Annual Report 2005

Charles Irish
Volkman-Bascom Professor of Law and Director, EALSC

From its inception in 1990, the principal purpose of the East Asian Legal Studies Center has been to promote academic and professional interchanges between East and Southeast Asia and the University of Wisconsin Law School. Whether the East and Southeast Asian countries are viewed as sources of great opportunities or significant threats to the American way of life, it seemed then and is even truer today that exposure to the region can help UW law faculty and students in their professional lives. Of course, the Law School’s presence in East and Southeast Asia also makes that region more aware of the opportunities offered by the State of Wisconsin and the Upper Midwest.

In this light, 2005 was a good year for the Law School in East and Southeast Asia. A number of Law School faculty and JD students worked and studied in the region even as Asian judges, lawyers, and students came to Wisconsin to participate in all of the Law School’s degree programs. The Law School also was active in developing and implementing continuing education programs for Asian government officials, judges, academics, and business and legal professionals.

The richness of the Law School's involvement with East and Southeast Asia is apparent from the 2005 calendar of major events, given in summary fashion here. Fuller reports of some of the activities are included elsewhere in the Newsletter. I am pleased to report that for each of these events, the EALSC played a role as sponsor, co-sponsor, or initiator.

January: Two winter break programs for UW JD students were held in Thailand: Cross-Cultural Negotiations, taught by Professors Ralph Cagle and Susan Steingass, and Comparative Corporate Governance, taught by Prof. John Ohnesorge. In each program, the UW JD students joined their students at the host universities in Thailand for classes. (Details on p. 4.)


March: Batbold Amarsanaa (pictured below) from the National University of Mongolia spoke at the UW Law School on “Legal Change in Mongolia.” Also in March, Colin Jones, Doshisha University Law School, visited to talk about international programs. (Prof. Jones is pictured with Takenaru Ainai.)

April: Dean Kenneth Davis and Charles Irish gave a presentation on the Law School's presence in China for a China-US Law School Deans' Conference held in Beijing, China (April 1).

President Vladimir Kurilov (pictured with Charles Irish) of Far Eastern National University (FENU), Vladivostok, Russia, spoke at the Law School on “Managing a Comprehensive University in a Period of Transition” (April 4). Also in April, Charles Irish joined the FENU faculty and Nagoya University faculty in offering course that was shown live in Vladivostok, Nagoya, and Madison through Internet videoconferencing. Ten UW law students participated in the course, joined by about 10 students in Vladivostok and Nagoya.

April – June: Starting in April, Professor John Ohnesorge was a visiting research scholar at Nagoya University, Japan, for three months. While in Japan, he was invited to give a talk on “Law and Development Theory and the Northeast Asian Experience” at Hokkaido University in Sapporo (May 25) and at Chuo University Comparative Law Institute (June 7).

The EALSC co-sponsored the Disputes and Development Workshop in Madison (April 29-30). The other sponsors were the Law School’s Institute for Legal Studies and the Global Legal Studies Initiative.

May: The EALSC co-sponsored a conference in Madison entitled “WTO Dispute Settlement and Developing Countries: Use, Implications, Strategies, Reforms” (May 20-21). Professor
Gregory Shaffer was the principal organizer of the conference. Participants included leading legal academics, political scientists and economists working in the field of international trade. Papers from and information about the program are at http://www.wisc.edu/wage/WTO/WTO.htm.

Teilee Kuong and Kohei Miyazawa from Nagoya University, who attended the conference, visited the EALSC while they were here (pictured above with Amarsanaa).

Charles Irish delivered a paper on “An Asian Agenda for Tax Cooperation” at the Asian Law Institute Annual Conference in Bangkok (May 26). Also in May, Professor Yoritomo Morigiwa, Nagoya University, briefly visited the Law School to meet Ralph Cagle and Susan Steingass.

May-August: One JD student was an intern in Shanghai; three were summer interns in Thailand; and two others did field research in the Philippines and participated in a program in China, respectively. (See pp. 5-7.)

June: Charles Irish gave a talk on Sino-American Economic Relations for the faculty and students of the East China University of Politics and Law (June 6). A nine person delegation from the Philippines visited Washington, D.C., and Madison for a study tour of U.S. courts (June 12 – 15). The delegation included six justices from the Sandiganbayan, the Philippines court that has jurisdiction over graft and corrupt practices cases, and representatives from the American Bar Association, the Asia Foundation, and the Rule of Law Effectiveness Project. Their program in Madison was organized by the EALSC.

July: Senior Business School Lecturer Roderick Matthews gave a series of lectures in Shanghai on issues in municipal government administration for officials from Shanghai’s Xuhui District (July 2 – 9). The presentations were the first part of the 12 week Municipal Government Administration Seminar coordinated for Shanghai’s Xuhui government under the direction of the EALSC. (photo p. 6)


The Law School hosted 20 government officials from Shanghai’s Xuhui District for the Municipal Government Administration Seminar. The officials visited government offices and development projects in Chicago, Milwaukee, Washington, D.C., New York, and Los Angeles. During the internship part of the Seminar, the officials worked state, county, and city offices in Wisconsin (July 30 – Oct. 16).

August: During the last week of August, Dane County Circuit Court Judge David Flanagan, UW English Department Instructor Becky Fisher, and Professor John Ohnesorge presented the first segment of the Third Annual Seminar on Judicial Skills Development in Shanghai for judges from the Shanghai High People’s Court.

September: Professor Anuj Desai was a visiting professor at Tsing Hua University in Hsinchu, Taiwan, in the fall semester, teaching Cyberlaw and Introduction to American Law. He also talked at other places, including the Science and Technology Law Center (Taipei). Attending his talk there were MLI graduates I-Mei Chen, who works at the Center, and Yi-Sheng Yang. (See “Alumni Notes,” p. 7.) Prof. Desai also met with other UWLS alums: Hsien-Chen Li, Ying-Fang "Sherry" Su, Chung-lin Chen, and Tsing Hua Professor Shin-yi Peng. Professor Desai is spending the spring semester at National Taiwan University in Taipei.

The first Advanced Judicial Skills Seminar was held during the fall semester at the Law School. Judges Wencai Tian and Renyi Tantai (pictured above) from the Shanghai High People’s Court did course work and research and also met members of the Wisconsin judiciary and observed a number of court cases. This Seminar was supported by grants from the US-China Legal Cooperation Fund, the Shanghai High People’s Court, and the EALSC.

As part of the ongoing cooperation with the UW Law School, a delegation from Nagoya University headed by Professors Yoshiharu Matsuura and Ikuo Sugiwara (pictured above) visited Madison on a study tour (Sept. 11-13). Activities included meetings with Law School and University personnel and classroom
December: Professor Richard Monette participated in a conference on Indigenous Peoples and Universities at Hokkaido University that was organized by Professor Teruki Tsunemoto (Dec. 11). Professor Monette was also a guest speaker in Professor Ko Hasegawa’s classroom. (Pictured below, l. to r.: Professors Aizawa, Hasegawa, Monette, and Tsunemoto.)

Charles Irish gave a talk on “US Trade Relations with Mongolia and East Asia” at the National University of Mongolia in Ulaan Batar (Sept. 12).

With the law faculties of National Taiwan University and Hokkaido University, the Law School co-sponsored the conference “Reforming Legal Education in a Globalized Environment” (Taipei; Sept. 16-17). Participants included academics and legal professionals from Germany, Vietnam, Thailand, Korea, Japan, Taiwan, and the UW Law School. The Wisconsin delegation included Dean Ken Davis, who gave the keynote address, Professors Irish, Cheryl Weston, Keith Findley, Anuj Desai, and UW law students Cindy Whang and Leah Larson-Rabin. Conference papers will be published in the Wisconsin International Law Journal.

In September, the Center welcomed Wenjie Hu as the Center’s Associate Outreach Specialist to coordinate the planning of the China-related seminars.

October: A delegation of 20 judges from the Shanghai High People’s Court came to Madison for the U.S. component of the Third Annual Seminar on Judicial Skills Development (Oct. 15-Nov. 5). The judges interacted with all levels of the Wisconsin and federal judiciary and made a trip to Minneapolis and St. Paul where they met with judges and staff officials in the state and federal courts. (photo p.6)

Charles Irish presented a paper on “Globalization and Graduate Legal Education” at Akita International University’s Annual Conference on Building an Innovative University for the Globalized World (Akita, Japan; Oct. 16).

Professor Craig Ehrlich, Babson College (U.S.A.), visited to teach the International Contracts Drafting Program to the MLI students. (Oct. 7-8)

In late October and early November, the Center’s associate director, Susan Katcher, traveled to Japan to give talks and meet with colleagues in Tokyo, Sapporo, Nagoya, and Kyoto. In Tokyo, she saw alumni Futoshi Iwata, Mitsunori Mizuno, Shinji Kume, Sumie Komiyama, Masanori Katogi, Ayako Amano, Takenaru Ainai, Kyoko Ueno, and Hiroshi Iwao.

November: The Center held a half-day conference at the Law School on Human Rights in Taiwan (Nov. 2). Speakers were Emeritus Professor Richard Bilder, Professor Heinz Klug, Soochow University Philosophy Professor Jau-hwa Chen, Academia Sinica Research Fellow Fort Fu-Te Liao, and Professor Edward Friedman of the UW Political Science Department (pictured).

Charles Irish taught international tax in the English language LLM program of Chulalongkorn University in Bangkok (Nov. 7-10).

The Center’s visiting scholars of 2005, with their home country and the UW Law School contact person, were Xiaoping Chen (China; John Ohnesorge)

Mr. Chen entered the SJD program in the spring of 2006.

Hsin-Ching Ho (Taiwan; Krista Ralston)

Ha Myoung Jeong (Korea; Lawrence Church)

Chul Nam Lee (Korea; Charles Irish)

Sora Noh (Korea; John Ohnesorge)

Min Park (Korea; Charles Irish)

Fan Yu (China; John Ohnesorge)

The EALSC-Dean’s Scholars awards were established six years ago to recognize students who have shown exceptional scholarship and citizenship in the MLI program. The award recipients for 2004-05 are Chung-Lin Chen, Koji Fujimoto, and Matika Thanadechakul. These were announced in the fall Newsletter and we again congratulate all three!

We look forward to another busy and academically enriching year in 2006!
Cross-Cultural Negotiations Program, Chulalongkorn University, Bangkok

From January 3 to 14, 2005, Professors Ralph Cagle and Susan Steingass went to Thailand to teach a Cross Cultural Negotiations course at Chulalongkorn University. Ten University of Wisconsin law students and 14 Chula students (undergraduates, graduate students and two young practicing lawyers) formed the class. The UW students made the trip to Bangkok as part of a Law 990 course at the UW Law School.

This reality-based, learning-by-doing course was supplemented by lectures from American and Thai professors on various subjects such as the principles of negotiation, how negotiations are done in Thailand, using personal negotiating styles, understanding cultural differences in negotiation, ethical responsibilities of negotiators and the American legal and jury systems. The students were given files presenting real world negotiation situations; the problems went from a relatively simple negotiation for the price of a book to a complicated and multi-faceted negotiation for an international distributorship agreement. The first day we had a team of Thai students negotiate against a team of American students to help students learn and appreciate cultural differences involved in the negotiation process. After that we negotiated in Thai-American teams.

Students were uniformly pleased with the improvement in their negotiation skills and the cultural awareness they developed through the course. The American students had a great time in Thailand and returned to Madison with life-long memories. A typical student reaction we received summarized it nicely: “The Cross-Cultural Negotiations Program at Chulalongkorn University was the best experience I have had in my two years at UW Law.”

Comparative Corporate Governance Seminar, Thammasat University, Bangkok

Also from January 3 to 14, 2005, Professor John Ohnesorge offered a seminar on comparative corporate governance, in conjunction with the law faculty of Thammasat University to eight UW law students and ten Thammasat student. The UW law students participated in the program in Bangkok as part of a Law 990 course at the UW Law School.

The seminar met for five days, with a two-hour session each morning and each afternoon. The first three days were held at the Thammasat University Learning Resort, located near Pattaya. Following a four day break, the remaining two days’ classes were held in the law faculty building at the Thammasat Bangkok campus. We worked through all nine chapters of The Anatomy of Corporate Law (Kraakman, et al., 2004), a new book on comparative corporate governance. After I presented the first three chapters, the students, in teams of four (two Wisconsin, two Thammasat), presented the remaining chapters.

One of the students wrote: “Going to Thailand with Professor Ohnesorge’s Comparative Corporate Governance group was a fabulous experience, one that I will remember for a lifetime. Six months ago I never would have thought that I would have the opportunity to go to Thailand and study with such a wonderful group of people. I am very thankful to the people at the Law School and the East Asian Legal Studies Center and to the administrators, professors and students at Thammasat University who worked so hard to make us all feel welcome and create such a memorable experience for us.” (Pictured: Professor Ohnesorge with UW students Dave Gorwitz, Leif Jorgenson, Quentin Johnson, Amanda Gibbs, Francine Bailey, Jenny Taylor, Eric Stuessy, Randy Reliford, Professor Tipchanok and Thammasat students)
Summer Internship in Thailand - 2005

We thank Professor Tipchanok of Thammasat University Faculty of Law for her help in arranging the details of the summer internship program between Thammasat and the UWLS. Excerpts of the reports of the three JD participants are here.

Stuart Bray
This would be my first trip across the Pacific. While I thought that Bangkok would impress me, I really had no idea what was waiting for me. My trip to Bangkok would be touched by the most gracious people in the world.

I worked at Satyapon and Partners, a Thai law firm specializing in Intellectual Property. Most of the work done in the office was related to trademarks, rather than copyrights or patents. Because most of the official paperwork is in the Thai language, my role was in drafting status letters to clients regarding trademark applications and renewals. While this may not seem too exciting, I had plenty of opportunity to see the importance of a solid client base throughout the region. I was also able to learn the procedure of receiving and maintaining Intellectual Property rights in Thailand.

The partners and the staff at my firm were very welcoming and helpful while I acclimated to the customs of a Thai law firm. Everyone in the office worked long hours, which I did my best to keep. However, my desire to explore Bangkok and the rest of Thailand prevented me from staying inside too long. I utilized the new and very modern Skytrain system to explore the city, as well as the metro system and the water taxis.

Leaving the city was a great adventure as well. I made it up to the ruins in the old capital of Siam and I explored the island Ko Samet.

Blake Schofield
Living in Bangkok was one of the most interesting experiences of my life. I learned many things over the two months in Thailand that a book would have never taught me. I learned much about Thai culture and Thai people through my exposure to co-workers and friends. Additionally, I learned a lot about the law through my internship at Dej Udom & Associates. They gave me the flexibility to work in any department I liked and the responsibility of researching important issues for the senior members of the firm.

On a personal note, I advise future interns to visit Ko Samet at least once. It is not too touristy and is only about a four-hour bus and boat trip from Bangkok.

Bryan Steil
After a short training session at Thammasat University, I was on site at International Legal Counselors Thailand (ILCT). ILCT is located in the business district in Bangkok and is on the 18th floor of a sizeable office building. My desk was located in the middle of the firm's library, not much different from where my peers sat back in the US. However, most of the similarities ended there.

I was given substantive work from the first day. I found I was best able to assist the firm on cross-border transactions. Many of the projects the firm was involved in were documented in English as the common language for companies with different mother tongues. Throughout the summer I was able to read through a significant number of transactions, providing me a familiarity with cross border deals that would not have been otherwise easily obtainable.

A large part of my learning took place outside the office. I made it to events as diverse as attending the US Ambassador’s 4th of July party, to filing immigration papers for a foreign executive who was arriving to work in Bangkok, to accompanying an attorney of the firm to criminal court where I was able to observe a criminal piracy case. Every excursion in Bangkok brought with it a chance to evaluate the US legal system from a unique perspective.

The experience in Bangkok provided me an opportunity to see the Thai legal system up-close. However, more important than my understanding of the Thai legal system is the perspective of the US legal system that I gained by being in Bangkok. While I doubt I will ever be asked to draft a bank loan for a Thai client, or need a full understanding of Thai securities law, my understanding of their system has
provided me a unique perspective for viewing the US legal system. I enjoyed my time in Bangkok and would recommend the experience to anyone.

Shanghai (Xuhui District) Summer Internship Program 2005

For a second summer, the Center was able to arrange for a JD student to have an internship in the Xuhui District of Shanghai. Here is an excerpt of JD student Yin Chan’s report.

I spent a wonderful summer in China working at Xu Hui District government, which is located in the middle of Shanghai. Although under the governance of greater Shanghai City, the district has its own system of local government. For half of my internship, I worked in the Department of Foreign Investment, where I studied the procedures and regulations for foreign investors to comply while they set up their business in China, such as capital requirement, financial information disclosure and environmental compliance. I also had opportunity to be involved with some real cases. Then, I spent two more weeks in the export and import supervision of the Foreign Economic & Trade Commission. The departmental head had been in Madison as a participant in the Law School’s first municipal government administration seminar and had very good impressions about Madison. She helped me understand how the China’s local government carries out its regulation, especially economical regulation.

My last week in Xuhui district government marked a perfect conclusion of my summer internship experience. I was involved with the Law School’s second municipal government administration seminar. I assisted Professor Rod Matthews who had come to Shanghai to teach in the first part of the program. After returning to Madison, I continued to be involved with the group.

Originally from Shanghai, I always know that I will go back to China someday after graduating from law school. This internship program surely put me on the edge of my future.

(Photos. Above: Ying Chan is pictured on the right side of the photo, in front of the white column, with participants in the Municipal Government Administration Seminar. Pictured at left are the judges of the Judicial Skills Seminar.)
Travel Research Grant Report

The Center provides assistance, substantive and financial, for JD students who wish to do field research in East or Southeast Asia. The field research is part of a larger project that the student pursues in the following semester, culminating in a research paper. KaShia Moua, JD class of 2007, did research in the Philippines during the summer of 2005; an excerpt of her report follows:

Who knew that after a night of dining with a delegation of Philippine judges at Professor Irish’s home I would end up traveling through the Philippines conducting field research on the growing Mail Order Bride phenomenon less than two months later? The process of how my academic interest quickly and smoothly transformed into an academic reality is illustrative of the Center’s commitment to helping students turn law into action.

I met briefly with Professor Irish in the spring of 2005. My interest was in examining the Mail Order Bride Industry from several angles. I wanted to explore the legal ramifications of essentially “buying” a bride, the cultural impacts of established western men marrying women from impoverished nations, and the social implications on the Asian American community that works hard to defy the stereotypes of Asian women that the Mail Order Bride Industry exaggerates.

I had never been to the Philippines and only had a couple names and e-mail addresses which caused me to have serious concerns about how productive my short visit (July 30-August 8, 2005) would be. I was pleased to discover that despite minimal e-mail correspondence with contacts prior to my arrival, my two weeks in the Philippines were packed with interviews and visits to halfway shelters for trafficked women and girls. My main contacts were Dr. George Carmona (Rule of Law Effectiveness Project) and Carolyn Mercado (Asia Foundation).

Each morning I went to the Asia Foundation, and from there, I was accompanied to government agencies and non-profit organizations to conduct interviews. During my two week stay, I traveled through most of Manila and to the small island of Boracay and conducted approximately fifteen interviews. My visit was incredibly productive and successful. I strongly encourage other students to take advantage of this opportunity to independently pursue legal interests with the support and guidance of UW Law faculty and staff. [Ms. Moua is pictured with the Honorable Teresita J. Leonardo-de Castro, Presiding Justice of the Sandiganbayan (the Philippines court that has jurisdiction over graft and corrupt practices cases).]

Summer Institute Program in Suzhou, China

The Law School received information about a summer study abroad program in Suzhou, China, and recommended Anfin Jaw, JD class of 2007, who had previously expressed an interest to Professor Irish about going to China.

Last summer, July 17 to August 5, 2005, I had the opportunity to study abroad in Suzhou, China. The city of Suzhou is approximately 45 minutes outside of Shanghai. Suzhou, known as “the Venice of China” (see photo), was fascinating and beautiful with its maze of canals and lush gardens. This was my first time visiting mainland China.

The Summer Institute Program was co-sponsored by the University of the Pacific McGeorge School of Law (U.S.A.), the Kenneth Wang School of Law of Soochow University in China, and Bucerius Law School in Germany. It was a wonderful program, with American, Chinese, and German law students studying issues relating to international business transactions. We covered a variety of topics including investment in transnational business ventures, protection of intellectual property, taxation, negotiation, and alternative dispute resolution. The course also exposed me to different aspects of Chinese, American, and European Union Law. We had the opportunity to visit Chinese courts and institutions. Outside of class, the group took cultural trips in Suzhou, Shanghai, and Nanjing. Overall, I had an amazing experience in China.
Koji Fujimoto (MLI 2005) (fujimoto0225@yahoo.co.jp) is now a student in the Asian & Comparative LL.M. program at the University of Washington School of Law in Seattle.


I-Mei Chen (MLI 2004) (imeichen@iii.org.tw) works for the Science & Technology Law Center, Institute for Information Industry (http://stlc.iii.org.tw/), as a legal researcher. Both Yi-sheng and I-Mei heard Professor Desai when he spoke in Taipei at the Science & Technology Law Center. (I-Mei and Yi-Sheng are pictured with their son, Jaser, 2005.)

Rosewitha Irawaty (Ira) (MLI 2004) (rosewitha_irawaty@yahoo.com) wrote to say that she is a junior lecturer and researcher at the Research Institute for Law and Technology and also a staff person for the Vice Dean for Academic Affairs at the Faculty of Law, University of Indonesia.

Brian Prastyo (MLI 2004) (brian_prastyo@yahoo.com) is now working as the Intellectual Property consultant in the University of Indonesia Intellectual Property Center. He asks that his classmates send him their current email addresses so he can keep in touch. “If they want to register their inventions in Indonesia, they can contact me,” writes Brian.

Younggoog Park (MLI 2000) (ygpark@president.go.kr) has been working for the Office of the President as Assistant Secretary to the President for Overseas Communications since he returned to Korea in early 2003.

Yong Jae Kim (MLI 1996; LLM 1997; SJD 1998) (yongjae@kookmin.ac.kr) “I was elected as a full-time researcher judge and, as such, I will be directly involved in the final decision-making process at the Supreme Court in Korea in the field of financial law. My new job began on March 1st, 2006, and extends for 2 years. I will be temporarily suspended from my professor status at the Kookmin University. The Chancellor of our university permitted my suspension and made a public announcement to all the faculty members of our school that this is one of the most honorable chances for me and the Kookmin University.”

Samuel Baumgartner (MLI 1993; LLM 1995) (samuel8@uakron.edu) is now Associate Professor of Law at Akron College of Law, Akron, Ohio (USA) where he has been since fall 2004. Sam wrote: “I always intended to return to academia from my stint with the Swiss Justice Department. When Akron first contacted me for an interview, I did not know much about the place and thus did not take it too seriously. But upon visiting, I was impressed with both the law school and Akron as a place to live and raise a family. The faculty here is very collegial and supportive, and our students work very hard. I get to teach international law together with choice of law, international business transactions, and international trade, a combination that would be impossible in Switzerland, where there is a clear line separating public from private law teachers. Thus, when Akron made me a very good offer, I could not resist, although it took quite a bit more persuasion than I had anticipated to get my wife Patti, a native of Wisconsin, to move away from Switzerland.”

Please keep us up-to-date on your contact information (mailing address and email) by sending your information to the Center at ealsc@law.wisc.edu. Please include your name and the program(s) and year(s) you were at the Law School. If you send your “news updates,” we will try to put them in the Center’s Newsletter. We like to hear from you!