Tenth Anniversary of the Journal of Civil Law Studies

On the occasion of the 10th anniversary of the Journal of Civil Law Studies (JCLS), the Center of Civil Law Studies hosted the first JCLS Annual Event. Professor Olivier Moréteau (editor-in-chief) and visiting professor Agustín Parise (executive editor), co-founders of the JCLS in 2008, presented a decade of civil law scholarship that the JCLS has offered Louisiana and the world in the form of a duet (see picture p. 2), showing how a dream came true. Volume 10 was presented (see Cover and Editorial p. 3 and 4).

For the first time in the Journal’s history, two awards were presented, to contributing students for the best essay and the best case note. Derek Warden (JD/DCL 2016) received the Russell B. Long Chair Best Essay Award for Secundum Civilis: The Constitution as an Enlightenment Code, published in Volume 8 No. 2 (2015). Tiffany Bush (JD/DCL 2016) received the Russell B. Long Chair Best Case Note Award for her case note on the Louisiana same-sex marriage adoption case Costanza and Brewer v. Caldwell, published in Volume 8 No. 1 (2015). The awards were granted in the presence of family members of the donor, the late U.S. Senator Russell B. Long: his daughter Kay Long and grandson Russell Mosely (see picture p. 1).

CCLS Director Olivier Moréteau also paid tribute to the Professor Emeritus Robert Pascal (1915-2018), announcing the publication in print of ROBERT ANTHONY PASCAL, A PRIEST OF RIGHT ORDER (Claitor’s 2018), which contains a Recollection of a Life Studying and Teaching Law. The Program was concluded by another book...

Participants were then invited to a wine and cheese reception.

Dr. Agustín Parise Visits and Teaches at LSU Law

Dr. Agustín Parise, LL.M. LSU 2006, visited from the University of Maastricht, The Netherlands, where he is Assistant Professor of Law. Parise holds two doctorates in law, one from his alma mater the University of Buenos Aires, and one from his new home, the University of Maastricht.

In his capacity as Distinguished Global Visitor, a program revived after a few years of suspension, Dr. Parise taught a one-credit course on EU in the Legal and Cultural Context, to 23 students. One of them said:

It’s truly remarkable how much we were able to cover in our short time together, and it was an invaluable experience. I hope that this short course continues for years to come!

During his almost three-week visit, Parise was very generous with his time. On February 27, Parise met with LL.M. and International Students, telling them how to get published in a law review, and how to move on with an LL.M. and international experience. On March 1, he was the guest of two active student organizations, the International Law Society and the Hispanic Law Student Association, presenting on “The Spanish Connection: An Hispanic Perspective on the Past, Present, and Future of Louisiana Law.” He reminded enthusiastic Latino students how important it is to remember one’s origins and be proud of them.

On March 5, Agustín Parise presented to the faculty on “Argentine Civil and Commercial Code (2015): A Litvinoffian Approach to a Novel Corpus of the Law.” He elegantly brought back the memory of Saúl Litvinoff when discussing the move from first to third generation civil code and the drafting of the new law. On March 6, he was a key actor in the event celebrating the 10th anniversary of the Journal of Civil Law Studies. Parise was the Center of Civil Law Studies’ Research Associate when the Journal was created, and Dr. Olivier Moréteau, Editor-in-Chief, regards him as a co-founder.

The LSU Law Center is grateful to Dr. Agustín Parise and his wife Dr. Julieta Marotta, LL.M. LSU 2007, who had to stay at home to take care of their baby Valentin, born in October 2017.
ARTICLES

- Notarial Acts as Written Evidence: Towards a Convergence Between Civil Law and Common Law Systems
  Angelo Chianale

- Disobeying Courts’ Orders—A Comparative Analysis of the Civil Contempt of Court Doctrine and of the Image of the Common Law Judge
  Carlo Vittorio Giabardo

- Social Obligations of Land Rights on Chinese Collective-Owned Land
  Zhe Huang

- The Reluctance of Civil Law Systems in Adopting the UCC Article 9 “Without Breach of Peace” Standard—Evidence from National and International Legal Instruments Governing Secured Transactions
  Asress Adimi Gikay & Cătălin Gabriel Stănescu

NOTE

- A Decade of Civilian Scholarship: The Role of the Journal of Civil Law Studies as a Bridge Between Louisiana and the Civil Law World
  Agustín Parise

ESSAY

- What Medical Risks Should Physicians Disclose to their Patients? Towards a Better Standard in American and French Medical Malpractice Law
  Alina-Emilia Ciortea

CIVIL LAW IN THE WORLD

- France
  Mustapha Mekki

BOOK REVIEW

- The Justices of the Supreme Court of Louisiana 1865-1880
  Georgia Chadwick

Also in this issue:
CIVIL LAW IN LOUISIANA
**JCLS Volume 10, Editorial**

From its inception, the ambition of the Journal of Civil Law Studies was nothing less than becoming a reference periodical for the civil law in English, promoting a comparative approach. As our website advertised right from the beginning,

The *Journal of Civil Law Studies* is a peer-reviewed, online and open-access periodical, published by the Center of Civil Law Studies. LSU Law students participate in the editorial process once papers have been accepted for publication. First published in 2008, it promotes a comparative and interdisciplinary approach to the civil law in Louisiana and in the world.¹

The Journal is now ten-years old, well past the startup age. Present volume 10 publishes a note on the history of the journal during these first ten years, signed by Agustín Parise, Executive Editor and co-founder, with Olivier Morêteau, Editor-in-Chief. Parise points to the fact that the hybrid nature of the Journal “is especially valuable, since it makes [it] both a forum for legal scholarship and a laboratory for the development of research and writing skills in future generations of civilians and comparatists.”

Regarding content, he notes that the Journal “serves as a forum for civil law scholarship that derives from academic discussion and debate,” which explains why a number of issues have published conference and workshop papers. He adds that “a number of articles have dealt with foundational aspects of the law, such as legal culture, legal language, legal systems, and the transformation and interpretation of the law.”

Volume 10 is no exception. Angelo Chianale revisits notarial acts as written evidence, questioning whether things are really so different in the common law. Carlo Vittorio Giabardo addresses the civil contempt of court doctrine in the common law, wondering why it has no equivalent in the civil law. Zhe Huang critically examines social obligations on Chinese collective-owned land. Assress Adimi Gikay and Cătălin Gabriel Stănescu question the reluctance of civil law systems in adopting the Uniform Commercial Code Article 9 “without breach of the peace” standard when allowing the secured creditor to take possession of the collateral upon the debtor’s default. These articles offer food for thoughts in various areas of the law, in every case with a comparative analysis. The same can be said of the essay by Alina-Emilia Ciortea on the duty of physicians to disclose medical risks to their patients: comparative discussion leads to the proposal of a better standard.

Other features are present in the volume. *Civil Law in Louisiana*, inaugurated in volume 5, publishes case notes written by LSU law students under the supervision of a professor. *Civil Law in the World*, inaugurated in volume 6, publishes national reports on recent evolution in multiple civil law jurisdictions. This time, we feature France with a report on the French revision of contractual obligations by Mustapha Mekki. Over a few years, no less than thirteen jurisdictions were explored, two of them more than once. A list of eighteen national correspondents appears on the masthead, and it will expand in the years to come. There is also a book review on key actors of Louisiana law during the period that follows the Civil War.

All this is the fruit of hard work and dedication. With the help of authors and advisors from all continents, the input of committed student editors, and the skills of multilingual staff, the journal is now well established to start a second decade of existence. Whether it lives up to the founders’ vision and meets the readers’ expectation remains to be seen. All involved in authoring, peer-review, editing, and producing will value the readers’ feedback. Do send your tenth anniversary wishes and comments to the editors, emailing at moreteau@lsu.edu. Happy reading.

The Editors

[Access Volume 10 and the JCLS Webpage](https://perma.cc/QA77-9AHA)

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¹ *Journal of Civil Law Studies*, LSU LAW DIGITAL COMMONS, at https://perma.cc/QA77-9AHA.
The Paris-Based Académie des Sciences d’Outre-Mer Visits at LSU

The Académie des Sciences d’Outre-Mer (ASOM) is a prestigious learned society gathering some of France’s most notorious officials and scholars with an interest in overseas studies, including former government ministers, senators, ambassadors, and army general officers. In the wake of the international conference organized by the Académie in November 2017, celebrating the 300th anniversary of the foundation of New Orleans, members of the Académie traveled to Louisiana in March 2018, with a visit to LSU on Friday, March 9. Prof. Olivier Moréteau coordinated this part of the visit. Together with Prof. Adelaide Russo, Chair of the Department of French Studies, he organized a session hosted at the Law Center, where members of the Department of French Studies and Prof. Alexandre Leupin, Director of the Center of French and Francophone Studies, presented on their scholarly activity.

Mr. Pierre Gény, Permanent Secretary of the Academy, presented the Dictionnaire des synonymes des mots et expressions des français parlés dans le monde, edited by Prof. Guy Lavorel, former president of University Jean Moulin Lyon 3, who could not take part to the visit.

During a lunch at the Lod Cook Center, Christophe Gerondeau, President and CEO of Total Petrochemicals & Refining USA, Inc. presented the American activity of the Total Group, a world giant in the energy sector. Mr. Gerondeau took good note of LSU Law forming lawyers both to the civil law and common law with an energy law certificate, and students of the Department of French Studies may help translate promotion materials as part of their French for Business Program.

The visit ended with a walking tour of the LSU campus and an informal get-together at the Faculty Club.

The Juris Diversitas Conference is Moved to April 2019

In partnership with Faculty of Law, North-West University, Potchefstroom & the Centre for Comparative Law in Africa

LAW, ROOTS & SPACE

Though the Call for Papers for the Juris Diversitas 2018 Conference on Law, Roots and Space yields
promising submissions, prospective participants regret that they face a dilemma, due to a number of worldwide comparative law events organized on several continents in a very active 2018 conference season. Limited resources force many of our members to choose between participating in the World Congress of the International Academy of Comparative Law (July 22-28, Fukuoka, Japan), in Juris Diversitas (June 25-27, Potchefstroom, South Africa), or in the World Congress of the International Association of Constitutional Law (June 18-22, Seoul, Korea).

The Executive Committee of Juris Diversitas therefore resolved to postpone the 2018 Conference, moving it to April 15-17, 2019, in Potchefstroom, South Africa. Existing submissions will be reviewed, there shall be an extended call for papers, and participants will be invited, though not compelled, to communicate papers ahead of time, which may allow for the organization of a more dynamic event.

The Executive Committee also decided to move forward with the plan to organize biennial rather than annual large-scale events. This means that forthcoming large-scale conferences will be organized in odd years, leaving room for smaller more thematic events during even years. This will free time and energy for a better diffusion of our work, thereby enhancing collective publications under the Juris Diversitas name. Our members are encouraged to come up with proposals and ideas, whether event or publication related, or both. Smaller theme events will be regarded a success if truly transdisciplinary, with a significant proportion of participants from outside the legal community.

The Executive Committee hopes that the biennial pattern will keep attracting comparative law scholars thinking out of the box and further the dialogue with a growing number of scholars from other disciplines, whether in hard sciences or humanities.

Olivier Moréteau, President of Juris Diversitas

The Theme:

A couple of lawyers’ old friends: ‘Sources’ and ‘Jurisdictions’. In their parlance, these notions are often associated to modern, ‘positive’ law.

The idea of ‘Legal formants’ has been introduced to complete the picture, flexibilising it, making it more accurate, nuanced, realistic; an idea associated to comparative, socio-legal, anthropologic studies.

With ‘Roots’ and ‘space’ geographers, historians, political scientists get involved. These are certainly less frequent notions in legal circles: we may still wish to make friends with them, to enrich our perception of legal phenomena.

‘Roots’ is often associated to history of law and related discourses – if legal formants may complete a picture, legal roots do complete the movie, so to speak.

‘Space’: an open notion, perhaps a non-notion in modern legal discourse, generic enough to include every spatial dimension of legal phenomena: dissemination of movie theaters and other forms of diffusion of the various show-biz products could be the appropriate metaphor here, including space law and virtual property.

A legal discourse that goes beyond the checkboards, or the series of juxtaposed swimming pools – Tetris-style – containing water from their respective individual sources, produced by modern, Westphalian conceptions of the law. It goes, instead, to normative forces producing their effects without a precise geographic boundary: like radio stations, magnetic or gravitational fields. Or like intricate sets of rivers, lakes, canals, ponds, infiltrated wetlands, oceans, weather, all contributing to a locally diversified but still unitary eco-system and bio-sphere of water, landscape, vegetation, fauna.

A discourse on normative forces and the fuzziness of their historic and geographic reach.
Submissions:

Panel proposals and interdisciplinary presentations are strongly encouraged, as is the participation of doctoral students and scholars from outside of the discipline of law. While parallel sessions featuring three presentations of twenty-minute each will be the pattern, we welcome creative arrangements.

Proposals should be in English or in French. Proposals of circa 250 words (or 1000 words for panel proposals with three or more speakers) should be submitted to Professor Salvatore Mancuso at: Salvatore.Mancuso@ac.ac.za or Professor Christa Rautenbach at: Christa.Rautenbach@nwu.ac.za by September 30, 2018, with a short biography paragraph listing major or relevant publications. Make this a single Word document with minimal formatting, so that proposal and biography can be copied easily into the conference program.

Registration Fees:

€200 or €125 for Juris Diversitas members paid up for 2019.

Special rate for young scholars under the age of thirty coming the first time and for scholars in developing nations: €150 or €75 for Juris Diversitas members paid up for 2019.

Note that fees do not cover travel, accommodation, or the conference dinner (€25).