

MINUTES OF THE 2006 ANNUAL MEETING OF THE BOARD OF DIRECTORS
OF THE AMERICAN SOCIETY FOR LEGAL HISTORY

Board meeting 16 November 2006 Baltimore, Maryland

Present: R.B. Bernstein, Lyndsay Campbell, Thomas P. Gallanis, Michel Grossberg, Victoria D. List, James Oldham, Kenneth F. Ledford, Linda Przybyszewski, Reva Siegel, Emily Zack Tabuteau, James Q. Whitman
Also present: Michael Churgin, Dan Ernst, Sally Gordon, Tom Green, Dirk Hartog, W.P. LaPiana, Maeva Marcus, Katy O'Brien, David Tanenhaus,

President Charles Donahue, Jr. was prevented from attending the meeting by travel delays. In his absence, the Board agreed that former President Tom Green would preside.

The minutes of the 2005 meeting in Cincinnati were approved without objection.

Prof. Green welcomed Katy O'Brien representing the University of North Carolina Press and thanked her for the Press's contribution to the success of *Studies in Legal History*.

Report of the Cromwell Fellowships Advisory Committee:

Dirk Hartog presented the report of the committee together with Sally Gordon who is a director of the Cromwell Foundation. Prof. Hartog first described the role of the committee which is, as its name indicates, to make recommendations for awards to the foundation. Prof. Hartog remarked on the extraordinary group of applicants for the 2006 fellowship awards and the increase in the number of applicants over the previous year.

Prof Gordon reported that the Foundations' board met on November 7 and agreed to fund five fellows. The Foundation board also discussed the relationship between the fellowships and the book prize and also indicated that its readiness to fund a legal history dissertation prize of \$2500.

Prof. Hartog called attention to two issues mentioned in his letter to the Foundation: would the Foundation consider expanding the scope of the fellowship awards beyond Anglo American legal history and the need to refine the meaning of preference for fellowship applicants "in the early stages of their careers." There was discussion of whether it was ever appropriate to give a fellowship to a tenured faculty member. It was observed that a broad definition of "early phases" to include working on a first book would allow the foundation to provide support at a critical time in a scholar's career, would preserve flexibility and would also help assure a strong pool of applicants. While there was no conclusion reached, there was consensus on the need to continue to think about criteria for the fellowship award while preserving flexibility.

Prof. Green thanked the committee for its worked and noted that discussion of criteria is important and will continue.

Finance and Future of the Society Committees

Sally Gordon presented the reports of both committees and the three resolutions contained therein:

1. The Society's funds will be allocated as follows:

- a. \$60,000 to an operating account
- b. \$100,000 to a Board directed fund
- c. All remaining funds (currently \$400,000) to an investment account as permanent endowment

Funds a and b will be swept twice annually, with amounts in excess of \$60,000 in the operating account going first into the board-directed fund, and amounts in excess of \$100,000 in the Board-directed fund going into the permanent endowment.

2. The permanent endowment will be spent at an annual rate of 4% of principal; growth in excess of that amount will be added to principal. Any spending in excess of the 4% limit requires a two-thirds vote of the Board of Directors.

3. The Chair of the Finance Committee will write to Roger Keith on behalf of the Society, thanking him for his generosity and stewardship of the Society's permanent endowment.

At the conclusion of the meeting the resolutions **passed unanimously**.

H-Law

R. B. Bernstein presented the report of the H-Law moderators for the absent Christopher Waldrep and noted that the list has been one and two thousand subscribers and the moderators hope for continued growth.

Honors Committee

The Committee's motions to approve the nomination of Professor Anne Lefebvre-Teillard as corresponding fellow and Professor Morton J. Horwitz as honorary fellow **passed unanimously**.

Editors of the *Law and History Review*

David Tanenhaus, editor, reported on the past year and current condition of the Society's journal.

Prof. Tanenhaus expressed his thanks to the Deans of the Law School and the College of Liberal Arts and the Chair of the History Department at the University of Nevada, Las Vegas for their support and moved that the President of the Society write to thank these individuals on the Society's behalf. **Passed unanimously**.

Prof. Tanenhaus then presented the second motion contained in his report to the Board, authorizing the expansion of the journal by 16 pages per issue. After discussion the question was called and the resolution **passed unanimously**.

After discussion, it was decided that the editorial board would discuss the appointment of an additional book review editor before bringing the matter to the Board.

Prof. Tanenhaus received a round of applause at the end of his presentation.

The reports of the Local Arrangements and Membership Committees were received by the Board.

Paul L. Murphy Grant Committee

After discussion the Committee's resolution to redefine the scope of the award was **tabled**.

Nominating Committee

The nominating committee presented the slate it had submitted to the membership and Prof. LaPiana reported the results of the election:

For the Board of Directors:

Lauren Benton, Christine Desan, William Forbath, Sally Hadden, and Robin Chapin **stand elected**

For the Nominating Committee:

Christopher Capozzola and David Tanenhaus **stand elected**.

Publications Committee

The Board received the report of the committee, noting the grant of a subvention to aid publication of a work in *Studies in Legal History*.

John Phillip Reid Prize Committee

The Board received the report of the committee awarding the first Reid Prize to Daniel J. Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830*.

Studies in Legal History

~~Des Frant presented the report of the editors and suggested that the entire list be~~
posted on H-Law in order to better advertise the discount available to members of the Society.

Surrency Prize Committee

The Board received the report of the committee awarding the prize to Andrea McKenzie for "'This Death Some Strong and Stout Hearted Men Doth Choose': The Practice of Peine Forte et Dure in Seventeenth- and Eighteenth Century England: published in *Law and History Review* volume 23 number 2. Honorable mention was awarded to Sally H. Clarke for "Unmanageable Risks: MacPherson v. Buick and the Emergence of a Mass Consumer Market" published in *Law and History Review* volume 23 number 1. The Board expressed its thanks to the committee.

Sutherland Prize Committee:

The Board received the report of the committee awarding the prize to Andrea McKenzie for "'This Death Some Strong and Stout Hearted Men Doth Choose': The Practice of Peine Forte et Dure in Seventeenth- and Eighteenth Century England" published in *Law and History Review* volume 23 number 2.

Committee on Documentary Preservation

Michael Churgin presented the committee's report and made special note of the continued congressional funding for the National Historical Publications and Records Commission.

Hurst Memorial Committee

The Board took note of the end of current funding with next biennial institute and the task of seeking new funding would be faced.

Annual Meetings Committee

Craig Joyce presented the committee's report. There was inconclusive discussion of venues for 2009 and 2010.

KathrynT. Preyer Memorial Committee

After discussion of the format for the presentation of the winning papers there was general agreement that there should be a separate Preyer Prize panel in order to call attention to the winners and their work and to attract truly distinguished commentators.

New business

Prof. LaPiana presented the increased dues structure for membership in the American Council of Learned Societies. After discussion the sense of the meeting was the Society should continue its membership in the ACLS with the final decision to be made by the Executive Committee.

The meeting adjourned at 9:00pm