

Telecommunications, Environment/Energy and Health

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## James Miller

**L**ike many colleagues, the Mike Mansfield Fellowship Program was not my first opportunity in Japan. I have been lucky to enjoy many fulfilling personal and professional experiences in Japan, as a high school student and working in a government office in western Japan. Having spent more than half of my life speaking Japanese and living as a “bridge” between cultures, my Mansfield Fellowship stands apart as the most personally fulfilling and professionally valuable experience with Japan. As the father of two dual citizens and husband of a Japanese, the generous support of the Fellowship Program also allowed me to accomplish these professional goals, while offering my children a chance to benefit from living in Japan for the first time, a combination difficult for any mid-career professional.

I came to the Fellowship with high Japanese language fluency and close to ten years’ experience in U.S.-Japan work environments. With a law degree and work experience in a U.S. agency, I also came prepared to offer insights on the legal and regulatory functions of the U.S. system. The program offered me the opportunity to return to Japan and hone my understanding of Japanese law and regulatory policy, in Japanese at a professional level. For an official focused on telecom matters, the opportunity to pursue a practical, rigorous learning path for two years was also a valuable alternative to other options such as separating from my agency and pursuing a PhD or other advanced degree.

Preparatory work at the Foreign Service Institute provided an opportunity to develop strong ties with other officials in international affairs and focus on the current policy issues and U.S. positions. The ten months of in-country training also offered a rare--to government officials--opportunity to step back from the daily staff work and develop broader long-term views that later served me well during my Fellowship and on my return to the U.S. in academic speaking, writing, and teaching opportunities. I focused on comparative telecom, intellectual property, finance, and regulatory policy issues developing a substantive and linguistic foundation to prepare for the deeply challenging placements I would explore after arriving in Japan.

The first six months of my Fellowship were spent studying Japanese spectrum and broadband policy and advising colleagues on the subtleties of U.S. spectrum auction,

secondary markets, and unlicensed “WiFi” and policy. Since returning, I have seen the ministry take unprecedented steps towards implementing spectrum auctions and other topics that I recall fondly so hotly debating with colleagues. I have served as a ready resource to my colleagues interacting in Japanese on complicated matters that would have been significantly more burdensome had communications been a barrier. While my contributions to their efforts are no doubt very small, I believe that the Fellowship experience was a valuable contributor to whatever benefit my efforts were to Japanese colleagues’ efforts. It was also crucial preparation to provide insights on Japanese spectrum and Internet policy upon my return to the Federal Communication Commission.

The latter part of my Fellowship was divided between court clerkships with the Tokyo District Court, Tokyo High (Circuit Appeals) and Intellectual Property Courts, as special legislative aide to Yoshitaka Sakurada (Vice-Minister of the Cabinet for Economic and Financial Policy), and working in the Industrial Organization Bureau of the Ministry of Economy, Trade and Industry (METI). These assignments all shared a decidedly legal focus and built on my readings of the law up until that point. In the District Courts I worked with judges on a number of matters, reviewing case files, attending hearings, and drafting comparative legal memos on topics including freedom of information law, immigration law, and intellectual property matters. Even when reading baffling bankruptcy law writings of the famed Professor Sakae Wagatsuma, the judges were always enthusiastic in supporting my readings of the law and remain close friends and mentors. Their support was particularly important after my return to the U.S. teaching Japanese and comparative law to U.S. law students at the American University as an adjunct professor. Their colleagues and friends at the Japanese Embassy and elsewhere continue to support my efforts to instruct young U.S. lawyers in the value of understanding Japanese law and legal practice.

Vice-Minister Yoshitaka Sakurada served as the deputy director of a legal reform effort of the Japanese prefectural system called “*doshusei*.” As a U.S. attorney with a strong interest in administrative law and government practice I had the opportunity to assist the office and the staff of the legislative affairs bureau in understanding possible synergies and pitfalls in comparing the U.S. federal system with the *doshusei* approach. I found a ready audience in Japan for my thoughts and presented in Japanese on the topics at the Tokyo Foundation and elsewhere directly to Japanese legislative staff, lawyers, bureaucrats and business representatives—the first to do so without interpreters. I was fortunate enough to see the bill later made into law and influence incremental changes in prefectural and central regulatory entities.

As my Fellowship closed, I worked alongside a talented Japanese lawyer in METI comparing stock listing and delisting standards on the Tokyo and New York exchanges, fundamental features of U.S. business law such as the “business judgment rule” with complicated inter-workings of the Japanese commercial, contract and corporation laws, policy approaches to the tax treatment of stocks in complicated U.S.-Japan “tri-angular” mergers, and even seemingly mundane but valuable natural gas prices in Kansas and Kanazawa, Japan. The experience also offered an opportunity to glimpse the complicated relationship that many ministries share with overlapping policy authorities and interests.

None of these experiences would have been possible without the Mansfield Fellowship, to which I owe deepest appreciation. “*Ongaeshi*” (honorably repaying a debt), is something I am happy to have accomplished in various ways upon returning home. At my agency I serve often as a resource on Japanese broadband and spectrum including in the development of the nation’s first national broadband plan. Whether as a member of the Japan Commerce Association of Washington, adjunct professor teaching Japanese law, or a parent, the experience will continue to help me expand the possibilities of U.S. and Japan cooperation, wherever I may find myself.

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**James Miller** participated in the Mike Mansfield Fellowship Program as a representative of the U.S. Federal Communications Commission from 2004–2006. During his Fellowship year in Japan, he served in full-time placements in Japan’s Ministry of Internal Affairs and Communications, Tokyo High Court, Tokyo District Court and Ministry of Economy, Trade and Industry. He also completed a placement in the office of the Honorable Yoshitaka Sakurada, LDP Member, House of Representatives. He currently is a senior attorney advisor at the U.S. Federal Communications Commission and an adjunct professor of law at American University.