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Foreword

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# FOREWORD

By William P. Alford\*

One of the many pleasures that accrue to those of us fortunate enough to teach at institutions such as the UCLA School of Law is the opportunity to work closely with talented and conscientious students. It has been my privilege to have had the chance throughout the past four years to work with many such students through the *UCLA Pacific Basin Law Journal*. Although the *Journal* has suffered the trying moments that afflict all fledgling law reviews, its student editors have persevered and, through their skill and hard work, have succeeded in turning out a publication that occupies a unique position among American academic journals in its attention to legal issues pertaining to the Pacific Basin. We can all justly be proud of their accomplishments.

This issue of the *Journal* evidences the success that is possible. At its center is a symposium on contemporary Chinese law. It is a sign of the rapid development of Chinese law and of Sino-American legal exchanges in recent years that the authors of the articles contained in this symposium include representatives of a new generation of Chinese legal scholars trained both in the People's Republic of China (PRC) and in the United States, as well as noted American authorities in the area. Guigo Wang holds the doctorate in law of Yale, while Henry R. Zheng's J.S.D. is from the University of Michigan. Earlier versions of their articles on China's emerging domestic and foreign economic contract laws were delivered as papers at a symposium on Chinese contract law organized by Professor Whitmore Gray of the University of Michigan Law School and myself, and sponsored by the Comparative Law Section of the Association of American Law Schools at that organization's 1986 annual meeting in New Orleans. The quality of the papers is attested to by the fact that over seventy-five persons roused themselves early on a Sunday morning to attend that symposium and that the authors were besieged with requests for copies of their texts (which led to the decision to publish these papers here).

The articles of Drs. Wang and Zheng are well complemented

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by those of Professor James Feinerman of the Georgetown University Law Center, and Professor Lester Ross of Purdue University and Mr. Mitchell Silk of the University of Maryland. Professor Feinerman is one of the nation's foremost scholars of Chinese law and his short piece on juvenile delinquency in China is part of a larger study that he is conducting upon that important subject. Professor Ross and Mr. Silk have ably succeeded in providing us with an overview of the complexities of environmental regulation in the PRC — an area that is certain to grow in significance and difficulty as China moves rapidly to industrialize. Both of these pieces were originally presented at the Fourteenth Annual Mid-Atlantic Regional Meeting of the Association of Asian Studies, which was held in October, 1985.

If, as the contributors to the *Journal's* China symposium suggest, the PRC is still working to heighten legal consciousness, Jeffrey Falt's comprehensive article on congestion and delay in Asian courts depicts how many of China's Asian neighbors may seemingly have succeeded too well in making people aware of courts as a vehicle for the resolution of disputes. Drawing upon his rich experience gathered while teaching in Asia and working for the Asia Foundation, Mr. Falt illustrates and analyzes the problems that beset the courts of South Korea, Indonesia, Thailand, Bangladesh, India, Pakistan, Singapore, Sri Lanka, and the Philippines. In so doing, he also seeks to provide guidance as to how these problems might be resolved.

The next contribution to this issue of the *Journal* does not deal with the development or over-development of legal consciousness along the Pacific Rim, but it does reveal how an immigration lawyer's "dream" may be the tax planner's "nightmare." Michael Harrison's short article reveals how use of the L-1, or intracompany transferee visa, may make a foreign company subject to the much controverted unitary tax, which remains on the books in California and more than twenty other states. In the final section of his piece, Mr. Harrison, who is in practice in Beverly Hills, suggests steps that might be taken to reconcile the competing concerns of immigration and tax counsel.

In addition to the foregoing articles, the *Journal* is fortunate to be able to publish three pieces of student writing in this issue. The two student comments concern the Trust Territory of the Pacific Islands. Bob Arnett's comment artfully portrays the impact upon Micronesia, and especially Micronesian customary law, of four decades of United States political and legal tutelage. David Isenberg's piece fits well with Arnett's in that it illuminates the path to independence for the Trust Territory. The third piece of student writing in this issue is the work of Arthur Rieman, a first-year student with extensive professional background in the communications industry.

His recent development treats restrictions upon foreign ownership and control of United States broadcast media as that question has recently been considered with respect to the Spanish International Communications Corp.

None of the foregoing would have been feasible without the unstinting work of a large number of students. Their significant contributions and, for that matter, this more modest effort of mine would not, in turn, have been possible but for the direction of Ms. Constance Arvis. In the spirit of "equality and mutual benefit," she spared not even this advisor from her unrelenting, though good-humored, insistence upon meeting the Journal's timetables and high standards. Every journal should have as determined and capable an editor-in-chief.

We trust that you will find this issue of the *UCLA Pacific Basin Law Journal* stimulating and useful and, better yet, will choose to contribute your work to future issues.

