

Judges under Stress – the Breaking Point of Judicial Institutions

Final Conference (**17-18th November 2022, University of Oslo**)



Final program



THURSDAY NOVEMBER 17th

8:30am Registration of participants – Professorboligen, Faculty of Law, Address: Karl Johans gate 47		
9:00 Opening and Plenary I (Stallen): Hans Petter Graver (University of Oslo, leader of the Judges under Stress project)		
	Professorboligen - Stallen	Professorboligen - Loftet
	Stream: Path Dependence - how legal traditions and culture live on, transform and disappear	Stream: Judicial Resistance – how judges can resist and postpone the breaking point of the rule of law
1st session: 9:50-11:20	<p>Problems of transition I</p> <p>Chair: Peter Čuroš (University of Oslo, Norway)</p> <p>Ján Štiavnický (Constitutional Court of the Slovak Republic) - <i>Academia and history are to be blamed</i></p> <p>Denis Preshova (Assistant Professor, Ss. Cyril and Methodius University, Skopje, N. Macedonia) - <i>From The Disconnect To The Detachment Problem Of The EU Induced Judicial Reforms In The Western Balkans: The Case Of The European Model Of Judicial Self-Governance</i></p> <p>Fruzsina Gardos-Orosz (Institute for Legal Studies, Center for Social Sciences, ELTE Law School, Budapest, Hungary) - <i>How to become a judicial influencer? Hungarian step by step</i></p> <p>Bartosz Pilitowski (Nicolaus Copernicus University, Court Watch Poland Foundation) - <i>Did Politicians Ruin Poland's Judicial Appointments? A Comparative Empirical Analysis of the 2013–2020 Judicial Position Competitions Conducted by the National Council for Judiciary</i></p>	<p>Judicial Resistance I</p> <p>Chair: Dominik Czeszkiewicz (District Court, Suwalki, Poland)</p> <p>Łukasz Bojarski (Phd research scholar, University of Oslo, Norway) - <i>Judicial resistance against the rule of law backsliding – definition and typology (case study of Poland),</i></p> <p>Jan Petrov (Junior Research Fellow in Law, The Queen's College, University of Oxford)- <i>Countering Democratic Decay The Judicial Way: Is Resistance Futile?</i></p> <p>Ramona Coman (President of the <i>Institut d'études européennes</i>, Professor in Political Science, Université libre de Bruxelles) and Leonardo Puleo (post-doctoral researcher, Université libre de Bruxelles) - <i>Judges' professional associations in Hungary, Poland and Romania. Repertoires d'action & discursive strategies against rule of law dismantlement</i></p> <p>Petra Gyöngyi (Associate Senior Lecturer, University in Lund, Sweden) - <i>Resistance by Association? Judicial Associations in Europe and pathways of protecting judicial independence</i></p>

Coffee break 11:20-11:45

<p>2nd session: 11:45 - 13:15</p>	<p>Problems of transition II</p> <p>Chair: Magdalena Konopacka (University of Business and Administration in Gdynia)</p> <p>Arnisa Tepelija (Doctoral Student in Comparative Constitutional Law at the Central European University, Hungary/Austria) - <i>Abusive recourse to a phantom Supreme Court: bad faith and the unbearable lightness of the backlog</i></p> <p>Valerija Dabetić (Teaching assistant, University of Belgrade, Serbia) - <i>The (Un)responsive Judiciary in Transition Countries – the Case of Serbia</i></p> <p>Jan Zobec (Supreme Court Judge, former Constitutional Court Judge of Slovenia) - <i>"How long is the the long shadow of the authoritarian past - the case of Slovenian Judiciary"</i>.</p> <p>Julius Yam (Assistant Professor, Faculty of Law, University of Hong Kong) - <i>Judging Under Authoritarianism</i></p>	<p>Judicial Resistance II</p> <p>Chair: Hans Petter Graver (University of Oslo, Norway)</p> <p>Matyás Bencze (former judge, Professor of Law at the University of Győr Law School and a senior research fellow at Centre of Social Sciences Institute for Legal Studies, Hungary) - <i>The Role and the Origin of Judicial Populism in Authoritarian States</i></p> <p>Max Steuer (Assistant Professor at the Jindal Global Law School, India) - <i>Understanding the Reservoirs of Constitutional Court Resilience: The Role of Judicial Conceptions of Democracy</i></p> <p>Zoltán Fleck (Full Professor, <u>Eötvös Loránd University</u>, Hungary) - <i>Subordination, conformity and alignment - the birth of judicial autonomy in Hungary</i></p> <p>Moa Bladini (Senior Lecturer, University of Gothenburg, Sweden) Wanna Svedberg Andersson (Senior lecturer in criminal law at the department of law, Gothenburg University)- <i>Autonomy of the judge in theory and practice - Strengthening the independent judiciary</i></p>
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Lunch 13:15 -14:15

Plenary II (Stallen): 14:15 –15:00 Terence Halliday (American Bar Foundation)

<p>3rd session: 15:05 – 16:45</p>	<p>Problems of transition III.</p> <p>Chair: Fruzsina Gardos Orosz (Institute for Legal Studies, Center for Social Sciences, ELTE Law School, Budapest, Hungary)</p> <p>Ján Mazúr (assistant professor at Comenius University in Bratislava, Slovakia) - <i>Leaked from Threema: the Case of Judicial Corruption in Slovakia</i></p> <p>Jim Moliterno (Vincent Bradford Professor of Law, Washington & Lee University, Virginia, U.S.) Sopho Verdzeuli (Lawyer, editor of KOMENTARI, Group of Independent Lawyers, Georgia) and Irakli Kordzakhia (lawyer, partner of GRATA International Georgia, Group of Independent Lawyers, Georgia) - <i>Control, Resistance, and Collaboration: Periods of Georgian Judicial Administration</i></p> <p>Dragoș Călin (judge at the Bucharest Court of Appeal, co-president of the Romanian Judges) Alinel Bodnar(judge at the Bucharest Sector 3 Local Court, general secretary of the Romanian Judges; Forum Association) - <i>Fighting for European Values. The Story of Romanian Judges and Prosecutors</i></p>	<p>Judicial Resistance III</p> <p>Chair: Lukasz Bojarski (University of Oslo, Norway)</p> <p>Tomasz Widłak (associate professor at the Department of Theory and Philosophy of Law and State of the University of Gdańsk) - <i>The virtues of judicial resistance</i></p> <p>Martin Sunnqvist (Associate Professor of Legal History, Lund University, Sweden) - <i>Must a judge, who may not be influenced by fear, be brave?</i></p> <p>Bernard McCloskey (Lord Justice of Appeal, Supreme Court of Judicature of Northern Ireland) - <i>Judicial Independence and Judicial Responsibility: A Construct Under Stress?</i></p> <p>Klaudia Lozyk (former judge in Poland, visiting scholar at the University of Western Australia in Perth) - <i>The political influence of the executive power on the work of judges</i></p>
<p>19:00 - Conference dinner</p> <p>Professorboligen, Karl Johans gate 47</p> <p>Part of the evening program:</p> <p>Panel discussion on the book of Hans Petter Graver – Jussens Helter/Právne hrdinstvá (SK)/Legal Heroes (EN) and on the importance of role-models among lawyers in CEE.</p> <p>Guests:</p>		

Ján Mazúr (assistant professor at Comenius University in Bratislava, Slovakia)

Jim Moliterno (Vincent Bradford Professor of Law, Washington & Lee University, US)

Hans Petter Graver (University of Oslo, Norway)

FRIDAY, NOVEMBER 18th

9:00 Plenary III (Stallen): Renáta Uitz (Central European University)

	Professorboligen - Stallen	Professorboligen - Loftet
	Stream – Approaches of critical legal theory	
4th session – 9:50 – 11:20	<p>Judicial Ideology I.</p> <p>Chair: Petr Agha (Charles University in Prague, Czech Republic)</p> <p>Przemysław Tacik (Assistant Professor, Jagiellonian University in Kraków, Poland)-<i>Subject, Object, Sovereign. The Role of Judicial Self-Identification in Determining the Law</i></p> <p>Dennis Wassouf (Phd. candidate, Masaryk University, Czech Republic) - <i>Forgetting Unforgettable, Finding Unfindable: Towards Theory of Juridico–Archival Ideology</i></p> <p>Peter Čuroš (postdoktor, University of Oslo, Norway) – <i>Judicial Ideology in the Periphery</i></p>	<p>Judiciaries in Global South</p> <p>Chair: Hans Petter Graver (University of Oslo, Norway)</p> <p>Dr Stefanie Lemke (Senior Legal Adviser with an international organization, attending in a private capacity) - <i>Advocates for Silenced Voices: Lawyers, courts and politics in Europe and Central Asia</i></p> <p>Monique Cardinal (Associate Professor of Islamic Studies, Université Laval, Québec, Canada) - <i>Judicial Resistance to Authoritarian Rule in Syria since the March Revolution of 2011</i></p> <p>Marina Slhessarenko Fraife Barreto (Master's student in Political Science from the Faculty of Philosophy, University of São Paulo, Brazil) - <i>Rule of law without democracy: a study in the light of Franz Neumann's critical theory</i></p>

		<p>Eduardo Chia (doctoral researcher, Goethe-Universität Frankfurt am Main , Rechtswissenschaft) - <i>Judges and ideology: some lessons from the case of the Chilean Constitutional Tribunal</i></p>
Coffee break 11:20- 11:40		
11:40 – 12:30 Plenary IV: Joxerramon Bengoetxea (University of the Basque Country)		
Lunch 12:30-13:15		
<p>5th session 13:15-14:45</p>	<p>Judicial Ideology II.</p> <p>Chair: Przemysław Tacik (Jagiellonian University in Kraków, Poland)</p> <p>Tomáš Havlíček (PhD Candidate, Masaryk University in Brno, Czech Republic) - <i>The Meaning of the Meaningless – Fig Leaves of the Ideology.</i></p> <p>Teodora Miljojkovic (SJD candidate, Central European University, Hungary) - Rule of Law and Limits to Interference with Judicial Independence</p> <p>Petr Agha (Assistant professor, Charles University in Prague, Czech Republic) - <i>Breaking Point of Judicial Institutions</i></p> <p>Peter Techet (post-doc and lecturer at the Faculty of Law, University of Zurich (Switzerland) and Post-Doc / Research Assistant, Institute of Political Sciences and Philosophy of Law Albert-Ludwig-University Freiburg (Germany) - <i>Is there such a thing as</i></p>	<p>European Courts and their influence on judiciaries</p> <p>Chair: Petra Gyöngyi (University in Lund, Sweden)</p> <p>Mauricio Mandujano Manriquez (PhD Fellow at ARENA Centre for European Studies, University of Oslo) - <i>Political Gains by Judicial Means: Institutional Conversion of the EU's Rule of Law Policy</i></p> <p>Marcin Mrowicki (Assistant Professor at the University of Warsaw, Poland) - <i>Creating Jurisprudence Against the Authoritarianism – Court of Justice and European Court of Human Rights Entering a Foray Paved by the Resisting Judges in Poland</i></p> <p>Magdalena Konopacka (Associate Professor, University of Business and Administration in Gdynia) - <i>Efficiency and Justice in International Judicial Conversations</i></p> <p>Inna Boyko (Associate Professor at the Maritime Law Department of the National</p>

	<p><i>“judicial activism”? Ideology of judges, or ideology against judges?</i></p>	<p>University ‘Odessa Maritime Academy’, Ukraine) - <i>Cases on Claims of Ukraine Against the Russian Federation as Evidence of Violation the Rule of Law</i></p>
<p>Coffee break 14:45-15:05</p>		
<p>6th session 15:05 - 16:40</p>	<p>State of Exception</p> <p>Chair: Peter Čuroš (University of Oslo, Norway)</p> <p>Marie Laur (doctoral candidate in the Legal Studies Department at the Central European University, Hungary/Austria) - <i>The necessary adaptation of judges to emergency as a new paradigm of government</i></p> <p>Fanny Anne Bardez (Associate Defence Attorney, Oslo, Norway) - <i>States of Exception : the French Example</i></p> <p>Cosmin Cercel (Assistant Research Professor at the Lazarski University in Warsaw) - <i>A culture of emergency? Romanian constitutionalism from a comparative legal historical perspective</i></p> <p>Zoltán Szente (Research Professor, Institute for Legal Studies, Centre for Social Sciences and Professor of Law, Department of Constitutional Law and Comparative Public Law, National University of Public Service, Budapest) - <i>Towards a moderate dual state?</i></p>	<p>Systemic challenges of judiciary</p> <p>Chair: Maciej Ferek (Regional Court, Kraków, Poland)</p> <p>Fabrizio Cesareo (Postdoctoral Researcher and Contract Professor of Private Law, University of Milan-Bicocca) -<i>The European Context Of The Role Of The Italian Judge And Civil Process In The Emergency And New Technologies Law</i></p> <p>Aleksandra Partyk (Assistant Professor at Andrzej Frycz Modrzewski Krakow University, Poland) - <i>Re-examining the civil case in the same court composition. When the decision making in a case may be problematic</i></p> <p>Tomasz Partyk (Judge, President of Civil Division in District Court for Kraków Podgórze in Kraków, Poland) - <i>Some remarks on practical problems of adjudicating in civil cases.</i></p>
<p>16.40-17:00: Final word and closing of the conference: Hans Petter Graver</p>		