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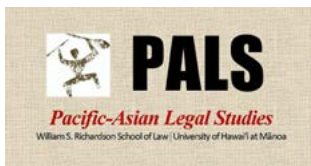
FROM THE WILLIAM S. RICHARDSON SCHOOL OF LAW AT THE UNIVERSITY OF HAWAII

Richardson Law School

has one of the most dynamic and comprehensive programs in Pacific and Asian Legal Studies offered by an American ABA-accredited law school. As part of that commitment, Richardson faculty are heavily involved in international issues across the Pacific and Asia - offering our law students unique opportunities to work within those arenas as well. This Special Issue explores some of the Law School's expertise.

TO REACH THE LAW SCHOOL FOR GENERAL INFORMATION:

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Pacific-Asian Legal Studies (PALS) Program Director Prof. Mark Levin at a Lunar New Years Party at Richardson Law, hosted each year by the Pacific-Asian Law Student Organization (PALSO).

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↘ Pacific-Asia Focus Has a Global Reach

As UH Law Grads Make Their Mark

IN TOKYO, Clay Adler '98 is the U.S. Embassy's visa chief, and Ryan Dwyer '96 is the administrative partner and a member of the Global Management Committee of K&L Gates. Meanwhile, Micah Sadoyama '05 is a partner with White & Case, while Steven Howard '98 is Sony Mobile's Chief Counsel for Marketing, Privacy and Data Protection, Quality and Customer Service, and Component Procurement.

In Bangkok, Jeanette Estes '95 is General Electric's ASEAN Chief Compliance Officer, while in Seoul, Robert Wachter '96 is a partner in Lee & Ko. And in Hagatna, Julian Aguon '09 is an attorney/author/activist and the founder of Blue Ocean Law, while in Singapore, Eric Piesner '92

is Morrison & Foerster's Managing Partner and Firmwide Managing Partner Asia, and Michael Qiu '92 is Vice President and General Counsel, Global Brand Protection & Asia, for Procter & Gamble.

From country to country across Asia, the Pacific, and beyond, the list goes on and on, with JD graduates of the William S. Richardson School of Law in top positions in government, industry, and private enterprise. Many hold certificates in Pacific-Asian Legal Studies, graduating with a credential that demonstrates completion of rigorously focused coursework in Asian and Pacific offerings.

The PALS Program, as it's commonly known, is the University of Hawai'i Law School's largest specialized certificate program with 11 faculty members and both broad and specialized courses. It is one of - if not actually the most - expansive program with such a focus offered by any law school in the United States.

"Stanford, Berkeley, and UCLA are the three best-known law schools on the West Coast, but we believe we do more than they do in the PALS area, and on a shoestring budget," said Prof. Mark Levin, newly-appointed PALS Program Director and Deputy Director of the Institute of Asian-Pacific Business Law at the UH Law School.

"When you look at academic exchanges and research scholarship, you realize that nearly three-quarters of the Richardson instructional faculty have had some form of teaching or professional engagement in Asia or the Pacific in the past five years."

Asian labor law expert Prof. Ronald C. Brown, who is also part of the PALS faculty, sees Richardson's offerings as an extraordinary opportunity for students. "Our program gives them extra insights and information into this area of the globe that the U.S. is tilting toward and getting more involved with. And the subjects are being taught by a large group of really expert people. In fact, we're way ahead of the pack. Even the bigger schools don't have the body of expertise we have. And



Asia labor law expert Prof. Ronald C. Brown, center, at a conference at Peking University

the Law School also has the ability to help with placements in Asia through faculty contacts and our alumni."

From its very early years, the Law School has seen Asia-Pacific as one of its three critically important focal points, along with Native Hawaiian and Environmental law legal studies.

“We help shape the larger consciousness of the institution.”

"We help shape the larger consciousness of the institution," notes Levin.

"And we brag that PALSO (the Pacific-Asian Law Student Organization) is one of the oldest because it goes all the way back to the founding of the Law School," he added. "But I guess the turning point would have been with Alison Conner and me arriving in the mid to late 1990s, which meant we had full-time language-capable faculty for both Japan and China. That was already pretty impressive, but then, look where we are now."

In developing its Asia-Pacific focus, Richardson took both a spotlight and a floodlight approach. The former provides intense coursework for those with an Asia/Pacific focus, while the latter allows spill-over benefits for the broader community of students. "We teach many students who aren't necessarily coming to study Japanese or Chinese law," said Levin. "Students can learn about this whether they arrive with a strong interest or just because it's here. We want to



China scholar and Asia human rights expert Prof. Carole Petersen in Hong Kong.

broadcast an Asia-Pacific awareness to a large audience of students, and to the community beyond."

Brown agrees: "What our courses offer is an opportunity to spread their vision. For instance, I teach a course on comparative and international labor law. If you do any kind of business overseas in Asia, you're going to have to deal with people, with employees. It gives comparative insights into the way they do business. That course also gets into international free trade agreements, human rights, and labor standards, as well as the specifics in each country, focusing on China, Japan, and Korea."

Levin, a specialist in Japanese legal studies, taught in the Law Department of Hokkaido University in Sapporo, Japan before joining Richardson in 1997, and his research areas include criminal justice and race and minority issues in Japan. He has helped build the PALS Program along with Prof. Alison Conner, Prof. Lawrence Foster, and Prof. Ron Brown, who were its earliest faculty leads, and who all have a special interest in China.

Those four were later joined by China scholars Carole Petersen and Charles Booth, who spent years teaching in Hong Kong; Tae-Ung Baik, an authority on Korea; Diane Desierto, with expertise in

Philippine legal issues as well as ASEAN; David Cohen, with social justice expertise in the ASEAN region; David M. Forman '93, with cultural and environmental resources expertise focusing on the Pacific; and Keiko Okuhara, a bibliographic services/systems librarian.

Prof. Petersen, who is also the Director of the Spark M. Matsunaga Institute for Peace and Conflict Resolution, taught law for 17 years in Hong Kong and continues to do research on human rights in Asia. When she arrived in Hong Kong in 1989, it was still a British colony but it became a Special Administrative Region of China in 1997. Petersen now teaches International Law and Gender and Law at Richardson and she regularly draws upon her experiences in Asia during her teaching.

"Hong Kong has an independent judiciary and incorporated important human rights treaties into its regional constitution, making it the perfect laboratory for the application of international law in domestic courts," notes Petersen. "In contrast, human rights treaties have little impact in Mainland China and lawyers who try to enforce rights in the Mainland are regularly harassed by the authorities." Petersen believes that "the PALS program provides the perfect environment for our

students to develop a comparative perspective on these important legal issues.”

Prof. Booth returned to the Richardson School of Law after teaching for 16 ½ years in Hong Kong. His expertise is in comparative and cross-border insolvency and commercial law and much of his research examines the development of insolvency and commercial law infrastructures in Hong Kong, China, and Asia generally. Over the last two decades he has been engaged in law reform work in Hong Kong, China, Vietnam, Mongolia, and Vanuatu as well as elsewhere.

“At the heart of my teaching and scholarship is a comparative focus that starts with an examination of what is necessary for commercial laws to take hold and prove successful,” said Booth. “I like teaching Asian-Pacific Insolvency Law at UH so my students and I can compare the insolvency regimes in several different jurisdictions and examine why some function effectively but others do not. Even when teaching my U.S. subjects – secured transactions and corporate reorganizations – I often make comparisons with other legal regimes to demonstrate how a particular rule or approach in the U.S. system that we accept as the norm, is, in fact, quite unusual or unique.”

At Richardson, Booth also founded the Institute of Asian-Pacific Business Law (IAPBL) and he continues to serve as Director. “While PALS allows students to learn about Asian-Pacific Law,” he says, “I wanted to establish IAPBL to begin a dialogue among the members of the academic, legal, and business communities in Hawai’i and throughout the Asia-Pacific region on business and commercial issues.” IAPBL has co-organized international symposia, conferences, and seminars in Hawai’i, Hong Kong, and New York, most recently on Chinese restructuring and its cross-border implications (in Hong Kong) and Japanese insolvency law (in Hawai’i). IAPBL has also sponsored talks at UH and appointed short-term Visiting Fellows and longer-term Research Fellows.

While the PALS program has long supported faculty exchanges, it has also offered numerous exchanges for students, sending UH law students to programs



PALS Program Director Prof. Mark Levin at the 2016 commencement ceremony with international Masters degree students Jae-Young Lee from the Republic of Korea and Deki Yangzom from Bhutan.



China scholar Prof. Charles Booth at a World Bank credit infrastructure training session in Malaysia.

overseas, and bringing foreign law students to Richardson. Added to that are the many training sessions the Richardson Law School provides for Pacific Island judges, including ongoing training sessions over almost three decades for Micronesian judges, which bring groups to Hawai’i for specialized courses in integrating western legal approaches with local cultural traditions, as well as sending

Richardson faculty to Micronesia to teach and learn on home turf.

The student exchanges include externships through which UH Law students have gone to Yap, Pohnpei, Chuuk, American Samoa, the Republic of Palau, and Guam.

“In the last 10 years we’ve just taken it to a whole new level,” says Levin. “Going back to the first exchanges as far back as the 1980s, it just shows how long the PALS program has been a vital force. The fact that so many of our graduates have taken on high level leadership positions throughout Asia and the Pacific, or jobs locally and on the mainland with Asia and Pacific connections, speaks volumes about the exceptional quality and longevity of our program and its importance around this entire region.” ❖



Families of the disappeared in Sri Lanka hold up photos of family members who are missing.

A faded Family Photo from Sri Lanka—

And now, it's all that's left



THE LITTLE GIRL IN THE PHOTOGRAPH IS PERHAPS 9, a pretty youngster wearing her best dress. Next to her - and just a bit taller - is her brother, looking formal in a suit and tie. Their parents and grandfather are with them too, in this solemn photo taken at a family occasion - before they were put in a displacement camp. Before they disappeared.

For the grandmother who showed the photo to William S. Richardson School of Law Assoc. Prof. Tae-Ung Baik, it's a precious memory of a family that boarded a government bus on May 18, 2009, in Kilinochchi, Sri Lanka and has never been seen again.

As a member of the 'Working Group on Enforced or Involuntary Disappearances'

(WGEID) for the United Nations, Baik is part of an international humanitarian effort dealing with cases of forcefully disappeared persons in more than 80 countries around the world. He was appointed as one of five mandate-holders within the UN Human Rights Council mechanism, representing the Asia-Pacific region.

The situation in Sri Lanka is daunting, with between 80,000 to 100,000 people gone over the last three decades, tens of thousands of them around the end of the Sri Lanka government's war with the revolutionary Tamil Tiger military seces-

sionist group, formally known as The Liberation Tigers of Tamil Eelam (LTTE.)

The disappearance of this family occurred just as the civil war ended, as the government was promising amnesty to those who had been forced to work with the revolutionaries, or who had helped them in any way, even if for just a few moments.

“Those five people were put in a bus together,” Baik repeats, studying the family in the picture, one of many photographs of the missing. “They have not returned. This is not an isolated case. This happened widely. The numbers of disappeared at the last moment of the war amounts to thousands. Tens of thousands. In times of war, the civilians or prisoners of war should be treated humanely. That’s international humanitarian law. But this is in violation of that and that’s a war

“
Those five
people were
put in a bus
together ...
They have not
returned.”

crime. War crimes were committed here.”

Prof. Baik’s personal history as a political prisoner under a repressive former regime in his home country of South Korea makes his appointment and his work with the United Nations particularly compelling. In a powerful letter of recommendation in support of Prof. Baik’s nomination to the UN Working Group, Richardson Law School Dean Avi Soifer wrote: “Tae-Ung Baik has had to bear directly and at length what few of us would be able to bear at all. Nonetheless, he has emerged as a strikingly careful, wise, and effective human rights advocate.”

Baik’s personal story not only fuels his passion for social justice, but also serves as an inspiration for students in his classes and for his work with the United Nations. At Richardson he has formed the International Human Rights Advocacy

Group inspiring students to create reports for submission to UN human rights mechanisms, on behalf of many who have suffered human rights abuses.

Baik’s own work is also an inspiration for his students. In Sri Lanka, for example, as he met with families, toured underground prison cells, glimpsed bone remnants scuffed in the dirt floors of torture chambers, he was overcome by the horror of atrocities that happened there. On a wall in one underground cell, prisoners had scratched lines with stones, a faint indelible record of long days of imprisonment.

He explained, “The underground prison facilities were the most shocking things I have seen. The Trincomalee, the name of the city where the Navy headquarters is located, had an underground facility inside the headquarters. The investigation of missing persons started in 2009, and there were clear indications that there were people in this facility in July of 2010. People were still put in this place while the move to find the disappeared persons happened outside. The criminal investigation division was looking for people but the Navy did not allow them access to this place until 2015. Furthermore, I have a feeling there are many more like this in there and in other parts of the country, but there’s no active search of the facilities, no investigation, and no proper search for truth by the government.

“In Sri Lanka there have been at least three different occasions (in the last 30 years) when disappearances happened,” said Baik. “The total number of disappeared would be more than 23,000 and the Working Group has transmitted to the government more than 12,000 cases, of which 5,750 are still outstanding.”

Baik said that from the research done by the UN Working Group, it is clear that the children taken away on the bus (referred to at the beginning of this story) were never members of the Tamil Tigers. “LTTE was forcibly drafting people to be their soldiers,” he said. “There were people who were forced to be sent to fight for them. They even kidnapped them and forcibly brought them to work for them. Not everyone was a voluntary fighter.”



Social Justice expert and Korea scholar Prof. Tae-Ung Baik, left, talks with families in Sri Lanka in his work with the United Nations ‘Working Group on Enforced or Involuntary Disappearances’



In many cases families in Sri Lanka have been waiting for years for news of missing loved ones.

There are other photos like the one of this family handed to him by a grieving grandmother; hundreds of them showing beloved family members who have disappeared, husbands who have vanished, sons never seen again.

On its recent visit to Sri Lanka, the Working Group was shown two mass graves, both poorly preserved. Few of the skeletal remains have been identified, and Baik said the government is leaving the sites as they were found, without securing them in any way or probing the nature of the mass killings.

“They are taking no pro-active measures to identify who they are,” said Baik. “The police officers say they are waiting for a court order, and reacting very slowly. Apparently there are more grave sites like this but after five or six years (since the end of the civil war) and so many disappearances, the government is not actively looking for places where bodies are buried and where the truth could start to be told.”

Some of that truth unfolded with the photos held aloft by families of victims during the Working Group’s visit. Even

so, Baik said that one woman who met with the group told them how she had been threatened by a police officer because of her planned meeting with the UN delegation.

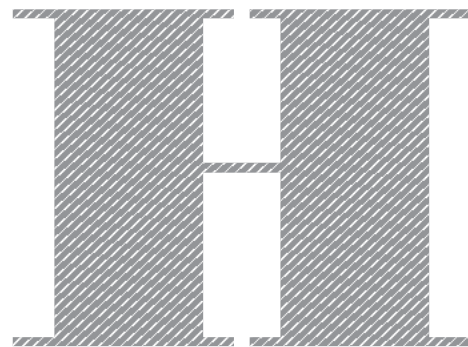
“We will see you after your return from your meeting with the UN;” a police officer told her, said Baik. “We know you have three children. Police threaten them with serious revenge if they’re looking for family members, even when they meet with the UN delegation.”

Baik added, “Some of the people who had taken their husbands are still living in the same town. We raised this serious issue with the government.”

Sri Lanka is not the only country in which people have disappeared and never been accounted for. During February, for example, Baik and other members of the Working Group headed to Morocco to look into allegations of forcibly disappeared persons there. Sri Lanka and Morocco are just two of 43 countries with cases under investigation now by the UN group. ❖

Unique Study Tour at UH Law Offers Law Students

From Japan an Invaluable Look at American Justice



HAWAII STATE SUPREME COURT

Associate Justice Sabrina McKenna '82 looks out at the eager faces before her, and begins to speak in Japanese, her native tongue. What she sees, says McKenna, are smiles and eyebrows lifting.

"And I have heard some quiet gasps and murmurs of what sound like surprise, appreciation, or perhaps relief," adds McKenna, who spent her youth in Japan speaking both Japanese and English with native ability. Her father was an American serviceman; her mother a Japanese national.

For the visiting law students from five Japanese universities, it is a profound experience meeting a Supreme Court justice during the unique two-week law study tour sponsored by Richardson Law School.

Not only is it impressive to hear a Supreme Court justice speak in their own language, says program director Spencer Kimura '96, but it's a powerful message of how women have achieved the top ranks

in the Hawai'i judicial system.

"Having these role models has a big impact," said Kimura. "It gets them to thinking that anything is possible, and that's the most gratifying part."

Adds McKenna: "Many students, especially young women, approach me afterwards, to tell me that they feel inspired to pursue justice in their country."

Each spring for the past 15 years, Richardson Law School has invited up to 60 Japanese law students to the Manoa campus to learn about American and Hawai'i law, meet local attorneys, visit and take photos with the Governor, witness various parts of the court system,

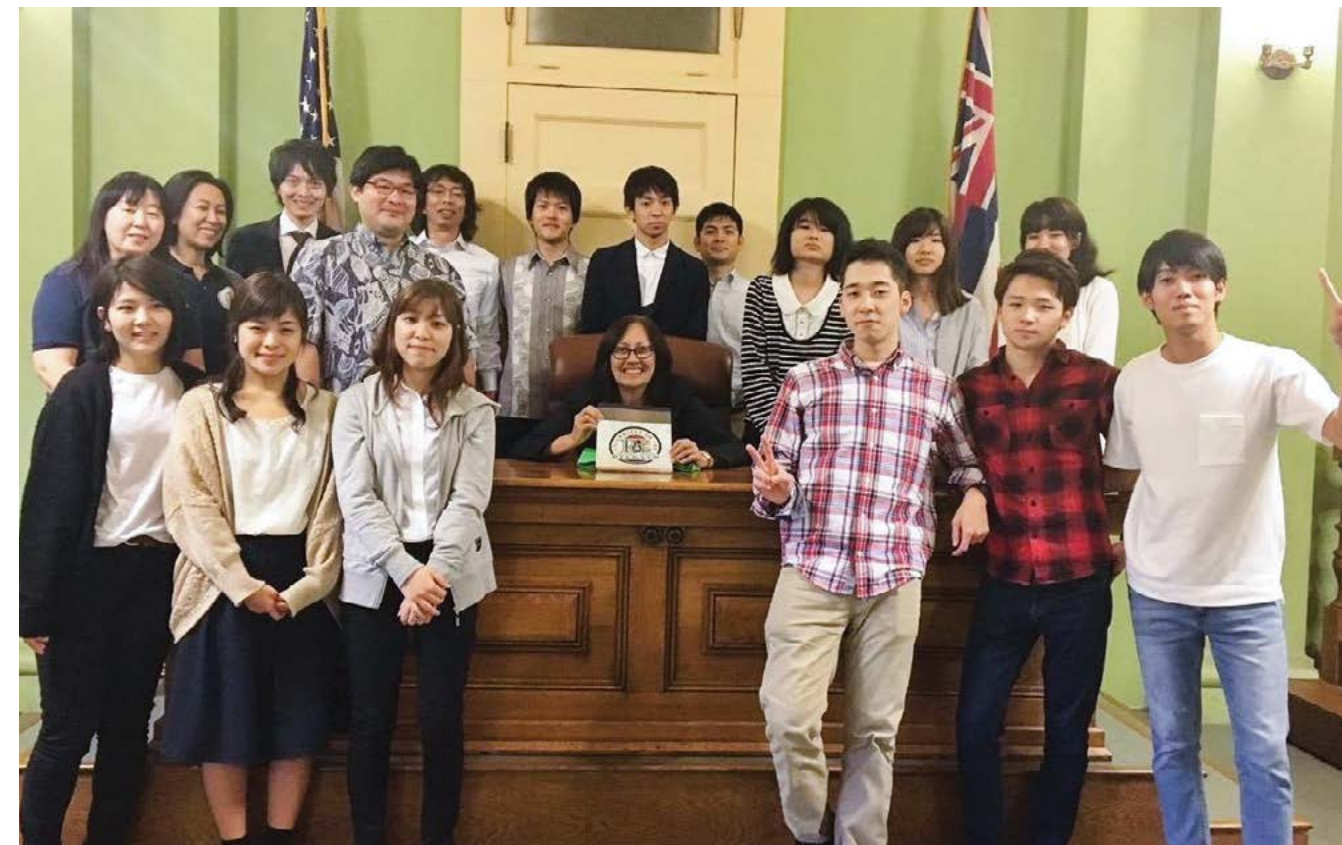
drop in at the state legislature, and stop by the Women's Community Correctional Center.

Included in the study tour are 15 customized lectures by Richardson Law faculty about a wide variety of legal subjects, including international human rights, American business law, environmental law, criminal law, and Native Hawaiian rights. Kimura said students are often particularly interested in Professor James Pietsch's lecture on elder law because Japan is in the early stages of providing a wide range of legal assistance for its aging population. And they're often surprised when Professor Mark Levin,



Law students from Japan are introduced to the UH Law Library.

PHOTOS BY SPENCER KIMURA '96



Hawai'i Supreme Court Associate Justice Sabrina McKenna '82 meets with the visiting law students at the Old Courthouse.

“The Study Tour truly is a program that promotes Richardson and Hawai'i to young future lawyers in Japan.”

director of the PALS program, offers up two full lectures directly in Japanese without translation.

The students have been excited for their visit with Governor David Ige, whose ancestors come from the part of Okinawa where one of the founding universities in the program is located.

Additionally, given that hardly any of the students have visited a law firm anywhere before, being hosted by the Good-sill Anderson Quinn & Stifel law firm opens their eyes to how an American law firm functions, including insider details such as how client billing works and what professional salary levels are.

"This study tour is invaluable," notes McKenna, who has welcomed the students each year and shared, among other things, her reflections on justice in the U.S.; the huge difference Title IX made in



women's lives, including her own; and the latest numbers of women graduating from law schools across America.

McKenna points out that when U.S. Rep. Patsy Takemoto Mink initially authored the Title IX legislation before its passage in 1972, just 7 percent of U.S. law school graduates were women and just one woman was a Hawai'i state court judge. Now the percentage of women law

Governor David Ige greets students in his State Capitol office.

school graduates is over 50 percent nationally, says McKenna, and 41 percent of Hawai'i state court judges are women.

"This program opens the students' minds - not just to American and Hawai'i law and culture," McKenna says of the study tour, "but to so many wonderful Richardson professors and students, to be able to view law as a tool for social justice, and to see how committed, principled people working together, especially young people, can change the world for the better."

The program has grown dramatically since it was first launched by former Richardson Law Dean Lawrence Foster. While it began with students from the University of the Ryukyus, it now includes those from Aichi University, Aoyama Gakuin University, Meiji University, and Waseda University as well.

"The idea was to have 10 students and one faculty member from each university," said Kimura, "but this past year we had

10 'extra' students." Several more universities wish to join the tour, said Kimura, but the program is already at capacity.

While the program offers the visitors an intensive view into the American justice system, and the political and legal systems in Hawai'i, it also shows the students the possibility of advanced legal studies in Hawai'i at Richardson. Several former students have already participated in the LLM Master of Laws program, said Kimura, and he expects others will now choose among our newest advanced degrees at Richardson, the Advanced JD program (AJD) and Doctor of Juridical Science (SJD). All of these are specifically geared for foreign attorneys, although American-trained attorneys also may enroll.

"The Study Tour truly is a program that promotes Richardson and Hawai'i to young future professionals in Japan," said Kimura. "It provides them with an incredible opportunity to see what studying law



Part of the annual program includes time to enjoy Hawai'i's beauty.

“Many of these moments can be very emotional for everyone.”

would offer them if they were to branch out and apply to schools beyond Japan.

"Richardson Law School is known for its diversity," Kimura continues, "and many of the students are traveling abroad for the first time, and they are amazed by the unique cultural and personal environment of our Law School."

Richardson Law Dean Avi Soifer added that the unusually welcoming atmosphere at Richardson attracts students from around the world.

"The LLM program alone has attracted students from more than 50 countries," said Soifer. "They help create a rich environment for all our students, and they bring a wide variety of experiences and

expertise to the Law School."

During the program, the Japanese students often live in dorms on campus, but they have also been housed off campus and with host families. The universities in Japan are responsible for finding housing for the students and the faculty chaperones during their stay, while Richardson Law provides the daily programming.

Of particular interest to many of the students is the visit to the Women's Community Correctional Center, said Kimura. During one visit, the incarcerated women chanted a special 'oli to their Japanese visitors, and the law students sang several songs to the women in response. The moment was extremely touching, said

Kimura, and many of the women prisoners, as well as the students, had tears in their eyes.

"The law students are often touched deeply by their experiences in Hawai'i," said Kimura. "Many of these moments can be very emotional for everyone. They return home with new friendships among peers from across their own nation's diverse regions, more richly understanding themselves, and the law as it's practiced abroad. We hope they leave with a changed worldview and that they will return to Richardson someday." ❖



Meals in the Richardson Law School courtyard build friendships among the visiting students.



Outreach in Training Pacific Island Judges

Has a Long History at Richardson Law

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ILLIAM S. RICHARDSON SCHOOL OF LAW has a long tradition of providing training for judges in Pacific island jurisdictions, going back to the early 1980s when Prof. Addison Bowman led a series of training workshops for judges mainly in Micronesia. There are numerous strong connections and, for example, Dennis K. Yamase, '81, is now Chief Justice of the Supreme Court of the Federated States of Micronesia,

as the substantial partnership continues in many different ways.

Prof. John Barkai was involved in the early years, and he continues his involvement today, visiting the islands in the Federated States of Micronesia, providing training particularly in mediation techniques that integrate western law tools with culturally-based traditions. What he hopes can be developed in the Pacific island areas, in particular, are community mediation centers to support programs that could be directly applied to courtroom decision-making. "Judges could do mediations in their courtrooms," says Barkai. "Often there is enough time depending on their case-load."

Over the past two summers, and again this summer, Richardson Law School has scheduled intensive legal training sessions as part of the Pacific Islands Legal Institute administered by the Ninth Circuit Pacific islands Committee. The Committee awarded the Richardson Law School a multi-year contract to teach lay judges in former and current U.S. Territories in the Pacific. The week of instruction alternates between Pacific Island locations and Hawai'i.

Last summer, for instance, 16 judges from Palau, American Samoa, the Federated States of Micronesia, and the Marshall Islands spent a week in Honolulu for training sessions about Constitutional Law led by Dean Avi Soifer, including utilizing the extensive Pacific collections at the Law School and Hamilton Libraries. The collections are considered the best in the world in this field. A year earlier, 15 judges traveled to Honolulu for a simi-

lar training session during which they learned about the rules of evidence from Prof. Barkai, and also visited courtrooms in Hawai'i.

Minara Mordecai, Director of Special Projects for the Law School, has been with the Pacific Island judges for all the training sessions in their home islands as well as at the Law School. Mordecai explained, "The judges never had a chance to attend law school so this training is intended to assist them learn together, and strengthen the rule of law in the Pacific."

The trainings are funded by the Department of the Interior, and involve many UH Law School faculty. Over the past year Associate Faculty Specialist Kenneth Lawson, Interim Co-Director of the Hawai'i Innocence Project, has offered training in criminal law, and Prof. Linda Krieger has taught decision-making.

During last year's training the judges



Pacific Island judges who visited Richardson for training last summer with UH Law School faculty and staff in the UH Law Library.

heard from Federal Magistrate Judge Barry Kurren '77, Federal District Court Judge Michael Seabright, and Federal Ninth Circuit Court of Appeals Judge Richard Clifton, all of whom have experience serving as judges on Pacific Island courts.

"The idea of the Institute is to replicate in an intensive way what a lawyer might get in training in the first year of law school. It gives them the basics," said Sally Pym, who helped to start the partnership while serving as the Ninth Circuit's Education Specialist. "This program is specifically for judicial education for the courts of the American territories and former American territories."

Law Dean Avi Soifer said that it is particularly appropriate that the Richardson Law School provide legal training for the Pacific Island judges.

Soifer explained, "This actually was a key element in the founding vision of our Law School, shared by Chief Justice Richardson and his allies, who fought to make sure that Hawai'i had its own law school to serve the entire Pacific region. We have been committed ever since to educating people from these and other islands, and many of our graduates return to their homes in the Pacific to serve

“The idea of the Institute is to replicate ... what a lawyer might get in training in the first year of law school.”

their communities.”

In addition to judicial training, the Law School has many other connections throughout the Pacific. For example, Dina Shek '06, who founded the Medical-Legal Partnership for Children in Hawai'i, traveled to the Pacific with MLPC staff attorney Randy Compton '12 to provide training about how to combine legal help with



Pacific judges at work during their classroom training.

medical assistance.

Soifer added, "It is a real treat for us to learn from these judges. With major assistance from the Law School's Director of Special Projects Minara Mordecai, I think both we and they have learned a lot and many people at Richardson have helped to make them feel comfortable in our community."

Added Mordecai: "This is such an important way for the Law School to give back to the broader Pacific community. This program also strengthens our already strong Pacific connections." ❖



Pacific island judges worked with librarians at UH's Hamilton Library using Pacific documents.

Conner Explores the Mysteries of Modern China

Through Art, Film, and Justice System

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ROFESSOR ALISON CONNER remembers the moment well. “It was 2004, and I was with a friend during a Fulbright, and we were in this little shop in the antiques market in an area of Tianjin, very close to Beijing. It was just on a shelf with a lot of junk and it was a little dirty.”

Conner picked up the small figurine, rubbing away the dirt. “I’ve spent so many years looking in Chinese antique markets that I can spot what I want right away,” she says, reaching for the same small antique figurine that is now part of a tableau on a shelf in her UH

Law School office.

Here, China’s Cultural Revolution has sprung back to life in the form of more than two dozen colorful figurines depicting theatrical characters from an idealized anti-intellectual proletarian past.

A China scholar, with a doctorate in Chinese history from Cornell as well as a law degree from Harvard, Conner has collected Chinese art and artifacts, assessed Chinese movies, and become an authority on contemporary Chinese society in the context of its social justice system.

“I think that’s why I believe in art and write about movies and expressions of culture. I’ve lived for maybe 15 years all over Chinese Asia and I’m always trying to balance law and Chinese culture,” she explained.

To Connor, art and film are not merely entertainment but they serve as lenses through which to perceive a society’s legal and justice system, gender divisions, and civil rights.

Fascinated by the depictions of heroic characters from ‘approved’ plays and operas during the Cultural Revolution, Conner first discovered Cultural Revolution figurines by haunting junk stores and antique shops in Hong Kong and China in the early 1980s. Back then

she bought them for a few dollars apiece. Some are original, she knows, and others are current reproductions. The figurines have come back into popularity and are again being made for sale.

Here, on Conner’s shelf, and holding her lantern high, stands the heroine Li Tiemei, and it’s as if she has just stepped out of “The Legend of the Red Lantern,” one of eight model plays allowed during the harsh years of the Cultural Revolution. Nearby, Auntie Ah Ching bears a pot of hot water for tea next to other revolutionary heroes and heroines painted delicately in reds, blues and olive greens, creating their own tableau as a collective but benign record of a time when the country



China scholar Prof. Alison Conner specializes in both the law and culture of China.

idolized simplistic agrarian images but ruthlessly purged intellectualism and historic cultural expression.

During those years, from 1966 to 1976, only figures or drawings from these eight plays were politically acceptable as forms of artistic expression.

“All art had to be linked to politics,”

“
After the Cultural Revolution people threw these out. They said, ‘Those were bad years.’”

says Conner. “Because artistic outlets were so limited during that era, all attention would be focused on something like these figurines, representing an approved political form of art, and all their artistic talent would be poured into approved art. But after the Cultural Revolution people threw these out. They said, ‘Those were bad years. We’re sick of it.’”

With a profound interest in the art and culture of China as well as other parts of Asia where she has lived and worked, Conner has also been the major force in creating new programs that diversify the offerings of the Richardson Law School, first by working on the Pacific-Asian Legal Studies (PALS) program and then by bringing a mix of international students through its doors. That impetus began with her leadership and ongoing central



Figurines from eight ‘approved’ plays during China’s harsh Cultural Revolution from 1966-1976 are now collectibles.

role in the creation and success of the LLM program that began in 2003 and has offered a Masters degree for foreign-trained lawyers and law school graduates from over 50 different countries.

More recently she has spearheaded an Advanced JD program for foreign law graduates through which, in as little as two years at Richardson, students learn enough to be able to take an American bar exam. “In the end they get a JD and can take any bar,” says Conner.

Add to that the VIP program for Visiting International Professionals and a reorganized Visiting Scholars program; and now she has led a multi-year effort to create an SJD degree, a doctorate in law, at Richardson.

“Our plan is to introduce it in fall 2016,” says Conner. “A number of LLMs say they would like to do a research degree, and we don’t offer it so they have to go somewhere else. We have people writing us to ask if we offer the SJD because they’d like to do it with us.”

Conner’s skill at developing programs isn’t limited to the Law School. She has been an important force in creating and participating in study abroad programs in China for the UH campus as a whole.

“I worked on the study abroad pro-

gram for UH-Mānoa and I was the first resident director in Shanghai,” she explained. “It’s a terrific program for undergraduates and also wonderful for resident directors. Faculty members are able to go abroad and teach. Usually what happens in these programs is the UH resident director teaches courses either to everybody or separately to Chinese students as well.”

Conner spent the spring semesters of 2014 and 2015 in Shanghai as resident director for the new program based at Tongji University, teaching a general introduction to U.S. law specifically for Chinese students, and a course in law and society depicted in Chinese movies for UH study abroad students in the program.

“It’s still small,” says Conner. “A Study Abroad Council composed of colleagues at UH help select the students and offer wonderful preparation for them. They check out all the courses and provide a comprehensive orientation.”

Conner’s colorful office on the second floor of the Richardson Law School building, with a view toward Diamond Head, is crammed with art, some pulled out of mailing tubes and spread out on the floor to flatten before framing. Joining the figurines from the Cultural Revolution



On a shelf in Prof. Alison Conner's office, China's Cultural Revolution has come back to life in the form of her collection of figurines from the era.

are papier mache vehicles from the Philippines, tapestries from remote corners of the Asian continent, and work by Chinese painters who are now gaining international renown. There is also a remarkable collection of colorful teapots in the form of cats.

Like the paintings, figures, and posters, early Chinese films from the 1930s and 1940s speak deeply to Conner's understanding of the changing China. "When I went to China to teach in 1983 you could only see these old movies at special film festivals. They were all considered leftist classics and some had significant legal scenes. I couldn't get over it – and that's why I got very interested and began writing about it."

To Conner, a number of these classic Chinese movies dealt with difficult legal issues of their era, including criminal justice. "There are also a number of movies in which a couple goes to a lawyer to get a divorce. It's a big deal. The 1931 legal code

“
All art had
to be linked to
politics.”

allows women for the first time to seek a divorce. If you were sitting in the audience, you'd say, 'Oh, so that's how I get a divorce.'"

The message from some of those early films, says Conner, is that filmmakers used legal settings to focus on justice and to explore whether justice was actually

deliverable in the legal setting in China in that era. The woman in the film about divorce, for instance, is "stuck in a patriarchal system, where husbands can have affairs, but wives cannot."

One film in particular about divorce illustrates the changing law and social attitudes, says Conner. "At the wife's insistence, the husband and wife go to the lawyer's office to ask him to draft the divorce documents. The husband reluctantly signs the document and then it is the wife's turn. The lawyer is their friend, and he sees that the wife is also hesitating to sign. 'Divorce is hard on women. Have you really thought about it?' he asks the wife. She replies 'Yes, I want it.' But then she can't bring herself to sign and the lawyer rips up the document."

"He realizes that divorce isn't what either of them wants, and then they all go out to lunch! He's actually a model lawyer who pays attention to the clients' interests." ❖

From the Start, The Pivot to Asia and the Pacific

Has Been a Focus, and Nurtured by Larry Foster



FROM THE FIRST YEARS of the UH Law School, concentrating on Asia and the Pacific was considered vitally important. And one of the people who nurtured that expertise was Prof. Lawrence Foster '81, who came to the Law School as a student in 1978, was named Associate Dean in 1987, and Dean from 1995 to 2003. He retired at the end of the spring semester, 2016.

As a faculty member with a long history of focusing on Asia, principally China, going back to the mid-1960s, Foster has been a forceful proponent of the school's early reach toward Asia and the Pacific, and a key promoter of steps to solidify that legacy.

By the 1980s the Law School was training Pacific Island judges, said Foster, a program originally launched by Professor Addie Bowman at the request of American Judge Ed King, appointed to serve as a federal judge in Micronesia. "Ed had a training budget and came to the Law School and asked if we'd be interested in providing faculty for training."

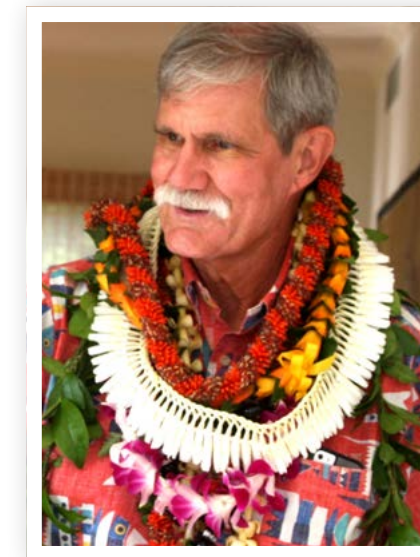
Though respected members of their communities, many Pacific Island judges had little or no legal training, and the partnership with the university created a

powerful symbiosis.

About the same time, then Dean Richard Miller set up a faculty exchange program funded by USAID and for a decade faculty members spent time teaching at Hiroshima University, while many of the Hiroshima faculty have come through the years to teach at the UH Law School. At the same time, Foster also participated in a training program in Fiji for Western Pacific court administrators. "These activities in Japan and the Pacific were a great internationalizing of our faculty," said Foster.

While the Law School could legitimately brag about its Pacific-Asia focus, Foster says the program was more "duct-taped together" than a fully developed curriculum through the 1980s.

But that was soon to change. In the early 80s, Victor Li, who was then Presi-



Prof. Lawrence Foster

“
Our program
is absolutely
outstanding.”

dent of the East-West Center, and had been a brilliant professor of Chinese law at Stanford and Berkeley, became associated with the Law School, and when Foster joined the law school in 1987, he also taught a course in Chinese law. Finally, by the mid 1990s with Ron Brown's book on the courts in China, and then the hiring of the Law School's first full-time Asia law-focused faculty members, Alison Connor and Mark Levin, the program became far more robust.

"As we pivot to Asia it's all the more important we have graduates who are interested to have the training and background to go to Asia to practice law," says Foster. "We've had a number of very successful students doing that."

Foster, himself has created a powerful niche in both Chinese and Japanese law, including through his involvement in the 1990s as a consultant during the push for legal reform in Japan. Additionally, Prof. Levin was an important catalyst in Japan's decision to initiate legal reforms.



Then Dean Lawrence Foster in 2002 with law faculty from Okinawa University of the Ryukyus.

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“As we pivot to Asia it’s all the more important we have graduates who are interested to have the training and background to go to Asia to practice law.”

“They wanted to reform the law schools, the judiciary, and bring back jury trials, and I got deeply involved in that as Dean,” said Foster. “I’d been going to Japan off and on already for some time, so I was asked to give a number of talks in Japan to law schools and Bar associations about American legal education. We hosted at the Law School a number of delegations in the 1990s, the largest being 200 Japanese lawyers.”

While much of the reform never happened, Japanese legal education was changed dramatically, says Foster, “with a program that has professional judges and lay persons working together in de-

cision-making. We played a strong role in all that.”

As Dean, Foster also initiated the program with the University of the Ryukyus law school through which a group of Japanese law students come to Richardson each spring to learn about American law. That program has now been expanded to include several other Japanese law schools.

By the time Foster stepped down as Dean in 2003, the PALS program was flourishing and well defined, and it has continued to grow under the Deanship of Avi Soifer. The Asian-Pacific Law & Policy Journal as well as the PALS certificate

were launched during Foster’s tenure as Dean. Today, says Foster, the Richardson program is one of the dominant programs of its kind in the nation, offering breadth and depth to students.

“Our program is absolutely outstanding,” he says. “We’re in the top 10 across the country. And one of the things that makes us outstanding is the breadth of our program. I don’t think anyone else teaches Philippine law on a regular basis. Or Korean law. Or Pacific Island legal systems. If you put that together with our ASEAN strength, and China and Japan, it’s pretty much a powerhouse.” ❖

Eric J. Piesner: Billion Dollar ‘Go To’

Corporate Attorney for Asia



FROM HIS BASE IN SINGAPORE, Richardson Law School alumnus Eric J. Piesner ’92 handles real estate and corporate transactions worth hundreds of millions and often billions of dollars for the global entities he represents.

As Asia Managing Partner for the Morrison & Foerster law firm, he launched the company’s Singapore office in January of 2013 after 12 years in the firm’s Tokyo office. With fluent Japanese, a bag packed constantly for travel, and a practice focused on cross-border transactions, Piesner covers

a quarter of a million air miles every year handling the firm’s expansive corporate real estate business.

This involves representing large companies whose portfolios are based primarily on real estate holdings, as well as corporate and private equity work for major fund managers. Among other matters, he deals with fund formation, joint ventures, M&A, and a broad array of other corporate issues.

One of Piesner’s projects, for example, involved handling a \$1.4 billion joint venture between Singapore-based Global Logistic Properties, the Canada Pension Plan Investment Board, the China Investment Corporation, and the Government of Singapore Investment Corporation that combined to acquire 40 logistics properties in Brazil. In another, he worked with a group of German banks handling onshore and offshore debt restructuring for a large retail asset in Japan.

Piesner received his undergraduate B.A. degree at Colby College in 1988; his JD from the William S. Richardson School of Law at the University of Hawai’i in 1992; and an M.A. from the University of Hawai’i in 1993.

“I chose Richardson Law School because of its strength in Asia-Pacific legal studies and because of its small size,” said Piesner. “I thought the faculty was fantastic and I really felt like my professors cared about the students and their progress.”

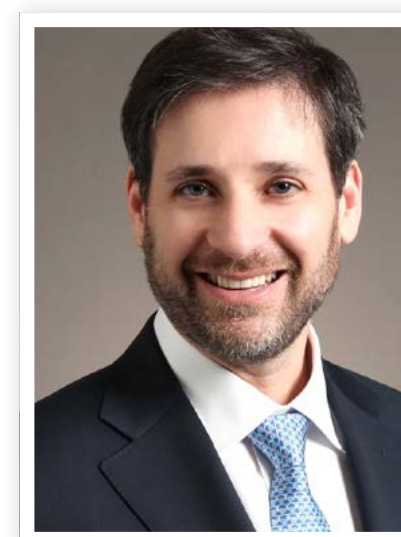
Piesner’s time in Hawai’i - and now in Asia - have honed his skills at bridging sensitive cultural divides and bringing people together in common understanding. But he recognizes just how treacherous this legal terrain can be.

“It is pretty amazing how lawyers and companies in different countries look at legal risk and the role of lawyers

differently,” Piesner explains. He recalls working on a project a few years ago with a company that also employed local counsel in a developing country. Tasked with producing a due diligence report on the target companies involved, the local counsel produced an 800-page document,



I chose Richardson Law School because of its strength in Asia-Pacific legal studies and because of its small size.



Eric J. Piesner

little of which touched the risks that most concerned the client. It had nothing to do with how capable those lawyers were, Piesner points out, and everything to do with how someone from one culture can so easily misunderstand the needs of someone from another.

“They were smart lawyers,” he said, “but they just did not understand what was going to be important to our client.”

Because of his gratitude to Richardson Law School, Eric has recently worked

with Law Professor Mark A. Levin, formerly on the faculty of Hokkaido University in Sapporo, Japan, to establish an endowment to support a Japan-focused scholarship fund. “I was grateful to the Law School for all it did for me and was looking for a way to give something back,” said Piesner. “A Japan-focused scholarship fund was a perfect fit given my background of working in Japan for many years and the central role Japan has played in my career.”

The first scholarship has already been awarded to a student, and the plan going

forward is to award at least one each year.

With Hawai‘i’s close ties to Asia, and with the number of Asia-focused programs offered throughout the UH system as well as at the Law School, Piesner said he would hope someday to see more Asia-based alumni in senior management roles, in particular on the Board of Regents. That kind of commitment, said Piesner, would assist in focusing the UH academic community even further on the important role it can play in Asia.

Eric’s wife, Rae Piesner, is from Hawai‘i and the couple have three sons. ❖

Prof. Mark Levin

*Named Program Director
for PALS*

Professor Mark Levin, a Japanese law specialist on the William S. Richardson Law School faculty since 1997, has been named the Law School’s inaugural Pacific-Asian Legal Studies (PALS) Program Director. Levin is also Deputy Director of the Institute of Asian-Pacific Business Law at UH Law School.

In making the announcement, Dean Avi Soifer noted: “Mark has been a fixture in our PALS Program for nearly 20 years. He appreciates that the Program will be central to the school’s future in coming decades. We are fortunate that he brings a steady hand to help navigate the Program towards new directions.”

Levin said he was excited to take on this new responsibility and for the opportunity it offers to work more closely with colleagues, students, alumni, and friends. “The President recently described America making a ‘pivot’ to Asia for the 21st-century,” he said, “but Richardson has no need to pivot. Asian and Pacific legal studies have been a part of what we’ve done from the start.”

Levin added: “Our PALS Program’s reach has geographic breadth from India, up through the ASEAN region, to all of East Asia and across the waters to the Pacific Island nations and territories. We have unique depth in our world-famous multi-faceted faculty of area specialists in the public and private legal spheres and with our student-led Asian-Pacific Law and Policy Journal, which is in its 18th year of publication.”

SUPPORTING THE PACIFIC-ASIAN LEGAL STUDIES PROGRAM

Provides Scholarships, Research and Visiting Lecturers

Private support for the PALS program is encouraged and welcomed!

While the Law School provides core funding to sustain the PALS Program, the Program benefits tremendously from private support to build and keep the PALS Program vibrant with student scholarships, scholarly research, visiting lecturers, and other events and programs.

Please consider making a donation to any of the giving opportunities listed below. For information on making major new gifts or other giving opportunities, please contact Julie Levine, Executive Director of Development, William S. Richardson School of Law, (808) 956-8395 or Julie.Levine@UHFoundation.org.

• **Wm. S. Richardson School of Law PALS Program General Support Fund**

• **Institute for Asian-Pacific Business Law (IAPBL) Program Fund**

• **Pacific and Asia Law Journal Fund**, supports the operational needs for the Law School’s Asian-Pacific Law & Policy Journal.

• **Lawrence C. Foster Endowed Student Scholarship**, awarded to the Editor or Editors-in-Chief of the Asian-Pacific Law & Policy Journal.

• **Michiko and Kaoru Kashiwagi Japanese Studies Endowment**, providing support for Japan-related student scholarships, faculty research, and library acquisitions.

• **Francell Marbeth Mokihana Marquardt Scholarship for Pacific Island Students**

• **Sam and Helen Piesner Endowed Scholarship for Japanese Legal Studies**, created by Eric Piesner ('92) in honor of his parents to provide scholarship support for students pursuing coursework in Japanese Law.

• **Frank Boas Endowed Fund**, to support international programs including the PALS program and the annual Frank Boas visiting professorship.

• **Marian & Walter Chuck Endowment Fund**, supports Pacific Asian Legal Studies through an endowed fund that generates annual income available for general PALS Program needs.