

1.2 Navigating law's "Asian Century"

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INTRODUCTION

The challenge of "the Asian Century"¹ for a law school such as the University of Washington (UW) is how to pursue its public service mission, "Leadership for the Global Common Good," while also achieving more pragmatic institutional aims,² in an increasingly complex world. International and comparative law scholars of 50 years ago imagined a simpler legal geography: sovereign domestic legal systems at different stages of development, overlaid with a light blanket of international law. Those were largely fictional taxonomies of how legal systems are constituted, but they remain remarkably robust.³ In this century, the legal

¹ *Security and Development Assistance: Hearings before the Committee on Foreign Relations*, United States Senate, Ninety-ninth Congress, First Session, on S. 559 ... S. 560 ... S. 660 ... S. 656 ... March 15, 20, 21, 22, and 26, 1985, Volume 4, available at <http://books.google.com.au/books?id=Dko1AAAAIAAJ&focus=searchwithinvolume&q=%22asian+century%22> (last visited Mar. 1, 2014); See also, *Australia in the Asian Century*, White Paper 2013, <http://pandora.nla.gov.au/pan/133850/20130914-0122/asiancentury.dpnc.gov.au/white-paper.html> (last visited Mar. 1, 2014).

² As scholars, of course, we recognize that invoking the redistributive power of law – and positioning ourselves as agents of justice in the service of the public interest – also builds professional profile, prestige and social capital. As Dezalay and Garth note, this elision of the possible contradiction between skillful support of business and economic growth and advocacy of the marginalized is a defining characteristic of the legal mind-set: Yves Dezalay and Bryant G. Garth, *Corporate Law Firms, NGOs, and Issues of Legitimacy for a Global Legal Order*, 80 *FORDHAM L. REV.* 2309, 2314–15 (2012), available at <http://ir.lawnet.fordham.edu/flr/vol80/iss6/2> (last visited Mar. 1, 2014).

³ Discussed in Veronica L. Taylor, *Beyond Legal Orientalism*, in *ASIAN LAWS THROUGH AUSTRALIAN EYES* 47 (Veronica Taylor ed., 1997) (identifying deep-rooted problems within the discipline of comparative law that propelled the rise of "Asian law" scholarship, but also recognising that: "The burden of proof lies with 'Asian law' academics to show that this new professional boundary

world looks more kaleidoscopic. The imperatives of legal education are framed by individuals, corporations, governments or NGOs, and also by whether the activity is taking place in the Pacific Northwest, or more widely on national or international stages. What remains in focus, however, is that this century's world population centers and engines for economic growth are located in "Asia," however we define it.⁴

So the question is: how do legal educational institutions such as UW navigate law's Asian century? Where can a law school do well, by doing good? What principles would we use to make those choices? As a publically located and increasingly privately funded law school, UW earns the right to make strategic choices through a "social license"⁵ – that is, the legitimacy that different kinds of stakeholders confer on the enterprise. Law Schools and their constituent Centers and Programs are accountable to many stakeholders: the host university, contributing taxpayers, students, alumni, donors, and external partners. Many of these stakeholders care about one or more of the following:

- Professionally relevant legal education and training;
- Intellectual Advancement – Research that questions received wisdom, develops and debates new ideas, and tests these vigorously using scholarly conventions; and
- Institutional Sustainability – Securing the creative talent necessary to teach and research, and the financial support for doing this, in ways that enhance the prestige and reputation of the institution, making it a compelling choice for all stakeholders.

None of these interests aligns perfectly, and even the short list of legitimacy criteria above hints at the perennial tensions of embedding legal education and training as a higher degree within the university.⁶

marker is not simply comparative law in a different guise, nor an attempt to construct an exclusive, mythical body of knowledge which we seek to interpret and control", at 47).

⁴ See, for example the very wide definition of "East Asia and the Pacific" employed by the U.S. Department of States' Bureau of East Asia and the Pacific: <http://www.state.gov/p/eap/ci/index.htm>.

⁵ Neil Gunningham, Robert A. Kagan, and Dorothy Thornton, *Social License and Environmental Protection: Why Businesses Go beyond Compliance*, 29 *LAW & SOC. INQUIRY* 307 (2004) (advancing the concept of a corporation's "social license" as something distinct from the "legal license" to operate), available at <http://scholarship.law.berkeley.edu/facpubs/675Gunningham> (last visited Mar. 1, 2014).

⁶ There is now a vast literature on the "crisis" of American legal education's

Nor are strategic choices free: they come with political, social and financial constraints, with endowments, and with a degree of institutional path dependency.

Choosing Asia

Part of UW's endowment was the decision of 50 years ago to make a preferential choice for Asian legal systems – as a teaching focus, as a (then nascent) field of legal scholarship, as a source of students, as a destination for graduates, and as an institutional orientation. Then – as now – the choice was not clear-cut and its long-term consequences were not apparent to those involved at the time.

Professor Dan Fenno Henderson is justifiably venerated at the University of Washington Law School for his vision in establishing and sustaining an Asian Law program. But his choices were not unanimously supported by his contemporaries. Sorting through his administrative papers after he passed away unexpectedly in 2010, I found sheaves of law school correspondence from the 1960s and 1970s: wafer-thin sheets and carbon copies of letters in single-spaced typescript, often with handwritten corrections. They included bitter complaints to the Dean, demanding that the Asian Law program be shut down. As the authors said – at length and with considerable force on the typewriter keys – it was a frolic; it was one person's vision; it was a waste of resources; and it was draining energy from the law school's core activities. Professor Henderson seems to have ignored these objections.

institutional design, funding and results. Particularly useful and stimulating contributions include: Margaret Martin Barry et al., *LEGAL EDUCATION 'BEST PRACTICES' REPORT*, UNITED STATES (2010); Richard W Bourne, *The Coming Crash in Legal Education: How We Got Here and Where We Go Now*, 45 CREIGHTON L. REV. 651 (2012); Bryant G. Garth, *Crises, Crisis Rhetoric and Competition in Legal Education: A Sociological Perspective on the (Latest) Crisis of the Legal Profession and Legal Education* (2012), available at <http://ssrn.com/abstract=2166441> (last visited Mar. 1, 2014); Brent E. Newton, *The Ninety-Five Theses: Systemic Reforms of American Legal Education and Licensure*, 64 (55) S.C. L. REV. 5 (2012) available at <http://ssrn.com/abstract=1994189> (last visited Mar. 1, 2014); Judith Welch Wegner, *Symposium 2009: A Legal Education Prospectus: Law School and Emerging Frontiers: Reframing Legal Education's "Wicked Problems,"* 61 (4) RUTGERS L. REV. 867 (2009), available at <http://ssrn.com/abstract=1533778>.

Even visionaries have their blind spots, and so in 2001, Professor Cornelius (Neil) Peck also took me aside and confided, "You know Henderson was never really that interested in China ... I challenged him on this and he said – 'Well, they don't really have law.' And I said 'Well they have something, and we better find out what it is.'" What propelled Peck's desire to broaden the inquiry beyond Japan was a visit to Singapore, and perhaps a sense that "Asia" was unfolding more quickly, and in more interesting ways, than Henderson's personal experience of Occupied Japan in World War II might have suggested.

Henderson and his colleagues were motivated by a desire to prepare Americans to practice law in a world of postwar reconstruction, where bilateral US–Japan trade was becoming visibly important, and it was possible to predict that Korea and Taiwan would take a similar developmental path.⁷ Thus the program's core faculty for the first decades of its life – Henderson and Haley, and later Foote and Clarke – placed a strong emphasis on commercial and transactional law and on deep understanding of the legal anatomies of Japan, and later Korea, Taiwan and China. In an "Asian Century" those remain critically important domains of legal knowledge.

Although very different in their intellectual style, both Henderson and his successor, Professor John Haley, used comparative methodology and formidable linguistic skills to rigorously interrogate the formal and informal operation of law in East Asia: work that set the international benchmark for comparative legal scholarship in English.⁸ What elevates their scholarship from this period, and distinguishes it from simple doctrinal comparison of Japan and the United States, is a critical appreciation of historical and social context. These are nuanced analyses of how political, economic and social institutions shape a state's legal and regulatory responses. Both scholars write with astute awareness of how national legal choices are shaped by, and in turn affect, transnational encounters and legal developments in proximate systems within Asia.⁹

⁷ On the systemic similarities of North East Asian legal systems a vehicles for industrial policy and national development, see John K.M. Ohnesorge, *Law and Development Orthodoxies and the Northeast Asian Experience*, in *LAW AND DEVELOPMENT IN ASIA* (Jerry McAlinn ed., 2012).

⁸ DAN FENNO HENDERSON, *VILLAGE "CONTRACTS" IN TOKUGAWA JAPAN: FIFTY SPECIMENS WITH ENGLISH TRANSLATIONS AND COMMENTS* (1975); JOHN O. HALEY, *AUTHORITY WITHOUT POWER* (1995); JOHN O. HALEY, *ANTITRUST IN GERMANY AND JAPAN: THE FIRST 50 YEARS (1947–1998)* (2001).

⁹ For an illustration of the liminality of Japan within Asia, see: TESSA MORRIS-SUZUKI, *BORDERLINE JAPAN: FOREIGNERS AND FRONTIER CONTROLS IN THE POSTWAR ERA* (2010), 147.

In this way, Henderson's studies of pre-modern Japanese contracts, and Haley's history of competition policy and enforcement in Japan, for example, became compelling accounts of how legal and political elites understood and sought to govern their worlds – with direct resonance for how we might ask and answer those questions today with regard to our own, as well as other, legal systems.

Less remarked upon is the public interest impulse that underpinned the UW Asian Law enterprise. The original grant from the Ford Foundation to the Program was to enable lawyers from developing countries to study in the United States in order to contribute to the rebuilding of their own legal systems. We readily forget that Japan at that time was a postwar reconstruction economy.¹⁰ Henderson was unequivocal about this – “Remember when you are making decisions about students, that there is a rice bowl involved.” By this he meant the economic future of an extended family often hinged on a student's ability to graduate, and that as privileged teachers and gatekeepers of credentials we have a responsibility for social, as well as academic, outcomes. That pragmatic expression of moral obligation and altruistic service, expressed in the relational ties between teacher and student – and through them to extended networks – shaped the ethos of the Asian Law Center and anticipated the law school's current mission statement by some decades.

So the Asian law endowment at UW has been not simply a geographic orientation, but also a tradition of serious and consequential scholarship, a commitment to national purpose and the public good, an ethical sensibility, and a deep awareness of how personal relationships and networks support and sustain institutions. Within Asia, and even within American universities, relationships, devolved responsibility and discretion shape institutions as much, or more than, corporate strategic planning. “Who we are”, and who we might aspire to become, is the sum of cumulative decisions about prevailing political and economic conditions; how we resolve conflicting beliefs about legal education; the preferences and inducements of external stakeholders; the personal capacities of individual students and faculty; and the scope and flexibility of our resources.

This chapter, then, is a reflection on the individual and collective choices that shaped the Asian Law Center during the period 2000–2010, when I had the privilege of serving as its Director.

¹⁰ JOHN W. DOWER, *EMBRACING DEFEAT: JAPAN IN THE WAKE OF WORLD WAR II* (1999).

I. A RECONFIGURED WORLD

The 2000s were a time of convulsive change for both lawyers and for law schools in the United States.¹¹ The decade's geopolitical shifts were felt acutely in Seattle – Washington being at the time the most Asia-oriented, trade-dependent State in the country.¹²

September 11, 2001 was a watershed moment: it put the United States on a war footing and propelled it into conflict in Afghanistan. The subsequent invasion of Iraq interrupted the state-building focus of the Afghan campaign, something that continues to haunt the aftermath of both engagements. These civil-military state-building interventions and “the war on terror” that followed reshaped our imagined legal world dramatically. One consequence was that the Middle East, South Asia and South-East Asia became more visible and policy salient. Another was the rise in popular awareness of the breadth and complexity of the world's Islamic political and legal systems.¹³ The “securitization” of the United States was felt immediately. It stalled visas for international students; it made travel to the United States profoundly unpleasant for non-citizens; and it sparked enormous debate about the role of the United States in both making and complying with international law. At the same time, security concerns propelled further investments by the United States and its allies in “rule of law promotion” worldwide, particularly in new fragile and conflict-affected places.¹⁴

This was the time when foreign direct investment (FDI) became as significant as trade as a driver for economic growth, particularly in the global South, and the difficulty of governing globalized trade and investment became more evident.¹⁵ Although the World Trade

¹¹ Asian Law alumna and former Associate Dean at UW Law School, Paula Littlewood (JD '97), is a prominent and original thinker on these issues. She writes from her vantage point as Executive Director of the Washington State Bar Association: <http://www.wsba.org/About-WSBA/Governance/Paula-Littlewood> (last visited Mar. 1, 2014).

¹² *Not by Aircraft Alone*, 25 June 2009, THE ECONOMIST, <http://www.economist.com/node/13906661> (last visited Mar. 1, 2014).

¹³ For an accessible scholarly survey, see SHARIA INCORPORATED (Jan Michiel Otto ed., 2010).

¹⁴ Central and Eastern Europe being the testing ground for the “rule of law revival” that followed the 1989 fall of the Berlin Wall: *see generally* THOMAS CAROTHERS, *PROMOTING THE RULE OF LAW ABROAD: IN SEARCH OF KNOWLEDGE* (2006).

¹⁵ UNITED NATIONS, *WORLD INVESTMENT REPORT 2013*, http://unctad.org/en/publicationslibrary/wir2013_en.pdf (last visited Mar. 1, 2014).

Organization architecture was complete, the Doha round of trade negotiations that commenced in 2001 quickly stalled. The OECD-sponsored Multilateral Agreement on Investment had failed in 1998.¹⁶ Both events contributed to the proliferation of regional and bilateral trade agreements and bilateral investment treaties (BITS) and the profusion of new laws and soft law instruments to govern investment and trade that characterized this decade.

The global growth in FDI matters for lawyers because of its potential for reshaping legal rules and norms on the ground in the host country. In the 2000s, however, it was unclear whether, how, or how quickly these would converge to American or European rules and norms. Lawyers accustomed to servicing American multinationals with close ties to Washington State, such as Boeing, Microsoft, Amazon, Starbucks and Costco and their suppliers, could assume convergence, because their clients operated on a scale that allowed them to dictate governing law and contract terms within their supply chains and sales channels. By contrast, the World Bank's "Doing Business" indicators were launched in 2002 as a form of policy pressure on developing states to reform their domestic legal and regulatory systems – precisely because they remained so diverse and resistant to globalized influences.¹⁷

The explosive growth in information technologies and their business applications created demand for legal, as well as technical services. Law students at UW in the 2000s aspired to be intellectual property licensing lawyers for Japanese electronic games maker Nintendo, rather than trade or maritime lawyers.¹⁸ Those same technologies profoundly disrupted legal knowledge and services. No one needed a law degree or a legal advisor in order to Google legal information and procedural forms, or to consult wikis and on-line forums for advice, with the consequence that lawyers now needed to demonstrate, rather than simply claim, expertise. By the end of the decade "big law" would become "new law": portable and outsourced.¹⁹

Meanwhile, the East Asian economies were being recalibrated. China was clearly poised to overtake Japan as the world's second-

¹⁶ See http://www.wto.org/english/tratop_e/dda_e/dda_e.htm (last visited Mar. 1, 2014).

¹⁷ See <http://www.doingbusiness.org/about-us> (last visited Mar. 1, 2014).

¹⁸ Indeed, the Law School's LLM program in Maritime Law was disestablished early in the decade for this reason.

¹⁹ For a prescient analysis of the demise of the big law firm (now often abbreviated to "big law"), see William Henderson and Marc Galanter, *The Elastic Tournament: A Second Transformation of the Big Law Firm*, 60 STAN. L. REV. 1867 (2008).

largest economy. It was the new growth opportunity for US business,²⁰ including legal services. Japan was still important, but its prestige was waning as its economy weathered "lost decades" of deflation spanning the early 1990s to 2014. After a brief de-regulatory rally under the Koizumi Cabinet (2001–2006) politicians and bureaucrats seemed to lose their appetite for thoroughgoing regulatory reforms. In reality, the domestic legal reform proceeding in the background was intense and significant,²¹ but the most commented-upon reform – the launch of an American-style graduate "law school" model in 2003 – proved to be self-defeating. Originally conceived as a pro-growth expansion of national legal capacity, as well as a progressive vehicle for remedying Japan's widening social inequality, the new institution was soon captured by protectionists and so produced a marginal increase in lawyers at extraordinarily high cost.²² In its early years it also diverted significant human resources and intellectual energy away from substantive research. One early casualty was Japanese student interest in international and transnational legal topics and the opportunity to expand international institutional partnerships.²³ Nonetheless, it is a source of pride for us that two of the Asian Law Center's Japanese PhD graduates during this period were immediately hired by leading Japanese law schools.²⁴

²⁰ See, for example, the single country focus on China in Washington State trade services support: <http://choosewashingtonstate.com/i-need-help-with/international-trade/china-business-development/> (last visited Mar. 1, 2014).

²¹ See, e.g., Veronica L. Taylor, *Dollars to Donuts: Japanese Courts and Corporate Accountability*, in NEW COURTS IN ASIA (Andrew Harding and Penelope Nicholson eds., 2009); Veronica L. Taylor, *From Manners to Rules: The Reregulation of Japan*, in PUSHING BACK AGAINST GLOBALIZATION: REGULATION IN ASIA (John Gillespie and Randy Peerenboom eds., 2009).

²² See generally the helpful bibliography assembled by Levin and Mackie: Mark Levin and Adam Mackie, *Truth or Consequences of the Justice System Reform Council: An English Language Bibliography from Japan's Millennial Legal Reforms* (March 21, 2013), 14 (3) ASIAN-PAC. L. & POL'Y J. (2013), available at SSRN: <http://ssrn.com/abstract=2237663> (last visited Mar. 1, 2014).

²³ This observation is anecdotal and reflects the difficulties that foreign faculty members had in attracting students to "international" courses or courses taught in English at leading law schools in Japan after it became apparent that the Bar pass rate would drop, and that these curricular offerings would be of no immediate benefit in passing the Japanese Bar.

²⁴ Toshitaka Kudo (LLM '02, PhD '09) is an Assistant Professor at Keio University Law School and Kyoko Ishida (LLM '03, PhD '06) is a faculty member at Waseda University Law School.

For lawyers in Seattle, Japan-related practice opportunities at home had constricted as Japanese inbound investment and trade narrowed. This was hard: being the epicenter of Japanese legal knowledge and skills in the United States is no consolation if the opportunities to use them have fled. Local lawyers did what lawyers do everywhere; they retooled to develop new practice areas. Local law firm Davis Wright Tremaine, for example, announced its ambition to become the nation's leading China law practice.²⁵ But as American elites began to focus on emerging markets and, in particular, on China as a new competitive economy and military power, Japanese elites became increasingly anxious about their place in the world.²⁶ For 50 years, Japan's primary political, security, legal and intellectual ties had been with the United States, and the prospect of the US symbolically or actually stepping away from Japan in order to accommodate Japan's greatest threat, China, was traumatic for individuals and for institutions.²⁷

By contrast, South Korea's democratization and economic growth during the same period resulted in historic shifts in legal and political design and process. From being a largely closed economy Korea gradually opened to services, and opportunities for intellectual and professional exchange with the United States blossomed rapidly. Who could have imagined that by 2015, among the many Asian Law Center alumni teaching at top-ranked Korean law schools, one would be the first female faculty member at one of that country's top private law schools?²⁸

²⁵ Personal communication to the author. It was not coincidental that this was also the law firm of former State Governor Gary Locke (1997–2005), later US Secretary of Commerce (2009–2011) and US Ambassador to China (2011–present): See http://www.dwt.com/practices/china/?op=overview_ (last visited Mar. 1, 2014).

²⁶ My vantage point for observing this was as a member (2005–2012 and later Chair, 2008–2012) of the Japan Foundation's American Advisory Committee, the peak funding body for US–Japan academic and policy research and collaboration.

²⁷ We can understand this volume as both symbolizing that very real anxiety and demonstrating that it is probably overblown. The intellectual and practical importance of Japan as a model and reference point for other Asian legal systems is undeniably great. On the other hand, Japan will be a necessary but insufficient lens through which to view increasingly hybrid and pluralist Asian legal systems in the coming decades, if simply because Japan as regional power, donor, or exemplar of constitutional democracy, will be only one point in a multi-polar region.

²⁸ Dr. Patricia Goedde (LLM '03, PhD '08) is an Assistant Professor at Sungkyunkwan University Law School, Seoul.

South East Asian economies remained less prominent for many Americans during this decade, even while Thailand grew and Vietnam entered the WTO in 2006. By the end of the decade Indonesia had both democratized and staked a claim to secure middle-income status. ASEAN, which had been a loose grouping of developing states in South East Asia, had gradually become more consequential, both politically and legally.²⁹

Many of the leaders in Washington State businesses and legal practices that had grown through trade with Asia became philanthrocapitalists, embracing both the university and the Law School in new patterns of support and investment. The Gates Foundation rapidly became the global paradigm: simultaneously, a large-scale donor, influential designer of education and health interventions worldwide, and a key stakeholder in the Department of Global Health, the Law School and a range of UW-linked research enterprises. For the Law School, the institutional turning point was the gift by William (Bill) Gates III in honor of his father that allowed the construction of a new Law School building – Gates Hall – on the main UW campus. Opened in 2003, it is hard to overstate the buoying effect that the building had on staff and student morale and the way in which it helped the institution imagine itself as having global potential.³⁰

And then came the 2007–08 financial crisis, the 2009 election of President Obama, and his foreign policy "pivot to Asia". By 2010 unemployment in Washington State was heading toward 10% and it was clear that legal education would need to be rethought as declining demand for elite legal services in the United States morphed into more permanent restructuring of the sector. Significant local firms in Seattle had either merged, been acquired as part of national consolidations, and/or had established branch offices in Asia. Meanwhile, Chinese law firms were setting up local representatives in Seattle. One measure of the

²⁹ See, e.g., Imelda Deinla, *Rule of Law Key to Building an ASEAN Community by 2015*, EAST ASIA FORUM, 8 March 2013 <http://www.eastasiaforum.org/2013/03/08/rule-of-law-key-to-building-an-asean-community-by-2015/> (last visited Mar. 1, 2014).

³⁰ Other local lawyers who also sought to convert their business acumen into philanthropic investment included former Microsoft legal counsel Bill Neukom, later ABA President and founder of the World Justice Project and Stan Barer (JD '63), businessman and name partner of Garvey, Schubert and Barer, who also became a significant donor to the Law School in this period. The significant support to the Law School from Stan and Alta Barer is described at: <http://www.law.washington.edu/ghs/>.

anxiety that these changes elicited was ongoing opposition to allowing foreign-educated lawyers to sit for the Washington State Bar.³¹

Against this shifting background of political and economic change, law schools anxiously debated what kind of educational experience would yield “professional relevance” for their future graduates. Our task was to answer this in relation to the Asian law teaching program.

II. RETHINKING THE PROFESSIONAL RELEVANCE OF ASIAN LAW

By the time I accepted the invitation in 2000 to return to the Law School to lead the Asian Law program (as it then was), many of these trends had already begun to impact the much smaller and more trade-dependent Australian economy. As a proud Asian Law alumna, I had great affection for Dan Henderson and John Haley, who had been kind and inspirational figures early in my career. I benefitted from their wise counsel and from Haley’s strategic advice. I needed to maintain the intellectual ambitions of Asian law, nurture its people, but also sharpen its professional relevance for the future. That seemed to require three programmatic adjustments:

(i) Broadening Our Legal Geography

“East Asia” had been defined at UW Law School as Japan, then China, and then in much smaller proportions, Taiwan and Korea. Enlarging our definition of Asia seemed both desirable and necessary: we needed to diversify and increase our LLM student enrolment and we needed to expand professional pathways for our graduating JD and LLM

³¹ During this decade international students could take an LLM at UW, take a New York Bar preparation course in Seattle and then fly to New York to acquire the practice credential that would enable them to be employed in Seattle before returning to their home country to recoup the long-term benefits of their investment in an American law degree. Meanwhile, employers such as Microsoft were seeking to hire foreign attorneys as paralegals to support the expansion of their business. On the impact of the American LLM degree as a credential for non-US lawyers, see Carole Silver, *States Side Story: Career Paths of International LL.M. Students, or ‘I Like to Be in America’*, 80 (6) FORDHAM L. REV. (2012) (arguing that the claimed increase in competition for law firm placements in the US is negligible and of short duration, since the majority of LLM students return to the country of origin).

students. Dean Ron Hjorth kindly cautioned me that I would “never” get American lawyers interested in South East Asia. But within months came 9/11 and the national political gaze swung to Islam and to Islamic Asia, particularly Indonesia. The Jackson School of International Studies at UW was home to distinguished scholar Professor Daniel S. Lev, who was a world authority on the Indonesian legal system. Lev welcomed the opportunity to join the Asian Law Center network and in doing so, enriched us intellectually and exponentially expanded our prestige and reach within Indonesia. Later, leveraging years of practical experience in Indonesia by Professor Jon Eddy and myself, we were able to recommence enrolling high-performing Indonesian LLM and PhD students,³² after a hiatus of 20 years. Those graduates took up leadership positions in government and legal education, opening the door for serious research and externally funded opportunities in Indonesia.

The reinvigoration of our ties to our Thai alumni and partner institutions, and the recruitment of a new cohort of Thai PhD students and our first PhD student from Vietnam were also important milestones, and translated into a flow of talented students who would become influential voices in key South East Asian institutions. We hypothesized that our institutional knowledge of, and networks in, Japan, Korea and Taiwan could be directly relevant for colleagues facing legal and regulatory challenges in Thailand, Indonesia and Vietnam, and this indeed proved to be the case.

Asia was becoming more globally integrated, politically, economically and legally. Suddenly it was accessible and its issues relevant: legal and social issues of universal concern such as environmental sustainability, asylum seeker and refugee flows, or the impact of Islam within complex systems of legal pluralism. In a real sense we had the opportunity to give full expression to “Asian and comparative law” as the denominator for our JD, LLM and PhD teaching programs: Asia as a broad focus and comparative law as a capacious methodology. We redesigned the curriculum to become both deeper and broader. At a specialist level we piloted a course in South East Asian Law³³ and established new courses in Korean Law and Islamic law. Korean law

³² Support for this came from a multi-year USAID funded program, ELIPS II.

³³ We benefitted greatly from the goodwill of the small group of South East Asian legal specialists in the United States, particularly Professors Mark Cammack, David Linnan, and Andrew Harding, who were generous in visiting, teaching and supporting the PhD and LLM programs at the Asian Law Center.

was ripe for expansion within the United States as ties between Korean, Korean-American, and other professors in American and Korean law schools expanded and the Korea Foundation stepped up its institutional support. In parallel, the community of Islamic law specialists within the United States was also broadening to embrace considerable disciplinary and geographic diversity. In time my hope was to realize a further important step, which would have been the build-out of serious legal expertise on South Asia.³⁴

An important question became how to support the interest of non-specialists: the JD students, for example, who were curious about the world and were writing for the *Pacific Rim Law and Policy Journal*, but who would encounter Asia exclusively through English language sources and the narrow prism of a substantive interest such as gender equality or bioethical regulation. The American students who aimed for a specialist JD/LLM credential in Asian and Comparative Law lacked the high-level fluency in an Asian language that had been a hallmark of the program in past decades. Asia was now “popular” in the true sense of the word and so we amended some of the more restrictive enrollment rules, contributed to a new first-year survey course in international and comparative law, and established a “Law through Global Eyes” seminar series that presented law school visitors and comparative law perspectives in accessible ways.

Asia was also a primary location for sustainable development, both as a policy imperative and as a growing area of legal professional practice. So at the suggestion of Professor Anita Ramasastry, we collaborated in developing a professionally oriented course, *Law Reform in Transition Economies*, which connected JD and LLM students across Asian Law, European Law, and Sustainable International Development clusters.

As we embraced “more” Asia, however, some colleagues and alumni inevitably perceived this as “less” focus on countries that they cared about. Partly this reflected Japanese sensitivities about a slightly diminished role in the world; but it was also informed by the Cold War legacy of seeing US foreign relations in strongly bilateral terms, so that focus on a new partner country must have an hydraulic effect on a

³⁴ There is now a sizeable and energetic group of South Asian legal scholars in the United States, many with diaspora or personal ties to the countries of that sub-region, contributing work of lively intellectual and practical benefit to the academy. See, e.g., the American Association of Law Schools’ Law and South Asian Studies Section: https://memberaccess.aals.org/eWeb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=ac97380c-f0f7-461c-bc33-2901d751af17 (last visited Mar. 1, 2014).

pre-existing partnership.³⁵ In one sense this is true: if you are dividing a finite number of professors, time and cash across an expanding number of jurisdictions, you are diluting pre-existing “shareholdings” in the short term. But while every choice has an opportunity cost, the strategic choices themselves are not immutable. So, for example, a recovering Japanese economy in 2014 where the legal and policy ramifications of the catastrophic Tohoku earthquake are now clearer, is more obviously a salient subject of study than it might have been ten years earlier. The prospect of constitutional reform and political transition in Burma/Myanmar by 2015, coupled with its complex legal pluralism, make it more interesting and more accessible for comparative study now than it was in 2000. To the extent that you are thoughtfully expanding the educational resources, intellectual opportunities, and professional networks for current and future students in Asia, more really is more.

(ii) Understanding Asia as an Integrated Legal and Regulatory Domain

It is easy to overlook the importance of intra-regional economic and intellectual ties within Asia. By 2000, business lawyers servicing clients in Asia needed not only professional competence in their own law and that of another jurisdiction, but also familiarity with a third or fourth Asian market as well. The larger Japanese law firms (and later their Korean counterparts) began to establish offices in China and South East Asia. Their young practitioners came to Seattle for training in “American law”, but they also sought exposure to technical legal areas such comparative corporate governance, or intellectual property law, as well as an overview of Chinese commercial law. Our response to this was to broaden the LLM program to include a stream in “global business law” that allowed students more flexibility about mixing and matching courses to customize a course of study that would support their individual career paths. We knew that UW alumni from all the Law Schools’ programs were mobile, meeting each other all over Asia, and asking their alma mater to help them network more effectively. We invested heavily in meeting more regularly, formally and informally, with UW alumni, and in more locations in Asia, than ever before.³⁶

³⁵ On clientalism in American foreign policy and the role of development aid in maintaining a network of allies, see STEPHEN MAJESKI AND DAVID SYLVAN, *US FOREIGN POLICY IN PERSPECTIVE: CLIENTS, ENEMIES AND EMPIRE* (2009).

³⁶ The talent of our law school colleague and Asian Law alumna, Professor

We could predict that the comparative advantage that UW had enjoyed as a “knowledge portal” for doctrinal law in East Asia would eventually dissipate. Top-tier American law schools, with their prestigious faculty and their luxurious facilities, still exercised a magnetic pull on lawyers from Asia. But legal education within Asia was itself developing rapidly and its law schools were forging intra-regional links and international alliances that would reshape flows of knowledge and students.³⁷ The centers of expertise and prestige in the field of Asian law in the future would not be limited to UW, or Harvard, or Cornell,³⁸ but would include institutions such as the National University of Singapore, Seoul National University, Korea University, Yonsei University, Tsinghua University, Shanghai Jiao Tong University, the University of Indonesia and Gadjah Mada University, Nagoya University, Leiden University, the University of Melbourne and Australian National University. We could choose to join and invest in those strategic alliances or stand apart – and we chose to participate and try to strengthen our UW brand at the same time.³⁹

By 2010, a JD student wanting to specialize in Chinese law could now spend a semester abroad studying in English at a law school in China. At home in Seattle, the JD curriculum was increasingly crowded with courses in emergent fields such as intellectual property and health law. China or Vietnam could be referenced within any course without requiring arduous historical or contextual study of that whole foreign legal system. This kind of student and faculty “sampling” of Asia was not “Asian law” in the scholarly sense, but it was a logical outgrowth of a technologically more accessible Asia, and

Toshiko Takenaka, Director of the Center for Advanced Study and Research in Intellectual Property, in building alumni networks, particularly in Japan, was a significant asset during this period.

³⁷ See generally, Veronica L. Taylor, *Legal Education as Development*, in *LEGAL EDUCATION IN ASIA* (Stacey Steele and Kathryn Taylor eds., 2010).

³⁸ See in particular the innovative strategy advanced by Professor Annelise Riles at Cornell that uses a moderated discussion list, Meridian 180, to connect thinkers and alumni from a range of legal domains and Asian countries: <http://meridian-180.org/> (last visited Mar. 1, 2014).

³⁹ Examples of our strategy here included becoming the first US law school to join the Asian Law Institute (ASLI) – a collective of law schools in Asia – and a commitment to participate in ASLI annual conferences to mentor younger scholars. Another was the considerable effort by Professor Jonathan Kang to formalize collaborative agreements and joint academic credit arrangements between UW and leading Korean law schools. See for example: <https://www.law.washington.edu/AsianLaw/Countries/SouthKorea.aspx> (last visited Mar. 1, 2014).

a diverse student and faculty body³⁴ with a heightened awareness of global legal and economic integration.

(iii) Building Portable, Generic Professional Skills

How to better prepare students for that mobile, trans-Asia future? Student interest in Japanese law was diminishing gradually, but not completely. One way of sustaining the claim that Japan could be useful professionally was to use it as a vehicle for building legal skills. Earlier iterations of the curriculum had included negotiating skills and simulations taught by Professor Haley, but former UW professor Daniel Foote used his move to the University of Tokyo in 2000–2001 to propose undertaking this in real time between the two law schools, using video-conferencing and instant messaging. The practical barriers to doing this were surprisingly steep, but heroic efforts by Foote and Asian Law alumnus and adjunct John (“Jody”) Chaffee made the experiment a great pedagogical success. Chaffee was later joined by Rick Guinee, and their combination of deep knowledge of Japanese corporate law, transactional expertise and practice experience in Tokyo enabled us to offer two well-subscribed JD/LLM simulation courses – one with Tokyo and one with Waseda University.

As the legal job market became more competitive within and outside the United States, we also moved to institutionalize job search support for JD students seeking placements in Asia and for LLM students seeking post-graduation professional training placements in the US. To better prepare students for the job market, we incorporated more oral skills practice opportunities in coursework and more mentored resume writing and career advising opportunities. We redesigned our PhD program to include structured coursework, including research design planning and dissertation writing, oral presentation skills and socio-legal research methods. Being able to draw on the methodological expertise of adjunct Professor Susan Whiting (UW Political Science) and recruit Dr Elin Cohen (LLM '03) enabled us to offer a PhD environment that could compete effectively with other socio-legal programs similar to ours such as those at UC Berkeley, Stanford and Wisconsin.

III. ADVANCING KNOWLEDGE

An inevitable consequence of a more “global” outlook at the Law School was a reframing of what constitutes the field of “Asian law”. In a world where any faculty member and student can travel to Asia and collaborate with Asia colleagues, the potential for developing and debating new ideas is necessarily more democratically distributed.

In some of my early work, I pointed out that “Asian law” was an institutional and political fiction that was every bit as contestable as the geopolitical labeling of Asia and its sub-regions.⁴⁰ Within the Law School, “Asian law” had functioned as a shorthand for a cluster of faculty and educational and research activities and the budget to support them, and so making distinctions between who or what Asian law was, or was not, did matter for practical purposes. Intellectually, however, I continue to see the domain of Asian law as inclusive and geographically expansive: for me, legally speaking, Azerbaijan is systemically closer to Indonesia than it is to Austria. This vision of Asian law also admits to wide variation in scholarly styles; whether a dense description of doctrine or procedure, a new applied theoretical insight, or an empirically grounded argument about legal and social change.

Where our deeper normative preferences do tend to surface, however, is when we adjudicate on the people and projects that will populate the field in future. While welcoming the diffusion of interest in Asia among faculty and students, it also seemed important to recommit to sustained research that genuinely advanced the boundaries of our knowledge. For that reason, a conscious strategic choice during 2000–2010, and perhaps the one in which I was most deeply invested, was the revitalization of the PhD in Asian and Comparative Law.

UW Law School was unique in having preserved its PhD qualification in law, at a time when almost every other law school in the United States created an SJD/JSD program. The point of difference for UW was that, outside the United States, the PhD remained the most prestigious terminal degree and the threshold academic appointment credential in all disciplines, including law. Beyond nomenclature and structure, what distinguished the UW credential from the SJD was its commitment to interdisciplinary inquiry. For many candidates this became their first

⁴⁰ Veronica L. Taylor, *Rule-of-Law Assistance Discourse and Practice: Japanese inflections, in LAW IN THE PURSUIT OF DEVELOPMENT: PRINCIPLES INTO PRACTICE?* (Amanda Perry-Kessaris ed. 2012); Veronica L. Taylor and Michael Pryles, *The Cultures of Dispute Resolution in Asia, in DISPUTE RESOLUTION IN ASIA* 1–33 (Michael Pryles, ed. 3rd ed 2006).

immersion in theoretical and empirical insights from disciplines beyond the narrow domain of law. The rationale for demanding this additional work was that, in the professional future of educators and policy makers, more would be required than the fairly simply analytic toolkit of legal formalism.

We began the decade with two students enrolled in the PhD in Asian and Comparative Law and we finished with a cohort of 16 that included outstanding American scholars and a class distributed across about 12 countries.⁴¹ The commencing student and their research topics in the 2000s represent a snapshot of the complex social issues that national policy makers and legal activists were grappling with throughout Asia. The successive dissertations by Taiwanese scholars Dr Awi Mona, Dr Ariel Cheng and Dr Hsin-yang Wu is a striking body of work on indigenous minority self-determination, human rights, and minority linguistic rights in Taiwan during a period of intense political change. The original contributions of Indonesian scholars Professors Melda Kamil, Kurnia Toha and Dr Hendrianto covered sustainable and internationally compliant fishing, the challenges of land law reform responsive to indigenous rights, and the first term of a new Constitutional Court in a rapidly democratizing Indonesia. Some projects, such as those by Dr Kyoko Ishida on the ethical regulation of the Japanese legal profession and Dr David Merrell on legal pluralism in Kyrgyzstan, broke completely new academic ground. Others, such as Professor Patricia Goedde's study of lawyer advocacy in South Korea, and Dr Kanaphon Chanhom's study of the history of Thai criminal justice, combined sophisticated applications of socio-legal theory and fresh empirical data to illuminate hitherto unknown aspects of those systems' legal institutions. These dissertations, as well as those scheduled for submission in the coming years, have the potential to radically reshape our understanding of legal and political systems in

⁴¹ We used the pedagogical premise that an annual intake of between five and seven high-caliber students would provide the best peer-learning environment and that the total number would give us sufficient personal time with students but also a scale that would allow systematic, course-based instruction in research design and methods. The only drawback was that a PhD program under our then budget system was a loss-leader: absent a generous scholarship or a subsidy, the real costs of a 3–4 year academic program at UW were beyond the means of most debt-laden American graduates and the talented young academics and policy makers that we might want to recruit from Asia. Accordingly we relied heavily on students talented enough to bring scholarships, and our ability to advocate for, and squeeze value from, a small number of State-funded tuition waivers.

Asia. The success of those PhD projects is largely attributable to the innumerable voluntary hours spent in supervision and on dissertation committees by generous faculty from the Law School, from other departments throughout the university, and from peer programs in the US and Asia.

We fell a little short of our programmatic goal of “50 by 50” – 50 Asian and Comparative PhD graduates by 2013 – but we created a value proposition that resonated beyond the Asian Law Center. That the PhD program is now Law School-wide and no longer geographically specific is an indication of its success. Our numerical target was really a proxy for the power of this program to reshape legal institutions in developing economies, as well as contributing to American educational and policy capacities. Some of our first-generation LLM and PhD alumni were honored at the 50th anniversary celebration of the Center;⁴² later graduates populate the ranks of Japanese law professors around the world;⁴³ and at one point during the decade we were able to count seven serving Deans and Deputy Deans of leading law schools in Asia who were Asian Law Center alumni. If your mission is the formation of “leaders for the global common good”, a PhD program is a natural incubator – these are people with the intellectual and personal qualities of determination and self-sacrifice who are postponing short-term benefits in order to pursue larger goals. As I explained when honoring Professor Dr Erman Rajagukguk (LLM ’84, PhD ’88),⁴⁴ fulfilling a public service mission in Asia means, in many cases, carrying out prominent university and government roles while being a beacon of integrity, and it is often the PhD credential that makes this possible.

My own research as a socio-legal scholar has frequently returned to questions of how legal knowledge is constituted, and by what kinds of people, operating in what kinds of formal and informal networks, with what effects. These questions matter in very practical ways for how rule of law interventions affect both ordinary people and legal elites. In partnership with Professors Susan Whiting (UW Political Science)

⁴² This group was Tasuku Matsuo M.C.L. ’69; C.J. Kim PhD ’72; Liu Guoyuan LLM ’82; Erman Rajagukguk LLM ’84, PhD ’88; and Tay-sheng Wang LLM ’90, PhD ’92.

⁴³ A partial list would include Professors John Haley (LLM ’71), Lawrence Repeta (JD ’79), Mark Levin (LLM ’90), Tay-sheng Wang (LLM ’90, PhD ’92), Veronica Taylor (LLM ’92), Toshiko Takenaka (LLM ’90, PhD ’92), Jody Chafee (JD ’91), Leon Wolf (LLM ’96), Kyoko Ishida (LLM ’06, PhD 2006), Toshitaka Kudo (LLM ’02, PhD ’09); and Vicki L. Beyer (JD ’90).

⁴⁴ <http://www.youtube.com/watch?v=qyrqDr7bIG0&feature=youtu.be> (last visited Mar. 1, 2014).

and Hualing Fu (University of Hong Kong), I was able to test some of these ideas by designing a State Department-funded rule of law project, *Empowering Rural Communities: Legal Aid and the Rule of Law in Rural China (2006–08)*.⁴⁵ For the Law School, this marked the first interdisciplinary, federally-funded project in excess of \$1 million. For our Chinese partners and the participants it was much-needed support, as rural people struggled with everyday legal problems that often resulted in personal and family calamity. In research terms, the significance of the project was to pioneer the experimentalist empirical design using a form of randomized control trial, to both test the outcomes of the intervention and evaluate the intervention itself. This was path-breaking for the field of rule of law and the comprehensive data from the project will continue to inform significant work on both legal empowerment and Chinese law for years to come.⁴⁶

Sometimes advancing also involves strategic retreat or regrouping. A conventional boundary marker for a scholarly discipline or field is its publications. During the 2000s the *Pacific Rim Law and Policy Journal* and the journal that I had co-founded, the *Australian Journal of Asian Law*, developed strongly, while the Foote-edited volume *Law in Japan: A Turning Point* made a significant scholarly contribution to the field.⁴⁷ Individual faculty continued to publish and edit, but the venerable journal *Law in Japan* (with which UW faculty had been closely involved in prior decades) stalled, and in a difficult economic climate, the University of Washington Press declared its Asian Law Series of monographs financially unviable. However, loss is opportunity, and launching the SSRN electronic journal, *Asian Law*, enabled us to have a wider global reach and a capacious vehicle for legal research relating to Asia.

IV. SUSTAINING INSTITUTIONS

Universities endure, but neo-gothic architecture is an unreliable guide to the longevity of academic programs. So it is quite remarkable for an Asian Law Center to celebrate 50 years, even more so with the kind of leadership succession that is the envy of peer institutions.

⁴⁵ Asian Law colleague Dongsheng Zang was also a generous practical and intellectual contributor to this project.

⁴⁶ See, e.g., RESOLVING LAND DISPUTES IN EAST ASIA: EXPLORING THE LIMITS OF LAW (Hualing Fu and John Gillespie eds., 2014).

⁴⁷ DANIEL H. FOOTE, LAW IN JAPAN: A TURNING POINT (2008).

By the end of the decade, the Asian Law Program had fully transformed into an Asian Law Center. Our goal was unchanged: high-quality teaching anchored in East Asia, but attentive to the other parts of the region, coupled with world-class scholarship in Asian law. The significance of “center” was that it suggested a flexible and responsive resource and knowledge hub; something more than elements in a curriculum. It signaled an outward-looking stance and a willingness to deliver value to stakeholders including, but extending beyond, our students and alumni. Internally, a new name for a “new” enterprise also helped tactically in responding to the many financial and political challenges that unfolded as the decade wore on. That the Center emerged on the other side larger and financially stronger than at any time in the previous 50 years was due to the talent and efforts of many colleagues, as well as a large measure of good fortune.

On the face of it, leading Asian law at the University of Washington should have been an easy, as well as a pleasurable, responsibility. UW had an impressive institutional history and the prestige of distinguished and well-positioned alumni throughout Asia. Its East Asian law collection in the Gallagher library, developed and overseen by talented librarians Bill McCloy and Rob Britt, is unique in the world; so much so that many visiting scholars came to UW specifically to work in the library.⁴⁸ A cohort of senior faculty was talented and committed comparative law teachers, including former Dean Ron Hjorth, the late Associate Dean Dick Kummert and Professor (now Emeritus) Linda Hume. Each had a long association with the Asian Law Program and the ability to integrate international and US students’ experiences in ways that really enriched the learning opportunities for both.⁴⁹ Assistant Dean Paula Littlewood was an Asian Law alumna and strong strategic thinker. The wider faculty was, on the whole, well disposed toward a moderate internationalization of the student body. Most importantly, the JD students were bright, motivated, curious about the world, and often able to mobilize knowledge and experience from prior degrees and/or professional experience in Asia.

The decade began, however, with some severe damage to scholarly capacity. The law school community had suffered a shock in 2000 by

⁴⁸ See also, The East Asian Law Department at the Univ. of Washington School of Law, Marian Gould Gallagher Law Library, FCIL NEWSLETTER 26(2), at 3, 7 (Feb. 2012), available at <http://www.aallnet.org/sections/fcil/newsletters/vol26/Feb2012.pdf> (last visited Mar. 1, 2014).

⁴⁹ Their former colleague, Professor Marjorie Rombauer, was by this time retired.

losing Asian Law Program Director Professor John Haley and Japan specialist Professor Daniel Foote simultaneously. In 2002, academic star in climate and environment Dan Bodansky was headhunted away, and the premature death of international law scholar Joan M. Fitzpatrick in 2003 marked the loss of a major force for research excellence. When Professor Donald Clarke told me in 2004–2005 that he would accept an offer from rival George Washington University, it really did feel as if the Asian Law program might not recover a second time. Clarke is a phenomenally talented teacher and a scholar of great originality. His wry humor and loyal collegiality had made it possible to reimagine the Asian Law program as a Center. He was instrumental in helping the Law School hire Professor Jane Winn – who had done important early work on Taiwan – as well as two talented early career Islamic law specialists, Kristen Stilt and Clark Lombardi – the latter with an impressive potential for original research on Asia.⁵⁰

Losing Don Clarke threw into sharp relief the vulnerable resource base of the Center. For a few faculty, it represented the perfect moment to close the store: after all, I was the only tenured faculty member left. To be sure, we enjoyed much friendship and support in kind from the Center’s “affiliated” faculty, but they had other primary responsibilities within the Law School. Our adjunct faculty, Chaffee and Guinee, were a stellar teaching team, but their token honoraria meant that they were effectively volunteers. We had an accomplished administrator in Alice Krauss Stokke, and a talented academic program coordinator in Mie Murazumi (JD ’01). I had redesigned the Law School’s Visitor Program to produce a healthy revenue stream, which allowed us to recruit the immensely talented Dr Dana Raigrodski, later Director of the general LLM stream. We now had sizeable JD, LLM and PhD cohorts. But how to reconfigure the faculty profile was a major challenge.

The watershed came in 2006 when we confirmed the appointment of Dongsheng (Don) Zang, the first Chinese-born Asian law scholar to occupy an intellectual leadership position at a US law school. In a very real way Zang embodies serious, critical intellectual engagement with Asia that is both deep in its China-specific expertise and wide in its comparative and theoretical ambitions. We are truly fortunate to have Zang as our Asian Law Center Director in 2014. With the happy coincidence of the Law School recruiting Jonathan (Yong-sung) Kang as a contracts scholar, we also had for the first time, the capacity to anchor intellectual and institutional ties with Korea. Jon Eddy (JD ’69)

⁵⁰ Regrettably, Professor Stilt was subsequently headhunted by Northwestern University Law School in 2007.

had decided to “retire” from top-tier legal practice in order to consult on legal reform in Indonesia. A conversation about how he might combine his interests in South East Asia and law and development persuaded him that the Asian Law Center might be a supportive environment for his extraordinary energy and talent. Neither of us knew that he would be instrumental in securing the future of the Center and would succeed me very ably as Director in 2010.

We could not have made successful strategic hires without the support of the then Dean, Professor W.H. (“Joe”) Knight (2001–2007). His predecessor Ron Hjorth (1995–2001) was held in the highest regard, with his crowning accomplishment being securing the (then) largest private gift to the university for a new Law School building. Knight’s challenge was to build the building and then to reinvigorate a law school community that seemed to be somewhat paralyzed by the new intellectual, political and economic pressures of the moment. As one alumnus remarked dryly, the Law School was “perpetually teetering on the brink of excellence, but could never quite summon up the courage to jump”.

The material reality of a new law school building magnified the expectations of the law school’s stakeholders, old and new, without delivering the infusion of uncommitted funds that would have made it easier to respond to these. Having come from Iowa, which had a vibrant program of international and comparative law, and with personal experience of rule of law reform, Knight had a strong appreciation of international stakeholders and saw the need to innovate, understanding that not every experiment would succeed. Although many will remember this as being, in many ways, a turbulent and financially difficult period for the School, Knight’s support of the Asian Law Center was unwavering. By 2007 we had the capacity for the scholarly research and the resources to provide the teaching quality we had longed for. Then the financial crisis hit, just as competition in the American law school market was intensifying. Though we had enjoyed a first-mover advantage in Asian and comparative law for decades, we were now in a maturing LLM market where all the top-tier schools were recruiting in Asia and where the *US News and World Report* rankings were dictating applicant choice. This was not a good situation for an underfunded State law school that was bouncing around the rankings in the mid-20s and 30s. Knight’s successor, Acting Dean Greg Hicks, filled the position with great integrity and moderation, and the eventual recruitment of an experienced and professional leader in Dean Kellye Testy was a breakthrough moment. Nonetheless four administrations in ten years, while not unusual for law schools, did not help sustain forward momentum.

Dick Kummert used to describe UW as a “plain brown pipe stem” law school. This was also code for a university budget system in which our tuition income passed directly to the university; we received an annual operating grant and oversaw an independent but negligible endowment, and thus of necessity practiced a culture of frugality. At the program or Center level we had absolutely no funds for student recruitment, no student scholarships, and no cash to advertise our LLM program. I had inherited a five-figure Asian Law “rainy day” fund from John Haley, and Kummert was both understanding and creative in helping me to invest that in ways that would grow the Center. Loyal alumni had contributed steadily, in small increments, to our Dan Fenno Henderson professorship fund and to the Law School Foundation but it was clear that, absent a major shift (or a major gift), in the medium term we would struggle to pay our adjuncts, contribute to the mounting costs of the library’s East Asian collection, or cover the travel costs to meet with alumni in Asia. It seemed premature to ask alumni for significant funding before we had reestablished regular contact with them, and before we had any significant institutional achievements to showcase.

I worried about how to retain our talented pre-tenure colleagues when there were no tangible rewards for the extra work involved in researching in foreign languages, undertaking fieldwork in Asia, mentoring international students, or supervising our (now well-established) PhD cohort. Faculty salaries at private and East Coast law schools had ballooned, but at UW we had long relied on “the Rainier factor” to attract new faculty – people who because of family ties to the region or enthusiasm for a Pacific Northwest lifestyle would overlook the low starting salaries and prohibitive housing prices. There was a yawning gap between our institutional vision and the financial means for achieving it.

Against this background I took the bold and still-controversial step of submitting a tender to the US Department of State to partner with Kabul University Faculty of Politics and Law in the delivery of an LLM program for Afghan faculty. I fully expected that we would lose out to a more prestigious school, possibly Harvard or George Washington (not least of all because our collective experience of carrying out law reform projects in Asia led us to critique the design that the State Department was proposing). But the process itself offered an opportunity to craft a narrative about our capacities as scholar-practitioners of law and development in Asia. It allowed us to learn the university’s and the State Department’s procurement processes – initially costly and complex work, but something that Alice Krauss Stokke quickly became an unparalleled expert in. It allowed us to think about what we

might accomplish if we had more scale and reach – and if we could transcend the perceived distance between Washington DC and Seattle, Washington.

It helped enormously that UW Law colleague Professor Anita Ramasastry had earlier introduced me to her contacts at USAID and had recommended me for some smaller project work in Eurasia that eventually blossomed into some mid-range research and consulting work in Indonesia and Vietnam carried out through the Asian Law Center. Success in those small projects paved the way for a credible claim to expertise in Islamic law and complex plural legal systems, practical experience in delivering programs in-country, and decades of refining LLM education for lawyers from developing Asia. To our surprise – and to the shock of our law school colleagues – we were successful. We had secured the first in what would become a series of competitively multi-million dollar federal grants for research, teaching and technical assistance. As well as giving us an entrée to new intellectual fields and opportunities for applied research and innovative teaching, those grants directly and indirectly funded salaries, research travel and administrative costs for a significant number of faculty and staff within the Law School, including the Asian Law Center. This in turn made possible post-2010 institutional expansion – of opportunities for the Center's professional staff, of LLM programs, and of the PhD program.

For me the measure of an institution's value is never its absolute size, but whether it delivers on its self-identified goals: whether it satisfies – for the most part – the social license demands of its many stakeholders (and by doing so fulfills a value proposition for them). The critical question is whether it has the human capacity and the dynamic capabilities to respond nimbly and imaginatively to new circumstances. To do this requires regular infusions of energy and fresh analysis. Henderson and Haley had long and distinguished tenures directing Asian law at the Law School, but in my career building and directing self-sustaining university centers, I had observed leaders who occupied their positions for too long and became impediments to necessary adjustment and change. One way to avoid this is to recruit well – surround yourself with people of extraordinary talent and make yourself dispensable. After declining many approaches, I unexpectedly received the one invitation that I could not refuse – to take up a leadership position at the Australian National University.

My affection for the students, faculty, staff and alumni of the Asian Law Center and for my UW colleagues is undiminished. My ambition, however, is that they will revisit, critique, strengthen – and

also dismantle – my strategic choices of the last decade. They cannot do otherwise, because if we can predict anything it is that energy and nimble innovation will be key to navigating the next 50 years.