

Minutes -- 2000

Annual Meeting of the Society on November 3, 2000

MINUTES
of the
Annual Meeting of the Board of Directors, 2000
Held on Friday, November 3, 2000, at 5:11 p.m.
at Tulane University School of Law
(Tulane University Center -- Kendall-Cramm Room)
New Orleans, Louisiana

The meeting was called to order at 5:11 p.m. by President George A. Bermann.

1. Roll Call. The meeting was attended by 56 Directors or their designees. The following 39 Directors, listed in alphabetical order by institution, were present: 1. James R. Gordley; 2. Diane Marie Amann; 3. Ugo A. Mattei; 4. Arthur I. Rosett; 5. David J. Gerber; 6. Courtland H. Peterson; 7. Richard S. Kay; 8. John J. Barceló, III; 9. Ved P. Nanda; 10. Louis F. Del Duca; 11. Herbert L. Bernstein; 12. Francesco Parisi; 13. Arthur T. von Mehren; 14. Alison Conner; 15. John C. Reitz; 16. H. Patrick Glenn; 17. Keith S. Rosenn; 18. Mathias Reimann; 19. Fred L. Morrison; 20. Phillip L. McIntosh; 21. William B. Fisch; 22. Timothy S. Jost; 23. Peter Krug; 24. Vivian Grosswald Curran; 25. Luis Muniz-Argüelles; 26. Louise E. Teitz; 27. Stephen C. Thaman; 28. Peter Winship; 29. Peter L. Fitzgerald; 30. Hilary K. Josephs; 31. Hans W. Baade; 32. James Paul George; 33. A.N. Yiannopoulos; 34. David S. Clark; 35. Paul B. Stephan, III; 36. Clifford Larsen; 37. Frances H. Foster; 38. Peter W. Schroth; 39. James A.R. Nafziger.

The following 17 individuals were present and represented the Director (noted in parentheses) from their institutions: 40. Teemu Ruskola (for Richard J. Wilson); 41. Mortimer Sellers (for Eric C. Schneider); 42. George A. Bermann (for Lance M. Liebman); 43. Robert Ahdieh (for Howard O. Hunter); 44. Roger J. Goebel (for Joel R. Reidenberg); 45. Sompong Sucharitkul (for Joel E. Marsh); 46. Harry D. Krause (for Matthew W. Finkin); 47. Hannah Buxbaum (for Craig M. Bradley); 48. Paul Salamanca (for Mary J. Davis); 49. Alain A. Levasseur (for Christopher L. Blakesley); 50. David W. Gruning (for Keith B. Vetter); 51. Peter E. Quint (for Edward A. Tomlinson); 52. Mattias Kumm (for Frank Upham); 53. Paolo G. Carozza (for Donald P. Kommers); 54. Stephen Burbank (for Jacques

deLisle); 55. Jack J. Coe, Jr. (for Antonio Mentoza); 56. Bert Lazerow (for Joseph J. Darby)

The following 16 individuals were also present at the meeting: 57. Richard M. Buxbaum; 58. Friedrich K. Juenger; 59. Claire M. Germain; 60. Francesca Bignami; 61. Helen E. Hartnell; 62. Daniel Jutras; 63. Hein D. Kötz; 64. Peter B. Kutner; 65. Pedro Silva Ruiz; 66. Stanislaw Frankowski; 67. Inga Markovits; 68. Shael Herman; 69. Vernon Palmer; 70. Edward Sherman; 71. Edward J. Eberle, and; 72. Symeon C. Symeonides.

2. Approval of Minutes of 1999 Meeting of the Board of Directors. The Minutes of the 1999 Meeting of the Board of Directors of the Society, which was held on Saturday, January 8, 2000, at 6:30 p.m. in the Caucus Room of Washington Hilton and Towers Hotel, 1919 Connecticut Ave. N.W., Washington D.C., had been mailed to the Directors in advance. Following a motion to that effect, the Minutes were approved.

3. Treasurer's Report. Treasurer James A. R. Nafziger submitted the final report for the calendar year 1999 and the interim report for the period 1/1/2000 to 11/1/2000. Copies of these reports had been circulated in advance and are attached to these Minutes. On motion duly made, seconded and carried, both of these reports were approved.

The Treasurer recommended that the dues for Sponsor Members for 2001 remain at their present level of \$700. On motion duly made, seconded, and carried, this recommendation was approved.

The Treasurer recommended that the subsidy to Tulane University for dinner and other expenses related to the 2000 annual meeting be set at \$2,000. On motion duly made, seconded, and carried, this recommendation was approved.

The Treasurer recommended that the subsidy to the University of California at Berkeley for the Journal be set at \$20,000 for 2000–01. On motion duly made, seconded, and carried, 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 carried, 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 carried, this recommendation was approved.

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

The Treasurer recommended that the maximum reimbursement for the 2000 annual meeting be set at \$800. On motion duly made, seconded, and carried, this recommendation was approved.

The Treasurer recommended that the maximum reimbursement for the 2001 annual meeting be set at \$600. On motion duly made, seconded, and carried, this recommendation was approved.

4. 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, 1999 to June 30, 2000. A copy of this report had been circulated in advance and is attached to these Minutes. On motion duly made, seconded, and voted upon, the above report was approved.

Buxbaum requested authorization to transfer to an interest bearing account an old \$6,000 donation to the Journal. On motion duly made, seconded, and voted upon, this authorization was granted.

5. Nominations and Elections of Officers. On behalf of the nominating Committee (Frances Foster, David Gerber, and Richard Kay), Chairman David J. Gerber nominated the following individuals for election to two-year terms in the offices of the Society indicated below:

1. George A. Bermann, for President
2. Symeon C. Symeonides, for Secretary
3. Courtland H. Peterson, for Parliamentarian
4. Alison W. Conner, Vivian Grosswald Curran, Peter E. Quint, and Mathias W. Reimann for the two slots on the Executive Committee vacated by William B. Fisch and Fred L. Morrison.

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. George A. Bermann, Symeon C. Symeonides, Courtland H. Peterson, Vivian Grosswald Curran, and Mathias W. Reimann were elected to the offices indicated above.

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

George A. Bermann	President (2000-02)
David S. Clark	Vice President (1999-01)
Symeon C. Symeonides	Secretary (2000-02)
James A.R. Nafziger	Treasurer (1999-01)
Courtland H. Peterson	Parliamentarian (2000-02)

The Executive Committee consists of the above officers, plus: Richard M. Buxbaum (ex officio); Vivian Grosswald Curran (2000-02); H. Patrick Glenn (1999-01); Mathias W. Reimann (2000-02); and Leila Sadat (1999-01).

6. Report by Long-Range Planning Committee. On behalf of the Long-Range Planning Committee (Bermann, Clark, Foster, Gerber, Gordon, Josephs, Reimann, Reitz, and Zekoll), Chairman John C. Reitz presented a Report on Scholarly Project Proposals, dated October 27, 2000. This report had been

circulated to the Directors in advance of the meeting and is attached herewith. Reitz explained the report and noted that the proposals contained therein are intended to serve as the basis for further discussion. Reitz and President Bermann invited the Directors to send their comments to the Committee via e-mail or otherwise so that these proposals can be refined and readied for decision at a future meeting of the Directors.

7. Report on 16th International Congress of Comparative Law, Brisbane, 2002. John C. Reitz and Symeon C. Symeonides reported on preparations being made for the Society's participation in the 16th International Congress of Comparative Law to be held in Brisbane, Australia, on July 14–20, 2002. They thanked those who submitted topics and those who indicated an interest in serving as national reporters. The process of matching those interests with the available topics was close to completion and the final selection of reporters was to be made in the next few days. The deadline for submitting the reports to the Academy and the Journal was set for September 30, 2001.

The Chair recognized Professor Friedrich K. Juenger who spoke in his capacity as President of the US National Committee on Comparative Law and titular member and President of the Common Law Group of the International Academy of Comparative Law. Professor Juenger underscored the need for an overall renewal of the Academy in terms of structure, leadership, membership, program, and ideas. As a first step in that direction, Juenger proposed that the Society take a leadership role at the Brisbane meeting to seek an amendment to the Academy's statute setting a finite term of office for the Academy's Secretary. Juenger reported that private discussions among American and non-American titular members indicate widespread support for such an initiative. Juenger's proposal received unanimous support from the Directors and titular members present at the meeting.

8. Report of the Standing Program Committee. On behalf of the Standing Program Committee (William B. Fisch (C), Edith Friedler, and Roger J. Goebel), Chairman Fisch proposed the following resolution.

Statement of Practices Regarding Selection of Sites for Annual Meetings

1. Decisions will normally be made by the Directors, on recommendation of the Program Committee, at the annual meeting two years prior to the meeting for which a site is to be selected.

2. The Program Committee will make its recommendation for each such site on the basis of proposals received at least two months prior to the annual meeting at which the recommendation is to be made.

3. The Program Committee will make its recommendation on the basis of the relative merits of the proposals considered. The primary consideration will

be the quality of the scholarly program described in the proposal and the indicated capacity of the proponent school(s) to carry out the proposal.

4. This practice will be subject to modification to take advantage of special opportunities—such as international conferences which require greater lead time.

The Directors approved the above resolution by voice vote.

9. Place of Future Meetings. On behalf of the Executive Committee, President Bermann asked the Directors to reaffirm their prior decision that the Society's annual meetings for the next three years will be held at the following venues:

1. For 2001, at Willamette University College of Law;
2. For 2002, in Brisbane, Australia;
3. For 2003, at Stetson University College of Law.

The Directors reaffirmed the above decisions by a voice vote.

On behalf of the Executive Committee, President Bermann recommended that the Society's annual meeting for 2004 be held at the University of Michigan Law School. The Directors approved this recommendation by a voice vote.

10. Report of De-Incorporation Committee. Secretary Symeon C. Symeonides conveyed to the Directors a message from Committee Chairman W. Cole Durham, who was unable to attend the meeting. According to the message, the process of de-incorporating the Society in New York (after its incorporation in Utah), is being handled by the New York law firm of Patterson & Belnap and is expected to be completed by the end of the year.

11. Report of the Yntema Prize Committee. On behalf of this Committee (Alison Conner, Vivian Grosswald Curran (C), Nora V. Demleitner, James R. Gordley, and Stephen C. Hicks), Vivian Curran announced the winners of the 2000 Hessel Yntema Prize for Young Scholars in Comparative Law. They are: Professor Jeremy Sarkin, for his article *The Drafting of South Africa's Final Constitution From a Human Rights Perspective*, published in *47 American Journal of Comparative Law* 67 (1999); and Dr. Stuart Dutson, for his article *Product Liability and Private International Law: Choice of Law in Tort in England*, published in *47 American Journal of Comparative Law* 129 (1999).

12. Reports by other committees. David S. Clark reported in his capacity as the Society's webmaster as well as delegate to the American Council of Learned Societies, and Peter E. Quint reported on behalf of the Committee on Relations with other Comparative Associations

13. Election of Officers in Brisbane. Because the next elections for the Society's President and Secretary will take place at the annual meeting of 2002 to be held in Brisbane, the Executive Committee and the Nominating Committee invited discussion on whether such an election would be problematic due to the remoteness of the venue and possible low attendance. One Director proposed that we should allow votes by proxy or by mail, but when Chairman Gerber asked for a show of hands, there was limited support (six hands) for this proposal. After some discussion, the Directors authorized the Executive Committee and the Nominating Committee to study this matter and decide whether to recommend any action at the 2001 meeting to be held at Willamette.

14. Resolutions of Appreciation. President George A. Bermann expressed the Society's deep appreciation for the efforts of Professor A.N. Yiannopoulos in successfully organizing the Centennial World Congress of Comparative Law and graciously hosting the Society's annual meeting at Tulane. Later in the evening, President Bermann awarded Yiannopoulos an inscribed plaque on behalf of the Society "[i]n appreciation for his innumerable contributions to Comparative Law and the American Society of Comparative Law."

President Bermann also thanked Professor Symeon C. Symeonides for steering the World Congress to the United States and for coordinating the Society's participation in it.

15. New Business. One Director commented on the lack of women among the speakers at the World Congress and asked the Executive Committee to reflect on the matter and seek ways in which this phenomenon can be avoided in the future.

16. Adjournment. There being no further business, the Meeting of the Board of Directors was adjourned at 6:35 p.m.

11/10/2000 Transcribed and respectfully submitted

Symeon C. Symeonides
Secretary
American Society of Comparative Law, Inc.

Attachments:

Treasurer's Report
Report of the Editor in Chief
Report on Scholarly Project Proposals