

ASCL Board of Directors

Minutes -- 2008

Annual Meeting of the Society on October 4, 2008

**MINUTES
of the
Annual Meeting of the Board of Directors
of the American Society of Comparative Law, Inc.
Held on Saturday, October 4, 2008, at 9:45 a.m.
at U.C. Hastings College of the Law
San Francisco, California**

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 30 Directors were present at the meeting, listed following the name of their institution:

1. University of Baltimore School of Law: James Maxeiner
2. Brigham Young University, J. Reuben Clark Law School: Stephen G. Wood
3. University of California at Berkeley School of Law: Richard M. Buxbaum
4. University of California at Davis School of Law: Diane Marie Amann
5. University of California Hastings College of the Law: Ugo Mattei
6. University of Chicago Law School: Thomas Ginsburg
7. Chicago-Kent College of Law, IIT: David J. Gerber
8. Columbia University School of Law, Parker School: George Bermann
9. University of Connecticut School of Law: Richard Kay
10. Cornell Law School: Mitchel Lasser
11. University of Denver College of Law: Ved Nanda
12. University of Detroit Mercy School of Law: Bret Boyce
13. Emory University School of Law: Teemu Ruskola
14. University of Hawaii, Richardson School of Law: Alison Conner
15. HEC School of Management: Karim Medjad
16. Indiana University at Indianapolis Law School: Frank Emmert
17. University of Iowa College of Law: John Reitz

18. McGill University, Institute of Comparative Law: Patrick Glenn
19. University of Michigan Law School: Mathias Reimann
20. University of Missouri - Columbia School of Law: William B. Fisch
21. University of Missouri - Kansas City School of Law: Jeffrey E. Thomas
22. Oklahoma City University School of Law: Carla Spivack
23. University of Ottawa Faculty of Law: Anne Francoise Debruche
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. Seton Hall University School of Law: Elizabeth F. Defeis
28. Southwestern University Law School: Mark Cammack
29. Temple University Beasley School of Law: Salil Mehra
30. Willamette University College of Law: James Nafziger

The following 22 individuals were present and represented the Director from their institution:

1. American University, Washington College of Law: David V. Snyder
2. Brooklyn Law School: Yane Svetiev
3. University of California at Los Angeles: Maximo Langer
4. University of Colorado School of Law: William J. Pizzi
5. Florida International University College of Law: Jorge L. Esquirol
6. University of Houston Law Center: Antonio Gidi
7. Indiana University at Bloomington Law School: Hannah L. Buxbaum
8. Louisiana State University Law Center: Alain A. Levasseur
9. Loyola University New Orleans School of Law: Dominique Custos
10. University of Maryland School of Law: Peter Quint
11. New York Law School: Tai Cheng
12. University of Oklahoma Law Center: Peter B. Kutner
13. University of the Pacific McGeorge School of Law: Franklin Gevurtz
14. Roger Williams University School of Law: Edward J. Eberle
15. St. Louis University School of Law: Henry M. Ordower
16. University of San Diego School of Law: Laurence Claus
17. National University of Singapore Faculty of Law: Gary F. Bell
18. University of Texas School of Law: Hans W. Baade
19. Universita di Trento Facolta di Giurisprudenza: Luisa Antonioli
20. Valapariso University School of Law: Paul Brietzke
21. Wayne State University Law School: Julia Ya Quin
22. Western New England College School of Law: Peter W. Schroth

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The following Director was represented by Proxy:

1. Southern Methodist University School of Law: Peter Winship

2. Approval of Minutes of the 2007 Meeting of the Board of Directors

The Minutes of the 2007 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 nominations for contested offices. There were no nominations from the floor.

The results of the elections were as follows:

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| President: | Symeon Symeonides (2008-2010) |
| Secretary: | Alison W. Conner (2008-2010) |
| Parliamentarian: | Patrick Glenn (2008-2010) |
| Executive Committee: | Dominique M. Custos (2008-2010) Alain Andre Levasseur (2008-2010). |

4. Report of the Treasurer (Richard Kay)

The Treasurer reported that dues collection had been very successful so far this year. He also noted that considerable pressure on the budget had been relieved by the elimination of the annual subsidy to the American Journal of Comparative Law. Reserves were down approximately 25% from January 1 to September 30. He planned to continue gradually to shift the portfolio to more conservative investments.

The Treasurer's report was adopted unanimously.

The Treasurer then presented his seven recommendations:

1. Recommend that the dues for sponsor members for 2009 remain at \$700;
2. 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;
3. Recommend that the Society's 2009 dues to the American Council of Learned Societies of \$725 be paid.
4. Recommend that the Society's 2009 dues to the International Association of Legal Science of \$600 be paid.
5. Recommend that the Society pay up to \$1000 to Web.com for web hosting services
5. Recommend that the maximum reimbursement for each sponsor member represented at the 2009 annual meeting be set at \$600.
6. Recommend that U.C. Hastings College of the Law be reimbursed up to \$3,000 for incurred expenses associated with hosting the 2008 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 Editors in Chief (Mathias Reimann)

Mathias Reimann thanked the members, especially George Berman and Jim Gordley for their help. Reimann reported that the *Journal* was in good shape and in the process of going electronic with Volume 57. It is hoped that this will attract a broader readership as well as reducing the printing and postage costs. Reimann discussed switching from a fiscal year to a

calendar year beginning next year to be in synch with the volumes. The financial report is slightly inflated. Inactive subscriptions were deleted, the subscription price was raised. While some money would be saved by going electronic, the effect on income from print subscriptions income stream is uncertain, so some reserves are necessary. Reimann also stated that he would like to see better quality articles. Many submissions need massive editing and are rejected despite being interesting articles.

President Symeonides reported that the Executive Committee recommended that the report of the editors in chief be approved. The motion was made, seconded and approved.

(b) Report of the Executive Committee and election of new host school(s) and Editor(s) in Chief for *Journal*.

President Symeonides reported that one application was received from the University of Michigan to be the host school with Mathias Reimann as the sole Editor in Chief. The Executive Committee recommended approval. The motion was made, seconded and approved. President Symeonides congratulated Reimann on his election and thanked him as well as Annette Gregory and the outgoing editors in chief George Bermann for their contributions to the Journal and the Society.

On behalf of the Executive Committee, President Symeonides proposed an amendment to the ASCL by-laws to increase the composition of the Executive Editorial Board from 5-8 persons to 5-10 persons. This would allow the Board to benefit from the experience and wisdom of Jim Gordley and George Berman. The motion was made, seconded and approved

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

7. Report on Academy's 2010 International Congress in Washington, D.C. (David Snider)

David Snider announced that the joint committee of the sponsors-- American University, Georgetown University and George Washington-- has made substantial progress. A hotel contract with Ritz Carlton has been signed; more diversity, an enlivened format and an increased number of special sessions were added to the Academy's choice of topics. Reporters have been selected from many more parts of the world and the host schools are each giving two scholarships to involve unrepresented areas.

George Bermann thanked David Snider especially, and the other committee members, Fernanda Nicola from American, Susan Karamanian and Karen Brown from George Washington, Jim Feinerman from Georgetown, and Symeon Symeonides and Mathias Reimann for their leadership and excellent results. He predicted that the Society will be very proud of the International Congress.

There was discussion on shortening the Congress from seven days to five days. Snider suggested that it was probably too late in the process since commitments had been made. The registration cost will be \$750 for the whole week including meals.

The ASCL annual meeting for 2010 will be held during the Congress, probably in the middle of the week to facilitate maximum attendance by ASCL members. The amount of reimbursement will be fixed next year at an amount that will facilitate maximum attendance by ASCL members. During the last several Congresses, the U.S. had the largest delegation other than the host country.

8. Report on selection of reporters for 2010 Congress (John Reitz)

John Reitz thanked all those who volunteered to serve as national reporters and stated that there were still a number of topics that needed reporters. He asked for more volunteers and also asked members to solicit colleagues and contact him with names. Reports are due by September 30, 2009.

9. Report on Academy's Intermediate Congress in Mexico City (George Berman)

George Berman reported that the Mexico City Congress on the "Unification of the Law" was well under way. The Academy has received proposals from other countries for another interim Congress in 2012. Such interim congresses will be more thematically focused.

10. Report on 2009 Annual Meeting at Roger Williams (Ed Eberle).

President Symeonides announced that the 2009 Annual Meeting will be held at Roger Williams University School of Law in Bristol, Rhode Island on October 1-3, 2009. Ed Eberle reported that the format will be similar to this year's conference. There may be an excursion to Newport. The site of the 2011 annual meeting will be decided next year. On behalf of the Programs Committee, Bill Fisch asked that members contact him with proposals by September 2009.

11. Report on joint meetings and conferences

President Symeonides reported that the Society is co-sponsoring Tulane's bicentennial celebration of the Louisiana Civil Code on November 2, 2008, without cost to the Society. Mathias Reimann reported that Third Annual Comparative Law Works in Progress Workshop for young scholars will be held at Princeton on May 14-16, 2008. The workshop is cosponsored by the Society, the University of Michigan Law School, the University of Illinois College of Law, and Princeton University's Program for Law and Public Affairs. Details, including reimbursement for ASCL members who attend, are posted on the ASCL website..

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

Patrick Glenn reported that there were a rich number of candidates this year and three prizes were awarded. The winner of this year's Hessel Yntema Prize for younger scholars was Ron Scalise from LSU for his article "Why No "Efficient Breach" in the Civil Law?: A Comparative Assessment of the Doctrine of Efficient Breach of Contract", published in 55 Am. J. Comp. L. 721(2007). Two senior prizes were awarded. The Ed Wise Prize went to Jacqueline Ross for her article "The Place of Covert Surveillance in Democratic Societies: A Comparative Study of the United States and Germany", published in 55 Am. J. Comp. L. (2007) and the Rudy Schlesinger Prize for comparative methodology was awarded to David Clark for his article "The Modern Development of American Comparative Law: 1904-1945", published in 55 Am. J. Comp. L. 587(2007).

13. Report by Younger Comparatists Committee (Colin Picker)

Colin Picker reported that the Committee is working with the next conference to have a panel dedicated to the issues/interests of 'younger' comparatists.

14. New Business

Richard Kay moved that he be authorized to present a resolution of appreciation at the Conference honoring Mirjan Damska to be held at Yale University on October 31-November 1, 2008. The motion was made, seconded and approved.

15. Announcements

President Symeonides thanked Ugo Mattei and Hastings for an excellent conference. He was pleased to see new scholars and urged participants whose schools are not ASCL members to join the society.

16. Adjournment

There being no further business, the meeting was adjourned at 11:25 a.m.
Respectfully submitted,

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