



WASHBURN UNIVERSITY

SCHOOL OF LAW

International and Comparative Law Center

2014-16 INAUGURAL ANNUAL REPORT



Diverse international and comparative law programs to meet the demands of an increasingly globalized legal system.

DIRECTORS' MESSAGE:

CENTER ESTABLISHED TO MEET DEMANDS FOR INTERNATIONAL LAW

The International and Comparative Law Center (ICLC) was established at the end of 2013 as the newest of Washburn Law's "Centers of Excellence." It was a natural development arising from the growing number of faculty members specializing in areas of international or comparative law. Within the last 10 years, Washburn Law has added professors with expertise in international tax law; international trade and business transactions; international intellectual property; international law and armed conflict; international human rights; international investment and arbitration; international law theory; and comparative constitutional law, just to name a few.

At the same time, Washburn Law recognized that an increasing number of prospective students are interested in aspects of international and foreign law, and that there is an ever-increasing need for some knowledge of international and foreign law in order to be competitive in many of the career paths made possible by a law degree. That is not only true for those of our students wanting to practice law in cities such as Washington, D.C., or New York, or seeking to pursue careers in policy-making or business on the global stage, but also for those of our students who want a traditional legal

practice here in Kansas — a state that engages in international trade in everything from wheat to aeronautical products.

Washburn Law also saw opportunities to use its long-established reputation for expertise and skill in teaching and legal education design to contribute meaningfully to legal education overseas. These contributions take the form of traditional study abroad programs as well as more ambitious initiatives to assist in training the faculty of law schools and help design legal education programs in other countries.

In short, given our growing human capital, student interest and need, growing industry demands, and our own institutional desire to contribute to legal education and legal scholarship on a global level, we needed some form of institutional center — a more developed organizational structure for planning, coordinating, and providing strategic oversight and direction for our activities in international and comparative law. The ICLC was it.

The two central missions of the ICLC are to: (1) coordinate and further the education and professional success of Washburn Law students in the

area of international and comparative law; and (2) encourage, support, and promote the scholarship, teaching, and service of the faculty members of Washburn Law in the area of international and comparative law.

With three years under its belt, and still much work required to fully develop the institutional structure and organization necessary for it to achieve its goals, the ICLC has already achieved a great deal in establishing Washburn Law as an important presence in the world of international and comparative law education. We hope you will enjoy learning about some of our recent accomplishments and activities in the following pages. We look forward to making great strides over the coming years!



*Professors Craig Martin and Tonya Kowalski
Co-Directors, ICLC*

WASHBURN SIGNS AGREEMENT WITH OSAKA UNIVERSITY



Deans Takanaka and Romig

In March 2016, Washburn Law entered into an exchange and cooperation agreement with the law schools of the internationally renowned Osaka University, located in Osaka, Japan.

Osaka University is one of Japan's most prestigious universities, typically ranked among the top five of all universities in Japan, and in the top 50 of all universities in the world, according to the internationally acknowledged Shanghai Rankings and QS Rankings. It has three separate law schools, with one serving the undergraduate level, a graduate school for future scholars, and a professional school for prospective lawyers.

The agreement between Washburn and Osaka will provide opportunities for the faculty of each school to conduct research and to teach at the partner school, and it will similarly create study abroad opportunities for students of both schools.

Washburn Law will be exploring the development of a study abroad program featuring summer courses to be taught by both Washburn Law and Osaka faculty members at the facilities of Osaka University for students of both institutions. Washburn Law will also seek to accept individual students from Osaka University for semester-long visits, and to admit graduates of Osaka University into Washburn Law's LL.M. program.

Dean Thomas J. Romig noted that "In an era of increasing globalization it is crucially important for us to offer our students exposure to other legal systems, and to provide them with significant international experience. We think that providing such opportunities in Asia is particularly important."

STUDY ABROAD IN BARBADOS



In the summer of 2016, Professors Tonya Kowalski, David Rubenstein, and Joe Mastrosimone returned to the University of the West Indies

in Barbados for Washburn Law's study abroad program. During this six-week program, Washburn Law students studied alongside students from the University of the West Indies. Kowalski served as the program director, Rubenstein taught comparative constitutional law, and Mastrosimone taught comparative labor law.

STUDY ABROAD WITH MAASTRICHT



"I really enjoyed spending time at Washburn. It was a great experience to live on campus and enjoy all that campus has to

offer," said Chloé Hubart, a Maastricht student from Belgium who spent a semester at Washburn. "Also, the great majority of things, like the study, the courses, and the campus in itself, are very different from what we have back home in Belgium. So it's very interesting and enjoyable to discover this different culture."



"It's one thing to study international law in the United States, but being in Maastricht is living international law," said **Donny McClellan, J.D. Candidate '17**, who studied in Maastricht in fall 2016. "There are opportunities to become involved and network with leading international lawyers and organizations. The best part of studying in Maastricht is becoming friends with law students from all over the world. Because half the students are from outside the Netherlands, our discussions in and out of class reach a level unobtainable anywhere else, filled with different perspectives and experiences that enrich the learning process."

WORK IN GEORGIA CONTINUES



Bahadur (left), Kowalski (center), and Alaka (right) teaching at Free University.

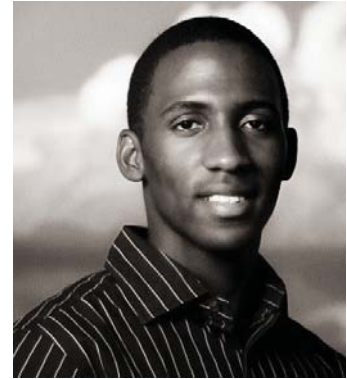
In 2016, Washburn Law was selected to work on improving legal education in Georgia (the former Republic of Georgia). This rule of law initiative falls under a new five-year grant from the State Department and USAID, in cooperation with the East-West Management Institute.

This new grant will build on the work Washburn Law provided under a previous five-year grant.

Faculty and students will be working predominantly with Free University of Tbilisi on improving various aspects of legal education. Many of Washburn's faculty have spent time at Free University, both teaching students and training local faculty. Students of both schools have collaborated on the preparation of amicus briefs for Georgia's Constitutional Court.

Professors Aïda Alaka, Rory Bahadur, and Tonya Kowalski traveled to Tbilisi in December 2015 and December 2016 to conduct a series of workshops at Free University. The five workshops were addressed to local faculty, attorneys, and judicial law clerks. Subjects included case briefing, case law literacy, scholarly writing, multi-modal teaching techniques, the development of text books, and legal analysis for judicial reasoning.

MARVIN TADOR FIRST ICLC CLERK



Marvin Tador, JD Candidate, '19, from Melbourne, Florida, joined the ICLC in the newly founded ICLC clerk position and will serve for the 2016-17 academic year.

Tador brings to the role considerable experience gained while serving in various cities in Europe as an officer in the United States Army prior to joining Washburn Law.

JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION



2016 Team: James Crux, Sam Clopton, Jorge de Hoyos, Nicole Southall, Maureen Hannen, Matt Conklin, and Professor Craig Martin (faculty advisor).

Washburn Law competes every year in the Jessup International Law Moot Court Competition, typically as part of the Rocky Mountain Region, at the University of Denver.

In the 2015-2016 Rocky Mountain Regional competition, the issues involved terrorism, state expropriation, espionage, cyber-operations, mass surveillance, and administrative detention, to name but a few.

The team did not go on to the international round in Washington, D.C., but they are now part of the Jessup community, having competed in the most prestigious and most difficult moot court competition in the world.

INTERNATIONAL LAW SOCIETY ACTIVITIES WITH CENTER



M. Yoel Malashock, '09



Tony Mattivi, '94



Paula Appelhans, '98



Jim Slattery, '75



Ed Nichols, '71

The International Law Society, together with the ICLC, conducts lunch-time talks, movies with Q&A sessions, and various other activities to deepen the interest of students in international and comparative law. Some examples include:

“An Introduction to Refugee and Asylum Law” - **M. Yoel Malashock, Washburn Law graduate, '09**, September 2014

“Non-Traditional Work in International Banking” - **Alan Deines**, October 2014

“War Crimes” - **Tony Mattivi, Washburn Law graduate, '94**, October 2014

Senate Select Intelligence Committee’s Report on CIA Detention and Interrogation - **Dean Thomas J. Romig** and **Professor Craig Martin**, February 2015

“From Washburn to the Other Side of the World” - **Paula Appelhans, Washburn Law graduate, '98**, February 2015

“International Trademark Law” - **Chris Ott**, March 2015

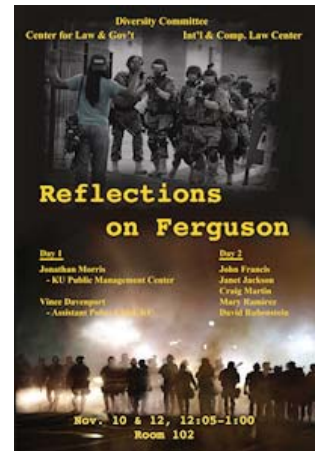
“Trademark Law from Multiple Perspectives – A Panel Discussion” - Mary Munson-Ott; Chris Ott; **Anna Quinn, Washburn Law graduate, '13**; and **Amy Kelly**; April 2015

“U.S.-Iran relations” - Former U.S. **Congressman Jim Slattery, Washburn Law graduate, '75**, August 2015

“Build Your Own Road to Travel: How to Use Your Law Degree” - **Edward “Ed” Nichols, Washburn Law graduate, '71**, February 2016

“Reflections on Ferguson” - a three-part program for students on the social and legal issues surrounding the events in Ferguson, Missouri, following the shooting of Michael Brown, November 2014.

The event included guest speakers on law enforcement perspectives, and faculty members addressed many of the legal issues, including a comparative and international perspective on the use of force by police and the disparate impact of law enforcement on minorities.



Jamala Rogers and students discuss Ferguson at a Meet & Greet.



Professor Craig Martin and Dean Thomas J. Romig discuss torture.

GREAT PLAINS INTERNATIONAL AND COMPARATIVE LAW COLLOQUIUM



Pictured (left to right): Timothy Lynch, Rob Leflar, Craig Martin, Virginia Harper Ho, Andrea Boyack, Rana Lerh-Lenardt, Lisa Avalos, Freddy Sourgens, and Raj Bhala.

The International and Comparative Law Center hosted the inaugural Great Plains International and Comparative Law Colloquium at Washburn Law on May 14, 2015.

The colloquium, which began with a lunch and ended over dinner, involved 10 scholars from three schools in the region workshopping five projects. Topics included the evolution of international trade in both practice and scholarship; the creation of safe harbors from international intellectual property; law and lawlessness in Syria; legal and institutional reforms to address

ecological collapse in the Mediterranean; and constitutional reinterpretation of Japan's "peace" constitution.

On May 6, 2016, a second colloquium involved nine scholars from law schools in the region. Some of the topics discussed ranged from currency manipulation under the Trans-Pacific Partnership (TPP), Consumer Social Responsibility mechanisms in China, Supranational Law in international investment arbitration, rape investigation failures as human rights violations, constitutional war powers of Canada, to new health care law in Japan.

MARTIN & SOURGENS ELECTED TO EXECUTIVE COMMITTEES

Professors Freddy Sourgens and Craig Martin were both elected to executive committees of the American Society of International Law (ASIL). At ASIL's annual meeting in April 2016, Sourgens was elected vice president of the Private International Law Interest Group; while Martin was re-elected to the Executive Committee of the Lieber Society, the Interest Group focused on the law of armed conflict.

Sourgens was also elected to the Academic Council of the Transnational Institute for Arbitration.



Professor Freddy Sourgens

SOURGENS PRESENTATIONS

Professor Freddy Sourgens has had a busy schedule of presentations. Most recently, these included a lecture at Columbia Law School in September 2016 on "Supranational Law - How Investment Tribunals Avoid Favoring the Interests of Multinationals Over the Public Policy Concerns of Host States."

Sourgens was also one of the panelists for the "2016 Compromis Authors Panel," sponsored by the Fletcher School of Law & Diplomacy, for the Philip C. Jessup International Moot Court Competition, International Law Student Association, on April 2, 2016.

Sourgens, along with Diane Desierto (University of Hawaii) and Ian Laird (Crowell & Moring LLP and Columbia University), co-chaired the inaugural Annual Investment Claims Summer Academy, convened by Oxford University Press and held at Oxford in the summer of 2015.

The conference brought together a select group of expert scholars and practitioners in the field to discuss investor-state arbitration. His Excellency James Crawford, Judge of the International Court of Justice, was the keynote speaker.

On September 16, 2016 Sourgens spoke at the Third Annual Houston Oil and Gas Investment Arbitration Conference, which he also directed and co-organized for the third year. Sourgens discussed the recent set aside by the Dutch courts of the \$50 billion awards against the Russian Federation in favor of Yukos shareholders.

GLASHAUSSER & MARTIN IN JAPAN

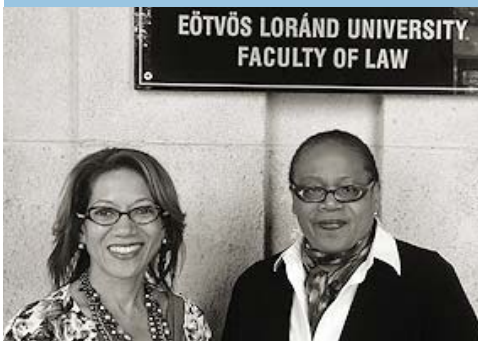


Professors Alex Glashausser and Craig Martin were both in Japan during the summer of 2015. Martin teaches a constitutional law course at Osaka University every summer.

Glashausser was a visiting scholar at Waseda University Faculty of Law, where he conducted research on international law and its interaction with the Alien Tort Statute, and participated in colloquia discussing that and other topics.

Glashausser and Martin met up at Waseda in August for the annual East-Asia Law and Society Conference. Martin presented a paper on Japanese government efforts to reinterpret Article 9.

JACKSON IN HUNGARY



Janet Jackson and Susan Jones.

Professor Janet Thompson Jackson attended the Third Annual European Network of Clinical Legal Educators Conference in Budapest, Hungary, in October 2015.

MARTIN ON JAPAN



Professor Craig Martin (above left) continued his involvement in the debate in Japan over the constitutionality of the recent “reinterpretation” of the war-renouncing provision of the Constitution. He presented papers on the constitutional and international law implications of the reinterpretation at conferences held by The Asser Institute in The Hague, Netherlands (February 2016); Ritsumeikan University, Kyoto, Japan (March 2015 and 2016); and The University of New South Wales, Sydney, Australia (August 2016).



The government of Japan’s so-called “reinterpretation” of the war-renouncing provi-

sion of the Constitution of Japan, and its likely effort to formally amend the provision in the next couple of years, has led to increasing debate and analysis in Japan. Martin’s scholarship on the issue has made him a well-known figure in the debate.

She presented “Comparing the U.S. and European Experience in Business Law Clinics that Promote Social and Economic Justice,” with Professor Susan Jones of George Washington University Law School.

ELROD IN LONDON

Professor Linda Elrod spoke on “The Proposal for a New Uniform Law on Family Law Arbitration” at a plenary session for the Conference on Culture, Dispute Resolution, and the Modernized Family. The conference was held in July 2016, for International Centre for Family Law, Policy, and Practice in association with King’s College London. This “invitation only” conference, held every three years, drew 200 judges, scholars, lawyers, and mediators from 45 countries.



KOWALSKI IN INDIA



Professor Tonya Kowalski returned to Symbiosis Law School (SLS) in Pune, India, in the summer of 2015 to serve as visiting scholar-in-residence for a month. She taught a one-week, intensive legal analysis, writing, and moot argument course for entering students; assessed arguments from the first-year class; and delivered a faculty seminar.

Kowalski also advanced discussion with SLS leadership to develop further initiatives between the two law schools.

FACULTY SCHOLARSHIP



ANDREA J. BOYACK
Professor of Law

“Comparative Contract Damages and Penalty Provisions,” 3 *Georgian Commercial Law Review Journal* 2 (2014).



ALEX GLASHAUSSER
Professor of Law

“International Torts, Extraterritorial Distortion [*Kokusai Fuho Koi, Yugamerareta* (Translator Tatsuya Kitai)],” 48:2 *Comparative Law Review* 1 (Institute of Comparative Law in Japan) (2014).

“Judicial Supremacy Under the U.S. Constitution: A Historical Challenge to the Orthodox View of Congressional Power [*Gasshukokukenpo ni Okeru Shiboken no Yuetsu - Gikaikengen ni tsuitenno Tsusetsu eno Rekishi ni Motozuku Chosen* (Translator Nobuyuki Sato & Maki Kubo)],” 11 *Chuo Law Journal* 89 (2014).

“Human Rights and Jurisdictional Wrongs: The Misconstrued Alien Tort Statute [*Jinken to Kankatsuken no Seigo - Gaikokujin fuhokoiho no Kaishaku no Gobyu* (Translator, Shigeo Miyagawa)],” 48 *Comparative Law Review* 121 (Waseda University Institute of Comparative Law) (2014).



LINDA HENRY ELROD
Richard S. Righter Distinguished Professor of Law

“Japan Joins Hague Abduction Convention: England Returns Child,” 48 *Family Law Quarterly* 353 (2014).



PATRICIA JUDD
Professor of Law

“Retooling TRIPS,” 55 *Virginia Journal of International Law* 117 (2014).

“The TRIPS Balloon Effect,” 46 *New York University Journal of International Law and Politics* 471 (2014).



LIAQUAT ALI KHAN
Professor of Law

Islam Enters America (CreateSpace, 2015).



CRAIG MARTIN
Professor of Law and Co-Director, International and Comparative Law Center

“The Legitimacy of Informal Constitutional Amendment and the ‘Reinterpretation’ of Japan’s War Powers,” 40 *Fordham International Law Journal* (forthcoming 2017).

“Jus ad Bellum Implications of Japan’s New National Security Laws,” *The Asia-Pacific Journal: Japan Focus*, Vol. 14, May 15, 2016.

“A Means-Methods Paradox and the Legality of Drone Strikes in Armed Conflict,” 19 *International Journal of Human Rights* 142 (2015).

“Kiobel, Extraterritoriality, and the ‘Global War on Terror,’” 28 *Maryland Journal of International Law* 146 (2013).



JOSEPH MASTROSIMONE
Associate Professor of Law

“Still ‘Takin’ Care of Business’?: A Comparative Analysis of Proposed Amendments to the Georgian Labor Code,” 3 *Georgian Commercial Law Review Journal* 39 (2014).



FRÉDÉRIC G. SOURGENS
Associate Professor of Law

“The Privacy Principle,” ___ *Yale Journal of International Law* ___ (forthcoming 2017).

“Supernational Law” ___ *Vanderbilt Journal of Transnational Law* ___ (forthcoming 2017).

“The End of Law: The ISIL Case Study for a Comprehensive Theory of Lawlessness,” 39 *Fordham International Law Journal* 355 (2015).

“Functions of Freedom, Privacy, Autonomy, Dignity, and the Transnational Legal Process,” 48 *Vanderbilt Journal of Transnational Law* 471 (2015).

“Reconstructing International Law as Common Law,” 47 *George Washington International Law Review* 1 (2015).

A Nascent Common Law: The Process of Decisionmaking in International Legal Disputes Between States and Foreign Investors (Koninklijke Brill, 2015).

ALUMNI SPOTLIGHT - JESSICA DORSEY



Jessica Dorsey, '08, currently works as a program officer in the Humanitarian Disarmament department of Dutch NGO PAX, where she is also the coordinator of the European Forum on Armed Drones. She is also an associate

fellow at the International Center for Counter Terrorism — The Hague, mainly researching issues related to the use of force in counterterrorism operations.

Dorsey began her career path at Washburn Law, where she earned an International and Comparative Law Certificate, and studied abroad at Utrecht University. She went on to complete an LL.M. at Utrecht, before commencing her Ph.D. and beginning work at the T.M.C. Asser Institute. Dorsey writes: “All of this happened after having been introduced to the subject matter and opportunities in international law at Washburn Law!”

HELP ENRICH THE STUDENT EXPERIENCE

There are a number of initiatives that the ICLC could take if it had more dedicated resources. For instance, there are study abroad opportunities in Europe and Asia that are available for us to develop, which we think would vastly expand our students' knowledge and understanding of the international and comparative law world, not to mention profoundly enrich their world-view and emotional intelligence — but which would be prohibitively expensive for most of our students.

We would like to establish scholarship funds that could help offset the cost of such programs for our students on an annual basis.

If you might be interested in assisting with such initiatives, please contact us!

ABOUT US

WASHBURN
UNIVERSITY

SCHOOL OF LAW

International and Comparative Law Center

Washburn University School of Law
International and Comparative Law Center
1700 SW College • Topeka, KS 66221
785.670.1196 or 785.670.1668



Craig Martin

Co-Director, International and Comparative Law Program and Professor of Law

craig.martin@washburn.edu
785.670.1196



Tonya Kowalski

Co-Director, International and Comparative Law Program and Professor of Law

tonya.kowalski@washburn.edu
785.670.1668

The International and Comparative Law Center works to coordinate the education of Washburn Law students in international and comparative law — helping them to understand not only international law and foreign legal systems, but to deepen their understanding of their own system of law, and to prepare them for a modern legal career. The Center also supports and promotes the work of Washburn Law faculty members in their research, writing, and conference work; their teaching; and other educational activities; as well as in their more practical work in international and comparative law, both at home and abroad, in a wide range of specializations.