Works by
Luke Richard Nottage
29 May 2012

A. Books
B. Edited books
C. Book chapters
D. Refereed articles
E. Other academic articles and papers
F. Other articles, essays and looseleaf contributions
G. Book reviews
H. Refereed conference presentations
I. Other conference presentations
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K. Submissions, external reviews, major consultancies
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Overview

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A. Books


B. Edited Books

7. Foreign Investment and Dispute Resolution Law and Practice in Asia (Vivienne Bath and Luke Nottage, eds: November 2011, London: Routledge, London) [12 chapters (including two co-authored) plus Preface from the IBA President, 296pp]


C. Book Chapters

2012:


- “ASEAN and the ASEAN Australia New Zealand Free Trade Agreement” (with Vivienne Bath) in Marc Bungenberg, Joern Griebel, Stephan Hobe & August Reinisch (eds) International Investment Law (Baden-Baden et al: Nomos/Beck/Hart) forthcoming


- “Case No. 9 Civil Law – Tort Law – Product Liability Law – Claim for Damages” in Moritz Bælts, Marc Dernauer et al (eds), Business Law in Japan: Cases and Comments (Alphen aan den Rijn: Kluwer)

- “Case No. 71: Arbitration Law – Separability and Arbitrability – Terminated Contract” (with Christopher Heath) in Moritz Bælts, Marc Dernauer et al (eds), Business Law in Japan: Cases and Comments (Alphen aan den Rijn: Kluwer) 773-84

- “Addressing International Arbitration’s Ambivalence: Hard Lessons from Australia” in Vijay Bhatia, Christopher Candlin & Maurizio Gotti (eds), Discourse and Practice in International Commercial Arbitration (Dartmouth: Ashgate) 11-44

2011:

- “Japan” in Jean du Plessis et al Principles of Contemporary Corporate Governance (Melbourne: Cambridge University Press, 2011) 352-86


- “Foreign Investment and Dispute Resolution Law and Practice in Asia: An Overview” (with Vivienne Bath) in Vivienne Bath & Luke Nottage (eds) Foreign Investment and Dispute Resolution Law and Practice in Asia (London: Routledge) 1-24
2010:


2009:

- “Conclusions” (with David Harland) in Jocelyn Kellam (ed) Product Liability in the Asia-Pacific (Sydney: Federation Press, 3rd ed 2009,) 559-78

2008:


2007:

- “Legal Harmonization” in David Clark (ed) Encyclopedia of Law and the Social Sciences:
American and Global Perspectives (New York: Sage) 686-92


2006:

- “Japanese Law” (with Masaki Abe) in Jan Smits (ed) Encyclopedia of Comparative Law (Cheltenham: Edward Elgar) 357-77

2005:

- “Corporate Governance and Law Reform in Japan: From the Lost Decade to the End of History?” (with Leon Wolff) in Rene Haak et al (eds) Japanese Management: In Search of a New Balance between Continuity and Change (New York: Palgrave Macmillan) 133-66
- “Japan” (with Leon Wolff) in Doing Business in Asia (The Hague: Kluwer Law International) 37,001-40,481 [127 pp]
  - Based on: “Japan” in CCH Doing Business in Asia (looseleaf, Singapore: CCH Singapore; first complete update published alone in 2000; twice-yearly updates in 2001 alone, and from 2002-6 as joint Contributing Editor with Leon Wolff)

2004:

- “Convergence, Divergence, and the Middle Way in Unifying or Harmonising Private Law” in Russell Miller and Peer Zumbansen (eds) 1 Annual of German and European Law (New York: Berghahn Books) 166-245

2001:

- “The Still-Birth and Re-Birth of Product Liability in Japan” in David Nelken and Johannes Feest (eds), Adapting Legal Cultures (Oxford: Hart) 147-185
2000 and earlier:

- “Japanese Section” (with Leon Wolff) in Igor Kavass et al (eds), World Dictionary of Legal Abbreviations (looseleaf, New York: William S Hein)
- (reprinted in revised and updated form in) 31/3 Hikakuho Zasshi [Comparative Law Review, Chuo University] (1997) 55-113

D. Refereed Articles

2012:

- “Throwing the Baby with the Bathwater: Australia’s New Policy on Treaty-Based Investor-State Arbitration and Effects on Cross-border Investment in Asia” 36 Asian Studies Review [accepted on 31 May]
- “Appropriate Treaty-Based Dispute Resolution for Asia-Pacific Commerce in the 21st Century” (with Micah Burch and Brett Williams), UNSWJ Forum, under review for a Special Issue (on ADR)
- “What Law (If Any) Applies to International Arbitration in Australia?” (with Richard Garnett), UNSWJ Forum, under review for a Special Issue (on ADR)
  - Second half updated and published (in own name) as “Innovating for ‘Safe Consumer Credit’: Drawing on Product Safety Regulation to Protect Consumers of Credit” in Therese Wilson (ed) International Responses to Crisis: Credit, Over-indebtedness and Insolvency (Ashgate, 2013)
- “Novel Treaty-Based Approaches to Resolving International Investment and Tax Disputes in the Asia-Pacific Region” (with Micah Burch) 18 Australian International Law Journal (2011) 127-140
- “Investment Arbitration in Asia: Five Perspectives on Law and Practice” (with Romesh Weeramantry) 28 Arbitration International 19-62

2011:


• “The 2010 Amendments to the International Arbitration Act: A New Dawn for Australia?” 7(1) *Asian International Arbitration Journal* 29-53

• “New Legislative Agendas, Legal Professionals and Dispute Resolution in Australia and Japan: 2009-2010” 28 *Ritsumeikan Law Review* 1-55

  o Also at http://www.juris.hokudai.ac.jp/geoe/journal/LPG_vol13/13_13.pdf

  o With introductory part also in 16 *The Australian ADR Reporter* (July 2011) 49-55

  o Part also as “Confidentiality of Mandatory Consumer Product Accident Reports: The Australian Consumer Law Compared” 21(9) *Australian Product Liability Reporter* 102-6 (June)

2010:


• “The Top Twenty Things to Change In or Around Australia’s International Arbitration Act” 6 *Asian International Arbitration Law Journal* 1-43 (Luke Nottage and Richard Garnett)
  o summarised in: 9 *Australian ADR Reporter* (Chartered Institute of Arbitrators – Australian Branch) 7-9 (via www.arbitrators.org.au)

2009:

• “Back to the Future” for Investor-State Arbitrations: Revising Rules in Australia and Japan for Public Interests” (Luke Nottage and Kate Miles) 26(1) *Journal of International Arbitration* 25-58
  o with an earlier abridged versions in 20 *JCAA Newsletter* 1-8 (July 2008) also at http://www.jcaa.or.jp/e/arbitration-e/syuppan-e/newslet/news20.pdf,
  o translated (by Akira Sawai and Keiko Takikita) in (2009) 628 *JCA Jyanaru* 28-38

• “Consumer Law Reform in Australia: Contemporary and Comparative Constructive Criticism”* QUT Law and Justice Journal* 111-136

2008:
• “Europeanisation of Product Liability in the Asia-Pacific Region: A Preliminary Empirical Benchmark” (with Jocelyn Kellam) 31(2) Journal of Consumer Policy 217-41 http://www.springerlink.com/content/g5342g1342w1v156/

2007:

2006:

2005:
• “Build Postgraduate Law Schools in Kyoto, and Will They Come - Sooner and Later?” 7 Australian Journal of Asian Law 241-63
• “Who’s Afraid of the Vienna Sales Convention (CISG)? A New Zealander’s View from Australia and Japan” 36 Victoria University of Wellington Law Review 815-45
• “Civil Procedure Reforms in Japan: The Latest Round” 22 Ritsumeikan Law Review 81-6

2004:

2003:
2002:
- “IT and Legal Practice and Education in Japan and Australia” (with Makoto Ibusuki) 4 UTS Law Review 31-54
  - (abridged for) [Winter 2002] Bar News (Bar Association of New South Wales) 27-30
  - (in turn reprinted in) David Spencer (ed) Dispute Resolution in Australia: Cases, Commentary and Materials (Pyrmont: Law Book Co)

2001:
- Japanisches Recht, Japanese Law, and Nihon-bo” 12 Journal of Japanese Law 17-21
  - (in turn reprinted in) 8 Ritsumeikan Journal of Asia-Pacific Studies (2001) 115-144;
- “Comment on Civil Law and Common Law: Two Different Paths Leading to the Same Goal” 32 Victoria University of Wellington Law Review 843-851
  - (reprinted in) 7 Revue Juridique Polynésienne 843-851 (http://www.upf.pf/recherche/RJP7.htm#7);

2000 and earlier:
  - (with a much shorter and earlier version published as) “Kokusai Shoji Chusai to Lex Mercatoria no Hensen [The Vicissitudes of Transnational Commercial Arbitration and the Lex Mercatoria]” 113 Ho no Shihai 100-111 (Noboru Kashiwagi, trans; April 1999)
  - (reprinted in) (1998) 65/3-4 Hosei Kenkyu F1-50
- “Annotated Select Bibliography of Japanese Business Law in Western Languages”, with Harald Baum, (1997) 27/1 victoria University of Wellington Law Review 121-174
  - (fully reprinted in) NZ Association for Comparative Law (ed) Yearbook 2: 1996 121-174 (1997);
E. Other Academic Articles and Papers

2011:
- “Introduction: Asian Investment and Finance Law” (with Vivienne Bath) 34(1) Sydney Law Review 1-4 (guest editors of Special Issue)

2011:
- “Drafting Arbitration Clauses to Minimise Costs and Delays in ICA: An Asia-Pacific Perspective” 16 The Australian ADR Reporter (July 2011) 35-40

2010:
- “Proposed Australian (and Canadian) Requirements to Disclose Consumer Product Related Accidents: Better Late than Never?” 20 Australian Product Liability Reporter, 8-12

2009:

2008:
- “Chinese Dumplings and Dodgy Foods in Japan: Implications for the Australia-Japan FTA” (with Joel Rheuben) 19(4) Australian Product Liability Reporter 50-6
- “Beyond Borders in the Classroom - The Possibility of Transnational Legal Education” 25 Ritsumeikan Law Review 183-208 (edited Conference Panel Discussion transcript, with Frank Bennett et al)
2007:

- “Arb-Med in Australia: The Time Has Come” 5 ADR Reporter (Chartered Institute of Arbitrators – Australian Branch) 8-19

2006:

- “Report on Clayton Utz Asia Pacific Product Liability Survey” (with Jocelyn Kellam) 17(9) Australian Product Liability Reporter 121-40

2005:

- (abridged) “Osutoraria ni okeru Chusai Kyoiku - Kokkyo o koeru Teikei ni mukete” 52(4) JCA Jyanaru 50-4
- “Reviewing Product Safety Regulation in Australia - and Japan?” 16 Australian Product Liability Reporter 100-6 (Part 1), 124-8 (Part 2)

2004:

- “Nihon no Hoso Yoso Seido Kaikaku e no Teigen – Osutorariabo no Shiten kara [Proposals for Reforming Japan’s System for Training Legal Professionals: From the Perspective of Australian Law” (with Takahiro Saito) 76(2) Horitsu Jiho 30-36

2003:

- “Mad Cows and Japanese Consumers” (with Melanie Trezise) 14(9) Australian Product Liability Reporter 125-36
- “Osutorariabo wa Beikokuka shita no ka? Nihon no Hoso Yosei Seido Kaikaku e no Shisa [Has Australian Law been Americanised? Implications for Japan’s System for Educating the Legal Profession]” (with Takahiro Saito) [September 2003] Causa 66-69

2001:

2000 and earlier:

- “New Concerns and Challenges for Product Safety in Japan”, (2000) 11/8 Australian Product Liability Reporter 100-110; reprinted in
- “Nyujirando no Hogaku Kyoiku ni okeru Hoshiboku ni Kaikakushugi” [Conservative Reformism in New Zealand’s Legal Education]” (2000) 6 Shibokaikakuten Zasshi 61-68
- “Un Hanbai Jyaku (CISG) to Hogaku Kyoiku [The Vienna Sales Convention (CISG) and Legal Education]”, with Hiroo Sono, (2000) 1186 Juristo 24
  - (in slightly updated form, with a new concluding Part IV) in 6/1 Murdoch University Electronic Journal of Law (May-April 1999);41
- “Cyberspace and the Future of Law, Legal Practice and Legal Education”, (1998) 65/1 Hosei Kenkyu F1-F32

- “The Day After” the Kobe 'Quake: Renegotiating Contracts with Japanese Suppliers 'In the Shadow of the Law’” (1995) 432 Lawtalk (New Zealand Law Society) 6-10

F. Other Articles, Essays and Looseleaf Contributions

- Since mid-2008: regular contributor to the East Asia Forum blog at http://eastasiaforum.org/author/lukenottage/:
- Since 2008: Contributing Editor (with Jocelyn Kellam), Australian Sales and Fair Trading Law Reporter (CCH, last updated November 2009)
- 2007-9: Contributing Editor, CCH Japan Business Law Guide (looseleaf, 2 volumes, Singapore)
  1. September 2007: update to “Product Liability” chapter (originally with Masanobu Kato)
  2. December 2007: update to “Contract Law” chapter (with Masanobu Kato, last revised by Veronica Taylor)


- “Americanisation of Japanese – and Australian – Law?”: No 60, September 2003, 11-12;
- “Japan, Inc Goes Global: Elective Corporate Governance Reform”: No 57, April 2003, 6-8;
- “Re-tilting Japan’s Civil Litigation Landscape”: No 54, August 2002, 10-11;
- “Japan’s E-Initiatives-2001”: No 52, March 2002, 7-9;
- “Japan’s Impending Reforms of the Administration of Justice: Far From Final”: No 48, October 2001, 4-7;
- “Japan and the WTO Game”: No 47, May 2001, 1-4;
- “Bridging the Gaps in Japan’s Regulatory Framework”: No 43, August 2000, 6-7;
- “Pressure Mounts on Japanese Corporate Governance”: No 42, June 2000, 6-8;
- “Taking a Leaf from Japan’s Product Liability Claims”: No 41, April 2000, 10-11.

Contributions to Toki no Horei (law journal supported by the Japanese Government):

- “Kanada no Ro Sukuru [Canada’s Law Schools]” No 1638 (March 2001), 2-3;
- “Kitsune to Harinezumi [The Fox and the Hedgehog]” No 1636 (February 2001), 4-5;
- “Ho to Machiavelli [Law and Machiavelli]” No 1632, 4-5 (December 2000);
- “Ho to Bijutsu [Law and Art]” No 1630, 2-3 (November 2000);
- with an expanded version combining these two, in [February 2001] Council Brief (Wellington District Law Society) 8
- “Honto no Daigakuin Daigaku ni okeru Hogaku Kyoiku [Legal Education in a Real Graduate School of Law]” No 1628, 4-5 (October 2000);
- “Saibasupesu to Minshushugi [Cyberspace and Democracy]” No 1626, 2-3 (September 2000);
- (with an expanded version, entitled “The Promise of Internet Democracy Yet to be Fulfilled”) in [December 2000] Council Brief (Wellington District Law Society) 6
- “Saibasupesu ni okeru Bukkenteki na Yoso to Kyodotai [Pseudo Property Rights and Community in Cyberspace]” No 1624, 4-5 (August 2000);
- “Saibasupesu ni okeru Keiyaku to Shinrai [Contract and Trust in Cyberspace]” No 1622, 2-3 (July 2000);
- (with an expanded version, under the same title in English) in 549 Lawtalk (New Zealand Law Society, October 2000)
- “Nihon-Nyujirando Shobishakeiyaksenbo [Consumer Contract Law in Japan and New Zealand]” No 1620, 4-5 (June 2000);
- “Keiyaku Ishiki Chosa Yoto (No 5) - Nyujirando ni okeru Ho/Shakai jikkenshugi to Keishiki Shiko [Contract Consciousness Survey Notes (No 5): Socio-legal Experimentationalism and Formalism in New Zealand]” 475 Shosai no Mado 48-52 (June 1998).

G. Book Reviews

“Christine de Matos, Australia, Social Justice and Labour Reform in Occupation Japan” (2009) 29(3) Japanese Studies 454-6
“Juergen Basedow et al (eds) Economic Regulation and Competition: Regulation of Services in the EU, Germany and Japan” (2005) 16 Zeitschrift fuer Japanisches Recht 281-4
“Klaus Peter Berger (ed), The Practice of Transnational Law” (2002) 19(1) Journal of International Arbitration 67-71
“Patrick Parkinson, Tradition and Change in Australian Law” (2001) 50/4 International and Comparative Law Quarterly 998-1000

Before 2000:

H. Refereed Full-length Conference Papers

“You Say Tomato, I Say Tomahhto, Let’s Call the Whole Thing Off: The Chicago School of Law and Economics Comes to Japan” (with Craig Freedman), Refereed papers from the 5th Australian Society of Heterodox Economists Conference, 11-12 December 2006, UNSW;
- Also published as Macquarie University Centre for Japanese Economic Studies Research Paper 2006-4 [40 pp]

I. Other Conference Presentations

(selected; * when invited)

2012:
• Co-organised and spoke (on corporate governance) at the Asian Commercial Law Reform symposium, Sydney Law School, 3-4 August 2012
• “Novel Treaty-Based Approaches to Resolving International Investment and Tax Disputes in the Asia-Pacific Region” (with Micah Burch), paper presented at the Asian Studies Association conference, University of Western Sydney, 1-4 July 2012; and ANZSIL conference, Victoria University of Wellington, 5-7 July 2012
• “Independent Directors—In Action? or Inactive? An Empirical Study of How They Are Appointed and What They Do in Japan” (with Souichirou Kozuka et al), Law and Society Association annual conference, Honolulu, 4-8 June 2012 (also spoke with Kozuka on consumer credit, and discussant for third session)
• Co-organised and spoke at the “Asia-Pacific disasters” conference at Sydney Law School, 1-2 March 2012

2011:
• * “The Rise and Fall of Investor-State Arbitration in Asia” Lee Kwan Yew School of Public Policy, National University of Singapore, 26-9 October 2011
• “Comparing Disaster Law in Japan: Culture, Politics and Economics” Tohoku University GCOE conference, Japan, 13-15 October 2011
• “Independent Directors in Australia and Singapore: Same But Different?” (with Fady Aoun and Matt Nichol, in a panel co-organised on Comparative Corporate Governance), 2nd East Asian Law and Society conference, Yonsei University, Seoul, 30 September – 1 October 2011
• “Fostering a Common Culture in Cross-Border Dispute Resolution: Australia, Japan and the Asia-Pacific” (with Micah Burch and Brett Williams), Japanese Studies Association of Australia conference, University of Melbourne, 1-4 July 2011
• * “Product Accident Report Sharing and Disclosure under the Australian Consumer Law”, Consumers 2011 conference, Sydney, 7-8 June 2011
• * “Who Defends Japan? Government Lawyers and Judicial System Reform in Japan”, UHawaii / USydney conference on “Legal Reform in the Asian Region”, Honolulu, 15-16 April 2011; and (presented by co-author Stephen Green) at the annual conference of the Japan Association of Sociology of Law, University of Tokyo, 27 May 2011

2010:
- “Fostering a Common Culture in Cross-Border Dispute Resolution: Australia, Japan and the Asia-Pacific”, Gold Coast Conference in Japanese Law, Bond University Law School, 15 November 2010
- “Australia’s New Regime for Consumer Product Safety Regulation and Asia-Pacific Regional Architecture”, 5th Australasian Consumer Law Roundtable, University of Western Australia, Perth, 24 September 2010
- “Legal Education in Australia” (with Justice James Douglas et al), for the Congress of the International Academy of Comparative Law, Washington DC, 25-30 July 2010
- * “Private Law Theory” workshop, American University Law School, 27 July 2010
- Three presentations (and Chair of two panels, comparing judicial system reform initiatives in Japan) at the Inaugural East Asian Law and Society conference, University of Hong Kong, 5-6 February 2010

2009:
- “Asia-Pacific Product Safety Regulation in an FTA Era”, NZCIEL conference on “Trade Agreements: Where Do We Go from Here?”, Wellington, 21-3 October 2009
- “Reforming unsecured consumer credit markets in Japan and worldwide: Empirically informed normativism” (with Souichirou Kozuka), International Association of Consumer Law / NALSAR conference, Hyderabad, 25-7 February 2009

2008:
- “Back to the Future for Investor-State Arbitrations” (with Kate Miles), Sydney Centre for International Law, 2 April 2008; revised for ANZSIL conference, Canberra, 28 June 2008.

2007:


• * “Comparing the Regulatory Mix for Consumer Credit in Japan, Australia and Beyond”, paper for the 2nd Consumer Law Roundtable, Griffith University, Brisbane, 4 December 2007.


2006:

• * “Australia’s Takeovers Panel: Taking Over from The UK?”, Presentation at the Comparative Takeovers Regulation conference, Doshisha Law School, Kyoto, 22 November 2006.


• * “Addressing Consumer Product Safety in Australia, Japan and Beyond: Markets, Private Law, Regulation, Prosecutions or Inquiries, and Corporate Governance”, Paper for the “Consumer Law Round Table”, University of Sydney School of Business / Griffith University Centre for Credit and Consumer Law, 29 September 2006.


• * “Comparing Safety Problems in Australia”, Commentary for the RISTEX conference, University of Tokyo, 14-15 February 2006

2005:


• *Roundtable discussant at the conference on “Law and the Asia-Pacific Region amidst Globalisation”, Ritsumeikan University, Japan, 10 September 2005 (remarks in Japanese published in conference proceedings/DVD).*

• *“Build it in Kyoto, or Virtually, and Will They Come - Sooner and Later?”, Paper for the conference on “Build It and They Will Come - The First Anniversary of Law Schools in Japan”, University of Melbourne, 26 February 2005 [earlier version presented at the Kyoto Comparative Law Centre, 6 January].*

• *“Who's Afraid of the Vienna Sales Convention (CISG)? A New Zealander's View from Australia and Japan”, Paper for the International Trade Law conference, Victoria University of Wellington, 18 February 2005 [VUWL publication version presented as a staff seminar at Auckland University, 26 September].*


2004:

• *“Teaching Arbitration in Australia”, presentation for the Arbitration Education symposium, Kobe University CDAMS research COE, 6 November 2004.*


• *“Corporate governance and law reform in Japan: from the lost decade to the end of history?”, Paper for seminar presentation at the Asia Pacific School of Economics and Government, ANU, 14 October 2003; conference presentation at the annual meeting of the Australian Law and Society Association, University of Newcastle, 9-10 December, and at the Corporate Law Teachers Association conference, ANU, 8-10 February 2004.*

2003:

• *“The Procedural Lex Mercatoria: The Past, Present and Future of International Commercial Arbitration”, Paper for seminar presentation at Kobe University Law Faculty, 5 September 2003; workshop presentation at the inaugural symposium of the Research Center for Legal Dynamism of Advanced Market Societies (CDAMS), Kobe University, 29 September 2003.*


• *“Comparing ADR in Australia and New Zealand”, Paper for the biennial Lawasia Conference, Tokyo, 1-5 September 2003.*


• *“Comparing Japan’s Shifting Product Liability / Public Safety Regulation Interface”, Paper for the biennial conference of the Japanese Studies Association of Australia, 4 July 2003.*


“IT and Transformations in Legal Practice and Education in Japan and Australia” (with Makoto Ibusuki), Paper for the Austlii “Law over the Internet 2001” conference, University of Technology Sydney, 28-30 November 2001.

Before mid-2001:


“Keeping Lawyers in Comparative and Social Science Perspective: The Issue of Foreign Lawyers in Japan”, Paper presented at the Kobe International Seminar on The Role of Lawyers in Contemporary Societies, 9-11 August 1993, co-sponsored by the Research Committee on Sociology of Law (International Sociological Association) and Kobe University Law Faculty.
J. Other Lectures or Seminars

(selected; * when invited)

2012:
- * Presentation (with Prof Tatsuya Nakamura) at JCAA Seminar comparing arbitration case law and other developments in Australia, Japan and Hong Kong, JCAA, Tokyo, 20 July 2012; commentator at his Seminar hosted by Clifford Chance, Sydney, 13 September 2012; panellist at Australasian Forum for International Arbitration (AFIA) forum, Corrs, Brisbane, 12 September 2012
- * Presentation at a roundtable on Contract Law Reform in Australia, Sydney Law School, 10 July 2012
- * Chair/discussant at joint seminar with AUSTRADE on “Opening Doors to Business in Japan”, JETRO, Sydney, 27 March 2012
- Co-organised launch by Prof Michael Pyles of Bath/Nottage (eds) Foreign Investment and Dispute Resolution Law and Practice in Asia, Allens, Sydney, 22 March 2012
- Organised and spoke at 4th ANJeL Australia-Japan Business Law Update CLE Seminar, Herbert Smith, Tokyo, 11 February 2012
- * “TPP Negotiations and Investor-State Arbitration”, Roppongi Bar Association, Tokyo, 10 February 2012

2011:
- * “Resolving International Investment Disputes: From Soft to Hard Law?”, Soft Law COE, University of Tokyo, 1 November 2011
- “Lessons from Product Safety Regulation for Reforming Consumer Credit Markets in Australia, Japan and Beyond: Empirically-Informed Normativism”, ANU Regnet seminar, 16 August 2011
- * “Doing Business in Australia” (consumer law and arbitration topics), Law Council of Australia webinar with the California State Bar Association, 18 May 2011
- * “Australia’s Arbitration Act Reforms”, ACT Bar Association annual conference, University of Canberra, 19 March 2011; and 3rd ANJeL Australia Japan Business Law CLE Seminar, Freshfields, Tokyo, 12 February 2011

2010:
- * “Comparative and International Consumer Product Safety Regulation”, Hokkaido University, Global COE, Japan, 3 December 2010
- * “Beyond Anglo-American Corporate Governance: Comparing Law and Practice in Australia and Japan”, National Taiwan University Law Faculty, 29 November 2010
- Co-organiser and co-presenter, CAPLUS symposium, Sydney Law School, 29 October 2010; co-presentations including
  - “Introduction: Investment Treaties and Foreign (Direct) Investment In and Out of Asia” (with Vivienne Bath)
- * “Managing Costs and Time in Arbitration”, International Chamber of Commerce “International Arbitration in Australia and Beyond” seminar, Sydney, 14 October 2010
- Convenor and co-presenter, “International Arbitration Amendment Act 2010” CLE Seminar, Sydney Law School, 2 September 2010
- “Asia-Pacific Regional Architecture and Consumer Product Safety Regulation for a Post-FTA Era”, CLE/staff seminar at the Faculty of Law, National University of Singapore, 27 May 2010

2009:
- Co-organiser/chair of “Human Rights in Asia” conference, Sydney Law School, 27-9 November 2009
- Co-organiser and panelist, Australian Forum for International Arbitration, Sydney Law School, 7 August 2009
- * Panellist for Arb-Med symposium, Chartered Institute of Arbitrators, Sydney, 9 July 2009
- * “Consumer Law Update”, NSW Legal Studies Association conference, Rydges Hotel Parramatta, 2 April 2009
- “Blawgers Unite – New IT for Legal Teaching, Research and Outreach”, Staff Seminar, University of Sydney Law School, 5 March 2009
- Co-organiser and presenter (contracts, dispute resolution) at the inaugural ANJeL Australia Japan Business Law CLE Seminar, Tokyo, 14 February 2009
- “Are Foreign Investors Afraid to Institute Claims against the Chinese Government?”, Law Faculty staff seminar, City University of Hong Kong, 9 February 2009

2008:

Mid-2001 until 2007:
- Chair/organiser and commentator at a CLE Seminar on “International Arbitration and Mediation: Potential and Pitfalls”, Sydney Law School, 10 October 2007 (the day after the Clayton Utz/USydney International Arbitration Lecture, also involving Professor Gabrielle Kaufmann-Kohler from the University of Geneva)
- * “Schindler in Japan: Product Liability and Product Safety Re-regulation in Global Context”, Law Faculty staff seminar, Luzern University, Switzerland, 15 November 2006.
- * Participant in the International Trade Law symposium, Attorney-General’s Department / Law Council of Australia, Canberra, 3-4 March 2006.
• “Convergence, Divergence, and the Middle Way in Unifying or Harmonising Private Law”, Seminar for ANU’s Regnet series, October 2001; and the University of Melbourne’s Contemporary Europe Research Centre.
• “Japanese Corporate Governance at the Crossroads”, sole presenter for Sydney University Law Faculty Continuing Legal Education Seminar”, August 2001

Before mid-2001:
• “Transnationalisation of Contract Law”, Lecture given at Chonnam National University Law Faculty, Korea, 21 May 2001
• “Legal Sites in Japan and Other Asian Countries”, Lecture to the New Zealand Law Librarians’ Group, Bell Gully, Wellington, 1 August 2000 / Auckland District Law Society, 24 August 2000
• “Arbitration Law Reform: UNCITRAL in the Asia-Pacific”, Lecture to the New Zealand Association for Comparative Law, Wellington, 19 July 2000;
• “Separating the Anglo from the American in Anglo-American Law: Implications for Japanese Legal Education Reform”, Seminar (in Japanese/English) for the Institute Center of Comparative Law and Politics, Tokyo University, 8 May 2000; abstract in the ICCLP Review

K. Submissions, External Reviews, Major Consultancies (since 2001)

• Expert witness on Japanese private law in numerous proceedings in Australian courts and London-based arbitration
• Japan chapter (approx 100pp, with Kent Anderson, Makoto Ibusuki and David Johnson) for: “Research Studies on the organisation and functioning of the justice system in five selected countries (China, Indonesia, Japan, Republic of Korea and Russian Federation)”, United Nations Development Programme, Viet Nam (December 2009-June 2010)
• ACCC, Draft Mandatory Reporting Guide (July 2010), 20 September 2010

National Report on Australia, to Kyoto Comparative Law Center, for Japanese Cabinet Office Project on Consumer ADR (English version completed April 2008)

National Report on Australia, to Kyoto Comparative Law Center, for Japanese Cabinet Office Project on Representative Actions for Monetary Remedies (2007)


NSW Senate Inquiry into Unfair Terms in Consumer Contracts, Submission of 26 October 2006 (available via www.parliament.nsw.gov.au)


Kobe University, Centre for Legal Dynamics of Advanced Market Societies, COE mid-project external review, December 2004 (at http://www.cdams.kobe-u.ac.jp/)

Standards Australia, member of Committee MB-003 that (re)drafted Standard AS 4608-2004, “Dispute Management Systems”, 2004

Japanese Ministry of Justice, International Cooperation Division program in ADR, external reviewer, February 2002

L. Selected Media Appearances (since 2006)


M. Illustrative Citations


“This book, with the depth of learning displayed by the authors in their analysis of a wide range of issues that arise in this [international arbitration] context, will enhance the ability of Australian lawyers to continue to make a contribution to the success of the system. It is a welcome addition to the small library of texts in the field.”

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“This book is a timely and valuable analysis of the current arbitral scene in Australia. It will be an invaluable work of reference for both arbitration practitioners and scholars in this field. Indeed, it may fairly be regarded as a part of an unofficial travaux préparatoires of Australia’s new legislation.”

David Williams

“… an extremely knowledgeable and detailed exposition …”

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Endorsement Quotes:

“The essays in this collection approach Japanese corporate governance in the 2000s from a variety of novel perspectives – novel in terms of subject matter, methodology, and points of comparison. The result is a comprehensive portrait of the current dynamics of change and stasis in the institutional environment for Japanese firms.”

Curtis Milhaupt

“An invaluable set of resources for everyone with an interest in corporate governance in Japan. Covering both basic information and recent developments, the collection provides readers with an excellent survey of the complexity of modern corporate governance and its legal setting … in Japan.”

Hideki Kanda

Reviews:


“The collection of essays edited by Luke Nottage, Leon Wolff and Kent Anderson will enhance the understanding of the basic institutional framework for commerce in one of the most important global economies on the part of all lawyers who have to advise their clients when dealing with Japanese corporations, particularly with respect to investments in, providing credit to, and creating or conducting joint ventures with Japanese corporations.”


“The book offers the reader a rich variety of analyses of various key topics of Japanese corporate governance. It covers issues of board structure (including the rarely covered aspect of close corporations) and hostile takeovers, i.e., internal and external monitoring mechanisms. Furthermore, the volume takes into account the important de facto roles ascribed in Japanese corporate governance to a wide range of stakeholders. It also explores the implications of lifelong employment and looks into certain main banks’ behavior during the economic slump of the 1990s. Finally it contributes to the debate, notably in Luke
Nottage’s opening chapter, by structuring the complex discussion on Japanese corporate governance while at the same time providing a highly useful framework for future comparison. … Overall, this book fulfills its promise to offer fresh and up-to-date perspectives on the developments in Japanese corporate governance in every respect. Among the extensive literature on Japanese corporate governance this is an essential book for anybody seriously interested in the field.”

“… Luke Nottage gives a very useful overview of the different approaches in the literature and emphasises five caveats: timing; the need for care about comparison; the context in which black letter law reform takes place; the need for openness in normative preferences; and emphasis on processes as well as outcomes. … This book, which is a product of the Australian Network for Japanese Law, is a sophisticated analysis which adds much to our knowledge …”

“This book … distinguishes itself for four main reasons: (1) its comparative approach; (2) the interaction between English and Japanese language literatures and debates; (3) the mix of contributors …; and (4) its realistic assessment of the state of corporate governance in Japan at the beginning of the twenty-first century. … The introduction and the second chapter display the editors’ impressive grasp of the existing literature. Nottage’s solo chapter two also represents an honest reflection on the difficulties of researching and writing on comparative corporate governance and Japan. It will be useful for students and researchers embarking on any investigation of corporate governance

“Luke Nottage discusses the perspectives and approaches to comparing corporate governance in Japan with other systems. This is a welcome chapter, because it avoids the overly American viewpoint which has dominated some of the scholarship in English on Japanese law, and also because it provides a handy summary of the views of different scholars on the subject of Japanese corporate governance. … Offering several “ways forward” to further enhance the study of corporate governance in Japan and beyond, he concludes with a call for more “interdisciplinary dialogue …”

“Nottage’s chapter lays out a promising framework for further studies of Japanese corporate governance that go beyond the “convergence or no convergence” dichotomy of much existing research. … Corporate Governance in the 21st Century is a very useful addition to the literature on corporate governance in Japan. … This volume makes it clear that to understand changes in corporate governance in Japan, we must move away from debates on convergence and inertia and rather identify what has changed and what has not, determine which changes support reform and which do not, and provide an explanation for this gradual and incomplete process.”

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Endorsement Quotes:
“Takao Tanase’s Community and the Law is a path breaking and often surprising interpretation of legal culture in Japan which includes subtle analyses of the changing role of lawyers and courts and the extent to which modernity and reliance on law are interlinked. But it is much more than that. His reflections on the different way law responds to social dilemmas in Japan and the USA are the building blocks of a much more ambitious project – no less than constructing a coherent account of what law can and should do to maintain communal ties in postmodern times. The book is a pleasure to read for its learning and sophistication. Nottage and Wolff also deserve high praise for their light touch as editors and translators.”
“Takao Tanase seamlessly combines sociolegal and philosophical analysis as he explores the tensions between individual legal rights and communitarian values in settings ranging from post-divorce visitation rights to tort liability, lawyer–client relationships, and rising litigation rates. Contrasting Japan with the individualistic thrust of American law, Tanase stresses the importance of building legal processes that encourage stronger social and communal bonds. Students of law and society on all continents will find rich food for thought in this intellectually bold and intriguing volume.”

Robert A. Kagan

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