

“Cross-Border Legal Institution Design”

Graduate School of Law, Nagoya University

Program Outline

1. The Concept of the Program

The adaptation of a legal institution developed in one country for use in another is variously referred to as “reception of law”, “legal transplantation” or “legal transplant”. This process is of rising importance as national legal systems adapt to a rapidly changing international environment.

This program (Cross-Border Legal Institution Design, hereinafter, **the Program**) aims at producing professionals sensitive to the issues involved in the successful planning and implementation of a legal transplant. **The Program** emphasizes four factors: (1) Comparative study, (2) Group research, (3) Project implementation, and (4) Leadership.

(1) Comparative Study

Transplantation of plants requires careful study of both the native soil of the plant and the soil to which it will be transplanted. Legal transplantation similarly demands extensive study of the society and the legal system at either end of the transfer. A strong interest in differing societies and cultures is essential to this study.

(2) Group Research

A serious comparison of societies and legal systems requires enormous energy and human resources, and facility in coordinated group research is necessary and appropriate to the task of comparative study in this context. **The Program** regards research by a group consisting of people trained in different jurisdictions and cultures as an essential feature of legal transplantation initiatives.

(3) Project Implementation.

The Nagoya University Graduate School of Law has been engaged in assisting legal reform in developing countries since the 1990s. This experience has shown that the implementation stage of legal transplantation drives rising skill levels among those involved in the effort and enhances the quality of research.

(4) Leadership

Careful design of research and formulation of feasible plans for implementation are essential for a successful transplantation of law. In a group approach, leadership and initiative are critical to the

performance of these tasks. **The Program** emphasizes the role these qualities play in research and implementation of a legal transplantation.

2. Program Aims

Professionals who complete **the Program** are expected to have the following abilities:

- (1) Strong **legal skills, including in legislative drafting;**
- (2) A strong interest in Asia;
- (3) Flexible perspectives to understanding and comparing diverse societies;
- (4) The capacity to formulate innovative, pragmatic solutions when designing legal transplantation;
- (5) The ability to manage a team of professionals from diverse cultures; and
- (6) Effective communication skills at all levels.

3. Program Features

In addition to training in conventional academic skills, the research and teaching of **the Program** has five features.

(1) Group Research

Group research on a selected topic by the group members is encouraged. The group can request intensive seminars or expert briefings when it becomes essential for the project and funds for this purpose will be available on a competitive basis. Individual research is also valued in parallel with group research.

(2) Project Management

The skills training of project management is emphasized in **the Program**. These skills are relevant to designing of a research plan of a group research, implementation of group research, publishing a result of a group research and implementation of a legal transplantation.

(3) Planning and Proposal

The Program encourages students to challenge the law reform process by developing an initial idea into a research proposal that is ready for a grant-in aid competition or a feasible plan for implementation.

(4) First-hand Experience of Legal Transplantation

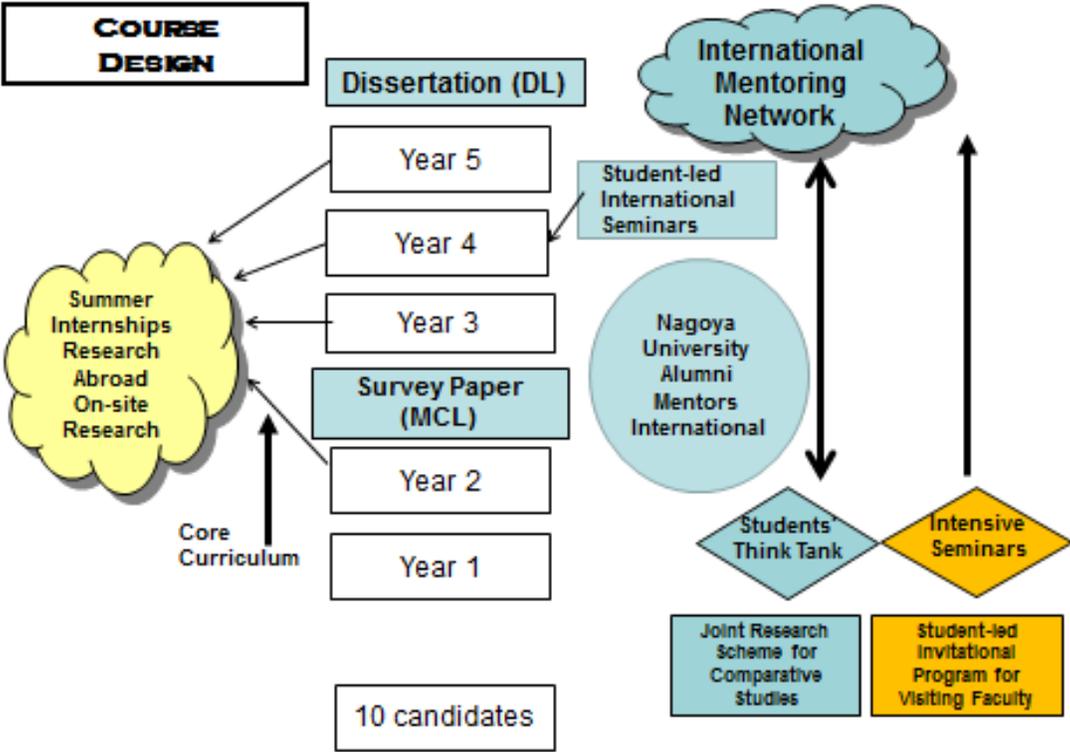
Participation in real projects of legal transplantation is highly encouraged. Overseas learning, externship, and participation in seminars of partner universities and institutions are encouraged. Funding for short-term study and externships inside and outside of Japan will be available on a competitive basis.

(5) Strong Interest in Asia and Asian Languages

The Program strongly desires all students to have a fair command of one Asian language by the completion of **the Program**. Funds to support language study at a partner institution for a period (e.g. a summer program) will be provided on a competitive basis.

4. Course Design

The course design of **the Program** is illustrated below.



(1) Research Topic

Each student will develop a primary research topic and produce academic papers through **the Program**.

Research topics for group research are decided by each group based on research proposals submitted by group members.

(2) Core Curriculum

Essential training for comparative study and legal transplantation is provided by the core curriculum. The core curriculum includes courses in Project Management, Academic Writing, Introduction to Joint Research on Comparative Law, Introduction to Joint Research on Comparative Political Studies, Legal Transplantation, and Seminars for Group Research.

(3) Student-initiated **Visiting Faculty Invitation Program**

Participants in group research projects can propose to the Program to invite experts and professionals in connection with their research. Invited faculty will meet with the group for a period of two weeks following an agenda planned by the group and agreed with the visitor.

(4) Summer **Internships and Field Research Overseas**

Students are encouraged to work in summer internships and to conduct research on group and individual research topics. Enrollment in intensive language training is also encouraged. Funds for this purpose will be available on a competitive basis.

(5) Student-led **Conferences and Publication of Research Papers**

The Program provides occasions for students of research groups to organize a mini-conference on their research topic and to edit the proceedings of the conference for publication.

(6) **International Mentoring Network**

One important objective of the Program is to train students to exercise leadership effectively. The international Mentoring Network will introduce students to mentors internationally organized. Mentors are drawn from among experts in an academic discipline and experienced alumni of Nagoya University. Students will hear experiences and advice of those leaders who are working at the frontiers of research and business.

5. Applicants

The Program welcomes students who have :

(1) **Excellent** command of **English**;

- (2) **Demonstrated academic excellence** in Law and/or Political Science in their home jurisdiction;
- (3) **Strong interest** in Asia;
- (4) **Objective insights** into diverse cultures and groups;
- (5) Ability to develop **sound research proposals; and**
- (6) Strong motivation to master an Asian language.