

## FOREWORD

The UCLA Pacific Basin Law Journal is pleased to present our Spring 1997 issue. The issue includes a variety of engaging articles ranging from a perspective in international agreements, an analysis of California's Proposition 187, a discussion of the status of foreign trainees in Japan, and the notion of *Karoshi*, death by overwork.

In the lead article, Angel R. Oquendo discusses how the modern day increase in international business and economic activity gives rise to the need for a new international legal scheme. This scheme would combine existing national systems into a new comprehensive system that would effectively serve the various nations involved. However, Professor Oquendo recognizes that rather than forming this type of combined system, lawmakers generally take legal mechanisms from dominant nations and apply them in an international context. Professor Oquendo provides an example of this concept by discussing how American legal concepts dominate procedural aspects of the North American Free Trade Agreement. He then contrasts American legal procedure with Mexican procedure and uses this contrast to discuss how a more effective system of international legal procedure could be developed. He suggests comparatively and critically studying these two systems, and ultimately reworking different aspects of each into a new, more effective international paradigm.

In the following article, Stephen M. Knight analyzes the legal challenge to California's Proposition 187 based on the nineteenth century equal protection statute codified at 42 U.S.C. section 1981. The California Initiative, which was passed by the voters on November 8, 1994, denies basic public services, including health care, education, and social services, to persons determined by state and local officials to be in the country in violation of federal immigration laws. Noting that the question of whether section 1981 applies to undocumented immigrants has never been determined by the courts, the author argues that the legislative history and judicial interpretation since passage suggest that section 1981 should be applied to strike down Proposition 187.

Next, Jason Comrie-Taylor explores the current status of foreign attorneys and trainees practicing law in Japan. After providing readers with a general historical and cultural context of attorneys in Japan, the author proceeds to look at recent developments in the law affecting foreign attorneys' practice. Most notably, he addresses the 1994 amendments to the Special Measures Law Concerning the Handling of Legal Business by Foreign Lawyers. These amendments allow Japanese *Bengoshi* to employ qualified foreign lawyers. However, the requirements for such lawyers remain stringent, and foreign attorneys' practice is correspondingly circumscribed. Mr. Comrie-Taylor thus proposes an appropriate "attitude" for foreign trainees to adopt in Japan, and argues for expanding the powers of foreign attorneys pursuant to various treaty rights, such that the Japanese legal culture can be maintained without excluding foreign lawyers and trainees from the Japanese legal system.

Finally, Mara Conway explores the concept of *Karoshi*, death by overwork, and conducts a comparative analysis of this phenomenon in Japan and in the United States. After providing the readers with a general framework of *Karoshi*, Ms. Conway discusses factors contributing to overwork-related problems, which include working hours and work-related stress. Ms. Conway describes how current regulations and laws governing the workplace reflect social norms in both the United States and Japan. Ms. Conway examines the changes occurring in both countries, including the expansion of the definition of work-related problems. She also analyzes current legal limitations placed on work hours to safeguard the health and well-being of the workforce.

We are confident that you will find this issue interesting as well as informative.