

# 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 Sponsor Members, 1999**

**Held on Saturday, January 8, 2000, at 6:30 p.m.**

Caucus Room, Washington Hilton and Towers Hotel

1919 Connecticut Ave. N.W., Washington D.C

The meeting was called to order at 6:30 p.m. by President George A. Bermann.

**1. ROLL CALL.** The following 45 Sponsor Members were present at the meeting and were represented by the individual whose name appears in parentheses:

1. American Foreign Law Association (Roger J. Goebel)
2. Arizona State University College of Law (Dale Beck Furnish)
3. University of Baltimore School of Law (Eric C. Schneider)
4. Brigham Young University, J. Reuben Clark Law School (W. Cole Durham, Jr.)
5. University of California at Berkeley School of Law (James R. Gordley)
6. University of California at Davis School of Law (Friedrich K. Juenger)
7. University of California at Los Angeles (Frances Olsen)
8. Chicago-Kent College of Law, IIT (David J. Gerber)
9. University of Colorado School of Law (Hiroshi Motomura)
10. Columbia University School of Law, Parker School (George A. Bermann)
11. Cornell Law School (John J. Barceló, III)
12. University of Denver College of Law (Ved P. Nanda)
13. Dickinson School of Law, Pennsylvania State University (Louis F. Del Duca)
14. Emory University School of Law (Johan van der Vyver)
15. University of Florida College of Law (Michael W. Gordon)
16. Fordham University School of Law (Roger J. Goebel)
17. Georgetown University Law Center (James V. Feinerman)

18. Golden Gate University School of Law (Christian Okeke)
19. Harvard Law School (Arthur T. von Mehren)
20. University of Hawaii, Richardson School of Law (Alison Conner)
21. University of Iowa College of Law (John C. Reitz)
22. Loyola Law School, Los Angeles (Edith Friedler)
23. Loyola University School of Law, New Orleans (Keith B. Vetter)
24. McGill University, Institute of Comparative Law (H. Patrick Glenn)
25. University of Michigan Law School (Mathias Reimann)
26. University of Minnesota Law School (Fred L. Morrison)
27. University of Missouri–Columbia School of Law (William B. Fisch)
28. University of New Mexico School of Law (Franklin E. Gill)
29. New York Law School (Paul Dubinsky)
30. New York University School of Law (Kathie Price)
31. Ohio State University College of Law (Ellen O'Connel)
32. University of Oklahoma Law Center (Peter B. Kutner)
33. University of Pennsylvania Law School (William B. Ewald)
34. University of Pittsburgh School of Law (Vivian Grosswald Curran)
35. University of Puerto Rico School of Law (Pedro F. Silva–Ruiz)
36. St. Louis University School of Law (Alan Weinberger)
37. Stetson University College of Law (Peter L. Fitzgerald)
38. University of Texas School of Law (Hans W. Baade)
39. Tulane University School of Law (A.N. Yiannopoulos)
40. Vanderbilt University School of Law (Harold G. Maier)
41. Washington University School of Law (Frances H. Foster)
42. Wayne State University Law School (Edward M. Wise)
43. West Virginia University College of Law (Carl M. Selinger)
44. Western New England College (Peter W. Schroth)
45. Willamette University College of Law (James A.R. Nafziger).

The following 13 Sponsor Members were represented by proxy:

46. Boston College Law School
47. California Western School of Law
48. University of Connecticut School of Law
49. Duke University School of Law

- 50. Indiana University at Bloomington School of Law
- 51. University of Kansas School of Law
- 52. Louisiana State University Law Center
- 53. Mississippi College School of Law
- 54. Roger Williams University School of Law
- 55. St. Mary's University School of Law
- 56. Syracuse University College of Law
- 57. University of Tulsa College of Law
- 58. 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 SPONSOR MEMBERS.**

The Minutes of the 1997 Meeting of the Sponsor Members 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. ELECTION OF NEW SPONSOR MEMBERS.** On behalf of the Executive Committee, Secretary Symeon Symeonides recommended that the following two law schools be elected Sponsor Members of the Society, with the Directors and Editors indicated below:

SPONSOR MEMBER	DIRECTOR	EDITOR
Texas Wesleyan University School of Law Seymore	James Paul George	Malinda L.
West Virginia University College of Law Selinger	Carl M. Selinger	Carl M.

A vote to that effect was taken and the above schools were elected new Sponsor Members, thus raising to 97 the total number of Sponsor Members.

The complete list of Sponsor Members of the Society at the end of the 1999 meeting was as follows:

1. Albany Law School, Union University
2. American Foreign Law Association
3. American University, Washington College of Law
4. University of Arizona College of Law
5. Arizona State University College of Law
6. University of Arkansas, Fayetteville, Leflar Law Center
7. University of Baltimore School of Law
8. Boston College Law School
9. Brigham Young University, J. Reuben Clark Law School
10. Brooklyn Law School
11. University of California at Berkeley School of Law
12. University of California at Davis School of Law
13. University of California Hastings College of the Law
14. University of California at Los Angeles School of Law
15. California Western School of Law
16. Catholic University of America Columbus School of Law
17. University of Chicago Law School
18. Chicago–Kent College of Law, IIT
19. Cleveland–Marshall College of Law
20. University of Colorado School of Law
21. Columbia University School of Law, Parker School
22. Law Library of Congress
23. University of Connecticut School of Law
24. Cornell Law School
25. University of Denver College of Law
26. DePaul University College of Law
27. University of Detroit Mercy School of Law
28. Dickinson School of Law
29. Duke University School of Law
30. Emory University School of Law
31. University of Florida College of Law
32. Fordham University School of Law
33. George Mason University School of Law

34. Georgetown University Law Center
35. George Washington University National Law Center
36. Golden Gate University School of Law
37. Harvard Law School
38. University of Hawaii, Richardson School of Law
39. University of Houston Law Center
40. University of Illinois College of Law
41. Indiana University at Bloomington School of Law
42. Indiana University at Indianapolis School of Law
43. University of Iowa College of Law
44. University of Kansas School of Law
45. University of Kentucky College of Law
46. Louisiana State University Law Center
47. Loyola Law School, Los Angeles
48. Loyola University School of Law, Chicago
49. Loyola University School of Law, New Orleans
50. McGeorge School of Law
51. McGill University, Institute of Comparative Law
52. University of Maryland School of Law
53. University of Miami School of Law
54. University of Michigan Law School
55. University of Minnesota Law School
56. Mississippi College School of Law
57. University of Missouri–Columbia School of Law
58. University of New Mexico School of Law
59. New York Law School
60. New York University School of Law
61. Northwestern University School of Law
62. Notre Dame Law School
63. Ohio State University College of Law
64. University of Oklahoma Law Center
65. University of Oregon School of Law
66. University of Pennsylvania Law School
67. Pepperdine University School of Law
68. University of Pittsburgh School of Law
69. University of Puerto Rico School of Law

70. Roger Williams University School of Law
71. Rutgers, State University of New Jersey School of Law, Camden
72. St. John's University School of Law
73. St. Mary's University School of Law
74. St. Louis University School of Law
75. University of San Diego School of Law
76. Southern Methodist University School of Law
77. Stanford University School of Law
78. Stetson University College of Law
79. Suffolk University Law School
80. Syracuse University College of Law
81. University of Texas School of Law
82. Texas Wesleyan Univ. School of Law
83. Tulane University School of Law
84. University of Tulsa College of Law
85. Valparaiso University School of Law
86. Vanderbilt University School of Law
87. Villanova University School of Law
88. University of Virginia School of Law
89. Washington & Lee University School of Law
90. University of Washington School of Law
91. Washington University School of Law
92. Wayne State University Law School
93. West Virginia University College of Law
94. Western New England College
95. Willamette University College of Law
96. Yale Law School
97. Yeshiva University, Benjamin N. Cardozo School of Law

**4. ELECTION OF NEW DIRECTORS.** Following nominations submitted by the respective Sponsor Members, the following individuals were elected as Directors of the Society, representing the Sponsor Members indicated.

DIRECTOR	SPONSOR MEMBER
1. Patricia Y. Reyhan	Albany Law School, Union University

2. Roger J. Goebel  
American Foreign Law Association
3. Richard J. Wilson  
American University, Washington College of Law
4. Boris Kozolchyk  
University of Arizona College of Law
5. Dennis S. Karjala  
Arizona State University College of Law
6. Robert B. Leflar  
University of Arkansas, Fayetteville, Leflar Law Center
7. Erick C. Schneider  
University of Baltimore School of Law
8. Michael Ansaldi  
Boston College Law School
9. Stephen G. Wood  
Brigham Young University, J. Reuben Clark Law School
10. Arthur R. Pinto  
Brooklyn Law School
11. James R. Gordley  
University of California at Berkeley School of Law
12. Friedrich K. Juenger  
University of California at Davis School of Law
13. Ugo A. Mattei  
University of California Hastings College of the Law
14. Arthur I. Rosett  
University of California at Los Angeles School of Law
15. William Aceves  
California Western School of Law
16. Rett R. Ludwikowski  
Catholic University of America Columbus School of Law
17. David P. Currie  
University of Chicago Law School
18. David J. Gerber  
Chicago–Kent College of Law, IIT
19. David F. Forte  
Cleveland–Marshall College of Law
20. Courtland H. Peterson  
University of Colorado School of Law
21. Lance M. Liebman  
Columbia University School of Law, Parker School
22. Daniel Hill Zafren  
Law Library of Congress
23. Richard S. Kay  
University of Connecticut School of Law
24. John J. Barceló, III  
Cornell Law School
25. Ved P. Nanda  
University of Denver College of Law
26. Patty Gerstenblith  
DePaul University College of Law
27. Howard B. Abrams  
University of Detroit Mercy School of Law
28. Louis F. Del Duca  
Dickinson School of Law

29. Herbert L. Bernstein  
Duke University School of Law
30. Howard O. Hunter  
Emory University School of Law
31. Michael W. Gordon  
University of Florida College of Law
32. Roger J. Goebel  
Fordham University School of Law
33. Francesco Parisi  
George Mason University School of Law
34. Charles H. Gustafson  
Georgetown University Law Center
35. John A. Spanogle  
George Washington University National  
Law Center
36. Joel E. Marsh  
Golden Gate University School of Law
37. Arthur T. von Mehren  
Harvard Law School
38. Alison Conner  
University of Hawaii, Richardson School of  
Law
39. James E. Herget  
University of Houston Law Center
40. Matthew W. Finkin  
University of Illinois College of Law
41. Craig M. Bradley  
Indiana University at Bloomington School  
of Law
42. Ronald J. Krotoszynski, Jr.  
Indiana University at Indianapolis School  
of Law
43. John C. Reitz  
University of Iowa College of Law
44. Michael H. Hoeflich  
University of Kansas School of Law
45. Mary J. Davis  
University of Kentucky College of Law
46. Christopher L. Blakesley  
Louisiana State University Law Center
47. Edith Friedler  
Loyola Law School, Los Angeles
48. Vincent D. Rougeau  
Loyola University School of Law, Chicago
49. Keith B. Vetter  
Loyola University School of Law, New  
Orleans
50. Stephen C. McCaffrey  
McGeorge School of Law
51. H. Patrick Glenn  
McGill University, Institute of Comparative  
Law
52. Edward A. Tomlinson  
University of Maryland School of Law
53. Keith S. Rosenn  
University of Miami School of Law
54. Mathias Reimann  
University of Michigan Law School
55. Fred L. Morrison  
University of Minnesota Law School
56. Phillip L. McIntosh  
Mississippi College School of Law
57. William B. Fisch  
University of Missouri–Columbia School of  
Law



58. Antoinette Sedillo Lopez University of New Mexico School of Law
59. Lung-Chu Chen New York Law School
60. Michael A. Schwind New York University School of Law
61. Steven Calabresi Northwestern University School of Law
62. Tang Thanh Trai Le Notre Dame Law School
63. Timothy S. Jost Ohio State University College of Law
64. Peter Krug University of Oklahoma Law Center
65. Rennard Strickland University of Oregon School of Law
66. Jacques deLisle University of Pennsylvania Law School
67. Antonio Mentoza Pepperdine University School of Law
68. Vivian Grosswald Curran University of Pittsburgh School of Law
69. Pedro F. Silva-Ruiz University of Puerto Rico School of Law
70. Louise E. Teitz Roger Williams University School of Law
71. Richard Hyland Rutgers, State Univ. of New Jersey School of Law, Camden
72. Edward D. Re St. John's University School of Law
73. Nora V. Demleitner St. Mary's University School of Law
74. Stanislaw Frankowski St. Louis University School of Law
75. Joseph J. Darby University of San Diego School of Law
76. Peter Winship Southern Methodist University School of Law
77. Thomas C. Heller Stanford University School of Law
78. Peter L. Fitzgerald Stetson University College of Law
79. Jeffery Atik Suffolk University Law School
80. Hilary K. Josephs Syracuse University College of Law
81. Hans W. Baade University of Texas School of Law
82. James Paul George Texas Wesleyan University School of Law
83. A.N. Yiannopoulos Tulane University School of Law
84. David S. Clark University of Tulsa College of Law
85. Michael S. Straubel Valparaiso University School of Law
86. Harold G. Maier Vanderbilt University School of Law
87. John F. Murphy Villanova University School of Law
88. Paul B. Stephan, III University of Virginia School of Law
89. Clifford Larsen Washington & Lee University School of Law
90. Daniel H. Foote University of Washington School of Law
91. Frances H. Foster Washington University School of Law

92. Edward M. Wise	Wayne State University Law School
93. Carl M. Selinger	West Virginia University College of Law
94. Peter W. Schroth	Western New England College
95. James A.R. Nafziger	Willamette University College of Law
96. Ruth Wedgwood	Yale Law School
97. Michel Rosenfeld	Yeshiva University, Benjamin N. Cardozo School of Law

**5. 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 presented a Report on Membership and Program, dated June 17, 1999, which had been mailed to the Members in advance. A copy of this Report is attached to these Minutes. This Report was a further distillation of a similar report of the then Committee Chairman George A. Bermann dated April 6, 1998, which had been mailed to the Members before the 1998 meeting in Bristol. The Bristol meeting discussed the Bermann Report and instructed the Long-Range Planning Committee to prepare amendments to the Society's Bylaws for implementing the Report's recommendations. These amendments were mailed to the Members in advance of the 1999 meeting and are detailed below.

**6. AMENDMENT OF BY-LAWS.** On behalf of the Long-Range Planning Committee and the Executive Committee, John C. Reitz proposed the amendment to the Society's Bylaws that are reproduced below. Proposed deletions are indicated in red. Proposed additions are indicated in blue.

**MOTION 1:** To add Section 1.4A to the Bylaws of the Society so as to authorize the establishment of an Executive Editorial Board for the American Journal of Comparative Law and to accordingly amend Section 1.9 of same as indicated below.

**Section 1.4A. Executive Editorial Board.** For the purpose of organizing a small group of persons especially committed to helping the Editor-in-Chief to publish the Journal, the President of the Society, in consultation with the Executive Committee of the Board of Directors, and with the advice and consent

of the Editor-in-Chief, shall appoint an Executive Editorial Board consisting of five to eight persons drawn from the ranks of the Board of Editors, the Board of Directors, or the other delegates nominated by a Sponsor Member. The Editor-in-Chief and the members of the Executive Editorial Board will work together to determine how they can best assist the Editor-in-Chief. Members of the Executive Editorial Board shall serve two-year terms, but any member may be reappointed by the same procedure by which initial appointments are made, provided the person agrees to serve another term. There is no limit on the number of times a person may be reappointed.

**Section 1.9.** Each Sponsor Member, and Sustaining Member, and Associate Member of the Society, and each member of the Board of Editors and of the Board of Directors shall be entitled to one copy of each issue of the Journal as it appears, without charge, provided that persons who are both editors and directors shall receive only one copy. Members of the Executive Editorial Board who do not otherwise receive a copy of the Journal under the previous sentence, because they are non-editor, non-director delegates shall receive a copy of each issue during their term of service.

The motion was discussed and then voted upon by written ballot. A total of 58 votes were cast in favor of the motion, of which 44 were cast by Sponsor Members represented at the meeting and 13 were cast by special proxy. No vote was cast against the motion. The amendment was adopted.

**MOTION 2:** To amend Section 2.2 of the Society's Bylaws so as to confer upon Sponsor Members the right to nominate additional delegates to the Society, as indicated below.

**Section 2.2.** Any school or institute devoted to comparative, foreign, or international law, any member school in the Association of American Law Schools, any law school duly approved by the American Bar Association, any bar association, or other school, institute, association, corporation, deemed by the Board of Directors to be qualified, may be elected a Sponsor Member. Sponsor Members shall each pay \$700.00 annually as dues, or such other amount as the Board of Directors may at any annual meeting set as dues for the following calendar year, such sum to be applied towards the maintenance of the

American Journal of Comparative Law, the cost of such other publications as may be authorized by the Society, the cost of the annual meetings of the Society, and such other expenses of the Society as the Board of Directors may from time to time approve. Each Sponsor Member shall have the right to nominate one person to serve on the Board of Directors, one person to serve on the Board of Editors, and as many additional delegates as it wishes. Sponsor Member dues shall be increased by \$50.00 for each additional delegate named. Only the director and editor will be entitled to cast that Sponsor Member's vote on their respective boards. A Sponsor Member may designate the same person to represent the Member on the Board of Directors and the Board of Editors, but Sponsor Member law schools are encouraged to designate all interested faculty to serve in some capacity, as editor, director, or delegate.

The motion was discussed and then voted upon by written ballot. A total of 56 votes were cast in favor of the motion, of which 43 were cast by Sponsor Members represented at the meeting and 13 were cast by special proxy. One vote was cast against the motion. The amendment was adopted.

**MOTION 3:** To amend Section 2.9 of the Society's Bylaws so as to provide for associate members of the Society, as indicated below.

**Section 2.9 Associate Members.** Persons other than those nominated by a Sponsor Member as an editor, director, or delegate may apply to the Board of Directors to be elected as Associate Members of the Society. Associate Members shall not be members of either the Board of Editors or the Board of Directors and shall have no vote in either of those bodies but shall have the right to attend and participate in all meetings by those two bodies. Nor may Associate Members be elected as officers of the Board of Directors or as members of the Executive Committee (without prejudice to their serving as members of any other committee of the Society). Associate Members shall receive a subscription to the Journal and shall pay annual dues of \$90.00, or such other amount as the Board of Directors may at any annual meeting set as dues for the following calendar year.

The motion was discussed and then voted upon by written ballot. A total of 56 votes were cast in favor of the motion, of which 43 were cast by Sponsor Members represented at the meeting and 13 were cast by special proxy. Two votes were cast against the motion. The amendment was adopted.

**MOTION 4:** To approve all other proposed deletions and additions which are indicated by red and blue, respectively, in the provisions of the Bylaws reproduced below.

**Section 2.3.** Any individual, law firm, corporation or association may be elected a Sustaining Member upon the payment of a minimum of \$500.00 annually, or such other amount as the Board of Directors may at any annual meeting set for the following year, as dues. Law schools not applying for election as Sponsor Members may be elected Sustaining Members on such terms as the Board of Directors may determine. **Any Sustaining Member may designate the use of his or its annual dues to reduce pro tanto the annual dues of the Sponsor Member.**

**Section 2.8.** Honorary Members. Individuals who have made distinguished contributions to the comparative study of law and the understanding of foreign legal systems, or who have made outstanding contributions in service to the American Society of Comparative law, may be elected honorary members of the Society, upon nomination by the Membership Committee, with the approval of the Executive Committee, by a majority vote of the Society's Board of Directors. **In the absence of exceptional circumstances, no new honorary member shall be elected after 1999.** Honorary members will be given a plaque or other appropriate memorial of their election. They will be invited at no expense to the Society to attend and participate in meetings of the Society.

**Section 3.3.** At any meeting of the members of the Society any member **(in the case of Sponsor Members, through their appointed director, editor or other delegates)** shall be entitled to take part in the discussion, but action shall be taken only by the affirmative vote of a majority of the Sponsor Members then in good standing represented at the meeting by their duly designated **representatives/delegates** or by proxy. **or, when such delegates unanimously agree thereto, by the affirmative vote of a majority of the members present.** **Delegates Representatives of** **ing** one third of the Sponsor Members shall

constitute a quorum at any such meeting. Unless otherwise indicated in writing by a Sponsor Member, it will be presumed that a person **nominated by a Sponsor Member to serving as the member of the Board of Directors as the nominee of a Sponsor Member** is also authorized to serve as that Sponsor Member's **representative** delegate.

**Section 6.1.** The entire Board of Directors shall be elected at each annual meeting of the members of the Society, such directors to hold office until the conclusion of the next annual meeting and until their successors shall have been elected and shall qualify. **At least four-fifths of the Directors shall be elected from the nominees of the Sponsor Members; provided, however, that no Sponsor Member may nominate more than one Director. The Board of Directors may elect additional Directors, including additional individuals from the faculties of Sponsor Members.**

**Section 6.2.** The officers of the Society shall be elected by the Board of Directors **exclusively** from the membership of the Board of Directors, **or of the Board of Editors of the Journal, or other delegates of Sponsor Members**, except that the Honorary President need not be a member of either Board **or a delegate of a Sponsor Member**. Officers shall be elected, at the annual meetings of the Board, as follows, and shall serve until the election and qualification of their successors:

(1) The Honorary President shall be elected for a two-year term with no succession in office;

(2) The President shall be elected for a two-year term, and may succeed once in the same office;

(3) The Vice President shall be elected for a two-year term, and may succeed once in the same office;

(4) The Secretary shall be elected for a two-year term, and may succeed three times in the same office; and

(5) The Treasurer shall be elected for a two-year term, and may succeed three times in the same office.

(6) The Parliamentarian shall be elected for a two year term and may succeed indefinitely to two-year terms of office. However, in any year when a new President takes office, the President may nominate a Parliamentarian, who shall take office and replace his or her predecessor upon his or her election.

**Section 7.1.** The President shall appoint such committees, other than the Executive Committee and the Executive Editorial Board, from members of the

Board of Directors, or the Board of Editors, the other delegates designated by Sponsor Members, Associate Members of the Society, or otherwise, as he shall deem necessary or appropriate in connection with the affairs of the Society, and such committees shall have such duties and authority as shall be vested in them by the President. All such committees shall report to the President and the Board of Directors.

The motion was discussed and amended slightly to include the "exceptional circumstances" language in section 2.8 regarding election of honorary members. The motion was voted upon by written ballot. A total of 56 votes were cast in favor of the motion, of which 43 were cast by Sponsor Members represented at the meeting and 13 were cast by special proxy. One vote was cast against the motion. The amendments were adopted.

**7. ADJOURNMENT.** There being no further business, the Meeting of the Sponsor Members was adjourned at 7:10 p.m.

1/15/00 Transcribed and respectfully submitted:

Symeon C. Symeonides

Secretary

American Society of Comparative Law, Inc.