

LSU PAUL M. HEBERT LAW CENTER



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The Russell Long Chair and CCLS Newsletter

April 2019 – No. 46

Journal of Civil Law Studies, Volume 11, Number 2

The cover page of the Journal of Civil Law Studies (JCLS). It features a dark red background with a world map and classical architectural elements. The title 'JCLS Journal of Civil Law Studies' is at the top. Below it, the volume and issue information is listed: 'Volume 11', 'Number 2', and '2018'. The main content is organized into sections: 'ARTICLES', 'CIVIL LAW IN THE WORLD', and 'REDISCOVERED TREASURES OF LOUISIANA LAW'. Each article is listed with its title and author(s). At the bottom, there is a section for 'CIVIL LAW IN LOUISIANA' and the logo for the Paul M. Hebert Law Center at LSU Law, Louisiana State University.

Volume 11 **Number 2** **2018**

ARTICLES

- *Alchemistic Metaphors in Comparative Law: Mixed Legal Systems, Reception of Laws and Legal Transplants* Andreas Rahmatian
- *A Controversial Transplant? Debate over the Adaptation of the Napoleonic Code on the Polish Territories in the Early 19th Century* Michal Gałdeck & Anna Klimaszewska
- *Economic Analysis of the Interaction Between National Legal Systems: A Contribution to the Understanding of Legal Diversity and Legal Unity* Hugues Bouthinon-Dumas
- *Data Ownership—A Property Rights Approach from a European Perspective* Boeding et al.

CIVIL LAW IN THE WORLD

- *Italy*
The New Italian Regime for Healthcare Liability and the Role of Clinical Practice Guidelines: A Dialogue Among Legal Formants Laura Maria Franciosi

REDISCOVERED TREASURES OF LOUISIANA LAW

- *Introductory Essay to the Translation of the Discorso Preliminar of Pérez y López's Teatro* John W. Cairns
- *Translation of the Preliminary Discourse to the Teatro de la legislación universal de España e Indias* H. Barlow Holley

Also in this issue:

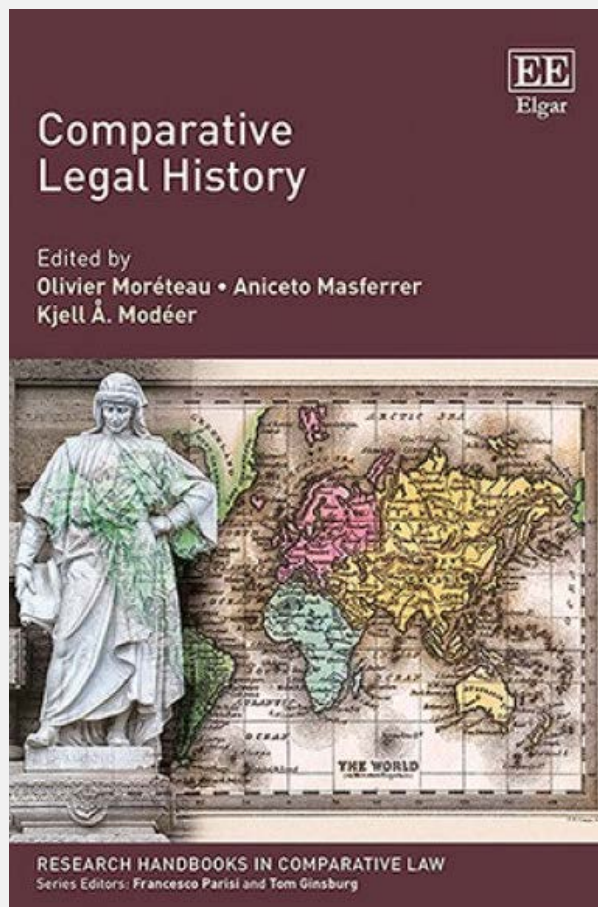
CIVIL LAW IN LOUISIANA

 PAUL M. HEBERT LAW CENTER
LSU LAW
LOUISIANA STATE UNIVERSITY

With the publication of Number 2, Volume 11 of the Journal of Civil Law Studies (2018) is now complete. This issue contains rich articles addressing legal transplants in general with alchemistic metaphors and in the context of 19th century Poland, interaction between national legal systems from an economic perspective, and data ownership. It also includes a discussion on recent developments of medical liability in Italy (Civil Law in the World), several case notes (Civil Law in Louisiana), and a translation of the Preliminary Discourse to the Teatro of the universal legislation of Spain, with an introductory essay demonstrating its relevance to the study of the Louisiana Civil Code (Rediscovered Treasures of Louisiana Law). [Click here to access the Journal of Civil Law Studies.](#)

The Journal of Civil Law Studies welcomes submissions for volumes 12 and 13.

Comparative Legal History



Olivier MORÉTEAU, Aniceto MASFERRER, and Kjell A. MODÉER, eds., Comparative Legal History [Research Handbooks in Comparative Law series] (London: Edward Elgar Publishing, 2019). ISBN 9781781955215, £175.50

Edward Elgar is publishing a research handbook on comparative legal history.

ABOUT THE BOOK

Is comparative legal history an emerging discipline or a much-needed dialogue between two academic subjects? This research handbook presents the field in a uniquely holistic way, and illustrates how comparative law and legal history are inextricably related.

Cementing a solid theoretical grounding for the discipline, legal historians and comparatists place this subject at the forefront of legal science. Comprehensive in coverage, this handbook collates theory and method for comparative legal history, as well as discussing international legal sources and judicial and civil institutions. Particular attention is paid to custom and codification, contracts, civil procedure and ownership. By assessing the evolution of law across European, Asian, African and American environments from the pre-modern era to the nine-

teenth century, the chapters provide stimulating and enlightening cases of legal history through a comparative lens.

A centerpiece for this field of scholarship, this research handbook will be an essential resource for scholars interested in comparative law, legal theory and legal history, from both legal and social science backgrounds.

ABOUT THE EDITORS

Edited by Olivier Moréteau, Louisiana State University, U.S.; Aniceto Masferrer, University of Valencia, Spain; and Kjell A. Modéer, University of Lund, Sweden. [View Table of Contents.](#)

The French Civil Code and Louisiana on the German Public Radio

On February 2, 2019, the German Public Radio SWR2 aired a program on Napoleon, as 2019 marks the 250th anniversary of his birth. A segment featured the French Code civil and its ongoing influence in Louisiana, with interviews of Bryan Fischer, attorney in Baton Rouge, and Prof. Olivier Moréteau. Here are links to the [whole program](#) and to the [five-minute Civil Code segment](#).

A New Book on Codification

Re- De- Co-dification?

New Insights on the Codification of Private Law

Agustín Parise and Lars van Vliet (Eds.)

Is it time for jurisdictions to undertake recodification, decodification, or even codification of their private laws? This volume addresses this recurring question in legal science by presenting recent developments and new perspectives on the codification of private law from a comparative law viewpoint. Contributions in this volume explore how jurisdictions from America, Asia and Europe currently stand regarding codification and help generate awareness on different paths, yet also of common grounds. Codification exceeds jurisdictional borders, and therefore the experiences presented in this volume should be seen as part of a global phenomenon. Jurisdictions do not evolve in isolation, since the circulation of ideas – often present in transplantation or normative transfers – is able to shape codification. This volume should help assess the virtues and weaknesses of codification, thus offering insights into the status of a paradigm that stretches across the globe.

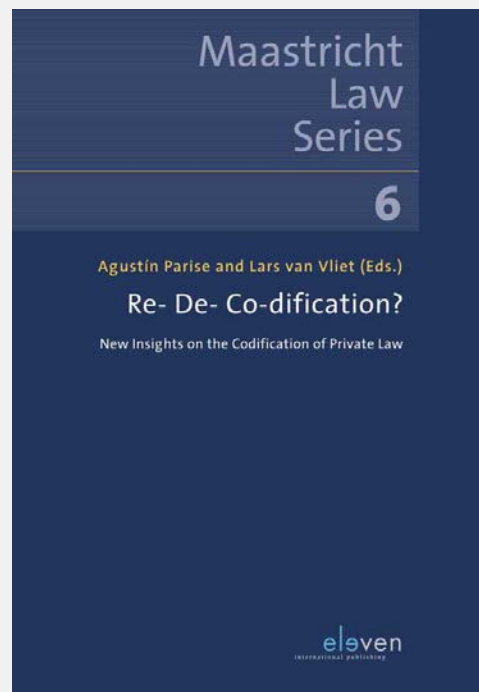


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- Preface;
- The Role of Travaux Préparatoires in the Interpretation and Application of Civil Codes: A Dutch and German Perspective (Lars van Vliet and Michael Milo);
- The French Law of Obligations: A Brief Story of the 2016 Reform (Matthias Martin); Reforming Contract Law: From Myth to Reality! (Mustapha Mekki);
- The recodification of the Belgian Private Law: From a Family Model to an Orphaned Cinderella (Vincent Sagaert);
- Codification: A Perspective from a Scottish Law Commissioner (Andrew J.M. Steven);
- Using Metaphors to Explain the Construction of Societal Buildings: A Look into the Codification of Civil Law in Latin America (Agustín Parise);
- The Argentine Civil and Commercial Code of 2015 (Julio César Rivera);
- The Louisiana Civil Codes: A Multilingual Experience (Olivier Moréteau);
- Restarting a Government of Laws in the United States of America (James R. Maxeiner);
- The Japanese Civil Code: Its First 120 Years (Andrea Ortolani)

Four Distinguished French Scholars Discuss the 2016 French Revision of Contractual Obligations

The Louisiana Chapter of the Association Henri Capitant des amis de la culture juridique française invited four distinguished French law professors to present on the French reform of the law of obligations, the first comprehensive revision of time-honored titles of the French Civil Code that had remained largely untouched since their enactment in 1804. Professors Bernard Haftel (University of Paris XIII), Jean-Christophe Roda (University of Lyon III), and Michel Séjean (University of South Brittany) presented at LSU first to the faculty and then to the students of Prof. Alain Levasseur's Law of Obligations class, to be joined the next day by Prof. Mustapha Mekki (University of Paris XIII) where all four presented at the Supreme Court of Louisiana in New Orleans.



Prof. Roda, Séjean, and Haftel



The event, coordinated by Prof. Randy Trahan, LSU Paul M. Hebert Law Center and President of the Louisiana Chapter of the Association Capitant, attracted a record audience, particularly in New Orleans on March 15, 2019. Both the Capitant Chapter and the LSU CCLS will work towards strengthening this most promising cooperation in the months and years to come.

Prof. Olivier Moréteau and Lécia Vicente Presented at the 14th Annual International Conference on Contracts



Tulane University School of Law hosted the 14th Annual International Conference on Contracts (KCON XIV), the largest annual scholarly and educational conference devoted to contracts and related areas of commercial law. A panel session was devoted to the 2016 revision of the law of obligations in the French Civil Code. Prof. Olivier Moréteau, presented on "Remedies for Nonperformance: A Needed Clarification" and Prof. Lécia Vicente (see picture on the left), on "The Systemic Effects of the French Civil Code Reform: France, Portugal, and Louisiana Compared."

Prof. Santiago Legarre from Argentina Visited to Teach Comparative Constitutional Law

From January 29 to February 14, 2019, Prof. Santiago Legarre of the Catholic University of Buenos Aires visited LSU Law as part of the Distinguished Global Visitors Program. He taught a one-credit Comparative Constitutional Law class, visiting issues from a natural law perspective. On February 4, 2019, he presented on "Teaching Law in South America, Africa, and the United States: A Comparative Adventure," engaging into a lively conversation with the faculty.

