Arriving in Belgium to begin the law school study abroad program in Brussels and Geneva, I stubbornly decided to walk to my lodgings—about 45 minutes away—up and down hills on cobblestone sidewalks. Finally, I reached a street filled with a weekend market and people crowding the many shops and stands in my new neighborhood. I loved Brussels; its rich history is complemented by delicious waffles, chocolate, and world-famous Trappist ales. While living there, I meandered through the Grand Place and the EU district, toured the Royal Palace, and visited the Atomium monument built to resemble an atom. At the Institute of Cultural Affairs (ICA), a non-profit dorm, I shared conversations with guests from all over the world about everything from Hong Kongese identity to German education about the Holocaust.

The study abroad program offers a great mix of learning the history and theory of the European Union (EU) and World Trade Organization (WTO) with meeting people who actually work with the institutions. In Brussels, after Professor Wells explained the history of the EU and the European Court of Justice (ECJ), we heard from speakers who had practiced before the court. Then the class traveled to Luxembourg to view an actual ECJ hearing. When the program shifted focus to EU business law, we visited multiple law firms and had the opportunity to speak with various lobbyists and lawyers who gave us an understanding of how we could pursue similar careers.

For the final week of the program, we traveled to Geneva, a beautiful city built around the narrow end of Lake Geneva, and the boat tour we took there was the perfect introduction. Fortunately, our hotel had a great location: just a ten minute walk from the Graduate Institute of International and Development Studies where we studied and a twenty minute walk from Geneva’s old town.

—continued on next page
This newsletter takes a look back at activities that have taken place during the 2011–12 academic year. I hope that it will provide an incentive to students, faculty, alumni and the broader legal and scholarly community to visit the Dean Rusk Center for International Law and Policy in Athens or online, attend our programs, and learn more about the center in the coming year. We are proud of a thirty-five year tradition of hosting thought-provoking events and administering programs that inspire students to pursue international law careers.

Whether they analyzed international legal regimes or explored human rights issues, lecturers invited by the center this past academic year found enthusiastic and inquisitive audiences at Georgia Law. Following a now well-established tradition, the Rusk Center offered three student-run law journals the support they needed to host highly successful conferences. International aspects of civil rights was the topic of the Georgia Law Review’s August 2011 conference entitled “Civil Rights or Civil Wants?” (reported on in a previous newsletter).

Last February, responding to questions raised by the Fukushima nuclear disaster, the Georgia Journal of International and Comparative Law brought together a variety of viewpoints on energy security issues at its annual symposium (p. 4). A month later, the Journal of Intellectual Property Law launched a stimulating conference that encouraged American and foreign legal scholars to consider comparative approaches to copyright, trademark, and patent law and project trends into the future (p. 5).

Many Georgia Law students become familiar with the Dean Rusk Center through our ABA-approved study abroad programs. In its seventh year, the Georgia Law Summer Program in China, which takes place at Tsinghua University in Beijing and Fudan University in Shanghai, also included law students from George Washington University, the University of Kansas, and Suffolk University. At Tsinghua, for the first time, 12 Chinese law students took part in our classes. This welcome opportunity for cultural exchange allowed students to learn more about Chinese attitudes towards a variety of topics from social networking to the rapid economic changes in their country. Some of the China experience is captured in our photo essay (pp. 6–7).

In Europe, we continued our successful partnership with the European Studies Institute of the Facultés universitaires St.-Louis in Brussels, where our study abroad students became acquainted with the structure and law of the European Union, and enjoyed the chance to learn about international business and lobbying from local practitioners. In Geneva, the Georgia Law group merged with a broader international contingent at the Graduate Institute for International and Development Studies for a weeklong immersion course on international trade under the WTO. Read about one participant’s personal experience of this program in this newsletter (p. 1).

We are pleased to report that the Global Internship Program housed at the Rusk Center has continued every year to add new locations and now boasts over 60 opportunities on five continents for Georgia Law students to gain international experience (p. 10). We invite you to read more in these pages about these and other activities at the Rusk Center.

On a final note, we are honored to serve as a host institution for the American Society of International Law’s midyear meeting in Athens in October, and look forward to providing a forum for a variety of other exciting events and programs. Remember to visit our web site to learn more about what is going on this academic year at the Dean Rusk Center.

We are proud of a thirty-five year tradition of hosting thought-provoking events.

Study Abroad —continued from front

Studying the WTO in Geneva began with a lecture from Rusk Center Director Don Johnson and later included presentations by people who work there. These classes took place just five minutes from the WTO and we were able to sit in on a session. We also attended an expert diplomatic panel discussing the future of the organization in light of the recent problems with the current Doha round of negotiations.

Returning to Brussels, I began a month-long internship at the Vrije Universiteit Brussel, where, in a nutshell, I researched events like the dissolution of the USSR and Yugoslavia—what happens to treaty obligations and rights in international organizations when these states are succeeded by others.

It was one of the best summers I have ever had. I watched the Euro Cup with what seemed like all of Brussels, biked through Amsterdam, swam in Lake Geneva, and wandered around the Hagia Sophia on a side trip to Istanbul. The study abroad and internship programs gave me the opportunity to live overseas, travel, and meet fascinating people. They also left me eager to go back and further pursue my interest in international law.

—Will Hamby-Hopkins, Class of 2014
Georgia Law was honored to have Joan E. Donoghue, a judge at the International Court of Justice (ICJ) give the 108th Sibley Lecture to a packed Hatton Lovejoy courtroom in April. Donoghue explained the workings of the ICJ, noting that while 80 percent of the court’s caseload is contentious cases brought by one state against another, it also fulfills the function of clarifying and developing substantive international law. In regard to the impact of the ICJ, she noted that the law-shaping function of the court “also percolates in the background of many national decisions that have implications with respect to international law,” such that the prospect of adjudication in the ICJ might either deter or embolden a state to take certain actions. In her remarks, Donoghue encouraged her audience to approach the court’s “potent” force in international law in a spirit of critical inquiry.

David Scheffer, America’s first ambassador-at-large for war crimes issues, gave a lecture at the Rusk Center in March based on his recent memoir, All the Missing Souls: A Personal History of the War Crimes Tribunals. The book chronicles Scheffer’s involvement in efforts to establish international criminal tribunals in the former Yugoslavia, Rwanda, Sierra Leone and Cambodia, as well as his experience leading the U.S. team through challenging negotiations on the Statute of the International Criminal Court. Describing his role as “the ambassador to hell, but also to hell and back,” Scheffer, who currently serves as the UN Secretary-General’s special expert on the Khmer Rouge trials and Mayer Brown/Robert A. Helman Professor of Law and Director of the Center for International Human Rights at Northwestern University, emphasized the progress that has been made towards holding perpetrators of atrocity crimes accountable, remarking that “impunity is on the losing side of history now.”

A few years ago, several law students got together to found The German American Law Society (GALS), intending it to be a platform for interested students to exchange ideas and learn about the differences and similarities between the legal systems of the Federal Republic of Germany and the United States of America. This past Spring, in cooperation with the Rusk Center, the group invited Scott Titshaw (J.D. 1990), an associate professor at Mercer University School of Law, to Athens for a lecture entitled: “A Comparative Introduction to the German Legal System: Impressions of German Law, Legal Education and Practice from an American Perspective.” Professor Titshaw drew on his experience studying and practicing law in Germany, and as a legal translator for Germany’s Federal Constitutional Court.

After his lecture, Peter Godwin continues the discussion with Godfrey Mhlanga (L.M. ’08).
The Georgia Journal of International and Comparative Law hosted their annual daylong conference on February 3, 2012 with the support of the Dean Rusk Center. Titled “Striking the Right Balance: Energy Security in International Law,” the event brought together a mix of leading legal scholars and practitioners in the field of energy law, international energy governance, global crisis management, and environmental law, as well as officials from the French and German embassies representing divergent European attitudes toward nuclear power. An important dialogue took place on the meaning of “energy security” in a legal context and the implications for policy of competing paradigms of investment, national security, environmental regulation, international trade, and energy regulatory law.

Moderated by third-year law students, the conference panels touched on issues such as nuclear energy security and international nuclear liability, the effect of fragmentation of energy regimes under the umbrella of international law, and the potential for World Trade Organization regulation of international energy markets. Several panelists emphasized the need for a long-term global energy security strategy that engages developed and developing countries alike.

A notable highlight was the keynote speech delivered by Commissioner William C. Ostendorff of the U.S. Nuclear Regulatory Commission. Speaking from a regulator’s perspective, Commissioner Ostendorff discussed the legal framework of nuclear energy regulation at both the domestic and the international levels. He further commented on the need for international cooperation on energy safety and security issues in light of increasing global demand for affordable and reliable energy resources and deepening environmental pressure.

INTERNATIONAL PERSPECTIVES ON THE FUTURE OF INTELLECTUAL PROPERTY LAW

The Dean Rusk Center, in cooperation with the student-run Journal of Intellectual Property Law, hosted a day-long conference in March titled “Back to the Future: Global Perspectives on the Future of IP Law in the Next Decade,” which brought together an international group of renowned scholars from every branch of IP law—copyright, trademark and patent. Orit Fischman Afori and Alain Strowel emphasized the way historical movements in copyright law will continue to shape its immediate future. Looking at the past decade to forecast the next, Strowel opined that judicial developments are likely to be far more important than legislative changes. Michael J. Madison explored the shifting boundaries of the notion of the work—the authored item—that copyright law seeks to protect.

In the panel on trademark law, Annette Kur compared U.S. and EU approaches, taking special note of the different ways these systems tackle questions that turn on the actual use of a mark in a given geographical area. Mark P. McKenna explored continuing controversies regarding the reach of the U.S. Supreme Court’s 2003 decision in Dastar Corp. v. 20th Century Fox, a case about the boundary between trademark and copyright law. And the third panelist, Stacey Dogan, urged IP scholars to take up the challenge of pushing back against overly expansive trademark claims by showing the vital social values promoted by uses that are arguably infringements under current law.

The final panel explored patent law questions, with Andrew W. Torrance sharing new data regarding objections to inventors’ patent applications and Mark D. Janis and Jason Du Mont comparing EU and U.S. approaches to the question of functionality in design patent law. Deploying insights from copyright law, Rebecca Tushnet explored the ongoing conundrum faced by courts in determining the proper scope to give design patents.

Select conference proceedings will be published in a forthcoming issue of the Journal of Intellectual Property Law.

—Professor Joseph S. Miller

JUNIOR INTERNATIONAL LAW SCHOLARS ASSOCIATION MEETS AT THE RUSK CENTER

Last February, untenured international law scholars from around the country converged on Georgia Law for the annual meeting of the Junior International Law Scholars Association (JILSA). The centerpiece of JILSA’s annual meeting was a daylong paper workshop featuring works-in-progress by up and coming scholars. Assoc. Prof. Harlan Cohen, who served as JILSA co-chair from 2009–2011, hosted and helped organize the meeting.
LAW STUDENTS LEARN ABOUT THE

Legal and Cultural Landscape of China

THE GEORGIA LAW SUMMER PROGRAM IN CHINA 2012

Every summer since 2006, the Dean Rusk Center’s ABA-approved study abroad program at Tsinghua University in Beijing and Fudan University in Shanghai has introduced law students from UGA and other universities to the dynamically evolving legal culture of the United States’ second largest trading partner. Students gain knowledge about the Chinese legal system, commercial law, and international trade law. They also enjoy discovering new flavors, climbing the Great Wall, and exploring two amazing cities.
For information about Georgia Law’s summer program in China, visit: www.law.uga.edu/china-summer-program
Visiting Professors and Scholars

The International Law Colloquium Series brings leading international law scholars to Georgia Law to present substantial works-in-progress to faculty and upper-level students. Below is a list of 2012 presenters.

George A. Bermann, Columbia University, “The ‘Gateway’ Problem in International Commercial Arbitration”

Andrea K. Bjorklund, University of California, Davis, “Transparency in International Investment Law and Arbitration”

Chris Brummer, Georgetown University, “Curbing the Extraterritoriality of Dodd-Frank’s Derivatives Regulation: An Examination of the Swap Jurisdiction Certainty Act”

Robert M. Chesney, The University of Texas, “Terrorism, Law, and the Coercive Powers of the State”

Laura A. Dickinson, George Washington University, “Administrative Law and the Foreign Policy Agencies”

Andrew T. Guzman, University of California, Berkeley, “What Do International Organizations Do?”

Douglas Stinnett, University of Georgia, “International River Treaties”


Ingrid B. Wuerth, Vanderbilt University, “Pinochet Revisited: Human Rights and Immunity in National Courts”

The International Law Colloquium Series is supported by the Kirbo Trust Endowed Faculty Enhancement Fund and the Talmadge Law Faculty Fund.

VISITING SCHOLAR

2012–13: Pengpeng Zhan, Ph.D., an associate professor at Shanghai Finance University Law School and partner in Hiways Law Offices, undertook research at the Rusk Center on Corporate, Partnership and Investment Law and Related Conflicts of Laws under the direction of Director Don Johnson during the Spring semester and plans to return to UGA Law in the Fall.

VISITING PROFESSOR

Continuing a Georgia Law tradition of academic exchanges with the Université Jean-Moulin (Lyon 3) in France, Michala Meiselles, a lecturer in Law and Business, came to Athens in February to teach a short course on “International Corporation Law.”

The International Law Colloquium Series

SYMPOSIUM OFFERS USEFUL TIPS FOR STARTING A CAREER IN INTERNATIONAL LAW

On February 9, 2012, the Georgia Society for International and Comparative Law hosted an international careers symposium at the Rusk Center. The event introduced Georgia Law students to the different work and study paths for a career in international law and how to prepare for them while still in law school. The panel, moderated by Emily and Ernest Woodruff Chair in International Law Diane Amann, covered international work opportunities offered through the U.S. government, NGOs, international organizations and academia. Two attorneys with UGA connections—Christof Siefarth (LL.M. ’86), who is a partner specializing in international business at the German law firm GÖRG, and Teri Simmons (J.D. ’89), a partner in the Immigration Practice Team at Arnall Golden Gregory LLP—were joined on the panel by Professor Timothy Meyer and Dean Rusk Center Associate Director María Eugenia Giménez.
International Judicial Training Program

BRAZILIAN JUDICIAL DELEGATION TRAINS AT GEORGIA LAW

This past November, 60 judges, clerks and state attorneys from Pernambuco, Brazil arrived in Athens to participate in the two-week long International Judicial Training Program (IJTP) coordinated by the Rusk Center and UGA’s Institute of Continuing Judicial Education. Designed to introduce foreign judges and court personnel to the U.S. judicial system, IJTP also includes visits to the Georgia Supreme Court, Georgia Court of Appeals, and other specialized courts.

To find out more about the International Judicial Training Program, contact Rusk Center Associate Director María Eugenia Giménez at mgimenez@uga.edu

INTERVIEW WITH JUSTICE FERNANDO CERQUEIRA NORBERTO

During a quiet moment in the busy program, Dean Rusk Center Assistant Director Laura Kagel spoke with Fernando Cerqueira Norberto, coordinator on the Brazilian side of IJTP. Justice Cerqueira is the current dean of the judicial college in Pernambuco, a Brazilian state with a size and population similar to that of Georgia. The conversation is excerpted below:

What benefits in your experience do the judges obtain from participating in the program?

The program is wonderful, fantastic. Everything is so important and interesting to us, because we learn how you work in your system. It brought to our country the drug court program, the domestic violence program, and the continuing education for judges program, which we copied from the University of Georgia and applied to the State of Pernambuco and then other states in Brazil.

Before Brazil participated in the IJTP, you didn’t have drug courts or domestic violence courts?

Right. Most importantly, we didn’t have a continuing judicial education program. Now the Pernambuco Judicial College has the largest program in the country.

What do you think are the most significant differences between the Brazilian system of jurisprudence and the U.S. system?

There are lots of differences between our two systems. First of all, the way we recruit judges. It is impossible to elect judges in our country because we would have a lot of problems with financing the campaigns and with corruption, but our system lets the judge be very independent. First you take a course that takes about two years at the judicial college. Then [the candidate] applies to take the test. If he passes the test, he is investigated [for character and fitness]. After he gets approved, he has to spend six months working in a very intensive course at the judicial college, and then starts a probationary period of two years during which he works with an experienced judge and takes courses at the judicial college. After that, the judicial college will look at the candidate and see if he fulfills all the requirements to be a judge. Then we write a letter to the Supreme Court recommending this candidate and the Supreme Court appoints him.

One of the judges mentioned that you are using more common law in Brazil nowadays.

The system in Brazil is a statutory system of law, but since five years ago, the economy made the country think differently. All the international firms that work in other countries don’t want to submit themselves to the judicial systems of other countries, because there is no judicial security. So they use binding arbitration. All the economic contracts with foreign companies have an item in the contract that [stipulates that] in case of dispute, there will be arbitration at the court of the American Arbitration Association. That is how they work with all the countries. In this matter, our federal supreme court has started to work with some common law. They started to apply precedents. We love this, because it is so much easier to work with and more efficient.
Global Internship Program

The Dean Rusk Center’s Global Internship Program offers UGA law students placements in 33 countries on 5 continents. Last Summer, 33 first-year students took advantage of this opportunity. Below are reports from two enthusiastic participants who completed internships in Liberia and Argentina.

As I sit amid the hustle and bustle that relentlessly embodies the first week of each fall semester of law school, my mind finds itself back at a rooftop café in Mamba Point in Monrovia, Liberia, where I spent my summer. I suppose most 1Ls don’t anticipate spending their first law school summer in West Africa, but the Global Internship Program at UGA was actually one of the primary selling points for me when I was choosing a law school to attend. The legal intern position at the Liberia Institute of Public Administration (LIPA) which I obtained through GIP gave me a unique opportunity to experience what a career in the field of international human rights law might entail. While many of my classmates spent their summers in judges’ chambers and around law firm conference tables, I was investigating human rights abuses in the Liberian prison system, engaging with upper level officials at USAID, and meeting the Liberian president. My job entailed conducting research on adherence (or lack thereof) to international human rights laws within the Liberian justice system, particularly pertaining to the administration of prison services. I conducted a prison visit to assess compliance, researched international standards and treaties, and made recommendations for reforms. As part of this process, I interviewed various government officials in the Ministry of Justice, Prison Service, and Law Reform Commission, and worked in tandem with internal agencies as well as non-governmental actors. My experience living and working in Liberia for two months, navigating the cultural, social, and professional challenges of pursuing a legal career abroad, significantly enriched my overall educational experience at the University of Georgia.

—Dené Terry, Class of 2014

I arrived in Mendoza, Argentina with little idea of what to expect from my internship. Nicastro Abogados had never taken on an intern from UGA Law and my contact with my host office had been rather limited. So I was grateful to find Guillermo Ruiz, a young associate from the office, awaiting my arrival at the airport. To be honest, I was grateful just to have safely touched down, as the trip from Santiago over the Andes was the most turbulent flight of my life.

I had spent the first half of the summer working for a law firm in Atlanta, so my office experience provided a bit of a contrast. I arrived in the middle of a court worker strike. As explained by Guille, since the presidency of Juan Perón in the early twentieth century (with the exception of the years of military dictatorship), the labor unions have had a strong presence in Argentina. With the courthouse’s remaining skeleton staff, Guille and the Nicastro attorneys had to be both efficient and patient with their daily schedules. I often accompanied Guille on his daily filings at the general court, the labor court, the Ministry of Health and the Instituto Nacional de Vitivinicultura (“INV,” the regulatory body for Argentina’s winemaking industry). The courts were always crowded, with line upon line of frustrated attorneys. Remarkably, I never saw anybody really lose their cool. I can only imagine the righteous indignation that such a work stoppage would produce here in the U.S.

Mendoza is a busy small city, lovely enough by itself, but the real splendor is to be found in the surrounding farms and mountains. As soon as you exit the city limits, the Andean foothills come into view, and mountains consume the horizon. The scene is amplified when set against acre after acre of grapevines. Argentina produces almost all of the world’s Malbec, most of it in Mendoza. Over the last twenty years or so, the INV has instituted an extremely rigid review system for all Argentine wine production. Some of the big cases handled by the firm involved wineries, including one which had produced a vintage labeled Malbec which was discovered by the INV not to contain 100% Malbec. The winery contacted Dr. Nicastro, who set Guille to work on salvaging this massive production. I’m not totally sure how he did it, but it was a coup for the office when Guille smoothed the waters with the INV and yielded permission for the company to sell their production as “fine table wine,” although not “Malbec.” Guille joked that the winery was going to send over congratulatory samples.

—Ian Calhoun, Class of 2014

To learn more about the Georgia Law study abroad programs, visit: www.law.uga.edu/study-abroad
Georgia Law
at Oxford

SEMESTER IN UK EXPANDS STUDENTS’ HORIZONS

Last Spring, Georgia Law enrolled 10 students in its 15-week program at the University of Oxford in England, where they took classes in International Trade Law, European Union Law, and International Business Transactions and were associate members of St. Anne’s College, one of 40 colleges at the renowned university. In addition to taking traditional lecture classes, UGA law students completed supervised research under an Oxford professor. Highlights of the program included field trips to the International Arbitration Center of London, the Supreme Court of the United Kingdom, Parliament and the Oxford courts. During their time off from classes, students enjoy the opportunity to travel in Europe. The University of Georgia Law at Oxford Program will continue in Spring 2013 with professor in residence Joe Miller, who will focus on intellectual property and constitutional rights in the international context.

KAY VAUGHN JOINS RUSK CENTER STAFF

We are pleased to announce the addition of a new member of the Rusk Center Staff, Kay Vaughn. As an administrative specialist, she provides active support for Rusk Center projects in addition to managing the office. Kay has almost twenty years of service to the University of Georgia and comes to us from the Carl Vinson Institute of Government, where she was a business manager.

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GEORGIA LAW GRAD FINDS NICHE IN CULTURAL HERITAGE PRESERVATION

Tess Davis came to Georgia Law with a degree in Archaeology and a goal in mind—to stop tomb raiders in their tracks. Davis was prompted to attend law school after traveling to Cambodia to study the illicit trade in the region’s cultural property. In the course of this work, she realized that looting would continue unabated until proper legislation was achieved and enforced. She credits the Rusk Center with giving her unusual international law career a boost by sending her to Papua New Guinea on the Global Internship Program. After earning her J.D. in 2009, Davis is now well on her way to accomplishing her goals. As the executive director of the Lawyers’ Committee for Cultural Heritage Preservation (LCCHP), Davis is making significant strides in the field of antiquities recovery. LCCHP is a nonprofit organization of lawyers, law students and interested members of the public who have joined together to promote the preservation and protection of cultural heritage resources in the United States and internationally through education and advocacy.

"The Dean Rusk Center—especially its internship program—gave me the necessary foundation to compete and thrive in today's international market." — Tess Davis (J.D. '09)