

HIGHLIGHTS

Law Firms

Exporting To China (And Elsewhere): New Developments In International Trade Compliance Page 44
Stephen J. Orava and Christine E. Savage, King & Spalding LLP

Protection Of IP In China: A Work In Progress Page 45
Interview: Dr. Xiang Wang, Jones Day

The Chinese Economy: A Wealth Of Opportunities For Lawyers Page 46
Interview: Owen D. Nee, Jr., Orrick, Herrington & Sutcliffe LLP

Wall Street Comes To Shanghai Page 47
Interview: Steven Xiang, Weil, Gotshal & Manges LLP

China Comes To Nixon (Texas): Contract Issues In Outsourcing's Next Wave Page 48
Kevin E. Colangelo, Kramer Levin Naftalis & Frankel LLP

China's Regulation Of Pesticides Page 49
John D. Connor, Jr. and Jeffrey Li, McKenna Long & Aldridge LLP

Accessing And Understanding The Government: A Must For Doing Business In China Page 50
Interview: Richard Jay ("Tad") Ferris, Jr. and Hongjun Zhang, Ph.D., Holland & Knight LLP

U.S. Trade Regulations And Retaliation Against Chinese Origin Goods – Part I Page 51
Interview: Andrew B. Schroth, Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP

Mentors To Chinese Companies Page 52
Interview: Dean L. Silverberg and Frank C. Morris Jr., Epstein Becker & Green P.C.

Legal Service Providers

Preparation And Monitoring: The Keys To Brand Protection In China Page 53
Ron Epperson and Jerry Wald, Ernst & Young LLP

Organizations

Chinese Business Promotion: A Two-Way Communication Page 54
Interview: Dean Wang, World Chinese Business Promotion Organization

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Temple's China Program: Shaping China's Future Leaders

The Editor interviews John W. Smagula, Director of Asian Programs, Temple University Beasley School of Law.

Editor: How did you come to be Director of Asian Programs at Temple University's Beasley School of Law?

Smagula: I always had an interest in China, which I was able to develop during my three years as a corporate associate with Paul Weiss. After a great experience with the firm, I took on a three-year law teaching fellowship in China, and then came to Temple to carry out my commitment to legal education in China. Temple law school's presence in China exceeds that of any other U.S. law school and is the only foreign law school to offer an LL.M. degree in China.

Editor: Why does Temple have an interest in China?

Smagula: Temple has long had a vision of international education. Building on our programs in Rome and Tokyo, Temple's expansion into China was a logical next step. Our program commenced in 1999 in Beijing by invitation from the Chinese Ministry of Justice. Dean Robert Reinstein and Assistant Dean Adelaide Ferguson have long held the vision that internationalism is a key part of legal education.

Editor: What are the goals of the China Program?

Smagula: The goal of the China program is to advance the rule of law in China by directly educating well-placed Chinese legal professionals. We do this by educating judges, prosecutors, other government officials, law professors, and private attorneys about U.S. and international law. In this way, our graduates gain information that they can apply on their jobs in China.

The LL.M. program in Beijing has two tracks. One is a business track for those with corporate interests and the other is the criminal law track with focus on criminal procedure and trial advocacy.

Editor: Given the fact that China is seen as a civil law country, what



John W. Smagula

attracts Chinese officials and lawyers to a common law program?

Smagula: There are three key reasons for the interest in common law. The first is that students want to learn more about U.S. and international law, since many legal professionals believe that U.S. law is more developed than the law in China. The second is that, even though China is a civil law country, it is not exclusively civil law in practice. Many observers note China is moving in the direction of becoming a mixed jurisdiction. Over time, many of those who are making decisions in China are coming to believe that there will be a blend of civil law and common law principles in everyday Chinese jurisprudence—as in Puerto Rico or Louisiana. The third reason that students attend the program is that they have a desire to improve their Legal English ability. Professional competence in legal discourse in English is considered to be an important area for the students' professional endeavors.

Editor: Tell us about Temple's ties with Tsinghua University in Beijing?

Smagula: We have a cooperative agreement with Tsinghua University, and by all accounts we are pleased with our collaboration. All of the courses in our 15-month Beijing LL.M. program, with the exception of the two-month Philadelphia summer session, are held at Tsinghua law school. They not only provide us their facilities, but also help us handle any government regulatory issues that may come about.

Dean Wang Chenguang of Tsinghua law school is very involved in the program. We discuss the selection of Temple and adjunct faculty to teach in the program, and reciprocally, one of the Tsinghua law faculty members teaches as well. On occasion, one or two Tsinghua students audit our LL.M. classes in Beijing. By virtue of our being in Beijing, our Temple faculty members interact with Tsinghua students and faculty.

John W. Smagula

Continued from page 43

Both schools gain from this interaction – which forwards the joint goal of maintaining high standards in legal education.

Every time I lecture at other Chinese law schools, I am asked when Temple will create a joint program with them. So we believe we are at the vanguard and receive a lot of attention for our program. There is some government pressure on Chinese law schools to set up cooperative agreements with foreign law schools, and many consider the Temple program to be a model for those kinds of relationships.

In addition to government officials and law professors, you also have students who wish to pursue careers in the private sector. What attracts them to your China Program?

Smagula: Many young lawyers from the private sector in China recognize that competence in Legal English, knowledge of U.S. and international law, and additional study beyond Chinese law school are essential in getting a leg-up in their job searches or chances for job promotions. Other lawyers in our program who already have many years of experience as lawyers and corporate counsel wish to polish their skills and build upon their professional base. In either case, the Temple program provides education that plays a critical role

in their professional development.

The goal of many law students in China is to graduate and work for an international law firm. There is a perception that this is the highest level of professional practice in China at this time. As more international transactions take place in China, knowledge of foreign legal concepts and practices, as well as competence in Legal English, become more important. Students gain an advantage by earning a degree from a U.S. law school because they are able to demonstrate that they have succeeded in the rigors of an international program.

Editor: Tell us about Temple's relationship with Reed Smith.

Smagula: Reed Smith provides a one-month internship for four of our students in Philadelphia upon completion of the summer session. The firm includes this internship program as part of its summer associate program. Our colleagues at Reed Smith have indicated that the firm finds the interaction just as enriching as do the summer interns. We are very pleased with our relationship with Reed Smith, and we applaud partner John Smith and his colleagues for their vision and support.

As the numbers of students with interest in internships increase, we may wish to explore working with other firms as well. We believe this is a great way for a firm to serve itself and its clients by enriching its own lawyers through interaction with our students while at the same time permitting our students to see how the rule of law oper-

ates in practice.

Editor: Who provides financial support for your China Program?

Smagula: We are extremely grateful to all our donors from the public and private sectors for their generous support. Our largest donors are the Starr Foundation and the U.S. State Department (Bureau of Democracy, Human Rights, and Labor). We also receive additional support from corporations and foundations affiliated with corporations. We are grateful for the support from the ExxonMobil Foundation and Alcoa Foundation, as well as to DuPont for being a major contributor. Curiously, we have had very limited support from law firms. The only collaboration we currently have with a law firm is with Reed Smith.

We invite more corporations and law firms to provide direct scholarship support for students in our Beijing LL.M. Program. Donors would be able to recommend students for corporate-named scholarships who might be pursuing an interest or career that ties into a particular interest of the corporation or firm. As China grows, support for our Beijing LL.M. Program serves the public interest in developing the rule of law in one of the most important countries and trading partners in the world. Financial support also serves the particular interest of corporations and law firms involved with China not only in assuring that their Chinese business relationships will be governed by the rule of law, but also in being favorably perceived by the Chinese government and

people.

Editor: Many corporations and global law firms are proud of their roles in supporting initiatives that contribute to the health and well-being of host countries. Could you mention some of the activities included in the China Program that might be of interest to them?

Smagula: Our Health Law Initiative is one of our proudest achievements. It is headed by Professor Scott Burris, who is a recognized leader in the field. One of his programs brought together a number of scholars and officials from China to Philadelphia to learn about health law. Each of these scholars selected an area of health law and wrote a chapter on it for a health law textbook that was just published in China. This textbook will be used in a public health law course at Chinese law schools, medical schools, and public health programs. Our partner, Tsinghua University, has already begun offering this course in its law school. Temple takes pride in building the health law field in China.

Temple's Institute for International Law & Public Policy, under the leadership of Professors Amy Boss and Jeff Dunoff, has also conducted a series of roundtables, including one in 2004 to promote the development of environmental law in China.

Editor: Diversity is one of the most important concerns of corporations and law firms. What is the China

Please turn to page 68

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John W. Smagula

Continued from page 55

Program doing to stimulate diversity in China?

Smagula: Temple actively supports ethnic minorities from poorer regions of Western China to participate in our program. We believe in educating those who are from and have a commitment to their local communities and who will return to their regions to promote access to justice and economic development.

Candidates for our LL.M. program who are ethnic minorities, understand English at a university level, and have a law degree are rare. Often their first language is their minority-region language, Chinese is their second, and English is their third. We collaborate with the law school of the Central University for Nationalities in Beijing, which refers candidates to us every year. I personally visit this university each year to give a lecture and meet interested candidates.

Our efforts to find students from Western regions of China are encouraged by the Chinese government. Whenever we meet with our government partners in China, including the Supreme People's Court, Supreme People's Procuratorate, or State Administration for Foreign Expert Affairs, we are invited to assist the Chinese government in their initiative to close the economic gap between Eastern and Western China. Closing the economic disparity is a matter of national policy in China, and Temple is happy to assist in this process.

Editor: I gather that the Temple China Program has been well received by the Chinese government.

Smagula: Temple University conferred an honorary doctorate of law degree on Deng Xiaoping in 1979. This was long before our China program was launched. On Bill Clinton's celebrated visit with Jiang Zemin in China, both countries agreed to promote mutual legal collaboration. The Temple program is an outgrowth of those discussions, so we are grateful for the support from the highest levels of the Chinese government. We believe our success is based on the collaborative nature of our program. We frequently meet to discuss our program and listen to ideas from our Chinese partners on how Temple can provide what is in the best interest of the development of the rule of law in China.

Editor: The U.S. government must

also be pleased by the China Program.

Smagula: We are most grateful to the U.S. State Department for their continuing support. We also work informally with the Supreme Court and Departments of Justice and Commerce. For example, when the students come to the United States for the summer session, we bring them to Washington DC so they can meet with Justice Scalia and officials with the Departments of State, Justice, and Commerce. We have found that the U.S. government has welcomed this interaction and finds their discussions with our students to be mutually enriching.

Editor: Has the China Program helped shape legislation and regulations in China?

Smagula: Absolutely. This has come about in three ways. The first is that students from the Legislative Affairs Commission of that National People's Congress have graduated from our Beijing LL.M. program and have participated in our roundtable meetings and conferences. Second, students with the Legislative Affairs Office of the State Council, China's key administrative organization, are also students and program participants. Third, we have held law drafting conferences on tort and property law, and key legislative drafters have attended.

Editor: What are you doing that contributes to the protection of intellectual property?

Smagula: Intellectual Property is a main course in our Beijing LL.M. program, and our shorter-term education initiatives all have an intellectual property protection component. Many of the students in the Beijing LL.M. program are judges or prosecutors with direct responsibility over intellectual property rights enforcement. In addition to the LL.M. program, we also conduct shorter-term judicial and prosecutor education programs, and those from the intellectual property rights enforcement sector also participate.

Editor: How can our readers get more information about the China Program or ways in which they can support it?

Smagula: I invite all readers to visit our web site, www.law.temple.edu, to learn more about our program. Readers may also contact me at (215) 204-1448. I am happy to provide an executive summary and annual report to interested readers as well. Many thanks.

Partners Notes

Attorneys Assist Big Brothers Big Sisters

Attorneys with the firms of King & Spalding LLP and Kramer Levin Nafalis & Frankel LLP were among those who participated in the 2005 Gridiron Games on November 19 at Giants Stadium in East Rutherford, NJ.

The event was a fund raiser for Big Brothers Big Sisters of New York City

to support its programs to assist at-risk youth in New York City.

Lawyers from participating firms competed head-to-head in the 2005 Gridiron Games, a five-on-five touch football tournament. The event featured an appearance by Carl Banks, a former linebacker for the New York Giants.

Partners Notes

17 Sills Cummis Lawyers Included In *The Best Lawyers In America*

The firm of Sills Cummis Epstein & Gross P.C. recently announced that 17 of the firm's attorneys have been selected for the 12th edition of *The Best Lawyers in America*.

The Sills "Best Lawyers" include: Joseph L. Buckley, Banking Litigation Group; Clive S. Cummis, chairman of the firm; Thomas Demski, chair, Surety Team; Barry M. Epstein, co-chair of the firm; Marc S. Friedman, chair, Intellectual Property Group; David W. Garland, co-chair, Employment & Labor Practice Group; Steven M. Goldman, business/real estate; Jeffrey J. Greenbaum, co-chair, Business Litigation Section; Steven F. Gross, co-chair of firm and

chairman, Corporate, Banking and Securities Department, and Lawrence S. Horn, co-chair, Corporate Internal Investigations & Business Crimes Practice Group.

Also Simon Levin, chair, Tax & Financial Planning Department; Jeffrey H. Newman, chair, Real Estate Department; David J. Rabinowitz, commercial real estate; Beth S. Rose, product liability/mass tort defense; Ira A. Rosenberg, chair, Life Sciences Department; Philip R. White, leader, Construction Practice Group, and Jack M. Zackin, chair, Creditors Rights/Bankruptcy Reorganization Group.

Foundation Honors Kirkpatrick Partner

Anthony P. La Rocco, administrative partner in the Newark, NJ office of Kirkpatrick & Lockhart Nicholson Graham LLP (K&LNG) was recently honored by The Flame of Charity Foundation as Humanitarian of the Year at the 21st Annual Flame of Charity Dinner, a fundraiser supporting Catholic Charities of the Diocese of Metuchen.

At K&LNG, Mr. La Rocco's practice focuses on insurance and complex litigation and commercial disputes involving corporations and non-profit organizations, including religious institutions.

Akerman Senterfitt Creates White Collar And SEC Advisory Group

Akerman Senterfitt, the largest full-service law firm in Florida, has created a new White Collar and SEC Advisory Group to enhance the firm's Corporate Compliance practice. The five new attorneys in the White Collar and SEC Group will counsel domestic and foreign clients in a broad range of regulatory and white collar matters, conduct internal corporate investigations, and will work closely with the government affairs groups based in Washington, DC in advising clients confronted with con-

gressional investigations.

Richard Smith and Alex René are U.S. Department of Justice (DOJ) veterans, Marvin and Jason Pickholz bring extensive SEC and securities litigation experience, and Jayne Blumberg is a former senior counsel of the SEC's Enforcement Division. Adding further depth to the firm's corporate practice ranked "top of the market" (Chambers 2005), the new White Collar and SEC Advisory Group will serve clients in all aspects of white collar crime.

Pitney Partner Named Among Top Lawyers

Richard Kahn, partner in the Trusts & Estates practice at Pitney Hardin LLP, has been named by the editors of *Worth* magazine in its list of the nation's Top 100 Attorneys. The list, which is featured in the December issue, is the culmination of a year of extensive research by *Worth's* editorial staff.

For more than 37 years, Mr. Kahn's practice has focused on the planning of larger estates, the drafting of complex wills and a wide variety of trust instruments, and the administration of trusts and estates. He has represented fiduciaries and beneficiaries in litigation concerning interpretation of wills and trusts. He joined Pitney Hardin as a partner in 1992.

Pitney Hardin recently closed its second billion-dollar M&A deal within four months. The first, which occurred in July, concerned the sale of Pitney Hardin's client, Hudson United Bancorp, to TD Banknorth for \$1.9 billion. In the second deal, which occurred last month, Pitney Hardin announced that it counseled Linens 'n Things in its sale for \$1.3 billion to Apollo Management LP.

The following Pitney Hardin attorneys worked on the deal: Warren J. Casey, Ronald H. Janis, Michael W. Zelenty, Colleen R. Donovan, Michael T. Rave, Randy K. Rutherford, Paul J. Halasz, Daniel A. Kalosieh, David A. Sussman, and Susan M. Szafranski.