

Dr. VERNON VALENTINE PALMER

Current
Positions
&
Honors

Thomas Pickles Professor of Law
Tulane University

Docteur en Droit, honoris causa, Paris/Dauphine 2013

Chevalier, Legion of Honor, Paris 2007

Chevalier, Ordre des Palmes Académiques, Paris 1994

President and Founder, World Society of Mixed Jurisdiction Jurists

Membre Titulaire, International Academy of Comparative Law, Paris

Honored as “Great Comparatists” of the World (one of five) by the
International Academy of Comparative Law (Paris 2022)

Director, Tulane Paris Institute of European Legal Studies

Editor-in-Chief, Tulane European and Civil Law Forum

Co-Director, Eason Weinmann Center for International and Comparative
Law, Tulane University

College
Graduate
Degrees

Doctor of Philosophy, 1985, Pembroke College, Oxford University

LL.M. 1966, Yale University (Sterling Fellow)

LL.B. 1965, Tulane University (Law Review Honors)

B.A., 1962, Tulane University

Diploma in Spanish, Instituto Mexicano-Norteamericano de Relaciones
Culturales, Mexico City

Academic
Appointments:

1966-1970 Assistant Professor of Law
Indiana University at Indianapolis

1967-1969 Lecturer in Law
University of Botswana, Lesotho & Swaziland
Southern Africa

1970-1975 Associate Professor of Law
Tulane University

1975 Full Professor of Law
Tulane University

1980 Clarence Morrow Research Professor

- 1983-84 *Professeur Associé*, University of Strasbourg
Institut de Droit Comparé, Strasbourg, France
- 1986-1987 *Professeur Associé*, the Sorbonne, Paris France
 University of Paris I and Paris II
- 1988 Director, Tulane Paris Institute of European Legal Studies
 Paris, France
- 1990 Investiture: Thomas Pickles Professor of Law
- 1991 Constitutional Adviser to the Kingdom of
 Lesotho
- 1992 Constitutional Consultant to the Republic of
 Madagascar
- 1992-1993 *Professeur Associé*, the Sorbonne, Paris France
 Joint Appointment: University of Paris I and Paris II
- 1996-1998 Visiting Professor
 Université des Antilles, Martinique
- 1998-1999 Visiting Professor of Comparative Law,
 Universidad Ramon Llull, Barcelona
- 1999 Visiting Professor of Comparative Law,
 University of Trent, Trento, Italy
- 2000 Visiting Professor of Comparative Law,
 University of Lausanne, Switzerland
- 2000 Visiting Professor of Comparative Law,
 University of Geneva, Switzerland
- 2005 Visiting Professor of Comparative Law,
 University of Fribourg, Switzerland
- 2005 Co-Director, Eason-Weinmann Center of Comparative Law
- 2006 Visiting Professor, Bucerius Law School, Hamburg
- 2012 Fellowship, Japanese Society for the
 Promotion of Science (lecture tour of five
 Universities)
- 2012 Visiting Professor, Bucerius Law School, Hamburg
- 2013 Reappointment as Director, Tulane Paris Institute of European
 Legal Studies

Books:

The Lost Translators of 1808 and the Birth of the Civil Law in Louisiana (UGA Press, 2021)

Legal Traditions in Louisiana and the Floridas, 1763-1848 (with S.P. Donlan, eds.) (Talbot Publishing 2019)

The Recovery of Non-Pecuniary Loss in European Contract Law (Cambridge Univ. Press, 2015)

Mixed Legal Systems—East and West (with Mattar and Koppel eds.) (Ashgate Press 2015)

The Civil Law of Obligations—Louisiana Law with European Comparisons (2nd ed. Claitors Publishing 2020)

Through the Codes Darkly—Slave Law and Civil Law in Louisiana (Lawbook Exchange, Clark, New Jersey, 2012),

Mixed Jurisdictions Worldwide: The Third Legal Family (2nd ed. Cambridge Univ. Press 2012)

Mixed Jurisdictions Compared: The Private Law of Louisiana and Scotland (co-editor, Elspeth Reid) (Edinburgh University Press (2009)

Pure Economic Loss Beyond Europe: New Horizons in Comparative Law, (co-edited with Mauro Bussani) (Routledge Cavendish, London 2008)

The Louisiana Civilian Experience: Critiques of Codification in a Mixed Jurisdiction (Carolina Academic Press 2005)

Strict Liability in Europe (co-editor, Franz Werro) (Carolina Academic Press, Staempfli, Bruylant, 2004)

Pure Economic Loss in Europe (co-editor, Mauro Bussani) (Cambridge University Press, July 2003) (In Chinese translation, Law Press China (2005)

Mixed Jurisdictions Worldwide: The Third Legal Family (1st ed. Cambridge University Press 2001)

Louisiana – Microcosm of a Mixed Jurisdiction (Carolina Academic Press 1999)

The Civil Law of Lease in Louisiana (Harrison Co. 1997)

The Paths to Privity - The History of

Third Party Beneficiary Contracts at English Law

(Austin & Winfield 1992) (reprint Law Book Exchange 2006)

The Legal System of Lesotho

(Michie Press 1972) (with Poulter)

The Roman-Dutch & Sesotho Law of Delict (Sijthoff, 1970) (reprint
Morija Press 2006)

Articles:

Absolute Emancipation

85 SOUTH AFRICAN L.J. 24 (1968)

The Misinterpretation of Article 1801

46 TUL. L. REV. 859 (1972)

A Review of the Louisiana Law on Potestative Conditions

47 TUL. L. REV. 284 (1973) (with Plauché)

Symposium on Incapacity

47 TUL. L. REV. 1085 (1973)

Contractual Negligence in the Civil Law --

The Evolution of a Defense to Actions for Error

50 TUL. L. REV. 1 (1975)

In Quest of a Strict Liability Standard Under the Code

56 TUL. L. REV. 1317 (1982)

Why Privity Entered Tort --

An Historical Reexamination of *Winterbottom v. Wright*

27 AM. J. LEGAL HIST. 85 (1983)

Common Lawyers as Civilian Intermediaries:

The Influence of Roman Law and Civil Law

in England and the United States

Tulane Law 40 (1986)

Trois Principes de la Responsabilité Sans Faute

1987 REVUE INTERNATIONALE DE DROIT COMPARE 825

The Residential Lease in the Civil Law --

A Consideration in Social Context

4 TUL. CIV. L. FORUM (1988)

A General Theory of the Inner Structure of Strict Liability --

Common Law, Civil Law, Comparative Law

62 TUL. L. REV. 1303 (1988);

The Death of a Code -- The Birth of a Digest
63 TUL. L. REV. 221 (1988)

The History of Privity -- The Formative Period
33 Amer. J. Legal History. (1989)

Revision of the Code or Regression to a Digest?
A Rejoinder to Professor Cueto-Rua
64 Tul. L. Rev. 177 (1989)

The Great Debate Over the Louisiana Civil Code's Revision
(with Dennis, J. et. al), 5 Tul. Civ. L. Forum 49 (1990)

Tortious Interference With Contract at French Law:
An Excursion Along a Road Not Taken
6/7 Tul. Civ. L. Forum (1991-92)

A Comparative Study (From a Common Law Perspective)
of the French Action for Wrongful Interference With Contract
40 Amer. J. Comparative Law 297 (1992)

Celebrating the Québec Codification Achievement: A Louisiana
Perspective
38 Loy. L. Rev. 311 (1992)

The Many Guises of Equity in a Mixed Jurisdiction
69 Tul. L. Rev. 7 (1994)

The Authors and Origins of the Code Noir
56 La. L. Rev. 363 (1996)

“Que Dieu nous garde de l'équité des Parlements”: Equity Through
the Lens of Separation of Powers
73 Tul. L. Rev. 1287 (1999)

From Embrace to Banishment: A Study of Judicial Equity in France
47 Amer. J. of Comp. Law 277 (1999)

The Fate of the General Clause in a Cross-Cultural Setting: The Tort
Experience of Louisiana, 46 Loy. L. Rev. 535 (2000)

Insularity and Leadership in American Comparative Law:
The Past One Hundred Years
75 Tul. L. Rev. 1093 (2001)

Contracts In Favor of Third Parties in Europe: Steps Toward
Tomorrow's Harmonization ,1-2003 European Review of Private Law 8

The Comparative Law and Economics of Pure Economic Loss, (with
Bussani and Parisi) 51 Am.J. Comp. Law (2003).

The French Connection and the Spanish Perception: Historical
Debates and Contemporary Evaluation of French Influence on

Louisiana Civil Law *La. L. Rev.* (2004)

The Recent Discovery of Moreau Lislet's System of Omissions and Its Importance to the Debate Over the Source of the Digest of 1808
49 *Loyola L. R.*

From Lerotholi to Lando: Some Examples of Comparative Law Methodology, *American Journal of Comparative Law* (2005), and published online at bepress.org (*Global Jurist*).

The Customs of Slavery: The War Without Arms, *American Journal of Legal History* (2007); also published online 6 *Global Jurist*, Issue 1 (2006) accessible at Globaljurist.com

Historical Notes on the First Codes and Institutions in French Louisiana (Festschrift for Professor Litvinoff, 2007))

Two Rival Theories of Mixed Legal Systems, 3 *Journal of Comparative Law* 7 (2007), and online at [www. EJCL.org](http://www.EJCL.org)

The Louisiana Supreme Court in Question: An Empirical and Statistical Study of the Effects of Campaign Money on the Judicial Function (with Levendis) 82 *Tul. L. Rev.* 1291 (2008)

Quebec and Her Sisters in the Third Legal Family, 42 *McGill Law Journal* (2009)

(2009) The Strange Science of Codifying Slavery—Moreau Lislet and the Louisiana Digest of 1808, 24 *Tul. European & Civil Law Forum* 83

The Recusal of American Judges in the Post-Caperton Era: An Empirical Assessment of the Risk of Actual Bias in Decisions Involving Campaign Contributors, *Global Jurist: vol 10: Iss. 23 (Frontiers)* Article 4.

Three Milestones in the History of Privacy in the United States
26 *Tul. Euro. & Civil Law Forum* (2011)

The Great Spill in the Gulf ... and a Sea of Pure Economic Loss: Reflections on the Boundaries of Civil Liability, 115 *Penn State L. Rev.* (September 2011)

Double Reasoning in the Codified Mixed Jurisdictions: Code and Caselaw as Simultaneous Methods in Quebec, Puerto Rico and Louisiana, 6 *The Journal of Comparative Law*

Mixed Legal Systems—The Origins of the Species, Italian *Annuario* (2013)

The Quest to Implant Civilian Method in Louisiana: Tracing the Origins of Judicial Methodology (The Tucker Lecture),

73 La. L. Rev. 793 (2013)

Dommmages Moraux: L'Eveil Français au Dix Neuvième Siècle
Revue Internationale de Droit Comparé (Avril 2015) ((Republished
Review on Contemporary Civil Law (2016) in Portuguese)

From Private Law Roots to International Norm: An Investigation into
Moral Damages and Pecuniary Reparations in Transnational and Inter-
national Law, 22 Journ. of Intern. & Comparative Law 305-321 (2015)

Empires as Engines of Mixed Legal Systems, in *Liber Amicorum en
L'honneur du Professeur Joël Monéger* (LexisNexis 2017).pp 739-
750, republished SSRN.

Sounding the Retreat: The Exit of Spanish Law in Early Louisiana
31/32 Tul. Euro. & Civ. Law Forum 121 (2017) (reprinted as Chap. 5
In Donlan & Palmer (eds) *Legal Traditions in Louisiana and the Floridas,
1763-1848* (Talbot Publishing 2019)

Living Off Translations: The Remarkable Survival of Roman-Dutch Law in
South Africa and Mixed Legal Systems (forthcoming Maastricht Univ. 2022)

Excused Performances: Force Majeure, Impracticality and Frustration in
American Contract Law (Report to the International Academy of Comparative
Law, to be delivered at Congress in Asuncion, Paraguay, October 2022)

Additional Honors and Activities:

Provost's Award for Scholarship and Research, Tulane 2005

Bar Admissions: Supreme Court of the United States and
Supreme Court of Louisiana
Delegate, National Democratic Convention, New York,
1976

Former President, The Alliance for Good Government (1974-1975)

Former President, The French Quarter Resident Association (1973-1975)

Former Director, The Vieux Carre Property Owner & Associates

Member, Louisiana Bar Association

Member, Henri Capitant Association

Member, Société de Législation Comparée

Board of Contributing Editors, South African Law Journal

Board of Contributing Editors, The Edinburgh Law Review

Board of Scientific Directors, Interdisciplinary Association for
Comparative Law and Private International Law

International Editorial Advisory Board, Journal of International and
Comparative Law

Former Board Member, Alliance Francaise, New Orleans

Board Member, The Friends of Music, New Orleans

Foreign Languages: French, Spanish

International
and Community
Service:

Constitutional adviser to the Kingdom of Lesotho. I completed in 1991 a major report on the reform of the constitution and the return to democracy.

◦ Constitutional consultant to the Republic of Madagascar. I was engaged by the American government in 1992 to advise Madagascar in its constitutional reform.

◦ *Pro bono* attorney in a variety of civic matters in New Orleans. These include:

– the racial desegregation of the Jefferson Parish Prison and relief from other unconstitutional conditions. This litigation lasted approximately seven years, resulted in full relief and ultimately in voter approval of a new prison.

– the preservation of the "tout ensemble" of the French Quarter from various intrusions, including blocking a sound and light show at Jackson Square and the building of a helicopter port nearby.

- Suit blocking the privatization of New Orleans water system

- Candidate for Mayor of New Orleans, 2002

Outside Interests:

Tennis; classical piano; travel; musical composition:
("Sketches of New Orleans and Other Original Compositions" 2005)