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## 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

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# 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\*

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## I. INTRODUCTION

The *Journal of Civil Law Studies*<sup>1</sup> (JCLS) may be deemed a bridge between Louisiana and the civil law world, while at the same time it welcomes the circulation of legal ideas and knowledge.<sup>2</sup> It is now a decade since the JCLS first appeared, and a diverse collection of contributions has been published throughout its pages. The JCLS is a peer-reviewed journal that also includes student editors who are engaged in the production process. This hybrid feature is especially

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\* Assistant Professor, Maastricht University, Faculty of Law (the Netherlands); Executive Editor, *Journal of Civil Law Studies*; LL.B., LL.D., Universidad de Buenos Aires (Argentina); LL.M., Louisiana State University (United States); Ph.D., Maastricht University.

1. See the homepage of the Journal at <https://perma.cc/3GRA-ZWME> (last visited May 22, 2017).

2. Agustín Parise, *Golden Jubilee of the Center of Civil Law Studies: Celebrating the Development of Legal Science in Louisiana*, 8 J. CIV. L. STUD. 1, 27 (2015).

valuable, since it makes the Journal both a forum for legal scholarship and a laboratory for the development of research and writing skills in future generations of civilians and comparatists.

This note is divided into three parts. In the first part, the note introduces readers to the origins and structure of the JCLS. In the second part, the note addresses the forum offered by the Journal and the variety of its contributions. The variety of authors, jurisdictions, and topics addressed are highlighted in this second part. In the third part, the note likewise highlights the role of the JCLS as a research and writing laboratory for law students. Sections of the Journal are mentioned as laboratories where law students can elaborate on the civil law, mainly of Louisiana. This note aims to celebrate the first decade of the JCLS and show how this journal acted as a bridge for civil law knowledge to circulate and develop between Louisiana and the rest of the civil law world.

## II. ORIGINS AND STRUCTURE

The JCLS is an open-access and peer-reviewed journal that is published by the Center of Civil Law Studies (CCLS) of the Louisiana State University (LSU) Law Center. Olivier Moréteau has been director of the CCLS since 2005, and upon his arrival to Baton Rouge, he envisioned a journal for the Center, the working title being the *Journal of Bijural Studies*. The name of the journal-to-be was soon changed to its current form in order to highlight the interrelation with the CCLS and the comprehensive scope of the civil law.<sup>3</sup> In the words of Moréteau, the Journal is “devoted to comparative studies, with a focus on the civil law and the common law traditions, bijuralism being what makes LSU so special and unique in the United States academic world. This Journal is intended to promote a multidisciplinary and pluralistic approach . . . .”<sup>4</sup> The first volume of the JCLS was published in December 2008 and included

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3. Olivier Moréteau, *Avant-Propos*, 1 J. CIV. L. STUD. 1, 1-2 (2008).

4. *Id.* at 1.

the papers of a civil law workshop in honor of Robert A. Pascal that revisited the distinction between persons and things.<sup>5</sup> Volumes have been published yearly since 2008, some being spread throughout two issues.

The JCLS can be deemed a hybrid journal because it is both edited by peers and encourages the participation of law students.<sup>6</sup> On the one hand, decisions are made by the Editor-in-Chief. In that capacity, Moréteau takes the final decision on the content of the different issues, after the peer-review process is completed by the members of the Advisory Board and/or other expert scholars. The Advisory Board is composed of comparatists from across the globe, many of them having undertaken academic visits at the CCLS. At the time of writing, the JCLS also has an Executive Editor from Argentina; two Managing Editors, one from Canada and another from the United States; a Book Review Editor from the United States; and a Special Advising Editor from Romania. It should be noted that Jennifer Lane acted for eight years first as Executive Editor and then as Managing Editor and left her mark in the gestational years of the Journal. The team pursues quality in the contributions that are placed in the pages of the JCLS and reconfirms the comparative law nature of the Journal. On the other hand, LSU law students are likewise involved in the activities of the Journal, participating in the editorial process of contributions that have been accepted for publication by the Editor-in-Chief. Students are appointed Graduate Editors, and the first volume benefited from the work of LL.M. students from across the globe who pursued their degrees at the LSU Law Center. Later, in the volumes that followed, J.D. students from the LSU Law Center were also invited to join as Graduate Editors. This characteristic relates to the legal education efforts of the CCLS, and

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5. The Russell Long Chair and CCLS Newsletter, No. 9, Dec. 2008, at 1. All CCLS newsletters can be found at <https://perma.cc/J8LY-ZNAJ> (last visited May 22, 2017).

6. On hybrid journals, *see generally* Agustín Parise, *Las revistas jurídicas en el ámbito universitario: foros de expresión y laboratorios de escritura*, 15 ACADEMIA: REV. SOBRE ENSEÑANZA DEL DERECHO 123 (2010).

some students may act in that capacity for more than one volume. Students who participate in more than one volume are Senior Graduate Editors, while students who serve only once are Junior Graduate Editors. The JCLS is based in Louisiana, though its content emerges from across the globe. The Journal is, therefore, of special interest for law students who want to start to develop research and writing skills, since students are able to engage with the legal narrative beyond the United States, being exposed to the ideas and experiences that tie Louisiana with its civil law sister jurisdictions. The role of Graduate Editors may ignite in students an interest in the civil law both from Louisiana and abroad. Law journals, after all, play a fundamental role in the formation of practitioners and scholars and promote the development of law as a science.<sup>7</sup>

The JCLS welcomes distinct types of contributions that aim to showcase different aspects of the civil law, again, both from Louisiana and beyond. A volume of the JCLS typically includes contributions by scholars and by students. Articles, notes, and book reviews are the fora where scholars present their contributions. Articles address substantive legal scholarship and fall within different areas of private law; while notes generally study recent developments that might take place in doctrine, jurisprudence, or legislation. Book reviews offer readers critical analyses on legal literature from across the civil law world. Essays are one of the fora where students present their contributions and offer an early opportunity to develop academic writing skills in substantive areas of private law. The JCLS has innovated legal scholarship by means of four sections: (i) *Civil Law in the World* includes reports from different civil law jurisdictions, where scholars relate relevant events or changes in the law of their home jurisdictions. (ii) *Civil Law in Louisiana* invites students to critically comment on developments in the decisions of Louisiana courts. Students write their contributions under the supervision of LSU faculty members; and, again, the educational aspect of the

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7. *Id.*

JCLS is reinforced with this practice. Volumes may also include (iii) *Translations*, such as that of the Louisiana Civil Code into French undertaken by the CCLS, as well as (iv) *Rediscovered Treasures of Louisiana Law*, in which reprints of seminal Louisiana works are published with introductions by scholars. Finally, some volumes include the proceedings of workshops and conferences. All these sections secure a space for the discussion and dissemination of the civil law narrative in the English language.

### III. ENRICHING HABITAT

As a hybrid journal, the JCLS offers both a forum for legal scholarship and a laboratory to develop academic research and writing skills. Three types of law journals exist in the United States: peer reviewed, student edited, and hybrid. The first two types of journals are the most popular in the United States. First, the peer-reviewed journals, that are valued by students, scholars, and practitioners alike, publish only work that has been reviewed by experts. Scholars administer these journals and select their content. Second, the student-edited journals, that are also valued by all members of the legal discourse and are the most abundant in the United States, publish scholarship without utilizing the peer-review process. Law students administer these journals and select their content. Third, the hybrid journals offer a combination of the first two types. This third type is characterized by the interaction of scholars and students. The JCLS submits scholarly contributions to a double, blind-peer-review process that is led by its Editor-in-Chief. In addition, the Journal encourages law students to bring forward suggestions on both the substance and form of the potential contributions with which they are involved, while it also invites law students to submit essays. Those submissions—many times written in consultation with faculty members—are subject to peer review. Hybrid journals may, therefore,

offer solutions to some of the criticism made to student-edited journals<sup>8</sup> and seem to provide the best of both worlds.

#### A. Forum

The JCLS is a forum that aims to showcase civil law scholarship from Louisiana and beyond: an approach that has been defended since the very first volume. The paragraphs that follow are not intended to serve as an exhaustive index of the JCLS; they aim only to place scholarly contributions within clusters.

Articles attest to the broad spectrum of the Journal. The JCLS offers a venue to a number of articles that are the results of the proceedings of academic meetings. Edited by Moréteau and John Randall Trahan, volume 1 (2008) presented the contributions to the first series of the CCLS Civil Law Workshop, which was held in 2006-2007 and addressed the fundamental distinction between persons and things.<sup>9</sup> Volume 3 (2010) included the contributions presented during the second series of the Civil Law Workshop, which was named in honor of the late Saúl Litvinoff, who, as director of the CCLS, had explored the civil law and common law divide. The second series was held in 2009-2010, was again edited by Moréteau, though that time together with Ronald J. Scalise, Jr., and discussed the cross influences, contamination, and permeability between those two systems.<sup>10</sup> Volume 4 (2011) presented articles that focused on the legal and normative traditions of the Mediterranean and that

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8. See the criticism raised by Richard A. Posner against student-edited journals. That author suggests the implementation of hybrid journals, though he does not refer to these fora with that term. See Richard A. Posner, *Against the Law Reviews*, LEGAL AFFAIRS, Nov.-Dec. 2004, available at <https://perma.cc/2ATL-3GDP>.

9. See ROBERT A. PASCAL SERIES: *REVISITING THE DISTINCTION BETWEEN PERSONS AND THINGS*, <https://perma.cc/ZR3F-XP7F> (last visited May 22, 2017).

10. See SAÚL LITVINOFF SERIES: *CIVIL LAW AND COMMON LAW: CROSS INFLUENCES, CONTAMINATION AND PERMEABILITY*, <https://perma.cc/6A88-HWKW> (last visited May 22, 2017); and Olivier Moréteau & Ronald J. Scalise, Jr., *Foreword*, 3 J. CIV. L. STUD. 1 (2010).

were presented in Malta in 2010 as the fruit of the efforts of the interdisciplinary group *Juris Diversitas*.<sup>11</sup> Volume 8 (2015) shared with readers the output of a conference which took place in Nantes in 2013 and considered international approaches to recognized unions.<sup>12</sup> Finally, volume 9 (2016) included articles presented at the time of completing the Louisiana Civil Code Translation Project, which took place at the CCLS in 2014.<sup>13</sup> The JCLS, therefore, clearly serves as a forum for civil law scholarship that derives from academic discussion and debate.

Articles naturally extend beyond conference proceedings, and these contributions can be placed within different topical groups. For example, a number of articles have dealt with foundational aspects of law, such as legal culture,<sup>14</sup> legal language,<sup>15</sup> legal systems,<sup>16</sup> and the transformation<sup>17</sup> and interpretation of the law.<sup>18</sup> Core aspects of private law have likewise been examined in the

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11. See MEDITERRANEAN LEGAL HYBRIDITY (12 JUN.), <https://perma.cc/4VLU-GRPZ> (last visited May 22, 2017); and Seán Patrick Donlan, *Preface*, 4 J. CIV. L. STUD. 233 (2011).

12. See 3ÈME JOURNÉE D'ÉTUDES "LES UNIONS (IL)LÉGALEMENT RECONNUES: APPROCHES INTERNATIONALES," <https://perma.cc/65X9-XUP6> (last visited May 22, 2017); and The Editors, *Introduction*, 8 J. CIV. L. STUD. 75 (2015).

13. *The Louisiana Civil Code Translation Project: Enhancing Visibility and Promoting the Civil Law in English*, THE RUSSELL LONG CHAIR & CCLS NEWSL. (Ctr. of Civil Law Studies, Baton Rouge, La.), Feb. 2014, at 2; and Matthias Martin & Olivier Moréteau, *A Dialogue to Conclude a Conference on Legal Translation: Synthèse à deux voix*, 9 J. CIV. L. STUD. 457 (2016).

14. Jacques Vanderlinden, *Aux origines de la culture juridique française en Amérique du Nord*, 2 J. CIV. L. STUD. 1 (2009); and Catherine Piché, *The Cultural Analysis of Class Action Law*, 2 J. CIV. L. STUD. 101 (2009).

15. Jimena Andino Dorato, *A Jurilinguistic Study of the Trilingual Civil Code of Québec*, 4 J. CIV. L. STUD. 591 (2011); and Esin Örucü, *A Legal System Based on Translation: The Turkish Experience*, 6 J. CIV. L. STUD. 445 (2013).

16. Olivier Moréteau, *An Introduction to Contamination*, 3 J. CIV. L. STUD. 9 (2010); Jacques Vanderlinden, *Is the Pre-20th Century American Legal System a Common Law System? An Exercise in Legal Taxonomy*, 4 J. CIV. L. STUD. 1 (2011); and Esin Örucü, *One into Three: Spreading the Word, Three into One: Creating a Civil Law System*, 8 J. CIV. L. STUD. 381 (2015).

17. Ermal Frasherî, *Transition without Transformation: Legal Reform in the Democratization and Development Processes*, 4 J. CIV. L. STUD. 59 (2011).

18. Luca Siliquini-Cinelli, "Against Interpretation"? *On Global (Non-)Law, the Breaking-Up of Homo Juridicus, and the Disappearance of the Jurist*, 8 J. CIV. L. STUD. 443 (2015); and James R. Maxeiner, *Scalia & Garner's Reading Law: A Civil Law for the Age of Statutes?*, 6 J. CIV. L. STUD. 1 (2013).



JCLS (i.e., the principle of good faith;<sup>19</sup> the law of persons,<sup>20</sup> property,<sup>21</sup> and torts;<sup>22</sup> and the role of notaries<sup>23</sup>). Other articles have focused on the law of Louisiana either exclusively or vis-à-vis the law of other civil law jurisdictions.<sup>24</sup> Contributions have addressed two seminal topics when dealing with Louisiana: legal history<sup>25</sup> and codification.<sup>26</sup> Studies on the mixed character of jurisdictions have likewise been included in the pages of the JCLS.<sup>27</sup> The JCLS also welcomes comparative law scholarship, as it is one of the tenets of the mission of the CCLS. For example, United States law has been

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19. Thiago Luís Sombra, *The Duty of Good Faith Taken to a New Level: An Analysis of Disloyal Behavior*, 9 J. CIV. L. STUD. 27 (2016).

20. Michael McAuley, *Juridical Personality and Intimacy*, 4 J. CIV. L. STUD. 23 (2011).

21. Luz M. Martínez Velencoso, *Transfer of Immovables and Systems of Publicity in the Western World: An Economic Approach*, 6 J. CIV. L. STUD. 141 (2013).

22. Biagio Andò, *Interspousal Claims at the Crossroads of Tort Law and Family Law: The Delicate Balance Between Family and Individual*, 4 J. CIV. L. STUD. 113 (2011).

23. Kees Cappon, *Dutch Notaries: Do They Have a Future? How the Historical Foundations of the Civil Law Can Help Survive a Modern Crisis*, 4 J. CIV. L. STUD. 569 (2011).

24. See, for example, Andrea Borroni & Charles Tabor, *Caveat Emptor's Current Role in Louisiana and Islamic Law: Worlds Apart yet Surprisingly Close*, 2 J. CIV. L. STUD. 61 (2009).

25. Mitra Sharafi, *The Slaves and Slavery of Marie Claire Chabert: Familial Black Slaveholding in Antebellum Louisiana*, 4 J. CIV. L. STUD. 187 (2011); Kjell Å. Modéer, *Transatlantic Intercultural Legal Communication in the 19th Century: K.J.A. Mittermaier and the Schmidt Brothers, Carl and Gustavus*, 8 J. CIV. L. STUD. 409 (2015); François-Xavier Licari, *François Gény in Louisiana*, 6 J. CIV. L. STUD. 475 (2013); Paul R. Baier & Georgia D. Chadwick, *Judicial Review in Louisiana: A Bicentennial Exegesis*, 5 J. CIV. L. STUD. 7 (2012); and Parise, *Golden Jubilee*, *supra* note 2.

26. Olivier Moréteau, *The Future of Civil Codes in France and Louisiana*, 2 J. CIV. L. STUD. 39 (2009); Olivier Moréteau, *De Revolutionibus: The Place of the Civil Code in Louisiana and in the Legal Universe*, 5 J. CIV. L. STUD. 31 (2012); Paul R. Baier, *The Constitution as Code: Teaching Justinian's Corpus, Scalia's Constitution, and François Gény, Louisiana and Beyond—Par la constitution, mais au-delà de la constitution*, 9 J. CIV. L. STUD. 1 (2016); and Nicholas Kasirer, *Postscript to The Constitution as Code by Paul R. Baier*, 9 J. CIV. L. STUD. 23 (2016).

27. Nikitas E. Hatzimihail, *Cyprus as a Mixed Legal System*, 6 J. CIV. L. STUD. 37 (2013); and Stephen Thomson, *Mixed Jurisdiction and the Scottish Legal Tradition: Reconsidering the Concept of Mixture*, 7 J. CIV. L. STUD. 51 (2014).

compared with the law of France,<sup>28</sup> South Africa,<sup>29</sup> and Argentina.<sup>30</sup> Latin America, an important cradle for civil law developments, was explored in the pages of the JCLS with studies discussing the law of Brazil.<sup>31</sup> Other foreign perspectives have also been present, i.e., those of China,<sup>32</sup> Spain,<sup>33</sup> and Tunisia.<sup>34</sup>

Notes offer a diversity of legal perspectives. Thus, foundational aspects of law<sup>35</sup> and legal history<sup>36</sup> are tackled in the pages of the JCLS, while the accessibility of civil law sources in Louisiana<sup>37</sup> is explored as well. After all, Louisiana needs bridges with other civil

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28. Georges A. Cavalier & Thomas Straub, *Mergers and Acquisitions Comparative Economic Analysis of Laws: France vs. USA*, 2 J. CIV. L. STUD. 147 (2009); and Karel Roynette, *Drawing the Line of the Scope of the Duty of Care in American Negligence and French Fault-Based Tort Liability*, 8 J. CIV. L. STUD. 31 (2015).

29. François du Toit, *Criticism of the Testamentary Undue Influence Doctrine in the United States: Lessons for South Africa?*, 6 J. CIV. L. STUD. 509 (2013).

30. María del Pilar Zambrano & Estela B. Sacristán, *Semantics and Legal Interpretation: A Comparative Study of the Value of Embryonic Life Under Argentine and U.S. Constitutional Law*, 6 J. CIV. L. STUD. 97 (2013).

31. Bruno Meyerhof Salama & Viviane Muller Prado, *Legal Protection of Minority Shareholders of Listed Corporations in Brazil: Brief History, Legal Structure and Empirical Evidence*, 4 J. CIV. L. STUD. 147 (2011); Aimate Jorge, *Inflation in Enrichment Claims: Reflections on the Brazilian Civil Code*, 6 J. CIV. L. STUD. 553 (2013); and Vitor Martins Dias, *International Trade v. Intellectual Property Lawyers: Globalization and the Brazilian Legal Profession*, 9 J. CIV. L. STUD. 57 (2016).

32. Hao Jiang, *Enlarged State Power to Declare Nullity: The Hidden State Interest in the Chinese Contract Law*, 7 J. CIV. L. STUD. 147 (2014).

33. Sofía de Salas Murillo, *Civil Status and Civil Registry: Current Trends in Spanish Law*, 7 J. CIV. L. STUD. 93 (2014).

34. Dan E. Stigall, *Law and the Lodestar: Tunisian Civil Law and the Task of Ordering Plurality in the Aftermath of the Jasmine Revolution*, 7 J. CIV. L. STUD. 1 (2014).

35. Juan Cianciardo, *Neoconstitutionalism, Rights, and Natural Law*, 6 J. CIV. L. STUD. 591 (2013).

36. Seán Patrick Donlan, *Clashes and Continuities: Brief Reflections on the "New Louisiana Legal History,"* 5 J. CIV. L. STUD. 67 (2012). It should likewise be noted that a report related the different events that took place in the State on the occasion of the bicentennial of the Louisiana Civil Code. See Olivier Moréteau & Agustín Parise, *The Bicentennial of the Louisiana Civil Code (1808-2008)*, 2 J. CIV. L. STUD. 195 (2009).

37. Alexandru-Daniel On, *Making French Doctrine Accessible to the English-Speaking World: The Louisiana Translation Series*, 5 J. CIV. L. STUD. 81 (2012).

law jurisdictions. In prior volumes, notes have examined two fundamental pillars of the civil law: property<sup>38</sup> and obligations<sup>39</sup>.

Reports on the developments that take place in a number of civil law jurisdictions have been part of the content of the JCLS since volume 6 (2013). Accordingly, *Civil Law in the World* has devoted attention to notable changes in the law of Argentina,<sup>40</sup> Brazil,<sup>41</sup> Chile,<sup>42</sup> China,<sup>43</sup> France,<sup>44</sup> Italy,<sup>45</sup> the Netherlands,<sup>46</sup> Poland,<sup>47</sup> Québec,<sup>48</sup> Russia,<sup>49</sup> South Africa,<sup>50</sup> Spain,<sup>51</sup> and Switzerland.<sup>52</sup> These reports may be deemed useful, since they assist in placing Louisiana within the context of other civil law jurisdictions, hence providing a better understanding of the challenges and changes that

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38. Carlos Felipe Amunátegui Perelló, *Origins of the Division of Servitudes into Natural, Legal and Contractual*, 6 J. CIV. L. STUD. 603 (2013).

39. Lucas Abreu Barroso & Laio Portes Sthel, *The Role of Objective Good Faith in Current Contract Law: For a General Duty of Inter Partes Cooperation and Solidarity*, 8 J. CIV. L. STUD. 187 (2015).

40. Julieta Marotta & Agustín Parise, *On Codes, Marriage, and Access to Justice: Recent Developments in the Law of Argentina*, 7 J. CIV. L. STUD. 237 (2014).

41. Lucas Abreu Barroso et al., *Brazil: The Difficult Path Toward Democratization of Civil Law*, 9 J. CIV. L. STUD. 471 (2017).

42. Carlos Felipe Amunátegui Perelló, *Recent Evolution of the Civil Law in Chile: The Rise of Doctrine*, 8 J. CIV. L. STUD. 283 (2015).

43. Bing Shui, *Fragmented Rights and Tragedy of Anticommons: Evidence from China's Coastal Waters*, 9 J. CIV. L. STUD. 501 (2017).

44. Olivier Moréteau, *French Tort Law in the Light of European Harmonization*, 6 J. CIV. L. STUD. 759 (2013).

45. Laura Franciosi, *Trust and the Italian Legal System: Why Menu Matters*, 6 J. CIV. L. STUD. 803 (2013).

46. Lars van Vliet, *New Developments in Dutch Company Law: The "Flexible" Close Corporation*, 7 J. CIV. L. STUD. 271 (2014).

47. Ewa Bagińska, *Developments in Personal Injury Law in Poland: Shaping the Compensatory Function of Tort Law*, 8 J. CIV. L. STUD. 309 (2015).

48. Alexandra Popovici, *Québec's Partnership: Une société distincte*, 6 J. CIV. L. STUD. 339 (2013); and Caroline Le Breton-Prévost, *Loyalty in Québec Private Law*, 9 J. CIV. L. STUD. 329 (2016).

49. Asya Ostroukh, *Russian Society and its Civil Codes: A Long Way to Civilian Civil Law*, 6 J. CIV. L. STUD. 373 (2013).

50. François du Toit, *Trusts and the Patrimonial Consequences of Divorce: Recent Developments in South Africa*, 8 J. CIV. L. STUD. 655 (2015).

51. Juana Marco Molina, *Spanish Law in 2010-2012: The Influence of European Union Law and the Impact of the Economic Crisis*, 6 J. CIV. L. STUD. 401 (2013).

52. Thomas Kadner Graziano & Michel Reymond, *News from Switzerland (2012-2014): Major Reform of the Rules on Unfair Competition and of Domestic and International Family Law*, 7 J. CIV. L. STUD. 287 (2014).

other legal systems might encounter. Moreover, these reports serve as bridges between Louisiana and civil and common law jurisdictions.

The translation efforts of the CCLS increase the exchange of civilian knowledge. The Louisiana Civil Code has been translated into French<sup>53</sup> with the support of a three-year grant entitled “Training Multilingual Jurists” (2012-2015) from the Partner University Fund supporting transatlantic partnerships around research and higher education.<sup>54</sup> This effort helps promote and make accessible the civil law of the Southern state to French-speaking civil law jurisdictions. The project was presented in volume 5 (2012),<sup>55</sup> and parts of the translation were reproduced in installments in subsequent volumes: Preliminary Title,<sup>56</sup> Book II,<sup>57</sup> and Book III, titles 3, 4, 5,<sup>58</sup> 6,<sup>59</sup> 7, 8,<sup>60</sup> 15, and 16.<sup>61</sup> The segmented reproduction aimed to share the translators’ work with the legal community, thereby disseminating the output of the team in a timely manner. The complete translation is currently available in open access<sup>62</sup> and was recently published as a book.<sup>63</sup>

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53. Olivier Moréteau, *The Louisiana Civil Code Translation Project: An Introduction*, 5 J. CIV. L. STUD. 97 (2012); and *The Louisiana Civil Code Translation Project*, supra note 13, at 2-3.

54. See PARTNER UNIVERSITY FUND: SUPPORTING TRANSATLANTIC PARTNERSHIPS AROUND RESEARCH AND HIGHER EDUCATION, <https://perma.cc/H3W9-TRKR> (last visited May 22, 2017).

55. Moréteau, supra note 53.

56. *Louisiana Civil Code - Code civil de Louisiane Preliminary Title; Book III, Titles 3, 4 and 5*, 5 J. CIV. L. STUD. 105 (2012).

57. *Louisiana Civil Code - Code civil de Louisiane Book II – Livre II*, 8 J. CIV. L. STUD. 493 (2015).

58. *Louisiana Civil Code*, supra note 56.

59. *Louisiana Civil Code - Code civil de Louisiane Book III, Title 6*, 8 J. CIV. L. STUD. 209 (2015).

60. *Louisiana Civil Code - Code civil de Louisiane Book III, Titles 7 and 8*, 7 J. CIV. L. STUD. 195 (2014).

61. *Louisiana Civil Code - Code civil de Louisiane Book III, Titles 15 and 16*, 6 J. CIV. L. STUD. 653 (2013).

62. See LOUISIANA CIVIL CODE ONLINE, at <https://perma.cc/8CNB-A7M3> (last visited May 22, 2017).

63. CODE CIVIL DE LOUISIANE ÉDITION BILINGUE (Olivier Moréteau ed., Société de législation comparée 2017).

Book reviews point readers to civil law literature both from Louisiana and beyond. Louisiana literature merits attention, since it is one of the main bridges for transferring knowledge on the law of the state. Legal historical works have been reviewed,<sup>64</sup> while civil law dictionaries and treatises were likewise noted.<sup>65</sup> Mixed-jurisdiction literature<sup>66</sup> has also been reviewed, thus helping to contextualize better the legal culture of Louisiana. Literature on codification, a characteristic of Louisiana law, was also reviewed in the pages of the JCLS.<sup>67</sup> Finally, it is worth mentioning that methodological<sup>68</sup> and substantive<sup>69</sup> aspects of comparative law find a place in the reviews section of the JCLS, since comparative law literature is another important link between Louisiana and the civil law world.

Louisiana has a rich legal history that is a product of its social history. The unique heritage of Louisiana resulted in the development of unique legal literature within the United States. The JCLS devotes pages to enhance awareness of that uniqueness. Consequently, the section *Rediscovered Treasures of Louisiana Law* reproduced a history of the laws of Louisiana and of the civil law by Thomas J. Semmes, depicting the understanding of the civil law in

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64. Agustín Parise, *Gustavus Schmidt, The Civil Law of Spain and Mexico*, 2 J. CIV. L. STUD. 183 (2009) (book review); and Agustín Parise, *George Dargo, Jefferson's Louisiana: Politics and the Clash of Legal Traditions*, 4 J. CIV. L. STUD. 631 (2011) (book review).

65. Phillip Gragg, *Louisiana Civil Law Treatise Series*, 5 J. CIV. L. STUD. 301 (2012); Susan Gualtier, *Louisiana Civil Code Précis Series*, 5 J. CIV. L. STUD. 305 (2012); Phillip Gragg, *Louisiana Civil Law Dictionary and West's Louisiana Digest*, 5 J. CIV. L. STUD. 309 (2012) (book review); Yaëll Emerich, *Louisiana Property Law—The Civil Code, Cases and Commentary*, 8 J. CIV. L. STUD. 703 (2015) (book review); and Jean-Claude Gémard, *Dictionary of the Civil Code*, 8 J. CIV. L. STUD. 711 (2015) (book review).

66. Olivier Moréteau, *N. Whitty & R. Zimmermann, Rights of Personality in Scots Law*, 4 J. CIV. L. STUD. 217 (2011) (book review); and Stephen Thomson, *Mixed Legal Systems, East and West*, 9 J. CIV. L. STUD. 535 (2017) (book review).

67. Jimena Andino Dorato, *The Scope and Structure of Civil Codes*, 8 J. CIV. L. STUD. 367 (2015) (book review); and Agustín Parise, *Leone Niglia, The Struggle for European Private Law: A Critique of Codification*, 9 J. CIV. L. STUD. 379 (2016) (book review).

68. Jacques Vanderlinden, *Geoffrey Samuel, An Introduction to Comparative Law Theory and Method*, 8 J. CIV. L. STUD. 355 (2015) (book review).

69. Michael L. Wells, *Basic Questions of Tort Law from a Comparative Perspective*, 9 J. CIV. L. STUD. 539 (2017) (book review).

the Southern state during the second half of the nineteenth century.<sup>70</sup> Further, the JCLS has served as a forum to generate awareness of a translation of the Spanish *Siete Partidas* undertaken in Louisiana by Louis Moreau-Lislet and Henry Carleton<sup>71</sup> during the first half of that same century. The translation is of value because it serves as a way to preserve the civil law in the Bayou State.

### *B. Laboratory*

The JCLS, being part of the CCLS, has as one of its aims to ignite in students a “scholarly interest in the civil law and an awareness of the breadth of legal materials that can be brought to bear upon issues of code interpretation.”<sup>72</sup> For this reason, LSU law students are involved in the activities of the JCLS and in their capacity as Graduate Editors undertake both substantive and formal contributions, thereby developing their research and academic writing skills. Again, as in the previous section, the paragraphs that follow are not intended to serve as an exhaustive index of the JCLS.

Law students make substantive contributions by means of essays and submissions to the *Civil Law in Louisiana* section. Essays offer an opportunity for students to take their first steps in academic legal writing. Usually under the supervision of an LSU faculty member, students elaborate on different topics of the civil law. All but one author has written from a Louisiana perspective, typically comparing their home jurisdiction with other civil law jurisdictions or with

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70. THOMAS J. SEMMES, HISTORY OF THE LAWS OF LOUISIANA AND OF THE CIVIL LAW 1-26 (New Orleans, Melvin M. Cohen & Joseph A. Quintero 1873), as reprinted in 5 J. CIV. L. STUD. 313 (2012) (introduction by Olivier Moréteau).

71. LOUIS MOREAU-LISLET & HENRY CARLETON, *Translators' Preface* to THE LAWS OF LAS SIETE PARTIDAS, WHICH ARE STILL IN FORCE IN THE STATE OF LOUISIANA at iii-xxv (James M'Karahr 1820), as reprinted in 7 J. CIV. L. STUD. 311 (2014) (introductory essay by Agustín Parise).

72. Letter from Paul M. Hebert, Dean, Louisiana State University Law School, to Louisiana State University Law School alumni (1937), quoted in Roger K. Ward, *The French Language in Louisiana Law and Legal Education: A Requiem*, 57 LA. L. REV. 1283, 1317 (1997) (on file with latter author).

other states of the Union. Essays have dealt with the law of tort,<sup>73</sup> civil rights,<sup>74</sup> the interplay of code and constitution,<sup>75</sup> and marriage.<sup>76</sup> The sole non-Louisiana-centric essay dealt with European Union law and the labor law applicable to same-sex partnerships.<sup>77</sup> That essay aimed to bring awareness to the approach to non-discrimination practices in the European Union. The JCLS, therefore, aims to be a laboratory where future scholars can acquire necessary skills for legal research, analysis, and writing.

Contributions to the *Civil Law in Louisiana* section critically comment on developments in the decisions of Louisiana courts. These communications deal with a number of core civil law issues. The law of persons is an important pillar of the civil law, and this section accordingly has addressed a number of decisions that have shaped that pillar. Law students have contributed their voices to an array of matters: paternity,<sup>78</sup> intrafamily adoption and same-sex

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73. John B. Tarlton, *The Case for an Action in Tort to Restrict the Excessive Pumping of Groundwater in Louisiana*, 5 J. CIV. L. STUD. 203 (2012); and Justin Ward, *Filling the Gaps: The Value of the Common Law Approach to Gross Negligence and Punitive Damages*, 6 J. CIV. L. STUD. 215 (2013).

74. Jared Bianchi, *Anything but Common: The Role of Louisiana's Civilian Tradition in the Development of Federal Civil Rights Jurisprudence Under the Fourteenth Amendment*, 6 J. CIV. L. STUD. 177 (2013).

75. Derek Warden, *Secundum Civilis: The Constitution as an Enlightenment Code*, 8 J. CIV. L. STUD. 585 (2015).

76. Kacie Gray, *An Analysis in Empathy: Why Compassion Need Not Be Exiled from the Province of Judging Same-Gender Marriage Cases*, 8 J. CIV. L. STUD. 243 (2015).

77. Jeneba Barrie, *European Union Law and Gay Rights: Assessing the Equal Treatment in Employment and Occupation Directive and Case Law on Employment Benefits for Registered Same-Sex Partnerships*, 6 J. CIV. L. STUD. 617 (2013).

78. Taylor Gay, Note, *Udomesh v. Joseph: When Acknowledging Paternity Is Not Enough*, 5 J. CIV. L. STUD. 257 (2012); Sarena Gaylor, Note, *A Tale of Two Fathers: State of Louisiana, Department of Social Services ex rel. P.B. v. Michael Reed*, 5 J. CIV. L. STUD. 263 (2012); and Chelsea Gomez, Note, *SS ex rel. K.B.D. v. Drew: The Failure to Align Biological and Legal Paternity—When Clear and Convincing Evidence Isn't Enough*, 5 J. CIV. L. STUD. 269 (2012).

marriage,<sup>79</sup> child custody,<sup>80</sup> relocation of the minor child,<sup>81</sup> interim spousal support,<sup>82</sup> and partition of community property.<sup>83</sup> Another important pillar is the law of obligations, and naturally it occupies a paramount place within this section. Contract law has been addressed in this section with contributions on consent,<sup>84</sup> lesion,<sup>85</sup> contract of sale,<sup>86</sup> and mineral leases.<sup>87</sup> Donations likewise finds a place in *Civil Law in Louisiana*.<sup>88</sup> The law of tort in broad terms<sup>89</sup> has

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79. Tiffany S. Bush, Note, *Modern Family: Intrafamily Adoption in Louisiana and the U.S. Constitution* (Costanza and Brewer v. Caldwell), 8 J. CIV. L. STUD. 263 (2015).

80. Aster Lee, Note, *Determination of Child Custody: "Shared Custody v. Joint Custody" Reflected in Broussard v. Rogers*, 6 J. CIV. L. STUD. 277 (2013).

81. John H. Leech, Jr., Note, *Trahan v. Kingrey: An Analysis of Louisiana's Relocation Statute*, 6 J. CIV. L. STUD. 713 (2013).

82. Taheera Sabreen Randolph, Note, *Shall Does Not Mean Shall in Short v. Short*, 6 J. CIV. L. STUD. 295 (2013).

83. Claire Murray, Note, *Twenty-Eight Years Later: Delaney v. McCoy and Supplemental Partitions of Community Property in Louisiana*, 6 J. CIV. L. STUD. 287 (2013).

84. William Gaskins, Note, *Peña v. Simeon, and the Meaning of Consent*, 6 J. CIV. L. STUD. 257 (2013).

85. Leona E. Scoular, Note, *Lesion Beyond Moitié; la moitié de quoi, exactement? Recission Not Supported by Mineral Speculation: Haruff v. King*, 8 J. CIV. L. STUD. 273 (2015).

86. Brian Flanagan, Note, *Columbia Gulf Transmissions Co. v. Bridges: An Example of Differing Definitions of Sales Under Louisiana Law*, 5 J. CIV. L. STUD. 247 (2012); and William Gaskins, Note, *Neeb v. Lastrapes, and the Confusing State of the Ancient Doctrine of Delivery in Louisiana*, 5 J. CIV. L. STUD. 251 (2012).

87. Marion Peter Roy, III, Note, *An Overview of Assignments and Subleases of Mineral Leases and the Most-Favored Nation Clause: Hoover Tree Farm, L.L.C. v. Goodrich Petroleum Company, L.L.C.*, 6 J. CIV. L. STUD. 315 (2013).

88. Daniel Lee, Note, *Malone v. Malone: Strict Application of Authenticity Requirement of Formality of Donations in Louisiana*, 5 J. CIV. L. STUD. 287 (2012); Morgan Romero, Note, *Petrie v. Michetti, and the Indelible Nature of Donations Inter Vivos*, 6 J. CIV. L. STUD. 305 (2013); and Alexandru-Daniel On, Note, *Reed v. St. Romain: Everyday Gift Giving and Legal Taxonomy*, 6 J. CIV. L. STUD. 731 (2013).

89. Mark Assad, Note, *The Continuing Debate of Continuing Tort: The Louisiana Supreme Court's Treatment of the Continuing Tort Doctrine in Hogg v. Chevron USA, Inc.*, 5 J. CIV. L. STUD. 239 (2012); Leigh Hill, Note, *Lend Me an Ear: Gradual Occupational Hearing Loss and Recovery Under the Theory of Contra Non Valentem in McCarthy v. Entergy Gulf States, Inc.*, 6 J. CIV. L. STUD. 269 (2013); Bogdan Buta, Note, *Martin v. A-1 Home Appliance Center: A Civilian Perspective on Reliance-Based Theories of Recovery*, 6 J. CIV. L. STUD. 679 (2013); Garrett M. Condon, Note, *Bloxom v. City of Shreveport, Behind the Veil: A Proximate Cause Case*, 6 J. CIV. L. STUD. 701 (2013); and Michael C. Wynne,



been explored in multiple submissions, often in relation to other areas of law. Yet another important pillar of the civil law is grounded in the law of property, and law students there have focused on trespass to chattels,<sup>90</sup> the public records doctrine,<sup>91</sup> confusion in predial servitudes,<sup>92</sup> and acquisitive prescription and possession of immovables.<sup>93</sup> This section is instrumental in offering readers information on the most salient decisions that impact the civil law of the State of Louisiana.

Law students make formal contributions by means of participating in the editorial process of submissions that have been accepted for publication by the Editor-in-Chief after the peer-review process is completed. Graduate Editors assist with the technical aspects of contributions, as is the case in student-edited journals: review of the text's format and footnotes and revision of style and language. Furthermore, Graduate Editors also check the accuracy of citations both in form and substance. Since many contributions refer to foreign primary and secondary sources, Graduate Editors gain skills in the narrative and legal terminology of other civil law jurisdictions, a training few United States law students acquire during their legal studies. Louisiana scholars indeed need to be trained in that "language" if local law aims to preserve a dialogue with the rest of the civil law world.

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Note, *Back to Basics: Distinguishing Real and Personal Rights in Wagoner v. Chevron USA Incorporated II*, 6 J. CIV. L. STUD. 751 (2013).

90. Bill Hudson, Note, *"Trespass" to Movables? Say No More. MCI Communications Services, Inc. v. Hagan and Louisiana Civil Code Article 2315*, 5 J. CIV. L. STUD. 277 (2012).

91. Joseph Stanier Manning, Note, *Louisiana Public Records Doctrine After Wede v. Niche Marketing*, 5 J. CIV. L. STUD. 293 (2012).

92. Brian Flanagan, Note, *Horton v. Browne, Illustrating Confusion (Literally) in the Civil Code*, 6 J. CIV. L. STUD. 251 (2013).

93. Ross E. Tuminello, Note, *Hillman v. Andrus: The Ghost of Civil Possession*, 6 J. CIV. L. STUD. 327 (2013).

## IV. CLOSING REMARKS

The JCLS has offered for already a decade both a forum for legal scholarship and a laboratory to develop research and academic writing skills. These two characteristics make the journal one of the few hybrid experiences in the United States legal community. This experience tends to quality of output and at the same time formation of necessary skills in future civilians and comparatists. This note first introduced readers to the origins and structure of the JCLS. The note then addressed the forum offered by the Journal and the diversity of its scholarly contributions that result from peer review. Finally, the note highlighted the role of the JCLS as a research and writing laboratory for law students.

The JCLS devotes efforts to act as a bridge for civil law knowledge to circulate between and develop in Louisiana and the rest of the civil law world. Isolation would be detrimental to the development of the civil law in Louisiana by producing intellectual inbreeding and thus threatening the survival of Louisiana's civil law. Engaging in a dialogue with other civil law jurisdictions will secure the survival of the civil law in the Bayou State. Moreover, scholars both of civil law and of common law systems may look to Louisiana for civil law terminology in English and for experiences in a civil law island that is partially surrounded by a sea of common law.<sup>94</sup> It must be acknowledged that Louisiana civil law scholars have important expertise, and the more-than-two-hundred-year-old tradition of English-language civil law codification in Louisiana should be valued.<sup>95</sup> As a corollary, building bridges may be a means to secure

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94. Agustín Parise, *Non-Pecuniary Damages in the Louisiana Civil Code Article 1928: Originality in the Early Nineteenth Century and Its Projected Use in Further Codification Endeavors* 14 (May 18, 2006) (unpublished LL.M. thesis, Louisiana State University, Paul M. Hebert Law Center) (on file with the Louisiana State University Law Library).

95. Agustín Parise, *Report on the State of Louisiana to the Second Thematic Congress of the International Academy of Comparative Law*, 31 *MISS. C. L. REV.* 397, 403 (2013). See Alain Levasseur & Vicenç Feliú, *The English Fox in the Louisiana Civil Law Chausse-Trappe: Civil Law Concepts in the English Language*; *Comparativists Beware*, 69 *LA. L. REV.* 715, 735-39 (2009); and Olivier

a prosperous development of the civil law in Louisiana and beyond.  
That is the mission of the Journal of Civil Law Studies.