

## **East Asian Legal Studies Annual Report for 2016-2017**

### **Part One: Report of Activities**

#### **A. Summary of Academic Year 2016-17**

##### 1. Executive Summary

This was another busy but productive year at the East Asian Legal Studies Program, with a great deal of activity in teaching, research, counseling of students, fostering of student activity, presenting speakers on an array of subjects, hosting a varied group of visitors from jurisdictions throughout East Asia and beyond, and collaborating with other programs at the Law School and departments of the University on a variety of projects.

##### 2. Research, Scholarship and Project Activities

###### a. Areas of Inquiry – Mission Statement (Brief Overview)

East Asian Legal Studies is the western world's oldest, largest, and most comprehensive academic program devoted to the study of the law and legal history of the nations and peoples of East Asia and their interaction with the United States. Founded in the 1960s, EALS is the foremost program of teaching, research, and public service outside of East Asia itself that enables leading scholars, public figures, lawyers, and students from the United States and throughout the East Asia region to mix with one another and with their counterparts from the rest of the world. Over the years, the program has produced leading figures in academe, government, business and civil society here and abroad, including one head of state, several ambassadors and ministers, and deans of the most important law schools in East Asia (e.g., at one time, the deans of the top law schools in the PRC, Taiwan and Hong Kong were all HLS products).

The Program offers an introduction to and advanced work on the legal systems of major jurisdictions of East Asia through courses and seminars on a range of subjects, drawing on the specialties of the Law School's permanent faculty and distinguished teaching visitors from throughout the world. In addition, the Program supports the research of Harvard faculty, students, and scholars; offers an active co-curricular program that includes a variety of forums regarding comparative law and legal questions pertinent to East Asia; and often provides guidance to governments (our own and others) on questions of law and policy, while working with various media to enrich public discourse about East Asia. EALS also provides extensive financial aid to students from the region and underwrites large parts of our library efforts concerning East Asia (which is the western world's best library on Chinese and Japanese law).

Over the past decade, EALS has been home to the Harvard Law School Project on Disability (HPOD) which seeks to blend scholarship and teaching on comparative and international law with public interest work, each informing the other. That public interest work includes advising on the development of disability policy and law, fostering the field of disability law teaching and scholarship in leading foreign universities, and working with disabled persons civil society organizations. HPOD's principal focus has been on China, although it has also been

active in Korea, Taiwan, Vietnam, the Philippines, Bangladesh, Israel, South Africa, and the US, among other jurisdictions. HPOD's work in China represents the most substantial and sustained public interest undertaking concerning China at HLS and one of the most consequential at any Harvard school.

b. Research and Scholarship

Faculty

**Professor William Alford**, '77, Henry L. Stimson Professor of Law, Director of the East Asian Legal Studies Program, Vice Dean for the Graduate Program and International Legal Studies, and Chair of the Harvard Law School Project on Disability. Professor Alford taught The International and Comparative Law Workshop (with Professor Intisar Rabb), a one unit class entitled "Engaging China" with Alonzo Emery, '10 (that joined HLS students electronically with a counterpart class at Renmin University of China), a one unit class entitled "Challenges of Public Leadership" with former US Navy Secretary Ray Mabus '75 and a 1L reading group on the China-Africa relationship. In the spring of 2017 he was on research leave – during which time he researched and wrote an article entitled "Dissonance in Peter Singer's Treatment of Development and Disability" and began work on two others—one concerning Taiwan's engagement of international human rights treaties it is unable formally to join (tentatively entitled "Pandas over People: Taiwan's Engagement of the United Nations Convention on the Rights of Persons with Disabilities), and one concerning China's presence in Africa. He also worked further on his revisionist history of the treatment of disability in China.

During the year Professor Alford gave papers at Columbia Law School, the Center for Chinese Studies at the University of Michigan, and the China Centre at the University of Oxford. He chaired over 25 talks at Harvard and also spoke in Austria to an audience of 1,500 on behalf of Special Olympics.

**Professor J. Mark Ramseyer**, '82, Mitsubishi Professor of Japanese Legal Studies, taught courses on American corporate law and various facets of Japanese law and lectured at a variety of institutions. He spent the spring semester as a visiting professor at the University of Chicago. He is continuing his research on nuclear power and organized crime.

**Professor Mark Wu**, Assistant Professor of Law, taught a spring 1L international legal studies course on law and the international economy with an enrollment of 90 students and an upper-level course on international trade. He also taught a seminar on US-China economic relations, where the participants interacted with students in a similar seminar at Tsinghua University. Professor Wu delivered several talks at Harvard related to US trade relations with Asia and moderated several panels during the academic year related to international trade and investment. Professor Wu also delivered a keynote speech at the Boston Bar Association's conference with the US Patent and Trademark Office on international intellectual property protection and served as a guest lecturer on Chinese enforcement of its IP treaties at the Fletcher School of Law and Diplomacy at Tufts University. He was invited by the Supreme People's Court to deliver a lecture and exchange views on recent developments concerning the enforcement of international legal judgments in China. As a member of the World Economic

Forum's Global Futures Council, he moderated several sessions at its Annual Meeting of New Champions in Dalian, China and led sessions discussing the New Silk Road initiative spearheaded by China.

**Visiting Professor Michael Stein**, '88, in addition to his role as Research Fellow and Visiting Professor, is the Co-Founder and Executive Director of the Harvard Law School Project on Disability (HPOD). He worked throughout 2016-2017 on disability issues pertinent to Asia by facilitating domestic-level implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in several countries, including China, Korea, the Philippines, Taiwan, and Vietnam. He taught a seminar at HLS on Disability, Human Rights, and Development, mentored students across the University interested in disability rights, and continued to publish widely, including several articles on disability rights. His most recent book, *Disability, Human Rights, and Information Technology*, was published in May (University of Pennsylvania Press, 2017).

In addition, EALS supported the work of or helped facilitate the interest in Asia of a number of other faculty members, including, most notably, Matthew Stephenson, Carol Steiker and David Wilkins and addressed Asia-related issues raised by many other faculty colleagues.

c. Clinical Work, if applicable

Professor Alford oversaw several JD, LLM and SJD students doing a variety of independent clinical projects. Professor Wu also supervised a number of JD and LLM independent clinical projects. Both oversaw foreign JD students fulfilling their curricular practical training requirement during the summer and both helped oversee several JD students engaged in pro bono work.

d. Other Activities

i. Conferences

EALS played a role in a conference on law and development led by International Legal Studies that drew scholars from six continents. Although the conference was held at HLS in July 2017, much of the preparatory work took place in AY 2016-2017.

ii. Workshops

Visiting Scholars at EALS spoke about their research in weekly seminars led by Kibrom Teweldebirhan, LLM '13 and current SJD student, the coordinator for EALS visitors. Participants in these roundtable discussions and the topics of their presentations were:

Hye-Won Choi (Senior Associate, Kim & Chang, Korea): "An Interpretation of the Suicide Exclusion Limitation Clause in Korea's Accidental Death Policy" – December 5

Jong Bo Park (Professor, Hanyang University School of Law, Korea): "The Legislative Veto Doctrine" – January 30

He Haibo (Professor of Law, Tsinghua University School of Law, China): "The 2014 Amendment to the Administrative Litigation Law in the People's Republic of China" –

February 6

Li Ren (Research Fellow, Tsinghua University School of Law, China): “The Law and Clothing: An Overview on How to Rule and What to Wear in China’s History” – February 13

Annemieke van den Dool (Ph.D. candidate, University of Amsterdam Law School, The Netherlands): “The Role of Food Safety Incidents in Lawmaking in China: Evidence From the 2008 Melamine Crisis” – March 10

Zhang Qiang (Ph.D. Candidate, Peking University School of Law, China): “Judicial Accountability Reform in China” – March 20

Masayuki Tamaruya (Professor of Law, Rikkyo University School of Law, Japan): “Japanese Law and the Global Diffusion of Trust Law” – March 24

Xu Duoqi (Professor of Law, KoGuan Law School, Shanghai Jiaotong University, China): “Equity-Based Crowdfunding in China” – April 3

Xin Yang (Ph.D. candidate, Renmin University School of Law, China): “Environmental Justice in China: the Background, Current Situation and Problems” – April 10

Song Juhee (Judge, Seongnam Branch Court of Suwon District Court, Korea): “Punitive Damages in Korea” – April 20

Tomio Mizutani (Chief Legal Officer, Securities Business Division, Financial Services Agency, Japan): “Government Intervention in Corporate Governance” – April 24

Gloria Yang (Ph.D., Beijing University School of Law and former Head of Investment and Assistant Vice-President, ABN AMRO Bank, China): “Real Estate Investment Trusts and Regulation” – May 1

Jaehak Lee (Senior Associate, Kim & Chang, Korea): “Computational Law in Korea” – May 3

Ma Rongwei (Ph.D. candidate, Renmin University School of Law and General Manager, Legal Department, Kunlun Trust Co. Ltd, China): “The Supervision of Charitable Trusts in China” – May 8

Victor E. Teo (Assistant Professor, University of Hong Kong, Hong Kong): “Living on the Fringes of International Law: The Curious Case of North Korea” – May 9

Jiang Guangwen (Associate Professor of Law, Seoul National University, Korea): “What Does Constitutionalism Mean: A Discussion Focusing on Japan and the USA” – May 15

### iii. Other Events

At the opening of each academic year, EALS holds an orientation session on the nature and activities of the Program for the benefit of all interested persons at HLS, Harvard College and other parts of the University, as well as those from other academic institutions, firms and civil society organizations in and around Boston and other parts of Massachusetts. The Harvard Law School Project on Disability, which is affiliated with EALS, holds a similar fall open house of its own.

2016-2017 was an especially rich year in terms of presentations, owing in large measure to the efforts of our new and very talented associate director, Alonzo Emery, '10. Speakers included Professor Peter Dutton and Dr. Lynn Kuok, who addressed "Developments in the South China Sea, Post-Arbitration Award" to a standing-room-only audience in the first lunchtime talk of the academic year. Peter Dutton is Professor of Strategic Studies and Director of the China Maritime Studies Institute at the Naval War College. Lynn Kuok is a Visiting Scholar at EALS, a Nonresident Fellow at the Brookings Institution and a Senior Visiting Fellow at the Centre for International Law of the National University of Singapore. She is also a member of the Global Future Council on International Security at the World Economic Forum. The Fairbank Center for Chinese Studies and the Harvard Asia Law Society co-sponsored this presentation.

Aaron Halegua, '09 discussed Chinese labor law in his presentation, "Who Will Represent China's Workers? Lawyers, Legal Aid and the Representation Gap." His lunchtime talk was co-sponsored by the Fairbank Center for Chinese Studies.

Sabine Stricker-Kellerer, LL.M. '83 and Charles Booth, '84 spoke on "Foreign Investment in China: From Starting up to Winding Up." Sabine Stricker-Kellerer is Senior China Counsel at the Munich office of Freshfields Bruckhaus Deringer. Charles Booth is Professor of Law at the University of Hawaii and Founding Director of the Institute of Asian-Pacific Business. Their talk was co-sponsored by EALS, the Fairbank Center for Chinese Studies, the Center on the Legal Profession and the Harvard Asia Law Society.

Under the auspices of EALS, HLS librarians offered their guidance at the beginning of the academic year on the use of the Library's East Asian collections. Dr. Nongji Zhang, HLS Bibliographer for East Asian Law and Mariko Honshuku, HLS Librarian for Japanese Law, led a training session on "Legal Research on Chinese, Japanese and Korean Law," held in the library's computer lab.

Jerome A. Cohen, Founding Director of the East Asian Legal Studies Program, returned to HLS to speak on "Law and Power in US-China Relations." He is Professor of Law at the New York University School of Law and Of Counsel at Paul Weiss Rifkind Wharton & Garrison. His talk was co-sponsored by the Fairbank Center for Chinese Studies and the Harvard Asia Law Society.

EALS hosted Pulitzer Prize-winning journalist David Barboza, who spoke on "Reporting on China." Mr. Barboza was a Knight Visiting Nieman Fellow in the fall of 2016. He is a *New York Times* business correspondent and former Shanghai bureau chief.

EALS and the HLS Library co-sponsored a book talk by Joshua Rubenstein in celebration of his latest book, *The Last Days of Stalin* (Yale University Press, 2016). The author is a long-term Associate of the Davis Center for Russian and Eurasian Studies, was an organizer and regional director for Amnesty International USA for thirty-seven years, and is currently Associate Director for Major Gifts at HLS. William Taubman, the Bertrand Snell Professor of Political Science Emeritus at Amherst College, provided the commentary.

EALS co-sponsored an event hosted by the Korea Institute in its Kim Koo Forum on Korea Current Affairs series. Sung Ho Kim, Professor of Political Science at Yonsei University, lectured on “Making ‘We the People’ in Korea: Foreigners, Histories, Identities.” Professor Kim was the Kim Koo Visiting Professor in the Department of Government in 2016-2017. The lecture was chaired by Carter Eckert, Yoon Se Young Professor of Korean History at Harvard, and was also co-sponsored by the Harvard-Yenching Institute and the Department of Government.

In a presentation co-sponsored by EALS, the Center on the Legal Profession, the Harvard Asia Law Society and the Fairbank Center for Chinese Studies, Mark Sidel spoke on “The Securitization of Management of Foreign NGOs and Foundations in China: What We Know So Far.” He is the Doyle-Bascom Professor of Law and Public Affairs at the University of Wisconsin, Madison. He is also a consultant to the International Center for Not-for-Profit Law of the Charles Stewart Mott Foundation and in 2016-2017 was the Visiting Chair in Community Foundations at the Lilly Family School of Philanthropy at Indiana University.

EALS co-sponsored a Harvard-Yenching Institute lunchtime talk by Professor Masayuki Tamaruya of Rikkyo University. Professor Robert Sitkoff of HLS served as discussant for his lecture, “Diffusion and Transformation of Trusts: From England to East Asia.” Professor Masayuki was an EALS Visiting Scholar and a Harvard-Yenching Institute Visiting Scholar in 2016-2017.

EALS was one of the Harvard co-sponsors of a new series of discussions on the Asia-Pacific during the Trump presidency. The first presentation entitled “What Next? Trump and Asia” was held a month after the election. The convener was Andrew Gordon, Lee and Juliet Folger Fund Professor of History and the Victor and William Fung Acting Director of the Asia Center. The moderator was Susan Pharr, the Edwin O. Reischauer Professor of Japanese Politics and Director of the Program on US-Japan Relations. The speakers on the panel were Dr. Lynn Kuok, Visiting Scholar at EALS and Nonresident Fellow at the Brookings Institution; Professor Sung-Yoon Lee, the Kim Koo-Korea Foundation Professor in Korean Studies and Assistant Professor at the Fletcher School of Tufts University; Professor Joseph Nye, Harvard University Distinguished Professor at the Kennedy School; and Professor Ezra Vogel, the Henry Ford II Professor of the Social Sciences Emeritus. Other co-sponsoring entities were the Asia Center, the Fairbank Center for Chinese Studies, the Reischauer Institute, the Kim Koo Forum at the Korea Institute, the South Asia Institute, the Program on US-Japan Relations, and the Ash Center for Democratic Governance and Innovation at the Kennedy School.

The Harvard-Yenching Institute, the Asia Center and EALS co-sponsored a talk by Jimmy Chia-Hsin Hsu on “Dignity, Life, and Capital Punishment: An Analysis of Comparative

Constitutional Jurisprudence.” He is an Associate Research Professor at the Institutum Iurisprudentiae of Academia Sinica in Taiwan. Professor Michael Rosen of the Department of Government served as the discussant.

The program welcomed back to Harvard Leia Castañeda Anastacio, SJD '09 in a book talk organized by EALS and the Law School Library. She discussed her book, *The Foundations of the Modern Philippine State: Imperial Rule and the American Constitutional Tradition in the Philippine Islands, 1898-1935* (Cambridge University Press, 2016). Her dissertation on which her book was based won the Cromwell Dissertation Prize from the American Society of Legal History in 2010 for the best student work in American legal history. Professor Gerald Neuman, '80, J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law and Professor Christopher Capozzola, Associate Professor of History at MIT, served as commentators.

EALS hosted a visit by the former president of the Republic of China (Taiwan), Ma Yingjeou, SJD '81, who gave an address that was co-sponsored by the Fairbank Center for Chinese Studies. His remarks, “From Harvard Law School to the Presidential Office,” drew an overflow audience.

Professor Sida Liu spoke on “The Elastic Ceiling: Gender and Professional Career in Chinese Courts.” He is an Assistant Professor of Sociology at the University of Toronto and a Faculty Fellow at the American Bar Association. In addition to EALS, his talk by co-sponsored by the Center on the Legal Profession and the Harvard Asia Law Society.

The Center on the Legal Profession organized an additional talk by Professor Liu, also co-sponsored by EALS. He spoke on “Lawyer Activism in Authoritarian Contexts: The Case of China,” a combination of his new book on criminal defense and his new paper on the history of lawyer activism in China.

William Overholt, Senior Fellow at the Asia Center discussed “The Philippine Upheaval: Duterte, Democracy, Defense” in a lunchtime talk co-sponsored with the Asia Center and the Harvard Asia Law Society.

Barbara Finamore, '80, Senior Attorney and the Asia Director of the Natural Resources Defense Council spoke on “Environmental Public Interest Litigation in China: Cases and Reform.” Her visit was co-sponsored by EALS, the Environmental Law Program and the Harvard-China Project on Energy, Economy, and Environment of the Harvard John A. Paulson School of Engineering and Applied Sciences.

In a second talk held the same day, Barbara Finamore spoke on *Building Energy Efficiency in China: Policies and Trends* at the Harvard-China Project on Energy, Economy, and Environment and co-sponsored by EALS.

EALS Visiting Professor Tamaruya Masayuki presented a second public lecture this year, this time for the Asia Center Seminar Series, co-sponsored by EALS. He spoke on “Japanese

Law and the Global Diffusion of Trust Law.” He is a Professor of Law at Rikkyo University and a Harvard-Yenching Visiting Scholar.

Neysun Mahboubi returned to EALS to speak on “Idealism, Pragmatism, and Constraint in Chinese Legal Reform: Evaluating the Revision of China’s Administrative Litigation Law.” He is a Research Scholar at the Center for the Study of Contemporary China at the University of Pennsylvania and a Lecturer in Law at Penn Law School. Professor He Haibo of Tsinghua University School of Law and a Visiting Scholar at EALS served as discussant. The talk was also hosted by the Harvard Asia Law Society.

EALS co-sponsored a talk with the Program on International Financial Systems on “Developments in the Asian Financial Markets.” Speaker Douglas Arner is the Kerry Holding Professor in Law at the University of Hong Kong and the Ken Yun Visiting Professor of Law at Duke University School of Law.

EALS was one of several co-sponsors of a book roundtable to celebrate the publication of Professor Carter Eckert’s recent publication, *Park Chung Hee and Modern Korea: The Roots of Militarism, 1866-1945*. Professor Eckert is the Yoon Se Young Professor of Korean History. This event was chaired by Professor Sun Joo Kim, the Director of the Korea Institute and the Harvard-Yenching Professor of Korean History. The discussants were Professor Andrew Gordon, the Acting Director of the Asia Center and the Lee and Juliet Folger Fund Professor of History; Professor Rebecca Nedostup, Associate Professor of History at Brown University; and Professor Andre Schmid, Associate Professor of East Asian Studies at the University of Toronto. The roundtable was held under the auspices of the Asia Center Seminar Series and in addition to EALS was co-sponsored by the Korea Institute, the Harvard-Yenching Library, and the US-Japan Program.

The China Law Association and EALS co-hosted Ya-Wen Lei, Assistant Professor in the Department of Sociology. Professor Lei discussed her forthcoming book, *The Contentious Public Sphere: Law, Media and Authoritarian Rule in China* (Princeton University Press, 2017). Her lunchtime talk was entitled “Political Apathy in China, 1990-2012.”

Natalie Lichtenstein, ’78 returned to Harvard for a talk organized by the Program on International Financial Systems and co-sponsored by EALS: “Establishing the Asian Infrastructure Investment Bank: the Lawyer’s View.” Ms. Lichtenstein is the Inaugural General Counsel of the Asian Infrastructure Investment Bank (AIIB: retired). The Asia Center Seminar Series hosted this event, which was chaired by Professor Ezra Vogel, Henry Ford II Professor of the Social Sciences, Emeritus. It was also co-sponsored by the Fairbank Center for Chinese Studies.

The second offering in the Trump and Asia series was held in the spring, with the panel discussion “Trump and Asia: Business as Usual? US-Asia Business and Trade in the Trump Era.” The panel was chaired by Andrew Gordon, Lee and Juliet Folger Fund Professor of History and the Victor and William Fung Acting Director of the Asia Center. It was moderated by Tarun Khanna, the Jorge Paulo Lemann Professor at Harvard Business School and the Director of the South Asia Institute. Speakers were: Professor William Kirby, T. M. Chang Professor of China

Studies, Spangler Family Professor of Business Administration, Harvard University Distinguished Service Professor, Director of the Harvard China Fund, and former Director of the Fairbank Center; Mireya Solis, Senior Fellow at the Foreign Policy of the Center for East Asia Policy Studies and Philip Knight Chair in Japan Studies at the Brookings Institute; and Mark Wu, Assistant Professor at HLS. This event was co-sponsored by the Asia Center; the Fairbank Center for Chinese Studies; the Reischauer Institute of Japanese Studies; the Korea Institute; the South Asia Institute; the Program on US-Japan Relations; the Ash Center for Democratic Governance and Innovation at the Kennedy School; the Department of East Asian Languages and Civilizations; the Harvard-Yenching Institute; and the EALS program.

**e. Scholars in residence**

Each year, EALS hosts a number of visitors who are in residence for one to twelve months. Over the years, our visiting scholars program has served EALS and the broader HLS community in several ways, including providing a base for noteworthy scholars, officials and lawyers, some of whom have gone to major positions (as law school deans, university presidents judges, senior government officials or law firm partners) and accommodating spouses of some of our degree candidates who might otherwise have not chosen to enroll at HLS. They have also, in several instances, proven to be a valuable resource for our JD students interested in learning about and/or working in East Asia.

**Visiting Scholars** at EALS for all or part of 2016-2017 and their areas of research:

Bebenroth, Ralf (Japan): corporate governance (July - August)  
Choi, Hye-Won (Korea): insurance law (August – June)  
Cui Hanbing (China): tort law and pollution in China (July)  
Guo Yanjun (China): judicial reform (July - August)  
He Haibo (China): administrative law (August – June)  
Jiang Guangwen (China): the concept of liberty (August – June)  
Kim, Young Sin (Korea): rape shield law (January – June)  
Kuok, Lynn (Singapore): law of the sea (July - December)  
Lee, Jaehak (Korea): metadata (September – June)  
Li Ren (China): ancient Chinese law (July - February)  
Lo Chih-Chiang (Taiwan): politics in Taiwan (July)  
Ma Rongwei (China): charitable trusts (July – June)  
Mizutani, Tomio (Japan): corporate governance (August – May)  
Park, Jong Bo (Korea): legislative veto (September – February)  
Song, Ju Hee (Korea): feminist legal theory (September – June)  
Sugita, Takahiro (Japan): corporate law (July - March)  
Tamaruya, Masayuki (Japan): Anglo-American law (September – June)  
Teo, Victor (Hong Kong): international relations in Asia (May – June)  
van den Dool, Annemieke (Netherlands): food safety law in China (January – June)  
Wang Kaiyuan (China): state governance (January – June)  
Wu Liangjian (China): budgetary reform in China (July - August)  
Xu Duoqi (China): tax law (September – June)  
Yang Guang (China): microfinance (July - June)

Yang Xin (China): environmental law (September – June)  
Zhang Qiang (China): judicial systems (September – June)

### **EALS/HPOD Personnel**

**Alonzo Emery** '10 joined EALS as Associate Director in July 2016 and continues in the role of Lecturer on Law that he began at HLS in 2013. Alonzo took charge of the EALS speakers series (organizing fifteen different presentations) and also oversaw the many delegations EALS receives from East Asia. Included among the latter was that of former Taiwan President Ma Ying-jeou SJD '81 which took extensive planning and negotiation both with President Ma's office and across Harvard, and culminated in meetings with Dean Minow and faculty, a luncheon for China scholars from throughout Harvard, and a public talk attended by more than 300 students.

As lecturer in law, Alonzo co-taught "Engaging China," during the Fall with Professor Alford. That class brought together 15 students from HLS and 15 from Renmin University of China Law School via video to address several of the most vexing legal questions in the US-PRC relationship, including trade, human rights, climate change, corruption, foreign direct investment in the US, and competing Chinese and American models of development in Africa. During the Spring semester, Alonzo also assisted in preparations for "Challenges in Public Leadership" which Professor Alford taught with former Secretary of the Navy, Ray Mabus '75, including facilitating exercises in which he briefed the Secretary on important issues (e.g., naval budget allocation) and received feedback in real time.

Alonzo also worked with student groups and other departments at and beyond HLS—such as the Center on the Legal Profession, the Fairbank Center for Chinese Studies, and the Asia Center—to convene lectures. Alonzo also worked with the Harvard Law School library to organize several book talks for EALS affiliates and this summer to prepare an exhibit dedicated to the life and times of F.Y. Chang who, when he graduated in 1917, was the first Boxer Indemnity Scholar from to China to receive an HLS degree. He has also worked this summer on the F.Y. Chang HLS Graduation Centennial Colloquium that will take place on September 25, 2017. This is all part of Alonzo's ongoing effort to help EALS celebrate its 50+ year history during the HLS Bicentennial year.

Alonzo also provided assistance to HPOD. For example, he drafted parts of a successful grant application to the US Department of State. For Dean Minow, he organized and led an HPOD workshop to discuss independent and community-based living for persons with intellectual disabilities, convening a diverse group of academics, practitioners, parents, and individuals with disabilities.

And throughout his work at EALS, he provided counsel to many HLS students and alumni.

**Dr. Fengming Cui** is Director of the HPOD China Program. In the autumn of 2016, she designed and directed an interactive workshop in Beijing for persons with disabilities, employers, scholars, and other participants to address issues related to inclusive employment in China. She also directed a parent support network training in China in November 2016 at which

international and domestic experts and representatives from Chinese disabled persons' organizations (DPOs) worked with local partner organizations to support parents in advocating for their children with disabilities. In December of 2016, she organized a capacity building training for DPOs and public interest lawyers on inclusion and provided advice for parent organizations in China in drafting proposals for policy reform on inclusive education and improvement of disability terminologies that was submitted to China's National People's Congress in March 2017.

Additionally, Dr. Cui helped introduce the latest thinking about disability law, rights and policy to China through a course at the Renmin University of China disability law clinic in the fall of 2016 and a disability rights course in the spring of 2017, and through co-authorship of the first major text in Chinese on disability law. She also contributed to Special Olympics East Asia in a variety of ways, including speaking at the Inclusive Leadership Academy in November 2016 to Special Olympics regional leaders from different countries, offering training on Inclusive Leadership to Special Olympics trainers in the spring and supporting the Special Olympics China Unified Schools Project. Throughout she also advised several Harvard Law School students and alumni on opportunities for pro bono work in China.

## **Research Fellows**

EALS was host to four senior researchers:

**Dr. Leia Castañeda, SJD '09** spent the summer of 2016 editing the typeset manuscript of her book, based on her dissertation which won The American Society of Legal History's William Nelson Cromwell Prize as the best doctoral dissertation in US Legal History. Following its release by Cambridge University Press in August 2016, she gave book talks at HLS, co-sponsored by EALS and the Library; at the Asian Library of Charlotte, North Carolina as part of the International Women's Day celebration organized by the Filipino-American Community of the Carolinas and the Filipino American Spirit; and at the School of the Humanities of the Ateneo de Manila University. This year she began a new project on the 1935 Philippine Constitutional Convention which will include her participation in a symposium to be hosted in November 2017 by the National University of Singapore. The symposium will examine the history and process of writing the first constitutions of Southeast Asia.

**Dr. Penelope Stein** continued to promote the human rights of people with disabilities in Asia by creating and supporting educational and programming materials on the implementation of the Convention on the Rights of Persons with Disabilities in China, Vietnam, Indonesia, and Bangladesh.

**Dr. Karen Gottschang Turner** (Professor of History and Distinguished Professor of Humanities at the College of the Holy Cross) continues her work on Chinese law and on Vietnamese women soldiers. The documentary film, "Universal Soldier: Vietnam," that she produced with her former student and historian, Michael T. Barry, has been shown in over twenty venues and won several awards at juried festivals. The film features interviews with three veterans who have memorialized the war through their art. Duc Hoan, a Hanoi-based Vietnamese actress, veteran of the anti-French and American wars, and film director after 1978, tells her

story of leaving home to join the Communist forces, and her trials and successes as one of the only women to direct a war story. New York- based writer, Susan O'Neill, muses about the long terms cost of war and recalls on camera her goals in creating a fictional retrospective of her tour of duty as a nurse in Vietnam, "Don't Mean Nothing: Short Stories of Vietnam," (2004). "Universal Soldier" includes R. J. Del Vecchio's footage from his work as a Marine combat photographer, and his filmed interview about his interactions with the soldiers in the field and Vietnamese villagers whose wartime lives he documented. Also on Vietnam, Turner published a revised article on Duc Hoan's life and explorations of gender issues in her films in: "A Vietnamese Woman Directs the War Story: Duc Hoan (1931-2003) in *Gender, Sexuality, and the Cold War*, edited by Philip E. Muehlenbeck (Vanderbilt University Press, 2017). Her work on early Chinese law is focused on completing an article, "The Politics of Measurement in China's Early Empires," with the assistance of EALS Visiting Scholar, Dr. Li Ren.

**Margaret Woo** (Professor of Law at Northeastern University School of Law) has added to her responsibilities the position of Associate Dean of Research and Inter-disciplinary Education.

Professor Woo prepared a paper "Comparative Law in a time of Nativism" for the European Association of International Procedural Law, hosted by the University of Vienna in March. She has continued to co-edit a comparative civil procedure book with Professor Burkhard Hess, the founding and executive director of the Max Planck Institute Luxembourg. The volume will be part of a comparative law series edited by Thomas Ginsburg of the University of Chicago and Francesco Parisi of the University of Minnesota and will be published by Edward Elgar Press. She continues to serve as co-editor of the *Journal of Legal Education*, working to publish four issues a year and with Northeastern taking primary responsibility for two. This year they focused on "International Legal Education Reform" and "Title IX and Academic Policies."

She was a visiting professor at the Max Planck Institute Luxembourg Summer Institute in July 2016. The Summer Institute gathered about twenty Ph.D. candidates in comparative procedural law for a weekend-long intensive review and critique of their dissertations. She prepared a long lecture on the modern critiques of comparative law and served as a commentator on each student's paper and presentation.

She was a co-organizer of a *Journal of Legal Education*-Georgetown sponsored conference on "Campus Violence and Academic Policies," held at Georgetown Law Center in October. She edited the papers from the conference, which will be published in the summer 2017 volume of the *Journal of Legal Education*.

She lectured on "Comparative Law for a New World: Engaging Asia and Beyond" at the American Society of Comparative Law meeting in October. She was invited by the Chief Judge of the Federal Court for the District of Kansas to present on "The Future of Civil Rights" at a three-day conference entitled "Kansas Legal Revitalization," for the Kansas bar in February.

She continues to serve on the executive committee for the East Asian Law Section of the Association of American Law Schools. This year she joined the paper selection committee that reviewed over thirty submissions for a winning entry.

She is a member of the Advisory board of the Brill China and Comparative Law Series, published in the Netherlands by BRILL | Martinus Nijhoff Publishers. She continues to work with the Fulbright Specialists Program and is coordinating with Wuhan University to develop a project that the Fulbright Specialists Program can support.

She continues to serve as an outside reviewer for a number of publications, including the Hong Kong Research Council; the *Australian Journal of Asian Affairs*; the *Law and Society Review*; *China: An International Journal*; *Law and Social Inquiry*; the *Journal of Current Chinese Affairs*; Cambridge University Press, and Routledge Publishing.

### 3. Contributions to HLS Teaching Program

a. Professor Wu taught a 1L international legal studies course on law and the international economy, an upper-level course on international trade, and a seminar on US-China economic relations. He also supervised a substantial number of papers. He also addressed graduates and their families at the Class Day ceremonies as the recipient of the 2017 Albert M. Sacks - Paul A. Freund Award for Teaching Excellence.

b. Professor Ramseyer taught Corporations and a reading course in regulation and litigation in Japan in the Fall. He spent the spring semester as a visiting professor at the University of Chicago.

c. Professor Alford co-taught The International and Comparative Law Workshop with Professor Intisar Rabb. In addition, he taught a one unit class with Alonzo Emery, '10 "Engaging China," for which five of the six sessions were held via video conference technology in conjunction with a comparable class at Renmin University of China. He taught a second one unit class, "Challenges in Public Leadership," with Ray Mabus, '75, Secretary of the Navy in the Obama Administration and previously Ambassador to the Kingdom of Saudi Arabia in the Clinton Administration. The class explored a range of issues, including tensions in the South China Sea, climate change, cyber incursions and NATO, gender equality in the military, and decisions about the future of the Navy. Intended for a dozen students, the class ended up with 26 enrollees and auditors so as not to exclude any veterans or students aspiring to government service who wished to take it. In addition, he supervised well over two dozen third-year papers, independent study projects, LLM papers, papers in other departments and doctoral projects and conducted periodic substantive supervisions with eight doctoral students working in international or comparative law.

d. Professor Stein taught a spring seminar entitled "Disability, Development and Human Rights." In addition, throughout the year, he advised a substantial number of JD, LLM and SJD students on their written work, pro bono work, placement opportunities and (in the case of several students with disabilities) on how best to have the fullest experience they could at HLS.

e. EALS supported the teaching visit of Dr. Ming Wai Lau, Chairman and Chief Executive Officer of Chinese Estates Holdings Ltd. of Hong Kong, who was again appointed Lecturer on Law and taught a reading group on "China and Hong Kong under the 'One Country, Two Systems' Principle" in the fall semester.

#### 4. Participation of HLS Students in Program Activities

We estimate that more than 300 students from within and beyond HLS participated in EALS activities in a variety of ways.

a. The EALS Program continued its ties with the Harvard Asia Law Society (HALS) and provided the student group a grant of \$1,250 to help them develop programming.

b. EALS also continued its ties with the China Law Association and Professor Alford continues to serve as the CLA's faculty advisor. He interviewed Zhang Xin, perhaps the best known business woman in China, for a CLA gathering of more than 200. The program also included a talk by Larry Summers and a panel of very accomplished practitioners discussing The Foreign Corrupt Practices Act and other challenges of doing business in China.

c. Professor Alford met with SJD students, along with Assistant Dean for the Graduate Program and International Legal Studies, Jeanne Tai, numerous times over the course of the year.

d. Professor Alford serves, with Professor Emeritus Philip Heymann, '60 as faculty liaison to the Chayes International Public Service Fellowship Program, which, under the leadership of Sara Zucker, selects HLS students to spend summers working in international organizations and NGOs.

e. The 2017 Yong K. Kim '95 Memorial Prize was awarded to two students: Hye Weon Kim, LLM '17 for her paper "Family, Conflict of Laws, and Multiculturalism: Is There A Space for South Korean Courts and Lawmakers to Recognize Same-Sex Marriages Duly Celebrated in Foreign Jurisdictions?" and Jieun Lim, '17 for his submission "Clarifying the Confusion – Outside Directors and Independent Directors in Japan."

f. In 2016-2017, EALS provided \$96,538 in financial aid for LLM and SJD students.

g. EALS provided support to two former students. Benjamin Hopper, LLM '16 received a summer grant of \$3,000 to help him develop his prize-winning LLM paper into a publishable work. His thesis, "Intellectually Propertising Tea: The Growth of Trademarks and Geographical Indicators in China's Tea Industry" was awarded one of two Yong Kim Prizes at Commencement in 2016. Mendtuvshin Enkhtaivan, LLM '16 extended his HLS affiliation following graduation, as a Visiting Researcher at the Graduate Program, with his fees covered by EALS.

h. EALS affiliates and SJD candidates Hu Xiaoqian, Kibrom Teweldebirhan, Xia Ying, Luo Yu, Wang Yueduan, Zhang Yiran and Zhang Guanchi continued their doctoral work.

i. Professor Wu hired six students as research assistants. Professor Alford employed three students as research assistants.

j. EALS employed SJD candidate Kibrom Teweldebirhan as the coordinator for EALS Visiting Scholars, assisting them with course selection, adjustment to living in Cambridge, their research, organizing the Scholar Roundtables and social events and assisting with other academic matters.

k. EALS annually provides \$400,000 to the Law School library to cover a large portion of the cost of its books and materials regarding East Asia and its specialized librarians.

## 5. Faculty Participation

a. Professors Ramseyer and Wu serve on the JD Admissions Committee and Professor Alford heads the LLM and SJD Admissions Committees. Professors Alford, Ramseyer, and Wu spoke with well over 100 admitted students (both JD and LLM) about the Law School and over the course of the year communicated with many potential applicants. Professors Alford and Wu took part in the Admitted Applicants Day lunch in April and attended the cocktail party for newly admitted students. (Professor Ramseyer was on leave at that time).

b. Professors Alford and Wu served as first round Ames judges (Professor Ramseyer being on leave).

c. Professor Alford advised several JD, LLM, and SJD students about academic and career questions and met with several LLMS and others applying to the SJD program. He also participated in mock job interviews and mock job talks for several Climenko Fellows and wrote letters of reference for some 100 students and recent graduates, as well as several tenure and promotion letters.

d. Professor Ramseyer continues to serve as editor-in-chief of the *Journal of Legal Analysis*, while Professor Alford remains an advisor to the *Harvard International Law Journal*.

## 6. Other Contributions to the HLS Community

a. Professor Alford interviewed former US Navy Secretary Ray Mabus, '75 in the spring semester before an audience of 125+.

b. Professor Alford chairs the weekly SJD colloquium in which capacity he typically counsels students re: the written materials that they distribute in advance (a seven-page abstract and/or a chapter), attends the colloquia and often reviews performance afterward with the students.

c. Professor Alford held periodic morning meetings with John F. (Jack) Cogan, Jr. '52 and members of the Development and Alumni Relations office.

d. EALS provided advice for students planning to study abroad in China, Hong Kong, Korea, Taiwan and Japan.

e. EALS provided assistance to HLS faculty members interested in learning more about

East Asia.

f. Professor Alford chaired the Graduate Program and the Project Review Committees.

g. This year, EALS co-sponsored events with the Human Rights Program, the Harvard Asia Law Society, the China Law Association, the Harvard Law School Project on Disability, the Environmental Law Program, the Islamic Legal Studies Program, the Program on Negotiation, the Center on the Legal Profession, the HLS Library, and the Program on International Financial Systems.

h. EALS provided a grant to SHARIAsource and the Islamic Legal Studies Program to underwrite the translation of primary source materials in Chinese.

i. EALS shared its meeting space in Austin Hall (the Morgan Courtroom) with many other HLS offices, programs, faculty members and student organizations:

The Program on Negotiation hosted Former Irish Prime Minister (Taoiseach) Bertie Ahern for a discussion of the peace process in Northern Ireland that culminated in the Good Friday accords. They reserved the Morgan Courtroom for a filmed private interview.

Following both the Ames Moot Court Final Round Competitions in November and the Ames Semi-Finals in March, the student participants along with Dean Minow and the participating judges met in the Morgan Courtroom for photographs and post-event socializing.

The Islamic Legal Studies Program and SHARIAsource held their “Comparing and Sharing Digital Archival Projects and Resources workshop in Morgan, led by Professor Intisar Rabb, Founding Editor-In-Chief, SHARIAsource.

The Legal Services Center used Morgan as the green room for the 2016 Disabled American Veterans Distinguished Speaker Lecture. The Honorable Robert Russell, founder of the nation’s first Veterans Treatment Court was the invited guest.

The Scales of Justice, the HLS a cappella choir, reserved Morgan as a warm-up and preparation room before their December performance in the Ames Courtroom.

The Admissions Office held two lunch meetings for the Junior Deferral Program for students at the College who may attend HLS in the future. Admissions also used Morgan for three full days of meetings in January.

The Dean of Students office reserved the Morgan Courtroom as the green room for the Northeast Regional of the National Trial Competition held in February.

The Communications Office used the Morgan Courtroom for alumni interviews to be included in the Bicentennial film they have been making this year.

The Office of the Assistant to the President for Institutional Diversity and Equity used Morgan again this year for its Women of Color Leadership and Empowerment Conference.

A number of students used Morgan as quiet study space throughout the academic year, including on an almost continuous basis throughout April and May in preparations for exams.

#### 7. Law Reform and Advocacy and 8. Connections to the Profession

a. As in previous years, the EALS program received numerous individuals and groups of visitors from East Asia and elsewhere who are concerned with the reform of legal education, the legal profession and law generally, often linking them with HLS faculty. Some of these delegations were directed to EALS by the State Department and the University Marshal. The visiting groups this year included, among others, delegations from Peking University and the University of Hong. As listed above, EALS hosted a visit by Ma Yingjeou, SJD '81, former president of Taiwan.

b. In the summer of 2016 EALS hosted a select group of ten faculty members from Renmin University Law School for a two-week training program at HLS. The participants lived on campus, attended daily classes totaling some 35 hours over this period, visited the JFK Library and Edward M. Kennedy Institute for the United States Senate, watched and discussed a legal-themed film and enjoyed two receptions.

A number of HLS faculty members and other personnel provided instruction of one to four days:

Professor Todd Rakoff, '75 – legislation and regulation  
Lecturer on Law Christopher Taggart, SJD '13 – introduction to US law  
Lecturer on Law Alonzo Emery, '10 – negotiation and clinical approaches to law  
Visiting Professor Michael Stein, '88 – law and bioethics  
Professor William Alford, '77 – legal issues pertinent to the US-China relationship  
Professor Carol Steiker, '82 – criminal law and procedure  
Dr. Cui Fengming – disability advocacy  
Jennifer Allison, Librarian for Foreign, Comparative, and International Law – legal research methods and tour of the library

Modest compensation was provided to Professors Rakoff, Steiker, Taggart, Stein and (and to a lesser degree) Professor Alford for their instruction.

c. Professor Alford continued to work closely with Chinese officials involved with matters of law and policy, especially in the area of disability. He also met privately on several occasions with Chinese and US officials (including in the State and Defense Departments and with members of Congress, including Senator Elizabeth Warren and Congressman Joe Kennedy) regarding disability as well as human rights, trade and the US-China relationship more broadly.

d. Professor Alford served on a pro bono basis on the advisory committee of several foreign universities, law schools (the University of Hong Kong, the City University of Hong Kong and Zhejiang University) and on several editorial boards of journals in the field. He also

read applications for The Research Grants Committee of Hong Kong, delivered two lectures at Tsinghua University in Beijing, and served on the Executive Committee for a major international prize.

e. Professor Alford continued to serve in a pro bono role as Lead Director and Chair of the Executive Committee of the Board of Directors of Special Olympics International, advising it on a range of issues and taking the lead in formulating its effort to secure a more prominent place for disability issues in The Global Sustainable Development Goals. Professor Alford also established and (with its General Counsel) co-chairs SOI's task force on diversity and chairs its Compensation Committee. In March 2017, at the Special Olympics World Winter Games in Austria, he spoke (partially in German) to an audience of 1,500 including the President of Austria, met with relevant ministers from Canada, Egypt, Mongolia and Abu Dhabi about disability issues, and did a Polar Plunge in freezing water! The Canadian government has asked that HPOD continue to draw on its broad comparative experience to provide advice as Canada revises its national disability law (which advice is being given on a pro bono basis).

## 9. Collaborations with other Schools and Departments of Harvard University

a. Professor Alford continues to serve on the University Committee on International Projects and Sites.

b. EALS invited Samuel Odamah (Academic Affairs Coordinator for the MBA program at the Business School) to provide a workshop for our Visiting Scholars on "Styles of Presentation."

c. Again this year, Professor Alford supervised a significant number of students from other parts of the University and worked with students in History and East Asian Languages and Civilizations. He serves on the Fairbank Center's Executive Board and on the steering committee for the Harvard China Fund. Professor Wu served on the Fairbank Center's Steering Committee.

d. EALS co-sponsored events this year with the Fairbank Center for Chinese Studies, the Asia Center, the Harvard-Yenching Institute, the Harvard-Yenching Library, the Korea Institute, the Reischauer Institute of Japanese Studies, the US-Japan Program, the Department East Asian Languages and Civilizations, the Department of Government, the Harvard-China Project on Energy, Economy, and Environment of the Harvard John A. Paulson School of Engineering and Applied Sciences, the Ash Center for Democratic Governance and Innovation at the Kennedy School, and the South Asia Institute.