein Distinguished Professor of Law

**F. Scott Kieff**

Professor of Law and Professor in the School of Medicine

**Pauline Kim** (ex officio)

Associate Dean for Research and Faculty Development and Professor of Law

**C.J. Larkin**

Administrative Director of ADR Program and Senior Lecturer in Law

**David Law**

Professor of Law and Professor of Political Science

**Stephen H. Legomsky**

John S. Lehmann University Professor

**Maxine Lipeles**

Director of the Interdisciplinary Environmental Clinic and Senior Lecturer in Law

**Charles R. McManis**

Thomas and Karole Green Professor of Law and Director of the LLM Program in Intellectual Property & Technology Law

**Carl Minzner**

Associate Professor of Law

**Adam H. Rosenzweig**

Associate Professor of Law

**Leila Nadya Sadat**

Henry H. Oberschelp Professor of Law and Director of the Whitney R. Harris World Law Institute

**Michele Shoresman**

Associate Dean for Graduate Degree Programs

**Kent D. Syverud**

Dean and Ethan A.H. Shepley University Professor

**Karen Tokarz**

Charles Nagel Professor of Public Interest Law & Public Service, Professor of African & African American Studies, and Director of ADR Program

**Melissa Waters**

Professor of Law

“The challenge to humanity is to establish and maintain the foundations of peace and justice upon the Earth for the centuries to come. We must learn to end war and protect life, to seek justice and find mercy, to help others, and embrace compassion.”

—Whitney R. Harris



This poster collage represents some of the lectures and events sponsored by Washington University Law's Whitney R. Harris World Law Institute in 2007-08.



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