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This Issue

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This Issue

Board of Editorial Advisors

With this issue, the first of volume 19, it is my pleasure to introduce the *new* Board of Editorial Advisors of THE INTERNATIONAL LAWYER. Its members, whose names will be listed at the beginning of each issue, represent some of the most distinguished private and public careers in international law. I am pleased to have them join me in the work and satisfaction of producing this fine legal journal.

Symposium

This issue contains a wealth of authoritative analyses, practical insight and current information. Reflecting the diversity of our readership, it has something for everyone. Beginning with the Symposium on "The U.S. Lawyer and International Business Transactions," *Professor Robert Hillman* writes about the difficulties and challenges presented to the American lawyer who provides advice on matters involving foreign jurisdictions. Relying on his academic as well as practical experience, he offers useful considerations and helpful syntheses of the increasing literature on this topic. *John Impert* follows with an interesting assessment of the enlarging export and investment markets of the Asia Pacific region and the use of outside counsel in that area. *Ewell Murphy*, a member of TIL's new Board of Editorial Advisors, rounds out the Symposium with some "hard knocks" advice and bibliographic guidance gained from his years of international practice.

Articles

From his experience with recent cases, *Arthur George* addresses the problems associated with service of process upon foreign states. Although

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this topic has received some treatment in the substantial legal literature on the Foreign Sovereign Immunities Act, his article offers some new analyses and practical suggestions. For the foreign investor looking at the prospect of investing in the United States, the myriad of U.S. laws and regulations concerning disclosure, taxation and even entry into the U.S. must be perplexing indeed. *Kirby Scarborough*, in his article on the reporting, tax and visa laws involved, offers a well-documented exposition on many of the relevant laws and regulations in this complicated and evolving regulatory area which should assist both investors and advising U.S. lawyers.

Utz Toepke, an acknowledged expert on Common Market competition law, writes a comprehensive study on the EEC law governing selective and exclusive distribution agreements. Since the legality and enforceability of such agreements in the EEC involve a system quite different from that with which American practitioners are familiar, this article should be very useful in guiding U.S. lawyers in their drafting of restrictive contract provisions. *Art Dula*, with his article on the law governing commercial space activities, describes this fascinating and evolving legal field. With its supporting information, the article is an important contribution to the literature on commercial space law, which to date has largely been published in conference proceedings on the subject.

In the two previous issues of *THE INTERNATIONAL LAWYER*, the subject of international judicial assistance was addressed by symposia. Since the focus in those symposia was primarily on its civil and administrative aspects, the journal is pleased to address the important subject of mutual assistance in criminal matters by way of *Alan Ellis'* and *Robert Pisani's* article. Although the U.S. has long sought foreign cooperation through mutual assistance treaties involving civil matters, its efforts to arrange foreign assistance in criminal matters are a relatively new development. Ellis and Pisani explain this and describe a number of interesting accomplishments in this field.

Short Articles, Comments and Casenotes

When the *Allied Bank* case was decided by the Second Circuit last year, it sent shock waves throughout the banking industry. *Dr. Carsten Ebenroth*, a professor of International Economic Law at the University of Constance in West Germany, and *Louise Teitz* of Dallas collaborate to analyze *Allied* and other recent cases, and to assess the state of U.S. law regarding the act of state doctrine, foreign sovereign immunity and comity as applied to the judicial resolution of disputes involving international financial transactions. They make a case for reconsideration of the role and application of these doctrines.

Military and other forms of unilateral intervention so rampant in today's world continue to raise fundamental questions about the law on the use of

force. *Professor Don Wallace*, former Chairman of the Section and participant in the Committee on Grenada Report (see 18 INT'L LAW. 331-380), offers an essay of his reflections on the inadequacy of and widespread inadherence to international law on the use of force in dealing with the many recent forms and events of unilateral intervention. Designed to provoke discussion of this timely topic, Professor Wallace offers some interesting and, of course, controversial proposals for reform.

Last in this category of articles is *Jan Paulsson's* article on sovereign immunity in France, which like Michael Brandon's article on English legal developments affecting international business transactions in our last issue, is a sequel to an earlier article written for THE INTERNATIONAL LAWYER by the author. This article uses a recent case decided by the *Cour de cassation* as the focal point from which to analyze developments that redefine the French law of sovereign immunity from execution.

Current Developments

This category commences with another outstanding article from *Alan Holmer* and *Judith Bello* for TIL's U.S. Import Law and Policy Series. Readers have found the first two articles of this series most helpful and informative. With this third contribution, Alan and Judy focus on events and issues leading to the enactment of the Trade and Tariff Act of 1984. Following their article, and part of the series, is *Joseph Price's* analytical overview of the Trade and Tariff Act. Readers should find these discussions of this significant recent development in import law most informative and of assistance in unraveling the complexities of this new law.

The transition from DISCs to Foreign Sales Corporations, designed to remove GATT's concern that DISCs were illegal export subsidies, will impact many businesses having export operations. *Neal Block*, *Ralph Gilbert*, and *Karen Kuenster* guide readers through the complexities of this new law, and offer them approaches for maximizing the benefits available under it.

An article by another member of the journal's new Board of Editorial Advisors, *James Atwood*, follows. An expert on Common Market Law, Mr. Atwood reviews a new measure by the European Community to deal with unfair trading practices of non-member countries. He further considers the implications these measures might have for an American firm engaged in international trade with the European Common Market.

And last in this category, is *Joseph Becker's* article. The clever title of his brief article reveals an important legal development in the state of New York which, because of the volume and value of international business transactions there, may have significant impact on the future drafting of contract choice of forum and law clauses.

Bibliography

Unfortunately, Earl Weisbaum's regular and popular contribution of selected recent publications on international and foreign law will not be seen in this or the Spring issue, due to his other pressing commitments during this period. In lieu of this feature, however, *Janice Carter*, former librarian at the Library of Congress, offers readers a very helpful bibliography on treaties and international agreements under U.S. and International Law. In addition to a selected collection of recent articles and books on relevant issues, Ms. Carter annotates a section on sources which should serve to assist practitioners and scholars in their research. Although the bibliography was published recently in a government publication, we are pleased to publish it here, hoping that by doing so this helpful tool will reach a larger audience.

Special Thanks

With this issue of *THE INTERNATIONAL LAWYER*, I commence my second year as Editor-in-Chief. I am pleased with our accomplishments this past year, many of which undoubtedly escape reader attention: the size of the journal has been enlarged; already the international law journal read by more persons than *any* other, *TIL's* readership continues to grow; efficient review procedures and a capable production team are in place; the quality and quantity of article submissions improves almost daily; and even a few cosmetic changes have been successfully made to improve the form and enhance the journal's readability.

Publishing a quarterly journal relies on the effort and support of many persons. Were I to mention all those to whom credit is due, the list would be as long as my New Year's resolutions or my son's letter to Santa Claus. Nevertheless, at the risk of boring you, I would like to convey my heartfelt thanks to: Associate Editor Dan Magraw, whose advice and judgment have been invaluable to me; my research and secretarial assistants, who have worked long and hard with demanding tight schedules and complicated tasks; the Section's officers and Council members, who have consistently supported my initiatives to improve the quality and presentation of the journal; the administrators, faculty, students and staff at Southwestern University School of Law, without whose collegial support and financial assistance my involvement would have to be greatly reduced; and my family, whose love I cherish and upon whom the sometimes unpleasant burdens of my work have become their labor of love. To the others who have helped so much, I know who you are and you do too—thanks.

Here's wishing you happy reading.