

Works by Luke Richard Nottage

18 April 2012

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Overview

Types / Years	1989-2000	2001-7	2008-11 (et seq)	Total
Books (1998-)	1	2	4 (+3)	8 (+3)
Chapters (1997-)	4	17	15 (+7)	36 (+7)
Refereed articles (1996-)	8	17	15 (+4)	40 (+4)
Other academic articles (1989-)	23	15	13 (+1)	51 (+1)
Book reviews (1996-)	3	12	6 (+2)	21 (+2)

A. Books

1. **Contract Law in Japan** (with Andrew Pardieck, Kenji Saigusa and Hiroo Sono, forthcoming late 2013, Alphen aan den Rijn: Kluwer – International Encyclopedia of Laws)
2. **Product Safety and Liability Law in Japan: From Minamata to Mad Cows** (2004, London: Routledge) 308pp¹
3. **Japanese Business Law in Western Languages: An Annotated Selective Bibliography** (with Harald Baum, 1998, Littleton: Fred B Rothman & Co) 223pp [2nd ed forthcoming (late 2012, Hein) also with Joel Rheuben and Markus Thier]²

B. Edited Books

4. **Asia-Pacific Disaster Management: Comparative and Socio-Legal Perspectives** (Simon Butt, Luke Nottage & Hitoshi Nasu, eds: forthcoming 2013, Berlin: Springer) [16 chapters]
5. **Consumer Law & Policy in Australia and New Zealand** (Justin Malbon & Luke Nottage, eds: forthcoming end-2012, Sydney: Federation Press) [15 chapters]
6. **Who Judges Japan? Popular Participation in the Japanese Legal Process** (Leon Wolff, Luke Nottage and Kent Anderson, eds: forthcoming end-2012, Cheltenham: Edward Elgar) [11 chapters, approx 220pp]
7. **Foreign Investment and Dispute Resolution Law and Practice in Asia** (Vivienne Bath and Luke Nottage, eds: November 2011, London: Routledge, London) [12 chapters (including two co-authored) plus Preface from the IBA President, 296pp]
8. **International Arbitration in Australia** (Luke Nottage and Richard Garnett, eds: 2010, Sydney: Federation Press) 296pp [11 chapters, including five co-authored (three lead-authored), plus Foreword by Spigelman CJ]
9. Takao Tanase (translated/edited by Luke Nottage and Leon Wolff), **Law and Community: A Critique of American Liberalism and Japanese Modernity** (2010, Cheltenham: Edward Elgar) 194pp³

10. **Corporate Governance in the 21st Century: Japan's Gradual Transformation** (Luke Nottage, Leon Wolff and Kent Anderson, eds: November 2008, Cheltenham: Edward Elgar) 288pp [10 chapters, one authored and another lead-authored]⁴
11. **CCH Business Law in Japan, Volume 1** (2008, Singapore/Tokyo: CCH, ISBN 978-4-915845-08-6) 471pp [four chapters (one co-authored and another updated by Nottage) reproduced from *CCH Japan Business Law Guide* (looseleaf, 2 volumes, Singapore) edited by Luke Nottage]
12. **The Multiple Worlds of Japanese Law: Disjunctions and Conjunctions** (Tom Ginsburg, Luke Nottage and Hiroo Sono, eds: 2001, Victoria: Centre for Asia-Pacific Initiatives) 199 pp⁵

C. Book Chapters

2012:

- “Japan” (with Tatsuya Nakamura) in Tom Ginsburg & Shahla Ali (eds) **Arbitration in Asia** (New York: Juris, 3rd ed) forthcoming
- “ASEAN and the ASEAN Australia New Zealand Free Trade Agreement” (with Vivienne Bath) in Marc Bungenberg, Joern Griebel, Stephan Hobe & August Reinisch (eds) **International Investment Law** (Baden-Baden et al: Nomos / Beck / Hart) forthcoming
- “Japan” (with Shotaro Hamamoto) in Chester Brown & Devashish Krishan (eds) **Commentaries on Selected Model Investment Treaties** (Oxford: Oxford University Press) forthcoming
 - with a longer version as: “Foreign Investment In and Out of Japan: Economic Backdrop, Domestic Law, and International Treaty-Based Investor-State Dispute Resolution”, *Transnational Dispute Management* 5 (2011); Sydney Law School Research Paper No. 10/145, <http://ssrn.com/abstract=1724999>
- “Investor-State Arbitration Policy and Practice after *Philip Morris Asia v Australia*”, in Nick Ranieri and Leon Trakman (eds), *International Investment Law* (Oxford: Oxford UP) forthcoming
 - with a shorter version in the *Australian Product Liability Reporter* and the *ACICA Newsletter* (August 2011), also Sydney Law School Research Paper No. 12/26, <http://ssrn.com/abstract=2041680>
- “Case No. 71: Arbitration Law” (with Christopher Heath) in Marc Dernauer, Christopher Heath & Anja Petersen-Padberg (eds) **Business Law in Japan – Cases and Comments** (Alphen aan den Rijn: Kluwer) forthcoming May 2012
- “Case No. 9: Civil Law – Tort Law – Product Liability Law” in Marc Dernauer, Christopher Heath & Anja Petersen-Padberg (eds) **Business Law in Japan – Cases and Comments** (Alphen aan den Rijn: Kluwer) forthcoming May 2012
- “Addressing International Arbitration’s Ambivalence: Hard Lessons from Australia” in Vijay Bhatia, Christopher Candlin & Maurizio Gotti (eds), **Discourse and Practice in International Commercial Arbitration** (Dartmouth: Ashgate) 11-44

2011:

- “Japan” in Jean du Plessis et al **Principles of Contemporary Corporate Governance** (Melbourne: Cambridge University Press, 2011) 352-86
- “*Auswahlbibliographie* [Selective Bibliography of Japanese Business Law in Western Languages since 1998” (with Harald Baum & Markus Thier, in German) in Harald Baum et al (eds) **Handbuch des japanischen Handels- und Wirtschaftsrechts [Handbook of Japanese Commercial and Economic Law]** (Cologne: Carl Heymann, 2nd ed 2011) 533-66
 - Extract in English at <http://blogs.usyd.edu.au/japaneselaw/2009/03/post.html>
- “*Deliktsrecht und Produkthaftung* [Tort Law and Product Liability]” (Ivan Paulavets & Julius Weitzdorfer trans) in Harald Baum et al (eds) **Handbuch des japanischen Handels- und Wirtschaftsrechts [Handbook of Japanese Commercial and Economic Law]** (Cologne: Carl Heymann, 2nd ed 2011) 1523-1606
- “Foreign Investment and Dispute Resolution Law and Practice in Asia: An Overview” (with Vivienne Bath) in Vivienne Bath & Luke Nottage (eds) **Foreign Investment and Dispute Resolution Law and Practice in Asia** (London: Routledge) 1-24
 - also: Sydney Law School Research Paper No. 11/20, <http://ssrn.com/abstract=1789306>

2010:

- “Consumer Rights in Japan” in Parissa Haghairian (ed) **Japanese Consumer Dynamics** (New York: Palgrave) 31-60
- “The 2005 Rules of the Australian Centre for International Commercial Arbitration – Revisited” (with Simon Greenberg and Romesh Weeramantry) in Luke Nottage and Richard Garnett (eds) **International Arbitration in Australia** (Sydney: Federation Press) 79-102
 - also Sydney Law School Research Paper No. 09/101, <http://ssrn.com/abstract=1479348>
- “Introduction” (Luke Nottage and Richard Garnett) in Richard Garnett and Luke Nottage (eds) **International Arbitration in Australia** (Sydney: Federation Press) 1-37
- “ACICA’s Expedited Arbitration Rules of 2008” (with Jonathan DeBoos, Clyde Croft, Bjorn Gehle and Richard Garnett) in Richard Garnett and Luke Nottage (eds) **International Arbitration in Australia** (Sydney: Federation Press) 103-121
- “Product Safety” in Geraint Howells, Iain Ramsay and Thomas Wilhelmsson (eds) **Handbook of Research on International Consumer Law** (Cheltenham: Edward Elgar) 256-94

2009:

- “Conclusions” (with David Harland) in Jocelyn Kellam (ed) **Product Liability in the Asia-Pacific** (Sydney: Federation Press, 3rd ed 2009,) 559-78
- “Japan” (with Hiroyuki Kano) in Jocelyn Kellam (ed) **Product Liability in the Asia-Pacific** (Sydney: Federation Press, 3rd ed 2009) 218-40
- “The Myth of the Careful Consumer: Law, Culture, Economics and Politics in the Rise and Fall of Unsecured Lending in Japan” (with Souichirou Kozuka) in Johanna Niemi-Kiesilainen, Iain Ramsay and William Whitford (eds) **Consumer Credit, Debt and Bankruptcy: Comparative and International Perspectives** (Oxford: Hart) 199-224⁶
 - Longer version available as Sydney Law School Research Paper 09/50, <http://ssrn.com/abstract=1413464>

2008:

- “Introduction: Japan’s Gradual Transformation in Corporate Governance” (Luke Nottage, Leon Wolff and Kent Anderson) in *ibid* (eds) **Corporate Governance in the 21st Century: Japan’s Gradual Transformation** (Cheltenham: Edward Elgar) 1-20
 - Adapted as Luke Nottage, Leon Wolff and Kent Anderson, “Japan’s Gradual Transformation in Corporate Governance” *Sydney Law School Research Paper* 08/29 / ANU College of Law Research Paper 08-03 at <http://ssrn.com/abstract=1121510> (April 2007)
- “Re-regulating Unsecured Consumer Credit in Japan: Over-indebted Borrowers, the Supreme Court, and New Legislation” (with Souichirou Kozuka) in Christian Twigg-Flessner et al (eds) **The Yearbook of Consumer Law 2009** (Aldershot: Ashgate) 197-230⁷
 - Also *Sydney Law School Research Paper* 07/62 at <http://ssrn.com/abstract=1019392> (September 2007, updated January 2008)]
- “*Kokyo o koeru Seikai Teikei ni muketa Kokusai Chusai Kyoiku to Shotoribikiho Kyoiku* [International Arbitration and Commercial Law Education for an International World]” in Masahisa Deguchi (ed) **Gurobaru na Shakai ni okeru Minji Tezukiho no Keiju** [The Reception and Transmission of Civil Procedure Law in the Global Society] (Tokyo: Shinzansha) 71-92
 - English version in Masahisa Deguchi and Marcel Storme (eds), *The Reception and Transmission of Civil Procedural Law in the Global Society* (Maklu, Antwerp/Apeldoorn, February/March 2008, ISBN 978-90-466-0151-8)

2007:

- “Product Safety Regulation Reform in Australia and Japan: Harmonising Towards European Models?” in Christian Twigg-Flessner et al (eds) **The Yearbook of Consumer Law 2008** (Aldershot: Ashgate) 429-46
- “Legal Harmonization” in David Clark (ed) **Encyclopedia of Law and the Social Sciences: American and Global Perspectives** (New York: Sage) 686-92

- “Product Liability and Safety Regulation” in Gerald McAlinn (ed) **Japanese Business Law** (The Hague: Kluwer) 221-262
- “Globalization of Japanese Corporations and the Development of Corporate Legal Departments: Problems and Prospects” (with Toshimitsu Kitagawa), in William Alford (ed) **Raising the Bar: The Emerging Legal Profession in East Asia** (Cambridge, Massachusetts: Harvard University Press) 201-85⁸
- “Comparing Product Liability and Safety in Japan: Path-Dependent Globalization” in Harry Scheiber and Laurent Mayali (eds) **Emerging Rights in Japanese Law** (Berkeley: The Robbins Collection) 143-67

2006:

- “*Tetsuzukikiban to shite no Lex Mercatoria: Kokusai Shoji Chusai no Kako, Genjo, Mirai* [The Procedural *Lex Mercatoria*: The Past, Present and Future of International Commercial Arbitration]” (Nakabayashi and Nasu, trans) in Akira Saito et al (eds) **Kokusai Keiyaku Ruru no Tanjo [The Birth of International Contract Law Rules]** (Tokyo: Dobunkan) 113-56
- “Consumer Product Safety Regulation Reform in Australia: Ongoing Processes and Possible Outcomes” in Geraint Howells (gen ed) **2007 Yearbook of Consumer Law** (Aldershot: Ashgate) 327-44
- “Commercial Regulation” in Jan Smits (ed) **Encyclopedia of Comparative Law** (Cheltenham: Edward Elgar) 135-44
- “Japanese Law” (with Masaki Abe) in Jan Smits (ed) **Encyclopedia of Comparative Law** (Cheltenham: Edward Elgar) 357-77

2005:

- “Redirecting Japan's Multi-level Governance” in Harald Baum and Klaus Hopt (eds), **Changes of Governance in Europe, Japan, and the US: Corporations, State, Markets, and Intermediaries** (Oxford: Oxford University Press) 571-98
- “Corporate Governance and Law Reform in Japan: From the Lost Decade to the End of History?” (with Leon Wolff) in Rene Haak et al (eds) **Japanese Management: In Search of a New Balance between Continuity and Change** (New York: Palgrave Macmillan) 133-66⁹
- “Comparing Product Liability and Safety in Japan: From Minamata to Mad Cows - to Mitsubishi” in Duncan Fairgrieve (ed) **Product Liability in Comparative Perspective** (Cambridge: Cambridge University Press) 334-40¹⁰
- “Japan” (with Leon Wolff) in **Doing Business in Asia** (The Hague: Kluwer Law International) 37,001-40,481 [127 pp]
 - Based on: “Japan” in **CCH Doing Business in Asia** (looseleaf, Singapore: CCH Singapore; first complete update published alone in 2000; twice-yearly updates in 2001 alone, and from 2002-6 as joint Contributing Editor with Leon Wolff)

2004:

- “Convergence, Divergence, and the Middle Way in Unifying or Harmonising Private Law” in Russell Miller and Peer Zumbansen (eds) 1 *Annual of German and European Law* (New York: Berghahn Books) 166-245¹¹

2001:

- “The Still-Birth and Re-Birth of Product Liability in Japan” in David Nelken and Johannes Feest (eds), **Adapting Legal Cultures** (Oxford: Hart) 147-185¹²
- “Digitalising Legal Education: Japan and the World(s)” in Tom Ginsburg et al (eds) (2001) **The Multiple Worlds of Japanese Law** (Victoria: Centre for Asia-Pacific Initiatives) 167-186
- “The Worlds, Vicissitudes and Futures of Japan's Law” (with Tom Ginsburg and Hiroo Sono) in Tom Ginsburg et al (eds) (2001) **The Multiple Worlds of Japanese Law** (Victoria: Centre for Asia-Pacific Initiatives) 1-14¹³

2000 and earlier:

- “Product Liability” (with Masanobu Kato) in Mitsuo Matsushita (exec ed), **Japan Business Law Guide** (looseleaf, Sydney, CCH Australia: first instalment published in December 1999, second instalment in June 2000; updated – alone – in 2007)
- “Japanese Section” (with Leon Wolff) in Igor Kavass et al (eds), **World Dictionary of Legal Abbreviations** (looseleaf, New York: William S Hein)
- “Contract Law, Theory and Practice in Japan: Plus ca change, plus c'est la meme chose?”, in Veronica Taylor (ed), **Asian Legal Systems through Australian Eyes** 316-337 (Sydney: The Law Book Co, 1997)¹⁴
- “Contract Theory and Practice in Japan: An Antipodean Perspective” in Harald Baum (ed), **Japan: Economic Success and Legal System** 197-223 (Berlin: de Gruyter, 1997)¹⁵
 - (reprinted in revised and updated form in) 31/3 *Hikakubo Zasshi* [Comparative Law Review, Chuo University] (1997) 55-113

D. Refereed Articles

2012:

- “Cross-Border Investment in Asia and Australia’s New Policy on Treaty-Based Investor-State Arbitration” *Asian Studies Review*, under review for a Special Issue
- “Lessons from Product Safety Regulation for Reforming Consumer Credit Markets in Japan and Beyond” (Luke Nottage and Souichirou Kozuka) 34(1) *Sydney Law Review*, 129-61
 - Also Sydney Law School Research Paper No. 11/39, <http://ssrn.com/abstract=1895084>
- “Novel Treaty-Based Approaches to Resolving International Investment and Tax Disputes in the Asia-Pacific Region” (with Micah Burch) 18 *Australian International Law Journal* (2011) forthcoming
 - Also Sydney Law School Research Paper No. 11/66, <http://ssrn.com/abstract=1938758>
- “Investment Arbitration in Asia: Five Perspectives on Law and Practice” (with Romesh Weeramantry) 28 *Arbitration International* 19-62
 - Shorter version in Vivienne Bath & Luke Nottage (eds) **Foreign Investment and Dispute Resolution Law and Practice in Asia** (London: Routledge) 25-52
 - Updating and expanding: SCIL Working Paper No 21, http://sydney.edu.au/law/scil/documents/2010/SCILWP21_NottageWeeramantry_updated.pdf

2011:

- “Who Defends Japan? Government Lawyers in Japan and Australia” (Luke Nottage and Stephen Green) 13(1) *Asia-Pacific Law and Policy Journal* 129-73
 - Also in: Leon Wolff, Luke Nottage and Kent Anderson (eds) **Who Judges Japan? Popular Participation in the Japanese Legal Process** (Cheltenham: Edward Elgar) forthcoming late 2012
 - Shorter version forthcoming in special issue of the *International Journal of the Legal Profession* (2012)
- “The 2010 Amendments to the International Arbitration Act: A New Dawn for Australia?” 7(1) *Asian International Arbitration Journal* 29-53
 - Also Sydney Law School Research Paper No. 10/88 (2010) <http://ssrn.com/abstract=1676604>
- “New Legislative Agendas, Legal Professionals and Dispute Resolution in Australia and Japan: 2009-2010” 28 *Ritsumeikan Law Review*
 - also Sydney Law School Research Paper No. 10/74 (2010), <http://ssrn.com/abstract=1656650>
- “Ototeki Kisei to Shobisha Seihin no Anzensei [Responsive Regulation and Consumer Product Safety]” (Akiko Shindo, trans) 13 *Hokkaido Journal of New Global Law and Policy* 211-44
 - Also at http://www.juris.hokudai.ac.jp/gcoe/journal/LPG_vol13/13_13.pdf
- “The Rise and Possible Fall of Investor-State Arbitration in Asia: A Skeptic’s View of Australia’s ‘Gillard Government Trade Policy Statement’” *Transnational Dispute Management* 5 (2011)

- Also Sydney Law School Research Paper No. 11/32 (2011), <http://ssrn.com/abstract=1860505>
- With introductory part also in 16 *The Australian ADR Reporter* (July 2011) 49-55
- “Suppliers’ Duties to Report Product-related Accidents under the New Australian Consumer Law: A Comparative Critique” [June-August] *Commercial Law Quarterly* 3-14
 - Also Sydney Law School Research Paper No. 10/41, <http://ssrn.com/abstract=1600502>
 - Part also as “Confidentiality of Mandatory Consumer Product Accident Reports: The Australian Consumer Law Compared” 21(9) *Australian Product Liability Reporter* 102-6 (June)

2010:

- “Afterthoughts: International Commercial Contracts and Arbitration” (2010) 17 *Australian Journal of International Law* 198-204
 - Updating contribution to Bonell/Finn/Robertson/Nottage, “The UNIDROIT Principles of International Commercial Contracts: What Do They Mean for Australia?”, SCIL Working Paper No 7 (2008), <http://www.law.usyd.edu.au/scil/pdf/SCILWP7Finalised.pdf>
- “Law, Public Policy and Economics in Japan and Australia: Reviewing Bilateral Relations and Commercial Regulation in 2009” 27 *Ritsumeikan Law Review* 1-57
 - also Sydney Law School Research Paper No. 09/71, <http://ssrn.com/abstract=1446523>
- “The Top Twenty Things to Change In or Around Australia’s International Arbitration Act” 6 *Asian International Arbitration Law Journal* 1-43 (Luke Nottage and Richard Garnett)
 - revised for Luke Nottage and Richard Garnett (eds) **International Arbitration in Australia** (Sydney: Federation Press) 149-190
 - also in Sydney Law School Research Paper No. 09/19, <http://ssrn.com/abstract=1378722>
 - summarised in: 9 *Australian ADR Reporter (Chartered Institute of Arbitrators – Australian Branch)* 7-9 (via www.arbitrators.org.au)

2009:

- “‘Back to the Future’ for Investor-State Arbitrations: Revising Rules in Australia and Japan for Public Interests” (Luke Nottage and Kate Miles) 26(1) *Journal of International Arbitration* 25-58¹⁶
 - also: *Sydney Law School Research Paper* No. 08/62, <http://ssrn.com/abstract=1151167>
 - updated for Luke Nottage and Richard Garnett (eds) **International Arbitration in Australia** (Sydney: Federation Press) 222-52
 - with an earlier abridged version in 20 *JCAA Newsletter* 1-8 (July 2008) also at <http://www.jcaa.or.jp/e/arbitration-e/syuppan-e/newslet/news20.pdf>,
 - translated (by Akira Sawai and Keiko Takikita) in (2009) 628 *JCA Jyannaru* 28-38
- “Consumer Law Reform in Australia: Contemporary and Comparative Constructive Criticism” 9(2) *QUT Law and Justice Journal* 111-136
 - adapted from Sydney Centre for International Law Working Paper No. 24, http://sydney.edu.au/law/scil/documents/2009/SCILWP24_Nottage.pdf¹⁷
- “Economics, Politics, Public Policy and Law in Japan, Australasia and the Pacific: Corporate Governance, Financial Crisis, and Consumer Product Safety in 2008”, 26 *Ritsumeikan Law Review* 1-45
 - also: Sydney Law School Research Paper No. 08/134 (2008), <http://ssrn.com/abstract=1295064>
- “The Cultural (Re)Turn in Japanese Law Studies”, 39(4) *Victoria University of Wellington Law Review* 755-77
- “The New Australian Consumer Law: What About Consumer ADR?” 9(2) *QUT Law and Justice Journal* 176-97
 - abridged and revised from: “Consumer ADR and the Proposed ‘Consumer Law’ in Australia: Room for Improvement”, Sydney Law School Research Paper 09/10, <http://ssrn.com/abstract=1370106>

2008:

- “Europeanisation of Product Liability in the Asia-Pacific Region: A Preliminary Empirical Benchmark” (with Jocelyn Kellam) 31(2) *Journal of Consumer Policy* 217-41 <http://www.springerlink.com/content/g5342g1342w1v156/>

2007:

- “Changing Contract Lenses: Unexpected Supervening Events in English, New Zealand, U.S., Japanese, and International Sales Law and Practice” 14 *Indiana Journal of Global Legal Studies* 385-419¹⁸
- “Happy 15th Birthday, TPA Part VA! Australia’s Product Liability Morass” (with Jocelyn Kellam) 15(1) *Competition and Consumer Law Journal* 26-73

2006:

- “Nothing New in the (North) East? Interpreting the Rhetoric and Reality of Corporate Governance in Japan” 359 *Asia Pacific Economic Papers* [52 pp; shortened version as “Perspectives and Approaches: A Framework for Comparing Japanese Corporate Governance” in Nottage et al (eds) *Corporate Governance in the 21st Century: Japan’s Gradual Transformation* (Edward Elgar, Cheltenham) 21-52]¹⁹
- “The ABCs of Product Safety Re-regulation in Japan: Asbestos, Buildings, Consumer Electrical Goods, and Schindler’s Lifts” 15(2) *Griffith Law Review* 242-86; partly reproduced as “Re-regulating Japan: Asbestos, Defectively Designed Buildings, and Secondhand Electrical Goods” (2006) 22 *Journal of Japanese Law* 89-114
- (Hitoshi Nasu, trans) “Shohiseikatsuyohin no ototeki Saikisei - Osutoraria to Nihon ni okeru Hadoro to Sofuto-ro” 7 *Soft Law Kenkyu* 111-44 (based on: “Responsive Re-regulation of Consumer Product Safety: Hard and Soft Law in Australia and Japan” (2006) COESOFTLAW-2006-5 *University of Tokyo Soft Law COE Discussion Paper* at <http://www.j.u-tokyo.ac.jp/coelaw/COESOFTLAW-2006-5.pdf>)

2005:

- “Build Postgraduate Law Schools in Kyoto, and Will They Come - Sooner and Later?” 7 *Australian Journal of Asian Law* 241-63²⁰
- “Who’s Afraid of the Vienna Sales Convention (CISG)? A New Zealander’s View from Australia and Japan” 36 *Victoria University of Wellington Law Review* 815-45²¹
- “Changing the (JCAA) Rules: Improving International Commercial Arbitration in Japan” (with Gerald McAlinn) 18 *Journal of Japanese Law* 23-36²²
- “Civil Procedure Reforms in Japan: The Latest Round” 22 *Ritsumeikan Law Review* 81-6

2004:

- “Japan’s New Arbitration Law: Domestication Reinforcing Internationalisation?” [2004] *International Arbitration Law Review* 54-60²³

2003:

- “Comparative Law, Asian Law, and Japanese Law” 15 *Journal of Japanese Law* 41-61

2002:

- “IT and Legal Practice and Education in Japan and Australia” (with Makoto Ibusuki) 4 *UTS Law Review* 31-54²⁴
- Is (International) Commercial Arbitration ADR?” 20 *The Arbitrator and Mediator* [Australian Institute of Arbitrators and Mediators] 83-92
 - (abridged for) [Winter 2002] *Bar News* (Bar Association of New South Wales) 27-30
 - (in turn reprinted in) David Spencer (ed) **Dispute Resolution in Australia: Cases, Commentary and Materials** (Pymont: Law Book Co)
- Japanese Corporate Governance at a Crossroads: Variation in ‘Varieties of Capitalism?’” 27(2) *North Carolina Journal of International Law and Commercial Regulation* 255-299 [published February 2002]²⁵
 - (reprinted in) T Ginsburg et al (eds) **The Multiple Worlds of Japanese Law** (University of Victoria) 66-97

2001:

- *Japanisches Recht, Japanese Law, and Nihon-ho*” 12 *Journal of Japanese Law* 17-21;²⁶
 - (reprinted in) Tom Ginsburg et al (eds) **The Multiple Worlds of Japanese Law** (2001) 20-24
- “Reformist Conservatism and Failures of Imagination in Japanese Legal Education” 2 *Asian-Pacific*

Law & Policy Journal 28-65²⁷;

- (reprinted in) Tom Ginsburg et al (eds) **The Multiple Worlds of Japanese Law** (2001) 132-157
- (and in) 8 *Ritsumeikan Journal of Asia-Pacific Studies* (2001) 115-144;
- (with an shorter and earlier version at) 9 *Journal of Japanese Law* 23-47 (2000)²⁸
- “Comment on *Civil Law and Common Law: Two Different Paths Leading to the Same Goal*” 32 *Victoria University of Wellington Law Review* 843-851²⁹
 - (reprinted in) 7 *Revue Juridique Polynésienne* 843-851 (<http://www.upf.pf/recherche/RJP7.htm#7>);
 - (and in) NZ Association for Comparative Law (ed) **Yearbook 6: 2000** (2001) 843-851

2000 and earlier:

- “The Present and Future of Product Liability Dispute Resolution in Japan” (2000) 27(1) *William Mitchell Law Review* 215-235³⁰
- “Practical and Theoretical Implications of the Lex Mercatoria for Japan: CENTRAL’s Empirical Study on the Use of Transnational Law” (2000) 4(2) *Vindobona Journal of International Commercial Law and Arbitration* 132-146³¹
- “The Vicissitudes of Transnational Commercial Arbitration and the *Lex Mercatoria*: A View from the Periphery”(2000) 16 *Arbitration International* 53-78³²
 - (with a much shorter and earlier version published as) “*Kokusai Sboji Chusai to Lex Mercatoria no Hensen* [The Vicissitudes of Transnational Commercial Arbitration and the Lex Mercatoria]” 113 *Ho no Shibai* 100-111 (Noboru Kashiwagi, trans; April 1999)
- “Japan’s New Product Liability ADR Centers: Bureaucratic, Industry, or Consumer Informalism?” (with Yoshitaka Wada) 6 *Zeitschrift fuer japanisches Recht / Journal of Japanese Law* 40-81 (1998)³³
 - (reprinted in) (1998) 65/3-4 *Hosei Kenkyu* F1-50
- “Planning and Renegotiating Long-Term Contracts in New Zealand and Japan: An Interim Report on an Empirical Research Project” [1997] *New Zealand Law Review* 482-530³⁴
- “Economic Dislocation and Contract Renegotiation in New Zealand and Japan: A Preliminary Empirical Study” (1997) 27(1) *Victoria University of Wellington Law Review* 59-97
 - (reprinted in) NZ Association for Comparative Law (ed) (1997) **Yearbook 2: 1996** 59-97.
- “Annotated Select Bibliography of Japanese Business Law in Western Languages”, with Harald Baum, (1997) 27/1 *Victoria University of Wellington Law Review* 121-174
 - (fully reprinted in) NZ Association for Comparative Law (ed) **Yearbook 2: 1996** 121-174 (1997);
 - (with one section published as) “Finding Japanese Law on the Internet: A Sample Odyssey“ 3 *Zeitschrift fuer Japanisches Recht* 45-6 (1997)
- “Form and Substance in US, English, New Zealand, and Japanese Law: A Framework for Better Comparisons in the Law of Unfair Contracts” (1996) 26/2 *Victoria University of Wellington Law Review* 247-292³⁵
 - (reprinted in) NZ Association for Comparative Law (ed) **Yearbook 2: 1996** 247-292 (1997)

E. Other Academic Articles and Papers

2011:

- “Introduction: Asian Investment and Finance Law” (with Vivienne Bath) 34(1) *Sydney Law Review* 1-4 (guest editors of Special Issue)

2011:

- “Drafting Arbitration Clauses to Minimise Costs and Delays in ICA: An Asia-Pacific Perspective” 16 *The Australian ADR Reporter* (July 2011) 35-40
 - Also Sydney Law School Research Paper No. 12/23, <http://ssrn.com/abstract=2041038>

2010:

- “The Japanisation of American Law? Substantive Similarities, Compared to Formal Anglo-New Zealand Law”, Sydney Law School Research Paper No. 10/80, <http://ssrn.com/abstract=1663456>

- (Tomoko Takase trans) “*Osutoraria no Shobishabo no Fukatsu – Shobisha Keiyaku ni okeru Futo Joko* [Australia’s Consumer Law Revival: Unfair Terms in Consumer Contracts]” 83 *Shobishabo Nyusu* 300-9
- “Proposed Australian (and Canadian) Requirements to Disclose Consumer Product Related Accidents: Better Late than Never?” 20 *Australian Product Liability Reporter*, 8-12
 - also SCIL Working Paper No. 26 (April 2010), http://www.law.usyd.edu.au/scil/documents/2010/wp_no26_Nottage.pdf

2009:

- “Asia-Pacific Regional Architecture and Consumer Product Safety Regulation for a Post-FTA Era” Sydney Law School Research Paper No. 09/125, <http://ssrn.com/abstract=1509810> [shorter updated version forthcoming in Routledge volume co-edited by Meredith Kolsky-Lewis]
- Takehiko Kasahara, Ken-ichi Yoneda, Luke Nottage & Naoki Inagaki “*Hogaku Kyoiku no IT-ka – Daigaku-kan Renkei o Shiya ni Irete* [Developing Information Technology for Legal Education: Bringing Inter-University Links Into Perspective]” [Presentations and Panel Discussion] 8 *Jobo Netwaku [Information Network] Law Review* 191-244
- “Product Safety Regulation in the New Australian Consumer Law: Proper Disclosure Please” 19(10) *Australian Product Liability Reporter*, 146-9
- “Comparing ADR in Australia and New Zealand: Introduction and Update” SCIL Working Paper No 22, http://sydney.edu.au/law/scil/documents/2009/SCILWP22_Nottage.pdf

2008:

- “Chinese Dumplings and Dodgy Foods in Japan: Implications for the Australia-Japan FTA” (with Joel Rheuben) 19(4) *Australian Product Liability Reporter* 50-6
 - Also: SCIL Working Paper No 5, <http://www.law.usyd.edu.au/scil/pdf/SCILWP5July08.pdf>
- “Australia’s Consumer Policy Framework - Inquiry Report: Few Surprises” 19(3) *Australian Product Liability Reporter* 33-6
- “Reforming International Commercial Arbitration (ICA) Law: The U.N., New Zealand – Why Not Australia?” 7 *Australian ADR Reporter (Chartered Institute of Arbitrators – Australian Branch)* 15-19.
- “The Productivity Commission’s Inquiry into Australia’s Consumer Policy Framework: A Partial Response” 18(9) *Australian Product Liability Reporter* 122-7.
- “Beyond Borders in the Classroom - The Possibility of Transnational Legal Education” 25 *Ritsumeikan Law Review* 183-208 (edited Conference Panel Discussion transcript, with Frank Bennett et al)
 - also: Sydney Law School Research Paper No. 08/63, <http://ssrn.com/abstract=1161016>
- “Corporate Governance and M&A in Australia: An Overview for Assessing the Americanisation Thesis”, *Sydney Law School Research Paper* No 08/28 at <http://ssrn.com/abstract=1105639>

2007:

- “Arb-Med in Australia: The Time Has Come” 5 *ADR Reporter (Chartered Institute of Arbitrators – Australian Branch)* 8-19

2006:

- (Hitoshi Nasu, trans) “*Shihoseikatsuyobin no Saikisei in mukete - Nihon, Osutoraria, Oshu o torimaku Kaikaku no Arashi* [Towards Consumer Product Safety Re-regulation: The Law Reform Tempest Enveloping Japan, Australia and Europe]” (2006) 847 *NBL* 4-7 [English version: “Consumers Beware! Product Safety Regulation Reforms in Japan, Australia and Europe” in [2007] *New Zealand Law Journal* 309-311]
- “Report on Clayton Utz Asia Pacific Product Liability Survey” (with Jocelyn Kellam) 17(9) *Australian Product Liability Reporter* 121-40
 - (translated as) “Studie: Produkthaftung in Azenpazifik” [2007] *Haftpflicht International – Recht & Versicherung* 22-8
- “Translating Tanase: Challenging Paradigms of Japanese Law and Society” Sydney Law School Research Paper 2006 / UC Berkeley Working Paper special issue, https://www.law.berkeley.edu/centers/ilr/pub_sho_sato_2005/nottage_translatingtanase.pdf³⁶
- “The Latest Round in Australia’s Review of Consumer Product Safety Regulation: The Productivity

2005:

- “Teaching Arbitration in Australia: Towards Transnational Associations” CDAMS Discussion Paper 04/30E www.cdams.kobe-u.ac.jp/archive/dp04-30.pdf
 - (translated by Hitoshi Nasu) “Osutoraria ni okeru Chusai Kyoiku - Kokkyo o koeru Teikei ni mukete” (2005) 04/30J CDAMS Discussion Paper www.cdams.kobe-u.ac.jp/archive/dp04-30j.pdf
 - (abridged) “Osutoraria ni okeru Chusai Kyoiku - Kokkyo o koeru Teikei ni mukete” 52(4) *JCA Jyanaru* 50-4
- “Reviewing Product Safety Regulation in Australia - and Japan?” 16 *Australian Product Liability Reporter* 100-6 (Part 1), 124-8 (Part 2)
- “A Decade of Strict-liability Litigation under Japan's Product Liability Law of 1994” 16(1) *Australian Product Liability Reporter* 65-9

2004:

- “*Nihon no Hosho Yoso Seido Kaikaku e no Teigen – Osutorariabo no Shiten kara* [Proposals for Reforming Japan’s System for Training Legal Professionals: From the Perspective of Australian Law” (with Takahiro Saito) 76(2) *Horitsu Jibo* 30-36³⁷

2003:

- “The Procedural *Lex Mercatoria*: The Past, Present and Future of International Commercial Arbitration” Kobe University CDAMS Discussion Paper 03/1E at <<http://www.cdams.kobe-u.ac.jp/archive/dp03-1.pdf>> [37pp]³⁸
- “Mad Cows and Japanese Consumers” (with Melanie Trezise) 14(9) *Australian Product Liability Reporter* 125-36
- “*Osutorariabo wa Beikokuka shita no ka? Nihon no Hosho Yosei Seido Kaikaku e no Shisa* [Has Australian Law been Americanised? Implications for Japan’s System for Educating the Legal Profession]” (with Takahiro Saito) [September 2003] *Causa* 66-69
- “Reviewing the Arbitration Act 1996” [2003] *New Zealand Law Journal* 34-8

2001:

- “Stakeholders in Japanese Corporate Governance” [2001] *New Zealand Law Journal* 35-40
- “Convergence, Divergence, and the Middle Way in Unifying or Harmonising Private Law” EUI Working Paper in Law No 2001/1 (European University Institute, Florence, <http://www.iue.it/LAW/publicat.htm>)³⁹

2000 and earlier:

- “Practical and Theoretical Implications of the *Lex Mercatoria* for Japan: CENTRAL’s Empirical Study on the Use of Transnational Law” (2000) 4/2 *Vindobona Journal of International Commercial Law and Arbitration* 132-146 (2000);
 - (updated for translation by Shunichiro Nakano and Asako Makoba) 30(9) *Kokusai Shoji Homu* (Journal of the Japanese Institute of International Business Law) (September 2002) 1229-35 (Part One), 30(1) (October 2002) 1387-92
- “*Uin Hanbai Joyaku (CISG) to Hogaku Kyoiku: Dainanakai Willem C Vis Mogi Kokusai Shoji Chusai Taikai Sankaki* [The Vienna Sales Convention (CISG) and Legal Education: Chronicle of Participation in the Seventh Annual Willem C Vis Commercial Arbitration Moot Competition]” (with Hiroo Sono) (2000) 67 *Hosei Kenkyu*
- “New Concerns and Challenges for Product Safety in Japan”, (2000) 11/8 *Australian Product Liability Reporter* 100-110; reprinted in
 - (reprinted in) T Ginsburg et al (eds) **The Multiple Worlds of Japanese Law** (2001) 54-65
- “*Nyujirando no Hogaku Kyoiku ni okeru Hoshiteki na Kaikakushugi* [Conservative Reformism in New Zealand’s Legal Education]” (2000) 6 *Shibokaiikaku Zasshi* 61-68
 - (abridged version published as) “*Nyujirando no Hogakukyoikushi: Nihon ni okeru Hogakukyoiku e no*

- Shisa: A History of New Zealand Legal Education: Implications for Reforming Legal Education in Japan*” in 3 *Toyo Bunka Kenkyu* [Gakushuin University] 87-108 (April 2001);
- (slightly revised for reprinting in) **Legal Education in Australia**, Report of the Sapporo Bar Association (2002, in Japanese)
 - “*Uin Hanbai Joyaku (CISG) to Hogaku Kyoiku* [The Vienna Sales Convention (CISG) and Legal Education]”, with Hiroo Sono, (2000) 1186 *Juristo* 24
 - “*Sozoryoku o Hatarakaseyo - Nihon ni okeru Hogakukyoiku/Shibo Kaikaku o Kangaete* [Let's Use Our Imagination: Thoughts on Reform of Legal Education and the Administration of Justice in Japan]” (2000) 1170 *Juristo* 148-150
 - “Japan's First Judgment under its PL Law of 1994: Echoes of *Donoghue v Stevenson*” (with Toshimitsu Kitagawa; appending my annotated translation of the judgment) (December 1999/January 2000) 10/10 *Australian Product Liability Reporter* 121-132⁴⁰
 - “Japanese Business Law in Cyberspace: Preliminary Usage Patterns for the *Japanese Law Links* Webpage” (1999) 1 *Australian Journal of Asian Law* 91-106
 - “New Zealand Law through the Internet: The Commonwealth Law Tradition and Socio-Legal Experimentation”, 12 (1999) *Forum of International Development Studies* [Nagoya University] 55-85
 - (in slightly updated form, with a new concluding Part IV) in 6/1 Murdoch University Electronic Journal of Law (May-April 1999);⁴¹
 - (with shorter versions in Japanese of Part II only, as) “*Nyujirando ho* [New Zealand Law]”, in M Ibusuki (ed), ***Intanetto de Gaikokuho*** [The Internet: Gateways to Foreign Law] 83-93 (1998, Nihon Hyoronsha, Tokyo)
 - “Educating Transnational Commercial Lawyers for the 21st Century: Towards the Vis Arbitration Moot in 2000” 66/1, 66/3 *Hosei Kenkyu* [Kyushu University] F1-30 (Part One: May 1999), F1-32 (Part Two, December 1999)⁴²
 - “Global Harmony and Disharmony in Accident Compensation: Japan's New Product Liability Legislation compared to the EC Directive and Part VA of the Australian Trade Practices Act” (1999) 66/2 *Hosei Kenkyu* F1-40⁴³
 - “Cyberspace and the Future of Law, Legal Practice and Legal Education”, (1998) 65/1 *Hosei Kenkyu* F1-F32
 - (in much expanded form, as) “Cyberspace and the Future of Law, Legal Education and Practice in Japan” [1998/5] Web Journal of Current Legal Issues⁴⁴
 - “Top Ten Changes and Continuities in Japanese Law and Society”, in NZ Association for Comparative Law (ed) (1998) *Yearbook 3: 1997* 611-623
 - “Bargaining in the Shadow of the Law and Law in the Light of Bargaining: Contract Planning and Renegotiation in the US, New Zealand, and Japan”, in Johannes Feest & Volkmar Gessner (eds) (1998) **Interaction of Legal Cultures: Pre-publications of the Workshop on Changing Legal Cultures**, Oñati International Institute for the Sociology of Law 113-38⁴⁵
 - (trans and ed, from German original) Norbert Horn, “Banks' Duties to Inform and Give Advice under German Law” (1998) *European Business Law Review* 367-80
 - “*Saibasupesu jidai ni okeru ho to hojitsumu no genjo to mirai* [The Present and Future of Law and Legal Practice in a Cyberspace Era]” (1998) 520 *Hogaku Seminar* 131-132
 - (and in slightly longer and updated form as) “*Nettowaku Jidai no Horitsu Sabisu* [Legal Services in a Network Era]” in M Ibusuki (ed), ***Saibasupesu Hogaku Nyumon*** [Introduction to Transnational Cyberspace Law] 61-65 (Tokyo: Nihon Hyoronsha).
 - “*Teiju Gaikokujin no Senkyoken - Nyujirando/Eirenpo Shokoku kara mita Nihonbo* [Foreign Permanent Residents' Right to Vote - A New Zealand and Commonwealth Perspective on Japanese Law]” (1997) 1108 *Juristo* 2
 - “What Do Courts Do?” (with Christian Wollschlaeger) [1996] *New Zealand Law Journal* 369-373⁴⁶
 - “Trade Law Harmonisation in the Asia-Pacific Region: A Realist's View from New Zealand - and a Way Forward?” [1995] *New Zealand Law Journal* 295-301
 - “‘The Day After’ the Kobe ‘Quake: Renegotiating Contracts with Japanese Suppliers ‘In the Shadow of the Law’” (1995) 432 *Lantalk* (New Zealand Law Society) 6-10
 - **Law in Japan Today: A Changing Interface with Business and Government** (Centre for Asia-

- Pacific Law and Business, Victoria University of Wellington, Monograph No 4, May 1995) 32 pp
- “*Ho - Shakai no Henka o Kangaete* [On Law and Social Change]” (1991) 134 *Hogaku Kyoshitsu* 52
- **Japanese Agricultural Policies: The ABARE Study and Beef and Dairy Policies** (East Asia Project, Working Paper No 2, Institute of Policy Studies, Victoria University of Wellington, 1989) 42 pp

F. Other Articles, Essays and Looseleaf Contributions

- Since mid-2008: regular contributor to the East Asia Forum blog at <http://eastasiaforum.org/author/lukenottage/>;
 1. Selected July-Nov 2008 blogs edited/updated into: “Economics, Politics, Public Policy and Law in Japan, Australasia and the Pacific: Corporate Governance, Financial Crisis, and Consumer Product Safety in 2008” (2009) 26 *Ritsumeikan Law Review* 1-45
 2. Selected 2009 blogs edited/updated into: “Law, Public Policy and Economics in Japan and Australia: Reviewing Bilateral Relations and Commercial Regulation in 2009” (2010) 27 *Ritsumeikan Law Review* 1-57
 3. Selected 2009-10 blogs edited/updated into: “New Legislative Agendas, Legal Professionals and Dispute Resolution in Australia and Japan: 2009-2010” (2011) 28 *Ritsumeikan Law Review* forthcoming
 4. “Investor-state Arbitration Provisions: What Future?” 3(1) *East Asia Forum Quarterly* 33-4 (January-March 2011)
- Since 2008: Contributing Editor (with Jocelyn Kellam), *Australian Sales and Fair Trading Law Reporter* (CCH, last updated November 2009)
- 2007-9: Contributing Editor, *CCH Japan Business Law Guide* (looseleaf, 2 volumes, Singapore)
 1. September 2007: update to “Product Liability” chapter (originally with Masanobu Kato)
 2. December 2007: update to “Contract Law” chapter (with Masanobu Kato, last revised by Veronica Taylor)
 Both included in CCH *Business Law in Japan, Volume 1* (CCH Singapore/Tokyo, ISBN 978-4-915845-08-6, www.cch-japan.jp/product/08BLJ.htm).
- Since 2006: Contributing Author (with David Jay) for the “Sales and Product Liability” tab of the **Butterworths Forms and Precedents** looseleaf/online service, Sydney (May 2007 and January 2011 updates: “International Sales”; February 2008 and January 2011: “Consumer Protection”)
- “Japan – Overview, and Case Notes” (assisted by Joel Rheuben) in British Institute of International and Comparative Law (ed) (2007) “Product Liability Forum Database” at <http://www.biicl.org/plf/>
- “Australia – Overview, and Case Notes” (with Jocelyn Kellam) in British Institute of International and Comparative Law (ed) (2007) “Product Liability Forum Database” at <http://www.biicl.org/plf/>
- 2004 and 2007: Contributor on Japan with Jocelyn Kellam, “Asia and the Pacific Rim” in DRI (ed) **Product Liability Defenses: A State-by-State Compendium** (CDROM service, Defence Research Institute, Chicago)
- 2000-2006: Contributing Author (with Leon Wolff) for the “Japan” tab of the CCH *Doing Business in Asia* looseleaf/CD-ROM (CCH Pte Ltd, Singapore), reproduced in **Doing Business in Asia** (Vol. 3, The Hague, Kluwer Law International, ISBN 90-411-2420-9); including many contributions to the CCH *Asiamatch* Newsletter, eg:
 - “Americanisation of Japanese – and Australian – Law?”: No 60, September 2003, 11-12;
 - “Japan, Inc Goes Global: Elective Corporate Governance Reform”: No 57, April 2003, 6-8;
 - “Re-tilting Japan’s Civil Litigation Landscape”: No 54, August 2002, 10-11;
 - “Japan’s E-Initiatives-2001”: No 52, March 2002, 7-9;
 - “Japan’s Impending Reforms of the Administration of Justice: Far From Final”: No 48, October 2001, 4-7;
 - “Japan and the WTO Game”: No 47, May 2001, 1-4;
 - “Japanese Law Related Internet Resources”: No 46, February 2001, 8-11.
 - “Tax Policy in Japan for the 21st Century: Decentralisation and Digitalisation”: No 45, December 2000;

- “Bridging the Gaps in Japan’s Regulatory Framework”: No 43, August 2000, 6-7;
- “Pressure Mounts on Japanese Corporate Governance”: No 42, June 2000, 6-8;
- “Taking a Leaf from Japan’s Product Liability Claims”: No 41, April 2000, 10-11.
- Contributions to *Toki no Horei* (law journal supported by the Japanese Government):
 - “*Kanada no Ro Sukuru* [Canada’s Law Schools]” No 1638 (March 2001), 2-3;
 - “*Kitsune to Harinezumi* [The Fox and the Hedgehog]” No 1636 (February 2001), 4-5;
 - “*Horitsuka ni naranakatta Leonardo* [Leonardo – Not a Jurist]” No 1634, 2-3 (January 2001).
 - “*Ho to Machiavelli* [Law and Machiavelli]” No 1632, 4-5 (December 2000);
 - “*Ho to Bijutsu* [Law and Art]” No 1630, 2-3 (November 2000);
 - with an expanded version combining these two, in [February 2001] Council Brief (Wellington District Law Society) 8
 - “*Honto no Daigakuin Daigaku ni okeru Hogaku Kyoiku* [Legal Education in a Real Graduate School of Law]” No 1628, 4-5 (October 2000);
 - “*Saibasupesu to Minsbushugi* [Cyberspace and Democracy]” No 1626, 2-3 (September 2000);
 - (with an expanded version, entitled “The Promise of Internet Democracy Yet to be Fulfilled”) in [December 2000] Council Brief (Wellington District Law Society) 6
 - “*Saibasupesu ni okeru Bukkenteki na Yoso to Kyodotai* [Pseudo Property Rights and Community in Cyberspace]” No 1624, 4-5 (August 2000);
 - “*Saibasupesu ni okeru Keiyaku to Shinrai* [Contract and Trust in Cyberspace]” No 1622, 2-3 (July 2000);
 - (with an expanded version, under the same title in English) in 549 *Lawtalk* (New Zealand Law Society, October 2000)
 - “*Nihon-Nyujirando Shobishakeiyakubo* [Consumer Contract Law in Japan and New Zealand]” No 1620, 4-5 (June 2000);
 - “*Eibeibo no Ei-bei no Bunri* [The Anglo and the American in Anglo-American Law]”: No 1618, 2-3 (May 2000).
- “*Keiyaku Ishiki Chosa Yoto (No 5) - Nyujirando ni okeru Ho/Shakai Jikkenshugi to Keishiki Shiko* [Contract Consciousness Survey Notes (No 5): Socio-legal Experimentalism and Formalism in New Zealand]” 475 *Shosai no Mado* 48-52 (June 1998)

G. Book Reviews

- “Mark West, Lovesick Japan” (2012) *Japanese Studies* forthcoming
- “Ann Black and Gary Ball (eds) Law and Legal Institutions in Asia” (2012) *Lawasia Journal* forthcoming (with Simon Butt; also *Sydney Law School Research Paper* via SSRN.com)
- “Simon Greenberg et al, *International Commercial Arbitration: An Asia-Pacific Perspective*” (2011) 85(8) *Australian Law Journal* 521-3
- “Neil Boister and Robert Cryer, *The Tokyo International Military Tribunal: A Reappraisal*” (2010) *New Zealand Yearbook of International Law*, 343-50 (with Richard Nottage)
- “Stacey Steele et al (eds) *Legal Education in East Asia*” (2010) 30 *Journal of Japanese Law* 255-64; also *Sydney Law School Research Paper* No. 11/05, <http://ssrn.com/abstract=1752646>
- “Hiroshi Oda, *Japanese Law (3rd ed)*” (2009) 11 *Australian Journal of Asian Law* 321-6
- “Christine de Matos, *Australia, Social Justice and Labour Reform in Occupation Japan*” (2009) 29(3) *Japanese Studies* 454-6
- “Charlotte Epstein, *The Power of Words in International Relations: Birth of An Anti-whaling Discourse*” (2009) 12(1) *Asia Pacific Journal of Environmental Law* 240-6
- “Daniel Foote (ed), *Japan: A Turning Point*” (2008) 25 *Journal of Japanese Law* 261-5
- “Trevor Ryan, *Dear Judge Ichiro*” (2008) 28(2) *Japanese Studies* 131-2
- “Klaus Peter Berger, *Private Dispute Resolution in International Business: Negotiation, Mediation, Arbitration*”, [2006] 13 *Australian Journal of International Law* 293-7
- “William Roehl (ed) A History of Japanese Law Since 1868” (2006) 22 *Journal of Japanese Law* /

Zeitschrift fuer Japanisches Recht 283-91

- “Dimitri Vanoverbeke, Community and State in the Japanese Farm Village: Farm Tenancy Conciliation (1924-1938)” (2005) 18 *Journal of Japanese Law / Zeitschrift fuer Japanisches Recht* 255-6
- “Alexis Dudden, *Japan’s Colonization of Korea: Discourse and Power*” (2005) 29(4) *Asian Studies Review* 432-3
- “Juergen Basedow et al (eds) *Economic Regulation and Competition: Regulation of Services in the EU, Germany and Japan*” (2003) 16 *Zeitschrift fuer Japanisches Recht* 281-4
- “Michael Pryles (ed) *Dispute Resolution in Asia*” [2003] *Uniform Law Review* 794-7
- “Yasunobu Sato, *Commercial Dispute Processing and Japan*” [2002] *International Arbitration Law Review* 133-5
- “Linda Willmott et al, *Contract Law*” (2002) 18 *Journal of Contract Law* 145-51
- “Klaus Peter Berger (ed), *The Practice of Transnational Law*” (2002) 19(1) *Journal of International Arbitration* 67-71
- “Beatrice Jazulot, *La bonne foi dans les contrats*” (2001) 12 *Zeitschrift fuer Japanisches Recht* 271-3
- “Patrick Parkinson, *Tradition and Change in Australian Law*” (2001) 50/4 *International and Comparative Law Quarterly* 998-1000
- “Soili Nysten-Haarala, *The Long-Term Contract*” (2001) 9 *Maastricht Journal of Comparative and International Law* 331-5

Before 2000:

- “L Beer (ed), *Constitutional Systems in Late Twentieth Century Asia*” (1998) 9 *Public Law Review* 76-79.
- “Y Yanagida (et al), *Law and Investment in Japan: Cases and Materials*” (1996) 17(2) *New Zealand Universities Law Review* 223-227.
- “Song (ed), *Korean Law in the Global Economy*” [review essay] (1996) 26(3) *Victoria University of Wellington Law Review* 600-609.

H. Refereed Full-length Conference Papers

- “You Say Tomato, I Say Tomahito, Let’s Call the Whole Thing Off: The Chicago School of Law and Economics Comes to Japan” (with Craig Freedman), Refereed papers from the 5th Australian Society of Heterodox Economists Conference, 11-12 December 2006, UNSW;
 - Also published as Macquarie University Centre for Japanese Economic Studies Research Paper 2006-4 [40 pp]
 - Earlier version presented as “The Chicago School of Economics and (Japanese) Law: Resisting the Invasions of Stigler and Ramseyer” at the ANJeL conference, “War of the Worlds in Japanese Law? Implications for Business Law Harmonisation”, UNSW, **28 February 2006**; and at the 2006 biennial Asian Studies Association of Australia conference, University of Wollongong, **29-30 June 2006** (then published also in their online refereed Proceedings via <http://coombs.anu.edu.au/ASAA/conference>)

I. Other Conference Presentations

(selected; * when invited)

2012:

- Co-organised and spoke (on corporate governance) at the Asian Commercial Law Reform symposium, Sydney Law School, **3-4 August 2012**
- “Novel Treaty-Based Approaches to Resolving International Investment and Tax Disputes in the Asia-Pacific Region” (with Micah Burch), ANZSIL conference, Wellington, **5-6 July 2012**

- Two presentations (corporate governance, and consumer credit) and discussant at third session for the Law & Society Association / RSCL conference, Honolulu, **4-8 June 2012**
- Co-organised and spoke at the “Asia-Pacific disasters” conference at Sydney Law School, **1-2 March 2012**

2011:

- * “Lessons from Product Safety Regulation for Reforming Consumer Credit Markets in Japan and Beyond: Empirically-Informed Normativism”, 6th Australasian Consumer Law Roundtable, Victoria University of Wellington, **8-10 December 2011**
- * “The Rise and Fall of Investor-State Arbitration in Asia” Lee Kwan Yew School of Public Policy, National University of Singapore, **26-9 October 2011**
- “Comparing Disaster Law in Japan: Culture, Politics and Economics” Tohoku University GCOE conference, Japan, **13-15 October 2011**
- “Independent Directors in Australia and Singapore: Same But Different?” (with Fady Aoun and Matt Nichol, in a panel co-organised on Comparative Corporate Governance), 2nd East Asian Law and Society conference, Yonsei University, Seoul, **30 September – 1 October 2011**
- * “Investor-State Arbitration Law and Policy in Australia”, AGD/LCA International Trade Law conference, Canberra, **23 September 2011**
- “Fostering a Common Culture in Cross-Border Dispute Resolution: Australia, Japan and the Asia-Pacific” (with Micah Burch and Brett Williams), Japanese Studies Association of Australia conference, University of Melbourne, **1-4 July 2011**
- * “Product Accident Report Sharing and Disclosure under the Australian Consumer Law”, Consumers 2011 conference, Sydney, **7-8 June 2011**
- “Drafting Arbitration Clauses to Minimise Costs and Delays in International Commercial Arbitration: An Asia Pacific Perspective”, CIArb Asia-Pacific Conference, Sydney, **27-28 May 2011**
- * “Who Defends Japan? Government Lawyers and Judicial System Reform in Japan”, UHawaii / USydney conference on “Legal Reform in the Asian Region”, Honolulu, **15-16 April 2011**; and (presented by co-author Stephen Green) at the annual conference of the Japan Association of Sociology of Law, University of Tokyo, **27 May 2011**
- “Good for the Goose, Not Good for the Gander? Australian versus Japanese Approaches Towards Investor-State Arbitration”, ANZSIL International Economic Law Group symposium, University of Sydney, **25 February 2011**; expanded for the UTS/USydney symposium on “International Politics of Resources: China, Japan and Korea’s Demand for Energy, Minerals and Food”, Sydney, **28-29 July 2011**.

2010:

- “Fostering a Common Culture in Cross-Border Dispute Resolution: Australia, Japan and the Asia-Pacific”, Gold Coast Conference in Japanese Law, Bond University Law School, **15 November 2010**
- “Australia’s New Regime for Consumer Product Safety Regulation and Asia-Pacific Regional Architecture”, 5th Australasian Consumer Law Roundtable, University of Western Australia, Perth, **24 September 2010**
- “Legal Education in Australia” (with Justice James Douglas et al), for the Congress of the International Academy of Comparative Law, Washington DC, **25-30 July 2010**
- * “Private Law Theory” workshop, American University Law School, **27 July 2010**
- * Presentations on panels on international arbitration, and on contract law and practice, at the Maison franco-japonaise conference “Japanese, Chinese and Indian Investments *In and Out*: New Trends in the Globalization of Law from and within Asia”, Tokyo, **11-12 June 2010**
- “The Diversification and Gradual Transformation of Japanese Corporate Governance”, for the Asian Law Institute conference, Kuala Lumpur, **25-6 May 2010**
- Three presentations (and Chair of two panels, comparing judicial system reform initiatives in Japan) at the Inaugural East Asian Law and Society conference, University of Hong Kong, **5-6 February 2010**

2009:

- “Asia-Pacific Product Safety Regulation in an FTA Era”, NZCIEL conference on “Trade Agreements: Where Do We Go from Here?”, Wellington, **21-3 October 2009**
- “Investment Arbitration for Japan and Asia: Five Perspectives on Law and Practice” (with Romesh Weeramantry), Asian Society of International Law conference, Tokyo, **1-2 August 2009**; Australia-NZ Society of International Law, Wellington, **1-4 July 2009**
- “Consumer Law and Policy in the Asia-Pacific”, for “Rights, Regulation and Responsibility: Australian and Singaporean Perspectives” symposium, Sydney Law School, **29-30 July 2009**
- Panelist for “Bridging the gap between Japanese language and Japanese legal studies” and co-presenter (with Stephen Green and Prof Nishikawa) on “Who Defends Japan? Government Lawyers and Judicial System Reform in Japan and Australia”, Sydney, **13-16 July 2009**
- “Reforming unsecured consumer credit markets in Japan and worldwide: Empirically informed normativism” (with Souichirou Kozuka), International Association of Consumer Law / NALSAR conference, Hyderabad, **25-7 February 2009**

2008:

- * “IT in Australian Legal Education” (in Japanese), presenter/panelist for IT Network and Law Association annual conference, Tokyo University of Technology, **6 December 2008** (edited transcript forthcoming in the Association’s law journal)
- “Back to the Future for Investor-State Arbitrations” (with Kate Miles), Sydney Centre for International Law, **2 April 2008**; revised for ANZSIL conference, Canberra, **28 June 2008**.
- * “Re-regulating Unsecured Consumer Credit Markets: Empirically-Informed Normativism”, Monash University Law Faculty staff seminar, **3 June 2008**; revised as “The Public/Private Interface in Regulating Unsafe Consumer Products - and Credit Services?” for the Obligations IV conference, National University of Singapore, **23 July 2008**.
- * “ADR Forum” presentation on Arb-Med hybrids, NSW Young Lawyers Annual One-Day Conference on Civil Litigation, Intercontinental Hotel Sydney, **29 March 2008**.
- “Consumer’s Beware! Australia’s Consumer Policy Review”, commentator (and co-organiser) at ANJeL’s 6th international conference, “Beyond ‘Country and Western’ Law: Towards New Australia-Japan Partnerships in Legal Research”, Ritsumeikan Law School, Kyoto, **16 February 2008**.
- “Japan’s Gradual Transformation in Corporate Governance: Interpreting the Securities Law Prosecutions of Hostile Takeover Pioneers” (with Leon Wolff and Kent Anderson), Corporate Law Teachers Association conference, UNSW, Sydney, **5 February 2008**; and USydney Japanese Studies Dept, **15 May 2008**; and Sydney Law School/ANJeL CLE Seminar, Sydney, **21 July 2008**.

2007:

- * “Corporate Governance and M&A in Australia: An Overview for Assessing the Americanisation Thesis”, presentation for the Comparative Corporate Governance symposium, Doshisha Law School, **15-16 December 2007**.
- * “Comparing the Regulatory Mix for Consumer Credit in Japan, Australia and Beyond”, paper for the 2nd Consumer Law Roundtable, Griffith University, Brisbane, **4 December 2007**.
- * “Re-regulating Consumer Credit in Japan: The Culture, Economics and Politics of Contemporary Law Reform” (with Souichirou Kozuka), paper presented at the Law and Society Association/RCSL joint conference, Berlin, **25-8 July 2007**; and the symposium on “Approaches to Law and Development in the Asia Pacific Region”, Centre for Comparative Law and Development Studies in Asia and the Pacific, University of Wollongong, **17 September 2007**
- “Re-regulating Consumer Credit in Japan: Implications for Corporate Governance” (with Souichirou Kozuka), paper for the Japanese Studies Association of Australia 15th Biennial conference, ANU, **1-4 July 2007**.
- * Panel presentation at the conference on “Beyond Borders in the Classroom: The Possibility of Transnational Legal Education”, Ritsumeikan Law School, Kyoto, **10 February 2007** (transcribed for special issue of the *Ritsumeikan Law Review* in 2008).
- * Panel presentation, and keynote address on “International Arbitration and Business Law Education: Leveraging IT for Transnational Linkages” (in Japanese), at the conference on “New

Possibilities in Collaborative Education in Postgraduate Law School”, Kagoshima / Kumamoto / Kyushu Law Schools, Japan (by four-way videolink, including Sydney), **28 January 2007**.

2006:

- * “Australia’s Takeovers Panel: Taking Over from The UK?”, Presentation at the Comparative Takeovers Regulation conference, Doshisha Law School, Kyoto, **22 November 2006**.
- * “Changing Contract Lenses: Renegotiations in English, New Zealand, Japanese, US and International Sales Law and Practice”, Paper for the 2nd International CLPE Conference, “Governing Contracts: Public and Private Perspectives”, Osgoode Hall Law School, Toronto, **9-10 November 2006**.
- * “Consumer Product Safety in Australia, Japan and Beyond”, Presentation for the UWS/Meiji University “Research Seminar: Consumer Protection Law in Japan and Australia”, **2 November 2006**.
- * “Addressing Consumer Product Safety in Australia, Japan and Beyond: Markets, Private Law, Regulation, Prosecutions or Inquiries, and Corporate Governance”, Paper for the “Consumer Law Round Table”, University of Sydney School of Business / Griffith University Centre for Credit and Consumer Law, **29 September 2006**.
- * “International Arbitration and Commercial Law Education for an International World”, Paper for the International Association of Procedural Law conference, Ritsumeikan University, Kyoto, **20 September 2006**
- * “A Tentative Typology of Law Reform Processes in the New Japan”, Govnet Workshop on “The Political Economy of East Asia Ten Years after the Crisis”, ANU, **21-22 July 2006**; updating (in light of further ARC Discovery Grant research) a presentation at the ANJEL Japanese Law Conference, USydney, February 2005.
- “The Substantive and the Procedural *Lex Mercatoria* in the Pacific Rim: The Past, Present and Future of International Commercial Contract and Arbitration Law and Practice”, Paper for the Australian NZ Society of International Law conference, Wellington, **30 June-1 July 2006**.
- * “Comparing Safety Problems in Australia”, Commentary for the RISTEX conference, University of Tokyo, **14-15 February 2006**

2005:

- * “Nothing New in the East? Corporate and Securities Law Reform in Japan”, Paper for the 1st International CLPE Conference, “The Corporate Governance Matrix: Unfolding the New Agenda”, Osgoode Hall Law School, Toronto, **20-21 October 2005**; revised version presented at a University of Wollongong Legal Intersections Research Centre seminar, **10 November 2005**, then the CLTA conference, University of Queensland, **6-7 February 2006**.
- * “Reviewing Product Safety Regulation in Australia and Japan: Towards Regional Collaboration and Leadership”, Paper for the conference on “Globalization, Localization and Japanese Studies in the Asia-Pacific Region”, Chinese University of Hong Kong, **1-2 October 2005**; revised version presented at the Japanese Law Symposium, University of Washington Asian Law Center, **22-23 October 2005**.
- * Roundtable discussant at the conference on “Law and the Asia-Pacific Region amidst Globalisation”, Ritsumeikan University, Japan, **10 September 2005** (remarks in Japanese published in conference proceedings/DVD).
- * “Build it in Kyoto, or Virtually, and Will They Come - Sooner *and* Later?”, Paper for the conference on “Build It and They Will Come - The First Anniversary of Law Schools in Japan”, University of Melbourne, **26 February 2005** [earlier version presented at the Kyoto Comparative Law Centre, 6 January].
- * “Who's Afraid of the Vienna Sales Convention (CISG)? A New Zealander's View from Australia and Japan”, Paper for the International Trade Law conference, Victoria University of Wellington, **18 February 2005** [VUWLR publication version presented as a staff seminar at Auckland University, 26 September].
- * “Comparing Product Liability and Safety in Japan”, Paper for the 6th Sho Sato Conference, “Emerging Concepts of Rights in Japanese Law”, UC Berkeley, **11-13 February 2005**.

2004:

- * “Teaching Arbitration in Australia”, presentation for the Arbitration Education symposium, Kobe University CDAMS research COE, **6 November 2004**.
- * 'Redirecting Japan's Multi-Level Governance', Paper presented at the symposium on “Changes of Governance in Europe, Japan, and the US: Corporations, State, Markets, and Intermediaries”, Japan-German Center Berlin, **9-11 September 2004**.
- * “Corporate governance and law reform in Japan: from the lost decade to the end of history?”, Paper for seminar presentation at the Asia Pacific School of Economics and Government, ANU, **14 October 2003**; conference presentation at the annual meeting of the Australian Law and Society Association, University of Newcastle, **9-10 December**, and at the Corporate Law Teachers Association conference, ANU, **8-10 February 2004**.

2003:

- * “The Procedural *Lex Mercatoria*: The Past, Present and Future of International Commercial Arbitration”, Paper for seminar presentation at Kobe University Law Faculty, **5 September 2003**; workshop presentation at the inaugural symposium of the Research Center for Legal Dynamism of Advanced Market Societies (CDAMS), Kobe University, **29 September 2003**.
- (Invited) “Special Report, focusing on Australia and New Zealand”, Paper for the 4th Meijo University Symposium on International Commercial Arbitration in the Asia-Oceania Region – “Conditions and Policies for the Enhancement of International Commercial Arbitration”, Tokyo, **11-13 September 2003**; and for a CLE on “International Dispute Resolution” (Transnational Legal Practice), USydney Law Faculty, **12 November 2003**.
- * “Comparing ADR in Australia and New Zealand”, Paper for the biennial Lawasia Conference, Tokyo, **1-5 September 2003**.
- “Restructuring Legal Services Markets: Lawyers and Corporate Legal Departments”, Paper for the (co-organised) CLE Seminar “Americanisation of Japanese Law? Civil Justice Reform and the Business World”, Sydney University Law Faculty, **7 July 2003**.
- “Comparing Japan’s Shifting Product Liability / Public Safety Regulation Interface”, Paper for the biennial conference of the Japanese Studies Association of Australia, **4 July 2003**.

2002:

- “The Public/Private Interface: Product Liability and Safety Regulation in Japan, Australia, the EU and the US”, Paper for the 20th Annual Law and Society Conference, Wollongong, **9 December 2002**.
- “Compromising Arbitration in Japan”, Paper for the Colloquium “Into the Grove of Japanese Law: Perspectives and Paradigms”, Sydney, **22 July 2002**.
- * “National Report for Japan” (with Masanobu Kato), Paper for the “Liability for Defective Products and Services” session of the **XVIth Congress of Comparative Law, Brisbane, July 14-20 2002**.
- “Comparative Law, Asian Law, and Japanese Law”, Paper presented at the annual Law and Society Association Conference, Vancouver BC, **30 May 2002**.
- * Commentary at the “International Symposium on Civil and Commercial Law: ADR in Asian and Pacific Countries – Now and in the Future”, Osaka, **15 February 2002** (transcript, in Japanese, in an **NBL Bessatsu** from Shoji Homu Kenkyukai, Tokyo).
- “Japanese Corporate Governance at a Crossroads”, Paper for the Corporate Law Teachers Association Conference, Melbourne, **11 February 2002**.
- * “The Richness and Poverty of Contract Law Theory: The US and Japan versus England and New Zealand ... and Australia?”, Paper presented at the Australian Law and Society conference, Melbourne, 10 December 2001; and (invited) at the ANU RSSL Law Program’s Contract Workshop, Canberra, **6-8 February 2002**.
- “IT and Transformations in Legal Practice and Education in Japan and Australia“ (with Makoto Ibusuki), Paper for the Austlii “Law over the Internet 2001” conference, University of Technology Sydney, **28-30 November 2001**.

Before mid-2001:

- “Japanese Corporate Governance at a Crossroads”, Paper presented at the conference on “Economic Law Reform in the Aftermath of the Asian Crisis: Experiences of Japan and Thailand”, Thammasat

University, **20-21 March 2000**.

- “The Centennial of Japan's Civil Code and the Future of New Zealand Contract Law: Form, Substance and Neo-Proceduralism”, Paper presented at the Australasian Law Teachers' Association Conference, Wellington, **4-7 June 1999**.
- “The Future of Accident Compensation in New Zealand: A View from Japan”, Paper presented at the Colloquium on Accident Compensation, Victoria University of Wellington, **7 June 1999**.
- “Proceduralization of Japanese Law in Comparative Perspective: Product Liability and Contract“, Paper presented at the Law & Society Association Annual Meeting, Chicago, **27-30 May 1999**.
- “Globalization of Japanese Corporations and the Development of Corporate Legal Departments: Problems and Prospects” (with Toshimitsu Kitagawa), Paper presented at the conference on “The Emergence of an Indigenous Legal Profession in the Pacific Basin”, Harvard Law School, **11-14 December 1998**;
- “The Future of Formal Requirements for Contract Formation in a Digital World“, Paper presented at “Japanese Law Online: A Symposium”, Nagoya/Kyoto, **9/10 March 1999** (revisions completed May 1999, for the Copymart project at the Kyoto Comparative Law Center)
- “*Nyujirando kara mita Hanshin Daishinsai go no Keiyaku no Saikosho ni kansuru Ho to Jitsumu - Funoron oyobi Jijo Henko no Gensoku wo chushin ni shite* [A New Zealand Perspective on the Law and Practice of Contractual Renegotiation after the Kobe Earthquake - Focusing on the Doctrine of Changed Circumstances and Non-Imputable Impossibility]”, Paper presented at the Kobe Conference in Socio-Legal Studies: “Urban Planning, Urban Disaster and Urban Reconstruction” & “Frontiers of Socio-Legal Studies”, **5-7 August 1995**, co-sponsored by Kobe University and the Kobe International Association.
- “Form and Substance in New Zealand, US and Japanese Law: What Role for Grand Theory in the World of International Contracting?”, Paper presented at the 1995 Annual Meeting of the Research Committee on Sociology of Law (International Sociological Association): “Legal Culture: Encounters and Transformations”, Tokyo, **1-4 August 1995**.
- “Keeping Lawyers in Comparative and Social Science Perspective: The Issue of Foreign Lawyers in Japan”, Paper presented at the Kobe International Seminar on The Role of Lawyers in Contemporary Societies, **9-11 August 1993**, co-sponsored by the Research Committee on Sociology of Law (International Sociological Association) and Kobe University Law Faculty.

J. Other Lectures or Seminars

(selected; * when invited)

2012:

- * Presentation at JCAA Seminar comparing arbitration case law and other developments in Australia, Japan and Hong Kong, JCAA, Tokyo, **20 July 2012**
- “Novel Treaty-Based Approaches to Resolving International Investment and Tax Disputes in the Asia-Pacific Region” (with Micah Burch), paper presented at the Asian Studies Association conference, **1-4 July 2012**; and ANZSIL conference, Wellington, **5-7 July 2012**
- “Independent Directors--In Action? or Inactive? An Empirical Study of How They Are Appointed and What They Do in Japan” (with Souichirou Kozuka et al), Law and Society Association annual conference, Honolulu, **4-8 June 2012**
- * Legal Studies Association of NSW, Parramatta, "Australian Consumer Law" update, **29 March 2012**
- * Chaired joint seminar with AUSTRADE on “Opening Doors to Business in Japan”, JETRO, Sydney, **27 March 2012**
- Co-organised launch by Prof Michael Pryles of Bath/Nottage (eds) *Foreign Investment and Dispute Resolution Law and Practice in Asia*, Allens, Sydney, **22 March 2012**
- Organised and spoke at 4th ANJeL Australia-Japan Business Law Update CLE Seminar, Herbert Smith, Tokyo, **11 February 2012**

- * “TPP Negotiations and Investor-State Arbitration”, Roppongi Bar Association, Tokyo, **10 February 2012**

2011:

- * “Lessons from Product Safety Regulation for Reforming Consumer Credit Markets in Japan and Beyond”, GCOE for “New Global Law and Policy for Multi-Agential Governance”, Hokkaido University, **18 November 2011**
- * “Resolving International Investment Disputes: From Soft to Hard Law?”, Soft Law COE, University of Tokyo, **1 November 2011**
- “Lessons from Product Safety Regulation for Reforming Consumer Credit Markets in Australia, Japan and Beyond: Empirically-Informed Normativism”, ANU Regnet seminar, **16 August 2011**
- * “Doing Business in Australia” (consumer law and arbitration topics), Law Council of Australia webinar with the California State Bar Association, **18 May 2011**
- * “Australia’s Arbitration Act Reforms”, ACT Bar Association annual conference, University of Canberra, **19 March 2011**; and 3rd ANJeL Australia Japan Business Law CLE Seminar, Freshfields, Tokyo, **12 February 2011**

2010:

- * “Comparative and International Consumer Product Safety Regulation”, Hokkaido University, Global COE, Japan, **3 December 2010**
- * “Beyond Anglo-American Corporate Governance: Comparing Law and Practice in Australia and Japan”, National Taiwan University Law Faculty, **29 November 2010**
- Co-organiser and co-presenter, CAPLUS symposium, Sydney Law School, **29 October 2010**; co-presentations including
 - “Introduction: Investment Treaties and Foreign (Direct) Investment In and Out of Asia” (with Vivienne Bath)
- * “Managing Costs and Time in Arbitration”, International Chamber of Commerce “International Arbitration in Australia and Beyond” seminar, Sydney, **14 October 2010**
- Convenor and co-presenter, “International Arbitration Amendment Act 2010” CLE Seminar, Sydney Law School, **2 September 2010**
- “Asia-Pacific Regional Architecture and Consumer Product Safety Regulation for a Post-FTA Era”, CLE/staff seminar at the Faculty of Law, National University of Singapore, **27 May 2010**

2009:

- Organiser/chair of “4th Consumer Law Roundtable: Consumer Law and Policy in the Asia-Pacific: Product Safety, Consumer Credit, Unfair Contracts, and Consumer Access to Justice”, Sydney Law School, **4 December 2009**
- Co-organiser/chair of “Human Rights in Asia” conference, Sydney Law School, **27-9 November 2009**
- Co-organiser and panelist, Australian Forum for International Arbitration, Sydney Law School, **7 August 2009**
- * Panellist for Arb-Med symposium, Chartered Institute of Arbitrators, Sydney, **9 July 2009**
- * “Consumer Law Update”, NSW Legal Studies Association conference, Rydges Hotel Parramatta, **2 April 2009**
- “Blawgers Unite – New IT for Legal Teaching, Research and Outreach”, Staff Seminar, University of Sydney Law School, **5 March 2009**
- Co-organiser and presenter (contracts, dispute resolution) at the inaugural ANJeL Australia Japan Business Law CLE Seminar, Tokyo, **14 February 2009**
- “Are Foreign Investors Afraid to Institute Claims against the Chinese Government?”, Law Faculty staff seminar, City University of Hong Kong, **9 February 2009**

2008:

- * “Lessons from Product Safety Regulation for Reforming Unsecured Consumer Credit Markets in

Japan, the US and Beyond: Empirically-Informed Normativism”, Seminar for the University of Tokyo Soft Law COE, **4 December 2008**

- * “The Present and Future of International Commercial Arbitration & Investor-State Arbitration in the Asia-Pacific”, Seminar for the Japan Commercial Arbitration Association / Japanese Arbitrators Association, Osaka, **18 November 2008**
- * “The Private/Public Interface in Regulating Consumer Product Safety - and Credit Services”, Public Lecture for NZCIEL/NZACL, Wellington, **15 September 2008**
- Chair/organiser at a CLE Seminar on “The UNIDROIT Principles of International Commercial Contracts: What Do They Mean for Australia?”, Sydney Law School, **25 June 2008** (afterthoughts and other presenters’ materials available via www.law.usyd.edu.au/scil as SCIL Working Paper No 7)
- * “Consumer Law Update”, NSW Legal Studies Association conference, Rydges Hotel Parramatta, **28 March 2008**

Mid-2001 until 2007:

- Chair/organiser and commentator at a CLE Seminar on “International Arbitration and Mediation: Potential and Pitfalls”, Sydney Law School, **10 October 2007** (the day after the Clayton Utz/USydney International Arbitration Lecture, also involving Professor Gabrielle Kaufmann-Kohler from the University of Geneva)
- * “Schindler in Japan: Product Liability and Product Safety Re-regulation in Global Context”, Law Faculty staff seminar, Luzern University, Switzerland, **15 November 2006**.
- * Participant in the International Trade Law symposium, Attorney-General’s Department / Law Council of Australia, Canberra, **3-4 March 2006**.
- * “Traction or Turbulence in Japanese Regulatory Style?” College of Law staff seminar, University of Illinois, Urbana-Champaign, **20 September 2004**.
- * “Comparing Product Liability and Safety Law in Japan: From Minamata to Mad Cows - to Mitsubishi”, Seminar presentation for the British Institute of International and Comparative Law, London, **7 September 2004**; earlier version for the National Product Liability Association, Melbourne [subsequently published in their Newsletter].
- “Compromising Arbitration in Japan”, organiser and joint presenter for Sydney University Law Faculty Continuing Legal Education Seminar at on “Arbitration and ADR in Australasia”, **12 June 2002**.
- * “Comparative Law, Asian Law, and Japanese Law”, Lecture for the University of Washington, Seattle, **28 May 2002**; updated (after publication) for a lecture to the Max-Planck-Institute for Foreign Private and Private international Law, Hamburg, and the DJJV (German-Japanese Association of Jurists), **26 August 2004**.
- * “The Practice of the *Lex Mercatoria*”, Seminar for Kobe University Law Faculty, **19 February 2002**.
- * “Convergence, Divergence, and the Middle Way in Unifying or Harmonising Private Law”, Seminar for ANU’s Regnet series, **October 2001**; and the University of Melbourne’s Contemporary Europe Research Centre.
- “Japanese Corporate Governance at the Crossroads”, sole presenter for Sydney University Law Faculty Continuing Legal Education Seminar”, **August 2001**

Before mid-2001:

- * “Transnationalisation of Contract Law”, Lecture given at Chonnam National University Law Faculty, Korea, **21 May 2001**
- * “Legal Sites in Japan and Other Asian Countries”, Lecture to the New Zealand Law Librarians’ Group, Bell Gully, Wellington, **1 August 2000** / Auckland District Law Society, **24 August 2000**
- “Arbitration Law Reform: UNCITRAL in the Asia-Pacific”, Lecture to the New Zealand Association for Comparative Law, Wellington, **19 July 2000**;
- * “Separating the Anglo from the American in Anglo-American Law: Implications for Japanese Legal Education Reform”, Seminar (in Japanese/English) for the Institute Center of Comparative Law and Politics, Tokyo University, **8 May 2000**; abstract in the ICCLP Review
- * “Cyberspace and the Future of Comparative Law: Japanese and New Zealand Law on the Internet as Case Studies”, Seminar (in Japanese/English) for the ICCLP, Tokyo University, **18 June 1998**;

K. Submissions, External Reviews, Major Consultancies (since 2001)

- Expert witness on Japanese private law in numerous proceedings in Australian courts
- Senate **'Inquiry into Australia's trade and investment relationship with Japan'**, Submission dated **21 July 2011**, at <http://www.aph.gov.au/house/committee/jfadt/japanandkoreatrade/index.htm>
- Productivity Commission, "Review of Bilateral and Regional Trade Agreements", Supplementary Submission, **12 August 2010**, at <http://www.pc.gov.au/projects/study/trade-agreements>
- Japan chapter (approx 100pp, with Kent Anderson, Makoto Ibusuki and David Johnson) for: "Research Studies on the organisation and functioning of the justice system in five selected countries (China, Indonesia, Japan, Republic of Korea and Russian Federation)", United Nations Development Programme, Viet Nam (**December 2009-June 2010**)
- ACCC, [*Draft Mandatory Reporting Guide*](#) (July 2010), **20 September 2010**
- Senate Economics Committee, "Trade Practices (Australian Consumer Law) Amendment Bill (No.2) 2010, Submission No 26 (and Evidence given on invitation, transcribed in Hansard), **April 2010**, at http://www.aph.gov.au/senate/committee/economics_ctte/tpa_consumer_law_10/index.htm
- Treasury, "[Regulatory Impact Statement - Australian Consumer Law - Best Practice Proposals and Product Safety Regime](#)", Submission of **1 December 2009**; also at http://blogs.usyd.edu.au/japaneselaw/2009/12/comparing_product_safety_rereg.html
- CCAAC Review of Statutory Implied Conditions and Warranties, Submission of **4 August 2009**, at <http://www.treasury.gov.au/contentitem.asp?ContentID=1614&NavID=>
- Treasury, "National Consumer Credit Reform Package", Submission of **19 May 2009**; also at http://blogs.usyd.edu.au/japaneselaw/2009/05/responsible_consumer_lending_r.html
- Treasury, "An Australian Consumer Law", Submissions of **16 March 2009** and (with the Consumer Law Roundtable) **24 March 2009**, (via <http://www.treasury.gov.au/contentitem.asp?NavId=035&ContentID=1484>; see also).
- Attorney-General's Department, "Review of the International Arbitration Act", Interim & Final Submissions (with Richard Garnett) in **January** and **March 2009**, and jointly with AFIA (via <http://www.ag.gov.au/internationalarbitration>; see also http://blogs.usyd.edu.au/japaneselaw/2009/04/australias_less_lethargic_law.html)⁴⁷
- National Report on Australia, to Kyoto Comparative Law Center, for Japanese Cabinet Office Project on Consumer ADR (English version completed April **2008**)
- National Report on Australia, to Kyoto Comparative Law Center, for Japanese Cabinet Office Project on Representative Actions for Monetary Remedies (**2007**)
- National Report on New Zealand, to Kyoto Comparative Law Center, for OECD Project DTSI/CP(2006)8: see "The Report on OECD Member Countries' Approaches to Consumer Contracts" (**6 July 2007**, at <http://www.oecd.org/dataoecd/11/28/38991787.pdf>)
- National Report on Australia, to KU Leuven, for European Commission Project SANCO 2005/B/010 "An analysis and evaluation of alternative means of consumer redress other than individual redress through ordinary judicial proceedings" (**2006-7**, at http://ec.europa.eu/consumers/redress/reports_studies/index_en.htm)
- Productivity Commission, "Inquiry into Australia's Consumer Policy Framework" Submission in **2007** (available via www.pc.gov.au/inquiry/consumer)
- NSW Senate Inquiry into Unfair Terms in Consumer Contracts, Submission of **26 October 2006** (available via www.parliament.nsw.gov.au)
- Productivity Commission, "Standards and Accreditation", Submission of **18 April 2006** (at <http://www.pc.gov.au/study/standards/>)
- Productivity Commission, "Consumer Product Safety", Submissions of **11 July and 17 October 2005** (at <http://www.pc.gov.au/study/productsafety/>)

- Kobe University, Centre for Legal Dynamics of Advanced Market Societies, COE mid-project external review, **December 2004** (at <http://www.cdams.kobe-u.ac.jp/>)
- Standards Australia, member of Committee MB-003 that (re)drafted Standard AS 4608-2004, “Dispute Management Systems”, **2004**
- Japanese Ministry of Justice, International Cooperation Division program in ADR, external reviewer, **February 2002**

L. Selected Media Appearances (since 2006)

- An interview about ANJeL appeared in the July 2006 edition of the Japan Foundation’s Omusubi Newsletter (http://www.jpfa.org.au/06_newsletter/anjel.htm, also available in Japanese at http://www.law.usyd.edu.au/anjel/documents/ANJeL_interview_Japanese.pdf)
- Since June 2008: Invited contributor to the *East Asia Forum: Economics, Politics and Public Policy in East Asia and the Pacific*, at <http://www.eastasiaforum.org/author/lukenottage>; overlapping now with my own Blog, “Japanese Law and the Asia-Pacific”, <http://blogs.usyd.edu.au/japaneselaw/>
- Since December 2009: coordinator and contributor for the “Australian Consumer Research Network” blog (centred on the annual Australasian Consumer Law Roundtable meetings), <http://acren.wordpress.com>
- May 2010: Interview with Television New Zealand broadcast regarding the trial in Tokyo of anti-whaling activist Peter Bethune (extract of transcript here: <http://tvnz.co.nz/national-news/bethune-due-back-in-court-3573290>)

M. Illustrative Citations

Acclaim for **Luke Nottage, Leon Wolff and Kent Anderson**, *Corporate Governance in the 21st Century: Japan’s Gradual Transformation* (Cheltenham: Edgar Elgar 2008)

Endorsement Quotes:

“The essays in this collection approach Japanese corporate governance in the 2000s from a variety of novel perspectives – novel in terms of subject matter, methodology, and points of comparison. The result is a comprehensive portrait of the current dynamics of change and stasis in the institutional environment for Japanese firms.”

Curtis Milhaupt⁴⁸

“An invaluable set of resources for everyone with an interest in corporate governance in Japan. Covering both basic information and recent developments, the collection provides readers with an excellent survey of the complexity of modern corporate governance and its legal setting ... in Japan.”

Hideki Kanda⁴⁹

Reviews:

1. **Hon JJ Spigelman**⁵⁰ “Australian Business Law in International Perspective: Remarks at a Book Launch” (2009) 32 *Australian Bar Review* 133-7 at 136:

“The collection of essays edited by Luke Nottage, Leon Wolff and Kent Anderson will enhance the understanding of the basic institutional framework for commerce in one of the most important global economies on the part of all lawyers who have to advise their clients when dealing with Japanese corporations, particularly with respect to investments in, providing credit to, and creating or conducting joint ventures with Japanese corporations.”

2. **Moritz Baelz**⁵¹ (2009) 28 *Journal of Japanese Law* 285-9 at 285 and 289:

“The book offers the reader a rich variety of analyses of various key topics of Japanese corporate governance. It covers issues of board structure (including the rarely covered aspect of close corporations) and hostile takeovers, i.e., internal and external monitoring mechanisms. Furthermore, the volume takes into account the important de facto roles ascribed in Japanese corporate governance to a wide range of stakeholders. It also explores the implications of lifelong employment and looks into certain main banks’ behavior during the economic slump of the 1990s. Finally it contributes to the debate, notably in Luke Nottage’s opening chapter, by structuring the complex discussion on Japanese corporate governance while at the same time providing a highly useful framework for future comparison. ... Overall, this book fulfills its promise to offer fresh and up-to-date perspectives on the developments in Japanese corporate governance in every respect. Among the extensive literature on Japanese corporate governance this is an essential book for anybody seriously interested in the field.”

3. **John Farrar**⁵² “The Gradual Transformation of Japanese Corporate Governance” (2009) 15 *New Zealand Business Law Quarterly* 150-1 at 150 and 151:

“... Luke Nottage gives a very useful overview of the different approaches in the literature and emphasises five caveats: timing; the need for care about comparison; the context in which black letter law reform takes place; the need for openness in normative preferences; and emphasis on processes as well as outcomes. ... This book, which is a product of the Australian Network for Japanese Law, is a sophisticated analysis which adds much to our knowledge ...”

4. **Stacey Steele**⁵³ (2010) 24 *Australian Journal of Corporate Law* 207-211 at 207:

“This book ... distinguishes itself for four main reasons: (1) its comparative approach; (2) the interaction between English and Japanese language literatures and debates; (3) the mix of contributors ...; and (4) its realistic assessment of the state of corporate governance in Japan at the beginning of the twenty-first century. ... The introduction and the second chapter display the editors’ impressive grasp of the existing literature. Nottage’s solo chapter two also represents an honest reflection on the difficulties of researching and writing on comparative corporate governance and Japan. It will be useful for students and researchers embarking on any investigation of corporate governance

5. **Colin Jones**⁵⁴ “Review of *Corporate Governance in the 21st Century: Japan’s Gradual Transformation*” (2010) 5(1) *Asian Journal of Comparative Law* 1-12 at 2:

“Luke Nottage discusses the perspectives and approaches to comparing corporate governance in Japan with other systems. This is a welcome chapter, because it avoids the overly American viewpoint which has dominated some of the scholarship in English on Japanese law, and also because it provides a handy summary of the views of different scholars on the subject of Japanese corporate governance. ... Offering several “ways forward” to further enhance the study of corporate governance in Japan and beyond, he concludes with a call for more “interdisciplinary dialogue ...”

6. **Christina Ahmadjian**⁵⁵ (2010) 36(2) *Journal of Japanese Studies* 476-9 at 476 and 478-9:

“Nottage’s chapter lays out a promising framework for further studies of Japanese corporate governance that go beyond the “convergence or no convergence” dichotomy of much existing research. ... *Corporate Governance in the 21st Century* is a very useful addition to the literature on corporate governance in Japan. ... This volume makes it clear that to understand changes in corporate governance in Japan, we must move away from debates on convergence and inertia and rather identify what has changed and what has not, determine which changes support reform and which do not, and provide an explanation for this gradual and incomplete process.”

* * *

Acclaim for **Luke Nottage and Leon Wolff (trans and ed) Takao Tanase, *Community and the Law: A Critical Reassessment of American Liberalism and Japanese Modernity*** (Cheltenham: Edgar Elgar 2008)

Endorsement Quotes:

“Takao Tanase’s *Community and the Law* is a path breaking and often surprising interpretation of legal culture in Japan which includes subtle analyses of the changing role of lawyers and courts and the extent to which modernity and reliance on law are interlinked. But it is much more than that. His reflections on the different way law responds to social dilemmas in Japan and the USA are the building blocks of a much more ambitious project – no less than constructing a coherent account of what law can and should do to maintain communal ties in postmodern times. The book is a pleasure to read for its learning and sophistication. Nottage and Wolff also deserve high praise for their light touch as editors and translators.”

David Nelken⁵⁶

“Takao Tanase seamlessly combines sociolegal and philosophical analysis as he explores the tensions between individual legal rights and communitarian values in settings ranging from post-divorce visitation rights to tort liability, lawyer–client relationships, and rising litigation rates. Contrasting Japan with the individualistic thrust of American law, Tanase stresses the importance of building legal processes that encourage stronger social and communal bonds. Students of law and society on all continents will find rich food for thought in this intellectually bold and intriguing volume.”

Robert A. Kagan⁵⁷

¹ Favourably reviewed: eg Leflar (2005) 25(3) *Japanese Studies* 306 at 307, 308 (“valuable on many levels”, “a much-needed addition to scholarship on Japan, helpful to students of comparative law, the Japanese legal system, and Japanese society alike”). Cited on Westlaw eg by Owen (2010) 62 *Fla. L. Rev.* 569 at 606; Kozuka & Fujisawa (2009) 31 *T. Jefferson L. Rev.* 293 at 307.

² Cited eg by Levin (2009) 8 *Wash. U. Global Stud. L. Rev.* 317 at 320; Anderson (2000) 21 *U. Pa. J. Int'l Econ. L.* 679 at 700; Smith (2000) 28 *Int'l J. Legal Info.* 362 at 364; Liebowitz (1999) 31 *N.Y.U. J. Int'l L. & Pol.* 646; Atchison Russell (1998) 90 *Law Libr. J.* 357.

³ Favourably endorsed: see Part M of this CV.

⁴ Favourably reviewed and endorsed: see Part M of this CV. Authored and co-authored chapters cited eg by Clarke in (2011) 59 *Am. J. Comp. L.* 75 at 83; Aronson (2009) 8 *Wash. U. Global Stud. L. Rev.* 223 at 233, 237; authored chapter also cited by Kozuka & Fujisawa (2009) 31 *T. Jefferson L. Rev.* 293 at 315.

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