

EDITOR'S NOTE

Over the past academic year the Asian-Pacific Law & Policy Journal (APLPJ) has undertaken several ambitious projects to promote the William S. Richardson School of Law (WSRSL) as a leader in Pacific and Asian Legal Studies. In February 2007, third-year law student (3L) Daryl Takeno and second-year law student (2L) Marissa Lum were invited by the Kyushu University, Faculty of Law to attend a truly pan-Asian symposium on the convergence theory of corporate governance.¹ It was a unique opportunity for our members to not only travel abroad and experience a different culture, but to personally meet and work with scholars from some of the leading law schools in Asia, including Chuo University, Peking University, and Seoul National University. As we work to publish these conference papers, APLPJ is looking forward to building upon this relationship and gaining other such outside-the-classroom learning experiences that can help prepare our members for careers overseas or working with foreign clients back home.

On Friday, April 13th, APLPJ held its own symposium at the William S. Richardson School of Law on the legal aspects of a pandemic afflicting Hawai'i.² Entitled '*Outbreak in Hawai'i: Realities and Legal Consequence of Public Health Emergencies*,' the symposium brought together experts from both the legal and medical communities to discuss this extremely vital issue. Guest speakers Colonel Michael Brumage of the Tripler Army Medical Center and Bart Aronoff and Dr. Kathleen Gaynor of the Department of Health were united in their belief of the inevitability of a pandemic, which is especially relevant for states like Hawai'i that depend heavily on tourism. While preparing for an event the magnitude of a pandemic can be somewhat overwhelming, we are optimistic that by bringing together the right people discussion can serve as a catalyst for future efforts that will help minimize its impact. Along with the aforementioned guests, APLPJ would also like to extend its sincere thanks to keynote speaker Ernest Abbott of FEMA Law Associates, Captain Tim Belicki of the U.S. Army,

¹ For more information on the symposium, see Corporate Governance in East Asia (Feb. 10, 2007), <http://www.law.kyushu-u.ac.jp/programs/english/conference2007/conference/index.htm>. For video of the symposium presentations, see Presented Papers (Feb. 10, 2007), <http://www.law.kyushu-u.ac.jp/programs/english/conference2007/conference/clips.htm>.

² For a write-up of the *Outbreak in Hawai'i* symposium, see Tracy Chan, *Pandemic Experts Discuss Hawaii's Readiness for Outbreak at Forum*, KA LEO O HAWAI'I, Apr. 17, 2007 (click [here](#) to read a PDF version of the article). A podcast of the presentations by Ernest Abbott, Colonel Michael, Bart Aronoff, and Dr. Kathleen Gaynor is also available thanks to attorney and talk radio host Jay Fidell and the ThinkTechHawaii website. Ernest Abbott et al., Address at the Asian-Pacific Law & Policy Journal Symposium: Outbreak in Hawai'i: Realities and Legal Consequence of Public Health Emergencies (April 13, 2007), <http://www.thinktechhawaii.com/myGrid.aspx?base=Presentations> (follow "OUTBREAK IN HAWAII: REALITIES AND LEGAL CONSEQUENCES OF PUBLIC HEALTH EMERGENCIES" hyperlink).

the Honorable Daniel R. Foley of the Intermediate Court of Appeals, healthcare law practitioner George Apter, and WSRSL Professor James H. Pietsch for their participation, as well as 3L Glenn Sonoda and 2L Andrew Park for organizing the event.

The first article in the current issue is by Professor Colin Jones of Doshisha University who seeks to warn American practitioners that Japanese courts do not provide the same level of protection for child custody and visitation rights as they do in the United States. Professor Jones proposes that, particularly in child custody and visitation cases, rather than reveal their lack of enforcement powers to effect changes, Japanese courts tend to simply ratify the status quo, which in turn encourages divorcing parents to abduct their children. APLPJ would also like to express its sincere gratitude to LL.M. graduates Chie Hashimoto, Koichi Hayashi, and Tetsuya Oi for generously donating their time in helping us check the many foreign language sources cited to in this article.

In her article, **Australian National University graduate** Felicity Hammond discusses the role of the Malaysian judiciary in reviewing the legality of preventative detentions imposed under the 1960 Internal Security Act (ISA). She argues that Malaysia's judiciary has withdrawn from a position of independence where it would challenge executive action under the "draconian" ISA. In this new "Age of Terrorism" the recent habeas corpus decisions by the Malaysian High Court indicate a trend toward exhibiting significant deference to government decisions relating to national security, thus sacrificing the civil liberties of all Malaysian citizens.

In "Publish Not Perish," John Tessensohn, an intellectual property lawyer working in Japan, examines recent Japanese government reforms to its university, patent, science & technology, and biotechnology environments that were implemented in response to the country's 'lost decade.' In the midst of these sweeping structural reforms, he focuses on the dilemma of overanxious academics who inadvertently destroy their patent rights by publishing them prior to patent filings and on a little-known Japanese novelty grace period that can save them.

Continuing on last year's theme of transitions in Chinese law, we have an article by Lawrence Cox of the City University of Hong Kong, who examines the religious disenfranchisement of China's internal migrant workers. In particular, he argues that the commoditization of these migrant workers and the discriminatory approach of China's urban registration system (*hukou*), with its attendant cultural biases, are having a profound impact on freedom of religion for this growing, floating population.

We are also excited to be publishing two comments by WSRSL law students. The first is by Marissa Lum, who analyzes the eminent domain practices of Japan and the United States. Although the two systems share the same underlying principles regarding eminent domain, implementation and public acceptance contrast greatly between the countries. Lum argues that differing cultural values and societal goals have shaped the law to best suit each respective country.

Finally, law student Bryant Yang explores the situation of Burmese migrants in Thailand. Combining research with his experiences working in Thailand with the International Organization for Migration, he examines the plight of Burmese migrants and the Thai government's policies directed at them. Given that many parallels can be drawn to other countries experiencing growing migrant populations, we believe that Yang's article, which incorporates both public international law and domestic Thai law, will have broad appeal to all interested in migration studies.

This issue also features the second APLPJ translation of *Jurisuto*'s³ annual overview of important constitutional law decisions of the Japanese Supreme Court. This article was translated by incoming 2007-08 Editor-in-Chief John Donovan and fellow 2Ls Yuko Funasaki and Jennifer Shimada, with WSRSL Associate Professor Mark Levin once again graciously volunteering to oversee the revision process. Most importantly, we would like to thank Professor Teruki Tsunemoto of Hokkaido University for providing us with the opportunity to work on this unique project and for publicizing our efforts in his latest article for *Jurisuto*, providing APLPJ with exposure in one of Japan's most widely read legal journals.

Finally, we would like to thank all the faculty advisors, board members, staff editors, and staff writers for helping us to achieve our goals this year. Putting on a symposium in addition to publishing two issues would not have been possible without many untold sacrifices by everyone and a passionate belief in the ability of the students of the William S. Richardson School of Law to substantively contribute in the area of Pacific and Asian Legal Studies.

Brian Gotanda
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Editors-in-Chief, APLPJ 2006-07

³ *Jurisuto* is a widely-read legal magazine published by Yūhikaku Publishing Co., Ltd. that features special articles on the issues surrounding recently established laws. Each year, *Jurisuto* also publishes an annual review of major case decisions by subject area, with an introduction by a leading scholar in the field, followed by brief case notes introducing roughly eight to ten specific cases.