

# Minutes -- 1999

Annual Meeting of the Society on January 8, 2000  
Washington D.C. (Rescheduled from September 18, 1999 due to Hurricane  
Floyd)

## MINUTES of the

**Annual Meeting of the Board of Directors, 1999  
Held on Saturday, January 8, 2000, at 7:15 p.m.**  
Caucus Room, Washington Hilton and Towers Hotel  
1919 Connecticut Ave. N.W., Washington D.C

The meeting was called to order at 7:15 p.m. by President George A. Bermann.

**1. ROLL CALL.** The meeting was attended by 45 Directors or their designees. The following 30 Directors were present: 1. Roger J. Goebel; 2. Eric C. Schneider; 3. James R. Gordley; 4. Friedrich K. Juenger; 5. David J. Gerber; 6. John J. Barceló, III; 7. Ved P. Nanda; 8. Louis F. Del Duca; 9. Michael W. Gordon; 10. Roger J. Goebel; 11. Arthur T. von Mehren; 12. Alison Conner; 13. John C. Reitz; 14. Edith Friedler; 15. Keith B. Vetter; 16. H. Patrick Glenn; 17. Mathias Reimann; 18. Fred L. Morrison; 19. William B. Fisch; 20. Vivian Grosswald Curran; 21. Pedro F. Silva Ruiz; 22. Peter L. Fitzgerald; 23. Hans W. Baade; 24. A.N. Yiannopoulos; 25. Harold G. Maier; 26. Frances H. Foster; 27. Edward M. Wise; 28. Carl M. Selinger; 29. Peter W. Schroth; and 30. James A.R. Nafziger.

The following 15 individuals were present and represented the Director (noted in parentheses) from their institutions: 31. Dale Beck Furnish (for Dennis Karjala); 32. W. Cole Durham, Jr. (for Stephen G. Wood); 33. Frances Olsen (for Arthur I. Rosett) 34. Hiroshi Motomura (for Courtland Peterson); 35. George A. Bermann (for Lance M. Liebman); 36. Johan van der Vyver (for Howard O. Hunter); 37. James V. Feinerman (for Charles H. Gustafson); 38. Christian Okeke (for Joel E. Marsh); 39. Franklin E. Gill (for Antoinette Sedillo Lopez); 40. Paul Dubinsky (for Lung-Chu Chen); 41. Kathie Price (for Michael A. Schwind); 42. Ellen O'Connel (for Timothy S. Jost); 43. Peter B. Kutner (for Peter Krug); 44.

William B. Ewald (for Jacques deLisle); and 45. Alan Weinberger (for Stanislaw Frankowski).

The following 13 Directors were represented by proxy: 46. Michael Ansaldi (Boston College Law School); 47. William Aceves (California Western School of Law); 48. Richard S. Kay (University of Connecticut School of Law); 49. Herbert I. Bernstein (Duke University School of Law); 50. Craig M. Bradley (Indiana University at Bloomington School of Law); 51. Michael H. Hoeflich (University of Kansas School of Law); 52. Christopher L. Blakesley (Louisiana State University Law Center); 53. Phillip L. McIntosh (Mississippi College School of Law); 54. Louise E. Teitz (Roger Williams University School of Law); 55. Nora V. Demleitner (St. Mary's University School of Law); 56. Hilary K. Josephs (Syracuse University College of Law); 57. David S. Clark (University of Tulsa College of Law); and 58. Ruth Wedgewood (Yale Law School).

The following 8 individuals were also present at the meeting: Mortimer Sellers (Baltimore), Adrien Wing (Iowa), Ruti Teitel (New York Law School), Ronald Brand (Pittsburgh), Joachim Zekoll (Tulane), Leila Sadat Wexler (Washington Univ.), Richard M. Buxbaum (Berkeley), and Symeon C. Symeonides (Willamette).

**2. APPROVAL OF MINUTES OF 1998 MEETING OF THE BOARD OF DIRECTORS.** The Minutes of the 1998 Meeting of the Board of Directors of the Society, which was held on Thursday, July 30, 1998, at the University of Bristol School of Law, Wills Memorial Building, Queen's Road, Bristol BS8 1RJ, United Kingdom, had been mailed to the Sponsor Members in advance. Following a motion to that effect, the Minutes were approved.

**3. REPORT BY LONG-RANGE PLANNING COMMITTEE.** On behalf of the Long-Range Planning Committee (Clark, Foster, Gerber, Gordon, Josephs, Reimann, Reitz, and Zekoll), Chairman John C. Reitz continued his presentation of the Report on Membership and Program, dated June 17, 1999. On behalf of the Committee, Reitz moved that the following resolutions be adopted by the Board of Directors.

**Resolution 1: Standing Program Committee.** That the President appoint a Standing Program Committee consisting of five members, with staggered terms

not to exceed three years. In making appointments to this Committee, the President shall consult with the Executive Committee. The purpose of the Standing Program Committee is to coordinate planning for the scholarly portions of annual meetings. The Standing Program Committee shall review offers by schools to host the annual meetings and, in the case of competition between two or more candidate schools for the same meeting, shall make a recommendation to the Directors as to the school that should be selected as host. The Standing Program Committee shall also solicit ideas from member school representatives for annual meeting subjects and themes. Once a school has been selected as host, it shall be entitled to name one representative as an ex officio member of the Standing Program Committee. The Standing Program Committee will then work with representatives of the host school to plan the scholarly portions of the annual meeting in question.

The resolution was adopted by the Board.

**Resolution 2: Format Ideas for Scholarly Portions of Annual Meetings.**

Resolved, it is the sense of the Board of Directors that the Standing Program Committee should explore with host schools and promote the possibilities of enriching the scholarly portions of annual meetings by adding one or more of the following in addition to the main program event: (a) a seminar or workshop on a specific substantive theme, (b) a forum for sharing experiences or techniques in comparative law teaching and/or scholarship, or (c) a discussion session of work in progress. The Standing Program Committee should also consider inviting to a particular annual meeting persons who they think would make a large contribution to particular scholarly portions of the meeting but who would otherwise not attend, whether because they are not a member or affiliated with a member of the Society or for any other reason. These types of invited speakers might include, for example, foreign jurists or scholars in disciplines other than comparative law.

This resolution was also adopted by the Board.

**4. TREASURER'S REPORT.** Treasurer James A. R. Nafziger submitted the Treasurer's Report for the period of 1/1/1999 to 12/15/1999. Copies of this

report had been mailed to the Directors in advance of the meeting and are attached to these Minutes. On motion duly made, seconded and voted upon, this Report was approved.

The Treasurer recommended that the dues for Sponsor Members for 1999 remain at their present level of \$700. On motion duly made, seconded, and voted upon, this recommendation was approved.

The Treasurer recommended that the subsidy to the University of California at Berkeley for the Journal be set at \$ 30,000 for 1999. On motion duly made, seconded, and voted upon, this recommendation was approved.

The Treasurer recommended that the reimbursement to the law schools of the President, Secretary, and the Treasurer for mailing and other costs be continued at \$500 per officer. On motion duly made, seconded, and voted upon, this recommendation was approved.

The Treasurer recommended that the Society's dues to the International Association of Legal Science of \$500 be paid. On motion duly made, seconded, and voted upon, this recommendation was approved.

The Treasurer recommended that the Society's dues to the American Council of Learned Societies (approximately \$440) be paid. On motion duly made, seconded, and voted upon, this recommendation was approved.

The Treasurer asked for a re-affirmation that the maximum reimbursement for the 1999 annual meeting be set at \$600 with the proviso that, before requesting reimbursement from the Society, the directors should exhaust all available subsidies from their own institutions. On motion duly made, seconded, and voted upon, this re-affirmation was granted.

The Treasurer recommended that the maximum reimbursement for the 2000 annual meeting in New Orleans be set at \$800 with the understanding that if the Society's finances so require the amount shall be reduced accordingly. On

motion duly made, seconded, and voted upon, this recommendation and the accompanying condition were approved.

On behalf of the Executive Committee, the Treasurer moved that the following resolution be adopted by the Board of Directors:

RESOLVED, that the responsibility of the Treasurer to preserve the assets of the Society in appropriate accounts or investments shall include the transfer, purchase, and sale of investments as may be appropriate, subject to the oversight of the Executive Committee.

Following a vote to that effect, this resolution was adopted by the Board of Directors.

**5. FINANCIAL REPORT OF THE EDITOR-IN-CHIEF.** Editor-in-Chief Richard M. Buxbaum presented his Combined Financial Report for the American Journal of Comparative Law for the period of July 1, 1998 to June 30, 1999. A copy of this report had been circulated in advance and is attached to these Minutes. Buxbaum explained the reasons for which the Society's subsidy for the Journal is set at \$30,000 for 1999-00. He gave notice that the subsidy for the following year may have to be increased by \$5,000 to \$10,000 to defray the expenses of the Bristol volume. He also reported that the Journal's paid subscriptions remain steady at around 2,000. On motion duly made, seconded, and voted upon, the above report was approved.

**6. NOMINATIONS AND ELECTIONS OF OFFICERS.** On behalf of the nominating Committee (Foster, Gerber, and Rosenn), Chairman David Gerber nominated the following individuals for election to two-year terms in the offices of the Society indicated below:

1. David S. Clark, for Vice President
2. James A.R. Nafziger, for Treasurer
3. Vivian Grosswald Curran, Nora V. Demleitner, H. Patrick Glenn, and Leila Sadat Wexler for the two slots on the Executive Committee vacated by Roger J. Goebel and John C. Reitz.

Abbreviated biographical information on the above candidates had been circulated in advance. The President invited additional nominations from the

floor, but none were submitted. After the candidates exited the room, a vote was taken by written ballot. David S. Clark, James A.R. Nafziger, H. Patrick Glenn, and Leila Sadat Wexler were elected to the offices indicated above.

Following this election, the officers of the Society are as follows:

Arthur T. von Mehren Honorary President (1998–2000)

George A. Bermann President (1998–2000)

David S. Clark Vice President (1999–01)

Symeon C. Symeonides Secretary (1998–2000)

James A.R. Nafziger Treasurer (1999–01)

Courtland H. Peterson Parliamentarian (1998–2000)

The Executive Committee consists of the above officers, plus: Richard M. Buxbaum (ex officio); William B. Fisch (1998–2000); Fred L. Morrison (1998–2000); H. Patrick Glenn (1999–01); and Leila Sadat Wexler (1999–01).

**7. REPORT ON WORLD CONGRESS OF COMPARATIVE LAW -- NEW ORLEANS, 2000.** Symeon C. Symeonides reported on the preparations for the Centennial World Congress on Comparative Law to be held in New Orleans on November 1–4, 2000. The Congress is organized by the International Association of Legal Science and Tulane University's Eason Weinmann Center of Comparative Law, and is co-sponsored by the Society and the International Academy of Comparative Law. The general topic of the Congress is "Comparative Law: 100 Years after the First World Congress." The Society's annual meeting for 2000 will also be held in the same venue on Friday, November 3, 2000, at 4:30 p.m. Symeonides and Tulane's A.N. Yiannopoulos described the format of the congress and the efforts undertaken to ensure that the congress will be more participatory and interesting than previous international congresses.

**8. REPORT ON THE 16th INTERNATIONAL CONGRESS OF COMPARATIVE LAW -- BRISBANE, 2002.** President Bermann reminded the members of the fast approaching deadline for submitting topics to be considered for inclusion in the agenda of the international congress of comparative law which is organized every four years by the International Academy of Comparative Law. The next

such congress, the 16th, will be held in 2002 in Brisbane, Australia. The proposed topics should be sent to Symeon Symeonides or John Reitz by the end of February. The proposed titles should be accompanied by a French translation (if possible), by 3–4 explanatory sentences, and by a statement on whether the proposer is willing to serve as general or national reporter, if chosen.

**9. REPORTS BY COMMITTEES.** Once again, the Hessel Yntema Prize Committee did not submit a recommendation. Fred Morrison reported on behalf of the Committee on Relations with other Comparative Law Associations, and Jim Nafziger reported on behalf of the David S. Clark, the Society's delegate American Council of Learned Societies. Symeon Symeonides praised Clark for his efforts in organizing and managing the Society's web page. President Bermann announced that the Committee on Foreign Programs is abolished, having fulfilled its purpose.

**10. PLACE OF FUTURE MEETINGS.** On behalf of the Executive Committee, President Bermann recommended and the Directors agreed that the Society's annual meetings for the next four years be held in the following venues: (a) for 2000, at Tulane University Law School; (b) for 2001, at Willamette University College of Law; (c) for 2002, in Brisbane, Australia; and (d) for 2003, at Stetson University College of Law.

**11. RESOLUTION OF APPRECIATION.** On behalf of the Executive Committee, President Bermann read a Resolution of Appreciation praising and thanking Professor Charles H. Gustafson and Georgetown University Law Center for organizing an exemplary symposium on comparative constitutional law and for their efforts to host the Society's 1999 annual meeting which was canceled because of hurricane Floyd. The Resolution was adopted by the Board of Directors and is attached to these Minutes.

**12. ADJOURNMENT.** There being no further business, the Meeting of the Board of Directors was adjourned at 8:26 p.m.

1/15/2000 Transcribed and respectfully submitted  
Symeon C. Symeonides

Secretary  
American Society of Comparative Law, Inc.