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# LSU PAUL M. HEBERT LAW CENTER



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## ***The Russell Long Chair and CCLS Newsletter***

**May 2016 – No. 36**

### ***Prof. Francisco Reyes to Give the 39<sup>th</sup> Tucker Lecture***

**Tuesday, May 31, 2016 at 6:00 p.m.**

**Louisiana State University Paul M. Hebert Law Center, McKernan Auditorium**

**Reception to follow in the Student Lounge**

Professor Francisco Reyes is the Chairman of the United Nations Commission for International Trade Law (UNCITRAL) for the period 2015-2016. He has also been the Colombian Superintendent of Companies (and Bankruptcy) since October 2014. He is a member of the International Academy of Commercial and Consumer Law, the International Academy of Comparative Law, and the Colombian Academy of Jurisprudence.

Professor Francisco Reyes was an active participant and draftsman of several comprehensive legislative reforms of the Colombian laws of Corporations and Bankruptcy, including the successful law on Simplified Stock Corporations enacted in 2008. He also presided over the governmental commissions for the amendment of the Colombian Bankruptcy Law and the new Law on Secured Transactions.

Professor Reyes holds an LL.B. from Javeriana University in Bogotá, an LL.M. from the University of Miami School of Law and a PhD in Law from the University of Tilburg (The Netherlands). He also holds a diploma in Portuguese Culture from the University of Lisbon (Portugal). He has been a Visiting Professor at the Louisiana State University Paul M. Hebert Law Center (Baton Rouge, LA), Stetson College of Law (Gulfport, FL), Université Jean Moulin (Lyon, France), Université de Fribourg (Switzerland), University of Tilburg (The Netherlands), Instituto Tecnológico Autónomo de México, Universidade Agostinho Neto (Angola), and Universidad Católica Argentina (Buenos Aires). Professor Reyes has published a number of books on corporations, in Spanish, English, and Portuguese.



### *The Lecture*

Colombian Law 1258 of 2008 introduced the Simplified Corporation (*Sociedad por Acciones Simplificada* or SAS). This type of business entity included modern corporate law features such as simplified incorporation proceedings, full-fledged limited liability for its shareholders, and broad freedom of contract for the definition of housekeeping and governance rules. It also reduced old-fashioned prohibitions pertaining to shareholders and managers activities and reduced transaction costs. The SAS's "opt-in" approach also has allowed for private parties to draft the most suitable agreements. The enabling provisions of Law 1258 have been the starting point for the preparation of at least three Model Law proposals presented before the Organization of American States (OAS), the United Nations Commission for International Trade Law (UNCITRAL) and the Pacific Alliance. Discussions on these draft legislative models have been underway over the last few years at different bodies within these multinational organizations. Although some progress has been made in recognizing the importance of providing some degree of harmonization in the field of closely held business enterprises, particularly in developing jurisdictions, there are still significant obstacles that need to be surpassed before such model law is adopted.

## **LSU Law Hosts the 4<sup>th</sup> Juris Diversitas Annual Conference**

### **Unity and/or Diversity**

*An International, Interdisciplinary Conference on Comparative Law*

**May 30 - June 1, 2016, Louisiana State University Law Center,  
Baton Rouge**

**The Theme:** Comparative legal studies have long been perceived as an engine pulling legal traditions and systems towards convergence, harmonization, and unification. Today, legal pluralism pushes towards the recognition of human and social diversity. Does this mean that we have to choose between unity and diversity, *Jus unum* or *juris diversitas*? To what extent do pluralistic societies embrace or reject harmonization and uniformity, or simply ignore them? Do we unify or add layers, increasing the complexity of legal orders? Does history reflect a move from diversity to unity or an ongoing conflict between the two? What makes unity successful or sustainable? This is an invitation to discuss, in an interdisciplinary way, the development of laws and social norms, the dialectical tension between the ontological unity of human beings and mankind and the plurality of individual aspirations and social arrangements.

**Registration fees:** €200, or €125 for *Juris Diversitas* members paid up for 2016. Membership and fee payment information is available on the *Juris Diversitas* Blog (<http://jurisdiversitas.blogspot.com/>).



#### **Monday, May 30**

8:45—9:15      *Registration & Coffee*

#### **9:15—9:30      PLENARY—OPENING & WELCOMING ADDRESS**

- *William R. Corbett*, Interim Dean, Frank L. Maraist Professor of Law and Wex S. Malone Professor of Law, LSU Law Center
- *Olivier Moréteau*, Russell B. Long Chair, LSU Law Center, President of Juris Diversitas

#### **9:30—10:30      PLENARY—KEYNOTE**

- **The Problematic of Invisibility for Law in a Transnationalized World**, *Vivian Grosswald Curran*, University of Pittsburgh (United States)

10:30—11:00 Break

**11:00—12:30 PARALLEL SESSIONS I**

**I.A Remixing Legal Traditions**

- **Canada's Legal Traditions: Sources of Unification, Diversification or Inspiration?**, *Rosalie Jukier*, McGill University (Canada)
- **Unity and Diversity in Legal History of the Commonwealth Caribbean**, *Asya Ostroukh*, Cave Hill Campus of the University of the West Indies (Barbados)
- **Rebuilding the Somali Legal System: Towards a New Mixed Jurisdictions?**, *Salvatore Mancuso*, University of Cape Town (South Africa)

**I.B Issues in Professional Liability: A Transnational Conversation**

- **Unity and Diversity in European Product Liability Law**, *Ádám Fuglinszky*, Eötvös Loránd University (Hungary)
- **Professional Liability in Civil Law and in Common Law**, *Domitilla Vanni Di San Vincenzo*, University of Palermo (Italy)

12:30—14:00 Lunch

**14:00—15:30 PARALLEL SESSIONS II**

**II.A The Struggle for Legal Identity**

- **An Essay on Ideology and Legal Education in Tiny Jurisdictions: The Example of Jersey**, *David Marrani*, Institute of Law (Jersey)
- **Albanian Civil Code — An Example of Unity and Diversity in the Civil Law Family**, *Juliana Latifi*, University of Tirana (Albania)
- **Commerce, Commonality, and Contract Law: Legal Reform in a Mixed Jurisdiction**, *Christopher K. Odinet*, Southern University (United States)

**II.B L'absence de modèle unique : l'uniformisation en question [Room 214]**

- **Entre unité et diversité : la construction d'un droit des biens transsystème**, *Yaëll Emerich*, Université McGill (Canada)
- **Construction d'une démocratie multi-culturelle au Bénin — Accommodements entre religion chrétienne et culte traditionnel vodou**, *Eric Ngango Youmbi*, Université de Maroua (Cameroun)
- **Harmoniser la diversité en droit des successions : oui mais avec précaution**, *Francesco Paolo Traisci*, Università degli studi del Molise (Italy)

15:30—16:00 Break

**16:00—17:30 PARALLEL SESSIONS III**

**III.A United in Diversity**

- **Enantiosis and Comparative Law: The Case of Essentially Oxymoronic Concepts**, *Rostam J. Neuwirth*, University of Macau (Macau)
- **Toxic Legal Thought Patterns: Cognitive Rhetoric Explains the Need for a Comparative Approach to Rhetoric in Law**, *Lucy Jewel*, University of Tennessee (United States)
- **Dworkin on Legal Unity and Diversity**, *Christopher D. Boom*, Tulane University (United States)

### III.B Societal and Legal Tensions in Africa

- **Mapping Traditional Authority Structures in a Post-Apartheid South Africa: Exploring the Status and Role of Traditional Authorities in a Decentralised Governance Structure**, *Christa Rautenbach*, North-West University (South Africa)
- **Developments in Child Custody under Customary Law in Nigeria and South Africa**, *Kagiso A. Maphalle*, University of Cape Town (South Africa)
- **Judicial Protection of Women’s Matrimonial Property Rights in Nigeria**, *Anthony C. Diala*, University of Cape Town (South Africa)

19:30 Conference Dinner

**Tuesday, May 31**

### 9:15—10:30 PARALLEL SESSIONS IV

#### IV.A Competition Worldwide: Legal Strategies and Challenges

- **International Fragmentation of Competition Law: The Actual and Expected Contribution of BRICS Countries**, *Alexandr Svetlicinii*, University of Macau (Macau)
- **Legal Diversity or Unity as a Product of Economic Strategies of Lawmakers under Regulatory Competition**, *Hugues Bouthinon-Dumas & Frédéric Marty*, ESSEC Business School (Paris-Singapore) & GREDEG – CNRS / University of Nice Sophia Antipolis (France)

#### IV.B Singular Voices in a Pluralistic Universe

- **Legal Transfers and National Traditions: Patterns of Modernization of the Public Administration in Polish Lands at the Turn of 18th and 19th Century**, *Michał Gałędek*, University of Gdańsk (Poland)
- **Remedies for Trial Delay in Malta and Italy: a Laboratory for European Integration?**, *David Edward Zammit & Caroline Savvidis*, University of Malta (Malta)
- **“United in One Body:” Can ‘Black Lives Matter’ be Rousseau’s ‘Best Friends,’** *Fernin F. Eaton*, Baton Rouge (United States)

10:30—11:00 Break

### 11:00—12:30 PARALLEL SESSIONS V

#### V.A La mondialisation et ses tensions

- **La fiducie québécoise : tensions et (r)évolution**, *Caroline Le Breton-Prévoist*, Université McGill (Canada)
- **Mondialisation et droit de la concurrence : vers une bipolarisation autant qu’une harmonisation des règles de droit ?**, *Anne M. Tercinet*, EM Lyon Business School (France)
- **Comment le juriste français projette sa vision du droit dans le contexte de la mondialisation : une affaire d’influence ?**, *Olivier Moréteau*, Louisiana State University (United States)

#### V.B Diverse in Unity?

- **Anglophone and Civilian Convergence: The Question of Public Cultivation and Learning**, *Joseph P. Garske*, (United States)
- **Global Legal Scholarship at Local Level**, *Bianca Gardella Tedeschi*, University of Eastern Piedmont Amedeo Avogadro (Italy)
- **Good Faith, United in Diversity?**, *Olivier Beddeleem*, EDHEC Business School (France)

12:30—14:30 Lunch

**14:30—16:00 PARALLEL SESSIONS VI**

**VI.A Fashion Law: Comparing Top Models**

- **On Fashion: Introductory Remarks**, *Susy Inés Bello Knoll*, Austral University (Argentina)
- **Intellectual Property in Argentina, Latin America and USA**, *Pamela Echeverria*, Fashion Law Institute (Argentina)
- **Intellectual Property in France and the European Union**, *Alice Pezard*, Conseiller honoraire à la Cour de cassation (France)

16:00—16:30 Break

**16:30—17:30 Juris Diversitas General Meeting**

17:30—18:00 Break

**18:00—19:30 Tucker Lecture [McKernan Auditorium]**

- **The Proposed Organization of American States Model Law on Simplified Corporations: Perspectives and Challenges**, *Francisco Reyes*, Chairman of UNCITRAL, Superintendent of Companies (Colombia)

19:30 Reception

**Wednesday, June 1**

**9:30—11:00 PARALLEL SESSIONS VII**

**VII.A Beyond Universalism: Giving a Voice to the Unheard**

- **The Emergence of Alternative Antidiscrimination Frameworks between Universality and Diversity**, *Raphaële Xenidis*, European University Institute of Florence (Italy)
- **Beyond the Boundaries of Consensus: Comparative Law, Social Theory, and Dissent**, *Denis de Castro Halis*, University of Macau (Macau)
- **Periodic Review of Human Rights: Does One Size Fit All in the Pacific?**, *Sue Farran*, Northumbria University (United Kingdom)

**VII.B Revisiting Human Rights: What Room for Consensus and Dissent**

- **Participation of Lay Citizens in the Criminal Trial in a Comparative Perspective — The Criminal Jury in France and Belgium**, *Claire M. Germain*, University of Florida (United States)
- **Human Rights in National versus International Criminal Justice: The Gravity of Crimes as a Legitimate Source of Legal Pluralism?**, *Christophe Deprez*, University of Liège (Belgium)

11:00—11:30 Break

**11:30—12:30 Plenary—Closing Panel**

- **Empires as Engines of Mixed Legal Systems**, *Vernon V. Palmer*, Tulane University (United States)
- **Discussion**, *Robert Sloan*, Louisiana State University (United States)



## ***The Louisiana Civil Code French Translation Project to be Concluded in 2016 and Ready for Publication***

From mid-March till late June 2016, Lucie Talet, in their final year of a Master Program in Trilingual Legal Studies at Université de Nantes (France), visits Baton Rouge for an internship at the Center of Civil Law Studies. During weekly meetings supervised by Prof. Moréteau and to which participate, in addition to Lucie Talet, Jason Maison-Marcheux (CCLS Research Associate), Sara Vono (LL.M. Candidate), and Christabelle Lefebvre (a law graduate from Université de Montréal), translation drafts are carefully revised.

During their visit to the CCLS (April 5 to April 15), Dr. Enrica Bracchi and Dr. Dominique Garreau, Associate Professors at the University of Nantes, participated in a translation meeting.

The complete Books I and II of the Code are now accessible online, together with most titles of Book III and the totality of Book IV. Arrangements are in progress in view of the publication of the Bilingual Louisiana Civil Code in the prestigious collection “Droit privé comparé et européen,” *Société de législation comparée*.

This will conclude the three-year project “Training Multilingual Jurists” sponsored by the FACE Foundation ([Partner University Fund \(PUF\)](#)).



**Photo taken at the French Consulate in New Orleans (April 7, 2016)**

*From left to right, Dr. Olivier Moréteau, CCLS director, Nana Agyemang, Nantes student interning with Louis Koerner, Lucie Talet, CCLS intern, Dr. Enrica Bracchi, University of Nantes, Grégor Trumel, Consul General of France, Anouk Guérault-Bellone, LSU LL.M., Dr. Dominique Garreau, University of Nantes, and Jason Maison-Marcheux, CCLS research associate.*