

Minutes -- 2005

Annual Meeting of the Society on October 29, 2005

**MINUTES
of the
Annual Meeting of the Board of Directors
of the American Society of Comparative Law, Inc.
Held on Saturday, October 29, 2005, at 10:00 a.m.
at the William S. Richardson School of Law
University of Hawai'i, 2515 Dole Street
Honolulu, Hawai'i**

The meeting of the Board of Directors of the American Society of Comparative Law, Inc. was called to order by the President, David S. Clark, immediately following the adjournment of the meeting of the Society's Sponsor Members.

1. Secretary's Roll Call

New members were introduced and a sheet for silent roll call was distributed. The following 31 Directors were present, listed following the name of their institution:

1. American University, Washington College of Law: Teemu Ruskola
2. University of Baltimore School of Law: James Maxeiner
3. University of California at Davis School of Law: Carol S. Bruch
4. University of California Hastings College of the Law: Ugo Mattei
5. University of Connecticut School of Law: Richard Kay
6. University of Denver College of Law: Ved Nanda
7. University of Detroit Mercy School of Law: Elizabeth Trujillo
8. Emory University School of Law: Thomas C. Arthur
9. University of Hawaii, Richardson School of Law: Alison Conner
10. HEC School of Management: Karim Medjad
11. Hofstra University School of Law: Nora V. Demleitner
12. Indiana University at Indianapolis Law School: Frank Emmert
13. University of Iowa College of Law: John Reitz
14. University of Kentucky College of Law: Lori A. Ringhand
15. McGill University, Institute of Comparative Law: Patrick Glenn

16. University of Miami School of Law: Keith S. Rosenn
17. University of Michigan Law School: Mathias Reimann
18. University of Minnesota Law School: Fred Morrison
19. University of Missouri – Kansas City School of Law: Jeff Thomas
20. University of Oklahoma Law Center: Peter W. Krug
21. University of Pennsylvania Law School: Jacques deLisle
22. Pennsylvania State University, Dickinson School of Law: Louis Del Duca
23. University of Puerto Rico School of Law: Luis Muniz–Argüelles
24. University of San Diego School of Law: Joseph J. Darby
25. Temple University School of Law: Salil Mehra
26. Valparaiso University School of Law: D. A. Jeremy Telman
27. Washington & Lee University School of Law: Ronald J. Krotoszynski, Jr.
28. Washington University School of Law: Frances H. Foster
29. Wayne State University Law School: William Burnham
30. Western New England College School of Law: Peter W. Schroth
31. Willamette University College of Law: James Nafziger

The following 17 individuals were present and represented the Director from their institution:

1. Brigham Young University: Brett Scharffs
2. University of California at Berkeley School of Law: Richard Buxbaum
3. University of Colorado School of Law: William Pizzi
4. Columbia University School of Law, Parker School: George Bermann
5. Duke University School of Law: Ugo Mattei
6. Golden Gate University School of Law: Sompong Sucharitkul
7. University of Illinois College of Law: Jacqueline Ross
8. Loyola University School of Law, New Orleans: Dominique Custos
9. McGeorge School of Law, University of the Pacific: Franklin A. Gevurtz
10. National University of Singapore Faculty of Law: Gary F. Bell
11. New York University School of Law: Mattias Kumm
12. Roger Williams University School of Law: Edward Eberle
13. Seton Hall University School of Law: Tracy Kaye
14. Southwestern University School of Law: Jonathan Miller
15. Syracuse University College of Law: Robert O. Porter
16. University of Toronto–Faculty of Law: Marco Damm
17. William Mitchell College of Law: Jayanth Krishnan

The following nine directors were represented by proxy:

1. Boston College Law School: Thomas C. Kohler
2. California Western School of Law: William Aceves

3. Catholic University of America Columbus School of Law: Rett R. Ludwikowski
4. University of Florida College of Law: Michael Wallace Gordon
5. Fordham University School of Law: Roger J. Goebel
6. Indiana University at Bloomington School of Law: Craig M. Bradley
7. Louisiana State University Law Center: Alain A. Levasseur
8. New York Law School: Lung-Chu Chen
9. Villanova University School of Law: John F. Murphy

2. Approval of Minutes of the 2004 Meeting of the Board of Directors

The Minutes of the 2004 Meeting of the Board of Directors of the Society was approved.

3. Report of the Nominating Committee and the Election of Officers and Executive Committee Members (John Reitz)

John Reitz, Chair of the Nominating Committee gave a report on unopposed nominations. There were no nominations from the floor.

The results of the elections were as follows:

Vice President: Symeon Symeonides (2005–2007)

Treasurer: Richard S. Kay (2005–2007)

Parliamentarian: John C. Reitz (One Year Term, 2005–2006)

Executive Committee: Vivian Grosswald Curran and Edward J. Eberle (2005–2007)

5. Meeting Suspended and the Journal Board of Editors meeting convened

A. The Report of the Editors-in-Chief (George Bermann, Jim Gordley, Mathias Reimann) was discussed.

B. The ratification of the Executive Committee decision to approve transfer of the Journal's operational headquarters from Berkeley to Michigan was approved.

C. The proposal to increase the Journal's subscription price for volume 53 by \$20 was moved, seconded and approved. The new price is \$52 for U.S. subscribers and \$55 for international subscribers.

Discussion ensued – some members expressed concern that non-paying schools might be too impecunious to pay. Mathias agreed it might be helpful to put together a profile of who the defaulters are to know whether it is a financial or other sort of problem. The Journal reported that it is working on developing a payment by credit card system after creating a database of

subscribers along with their payment history. We will also encourage editors and directors who do not need their own personal copies to return them (to save postage and shipping).

D. 2006 Supplement issue – National reports for the Utrecht Congress. John Reitz pointed out that 9,000 words is the maximum, and that very little editing will be done!

6. Directors' Meeting Reconvened

7. Report of the Treasurer (Jim Nafziger)

Two schools that have not paid for three years will be removed.

The Treasurer noted that reserves do not show \$25,000 due to the Journal. Also, we will be looking to sell some IBM shares at the appropriate time as we hold too many shares pursuant to our guidelines. Finally, the meeting expenses do not show the cost of the Ann Arbor meeting last year.

The report was adopted unanimously.

The Treasurer then presented his eight recommendations (as amended):

1. Recommend that Directors and Editors ensure that their institution pay its annual dues in a timely manner.
2. Recommend that the dues for sponsor members for 2006 remain at their normal level of \$700.
3. Recommend that the subsidy for the Journal be paid at \$25,000 upon publication of Volume 54.
4. Recommend that the reimbursement to the law schools of the President, Secretary, and Treasurer for mailing and other costs be continued in 2006 at \$500 per officer.

Alternate: Recommend that the law school of the Executive Assistant be reimbursed up to \$10,000 for incurred expenses.

5. Recommend that the Society's 2006 dues to the International Association of Legal Science of \$500 be paid.
6. Recommend that the Society's 2006 dues to the American Council of Learned Societies of \$440 be paid.
7. Recommend that the maximum reimbursement for each sponsor member represented at the 2006 annual meeting in Utrecht be set at \$1,000.
8. Recommend that Pennsylvania State University, Dickinson School of Law be reimbursed up to \$5,000 for incurred expenses associated with hosting the Second Italian–American Congress of Comparative Law, April 6–7, 2006. Reimbursement preference will be provided for the attendance of

representatives of Society sponsor members, especially participants, up to a maximum of \$600 each.

The recommendations were approved.

8. Report of the Prizes Committee (Patrick Glenn)

Three prizes were awarded this year:

1. The Hessel Yntema Prize was awarded to Zdeněk Kuhn for his article *Worlds Apart: Western and Central European Judicial Culture at the Onset of the European Enlargement*, 52 Am. J. Comp. L. 531 (2004).
2. The Herbert Bernstein Senior Scholars Prize in the Law of Contract was awarded to James Gordley, University of California at Berkeley, for his article *Mistake in Contract Formation*, 52 Am J. Comp. L. 433 (2004).
3. The Edward M. Wise Senior Scholars Prize in Criminal Law and Criminal Procedure was awarded to Jacqueline Ross, University of Illinois for her article *Impediments to Transnational Cooperation in Undercover Policing: A Comparative Study of the United States and Italy*, 52 Am. J. Comp. L. 569 (2004).

9. Resolutions of Appreciation

The Board of Directors unanimously adopted Resolutions of Appreciation for service to the Society honoring Court Peterson as Treasurer, Honorary President, and Parliamentarian, and Jim Nafziger as Treasurer.

10. Report of the Annual Meeting Program Committee (Bill Fisch)

A. 2006 – The business meeting will be held in Utrecht, The Netherlands, on Tuesday, July 18, [Later changed to Thursday, July 20] from 9–11 a.m. The Congress will be held from 16 – 22 July, 2006. Register early for discounts. Link to the Congress on our website.

B. Discussion of International Academy of Comparative Law Congress

It was noted that certain difficulties have arisen with regard to the International Academy's Congresses, and a proposal was made that the office of Secretary General should be a four-year, renewable term. This will promote increased accountability and transparency. The Executive Committee will work with other national groups to effectuate this plan. The motion was unanimously carried.

C. Upon recommendation of the Annual Meeting Committee and the Executive Committee, the 2007 Annual Meeting was proposed to be held at Cornell Law School. Unanimously carried. Exact date to be communicated.

D. Jim Nafziger noted that we need host schools for future meetings.

11. Report of the Joint Meetings Committee (John Haley)

The Joint Meetings Committee and the Executive Committee recommended approval of the Second Italian–American Congress of Comparative Law. This was approved by the Directors.

Louis Del Duca explained the program and asked individuals contemplating attending to register early. The co–sponsorship was unanimously approved by voice vote.

The proposed amendment of reimbursement policy for joint meetings, recommended by the Executive Committee was approved.

12. Report of the Finance Committee (Richard Kay)

Richard Kay presented the Finance Committee Report, for which President Clark thanked him.

President Clark asked for volunteers, especially those familiar with finance and accounting.

13. Report of the Research and Service Committee (Sompong Sucharitkul)

Report of the Committee was received and accepted.

14. Adjournment

There being no further business, the meeting was adjourned.
Respectfully submitted,

Leila Nadya Sadat
Secretary
American Society of Comparative Law, Inc.