

INAUGURAL EAST ASIAN LAW AND SOCIETY CONFERENCE

(Hong Kong; 5-6 February 2010)

Final Program

5 February 2010 (Friday)

Opening Session (Venue: Wang Gungwu Lecture Hall, Graduate House, University of Hong Kong) 9:00 a.m. - 11:00 a.m.

· **Opening Ceremony**

- Professor Setsuo Miyazawa, Aoyama Gakuin University, Japan (CRN33 Representative)
- Professor Johannes M M Chan, Dean of Faculty of Law, the University of Hong Kong, Hong Kong

· **Keynote speeches**

Chair: Professor Setuso Miyazawa (Aoyama Gakuin University, Japan)

- Professor Johannes Chan, Dean, Faculty of Law, University of Hong Kong, Hong Kong
- Professor Zhenmin Wang, Dean, Tsinghua University, School of Law, China
- Professor Malcolm Feeley, former President of LSA, USA

Coffee Break 11:00 a.m. - 11:30 a.m.

Venue: Foyer (outside Wang Gungwu Lecture Hall, Graduate House, University of Hong Kong)

Concurrent Sessions 11:45 a.m. - 1:45 p.m.

<i>Theatre 6</i> <i>(1/F Meng Wah Complex)</i>	<i>Council Chamber</i> <i>(8/F Meng Wah Complex)</i>	<i>Council Chamber Annex</i> <i>(8/F Meng Wah Complex)</i>	<i>Swire Lounge</i> <i>(Robert Black College)</i>	<i>Kong Siu Luey Lounge</i> <i>(Robert Black College)</i>	<i>KK1105</i> <i>(11/F KK Leung Building)</i>
4. Comparative Lay Participatory Systems in Law	2. Legal Education Institutional Reform in East Asia I	1. Legal and Judicial Reform in Asian Countries	10. Constitutional Reform in East Asian Regimes	18. Colonial Policing and its Legacies in East Asia	23. Legal issues of environmental, social and political practices in Asia
Chair: Hiroshi Fukurai	Chair: John Leitner	Chair: Tom Ginsburg	Chair: Christopher Manning	Chair: Jeff Martin	Chair: Eri Osaka
Discussant: Hiroshi Fukurai	Discussant: Akira Fujimoto	Discussant: To be confirmed	Discussant: Stephanie Balme	Discussant: Jeff Martin	Discussant: Hope Ashiabor
Anna Dobrovolskaia "Japan's past experiences with the institution of jury service"	Wilson Chow, Julienne Jen and Firew Kebede Tiba, "Training the next generation of Hong Kong lawyers: New Wine in a New Bottle"	Xiaogang Wu and Jinhua Cheng, "The Emerging New Middle Classes and the Legal Development in China"	Stéphanie Balme "Popular Constitutionalism"	Jeffrey Martin "The colonial architecture of sentimental control in Taiwanese policing"	Patricia Blazey "Reversing deforestation and desertification in China"
Jae-Hyup Lee, Jisuk Woo "Empirical Analysis of the Korean Jury Trials: Has the New System Brought About Changes?"	John M. Leitner "Democracy and Transparency in East Asian Judiciaries: A Comparison of the Legal Education and Jury System Reforms in Korea and Japan"	Fidy Xiangxing Hong "The Evolution Of Minority Shareholders Protection in China's Listed Companies and the Sinonization of Corporate Governance"	Dominic J. Nardi, Jr "Discipline-Flourishing Constitutional Review: An Analysis of the Judiciary under Myanmar's New Constitution"	Carol Jones "Hong Kong Lawyers vs The State: The fight against detention without trial during the 1967 riots"	Moon Hyuh Koh "An environmental governance approach surrounding unwanted facilities - Focusing on the Northern District Office(Buk-Gu)citizen jury case in connection with food recycling facility in Ulsan"
Ryan Park "The Globalizing Jury Trial: Lessons and Insights from Korea"	Thomas Chen, "To Change or Not to Change?----the Debates on Legal Education Reform in Taiwan"	Wan-Chun Huang "Referendums and Democracy: A Case Study of Taiwan"	Otto Malmgren "Fragile Constitutionalism in China"	Caroline Hui-yu Ts'ai, "The eyes of the police: The case of Washisu Atsuya"	Hitoshi Ushijima, "Local veto v. public participation: Locating an industrial solide waste disposal site in Japan"
Masahiko Saeki "Victim participation in criminal trial in Japan"	Denis de Castro Halis, "Reasoning of Judicial Decisions and Legal Education in the Macau SAR: New Models, New Demands"	Kwangbai Park, Yu Hwa Han and Yoo Ri Seong, "A negative effect of double judgments on the public confidence in the verdict for the trial by lay-participation: A prediction by Elaboration Likelihood Model"	Pui-yin Lo "Constitutional adjudication in Hong Kong: Insights from the judgments of the Li court (1997-2009)"	Toshihiko Matsuda "The police and Korea's colonization after the Russo-Japanese War"	Xiu Ling Yu, " From Colonial Sanitary Laws to a Modern Public Health Legal system:A Social-historical observation of the development of Hong Kong's public health laws"
Judith Fordham, "Jury intimidation"		Kuk-Woon Lee "The reorganization process of judicial system in South Korea under the U.S. military government from 1945 to 1948"	Tae-Ung Baik "Filtered Universalism- the development of human rights norms and constitutionalism in East Asia."	Lawrence K. K. Ho "Professionalization of the Hong Kong Police, 1970-1990"	Hope Ashiabor "The Use of Petroleum Excises Environmental Policy: The experience of countries in the East Asian region"
		Stephen Xuanming Pan, "Non-professional access to justice: a study on lay advocacy in China"			Ayako Hirata "Regulatory enforcement of environmental law in Japan"

Lunch 1:45 p.m. - 3:20 p.m.

Concurrent Sessions 3:20 p.m. - 5:20 p.m.

<i>Theatre 6</i> <i>(1/F Meng Wah Complex)</i>	<i>Council Chamber</i> <i>(8/F Meng Wah Complex)</i>	<i>Council Chamber Annex</i> <i>(8/F Meng Wah Complex)</i>	<i>Swire Lounge</i> <i>(Robert Black College)</i>	<i>Kong Siu Luey Lounge</i> <i>(Robert Black College)</i>
6. The Introduction of the Lay Judge System in Japan: Early Evidence	3. Legal Education Institutional Reform in East Asia II	12. Law with a Conscience: How legal practice can bring about justice and social change in Asia	7. Impact of Legal Issues of environmental, social and political practices in Asia	9. Legal issues beyond the Courtroom: Legal implications of Sociological developments of the 21st century
Chair: Matthew Wilson	Chair: Wilson Chow	Chair: Michael Fox	Chair: Robert Leflar	Chair: Eri Osaka
Discussant: Matthew Wilson	Discussant: Wilson Chow	Discussant: To be confirmed	Discussant: Robert Leflar	Discussant: Eric Feldman
Ayumu Arakawa "Current Status of the Saiban-in System and An Experimental Study of Juror Satisfaction"	Mark Levin "Whither legal scholarship in Japan?"	Pooja Malik "Criminal Justice System"	Bashiru Adeniyi Omipidan "Legalizing Euthanasia: Why East Asia must act fast"	Chulwoo Lee "The Politics of Sovereignty, the Sociology of Governmentality, and the Regulation of Statelessness "
Harumi Takebe "How saiban-in evaluate the saiban-in system: Evidence from saiban-in post trial interviews"	Alison W. Conner "Getting ancestors: Chinese law schools restore (or reinvent) their past"	Michael Fox, "Xenophobia and Escalating Executions in Japan"	Carol Lin "'Reasonable' Doubt? -- Rape Law and the Culture in Taiwan's Court Room"	Luke Nottage & Leon Wolff "Law and Community: A Critical Reassessment of American Liberalism and Japanese Modernity"
Valerie P. Hans & Zachary Corey "Deliberative Democracy and Japan's Lay Judge System"	Kwang-Jun Tsche "A new dawn of legal education in Korea: Perspectives and challenges for the new professional law schools"	Xin He and Yang Su, "Do Haves Come out Ahead in Shanghai?"	Seiyed Askari Hosseini Moghadam & Mohammad Omid Mohammadi " Child guardianship according to the Islamic right and the universal statement of a child right"	Eri Osaka "Administrative Compensation System in Japan: Administrative Certification versus Judicial Certification"
Takashi Maruta "Remarkable Change in Sentencing in Saiban-in System: Are Victim Participants Too Emotional To Sentence?"	Patricia Goedde, "Confucius v. Socrates: Pedagogical Tensions in the Reform of Korean Legal Education"			Julie Zetler and Verity Greenwood, "'Lost in Space': Impact of Sessional and Contract Employment on Academia"
Satoru Shinomiya "How Did Lay People Respond to Their Service as Saiban-in, Lay Judge?"	Wilson Chow, Richard Wu and Dr Michael Dilena, "Promoting reflective learning in legal education: The Hong Kong experience"	Susyan Jou and Bill Heberton; "Researching and explaining the punitive: Lessons and reflections from a comparative empirical study of Taiwan and England and Wales"	Robert B. Leflar "The Evolution of Japanese Patient Safety Policy"	Hakan Hyden, "The Concept of Norms in Sociology of Law"
Takeshi Nishimura, "Change of Examination of Evidence and Its Effects in Saiban-in Seido: From Dossier to Oral Presentation"				

Welcome Reception (Sponsored by the University of Pennsylvania Law School) 5:45 p.m. - 7:30 p.m.
Venue: Senior Common Room (14/F KK Leung Building, University of Hong Kong)

6 February 2010 (Saturday)

Concurrent Sessions 9:10 a.m. – 11:10 a.m.

<i>Theatre 6</i> (1/F Meng Wah Complex)	<i>Council Chamber</i> (8/F Meng Wah Complex)	<i>Council Chamber Annex</i> (8/F Meng Wah Complex)	<i>Swire Lounge</i> (Robert Black College)	<i>Kong Siu Luey Lounge</i> (Robert Black College)	<i>S802</i> (8/F Meng Wah Complex)
16. Comparing and Assessing Judicial System and Administrative Reform in Japan: Criminal Justice and Beyond	21. Legal Profession in East Asia I	14. Legal Education in Japan: To be or not to be	15. 21st Century Women's Issues in East Asia Multiculturalism, Human Rights, Law and the Legal Professions	5. Alternative Dispute Resolution: Its Development, Operation and Role in East Asia	24. China's Changing Socio-Economic-Legal Landscape
Chairs: Shozo Ota and Luke Nottage	Chair: Jae-Hyup Lee Discussant: To be confirmed	Chair: Jay Klaphake Discussant: Jay Klaphake	Chair: Haesook Kim Discussant: Hyunah Yang	Chair: Richard Powell Discussant: Tony Carty	Chair: Patricia Blazey Discussant: Patricia Blazey
Hitoshi Ushijima "Who judges public services? Private management of local public facilities"	Atsushi Bushimata, "Lawyer Specialization Plan of the Japanese Bar in Perspective"	Gerald McAlinn "You can't always get what you want: A critical analysis of the law school system and an argument in its favor"	Grace Kuan "The Framing Process of Abortion Right: The Feminist Pro Abortion-Access Movement in Taiwan"	Archie Zariski and Datuk William Lau "Mediation in Malaysia: Knowledge and Perspectives of the Bar"	Nicholas Cramer, "Not So Fast: The Competition System Created by the PRC Anti-Monopoly Law and Recent Developments in Its Implementation"
Luke Nottage, Stephen Green, Shinichi Nishikawa "Who defends Japan? Government lawyers and judicial system reform in Japan and Australia"		Jay Klaphake and Takashi Maruta "Paradise Lost - May It Yet Be Regained? How Japanese Law Schools Have Lost Their Way"	Haesook Kim "Finding a place in the sun: Women in law in the first decade of the 21st century in Korea"	Umar A. Oseni "Mandatory Court-Annexed ADR in Malaysia and Singapore: Common Trends and Local Variations"	Qinglan Long "Reinterpreting Chinese Property Law"
Souichirou Kozuka "Taxpayer Lawsuits for Anti-Trust Violations in Japan"	Jae-Hyup Lee "Rule of Law in the Korean Corporate Sector: Are In-House Counsels Facilitators?"			Richard Powell "Managing language disadvantages in multilingual contexts: Comparing policy and practice in Malaysian litigation & ADR"	Li Li "The Chinese Way of Justice: High Rate of Prosecution and Conviction"
Manako Kinoshita "The structure of Japanese attitude toward the lay judge system and criminal justice"	Sung Soo Hong "The Social Responsibility of Law Firms: A Comparative Study of Global and Korean Law Firms"	Leonardo Ciano "Japan's new law school system: The good, the bad, and ugly"	HyoJean Song "Family law issues in multicultural marriages in Korea: Divorce and custody problems of immigrant women"	Yun-Hsien Diana Lin, "The Normative Development of Civil Mediation in Taiwan: 1895-2009"	Zhiyuan Guo, "Approaching Visible Justice: Procedural Safeguards for Mental Examinations In China's Capital Cases"
Shozo Ota "Procedural Justice Evaluation by the People in the Context of Saiban-in Seido (Lay Judge System)"	Takayuki Ii "Weighing Attorney against Judge: Why Are There Few Judicial Appointments of Attorneys in Japan?"			Michael L. Perlin and Yoshikazu Ikehara, "Promoting Social Change in East Asia: The Movement to Create A Disability Rights Tribunal and the Promise of International Online Distance Learning"	Natalie P. Stoianoff, "Patents, TRIPs and Human Rights: China's new patent law"
Yoshiyuki Matsumura "Japanese attitudes toward the lay judge system and criminal justice: Focusing on their evaluation"		Mark Tracy "First Things First: Legal Education Beyond Law Students"	Jin-Sook Yun "The abolition of the head of family system in Korea and its impact on gender equality"		Fanpeng (Frank) Meng, "An Examination of the Private Enforcement Regime under the MPAAO in a 'Bonding' Perspective"

Coffee Break 11:10 a.m. – 11:30 a.m.
Venue: In/Outside Theatre 6, Council Chamber, Swire Lounge and Kong Siu Leuy Lounge

Concurrent Sessions 11:30 a.m. - 1:30 p.m.

Theatre 6 <i>(1/F Meng Wah Complex)</i>	Council Chamber <i>(8/F Meng Wah Complex)</i>	Council Chamber Annex <i>(8/F Meng Wah Complex)</i>	Swire Lounge <i>(Robert Black College)</i>	Kong Siu Luey Lounge <i>(Robert Black College)</i>	S802 <i>(8/F Meng Wah Complex)</i>	S714 <i>(7/F Meng Wah Complex)</i>
8. Lay Participation, Other Forms of Democratic Justice, and Legal Consciousness	13. Legal Profession in East Asia II	11. Judicial System Reform and Popular Participation in Japanese Criminal Justice	19. Gender Issues In Law	17. Survey of legal and administrative institutions and processes in East Asia	22. Social Norms, Legal Knowledge, and the Force of Law Beyond the Courtroom	20. New Regional Approaches to Territorial Disputes in East Asia
Chair: Hiroshi Fukurai	Chair: Kay-Wah Chan	Chair: Luke Nottage	Chair: Haesook Kim	Chair: Hyunah Yang	Chair: Hualing Fu	Chair: Tony Carty
Discussant: Kent Anderson	Discussant: Kay-Wah Chan	Discussant: Ryan Park	Discussant: Sandra Hotz	Discussant: To be confirmed	Discussants: Hualing Fu; Jeff Martin	Discussant: Shahla Ali
Min C. Kim & Steven D. Penrod "A Comparison of an Adversarial and an Inquisitorial Trial between Judges/Legal Professionals and Mock Jurors in South Korea and the United States"	Bryant G. Garth & Yves Dezalay "Political Investment and the Construction of Legal Markets: Legal, Social and International Capital in Asian Legal Revivals"	Colin Jones "Japan's lay judge system: What comes next?"	Sandra Hotz "Comparative Law Methods at the Intersection of Law, Culture and Gender: Common Trends in East Asia and Europe"	Yue Huang, "The role of interest group in China's regulation: An observation on real estate regulation"	Shu-chin Grace Kuo "Reframing family dispute and reforming knowledge: An anthropological project in the mediation room"	Tony Carty "Territory and Territorial Waters in Post-Colonial International Law"
Tzu-Chiang Huang & Wei-Chieh Chen, "Media dependency: An analysis on the connection of Taiwan's democratic consolidation and political corruption"	Tomohiko Maeda, "Institutionalization of Legal Counseling in Response to Changing Work Environment for Practicing Lawyers: The Findings from Nationwide Survey on Legal Counseling"	Luke Nottage, Kent Anderson & Leon Wolf "Who judges Japan? Popular participation in the Japanese legal process"	Kayo Minamino "Gender in the continuing legal education"	Hyunah Yang "Lessons from the Recent Discourse of "the Rule of Law (法治主義)" Employed by Korean Government: A Preliminary Observation"	Cheng-Yi Huang "Bureaucratic justice and administrative rules in an authoritarian state: Legality, state power and the economic miracle under the KMT regime in Taiwan, 1960-1980"	Masaharu Yanagihara "Ideas of "Territory" in Early-Modern Japan and after the "Opening of Japan" in 1854"
Jung-Jin Oh, "Where and How do Law and I meet through the jury system? -In case of Korea and Japan-"		Makoto Ibusuki "Transparency and publicity in Japanese criminal justice: Possible influences from the new saiban-in trials"	Monica Sharma "Gender in Law"	Eugene K.B. Tan "Citizenship in an age of Migration: Constitutional Stakeholdership in Singapore"	Di Yin Lu "Cultural Property Law Enforcement in the PRC: The Shanghai Art Market, 1950 - 1966"	Keun-Gwan Lee "Territorial Questions in East Asia from a Post-Colonial Perspective"
Jeong-Oh Kim "The Changing Landscape of Korean People's Legal Consciousness"	Akira Fujimoto "Japanese test culture and bar examination reform"		Keiko Sawa "Japan's Legislative Support and Judicial Training in Cambodia: From the Point of View of Gender"	Young Geun Chae "Judicial Review In Korea: Dual Court System and Recent Development"	Shaw-wu Jung " Custom as a cultural and legal process: A case of lineage corporation in Taiwan"	
Hiroshi Fukurai "Citizen's Panels vs. Imperial Hegemony: Japan's Twin Lay Justice Systems and the Future of American Military Bases in Okinawa, Japan"	Yong Siew Lee, " Changing Socio-Legal Landscapes in East Asia: Common Trends and Local Variations: Legal and Quasi- Legal Professions"	Matthew Wilson "Japan's new criminal jury trial system: In need of more transparency, more access, and more time"		Christopher Manning "A Comparative Study of East Asian Constitutional Adjudication Models: Lessons to be Learnt for Australia?"	Hiromi Amemiya "Poverty and Land Ownership in Africa: The case of Hadza hunter-gatherers in Tanzania—A comparison between the Japanese and Tanzanian ownership concepts"	Bing Bing Jia "PRC's Approach to the Issue of the Title to Territorial Sovereignty"
				Woomin Sim, "Legislation and Democracy in Korea"		

Lunch 1:30 p.m. - 3:15 p.m.

Concluding Session 3:15 p.m. - 4:45 p.m. Venue: Theatre 6 (1/F Meng Wah Complex)

Panel 25 The Recursivity of Law as a New Paradigm for Sociolegal Theory and Research in East Asia

Chair: Professor Terence Halliday (American Bar Foundation, USA)

- Professor Tom Ginsburg, University of Chicago, USA
- Professor Hualing Fu, University of Hong Kong, Hong Kong
- Professor Soogeun Oh, Ewha Women's University, Korea

Closing Ceremony 4:45 p.m. - 5:15 p.m. Venue: Theatre 6 (1/F Meng Wah Complex)

CRN33 Representatives

Speech (CRN33 Representative): Dr Kay-Wah Chan, Macquarie University, Australia

Farewell Dinner (at participants' own costs) 6:15 p.m. - 8:00 p.m.

Venue: Chiuchow Garden Restaurant, Shop 21, Basement, Jardine House, Central

Social Event after Farewell Dinner: Optional Star Ferry trip to Tsim Sha Tsui (at participants' own costs)*

**Star Ferry single trip fare: HK\$3*

7 February 2010 (Sunday)

Optional Social Events (at participants' own costs):

A: Ngong Ping

- Ngong Ping (*Cable car, Ngong Ping village, Po Lin Monestary, Giant Buddha, etc.*)

B: Ngong Ping and Shopping

- Ngong Ping (*same as Group A above*) + Shopping at Citigate Outlets, Tung Chung

C: Ngong Ping and Tsim Sha Tsui

- Ngong Ping (*same as Group A above*) + Free time in Tsim Sha Tsui (*e.g. Hong Kong Museum of Art, Space Museum etc.*)