

ASCL Board of Directors

Minutes -- 2007

Annual Meeting of the Society on November 10, 2007

**MINUTES
of the
Annual Meeting of the Board of Directors
of the American Society of Comparative Law, Inc.
Held on Saturday, November 10, 2007, at 8:00 a.m.
at the Cornell Law School
Ithaca, New York**

The annual meeting of the Board of Directors of the American Society of Comparative Law, Inc. was called to order by President Symeon Symeonides, immediately following the adjournment of the meeting of the Society's Sponsor Members.

1. Secretary's Roll Call

A sheet for silent roll call was distributed. The following 39 Directors were present at the meeting, listed following the name of their institution:

1. American University, Washington College of Law: Fernanda Nicola
2. University of Baltimore School of Law: James Maxeiner
3. University of California at Berkeley School of Law: Richard M. Buxbaum
4. University of California Hastings College of the Law: Ugo Mattei
4. Chicago-Kent College of Law, IIT: David J. Gerber
5. Columbia University School of Law, Parker School: George Bermann
6. University of Connecticut School of Law: Richard Kay
7. Cornell Law School: Mitchel Lasser
8. University of Denver College of Law: Ved Nanda
9. University of Detroit Mercy School of Law: Bret Boyce
10. Emory University School of Law: Teemu Ruskola
11. Georgetown University Law Center: Charles H. Gustafson
12. University of Hawaii, Richardson School of Law: Alison Conner
13. HEC School of Management: Karim Medjad
14. University of Iowa College of Law: John Reitz
15. Louisiana State University Law Center: AlbertoL. Zuppi
16. McGill University, Institute of Comparative Law: Patrick Glenn
17. University of Michigan Law School: Mathias Reimann

18. University of Missouri - Columbia School of Law: William B. Fisch

19. University of Missouri - Kansas City School of Law: Jeffrey E. Thomas
20. University of Oklahoma Law Center: Peter B. Krug
21. Oklahoma City University School of Law: Carla Spivack
22. University of the Pacific McGeorge School of Law: Steven C. McCaffrey
23. University of Pennsylvania: William Ewald
24. Pennsylvania State University, Dickinson School of Law: Louis Del Duca
25. University of Pittsburgh School of Law: Vivian Grosswald Curran
26. University of Puerto Rico School of Law: Luis Muniz-Argüelles
27. Roger Williams University School of Law: Louise E. Teitz
28. St. Louis University School of Law: Stephen C. Thaman
29. University of San Diego School of Law: Joseph Darby
30. Seton Hall University School of Law: Elizabeth F. Defeis
31. Southwestern University Law School: Mark Cammack
32. Stanford Law School: Amalia D. Kessler
33. Syracuse University College of Law: Hilary K. Josephs
34. Temple University Beasley School of Law: Salil Mehra
35. Tulane University School of Law: Vernon Palmer
36. Valparaiso University School of Law: D.A. Jeremy Telman
37. Washington & Lee University School of Law: Russell Miller
38. Wayne State University Law School: Paul R. Dubinsky
39. Willamette University College of Law: James Nafziger
40. Yale Law School: James Q. Whitman

The following 15 individuals were present and represented the Director from their institution:

1. University of California at Los Angeles: Maximo Langer
2. Duke University School of Law: Ralf Michaels
3. George Washington University, National Law Center: Susan Karamanian
4. University of Houston Law Center: Antonio Gidi
5. University of Illinois College of Law: Thomas Ginsburg
6. Indiana University at Bloomington Law School: Hannah L. Buxbaum
7. University of Maryland School of Law: Peter Quint
8. William Mitchell College of Law: Jayanth K. Krishnan
9. Pepperdine University School of Law: Jack J. Coe, Jr.
10. National University of Singapore Faculty of Law: Gary F. Bell
11. Suffolk University School of Law: Miguel Schor
12. Università di Trento Facoltà di Giurisprudenza: Luisa Antonioli
13. Villanova Law School: John F. Murphy
14. Wayne State University Law School: Paul R. Dubinsky
15. Western New England College School of Law: Peter W. Schroth

2. Approval of Minutes of the 2006 Meeting of the Board of Directors.

The Minutes of the 2006 Meeting of the Board of Directors of the Society were approved.

3. Report of the Nominating Committee and the Election of Officers and Executive Committee Members (David Gerber).

David Gerber, Chair of the Nominating Committee, gave a report on unopposed nominations. There were no nominations from the floor.

The results of the elections were as follows:

Vice President: John Reitz (2007-2009)

Treasurer: Richard S. Kay (2007-2009)

Parliamentarian: Patrick Glenn (One Year Term, 2007-2008)

Executive Committee: Hannah Buxbaum (2007-2009)

There was a three-way tie for the second Executive Committee seat; another vote was taken.

Antonio Gidi was elected (2007-2009).

4. Report of the Treasurer (Richard Kay).

The Treasurer noted that only a slight deficit is expected this year. He expects that budget pressure would be relieved in future years by vacating the subsidy to the American Journal of Comparative Law. The reserves increased by 25% from January 1 to October 30. The investment positions have been altered to bring them into line with the Investment Guidelines.

The Treasurer's report was adopted unanimously.

The Treasurer then presented his seven recommendations:

1. Recommend that the dues for sponsor members for 2008 remain at \$700;
2. Recommend authorization that the subsidy for the American Journal of Comparative Law be paid up to \$25,000 if needed;
3. Recommend that \$10,000 be paid to the University of Connecticut School of Law as reimbursement for the services of the Executive Assistant and for other costs;
4. Recommend that the Society's 2008 dues to the American Council of Learned Societies of \$550 be paid.
5. Recommend that the Society's 2008 dues to the International Association of Legal Science of \$500 be paid.
6. Recommend that the maximum reimbursement for each sponsor member represented at the 2008 annual meeting be set at \$600.
7. Recommend that Cornell Law School be reimbursed \$3,000 for incurred expenses associated with hosting the 2007 Annual Meeting.

The recommendations were approved.

5. Director's Meeting Suspended – Meeting of the Board of Editors of the *American Journal of Comparative Law* convened – Report of the Editor in Chief (Mathias Reimann).

President Symeonides introduced two representatives from Oxford University Press, Wencke Boerrigter, Senior Editor, Law Journals, and Colin Meddings, Marketing Manager. The representatives gave a presentation highlighting the advantages of having Oxford University

Press take over publication and distribution of the *Journal*. (A copy of the proposal was previously sent to all directors and Editors and is attached to these minutes.) A question and answer period followed. President Symeonides thanked the representatives for their participation. Mathias Reimann and Annette Gregory reported that the *Journal* was now running on time and was financially self-sufficient. Reimann discussed his October 10, 2007 memorandum and thanked the other co-editors, Jim Gordley and George Berman; Annette Gregory and President Symeonides.

6. Consideration of proposal of Oxford University Press to undertake publication and distribution of *Journal*

The OUP proposal and Mathias Reimann's Report were discussed. After due deliberation, a motion to reject the Oxford University Press proposal to undertake publication and distribution of the *Journal* was made, seconded, and unanimously approved. The Executive Committee was authorized to solicit and consider competing offers from other presses so that when a change is necessary, a recommendation could be proposed to the membership.

7. Recommendation to approve George Bermann's request to be released from his duties as co-editor-in-chief and to continue Mathias Reimann and James Gordley as co-editors-in-chief until the end of their term (2008).

The recommendation was unanimously approved.

8. Ratification of Executive Committee decision to raise the *Journal*'s subscription rate by \$10 per year.

The ratification of the Executive Committee decision to raise the *Journal*'s subscription rate by \$10 per year to balance the budget was unanimously approved.

9. Recommendation to authorize the Editors in Chief to raise *Journal* subscription rates by \$3 per year without prior approval.

The recommendation to authorize the Editors in Chief to raise *Journal* subscription rates by a maximum of \$3 per year without prior approval was amended to \$5 per year and was unanimously approved. President Symeonides thanked Annette Gregory for her outstanding work as managing editor.

10. Meeting of the Board of Editors of the *American Journal of Comparative Law* adjourned -- Directors' Meeting Reconvened.

11. Selection of host school(s) for 2010 International Congress.

President Symeonides reported that proposals from Penn State and American University for hosting the 2010 International Congress were received on time. Georgetown University submitted a proposal after the deadline. (copies attached) Subsequently, a joint proposal was received from the Deans of American University, Georgetown University and George Washington. A panel consisting of David Snyder and Fernanda Nicola from American, Susan Karamanian from George Washington and Jim Feinerman from Georgetown presented their proposal and Louis Del Duca presented Penn State's proposal. A motion was made and seconded that:

1) the Executive Committee accept the joint consortium proposal, 2) provide up to \$25,000 in financial assistance, 3) require the schools to develop a budget expeditiously, and 4) create a steering committee with representatives from each of the host schools, the Academy and the Society. President Symeonides requested that the steering committee stay in touch with the Executive Committee and discuss the possibility for cooperation with other schools in the D.C. area. The motion was approved.

George Bermann reported that the International Academy of Comparative Law met two weeks ago and they are on schedule for papers. The Executive Committee of the Academy will meet in March 2008 with the President of all national committees and host schools. There will be reports from all national committees on all proposed topics.

12. Selection of venue for 2008 and 2009 Annual Meetings (Hastings, Roger Williams).

Upon recommendation of the Annual Meetings Committee and the Executive Committee to establish sites for the upcoming meetings, U.C. Hastings College of Law was approved as the site for the October 2-4, 2008 Annual Meeting, and Roger Williams University School of Law was approved as the site for the 2009 meeting.

13. Report on selection of topics and reporters for 2010 Congress and for 2008 Intermediate Congress in Mexico City.

President Symeonides reported that the following were selected as U.S. National Reporters for the Academy's Intermediate Congress in Mexico in 2008:

- Topic 1 (Unification of Law in Federal States) – **James Maxeiner**, University of Baltimore School of Law
- Topic 2 (Penal Procedure) – **Craig M. Bradley**, Indiana University at Bloomington School of Law, and **Nora V. Demleitner**, Hofstra University School of Law
- Topic 3 (Vienna Sales Convention) – **Alain Levasseur**, Louisiana State University Law Center, and **Peter Winship**, Southern Methodist University School of Law
- Topic 4 (Conventions on Conflict of Laws) – **Hannah Buxbaum**, Indiana University at Bloomington School of Law
- Topic 5 (International Unification of Private Law) – **Peter Winship**, Southern Methodist University School of Law
- Topic 6 (Arbitration) – **Jan Kleinheisterkamp**, HEC School of Management (France), and Joel Samuels, University of South Carolina
- Topic 7 (Protection of Cultural Goods) – **James R. Nafziger**, Willamette University College of Law

The Executive Committee also recommended that those chosen as reporters be reimbursed up to \$600. The report of the Committee and recommendation were received and accepted.

John Reitz noted that nineteen topics have been submitted thus far for the 2010 Congress and urged members to submit more topics before the end of the calendar year.

14. Report on joint meetings and conferences (John Haley).

On behalf of the Joint Programs Committee, John Haley recommended that the ASCL continue co-sponsoring the Michigan-Illinois works in progress conference (now joined by Princeton) and reimburse the expenses of up to five invited ASCL participants for up to \$600 each. Haley also recommended that the Society co-sponsor Tulane's bicentennial celebration of the Louisiana Civil Code in November 2008, without cost to the Society. Both recommendations were approved.

15. Report of the Prizes Committee (H. Patrick Glenn).

Patrick Glenn reported that the winner of this year's Hessel Yntema Prize was Maximo Langer for his article *The Rise of Managerial Judging in International Criminal Law*, (2005) 53 AM J. COMP. L. 835.

16. Report by Younger Comparatists Committee.

There was no report.

17. New Business.

There was no new business.

18. Announcements.

There were no announcements.

19. Adjournment.

There being no further business, the meeting was adjourned at 10:29 a.m.
Respectfully submitted,

Blanche Capilos
Executive Assistant
American Society of Comparative Law, Inc.