On behalf of the entire Columbia Law School community, the Center for Japanese Legal Studies extends heartfelt condolences to our colleagues and friends in Japan for the natural disaster on March 11, 2011 and ensuing nuclear crisis, along with our sincere wishes for a prompt and complete recovery.

JAPAN EARTHQUAKE RESPONSE AT COLUMBIA LAW SCHOOL

The Center for Japanese Legal Studies was the focal point for the Law School community’s response to the disaster. The Center helped stage two events during the crisis, which raised awareness of the situation in Japan and provided venues for student fundraising efforts.

The first event, “The Economic, Health, and Political Impact of Japan’s Earthquake,” was held on March 22 at Columbia Business School. This event, which drew over 150 people from the Columbia community, was designed to present accurate information about the situation in Japan in the immediate wake of the disaster. The event underscored Columbia University’s wealth of expertise on Japan and other topics relevant to the disaster. Speakers included David Brenner, the Higgins Professor of Radiation Biophysics at Columbia, an expert on radiation exposure; Gerald L. Curtis, the Burgess Professor of Political Science; and David E. Weinstein, the Carl S. Shoup Professor of the Japanese Economy. The event was moderated by Curtis J. Milhaupt, the Fuyo Professor of Japanese Law and Parker Professor of Comparative Corporate Law.

The second event, a panel discussion on “Legal and Policy Perspectives on the Japanese Crisis,” took place at the Law School on Wednesday, April 6. The panelists included Mr. Masayoshi Arai, special advisor to the Ministry of Economy, Trade, and Industry (METI) of Japan and director of the Japan External Trade Organization in New York. Mr. Arai, who has served in METI’s energy agency, discussed the implications for nuclear power and its regulation in Japan. He expressed confidence that Japan would continue to rely extensively on nuclear power, simply because it has no alternative at the present. Environmental law expert Michael Gerrard, Professor of Professional Practice in Law and director of the Center on Climate Change Law at Columbia Law School, discussed the implications of the Fukushima disaster for international nuclear power regulation. Examining the situation from a corporate governance standpoint, Professor Milhaupt drew a link between the nuclear crisis and other recent disasters such as the global financial crisis and the Deepwater Horizon oil spill. Mr. Hajime Matsuura, senior columnist of Sankei Shimbun, analyzed and criticized Japanese media coverage of the crisis.
INTERNATIONAL WORKSHOP DISCUSSES JAPANESE IMMIGRATION POLICY

Experts from Japan and the U.S. gathered in a closed-door conference to discuss immigration policy in Japan. The eighteen scholars, attorneys, activists, journalists, and practitioners gathered at Columbia Law School in November 2010 to identify the most pressing issues surrounding immigration in Japan.

“We didn’t promote a particular view on the subject,” said Professor Milhaupt. “The conference was a starting point—a brainstorming session where knowledgeable people could freely discuss a range of topics and figure out how to move the debate forward in the future.”

The workshop was co-sponsored by the Center on Japanese Economy and Business at Columbia Business School, under the direction of Professor Hugh Patrick. During his introductory remarks, Professor Patrick mentioned that he and Professor Milhaupt came up with the idea for holding a series of conferences on this issue because they could see several sides of the debate—and suspected there were several more. “Immigration is an important issue,” he said. “But it doesn’t get much public attention in Japan.”

Major Issues Raised at the Workshop

- Japan’s policy toward foreign workers, including the technical trainee program and special agreements with other countries regarding foreign nurses and caregivers;
- Whether Japan needs more immigrants, given its aging and declining population, and if so, what kind of immigrants would help Japan the most;
- How adequate are Japan’s legal protections for foreign residents, including permanent residents?
- How does Japan’s cultural identity affect assimilation of foreigners and what are the prospects for multiculturalism?
- Assessing local government and grass-roots efforts to provide Japanese language training to non-Japanese citizens;
- Are there lessons to be learned from Japan’s experience with the “Zainichi” and “Nikkei” populations?
PUBLIC INTEREST FELLOWS IN JAPAN

The Center for Japanese Legal Studies, in conjunction with Social Justice Initiatives, awarded fellowships for public interest work in Japan to J.D. students Charles Alvarez and Mark Morrison, both class of 2013.

Charles interned this summer with Tokyo Public Law Office in their Foreigner’s Division. Charles helped with various issues involving foreigners in the Tokyo area, including family law, immigration, labor law violations, and criminal defense. He helped with interpretation, researched foreign refugee law, contributed to the firm’s blog, and worked directly with clients on accessing legal aid and beginning their cases. He also attended bar association meetings and engaged with lawyers and non-profits involved in public-interest causes, mostly involving foreigner rights, in the Tokyo area.

This summer Mark worked at the Institute for Sustainable Energy Policy (ISEP), a Japanese non-profit headed by Mr. Tetsunari Iida, executive director. Mr. Iida has been researching plans for major transitions into renewable energy in U.S. counties, cities, and states. Mark examined the policies and strategies these political entities use to promote and support the growth of renewable-energy industries. This research is slated for publication in a Global Energy Futures Report, scheduled for release toward the end of the year, and is part of a collaborative effort between ISEP and other renewable-energy organizations in Japan.

SHAPIRO JAPANESE LAW FELLOWS

For the 2010-11 academic year, J.D. students Alice Izumo and Michael Druckman were named Isaac and Jacqueline Weiss Shapiro Fellows in Japanese Law. Alice conducted research on Japanese immigration policy, particularly in preparation for the Immigration Policy Workshop discussed above. Michael assisted Professor Milhaupt in the preparation of a second edition of his casebook with Professors Mark Ramseyer and Mark West, *The Japanese Legal System: Cases, Codes, and Commentary.*

NO&T SCHOLARS

The Center for Japanese Legal Studies awarded four Nagashima Ohno & Tsunematsu fellowships to incoming J.D. students from a highly competitive pool. The recipients were John I. Dougherty, Benjamin Han, Min Kyung Lee, and Agnes Petrucione.

John Dougherty graduated from Georgetown University, concentrating in international politics. He participated in a high school exchange to Osaka and returned with the JET program for two years. He became a board member of JET and organized the JET orphanage Christmas visit. He also worked as a summer intern for the Japan Research Center and was the editor-in-chief of a newsletter called “Teamwork Tokushima,” specializing in tips for people teaching English in Japan.

Benjamin Han attended the University of California at Irvine, where he studied political science. He took part in a language immersion program at Sophia University for one year, and then stayed on at Yamasa Institute for another full-time language program. To fund his study abroad, he was awarded a Morgan Stanley Japan Scholarship, which required that he write a research paper on the Japanese political economy. He also won three “Japan Parliamentary Debate Union” tournaments, with two honors for best speaker.

Min Kyung Lee grew up in Korea, spent a year in the U.S., and decided to learn both Japanese and English. She attended high school in New Zealand and graduated from Cornell University, where she majored in government service and wrote an honors thesis on the Americanization of the Korean and Japanese constitutions. She studied as an exchange student in Japan on two occasions and won 2nd place in a Japanese speech contest, held at the Japanese Consulate in Detroit.

Agnes Petrucione grew up in Kobe, Japan and graduated from New York University. Her major was comparative literature, with an emphasis on Japanese literature. From 2008 until starting law school at Columbia, she worked as a legal assistant in a Japanese practice group in New York City, assisting Japanese and U.S. clients. The focus of her work was on asylum and immigration cases.
The highlight of this year’s speaker series was a lecture by renowned economist Masahiko Aoki of Stanford University. On February 24, 2011, Professor Aoki spoke to about a hundred students and alumni on “The Interdependence and Future of the Japanese and Chinese Economies.” Professor Aoki identified four phases of economic development of China and Japan, ranging from a peasant economy to a slow growth economy with an aging and declining population. Since China and Japan are now in different, but complementary phases of development—China transitioning from high to stable growth, and Japan in low growth—he argued that there are many opportunities for strategic cooperation between the two countries, assuming they can manage the relationship politically and socially.

On November 4, Mr. Yasuhiro Idei, an independent journalist based in Japan, spoke on the topic of “Why Japan Needs a (Real) Immigration Policy.” An outspoken critic of the Japanese government’s current approach to immigration, Mr. Idei used the foreign nurse and “worker trainee” programs as examples of ad hoc and wasteful policies that tarnish Japan’s image abroad and accomplish little domestically. He argued for a robust and open public debate on immigration policy.

Professor Sandra Hotz, senior researcher and lecturer-in-law at the University of Zurich, spoke on December 1, 2010, on “Japanese Marriage Contracts at the Intersection of Law, Culture and Gender.” She discussed the prenuptial agreement in the Japanese context—or rather, the virtual nonexistence of prenuptial agreements in Japan. She gave a brief history of family law from the Meiji period through current reforms, and placed current policy controversies in historical and cultural context.

“How to Improve Japanese Corporate Governance” was discussed on February 7, 2011, with Mr. Nicholas Benes of the American Chamber of Commerce in Japan and the Board Director Training Institute. His talk focused on proposed amendments to the Company Law. He argued that the Company Law should require the use of independent directors and include a robust definition of “independence.” In his view, the most important reason to have independent directors is addressing conflicts of interest. Japan also needs to consider the special problems posed by its weak system of discovery, which makes it difficult for plaintiff shareholders to obtain enough evidence to sue directors—especially when virtually all directors are managers.

Approximately one hundred Columbia Law School alumni gathered at Club Kanto in Tokyo on June 16, 2011 for an evening of friendship and networking. The event, co-hosted by Professor Milhaupt and Japan Alumni Association President Fumihide Sugimoto LL.M. ’93, featured a discussion with current J.D. students Julia Twarog, Charles Alvarez, and Mark Morrison. The students talked about their prior connections to Japan and how their Columbia Law School experience is enhancing their professional development as it relates to Japan.

The Center hosted two professors from the University of Tokyo under the auspices of the Columbia-Todai faculty exchange program. This year, the visitors were Professors Kentaro Matsubara and Shozo Ota. Both professors guest lectured in Professor Milhaupt’s Japanese Law course and interacted extensively with students and faculty. Professor Matsubara, an associate professor of legal history, gave lectures titled “Japan’s Lost Century?,” which examined the historical roots of current social and economic problems in Japan ranging from under-employed youth to declining interest in foreign study. Professor Ota, a pioneer in the use of social science research in legal study in Japan, analyzed recent public opinion survey data on issues including divorce and the introduction of the lay juror (saihan-in) system.