

**Half a Century of Asian Law:
A Celebration of Prof. Jerome Cohen**

Presented by

The George Washington University Law School

and

Georgetown University Law Center

Friday, February 19, 2010

The George Washington University Law School

2000 H Street, N.W.

Washington, D.C.

Room L101

Program

- 1:30-1:45 Opening proceedings
- 1:45-2:40 *Panel 1: Google and freedom of online information*
Sharon Hom, Executive Director, Human Rights in China
Lawrence Liu, Senior Counsel, Congressional-Executive Commission on China
Rebecca MacKinnon, Visiting Fellow, Center for Information Technology Policy, Princeton University
Susan Weld, Executive Director & Adjunct Professor of Law, Law-Asia Leadership, Georgetown University Law Center
- 2:40-3:35 *Panel 2: Business law*
Donald Clarke, Professor of Law, The George Washington University Law School
James Feinerman, Co-Director & Professor of Law, Law-Asia Leadership, Georgetown University Law Center
Nicholas Howson, Assistant Professor of Law, University of Michigan Law School
- 3:35-3:50 Coffee break
- 3:50-4:45 *Panel 3: Human rights, civil society, and criminal law*
Xiaorong Li, Research Scholar, School of Public Policy, University of Maryland
Eva Pils, Associate Professor, Faculty of Law, The Chinese University of Hong Kong
Karla Simon, Professor of Law, Columbus School of Law, The Catholic University of America
Scot Tanner, China Security Analyst, The CNA Corporation
- 4:45-5:40 *Panel 4: International law*
Julia Qin, Associate Professor of Law, Wayne State University Law School
Michael Schlesinger, Of Counsel, Greenberg Traurig, LLP
Timothy Stratford, Former Assistant U.S. Trade Representative for China Affairs, USTR
Alex Wang, Senior Attorney & Director, China Environmental Law Project, NRDC
- 5:40-6:00 Closing remarks by Professor Jerome Cohen

Panelists

Donald C. Clarke is Professor of Law at The George Washington University Law School. Professor Clarke, a specialist in Chinese law, joined the Law School faculty in Spring 2005 after teaching at the University of Washington School of Law in Seattle and the School of Oriental and African Studies at the University of London, as well as practicing for three years at a major international law firm with a large China practice. He is fluent in Mandarin Chinese, and has published extensively in journals such as the *China Quarterly* and the *American Journal of Comparative Law* on subjects ranging from Chinese criminal law and procedure to corporate governance.

Professor Clarke's recent research has focused on Chinese legal institutions and the legal issues presented by China's economic reforms. In addition to his academic work on Chinese law, Professor Clarke founded and maintains Chinalaw (formerly Chinese Law Net), the leading Internet listserv on Chinese law; writes the *Chinese Law Prof Blog*, and is a co-editor of *Asian Law Abstracts* on the Social Science Research Network. Professor Clarke also speaks and reads Japanese and has published translations of Japanese legal scholarship in *Law in Japan*. He is a member of the New York Bar and the Council on Foreign Relations.

James V. Feinerman is the James M. Morita Professor of Asian Legal Studies at Georgetown University Law Center and Co-Director of Georgetown Law – Asia. Professor Feinerman joined the Law Center faculty as a Visiting Professor for the 1985-86 academic year. Immediately after law school he studied in the People's Republic of China. Subsequently, he joined the New York firm of Davis Polk & Wardwell as a corporate associate. During 1982-83, Professor Feinerman was Fulbright Lecturer on Law at Peking University. In 1986, he was a Fulbright researcher in Japan. In 1989, he was awarded a MacArthur Foundation fellowship to study China's practice of international law. During the 1992-93 academic year, he was a Fellow at the Woodrow Wilson International Center for Scholars. From 1993-95, on leave from the Law Center, Professor Feinerman was the Director of the Committee on Scholarly Communication with China. Professor Feinerman served as Editor-in-Chief of the ABA's *China Law Reporter* from 1986-1998. He spent Spring 2006 as Fulbright Senior Distinguished Lecturer at Tsinghua University Law School in Beijing.

Sharon Hom is the executive director of Human Rights in China (HRIC), and professor of law emerita, City University of New York School of Law. Her work includes a significant focus on corporate social responsibility, including HRIC's participation in the Global Network Initiative. Ms. Hom was also named by the Wall Street Journal as one of 2007's "50 Women to Watch." Ms. Hom has published extensively on Chinese legal reforms, trade, technology, and international human rights.

Nicholas Calcina Howson is an Assistant Professor at the University of Michigan Law School, and a graduate of Williams College (B.A., 1983) and the Columbia Law School (J.D., 1988). Before attending Columbia Law School, he spent two years (1983-85) as a graduate fellow at Fudan University in Shanghai doing work in late Qing Dynasty Chinese literature. In Autumn 1988, he returned to China on a CLEEC/Ford Foundation fellowship to complete research at Peking University in Qing penal law. Professor Howson joined the New York-based international law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP in 1988, and was elected partner of that firm in 1996. Between 1988-2003, Professor Howson worked out of the firm's New York headquarters, and

also had extended postings in London, Paris and Beijing, ultimately as one of the managing partners of the firm's China Practice based in Beijing.

Professor Howson writes and lectures widely on Chinese corporate and securities law topics, and has acted as a consultant to foreign foundations and think tanks, and various Chinese ministries and administrative departments. He taught Chinese law at the Harvard Law School in 2003-04, was a Visiting Assistant Professor of Law at the Cornell Law School for 2004-05, and visited the East China University of Politics and Law in Shanghai for the Autumn 2008 term. Professor Howson is a member of the Council on Foreign Relations in New York and a designated foreign arbitrator for the China International Economic and Trade Arbitration Commission (CIETAC) in Beijing. He has served on the University of Michigan Center for Chinese Studies Executive Committee and on the Columbia Law School Board of Advisors, and is a past Chairman of the Asian Affairs Committee of the New York Bar Association.

Xiaorong Li is Research Scholar at the Institute for Philosophy and Public Policy at the University of Maryland School of Public Policy. Dr. Li joined the Institute in 1993. Her areas of interest are human rights, democratization, the ethics of globalization, the non-governmental sector, and civil society development. Dr. Li has taught the graduate seminar on philosophy, politics and public policy at the University. She has written on subjects including human rights and cultural relativism, international justice, reproductive rights, and gender issues in developing countries. Dr. Li is the author of *Ethics, Human Rights and Culture* (Palgrave Macmillan 2006) as well as numerous articles. Her research projects have won support from the National Endowment for the Humanities, the MacArthur Foundation, the U.S. Institute of Peace, and the Institute for Advanced Studies at Princeton University.

Lawrence T. Liu is a senior counsel at the Congressional-Executive Commission on China. He joined the Commission in August 2006 and specializes in freedom of expression issues in China, including the Chinese government's regulation of the press and the Internet. In September 2009, Mr. Liu testified before the U.S.-China Economic and Security Review Commission on Chinese media coverage of the June 2009 Iran presidential election.

Mr. Liu was previously a corporate attorney at Sullivan & Cromwell LLP, and spent time at the firm's Beijing office. During law school, Mr. Liu was a summer intern at the Beijing office of Jun He Law Offices. From 1996-97, Mr. Liu was a Fulbright Fellow in Taiwan and later worked at the *Taiwan News* newspaper as a journalist covering political stories. Mr. Liu holds a J.D. from Columbia Law School and a B.A. in Public Policy from Brown University.

Rebecca MacKinnon is a Visiting Fellow at Princeton University's Center for Information Technology Policy and is writing a book about the future of freedom in the Internet age. Ms. MacKinnon is co-founder of Global Voices Online (globalvoicesonline.org), a global citizen media network, and is also a founding member of the Global Network Initiative (globalnetworkinitiative.org), a multi-stakeholder initiative to advance principles of freedom of expression and privacy in the Information Communications Technology sector. From 2005-06 she was a fellow at Harvard's Berkman Center for Internet and Society. In 2007-08 she was an Assistant Professor at the University of Hong Kong's Journalism and Media Studies Centre, where she taught online journalism and conducted research on Chinese Internet censorship. In 2009 she continued her research and writing as an Open Society Institute Fellow. Fluent in Mandarin Chinese, Ms.

MacKinnon worked for CNN in Beijing for nine years, serving as CNN's Beijing Bureau Chief and Correspondent from 1998-2001 and then as CNN's Tokyo Bureau Chief and Correspondent from 2001-03.

Eva Pils is Associate Professor, Faculty of Law, The Chinese University of Hong Kong. From February to March 2009, Professor Pils was a New York University School of Law, U.S.-Asia Law School Kwang Hua Visiting Fellow. Professor Pils' research interests include Chinese law, legal and political philosophy, human rights, and comparative law, and her article, "Chinese Property Law as an Image of PRC History," is forthcoming in the *Hong Kong Law Journal*.

Julia Qin is Associate Professor of Law at Wayne State University Law School. Professor Qin teaches international business transactions, international finance, international trade law and Chinese law. She joined the Law School faculty in Fall 2000. Before then, she was a practicing attorney in the Hong Kong and New York offices of Cleary, Gottlieb, Steen & Hamilton LLP, specializing in international corporate and securities transactions. Previously, Professor Qin clerked for the late Chief Judge Dominick DiCarlo of the U.S. Court of International Trade. Professor Qin was a Visiting Professor at Tsinghua University Law School in 2008, and a Visiting Professor at Washington University in St. Louis in 2007. She also taught as an adjunct professor at New York University School of Law and was a research fellow at the GATT.

Professor Qin has published in various international law journals, and presented at numerous conferences and forums, on the subjects of international trade law, public international law and Chinese law. Her article, "WTO Regulation of Subsidies to State-owned Enterprises (SOEs)" in the *Journal of International Economic Law*, was cited by Justice Samuel Alito of the U.S. Supreme Court in his dissenting opinion in *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330 (2007). Professor Qin serves as a member of the Council and the Steering Committee for the Chinese Society of International Law. She received her LL.B. from Peking University, and her LL.M. and S.J.D. degrees from Harvard Law School.

Michael Schlesinger is Of Counsel at Greenberg Traurig, LLP. Mr. Schlesinger's practice focuses on intellectual property with an emphasis on international copyright law and trademark law and trade-related aspects of intellectual property (IP) rights protection. In addition to his company and individual clients, Mr. Schlesinger represents the International Intellectual Property Alliance (IIPA), a coalition of seven major trade associations (comprised of 1,900 companies) in worldwide copyright legislation and enforcement reform efforts, as well as government affairs and trade-related aspects of IP rights. Mr. Schlesinger's regional focus for the IIPA is on Asia, the Middle East and Africa. Mr. Schlesinger also works extensively with U.S. government officials and foreign government counterparts on negotiating and implementing global IP agreements and emerging IP standards, and engaging in capacity building in the area of IP and trade.

Mr. Schlesinger has spoken on copyright issues around the world, making media appearances on *Voice of America*, *WorldNet*, and PBS's *Nightly Business Report*. He has lectured at The George Washington University Law School and the Munich Intellectual Property Law Center since 2004, and has guest lectured at Georgetown University Law Center, Columbia Law School and George Mason University. Mr. Schlesinger is a regular lecturer before the Asia Pacific Legal Institute's Summer Intellectual Property Training Program. Since 2002, Mr. Schlesinger has spoken at many high schools and universities to raise U.S. and foreign students' copyright awareness.

Karla W. Simon is Professor of Law and Director of Faculty Development at Columbus School of Law, The Catholic University of America. She was previously a member of the faculties of the law schools at Seton Hall University, the University of California, Los Angeles, and the University of San Diego, and she twice served as a Visiting Fellow at the Yale Law School and the Yale Program on Nonprofit Organizations. Professor Simon has taught courses in the law of not-for-profit organizations, international human rights, federal income taxation, international and comparative taxation, and comparative law. She is the author of many articles in the fields of not-for-profit organizations and taxation, as well as civil society generally, and is the Editor-in-Chief of the *International Journal of Civil Society Law*. Professor Simon's most recent book is *Charity Law and Social Policy* (Springer 2008) (with O'Halloran and McGregor-Lowndes), and she is working on a book entitled *Law and Civil Society in China: From a Quiet Pond to a Mighty Stream*.

Professor Simon's professional activities include co-founding the International Center for Civil Society Law (iccs.org) and the Center for International Social Development (cisdcua.edu) at The Catholic University of America. She is a member of the American Law Institute, the American Society of International Law, the American College of Tax Counsel, and the American Bar Association. Professor Simon holds a J.D. from Duke University and an LL.M. in taxation from New York University. She has also studied law, including international law, at the University of Heidelberg, Germany. Professor Simon is Co-Director (with Dr. Frederick Ahearn) of the Center for International Social Development at The Catholic University of America.

Timothy Stratford is a former Assistant U.S. Trade Representative for China Affairs at the Office of the United States Trade Representative. He was responsible for developing and implementing U.S. trade policy toward Mainland China, Taiwan, Hong Kong, Macao and Mongolia.

Through September 2005, Mr. Stratford served as General Counsel for General Motors' China operations, where he was a member of GM's senior management team in China, overseeing the company's legal and trade policy work in Mainland China, Taiwan and Hong Kong. Before that, he was a partner in the Beijing office of Coudert Brothers (a New York City-based international law firm) (1995-98), President of the Taiwan Taichung Mission of the Church of Jesus Christ of Latter-day Saints (1992-95), Minister-Counselor for Commercial Affairs - and before that, Commercial Attaché - at the U.S. Embassy in Beijing (1988-1992), and associate attorney at the Paul Weiss law firm in its Beijing and Hong Kong offices (1983-87).

Mr. Stratford earned his law degree at the Harvard Law School and has a bachelor's degree in Philosophy and Chinese from Brigham Young University. From 2000-01, Mr. Stratford served as Chairman of the American Chamber of Commerce in China. He is fluent in Mandarin and Cantonese.

Murray Scot Tanner is a China Studies Analyst at the CNA Corporation. He has published widely on Chinese and East Asian politics and security issues, and is recognized as one of the country's top specialists on internal security, social unrest, policing, and intelligence in China. Among his many books and articles are *Chinese Economic Coercion Against Taiwan: A Tricky Weapon to Use* (RAND 2007), *The Politics of Lawmaking in China* (Oxford 1998), and "China Rethinks Unrest" (*The Washington Quarterly* 2004). Dr. Tanner previously served as Professor of Political Science at Western Michigan University, Senior Political Scientist at the RAND Corporation, as a senior staff member for the U.S.

Congress, and as a China analyst for the U.S. Government. Raised in Syracuse, N.Y., Dr. Tanner received his B.A. and Ph.D. degrees from the University of Michigan.

Alex L. Wang is a senior attorney for the Natural Resources Defense Council (NRDC) based in Beijing, and the director of NRDC's China Environmental Law Project. In this capacity, he works with China's government agencies, legal community, and environmental groups to improve environmental governance and strengthen environmental protection. Mr. Wang helped to establish NRDC's Beijing office in 2006. He was a Fulbright Fellow to China from 2004-05. Prior to that, Mr. Wang was an attorney at the law firm of Simpson Thacher & Bartlett LLP in New York City, where he worked on mergers & acquisitions, securities matters, and pro bono Endangered Species Act litigation. He was selected to the National Committee on U.S.-China Relations Public Intellectuals Program 2008-10, and is a member of the Advisory Council to the Asia Society's Center on U.S.-China Relations.

Mr. Wang is a regular speaker on issues related to China and environmental protection, and has been an invited speaker at various institutions, including the Council on Foreign Relations, the Asia Society, Yale University, New York University School of Law, Columbia University and the University of California, Berkeley. His commentary has appeared in such places as *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *The Los Angeles Times*, *China Daily*, *Global Times*, *Time Magazine*, National Public Radio, *Marketplace*, and CCTV. Mr. Wang received a J.D. degree from New York University School of Law and a B.S. in Biology from Duke University.

Susan Weld is Adjunct Professor of Law and Executive Director of Law-Asia Leadership at Georgetown University Law Center. Professor Weld was General Counsel of the Congressional-Executive Commission on China from 2002-05. While at the Commission she traveled in China to observe developments in several areas related to law reform, bilateral cooperation and human rights, including women's rights, HIV/AIDS in Xinjiang Province, rural land law, criminal legal defense, and regulation of domestic NGOs. Professor Weld has practiced law in New York and Boston and taught Chinese history and thought in Harvard's Department of East Asian Languages and Civilizations, comparative law at Northeastern University School of Law, Chinese and Japanese law at Boston College Law School, and Chinese law at Johns Hopkins School for Advanced International Studies in Washington, D.C. Professor Weld was a U.S. delegate to the United Nations Fourth World Conference on Women in Beijing in 1995 and a co-founder of MassAction for Women in Massachusetts.

Professor Weld has most recently spoken on "Law and Rights in China" at Dartmouth College, on "Corruption in China: Past and Present" at the University of Michigan Center for Chinese Studies, and on "The Congressional-Executive Commission on China" at the University of Michigan Law School and Harvard Law School, and moderated a panel on "Religion and the Future of China" at the Council on Foreign Relations. Professor Weld earned her undergraduate and law degrees from Harvard.