

# Minutes -- 2004

Annual Meeting of the Society on October 23, 2004

**MINUTES  
of the  
Annual Meeting of the Sponsor Members  
of the American Society of Comparative Law, Inc.  
Held on Saturday, October 23, 2004, at 9:30 a.m.  
at the University of Michigan Law School  
120 Hutchins Hall, 625 South State Street  
Ann Arbor, Michigan**

The annual meeting of the Sponsor Members of the American Society of Comparative Law, Inc., was called to order by President David S. Clark.

## **1. President's Announcements**

President Clark asked those attending the meeting to pick up the information sheet on the 17th Congress of the International Academy of Comparative Law, which will be held in July 2006 in Utrecht. Persons interested in writing a national report on one of the 35 topics for the Congress should contact the lead editor, John Reitz (University of Iowa), for the Supplemental volume to the Journal, where the reports will be published.

The Society now has a Listserv, which is administered by Antonio Gidi (University of Detroit). All Society members are welcomed to join.

Please contact David Clark if you are willing to volunteer your time to serve the Society in some capacity or to further comparative law in general. He will try to accommodate your interest on a committee or in some other way. He particularly encourages younger members to become involved.

The Society is looking for a Sponsor Member to host a scholarly meeting with a few individuals from the Italian Association of Comparative Law, which the Society will then jointly sponsor.

The President reported that the Executive Committee discussed the possibility of the Society and one or more Sponsor Members in the same city

hosting the 18th Congress of the International Academy of Comparative Law in 2010. This would require a substantial financial commitment.

President Clark on behalf of the Society thanked Mathias Reimann for the outstanding scholarly meeting and for the hospitality shown Society members, participants, and attendees. The Conference panel participant statements are on the Society Web page and will remain there indefinitely under the "Past Meetings" heading for 2004.

Dr. Eleanor Cashin-Ritaine narrated a video presentation of the Institut suisse de droit comparé, of which she is Head of the Scientific Division. The Institute is a candidate for Sponsor Membership.

## **2. Secretary's Roll Call**

The following 59 Sponsor Members were present at the meeting and were represented by the individuals whose names appear in parentheses:

1. American University, Washington College of Law (Teemu Ruskola)
2. University of Arizona College of Law (Leslye Obiora)
3. University of Baltimore School of Law (James Maxeiner, Mortimer Sellers)
4. Brigham Young University, J. Reuben Clark Law School (W. Cole Durham, Jr.)
5. Brooklyn Law School (Samuel K. Murumba)
6. Bucerius Law School (Hein Koetz)
7. University of California at Berkeley School of Law, Boalt Hall (Richard M. Buxbaum, James Russell Gordley)
8. University of California at Davis School of Law (Diane Marie Amann, Carol S. Bruch)
9. University of California at Hastings College of the Law (Ugo A. Mattei)
10. University of California at Los Angeles Sch. of Law (Maximo Langer)
11. University of Colorado School of Law (Courtland H. Peterson)
12. Columbia University School of Law (George A. Bermann)
13. University of Connecticut (Richard Steven Kay)
14. Cornell Law School (Mitchell Lasser, Annelise Riles)
15. DePaul University College of Law (Brian F. Havel)
16. University of Detroit Mercy School of Law (Howard B. Abrams)
17. Duke University School of Law (Francesca Bignami, Ralf Michaels)
18. Emory University School of Law (Johan van der Vyver)
19. Fordham University School of Law (Roger J. Goebel)
20. George Mason University School of Law (Francesco Parisi)
21. Golden Gate University School of Law (Christian Nwachukwu Okeke, Sompong Sucharitikul,)
22. Harvard University Law School (Arthur Taylor von Mehren)

23. University of Hawaii, William S. Richardson School of Law (Alison W. Conner)
24. Hofstra University School of Law (Nora V. Demleitner)
25. University of Illinois College of Law (Harry D. Krause, Jacqueline Ross)
26. University of Iowa College of Law (John C. Reitz)
27. Louisiana State University Law Center (Alain A. Levasseur)
28. Loyola Law School, Los Angeles (Edith Z. Friedler)
29. Loyola University, New Orleans, School of Law (Dominique Custos, Keith B. Vetter)
30. McGeorge School of Law, University of the Pacific (Franklin Gevurtz)
31. McGill University, Institute of Comparative Law (Fabien Gélinas, H. Patrick Glenn)
32. University of Maryland School of Law (Peter E. Quint)
33. University of Miami School of Law (Keith S. Rosenn)
34. The University of Michigan Law School (Mathias W. Reimann)
35. University of Missouri–Columbia School of Law (William B. Fisch, Ilhyung Lee)
36. University of Missouri – Kansas City School of Law (Colin Benjamin Picker)
37. William Mitchell College of Law (Jayanth K. Krishnan, Kenneth L. Port)
38. University of Nevada at Las Vegas, William S. Boyd School of Law (Raquel Aldana)
39. New York Law School (Paul R. Dubinsky)
40. Notre Dame Law School (Paolo G. Carozza)
41. Ohio State University, Moritz College of Law (Ellen Deason)
42. Oklahoma City University School of Law (Richard E. Coulson)
43. University of Oklahoma Law Center (Peter B. Kutner)
44. The Pennsylvania State University, Dickinson College of Law (Louis F. Del Duca)
45. University of Pittsburgh School of Law (Elena A. Baylis, Vivian Grosswald Curran)
46. University of Puerto Rico School of Law (Luis Muniz–Arguelles)
47. Roger Williams University School of Law (Edward J. Eberle, Louise E. Teiz)
48. Saint Louis University School of Law (Stephen C. Thaman)
49. University of San Diego School of Law (Joe Darby, Herbert Lazerow)
50. Southern Methodist University School of Law (Peter Winship)
51. Stanford University School of Law (Amalia D. Kessler)
52. Stetson University College of Law (Peter Lanston Fitzgerald)
53. Texas Wesleyan University School of Law (James Paul George)
54. Tulane University School of Law (Vernon V. Palmer, A.N. Yiannopolous, Joachim Zekoll)
55. Valparaiso University School of Law (Richard T. Stith III)

56. Washington University School of Law ( Frances H. Foster, Leila Nadya Sadat)
57. Wayne State University Law School (Julia Ya Qin)
58. Western New England College School of Law (Peter W. Schroth)
59. Willamette University College of Law (David S. Clark, James A.R. Nafziger, Symeon C. Symeonides)

The following seven Sponsor Members were represented by proxy:

1. Boston College Law School
2. California Western School of Law
3. De Paul University College of Law
4. Indiana University at Bloomington School of Law
5. Rutgers, State University of New Jersey Schl of Law, Camden
6. Syracuse University College of Law
7. Yale Law School

### **3. Approval of Minutes of 2003 Meeting of the Sponsor Members**

The minutes of the 2003 Meeting of the Sponsor Members of the Society, which was held on October 18, 2003 at Stetson University College of Law, Gulfport, Florida, had been mailed to the Sponsor Members in advance. Following a motion to that effect, the Minutes were approved with a suggestion that the Secretary make certain minor modifications thereto which the Executive Committee had suggested. [These changes have been made to the Web version of the 2003 minutes.]

### **4. Election of New Sponsor Members, Corresponding Institutional Member, and Associate Member**

The following candidates were elected Sponsor Members:

Southwestern University School of Law

Institut suisse de droit comparé/Swiss Institute of Comparative Law

The following candidate was elected Associate Member:

Rafael Domingo, Professor of Law & Director, Cátedra Garrigues de Derecho Global, Universidad de Navarra, Spain

The following candidate was elected Corresponding Member:

Deutsch-Japanische Juristenvereinigung e.V./German-Japanese Association of Jurists

### **5. Amendment of By-Laws**

The Executive Committee proposed the amendment of the by-laws as follows:

1. To create a new Section 3.4 allowing for a Sponsor Member's (1) director to vote in the editors' meeting, and vice versa, where the officially designated representative to that meeting is not present; or (2) delegate to vote at both meetings, provided that he or she has written authorization to represent the Sponsor Member.

"Section 3.4. If a representative of a Sponsor Member who has been nominated to the Board of Directors or the Board of Editors is present, then only that representative may vote at the respective meetings of those two bodies. If only the person nominated as a director is present, that person may also vote in the meeting of the Board of Editors in the absence of the person nominated as editor. If only the person nominated as an editor is present, that person may also vote in the meetings of the Sponsor Members and the Board of Directors in the absence of the person nominated as director. If the Sponsor Member has neither a director nor editor present at a meeting mentioned in Section 3.3, a delegate or other person with written authorization to represent the Sponsor Member may vote at such meeting."

2. To amend Articles 2, 4 and 6 in order to clarify that our principal members are Sponsor Members rather than directors, and to permit the Sponsor Members to make changes among the three categories of director, editor, and delegate without waiting until the annual meeting. (**Bold** = new language; ~~Strikeout~~ = omission)

Section 2.1. Any person, organization, or institution qualified for membership as herein provided may be admitted to membership in the Society in one of the classes of membership hereinafter specified, by the affirmative vote of a majority of the **Sponsor Members** ~~of the Board of Directors~~ at any duly constituted meeting thereof.

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 **Sponsor Members** ~~Board of Directors~~ to be qualified, may be elected a **new** 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 toward 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, **except as provided in Section 3.4.** 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.

Section 2.8. Associate Members. Persons other than those nominated by a Sponsor Member as an editor, director, or delegate may apply to the **Sponsor Members** ~~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 of 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.

Section 4.2. In the event that there shall be a vacancy in the Board of Directors for any reason, the vacancy may be filled by **the relevant Sponsor Member, which shall communicate the new director's name to one of the Society's officers.** ~~a majority vote of the members of the Executive Committee, and Any person so~~ **selected** ~~elected~~ shall serve for the remainder of the unexpired term and until the election ~~and qualification~~ of a successor.

Section 6.1. The entire Board of Directors shall be elected at each annual meeting of the Members of the Society. **Directors hold office until their Sponsor Member has selected a replacement, who is subject to election at the next annual meeting.** ~~, such directors to hold office until the conclusion of the next annual meeting and until their successors shall have been elected and shall qualify.~~

The proposed amendments were approved by majority vote. President Clark noted that these updates will be posted on the Society's Web site.

## **6. Resolution to Fix the Number & Names of Directors**

Under By-Law sections 4.1 and 6.1, the Sponsor Members voted to elect and to fix the number and names of directors as they appear on the Society's roll at the end of 2004. This list will be posted on the Society's Web site.

## **7. Adjournment**

There being no further business, the Meeting of the Sponsor Members was adjourned at 10:50 a.m.

Respectfully submitted,  
Vivian Grosswald Curran  
Secretary  
American Society of Comparative Law, Inc.