

World Society of Mixed Jurisdictions Jurists

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Worldwide Congress Held in November 2002

Report on the First World Congress on Mixed Jurisdictions

Approximately 150 persons from more than twenty countries gathered for the first World Congress on Mixed Jurisdictions in New Orleans, Louisiana on November 6-9, 2002. The event was hosted by the Tulane School of Law and the Eason Weinmann Center for Comparative Law. The Congress was attended by delegates from some twenty-one co-sponsoring law faculties in South Africa, Scotland, Quebec, Israel, Puerto Rico, The Philippines and Louisiana, as well as delegates sent by co-sponsoring organizations such as the International Association of Legal Science, the International Academy of Comparative Law at the Hague and the American Society of Comparative Law.



(l-r) Prof. A.N. Yiannopoulos (Tulane), Dean Larry Ponoroff (Tulane), Prof. Kenneth Reid (Edinburgh), Prof. Vernon Palmer (Tulane)

The theme of the Congress was “Salience and Unity in the Mixed Jurisdiction Experience” and eight panels of speakers and commentators addressed a wide variety of themes thought to be characteristic of that experience. Programme planning was under the guidance of an international committee composed of Professors Vernon Palmer of Tulane (chair), J.E. du Plessis of Stellenbosch, Patrick Glenn of McGill, Kenneth Reid of Edinburgh, Dean Symeon Symeonides of Willamette, Daniel Visser of Cape Town, A.N. Yiannopoulos of Tulane, and Reinhard Zimmermann of Regensburg. Aharon Barak, a world-renowned figure and currently President of the Israel Supreme Court, spoke on the impact of public Anglo-American values and institutions on the private civil law in these jurisdictions. The value of mixed systems, their costs and benefits, was the topic of the Right Honorable Lord Rodger of Earlsferry, one of two Scottish judges sitting in the House of Lords. Daniel Visser, Dean and Professor of



Kenneth Reid (Edinburgh)

Report on the First World Congress on Mixed Jurisdictions, cont'd

law at Cape Town, dealt with the distinctive cultural voices of judges and jurists, and numerous papers were delivered on the subjects of legal methodology, linguistic factors, interaction between common and civil law doctrines and the formation of autonomous law. More than twenty five papers in all were presented and are scheduled for publication in the fall of 2003 in the Tulane Law Review.

At the Congress, the delegates approved the statutes of a new international organization, the World Society of Mixed Jurisdiction Jurists. At the first meeting they elected officers and decided to hold the next Congress in Scotland in 2006, under the joint auspices of the law faculties of Aberdeen, Edinburgh and Glasgow. Vernon

Palmer (Tulane) was elected President, and Francois du Bois (Cape Town), Celia Fassberg (Hebrew Univ.), Efren Rivera (Univ. Puerto Rico), Hector MacQueen (Edinburgh) and Esin Orucu (Glasgow) were elected Vice Presidents. Jacques du Plessis (Stellenbosch) was appointed General Secretary and Mark Andrews (New Orleans) was appointed Treasurer. Those interested in becoming individual members of the Society should contact our website www.mixedjurisdiction.org or fill out and mail in the registration form on the last page of this newsletter.

The theme of the Congress was “Salience and Unity in the Mixed Jurisdiction Experience”



(l-r) Dean Symeon Symeonides (Willamette), Prof. A.N. Yiannopoulos (Tulane), Dean James Klebba (Loyola), Prof. Hein Kotz (Bucerius) and President Konstantinos Kerameus (Intern. Academy Comp. Law)

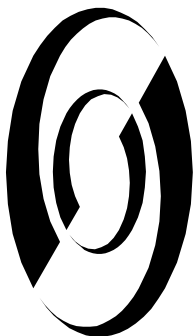


(l-r) Prof. Jacques du Plessis (Stellenbosch), Justice Ralph Zulman (Supreme Court of Appeal, South Africa), Prof. Max Loubser (Stellenbosch), Prof. Niall Whitty (Edinburgh)

Current Project--Compiling The Mixed Jurisdiction Bibliography

Plans are now being made by the World Society to compile a select bibliography for each of the mixed jurisdictions—a sort of *vade mecum* on each country that foreign libraries could acquire knowing that the essential things are included. This excellent idea comes from our colleagues Kenneth Reid of Edinburgh and Jacques du Plessis of Stellenbosch who is also our General Secretary. They have agreed to compile a bibliography for Scotland and South Africa respectively, and Vernon Palmer has volunteered to cover Louisiana. The work is now getting underway.

We are now asking for volunteers who would do the same for Puerto Rico, Quebec, The Philippines, Israel and any other mixed jurisdictions. The plan is to have these on our website by May 2004. If you could like to volunteer, please contact Vernon Palmer via vpalmer@law.tulane.edu.



Conferences of Interest on Mixed Jurisdictions

Toronto October 16-17 “Bijuralism: An Economic Approach”
Munk Center for International Studies, University of Toronto, and
Sponsored by Canadian Department of Justice
Papers: “The Demand for Bijurally Trained Canadian Lawyers”
 “Bijural Services as Factors of Production”
 “The Challenge of Incomplete Law and How Different Legal
 Systems Respond to It”
 “Coevolution as an Influence in the Development of Legal Systems”
Contact: Ms Anne Des Ormeaux, anne.desormeaux@justice.gc.ca



Aberdeen November 8 “T B Smith Conference”
King’s College, University of Aberdeen
Papers: “TB Smith and historical method in the study of Scots Law”

 “Scots Mercantile Law and the Ius Commune Tradition 1600-1800”
 “Two Toms and an Ideology for Scots Law: TB Smith and Lord
 Cooper of Culross”
 “The Commercial Court: a TB Smith vision?”
 “Tom Smith: an early pioneer of medical jurisprudence”
 “A-whoring after strange gods: Scots law and the doctrine of
 abuse of rights”
 “Civil Law, English Law and Comparative Law as Sources of
 the Law of Scotland”
 “TB Smith as International Bridge Builder”
Contact: Prof. and Dean DL Carey Miller, law041@abdn.ac.uk

San Juan (tentatively
February 2004) Conference on Puerto Rican Code Revision
University of Puerto Rico, Law Faculty
(in planning stage)

Edinburgh/Aberdeen/Glasgow
2006 Second Worldwide Congress on Mixed Jurisdictions
(in planning stage)

**Conferences of
Interest on
Mixed
Jurisdictions**



Statutes of the World Society

The founding members of the World Society who have gathered in New Orleans for the First World-wide Congress on Mixed Jurisdictions---Convinced that our understanding of mixed jurisdictions will be enriched by international collaboration and that comparative research should be encouraged at an international level; and

Believing further that an international organization should exist to foster closer ties, promote esprit de corps, hold international meetings, and assist programmes of comparative research;

Now adopt and set forth the Statutes of the World Society of Mixed Jurisdiction Jurists:

1. The World Society of Mixed Jurisdiction Jurists is an association constituted, in accordance with the laws of Louisiana and the United States, for an unspecified length of time. It is domiciled in New Orleans.

2. The purpose of the Society is the study and advancement of mixed legal systems. The Society will be operated exclusively for scientific, literary and educational purposes.
3. The Society pursues these objectives through:
 1. Congresses, meetings and occasional sessions;
 2. Publications;
 3. Co-operation with similar institutions;
 4. All other legal means.
4. The Society's resources consist of:
 1. Annual fees from Institutional and Associate members;
 2. Revenues from the sale of publications;
 3. Gifts and legacies;
 4. Eventual grants.
5. Each Institutional member and each Associate member of the Society pays an annual fee, in accordance with a fee structure which is determined by the Executive Committee of the Society. The fee structure may take into account different economic circumstances of institutions and individuals. The Treasurer is responsible for the collection of fees.
6. The Society is composed of legal institutions of higher learning and research (Institutional Members) and highly qualified physical persons (Associate Members), regardless of country of origin, desirous of working toward the study and advancement of mixed legal systems.

Associate members seventy-five years and older may, if they wish, choose to be honorary members, in which case they are exempt from fees, and can only play a consulting role in Society meetings.

7. The initial Institutional Members of the Society are those law faculties and law institutes which co-sponsored the first Worldwide Congress on Mixed Jurisdictions in New Orleans in November 2002. Additional Institutional members may be admitted in accordance with paragraph eight. The Institutional members have no vote as such, but are entitled to appoint two delegates to represent the interests of the Institution. The appointed delegates may vote on all matters at all meetings, and may generally, during the time of their appointment, exercise all rights and privileges of Associate members.
8. Candidates for election to the Society are proposed by the Associate members and by delegates appointed by the Institutional members.

Election is made by a majority of Associate members and delegates at a General Meeting.

Any Institutional or Associate member who fails to pay the annual fee within a year of demand ceases automatically to be a member of the World Society.

9. Neither the Institutional nor the Associate membership is limited in number.
10. Once every four years, or at greater intervals if the Executive Committee so decides, the Society holds a World Congress on Mixed Jurisdictions in a place decided upon by the Society. At least two years before the Congress, the Society obtains the co-operation of experts from different countries to outline the programme of the Congress.
11. The Society is represented, administered, and managed by an Executive Committee made up of a Presi-

dent, three to five Vice-Presidents, a Treasurer, and a General Secretary. The Society may also be represented by the President or the General Secretary.

The members of the Executive Committee are elected and dismissed from office by the General Meeting, which also determines the number of Vice-Presidents. A General Meeting is a meeting of the membership convened at a World Congress of the Society, or otherwise. An Executive Meeting is a meeting of the Executive Committee which is held at intermittent times.

The members of the Executive Committee are elected for a period of four years, or until the next General Meeting of the membership at a World Congress, and are eligible for re-election.

The names of persons proposed for election or re-election are forwarded by the General Secretary to all Associate members and Institutional delegates at least one month before elections at a General Meeting, though this requirement does not apply in the case of the first General Meeting

The Executive Committee is authorized to acquire, dispose of and hypothecate property and to enter into contracts by which the Society binds itself as surety or solidary debtor, assumes an undertaking for another or acts as guarantor for the debts of third parties. The Executive Committee is authorized to incorporate the Society as a non-profit corporation and to seek tax-exempt status under the Internal Revenue Code of the United States.

12. The President or the General Secretary convenes all Executive Meetings at least one month in advance, and all General Meetings at least two years in advance.

The meetings decide questions presented by a majority of members voting. At meetings, members may be represented by another member when such representation is authorized in writing. Voting by correspondence, telex, telegram, email or fax is allowed.

13. The President of the Society presides over the meetings of the Society and decides upon questions of procedure. In his absence, the most senior Vice-President present will take his place. If there is no vice-president, the Society shall designate a president for the occasion.

14. The General Secretary is responsible for the scientific programme of the Society. He oversees the administrative operation of the Society. He supervises the publication of the Society's Acts and Proceedings. The General Secretary may delegate a part of his responsibilities to a person approved by the Executive Committee.

15. The Treasurer is responsible for the Society's financial affairs. He receives and makes payments on behalf of the Society. The sums received for the Society are deposited in the Society's account in the bank or banks approved by the Executive Committee. The Treasurer may invest these sums.

The Treasurer submits each year annual accounts for approval by the Executive Committee and an end-of-period statement for approval by the General meeting.

The Treasurer may, with the Executive Committee's approval, delegate a part of his functions to another member of the executive Committee. In case of temporary absence or termination of mandate, the Treasurer's functions will be temporarily assumed by a member of the Executive Committee named by the Committee for this purpose.

16. The Executive Committee, acting on proposals from the General Secretary, may draw up by-laws for the Society.

17. The present Statutes may be modified by a majority of two thirds of the Associate members and Institutional delegates voting at a General Meeting.

The same majority is required for any decision concerning the dissolution of the Society. In such case of dissolution, the resolution pertaining to this decision shall determine the devolution of the surplus assets.



Kudos From the American Society of Comparative Law

In his recent report to the American Society of Comparative Law, Professor John Reitz had this to say about our Congress and our new Society . . .

“The academic portion of the Congress was a great success. At the beginning of the Congress I was debating with myself whether it made any sense to form a society devoted solely to “mixed jurisdictions.” After all, I thought, most, if not all, jurisdictions are to varying extents subject to influence from both civil and common law models. If every jurisdiction is really a mixed jurisdiction, then what is the sense of a society devoted specially to the problems of “mixité”? My concerns, however, were soon mollified by two observations: (1) the quality of comparative law at this Congress was, I thought, unusually high because the problem of “mixité” generally obliges each scholar to make explicit comparisons rather than the parallel descriptions of national law which are the blight of so many so-called comparative law conferences and (2) the Congress was addressing quite a few issues, like the linguistic concerns or the tension between public law drawn from common law and private law drawn from the civil law, that really are most acute and therefore of greatest interest in the jurisdictions that are usually labeled as “mixed.” It seems to me that these issues are likely to get short shrift in more general comparative law venues. For these reasons, I was especially glad to have been able to attend even though I come from a jurisdiction in the United States, Iowa, that is arguably as unmixed as any can be. The Congress papers will be published in the first two issues of the *Tulane Law Review* for 2003, and I recommend them to your attention.

For the same reasons, I applaud the organizers’ decision to create a special society to further the study of mixed jurisdictions. The final session of the Congress on Saturday afternoon was a business meeting of the delegates to form the World Society of Mixed Jurisdiction Jurists. The delegates adopted “statutes” or bylaws for the Society, elected Vernon Palmer as their first President, and passed a resolution of appreciation for his efforts in founding the Society. They also elected as Vice-Presidents Professors Celia Fassberg from Israel, Hector MacQueen from Scotland, Esin Öriücü from Scotland, and François du Bois from South Africa, and Dean Efrén Rivera-Ramos of Puerto Rico. Finally, the body accepted the offer of the Scottish delegates on behalf of the Universities of Aberdeen, Edinburgh, and Glasgow to host the next meeting in approximately two years.

As my report has already indicated, the World Society of Mixed Jurisdiction Jurists promises to be a distinguished body of scholars, many of whom are also active in our ASCL, in other similar national societies of comparative law, or in the International Academy of Comparative Law. Their congresses promise to produce high-quality, interesting comparative law scholarship. I therefore recommend that the ASCL continue to find ways to communicate and collaborate with the World Society of Mixed Jurisdiction Jurists for our mutual support and edification.”



Announcing the New Website of the World Society

The World Society has now created its own website so that members and interested jurists around the world can stay easily in touch, become members of the organization, learn about upcoming events and conferences, and read interesting new scholarly papers on mixed jurisdictions. The address of the website is www.mixedjurisdiction.org

The World Society is deeply indebted to Mr. Lee de la Houssaye for his talent and hard work in creating the website for us. Please log on and see for yourself.

World Society Membership Form (please print)

First and Last Name: _____

Title: _____

University or Institution _____

Address _____

City _____ Country _____ Postal Code _____

Telephone: (____) _____

Fax: (____) _____

Email: _____

Annual Dues:

For North America, Europe & other developed regions:
Individuals \$50.00; Institutions \$150.00

For Africa, South America & other developing regions:
Individuals \$20.00; Institutions \$60.00

Make check payable to: *World Society of Mixed Jurisdiction Jurists*



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