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DEAN RUSK CENTER FOR INTERNATIONAL AND COMPARATIVE LAW

School of Law
The University of Georgia
Athens, Georgia 30602
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Thomas J. Schoenbaum
Executive Director

August 11, 1983



Memorandum

To: Law School Faculty

From: Thomas J. Schoenbaum

Subject: REPORT TO THE FACULTY ON THE STATUS AND ACTIVITIES
OF THE DEAN RUSK CENTER

As we head into the academic year, I thought it appropriate to tell the faculty in a systematic way what some of the plans and opportunities are for The Dean Rusk Center during the coming years. I hope that each faculty member will consider that he or she has a stake in the activities of the Center. Only a few faculty members teach international law per se, but everyone has some degree of interest in the comparative and international aspects of the field they are in. I hope that the Rusk Center can enhance that interest.

The following are some of the activities that the Rusk Center is considering or has the opportunity to do. I do not expect that we will do everything on this list. I want to set everything out, however, for the faculty's consideration. I welcome any suggestions about what we are doing right or wrong as well about things we should be doing and are not, or things we could do better.

Rusk Center Brochures. With the help of Nelda Parker, I have gotten together a large mailing list which is a consolidation of the mailing list the Center was using and five or six other lists drawn from the American Bar Association and state and regional groups. As a public relations effort, I composed a new brochure for the Rusk Center and sent it out to this new mailing list, which contains about 2,500 names, companies, and organizations. I also sent a brochure to each of you and to other interested University people.

Problem solving research. I think that one of the most important efforts that the Rusk Center can undertake is research that contributes to the solution of discrete problems relating to international law and affairs facing international organizations, national governmental agencies, the state government, and private decision makers. The Center can serve as a focus for organizing teams of faculty to work on particular research projects. The Center at present does

not have any established clientele for this kind of thing. This summer I have made an effort to meet a wide range of people and to act as an ambassador on behalf of the Center so that we may make our presence known and people may think of us when it comes to projects of this sort. I recently discussed the matter of a proposal to work on legal problems of financing imports for the State Board of Industry and Trade. I hope to be put on a committee organized by this department to contribute to solutions to this problem. Hopefully, we will be given other problems to work on as well.

Trade missions. There is some indication that the Rusk Center may be involved in helping to put together trade missions of experts on one matter or another who would make a presentation to foreign business people on the problems of doing business in Georgia. If we were to do this, we would have to have some official sponsorship by the Department of Industry and Trade or by private industry organizations.

I have been invited to Japan in October to give a talk at a Business Training Institute on "Doing Business in the South".

Library. I am taking steps to place a small library on international trade and business in the upstairs front room of the Dean Rusk Center. I am working closely with Erwin Surrency on this. We will make every effort not to duplicate the library's holdings, except where usage of a book justifies it. Our goal is to have a "practitioner-type" library that would be available to the Law School community, University community, as well as companies and the Bar. In the downstairs conference room we are creating a small, "practitioner-type" library in maritime law.

Summer school abroad. I have taken tentative steps to organize two summer schools abroad. These summer sessions would be about three weeks in duration and would be created on a break-even basis. It would not be expected that the Rusk Center would subsidize these. They would be paid for by the students who would attend. The faculty for the summer schools would be drawn from the Law School faculty and certain selected people from outside as well. Of course, this whole venture would be subject to the approval of the faculty, the Dean of the Law School, and the University administration.

Although there are 16 ABA approved law school summer schools in foreign countries, I believe that most of these ventures are not serious and that there is room for the creation of a summer school program that would be different in two respects: (1) there would be a language component to these summer schools, and (2) the emphasis would be on comparative law and international law courses.

The two locations that I have explored for summer schools abroad are Mexico City and Aix-en-Provence. The Mexico City connection comes from the fact that Mexico is one of our nation's largest trading partners and is likely to increase in importance as time goes on. Moreover, a connection with Mexico would involve a relationship with the larger world of Latin America. There are many U.S. lawyers now who are finding employment in Mexican trade and investment. The creation of a summer school would appear to be feasible because the

University of Georgia already has a relationship with a very good private Jesuit-run university in Mexico City: Universidad Iberoamericana. This university has a well respected law school. The university's exchange agreement with Iberoamericana involves the romance language department and training in the Spanish language. I have explored this with the chairman of the Romance Language Department, and he assured me that Iberoamericana would be interested in expanding the relationship to law. In addition, one of the law faculty members at Iberoamericana has visited Georgia and has even written a law review article for the Georgia Journal of International and Comparative Law. I believe that if the faculty is willing, we could set up a summer school in Mexico City which would offer law students from Georgia and other schools a training program in conversational Spanish as well as instruction in the law related to investment and trade with Mexico. We might offer this program not only to law students but to business and other students as well.

I have also received favorable indications about creating a summer school in Aix-en-Provence. As many of you know, Aix is one of the most beautiful places in Europe. It is, in addition, the location of a fine French university. Some of the masters of French legal scholarship work here, such as Rene David. Gabe Wilner has contacted Professor Daudet at the University of Aix-en-Provence. Professor Daudet told Gabe that the plan was indeed feasible and that Aix would be interested in creating a summer school with the Rusk Center. Gabe and I know also Professor Bonassies, who will help us. Gabe and I will both be talking with the people at Aix to explore this idea further.

I want to emphasize that all of this is subject to faculty approval, as well as the Dean's okay, and that when we are a little further along, we will submit a formal proposal to the Dean and the faculty, complete with financial information so that the matter can be thoroughly debated and approved or disapproved as the faculty and the Dean see fit.

Conference on exports. I have taken steps to organize a conference on exports for March 29-30, 1984. We expect to have a stellar cast of characters, including, hopefully, the U.S. Secretary of State George Schultz, and Senator Sam Nunn. In addition, we will bring together allstars from the academic world, the practicing bar, and government. Dean Rusk, Louis Sohn, and Gabe Wilner are most kindly working with me on this project. I attach a tentative schedule for the conference, which will be held here at the Law School.

I hope that we can hold a major conference such as this each year.

Review of international trade law. The editorial staff of the Georgia Journal for International and Comparative Law has very graciously consented to work on and complete a review of recent developments (during the last year) in the field of international trade law. This will be completed under the auspices of the Rusk Center and the review will be published in the Journal. It is hoped that this will enhance the Journal's marketability with respect to the practicing bar and the international trade field. It is my hope that this is something that the Journal will want to do every year and that the Rusk Center would continue to be involved with it.

Exchanges, visitors, and "mini-courses". I have invited several visitors to the Rusk Center during the coming academic year. My idea is to invite visitors from abroad to deliver lectures, to be in residence as Visiting Distinguished Scholars, and to give "mini-courses" at the Law School in order to stimulate and to provide additional international law and comparative law research and courses, but also to provide opportunities for the Law School faculty members who so desire, to visit the institutions these visitors come from on an exchange basis for the purpose of teaching and research.

I have invited the following for the coming academic year:

(1) Gunter Roth. Professor Roth is from Innsbruck, Austria and he heads an institute of commercial law there. He specializes in corporate and commercial law, speaks English beautifully, and is familiar with American law. He is coming to do research on comparative economic regulation, and he will deliver at least two lectures in the Law School. He is coming with his wife, Heidi. They will be here from September 17 to October 17. I think you will find him a pleasure to get to know.

(2) Hermann Soell. Professor Soell is from Regensburg, Germany where he specializes in the public law field. He is coming here to do research on comparative and environmental law. He too will deliver some lectures in the law school. Professor Soell is a recognized European authority on a number of subjects. The University of Regensburg is a beautiful place located in north-eastern Bavaria.

I have also tentatively invited some visitors to teach "mini-courses" in the Law School in the Spring. These invitations, of course, are subject to the approval of the University administration. Dean Beard has graciously given his consent to these visitors. I have submitted the proposed courses to the faculty and the administration for approval.

(1) Bernard Schloh. Most of you know Bernard and he has taught here several times before. I am hoping that he can come to give a course in European Community Law. This would be a one-hour course -- 14 lecture hours -- that would be scheduled at the time that Bernard can be in residence here.

(2) Nobuo Kumamoto. Professor Kumamoto is a very well-known Japanese authority on administrative and public law. He comes from a private university on the Island of Hokkaido called Hokkaigakuen. He speaks English very well and he has an LLM degree from the University of Michigan. He was a scholar for two years at the University of California at Berkeley. Professor Kumamoto taught an introduction to Japanese law at Tulane University in 1982. His course there was very successful. I have tentatively asked him to do the same thing here in the Spring.

(3) Robert Grime. Professor Grime comes from the University of Southampton, England. He is one of the leading U.K. authorities on maritime law and labor law. He has visited at the University of Arizona and at Tulane University. A measure of his success comes from the fact that both Arizona and Tulane

have offered him permanent employment. I have asked him to teach a course in Marine Insurance. This course is interesting because it cuts across national boundaries and the center of the Marine Insurance industry is in London.

There are additional exchanges that might be undertaken in the future. I have been in touch with people at Kochin University in India, The University of Vienna in Austria, Singapore University in Singapore, Limoges University in France, Tokyo University, and Thommasat University in Thailand. All of these and more are possibilities for exchanges.

Newsletter. I have decided to publish a newsletter on behalf of the Rusk Center that would appear five times each year. This newsletter would be produced without expense other than the services of a student worker and mailing costs. The newsletter will consist of two or three pages divided into three parts. First we would have an essay on a timely topic of international law by a recognized authority in the field. This essay would not be technical but would be in the nature of an op-ed type piece. We would send it to the New York Times or the Washington Post and hopefully it would be reprinted on their op-ed page with credit being given to the Rusk Center as well as the author. The second part of the newsletter would consist of a brief review of recent periodical literature in the international field. Third, we will have a brief digest of news and recent developments in the trade field.

China exchange. I am a member of the Ford Foundation China Committee which coordinates exchanges of students and scholars from China with law schools within the United States. The Committee is the focus for financial help and screening of people sent to U.S. law schools by the Ministry of Education of China. Because of the danger that such people will ask for asylum in the United States, China screens very carefully the candidates that it sends to the U.S. I have found, however, that the candidates are also very well selected from the point of view of intelligence and English-speaking ability. The Ford Foundation Committee helps place about 20 students per year in leading law schools in the U.S. Georgia is one of the schools to which candidates will be sent. We expect to have our first China student apply for the Spring semester. She will be screened not only by the Chinese authorities, but also by the members of the Committee, people from law schools in the United States, before she applies. The Committee also will pay the expenses of law faculty members who receive an invitation to go to China.

Maritime law and Admiralty Scholar in Residence. I have been thinking about creating a program of having an Admiralty Scholar in Residence each year at the Rusk Center to do research and to enhance the position of Georgia in the field of admiralty and maritime law. The maritime law area is a potential good source of employment for Georgia graduates. It is an "inside operation" and it is necessary to get a foothold with the insider group. This Scholar in Residence program, which would be aimed at leading practitioners, might be such a vehicle in addition to stimulating some good research on maritime law. I also have talked to some of the members of the Savannah Bar about the possibility of getting jobs for Georgia law students in the summer as interns in leading London insurance agencies, called P&I Clubs. I am working on this and

Robert Grime will be helpful in this regard. The president of the Georgia State Bar Association, Richard Bradley, has appointed me "de facto" chairman of the Admiralty Committee of the Georgia State Bar Association.

Third World and the Caribbean initiative. I am very conscious of Mayor Young's efforts to make Atlanta the gateway to the Third World and to the Caribbean. I have talked to Larry Blount, who has kindly offered to help the Rusk Center in making contact with Mayor Young's office. I would hope that we could be of help in any initiative by Mayor Young such as conducting research and organizing trade missions. I have very good relations with the Inter-American University in Puerto Rico. It may be possible to set up some regular program with them. Professor Louis Sohn has also mentioned the possibility of a relationship with one of the Caribbean universities.

Islamic Law Conference. While I was at Tulane, I explored the possibility of holding a conference on Islamic law in conjunction with Alazar University in Egypt. Islamic law is an increasingly important force, not only in Arab countries, but in the Third World countries of North Africa and southern Asia. It would be interesting to bring together some experts in this field. For this we would need financing from outside and I am exploring that possibility.

Japanese Law Institute. I would like to explore with the Law faculty and the rest of the University the idea of establishing an Institute of Japanese Law and Studies in the Dean Rusk Center. A separate proposal for this is attached.

Organization of the Rusk Center, the Board of Directors and the Advisory Committee. Immediately upon arriving here in Georgia I took steps to reactivate the Board of Directors. I reorganized the Board somewhat, and I intend to hold regular meetings of the Board. I have also taken steps to organize an Advisory Committee for the Rusk Center. The function of the Advisory Committee would be to review the operations of the Center and offer advice as well as to give us needed expertise and contacts in the worlds of government, the diplomatic service, and the practicing bar. I have asked Arthur Downey, a partner in Sutherland's Washington office, to be the chairman of the Advisory Committee. Permanent members of the Committee will be Georgia alumni who are working in the trade and business area in Washington and in Atlanta. I also hope to include other persons and I look to advice from Dean Rusk and other members of the faculty for this.

EXPORTING IN THE '80s: THE NEW ECONOMIC CHALLENGE

March 29-30, 1984

Wednesday, March 28

P.M.

7:00-9:30 Dinner for Speakers and Spouses

Thursday, March 29

A.M.

8:30 - Registration

9:30 - Welcome
J. Ralph Beard9:35 - Introduction to the Conference
Thomas J. Schoenbaum9:40 Opening Remarks
Dean Rusk9:50-12:15 - MORNING SESSION: REGULATION -- U.S. AND INTERNATIONAL LAW
Professor Louis Sohn, ChairmanThe Changing International Law Framework for Exports: The
GATT and Side Agreements -- John JacksonThe Changing Regulatory Framework: Export Administration Act
and the Export Trading Company Act -- Cecil Hunt

Barter and Countertrade -- Arthur Downey

Questions

12:30 - LUNCH -- Senator Sam Nunn

2:00-5:00 - AFTERNOON SESSION: TRANSACTIONS
Professor Gabriel M. Wilner, ChairmanNegotiation and Drafting the International Sales Contract and
Related Agreements -- John Gornall

International Licensing -- Mark Jolson

Export of Services -- Robert Herzstein

Financing Exports -- Carl Gable

Questions

6:30-8:00 Reception and Social Hour

Friday, March 30

A.M.

9:15-11:45 - MORNING SESSION: AGRICULTURE

Professor Thomas J. Schoenbaum, Chairman

Agricultural Exports: Opening the Japanese Market -- Don W. Sands

Agricultural Exports and the Common Agricultural Policy of the European Community -- Bernard Schloh or Jean-Paul Verstringe

Agricultural Exports to Socialist Countries -- Orville Freeman

Questions

12:00 - LUNCH - U.S. Secretary of State, George Schultz

2:00-4:00 - AFTERNOON SESSION: EXPORTING TO JAPAN

Professor Thomas J. Schoenbaum, Chairman

Penetrating the Japanese Market: The Japanese View -- Mitsuo Matsushita

A Case Study of Problems and Alternatives Facing a Small Business in Selling in Japan -- John Steed

Questions

4:00 - Adjournment

PROPOSAL FOR THE ESTABLISHMENT OF AN INSTITUTE OF JAPANESE LAW AND STUDIES IN
THE RUSK CENTER AT THE UNIVERSITY OF GEORGIA

During the last several weeks I have explored with several people the idea of increasing the study of Japan at the University of Georgia. I have received encouragement from everyone with whom I have talked. In order to move from approval in general to the formulation of some concrete way of accomplishing this goal, I have developed a proposal for an Institute of Japanese Law and Studies to be located in the Dean Rusk Center at the University of Georgia. This proposal is not intended to be a finished product, but is for the purpose of stimulating further discussion on these matters.

Background

The State of Georgia is in the fortunate position of being one of the most important places for Japanese investment and trade. Due to the foresight of Georgia's political leaders and the position of Georgia in the sunbelt, Japanese industry has been very active here. At the latest count, 98 Japanese companies have offices in the state. Many of the Japanese facilities here are manufacturing plants offering jobs to Georgians. The state government estimates that over 10,000 jobs are provided to Georgians by Japanese companies operating in the state. In addition to the Japanese investment in Georgia, exporting to Japan of agricultural products and even manufactured goods and raw materials is increasingly important. These export operations mean additional jobs and economic progress for Georgia. Atlanta is, of course, more than the capital of the State of Georgia; it is also the regional center of the Southeast. The Japanese Consul General, located in Atlanta, has several southeastern states under his jurisdiction.

Despite the importance of Japan in the state and the region, and the activity by state government to attract Japanese investment, the University

System of Georgia has done very little to increase the training or expertise of University students with respect to Japan. Georgia is not alone in this matter. As far as I can determine, only North Carolina has a unit in its university system that deals with Japan. No law school in the southern part of the United States has a Japanese law program. On the other hand, many of the leading law and business schools in the northern and western states such as Harvard, Columbia, Michigan, and Washington, have established programs in Japanese law and business.

This seems to be a deficiency on the part of the University. Trade and investment between the U.S. and Japan is now, in dollar terms, greater than trade and investment between the U.S. and Europe. Yet the University of Georgia system does not even teach an elementary course in the Japanese language. I believe that something should be done to remedy this deficiency.

The Substance of the Institute

The Institute of Japanese Law would be given designated office space in the Dean Rusk Center. A full-time person would be hired who would not necessarily be law trained, but would possess a Ph.D. and competence in Japanese studies. This person would also have to possess a degree of administrative skills. This person would offer courses in the Japanese language to the University community and would also have some administrative duties with respect to the institute. One of the important aspects of the institute would be to create a Japanese law curriculum within the University. This would not involve any new department or new administrative apparatus. The Japanese studies curriculum would consist of existing courses on Japanese history and culture together with the new courses in Japanese language and literature. In addition, it is hoped that we could teach a course in Japanese law each year and that the business school would be interested in creating a course in

Japanese business or something along these lines. This would enable students at the University of Georgia to participate and specialize in the curriculum in connection with their major field of study. In order to further their education, we could create internships in Japan with Japanese law firms and corporations as well as governmental institutes so that the student could live and work in Japan for one to two years after graduation. The goal would be to train a relatively small number of American students to be comfortable with Japanese culture, language, and business and law techniques. I believe that there is a substantial and growing market for people able to handle themselves in this way.

In addition, the Institute of Japanese Law and Studies would host graduate students, scholars, and visiting professors from Japan. It would sponsor research on problems related to Japan, especially in the law, business, and economics areas. The Institute might offer a summer program in Japan and might serve as a mechanism for training Japanese business people and lawyers in American law when they come to the United States to work for Japanese companies. The Institute would also sponsor increased holdings of books on Japan and Japanese law at the University of Georgia law library.

Financing of the Institute

Obviously the financial aspects of the formation of such an institute are paramount. I believe that the best approach would be to proceed in three stages. First a seed money grant would be solicited from private sources, hopefully a company with substantial business interests in Japan. This seed money grant would be in the neighborhood of \$5000 for each of four years. I believe that this could be matched by the Rusk Center, which out of its budget could commit another \$5000 for each of four years.

With this money in hand and with a more refined proposal that has the backing of the University community, a formal grant proposal could be made to one of the major funding organizations such as the U.S.-Japan Commission or the Japan Society. Preliminary conference with officials of these societies have indicated that they would be interested in receiving such a proposal. We would ask for an additional \$40,000 for three or four years as a developmental grant. This would be enough to begin the program in earnest and to establish the substantive aspects. Once we have established the substantive part of the program, we would undertake to raise an endowment of approximately \$1 million to continue to establish the Institute on a permanent basis. The permanent endowment would lead to a chair and the fund raising campaign would be directed toward Japanese companies doing business in Georgia and the Southeast, as well as American companies doing business in Japan.

These ideas are obviously very preliminary and tentative. They are made only to get discussion underway. I believe, however, that what I have set out is feasible. I hope that there will be wide discussion of this proposal and that a University-wide committee on Japan may be established in order to further refine these suggestions.

Thomas J. Schoenbaum

August 1983

DEAN RUSK CENTER FOR INTERNATIONAL AND COMPARATIVE LAW

School of Law
The University of Georgia
Athens, Georgia 30602
404-542-7875

Thomas J. Schoenbaum
Executive Director

August 22, 1983

Memorandum

To: Law School Faculty
Board members of Dean Rusk Center

From: Thomas J. Schoenbaum *TJS*

Subject: Further report on the status and activities of the Dean Rusk Center

In my previous memo, I detailed a number of proposed and ongoing activities of the Dean Rusk Center. Since that time there have been two new developments that I would like to inform you about in preparation for the faculty retreat and the meeting of the Board of Directors.

First, the Mitsubishi Foundation of Tokyo, Japan, has funded to the tune of \$25,000 a study of Japan-U.S. trade relations. The funding is to go to Tokyo University. The grantee is Professor Mitsuo Matsushita of Tokyo University. He had asked me to organize the American side of this study. This will involve creating a team of about six U.S. people interested in trade relations with Japan to work with about six young Japanese experts interested in U.S. relations. We will do this over the next two years, and hopefully we will produce a report on Japanese-U.S. trade relations that will be published under the auspices of the Dean Rusk Center.

Second, I have received funding from the Japanese Economic Trade Research Organization (JETRO) for a trip to Japan in October to interview officials of the government and to gather information on the administrative regulations and new laws affecting imports into Japan.