NIPPON LIFE PROFESSOR MARK D. WEST NAMED TO TWO DIRECTORSHIPS

Mark D. West, director of the Law School’s Japanese Legal Studies Program, has enjoyed a very special homelcoming after spending 2001-2002 at Kyoto University as a Fulbright Research Scholar. This summer:

- He became a tenured member of the faculty and was named the Nippon Life Professor of Law. The chair is endowed by Nippon Life Insurance Company, Japan’s largest life insurer. Nippon Life’s president is Masayuki Oku, LL.M. ’75. The chair is one of three Japanese-law-related endowed chairs at U.S. law schools; the others are at Columbia and Harvard. “West has already become one of the nation’s leading scholars of Japanese law and legal institutions,” the dean of the Law School and provost of the University said in recommending West to the U-M Regents for the Nippon Life professorship. They noted that his “sophisticated and research-intensive empirical investigations” and his findings — about topics ranging from karaoke disputes, sumo wrestling, and historical futures exchanges to contemporary corporate law and organized crime — “have illuminated Japanese law, life, and culture in important ways.” (Three other faculty members also have been awarded named professorships; see story on page 25. And two faculty members have been named distinguished university professors; see story on page 23.)

- He was named director of the Law School’s Center for International and Comparative Law;

- And he was named director of the University of Michigan’s Center for Japanese Studies, the oldest interdisciplinary Japanese studies program in the United States. West has been a member of the center’s executive committee for three years.

An energetic speaker and highly regarded teacher and scholar, West has raised the profile of the Law School’s Japanese law program significantly since he joined the faculty in 1998. His Japanese Law course has proved to be a very popular, groundbreaking step. To ensure that students get Japanese as well as U.S. viewpoints on the issues raised in the class, West co-teaches the course with visiting professors from the University of Tokyo.

West’s fluency in Japanese, as well as his teaching, practice, and life experience in Japan, where he has spent more of his adult life than any other location, have honed his expertise.

Perhaps even more significantly, his international work has shown him that regional studies — indeed international and comparative law generally — operate in a context that blurs their borders.

“Legal practice has changed so much,” he explains. “In the 1970s, if you wanted to do international law you went into an international law firm [and there were only a couple of these firms]. But today, any firm of more than a handful of lawyers does international law. In the big firms, that’s what they do. It’s their bread and butter.”

West teaches comparative context in his Enterprise Organization course, but it shows up in other unexpected places as well. For example, West notes that international legal insights have made their way into the casebook that he uses for his U.S. criminal law course. There’s a section on cultural defenses, he reports, and one fact pattern that he discusses in class deals with a Japanese woman who wades into the sea with the intention of killing her child and herself. The child dies; she does not. The woman claims that her husband, having committed adultery, has shamed the family.

Murder? The woman claims the practice is accepted in Japan, where she learned legal and social concepts. “Actually, the case is narrow — the court gives her voluntary manslaughter instead of first-degree murder. But the key is that students come to understand that many, many other types of defenses are in fact cultural defenses — they just don’t reference a particular national culture,” West reports.

“It’s all about taking an integrated approach,” he says. “Knowing U.S. law no longer is enough, and studying U.S. law in isolation is not the best way to learn U.S. law. Whether teacher or practitioner,
you've got to have a sense of how U.S.
law interacts with other countries' legal
systems. How would you expect to serve
process in Belgium? What might a Chinese
client's expectations of legal professionals
be? Are there particular sorts of things
that a Japanese company might expect
in a joint venture agreement? It's not so
important that students understand every
nuance of every question in every country,
but anticipating these kinds of questions
will make them much more effective as
lawyers.

West says this philosophy of integration
will guide his work as director of the
Law School's Center for International
and Comparative Law as well as of the
University's Center for Japanese Studies.

In the case of the Law School, its reputa-
tion as a leader in international law is
well warranted and well established. Now
he'd like to see that expertise permeate
more of Law School life and classes. The
Law School's new requirement that every
student pass Transnational Law (see story
on page 54) in order to graduate is a solid
step, but West would like to see interna-
tional and comparative legal ideas make
their way even further into more tradi-
tional classes.

"I think what we need to get across to
students is that you can't avoid it now; you
can't separate yourself into international
or domestic law. Ninety-five percent of
our grads will do international law.

"What I want to do is to make it
clear — we've already started with the
Transnational Law course — you need
this. Even if you never leave the county,
you will practice international law."

Michigan is well prepared for this next
step. Many Law School faculty members
have studied and taught at schools abroad.
Some have taught in Europe, China, and
Africa, and about half of the Law School's
faculty members have taught in Japan.
Many faculty members already draw on
these experiences to incorporate trans-
national ideas into their core classes and
their research.

West's goal as director of the Center
for Japanese Studies (CJS) is a similarly
integrative one — in the case of CJS his
priority is to help the center take on a
more University-wide identity.

A tall order, he acknowledges. "The
question is how to make the center appeal
to all the people without having the
center lose its focus. But there's so much
to Japanese studies — research into the
past, present, and future — that people of
many disciplines and preferences can find
niches to their interest."

In addition to the Japan focus that
CJS faculty share, West continued, they
share many tools and methodologies
with scholars doing research into other
countries, and some of those tools and
methodologies are not country-specific. At
a recent joint conference on Chinese and
Japanese law that he attended, the sharing
that went on was impressive, he reported.
The initial separation of scholars of the
two countries quickly evaporated as they
discovered that they shared many research
techniques and other aspects of their
work, even though their studies focused
on different countries.

For CJS, he said, "we want lots and lots
of people to participate in lots of different
ways."

West spent the summer in Japan as a
visiting researcher at Kyoto University,
where in July he also taught a mock
criminal law class for the faculty, who are
interested in the Socratic method and its
potential use in Japanese legal education.
Last May, West delivered a paper on debt-
related suicide in Japan at Harvard Law
School.

West earned his B.A., magna cum laude,
in international studies from Rhodes
College, and his J.D., with multiple
honors, from Columbia University School
of Law. He clerked for the Hon. Eugene
H. Nickerson of the U.S. District Court
for the Eastern District of New York,
and practiced with Paul, Weiss, Rifkind,
Wharton & Garrison in New York and
Tokyo. Before joining the Law School
faculty in 1998, he was an Abe Fellow at
the Graduate School of Law and Politics at
the University of Tokyo.