

## **GAJE Steering Committee Meeting Report January-February 2010**

The meeting was called to order by Filip Czernicki, Steering Committee (SC) Convenor, on 22 January 2010. The meeting took place via email for a period of approximately five weeks, through 28 February 2010.

The following Steering Committee members participated in the meeting: Mariana Berbec-Rostas, Diego Blazquez-Martin, Frank Bloch, Sara Chandler, Lindi Coetzee, Filip Czernicki, Minna Kotkin, Catherine Klein, Bruce Lasky, Mao Ling, Sahar Maranlou, Tewodros Alefe Meles, David McQuoid-Mason, Celeste Romero, Skye Rose, Ed Santow, and Carlos Maria Varas. Sivanandan Sivakumar did not participate.

The agenda included four items:

- 1) Report from the Chair of the Conference Planning Committee (Mariana Berbec-Rostas) on site selection and update on planning for the next worldwide GAJE conference;
- 2) Closing contract discussions with Street Law, South Africa as General Secretary and assignment of new tasks within the SC;
- 3) Appointing a new Chair of the Communication Committee (CC) and setting up precise tasks for the CC;
- 4) Review of report from Chair of the Legal Structure Committee (Barbara Schatz) and taking decision on GAJE incorporation.

The Steering Committee deliberated upon each item and reports the following:

1) Report from the Chair of the Conference Planning Committee (Mariana Berbec-Rostas) on site selection and update on planning for the next worldwide GAJE conference

Mariana reported that since the call for proposals was sent out on September 28, 2009 and through the end of December, we have received three proposals to host the Conference in either late 2010 or mid-2011 – as well as a number of less formal inquiries. Two of the proposals came from India, which has already hosted a worldwide conference (the inaugural conference in 1999) and one came from Italy. Mariana has also been in discussions with faculty at Carlos III University, Getafe – Madrid in Spain, about the possibility of holding the conference in late June-early July 2011 in the Getafe area. Spain has seen a significant development in social inclusion and practical legal training in the past 5 years with several clinical programs now in Tarragona and Madrid.

The SC expressed great interest in the possibility of having the next conference in Spain and encouraged Mariana to work with the faculty at Carlos III University to come up with a full proposal to be considered at the next SC meeting. Among the advantages of holding the conference in Spain, expressed by Mariana and other SC members, are the fact that Spain offers a wide spectrum of social justice, vulnerability, and justice education initiatives to be described and discussed. Also, GAJE has not yet held a conference in Western Europe and legal education in Spain is currently seeing some transformations towards practical and interdisciplinary focus. Holding the GAJE conference there could be used to increase justice

education initiatives in continental Western Europe universities. Finally, costs would be less in Spain compared to most countries in the region.

The SC was also impressed by the fact that two excellent Indian law schools had expressed interest in hosting GAJE in India a second time. The Indian proposals could still be pursued if the Spanish option does not work out. And recognizing that soon GAJE will be ready to "repeat" locations, if the decision is to hold the next conference is held in Spain the SC will encourage the Indian schools to consider submitting proposals in the future.

## 2) Closing contract discussions with Street Law, South Africa as General Secretary and assignment of new tasks within the SC

Frank and Lindi reported that Street Law and the Executive Committee (EC) had come to the joint conclusion that the arrangement of contracting with Street Law to serve as GAJE Secretariat wasn't working for either party and therefore should be terminated. Because Street Law had already done some work on behalf of GAJE even though contract discussions had not been concluded, the SC first considered a proposal from the EC to close out the General Secretary contract discussions with Street Law by paying Street Law \$US 1000 plus their out-of-pocket expenses related to transferring the GAJE website from Georgia State University to its present host. The proposal was approved.

The SC also discussed how to cover the tasks that were to be given over to the Secretariat during the term of the current SC (that is, up to the next worldwide conference). One of those tasks was running SC meetings, which will be taken over by Filip in his capacity as SC Convenor, together with the other members of the EC. The other tasks that Street Law assumed as General Secretariat, including responsibility for hosting and updating the GAJE website, all had to do with communication and therefore were taken up under the next item on the agenda (Item 3 below).

Finally, it was noted during the meeting that at some point the SC should consider discussing long-term solutions to the Secretariat issue, including the question of eventually hiring full- or part-time staff. There was no further discussion on this matter during this meeting.

## 3) Appointing a new Chair of the Communication Committee (CC) and setting up precise tasks for the CC

Minna informed the EC that she would like to step down as Chair of the CC. Accordingly, the EC nominated Skye to take over as Chair – and the SC approved the nomination with great enthusiasm and appreciation.

The CC has been responsible in the past for two of the major tasks that had been assigned to Street Law as General Secretary: overseeing the GAJE website and publishing the GAJE Newsletter (with someone designated as Newsletter editor). Skye indicated that she plans to liaise with prior Newsletter editors and the members of the CC to discuss the future of the Newsletter and suggested that we should postpone any further editions until we have resolved whether to continue the Newsletter or simply include information on the website. This suggestion was agreed to by the SC.

As for the website, the Skye will also be discussing within the CC whether to keep the current host (an essentially free service with minimal support) or perhaps hire a commercial hosting

service that could also help with redesigning the site. Ved Kumari (a member of the CC and former CC Chair) has obtained quotes from some Indian companies that she has dealt with, which could be an efficient and low-cost way to upgrade the site. In the meantime, Lindi has provided the CC with the codes for accessing and updating the site and she ready to help with any transition that the CC may decide to take.

#### 4) Review of report from Chair of the Legal Structure Committee (Barbara Schatz) and taking decision on GAJE incorporation

Barbara Schatz prepared a report for the SC that discussed the choice between: 1) Forming GAJE as a US corporation exempt under Section 501(c)(3) of the Internal Revenue Code and having this corporation replace GAJE as currently organized; and 2) Forming a US corporation exempt under Section 501(c)(3) of the Internal Revenue Code to support GAJE's purposes, but retaining GAJE as currently organized. Both options would facilitate GAJE's fundraising from US foundations, corporations and individuals.

In her report, Barbara noted that both options would entail holding required meetings of the membership and the board (the specifics would be determined by the by-laws but would involve a minimum of one membership meeting per year and enough board meetings to allow the board to make responsible decisions), maintaining a registered agent in the state of incorporation, and filing annual US information tax returns. She indicated that the principal advantage to having a US corporation replace GAGE as currently constituted is simplicity and clarity. There would be one organization to run rather than two, and there would be no need to figure out the relationship between the two organizations or how to transfer funds from the US corporation to GAJE as currently constituted. She indicated that the principal disadvantage to this option is a symbolic one: the possible perception that GAJE is a US organization rather than an international one. However, as a practical matter, forming GAJE as a US organization would in no way undermine its international character. For example, directors and members could come from any country – they would not need to be US citizens – and funds could be spent to support GAJE activities in any part of the world. (Another possible disadvantage is that US rules adopted since 9/11 require US tax exempt organizations to conduct sufficient investigation to be reasonably sure that overseas organizations and individuals which it funds are not involved in terrorist activities. At least at present, the rules are not too onerous, although this could change in the future.) Finally, there would be nothing to prevent the formation of additional GAJE-related organizations in other countries. These could be separate from the US corporation or connected to it various different ways (e.g. as chapters of the US corporation).

The SC concluded that the better option is to incorporate GAJE in the US, at least for the time being, since we can have a fully international Board of Directors (which could be the members of the SC). Many members also supported the idea that we might look at some point into organizing formally in other countries as well, if that should become desirable or necessary for any purpose. The UK and Australia were mentioned as possibilities in this context, primarily for practical reasons of fundraising. Bruce Lasky offered to assist, as he has had experience in registering not-for-profits in the US.

The SC therefore instructed Filip to ask Barbara, as Chair the Legal Structure Committee, to oversee the incorporation of GAJE in the US, with Bruce serving as her SC liaison and contact person. It was noted during the meeting that at one point GAJE had been in discussion with a private law firm in the US that might offer services pro bono, so Filip was

asked to suggest to Barbara that she get in touch with the firm to explore whatever help the firm may be willing to provide.