

*RICHMOND
JOURNAL OF
GLOBAL LAW AND
BUSINESS*

SPECIAL SYMPOSIUM ISSUE

ARTICLES

FOREWORD..... *Executive Board*

LABOR STANDARDS IN RECENT U.S.
TRADE AGREEMENTS *William (Bud) Clatanoff*

UNION RESPONSES TO THE CHALLENGES
OF AN INCREASINGLY GLOBALIZED
ECONOMY.....*Stephen B. Moldof*

BUSINESS, LABOR AND LAW IN THE
GLOBAL ECONOMY: RESOLUTION
OF INTERNATIONAL EMPLOYMENT
AND LABOR DISPUTES *William K. Slate II*

RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

Volume 5

Fall 2005

Number 2

SPECIAL SYMPOSIUM ISSUE ARTICLES

FOREWORD	<i>Executive Board</i>	107
LABOR STANDARDS IN RECENT U.S. TRADE AGREEMENTS	<i>William (Bud) Clatanoff</i>	109
UNION RESPONSES TO THE CHALLENGES OF AN INCREASINGLY GLOBALIZED ECONOMY	<i>Stephen B. Moldof</i>	119
BUSINESS, LABOR AND LAW IN THE GLOBAL ECONOMY: RESOLUTION OF INTERNATIONAL EMPLOYMENT AND LABOR DISPUTES	<i>William K. Slate II</i>	155

Information About the *Richmond Journal of Global Law and Business*

The *Richmond Journal of Global Law and Business* is published annually by the University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173. Comments and suggestions regarding the content of this publication are invited at the above address or at (804)287-6639.

Subscriptions: The cost per issue for a subscription to the Journal is \$10.00. Detailed subscription information is available on the Journal website at <http://law.richmond.edu/global>. Regular mail or phone calls should be directed to the attention of the Executive editor who can be reached at the *Journal* address or phone number listed above.

Copyright: All articles copyright © 2005 by the *Richmond Journal of Global Law and Business*, unless noted otherwise. Articles herein may be duplicated for classroom use, provided that (1) each copy is distributed at or below cost; (2) the *Journal* is notified of such use; (3) proper notice of copyright is affixed to each copy; and (4) the author and the *Journal* are identified on each copy.

Manuscripts: The *Journal* invites the submission of unsolicited articles, comments and essays. Manuscripts should include the author's biographical information under separate cover. Manuscripts will not be returned unless specifically requested and accompanied with proper return postage. Editorial operations of the *Journal* are conducted with Microsoft Word and WordPerfect software. Send manuscripts to *Richmond Journal of Global Law and Business* at University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173.

Citations: The text and citations of the Journal conform to *The Bluebook: A Uniform System of Citation* (18th ed. 2005) copyright by the Columbia Law Review Association, the Harvard Law Review Association, the *University of Pennsylvania Law Review*, and *The Yale Law Journal*.

CITE AS RICH. J. GLOBAL L. & BUS.

Administration

Faculty

Margaret I. Bacigal, B.A., J.D. Clinical Professor of Law and Administrative
Director of Clinical Placement

Ronald J. Bacigal, B.S., LL.B. Professor of Law

Kelley H. Bartges, B.A., M.Ed., J.D. Clinical Professor of Law and Director,
Youth Advocacy Clinic

W. Wade Berryhill, B.S., J.D., LL.M. Professor of Law

Judge Robert H. Bork, B.A., J.D. Distinguished Visiting Professor of
American Constitutional Law

W. Hamilton Bryson, B.A., LL.B., LL.M., Ph.D. Blackstone Professor of Law

Senior Justice Harry L. Carrico, B.A., J.D., LL.D. (Hon.) Visiting Professor of
Law and Civic Engagement

Henry L. Chambers, B.A., J.D. Assistant Professor

John G. Douglass, B.A., J.D. Professor of Law and Director of
Second-Year Lawyering Skills Program

Joel B. Eisen, B.S., J.D. Professor of Law

Tamar Schwartz Eisen, B.A., J.D. Visiting Assistant Professor of Law and
Director, Lawyering Skills Program

David Frisch, B.S., J.D., LL.M. Professor of Law

James Gibson, B.A., J.D. Assistant Professor of Law and Director
of the Intellectual Property Institute

Mary L. Heen B.A., M.A.T., J.D., LL.M. Professor of Law

Azizah Y. al-Hibri, B.A., M.A., J.D., Ph.D. Professor of Law

Ann C. Hodges, B.S., M.A., J.D. Professor of Law

J. Rodney Johnson, B.A., J.D., LL.M., C.L.U. Professor of Law, Emeritus

John Paul Jones, B.A., J.D., LL.M. Professor of Law

Marci Kelly, B.A., J.D., LL.M. Visiting Professor of Law

Corinna Barrett Lain, B.A., J.D. Associate Professor of Law

Gary C. Leedes, B.S.E., LL.B., LL.M., S.J.D. Professor of Law, Emeritus

Justice Donald W. Lemons, B.A., J.D. John Marshall Professor of
Judicial Studies

Gary L. McDowell, B.A., M.A., A.M., Ph.D. Tyler Haynes Interdisciplinary
Professor in Leadership Studies
and Political Science

Shari Motro, B.A., J.D. Assistant Professor of Law

Daniel T. Murphy, A.B., J.D., LL.M. Professor of Law and
Director of International Studies

Elizabeth A. Nowicki, B.A., J.D. Associate Professor of Law

John R. Pagan, A.B., M. Litt., J.D., D.Phil. University Professor of Law

Emmeline Paulette Reeves, B.A., J.D. Associate Professor for Academic Success

Robert E. Shepherd, Jr., B.A., LL.B.	Professor of Law, Emeritus
A. Benjamin Spencer, B.A., M.S., J.D.	Assistant Professor of Law
Jonathan K. Stubbs, B.A., B.A., J.D., LL.M., M.T.S.	Professor of Law
Peter N. Swisher, B.A., M.A., J.D.	Professor of Law
Mary Kelly Tate, B.A., J.D.	Visiting Assistant Professor for Pro Bono Academic Programs and Director of Richmond Law Institute for Actual Innocence
Carl W. Tobias, B.A., LL.B.	Williams Professor of Law
Adrienne E. Volenik, B.A., J.D.	Director of the Mental Disabilities Law Clinic and Clinical Professor of Law

Adjunct Faculty

Hugh E. Aaron, B.S., M.H.A., J.D.	Adjunct Associate Professor of Law
Amy L. Austin, B.A., J.D.	Adjunct Associate Professor of Law
Michael F. Barry, B.A., J.D.	Adjunct Associate Professor of Law
Steven D. Benjamin, B.A., J.D.	Adjunct Associate Professor of Law
William J. Benos, LL.B., J.D.	Adjunct Associate Professor of Law
Thomas O. Bondurant, Jr., B.A., J.D.	Adjunct Associate Professor of Law
Orran Brown, B.A., J.D.	Adjunct Associate Professor of Law
The Hon. Lynn S. Brice, B.A., M.S.W., J.D.	Adjunct Associate Professor of Law
Jack W. Burtch, Jr., B.A., J.D.	Adjunct Associate Professor of Law
Claire Cardwell, B.A., J.D.	Adjunct Associate Professor of Law
Sean Byrne, B.A., J.D.	Adjunct Associate Professor of Law
Tara L. Casey, B.A., J.D.	Adjunct Associate Professor of Law
Michael P. Chiffolo, B.A., J.D.	Adjunct Associate Professor of Law
Christopher J. Collins, B.A., J.D.	Adjunct Associate Professor of Law
Nancy D. Cook, B.S., J.D.	Adjunct Associate Professor of Law
Craig S. Cooley, B.S., M.A., J.D.	Adjunct Associate Professor of Law
James C. Cosby, B.A., J.D.	Adjunct Associate Professor of Law
Anne Marie Cushmac, B.A., J.D.	Adjunct Associate Professor of Law
Marla G. Decker, B.A., J.D.	Adjunct Associate Professor of Law
Betty Layne DesPortes, B.A., M.S., J.D.	Adjunct Associate Professor of Law
William J. Dinkin, B.A., J.D.	Adjunct Associate Professor of Law
Lori Elliot, B.A., J.D.	Adjunct Associate Professor of Law
Andrea S. Erard, B.A., J.D.	Adjunct Associate Professor of Law
Paul G. Gill, B.A., J.D.	Adjunct Associate Professor of Law
Melissa C. Goemann, B.A., J.D.	Adjunct Assistant Professor of Law and Director, Juvenile Law & Policy Clinic
Michael L. Goodman, B.A., J.D.	Adjunct Associate Professor of Law
Carolyn V. Grady, B.A., J.D.	Adjunct Associate Professor of Law
Timothy H. Guare, B.A., J.D.	Adjunct Associate Professor of Law
Hon. Leroy R. Hussell, B.A., J.D.	Adjunct Associate Professor of Law
Michael N. Herring, B.A., J.D.	Adjunct Associate Professor of Law
Robert L. Hodges, B.A., J.D.	Adjunct Associate Professor of Law
Kelley J. Hollowell, B.S., Ph.D., J.D.	Adjunct Associate professor of Law
Barbara L. Hulbur, B.A., J.D.	Adjunct Associate Professor of Law
John G. Iezzi, B.A., C.P.A.	Adjunct Associate Professor of Law
Vernon E. Inge, B.A., J.D.	Adjunct Associate Professor of Law
Herndon Jeffreys III, B.A., J.D.	Adjunct Associate Professor of Law
David J. Johnson, B.A., J.D.	Adjunct Associate Professor of Law
Jessica Sanders Jones, B.A., M.L.S., J.D.	Adjunct Associate Professor of Law
Hon. Elizabeth B. Lacy, B.A., J.D.	Adjunct Associate Professor of Law
Hon. Thomas N. Langhorne III, B.A., M.P.A., J.D.	Adjunct Associate Professor of Law
Hon. M. Hannah Lauck, B.A., J.D.	Adjunct Associate Professor of Law
Jodi Elizabeth Lemacks, B.A., J.D.	Adjunct Associate Professor of Law

Kimberly M. Magee, B.A., J.D.	Adjunct Associate Professor of Law
Mary E. Maguire, B.A., J.D.	Adjunct Associate Professor of Law
Bruce Matson, B.A., J.D.	Adjunct Associate Professor of Law
James M. McCauley, B.A., J.D.	Adjunct Associate Professor of Law
Kathleen M. McCauley, B.A., J.D.	Adjunct Associate Professor of Law
Charles G. Meyer III, B.A., M.Phil., J.D.	Adjunct Associate Professor of Law
Louis A. Mezzullo, B.A., M.A., J.D.	Adjunct Associate Professor of Law
Perry Miles, B.S., J.D.	Adjunct Associate Professor of Law
Stephen Miller, B.A., J.D.	Adjunct Associate Professor of Law
Dale G. Mullen, B.A., B.S., J.D.	Adjunct Associate Professor of Law
Gregg R. Nivala, B.S., J.D.	Adjunct Associate Professor of Law
Hon. Kimberly B. O'Donnell, B.A., M.P.S., J.D.	Adjunct Associate Professor of Law
Andrew R. Park, B.A., J.D.	Adjunct Associate Professor of Law
James Phillips, B.A., J.D., Ph.D.	Adjunct Associate Professor of Law
John V. Robinson, B.A., B.L., J.D.	Adjunct Associate Professor of Law
John Anthony Rockecharlie, B.A., J.D.	Adjunct Associate Professor of Law
Hon. Frederick G. Rockwell III, B.A., J.D.	Adjunct Associate Professor of Law
Lisa Roday, B.S., J.D.	Adjunct Associate Professor of Law
Linwood I. Rogers, B.S., J.D.	Adjunct Associate Professor of Law
Thomas P. Rohman, B.A., J.D.	Adjunct Associate Professor of Law
Randy B. Rowlett, B.A., J.D.	Adjunct Associate Professor of Law
Mark Rubin, B.A., J.D.	Adjunct Associate Professor of Law
Cullen Seltzer, B.A., J.D.	Adjunct Associate Professor of Law
Patricia M. Sherron, B.A., J.D.	Adjunct Associate Professor of Law
Hon. Beverly w. Snukals, B.A., J.D.	Adjunct Associate Professor of Law
James M. Snyder, B.A., J.D.	Adjunct Associate Professor of Law
Alexander L. Taylor, Jr., B.A., J.D.	Adjunct Associate Professor of Law
Gwen M. Taylor, B.A., J.D.	Adjunct Associate Professor of Law
John Thomas, B.A., J.D.	Adjunct Associate Professor of Law
Paul M. Thompson, B.A., J.D.	Adjunct Professor of Law and Director of Special Programs
Robert Trono, B.S., J.D.	Adjunct Associate Professor of Law
John T. Tucker III, B.S., J.D.	Adjunct Associate professor of Law
Robert J. Wagner, B.A., J.D.	Adjunct Associate Professor of Law
John R. Walk, B.A., J.D.	Adjunct Associate Professor of Law
James W. Walker, B.A., J.D.	Adjunct Associate Professor of Law
Margaret A. Walker, B.A., J.D.	Adjunct Associate Professor of Law
Travis R. Williams, B.A., J.D.	Adjunct Associate Professor of Law
Thomas M. Wolf, B.A., J.D.	Adjunct Associate professor of Law

Library Faculty and Staff

John R. Barden, B.A., M.A., Ph.D., M.S.L.S., J.D.	Head of Reference and Research Services
Paul M. Birch, B.A., M.A., J.D.	Computer Service Librarian
Joyce Manna Janto, B.S., M.L.S., J.D.	Deputy Director of the Law Library
Caroline L. Osborne, B.A., J.D., LL.M., M.S.L.S.	Reference and Research Services Librarian
Sally H. Wambold, B.A., M.S.L.S.	Technical Services Librarian
Gail F. Zwirner, B.A., M.S.L.S.	Head of Access Services

RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

Volume 5

Fall 2005

Number 2

2005-2006 EDITORIAL BOARD

EDITOR-IN-CHIEF

MANESH SHAH

EXECUTIVE EDITOR

ANDREI KUBLAN

MANAGING EDITORS

BROCK COLE
ADAM MORDECAI

MANUSCRIPTS EDITORS

LAURA LESIKAR
ALAN SMITH

SYMPOSIUM EDITORS

NAOMI ANDREWS
KEITH BOVA

BUSINESS EDITOR

EDEN DARRELL

SOLICITATIONS EDITOR

DARNELL GRIFFIN

TECHNICAL EDITOR

JOHN HAMPSON

SENIOR ASSOCIATES

VICKY BALESTRIERE
JOSH LINDENBAUM
BRITON NELSON

JOSHUA SIEGEL
JULIA MOORE
DAVID TERRY

ASSOCIATES

ANDREW ACHIRON
GRANT DICK
KENDRA HORGER
SHARON SILER

HELEN BAUCOM
MEGAN L. FINEMAN
GREGORY POKUSA

SARA DEHNE
JEFFREY A. HORD
HANS RIEDE
BRANDON STORY