

# students and faculty

and guests...

As globalization continues its seemingly inexorable pace, students at Washington University School of Law receive the training and education they need to adapt to an increasingly cosmopolitan practice environment. Professors increasingly incorporate international and comparative legal materials in their U.S. law courses, in order, for example, to increase students' familiarity with those materials outside specialized courses.

To take just one example, students in the criminal law classes taught by professors **Stephen Legomsky** and **Leila Sadat**, are exposed to readings on international criminal law, both substance and process. Students in criminal law this year had an opportunity to study the Hamdi and Padilla cases argued before the U.S. Supreme Court, and consider them in context with the basic principles of criminal law they were exposed to in their basic materials. No doubt, given that fourteen of the Supreme Court's cases this term and next involve issues of international law, teaching foreign law using the pervasive method will become increasingly important.

Additionally, all law students as well as the entire University community had an opportunity to attend important lectures and interact with international personalities as well as students from abroad to discuss many difficult and important international issues. On March 18, 2004, the law school was particularly honored to receive **His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein** of Jordan. He is Jordan's Permanent Representative to the United Nations and President of the International Criminal Court's Assembly of States Parties, the



Top: Prince Zeid Ra'ad Zeid al Hussein with Leila Sadat Bottom: Prince Zeid al Hussein with Lana Alamat J.D. Class of 2005

body that is charged with oversight and management of the Court. The International Criminal Court has both passionate supporters and detractors (including the U.S. government), and Prince Zeid gave a stimulating lecture to a packed lecture hall entitled "The International Criminal Court: Future Challenges." Earlier in the day, His Royal Highness met with students and faculty informally, and renewed his contacts with the family of **Israel Treiman**, a great alumnus and

supporter of the law school, who, as chance would have it, was a great friend of Prince Zeid's grandfather. Professor Sadat, who had met the Prince through her work on the International Criminal Court, and **Whitney Harris**, who has endowed the Harris Institute, introduced the lecture, which will be published in the law school's *Global Studies Law Review*.

In addition to building substantive knowledge and increasing their connection with world leaders, students also had

the opportunity to hone their practical skills through participation in the Philip C. Jessup International Moot Court competition. The competition now involves almost 500 teams from around the world that compete regionally, nationally, and then internationally. This year the problem was titled “The Case Involving the International Criminal Court.”

Washington University School of Law sent a terrific team of students who advanced to semi-final rounds and demonstrated extraordinary grace under pressure. The law school has won 4 out of the past 6 regional competitions, making it one of the strongest teams in the United States. The team is advised by Professor Sadat and coached by **Gilbert Sison** (J.D., 2000), now a litigator at the law firm of **Bryan Cave, LL.P.**, and himself a former Jessup participant. This year coach Sison will also be teaching a new course on “Practice Before International Courts and Tribunals” to further hone our students’ practice skills.

Finally, in summer 2005, Washington University students will be able to attend the Washington University/Case Western Reserve University Summer Institute for Global Justice, to be held in conjunction with the University of Utrecht, in the charming town of Utrecht in the Netherlands. Students will have the opportunity to study public and private international law in a cosmopolitan setting and take advantage of Utrecht’s central location to visit the international institutions located in the Hague as well as the cultural center of Amsterdam. Students will interact with each other, students from Utrecht University, and some of the leading scholars and practitioners of international law during the six weeks of the Institute’s summer term.



Leila Sadat lecturing

## international criminal law leila nadya sadat

During 2003–04 **Professor Sadat** continued to speak and publish widely, particularly on issues of international human rights, international criminal law, and the war on terror. As a commissioner on the nine-member United States Commission on International Religious Freedom, she met with President Bush in October 2003 to discuss the Commission’s 2003 report as well as questions of international religious freedom and human rights. Professor Sadat lectured abroad at the International Institute of Higher Studies in Criminal Sciences (Italy), the Hague Joint Conference on Contemporary Issues of International Law (the Netherlands), and the Irish Centre for Human Rights in addition to speaking at several conferences and various universities in the United States.

She was chosen by the International Bar Association to provide human rights training to Iraqi lawyers, judges, and prosecutors as part of a project supported by the British Government and the United Nations High Commissioner for Human Rights. Additionally, she completed a major expert memorandum on problems of *ne bis in idem* (double jeopardy) for the Office of the Prosecutor for the Special Tribunal in East Timor. Professor

Sadat was awarded the law school’s Israel Treiman Fellowship to continue her work on the International Criminal Court.

Professor Sadat published several articles and essays during the year, including an essay titled “Terrorism and the Rule of Law” in the *Global Studies Law Review*. She was awarded the “Book of the Year Award” by the International Association of Penal Law (American National Section) for her book on the International Criminal Court, published last year, and is currently revising her casebook on international criminal law.

Professor Sadat’s current projects include a major article on amnesties and international law, an essay on international governance in the 21st century, and the establishment of a Summer Institute abroad for Washington University law students, to debut in summer 2005. In recognition of her achievements and service, Professor Sadat was installed as the Henry H. Oberschelp Professor of Law on September 7, 2004. She has also been elected vice president and co-director of Studies of the International Law Association (American Branch), a member of the International Academy of Comparative Law, and a member of the American Law Institute.



## teaching and research



UN conference in Lisbon, was recently published in Oxford University's *International Journal of Refugee Law*. Among his other recent publications was the 2003 Supplement to the third edition of his immigration and refugee law coursebook.

### dagen-legomsky fellow in international law

Each year a Dagen-Legomsky Fellowship is awarded to one student to study during the summer at the Hague Academy in the Netherlands. **Yewande A. Akinwolemiwa** was awarded this fellowship in spring 2004 and studied at the Hague in summer 2004.

### immigration law stephen legomsky

In the past twelve months **Professor Stephen Legomsky** has given invited speaking presentations on various international law subjects at workshops in London, Cambridge, and Barcelona. He has also lectured at Duke University, Boston College, the ABA Administrative Law Section annual conference, and Washington University. Professor Legomsky was an invited lecturer at the University of Konstanz, Germany. He completed a two-week human rights mission in Suriname, interacting with students, faculty, and government officials. He also participated in an intensive three-day workshop with students and selected academics at the University of Michigan. He visited for one academic term at Cambridge University. His consultant's report to the UN High Commissioner for Refugees, written in Geneva and the topic of a two-day

Top: Stephen Legomsky and Jennifer Lin (3L); Bottom: Stephen Legomsky and Yewande Akinwolemiwa





## washington university global studies law review

Now in its third year, the Law Review has published three volumes and five issues. The publication of two additional issues (Volume 3, Issue 3 and a special issue— a monograph by **Justice Manuel Cepeda** on the Colombia Constitutional Court, based on the lecture he gave last May at the Latin American Law Workshop) are expected within the next few weeks. The papers, related to Chinese competition law and policy from the autumn 2003 Beijing conference on Competition Law and Development, were included in Volume 3, Issue 2.

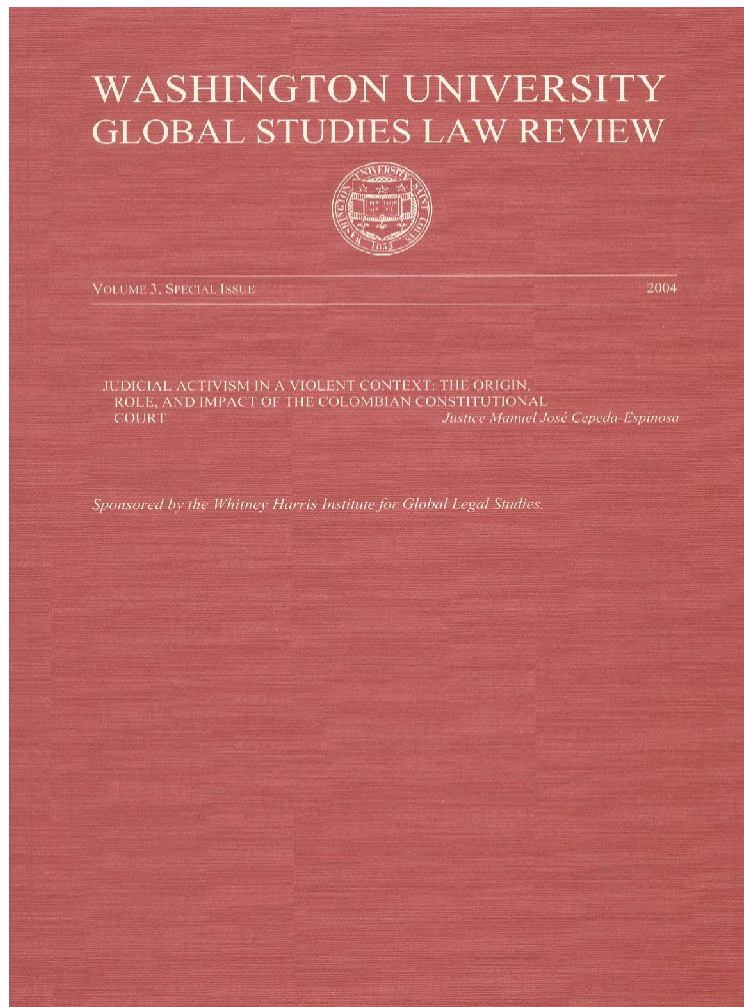
Justice Cepeda’s lecture may be viewed on the Harris Institute website at: [http://law.wustl.edu/Whatsnew/cepeda\\_pu.html](http://law.wustl.edu/Whatsnew/cepeda_pu.html)

## a conversation with william c. jones: a global law talk

A new Global Law Talk has been added to the series—“A Conversation with William C. Jones.” In this half-hour interview, Professor Jones reviews his long career and achievements as one of the first postwar American legal scholars to study Chinese law.

The interview is available at: <http://law.wustl.edu/jgls/globallawtalks.html>

Top: Global Law Review Cover  
Bottom: William C. Jones





# teaching and research



John Haley lecturing



John Haley with students after class

## transnational litigation john o. haley

In spring 2004 **Professor Haley** presented papers on "Career Employment, Corporate Governance, and Economic Performance," at a conference on Japan's Political Economy: Accidental Overachiever or Temporary Underachiever?, at the John Goodwin Tower Center for Political Studies of Southern Methodist University in Dallas; on the Japanese judiciary at a symposium on "Japanese Law: Current Issues and Controversies," sponsored by the Program in Asian Law, Politics, and Society of the University of Illinois College of Law; and on "Heisei Renewal or Heisei Transformation: Are Legal Reforms Really Changing Japan?" at a Cornell Law School-sponsored conference on Japanese Legal Studies.

His most recent works include: "Competition Policy for East Asia," *Washington University Global Studies Law Review*; "The Rule of Law in Japan," with **Veronica Taylor** in *Theories and*

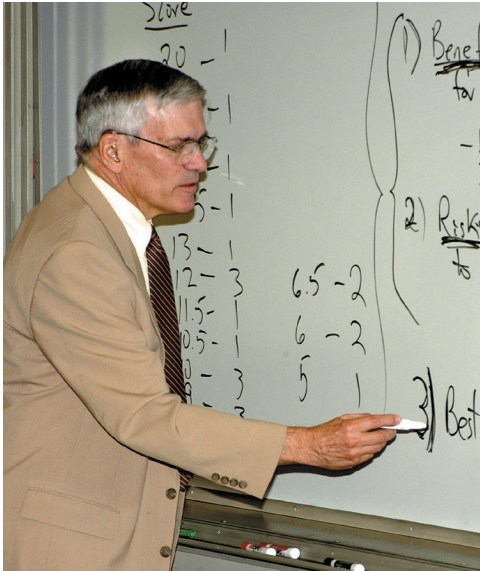
*Implementation of the Rule of Law in Twelve Asian Countries, France, and the United States*; "Waging War: Japan's Constitutional Constraints," forthcoming in a University of Alberta (Canada) journal on human rights and international legal and political issues; "The Paradox of Weak Power and Strong Authority in the Japanese State," forthcoming in a book on *Revisiting the Asian State*; and "The Japanese Judiciary: Maintaining Integrity, Autonomy, and the Public Trust," forthcoming in a multi-volume collection of papers honoring the late **Dan Fenno Henderson**.

His two review essays, both published in the *Journal of Japanese Studies*, were on the books: "We the Japanese People: World War II and the Origins of the Japanese Constitution," by **Dale M. Hellegers**; "The Genesis of the Japanese Foreign Investment Law of 1950," by **Richard W. Rabinowitz**; and "Measuring Judicial Independence: The Political Economy of Judging in Japan," by **J. Mark Ramseyer** and **Eric B. Rasmusen**.



## comparing chinese and u.s. inheritance and trust law frances h. foster

In addition to well-received teaching and research in U.S. law, **Professor Frances Foster** continues to participate actively in Harris Institute projects and programs, especially those that relate in some fashion to her primary comparative law interests in China, Russia, and Cuba, which closely correspond to her foreign languages of choice. In her teaching and research on Chinese law she integrates her expertise (and teaching) in trusts and estates with seminal research on inheritance and trusts in China. She combines all of these interests in a single seminar



Charles McManis lecturing

on Socialist Law in Transition, which she teaches in addition to Trusts and Estates and Chinese Law. Her work on Cuban law adds a uniquely valuable perspective to the Law School's comparative law efforts. She was, for example, a well-appreciated participant in last year's workshop on Latin American law. In recognition of the quality of her scholarship and teaching, as well as her exemplary service to the Law School community, she will be installed as the Edward T. Foote II Professor of Law on February 17, 2005.

### global perspectives on international property law charles mcmanis

During 2003-04 **Professor Charles McManis** presented papers on "Biodiversity, Biotechnology, and the Legal Protection of Traditional Knowledge" at academic conferences in Singapore, at Michigan State University, at a conference jointly sponsored by the University

of Alabama-Birmingham and Samford University, and at the University of Oregon. In May 2004 he presented a paper at a workshop on Competition Policy & Unfair Competition Law, sponsored by the Harris Institute.

McManis also worked to secure a grant from the Ewing Marion Kauffman Foundation, as a part of its Collegiate Entrepreneurship Initiative. A portion of the grant will be used to establish at the law school a Center for Research on Innovation and Entrepreneurship and an associated Intellectual Property & Business Formation Legal Clinic. McManis calls the new Center for Research on Innovation and Entrepreneurship "the third leg" of the School's academic centers, committed to cutting-edge legal issues. Like the Harris Institute and the Center for Interdisciplinary Studies, inaugurated in 2001, the Center for Research on Innovation and Entrepreneurship will take an interdisciplinary approach to hosting conferences, conducting symposia, and sponsoring research. In particular, the new center's efforts will be directed toward a compelling area of intellectual property law: the intersection of innovation and entrepreneurship. In McManis' words, "The clinic will serve the classic objectives of a legal clinic, which are to provide an education for students and a public service for people who would not otherwise have access to counsel. It will also provide a clinical research opportunity to see what impact the availability of legal services has on facilitating innovation."

For McManis, an area that best illustrates the complex interplay of intellectual property, entrepreneurship, innovation, and access to legal services is that of "traditional knowledge"—the often centuries-old bodies of information held

by indigenous peoples around the world. "Most of the world's biodiversity and raw materials come from the developing world, and the people who live there have a tremendous amount of knowledge," he says. "How do we ensure that those knowledge-holders are recognized for their contributions?"

In five to 10 years, McManis envisions more specialized training in providing legal advice to start-up companies and sponsoring policy debates, especially at the international level, about the use of intellectual property policy to promote economic development.



### comparative antitrust dorsey d. ellis, jr.

Since the inception of the Harris Institute **Professor Dan Ellis** has been among the most active participants in its programs. He has presented papers at each of the Institute's symposia and workshops on competition policy. His interactions with **Professor Paul Nihoul** at the recent Institute workshop on Competition Policy and Unfair Competition Law (see pages 20-21) have led to a promising collaborative relationship that will hopefully include a jointly offered course in the Law School's proposed summer program at Utrecht. His popular course on U.S. antitrust law, as well as his seminar on international antitrust law, also illustrate the benefits of the interactions between faculty research and teaching.



## other faculty activities



**Stanley L. Paulson**

**Professor Paulson** was awarded two honorary doctorate (LL.D.) degrees during the year, the first on January 23, 2004, by the Faculty of Law at the University of Uppsala (Sweden). Founded in 1477, the University is the oldest in Scandinavia. It was the center of Scandinavian Legal Realism, as well as the home of the movement's philosophical precursor, **Axel Hägerström**. The second LL.D. was awarded on July 16, 2004, by the University of Kiel, where Professor Paulson spent the 2003–04 academic year as recipient of the Alexander von Humboldt Foundation's prestigious research prize for "internationally recognized foreign scholars in the humanities."

In 2003–04 his publications included two papers in the *Cambridge History of Philosophy*, four other papers, and two jointly edited books. Professor Paulson also delivered guest lectures in Kiel, Bonn, Bristol, Erlangen, Paris, Uppsala (inaugural lecture), and Heidelberg. He delivered lead conference papers in Lund, Tallinn (Estonia), Belfast, Bamberg, Salzburg, Oslo, Rouen, and Flensburg. Along with other projects, he is currently working on four different papers in response to Festschrift invitations.



**Kathleen Clark**

In autumn 2003 **Professor Clark** coauthored an amicus brief for the Center for National Security Studies in the criminal case involving **Zacarias Moussaoui**. She is a member of the board of Servicemembers Legal Defense Network (SLDN), which seeks to overturn the ban on gays in the military, and gave a talk about that policy at the University of Virginia Law School. In 2004 she was elected to the Executive Committee of the Association of American Law Schools Section on National Security Law, and served as a panelist at a Federalist Society symposium on Terrorism and Criminal Law. Professor Clark also assisted the ABA's Central and Eastern European Law Initiative (CEELI) in developing criteria for evaluating the legal profession in Eastern Europe and the former Soviet Union.



**Daniel R. Mandelker**

The international activities of **Professor Mandelker** during the 2003–04 academic year included a keynote address at the World Congress on Governance for Urban Change, sponsored by the international Federation of Housing and Planning in Oslo, Norway. He also participated in a multinational project on the social impacts of land use laws held in Barcelona, Spain.

### **John N. Drobak**

**Professor Drobak** presented the paper, "Moral Capital: The Role of the Courts," at the Annual Meeting of the International Society for New Institutional Economics, held in Budapest in October 2003. In May 2004 he lectured in Prague on "Law, Economics, and Institutions."

*Below: John H. Drobak*





**A. Peter Mutharika**

**Professor Mutharika** has had an interactive experience shared by few, if any, American legal scholars anywhere at anytime. He can boast of success. On leave for the spring semester, he spent the past six months as an active participant in Malawi in the successful political campaign of his older brother, now President, Binguwa Mutharika. The Harris Institute congratulates Professor Mutharika and his brother. We look forward to their future contributions to its program, and to furthering our understanding of law, politics and society in Southern Africa.

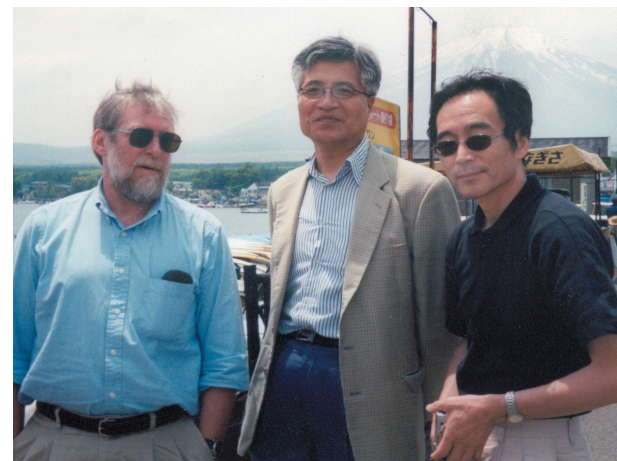
**Bruce La Pierre**

**Professor Bruce La Pierre** taught a graduate American Constitutional Law course at Aoyama Gakuin University in Tokyo in May and June. Students discussed federalism, separation of powers, and individual rights issues in the context of recent United States Supreme Court cases. The terrorism detention cases: *Hamdi v. Rumsfeld*, *Rasul v. Bush*, and *Rumsfeld v. Padilla* provoked spirited debate.



**F. Scott Kieff**

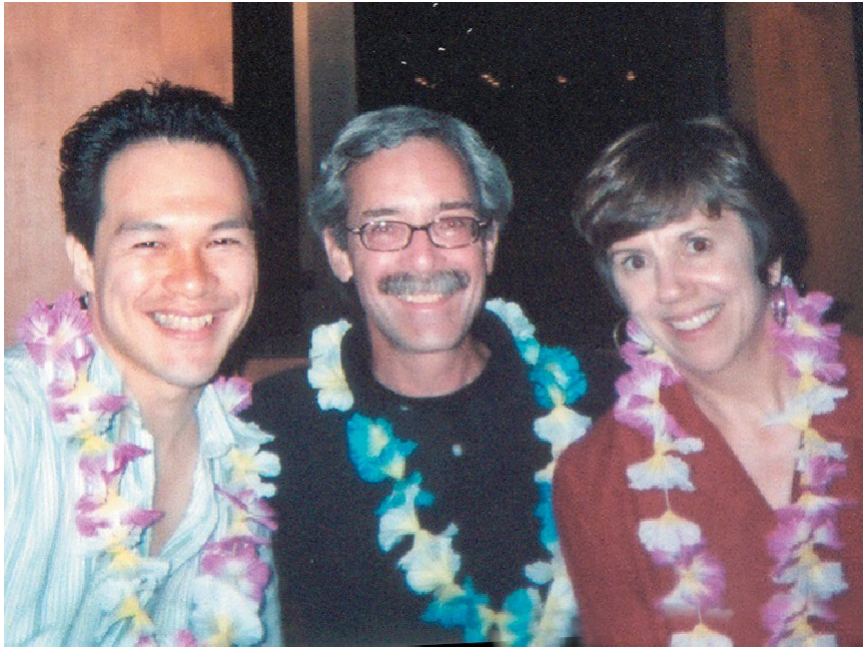
**Associate Professor Scott Kieff's** book, *Perspectives on Properties of the Human Genome Project*, was published in December 2003. During the year Professor Kieff also presented two papers co-authored with colleague **Troy Paredes**. Professor Kieff continued as a member of the founding faculty of the Munich Intellectual Property Law Center, a joint venture of the Max Planck Institute for Intellectual Property, Competition, and Tax Law; the Technische Universität München; and the George Washington University Law School. He also is a member of the founding faculty of the Canadian Centre for Intellectual Property Policy at McGill University Faculty of Law.



*From top to bottom:*  
Peter Mutharika lecturing  
Scott Kieff with student  
Bruce La Pierre with Yoshiaki Nakamura and Toshihiko Yamazaki of Aoyama Gakuin University.



## other faculty activities



David Konig and his wife Judith Mann, with Takeshi Kanada (LL.M., 2003)

**Professor David Konig** taught an “Introduction to American Law” course at Aoyama Gakuin University in Tokyo, Japan, this summer. Among other activities, he also participated in a conference on Chinese Law and Literature (organized by Robert Hegel of Asian and Near East Languages and Literatures). He explored the possibility of future collaboration with one of the attendees, **Peng-Sheng Chiu** of the Institute of History and Philology, Academia Sinica. He presented a paper on regionalism in the Transatlantic British legal community of the 17th and 18th centuries and, at a workshop at UCLA Law School, a paper on the development of ideas of property rights in 17th and 18th century England and Virginia. In addition, he hosted a visit and lectures by Australian scholars **Andrew Buck** and **Nancy Wright** on “Shakespeare and the Law” and supervised an undergraduate independent study project comparing the extension of welfare benefits to recent immigrants to the U.S. and Sweden.



**Rebecca Dresser**

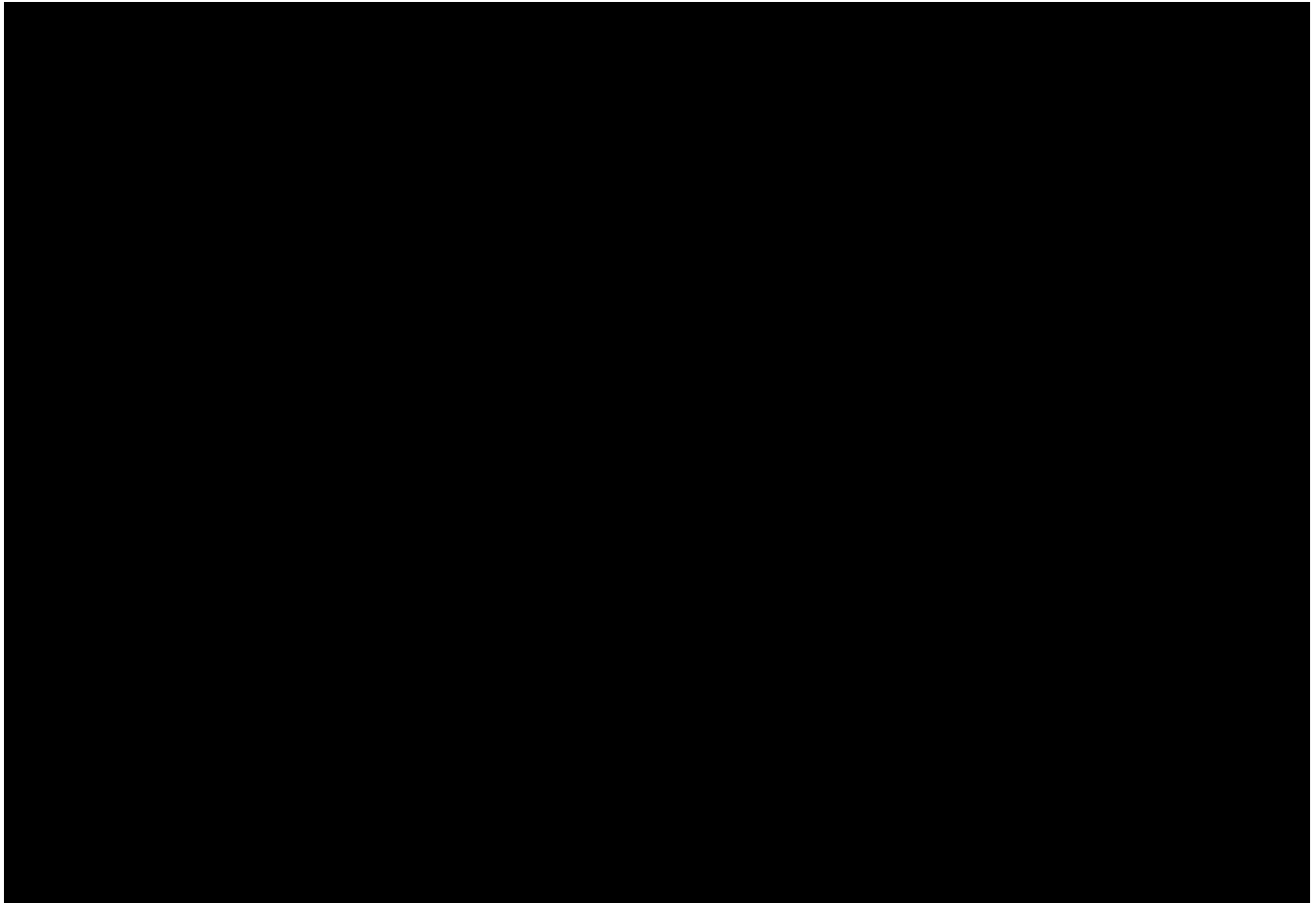
Also teaching in Tokyo during the summer of 2003, **Professor Rebecca Dresser** was a Visiting Research Scholar at the University of Tokyo. During her stay, she taught a short course on law and bioethics to law students attending the university.



**Peter Joy**

**Professor Joy** continued his work in comparative legal ethics by participating as a legal ethics specialist for the American Bar Association’s Asia Law Initiative. The initiative included the first national meeting of Indonesian lawyers at a workshop on “The Indonesian Advocate’s Code of Ethics: Steps Towards Enforcement” in Jakarta. He also traveled to Japan to deliver ethics lectures at the University of Tokyo and Aichi University. Joy delivered a lecture on starting criminal clinics at Waseda University and a talk on clinical education to a committee of the Japan Federation of Bar Associations.

# at home and abroad



Stephen Legomsky and John Haley with students from the University of Tel Aviv

## institute and sba host israeli students

In mid-November 2003 the Harris Institute joined the Student Bar Association to host a delegation of students from the University of Tel Aviv for a ten-day visit to the Law School. The students roomed with law school students, attended classes, and participated in various functions, including the Globalization, the State and Society conference.

## study abroad program

Washington University has formal exchange programs with Bucerius Law

School in Germany, Utrecht University in the Netherlands, the National University of Singapore, and the Inns of Court School of Law in England. Each year a limited number of students are approved to study at these institutions. In 2004 the following students were approved for these programs:

(1) **Mary Hardee** and **Paula Zecchini** to study at the Bucerius Law School for fall 2004.

(2) **Nicole Coviello** to study at Utrecht University for spring 2005.

(3) **Kelly Shoop**, **Gina Gebhart**, **Cody Morris**, and **Jennifer Lin** to study at the National University of Singapore for spring 2005.

(4) **Aabha Sharma** and **Sonal Shah** to study at the Inns of Court School of Law for spring 2005.

In addition to the formal exchange programs, students have crafted their own exchange opportunities. For instance, in fall 2004, **Edward J. Gustafson** will be studying at Victoria University in Wellington, New Zealand.



# at home and abroad

## a semester in peru

**Patti McKiernan** (M.S.W./J.D., December 2004) spent the fall semester 2003 in an individually arranged study abroad program at Pontificia Universidad Catolica del Peru under the faculty supervision of **John O. Haley**, Wiley B. Rutledge Professor of Law and Director of the Harris Institute. The semester, in her words, was “one of the most rewarding...that I have ever had.” She describes her experience as follows:

“I decided the year before going that an opportunity to study abroad would be greatly beneficial to me, considering my future goals of working in international human rights law, as well as my general interests in international and comparative law. Plus, I had learned from previous study abroad about the enormous benefits of learning in and about another culture. I also desired to study in Latin America because I sought an opportunity to study law in Spanish, so that I could expand and incorporate legal terminology into my existing language skills. Thus, I began the process of constructing an independent study abroad program with the help of

Professor Haley and **Kelly Moore**, International Program Coordinator. Pontificia Universidad Catolica del Peru was a top choice for me because I had done my master’s in social work program practicum in Peru (working as a social worker in orphanages in both Lima and Ayacucho, Peru) and loved the country. The country itself, I thought, was also a great place to study human rights law, since it is emerging from a two-decade period of violence and confronting many of the issues of past human rights abuses.

Prior to arriving in Peru, I chose several classes that I thought would be interesting. When I arrived in Peru, after some shifting of my classes, I decided upon Human Rights Law (with both a national and international perspective), International Humanitarian Law, and Family Law. I also conducted my own research with regard to the Peruvian Truth and Reconciliation Commission and the involvement of children in the process. After having worked as a social worker with many children who were affected by the violence, I wanted to learn

how, as a legal matter, the society could and would deal with this situation.

The semester was definitely a challenge! Despite being fluent in Spanish, learning law in another language was difficult. After being called on several times in only the first week though, I began to feel much more comfortable and liked the challenge presented to me. My family law class, a class based on the Civil Code of Peru, was particularly interesting and a new experience for me. Many of the issues that we discussed are the same ones dealt with in family law here, but approached in a much different manner. Particularly interesting was the approach to the issue of fault and no-fault based divorce, especially given the position of the University, which was very against a no-fault based system.

Human rights law and humanitarian law also provided very new experiences for me. It was a very unique experience to be studying international law and issues from the perspective of another society. We also had the opportunity to hear guest speakers, including humanitarian aid workers from the Peru division of the Red



Cross (La Cruz Roja) and several people involved with the Truth Commission. The Human Rights Law class also provided a lot of concrete examples and applications to the present situation in Peru. Every-day during class, we would examine a particular issue from the national news (for example, cases of forced sterilization under Fujimori's rule) and the legal measures available to protect the people and address the situations. My classmates contributed greatly to my knowledge of these situations and shared openly the impact of forced disappearances, arbitrary detention, and other human rights violations on society, as well as solutions that they see as having potential to put an end to human rights abuses and address past abuses.

Outside of the classroom, I was learning constantly from my peers as well. I also took many opportunities to see different parts of the judicial system and visit other relevant institutions. One of the most moving experiences was visiting the photo exhibition of the Truth and Reconciliation Commission, where hundreds of photos, as well

as tape recordings of victims telling their stories, were displayed.

All of the professors who taught my classes, as well as the professor at PUCP who supervised my study there, were wonderful. And, they were more than willing to help in any way possible. **Elvira Mendez** (my supervisor) also expressed a desire to have any additional law students from Washington University. PUCP also provided a really great program for exchange students and matched us up to host students who helped get us acquainted with life at the university.

In addition to the academics, I spent a lot of time volunteering at an orphanage just outside of Lima, where I had worked previously as a social worker. Working with the children provided an excellent way to immerse myself more in the culture and to do something I love! I also met various people through other activities, including one that has landed me a great summer job with Amnesty International! I ran in a 10 km race with Amnesty (a race against torture) and, through that race, ended up making important contacts for the future.

On a final note, I also did not leave Peru without taking advantage of my proximity to other wonderful places in Peru. I travelled to the Amazon (my favorite place in Peru), hiked the Inca Trail to Machu Picchu, and traveled with a group of students from the university to Trujillo in northern Peru for a weekend.

To summarize, the experience was incredible! I would highly recommend any student with interest in study abroad, international law or comparative law to take advantage of the opportunity, particularly recognizing that there is a wonderful way to create a study abroad program that can be tailored to your individual interests and future goals. The knowledge and experience of studying abroad not only gave me an experience that will undoubtedly help me attain my future career goals, but also an experience that in itself was extremely rewarding on a variety of levels."

*From left to right:*  
Amazon sunset; Patti McKiernan hiking; Derecho building; Manchu Picchu; Patti McKiernan at orphanage

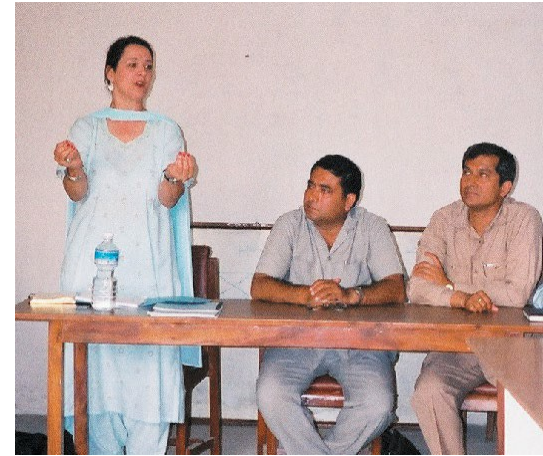




# professional education and international public interest



Karen Tokarz (third from left) with (left to right) Jonathan Hoover, Ibadat Dhillon, Ryan Whillhite, Rebecca Smucker, Ryan Haigh, and Sean Stewart.



C.J. Larkin with Nepalese students

## south africa

Through the coordination of **Professor Karen Tokarz**, Director of Clinical Education and ADR Programs, Washington University School of Law has engaged in a student exchange program with the University of Kwa-Zulu Natal, in Durban, South Africa, for the past three years. In fall 2002, **Annie Littlefield**, J.D. '03, attended the University of Kwa-Zulu Natal as an exchange student. Littlefield took classes at the law school and interned with the University Campus Law Clinic and the Children's Rights Centre in Durban. **Vernetta Edwards**, J.D. '04, attended the University of Kwa-Zulu Natal as an exchange student in spring 2004 and studied constitutional and environmental rights law. In fall 2004, **Khethiwe Mthembu**, a University of Kwa-Zulu Natal UKZN student, is scheduled to study at Washington University, where she will participate in the Civil Rights & Community Justice Clinic.

Professor Tokarz also has fostered a program through which students who receive summer public interest stipends can intern with public interest law

organizations in Durban during the summer. This program has grown in interest since its inception in 2002. Six Washington University students worked in Durban in summer 2004: **Sean Stewart** (2L), who interned with the Land Development Unit at the University of Kwa-Zulu Natal Campus Law Clinic; **Ibadat Dhillon** (2L), who worked at the Children's Rights Centre; **Ryan Willhite** (2L), who worked with the HIV/AIDS Treatment Action Campaign; and **Ryan Haigh** (2L), **Jonathan Hoover** (2L), and **Rebecca Smucker** (2L), who all interned at the Legal Aid Board offices in Durban, which provides free legal services to indigent South Africans.

As a member of the American Bar Association Accreditation Committee, Professor Tokarz visited the Seton Hall University School of Law summer school program in Cairo in summer 2004 and the University of Miami School of Law summer school program in Barcelona in summer 2003. She has been assisting colleagues **Leila Sadat** and **Michele Shoresman** in the development of the new Washington University/Case Western

Reserve summer school program at Utrecht University in the Netherlands, scheduled to begin in summer 2005.

## nepal

**C.J. Larkin** traveled to Kathmandu, Nepal, in summer 2004 to further expand the public interest internship opportunities for our students and faculty. She has travelled to Kathmandu each summer since 2002 to consult with students working there with NGOs through the Public Interest Stipend Program. While in Nepal, Larkin presented lectures in Community Mediation and Comparative Alternative Dispute Resolution at Tribhuvan University Law School and the Kathmandu School of Law. Larkin consulted with a new collaborative partner, the Mainstreaming Gender Equity Project of the United Nations, regarding their village mediation project. Law students worked on the project during summer 2004. Larkin and **Dr. Pamela DeVoe**, St. Louis International Institute colleague and anthropologist,

interviewed three NGOs with emerging mediation projects, including the Center for Torture Victims in Kathmandu. Larkin and DeVoe plan to co-author an article on the adaptation of the western mediation model within Nepal's village community life. Larkin consulted with justices from the Nepal Judicial Academy and has been asked to return to Nepal to provide family mediation training to Nepali judges and court personnel. Larkin also provides conflict resolution consultation and training for St. Louis immigrant-refugee agencies, such as the International Institute St. Louis, the Ethiopian Community Association, the African Mutual Assistance Association of Missouri, and the Center for Survivors of Torture and War Trauma.

### Dagen-Legomsky International Public Interest Fellows

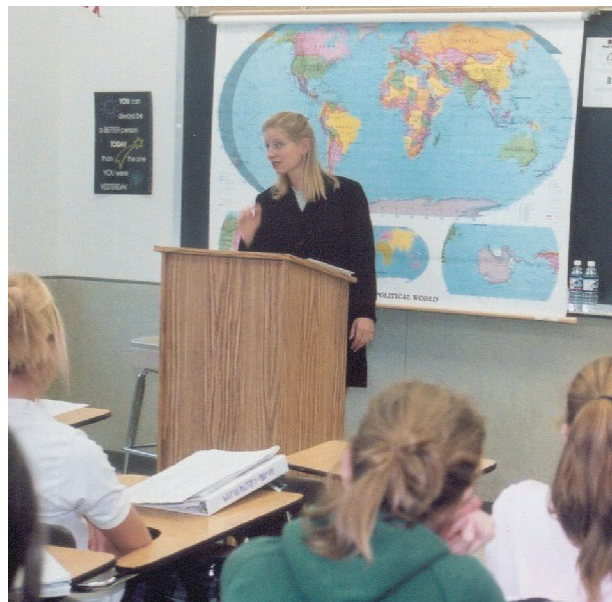
Dagen-Legomsky Fellowships are also awarded to students who wish to pursue international public interest projects in the summer. In the past, students receiving this fellowship award have worked in countries such as South Africa and Nepal, and have worked for institutions, including United Nation's-sponsored institutions. In spring 2004 the following students were awarded such fellowships: **Ryan Willhite (2L)**, **Negar Tekeei (2L)**, **Ibadat Dhillon (2L)**, **Ryan Haigh (2L)**, and **T. Hethe Clark (3L)**.

### The International Humanitarian Law Teaching Project

**Julie Oelman (2L)** joined the Youth Educator's Training in International Humanitarian Law program, sponsored

by the Harris Institute and the St. Louis Chapter of the American Red Cross, during the second semester of her first year of law school. She notes, "The program appealed to me because I have been involved in educating through various programs, and I missed that exchange, and, most important, I believe that survey history or geography classes often cover too much ground to emphasize the importance of the international community we now inhabit.

"This program brought a sense of our ever-shrinking world to high school students in St. Louis classrooms, like those at St. Joseph's where **Aravind Muthukrishnan (3L)** and I gave our presentation. These students may never visit the countries most affected by the issues in the IHL program; however, the videos and stories we told truly bring these issues to life for them. Recently, I visited a friend working for the UN Mission in Kosovo and I was warned, 'Don't pick up anything you did not drop here as it could be a land mine.' When I related this story to students, it drove the point home and sparked interesting discussion. The most rewarding part of these programs is the sometimes shocked, but nonetheless insightful, questions and issues the students raised. If we get even half the students thinking about the importance of International Humanitarian Law, then the program is a complete success. The response to the presentation of the students at St. Joseph's was more rewarding than I ever thought possible."



from top to bottom:  
Julie Oelman and Aravind Muthukrishnan at St. Joseph's School;  
Julie Oelman; Aravind Muthukrishnan

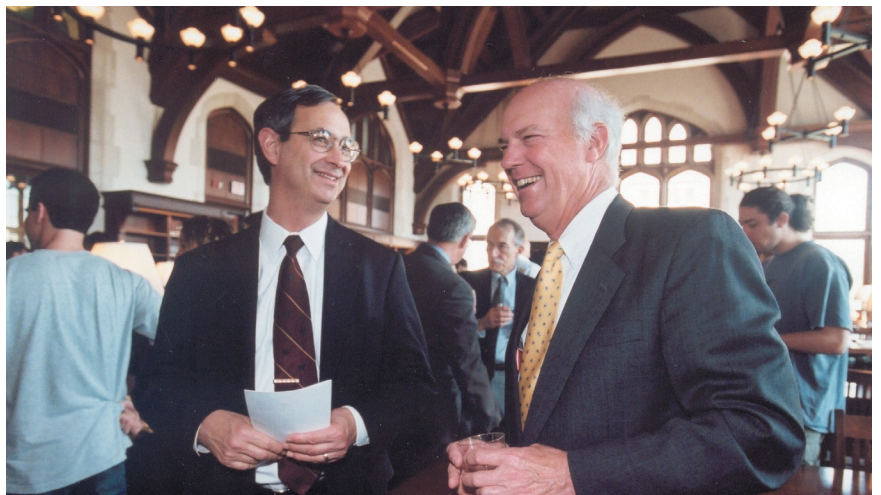


# baseball I



## mitts across the pacific

On April 16, 2003, the Harris Institute co-sponsored, with the Visiting East Asian Professional (VEAP) Program in the College of Arts & Sciences, a unique seminar on baseball. Titled "Mitts Across the Pacific," the program featured a discussion contrasting issues and approaches to baseball management in Japan and the United States among the owners and managers of the ORIX (Kobe) BlueWaves and the St. Louis Cardinals. The panelist included ORIX founder and CEO **Yoshihiko Miyauchi**, BlueWaves President **Takashi Koizumi**, St. Louis Cardinals Chair and Principal Owner **William O. DeWitt, Jr.**, Vice-Chair, **Frederick O. Hanser** (J.D. '66), and Vice President and General Manager **Walt Jocketty**. They were joined by **Brad Lefton**, International Sports Journalist and Television Producer, as discussant, and **Edward N. Macias**, Executive Vice Chancellor and Dean of Arts & Sciences, Washington University, as moderator. **Robert E. Hegel**, Professor of Chinese



*Top:* Panelists, from left to right, Takashi Koizumi, Toshihiko Miyauchi, Yogo Suzuki, Edward Macias, Walt Jocketty, William DeWitt, Brad Lefton, and Frederick Hanser  
*Bottom:* Joel Seligman with Frederick Hanser (J.D. '66)

and Director of the VEAP Program, convened the seminar.

Miyauchi began the program with a detailed history of baseball in Japan. Among the issues discussed were differences in the economics of the sport, particularly, the prevalence of corporate ownership in Japan versus individual ownership in the U.S. Other topics included

player salary and salary caps, free-agency, fan response and popularity, as well as future Japanese-U.S. cooperation and rivalry, and perhaps a true "world championship" series.

The seminar may be viewed in its entirety at: <http://law.wustl.edu/igls/Lectures/2003-2004/mittspacific.html>.

and having fun...

For several years Associate Deans **Kathy Goldwasser** and **Dan Keating** have conducted an informal “short course” on American baseball for incoming LL.M. students at the Keating home. After a welcome dinner, the deans treat the students to a talk on the rules of baseball. As a native-born American, Dean Keating expresses surprise at how complex the sport of baseball really is when you have to explain it to an outsider. After they have, in Dean Keating’s words, “sufficiently confused the students,” all head outside across the street to actually play the game in the park. Keating always uses a pillow-soft ball and a big, fat plastic bat so that everyone can hit the ball and so that no one will get hurt from being hit by the ball. “This, to me, is always a great example of the value of law in action,” he says. He continues, “When we tell the students a rule in the abstract, it usually does not resonate with them. But when they see it in the context of playing the game (and especially when they cause an out to be made because of their failure to master the rule), suddenly it all makes sense to them.”



*Top:* Dan Keating throwing out baseball at a St. Louis Cardinals game *Bottom:* Washington University LL.M. students with St. Louis Cardinals mascot, Fredbird



# conferences, workshops and special events

globalization  
the state & society  
13–14 November 2003  
(with the Center for  
Interdisciplinary Studies)

In November 2003 the Harris Institute joined the Center for Interdisciplinary Studies to host a conference titled “Globalization, the State and Society.”

Conference papers spanned such topics as governing the International Monetary Fund, sustainable labor migration policies, globalization and social policy, the effects of globalization on immigration policy and nationality, labor power and mobile capital in a global market, and emigration and economics. The papers from the conference are being compiled into an edited volume. **Andrew Sobel**, Associate Professor of Political Science at Washington University, was the principal organizer. *The participants included:* **Howard F. Chang**, University of Pennsylvania Law School; **Barry**

*From left to right:*  
Evelyne Huber with Margaret Levi ;  
Kevin O’Rourke; Barry Eichengreen



Barry Eichengreen, Saskia Sassen, and Miles Kahler

**Eichengreen**, University of California-Berkeley; **Evelyne Huber**, University of North Carolina, Chapel Hill; **Miles Kahler**, University of California, San Diego; **Stephen H. Legomsky**, Washington University School of Law in St. Louis; **Margaret Levi**, University of Washington; **Philip Martin**, University of California

-Davis; **Kathleen Newland**, Migration Policy Institute; **Kevin H. O’Rourke**, Trinity College, Ireland; **Saskia Sassen**, University of Chicago and London School of Economics; **David Soskice**, Duke University; and **John D. Stephens**, University of North Carolina, Chapel Hill.





Left: Michael Cosmopolous, William St. Clair, and John H. Merryman; Right: James Cuno and students

imperialism, art & restitution

26–27 March 2004

In March 2004, the Harris Institute hosted what has become an annual symposium on a major international topic. Titled Imperialism, Art & Restitution, the symposium, which was cosponsored by the School of Art, focused on works of art and artifacts in museum collections around the world collected in the 19th century, that today are claimed by source nations.

**James Cuno**, Director of the Courtauld Institute of Art in London and, at the time

of the symposium, also the Director-designate of the Chicago Institute of Art, was the keynote speaker. Dr. Cuno provided “A View from the Universal Museum” and asked us to think about restitution from the perspective of the museum with these moving remarks made in his keynote as he opened the Imperialism, Art & Restitution Conference: “Like land trusts or centers for the preservation of endangered species, museums are entrusted with the responsibility of preserving things— in the

case of museums, objects of human cultural and artistic manufacture—for all of time. And, as with land trusts and centers for the preservation of endangered species, the museum’s responsibility is a moral one. To preserve the cultural and artistic diversity of humankind is good, and to reduce it by the elimination of a species of cultural and artistic manufacture through negligence or choice is bad. In the United States, the museum is given such responsibility as a matter of trust.”

Parthenon Marble Frieze (British Museum)





# conferences, workshops and special events



From top to bottom:  
Talat Halman and Willard Boyd  
Susan Rotroff and Sarantis Symeonoglou  
Michael Brown and David Hurst Thomas  
Parthenon Marble Frieze (British Museum)

## imperialism, art & restitution (continued)

The themes were developed in the papers and presentations offered in four sessions. The first two sessions focused on separate but related disputes. Papers offering opposing views on return of the Elgin/Parthenon Marbles to Greece were presented by **William St. Clair**, author of *Lord Elgin and the Marbles*, and **John Henry Merryman**, the Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law and Affiliated Professor of Art-Emeritus, Stanford University.

**Talat Halman**, Former Turkish Minister of Culture and currently a member of the faculty of Bilkent University, discussed issues presented from the perspective of a “source country” and replied with “A Response— The View from the Source Nation.” Professor Halman responded with candor...“Here I stand before you— and plead guilty. I am, as Lord Elgin dubbed my ancestors, ‘a malevolent Turk who mutilated the Parthenon Marbles for senseless pleasure.” Halman equated “source country” with “a nation stolen blind” but did not ask us to believe that he was there to vent his fury. He asked us to explore

with him as he revealed “a new regime whereby the world might share and share alike in the benefits of the lux and frux of diverse civilizations.” Halman further noted, “The time has come to create a new order of international understanding and cooperation, through a repertoire of constructive measures. Imperialism is dead. Restitution is feasible, almost routine. Art is forever. Despite instances of savagery, humankind will preserve its civilizations and creativity.” A similar debate followed on the return to Egypt by the Berlin State Museum of the Bust of Nefertiti between **Kurt Siehr**, Professor of Law, University of Zurich, and **Stephen Urice**, Director of the Project for Cultural Heritage Law & Policy, Philadelphia Museum of Art and Adjunct Professor of Law, University of Pennsylvania. Commenting on the papers were **Michael Cosmopoulos**, Professor of Anthropology, University of Missouri, St. Louis; **Susan Rotroff**, the Jarvis Thurston & Mona Van Duyn Professor in the Humanities, Washington University; **Sarantis Symeonoglou**, also Professor of Art



History and Archeology, Washington University; **Serena Stier**, Adjunct Professor of Law, University of Iowa; **Pamela Trimpe**, Director, Gallery of Art, University of Iowa; and **Michael J. Kelly**, Associate Professor of Law, Creighton University.

The symposium continued with a shift in focus to the Native American Graves Protection and Repatriation Act (NAGPRA) and Native American artifacts in museums in the United States. A lecture by **Williard L. Boyd**, past President of the University of Iowa, former Director of the Field Museum in Chicago, and currently Professor of Law at the University of Iowa, provided background and an introduction to underlying issues. **Michael F. Brown**, Professor of Anthropology, Williams College, and author of *Who Owns Native Culture*, and **David Hurst Thomas**, Curator, Division of Anthropology, American Museum of Natural History and author of *Skull Wars: Kennewick Man, Archeology, and the Battle for Native American Identity*, followed with papers. **Richard Koontz**, Professor of Law at the University of Iowa, provided additional commentary from his experience as general counsel for the Field Museum. Also participating in the symposium were **Mark Weil**, Director of the Sam Fox Gallery of Art and Professor of Art History & Archeology, Washington University; **Friederike Seligman**; **Dorsey D. Ellis Jr.**, William R. Orthwein Distinguished Professor of Law, Washington University; and **Steven Gunn**, Associate Professor of Law, Washington University School of Law.



The entire symposium and the revised papers may be viewed at:

<http://law.wustl.edu/iglsConferences/ImperialismArtRestitutionConf04.html>

*Right: Nefertiti Bust Below: Friederike Seligman, Kurt Siehr, and Stephen Urice*





# conferences, workshops and special events

## competition policy & unfair competition law

6 – 7 May 2004

The research workshop on the interaction of competition policy and unfair competition law was organized by **Hiroshi Iyori**, former Secretary General and Commissioner of the Fair Trade Commission of Japan, and **John Haley**, Wiley B. Rutledge Professor of Law and Director of the Harris Institute. The St. Louis workshop was the first phase of a two-year project co-sponsored by the Institute of

Comparative Law of Chuo University and the Whitney R. Harris Institute for Global Legal Studies. The project is funded by the Center for Global Partnership of the Japan Foundation. The project will culminate in a second workshop and public symposium to be held in Tokyo on 8–10 December 2004.

The Workshop opened with presentations by **Peter Maggs** (University of Illinois) on “Copying of Unpatented Goods and Competition Policy under U.S. Law” and **Nobuo Monya** (Seikei University) on “Parallel Importation of IPR-Protected Goods in Japan.” These presentations were designed to provide perspectives on the tensions with competition policy within the confines of unfair competition law and to initiate discussion on policy choices and the normative approaches posed by recent judicial decisions.

In Sessions II and III, the workshop focused on the relationships between unfair competition law and competition policy in China— both the PRC and Taiwan— as well as South Korea, Thailand, and Indonesia. The first presenter was **Tianchong Yao** (Northeastern University) who spoke on “China’s Unfair Competition Law and the Protection of Intangible Property.”

**Lawrence Liu** (Soochow University and partner of Lee & Li) made these observations explicit in conjunction with the Taiwan experience. His paper, “The Interface Between Unfair Competition

Law and Competition Policy: Experience from Taiwan and China,” emphasized the problems faced by legislators and those drafting regulatory statutes in selecting appropriate models. These themes were developed further in the three papers on competition law in South Korea, Thailand, and Indonesia. **Ohseung Kwon** (Seoul National University) focused on the “Relation between Unfair Trade Practices and Abuse of Dominant Market Position in Korea under the 1981 Antimonopoly Regulation and Fair Trade Act.” The two sets of prohibitions— one derived from Japanese and American law, the other from European and German law— overlap and have not been clearly differentiated in enforcement practice.

**Sakda Thanitcul** (Chulalongkorn University) continued to emphasize the problems faced by countries with new and unfamiliar statutes in his presentation on “Competition Policy and Unfair Competition Law in Thailand: The Current Problem of Unfair Business Practices in the Retail Sector.” One of the primary problems in Thailand, he explained, has been the competitive impact of large, mostly European, retail outlets on small local “mom and pop” retailers. Although **Hikmahanto Juwana** (University of Indonesia) was unable to obtain a visa in time to attend the conference, his paper on “Predicament in Enforcing Competition Law in Indonesia” was distributed to the participants. In it he described



*From top to bottom:*

Hanns Ullrich; From right to left: Spencer Waller, Dan Ellis, Ohseung Kwon, Mitsuo Matsushita, Nobuo Monya, and Charles McManis; Hiroshi Iyori

problems and concerns that Indonesia shares with many of its East Asian neighbors. He dealt in particular with the problems of implementing a newly enacted competition law as a legal transplant, analyzing what he refers to as the causes of failure in terms of both the drafting process and enforcement.

Papers on Japanese law were also presented in two sessions of the workshop. **Makoto Kurita** (Chiba University) led with a broad and detailed overview of the Japanese Antimonopoly Act (AMA), with particular attention to the regulation of “unfair business practices.” In separate papers, **Keita Sato** (Chuo University) and **Mitsuo Matsushita** (Seikei University) each dealt with particular conflicts in the aims of competition policy as applied to imports. Professor Sato’s presentation, titled “Policy on Slavish Imitation Clause under Japanese Unfair Competition Prevention Law,” focused on the recent cases applying to the prohibition of imports of “slavish imitations” under Article 2 of the Unfair Competition Law. Professor Matsushita, in turn, dealt with trade protection and anti-dumping rules. His paper on “Free Competition v. Fair Competition in International Trade— Tension between Antitrust and Antidumping” expanded on the international trade theme and the linkages between unfair business practices and both antidumping and antitrust. Hiroshi Iyori, the primary organizer of the project, set out the

parameters of the workshop and many of the principal issues under discussion. His paper, in effect, provided an overview of the proceedings.

The presentation of papers concluded with four speakers providing contrasting European and American perspectives. **Paul Nihoul** (University of Louvain) and **Dorsey D. Ellis Jr.** (Washington University) made the first pair of closely related presentations. Professor Nihoul began with a detailed analysis of the European Union Commission decision in the Microsoft case. Professor Ellis explained and argued against the application of the closely related “essential facilities” doctrine under U.S. law.

**Hanns Ullrich** (European University Institute) and **Charles McManis** (Washington University) brought the workshop back to its start in papers that summarized the issues and tensions produced by the interaction among unfair competition law, intellectual property protection, and competition law. Differences in scope, aims and mechanisms for enforcement— administrative and judicial— create as yet unresolved problems.



*From top to bottom:*  
Lawrence Liu (foreground), Nobuo Monya and Tianchong Yao (background);  
Workshop participants at lunch; Sakda Thanitcul and Mitsuo Matsushita;  
Nobuo Monya, Hiroshi Iyori, Spencer Waller, and Mitsuo Matsushita



## conferences, workshops and special events

### constitutional courts lectureseries:

**vojtech cepl, professor of law, former justice of the czech constitutional court**

19 September 2003 – Global Law Talk

<http://law.wustl.edu/igls/globallawtalks.html>

**lech garlicki, judge, european court of human rights, former justice, polish constitutional court**

3 March 2004 – Global LawTalk

<http://law.wustl.edu/igls/globallawtalks.html>

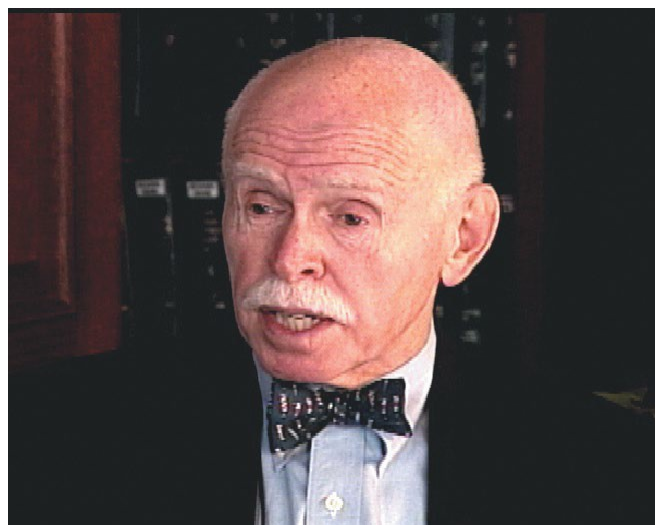
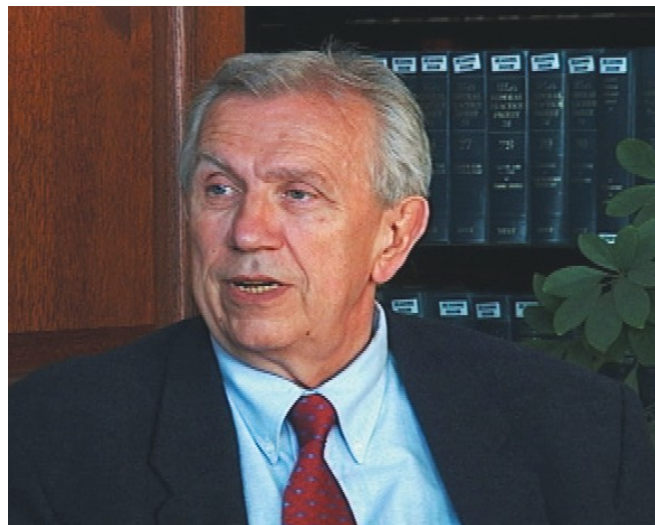
### international lawyer speaker series:

**jerome a. cohen, of counsel, paul weiss r i fkin; professor of law, new york university– global law talk**

11 November 2003 – A GlobalLawTalk

**frederick bartelsmeyer, bryan cave**

5 March 2004

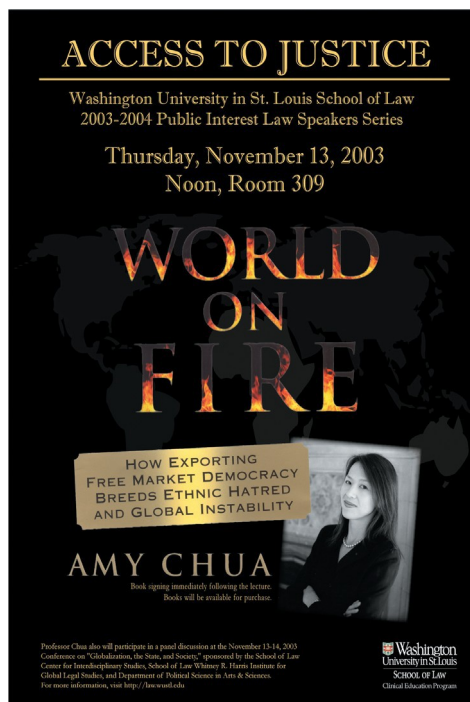


*From top to bottom: Vojtech Cepl; Lech Garlicki; Jerome A. Cohen*

## other speakers and special events:

**irwin cotler, professor of law, mcgill university and member of parliament, canada**

Harris Institute with: Jewish Community Relations Council, Eden Theological Seminary, UMSL Center for International Studies and the Saint Louis University School of Law.



### **“let the people speak”**

8 October 2003

Forum on Iraq and the Use of Force. **Professors David Sloss (SLU)** and **Larry May (WU Philosophy)** and **Dr. Johanna Mendelson Forman (IN Foundation)**; with World Affairs Council of St. Louis

**adam hochschild, author, king leopold’s ghost**

5 November 2004

“The Holocaust in the Congo— Then and Today”

**amy l. chua, professor of law, yale law school**

4 February 2004

“World on Fire”

**reinhard betzuege, german ambassador-designate to canada**

5 February 2004

Harris Institute with the St. Louis Chapter of the American Council on Germany



*Clockwise from left:*  
Whitney Harris with Irwin Cotler  
Poster for Amy L. Chua’s lecture  
Adam Hochschild lecturing