Washington International Law Journal

Volume 20 | Number 3

6-1-2011

Contents

anon

Follow this and additional works at: https://digitalcommons.law.uw.edu/wilj

Recommended Citation

anon, Table of Contents, *Contents*, 20 Pac. Rim L & Pol'y J. i (2011). Available at: https://digitalcommons.law.uw.edu/wilj/vol20/iss3/1

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington International Law Journal by an authorized editor of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

Pacific Rim Law & Policy Journal

VOLUME 20, NUMBER 3

CONTENTS

Articles		
Legal Compliance and Korea's Financial Services Market: A Strategic Approach	Young-Cheol Jeong	483
Labor Relations and Labor Law in Japan	Atsushi Tsuneki and Manabu Matsunaka	529
Translation		
Divorce and the Best Interest of the Child: Disputes over Visitation and the Japanese Family Courts	Takao Tanase Translated by Matthew J. McCauley	563
COMMENTS		
Divorce and the Welfare of the Child in Japan	Matthew J. McCauley	589
To Plea or Not to Plea: The Benefits of Establishing an Institutionalized Plea Bargaining System in Japa	_	607
Death Penalty Sentencing in Japan Under the Lay Assessor System: Avoiding the Avoidable Through Unanimity	Elizabeth M. Sher	635
The Problem of Enforcing Nature's Rights Under Ecuador's Constitution: Why the 2008 Environmental Amendments Have No Bite	Mary Elizabeth Whittemore	659

ABOUT THE PACIFIC RIM LAW & POLICY JOURNAL...

THE PACIFIC RIM LAW & POLICY JOURNAL (ISSN 1066-8632) is published three times a year by students of the University of Washington School of Law. Phone (206) 543-6649, Facsimile (206) 685-4457. Address all correspondence to *Pacific Rim Law & Policy Journal*, University of Washington School of Law, William H. Gates Hall, Box 353020, Seattle, WA 98195-3020.

Member, National Conference of Law Reviews.

SUBSCRIPTIONS: Subscriptions in the United States and Canada, covering three issues per volume, are U.S. \$42.50 per year and U.S. \$52.50 elsewhere. Subscription requests should be directed to the address above. Single issues and back volumes are available from William S. Hein Co., Inc., 1285 Main Street, Buffalo, New York 14209. Phone (800) 828-7571, Facsimile (716) 883-8100. Domestic claims for non-receipt of issues should be made within 90 days of the month of publication, overseas claims within 180 days. Thereafter back issue rates will apply. Overseas delivery is not guaranteed.

CITATION: Cite as: PAC. RIM L. & POL'Y J.

MANUSCRIPTS: The *Pacific Rim Law & Policy Journal* welcomes the submission of articles that focus on domestic law or policy in a Pacific Rim nation or an issue of international or comparative law that relates to one or more Pacific Rim nations. Of particular interest to the *Journal* are articles that make use of foreign-language sources otherwise unavailable to English-language readers. The *Journal* also welcomes the submission of English translations of Asian-language legal materials and legal scholarship. If any part of a manuscript has been published previously, or is to be published elsewhere, the author must include this information at the time of submission. Citations should conform to A UNIFORM SYSTEM OF CITATION (19th ed. 2010) unless common sense dictates otherwise. For detailed submissions guidelines, please visit our website at: http://www.law.washington.edu/PacRim.

COPYRIGHT: Copyright 2011, Pacific Rim Law & Policy Association. Except as otherwise specifically provided, the author of each article in this issue has granted permission for copies of his or her article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) the author and the *Pacific Rim Law & Policy Journal* are identified on each copy, (3) proper notice of copyright is affixed to each copy, and (4) the *Pacific Rim Law & Policy Journal* is notified of the use. Requests for reprint permission should be directed to Penny Hazelton, Business Manager, *Pacific Rim Law & Policy Journal*.

LIBRARIANS: Prior to Volume 4, issues are designated as follows:

Winter 1992	Intramural Issue	Summer 1993	Vol. 2, No. 2
Winter 1992	Vol. 1, No. 1	1993	Vol. 3 Special Edition
Summer 1992	Vol. 1, No. 2	June 1994	Vol. 3, No. 1
Winter 1993	Vol. 2, No. 1	February 1995	Vol. 3, No. 2

Beginning with Volume 4, each issue is designated by a month, year, volume, and number, and is consecutively paginated.

Pacific Rim Law & Policy Journal

EDITORIAL BOARD 2010-2011

Editor-in-Chief HAI-CHING YANG

Associate Editors-in-Chief ALBERT BUCHMAN JOANNA HESS SARAH JORDAN

Director of Operations

Executive Comments Editors JESSICA DALES JESSICA RIEKEN

ALERIAN LOCKWOOD

KENJI AMMA NATHAN BARNES GREG CHIARELLA MAREK FALK MARIKO FOSTER JOSH ZHIHUA HAN ERIC HARRISON

KERSTI HARTER KENNEDY HYUNG JIN KIM

> Business Manager PENNY HAZELTON

Chief Articles Editor JIHYE KIM

Executive Articles Editors WYATT GOLDING RYAN HECK AURA WEINBAUM

Articles & Comments Editors MELANIE BECKWITH CAITLIN IMAKI HOLLY LANGE ZIYONG LI TIP WONHOFF

EDITORIAL STAFF

LEONID KISSELEV **GRANT LEA** EDWIN LINDO ERIC MAPES MATTHEW MCCAULEY MIKE MEREDITH MARCUS PEARSON PRIYANKA PRAKASH LEONARD SANCHEZ

MARY HOTCHKISS LINDA HUME JOEL NGUGI KATE O'NEILL

EXECUTIVE BOARD

PENNY HAZELTON

Business Office JONATHAN FRANKLIN FRAN JOHNSON

Managing Editors of Production PATRICK LAVIN JIAMENG KATHY LIU AMBER PENN-ROCO CHARLOTTE SANDERS

> Executive Translation & Comments Editor **HUDSON HAMILTON**

> Managing Online Editor ROBERT MISULICH

TIA ANEJA SARGENT **ELIZABETH SHER** SARAH SPRINKLE JOE STOCKTON LAURA THOM ANDREW VAN WINKLE LIBBY WHITTEMORE ADA KO WONG

Faculty Advisor YONG-SUNG (JONATHAN) KANG

University of Washington School of Law 2010-2011

OFFICERS OF ADMINISTRATION

Phyllis M. Wise, B.A., M.A. Ph.D., Interim President of the University

Kellye Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law

Samuel A. Donaldson, B.A., J.D., LL.M., Associate Dean

Elizabeth Ford, Assistant Dean

Stephanie Cox, B.A., Assistant Dean for Advancement

Penny A. Hazelton, B.A., J.D., M.L.L., Associate Dean for Library & Computing Services, Professor of Law

Mary Hotchkiss, B.A., M.S.L.S., J.D., Associate Dean, Senor Law Lecturer

Naomi Sanchez, B.S., M.S.W., Ed.D., Assistant Dean, Center for Career and Leadership Development

Marnae Schmidt, B.A., Director, Finance and Business

Michelle Storms, Executive Director, Gates Public Service Law Scholarship Program

Bill Thornton, A.A., B.A., Director, Finance and Administration

FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.

William T. Burke, B.S., J.D., J.S.D.

G. Meade Emory, B.A., J.D., LL.M.

Robert L. Fletcher, A.B., LL.B.

John Huston, B.A., J.D., LL.M.

John M. Junker, B.A., J.D.

John R. Price, A.B., LL.B.

Roy L. Prosterman, A.B., LL.B.

Marjorie D. Rombauer, B.A., J.D.

Charles Z. Smith, B.S., J.D.

Frank W. Smith, Jr., B.A., J.D., LL.M.

William B. Stoebuck, B.A., M.A., J.D., S.J.D.

Philip A. Trautman, B.A., J.D.

FACULTY OF LAW

Craig H. Allen, B.S., J.D., Judson Falknor Professor of Law

Kimberly Ambrose, B.A., J.D., Lecturer

Helen A. Anderson, B.A., J.D., Assistant Professor of Law

Robert T. Anderson, B.A., J.D., Associate Professor of Law, Director of Native American Law Center

Thomas R. Andrews, B.A., M.A., J.D., Professor of Law

Robert H. Aronson, B.A., J.D., Betts, Patterson & Mines Professor of Law

Karen Boxx, B.A., J.D., Associate Professor of Law

Steve P. Calandrillo, B.A., J.D., Professor of Law

Thomas Cobb, B.A., M.A., M.A., J.D., Senior Lecturer

Molly Cohan, B.A., J.D., Lecturer

Ronald K.L. Collins, Harold S. Shefelman Scholar

William Covington, B.A., J.D., Assistant Professor of Law, Director of Technology Law & Public Policy Clinic

Samuel A. Donaldson, B.A., J.D., LL.M., Professor of Law, Director of Graduate Program in Taxation Signe Dortch, B.A., J.D., Lecturer

Dwight J. Drake, B.S., J.D., Associate Professor of Law

Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanistan Legal Educators Project

Mary D. Fan, B.A., J.D., Assistant Professor of Law

Julia Gold, B.A., J.D., Senior Lecturer, Director of Mediation Clinic

Robert W. Gomulkiewicz, B.A., M.A., J.D., Professor of Law, Director of Graduate Program of Intellectual Property Law & Policy

James H. Hardisty, A.B., LL.B., Professor of Law

Penny A. Hazelton, B.A., J.D., M.L.L., Professor of Law

Gregory A. Hicks, B.A., J.D., Professor of Law

Roland L. Hjorth, A.B., LL.B., Dean Emeritus, Garvey, Schubert & Barer Professor of Law

Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Lecturer, Director of Academic Advising

Maureen Howard, B.A., J.D., Assistant Professor, Director of Trial Advocacy Program

Linda S. Hume, B.A., J.D., Professor of Law

Stewart M. Jay, A.B., J.D., William L. Dwyer Professor of Law

Sarah Kaltsounis, B.S., M.Ed., J.D., Lecturer

Yong-Sung (Jonathan) Kang, B.A., J.D., Assistant Professor of Law

Sylvia Kang'ara, LL.B., LL.M., Assistant Professor of Law

Lisa Kelly, B.A., J.D., Bobbe & Jonathan Bridge Professor of Law, Director of Children & Youth Advocacy Clinic

Alan Kirtley, B.A., J.D., Associate Professor of Law

Anita K. Krug, B.A., M.A., J.D., Ph.D., Assistant Professor of Law

Richard O. Kummert, B.S., M.B.A., LL.B., D. Wayne & Anne Gittinger Professor of Law

Patricia C. Kuszler, M.D., J.D., Charles I. Stone Professor of Law, Director of Multidisciplinary Initiatives

Clark B. Lombardi, B.A., J.D., Ph.D., Associate Professor of Law

Deborah Maranville, B.A., J.D., Professor of Law, Director of Clinical Law Program, Director of Unemployment Compensation Clinic

Anna Mastroianni, B.S./B.A., J.D., M.P.H., Associate Professor of Law

Kathleen M. McGinnis, B.A., J.D., Senior Lecturer

Jacqueline McMurtrie, B.G.S., J.D., Associate Professor of Law, Director of Innocence Project Northwest

Paul Steven Miller, B.A., J.D., Henry M. Jackson Professor of Law, Director of University of Washington Disability Studies Program

Theodore Myhre, B.A., M.A., M.A., J.D., Lecturer

Joel M. Ngugi, LL.B., LL.M., S.J.D., Associate Professor of Law

Peter Nicolas, B.A., M.P.P., J.D., Jeffrey & Susan Brotman Professor of Law

Sean O'Connor, B.A., M.A., J.D., Associate Professor of Law, Co-Director of Graduate Program in Intellectual Property Law & Policy, Director of Entrepreneurial Law Clinic

Kathleen O'Neill, B.A., J.D., Associate Professor of Law

Rafael Pardo, B.A., J.D., Professor of Law

Elizabeth Porter, Visiting Assistant Professor

Anita Ramasastry, B.A., M.A., J.D., Professor of Law, Director of Shidler Center for Law, Commerce & Technology

Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law, Director of Global Health & Justice Project

William H. Rodgers, Jr., B.A., LL.B., Stimson Bullitt Professor of Environmental Law

Sallie Thieme Sanford, B.A., J.D., Acting Assistant Professor of Law

Eric Schnapper, B.A., M.A., B.Phil., LL.B., Pendleton Miller Professor of Law

Scott A. Schumacher, B.A., J.D., Assistant Professor of Law, Director of Federal Tax Clinic

Toshiko Takenaka, B.A., LL.M., Ph.D., W. Hunter Simpson Professor of Technology Law, Director of CASRIP

Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law

Lea B. Vaughn, A.B., J.D., Professor of Law

Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law

Kathryn Watts, B.S., J.D., Assistant Professor of Law

Ron J. Whitener, B.A., J.D., Assistant Professor of Law, Director of Tribal Court Criminal Defense Clinic

Brenda Williams, B.A., M.P.A., J.D., Senior Lecturer

Jane K. Winn, B.Sc., J.D., Charles I. Stone Professor of Law, Director of Shidler Center for Law, Commerce & Technology

Louis E. Wolcher, B.A., J.D., Charles I. Stone Professor of Law

Dongsheng Zang, LL.B., LL.M., LL.M., S.J.D., Assistant Professor of Law

ADJUNCT AND AFFILIATE FACULTY

Gad Barzilai, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law

David Bledsoe, B.A., J.D., LL.M., Affiliate Assistant Professor of Law

Daniel M. Bodansky, A.B., M.Phil., J.D., Affiliate Professor of Law

Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law

Mark Cammack, B.A., J.D., Affiliate Professor of Law

Donald Clarke, A.B., M.Sc., J.D., Affiliate Professor of Law

Daniel H. Foote, A.B., J.D., Affiliate Professor of Law

John O. Haley, A.B., LL.B., LL.M., Affiliate Professor of Law

Tim Hanstad, B.A., J.D., LL.M., Affiliate Associate Professor of Law

Nancy S. Jecker, B.A., M.A., M.A., Ph.D., Adjunct Professor of Law

Roberta S. Karmel, B.A., LL.B., Harry M. Cross Distinguished Professor of Law David M. Keepnews, B.S., M.P.H., J.D., Ph.D., Affiliate Associate Professor of Law

Daniel Laster, B.A., J.D., Affiliate Professor of Law

Elizabeth F. Loftus, B.A., M.A., Ph.D., Affiliate Professor of Law

Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law

Robert Mitchell, B.A., J.D., LL.M., Affiliate Assistant Professor of Law

Steven G. Olswang, B.A., J.D., Ph.D., Adjunct Professor of Law

Saadia Pekkanen, B.A., M.I.A., Ph.D., M.S.L., Adjunct Associate Professor of Law

Lawrence Repeta, B.A., J.D., Garvey Schubert Barer Visiting Professor in Asian Law

Leonard Rolfes, Jr., B.A., J.D., Affiliate Assistant Professor of Law

Yasunobu Sato, B.A., LL.M., Ph.D., Affiliate Professor of Law

Hugh D. Spitzer, B.A., J.D., LL.M., Affiliate Professor of Law

Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law

Richard O. Zerbe, Jr., A.B., Ph.D., Adjunct Professor of Law