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Foreword

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FOREWARD

Elizabeth Chien and Jarett A. Nixon

We envisioned our inaugural issue to serve as a forum for the exchange and exploration of new ideas in business law, and be comprised of articles from all corners of law that affect business. To this end, we have structured the first issue to include content on tax, corporate governance, professional ethics, regulatory law, intellectual property and alternative dispute resolution.

The mission of the Hastings Business Law Journal is to foster scholarly discussion, to introduce new developments in business law, and to provide a practical assessment of how these novel ideas can be applied. We believe this inaugural issue has achieved those objectives.

Taking a glimpse into the first of our academic articles, Professor Lee examines the evolution of the capital gains tax through detailed chronology and analysis of the legislative history. Lee further explores how the tax law was shaped by political interests, and concludes that the capital gains preference undermines our progressive federal income tax system. Professor Greenfield's article on corporate governance is a timely topic that provides innovative ideas on adjusting corporate culture to reflect social responsibility. The inclusion of Professor Burke's article on the regulation of dietary supplements reflects the importance of government regulation in business law, and highlights the challenges and uncertainties attorneys face in working in a regulated industry.

The HBLJ is one of a handful of legal journals that include practice guides written by practitioners. The practice guides provide a diverse sampling of current issues affecting businesses, and proffers some sound

recommendation on how to approach these new developments. The practice guides for the inaugural issue were selected for their relevance to current business concerns. Mr. Viscounty and Mr. Kushner deftly discuss the exponential growth of consumers purchasing goods and services online that have raised questions about the proper use of trademarks in online advertising. Mr. Lieberstein's article discusses the issue of who owns inventions created by independent contractors that arise from employers' growing business practice of outsourcing research and development work. Mr. Dobbins introduces innovative techniques in drafting forward-looking dispute resolution clauses in business agreements. Professor Fort shares his thoughts on the design of organizational ethics programs from a business perspective.

All of our authors are noted experts and scholars in their field of expertise. We hope these articles will be an impetus for vibrant discussion amongst legal scholars and practitioners on these areas of business law.