

June 2, 2008

JOINT EDITORIAL BOARD ON INTERNATIONAL LAW
Conference Call Thursday, June 5, 2008, 9:00 – 10:30 a.m. (CDT)

1/866-405-4106 (US & Canada)

1/574-941-6040 (International)

Pass Code: 7862734107

Notes from the JEB call are in bold

1. Review of December 2007 Report to the ULC Executive Committee [attached]
2. Report from the ULC Committee on International Legal Developments (ILDC) [attached]

The Committee held a conference call on May 28, 2008. The attached agenda and notes from that call provide information on all the international projects in which the ULC is currently involved and on many other current projects of various international organizations, together with any actions that the ILDC took with respect to these matters. Please review the attachment carefully as it will provide much of the basis for discussion during the JEB conference call.

Louise Ellen Teitz suggested that the JEB also follow the Hague Project on Choice of Law in International Contracts. David Stewart said that State is wanting to follow this closely, is setting up a working group to look at it, and invites broad participation.

LET also expressed interest in the Hague access to foreign law project.

3. Report from the ABA Section of International Law and Practice [Will be separately distributed]

King Burnett noted the intention of the ABA Section to have a task force on the implications of *Medellin*. Should that be a joint task force between the Section and the ULC?

Jeff Golden – that is an intriguing suggestion. The initial plan was to have a joint task force between ABASIL and the Society of International Law, but it would be very useful to have the participation of ULC. They hope to have representatives from State and the courts participating in the task force. Kathy Patchel's paper is outstanding and will be very helpful to the task force.

John Sebert will be the contact for the ABA Section re the task force work.

UNCITRAL transportation convention:

Hal Burman reported that the Convention was drafted at the same time as the revision of UCC 7, and Henry Gabriel was chair of UCC 7 and involved in on the delegation. Henry Gabriel is drafting the report for the ABA Committee. The report will focus on the terminological difference between the Convention and UCC 7. Hal says he does not now know whether the implementation of this convention will require the type of processes that we have used for the Receivables and Letters of Credit conventions.

Mareva-style Injunctions

May recommend uniform state legislation that would provide authority for such injunctions, for use by both state and federal courts. (see the memo)

Put this on the October JEB agenda.

Interim relief in cross-border litigation

It is not clear whether this will be ready for consideration in October.

Bill Hannay – ULC may be able to identify a couple of people who can be advisors and observers to the ABA task forces, esp. re ULC processes. Glenn Hendrix is interested in this, and Bill asked Mike Sullivan to consider who in ULC might be willing to advise. Glenn says they have the project proposal form and are planning to follow those guidelines.

4. Reports from State Department on Current Plans with Respect to Advice and Consent and Ratification [Some or all of these may be covered under item #2.]
 - a. Hague Securities Convention
 - b. United Nations Convention on Receivables in International Trade
 - c. Hague Family Maintenance Convention
 - d. UNCITRAL Convention on Electronic Commerce
5. Consideration of Other Possible International Projects

- a. Uniform or Model State Law for Implementation of the Consular Convention (in light of *Medellin*) – Bob Lutz [a copy of the Convention is attached] **Put on the October agenda**
 - b. Other ideas
6. Preliminary discussion of *Medellin v. Texas* and its Implication for the Work of the JEB, the International Law Section, and the ULC [Kathy Patchel's memorandum of April 25, 2008, is attached.]

Harriet Lansing – refers to the KP memo and the plans for a program on implementation of treaties at the ULC Annual Meeting.

7. Identification of Matters to Consider in Depth at the Fall Meeting of the JEB [which is set for Saturday, October 4, 2008, in Chicago]
8. Other Business

Schedule another conference call before October to frame the October agenda.