

EDITORIAL

As Japanese lawmakers continue to demonstrate remarkable reformist zeal, the present issue of the Journal is once again placing a primary emphasis on legal reforms in Japan. Some of the measures presented in this issue have been adopted recently; others are still part of the legislative proceedings.

The ARTICLES section starts with a critical evaluation by John O. Haley of the reform process of the last decade. The author repeats the widely heard thesis that the multiplicity of reforms over the last couple of years has produced or is likely to produce significant social change in Japan. In his view we might someday recall this era as the Heisei Renewal but we seem quite unlikely to view these years as the prelude to a Heisei Transformation. The ensuing contribution by Akira Ishikawa deals with a specific aspect of the reforms, the status of foreign lawyers in Japan. He analyzes the regulation and actual practice of their business since the late 1980s, calling for an increase in the number of foreign lawyers but also suggesting that a minimum knowledge of the Japanese legal system should be required before granting a license. The current major reform of company law in Japan is presented by Eiji Takahashi und Madoka Shimizu. Based on the final draft of the Company Bill passed by the Diet on 29 June 2005, the authors give an overview of the new law and analyze its effects on corporate governance. At least in principle, the authors are positive about the flexible approach chosen.

Christine Schulte introduces the Financial Products Sales Law, an important new piece of financial market legislation that went into force in 2001. Her detailed analysis is supplemented by a German translation of the new law. This legislation can be seen as part of a broader effort of the Japanese government to improve consumer protection. A lecture by Kunihiro Nakata describes this trend and presents the amended and re-named Basic Law for Consumers of 2004. Trevor Ryan discusses juvenile crime in Japan and the 2001 revisions to the Juvenile Act; special emphasis is laid on the societal developments leading to reform. The ensuing contribution by Kazuhiro Tonai casts light on the changing employment patterns and the corresponding legal adaptations in Japan.

In a follow-up to her first information about the ongoing major reform of conflicts of law in Japan in issue 15 (2003), Yuko Nishitani now provides a detailed overview of key features of the revision based on the draft of 22 March 2005. The amendments are expected to pass the Diet at the end of this year.

A second main emphasis of the present issue is cross-border legal education involving Japan. Three projects dealing with transnational negotiation proceedings are presented. Daniel H. Foote reports about a trans-Pacific course offering an international negotiation simulation that he has been organizing for five years. The course involves teams of law students from the University of Tokyo and the University of Washington (Seattle) by using modern information technology such as videoconference facilities.

Second, Kent Anderson und Yoshinobu Eizumi introduce a pilot Japanese-Australian video negotiation project conducted in 2004 between the Australian National University in Canberra and the Aoyama Gakuin University in Tokyo. Third, Malcolm Smith summarizes his experiences with a simulated arbitration proceeding he initiated in 2004 involving teams of law students from Chuo University in Tokyo on the one hand and Chulalongkorn University in Bangkok on the other. The three reports provide some interesting comparative lessons.

Anyone involved in transcribing Japanese legal terms encounters the question of how to romanize long terms consisting of a number of *kanji* (Sino-Japanese) characters in the original Japanese text. What might sound relatively easy to solve is actually a fairly difficult exercise. Picking up on earlier considerations, Bernd Götze develops basic rules on how to best cope with these problems. Many of his proposals are incorporated in the transcriptions rules of this Journal.

As usual, Peter Schimmann and Markus Janssen report on RECENT LEGAL DEVELOPMENTS. Their report covers the 162nd session of the Japanese parliament. In the section on CASE LAW, you will find two contributions. Hiroshi Oda summarizes a recent decision by the Supreme Court. Second, Dirk Schüssler-Langeheine and Eberhard Hafermalz supply a comprehensive overview of important civil decisions of the Supreme Court during 2003. This adds to an earlier report about 2002 in issue 17 (2004). A comprehensive REPORT by Stefan Wrbka presents information on the LL.M. course offered at the University of Kyushu. The BOOK REVIEWS introduce two new publications. The first is a study by two American scholars dealing with the very question addressed previously of whether the plethora of legal reforms in Japan is an indication of basic societal reforms. The second volume addresses the difficulties of coming to terms with the past in Japan and Germany.

Finally, the information supplied in the FORUM section about activities of the DJJV in Tokyo and the announcement of an upcoming symposium to be convened there in February 2006 may be of interest. The issue concludes with a few organizational announcements, a call for papers, and an advertisement for a new publication.

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