***ASCL* Sponsor Members**

**Minutes -- 2015**

*Annual Meeting of the Society on October 3, 2015*

**MINUTES**

**of the Annual Meeting of the Sponsor Members**

**of the American Society of Comparative Law, Inc.**

**Held on Saturday, October 3, 2015, at 10:35 a.m.,**

**at Southern Methodist University, Dedman School of Law,**

**Dallas, Texas.**

The annual meeting of the Sponsor Members of the American Society of Comparative

Law, Inc., was called to order by Acting President David Gerber at 10:35 a.m.

**1. Secretary’s Roll Call**

A sheet for silent roll call was distributed. The following 46 Sponsor Members were present at the meeting and were represented by the individuals listed below:

1. University of Alabama School of Law: Ron Krotoszynski

2. University of Arkansas at Little Rock Bowen School of Law: Kenneth S. Gallant, Sarah H. Jenkins

3. University of Baltimore School of Law: James Maxeiner, Mortimer Sellers

4. Boston College Law School: Richard Albert

5. University of California, Davis: Afra Afasharipour

6. University of California, Los Angeles: Maximo Langer

7. Case Western Reserve University: Tim Webster

8. Chicago-Kent College of Law, IIT: David J. Gerber

9. Cleveland-Marshall College of Law: Brian Ray

10. Columbia University School of Law: George A. Bermann

11. University of Detroit Mercy School of Law: Howard B. Abrams

12. Duke University School of Law: Ralf Michaels

13. Emory University School of Law: Robert Ahdeih

14. Florida International University: Jorge Esquinoz

15. Georgetown University Law Center: Franz Werro

16. University of Illinois College of Law: Jacqueline E. Ross

17. University of Iowa College of Law: John C. Reitz

18. University of Kansas School of Law: Virginia Harper Ho

19. Lewis and Clark Law School: Ozan Varol

20. McGill University, Institute of Comparative Law: Helge Dedek

21. University of Michigan Law School: Mathias W. Reimann

22. University of Minnesota Law School: Fred L. Morrison

23. Mississippi College School of Law: Christoph Henkel, John Haskell

24. University of Missouri-Columbia School of Law: William Fisch

25. University of Missouri-Kansas City School of Law: Rana Lehr Lehnardt

26. University of Nevada, Los Vegas School of Law: Marketa Trimble

27. University of North Carolina, Chapel Hill: Lau Holning

28. University of the Pacific McGeorge School of Law: Franklin Gevurtz

29. University of Pittsburgh School of Law: Vivian Grosswald Curran

30. Portucalense CRL Universidade: Jose Caramelo Gomes

31. University of Puerto Rico School of Law: Luis Muniz-Arguelles

32. Roger Williams University School of Law: Louise Teitz

33. Rutgers, State University of New Jersey School of Law, Camden: Richard Hyland

34. Saint John’s University School of Law: Lucas Rezende

35. Saint Mary’s University School of Law: Stephen M. Sheppard, Gerald Reamey

36. University of San Diego School of Law: Bert Lazerow

37. National University of Singapore Faculty of Law: Gary F. Bell

38. Southern Methodist University: Peter Winship

39. Southwestern Law School: Jonathan M. Miller

40. Texas A&M University School of Law: James P. George

41. Tulane University School of Law: Ronald J. Scalise, Sally Richardson

42. Washington & Lee University School of Law: David Baluarte

43. University of Washington School of Law: Clark Lombardi

44. Western New England College School of Law: Sudha Setty, Peter W. Schroth

45. Willamette University College of Law: James A.R. Nafziger, David S. Clark

46. Zhejiang University Guanghua Law School: Jin Chengdong

**2. Approval of Minutes of the 2014 Meeting of the Sponsor Members**

The minutes from the 2014 annual meeting were approved.

**3. President’s Report**

Acting President David Gerber reported briefly on dealing with the transition following the tragic death of Patrick Glenn and thanked everyone for his or her support and assistance.

**4. Election of New Sponsor Members and Associate Members**

Four applications for sponsor membership were approved:

1. University of British Columbia Allard School of Law

Tim Kelly (Director), Mike Corrado (Editor)

2. College of Comparative Law, China University of Political Science and Law

Xiang Gao (Director), Chengwei Liu (Editor)

3. Florida State University College of Law

David Landau (Director and Editor)

4. Lincoln Memorial University Duncan School of Law

Melanie Reid (Director and Editor)

Four applications for associate membership were also approved:

1. Prof. Gerlinde Berger-Walliser (Assistant Professor of Business Law, University of Connecticut)

2. Prof. Lorne Neudorf (Assistant Professor, Thompson Rivers University)

3. Prof. Dr. Bertil Emrah Oder (Dean, Koc University Law School, Istanbul)

4. Prof. Dr. Isik Onay (Assistant Professor, Koc University Law School, Istanbul)

**5. New Business**

There was no new business.

**6. Adjournment**

There being no further business, it was moved, seconded and approved that the Meeting of the Sponsor Members be adjourned at 10:40 a.m.

Respectfully submitted,

Franklin A. Gevurtz, Secretary

American Society of Comparative Law, Inc.

***ASCL* Board of Directors**

**Minutes -- 2015**

*Annual Meeting of the Society on October 3, 2015*

**MINUTES**

**of the Annual Meeting of the Board of Directors**

**of the American Society of Comparative Law, Inc.**

**Held on Saturday, October 3, 2015, at 10:40 a.m.,**

**at Southern Methodist University, Dedman School of Law,**

**Dallas, Texas.**

The annual meeting of the Board of Directors of the American Society of Comparative

Law, Inc. was called to order at 10:40 a.m. by Acting President David Gerber, 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 25 Directors were present at the

meeting, who are listed following the name of their institution:

1. University of Arkansas at Little Rock Bowen School of Law: Kenneth S. Gallant

2. University of Baltimore School of Law: James Maxeiner

3. University of California, Davis: Afra Afasharipour

4. Case Western Reserve University: Tim Webster

5. Chicago-Kent College of Law, IIT: David J. Gerber

6. Cleveland-Marshall College of Law: Brian Ray

7. Columbia University School of Law: George A. Bermann

8. University of Detroit Mercy School of Law: Howard B. Abrams

9. Emory University School of Law: Robert Ahdeih

10. University of Iowa College of Law: John C. Reitz

11. University of Kansas School of Law: Virginia Harper Ho

12. Lewis and Clark Law School: Ozan Varol

13. University of Minnesota Law School: Fred L. Morrison

14. Mississippi College School of Law: Christoph Henkel

15. University of Pittsburgh School of Law: Vivian Grosswald Curran

16. Portucalense CRL Universidade: Jose Caramelo Gomes

17. University of Puerto Rico School of Law: Luis Muniz-Arguelles

18. Roger Williams University School of Law: Louise Teitz

19. Rutgers, State University of New Jersey School of Law, Camden: Richard Hyland

20. Saint Mary’s University School of Law: Gerald Reamey

21. Southern Methodist University: Peter Winship

22. Texas A&M University School of Law: James P. George

23. Western New England College School of Law: Sudha Setty

24. Willamette University College of Law: James A.R. Nafziger

25. Zhejiang University Guanghua Law School: Jin Chengdong

In addition, the following 21 individuals were present and represented the Director from their institution:

1. University of Alabama School of Law: Ron Krotoszynski

2. Boston College Law School: Richard Albert

3. University of California, Los Angeles: Maximo Langer

4. Duke University School of Law: Ralf Michaels

5. Florida International University: Jorge Esquinoz

6. Georgetown University Law Center: Franz Werro

7. University of Illinois College of Law: Jacqueline E. Ross

8. McGill University, Institute of Comparative Law: Helge Dedek

9. University of Michigan Law School: Mathias W. Reimann

10. University of Missouri-Columbia School of Law: William Fisch

11. University of Missouri-Kansas City School of Law: Rana Lehr Lehnardt

12. University of Nevada, Los Vegas School of Law: Marketa Trimble

13. University of North Carolina, Chapel Hill: Lau Holning

14. University of the Pacific McGeorge School of Law: Franklin Gevurtz

15. Saint John’s University School of Law: Lucas Rezende

16. University of San Diego School of Law: Bert Lazerow

17. National University of Singapore Faculty of Law: Gary F. Bell

18. Southwestern Law School: Jonathan M. Miller

19. Tulane University School of Law: Ronald J. Scalise

20. Washington & Lee University School of Law: David Baluarte

21. University of Washington School of Law: Clark Lombardi

**2. Approval of Minutes of the 2014 Meeting of the Board of Directors**

The Minutes of the 2014 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 Clark)**

David Clark, Chair of the Nominating Committee, reported on nominations for the Society’s officers and executive committee members. There were no nominations from the floor. The results of the elections were as follows:

President: David J. Gerber (2015-2016)

Vice President: Vivian G. Curran (2015-2017)

Treasurer: Mortimer Sellers (2015-2017)

Information Officer: John Haskell (2015-2017)

Executive Committee: Maximo Langer and Ozan Varol (2015-2017).

**4. Report of the Treasurer (Mortimer Sellers)**

The Treasurer presented his annual report on the finances of the Society; the final financial report for January 1 to December 31, 2014, having been distributed to the members prior to the meeting. The Treasurer reported that the Society is in pretty good financial condition, but recommended vigilance to ensure continued financial health. The proposed budget for 2016 has been adjusted to reflect decreased dues receipts. All proposed expenditures remained the same as the budget for 2015 except for reducing the budget item for money put aside for the emergency fund. There was a discussion of late dues and dues collection. Representatives of members were asked to notify the Treasurer if their school appoints a new dean and to let the Treasurer know if it would be useful to copy the member’s financial officer on any follow-up email regarding late dues sent to the member’s dean.

For the next year, the Treasurer proposed that the Society continue charges for membership and expenditures at the level of recent years and specifically:

1. Dues for Sponsor Members for 2016 remain at $700;

2. Up to $1000 be paid to Paypal for fees associated with electronic payment of dues;

3. $10,000 donation to a sponsor member for the services of the Executive Assistant and for other costs;

4. Up to $3000 be paid to support the 2016 annual dinner;

5. Up to $2000 be paid for the expenses of travel to the 2016 annual meeting by the recipient of the Lifetime Achievement award.

6. Dues be paid to the American Council of Learned Societies in the amount of $990;

7. Dues be paid to the International Association of Legal Science in the amount of €1000;

8. The maximum reimbursement for each Sponsor member represented at the 2016 Annual Meeting be set at $600;

9. Up to $3000 be paid to recipients of prizes for scholarship authorized by the Society;

10. Up to $3000 be paid for reimbursement of expenses for participation in the 2016 Comparative Law Works-in-Progress Workshop;

11. Up to $7000 be paid for reimbursement of expenses for participation in and other costs of conferences to be sponsored by the Younger Comparatists’ Committee.

12. Up to $1000 be paid for website maintenance.

13. Up to $1500 to be paid for accounting services.

A motion to adopt the Treasurer’s Report and Recommendations was moved, seconded and adopted.

**5. Board of Directors Meeting Suspended – Meeting of the Board of Editors of the American Journal of Comparative Law Convened – Report of the Editors-in-Chief (Helge Dedek and Franz Werro)**

The Directors meeting was suspended and the meeting of the Board of Editors of the American Journal of Comparative Law was convened at 11:05 a.m. Helge Dedek and Franz Werro, as Editors-in-Chief, reported on the Journal, including distributing a written annual report for the Journal. The Journal published a similar number of pages as the prior year and received a similar number of articles submitted. The Journal is using Scholastica to manage submissions and has made explicit its policy of demanding exclusive submissions.

**6. Meeting of the Board of Editors of the American Journal of Comparative Law Adjourned--Directors’ Meeting Reconvened**

Acting President Gerber reconvened the Board of Directors meeting at 11:15 a.m.

**7. Report and Proposals relating to the future of the Journal (Mathias Reimann and Helge Dedek)**

Mathias Reimann and Helge Dedek presented a report and recommendations on behalf of the committee appointed last year to investigate publishing models for the Journal. The report recommended entering negotiations with an academic publishing company---the first choice being Oxford University Press---to publish the Journal in partnership with the Society. This recommendation is based upon a number of reasons, including:

(1) Greater market access in China, India and other developing areas

(2) Knowledge of changes in journal publication (on-line, etc.)

(3) Providing an administrative structure that can relieve the editors-in-chief of more administrative tasks and decrease dependence on the home institutions of editors-in-chief.

The committee emphasized that, while the proposal may produce more immediate revenue and there is a long-run issue about the supporting a journal on subscription fees, the recommendation is not primarily about revenue. The recommendation was discussed, during which the committee addressed questions regarding copyright retention by the Society, why it focused on Oxford and Cambridge for negotiations, who will be responsible for what in editing articles, on-line access to the Journal’s contents, and pricing---all of which are subjects for negotiations with the publishing companies.

It was moved, seconded and adopted to empower the committee to negotiate a contract with either Oxford University Press or Cambridge University Press to publish the Journal, the final contract being subject to approval by the Executive Committee.

**8. Report of the Committee on By-law revision (Sarah Jenkins)**

Sarah Jenkins reported on behalf of a committee (Alison Conner, Ozan Varol and Sarah Jenkins, chair) appointed by Acting President David Gerber to consider the need for, and make recommendations regarding, revising the Society’s By-laws on the question of presidential succession. (The committee’s report is attached to these minutes). Pursuant to the committee’s recommendation, it was moved, seconded and adopted to amend the Society’s By-laws:

(1) To add a new Section 6.3, which reads as follows:

**Section 6.3.** If the President resigns, becomes ineligible to serve, or dies, the Vice President shall immediately assume the Presidency and serve as President for the remainder of the unexpired term and until the election and qualification of his/her successor.  The person so serving as President may be elected to that office for the number of terms stated in Section 6.2. The duration of the President’s last term shall be set by the Nominating Committee so that the terms of the Society’s officers shall remain staggered.

(2) To renumber and amend former Section 6.3, so that it will now reads as follows:

**Section 6.4.** A vacancy among officers of the Society other than the President may be filled by the Executive Committee. The person so appointed shall serve as an interim appointee until the Board of Directors at any meeting at which a quorum of the Board is present shall elect an officer to fill the vacancy previously created; any person so elected shall serve for the remainder of the unexpired term and until the election and qualification of his successor, and may be elected to that office for the number of terms stated in Section 6.2. The duration of the officer’s last term shall be set by the Nominating Committee so that the terms of the Society’s officers shall remain staggered.

(3) To renumber former Section 6.4, so that it now becomes Section 6.5

**9. Remembrance of Patrick Glenn**

The following remembrance of Patrick Glenn was moved, seconded and adopted:

Resolution in Memoriam

H. PATRICK GLENN

American Society of Comparative Law, Inc.

Annual Meeting

October 3, 2015

Dallas, Texas

The Executive Board of the American Society of Comparative Law notes with sorrow the passing of our dear colleague and friend H. Patrick Glenn, Professor of McGill University and former President of our Society. Professor Glenn was a superb and creative scholar whose insights penetrated the complexities of comparative law, international private law, and globalization studies. He was an inspiring teacher who encouraged scholarship in comparative law among young scholars in North America, Europe and elsewhere. He was also a wise and judicious friend and leader. During his years as Vice-President and then President of the Society he provided guidance and wisdom that were of enormous value to the Society and many of its members. His grace, charm and extraordinary wit enriched and delighted us all. He will be greatly missed. On behalf of the whole Society, the Executive Board extends our deepest sympathies to his wife Jane and family.

**10. Report of the Annual Meeting Program Committee (Ralf Michaels).**

Ralf Michaels, chair of the Annual Meeting Program Committee, reported on behalf of the Committee. There was discussion of difficulties raised by the decision of the International Academy of Comparative Law to hold the Comparative Law Congress---which traditionally is the site for the Society’s annual meeting during those years in which the Congress occurs---in March 2018 instead of during the summer. Because of concerns about the number of directors and editors who would be able to attend a Congress held during the school year, there was a suggestion that the directors might explore decoupling the Society’s annual meeting for 2018 from the Congress.

**11. Report on the ASCL Comparative Law book series (Mortimer Sellers)**

Tim Sellers reported that, with the approval of the Executive Committee, the Society had entered into a contract with Cambridge University Press for a book series entitled "ASCL Studies in Comparative Law."

**10. Report of the Younger Comparativists' Committee (Richard Albert)**

Richard Albert, chair of the Younger Comparativists’ Committee, made available a written report detailing the administrative structure of the committee and various past and upcoming events. In terms of administrative structure, he reported that Ozan Varol is the new chair of the committee, and Virginia Harper Ho is the new vice-chair. The committee also will now have an elected board of directors. In terms of future events, he reported that the committee’s fifth annual Global Conference will be held in April 2016 at Tulane; in 2017 the conference will be held for the first time abroad, at Koc University in Turkey; in 2018 the conference will be at Case Western University; and in 2019 at McGill University. He also reported on the committee’s pages on the Society’s website.

**11. Report of the Prizes Committee (Vivian Curran)**

Vivian Curran, chair of the prizes committee, reported that the committee voted to award the Yntema prize to Mathilde Cohen and to present the lifetime achievement award at the next annual meeting to George A. Bermann. The committee also voted to award two senior scholar prizes in honor of the two leading comparative law scholars who passed away during the year (H. Patrick Glenn and John Henry Merryman) to James Gordley (in honor of Patrick Glenn) and James Q. Whitman (in honor of John Merryman).

**11**. **Continuing and New Business and announcements**

There were brief announcements regarding the next International Comparative Law Congress (Franklin Gevurtz), the workshop for comparative law papers (Jacqueline Ross), and the AALS Section on Comparative Law program (Sudha Setty). John Reitz reported on his participation in the American Council of Learned Societies.

James Maxeiner presented a resolution on Academic Freedom. It was moved, seconded and adopted that the Society adopt a statement on academic freedom, which would affirm the *Statement on Academic Freedom and Tenure* of the American Bar Association (including, in particular, that academic freedom includes teaching as well as research) and would affirm that academic freedom extends to recognizing and teaching that foreign law and legal systems may work better than their American counterparts. The precise drafting of this resolution was delegated to the Executive Committee.

[Subsequent to the annual meeting, the Executive Committee met by telephone later in October 2015, and with consent of Professor Maxeiner, approved the following resolution:

October 19, 2015

Resolution on

ACADEMIC FREEDOM

American Society of Comparative Law, Inc.

Annual Meeting

October 3, 2015

Dallas, Texas

Whereas, the American Society of Comparative Law, Inc. exists to promote the comparative study of law and the understanding of foreign legal systems;

Whereas, learning from foreign law and legal systems is controversial;

Now, therefore, The American Society of Comparative Law, Inc.:

1. Affirms the *Statement on Academic Freedom and Tenure* of the American Bar Association,[[1]](#endnote-1) in particular, that academic freedom includes teaching as well as research.
2. Affirms that academic freedom extends to teaching and research regarding foreign law and foreign legal systems, including expressing the view that from such study we may draw useful lessons for the law in the United States.]

**13. Adjournment**

There being no further business, it moved, seconded and approved that the meeting be adjourned at 12:40 p.m.

Respectfully submitted,

Franklin A. Gevurtz

Secretary, American Society of Comparative Law, Inc.

1. “Appendix 1: Statement on Academic Freedom and Tenure,” in: *ABA Standards and Rules of Procedure for Approval of Law Schools 2014-2015*, 179-180 (2014), available at [www.americanbar.org](http://www.americanbar.org) and attached. [↑](#endnote-ref-1)