

Thank you, Mr. Wang, for that warm introduction and your wonderful hospitality. It is a treat to visit your majestic country with such a rich cultural history.

And thank you to the China International Legal Affairs & Culture Exchange Center for sponsoring this great forum.

(There may be other acknowledgements here. Possibly, the Chief Justice of Supreme Court and/or the Minister of the Department of Justice. CMR will provide you with that information as soon as it is available.)

Not too many years ago, this forum, indeed any contact between China and the United States, would have been impossible.

Then, in April 1971, at the world table tennis championships in Nagoya, Japan, the story goes that a young American player named Glenn Cowan (*COW-an*) missed his bus and was waved onto another team bus. To his surprise, the bus contained the Chinese table tennis team. Mr. Cowan suddenly became a very unlikely ambassador and inadvertently launched what became known as “ping pong diplomacy.”

Initially, he did not receive a warm welcome on the bus. Then, China’s greatest table tennis player, Zhuang Zedong (*Shwang zay-DONG*), shook Cowan’s hand and presented him with a silk-screen picture of a Chinese mountain scene.

Cowan wanted to offer Zhuang a gift, but all he had was a comb and he decided he could not give him just a comb. Later, he

would give Zhuang a T-shirt with a peace symbol and the words “Let It Be” on it.

Well, within a week, the U.S. table tennis team was visiting China, the first official American delegation in the country in 22 years.

Less than a year later, the Chinese team had visited the United States and President Nixon had made an official visit to China.

Eight years after that first meeting, the United States and China normalized relations under the presidency of our distinguished guest, Jimmy Carter.

That was 35 years ago.

Today, I have the privilege of continuing that dialogue with you. As the president of the American Bar Association, I speak on behalf of nearly 400,000 lawyers and judges.

Most of our members are Americans, but an increasing number are legal professionals who practice in Asia. You do not have to be a U.S.-qualified attorney to join the ABA.

The American Bar Association has resources for all lawyers, including legal education courses that help you to hone your craft, and groups, like the ABA Section of International Law, that connect you with your peers working around the world. There is even a Beijing City Chapter.

The American Bar Association is a voluntary professional nongovernmental organization that exists to improve the quality of legal practice and defend values like fairness in the courtroom. We help law schools train lawyers who are prepared for the workforce and dedicated to serving their clients. We help courts adopt rules and technology that make the process of weighing both sides of an argument as fair and as efficient as possible. Members of the American Bar Association also work to improve the conditions of justice in the United States and around the world. We defend access to justice, including ensuring that those accused of a crime have the right to legal counsel.

As president of the American Bar Association, I believe that lawyers should cross national borders to work together in the pursuit of justice. There is so much that we can learn from each

other. As lawyers, we must build bridges to the 21st century so that commerce can thrive.

China has become the world's largest trading nation. As you know, China is America's second-largest trading partner, accounting for more than \$562 billion in trade last year. That's 14.6 percent of total U.S. trade. The United States is China's top trading partner.

With this rapid increase in trade, the need for a greater understanding of our differing legal systems has become much more important for American and Chinese companies and lawyers.

For Chinese companies, the differences make it essential for them to have sound representation as they navigate the many pitfalls that can occur.

There are import and export regulations, trademark and intellectual property laws, and lawsuits or the threat of lawsuits that can occur under American law. These exist to enhance competition, fair dealing, and business integrity. Laws like the Sherman Act and the Foreign Corrupt Practices Act can carry severe penalties.

But the good news is that a qualified attorney can help you ensure compliance.

American lawyers bring much value to business transactions.

An experienced U.S. attorney can play a critical role in how a business deal is completed. They can offer advice on how a deal is structured, research the reliability of the people you are doing business with, and navigate the tax codes and regulations of federal, state, and local jurisdictions.

A qualified lawyer will also help you plan ahead, knows what questions need to be asked, and can help you avoid future legal entanglements.

Legal fees and costs for fixing problems will always be more expensive than the money spent to have a lawyer craft a sound deal at the outset.

Benjamin Franklin, one of the Founding Fathers of the United States and one of our history's more quotable individuals, once said, "An ounce of prevention is worth a pound of cure," meaning it is better to try to avoid problems in the first place, rather than trying to fix them once they arise.

Finding an experienced lawyer is an essential first step when planning to do business in the United States.

Having a properly drafted, U.S.-style contract will give your business a first line of defense in the event of a lawsuit.

Many lawsuits in the United States involving foreign businesses arise because of poorly drafted contracts, oral contracts, or contracts established in letters or emails.

Our laws of incorporation are also complicated. Each state has its own laws governing the creation of legal entities, corporations included. This mix of laws creates the need for a specialized expert when dealing with each state.

A United States attorney can be a trusted partner in business dealings. We believe very strongly and have strict rules and protections for all communications between an attorney and their client. And these rules and protections carry on even after the case is completed.

If you are entering the United States market and hiring counsel, you should know that U.S. attorneys want and need to know all details to provide the best representation and that the communications are truly protected by the attorney-client privilege.

This protection of confidentiality should allow you to trust your lawyer completely. They can be an integral part of your business negotiating team. They can assess what your goals in the deal are, navigate through regulations, and craft an agreement that protects you and your business from future harm.

Going forward, it is clear that China and the United States have a vital stake in each other's continued success. What was unthinkable 35 years ago when President Carter normalized relations is now the norm.

Remarkable progress has been made and enormous potential for future progress exists. To realize this potential, we must not

define ourselves by our differences and rivalries but by fair competition and cooperation.

Differences must be managed constructively and attorneys can help in many of these areas.

The relationship between the United States and China has grown more profound and durable in the past 35 years. It has demonstrated a resilience to overcome differences.

Who could have imagined that two ping pong players meeting on a bus could lead to this?