

ASCL Sponsor Members

Minutes -- 2017

Annual Meeting of the Society on October 28, 2017

MINUTES

of the Annual Meeting of the Sponsor Members

of the American Society of Comparative Law, Inc.

Held on Saturday, October 28, 2017, at 10:10 a.m.,

at the American University Washington College of Law,

Washington, D.C.

The annual meeting of the Sponsor Members of the American Society of Comparative Law, Inc., was called to order by President Vivian Curran at 10:10 a.m.

1. Secretary's Roll Call

A sheet for silent roll call was distributed. The following 51 Sponsor Members were present at the meeting and were represented (in person or by proxy) by the individuals listed below:

1. University of Alabama School of Law: Kenneth Rosen
2. American University Washington College of Law: Fernanda Nicola
3. University of Baltimore School of Law: James Maxeiner, Mortimer Sellers
4. Boston College Law School: Richard Albert
5. Brigham Young University: Justin Collings
6. University of British Columbia Allard School of Law: Joost Blom
7. University of California, Davis School of Law: Afra Afasharipour
8. University of California, Los Angeles School of Law: Maximo Langer
9. University of Chicago Law School, Mary Anne Case
10. Chicago-Kent College of Law, IIT: David J. Gerber
11. China University of Political Science and Law: Xiang Gao
12. University of Connecticut School of Law: Richard Kay, Peter L. Lindseth
13. University of Denver: Ved Nanda
14. Duke University School of Law: Ralf Michaels
15. Florida International University: Jorge Esquirol
16. Georgetown University Law Center: Yvonne Teu
17. George Washington University: Francesca Bignami
18. University of Hawaii: Alison W. Conner
19. Indiana University at Bloomington: Hannah L. Buxbaum
20. Instituto Tecnológico Autónomo de México: Francisca Pou
21. University of Iowa College of Law: John C. Reitz
22. University of Kansas School of Law: Virginia Harper Ho
23. University of Management and Technology Pakistan: Umar Rashid, Amna Rashid
24. McGill University, Institute of Comparative Law: Helge Dedek
25. University of Memphis: Boris M. Mamlyuk

26. University of Michigan Law School: Mathias W. Reimann
27. University of Minnesota Law School: Fred L. Morrison
28. University of Missouri-Columbia: Stacie Strong
29. University of Missouri-Kansas City School of Law: Rana Lehr Lehnardt
30. New York University School of Law: Zihyu Li,
31. Northeastern University School of Law: Margaret Woo
32. University of Oklahoma Law Center: Peter B. Kutner
33. University of the Pacific McGeorge School of Law: Franklin Gevurtz
34. University of Pennsylvania Law School: William B. Ewald
35. University of Pittsburgh School of Law: Vivian Grosswald Curran
36. Portucalense CRL Universidade: Jose Caramelo Gomes
37. Queens University Faculty of Law: Joshua Karton
38. Roger Williams University School of Law: Louise Teitz
39. Saint Louis University School of Law: Yvette Liebesman
40. Seton Hall University School of Law: Catherine McCauliff
41. National University of Singapore Faculty of Law: Gary F. Bell
42. Southern Methodist University Dedman School of Law: Peter Winship
43. Southwestern Law School: Jonathan M. Miller
44. Swiss Institute of Comparative Law: Karim El Chazli
45. Texas A&M University School of Law: Nuno Garoupa
46. Washburn University School of Law: Andrea Boyack
47. University of Washington School of Law: Dana Clark Lombardi
48. Wayne State University Law School: Paul R. Dubinsky, Julia Ya Qin
49. Western New England University School of Law: Peter Schroth
50. Willamette University College of Law: David S. Clark
51. Zhejiang University Guanghua Law School: Jin Chengdong

2. Approval of Minutes of the 2016 Meeting of the Sponsor Members

The minutes from the 2016 annual meeting were approved.

3. President's Report

President Vivian Curran gave a brief report mentioning upcoming Society activities including participation in the 2018 International Congress of Comparative Law.

4. Election of New Sponsor Members and Associate Members

Six applications for sponsor membership were approved:

1. Durham Law School
(Director and Editor: Se-shauna Wheatle)
2. University of Memphis Law School
(Director and editor: Boris N. Mamlyuk)
3. Northeastern University School of Law
(Director and Editor: Margaret Woo)
4. Northwestern University School of Law

(Director: Steven G. Calabresi; Editor: Erin F. Delaney)

5. University of Management and Technology (Lahore, Pakistan)

(Director: Umar Rashid; Editor: Amna Rashid)

6. University of Milan Law School

(Director: Antonia Baraggia; Editor: Luca Pietro Vanoni)

Six applications for associate membership were also approved:

1. Maria Isabel Carrascosa Coll

(Professor of Law, Universidad Francisco Marroquín – Guatemala)

2. Marco Claudio Corradi

(Senior Lecturer, Lund University)

3. Francisco de Elizalde

(Associate Professor of Law, IE University, Law School, Spain)

4. James C. Fisher

(Project Associate Professor, University of Tokyo Faculty of Law)

5. Ivan. K. Mugabi

(Research Candidate Cardiff University)

6. Yaniv Roznai

(Assistant Professor, Radzyner School of Law, Herzliya, Israel)

5. Resolution to fix the number and names of directors

It was moved, seconded and adopted to fix the number and names of directors as reflected in the current records of the Society.

6. New Business

There was no new business.

7. Adjournment

There being no further business, it was moved, seconded and approved that the Meeting of the Sponsor Members be adjourned at 10:25 a.m.

Respectfully submitted,

Franklin A. Gevurtz, Secretary

American Society of Comparative Law, Inc.

ASCL Board of Directors

Minutes -- 2017

Annual Meeting of the Society on October 28, 2017

MINUTES

**of the Annual Meeting of the Board of Directors
of the American Society of Comparative Law, Inc.
Held on Saturday, October 28, 2017, at 10:25 a.m.,
at the American University Washington College of Law,
Washington, D.C.**

The annual meeting of the Board of Directors of the American Society of Comparative Law, Inc. was called to order at 10:25 a.m. by President Vivian Curran, immediately following the adjournment of the meeting of the Society's Sponsor Members.

1. Secretary's Roll Call

A sheet for silent roll call was distributed. The following 28 Directors were present (in person or by proxy) at the meeting, who are listed following the name of their institution:

1. University of Alabama School of Law: Kenneth Rosen
2. American University Washington College of Law: Fernanda Nicola
3. University of Baltimore School of Law: James Maxeiner
4. University of British Columbia Allard School of Law: Joost Blom
5. University of California, Davis: Afra Afasharipour
6. Chicago-Kent College of Law, IIT: David J. Gerber
7. China University of Political Science and Law: Xiang Gao
8. University of Connecticut School of Law: Richard Kay
9. George Washington University: Francesca Bignami
10. University of Hawaii: Alison W. Conner
11. University of Iowa College of Law: John C. Reitz
12. University of Kansas School of Law: Virginia Harper Ho
13. University of Management and Technology Pakistan: Umar Rashid
14. University of Memphis: Boris M. Mamlyuk
15. University of Michigan Law School: Mathias W. Reimann
16. University of Missouri-Columbia: Stacie Strong
17. University of Minnesota Law School: Fred L. Morrison
18. Northeastern University School of Law: Margaret Woo
19. University of Pittsburgh School of Law: Vivian Grosswald Curran
20. Portucalense CRL Universidade: Jose Caramelo Gomes
21. Queens University Faculty of Law: Joshua Karton
22. Roger Williams University School of Law: Louise Teitz
23. Saint Louis University School of Law: Yvette Liebesman
24. Southern Methodist University Dedman School of Law: Peter Winship
25. Universita di Trento Facolta di Giurisprudenza: Roberto Tonatti
26. University of Washington School of Law: Dana Raigrodski

27. Wayne State University Law School: Paul R. Dubinsky
28. Zhejiang University Guanghua Law School: Jin Chengdong

In addition, the following 23 individuals were present (in person or by proxy) and represented the Director from their institution:

1. Boston College Law School: Richard Albert
2. Brigham Young University: Justin Collings
3. University of California, Los Angeles: Maximo Langer
4. University of Chicago Law School, Mary Anne Case
5. Duke University School of Law: Ralf Michaels
6. Florida International University: Jorge Esquirol
7. Georgetown University Law Center: Yvonne Teu
8. Indiana University at Bloomington: Hannah L. Buxbaum
9. Instituto Tecnológico Autónomo de México: Francisca Pou
10. McGill University, Institute of Comparative Law: Helge Dedek
11. University of Missouri-Kansas City School of Law: Rana Lehr Lehnardt
12. New York University School of Law: Zihyu Li,
13. University of Oklahoma Law Center: Peter B. Kutner
14. University of the Pacific McGeorge School of Law: Franklin Gevurtz
15. University of Pennsylvania Law School: William B. Ewald
16. National University of Singapore Faculty of Law: Gary F. Bell
17. Seton Hall University School of Law: Catherine McCauliff
18. Southwestern Law School: Jonathan M. Miller
19. Swiss Institute of Comparative Law: Karim El Chazli
20. Texas A&M University School of Law: Nuno Garoupa
21. Washburn University School of Law: Andrea Boyack
22. Western New England University School of Law: Peter Schroth
23. Willamette University College of Law: David S. Clark

2. Approval of Minutes of the 2016 Meeting of the Board of Directors

The Minutes of the 2016 Meeting of the Board of Directors of the Society were approved.

3. Report of the Nominating Committee and the Election of Officers and Executive Committee Members (David Clark)

David Clark, Chair of the Nominating Committee, reported on nominations for the Society's officers and executive committee members. There were no nominations from the floor. The results of the elections were as follows:

Vice President: Richard S. Kay (2017-2019)
Treasurer: Mortimer Sellers (2017-2019)
Parliamentarian: Salley B. Richardson (2017-2019)
Information Officer: Boris N. Mamlyuk (2017-2019)
Executive Committee: Christoph Henkel and Sudha Setty (2017-2019).

4. Report of the Treasurer (Mortimer Sellers)

The Treasurer presented his annual report on the finances of the Society---the final financial report for January 1 to December 31, 2016, having been distributed to the members prior to the meeting. The Treasurer reported that the finances of the Society are in good order. The Treasurer further reported that while the endowment is doing well, the President has formed an investment committee to review the Society's strategies for investment of its endowment funds. The Treasurer stated that the proposed budget for 2018 remains largely the same as the budget for 2017, except primarily for increased reimbursement of travel expenses for attending the Society's 2018 annual meeting held at the International Congress of Comparative Law in Fukuoka, Japan. For the next year, the Treasurer recommended that the Society continue charges for membership and expenditures at the following levels:

1. Dues for Sponsor Members for 2017 remain at \$700;
2. \$10,000 donation to a sponsor member for the services of the Executive Assistant and for other costs;
5. Dues be paid to the American Council of Learned Societies in the amount of \$990;
6. Dues be paid to the International Association of Legal Science in the amount of €1000;
7. Up to \$1,000 to be paid in reimbursement for travel to the ACLS and the IALS;
8. The maximum reimbursement for each Sponsor member represented at the 2018 Annual Meeting in Fukuoka be set at \$1400;
9. Up to \$3000 be paid to recipients of prizes for scholarship authorized by the Society;
10. Up to \$3000 be paid for reimbursement of expenses for participation in the 2017 Comparative Law Works-in-Progress Workshop;
11. Up to \$7000 be paid for reimbursement of expenses for participation in and other costs of conferences to be sponsored by the Younger Comparatists' Committee;
12. Up to \$1000 be paid for website maintenance;
13. Up to \$1,000 for technology support and enhancement;
14. Up to \$2000 to be paid for accounting services.

A motion to adopt the Treasurer's Report and Recommendations was moved, seconded and adopted.

5. Board of Directors Meeting Suspended – Meeting of the Board of Editors of the American Journal of Comparative Law Convened – Report of the Editors-in-Chief (Helge Dedek)

The Directors meeting was suspended and the meeting of the Board of Editors of the American Journal of Comparative Law was convened at 10:40 a.m. Helge Dedek, on behalf of both Editors-in-Chief, reported on the Journal, having distributed a written annual report for the Journal. He discussed the transition to publication by Oxford University Press and stated that issues raised by the transition were being addressed. He answered questions concerning the backlog of articles in press and posting of articles in on-line databases.

6. Meeting of the Board of Editors of the American Journal of Comparative Law Adjourned--Directors' Meeting Reconvened

President Curran reconvened the Board of Directors meeting at 10:50 a.m.

7. Report of the Annual Meeting Program Committee (Maximo Langer).

Maximo Langer gave a report on behalf of the Program Committee. He stated that there was a change in the third participating individual and school involved in the annual workshop for comparative law works-in-progress. The next workshop will be held at Princeton University.

Upon the Committee's recommendation, a proposal to hold the Society's 2019 annual meeting at the University of Missouri, Columbia, and a proposal to hold the Society's 2020 annual meeting at the Boston University, were moved, seconded and approved.

8. Motion to Amend Bylaws (Vivian Curran)

A motion to authorize the President to make non-substantive amendments to the Bylaws, changing Bylaws' use of gendered pronouns, was made, seconded and approved.

9. Report of the Prizes Committee (Timothy Webster)

Timothy Webster reported on behalf of the Prizes Committee that this year's Yntema Prize was awarded to Maya Berinzon and Ryan C. Briggs for their article *Legal Families Without the Laws: The Fading of Colonial Law in French West Africa*.

10. Report of the Younger Comparativists' Committee (Virginia Harper Ho)

Virginia Harper Ho, chair of the Younger Comparativists' Committee, made available a written report detailing various past and upcoming events, and summarized some of the highlights of this report.

11. Report of the Ad Hoc Committee on Revenue Splitting (John Reitz)

John Reitz presented the report of the ad hoc committee appointed to draft a statement of principles for distributing the revenue generated by the publishing contract with Oxford University Press (the Committee). The other Committee members were Helge Dedek, Mathias Reimann, and Franz Werro. The Committee thought it important to underline to the Society that the Committee does not expect to see large revenues from the OUP contract, especially in the early years of the contract, because of the Journal's deliberate choice to pick a publisher who agreed to smaller price increases for the Journal

subscriptions in order to maximize access to the Journal. The Committee's report was presented in the form of a statement of the principles the Committee proposes, a copy of which is attached to these minutes. The report is premised on the principle that the first priority for use of the funds from OUP should be to try to make the Journal self-sufficient. (The Journal currently depends on subsidies from both host schools of up to \$25,000 per year.) Accordingly, the Committee's report recommends that:

After taking care of any expenses not covered by the host school subsidies, the next priority should be reimbursement of the host school subsidies, then replenishment of the Journal's reserves to the level that would cover expenses to operate for one year without subsidy if the OUP contract should be terminated, with the balance, if any, to the Society.

The part of the proposed principles dealing with procedures also include the creation of a Joint Audit Committee to determine how the funds should be distributed each year according to the proposed principles.

It was reported that the Executive Committee had reviewed the Ad Hoc Committee's report and approved the proposed principles. John Reitz moved the adoption of the proposed principles as set forth in the attached statement. The motion was seconded and after brief discussion, the motion passed.

12. New and Continuing Business

There was no other new or continuing business.

13. Announcements

Tim Sellers briefly reported on the progress of the ASCL book series published by Cambridge University Press and stated that he welcomed proposals for either monographs or edited volumes for the series.

13. Adjournment

There being no further business, it moved, seconded and approved that the meeting be adjourned at 12:40 p.m.

Respectfully submitted,
Franklin A. Gevurtz
Secretary, American Society of Comparative Law, Inc.