

University of Hawai'i-University of Sydney Symposium

April 15-16, 2011

@ Honolulu

Co-organised by CAPLUS (sydney.edu.au/law/caplus) including funding from the University of Sydney's International Development Program Fund

11:30—Lunch for participants

Friday, April 15, 2011 – Moot Courtroom, WSRSL

1:00 Welcome and opening remarks by Dean Aviam Soifer (Hawai'i)

1:10-2:45 **Keynote Lecture and Discussion:** Jerome A. Cohen (NYU): *Is China a Police State?*
[via videoconferencing]

2:45-3:00—Coffee

3:00 – 4:45 **Human Rights in Asia**

Andrew Byrnes (New South Wales), Moderator

Tae-Ung Baik (Hawai'i): *Getting to the Truth: The Procedural Arrangements for the Truth Commissions in South Korea*

Carole Petersen (Hawai'i): *The Role of National and Regional Human Rights Institutions in the Asia-Pacific Region*

Kuk Cho (SNU): *The Under-Protection of Women Under Korean Criminal Law*

5:00- 7:00-Reception WSRSL Courtyard

Saturday, April 16, 2011 – Classroom 5, WSRSL

8:30-9:00 Coffee

9:00-10:45- **Issues in Criminal Justice**

Tae-Ung Baik, Moderator

Vivienne Bath (Sydney): *China, International Business and Criminal Law*

Shigenori Matsui (UBC): *Justice for Criminals or Justice for Victims?: The Protection of Victims' Rights in Japan*

Jae-Hyup Lee and Jisuk Woo (SNU): *Insights from a Jury Room: Preliminary Assessment of an Empirical Study of Shadow Juries in Korea*

10:45-11:00 Coffee break

11:00-12:45 **The Judicial Process**

Luke Nottage, Moderator

Mark Levin (Hawai'i): *Fairness and Due Process in Japanese Civil Litigation*

Simon Butt (Sydney): *Corruption and Law in Indonesia*

Ron Brown (Hawai'i): *ADR in Chinese and Japanese Labor Disputes: Common Themes and Contrasts*

12:45-1:45—Lunch for participants

1:45 – 3:30 – ***Legal Professions***

Shigenori Matsui, Moderator

Luke Nottage (Sydney): *Who Defends Japan? Government Lawyers and Judicial System Reform in Japan*

Salim Farrar (Sydney): *Enforcing the Law against the Enforcers—Malaysia's Enforcement Agency Integrity Commission Act 2009*

Alison Conner (Hawai'i): *Bright Day (1947): a Model Chinese Lawyer?*

3:30-4:00 ***Conclusion and Summary***

HAWAI‘I- SYDNEY SYMPOSIUM PARTICIPANTS APRIL 15-16, 2011

Tae-Ung Baik (University of Hawai‘i) A graduate of Seoul National University, Professor Baik earned his LLM and JSD from Notre Dame. He served as Director of the Korean Legal Studies Program at the University of British Columbia, where he taught courses on Korean, international and comparative law, and is now a visiting professor at the William S. Richardson School of Law. Professor Baik is a specialist in the area of human rights law and Korean law. He has worked for Human Rights Watch in New York and served the South Korean Delegation in the 56th United Nations Sub-Commission on the Promotion and Protection of Human Rights as a legal adviser.

Vivienne Bath (University of Sydney) Professor Bath is a graduate of the Australian National University and Harvard Law School, and is now associate professor of law and Director of the Center for Asian and Pacific Law at Sydney Law School. She formerly practiced international law in New York, Hong Kong and Sydney. She has published widely in the area of Chinese law and is a frequent participant in conferences and seminars focusing on developments in the Chinese legal regime. Professor Bath often works on rule of law and governance issues affecting the public and private sector in China.

Ronald C. Brown (University of Hawai‘i) Formerly Professor of Law on the Faculty of William and Mary School of Law, Professor Brown joined the faculty at Hawaii in 1981 and has served as Associate Dean and as Director of the Pacific-Asian Legal Studies Program. Professor Brown also served as the University's Director of the Center for Chinese Studies from 2000-2006. His experience includes working as an attorney with the National Labor Relations Board, representing management and labor in labor relations matters, acting as private impartial arbitrator in labor-management disputes and serving as state-appointed public fact-finder in Hawaii public sector disputes. Professor Brown's teaching specialties include labor and employment law, employment discrimination law, arbitration, Chinese law, Asian International and Comparative Labor Law, and U.S.-China Labor & Employment Law. He has authored numerous articles and several books on Chinese law, has worked in China under the USIA's professional-in-residence program, has served as a Consultant with the World Bank, and has lectured throughout Asia on comparative labor law topics.

Simon Butt (University of Sydney) Dr. Butt is a graduate of the Australian National University and received his PhD from Melbourne University. He is now a senior lecturer at the University of Sydney Law School. He previously worked as a consultant on the Indonesian legal system to the Australian government, the private sector and international organizations, including the United Nations Development Program and the International Commission of Jurists. Dr. Butt writes on Indonesian law, especially constitutional, criminal, civil, human rights, and Islamic and customary (*adat*) law, and legal diversity in Indonesia more generally.

Andrew Byrnes (University of New South Wales) is a graduate of the Australian National University and Harvard and Columbia Law Schools, and is currently Professor of International Law and Chair of the Australian Human Rights Centre at the University of New South Wales. He previously taught at the Universities of Sydney and Hong Kong and at the Australian National University. He has published on international human rights law and procedures, gender and disability and human rights, the domestic implementation of human rights, and national human rights institutions in the Asia Pacific. He also serves as consultant to a number of international agencies.

Kuk Cho (Seoul National University) Professor Kuk Cho earned his LL.B. and LL.M. degrees from Seoul National University. After completing Ph.D. course work, he went to U.C. Berkeley

earning his LL.M. & J.S.D. degrees. He is currently Professor of Law, SNU teaching criminal law and procedure. He has worked as a commissioner of National Human Rights Commission of Korea until November 2010, and is engaged in a national tour discussing his new book, *A Plan for Progressive Power* (2010).

Jerome A. Cohen (New York University). Professor Cohen, a professor of law at NYU since 1990 and co-director of its U.S.-Asia Law Institute, is the leading American expert on Asian law and the founder of Chinese legal studies in the United States. From 1964 to 1979, he served as Jeremiah Smith Professor and Director of East Asian Legal Studies at Harvard Law School, where he helped introduce the teaching and study of Asian law to American law schools. He has published many books and articles on Chinese law and Asian law; his current research focuses on dispute resolution, criminal justice reform, human rights, and the role of international law in China. Professor Cohen pioneered the foreign practice of law in China when he opened the first U.S. law firm in Beijing in 1979, and he is widely recognized as the most influential American lawyer in this field. He also frequently testifies before Congress on issues relating to Chinese legal reform and the rule of law in Asia.

Alison W. Conner (University of Hawai‘i) Professor Conner is a graduate of Harvard Law School and earned her PhD in Chinese history from Cornell University. Before coming to Hawai‘i in 1995, she taught law for nearly twelve years in China, Singapore and Hong Kong; she is now professor of law and director of international programs at the William S. Richardson School of Law. She is active in comparative law organizations in the U.S. and internationally. She has written on legal reform in China, especially of the legal profession and legal education (before and after 1949)—and also on the depiction of the legal system in early Chinese movies.

Salim Farrar (University of Sydney) Dr. Farrar is a graduate of King’s College London and received his PhD in criminal justice at Warwick University after a two-year stint in Malaysia. He is a senior lecturer at the University of Sydney Law School, where he teaches courses in comparative criminal justice in Asia and in Islamic law. His principal research interests are in Islamic law, criminal justice and human rights, with a particular focus on Southeast Asia and the Middle East. Dr. Farrar writes on Islamic law in Southeast Asia, especially Malaysia, and he recently published a book on the reform of the Malaysian criminal process.

Jae-Hyup Lee (Seoul National University) Professor Lee is a graduate of Seoul National University; he earned his JD from Northwestern University and his PhD from the University of Pennsylvania in anthropology. His dissertation, “Dynamics of Ethnic Identity: Three Asian American Communities in Philadelphia” was later published as a book. Professor Lee’s latest research focuses on environmental law, law and society in Korea, and civil participation in jury trials in Korea. He teaches courses on American law and environmental law and is active in the Korean Environmental Law Association.

Mark Levin (University of Hawai‘i) Professor Levin graduated from the University of Michigan, Yale Law School, and the University of Washington, and was a Japan Foundation sponsored research fellow at the Tokyo University Faculty of Law. He was the first non-Japanese national given full status as a law faculty member at Hokkaido University in Sapporo, Japan. With prior publications considering diverse topics in Japanese law including smoking and tobacco regulation, legal education, and the legal circumstances of race and indigenous peoples, his current research is centered on judicial administration and procedural justice in Japan.

Shigenori Matsui (University of British Columbia) Professor Matsui is a graduate of Kyoto University and received his JSD from Stanford Law School. He taught at Osaka University Law

School for more than twenty years, and is now professor of law and Director of the Center for Asian Legal Studies at the University of British Columbia, where he teaches courses in Japanese law and constitutional law. An internationally-renowned expert in the fields of constitutional and internet law, his current research interests include proposals to establish a Japanese constitutional court, the protection of victims in the criminal process, and the citizen-judge system in Japan.

Luke Nottage (University of Sydney) Professor Nottage, who is originally from England, is a graduate of Victoria University in New Zealand; he earned his LLM from Kyoto University and his PhD from Victoria. He has taught law in Japan and New Zealand and has been a visiting scholar in Canada, Germany and Japan. He is now an associate professor at the University of Sydney Law School, where he teaches courses on international, comparative and Japanese law. Professor Nottage's research focuses on civil dispute resolution, legal education, the role of government lawyers, tort liability and product safety, and corporate governance.

Carole Petersen (University of Hawai'i) Professor Petersen is a graduate of Harvard Law School and holds a BA in Economics from the University of Chicago and a Postgraduate Diploma in the Law of the PRC from the University of Hong Kong. She taught law in Hong Kong from 1989-2006 and is a former Director of the University of Hong Kong's Centre for Comparative and Public Law. She is currently Director of the Matsunaga Institute for Peace and Conflict Resolution and teaches courses in international law and human rights. She has published widely on gender and the law, disability rights, and the protection of civil liberties in Hong Kong.

Jisuk Woo (Seoul National University) Professor Woo is an associate professor in the Graduate School of Public Administration at Seoul National University and is currently a visiting scholar at the University of Hawai'i. Professor Woo earned her J.D. from New York University and has a Ph.D. and M.A. in Communication from the University of Pennsylvania, Annenberg School for Communication. She also has a bachelor's degree in Mass Communication and Economics from Yonsei University, Seoul, Korea. Professor Woo has published several works relating to Copyright Law, Internet Governance, Intellectual Property, and Privacy in the Interactive Media Environment.