

# **RELATÓRIO DE ATIVIDADES**

**GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS**

Ano Lectivo 2018/2019

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## INTRODUÇÃO

O Gabinete Erasmus e de Relações Internacionais (GERI) promove e gere, entre outras atribuições, a mobilidade e o intercâmbio da Faculdade de Direito da Universidade de Lisboa, nomeadamente a mobilidade de alunos, docentes, investigadores e funcionários. No âmbito desta gestão, é atribuição do GERI não só prestar esclarecimentos sobre os programas em vigor, como também promover iniciativas informativas e de incentivo à mobilidade, quer para alunos portugueses que queiram ir estudar para outra instituição, quer para alunos estrangeiros que queiram frequentar um semestre ou um ano letivo completo na nossa Faculdade.

Ao longo dos anos, o GERI tem vindo a estabelecer, em linha com a política de internacionalização da Faculdade, protocolos com várias instituições de ensino superior, tanto europeias, no âmbito do Programa Erasmus+, como de países sul-americanos.

O GERI diversificou também a sua atividade para gestão de cursos intensivos, originalmente criados como uma extensão do programa Erasmus+, lecionados principalmente por docentes estrangeiros em língua estrangeira e sobre temas de direito não lecionados na Faculdade.

Ao gabinete foi ainda atribuída a incumbência de gerir o Mestrado Erasmus Mundus em *European Legal Practice*, que atualmente foi convertido num mestrado conjunto internacional, inserido no catálogo de mestrados oferecido pela Faculdade. A este mestrado veio juntar-se um duplo-grau internacional, desta vez promovido em conjunto com a Loyola University College of Law, New Orleans.

No quadro da internacionalização da Faculdade, cabe ao GERI a sua representação em redes e eventos internacionais de Direito e a promoção da atividade docente no estrangeiro.

É ainda incumbência do gabinete manter atualizada a informação no site da Faculdade relativa à mobilidade, à oferta de unidades curriculares em inglês para alunos estrangeiros em mobilidade, aos cursos intensivos e aos mestrados internacionais.

O presente relatório pretende, desta forma, dar conta das atividades promovidas ao longo do ano letivo de 2018/2019, bem como da sua evolução ao longo dos últimos três anos letivos.

## EQUIPA

A orgânica do Gabinete é composta por um presidente, oito vice-presidentes, representantes dos vários grupos científicos, uma equipa de colaboradores caracterizada por um técnico-superior, um bolseiro de investigação e quatro alunos-colaboradores e ainda um representante da Associação Académica da Faculdade de Direito da Universidade de Lisboa.

### **Presidente**

Professor Doutor Vasco Pereira da Silva

### **Grupo de Ciências Jurídicas**

Professor Doutor Pedro Pais de Vasconcelos

Professor Doutor José Ferreira Gomes

### **Grupo de Ciências Jurídico-Políticas**

Professor Doutor Miguel Raimundo

Professor Doutor Rui Guerra da Fonseca

### **Grupo de Ciências Jurídico-Económicas**

Professor Doutor Nuno Cunha Rodrigues

Professora Doutora Rute Saraiva

### **Grupo de Ciências Histórico-Jurídicas**

Professora Doutora Sílvia Alves

Professora Doutora Isabel Graes

### **Equipa de colaboradores**

Mestre Eduarda Camilo (Técnica Superior)

Tamires Nunes (Aluna colaboradora desde abril de 2018)

Raiane Meneses (Aluna colaboradora desde junho de 2018, cessou funções em fevereiro de 2019)

Ana Carolina Broldrini (Aluna colaboradora desde outubro de 2018)

### **Representante da Associação Académica**

João Moreira da Silva, substituído por Filipa Costa

## PROGRAMAS E REDES

A Faculdade de Direito da Universidade de Lisboa (FDUL) tem-se empenhado na internacionalização do seu plano de estudos, de forma a proporcionar aos alunos da Faculdade e aos alunos visitantes de Faculdades estrangeiras uma experiência académica o mais internacional possível.

A fim de prosseguir esse objetivo, a FDUL é membro da associação ELFA (European Law Faculties Association) e das redes ELPIS (European Legal Practice Integrated Studies Network), EuropePolis, Rotterdam Law Network e Rede de Nanterre, que passamos a descrever abaixo.

Os programas, redes de cooperação e intercâmbios que a FDUL acompanhou no ano lectivo 2016-2017, foram os seguintes:

### **ELFA (European Law Faculties Association)**

Associação fundada em 1995 em Leuven, Bélgica, actualmente composta por mais de 180 de Faculdades de Direito e destinada a constituir um fórum para a discussão de assuntos relacionados com o ensino do Direito. A rede é responsável pela publicação do European Journal of Legal Education.

### **Rede ELPIS (European Legal Practice Integrated Studies Network)**

Rede fundada pela Universidade Leibniz de Hannover, actualmente composta por 36 universidades europeias e que se destina à promoção do intercâmbio de estudantes, docentes e funcionários, assim como à promoção e organização de estudos, cursos e publicações, em especial, nos domínios do Direito Europeu e Direito Comparado.

A Faculdade de Direito da Universidade de Lisboa coordena actualmente a rede, depois da eleição do Professor Doutor Vasco Pereira da Silva, em 2015, para a liderança do grupo ELPIS.

### **Rede EuropePolis**

Rede fundada em março de 2011, pela Sapienza - Università di Roma, composta por 19 universidades e centros europeus, com o objectivo de incentivar o ensino do Direito Europeu em todas as disciplinas. A Faculdade de Direito da Universidade de Lisboa é membra fundadora desta rede.

### **Rede de Direito de Roterdão (Rotterdam Law Network)**

Rede fundada pela Erasmus Universiteit Rotterdam, actualmente composta por 30 universidades europeias e que se destina à promoção do intercâmbio de estudantes, docentes e funcionários.

Em anexo a este Relatório, consta uma súmula dos trabalhos realizados na reunião desta rede no passado dia 8 de abril de 2016, na Konstanz Universität, na Alemanha.

### **Rede de Nanterre (Nanterre Network)**

Rede de cooperação universitária em Ciências Jurídicas, coordenada pela Universidade de Université Paris-Ouest Nanterre La Défense, da qual a Faculdade de Direito da Universidade de Lisboa é membra desde maio de 2011.

## PROTOS E PARCERIAS

A Faculdade de Direito da Universidade de Lisboa possui três tipos de programas de mobilidade. Assim, o GERI é responsável pela gestão da mobilidade ao abrigo de protocolos assinados no âmbito do Programa Erasmus+, pela gestão da mobilidade ao abrigo dos protocolos assinados pelo Instituto de Direito Brasileiro e pela gestão da mobilidade ao abrigo de protocolos com outras instituições de ensino superior não inseridas em programas específicos.

O GERI é igualmente responsável pela gestão dos protocolos que regulamentam os dois mestrados internacionais: o Mestrado em *European Legal Practice* (ELPIS) e o Duplo Grau com a University of Loyola College of Law.

Existe ainda o Programa Almeida Garrett, que é gerido pela Reitoria, cabendo ao GERI a responsabilidade de receber e validar as candidaturas, para posterior envio à Reitoria.

No fim do ano lectivo de 2018/2019, o GERI encontrava-se a gerir 155 protocolos com instituições europeias, americanas, latino-americanas e asiáticas.<sup>1</sup>

No que respeita à evolução dos parceiros, geridos pelo GERI, com os quais foram assinados protocolos, com mobilidade (Fig. 1), verificamos que não houve uma alteração geográfica significativa. Foram assinados 10 novos acordos de mobilidade (Fig. 2), mas os países com o maior número de parceiros mantiveram-se a Espanha e Itália.<sup>2</sup>

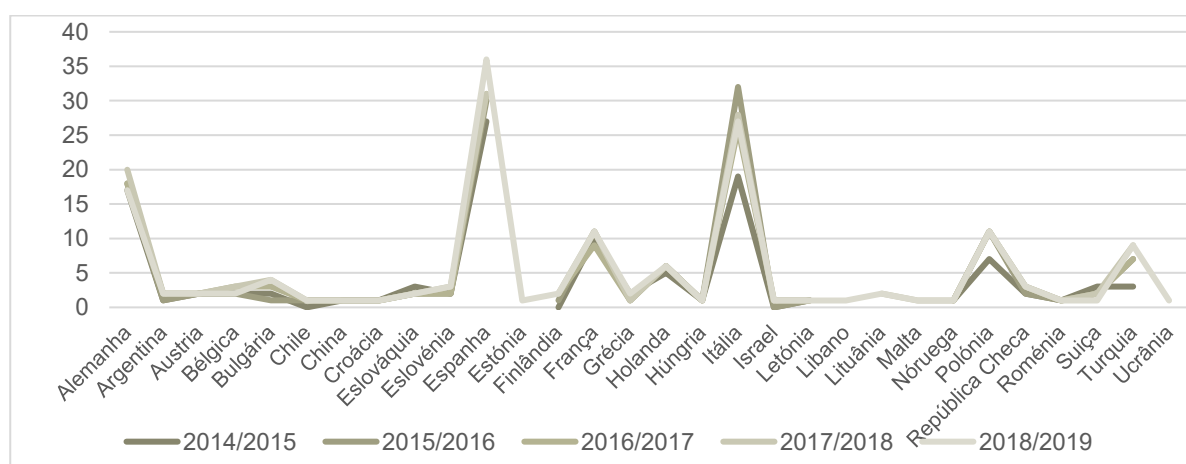


FIG. 1 EVOLUÇÃO DO N.º DE PROTOCOLOS ERASMUS+ POR PAÍS

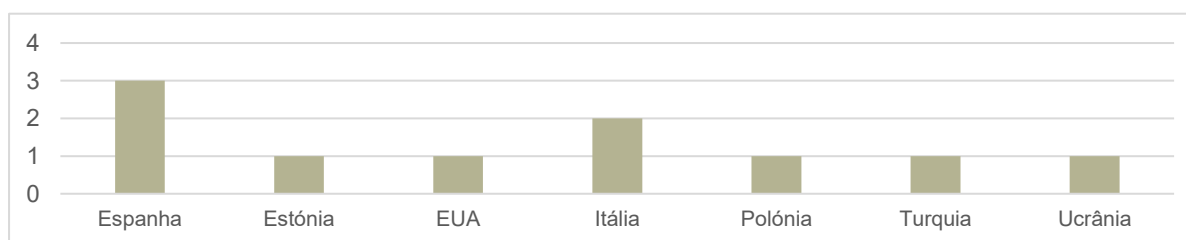


FIG. 2 PROTOCOLOS ASSINADOS EM 2018/2019, POR PAÍS

No ano lectivo de 2018/2019, enviámos 156 alunos para 66 instituições parceiras e recebemos 418 alunos de 152 instituições. Em regra, o número de vagas é respeitado, embora haja casos de instituições que aceitam receber mais alunos da Faculdade de Direito da Universidade de Lisboa do que os que enviam e vice-versa.<sup>3</sup>

<sup>1</sup> A este número devem ser acrescentados os protocolos estabelecidos entre Instituto de Direito Brasileiro, Instituto de Cooperação Jurídica e Reitoria da ULisboa e universidades estrangeiras, ao abrigo das quais a FDUL também pode enviar e receber alunos em mobilidade.

<sup>2</sup> Anexo I – Lista de Protocolos em vigor e assinados em 2018/2019.

<sup>3</sup> Ver anexo XIV – Alunos incoming e outgoing, por instituição parceira.

# MOBILIDADE DE ALUNOS

## Alunos *Incoming*

418 ALUNOS

152 INSTITUIÇÕES<sup>4</sup>

28 PAÍSES<sup>5</sup>

34 NACIONALIDADES<sup>6</sup>

A mobilidade *incoming* nos 3 últimos anos tem vindo a aumentar progressivamente, como pode verificar-se na Fig. 3. Pela primeira vez, nos últimos anos, o número de alunos do Programa Erasmus+ ultrapassou significativamente o número de mobilidades por Protocolo, que se manteve estável em relação ao ano letivo anterior. O Programa Almeida Garrett, sendo um programa nacional, tem um universo de mobilidade bastante mais pequeno e, em média, a Faculdade de Direito da Universidade de Lisboa recebe entre um a dois alunos. Os alunos *free movers* (*alunos visitantes*)<sup>7</sup> também não têm grande expressão no contexto de mobilidade; apesar de se manter um crescimento no número de alunos, os alunos *free mover* provêm maioritariamente de instituições de ensino superior brasileiras.

Em 2018/2019, a FDUL recebeu 490 nomeações, tendo recebido 508 candidaturas, das quais 24 se referiam a *free movers* e 7 foram anuladas pelos candidatos. No presente ano lectivo, realizaram-se 418 matrículas, das quais 13 pertenciam a alunos inscritos em mobilidade no segundo semestre de 2017/2018.

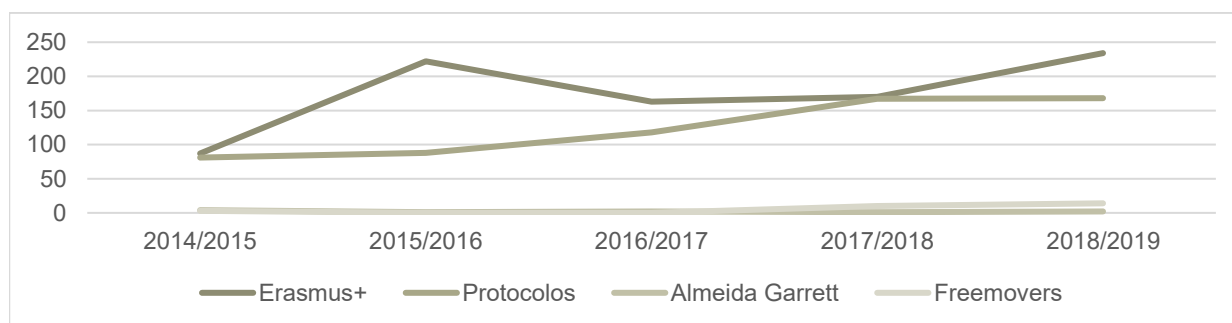


FIG. 3 EVOLUÇÃO DOS ALUNOS INCOMING, POR PROGRAMA (2014-2019)

No ano letivo de 2018/2019, recebemos por período letivo uma média de 209 alunos, tendo havido 36 pedidos de extensão e 1 pedido de redução de estadia (Fig. 4).

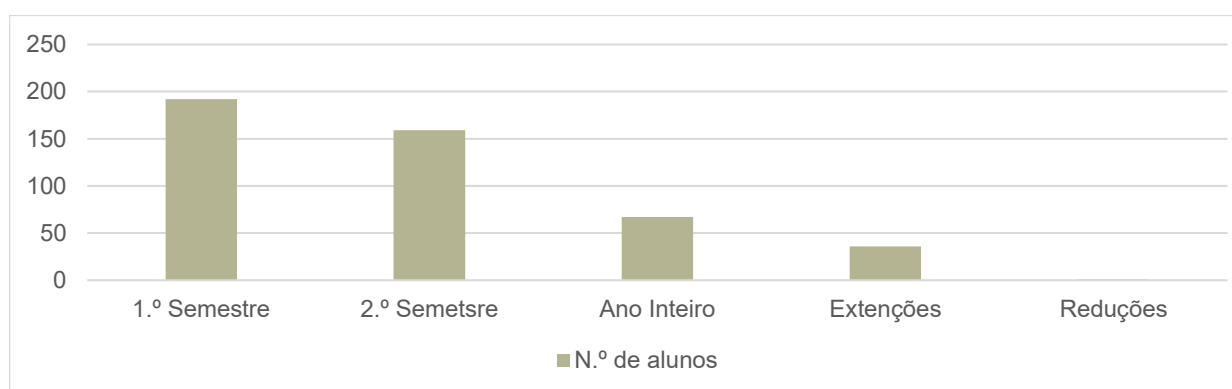


FIG. 4 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR SEMESTRE, EM 2018/2019

<sup>4</sup> Anexo II – Alunos *incoming* inscritos por universidade de origem.

<sup>5</sup> Anexo III – Alunos *incoming* por país de origem.

<sup>6</sup> Anexo IV – Alunos *incoming* por nacionalidade.

<sup>7</sup> Alunos *free movers* são alunos que realizam uma mobilidade na Faculdade de Direito da Universidade de Lisboa sem estarem abrangidos por nenhum programa ou protocolo. Estes alunos, não estando enquadrados em nenhum programa de mobilidade, são recebidos na qualidade de aluno que realiza unidades curriculares isoladas.

A Faculdade de Direito recebeu em média 2,7 alunos por universidade parceira (Fig. 5) e um número médio de 14,9 alunos por país de origem (Fig. 6).

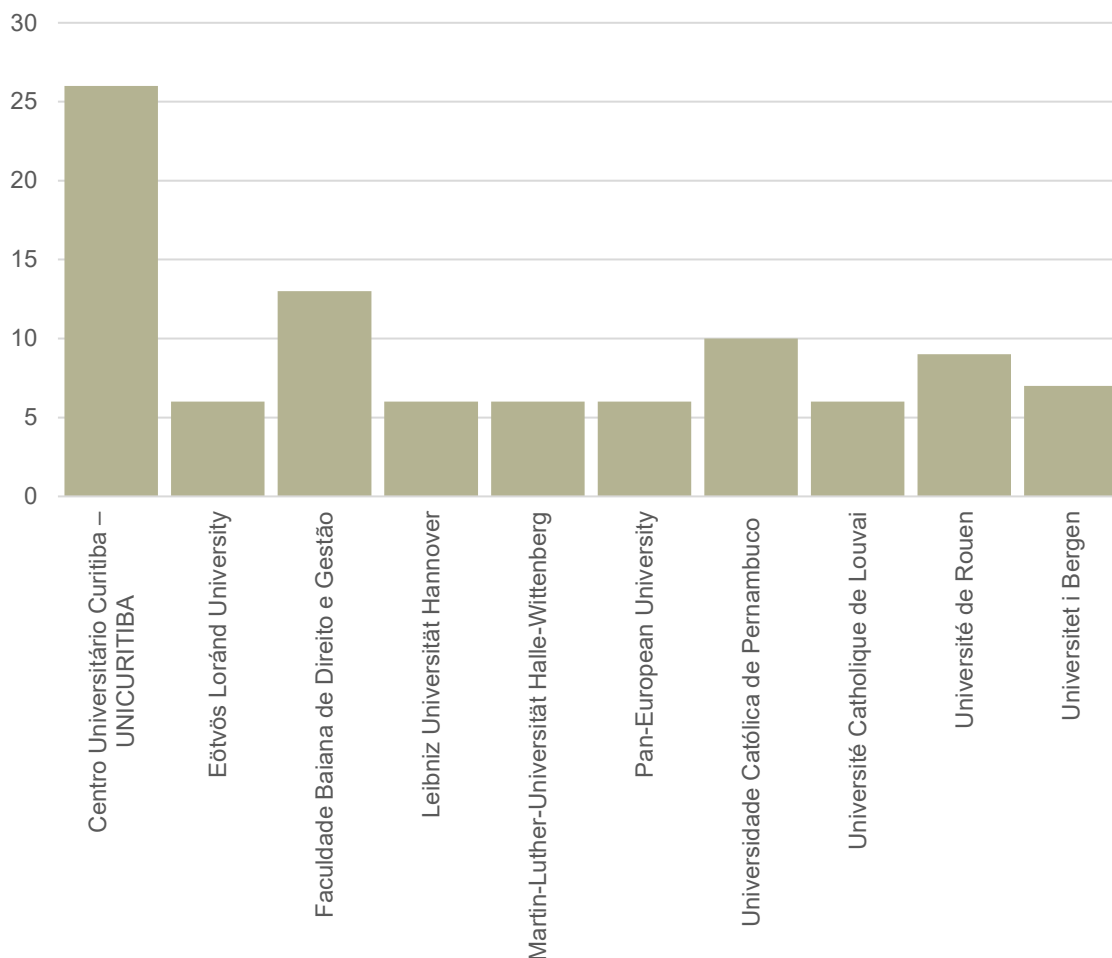


FIG. 5 UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS INCOMING

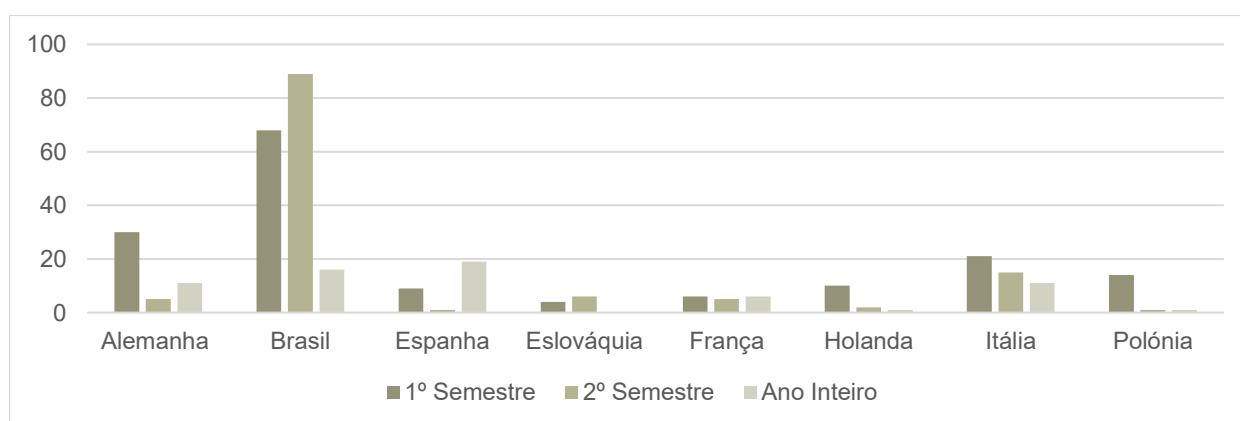


FIG. 6 8 PAÍSES COM MAIOR NÚMERO DE ALUNOS INCOMING

Demograficamente, a grande maioria dos alunos de mobilidade são do género feminino (Fig. 7) e maioritariamente entre os 21 e os 25 anos (Fig. 8).<sup>8</sup>

<sup>8</sup> Anexo V – Alunos *Incoming* por Género e Idade



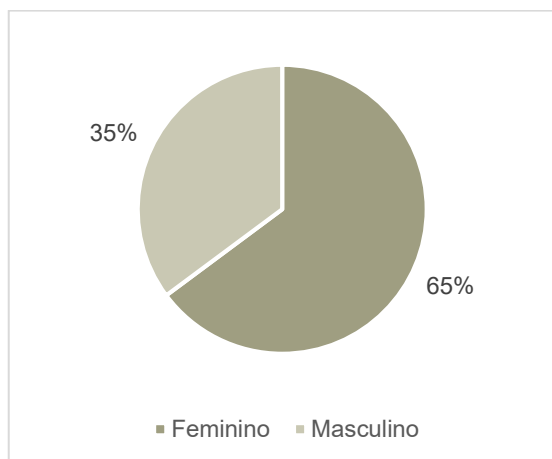


FIG. 7 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR GÊNERO

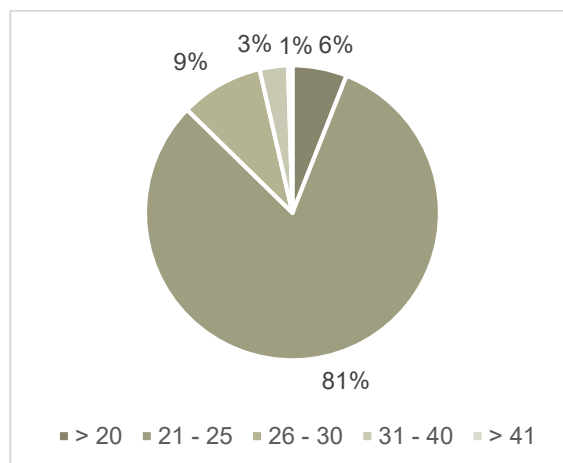


FIG. 8 DISTRIBUIÇÃO DOS ALUNOS INCOMING POR IDADE

Os alunos *incoming* frequentaram, em 2018/2019, 102 disciplinas (mais 4 unidades curriculares do que no ano lectivo anterior), numa média de 17 alunos *incoming* por unidade curricular. As unidades curriculares que tiveram maior número de alunos *incoming* inscritos foram: Direito comparado (175); Direito do Ambiente (103); Proteção Internacional dos Direitos do Homem (97); Direito Internacional Público I (86); Direitos Fundamentais (78); Contencioso da União Europeia (65); Direito da União Europeia (53); Direito e Economia (51); União Económica e Monetária (47); Direito Internacional dos Direitos Humanos (42); Direito da Família (42); Direito Internacional Privado I (40); Economia Internacional (39); Direito das Nações Unidas (37); História do Pensamento Jurídico (37); Contencioso Administrativo e Tributário (33); Direito Internacional Económico (33); Medicina Legal (33).<sup>9</sup> 18% das unidades curriculares com alunos de mobilidade tiveram mais de 30 alunos inscritos.

Para os alunos *incoming*, de entre as unidades curriculares da licenciatura em Direito são criadas (sub)turmas cuja língua de ensino é o inglês, como forma de facilitar a aprendizagem destes alunos, que não dominam o português. No Mestrado em Direito e Prática Jurídica existem unidades curriculares também lecionadas em inglês, que podem ser frequentadas pelos alunos *incoming*. Os alunos que optam por se inscrever nas (sub)turmas em inglês são na sua maioria de origem alemã, espanhola, francesa, italiana e polaca. Existem também muitos alunos brasileiros que optam por frequentar as (sub)turmas em inglês, como forma de valorizar a sua experiência no estrangeiro.

Em 2018/2019, nas 25 unidades curriculares com subturmas em inglês foram lecionadas 30 subturmas com programas em inglês<sup>10</sup>: 16 no 1.º semestre e 14 no 2.º semestre. As unidades curriculares lecionadas em inglês (subturmas) com maior número de alunos foram: Direito Comparado (107); Contencioso da União Europeia (55); Proteção Internacional dos Direitos do Homem (53); Direito do Ambiente (52); Direito e Economia (51); União Económica e Monetária (45); Direito Internacional dos Direitos do Homem (44); Direito Internacional Público II (44) e Direito das Nações Unidas (37)<sup>11</sup>.

Em termos de avaliação, a média geral dos alunos *incoming* é de 13,13<sup>12</sup>. Esa média mantém-se estável (13 valores) quando analisamos apenas as (sub)turmas em lecionadas em inglês<sup>13</sup>.

<sup>9</sup> Anexo VI – Alunos *Incoming* inscritos por disciplina.

<sup>10</sup> Anexo VII – Lista de unidades curriculares lecionadas em inglês.

<sup>11</sup> Anexo VIII – Número de alunos *incoming* por unidades curriculares lecionadas em inglês.

<sup>12</sup> Anexo IX – Média de avaliações dos alunos *Incoming* por disciplina.

<sup>13</sup> Anexo X – Média de avaliações dos alunos *Incoming* por disciplina (turma) lecionada em inglês.

## Alunos *Outgoing*

**156** ALUNOS

**66** INSTITUIÇÕES<sup>14</sup>

**21** PAÍSES<sup>15</sup>

Em 2018/2019, houve um aumento progressivo do número de alunos a realizar um período de mobilidade através do programa Erasmus+ (Fig. 9), após o crescimento abrupto de 2017/2018. Quer as mobilidades por protocolo, quer as mobilidades através do Programa Almeida Garrett apresentaram também um crescimento moderado, face ao ano lectivo anterior.

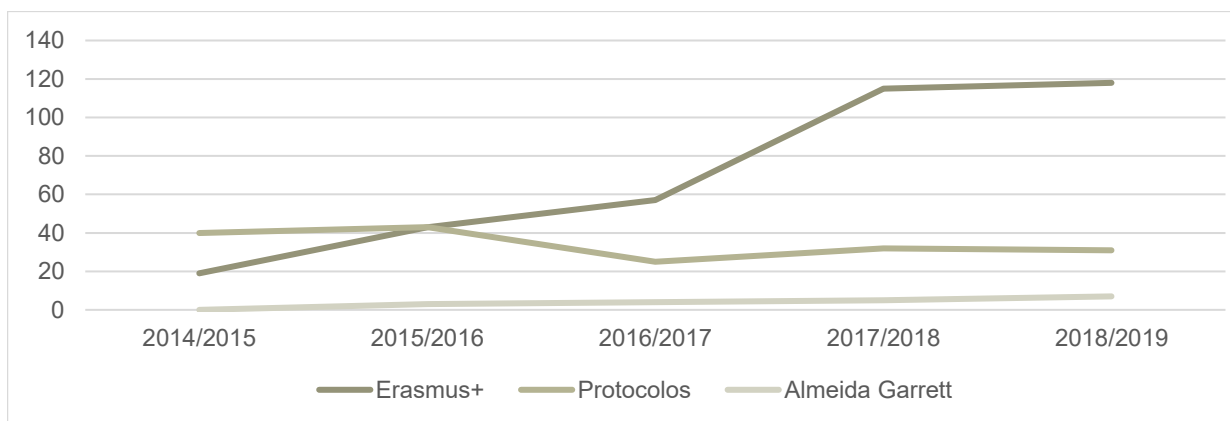


FIG. 9 EVOLUÇÃO DOS ALUNOS OUTGOING, POR PROGRAMA

No ano lectivo de 2018/2019, enviámos a grande maioria dos alunos em mobilidade no 1.º semestre (Fig. 10).

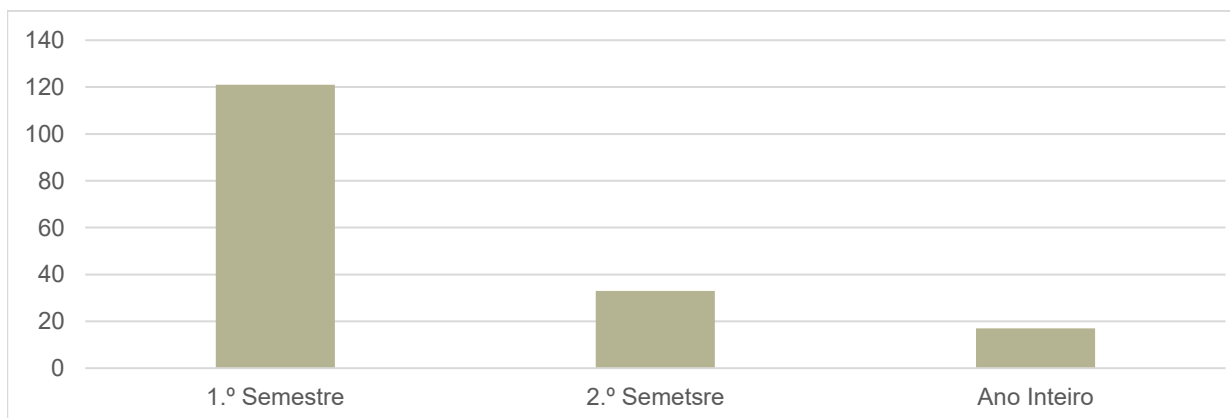


FIG. 10 DISTRIBUIÇÃO DOS ALUNOS OUTGOING POR SEMESTRE, EM 2018/2019

A Faculdade de Direito enviou em média 2,3 alunos por universidade de destino e um número médio de 7,4 alunos por país de destino. Este crescimento residual deve-se a um aumento quer do número de instituições, quer no número de países de destino. No ano lectivo em análise, os alunos escolheram novas instituições de destino, em novos países. Na Fig. 11 encontram-se em análise as 12 universidades que mais alunos da Faculdade de Direito receberam para um período de mobilidade em 2018/2019. Estes alunos são, na sua maioria, alunos de licenciatura. Na generalidade, a mobilidade durante a licenciatura é bastante superior à mobilidade nos demais ciclos de estudos (Fig. 12).

<sup>14</sup> Anexo XI – Alunos *outgoing* por universidade de destino (candidaturas).

<sup>15</sup> Anexo XII – Alunos *outgoing* por país de destino (candidaturas).

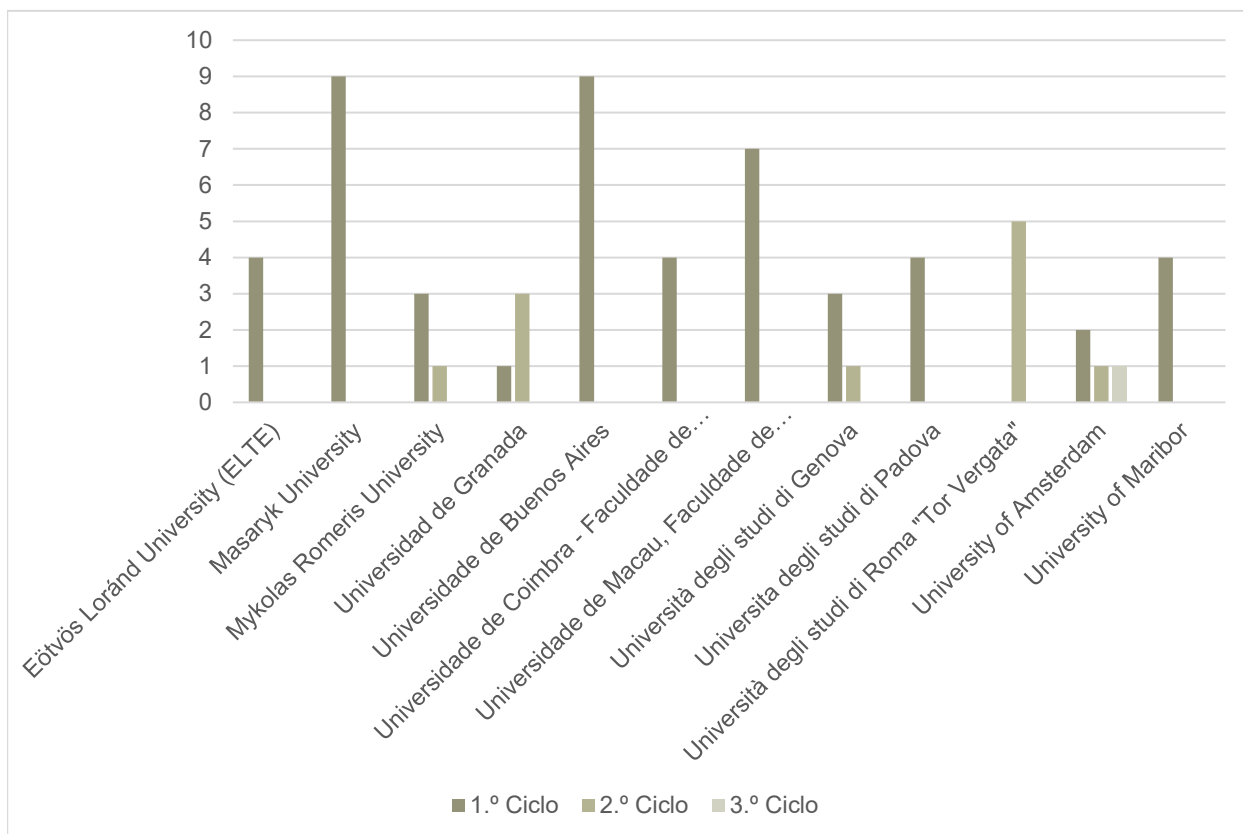


FIG. 11 12 UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS OUTGOING

Relativamente aos países de destino, há uma preferência dos alunos da Faculdade de Direito por Espanha (31), seguido da Itália (27), França (11), Brasil (10), República Checa (10), Eslovénia (12), Alemanha (9), Argentina (9) e Holanda (9)<sup>16</sup>.

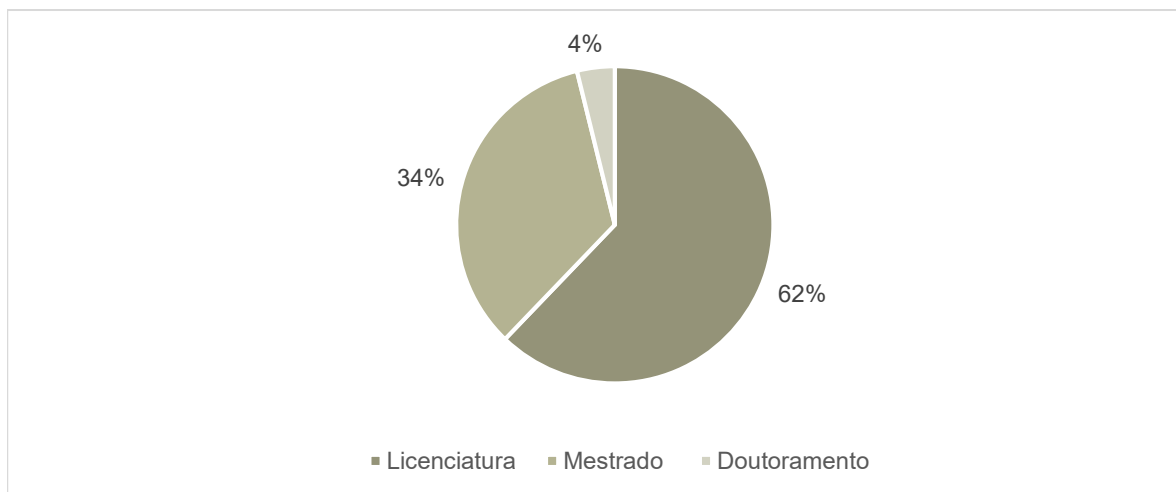


FIG. 12 ALUNOS OUTGOING, POR CICLO DE ESTUDOS

A maioria dos alunos (62%) que realizou um período de mobilidade numa universidade estrangeira frequenta o 1.º ciclo na Faculdade de Direito da Universidade de Lisboa (Fig. 12)<sup>17</sup>. Sendo um ciclo de estudos com uma duração maior, na licenciatura o aluno tem um intervalo de tempo maior para decidir se pretende fazer mobilidade e para que instituição. Adicionalmente, alunos de 2.º ciclo apenas podem realizar mobilidade no segundo ano do ciclo de estudos, o ano para elaboração da dissertação.

<sup>16</sup> Anexo XII – Alunos *outgoing* por país de destino (candidaturas).

<sup>17</sup> Anexo XIII – Alunos *outgoing* por ciclo de estudos (candidaturas).

## Comparação *Incoming* vs *Outgoing*

A FDUL recebe dois terços do total de fluxos de mobilidade da Faculdade, pelo que nem sempre existe reciprocidade (Fig. 13), porque se recebem mais alunos de instituições para as quais não se enviam<sup>18</sup>.

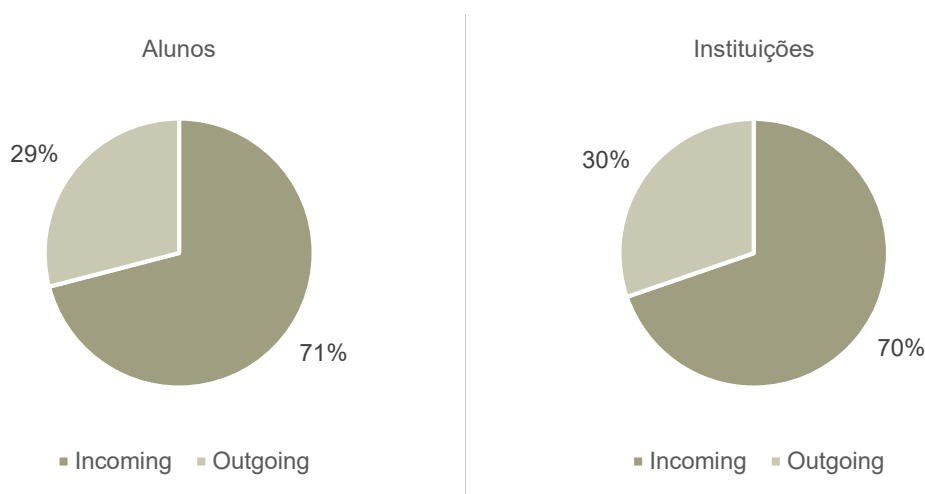


FIG. 13 ALUNOS INCOMING VS ALUNOS OUTGOING

Esta diferença de números é tanto mais visível quando comparamos os alunos recebidos e enviados com as instituições de origem e destino (Fig. 14). Apenas existe reciprocidade (*i.e.*, enviarmos e recebermos alunos da mesma instituição) com 12% dos parceiros.

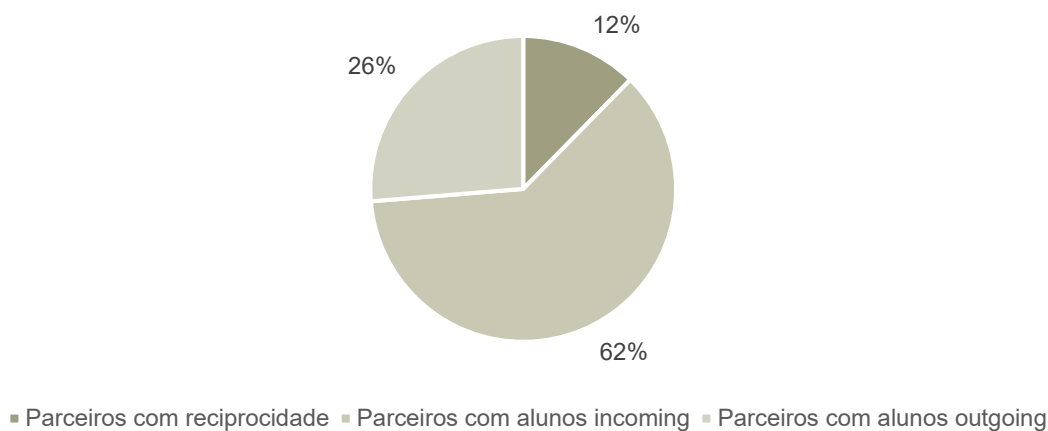


FIG. 14 RECIPROCIDADE POR INSTITUIÇÃO PARCEIRA

Na Fig. 15 podemos comparar a reciprocidade por país. No gráfico<sup>19</sup> podemos constatar que países como a Alemanha, Brasil, Espanha, França, Holanda e Itália, e ainda que o número de alunos recebidos seja bastante superior ao número de alunos enviados, são os destinos mais procurados pelos alunos em 2018/2019. Esta situação não se verifica em países como a Argentina e a República Checa, nos quais o número de alunos enviados é bastante superior ao número de alunos recebidos; ou em países como a Polónia, no qual o número de alunos recebido é bastante superior ao número de alunos enviados.

<sup>18</sup> Anexo XIV – Alunos *Incoming* e *outgoing* (candidaturas), por instituição parceira.

<sup>19</sup> Anexo XV – Alunos *Incoming* e *outgoing* (candidaturas), por país.

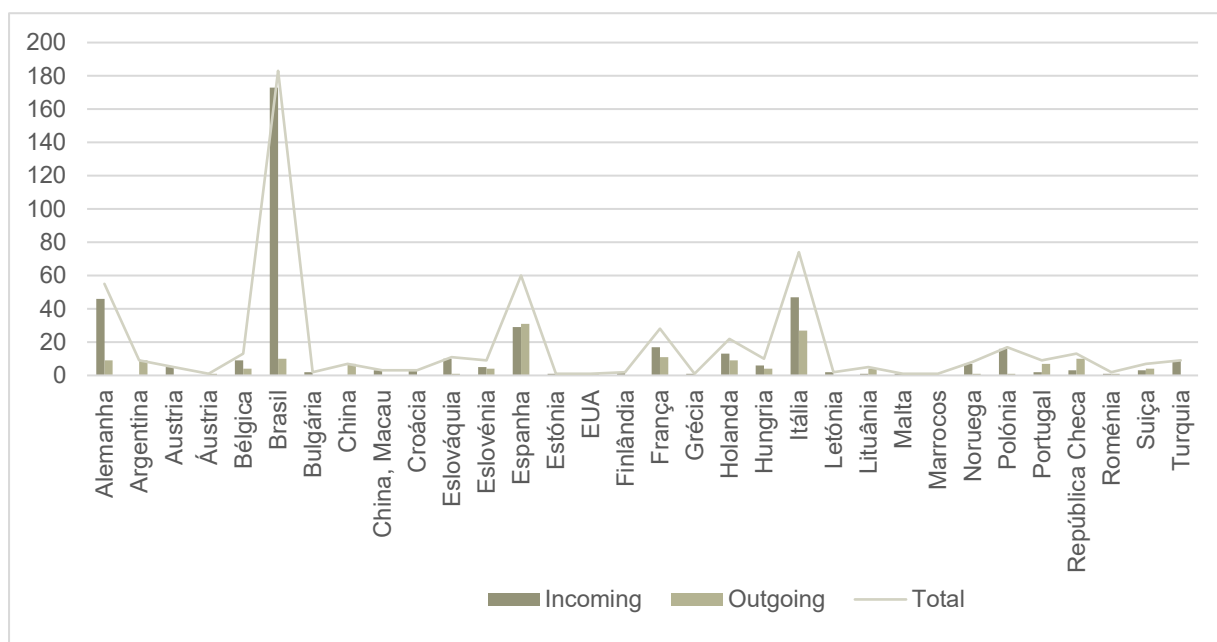


FIG. 15 RECIPROCIDADE POR PAÍS

Quando analisamos o fluxo de alunos por semestre, o maior número de mobilidades ocorre no 1.º semestre (Fig. 16).

Período de Mobilidade	Incoming	Outgoing	Fluxos
1.º Semestre	192	111	303
2.º Semestre	159	31	190
Ano inteiro	67	14	81
<b>Total Geral</b>	<b>418</b>	<b>156</b>	<b>574</b>

FIG. 16 FLUXOS DE MOBILIDADE POR PERÍODO DE ESTUDOS

## MOBILIDADE DE DOCENTES E *STAFF*

A mobilidade de docentes, no Gabinete Erasmus e de Relações Internacionais, realiza-se essencialmente ao abrigo do Programa Erasmus+<sup>20</sup>. A realização de um período de mobilidade ao nível da docência é uma experiência que beneficia não só o docente, como também a Faculdade. Realizar um período de docência numa instituição de ensino superior parceira representa uma mais-valia em termos do enriquecimento pessoal e profissional, sendo também um instrumento de melhoria e de partilha de boas práticas entre instituições. As mobilidades ao abrigo do Programa Erasmus+ caracterizam-se por períodos de lecionação de, no mínimo, 8 horas por semana, para estadias que podem ir dos 2 dias aos 2 meses.

### Docentes *Incoming*

Dos 57 docentes que visitaram a Faculdade de Direito da Universidade de Lisboa, em 2018/2019, 26 vieram em mobilidade ao abrigo do Programa Erasmus+ e, destes, 2 leccionaram cursos intensivos. Embora a mobilidade docente *incoming*, ao abrigo do Programa Erasmus+, tenha vindo a decair nos últimos anos, aumentou no ano lectivo em análise (Fig. 17). Na sua maioria, em 2018/2019, os docentes que visitaram a FDUL em missão de ensino fizeram-no para leccionar cursos intensivos, cuja análise será feita em secção própria.

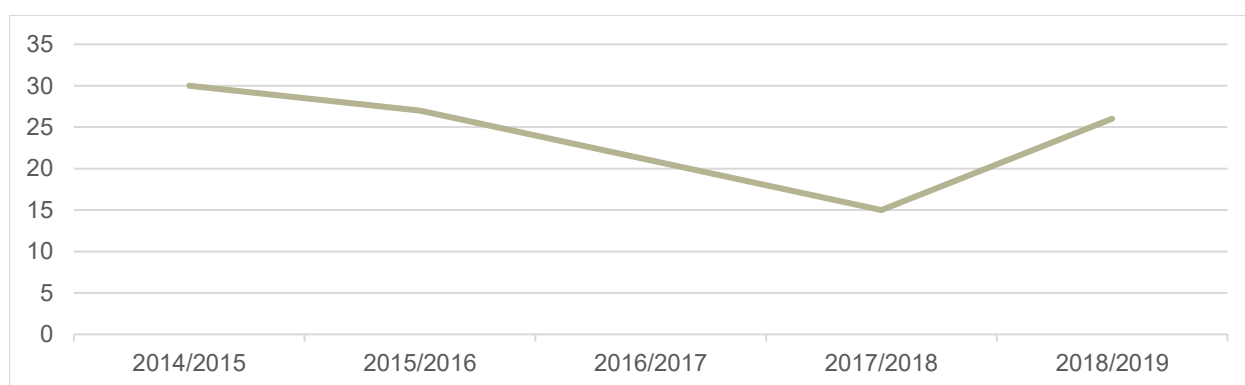


FIG. 17 EVOLUÇÃO DE DOCENTES *INCOMING*

Em 2018/2019, os docentes em missão de ensino ao abrigo do Programa Erasmus+ vieram de diversos países (Fig. 18) e das mais variadas instituições de ensino (Fig. 19).<sup>21</sup>

País	N.º de Docentes
Austria	1
Bélgica	1
Bulgária	1
Espanha	7
França	2
Itália	3
Polónia	6
Reino Unido	1
República Checa	4
<b>Total Geral</b>	<b>26</b>

FIG. 18 DOCENTES *INCOMING* POR PAÍIS

<sup>20</sup> Os dados apresentados não incluem informações do Instituto de Cooperação Jurídica, nem do Instituto do Direito Brasileiro, que também possuem mobilidade docente, nem participações de docentes em conferências, seminários, congressos, etc.

<sup>21</sup> Mais dados sobre a mobilidade docente *incoming* pode ser consultada no Anexo XVI.

País	N.º de Docentes
Charles University	1
Ghent University	1
Nottingham University	1
Sofia University St. Kliment Ohridski	1
Społeczna Akademia Nauk	2
Universidad Complutense de Madrid	2
Universidad de Malaga	1
Universidad de Salamanca	1
Universidad del Pais Vasco	2
Université LE HAVRE NORMANDIE	1
University Adam Mickiewicz	1
University of Milano - Bicocca	1
University of Passau	1
University of Rouen	1
University of Salerno	1
University of Teramo	1
University of Warsaw	2
University of Zaragoza	1
Univerzita Palackého v Olomouci	3
Uniwersyte Rzeszouski	1
<b>Total Geral</b>	<b>26</b>

FIG. 19 DOCENTES *INCOMING* POR INSTITUIÇÃO DE ENSINO SUPERIOR

## Docentes *Outgoing*

Em 2018/2019, o número de mobilidades *outgoing* ao abrigo do programa Erasmus+ manteve-se inalterado, face ao ano lectivo anterior (Fig. 20).

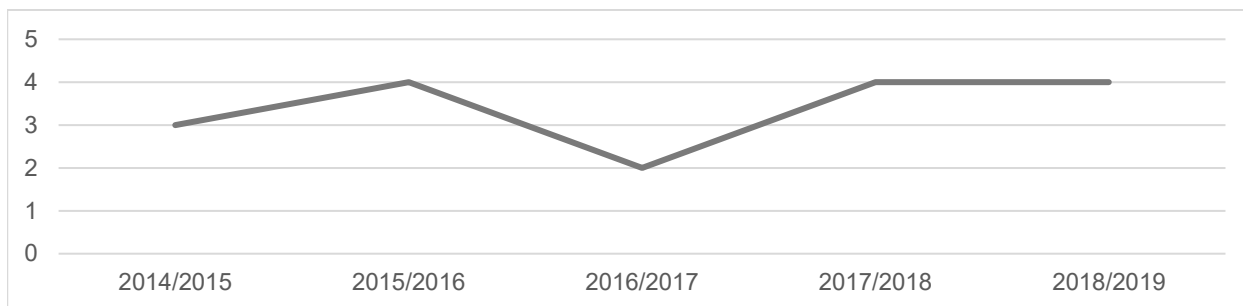


FIG. 20 EVOLUÇÃO DO NÚMERO DE DOCENTES OUTGOING

A mobilidade de docentes *outgoing* é pouco procurada pelos docentes da FDUL. A fraca expressão da mobilidade *outgoing* na FDUL resulta numa dispersão geográfica e institucional, que, embora fortaleça as relações interinstitucionais, não reflete a estratégia de internacionalização da Faculdade (Fig.21).<sup>22</sup>

País	Universidade	N.º de Docentes
Espanha	Faculdade de Direito da Universidade Pablo Olavide	1
Bélgica	Faculty of Law and Criminology, University of Gent	1
Itália	Università degli studi di Sassari	1
Itália	Un iversità degli Studi di Messina	1
<b>Total Geral</b>		<b>4</b>

FIG. 21 DISTRIBUIÇÃO GEOGRÁFICA E INSTITUCIONAL DAS MOBILIDADES DE DOCENTE OUTGOING

<sup>22</sup> Mais dados sobre a mobilidade docente *outgoing* pode ser consultada no Anexo XVII.



## Mobilidade de Staff

No ano lectivo de 2018/2019, enviámos dois colaboradores em mobilidade ao abrigo do programa Erasmus+: um em visita a uma instituição na Itália e outro para participação numa formação (staff training week) numa instituição na Eslovénia. No entanto, recebemos 22 colegas de instituições parceiras ao abrigo do mesmo programa.

Na sua maioria, os elementos trabalhavam em Gabinetes de Relações Internacionais e em particular oriundos da Polónia (Fig. 22).

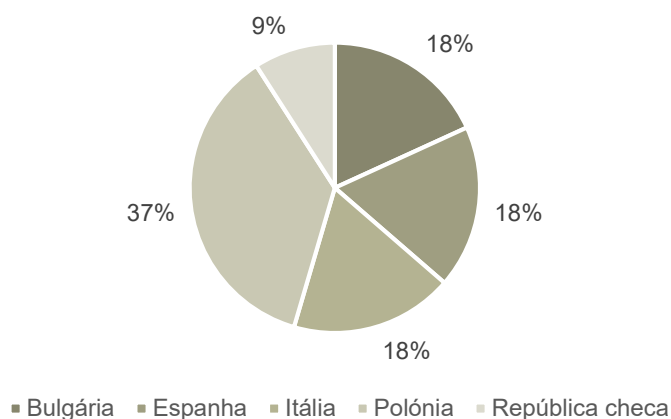


FIG. 22 DISTRIBUIÇÃO DE MOBILIDADE DE STAFF INCOMING, POR PAÍS

A University of Szczecin (Polónia) foi a instituição que mais mobilidades de staff realizou na FDUL, seguida da Università degli Studi di Sassari (Itália) e da University of Ruse Angel Kanchev (Bulgária) (Fig.23).<sup>23</sup>

Universidade	N.º de Docentes
Katolicki Uniwersytet Lubelski Jana Pawla II	2
Universidad de Extremadura	1
Universidad de Granada	1
Universidad de León	1
Università Degli Studi di Sassari	4
University of Ruse Angel Kanchev	3
University of Szczecin	6
University of the Basque Country	1
Univerzita Palackého v Olomouci	2
Varna Free University	1
<b>Total Geral</b>	<b>22</b>

FIG. 23 DISTRIBUIÇÃO INSTITUCIONAL DAS MOBILIDADES DE STAFF INCOMING

<sup>23</sup> Mais dados sobre a mobilidade docente outgoing pode ser consultada no Anexo XVII.

## MESTRADOS INTERNACIONAIS

### Mestrado em European Legal Practice

O Mestrado em *European Legal Practice* (ELPIS) encontra-se em funcionamento desde 2004, tendo a Faculdade de Direito da Universidade de Lisboa assumido a coordenação em 2015. Este mestrado teve origem no programa Erasmus Mundus e é agora uma oferta formativa da Faculdade de Direito, acreditado pela A3Es. Este mestrado é uma oferta conjunta entre a Faculdade de Direito da Universidade de Lisboa, a Leibniz University Hannover (Alemanha), a University of Rouen (França) e a Mykolas Romeris University in Vilnius (Lituânia). O mestrado, sendo uma oferta conjunta, obriga a que os alunos passem pelo menos um semestre numa das instituições parceiras. Os participantes podem escolher qualquer uma das universidades parceiras para submeter a sua candidatura e escolher passar um ou dois semestres numa, ou duas, das restantes parceiras, sendo apenas obrigatório que o aluno realize o semestre de dissertação na universidade de origem (*i.e.*, onde submeteu a sua candidatura e foi aceite). Em 2018/2019, o número de alunos diminuiu um pouco face ao ano lectivo anterior (Fig. 24).

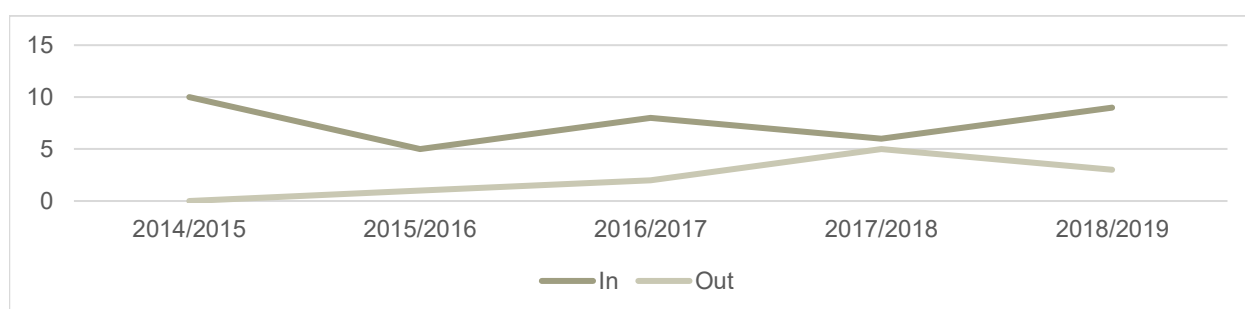


FIG. 24 EVOLUÇÃO DO NÚMERO DE ALUNOS EM MOBILIDADE DO MESTRADO CONJUNTO ELPIS.

Dos 3 alunos da FDUL que realizaram o 3.º semestre numa das instituições do consórcio do Mestrado ELPIS, um escolheu a Mykolas Romeris University e dois a University of Rouen. Dois dos alunos desistiram e um pediu transferência de programa de mestrado.

Em 2018/2019, recebemos 116 candidaturas, das quais foram aceites 8 alunos, que reuniam todos os requisitos necessários à frequência do mestrado.

## CURSOS INTENSIVOS

No ano letivo 2018/2019, realizaram-se 36 cursos intensivos, 15 no 1.º semestre e 21 no 2.º semestre. Para lecionar os cursos foram convidados 34 docentes estrangeiros, 2 lecionaram um curso ao abrigo do Programa Erasmus+ e 2 docentes pertenciam à Faculdade de Direito da Universidade de Lisboa, tendo lecionado em inglês (Fig. 27).

Nome do Curso Intensivo	Edição	Nome do Docente	Universidade de Origem
A descriptive analysis of the EU Labour Market Policy (LMP)	1st	Francisco Roca	Universidade Complutense de Madrid
An introduction to EU agri-food law today	1st	Kirstin Inglis	Universidade de São Paulo
Change Across Criminal and Civil Legal History	1st	Matthew Dyson	University of Oxford
Comparative Environmental Law	2nd	Colin Crawford	University of Louisville
Comparative view of the Rule of Law and Democracy in Europe	2nd	Stéphane Pinon	Université de la Rochelle
Competition Law in the Digital Economy	1st	Miguel Moura e Silva	FDUL
Constitutional Justice in Europe	2nd	Rainer Arnold	Universität Regensburg
Construction contracts in the system of German Civil Law	2nd	Jochen Glockner	University of Konstanz
European and International Energy Law	1st	Claas Germelmann	Leibniz Universität Hannover
European and Comparative competition Law	5th	Bernd Oppermann	Leibniz Universität Hannover
European Laws since the middle of the 18th Century	3rd	Jean-Louis Halpérin	École Normale Supérieure de Paris
General Theory of the state	1st	Michel Tropez	Université Nanterre de Paris
Global Competition Law	2nd	Miguel Moura e Silva	FDUL
Globalisation and International Protection of Human Rights	5th	Marine Toullier	Université de Rouen
Globalization Economic Crisis, social networks and democracy in a European constitutional perspective	2nd	Balaguer Callejón	Universidad de Granada
História e Teoria do Crime	6th	Cláudio Brandão	Pontifícia Universidade Católica de Minas Gerais
Human Rights and Health Law: An Overview of International and U.S. Legal Interventions to Protect and Promote the Public's Health	Cancelado	Jennifer Bard	University of Cincinnati College of Law
International Aviation Law	4th	Regina Valutyte	Mykolas Romeris University
Introducción a la Historia del Derecho Privado Español	1st	Pedro Ortego	Universidade Santiago de Compostela
Introduction to American Criminal Law and Procedure	3rd	Stephan Thaman	Saint Louis University School of Law
Introduction to European Private Law - From national rules on Contract and tort to supranational European Union Obligation Law	7th	Andreas Schwartze	University of Innsbruck
Introduction to Portuguese Law	3rd/4th	João Tiago da Silveira	FDUL
Introduction to the Italian Administrative Law	1st	Annalisa Giusti	Università degli Studi di Perugia
Introduction to the Law of the United States	8th	Patrick Ryan Hugg	Loyola University College of Law
Introduction to the North American Constitution	6th	Russell Weaver	University of Louisville
Introduction to Tort Law from an English and American perspective	3rd	Elizabeth O'Leary	Universität Augsburg, Juristische Fakultät
La crisis del Estado de Derecho	3rd	Fausto Vecchio	Università degli Studi di Enna "Kore"
Litigation in Economic International Law: Consent to International Commercial Arbitration and Investment Arbitration	5th	Millán Requena Casanova	Universidad de Alicante
Main issues of Corporate Governance	1st	Virginius Bite	Mykolas Romeris University
Philosophie du droit	3rd	Alexandre Viala	Université de Montpellier
The area of freedom, security and justice. Asylum and Immigration Law and Policy of the European Union	4th	Jaap de Zwaan	Erasmus University Rotterdam
The European Economic and Monetary Union and its 'Satellites': Legal perspectives	1st	Axel Kämmerer	Bucerius Law School
UN Human Rights Council	1st	Sangeeta Sha	Nottingham University
United States Constitutional Law: Structure, Rights, and Interpretation	1st	Dane Ciolino	Loyola University College of Law
Workplace and Board-level representation	4th	Seul Otmar	University of Paris Ouest-Nanterre-La Defense

FIG. 27 CURSOS INTENSIVOS 2018/2019

Os cursos intensivos, sendo lecionados por docentes estrangeiros, são necessariamente lecionados numa língua estrangeira, com exceção dos docentes de nacionalidade brasileira, que lecionam em português. No caso dos docentes da FDUL, é obrigatório que os cursos sejam lecionados numa língua estrangeira. A língua preferencial de leção é o inglês (88%), tendo sido lecionados 3 cursos em espanhol (Fig. 28).

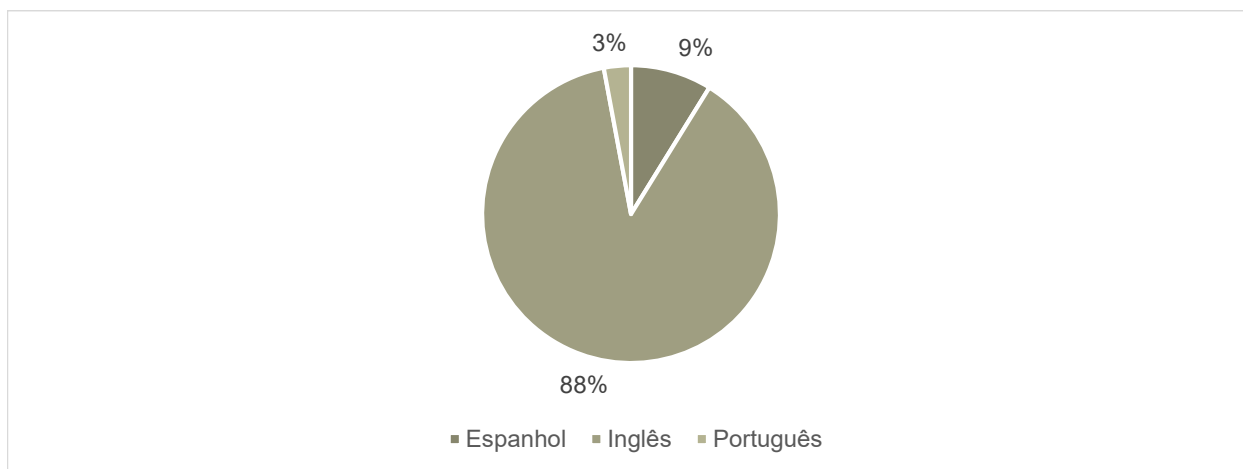


FIG. 28 LÍNGUAS EM QUE OS CURSOS SÃO LECCIONADOS.

A origem dos docentes que lecionam os cursos é muito variada, não havendo predominância de um país específico; no entanto, destacam-se Alemanha, EUA, França e Espanha como os países de origem com mais docentes convidados (Fig. 29).

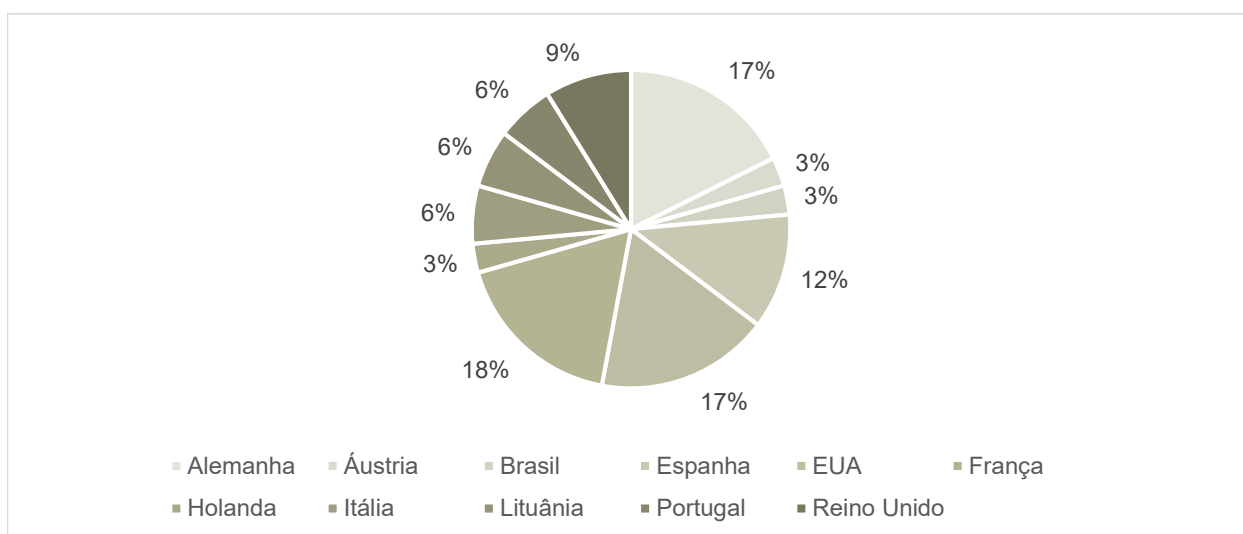


FIG. 29 PAÍS DE ORIGEM DAS UNIVERSIDADES DE ORIGEM DOS DOCENTES QUE LECCIONAM OS CURSOS INTENSIVOS

Relativamente às candidaturas, em 2018/2019 foram submetidas 2.624 candidaturas, das quais 34% não foram aceites por o curso intensivo ter completado o número máximo de vagas, e 32% foram anuladas por não serem elegíveis (Fig. 30).

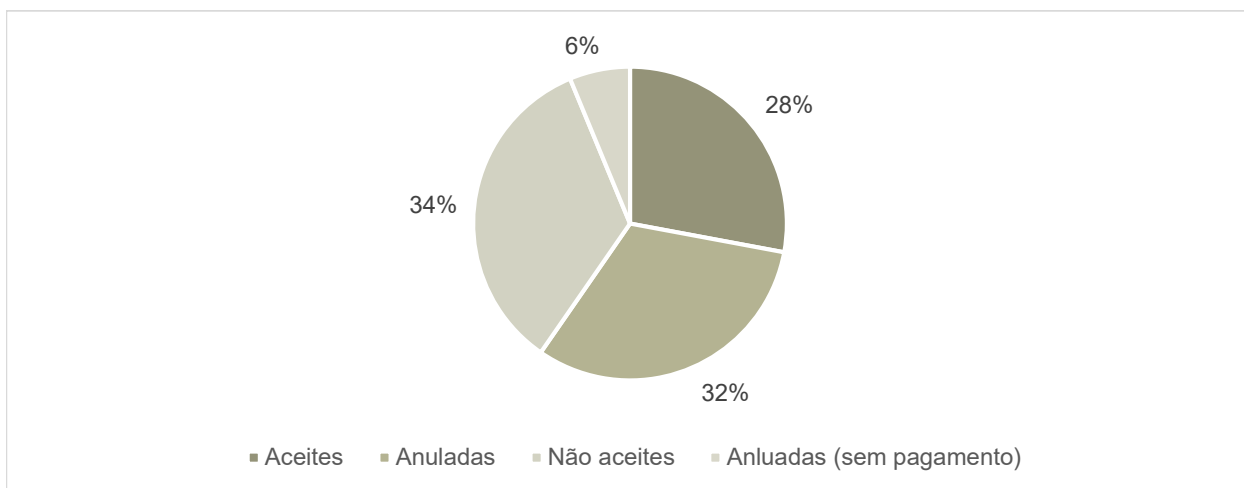


FIG. 30 CANDIDATURAS AOS CURSOS INTENSIVOS, EM 2018/2019

De acordo com a Fig. 31, numa visão global, os cursos mantiveram em média uma turma de cerca de 38 alunos, tendo havido turmas maiores no segundo semestre (Fig. 31).

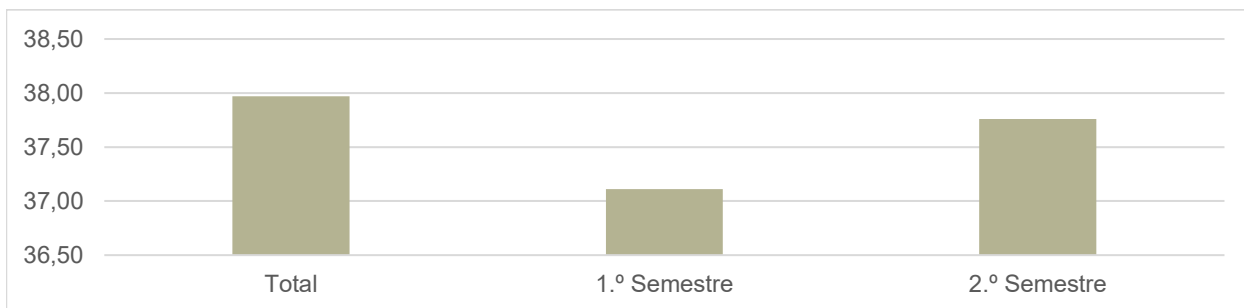


FIG. 31 NÚMERO MÉDIO DE VAGAS POR CURSO INTENSIVO

As cerca de 2.624 candidaturas foram submetidas por 421 candidatos, resultando numa média de 1,7 cursos aceites por candidato e numa média de 3,9 candidaturas por candidato<sup>24</sup>.

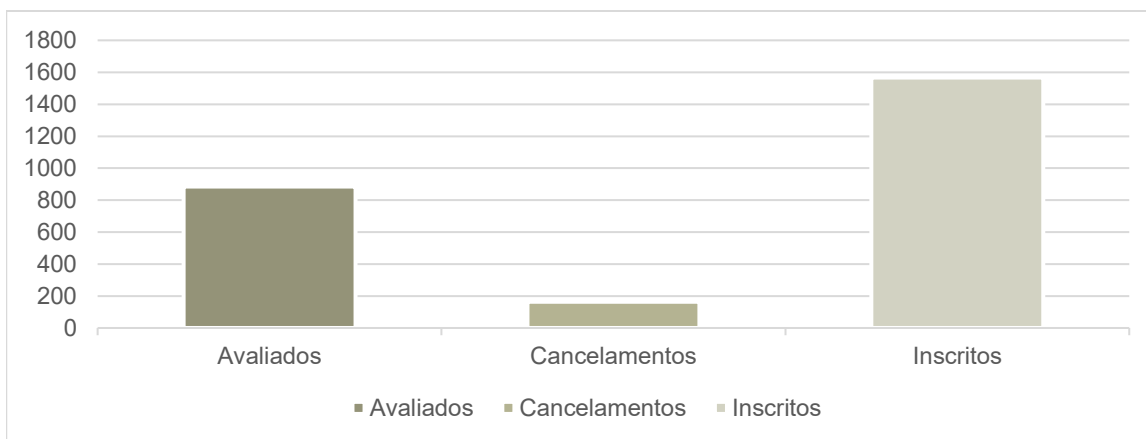


FIG. 32 ANÁLISE DA FREQUÊNCIA DOS CURSOS INTENSIVOS

<sup>24</sup> Mais informações sobre Cursos Intensivos no Anexo XX.

## MOOT COURTS

<b>Moot Court</b>	<b>Data</b>	<b>Local</b>	<b>Organização</b>
European Law Moot Court Competition	Março 2019	Atenas, Grécia	ELMC Society
The Philip C. Jessup Moot Court Competition	Março 2019	Washington, EUA	International Law Students Association
Hugo Sinzheimer Moot Court Competition	Junho 2019	Hasselt, Bélgica	Aarhus University
24th Annual Willem C. Vis International Commercial Arbitration Moot	Abril 2019	Viena, Áustria	Association for the Organisation and Promotion of the Willem C. Vis International Commercial Arbitration Moot

FIG. 34 PARTICIPAÇÃO DA FDUL EM MOOT COURTS

## CONCLUSÕES

O ano letivo de 2018/2019 foi, mais uma vez, um ano atípico para o Gabinete, no que respeita à sua composição, com uma rotação da equipa superior ao normal, pelos mais diversos motivos. Esta instabilidade gera algumas dificuldades na gestão quotidiana do trabalho, que foram, no entanto, sendo resolvidas e mitigadas.

Este ano lectivo foi marcado:

- Pelas parcerias assinadas com instituições dos EUA e Ucrânia;
- Pelo contínuo aumento do número de alunos *Incoming* e *outgoing*;
- Pela diversificação do grupo de docentes a leccionar cursos intensivos, nomeadamente dos EUA e Reino Unido.



## ANEXOS

### Anexo I | Lista de Protocolos em vigor e assinados em 2018/2019<sup>25</sup>

País	Nome da instituição
Alemanha	Bucerius Law School
Alemanha	Freie Universität Berlin
Alemanha	Gottfried Wilhelm Leibniz Universität Hannover
Alemanha	Humboldt Universität zu Berlin
Alemanha	Justus-Liebig-Universität Giessen
Alemanha	Leipzig University
Alemanha	Ludwig-Maximilians-Universität München
Alemanha	Martin-Luther Universität Halle-Wittenberg
Alemanha	Rheinische Friedrich-Wilhelms-Universität
Alemanha	Technische Universität Dresden
Alemanha	Universität Augsburg
Alemanha	Universität Bayreuth
Alemanha	Universität Hamburg
Alemanha	Universität Konstanz
Alemanha	Universität Zu Köln
Alemanha	University of Applied Sciences Hochschule Koblenz, RheinAhrCampus Remagen
Alemanha	University of Greifswald
Alemanha	Westfälische Wilhelms - Universität Münster
Argentina	Universidad de Buenos Aires- Facultad de Derecho
Argentina	Universidad de Mendoza
Áustria	Faculty of Law - University of Salzburg; Paris Lodron Universität Salzburg
Áustria	University of Innsbruck Faculty Law
Belgica	Ghent University
Bélgica	Universite Libre de Bruxelles
Bulgaria	Varna Free University "Chernorizets Hrabar"
Bulgária	Angel Kanchev - University Of Ruse
Bulgária	Sofia University St. Kliment Ohridski
Bulgária	University of National and World Economy
Chile	Pontificia Universidad Catolica de Chile
China	Universidade de Macau, Faculdade de Direito
Croácia	University of Zagreb
Eslováquia	Comenius University in Bratislava
Eslováquia	Pan-European University
Eslovénia	NOVA UNIVERSITY, EUROPEAN FACULTY OF LAW
Eslovénia	University of Maribor
Eslovénia	Univerza v Ljubljani
Espanha	Colégio Universitario de Estudios Fianceiros - CUNEF / At Universidad Complutense de Madrid
Espanha	Universidad Autonoma de Madrid
Espanha	Universidad Carlos III de Madrid
Espanha	Universidad CEU Cardenal Herrera

<sup>25</sup> Lista de parceiros de mobilidade de instituições brasileiras, disponível no IDB.

<b>País</b>	<b>Nome da instituição</b>
Espanha	Universidad Complutense de Madrid
Espanha	Universidad de Alicante
Espanha	Universidad de Barcelona Faculty of Law
Espanha	Universidad de Burgos
Espanha	Universidad de Cadiz
Espanha	Universidad de Castilla - La Mancha
Espanha	Universidad de Córdoba
Espanha	Universidad de Extremadura
Espanha	Universidad de Granada
Espanha	Universidad de Las Palmas de Gran Canaria
Espanha	Universidad de León
Espanha	Universidad de Málaga
Espanha	Universidad de Murcia
Espanha	Universidad de Navarra
Espanha	Universidad de Oviedo
Espanha	Universidad de Santiago de Compostela
Espanha	Universidad de Sevilla
Espanha	Universidad de Valladolid
Espanha	Universidad de Zaragoza
Espanha	Universidad del País Vasco/ Euskal Herriko Unibersitatea (UPV/EHU)
Espanha	Universidad Internacional de Andalucía
Espanha	Universidad Isabel I
Espanha	Universidad Miguel Hernandez de Elche
Espanha	Universidad Nacional de Educación a Distancia
Espanha	Universidad Pablo de Olavide
Espanha	Universidad Rey Juan Carlos
Espanha	Universidade da Coruña
Espanha	Universitat Autònoma de Barcelona
Espanha	Universitat de Girona
Espanha	Universitat de València
Espanha	Universitat Pompeu Fabra
Espanha	University of Salamanca
Estados Unidos da America	Loyola University New Orleans College of Law
Estados Unidos da America	University of Louisville
Estónia	University of Tartu
Finlândia	Tallin University / Tallinna Ülikool
Finlândia	University of Turku
França	Paris Descartes University
França	Université de Bourgogne
França	Université de Cergy-Pontoise
França	Université de Le Havre
França	Université de Rouen
França	Université de Strasbourg
França	Université Grenoble Alpes
França	Université Paris 13
França	Université Paris Ouest Nanterre La Défense
França	Université Paris-Sud

<b>País</b>	<b>Nome da instituição</b>
França	Université Toulouse 1 Capitole
Grécia	Aristotle University of Thessaloniki
Grécia	University of Macedonia
Holanda	Erasmus University Rotterdam
Holanda	Maastricht University
Holanda	Radboud University Nijmegen
Holanda	University of Amsterdam
Holanda	University of Groningen Faculty of Law
Holanda	Windesheim University of Applied Sciences
Hungria	Eötvös Loránd University (ELTE)
Israel	Bar-Ilan University
Itália	Sapienza - Università di Roma
Itália	SECONDA DEGLI STUDI DI NAPOLI Università degli Studi della Campania "Luigi Vanvitelli
Itália	Università degli Studi "G. d'Annunzio" Chieti-Pescara
Itália	Università degli Studi "SUOR ORSOLA BENINCASA"
Itália	Università degli Studi del Piemonte Orientale
Itália	Università Degli Studi di Bari Aldo Moro
Itália	Università Degli Studi di Enna "Kore"
Itália	Università degli studi di Genova
Itália	Università degli Studi di Milano
Itália	Università degli Studi di Milano-Bicocca
Itália	Università degli studi di Napoli "L'Orientale"
Itália	Università degli Studi di Napoli "Parthenope"
Itália	Università degli Studi di Napoli Federico II
Itália	Universita degli studi di Padova
Itália	Università degli Studi di Perugia
Itália	Università degli studi di Roma "Tor Vergata"
Itália	Università degli studi di Salerno
Itália	Università degli Studi di Sassari
Itália	Università degli Studi di Teramo
Itália	Università degli Studi di Trento
Itália	Università Degli Studi Magna Graecia di Catanzaro
Itália	Università degli Studi Roma Tre
Itália	Università di Messina
Itália	Università di Pisa
Itália	Università Europea
Itália	Università Mediterranea di Reggio Calabria
Itália	University of Catania
Letónia	University of Latvia
Libano	Modern University for Business and Science / Lebanon
Lituânia	Mykolas Romeris University
Lituânia	Vilnius Universitetas
Malta	University of Malta
Noruega	Universitetet of Bergen Faculty of Law
Polónia	Adam Mickiewicz University in Poznan
Polónia	Andrzej Frycz Modrzewski Krakow University; Faculty of Law, Administration and International Relations
Polónia	Jagiellonian University

<b>País</b>	<b>Nome da instituição</b>
Polónia	Kozminski University
Polónia	Spoleczna Akademia Nauk - University of Social Sciences
Polónia	The University of Szczecin
Polónia	University of Bialystok
Polónia	University of Lodz
Polónia	University of Rzeszów
Polónia	University of Warsaw
Polónia	University of Zielona Góra
República Checa	Charles University in Prague - Faculty of Law
República Checa	Masaryk University - Faculty of Law
República Checa	Univerzita Palackého v Olomouci
Roménia	University of Bucharest
Suíça	University of Fribourg
Turquia	Anadolu University
Turquia	Beykent University Istanbul
Turquia	ÇaG University
Turquia	Koç University
Turquia	Istambul Sabahattin zaim University
Turquia	MEF University of Law
Turquia	Okan University Law Faculty
Turquia	Université Galatasaray
Turquia	Yeditepe Univesity - Faculty of Law
Ucrânia	Yaroslav Mudryi National Law University

Protocolos Novos, assinados em 2018/2019

## Anexo II | Alunos *incoming* inscritos por Universidade de origem

Universidade de Origem	1º Semestre	2º Semestre	Ano Inteiro	Total Geral
Adam Mickiewicz University in Poznań	2			2
Alma Mater Studiorum Università di Bologna	2			2
Anadolu University	1			1
Aristotles University of Thessaloniki		1		1
Bucerius Law School	2			2
Cag University		4		4
Centro Universitário 7 de Setembro - UNI7	3	2		5
Centro Universitário Curitiba – UNICURITIBA	8	13	5	26
Charles University in Prague			1	1
Comenius University in Bratislava	2	2		4
Eötvös Loránd University	4	2		6
Erasmus Universiteit Rotterdam	6			6
Faculdade Baiana de Direito e Gestão	5	7	1	13
Faculdade Brasileira mantida pela Empresa Brasileira de Ensino, Pesquisa e Extensão S/A		1		1
Faculdade de Direito da Universidade de São Paulo		1		1
Faculdade de Direito da Universidade do Porto		1		1
Faculdade de Direito da Universidade Federal Fluminense	1			1
Faculdade de Direito de Franca		5		5
Faculdade de Direito Milton Campos	4	3		7
Faculdade Escola Superior do Ministério Público	1			1
Faculdade Integrada de Pernambuco		1		1
Faculdade Multivix	2	2		4
FGV Direito Rio		1		1
Free Mover	2	10	2	14
Fribourg University	1			1
Fundação Escola Superior do Ministério Público	3			3
Fundação Mineira de Educação e Cultura - FUMEC	1	2		3
Galatasaray University	1			1
Humboldt Universität zu Berlin	1		2	3
Jagiellonian University	4			4
Justus-Liebig-Universität Gießen		1		1
Leibniz Universität Hannover	6			6
Leopold-Franzens-Universität Innsbruck	2			2
Ludwig-Maximilians-Universität München	3		2	5
Maastricht University	1	1	1	3
Martin-Luther-Universität Halle-Wittenberg	4	1	1	6
MEF University	1	1		2
MyKolas Romeris University		1		1
Outro <sup>26</sup>	5			5
Palacky University in Olomouc	1	1		2
Pan-european University	2	4		6
Pontifícia Universidade Católica de São Paulo	1	3		4
Pontifícia Universidade Católica do Paraná	5	3		8

<sup>26</sup> Alunos vindos de outras Escolas da Universidade de Lisboa

Universidade de Origem	1º Semestre	2º Semestre	Ano Inteiro	Total Geral
Pontifícia Universidade Católica do Rio Grande do Sul	3	3		6
Radboud University	1			1
Roma Tre	2			2
Ruhr-Universität Bochum	1	1		2
Sapienza Università di Roma			2	2
Sofia university " St Kliment Ohridski"	1	1		2
Tallinn University	1			1
Technische Universität Dresden	1	1	1	3
UNED	1			1
Unifacs	1			1
UNIT Faculdade Integrada de Pernambuco		1		1
Universidad Autónoma de Madrid	1		1	2
Universidad de Burgos			1	1
Universidad de Cádiz			1	1
Universidad de Castilla-La Mancha			1	1
Universidad de Cordoba , Facultad de Derecho y Ciencias Empresariales		1		1
Universidad de Granada	1		2	3
Universidad de León	2			2
Universidad de Malaga			1	1
Universidad de Murcia			1	1
Universidad de Navarra	1			1
Universidad de Oviedo			2	2
Universidad de Pais Basco			1	1
Universidad de Valladolid			2	2
Universidad Pablo de Olavide			2	2
Universidade Cândido Mendes	3	1	2	6
Universidade Católica de Brasília	2	1		3
Universidade Católica de Pernambuco	5	5		10
Universidade Católica de Petrópolis	1	5		6
Universidade de Brasília	2	1		3
Universidade de Coimbra		1		1
Universidade De Fortaleza	2	2	1	5
Universidade de Passo Fundo		1		1
Universidade de Rio Verde		1		1
Universidade de Santiago de Compostela			2	2
Universidade de São Paulo - Faculdade de Direito do Largo São Francisco	1			1
Universidade Do Estado Do Rio De Janeiro		2		2
Universidade Estadual do Sudoeste da Bahia	1			1
Universidade Federal de Santa Catarina			1	1
Universidade Federal de Uberlândia	2			2
Universidade Federal do Espírito Santo		3		3
Universidade Federal do Pará	1			1
Universidade Federal do Rio Grande do Sul	2	3	1	6
Universidade Federal Fluminense	1	2		3
Universidade Feevale	2		1	3
Universidade Franciscana		1		1
Universidade Luterana do Brasil - ULBRA		1		1
Universidade Positivo	1		3	4

<b>Universidade de Origem</b>	<b>1º Semestre</b>	<b>2º Semestre</b>	<b>Ano Inteiro</b>	<b>Total Geral</b>
Universidade Presbiteriana Mackenzie		1	1	2
Universidade Tiradentes	2	2		4
Università degli Studi della Campania Luigi Vanvitelli			6	6
università degli studi di Bari Aldo Moro		1		1
Università degli Studi di Catania		2		2
Università degli studi di Enna Kore		1		1
Universita' degli studi di Genova	3			3
Università degli Studi di Messina	2			2
Università degli Studi di Milano	2	2		4
Università degli Studi di Napoli Federico II	1	1		2
Università degli Studi di Padova		1		1
Università degli Studi di Palermo	1			1
Università degli Studi di Perugia		2		2
Università degli Studi di Salerno		1		1
Università degli Studi di Sassari	2		2	4
Università degli studi di Trento	3			3
Università Degli Studi Magna Graecia di Catanzaro		1		1
Università Parthenope		1		1
Universität Augsburg	2			2
Universität Bayreuth	1			1
Universitat de Barcelona	1			1
Universitat de Valencia			2	2
Universität Hamburg	2	1		3
Universität Konstanz	1		1	2
Universität Leipzig	2		1	3
Universitat Pompeu Fabra	2			2
Universität Salzburg	2	1		3
Universität zu Köln	2			2
Université Catholique de Louvain		6		6
Université de Bourgogne Faculté de Droit et de Sciences Economique et Politique			1	1
Université de cergy Pontoise			2	2
Université de Le Havre			1	1
Universite de Rouen	6	3		9
Université Nanterre		1		1
Université Paris-Nanterre		1		1
Universiteit van Amsterdam	2			2
Universitetet i Bergen	5	2		7
University of Bialystok	2			2
University of Bucharest		1		1
University of Ghent	2			2
University of Latvia		2		2
University of Ljubljana	1	2		3
University of Macau	1	1	1	3
University of Malta	1			1
University of Naples "Parthenope"		2		2
University of Turku		2		2
University of Warmia and Mazury in Olsztyn	2		1	3
University of Warsaw	1	1		2

<b>Universidade de Origem</b>	<b>1º Semestre</b>	<b>2º Semestre</b>	<b>Ano Inteiro</b>	<b>Total Geral</b>
University of Zagreb Faculty of Law		2		2
University of Zurich	2			2
University Paris-Sud, Faculté Jean Monnet			2	2
Univerza v Mariboru	1	1		2
Uniwersytet Jagielloński	1			1
Uniwersytet Warmińsko-Mazurski	2			2
Westfälische Wilhelms - Universität Münster	2		2	4
Windesheim Flevoland		1		1
Yeditepe University	1			1
<b>Total Geral</b>	192	159	67	418



### Anexo III | Alunos *incoming* por País de origem

País	1º Semestre	2º Semestre	Ano Inteiro	Total Global
Alemanha	30	5	11	<b>46</b>
Austria	4	1		<b>5</b>
Bélgica	3	6		<b>9</b>
Brasil	68	89	16	<b>173</b>
Bulgária	1	1		<b>2</b>
Macau Região Admin. Especial da China	1	1	1	<b>3</b>
Croácia		3		<b>3</b>
Eslováquia	4	6		<b>10</b>
Eslovénia	2	3		<b>5</b>
Espanha	9	1	19	<b>29</b>
Estónia	1			<b>1</b>
Finlândia		2		<b>2</b>
França	6	5	6	<b>17</b>
Grécia		1		<b>1</b>
Holanda	10	2	1	<b>13</b>
Hungria	4	2		<b>6</b>
Itália	21	15	11	<b>47</b>
Letónia		2		<b>2</b>
Lituânia		1		<b>1</b>
Malta	1			<b>1</b>
Marrocos		1		<b>1</b>
Noruega	5	2		<b>7</b>
Polónia	14	1	1	<b>16</b>
Portugal		2		<b>2</b>
República Checa	1	1	1	<b>3</b>
Roménia		1		<b>1</b>
Suiça	3			<b>3</b>
Turquia	4	5		<b>9</b>
<b>Total Geral</b>	<b>192</b>	<b>159</b>	<b>67</b>	<b>418</b>

## Anexo IV | Alunos *incomi*ng por Nacionalidade

Nacionalidade	N.º de Alunos
Alemanha	42
Áustria	5
Bélgica	9
Benin	1
Brasil	167
Bulgária	2
China	2
Congo	1
Costa do Marfim	2
Croácia	3
Egito	1
Eslováquia	10
Eslovénia	5
Espanha	29
Finlândia	3
França	13
Grécia	1
Holanda	11
Hungria	6
Itália	50
Letónia	2
Macau Região Admin. Especial da China	1
Malta	1
Marrocos	1
México	1
Noruega	6
Polónia	17
Portugal	6
República Checa	3
Roménia	1
Síria	2
Suíça	3
Turquia	10
Ucrânia	1
<b>Total Geral</b>	<b>418</b>

## Anexo V | Alunos *incoming* por Género e Idade

Género	1.º Semestre	2.º Semestre	Ano Inteiro	Total
Feminino	127	97	47	271
Masculino	65	62	20	147
<b>Total Geral</b>	<b>192</b>	<b>159</b>	<b>67</b>	<b>418</b>

Idade	Total
19	6
20	19
21	61
22	110
23	82
24	62
25	25
26	17
27	8
28	6
29	2
30	5
31	2
32	2
33	1
34	1
35	1
36	2
37	2
38	1
40	1
58	2
<b>Total Geral</b>	<b>418</b>

## Anexo VI | Alunos *incoming* inscritos por disciplina

Código do Curso	Nome da Disciplina	N.º de Alunos
101	Introdução Ao Estudo Do Direito I	2
103	Economia I	11
105	Teoria Geral Do Direito Civil I	2
106	Direito Administrativo I	15
107	Direito Constitucional I	9
111	Direito Das Obrigações I	9
112	Direito Processual Civil I	11
114	Direito Internacional Público I	86
115_6ects	Direito Fiscal	18
116	Direito da Economia	9
117	Direito Comercial I	23
118	Direito Penal I	8
119	Direito da Família	42
121	História Do Pensamento Jurídico	37
127	Direito Do Trabalho I	26
129_3ects	Medicina Legal	33
130_6ects	História Das Relações Internacionais	23
132	Direito Romano	10
133	Direito Internacional Privado I	40
134	Direito Internacional Económico	33
138	Direitos Fundamentais	78
143	Ciência Política	18
147	Direito Comparado	175
149	Direito Processual Civil III	2
155	Economia Internacional	39
157	Direito Do Urbanismo	20
171	Direito Dos Contratos I	9
201	Introdução Ao Estudo Do Direito II	1
202	História Do Direito Português	8
203	Economia II	6
205	Teoria Geral Do Direito Civil II	2
206	Direito Administrativo II	18
207	Direito Constitucional II	2
210	Finanças Públicas	9
211	Direito Das Obrigações II	8
212	Direito Processual Civil II	6
213	Direitos Reais	9
217	Direito Comercial II - Sociedades Comerciais	23
220	Direito Das Sucessões	29
227	Direito Do Trabalho II	12
228	Direito Processual Penal	14
231	Filosofia Do Direito	30

<b>Código do Curso</b>	<b>Nome da Disciplina</b>	<b>N.º de Alunos</b>
233	Direito Internacional Privado II	15
239	Direito Penal II	8
251	Direito da União Europeia	53
252	Sociologia Do Direito	6
253	História Das Ideias Políticas	9
256	Direito Dos Mercados Financeiros	6
258_6ects	Justiça Constitucional	14
260	União Económica E Monetária	47
263_6ects	Contencioso da União Europeia	65
264	Direito Fiscal Internacional	9
268	Direito Do Ambiente	103
271	Direito Dos Contratos II	3
275	Direito Marítimo	10
282_6ects	Contencioso Administrativo E Tributário	33
3000	Introdução à Metodologia da Investigação Científica I	2
3001	Direito e Economia	51
3002	Políticas Públicas	7
3003	Contratação Pública e Concorrência	22
3005	Harmonização Fiscal Europeia	4
3006	Convenções de Dupla Tributação	1
3007	Finanças Europeias	2
3012	Mercados Financeiros	1
3013	Economia Comportamental e Direito	2
3016	Tributação das Empresas	20
3033	Direito Internacional dos Direitos Humanos	44
3040	Direito do Urbanismo	1
3041	Direito Administrativo do Ambiente	2
3050	Direito das Nações Unidas	37
3053	Justiça Internacional	4
3057	Organizações Internacionais	14
306	Direito Administrativo III	3
3060	Direito Processual Civil Internacional I	1
3061	Direito Penal IV	2
3062	Direito Probatório	1
3063	Direito da Insolvência	1
3065	Justiça Constitucional	1
3067	Direito Processual Civil Internacional II	2
3068	Contencioso da União Europeia	17
3075	Direito da Arbitragem e da Mediação I	12
3079	Direito das Sociedades Comerciais II	1
3080	Contratos Internacionais	1
3081	Direito da Arbitragem e da Mediação II	6
3084	Medida da Pena e Direito da Execução das Penas	3
3092	Direito Penal e Processual Penal Comparado	2
3094	Direito da Responsabilidade Civil	2

<b>Código do Curso</b>	<b>Nome da Disciplina</b>	<b>N.º de Alunos</b>
3095	Direito da Família e das Sucessões	1
3097	Direito de Personalidade	1
310	Proteção Internacional dos Direitos do Homem	97
3100	Introdução à Metodologia da Investigação Científica II	1
3108	Direito Aéreo I	1
3110	Direito Portuário e Aeroportuário	1
314	Direito Internacional Público II	11
317	Direito Comercial III	6
339_6ects	Direito Penal III	10
4013	História da Justiça	1
4052	Direito Penal II	1
4053	Criminologia	1
5029	Seminário de Investigação de Direito Económico e Monetário Europeu	1
Inves	Investigação para dissertação	1
<b>Total Geral</b>		<b>1749</b>

## Anexo VII | Lista das unidades curriculares lecionadas em inglês

Unidade Curricular (PT)	Unidade Curricular (EN)	Semestre	Ciclo e Ano de Estudos	Docente
Contencioso Administrativo e Tributário	Administrative Justice	1.º	Licenciatura, 4.º Ano	Professor Doutor Miguel Assis Raimundo
Contencioso da União Europeia	European Union Procedural Law	2.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professora Doutora Ana Soares Pinto
Contratação Pública e Concorrência	Public Procurement and Competition	1.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professor Doutor Nuno Cunha Rodrigues
Direito Administrativo I	Administrative Law I	1.º	Licenciatura, 2.º Ano	Professor Doutor Francisco Paes Marques
Direito Administrativo II	Administrative Law II	2.º	Licenciatura, 2.º Ano	Professor Doutor Miguel Prata Roque
Direito Administrativo II	Administrative Law II	2.º	Licenciatura, 2.º Ano	Professor Doutor Francisco Paes Marques
Direito Comparado	Comparative Law	1.º/2.º	Licenciatura, 2.º Ano	Mestre Catarina Granadeiro
Direito da União Europeia	European Union Law	2.º	Licenciatura, 2.º Ano	Professor Doutor Pedro Lomba
Direito das Nações Unidas	United Nations Law	1.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professora Doutora Ana Soares Pinto
Direito do Ambiente	Environmental Law	2.º	Licenciatura, 4.º Ano	Professor Doutor Rui Tavares Lanceiro
Direito do Contencioso da União Europeia	European Union Procedural Law	1.º	Licenciatura, 4.º Ano	Professor Doutor Rui Tavares Lanceiro
Direito do Trabalho I	Labour Law	1.º	Licenciatura, 4.º Ano	Professor Doutor Guilherme Dray
Direito do Trabalho II	Labour Law II	2.º	Licenciatura, 4.º Ano	Professora Doutora Isabel Vieira Borges
Direito do Trabalho II	Labour Law II	2.º	Licenciatura, 4.º Ano	Guilherme Dray
Direito e Economia	Economy and Law	1.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professora Doutora Paula Vaz Freire
Direito Internacional dos Direitos Humanos	International Human Rights Law	2.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professor Doutor Rui Guerra da Fonseca
Direito Internacional e Económico	International Economic Law	2.º	Licenciatura, 3.º Ano	Professor Doutor Miguel Moura e Silva; Mestre Joana Vaz Baptista
Direito Internacional Público II	International Public Law II	1.º	Licenciatura, 4.º Ano	Professor Doutor Fernando Loureiro Bastos
Direitos Fundamentais	Fundamental Rights	2.º	Licenciatura, 4.º Ano	Professor Doutor David Duarte
Direito Internacional Público	International Public Law	1.º	Licenciatura, 2.º Ano	Professor Doutor Lourenço Vilhena de Freitas
Direito Internacional Público	International Public Law	1.º	Licenciatura, 2.º Ano	Professor Doutor Pedro Lomba
Economia Internacional	International Economy	1.º	Licenciatura, 3.º Ano	Professor Doutor Miguel Sousa Ferro
História do Pensamento Jurídico	History of Legal Philosophy	1.º/2.º	Licenciatura, 2.º Ano	Professora Doutora Isabel Graes e Mestre Jorge Testos
Introdução ao Direito da Concorrência	Introduction to Competition Law	1.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professor Doutor Miguel Moura e Silva
Organizações Internacionais	International Organizations	2.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professora Doutora Margarida Salema
Proteção Internacional dos Direitos do Homem	International Protection of Human Rights	1.º	Licenciatura, 4.º Ano	Professor Doutor Rui Guerra da Fonseca
Tributação de Empresas	Corporate Taxation	2.º	Mestrado em Direito e Prática Jurídica, 1.º Ano	Professor Doutor Carlos Lobo
União Económica e Monetária	Economic and Monetary Union	1.º	Licenciatura, 4.º Ano	Professora Doutora Nazaré da Costa Cabral

## Anexo VIII | Número de alunos *incoming* por unidades curriculares lecionadas em inglês

Código do Curso	Nome da Disciplina	N.º de Alunos
282_6ects	Contencioso Administrativo E Tributário	26
3068	Contencioso da União Europeia	17
263_6ects	Contencioso da União Europeia	55
3003	Contratação Pública e Concorrência	22
106	Direito Administrativo I	7
206	Direito Administrativo II	9
147	Direito Comparado	107
251	Direito da União Europeia	32
3050	Direito das Nações Unidas	37
268	Direito Do Ambiente	52
127	Direito Do Trabalho I	15
227	Direito Do Trabalho II	9
3001	Direito e Economia	51
3033	Direito Internacional dos Direitos Humanos	44
134	Direito Internacional Económico	16
114	Direito Internacional Público I	44
138	Direitos Fundamentais	27
155	Economia Internacional	30
121	História Do Pensamento Jurídico	27
3057	Organizações Internacionais	14
310	Proteção Internacional dos Direitos do Homem	53
3016	Tributação das Empresas	20
260	União Económica E Monetária	45
282_6ects	Contencioso Administrativo E Tributário	26
<b>Total Geral</b>		<b>759</b>



## Anexo IX | Média de avaliações dos alunos *incoming* por disciplina

Código do Curso	Nome da Disciplina	N.º de Alunos
101	Introdução Ao Estudo Do Direito I	11
103	Economia I	13
105	Teoria Geral Do Direito Civil I	7
106	Direito Administrativo I	9
107	Direito Constitucional I	12
111	Direito Das Obrigações I	10
112	Direito Processual Civil I	10
114	Direito Internacional Público I	10
115_6ects	Direito Fiscal	8
116	Direito da Economia	9
117	Direito Comercial I	9
118	Direito Penal I	12
119	Direito da Família	13
121	História Do Pensamento Jurídico	13
127	Direito Do Trabalho I	12
129_3ects	Medicina Legal	12
130_6ects	História Das Relações Internacionais	12
132	Direito Romano	12
133	Direito Internacional Privado I	7
134	Direito Internacional Económico	11
138	Direitos Fundamentais	11
143	Ciência Política	11
147	Direito Comparado	11
149	Direito Processual Civil III	12
155	Economia Internacional	11
157	Direito Do Urbanismo	13
171	Direito Dos Contratos I	13
202	História Do Direito Português	10
203	Economia II	11
205	Teoria Geral Do Direito Civil II	15
206	Direito Administrativo II	14
207	Direito Constitucional II	11
210	Finanças Públicas	14
211	Direito Das Obrigações II	9
212	Direito Processual Civil II	8
213	Direitos Reais	14
217	Direito Comercial II - Sociedades Comerciais	9
220	Direito Das Sucessões	10
227	Direito Do Trabalho II	10
228	Direito Processual Penal	14
231	Filosofia Do Direito	11
233	Direito Internacional Privado II	13

<b>Código do Curso</b>	<b>Nome da Disciplina</b>	<b>N.º de Alunos</b>
239	Direito Penal II	15
251	Direito da União Europeia	10
252	Sociologia Do Direito	13
253	História Das Ideias Políticas	11
256	Direito Dos Mercados Financeiros	13
258_6ects	Justiça Constitucional	12
260	União Económica E Monetária	13
263_6ects	Contencioso da União Europeia	13
264	Direito Fiscal Internacional	11
268	Direito Do Ambiente	14
271	Direito Dos Contratos II	13
275	Direito Marítimo	12
282_6ects	Contencioso Administrativo E Tributário	11
3000	Introdução à Metodologia da Investigação Científica I	8
3001	Direito e Economia	14
3002	Políticas Públicas	13
3003	Contratação Pública e Concorrência	12
3005	Harmonização Fiscal Europeia	9
3006	Convenções de Dupla Tributação	0
3007	Finanças Europeias	6
3013	Economia Comportamental e Direito	6
3016	Tributação das Empresas	15
3033	Direito Internacional dos Direitos Humanos	15
3041	Direito Administrativo do Ambiente	8
3050	Direito das Nações Unidas	14
3053	Justiça Internacional	4
3057	Organizações Internacionais	14
306	Direito Administrativo III	14
3060	Direito Processual Civil Internacional I	13
3061	Direito Penal IV	15
3062	Direito Probatório	13
3063	Direito da Insolvência	14
3065	Justiça Constitucional	12
3067	Direito Processual Civil Internacional II	7
3068	Contencioso da União Europeia	14
3075	Direito da Arbitragem e da Mediação I	8
3079	Direito das Sociedades Comerciais II	10
3080	Contratos Internacionais	13
3081	Direito da Arbitragem e da Mediação II	10
3084	Medida da Pena e Direito da Execução das Penas	16
3092	Direito Penal e Processual Penal Comparado	11
3095	Direito da Família e das Sucessões	10
3097	Direito de Personalidade	13
310	Proteção Internacional dos Direitos do Homem	12
3100	Introdução à Metodologia da Investigação Científica II	14

<b>Código do Curso</b>	<b>Nome da Disciplina</b>	<b>N.º de Alunos</b>
3108	Direito Aéreo I	15
3110	Direito Portuário e Aeroportuário	12
314	Direito Internacional Público II	13
317	Direito Comercial III	12
339_6ects	Direito Penal III	11
Inves	Investigação para dissertação/trabalho final de curso	17
<b>Total Geral</b>		<b>13,13</b>

**Anexo X | Média de avaliações dos alunos *incoming* por disciplina (turma) lecionada em inglês**

<b>Código do Curso</b>	<b>Nome da Disciplina</b>	<b>N.º de Alunos</b>
282_6ects	Contencioso Administrativo E Tributário	11
3068	Contencioso da União Europeia	14
263_6ects	Contencioso da União Europeia	14
3003	Contratação Pública e Concorrência	12
106	Direito Administrativo I	6
206	Direito Administrativo II	14
147	Direito Comparado	11
251	Direito da União Europeia	11
3050	Direito das Nações Unidas	14
268	Direito Do Ambiente	14
127	Direito Do Trabalho I	12
227	Direito Do Trabalho II	11
3001	Direito e Economia	14
3033	Direito Internacional dos Direitos Humanos	15
134	Direito Internacional Económico	9
114	Direito Internacional Público I	12
314	Direito Internacional Público II	13
138	Direitos Fundamentais	11
155	Economia Internacional	12
121	História Do Pensamento Jurídico	14
121	História Do Pensamento Jurídico	14
3057	Organizações Internacionais	14
310	Proteção Internacional dos Direitos do Homem	14
3016	Tributação das Empresas	16
260	União Económica E Monetária	13
<b>Total Geral</b>		<b>13</b>

## Anexo XI | Alunos *outgoing* por Universidade de destino (candidaturas)

Universidades de Destino	1.º Semestre	2.º Semestre	Ano Inteiro	Total Geral
Alma Mater Studiorum Università di Bologna	2	1		3
Charles University in Prague - Faculty of Law	1			1
Comenius University in Bratislava			1	1
Eötvös Loránd University (ELTE)	4			4
Erasmus University Rotterdam		1		1
Faculdade Baiana de Direito e Gestão			1	1
Faculdade de Direito da Universidade do Porto		1		1
Faculty of Law - University of Salzburg; Paris Lodron Universität Salzburg		1		1
Freie Universität Berlin	1			1
Ghent University		1		1
Humboldt Universität zu Berlin	1		1	2
Loyola University New Orleans College of Law		1		1
Ludwig-Maximilians-Universität München		3		3
Maastricht University	3			3
Masaryk University	9			9
Mykolas Romeris University	4			4
Paris Descartes University		2		2
Pontifícia Universidade Católica do Rio de Janeiro	3			3
Sapienza - Università di Roma	3			3
Universidad Autonoma de Madrid	3			3
Universidad Carlos III de Madrid	2			2
Universidad Complutense de Madrid	1		1	2
Universidad de Barcelona Faculty of Law	3			3
Universidad de Granada	2	1	1	4
Universidad de las Palmas de Gran Canaria	2			2
Universidad de Málaga	2			2
Universidad Internacional de Andalucía		1		1
Universidad Miguel Hernandez de Elche		1		1
Universidad Rey Juan Carlos	3			3
Universidade de Buenos Aires	9			9
Universidade de Coimbra - Faculdade de Direito		4		4
Universidade de Macau, Faculdade de Direito	7			7
Universidade de São Paulo	1	1		2
Universidade Federal de Pernambuco	1			1
Universidade Federal de Santa Catarina	3			3
Universidade Nova de Lisboa - Faculdade de Direito	1	1		2
Università degli Studi di Genova	3		1	4
Università degli Studi di Milano	2		1	3
Università degli Studi di Milano-Bicocca	2			2
Università degli Studi di Napoli Federico II	1			1
Universita degli Studi di Padova	4			4
Università degli Studi di Roma "Tor Vergata"	3		2	5
Università degli Studi di Trento		1		1
Universita Europea	1			1
Universitat Autònoma de Barcelona	1	1		2
Universitat de València	2			2
Universitat Pompeu Fabra	2			2
Universität Zu Köln		2		2
Universität Zürich	1	2		3

<b>Universidades de Destino</b>	<b>1.º Semestre</b>	<b>2.º Semestre</b>	<b>Ano Inteiro</b>	<b>Total Geral</b>
Université Catholique de Louvain / Faculté de Droit et de Criminologie		2		2
Université de Le Havre	1			1
Université de Rouen	2			2
Université Grenoble Alpes	1			1
Université Libre de Bruxelles	1			1
Université Paris 13		1	1	2
Université Paris-Sud		1		1
Université Toulouse 1 Capitole	2			2
Universitetet i Bergen Faculty of Law	1			1
University of Amsterdam	3		1	4
University of Bucharest		1		1
University of Fribourg			1	1
University of Groningen Faculty of Law	1			1
University of Koblenz	1			1
University of Maribor	4			4
University of Salamanca			2	2
University of Warsaw	1			1
<b>Total Geral</b>	<b>111</b>	<b>31</b>	<b>14</b>	<b>156</b>

**Anexo XII | Alunos *outgoing* por país de destino (candidaturas)**

<b>País</b>	<b>1.º Semestre</b>	<b>2.º Semestre</b>	<b>Ano inteiro</b>	<b>Total Geral</b>
Alemanha	3	5	1	9
Argentina	9			9
Áustria		1		1
Bélgica	1	3		4
Brasil	8	1	1	10
China	7			7
Eslováquia			1	1
Eslovénia	4			4
Espanha	23	4	4	31
EUA		1		1
França	6	4	1	11
Holanda	7	1	1	9
Hungria	4			4
Itália	21	2	4	27
Lituânia	4			4
Noruega	1			1
Polónia	1			1
Portugal	1	6		7
República Checa	10			10
Roménia		1		1
Suiça	1	2	1	4
<b>Total Geral</b>	<b>111</b>	<b>31</b>	<b>14</b>	<b>156</b>

## Anexo XIII | Alunos *outgoing* por ciclo de estudos (candidaturas)

Universidade	1º Ciclo, Licenciatura	2º Ciclo, Mestrado	3º Ciclo, Doutoramento	Total Geral
Alma Mater Studiorum Università di Bologna	2	1		3
Charles University in Prague - Faculty of Law	1			1
Comenius University in Bratislava	1			1
Eötvös Loránd University (ELTE)	4			4
Erasmus University Rotterdam		1		1
Faculdade Baiana de Direito e Gestão	1			1
Faculdade de Direito da Universidade do Porto	1			1
Faculty of Law - University of Salzburg; Paris Lodron Universität Salzburg			1	1
Freie Universität Berlin		1		1
Ghent University		1		1
Humboldt Universität zu Berlin	2			2
Loyola University New Orleans College of Law		1		1
Ludwig-Maximilians-Universität München		3		3
Maastricht University	1	2		3
Masaryk University	9			9
Mykolas Romeris University	3	1		4
Paris Descartes University	1	1		2
Pontifícia Universidade Católica do Rio de Janeiro	3			3
Sapienza - Università di Roma	2	1		3
Universidad Autonoma de Madrid		3		3
Universidad Carlos III de Madrid		2		2
Universidad Complutense de Madrid	1	1		2
Universidad de Barcelona Faculty of Law	2	1		3
Universidad de Granada	1	3		4
Universidad de las Palmas de Gran Canaria	2			2
Universidad de Málaga	2			2
Universidad Internacional de Andalucía		1		1
Universidad Miguel Hernandez de Elche			1	1
Universidad Rey Juan Carlos	3			3
Universidade de Buenos Aires	9			9
Universidade de Coimbra - Faculdade de Direito	4			4
Universidade de Macau, Faculdade de Direito	7			7
Universidade de São Paulo	2			2
Universidade Federal de Pernambuco	1			1
Universidade Federal de Santa Catarina	3			3
Universidade Nova de Lisboa - Faculdade de Direito	2			2
Università degli Studi di Genova	3	1		4
Università degli Studi di Milano		3		3
Università degli Studi di Milano-Bicocca	2			2
Università degli Studi di Napoli Federico II	1			1
Università degli Studi di Padova	4			4
Università degli Studi di Roma "Tor Vergata"		5		5
Università degli Studi di Trento		1		1
Università Europea	1			1
Universitat Autònoma de Barcelona	1	1		2
Universitat de València	2			2
Universitat Pompeu Fabra	2			2
Universität Zu Köln		1	1	2
Universität Zürich		3		3



<b>Universidade</b>	<b>1º Ciclo, Licenciatura</b>	<b>2º Ciclo, Mestrado</b>	<b>3º Ciclo, Doutoramento</b>	<b>Total Geral</b>
Université Catholique de Louvain / Faculté de Droit et de Criminologie		2		2
Université de Le Havre		1		1
Université de Rouen		2		2
Université Grenoble Alpes		1		1
Universite Libre de Bruxelles		1		1
Université Paris 13		1	1	2
Université Paris-Sud		1		1
Université Toulouse 1 Capitole		2		2
Universitetet i Bergen Faculty of Law	1			1
University of Amsterdam	2	1	1	4
University of Bucharest	1			1
University of Fribourg	1			1
University of Groningen Faculty of Law			1	1
University of Koblenz		1		1
University of Maribor	4			4
University of Salamanca	1	1		2
University of Warsaw	1			1
<b>Total Geral</b>	<b>97</b>	<b>53</b>	<b>6</b>	<b>156</b>

## Anexo XIV | Alunos *incoming* e *outgoing* (candidaturas), por instituição parceira

<b>Universidades Parceiras</b>	<b>Incoming</b>	<b>Outgoing</b>	<b>Total</b>
Adam Mickiewicz University in Poznań	2		2
Alma Mater Studiorum Università di Bologna	2	3	5
Anadolu University	1		1
Aristotles University of Thessaloniki	1		1
Bucerius Law School	2		2
Cag University	4		4
Centro Universitário 7 de Setembro - UNI7	5		5
Centro Universitário Curitiba – UNICURITIBA	26		26
Charles University in Prague	1		1
Charles University in Prague - Faculty of Law		1	1
Comenius University in Bratislava	4	1	5
Eötvös Loránd University	6		6
Eötvös Loránd University (ELTE)		4	4
Erasmus Universiteit Rotterdam	6		6
Erasmus University Rotterdam		1	1
Faculdade Baiana de Direito e Gestão	13	1	14
Faculdade Brasileira mantida pela Empresa Brasileira de Ensino, Pesquisa e Extensão S/A	1		1
Faculdade de Direito da Universidade de São Paulo	1		1
Faculdade de Direito da Universidade do Porto	1	1	2
Faculdade de Direito da Universidade Federal Fluminense	1		1
Faculdade de Direito de Franca	5		5
Faculdade de Direito Milton Campos	7		7
Faculdade Escola Superior do Ministério Público	1		1
Faculdade Integrada de Pernambuco	1		1
Faculdade Multivix	4		4
Faculty of Law - University of Salzburg; Paris Lodron Universität Salzburg		1	1
FGV Direito Rio	1		1
Free Mover	14		14
Freie Universität Berlin		1	1
Fribourg University	1		1
Fundação Escola Superior do Ministério Público	3		3
Fundação Mineira de Educação e Cultura - FUMEC	3		3
Galatasaray University	1		1
Ghent University		1	1
Humboldt Universität zu Berlin	3	2	5
Jagiellonian University	5		5
Justus-Liebig-Universität Gießen	1		1
Leibniz Universität Hannover	6		6
Leopold-Franzens-Universität Innsbruck	2		2
Loyola University New Orleans College of Law		1	1
Ludwig-Maximilians-Universität München	5	3	8

<b>Universidades Parceiras</b>	<b>Incoming</b>	<b>Outgoing</b>	<b>Total</b>
Maastricht University	3	3	6
Martin-Luther-Universität Halle-Wittenberg	6		6
Masaryk University		9	9
MEF University	2		2
Mykolas Romeris University	1	4	5
Outro	4		4
Palacky University in Olomouc	2		2
Pan-european University	6		6
Paris Descartes University		2	2
Pontifícia Universidade Católica de São Paulo	4		4
Pontifícia Universidade Católica do Paraná	8		8
Pontifícia Universidade Católica do Rio de Janeiro		3	3
Pontifícia Universidade Católica do Rio Grande do Sul	6		6
Radboud University	1		1
Roma Tre	2		2
Ruhr-Universität Bochum	2		2
Sapienza - Università di Roma	2	3	5
Sofia University "St Kliment Ohridski"	2		2
Tallinn University	1		1
Technische Universität Dresden	3		3
UNED	1		1
Unifacs	1		1
UNIT Faculdade Integrada de Pernambuco	1		1
Universidad Autonoma de Madrid	2	3	5
Universidad Carlos III de Madrid		2	2
Universidad Complutense de Madrid		2	2
Universidad de Barcelona Faculty of Law		3	3
Universidad de Burgos	1		1
Universidad de Cádiz	1		1
Universidad de Castilla-La Mancha	1		1
Universidad de Cordoba, Facultad de Derecho y Ciencias Empresariales	1		1
Universidad de Granada	3	4	7
Universidad de Las Palmas de Gran Canaria		2	2
Universidad de León	2		2
Universidad de Malaga	1	2	3
Universidad de Murcia	1		1
Universidad de Navarra	1		1
Universidad de Oviedo	2		2
Universidad de Pais Basco	1		1
Universidad de Valladolid	2		2
Universidad Internacional de Andalucía		1	1
Universidad Miguel Hernandez de Elche		1	1
Universidad Pablo de Olavide	2		2
Universidad Rey Juan Carlos		3	3
Universidade Cândido Mendes	6		6

<b>Universidades Parceiras</b>	<b>Incoming</b>	<b>Outgoing</b>	<b>Total</b>
Universidade Católica de Brasília	3		3
Universidade Católica de Pernambuco	10		10
Universidade Católica de Petrópolis	6		6
Universidade de Brasília	3		3
Universidade de Buenos Aires		9	9
Universidade de Coimbra	1	4	5
Universidade De Fortaleza	5		5
Universidade de Macau, Faculdade de Direito		7	7
Universidade de Passo Fundo	1		1
Universidade de Rio Verde	1		1
Universidade de Santiago de Compostela	2		2
Universidade de São Paulo	1	2	3
Universidade do Estado Do Rio De Janeiro	2		2
Universidade Estadual do Sudoeste da Bahia	1		1
Universidade Federal de Pernambuco		1	1
Universidade Federal de Santa Catarina	1	3	4
Universidade Federal de Uberlândia	2		2
Universidade Federal do Espírito Santo	3		3
Universidade Federal do Pará	1		1
Universidade Federal do Rio Grande do Sul	6		6
Universidade Federal Fluminense	3		3
Universidade Feevale	3		3
Universidade Franciscana	1		1
Universidade Luterana do Brasil – ULBRA	1		1
Universidade Nova de Lisboa - Faculdade de Direito		2	2
Universidade Positivo	4		4
Universidade Presbiteriana Mackenzie	2		2
Universidade Tiradentes	4		4
Università degli Studi della Campania Luigi Vanvitelli	5		5
università degli Studi di Bari Aldo Moro	1		1
Università degli Studi di Catania	2		2
Universitá degli Studi di Enna Kore	1		1
Università degli Studi di Genova	3	4	7
Università degli Studi di Messina	2		2
Università degli Studi di Milano	4	3	7
Università degli Studi di Milano-Bicocca		2	2
Università degli Studi di Napoli Federico II	2	1	3
Università degli Studi di Padova	1	4	5
Universitá degli Studi di Palermo	1		1
Università degli Studi di Perugia	2		2
Università degli Studi di Roma "Tor Vergata"		5	5
Università degli Studi di Salerno	1		1
Università degli Studi di Sassari	4		4
Università degli Studi di Trento	3	1	4
Università Degli Studi Magna Graecia di Catanzaro	1		1

<b>Universidades Parceiras</b>	<b>Incoming</b>	<b>Outgoing</b>	<b>Total</b>
Universita Europea		1	1
Università Luigi Vanvitelli	1		1
Università Parthenope	1		1
Universität Augsburg	2		2
Universitat Autònoma de Barcelona		2	2
Universität Bayreuth	1		1
Universitat de Barcelona	1		1
Universitat de València	2	2	4
Universität Hamburg	3		3
Universität Konstanz	2		2
Universität Leipzig	3		3
Universitat Pompeu Fabra	2	2	4
Universität Salzburg	3		3
Universität Zu Köln	1	2	3
Universität Zürich		3	3
Université Catholique de Louvain - Faculté de Droit et de Criminologie	6	2	8
Université de Bourgogne Faculté de Droit et de Sciences Economique et Politique	1		1
Université de Cergy Pontoise	2		2
Université de Le Havre	1	1	2
Université de Rouen	9	2	11
Université Grenoble Alpes		1	1
Université Libre de Bruxelles		1	1
Université Nanterre	1		1
Université Paris 13		2	2
Université Paris-Nanterre	1		1
Université Paris-Sud		1	1
Université Toulouse 1 Capitole		2	2
Universiteit van Amsterdam	2		2
Universitetet i Bergen	7	1	8
University of Amsterdam		4	4
University of Bialystok	2		2
University of Bucharest	1	1	2
University of Cologne	1		1
University of Fribourg		1	1
University of Ghent	2		2
University of Groningen Faculty of Law		1	1
University of Koblenz		1	1
University of Latvia	2		2
University of Ljubljana	3		3
University of Macau	3		3
University of Malta	1		1
University of Maribor		4	4
University of Naples "Parthenope"	2		2
University of Salamanca		2	2

<b>Universidades Parceiras</b>	<b><i>Incoming</i></b>	<b><i>Outgoing</i></b>	<b>Total</b>
University of Turku	2		<b>2</b>
University of Warmia and Mazury in Olsztyn	5		<b>5</b>
University of Warsaw	2	1	<b>3</b>
University of Zagreb Faculty of Law	3		<b>3</b>
University of Zurich	2		<b>2</b>
University Paris-Sud, Faculté Jean Monnet	2		<b>2</b>
Univerza v Mariboru	2		<b>2</b>
Westfälische Wilhelms - Universität Münster	4		<b>4</b>
Windesheim Flevoland	1		<b>1</b>
Yeditepe University	1		<b>1</b>
<b>Total Geral</b>	<b>418</b>	<b>156</b>	<b>574</b>

## Anexo XV | Alunos *incoming* e *outgoing* (candidaturas), por país

<b>País</b>	<b><i>Incoming</i></b>	<b><i>Outgoing</i></b>	<b>Total Geral</b>
Alemanha	46	9	<b>55</b>
Argentina		9	<b>9</b>
Austria	5		<b>5</b>
Áustria		1	<b>1</b>
Bélgica	9	4	<b>13</b>
Brasil	173	10	<b>183</b>
Bulgária	2		<b>2</b>
China		7	<b>7</b>
China, Macau	3		<b>3</b>
Croácia	3		<b>3</b>
Eslováquia	10	1	<b>11</b>
Eslovénia	5	4	<b>9</b>
Espanha	29	31	<b>60</b>
Estónia	1		<b>1</b>
EUA		1	<b>1</b>
Finlândia	2		<b>2</b>
França	17	11	<b>28</b>
Grécia	1		<b>1</b>
Holanda	13	9	<b>22</b>
Hungria	6	4	<b>10</b>
Itália	47	27	<b>74</b>
Letónia	2		<b>2</b>
Lituânia	1	4	<b>5</b>
Malta	1		<b>1</b>
Marrocos	1		<b>1</b>
Noruega	7	1	<b>8</b>
Polónia	16	1	<b>17</b>
Portugal	2	7	<b>9</b>
República Checa	3	10	<b>13</b>
Roménia	1	1	<b>2</b>
Suiça	3	4	<b>7</b>
Turquia	9		<b>9</b>
<b>Total Geral</b>	<b>418</b>	<b>156</b>	<b>574</b>

## Anexo XVI | Mobilidade Docentes Erasmus + - *Incoming*

### 1. Docentes por antiguidade

Antiguidade	N.º de Docentes
Senior	11
Intermediate	7
Junior	8
<b>Total Geral</b>	<b>26</b>

### 2. Mobilidade por semestre

Semestre	N.º de Docentes
1.º	4
2.º	22
<b>Total Geral</b>	<b>26</b>

### 3. Docentes por país

Semestre	N.º de Docentes
Áustria	1
Bélgica	1
Bulgária	1
Espanha	7
França	2
Itália	3
Polónia	6
Reino Unido	1
República Checa	4
<b>Total Geral</b>	<b>26</b>



## Anexo XVII | Mobilidade Docentes Erasmus + - *Outgoing*

### 1. Docentes por antiguidade

Antiguidade	N.º de Docentes
Senior	3
Intermedio	1
<b>Total Geral</b>	<b>4</b>

### 2. Mobilidade por semestre

Semestre	N.º de Docentes
1.º	2
2.º	2
<b>Total Geral</b>	<b>4</b>

## Anexo XVIII | Mobilidade Staff Erasmus + - *Incoming*

### 1. Staff por antiguidade

Antiguidade	N.º de Docentes
Senior	3
Intermediate	15
Junior	4
<b>Total Geral</b>	<b>22</b>

### 2. Mobilidade por semestre

Semestre	N.º de Docentes
2.º	22
<b>Total Geral</b>	<b>22</b>

### 1. Candidaturas (através do portal Fenix)

Estado das candidaturas	N.º de candidaturas
Candidatura Aceite	733
Candidatura Anulada	832
Candidatura Anulada (sem pagamento)	164
Candidatura Não Aceite	895
<b>Total Geral</b>	<b>2624</b>

Nota:

Candidatura Anulada – candidatura que não foi corretamente submetida.

Candidatura Anulada (sem pagamento) – candidatura anulada dentro de prazo, após ter sido aceite.

### 2. Candidaturas Aceites e Não aceites por tipo de inscrito (através do portal Fenix)

Estado da Candidatura	N.º de Candidatura Aceite	N.º de Candidatura Não Aceite	Total Geral
Candidatos Externos	7	18	25
Estudantes da Faculdade de Direito	649	842	1491
Estudantes de Intercâmbio da Faculdade de Direito	67	24	91
Estudantes de Outras Instituições	10	11	21
<b>Total Geral</b>	<b>733</b>	<b>895</b>	<b>1628</b>

### 3. Número médio de candidaturas por candidato (através do portal Fénix)

Número total de candidatos <sup>27</sup>	N.º médio de Candidaturas Aceites	N.º médio de Candidaturas Não Aceite	N.º médio de candidaturas por candidato
421	1,7	2,1	3,9

### 4. Total de Candidaturas por curso intensivo (através do portal Fenix)

Curso Intensivo	Número Total de Candidaturas
A descriptive analysis of the EU Labour Market Policy (LMP)	44
An introduction to EU agri-food law today	102
Change Across Criminal and Civil Legal History	59
Comparative Environmental Law	95
Comparative View of the Rule of Law and Democracy in Europe	40
Competition Law in the Digital Economy	66
Constitutional Justice in Europe	60
Construction contracts in the system of German Civil law	46
European and Comparative Competition Law	102
European and International Energy Law	51

<sup>27</sup> Apenas são consideradas as candidaturas aceites e não aceites.

<b>Curso Intensivo</b>	<b>Número Total de Candidaturas</b>
European Laws since the middle of the 18th Century	34
General Theory of the State	62
Global Competition Law	109
Globalisation and International Protection of Human Rights	216
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UN Human Rights Council	107
United States Constitutional Law: Structure, Rights, and Interpretation	51
Workplace and Board-level representation	97
<b>Total Geral</b>	<b>2624</b>

## 5. Inscritos por curso intensivo

Curso Intensivo	Número Total de Candidaturas	Cancelamentos	Número de alunos no curso
A descriptive analysis of the EU Labour Market Policy (LMP)	44	2	34
An introduction to EU agri-food law today	102	13	41
Change Across Criminal and Civil Legal History	59	7	45
Comparative Environmental Law	95	7	42
Comparative View of the Rule of Law and Democracy in Europe	40		49
Competition Law in the Digital Economy	66		45
Constitutional Justice in Europe	60	10	46
Construction contracts in the system of German Civil law	46	8	41
European and Comparative Competition Law	102	7	46
European and International Energy Law	51		53
European Laws since the middle of the 18th Century	34		45
General Theory of the State	62	12	45
Global Competition Law	109	3	50
Globalisation and International Protection of Human Rights	216	4	43
Globalization, economic crisis, social networks and democracy in a European constitutional perspective	68	1	43
História e teoria do crime	127	7	50
Human Rights and Health Law: An Overview of International and U.S. Legal Interventions to Protect and Promote the Public's Health	65		1
International aviation law	56		54
Introducción a la Historia del Derecho Privado Español	78	4	44
Introduction to American Criminal Law and Procedure	88	11	44
Introduction to European Private Law – From national rules on Contract and Tort to supranational European Union Obligation Law	47	10	45
Introduction to Portuguese Law	69	1	75
Introduction to the Italian Administrative Law	34		39
Introduction to the Law of the United States	93		57
Introduction to the North American Constitution	77	13	41
Introduction to Tort Law from an English and American Perspective	102	4	48
La Crisis Del Estado de Derecho	85	9	43
Litigation in Economic International Law: Consent to International Commercial Arbitration & Investment Arbitration	43		47
Main Issues of Corporate Governance	59		42
Philosophie du droit	22	1	41

Curso Intensivo	Número Total de Candidaturas	Cancelamentos	Número de alunos no curso
The area of freedom, security and justice. Asylum and Immigration law and policy of the European Union	115	5	44
The European Economic and Monetary Union and its 'Satellites': Legal Perspectives"	55	8	46
UN Human Rights Council	107	5	44
United States Constitutional Law: Structure, Rights, and Interpretation	51		34
Workplace and Board-level representation	97	12	60
<b>Total Geral</b>	<b>2624</b>	<b>164</b>	<b>1567</b>

## 6. Avaliações por curso intensivo

Curso Intensivo	N.º de Alunos Avaliados	Média de avaliações	N.º de Reprovações
A descriptive analysis of the EU Labour Market Policy (LMP)	13	9	5
An introduction to EU agri-food law today	22	12	4
Change Across Criminal and Civil Legal History	21	14	1
Comparative Environmental Law	28	15	1
Comparative View of the Rule of Law and Democracy in Europe	25	12	9
Competition Law in the Digital Economy	28	15	1
Constitutional Justice in Europe	24	12	
Construction contracts in the system of German Civil Law	22	12	4
European and Comparative Competition Law	33	15	
European and International Energy Law	25	15	
European Laws since the middle of the 18th Century	15	13	
General Theory of the State	24	10	15
Global Competition Law	25	10	
Globalization and International Protection of human rights	33	12	5
Globalization, economic Crisis, Social networks and Democracy in a European Constitutional Perspective	20	15	
História e Teoria do Crime	15	14	
Human Rights and Health Law: An Overview of International and U.S. Legal Interventions to Protect and Promote the Public's Health			
International aviation law	32	14	1
Introducción a la Historia del Derecho Privado Español	27	15	
Introduction to American Criminal Law and Procedure	23	12	1
Introduction to European Private Law	14	14	
Introduction to Portuguese Law	62	16	
Introduction to the Italian Administrative Law	22	11	6

<b>Curso Intensivo</b>	<b>N.º de Alunos Avaliados</b>	<b>Média de avaliações</b>	<b>N.º de Reprovações</b>
Introduction to the Law of the United States	48	16	
Introduction to the North American Constitution	21	16	1
Introduction to Tort law: from an American and an English Perspective	40	14	
La Crisis del Estado de Derecho en Europa	22	16	
Litigation in Economic Internenernal Law: Consent to International Commercial Arbitration & Investment Arbitration	30	14	
Main Issues of Corporate Governance	34	14	3
Philosophie du Droit	24	14	
The Area of Freedom, Security and Justice. Asylum and Immigration Law and Policy of the European Union	30	11	3
The European Economic and Monetary Union and its 'Satellites': Legal Perspectives	16	11	5
UN Human Rights Council	29	15	1
United States Constitutional Law: Structure, Rights, and Interpretation	17	15	
Workplace and Board-level Representation	21	13	1
<b>Total Geral</b>	<b>885</b>	<b>14</b>	

## Anexo XX | Programas dos Cursos Intensivos e Currricula dos Docentes de 2019/2020

Curso Intensivo	Docente
A descriptive analysis of the EU Labour Market Policy (LMP)	Fancisco Roca
An introduction to EU agri-food law today	Kirstin Inglis
Change Across Criminal and Civil Legal History	Matthew Dyson
Comparative Environmental Law	Colin Crawford
Comparative View of the Rule of Law and Democracy in Europe	Stephane Pinon
Competition Law in the Digital Economy	Miguel Moura e Silva
Constitutional Justice in Europe	Rainer Arnold
Construction contracts in the system of German Civil law	Jochen Glockner
European and Comparative Competition Law	Bernd Oppermann
European and International Energy Law	Claas Germmelmann
European Laws since the middle of the 18th Century	Jean-Louis Halpérin
General Theory of the State	Michel Tropez
Global Competition Law	<a href="#">Miguel Moura e Silva</a>
Globalisation and International Protection of Human Rights	Marine Toullier
Globalization, economic crisis, social networks and democracy in a European constitutional perspective	Balaguer Callejón
História e teoria do crime	Caudio Brandão
Human Rights and Health Law: An Overview of International and U.S. Legal Interventions to Protect and Promote the Public's Health	Jenifer Bard
International aviation law	Regina Valutyte
Introducción a la Historia del Derecho Privado Español	Pedro Ortego
Introduction to American Criminal Law and Procedure	Stephen Thaman
Introduction to European Private Law – From national rules on Contract and Tort to supranational European Union Obligation Law	Andreas Schwartz
Introduction to Portuguese Law	<a href="#">João Tiago da Silveira</a>
Introduction to the Italian Administrative Law	Annalisa Giusti
Introduction to the Law of the United States	Patrick Ryan Hugg
Introduction to the North American Constitution	Russel Weaver
Introduction to Tort Law from an English and American Perspective	Elisabeth O'Leary
La Crisis Del Estado de Derecho	Fausto Vecchio
Litigation in Economic International Law: Consent to International Commercial Arbitration & Investment Arbitration	Millán Requena Casanova
Main Issues of Corporate Governance	Viginius Bite
Philosophie du droit	Alexandre Viala
The area of freedom, security and justice. Asylum and Immigration law and policy of the European Union	Jaap de Zwaan
The European Economic and Monetary Union and its 'Satellites': Legal Perspectives	Axel Kämmerer
UN Human Rights Council	Sangeeta Sha
United States Constitutional Law: Structure, Rights, and Interpretation	Dane Ciolino
Workplace and Board-level representation	Seul Otmar



## A descriptive analysis of the EU Labour Market Policy (LMP)

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#### **Session 1-Introduction**

Labour market policies are important to support people move from inactivity and unemployment into employment and find more rewarding and productive jobs.

They aim to bring unemployed and the inactive into employment and help people in low-quality or threatened jobs find better employment opportunities.

Labour market policy and institutions play a central role in stimulating job creation and enhancing job quality, by facilitating the reallocation of resources to their most efficient and regarding uses promoting learning and innovation in the workplace, removing barriers to good quality jobs, and fostering greater inclusiveness.

**This session classes will include discussions, questions and answers about how to measure unemployment rate, the labour Force, Participation rate, and the Employment population ratio**

#### **Session 2-Labour market policy Statistic defined**

##### **Policy lessons from the Great Recession**

This Session is import to asses policies and adjust them accordingly The exposition attempts to show the rich pool of information available in the LMP database and which can be used in more complex policy analysis

The experience of the global crisis has yielded a number of lessons regarding the role of macroeconomic and labour market policies for labour market resilience

##### **Questions for discussions**

Which structural policies are most effective in strengthening labour market resilience?

Should labour market policies be made contingent on the state of the business cycle?

#### **Session 3- Overview of expenditure data**

## **The role of policies and institutions for good labour market performance**

EU data for expenditure and beneficiaries of labor market interventions are collected for the EU Member States and Norway on an annual basis. This lesson presents a broad descriptive analysis of the expenditure data collected

### **Questions for discussion**

How can policies and institutions be designed in a way that raises job quantity, job quality and inclusiveness?

What types of policies and institutions ensure the labour markets are resilient and adaptable in a fast changing world?

## **Session 4- LMP expenditure in relation to unemployment**

### **Identification of challenges**

Labor market policies are varied and include job searching mechanisms, training, start-up incentives and income support (unemployment benefits). A set of these policies are grouped together as “actives measures” or activation policies and include training, employment incentives, supported employment, rehabilitation, and direct job creation

Long-term unemployment (LTU) is one of the main indicators from which the adequacy and/or success of ALMPs (and public employment services) can be judged. Since the start of the crisis in 2008, long-term unemployment rates have been increasing in all Member States, except Germany .

## **Session 5- Key findings and Summary**

Looking per country over time, LMP spending (constant prices) and the number of beneficiaries are linked with unemployment evolution, thus suggesting a counter-cyclical behavior of spending notably up to 2010.

In structural terms, income support interventions or “supports” (e.g. unemployment benefits) represent the largest share of expenditure of 25 Member States

## **REFERENCES**

1The OECD defines ALMPs as follows: "Active labour market programmes includes all social expenditure (other than education) which is aimed at the improvement of the beneficiaries' prospect of finding gainful employment or to otherwise increase their earnings capacity. This category includes spending on public employment services and administration, labour market training, special programmes for youth when in transition from school to work, labour market programmes to provide or promote employment for unemployed and other persons (excluding young and disabled persons) and special programmes for the disabled."

2 See for example John P. Martin, "Activation and Active Labour Market Policies in OECD Countries: Stylized Facts and Evidence on Their Effectiveness", IZA Policy Paper No. 84, June 2014.

3 A quite comprehensive evaluation of the effectiveness of ALMPs can be found in European Commission, Employment in Europe Report, 2006. Kluve et al. (2010; "The Effectiveness of European Active Labour Market Programmes", *Labour Economics* 17, pp. 904-18) and Kluve et al. (2010; "Active Labour Market Policy Evaluations: A Meta Analysis", *The Economic Journal* 120, pp. 452-77) offer broad (meta-) analyses based on a large number of studies.

4 "Effective Active Labour Market Policies", J. Boone & J. C. van Ours, IZA DP No. 1335, 2004.

5 "Active Labour Market Programs: Employment Gain or Fiscal Drain", A. J.G. Brown & J. Koettl, IZA DP No.6880, 2012.



## CURRICULUM VITAE

### Personal information

First name/Surname Francisco GONZALEZ-BLANCH

DNI 02488919C

E-mail [francigo@ucm.es](mailto:francigo@ucm.es)

Date of birth 08/12/1950

Gender male

### Work experience

Dates 1/1974-9/2018

Occupation Professor of Economics, Department of Economics IV, University Complutense of Madrid-Spain; 2016

Publications. Author or co-author of about 20 publications, mainly in national publishing houses and journals and mainly on private and public services

Expertise: teaching, research and consultancy in the areas of Public Services, Competitiveness, Labour Market, Economics, Economic Policy, Knowledge Economy and Globalisation.

Dates 3/2003- 12/2015

11/1987-10/1989

Occupation I worked as Policy Officer for the European Commission in Brussels (DG Employment and DG Budget).



Dates 12/1974-7/1985

Occupation Leader and coordinator of international research teams and projects, Spanish Administration

International relations with International Organisations ONU, OCDE, UE Ministry of Economy And Ministry of Transport

Dates 9/ 1991- 2/1992

Occupation visiting Scholar at Berkeley University, (California,US)

Dates 9/1999 -9/2000

Occupation distinguished professor in Institute of studies research of Florence (Italy) ,Scientific advisor in the area European economy

### **Education**

Dates 1/ 1968-1/1974

Qualification awarded PH C Economics and Degree in Law

Institution Complutense University of Madrid

### **Language**



## Mother tongue

English      Listening, Reading ,Spoken interaction, Writing B2

French      Listening, Reading, Spoken interaction, Writing B2

**An introduction to EU agri-food law today:** a 10 hour course of 5 units of 2 hours each :

1. Historical context: The Common Agricultural Policy and the influence of the BSE crisis on EU governance
2. Consequent emergence of EU competences and institutional overhaul to govern the food chain from "farm to fork":
  - consumer policy
  - today's food safety law: rationale and architecture
  - the criminal dimension
  - impacts on agriculture in the EU
3. the policy and regulatory framework of EU food safety today
  - primary law, legal principles and institutional issues (scientific basis, decision-making, risk management, role of agencies and the CJEU)
  - the criminal dimension
  - impacts on agriculture in the EU
  - the quality/intellectual property dimension: protected geographical indication (PGI); protected **designation of origin** (PDO); traditional speciality guaranteed (TSG)
4. the principle of equality in relation to third country imports and current challenges in maintaining the integrity of the EU agri-food acquis in international trade

**Kirstyn Inglis, PhD, is currently Researcher and Visiting Professor at the Caeni (the Centre for Studies in International Negotiations) at the Institute for International Relations (IRI) of the University of Sao Paulo, Brazil. She acted as Vice-Coordinator of the Jean Monnet Support to Institutions Project there from 2015 to 2018. Her most recent research has centred on EU values in EU external relations from a legal perspective.** In terms of her previous academic and professional trajectory, after completing her Scots law honours degree at Dundee University, she qualified as a British solicitor in 1990 and practised with Glasgow and London City law firms in Glasgow, London and Brussels, before moving into consulting on environment and food law in Brussels, including for the EU wholesale food lobby, CELCA. As of 1998, she became a researcher with Ghent University European Institute, gaining her doctorate there in EU external relations, food and environment law, then as a post-doctoral research fellow with the FWO (Fonds voor Wetenschappelijk Onderzoek, the Flemish Research Foundation).



## Change Across Criminal and Civil Legal History

### 1. Course Information

#### 1.1 Course objectives

The purpose of this course is to explore how and why legal change happens, with case studies drawn particularly from the civil and criminal law and their interactions, in the English legal tradition. The course presents a collection of examples of legal change, tools for analysing them, and offers further avenues for experimentation and research.

#### 1.2 Learning outcomes

Students will be able to understand different key aspects of the relationship between criminal law and tort law, how legal systems change over time, and what methodologies can effectively be employed for those purposes.

#### 1.3 Timetable

The purpose of this course April 29 to May 3, 2019 (from 16:00 to 18:30)

1. (29 April): Understanding Tort/Crime and comparative method
2. (30 April): Procedure
3. (1 May): Substance
4. (3 May): Exploring Legal Change

#### 1.4 Teaching format

Attendance at the seminars is compulsory. In exceptional circumstances, a student may apply to the Erasmus Office for permission to miss one seminar.

#### 1.5 Assessment

The course is assessed by class participation (20%) and final examination (80%). The final examination will feature a choice from a small selection of essay questions, requiring knowledge of the course syllabus in full. The examination can be taken with a clean copy of the course handout available.

#### 1.6 Materials

The core materials for the course will be updated, but for the key introductory material is Chapter 10 of M. Dyson (ed) *Comparing Tort and Crime* (2015, CUP). That chapter will be provided along with this syllabus to those who take the course.

## Seminar 1: (29 April) Understanding Tort/Crime and comparative method

### 1. Introduction

#### 2. **Where** tort and crime interact:

- a. Fact patterns
- b. Institutions
  - i. Structures: how the law is arranged and what it looks like on the “law map”.
  - ii. Legal Actors: the positions, personnel, training and roles.
- c. Reasoning:
  - i. Forms of legal logic: lawyers’ arguments and intellectual work
  - ii. Culture: the practices and values of actors affecting the law.
- d. Norms: principles and concepts at a high level of abstraction
- e. Substance: discrete legal rules
- f. Procedure: rules of jurisdiction, evidence and processes for dealing with disputes.
- g. Outcomes: results and how they affect legal actors

#### 3. **How** tort and crime interact

- a. Axis of Equality/Hierarchy
  - i. Equality, e.g., Functional equivalence
  - ii. Hierarchy, e.g., Opportunistic Reliance and Priority
- b. Axis of Partition/Porosity:
  - i. Partition
  - ii. Porosity e.g., Referential reasoning and Passage
- c. Axis of Directness/Indirectness
  - i. Directness: referring to the same component
  - ii. Indirectness: cross-component

#### 4. **Why** tort and crime interact

- a. *Internal norms*: shape of the legal system, e.g., homogeneity/coherence.
- b. *External norms*: calls to higher level principles in how specific interactions should take place. E.g., “fairness”, “certainty” and “intellectual robustness”.
- c. *Instrumental*: where the interaction is guided by the outcomes to be achieved. The most common forms of this are efficiency and regulation.
- d. *Institutional*: which legal actor or rule “fits” best, typically a question of competence.
- e. *Political*: impact of political implications, legislative and non-legislative.
- f. *Personal*: reasons concerning the preferences and attitudes of the legal actors involved, e.g., power and authority.

#### 5. **When** tort and crime interact

#### 6. **Methods**

- a. Is the knowledge acquired by examining tort and crime a particular kind of knowledge?
- b. Does examining the overlap between tort and crime require a different methodology from other areas of research? Is a comparative methodology appropriate?

#### 7. **Conclusion**

## **Seminar 2: (30 April) Procedure**

- 1. Introduction**
- 2. Victim's role in prosecutions**
- 3. Compensation**
- 4. Trial Process**
- 5. Procedure**

The focus of this seminar is on how tort and crime have developed next to each other. The key points of procedural contact are explored. The procedural context is particularly important because even where a legal system has not explored the normative or substantive connections between civil and criminal law to any large degree in academic work or in cases before the courts, procedural questions seem always to have arisen and required some kind of response.

## **Seminar 3: (2 May) Substance**

- 1. Introduction**
- 2. Unlawfulness and Wrongfulness**
- 3. Capacity**
- 4. General Integrative Techniques**
- 5. Fault**

The focus of this seminar's material is on the substantive law. There are many examples we could draw on but we will focus on understanding something of the structure of liability, responsibility, and fault. In their historical context, the substance of the law has been more or less the focus of legal actors; famously said to be less the concern of common lawyers and more the concern of civil lawyers, there is in fact significant nuance in how and where we look for the content of the law.

## **Seminar 5: (3 May) Exploring Legal Change**

- 1. Introduction**
- 2. Key examples of Legal Change**
- 3. Patterns of development**
- 4. Reasons for legal change**

The focus of this seminar will be how legal change happens. It will draw together the case studies and examples from earlier seminars to show how the development of legal systems can happen. It particularly challenges assumptions about society and law being a reflection of each other, and that legal systems necessarily move “upward” over time.

## 2. Background

The relationship between criminal law and tort law can help us understand how the limits of criminal law play out across a legal system.

First, exploring where the border between crime and tort has been thought to be, and why it developed, suggests that only in specific circumstances is it actually limits of the criminal law which are determining the contours of liability. That is, lawyers think that it is punishment which requires limitation, but many aspects of the criminal law do not seem to engage that limitation. The key to English law seems to be that once criminal law has been procedurally identified, the most important limit is in justifying the imposition of punishment. That means that procedure both defines, and is limited by, criminal legal principles. The procedure and the outcome have been more important to English law's development so far than substantive law itself.

Second, there is a complex collection of instances where criminal and civil law overlap and are separated. Where, as is often the case, the same questions are being asked in criminal and civil law, there are many overlapping concepts and doctrines. In some cases, there is direct integration from one to the other. Yet in other cases, mostly questions of procedure, the ultimate outcome, the imposition of a penalty, has meant criminal forms have diverged

Finally, that the limits of the criminal law are sometimes circumvented by creating a hybrid institution, part criminal and part civil. Given the stronger effects on rules of procedure of the limits on punishment, it is not surprising that the most notable hybrids are found in questions of procedure. This chapter will look at criminal hybrids, like compensation and confiscation in criminal courts, and civil hybrids, like injunctions to prevent breaches of the criminal law and punitive damages.

In the early common law, "crime" and "tort", as we call them now, were equally valid ways for a victim to pursue justice for a wrongful act. The choice seems to have been between compensation and vengeance, and this choice was one for the victim. It is hard to be clear on when the need for a distinction, using the ideas behind "tort" and "crime", if not those terms, was recognised. Certainly by the end of the eighteenth century, Lord Mansfield felt confident enough of it to say "[T]here is no distinction better known, than the distinction between civil and criminal law". However, even if the need for a distinction was known by then, its edges were uncertain. Lord Mansfield's dictum provides just one such example. The case concerned whether testimony, admissible by statute in civil claims, but not in criminal prosecutions, could be received in an action of debt for the pecuniary penalty for bribery at an election of a member of Parliament. That bribery was in fact indictable as a crime. The testimony was held to be admissible by analogy with other civil claims for debts. The conclusion was certainly plausible, but was by no means foregone in advance as the result of a famous distinction.

The predominant approaches to defining the characteristics which make something criminal or civil can be generalised as five overlapping and contradictory indicia:

1. moral or natural description of the wrong;
2. characterisation of the process of remedying the wrong being of public concern rather than merely private;
3. a positivist approach of some kind, focusing on the process of creating the legal classifications and thus their resulting form.
4. Procedural statement of which court or other legal actor deals with the issue;
5. the presence of compensation or "penalty".

Moral or natural wrongs provide potent but imprecise benchmarks. While, it may be sufficient, many of the well-known criminal offences comprise moral wrongs, *mala in se*; it is not necessary, since there are also *mala prohibita*, things prohibited for reasons other than their essential character, and which tend to be justified by legal positivism. In addition, this indicium says little about civil law: many serious wrongs are also remedied by tort, such as serious physical injury or death and sexual wrongs.

The public or private character of a wrong looks to the social or constitutional construction of that wrong. That analysis may include whether the wrong is morally or naturally prohibited and it can be hard to tell: for instance, in Australia, some of the leading theories of criminal liability turn on “public wrongs”. Every legal system studied acknowledges the public character of the criminal law. In common law countries like England and Australia, perhaps as a throwback to the times when it was normally the victim who prosecuted, the title is merely “prosecutor”.

A positivist indicium is a subset of wider positivist legal theory, identifying the rule by the formal process and label given to objects. It is often seen as a form of constitutional protection to the use of criminal law: that only those who are constitutionally appropriate should create criminal liability. Closely related, criminal liability is also often subject to a form of legal certainty, in the civil law typically expressed as *nulla poena sine lege* or a related form, requiring any criminal offence and sanction to be clearly expressed and, in most legal systems, to be in the form of legislation or a code. Certainly in the common law, and Scotland, such certainty was not always the case: in part because judges could, in the past, create new torts and crimes, and particularly because legislators did not take proper care to make clear of what kind some provisions were. They might refer only to a “penalty” for the breach of a statutory provision, rather than using an unambiguous term like “offence” or prescribing a specific criminal penalty like imprisonment, leaving it unclear whether this was really civil or criminal.

Fourth, it has been said at times that criminal law is what is done inside the criminal courts. That is, the rules of procedure and evidence, and the limits of dispositions, are key to deciding what is criminal. On its face, this is a useful test. It certainly has the most obvious connection to the limits of the criminal law, since it is axiomatic that something criminal should have criminal limits, whatever those are, applied to it. However, in practice there can certainly be things a criminal justice system does which seem civil, and vice versa. As will be discussed below, criminal courts award compensation, though some of ways they do so are either criminal, such as enforcement, or at least, hybrid. One possibility is that when a criminal court is performing civil functions it becomes a civil court or formally performs those functions as a matter of civil law, not criminal law. In either case, the apparently clear line from procedure gets blurred.

Another difficulty is how cleanly the jurisdiction of the criminal courts was demarcated. In fact, it used not to be clear on many statutory prohibitions whether they were civil or criminal, since the language, even in the nineteenth century, was somewhat unclear. There were and there were much more restricted rights to appeal in criminal cases until 1907 (and to this day, such rights remain on a separate track within the appeal process). For these reasons it has been the law for nearly 150 years that that no appeal should lie to the Court of Appeal “in any criminal cause or matter”. A series of cases followed attempting to define what was included. In particular, the matter had to be “penal”, and merely having a penalty was not “penal”. Many rules have been enforced by penalties, the question is whether the object is punitive: if the payment of a fine or of imprisonment is possible then the matter is criminal. Thus, an arrest to return a conscript to the Netherlands was a criminal matter because prosecution could follow if deported and therefore a civil court could not hear the writ of habeas corpus to demand his release. This problem has largely disappeared through

the slow accumulation of case law on what is criminal and what is civil, combined with clearer legislative drafting. But it has disappeared as a matter of practice, rather than been resolved by systematic and intellectually rigorous discussion. Some jurisdictional issues remain relevant, such as private international law rules giving preference to the place where a civil action overlaps with a criminal matter.

Finally, and most importantly, is the question of compensation or penalty.

Compensation is typically a marker of civil law. Sometimes known as reparation or restitution, compensation is generally agreed to be the paradigm activity of civil law. Sometimes a convicted criminal is colloquially said, by his wrong, to have created a “debt” to society, language reminiscent of the reparatory effect of damages; at the same time, criminal theory rarely expresses it in compensatory or reparative terms.

Penalties are usually within the realm of criminal law since most of our systems do not regard tort law as punitive. This is also where the limits of the criminal law are most keenly felt. Within the English legal discourse, the closest thing to overt limits all criminal lawyers would recognise are that the state must be demonstrably right to impose punishment on an individual. Hard treatment and censure might be imposed for different purposes, commonly listed as rehabilitation, retribution, incapacitation and deterrence, but whatever the purpose it is only legitimate if imposed based on a sufficiently valid decision on the facts. That involves sufficient evidential and procedural safeguards in order for the imposition of a penalty to be valid.

Interestingly, neither area of law makes a greater claim to be finding “the truth” in its adjudicative processes. Processes which only impose liability after extensive investigation and on a very high standard of proof might claim to have demonstrated more ‘truth’, indeed, that might be required in order to impose a penalty. However, this does not seem to be a discussion English courts engage in, nor do the majority of civil or criminal law commentators.

What can we learn from these indicia? These five indicators are quite clearly intellectually insufficient, but, at the same time, they are also what has sufficed for hundreds of years. This fact of practical sufficiency is particularly important in the relationship between criminal law and tort law. The workable, if imprecise, positioning of crime and tort never seemed to lead to sufficient difficulty in the courts for the legal system to need to refine it. Given that this underlying uncertainty seems to be common across legal systems, it is an interesting example of different structural basis for legal systems leading to the same outcome.

If English law offers one insight, it appears to be that different parts of the legal system seem to need the border between tort and crime to be harder or softer. Until the nineteenth century, English law was dominated by procedure, rather than substance, and it was only in the 1950s and 1960s that anything like the modern criminal law can be seen, with academics, textbooks, journals and some clarity on definitional issues like intention and recklessness. It seems primarily to have been that was the fate of procedural rules, in a system which until the middle of the nineteenth century was dominated by procedure, it is not surprising that substantive and normative questions received even less attention until recently. Even then, interest has largely been driven by cases throwing up practical difficulties, rather than by scholarly consideration of underlying issues or norms. It is just that the interest has not stopped at the borders of the case in issue, and has started to reach out further.



## Dr Matthew Dyson

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(mob) +44 (0)7813 101 340; Associate Member of 6 KBW College Hill Chambers.

### Education

January 2005-May 2009: PhD (Cantab.).

“Interfacing Tort and Crime: the Development of Fault in England and Spain since 1850”,  
Faculty of Law, University of Cambridge (supervised by Professor David Ibbetson; examined  
by Professors Miquel Martin Casals, Girona, and Paul Mitchel, UCL);

2001-2004: BA (Hons.)(Cantab.).

### Research Interests

English Tort law and Criminal law; civil and criminal procedure.

Modern comparative legal history, in Europe, the Americas and Australia from 1800.

### Recent Employment History

October 2016-present: Associate Professor at the Faculty of Law, University of Oxford and  
Tutorial Fellow of Corpus Christi College, Oxford.

October 2011-September 2016: Fellow and Director of Studies, Trinity College Cambridge,  
member of Governing body, teaching Tort law, Criminal law and Roman Law.

October 2008-September 2011: Fellow and Director of Studies, Jesus College Cambridge,  
member of Governing body, teaching Tort law, Criminal law and EU law.

### Selected Publications

#### *Edited Books*

[2018] (with B. Vogel) *The Limits of Criminal Law* (Intersentia)

[2018] *Regulating Risk through Private Law* (Intersentia).

[2018] *Blackstone's Statutes on Criminal Law 2018-2019* (OUP) (amongst other  
editions).

[2016] (with J. Lee & S. Wilson Stark) *Fifty Years of the Law Commissions: The  
Dynamics of Law Reform* (Hart).

“a lively and wide-ranging examination of fifty years of law reform” Prof Kenneth  
Reid (2018) *Edinburgh Law Review* 174

“[the editors] should be commended for bringing together such an impressive range  
of contributors, but also, considering the number of chapters, for compiling a  
thematically coherent and focused collection, aided in no small part by the wide  
ranging and provocative chapters written by the editors themselves.” Dr Jon Child,  
(2017) *Legal Studies* 569

[2015] *Comparing Tort and Crime* (CUP).

“*Comparing Tort and Crime* is an extremely valuable book that, in its conception and  
execution, meets the highest standards.” Prof. Prue Vines, (2016) 32 *Sydney LR* 273

“the book is a great piece of scholarship, full of detailed information and well-thought  
analysis that was simply not available before.” Dr Marta Infantino, [2016] *European  
Review of Private Law* 917.

[2014] *Unravelling Tort and Crime* (CUP).

[2013] (with D. Ibbetson) *Law and Legal Process: Substantive Law and Procedure in English Legal History* (CUP).

*Articles (peer reviewed journals)*

- [2018] “Principals without distinction” [2018] *Crim LR* 293-317
- [2017] “Ever working in practice, but never in theory? The new English law of criminal complicity” [2017] *Zeitschrift für die gesamte Strafrechtswissenschaft* 232-263.
- [2016] “If the present were the past” [2016] *American Journal of Legal History* 41-52.
- [2015] “Might alone does not make right: justifying secondary liability” [2015] *Criminal Law Review* 967-985.
- [2015] “La respuesta del derecho civil a sentencias penales en Inglaterra y España” *InDret* 3/2015, 1-53.
- [2015] “The future of joint-up thinking: living in a post-accessory liability world” (2015) *79 Journal of Criminal Law* 181-197.
- [2015] with John Randall QC, “Criminal convictions and the civil Courts” [2015] *CLJ* 78-108.
- (2012) “Civil law responses to criminal judgments in England and Spain” (2012) *3 Journal of European Tort Law* 308-345.
- [2012] “The timing of tortious and criminal actions for the same wrong” [2012] *CLJ* 85-116.

*Book Chapters*

- [2019] (forthcoming) “Comparative Legal History: Methodology for Morphology” in Olivier Moréteau et al (eds) *Edward Elgar Handbook of Comparative Legal History*
- [2018] “Overlap, Separation and Hybridity Across Tort and Crime” in Dyson and Vogel (eds) *The Limits of Criminal Law* (Intersentia).
- [2018] (with B Vogel) *Introduction, eight comparative conclusions* and “Reflections on Criminal Law in England and Germany” in Dyson and Vogel (eds) *The Limits of Criminal Law* (Intersentia).
- [2018] (with Sandy Steel), “Risk and English Tort Law” in M Dyson (ed) *Regulating Risk Through Private Law* (Intersentia), 23-54.
- [2018] “What does risk-reasoning do in Tort law” in M Dyson (ed) *Regulating Risk Through Private Law* (Intersentia), 455-512.
- [2017] (with Aniceto Masferrer), “The Lawyers’ Reality: Wrongdoing in Spain in the Era of Codification” in A. Sinclair & S. Llano (eds) *Writing Wrongdoing*, 19-33.
- [2017] (with Paul Jarvis) “Remedies of the Criminal Courts” in G. Virgo and S. Worthington (eds), *Commercial Remedies: Resolving Controversies* (CUP), 515-541.
- [2017] “The State’s obligation to provide a coherent system of remedies across crime and tort” in A. du Bois-Pedain et al. (eds) *Criminal Law and the Authority of the State* (Hart), 171-198.
- [2017] “R v. Hancock and Shankland” in P. Handler, H. Mares and I. Williams (eds), *Landmark Cases in the Criminal Law* (Hart), 283-307.
- [2016] “Precariousness as rhetoric: the role of the state in private and public expressions of justice” in C. Lageot & N. Papineau (eds), *Approches franco-britanniques de la précarité: principe(s), droit(s), pratique(s)* (LGDJ), 133-150.
- [2016] “Judicial Decision-making in England Today” in J. Basedow, H. Fleischer & R. Zimmermann (eds) *Legislators, Judges, and Professors* (Mohr Siebeck), 97-150.
- [2015] “Tort and Crime” in Mauro Bussani & Antony Sebok (eds), *Comparative Tort Law: Global Perspectives* (Edward Elgar) 93-121.
- [2015] with John Randall QC, “England’s Splendid Isolation”, in M Dyson (ed), *Comparing Tort and Crime* (CUP) 18-72.
- [2015] “Tortious Apples and Criminal Oranges” in M Dyson (ed), *Comparing Tort and Crime* (CUP) 416-475.
- [2014] with Sarah Green, “The Properties of the Law: Restoring Personal Property through Crime and Tort” in Dyson (ed), *Unravelling Tort and Crime* (CUP), 389-421.

- [2014] “Ligations Divide and Conquer: Using Legal Domains in Comparative Legal Studies” in Helleringer & Purnhagen (eds), *Towards a European Legal Culture* (Hart, Beck Nomos), 115-137
- [2013] “Challenging the Orthodoxy of Crime's Precedence over Tort: Suspending a Tort Claim Where a Crime May Exist” in Chamberlain, Neyers & Pitel (eds), *Challenging Orthodoxy in Tort Law* (Hart), 119-143.
- [2009] *Cambridge Yearbook of European Legal Studies* 247-288: “Connecting Tort and Crime: Comparative Legal History in England and Spain since 1850”.

#### *Shorter Articles*

- [2017] “The smallest fault in manslaughter” [2017] *Archbold Review*, vol 6, 4-6
- [2017] “Frederick Pollock, *The Law of Torts*” in Serge Dauchy et al. (eds), *The Formation and Transmission of Western Legal Culture: 150 Books that made the law in the Age of Printing* (Springer), 411-413.
- [2016] Letter to the editor [2016] *Crim LR* 638-642.
- [2015] with Kourosh Saeb-Parsy et al. “Transplanting suboptimal organs: medicolegal implications” *Lancet* 2015, 386: 369-371.
- [2014] *Criminal Law Review* “Scrapping *Khan*? The Court of Appeal and intending all you attempt” [2014] *Crim LR* 445-450.
- [2013] “Symposium on Legal Domains and Comparative Law. Wheels Within Wheels: Using Legal Domains for Domestic Comparative Law” (2013) 17(3) *The Edinburgh Law Review* 420-424, symposium ends 430.
- (2010) “Public Order on the Internet” (2010) 2 *Archbold Review* 6-9.
- (2007) “*R. v Rahman* [2007] EWCA Crim 342: Fundamental Similarity in Secondary Liability” (2007) 4 *Archbold News* 4-6.

#### *Case Notes*

- [2018] (with P Jarvis) *Ivey v. Genting* (2018) 134 *LQR* 198
- [2016] *CLJ* 196-199 *R. v. Jogee; Ruddock v The Queen* [2016] UKSC 8; UKPC 7.
- [2010] *CLJ* 425-428, *R. v. Thompson and Mendez* [2010] EWCA Crim 516.
- [2006] *CLJ* 10-13, *R. v. Rimmington; R. v. Goldstein* [2005] UKHL 63.

#### *Book Reviews*

- (2011) *ICLQ* 1096-1098, Paula Giliker *Vicarious Liability in Tort: A Comparative Perspective*, CUP, 2010.
- [2010] *CLJ* 678, M. Dougan & S. Currie (eds) *50 Years of the European Treaties Looking Back and Thinking Forward*, Hart, 2009.
- [2008] *CLJ* 215-216, D. Beyleveld & R. Brownsword *Consent in the Law*, OUP, 2007.
- [2007] *CLJ* 237-238, Mark van Hoecke (ed.) *Epistemology and Methodology of Comparative Law*, Hart, 2004.
- [2005] *CLJ* 503-504, Martin Loughlin *The Idea of Public Law*, OUP, 2003.

#### **Grants and Awards**

- 2017: £6,000 (Research Support Fund) for Assize Seminars and The Limits of Criminal law
- 2015: £24,000 Cambridge Humanities Research Grant Scheme (CHRGs) and Trinity College for Private Law Network on Risk and Private Law project.
- 2015: £4,000 Philomathia and ESRC for seminar on law and organ transplants.
- 2014: £5,000 (Society of Legal Scholars) and £6000 (Modern Law Review Seminar Series) for “50 years of the UK Law Commissions”; with James Lee and Shona Wilson Stark.
- 2013: £12,700, Trinity College, Cambridge for “Comparing Tort and Crime” project.
- 2012: £6,000 CHRGs for “Unravelling Tort and Crime” project.
- 2007 and 2008: £6,000 (total), Max Planck Society Scholarship.
- 2007: £5,000, UK Foundation for Uniform Law Scholar 2007

#### **Honours and Associations**

2016-present: President, formerly Secretary General (2012-2016), then Vice-President (2016-2018) of the European Society for Comparative Legal History.

Book Review Editor (non-American books) *American Journal of Legal History* (2018-)

International Advisory Board for *Glossae* (2012-); *Comparative Legal History* (2012-);

*Zeitschrift für Europäisches Privatrecht* (2017-); *Zeitschrift für Internationale*

*Strafrechtsdogmatik* (2017-); Journal of the *Instituto Brasileiro de Estudos de*

*Responsabilidade Civil* (2018-)

2015-2016: academic advisor to appellants in *Jogee*; *Ruddock* [2016] UKSC 8; UKPC 7.

2015: Elected associate member of the International Academy of Comparative Law.

2014: Invited to give oral evidence to House of Commons Justice Select Committee on Joint

Enterprise; cited in report of December 2014, Fourth Report of Session 2014-15, HC 310.

2014-present: Research Fellow at the Utrecht Centre for Accountability and Liability Law

2012-present: Fellow of the European Law Institute.

2004-present: Member of Lincoln's Inn. Elected Lord Denning Scholar (2004).

### **Visiting Positions**

January 2017: Visiting Professor, Université de Paris – Dauphine.

September 2016: Visiting Scholar, University of Cape Town.

April 2015: Inaugural Bonfield Fellow, University of Iowa Law School, USA.

April 2015: Visiting Scholar, Washington University, St Louis, USA.

February-March 2015: Visiting Professor, University of Sao Paulo, Brazil.

July 2011-2016: Guest Professor in Anglo-American Civil Law, University of Göttingen.

March-April 2011 and 2013: Parsons Visitor, University of Sydney Law School.

January-February 2011: Faculty Visitor, Harvard Law School.

June-July 2010: Visiting Professor, Universitat de València, Facultat de Dret.

May-July 2008, April-August 2007: Research Fellow, Max Planck Institute for International and Comparative Private Law, Hamburg, with Professor Reinhard Zimmermann.

August 2006: Visiting Scholar, Institute des Hautes Etudes Sur La Justice, Paris.

2005, 2006, 2008 (5 visits): Visiting Scholar, Universitat de Girona, Facultat de Dret.

### **Teaching Activities**

Lectured and given small group teaching (groups of 2-4) in Criminal law (since 2005), Tort law (since 2008), and European Legal History (2013-2015). Small group teaching in Roman Law (since 2011), in Oxford and Cambridge.

Course design, overall responsibility and delivery in Criminal law (Oxford, 2018-present) and in Tort law (Guest Professor for Anglo-American Civil Law, University of Göttingen, 2011-2018 when the programme ended; Australian Tort Law for the University of Sydney (JD and Combined Honours) 2011 and 2014; full Comparative Law undergraduate course, University of Technology Sydney, August 2014. Taught EU law and EU Trade Law 2008-2012.

### **Administrative Roles and Positions of Responsibility**

Extensive experience in bringing scholars and stakeholders together in conferences, workshops and seminars. Selected examples include:

- Sole organiser of workshops and conferences for *Regulating Risk through Private Law* (30 delegates, 2016), *Unravelling* and *Comparing Tort* (25 delegates, 2013-2014) and the European Group on Transnational Litigation (10 delegates, 2006).
- Co-organiser for The Assize Seminars (50 delegates, 2017-present), *The Limits of Criminal Law* (15 delegates, 2017-2018), Sub-optimal Organ Transplants (20 delegates, 2016), Law Commissions 50<sup>th</sup> Anniversary Conference (60 delegates, 2015) the Cambridge-Poitiers Conference (60 delegates, 2014), the ESCLH Biennial Conferences (150 delegates, Macerata 2014, Gdansk 2016 and Paris 2018); the British Legal History Conference (150 delegates, 2011), and six large European Legal Development conferences (20-100 delegates, 2005-2008).

March 2005 to present: Access work for Colleges and Universities. Presentations and seminars with 14-18 year olds throughout the UK on substantive legal topics and applications

to study law. Set up first selective Residential Open Day for Law in Cambridge and in Oxford and one of the first Law Essay Prizes, and the first Legal Reasoning Prize for sixth form students. See also, e.g., [www.ccc.ox.ac.uk/Corpus-Christi-s-Law-Diary-2017-2018/](http://www.ccc.ox.ac.uk/Corpus-Christi-s-Law-Diary-2017-2018/).

October 2009-present: PhD Mentor (2 years), LLM Mentor (2 years) in Cambridge; BCL/MJur Academic advisor in Oxford; Board of Review for PhD thesis, University of Valencia. Supervision of graduate student theses at Master's level.

January-April 2010: Acting Dean (Discipline) of Jesus College, Cambridge.

2009-2011; March 2018 to present: Complete re-writing of statutes of two Oxbridge Colleges

### **Languages**

English (native tongue).

French and Spanish (advanced reading; intermediate written and spoken).

Portuguese, German and Swahili (beginner)

### **Selected Conference Papers and Seminars**

July 2018: Obligations IX conference, Melbourne, 'Times a-changin: the relative appeal of formalism and substance in tortious legal development'.

November 2017: Keynote lecture, "Legal History: Reflecting the Past and the Present", Lund University, Sweden.

July 2016: Obligations VIII conference, Cambridge, "Foreman good, to judge better: the post-revolutionary effects of losing the civil jury".

April 2016: Criminal Bar Association, London, Lecture: "Complicity in the Criminal Law after *Jogee & Ruddock* – The Principles Re-stated".

April 2015: University College Dublin, Colloquium on Coherence, Keynote Address, "Reasoning through Coherence".

April 2015: Tulane University, Staff Seminar, "Comparing Tort and Crime".

March 2015: Pontificia Universidad Católica, Chile, Lecture: "Comparando "Tort" y "Crime"".

February 2015: University de Sao Paulo, Brazil, Guest Lecture: "Maçãs responsáveis e laranjas criminosas".

January 2015: Addenbrooke's Hospital Transplant Unit, Departmental Seminar, "The legal regulation of transplanted organs which transfer infection".

April 2014: UCL Obligations Conference: "Comparing domains of law: understanding where the law crosses the boundaries it has created".

September 2013: Universidad Carlos III, Madrid, Spain, Guest Seminar "Per Delictum, Ex Delicto: Comparing Tort and Crime".

July 2013: British Legal History Conference, "Why English civil law has not developed to return specific property".

February 2013: Cambridge Centre for Research in the Arts, Social Sciences and Humanities, "Understanding Legal Development: Method in Law, History and Language".

February 2012 and June 2013: Wrongdoing in Spain 1800-1936: Realities, Representations, Reactions (AHRC project 2011-2014) Workshop, Clare College Cambridge, two papers.

January 2012: Goodhart Seminar, Cambridge, "Reform, Reorganise, Repeat, Restate: First Thoughts on How Lawyers Think about Change".

November 2012: University of Edinburgh, Private Law Discussion Group, "Wheels within Wheels: using legal domains to do comparative law".

July 2012: European Society for Comparative Legal History, "Unearthing Spanish Unjust Enrichment: Old Roots and New Shoots for Legal Development".

April 2011: University of Sydney, Staff Seminar, "Why tort lawyers think about a claimant's illegality".

January 2011: Harvard Law School, Lecture, "Dancing on the Border of Tort and Crime".

November 2008: American Society of Legal History Annual Meeting, Ottawa, "Legislative Bars to Later Actions in the Common Law".

September 2007: *European Group on Transnational Litigation* on "The House of Lords and Comparative Legal Methods: The Cases of Causation in Tort."

July 2007: *Aktuelle Stunde* (Departmental presentation and discussion on new research), Max Planck Institute, Hamburg, “Outsourcing the Functions of Tort Law”.

## **COURSE SYLLABUS**

**Course Title:** Comparative Environmental Law

**Lecturer Name:** Colin Crawford

**Lecturer Email:** colin.crawford@louisville.edu

**Course Description:** The world is now more concerned than ever about the environmental effects of human activities. Legal systems have responded to these concerns with a dramatic increase in the number and intensity of rules that aim at regulating the physical and built environment. Many of these environmental legal norms, however, are criticized for their cost and so impeding competitiveness, especially in global markets. In view of this tension, this course has three objectives. First, it will describe the basics of both international trade law (focusing on World Trade Organization rules) and international environmental law (focusing on climate change regulatory institutions), describing their origins, current functions and conflicts in their aspirations and operations. Second, the course will examine different approaches to regulation of some of the principal objects of environmental regulation, namely air, water, wastewater and storm water, and wastes. Third, the course consistently will ask students to evaluate the success of different environmental regulatory approaches in light of different theoretical frameworks, such as law and economics, ecological economics, and social-environmental justice analysis. The comparative feature will use examples from the European Union, Japan, South America and the United States. In addition, the comparative work will constantly reference the international framework for regulating these environmental aspects, where one exists and seek to highlight the tension between global and national and/or regional regulatory goals.

### **Learning Objectives:**

1. Understand the basic structure of environmental law and regulation in most countries;
2. Study the international legal instruments that shape much of the debate about the correct path of environmental law and regulation;
3. Examine the relation of national laws and regulations to regional and international environmental protection regimes;
4. Consider the relation of environmental law and regulation to economic growth and social development; and
5. Appreciate the complexity of environmental law and regulation at the local, regional and international levels.

## **Course Outline**

### **Topic 1**

1.1: theoretical bases for environmental protection, introduction: law and economics, ecological economics, social-environmental justice, theory of the commons and environmental resources

1.2: the basics of international law; the World Trade Organization; the United Nations Framework Convention on Climate Change and its Secretariat

### **Topic 2**

2.1: Air Pollution Regulation: the legal and regulatory challenge: stationary and mobile sources; cross-boundary problems; hot-spots

2.2: Air Pollution Regulation: comparative legal and regulatory approaches: examples, criticisms and challenges

### **Topic 3**

3.1: Water Pollution Regulation: the legal and regulatory challenge: point and non-point sources; water and wastes; water and toxics; health standards for potable and other uses; cross-boundary problems

3.2: Water Pollution Regulation: comparative legal and regulatory approaches: examples, criticisms and challenges

### **Topic 4**

4.1: Solid Waste Regulation: the legal and regulatory challenge: types of wastes and legal standards; disposal options and challenges; reduction, reuse and recycling options

4.2: Solid Waste Regulation: comparative legal and regulatory approaches: examples, criticisms and challenges



## **Topic 5**

5.1: Hazardous and Toxic Waste Regulation: the legal and regulatory challenge: types of hazardous versus toxic wastes and legal standards governing them; disposal options and challenges; precaution versus scientific uncertainty

5.2: Hazardous and Toxic Waste Regulation: comparative legal and regulatory approaches: examples, criticisms and challenges

## **Topic 6**

6.1: Cross-Cutting Environmental Regulatory Issues: the legal and regulatory challenge: focus on climate change and biodiversity protection as both relate to prior topics covered in class

6.2: Cross-Cutting Environmental Regulatory Issues and Environmental Regulation in the 21<sup>st</sup> Century: comparative legal and regulatory approaches: examples, criticisms and challenges

### **Reading List:**

- Carol M. Rose, *Joseph Sax and the Idea of the Public Trust*, 25 Ecology L.Q. 351-362 (1998)
- United States National Environmental Policy Act of 1969 (“NEPA”), as amended through 2000, pages 3-9.
- United Nations, *Understanding International Law* (2011) (2 pages)
- World Trade Organization, *What is the World Trade Organization?* (3 pages) and *Principles of the Trading System* (6 pages) (2017)
- United Nations, Paris Agreement [on Climate Change] pages 1-8 (2015)
- United States, Table of Contents for Clean Air Act of 1970, as amended (2004) (4 pages)
- United Nations, Kyoto Protocol to the United Nations Framework Convention on Climate Change pages 1-6 & pages 11-12 (1998)
- Michael C. Blumm & William Warnock, *Roads Not Taken: EPA vs. Clean Water*, 33 Env'tl. L. 79, pages 1-14 (2003)
- Dieter Reinhardt & Anja Senz, *Cross-Boundary Water Resource Management in a Non-Cooperative Context: The Case of Eastern Himalaya*, pages 1-7 (ECHR Conference Paper, 2013)

- United Nations, Factsheet on transboundary waters (1 page) (2004)
- United Nations, UN Human Development Report 2006, *Beyond scarcity: power, poverty and the global water crisis*, pages 1-7 (2006) (recommended but not required reading: pages 8-20)
- Shafiul Azam Ahmed & Mansoor Ali, *Partnerships for solid waste management in developing countries: linking theories to realities*, 28 Habitat International 467–479 (2004)
- United Nations Development Programme, information sheet on integrated solid waste management (4 pages) (2017)
- United Nations General Assembly, Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, (October 3, 2014) (4 pages)
- United Nations General Assembly, The Special Rapporteur on the implications for human rights of environmentally sound management and disposal of hazardous substances and wastes (February 23, 2017) (3 pages)
- Sarah Boseley, *Child labourers exposed to toxic chemicals dying before 50, WHO says*, The Guardian (London), March 21, 2017 (2 pages)
- European Union, Citizen's summary biodiversity strategy to 2020 (2 pages)
- United Nations Convention on Biodiversity pages 1-14 (1992)
- United States Endangered Species Act of 1973, all sections (pp. 221-230)
- Review Paris Agreement (Day 1, hour 2) & Kyoto Protocol sections (Day 2)
- Fred Pearce, *Let's hold Apple and Walmart to their big environmental promises*, The Guardian (London), May 15, 2017 (2 pages)

### Evaluation:

- **Final Examination/Assignment:** there will be a take-home final exam, consisting of two, equally-weighted questions, each worth 40% of your grade. One question will be a more technical question requiring students to demonstrate an understanding of the particulars of the legal instruments studied in the course. The other question will be a more policy-oriented question related to the objectives of environmental law and policy. Both questions will require students to engage in comparative legal analysis. The take-home examination will be distributed on Day 5 of the course. The due date will be announced in class on Day 1.
- **Participation:** Students will receive a grade for participation worth 20% of the grade.

**Colin Crawford**  
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### **Permanent Positions**

**Louis D. Brandeis School of Law, University of Louisville, Louisville, KY**, Dean and Professor of Law, since January 2018

**Tulane University, New Orleans, LA**, Robert C. Cudd Professor of Environmental Law, Law School, July 2010-December 2017

Director, International Development Studies, School of Liberal Arts & Payson Graduate Program in Global Development, Law School, since June 2015

- Teach Law & Sustainable Development, Common Law Property, Introduction to International Development, and related subjects

Executive Director, Payson Center for International Development, School of Law, July 2010- June 2015

- Developed and taught field courses in Rio de Janeiro, Brazil; Panama City, Panama; Havana, Cuba; and Madrid, Spain
- Project Director, Environmental Law Capacity-Building Initiative in Central America (Guatemala and Nicaragua) and the Dominican Republic, a \$650,000 grant from Higher Education for Development/ U.S. Agency for International Development, awarded May 2009 for three years; extended in 2011 for one-year expansion into El Salvador with an additional \$130,000 in funding

Other Tulane Involvements of Note

- Appointed Member, Commission on Race and Tulane Values, 2016-2017
- Executive Committee, Stone Center for Latin American Studies, 2013-2017
- Steering Committee, Latin American Library, 2014-2017
- Chair, University Search Committee for Dean, School of Continuing Studies, 2015

**Georgia State University College of Law, Atlanta, GA**, Professor of Law (with tenure), from January 2008; Associate Professor of Law from 2003 (with tenure from 2005); teaching Environmental Law courses, Administrative Law, Property and Torts, July 2003-June 2010

- Co-Director and Founder, Center for the Comparative Study of Metropolitan Growth. Recognized by former Dean for “outstanding leadership and vision” in creating Center. Secured initial and continued funding of \$65,000/year. Initiated multiple initiatives, including inter-disciplinary Urban Fellows program for students and faculty across university; the Study Space project, a scholarly workshop program for U.S.- and foreign-based faculty and senior graduate students; speakers’ series; conference sponsorships; novel course offerings; foreign study and exchange programs; and legislative outreach.
- Program Director, Summer Legal Study Program in Rio de Janeiro, a multi-university, eight-course foreign study program with annual budget of approximately \$200,000/year. In 2009, 21 U.S. law schools and three Brazilian law faculties were represented with 101 students and 14 faculty & staff.
- Fulbright Award Recipient, from the Council for International Exchange of Scholars, to teach environmental law in the Dominican Republic and research metropolitan growth management issues there. Award for the Spring 2006 semester. Visiting Professor, Technological Institute of Santo Domingo (INTEC), where prepared and delivered a course on Comparative Environmental Law, and also gave a series of seminars to the Ministry of the Environment and several sub-Secretariats for Environmental Affairs.
- Director, Urban Environment and Health: Law, Policy & Culture – the Rio Experience, inter-disciplinary study abroad program in Rio de Janeiro, Brazil, in Summer 2005. Received \$9,000 grant from Regents of the University System of Georgia in 2004 to organize the program for law, public health and anthropology students.
- Recipient, \$11,000 Georgia State Mentoring Grant to study Decentralized Wastewater Preferences in the 16-county Metropolitan Atlanta Region and their Legal and Regulatory Implications. Faculty Mentor: Michael Eriksen, Sc.D., Professor and Director, Institute of Public Health, College of Health and Human Sciences. First College of Law faculty member to receive this award.

**Thomas Jefferson School of Law, San Diego, CA**, Associate Professor (with tenure from 2000); taught Property, Environmental, International Environmental, Land Use and Local Government Law courses, 1997-2003

- Recipient, student body's "Golden Apple" award for four out of six academic years (for distinguished teaching)

**Brooklyn Law School, Brooklyn, NY**, Assistant Professor of Writing and Instructor of Law, -- August 1992 to July 1997 -- taught Writing, Property, Environmental and International Environmental law; Sparer Public Interest Law Committee, 1993-1997

### Visiting Positions

Max Kade Visiting Professor, Bucerius Law School, Hamburg, Germany, December 2017

Visiting Professor, Chuo University, Tokyo, Japan, November 2017

Universidad Carlos III de Madrid Catedra de Excelencia [Chair of Excellence], competitive, peer-reviewed visitorship awarded March 2016, Madrid, Spain, for the period January-June 2017

Visiting Researcher, Instituto de Pesquisa Econômica Aplicada [Institute for Applied Economic Research, an entity of the federal Ministry of Strategic Affairs], Rio de Janeiro, Brazil, July-September 2015

Summer School Faculty, Universidad de los Andes, Bogotá, delivering course on Environmental Law: Theory and Practice (in Spanish), June 2015 & June 2016

Visiting Professor of Law, Universidad de los Andes Facultad de Derecho (Law Faculty), Bogotá, Colombia, August-September 2014

Professor Colaborador, Programa Inter-disciplinar de Pós-Graduação em Bio-ética ("PPGBIOS) [Collaborating Professor, Post-Graduate Program in Applied Bio-Ethics], a joint, interdisciplinary program in bio-ethics involving four leading federal universities in Rio de Janeiro State, Brazil, since 2012

Visiting Professor of Law, University of Denver Sturm College of Law, Fall Semester 2008

Professor Colaborador e Co-Coordenador da Disciplina de Direito de Saúde Ambiental [Collaborating Professor and Co-Director of the Environmental Health Law Program], Escola Nacional De Saúde Pública, Fundação Oswaldo Cruz, Rio de Janeiro, since 2007

### Education

Harvard Law School, Cambridge, Massachusetts, J.D., June 1988.

- C. Clyde Ferguson Harvard Human Rights Fellow (Summer 1986), working with Voluntary Health Association of India, New Delhi, India on a salt-iodization campaign.
- Harvard Legal Aid Bureau, 1987-1988.

University of Cambridge, Corpus Christi College, Cambridge, England.

- PhD Candidate (Modern History) 1982-84. University Studentship (full scholarship).
- M.A. (History) June 1982. First Class Honors.

Columbia University, New York, New York, B.A. (History) June 1980.

### Works in Progress

El Derecho Administrativo Estadounidense: del Modelo Clásico Hasta Las Prácticas Nuevas [U.S. Administrative Law: From the Classical Model to New Practices], in Marcos Vaquer Cabellería, ed., Derecho Administrativo Comparado [Comparative Administrative Law] (Editorial Tirant Lo Blanch, Barcelona). Manuscript submitted and publication anticipated late 2017.

Sharia, derechos humanos e o meio ambiente. [Sharia, Human Rights and the Environment. Raquel Hogemann, ed., Direitos Humanos e Sharia [Human Rights Law and Sharia. Publisher TBD. Manuscript submitted to editors and publication anticipated 2018.

Access to Justice for Four Billion: Urban and Environmental Options and Challenges. \_ NYU J. Env'tl. L. \_ (2018).

Bottled Water Consumption, Public Service Provision and Governability: A Manifesto for New Bottled Water Norms.

Access to Justice and Collective and Diffuse Rights: Theoretical Problems for Classical Contract Theory.

Curious bedfellows: the Social Function of Property and the Right to the City in Brazil, chapter in Paul Babie and Jessica Viven-Wilksch, eds., The Social Function of Property in Comparative Property Theory and Law: The Seminal Work of Léon Duguit. (Springer Publishers). Publication anticipated 2018.

### Publications

[Note: All peer-reviewed publications below are so indicated. All others have not been peer-reviewed. Law review articles are almost never peer-reviewed publications.]

### Books

Constitutionalism in the Americas (author of introduction and co-editor, with Daniel Bonilla Maldonado). (Edward Elgar Publishing). Publication anticipated 2018 (peer reviewed)

Derecho y Política Ambiental: Teoría y Practica [Environmental Law and Policy: Theory and Practice], a digital book prepared for Spanish-speaking teachers and students of environmental law and policy with funding from the U.S. Agency for International Development/Higher Education for Development (Editor and Contributor)( 2016)

Derecho, Democracia y Economía de Mercado [Law, Democracy and the Free Market] (with Daniel Bonilla Maldonado and Carmen Gonzalez, eds. and co-authors of introductory chapter, "El Neoliberalismo Neoclásico, El Libre Mercado y Sus Críticos,"(Universidad de los Andes)(Bogotá, Colombia 2010)

Justicia Colectiva, Medio Ambiente y Democracia Participativa: la Corte Constitucional y la Ley Forestal [Collective Justice, The Environment and Participatory Democracy: The Constitutional Court and The Forestry Law], author of article-length introduction, *"Social and Cultural Protection and Environmental Justice: Lessons of the Colombian Model"* (Siglo del Hombre/Universidad de los Andes)(Bogotá, Colombia 2010)

Derecho Ambiental y Justicia Social [Environmental Law and Social justice], ed. and author of introductory essay, *"The Promise and Peril of Environmental Law: Challenges, Conflicting Objectives and the Search for Solutions."* Includes essays by Garrett Hardin, Carol Rose and Christopher Stone. Published in the *Nuevo Pensamiento Jurídico* (New Legal Thought) series, (Siglo del Hombre/Universidad de los Andes) (Bogotá, Colombia: 2009)

Uproar at Dancing Rabbit Creek: Battling Over Race, Class and the Environment, (Addison-Wesley, 1996), recipient of 1997 Annual Commendation of the Mississippi Historical Society.

### **Chapters in Books**

The Political Economy of Legal Knowledge in Action: Collaborative Projects in the Americas, in Gus Gregorutti and Nanette Svenson, eds., *Innovative North-South University Research Partnerships in Latin America and the Caribbean*. (Palgrave Macmillan). Publication in 2018 (peer-reviewed)

Ecotourism Regulation and the Move to a Green Economy, in Maharaj Vijay Reddy and Keith Wilkes, eds., *Tourism in the Green Economy* (Routledge: New York, 2015)(with Jared Sternberg)(peer-reviewed)

Entries on (1) New Orleans, United States and Rio de Janeiro, Brazil, in *Berkshire Encyclopedia of Sustainability*, vol. 8 (Berkshire Publishing, 2015)(peer-reviewed)

Avanços e recuos no diálogo entre juízes na tradição jurisprudencial Americana [Advances and retreats in judicial dialogues in the US legal tradition], in *Diálogos Entre Juízes*, Maria Edelvacy Marinho, Solange Teles da Silva and Liziane Paixão Silva Oliveira, eds. (Canal 6 Editora: São Paulo, 2015)

Shantytowns, Slums and Sustainable Construction: Law And Policy Considerations, *Proceedings of the 40<sup>th</sup> Annual International Association of Housing Science (IAHS, 2015)*(with Edésio Fernandes and Becky L. Jacobs)

Green Building Certification: Legal and Regulatory Issues, in *Renewable Energy Generation in South America 2014: Renewable Energy, Energy Efficiency and Sustainable Development* (REGSA, 2015)(with Becky L. Jacobs)

Poverty Metrics and Energy Efficiency, in *Renewable Energy Generation in South America 2014: Renewable Energy, Energy Efficiency and Sustainable Development* (REGSA, 2015)

Controversial aspects of environmental protection in international investment law, in Marilda Rosado de Sá Ribeiro, ed., *Direito Internacional dos Investimentos [International Investment Law]*(Renovar: Rio de Janeiro, 2014)

Greening New Orleans: Local Government Post-Katrina, in *Greening Local Government: Legal Strategies for Promoting Sustainability, Efficiency and Fiscal Savings*, Keith H. Hirokawa and Patricia Salkin, eds. (American Bar Association, 2013), with Brandon David Sousa

Long Live King Nepa? Or Down with the King?, in Rômulo S.R. Sampaio, Guilherme J.S. Leal and Antonio Augusto Reis, eds. *Tópicos de Direito Ambiental: 30 anos da Política Nacional do Meio Ambiente [Environmental Law Topics: 30 years of the National Environmental Law]* (Lumen Juris: Rio de Janeiro, 2011)

Engaging Students in Unexpected Ways: Interdisciplinary, Community-Based, Global, and Activist Models, in *Transcending Boundaries and Spaces in Law Teaching: Essays from the Vulnerable Populations, Economic Realities Teaching Conference* (Carolina Academic Press, 2011) with Deirdre Bowen, Daniel Bonilla Maldonado, Kathleen Neal Cleaver, and James Forman, Jr.

Sources and Structure of Contemporary Environmental Law, in *UNESCO Encyclopedia of Life Support Systems 6.31* (Aaron Schwabach, ed., 2003)(peer-reviewed)

Chapter 3: Other Civil Rights Titles [ Fair Housing Act & Section 1982] in *The Law of Environmental Justice* (M. Gerrard, ed., American Bar Association, 1999)(peer-reviewed)(S. Foster and M. Gerrard, eds., revised 2d edition published as *The Law of Environmental Justice: Theories and Procedures to Address Disproportionate Risks*, 2008)

Should HIV Testing Be Required for All Pregnant Women?, in *Taking Sides: Clashing Views on Controversial Issues in Human Sexuality* 194 (Robert T. Francoeur, ed., Dushkin Publishing Group, 1996)

### **Articles in Reviews**

Density, Affordable Housing and Social Inclusion: A Modest Proposal for Cape Town, *J. Comp. Urb. L. & Pol.* 1: Art. 7 (2017), available at: <http://readingroom.law.gsu.edu/jculp/vol1/iss1/7>

A Comparative Consideration of Development Charges in Cape Town *J. Comp. Urb. L. & Pol.* 1: Art. 4 (2017)(with Julian Conrad Juergensmeyer). Available at: <http://readingroom.law.gsu.edu/jculp/vol1/iss1/4>

Academic Collaborations in the Americas: Some Reflections on the Political Economy of Legal Knowledge, *12 Revista Eletrônica do Curso de Direito da UFSM [Universidade Federal de Santa Maria, Brazil]* (2017)(with Daniel Bonilla Maldonado), available at <https://periodicos.ufsm.br/revistadireito>



A função social da propriedade e o direito à cidade: a teoria e a prática [The Social Function of Property and the Right to the City: Theory and Practice], Instituto de Pesquisa Economia Aplicada, Rio de Janeiro [Institute of Applied Economic Research](2017)(peer-reviewed) Discussion Text 2282 of this major Brazilian government think tank. Available online at [http://www.ipea.gov.br/portal/index.php?option=com\\_content&view=article&id=29721&catid=397&Itemid=419](http://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=29721&catid=397&Itemid=419)

Social Function and Value Capture: do They or Should They Have a Role to Play in Polish Land Development Regulation?, 63 *Studia Iuridica* 97 (2016)(with Julian Conrad Juergensmeyer and Dawid Szescilo)

Natural Disasters and Moral Responsibility, 8 *Bahçeshir University Law Review* (Istanbul, Turkey) 131 (2013)(with Maria Clara Dias)

The Social Function of Property and the Human Capacity to Flourish, 80 *Fordham L.R.* 1089 (2011), published in Spanish as “La función social de la propiedad y la capacidad humana de prosperar”, in *La Función Social de la Propiedad*, Daniel Bonilla Maldonado, ed. (Buenos Aires: Eudeba, 2013)

Environmental Benefits and the Notion of Positive Environmental Justice, 32 *U. Pa. J. Int’l L.* 101-125 (2011)

Wastewater Resources: Rethinking Centralized Wastewater Treatment Systems, *Land Use Planning and Water Conservation*, 42-4/43-1 *Urb. Lawyer* 155-163 (Fall 2010/Winter 2011)

The Challenges of Climate Change Regulation for Governments on the Political Left: A Comparison of Brazilian and United States Promises and Actions (with Solange Teles da Silva and Kevin Morris), *Pace Int’l L. Rev. Online Companion*, Sept. 2010, at 19, available at <http://digitalcommons.pace.edu/pilronline>

Our Bandit Future? Cities, Shantytowns, and Climate Change Governance, 36 *Fordham Urb. L.J.* 211 (2009)(invited conference paper)

Defending Public Prosecutors and Defining Brazil’s (Environmental) “Public Interest”: A Review of Lesley McAllister’s *Making Law Matter: Environmental Protection and Legal Institutions in Brazil* (Stanford University Press, 2008), 40 *Geo. Wash. U. L. Rev.* 619 (2009)

A Response to Professor McCallister’s Reply to My Review of *Making Law Matter*, 40 *Geo. Wash. U. L. Rev.* 687 (2009)

Saving Biodiversity at the Crossroads of the Americas, 4 *U. Tenn. J. L. & Pub. Pol’y* 1 (2008) (contribution to Study Space I workshop: Entering the 21<sup>st</sup> Century: Challenges and Opportunities of Panama’s Explosive Urban Growth)

The Insistent (and Unrelenting) Challenge of Protecting Biodiversity in Brazil: Finding the Law That “Sticks”, 39 *U. Miami Inter-Am. L. Rev.* 1 (2008)(principal author, with Guilherme Pignataro)

Protecting Environmentally-Sensitive Areas and Promoting Tourism in  
"The Back Patio of the United States": Thoughts about Shared Responsibilities in  
Ecosystem and Biodiversity Protection, 25\_UCLA J. Envtl. L. & P. 41 (2006-2007)

Reality, Theory and a Make-Believe World – the Fundamentalism of the "Free" Market: An  
Introduction, 5 Seattle J. Social Justice 499 (2007) (principal author, with Daniel Bonilla  
Maldonado and Carmen G. Gonzalez)

Why a Conference on Redevelopment, and Why Now, 22 Ga. St. U.L. Rev. 47 (2006)  
(introduction to symposium I organized "What Kind of Metropolitan Areas Do We Want?,  
held at the College of Law February 2-3, 2006)

Environmental Justice in Cuba: Capital Needs, Developing a Tourist Infrastructure, and  
Liberty of Access to National Resources, 14 J. Transnat'l L. & Contemp. Probs. 55  
(2004)(invited paper, University of Iowa College of Law, for February 2004 symposium  
"Whither Goes Cuba? Prospects for Economic and Social Development")

Cyberplace: Defining a Right to Internet Access Through Public Accommodation Law, 76  
Temple L. Rev. 225 (2003)

Necessity Makes the Frog Jump: Land Use Planning and Urban Agriculture in Cuba, 16  
Tulane Env. L.J. 733 (2003)(invited conference paper)

A Survey of Federal Agency Response to President Clinton's Executive Order No. 12898 on  
Environmental Justice, 31 Envtl. L. Rep. (Envtl. L. Inst.) 11133 (2001)(co-author, peer-  
reviewed)

The Criminal Penalty of Life in a Toxic Environment: Mens Rea, Liability Standards and  
New Research in Brain Biochemistry and the Law, 27 B.C. Env't Aff. L.R. 341 (2000)

Changing Positions and Entrenched Polemics: A Brief History of The Association to Benefit  
Children's Views on Pediatric HIV Testing, Counseling and Care, 24 Fordham Urb. L.R. 729  
(1997)

Reflections on the Infant HIV Testing Debate in New York, 1 Brook. L. Dig. 13 (1997)

Analyzing Environmental Justice Evidence: A Suggestion for Professor Been, 12 J. Land  
Use & Envtl. L. 103 (1996)

Medical Monitoring and the Future of CERCLA: Reinvigorating "the Superfund Law's"  
Consequentialist Purpose, 28 Ariz. St. L.J. 839 (1996)

An Argument for Universal Pediatric HIV Testing, Counseling and Treatment, 3 Cardozo  
Women's L.J. 31 (1996)

Some Thoughts on the North American Free Trade Agreement, Political Stability and  
Environmental Equity, 20 Brook. J. Int'l L. 585 (1995)

Protecting the Weakest Link: A Proposal for Universal, Unblinded Pediatric HIV Testing, Counseling and Treatment, 20 J. Community Health 125 (1995)

Strategies for Environmental Justice: Rethinking CERCLA Medical Monitoring Lawsuits, 74 Boston U.L. Rev. 267 (1994)

Pinning Gulliver Down: An Environmental Case Study on the Place of Decentralized Power in Federal Administrative Law Doctrine, 4 Fordham Env'tl. L.J. 47 (1992)

### **Media Appearances, Shorter Works and Journalism**

Interviewed on CBS Nightly News with Brian Williams (national) in April 2008, on U.S. infrastructure challenges

More Roads? Dead End for Atlanta Area, Atlanta Journal-Constitution, Fri., Apr. 6, 2007, at A13

Tuberculosis Vaccine Can Cause False Positive Skin Test Results, Border Reflections (bilingual publication of the U.S.-Mexico Border Health initiative), Issue 34, Feb./Mar. 2002

An Innocent Carrier of Tuberculosis, Border Reflections, Issue 28, Jan./Feb., 2001.

Business Volunteers Renew Their Efforts to Help San Diego Agencies Curb Costs, Wall St. J. Oct. 4, 2000, at CA4.

Networks Look to Help Charities Link with Giving Entrepreneurs, Wall St. J., Mar. 29, 2000, at CA1.

Low-Tech Waste Plan Wins Fans - and Raises a Stink, Wall St. J., Mar. 8, 2000, at CA1.

San Diego Farming Finds It Can Thrive Without Beach Front, Wall St. J., Feb. 9, 2000, at CA1.

A School Born Out of the Dumps, Border Reflections: Profiles on Community Health, Border Reflections, Issue 24, Mar./Apr. 2000.

Charities in Mexico Hope Border Firms Start Thinking Long, Wall St. J., Dec. 29, 1999, at CA1.

Using Federal Property Rights Laws for Environmental Justice, 56 Guild Practitioner 154 (publication of the National Lawyers Guild)(1999).

Stop the Locks Schlock - Can Frank Gehry Do for Panama What He Did for Bilbao?, Salon.com, Oct. 5, 1999.

Bankless East Palo Alto Finds Way to Lure Branch, Wall St. J., Aug. 11, 1999, at CA2.

Coral Concerns (reviewing OSHA Gray Davidson, *The Enchanted Braid*), *Chicago Tribune*, Sept. 6, 1998, 14 at 9.

Exploring the Link Between Environmental Poisons and Cancer (reviewing Sandra Steingraber, *Living Downstream*), *Chicago Tribune*, July 20, 1997, at 7C.

Should Justice Be Color-Blind? (reviewing Randall Kennedy, *Race, Crime, and the Law*), *Newsday*, July 27, 1997, at G12.

Assessing Danger Posed by a Destructive, Water-Borne Microbe (reviewing Rodney Barker, *And the Waters Turned to Blood*), *Chicago Tribune*, April 20, 1997, at 5C.

Reflections on the Infant HIV Testing Debate in New York, 1 *Brook. L. Dig.* 13 (1997).

Trends in the Regulation of Lead (two-part article), 2 *ENVTL. L. IN N.Y.* 145 (1991).

Permits for Stormwater Discharge to be Required, 2 *ENVTL. L. IN N.Y.* 65 (1991).

Effects of Bond Act Defeat, 2 *ENVTL. L. IN N.Y.* 1 (1991).

The Campaign to Iodize Salt, *MANUSHI* (Indian Consumer Magazine), Nov. 1986.

#### **Selected Presentations, Professional Activities, Affiliations and Distinctions Since 2000**

Climate Change and Human Rights, inaugural lecture to the entering class of the Graduate Program for Study of Public Policies in Human Rights (NEPP), School of Social Service, Federal University of Rio de Janeiro, September 10, 2015

Current Issues in International Environmental Law and Energy, II Seminário Avançado de Direito Internacional e Direito da Energia (2<sup>nd</sup> annual advanced seminar on International Law and Energy Law), Law School, State University of Rio de Janeiro (UERJ), September 2, 2015

Public Participation and Climate Change Law, Closing Presentation for Law Week, Law School, Federal Rural University of Rio de Janeiro, August 17, 2015

Invited Judge, 1<sup>st</sup> Annual Moot Court in Sustainable Development and Human Rights, Federal University of Rondônia, Porto Velho, Rondônia, August 13-14, 2015

Conference Organizer and Speaker, *The Social Function of Property and the Right to the City*, at "The Right to City: Practice and Theory", a joint conference sponsored by the Institute for Applied Economic Research (IPEA), and the Institute for Research and Urban and Regional Planning (IPPUR) and the Center for Social Inclusion (NIS), Federal University of Rio de Janeiro, August 3-4, 2015

Inaugural Lecture, Climate Change and Applied Ethics in Cities, to new term of post-graduate program in bioethics and applied bioethics, Federal University of Rio de Janeiro, August 7, 2015

Co-Creator of the Inter-American Moot Court on Law & Sustainable Development, a joint effort between Tulane University Law School, FGV Direito-Rio (Fundação Getúlio Vargas School of Law – Rio de Janeiro) and the Universidad de los Andes Facultad de Derecho, Bogotá, which will celebrate its 6<sup>th</sup> edition in February 2016

Advisory Council, Núcleo de Estudos de Políticas Públicas em Direitos Humanos (Center for the Study of Public Policies in Human Rights), since 2015

Member of Editorial Council, Panorama of Brazilian Law, since 2014

Member of Editorial Board, Diversitates, an inter-disciplinary online academic journal based at the Núcleo de Inclusão Social (Center for Social Inclusion), Institute for Philosophy and Social Sciences, Federal University of Rio de Janeiro, (<http://diversitates.com.br>), since 2009

Planning Committee Coordinator for “Critical Theory and Public Policies in the Americas,” Chile 21, Santiago, Chile, April 30-May 2, 2009

Presenter, “The Public, the Private and the Extra-Legal: Incentives, Impediments and Initiatives for Managing Growth and Ensuring Sustainable Development”, at the conference “Beyond Kyoto: Addressing the Challenges of Climate Change, University of Aarhus, Denmark, March 6, 2009

Organizer, “Study Space III: Public and Private Lands in the Post-Colonial North American West”, at the University of Denver Sturm College of Law, Denver, Colorado, November 30-December 6, 2008

Presenter, “Cities, Shantytowns and Climate Change Governance”, at the First Annual Cooper-Walsh Urban Land Colloquium on the subject “Cities and Climate Change”, at Fordham Law School (New York City, November 14, 2008)

Presenter, “Cities, Environmental Protection and Land Use Justice”, at the Sixth Annual IUCN Academy of International Law, “Poverty Alleviation and Environmental Law”, Universidad Nacional Autónoma de México (Mexico City, November 12, 2008)

Presenter, “Cities, Shantytowns and Climate Change Governance”, to the Faculty Colloquium Series, University of Denver Sturm College of Law (Denver, Colorado, October 23, 2008)

Presenter, “Environmental and Cultural Justice: Lessons of the Colombian Model”, panel presentation at the conference “New Perspectives on Law and Development: Between Renewed State Interventionism and Post-Dependency”, jointly sponsored by the Universidad de los Andes Facultad de Derecho and Harvard Law School European Law Research Center (Bogotá, Colombia, August 22, 2008)

Lecture, *Visão Comparativa da Tutela Judicial e Extra-Judicial do Meio Ambiente nos EUA e no Brasil* [Comparative Vision of Judicial and Non-Judicial Environmental Protection in the U.S. and Brazil], lecture delivered at the Ministério Público Federal, Procuradoria da República no Estado do Rio de Janeiro [Federal Attorney General's Office, June 23, 2008]

Lecture, *“O Contrôlo Judicial das Questões Ambientais”* [Judicial Control of Environmental Questions: Comparative and International Perspectives], lecture delivered at the Escola da Magistratura Regional Federal da 2º Região (Federal Regional Judicial School, 2nd Region, Rio de Janeiro, June 20, 2008). The school serves federal judges in the states of Rio de Janeiro and Espírito Santo.

Presenter, *“The Paradox of Preservation: Biodiversity Protection, Bio-Fuel Development and Environmental Justice”*, at *“Energy and Responsibility: A Conference on Ethics and the Environment”*, University of Tennessee at Knoxville, April 10-12, 2008

Co-Organizer, *Study Space II: Property, the Environmental and Cultural Diversity in Colombia*, Universidad de los Andes, Bogotá, Colombia, March 9-15, 2008

Lectures, *“Justicia y medio ambiente”* [Justice and the Environment] a series of three lectures delivered at the Universidad de los Andes, Facultad de Derecho, Bogotá, Colombia, from March 5-7, 2008 (1. constitutional framework; 2. water; and 3. protected areas and biodiversity preservation)

Lecture, *“Justicia y medio ambiente: preguntas teóricas y marcos constiucionales”* [Justice and the Environment: Theoretical Questions and Constitutional Frameworks], a lecture delivered at the Universidad EAFIT, Medellín, Colombia, March 3, 2008

Principal Organizer and Presenter, *“Untangling the Web of Urban Development: The Challenges and Opportunities of Mixed-Use Development”*, conference at the Center for the Comparative Study of Metropolitan Growth, Georgia State University College of Law, February 29, 2008

Collaborating Professor, invited by the National School of Public Health (ENSP), Rio de Janeiro, Brazil, to propose and deliver a course on *Direito, o Meio Ambiente e Saúde: Perspectivas Comparativas e Internacionais* [Law, Environment and Health: Comparative and International Perspectives.] Offered May-July 2007 and 2008. Asked to supervise doctoral dissertations of law students in ENSP's law, human rights and health post-graduate studies program.

Board Member, *Latina & Latino Critical Legal theory, Inc.*, elected in 2007 for a three-year term

Presenter, *Mudança Climática e Justiça Ambiental* (Climate Change and Environmental Justice), solicited presentation for an inter-disciplinary conference on Human Rights and Law, at the Federal University of Ouro Preto, Minas Gerais, Brazil, November 7-8, 2007

Planning Committee Coordinator, for "Race and Color Across the Americas: Comparative Constructions of Racial and Ethnic Subjugation," for the annual South-North Exchange of Law, Theory and Culture, a conference sponsored by the Institute for Social Sciences and Philosophy, Federal University of Rio de Janeiro, the Faculty of Law, Pontifical Catholic University-Rio de Janeiro, and LatCrit, Inc., held in Rio de Janeiro May 11-13, 2007.

Co-Organizer, conference on "Free Market Fundamentalism," for the annual South-North Exchange of Law, Theory and Culture, a conference sponsored by the Faculty of Law, Universidad de los Andes, Georgia State University College of Law, Seattle University College of Law, and LatCrit, Inc., and held at the Universidad de los Andes, Bogotá, Colombia, May 18-20, 2006

Project Team for South-North Exchange, a project of the Latina & Latino Critical Legal Theory, Inc.

Presenter, "Integrated Ecosystem Management and the Effort to Build a Sustainable Wastewater Infrastructure," peer-reviewed abstract selected for presentation at Engineering Sustainability 2005, conference sponsored by the Mascaro Sustainability Initiative, University of Pittsburgh School of Engineering, Pittsburgh, Pennsylvania, April 2005

Presenter, "Environmental Benefit or Public Health Peril? The Case for and Against Decentralized Wastewater Treatment Infrastructure," peer-reviewed abstract selected for presentation at American Public Health Association Annual Meeting, Chicago, Illinois, November 2004

Panelist, "The Environmental Justice Implications of Cuba's Tourist Boom," at the symposium "Whither Goes Cuba? Prospects for Economic & Social Development," University of Iowa Center for International Finance and Development, Iowa City, Iowa, February 2004

Presenter, "Local Environment Law and Latin American Values," paper delivered at inaugural annual meeting of the South-North Exchange on Law, Theory and Culture, Faculty of Law, Inter-American University, San Juan, Puerto Rico, December 2003

Participant, "Environmental Law and Sustainable Development in 21st Century Cuba," Havana, Cuba, August 2002 (invited conference Tulane Institute of Environmental Law and Policy)

Fellow, Law and Society Association Summer Institute, July 1999

Fellow, MacDowell Colony, Peterborough, New Hampshire, Summer 1997

Fellow, Art/OMI International Writer's Colony, Summer 1996 and Winter 1997

Member, American Bar Association

Member, New York Bar (inactive)

**LANGUAGES**

English (native), Portuguese (fluent), Spanish (fluent), French (basic conversational)



## *Comparative View of the Rule of Law and Democracy in Europe*

(By Stéphane PINON  
University of Lisbon, 26-30 nov.)

An independent judiciary is usually seen as essential to the protection of the rule of law. Rule of law means that all public authority derives its power from legal norms and is constrained by legal norms in exercising these powers. Judges are charged with upholding the law as against unlawful government action. Yet the relations between the judiciary and the other branches of government, notably the legislature, can also give rise to debate.

Indeed, the most controversial institution in this context is *constitution review of legislation*: the power of judges to check whether laws which are voted by the parliament comply with the constitution. The two arguments typically brought forward to justify the right for judges to review the constitutionality of legislation are, first, that judicial review guarantees the supremacy of the Constitution and, second, that judicial review provides a check on the lawmaker for the protection of minorities. But in other systems, as British or Dutch system, constitutional review is fiercely contested. The protest is also growing within population and among American scholars, especially those claiming « popular constitutionalism » (Larry Kramer or Mark Tushnet for example). What is the nature of these criticisms?

In the US, this very « counter-majoritarian » character of judicial review is often perceived as problematic, especially where judges are suspected of pursuing their own political agenda against the preferences of the elected institutions. Indeed, in their daily activity, judges have to reconcile rights stemming from different ideological currents, sometimes contradictory, rights formulated generally and imprecisely. So their power of interpretation is therefore to make choices. Eventually, the most pertinent issue that arises is why a small number of judges (nine judges in the US Supreme Court) would be right in their choices, while the majority of parliamentarians would be wrong ?

Jeremy Waldron asks the question differently: « *why would a judgment by a majority of judges be less open to criticism than a majority vote in the parliament?* » Before trying to answer these questions, in a ultima chapter of this course, it will be necessary, during 9-10 hours, to make an analysis of different constitutional systems, which represent generic models of the constitutional solutions across the world (the US system, the system United Kingdom, Germany and French).

A matter often associated with judicial review as regards constitutionality is judicial review as regards compliance of statutes with international treaty provisions, especially when human rights are to be derived from them in a domestic setting. The question should also be the subject of all our attention.

## **Stéphane PINON**

Né le 21 juin 1971 à Blois (41)

Marié, 2 enfants.

### **Université de La Rochelle, membre du Cercop de Montpellier**

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Bilingue français-espagnol ; niveau anglais courant.

## **I. Carrière professionnelle**

### 1. Affectations

- Université de La Rochelle depuis le 1<sup>er</sup> sept. 2009.
- Université de Cergy-Pontoise du 1<sup>er</sup> sept. 2003 au 31 août 2009.

### 2. Parcours

- Février 2017 : « qualifié » aux fonctions de *Professeur des universités*
- 2007 et 2013 : « sous-admissible » au concours de l'Agrégation.
- 2009 : *Habilitation à diriger des recherches*  
Travaux : « Fixité et mutations de la doctrine constitutionnelle française ».  
Soutenue le 30 avril 2009 à l'Université de Cergy-Pontoise.
- Sept. 2003 : Recruté comme *Maître de conférences* à l'Université de Cergy-Pontoise.
- Février 2003 : « qualifié » aux fonctions de *Maître de conférences de droit public*.
- 2002 : *Doctorat en droit public*  
Thèse : « Les réformistes constitutionnels des années trente. Aux origines de la V<sup>e</sup> République ». Soutenue le 7 décembre 2002 à l'Université François Rabelais de Tours, 1<sup>er</sup> prix de l'Assemblée nationale. Publiée en 2003 aux éditions Lgdj, bibliothèque constitutionnelle et de science politique, tome 114.

### 3. Groupes de recherches

- Membre du CERCOP de l'Université de Montpellier 1 (depuis le 1<sup>er</sup> septembre 2014).
- Membre du Centro de Investigación de Derecho Constitucional Peter Häberle (depuis 2011).
- Membre de l'Institut Pierre Pesatore de l'Université de La Rochelle (2009-2014).
- Membre du Centre de philosophie juridique et politique de Cergy-Pontoise, dirigé par Carlos Miguel Herrera (2002-2009).

## **II. Publications scientifiques :**

### 1. Ouvrages publiés depuis 2013 :

4. *Le pouvoir constituant au XXI<sup>e</sup> siècle*, Ed. Institut Universitaire Varenne, coll. Colloques et Essais, juillet 2017, 234 p. (Actes du Congrès international organisé à Montpellier le 13 mai 2016). Sous la direction de F. Balaguer Callejón, A. Viala et S. Pinon.

Contribution personnelle : « La participation directe du peuple au pouvoir constituant. Regards sur le droit étranger », pp. 183-214.

3. *Les régimes constitutionnels dans l'Union européenne. Italie, Allemagne, Portugal, Espagne*, Editions Larcier, coll. Manuels, octobre 2015, 446 p.

2. *Le droit constitutionnel européen à l'épreuve de la crise économique et démocratique de l'Europe*, Editions Institut Universitaire Varenne, coll. Colloques et Essais, sept. 2015, 268 p. (Actes du Congrès international organisé à Montpellier les 12-13 décembre 2013). Sous la direction de F. Balaguer Callejón, A. Viala et S. Pinon.

Contribution personnelle : « L'écllosion d'un "fédéralisme exécutif" au sein de l'Union. Les réponses du droit constitutionnel ».

1. *Maurice Deslandres et le droit constitutionnel. Un itinéraire*, Editions Universitaires de Dijon, coll. Institutions, nov. 2013, 194 p.

## 2. Ouvrages en préparation :

5. *Les régimes constitutionnels dans l'Union européenne. Italie, Allemagne, Portugal, Espagne*. Ecriture de la 2<sup>nd</sup>e édition en cours (éd. Larcier, coll. Manuels).

## 3. Principaux articles publiés depuis 2013 :

(En plus des « 2 » contributions précitées dans les ouvrages collectifs. Et sans intégrer les recensions ou traductions)

10. « Las respuestas de la norma constitucional francesa ante el problema de la exclusión social », in R.Y. Quintanilla Navarro (dir.), *La exclusión social : estudio comparado desde la perspectiva jurídica laboral y constitucional*, ed. Dykinson, coll. Ciencias Jurídicas y Sociales, juin 2018, pp. 305-316.

9. « Les deux formes de gouvernement – par A. Esmein », in J. Bénetti, P. Égée, X. Magnon, W. Mastor (dir.), *Les grands discours de la culture juridique*, Dalloz, coll. Grands discours, 2017, pp. 570-579.

8. « La Charte et les juges espagnols », in L. Burgogue-Larsen (dir.), *La Charte des droits fondamentaux saisie par les juges en Europe*, Ed. Pédone, coll. Cahiers européens, n°10, 2017, pp. 277-303. Article co-écrit avec A. Aguilar Calahorro.

7. « Les visages cachés du constitutionnalisme global », *Revue Française de Droit Constitutionnel*, n°108, décembre 2016, pp. 927-938.

6. « Itinéraire du couple démocratie et référendum dans l'espace européen », *Percorsi costituzionali*, Rome, n°1-2/2016, pp. 209-231.

5. « Le déficit démocratique de l'Union européenne : mais quel déficit ? », in F. Lanchester (dir.), *Parlamenti nazionali e Unione Europea nella governance multilivello*, ed. Giuffrè, coll. Quaderni di Nomos, fév. 2016, pp. 537-553.

4. « Los retos del derecho constitucional global », *Revista Mexicana Statum Reí Romanae de Derecho Administrativo*, n°4-2015, pp. 128-141.

3. « Le statut du Président de la République : quelle loi organique pour l'article 68 de la Constitution ? », *revue Constitutions*, n°3, juillet-sept. 2013, pp. 358-366.

2. « Crise économique européenne et crise institutionnelle à tous les étages », *Revue de l'Union Européenne*, n°567, avril 2013, pp. 218-230.

1. « Los principales ejes del reformismo constitucional de León Duguit », in A. Matilla Correa, L. Gerardo Rodriguez Lozano (dir.), *Ensayos de Derecho Público, en conmemoración del sesquicenario del natalicio de León Duguit*, Instituto de Investigaciones Jurídicas, Mexico, éd. Librería Cerda, 2013, pp. 631-652.

## 4. Articles à paraître ou en préparation :

13. « Le droit constitutionnel européen saisi par le primat économique », article à paraître, n°1-2019 in la *Revista Europea de Derechos Fundamentales*.

12. « La justice constitutionnelle au Portugal, la France comme contre-modèle ? », *Mélanges Dominique Rousseau*, « Constitution et démocratie(s) », éd. Lextenso, 2019.

### III. Collaborations nationales et internationales depuis 2013

- À partir de 2019, Séminaire à l'Université catholique de Porto Alegre, Brésil, *El pluralismo jurídico y la protección de las minorías en la doctrina constitucional francesa*. Ecole doctorale dirigée par Ingo Wolfgang Sarlet.
- À partir de 2019, avec l'Université de Murcia, membre du projet de recherche financé par la Communauté autonome, *Transparencia, buen gobierno, ética pública y regeneración del sistema constitucional* (dir. Francisco Manuel García Costa).
- Depuis 2017, Séminaire à l'Université de Catanzaro, « *Constitution et démocratie dans l'Union Européenne. Questions sur le droit constitutionnel supranational* ». Ecole doctorale de Théorie du droit dir. par Massimo La Torre.
- Depuis 2016 avec l'Université Juan Carlos de Madrid, membre du projet de recherche financé par le Ministère de l'Economie espagnol, *Los instrumentos jurídicos-laborales contra la exclusión social en el marco del Estado social y democrático de derecho* (dir. R. Y. Quintanilla Navarro et O. Mateos de Cabo).
- Depuis 2016 avec l'Université de Granada, membre du projet de recherche national financé par le Ministère de l'économie espagnol, *Los Derechos Fundamentales ante las crisis económicas y de seguridad en un marco constitucional fragmentado* (dir. Enrique Guillén López).
- Depuis 2015, Séminaire en anglais à l'Université de Lisbonne « *Comparative View of the Rule of Law and Democracy in Europe* ». Erasmus Relations internationales, dir. par V. Pereira da Silva. Séminaire sur le même thème dans le DU de « Philosophie du droit » de l'Université de Montpellier, dir. par A. Viala (de 2015 à 2017).
- Depuis 2015 avec l'Université Paris I-Sorbonne, responsable du cours « d'Espagnol juridique » au CAVEJ en Licence 2, *El nuevo constitucionalismo latinoamericano*.
- De 2015 à 2017, « Expert » hispanophone en Droit constitutionnel pour les « Amériques et Caraïbes », Ministère de la Justice français, Service affaires internationales.
- De 2012 à 2015, Séminaire en espagnol, Université de Grenada, « *El derecho constitucional francés ante el derecho de la UE* », Master de Derecho constitucional europeo dir. par F. Balaguer Callejón.

## Syllabus Intensive Course Prof. Dr. Marine Toullier

### Globalisation and international protection of Human rights

#### 1. Monday:

Definition of globalisation: a multidimensional phenomenon. Study of the notion of globalisation from different perspective: sociological, economical, political, industrial and finally from a law perspective. It is revealing of new elements phenomenon: new markets, new actors, new rules, new instruments of faster and cheaper communication. Globalisation as a set of shocks, of challenges and of fears: Human, commercial, Industrial, financial, technological shocks.

Raise of new problems from globalisation: questions raised by globalisation, Relations between economy and Human rights; The Human Right's place in the globalisation phenomenon.

#### 2. Tuesday

Globalisation and the notions of unity and diversity. Does globalisation constraint to standardisation or is there still place for the diversity? Should we aim to have the same rights all over the world? Or is tolerance to what is different, a value superior than the aim of insuring the "minimum standard" of the ECHR for example to all human beings despite different cultures? Globalisation and the controversial universality of the rights.

#### 3. Wednesday:

Globalisation and international protection of human rights: failure of the institution of an effective international system of protection of human rights; Reasons of failure: universality confronted with pluralism of the cultures; the weakness of the international law: principle: the will of the state, the exception: the *jus cogens*.

#### 4. Thursday:

Embryo of an international protection of human rights; The Charter of the United Nations; the Universal Declaration of Human Rights; The international Covenants (1966): their juridical strength, their content and their mechanism of control.

#### 5. Friday

The embryo of international justice: Permanent Court of International Justice, International Court of justice, Special international criminal courts: criminal courts *ad hoc* (TPIY, TPIR) and internationalised courts: the Special Court for the Sierra Leone; the High Iraqi criminal court; the extraordinary Chambers in the Cambodian jurisdictions; the special court for the Lebanon.

Literature:

*Doctrine on Globalisation:*

- AUDRETSCH (David B.) & SANDERS (Mark), « [Globalization and the Rise of the Entrepreneurial Economy](#) », [Working Papers](#) 08-21, Utrecht School of Economics, 2008.
- LANE (Ph.), MILESI- FERETTI (G.-M.), “Financial globalization and exchange rates”, *Dollars, Debt, and Deficits: Sixty Years after Bretton Woods* International Monetary Fund, 2005.
- LANE (Ph.), MILESI- FERETTI (G.M.), *The external wealth of nations, mark II: revised and extended estimates of foreign assets and liabilities, 1970–2004*, *Journal of International Economics* 73, 2007, p. 223–250.
- SCHOLTE (Jan Aart), [Globalization: A Critical Introduction](#), Mac Millan Press LTD, 2000.

## **Globalización, crisis económica, redes sociales y democracia en perspectiva constitucional europea**

Francisco Balaguer Callejón. Catedrático de Derecho Constitucional de la Universidad de Granada y Catedrático Jean Monnet "ad personam" de Derecho Constitucional Europeo y Globalización.

Duración: 10 horas. Idioma: Español

### **Objetivos del curso:**

Este curso tiene como objeto fundamental la incidencia del proceso de globalización en el derecho constitucional, especialmente a partir del siglo XXI, en el que se han generado dos grandes crisis del constitucionalismo nacional. Por un lado la crisis financiera, que ha dado lugar a una interpretación económica de la Constitución, que la ha situado en *stand by* y la ha desnaturalizado, reduciendo el impulso emancipador que estaba en la base del constitucionalismo y *estableciendo límites externos a la democracia pluralista*. La segunda, la política, derivada de la capacidad de manipulación propagandística mediante la utilización de plataformas de comunicación, que han alterado las condiciones del espacio público y que han intervenido de manera muy eficaz en procesos electorales tales como el *Brexit* o las elecciones presidenciales norteamericanas, *afectando a las condiciones internas de la democracia pluralista*. Plataformas que gestionan redes sociales o empresas que las utilizan, han condicionado el sentido del voto a través de propaganda subliminal y mediante la utilización masiva de datos personales para la construcción de perfiles de usuario.

La perspectiva metodológica que se asume en el curso es la propia del derecho constitucional europeo, que integra en el análisis constitucional la dimensión europea y global. La interacción entre el espacio constitucional de la Unión Europea y los espacios constitucionales de los Estados miembros es una orientación metodológica específica del Derecho constitucional europeo. Con ese estatuto metodológico de base, se analizará la proyección global del Derecho Constitucional y la configuración de un Derecho Constitucional supranacional como respuesta a la globalización, cuyo principal exponente es el Derecho Constitucional Europeo. Se estudiará también la incidencia del proceso de globalización sobre el proceso de integración europea y se valorará la insuficiente respuesta europea a los retos que enfrentan actualmente tanto el proyecto de integración europea como el constitucionalismo, en particular, la crisis económica y la relación entre redes sociales y democracia.

Estos dos desafíos, que están generando un gran daño al proyecto europeo y a las constitucionales nacionales, provocando una involución democrática cuyo alcance preciso todavía no está claramente acotado, serán analizados también en el curso. En primer lugar, la evolución de la crisis financiera y su impacto sobre la Unión Europea y sobre los sistemas constitucionales de los Estados miembros. En segundo lugar, la incidencia que las redes sociales están teniendo sobre los procesos democráticos y constitucionales, en una dinámica cada vez más problemática. Estamos en un momento crucial de la vida del proceso de integración europea y de la evolución del constitucionalismo, en el que ambos proyectos civilizatorios deben converger para sobrevivir en el contexto global.

## **Temario:**

### **I.-Globalización y cambio de paradigma constitucional.**

- 1.-La globalización en el siglo XXI.
- 2.-La aceleración del tiempo histórico.
- 3.-La progresiva disolución del espacio público.
- 4.-La ruptura del paradigma constitucional del Estado nacional.
- 5.-Hacia un nuevo paradigma constitucional extraestatal o supraestatal.

### **II.-Planteamientos metodológicos de la perspectiva constitucional europea.**

- 1.-Derecho Constitucional Europeo en sentido amplio y en sentido estricto.
- 2.-El Derecho constitucional de la Unión Europea.
- 3.-El Derecho constitucional de los Estados miembros como parte integrante del Derecho Constitucional Europeo.
- 4.-La interacción entre los diversos espacios constitucionales en Europa.
- 5.-El Derecho Constitucional Europeo como disciplina. Perspectivas metodológicas.

### **III.-La perspectiva constitucional europea de la globalización.**

- 1.-El proceso de globalización y el modelo de integración europea.
- 2.-El desarrollo del proceso de globalización y su influencia sobre el proceso de integración.
- 3.-Globalización y Derecho constitucional estatal.
- 4.-La incipiente dimensión global del Derecho constitucional.
- 5.-Integración supranacional y globalización.

### **IV.-El Derecho Constitucional Europeo frente a la crisis económica.**

- 1.-El gobierno económico de la Unión Europea.
- 2.-La insuficiente respuesta europea a la crisis.
- 3.-La incidencia de la crisis sobre el ordenamiento de la Unión Europea.
- 4.-El impacto de la crisis sobre las constituciones de los Estados miembros.
- 5.-La influencia del *Brexit* y de otros factores de alcance global.

### **V.-Redes sociales y procesos constitucionales.**

- 1.-Las redes sociales y la transformación de los patrones culturales.
- 2.-Incidencia de las redes sociales sobre la democracia.
- 3.-Incidencia de las redes sociales sobre los derechos fundamentales.
- 4.-Redes sociales y procesos constitucionales.
- 5.-Perspectivas de futuro.



## Bibliografía Básica

Todas las referencias bibliográficas que se indican a continuación (y las que puedan recomendarse posteriormente porque estén disponibles al comienzo del curso) son de acceso gratuito a través de Internet:

-Balaguer Callejón, Francisco: <<[Derecho y Justicia en el ordenamiento constitucional europeo](#)>>, *Revista de Derecho Constitucional Europeo*, nº. 16, Julio-Diciembre de 2011.

-Balaguer Callejón, Francisco: <<[Una interpretación constitucional de la crisis económica](#)>>, *Revista de Derecho Constitucional Europeo*, nº. 19, Enero-Junio de 2013.

-Balaguer Callejón, Francisco <<Crisis económica y crisis constitucional en Europa>>, *Revista Española de Derecho Constitucional*, número 98, Mayo/Agosto 2013: <http://www.cepc.gob.es/gl/publicaciones/revistas/revistas-electronicas?IDR=6&IDN=1306&IDA=36648>

-Balaguer Callejón, Francisco: <<Constitución y Estado en el contexto de la integración supranacional y de la globalización>> en Miguel Carbonell, Héctor Fix-Fierro Luis Raúl González Pérez y Diego Valadés (Coordinación), *Estado constitucional, Derechos humanos, Justicia y vida universitaria. Estudios en homenaje a Jorge Carpizo*, México, 2015: <https://archivos.juridicas.unam.mx/www/bjv/libros/8/3825/11.pdf>

-Balaguer Callejón, Francisco: <<Challenges to Constitutional Adjudication in Spain: the Autonomous State and the Financial crisis>>, en *Italian Papers on Federalism*, n.3/2016: <http://italianpapersonfederalism.issirfa.cnr.it/challenges-to-constitutional-adjudication-in-spain-the-autonomous-state-and-the-financial-crisis.html>

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-D'Atena, Antonio, <<Tensioni e sfide della democrazia>> *Rivista AIC*, nº 1/2018: <http://www.rivistaaic.it/tensioni-e-sfide-della-democrazia.html>

-De Grauwe, Paul: <<The Governance of a Fragile Eurozone>>, 2011: [http://aei.pitt.edu/31741/1/WD\\_346\\_De\\_Grauwe\\_on\\_Eurozone\\_Governance-1.pdf](http://aei.pitt.edu/31741/1/WD_346_De_Grauwe_on_Eurozone_Governance-1.pdf)

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-Häberle, Peter:<<[Algunas tesis sobre el presente y el futuro de Europa: una aportación al debate](#)>>, *Revista de Derecho Constitucional Europeo*, nº18, Julio-Diciembre de 2012. <http://www.ugr.es/~redce/>

-Pereira da Silva, Vasco <<Una reflexión desde Granada sobre la Constitución Europea>>, *Revista de Derecho Constitucional Europeo*, nº22, Julio-Diciembre de 2014: [http://www.ugr.es/~redce/REDCE22/articulos/11\\_pereira.htm](http://www.ugr.es/~redce/REDCE22/articulos/11_pereira.htm)



Francisco Balaguer Callejón

**Curriculum Vitae Abreviado**

**Catedrático de Derecho Constitucional**

-Catedrático de Derecho Constitucional de la Universidad de Granada.

-Catedrático Jean Monnet de Derecho Constitucional Europeo.

-Catedrático Jean Monnet *ad personam* de Derecho Constitucional Europeo y Globalización

-Director de la *Revista de Derecho Constitucional Europeo*.

-Presidente de la *Fundación Peter Häberle*.

Coordinador del Máster Oficial en Derechos Fundamentales en perspectiva nacional, supranacional y global

#### **FORMACIÓN Y POSICIONES ACADÉMICAS**

-Licenciado en Derecho (Universidad de Granada, 1981).

-Doctor en Derecho (Universidad de Granada, 1984).

-Profesor de Derecho constitucional (Universidad de Málaga, 1981-1986).

-*Visiting Professor*, Indiana University-Purdue University at Indianapolis Law School, Spring Semester, EEUU, 1985.

-Profesor Titular de Derecho constitucional (Universidad de Málaga 1986, Universidad de Granada, 1989).

-Catedrático de Derecho Constitucional (Universidad de Granada, 1991).

-*Professore Visitatore*, Università degli studi "La Sapienza" de Roma, Italia, Diciembre de 1999.

-Catedrático Jean Monnet de Derecho Constitucional Europeo (2004).

-*Professore Visitatore*, Università degli studi "La Sapienza" de Roma, Italia, Diciembre de 2006.

-*Professore Visitatore*, Università degli Studi di Milano, Milán, Italia, Marzo de 2009.

-Catedrático Jean Monnet *ad personam* de Derecho Constitucional Europeo y Globalización (2010).

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2010.

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2011.

-Doctor "Honoris Causa" (Universidade Federal de Maranhão, São Luis, Brasil, 2011)

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2012.

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2013.

-Director del Centre of Excellence on European Integration and Globalization (Ei&G).

-*Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2014.

-Professeur Invité, Université de Montpellier, Montpellier, Francia, Marzo-Abril de 2015.

-Professor Visitante, Universidade de Lisboa, Portugal, Septiembre de 2015.

-Professor Visitante, Universidade de Lisboa, Portugal, Septiembre de 2016.

-Professor Visitante, Universidade de Lisboa, Portugal, Septiembre de 2017.

-Professore Visitatore, Università degli Studi di Milano, Milán, Italia, Febrero-Marzo de 2018.

## ORGANIZACIÓN DE CONGRESOS

### Ha dirigido más de 40 Congresos, Seminarios y Jornadas Internacionales de Derecho constitucional.

Entre ellos los congresos internacionales *Federalismo y regionalismo en el umbral del Siglo XXI* (1997); *Derecho constitucional y cultura* (1999, 2000); *Constitución y Democracia* (2003) y *La Constitución Europea* (2004). Igualmente, las *Jornadas Internacionales sobre la Constitución Europea* (I a X) durante los años 2004 a 2012. También los congresos internacionales *La Construcción del Derecho Constitucional Europeo* (2009); *La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo* (2010); *La respuesta europea a la crisis en el marco de la Globalización* (2010); *Integración supranacional y descentralización política en el contexto de la Globalización* (2011); *Linee tematiche di sviluppo del Diritto Costituzionale Europeo* (Catania, Italia, 2011); *Primavera Árabe, Unión Europea y contexto global* (2012); *Constitucionalismo crítico* (2012); *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe* (Montpellier, Francia, 2013); *La dimensión de la Administración Pública en el contexto de la globalización* (2014); *O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global* (Lisboa, 2014); *El Impacto de la crisis económica en las instituciones de la Unión Europea y de los Estados miembros* (2015); *La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política* (2015); *Le pouvoir constituant au XXIe siècle* (Montpellier, Francia, 2016); *Los nuevos desafíos del constitucionalismo contemporáneo* (Universidad de Granada, 2017).

## CONFERENCIAS, CURSOS Y SEMINARIOS IMPARTIDOS

### Ha impartido más de 500 conferencias, ponencias en congresos, cursos y seminarios en 12 países.

Por ejemplo, en España:

**A Coruña** (Universidad de La Coruña, 2005); **Ávila** (UNED, 1996 y 1998); **Alicante** (Universidad de Alicante, 1995, 2001, 2005, 2006, 2007, 2008, 2009, 2012 y 2014); **Almería** (Universidad de Almería, 1993, 1994, 1996, 1997, 1998, 1999, 2000 y 2003; Cursos de Verano de la Universidad Complutense de Madrid, 1998); **Almuñécar** (Centro Mediterráneo de la Universidad de Granada, 2003); **Baeza** (Universidad Internacional de Andalucía (1996, 1997 y 2001); **Baza** (UNED, 1997 y 2000); **Barcelona** (Universidad Pompeu Fabra, 1994; Universidad Central de Barcelona, 1994, 1996 y 2002; Universidad Autónoma de Barcelona, 2002, 2004 y 2005; Asociación Española de Letrados de Parlamentarios, 2007); **Bilbao** (Universidad del País Vasco, 2002, 2003, 2004, 2005, 2011 y 2015); **Cáceres** (Universidad de Extremadura, 2002, 2007 y 2008); **Castro Urdiales** (Universidad de Cantabria, 2003 y 2005); **Cádiz** (Universidad de Cádiz, 1999); **Castellón** (Universidad Jaume I de Castellón, 1998); **Ceuta** (Universidad de Granada, Ciudad Autónoma de Ceuta, 1999); **Córdoba** (Universidad de Córdoba, 1993, 2005 y 2006); **Elche** (Universidad Miguel Hernández de Elche, 2015); **Jaén** (Universidad de Jaén, 1994, 1997, Diputación Provincial/Universidad, 1997); **La Rioja** (UNED, 1992 y Universidad de La Rioja, 2008); **Las Palmas de Gran Canaria** (Universidad de Las Palmas de Gran Canaria, 1997); **Madrid** (UNED, 2004, 2007, 2009, 2014 y 2015; Universidad Complutense, 2004, 2005, 2006, 2007, 2008, 2009 y 2013; Universidad Autónoma, 2005, 2015, 2016 y 2017; Centro de Estudios Políticos y Constitucionales, 2005, 2006, 2008, 2012 y 2013; Universidad Carlos III, 2007; Instituto de Derecho Público de la Universidad Rey Juan Carlos, 2010 y 2016; Fundación José Ortega y Gasset, 2013; Universidad CEU San Pablo, 2013); **Málaga** (Universidad de Málaga, 1994, 1996, 1997, 2003 y 2006); **Melilla** (Universidad de Granada, Ciudad Autónoma de Melilla, 1997, 1998, 1999 y 2004); **Mérida** (Escuela de Administración Pública de Extremadura, 2005, Asamblea de Extremadura, 2006); **Motril** (Centro Mediterráneo de la Universidad de Granada, 1998; Centro Asociado de la UNED, 2001, 2003 y 2004); **Oñati** (Universidad del País Vasco, 1996; Instituto Internacional de Sociología Jurídica, 1999); Osuna (Universidad de Sevilla, 2007); **Pamplona** (Universidad Pública de Navarra, 1998); **Salamanca** (Universidad de Salamanca, 2009); **Santiago de Compostela** (EGAP, 1992 y 2005); **San Roque** (Universidad de Cádiz, 2001); **San Sebastián** (Universidad del País Vasco, 2005); **Segovia** (Universidad de Valladolid, 2008); **Sevilla** (Universidad Internacional de Andalucía, 1998 y 1999; Universidad Pablo de Olavide, 2003; Parlamento de Andalucía, 2005; Instituto Andaluz de Administración Pública, 2005; Gabinete Jurídico de la Junta de Andalucía, 2005; Instituto Andaluz de Administración Pública, 2006; Centro de Estudios Andaluces, 2008); **Tarragona** (Universidad Rovira i Virgili, 1998, 1999 y 2001); **Tenerife** (Instituto Canario de Administración Pública, Universidad de La Laguna, 1997); **Toledo** (Universidad de Castilla-La Mancha, 1998; Facultad de Ciencias Jurídicas y Sociales de Toledo, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017 y 2018); **Torrevecija** (Universidad Miguel Hernández de Elche, 2006); **Valladolid** (Universidad de Valladolid, 2006, 2008, 2012, 2016 y 2018); **Vitoria** (Parlamento Vasco, 1998); **Yuste** (Universidad de Extremadura, 2003 y 2017); **Zaragoza** (Gobierno de Aragón, 2008, Fundación Manuel Giménez Abad, 2012, 2015, 2017 y 2018).

### Fuera de España ha impartido conferencias y cursos en alemán, inglés, italiano, francés, portugués y español en Alemania, Bélgica, Brasil, Francia, Italia, México, Perú, Portugal, Hungría, Reino Unido y Suiza:

**Arequipa** (Perú, Academia de la Magistratura de Perú, 2015); **Baden-Baden** (Alemania, FernUniversität Hagen, 1999); **Bari** (Italia, Università degli Studi di Bari, 2012 y 2016); **Bayreuth** (Alemania, Universität Bayreuth, 1997, 2001 y 2002); **Bonn** (Alemania, Institut für Öffentliches Recht der Universität Bonn, 2006); **Brasilia** (Brasil, Instituto Brasiliense de Direito

Público, 2007, 2010, 2011, abril y octubre de 2012, 2013 y 2017); **Bruselas** (Bélgica, Istituto Italiano di Cultura, 2009; Centro Asociado de la UNED de Bruselas, 2015 y 2016); **Budapest** (Hungría, The National University of Public Service, The Institute for legal studies of the Hungarian Academy of Sciences, and The Embassy of France in Budapest, 2015); **Cagliari** (Italia, Facoltà di Scienze Politiche, Università degli Studi di Cagliari, 2008); **Cambridge** (Reino Unido, Universidad de Cambridge, 2012); **Campina Grande** (Brasil, Universidade Estadual da Paraíba, 2010 y 2012); **Cancún** (México, Universidad de Quintana Roo/Universidad Nacional Autónoma de México, 1998); **Catania** (Italia, Facoltà di Scienze Politiche, Università degli Studi di Catania, 2010, 2011, 2015, 2016 y 2017); **Coimbra** (Portugal, Universidade de Coimbra, 2005); **Cosenza** (Italia, Facoltà di Scienze Politiche, Università della Calabria, 2007, 2011, 2012 y 2016); **Enna** (Italia, Università Kore di Enna, 2011, 2013 y 2017); **Erfurt** (Alemania, Universität Erfurt, 2008); **Erlangen** (Alemania, Universität Erlangen-Nürnberg, 2001); **Ferrara** (Italia, Dipartimento di Giurisprudenza dell'Università di Ferrara, 2016); **Génova** (Italia, Università degli Studi di Genova, 2013); **Hannover** (Alemania, Deutsche Institut für Föderalismusforschung, 1993); **João Pessoa** (Brasil, Escola Superior da Magistratura da Paraíba, 2010; Centro de Ciências Jurídicas da Universidade Federal da Paraíba, 2012); **La Rochelle** (Francia, Université de La Rochelle, 2016); **Lima** (Perú, Academia de la Magistratura de Perú, 2015; Escuela del Ministerio Público. Fiscalía de la Nación, 2016); **Lisboa** (Portugal, Universidade de Lisboa, 2010, 2011, 2012, 2013, mayo y septiembre de 2014, 2015, 2016 y 2017/Associação Portuguesa de Direito Constitucional, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito de Lisboa, Instituto Jurídico da Faculdade de Direito da Universidade de Coimbra y Fundação Calouste Gulbenkian, con el Alto Patrocinio del Presidente de la República Portuguesa, 2016); **Londres** (Reino Unido, Istituto Italiano di Cultura, 2010); **Ciudad de México** (Instituto de Investigaciones Jurisprudenciales de la Suprema Corte de Justicia de la Nación, 2012/XIII Congreso Iberoamericano de Derecho Constitucional, 2017); **Milán** (Italia, Facoltà di Scienze Politiche, Dipartimento Giuridico-Politico, Università degli Studi di Milano, 2009, 2013, 2015, 2016, marzo y noviembre de 2017, 2018; Università degli Studi di Milano Bicocca, 2013); **Montpellier** (Francia, Faculté de Droit et Science politique, Université Montpellier I, 2009, 2013, 2015 y 2016); **Nápoles** (Italia, Facoltà di Giurisprudenza - Seconda Università degli Studi di Napoli, 2009, 2010, 2014 y 2015; Seconda Università degli Studi di Napoli/Università degli Studi di Napoli Federico II, 2012); **Natal** (Brasil, Escola Brasileira de Estudos Constitucionais, 2010 y 2012); **Palermo** (Italy, Università degli Studi di Palermo, Facoltà di Giurisprudenza, 2011, 2013 y 2014; Assembleia Regionale Siciliana, 2016); **Perugia** (Italia, Università degli Studi di Perugia, Facoltà di Giurisprudenza, 2008); **Pisa** (Italia, Dipartimento di Diritto Pubblico, Facoltà di Giurisprudenza de la Università di Pisa, 2006 y 2010); **Porto Alegre** (Brasil, Pontificia Universidade Católica do Rio Grande do Sul, 2010 y 2013; Escola Superior de Direito Municipal 2010); **Regensburg** (Alemania, Universität Regensburg, 1997); **Rio de Janeiro** (Brasil, Procuradoria Geral do Município do Rio de Janeiro, 2007); **Roma** (Italia, Dipartimento di Teoria dello Stato y Facoltà di Scienze Politiche de la Universidad "La Sapienza" diciembre de 1998; Facoltà di Scienze Politiche de la Universidad "La Sapienza", diciembre de 1999; Centro de excelencia europea Jean Monnet-Luigi Einaudi de la Universidad "La Sapienza", junio y noviembre de 2004; Associazione Italiana dei Costituzionalisti, Universidad "La Sapienza", octubre de 2006; Facoltà di Scienze Politiche de la Universidad "La Sapienza", diciembre de 2006; Facoltà di Economia de la Universidad "La Sapienza", junio de 2007; Libera Università internazionale degli Studi Sociali Guido Carli-LUISS, junio de 2007; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini"- Università degli Studi di Roma "Tor Vergata", junio de 2007 y diciembre de 2011; Facoltà di Giurisprudenza de la Universidad "La Sapienza", mayo de 2008; Istituto di Studi sui Sistemi Regionali Federali e sulle Autonomie "Massimo Severo Giannini", mayo de 2008; Libera Università internazionale degli Studi Sociali Guido Carli-LUISS, mayo de 2010; Facoltà di Giurisprudenza de la Universidad "La Sapienza", mayo de 2010; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini", marzo de 2011; Facoltà di Economia, Università "La Sapienza", diciembre de 2011; Università degli Studi di Roma "Tor Vergata", junio y diciembre de 2011; Facoltà di Giurisprudenza, Università "La Sapienza", diciembre de 2011, mayo de 2013, junio de 2013, abril 2014; Facoltà di Scienze Politiche, Sociologia, Comunicazione, Università La Sapienza, abril 2014 y enero de 2015; Camera dei Deputati, marzo, mayo y diciembre de 2015, con el Patrocinio del Presidente de la República Italiana; Dipartimento di Scienze politiche dell'Università degli Studi di Roma "La Sapienza", enero de 2016; Centre of Excellence Altiero Spinelli, Università "Roma Tre", junio 2016; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini", junio 2016; Camera dei Deputati/Università La Sapienza, Mayo 2018); **Sainte-Eulalie-de-Cernon** (Francia, 2016); **Sankt-Gallen** (Suiza, Universität St. Gallen, 2008); **São Luís** (Brasil, Universidade Federal do Maranhão, 2011 y 2012, CONPEDI y Universidade Federal do Maranhão, 2017); **São Paulo** (Brasil, Escola de Direito do Brasil – EDB/ Federação das Indústrias do Estado de São Paulo – FIESP, noviembre de 2011; Faculdade de Direito da Universidade de São Paulo, noviembre de 2011; Escola de Magistrados da Justiça Federal da 3ª Região – Emag, abril de 2012, Conselho Nacional de Pesquisa e Pós-graduação em Direito, 2013); **Siena** (Italia, Centro di Ricerca e Formazione sul Diritto Costituzionale Comparato, Universidad de Siena, 2000, 2003); **Tuxtla** (México, Universidad Autónoma de Chiapas/ Universidad Nacional Autónoma de México, México, 1998); **Urbino** (Italia, Università degli Studi di Urbino, 2010, 2013 y 2014).

## DOCTORADO

### -Ha dirigido 24 Tesis Doctorales de doctorandos de España, Italia, Portugal y Brasil.

Todas ellas han obtenido la máxima calificación y la Mención "Cum Laude" por unanimidad. Cinco de ellas han obtenido el Premio Extraordinario de Doctorado en Derecho de la Universidad de Granada. Una de ellas tiene el Título de Doctorado Europeo, otra la Mención de Doctorado Internacional, nueve han sido dirigidas en cotutela con la Universidad de Lisboa y con diferentes universidades italianas. Ocho de ellas fueron defendidas en Italia: en la Universidad "La Sapienza" de Roma 2008, 2011 y 2015; en la Universidad de La Calabria, 2011; en la Segunda Universidad de Nápoles, 2009, 2010 y 2014 y en la Universidad de Bari, 2012.

### -Ha participado en 68 Tribunales de Tesis Doctorales en España y en otros países.

En Málaga (1986), Granada (1987), Madrid (Universidad Complutense, 1990), Granada (2, 1992), Florencia (European University Institute, 1994), Málaga (1995), Granada (1996), Barcelona (1996, Universidad Central); Málaga, 1997; Valencia, 1997; La Coruña, 1997; Barcelona, 1997 (Universidad Central); Madrid (Universidad Complutense, 1998); Almería, 1998; Las Palmas de Gran Canaria, 1998; Granada (2), 1998; Alicante, 1998; Almería, 1999; Oviedo, 1999; Barcelona (1999, Universidad Central); Granada, 1999; Alicante (2), 2000; Granada, 2000; Málaga, 2000; Barcelona (2000, Universidad de Barcelona); Almería (2), 2001; Málaga, 2002 (como Presidente); Almería, 2003; Siena, 2003 (Universidad de Siena, como Presidente); Granada, 2003 (como Presidente); Bilbao, 2004; Alcalá de Henares, 2005 (2); Bilbao, 2005; Granada, 2005; Sevilla

(Universidad de Sevilla), 2006; Roma (Universidad "La Sapienza"), 2008; Granada, 2008 (como Presidente); Nápoles, 2009 (Segunda Universidad de Nápoles); Salamanca, 2009, Nápoles 2010 (Segunda Universidad de Nápoles, 3 como Presidente); Salamanca, 2010 (Universidad de Salamanca, como Presidente), Málaga, 2010 (como Presidente), Bilbao, 2011; Cosenza, 2011 (Universidad de La Calabria, 3 como Presidente), Roma (Universidad "La Sapienza"), 2011; Granada 2011 (como Presidente), Bari, 2012 (Universidad de Bari, 3); Bilbao, 2012; Salamanca, 2012; Roma (Universidad "Tor Vergata"), 2012; Granada, 2014; Nápoles, 2014; Granada, 2015 (2, como Presidente); Roma (Universidad La Sapienza, como Presidente) 2015, Salamanca, 2016, Granada 2017 (como Presidente) y Barcelona 2017 (como Presidente).

**-Ha impartido Cursos de Doctorado en más de 80 Programas de Doctorado de más de 20 Universidades en España y en otros países.**

En España en: Universidad de Alicante, Universidad de Almería, Universidad de Granada, Universidad de Málaga, Universidad de La Rioja, Universidad Pablo de Olavide de Sevilla, Universidad de las Palmas de Gran Canaria, Universidad del País Vasco, Universidad Autónoma de Barcelona, UNED y Universidad Internacional Menéndez Pelayo/Centro de Estudios Políticos y Constitucionales, en Madrid. Fuera de España en: Universidad "La Sapienza" de Roma (Italia), Universidad Tor Vergata de Roma (Italia), Universidad de Siena (Italia), Universidad de Pisa (Italia), Universidad de Perugia (Italia), Universidad de Montpellier I (Francia), Universidad de Milán (Italia), Universidad de Catania (Italia), Universidad de Palermo (Italia), Universidad Kore di Enna (Italia), Universidad de La Calabria (Italia), Segunda Universidad de Nápoles (Italia), Universidad de São Paulo (Brasil), Universidad Federal de Maranhão (Brasil), Pontificia Universidade Católica do Rio Grande do Sul (Porto Alegre, Brasil) y Universidad de Bari (Italia).

-Ha coordinado 7 Programas de Doctorado bianuales. Ha sido Coordinador del Programa de Doctorado "Derecho constitucional jurisprudencial" del Departamento de Derecho constitucional de la Universidad de Granada (bienios 1993-1995, 1995-1997, 1997-1999, 1999-2001 y 2001-2003) y del Programa de Doctorado "Derecho Constitucional Común Europeo: Jurisprudencia y Doctrina" del Departamento de Derecho constitucional de la Universidad de Granada (bienio 2003-2005). Igualmente, del Programa de Doctorado "Derecho Constitucional Europeo" (2005-2007), del Departamento de Derecho constitucional de la Universidad de Granada y la Cátedra Jean Monnet de Derecho Constitucional Europeo. Este Programa obtuvo la Mención de Calidad del Ministerio de Educación y Ciencia (MCD-2005 00139, Resolución de 29 de junio de 2005).

-Ha sido Coordinador del Máster Oficial y Postgrado de la Facultad de Derecho de la Universidad de Granada: "Derecho Constitucional Europeo". Postgrado Oficial en Derecho, organizado en colaboración con la Cátedra Jean Monnet de Derecho Constitucional Europeo y adaptado al EEES. Máster con Mención de Calidad del Ministerio de Educación y Ciencia. Cursos Académicos 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015 y 2015-2016.

-Actualmente es Coordinador del Máster Oficial en Derechos Fundamentales en perspectiva nacional, supranacional y global. Cursos Académicos 2016-2017 y 2017-2018.

## INVESTIGACIÓN

-Becado en 1991 (Deutscher Akademischer Austauschdienst) y 1993 (Ministerio de Educación y Ciencia) en la Universidad de Regensburg, Alemania.

-Investigador principal en dos Acciones Integradas de investigación científica entre España y Alemania (con la Universidad de Regensburg), 1994, 1995.

-Investigador Principal del Grupo de Investigación de la Junta de Andalucía "Andalucía, la Unión Europea y el Estado social", subvencionado con las ayudas para el fomento de la Investigación y el Desarrollo Tecnológico de la Junta de Andalucía (años 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 y 2016).

-Investigador Principal del Proyecto de Investigación PB97-0801: "Relaciones entre ordenamientos en la jurisprudencia del Tribunal Constitucional. Derecho europeo, derecho estatal y derecho autonómico". Proyecto nacional, subvencionado dentro del Programa Sectorial de Promoción General del Conocimiento, por Resolución de 18-9-1998, con una duración de tres años (1998-2001).

-Investigador Principal del Proyecto de Investigación BJU2003-06526: "El proceso de constitucionalización de la Unión Europea". Proyecto nacional, subvencionado por la Secretaría de Estado de Política Científica y Tecnológica del Ministerio de Ciencia y Tecnología, por Resolución de 1 diciembre de 2003, con una duración de tres años (2003-2006).

-Investigador Principal del Proyecto de Investigación de Excelencia SEJ-939: "Las reformas constitucionales y estatutarias en el marco de la Unión Europea", de la Junta de Andalucía, con una duración de tres años (2005-2008).

-Investigador Principal del Proyecto de Investigación SEJ2007-66427/JURI "La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo". Proyecto nacional, subvencionado por la Dirección General de Investigación del Ministerio de Educación y Ciencia, con una duración de tres años (2007-2010).

-Investigador principal en la Acción Integrada de investigación científica entre España y e Italia, con la Universidad de Pisa, 2007. Referencia: HI2007-0028, Proyecto: "Jurisdicción ordinaria y jurisdicción constitucional en el proceso de integración europea".

-Investigador Principal del Proyecto de Investigación de Excelencia SEJ-4931: "Reformas estatutarias y desarrollo estatutario en el marco de la Unión Europea", de la Junta de Andalucía, con una duración de cuatro años (2011-2015).

-Titular de la Cátedra Jean Monnet de Derecho Constitucional Europeo (2004) 2004-2818/001-001 JMO JMO, con una duración de cinco años (2004-2009).

-Títular de la Cátedra Jean Monnet "ad personam" de Derecho Constitucional Europeo y Globalización (2010) 176234-LLP-2010-1-ES-AJM-CL.

**-Director del Centre of Excellence on European Integration and Globalization (Ei&G) JM Centre of Excellence 542418-LLP-1-2013-1-ES-AJM-PO/ 2013-3027.**

## PUBLICACIONES

**Autor de más de 350 publicaciones sobre materias de su especialidad en 12 países: Alemania, Bélgica, Holanda, Brasil, España, Francia, Italia, México, Perú, Portugal, Reino Unido y Suiza.**

Entre ellas se pueden mencionar:

-Fuentes del Derecho (dos tomos, Tecnos, Madrid, 1991 y 1992), **Premio "Adolfo Posada" del Centro de Estudios Constitucionales, correspondiente al periodo 1991-1992.** "La supletoriedad del derecho estatal sobre el autonómico en el ordenamiento constitucional español", en Kramer, J. (Hrsg.), Die Entwicklung des Staates der Autonomien in Spanien und der bundesstaatlichen Ordnung in der Bundesrepublik Deutschland, Nomos Verlagsgesellschaft, Baden-Baden, 1996. "Constitución normativa y ciencia del Derecho", en AAVV: Estudios de Derecho Público en Homenaje a Juan José Ruiz-Rico, Editorial Tecnos, Vol. I, Madrid, 1997. "La constitucionalización de la Unión Europea y la articulación de los ordenamientos europeo y estatal", en Miguel Ángel García Herrera (dir.): El constitucionalismo en la crisis del Estado social, Universidad del País Vasco, Bilbao, 1997. "Die Autonome Gemeinschaft Andalusien im Bildungsprozeß des Autonomischen Spanischen Staates", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 47, 1999. "Las fuentes del Derecho", en La experiencia constitucional (1978-2000), Gumersindo Trujillo, Luis López Guerra y Pedro González-Trevijano (Dirs.), CEPC, Madrid, 2000; "Il finanziamento dei partiti politici in Spagna", en Finanziamento della politica e corruzione, a cura di Fulco Lanchester, Milano, Dott. A. Giuffrè Editore, 2000. "Livelli istituzionali e tecniche di riconoscimento dei diritti in Europa. Una prospettiva costituzionale", en Tecniche di garanzia dei diritti fondamentali, a cura di Giancarlo Rolla, G. Giappichelli Editore, Torino, 2001. "Das System der Rechtsquellen in der spanischen Verfassungsrechtsordnung", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 49, 2001. "Der Verfassungsstaat in iberoamerikanischem Kontext", en Martin Morlok (Hrsg.) Die Welt des Verfassungsstaates, Nomos, Baden-Baden, 2001. "Derecho y Derechos en la Unión Europea" en Javier Corcuera Atienza (Coord.), La protección de los Derechos Fundamentales en la Unión Europea, Dykinson, Madrid, 2002. "El status constitucional de la reforma y la fragmentación del Poder Constituyente", en AAVV, La democracia constitucional. Estudios en homenaje al Profesor Rubio Llorente, Congreso de los Diputados, Tribunal Constitucional, Vol. I, Madrid, 2002. "Fuentes del Derecho, espacios constitucionales y ordenamientos jurídicos", Revista Española de Derecho Constitucional, n. 69, Madrid, 2003. "I diritti degli stranieri in Spagna", Diritto Pubblico Comparato ed Europeo, n° II, G. Giappichelli Editore, Torino, 2003. "Der Beitrag Spaniens zur europäischen Rechtskultur", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 52, 2004. "Der Integrationsprozess in Europa und die Beziehungen zwischen der Europäischen Rechtsordnung und den Rechtsordnungen der Mitgliedsstaaten", en A. Blankenagel, I. Pernice, H. Schulze-Fielitz (Hrsg.) Verfassung im Diskurs der Welt, Liber Amicorum für Peter Häberle, Mohr Siebeck, Tübingen, 2004. "Niveaux et techniques internes et internationaux de réalisation des droits en Europe. Une perspective constitutionnelle", Revue Française de Droit Constitutionnel, n° 60, Paris, Octobre 2004. "El sistema de fuentes en la Constitución Europea", en ReDCE, n° 2, Julio-Diciembre de 2004. "La configuración normativa de principios y derechos constitucionales en la Constitución europea", en Boletim da Faculdade de Direito, STVDIA IVRIDICA, 84, Coimbra Editora, Coimbra, 2005. "Die europäische Verfassung auf dem Weg zum Europäischen Verfassungsrecht", Jahrbuch des öffentlichen Rechts der Gegenwart, Mohr Siebeck, Tübingen, Bd. 53, 2005. "Las cuestiones competenciales en los actuales procesos de reforma de los Estatutos de Autonomía", en Revista General de Derecho Constitucional, n° 1, Madrid, 2006. "Reformas constitucionales relativas al Título VIII en relación con la recepción constitucional de la denominación oficial de las CCAA" en Francisco Rubio Llorente, José Álvarez Junco (eds.) *El informe del Consejo de Estado sobre la reforma constitucional. Texto del informe y debates académicos*, CEPC, Madrid, 2006. "Lo Stato autonomo spagnolo: la stagione delle riforme", en *I cantieri del federalismo in Europa*, a cura di Antonio D'Atena, Giuffrè, Milano, 2008. "Recht und Sprache in Europa", en AAVV, *Präjudiz und Sprache*, Dike/Nomos, Zurich/St. Gallen, Baden-Baden, 2008. "El Tratado de Lisboa en el Diván. Una reflexión sobre constitucionalidad, estatalidad y Unión Europea", *Revista Española de Derecho Constitucional*, núm. 83, mayo-agosto de 2008. "La Riforma dello Statuto di autonomia dell'Andalusia nel contesto della pluralità di spazi costituzionali di ambito europeo", en *Regionalismi e Statuti. Le riforme in Spagna e Italia*, a cura di Silvio Gambino, Giuffrè Editore, Milano, 2008. "La reforma constitucional en el contexto de la pluralidad de espacios constitucionales de dimensión europea", *Boletín Mexicano de Derecho Comparado*, Sexagésimo aniversario, Número conmemorativo 1948-2008, Año 2008. "El día de reflexión: prohibición de manifestaciones, encuestas electorales y utilización de nuevas tecnologías", en Francisco Rubio Llorente, Paloma Biglino Campos, *El informe del Consejo de Estado sobre la reforma electoral. Texto del informe y debates académicos*, CEPC, Madrid, 2009. "Possibilidades e limites da reforma constitucional na Espanha no contexto do Estado autonómico integrado na União Europeia". *Direitos Fundamentais & Justiça*, n° 6, Porto Alegre (Brasil), 2009. "Die Territorialreformen in Spanien". *Jahrbuch des öffentlichen Rechts der Gegenwart*, Mohr Siebeck, Tübingen, Bd. 57, 2009. "A divisão territorial do poder num contexto supranacional. O exemplo da Espanha na União Europeia" en André Ramos Tavares, Ingo Wolfgang Sarlet y George Salomão Leite (eds.) *Estado Constitucional e Organização do Poder*, Editora Saraiva, São Paulo (Brasil), 2010. "Le Corti Costituzionali e il processo di integrazione europea" en AA VV, *Annuario 2006 - La circolazione dei modelli e delle tecniche del giudizio di costituzionalità in Europa*, Jovene Editore, Napoli 2010. "Diritto e giustizia nell'ordinamento costituzionale europeo", en *Giustizia e diritto nella scienza giuridica contemporanea*, a cura di Antonio Cantaro, G. Giappichelli Editore, Torino, 2011. "A configuração normativa dos direitos fundamentais pela justiça constitucional em um contexto de integração supranacional" en George Salomão Leite e Ingo Wolfgang Sarlet (Coord.) *Jurisdição Constitucional, Democracia e Direitos Fundamentais. Estudos em homenagem ao Ministro Gilmar Ferreira Mendes*, Editora JusPODIVM, Salvador Bahia, 2012, *La proiezione della Costituzione sull'ordinamento giuridico*, Cacucci Editore, Bari, 2012, "European Identity, Citizenship and the Model of Integration", en *Citizenship and Solidarity in the European Union - from the Charter of Fundamental Rights to the crisis, the state of the art*, PIE - Peter Lang SA - Éditions scientifiques internationales, Bruxelles, 2013, "Crise économique et crise constitutionnelle en

Europe", *Constitutions*, avril-juin 2013, *A Projeção da Constituição Sobre o Ordenamento Jurídico*, Saraiva, São Paulo, Brasil, 2014, "Autonomia financiera e pluralismo territorial in Spagna nel contesto della crisi economica" en *Il federalismo fiscale in Europa*, a cura di Silvio Gambino, Milano, Giuffrè, 2014, *La proyección de la Constitución sobre el ordenamiento jurídico*, Suprema Corte de Justicia de la Nación, México D.F. (México), 2015. "La méthodologie du droit constitutionnel européen", en *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe*. Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2015. "Profili metodologici del Diritto Costituzionale europeo", *La cittadinanza europea*, n° 1/2015. "Il modello europeo di integrazione e la sua incidenza sulle Corti costituzionali e sui Parlamenti nazionali", en *Parlamenti nazionale e Unione Europea nella governance multilivello*, a cura di Fulco Lanchester, Giuffrè, Milano, 2016. "European Integration and Limitation of the Power of Constitutional Reform", en Rainer Arnold (Editor) *Limitations of National Sovereignty through European Integration*, Springer, 2016. "Potere costituente e limiti alla revisione costituzionale visti dalla Spagna", en Fulco Lanchester (a cura di), *Costantino Mortati. Potere costituente e limiti alla revisione costituzionale*, Padova, Cedam, 2017. "Primato del diritto europeo e identità costituzionale nell'esperienza spagnola", en *I Controlimiti - Primato delle norme europee e difesa dei principi costituzionali*, a cura di Alessandro Bernardi, Jovene Editore, Napoli, 2017. "A relação dialética entre identidade constitucional nacional e europeia, no quadro do Direito Constitucional Europeu" en *UNIO - EU Law Journal*. Vol. 3, N.o 1, Janeiro 2017; "Constitutional Courts under Pressure – New Challenges to Constitutional Adjudication. The Case of Spain", en *New Challenges to Constitutional Adjudication in Europe. A Comparative Perspective*. Edited by Zoltán Sente, Fruzsina Gárdos-Orosz, Routledge, London and New York, 2018.

-Ha realizado traducciones de obras de diversos autores alemanes que se han publicado en España y en otros países. Igualmente Prólogos a diversas obras y recopilaciones de textos normativos.

-Como coautor y coordinador, es de destacar: Francisco Balaguer Callejón (Coordinador), Gregorio Cámara Villar, Juan Fernando López Aguilar, María Luisa Balaguer Callejón y José Antonio Montilla Martos, *Manual de Derecho Constitucional*, dos volúmenes, 10<sup>a</sup> edición, Tecnos, Madrid, 2015. Francisco Balaguer Callejón (Director), Luís Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y distribución de competencias*, Instituto Andaluz de Administración Pública, Sevilla, 2007. Francisco Balaguer Callejón (Director), Luís Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y Declaraciones de Derechos*, Instituto Andaluz de Administración Pública, Sevilla, 2008. Francisco Balaguer Callejón (Director), Luís Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y organización institucional*, Instituto Andaluz de Administración Pública, Sevilla, 2010. *The impact of the Economic Crisis on the EU Institutions and Member States/El impacto de la crisis económica en las instituciones de la UE y los Estados miembros*. Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López y Juan Francisco Sánchez Barrilao. Thomson Reuters Aranzadi, Pamplona, 2015. *The Dimension of the Public Administration in the Context of Globalization/La Dimensión de la Administración Pública en el contexto de la globalización*. Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López y Juan Francisco Sánchez Barrilao. Thomson Reuters Aranzadi, Pamplona, 2015. *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe*. Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2015. *The Reform of the European Union Economic Governance and the Progress of Political Integration/La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política*, Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López, Juan Francisco Sánchez Barrilao, Thomson Reuters Aranzadi, Pamplona, 2017. *Le pouvoir constituant au XXIe siècle*, Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2017.

## OTRAS ACTIVIDADES

**-Miembro de 42 Consejos Editoriales y Consejos Asesores de Revistas especializadas en Derecho constitucional así como de Colecciones Editoriales en Italia (16), Brasil (11), España (10), México (2), Perú (1), Portugal (1) y Malta (1).**

-Codirector de la Revista *La Cittadinanza Europea*, Roma.

-Miembro del Grupo de Expertos Jurídicos de la Agencia de Derechos Fundamentales de la Unión Europea (FRALEX).

-Miembro de la Comissão de Acompanhamento del Centro de Investigação em Direito Público do Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa.

-Miembro del Collegio dei Docenti del Corso di Dottorato di Ricerca in Internazionalizzazione dei sistemi giuridici e diritti fondamentali (Segunda Universidad de Nápoles, Italia).

-Miembro del Comité Científico del Centro di Ricerca e Formazione sul Diritto Costituzionale Comparato (Universidad de Siena, Italia) 2000-2005.

-Miembro del Comité Científico del Centro di Ricerca sui Sistemi Costituzionali Comparati (Universidad de Génova, Italia).

-Socio del Centro Interdipartimentale di Ricerca e di Formazione sul Diritto Pubblico Europeo e comparato (DIPEC).

-Miembro de la Societas Iuris Publici Europaei (SIPE, Georg-August-Universität, Alemania).

-Ha realizado Dictámenes e Informes para diversas instituciones y empresas: Junta de Andalucía, Gobierno de la Nación, Consejo de Estado, Diputación General de Aragón, Universidades de Andalucía, Agencia de Derechos Fundamentales de la Unión Europea, entre otras.

-Director del Departamento de Derecho Constitucional de la Universidad de Granada desde 1996 a 2012 (reelegido en 2000, 2004 y 2008).

-Miembro del Grupo de Trabajo sobre El futuro de la Unión Europea, Real Instituto Elcano de Estudios Internacionales y Estratégicos.

-Miembro del Foro sobre La reforma de la estructura territorial del Estado, Centro de Estudios Políticos y Constitucionales (2004-2007).

-Tramos de Investigación: 6. Tramos de Docencia: 6. Tramos autonómicos: 5. El máximo posible en todos los casos.

-Conocimiento de Idiomas: Inglés, Francés, Italiano, Portugués y Alemán.

-Consejero del Consejo Consultivo de la Comunidad Autónoma de Andalucía y miembro de la Comisión Permanente del Consejo (1994-2005).

-Miembro del Comité de Coordinación Andaluz para la conmemoración de 2005 como Año Europeo de la Ciudadanía a través de la Educación.

-Director del Observatorio de Derecho europeo, autonómico comparado y local.



Professor Doutor CLÁUDIO BRANDÃO – Currículo resumido:

#### **A) Atividades Docentes**

- a.1.) Professor Catedrático da Faculdade de Direito do Recife – Universidade Federal de Pernambuco
- a.2.) Professor Catedrático e Coordenador da Faculdade de Direito Damas da Instrução Cristã
- a.3.) Professor Colaborador do Doutorado em Altos Estudos Contemporâneos – Instituto de História e Teoria das Idéias da Universidade de Coimbra
- a.4.) Professor Visitante, ao abrigo do Programa Erasmus, da Licenciatura em Direito da Universidade Católica Portuguesa – Escola de Lisboa (2007)
- a.5.) Professor Visitante, ao abrigo do Programa Erasmus, da Licenciatura em Direito da Universidade de Lisboa (2010)
- a.6.) Professor Convidado no Instituto de Filosofia e Sociologia do Direito da Universidade de Salzburg (2012)

#### **B) Atividades de Regulação do Ensino Superior**

- b.1.) Membro da Comissão de Avaliação da Área do Direito da CAPES/MEC (2005-2007)
- b.2.) Avaliador do INEP/MEC e SESu/MEC para os cursos de Direito (2001-atualmente)

#### **C) Participação em Bancas Examinadoras de Concursos Públicos**

- c.1.) Elaborador do Exame de Direito Penal e Direito Processual Penal no Concurso de Ingresso para o cargo de Juiz Federal Substituto – Tribunal Regional Federal da 5ª Região (2007 - )
- c.2.) Participação em Banca de Ingresso na carreira docente na área de Direito Penal nas Universidades Federais de Pernambuco, Universidade Federal do Paraná, Universidade Federal de Minas Gerais e Universidade Federal de Alagoas.

#### **D) Principais Publicações**

- d.1.) BRANDÃO, Cláudio . Tipicidade Penal – Dos elementos da dogmática ao giro conceitual do método entimemático. Coimbra:Almedina. 2012.
- d.2.) BRANDÃO, Cláudio; SALDANHA, Nelson; FREITAS, Ricardo (Organizadores). História do Direito e do Pensamento Jurídico em Perspectiva. São Paulo:Atlas. 2012.
- d.3.) BRANDÃO, Cláudio. Curso de Direito Penal. Parte Geral.. Rio de Janeiro: Forense, 2010.
- d.4.) BRANDÃO, Cláudio (Org.) ; CAVALCANTI, Francisco (Org.) ; ADEODATO, João Maurício (Org.) . Princípio da Legalidade: da dogmática jurídica à teoria do direito. 1. ed. Rio de Janeiro:Forense, 2009. v. 1. 613 p

- d.5.) CAVALCANTI, Francisco (Org.) ; BRANDÃO, Cláudio (Org.) .  
Constitucionalização do Direito Positivo: Teoria Hermenêutica e Aplicação. 1. ed.  
Recife: Nossa Livraria, 2009.
- d.6.) BRANDÃO, Cláudio (Org.) ADEODATO, João Maurício (Org.). Direito ao  
Extremo. 1. ed. Rio de Janeiro: Forense, 2005. 550 p.
- d.7.) BRANDÃO, Cláudio . Teoria Jurídica do Crime. 2. ed. Rio de Janeiro: Forense,  
2002. 272 p
- d.8.) BRANDÃO, Cláudio . Introdução ao Direito Penal - Análise do sistema penal à  
luz do Princípio da Legalidade. 1. ed. Rio de Janeiro: Forense, 2002. 199 p.
- d.9.) BRANDÃO, Cláudio . Legalidade e Cristianismo: aproximação hermenêutica.  
In: Brandão, Cláudio; Cavalcanti, Francisco; Adeodato, João Maurício. (Org.).  
Princípio da Legalidade: dogmática jurídica à teoria do direito. 1 ed. Rio de  
Janeiro: Forense, 2009, v. 1, p. 43-54.
- d.10) BRANDÃO, Cláudio . Comentários ao art. 5º 4º da Constituição Federal. In:  
Bonavides, Paulo; Miranda, Jorge; Agra, Walber. (Org.). Comentários à Constituição  
Federal de 1988. 1 ed. Rio de Janeiro: Forense, 2009, v. 1, p. 339-351.
- d.11.) BRANDÃO, Cláudio . Interpretação Constitucional do Direito Penal. In:  
Pereira de Silva, Vasco; Sarlet, Ingo. (Org.). Portugal, Brasil e o Mundo do Direito. 1  
ed. Coimbra: Almedina, 2009, v. 1, p. 50-65.
- d.12.) BRANDÃO, Cláudio . Comentários à Vigência da Lei Penal no Espaço. In:  
Gamil Föppel. (Org.). Novos Desafios do Direito Penal no Terceiro Milênio. 1 ed. Rio  
de Janeiro: Lumen Juris, 2008, v. 1, p. 373-384.
- d.13.) BRANDÃO, Cláudio . Significado Político-Constitucional do Direito Penal. In:  
Luiz Regis Prado. (Org.). Direito Penal Contemporâneo. 1 ed. São Paulo: Revista dos  
Tribunais, 2007, v. 1, p. 120- 130.
- d.14.) BRANDÃO, Cláudio . O Homicídio na Cultura Greco-Romana e sua Posição na  
Dogmática Penal. In: Claudio Brandão; João Maurício Adeodato. (Org.). Direito ao  
Extremo. Rio de Janeiro: Forense, 2005.

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PROGRAMME OF THE COURSE

**INTERNATIONAL AVIATION LAW**

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**Lecturer:** Prof. dr. Regina Valutyte,  
**Institution:** Mykolas Romeris University, Vilnius, Lithuania  
**Duration of the course:** 10 contact hours  
**Start and end of the lectures:** November 26, 2018 – November 30, 2018  
**Place:** Lisbon University  
**Assessment:** Exam (multiple choice test) or written paper (upon student's choice).  
**Contact details:** e-mail [r.valutyte@mruni.eu](mailto:r.valutyte@mruni.eu)

**Purpose of the course unit**

The general aim of the course is to provide an insight into the fundamentals of international aviation law. The course covers the main legal and regulatory issues that are being faced by the airline industry, emphasizing aviation security and liability issues.

Methodology: Principle-based, practice-oriented knowledge transfer through lectures

**Main topics to be discussed:**

1. Chicago system: main characteristics
2. The international air law-making institutions and processes
3. The legal regime of the national and international air space
4. Airlines & passengers (carriage operations)
5. Airlines & passengers (liability issues)
6. International aviation dispute settlement procedures
7. Aviation security

**Essay requirements**

An essay is a three-part paper that develops certain position in response to the essay question. The essay should be more than a narrative description of events or a statement of opinion, it should demonstrate deep knowledge about critical issues raised in the essay question supported by scholarly arguments<sup>1</sup>.

Introduction: Introduce the essay question and state the goal of your essay. Body: identify the problems and develop your arguments and assertions using research and analysis. The analysis may include comparing and contrasting, differentiating among several ideas or

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<sup>1</sup> Read more about academic writing:  
[http://www.une.edu.au/\\_data/assets/pdf\\_file/0010/12313/WE\\_Paragraphs\\_Academic-writing.pdf](http://www.une.edu.au/_data/assets/pdf_file/0010/12313/WE_Paragraphs_Academic-writing.pdf);  
[http://www.une.edu.au/\\_data/assets/pdf\\_file/0003/11397/WE\\_Paragraphs\\_Connecting-your-ideas.pdf](http://www.une.edu.au/_data/assets/pdf_file/0003/11397/WE_Paragraphs_Connecting-your-ideas.pdf); [http://www.une.edu.au/\\_data/assets/pdf\\_file/0003/13458/WE\\_Paraphrasing-and-summarising.pdf](http://www.une.edu.au/_data/assets/pdf_file/0003/13458/WE_Paraphrasing-and-summarising.pdf)

events, critiquing a variety of perspectives, interpreting results, or drawing inferences. Conclusion: summarize the research and analysis presented in the essay and set forth your main inferences and recommendations.

**Important: identify the sources of your information or ideas, otherwise the work may be considered as plagiarized<sup>2</sup>.** For identification of the sources use a Chicago citation style<sup>3</sup>. Use footnotes to give credit to the sources of your information or ideas. Also include a bibliography for the works that you have cited in your essay. All footnotes made in the body or the introduction of your essay must appear in the bibliography. **If plagiarism is detected the paper is not evaluated.**

Use a variety of sources - academic journals (e.g. Air and Space law), books, government documents, publications from organizations, legal acts, etc. General encyclopedias (e.g. Wikipedia) are not acceptable as sources unless you refer to certain facts (e.g. historical event). General Websites (e.g. the website of icao.int) cannot be the only source of information for your essay. When citing Internet sources, include the following information: author(s), title of work, Internet address, and date information was accessed.

The essay must:

- 1) have a title page with a title, name of the author, year of studies and page numbers in the whole document;
- 2) have not less than 2500 and no more than 4000 words. The word count limit includes all words in the text but does not include the bibliography;
- 3) follow accepted citation standards;
- 4) must have the margins of 2.5 all around;
- 5) use Times New Roman font and size 12 for the text and 14 for headings.

#### **Questions for essays (more than one students can choose the same topic)**

1. The Annexes to the Chicago Convention: soft or hard law?
2. Civil or state aircraft: how to distinguish?
3. The rights and obligations of the state of operator in contrast to or comparison with the state of registration of the aircraft.
4. The rights and obligations of the state over which the aircraft is flying
5. Is it a right or an obligation to restrict or close the airspace from flying in time of war?
6. Extraordinary circumstances. When the obligation to pay compensation under Regulation 261/2004 does not arise?
7. Flight delay compensation under Regulation No 261/2004 and MC99. To what extent the damage can be compensated?
8. To what extent Chicago Convention represents international customary law?
9. Investigating aircraft. Who is responsible and to which extent?
10. Shutting down a high-jacked civilian aircraft – is it in line with law?
11. Can moral (non-material) damage be compensated under MC99?
12. Problematic aspects that remain unsolved by Tokyo-Montreal-Hague conventions.
13. Proving damage to baggage: problematic aspects
14. Civil liability in tort for criminal offences aboard the aircraft
15. Ignoring SARPs: any consequences to the states?
16. What is accident under MC99?
17. Personal injury and death claims: problematic aspects.
18. Punishing for smoking aboard the aircraft: issues of jurisdiction.

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<sup>2</sup> <https://en.wikipedia.org/wiki/Plagiarism>

<sup>3</sup> [http://www.chicagomanualofstyle.org/tools\\_citationguide.html](http://www.chicagomanualofstyle.org/tools_citationguide.html)

PERSONAL INFORMATION

Regina Valutyte



 Ateities 20, LT-08303, Vilnius, Lithuania

 [r.valutyte@mruni.eu](mailto:r.valutyte@mruni.eu)

WORK EXPERIENCE (RECENT)

- 06/2015 – until now **Head of Security Research Laboratory**  
Mykolas Romeris University, Vilnius, Lithuania
- 02/2016 – until now **Professor (full-time)**  
Mykolas Romeris University, Vilnius, Lithuania
- 03/2013-until now **Coordinator of Nordplus Law Network (22 Nordic universities)**
- 09/2010 – 02/2016 **Vice - dean for international relations and programs at the Faculty of law, Erasmus coordinator**  
Mykolas Romeris University, Vilnius, Lithuania

ADDITIONAL INFORMATION

Membership in networks  
Representation

- FRA Management Board (alternate Member) (from 2015)
- Member of International Tolerance Network

Lectures and seminars  
(Guest lectures over  
the last 5 years)

- Course on “*Right to life and prohibition of torture*”. Rouen University, France, September 2018.
- Course on “*International aviation law*”. Lisbon University, Portugal, November/December 2017.
- Course on “*International aviation law*”. Lisbon University, Portugal, November/December 2016.
- Course on “*Right to life and prohibition of torture*”. Rouen University, France, September 2016.
- Course on “*International aviation law*”. Lisbon University, Portugal, October 2015.
- Course on “*Right to life and prohibition of torture*”. Rouen University, France, September 2015.
- Cycle of lectures on “*International law as a source of EU law*”, “*State liability for the acts of judicial power*” and “*In crisis for respect to privacy*”. Hannover University, Germany, June 2015.
- Cycle of lectures on “*International law as a source of EU law*”, “*State liability for the acts of judicial power*” and “*In crisis for respect to privacy*”. Bordeaux University, France, 13-17 October 2014.
- Course on “*Right to life and prohibition of torture*”. Rouen University, France, 8-11 September 2014.

**Publications  
(latest)**

- Cycle of lectures on “*State liability for the acts of judicial power*”. University of Sofia, Bulgaria, April 2013
- Cycle of lectures on “*State liability for the acts of judicial power*”. University of Warmia and Mazury in Olsztyn, Poland, 14-18 January 2013.
- Jakulevičienė, Lyra; Valutyte, Regina; Daukšienė, Inga. Institutional models under Directive 2014/54: advantages and disadvantages for free movement of workers and their family members // *European journal of migration and law*. [Leiden] : Brill, Nijhoff. ISSN 1388-364X. eISSN 1571-8166. 2018, vol. 20, iss. 3, p. 223-250. DOI: 10.1163/15718166-12340031.
- Valutyte, Regina; Daukšienė, Inga. Studentų procedūrinių teisių užtikrinimo tiriama akademinės etikos pažeidimą teisinės prielaidos = Legal preconditions for ensuring the procedural guarantees to students facing charges of academic misconduct // *Jurisprudencija : mokslo darbai*. Vilnius : Mykolo Romerio universitetas. ISSN 1392-6195. eISSN 2029-2058. 2018, t. 25, Nr. 1, p. 154-171. DOI: 10.13165/JUR-18-2018-1-07.
- Jakulevičienė, Lyra; Valutyte, Regina. Corporate forms facilitating non-profit networking: formalizing the informal // *Baltic journal of law & politics*. Kaunas : Mykolas Romeris University ; Berlin : Walter De Gruyter. ISSN 2029-0454. 2017, vol. 10, no. 2, p. 192-224. DOI: 10.1515/bjlp-2017-0017.
- Valutyte, Regina. Insolvable issues of ineffective individual redress for torture victims in Syria: unavoidable or inevitable? // *International comparative jurisprudence*. Vilnius : Mykolas Romeris University ; Amsterdam : Elsevier B.V. eISSN: 2351-6674. 2017, vol. 3, iss. 1, p. 55-66. [ScienceDirect] [M.kr.: 01S]
- Valutyte, Regina ; Mickevičiūtė, Neringa. Remedying torturous effects of the use of chemical weapons under international law. In : *Prosecuting international crime: a multidisciplinary approach* / Edited by Bartłomiej Krzan. Leiden ; Boston : Brill, Nijhoff, 2016.
- Valutyte, Regina. Is the European Union in crisis of respect to privacy? Draft PN Directive in light of Digital Rights Ireland Judgment. In *International Legal Studies*. Universitätsverlag Halle-Wittenberg, 2016.
- Bonichot, Jean-Claude; Christianos, Vassili; Valutyte, Regina ; and others. *L'obligation de renvoi préjudiciel à la Cour de justice: Une obligation sanctionnée*. Sous la direction de: Laurent Coutron. Bruxelles: Bruylant, 2014. 520 p. ISBN 9782802740926.
- Valutyte, Regina. Drakšas, Romualdas. *Valstybės atsakomybės pagal privatus asmens ieškinį principo samprata ir įgyvendinimo sąlygos* // *Justitia : teisės mokslų ir praktikos žurnalas*. Vilnius : Leidykla "Justitia". ISSN 1392-5709. 2007, Nr. 2 (6), p. 67-76.

**Conferences  
(latest)**

- Presentation on “*The Constitutional Right to Information in Lithuania. Current and future issues and challenges*” at international conference “*Eastern Europe – Latin America Dialogue on Constitutional Evolution*” in Vilnius, Lithuania. 12-13 September 2018.
- Presentation on “*Rethinking value(s) of EU restrictive measures (sanctions)*” at the International conference “*Reimagining the EU: The Contemporary Value(s) of the EU*” in Prague, the Czech Republic. 13-14 October 2016.
- Presentation on “*Development of PNR Systems in Selected Countries: A Comparative Analysis*” at the International conference “*EU law enforcement and information exchange: development of PNR system*” in Vilnius, Lithuania. 16-17 June 2016.
- Presentation on “*Implementation of PNR in Lithuania, the Strategic Guidelines*”

*System's Support and Development*" at the closing conference of the Lithuanian ISEC Project "Development of the Passenger Name Record System in Lithuania" in Trakai, Lithuania. 19-20 May 2016.

- Presentation on "Is the Prohibition of Torture and Inhuman treatment still/already Absolute? Secret Detentions Site Cases before ECtHR" at the international conference "Past and future issues and challenges of prevention of international crimes and rise of intolerance" in Vilnius, Lithuania. 10-11 December 2015.

- Presentation on "Increasing the Effectiveness of EU Restrictive Measures: does the European Judiciary contributes to this?" at the international conference "The European Union and Political Changes" in Wroclaw, Poland. 5-6 November 2015.

- Presentation on "State liability for Neglecting EU law: Legal, Political and Economic Shortcomings to New Member States" at the international conference "The Consequences of Membership in the EU for New Member states" in Wroclaw, Poland. 27 November 2014.

- Presentation on "Is Europe in Crisis for Respect to Privacy" at the International Conference "Erasmus International Conference" in Recife, Brazil. 26 September 2014.

- Presentation on "Legal Implications of ECJ's Invalidation of EU Data Retention Directive on the EU PNR System: Death before being born?" at the International Conference "Transnational business and human rights in the context of the United States, European Union and International law" in Vilnius, Lithuania. 22 May 2014.

- Presentation on "New horizons in the concept of torture" at the international seminar "Prosecuting international crimes: a multidisciplinary approach" in Wroclaw, Poland. 4 April 2014.

- Presentation on "Creation of National PNR system: Problematic Aspects" at the opening International Academic-practical Conference of the Project "Development of PNR system in Lithuania" in Trakai, Lithuania. 27 January 2014.

# INTRODUCCIÓN A LA HISTORIA DEL DERECHO PRIVADO ESPAÑOL

## Temario:

### I.

Introducción. La formación de los Derechos privados en España desde la Edad Media a la Edad Contemporánea.

### II

El Derecho de persona. El reconocimiento de derechos a la mujer en el ordenamiento jurídico español. La abolición de la esclavitud.

### III

El Derecho de familia. Matrimonio. Regímenes económico-matrimoniales. Filiación.

### IV

El Derecho de propiedad. Desamortización. Protección de la propiedad.

### V

El Derecho sucesorio. Formas testamentarias. Instituciones de conservación de los patrimonios familiares.

## Presentación:

El curso pretende profundizar en el conocimiento de la Historia del Derecho privado español con la finalidad de que los alumnos de la Facultad de Derecho de Lisboa puedan, desde su propia formación, conocer y cotejar los Derechos peninsulares en aspectos jurídicos referidos a la persona, la familia, la propiedad y la sucesión, que en definitiva permiten conocer la recepción el *Ius commune* y la conformación de los *iura propria* en la Península.

Desde su proyección histórica, el Derecho privado, en general, ha sufrido menos alteraciones que el Derecho público. Además, en la base de los Derechos peninsulares enraíza un *Ius commune* difundido por toda Europa. Pero, las peculiaridades de los reinos cristianos medievales que se fueron formando en la Península, sus circunstancias políticas y socioeconómicas, han favorecido la formación de diferentes Derechos privados que, si bien en los aspectos esenciales respetan el tronco romano-canónico, en otros muestran un buen número de singularidades. Especificidades que quedan puestas de manifiesto en algunas instituciones del Derecho de la persona, en los regímenes económico-matrimoniales, en la conservación de los patrimonios familiares y en el Derecho sucesorio en general.

La pluralidad normativa medieval se conservó después de la unión de las Coronas de Castilla y Aragón y, sobre todo, después de la formación da Monarquía Universal en



los inicios del siglo XVI. Tras la llegada de la dinastía Borbón y la mal llamada Guerra de Sucesión, sólo el reino de Valencia perdió definitivamente su Derecho privado, no así el resto de los territorios de la Corona de Aragón. De esta manera, durante el proceso codificador en España han convivido varias tradiciones en el ámbito del Derecho privado: la castellana, con peculiaridades propias en Álava y Vizcaya, la navarra, la aragonesa, la catalana y la mallorquina. A ellas se sumó la gallega en 1880. Esta fue la razón por la cual la Codificación española sufrió un proceso tan complejo y nunca llegó a completarse. El Código civil español respetó las tradiciones existentes, puesto que sólo asumió la tradición castellana que es la que permite entroncar el Derecho romano con el propio Código a través del eslabón de las Siete Partidas de Alfonso X. Para el resto de las tradiciones jurídicas quedó aprobado un procedimiento, primero, de Apéndices y, con posterioridad, de Compilaciones de Derecho civil especial o foral. La Constitución de 1978 confiere a las Comunidades Autónomas la competencia legislativa sobre su Derecho civil, foral o especial, allí donde existan.

El presente curso intensivo pretende exponer no sólo esa evolución general, sino descender al conocimiento de la evolución histórico-jurídica de algunas instituciones privadas en las diferentes tradiciones normativas españolas. En este sentido y como muestra, la influencia visigótica en algunos territorios durante la Edad Media o la mayor o menor intensidad de la recepción del Derecho romano se aprecia en las regulaciones sobre el momento de considerar al recién nacido vivo y titular de derechos, pero también en los mecanismos jurídicos para eliminar las restricciones que favorecen la protección patrimonial de la mujer, entre otras numerosas facetas. En el Derecho de familia las peculiaridades se observan, mayoritariamente, en la existencia de variados regímenes económico-matrimoniales ya desde la etapa foral hasta la actualidad. Lo mismo cabe destacar en el Derecho sucesorio, donde formas testamentarias muy diversas favorecieron la posibilidad recoger la voluntad del causante, o que se multiplicaran los pactos sucesorios para la conservación de los patrimonios bajo el principio de troncalidad, propio de un mundo de economía rural o ruralizada.

**Idioma:** Español.

**Calendario:** 04/03/2019 a 08/03/2019.

**Horario:** 11.00 h. a 13.00 h.

**Material docente:**

Se repartirán a los estudiantes los esquemas de los temas al inicio de las exposiciones.

Cada tema irá acompañado de las oportunas presentaciones gráficas.

Los estudiantes contarán con textos histórico-jurídicos para poder cotejar el Derecho portugués y los Derechos españoles medievales y modernos y la legislación contemporánea. La mayor parte de ellos se puede encontrar en la web: <http://www.usc.es/histoder>

Dependiendo de la marcha de las exposiciones, al final de cada jornada se realizará una práctica comentada con textos jurídicos.

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RESUMO (2018)

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Professor Ajudante de Escola Universitária de História do Direito e das Instituições na Universidade Complutense de Madrid entre outubro de 1987 e janeiro de 1990.

**PUBLICAÇÕES:**

**Livros:**

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«[Abigeatos y otros hurtos de ganado: una visión jurisprudencial \(siglos XVI-XVIII\)](#)», en *Cuadernos de Historia del Derecho. Revista del Departamento de Historia del Derecho de la Universidad Complutense de Madrid*, 7 (2000). pp. 161-222.

«[La aplicación de la pena de muerte en el Reino de Galicia durante la Edad Moderna](#)», en *Obradoiro. Revista de Historia Moderna*, 9 (2000), pp. 143-170.

«*El Fiscal de S.M. pide se supla a mayores penas*. Defensa de la justicia y arbitrio judicial», en *Initium*, 5 (2000), pp. 239-354.

«[Lo gubernativo y lo contencioso en los Consulados borbónicos](#)», en *Dereito. Revista Xurídica da Universidade de Santiago de Compostela*, 8-2 (1999), pp. 167-201.

«Irregularidades judiciales en el proceso penal durante el Antiguo Régimen: problemas, controles y sanciones», en *Revista de la Facultad de Derecho de la Universidad Complutense de Madrid*, 91 (1999), pp. 211-261.

«[El Proyecto de Diputaciones provinciales de 1840: modelo para la Ley de 8 de enero de 1845](#)», en *Cuadernos de Historia del Derecho. Revista del Departamento de Historia del Derecho de la Universidad Complutense de Madrid*, 5 (1998), pp. 11-40.

«[La pena de vergüenza pública \(siglos XVI y XVIII\). Teoría legal castellana y práctica judicial gallega](#)», en *Anuario de Derecho Penal y Ciencias Penales*, LI (1998), pp. 155-206.

«[Hurto sacrílegos y práctica judicial gallega. Siglos XVI-XVIII](#)», en *Estudios penales y criminológicos*, XXI (1998), Universidad de Santiago de Compostela, Santiago de Compostela, 1998, pp. 239-304.

«Os Proxectos progresistas de Deputacións de 1842», en *Revista Galega de Administración Pública*, 19 (1998), pp. 55-94.

«El Consejo del Duque del Infantado. Una aproximación al régimen sinodial señorial», en *Homenaje al Profesor Don Alfonso García-Gallo*, Universidad Complutense de Madrid, Madrid, 1996, Tomo II, vol. 1, pp. 581-670.

«[Apercibimientos penales en la práctica criminal de la Real Audiencia de Galicia \(siglos XVII y XVIII\)](#)», en *Cuadernos de Historia del Derecho. Revista del Departamento de Historia del Derecho de la Universidad Complutense de Madrid*, 3 (1996), pp. 11-41.

«[El parricidio en la práctica de la Real Audiencia de Galicia](#)», en *Dereito. Revista Xurídica da Universidade de Santiago de Compostela*, 5-1 (1996) pp. 245-273.

#### **DESEMPENHOS ACADÉMICOS E CIENTÍFICOS:**

Assessor da Vice-reitoria de Investigación, presidente da Comissão da Biblioteca da Universidade e presidente da Comissão do Arquivo Universitário da Universidade de Santiago de Compostela (1998-2003).

Membro dos Comités das revistas: *Dereito. Revista Xurídica da Universidade de Santiago de Compostela* (1995/2016); de *Cuadernos de Historia del Derecho* (2001/2018); *Τέλος* (2001/2016); *Anuario de Historia del Derecho Español* (2008/2013); *e-Legal History Review* (2009/2018); *Revista da Faculdade de Direito da Universidade de Lisboa* (2015/2018).

Membro da Equipa do *Corpus Legislativo da Idade Média Anotado* de Portugal.

Membro da *Rede Internacional de Investigadores em Direito e Justiça* (RIIDJ).

Membro do *Centro de Investigação em Teoria e História do Direito da Universidade de Lisboa*.

Membro do Grupo de Investigación *Historia da Administración de Xustiza* da Universidade de Santiago de Compostela.

Tem dirigido quatro teses de doutoramento.

COURSE PROGRAM  
INTRODUCTION TO AMERICAN CRIMINAL LAW AND PROCEDURE  
May 6-10, 2019  
University of Lisbon Faculty of Law

Professor emeritus Stephen C. Thaman, Saint Louis University, USA

**May 6, 2019:** The History of the Bill of Rights in Relation to American Criminal Law and Procedure: the Battle Against the Death Penalty and the Racist Application of Criminal Procedure in the U.S.

Optional Readings:

Michael J. Klarman, *The Racial Origins of Modern Criminal Procedure*, 99 Mich. L. Rev. 48 (2001)

**May 7, 2019:** Substantive Criminal Law Today: Common Law Roots, The Influence of the Model Penal Code, and the Problems of Codification

Optional Readings:

*Morrisette v. United States*, 342 U.S. 246 (1952)

*Montana v. Egelhoff*, 518 U.S. 37 (1996)

Stephen C. Thaman, *The Model Penal Code and the Dilemma of Criminal Law Codification in the United States*, in *CODIFICATION IN INTERNATIONAL PERSPECTIVE* 165-183 (Wen-Yeu Wang ed. 2014). Springer.

**May 8, 2019:** The Sixth Amendment of the U.S. Bill of Rights: The Adversarial Trial by Jury, History and Practice

Optional Readings:

Albert Alschuler & James Deiss, *A Brief History of Trial by Jury*, 61 U. Chicago L. Rev. 867 (1994).

*Duncan v. Louisiana*, 391 U.S. 145 (1968)

*Crawford v. Washington*, 541 U.S. 36 (2004)

*Alleyne v. United States*, 133 S.Ct. 2151 (2013).

**May 9, 2019:** Admissibility of Evidence in the American Criminal Trial: Exclusionary Rules and Practices in Relation to Violations of the Right to Privacy and the Privilege Against Self-Incrimination.

Optional Readings:

*Katz v. U.S.* 389 U.S. 347 (1967)

*Jones v. U.S.*, 132 S.Ct. 945 (2012)

*Terry v. Ohio*, 392 U.S. 1 (1968)

Mapp v. Ohio, 367 U.S. 643 (1961)  
United States v. Leon, 468 U.S. 897 (1984)  
Rakas v. Illinois, 439 U.S. 128 (1978)  
Miranda v. Arizona, 384 U.S. 436 (1966)

**May 10, 2019:** Plea Bargaining, Draconian Sentencing Practices, and the Disappearance of Trial by Jury:

Optional Readings:

John H. Langbein, *Torture and Plea Bargaining*, 46 U. CHI. L. REV. 3-22 (1978)  
Ewing v. California, 538 U.S. 11 (2003)  
Brady v. United States, 397 U.S. 742 (1970)  
North Carolina v. Alford, 400 U.S. 25 (1970)  
Bordenkircher v. Hayes, 434 U.S. 357 (1978)

**Examination:** The examination will consist of a one hour, multiple-choice test.

**Professor Stephen C. Thaman, Born: 23 August 1946, Berkeley, California. Married. One Child.**

B.A. (1968), M.A. (1969), J.D. (1975). University of California, Berkeley. Dr. iur. University of Freiburg, Germany (1992). Professor Thaman was an Assistant Public Defender in California for 11 2 years from 1976-1987, having defended in around 60 jury trials, from misdemeanors to death penalty cases. He was a Fulbright scholar at the Free University of Berlin from 1987-1988 and was an attorney-trainee at the European Commission of Human Rights in Strasbourg, France in 1988. From 1991-1992 he was a senior fellow at the International Institute for Higher Studies in Criminal Sciences in Siracusa, Italy and from 1992-1995 he worked in Moscow, Russia, as an IREX fellow at the Institute of State and Law of the Russian Academy of Sciences and later as liaison for the ABA Central and Eastern European Law Initiative. He is Professor of Law at Saint Louis University since 1995 where he teaches criminal law and procedure, comparative law and comparative criminal procedure. He was Director of the Summer Law Program in Madrid, Spain from 2001-2012. He is on the Scientific Advisory Board of the Max-Planck-Institute for Foreign and International Criminal Law in Freiburg, Germany. He has written authoritative studies of the new jury systems in Russia and Spain and about lay participation in Venezuela and Japan. He has written articles for German, Spanish, Russian and French journals and *Festschriften* about important issues in U.S. Criminal Law and Procedure and comparative criminal procedure. The second edition of his book "Comparative Criminal Procedure: A Casebook Approach" was published in Jan. 2008 by Carolina Academic Press. He edited and contributed the synthetic chapter to the book "World Plea Bargaining" which was published in 2010 by Carolina Academic Press. He edited and contributed the synthetic chapter to the book "Exclusionary Rules in Comparative Law" which was published in 2013 by Springer Press. Professor Thaman has consulted with Working Groups responsible for drafting new codes of criminal procedure in Russia (2001) and Latvia (2004) and contributed to the drafting of amendments to existing codes and the drafting of new codes of criminal procedure in Georgia, Kakazhstan, Kyrgyzstan, Armenia and Indonesia. He is also an Expert for the Organization for Security and Cooperation in Europe in Criminal Justice matters. He has taught comparative and U.S. criminal procedure as a visiting professor at Kwansai Gakuin University in Nishinomiya, Japan in 2001, Politechnical University of Managua, Nicaragua in 2003 (in Spanish), University of Orleans, France in 2004 (in French), University of Krasnoyarsk, Siberia in 2004, University of Bologna in 2005 (in Italian), National University of Singapore in 2008, University of Buenos Aires, Argentina in 2009 (in Spanish); University of Bern, LUISS University in Rome, Italy (in Italian), and Paris-Dauphine in 2010 and at the University of Modena and Reggio Emilia in Italy in 2011 (in Italian), University of Istanbul (2012) and Southwest University of Political Science and Law, in Chongqing, China (2013). He has been the general rapporteur for criminal procedure for the XVII Congress of the International Academy of Comparative Law, in 2006 in Utrecht and the XVIII Congress in 2010 in Washington and is an Associate Member of the International Academy of Comparative Law since 2010.

Univ.-Prof. Dr. Andreas Schwartze, LL.M. (EUI)  
Head of Department / Department of Private Law  
Faculty of Law, University of Innsbruck

Erasmus Intensive Course – Law Faculty of Lisbon University  
– 20th to 24th of May 2019 - 11 am to 1:00 pm –

## **Introduction to European Private Law - From national rules on Contract and Tort to supranational European Union Obligation Law**

### Course syllabus

Class 1 Monday, May 20, 2019

**Introduction:** Differences of national private laws in Europe / legal families / Common Law – Civil Law; the problems of diverging legal rules within the EU

Class 2 Tuesday, May 21, 2019

#### **Approximation of Private Law:**

Competences of the EU in general; competences executed; instruments of EU-law

Class 3 Wednesday, May 22, 2019

**Traditional European Contract Law** – Harmonization by directives;  
Example: Unfair Contract Terms Directive 93/13/EEC / Consumer Sales Directive; Revival:  
Two proposals for Directives on Contracts for Online and other Distance Sales of Goods and Contracts for the Supply of Digital Content (COM(2015) 635 of 9.12.2015)

Class 4 Thursday, May 23, 2019

**A new Strategy:** Development, format and functions of the (Draft) Common Frame of Reference/DCFR; Structure and contents of the DCFR; the four Principles and the General Part of the DCFR

Class 5 Friday, May 24, 2019

**Unified EU Principles on Contracts and Tort:** DCFR Book IV.A “Sales” / Proposal of Common European Sales Law (CESL); Principles of European Tort Law (PETL) vs. DCFR Book VI “Non-contractual liability arising out of damage caused to another“

## Reading List

- Antoniolli/Fiorentini* (Eds), A factual assessment of the draft common frame of reference (2011)
- Bussani/Werro* (Eds), European Private Law: A Handbook Vol I (2009) / Vol. II (2014)
- Bogdan / Maunsbach*, EU Private International Law: An ECJ Casebook, 2<sup>nd</sup> ed. (2012)
- Cafaggi / Muir-Watt* (Eds.), Making European Private Law – Governance Design (2008)
- Hartkamp/Hondius* (Eds), Towards a European civil code, 4<sup>th</sup> ed. (2011)
- Howells/Schulze* (Eds), Modernising and Harmonising Consumer Contract Law (2009)
- Micklitz*, Understanding EU consumer law, 2<sup>nd</sup> ed. (2014)
- Micklitz/Cafaggi* (Eds), European Private Law after the Common Frame Of Reference (2010)
- Moccia* (Ed), The making of European private law: why, how, what, who (2013)
- Larouche* (Ed), Economic analysis of the DCFR - The work of the Economic Impact Group within CoPECL (2010)
- Sagaert / Storme / Terryn* (Eds), The Draft Common Frame of Reference: national and comparative perspectives (2013)
- Schulze* (Ed.), Common Frame of Reference and Existing EC Contract Law, 2<sup>nd</sup> ed. (2009)
- Schulze / Schulte-Nölke* (Eds.), European Private Law – Current Status and Perspective (2011)
- Schulte-Nölke/Tichy* (Eds), Perspectives for European Consumer Law - Towards a Directive on Consumer Rights and Beyond (2010)
- Sammut*, Constructing Modern European Private Law: A Hybrid System (2016)
- Twigg-Flesner* (Ed), European Union Private Law (2010)
- Vranken*, Fundamentals of European Civil Law, 2<sup>nd</sup> ed. (2010)



## CURRICULUM VITAE

1. FAMILY NAME : SCHWARTZE
2. FIRST NAME : Univ.-Prof. Dr. Andreas
3. DATE OF BIRTH : 27<sup>th</sup> of April 1956
4. NATIONALITY : German
5. CIVIL STATUS : married / two children
6. EDUCATION

<b>Institution</b>	University of Hannover
<b>Date</b>	1997
<b>Degree / Diploma obtained</b>	Habilitation - <i>venia legendi</i> : Civil Law, Civil Procedure, German and European Business Law, Comparative Law and Private International Law

<b>Institution</b>	University of Hannover
<b>Date</b>	1990
<b>Degree / Diploma obtained</b>	Doctorate ( <i>summa cum laude</i> )

<b>Institution</b>	European University Institute, Florence, Italy
<b>Date</b>	1990
<b>Degree / Diploma obtained</b>	LL.M. (Master of Legal Studies in Comparative, European and International Law)

<b>Institution</b>	Judicial Authorities of Lower Saxony / University of Hannover
<b>Date</b>	1976 - 1982
<b>Degree / Diploma obtained</b>	State Examination

### 7. LANGUAGE SKILLS (5 is the highest)

Language	Reading	Speaking	Writing
German	Mother tongue		
English	5	4	4
Italian	4	2	3
French	2	1	1

### 8. MEMBERSHIP IN PROFESSIONAL BODIES:

- Since 2002: Founding Member of the “Gesellschaft Recht und Ökonomik”
- Since 2000: Founding Member of the “Society of European Contract Law – Secola”
- Since 3/2012: Fellow European Law Institute
- until 2010: Member of the Council for Foreign Activities of Innsbruck University

### 9. OTHER SKILLS:

- Experience as a practicing lawyer (1982 – 1984);
- Co-coordinator of the ERASMUS-Program at Hannover Law Faculty (1991 – 1997)

### 10. PRESENT POSITION:

Professor, Chair of European Private Law, Comparative Law and Private International Law, University of Innsbruck (A) – Head of the Department of Private Law

## 11. PROFESSIONAL EXPERIENCE RECORD

Date	Since 2002
Location	Innsbruck (A)
Company	University of Innsbruck, Law Faculty
Position	University Professor
Description	Chair of European Private Law, Comparative Law and Private International Law - Director of the Department of European, International and Comparative Private Law

Date	2001 / 2002
Location	Rostock (D)
Company	University of Rostock, Law Faculty
Position	Guest Professor (with offer for a chair)
Description	Chair of Civil Law, Commercial Law and Company Law

Date	2000 / 2001
Location	Wuppertal (D)
Company	Bergische Universität
Position	University Professor
Description	Professorship for Private and Business Law

Date	1999 / 2000
Location	Magdeburg (D)
Company	University of Magdeburg
Position	Guest Professor (with offer of a chair)
Description	Professorship for Private and Business Law

Date	1997 / 1999
Location	Frankfurt (Oder) (D)
Company	European University Viadrina
Position	Guest Professor
Description	Professorship for Civil Law

Date	1984 -1997
Location	Hannover (D)
Company	University of Hannover
Position	Assistant / since 1991 Assistant Professor
Description	Research and teaching in civil, commercial, company and private international law

**12. KEY QUALIFICATIONS:** Teaching and Research in Law

## 13. FOREIGN EXPERIENCES:

- Teaching and research visits in

Copenhagen, EUI Florence, Athens / Thessaloniki, Southampton, Cardiff, Dublin, Kiev, Strasbourg, Padua, Rotterdam, Pamplona, Rovaniemi, New York, San Antonio / TX, Santiago de Compostela, Istanbul, Zagreb, Minneapolis / MN, Trieste, Lissabon, Brno, Bratislava, New Orleans / LA, Groningen, Kyoto / Tokyo

**“Introduction to the Italian administrative law”**  
**Prof. Annalisa Giusti**  
**University of Perugia (Italy)**

The Erasmus intensive course «Introduction to the Italian administrative law» focuses on the main topics of Italian administrative law, in order to understand its features and give the basis for subsequent, more detailed studies. In the Italian system of administrative law the connection between substantial and procedural aspects is very strong; this is the reason why it has been chosen to introduce also the essential elements of administrative justice. Finally the course focuses on “administrative liability”: this is a typical example, more significant than others, of the influence of the European law on the Italian administrative one.

**Monday 13 November, 9 a.m. – 11 a.m.**

**A reading of Italian administrative law through the Italian Constitution**

This is the first meeting with the class and, probably, the first meeting with Italian administrative law. This lecture aims to introduce the essential concepts necessary to understand the Italian system, the institutes we are going to deal with and their context. Italian administrative law has a long history and it is impossible to describe it in only two hours. So, we will try to do an “experiment”: the subject will be “discovered” through the articles of the Italian Constitution concerning the public administration.

- Analysis of the Italian Constitution: artt. 2, 3, 28, 97, 103, 113
- fundamental principles of Italian administrative law
- key words of the Italian system of administrative law

**Tuesday, 14 November, 9 a.m. – 11 a.m.**

**What is the Italian “Legitimate interest”(“interesse legittimo”)?  
The administrative discretionary (“discrezionalità amministrativa”)**

This lecture is dedicated to the central elements of Italian administrative law: the “legitimate interest” (the English translation of the Italian word “interesse legittimo”) and the administrative discretionary (the Italian “discrezionalità amministrativa”)

In the first part of the lecture we will try to understand what a “legitimate interest” is and why it is so important in the Italian system of administrative law.

The existence of legitimate interests is strongly related to the “administrative discretionary”: we will analyze what this specific activity is, its characteristics and the differences with other administrative activities.

**Wednesday 14 november: 9 a.m. -11 a.m.**

**The core of the administrative activity: the administrative procedure. A brief analysis of l. 241/1990.**

The procedure can be considered the core of the administrative activity. For this reason, this lecture will be dedicated to the analysis of law 241/1990, the general law about administrative procedures. The aim of this lecture is to demonstrate which solution the Italian legislator has chosen to balance different and sometimes opposite needs: the need for a ritual procedure, the achievement of fast decisions, the simplification of the procedures. In addition to the analysis of the main phases of the administrative procedure, a specific attention will be given to the so called s.c.i.a. (the acronym of Italian “segnalazione

certificata inizio attività”, a notice of commencement of business) and to the “silence approval” (in Italian, “silenzio assenso”).

**Thursday 15 november 9 a.m. -11 a.m.**

### **Administrative justice**

The lecture is dedicated to the Italian administrative justice. We are going to examine: its organizations, the criteria to share the jurisdiction between civil/penal courts (in Italian, “ordinary justice”) and administrative courts. The lecture will focus on the administrative process and its typical action (the annulment action); we will analyze how it has changed since the end of the last century and how this change has increased the effectiveness of judicial decisions.

**Friday 16 November 9 a.m. – 11 a.m.**

### **The administrative liability**

In the last lecture we will deal with the “administrative liability” and we will take in specific consideration the civil liability, that derives from the infringement of legitimate interests. This is an important example of how Italian administrative law has changed under the influence of the European law. The European Court of Justice judicial decisions on State liability have put the basis to break an ancient Italian principle-- the irresponsibility of the public administration - and have allowed a judicial action to restore the damages caused by an illegitimate administrative act. The enforcement of the European jurisprudence has influenced the administrative process too, giving to the administrative judge the power to condemn the administration to restore the damages it has caused.

Prof.ssa Annalisa Giusti  
University of Perugia  
Curriculum vitae

Annalisa Giusti (1977) is Associate professor in Administrative Law at the Department of Law of the University of Perugia (Italy). She earned a Law degree cum laude at the University of Perugia and a Phd in Public Law (discussing a thesis in administrative law).

She holds one of the chairs of administrative law at the Department of law and the chair of urban law and public works procurements at the Department of Civil and Environmental engineering.

She is also a member of the Teaching staff council for the Doctoral Course of Juridical Science. Her research interests cover administrative justice, urban law and public procurement law.

She is author of three books: the first one (*“Contributo allo studio di un concetto ancora indeterminato: la discrezionalità tecnica della pubblica amministrazione”*, 2007 about a classic topic of the Italian administrative law - “discrezionalità tecnica”- the Italian synthesis of the administrative powers in front of the technical evaluations; the second one (*“il contenuto conformativo della sentenza del giudice amministrativo”*, 2012, analyzes how to increase the effectiveness of the judicial statements, thanks to the new rules of the Italian code of administrative process ); the third one (*“la rigenerazione urbana. Temi, questioni e approcci nell’urbanistica di nuova generazione”*, 2018 deals with the different juridical approaches to the urban renewal).

She publishes on the more important Italian law reviews and she is author of many contributes in collective books (<https://research.unipg.it/simple-search?query=Annalisa+Giusti#.W3WWwpMzY0o>). She also reviews articles for Italian law journals as well as research project for Italian Universities.

She is member of international research groups (University of Valencia – University of Malaga) and she took part to national research projects (P.r.i.n. – Progetti di Ricerca di Interesse Nazionale).

She gave lectures in national and international conferences and for the Erasmus teaching program.

# **Seminar Syllabus**

## ***Introduction to the Law of the United States***

**Professor Patrick R. Hugg**  
Professor of Law Emeritus  
Loyola University School of Law

**University of Lisbon  
Faculty of Law**

September 24 – September 28, 2018

## SYLLABUS

**Seminar Objectives:** This seminar will introduce students to the basic structure and primary distinguishing features of the law and legal system of the United States of America. As the **Seminar Schedule** below illustrates, the seminar will explore the many non-European aspects of U.S. law and especially the common law tradition and the federal nature of governance between the central government in Washington D.C. and the fifty U.S. States. Students will examine the controversial differences in the common law and civil law traditions, as each system attempts to impose order and promote prosperity in its jurisdiction. In particular, students of this seminar will enjoy learning about and discussing the different U.S. methods for finding justice through adversarial trial processes in powerful courts, judicial law-making, the U.S. approach to protecting fundamental rights, and other current topics.

Because the U.S. legal system is often dramatically different from most European legal systems, the seminar will be presented in the lecture–discussion format, in hopes of promoting a lively interchange regarding the rationality and functionalism of the varying institutions, mechanisms, and rules of law. Some aspects of the U.S. legal system make little sense except in the context of their historical development. Some parts of the U.S. legal system work poorly; others work well. To offer the students a thoughtful and provocative learning experience, these very different and very non-European aspects of U.S. law will be explored.

**Expected Student Learning Outcomes:** First and foremost, students completing this seminar can expect to understand the unique nature of this polity called the United States. This is significant because the U.S. system is complex and in many ways different from the governments in continental Europe. Its organization and institutions do not compare well with counterparts in Europe. Second, students can expect to become familiar with the political and governmental functioning of the U.S., its processes, and vernacular. Finally, students can expect to gain an understanding of the revolutionary development of the U.S. as a significant evolution of legal systems and legal science in the late 18<sup>th</sup> century, and how that has succeeded, or not, to the present day.

**Text and Other Resources:** Selected seminar readings have been prepared and will be distributed prior to and during the course. For example, considerable text accompanies this Syllabus, including descriptions of the forms of modern democratic governance, and excerpts from the U.S. Constitution. Also electronically posted for student use is a compilation of landmark U.S. Supreme Court judicial decisions (edited to make them shorter and easier to understand – students are not expected to read all of these decisions; they are made available in the interest of providing the seminar participants full measure of resources with which to understand U.S. law.) Further, we will resort to other available electronic resources for current news illustrating U.S. law.

**Seminar Schedule:** The seminar will meet for five sessions, starting Monday, September 24 through Friday, September 28, 2018, in two hour seminar meetings. An **optional** extra class session to view the hit movie Runaway Jury will be conducted at 6 p.m. on Thursday, September 4, for interested students.

**Daily Topical Schedule:**

Monday, September 24	Historical Development of U.S. Law – the different national experience: Rugged Individualism; Legal Sources, Common Law, Presidential Democracy; Constitutional Law: Separation of Powers, Judicial Review, Fundamental Rights (esp. radical free speech, the death penalty, and gun rights),
Tuesday, September 25	The U.S. Judicial System – State and Federal Courts, the evolving US Supreme Court, Civil and Criminal Procedure, Trial Process, Plea Bargaining, the Jury
Wednesday, September 26	Private Law – Torts, Forms of Liability and Damages, Punitive Damages, Class Actions, Contingency Fees/Payment of Expenses
Thursday, September 27	Private Law, cont'd: Contracts, Offer & Acceptance, Consideration, the UCC; Property Law, Employment Law
Friday, September 28	The U.S. Law School Experience, Legal Professions: Professors, Lawyers and Judges; Public Service Lawyers

**Class Attendance:** Students are expected to attend all five of the seminar sessions. One absence may be excused by the Erasmus administration based on valid reason.

**Course Format, Expectations, and Student Assessment:** As noted above, the class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our discussions will take us beyond the relevant descriptive information about U.S. law. Particular emphasis will be placed on inquiry into the coherence and philosophical underpinnings of the governmental and legal institutions, processes, and values advanced by the U.S. system. Students are encouraged to prepare for class by reading a few assigned materials prior to each class. Also, students will be asked to prepare and “brief” one U.S. Supreme Court case for the class (often students



will prepare a brief PowerPoint presentation for this purpose). And generally in class, students are encouraged to participate in the class discussions with informed questions and comments. Because class participation is valued as a teaching tool, it will be included in the final grades (see **Course Grading** below).

The course will conclude with the students writing a brief paper on a topic of their choice, in agreement with the Professor, relating to the seminar instruction and discussions. The paper will be evaluated for its analytical merit and substantive content, not its length. We are all too busy for that. The paper may not exceed five typewritten pages (font size 12), or if handwritten, may not exceed 1250 words.

**Course Grading:** Students' grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation 5%, final paper 95%.

**Office Hours:** Prof. Hugg will maintain office hours each Monday - Friday afternoon from 2 p.m. until 3:30 p.m. in the offices assigned to him in the law faculty, and he will be available at other times by appointment. Prof. Hugg may be contacted most easily via e-mail at [hugg@loyno.edu](mailto:hugg@loyno.edu). Students are encouraged to e-mail, call, or visit at any time to discuss the course, the paper, and any related topics of interest.

### United States Early History Timeline

1430	<i>Portuguese start voyages down the west coast of Africa</i>
1492	Columbus arrives in Western Hemisphere
1607	First English settlement founded at Jamestown, Virginia
1619	First group of black slaves brought to Virginia First legislative assembly meets in Virginia
1620	Pilgrims establish second English colony in Plymouth, Massachusetts
1622	Indian attacks in Virginia
1629	Great Puritan migration to Massachusetts Bay
1636	Harvard College founded
1700	250,000 settlers in English colonies
1720s	Colonial economic life quickens
1756-1763	French and Indian War (France v. England in America)
1764-1765	Sugar Act and Stamp Act controversies
1770	Boston Massacre
1773	Boston Tea Party
1774	Coercive Acts, First Constitutional Congress convenes
1775	<b>America Revolution begins with fighting at Lexington and Concord, Massachusetts</b>
1776	<b>Declaration Of Independence</b> <b>New (weak) federal government created based on the flawed Articles of Confederation (1<sup>st</sup> US attempt at a constitution)</b>

1778	French join the U.S. war of independence against the English
1781	Battle of Yorktown, Virginia (last land battle - defeat of English)
1783	Peace Treaty signed in Paris, France
1784-1787	Northwest Ordinance
1787	Constitutional Convention convened to draft a new constitution to create a stronger, more effective federal government
1788	<b>The U.S. Constitution ratified</b>
1789	George Washington inaugurated as first President of the United States <b>French Revolution begins</b>
1790	U. S. Capitol placed on the Potomac River
1798	Kentucky and Virginia resolutions
1800	Thomas Jefferson elected 2nd President of the United States
1803	<b>Louisiana Purchase</b>
1812	War of 1812 with England
1820	Missouri Compromise
1823	Monroe Doctrine
1828	Andrew Jackson elected 7th President of the United States (beginning of radical "Jacksonian Democracy")
1830s	Railroad era begins
1835	Texas Revolution, Republic of Texas established
1840s	<b>Manifest Destiny</b> <b>Telegraph and railroads create a communications revolution</b>
1846	Mexican War begins
1848	U.S. wins and acquires California and territory of present-day Nevada, Utah, Arizona, New Mexico, and part of Colorado
1849	Gold discovered in California
1850	California admitted to union
1853	Gadsden Purchase
1860	Abraham Lincoln elected 16th President of the United States
1861	Confederate States of America formed <b>Civil War begins at Fort Sumter</b> South secedes from the U.S.
1862	Battle of Antietam Emancipation Proclamation issued (effective January 1, 1863)
1864	Sherman takes Atlanta (Sherman's "March to the Sea")
1865	Robert E. Lee surrenders at Appomattox Courthouse in Virginia Thirteenth Amendment to the Constitution abolishes slavery Lincoln assassinated Ku Klux Klan formed
1867	First Reconstruction Act launches radical reconstruction <b>Alaska purchased</b>
1868	Fourteenth Amendment guarantees Civil Rights
1870	Fifteenth Amendment forbids denial of vote on racial grounds
1870s	Terrorism against black people in the South
1876	End of Reconstruction

1879	Standard Oil Trust formed
1880s	Big Business emerges
1890	Sherman Anti-Trust Act
1890-1920	Fifteen million "new" immigrants arrive
1898	War with Spain <b>Hawaii annexed</b>
1899	Peace with Spain U.S. receives Philippines, Samoa, Guam, and Puerto Rico
1901	Theodore Roosevelt elected 26th President of the United States
1903	Wright Brothers first flight
1904-1914	Panama Canal built
1912	Woodrow Wilson elected 28th President of the United States
1914	<b>World War I begins the rise of the U.S. as a global power</b>
1929	Stock market crash precipitates the Great Depression (Oct. 29)
1932	Franklin Roosevelt is inaugurated as the 32nd president. New Deal recovery measures are enacted by Congress.
1941	Japan attacks Pearl Harbor; U.S. enters World War II.
1945	Roosevelt dies and is succeeded by his vice president, Harry Truman. Germany surrenders unconditionally (May 7). U.S. drops atomic bombs on Hiroshima and Nagasaki, Japan (Aug. 6 and 9). Japan agrees to unconditional surrender (Aug. 14).
1950-53	Korean War
1959	<b>Alaska and Hawaii become 49<sup>th</sup> and 50<sup>th</sup> U.S. States</b>
1960	Lunch counter sit-ins begin the U.S. Civil Rights Movement
1961	Cold War heats up with construction of the Berlin Wall; U.S. increases involvement in Vietnam; U.S. breaks diplomatic relations with Cuba.
1963	JFK assassinated
1965	Vietnam War escalates; anti-war protests enlarge
1968	MLK assassinated, RFK assassinated, Nixon becomes President
1973	U.S. pulls out of Vietnam (defeated) and Watergate causes Nixon to resign
1981	Reagan becomes President, begins detente with USSR
1989	Berlin Wall opened
1991	Persian Gulf War: U.S. leads international coalition in military operation to drive Iraqis out of Kuwait (Jan. 16–Feb. 28); U.S. and Soviet Union sign START I treaty, agreeing to further reduce strategic nuclear arms.
1992	Following the breakup of the Soviet Union in Dec. 1991, President Bush and Russian president Boris Yeltsin formally declare end to the cold war
1998	House of Representatives votes to impeach President Clinton on charges of perjury and obstruction of justice (Dec. 19).
1999	Senate acquits Clinton of impeachment charges (Feb. 12). NATO wages air campaign against Yugoslavia over killing and deportation of ethnic Albanians in Kosovo (March–June).
2000	More than a month after the presidential election, the U.S. Supreme Court rules against a manual recount of ballots in certain Florida counties, which it contends would violate the Constitution's equal protection and due

	process guarantees. The decision provokes enormous controversy, with critics maintaining that the court has in effect determined the outcome of the election. Bush formally accepts the presidency, having won a slim majority in the electoral college but not a majority of the popular vote.
2001	<b>9/11 attacks kill 3000 people; “war on terror” begins.</b>
2005	Hurricane Katrina wreaks catastrophic damage on Mississippi and Louisiana; 80% of New Orleans is flooded (Aug. 29–30).
2008	<b>U.S. (and global) economy collapses, with Lehman Brothers filing for bankruptcy, and mortgage giants Fannie Mae and Freddie Mac placed under government conservatorship. Barack Obama becomes the first African-American to be elected President.</b>
2010	Congress passes and Pres. Obama signs Health Care Reform Act
	Deepwater Horizon Explosion in the Gulf of Mexico
2011	US Navy SEALs take down Osama Bin Laden
2012	Barack Obama re-elected US President
2015	Over 2/3 of people in developed world use smart phones
2016	"Disrupters" Amazon, Uber, Wikipedia, etc. revolutionize markets
	Donald Trump elected US President

## Three Basic Types of Democracy

Any form of *democracy* tries in its own way to ascertain the *will of the people* and to bring public affairs into line with it. Theoretically this can be achieved by *direct* participation of all citizens (*Direct Democracy*) or by a body of elected representatives (*Representative Democracy*). Within the group of *Representative Democracies* the focus may be on a strong president (*Presidential Democracy*) as in the United States, or on a strong parliament (*Parliamentary Democracy*), as in Germany, Spain, and the U.K. Some countries have established a hybrid in which some authentic power is given to an elected President, while a Prime Minister accountable to the legislature administers the general operation of the government (*Semi-Presidential Democracy*), as in Portugal and France. Many variations operate today all over the world.

Direct Democracy	Presidential Democracy	Parliamentary Democracy
Example: <a href="#">Switzerland</a>	Examples: USA	Examples: UK, Germany, Spain, Italy
<b>Head of State</b> Any member of government in turn (for one year), no practical importance	The <b>President</b> is head of state <i>and</i> leader of the government	<b>Head of State</b> is a different function than prime minister, it may be a monarch (queen/king) or an elected person
<b>Government:</b> members with	<b>President</b> elected by the	<b>Government</b> elected by the

equal rights, elected by the parliament, representing all major parties (not really unanimous, but extremely stable)	people <b>nominates the ministers</b> [members of government]	parliament based on a majority, may be dismissed by the parliament (especially when based on a coalition of several parties)
<b>Parliament</b> elected for a fixed legislative period, no dissolution; changing coalitions, sometimes even extreme right and extreme left together against the center (though for different reasons)	<b>Parliament</b> elected for a fixed legislative period clear <i>institutional</i> separation of parliament and government (but the officials may cooperate as closely as in the other systems, if they like to do so)	<b>Parliament</b> elected for a legislative period, dissolution and early new elections possible if a clear majority cannot be established
Government members <i>need not be</i> members of parliament	Government members <i>need not be</i> members of parliament	Government members <i>must be</i> elected members of parliament
<b>Strong position of the people</b> (frequent referendums on single laws)	<b>Strong position of the president</b> (veto)	<b>Strong position of the political parties</b>
<b>Laws</b> are created in four steps: 1. Draft by the administration 2. Consultation of federal states, political parties, entrepreneurs, unions and other interested groups 3. Parliamentary debate and final version passed 4. Possibility of a referendum If a strong party or lobby threatens to call for a referendum, the parliament might be inclined to a compromise, the formal consultation process gives the public a clear view of the critical aspects and the pros and cons already at an early stage	<b>Laws</b> are debated and passed by the parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; the president may block a law by veto; as the president is elected as a personality (not only as a party leader) by the people (not by the parliament), he may or may not rely on a majority of the parliament (in practice there have been some periods with a president forced to cooperate with a majority of oppositional members of parliament)	<b>Laws</b> are proposed by the government (being the leaders of the coalition of parties) laws are debated and passed by parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; if there is a solid majority, compromises are sought within the coalition (and may sometimes represent tactics rather than conviction), the opposition may be ignored until the next elections but then laws may be revoked or changed by a new majority
The process of making laws is rather slow, which may be a handicap with more technically oriented laws (regulating questions of broad public interest but addressing a small number of professionals). Laws concerning everybody's everyday's actions, however, may get more attention and acceptance by the public and therefore be more effective due to the intense public debate.	A strong president may act immediately - but there is a certain risk that he rushes to conclusions he may hardly be willing to withdraw from even if they prove to be unwise from a later point of view.	If there are many small parties in a country, the close dependence of the government on a parliamentary majority may undermine the stability of the government.

History shows that from time to time the Swiss people does **correct** decisions of parliament and government that give in too much to lobby pressure, so *Direct Democracy* seems to offer effective *checks and balances*. But sometimes it just takes a long time (decades, not years) until a new idea is finally broadly accepted.

The separation of powers - though it might seem very clear in theory - does not automatically provide more effective *checks and balances* between parliament and government than in a *Parliamentary Democracy*.

If there are only two relevant parties and one has a comfortable majority, the parliamentary system offers few effective *checks and balances*.

## Conclusion

Though there are remarkable formal and institutional differences between the systems of *Direct*, *Presidential*, *Semi-Presidential*, and *Parliamentary Democracy*, there are more or less successful examples for any of these systems. Therefore the practical results - measurable by different factors such as national wealth (both mean income and distribution of wealth), accessibility and standards of education, life expectancy, infant mortality, corruption and so on - tend to depend less on the choice of one system or another but rather on what might be called an "established culture of democracy", consisting of both *know-how* (experience how the system once chosen works in practice) and *trust* that it works and it pays - for the society as a whole as well as for the individuals.

### What is a Presidential Democracy?

A presidential democracy is a system of government in which the executive branch is **separate from** the legislature.

A **presidential system**, also called a **congressional system**, is a system of government where an executive branch exists and *presides* (hence the term) **separately from** the legislature, to which it is not accountable and which cannot in normal circumstances dismiss it.

It owes its origins to the medieval monarchies of France, England and Scotland in which executive authority was vested in the Crown, not in meetings of the estates of the realm (i.e. parliament): the Estates-General of France, the Parliament of England or the Estates of Scotland. **The concept of separate spheres of influence of the executive and legislature was copied in the Constitution of the United States, with the creation of the office of President of the United States.** Perhaps ironically, in England and Scotland (since 1707 as the Kingdom of Great Britain, and since 1801 as the United Kingdom) the power of a separate executive waned to a ceremonial role and a new executive, answerable to parliament, evolved while the power of the USA's separated executive

increased. This has given rise to criticism of the United States presidency as an "**imperial presidency**" though some analysts dispute the existence of an absolute separation, referring to the concept of "separate institutions sharing power". Although not exclusive to republics, and applied in the case of absolute monarchies, the term is often associated with republican systems in the Americas.

The defining characteristic of a presidential government is how the executive is elected, but nearly all presidential systems share the following features:

- The president is both head of state and head of government.
- The president may not have the ability to legislate directly. He is not a voting member, and may not be allowed to introduce bills. However, in systems such as that of the United States, the president has the power to veto acts of the legislature and, in turn, a supermajority of legislators may act to override the veto.

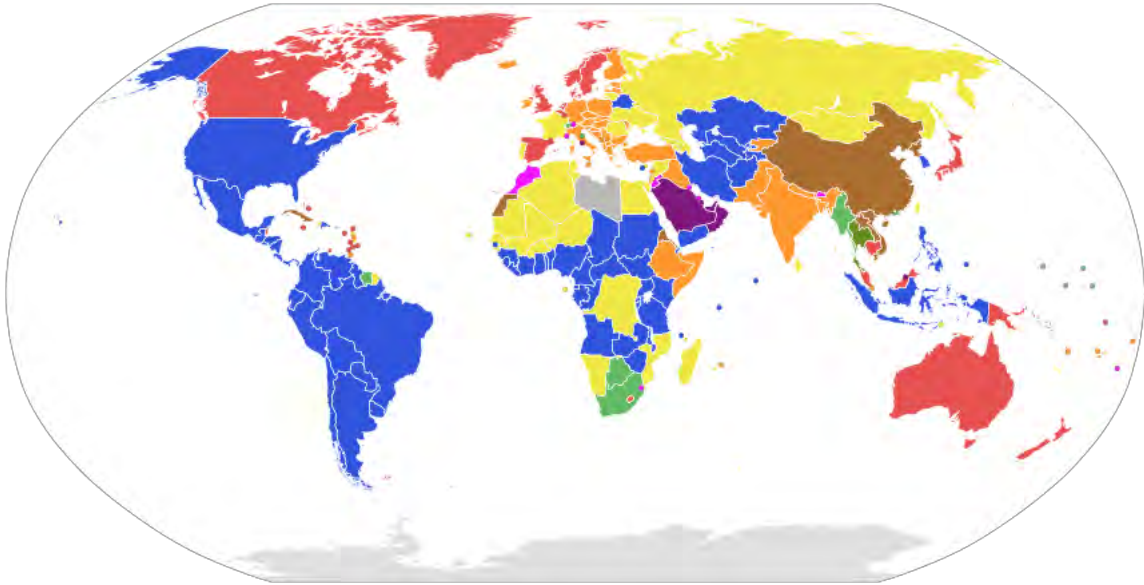
The president has a fixed term of office. Elections are held at scheduled times, and cannot be triggered by a vote of confidence or other such parliamentary procedures. However, many presidential systems incorporate provisions for the president's trial and subsequent removal from office by the legislature if he or she is found to have committed a crime.

- The executive branch is unipersonal. Members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. However, presidential systems frequently require legislative approval of presidential nominations to the cabinet as well as various governmental posts such as judges. A president generally has power to direct members of the cabinet, military or any officer or employee of the executive branch, but generally has no power to dismiss or give orders to judges.
- A power to pardon or commute sentences of convicted criminals is often exercised by heads of states in governments with a separation of power between legislative and executive branches of government.
- The term *presidential system* is often used in contrast to cabinet government which is usually a feature of parliamentarism.

A Semi-Presidential System is a system of government in which a president exists along with a prime minister and a cabinet, with the latter two being responsible to the legislature of a state. It differs from a parliamentary republic in that it has a popularly elected head of state, who is more than a purely ceremonial figurehead, and from the presidential system in that the cabinet, although named by the president, is responsible to the legislature, which may force the cabinet to resign through a motion of no confidence.

The global map below shows various systems of governance in operation today. Blue = presidential, yellow = semi-presidential, green = parliamentary system with an executive

president chosen by the legislature, orange = parliamentary system with a ceremonial, non-executive president, where a separate head of government leads the executive.



### **The US system also features Montesquieu’s separation of powers and “checks and balances.”**

The drafters of the U.S. Constitution, the so-called “Founding Fathers,” and most especially James Madison, drew upon French philosopher Montesquieu’s theory of the separation of powers when drafting the Constitution. Montesquieu argued that the best way to secure liberty and prevent a government from becoming corrupted was to divide the powers of government among different actors who would check each other.

For example, Montesquieu warned that “Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers.”

Madison and the Founding Fathers took heed of Montesquieu’s warning by establishing an independent executive (the President), legislative (the Congress), and judiciary (the Supreme Court) in the federal Constitution. Madison masterfully protected the separation of powers by establishing a thorough system of checks and balances as well.

**Separation of Powers** - As stated previously, the US Government is divided into three branches so that no one branch has all the power. Each branch has its own purpose: to make the laws, execute the laws, and interpret the laws.



**Checks and Balances** - In order to further protect the citizens, the constitution set up a system of checks and balances. Basically, each branch of government has a certain number of checks it can use to ensure the other branches do not become too powerful. For example, the president can veto legislation, the Supreme Court can declare acts of Congress unconstitutional, and the Senate must approve treaties and presidential appointments.

### **Checks and Balances of the Legislative Branch**

The **Legislative Branch** is given the powers to make the laws. It has the following checks over the **Executive Branch**:

- May override presidential vetoes with a two-thirds vote
- Has the power over the purse strings to actually fund any executive actions
- May remove the president through impeachment
- Senate approves treaties
- Senate approves presidential appointments

The **Legislative Branch** has the following checks over the **Judicial Branch**:

- Creates lower courts
- May remove judges through impeachment
- Senate approves appointments of judges

### **Checks and Balances of the Executive Branch**

The **Executive Branch** is given the power to carry out the laws. It has the following checks over the **Legislative Branch**:

- Veto power
- Ability to call special sessions of Congress
- Can recommend legislation
- Can appeal to the people concerning legislation and more

The **Executive Branch** has the following checks over the **Judicial Branch**:

- President appoints Supreme Court and other federal judges

### **Checks and Balances of the Judicial Branch**

The **Judicial Branch** is given the power to interpret the laws. It has the following checks over the **Executive Branch**:

- Judges, once appointed for life, are free from controls from the executive branch. Courts can judge executive actions to be unconstitutional through the power of [judicial review](#).

The **Judicial Branch** has the following checks over the **Legislative Branch**:

- Courts can judge legislative acts to be unconstitutional.

**Judicial Review** - This is a power that allows the Supreme Court to decide whether acts and laws are unconstitutional. This was established with [Marbury v. Madison](#) in 1803.

**Federalism** – the dual axis of state and national governments sharing power - One of the most complicated foundations of the US is the principle of federalism. This is the idea that the central government does not control all the power in the nation. States also have powers reserved to them. This division of powers does overlap and **sometimes leads to problems such as what happened with the response to Hurricane Katrina between the state and federal governments.**

# Constitution of the United States

The following Introduction is taken from the official U.S. Constitution web site:

*The Federal Convention convened in the State House (Independence Hall) in Philadelphia on May 14, 1787, to revise the Articles of Confederation. Because the delegations from only two states were at first present, the members adjourned from day to day until a quorum of seven states was obtained on May 25. Through discussion and debate it became clear by mid-June that, rather than amend the existing Articles, the Convention would draft an entirely new frame of government. All through the summer, in closed sessions, the delegates debated, and redrafted the articles of the new Constitution. Among the chief points at issue were how much power to allow the central government, how many representatives in Congress to allow each state, and how these representatives should be elected—directly by the people or by the state legislators. The work of many minds, the Constitution stands as a model of cooperative statesmanship and the art of compromise.*

The following excerpts from the U.S. Constitution  
set forth the more relevant design features  
of the system of U.S. governance.



(Preamble)

***We the People*** of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article I

### Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### Section 2

1: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, . . .

### Section 3

1: The Senate of the United States shall be composed of two Senators from each State, . . . , for six Years; and each Senator shall have one Vote.

4: The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

6: The Senate shall have the sole Power to try all Impeachments.

### Section 7

1: All Bills for raising Revenue shall originate in the House of Representatives; . . .

2: Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. . . . If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

### Section 8

1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2: To borrow Money on the credit of the United States;

- 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- 7: To establish Post Offices and post Roads;
- 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- 9: To constitute Tribunals inferior to the supreme Court;
- 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- 13: To provide and maintain a Navy;
- 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

#### **Section 9**

- 2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
- 3: No Bill of Attainder or ex post facto Law shall be passed.

#### **Section 10**

- 1: No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,

or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2: No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; . . .

## Article II

### Section 1

1: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, . . .

### Section 2

1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, . . . and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

2: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, . . .

3: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

### Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## Article III

### Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

### **Section 2**

1: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States; . . . -- between Citizens of different States, . . .

3: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; . . .

## **Article IV**

### **Section 1**

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. . . .

### **Section 2**

1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

## **Article V**

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .

## Article VI

2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, . . .

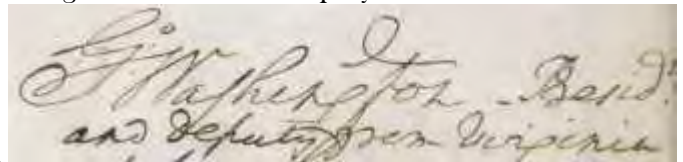
3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; . .

**done** in Convention by  
the Unanimous Consent  
of the States present  
the Seventeenth Day of  
September in the Year of  
our Lord one thousand  
seven hundred and Eighty  
seven and of the  
Independence of the  
United States of America  
the Twelfth **In**  
**witness** whereof We have  
hereunto subscribed our  
Names,

Attest William Jackson Secretary

G<sup>o</sup>: Washington -Presid'. and deputy from

Virginia

A handwritten signature in cursive script, reading "Geo: Washington -Presid' and deputy from Virginia". The signature is written in dark ink on a light-colored, aged paper background.



## The First Ten Amendments (The Bill of Rights)

### Article [I]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### Article [II]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### Article [III]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### Article [IV]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### Article [V]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### Article [VI]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

**Article [VII]**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

**Article [VIII]**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Article [IX]**

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

**Article [X]**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## RESUME

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### **EDUCATION**

- LL.M. Tulane University School of Law, 1981  
*With Distinction*
- J.D. University of Louisville, 1978
- A.B. Spring Hill College, 1970

### **ACADEMIC EXPERIENCE**

#### **Teaching and Administration**

Law Professor, Loyola University School of Law  
1986 – 2016 (30 years), currently Emeritus Professor.

Awarded McAulay Distinguished Professorship, 2000-2016.

Guest Professor, Yeditepe University Law Faculty, Istanbul, Turkey,  
January – June, 2017 (full time teaching load – see below)

Associate Dean, 1990 – 1995.

Director of Loyola Law School International Programs, 1999 – 2013.

Director of Loyola's Summer Legal Studies Program at the University  
of Vienna, 1994 – 2015.

Chair, International Committee, Southeast Association of Law Schools, 2010 – 2012, 2014 – 2015.

Courses Taught Include: Law of the European Union, International Trade, Common Law Contracts, International Business Transactions, Law of the World Trade Organization, Appellate Advocacy, Introduction to United States Law, Federal Courts, and co-taught Comparative Legal Systems: Austria, Germany, and the U.S (with Prof. H. Hausmaninger).

University Award for Outstanding Research, 2003.

### **Publications**

*Book:*

A Guide to European Union Commercial Practice, Oceania Publishers (now Oxford University Press), 2003.

*Law Review & Journal Articles:*

Evolving Constitutional Pluralism in Europe: The Conversation Continues?, *Liber Amicorum*, A Scott without Borders 97-120, Brussels, September 2015.

The 2014 European Parliament Elections and the Transatlantic Trade and Investment Partnership: Economics and Politics Collide, 24 *Journal of Transnational Law & Policy* 117 (2015)(with Sheila Wilkinson).

International Experiential Learning with Targeted Field Studies, in 21 *Yüzyılda Hukuk Eğitimi (21<sup>st</sup> Century Legal Education)* 239-269 (2014).

Portugal, Europe, and Globalization from the Perspective of Private Law – a Transatlantic Perspective, in *Portugal, Europe and the Globalization of the Law*, 28-44 (2013).

Experiential Teaching -- On Steroids: Unexpected Pedagogical Discoveries, with Kathryn Lorio, 15 *Loyola University College of Law Journal of Public Interest Law*, 195 (2013).

Redefining the European Union's Position in the Emerging Multipolar World: Strong Global Leadership Potential, Restrained by Asymmetry of Power and Dissonant Voices, 20 Tulane J. Int'l & Comp. Law, 145 (2011).

Accession Aspirations Degenerate: A New Chapter for Turkey and the EU, 9 Washington University Global Studies Law Review, 225 (2010).

Symposium Introduction: Emerging Technology and Law in Europe, Loyola University New Orleans College of Law, Law & Technology Annual, 133 (2010).

The New EU Services Directive: Metaphor for Europe Today, Model for Expanding International Harmonization Tomorrow, International Law and Trade 220 (2007).

Cyprus in Europe; Seizing the Momentum of Nice, 34 Vanderbilt Journal of Transnational Law 1293 (2001).

Turkey in Europe; Reconsidering the Luxembourg Exclusion, 23 Fordham Int'l L. 606 (2000).

Transnational Convergence: European Union and American Federalism, 32 Cornell Int'l L. Rev. 43 (1998).

Participant and Co-author of the ABA Central and Eastern European Law Initiative's 2001, Advisory Comment on a comprehensive new Civil Service law for the emerging democratic government in Slovakia.

Participant and Co-author of the ABA Central and Eastern European Law Initiative's 1999, Advisory Comment on a comprehensive new Civil Service law for the emerging democratic government in Albania.

Comparative Models for Legal Education in the United States: Improved Admissions Standards and Professional Training Centers, 30 Valparaiso University Law Review 51 (1995).

Book Review, The Justice From Beacon Hill: The Life and Times of Oliver Wendell Holmes, 38 Loyola Law Review 557 (1992).

A Hybrid Theory of Education Reform, co-authored by Dr. Lou Miron, 36 Loyola Law Review 937 (1991).

Federalism's Full Circle - Relief from Education Discrimination, 35 Loyola Law Review 13 (1989).

Judicial Style: An Exemplar, 33 Loyola Law Review 865 (1987).

### **International Courses and Presentations:**

Guest Professor, Yeditepe University Law Faculty, Istanbul, Turkey, January – June, 2017, taught Common Law Contracts, International Business Transactions, & Law of the World Trade Organization.

University of Vienna Law Faculty, Director and course instructor for four week intensive course: Comparative Legal Systems, Austria, Germany, and the United States, with Professor Herbert Hausmaninger, 1994 -2015.

University of Vienna Law Faculty, Guest Professor for two seminars, Introduction to United States law; Fall semesters 1995, 2010.

University of Lisbon Law Faculty, Guest Professor, Erasmus intensive course: Introduction to United States Law, 2011- present.

Eötvös Loránd University, Budapest, Hungary, Director and course instructor for the 4 week Moscow-Budapest Summer Program, taught seminar: Current Issues in the European Union.

University of Kirkuk (Iraq) Law Faculty, Invited Speaker, Faculty Colloquium Presentation: Legal Education in the United States, 2010, sponsored by U.S. State Department.

Vytautas Magnus University law faculty, Kaunas, Lithuania, intensive International Trade course, May 2015.

Speaker at the annual meeting of the European Law Faculties Association four times, in Madrid, Spain (2013), Strasbourg, France (2014) Istanbul, Turkey (2015), and Groningen, Netherlands (2016).

Speaker, Program in European Private Law for Postgraduates, Constitutional Pluralism in the European Union, University of Silesia in Katowice, Poland, 2015, and co-founder of that university's post-graduate School of U.S. law at that Polish university.

Speaker at Conference on Legal Education in the 21<sup>st</sup> Century, in Istanbul and Ankara, Experiential Learning on Steroids, Turkey, 2014.

Speaker, Conference for the Celebration of the Centenary of the Law Faculty of the University of Lisbon, Portugal. Topic: Portugal, Europe, and Globalization from the Perspective of Private Law – a Transatlantic Perspective, 2103.

Speaker, Eastern Mediterranean University, Famagusta, Northern Cyprus, “The Reconciliation of Cyprus”, 2005; “U.S. Legal Education in Crisis”, 2014.

### **Pro Bono Work and Bar Association Service**

World Trade Center, New Orleans, Government Affairs Committee 2011 – 2016.

Louisiana Supreme Court, Judicial Campaign Oversight Committee, 2009 – present.

Louisiana Supreme Court, Bar Admissions Committee on Equivalency, 2001 – 2011.

Member, Board of Governors, Louisiana Civil Service League, 2000 – 2016.

Chair, Education Committee, Louisiana Bar Foundation, 2001 – 2005.

Chair, Board of Directors (1999 – 2000) and Executive Committee Member, New Orleans Pro Bono Project, 1995 – 2000.

President, Trinity Mediation Services 1995-96 (founding year) (now Community Mediation Services) and Member Board of Directors from 1995 – 1999.

Academic Fellow, Louisiana Bar Foundation, 1997 – 2011.

**INTRODUCTION TO THE AMERICAN CONSTITUTION**  
**PROFESSOR WEAVER**  
**MAY, 2014**

*Course Goals and Objectives:* This course is designed to give students a comprehensive introduction to the U.S. constitutional system, as well as to the U.S. approach to “rights,” in particular the right to freedom of expression.

Topics to be Covered.

- I. The U.S. Declaration of Independence in historical perspective.
- II. The Events That Led to the Creation of the U.S. Constitution.
- III. The Structure of the Federal Government (separation of powers, checks and balances, judicial review, and the role of the courts).
- IV. The Relationship between the Federal Government and the States (the system of dual competencies, and the Supremacy Clause).
- V. The American Concept of Rights (the Bill of Rights) and Due Process (both procedural and substantive).
- VI. The American Approach to Freedom of Expression.
  1. Justifications and Philosophical Approach.
  2. Categorical Approach and Balancing (child pornography, obscenity & fighting words).
  3. American Exceptionalism (defamation, privacy, advocacy of illegal action, intentional infliction of emotional distress, content neutrality).
  4. Prohibition Against Prior Restraints.
  5. Public Forum Doctrine
  6. Evolving Standards Regarding Media and New Technologies (the press, radio, television, satellite and cable television).
  7. The Implications of the Internet for Democracy.
- VII. The Religion Clauses (the Establishment Clause and the Free Exercise Clause).



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## **TEACHING EXPERIENCE**

*Current Position:* Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law, University of Louisville (1999-present) (at the University of Louisville since 1982). Associate Dean for Faculty Research & Development (2012-2013).

*Courses:* Administrative Law; Advanced Constitutional Law; Constitutional Law I & II; Comparative Constitutional Law; Criminal Law; Criminal Procedure I & II; First Amendment; Negotiations; Remedies; & Trial Practice.

*Visitorships:* Judge Spurgeon Bell Distinguished Visiting Professor, S. Texas College of Law (1998-99); Herbert Herff Chair of Excellence, Cecil C. Humphreys School of Law, University of Memphis (1992).

*Awards:* Distinguished University Scholar (University of Louisville) (1999-present); President's Award (University of Louisville) for Outstanding Research, Scholarship and Creative Activity in the Career Achievement category (2002); President's Award for Distinguished Service (1998); President's Award for Outstanding Research, Scholarship and Creative Activity in the Social Sciences (1993); Louis D. Brandeis School of Law awards for scholarship (1992, 1993, 2001 & 2002), teaching (1995), & service (1998); Brown, Todd & Heyburn Fellow (1995-97 & 1998-99); Honorary Associate, Macquarie University School of Law (Sydney, Australia. 1998).

## **EDUCATION**

### **Legal**

Degree: J.D., *cum laude*, University of Missouri, 1978.

Honors and Activities: Order of the Coif; Missouri Law Review; Judge Roy Harper Prize; Omar E. Robinson & Edward Jayne scholarships; & various American Jurisprudence prizes.

### **Undergraduate**

Degree: B.A., University of Missouri, 1974.

Honors and Activities: University of Missouri Speech and Debate Team; speech and forensics scholarships.

## PUBLICATIONS (*selected*)

**2015:** R. Weaver, “*Advice and Consent*” in *Historical Context*, \_\_\_ DUKE L.J. \_\_\_ (2015) (forthcoming as part of Duke’s annual Administrative Law Symposium).

R. Weaver, *Governmental Cyber-Surveillance in a Democratic Society*, \_\_\_ W & L. L. REV. \_\_\_ (2015) (forthcoming as part of the Washington & Lee L. Rev’s cybersurveillance symposium).

R. Weaver, *Defamation and Democracy*, published in A. KENYON, DEFAMATION AND PRIVACY: COMPARATIVE LAW, MEDIA AND PUBLIC SPEECH \_\_\_ (Oxford U. Press 2015) (this paper will be published as part of the University of Melbourne’s symposium on defamation and privacy).

R. Weaver, *Free Speech and Democracy in an Internet Era*, IN A. SARA-LIND, I. OSTERDAHL & J. REICHEL, FREEDOM OF SPEECH, THE INTERNET, PRIVACY AND DEMOCRACY \_\_\_ (Liber 2015) (forthcoming).

I. BOUDAHANA, W. GILLES & R. WEAVER, GOVERNMENTAL TRANSPARENCY IN THE OPEN GOVERNMENT ERA 1-\_\_\_ (IMODEV 2015) (forthcoming).

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R. Weaver, G. Gil & F. Lichere, *Remedies in the Eminent Domain Context: French & American Perspectives*, in F. LICHÈRE, ED., PAPERS FROM THE PROPERTY REMEDIES DISCUSSION FORUM (Presses Université Aix-Marseille 2015) (forthcoming).

R. Weaver, *Renovating Administrative Procedure: Administrative Searches and the Need for Reform*, in CHENGYI, PAPERS FROM THE ADMINISTRATIVE DISCUSSION FORUM \_\_\_ (2015) (forthcoming).

R. WEAVER & S. FRIEDLAND, ED., FREE SPEECH, DEFAMATION & CRIMINAL LAW (Carolina Academic Press 2015) (forthcoming).

R. Weaver & S. Friedland, *Introduction*, in R. WEAVER & S. FRIEDLAND, ED., FREE SPEECH, DEFAMATION & CRIMINAL LAW 4 (Carolina Academic Press 2015) (forthcoming).

R Weaver, *Free Speech and “True Threats” in a Digital Era*, in R. WEAVER & S. FRIEDLAND, ED., FREE SPEECH, DEFAMATION & CRIMINAL LAW 127-137 (Carolina

Academic Press 2015) (forthcoming).

R. Weaver, *Striking the Balance: Free Speech, Defamation & Reputation*, in R. WEAVER & S. FRIEDLAND, ED., *FREE SPEECH, DEFAMATION & CRIMINAL LAW* 158-168 (Carolina Academic Press 2015) (forthcoming).

R. Weaver, *Congress and Transparency*, in IRÈNE BOUHADANA, WILLIAM GILLES & IRIS NGUYEN-DUY, *PARLIAMENTS IN THE OPEN GOVERNMENT ERA* \_\_\_\_ (2015) (forthcoming).

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**2014:** R. Weaver, *The Press and Freedom of Expression*, Andra Koltay, Ed., *Media Freedom and Regulation in the New Media World* 29-44 (2014).

C. Walker & R. Weaver, *Libelocracy*, 41 *J. Malaysian & Comparative Law* 69-79 (2014).

R. Weaver, *Driving While "Intoxicated": Texting, Driving & Punishment*, 47 *TEX. TECH L. REV.* 101-111 (2014) (published as part of Texas Tech University's annual criminal law/criminal procedure symposium) (in press).

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Desegregation Decree*, 38 U.W. AUSTRALIA L. REV. 156-166 (2014).

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CASES, MATERIALS & PROBLEMS (4th ed. 2014).

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL B. KELLY & W. JONATHAN  
CARDI, REMEDIES: CASES, PRACTICAL PROBLEMS & EXERCISES (West, 3rd ed.,  
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SINGER, 2014 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS &  
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R. Weaver, *Is U.S. Law Definable? The Great Divide Between the U.S. and Europe*, published in P. MBONGO, CONTEMPORARY AMERICAN LAW: IDENTITY, MUTATIONS & DEBATES (U. Poitiers Press 2013) (published as part of the papers from the University of Poitiers's symposium on Contemporary American Law: Identity, Mutations & Debates) (in press).

C. WALKER & R. WEAVER, ED., FREE SPEECH AND MEDIA IN AN INTERNET ERA: PAPERS FROM THE FREE SPEECH DISCUSSION FORUM (Carolina Press 2013).

R. Weaver, C. Walker & G. Bennett, *Can Newspapers Survive in an Internet Era?*, published in R. WEAVER, ED., FREE SPEECH AND MEDIA IN AN INTERNET ERA 3-27 (Carolina Press 2013) (published as part of a symposium that resulted from the Free Speech Discussion Forum).

R. Weaver, Guilhem Gil, Didier Porrachia & Francois Lichere, *The Law of Private*

*Nuisance: French and American Perspectives*, published in F. LICHERE & R. WEAVER, PROPERTY REMEDIES DISCUSSION FORUM 9-42 (U. Aix-Marseille Press 2013) (this publication involves the papers from the Property Remedies Discussion Forum) (in press).

R. Weaver & C. Wells, *U.S. Legal Education: Headwinds and Effects of the Financial Crisis*, published in P. MBONGO, CONTEMPORARY AMERICAN LAW: IDENTITY, MUTATIONS & DEBATES (U. Poitiers Press 2013) (published as part of the papers from the University of Poitier's symposium on Contemporary American Law: Identity, Mutations & Debates).

R. Weaver, D. Ciolino, M. Kelly & D. Millon, *Teaching & Learning Law in the United States: New Paradigms & Approaches*, published in P. MBONGO, CONTEMPORARY AMERICAN LAW: IDENTITY, MUTATIONS & DEBATES (U. Poitiers Press 2013) (published as part of the papers from the University of Poitier's symposium on Contemporary American Law: Identity, Mutations & Debates).

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R. WEAVER, J. BURKOFF, D. LIVELY, C. HANCOCK, J. HOFFEL, S. FRIEDLAND & S. SINGER, CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES: ADJUDICATIVE PROCESSES (5<sup>th</sup> ed., Thomson/West 2013).

R. WEAVER, S. FRIEDLAND, C. HANCOCK, B. FAIR, J. KNECHTLE & R. ROSEN, CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (3rd ed., Aspen 2013).

R. WEAVER, J. BAUMAN, J. CROSS, A. KLEIN, E. MARTIN & P. ZWIER: TORTS: CASES, MATERIALS, PROBLEMS & EXERCISES (4th ed., Lexis Nexis 2013).

R. WEAVER, S. FRIEDLAND, C. HANCOCK, B. FAIR & R. ROSEN, 2013 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2013).

R. WEAVER, S. FRIEDLAND, C. HANCOCK, B. FAIR & R. ROSEN, 2013 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2013).

R. WEAVER, L. ABRAMSON, R. BACIGAL, J. BURKOFF, D. LIVELY, & C. HANCOCK, 2013 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2013).

**2012:** R. Weaver, *British Defamation Reform: An American Perspective*, 63 N. IRELAND L.Q. 97-117 (2012) (published as part of the Queens University (Belfast, N. Ireland) symposium on defamation).

R. Weaver, D. Partlett & M. Cole, *Privacy in a Digital Age*, published in D. DOERR & U. FINK, THE RIGHT TO PRIVACY - PERSPECTIVES FROM THREE CONTINENTS \_\_\_\_ (De Gruyter 2012) (to be published as part of the Privacy Discussion Forum papers).

R. Weaver, *Gutenberg and Mass Communication*, published in D. DOERR & U. FINK, BRANDEIS MEETS GUTENBERG GERMAN-AMERICAN CONVERSATIONS ON LAW 1991-2011: ÖFFENTLICHES UND INTERNATIONALES RECHT BAND \_\_\_\_ (Peter Lang 2012) (to be published as part of the celebration of the Mainz-Louisville faculty exchange relationship).

R. Weaver, E. Klein, D. Doerr & Udo Fink, *Foreword: Honoring and Remembering the Johannes Gutenberg Faculty of Law -University of Louisville Louis D. Brandeis School of Law Exchange Relationship*, published in D. DOERR & U. FINK, BRANDEIS MEETS GUTENBERG GERMAN-AMERICAN CONVERSATIONS ON LAW 1991-2011: ÖFFENTLICHES UND INTERNATIONALES RECHT BAND \_\_\_\_ (Peter Lang 2012) (to be published as part of the celebration of the Mainz-Louisville faculty exchange relationship).

R. WEAVER & D. LIVELY, UNDERSTANDING THE FIRST AMENDMENT (4<sup>th</sup> ed., LexisNexis 2012).

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R. Weaver, *The Fourth Amendment, Privacy & Advancing Technology*, 39 SEARCH & SEIZURE L. REPORT 1-8 (June, 2012).

R. Weaver, D. Partlett & M. Cole, *Privacy in a Digital Age*, published in D. DOERR & U. FINK, THE RIGHT TO PRIVACY - PERSPECTIVES FROM THREE CONTINENTS \_\_\_\_ (De Gruyter 2012) (published as part of the Privacy Discussion Forum papers).

R. Weaver, *Democracy in an Internet Era*, Aix Law Club Newsletter (June, 2012).

R. WEAVER, S. FRIEDLAND, C. HANCOCK, D. LIVELY, & W. SCOTT, 2012 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2012).

R. WEAVER, C. HANCOCK, D. LIVELY & J. KNECHTLE, 2012 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2012).

R. WEAVER, L. ABRAMSON, R. BACIGAL, J. BURKOFF, D. LIVELY, & C. HANCOCK, 2012 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2012).

**2011:** R. Weaver, THE JAMES OTIS LECTURE: *The Fourth Amendment, Privacy and Advancing Technology*, 80 MISS. L.J. 1131-1227 (2011).

D. Partlett & R. Weaver, *BP Oil Spill: Compensation, Agency Costs and Restitution*, 68 WASHINGTON & LEE UNIVERSITY LAW REVIEW 1341 (2011) (published as part of the Washington & Lee University Law Review's symposium on restitution).

R. Weaver, *The Internet, Free Speech and Crime*, 44 TEXAS TECH L. REV. 197-220 (2011) (published as part of the Texas Tech Law Review's criminal law symposium).

R. Weaver, *Brandenburg & Incitement in a Digital Era*, 80 MISS. L.J. 1263-1288 (2011) (published as part of the Criminal Procedure Discussion Forum).

R. Weaver & F. Lichere, *Independent Executive Agencies in the French and U.S. Constitutional Systems*, published in R. WEAVER & F. LICHERE (EDS.), AIX GLOBAL ISSUES IN ADMINISTRATIVE LAW (U. Aix-Marseille Press 2011).

R. Weaver & F. Lichere, *Introduction: Aix Global Issues in Administrative Law Forum*, published in R. WEAVER & F. LICHERE (EDS.), AIX GLOBAL ISSUES IN ADMINISTRATIVE LAW 8-11 (U. Aix-Marseille Press 2011).

R. Weaver, *The Roberts Court and Campaign Finance: "Umpire" or "Pro-Business Activism,"* 40 STETSON L. REV. 839-859 (2011) (published as part of the Constitutional Law Discussion Forum papers).

R. Weaver, D. Lemieux & Laverne Jacobs, *Introduction to the Special Issue of the Windsor Yearbook of Access to Justice: Transnational and Comparative Administrative Law: Papers from the Sixth Administrative Law Discussion Forum, Québec City*, 28 WINDSOR YEARBOOK OF ACCESS TO JUSTICE v-ix (2011).

R. Weaver & L. Jellum, *Neither Fish Nor Fowl: Administrative Judges in the Modern Administrative State*, 28 WINDSOR YEARBOOK OF ACCESS TO JUSTICE 243-259 (2011) (published as part of the Administrative Law Discussion Forum).

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*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Aix Law Club (Aix, France, Feb. 20, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the*

*Implications for Democracy*, Regent University School of Law (Norfolk, Virginia, Jan. 28, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Kentucky College of Law (Lexington, Kentucky, Jan. 18, 2012).

**2011:** *Constitutional Perspectives on the Global Economic Crisis*, University of Montpellier I, Faculty of Law (Montpellier, France, November 24, 2011).

*From Gutenberg to the Internet: Free Speech, Advancing Technology & the Implications for Democracy*, University of Missouri School of Law (Columbia, Missouri, November 18, 2011).

*The Underpinnings of Free Expression*, Southeastern Association of Law Schools' Annual Meeting (Hilton Head Island, South Carolina, July 24, 2011).

*Free Speech in a Period of Excess*, at the "Excess in Society & Culture" conference (Poitiers, France, May 20, 2011).

*WikiLeaks and Freedom of Expression*, Mainz Media Center's annual media law symposium (Mainz, Germany, Apr. 29, 2011).

*Free Speech, the Internet and the Criminal Law*, Texas Tech University Law Review Symposium (Lubbock, Texas, Apr. 8, 2011).

*Freedom of Expression and Speech Repression*, Istanbul Bar Association (Istanbul, Turkey, Mar. 29, 2011).

*BP Oil Spill: Compensation, Agency Costs and Restitution*, Washington & Lee University Law Review's symposium on restitution (Lexington, Virginia, Feb. 25, 2011).

*Free Speech, Civility & Tort Liability*, Charleston Law Review Symposium on Free Speech & Civil Discourse in the 21<sup>st</sup> Century (Charleston, S. Carolina, Feb. 18, 2011).

*Administrative Agencies and Political Accountability*, University of Montpellier Faculty of Law (Montpellier, France, Feb. 4, 2011).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Montpellier I Faculty of Law (Montpellier, France, Feb. 3, 2011).

**2010:** *From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Texas Tech University School of Law (Lubbock, Texas, Nov. 5, 2010).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Louisville McConnell Center/Federalist Society Forum (Louisville, Kentucky, Sept. 14, 2010).

*Media Convergence*, Southeastern Association of Law Schools Annual Meeting (Palm Beach, Florida, July 29, 2010).

*The Internet, The Decline of Traditional Media, and the Implications for Democracy*, University Aix-Marseilles III (Aix, France, Feb. 12, 2010).

*Madoff, Ponzi Schemes and Remedies*, Association of American Law Schools Annual Meeting (New Orleans, Louisiana, Jan. 8, 2010).

*Comparative Research*, Association of American Law Schools Annual Meeting (New Orleans, Louisiana, Jan. 7, 2010).

*Free Speech, The Internet & Democracy*, Federalist Society's Annual Meeting (New Orleans, Louisiana, Jan. 7, 2010).

**2009:** *Negotiation Techniques in American Culture*, University Paul Valery (Montpellier, France, Nov. 13, 2009).

*The Internet, Free Speech and Democracy*, University of Louisville's McConnell Center (Louisville, Kentucky, Oct. 28, 2009).

*The Fourth Amendment, Technology and Privacy*, The James Otis Lecture, University of Mississippi School of Law (Oxford, Mississippi, Sept., 2009).

*The Internet, Free Speech and Democracy*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, Aug. 2, 2009).

*The Internet, Free Speech and Democracy*, presented to a visiting group of journalists and lawyers from the Republic of Georgia (Louisville, Kentucky, June 26, 2009).

*The Internet, Free Speech and Democracy*, Mainz Media Institute's annual symposium (Mainz, Germany, Apr. 3, 2009).

*Hate Speech*, Pace University School of Law (White Plains, New York, Mar. 4, 2009).



*Holocaust Denial*, University of Louisville Federalist Society symposium (Louisville, Kentucky, Feb. 20, 2009).

*Free Speech, Democracy and Technology*, University of Louisville Law Review's free speech symposium (Louisville, Kentucky, Feb. 20, 2009).

**2008:** *Teaching Constitutional Law*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, July 31, 2008).

*Holocaust Denial*, Mainz Media Center's annual symposium (Mainz, Germany, Mar. 28, 2008).

*Hate Speech*, University of Kentucky College of Law (Lexington, Kentucky, Feb. 19, 2008).

*Holocaust Denial*, University of Kansas School of Law (Lawrence, Kansas, Jan. 24, 2008).

*The Promises and Perils of Comparative Research*, Association of American Law Schools' Annual Meeting (New York City, New York, Jan. 3, 2008).

**2007:** *The Perils of Pragmatism: The Legacy of Justice Sandra Day O'Connor*, University of Louisville's Constitution Day webcast (Louisville, Kentucky, Sept. 17, 2007).

*Hate Speech*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, July 30, 2007).

WFPL "State of Affairs" program on the JCPS desegregation case (Louisville, Kentucky, July 3, 2007).

*Free Speech in Times of War or Emergency*, Mainz Media Institute's annual symposium (Mainz, Germany, Apr. 20, 2006).

*Bolero and Structural Injunctions*, Association of American Law Schools' Annual Meeting (Washington, D.C., Jan. 5, 2007).

*International Student Exchanges*, Association of American Law Schools' Annual Meeting (Washington, D.C., Jan. 5, 2007).

*There Must be 50 Ways to Teach Remedies*, Association of American Law Schools' Annual Meeting (Washington, D.C., Jan. 3, 2007).

**2006:** *Negotiations in the United States* presented at the University of Montpellier III (Montpellier, France, Nov. 13, 2006).

*The Religion Clauses of the United States Constitution* presented to a visiting delegation from Tajekistan (Louisville, Kentucky, Oct. 13, 2006).

*The Danish Cartoons*, University of Louisville Federalist Society symposium (Louisville, Kentucky, Sept. 12, 2006).

WFPL “State of Affairs” program on the “The Roberts Court” (Louisville, Kentucky, Sept. 1, 2006).

*Defamation and Free Speech*, Southeastern Association of Law Schools’ Annual Meeting (Palm Beach, Florida, July 17, 2006).

*The Danish Cartoons*, Mainz Media Institute’s annual symposium (Mainz, Germany, Apr. 27, 2006).

*Defamation and Free Speech*, Flinders University Faculty of Law (Adelaide, Australia, Mar. 5, 2006).

*Free Speech and the Challenge of Advancing Technology*, University of Montpellier I Faculty of Law (Montpellier, France, Feb. 9, 2006).

*Religion in the Public Square: Faith in Government and Politics in America Today*, Temple Beth-El (St. Petersburg, Florida, Jan. 10, 2006).

**2005:** *Free Speech, Defamation and the Political Process*, University of Louisville McConnell Center/Federalist Society symposium (Louisville, Kentucky, Sept. 9, 2005).

WFPL “State of Affairs” program on *Free Speech and Defamation* (Louisville, Kentucky, Sept. 8, 2005).

*Reflections on the Confirmation Process*, Southeastern Association of Law Schools Annual Meeting (Hilton Head Island, South Carolina, July 18, 2005).

*Defamation Standards - How to Balance Freedom of the Press and Protection of Personal Reputation*, Mainz Media Law Institute’s annual symposium (Mainz, Germany, Apr. 15, 2005).

*Drafting Casebook Proposals*, Barry University School of Law (Orlando, Florida, Feb. 18, 2005).

WFPL “State of Affairs” program on the death penalty (Louisville, Kentucky, Jan. 13, 2005).

**2004:** WFPL “State of Affairs” program on the United States Supreme Court (Louisville, Kentucky, Dec. 15, 2004).

WFPL “State of Affairs” program on *Free Speech, the Internet and the Challenge of Advancing Technology* (Louisville, Kentucky, Sept. 9, 2004).

*Free Speech, the Internet and the Challenge of Advancing Technology*, University of Louisville Federalist Society (Louisville, Kentucky, Sept. 9, 2004).

*The Jurisprudence of Justice Sandra Day O’Connor*, Southeastern Association of Law Schools Annual Meeting (Kiawah Island, South Carolina, July 31, 2004).

*Free Speech, the Internet and the Challenge of Advancing Technology*, Mainz Media Law Institute annual symposium (Mainz, Germany, Apr. 24, 2004).

*Free Speech in a Democratic Society*, University of Louisville’s Day of Dialogue on Hate in America (Louisville, Kentucky, Mar. 31, 2004).

*Constitution Drafting*, University of Montpellier I Faculty of Law (Montpellier, France, Mar. 16, 2004).

**2003:** *Hate Speech*, University of Louisville’s McConnell Center/ Federalist Society’s Hate Speech Forum (Louisville, Kentucky, Sept. 10, 2003).

*Defamation: A Comparative Perspective*, Southeastern Association of Law Schools’ Annual Meeting (Amelia Island, Florida, July 25, 2003).

*Hate Speech*, University of Leeds Faculty of Law’s forum on hate speech (Leeds, England, Apr. 14, 2003).

*Hate Speech*, Mainz Media Institute’s annual symposium (Mainz, Germany, Apr. 11, 2003).

*Comparative Perspectives on Defamation*, University of Sydney Faculty of Law (Sydney, Australia, Mar. 18, 2003).

*Hate Speech*, University of Western Sydney School of Law (Sydney, Australia, Mar. 14, 2003).

*Hate Speech*, Macquarie University Division of Law (Sydney, Australia, Mar. 12, 2003).

*Hate Speech*, University of Montpellier I Faculty of Law (Montpellier, France, Feb. 3, 2003).

**2002:** *Hate Speech*, Southeastern Conference of the Association of American Law Schools' Annual Meeting (Kiawah Island, South Carolina, July 30, 2002).

*Defamation and Property*, Law and Society Annual Meeting (Vancouver, British Columbia, Canada, May 30, 2002).

*Problem Based Teaching*, Kentucky Council on Postsecondary Education, Innovations in Teaching and Learning conference entitled "Meeting 21<sup>st</sup> Century Challenges" (Louisville, Kentucky, May 21, 2002).

*Implied Rights in Australia*, Socio-Legal Studies Association Annual Meeting (Aberystwyth, Wales, Apr. 4, 2002).

*Writing Casebook Proposals*, Florida Coastal School of Law (Jacksonville, Florida, Feb. 20, 2002).

**2001:** *A History of the Southeastern Conference of the Association of American Law Schools*, Southeastern Conference of the Association of American Law Schools Annual Meeting (Hilton Head Island, South Carolina, July 15, 2001).

*Constitution Drafting*, Socio-Legal Studies Association Annual Meeting (Bristol, England, Apr. 6, 2001).

*Defamation and the Internet*, Federalist Society Faculty Conference (San Francisco., Calif., Jan. 4, 2001).

**2000:** *Campaign Finance Reform*, Kentucky Educational Television's "Kentucky Tonight" (Lexington, Kentucky, May 8, 2000).

*New York Times Co. v. Sullivan: A Forty Year Retrospective*, Southeastern Conference of the Association of American Law Schools (Captiva Island, Florida, Aug. 3, 2000).

*Judicial Implications: Comparative Perspectives*, SLSA 2000 Conference (Queens University, Belfast, N. Ireland, Apr. 27, 2000).

*Judicial Implications*, University of Leeds (Leeds, England, Apr. 17, 2000).

*Defamation and the Internet*, British-Irish Legal Education Technology Association (Coventry, England, Apr. 13, 2000).

**1999:** *Content Regulation of the Internet*, First Asia-Pacific Conference on Cyber Law (Putrajaya, Malaysia, Nov. 9, 1999).

*Free Speech Doctrine in Turmoil: Defamation and the Internet*, First Asia-Pacific Conference on Cyber Law (Putrajaya, Malaysia, Nov. 9, 1999).

*Globalization*, Southeastern Conference of the Association of American Law Schools (Hilton Head Island, South Carolina, July 20, 1999).

*The President's Power to Wage War*, Cadi Ayyad University Faculty of Law (Marrakesh, Morocco, Mar. 16, 1999).

*Free Speech, Crime & Advancing Technology*, British & Irish Legal Technology Education Association (York, England, Mar. 30, 1999).

*N.Y. Times Co. v. Sullivan: Four Decades Later From a Comparative Perspective*, S. Texas College of Law (affiliated with Texas A & M University) (Houston, Texas, Feb. 11, 1999).

**1997:** *Administrative Regulation of Business in the U.S.*, delivered to a visiting delegation of Moldovan judges (Louisville International Cultural Center, Louisville, Kentucky, May 12, 1997).

*Defamation and Reporting*, University of Leeds Faculty of Law (Leeds, England, Apr. 15, 1997).

**1996:** *Hate Speech*, Daito Bunka University (Higasi-Matsuyama, Japan, Dec. 3, 1996).

*Affirmative Action in the United States, Johannes Gutenberg-Universität's Should Women be Treated as Minorities?* conference (Mainz, Germany, June 25, 1996).

*Constitution Drafting in the Former Soviet Union*, Johannes Gutenberg-Universität (Mainz, Germany, June 19, 1996).

*The MacCrate Report's Impact on U.S. Legal Education*, University of Sydney Faculty of Law (Sydney, Australia, Mar. 14, 1996).

*Chevron and Deference*, University of Sydney Faculty of Law (Sydney, Australia, Mar. 11, 1996).

*Defamation: The Impact of Libel Law on Reporting*, Australian National University Faculty of Law (Canberra, Australia, Mar. 8, 1996).

*The American Constitutional System*, University of Montpellier I Faculty of Law (Montpellier, France, Mar. 6, 1996).

*The Republican Revolution in the United States*, University of Montpellier I Faculty

of Law (Montpellier, France, Mar. 5, 1996).

**1995:** *Constitution Drafting*, Charles University (Prague, Czech Republic, May 13, 1995).

**1994:** *Defamation in Transition*, University of Tasmania School of Law (Tasmania, Australia, Mar. 17, 1994).

*Is the New York Times Actual Malice Standard Really Necessary?*, Macquarie University Faculty of Law's "Defamation in Transition: International Comparisons in a Globalising Era" Conference (Sydney, Australia, Mar. 12, 1994).

*Chevron and Format Requirements*, Association of American Law Schools' Annual Meeting (Orlando, Florida, Jan. 9, 1994).

**1993:** *Constitution Drafting in the Former Soviet Union*, University of Mainz's Constitution Drafting symposium (Mainz, Germany, June 28, 1993).

*The Belarus and Kyrghyzstan Constitutions*, Daito Bunka University Faculty of Law (Tokyo, Japan, May 18, 1993).

**1992:** *Affirmative Action in the United States*, Université de Paris - Sud (Paris, France, May 12, 1992).

*Current Trends in Legal Education*, Memphis State University Law Alumni Association (Memphis, Tennessee, Feb. 27, 1992).

**1991:** *Should Private Clubs Be Allowed to Discriminate?*, Louisville Forum (Louisville, Kentucky, Oct. 9, 1991).

*The University of Louisville School of Law's Pro Bono Service Requirement*, Southeastern Conference of the Association of American Law Schools' Annual Meeting (The Homestead, Virginia, Aug. 16, 1991).

*Censorship and the Gulf War*, Université Paul Valéry's symposium on the Gulf War (Montpellier, France, May 14, 1991).

*The Northern Ireland Broadcasting Ban*, Université Paul Valéry (Montpellier, France, May, 15, 1991).

*Fetal Rights*, University of Louisville symposium on privacy and fetal rights (Louisville, Kentucky, Mar. 13, 1991).

**1990:** *The Case Method*, Southeastern Conference of the Association of American Law Schools' Annual Meeting (Nashville, Tennessee, Aug. 18, 1990).

*The Case Method*, Ohio Northern University College of Law (Ada, Ohio, Sept. 25, 1990).

#### ORGANIZATION OF DISCUSSION FORA

**2014:** Property Remedies Discussion Forum (University of Aix-Marseille Faculty of Law, Aix, France, June 18-19, 2014).

Administrative Law Discussion Forum (Institutum Jurisprudentiae, Academia Sinica, Taipei, Taiwan, June 10-11, 2014).

Defamation Discussion Forum (Luxembourg University Faculty of Law, Luxembourg, May 21, 2014).

Free Speech Discussion Forum (Notre Dame London Law Centre, London, England, May 19-20, 2014).

**2013:** Remedies Discussion Forum (University of Louisville, Louis D. Brandeis School of Law, Louisville, Kentucky, Dec. 6, 2013)

Administrative Law Discussion Forum (University of Louisville, Louis D. Brandeis School of Law, Louisville, Kentucky, Dec. 5, 2013)

Privacy Discussion Forum (Johannes Gutenberg University Faculty of Law, Mainz, Germany, June 17-18, 2013)

Remedies Discussion Forum (Monash University Faculty of Law (Prato Center), Prato, Italy, June 10-11, 2013)

Free Speech Discussion Forum (Luxembourg University Faculty of Law, Luxembourg, May 22-23, 2013)

**2012:** *Property Remedies Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 20-21, 2012).

*First Amendment Discussion Forum* (London, England (Notre Dame London Law Centre), June 12-13, 2012).

*Administrative Law Discussion Forum* (Luxembourg (Luxembourg University Faculty of Law), June 5-6, 2012).

*Criminal Procedure Discussion Forum* (Istanbul, Turkey (Yeditepe University Faculty of Law), May 22-23, 2012).

**2011:** *Privacy Discussion Forum* (Johannes Gutenberg University Faculty of Law, Mainz, Germany, June 23-24, 2011).

*Remedies Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 8-9, 2011).

**2010:** *Constitutional Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Dec. 15-16, 2010).

*Global Administrative Law Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 23-24, 2010).

*Criminal Procedure Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseille III Faculty of Law), June 23-24, 2010).

*Administrative Law Discussion Forum* (Quebec City, Canada (Laval University Faculty of Law), May 25-26, 2010).

**2009:** *Remedies Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 4-6, 2009).

*First Amendment Discussion Forum* (Luxembourg (Luxembourg University Faculty of Law), May 20-22, 2009).

**2008:** *Criminal Procedure Discussion Forum* (Atlanta, Georgia (Emory University School of Law), Dec. 8-9, 2008).

*Administrative Law Discussion Forum* (Montpellier, France (University of Montpellier I Faculty of Law), May 25-26, 2008).

**2007:** *Remedies Discussion Forum* (Atlanta, Georgia (Emory University School of Law), May 29-30, 2007).

**2006:** *Criminal Procedure Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Dec. 13-14, 2006).

*Administrative Law Discussion Forum* (Lexington, Virginia (Washington & Lee University School of Law), May 17-18, 2006).

**2005:** *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 18-19, 2005).

*Defamation and Privacy Discussion Forum* (Mainz, Germany (Johannes Gutenberg University Faculty of Law), June 8-9, 2005).



*First Amendment Discussion Forum* (Leeds, England (University of Leeds Faculty of Law), June 1-2, 2005).

**2004:** *Criminal Procedure Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 12-13, 2004).

*Remedies Discussion Forum* (Lexington, Virginia (Washington & Lee University School of Law), Nov. 7-8, 2004).

*Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), May 18-19, 2004).

**2003:** *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 7-8, 2003).

*Criminal Procedure Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), May 16-17, 2003).

**2002:** *First Amendment Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 2002).

*Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Apr. 26-27, 2002).

**2001:** *Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 2001).

**2000:** *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Apr., 2000).

**1999:** *Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 1999).

## **CALI**

Served as a “Remedies Fellow” for the Center for Computer Assisted Legal Education (CALI), and have authored various lessons for CALI (as part of the fellowship and afterwards).

## **SERVICE**

### **Law School:**

- Associate Dean for Faculty Research & Development (2012-2013)
- Personnel Committee (1990-present)

- Curriculum Committee (Chair, 2003, Member 2003-09, & 2012-2015)
- Distance Learning Committee (Chair, 2003-06)
- International Committee (1989-98 & 2006-07, Chair, 1990-95 & 1996-98 & 2013-2015)
- Faculty Recruitment Committee (1983-87 & 1991-93 & 2007-present, & Chair, 1986-87 & 1992-93)
- Dean Search Committee (2015)
- Decanal Review Committee (1987)
- Faculty Development Committee (1990-94)
- Faculty Representative to the AALS House of Delegates (1991-92)
- Advocacy Committee (1990-93, & Chair, 1991-92)
- Distinguished Teaching Committee (1989-90 & 1991-92, & Chair, 1989-90)
- Distinguished Service Committee (1991-92)
- Computer Committee (1989-90)
- Library Committee (1982-84 & 1989-90, Chair, 1983-84)
- Continuing Legal Education Committee (1984-85)
- Financial Aid Committee (1989-90)
- Order of the Coif Committee (1983-86 & 1993-94)
- Student Grievance Committee (1989-90)
- Advocacy Committee (1990-91, & Chair, 1989-90)

**University:**

- Vice President for Research's Advisory Council (2002-2013)
- Provost's Advisory Committee for the International Center (1994-2005)
- Faculty Grievance Committee (1990-2002 & 2004-06)
- Distinguished Teaching Committee (1989-90 & 2004)
- Distinguished Research Committee (1993-95)
- Southern Association of Colleges and Schools Accreditation Review Committee (1987-88)

**Community and Professional:**

- Scholar-in-Residence, Washington & Lee University (Jan. 22-23, 2015).
- Expert Witness, United Nations Office on Drugs & Crime (Vienna, Austria, April, 2013).
- Executive Director & Board of Directors, Southeastern Association of Law Schools (SEALS) (2004-present)
- Chair, Scholarship Award Committee, ABA Administrative Law Section (2008-present)
- Editorial Board, Journal of Education and the Law (a British journal)(1993-present)
- Executive Committee, AALS Remedies Section (2002-06)
- Chair, AALS Remedies Section (2005)
- Legal Panel, American Civil Liberties Union of Kentucky (ACLU of Ky.) (1984-2002)
- President, Southeastern Conference of the Association of American Law Schools

- (SEAALS) (1998-99)
- Treasurer, SEAALS (1994-2004)
  - Program Chair; SEAALS (1993-2004)
  - Secretary, SEAALS (1994-95)
  - Board of Directors, Coalition Against Rape and Sexual Assault (1986-2001)
  - Consultant, Central and East European Law Initiative (CEELI) (1991-1993)
  - Co-Chair, Montpellier Committee, Sister Cities of Louisville (1997-present)
  - Executive Committee, Association of American Law School's (AALS) Criminal Justice Section (1983-1990, & 1992-1999)
  - Vice Chair, International Trade Regulation, ABA's Section of Administrative Law and Regulatory Practice (1994-98)
  - Comments submitted on the Republic of Georgia's draft anti-terrorism law (1999).
  - Comments submitted to the Russian Constitutional Commission (with Dr. Paul Weber) (1993)
  - Consultant, Administrative Conference of the United States (1992-94)
  - Consultant, Belarus Constitutional Commission (legal specialist for CEELI, Minsk, Belarus, 4/3/93-4/19/93)
  - Consultant, Kyrgyzstan Constitutional Commission (acting as a legal specialist for CEELI, Bishkek, Kyrgyzstan, 10/16/92-11/2/92)
  - Consultant, Chechi & Co. (law reform in the former Soviet Union)(1993-98);
  - Chair, AALS Criminal Justice Section (1988)
  - AALS' Planning Committee for the New Law Teacher's Workshop (1991-1993);
  - Board of Directors, ACLU of Ky. (1988 & 1990-96)
  - Chair, Louisville Bar Association's (LBA) International Law Committee (1991);
  - LBA Professional Responsibility Committee (1984-85)
  - LBA Dispute Resolution Committee (1984-85)

## **FOREIGN VISITORSHIPS**

**2014:** Visiting Professor, U. Paris I Faculty of Law (Sorbonne) (Paris, France, Dec. 2014).

Invited Professor, U. Aix-Marseille Faculty of Law (Aix, France, Nov. 2014).

Visiting Professor University of Lisbon (Lisbon, Portugal, Apr., 2014).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, May, 2014).

**2013:** Visiting Professor, Johannes Gutenberg University Faculty of Law (Mainz, Germany, July, 2013).

Visiting Professor University of Lisbon (Lisbon, Portugal, Apr. 2013).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr. 2013).

**2012:** U. Aix-Marseille Faculty of Law (Aix, France, Oct., 2012).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2012).

**2011:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2011).

Parsons Fellow, Sydney University (Sydney, Australia, Mar., 2011).

Invited Professor, University of Montpellier Faculty of Law (Montpellier, France, Feb., 2011).

**2010:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, July, 2010).

Visiting Professor, Johannes Gutenberg University Faculty of Law (Mainz, Germany, Mar., 2010).

Invited Professor, University Paul Cezanne - Aix-Marseille III (Aix, France, Feb., 2010).

**2009:** Visiting Professor, University of Osnabruck Faculty of Law (Osnabruck, Germany, Dec., 2009).

Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2008).

**2008:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2007).

**2007:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2007).

**2006:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2006).

**2005:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2005).

**2004:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2004).

**2003:** Visiting Professor, Johannes Gutenberg University's Mainz Media Law Institute (Mainz, Germany, Apr., 2003).

Visiting Fellow, Centre for Media Law & Communication, Melbourne University Law School (Melbourne, Australia, Mar., 24-29, 2003).

Parsons Fellow, Sydney University School of Law (Sydney, Australia, Mar., 2003).

Visiting Professor, Macquarie University Division of Law (Sydney, Australia, Mar., 2003).

Visiting Professor, University of Western Sydney School of Law (Sydney, Australia, Mar. 13-20, 2003).

Invited Professor, University of Montpellier, Faculty of Law (Montpellier, France, Jan.-Feb., 2003).

**2000:** Visiting Professor, University of Leeds, Leeds, England (Apr., 2000).

**1999:** Visiting Professor, University of Turku, Faculty of Law, Turku Finland (May, 1999).

Visiting Professor, Cadi Ayyad University (Marrakesh, Morocco (Mar. 11-22, 1999).

**1996:** Visiting Professor, Daito Bunka University, Tokyo, Japan (Nov. 25-Dec. 10, 1996).

Visiting Professor, Johannes Gutenberg-Universität, Mainz, Germany (June, 1996).

Invited Professor, University of Montpellier, Montpellier, France (Apr., 1996).

Parsons Fellow, University of Sydney, Sydney, Australia (Mar. 11-15, 1996).

Visiting Fellow, Australian National University, Canberra, Australia (Mar. 5-9, 1996).

**1995:** Visiting Professor, Université de Paris - Sud, Paris, France (May 1995).

**1994:** Visiting Professor, Macquarie University Faculty of Law, Sydney, Australia (Feb.-Mar., 1994).

**1993:** Visiting Professor, Daito Bunka University, Tokyo, Japan (May 1993).

**1992:** Visiting Professor, City University, London, England (June 1992).

Visiting Professor, Université de Paris-Sud, Paris, France (May 1992).

**1991:** Visiting Professor, Université Paul Valéry, Montpellier, France (May 1991).

**1988:** Visiting Lecturer, University of Leeds, Leeds, England (1988-89).

## **PRACTICE EXPERIENCE**

**U.S. Department of Energy**, Washington, D.C. (4/80-7/82)

Regulatory Litigation Section of the Office of General Counsel. Litigation practice before the U.S. District Courts and Courts of Appeal, as well as before the Federal Energy Regulatory Commission.

**Watson, Ess, Marshall & Enggas**, Kansas City, MO (5/78-4/80)

Responsibilities generally litigation oriented, but included some work for the real estate, labor, corporate, and tax sections of the firm.

## **BAR MEMBERSHIPS**

Missouri Bar (1978-present)

## **REFERENCES**

Available on request.

## **Introduction to Tort Law – From an English and an American Perspective**

Elizabeth O 'Leary, University of Augsburg, Germany Lecturer Foreign Law Program

### **Course Description**

This intensive course introduces fundamental principles of common law tort, examining the development of tort law and its role in society, basic classification of common law torts, the elements of various torts, defences to liability in tort and remedies available under tort law. Students will extract principles of tort from case law and legislation and will apply these principles to fact situations. As tort law is largely case law based, it provides an excellent example of how the common law system develops and works in practice and students in this course will be required to use different methods of legal reasoning. Students will also be introduced to differences between English and US tort law.

### **Teaching Method**

This course will be a mixture of lecture, discussion and experiential learning. Students will participate very actively in class.

### **Grading Criteria**

There will be a closed-book final exam, which will take place after the intensive course. The exam will be based on material done in class or set as homework.

### **Course Outline (Tentative)**

11/03/2019 – Development of tort law – its overlap with other areas of law and its role in society. Classification of torts.

12/03/2019 – Introduction to Negligence – Elements of negligence – Analysis of recent cases

13/03/2019 – Negligence continued- Defences to negligence

14/03/2019 – Intentional torts - some recent developments

15/03/2019 -Restatement of Tort - Remedies and features of responsibility in tort law

### **Contact**

Email: [elizabeth.oleary@jura.uni-augsburg.de](mailto:elizabeth.oleary@jura.uni-augsburg.de)

## **Elizabeth M. O' Leary LL.M., J.D., BCL**

Foreign Law Lecturer University of Augsburg, Germany

elizabeth.oleary@jura.uni-augsburg.de

### **Profile**

A lecturer who has studied law in Ireland, Minnesota, USA and Germany and who has worked in law firms in three jurisdictions and has over twenty-years teaching and training experience in industry and universities. My goal in lecturing is to create a stimulating learning environment where students actively participate in analyses of legal concepts, cases and rules and are motivated and inspired to engage in discussion, critical thinking and reflection on issues and to retain lasting knowledge of lecture material.

### **Teaching Experience**

University of Augsburg, Germany 2006 - present

Foreign Law program/ Law and Language program. Courses taught included Tort Law, Case Analysis, Concepts of Law & Business, Constitutional Law, Business Mediation, Introduction to Anglo-American Legal systems and Business & Legal Communication

10 years experience in house training with focus on legal, intercultural and business issues for various banks, automobile companies, professional associations and educational institutes

### **Legal Experience**

10 years experience with law firms in Ireland, Germany and in Minnesota, USA with emphasis on commercial law and civil litigation.

3 years experience as an international human resource consultant with an international bank in Munich, Germany.

### **Education**

Ludwig-Maximilians-Universität, Munich, Germany LL.M. 1997

William Mitchell College of Law, St. Paul, Minnesota, USA J.D. 1989

University College Cork, Ireland BCL 1982

### **Admission as Solicitor/ Attorney**

Roll of solicitors in England and Wales 1994

United States District Court - District of Minnesota 1991

Minnesota State Bar, USA 1989

Roll of Solicitors in Ireland 1987

### **Additional Training**

Certificate Bavarian University Teacher - University of Augsburg, Germany

Certificate Intercultural Communication and Co-operation - Munich University of Applied Sciences

Certificate Mediation skills for Business and other Professional People -William Mitchell College of Law, St. Paul, Minnesota, USA





FACULDADE DE DIREITO  
Universidade de Lisboa

## SYLLABUS

### **Intensive course on La Crisis Del Estado de Derecho**

**Professor Fausto Vecchio**

**April 8<sup>th</sup> to 12<sup>th</sup>**

**From 16h:00 to 18h:00**

- El artículo 3 TUE y los valores de la EU;
- La crisis constitucional húngara;
- La crisis constitucional polaca;
- Las reacciones de las instituciones europeas.



GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS  
ERASMUS AND INTERNATIONAL RELATIONS OFFICE

# *Curriculum studiorum del Professor Fausto Vecchio*

## **Attuale qualifica:**

Dal 4 aprile 2014 Professore associato di Diritto costituzionale presso l'Università Kore di Enna

## **Abilitazioni acquisite:**

Dal 4 febbraio 2014 abilitato come Professore associato per il settore 12C1

Dal 2 dicembre 2014 abilitato come Professore associato per il settore 12E2

## **Precedenti posizioni accademiche:**

Dal 1 ottobre 2011 al 3 aprile 2014 Assistant Professor di Diritto internazionale presso l'Università Kore di Enna

Dal 3 agosto 2009 al 30 settembre 2011 Assegnista di ricerca in Diritto costituzionale presso il Dipartimento di Studi politici dell'Università di Catania

## **Principali titoli di studio:**

Dottorato di Ricerca in “Derecho constitucional europeo” rilasciato dall'Università di Granada (Sobresaliente con Matricula de honor)

Dottorato in “Ciências Jurídico-Políticas” rilasciato dall'Università di Lisbona (Sobresaliente con Matricula de honor)

Dottorato in “Profili della cittadinanza nella costruzione dell'Europa” rilasciato dall'Università di Catania

Master in “Derecho constitucional europeo” rilasciato dall'Università di Granada (Matricula de honor per la dissertazione finale)

Laurea in Giurisprudenza conseguita presso l'Università di Catania (votazione finale 110/110 e lode)

## **Altri attestati di rilievo internazionale:**

Summer School in “International human rights law and personal data protection” organizzata dall'International Institute of Human Rights ‘René Cassin’ di Strasburgo

Certificato di partecipazione all'“University Human Rights Teaching Course” rilasciato dall'International Center for University Human Rights Teaching dell'Università di Strasburgo

Summer School in “Derecho e Instituciones de la Unión Europea” organizzata dall’Universidad Complutense di Madrid

## **Competenze linguistiche:**

Attestato di conoscenza della lingua inglese IELTS 5.0 rilasciato dal British Council di Napoli

Attestato di conoscenza della lingua inglese GESE ESOL Grade 8 (liv. B2) rilasciato dal Trinity college di Londra

Attestato di conoscenza della lingua spagnola (liv. B2.2) rilasciato dall’Università di Granada

Attestato di conoscenza della lingua portoghese (liv. B1) rilasciato dall’Università di Lisbona

## **Pubblicazioni:**

### **Monografie:**

1. F. Vecchio, *Primacia del derecho europeo y salvaguarda de las identidades constitucionales*, BOE, 2015
2. F. Vecchio, *La sussidiarietà nell’ordinamento europeo. Profili attuali e prospettive future*, Bonanno, 2014
3. F. Vecchio, *Teorie costituzionali alla prova. La nuova Costituzione ungherese come metafora della crisi del costituzionalismo europeo*, CEDAM, 2013
4. F. Vecchio, *Primazia del diritto europeo e salvaguardia delle identità costituzionali*, Giappichelli, 2012

### **Articoli in riviste:**

#### **2016:**

5. F. Vecchio, *Le intercettazioni da remoto e i diversi modelli di bilanciamento tra esigenze investigative e diritto alla riservatezza e all’integrità dei sistemi informatici*, in *La Cittadinanza Europea*, 2016, 1, 107 - 124
6. F. Vecchio, *Redistribuzione economica, deficit democratico e Sonderweg in Europa: spunti di riflessione dal modello istituzionale belga*, in *Koreuropa*, 2016, 9
7. F. Vecchio, *La libertà di espressione dopo la vicenda Perinçek c. Svizzera: il nuovo atteggiamento della Corte europea in materia di criminalizzazione del negazionismo e i rischi residui di una storia imposta per via legislativa*, in *Rivista della cooperazione giuridica internazionale*, 2016, 52, 58 - 67

#### **2015:**

8. F. Vecchio, *Crisis económica y tendencias evolutivas de la administración pública en Europa*, in *Revista de derecho constitucional europeo*, 2015, 23, 17-31
9. F. Vecchio, *Il populismo ungherese tra economia e costituzione*, in *Cultura giuridica e diritto vivente*, 2015, Special issue, 133 - 140

**2014:**

10. F. Vecchio, *Questione di toni*, in *Rivista della cooperazione giuridica internazionale*, 2014, 48, 53-55
11. F. Vecchio, *L'ingloriosa fine della direttiva Data retention, la ritrovata vocazione costituzionale della Corte di giustizia e il destino dell'art. 132 del Codice della privacy*, in *Koreuropa*, 2014, 4
12. F. Vecchio, *Libertà di espressione e diritto all'onore in internet secondo la sentenza Delfi AS contro Estonia della Corte europea dei diritti dell'uomo*, in *Diritto dell'informatica e dell'informazione*, 2014, 1, 43 - 56
13. F. Vecchio, *La pagliuzza nell'occhio della Banca centrale europea e la trave nell'occhio del Bundesverfassungsgericht*, in *Koreuropa*, 2014, 5
14. F. Vecchio, *Le prospettive di riforma della Convenzione europea dei diritti umani tra limiti tecnici e 'cortocircuiti' ideologici*, in *Diritto pubblico comparato europeo*, 2014, 1, 99 – 104
15. F. Vecchio, *Le prospettive di riforma della Convenzione europea dei diritti umani tra limiti tecnici e 'cortocircuiti' ideologici*, in [www.osservatorioaic.it/](http://www.osservatorioaic.it/)

**2013:**

16. F. Vecchio, *Il sistema multilivello di protezione dei diritti fondamentali dopo le pronunce Melloni ed Akerberg della Corte di giustizia europea*, in *Quaderni costituzionali*, 2013, 2, 454-456
17. F. Vecchio, *L'insostenibile leggerezza metodologica della sentenza Malatto tra bilanciamenti fittizi e impoverimento costituzionale reale*, in *Rivista della cooperazione giuridica internazionale*, 2013, 45, 72 - 82
18. F. Vecchio, *I nuovi passi del "cammino comunitario" del Conseil Constitutionnel francese e le responsabilità del giudice costituzionale*, in *Rivista della cooperazione giuridica internazionale*, 2013, 44, 84 - 90
19. F. Vecchio, *Oltre il Lissabon urteil: la saga delle "pensioni slovacche" e l'applicazione dell'ultra vires review secondo il giudice costituzionale ceco*, in *Rivista della cooperazione giuridica internazionale*, 2013, 43, 73-76
20. F. Vecchio, *Oltre il Lissabon urteil: la saga delle "pensioni slovacche" e l'applicazione dell'ultra vires review secondo il giudice costituzionale ceco*, in [www.europeanrights.eu](http://www.europeanrights.eu)

**2012:**

21. F. Vecchio, *Costituzione nazionale e diritto derivato europeo secondo la decisione SK 45/09 del giudice costituzionale polacco: ritorno a Solange II o nuova ridefinizione degli equilibri tra gli ordinamenti?*, in *Quaderni costituzionali*, 2012, 2, 441-443
22. F. Vecchio, *Primazia do direito europeu e contralimites como técnicas para a relação entre ordenamentos*, in *Direito Público*, 2012, 9, 217-232
23. F. Vecchio, *O Princípio da Subsidiariedade no Tratado Constitucional: Procedimentalização versus Justiciabilidade*, in *Direito Público*, 2012, 2, 190-202
24. F. Vecchio, *Il caso Ruiz Zambrano tra cittadinanza europea, discriminazioni a rovescio e nuove possibilità di applicazione della Carta dei diritti fondamentali dell'Unione*, in *Estudos Eleitorais*, 2012, 1, 100-104
25. F. Vecchio, *Il caso Honeywell del Bundesverfassungsgericht: un'occasione persa per far chiarezza sui rapporti tra gli ordinamenti?*, in *Rivista della cooperazione giuridica internazionale*, 2012, 41, 43-59
26. F. Vecchio, *Primato del diritto europeo e controlimiti come tecniche di relazione tra gli ordinamenti*, in *Mediterranean Journal of Human Rights*, 2012, 317-356

27. F. Vecchio, *Más allá de “Lissabon urteil”*: la saga de las “jubilaciones eslovacas” y la aplicación del “ultra vires review” según el juez constitucional checo, in *Revista de derecho constitucional europeo*, 2012, 18, 395-400
28. F. Vecchio, *Il paradossale successo della teoria dei controlimiti e l’espansione delle competenze dei giudici costituzionali*, in *Rivista della cooperazione giuridica internazionale*, 2012, 41, 99-110
29. F. Vecchio, *Primacía del derecho europeo y contralímites como técnicas para la relación entre los ordenamientos*, in *Revista de derecho constitucional europeo*, 2012, 17, 67-101

#### **2011:**

30. F. Vecchio, *En las fronteras de la integración multinivel: el Tratado de Lisboa y las hipótesis del «doble carácter prejudicial»*, in *Revista de la Facultad de Derecho de la Universidad de Granada*, 2010 - 2011, 13 - 14,
31. F. Vecchio, *Un nuevo capítulo en la “saga” del “Data retention”*: el Tribunal Constitucional de la República Checa declara la inconstitucionalidad de los actos de transposición de la Directiva 2006/24/CE, in *Revista de derecho constitucional europeo*, 2011, 16, 513-518
32. F. Vecchio, *El procedimiento de codecision y el principio de subsidiariedad: un ‘cortocircuito’ democrático?*, in *Revista Historia: Debates e tendencias*, 2011, 11, 11-21
33. F. Vecchio, *The fundamental rights between the European Court of Justice and the new powers of the French ‘Conseil Constitutionnel’*, in *Mediterranean Journal of Human Rights*, 2011, 15, 189-213
34. F. Vecchio, *Il caso Ruiz Zambrano tra cittadinanza europea, discriminazioni a rovescio e nuove possibilità di applicazione della Carta dei diritti fondamentali dell’Unione*, in *Diritto pubblico comparato europeo*, 2011, 3, 1249-1251
35. F. Vecchio, *Il caso Ruiz Zambrano tra cittadinanza europea, discriminazioni a rovescio e nuove possibilità di applicazione della Carta dei diritti fondamentali dell’Unione*, in [www.europeanrights.eu](http://www.europeanrights.eu)
36. F. Vecchio, *Il sistema multilivello di tutela dei diritti fondamentali alla luce del caso Chartry della Corte di giustizia*, in *Quaderni costituzionali*, 2011, 687-690
37. F. Vecchio, *La clausola di salvaguardia delle identità costituzionali, le occasioni perdute e lo “spettro” di Viking e Lavall*, in [www.europeanrights.eu](http://www.europeanrights.eu)

#### **2010:**

38. F. Vecchio, *Costituzionalismo multilivello e unità interpretativa dell’ordinamento giuridico*, in *Rassegna parlamentare*, 2010, 4, 863-883
39. F. Vecchio, *Il Trattato di Lisbona e le ipotesi di «doppia pregiudizialità»: differenti prospettive di tutela e pericoli di pronunce incoerenti*, in *Giustizia amministrativa*, 2010, 2, 63-71
40. F. Vecchio, *Il Trattato di Lisbona e le ipotesi di «doppia pregiudizialità»: differenti prospettive di tutela e pericoli di pronunce incoerenti*, in [www.giustamm.it](http://www.giustamm.it)
41. F. Vecchio, *La decisione 2010 – 205 DC del Conseil constitutionnel francese e la decisione C – 188/10 della Corte di Giustizia: il superamento della dottrina Simmenthal e le possibili ricadute sul sistema italiano*, in [www.giustamm.it](http://www.giustamm.it)
42. F. Vecchio, *La partecipazione delle assemblee parlamentari regionali nella fase ascendente di formazione del diritto comunitario: spunti di riflessione dal modello spagnolo*, in *Quaderni regionali*, 2010, 2, 649-662
43. F. Vecchio, *Los ordenamientos constitucionales de Hungría, Polonia y Eslovenia*, in *Revista de derecho constitucional europeo*, 2010, 14, 60-105
44. F. Vecchio, *Competenza e gerarchia nella sentenza Lisbona del Tribunale federale tedesco: verso un diritto costituzionale asimmetrico*, in *Quaderni europei*, 2010, 21, 81-92

45. F. Vecchio, *Il giudice ordinario italiano e la tutela multilivello dei diritti fondamentali dopo il Trattato di Lisbona*, in [www.giustamm.it](http://www.giustamm.it)
46. F. Vecchio, *Codecisione e principio di sussidiarietà: un 'cortocircuito' democratico?*, in *Giustizia amministrativa*, 2010, 1, 62-68
47. F. Vecchio, *Codecisione e principio di sussidiarietà: un 'cortocircuito' democratico?*, in [www.giustamm.it](http://www.giustamm.it)
48. F. Vecchio, *Dopo Viking, Laval e Ruffert: verso una nuova composizione tra libertà economiche europee e diritti sociali fondamentali?*, in [www.europeanrights.eu](http://www.europeanrights.eu)

#### **2009:**

49. F. Vecchio, *Corte di giustizia europea e tribunali costituzionali nazionali secondo la prospettiva della Corte costituzionale ceca*, in [www.europeanrights.eu](http://www.europeanrights.eu)
50. F. Vecchio, *Corte di giustizia europea e tribunali costituzionali nazionali secondo la prospettiva della Corte costituzionale ceca*, in [www.diritto.it](http://www.diritto.it)
51. F. Vecchio, *Competenza e gerarchia nella sentenza Lisbona del Tribunale federale tedesco: verso un diritto costituzionale asimmetrico?*, in [www.forumcostituzionale.it/wordpress/](http://www.forumcostituzionale.it/wordpress/)
52. F. Vecchio, *Declinazioni costituzionali del principio di sussidiarietà*, in [www.forumcostituzionale.it/wordpress/](http://www.forumcostituzionale.it/wordpress/)
53. F. Vecchio, *Il principio di sussidiarietà nel Trattato Costituzionale: giustiziabilità vs. procedimentalizzazione*, in [www.forumcostituzionale.it/wordpress/](http://www.forumcostituzionale.it/wordpress/)
54. F. Vecchio, *Mandato di arresto europeo e problemi di tutela dei diritti fondamentali*, in [www.diritto.it](http://www.diritto.it)
55. F. Vecchio, *Competenza e gerarchia nella sentenza Lisbona del Tribunale federale tedesco: verso un diritto costituzionale asimmetrico?*, in [www.diritto.it](http://www.diritto.it)
56. F. Vecchio, *La sentenza 199/2009 del Tribunal Constitucional spagnolo e l'inversione dell'interpretazione conforme come nuovo strumento del costituzionalismo asimmetrico europeo*, in [www.diritto.it](http://www.diritto.it)

#### **Capitoli di libro:**

##### **2016:**

57. F. Vecchio (in stampa), *Redistribuzione economica, deficit democratico e Sonderweg in Europa: spunti di riflessione dal modello istituzionale belga*, in
58. F. Vecchio, *La crisi costituzionale polacca, la «bielorussizzazione» dell'Europa orientale e il processo di disintegrazione europea*, in E. Raffiotta - G. Teruel Lozano - A. Perez Miras, *Constitucion y integración*, Madrid, Dykinson, 2016, 297 - 310

##### **2015:**

59. F. Vecchio, *Libertà di espressione, tutela della privacy e protezione dei dati personali nel dialogo tra Corte europea e Corte inter-americana dei diritti dell'uomo*, in V. Pereira da Silva – F. Balaguer Callejón, *O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global*, Lisbona, Instituto de Ciências jurídico-políticas, 2015, 166 - 176
60. F. Vecchio, *Quo vadis Europa? La degenerazione populistica ungherese tra crisi economica e crisi costituzionale*, in A. Pérez Miras - G.M. Teruel Lozano - E. Raffiotta, *Desafios del constitucionalismo ante la integración europea*, Murcia, EDITUM, 2015, 69-83

61. F. Vecchio, *Crisi economica e tendenze evolutive nella pubblica amministrazione in Europa*, in F. Balaguer Calléjon – M. Azpitarte Sánchez – E. Guillén Lòpez – J. F. Sánchez Barillao, *The dimension of the public administration in the context of globalization*, Thomson Reuters Aranzadi, 2015, 577 – 591
62. F. Vecchio, *La paille dans l'oeil de la Banque Centrale Européenne et la poutre dans l'oeil de la Bundesverfassungsgericht*, in F. Balaguer Calléjon - S. Pinon – A. Viala, *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe*, Institut Universitaire Varenne, 2015, 235 - 238
63. F. Vecchio, *Quo vadis Europa? La degenerazione populistica ungherese tra crisi economica e crisi costituzionale*, in F. Balaguer Calléjon – M. Azpitarte Sánchez – E. Guillén Lòpez – J. F. Sánchez Barillao, *The impact of the economic crisis on the EU institutions and member states*, Thomson Reuters Aranzadi, 2015, 379 – 388

### **2013:**

64. F. Vecchio, *The Romanian mess, Europe and the risks of authoritarian involutions*, in C. Benlloch Domènech - Pérez Zafrilla – J. Sarrión Esteve, *Current social and legal challenges for a changing Europe*, Comares, 2013, 118 – 131
65. F. Vecchio, *Profili di incostituzionalità della Direttiva Data Retention*, in A. Pérez Miras - G.M. Teruel Lozano - E. Raffiotta, *Desafios Para Los Derechos De La Persona Ante El Siglo XXI*, Aranzadi, 2013, 209 – 218
66. F. Vecchio, *La clausola di salvaguardia delle identità costituzionali, le occasioni perdute e lo "spettro" di Viking e Lavall*, in AA. VV. *Studi in onore di Augusto Sinagra*, IV, Aracne, 2013, 543-558
67. F. Vecchio, *Nuove organizzazioni internazionali*, in D. Cuccu - A. Papparuso, *Atti delle Cattedre "Luigi Sturzo" 2009 – 2010 – 2011*, Roma, Istituto di sociologia Luigi Sturzo, 2013, 49-54

### **2012:**

68. F. Vecchio, *Premessa*, in B. Andò – F. Vecchio, *Costituzione, globalizzazione e tradizione giuridica europea*, CEDAM, 2012, IX – X
69. F. Vecchio, *Lo strano caso della nuova Costituzione ungherese e la necessità di ripensare l'architettura istituzionale europea*, in B. Andò – F. Vecchio, *Costituzione, globalizzazione e tradizione giuridica europea*, CEDAM, 2012, 161-181
70. F. Vecchio, *La Primavera araba e l'Europa*, in A. Cantaro, *Declino europeo, crisi globale e rivolte arabe*, Giappichelli, 2012, 264-273

### **2011:**

71. F. Vecchio, *Diritto e giustizia nell'ordinamento multilivello europeo. Spunti di riflessione dalla sentenza 199/2009 del Tribunal Constitucional spagnolo*, in A. Cantaro, *Giustizia e Diritto nella scienza giuridica contemporanea*, Giappichelli, 2011, 107–120

### **2010:**

72. F. Vecchio, *Dopo Viking, Laval e Ruffert: verso una nuova composizione tra libertà economiche europee e diritti sociali fondamentali?*, in F. Basile - M. Pilato, *Per costruire l'unità. Studi sull'Italia e l'integrazione europea di fronte alla nuova governance mondiale in occasione del 150 anniversario dell'unità di Italia*, Cacucci, 2010, 399-413

73. F. Vecchio, *Primato condizionato e asimmetria*, in A. Cantaro, *Il costituzionalismo asimmetrico dell'Unione. L'integrazione dopo il Trattato europeo di Lisbona*, Giappichelli, 2010, 40-50

74. F. Vecchio, *La sussidiarietà nell'ordinamento europeo*, in P. Barcellona. *La società europea*, Giappichelli, 2010, 458-476

**2009:**

75. F. Vecchio, *Sussidiarietà e supremazia nel Sonderweg europeo: spunti di riflessione dal modello tedesco*, in F. Sciacca, *La dimensione istituzionale europea*, Le lettere, 2009, 179-185

**2008:**

76. F. Vecchio, *Caffeeuropeo, il coinvolgimento della cittadinanza attiva*, in G. Grasso Leanza – F. Vecchio *Europa. Prospettive giuridico-politiche*, Bonanno, 2008, 23-35

77. F. Vecchio, *Il principio di sussidiarietà nel Trattato Costituzionale: giustiziabilità vs. procedimentalizzazione*, in E. Castorina, *Profili attuali e prospettive di diritto costituzionale*, Giappichelli, 2008, 170-181

78. F. Vecchio, *Declinazioni costituzionali del principio di sussidiarietà*, in C. Magnani, *Beni pubblici e servizi sociali in tempo di sussidiarietà*, Giappichelli, 2008, 173-199

**Curatele:**

79. B. Andò – F. Vecchio, *Costituzione, globalizzazione e tradizione giuridica europea*, CEDAM, 2012

80. G. Grasso Leanza – F. Vecchio, *Europa. Prospettive giuridico-politiche*, Bonanno, 2008

**Attività didattica:**

Anno accademico 2015/2016 (9 CFU) Insegnamento di Mercato, libertà economiche e diritti sociali per il corso di Dottorato in Scienze economiche, aziendali e giuridiche

Anno accademico 2015/2016 (6 CFU) Insegnamento di Diritto pubblico per il Corso di Laurea in Servizio sociale dell'Università Kore di Enna

Anno accademico 2015/2016 (9 CFU) Insegnamento di Diritto costituzionale per il Corso di Laurea in Scienze strategiche e della sicurezza dell'Università Kore di Enna

Anno accademico 2015/2016 (9 CFU) Insegnamento di Diritto pubblico comparato per il Corso di Laurea in Servizio Sociale dell'Università Kore di Enna

Anno accademico 2014/2015 (6 CFU) Insegnamento di Diritto pubblico per il Corso di Laurea in Servizio sociale dell'Università Kore di Enna

Anno accademico 2014/2015 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna



Anno accademico 2013/2014 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna

Anno accademico 2013/2014 (3 CFU) Insegnamento di Diritti umani e bioetica per il Corso di Laurea in Giurisprudenza dell'Università Kore di Enna

Titolare di un contratto di insegnamento di diritto costituzionale per il Corso di Alta specializzazione in “Public energy manager” organizzato dal CERISDI (2013/2014)

Anno accademico 2012/2013 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna

Anno accademico 2012/2013 (3 CFU) Insegnamento di Diritti umani e Bioetica per il Corso di Laurea dell'Università Kore di Enna

Titolare di un contratto di insegnamento di diritto costituzionale per il Corso di Alta specializzazione in “Health Management e Politiche Pubbliche” organizzato dal CERISDI (2012/2013)

Anno accademico 2011/2012 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna

Anno accademico 2011/2012 (3 CFU) Insegnamento di Diritto pubblico comparato per il Corso di Laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2010/2011 (20 Ore) Insegnamento di diritto pubblico e delle autonomie locali per il Corso di Laurea in Sociologia e servizio sociale dell'Università di Urbino

Titolare di un contratto di insegnamento di diritto dell'Unione europea per il Corso per “Mediatore familiare” organizzato dallo IAL-CISL di Catania (2009/2010)

Anno accademico 2009/2010 (2 CFU) Insegnamento di diritto costituzionale italiano e comparato per il Corso di Laurea in l'Università di Catania

### **Attività didattica all'estero:**

Maggio 2016 Insegnamento al Corso di Laurea di Giurisprudenza dell'Università di Granada

Aprile 2016 Corso intensivo in European Constitutional Law (Universidade de Lisboa)

Dicembre 2012 Insegnamento al Master Oficial in Derecho constitucional europeo (Universidad de Granada)

### **Periodi certificati di ricerca all'estero:**

2 Maggio 2016 – 6 Giugno 2016 Università di Granada

14 Settembre 2015 – 1 Novembre 2015 Università di Montpellier

15 Giugno 2014 – 1 Luglio 2014 Parlamento di Malta

9 Febbraio 2014 – 22 Febbraio 2014 Università di Granada

14 Gennaio 2012 – 13 febbraio 2012 Università di Granada

20 febbraio 2011 – 30 settembre 2011 Università di Lisbona

1 novembre 2009 - 19 febbraio 2011 Università di Granada

21 giugno 2009 – 3 luglio 2009 Università di Bilbao

## **Premi internazionali:**

Elfa Awards 2012, attribuito dall'European Law Faculty Association come secondo classificato per la miglior tesi di dottorato in diritto europeo

## **Relazioni svolte a convegni e seminari:**

### **2016:**

- 1 5 maggio 2016 (Universidad de Granada) “El futuro de Europa: gobernanza económica e integración política”
- 2 1 aprile 2016 (Università di Catania) “Riflessioni sul metodo. Il diritto positivo tra forma giuridica e teorie della costituzione materiale”
- 3 11 marzo 2016 (Università di Catania) “Cittadinanza europea e democrazia in Europa. Crisi, rappresentanza e partecipazione”

### **2015:**

- 4 10 dicembre 2015 (Universidad de Granada) “La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política”
- 5 25 maggio 2015 (Università Kore di Enna) “Società dell'informazione, nuovi diritti e crescita economica”
- 6 13 maggio 2015 (Università di Roma La Sapienza), “Parlamenti nazionali e Unione europea nella governance multilivello”
- 7 11 Febbraio 2015 (Universidad de Granada), “La dimensión del Estado y de las Administraciones Públicas en perspectiva comparada”
- 8 6 Febbraio 2015 (Università di Catania), “Perspectivas nacionales y supranacionales del Derecho constitucional en el contexto de la globalización”

### **2014:**

- 9 2 Dicembre 2014 (Università Kore di Enna) “No Justice Without Life”
- 10 26 Novembre 2014 (Universidad Comillas de Madrid) “Desafíos del constitucionalismo ante la integración Europea”
- 11 10 Ottobre 2014 (Università di Urbino) “Quo Vadis Europa?”
- 12 13 Maggio 2014 (Universidade de Lisboa) “O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global
- 13 1 Aprile 2014, (Università Kore di Enna) “Oltre il deficit democratico: il diritto di voto fra democrazia partecipativa e democrazia rappresentativa”
- 14 12 Febbraio 2014 (Universidad de Granada) “La dimensión de la Administración Pública en el contexto de la globalización”

### **2013:**

- 15 12 Dicembre 2013 (Università di Montpellier) “Le Droit constitutionnel européen à l'épreuve de la crise économique et démocratique de l'Europe”
- 16 10 Dicembre 2013 (Università Kore di Enna) “Dove vanno le Primavere arabe?”
- 17 27 Giugno 2013 (Universidad de Valencia) “Current challenges for a changing Europe”
- 18 17 Maggio 2013 (Universidad de Universidad de Sao Luis de Maranhao) “Transformación del estado, integración supranacional, federalismo y protección multinível de los derechos fundamentales”
- 19 17 Aprile 2013 (Università Kore di Enna) “Cittadinanza europea e tutela dei diritti fondamentali”
- 20 11 Aprile 2013 (Università di Cosenza) “Transizioni e democrazia nei paesi del mediterraneo e del vicino oriente”

### **2012:**

- 21 22 settembre 2012 (Osservatorio dell'Ordine nazionale forense per i diritti umani nei paesi del Mediterraneo) “Immigrati: dall'accoglienza alla tutela. Le forme di tutela degli immigrati nel diritto interno ed internazionale”
- 22 10 maggio 2012 (Università Kore di Enna) “Diritti fondamentali e cooperazione euromediterranea nel quadro della Primavera araba”
- 23 3 maggio 2012 (Università di Bologna) “Le nuove esigenze di tutela dei diritti della persona”
- 24 18 aprile 2012 (Universidad de Granada) “Primavera Árabe, Unión Europea y contexto global”
- 25 13 aprile 2012 (Università Kore di Enna) “Elementi di diritto costituzionale europeo”
- 26 12 marzo 2012 (Università Kore di Enna) “Alla ricerca della dimensione sociale europea”

### **2011:**

- 27 1 dicembre 2011 (Università Kore di Enna) “Costituzione, globalizzazione e tradizione giuridica europea”
- 28 29 novembre 2011 (Università di Catania) “Líneas temáticas de desarrollo del Derecho Constitucional Europeo”
- 29 23 novembre 2011 (Universidad de Sao Paulo) “Lo strano caso della Costituzione ungherese e la necessità di ripensare l'architettura istituzionale europea”
- 30 22 novembre 2011 (Federación de Industrias de São Paulo) “Lo strano caso della Costituzione ungherese e la necessità di ripensare l'architettura istituzionale europea”
- 31 21 novembre 2011 (Istituto de Direito Publico de Brasilia) “Sistemas Federativos e Globalização”
- 32 16 novembre 2011 (Universidad de Sao Luis de Maranhao) “Constituição e Federalismo no Mundo Globalizado”

- 33 26 ottobre 2011 (Università di Urbino) “Crisi globale, declino europeo e rivolte mediterranee”  
34 1 ottobre 2011 (Università Kore di Enna) “Sovranità e diritti fondamentali”

#### **2010:**

- 35 15 settembre 2010 (Universidad de Granada) “La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo”  
36 29 maggio 2010 (Associazione italiana di diritto comparato) “Privato, pubblico, globale nelle prospettive del diritto pubblico comparato”  
37 25 marzo 2010 (Università di Urbino) “Giustizia e diritto nella scienza giuridica contemporanea”  
38 20 ottobre 2010 (Istituto di sociologia Luigi Sturzo) “Globalizzazione e relazioni internazionali”

#### **2009:**

- 39 23 aprile 2009 (Università di Urbino) “L’integrazione europea dopo Lisbona”  
40 1 ottobre 2009 (Università di Catania) “Primato invertito, sussidiarietà e asimmetria nel Trattato di Lisbona”  
41 21 ottobre 2009 (Istituto di sociologia Luigi Sturzo, Caltagirone) “Nuove organizzazioni internazionali”

#### **2007:**

- 42 16 maggio 2007 (Università di Catania) “La società europea”

#### **2006:**

- 43 9 novembre 2006 (Università di Urbino) “Declinazioni costituzionali del principio di sussidiarietà”

### **Attività editoriale:**

Membro del Comitato di redazione della Rivista KorEuropa

Membro del Comitato di redazione della Revista do Curso de Direito da UFMA

### **Partecipazione a progetti di ricerca finanziati**

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2016 “Un mercato unico digitale per l’Europa”

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2015 “Il nostro mondo, la nostra dignità, il nostro futuro”

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2014 “Il mio voto in Europa: la scelta per il mio futuro”

Progetto della Rete italiana dei centri di documentazione europea per l'anno 2013 "Diritti fondamentali e cittadinanza europea"

Progetto di ricerca di interesse nazionale 2010 – 2011 "Parlamenti nazionali e Unione europea nella governance multilivello"

### **Altre informazioni:**

Componente del Collegio di dottorato in Scienze economiche, aziendali e giuridiche dell'Università Kore di Enna

Affiliato al Centre d'études et de recherches comparatives constitutionnelles et politiques dell'Università di Montpellier

Responsabile accademico del Centro di Documentazione Europea dell'Università Kore di Enna

Collaboratore della Cattedra Jean Monnet ad personam tenuta dal prof. Francisco Balaguer Callejon

Collaboratore del Centro di Eccellenza Jean Monnet dell'Università di Granada

Collaboratore della Fondazione Peter Haberle

**Dr. Millán Requena Casanova.**  
*Professor in Public International Law and European Union Law.*  
*University of Alicante*  
*(Jean Monnet Professor of European Union)*

SYLLABUS (ENGLISH):

*Litigation in Economic International Law:*  
*Consent to International Commercial Arbitration & Investment Arbitration*  
*(5<sup>th</sup> Edition)*

Course 2018/2019

19<sup>th</sup> to 23<sup>th</sup> November 2018.

From 4:00:00 PM to 6:00:00 PM.

**Session 1: Consent in International Commercial Arbitration**

a) The arbitration agreement; b) The substantive elements of consent to international commercial arbitration (2 hours).

**Session 2: Scope and extension of Consent to International Commercial Arbitration.**

a) Writing of Arbitration clauses; b) Choice-of-Law and procedural Issues; c) Problems of recognition and enforcement of awards (2 hours).

**Session 3: Consent in Investment Arbitration.**

a) Conditions Prior to Consent to Arbitration; b) Requirement to exhaust local remedies (2 hours).

**Session 4: Ways of expressing Consent to Investment Arbitration.**

a) The International Centre for Settlement of Investment Disputes (ICSID); b) Substantive and procedural issues: ICSID Convention; other arbitral fora; c) Consent and Most-Favoured Nation Clauses (MFN-Clauses) (2 hours).

**Session 5: Consent and Jurisdiction.**

a) Consent to ICSID Arbitration: Conventional Practice. b) European Union and US negotiating on TTIP: investor-to-state dispute settlement (ISDS) (2 hours); c) Investor-State dispute settlement mechanisms in European Union Free Trade Agreements with third countries (CETA, Singapur, Vietnam). (2 hours).

• **Dr. Millán Requena Casanova. CV ABBREVIATED**

*Updated at 13 July, 2018*

□ **Position:** Professor in Public International Law and European Union Law at the UNIVERSITY OF ALICANTE (SPAIN). Since 1996 to present.

□ Professor **Jean Monnet of the European Union**. Director of 3 Jean Monnet Modules of the European Commission, granted consecutively, namely: 1. "*Immigration Policies and Third Country Nationals Rights in the European Union*" (2011-2014); 2. "*Equal Treatment and Non-Discrimination Law in the European Union*" (2014-2017); 3. "*Migrant's Rights, EU Borders and Internal Security of Citizens: EU Values and Global Challenges*" (2017-2020).

□ From 2013 to the present, he is a “guest speaker” at the University of Lisbon, giving an *intensive course* in the field of international commercial arbitration and investor-State arbitration.

□ Specialist in *International Commercial Arbitration and Investor-State Arbitration* by the American University, Washington College of Law-Center of International Commercial Arbitration (Washington D.C.), 2014.

□ He is the author of more than 30 specialized publications in the field of the following topics: Investor-State arbitration, pacific settlement of international disputes, prohibition of racial discrimination in European Union, prohibition of discrimination based on age in the European Union, gender equality issues, immigration, asylum and border control policies of the EU, minorities protection in the EU.

□ He has carried out advisory activities as a *Local Expert* of the World Bank in the preparation of the Report "*Facilitating Business in Agriculture. 2017*"; and in the Report title "*Enabling the Business of Agriculture 2016: Comparing regulatory good practices*".

□ He has researched in prestigious academic institutions, among others: European University Institute (Florence); United Nations Library (Geneva); Dipartimento di Teoria dello Stato - Università La Sapienza (Rome); Institute of Higher International and Development Studies (Geneva).

□ Professor of the LL.M. Program on *International Protection of Human Rights* (University of Alcalá), from 2014 to the present; professor of the LL.M. Program on *Environmental Law and Sustainability* of the University of Alicante, from 2007 to the present; Professor of the *Master's Degree in Advocacy* (UMH de Elche), from 2013 to the present.

□ He has been Academic Secretary of the Faculty of Law at the University of Alicante (2012-2016). Currently, he is Academic Secretary of the Department of Public International Law and Criminal Law of the UA (2016- ...).

- **Recent publications:**

1) **REQUENA CASANOVA, M.**, “Dispute Settlement Clauses in Model Bits: Traditional Clauses and New Trends”, in *New Trends in International Economic Law – From Relativism to Cooperation*, C. JIMÉNEZ PIERNAS (ed)/A. M. ARONOVITZ (ass.ed), Publications of the Swiss Institute of Comparative Law, Geneva/Zurich **2018**, Schulthess Éditions Romandes, pp. 31-69.

2) **REQUENA CASANOVA, M.**, “La aplicación de la Agenda Mujeres, Paz y Seguridad en los procesos de Paz: La participación de las mujeres en la prevención y resolución de conflictos”, *Revista Electrónica de Estudios Internacionales*, Vol. 34 (2017), pp. 1-37.

3) **REQUENA CASANOVA, M.**, “El régimen de promoción de las energías renovables español pasa su primer examen internacional: El Caso *Charanne y Construction Investments c. España* (Jurisdicción)”, *Revista Española de Derecho Internacional*, Vol. 68 (2016), n. 2, julio-diciembre, pp. 359-367.

4) **REQUENA CASANOVA, M.**, “La recepción de la jurisprudencia de la CIJ en las decisiones de los Tribunales del CIADI: especial referencia a las cuestiones de jurisdicción”, *Revista Electrónica de Estudios Internacionales*, Vol. 30 (2015), pp. 1-33.

5) **REQUENA CASANOVA, M.**, “La solución de controversias en los modelos de APPRI: Cláusulas tradicionales y nuevas tendencias”, *Revista Electrónica de Estudios Internacionales*, Vol. 24 (2012), pp.1-35. ISSN: 1697-5197.

6) **REQUENA CASANOVA, M.**, “Principio de no discriminación y límites de edad en el acceso al empleo público: del Asunto *Wolf* a la Sentencia TJUE *Vital Pérez c. Ayuntamiento de Oviedo*”, *Revista General de Derecho Europeo*, núm. 38 (2016), pp. 239-254.

7) **REQUENA CASANOVA, M.**, “La discriminación por razón de la edad en la Unión Europea: la expansión del principio de no discriminación a través de la jurisprudencia”, *Revista General de Derecho Europeo*, núm. 31, Octubre (2013), pp. 1-30.



# Main Issues of Corporate Governance

Prof. Dr. Virginijus Bitė

Lisbon, 1<sup>st</sup>–4<sup>th</sup> October 2018

## Monday (1<sup>st</sup> October)

### **Topic 1: Corporate governance: various interests and allocation of powers**

- Bodies (organs) of a company and allocation of power.
- Types of corporate structure (dualistic, monistic and mixed systems).
- Definition of corporate governance.
- Agency problems in corporate law.
- Mitigation of corporate governance conflicts.

## Tuesday (2<sup>nd</sup> October)

### **Topic 2: Shareholders' rights and responsibilities**

- The interests of shareholders as a class.
- Classifications of shareholder rights.
- Conflicts between majority and minority shareholders.
- Minority protection measures.

## Wednesday (3<sup>rd</sup> October)

### **Topic 3: Duties and liability of company director**

- Rationale for director's duties.
- The categories of duties. General and specific duties of directors.
- Duty of loyalty.
- Duty of care.
- Liability of directors. The business judgment rule.
- Relief from director's liability.


## Thursday (4<sup>th</sup> October)



### **Workshops: Case studies: Breach of shareholder rights and liability of directors**

**PERSONAL INFORMATION**

**Virginijus Bite**



 Ateities st. 20, LT-08303 Vilnius, Lithuania

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 [virginijus.bite@mruni.eu](mailto:virginijus.bite@mruni.eu)

[virginijus.bite@adjuto.lt](mailto:virginijus.bite@adjuto.lt)

 [www.adjuto.lt](http://www.adjuto.lt)

Sex male | Date of birth 26/05/1981 | Nationality Lithuanian

**WORK EXPERIENCE**

Since January 2016 **Professor, Faculty of Law, Institute of Private Law**

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, [www.mruni.eu](http://www.mruni.eu)

- Since January 2016 – Director of the Institute of Private Law;
- Since January 2018 – member of the Law Sciences Doctoral Studies Committee;
- Since February 2016 – member of the Council of the Faculty of Law;
- Since November 2015 – Head of the Study Programme Committee of the Private Law master programs;
- since April 2015 - member of editorial board of research journal “*Jurispudencija*”, Mykolas Romeris University;
- Since June 2013 – Director of the joint master study programme ‘European and International Business Law’ and member of the group on preparation;
- From March 2015 to December 2016 – Head of the Justice Research Laboratory
- Corporate Law (subjects: Legal Forms of Business Organization (LT), Company Law (LT), and European and International Company Law (EN)), Contract Law, Lawyer’s career;
- Supervision for master theses and PhD theses;
- Participation in PhD defence boards;
- Member of the Committee of Business Law, European Business Law master study programs.

Business or sector: High school (university)

Since August 2014 **Attorney-at-Law, Managing Partner**

Law office Bite and Caikovski ADJUTO, A. Gostauto st. 8-0117, LT-01108 Vilnius, Lithuania, [www.adjuto.lt](http://www.adjuto.lt)

- Corporate Law, Contract Law, Civil Law, Financial Services Law

Business or sector: Law office (legal services)

From September 2011 to December 2015 **Associate Professor, Faculty of Law, Department of Business Law**

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, [www.mruni.eu](http://www.mruni.eu)

- From May 2013 to December 2015 – head of the Department;
- Corporate Law (subjects: Legal Forms of Business Organization (LT) and European and International Corporate Law (EN)), Contract Law;
- Supervision for master theses and PhD theses;
- Participation in PhD defence boards;
- Member of the Committee of Business Law, European Business Law master study programs.

Business or sector: High school (university)

From November 2012 to August 2014 **Attorney-at-Law, Managing Partner**

Virginijus Bite Law office ADJUTO, A. Goštauto st. 8-0117, LT 01108 Vilnius, [www.adjuto.lt](http://www.adjuto.lt)

- Corporate Law, Contract Law, Civil Law, Financial Services Law

Business or sector: Law office (legal services)

From February 2012 to April 2012 **Junior researcher**

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, [www.mruni.eu](http://www.mruni.eu)

- Implementation of project "Preparation of feasibility study of joint study program", participant of the project.

**Business or sector:** High school (university)

**From September 2010 to June 2011** **Lecturer, Faculty of Law, Department of Business Law**

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, [www.mruni.eu](http://www.mruni.eu)

- Corporate Law (subject: Legal Forms of Business Organization (LT)), Contract Law;
- Supervision for master theses.

**Business or sector:** High school (university)

**From September 2008 to November 2012** **Attorney-at-Law**

Law office Marcinkevicius, Caikovski and partners JURIDICON, Totoriu st. 5-7, Vilnius, Lithuania

- Corporate Law, Contract Law, Civil Law

**Business or sector:** Law office (legal services)

**From September 2006 to June 2010** **Assistant, Faculty of Law, Department of Business Law**

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, [www.mruni.eu](http://www.mruni.eu)

- Corporate Law (subject: Legal Forms of Business Organization (LT)), Contract Law;
- Supervision for master theses.

**Business or sector:** High school (university)

**From January 2006 to September 2008** **Assistant of Attorney-at-Law**

Law office Marcinkevicius, Caikovski and partners JURIDICON, Totoriu st. 5-7, Vilnius, Lithuania

- Corporate Law, Contract Law, Civil Law

**Business or sector:** Law office (legal services)

**From September 2005 to June 2006** **Assistant, Faculty of Law, Department of Civil and Commercial Law**

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania, [www.mruni.eu](http://www.mruni.eu)

- Civil Law (LT).

**Business or sector:** High school (university)

**From May 2004 to January 2006** **Lawyer**

Private limited company JURIDICON, Totoriu st. 5-7, Vilnius, Lithuania

- Corporate Law, Contract Law, Civil Law

**Business or sector:** Legal services

**EDUCATION AND TRAINING**

**2005 - 2009** **Doctor (PhD) in social sciences (Law)** 8 EQF level

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania

- PhD thesis: 'Sale of Shares of Close Company as a Mean of Business Transfer' (2009).
- Corporate Law, Contract Law.

**2003 - 2005** **Master in Law, LL. M. (with specialization in Civil Law)** 7 EQF level

Mykolas Romeris University, Ateities st. 20, Vilnius, Lithuania

- Master thesis: 'Suspension, termination and renewal of the limitation period: issues in case law' (evaluation – 10 (excellent));
- Civil Law.

**1999 - 2003** **Bachelor in Law, LL. B. (Law)** 6 EQF level

Lithuanian Law University (now: Mykolas Romeris University), Ateities st. 20, Vilnius, Lithuania

- Law and police activities

**PERSONAL SKILLS**

Mother tongue(s) Lithuanian

Other language(s)

	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken interaction	Spoken production	
English	C1	C1	B2	B2	B2
Russian	C1	C1	B2	B2	B1

Levels: A1/2: Basic user - B1/2: Independent user - C1/2 Proficient user  
Common European Framework of Reference for Languages

Communication skills

- Team spirit sensation
- Excellent communication skills
- Easy adaptability in a multicultural environment

Organisational / managerial skills

- Good experience in project management
- Subunit management experience.

Computer skills

- Working with databases;
- Collection and processing of statistical data;
- Good command of Microsoft Office tools (Word, Excel, PowerPoint);
- Work with Internet Explorer.

Other skills

- Photography;
- Sport (volleyball).

Driving licence

- Category B, from 1999

**ADDITIONAL INFORMATION**

Publications

1. Bitė, V. Juridinių asmenų teisinio reglamentavimo raida 1918–2018 m.. [Development of Legal Regulation on Legal Entities in 1918-2018]. In *Lietuvos teisė 1918-2018 m.: šimtmečio patirtis ir perspektyvos [Lithuanian Law: the Centennial Experience and Prospects]*: scientific study / scientific editors: Vytautas Sinkevičius, Lyra Jakulevičienė. Vilnius: Mykolo Romerio universitetas, 2018. 888 p. ISBN: 9789955198871; ISBN: 9789955198864, pp 311-338.
2. Bitė V., Gumuliauskienė G. The Proposal for a Directive on Single-Member Private Limited Liability Company (SUP) from the Lithuanian Perspective. Mokslinė studija "Private Companies in Europe: the Societas Unius Personae (SUP) and the Recent Developments in the EU Member States" / edited by Jorge Viera González, Christoph Teichmann [et al.]. ISBN: 978-84-9098-369-0. Cizur Menor: Thomson Reuters Aranzadi, 2016.
3. Bitė, V.; Gumuliauskienė, G. The Business Judgment Rule in Lithuania // European Business Organization Law Review. [Dordrecht]: Springer International Publishing. ISSN 1566-7529. December 2016, Volume 17, Issue 4, pp 555-576. [Social Sciences Citation Index (Web of Science); SpringerLINK; Academic Search Premier]. [IF: 0,222 (2015)] [M.kr. 01S] [SNIP(2015): 0,496; IPP(2015): 0,230; SJR(2015): 0,202]. doi:10.1007/s40804-016-0052-0.
4. Bitė, V.; Narkevičius, Ž. Pre-emption right of shareholders to purchase shares for sale in private limited liability companies: the problematic legal remedies // Verslas: teorija ir praktika = Business: theory and practice. Vilnius: Technika. ISSN 1648-0627. 2016, t. 17, Nr. 2, p. 150-158. [Scopus; ICONDA; DOAJ] [M.kr. 01S] [SNIP(2015): 0,478; IPP(2015): 0,351; SJR(2015): 0,218].
5. Bitė V., Lavišius T. Searching for legal preconditions of social business. International academic conference on law, politics & management (IACLPM 2015), May 28-29, 2015 Vilnius, Lithuania: peer-reviewed conference proceedings / editor Malkhaz Nakashidze. Batumi, The International Institute for Academic Development, 2015. ISBN 9789941077135.
6. Bitė V., Gumuliauskienė G. The legislative developments on Lithuanian close corporation and the proposals of reform in EU law. Scientific study "Private Company Law Reform in Europe: the Race for Flexibility" / edited by Christoph Teichmann, Jorge Viera González; Deirdre Ahern ... [et al.]. ISBN: 978-84-9059-941-9. Cizur Menor: Thomson Reuters Aranzadi, 2015, pp 325-386
7. Bitė V., Jakuntavičiūtė G. Types Of Companies' Management Bodies Under Lithuanian Law. ISSN: 1857-7881 (Print), ISSN: 1857-7431 (Online). *European Scientific Journal (ESJ)*. June 2014 edition, vol. 10, No. 16: 43-64.

8. Bitė V., Jakuntavičiūtė G. Is The Limited Liability Doctrine Applicable To Company Directors? ISSN: 1857-7881 (Print), ISSN: 1857-7431 (Online). *European Scientific Journal (ESJ)*. June 2014 edition, vol. 10, No. 16: 109-128.
9. Bitė V. Uždarosios akcinės bendrovės teisinis reglamentavimas: sukūrimas, raida ir šių dienų tendencijos [Legal Regulation of Private Limited Company: Creation, Development and Trends]. *Collection of scientific articles "Privatinės teisės doktrina ir praktika: Liber amicorum Vytautui Pakalniškiui"* ["Private Law Doctrine and Practice: Liber amicorum Vytautas Pakalniskis"]. Vilnius: Mykolas Romeris University, 2014. ISBN 978-9955-19-651-8 (Printed), ISBN 978-9955-19-650-1 (Online).
10. Banytė M., Bitė V. Bendrovės visuotinio akcininkų susirinkimo sprendimų prieštaravimas imperatyvioms įstatymų normoms ir steigimo dokumentams [Non-Compliance of the Decisions of the Shareholders' General Meeting of the Company with the Imperative Provisions of the Law and Incorporation Documents]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2013, 20(2): 663-681.
11. Banytė M., Bitė V. Bendrovės visuotinio akcininkų susirinkimo sprendimų negaliojimo pagrindai: bendra apžvalga [Basis for Invalidity of the Decisions of the Shareholders' General Meeting of the Company: General Overview]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2013, 20(1): 181-196.
12. Bitė V. Agreement on Sale of Close Company Shares: Requirements of Form and Significance of Registration. *Jurisprudencija*. 2012, 19 (2): 543-560.
13. Moisejevas R., Novosad A., Bitė V. Costs Benchmarks as Criterion for Evaluation of Predatory Pricing. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2012, 19 (2): 585-603.
14. Bitė V. Non-Competition Covenants in Case of a Business Transfer. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2011, 18 (1): 177-198.
15. Bitė V. Uždarosios bendrovės samprata ir požymiai [Conception and Features of Close Company]. ISSN 2029-2236 (print), ISSN 2029-2044 (online). *Societal Studies*. 2011, 3 (1): 213-229.
16. Bitė V. Akcijų pirkimo-pardavimo pripažinimas verslo perleidimu: diagnostavimo kriterijai ir reikšmė akcijų pardavėjo atsakomybei [Classification of Sale or Acquisition of Company Shares as a Business Transfer: Diagnostic Criteria and the Liability of the Seller]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2010, 2 (120): 357-378.
17. Bitė V. Sutartinių garantijų verslo pardavimo sutartyje prigimtis ir teisinis vertinimas [Nature and Legal Assessment of the Contractual Warranties in the Business Sale Agreement]. ISSN 2029-2236 (print), ISSN 2029-2044 (online). *Societal Studies*. 2009, 1 (1): 129-146.
18. Bitė V., Kiršienė J. Akcininkų išankstinio atsisakymo pirmumo teisės įsigyti parduodamas akcijas teisinis vertinimas [The Juridical Assessment of the Shareholders' Preconceived Refusal from the Pre-emption Right to Acquire the Shares Offered for Sale]. ISSN 1392-6195 (print), ISSN 2029-2058 (online). *Jurisprudencija*. 2008, 5 (107): 61-70.

#### Projects

1. Participant in international research project "El tratamiento de las sociedades de capital cerradas en la evolución legislativa de la Unión Europea y de las legislaciones nacionales de los Estados miembros" (No.: DER2010-21436, 2014-2016, coordinator: prof. dr. Jorge Viera González (King Juan Carlos University, Spain)).
2. Working group member and executor of the project "Preparation and implementation of joint study programme". Application was submitted on 24/05/2012. Application number: VP1-2.2-ŠMM-07-K-02-084.
3. Working group member and executor of the project "Preparation of feasibility study of joint study programme". 14/02/2011. No. VP1-2.2-ŠMM-07-K-02-026.

#### Conferences

1. Report "Adaptation of Lithuanian Company Law to EU Law: Problems and Lessons Learned" in international scientific conference "Constitution of Ukraine's 20 Years: European Legal Tradition and Ukrainian Context – Dimensions of Legal Reform", Kharkiv (Ukraine), National Academy of Legal Sciences of Ukraine, OSCE, 19-20 May 2016.
2. Report „EMCA: bendrovės organai“ [“EMCA: company bodies”] in conference „Naujovės bendrovių teisėje: Europos modelinis bendrovių aktas (EMCA) Lietuvos kontekste“ [“Innovations in Company Law: European Model Company Act (EMCA) in the Lithuanian context”], Vilnius, Vilnius University, 26 November 2015.
3. Report "Searching for legal preconditions of social business" (together with T.Lavisius) in international scientific conference "International academic conference on law, politics & management (IACLPM 2015)", Vilnius (Lithuania), Mykolas Romeris University, 28-29 May 2015.
4. Report "Impact of EU membership to regulation of Lithuanian close companies: enrichment or legal

*irritants?*" in international scientific conference "The Consequences of Membership in the EU for new Member States – structural, political and economic changes", Wroclaw (Poland), University of Wroclaw, 27-28 November 2014.

5. Report „Uždarosios akcinės bendrovės teisinis reglamentavimas: sukūrimas, raida ir šių dienų tendencijos” [“Legal Regulation of Private Limited Liability Company: Creation, Development and Trends”] in conference „Privatinės teisės doktrina ir praktika” [“Private Law Doctrine and Practice”], Vilnius, Mykolas Romeris University, 27 May 2014.

**Seminars**     ■ Organization and report in international seminar (round-table discussion) “Legal aspects of civil liability of company directors and shareholders”, 27 September 2013 (Mykolas Romeris University)..

- Trainings**
1. Trainings for advocates, topic ‘Peculiarities of civil liability of members of the company's bodies’ (5 ac. hours), 10 May 2018, the Lithuanian Bar Association, Klaipėda.
  2. Trainings for advocates, topic ‘Peculiarities of civil liability of members of the company's bodies’ (5 ac. hours), 19 March 2018, the Lithuanian Bar Association, Šiauliai.
  3. Trainings for advocates, topic ‘Peculiarities of civil liability of members of the company's bodies’ (5 ac. hours), 15 February 2018, the Lithuanian Bar Association, Kaunas.
  4. Trainings for advocates, topic ‘Shareholder rights protection remedies and their peculiarities’ (4 ac. hours), 19 May 2017, Mykolas Romeris University, Vilnius.
  5. Trainings for notaries, topic ‘Incorporation documents of legal entities: ratio between imperative provisions of the law and self-regulatory right of the members of legal entities’ (4 ac. hours), 4 May 2017, the Chamber of Notaries of Lithuania, Vilnius.
  6. Trainings for notaries, topic ‘Provisions of the share purchase-sale agreement and ancillary covenants of the parties’ (4 ac. hours), 24 February 2017, the Chamber of Notaries of Lithuania, Vilnius.
  7. Trainings for advocates, topic ‘Peculiarities of civil liability of members of the company's bodies’ (5 ac. hours), 30 January 2017, the Lithuanian Bar Association, Kaunas.
  8. Trainings for advocates, topic ‘Peculiarities of civil liability of members of the company's bodies and shareholders’ (5 ac. hours), 14 December 2016, the Lithuanian Bar Association, Vilnius.
  9. Trainings for management board members of AB ‘Lietuvos geležinkeliai’ corporate group, topic ‘Management board of a company and its members: a role, rights, duties and liability’ (8 ac. hours), 30 June 2016, AB ‘Lietuvos geležinkeliai’, Vilnius.
  10. Lectures for the elderly people without legal education, topic ‘Contract Law briefly’, under the initiative ‘Petras Leonas academy’ (4 ac. hours), 31 January 2015, Mykolas Romeris University, Vilnius.
  11. Trainings for notaries, topic ‘Bills of exchange, share transfer and loan agreements’ (4 ac. hours), 5 December 2014, the Chamber of Notaries of Lithuania, Vilnius.

- Internships**
1. Teaching visit at the University of Warsaw (Warsaw, Poland). 16-17 April 2018.
  2. Teaching visit at the University Savoie Mont Blanc (Chambery, France). 9-10 November 2017.
  3. Teaching visit at the American University of Central Asia (Bishkek, Kyrgyzstan). 2-8 April 2017.
  4. Scientific internship at the University of Tartu (Tartu, Estonia). 28-30 September 2016.
  5. Internship at the University of Warsaw (Warsaw, Poland). 8-11 June 2016.
  6. Internship at the Yaroslav Mudryi National Law University (Kharkiv, Ukraine). 19-22 November 2015.
  7. Internship at the University Savoie Mont Blanc (Chambery, France). 21-24 October 2015.
  8. Scientific internship at the University of Reykjavik (Reykjavik, Iceland). 11-18 June 2015.
  9. Internship at the Communication University of China (Beijing, China). 20-24 May 2015.
  10. Scientific internship at the University of Oslo (Oslo, Norway). 11-18 May 2015.
  11. Internship at the University Savoie Mont Blanc (Chambery, France). 5-9 January 2015.
  12. Scientific internship at the Max Planck Institute for Comparative and International Private Law (Hamburg, Germany). 3-13 February 2013.
  13. Scientific internship at the Taras Shevchenko National University of Kyiv (Kyiv, Ukraine). 6-16 February 2012.
  14. Scientific internship at the Swiss Institute of Comparative Law (Lausanne, Switzerland). March-April 2008.

#### Memberships

- Member and the Business Environment Committee at the Lithuanian Confederation of Industrialists (since February 2016)
- Member and Chairman of the Committee on Civil Law and Civil Procedure at the Lithuanian Bar Association (since May 2015)
- Recommended arbitrator at Lithuanian Court of Arbitration (since April 2013)

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# PHILOSOPHIE DU DROIT

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La philosophie du droit est l'histoire d'une querelle entre deux visions du monde : l'une substantialiste et l'autre relativiste. Cette *summa divisio* connaît déjà sa première illustration littéraire dans un extrait de l'œuvre de Platon : l'*Euthyphron*. Dans ce dialogue écrit par l'illustre fondateur de l'Académie, Socrate demande à Euthyphron ceci :

« *Le saint est-il aimé des dieux parce qu'il est saint ou est-il saint parce qu'il est aimé des dieux ?* » (Platon, *L'Euthyphron ou de la piété, Œuvres complètes*, tome I, Gallimard, coll. La Pléiade, 1950, p. 351).

En fondant l'attrait des dieux pour le saint sur sa sainteté intrinsèque, la première alternative est de type substantialiste (essentialiste) car elle repose sur le présupposé de l'existence d'une sainteté en soi. Des comportements ou des actions seraient, par essence, frappés du sceau de la sainteté. En fondant au contraire la sainteté du saint sur l'amour qu'il suscite chez les dieux, la seconde alternative est de type relativiste car en faisant de leur opinion subjective la source de la sainteté, elle fait de celle-ci, qui n'existerait pas en soi, une question d'autorité et non de vérité. Là où le substantialisme voit des entités indivisibles (des substances) qui sont ce qu'elles sont indépendamment de toute construction, le relativisme ne considère que des entités divisibles et forgées par l'esprit.

Cette dichotomie divise depuis leurs lointaines origines les deux grands courants de la philosophie du droit. Certaines doctrines, qu'on retrouve principalement – mais pas seulement – au sein du courant jusnaturaliste, sont fondées sur la conviction selon laquelle la raison est capable de connaître ce qui est juste *par nature*. La vision substantialiste du droit qui les anime repose sur une méta-éthique cognitiviste.

D'autres au contraire, qu'on associe généralement au courant juspositiviste, ont une conception plus pessimiste de la raison et lui dénie l'aptitude à connaître ce qu'est, en soi, le droit juste. C'est qu'en effet, un tel pessimisme épistémologique repose sur l'idée que le droit ne serait pas le reflet de la raison mais plutôt la traduction des émotions du législateur ou du juge. Le relativisme axiologique qui les caractérise se fonde sur une méta-éthique émotiviste.

Le cours a pour objet de présenter ces deux visions irréconciliables du monde, dont la pensée juridique est depuis toujours – et pour toujours – marquée. L'évocation de quelques courants de la philosophie du droit permettra de prendre la mesure de cet antagonisme. Dire *l'essentiel de la philosophie du droit* implique inévitablement des choix et des sacrifices. Ce sont les courants qui jouissent de la plus grande audience dans le débat doctrinal français qui seront dès lors traités dans ce cours.

**1 – Les philosophies du droit substantialistes**

**2 – Les philosophies du droit relativistes**



The philosophy of law is the story of a quarrel between two visions of the world : one substantialist and the other relativist. This summa divisio already knows his first literary illustration in an text from Plato's work : the Euthyphron. In this dialogue written by the illustrious founder of the Academy, Socrates asks Euthyphron :

*"Is the saint loved by the gods because he is holy or is he holy because he is loved by the gods ? (Plato, The Euthyphron or Piety, Complete Works, Volume I, Gallimard, Coll. La Pléiade, 1950, 351).*

By basing the attraction of the gods for the saint on his intrinsic holiness, the first alternative is substantialist (essentialist) because it rests on the presupposition of the existence of holiness in itself. Behaviors or actions would, in essence, be sealed with sanctity. On the contrary, by basing the holiness of the saint on the love he arouses among the gods, the second alternative is of the relativistic type, because by making of their subjective opinion the source of holiness, it makes of it, which does not would not exist in itself, a question of authority and not of truth. Where substantialism sees indivisible entities (substances) which are what they are regardless of any construction, relativism only considers divisible and forged entities by the mind.

This dichotomy divides from their distant origins the two great currents of the philosophy of law. Certain doctrines, which are mainly, but not only, found in the jusnaturalist current, are based on the conviction that reason is capable of knowing what is right by nature. The substantialist vision of the law that animates them is based on a cognitivist meta-ethics.

Others, on the contrary, which are generally associated with the current juspositivist, have a more pessimistic conception of reason and deny it the ability to know what is, in itself, the right right. It is because such an epistemological pessimism rests on the idea that the law is not the reflection of reason but rather the translation of the emotions of the legislator or the judge. The axiological relativism that characterizes them is based on an emotivist meta-ethics.

The course aims to present these two irreconcilable visions of the world, whose legal thinking has always been - and forever - marked. The evocation of some currents of the philosophy of law will make it possible to take the measure of this antagonism. To say the essence of the philosophy of law inevitably implies choices and sacrifices. It is the currents that enjoy the greatest audience in the French doctrinal debate that will be treated in this course.

**1 - Fundamentalist philosophies of law**

**2 - Relativistic philosophies law**

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- Droit et société
- Jurisprudence (Revue critique)
- Juspoliticum (Revue en ligne)
- Revue de la recherche juridique et de droit prospectif
- Revue interdisciplinaire d'études juridiques

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**Septembre 1991** : DEA de Droit public interne, mention Assez Bien, à l'Université Montpellier I

**Janvier 1998** : Doctorat en droit public de l'Université Montpellier I, mention très honorable avec les félicitations du jury à l'unanimité, (*prix de thèse du Conseil constitutionnel, septembre 1998*) (*Titre de la thèse : Les réserves d'interprétation dans la jurisprudence du Conseil constitutionnel, L.G.D.J., 1999*).

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#### **Responsabilités éditoriales :**

- Co-responsable avec Mathieu Disant de la rubrique « Autorité des décisions constitutionnelles et dialogue des juges » au sein de la Revue « Constitutions »
- Responsable de la chronique de philosophie du droit (Table ronde) au sein de la Revue du droit public.
- Membre du comité scientifique international de la revue [www.ordines.it](http://www.ordines.it)
- Membre du comité de rédaction des Archives de Politique Criminelle.

#### **Articles dans des revues à comité de lecture :**

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- Valeurs et principes (distinction), in *Dictionnaire des droits de l'homme*, S. Rials et alii (sous la dir. de), P.U.F.-quadriga, 2008, p. 971 à 974.
- Sûreté, in *Dictionnaire des droits de l'homme*, S. Rials et alii (sous la dir. de), P.U.F.-quadriga, 2008, pp. 915 à 917.
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**Tribune :**

- Le macronisme ou le spectre de l'épistocratie, *Le Monde* 19 octobre 2017, p. 22.

Prof Dr Jaap W. de Zwaan

em. Professor of the Law of the European Union

Erasmus University Rotterdam

The Netherlands

Universidade de Lisboa, Intensive Course, 25-29 March 2019

**THE AREA OF FREEDOM, SECURITY AND JUSTICE**  
**Asylum and Immigration Law and Policy of the European Union**

**Lectures**

**Monday 25 March: Introduction**

- The Migration problem
- The Area of Freedom, Security and Justice
- Legal Framework
  - a. UN Convention of Geneva
  - b. EU Treaties
  - c. Charter of Fundamental Rights of the EU
  - d. Secondary EU law

**Tuesday 26 March: Movement of Persons/Schengen/Borders and Visa**

- Internal Market
  - a. Free movement of Persons  
Directive 2004/38
  - b. European Citizenship
  - c. Third country nationals
- Schengen cooperation
- Border control and Visa law and policy
- Frontex and European Border and Coast Guard

**Wednesday 27 March: Asylum law and policy**

- Legal instruments
  - a. Eurodac
  - b. Responsible Member State ('Dublin')
  - c. Definition
  - d. Procedures
  - e. Reception

f. Temporary Protection
- Solidarity and Burdensharing
- Relocation – Resettlement
- European Asylum Support Office (EASO)
- External relations
a. Return and Readmission
b. Cooperation with UNHCR and IOM
<b>Thursday 28 March: Immigration law and Policy</b>
- Legal migration: instruments
a. Family reunification
b. Long term residents
c. Work
d. Study and Research
e. Procedures
- Integration
- Combat of Illegal immigration
- External relations
a. Return and Readmission
b. Cooperation with UNHCR and IOM
<b>Friday 29 March: impact on National societies/'Reform' CEAS/Criminal Law-Police Cooperation</b>
- Impact on National Societies
- 'Reform' Common European Asylum System (CEAS)
- Marrakesh Global Compact for Safe, Orderly and Regular Migration
- Criminal Law and Police Cooperation

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## CURRICULUM VITAE

### **Prof Dr JAAP WILLEM DE ZWAAN**

Born on 9 February 1949 in Amsterdam

Married, three children

#### Professional activities

2012- Lector European Integration at the The Hague University of Applied Sciences

2005-2011 Director of the Netherlands Institute of International Relations (Clingendael), The Hague

1998-2014 Professor of the Law of the European Union at the Law School of Erasmus University Rotterdam and holder of the EU Jean Monnet Chair 'Future developments of the European Union'. In the period 1998-2005 on a full time basis, in the period 2005-2014 on a part time basis. Served also as:  
Dean of International Relations (1999-2001)  
Dean of the Law School (2001-2004)

1979-1998 Ministry of Foreign Affairs

1979-1981 Staff member of the Department on European Integration, The Hague

1981-1983 Member of the Legal Service, The Hague

1983-1988 Legal Advisor of the Netherlands Permanent Representation to the European Communities, Brussels

1988-1995 Senior Member of the Legal Service, The Hague

1995-1998 Legal Advisor and Head of Division Justice and Home Affairs of the Netherlands Permanent Representation to the European Union, Brussels

Acted during his work as member of the Legal Service of the Ministry of Foreign Affairs (1981-1983 and 1988-1995) as Agent for the Netherlands Government in numerous cases, covering all aspects of the institutional and substantive Law of the European Union, before the Court of Justice of the European Union in Luxembourg.

Was involved as Legal Advisor of the Permanent Representation (1983-1988) in the negotiations on and the drafting of the Single European Act. Was furthermore involved in the negotiations on and the drafting of the

Treaties of Accession of Spain and Portugal to the European Communities.

Was involved as Legal Advisor of the Permanent Representation (1995-1998) in the negotiations on and the drafting of the Treaty of Amsterdam. Chaired during the Netherlands Presidency (first half of 1997) the Group 'Friends of the Presidency'/'Amis de la Présidence'. Was involved as Head of Division Justice and Home Affairs in the development of the Third Pillar cooperation.

1979-1985 Substitute Judge in the District Court of the Hague

1973-1979 Member of the Bar of The Hague (Office Pels Rijcken & Droogleever Fortuijn)

### Education

1993 Doctor's degree in Law at the University of Groningen ('The Permanent Representatives Committee, its role in European Union decision making')

1972-1973 Postgraduate studies at the College of Europe, Bruges in Belgium. Main courses in European Law (Institutional law, Substantive law, Legal protection, Competition law), optional courses: Political Sciences and Economy

1972 Traineeship at the Commission of the EC, Brussels, Belgium (DG VI, Agriculture)

1967-1972 Study at the Law School of the University of Leiden. Main courses in Dutch Civil Law, optional courses: European Law and Public Finances

1961-1967 Secondary Education (Gymnasium B) at 'Het Amsterdams Lyceum' in Amsterdam

### Other activities

2015- Member of the Dutch Helsinki Committee (OSCE, Organization for Security and Co-operation in Europe)

2014- Member of the European Group of Public Law (EGPL) of the European Public Law Organisation (EPLO), having its seat in Athens, Greece

2014- Secretary-general of the Trans European Policy Studies Association (TEPSA), a network organization for Institutes for European Studies in the Member States and candidate-Member States of the European Union, having its seat in Brussels, Belgium

2013-2015 Member of the Council of Employees (Hogeschoolraad),

of the The Hague University of Applied Sciences,  
Chair of the Committee on Personal and Organizational  
matters (P&O)

- 2011-2015 Member of the Foresight Advisory Council of the Alfred Herrhausen Gesellschaft, the International Forum of Deutsche Bank, Berlin, Germany
- 2009- Member of the Board of the Trans European Policy Studies Association (TEPSA), a network organization for Institutes for European Studies in the Member States and candidate-Member States of the European Union, having its seat in Brussels, Belgium
- 2009- Member of the Advisory Board ('Wissenschaftlichen Direktorium') of the Institut für Europäische Politik, Germany, Berlin
- 2008-2011 Chairman of the Board of the 'Haagse Academische Coalitie' (the 'Hague Academic Coalition'), a foundation serving as framework for cooperation between academic institutions in The Hague in the context of the profile of the city of The Hague as UN 'Legal Capital' of the World
- 2007-2015 Member of the Board of the Amsterdam Institute of German Studies in Amsterdam ('Duitsland Instituut Amsterdam')
- 2006- Member of the Governing Board of the European Studies Institute, established by the European Union and the Russian Federation in the framework of the Partnership and Cooperation Agreement (PCA-cooperation), in Moscow, Russia.  
As from April 2012 also member of the Executive Committee of the Governing Board.
- 2005-2010 Editor-in-chief of the 'Internationale Spectator', the monthly periodical for international affairs published on behalf of the Netherlands Institute of International Relations ('Clingendael') in The Hague
- 2005- Member of the French-Dutch Cooperation Council ('Conseil de coopération franco-néerlandais')
- 2005-2010 Member of the Board of the Netherlands Association for European Law ('Nederlandse Vereniging voor Europees Recht')
- 2004-2015 Member of the Board of Directors of the European Public Law Organisation (EPLO), having its seat in Athens, Greece
- 2004-2008 Member of the General Board of the 'Europese Beweging Nederland' ('EBN', European Movement, section of The

## Netherlands

- 2004 Member of the Commission 'European Union' instituted in January 2004 by the Government of the Kingdom of the Netherlands to review the modalities of cooperation between the Dutch Antilles and Aruba on the one hand, and the European Union on the other
- 2002- Member of the Board of the 'Rotterdams Juridisch Genootschap' (Rotterdam Law Association)
- 2002- Member of the Board of the Foundation 'Nederland-Roemenië' (The Netherlands - Romania)
- 2002-2005 Vice President of the Executive Board ('Dagelijks Bestuur') of the T.M.C. Asser Instituut, Institute for International Private and Public Law and European Law, in The Hague
- 2002-2005 Member of the General Board ('Algemeen Bestuur') of the T.M.C. Asser Instituut, Institute for International Private and Public Law and European Law, in The Hague
- 2000-2012 Member of the Commission on European Integration (CEI), which is one of the committees of the Advisory Council on International Affairs (AIV) of the Minister of Foreign Affairs
- 1999-2002 President of the Scientific Council (Wetenschappelijke Raad) of the T.M.C. Asser Instituut, Institute for International Private and Public Law and European Law, in The Hague
- 1998-2000 Member of the Administrative Council of the Salvador Madariaga Foundation, research foundation for the College of Europe in Bruges (Belgium)
- 1997-2002 Member of the Advisory Board (Curatorium) of the Europa Institute of the Law School of the University of Leiden
- 1991-1994 Lecturer in the European Law courses of the Rijks Opleidingsinstituut ('State Training School') in The Hague. Main target group: members of the Legal and Legislative Departments of all Ministries of the Government in The Hague
- 1984-1988 President of the Association of Former Students of the College of Europe in Bruges (Belgium). In the period 1988-1995 regional representative of the Association in the Netherlands
- 1976-1978 Member respectively President of the Board of the Young Bar Association to the Supreme Court in The



## Hague

1967-1972 Several functions in student associations, such as President of the Liberal Student Association in Leiden (1969-1971)

Foreign languages

English fluent: orally and in writing  
 French fluent: orally and in writing  
 German good: orally and in writing

Miscellaneous

- 2015 'Diploma van Excellentie', granted on 24 November 2015 by the Romanian Ambassador to the Netherlands, Mrs Ireny Comaroschi, at the occasion of the celebration of 135 years diplomatic relations between Romania and The Netherlands, in recognition of the outstanding contribution to the development of good Romanian-Dutch relations
- 2014 Decorated, on 14 March 2014, by the Alderman Korrie Louwes of the Municipality Rotterdam, with the Dutch Royal decoration 'Officier in de Orde van Oranje-Nassau'
- 2014 Decorated, on 14 March 2014, by the President of the Board of the Erasmus University Rotterdam, Pauline van der Meer Mohr, with the 'Ad Fontes'-medal (penning)
- 2010 Decorated, on 21 October 2010, with the 'Commemorative Medal' of the Faculty of Law of Comenius University Bratislava, Slovak Republic
- 2009 'Award of Excellence', granted on 10 December 2009 by the Romanian Ambassador to the Netherlands, Dr Calin Fabian, in recognition of the outstanding contribution to promoting Romanian values in The Netherlands and to supporting assistance projects for Romania throughout the 20 years after 1989
- 2004 Decorated, by the Rector Magnificus of the Erasmus University Rotterdam, Steven Lamberts, with the 'Erasmus met de Reispet'-statue
- 2004 Decorated, on 21 April 2004, with the 'Imrich Karvas' medal of the University of Economics in Bratislava, Slovak Republic

1998

Decorated with the 'Diplôme d'Officier dans l'Ordre du mérite français', signed by the President of the French Republic, Mr Jacques Chirac

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**LIST OF PUBLICATIONS**

Prof Dr Jaap Willem de Zwaan

- The Single European Act: conclusion of a unique document, Common Market Law Review 1986, pp. 747-765
- Le Collège d'Europe, pionnier de l'éducation européenne, Septentrion, Revue de culture néerlandaise, Rekkem België, 20e année, numéro 4 1991, pp. 17-22
- Eindredacteur van de bijdrage van de Nederlandse Vereniging Europees Recht voor het FIDE-Congres te Lissabon 1992 inzake het onderwerp: 'The imposition of sanctions for breaches of Community Law' (redacteuren: J.C.M. Montijn-Swinkels, K. Sevinga, T.M. Snoep en G. van der Wal), gepubliceerd in SEW april 1992, 40e jaargang no. 4, pp. 256-276
- Institutional problems and free movement of persons, the legal and political framework for cooperation, in: Free movement of persons in Europe, Legal problems and experiences, Asser Instituut, The Hague 1993, pp. 335-352.
- Het Comité van Permanente Vertegenwoordigers, Ontstaan, Werkwijze en Rol in de besluitvorming van de Europese Gemeenschappen, Europese Monografieën nr 42, Kluwer Deventer 1993 (proefschrift)
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- Het voorstel van de European Constitutional Group voor een Europese Grondwet: blauwdruk voor een intergouvernementeel Europa, SEW april 1995, 43e jaargang no. 4, pp. 252-267
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- The Permanent Representatives Committee: Its role in the decision-making of the European Union, T.M.C. Asser Institute - The Hague, Elsevier - North Holland, 1995 (Engelse vertaling/bewerking van het proefschrift van 1993)
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## Syllabus

Intensive Course “The European Economic and Monetary Union and its ‘Satellites’: Legal Perspectives”. Professor Axel Kämmerer

The course would involve the following subjects:

1. Background: Free movement of capital, freedom of payment and the genesis of the EEMU
2. Institutions (ECB, ESCB), their functions and price stability as their primary mission
3. Disciplining the Member States: Guidelines for economic policy
4. Lessons from the economic and fiscal crisis: gaps and shortcomings of the EEMU
5. Countermeasures adopted since 2008 – Saving the Union or sacrificing the rule of law?
  - a. Purchase programmes adopted by the ECB
  - b. The European System of Financial Supervision (ESFS)
  - c. The Fiscal Compact
  - d. The Stability Mechanisms (EFSF, EFSM, ESM)
  - e. The Banking Union (SSM, SRM, EDIS)

Prof. Dr. Jörn Axel Kämmerer

**Jörn Axel Kämmerer** has been a Professor (chair holder) at Bucerius Law School since 2000. He was a Guest Professor at Université Paris I (Panthéon-Sorbonne) from 2005 to 2007 (part-time) and at Seoul National University, Republic of Korea, in 2007 and 2017. He studied law at Tübingen University, Germany, and Université d'Aix-en-Provence/Marseille III, France. Appointed Doctor of law in 1993 with a thesis on the the Antarctic System after the Madrid Protocol, he received his "venia legendi" (*Habilitation*) in Public Law, European Law and Public International Law in 2000 by Tübingen Law Faculty. His research focuses, *inter alia*, on market regulation, privatization as well as law and finance in both German public law and EU law. A Director of the Institute on Company and Capital Markets Law (ICCML/IUKR) at Bucerius, he was appointed member of an advisory committee to the German Ministry of Finance on financial markets regulation in 2011. He is the author of a textbook on Constitutional Law and has made contributions to renowned legal commentaries. With two colleagues he conducted an interdisciplinary research project on colonialism and the evolution of Public International Law (with financial assistance by the *Deutsche Forschungsgemeinschaft*). In 2016 he was elected Secretary-General of the Societas Iuris Publici Europaei (SIPE). Jörn Axel Kämmerer teaches mostly in German and English and has given lectures or lecture series at academic institutions of various countries, including Australia, Brazil, Canada, China, Israel, Japan, New Zealand, Singapore, and South Africa.



The Human Rights Council

Sangeeta Shah

1-5 April 2019

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This course provides an in-depth consideration of the operation of the UN Human Rights Council. The course will be assessed by essay.

*Seminar 1: Introduction: The Creation of the UN Human Rights Council*

We will consider the origins of the UN Human Rights Council. There will be discussion of **the work of the Council's predecessor** - the UN Commission on Human Rights - and why it needed to be replaced. We will discuss the composition and working methods of the Council and consider whether they are an improvement on the Commission.

*Seminar 2: Universal Periodic Review: A Successful Innovation?*

In this class we will learn about the innovative Universal Periodic Review mechanism. This is a peer review process which takes place every 4.5 years and considers the performance of states in realising the full enjoyment of human rights. We will consider how UPR works and its place within the wider UN human rights machinery.

*Seminar 3: The 'Crown Jewel' of the UN Human Rights System: the Special Procedures*

We will consider the work of the special procedure mechanisms in this class. In particular, **we will consider why they are considered the 'crown jewel' of the UN human rights system.** We will discuss the difficult role that these expert mandates must fill and how states have responded to their work.

*Seminar 4: Responding to Specific Situations: Special Sessions and the Complaint Procedure*

The Human Rights Council has been given the power to convene special sessions when needed in order to swiftly address grave and escalating human rights situations around the world. In this class we shall consider how this power has been used. We will also consider the utility of the complaint procedure that is operated by the Human Rights Council. We will discuss whether it has any value given the plethora of other international human rights complaints mechanisms.

*Seminar 5: Discrimination based on Sexual Orientation and Gender Identity at the Human Rights Council*

This class will focus on how concerns regarding discrimination based on Sexual Orientation and Gender Identity have been addressed by the Council and its mechanisms.

# *Curriculum Vitae*

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*Name* : Sangeeta Shah

*Nationality* : British

*Correspondence Address*: School of Law, University of Nottingham, University Park, Nottingham,  
NG7 2RD, UK

*E-mail* : sangeeta.shah@nottingham.ac.uk

## **CURRENT EMPLOYMENT:**

September 2014-present: **Associate Professor, School of Law, University of Nottingham, UK**

## **PREVIOUS EMPLOYMENT:**

September 2007-August 2014: **Lecturer/ Assistant Professor, School of Law, University of Nottingham**

September 2003-August 2007: **Research Fellow, Human Rights Law Centre, School of Law, University of Nottingham**

September 2002 - June 2003: **Research Fellow, Department of Law, Durham University**

## **EDUCATION:**

2001 - 2003                      Department of Law, Durham University (part-time)  
**Masters of Jurisprudence** (awarded July 2004)  
Thesis title: The Protection of Individuals in Post-Conflict Kosovo: The Applicability of International Human Rights Law and International Humanitarian Law to a New Generation of Peacekeeping Operations. (50,000 words)  
Supervisor: Professor Colin Warbrick

1997 - 2000                      St John's College, Durham University  
**BA (Hons) in Economics and Law (Joint Honours): Class 2:1**

## **SCHOLARSHIPS AND AWARDS:**

2001 - 2003:                      Awarded a full two year scholarship (fees and stipend) by the Department of Law, Durham University to pursue a Masters of Jurisprudence.

# *Curriculum Vitae*

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## **TEACHING:**

### **Undergraduate:**

- Public Law; International Human Rights Law; European Convention on Human Rights; Criminal Law; Dissertation supervisor

### **Postgraduate:**

- International Human Rights Law (various subjects); Principles of Public International Law; Dissertation supervisor
- Supervised four PhD students to completion.

### **Professional courses/training:**

Provided trainings in various contexts; indicative examples below:

- Short Course on International Human Rights Law, Human Rights Law Centre, University of Nottingham (ongoing)  
Classes have reflected my research interests and have been on topics such as the relationship between International Humanitarian Law and International Human Rights Law; Human Rights in Emergencies; Torture; and the Death Penalty. Students have included activists from non-governmental organisations and other key human rights practitioners, as well as Chevening Fellows who are sponsored by the UK Foreign and Commonwealth Office.
- The International Human Rights Framework in Relation to Prisons, African Prisons Project, Training for Prison Officers, Nottingham, October 2016
- International Framework for the Protection of Women's Rights, OHCHR Course for Diplomats, Geneva, November 2014
- The Death Penalty and Torture in International Human Rights Law: Course for Iranian Judges, Kuala Lumpur, February 2013
- Human Rights in States of Emergency, UK Foreign and Commonwealth Office Short Course on 'Implementing and Monitoring International Human Rights Conventions' for Judges and Ministry Officials from Bahrain, Nottingham, March 2012

### **FELLOWSHIPS AND RESEARCH FUNDING:**

- September 2014: LSE Research and Infrastructure Development Fund Grant: The Supreme Court and the Human Rights Act (Co-Investigator with T. Poole)
- January-April 2011: Visiting Fellow, Law School, University of New South Wales (funded by the University of New South Wales)
- July-August 2010: Visiting Fellow, Faculty of Law, McGill University (partly funded by a Universitas 21 grant)
- September 2007: British Academy Small Research Grant: Socio-Legal Research into Judicial Responses to the Human Rights Act (Co-Investigator with T. Poole)

# Curriculum Vitae

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## EDITORIAL RESPONSIBILITIES:

- Recent Developments Co-Editor, Human Rights Law Review (OUP) (previously Assistant Editor)
- Referee for a number of book proposals from Oxford University Press, Cambridge University Press, Hart, Taylor and Francis, Pearson, and Routledge, as well as a number of articles published in international law and human rights journals.

## SELECTED PUBLICATIONS:

### Books

- *International Human Rights Law*, 3<sup>rd</sup> edn (Oxford: Oxford University Press, 2017) (co-edited with D. Moeckli and S. Sivakumaran)
- *Private International Law and Human Rights* (Oxford: Oxford University Press, 2016) (with J.J. Fawcett and M. Ní Shúilleabháin)
- *International Human Rights Law*, 2<sup>nd</sup> edn (Oxford: Oxford University Press, 2013) (co-edited with D. Moeckli and S. Sivakumaran)
- *International Human Rights Law* (Oxford: Oxford University Press, 2010) (co-edited with D. Moeckli and S. Sivakumaran)

### Chapters in Books

- Detention and Trial, in Moeckli, Shah and Sivakumaran (eds), *International Human Rights Law*, 3<sup>rd</sup> edn (Oxford: Oxford University Press, 2017), Chapter 13
- Detention and Trial, in Moeckli, Shah and Sivakumaran (eds), *International Human Rights Law*, 2<sup>nd</sup> edn (Oxford: Oxford University Press, 2013), Chapter 13
- Thought, Expression, Association, and Assembly, in Moeckli, Shah and Sivakumaran (eds), *International Human Rights Law*, 2<sup>nd</sup> edn (Oxford: Oxford University Press, 2013), Chapter 11 (with K. Boyle)
- *R v Dbalival* in Hunter, McGlynn and Rackley (eds), *Feminist Judgments: From Theory to Practice* (Oxford: Hart Publishing, 2010), 261-272 (with V. Munro)
- Administration of Justice, in Moeckli, Shah and Sivakumaran (eds), *International Human Rights Law* (Oxford: Oxford University Press, 2010), Chapter 14

### Articles

- A Very Successful Action? Keyu and Historical Wrongs at Common Law, (2016) 7 *UK Supreme Court Yearbook* 167-189 (co-authored with T. Poole)
- United Kingdom Materials on International Law 2015, (2015) 86 *British Yearbook of International Law* 324-724 (jointly with J. Hartmann and C. Warbrick)
- United Kingdom Materials on International Law 2014 (2014) 85 *British Yearbook of International Law* 301-727 (jointly with J. Hartmann and C. Warbrick)
- Rights, Interveners and the Law Lords, (2014) 34 *Oxford Journal of Legal Studies* 295-324 (co-authored with T. Poole and M. Blackwell)
- United Kingdom Materials on International Law 2013 (2013) 84 *British Yearbook of International Law* 526-954 (jointly with J. Hartmann and C. Warbrick)

## *Curriculum Vitae*

- Questions Relating to the Obligation to Prosecute or Extradite (*Belgium v Senegal*), (2013) 13 *Human Rights Law Review* 351-366
- United Kingdom Materials on International Law 2012, (2012) 83 *British Yearbook of International Law* 298-712 (jointly with J. Hartmann and C. Warbrick)
- Jurisdictional Immunities of the State: *Germany v Italy*, (2012) 12 *Human Rights Law Review* 555-573
- The Equality and Human Rights Commission at the Human Rights Council, 2012 AHRC/ Human Rights Consortium Working Paper, available at: <http://www.sas.ac.uk/hrc/projects/equality-and-human-rights-commission-project/working-paper-series>
- Judicial Decision-Making in the House of Lords in the Human Rights Act Era, (2011) 74 *Modern Law Review* 79-105 (co-authored with T. Poole)
- United Kingdom Materials on International Law 2011, (2011) 82 *British Yearbook of International Law* 676-1105 (jointly with J. Hartmann and C. Warbrick)
- United Kingdom Materials on International Law 2010, (2010) 81 *British Yearbook of International Law* 453-817 (jointly with J. Hartmann and C. Warbrick)
- Immunities of State Officials, International Crimes and Foreign Domestic Courts: A Rejoinder to Alexander Orakhelashvili, (2010) 22 *European Journal of International Law* 857-861 (co-authored with D. Akande)
- Immunities of State Officials, International Crimes, and Foreign Domestic Courts, (2010) 21 *European Journal of International Law* 815-852 (co-authored with D. Akande)
- United Kingdom Materials on International Law 2009, (2009) 79 *British Yearbook of International Law* 660-949 (jointly with J. Hartmann, K. Kaikobad and C. Warbrick)
- From Westminster to Strasbourg: *A and others v United Kingdom*, (2009) 9 *Human Rights Law Review* 473-488
- The Impact of the Human Rights Act on the House of Lords, [2009] *Public Law* 347-371 (co-authored with T. Poole)
- United Kingdom Materials on International Law 2008, (2008) 79 *British Yearbook of International Law* 565-848 (jointly with J. Hartmann, K. Kaikobad and C. Warbrick)
- The Human Rights Committee and Military Trials of Civilians: *Madani v Algeria*, (2008) 8 *Human Rights Law Review* 139-150
- United Kingdom Materials on International Law 2007, (2007) 78 *British Yearbook of International Law* 634-911 (jointly with J. Hartmann, K. Kaikobad and C. Warbrick)
- Seeking Remedies for Violations of International Humanitarian Law: *Markovic and others v Italy*, (2007) 7 *Human Rights Law Review* 412-417
- United Kingdom Materials on International Law 2006, (2006) 77 *British Yearbook of International Law* 597-906 (jointly with J. Hartmann, K. Kaikobad and C. Warbrick)
- United Kingdom Materials on International Law 2005, (2005) 76 *British Yearbook of International Law* 683-970 (jointly with J. Hartmann, K. Kaikobad and C. Warbrick)
- Realising the Potential of the International Criminal Court: The African Experience, (2006) 6 *Human Rights Law Review* 499-544 (co-authored with O. Bekou)
- The UK's Anti-Terror Legislation and the House of Lords: the Battle Continues, (2006) 6 *Human Rights Law Review* 416-434
- The UK's Anti-Terror Legislation and the House of Lords: the First Skirmish (2005) 5 *Human Rights Law Review* 403-422

## *Curriculum Vitae*

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- United Kingdom Materials on International Law 2003, (2003) 74 *British Yearbook of International Law* 565-954 (jointly with J. Hartmann, K. Kaikobad, C. Warbrick and S. Williams)
- September 11 and the UK Response, (2003) 52 *International and Comparative Law Quarterly* 245-255 (co-authored with E. Katselli)
- United Kingdom Materials on International Law 2002, (2002) 73 *British Yearbook of International Law* 497-1043 (jointly with K. Kaikobad and C. Warbrick)
- *Bankovic and Others v Belgium and 16 Other Contracting States*, [2002] *European Human Rights Law Review* 775-781 (co-authored with S. Williams)

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UNITED STATES CONSTITUTIONAL LAW: HISTORY, THEORY, AND PRACTICE

LISBON, PORTUGAL  
DECEMBER 2018

Prof. Dane S. Ciolino  
Loyola University New Orleans

Email: [dciolino@loyno.edu](mailto:dciolino@loyno.edu)  
M: 1-(504) 975-3263

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I. General.

A. *Course Description.* This course is an introduction to United States constitutional law history, theory, and practice. The course will address the history of the United States Constitution, the governmental structure that the Constitution creates, and the individual rights that it protects. In addition, the course will address the major approaches to interpreting the Constitution. Finally, the course will consider the history, theory and practice of litigating and adjudicating selected substantive Due Process rights, Equal Protection rights, and the Second Amendment right to bear arms.

B. *Required Materials.*

1. *United States Constitution.* The instructor will distribute hard copies and PDF copies of the United States Constitution.
2. *Decisions of the United States Supreme Court.* The instructor will distribute PDF copies of approximately ten reported decisions from the United States Supreme Court.
3. *Excerpts from Books and Law Review Articles.* The instructor will distribute PDF copies of selected books and law review articles on constitutional history, theory, and interpretation.

C. *Evaluation.* Each student's final grade will be based on a paper to be submitted via email after the conclusion of all lectures.

II. *Lectures.* Each class lecture is described in the following table. The instructor will present two, one-hour lectures each day from Monday, December 10, 2018, through Friday, December 14, 2018. Students are encouraged to participate in class discussions and will be invited to make brief presentations on selected topics and cases.

Lecture	Description
1.	INTRODUCTION. An introduction to the course. Constitutionalism in perspective. An overview of the history of the United States and the adoption of the United States Constitution.
2.	GOVERNMENTAL STRUCTURE. An overview of the governmental structure of the United States. States and federalism, the branches of the federal government, separation of powers, and checks and balances.
3.	INDIVIDUAL RIGHTS. An overview of the history and theory of individual rights. The Constitution's Bill of Rights. The First Amendment (establishment of religion; free exercise of religion; freedom of speech and assembly). The Second Amendment (the right to keep and bear arms). The Fifth Amendment (takings).
4.	INDIVIDUAL RIGHTS. Constitutional criminal procedure. The Fourth Amendment (searches and seizures). The Fifth Amendment (grand jury indictment; double jeopardy; self-incrimination; due process). The Sixth Amendment (speedy and public trial; trial by jury; confrontation; compulsory process; assistance of counsel). The Eighth Amendment (excessive fines; cruel and unusual punishment). The Ninth and Tenth Amendments.
5.	ENFORCING THE CONSTITUTION. Judicial review. Motions to suppress and the exclusionary rule. Civil-rights litigation.
6.	CONSTITUTIONAL INTERPRETATION. The problem of interpretation. The "Living Constitution."
7.	CONSTITUTIONAL INTERPRETATION. Textualism. Originalism. Other approaches to interpretation.
8.	THE CONSTITUTION IN ACTION. Racial discrimination ( <i>Plessy v. Ferguson</i> ; <i>Brown v. Board of Education</i> ). Abortion ( <i>Griswold v. Connecticut</i> ; <i>Roe v. Wade</i> ; <i>Planned Parenthood v. Casey</i> ).
9.	THE CONSTITUTION IN ACTION. Same-sex marriage ( <i>Obergefell v. Hodges</i> ). The right to keep and bear arms ( <i>District of Columbia v. Heller</i> ).
10.	THE CONSTITUTION IN ACTION. Litigating and adjudicating the constitutionality of a hypothetical municipal ordinance forbidding dog ownership.



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## DANE S. CIOLINO

LOYOLA UNIVERSITY NEW ORLEANS COLLEGE OF LAW  
18 FARNHAM PL.  
METAIRIE, LOUISIANA 70005

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DANE@DANECIOLINO.COM  
WWW.DANECIOLINO.COM

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### EDUCATION

TULANE UNIVERSITY LAW SCHOOL, *New Orleans, Louisiana*  
J.D., *magna cum laude*, 1988  
Editor in Chief, *Tulane Law Review*  
Order of the Coif  
Winner, Maritime Law Center Writing Competition

RHODES COLLEGE, *Memphis, Tennessee*  
B.A., *cum laude*, 1985  
Recipient, Political Science Department Award  
President, Sigma Alpha Epsilon Fraternity

### EMPLOYMENT

LOYOLA LAW SCHOOL, *New Orleans, Louisiana*  
Alvin R. Christovich Distinguished Professor of Law, 2002-present  
Professor of Law, 2002  
Associate Professor of Law, 1998-2002 (Tenured 2001)  
Assistant Professor of Law, 1997-1998  
Visiting Assistant Professor of Law, 1995-1997  
Adjunct Instructor of Law, 1992-1995

TULANE LAW SCHOOL, *New Orleans, Louisiana*  
Visiting Professor of Law, 2005, 2002, 2017

STONE, PIGMAN, WALTHER & WITTMANN, LLC, *New Orleans, Louisiana*  
Associate, 1991-1995  
*Areas of Practice:* Commercial Litigation, Intellectual Property, Criminal Law

CRAVATH, SWAINE & MOORE, LLP, *New York, New York*  
Associate, 1989-1991  
Consultant, 2005-2006  
*Areas of Practice:* Commercial Litigation, Intellectual Property

UNITED STATES DISTRICT COURT, *New Orleans, Louisiana*  
Law Clerk to Honorable Peter H. Beer, 1988-89

## PUBLICATIONS

DANE S. CIOLINO, *LOUISIANA LEGAL ETHICS: STANDARDS AND COMMENTARY* (2018)

Dane S. Ciolino, *Cloud Computing for Criminal Lawyers: It's Not the Future Anymore*,  
THE CHAMPION, Vol. XL, No. 10, December 2016, at 22

DANE S. CIOLINO, BOBBY HARGES & WENDY SHEA, *LOUISIANA CRIMINAL LAW: CASES  
AND MATERIALS* (2013)

Louisiana Legal Ethics Weblog (<http://lalegaletics.org/>) (Dane S. Ciolino, ed. & admin.)

Dane S. Ciolino & Monica Hof Wallace, *Recodifying Emancipation: A Précis of the 2009  
Revision of Louisiana Emancipation Law*, 56 LOYOLA L. REV. 135 (2010)

Dane S. Ciolino, *Managing the Perils of Lawyer Social Networking*, ABA SECTION OF  
LITIGATION, COMMITTEE ON ETHICS & PROFESSIONALISM, 2010 ANNUAL REVIEW (2010)

Sandra S. Varnado & Dane S. Ciolino, *Reconsidering Lawyers' Ethical Obligations in  
the Wake of a Disaster*, 19 THE PROFESSIONAL LAWYER 8 (2009)

DANE S. CIOLINO, *LOUISIANA PROFESSIONAL RESPONSIBILITY LAW & PRACTICE* (3d ed.  
2007)

Dane S. Ciolino, *Lawyer Ethics Reform in Perspective: A Look at the Louisiana Rules of  
Professional Conduct Before and After Ethics 2000*, 65 LA. L. REV. 536 (2005)

Dane S. Ciolino, *Redefining Professionalism as Seeking*, 49 LOY. L. REV. 229 (2003)

Dane S. Ciolino & Erin A. Donelon, *Questioning Strict Liability in Copyright*, 54  
RUTGERS L. REV. 351 (2002)

Dane S. Ciolino, *Why Copyrights Are Community Property (Sort Of): Through the  
Rodrigue v. Rodrigue Looking Glass*, 47 LOY. L. REV. 631 (2001)

Dane S. Ciolino, *Why Copyrights Are Not Community Property*, 60 LA. L. REV. 127  
(1999)

Dane S. Ciolino, *Reconsidering Restitution in Copyright*, 48 EMORY L.J. 1 (1999)

Dane S. Ciolino, *Rethinking the Compatibility of Moral Rights and Fair Use*, 54 WASH.  
& LEE L. REV. 33 (1997)

Dane S. Ciolino, *The Mental Element of Louisiana Crimes: It Doesn't Matter What You Think*, 70 TUL. L. REV. 855 (1996)

Dane S. Ciolino, *Moral Rights and Real Obligations: A Property-Law Framework for the Protection of Authors' Moral Rights*, 69 TUL. L. REV. 935 (1995)

Dane S. Ciolino & Gary R. Roberts, *The Missing Direct-Tender Option in Federal Third-Party Practice: A Procedural and Jurisdictional Analysis*, 68 N.C.L. REV. 423 (1990)

Dane S. Ciolino, Casenote, *Lafleur v. John Deere Co.: Recovery of Nonpecuniary Damages in Redhibitory Actions*, 61 TUL. L. REV. 704 (1987)

## TEACHING

### *Law School: Principal Courses*

The Legal Profession (legal ethics), Trial & Appellate Advocacy, Evidence, Criminal Law & Procedure

### *Law School: Other Courses*

Business Organizations I & II, Contracts I & II, Common Law Contracts for Civil Law Students, Comparative Law, Computer Law, Copyright Law, Criminal Law Clinic, Criminal Law Seminar, Constitutional Criminal Procedure, Civil Law of Persons, Civil Law of Community Property, Civil Law of Property, Introduction to Law and Legal Methods, Legal Ethics Seminar, International Copyright Law, Law & Poverty, Litigation and Law Practice Management, Lawyering II: Moot Court, and Professional Seminar in Storytelling

### *Bar Review*

Instructor, BAR/BRI Bar Review Course (legal ethics and professional responsibility law), 2006-present

Instructor, BAR/BRI Louisiana Bar Review Course (criminal law, evidence and criminal procedure), 2005-present

Instructor, BAR/BRI Louisiana Bar Review Course (Louisiana property law, family law, community-property law), 1995-2005

Instructor, LSU Law Center Bar Review Course (Louisiana family law), 1999-2002

**COMMUNITY SERVICE**

General Counsel, Ethics Review Board of the City of New Orleans, 2015-present

Louisiana Association of Defense Counsel  
Acting Executive Director, 2015-2016  
Associate Executive Director, 2009-2015, 2016-present

Member, American Law Institute, 2003-present

Legal Analyst, Various National, State and Local Media, 1998-present

Instructor, Louisiana State Bar Association Diversionary Ethics School, 1999-present

Member, Louisiana State Bar Association Codes of Conduct Committee, 1998-present

Member, Federal Criminal Justice Act Panel, United States District Court for the Eastern District of Louisiana (panel of attorneys accepting appointments to represent indigent defendants in federal prosecutions), 1991-present

Reporter, United States District Court for the Eastern District of Louisiana Committee on Revising Attorney Disciplinary Procedures, 2009-2011

Lawyer Disciplinary Committee, United States District Court for the Eastern District of Louisiana  
Chair, 2011-2016  
Member, 2016-2017

Board Member, Louisiana Organization for Judicial Excellence, 2004-2008

Member, Ochsner Clinic Foundation, Bioethics Committee, 2009-2012

Member, Louisiana State Bar Association Professionalism Committee, 1997-2008

Member, Louisiana State Bar Association Board of Governors, 2007-2009

Board Member, Orleans Parish Indigent Defender Program, 2006-2007

Reporter, Louisiana State Bar Association Ethics 2000 Committee, 1999-2004

Reporter, Louisiana State Law Institute Emancipation Committee, 2004-2008

Reporter, Louisiana State Law Institute Tutorship Procedure Committee, 2000-2009

Reporter, Louisiana State Law Institute Interdiction Committee, 1996-2002

Member, Louisiana Supreme Court Committee on the Prevention of Lawyer Misconduct, 1999-2003

Member, Louisiana State Law Institute Criminal Law Committee, 2006-2011

Interim Host, *It's the Law*, Cox Cable Television New Orleans and Jefferson, December 1999-2000

Louisiana State Bar Association, Ethics Advisory Committee  
Member, 2000-2003  
Reporter, 1997-2000

Council Member, Louisiana State Law Institute, 1997-2000

Louisiana Attorney Disciplinary Board  
Hearing Committee Member, 1998-1999  
Hearing Committee Chairperson, 1999-2003

Louisiana Supreme Court Bar Admissions Advisory Committee  
Member, 1997-1999  
Chairperson, 1999-2001

Director, Pro Bono Criminal Law for Civil Lawyers (two-day CLE seminar training civil lawyers to undertake pro bono criminal cases), 1995-2002

Advisory Editor, *Tulane Law Review*, 1993-2009

Member, Board of Directors, Louisiana Capital Assistance Center (public-interest organization defending capital cases for indigent clients), 1996-2006

Appointed Counsel, Orleans Parish Criminal District Court (pro bono representation of indigent defendants in first- and second-degree murder prosecutions), 1991-2008

Evaluator, American Bar Association, Central European Law Initiative, March 1999 (evaluated code of legal ethics for the Republic of Armenia)

## **LOYOLA UNIVERSITY SERVICE**

Faculty Advisor, *Loyola Law School Honor Board*, 2002-present

Chairperson, Petitions and Readmissions Committee, 2015-present

DANE S. CIOLINO

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Clinic, Skills, and CLE Committee  
Chairperson, 2016-2017  
Member, 2017-present

Endowed Professorships Committee  
Chairperson, 2014-2017  
Member, 2002-present

Director, University of Vienna International Program, 2013-2017

Chairperson, Library and Technology Committee, 2013-2015

Director, International Programs, 2011-2012

Chairperson, International Programs Committee, 2011-2012

Member, Curriculum and Bar Examination Committee, 2011-2015

Faculty Advisor, *Loyola Law Review*, 1997-2003, 2006

Faculty Advisor, *Order of the Barristers*, 1998-2003

Faculty Advisor, *Loyola Intellectual Property Law Quarterly*, 1996-2002

Faculty Advisor, *Loyola ATLA Chapter*, 1997-2002

Law School Representative, Loyola University Senate, 1997-1999

Loyola Law School Dean Search Committee  
Chairperson, 2001-2002  
Member, 2000-2001

Chairperson, Loyola Law School Law Clinic Committee, 2005-2007

Chairperson, Loyola Law School Faculty Unification Committee, 2004

Chairperson, Loyola Law School Library Director Search Committee, 2000-2001

Member, Loyola University Distance Learning Committee, 2010-present

Member, Loyola Law School Technology Committee, 2010-2011

Member, Loyola Law School By-Laws Committee, 2000-2001

Member, Loyola Law School Pre-Admissions Committee, 1998-1999

Member, Loyola Law School Tenure Guidelines Committee, 1998-1999

Member, Loyola Law School Library Committee, 1997-1998

Member, Loyola Law School Skills Committee, 1997-1998

Member, Loyola Law School Curriculum Committee, 1996-1997

Member, Loyola Law School Admissions Committee, 1996-1997

Member, Loyola Law School Student Recruitment and Career Services Committee, 1995-1996

### **COMMUNITY HONORS**

*New Orleans Magazine* Top Lawyers, 2012-present

Recipient, Camille Gravelle Pro Bono Award, Federal Bar Association, New Orleans Chapter, 2007

Lawdragon 3000 (list of top American lawyers), 2006

Recipient, *Gambit Magazine*, Forty-Under-Forty Award, 2002

Recipient, Louisiana State Bar Association, President's Award, 2001

Recipient, *City Business Magazine*, Power Generation Award, 2000

Recipient, Gillis Long Poverty Law Center Public Service Award, 1997

### **EXPERT WITNESS TESTIMONY<sup>1</sup>**

1. *Active Solutions, L.L.C. v. Dell, Inc.*, No. 2007-3665, Civil District Court for the Parish of Orleans, State of Louisiana
2. *Adler v. Doyle (In re Woven Treasures, L.L.C.)*, 69 180 M 01493 07, American Arbitration Association
3. *AmCareco, Inc. v. Lucksinger*, No. 499,737, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

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<sup>1</sup>All matters in which Dane S. Ciolino has provided a public expert report, affidavit, deposition testimony or trial testimony. Does not include private ethics advisory opinions.

4. *Adamson v. Bailey*, No. 493,309, First Judicial District Court, Parish of Caddo, State of Louisiana
5. *American Income Life Ins. Co. v. Nicholas Matthew Nitkowski et al.*, Civ. No. 05-2228(I-3), United States District Court Eastern District of Louisiana
6. *Antoine v. Anding*, No. 125,803-H, Sixteenth Judicial District Court, Parish of Iberia, State of Louisiana
7. *Asset Funding Group, L.L.C. v. Adams and Reese, L.L.P.*, Civ. No. 07-2965, United States District Court for the Eastern District of Louisiana
8. *Baricuatro v. Industrial Personnel and Mgmt. Servs., Inc.*, Civ. No. 2:11-cv-02777-KDE-JCW, United States District Court for the Eastern District of Louisiana
9. *Barton v. Butler*, No. 515,473, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana
10. *BCM, LLC and Nawlins Cajun Foods, LLC v. Cheatwood*, No. 2009-2807, Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana
11. *Bd. of Supervisors of La. State Univ. and Agricultural & Mechanical College v. Southern Electronics Supply Co., Inc.*, No. 2011-1631 “L”, Civil District Court for the Parish of Orleans, State of Louisiana
12. *Bedford v. Magee*, No. 2000-14123, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana
13. *Belle Terre Lakes Home Owners Assoc. v. Patricia McGovern*, No. 41922, Fortieth Judicial District Court for the Parish of St. John the Baptist, State of Louisiana
14. *Bertucci v. Lafayette Ins. Co.*, No. 01-0608, Civil District Court for the Parish of Orleans, State of Louisiana
15. *Beevers and Beevers, LLP v. Sirgo*, No. 624-259 “B,” Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana
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Children: Hale, Price & Camille

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United States District Court for Western District of Louisiana (Shreveport)

United States District Court for the Southern District of New York (New York City)

*Dated:* Wednesday, August 1, 2018

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## II.

### *Syllabus*

#### **Which *Social Model* for Europe? European minimum standards for Labour *Participation in Decision Making* (*Information and Consultation Rights* in Member States of the European Union)**

The narrow definition of corporate governance focuses on the control of management by shareholders. The broader definition looks at the role of stakeholders in making and implementing strategic decisions in the company: especially from the trade union perspective, employees should have a “voice” in the decision-making process to ensure that a reasonable balance is achieved in the goals pursued by the company, not just the maximization of shareholder profits. Corporate governance must be understood as a system in which there is an interplay of different regulations and market forces. Therefore corporate governance deals with multiple issues in the field of corporate law, securities regulation, corporate finance and industrial relations. In 17 of the 27 EU member states employees are represented in the companies' supervisory or administrative board.

Each time proposals for legislation creating company forms at the European level or for regulating cross-border company restructuring are made, the issue of *worker involvement* is raised. Significantly different provisions for information, consultation and participation rights for employees are contained in the legislation proposed or already passed. The European trade union movement has therefore raised the demand of creating a *European minimum standard* for worker involvement, which would apply to all European company legal forms and to cross-border restructurings regulated at the European level.

#### 1. Trade Unions

#### 2. Collective Bargaining

##### 2.1 Collective bargaining coverage

##### 2.2 The level of collective bargaining

### 3. Workplace Representation

3.1 The formal structures

3.2 The role of unions

### 4. Board-level Representation

4.1 Employee representatives at board level

4.2 [Employee participation and corporate governance](#)

5. European-level Representation - [Worker involvement and European company law](#)

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## **Principal Studies, diplomas and Titles**

-Doctor in Economics and Social Sciences (Dr. rer. pol.); Carl-von Ossiestzky University, Oldenburg/Germany: 1988 : specialization in *economics and law*

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## **2.**

### **Main Courses at Paris Ouest-Nanterre-La Défense :**

-Legal German

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-German and European Civilization.

## **3.**

### **Principal Works (books only ) in the field of *industrial democracy and Rights and Practices of Employee Participation in Decision Making.***

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-Implications juridiques et politiques de l'unification allemande (dir.), textes choisis des 1ères *Journées d'information sur l'Allemagne unifiée*, Editions Chlorofeuilles (Collection *L'Allemagne unifiée*), Nanterre 1998, 184 p.

-Démarches participatives et travail en groupe : l'impact du modèle japonais sur l'organisation du travail et les relations de travail en France et en Allemagne (dir.), Editions Chlorofeuilles (Collection *La France et l'Allemagne en Europe*), Nanterre 1998, 441 p.

-Participation par délégation et participation directe des salariés dans l'entreprise. Aspects juridiques et socio-économiques de la modernisation des relations industrielles en Allemagne, en France et dans d'autres pays de l'Union européenne (dir.), Editions Chlorofeuilles (Collection *La France et l'Allemagne en Europe*), Nanterre 1994, 365 p.

-Gewerkschaften in Frankreich : Geschichte, Organisation und Programmatik (en coll. avec Peter Jansen, Leo Kibler, Peter Kühne, Claus Leggewie), Editions Campus (*Deutsch-französische Studien zur Industriegesellschaft*), tome 2, Francfort-sur-le-Main et New York 1986, 288 p.

#### 4.

##### **Editorial activities:**

-Founder (1994) and Director of the collection *Legal German/Languages and legal cultures and European politics*, published by the French-German program in legal sciences at the University of Paris Ouest-Nanterre–La Défense.

-Co-founder (2010) and Codirector of the collection *Legal and Political Cultures* published by Peter Lang in Bern, Berlin, Frankfurt a. M., New York, Oxford, Vienna.

#### 5.

##### **Activities regarding French–German and European university cooperation:**



- (1) Since 1990, creation and direction of more than 40 ERASMUS / SOCRATES programs (Germany, Austria, Switzerland, Baltic countries, Poland, Turkey) in Law and Politics (<http://www.droit-fr-all-paris-ouest.fr/echanges-erasmus-socrates>)
- (2) In 1990, the initiator and then coordinator of the **European Network of University Cooperation in Law and Political Science** established on the ERASMUS / SOCRATES partnerships: Today it encompasses more than 35 European universities and gives occasion for the **Annual Meeting** of those responsible for the before-mentioned network (Porto 2017, Bialystok 2016, Zurich 2015, Dresden 2014, Vienna 2013, Lisbon 2012, Berlin 2011, Barcelona/Andorra 2009, Seville 2009, Florence 2008, Istanbul 2007, Fribourg/Switzerland 2006, Nanterre 2005...). The network takes the initiative in favoring the harmonization of studies in Europe (<http://www.droit-fr-all-paris-ouest.fr/reseau-europeen-de-cooperation-universitaire>)
- (3) Creation of **introductory programs to French law** in 3 partner Universities: Münster (Germany) 1991, Potsdam (Germany) 1994, Vilnius (Lithuania) 2003 favoring the mobility of the students from Paris Ouest-Nanterre-La Défense and partner universities.
- (4) Creation and co-direction of 2 **integrated French-German Courses** in law in cooperation with the University of Potsdam (Germany), under the tutelage of the *Collège Franco-Allemand pour l'Enseignement supérieur* (since 1995/1996) and finally of *Université Franco-Allemande (UFA)* (since 2000/2001) (<http://www.droit-fr-all-paris-ouest.fr/les-cursus-bilingues-franco-allemands>)
- (5) Organization / co-organization, direction / co-direction of more than 20 **French-German and European Colloquies** since 1990, at Paris X-Nanterre and at the European partner universities: Especially on German unification, Franco-German relations, European integration, harmonization of studies and of law in Europe, labor relations in Europe (<http://www.droit-fr-all-paris-ouest.fr/journees-detudes-et-colloques>)
- (6) In July of 2004 creation and then co-direction of a **tri-national Summer University** (French-German-Lithuanian and European) in law **at the University of Vilnius (Lithuania)** applying to **doctorates and students at the Masters' level** (first *Université d'été* created by Paris Ouest-Nanterre in Europe)  
<http://www.droit-fr-all-paris-ouest.fr/universite-dete-franco-germano-lituanienne-vilniuslituanie-depuis-2004/>
- (7) In June 2011, creation and then co-direction of a **French-German and European Summer University** in Law applying to **doctorates and students at the Masters' level at the University of Minsk (Belarus)**; themes:

<http://www.droit-fr-all-paris-ouest.fr/universite-dete-franco-germano-bielorusse-minskbearus-depuis-2011/>

- (8) Since 2014, other creations of **French-German and European Summer Universities** in Law (Istanbul, **Western Balkans countries**):

<http://www.droit-fr-all-paris-ouest.fr/universites-dete-et-ateliers-de-recherche-franco-allemands-et-europeens/>