

INDEX

- activism. *See* litigation activism
- administrative law regime, in China, 200–201
- Administrative Litigation Law, China (1989), 199–200
- Administrative Procedure Act (APA), US (1946), 200
- adversarial legalism, 16
- for Chinese state-owned enterprises, 40–41
- litigiousness myth and, 40
- agency, of litigants, 18, 20–23, 27–28, 50–51, 61–62, 64, 75, 102, 141, 187, 199, 224–225
- agents, 96, 131, 135, 194
- Alien Torts Statute*, US, 127–128
- alternative dispute resolution, 181, 197–198, 223–224
- American Factory*, 166
- APA. *See* Administrative Procedure Act (APA), US (1946)
- appeals, 141, 180, 209–210, 212–213
- appellate courts, 3–4, 205–206, 209–210
- arbitration, by Chinese companies, 130
- attorneys. *See* in-house legal managers, of Chinese companies
- authority, 39–40, 54–55, 108, 209–210
- bias issues, in unfair treatment of Chinese companies, 196
- robustness tests for, 222–223
- budgets, legal, for US lawyers in Chinese companies, 98
- ByteDance, 15, 210–213. *See also* TikTok
- Canada, multinational companies in, 4–5
- capitalism. *See* state capitalism, in China
- Central Commission for Discipline Inspection (CCDI), 199
- central government, 12–13, 33–34, 53, 199–200
- CFIUS. *See* Committee on Foreign Investments in the United States (CFIUS)
- China. *See also* Chinese companies, in US; State-Owned Assets Supervision and Administration Commission (SASAC); *specific topics*
- administrative law regime in, 200–201
- Administrative Litigation Law, 199–200
- Central Commission for Discipline Inspection, 199
- after Cultural Revolution, 10, 36
- foreign direct investment in US, 1
- formal law in, 37
- “Go Global” strategy, 162
- “Going Out” strategy in, 12
- multinational companies in, 4–5
- National Supervision Commission, 199
- professionalization of judiciary in, 36
- as socialist market economy, 35–36
- state capitalism in, 4–5, 39
- trade war with US, 160
- China Telecom, 213–216
- US Federal Communications Commission license for, 214–215
- Chinese Communist Party (CCP), 12, 34, 194
- Chinese companies, in US. *See also* institutional duality; multinational companies (MNCs); state-owned enterprises (SOEs), in China; unfair treatment, of Chinese companies, by US government; US lawyers, in Chinese companies; US legal system, Chinese companies and; *specific companies*
- with Chinese headquarters, 155–156
- in-house legal capacity, 142–143
- listing status, 143
- power allocation in decision-making, 140–145
- state-owned enterprises, 141–142
- duration of US investment, 70
- foreign direct investment in US, 1
- global investment by, 10–11
- governmental micro-managing of, 32
- legal budgets for, 98
- listing status, 67–68
- market differences in US, 67
- methodological approach to, 41–44
- interviews in, 43
- qualitative evidence in, 42–44
- quantitative evidence in, 41–42

INDEX

- mode of US investment, 70–71
- negative perception of, 99
- overview of, 228–237
- privately owned enterprises, 37
 - guanxi* capital and, 38–39
 - legal risks for, 38–39
- size of US operations, 68–69, 73–74
- Western multinational companies'
 - influence on, 30
- clash. *See* culture
- coercive isomorphism, 23
- cognitive effects, 20, 22, 25, 56, 127
- Committee on Foreign Investments in the
 - United States (CFIUS), 203–207
- common law traditions, in US, 4
 - litigation by Chinese companies in, 131
- compliance
 - by multinational companies, 76
 - by state-owned enterprises, 72
- conflict. *See* culture; litigation, in US, by
 - Chinese companies
- constitution, 209–210
- corporate culture norms, institutional duality
 - influenced by, 28–29
- corporate internationalization, 66, 74
- counsel. *See* in-house legal managers, of
 - Chinese companies; US lawyers, in
 - Chinese companies
- credence goods, 93
- cross-border dispute resolutions, 126–139
 - allocation of power in decision-making,
 - 131–135
 - dispute and litigation experience,
 - 129–131
 - litigation preferences in, 135–139
- Cultural Revolution, in China, 10, 36
- culture
 - Chinese background of US lawyers, 92–93
 - corporate norms as, 28–29
 - differences for Chinese companies in US
 - federal courts, 183
 - as defendants, 188
 - in home-state institutions, 25
 - in-house legal managers influenced by,
 - 65–66
 - institutional, 86–91
 - in approaches to fees and costs, 86–88,
 - 91–92, 97, 99–100, 112
 - historical changes in, 88–89
 - opinion of lawyers and, 87
 - litigation by Chinese companies
 - influenced by
 - cultural shock as result of, 135
 - litigation experiences, 149
 - in power allocation in
 - decision-making, 142
 - with US lawyers, 145
 - unfair treatment of Chinese companies
 - and, 220–221
- decision-making. *See* litigation, in US, by
 - Chinese companies
- defendants, Chinese companies as, in US
 - federal courts, 187–190
 - cultural challenges for, 188
 - with major US investments, 189
 - for state-owned enterprises, 187
- Defense Production Act, US (1950), 204–205
- discovery, 16, 224
- dispute resolution. *See also* cross-border
 - dispute resolutions
 - US lawyers in Chinese companies
 - and, 89
- distrust, between China and US, 3, 66, 95–96,
 - 133, 146
- dual institutions. *See* institutional duality
- due process, 205–206, 209–210,
 - 212–213, 215
- efficiency, 26, 39, 143–144
- fairness issues, toward Chinese companies,
 - by US government, 195
 - against TikTok, 195–196
- FCC. *See* Federal Communications
 - Commission (FCC), in US
- FDI. *See* foreign direct investment (FDI), by
 - Chinese companies
- Federal Communications Commission (FCC),
 - in US, 214–215
- federal courts. *See* US federal courts, Chinese
 - companies in
- fees. *See* legal expenses, for US lawyers, in
 - Chinese companies; litigation costs
- foreign direct investment (FDI), by Chinese
 - companies
 - characteristics of, 12–13
 - Committee on Foreign Investments in the
 - United States and, 203–207
 - embezzlement and investment scandals
 - with, 11–12
 - Fuyao Glass, 166
 - “Going Out” strategy for, 12
 - inflows for, 13
 - Lenovo Group, 163
 - national security review of, 104
 - outflows for, 13
 - State Administration on Foreign Exchange
 - procedures, 12
 - by state-owned enterprises, 12–13
 - in US, 1, 11–15
 - on historical-cost basis, 14
 - trajectory of, 13–14
 - under Trump, 13–14

INDEX

- forum shopping, within US legal system, 17–18
- friction, 105, 117, 168, 171, 183, 186. *See also* culture
- functions, functional and, 21, 76, 83, 99, 102–103, 172, 188–189
- Fuyao Glass, 165–167
 - American Factory*, 166
 - foreign direct investment by, 166
 - labor law violations by, 166–167
 - in US federal courts, 167–168
 - employment and labor claims against, 171, 186
 - in-house counsel for, 171–173
 - litigator profiles for, 179
 - major US law firms for, 173–180
 - number of lawsuits, 168
 - types of lawsuits, 169–171
- geopolitics, geopolitical and, 1, 3, 13, 153–154, 167, 196, 207–208, 219, 224–225, 229
- globalization, legal services markets
 - influenced by, 84–85
- “Go Global” strategy, for China, 162
- “Going Out” strategy, for Chinese FDI, 12
- guanxi* capital, 38–39
- hierarchy, 19–20, 45, 48, 53, 55, 200
- home-state institutions, of Chinese companies
 - in-house legal managers and, 52–56, 72
 - institutional duality for, 24–27, 31
 - cultural factors in, 25
 - imprinting and, 24
 - multinational companies and, 24, 26–28
 - state-owned enterprises and, 26, 28
- state-owned enterprises and, 31–41
 - adversarial legalism and, 40–41
 - governmental control of, 33–35
 - institutional duality for, 26, 28
 - legal risks for, 38
 - privatization of, 32–33
 - reform of, 34–35
- US lawyers in Chinese companies and, 90
- US litigation by Chinese companies, 132
- host-state institutions, of Chinese companies
 - in-house legal managers in, 51–52
 - institutional duality for, 23
 - coercive isomorphism, 23
 - institutions of embeddedness and, 23
 - multinational companies and, 27–28
- Huawei
 - expansion into US market, 163–164
 - global workforce, 165
 - lawsuits and, 2–3
 - litigation in US against, 153–154
 - national security issues with, 164–165
 - unfair treatment by US government, 206–210
 - Committee on Foreign Investments in the United States and, 207
 - under National Defense Authorization Act, 209
 - in US federal courts, 167–168
 - in-house counsel for, 171–173
 - litigator profiles for, 178
 - major US law firms for, 173–180
 - number of lawsuits, 168
 - patent claims against, 169–171
 - types of lawsuits, 169–171
- IEEPA. *See* International Emergency Economic Powers Act (IEEPA), US (2020)
- imprinting, 24
- independence, 39–40
- inflows, for foreign direct investment, 13
- information asymmetry, 51, 93, 107, 134, 144, 148, 182, 199
 - for in-house legal managers of Chinese companies, 59
 - in legal services market, 83
 - for US lawyers in Chinese companies, 83
- in-house legal managers, of Chinese companies. *See also* US lawyers, in Chinese companies
 - compliance and
 - by multinational companies, 76
 - by state-owned enterprises, 72
 - conceptual approach to, 45–47
 - costs of, 51–52
 - development of, 51–52
 - dual institutions and, 51–56, 75
 - home-state institutions, 52–56, 72
 - host-state institutions, 51–52
 - market-driven movements, 55–56
 - state-driven movements, 52–55
 - expansion of, 48
 - international human resource management and, 47–50
 - literature on, 49–50
 - in multinational companies, 49–50
 - legal capacity of, 51–56
 - legal expenses for, 112–113
 - literature on, 47–50
 - corporate in-house counsel, 47–48
 - international human resource management and, 49–50
 - low status of, 55–56, 63–64
 - for multinational companies, 53–54, 66–67, 69–70, 75–76
 - agency and transaction costs, 61–62
 - compliance by, 76

INDEX

- international human resource management in, 49–50
- under State-Owned Assets Supervision and Administration Commission, 55, 61–62, 72
- state ownership guidelines, 65–66
- in state-owned enterprises, 52–55
 - compliance by, 72
 - outbound investment in, 70
 - staffing issues in, 61–62
- in US, 57–64
 - company-specific knowledge in, 60
 - establishment as full-time position, 57–60
 - information asymmetry in, 59
 - local lawyers as, 60–64
 - non-US lawyers, 63–64
- in US federal courts, 184–185
 - for Fuyao Glass, 171–173
 - for Huawei, 171–173
 - Lenovo Group, 171–173
- variations in internal legal capacity for, 64–75
 - analysis of, 71–75, 77–81
 - corporate internationalization, 66, 74
 - cultural differences, 65–66
 - duration of US investment, 70
 - listing status, 67–68
 - mode of US investment, 70–71
 - sectoral regulation, 69
 - size of US operations, 68–69, 73–74
 - state ownership, 65–66
 - US market differences, 67
- institutional duality
 - conceptual approach to, 44, 233–234
 - dichotomy of, 20
 - home-state institutions of Chinese companies, 24–27, 31
 - cultural factors for, 25
 - imprinting, 24
 - in-house legal managers for, 52–56, 72
 - multinational companies and, 24, 26–28
 - state-owned enterprises and, 26, 28
- host-state institutions of Chinese companies, 23
 - coercive isomorphism, 23
 - in-house legal managers for, 51–52
 - institutions of embeddedness and, 23
 - multinational companies and, 27–28
- influences on, 27–31
 - company operation preferences, 29–30
 - corporate culture norms, 28–29
 - institutional differences, 27–28
 - institutional embeddedness, 28–29
- in-house legal managers and, 51–56, 75
 - home-state institutions, 52–56, 72
 - in host-state institutions, 51–52
- market-driven movements, 55–56
- state-driven movements, 52–55
- institutions of embeddedness and, 20–22
 - in host-state institutions, 23
 - as influence on, 28–29
 - rational choice institutionalism and, 20–21
 - sociological institutionalism and, 20–21
- legal pluralism and, 23
- multinational companies and, 21–23
 - home-state institutions for, 24, 26–28
 - host-state institutions for, 27–28
 - imprinting for, 24
- rational choice institutionalism and, 19–20
 - institutions of embeddedness and, 20–21
 - legitimacy and, 21
 - social appropriateness and, 21
- sociological institutionalism and, 19–20
 - institutions of embeddedness and, 20–21
- theoretical framework for, 19–31
- US litigation by Chinese companies, 132–133
- institutionalism. *See* rational choice institutionalism; sociological institutionalism, institutional duality and
- institutions of embeddedness, institutional duality and, 20–22
 - in host-state institutions, 23
 - as influence on, 28–29
 - rational choice institutionalism and, 20–21
 - sociological institutionalism and, 20–21
- internalization, 26, 29–30, 47, 51, 59, 65–66, 69–70, 116, 222
- International Emergency Economic Powers Act (IEEPA), US (2020), 212
- international human resource management, in-house legal managers and, 47–50
- literature on, 49–50
- in multinational companies, 49–50
- judges, 4, 35–36, 200, 205–206, 211–212, 218, 237
- judicial review, 209–210, 212–213, 215
- judiciary, professionalization of, 36
- justice. *See* specific topics
- labor laws, in US, Fuyao violations of, 166–167
- law firms. *See* Fuyao Glass; Huawei; in-house legal managers, of Chinese companies; Lenovo Group; US lawyers, in Chinese companies
- lawyers. *See* in-house legal managers, of Chinese companies; US lawyers, in Chinese companies

INDEX

- legal expenses, for US lawyers, in Chinese
 - companies, 111–117
 - analysis of, 115–117, 122–123
 - by business organization, 113
 - cost ratios for, 116–117
 - culture differences in approaches to, 86–88, 91–92, 97, 99–100, 112
 - by duration of investment, 115
 - for in-house counsel, 112–113
 - by listing status, 114
 - litigation costs, 113
 - by mode of entry into US legal market, 114–115
 - ratio of legal fees to administrative expenses, 98
 - for reorganization of businesses, 116
 - for sectoral regulation, 114
 - by size of US investment, 114
 - for state-owned enterprises, 112
- legal managers. *See* in-house legal managers, of Chinese companies
- legal pluralism, institutional duality and, 23
- legal services markets, US lawyers in, 83–85, 90
 - credence goods, 93
 - globalization impact on, 84–85
 - information asymmetry for, 83
 - as repeat service providers, 84
- legalism. *See* adversarial legalism
- Lenovo Group
 - expansion of, 163
 - foreign direct investment in US, 163
 - in US federal courts, 162–163
 - in-house counsel for, 171–173
 - litigator profiles for, 176
 - major US law firms for, 173–180
 - number of lawsuits, 168
 - types of lawsuits, 169–171
- liability of foreignness, for MNCs, 17, 139
- listing status, of Chinese companies
 - of in-house legal managers, 67–68
 - unfair treatment as litigation factor, 221
 - in US federal court cases, 185
 - for US lawyers in Chinese companies, 107, 110
 - legal expenses for, 114
- litigation, in US, by Chinese companies
 - under *Alien Torts Statute*, 127–128
 - analysis of, 153–155, 157
 - litigation experiences, 151–153
 - for power allocation in decision-making, 146–147
 - through arbitration, 130
 - with Chinese headquarters, 155–156
 - in-house legal capacity, 142–143
 - listing status, 143
 - power allocation in decision-making, 140–145
 - state-owned enterprises, 141–142
 - under common law traditions, 131
 - conceptual approach to, 124–125
 - cross-border dispute resolutions and, 126–139
 - allocation of power in decision-making, 131–135
 - dispute and litigation experience, 129–131
 - litigation preferences in, 135–139
 - cultural differences as influence on
 - cultural shock as result of, 135
 - litigation experiences, 149
 - in power allocation in decision-making, 142
 - for US lawyers, 145
 - in dual institution context, 132–133
 - home-state institutions and, 132
 - Huawei, 153–154
 - liability of foreignness and, 139
 - litigation experiences, 147–153, 157–158
 - analysis of, 151–153
 - cultural differences in, 149
 - duration of US investment and, 150
 - in-house legal capacity and, 149–150
 - listing status and, 150
 - litigation preferences and, 150–151
 - sectoral regulation in, 149
 - size of US investment and, 150
 - in state-owned enterprises, 148
 - litigation preferences, 151, 153
 - in cross-border dispute resolutions, 135–139
 - institutional knowledge of US legal system, 139
 - litigation experiences and, 150–151
 - reputational damage and, 138–139
 - settlement preferences, 137
- for multinational companies, 124–125, 134
 - in-house legal counsel for, 143–144
 - power allocation in decision-making, 140–153
 - analysis of, 146–147
 - with Chinese headquarters, 140–145
 - in cross-border dispute resolutions, 131–135
 - cultural differences in, 142
 - duration of US investment and, 143
 - sectoral regulation as factor in, 143
 - size of US investment and, 143–145
 - in state-owned enterprises, 141–142
 - research literature on, 126–128
 - comparative cultural research, 127
 - social meaning of, 124
 - for state-owned enterprises, 152

INDEX

- with Chinese headquarters, 141–142
- litigation experiences in, 148
- power allocation in decision-making in, 141–142
- with US lawyers, 145
- TikTok, 129, 153–154
- with US lawyers, 145–146, 156
- cultural differences for, 145
- as in-house legal counsel, 146
- in state-owned enterprises, 145
- litigation activism, 16
- litigation costs
 - cost ratios, 116–117
 - cultural approaches to, 86–88, 91–92, 97, 99–100, 112
 - legal expenses for US lawyers, 113
- litigation experiences. *See* litigation, in US, by Chinese companies
- litigation preferences. *See* litigation, in US, by Chinese companies
- litigiousness, myths about US reputation for, 40, 128–129
- lobby, 8, 96, 164, 195–196, 207, 226–228
- media, 2, 33, 44, 195–196, 202
- mediate, 27
- multinational companies (MNCs). *See also specific companies*
 - in Canada, 4–5, 17
 - in Germany, 17
 - in-house legal managers for, 53–54, 66–67, 69–70, 75–76
 - agency and transaction costs, 61–62
 - institutional duality for, 21–23
 - home-state institutions for, 24, 26–28
 - host-state institutions and, 27–28
 - imprinting for, 24
 - in Japan, 17
 - liability of foreignness for, 17, 139
 - as transnational actors, 232
 - unfair treatment by US government, 194, 197–198
- US lawyers in, 82, 108–110
- within US legal system, 16–19
- adversarial legalism, 16
- forum shopping by, 17–18
- liability of foreignness and, 17
- litigation activism, 16
- US litigation against, 124–125, 134
- in-house legal counsel for, 143–144
- NAICS code. *See* North American Industry Classification System code (NAICS code)
- National Defense Authorization Act (NDAA), US (2019), 209
- national security
 - with Huawei, 164–165
 - review of foreign direct investment by Chinese companies, 104
 - TikTok as risk to, 210–211
- National Supervision Commission (NSC), 199
- NDAA. *See* National Defense Authorization Act (NDAA), US (2019)
- neoliberal ideology, 198–199
- normative effects, 20, 25, 56, 60, 89, 127, 148, 222
- North American Industry Classification System code (NAICS code), 184
- NSC. *See* National Supervision Commission (NSC)
- optimal, 23, 84
- outbound investment, by China, 11–12. *See also* foreign direct investment (FDI), by Chinese companies
- outflows, for foreign direct investment, 13
- power distribution, 36, 126
- principal-agent problem, 27. *See also* agents
- privately owned enterprises (POEs), 37
- guanxi* capital and, 38–39
- legal risks for, 38–39
- US lawyers in, 103
- Ralls Corporation, 203–206
- Committee on Foreign Investments in the United States and, 203–206
- Ralls v. The Committee on Foreign Investment in the United States (CFIUS)*, 3–4
- rational choice institutionalism
 - institutional duality and, 19–20
 - institutions of embeddedness and, 20–21
 - legitimacy and, 21
 - social appropriateness and, 21
- reciprocity, 40
- regulations. *See specific regulations*
- repeat service providers, in legal services markets, 84
- reputation of law firms
 - reputational damage, 138–139
 - US lawyers in Chinese companies and, 94
 - as reputational intermediaries, 94
- rivalry. *See* US–China relations
- Rodgers, Cathy McMorris, 194
- SAFE procedures. *See* State Administration of Foreign Exchange (SAFE) procedures
- Sany, 202–206
- SASAC. *See* State-Owned Assets Supervision and Administration Commission (SASAC)

INDEX

- sectoral regulation, US lawyers in Chinese companies and, 105–106, 109–110
 - in US federal court cases, 183–184
 - North American Industry Classification System code, 184
- settlement preferences, 137
- Snowden, Edward, 165
- social norms, 20–22, 25, 39, 124, 138–139, 198, 201, 217–218, 220, 225, 232
- socialist market economy, 35–36
- sociological institutionalism, institutional duality and, 19–20
 - institutions of embeddedness and, 20–21
- SOEs. *See* state-owned enterprises (SOEs), in China
- State Administration of Foreign Exchange (SAFE) procedures, 12
- state capitalism, in China, 4–5, 39
- State-Owned Assets Supervision and Administration Commission (SASAC)
 - in-house legal managers under, 55, 61–62, 72
 - state ownership guidelines for, 65–66
 - state-owned enterprises under, 33–34
- state-owned enterprises (SOEs), in China
 - foreign direct investment by, 12–13
 - home-state institutions and, 31–41
 - adversarial legalism and, 40–41
 - governmental control of, 33–35
 - institutional duality for, 26, 28
 - legal risks for, 38
 - privatization of, 32–33
 - reform of, 34–35
- in-house legal managers in, 52–55
 - compliance by, 72
 - outbound investment and, 70
 - staffing issues in, 61–62
- privately owned enterprises and, 37
- State-Owned Assets Supervision and Administration Commission and, 33–34
- unfair treatment by US government, 219–220, 224–225
- in US federal courts, 182–183
 - as defendants, 187
- US lawyers in, 108–109
 - legal expenses for, 112
 - selection preferences for, 101–104
- US litigation against, 152
 - with Chinese headquarters, 141–142
 - litigation experiences in, 148
 - power allocation in decision-making in, 141–142
 - with US lawyers, 145
- suboptimal, 38, 52, 154, 185, 190
- TikTok
 - ByteDance and, 15, 210–213
 - under International Emergency Economic Powers Act, 212
 - lawsuits against, 2–3, 15
 - as national security risk, 210–211
 - origins of, 15
 - unfair treatment by US government, 210–213
 - US ban on, 4
 - US litigation against, 129, 153–154
- trade war, between US and China, 160
- transaction cost, 19–20, 26–29, 50–51, 63–64, 66, 105, 182, 187, 233
- transaction cost engineers, US lawyers as, 84
- transnational actors, 17–18, 22, 25, 127, 229, 232, 234–235
- trial. *See* Fuyao Glass; Huawei; Lenovo Group
- trust, 39, 62, 66, 69–70, 84–85, 95–96, 103–104, 108, 147, 165, 214
- unfair treatment, of Chinese companies, by US government
 - Administrative Litigation Law, 199–200
 - bias issues, 196
 - robustness tests for, 222–223
- Central Commission for Discipline Inspection and, 199
- China Telecom, 213–216
 - Federal Communications Commission license for, 214–215
- conceptual approach to, 194–197
- fairness issues, 195
 - for TikTok, 195–196
- Huawei, 206–210
 - Committee on Foreign Investments in the United States and, 207
 - under National Defense Authorization Act, 209
- investors' reactions to, 197–201
- litigation against US government, 216–228
 - analysis of, 223–225
 - company listing status as factor in, 221
 - cultural differences as factor in, 220–221
 - preference factors for, 219–223
 - through regulatory agencies, 225–228
 - for state-owned enterprises, 219–220, 224–225
 - surveys on, 218, 227
- for multinational companies, 194, 197–198
- National Supervision Commission and, 199
- neoliberal ideology and, 198–199
- against Ralls Corporation, 203–206
 - Committee on Foreign Investments in the United States and, 203–206
- Sany, 202–206
- TikTok, 195–196, 210–213

INDEX

- United States (US). *See also* US lawyers, in Chinese companies; US legal system, Chinese companies and; *specific topics*
 Administrative Procedure Act, 200
Alien Torts Statute, 127–128
 Committee on Foreign Investments in the United States, 203–207
 common law traditions in, 4
 Defense Production Act, 204–205
 Federal Communications Commission, 214–215
 foreign direct investment by Chinese companies in, 1, 11–15
 historical-cost basis in, 14
 trajectory of, 13–14
 under Trump, 13–14
 in-house legal managers of Chinese companies, non-US lawyers, 63–64
 in-house legal managers of Chinese companies in, 57–64
 company-specific knowledge of, 60
 establishment as full-time position, 57–60
 information asymmetry in, 59
 local lawyers as, 60–64
 International Emergency Economic Powers Act, 212
 labor laws in, 166–167
 litigiousness myth in, 40
 myths about litigiousness in, 40, 128–129
 National Defense Authorization Act, 209
 TikTok ban in, 4
 trade war with China, 160
 US federal courts, Chinese companies in
 business expansion and reorganization as case factor, 183
 conceptual approach to, 159–161
 cultural challenges as factor for, 183
 for Chinese companies as defendants, 188
 as defendants, 187–190
 cultural challenges for, 188
 with major US investments, 189
 for state-owned enterprises, 187
 duration/size of US investment as case factor, 185–186
 federal lawsuits and, 180–190, 192–193
 distribution of, 181
 variations in litigation experiences, 181–186
 Fuyao Glass, 167–168
 employment and labor claims against, 171, 186
 in-house counsel for, 171–173
 litigator profiles for, 179
 major US law firms for, 173–180
 number of lawsuits, 168
 types of lawsuits, 169–171
 Huawei, 167–168
 in-house counsel for, 171–173
 litigator profiles for, 178
 major US law firms for, 173–180
 number of lawsuits, 168
 patent claims against, 169–171
 types of lawsuits, 169–171
 importance of US market as case factor for, 185
 in-house legal capacity for, 184–185
 for Fuyao Glass, 171–173
 for Huawei, 171–173
 Lenovo Group, 171–173
 Lenovo Group, 162–163
 in-house counsel for, 171–173
 litigator profiles for, 176
 major US law firms for, 173–180
 number of lawsuits, 168
 types of lawsuits, 169–171
 listing status as case factor for, 185
 methodological research on, 161–162
 as plaintiffs, 186–187, 190
 sectoral regulation as case factor for, 183–184
 North American Industry Classification System code, 184
 for state-owned enterprises, 182–183
 as defendants, 187
 subsidiary companies, 160
 US lawyers, in Chinese companies, 85–100, 118. *See also* legal expenses, for US lawyers, in Chinese companies
 balance of power between, 100
 conceptual approach to, 82–83
 consideration factors for selection of, 91, 96
 Chinese background, 92–93
 educational background, 93–94, 101
 firm reputation, 94
 government background, 95–96
 legal practice experience, 101
 third-party recommendations, 94–95
 for dispute resolution, 89
 firm reputation and, 94
 reputational intermediaries, 94
 home-state institutions and, 90
 institutional culture differences for, 86–91
 approaches to fees and costs, 86–88, 91–92, 97, 99–100, 112
 historical changes in, 88–89
 opinion of lawyers, 87
 investment decisions and, 90
 legal budget for, 98
 legal expenses for, 111–117
 analysis of, 115–117, 122–123
 cost ratios, 116–117
 in legal services market, 83–85, 90

INDEX

- US lawyers, in Chinese companies (cont.)
 - credence goods, 93
 - globalization impact on, 84–85
 - information symmetry in, 83
 - repeat service providers, 84
- in multinational companies, 82, 108–110
- ratio of legal fees to administrative expenses, 98
- selection preferences for, 101–111, 119–121
 - analysis of, 108–111
 - cultural differences as factor in, 105
 - in-house legal capacity, 107, 110–111
 - investment duration, 107
 - listing status as, 107, 110
 - in privately owned companies, 103
 - sectoral regulation as factor in, 105–106, 109–110
 - size of US investment in, 106, 110
 - in state-owned enterprises, 101–105
- in state-owned enterprises, 108–109
 - legal expenses for, 112
 - selection preferences for, 101–104
 - third-party recommendations for, 94–95
 - hierarchical control and, 95
 - as transaction cost engineers, 84
- US litigation with Chinese companies, 145–146, 156
 - cultural differences for, 145
 - as in-house legal counsel, 146
 - in state-owned enterprises, 145
- US legal system, Chinese companies and. *See also* institutional duality; US federal courts, Chinese companies in
 - conceptual approach to, 1–6
 - methodological approach to, 5–9
 - multinational companies within, 16–19
 - adversarial legalism, 16
 - forum shopping by, 17–18
 - liability of foreignness and, 17
 - litigation activism, 16
- US–China relations, 1–3, 13, 42, 163–164, 194, 216–217, 229, 231, 236–237