

Michigan International Lawyer

INTERNATIONAL LAW SECTION

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Disclaimer: The opinions expressed herein are solely those of the authors and do not necessarily reflect those of the International Law Section or the Editors.

Dear Members,

I write this in the middle of one of our deep snows and freezes, hoping a significant thaw has occurred by the time you read this.

Please note we switched the March and May meetings' topics to accommodate schedules: Our next meeting and program is *Wednesday, March 19*, and will focus on *Immigration*. It will be held at Butzel Long's downtown Detroit offices. Our *Wednesday, May 14* program will focus on *Alternative Dispute Resolution under Investment Treaties*. See further details below. Our Meetings begin at 4:30 pm and the Programs generally start around 5:30. We have food, drinks and networking before and after our Program, and usually conclude by 7p.m.



Reed Newland

Provide Educational and Interesting Programs for Members

This is our Section's first goal for this year. I'm pleased to report that we've had two excellent Programs since my last letter (and two great-sounding upcoming Programs described below):

- November 13, 2013, at Miller Canfield's downtown Detroit office, Distinguished Economics Professor Mordechai (Max) Kreinen of MSU spoke to us generally on: *the Middle East and Israel: Post-Arab Spring Economic Dependencies, Troubled Economies Amid Conflict, Oil Politics, Embargo And Trade Sanctions*. Professor Kreinen informed us with his deep knowledge of the complicated issues in play, impressed us by making the conflicts more understandable and accessible, and entertained us with his personal anecdotes and humor. Special thanks to James Rayis for recruiting and shepherding Prof. Kreinen, and to Tim Attala and Virginia Herrick of Miller Canfield for hosting us.
- On Wednesday, January 22, 2014, Lara Fetsco Philip, our reigning ILS Treasurer and *Honigman* partner, hosted us at Honigman's Bloomfield Hills' office and gave us a great overview of *Recent Developments in International Trade*. Subtitled *Recent Developments In Export Control Regulations And Embargoes And Their Implication On Manufacturers*, Lara gave us a deep dive into this complicated compliance arena and a greater appreciation of some of the difficulties of regulating systematically in a fast-changing political environment. There were enough practitioners among the 40 or so members and guests present to stimulate quality discussions on some of the grey areas. Double thanks to Lara for both presenting and hosting a great event!

Michigan International Lawyer Submission Guidelines

The *Michigan International Lawyer*, which is published three times per year by the International Law Section of the State Bar of Michigan, is Michigan's leading international law journal. Our mission is to enhance and contribute to the public's knowledge of world law and trade by publishing articles on contemporary international law topics and issues of general interest.

The Michigan International Lawyer invites unsolicited manuscripts in all areas of international interest. An author is encouraged to submit a brief bio and a photograph for publication. An article, including footnotes, should contain between 1000 and 3000 words.

Articles can be submitted for consideration in hard copy or electronic format. Manuscripts and photographs cannot be returned unless accompanied by a \$5 check or money order made payable to Wayne State University Law School for shipping and handling.

The Michigan International Lawyer will consider articles by law-school students and may publish student articles as part of a regular column. A student should submit the article either through a law-school faculty member or with a law-school faculty member's recommendation.

Submissions should be forwarded to:
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Our Next Two Programs:

- Our Wednesday, March 19, 2014 Program focuses on *Immigration* and will be held at Butzel Long's downtown Detroit offices. Aptly titled, "*Policy, Practicality, and Reality: The 3 Facets of Immigration*", our three primary speakers will address:
 - Immigration Reform – Fact or Fiction?
Current proposals for Comprehensive Immigration Reform
Discussion by *Debra Auerbach Clephane, Veracruz Murray and Calzone*
 - NAFTA Operations – Employment and Admissibility Discussion by *NAFTA Customs Border and Protection Officer Scott Clifford, for the Ambassador Bridge*
 - Employer Compliance – ICE, DOL, and USCIS
Overview of I-9 and LCA audits and site visits
Discussion by *Linda J. Armstrong, Butzel Long*
- Our Wednesday, May 14, 2014, Program will focus on *Alternative Dispute Resolution under Investment Treaties*. Like our *Immigration* Program, we expect to have 3 outstanding speakers:
 - *Troy Harris, FCI Arb, Interim Dean and Associate Professor of Law at the University of Detroit Mercy Law School and ILS Council member*, will provide an overview of investment treaty arbitration, a relatively quiet and discrete niche within the ADR world, and how it differs from international commercial arbitration;
 - *Stephen P. Anway, Squire Sanders (U.S.) LLP*, will highlight some of the practical considerations in representing/being adverse to state entities; and
 - *Steven R. Ratner, Bruno Simma Collegiate Professor of Law at The University of Michigan Law School*, will discuss some of the "hot" topics in both substantive investment law and procedure.

Increase Engagement and Activity of Council Members and Committees.

This was our Section's third goal for this year. I'm pleased to report a great opportunity to engage our Section members in a topic that might interest to all of us:

"*Making Michigan the 'Delaware of ADR'?*"

I'm very excited that our Section has been invited to participate in an effort to explore these questions by *Carl E. Ver Beek*, of *Varnum LLP* in Grand Rapids (and who I believe coined the '*Making Michigan the Delaware of ADR*' catch-phrase). *Alternative dispute resolution*, it might be said, exists to offer foreign investors and businesses globally a "level playing field" alternative to traditional, local "home court"-advantaged litigation, which to outsiders can seem and often is daunting; unpredictable, expensive, slow and a distraction to running a business.

How do we bring more alternative dispute resolution business to Michigan? How do we make Michigan a more attractive locale for international dispute resolution? When potential foreign investors; or current foreign investors considering expansion; or NAFTA companies and their attorneys; and attorneys drafting contracts where choice of forum and choice of law can be made; when these constituencies ask, "Where should I locate a business in the US?"; or Where may I expect a fair, efficient resolution of business disputes? ", it benefits all of us if we can make "*Michigan*" a more viable answer to these questions.

What exactly does *Making Michigan the Delaware of ADR* mean? More practically, what can we as the International Law Section do about it; what is our appropriate role if we decide it's an idea worth promoting? We had a lively discussion of the topic and these threshold issues at our January meeting. The Section Council and leadership reached out to the State Bar and have had conversations before and after our Section's January meeting to explore the topic further. Specific goals remain to be defined but might include a State Bar task force and/or enactment of model legislation in Michigan.

This effort is in its early stages, but Troy Harris has agreed to lead the effort from the International Law Section's perspective, and Professor Julian Mortenson of *The University of Michigan Law School* has agreed to join our exploration of the topic.

International Law Theme to November 2013 issue of the *Michigan Bar Journal*

I hope and trust you've read the November issue of the *Michigan Bar Journal* which, in addition to its International Law theme, featured our Section prominently.

Jeff Paulsen, our active, *ex-officio* immediate Past-Chairperson, started and coordinated our Section's leadership of this issue probably a year ago. He solicited several of the articles and contributed his introduction to the *Michigan Bar Journal's* (which I believe appears elsewhere in this issue of the *Michigan International Lawyer*).

This *Michigan Bar Journal's* issue reflects the continued and growing importance of international law to Michigan lawyers and citizens and the substantial contributions of our Section to that ever growing community. As a Section, we continue to get mileage out of this *Michigan Bar Journal* International issue. Jeff appeared on Attorney Henry Gornbein's Bloomfield Community Television show (Comcast Channel 15, www.bloomfieldtwp.org/VOD) on January 16, 2014, to talk about international law. His appearance was prompted by the *Michigan Bar Journal's* November issue. Jeff was able to spread the word in his television appearance about international business growth, the prominent role of lawyers' role in this growth, and the activities of the SBM ILS to serve as a collaboration center with other internationally minded organizations for some of these activities. We intend to play Jeff's appearance on the show at our March 19 meeting.

Other Ongoing Activities

Increase Membership and Diversity of Membership

In furtherance of this second of our three Goals for the year, I would repeat my request that you (yes, you!) this year: recruit one person to join our Section, and attend at least one (more) ILS Program: Together, these two steps could produce large results.

In furtherance of both this Goal 2 and the Goal of *Increasing Engagement*, Section and Council members are hosting informal "International Food and Law" events at each Michigan law school. The simple idea is for three (or more) of us to buy law students a meal (provide "international-themed" food) and discuss what it is we do as international law practitioners in Michigan. We expect to advertise through Law School faculty and our Section's student representatives.

Our Section members who attended this event at MSU said they had a great turnout (maybe 50 students?) and thought it was very successful. Please follow up if you volunteered to coordinate one of these "International Food and Law" events at Michigan's other law schools. Although we had enough volunteers from among our membership, please contact me or another officer or Council member if you would like to join one of these fun, informal "International Food and Law" events, as either a student or a practitioner.

Remind a law student (or first 2 years' practitioners) that we made joining our Section FREE! Attend a meeting and network with some of Michigan's most accomplished international lawyers. We provide free food and drink at every Program, and ample time to network before and after our Programs. A larger, more diverse Section stimulates more high quality programs and events. Simply put, our International Section membership should be more *international!*

Mentor-Mentee Program

I hope to have a Mentor-Mentee Program update in my next letter, after an appropriate time off for exams and the holidays by its leaders. Driven initially by our law student members (special kudos to Jillian Berndt), the simple idea is to link young Section members with "free" access to experienced international practitioners in our Section for informal but confidential consultations and advice. Mentors would have office hours, and prospective mentees would have the opportunity to telephone potential mentors and ask questions. Prospective mentees would need to join the Section after the first call if they wanted to continue the mentoring relationship. Thanks again to Council member Doug Duchek for enlisting all the chairpersons of the Section to sign up as Mentors, and to Professor Greg Fox, who with Jillian is helping give the Program legs.

International Law Section LinkedIn Group

We just established our Section's LinkedIn group this past year. Approximately one-third of the Section's members have joined as of last count. I encourage members to join if they haven't and continue discussing and posting comments on our LinkedIn site. The Section recognizes as pivotal the use of social media to communicate within and outside our Section, especially with or among our younger members and the future members we are trying to recruit. We need to make it more robust!

Please enjoy this issue of the *Michigan International Lawyer*. I hope to see you at a future ILS Council Meeting or ILS Annual Meeting. Help us achieve our goals by recruiting one person to join our Section, and attending at least one additional Program this year: Together, two small steps to produce stimulating programs and activities for our membership and community. Look for further information on our Section's Meetings and Programs via the ILS listserv announcements, the ILS LinkedIn website and on our Section's page of the State Bar of Michigan's website in the coming weeks and months.

"Pitchers and catchers have reported" to Spring training- Spring must be upon us!

Please contact me [(734) 354-7142 or rnewland@plastipak.com] if you want to discuss any of the issues and activities of our Section.

Sincerely,

A. Reed Newland
Chairperson 2013-2014
International Law Section
State Bar of Michigan

The Program for International Legal Studies at Wayne Law School

By Gregory H. Fox

Editor's Note

In this issue we present the first of a series of articles on the international law programs at Michigan law schools. As the practice of international law in the state has expanded so too have the academic programs designed to train future practitioners. These articles will provide overviews of all facets of the programs at Michigan's five law schools.

Introduction

International law is one of the fastest growing areas of legal practice, and for good reason. Globalization has required lawyers to give advice about their client's actions around the world. Even in small and medium sized firms, lawyers now think regularly about contracts with foreign corporations, lawsuits involving witnesses or evidence abroad, listing their clients on foreign stock exchanges and investment agreements in countries whose legal systems are quite different from our own.

Government lawyers are also involved in a range of international questions, from treaty negotiations to the use of military force to extradition to how to minimize civilian casualties in military campaigns to cases before international courts.

And lawyers in public advocacy organizations regularly turn to treaties and customary international law to make their case on issues ranging from human rights to environmental protection to practices in the war on terror.

In short, the practice of law is no longer a local matter. Lawyers acting in all capacities must now deal with the inter-

nationalization of their work, an inevitable result of globalization. The law schools that train lawyers must also adapt to this new internationalized environment. They must teach classes on the new international topics. In their scholarship, faculty members must explore how the American legal system interacts with foreign and international regimes. And in its work with the community, a law school must present programming that presents these new developments to the interested public.

Wayne Law established its Program for International Legal Studies (PILS) in fall 2009 in recognition of all these needs. The PILS creates a focal point for all international activity at the Law School. It highlights the work of Wayne Law's faculty who work on international issues and offers students the opportunity to explore international law through classes, internships, lectures and conferences on campus and co-curricular activities. The PILS receives guidance from an External Advi-



Gregory H. Fox

sory Committee of prominent international lawyers, chaired by the Honorable Bruno Simma, former judge of the International Court of Justice. The Michigan-based members of the Committee are Frederick Acomb of Miller Canfield, Richard Goetz of Dykema Gossett, Silvia Kler of Ford Motor Company, Bruce Thelen of Dickinson Wright, C. Peter Theut of China Bridge and Edward M. Zelenak of Lincoln Park.

One-third of Wayne Law's faculty teaches and writes on international subjects. The following are a few examples of their recent work:

- Charles H. Brower III, "Arbitration and Antitrust: Navigating the Contours of Mandatory Law," 59 *Buff. L. Rev.* 1127 (2011)
- Jonathan Weinberg, "The End of Citizenship?," 107 *Mich. L. Rev.* 931 (2009)
- Rachel D. Settlage, "Indirect Refoulement: Challenging Canada's Participation in the United States-Canada Safe Third Country Agreement," 30 *Wis. Int'l L.J.* 142 (2012)
- Julia Qin, "Reforming WTO Discipline on Export Duties: Sovereignty Over Natural Resources, Economic Development and Environmental Protection," 46(5) *J. World Trade* 1147-1190 (2012)
- **Lance A. Gable**, "Global Health Governance, International Law, and Mental Health," in Samuel Okpaku (ed.) *Global Mental Health* (Cambridge Univ. Press 2013)
- Peter Hammer, "Change and Continuity at the World Bank: Reforming Paradoxes of Economic Development" (Edward Elgar 2013)
- John Rothchild, "Exhausting Extraterritoriality," 51 *Santa Clara L. Rev.* 1187 (2011)
- Gregory H. Fox, "Transformative Occupation and the Unilateralist Impulse," 94 *Int'l Rev. Red Cross* 237 (2012)
- Noah D. Hall, "Oil and Freshwater Don't Mix: Transnational Regulation of Drilling in the Great Lakes," 38 *Boston College Environmental Affairs Law Review* 303 (2011)
- Paul R. Dubinsky, "Harmonization and Voluntarism: The Role of Elites in Creating an Influential National Model, the Federal Rules of Civil Procedure" in *Civil Litigation in a Globalizing World* (Xandra Kramer and Remco van Rhee, eds.) (Asser Press 2012)
- Brad R. Roth, *Sovereign Equality and Moral Disagreement: Premises of a Pluralist International Legal Order* (Cambridge University Press 2011)

In addition to their writings, Wayne faculty members are active practitioners. They have negotiated international agreements, drafted laws for foreign governments, represented governments before international tribunals, founded non-governmental organizations, served as expert consultants to inter-

national organizations and represented human rights victims seeking redress in American courts.

Speakers Program

Each year the PILS brings nationally and internationally-known experts to speak at the Law School on topics of current interest. The talks are geared to a general audience rather than legal specialists. The speakers attempt to explain critical legal issues lying behind events prominent in the news.

Here are a few of the topics addressed by speakers in the last few years:

- "The Future of the International Criminal Court"
- "After Gitmo: Obama Grapples with Preventive Detention"
- "Comprehensive Immigration Reform: The Situation of Undocumented Migrants in the United States and a Path to Legal Status"
- "The Special Tribunal for Cambodia and the Future of International Criminal Law"
- "International Promotion of Democratic Government: the Strange Case of the 2009 Honduran Coup"
- "Restoring Faith in the Nuclear Nonproliferation Regime: Why Treaty Rules Matter"
- "The Prospects for a New International Agreement on Climate Change"
- "The General Assembly Resolution on Palestinian Statehood: What Does International Law Have to Say"
- "Is the Door Opening or Closing? Recent Developments in Immigration and Asylum Law"
- "Rules of engagement in counterinsurgency campaigns"
- "U.S. ratification of the women's rights treaty: fabulous, horrendous or meaningless?"
- "The independence of Kosovo and self-determination in international law"
- "The new crime of aggression before the International Criminal Court"

Scholarly Conferences

Each year the Program holds a major conference on current legal issues. Scholars, policy-makers and government officials come to Wayne Law for one or more days of discussion and debate. Here are a few examples.

9/11 and the Legal Landscape: A Decade After

On February 4, 2011 the Program joined with the Wayne Law Review to present a symposium on "9/11 and the Legal Landscape: A Decade After." This event reviewed the substantial changes in US law after the events of 9/11 and whether

they are likely to remain a permanent part of our legal landscape.

Conference on U.S.-China Economic Relationship

On February 11, 2011 the PILS sponsored a major conference on the U.S. – China Economic Relationship. The event focused on the leading issues of international economic law at play in Sino-American relations. These included trade law and remedies, foreign direct investment in the PRC and outbound PRC investment in developed world economies. A large portion of the conference was devoted to discussing active trade disputes between the two countries. The conference participants represented an all-star cast of specialists on legal aspects of Chinese international economic policy.

An overflow crowd attended the keynote lunchtime address by Ambassador Charlene Barshefsky, the former United States Trade Representative who played a critical role in negotiating China's accession to the WTO.

Conference on the Future of the Arab Spring and Its Implications for the US

On April 14, 2012 the Program held a day-long conference on the Future of the Arab Spring and Its Implications for the US. The discussion featured leading authorities on the issues surrounding the revolutionary wave of demonstrations and regime changes that have swept the Middle East and North Africa. Topics addressed included the origins and current status of the reform movements; the nature of the new political and legal systems emerging from the reforms; the role of international actors such as the United Nations and the United States; and the impact of the Arab Spring on American culture and politics.

Speakers at the conference included Marc Lynch of the Elliott School of International Affairs at George Washington University, Saeed Khan of the Institute for Social Policy and Understanding, Washington, D.C., Michael Hanna of the Century Foundation, Khaled Elgindy of the Brookings Institute, Maya Berry of the Arab-American Institute and Imad Hamad, Regional Director and Senior National Advisor for Public Affairs of the American-Arab Anti-Discrimination Committee.

Conference on Treaties in United States Courts

On September 21-22, 2012 the Program sponsored a conference on the contemporary American law of treaties. The traditional American view of treaties as an important source of law in courts and the work of the federal Executive Branch has been substantially eroded in recent decades. At a time when treaties were becoming the essential source of international law, their importance as a source of U.S. federal law was being steadily diminished. The conference analyzed how and why this has happened and the implications for U.S. foreign relations law.

The participants were well-known scholars of United States foreign relations issues. The papers presented at the conference will be published as a book in 2015 by Cambridge University Press. The book is designed to contribute to the growing debate surrounding the drafting of a Fourth Restatement of Foreign Relations Law of the United States by the American Law Institute.

Student Summer Internship and Study Abroad Opportunities

Students at Wayne Law have a variety of opportunities to engage with international issues beyond the classroom.

International Public Interest Law Fellowships

These fellowships allow students to travel abroad and work for non-governmental organizations (NGOs) during the summer after their first or second years. These NGOs engage in advocacy on a broad range of issues including human rights, the environment, women's rights, law reform and more.

Partner organizations have included:

- People's Watch – India
- México Unido Contra la Delincuencia – Mexico City
- Defense for Children International - Ghana
- The Dalit Foundation – India
- MASUM – India
- Peoples' Watch - India
- The Arab Center for the Rule of Law and Integrity – Lebanon
- ABA Rule of Law Initiative – Georgia and Kyrgyzstan
- Kilimanjaro Women's Information and Exchange Consultancy Organization – Tanzania
- The Crisis Centre – Bahamas
- Beijing Juvenile Legal Aid and Research Center – China
- Asociación ANDES – Peru
- Gisha – Israel

Tata Motors Internship

Headquartered in Mumbai, India, Tata Motors is one of the world's largest auto manufacturers. Tata Fellows spend the summer working in the general counsel's office. The fellowship gives students insight into multinational transactions and exposure to one of the world's most vibrant and fastest-growing economies.

Internship at Barrera, Siqueiros y Torres Landa

Barrera, Siqueiros y Torres Landa is a major, full-service law

firm located in Mexico City. It is consistently ranked as one of the top firms in Latin America. Its lawyers provide advice on a wide variety of issues, from regulatory matters to foreign investment in Mexico. Student interns work on a variety of issues, many arising from the recent liberalization of Mexican laws in areas such as telecommunications and energy development.

Freeman Fellowship

For many years the Freeman Fellowship has funded one Wayne student to attend the prestigious Hague Academy of International Law during the summer. The Hague Academy is the academic arm of the International Court of Justice. Wayne students can choose between courses on public or private international law.

Michigan International Lawyer

The Michigan International Lawyer is edited by Wayne Law students. Student editors solicit articles on a range of international law topics, prepare them for publication and interact with authors, who are frequently leading international practitioners in the state.

Transnational Environmental Law Clinic

Wayne Law has partnered with the University of Windsor Law School to create North America’s first Transnational Environmental Law Clinic. Working together in the Great Lakes Environmental Law Center, students take on a wide variety of regional and bilateral environmental legal issues such as Great Lakes water quality and quantity, invasive species, air quality, renewable energy and environmental justice.

Asylum and Immigration Law Clinic

Students in this clinic represent individual clients seeking immigration benefits including asylum, withholding of

removal, relief under the Convention Against Torture, U and T visas for victims of trafficking and other crimes, relief under the Violence Against Women Act, Special Immigrant Juvenile visas, and Temporary Protected Status. They also help clients with family reunification, adjustment of status and, eventually, naturalization.

LLM in United States Law

In the fall of 2014 Wayne Law will welcome its first class of students in a new LL.M. program in United States Law. The program is designed for those who have attained a first law degree outside the United States or will soon attain such a degree. It will provide a comprehensive introduction to fundamental principles of the American legal system and the opportunity to study more specialized topics. Students will take four required introductory classes that will equip them with basic doctrines and methodologies of the common law system. For the remaining courses, students can choose from among a wide range of classes, seminars and other offerings.

Graduates of the U.S. Law LLM will be eligible to sit for the New York and California bar examinations, among others. Unfortunately, completion of an LLM degree does not permit foreign lawyers to sit for the Michigan bar exam.

The new LLM is expected to enroll many students from China. Wayne has entered into a partnership agreement with the China University of Political Science and Law in Beijing, generally recognized as the second most highly-ranked law school in China (out of more than 600). Similar agreements with other Chinese law schools are expected to follow. 🌐

About the Author

Gregory H. Fox is a Professor of Law at Wayne State University Law School and the Director of the Program for International Legal Studies.

Studying Law in the Land Down Under

By Otto Stockmeyer

Introduction

From January through mid-April of 2014, some lucky Cooley Law School second- and third-year students - along with guest students from other American law schools - are spending their winter semester studying Down Under in New Zealand and Australia. And for them it’s summer.

Cooley’s ABA-approved “Down Under Foreign Study Program” is in its 16th year. The program combines one upper-division Cooley course, Equity & Remedies, with an array of international courses taught by faculty members at two of the world’s top law schools: New Zealand’s University of Waikato and Monash University



Otto Stockmeyer

in Australia. Monash's law school is ranked 13th best in the world; Waikato's is in the world's top 100.

New Zealand

The first half of the program takes place at the University of Waikato. The university is located in Hamilton, New Zealand's fourth largest city, located on the country's North Island.

The formal name of the law school is the Te Piringa Faculty of Law. It was founded in 1990 on the principles of professionalism, biculturalism, and the study of law in context. *Te Piringa* in the Maori language translates as the coming together of people. The name links the law faculty to the region's indigenous Maori heritage.

New Zealand, along with most other Commonwealth countries, teaches law at the undergraduate level. The degree awarded is the Bachelor of Laws (LLB). Six New Zealand universities have law schools or (as they are called) "law faculties."

Most of New Zealand's law schools follow an open-entry policy. Any student enrolled in the university may elect to study law, usually after one "intermediate year" of university course work. Of those who elect to study law, about 20% make it past the first year. In contrast, Waikato does not have open entry or an intermediate year. Waikato accepts well-qualified law students directly from high school.

For full-time students, the LLB degree requires four years of study. Foundation courses have familiar names: Contracts, Torts, Civil Procedure, Constitutional Law, Evidence, etc. Equity, however, consists primarily of the study of trusts and wills.

Participants in the Down Under Foreign Study Program can choose among the following elective courses: Comparative and International Indigenous Rights, Comparative Chinese and Common Law Systems, Transnational Criminal Law, and International Trade Issues. Housing is offered in university dormitories.



Down Under, law generally is taught and tested like other undergraduate courses, through readings and lectures. Examinations are more expository than analytical. Waikato law students are advised to commit at least one hour of study and review for every hour of class. In the U.S., that expectation would be unrealistically low by a factor of two or three. For visiting American students looking forward to travelling the country, it's welcome news.

Australia

In mid-February the program moves to Melbourne Australia. Melbourne is Australia's second-largest city with a population of more than 4 million people. There, Cooley's program is affiliated with Monash University, Australia's largest. The Monash law school is likewise the largest of Australia's 36 law schools, with over 3,000 students. Monash offers not only the undergraduate LLB degree, as do most Australian law schools, but also postgraduate JD and LLM degrees.

The Monash JD program is structured much like the year-round program that Cooley Law School has employed for 40 years: three trimesters a year, with classes entering in January, May, and August. Full-time students graduate in three years, part-timers in four.

Monash's JD and LLM classes are held in a modern facility in the heart of Melbourne's legal center. Foreign Study students live in a nearby apartment hotel.

The courses that Foreign Study students can select from in Australia include Introduction to the Australian Legal System, International Criminal Justice, International Environmental Law, and Competition Law. The Equity & Remedies course carries over from New Zealand. All course credits and grades transfer back to Cooley Law School.

In both countries extracurricular professional activities are an integral part of the program. They generally consist of witnessing local court sessions, visiting a barrister's chambers, and attending talks by leading governmental and judicial officials. Group social activities include in New Zealand, surfing at Raglan Beach and a pool party at the Dean's residence, and trips to a wild animal sanctuary and a winery in Australia.

By the time exams are over in mid-April, fall will be arriving in Australia, signaling to program participants that it's time to return to the good old U.S. of A.

About the Author

Otto Stockmeyer is an emeritus professor at Thomas M. Cooley Law School, where he has taught Contracts and Equity & Remedies for 35 years. He has also been a visiting professor at Mercer University Law School and California Western School of Law. He was fortunate to participate in Cooley Law School's Down Under Foreign Study Program in 2005 and 2013.

Michigan Law Students Work and Study Abroad - Introduction

By Gregory H. Fox

As Michigan law schools have expanded their international law programs, one of the areas they have focused on is summer opportunities abroad for their students. These initiatives are seen as having numerous benefits. They allow students to apply the legal principles they are studying in an ever-increasing roster of international law courses. They expose students to different legal cultures. And they often take place in societies in which legal reform is urgently needed.

The summer opportunities vary widely. Some involve working at non-governmental advocacy organizations that address issues such as widespread discrimination, children's rights, environmental degradation, domestic violence, rights of criminal defendants and anti-corruption. Some are placements in the general counsel's offices of major corporations. Some are placements in law firms. And some are courses of study on issues of international concern.

In this issue of the *Michigan International Lawyer* we provide a window into these new and exciting placements by presenting reports by Michigan law students of their summers abroad in 2013. All Michigan law schools were contacted and asked to give their students an opportunity to submit a report. The enthusiasm in these reports is inspiring and surely indicates that Michigan's future international practitioners are being well trained. 🌍



Gregory H. Fox

If All Of Your Friends Jumped Off A Bridge, Would You Too?

By Nathan Chan

There I was, sitting atop the guardrail of the Kopua Footbridge in the laidback surfing town of Raglan, New Zealand, psyching myself up to jump into the water 20 feet below, just as local children have done for 50 years. The adventurous part of me was thinking, "This will be fun," while the rational part of me was thinking, "You can't swim . . . are you crazy?!" Then the clear tie-breaker came to me: "When in Rome, do as the Romans." With a mental shrug of the shoulders, I launched myself off the bridge, and I'm glad I did – it was an extraordinary memory that I will be able to share with my future children and grandchildren!

The most popular study-abroad program offered by my school, Thomas M. Cooley Law, is held in the summer – participating students study international law in Toronto for 6 weeks, with an option to continue for another 4 to 6 weeks in one of several European cities. Cooley also offers the "Down Under" program during the winter semester (January to April), which, for a Michigander, is a complete no-brainer. Who wouldn't want to trade a face-freezing, car-stalling, see-your-breath Michigan winter for a T-shirt-and-shorts, iced-sangria-drinking, lie-on-the-beach summer on the other side of the world?! It was amazing to get on a plane in 30-degree weather and emerge after 24 hours of travel in 70-degree weather.

Jumping off the Kopua Footbridge was just one of the unique things that I experienced while studying abroad in New Zealand and Australia. In New Zealand, I attended a Maori cultural hangi feast (similar to a Hawaiian luau), went tubing in the Waitomo glowworm caves, and visited Hobbiton (the movie set used in *The Lord of the Rings* and *The Hobbit*). During the 8 weeks we spent in Melbourne, Australia, we attended numerous events in and around the city: the Rip Curl Pro Surfing Competition, where one student actually bumped into Kelly Slater, a surfing legend; the Australian Grand Prix; White Night, an all-night art, music, and culture festival; Suzuki Wednesday Night Market, featuring international food stalls and live music; Chinatown Night Market, featuring food stalls and arts and crafts; and Viva Victoria Multicultural Festival, where we enjoyed international food stalls and live music and dancing. While in Australia, I took a weekend trip to Kangaroo Island, where I watched a pelican-feeding show, visited the wind-sculpted "Remarkable Rocks," and, perhaps most extraordinarily, went sledding down sand dunes!



Nathan Chan

Don't get me wrong – it's not like we didn't hit the books while we were abroad. We attended classes at the University of

Waikato in Hamilton, New Zealand, and at Monash University in Melbourne, Australia. As expected for an international study-abroad program, the majority of our classes revolved around international law. In New Zealand, I studied International Law, International Trade Issues, and Indigenous Rights, while in Australia, I took International Environmental Law, International Criminal Justice, and Competition Law. Some of the other courses offered included Chinese Law, Australian Law, and, for students who wanted to stay on-schedule with core courses, Equity and Remedies.

Not only were the courses interesting and the locations magnificent, but the professors were top-notch. Our Indigenous Rights professor, Valmaine Toki, is currently a member of the UN Permanent Forum on Indigenous Issues. Gideon Boas, who taught the International Criminal Justice course, was a senior legal officer at the International Criminal Tribunal for the former Yugoslavia, where he worked as an advisor for the trial of Slobodan Milosevic, among others. Our International Trade Issues professor, Sadeq Bigdeli, has worked with the World Trade Organization and the United Nations Environment Programme. And Alexander Gillespie, our International Law professor, was a former rapporteur for the World Heritage Convention, and has worked with the UN in other capacities.

Our professors were not the only distinguished legal professionals that we met; the 2013 program included several extra-curricular events where we met and interacted with other inspiring and influential attorneys. At the University of

Waikato in Hamilton, New Zealand, we had the opportunity to speak with the city's mayor about the abundant opportunities for foreign lawyers to practice in New Zealand, followed the next week by a Justice of the Court of Appeal of New Zealand, who shared his experiences from around the world. We even had the opportunity to speak with a former Prime Minister of New Zealand! The fact that such accomplished people were willing to come speak with the 20 of us law students really demonstrated the friendly and hospitable nature of New Zealanders.

Despite the high cost of living Down Under, there are numerous advantages to studying abroad. Sure, everything is expensive in Melbourne, and the prices in New Zealand reflect the cost of importing nearly everything to an island country in the South Pacific. But when else would a student be able to stay on holiday long enough to see and do everything that the destination has to offer, while also earning school credits? My advice to law students is this: Before you graduate, begin working, and have *no* time to travel, participate in a study-abroad program in a country that you have always wanted to visit. The rest is simple: take the plunge! 🌐

About the Author

Nathan Chan is a 3L student at the Thomas M. Cooley Law School in Auburn Hills, Michigan. He has a passion for public international law, with special emphasis in education, economic and social development, and environmental protection.

The Crisis Centre

By *Karinne C. Marcolini*

Soft sand, glistening water, and listing palm trees are all features of a perfect vacation and the backdrop for my summer internship in Nassau, New Providence. On my morning jitney (bus) ride to work I sat next to sun-screened tourists on their way to find hand-made treasures in the Straw Market downtown or to take the ferry to Paradise Island.

Though tourism abounds in the Bahamas, my experience working with the Crisis Centre introduced me to the other side of the island, the local Nassau. The Crisis Center, was located in the Princess Margaret Public Hospital, is a non-profit that serves to prevent and treat domestic abuse and provides legal aid to clients. The Crisis Centre works directly with families and individuals and advocates for social change by influencing the Parliament. My role as legal intern reflected the Crisis Centre's versatility. I began my internship by performing intake of new clients in addition to researching and juxtaposing

local sexual violence legislation with international legislation. Additionally, I spent time at the Eugene Dupuch Law School Legal Aid Clinic handling matters for Crisis Centre clients. My work included writing petitions for divorce and protection orders. A few weeks into the internship I spent a week shadowing a Magistrate Judge as she oversaw several dockets, gaining exposure to the unique Bahamian judicial atmosphere. The legal system in the Bahamas reflects its roots in the English Commonwealth. Until recently attorneys wore traditional attire including wigs when appearing in court. Given the rich colonial influence and the nation's relative youth, the legal system demonstrates the capacity for much legislative pioneering. The Crisis Centre proactively works to develop this system as



Karinne C. Marcolini

it relates to Family Law and Sexual Offenses. It is my hope that the research I did will serve as the foundation for their future propositions.

My final project at the Crisis Centre involved research regarding youth law. I designed and administered a survey to the children in the Boys' and Girls' Rehabilitation Centres. I collected data on factors indicative of the nexus between domestic abuse and the likelihood of juvenile offence. Almost immediately I observed that a high percentage of the youth had either witnessed or experienced domestic abuse. The data I gathered can be compared to control groups in order to inform programs aimed at preventing youth incarceration. It

was a remarkable experience to witness the children's vivacity and openness, reflecting Bahamian culture even in a challenging setting. Living and working in the Bahamas impacted me personally and professionally and I have never felt so at-home abroad. I look forward to the day I will be able to hear "welcome to the islands" once again. 🌐

About the Author

Karinne Marcolini is from Metro Detroit, studied International Relations at Michigan State University and graduated in 2012. She is an avid traveler both internationally and domestically.

My Summer in India

By Yunjoo Goze

I spent last summer working with the Dalit Foundation in New Delhi, India. "Dalit" means broken or crushed and it refers to the group of people known as untouchables. The Foundation is committed to ending discrimination against Dalits. Before arriving in India, I had little knowledge about Dalit issues or even Indian society in general. During the course of ten-week internship, I learned so much about caste-based discrimination, tasted a sense of what it is like to be an international human rights lawyer, and traveled many fascinating places.

The Dalit Foundation primarily operates by providing grants and fellowships for individual activists and community organizations that work to protect Dalit rights and bring social changes to stop caste-based discrimination. The bulk of the Foundation's work is dedicated to selecting and monitoring those individuals and organizations. I researched and wrote on a variety of issues. For instance, I studied and wrote a report on the structure of Indian government and how to navigate its judicial system. Other assignments included compiling distinctive Dalit arts and culture and statutes specifically relating to Dalits.

The most interesting assignment was evaluating the impact of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. This statute was enacted to prevent and punish caste-based abuses. One of the most disturbing aspects of caste-based discrimination is the violence inflicted on Dalits. Dalits are subjected to incredibly inhumane and violent treatment. For example, under the statute, it is a crime to force a Dalit to drink or eat any inedible or obnoxious substance. This seems to be a strange crime at first glance. But it was in response to many reported incidences of a non-Dalit forcing a Dalit to eat human excreta. The intensity of violence is really difficult to comprehend. A Dalit woman was burnt alive by non-Dalits in her village because her son eloped with a non-Dalit girl. Unspeakable violence like this happens

frequently in India. Despite the seriousness of the situation, ending caste-based discrimination is extremely difficult because the caste system is so deeply ingrained in Indian society.

Besides working with the Foundation, I really enjoyed traveling in India. I admired the beauty and magnificence of Taj Mahal in Agra, watched Hindus preparing for cremation along the Ganges river in Varanasi, went on a camel safari in the sand dunes of Jaisalmer, did zip lining by the spectacular view of the 15th century fort in Jodhpur, took a yoga lesson in Rishikesh, and learned how to cook a simple Indian meal in Udaipur. Every city I visited had its own unique character, making each place memorable. Life in Delhi was equally interesting. Delhi really is a remarkable place. It is a huge metropolitan city. There are many historical sites, museums, monuments, and temples. Newly built fancy malls selling designer brands coexist with traditional markets filled with tiny shops in narrow alleys. Above all, the street food in Delhi is fantastic.

My internship in India was a truly fulfilling experience. Despite enduring 115-degree weather and frequent stomach troubles, learning about Dalits' struggle to end caste-based discrimination and traveling to wonderful places made everything worthwhile. 🌐

About the Author

Yunjoo Goze graduated from Wayne State University Law School in December 2013. She is a 2013 recipient of the International Public Interest Law Fellowship at Wayne Law and spent her summer working for the Dalit Foundation in New Delhi, India.



Yunjoo Goze

A Summer in Johannesburg

By *Chaka Laguerre*



Throughout law school, I studied international and comparative human rights law, public international law, European law, development, political science, philosophy and theology. After the second year of law school, I decided to supplement my classroom education with work experience in my field. Over the course of nineteen months, I had the opportunity to work with governmental and non-governmental organizations in three countries, pursue research projects in two countries, and travel to several different countries around the world. My international work experience allowed me to develop my knowledge of international human rights law and the human rights field while acquiring rich cultural experiences.

In 2012, I worked as a legal intern at the University of Witwatersrand in Johannesburg. My work focused on research, strategic litigation, and advocacy. I drafted a research report on gender and sanitation for an amicus brief submitted in support of litigation concerning socio-economic rights. I also worked on submissions to Parliament addressing the intersectionality and compound vulnerability of particularly vulnerable populations in South Africa, and submissions advocating gender mainstreaming in South African legislation.

In 2012, I also worked as an extern at the AIRE Centre in London. I worked on *The Handbook on European law relating to asylum, borders and immigration*, jointly published by the European Court of Human Rights and the EU Agency for Fundamental Rights. I worked on the background paper, 'Family Migration and Access to Social and Economic Rights under the Legal Regimes of the EU and the Council of Europe,' published by Oxford University's Centre for Migration, Policy and Society (COMPAS). I also prepared seminar materials for the AIRE Centre's judicial training program on the European Convention on Human Rights in the Western Balkans, and wrote legal advices to individuals on their rights under European law.

My international experience proved to be an invaluable element of my legal education.

In 2013, I had the opportunity to work as a trainee for the UNHCR Representation to the European Institutions in Strasbourg. My work covered a wide range of issues in both

international human rights law and international refugee law. I worked on research reports on mixed migration movements and asylum challenges in Southeastern Europe, the refugee crisis in Syria, the rights of unaccompanied migrant children in Europe, the refugee situation in the Middle East, trafficking of persons in Europe, the human rights role of FRONTEX, the integration of migrants in Europe, the right to work for refugees in Europe, and refugee resettlement in Europe. I drafted speeches on Roma asylum-seekers and stateless Roma, refugee resettlement, and the utility of *The Handbook on European law relating to asylum, borders and immigration* to the work of UNHCR for the Handbook's launch in Strasbourg. I also provided research and a proposal for the roundtable on 'Combating racism, xenophobia, discrimination, and intolerance against asylum-seekers and refugees in Europe,' jointly held by UNHCR, the European Commission against Racism and Intolerance (ECRI) and the OSCE Office for Democratic Institutions and Human Rights.

My international experience proved to be an invaluable element of my legal education. My professional experience exposed me to complex, high-level work, which allowed me to develop new skills and knowledge. My research experience challenged me to independently pursue difficult research questions and to formulate new ideas. More significantly, my international experience provided great insight into my field and helped to solidify my career aspirations. 🌍



Chaka Laguerre

About the Author

Chaka Laguerre is a third-year student at the University of Michigan Law School. She specializes in the areas of international and comparative human rights law, public international law, and European law. Laguerre was a 2013 Clara Belfield and Henry Bates Overseas Fellow at Michigan Law School, and is currently a University of Michigan International Institute Fellow. During law school, Laguerre served as an Articles Editor for the Michigan Journal of Gender and Law. She will earn her JD in May 2014 and plans to pursue further postgraduate study.

Tata Motors

By Zach Rowley



My summer was spent working for Tata Motor's in house counsel under the Legal Vice President, Rajesh Bagga. During my time with Tata I was given the opportunity to work on transactional law in the form of contracts while also performing risk assessment and risk avoidance by developing internal compliance programs.

My work with contracts, and my first task, involved the continuation and expansion of a large service contract. My job was to coordinate with the outside counsel and our business partner to create the new contract to be approved by the business leaders of both organizations. In order to do this, I not only needed to understand the contract drafting procedure but also the business goals and deliverables our business department required of the agreement. This necessitated an in depth relationship with the business managers in order to understand the existing relationship, problems, and successes while also appreciating the goals of the expanded relationship. Working on this contract taught me many things. The most important included a) lawyers are there to let the business do what it does legally, if you tell Tata it cannot sell cars, no one wins; b) hierarchy matters: no matter what the issue, it always carries more weight to have it come from the Vice President instead of the American summer employee; and c) scheduling/ coordinating a contract between three parties takes a great deal of time and patience. There were no greater headaches than having one group fail to read the latest version of a contract draft and create panic when parties could no longer "find" clauses that were not there.

I was also fortunate enough to work on internal compliance, studying the liabilities of Tata under the Foreign Corrupt Practices Act (FCPA), the UK Bribery Act, and Indian law. My job was to prepare materials to train business managers to avoid violations of bribery and collusion. Through this experience, I was exposed not only to the different attitudes towards bribery and collusion, but also the different legal treatments of these actions under separate sovereigns.

Tata was also kind enough to include me on their annual legal managers excursion to Alibaug. While the resort was outstanding to relax in, the outing was a great insight into the daily activities of an in house legal manager's role. During this training, we took courses not only on substantive law but also risk assessment of new business actions, how to resolve lawsuits from the business perspective, and also how to balance a

need for legal perfection with the practical needs of the business.

Outside of work, Mumbai was a wonderful city to explore. I was very fortunate to be in the country not only for a number of smaller festivals but also for Ramadan and Indian Independence Day. I made a number of friends while exploring the city who helped me experience these holidays as an actual Indian would.

I cannot describe all of the differences between the business and everyday lives of Indians from Americans. What I can say is that you only appreciate these differences by jumping headfirst into the experience. Wayne State's Program for International Legal Studies gave me the opportunity to intern at Tata Motors and I would recommend it to anyone looking to work in business or international law. 🌐



Zach Rowley

About the Author

Zach Rowley is a second year law student at Wayne State University Law School where he is President of the International Law Students' Association. Over the past summer, Zach was a Judicial Intern for the Honorable Judge Ludington in the United States District Court for the Eastern District of Michigan. Following completion with the District court, Zach spent the remainder of the summer within the General Counsel's office for Tata Motors, Inc. under Vice President Rajesh Bagga.



Barrera, Siqueiros y Torres Landa

By Nick Jones



Barrera, Siqueiros y Torres Landa is a prominent law firm with two offices throughout Mexico, one in Mexico City and one in Monterrey. I was an international summer associate at the Mexico City office in 2013. I received this opportunity from the International Public Interest Law Fellowship initiative of the Wayne Program for International Legal Studies. The firm consists of about sixteen equity partners and approximately eighty associates and non-equity partners. In addition to the attorneys, the firm employs an army of “pasantes.” Pasantes are essentially paid interns, however these interns range from current law students to law school graduates of two or more years hoping to be hired as an associate at the firm based on their performance.

I had the opportunity to work with a wide variety of attorneys from associates to equity partners. However, I spent most of my time working with a select few of the equity partners. When I first arrived in Mexico City, my duties were heavily focused on the editing of chapters of books or contracts. This was most likely a result of the being the only native English speaker at the firm combined with the assigning attorneys being unsure of my capabilities. However, my work on one of the chapters was recognized in a recent journal for international antitrust and investment by the authors.

After the initial flurry of editing that I am sure they had backed up for sometime, I started to get more substantive assignments. The first substantive assignment that I received was a simple research assignment dealing with the New York Convention and the enforcement of arbitration awards in

Mexico. The major conflict in the case was the difference in the importance of a notary public in a civil law country like Mexico and a common law country.

I then slowly started to receive more and more responsibility from the partners that I was working with. The area where I focused most of my work after the first assignment was the changing landscape of Mexican antitrust law. It was an incredibly interesting time to be working in the legal field in Mexico. The newly elected Mexican President was shaking up the formerly monopolistic landscape of Mexico’s economy. I was able to research this issue and write an article that the partner I was working for ended up sending to a publisher for review. In addition to the article submission, I answered questions posed to the partners for documents such as expert opinions or inquiries by newspapers about the potential effects of the new antitrust laws without much oversight.

I learned an incredible amount about the Mexican legal system, but I was also able to learn a lot about its international interactions. This is what I expected from this experience. What I did not expect was the immersion in the Mexican culture and the warm invitations I received from everyone I met to join them in their everyday life. On multiple occasions I visited partners’ homes and met their families. My fellow pasantes openly accepted me and brought me along wherever they were going; even going out of their way to make sure I enjoyed my time in Mexico. It is the people and relationships formed while at Barrera that I will hold as the greatest take away of my time in Mexico. 🌍



Nick Jones



About the Author

Nick Jones is a second-year law student at Wayne State University Law School. After his first year at Wayne, Nick worked for the law firm Barrera, Siqueiros y Torres Landa in Mexico City, Mexico focusing mainly on international arbitration and antitrust. After returning from Mexico he was a judicial intern in the Federal District Court for the Eastern District of Michigan.

MLaw Student Researches Syrian Refugees' Risk of Statelessness

By Betsy Fisher



This summer, I worked for the United Nations High Commissioner for Refugees in Amman, Jordan with the agency's Statelessness Program in the Middle East/North Africa (MENA) region.¹ A "stateless person" is a person who is not considered as a national by any State under the operation of its law.² In the MENA region, there are several substantial and chronic stateless populations, including the *Bidoon* in the Gulf, Kurds in Syria and Lebanon, and Palestinians.³ These individuals are prevented not just from political participation, but also from basic rights to employment, healthcare, education, and family unity. Kept in the shadows, they are unable to contribute to the countries in which they live.

My primary project in Amman was to evaluate the civil registration systems and laws in the MENA region. Analyzing law, police, and practice in twenty countries, I demonstrated how comprehensive birth registration procedures would prevent and reduce statelessness. I evaluated nationality laws, civil registration laws, and NGO and treaty body reports, culminating in a discussion paper that will form the background for a regional conference sponsored by UNHCR and attended by NGO partners to be held in the MENA region in December 2014.

The issue of civil registration is especially compelling in light of the Syrian refugee crisis. Since March 2011 Syria has been embroiled in a civil war, causing a massive refugee flow into neighboring countries, especially Jordan. Children born to Syrian refugees are at a risk of statelessness. Both Jordanian and Syrian nationality law depend on *jus sanguini* (parentage) rather than *jus soli* (birth in territory). Many refugees' may not have identity documents because the documents were destroyed, or because they are unable to gather the documents before fleeing. This situation is exacerbated, though, by official policy. The Jordanian government, hoping to ensure that Syrian refugees do not leave the refugee camps, have confiscated the identification documents that refugees managed to bring with them. In the meantime, thousands of children are being born each year to Syrian refugees throughout Jordan.

The result is clear: children, who are Syrian by birth due to their father's Syrian nationality, may be unable to prove their nationality because of the family's inability to access identification documents. Comprehensive civil registration is necessary to ensure that refugee children – victims of a crisis not of their

making – do not become stateless, stranded in a foreign country and unable to prove the nationality that is rightfully theirs.

Writing about statelessness in the MENA region cemented my desire to work on issues of forced migration, and particularly statelessness. After my graduation in May, I will pursue a career in international and human rights law in the United States. Currently, the United States has no framework for addressing statelessness within its own borders. Except in extremely limited circumstances, the United States does not create stateless individuals; even so, an unknown number of stateless individuals live within U.S. borders.⁴ These individuals become stateless when their country of origin dissolves or refuses to acknowledge the applicant as their citizen. I am confident that my U.S. legal training, coupled with international experience, will allow me to advocate zealously for individuals in need of international protection located in the United States. 🌐



Betsy Fisher

About the Author

A native of Toledo, Ohio, Betsy Fisher is a J.D./M.A. in Middle Eastern and North African Studies candidate at the University of Michigan. After graduation, she plans to pursue humanitarian-based immigration law.

Endnotes

- 1 I am grateful to the University of Michigan's Program in Refugee and Asylum Law for providing the funding that made my fellowship at UNHCR possible.
- 2 1954 Convention Relating to the Status of Stateless Persons art. 1(1).
- 3 Laura van Waas, *The Situation of Stateless Persons in the Middle East and North Africa*, UNHCR (Oct. 2010), <http://www.refworld.org/pdfid/4cea28072.pdf>.
- 4 *Citizens of Nowhere: Solutions for the Stateless in the United States*, OPEN SOCIETY JUSTICE INITIATIVE AND UNHCR (Dec. 2012), <http://www.opensocietyfoundations.org/sites/default/files/citizens-of-nowhere-solutions-for-the-stateless-in-the-us-20121213.pdf> (explaining that no quantitative evaluation of stateless populations have ever been done in the United States).

The Hague, Program in Public International Law

By *Eric Shovein*



I spent the majority of my summer working in San Francisco in LGBTI Refugee law, but spent a life-changing three weeks in the Netherlands during the month of July when I studied at The Hague Academy of International Law in its Summer Program in Public International Law. This opportunity was afforded to me by the Wayne State University Law School Program for International Legal Studies and the Freeman Fellowship at The Hague Academy.

The summer program is an academic program featuring courses at the Peace Palace. Students prepared readings daily, and attended lectures and seminars on various topics related to public international law. The general course was taught by James Crawford, one of the leading scholars in public international law, and went on the entire three weeks. Six additional courses were offered, taught both in French and English, including: The International Law of Global Governance, What Normativity for the Law of International Monetary and Financial Relations?, Article 103 of the United Nations Charter, The Role of Domestic Judges in the Development of International Law, The Law of Nationality and the Law of Regional Organizations for Integration, and The Protection of Individuals in the Event of Catastrophes.

Although all of the courses were extraordinary and thought-provoking, living in the mecca of international law led to other, equally fulfilling and motivating practical experiences. When I needed a break from studying and attending lecture, I visited the Special Tribunal for Sierra Leone, the International Criminal Tribunal for the former Yugoslavia (ICTY), and even had an opportunity to sit down and discuss career goals with the US ICJ Justice Joan E. Donoghue. I also visited the Swiss Embassy, where I spoke with the Swiss Ambassador to The Hague about the Swiss and US role in the ICC (even though the U.S. is not a formal party to the ICC),

met with the legal counsel at the US Embassy in The Hague, and visited the Iran-United States Claims Tribunal, where I met multiple employees and learn about their interests in international law.

Out of those experiences, attending the Karadzic genocide trial at the ICTY was probably the most memorable experience. Seeing an individual indicted for two counts of genocide, sitting only 10-20 feet away from me, was surreal. This experience reinforced my belief in the power of international law. Interestingly, it also reinforced the importance of procedure: since Karadzic is acting as his own counsel, we witnessed him make elementary mistakes during a direct examination that resulted in the redaction of a substantial amount of witness testimony that may have otherwise been in his favor. Moreover, Karadzic referred back to his brief numerous times during the direct examination but never properly referred to footnotes, so the prosecution successfully moved to have that testimony struck from the record.

My entire experience at The Hague Academy was overwhelmingly positive. I had roommates from Quebec, Brazil, and Bolivia, with whom I spent a great deal of time, alternating between English and French as our common language. In addition, the weather was unbelievable, and my locale in The Hague, Scheveningen, was beautiful. Nearly every day was around 80 degrees and sunny, so after long, studious days we normally watched the sunset over the North Sea.

Living in the United States, where international law is not acknowledged nearly as much as it should be, the three weeks that I spent at The Hague Academy reinvigorated my career aspirations. I debated taking a step back from refugee, human rights, and international law, but ultimately changed my mind after this experience. My job search is no longer limited to any geographic region but is instead dictated by the type of law I plan to practice. In other words, it is instead open to the entire world. 🌍



Eric Shovein



About the Author

Eric Shovein is in his third year at Wayne State University Law School. Eric spent this past summer interning at ORAM (The Organization for Refuge, Asylum & Migration) and studying Public International Law at The Hague Academy. He hopes to practice asylum and/or refugee law after graduation.

People's Watch

By Adam Taylor



During the Summer of 2013, I worked at People's Watch, a Human Rights Non Governmental Organization (NGO), located in Madurai, India. Madurai is in the southern portion of India. People's Watch started out as a human rights defender for victims of torture in 1995 and has since evolved to cover a wide range of human rights violations through monitoring, intervention, and community support. People's Watch also educates the community on the human rights they are entitled to and what to do if their human rights have been violated.

I worked on a variety of projects during my time at People's Watch. My first project was researching and writing India's annual report to the Asian NGOs Network on National Human Rights Institutions (ANNI), specifically relating to the work and compliance of India's National Human Rights Commission (NHRC) for the previous year. My second project was analyzing the cases India's NHRC took suo-moto cognizance of for the previous year. The purpose was to find out if the NHRC followed the proper guidelines and what actions, if any, the NHRC ordered.

I also had the opportunity to participate in two human rights trainings from the preeminent human rights lawyers in India. The first training taught the UN Paris Principles and the ways these principles have been integrated into Indian law. The second training was about human rights lawyering and it was held at the prestigious National Law School of India in Bangalore, India. At this training, I learned how to practice as a human rights defender in real world situations from the most respected human rights defenders in India. I learned about lawyering in conflict zones, encounter deaths, and growing support for human rights defense from lawyers that practice daily in Andhra Pradesh, Kashmir, and the other regions of India.

Living in India was an eye-opening experience. I have lived in a few other countries during my life, but none like India. The area I lived in had a population of around 1 million people yet was structured like a small town. Madurai, a town that is about 2500 years old, is very spread out and tallest building is only 4 stories. At the center of Madurai is Meenakshi Temple, which is the central focus and heart of the town. In Madurai, the new mixes with the old. – a cell phone store sits across from the ancient Meenakshi Temple. I had a wonderful time exploring this city and interacting with the people.

I learned a great deal from and had a wonderful experience that cannot be gained from just a classroom. I learned how to be a lawyer in a foreign country and the flexibility and

adaptability that it requires. I learned that there is more to being a human rights defender than just knowing the law. I learned a human rights lawyer requires knowing the culture, customs, and people of India. Most importantly, I learned to not take human rights for granted. The struggle for human rights is not over as long as even one person is denied their human rights. I will always treasure the memories and experiences I gained in India.

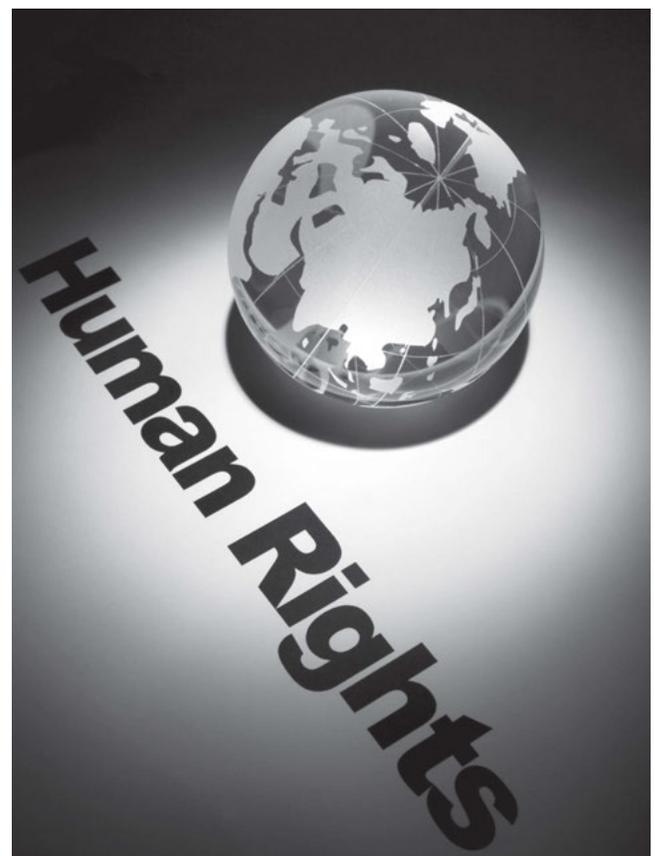


Adam Taylor



About the Author

Adam T. Taylor is a 3L at Wayne State Law School, and, having a passion for other cultures, has lived and worked in South Korea, Germany, and India. He was awarded Wayne Law's International Public Interest Law Fellowship and spent the summer of 2013 working with a Human Rights NGO in India. Adam will be pursuing an international law placement post-graduation.



Section Member Profile: Kelly Clarke

Kelly Clarke focuses her practice on immigration matters, including nonimmigrant petitions, both employment- and family-based permanent residence applications, expatriation and foreign visa issues. She has developed expertise in the area of worker verification issues and managed clients through internal and agency Form I-9 audits, USICE compliance investigations and civil criminal charges. In addition, Kim maintains a specialty practice of consultation with agricultural clients and handles various agricultural labor and employment issues such as compliance with migrant labor laws, H-2A worker issues, wage and hour laws and anti-discrimination laws.

How do you define “international law”?

While we often think of international law as services related to intracountry activities, even domestic issues often have an international component because the global marketplace impacts directly or indirectly most things we do. My immigration specialty obviously falls within the international law definition as we facilitate the transfer of people into the US and across the world for our global clients.

Why did you choose to work in international law (or a related field)?

I interviewed for Varnum’s immigration position the morning after returning from Korea with our 4 month old daughter. After completing an orphan petition without legal assistance, I welcomed the opportunity to assist others through the detailed and often long and frustrating immigration process. I enjoy the challenge of strategizing the preferred immigration path and working with businesses and interesting

people from all over the world to achieve professional and personal goals.

Where did you go to law school?

University of Michigan



Kelly Clarke

What would you want people who know you professionally to know about you personally?

I like what I do and am grateful for the broader view of the world that naturally comes with working in international law. Many clients have become personal and family friends that have enriched our lives by sharing their perspectives and reminding us of the world beyond our immediate circle. 🌍

Correction

The *MIL* intended to include a picture of our speaker, Prof. Mordechai (Max) Kreinen, with the November 13, 2013, Program announcement (Fall 2013 issue of the *MIL*, page 9). However, the photo was of Frank Walwyn of Toronto’s Weir-Foulds LLP, who spoke to the Section on January 25, 2012. The *MIL* regrets the error. Photos of Prof. Kreinen is included at right and below.



Call for Papers

The *Michigan International Lawyer* is looking for papers from corporate attorneys or those who work in the corporate arena for the next issue. Please see page 2 for submission guidelines.



Treasurer's Report

For the twelve months ending September 30, 2013

	Current Activity Sept. 2013	Year-to-date September 2013	Year-to-date September 2012
Revenue:			
International Law Section Dues		13,020.00	12,605.00
International Stud/Affil Dues		<u>115.00</u>	<u>145.00</u>
Total Revenue		<u>13,135.00</u>	<u>12,750.00</u>
Expenses:			
ListServ	50.00	300.00	300.00
Meetings		4,005.02	3,890.87
Seminars		155.00	
Annual Meeting Expenses	6,545.35	6,545.35	3,387.88
Travel Expenses		1,777.75	1,904.98
Telephone	30.30	218.91	136.08
Newsletter		3,225.70	3,664.88
Postage		10.90	94.82
Miscellaneous		<u>96.92</u>	<u>153.25</u>
Total Expenses	<u>6,625.65</u>	<u>16,335.55</u>	<u>13,532.74</u>
Net Income	(6,625.65)	(3,200.55)	(782.74)
Beginning Fund Balance:		<u>17,268.85</u>	<u>18,051.59</u>
Total Beginning Fund Balance		<u>17,268.85</u>	<u>18,051.59</u>
Ending Fund Balance		14,068.30	17,268.85

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Revenue:			
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International Stud/Affil Dues		<u>115.00</u>	<u>145.00</u>
Total Revenue		<u>13,135.00</u>	<u>12,750.00</u>
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Net Income	(6,625.65)	(3,200.55)	(782.74)
Beginning Fund Balance:		<u>17,268.85</u>	<u>18,051.59</u>
Total Beginning Fund Balance		<u>17,268.85</u>	<u>18,051.59</u>
Ending Fund Balance		14,068.30	17,268.85

Treasurer's Report

For the three months ending December 30, 2013

	Current Activity Dec. 2013	Year-to-date December 2013	Year-to-date December 2012
Revenue:			
International Law Section Dues	1,050.00	13,440.00	12,120.00
International Stud/Affil Dues		<u>40.00</u>	<u>55.00</u>
Total Revenue	<u>1,050.00</u>	<u>13,480.00</u>	<u>12,175.00</u>
Expenses:			
ListServ	25.00	50.00	50.00
Meetings	685.00	685.00	913.05
Annual Meeting Expenses	(250.00)	(250.00)	
Telephone	29.72	46.41	47.43
Newsletter	148.79	1,048.26	1,121.15
Postage	<u>25.96</u>	<u>33.06</u>	<u>1.31</u>
Total Expenses	<u>664.47</u>	<u>11,867.27</u>	<u>60.57</u>
Net Income	3,311.74	11,481.74	10,042.17
Beginning Fund Balance:		<u>14,068.30</u>	<u>17,268.85</u>
Total Beginning Fund Balance		<u>14,068.30</u>	<u>17,268.85</u>
Ending Fund Balance		25,935.57	27,331.02

Minutes of the Council of the International Law Section of the State Bar of Michigan



A meeting of the Council (“**Council**”) of the International Law Section (“**Section**”) of the State Bar of Michigan (“**State Bar**” or “**SBM**”) was held on November 13, 2013 at the Detroit office of Miller Canfield, 150 W. Jefferson Ave., Suite 2500, Detroit, MI, 48226.

The following officers of the Council were present in person: A. Reed Newland, Chairperson; David B. Guenther, Chair-Elect; Daphne A. Short, Secretary; and, Lara Fetsco Phillip, Treasurer. A quorum of voting members of the Council were present in person. Names of each of the attendees will be filed with these meeting minutes.

Call to Order

A. Reed Newland, Chairperson of the Section, called the meeting to order at approximately 4:35 pm.

Approval of Agenda

The Chairperson circulated an agenda for the meeting, which was approved as presented.

Notice and Quorum

Daphne A. Short, Secretary of the Section, presented a written notice of the meeting that was mailed or delivered to all members of the Council and to Members of the Section in accordance with the Section’s Bylaws. The Secretary said that the notice will be filed with the minutes of the meeting.

Approval of Meeting Minutes

The Secretary circulated a draft of the minutes of the Council meeting held on September 12, 2013. Upon motion made and supported, the Council approved of the minutes without correction. The Secretary reported that approved minutes of the Section Council meetings are regularly posted on the Section website at www.michbar.org and that the approved minutes would also be posted to the Section website.

Treasurer's Report

Lara Fetsco Phillip, Treasurer of the Section, presented the unaudited financial statement of the Section for the seven months ending September 30, 2013 and the related detailed trial balance for the same period, prepared by the Finance & Administration Division of the State Bar. As of the seven months ending September 30, 2013, the revenues of the Sec-

tion were \$13,135.00, and expenses for the same time period were \$16,335.55, resulting in negative Net Income of (3,200.55). The Treasurer noted that we are waiting on the October financial statement to understand the Section’s revenue from 2014 dues. The Section’s ending fund balance as of April 30, 2013 was \$14,068.30. The Chairperson noted that the Section’s financial statements are generally reprinted in the *Michigan International Lawyer*.

Chairperson's Report

The Chairperson reported that Aaron Ogletree has been appointed as the Section’s Inclusion Coordinator. Greg Conyers, Director of Diversity for the SBM and prior ILS program speaker, was in attendance for the meeting. The purpose of Aaron’s new position is to help the section engage a variety of diverse backgrounds in its membership. It was noted that diversity and inclusion are ongoing opportunities for the Section and we should strive for continuous improvement. The Section congratulated Aaron on his new role and look forward to his support of the Section’s inclusion objectives.

ILS Law School Luncheon Events/Membership Activities

The Section is sponsoring luncheons at area law schools in order to educate students on careers in International Law as well as promote membership for the Section.

Tim Kaufmann reported that the luncheon held at Michigan State University was a success and yielded an impressive 50-60 students in attendance. Tim reported that the attendees were engaged and very interested. Lunches at the remaining area schools are being planned by the Council.

Other activities to promote membership were also discussed. The Council discussed targeting new lawyers, those practicing 0-5 years, for membership. An idea of a mentorship dinner and partnering with the Young Lawyers Section was discussed. Further research will be conducted.

Mentor-Mentee Project Update

The Chairperson introduced Jillian Berndt to update the Section on the mentor-mentee program. Ms. Berndt said that roughly 20 mentee had signed up for the program and that she was planning to match these mentees with mentors in early 2014. Ms. Berndt also stated that she was planning to engage with the student group of the SBM and Canadian students

to increase student membership in our Section. She also suggested that a happy hour event may be a good way to recruit interested students.

The Chairperson thanked Mr. Duchek and Ms. Berndt for engaging on the mentoring project.

Michigan International Lawyer Update

The Chairperson updated the Section on the *Michigan International Lawyer* (MIL). He noted that the next issue of the MIL was looking for interesting articles, and that the MIL was one of the ways the Section provides its members with value.

Committee Chair Goals and Reports

The Chairperson invited the Section’s Committee chairs to report on their activities.

The International Trade Committee reported that they will host the January 15, 2014 ILS meeting and program. The topic of the program will be Recent Developments in Export Controls: Export Control Reform, Changes in Embargoed Country Sanctions, and Their Implications on Manufacturers. The meeting will be held at the Bloomfield Hills office of Honigman and our Treasurer, Lara Fetsco Phillip, will lead the program.

There were no other committee reports.

Law Student Reports

There were no law student reports.

New Business

Tim Kauffman, council member of the section, presented the topic of International Moot Court Competitions. The competition may be looking for judges and other volunteers to administer the program. Tim suggested the idea in accordance with a future meeting or program for the section and stated that he would contact the Moot Court team to gauge their interest in partnering with the Section. The council concluded that this topic may be of interest for a future meeting and would require further exploration.

Adjournment

There being no further business to come before the Council, the Chairperson adjourned the meeting at approximately 5:33 pm.

Dinner and Program

The Section provided dinner, followed by a presentation by Dr. Mordechai E. Kreinen on “Middle East and Israel: Post-Arab Spring”. 🌍



Michigan International Lawyer

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2013-2014 Roster, State Bar of Michigan, International Law Section



Officers

Chair: A. Reed Newland
Chair-Elect: David Guenther
Secretary: Daphne Short
Treasurer: Lara Phillip
Immediate Past Chair: Jeffrey Paulsen

Committee Chairs

Business and Tax: Colleen Freeburg
International Trade: Aaron Ogletree & Christina Howard
Emerging Nations: Richard Goetz & Timothy Kaufman
Employ and Immigration: Debra Auerbach Clephane & Linda Armstrong
Human Rights: Andrew Moore
International Dispute Resolution: Troy Harris
Mentor-Mentee: Gregory Fox and Jillian Berndt

Diversity Coordinator: Aaron Ogletree

Commissioner Liaison: Margaret Costello

Council Members

Linda Armstrong (2014)
Sonia Salah (2014)
Douglas Duchek (2014)
Timothy Attalla (2015)
Debra Auerbach Clephane (2015)
Neil Woelke (2015)
Troy Harris (2016)
Timothy Kaufmann (2016)

Law Students Representatives

WSU- Shahar Ben-Josef, J.D./M.A. candidate 2015

Michigan International Lawyer

Professor Gregory Fox
Shahar Ben-Josef, Senior Editor
Carly Colombo, Student Editor
Corey Neil, Student Editor