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Foreword

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This symposium celebrates the centennial of the Hague Conference on Private International Law. The papers were presented at a conference held in Durham in October 1992 under the auspices of the Conference, the Private Adjudication Center, and the American Bar Association Section on Litigation. Apologies are due to the authors for the delay in bringing their work to public light.

In its hundred years of existence, the Conference has been a source of a substantial body of law. Its history is here summarized by its present Secretary General, Georges A.L. Droz. These articles all address the efforts of the Conference to facilitate civil litigation across international boundaries.

The mission of the Conference in this field has been a difficult one. Civil procedure is, as much as any corpus of law, culturally derived. There are therefore wide gulfs to be bridged. Thus, because of the special rule that civil litigation plays in U.S. society, misunderstandings and irritations arising from international litigation in American courts have been especially frequent. Indeed, in this field, U.S. law is widely regarded as a pariah.¹ Moreover, not only are the gulfs wide, but their shores are unstable for civil procedure is mutable. Thus, our practice today bears little resemblance to that of a century ago.²

Nevertheless, the Conference has boldly sallied forth, and we have called upon our authors to evaluate the results and to suggest new initiatives. We believe that the reader interested in transnational litigation will find these articles of great interest.

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1. Paul D. Carrington, *International Litigation in the Courts of the United States*, in THE INTERNATIONAL SYMPOSIUM ON CIVIL JUSTICE IN THE ERA OF GLOBALIZATION: COLLECTED REPORTS 27 (Editorial Board of the ISJ ed., 1993).

2. Steven C. Yeazell, *The Misunderstood Consequences of Modern Civil Process*, 1994 WIS. L. REV. 631 (1994).

