

PROMOTION RECOMMENDATION
The University of Michigan
Law School

Approved by the Regents
May 20, 2010

Nicholas Calcina Howson, assistant professor of law, Law School, is recommended for promotion to professor of law, with tenure, Law School.

Academic degrees:

J.D. 1988 Columbia Law School

B.A. 1983 Williams College

Professional Record:

2005-present Assistant Professor of Law, Law School

2004-2005 Visiting Assistant Professor of Law, Cornell

2003-2004 Lecturer in Law and Visiting Fellow, Harvard

1996-2003 Lecturer in Law, Columbia Law School

1988-2003 Associate / Partner, Paul, Weiss, Rifkind, Wharton & Garrison, LLP

Summary of Evaluation:

Teaching — Professor Howson is a successful and well-regarded teacher in the Law School. His teaching has been evaluated by CRLT course evaluations, class visits by Tenure Committee members, and interviews with former students. In large classes he makes complex material clear, elicits strong student participation, and demonstrates command of difficult subjects. He is very accessible outside the classroom. He is equally successful in seminars. He also has taught a cross-listed course with a member of the history department, and plans to engage in additional interdisciplinary teaching.

Research — Professor Howson is recognized as a leader among scholars in the United States who study Chinese law. He brings a remarkable array of resources to the task. He is fluent in Mandarin and in Shanghai dialect. He practiced law in China for several years, years in which China first began to develop principles of corporate law. He has a formidable knowledge of Chinese history, legal history, society, politics, culture, and the economy. He also has developed and maintains strong associations with scholars, lawyers, and government officials in China. These assets have enabled him to produce work on Chinese law that could be undertaken by few, if any, others in the United States.

Looking only to Professor Howson's work since coming to the Law School, he has produced a number of articles, book chapters, reviews, and essays. All are worthy. It is most profitable to focus this summary on a few leading examples. *The Development of Corporate Governance* chapter, co-authored with our own Professor Khanna, provides a challenging, nuanced politics account of the forces that shape corporate law reform in transitional economies. *China's Restructured Commercial Banks* examines the formal restructuring of China's massive commercial banks, and concludes that the outcome is "corporate governance reform, but unreformed corporate governance." Three additional articles, *The Doctrine that Dared no Speak its Name*, *Corporate Law in the Shanghai People's Courts*, and *Judicial Independence and the Company Law*, grow out of a search of Chinese court materials difficult to access, along with

interviews with Chinese government officials who are not readily available to outsiders. The result is a body of work that commands enormous respect among all the leading scholars of Chinese law in the United States.

Recent and Significant Publications

The Doctrine that Dared Not Speak its Name — Anglo-American Fiduciary Duties in China's 2005 Company Law and Case Law Intimations of Prior Convergence, in TRANSFORMING CORPORATE GOVERNANCE IN EAST ASIA at 193 (Hideki Kanda, Kon-sik Kim & Curtis Milhaupt eds., 2008).

Corporate Law in the Shanghai People's Courts, 1992-2008: Judicial Autonomy in a Contemporary Authoritarian State (forthcoming spring 2010).

Judicial Independence and the Company Law in the Shanghai Courts, 1992-2008, in JUDICIAL INDEPENDENCE IN CHINA: LESSONS FOR GLOBAL RULE OF LAW PROMOTION (Randall Peerenboom ed., forthcoming Fall 2009).

China's Restructured Commercial Banks: Nomenklatura Accountability Serving Corporate Governance Reform? in CHINA'S EMERGING FINANCIAL MARKETS: CHALLENGES AND GLOBAL IMPACT (Martha Avery, Jinqing Cai & Min Zhi eds., 2009).

The Development of Corporate Governance in China and India (with V.S. Khanna), in CHINA, INDIA AND THE INTERNATIONAL ECONOMIC ORDER (M. Sornaraj & Jianyu Wang eds., forthcoming Fall 2009).

Service — Professor Howson superbly fills great institutional needs. Beyond diligent service within the Law School he has served on the Executive committee of the Center for Chinese Studies, has co-taught a cross-listed course with a member of the history department and plans to teach more cross-listed courses, and gives talks in other schools. Outside the University he gives talks at universities all across the country and gives many talks — in Chinese — in China. His activities bring great visibility and respect to the University.

External Reviewers:

Reviewer (A):

"[The work] represents a very significant contribution to the field of Chinese legal studies both for the unparalleled insight it provides into issues of corporate law in China and for its insights more broadly into the ways in which key actors — including higher and lower levels of the judiciary, the Communist Party, and regulatory agencies, among others — interact in general. ... [The work on the Shanghai People's Courts] is the best single piece over the past twenty years in that field and one of the two or three most important pieces in Chinese law in general in that time frame. ... Perhaps even more important than the way in which Howson's work illuminates corporate law is the way in which it elevates our understanding of legal development more generally in China. ... [Howson is] one of a small group of leaders ... in Chinese legal studies in North America ... [and] presents a very strong case for tenure."

Reviewer (B):

"[The work] is based on very thorough original research into the relevant primary sources, while at the same time being informed by an impressive familiarity with secondary sources in a wide variety of fields ... These attributes make its contributions both original and valuable."

Reviewer (C):

“Howson’s work speaks to issues beyond the field of Chinese law — and does so much more powerfully than does the work of many of Howson’s colleagues in that field. ... [Howson] is widely, and rightly, regarded as among the top scholars of Chinese law active in the United States. ... [Howson] has already made very significant contributions to the field of Chinese law, ... he already ranks among the elite in that field, ... his work already engages, and has significant implications for, comparative scholarship in corporate law, courts in authoritarian systems, law and development and for scholarship on Chinese politics and political economy, and ... he is on track to become one of the leading scholars (of any age and stage) in Chinese law and a significant participant in broader comparative law and comparative company law scholarship.”

Reviewer (D):

“[Howson] has already carved out a niche as a leading scholar in a major area of Chinese law. If he keeps writing I assume he will emerge as the unquestioned top scholar of Chinese corporate law in U.S. academia. ... [T]he kind of detailed examination of foreign law that Howson has undertaken takes time, particularly in face of the challenges in obtaining legal materials, gathering data, and Chinese norms against transparency. ... The rapidly changing situation on the ground in China is another factor inhibiting research in this area.”

Reviewer (E):

“[Howson’s work on the Shanghai People’s Courts] is an attempt rarely conducted by legal scholars outside China to explore the real application of law in Chinese courts. ... His conclusion that there exist both judicial autonomy and constraints on such judicial autonomy in China’s courts surely makes sense and [is] indeed insightful.”

Reviewer (F):

“[Howson] is without question the most knowledgeable scholar writing in English about Chinese corporate law. He may be the most knowledgeable scholar of Chinese corporate law anywhere ... He is one of a very small number of scholars positioned to use detailed empirical understanding of Chinese corporate law to contribute to comparative corporate governance literature and debates. ... It is important to recognize the massive amount of work that has gone into [the Shanghai People’s Court project]. No other scholar writing in English on Chinese corporate law has the depth of knowledge that Professor Howson has regarding either corporate law generally or corporate law in China.”

Reviewer (G):

“[Howson’s work] is deeply informed by his intimate knowledge of China’s legal, political and economic system and his impressive track record as an attorney practicing in China. It is also well versed in existing scholarship ... The work speaks of a legal scholar seeking to understand a foreign legal system as embedded in a broader economic and political context. It is rich of [sic] institutional detail, but far from being simply descriptive. To the contrary, the work defines and develops analytical categories that help organize and assess the materials ...”

Internal Review: In keeping with the Law School’s tenure procedures, a Tenure Committee conducted a comprehensive review of Professor Howson’s performance. The Committee read all of the work that Professor Howson has submitted for publication since joining the Law

School faculty, solicited and read inside and outside reviews, observed his classes, interviewed students, and prepared a recommendation for the Law School faculty. The Tenure Committee concluded that Professor Howson satisfies the requirements for tenure and promotion. In accordance with Law School procedure, the tenured faculty considered the Committee's report and recommendation at two meetings. At the second meeting, the tenured faculty voted to recommend Professor Howson for promotion to professor of law, with tenure.

Summary of Recommendation:

Professor Howson is a valuable teacher both in traditional core areas of the Law School curriculum and in Chinese law, a subject of great and still growing importance. He brings incomparable resources to the study of Chinese law. His ongoing work has already placed him in the front ranks of United States scholars working in Chinese law. It is with the widespread support of the Law School's Tenure Committee and the tenured faculty that I recommend him for promotion to professor of law, with tenure, Law School.



Evan Caminker
Dean, Law School

May 2010