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John G. Fleming 1919-1997

Our friend and colleague, and the long-time Editor-in-Chief of the Journal, John G. Fleming, died on September 22, 1997 of amyotrophic lateral sclerosis (Lou Gehrig's Disease), at the age of 78. Born on July 6, 1919 in Berlin, Germany, the older of two children of Wilhelm Kochmann, an executive of Commerzbank, and Friedel Wachter, John was sent to England in 1935 at the age of 15.

After his secondary schooling, John matriculated at Brasenose College, Oxford; after brief internment as an enemy alien he was permitted to continue, and received the B.A. in Jurisprudence in 1941. He entered the Royal Tank Corps then, and served with distinction in North Africa and Italy until demobilization in 1945. John was called to the bar at Lincoln's Inn and appointed a law lecturer at King's College, University of London, in 1946. He received the D.Phil. from Oxford in 1949, and the D.C.L. in 1959 (for his work, it is rumored, in the conflict of laws). Before then, of course, already in 1949, he and his wife, the former Valerie Beall, and the first two of their four children, Tony, Barbara, Colin, and Stephen, had emigrated to Australia, where John initially served as a Lecturer at Canberra University College, before being appointed to the first Chair in Law at the newly founded federal institution, the Australian National University, where he then became Dean of the growing Law Faculty and where, in 1957 he published the book that made him famous throughout the English-speaking legal academy, and profession, *The Law of Torts*, the ninth edition of which was published shortly before his death.

As Justice Allan Linden of Canada's Federal Court, a doctoral student of John's, aptly pointed out, this book, and its brilliant companion, the *Introduction to the Law of Torts*, which enjoyed a second edition, have been the bible of Commonwealth students for 40 years. His 1988 book, *The American Tort Process*, introduced our vagaries to his non-U.S. audiences, though we know that it has served surreptitiously as a vademecum for American students as well. A further 100 or so articles and reviews provide not only a sense of the prodigious work John accomplished, but also impress through the utter clarity, the limpidness, of his style.

John accepted a Visiting Professorship to Berkeley in 1958, and after the necessary two-year Fulbright Act hiatus, took up his post here permanently in 1961.

We know and honor him, of course, for his more than 15 years of service as Editor-in-Chief of the American Journal of Comparative Law, the longest period of service of any editor since its foundation, including that of its founding editor, the redoubtable Hessel Yntema of Michigan. Those 15 years are marked by a leadership that combined a calm and unhurried manner with superb judiciousness in the selection of manuscripts.

John was a much-sought after visitor, culminating in the Goodhart Professorship at Cambridge in 1987-88, and a much-honored man: Honorary Fellow of Brasenose, President of the American Society of Comparative Law and of the International Association of Legal Science, membre titulaire of the International Academy of Comparative Law, and of many other institutions.

We have lost a courageous, feisty, plain-spoken, and deeply learned man, one whom the tragedies and cataclysms of this century marked but did not press down, a scholar and a bon vivant, an excellent critic and an equally excellent colleague and friend.

RICHARD M. BUXBAUM, *Editor-in-Chief*

**SYMPOSIUM
CIVIL PROCEDURE REFORM IN
COMPARATIVE CONTEXT**

The papers that follow were prepared for and presented at a conference sponsored by NYU School of Law and the Institute of Judicial Administration of NYU School of Law. The conference, which was attended by some of the world's leading proceduralists, was held at New York University's Villa La Pietra in Florence, Italy on May 29 - June 1, 1996. The Planning Committee consisted of Oscar G. Chase, Chair, Samuel Estreicher, Andreas F. Lowenfeld, and Linda Silberman, all of the faculty of NYU School of Law.

