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GO INTERNATIONAL! GO VIETNAM!

Go International! Go Vietnam!

by Joseph P. Meissner

WHO? You are “who”! You are all invited to Saigon!

FOR WHAT? The Annual LAWASIA Law Conference.

WHAT IS LAWASIA? The largest International Bar Association for all who practice law in Asia and are interested in legal developments in Asia.

WHEN IS THE CONFERENCE? November 9 - 12, 2009.

But I jump far ahead of my story.

Since 1993 the Friendship Foundation of American-Vietnamese has sponsored various humanitarian projects in Vietnam. During the past sixteen years, the Foundation—based in our City of Cleveland and founded by Ms. Gia Hoa Ryan—has sponsored over one thousand people who have voluntarily gone to Vietnam to work on various humanitarian projects. These include legal, medical, educational, developmental, and charitable activities.

A number of years ago the Governor of Danang told our Foundation staff: “We like your charity projects, but we even more like to do business with you.”

So six years ago, the Foundation turned its focus to developmental and legal activities. In 2004, the Foundation sponsored a small legal and business delegation from Vietnam to Cleveland, headed by Attorney Vinh An who has an extensive practice in Saigon. He then invited a delegation of attorneys to come from the United States to participate in the 2005 LAWASIA Conference in Saigon. The Foundation sponsored ten people including Attorney Patrick McLaughlin, Attorney Richard Herman, and myself—all lawyers from Cleveland.

We attended the conference, lectured on U.S. law to the 600 attendees, and traveled to the large Mekong Delta City of Can Tho where we gave seminars on law and business at Cantho University. Finally, we journeyed to the beautiful seaside city of Nhatrang where we met a delegation from the Khanh Hoa Provincial Bar Association. Attorney Nguyen Noi, President of the local Bar who practiced law both before 1975 and after the change in government, urged us, “We hope all of you will return again to Vietnam.”

In the years 2006 and 2007, we were again invited to the annual LAWASIA conferences, held in Goa, India, and Hong Kong, China, respectively. With the help of Foundation Executive Director Gia Hoa Ryan, I made presentations at both conferences on Intellectual Property and the challenges IP poses to Third World countries. Our 2007 experiences, which included meeting judges and attorneys in China, were detailed in an article in the September 2007 issue of the Cleveland Bar Journal, entitled “Our Friendly Asian Legal Connections.” At both conferences we again worked with Attorney Vinh An and members of Vietnam’s legal community.

During those conferences and later meetings, we made plans for a large delegation of lawyers and business people to come to the United States and specifically to Cleveland in 2008. Also during 2007 and 2008, our foundation staff visited Vietnam and made a number of presentations about law and business in America, as well as about our city of Cleveland during meetings of the Ho Chi Minh Bar as well as elsewhere in Vietnam.

Finally, in September and October 2008, a delegation of fifteen lawyers and business people, hosted by the Friendship Foundation, came to America for a month and spent over a week in Cleveland. This group had prepared for their professional visit for over one year, studying American law and learning “Legal English.” When they first reached Cleveland, at a delicious Asian-style luncheon provided by the Friendship Foundation in the Sai Gon Plaza, Attorney Patrick McLaughlin welcomed our visitors. “We are delighted you are here,” he told them, “and we look forward to many more cooperative activities with you in the future.” (Attorney McLaughlin, by the way, was awarded a Silver Star for his Vietnam bravery). Attorney McLaughlin brought ten other local attorneys to join the luncheon, all of whom were also Vietnam Veterans.

During their time in Cleveland, the delegation was very busy attending our great variety of courts, meeting judicial personnel, and participating in seminars featuring local attorneys. The group visited the Eighth District Court of Appeals, where they heard an excellent Appeals argument concerning a prisoner’s right to DNA

testing. Heading the three-member panel was Judge Sean C. Gallagher, with Judge Patricia Blackmon and Judge Kenneth Rocco.

After the argument concluded in the very ornate and magnificent Courtroom, five other judges joined the panel and the visiting Vietnamese lawyers in a spirited discussion comparing the two legal systems of Vietnam and America. In America, some deem the right to a jury trial as the essence of our legal system. In Vietnam, by contrast, there are no juries. Instead, a three person panel hears all cases – civil and criminal. The panel is headed by a Judge assisted by two “layperson experts.” Perhaps different from what you might expect, the two “lay judges” can overrule the main judge in reaching the decision. Both appellate judges and Vietnamese visitors vigorously debated the relative merits of a jury versus non-jury system.

A second hot topic for discussion was the election of judges. Here, for our State courts – as opposed to the Federal – many States call for the popular election of judges. Sometimes even non-lawyers run and gain judgeships. In Vietnam, by contrast, there are no judicial elections. In fact, judges follow a different career path from practicing lawyers. Personnel are trained to be judges and then they are appointed to their posts, proceeding from trial courts, to appeal courts for each province, and then to a national Supreme Court which sits in Hanoi. Again the discussion was energetic about the merits of electing judges as opposed to appointing them. A few judges from the 8th District even admitted to the issue of “family names” sometimes swaying the electorate.

At the end of the visit, Delegation Leader Vinh An announced, “We invite all of you to come to Vietnam. We are sponsoring the LAWASIA Conference next November. We hope you can come.” Some judges indicated interest while Judge Christine McMonagle said she might attend and even bring along her husband, a Vietnam Veteran and eminent Cleveland Jurist.

During their Cleveland stay, the Vietnamese delegation visited many other courts. Municipal Judge Raymond Pianka welcomed them to hear-

ings in his "Housing Court," where people were sentenced for code violations. Common Pleas Judges Janet Burnside and John Russo explained how their courts operated and let them witness actual proceedings. Judge Randolph Baxter from U.S. District Bankruptcy Court spent a day explaining the intricacies of American bankruptcy law, showing off the beautiful art treasures of the old Federal Court house, introducing the visitors to other judges (including Senior Judge Lesley Wells and Judge Arthur Harris), and then escorting everyone to actual contested bankruptcy hearings.

The delegation shared in numerous seminars on American law including a briefing by Attorney John Lawson on Juvenile Court, a business law introduction by corporate attorney John Kirn, discussions on immigration law by Attorney Richard Herman and personnel from Margaret Wong's law firm, and the latest uses of the internet for legal research by Attorney Peter Pogacar.

The visitors concluded their court sojourns with a day at our new Carl B. Stokes Federal Building overseeing the picturesque Cuyahoga River. They witnessed a sentencing for bank embezzlement in Judge Dan Polster's courtroom, after which Chief Judge James Carr hosted a special luncheon attended by many of the court personnel. Attorney Vinh An spoke for the entire delegation: "You've given us a very warm reception to Cleveland and its legal institutions. We will never forget. Now please attend our LAWASIA Conference next year. We will repay you with our traditional Vietnamese welcome."

This returns us to the beginning of this article. From November 9 to 12, 2009, the flagship event for LAWASIA will be its law conference in Ho Chi Minh City in Vietnam. The theme of the conference is "Competition and Cooperation in Asia." Local conference organizers include Attor-

ney Vinh An and the delegation who came to Cleveland. They have already invited us to present at the conference a special panel of American attorneys to discuss new developments in American law impacting Asia. "How can we all compete to the benefit of all?" "How can we best cooperate?" Here are fruitful legal and business themes for our American panel. The Friendship Foundation will sponsor its Fifth Legal Mission to arrange for attorneys from America, especially Cleveland, to participate in this LAWASIA Conference. Here is a major opportunity for all of us to promote the growth of respect for law and the development of professional legal relationships.

Secondly, the Conference is also the site for the annual LAWASIA Moot competition which attracts students from the top Asian Law schools. During this past year's conference in Kuala Lumpur, Malaysia, an American team from California competed on a topic of international law. For this upcoming competition, the Conference organizers have asked us in Cleveland to field a team of our best law students. The Friendship Foundation currently is coordinating this effort, promoting participation by our local law schools.

The LAWASIA Conference and Moot Competition offer crucial opportunities for our legal community. Here are two challenges for us to reach out internationally and establish strong professional relations with law personnel from these very dynamic Asian nations. Our law students will have the opportunity to meet the best and brightest of their future law associates and competitors. You can gain more information by contacting our local Friendship Foundation at 216.961.6005 or

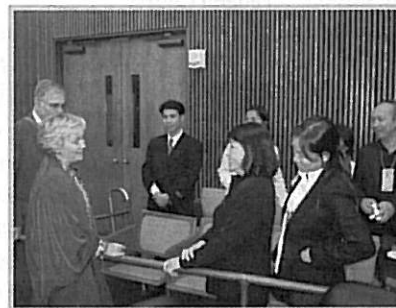
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We look forward to meeting all of you in Saigon this November! ■

Joseph Patrick Meissner has practiced "poverty law" for over forty years and is a Senior Attorney at the Legal Aid Society. He has journeyed over twenty times to Vietnam on projects of the Friendship Foundation of American Vietnamese. He can be reached at 216.687.1900 or meissnerjoseph@hotmail.com.



Photos clockwise from left:
Gia Hou Ryan, Director of Friendship Foundation who sponsored VN attorneys, poses with Judge Dan Polster and Chief Judge James Carr along with Attorney Joseph Meissner and Attorney Patrick McLaughlin;

Judge Janet Burnside explains a point of American law to visitors; VN delegation visits the Cleveland Cultural Gardens and pose with one of the world's greatest lawyers, Mahatma Gandhi;

Judge Randolph Baxter and Judge Lesley Wells pose before a beautiful traditional tapestry with VN delegation in Bankruptcy Court.