

JUDICIAL COOPERATION AMONG STATE COURTS IN EUROPE AND THE U.S.: A COMPARATIVE APPROACH

Conference jointly organized by the Robert Schuman Centre for Advanced Studies, the Dwight D. Opperman Institute of Judicial Administration of the New York University School of Law and the Network of the Presidents of the Supreme Judicial Courts of the European Union

European University Institute
13-14 December 2010

The Theatre, Badia Fiesolana
Via dei Roccettini 9, San Domenico di Fiesole, Italy



The Conference languages are English and French, with simultaneous translation

PROGRAMME

The Theatre, Badia Fiesolana

Monday, 13th December 2010

9:00 Welcome by conference organizers

9:15 NEW DIRECTIONS IN JUDICIAL COOPERATION: INSTRUMENTS OF COOPERATION

Moderator: Prof. **Fabrizio Cafaggi**

- *The Initiative of the European Network* – Hon. Prof. Dr. **Irmgard Griss**
- *The Role of the U.S. Conference of Chief Justices of State Supreme Courts* – Hon. **Christine Durham**
- Questions and discussion from the floor

10:45 Coffee break

11:00 OTHER MODELS OF COOPERATION

Moderator: Hon. Prof. Dr. **Irmgard Griss**

- *The Role of the European Institutions* – Mr. **Fernando Rui Paulino Pereira**
- *The ALI and its Influence in the Context of "Soft" Law Unification* – Prof. **Lance Liebman**
- *The Role of the Uniform Law Commission* – Hon. **Shirley Abrahamson**
- *Cooperation between State and Federal Courts in the U.S.* – Hon. **Robert Katzmann**
- Questions and discussion from the floor

- 12:30 Lunch
- 13:45 **CONSTITUTIONAL AND OTHER IMPEDIMENTS TO JUDICIAL COOPERATION**
Moderator: First President **Ernesto Lupo**
- *European Perspective* – Chief Justice **John L. Murray**
 - *U.S. Perspective* – Hon. **Margaret Marshall**
 - Questions and discussion from the floor
- 15:15 Coffee break
- 15:30 **CONSTITUTIONAL AND OTHER IMPEDIMENTS TO JUDICIAL COOPERATION continued**
Moderator: Prof. **Oscar Chase**
- *U.S. Perspective* – Prof. **Geoffrey Miller**
 - Questions and discussion from the floor
- 16:45 Adjournment of Day 1 Session
- 18:30 Visit of Palazzo Vecchio in Florence followed by dinner at 19:30

Tuesday, 14th December 2010

- 9:00 **GOVERNANCE AND PROCESSES OF JUDICIAL COOPERATION; EXISTING AND PROPOSED MODELS**
Moderator: President **Branko Hrvatin**
- *European Experience and Perspective* – President **Pauliine Koskelo**
 - *U.S. Experience and Perspective* – Hon. **Wallace B. Jefferson**
 - *Judicial Cooperation in the U.S. – an Historical Survey* – Mr. **Russell Wheeler**
 - Questions and discussion from the floor
- 10:30 Coffee break
- 10:45: **Cooperation/harmonization imposed by higher authority**
Moderator: Prof. **Troy McKenzie**
- International human rights norms:
 - *European perspective:*
 - *The European Court of Justice* – President **Geert Corstens**
 - *The European Court of Human Rights* – Prof. Dr. **Klaus Tolkdorf**
 - *U.S. perspective* - Prof. **Burt Neuborne**
 - *The U.S. Supreme Court and the Doctrine of Preemption* – Prof. **Catherine Sharkey**
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- 11:45 **CONCLUDING REMARKS AND FUTURE DIRECTIONS**
Moderator: Hon. **Margaret H. Marshall**
- Observations by Hon. **Jonathan Lippman**
 - Observations by President **András Baka**
 - Comments from the floor
- 12:30 Lunch and informal discussion - Toasts and thanks from the organizers.
- 14:00 Adjournment.
- [14:15 Meeting of the Board of the Network of the Presidents of the Supreme Judicial Courts of the EU]

LIST OF PARTICIPANTS

Shirley S. Abrahamson	Chief Justice, Wisconsin Supreme Court
Jean-Jacques Arnaldez	Network of the Presidents of the Supreme Judicial Courts of the European Union
András Baka	President, Supreme Court and the National Council of Justice of Hungary
Jana Baricová	Vice-President, Supreme Court of Slovakia
Vittoria Barsotti	Professor, University of Florence
Stefano Bartolini	Director, Robert Schuman Centre for Advanced Studies
Ivars Bickovics	President, Supreme Court of Latvia
Vladimir Balažic	Judge, Supreme Court of Slovenia
Iva Brožová	President, Supreme Court of the Czech Republic
Fabrizio Cafaggi	Professor, European University Institute
Silvio Camilleri	President, Constitutional Court and of the Court of Appeal of Malta
Keiva Carr	European University Institute
Oscar G. Chase	Professor, New York University School of Law
Geert Corstens	President, Supreme Court of the Netherlands
Simona Cristea	Head of the International Relations Office, High Court of Cassation and Justice of Romania
Marco Del Panta	Secretary General, European University Institute
Martina Dineva	International Activities and Protocol Unit, Supreme Court of Cassation of Bulgaria

Christine M. Durham	Chief Justice, Utah Supreme Court
Irmgard Griss	President, Obersten Gerichtshof of Austria and Network of the Presidents of the Supreme Judicial Courts of the European Union
Lasar Gruev	President, Supreme Court of Cassation of Bulgaria
Štefan Harabin	President, Supreme Court of Slovakia
Dominique Hascher	Secretary General, Network of the Presidents of the Supreme Judicial Courts of the European Union
Branko Hrvatin	President, Supreme Court of Croatia
Francesco Ippolito	Secretary General, Corte Suprema di Cassazione of Italy
Lamont A. Jefferson	Haynes and Boone
Wallace B. Jefferson	Chief Justice, Texas Supreme Court
Robert A. Katzmann	Judge, U.S. Court of Appeals for the Second Circuit
Pauliine Koskelo	President, Supreme Court of Finland
Gintaras Kryzevicius	President, Supreme Court of Lithuania
Vincent Lamanda	First President, Cour de cassation of France
Lance M. Liebman	Professor, Columbia Law School
Jonathan Lippman	Chief Judge, New York Court of Appeals
Ernesto Lupo	First President, Corte Suprema di Cassazione of Italy
Margaret H. Marshall	Chief Justice, Massachusetts Supreme Judicial Court
Troy McKenzie	Professor, New York University School of Law
Geoffrey P. Miller	Professor, New York University School of Law
Samuel Muller	Director, The Hague Institute for the Internationalization of Law
John L. Murray	Chief Justice of Ireland
Burt Neuborne	Professor, New York University School of Law
Karolina Podstawa	European University Institute
David Raic	Deputy Director, Hague Institute for the Internationalization of Law
Fernando Rui Paulino Pereira	Head of Unit, responsible for judicial cooperation in civil and commercial matters, Chair of the Council Working Group on e-Law and e-Justice
Catherine M. Sharkey	Professor, New York University School of Law
Tore Schei	President, Supreme Court of Norway
Livia Doina Stanciu	President, High Court of Cassation and Justice of Romania
Klaus Tolkdorf	President, Bundesgerichtshof of Germany
Vincenzo Varano	Global Professor at New York University School of Law and Professor at the University of Florence
Jessica Westwood	Edward Elgar Publishing
Russell R. Wheeler	The Brookings Institution
Torrey L. Whitman	Executive Director, Institute of Judicial Administration, New York University School of Law