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## From the Editor-in-Chief

Monica Ratajczak

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## From the Editor-in-Chief

On behalf of the Hastings International and Comparative Law Review (“HICLR”), I proudly present our Winter Issue of Volume 46. This issue includes a diverse set of four remarkable articles from scholars and practitioners worldwide. I believe these pieces provide the basis for the types of discourse that HICLR aims to provoke with its global legal scholarship.

With polarization on the rise around the globe, HICLR’s Winter 2022 issue begins with a timely examination of court polarization by Iddo Porat. In *Court Polarization: A Comparative Perspective*, Porat classifies the effects of political polarization on constitutional and supreme courts of the United States, Westminster model countries, and Continental Europe.

Next, in a novel move in antitrust law, Akhil Sud uses the certainty-severity tradeoff as an analytical lens to compare United States and Indian antitrust law. In *The Certainty-Severity Tradeoff in Antitrust Law and Administration: Where the United States and India Differ*, Sud argues that India, in the antitrust context, prefers severity of enforcement, which is driven not by doctrine or economic policy but rather by six key institutional factors.

In *Investment Treaty Arbitration and the TRIPS Patent Waiver: Indirect Expropriation Analysis of Covid-19 Vaccine Patents*, Jean Paul Roekaert considers whether owners of Covid-19 vaccine patents may have a compensable indirect expropriation claim under investment treaty arbitration against a state waiving their patent rights. Roekaert argues that, under modern treaty practice, the owners of Covid-19 vaccine patents will find it difficult to win on the merits.

Lastly, in *Interstate Dispute Resolution at a Crossroads: Reconsidering the I’m Alone Arbitration*, David M. Bigge provides a procedural analysis of the unique arbitration proceedings of the 1929 sinking of the *I’m Alone* cargo ship between the United States and Canada. Bigge argues that as states sit at another crossroads and reconsider means of dispute resolution, the procedural aspects of the *I’m Alone* case can inform the choices of those who design dispute resolution bodies and draft dispute settlement clauses and treaties.

I want to conclude this issue with a deep and heartfelt expression of gratitude to our authors, exceptional staff, faculty advisors, and Hastings Director of Scholarly Publications Jennifer Ta. Notably, I would like to thank

our senior editors for their exemplary leadership skills and our staff editors for their diligent technical edits and engagement with the scholarship. HICLR strives to promote high-quality scholarship and academic excellence in international and comparative laws. I hope you find this issue interesting and helpful to your legal practice!



Monica Ratajczak  
*Editor-in-Chief, Volume 46*